



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR APRIL 18, 2007

- A. OPENING BUSINESS**
- B. PUBLIC HEARING-2007 COMP PLAN AMENDMENTS
PRELIMINARY DOCKET (SUGGESTED)**
- C. PROPOSED PLANNING COMMISSION BY-LAW AMENDMENT**
- D. REVIEW PROCESS FOR CAO COMMITTEE REPORTS TO
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- E. INTRODUCTION TO SIGN ORDINANCE REVISIONS**
- F. ADJOURNMENT**

A. OPENING BUSINESS

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

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

The minutes of the February 21, 2007 meeting were approved as amended.

The minutes of the March 7, 2007 meeting were approved as amended.

The minutes of March 21, 2007 were tabled until the next meeting due to Bud Schindler asking to have what David Sullivan said in the public comment period regarding by-laws and parliamentary procedures reviewed.

Members of the public who signed the guest list were Dennis Schultz, Bill Wheeler, Jim Hagen, Jim Storey, Karen Best, Norm MacLeod and Roger Short.

Staff updates

Al Scalf updated the Planning Commission (PC) on the UGA (Urban Growth Area) and the compliance order from the GMHB (Growth Management Hearings Board) and the new schedule for UGA work. There is a motion for reconsideration by the petitioner asking the GMHB to order us to remove all references to the UGA section in the Comp Plan. Discussion followed between the commissioners and staff regarding the compliance order and motion for reconsideration by the petitioner.

Brent Butler updated the commissioners on the successful meeting with the Housing Action Plan Network (HAPN) group that occurred on April 16th.

Karen Barrows stated that the No Shooting Ordinance has been established. There are now two petitions that have been submitted for the creation of no shooting areas in Chimacum Creek and Paradise Bay. She is in the early stages of creating review committees. An ad will run in the Port Townsend Leader to fill the applicant pool from which the BoCC will appoint three members at large to serve on both committees. This should be an agenda item for the BoCC sometime in May. Discussion followed between the commissioners and to have staff show where these areas are located.

Brent Butler updated the commissioners on the Industrial Land Bank (ILB) survey. A database of approximately 1300 businesses was created and letters are going out on April 19th and the results back sometime after May 8th.

Committee reports

Bud Schindler reported that the Critical Areas Committee are getting ready for the official signing of the Critical Areas reports which will be presented to the PC on May 2 for a short presentation. He stated that the committee has had to make some judgments because of lack of direction. However, the PC had to look at the by-laws and establish some direction for the committee.

Bud Schindler reported on the Master Planned Resort (MPR) committee meeting from April 10. He stated the meeting went well and commented that Brent Butler did a wonderful job describing all the laws and rules to follow. The next meeting is scheduled for May 1st with presentations by the County Assessor Jack Westerman and also Jim Hebert who has a background in researching large projects. Edel Sokol commented on the increase in property taxes in Brinnon.

Public comments

Norm McLeod, 241 Sand Rd, commented on the affordable housing issue including gas prices, commute trips from Brinnon and Quilcene to Port Townsend and back, property taxes, the price of electricity and of a being a renter or homeowner. He commented there is an enormous expense with environmental compliance issues. He feels the County needs to develop a philosophy of how to take care of the citizens. He stated that Port Townsend has land left in the UGA but does not feel the County has very much compassion for affordable housing. He commented on the UGA sewer and stated that he feels we have folks who talk a good line but sure don't live it. We don't have a cohesive philosophy on government and taking care of the people who are or could be our neighbors.

James Fritz, Crutcher Road, commented on affordable housing and stated that the truth is, no one wants poor people living in Jefferson County. He stated this to be an elite ruling class, similar to a Southern California county. He handed out an article about the California sea lions and how they eat eighty pounds of salmon a day. He commented on salmon stream restoration.

Roger short, 1721 Chimacum Road, commented that no one is serious about affordable housing. He stated he can no longer afford housing for his labor force. He had twelve employees and eight of them could use housing but could not afford it.

Dennis Schultz, 250 N Jacob Miller Road, commented on the No Shooting Ordinance issues.

Jim Hagen, Cape George, commented on the proposed by-law amendment and recommended not changing them. He feels this move is a transparent political maneuver for self serving interest. He stated the PC operates on behalf of the people and not for itself.

Mr. Hagen stated the citizens have expressed on numerous occasions confidence and trust in the work of the PC. He expressed that if the PC gets into the strict adherence of Roberts Rules of Order it could create ill perceived consequences.

Bill Wheeler, 222 Big Leaf Lane commented on affordable housing and public transportation.

Karen Best, 41 Cameron Drive commented on affordable housing. She sells real estate in Jefferson County and stated cost of land is becoming prohibited and that it is a zoning issue.

