



## **JEFFERSON COUNTY PLANNING COMMISSION**

621 Sheridan Street, Port Townsend, WA 98368

(360) 379-4450 *planning@co.jefferson.wa.us*

[www.co.jefferson.wa.us/commdevelopment/PlanningCommission](http://www.co.jefferson.wa.us/commdevelopment/PlanningCommission)

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### **MINUTES for WEDNESDAY, JANUARY 20, 2010**

- A. Opening Business**
- B. Discussion:** 2010 Planning Commission Work Plan
- C. Discussion:** Preparing for a Periodic Assessment
- D. Adjournment**

## **A. Opening Business:**

The meeting was called to order at the WSU Learning Center at 6:30 p.m., Vice Chair Bill Miller presiding.

Planning Commission (PC) members present: Bill Miller, Richard Hull, Tom Brotherton, Henry Werch, Ashley Bullitt, Patricia Farmer, Andrew Reding, and Tom Giske. Peter Downey was absent and excused. A quorum was reached upon roll call.

DCD staff present: Stacie Hoskins, DCD Planning Manager, and Michelle McConnell, Associate Planner

There were no members of the public in attendance.

**Approval of Minutes:** The December 16, 2009 meeting minutes were approved as presented by a majority vote with two abstentions (4-0-2).

### **Staff Updates:**

Associate Planner Michelle McConnell presented an update on the Irondale/Port Hadlock Urban Growth Area (UGA) on behalf of colleague Joel Peterson:

#### Compliance

The County had a hearing with the Western Washington Growth Management Hearings Board on January 5<sup>th</sup> to address our compliance actions we took in the case with Irondale Community Action Neighbors (ICAN). We are optimistic that the Rural-to-Urban transitional zoning and development policies now in place will be deemed "GMA-Compliant". Joel Peterson extends his thanks to the Planning Commissioners for their hard work on this challenging topic. Their input ensured the issues and options were thoroughly discussed.

ICAN has filed a suit in Thurston County Superior Court to appeal the Western Washington Growth Management Hearings Board decision to dismiss a 2009 case brought against the County in regard to the UGA. The case was dismissed because it addressed issues already litigated in the current case and that the appellant had earlier opportunity to bring forward those issues.

ICAN is also motioning to take the Superior Court case directly to the Court of Appeals for a precedential decision on whether a Growth Management Hearings Board has the legal authority to dismiss a case on the basis that the issue has already been heard or that the appellant had earlier opportunity to bring forward those issues. (That is, can a hearings board use the legal doctrines of *res judicata* and collateral estoppel?)

#### Preliminary Design

Current project tasks include: siting of the plant and major gravity collection system; finding matching dollars for the Federal STAG grant; and contracting with the vendor of the treatment membranes.

McConnell reported that the Joint Growth Management Steering Committee met on January 14, 2010 and have decided to revise the County-wide Planning Policies (CWPP). That group will meet again within the next 90 days. Planning Manager Stacie Hoskins added that staff believes it would be best to have updated CWPP prior to the 2011 Periodic Update, although the 2011 deadline may be changed by state legislature. She acknowledged that Vice Chair Bill Miller had attended the meeting. Miller added that it was an *ad hoc* group with representation from the County (3), City (3) and the Port of Port Townsend (1) as well as Hadlock residents (3). There were handouts distributed to the JGMSC for their next meeting. Issues addressed include the CWPP components including economic development, transportation, housing, etc. He noted the group hadn't met since 2005.

McConnell announced the upcoming Board of County Commissioners' public outreach meeting scheduled for January 25, 2010 at Port Ludlow Fire Hall. Miller noted he'd attended the previous public outreach event at the County Library in Port Hadlock, about 100 citizens attended along with every elected County official. Each spoke about their responsibilities then the audience was invited to write questions on paper. Administrator Morley collated similar submittals and asked officials to respond. There was a great give and take dialogue with former Sheriff Brasfield as moderator and the tone was civil and respectful. Similar upcoming events will be February 11 at Port Townsend Community Center, and March 1 at Quilcene Community Center.

McConnell announced the upcoming Mystery Bay Mooring Buoy Open House, to be held January 27, 6:30 pm at Fort Flagler State Park. Hoskins added that the intent is for introduction and review of a Draft Mystery Bay Management Plan and to invite public input. More information is available through the County website, and the document will be first available at the meeting.

**Committee Reports:** None

- Commissioner Henry Werch noted the group's previous decision to postpone further committee assignments until after membership is defined in March as both his and Commissioner Tom Giske's terms expire at that time.

**B. Discussion:** 2010 Planning Commission Work

McConnell reviewed the related materials in the meeting packet. Upon noting the addition of a new work plan item "FEMA/ESA – UDC Amendment", Hoskins explained the history of the issue including key points such as:

- National Marine Fisheries Service (NMFS) successfully sued the Federal Emergency Management Act (FEMA) regarding compliance of the National Flood Insurance Program (NFIP) with the Endangered Species Act (ESA).
- FEMA Region 10 effort to develop a model ordinance to address deficiencies.
- DCD staff has been participating in a focus group to assist development of solutions based on the Biological Opinion (BiOp).

