



JEFFERSON COUNTY
PLANNING COMMISSION

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JOINT MEETING
Of the
JEFFERSON COUNTY PLANNING COMMISSION
and
BOARD OF COUNTY COMMISSIONERS

MINUTES OF APRIL 4, 2007

- A. OPENING BUSINESS**
- B. PRESENTATION BY 2007 COMP PLAN AMENDMENT APPLICANTS**
- C. ADJOURNMENT**

A. OPENING BUSINESS

The regular meeting was called to order at the WSU Learning Center at 6:30 pm Planning Commission Chair Bud Schindler. Planning Commission members present were Edel Sokol, JD Gallant, Patricia Farmer, Mike Whittaker, Peter Downey and Ashley Bullitt. Henry Werch and Bill Miller were excused.

Board of County Commissioners (BoCC) present were Chair Phil Johnson, David Sullivan and John Austin and County Administrator John Fischbach.

DCD staff present were Al Scalf, Brent Butler and Jeanie Orr, secretary.

Members of the public who signed the guest list were Jim Hagen, James Mazak, William Wheeler, Renee Bush, John Nisbet, Frank Hoffman, Norman MacLeod, Mike Macon, Robert Withorpe, Peter Constable, Sandy Hill and Bruce B. Seton Jr.

At the request of the Chair, the minutes for February 21 and March 7 were tabled until the April 18 Planning Commission (PC) meeting. The Chair also noted that the secretary had asked that only emailed copies of the minutes would be sent and it was up to the PC to print and review the minutes. If this happens to be a problem, the secretary asked to be notified. The only member who responded by email was Bud Schindler. He asked for a show of hands and all members chose to receive a hard copy by mail.

The Chair read a three page memo regarding questions and concerns from the Critical Areas Ordinance (CAO) committee to the PC in response to Bill Miller's motion approved at the March 21 PC meeting.

Motion by Edel Sokol to rescind the motion that was passed at the March 21 PC meeting and to instruct the CAO Committee to produce reports developed during this period of the Jefferson County Planning Commission on Wednesday May 2, 2007 due to errors and omissions. The motion was seconded by Mike Whittaker.

Discussion followed by several PC members regarding the memo and the approved motion that was passed at the March 21 meeting. David Sullivan reminded the PC that tonight's meeting was an advertised agenda on the 2007 Comp Plan Amendment (CPA) presentations. Motion by Peter Downey, seconded by Edel Sokol, to table the above referenced discussion until after the joint meeting with the BoCC. Motion carried with six in favor and one opposed. (6-1-0)

General public comments:

Jim Hagen, Cape George, commented on a reconsideration vote in 2005 regarding an Urban Growth Area (UGA) housekeeping amendment. He commented that the PC needs to be consistent and with the agenda items and should stay that way from year to year.

Bill Wheeler, 222 Big Leaf Lane, commented on the major items that the PC has before them this year. He also commented on the CPA's for 2007 and stated the importance of all these issues.

B. PRESENTATION BY 2007 COMP PLAN AMENDMENT APPLICANTS:

Al Scalf said that the purpose of the joint meeting with the PC and BoCC members is to hear about the Site-Specific and Suggested amendments from applicants and to gather information regarding items on the preliminary docket. Brent Butler handed out the initial staff report on the recommendations on which Suggested amendments should be forwarded to the Final Docket. All Site-Specific amendments automatically move to the Final Docket, per code. The three (3) Suggested amendments are in question as to which should move to the Final Docket. The staff memo described what should be considered in terms of need, urgency and appropriateness of each Suggested amendment. The memo also questions the availability of staff and the anticipated cost and budget of processing these amendments. Al Scalf recommended to proceeding with introductions by the applicants.

