



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

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**SPECIAL JOINT MEETING OF THE
JEFFERSON COUNTY PLANNING COMMISSION
AND
BOARD OF COUNTY COMMISSIONERS**

Minutes for April 9, 2008

- A. Opening Business**
- B. Joint Workshop with BoCC – Presentation by 2008 Comp Plan Amendment Applicants**

A. Opening Business:

The meeting was called to order at the WSU Learning Center at 6:30 p.m. by Chair Peter Downey. Planning Commission members present were Peter Downey, Henry Werch, Bill Miller,

Mike Whittaker, Tom Brotherton, Barbara Nightingale, Patricia Farmer, Tom Giske and Ashley Bullitt.

The Board of County Commissioners present were Chair Phil Johnson, John Austin and David Sullivan.

The DCD staff present were Al Scalf, Director, Stacie Hoskins, Planning Manager, Ryan Hunter, Karen Barrows and Joel Peterson, Assistant Planners.

Members of the public who signed the guest list were Dennis Schultz, Bud Schindler, Molly Lawrence, Jim Mort (hard to read last name), Frank Hoffman, Larry Nobles, Tom McCay, James Jackson, Teresa Goldsmith, Jim Graf, Robert Jackson, Sandy Hershelman, Richard Broders and Jim Hagen.

Approval of minutes: None this meeting

B. Presentation by 2008 Comp Plan Amendment Applicants:

Karen Barrows introduced **MLA08-32** proposed by Dave Holland/Davos Capitol. This is a 14 acre parcel at the corner of Hastings and Arabian Lane in Port Townsend. The request is for a change from RR 1:10 to RR 1:5.

A representative (no name given) commented that the application is fairly complete but wants to learn more about the process. Commissioner David Sullivan commented on the history and that in 1986-87 the previous owners deemed the County 1.9 acres for a road approach. The representative for this proposal responded about looking through a title search regarding this road approach.

Ryan Hunter introduced **MLA08-56** proposed by Gloria Brown Trustee. The request is to change a 116 acre parcel located one mile west of the intersection of Eagle mount and Center Roads in Chimacum from CF 1:80 to a combination of RF 1:40 (approximately 80 acres) and RR 1:20 or Ag lands of local significance 1:20 for the residual property of approximately 36 acres.

Teresa Goldsmith commented that the primary reason for this request is due to a mapping error and explained the discrepancies. This is the same property that the CAO committee and PC took a tour of with Dr. Ken Brooks during the CA process. David Sullivan commented about the availability of water.

Karen Barrows introduced **MLA08-59** proposed by Keith Guise. This is a 5.8 acre parcel located on Oak Bay Road in Port Ludlow. The request is to change from Master Planned Resort (MPR) single family tracts to MPR Village Commercial Center (LAMIRD). Ms. Barrows explained that it is currently used as church grounds and the intention is to split to have a single family dwelling and a small commercial retail/office lease building.

Questions were raised whether there was a church on this property and it was stated that it did not look like a church was on the map as described by the planner. Several conversations from the PC and other staff expressed confusion about this application as not clear and a big concern about the expansion of a LAMIRD. Chair Downey asked for better clarification from the planner about this application. Larry Nobles questioned about the CC&R's in Port Ludlow and would like to be reassured that this property if it becomes rezoned as commercial falls within the guidelines of the development agreement with PLA and how this affects the MERU count.

Ryan Hunter introduced **MLA08-69** proposed by Jeffrey George. This request is a change for approximately 20 acre parcel located at 472 South Edwards Road, Port Townsend. The request is to change RR 1:20 to RR 1:10.

Tamara George commented that the property is not suitable for farming or pasture and they want to maintain the rural character of the area and have more affordable housing.

Ryan Hunter introduced **MLA08-73** proposed by James Jackson/Chimacum Heights LLC. The request is for a change of 120 acre parcel located near Chimacum from CF 1:80 to RR 1:10.

James Jackson commented that the full request is before the PC and BoCC. He read a statement and quoted GMA, RCW definition “forest land means land primarily devoted to growing trees for long term commercial timber production on land that can be economically and practically managed for such production”. He also stated the definition lists four criteria, A through D, to ascertain if land qualifies as “commercial” timber producing land. The JCC adds two more criteria and refers to all six as indicators. That is, does this land fit appropriately into the CF basket? When evaluating his request in detail you will observe by applying the RCW definition and the JCC indicators, that his land was placed into the wrong basket as the inception of GMA rules in Jefferson County. This land has been owned by the Jackson/Kenyon families for the past 75 years. In the 1920’s, 30’s, 40’s, 50’s and 60’s his father owned the Peninsula Food Store in Chimacum. He was never a commercial forester and never had this land logged. The site was given as a wedding gift to Ted Kenyon who was a laborer at Boeing his entire life and never was a commercial forester.

