

STATE OF WASHINGTON
County of Jefferson

**AN ORDINANCE APPROVING FOUR
COMPREHENSIVE PLAN AMENDMENTS,
FILE NUMBERS MLA06-01 [BELL],
MLA06-74 [AUSTIN],
MLA06-77 [BROWN AND DCD], &
MLA06-85 [PORT OF PORT TOWNSEND]** }
} **ORDINANCE NO. 10-1002-06**
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WHEREAS, the Board of Jefferson County Commissioners (“the Board”) has, as required by the Growth Management Act (“the GMA”), as codified at RCW 36.70A.010 et seq., set in motion and now completed the proper professional review and public notice and comment with respect to any and all proposed amendments to the County’s Comprehensive Plan as originally adopted by Resolution No. 72-98 on August 28, 1998 and as subsequently amended, and;

WHEREAS, as mandated by the GMA, the Board has reviewed and voted upon the proposed amendments to the County’s Comprehensive Plan (“CP”) that composed the 2006 Comprehensive Plan Amendment Docket (“the Docket”), and;

WHEREAS, of the five (5) proposals that composed the original Docket, the Board has approved or approved with conditions four (4) of those proposals—MLA 06-01 [Bell], MLA06-74 [Austin], MLA06-77 [Brown & DCD] and MLA06-85 [Port of Port Townsend]—and an adopting Ordinance is required to formalize the Board’s legislative action, and;

WHEREAS, the Board makes the following Findings of Fact with respect to the 2006 Comprehensive Plan Amendment Cycle and these four amendments:

1. The County adopted its Comprehensive Plan in August 1998 and its development regulations or Unified Development Code (“UDC”) in December 2000. The CP was reviewed and updated in 2004.
2. The GMA, which mandates that Jefferson County generate and adopt a CP requires that there be in place a process to amend the CP.
3. The amendment process for the CP must be available to the citizens of this County [including corporations and other business entities] on a regular basis. In accordance

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with RCW 36.70A.130, CP amendments can generally be considered “no more frequently than once per year.”

4. This particular amendment “cycle” began on or before March 1, 2006, the deadline for submission of a proposed CP amendment.
5. All of the amendment proposals were timely filed by March 1.
6. Five formal site-specific amendments and two suggested amendments were placed on the Preliminary Docket through the CP amendment process contained at JCC Section §18.45.
7. The Planning Commission and the Board held a joint workshop on March 15 concerning the Preliminary Docket.
8. The Planning Commission completed its recommendation on the Preliminary Docket on April 5.
9. The Board established the Final Docket on May 22, 2006 to include only the five site-specific amendments.
10. The Department of Community Development (“DCD”) issued an integrated Staff Report and State Environmental Policy Act (“SEPA”) Addendum on July 19 analyzing the four (4) proposals listed in this ordinance from the Final Docket and offering preliminary recommendations for each.
11. The remaining proposal from the Final Docket, MLA06-87 [Statesmen] required an independent environmental impact statement and is not included in the ordinance.
12. The four amendments have been subject to a SEPA-driven analysis through the DCD Staff Report and SEPA Addendum dated July 19, 2006.
13. The Planning Commission held a duly-noticed public hearing on August 2. Oral public comment related to proposed amendments was taken during the public hearing and written comments were accepted through the close of the hearing.
14. DCD provided the following memoranda to the Planning Commission to supplement the record:
 - a. August 31: Public Works Conditions for MLA06-77.
15. The Planning Commission deliberated on the proposed amendments at a regularly scheduled meeting on August 16.
16. The above statements indicate that the proposed CP amendments were and are the subject of “early and continuous” public participation as is required by GMA.

