



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

Minutes for Wednesday, September 17, 2008

- A. Opening Business**
- B. Public Hearing – 2008 Site Specific Comprehensive Plan Amendment Proposals**
- C. Presentation by Planning Commissioner Mike Whittaker on Mining Buffers – 2008 suggested UDC Amendment MLA08-100**

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 Tom Brotherton, Patricia Farmer, Mike Whittaker, Ashley Bullitt, Bill Miller, Barbara Nightingale and Peter Downey. Henry Werch and Tom Giske were excused.

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

Members of the public who signed the guest list were Jim Mort, Molly Lawrence, Jim Graf, Tom McCay, Dean Mosier, Dave Pike, Larry Nobles, James A. Jackson, Carole Pickett, Jim Jackson, Lydia Kelly, Teresa Goldsmith, Tony Simpson, Esther Darrow, Dan Darrow, Dale Barron, David Johnson, Jeff and Tami George, Jim Pivarnik, Richard Shattuck, Robert Jackson and Michael Holland.

B. Public Hearing – 2008 Site Specific Comprehensive Plan Amendment Proposals:

Chair Downey opened the public hearing and read the introduction and public process.

MLA08-32 Dave Holland- After a staff report and projection of the map for the PC to view, Karen Barrows, project planner, stated the recommendation is to approve the proposed amendment.

No public testimony received.

MLA08-56 Brown- After a staff report and projection of the map for the PC to view, Ryan Hunter, project planner stated the recommendation is to deny the proposed amendment.

Public testimony:

Teresa Goldsmith handed out a letter on behalf of David Goldsmith who represents the applicant and read the letter verbatim to the PC.

MLA08-69 George- After a staff report and projection of the map for the PC to view, Ryan Hunter, project planner stated the recommendation is to deny the proposed amendment.

Public testimony:

Tami George, 1791 Woodland Dr, Port Townsend, testified that the property was bought a few years ago for retirement. They are horse people who thought two areas would make good home sites. Most parcels around them are higher density and they understand variety but think that staff's decision is arbitrary. They don't want 5's and 20 acres is a lot of land and 10's would be a benefit. They thought it would be good for the County to have two caring taxpayers on the land rather than one.

Jim Pivarnik testified that he is a friend of the Georges. He helped them fill out the paperwork and said this process scares people to death. He was shocked by the staff report and stated the application was for 1:10 not 1:5. He asked the PC to really think about their decision as the staff report is arbitrary. He said we need to think about people and the GMA does not.

Dale Barron testified that she is a friend of the Georges. She stated of smaller lots around and they don't have homes yet. She said that since the Georges are there, no homeless or four-wheelers camping out and having another owner would further help.

MLA08-73 Jackson- After a staff report and projection of the map for the PC to view, Ryan Hunter, project planner stated the recommendation is to deny the proposed amendment.

Public Testimony:

James A. Jackson (son) testified as he read from the AG Advisory Memorandum on takings and state law and handed the packet out to the PC. The staff recommendation is in violation of this and cannot operate as commercial forest land. We must put aside personal beliefs and make a decision based on law.

Carole Pickett testified that she is part owner of Chimacum Heights and that the proposal would preserve natural environment. She asked how the denial of this proposal would result in preservation. Clear-cutting is more harmful than development and it continually disturbs soils and animals and they want to preserve large trees.

Jim Jackson (father) testified that the map give a false impression as it does not show small plotted lots. No citations of state law were in the staff report. The ridge is not visible from the road because it slopes away and there are many other forested parcels between his and the road. DCD analysis is not accurate and the Forester he used recently stated that he made a mistake on the grade as a significant part is grade 5 and shouldn't be part of commercial forest.

MLA08-84 Broders- After a staff report and projection of the map for the PC to view, Joel Peterson, project planner stated the recommendation is to deny the proposed amendment.

No public testimony received.

MLA08-93 Burnett/Pope Resources- After a staff report and projection of the map for the PC to view, Joel Peterson, project planner stated the recommendation is to approve the proposed amendment with modification and conditions.

Molly Lawrence, representative, Gordon Derr, LLP, testified on the positive and thorough staff report. The property is part of the original Shine Quarry and that the County did not designate all MRLO's at the time of the Comp Plan. The County has designated only a fraction of existing mineral lands and has since approved several MRLO's or expansions close to highway that make a good location for mineral resource extraction. She suspects the public has concerns about operations before mining begins as this will be addressed at the project level and need to protect resource now to prevent future incompatible use.

