

2 Concise Analysis of the Proposals

2.1 OVERVIEW

Pursuant to JCC §18.45, Jefferson County is conducting an annual Comprehensive Plan amendment process. Consistent with the State Environmental Policy Act ("SEPA" at RCW 43.21C), the Growth Management Act ("GMA" at RCW 36.70A), the Jefferson County Comprehensive Plan, and JCC §18.45, this amendment process involves concurrent analysis of all proposals to identify the potential for cumulative impacts.

In general, Comprehensive Plan amendment proposals in Jefferson County fall into one of two (2) categories:

Formal Site-Specific Amendments are proposals submitted by property owners requesting a change in either Comprehensive plan land use designation or density.

Suggested Amendments are generally limited to proposals that broadly apply to the narrative, goals, policies and implementation strategies of the Comprehensive Plan. In order to ensure adequate review of potential environmental impacts, any suggested amendments that could result in a need to re-designate groups of parcels are analyzed using the same criteria employed for formal site-specific amendments (i.e., JCC §18.45.080 (1) (b)).

This document addresses eight (8) of the nine (9) site-specific amendments on the Final Docket and the one (1) suggested amendment. This document further divides the amendments into sub-categories. Note: A separate Environmental Impact Statement (EIS) is being prepared for MLA06-87 the proposed Master Planned Resort (MPR) in Brinnon.

2.1.1 Staff Reports, Cumulative Analysis, & Staff Recommendations

Part 2 of this document addresses specific criteria contained in JCC §18.45 and, in turn, evaluates the potential for significant adverse environmental impacts, including cumulative impacts. Each amendment proposal is described below, evaluated based on the required criteria, and a staff recommendation is made based on those criteria. Tables are for summary information only; please refer to the staff report for each proposal for greater detail.

1.1.1 Growth Management Indicators

Pursuant to JCC §18.45.080 (1) (b), all recommendations regarding amendment to the Comprehensive Plan must include an inquiry into the seven (7) "growth management indicators" listed at JCC §18.45.050 (4) (b). These growth management indicators address the following:

- Growth and development rates;
- Ability to provide services;
- Availability of urban land;
- Community-wide attitudes towards land use; and
- Consistency with state law and local agreements.

These indicators are not necessarily amendment-specific but rather are meant to provide a snapshot of Jefferson County's status during this 2007 amendment cycle. This section will serve to promote consideration and inquiry into these seven growth management indicators and is intended to be a starting point for broader community consideration before the Planning

Commission and the BoCC. While this review of the growth management indicators provides some basic analysis related to County demographics, it is not intended to measure progress in achieving the goals of the Comprehensive Plan; that task is reserved for the State-mandated Comprehensive Plan update scheduled for completion in 2011.

Jefferson County Code (JCC) §18.45.050 (4) (b) – growth management indicators

Each of the growth management indicators is discussed as listed in JCC §18.45.050 (4) (b).

(1) Whether growth and development as envisioned in the Comprehensive Plan is occurring faster or slower than anticipated, or is failing to materialize.

*Discussion: The Office of Financial Management (OFM) is the State agency responsible for compiling population projections under the Growth Management Act (GMA). The April 1, 2007 OFM Population Estimate for Jefferson County for the Allocation of Selected State Revenues, shows a 2007 population of **28,600**. The 1996 “base year” population estimate used in the 1998 Comprehensive Plan (see page 3-3) was identified as 25,754 residents. The 1998 Comprehensive Plan anticipated a population of 28,482 in 2000, 2,529 less than the 2000 census.*

The County has passed Resolution #55-03 which adopted the intermediate population projection from OFM for the period 2000-2024. The population projection anticipates a population of 46,960 in 2024, an annual growth rate of 1.78%. The early 1990s were a time of rapid growth in Jefferson County, and the population projections that were reflective of the unusual amount of growth at that time. The growth rate of 1.78% is more in line with the historical growth rate of approximately 2%.

That being said, growth trends are difficult to predict. Washington State and its counties have tended to exhibit growth spurts interrupted by periods of slower growth, stagnation, and even decline. For example, the “rural rebound” growth trend experienced by most western states in the early 1990s – at the time of GMA adoption – was the result of an exodus by nearly two million people leaving California during a severe regional economic recession. Rural and non-metropolitan growth in Washington, and Jefferson County, during the 1990s was far greater than anticipated but slowed as California’s economy recovered in the mid-1990s (“Washington State County Population Projections For Growth Management,” Office of Financial Management, March 2002).

| YEAR | 1910 | 1920 | 1930 | 1940 | 1950 | 1960 | 1970 | 1980 | 1990 | 2005 | 2006 | 2007 |
|--------------------------|------|------|------|------|-------|------|-------|-------|-------|-------|-------|-------|
| County Population | 8300 | 6420 | 8346 | 8918 | 11618 | 9639 | 10661 | 15965 | 20406 | 27600 | 28200 | 28600 |
| Port Townsend | 4181 | 2847 | 3970 | 4683 | 6888 | 5074 | 5241 | 6067 | 7001 | 8745 | 8820 | 8865 |
| Percent in Port Townsend | 50% | 44% | 47% | 53% | 59% | 53% | 49% | 38% | 34% | 32% | 31% | 31% |

Jefferson County Population 1910-2007

Source: United States Census, Washington State Office of Financial Management

As the table above indicates, an interesting trend for Jefferson County is an ongoing decrease in the percentage of residents living in the City of Port Townsend. Since 1950, the percentage of residents living in the City has dropped from 59% to 31%, with County residential units accounting for over 70% of the population base. It is not unreasonable to assume that this shift towards residence in unincorporated areas has resulted in an increased demand for services outside of Port Townsend.

Resolution #55-03 allocates 36% of the growth over the 20-year planning period to the City of Port Townsend, 17% each to Port Ludlow MPR and Irondale/Hadlock UGA, and 30% to the rural areas of Jefferson County.

(2) Whether the capacity of the county to provide adequate services has diminished or increased.

Discussion: The number of service providers in the County has not decreased and the County, with the exception of policy decisions made as a result of economic conditions, continues to be equipped to provide the same levels of service available at the time of Comprehensive Plan adoption. The County is in the process of adopting GMA compliant plans to provide the Irondale/Hadlock Urban Growth Area (UGA) with urban services, specifically sanitary sewer service and stormwater management.

(3) Whether sufficient urban land is designated and zoned to meet projected demand and need.

Discussion: As a part of the planning process for the unincorporated Port Hadlock UGA, an analysis of vacant lands within the proposed UGA and a build-out analysis were completed. These studies evaluated the ability to accommodate the allocated population. The Port Hadlock UGA (partially invalidated by the Western Washington Growth Management Hearings Board (see WWGMHB Case No. 04-2-0022, Irondale Community Action Neighbors and Nancy Dorgan v. Jefferson, Final Decision and Order (May 31, 2005)) was sized to accommodate 118% of the growth allocated by resolution #55-03.

