

**Jefferson County
Board of County Commissioners**

Agenda Request

To: Board of County Commissioners (BOCC)
County Administrator
Chief Civil Deputy Prosecuting Attorney (DPA)

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

Date/Time: April 8; 2:00-5:00 PM

Subject: Brinnon Subarea Plan (BSP) options

Statement of Issue:

Please refer to the DCD agenda request for March 25, 2002 for a background framework of the issue. Essentially, before the BOCC are the questions of what action to take on the Planning Commission-recommended BSP and how that decision will affect the State Environmental Policy Act (SEPA) non-project environmental review of the proposal. DCC must re-issue a SEPA threshold determination as a result of a successful appeal to the original threshold determination issued in December 2001 on the BSP and associated Unified Development Code (UDC) amendments.

Among the issues for deliberation are the five “elemental changes” represented in the proposed BSP, a question on housing raised by the State Office of Community Development (OCD) in comment letters on the proposal, other policy statements in the BSP that may prompt discussion, and consideration of other public and agency comment and testimony.

Alternatives:

The following are a general but not exhaustive set of alternatives for consideration, each of which begins with the BOCC establishing a BOCC-sponsored BSP and set of associated UDC amendments:

1. Accept the Planning Commission-recommended version of the BSP and associated UDC amendments. Direct DCD to arrange for the preparation of a Supplemental Environmental Impact Statement (SEIS). (See March 25 agenda request.)
2. Direct DCD to modify the current proposal in specific ways and then re-issue a threshold determination. See below for discussion of particular issues.
3. Direct DCD to modify the current proposal per DCD discretion as the SEPA lead agency such that the reissued threshold determination is not a DS requiring the preparation of an SEIS (i.e., the probable significant adverse environmental impacts of the current proposal have been eliminated to a degree that no longer warrants an SEIS).

Discussion of Issues & Options:

Following is a list of issues and range of options for consideration in regard to the five elemental changes in the proposed BSP. The recommendations of DCD and the County Administrator for each issue should be understood in the context of choosing an option that represents a path of greater efficiency and certainty and should not be interpreted as disagreement with the content of the proposal as recommended by the Planning Commission and by extension the Brinnon Subarea Planning Group (BSPG). The

recommendations usually fall within the range of options presented. Variations are possible within each option 2 presented below.

DCD suggests that in deliberating these alternatives that the BOCC rely upon legal advice from the Prosecuting Attorney's office. The perspectives offered by DCD in this agenda request should be considered professional planning guidance. A legal opinion of the points below, particularly GMA compliance, is an essential component for consideration.

ISSUE: Re-visitation of the **Brinnon Rural Village Center (RVC)** LAMIRD (Limited Area of More Intensive Rural Development). The BSP proposes adding approximately 37 acres to the existing 34-acre Brinnon RVC.

QUESTIONS: Does the re-visitation meet the LAMIRD criteria in the Growth Management Act (GMA)? What effects do re-visitation options have on environmental review?

OPTIONS & EFFECTS:

1. Accept the current proposal. Additional environmental review needed for portion of one parcel east of Highway 101 and gravel pit north of Dosewallips Road, both of which were not reviewed as part of EIS for Comprehensive Plan (Comp Plan). SEIS is likely the most appropriate mechanism for environmental review. Some level of additional environmental analysis may be needed for other acreage proposed for inclusion.
2. Modify the proposal by reducing the amount of acreage added to the RVC. DCD and the County Administrator suggest removing the portion of the parcel east of Highway 101 that was not within the 1994 commercial zoning and the gravel pit north of Dosewallips Road. In terms of LAMIRD analysis, the resulting RVC appears to meet the criteria, including the logical outer boundary (LOB) test—which in this case would be Highway 101, Dosewallips Road, Schoolhouse Road, and the Dosewallips River—and the “predominantly defined by the built environment as of July 1, 1990” test. As this RVC boundary is clearly within the alternatives analyzed in the Comp Plan EIS—and found to not present a likely significant adverse environmental impact in the context of development regulations—additional environmental review may be limited to an addendum.
3. No modification to the existing RVC. No environmental review needed for this “No Action” approach. Parcels outside of the existing RVC would be regulated per the Comp Plan and UDC as in their current forms.

In their letter to the County dated March 12, 2002, OCD stated, “In redesignating the boundaries of the Brinnon RVC, we recommend the subarea plan pay special attention to statutory requirements for rural development. Specifically, RCW 36.70A.070(5)(c)(iv) requires protecting critical areas and surface and groundwater resources, and RCW 36.70A.070(5)(d)(iv) requires the county address how it will provide public facilities and public services in a manner that does not permit low-density sprawl.” These issues would be addressed further in any additional environmental review of the BOCC-preferred Brinnon RVC boundary. Refer to the Housing Element discussion below for more on this topic.