Al Scalf introduced **MLA06-87** proposal (carryover from 2006) from Statesman Group Companies of Calgary, Canada. The request is to change the current land use designation of Rural Residential located at Black Point in Brinnon comprising 252 acres to a MPR (Master Planned Resort). The proponent was represented by James Mazak who presented a slide show presentation. This showed open space, the resort, mixed use maritime, multi family residential, vegetation and habitat, wastewater improvements, transportation conditions on Highway 101, and many other proposed improvements and standards. He stated that ultimately they see this proposed development as a place for all people and to provide new vitality and jobs for South Jefferson County.

David Sullivan stated that he appreciated the anticipation that has gone into this project and with the community. His interest is in regards to the scale and intensity of the project as it relates to the Brinnon Sub Area Plan. Peter Downey asked what "zero scalping" was. It has to do with using the natural vegetation and wildflowers in the area without having to use outside sources. John Austin asked about affordable housing. The intent is to provide the surrounding outside community access to housing. Patricia Farmer asked about other resorts that the proponent had developed. Mr. Mazak responded that they have a resort in Scottsdale, Arizona which provides a variety of uses and amenities. The resort also includes a senior community. They also have land use approval of a 700 unit mountain resort community in British Columbia, Canada. Ashley Bullitt asked about the impact of traffic around the Brinnon area. Mr. Mazak did not have exact numbers to give an accurate answer. He stated he thought the maximum trip generated by 2017 would be 5000 trips per day during the peak operating season. Bud Schindler noted that the draft EIS will include this information for review in the near future.

Al Scalf introduced **MLA07-70** proposal from Tukey Investments LLC. The request is for a rezone of a twenty (20) acre parcel on Oak Bay Road currently zoned Rural Residential 1:20 to Rural Residential 1:5.

The proponent representing Tukey Investments LLC was Bill Marlow who restated the proposed rezone request. He stated at some point in time this rezone would be for residential housing.

Al Scalf introduced **MLA07-79** proposal from Janet Gillanders. The request is for a rezone from Rural Residential 1:20 to Rural Residential 1:5 located at 204 Wildwood Rd, Quilcene. The proponent was not present at the meeting.

Al Scalf introduced **MLA07-90** proposal from Dick Broders. The request is for creation of a mineral resource land (MRL) overlay on parcels west of Discovery Bay which includes approximately 390 acres. The current land use designation is Commercial Forest 1:80. Mr. Broders showed an aerial map and stated his proposal is not a traditional rezone. The overlay district goes over the designation that is already Commercial Forest and the original zoning is still in effect. This goes back to the early 1990's with the Growth Management Act (GMA) in which there are three types of resource lands: Commercial Forest, agriculture and mineral resource. He stated that, the County at that time looked at what areas had state surface mining permits and designated them as mineral resource lands. The current proposal has had a gravel pit on it since the late 1970's, but has never had a surface mining permit and has never been designated.

Dick Broders has had a geological survey done and it encompasses two parcels. One parcel is for approximately 70 acres and a portion of another large parcel is for approximately 500 acres. He stated that what makes this a really good site is that his family partnership owns all of the land around the Commercial Forest except for one owner who uses the land for Commercial Forest. There is no housing near and it makes for an ideal site because they are large parcels. No parcels smaller than five acres are touching it. He has no plan at this time for a commercial gravel operation. It does have direct access to Highway 101 and high quality deposit. The operation of the gravel mine in the future would be interleagued with commercial forestry. When a portion of the gravel is extracted, as part of the reclamation plan which is needed when you have a surface mining permit, it is then reclaimed and put back into forest land. He stated the gravel is real poor timber growing ground and would expect it would be much better after the gravel was extracted.

Dick Broders said, with the parcels being designated as Commercial Forest, gravel mining is an allowed use but the processing of gravel is not. It would be difficult to run an efficient operation when the definition that the County uses for processing includes separating out sand from rock. He stated that sand can be sold but in Western Washington it is basically a worthless product. The transportation costs to truck the sand out, have it processed and trucked back to restore the site would double, along with the truck traffic. He stated this is a small change is what is allowed in mineral resource land use but very critical in any kind of operation.

Peter Downey asked how many vehicle trips there would be in a day. Mr. Broders said he had no idea at this time. David Sullivan asked about the possibility of keeping a buffer from the area facing Discovery Bay.

