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JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR MARCH 7, 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 WSU Learning Center at 6:30 p.m. by Vice Chair Bud Schindler. Planning Commission members present were Bill Miller, Henry Werch, Mike Whittaker, JD Gallant, Dennis Schultz, Edel Sokol and Peter Downey. Jim Hagen was excused.

DCD staff present were Al Scalf, Brent Butler and Jeanie Orr, secretary. Also Richard Johnson, Public Works, was present. Kevin Dour of Tetra Tech/KCM and Bob Wheeler of Triangle Associates were present as consultants for the Port Hadlock/Irondale UGA Sewer Facility Plan.

Members of the audience who signed the guest list were James Jackson, Douglas Joyce, Chris Grant and Ron Gregory.

The minutes for February 7, 2007 were approved as submitted.

The Vice Chair invited staff updates.

Al Scalf reported that staff, some members of the PC, and citizens of the county will be on the road for the Shoreline Master Program comprehensive update on March 13, 14, 15 and 16th. He reminded the PC that next summer a draft SMP will be coming to the PC for a recommendation to the BOCC.

Al Scalf reported that the No Shooting Zone public meeting is scheduled for March 23 at 3:30 p.m. in the Superior Court room. The BOCC will hold their public deliberations and potential final decision.

Al Scalf reported that the BOCC consent agenda on March 12 includes interim control, Title 18.18 of the development regulations for the UGA. This interim control is for six months and rescinds on an interim basis the urban development regulations for the UGA and returned the UGA area to rural development standards. A public hearing notice on the interim control and development regulations which includes a moratorium on mini storage and no protest agreement would be advertised for March 26 at 10:45 a.m. before the BOCC.

Dennis Schultz stated that the PC has never had a presentation or update on the status of the sewer plan. Al Scalf introduced Richard Johnson, Public Works, and the two consultants who worked on the engineering report. Al Scalf stated that a short presentation will be presented after the Public Hearing.

Brent Butler reported that HAPN will be meeting at the Quilcene Community Center on March 15 at 3:00 p.m. He stated that Allen Sartin, County Central Services Director, will speak on public lands and David Timmons, City Manager, will discuss surplus property.

Brent Butler updated the PC on the Historic Preservation five-step implementation process from the comprehensive plan for identification of pre-historic and historic resources. One of the goals of the comprehensive plan was to work with the Historical Society of Jefferson County. He stated another issue is the documentation and implementation of the process to make sure the community knows what resources are available.

Brent Butler updated the PC on the preliminary docket for the 2007 Comp Plan Amendments (CPA). There are three suggested amendments, of which two were from the PC, and nine site specific proposals. A total of twelve Comp Plan Amendments were received. Notebooks containing the CPAs were handed out to the PC.

Al Scalf reported that David Wayne Johnson in the Development Review Division has taken the position of lead planner for Port Ludlow. That leaves open an assistant planner position in DRD. He also reported that Barbara Nightingale in Long Range Planning has given notice and taking a position elsewhere. Mr. Scalf reported that he and Mr. Butler have interviewed five candidates for the position that has been open. They are in the process of background checks and negotiation with these individuals. There are a number of good candidates. Additionally, this leaves another position open in LRP. They hope to have both positions filled within the month.

Brent Butler reported on the Black Point MPR and the preparation of the draft EIS. He stated the draft EIS will not be available for the March 27 meeting but anticipates it will be ready sometime in April. Al Scalf stated they are working with Statesman Group to finalize the matrix and all the material to show to the public. Bud Schindler asked if Statesman were coming to the meeting. Brent Butler replied that they have been invited and it appears they will come. There is also interest from Submarine Base Bangor in understanding the implications of expanding the marina and what it might mean for traffic on Hood Canal.

Brent Butler stated he is in the process of drafting a letter inviting the tribes to comment on all the Comp Plan amendments for this cycle as well as an invitation to participate in the update of our critical areas ordinance.

Henry Werch discussed what direction the MPR project was going. He stated it was decided among the group that the purpose of the meeting was very specific. Statesman Group will be given one-half hour to provide an overview and for staff or others to provide an introduction to what an EIS is. Also, the issue was how to best prepare the community to comment on the EIS when it was released, considering the relative short time between the release and when action is taken. The time needed to be used most efficiently. He felt it is important that the publicity, individuals involved, Statesman and others not be confused about what this is about. Brent Butler stated that Stacie Hoskins, lead SEPA official for the County, would be in attendance. Bud Schindler commented that the tribes may want to be involved in the process after the draft EIS is released and not before. Mr. Werch was concerned that the meeting be focused and confined to the

task or it could run the risk of going in different directions and missing the intended target. Dennis Schultz asked that the agenda be sent to the tribes. Peter Downey stated that, when notifying the tribes, it is important to send letters to the tribe's cultural resources and natural resources groups. Mr. Butler added that letters would go to the tribal elders as well. Mike Whittaker asked that the purpose of the meeting be specifically expressed in a press release. Edel Sokol questioned the reason for keeping Statesman to a brief thirty minute presentation. Mr. Werch responded that the purpose of the meeting was to prepare the community to respond to the draft EIS, and at a later date, Statesman will be able to give a full presentation.