With a theoretical carrying capacity of over 30,000, the City of Port Townsend UGA also appears to be adequately sized to accommodate anticipated future urban growth.

(4) Whether any assumptions upon which the Comprehensive Plan is based are no longer found to be valid.

Discussion: Since the adoption of the Comprehensive Plan in 1998, the majority of assumptions made as part of the Plan continue to be valid. Amendments to GMA and other laws made by the State Legislature and precedent-setting decisions made by the Growth Management Hearings Boards influence local government implementation of GMA.

(5) Whether changes in countywide attitudes necessitate amendments to the goals of the Plan and the basic values embodied within the Comprehensive Plan Vision Statement.

Discussion: The most effective way to judge whether changes in countywide attitudes have occurred, aside from reference to local election results, is through statistically significant public opinion surveys. The last such survey in Jefferson County took place in 1991 through the "Jefferson 2000 Public Opinion Survey" conducted by Elway Research. Many of the opinions expressed through this survey are reflected in the policy assumptions that form the basis for the Comprehensive Plan. That said, the opinions expressed through the Jefferson 2000 survey were not intended to predict the future and an updated survey would be the most effective way to gauge whether changes in countywide attitudes have occurred.

(6) Whether changes in circumstances dictate a need for amendments.

Discussion: To some degree, circumstances have changed since Comprehensive Plan adoption in August of 1998. Taken from a broad perspective, these changing circumstances include: issues surrounding affordable housing, specific salmon species listings under the Endangered Species Act, County adoption of final development regulations which are consistent with the Comprehensive Plan and the Growth Management Act, Growth Management Hearings Boards clarifications through case law related to specific provisions of the GMA, the adoption of Unified

Development Code amendments establishing a process for locating Major Industrial Development, the completion of the Tri-Area/Glen Cove Special Study, designation of Glen Cove Light Industrial/Commercial area, and the designation, and then appeal and partial invalidation, of Irondale/Hadlock as a UGA. Many of these changes in circumstances were addressed during the 2004, 2005 and 2006 Updates to the Comprehensive Plan.

(7) Whether inconsistencies exist between the Comprehensive Plan and the Growth Management Act or the Comprehensive Plan and the Countywide Planning Policy for Jefferson County.

Discussion: The Comprehensive Plan is consistent with both the Growth Management Act and the Countywide Planning Policy. In 2004, Jefferson County, pursuant to the Growth Management Act, conducted a review of the Comprehensive Plan and the UDC to ensure consistency between those documents and the Growth Management Act.

2.2 FINAL DOCKET

Following are brief descriptions of each of the ten (10) proposed amendments to the Comprehensive Plan. Each case has a Master Land Use Application (MLA) file number for reference.

Site-Specific Amendments:

1. **MLA07-70**; Tukey Investments LLC; west side of Oak Bay Road, immediately north of the junction of Oak Bay and Old Oak Bay Roads; 20 acres (tax parcel number 921182003); RR 1:20 to 1:5.
2. **MLA07-79**; Janet Gillanders; Big Leaf Lane, west of US 101, north of Quilcene; 40 acres (tax parcel numbers 702113011 & 702113002); RR 1:20 to 1:5.
3. **MLA07-90**; Richard Broders & Broders Family Associates LP; west side of US 101 on the west side of Discovery Bay; 396 acres (tax parcel numbers 902124002 & 902121002 (partition)); request for Mineral Resource Land Overlay on CF 1:80.
4. **MLA07-93**; Rayonier Forest Resources L.P. (represented by Terra Pointe Services, authorized agent of property owner); Clearwater Road, west Jefferson County; 42.91 acres (tax parcel number 412182020); RF 1:40 to RR 1:5
5. **MLA07-94**; Rayonier Forest Resources L.P. (represented by Terra Pointe Services, authorized agent of property owner); West of Oak Bay Road and north of Mats Mats Beach Road; 120 acres (approximately) (tax parcel numbers 921322002 (partitioned) & 921321004); CF 1:80 to RR 1:20 and RF 1:40 to RR 1:10.
6. **MLA07-96**; Hill Timber and Bay Mountain Timber (Joseph D'Amico, authorized agent of property owners); west of US 101 in S11, T29N, R2W W.M.; 40 acres (tax parcel numbers 902111008 & 902114001); RR 1:20 to RF 1:40.
7. **MLA07-99**; Sharon McCarthy; South Jacob Miller Road; 20 acres (tax parcel number 001081005); west of South Jacob Miller Road; RR 1:20 to RR 1:5.
8. **MLA07-100**; Sharon McCarthy; South Jacob Miller Road; 20 acres (tax parcel number 001081001); adjacent and to the west of Jacob Miller Road; RR 1:20 to RR 1:5.
9. **MLA06-87**; Black Point Properties, KMC and W. Kaufman (Statesmen Group of Companies Ltd. Authorized agent of the property owners); Brinnon; 252.64 acres; MPR (addressed through a separate EIS).

Suggested Amendment:

10. **MLA07-104**; Jefferson County; initiation of the process and analyses necessary to designate up to two sites located in east Jefferson County under the Industrial Land Bank (ILB) provisions of the GMA (RCW 36.70A.367) in order to provide additional employment opportunities for county residents.

The Board of County Commissioners (BoCC) in its legislative capacity may adopt each amendment as proposed, adopt with conditions, adopt a modified version, or deny adoption.

The eight (8) site-specific amendments to the Comprehensive Plan that are addressed in this Integrated Staff Report and SEPA Addendum constitute three (3) individual proposed action components (i.e., rural residential rezones; commercial and rural forest rezones; and floating overlay rezones (i.e., MRL Overlay). The environmental review-based alternatives to each proposed action component are as follows:

- No Action - Continue application of the Comprehensive Plan without any or all of the proposed amendments;
- Adopt with or without modifications and/or mitigating conditions as appropriate; or
- Defer for consideration during the 2008 Plan and Code Update process.

