



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR SEPTEMBER 12, 2007

- A. OPENING BUSINESS**
- B. UPDATE ON BRINNON MPR**
- C. CRITICAL AREAS REPORTS #3: FORMAT & ADMIN PROVISIONS; REPORT #4: HEARINGS BOARD CONSLUSIONS; REPORT #5 & #6: FUNDAMENTAL & FOUNDATION PRINCIPLES AND VALUES; REPORT #7: PREAMBLE/ PURPOSE & INTENT AND REASONABLE ECONOMIC USE IN REPORT #1**
- D. ADJOURNMENT**

A. OPENING BUSINESS

The meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chairman Peter Downey.

ROLL CALL: Peter Downey, Patricia Farmer, Bud Schindler, Mike Whittaker, JD Gallant, Ashley Bullitt, William Miller and Henry Werch. Excused : Edel Sokol.

DCD staff present were Al Scalf, Joel Peterson, Karen Barrows and Cathy Alling, secretary.

There were about ten members of the public present. Those who signed the guest list were: James Fritz, Dennis Schultz, Susan Hopkins, Scott Clogston, Robin Downey, Diane Johnson, John Richmond, Clark Crandall and Jim Hagen.

STAFF UPDATES:

Joel Peterson provided an update on the interim ordinance that continues interim control for the moratorium on mini-storage which has been approved by the BoCC and will be in place for another six months. The October 24, 2007 scheduled public hearing for the Critical Areas Ordinance has flexibility in that it could be continued to October 31, 2007.

Karen Barrows referred to the MPR timeline and that a meeting was held 9/11/07 to review the proposed MPR application. Sandy Mackie representing the Statesman's Corporation and Stacie Hoskins, SEPA representative from DCD, gave a presentation on draft EIS. Approximately 75 people were in attendance. Two additional meetings are scheduled prior to the public hearing. Ian McFall and Kathryn Burrell will conduct an Economics Impact Seminar on 9/18/07. Public comment is open until October 24, 2007. The final FEIS is planned to be published on December 3, 2007, one week prior to the BoCC making their final decisions on all CPAs. Al Scalf interjected that this allows a 45 day comment period. SEPA rules allow 30 days and DCD has expanded it to 45 days.

COMMITTEE REPORTS:

Commissioner Gallant reported there is a scheduled meeting of the Bylaws Committee on 9/14/2007 at 9:00 a.m. at DCD.

Chairman Downey reported that there is a scheduled Shorelines Policy Advisory Committee meeting on 9/18/2007.

Chairman Downey inquired as to the when something would be heard regarding the UGA. Al Scalf responded that a compliance hearing is scheduled for 10/09/2007. He further reported that there would not be any word back until 45-60 days after 10/09/2007.

B. UPDATE ON BRINNON MPR:

Commissioner Schindler reported on the MPR 09/11/2007 meeting. It appears that ninety-five (95%) percent of all questions posed at the meeting were answered and by all accounts it was considered a success. Sandy Mackie's plan is to go through the EIS, explain in it detail, provide an introduction to it, and that he would entertain questions at that time. His objective is to collect questions in preparation for the next meeting he would be attending. He will come back with a staff of technicians and be prepared to address the questions, and the questions will become a part of the final EIS. There will be a meeting on the economic implications of the project which are also described in the EIS. The PC will receive a different point of view from experts, Ian McFall and Kathryn Burrell. The collective questions and answers will become the basis for the final EIS.

Commissioner Bullitt inquired as to the Navy's view. Commissioner Schindler responded that their position is that they want it recognized all the way through and that there are restricted areas throughout

Hood Canal. He further reported that there have been extensive meetings between the tribes and DCD on the subject and this has been addressed in the draft EIS.

Director Scalf commented that we really don't know what the Navy thinks, that the comment period is open and if they have a position, they should bring it forward.

Commissioner Bullitt expressed her concern over the amount of guests coming via public transportation. Commissioner Schindler offered that the Statesman Group appears to have laid out a transportation plan which indicates it will double the amount of traffic at peak times and that they have accounted for and mitigated the situation. They have been working with DOT and other appropriate agencies to use the latest technical tools, models, etc. to provide information.

All of the sewer system technology has been successfully practiced in several places. The whole project is in five (5) phases of which three (3) are for the marina. Their project engineer will be doing a monitoring of all activities after each phase and submitting a report to the county including water usage and water quality. They will make corrections as they proceed. It is an adaptive management and monitoring approach after each phase which is about once a year until this project is complete after six years.