Mr. Jackson stated he was a state employee for 40 years, never a commercial forester. The 120 acre is primarily covered with bushes, willows, maple, alder and some fir. He stated that 120 acres is too small a site to produce a commercial livelihood. If it was even possible to go commercial on this type 3 and 4 soils land a person would plan for a 60 year cycle as follows: plant two acres per year and harvest two acres per year. Two acres multiplied by the 60 year growing cycle equals 120 acres. In today’s market that would gross about \$10,000 per year which one half goes to the logger to cut and haul away the timber. At the most, not counting labor, the yearly income would be less than \$5,000 and cannot produce a livelihood. He requested that this amendment put into the correct basket designation.

Joel Peterson introduced **MLA08-84** proposed by Richard Broders. The request is for a change of approximately 36 acres located on Oak Bay Road to Cleveland Street from RR 1:20 to RR 1:5. They are currently no plans to develop this parcel as it is vacant.

Richard Broders stated this is one single parcel and has P.U.D. water down Cleveland Street in the tri-area service area. He stated that he looked at zoning for East Jefferson County and this was the only example of a parcel this size that was zoned 1:20 and was not continuous to some other larger properties. He stated possibly a mapping error in the past as it had the same parcel number as some other parcels and maybe that is why this was zoned by itself.

Karen Barrows introduced **MLA08-87** proposed by Robert Efird. The request is a change for a 15 acre parcel located on South Marrowstone Island. The request is to change from RR 1:10 to RR 1:5. Ms. Barrows stated the applicant is aware of the public water issues and the moratorium on sub-dividing and the applicant feels confident the moratorium will be lifted. The applicant would like to retain a 10 acre parcel and build a SFD and sell the remaining 5 acres to finance the home.

David Sullivan commented on the P.U.D. water system and the issues involved in that complicated decision for Marrowstone Island.

Joel Peterson introduced **MLA08-93** proposed by Iron Mountain Quarry. The request is for a Mineral Resource Land Overlay (MRLO) and the property is located three miles west of the Hood Canal and north of Highway 101. Molly Lawrence commented on the existing mining site and they are looking to create an overlay for the existing mine. This is all commercial forest land that has mineral resources underneath that meet the standards in the GMA. Al Scalf explained that in 1995 the County had their first Interim Mineral Resource Land Overlay. This was based on the surface mining permits that were registered with the State Department of Natural Resources. This carried forward into 1998 and in 2002 there was a Supreme Court case that turned into the diminishing assets doctrine.

At some point Iron Mountain Quarry came in to the administrator and asked for a code interpretation in which Stacie Hoskins issued the interpretation and it was appealed to the Hearings Examiner. The Hearings Examiner ruled as of today granting the appeal meaning concurrence with the diminishing assets doctrine and overturning the code administration that states a 10 acre parcel for mining needs to come to a comp plan. As such, Iron Mountain Quarry per the Hearing Examiner decision is granted an additional 142 acres on top of the existing 40 acre site. Chair Downey asked if they need the MRLO and Al Scalf stated that not according to the laws that stand today. It is now open to a 21 day appeal period and if there is a court case then the County would be subject to that decision.

Jim Morton, General Manager at Shine Quarry in Port Ludlow commented that with the resources he has left Iron Mountain Quarry is tying up the property all around him. He stated that Shine Quarry is supplying material for four counties and who is Iron Mountain Quarry going to supply material to and can two companies supply that much for construction in Port Ludlow, he does not see it. There were comments regarding truck traffic, ways to negotiate in a neighborly way regarding noise and buffering and if appealed it could last a long time. Larry Nobles, Port Ludlow, commented on the distance to the MPR and the trails for the MPR in this area. He stated there are serious concerns in Port Ludlow that at the north end of the property is really the buffer zone between Port Ludlow and the existing Shine Quarry. The citizens in Port Ludlow have been pleased with the relationship with the existing Shine Quarry. The Shine Quarry only blasts one every three weeks and they are small blasts and they send out scouts to make sure no one is walking on the trails. He states that Iron Mountain Quarry is a big proposal and is proposing to take out 8-10 million cubic yards over the years and is concerned about the buffer and noise. Tom Giske asked how many mineral overlays do we have in Jefferson County and Al Scalf responded that there are about 20-25 but the County has not designated nearly enough.

Karen Barrows introduced **MLA08-96** proposed by Michael Holland/Blue Moon Investments located at the intersection of Highway 104 and Shine. The request is to change from RR 1:5 to RC (LAMIRD). Ms. Barrows read an email from Mr. Holland and it stated that his behalf the reason he is requesting a comp plan amendment change for his office building at 104 and 21 Shine Road in Port Ludlow is that the current zoning of RR 1:5 is out of character with that property and it simply got swept into the GMA plan in 1998 before he was the owner. The building has always been a commercial or business enterprise since about 1979 and was never a residence. The building has employed up to nine people in the past and due to its location and visibility on 104, it is a natural candidate for a commercial business to serve the community in that area. There are no specific development proposals at this time but if approved he would

consider starting a small business up to nine employees but not necessarily real estate which has been the use of the building that is on that property so far.

