

**Jefferson County
Board of County Commissioners**

Agenda Request

To: Board of County Commissioners (BOCC)
Charles C. Saddler, County Administrator
David Alvarez, Chief Civil Deputy Prosecuting Attorney (DPA)

From: Al Scalf, Director of Community Development
Josh D. Peters, Associate Planner

Date/Time: February 19, 2002; 11:00-11:30 AM

Subject: Transmittal of Planning Commission recommendation regarding proposed
Brinnon Subarea Plan and associated development code amendments

Statement of Issue:

On January 16, 2002, the Planning Commission voted to recommend a Brinnon Subarea Plan (BSP) and a set of associated Unified Development Code (UDC) amendments. Attached to this agenda request are the recommended versions of the BSP and the associated UDC amendments, both dated January 16, 2002. The recommended BSP is a line-in/line-out version of the August 28, 2001 version recommended by the Brinnon Subarea Planning Group (BSPG). Also attached are the Planning Commission Findings of Fact (FOF) and Minority Reports concerning the recommended BSP and the associated UDC amendments. These three documents are dated February 6, 2002. The FOF contains a detailed chronology of events over the entire period of the Brinnon subarea planning process.

Alternatives:

NOTE: there is an administrative appeal underway of the State Environmental Policy Act (SEPA) threshold determination made by the SEPA Responsible Official regarding the proposed adoption of a BSP and associated UDC amendments. The Hearing Examiner (HE) will hear the case at 1:00 PM on February 19, 2002 and render a written decision within 10 days. The HE decision can be appealed to an Appellate HE, whose decision can be appealed to Superior Court. Consult the Chief Civil DPA for counsel relevant to the relationship between the SEPA appeal and the timing of the adoption of a BSP and associated UDC amendments. See UDC 8.10.5.b.¹

1. Adopt the BSP and associated UDC amendments as recommended by the Planning Commission without holding a public hearing.
2. Provide notice for and then hold a public hearing. Direct changes to the proposed BSP and associated UDC amendments per legislative discretion and adopt a BSP and associated UDC amendments.
3. Provide notice for and then hold a public hearing. Direct changes to the proposed BSP and associated UDC amendments per legislative discretion. Adopt a BSP and associated UDC amendments, but do not adopt at this time elements of the proposed BSP and associated UDC amendments that present areas of concern in terms of a consistency test with the *Comprehensive Plan* and the Growth Management Act (GMA). Through the 2002 annual amendment

¹ **Limitations on Actions during SEPA Process.** Until the responsible official issues a final DNS or FEIS and the SEPA appeal period has lapsed, the county shall not...take any nonproject action (decisions on policies, plans, programs, etc.) that would have an adverse environmental impact or would limit the choice of reasonable alternatives.

- cycle, adopt amendments to the *Comprehensive Plan* as appropriate and simultaneously adopt amendments to the BSP that reflect the intent of the BSPG.
4. Provide notice for and then hold a public hearing (optional at this time). Submit the BSP as a docket item for the 2002 annual amendment cycle together with proposed amendments to the *Comprehensive Plan* as appropriate to resolve areas of concern related to consistency between the recommended BSP (and associated UDC amendments) and the *Comprehensive Plan*. Adopt the BSP and associated UDC amendments in conjunction with appropriate *Comprehensive Plan* amendments.
 5. Provide notice for and then hold a public hearing (optional at this time). Remand the BSP to the BSPG, Department of Community Development (DCD), Planning Commission, and/or other party with specific instructions for additional work or consideration.

DCD Recommendation:

DCD recommends alternative 2 above. Considering that the Brinnon subarea planning process has not been without controversy, as the BOCC is aware from the Community Development Block Grant (CDBG) grievance hearings and other contact from citizens, DCD suggests that a public hearing is appropriate, even if the Board is considering or eventually decides to adopt the BSP and associated UDC amendments exactly as recommended by the Planning Commission.

The January 16, 2002 version attached is a result of Planning Commission consideration of the BSPG-recommended BSP dated August 28, 2001, the line-in/line-out December 19, 2001 DCD-recommended version, public and agency comments, and subsequent deliberation. Several members of the BSPG provided comments to the Planning Commission on the DCD recommendation, which was submitted to the Planning Commission per request and posted on the Brinnon subarea planning website.

The title page of the January 16, 2002 BSP states that the proposed version is the recommended draft of the Planning Commission and DCD. This reflects the working relationship between the BSPG and DCD over the course of the subarea planning process. DCD did recommend amendments to the BSPG-recommended August 28, 2001 version in an effort to incorporate comments from citizens, Tribes, and the Public Works Department and improve consistency between the proposed BSP and the *Comprehensive Plan*. While drafting the suggested changes, DCD attempted to maintain the integrity of the document as created by the BSPG and the consultant. DCD has played a support role for the Brinnon subarea planning process, providing professional planning advice to the BSPG, but allowing the BSPG full discretion in deliberating and selecting alternatives. DCD provided a brief oral "consistency analysis" to the Planning Commission that directed attention to comments by the Washington State Office of Community Development, outlined a "safest route" and a "not as safe route" for adopting the BSP, and indicated areas of concern. The Planning Commission Minority Reports expand on these issues. Final adoption processes should be reviewed in consultation with the Chief Civil DPA.

Fiscal Impacts:

The work item listed above would be performed within the current 2002 adopted budget for DCD, unless alternative 5 is selected and an outside party contracted.

Reviewed by: _____
Charles C. Saddler, County Administrator