B. PUBLIC HEARING-2007 COMP PLAN AMENDMENTS PRELIMINARY DOCKET (SUGGESTED)

Al Scalf opened the public hearing stating there are three suggested amendments on the preliminary docket. Following the public hearing the PC shall prepare a report and recommendation identifying those suggested amendments they would recommend for consideration by the BoCC during the annual amendment process. The report and recommendation would be due for action by the BoCC on May 14th.

MLA 07-66: Inconsistencies with the Jefferson County Code (JCC) and the Comprehensive Plan (side by side) as proposed by Planning Commissioner Bud Schindler.

Bill wheeler, 222 Big Leaf Lane, commented and read a letter of support for the proposal.

Jim Hagen, Cape George, commented he is in agreement with Bill Wheeler on the proposal.

MLA 07-67: Changes in the Comprehensive Plan to improve the consistency with the County Wide Planning Policies (CWPP).

No public testimony on this proposed amendment.

MLA 07-104: Al Scalf stated that the Industrial Land Bank (ILB) is a process of identifying two additional industrial sites within the county for growth and development. It involves specific criteria, inventory of lands, co-ordination of local city and analysis of infrastructure. There are some constraints that the actual activity be limited to industrial and manufacturing business with no more than ten percent be commercial or service building for that type of development. The selection for master plan location for inclusion in this urban industrial land bank priority shall be given for locations adjacent to or in close proximity to an urban growth area.

Jim Hagen, Cape George, commented he is in favor if this proposal and with the consideration of affordable housing this would work together to give jobs to local citizens to continue to live in Jefferson County.

Norm McLeod, 241 Sand Rd, commented that he would encourage that one of the industrial land banks be located in the south part of Jefferson County. There is a need and an opportunity for citizens to become established and have a job in that area.

Frank Kelley, 773 South point Rd, commented that he had submitted comments that were critical of this proposal. He does share the same goals as others about enhancing economic development but he wonders if this is the right method. He questioned whether the policy makers making this decision know the complete ramifications of this proposal. He commented that the county assessor was recently in Olympia advocating for a change on property tax assessments. One observation he noted was the property tax assessments on industrial properties versus other property do not appreciate at the same rate. Mr. Kelley asked that the PC really look at the impact of zoning for one of these industrial land banks and the affect on the other surrounding businesses.

The Chair closed the public hearing and public testimony on the three suggested Comp Plan amendments.

Motion by Edel Sokol, seconded by Henry Werch to recommend that **MLA 07-66** be forwarded to the BoCC for the final docket.

There was discussion among the Planning Commission about the proposed amendment.

Motion carried with six in favor and two abstentions (6-0-2).

Edel Sokol commented that it was unfortunate that the two new Planning Commissioners were abstaining from voting and hoped they would be a part of the committee process. Patricia Farmer stated she was not yet comfortable voting until she understood the amendment process better. Ms. Sokol recommended that Ms. Farmer read the Comprehensive Plan and the Unified Development Code (UDC) regarding the side by side amendment. Ashley Bullitt expressed her concern to commit (vote) when she was not ready to do so. Ms. Bullitt commented back to Ms. Sokol and made it clear that she does intend to start voting.

Peter Downey questioned Al Scalf about staff support for MLA 07-66 if approved by BoCC for the final docket. Mr. Scalf stated staff would not recommend that this amendment be docketed.

Motion by Edel Sokol, seconded Mike Whittaker to recommend that **MLA 07-67** be forwarded to the BoCC for the final docket.

There was discussion among the Planning Commission and staff about the proposed amendment. Al Scalf stated that staff would not commit to support this amendment.

Motion carried with six in favor and two abstentions (6-0-2).

Motion by Peter Downey, seconded by Henry Werch to recommend that **MLA 07-104** be forwarded to the BoCC for the final docket. Motion carried with six in favor and two abstentions (6-0-2).

C. PROPOSED PLANNING COMMISSION BY-LAW AMENDMENT

JD Gallant brought forward the continued discussion regarding the inconsistency in the by-laws and Resolution #54-97 passed by the BoCC in 1997 that states the Planning Commission is to have appointment of Chair and Vice chair in May of the same year and the by-laws state September of the same year. The Resolution takes precedence over the by-laws and the Planning Commission are empowered by the BoCC.

There was a lengthy heated discussion among the Planning Commission regarding the by-laws and Resolution #54-97 and the change of appointment of Chair and vice chair from September to May of each year. There was discussion of getting an opinion or not from the BoCC regarding this issue. There was discussion on who was interested in being the Chair and the fact that having an interim Chair for approximately seven months until September is excessive.

Motion by Henry Werch to amend the bylaws to from September to May for election of officers, seconded by Peter Downey. Motion carried with five in favor and three opposed (5-3-0).