The Vice Chair invited committee reports.

Bud Schindler reported on the Critical Areas Committee. As a result of the last meeting, a letter had been distributed to the PC and BOCC requesting an extension of time for an additional month to complete the committee's report. The committee felt they would not have enough time to meet the deadline of April 1, particularly due to lack of staff support in producing the report. Henry Werch stated the minutes will reflect the agreement among the committee to produce a majority document showing as much agreement as possible from all sides. That document might be expressed in code or direction, but the committee has pulled back from the commitment to write actual code language. The additional time was necessary to allow for all the final committee reports to be submitted and reviewed. Dennis Schultz added that the extra month was to basically give staff time to do the code work.

Al Scalf stated that DCD staff, including himself, Brent Butler, Barbara Nightingale, Donna Frosthalm and Stacie Hoskins, will start meeting weekly. The literature that the committee has generated needs to be reviewed with anticipation that Eric Toews, the code writer, will start around March 20. The schedule for review called for the PC to hold public hearings in about June or July with deliberations to follow on the new draft, with final review by August 22. Mr. Scalf stated that staff could recommend a one month extension for the committee to the PC to allow further review and to perfect their recommendations. Mr. Scalf stated that another SEPA review will be done based upon the committee's draft.

Brent Butler stated that he and other DCD staff attended a planning law seminar in Bellevue, Washington on March 6. He stated there was an emphasis on critical area ordinance updates. They were able to meet with other jurisdictions that have had their critical area ordinances challenged in court. They discussed the pros and cons of how they codified their critical area ordinances. He stated he would share these findings with the CA Committee.

JD Gallant reported on an error made in the past regarding the By-laws and parliamentary rule. He stated that no one can serve as a permanent substitute on the CA Committee. Therefore, if someone is absent, another person needs to be appointed. He stated that Bud Schindler is Vice Chair and Mr. Schindler needs to realize he was appointed by the PC as a permanent substitute. Mr. Gallant stated this is incorrect and the PC will need to

do two things. The PC needs to insure that in the future it adheres to a process where it appoints someone as a replacement only when a committee member will be absent. There was further discussion and heated controversy among members of the commission regarding the By-laws. This issue will be brought up again in a future meeting.

The Vice Chair invited general public comment. There was none received.

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

The Vice Chair opened the Public Hearing on the Hadlock/Irondale UGA Compliance Comp Plan Amendments.

Brent Butler reported on Element #2 of the UGA. The provisions of the sewer service were updated due to a vocal member of our community in a successful petition for review. Staff had presented the specific changes to the Comp Plan to the PC and posted it on the website. He reviewed the particular sections to be amended, including the rural and transportation elements. Also, there are proposed amendments to UDC Title 18. There was also an update of the UGA transportation element.

The Vice Chair read the procedures for the Public Hearing. The Public Hearing was then opened for public comment on the proposed Hadlock/Irondale UGA Comprehensive Plan Amendments.

James Jackson, 1345 Irondale Road, stated he was concerned due to the March 7 article in the Port Townsend Leader regarding the area of the UGA being reduced by about half. His comment would be addressed later in the public hearing.

Doug Joyce, Port Hadlock, has lived here forty years and expressed his concern about the affordability of sewer in the UGA. He stated that the Port Hadlock sewer system is similar to one being built in Carnation, Washington. He read on the internet that, without grants, the monthly cost for sewer would be about \$180.00 per month. The majority of people he rents to in Port Hadlock are low income and he is satisfied with the rural designation we have at this time.

Kevin Dour from Tetra Tech introduced himself as a consultant with Public Works who has worked on the sewer facilities plan. Bob Wheeler from Triangle Associates introduced himself as a sub-consultant with Public Works who has worked on the sewer facilities plan as well.

