



JEFFERSON COUNTY

PLANNING COMMISSION

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JEFFERSON COUNTY PLANNING COMMISSION

MINUTES FOR OCTOBER 17, 2007

- A. OPENING BUSINESS**
- B. REVIEW OF THE DRAFT CAO ORDINANCE**
- C. MOTION FOR RECONSIDERATION OF MLA 07-96-D'AMICO (SSNW) CPA REQUEST**
- D. ADJOURNMENT**

A. OPENING BUSINESS

The meeting was called to order at the Chimacum High School Auditorium at 6:30 p.m. by Chairman, Peter Downey.

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

DCD staff present: Al Scalf, Karen Barrows, Joel Peterson, and Wendy McCauley, secretary. Also present: Eric Toews, code-writer on the draft CAO.

There were approximately 35 members of the public present. Those that signed the guest list were: Clark Crandall, Virginia Crandall, Jim Storey, Jim Fritz, Hyatt Barnes, Howard Pevehouse, Vern Welsh, Frank Hoffman, Jim Hagen, Jim Tracy, Dennis Schultz, Joyce Bradley, Bert Bennett, Dave Bailey, Cody Gardner, Tey Morris, Bill Wheeler, Roger Short, Jean Matthews (a few names on the sign in sheets were not legible, therefore not reflected in the minutes).

APPROVAL OF MINUTES:

The minutes for August 22, 2007 were approved as submitted.

Commissioner Gallant moved that the PC accept all future condensed versions of the minutes as a standard procedure, providing that actual recordings be kept for a minimum period of one year and that copies be made available to any person upon request for a fee not to exceed \$5.00; and that the fee be kept in a special fund to pay for equipment that improve clarity of recording during all PC meetings. Commissioner Miller seconded. Motion carried eight with in favor, one opposed. (8-1-0).

The minutes for September 5, 2007 were approved as amended with corrections to typos to the numbering of MLA #: 07-99, 07-100, 06-87 and 07-104.

The minutes for September 12, 2007 were approved as amended with corrections to the spelling of Katherine Baril's name.

The minutes for September 19, 2007 were approved as amended with correction of the numbering of Broder's MLA #07-90.

The minutes for September 26, 2007 were approved as amended with corrections that Commissioner Whittaker had moved to reject, not accept, staff recommendation to deny approval of MLA 07-94 and Commissioner Miller further noted that in regards to his motion regarding MLA 07-96 that he had moved to not accept staff recommendation and deny the proposal.

The minutes for October 3, 2007 were approved as submitted.

STAFF UPDATES:

Karen Barrows updated the PC on the Climate Change Joint Resolution. Jefferson County & Port Townsend are now members of the local government for sustainability and have access to the software with which the county and city will start the base line carbon emissions inventory. The next major step in the process is to form, via a resolution, a Climate Action Committee which will be responsible for policy implementation. She expects that the formation of the committee will occur in early 2008.

On the no shooting area ordinance, the review committee for Paradise Bay is meeting on 10/25/2007 to discuss a proposed new boundary for the Paradise Bay proposed no-shooting area. There is a site

alteration in the committee's proposal. When the work on that petition is finished, a draft ordinance will be prepared and a public hearing before the BoCC will occur in January 2008.

It was stated that meetings on the Shoreline Master Plan will have its third of four open houses 10/23/07 at the Quilcene Community Center.

Joel Peterson updated the PC on staff activities. There will be a public hearing at the BoCC chambers on 10/22/07 at 10:15 a.m. regarding the interim control ordinance for the urban growth area. This will be continuing for another six (6) months and rescinds the Urban Growth Standards for UGA, Irondale/Hadlock UGA, it places a moratorium on mini storage units, provides for a few other items.

The UGA committee will be meeting on 10/26/07 from 1-3 p.m. at DCD.

The Industrial Land Bank (ILB) Group will be meeting on 10/18/07 at 2 p.m. at DCD to go over some of the GIS information and reconcile some of the disparity between the assessor parcel maps and the DCD zoning maps. The result would be to come up an accurate calculation of lands that are available to be considered in the site of an industrial land bank.