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17. The Planning Commission recommendation was transmitted to the Board through formal memorandum dated September 14, 2006. That formal memorandum is part of the record for the legislative decision.
18. The Planning Commission recommended approval of three of the four proposals, exactly as requested by the applicants, specifically MLA06-01 [Bell], MLA06-74 [Austin], and MLA 06-85 [Port of Port Townsend].
19. The Planning Commission recommended to the Board a condition from Public Works for one proposal, MLA06-77 [Brown & DCD], whereby a future development permit would attach two conditions: 1) no direct access to Irondale Road permitted and 2) access from 4th Avenue may not interfere with the operation of the Irondale Road / 4th Avenue intersection.
20. The final DCD staff recommendation was presented to the Board during the same September 25 public session in which the Planning Commission recommendation of September 14 was also presented.
21. The final DCD staff recommendation matched the Planning Commission recommendation for all four of the site-specific applications.
22. On September 25, 2006 the Board considered the four amendments made part of the final DCD staff and Planning Commission 2006 Docket.
23. On that date the County Commissioners stated for the public record that they agreed with the Planning Commission recommendations and thus would not need to hold a separate public hearing on these four site-specific applications.
24. The remaining proposal, MLA06-87 [Statesmen], was removed from the 2006 Docket by the Director of Community Development in consultation with the applicant on October 2, 2006.
25. All procedural and substantive requirements of the GMA have been satisfied.
26. Pursuant to JCC Section §18.45.080, for all adopted amendments the Board shall develop findings and conclusions which consider the growth management indicators set forth in JCC Section §18.45.050(4) (b) (i) through (vii), as well as items in JCC Section §18.45.080(1) (b) (i) through (iii).
27. JCC Section 18.45.080(1) (c) which contains eight criteria from which the Board must generate findings, is applicable only to site-specific Comprehensive Plan amendments.

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28. Inquiry into the growth management indicators referenced above was begun for the 2006 Docket through the DCD integrated Staff Report and SEPA Addendum of July 19. The Board's findings and conclusions with respect to the growth management indicators are augmented by the July 19 staff findings and conclusions.
29. With respect to JCC §18.45.050(4) (b) (1), which asks whether assumptions regarding growth and development have changed since the initial CP adoption, the Board concludes that census data indicates that the population growth rate in this county has slowed in the last two to four years, but may increase again during the 20-year planning horizon (until 2024) that is covered by the current CP.
30. With respect to JCC §18.45.050(4)(b)(2), which asks whether the capacity of the County to provide adequate services has diminished or increased, the Board concludes that these CP amendments will not impact the ability of the County to provide services and thus this particular GMI is not relevant to these amendments.
31. With respect to JCC §18.45.050(4)(b)(3), which asks if sufficient urban land is or has been designated within the County, the Board concludes that this GMI is not relevant to any analysis of any of the CP amendments made effective by adoption of this Ordinance.
32. With respect to JCC §18.45.050(4) (b)(4), which asks if any of the assumptions on which the initial CP was based have become invalid, the Board concludes that the assumptions upon which the CP is based have generally not changed. The Board is aware of its obligation to maintain a variety of rural densities
33. The Board expressly concludes that adoption of certain CP amendments relating to increased Rural Residential density during this CP amendment cycle will not trigger a "Domino Theory" of upzoning in which neighboring parcels will necessarily and automatically receive the same treatment.
34. With respect to JCC §18.45.050(4)(b)(5), which asks if any of the countywide attitudes upon which the CP was based have changed, the Board concludes that the countywide attitudes have not generally changed since these CP amendments were generally not controversial or the subject of much opposition.
35. With respect to JCC §18.45.050(4)(b)(6), which asks if there has been a change in circumstance that may dictate the need for an amendment, the Board concludes that there have not been any overarching or countywide change in circumstances that would dictate

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or require a shift in the policies reflected in the CP, but that such absence should not negatively impact a proponent who comes to the County with a proposal for a site-specific amendment to the CP based on facts and evidence particular to her, his or its parcel(s). That site-specific application is entitled to a careful review by the County if the CP is to remain a living document.

