



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR FEBRUARY 21, 2007

- A. OPENING BUSINESS**
- B. PUBLIC HEARING-HADLOCK/IRONDALE UGA COMPLIANCE COMP
PLAN AMENDMENTS**
- C. ADJOURNMENT**

A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Jim Hagen. Planning Commission members present were Bill Miller, Henry Werch, Peter Downey, Bud Schindler, Mike Whittaker, Dennis Schultz, JD Gallant and Edel Sokol.

DCD Staff present were Al Scalf, Brent Butler, Cheryl Halvorson and Jeanie Orr, secretaries. Jim Pearson, Public Works was present for a portion of the meeting.

There was one member of the public present – Bob Sokol.

The Chair invited staff updates.

Al Scalf updated the Commissioners on a meeting with the BOCC regarding signs and most importantly the Political Sign Ordinance. He stated that more information will be forthcoming to the PC in the near future and as their schedule allows.

Al Scalf reported on a meeting regarding different water issues at the County level.

Al Scalf said he went on the February 17 field trip with the CA committee to look at critical area wetlands. The participation from the community was very good. When all is said and done by the CA committee, the PC will make a recommendation on the CA Ordinance. It will be submitted to DCD and DCD will, by law, submit the same to BOCC. He commented on the participation, innovation, creativity and the citizens meeting local circumstances. He is very worried that we will miss the compliance target date and have perhaps created a monstrosity. He felt the critical areas wetlands buffers will not comply because of too many differences of opinion, stating that we have got to meet the GMA. The PC will have to make a decision sometime in June, July or August on how they want the draft CA Ordinance to look like. He stated that the UGA, CAC and MPR are sub-committees of the PC and that DCD support is for the PC and the process for moving forward.

Al Scalf discussed the purpose of the UGA hearing. He reported that ICAN had filed a new motion with the Hearing Board asking for sanctions against the county for noncompliance with the GMA.

Al Scalf discussed the Planning Commission process for all of its committees and the commission's work schedule.

Peter Downey and Al Scalf discussed the ICAN motion to the Hearing Board asking for sanctions. Mr. Scalf stated that the county would have to argue the issue before the Hearing Board, although he did not think sanctions would be imposed.

Jim Hagen agreed that the CAC committee had taken on a life of its own and had gone into areas that are not part of the CA ordinance. They, at times, had gotten away from

what their actual mission is. Throughout the process it was understood that the perspective of the CA committee would be presenting a revised draft ordinance to the PC as part of the motion that was passed by the PC on September 28, 2006. He stated that maybe DCD staff has a different idea about the content of the CA report.

He commented on the spirit of cooperation and dialog amongst the committee. He doesn't believe they can just dream something up, and that people may be jumping the gun. He had been hearing widespread discussion among CA members that they would like to see consensus and compromise. The committee made an agreement that all reports would be submitted by January 4. They have been waiting for the minority reports and feels the committee cannot even begin the process of negotiation until they have a better baseline of what they are operating under. He sensed a mild concern of panic and doesn't believe that a monstrosity had been created.

Al Scalf stated this is not a panic situation. He is a little defensive and does not like what he has seen in the papers about staff not supporting the CA committee, which is false. He did not like being on the field trip in which he heard, six to eight times, that staff has told people that wetland buffers would be up to 450 feet, which is totally false. He felt staff has been accused of doing things that he does not like and wants to set the record straight. He expressed staff's frustration, stating that he is all for consensus at this level and will encourage and also prefers it. He cannot stand back and let the CAC think that they are doing great job that will comply because it will not in his opinion.

Bud Schindler pointed out that the PC and staff should be working as a team. He stated that it is DCD staff responsibility to bring issues and ideas to the PC to discuss and give them direction regarding problems. He stated his disappointment that all parties are not working more closely together to produce a product that will be acceptable.

Henry Werch asked what might not be acceptable to the HB. Al Scalf replied with an example regarding a recommendation about Fish and Wildlife buffer setbacks, stating that the issue had already been before the HB in 2000 resulting in a ruling on wildlife buffers. Brent Butler stated that the degree in which we do not comply could result in sanctions. Mr. Werch stated the understanding that the committee and subcommittee process was designed to explore and reflect what the community wanted to see, stating that strong opinions were being expressed. It is critically important, whether it is agreed or not, that the strong feelings of the public be brought forward. He thought it would be advantageous if staff could provide input to the CAC on what staff saw as compliance issues and to help the committee work toward consensus. Mr. Werch stated that it was always his sense that all of the committee work would come to the PC. The PC would review all the recommendations and absolutely give special consideration for the minority recommendation. Mr. Werch stated his personal view is to focus less on majority or minority and focus instead on areas of consensus and non-consensus as being most important. The hope is that the PC would have input from staff regarding their views on recommendations that will or will not be problematic.

