



## **JEFFERSON COUNTY**

### **PLANNING COMMISSION**

621 Sheridan Street

Port Townsend, WA 98368

*(360) 379-4450*

#### **MEETING AGENDA Minutes for April 16, 2008**

- A. Opening Business**
- B. Public Hearing – 2008 Comp Plan Amendments Preliminary Docket (Suggested)**
- C. Review of the Planning Commission Adult Business Letter**
- D. Adjournment**

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

The DCD staff present were Al Scalf, Director, and Joel Peterson, Assistant Planner.

Members of the public who signed the guest list were Dennis Schultz, Bud Schindler, Jim Jackson and Robert Jackson.

Approval of minutes: None this meeting

**Staff Updates:**

Al Scalf stated that the Housing Action Plan Network (HAPN) had a Planning Commission slot open for a representative which is Commissioner Nightingale who was appointed on April 7.

Al Scalf stated that the Climate Action Committee (CAC) and has been working on a process to get appointments and on Monday, April 21 it will go before the BoCC for a request to approve a recommended list. The Climate Action Committee will look at Climate Change and a strategic plan. The appointments are varied from the BoCC, City of Port Townsend, and Port Townsend Schools but do have a slot for a PC member. Commissioner Nightingale applied and is recommended to be appointed on Monday as a citizen at large representing marine interests.

Al Scalf stated that the Water Utility Coordinating Council (WUCC) will meet on May 8 at 1 p.m. at the Tri Area Community Center. This involves purveyors who meet and talk about water system plan coordination. The Department of Ecology will be there to discuss in stream flow specifically to the WUCC members.

Al Scalf stated that an application from the Brinnon MPR for a development agreement has been received by the County and the PC will receive copies soon. This will trigger a State Environmental Policy Act (SEPA) threshold determination of significance which requires the preparation of an Environmental Impact Statement (EIS). Even though the County has the application it will be quite a while before the PC sees the draft and final EIS which has to be completed before the PC has any public hearings or can take action on this proposal.

Al Scalf reported on the PLDD in which staff has been working on trying to come to a decision between PLDD and Public Works. This would possibly involve an administrative policy that will resolve the concerns and the PC may not have to review that UDC amendment.

Joel Peterson listed the appeals that the County is working on which include the Brinnon MPR, ICAN and no new appeals for Critical Areas Ordinance other than the existing WEC agreement. The 60 open appeal period for the new Critical Areas Ordinance expires on May 20.

Joel Peterson stated he will start having UGA Committee meetings soon to work on the ICAN appeal. The County has a deadline extension for the sewer and the urban development boundary issue. There are some minor issues with the Hearings Board and the deadline for compliance is July 17. He will begin work on the line in, line out between now and the deadline to the Hearings

Board. Eric Toews has been working on our population analysis and holding capacity of the UGA into those meetings.

Al Scalf reported that Jeanie Orr, Planning Clerk worked on the Brinnon MPR appeal record that was sent to the Hearings Board on April 16 and was a 62 page Excel spreadsheet document. Mr. Scalf stated that Ms. Orr has been buried in appeals and has gotten behind on the PC minutes and will try and catch up and quickly as possible.

### **Committee Reports:**

Commissioner Miller reported he is waiting to have a meeting in May for the UGA committee.

Chair Downey reported on the Shoreline (SMP) and there isn't anything for the PC to review yet. Al Scalf stated that he and Stacie Hoskins have reviewed the draft, draft with Michelle McConnell and the consultant as final changes are being made to go back the SPAC and STAC committees to review.

Chair Downey attended a workshop from CTED on the Growth Management Act update. They are looking at updating and looking at the issues relating to the 2011 update for Counties.

Commissioner Brotherton reported on the Adult Entertainment issue. He talked about the studies he provided to the committee but stated they have not had a meeting yet. Al Scalf stated that Ryan Hunter will be the staff member on this committee.

Moved by Commissioner Miller, seconded by Commissioner Werch to forward the draft Adult Business Moratorium letter to the BoCC. Motion was approved unanimously. (8-0-0)

Al Scalf stated that staff will take the Adult Business letter and attach it to an Interim Control Moratorium packet. The agenda for the BoCC on April 28 will include an Interim Control Moratorium which is good for 6 months.

Commissioner Bullitt stated that she will be meeting with Al Scalf and Stacie Hosking regarding Low Impact Development (LID) in regards to what Sandy Mackie has said at a previous meeting.

### **B. Public Hearing – 2008 Comp Plan Amendments Preliminary Docket (Suggested)**

Joel Peterson commented that this public hearing is to comply with JCC 18.45 giving direction to have a PC recommendation on the three suggested amendments to the BoCC for the final docket.