Ron Gregory, long time resident of Jefferson County, stated he has been involved with county issues for many years. He felt what is not being addressed, in terms of public information, is the impact of the lack of business that exists in the county today. He addressed the issue of new construction and county sales tax. He stated that most of the business is along Rhody Drive and it is limited at this time. We will dramatically affect affordable housing and property taxes will go up. He stated that every time we try to

move forward, we get pushed back. He stated the county has already spent close to one million dollars and no spade has been put in the ground. The opponents of this are few and far between but have had a significant impact. He stated that Gerald Steel, who he feels just sues counties, takes full advantage of what we want and ignores growth and economic development. The sewer plant is vital to the growth of this county. If we continue to struggle and take away business opportunities, the building trades will suffer. He stated Jefferson County needs to step forward to address the need for business and support some legal growth.

Dennis Schultz moved to open the public comment period after the presentation to the commission on the sewer facilities plan and then continue the public hearing. Peter Downey seconded the motion which carried unanimously (8-0-0).

Richard Johnson introduced himself as the wastewater manager for Public Works. He stated he has worked almost exclusively with the consultants to develop the Hadlock/Irondale sewer facilities plan. A draft sewer facilities plan has been completed and has been submitted for review by other county staff. He stated they have a full presentation available but they were not prepared to do such a presentation tonight.

Kevin Dour from Tetra Tech stated that a draft plan, which was completed at the end of January, has been submitted to DOE and WDOH and is also being reviewed by county staff. He stated that once comments come back from DOE and WDOH and county staff, they will incorporate those comments and resubmit the plan to DOE and WDOH for approval. At that point, we will have a plan that the BOCC could adopt.

Bill Miller commented on the plan for a sewer system and also the size of the area to be serviced, which includes six and twenty year pieces. Kevin Dour stated the plan as written addresses the sewer service area, which involves both sides of Rhody Drive and the entire UGA area. Bill Miller stated that they are designing a Class A system, using gravity, with the first part in a 6-year increment, but they are concerned about how we are going to fund it. Mr. Miller stated they are building a core area, but the sewer plant facility will be built to accommodate the entire area over twenty years. Kevin Dour stated that the sewer plant facility will be built in phases also.

Al Scalf reminded the commissioners that the boundary on the colored map is the boundary that the BOCC drew on October 5, 1999. He stated that is not the original boundary. In 1994 the BOCC, based upon recommendation from the PC, adopted the UGA. In December of 2004, the BOCC finalized the adoption along with the development regulations, JCC Title 18.18. That was then petitioned for review through ICAN and Nancy Dorgan to the GMHB. That led to the invalidation of the UGA and the development regulations. That subsequently led to the interim controls that rescinded the UGA designation and returned the area to rural designation. Now in the making is the capital facilities and sewer plan. Mr. Scalf wondered what it meant when the public hears about the petitioner requesting to split the boundary in half. There was discussion among the commissioners, staff and consultants on where the boundaries are.

Kevin Dour stated the sewer plan visualization would be the core area and the Old Alcohol Plant area being first, then the Rhody Drive area, and then the zoning for the remaining areas, which are primarily residential. He stated this is a reasonable progression and also depended on where people want to develop. It could change at any time and be continually updated.

Edel Sokol asked about the cost to be able to afford it, stating that we need critical mass. It was stated the Library is included in the core area along with the elementary school. There was an inquiry about whether the businesses will carry the cost in the first phase. Kevin Dour stated that Katie Isaacson, financial specialist, is looking to find low income assistance, grants, low interest loans and bonds and also possibly developing utility improvement districts to help pay back loans and bonds. Mr. Dour talked about the collection system and the wastewater treatment plant which is the backbone of the infrastructure. To connect to the sewer, everyone would pay a connection charge. A wide range of costs were discussed.

Bill Miller stated that we can't talk about the cost until we have an approved plan by DOE and WDOH. Then we will know what can be built and then we can look at cost and also then allocate project and capital costs and maintenance.

There was general discussion among the commissioners, staff and consultants on where the core area is on the map and the other phases of development on the colored map.

The Gerald Steel comment letter dated February 20 is requesting to resize the UGA to remove residential areas Three and Four. Brent Butler stated that the justification for this, according to the letter, is that the Comp Plan update was done in 2004 and the 20-year planning horizon will be 2024. The actual sewer will not be in those areas by the end of the twenty year horizon of the Comp Plan.

There was general discussion among the commissioners, staff and consultants regarding the Gerald Steel letter and the resize of the UGA boundary to remove the residential areas.

County Commissioner David Sullivan commented on the UGA resize. Bill Miller stated that if those residential areas are cut, it would divide the community. This is becoming a younger community and new people are moving in. He stated this is for their future and a wastewater treatment plant is needed.

It was stated there is more information on the sewer facilities plan, summaries of meetings and presentations located at www.porthadlocksewer.org. Richard Johnson will give each PC member a draft executive summary of the draft sewer facilities plan. Mr. Johnson stated they would do a presentation to the PC whenever they would like. It was mentioned that Public Works has had workshops and open houses that many members of the public had attended.