Chair Downey asked that if he does not get the rezone he can still do business at that location to some extent. Stacie Hoskins responded that she was not sure what was in the structure now but he would be subject to the County's non-conforming use section. Ashley Bullitt commented that because of the location she would like to know what the neighbors think. John Austin questioned that at one time there was a coffee stand on the property and Stacie Hoskins responded that a coffee stand was bought but sold because the use was not allowed.

Ryan Hunter introduced **MLA08-101** proposed by Catherine Hendy of Gerard Co located at 5411 Center Road, Chimacum. The request is to change a portion of one of two parcels to less than 4 acres from Resource Based Industrial Zone (RBIZ) to Light Industrial. This is a LAMIRD with a former small sawmill that has been present on the site since before July 1, 1990.

John Austin asked if this could be used for affordable housing and Stacie Hoskins responded that the property is a Resource Based Industrial Zone (RBIZ) it would not be zoned for affordable housing. There are wetlands to the South and to the North of the property and the zoning would have to be completely changed and the property is not necessarily near urban services. Chair Downey stated his concerns that the RBIZ seems to be outdated and not useful. David Sullivan asked if Light Industrial is the applicant's only interest or would the applicant go to residential use. Stacie Hoskins responded that Industrial is the applicant's first choice but if not approved for what is proposed the applicant thought it viable to try and go residential because of the need to get out of RBIZ. Ashley Bullitt commented that the applicant seemed very flexible in her outlook as to what else could be done for the property. Chair Downey stated that it is not the best place for residential use.

Bud Schindler introduced **MLA08-98** proposed by Mike Whittaker and Bud Schindler on behalf of the Planning Commission. This is the side-by-side comparison and inconsistencies between the Comp Plan and the UDC. Mr. Schindler stated that it is confusing for a planner or the public due to the differences in both and Mr. Schindler described the history behind the Comp Plan and the UDC. Mr. Schindler stated the County needs consistency with the goals and policies between the two which would make it easier for the public and planners to understand.

Chair Downey stated that the County has to do a major Comp Plan update in 2011 and the work could start in 2009 and this side-by-side comparison could be part of that process. Chair Downey commented that a committee could be formed to start working on this even if this is not put forward as a Comp Plan amendment this year. Al Scalf stated that Clark County appoints a separate group of citizens to make a recommendation to the PC to get more participation for the 7 year update. Mr. Scalf stated there is a standard form from CTED that looks a population, County wide planning policies, rural and urban densities and then the form is prepared for the PC to review.

John Austin asked if the County has to go through a formal review process for typos, changes or adjustments to this Comp Plan amendment. Stacie Hoskins responded that we are not allowed to change anything without the BoCC approval. Al Scalf suggested not adding any extra work due to scarce resources and not enough staff to do this. This is a huge task to take on at this time with all the other projects which include the UGA and the ILB. Commissioner Werch suggested that staff note or log the inconsistencies that they may encounter during their work day and it makes more sense for staff to do this than for a group that does not deal with these issues every day. Chair Downey commented that staff time is valuable, limited and stressed right now and asked if

any PC members would be interested in working on this. Commissioner Werch disagreed with this approach as it would require a good computer to be able to compare both documents. Commissioner Nightingale commented that this is a big issue and takes a lot of research time.

Dennis Schultz introduced **MLA08-99** proposed by Mike Whittaker. Mr. Schultz stated that this was proposed two years ago and this would move density changes within a zone from the Comp Plan to the UDC. He stated that this would not be a big task to complete. This is not a task that the PC needs to work on and staff could do this within a few hours as far as workload and then present it to the PC. Ashley Bullitt questioned why this is so important to do now. Chair Downey responded that when an applicant applies for a Comp Plan amendment it would decrease the timeline for density changes and then the applicant would not have to go through the entire Comp Plan amendment cycle which is lengthy and some of those decisions may not be complicated or complex and as government we need to be as sufficient as we can. Dennis Schultz commented that four of the 2008 Comp Plan amendments that were presented tonight could have been done at another time.