2.2.1 Staff Recommendation Summary

Staff recommendations for each proposed amendment are explained under a heading for each individual proposal in part 2.3. The staff recommendations are presented to the Planning Commission for consideration. In transmitting the Planning Commission to the BoCC later this year, staff will have the opportunity to adjust these preliminary recommendations. The preliminary staff recommendations, including modifications and mitigation measures, are summarized in the following table:

2007 Comprehensive Plan Amendment Docket: Summary of Staff Recommendations

| # | APPLICATION NUMBER | APPLICANT/PARCEL NUMBER | GENERAL DESCRIPTION OF PROPOSAL | STAFF RECOMMENDATION |
|---|--------------------|--|--|--------------------------|
| 1 | MLA07-70 | Tukey; 921182003 | 20 acres; RR 1:20 to 1:5 | Approve with condition. |
| 2 | MLA07-79 | Gillanders; 702113011 & 702113002 | 40 acres; RR 1:20 to 1:5 | Deny. |
| 3 | MLA07-90 | Broders; 902121002 & 902124002 | 396 acres; apply MRL Overlay to CF 1:80 | Approve with conditions. |
| 4 | MLA07-93 | Rayonier 412182020 | 43 acres; RF 1:40 to RR 1:5 | Deny. |
| 5 | MLA07-94 | Rayonier 921322002 & 921321004 | 120 acres; 80 acres CF 1:80 to RR 1:20 & 40 acres RF 1:40 to RR 1:10 | Deny. |
| 6 | MLA07-96 | Hill Timber & Bay Mountain Timber (Security Services Inc./Joseph D'Amico); 902111008 & 902114001 | 40 acres; RR 1:20 to RF 1:40 | Approve with condition. |

| # | APPLICATION NUMBER | APPLICANT/PARCEL NUMBER | GENERAL DESCRIPTION OF PROPOSAL | STAFF RECOMMENDATION |
|---|--------------------|--|---|---|
| 7 | MLA07-99 | McCarthy - West; 001081005 | 20 acres; RR 1:20 to RR 1:5 | Approve. |
| 8 | MLA07-100 | McCarthy - East; 001081001 | 20 acres; RR 1:20 to RR 1:5 | Approve. |
| 9 | MLA07-104 | Jefferson County ILB; no parcels yet identified | No acreage yet identified; could include two sites designated "Industrial Land Bank." | Defer until the proposal is more fully developed and analyzed (i.e., 2008). |

2.3 STAFF REPORTS: SITE-SPECIFIC AMENDMENTS

Eight (8) of the site-specific amendment proposals evaluated in this document are grouped together below according to category:

- Four (4) requests for Change of Rural Residential Density (e.g., RR 1:20 to RR 1:5);
- One (1) request for Change from Rural Residential Density to Forest Resource Land Designation (e.g., RR 1:20 to RF 1:40);
- Two (2) requests for Change from Forest Resource Land Designation to Rural Residential Designation (e.g., CF 1:80 to RR 1:20; RF 1:40 to RR 1:10); and
- One (1) request for Application of an Overlay Designation (e.g., MRL Overlay on CF 1:80).

2.3.1 Requests for Change of Rural Residential Density (4)

Requests for changes in Rural Residential density are subject to criteria contained at Land Use Policy 3.3 (page 3-67) in the Comprehensive Plan. These criteria attribute one of three residential densities to all residential parcels in Jefferson County: one dwelling unit per five acres (1:5), one dwelling unit per ten acres (1:10), or one dwelling unit per twenty acres (1:20), subject to the following criteria:

POLICIES:

- LNP 3.3.1** A residential land use designation of one dwelling unit per 5 acres (RR 1:5) shall be assigned to those areas throughout the County with:
- an established pattern of the same or similar sized parcels (i.e., 5 acres) or smaller sized existing lots of record;
 - parcels of similar size (i.e., 5 acres) or pre-existing smaller parcels along the coastal areas;
 - parcels immediately adjacent to the boundaries of the Rural Village Centers; and
 - as an overlay to pre-existing developed "suburban" platted subdivisions.

- LNP 3.3.2** A rural residential land use designation of one dwelling unit per 10 acres (RR 1:10) shall be assigned to those areas throughout the County with:

- a. an established pattern of the same or similar sized parcels (i.e., 10 acres);
- b. parcels along the coastal area of similar size;
- c. areas serving as a “transition” adjacent to Urban Growth Areas; and,
- d. critical area land parcels.

- LNP 3.3.3** A rural residential land use designation of one dwelling unit per 20 acres (RR 1:20) shall be assigned to those areas throughout the County with:
- a. an established pattern of the same or similar sized parcels (i.e., 20 acres) or larger;
 - b. parcels along the coastal area of similar size;
 - c. areas serving as a “transition” to Urban Growth Areas or the [Port Ludlow] Master Planned Resort;
 - d. critical land area parcels;
 - e. agriculture resource designated parcels;
 - f. publicly owned forest lands; and
 - g. lands adjacent to forest resource land.

The Jefferson County Code defines the term “buildable lot” and notes that a lot of two (2) acres in size or greater will typically be adequate to meet health standards related on-site wastewater disposal (i.e. septics) and individual water systems (i.e. well) [JCC §18.10]. Since 1996, the maximum density that can be achieved through subdivision in Jefferson County is one dwelling unit per five acres. In January 2001, Jefferson County adopted the Unified Development Code (JCC Title 18) which includes provisions for innovative and environmentally sound site-design through residential “clustering.” These provisions are contained at JCC §18.15 Article VI-M (Planned Rural Residential Developments).

The three proposals for residential density changes will be reviewed consistent with these criteria. A general description, criteria review, and staff recommendation for each proposal is provided below.

2.3.1.1 MLA07-70 (Tukey Investment LLC)

Applicant: Tukey Investment LLC (Bill Marlow/Bruce Seton)

Assessor Parcel Number(s): 921182003

Location: West side of Oak Bay Road, immediately north of the junction of Oak Bay and Old Oak Bay Roads

2.3.1.1.1 General Description and Environmental Information

The proposed amendment would redesignate approximately twenty (20) acres from Rural Residential one dwelling unit per twenty acres (RR 1:20) to Rural Residential one dwelling unit per five acres (RR 1:5). The subject parcel is located on the west side of Oak Bay Road near the top of Yarr Hill, south of Port Hadlock in unincorporated Jefferson County. The parcels adjacent and to the north and east of the subject site are designated RR 1:5 and have been partially cleared. Adjacent and to the west lies property zoned RR 1:20. Though designated RR 1:20, this property lies within the Irondale Acre Tracts (platted in 1910) and has been divided into four (4) acre parcels which are considered by the County to be legal lots of record, despite their lower density zoning. The entire southern boundary of the subject site abuts land designated and zoned Commercial Forestry one dwelling unit per eighty acres (CF 1:80) owned by Olympic Resource Management. This property is designated timberland (i.e., for deferred taxation purposes), in active forest management, and was partially harvested in 1997 (FPA97-00001).