### **MLA07-104 Industrial Land Bank**

Joel Peterson stated that in 2007 the ILB, (MLA07-104) was on the docket but the work had not been completed yet. The work that was done in 2007 involved an economic development study and an inventory of vacant commercial lands by E.D. Hovee. Staff is still receiving final products from E.D. Hovee and will be carrying the ILB using those products through the 2008 cycle. The recommendation from staff is to continue the work that has been started and continue with a master planning effort to find the best and appropriate location for industry in Jefferson County. The advantages and benefits to this approach and to follow through on this is to find the best location before a major industrial development wants to site in the County. The development code allows major industrial developments if the County is able to master plan and find the best place for transportation, water and resources and proximity to the UGA and other

factors. The County would be ahead in coming up with an efficient and economically viable industrial development. The County would also be in a better position to know what kind of development would be compatible with the County and meet the County's needs proactively. Water and all other issues to make it sensible to site an industry in the ILB.

Chair Downey asked if the County is coordinating directly with the City of Port Townsend and the Port of Port Townsend. Joel Peterson responded that the County has not started this process yet but will be coordinating with the City and the Port. Al Scalf further commented that the E.D. Hovee initial Task 1 and 2 analysis did go to the County Administrators group that included Rick Sepler from the City and Larry Crockett from the Port. There will be one more meeting with that group and then the information will go to the PC.

Joel Peterson stated he received a comment letter from Todd Wexman on the ILB. Commissioner Miller submitted the letter for the record. Mr. Peterson stated this letter came as page 2 of a letter to Ryan Hunter about the Housing Action Network and that is why the letter does not have any other identifying information on it and Chair Downey read the letter for the record.

#### Public Testimony:

Jim Jackson commented that a few years ago he talked to Planning about this issue and he has no interest in property around the airport. He observed that the airport is surrounded by highways that carry enough traffic in the County and thinks it may not be a bad idea to put an ILB near the airport.

Chair Downey closed this portion of the Public Hearing and opened it up for discussion from the PC.

Commissioner Bullitt stated that the County is ideally situated near the water and sooner or later we could be looking at alternative ways with goods and services provided via water and discussed how trade moved and a plan for the future.

Chair Downey asked for a motion to table or docket the ILB and then continue discussion.

Moved by Commissioner Werch, seconded by Commissioner Nightingale to docket MLA07-104.

Discussion continued in that Commissioner Farmer stated she is not necessarily in favor of an ILB and would not move to put in on the docket. She questioned that if the airport was designated; what would be an ideal applicant for the industry located there and can it be pointed out in the County, or some place in Washington, where there has been a successful ILB that maintained the quality of life, caused affordable housing and a livable wage.

Chair Downey responded that he does not know who might want to propose to come here. He stated we would want to be prepared that if there were a proposal we could direct them to a site where it is zoned and encourages that sort of use.

Commissioner Werch stated that this could be used as a tool for sensible economic development and not a license for a coal burning or refinery plant as an ILB does not allow that use. What the use could be is subject to all of the other restrictions that exist in the County.

Commissioner Miller stated he is not convinced that we need an ILB or will ever use one. He does believe that it is not unreasonable to have an ILB because new technologies will be

developed and they will be industrial and we should have a place. He asked if the County is looking at the West end as they could champion wind and solar in an industrial area.

Commissioner Nightingale stated that he agreed and thought this would be proactive. This way we can build a tool to house development and to find the use that is compatible, set a plan and identify sites.

There was discussion that the County does not have an Economic Development Council and how do we bring economic development to the County. Does the PC have a mission for development or only the rules. Chair Downey responded that we are responsible for the land use rules.

Commissioner Farmer stated we have an MID of 40 acres and why can't we be happy with that. Chair Downey stated this just another tool and it is better to have the discussion ahead of time. Commissioner Farmer responded that we do not know who an applicant is or if it is worthwhile and maybe it is not the right place. Chair Downey stated that by having an ILB in place it will encourage an industrial user to say it would be easier than it would be any other place.

Commissioner Farmer asked for an example of improving the quality of life. Chair Downey responded that it would create employment and Commissioner Werch commented that Enclume continues to develop and grow and stated that the PC has had other discussions on zoning. He stated his feeling of not having an ILB is a way of protecting the County from inappropriate industrial uses. Having an ILB is a way to encourage appropriate industrial users.

Commissioner Farmer commented that if this gets on the docket does it mean this year we actually find and designate an area for an ILB. Chair Downey stated yes that is correct.

Commissioner Giske questioned staff resources and Al Scalf responded that there are many projects that compete against each other for staff resources re: the three suggested amendments. Al Scalf stated that staff recommends the ILB on the docket but not the side by side or Comp Plan density changes due to lack of resources.