ISSUE: 17-acre parcel proposed for a **Light Industrial (LI) land use district**. Parcel is the Boling property west and up from the gravel pit north of Dosewallips Road.

QUESTIONS: Does this proposal meet the LAMIRD criteria? What level of environmental review is required to include this proposal in the BSP?

OPTIONS & EFFECTS:

1. Accept the current proposal. Additional environmental review required. SEIS is likely the most appropriate mechanism for environmental review, though an addendum may be possible.
2. Include the 17-acre Boling property in the Brinnon RVC and not as a LI parcel. Requires LAMIRD analysis and environmental review.
3. Eliminate the 17-acre Boling property from consideration for a LI land use district. No environmental review needed for this "No Action" approach. Both the gravel pit and the Boling property may qualify for consideration as legal, nonconforming uses and all the opportunities outlined at UDC 4.26. DCD and the County Administrator suggest this option.

ISSUE: 18.7-acre **Small-scale Recreation & Tourist (SRT) overlay district** at WaWa Point. Would modify permit process for SRT uses from general County process.

QUESTIONS: Consistency with GMA. Does the built environment analysis apply or other LAMIRD criteria for expansion of existing SRT uses? Refer to discussion beginning on p.38 of proposed BSP dated January 16, 2002. Consistency with Comp Plan regarding "inappropriate sprawl" and Conditional Use. Refer to p.40 of BSP.

OPTIONS & EFFECTS:

1. Accept the current proposal. Additional environmental review required. SEIS is likely the most appropriate mechanism for environmental review.
2. Modify the extent of and/or development regulations associated with the proposed SRT overlay at WaWa Point. DCD and County Administrator suggest reducing the extent of the overlay to include only the Cove Park store and the adjacent Maury Anderson parcel. The development regulations should also be re-analyzed in the context of environmental review. Recently passed legislation will likely result in the BSP going through this year's annual amendment cycle (see March 25 agenda request). Accordingly, Comp Plan amendments should be included that help achieve a greater level of consistency between the SRT overlay proposal and the Comp Plan. This strategy should be applied to option 1, as well. Environmental review would be required for both the site-specific SRT overlay proposal and the associated Comp Plan amendments. An addendum may provide sufficient environmental review, though an SEIS would be the most comprehensive mechanism.
3. Eliminate the WaWa Point SRT overlay proposal. This would simplify the BSP and UDC amendments, as well as eliminate the need for additional environmental review for WaWa Point. Applicants could apply for SRT uses in the area per the existing regulations (i.e., Conditional Use; no relaxations or exemptions).

ISSUE: **Home Business/Cottage Industry (HB/CI)** relaxations per the West End model. Modification of existing West End Planning Area overlay in UDC to Remote Rural Planning Area (RRPA) overlay that covers the Brinnon Planning Area and the West End.

QUESTIONS: How should the County address the OCD comments on this issue? What level of environmental review is required? Comp Plan consistency.

OPTIONS & EFFECTS:

1. Accept the current proposal. Presents an area of concern for potential appeal to the Western Washington Growth Management Hearings Board (WWGMHB). Additional environmental review required. SEIS is the most appropriate mechanism for environmental review.
2. Modify the HB/CI proposal. DCD and the County Administrator suggest modifying the proposal according to the OCD comments and the suggestions of the Planning Commission Chair as delivered to the BOCC during the regular agenda on April 1, 2002. Basically, these modifications would include

- establishing limits to the numbers of employees per HB and CI and thresholds related to when expansion would be considered a Conditional Use. Establish maximum expansion size before business would be required to be located within a rural commercial zone (such as an RVC LAMIRD). Reconsider other relaxations as appropriate. Include language regarding the other laws and regulations that apply to auto repair and furniture stripping, activities that are allowable as HB/CI in the proposed BSP. Alternatively, these exemptions could be removed. If the BOCC chooses this option, but does not select specifics (e.g., maximum number of employees), DCD will suggest specifics after consultation and review. In any of the scenarios within this option 2, the result would be an HB/CI overlay for the Brinnon Planning Area that would fall between the West End model and the countywide HB/CI regulations. Include Comp Plan amendments to achieve a greater level of internal consistency, as described in the preceding SRT overlay issue. In terms of environmental review, an addendum may provide sufficient, though an SEIS would be the most comprehensive mechanism.
3. Eliminate the HB/CI relaxations in the January 16 BSP and associated UDC amendments. This would simplify the BSP and UDC amendments, as well as eliminate the need for additional environmental review for HB/CI, which would continue to be regulated in the Brinnon Planning Area as they are countywide.

ISSUE: Conceptual Master Planned Resort (MPR) recommended in the January 16 BSP for the Black Point area.

QUESTIONS: What is the effect of this recommendation? What level of environmental review is required?