The subject site was recently cleared and is comprised by moderate slopes (i.e., less than 15%); the southeastern portion of the property is identified as having a “slight” risk of landslide hazard

under the County's environmentally sensitive areas mapping, though there is no known history of landslides on-site. The subject parcel also includes two seasonal drainages identified as Type 9 DNR streams; these two intermittent drainages converge near the northwest corner of the property into one Type 5 stream, which would appear to be a tributary of Little Goose Creek. Redesignation and rezoning of the property would **create three (3) additional parcels and** permit up to four (4) dwelling units to be constructed on-site.

2.3.1.1.2 Cumulative Impact Analysis

Pursuant to JCC §18.45.080 (1) (b), the Planning Commission and Board of County Commissioners must develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-70: Tukey | |
|---|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have not changed substantially since the adoption of the Comprehensive Plan. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. However, the applicant has presented new information relating to the densities of the legal lots of record within the Irondale Acre Tracts (platted in 1910) that was not specifically considered during the adoption process or any of the annual amendment cycles. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. The proposed amendment should not adversely impact the level of county services. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | There are no inconsistencies with the Comprehensive Plan. The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater. |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks, or environmental features. |

| Cumulative Impact Analysis - MLA07-70: Tukey | |
|--|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | The proposal is physically suitable for the requested land use designation. It is similar to the surrounding properties and their access to utilities and land uses. |
| <i>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</i> | The proposal is unlikely to create a pressure to change the land use designation of other properties. |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the basis of the Comprehensive Plan</i> | The site-specific proposal does not affect the land use and population growth projections that are the basis of the comprehensive plan. The proposed land use will be consistent with surrounding land uses. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment meets the requirements of GMA. The character of the rural area will not be affected by redesignating this property. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It is not likely that this proposal would result in a significant increase in water withdrawal or discharge.

Question #2 How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3 How would the proposal be likely to deplete energy or natural resources?

All subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4 How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The proposed Comprehensive Plan amendment is consistent with the zoning criteria established in the Comprehensive Plan (see LNP 3.3). Two intermittent Type 9 DNR streams that converge to form a Type 5 DNR stream are mapped on the property. Any issues relating to streamside setbacks and buffers would be resolved in the land division process.

Question #5 How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No portion of the site lies within the shoreline jurisdiction.

Question #6 How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendment does not conflict with the zoning criteria established in the Comprehensive Plan. It is unlikely to conflict with related local, state and federal laws.

2.3.1.1.3 Staff Recommendation

Staff recommends approval of the proposed site-specific amendment, with the condition that future development be set back from the CF 1:80 zoned land located immediately adjacent and to the south as consistent with JCC18.15.150(3)(a). The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater (see LNP 3.3.1(a)).

2.3.1.2 MLA07-79 (Gillanders)

Reference Number: MLA07-79

Applicant: Janet Gillanders

Assessor Parcel Number(s): 702113011 & 702113002

Location: West of US 101, north of Quilcene

2.3.1.2.1 General Description and Environmental Information

The subject parcels are located west of US Highway 101, north of Quilcene, on Big Leaf Lane. The request would change the land use designations and zoning of both tax parcels, each

approximately 20 acres in size, from RR 1:20 to RR 1:5. The properties to the north, west and south of the subject site are designated and zoned RR 1:20. The property touching the southwest corner of the subject site is designated and zoned RF 1:40. The parcels adjacent and to the east, which immediately abut US Highway 101, are designated and zoned RR 1:5. The Little Quilcene River, a Type 1 DNR Stream, bisects both tax parcels, with approximately twelve (12) acres of Ms. Gillanders' ownership lying east of the river, and the remaining 28 lying west of the river. The western edge of the subject site (i.e., that area lying generally westwards of Big Leaf Lane) is comprised by slopes identified as having a "slight" risk of landslide hazard under the County's environmentally sensitive areas mapping. There is no known history of landslides on-site. Redesignation and rezoning of the property would theoretically permit up to eight (8) dwelling units to be constructed on-site, quadrupling the current permissible dwelling unit density. The applicant has indicated that, if her request is approved, she intends to create three parcels, consisting of two (2) parcels east of the river each larger than five (5) acres in size, and one parcel west of the river, twenty-eight (28) acres in size.

2.3.1.2.2 Cumulative Impact Analysis

Pursuant to JCC §18.450.80 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-79: Gillanders | |
|---|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have not changed substantially since the adoption of the Comprehensive Plan. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. There has been no new information presented related to this specific proposal that has not been considered during the adoption process or any of the annual amendment cycles. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | The proposed amendment appears inconsistent with the Comprehensive Plan, specifically LNP 3.3.1(a), which states that five (5) acre zoning should be applied in areas with an established pattern of the same or similar sized parcels. Twenty (20) acre parcels characterize the adjacent properties to the north, west and south. |

| Cumulative Impact Analysis - MLA07-79: Gillanders | |
|--|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |
| <i>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</i> | The proposal would likely increase pressure to up-zone adjacent parcels which are zoned RR 1:20, thus eroding the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan (CP). |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment meets the requirements of GMA and County planning policies. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It is not likely that this proposal would result in a significant increase in water withdrawal or discharge.

Question #2 How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal is not likely to affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3 How would the proposal be likely to deplete energy or natural resources?

All subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4 How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The proposed Comprehensive Plan amendment is inconsistent with the zoning criteria established in the Comprehensive Plan (see LNP 3.3). The Little Quilcene River, a Type 1 DNR Stream bisects the property. The proposal would be likely to increase the number of potential building sites abutting the river; streamside setback and buffer areas would have to be resolved in the land division process.

Question #5 How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The Little Quilcene River, a Type 1 DNR Stream within the "Conservancy" designation of the Jefferson County Shoreline Master Program. If approved, the proposal would quadruple rural residential densities on the subject site, and increase the potential number of dwelling units abutting the river. To the extent that approval of the proposal may conflict with LNP 3.3 of the Comprehensive Plan, it may be viewed as encouraging land uses incompatible with the County's rural residential land use designation scheme.

Question #6 How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

As noted in the response to Question #5, above, the proposed amendment conflicts with the zoning criteria established in the Comprehensive Plan (see LNP 3.3). More than 70% of the perimeter of the subject site abuts areas zoned for RR 1:20 densities. Thus, the proposed rezone area does not lie within an area where an established pattern of 5-acre parcels and densities currently exist.

2.3.1.2.3 Staff Recommendation

Staff recommends denial of the proposed site-specific amendment. The subject parcel is surrounded on more than 50% of its perimeter by parcels larger than 20 acres in size that are zoned for low-density rural residential use (RR 1:20). An "established pattern" of 5-acre or

smaller parcels does not exist in the vicinity of the subject site (see LNP 3.3.1(a)). Because RR 1:20 zoning is currently applied to adjacent parcels to the north, west and south, application of the RR 1:10 land use designation to “transition” between areas of varying densities would also appear inappropriate. Approval of the request would be likely to increase pressure to upzone adjacent parcels which are zoned RR 1:20, thus eroding the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan (CP).