Richard Shattuck, Port Ludlow Village Council attorney, testified that they will provide written comment soon. The staff report shows a mistake that RR 1:20 in upper portion, not all commercial forest (pg 50) and proposal is within half-mile of MPR. This proposal must be denied because it does not meet criteria. The goals and policies 7.2 (pg 46) of the staff report, shows proposals must be properly mitigated and staff recommended eight studies but we need information from studies now to condition proposal. The applicant does not believe conditions apply to it. He urged the PC to deny until studies have been completed and can properly assess SEPA.

Anthony Simpson, Port Ludlow, testified that IMQ is three times the size as the Shine Quarry. Local needs are met so where will this material go without seeing a plan. Need to evaluate where loading dock would be located and visited similar large mine elsewhere and the impact of noise, vibration and dust could be significant.

Dan Darrow, Port Ludlow, testified to urge commissioners to visit site and stated it is too soon to make a decision and to delay until studies are completed.

Dean Mosier, Director of Port Ludlow Village Council, testified that on behalf of the Village Council to deny proposal until they are better informed and all studies are completed.

MLA08-96 Michael Holland- After a staff report and projection of the map for the PC to view, Karen Barrows, project planner stated the recommendation is to approve the proposed amendment with modification.

Michael Holland, applicant, commented that he questions the use of Neighborhood Crossroads vs. Commercial Crossroads and wondered about having multiple uses on one property. Otherwise, he is happy with recommendation.

MLA08-101 Hendy- After a staff report and projection of the map for the PC to view, Ryan Hunter, project planner stated the recommendation is to approve the proposed amendment with modification.

No public testimony received.

Chair Downey read the closing statement informing the public that written comments will be received until the close of business on October 3, 2008 and deliberations on the proposed Comprehensive Plan amendment proposals will be held on October 15, 2008 at the WSU, Spruce Room.

Moved by Commissioner Whittaker, seconded by Commissioner Miller to close the public hearing. Motion carried unanimously. (7-0-0)

C. Presentation by Planning Commissioner Mike Whittaker on Mining Buffers – 2008 suggested UDC Amendment MLA08-100:

Commissioner Whittaker gave a power point presentation that was included in the PC packet based on his Mining Buffers report.

During and after the power point presentation showing the variety of key topics regarding Buffers and Requirements; the recommendations by Commissioner Whittaker were to:

- Revise 18.15.170(3) to require mitigation to State standards
- Revise 18.20.240 to require mitigation to State Standards
- Revise 18.20.240(f) to require mining operators to pay fees sufficient for the County to obtain all required mitigation studies

Commissioner Whittaker commented that the code leaves a lot to be desired in terms of language.

Chair Downey had questions about the language and the issue of noise. He stated that DOE standards are not achievable and require mitigation if the continuous noise is occurring over a

certain decibel level. He said to check with WDOT for noise information because DOE has no staff dedicated to noise. He stated to be careful and the 55dba is impossible to achieve as the standard is too low.

Commissioner Brotherton noted that maybe OSHA has something on noise.

Chair Downey asked the committee to look at continuous decibel level that would require mitigation, which could take many forms. He commented on the good work of the committee that it is a good start but needs a little more study.

Commissioner Brotherton commented that the committee will work on their recommendations.

Commissioner Whittaker further stated that he would like to have this issue dealt with this year.

Other Business:

General discussion among the PC regarding RR zoning issues in the County and that each County determines what "rural" means. Jefferson County's intent was to have no lots zoned less than 1:5 started back in 1998. The PC cannot make any major changes to zoning RR without the BoCC.

Stacie Hoskins announced the Final Decision Order (FDO) by the Hearings Board regarding the Brinnon MPR appeal. A copy of the decision was in the PC packet.

Joel Peterson briefly commented on the upcoming CAO appeal to the Hearings Board on October 7, 2008.

Joel Peterson briefly commented on the UGA and the consultant Tetra Tech sewer plan to DOE/DOH for review. Next compliance step is March 2009.

Adjournment:

The meeting was adjourned at 8:55 p.m.

Approval of Minutes:

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

Chair Peter Downey

Jeanie Orr, Secretary