The Housing Action Plan Network (HAPN) will be meeting 11/14/2007 at the Pope-Marine building and among other things, the DCD is considering a joint resolution with San Juan County in addressing the portable housing problems among both counties.

COMMITTEE REPORTS:

Commissioner Schindler gave his report on the meeting of the Master Plan Resort (MPR) and public hearing and that there was a lot of testimony. There are still a lot of comment letters coming in. There will be a final MPR committee meeting and deliberation on 10/30/2007 which will take place in Brinnon.

Chairman Downey gave an update of the Shoreline Master Plan Program. There have been a couple of changes to the Committee. Chairman Downey has moved from representing the PC to representing aquaculture because there wasn't an aquaculture representative on the Shoreline Policy Advisory Committee. Commissioner Miller will now represent the PC on the Committee.

Commissioner Schindler and Chair Downey commented on the Bainbridge Island Shoreline Hearing Board and court decision that had recently been made public.

Joel Peterson reminded the PC of the email he had sent out earlier wherein the APA Peninsula Chapter meeting offers a short course on planning. It is a great class for planning commissioners, government folks and such. If anyone is interested they merely need to RSVP and they can attend for free. The meeting will be held in Shelton, Wa on October 19th.

Commissioner Whittaker commented on the frequent flyers that he has been receiving in his packet from Law Seminars International. He inquired as to whether the county will lend any assistance if a commissioner wanted to attend. Al Scalf mentioned the PC budget and that depending upon the cost, it would be considered. He also pointed out the current budget situation wherein the county is requesting for cut backs.

Commissioner Schindler commented that on important issues where interesting speakers like legal seminars with a lot of valuable information were available, could staff forward this information to the PC. Al Scalf offered that if the information were available and there are no costs involved, that DCD could send it to the PC.

Commissioner Gallant reported that the Bylaws Committee approved changes in Section 14 as included in this report, and asked that the PC consider the draft as the final amendment at the next

The Bylaws Committee will meet on November 2 at 9:30 to 10:30 a.m. at DCD to consider an amendment to this draft relating to a PC member's option for self-recusal during legislative deliberations which could be added as a "friendly" amendment. At the 11/2/07 meeting the committee will also deliberate on an amendment relating to "conduct" for PC approval at that later date.

B. REVIEW OF DRAFT CAO ORDINANCE

Joel Peterson presented a summary of CAO history to give a prospective of where the DCD is with regard to the timeline.

The PC received and started to review the first draft of the CAO as a result of the PC's motions that were forwarded to the code-writer. Mr. Peterson inquired if staff and the code writer had faithfully addressed the issues that the PC wanted to see in this draft ordinance.

Chairman Downey addressed the timeline in that the public draft will be published on 10/24/2007. Mr. Peterson responded that the Leader will publish a Notice of Intent to Amend the Jefferson County Code, it will discuss the SEPA documents that will be attended to, and it will conclude availability of the public draft. Chairman Downey anticipated that this meeting will have to be continued for another day depending how much work can be completed at this meeting.

The PC discussed and edited line by line items by consensus starting from page 1 to page 28 of the pre-hearing CAO draft.

Chairman Downey stated that the date of the release of the draft CAO to the public will be on 10/29. The problem is that the Port Townsend Leader only comes out weekly. On October 24 the legal notice will be published on the draft CAO and available to the public and on the PC website on 10/29. Therefore another meeting can be held to continue the deliberations on the CAO.

C. MOTION FOR RECONSIDERATION OF MLA 07-96 - D'AMICO (SSNW) CPA REQUEST

Chairman Downey recused himself from the meeting, left the room and handed the meeting over to Vice-Chair Schindler.

Vice-Chair Schindler addressed MLA 07-96 and read from a prepared written statement. He stated four (4) points from the Robert's Rules of Order and stated that as a result of the violations of the order, it was his decision as the presiding officer of this assembly that the final vote taken at the meeting of September 26 stands and that the message going forward to the BoCC on this issue will be "No Recommendation".