OPTIONS & EFFECTS:

1. Accept the current proposal. Additional environmental review required. SEIS is the most appropriate mechanism for environmental review. Effect would be that an application for an MPR would be reviewed under policy language in addition to that already present in the Comp Plan. Perception is that project application would have policy momentum, notwithstanding the requisite project action SEPA review.
2. Modify the conceptual MPR recommendation. DCD and the County Administrator suggest eliminating the conceptual map in the appendix, the proposed policies, and the recommendation as stated in the January 16 BSP. The Black Point history section would remain and the recommendation would be replaced by a statement that an MPR at Black Point may be an appropriate future scenario based on the history and current land uses in the area. Enhance the current description of how an application for an MPR at Black Point would be reviewed. In terms of environmental review, an addendum may provide sufficient analysis.
3. Eliminate all references to a future MPR at Black Point. Keep only the historical information on the area found in the January 16 BSP. This would eliminate the need for additional environmental review for a conceptual MPR at Black Point. An applicant could apply for an MPR at Black Point according to the existing Comp Plan policies and UDC regulations or propose a golf course for the area in combination with a Planned Rural Residential Development (PRRD) application. Any such application would require SEPA review.

In addition to the five elemental changes discussed above, there may be other considerations, including a comment from OCD on the Housing Element of the BSP.

ISSUE: Housing Element of BSP. Comment made by OCD: "The revised subarea plan also still indicates (page 63) that the county would like to 'Expand the Brinnon RVC to

allow for the location and siting of new compact higher density housing...’ in order to provide affordable housing in this region (Policy P1.1). The housing densities in the RVC should be generally based on the densities that are there now [RCW 36.70A.070(5)(d)]...We also recommend including an additional policy that limits the capacity for additional housing and the necessary public services to support them based on the land use limitations of any critical areas within the RVC. We can provide you with criteria from other county plans that address these issues.”

QUESTIONS: What changes, if any, should be made to the BSP based on these comments and what would be the implications for environmental review? As a sidenote, it appears that OCD has prioritized the rural character aspects of the GMA over the goal of establishing affordable housing. The BSP describes the visits by USDA Rural Development for the purpose of discussing potential affordable housing projects and it is understood that the limitations of the land for such projects is intrinsic to any future proposal.

OPTIONS & EFFECTS:

1. Accept the current proposal. Additional environmental review required. SEIS may be the most appropriate mechanism for environmental review, though an addendum is potentially sufficient for this issue. Comment would remain un-addressed.
2. Modify the current proposal. DCD and the County Administrator suggest inserting explanatory language regarding the relationship between critical areas protections and the potential to provide for higher-density/affordable housing. Also, insert the policy recommended by OCD that references land use limitations. The practice of considering land use limitations in permit review is already established in the UDC; therefore, additional policy language would only serve to clarify. To help meet this aim, DCD could procure the example policy language that OCD offers. Eliminating any reference to higher-density/affordable housing may serve to limit or decrease future opportunities for grants and loans for such policy, as the BSP would be absent supportive policy language. In terms of environmental review, an addendum may provide sufficient analysis.
3. Eliminate the referenced passage. The Planning Commission Chair, while serving on the BSPG, helped author the passage on p.63 of the BSP that OCD references. He suggests eliminating the language in the interest of clarity and because it is not an integral part of the BSP. May result in decreased opportunity for future grants or loans for affordable housing projects. This option would eliminate the need for additional environmental review for this issue.

DCD Recommendation:

DCD reiterates that the recommendations of DCD and the County Administrator for each issue as described above should be understood in the context of choosing an option that represents a path of greater efficiency and certainty and should not be interpreted as disagreement with the content of the proposal as recommended by the Planning Commission and by extension the Brinnon Subarea Planning Group (BSPG). It is clear from the BSPG Chair of the BSPG that the majority of the BSPG and other supporters of the BSP in the Brinnon community do not want to see the current proposal altered. They maintain that they have already limited the scope of the policies and provisions of the BSP to achieve a greater level of certainty under an appeal before the WWGMHB. The Planning Commission majority may also be resistant to significant alteration of the proposal. It is also clear that a group of Brinnon citizens, a Planning Commission minority, some other Jefferson County citizens, and representatives from the Tribes and the State Department of Fish and Wildlife do not support the current proposal. It is

entirely possible that no alternative or level of environmental review will satisfy all interested parties.

Additionally, and as noted above, DCD and County Administrator recommendations regarding modification of the current BSP proposal is, as you know, professional planning guidance, not legal advice. DCD suggests that in deliberating these alternatives that the BOCC rely upon legal advice from the Prosecuting Attorney's office.

Fiscal Impacts:

Each of the alternatives presents fiscal impacts with varying monetary and human resource costs. Refer to the March 25 agenda request.

Reviewed by: _____, County Administrator