Dick Broders stated there could be based on other certain operations. Mike Whittaker asked if any crushing was intended to be done. Mr. Broders responded that some crushing may occur sometime in the future.

Brent Butler introduced **MLA07-93** proposal from Rayonier Forest Resources. The request is for a rezone of 42 acres of Commercial Forest to Rural Residential on Clearwater Road in Eastern Jefferson County. Michael Macon from TerraPointe Services represented Rayonier. He did a short presentation and also pointed out a correction on the preliminary docket which should currently read: zoned Rural Forest, not Commercial Forest.

Brent Butler introduced **MLA07-94** proposal from Rayonier Forest Resources. The request is for a rezone of 120 acres of Commercial Forest to Rural Residential west of Oak Bay Road and North of Mats Beach Road. Michael Macon from TerraPointe Services represented Rayonier. He introduced Robert Thorpe and Peter Constable who did a presentation explaining the proposal. David Sullivan asked about protective covenants and guidelines and recommended that examples be given to the PC. Peter Constable stated it would be two to three years or longer before a housing subdivision would occur. Patricia Farmer asked how many trees they could harvest. The response was that they must follow state forest practices.

Al Scalf introduced **MLA07-96** proposal by Security Services Northwest on behalf of Hill Timber and Bay Mountain Timber. The request is for a rezone of 40 acres on Highway 101, West Discovery Bay from Rural Residential 1:20 to Commercial Forest. This would combine two rural residential parcels and would be considered an up zone request. The intention of this proposal is for a future permit application for a shooting range. The proponent, Joe D'Amico was not present at the meeting.

Brent Butler introduced **MLA07-99** and **MLA07-100** proposals from Sharon McCarthy/Terry McHugh. The request is for two 20 acre parcels located at 770 South Jacob Miller Road to rezone from Rural Residential 1:20 to Rural Residential 1:5. Mr. Butler read a letter from the proponent who was not present at the meeting. David Sullivan asked if access to the public water system was in the County or City limits. It was unknown at this time. Mr. Sullivan asked if the parcel with the wetland would have enough room to be feasible for a subdivision.

Al Scalf introduced the suggested amendment **MLA07-66** proposed by the PC, represented by Chair Bud Schindler. It requests review of the Comprehensive Plan and Unified Development Code (side by side). Bud Schindler commented that there are serious inconsistencies between the two and proposed alternative language to rectify certain inconsistencies. David Sullivan asked how this will work with the Comp Plan review in 2011. Mr. Schindler responded that this proposal would make the review in 2011 a smoother process.

Al Scalf introduced the suggested amendment **MLA07-67** proposed by the PC, represented by Chair Bud Schindler. It addresses inconsistencies between the County-wide Planning Policies (CWPP) and the Jefferson County Comprehensive Plan and the Unified Development Code (UDC) also referred to as JCC Title 18. Bud Schindler stated that we should rely on the Comp Plan and not the CWPP. He stated neither the City nor the County relies on the CWPP, which is replicated in the Comp Plan, so he questioned why have both. He stated that we use the Comp Plan for inter-governmental control, not the CWPP.

Al Scalf introduced the suggested amendment **MLA07-104** proposed by Jefferson County Department of Community Development. The request is for the designation of an Industrial Land Bank (ILB), a provision of the Growth Management Act (GMA) under RCW 36.70A.367, to provide additional employment opportunities for citizens.

Brent Butler stated that staff has contracted with Eric Hovee & Company to start a substantial review of approximately 1300 businesses in Jefferson County regarding the needs for an ILB. The concern of staff is that the existing RCW for this provision which allows us to create the ILB sunsets at the end of this year. Discussion followed regarding what sites may be selected and the concern of this not being completed this year. John Fischbach stated that the contract needs to be completed this year. JD Gallant asked about if major or minor pieces of land are part of the ILB. Al Scalf indicated that it would be large sites and parcels (40 acres or more), similar to a major industrial development that we have code for, which include the mill, the area around Glen Cove, and the airport, and mining areas.