- Three options to reach compliance seem viable: 1) adopt the model ordinance (minimum standards, not ‘ideal’); 2) use the FEMA checklist to review current JCC and make revisions as needed; or 3) review each permit application individually for case-by-case compliance through implementation of Habitat Management Plans.
- Regulated flood areas are not ‘no touch’ zones but rather require a flood development permit and possibly mitigation.
- The existing Critical Area Stewardship Plan (CASP; JCC 18.22.460) is similar and may be adequate for compliance.

Group discussion following including the following key points:

- DCD staff to review options and bring recommendation to Planning Commission for review – staff summary & presentation
- County not currently participating in FEMA’s Community Rating System (CRS) but could help lower flood insurance costs to property owners.
- DCD to provide background information to PC when timely including BiOp, SMP, CAO, checklist as appropriate – know the questions ahead of time
- Highest CRS Rating will yield the greatest cost reduction, reduce payouts for damage and improve human safety
- Model ordinance has a comments column re: CRS points
- Concerns about public policy to protect development in flood plains; pilings can still cause environmental damage
- Having our community enrolled in CRS helps everyone including damages due to flood related landslide hazards outside flood areas, where most homeowner insurance doesn’t offer landslide protection
- The term ‘freeboard’ refers to the difference between base flood elevation and the lowest floor of the structure. Example: Our code requires 1’ above base flood elevation. Anything greater is ‘freeboard’ and adds points to community rating and reduces annual insurance cost
- PC to help assess community interest in CRS

McConnell noted some proposed schedule changes in the proposed work plan: FEMA/ESA in July/August, Brinnon MPR tentatively in Oct – Dec, Adult Business starting in March.

Hoskins alerted the group that at present only one 2010 Comp Plan Amendment application is anticipated – Miles Sand & Gravel (MSG). MSG wants to amend the conditions of the 2008 Mineral Resource Land overlay at the former Fred Hill Materials ‘Shine Hub’ site. It will be important to tease apart this project from the FHM Pit to Pier proposal, and to consider reducing impacts (i.e. traffic).

**MOTION:** Commissioner Brotherton moved, and Commissioner Farmer seconded a motion to approve the proposed work plan as presented.

- Caveat that timelines may need to be adjusted along the way (i.e. 2011 Update)
- Only two meetings per month is a good plan

**VOTE:** The motion passed unanimously (8-0-0)

**Discussion:** Preparing for a Periodic Assessment

Options for PC Approach - McConnell directed the group to the handout in the meeting packet that summarizes the eight options for how to proceed with the periodic assessment, as discussed at the 12/16/09 meeting. The group discussed several of the options and made the following key points:

- PC to give direction to DCD, avoid too much ‘wordsmithing’
- Preparation of PC line-in/line-out language is appropriate, or staff can assist
- Review each element for changes required, needed, desired
- Keep PC discussion in meetings for public process, avoid conducting PC business outside meetings
- Plan to read a few chapters for each meeting and use break-out groups to review statutorily required and DCD identified changes with one staff per group
- Break-out groups bring ideas back to whole PC
- Consider mix of more experienced and newer PC members
- PC role is public process to develop recommendation for 2011 Comp Plan Amendment Cycle for periodic update; including findings based on Growth Management Indicators

Public Outreach/Stakeholders – Commissioner Giske informed the group that he’d put some thought to groups to present to PC and come up with twelve areas with some group examples:

<b>Topic</b>	<b>Stakeholders</b>
1. Planning	City Planning Commission
2. Development	Team Jefferson
3. Business	Chambers of Commerce
4. Housing	Builders; Realtors; Property Rights
5. Schools	School Boards
6. Hospitals	
7. Public Health	
8. Transportation	State DOT; Public Works; PUD; Jefferson Transit
9. Farming	Chimacum Grange
10. Conservation	Jefferson Land Trust
11. Puget Sound	People for Puget Sound; Marine Resources Committee
12. Aquaculture	

He invited PC members to add groups to the list as they think of them. The key questions to ask each group are:

- A. What is your vision for Jefferson County in 10 years?
- B. What limits do you think currently exist?
- C. What opportunities do you see?

D. What challenges are there to accomplishing the vision?

Group discussion included the following key points:

- Consider invitations from PC Chair or from staff
- Include climate change group(s), groups from West and South County
- Consider 'privileged status' for some groups?
- Ensure group presentations are concise and on-point; balance PC time listening and discussing
- Consider inviting public input on 4 questions
- Giske agreed to send list to staff for distribution to PC in preparation for next meeting
- Giske agreed to start inviting groups to come present to PC

Statutory Changes – Brotherton presented a slideshow to the group highlighting statutory changes that may/not require revisions for Jefferson County.

**Observer Comment:** None

**Next Meeting – February 3:**

1. Public Outreach/Stakeholders List (no scheduled speaker yet)
2. Comprehensive Plan Chapter 2, 3 & 5 Break-out Group Discussion in light of statutory and DCD Docket changes (Chapter 5 will be 'as time permits')

Additional group dialogue:

- Commissioner Bullitt thanked Giske and Brotherton for their presentations
- Miller noted Chair Peter Downey is expected to attend next meeting
- Giske has another obligation that makes it difficult to arrive at 6:30, but will arrive before 6:45
- DCD can assist PC with press releases and other publicity as needed
- Consider holding some future meetings in South County

D. **Adjournment:** The meeting was adjourned at 9:18 p.m.

**Approval of Minutes:**

These minutes were approved this 17 day of February, 2010.

  
Peter Downey, Chair

  
Michelle McConnell, LRP Lead