36. With respect to JCC §18.45.050(4)(b)(7), which asks if inconsistencies have arisen between the CP, the GMA and the Countywide Planning Policies, the Board concludes that these amendments do not reflect any such inconsistency, since a variety of rural residential densities is maintained even after adoption of these CP amendments.
37. Pursuant to JCC Sections 18.45.080(2)(c) and 18.45.080(1)(b), the Board enters the following findings and conclusions for each of the adopted amendments on the Docket, except when and as noted below:
 - (1) Circumstances related to the proposed amendment and/or the area in which it is located have not substantially changed since the adoption of the Jefferson County Comprehensive Plan.
 - (2) The assumptions upon which the Jefferson County Comprehensive Plan is based continue to be valid; however new information related to rural residential designation criteria is available which was not considered during the adoption process of the Jefferson County Comprehensive Plan.
 - (3) Based upon public testimony, the proposed amendment appears to reflect current widely held values of the residents of Jefferson County.
38. In addition to the required findings set forth in JCC Section §18.45.080(1)(b), in order to recommend approval of a formal site-specific proposal to amend the Comprehensive Plan, the Board must also make eight (8) findings as specified in Section §18.45.080(1)(c)(1) through (8).
39. Pursuant to JCC Section §18.45.080(1)(c), the Board enters the following findings for each of the proposed site-specific amendments, excepted when and as noted below:
 - (1) The proposed site-specific amendment meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., sheriff, fire, and emergency medical services, parks, fire flow, and general governmental services).

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- (2) The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County Comprehensive Plan.
 - (3) The proposed site-specific amendment will not result in probable significant adverse impacts to the county's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities.
 - (4) The subject parcel is physically suitable for the requested land use designation and the anticipated land use development, including but not limited to the following:
 - i. Access
 - ii. Provision of utilities; and
 - iii. Compatibility with existing and planned surrounding land uses.
 - (5) The proposed site-specific amendment will not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the county as a whole.
 - (6) The proposed site-specific amendment does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan.
 - (7) If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA.
 - (8) The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the Countywide Planning Policy for Jefferson County, applicable inter-jurisdictional policies and agreements, and local, state and federal laws.
40. With respect to the four individual amendments adopted by the Board, the Board enters the following case-specific findings and conclusions.
41. MLA 06-01 related to Assessor's Parcel Number (APN) 001201004 was submitted by Arthur D. Bell. The parcel is located at 1530 Discovery Road and the applicant sought to rezone this 12.5-acre site from Rural Residential (RR) 1:10 to Rural Residential 1:5.
42. With respect to MLA06-01, the Board unanimously concurs with and adopts as if stated in full here the findings and conclusions in favor thereof of the Planning Commission and

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- the DCD Staff Report and SEPA Addendum (July 19, 2006) which discuss this CP amendment, its potential cumulative impacts and its environmental impacts, if any.
43. MLA06-74 related to APN 001081002 was submitted by Drew Austin for Cleo Austin. The applicants sought to rezone an approximately 30-acre parcel located at 842 South Jacob Miller Road from RR 1:20 to RR 1:5.
 44. With respect to MLA06-74, the Board unanimously concurs with and adopts as if stated in full here the findings and conclusions in favor thereof of the Planning Commission and the DCD Staff Report and SEPA Addendum (July 19, 2006) which discuss this CP amendment, its potential cumulative impacts and its environmental impacts, if any.
 45. MLA06-77 related to APN 961803402 was submitted by the Browns and DCD and the applicant seeks to rezone an approximately 0.72-acre parcel located at 781 Irondale Road, near the intersection of Irondale Road and 4th Avenue, from RR 1:5 to Convenience Crossroads.
 46. With respect to MLA06-77, the Board unanimously concurs with and adopts as if stated in full here the findings and conclusions in favor thereof of the Planning Commission and the DCD Staff Report and SEPA Addendum (July 19, 2006) which discuss this CP amendment, its potential cumulative impacts and its environmental impacts, if any.
 47. With respect to MLA06-77, approval for the rezone includes two conditions established by the County's Public Works Department: 1) that there be no direct access to Irondale Road from the parcel and 2) that access from 4th Avenue not interfere with the operation of the Irondale Road / 4th Avenue intersection. Those conditions would be attached to a future development permit.
 48. The parcel that is the subject of this amendment meets the requirements of RCW 36.70A.070 (d) (i) for a Limited Area of More Intense Rural Development (LAMIRD).
 49. The parcel meets the July 1, 1990 'built environment' LAMIRD criteria found in state law because a structure once used as a store has been on the site since before the measuring date of July 1, 1990.
 50. MLA06-85 related to APN 001331011, submitted by the Port of Port Townsend, a distinct municipal corporation. The Port seeks to rezone a portion of that parcel, which is located east of the Airport Cutoff Road (SR 19), from Airport Essential Public Facility (AEPF) to Rural Residential or RR.

