



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

Minutes for Wednesday, October 7, 2009

- A. **Opening Business**
- B. **PUBLIC HEARING:** Proposed Comprehensive Plan and Unified Development Code Amendment re: Irondale/Port Hadlock Urban Growth Area (UGA) Compliance (MLA09-295) (Close of Comment Period)
- C. **Deliberations:** Proposed Comprehensive Plan and Unified Development Code Amendment re: Irondale/Port Hadlock Urban Growth Area (UGA) Compliance (MLA09-295)
- D. **Deliberations:** 2009 Comprehensive Plan Amendment Annual Cycle – Proposed Comprehensive Plan and Unified Development Code Amendment re: Port of Port Townsend ‘Airport Rezone’ (MLA09-77)
- E. **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, Bill Miller, Richard Hull, Tom Brotherton, Patricia Farmer, Andrew Redding and Ashley Bullitt. Henry Werch, Tom Giske were absent (excused). New Commission member Andrew Redding introduced himself and gave a brief summary of this background.

DCD staff present: Joel Peterson & David Wayne Johnson, Associate Planners.

The Applicant's Representative, Eric Toews and two (2) members of the public signed the guest list.

Approval of Minutes: The minutes for July 15th, 2009 were approved as submitted.

Staff Updates: Joel Peterson provided an update on the SMP BoCC deliberations:

Last Thursday afternoon (10/1/09), the Board of County Commissioners wrapped up 27 hours of review of the *Planning Commission Final Draft SMP* and directed staff to prepare a revised SMP document for local approval and submittal to WA Dept. of Ecology. Staff is working to incorporate over 300 revisions to the *PC Final Draft SMP* to prepare the document the Board has indicated they will locally approve for submittal to Ecology. Many changes are minor – typos, formatting, and wording changes for consistency/readability/accuracy – while others are substantive changes to the policy and regulatory provisions requested by the Board. Key issues discussed include buffers, aquaculture, non-conforming use & development, beach access and boating facility structures, mining, signs, transportation, shoreline designations, and... definitions! The project schedule has shifted slightly with Board approval by resolution anticipated in late-October and submittal to Ecology in early-November. Final adoption by ordinance is anticipated no sooner than Spring 2010. Thanks again to the Planning Commission for their hard work on this project, and to Bill Miller who attended a majority of the Board's deliberations.

Discussion ensued regarding final approval timing and possible appeal path, as well as the quality of the BoCC deliberations.

Staff reported that they would approach the BoCC regarding contract negotiations with the vendor of the equipment and a request to start contacting land owners of potential sites for the UGA sewer treatment facility. Planner Peterson will also be attending an infrastructure coordinating conference in Wenatchee next week to learn how to apply for funding on the sewer.

Committee Reports: None. UGA Committee could not find a time to meet.

B. PUBLIC HEARING: Proposed Comprehensive Plan and Unified Development Code Amendment re: Irondale/Port Hadlock Urban Growth Area (UGA) Compliance (MLA09-295)

Chair Downey convened the public hearing on MLA09-00295, read the instructions provided for public meetings, deliberations may occur tonight.

The PC packet included two comment letters that had been received: email from Mike Regan of 9/17/09 and letter from Gary R. Colley, Platt-Irwin Law Firm, on behalf of Dr. Murphy, 10/7/2009.

Planner Peterson outlined the MLA09-295 proposal and indicated that County legal review determined that to achieve compliance, the map of rural zoning needs to be adopted into the Comprehensive Plan and development regulations for rural standards that are in advance of the sewer need to be identified. Urban services must be available for urban levels of development.

Craig Durgan: Opposed to changes proposed in MLA09-295. Zoning is not handled properly regarding his Urban Light Industrial parcel that is treated as Rural Residential in advance of sewer. He has all urban services but sewer. Should be able to use interim septic system at urban development levels. Proposal goes beyond Hearings Board compliance order.

Christopher Riffle: Platt Irwin Law Firm, on behalf of Dr. Joyce Murphy. Murphy purchased property as Urban Commercial and was downzoned to Rural Residential. Cites WWGMHB case for Mason County, of May 31st, 2005—interim septic systems compliant. “We find septic systems for non-residential use...acceptable”.

Dr. Joyce Murphy: Purchased property as Urban Commercial. Opposed giving industrial to govt. agency [Port CPA proposal] and not to her. GMA did not ask for all the embellishments in MLA09-295—only to adopt a map. Will lose tremendous business for the County. Be problem solvers, not making more obstacles. Her property is no good for residential.

Mike Regan: Once County adopts the proposed regulations, things will go forward. He hopes for development in the interim period, such as on holding tanks. Find a way to allow development. Do pre-sewer regulations in such a way that does not preclude development. Do advance site plans at urban levels.

Michelle Sandoval: UGA—water, water, water—where is it coming from? Doesn't think it's good enough to have written approval from PUD that the water is there. Show the math. What will densities be in the future? Show the math. PUD has asked the city for water many times. If we don't get rain, the [Port Townsend Paper] mill will close. With the mill running, we have two weeks of water. Produce real proof.