Bud Schindler requested that staff look into this due to conflicting direction and seek the advice of the BoCC.

D. REVIEW PROCESS FOR CAO COMMITTEE REPORTS TO PLANNING COMMISSION

Brent Butler asked the Planning Commissioners about adding an additional meeting on May 30th to include the Department of Ecology (DOE) for a Critical Areas workshop. Henry Werch stated his concern in regards of DOE and their involvement with PC with the normal process of input from the committee. He stated it is critically important that DOE not come to debate the merits or lack of merits of majority or minority reports coming from the committee. Bud Schindler thought it would be a good time for questions and answers. Peter Downey added that this would be a good discussion on all sides. Brent Butler added that maybe officials from the Department of Fish and Wildlife would attend the meeting also.

Mike Whittaker asked the reason for DOE coming. Brent Butler responded that some of the work that has been submitted to the PC deviates from what is considered by DOE to be the Best Available Science (BAS). Henry Werch added that there are differences of opinion between DOE and Dr. Kenn Brooks and does not want to see a debate or a shouting match happen at the May 30th meeting. Brent Butler stated that a BoCC official has offered a facilitator for the meeting if necessary. Mike Whittaker commented on where was DOE nine months ago when the committee was started as it would have been beneficial.

Bud Schindler suggested that the Planning Commission hold a meeting with DOE on May 30th. Al Scalf asked the commissioners what their plan is after they receive the CA committee reports on May 2nd.

Henry Werch had submitted a proposal to the commissioners on the review process for the CA committee reports. Edel Sokol stated she has a problem with his proposal according to the by-laws and she feels there is a conflict. Discussion followed between the commissioners regarding this issue.

Bud Schindler brought up the issue of the Appearance of Fairness Doctrine. He stated that Henry Werch signed a minority report back in January 2007 before it was given to the PC and it establishes a pre-judgment and feels this is a serious issue. Henry Werch stated it was his understanding that within the working rules of the committee (the four members of the Planning Commission and committee members) that in order for minority views to be recognized they needed endorsement by at least one member of the Planning Commission. Mr. Werch felt that in his role as a commissioner that he had a right and an obligation to support the effort. He further stated that he was defending the right of this material to come forward but was not necessarily endorsing the content of the material. He had repeatedly stated that in the vote and his presentation to the PC. He does not feel he is in violation or in a conflict of interest. Edel Sokol responded that under the Appearance of Fairness Doctrine Mr. Werch would have to recuse himself from CAO deliberations. Edel Sokol stated the Mr. Werch is being prejudicial. Peter Downey responded that Mr. Werch was only stating an opinion on a matter and it is not prejudicial.

A very intense discussion followed among the Planning Commissioners regarding the above issue regarding Planning Commissioner Henry Werch.

Bud Schindler commented that we are on dangerous grounds and suggested we go to the County Attorney David Alvarez to get opinion on the Henry Werch discussion. Al Scalf responded that Mr. Alvarez will not give a legal opinion and stated this is a legislative matter and the Appearance of Fairness Doctrine does not apply. Bud Schindler asked again about advice from the County Attorney but Mr. Alvarez works for the BoCC, not the Planning Commission. Ashley Bullitt stated that Henry Werch should be able to have an opinion and it is not fair to look at someone else and make a determination that they have already made up their mind Ms. Bullitt does not understand what the big deal is about this.

Heavy intense discussion followed among the Planning Commissioners.

Edel Sokol stated for the record that she believed Henry Werch should recuse himself from the CAO deliberations.

E. INTRODUCTION TO SIGN ORDINANCE REVISIONS

Karen Barrows provided an introduction to the sign ordinance revisions. She referred to the BoCC minutes for the week of February 20, 2007, on the issue of JCC 18.30.150 regarding political signs. The BoCC thought it was in the public interest to amend the JCC regarding political sign regulations. Al Scalf explained that the BoCC had utilized a provision of the Planning Enabling Act called “A Board Initiated Control”. Earlier, staff had done a review of how other jurisdictions regulate political (campaign) signs. As a result, staff provided a recommendation to the BoCC that political messages be allowed as an outright exemption. Staff took this Board initiated control to the BoCC on February 20. The BoCC expressed some concerns, some related to airplane banners or building code issues or real estate signs. He suggested that it may be appropriate for the Building Official to come and meet with the Planning Commission. He suggested that the Planning Commission schedule the issue at a later meeting for deliberations and to make a recommendation to the BoCC. Mr. Scalf referred to a pertinent court case – Collier vs. the City of Tacoma – a suggested the Planning Commission may want to consider it.

The commissioners agreed to allow input from a real estate professional who was present.

Karen Best said that real estate signs are treated differently than political signs. She urged the Planning Commission to keep realtors involved in the process regarding the sign revisions. This particular proposal does not affect real estate signs.