Jim Hagen stated that he had not received any indication that the committee wanted to challenge the HB. He asked if the committee is bound by the road map established by the BOCC when they signed the settlement agreement. The May 17th draft initiated a public process and the final product may vary according to public input. The settlement agreement is just an agreement and nothing more. Al Scalf stated that he did not want the PC to be surprised if, at some point, staff disagreed with the committee's proposals on wetland buffers, fish and wildlife buffers, and channel migration zones.

Bud Schindler discussed adaptive management and monitoring, referring to the Island County ordinance. He was concerned if there are issues with buffers not passing the HB in these particular areas. Al Scalf stated that maybe he did not understand exactly how the committee's buffer proposal would work. If the proposal was a 50-foot buffer on a Type 1 (Type S) stream, he could not support it.

JD Gallant commented that when the committee brings back the final report to the PC, it is up to the PC to work those reports and get the recommendation ready to go to the BOCC. Al Scalf sensed that the committee is not in consensus. Peter Downey stated that he was not as concerned about the committee not being in consensus. He sees property rights as an issue to preserve and at the same time there is a need to preserve fish and wildlife and the environment. He pointed out that the goals of the GMA were often in opposition with each other. He stated he does not have a problem with majority and minority reports coming to the PC. The PC could take that information, with the differing viewpoints, and formulate its recommendation.

Dennis Schultz, Al Scalf and other PC members further discussed the buffers and setbacks issues. Mr. Schultz explained that the proposed 50-foot stream buffer was a no touch buffer with the possibility of 100 additional feet to the structure. He said that they could find no science that supported a 150-foot no touch buffer. The 50-foot proposal seemed to be adequate. However, they were not necessarily against an additional 100 feet of managed land before the structure site. Mr. Schultz stated that staff had not said a word about their concerns. Mr. Scalf responded that staff gave the PC a May 17th recommendation.

Henry Werch commented that he would welcome staff coming to the CA committee and sharing observations that staff thinks may cause problems in the future. It is then up to the committee as to how they want to respond. Bud Schindler stated that it is an obligation on the part of staff to provide such information to the committee and PC so that the committee can respond to it. Brent Butler stated that staff has analyzed many of the reports that have been produced. Some are very good but staff must also point out the issues that staff sees as problematic.

Jim Hagen stated that the committee asked staff to get in touch with DOE, which was one condition of the settlement agreement. He asked that DOE come and share their observations on Dr. Kenn Brooks work. Al Scalf stated he had not talked to DOE, adding that it would be a stiff burden to beat DOE and their BAS.

Mr. Scalf said that Dr. Brooks has done a heroic job in trying to create local circumstance. Going out on the Saturday field trip, Mr. Scalf did not think a 39' setback, as proposed by Dr. Brooks, would satisfy the HB. Mr. Scalf shared his past experiences with the HB.

Jim Hagen discussed the successes this county had experienced with our Ag program, using adaptive management and monitoring. He also discussed the Island County program for agriculture. He thought we should be able to apply those successes to other zones.

Brent Butler expressed concern that, if we went before the HB and lost, we could lose the Ag exemptions that we currently enjoyed. Dennis Schultz stated that DOE in its own manual acknowledged that Jefferson County was one of the few places in the state that had been successful using our Ag program.

Dennis Schultz and Brent Butler discussed impacts to streams and when streams approached contamination thresholds.

Peter Downey commented we could only look at what our experience with the critical areas issue had been. He felt that the committee has been doing their work and has not wanted to use staff that much. He felt it was a forum where the public could speak and for the committee to reflect that input. The PC would then get the information and would have to make sense out of all of it to create a workable draft. He stated that the PC would need to work closely with staff to make sure that what comes from the PC and goes to BOCC is workable. He offered the opinion that there are so many conflicts within the GMA that someone will not like what will be presented. There was no guarantee that someone would not take us to the HB on whatever we adopted.