David Sullivan asked if any property owners have come forward to be a part of this. Brent Butler responded that it is a bit early because the survey has not yet been distributed. John Austin asked if there were any requirements or timeframes to any development once the ILB is established. Mr. Butler responded that there is no statutory requirement. John Austin asked, if we designated two areas and then later decided to change the designation, whether we could do so. Mr. Butler responded that as long as the statute allowed for this, it is possible to change the designation. Discussion followed about the size of the sites and parcels and the competition for designation of an ILB. John Fischbach stated that a site or parcel could include many landowners and they don't necessarily have to agree due to the County's authority to zone property.

Discussion followed regarding looking at commercial forest land and rural based industrial zones and the infrastructure of these areas. Al Scalf stated that the GMA has two separate definitions, under RCW 36.70A.365 and 36.70A.367 that pertain to major industrial development. We currently have a section in our UDC which allows for major industrial development in a similar way for parcels greater than 40 acres. The parties involved in the analysis are the City, County, Port of Port Townsend, Public Utility District and the Economic Development Council.

Al Scalf suggested that the PC hold a Public Hearing on April 25 to review the Preliminary Docket on the three suggested Comp Plan Amendments. The PC would then deliberate and give their report to the BoCC so that on May 14 the report would be added to the BoCC agenda to review the Final Docket.

Motion by David Sullivan, seconded by John Austin and Phil Johnson to adjourn the Special Meeting of the BoCC. Motion carried unanimously (3-0-0). The BoCC Special Meeting was adjourned at 9:08 p.m.

C. ADJOURNMENT

Staff updates:

Al Scalf introduced our two new Long Range Planners (LRP) Joel Peterson and Karen Barrows. Joel Peterson will be working on Critical Areas and both will work on different Comp Plan Amendments. Karen Barrows will also work on the Brinnon MPR.

Mike Whittaker asked about the code writer. Al Scalf responded that staff will meet with Eric Toews on April 5 to review his contract. He has been asked to review literature including Island County and reports of the Critical Area committee and our existing code, including the May 17 draft. He will also review the minutes of the committee's work. Mr. Scalf hopes to have a contract with Mr. Toews within the next week.

Al Scalf discussed the process for getting the CAO reports to the PC by May 2. He stated that staff and the PC would forward the same recommendation to the BoCC. Discussion followed as to the motion made by Bill Miller and passed at the March 21 meeting. Several PC members thought this included having the code writer help the CAO subcommittee with line in, line out as had been done in the past with other projects.

Edel Sokol stated she would like to reconsider the motion made and passed at the March 21 meeting. Peter Downey asked to table this discussion until after the staff updates were done.

Brent Butler reported that the Housing Action Plan Network (HAPN) will meet on April 16 at the Pope Marine Building in Port Townsend starting at 3 pm. The invitation to this meeting includes the Executive Director of OlyCap, the Executive Director of Kitsap Housing Authority, the Director from Habitat for Humanity and the Director from Homeward Bound.

Brent Butler reported on the progress of the Historic Preservation issue. He stated that Jefferson County is not a certified local government. We are not able to access funding for the preservation of our heritage and prehistoric tribal sites. We are not a Preserve America Community either. He hopes to have a draft ordinance before the PC in May that includes the language described.

Brent Butler reported that he is working on the Flood Hazard Mitigation Program to designate a Flood Hazard Mitigation Plan for those rivers within the County that are designated as potential flood hazards. He stated that the result will reduce risk and insurance rates for our citizens.

Committee reports:

Bud Schindler reported on the Brinnon MPR committee meeting held on March 27 and felt it was a great success. He stated about fifteen citizens were interested in an advisory role, which did not include the four PC or staff support. At the meeting they addressed expectations and will review Ordinances and the draft EIS within the span of a five to six week timeframe. He noted the fun in doing this and would hope it will not be as difficult as the CAO. He stated about eighty citizens were present at the meeting. He commented that Statesman Group commented that if they were not welcome in the community then they will walk away. Statesman Group took a poll of how many citizens were for or against the project and approximately 75%-80% were in favor of the project and 20%-25% were not in favor. The next meeting will be held on April 10 at 7:00 pm at the Brinnon Community Center.