Commissioner Gallant requested "point of order". Commissioner Werch stated that Vice-Chair Schindler was not qualified, nor authorized to make this decision on behalf of the other commissioners. Vice-Chair Schindler offered to read Roberts Rules of Order. Commissioner Bullitt offered to make a motion to overrule Vice-Chair Schindler. Vice-Chair Schindler stated that the matter was not debatable according to Roberts Rules of Order. Commissioner Gallant did not question the statement that "Reconsideration - a motion for Reconsideration" was proper or legal. As a matter of fact he asserted that Vice-Chair Schindler was correct according to Robert's Rules of Order regarding "Reconsideration". However, the fact is that there was no motion to rescind under the condition. At no time can you stop a motion from coming forward if they want to revote on an issue. All the motion was from the September 26 meeting was to defer action. If you read the motion that Commissioner Farmer made it did not mention Reconsideration. Vice-Chair Schindler directed Commissioner Gallant to look at the minutes.

Commissioner Gallant said that the word “Reconsideration” came from somewhere else, and that he believed her motion was to delay the deliberation for the next meeting.

Serious debate continued among the commissioners with what appeared to be a lot of controversy regarding the interpretation of Robert’s Rules of Order.

Commissioner Bullitt moved to over turn the decision by Vice-Chair Schindler. Commissioner Farmer seconded. Motion not carried.

More debate.

Commissioner Werch moved to have Vice-Chair Schindler replaced temporarily as Chair. Commissioner Miller seconded. Motion carried with five in favor and three opposed. (5-3-0)

Commissioner Bullitt moved to have Commissioner Miller appointed as temporary Chair. Seconded by Commissioner Farmer. Motion carried with five in favor and three opposed. (5-3-0)

Commissioner Farmer moved to recommend denying approval of the MLA 07-96. Seconded by Commissioner Gallant. During discussion Commissioners Whittaker and Sokol left the meeting, followed by Commissioner Schindler immediately thereafter. Motion carried (5-0-0) with three members absent and Commissioner Downey recused.

CONTINUATION: REVIEW OF DRAFT CAO ORDINANCE.

Chairman Downey resumed the chair to continue with the review of the draft CAO. Commissioners Whittaker, Sokol and Schindler returned to the meeting and the PC continued their discussion and the editing of line by line by consensus of the pre-hearing draft CAO ending on page 28.

PUBLIC COMMENT:

Jim Hagen commented that for the last year he has listened ad nauseum to Robert’s Rules of Order, how important it is, how it has to be followed because words mean order and what we do here is important. Tonight, I hear that what we are doing really isn’t very important, it’s just a recommendation. To make a long story short, you have a bunch of people that don’t understand Robert’s Rules of Order at all. Yet you have taken them on as your guiding light. I think that it has gotten you into trouble. He further commented that Chairman Downey recused himself to avoid any conflict, or appearance of fairness. I would be just very wary in the future for Roberts Rules of Order.

Dennis Schultz commented about the way the PC votes and not to make fools of themselves because that is exactly what they are doing.

Bill Wheeler commented about timeline decisions by the Hearings Board on the CAO.

Jim Tracy commented about the Swinomish Tribal Community and the future of the CAO. In your defense, he stated he felt really sorry for this group, but you are twisting in the wind just like the CAO committee was without the appropriate training and legal advice to make the kind of decisions you are called upon to make here. There are some of you sitting here who have not taken the initial planning associate short course on planning. That may seem humorous to some of you but the fact is that this is a decision that is extremely complex, involves at least five major cases in the State of Washington including the Swinomish case, and you are left to your own devices.

I would like you to know that I inform the county commissioners every Monday morning for the last four weeks the issues you are not dealing with, the findings of fact and conclusions, the balancing of the **goals**,

the adjacent property issues, the protection issues, the standard impact issues. All these policy issues are going to end up right in the County Commissioner's lap. Your recommendations and current schedule is to have an ordinance adopted on January 10, 2008. I don't think its going to happen. So we'll all be seeing each other again after the first of the year.

D. ADJOURNMENT:

The meeting adjourned at 10:05 p.m.

E. APPROVAL OF MINUTES

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

Peter Downey, Chair

Wendy McCauley, Secretary