Commissioner Brotherton commented that there are no jobs in Quilcene and young people are not applying for scholarships and we need employment. If we think of this ahead of time in finding places that are useful it not only gives us a place to put industry but also gives us a marketing tool.

Chair Downey called for the question to put the ILB on the docket and the motion carried with six in favor and two opposed. (6-2-0)

The reasons for MLA07-104 to be on the docket:

- 1) This is good planning from a planning perspective to be able to identify where a major land use would go.
- 2) This is needed for the County from both the point of view from encouraging economic development and where we want it to be.

### **MLA08-98 Comp Plan/UDC Side by Side Comparison**

Joel Peterson stated that the side by side amendment, (MLA08-98) proposes to prepare the Comprehensive Plan goals and policies with the UDC and explore the inconsistencies and correct them. This is proposed as a multi-year project that has been reviewed by Bud Schindler, past Planning Commissioner, in the previous year and to be carried forward this year.

Chair Downey stated that staff previously suggested other ways to do this. Joel Peterson stated that staff is currently meeting to discuss the process for the periodic update which the GMA states is December 2011. Staff is looking at doing the Comp Plan assessment in the 2010 cycle. Al Scalf commented that there is a standard form that is required to be filled out and returned to CTED (20 pages) for our update which includes population, UGAs, densities and rural areas that are all required by GMA and Al Scalf commented that some of the language, interim mineral lands among other things are already outdated in the Comp Plan.

Public Testimony:

Bud Schindler commented that he has been through this process once before. He realized there is a stack of information by staff that shows inconsistencies and difficulties which is what staff reviews. This amendment is for the PC to take a little each year and contribute this towards identifying inconsistencies. He would like the PC to take a proactive approach and keep these things working and push it along.

Dennis Schultz commented that two years ago the PC started the UDC Omnibus. Up until that time there were three documents, the Comp Plan, the UDC manual and the Jefferson County Code (JCC) and different departments within DCD were using a different documents and it was out of sync. He stated the PC made the decision that they would not work with the UDC but work with the JCC which cleaned up one source of confusion. The last part of the job is to clean up the Comp Plan to match the JCC.

Chair Downey closed this portion of the Public Hearing and opened it up for discussion from the PC.

Moved by Commissioner Miller, seconded by Commissioner Werch to docket MLA08-98.

Commissioner Nightingale asked what would be done and why does this need to be on the docket. Chair Downey responded that we have Comp Plan Amendment that has to be done and Commissioner Nightingale responded that these things need to be analyzed. Chair Downey stated that this requires a huge amount of work but does not mean it should not be done. A committee could go through and look at all the inconsistencies to rectify them and come forward with final language.

Commissioner Werch commented that his bias is to not put good work on the shelf, but to preserve, respect and use the work that has already been done. The efforts put forward by the PC may not be perfect and may not cover everything but would allow the PC members to participate and become familiar with these issues and also the work would be valuable to DCD.

Commissioner Brotherton commented on staff resources and committee work.

Al Scalf commented that Long Range Planning department is short three full time employees (FTE) and that staff recommends not putting this on the docket but from a planning perspective staff agrees completely.

Chair Downey recognized staff time and that this needs to be done at some point in time and suggested to docket this amendment but with a note that says we expect the bulk of the work to be completed next year.

Commissioner Miller read a letter from May 2005 that talked about staff proposing to eliminate the current format of the UDC and officially replace it with the JCC. The JCC is the legal code utilized for Jefferson County and encompasses all general ordinances for the County as this includes the UDC which is codified as Title 18 of the JCC. The transition to using solely the JCC will eliminate the efforts, expense and time to format and update two separate UDC Codes.

Chair Downey offered a friendly amendment to the motion which would be to docket but to note that the bulk of the work is expected in 2009. The motion carried with seven in favor and one opposed. (7-1-0)

The reasons for MLA08-98 to be on the docket:

- 1) Inconsistencies, and from a public service point of view as we shouldn't have inconsistencies.
- 2) In 2009 – the bulk of work will be done due to staff and PC has a lot of work this year including SMP and Brinnon MPR.
- 3) Preserves the work that has been done and is institutionalized.

### **MLA08-99 Density Changes/Comp Plan and UDC**

Joel Peterson stated that this amendment, (MLA08-99) is a proposal to move density changes within a zone from the Comp Plan to the UDC. This will result in more prompt decisions and relieve the staff and PC of having to meet the annual Comp Plan cycle.

Commissioner Nightingale stated that in the Comp Plan it is hard to separate density from land use. Does it really make it any faster? Joel Peterson responded that there would be no slack time and the intent is to speed things up. It may actually make the process longer and the cumulative impacts may be difficult to assess.