Al Scalf reported on the UGA deliberations from the March 21 meeting and that the PC finalized the line in, line out changes. Once the Planning Commission Chair signs the report, it will then go to the BoCC for their May 7 agenda.

Peter Downey reported on the Shoreline Master Program (SMP). Al Scalf commented that draft sections are coming to staff and within a few months the PC should see a draft SMP.

Bud Schindler reported on the CA committee's disappointment in not having a code writer.

Motion by Edel Sokol to reconsider the motion by Bill Miller that was approved at the March 21 meeting, seconded by Mike Whittaker.

Ashley Bullitt asked to have the motion by Edel Sokol restated. Bud Schindler replied that the motion made by Bill Miller at the March 21 meeting was confusing and that the commissioners did not realize the implications of not having a code writer. Peter Downey and JD Gallant strongly objected that not having a code writer was never implied. JD Gallant responded that the Chair was speaking for the commissioners who are members of the committee. Mr. Gallant asked the Chair not to speak for the other commissioners. Ashley Bullitt asked to have the motion by Edel Sokol tabled until we have the opportunity to review the minutes. Al Scalf read the motion from Bill Miller from the March 21 meeting. Peter Downey stated that the motion did not state anything about having or not having a code writer.

Mike Whittaker responded that since he is now on the CA subcommittee he is not sure they can meet the May 2 deadline considering the amount of citizens on the committees

and the issue of the signatories and the fifteen minutes presentation timeline. He stated that initially the motion from Bill Miller sounded like a good proposal, but in hindsight it does not sound appropriate or consistent for this process to move forward. The expectation of a code writer has to help with line in, line out so when the reports are given to the PC, they would be scrutinized and in order to develop a recommendation to the BoCC. He stated that the motion was a bit hasty and wished he had not voted for it. Ashley Bullitt stated that the motion refers to verbal presentations but not to the number of written reports submitted. She does not understand the problem with the fifteen minutes per presentation. Bud Schindler responded that the committee does not have the code writer to help take the volume of complex information and put it into presentation form and give a proposal to the PC. Edel Sokol stated that she had no problem with the motion by Bill Miller but did not understand we would not have line in, line out as part of the reports given to the PC. She thought it will be a nightmare without the code writer. Bud Schindler added that the committee would like more than fifteen minutes to report their complex presentations.

JD Gallant stated that he spoke with Bill Miller about the motion and they recalled that the PC previously voted to give the committee an extension on time. Because the committee has been working on the CAO for over eight months and are cramped for time, Mr. Gallant felt the motion by Bill Miller would help move the process along to get the summary of reports to the PC. Al Scalf responded that the PC needs to hold a public hearing sometime in June and then by the third week in August present their final recommendation and draft CAO to the BoCC.

Peter Downey asked if the code writer would be available to help with the committee work. Al Scalf responded that was not the way that he understood the motion from Bill Miller. He stated that some of the reports have code and that the code writer would not sit before the committee and write code in public. Bud Schindler stated what is lacking in the motion by Bill Miller is the direction for the code writer and that is what Edel Sokol is asking to be reconsidered in her motion. John Fischbach stated that a code writer was not funded for the PC or the subcommittee. He stated that the code writer was funded to work with staff. Edel Sokol stated that discussion at a previous meeting was that the code writer would be split between the PC and the CA subcommittee.

Peter Downey stated that, when the CA committee was started, it was his intent that the advisory committee would come forward with policy recommendations. He stated it does not matter if it is in code language or not so long as the PC receives a policy that is relatively easy to put into code language. He stated that the PC will pay attention to what the committee will report and he is more interested in the policy recommendations than having it in code at this point. He stated the committee has been working on this way too long and it is time to move ahead.