2.3.1.3 MLA07-99 (McCarthy) - West

Reference Number: MLA07-99

Applicant: Sharon McCarthy

Assessor Parcel Number(s): 001081005

Location: West of South Jacob Miller Road

2.3.1.3.1 General Description and Environmental Information

The subject parcel is located west of South Jacob Miller Road and east of Hidden Trails Road north of the County Landfill and near the Port Townsend municipal boundary. The request would change the land use designation and zoning of this twenty (20) acre from RR 1:20 to RR 1:5. The properties to the north, west and south of the subject site are designated and zoned RR 1:5. The property adjacent and to the east of the subject property is also owned by the applicant, is subject to a separate rezone application evaluated herein (i.e., MLA07-100), and is also designated and zoned RR 1:20.

A review of Jefferson County environmentally sensitive area maps reveals the presence of a pond and wetland in a shallow depression located in the northeast quadrant of the parcel. The property is enrolled in the designated forest land tax program (i.e., for deferred taxation purposes), and was subject to an un-even aged harvest in 2002 (FPA2605035). Redesignation and rezoning of the property would theoretically permit up to four (4) dwelling units to be constructed on-site, quadrupling the current permissible dwelling unit density. The applicant has indicated that, if her request is approved, access would be provided to the property from Jacob Mill Road via an easement traversing her property adjacent and to the east.

2.3.1.3.2 Cumulative Impact Analysis

Pursuant to JCC §18.450.80 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-99: McCarthy - West | |
|---|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to the area have changed substantially since the adoption of the Comprehensive Plan. In 2006, Jefferson County approved the upzone of the Cleo Austin property (tax parcel number 001081002) lying adjacent and to the east of Jacob Miller Road. With the approval of the Austin rezone from RR 1:20 to RR 1:5, the McCarthy properties (i.e., both tax parcels) became an isolated inholding of RR 1:20 surrounded by RR 1:5 zoned lands. Prior to the approval of the Austin downzone, the McCarthy properties were part of a contiguous block of RR 1:20 zoning abutting the Port Townsend City limits. |

| Cumulative Impact Analysis - MLA07-99: McCarthy - West | |
|--|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. However, the applicant has presented new information relating to the Austin downzone (2006), which represents a change in circumstances since the initial adoption of the Comprehensive Plan in 1998. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | There are no inconsistencies with the Comprehensive Plan. The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater (see LNP 3.3.1(a)). |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |

| Cumulative Impact Analysis - MLA07-99: McCarthy - West | |
|---|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>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</i> | The proposal is unlikely to create a pressure to change the land use designation of other properties, with the exception of parcel 001081001, which is owned by the applicant and lies adjacent and to the east of the subject site. Though functionally related and in common ownership, the applicant opted to submit two separate rezone applications for her properties (MLA07-99 and MLA07-100). No erosion of the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan would be expected to result from approval of the requested rezone. |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | Although in relative proximity to the boundary of the Port Townsend UGA, the proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment meets the requirements of GMA and County planning policies. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It is not likely that this proposal would result in a significant increase in water withdrawal or discharge.

Question #2 How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3 How would the proposal be likely to deplete energy or natural resources?

All subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4 How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The proposed Comprehensive Plan amendment is consistent with the zoning criteria established in the Comprehensive Plan (see LNP 3.3). An undelineated and unclassified pond and associated wetland lies on the northeast quadrant of the subject property. Any issues relating to wetland setbacks and buffers would be resolved in the land division process.

Question #5 How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No portion of the site lies within the shoreline jurisdiction.

Question #6 How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendment does not conflict with the zoning criteria established in the Comprehensive Plan. It is unlikely to conflict with related local, state and federal laws.

2.3.1.3.3 Staff Recommendation

Staff recommends approval of the proposed site-specific amendment. The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater (see LNP 3.3.1(a)).

2.3.1.4 MLA07-100 (McCarthy) - East

Reference Number: MLA07-100

Applicant: Sharon McCarthy

Assessor Parcel Number(s): 001081001

Location: Adjacent and west of South Jacob Miller Road

2.3.1.4.1 General Description and Environmental Information

The subject parcel is located immediately adjacent and to the west of South Jacob Miller Road and east of the property discussed in MLA07-99, immediately above. Thus, it too is north of the County Landfill and near the Port Townsend municipal boundary. The request would change the land use designation and zoning of this twenty (20) acre from RR 1:20 to RR 1:5. The properties to the north, south and east of the subject site are designated and zoned RR 1:5. The property adjacent and to the west of the subject property is also owned by the applicant, is subject to a

separate rezone application evaluated herein (i.e., MLA07-99), and is also designated and zoned RR 1:20.

A review of maps and information on file with Jefferson County does not reveal the presence of mapped environmentally sensitive areas. The property is enrolled in the county's open space agriculture program (i.e., for deferred taxation purposes), and was subject to an un-even aged harvest in 2002 (FPA2605035). The applicant's home, constructed in 1991 and remodeled in 1997, lies within the limits of this tax parcel. Redesignation and rezoning of the property would theoretically permit up to four (4) dwelling units to be constructed on-site, quadrupling the current permissible dwelling unit density. The applicant has indicated that, if her request is approved, access would be provided to the property adjacent and to the west (i.e., tax parcel number 001081005) from Jacob Mill Road via an easement traversing the subject parcel.

2.3.1.4.2 Cumulative Impact Analysis

Pursuant to JCC §18.450.80 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-100: McCarthy - East | |
|---|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have changed substantially since the adoption of the Plan. In 2006, the County approved the upzone of the Cleo Austin property (tax parcel number 001081002) lying adjacent and to the east of Jacob Miller Road. With the approval of the Austin rezone from RR 1:20 to RR 1:5, the McCarthy properties (i.e., both tax parcels) became an isolated inholding of RR 1:20 surrounded by RR 1:5 zoned lands. Prior to the approval of the Austin downzone, these properties were part of a contiguous block of RR 1:20 zoning abutting the City limits. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. However, the applicant has presented new information relating to the Austin downzone (2006), which represents a change in circumstances since the initial adoption of the Comprehensive Plan in 1998. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |

| Cumulative Impact Analysis - MLA07-100: McCarthy - East | |
|--|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | There are no inconsistencies with the Comprehensive Plan. The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater (see LNP 3.3.1(a)). |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |
| <i>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</i> | The proposal is unlikely to create a pressure to change the land use designation of other properties, with the exception of parcel 001081005, which is owned by the applicant and lies adjacent and to the west of the subject site. Though functionally related and in common ownership, the applicant opted to submit two separate rezone applications for her properties (MLA07-99 and MLA07-100). No erosion of the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan would be expected to result from approval of the requested rezone. |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | Although in relative proximity to the boundary of the Port Townsend UGA, the proposed amendment is not located within an area that is currently under review for UGA designation. |

| Cumulative Impact Analysis - MLA07-100: McCarthy - East | |
|--|---|
| UDC/JCC Criterion | Staff Evaluation |
| <p><i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i></p> | <p>The proposed amendment meets the requirements of GMA and County planning policies.</p> |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It is not likely that this proposal would result in a significant increase in water withdrawal or discharge.