Jim Hagen referred to the TDR Committee and the No Shooting Areas Committee, stating that they both brought forward code language to the PC. That was typical of PC committees. The CA Committee was a larger group, but the process could be the same.

JD Gallant stated that the instructions from the PC for the CA Committee was that it would consist of four PC members who were to sit in front of the citizen advisors and take advice from them. The citizen advisors are to give consensus and/or non-consensus advice to the CA Committee members, who would arrive at a determination about what should come forward to the full PC, not the citizen advisors. Edel Sokol thought everything the CA Committee did should come forward to the full PC. Henry Werch thought the committee members would want to bring everything forward to the PC as well. Bud Schindler thought there was subtleness to it that he thought was what Mr. Werch was suggesting.

Edel Sokol stated that staff had expressed its concerns about the buffers issue, but she would like to hear what other concerns staff had. It was suggested that staff bring its concerns to the committee.

Henry Werch said that there had been opportunities in the past for staff to provide input to the committee, but for whatever reason, staff had not done so.

Jim Hagen asked for staff's honest opinion about whether there was concern about hiring a consultant to write code and whether it would be acceptable. Al Scalf replied that the concern was taking it back to the committee for approval and the time that might take.

The Chair invited Committee Reports.

Brent Butler reported there is no change on the status of the Brinnon MPR. Staff was still expecting the Draft EIS by the end of this month. Mike Whittaker asked about the next meeting of the MPR Committee. Mr. Butler replied that it had been agreed that the committee would meet again on the last Tuesday in March regardless of the status of the DEIS. He wanted to hold a meeting on the process so that we could provide that information to the public.

Brent Butler stated that on March 7 the PC will receive a list of the 2007 Comp Plan Amendments.

Cheryl Halvorson reported that this would be her last PC meeting due to her retirement. Jim Hagen presented her with flowers and a card on behalf of the PC for all her years of service and hard work.

Peter Downey reported on the Shoreline Master Program process.

The Chair invited general public comment.

Bob Sokol commented on Cheryl Halvorson's retirement. He stated that over the years Cheryl was responsible for putting many meetings together for different boards and committees. She will be very hard to replace with her institutional knowledge in planning and note taking. She was always be a very valuable asset and will be missed. He commented that the BOCC had a total of 4.5 years experience, which showed the loss of institutional knowledge. He thought the PC membership itself had changed enough that there was no institutional knowledge there either. Mr. Sokol commented on the two PC that are up for re-appointment, stating that this is a wonderful PC. He stated he understood the time it takes to get up to speed when serving on the PC and commented that both Jim Hagen and Dennis Sullivan were doing a good job.

B. PUBLIC HEARING - HADLOCK/IRONDALE UGA COMPLIANCE COMP PLAN AMENDMENTS

The Chair opened the Public Hearing on the Hadlock/Irondale UGA Compliance Comp Plan Amendments and invited a staff report.

Brent Butler reviewed the UGA Comp Plan amendment proposals that were the subject of the public hearing.

Bud Schindler asked about the process for suggesting revisions to the proposals. Al Scalf responded that it should come during the PC deliberations.

Brent Butler referred to the Transportation goals and policies that were handed out at this meeting, stating that staff proposed they be part of the public hearing on March 7. He reviewed the proposed revisions.

Referring to Page 10-35, TRP 4.6, Dennis Schultz asked if we had urban standards. Jim Pearson replied that the county had national and state standards that were adopted by reference. He stated that they were named in the development regulations.

The commissioners and staff discussed the Transportation Plan for the UGA. Brent Butler reported that the PC recommended that the Transportation Plan remain a separate document from the Comp Plan UGA chapter as a stand-alone document. Jim Pearson explained that the Transportation Plan showed the work that resulted in the UGA 3-page Transportation Element goals and policies.

Edel Sokol referred to the Gerald Steel comment letter concerning impact fees. Jim Pearson from Public Works stated that the adoption of an impact fee ordinance requires a high level of work and to identify what the needed capital improvements are. We must have a plan to get the funds to finance the improvements which include a certain level of development and a plan for spending the funds. We can't have an ordinance without having all these things in place.

Edel Sokol referred to the Gerald Steel comment about the PUD water plan. Bill Miller thought the PC might have to make a change to the proposed amendments. He stated that the PC had discussed changing the reference on Page 2-16 to the state Department of Health. Al Scalf thought it talked more specifically about the Capital Facilities Plan rather than the Comp Plan element.