Garrett Larson: Owns property directly across from WSU. Submitted a plan for preliminary design review but DCD says “pick up your check, we won't review project. Not vested.” Fruit stand didn't have water or electric [infrastructure] so didn't qualify in [LAMIRD]. It's reasonable to be on septic first with a no-protest agreement for future sewer connection.

No further testimony. 7:10 p.m. public hearing closed.

Chair Downey allowed general observer comment at this point in the meeting.

Joe Daubenberger: Upzone of Airport property should not be allowed.

Craig Durgan: wanted to second Mr. Daubenberger's comments.

Larry Crockett, Director of Port of Port Townsend: Addressed the concerns of other commenter's regarding the Port's proposed rezone at the airport.

Michelle Sandoval: Review the County Wide Planning Policies. The Port's rezone does not comply and should not be approved.

Michael Regan: UGA density problem. Insufficient demand for sewer to pay for it.

Jim Pivarnik: Letter from WSDOT aviation section supports the Port's rezone.

Joyce Murphy: Why can't private citizens develop their property?

Chair Downey closed the observer public comment period. Discussion ensued on which agenda item to move to next. It was decided to deliberate on the UGA first and then the Port's rezone as scheduled.

C. Deliberations: Proposed Comprehensive Plan and Unified Development Code Amendment re: Irondale/Port Hadlock Urban Growth Area (UGA) Compliance (MLA09-295)

Deliberations proceeded on topics regarding:

- Economic development and providing construction on interim septic at greater densities than allowed under rural standards.
- Providing leeway on what type of septic/holding tank that can be installed
- Removing proposed Chapter 18.19, providing urban zoning map to Hearings Board, use development standards of 18.18.

Commissioners Tom Brotherton, Bill Miller, Ashley Bullitt and Chair Peter Downey agreed to convene UGA committee meetings to come up with solutions by sitting down with interested parties, make a matrix of options and outcomes and get independent legal review.

Two UGA Committee meetings were calendared for Thursday, October 15, 2009 at 10:30 a.m. and Tuesday, October 20, 2009 at 1:30 p.m., both in the Jefferson County Public Library.

Planner Peterson will provide public notice for the two meetings.

Commissioners Bullitt and Reding want to see the facts about water. Need to see the justification behind the PUD and Port Townsend City disagreements about water. Need to see the scientific analysis.

Chair Downey wanted to have more conversations with PUD before recommendations are formulated for this compliance action.

Commissioner Reding: The PUD is contradicting themselves—needing City water but then saying there is water available [for future growth in the County]. There is pressure being applied to the City by PUD for water.

Commissioner Miller: We need to write regulations to deal with interim septic systems with urban development.

D. Deliberations: 2009 Comprehensive Plan Amendment Annual Cycle – Proposed Comprehensive Plan and Unified Development Code Amendment re: Port of Port Townsend ‘Airport Rezone’ (MLA09-77)

Chair Downey convened deliberations on the Airport Rezone (MLA09-77).

Commissioner Farmer: wants more detail on financial sustainability. Positives and negatives. What is “rain-neutral?”

Chair Downey: financial feasibility is not an issue or part of the approval criteria. Things like “rain-neutral” are not germane to the deliberations.

Planner Johnson: the Planning Commission should deliberate on the request and develop findings for a recommendation to the BoCC. Your packet includes County response to City comments, with other comments from other agencies as well as the code for the findings and conclusions for the PC recommendation to the BoCC.

Commissioner Miller: we need to answer these questions to guide us through the process of making a recommendation. Answer yes or no, and why.

Commissioner Bullitt: questioned whether the proposal should be an issue in the Port’s election of new Commissioners.

Chair Downey: We need to have a motion to either approve or deny the proposal.

Commissioner Brotherton: I’ll move to approve the proposal.

Commissioner Miller: I’ll second that.

Discussion was called for.

Commissioner Redding: If we are going to say this promotes economic development, then we need to make sure it does. Otherwise, we shouldn't even discuss this.

Chair Downey: we don't have control over the Port's management – we can only approve a rezone.

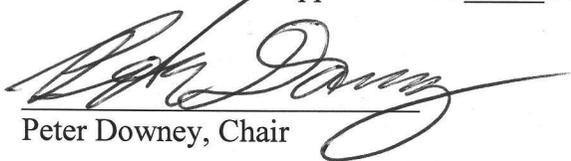
The Commission then went through all the questions under JCC 18.45.050 & 080. Chair Downey recorded the answers on his worksheet to be transcribed to the recommendation document at the October 21st meeting for final agreement.

The question was called. The motion carried 5 to 2 to approve the Port's rezone.

E. Adjournment: The meeting was adjourned at 9:30 p.m.

Approval of Minutes:

These minutes were approved this 4 day of November, 2009.


Peter Downey, Chair


Michelle McConnell, LRP Lead