Question #2 How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3 How would the proposal be likely to deplete energy or natural resources?

All subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4 How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The proposed Comprehensive Plan amendment is consistent with the zoning criteria established in the Comprehensive Plan (see LNP 3.3). The property is unlikely to affect environmentally sensitive areas.

Question #5 How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No portion of the site lies within the shoreline jurisdiction.

Question #6 How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendment does not conflict with the zoning criteria established in the Comprehensive Plan. It is unlikely to conflict with related local, state and federal laws.

2.3.1.4.3 Staff Recommendation

Staff recommends approval of the proposed site-specific amendment. The parcel meets the criteria for the RR 1:5 designation, and is surrounded on three sides by zoned or platted densities of 1 d.u. per 5 acres or greater (see LNP 3.3.1(a)).

2.3.1.5 Cumulative Analysis of Requests for Change of Residential Density

The four (4) proposals for change of rural residential density involve a total of five (5) tax parcels encompassing approximately one hundred (100) acres. Approval of these four amendments, as proposed by the applicants, would have the practical result of creating the potential for fifteen (15) additional rural dwelling units over baseline conditions (i.e., from five (5) currently, to twenty (20) if all are approved). All subsequent subdivision, including the ability to use the clustering provisions of county code, would be subject to review pursuant to the JCC at the time of application. Based on this programmatic environmental review, no site-specific characteristics exist which would preclude the use of these sites for higher density rural residential purposes. Additionally, the fact that the requests are located in geographically separated areas (i.e., near Port Townsend, south of Port Hadlock, and north of Quilcene) minimizes the potential for negative cumulative environmental and capital facility impacts.

It should be noted, however, that one of the proposals (MLA07-79) appears likely to result in indirect and cumulative impacts to the environment in the form of increased pressure to convert low density rural residential areas (i.e., RR 1:20) to higher intensity rural use (i.e., RR 1:5); this would make likely other similar upzones in the future, eroding the overall purpose and effect of the rural residential land use scheme established by the 1998 Comprehensive Plan.

2.3.2 Request for Change from Rural Residential to Forest Resource Land Designation (1)

Requests for changes from Rural Residential density to Forest Resource Lands must be considered against both the Rural Residential classification and designation criteria set forth under section 2.3.1 of this document, above, as well as the classification and designation criteria set forth within the Natural Resources Element of the Comprehensive Plan (see narrative at pages 4-1 through 4-5; and NRG 3.0 and NRPs 3.1 through 3.5 and NRG 4.0 and NRPs 4.1 through 4.8). Relevant excerpts from this Natural Resources Element narrative and goal and policy language include the following:

Forest Lands

Classification and Designation of Forest Lands

Jefferson County's Forest Lands Designation and Conservation strategy was developed based on an analysis of local conditions and the following guidelines provided by the Washington Department of Community, Trade, and Economic Development (CTED):

**Table 4-1
Guidelines for Classification of Forest Resource Lands in Jefferson County**

| Indicator | Comments |
|--|--|
| 1. Availability of public services and facilities conducive to the conversion of forest lands. | Since lands within Urban Growth Areas (UGAs) are intended to be served by public facilities and services within a twenty-year period, forest lands of long-term commercial significance should be located outside of UGA boundaries. |
| 2. Proximity of forest land to urban and suburban areas and rural settlements. | To protect forest lands of long-term commercial significance from encroachment by incompatible uses, they should be located outside the urban and suburban areas and rural settlements. |
| 3. Size of the parcels. | Forest lands of long-term commercial significance should consist of predominantly large parcels. |
| 4. Compatibility and intensity of neighboring land uses and settlement patterns with forest lands of long-term significance. | Forest lands of long-term commercial significance should be adjacent to large parcels to allow for adequate buffering and setbacks from potential incompatible uses and settlement patterns. |
| 5. Property tax classification. | Forest lands of long-term commercial significance should be eligible for assessment as open space or forest land pursuant to RCW 84.33 or 84.34. |
| 6. History of land development permits nearby. | Forest lands of long-term commercial significance should not be designated in areas under development pressure that are likely to convert to higher intensity land uses. |

In order to conserve the forest resource land base in Jefferson County and maintain the forestry industry while recognizing the diversity of forest landowners, it was determined that Forest Lands would consist of three classes:

- Commercial Forest Lands (CF-80);
- Rural Forest Lands (RF-40); and
- Inholding Forest Lands (IF) for parcels entirely surrounded by Commercial or Rural Forest Lands unless the parcel is less than twenty (20) acres in size or if a development application for the parcel is vested. The landowner must submit a written request to have the parcel removed from Forest Resource Inholding designation.

Any parcel that meets the following criteria will be classified as Forest Land and designated as Forest Land of Long-Term Commercial Significance:

- The land should consist primarily of Forest Land Grades one (1) through four (4) as mapped by the Department of Natural Resources.
- Minimum parcel size should be a minimum of nominally eighty (80) acres for Commercial Forest Lands forty (40) acres for Rural Forest Land, with parcels smaller than the minimum included when the acres of at least the minimum size are contiguously owned and the land is in a deferred forest or exempt tax status.
- The parcel should be part of a Forest Land Block at least three hundred twenty (320) acres in size that meets the designation criteria. The Forest Land Blocks will continue to exist even though individual parcels may be removed in the future because they no longer meet the established designation criteria. The Forest Land Block shall apply if the amount of designated Forest Land in the block falls below three hundred twenty (320) acres, but not if the acreage of the block falls to zero (0).
- No part of the parcel lies within one half (1/2) mile of an Urban Growth Area or within one half (1/2) mile of the three designated Rural Village Centers or within approximately one half (1/2) mile of the urbanized boundary of the Port Ludlow Master Planned Resort.

- The parcel is currently in a deferred forest tax status pursuant to RCW 84.33 or RCW 84.34 or classified or designated Timber Tax land, or State or Federal land outside the National Forest Service boundary; and
- A majority of the parcel should be located outside any community water system service area.