Joel Peterson introduced **MLA07-104** proposed by Jefferson County and stated that the GMA has Rural Area Major Industrial Developments under RCW 36.70a.365 and also Master Planning Process Industrial Land Banks RCW 36.70a.367. He stated this is a two step process in which the County designates an ILB in our Comp Plan and then we would go through subsequent master planning for a specific Major Industrial Development (MID). He stated we can designate up to two Industrial Land Banks. The benefits of going through this process of backing up and identifying sites in advance of an industrial development are; coming up with a strategy, our reserve of parcels to find the appropriate siting of those parcels and be able to compete better in the market if we think in advance of where to put our industrial development. This creates an economic benefit to Jefferson County to have pre-established zones. The analysis for our ILB is the proximity transportation, resource assets and water and all other issues to make it sensible to site an industry in the ILB.

The County would consider a MID an urban growth area with the purpose of industrial use. A new designation would be in the UDC 18.15.700 and would pre-establish the zoning, do SEPA at a problematic level and the master development within the ILB would be a master plan process as well as the development agreements. The County has employed E.D. Hovee and Company to do four major tasks with include 1; a business survey profiles and industrial land inventory, 2; searchable data base of vacant land and a needs assessment, 3; coming up with alternative scenarios which the County could follow including: base line job and trends, jobs and housing balance; cluster based growth; and a land constraint scenario in which we may have fewer commercial lands zoned as far as growth. This information is available to the Economic Development Council, our associated development organization Team Jefferson as this is useful information to everyone. The work that E.D. Hovee has done provides the background for the County to do an ILB and that is where we are now with the current Comp Plan amendment. The County will probably work a contract extension with E.D. Hovee to finish the last task of the ILB but will reduce their involvement and use DCD to finish the last task.

John Austin asked about any kind of funding available to help with research for the ILB. Joel Peterson responded that CTED may have funding and Al Scalf commented about the background of the project with the different consultants and the Economic Development Council and was not inclined look for grant funds and to utilize our current budget and focus on the task at hand for the ILB. David Sullivan commented on Senate HB 1965 sunset of December 2007 regarding ILB. Our State legislature was lobbied and now includes language changes to read "the authority to take action to designate a Land Bank area and the Comprehensive Plan expires if not acted

upon by the County within the timeframe provided in this section”. “The timeframe is on or before the last date to complete that County’s next periodic review under RCW 36.70a.130 and occurs prior to December 31, 2014” and for Jefferson County it is 2011 which is our deadline.

Jim Hagen asked the status of the information that is available from E.D. Hovee and the information that we need to complete this for the cycle. Joel Peterson responded that the business survey has been completed and compiled into a report as of last June and is part of the development of the scenarios. The GIS part is nearly done with the analysis of vacant lands with and without water and also vacant land parcels and zoning which will be instrumental in the ILB analysis. Al Scalf further commented that this is in draft form and will need to go back one more time to the County Administrator and the DCD proposal would be to take away the review committee and move this to the PC as public information in the 2008 Comp Plan amendment cycle.

Motion by John Austin, seconded by Phil Johnson to adjourn the Special Meeting of the BoCC. Motion carried unanimously (3-0-0). The Special Meeting was adjourned at 9:40 p.m.

Public Comment:

Jim Hagen commented on the relationship between land use planning and watershed planning and they have run on separate tracts and the integration between the two processes is lacking. There is a need to work together and the PC needs a representative to attend WRIA 17 planning unit meetings as it would be helpful for both.

Chair Downey stated a letter has been drafted on the Moratorium on Adult Businesses. He stated that work has been done by Tom Brotherton looking at other Ordinances adopted throughout the State. Commissioner Werch commented that DCD needs to make a recommendation. Tom Brotherton commented on his experience with the City of Kent about this issue. Chair Downey asked the PC who would be interested in being on a committee to work on the Adult Business issue. Commissioner Werch, Commissioner Brotherton and Commissioner Giske will be on the committee with Commissioner Brotherton as Chair.

Commissioner Whittaker commented that in May is the election of new officers for the PC. He also commented on the importance of considering the resources of water and were told in the past that it was not part of our area but it certainly has merit and questioned on how we qualify. Chair Downey responded that this relates back to WRIA 17 water planning. Chair Downey asked the PC who would be interested in being a representative to WRIA and Commissioner Nightingale stated she would serve.

There was a short discussion on the process of the UDC amendments as it is separate from the Comp Plan amendment cycle. Stacie Hoskins stated that she and Karen Barrows are working on the Port Ludlow Drainage District (PLDD) amendment.

Karen Barrows stated that the issue of Signs will be coming soon and will be asking the PC to hold a Public Hearing on the Signs Ordinance.

Chair Downey stated that his goal is to have all these other issues complete before September because in September the Comp Plan Amendments, the Shoreline Master Program and the Brinnon MPR will be going strong before the PC.

Adjournment:

The meeting was adjourned at 9:53 p.m.

Approval of Minutes:

These minutes were approved this _____ day of May, 2008.

Peter Downey, Chair

Jeanie Orr, Secretary

Jefferson County Board of County Commissioners:

Phil Johnson, Chair Date

John Austin, Member

David Sullivan, Member