Jim Hagen suggested that the PC make a notation of these comments but that we needed to get back to the staff report.

Brent Butler reported that the UGA Transportation Plan was referenced in the Comp Plan.

In response to the Gerald Steel comment about impact fees, Jim Pearson explained that TRP 4.10 addressed the issue. He did not think the commenter had properly read the draft. He reviewed the rates of development in the UGA which resulted in the rates of traffic generation and number of commercial acreage. He cited a March 18, 2004, memo which addressed the analysis for those numbers.

Brent Butler stated that staff recommended the materials presented be the subject of the March 7 public hearing.

Jim Pearson explained that the line-in, line-out for the UGA Transportation Plan was in response to the HB order. They were required due to an error in calculations and some inconsistencies in policy.

Brent Butler stated that there was also a UDC amendment that would be the subject of the hearing on March 7: UDC/JCC 18.30.020.5 at Page 18-168 of the JCC. He read the proposal which made only a minor amendment. He stated that he would send the proposal to the PC.

Brent Butler stated that the four proposals would address all of Tasks 1 through 3 of the HB order.

The Chair asked for any public testimony. There was none received. The Public Hearing was closed although written testimony will continue to be accepted until the close of the March 7 public hearing.

Peter Downey stated that the numbers in Table 5-1 did not add up. Brent Butler responded that he would review the table and the map.

There was general discussion regarding the sewer plan along Rhody Drive and the Alcohol Plant area. Al Scalf suggested that a report from Public Works and the consultant on the sewer planning would be appropriate. Edel Sokol offered the opinion that QFC and Hadlock Building Supply were the only businesses in the Hadlock core that could afford to pay for sewer. To take out the Alcohol Plan would take away a lot of the financing.

Bud Schindler referred to TRP 4.10 on Page 10-36. He asked if there was a difference between a constructed improvement and a transportation demand measure. Jim Pearson stated that they were very different and explained them.

Henry Werch said that he had proposed changing TRP 4.10.1 to say “Construct improvements to maintain the LOS ...” which would change it to the affirmative.

There was general discussion regarding motorized and non-motorized transportation. Jim Pearson explained that what was there was existing language. As far as responding to the HB, there was no change required. It was agreed to leave well enough alone.

Peter Downey asked if the projects listed in Table 8 had gone to the RTPO. Jim Pearson replied that he knew the Irondale Road had gone to RTPO. He stated that the Irondale Road and Highway 116 current met standards. He explained that they were not required to maintain our capacity. He noted that the projection for 2011 to 2024 basically saw that nothing was required yet.

Peter Downey referred to the non-motorized section of the Transportation Plan. He thought that was an area that could stand work in the future, especially if the UGA area was going to develop. Jim Pearson responded that the county had done a county-wide

non-motorized transportation plan. Part of that plan addressed non-motorized transportation in the Chimacum-Hadlock-Irondale area. He stated that Public Works was trying to address non-motorized transportation in this area because it would be a UGA. Mr. Downey said that a lot went into non-motorized planning, but it seemed to forget walkers. That needed to be considered. His point was that we had an opportunity now.

Bill Miller said that what the UGA Committee tried to do was address the HB order issues. Concerning the Gerald Steel comment about the PUD, he thought it was contrary to the HB order. If it needed to be the state DOH, we should have that language in there. Al Scalf explained the CWSP [Coordinated Water System Plan] and the WUCC [Water Utility Coordinating Council]. Any water purveyor that wanted to change their water plan proposed amendments through the CWSP with a public hearing before the WUCC. He said that a change in a water service plan would not require a Comp Plan amendment. He stated that the proposed amendments would delete the reference to adopting the PUD water plan by reference. He said that we did not want to have the water service plans come through the Comp Plan amendment process because there was a different law governing them. Mr. Miller reiterated that we wanted to respond only to the HB order.

Bud Schindler and Jim Pearson discussed some wording in TRP 4.10.

Brent Butler stated that the HB compliance order of May, 2006, found the county compliant on many of the appellant's charges.

C. ADJOURNMENT

The agenda for the next meeting will be the continuation of the public hearing on the UGA compliance tasks. Also, staff will try to have a Public Works representative present to provide information on the status of the sewer planning.

The meeting was adjourned at 9:33 p.m.

D. APPROVAL OF MINUTES

These minutes were approved this _____ day of April, 2007.

Jim Hagen, Chair

Jeanie Orr, Secretary