Bud Schindler strongly stated that he had never been on a committee that did not write code to make sure there are no misinterpretations. He felt this could happen if the PC were only given policy. John Fischbach stated that it is the PC that is the policy maker and would put the committee recommendations into code. Ashley Bullitt stated that the

work of the committee is complicated and there is material that seems very contentious and the committee recommendations could be tossed out or not adopted by the PC. She felt it would be a waste of time to have a code writer put the information into code before the PC has even seen the reports. JD Gallant further commented it will be up to the PC, after we get the reports from the committee, to then question the presenters.

Peter Downey questioned Edel Sokol about her motion to reconsider the motion from Bill Miller. Ms. Sokol responded that the PC voted for the motion never thinking that Al Scalf would interpret the motion to not include a code writer and that two months ago there was no code writer, so it was never an issue. Ms. Sokol further stated she did not know where her motion was going. Bud Schindler requested that we get a code writer to work with the committee to get the reports complete and he stated his frustration of getting through this process without a code writer to support the effort.

After further discussion among the commissioners, Edel Sokol withdrew her motion for reconsideration of the approved motion made at the March 21 meeting.

Bud Schindler stated he still has issues with the approved motion and would like the commissioners to review the letter from the CA Committee and have discussion on this at a separate meeting. He felt it is not necessary to have two members of the public on the advisory committee sign the reports as this has never happened before. He also suggested the code writer sit with the committee chairs and do a walk through to better understand what is happening and to save time.

Edel Sokol asked about setting up committees for the 2007 Comp Plan Amendments. Bud Schindler commented that the commissioners had not set up review committees in the past and it is not necessary at this time. It could be a possible discussion at a future meeting.

JD Gallant submitted a letter to the secretary in response to the motion to amend the by-laws passed at the March 21 meeting. The letter addressed the change in election of chair and vice-chair from September to May according to BoCC Resolution #54-97. Bud Schindler stated he was tired of talking about by-laws and parliamentary procedures. David Sullivan commented he would like to hear public comment.

Public comments:

Jim Hagen, Cape George, commented on the CA committee and the issues regarding the approved motion from Bill Miller at the March 21 meeting. He stated the motion was a change in direction to what had been an agreed upon procedure approved and directed by the PC to the committee and agreed to by staff. He would encourage the PC to accept all points of view from the CA Committee.

Norm McLeod, 241 Sand Rd, commented on the Industrial Land Bank (ILB) and would hope that the commissioners look at state highways and truck travel for budgetary reasons.

Mr. McLeod commented on the CAO and how it will affect the lives, hopes and aspirations of thousands of citizens in Jefferson County. He asked that the commissioners carefully consider what comes forward from the CA Committee.

Frank Hoffman, 462 Jolie Way, commented that he has gone to CA Committee meetings and this is his second PC meeting and stated it is a political opera. He felt the CA Committee had worked hard but the Dept of Ecology has already stated that the wetlands proposal is not adequate, but the committee has ignored their findings. He felt the citizens will be disappointed in what comes out of the CA Committee. He stated the committee was promised a code writer but the County Administrator said two months ago that code would be written at the PC level. He does not understand where we are now and it is not fair.

George Yount, Port Townsend, commented that some issues are very contentious and would hope the PC would accept all reports from the advisory committee. There is a minority report that is very comprehensive with code already written into it. He hopes that the PC will pick and choose those elements out of each report to recommend to the BoCC and avoid having to go back to the Hearings Board. He stated the S'Klallam Tribe felt the direction that the committee was going is not consistent with the tribe's views and would see the County back in court. He is very concerned about this.

Motion by Mike Whittaker, seconded by Peter Downey to hold a public hearing on the 2007 suggested Comp Plan Amendments on April 25. Motion carried unanimously.

The meeting was adjourned at 10:30 pm.

APPROVAL OF MINUTES

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

Bud Schindler, Chair

Jeanie Orr, Secretary

Jefferson County Board of Commissioners

Phil Johnson, Chairman

David Sullivan, Member

John Austin, Member