Transportation and environmental impact discussions pursued.

There will be a public hearing on the MPR DEIS in Brinnon on 10/03/2007.

The PC is scheduled to deliberate on the DEIS on 10/17/2007.

Commissioner Schindler commented that "JD Gallant's characterization as the opposition, I believe, is nothing more than questions." Commissioner Schindler does not consider questions from the public as oppositions, he considers them questions, and more specifically inquiries regarding the MPR.

Commissioner Bullitt addressed a question to Al Scalf regarding a number of proposals before the PC, and the rule of abstract. She wanted to know how much is the PC to take into consideration the opposition of those who do not have a valid reason. He responded that is it not a question as to whether you should take it into consideration, that the role of the DCD staff is more academic, the staff provides the PC their professional expertise, the GMA, the Comp Plan, any regulations; a professional review and professional recommendations. Your role is as political appointees from each district. You are the eyes and ears of the community making recommendations to the BoCC. You are a political body. The GMA requires public participation as being frequent and often. You need to engage the public, you need to hear from them, you don't necessarily have to do what they want you to do, it is really a democratic vote. Clearly, why would you have public comment, if you weren't going to consider it.

Al Scalf offered the decision-making process on projects vs. non-project. Ultimately, the PC's decision on all proposed amendments is strictly on zoning, not on actual structures.

Commissioner Bullitt inquired into whether one may take an applicant's "track record" into consideration when considering approval. Al Scalf offered a legal opinion from a project planner perspective, and that is from County Prosecutor, David Alvarez: "If there is an application on a parcel of land that has a complaint case, you have to separate the complaint from the application. The legal requirement is, and it is his legal opinion, that "if they meet the requirements, they get the permit."

Commissioner Schindler motioned that Commissioner Farmer act as an alternate for Commissioner Werch, in his absence at any MPR committee meetings and seconded by Commissioner Whittaker. Motion carried unanimously. (8-0-0)

PUBLIC COMMENT:

Susan Hopkins commented on a stream inhabited with Coho. Several years ago the property changed ownership and the new owner applied for and obtained a variance. In her, and her neighbor's opinions,

there have been serious violations. Both state and county officials were contacted. In the process, they found that there was no way of enforcing the CAO. She provided a letter and requested it be entered into the record.

James Fritz commented there are a couple of things damaging to shellfish: Weed & Feed and fertilizer. He suggested a required covenant be written into the Black Point Project and any future developments, not to use any amount or type of fertilizer such as the Weed & Feed type product. Any type of oil or petroleum is also damaging to shellfish. Special attention needs to be given particularly to the Black Point Project and any future developments.

Jim Hagen commented on CA Report #3 and ecology's willingness to recognize the relationship between the regulated and the regulator causing animosities. The present system is not working. He is very excited about the stewardship alternative.

Diane Johnson agreed with Jim Hagen's sentiment.

Al Scalf addressed the matter of the Little Goose Creek complaint, and that proper variance and procedure was followed by DCD as well as the proponent. The CAO was enforced.

C. CRITICAL AREAS REPORTS:

Discussion was held on the principles by which the CAO was developed and its location within the UDC.

PC discussions regarding Reports #3: Format & Admin provisions; Report #4: Hearings Board Conclusions; Reports #5 & #6: Fundamental & Foundation Principles and Values; Report #7: Preamble/Purpose & Intent and Reasonable Economic Use in Report #1.

Chairman Downey moved to send to the code writer lines 360 through 407. After much discussion and difference of opinion from the PC, Chairman Downey moved to modify the motion to send lines 360 to 400 to the code writer (no second to the motion). The motion failed with three in favor and five opposed. (3-5-0)

Commissioner Whittaker moved that the PC suggest the BoCC formulate a new vehicle to determine the current widely held views and values of the people of Jefferson County. Several commissioners commented that this had been discussed before with comments about cost, survey etc... from Al Scalf. The motion was seconded by several commissioners at once. The motion failed with two in favor and six opposed. (2-6-0)

D. ADJOURNMENT:

The meeting adjourned at 9:20 p.m..

APPROVAL OF MINUTES:

These minutes were approved this ____ day of October, 2007.

Peter Downey, Chair

Cathy Alling, Secretary