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51. The rezone furthers the purpose of providing an extra buffer to the residences on the east side of SR 19 where it is known as Airport Cutoff Road.
52. With respect to MLA06-85, the Board unanimously concurs with and adopts as if stated in full here the findings and conclusions in favor thereof of the Planning Commission and the DCD Staff Report and SEPA Addendum (July 19, 2006) which discuss this CP amendment, its potential cumulative impacts and its environmental impacts, if any.
53. Through enactment of this Ordinance, the subject acreage shall hereafter be designated RR 1:5.
54. The Assessor's Office has assigned the new parcel number for this section of the parcel as APN 001331013.

NOW, THEREFORE, BE IT ORDAINED as follows:

Section One: Under MLA06-01 [Bell], the map of Comprehensive Plan Land Use Designations is hereby amended to reflect that the parcel of real property with APN 001201004, located at the 1530 Discovery Road be given in its entirety an underlying land use designation of Rural Residential 1:5.

Section Two: Under MLA06-75 [Austin], the map of Comprehensive Plan Land Use Designations is hereby amended to reflect that the parcel of real property with APN 001081002, located at 842 South Jacob Miller Road parcel located be given in its entirety an underlying land use designation of Rural Residential 1:5.

Section Three: Under MLA06-77 [Brown & DCD], the map of Comprehensive Plan Land Use Designations is hereby amended to reflect that the parcel of real property with PIN 961803402, located at 781 Irondale Road be given in its entirety an underlying zoning designation Convenience Crossroads and that land division through the permit process provided in the Title 18 of the Jefferson County Code shall only be completed with the condition that no direct access to Irondale Road be permitted and access from 4th Avenue shall not interfere with the operation of the Irondale Road / 4th Avenue intersection.

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Section Four: Under MLA06-85 [Port of Port Townsend], the map of Comprehensive Plan Land Use Designations is hereby amended to reflect that the 2.5-acre section of the parcel of real property with PIN 001331011 located east of Airport Cutoff Road (also known as SR 19) be given an underlying zoning designation of Rural Residential 1:5 as APN 001331013.

Section Five: If any section of this Ordinance is deemed either non-compliant or invalid pursuant to the Growth Management Act, then the development regulations and/or underlying zoning designations applicable to that parcel or parcels prior to adoption of the non-compliant or invalid section of this Ordinance shall be applicable to that parcel or parcels.

Section Six: If any section of this Ordinance is deemed either non-compliant or invalid pursuant to the Growth Management Act, such a finding of non-compliance or invalidity shall not nullify or invalidate any other section of this Ordinance.

Section Seven: This Ordinance becomes effective on the date it is executed.



Julie Matthes, CMC
Julie Matthes, CMC
Deputy Clerk of the Board

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Phil Johnson
Phil Johnson, Chairman

10/02/06

David Sullivan
David Sullivan, Member

Patrick M. Rodgers
Patrick M. Rodgers, Member

Approved as to form only:

David Abram 10/2/06
Jefferson Co. Prosecutor's Office