The Regulatory Framework for Forest Lands

Jefferson County is currently regulating forest lands and forest practices under JCC title 18, sections 18.15, 18.20, 18.30 and 18.40.

The best opportunity to manage forest land uses occurs at the state and local permitting stages. Landowners must apply for a Forest Practices Permit when conducting forest practices that have the potential for adverse impacts on public resources as described in WAC 222-16-050. Landowners choosing to maintain their land in forestry uses must state their intent to do so on the Forest Practice Application.

Since the adoption of the Interim Forest Lands Ordinance in January, 1997, the County has heard from both timber owners and adjacent landowners regarding conflicts over forest lands activities adjacent to residential lots that were previously platted in sizes too small to provide an adequate buffer from effects of activities such as noise and the spraying of herbicides. In 2002, a *Forest Transition Overlay* district was established to address potential conflict between forest resource lands and pre-platted high density residential parcels of one acre or less in size. Any future changes in the Forest Lands Ordinance or Forest Lands designations would require full public review.

All forest practices in Jefferson County must comply with the Washington State Forest Practices Act (RCW 76.09), administered by the Department of Natural Resources. These laws are designed to protect water quality, shorelines, fish and wildlife habitat and the public's opportunity to enjoy these resources. Regulations will also be developed and applied to incorporate the recommendations of agreed-upon watershed and salmon recovery plans related to land and resource management, which is further discussed in the Environment Element of the Comprehensive Plan.

Landowners choosing to convert their land to non-forest uses also must state their intent on the Forest Practices Application. As provided in the Forest Practices Act, these landowners must conduct their forest practices in accordance with applicable local government regulations, which may include, but are not limited to, the Critical Areas Ordinance and the State Environmental Policy Act.

Forest lands being converted to non-forest uses should be managed to guide the manner and extent of alteration and to minimize adverse environmental impacts. The 1997 State Legislature enacted Substitute Senate Bill 5714, requiring local governments to issue forest practice permits for harvest sites which will be converted to non-forestry purposes (Class IV – General). The bill also mandates that local governments develop a public process for lifting the six-year moratorium on conversion required when the landowner does not state an intent to convert or when a harvest project occurs without obtaining the appropriate Forest Practice application. This law expands the County's regulatory role in forest practices, and will require closer coordination with the State Department of Natural Resources.

FOREST LANDS

GOAL:

NRG 3.0 Conserve and protect Forest Resource Lands for long-term economic use.

POLICIES:

- NRP 3.1** Adopt a final Forest Lands Ordinance that includes criteria from the Growth Management Act and the Interim Forest Lands Ordinance for classifying and designating Forest Lands for long-term commercial significance based on the quality of the forest environment, the size of the parcel, the tax status, current use, and distance from populated areas.
- NRP 3.2** Encourage the continued diversity of forestry by designating classes of long-term commercially significant forest land that allow the continued existence of a range of approaches to forest management.
- NRP 3.3** Parcels designated as Forest Land in common ownership separated by a public right-of-way shall be considered as a single parcel.
- NRP 3.4** Allow commercial forest management and harvest, mineral extraction, sand and gravel operations and those land uses which maintain, enhance, or have no impact on the long term management of designated commercial forest lands.
- NRP 3.5** Support and facilitate the improvement of state and local environmental regulations affecting the forest products industry in order to improve operational predictability, minimize regulatory costs to forest land owners, and encourage protection of the forest environment and surrounding watersheds.

GOAL:

- NRG 4.0** **Minimize potential conflicts between forest management activities and land use activities within or adjacent to designated forest lands.**

POLICIES:

- NRP 4.1** Prohibit the subdivision of designated Forest Lands for residential purposes except for lands that have been designated as Forest Transition Overlay. Allow one dwelling unit on each legal lot of record in accordance with State law.
- NRP 4.2** Adopt a final Forest Lands Ordinance that includes criteria from the Growth Management Act and the interim ordinance for conditional uses in Forest Lands.
- NRP 4.3** Minimize conflicts with Forest Land activities by developing site and design requirements for land use activities adjacent to designated forest land.
- NRP 4.4** Minimize dangers from natural disasters such as fire, through siting and design criteria for structures on designated Forest Lands.
- NRP 4.5** Minimize conflict between primary and secondary forest production facilities and related developments and forest management activities through siting and design requirements.
- NRP 4.6** Prohibit the extension of service areas of utility local improvement districts, fire districts, or sewer, water, or public utility districts into designated Forest Lands except for lands that have been designated as Forest Transition Overlay.
- NRP 4.7** Address community concerns and land use conflicts which may arise as a result of forest practices in cooperation with the Washington State Department of Natural Resources, forest landowners, and the general public.

NRP 4.8 Facilitate a cooperative process bringing together timber company representatives, environmental groups, landowners, and other interested parties to address concerns related to incompatible land uses between parcels existing adjacent to forest lands at the time of adoption of Ordinance #01-0121-97, the interim Forest Lands Ordinance.

2.3.2.1 MLA07-96 (Hill Timber & Bay Mountain Timber/D'Amico)

Applicant: Hill Timber & Bay Mountain Timber (D'Amico – agent)

Assessor Parcel Number(s): 902111008 & 902114001

Location: West of US 101 in S11, T29N, R2W W.M.

2.3.2.1.1 General Description and Site-Specific Environmental Information

The request would change the current land use designation of two contiguous 20-acre tax parcels (902111008 & 902114001) located in west of US 101 in S11, T29N, R2W W.M. from low density Rural Residential (RR 1:20) to lower density Rural Forest (RF 1:40). The northerly tax parcel (902111008) is owned by the Hill Timber Partnership (formed by the Gunstone family). The southerly tax parcel (902114001) is owned by Bay Mountain Timber (also formed by the Gunstone family). The subject tax parcels are located immediately adjacent and to the west of the Richard Broders property that is the subject of a separate MRL Overlay request evaluated herein (MLA07-90). The properties to the north and west of the subject site are designated and zoned RR 1:20. The property adjacent and to the south of the subject property is also owned by the Hill Timber Partnership, and designated and zoned RF 1:40. The elevations on the subject site range from over 650 feet near the eastern boundary to just under 600 feet on the western boundary. A review of maps and information on file with Jefferson County does not reveal the presence of mapped environmentally sensitive areas.

Both parcels are identified by the Jefferson County Assessor as designated forestland (i.e., for deferred taxation purposes). No permit data are available to indicate whether or not the properties have been recently harvested. Redesignation and rezoning of the property would theoretically reduce the permissible dwelling unit density of the properties from two (2), to one (1), halving the current permissible density. The applicant has indicated that, if his request is approved, a conditional use application will be submitted to establish a shooting range on the site (note: shooting ranges are permissible via CUP approval within the RF 1:40 zone; see Table 3-1 of JCC §18.15.040).