Henry asked if there are issues with real estate signs or if it is only political signs that are at issue. If it is just political signs, he suggested the Planning Commission deal with that and move on. Al Scalf responded that the staff draft proposal only addressed political signs. However, the commission may want to also consider the concerns expressed by the BoCC as reflected in their February 20 minutes. The commission could prepare its own code draft and hold a public hearing. He reported that the BoCC had suggested the Planning Commission examine the code as written for consistency, whether it was fair across the board. He also recommended that the commissioners also read Collier vs. City of Tacoma to see the legal issues surrounding signs, including the Constitutional right of free speech.

The commissioners invited Mike Belinski to address the sign issue.

Mike Belinski explained that he had contested the recommendation that political signs be reduced to a limit of eight square feet while real estate signs could be larger. He had even gone to court for an injunction. His opinion was that they wanted to limit political signs to 16 square feet and he did not think they could not do that. He thought the First Amendment free speech rights were unlimited. In order to restrict that, you had to show a compelling government interest. He spoke about the amount of money some political candidates may spend on advertising in the media while some other candidate may only be able to afford signs. He said that whatever the county adopted, it should be internally consistent across the board. He also referred to the Collier vs. City of Tacoma case as something the county needed to comply with.

Mr. Belinski did not think there was any harm with a person putting a political sign in his yard and he did not think someone should have to pay for a permit for the privilege.

Motion by Edel Sokol, seconded by Mike Whittaker, to accept staff's recommendation to exempt political signs and to remove the size limitation. The motion carried unanimously (8-0-0).

Al Scalf stated that he would review the sizes of 16 square feet versus 32 square feet with the Building Official. He explained that JCC 18.30.150 was the Zoning section of the code. The Building Code was JCC Title 15 and addressed structural issues.

Henry Werch reminded the PC that he would like them to take a look at the review process for CAO committee reports that he submitted as a basis for discussion and address what the process will be.

Bud Schindler stated that he will not be available for the May 2, 2007 MPR committee meeting and appointed Mike Whittaker to Chair that meeting.

General Public Comments

Roger Short, 1720 Center Rd, commented on staff and if the workload is too much to tell the boss and to work on more important things. He felt there should be support to the PC to answer questions and use legal council if necessary. He commented that he felt the way his father did after PC meeting and was very upset. He further commented that certain a certain commissioner needs to quit stonewalling with the CA Committee and act in good faith. He sees May 17th coming back around and if that happens it would be easy to round up the troops out in the County and bring the rifles to the courthouse. Al Scalf called for objection and Bud Schindler stopped Mr. Short from commenting.

Dennis Schultz commented on DOE coming out to a meeting and felt it would be a waste of time regarding the Best Available Science.

Norm McLeod commented that he sensed tenseness on the PC regarding the vote of officers. He felt the commissioners should be able to get support from the BoCC. He commented on DOE coming to a meeting to talk about the CA Ordinance.

Jim Hagen commented on the proposed workshop with DOE and that we are not constrained by the settlement agreement or DOE science and asked the PC to not limit options and look at a wide range of choices.

Bill Wheeler commented he was disappointed on the length of time given on the proposed CA committee reports that will be submitted to the PC May 2nd. He asked if public comment and other questions be limited as well.

Mike Belinski commented on free speech regarding the sign ordinance revisions.

James Fritz, Crutcher Rd, commented on progress for twenty years of saving salmon. He stated the whole process with break down and everyone will end up mad and adjacent property owners will quit cooperating with the county. He commented to keep Bud Schindler as Chair.

F. ADJOURNMENT

The agenda item for the next meeting will be the CA committee report presentations.

The subcommittees will each get fifteen minutes for their presentations including question and answer time. The draft reports should be signed and brought or sent electronically to Long Range Planning by the close of business on May 1st. There was further discussion among the commissioners regarding the submission of the CA committee reports to the PC.

Norm McLeod commented that the Planning Commissioners, staff and the BoCC has a responsibility to the citizens of this county and to give the assurance to the CA committee that all the reports will be given consideration and not just read the summaries.

Brent Butler asked the Planning Commissioners if a meeting on May 9th should be appropriate given the amount of information that will be presented on May 2nd. Bud Schindler commented that we should have a meeting on May 9th to continue the CA committee presentations.

Brent Butler asked the Planning Commission if the tribes should be invited and it was unanimously decided that they should be invited to the meetings.

Motion by Edel Sokol, seconded Henry Werch to approve two additional meetings on May 9th and May 16th. The motion carried unanimously (8-0-0).

The meeting adjourned at 10:33 pm.

APPROVAL OF MINUTES

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

Bud Schindler, Chair

Jeanie Orr, secretary