#### **Public Testimony:**

Dennis Schultz commented that a few years ago we did not do a Comp Plan cycle which made people wait for three years. He stated that some Counties have the map in the development regulations, and not fast tracking or by passing. This could lead to more flexibility for the public and is very straight forward.

Bud Schindler commented that it would create a better response to the public, be more efficient and other Counties have done this.

Moved by Commissioner Miller, seconded by Commissioner Werch to docket MLA08-99.

Commissioner Miller commented that the strategy to protect resource lands surrounding and protecting resource lands RR 1:20.

Commissioner Bullitt was concerned about an piecemeal affect and without knowing all the amendments at once we could examine the cumulative impact of all the amendments as a whole and their affects on the County land use.

Commissioner Brotherton stated he likes things to move fast but he was worried about the legalities as required by the GMA specifically RCW 36.70a.330, the section for required elements calling out a land use map and believes that the density map should be in the Comp Plan.

Chair Downey stated the current maps have been replaced since the 1998 Comp Plan with a newer map showing the RR 1:5 as an area and is not parcel specific like in 1998.

Commissioner Brotherton stated his concern about the legal basis for these maps.

Commissioner Werch stated that ideally each situation would be considered within a landscape approach. We would not allow spot zoning and there would be consistencies between zoning districts and he supports the process to get a fast decision and wants to foster good relationships between DCD and the citizens. He stated that taking a year to get a Comp Plan Amendment is not appropriate as it seems to take too long.

Chair Downey stated that moving the density maps to the UDC would allow an amendment to be processed quicker but is concerned about the legal issues as they relate the maps.

Commissioner Brotherton stated that it may be legal with more analysis.

Commissioner Werch was concerned with multi-family zoning and he had hoped those zones would not be taken out.

Commissioner Farmer asked if the PC would be required to hold more public hearings and Chair Downey responded that we could easily batch these amendments together. Commissioner Farmer commented that she felt a year to get a decision on an amendment is not too long.

Commissioner Werch noted that these were not zoning changes, but changes within the existing zones such as the residential zone.

Commissioner Miller stated that this was merely changing the residential zoning for RR 1:10 to RR 1:5.

Chair Downey stated this is simply putting the density maps into the UDC rather than the Comp Plan.

Commissioner Nightingale asked about a map in both the Comp Plan and the UDC.

The PC discussed the current Comp Plan amendment cycle and how many are site-specific and suggested and how this proposal would affect the fees for these types of applications.

Al Scalf stated that the Comp Plan amendment fees are \$2500 and the fee for a UDC amendment is \$350 plus a hourly rate for additional review.

The PC wondered if there would be less review time, a docket, and could they batch the UDC amendments together.

Al Scalf stated that the Comp Plan amendment cycle has required time frames per JCC Title 18 and that the current UDC amendments do not have a time requirement per JCC 18 and that some of the amendments for UDC changes are now two years old.

Chair Downey called for the question to put MLA08-99 on the docket and the motion failed with 1 in favor and 7 opposed. (1-7-0)

The reasons for MLA08-99 to not be on the docket:

1. Uncertain it would be faster and more efficient.
2. There may be unintended consequences.
3. May create a higher state of uncertainty.

Al Scalf brought up the fact that the PC could make a recommendation tonight based on the Public Hearing and their motions as to what to send forward to the BoCC.

Joel Peterson reviewed a draft memorandum that would be prepared for the PC and be forwarded to the BoCC and the County Administrator based on the PC recommendation for establishment of the 2008 Comp Plan Amendment final docket.

Moved by Commissioner Miller, seconded by Commissioner Werch to approve the letter.  
Motion carried unanimously with eight in favor. (8-0-0)

Al Scalf suggested that at the May 7<sup>th</sup> PC meeting the PC hold a public hearing on Sign Code Revision and also the meeting will include the election of officers. Chair Downey asked that staff come with an estimate of when the JCC amendment staff reports will come out.

**Public Comment:**

Bud Schindler commented on the WRIA 16 meetings in South Jefferson County. He also commented on Adult Entertainment and that a lot of research was done before by planner Kyle Alm. He commented on the ILB and to look at the information from the Hearings Board from 2002 with meetings between City of Port Townsend, BoCC, Port of Port Townsend and other groups. These activities took place under the County Wide Planning Policies that he stated as dysfunctional communication and they never did come to any results.

Commissioner Brotherton commented on Robert's Rules of Order regarding an article he had read and commented on the relaxed rules. Chair Downey stated that the PC has talked about this and have kept things at bit more formal.

Bud Schindler commented on Robert's Rules of Order and a document that was distributed from AAIP that is good reference and overview.

**Adjournment:**

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

**Approval of Minutes:**

These minutes were approved this \_\_\_\_\_ day of June, 2008.

\_\_\_\_\_  
Peter Downey, Chair

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Jeanie Orr, Secretary