Vice Chair Schindler invited additional public testimony.

Ron Gregory from Port Ludlow commented about the cost of sewer hookups. He stated that if we limit the availability for development and growth, you will limit your revenue and ability to pay for the infrastructure. Limiting the size of the UGA will limit the market for hookups in the UGA. He asked that the PC not forget about the new construction component.

James Jackson, 1245 Irondale Road, stated that the home he lives in was platted over 100 years ago by his grandfather, who was County engineer. At that time, there was platted land in the Irondale/Hadlock area but no homes on the land. He commented on not restricting or cutting any of the plan and the need for reasonable and well thought out growth. He stated we are not getting smaller; we are growing in number. We need expansion with the county plan. He talked about not interfering with sensitive water and shoreline, but where we can have infrastructure serving the community. He referred to a Kitsap Sun article regarding new technology for sewer treatment systems. He stated that the article stated that county planners must adjust to the new technology and grow beyond the borders.

There being no further public testimony, the Vice Chair closed the public hearing. The commissioners discussed keeping the written public comment period open until March 16 at 4:30 p.m.

Edel Sokol moved that the public hearing be closed but that written comments be accepted until March 16 at 4:30 pm. Peter Downey seconded the motion which carried unanimously (8-0-0).

Mike Whittaker asked when the next Hearing Board deliberations would be held. Al Scalf stated it will be on March 20. He did not know if the hearing would be telephonic or an opportunity for the petitioner and counsel to be in attendance in Olympia. Bud Schindler asked staff to let the PC know in advance so they could either attend the telephonic call or possibly attend the hearing in Olympia. Staff responded they would let the PC know via email through the PC secretary.

C. ADJOURNMENT

The Vice-Chair asked for general public comments. None were received.

The Vice-Chair stated there was a new business item requested by JD Gallant. Mr. Gallant proposed an amendment to the PC By-laws. He quoted a BOCC resolution which stated “Thereafter at the regular meeting in May of each year, the PC shall organize by electing a chairman and vice-chairman to serve for a period of 1 year beginning as of May of the same year”. He stated that to be in full compliance with Section 6 of the By-laws, the amendment must be submitted in writing no later than the previous regular meeting.

JD Gallant moved to place on the agenda for the next regular meeting of March 21 discussion and action for change to the PC By-laws to strike the word “September” and replace with the word “May”. He quoted from Section 4 and 5 of the By-laws, stating there has been a constant conflict with this in the past. He would like to see this change right after the change in administration to give the PC time to adjust. Peter Downey seconded the motion. There was discussion amongst the commissioners regarding Mr. Gallant’s motion. The Vice-Chair then asked for a vote and the motion failed with four in favor and four opposed (4-4-0).

Henry Werch moved to have the PC approve the composition of the Critical Area Committee and citizen Advisory Group remain consistent with the current membership. The status of any possible member who may no longer be on the PC but on the committee and/or citizen advisory group would maintain their role and voting rights. Mike Whittaker seconded the motion.

There was discussion among the commissioners for clarification regarding the motion. Henry Werch then withdrew his motion until the March 21 meeting. JD Gallant stated there will be extensive discussion about this issue at the next regular PC meeting.

Brent Butler reminded the PC about the cancellation of the UGA Committee meeting on March 14. There are still weekly meetings of the CA Committee each Thursday and the MPR Committee will have their first regularly scheduled meeting on March 27 at 7:00 pm at the Brinnon Community Center.

Al Scalf stated that the BOCC will be interviewing seven candidates for the two PC vacancies starting at 3:00 pm on March 16. He also addressed the possibility of a joint workshop with the BOCC at the April 4 PC meeting, inviting the CP amendment applicants to make presentations on their applications.

Al Scalf stated there is a letter before the PC dated March 3 requesting a timeline extension of one month for the CA Committee completion schedule. Bud Schindler moved to extend the CA Committee timeline by one month. The motion was seconded by Edel Sokol.

The commissioners and staff discussed the CA Committee proposed timeline letter, By-laws, when the code writer will be available to work with the committee, and issues on when the draft will be available to the PC.

The motion passed with five in favor and three opposed (5-3-0).

The agenda for the next meeting scheduled for March 21 will be UGA Deliberations, Planning Commission By-law review, Introduction to Sign Ordinance revisions, and the Historic Preservation Ordinance.

The meeting was adjourned at 9:05 p.m.

D. APPROVAL OF MINUTES

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

Bud Schindler, Vice-Chair

Jeanie Orr, Secretary