2.3.2.1.2 Cumulative Impact Analysis

Pursuant to JCC §18.450.80 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-96: Hill Timber/D'Amico | |
|--|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have changed since the adoption of the Comprehensive Plan in 1998. In brief, the landowner has expressed a willingness and desire to downzone the property and expand the County's forest resource land base; this is a significant change in circumstances from the conditions that prevailed in 1998. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | As recommended be conditioned by staff, the proposal would appear wholly consistent with the Comprehensive Plan. The proposed RF 1:40 zoning of the parcel appears consistent with the Comprehensive Plan's narrative and policies relating to the designation of rural forest land. |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |

| Cumulative Impact Analysis - MLA07-96: Hill Timber/D'Amico | |
|---|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>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</i> | Approval of the proposal would be unlikely to lead to other downzones of Rural Residential land to Forest Resource land. In any event, such proposals should not necessarily be viewed as eroding the overall purpose and effect of the 1998 Comprehensive Plan (CP). |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | As conditioned by staff, the proposed amendment is consistent with the Comprehensive Plan polices and designation criteria governing rural forest resource lands; the proposal is wholly consistent with Plan and GMA provisions which favor the preservation and enhancement of forestry uses. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1: How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would reduce current allowable density, and therefore be unlikely to result in a significant increase in water withdrawal or discharge.

Question #2: How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not be likely to affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3: How would the proposal be likely to deplete energy or natural resources?

The proposal is unlikely to deplete energy or natural resources; all subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4: How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

As recommended be conditioned by staff, the proposed Comprehensive Plan amendment is consistent with the forest resource land classification and designation criteria established in the Comprehensive Plan (see the Plan narrative on pp 4-2 through 4-4 of the Natural Resource Conservation Element, including Table 4-1).

Question #5: How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No portion of the site lies within the shoreline jurisdiction. To the extent that approval of the proposed rezone would expand rural forest zoning it would appear to encourage use that is consistent with the County's adopted Plan and the GMA.

Question #6: How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7: Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Comprehensive Plan amendment appears to be wholly consistent with Comprehensive Plan narrative, designation criteria and policies governing forestlands (see the Plan narrative on pp 4-2 through 4-5 of the Natural Resource Conservation Element, as well as and NRGs 1.0 and 3.0 and the policies thereunder). The proposal would also appear to be consistent with the natural resource industry goal of the GMA (see RCW 36.70A.040(8)).

2.3.2.1.3 Staff Recommendation

Staff recommends approval of the proposed site-specific amendment, with the condition that the two tax parcels either be tied together via restrictive covenant, or that a boundary line adjustment (BLA) be completed to consolidate the parcels and ensure that the minimum 40-acre size criterion for the RF 1:40 designation is satisfied. As conditioned, the subject site would meet the criteria for rural forestland designation set forth in the Natural Resource Conservation Element of the Comprehensive Plan, as follows:

- The parcels are comprised predominantly of forest land grades 1 through 4 as mapped by the DNR;
- As conditioned by staff, the parcel would be at least 40 acres in size;
- The property is part of a forest land block of at least 320 acres in size;
- No part of the proposed rezone area lies within ½ mile of a UGA or Rural Village Center;
- The parcels are, and have been, enrolled in a deferred forest tax program; and,
- No portion of the proposed rezone site lies within a community water system service area.

2.3.2.2 Cumulative Analysis of the Request for Change from Rural Residential to Forest Resource Land

The proposed RR 1:20 to RF 1:40 amendment evaluated in this report will further advance the purpose of the County's Forest Resource Land designations set forth within the 1998 Comprehensive Plan.

2.3.3 Requests for Change from Forest Resource Land to Rural Residential Designation (2)

Requests for changes from Forest Lands to Rural Residential density must be considered against the classification and designation criteria set forth within the Natural Resources Element of the Comprehensive Plan (see narrative at pages 4-1 through 4-5; and NRG 3.0 and NRPs 3.1 through 3.5 and NRG 4.0 and NRPs 4.1 through 4.8). Relevant excerpts from this Plan narrative and goal and policy language are set forth in section 2.3.2 of this document, above.

The three (3) proposals for rural commercial and industrial changes will be reviewed consistent with these criteria. A general description, criteria review, and staff recommendation for each proposal is given below:

2.3.3.1 MLA07-93 (Rayonier/Terra Pointe) - Clearwater

Reference Number: MLA07-93

Applicant: Rayonier Forest Resources L.P. (Terra Pointe Services, agent)

Assessor Parcel Number(s): 412182020

Location: Clearwater Road, west Jefferson County

2.3.3.1.1 General Description and Environmental Information

The request would change the current land use designation of an approximately 43 acre parcel (42.91) from Rural Forest one dwelling unit per forty acres (RF 1:40) to Rural Residential one dwelling unit per five acres (RR 1:5). The subject parcel lies adjacent and to the east of the Clearwater River in S18, T24N, R12W W.M., and is identified by the Jefferson County Assessor as designated forestland (i.e., for deferred taxation purposes). An FPA issued on May 19, 2003 authorized an uneven aged harvest and associated road construction on the property, indicating that it has been in active forest production (FPA2605389). The abutting properties on the north, west (i.e., across the Clearwater River) and south are designated and zoned RR 1:5. The property adjacent and to the east is Commercial Forest (CF 1:80). Additionally, the property which meets the northwestern-most corner of the subject parcel is also designated and zoned RF 1:40. A review of maps and information on file with Jefferson County reveals that the Clearwater River is identified as a Type 1 DNR stream, and that wetlands may be present on the southeastern quadrant of the property (i.e., on the east side of Clearwater Road). Redesignation and rezoning of the property would theoretically increase the permissible dwelling unit density of the property from one (1), to eight (8), an eight-fold increase in potential dwelling unit density.

2.3.3.1.2 Cumulative Impact Analysis

Pursuant to JCC §18.45.080 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-93: Rayonier/Terra Point - Clearwater | |
|--|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have not changed substantially since the adoption of the Comprehensive Plan in 1998. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | The proposal would appear to be inconsistent with the Comprehensive Plan. The current RF 1:40 zoning of the parcel appears consistent with the Comprehensive Plan's narrative and policies relating to the designation of rural forest land. No persuasive arguments or evidence has been presented to suggest that the property was incorrectly designated as RF 1:40. |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |

| Cumulative Impact Analysis - MLA07-93: Rayonier/Terra Pointe - Clearwater | |
|---|---|
| UDC/JCC Criterion | Staff Evaluation |
| <i>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</i> | Approval of the proposal would be likely to increase pressure to convert Rural Forest Resource Lands to higher intensity use, eroding the overall purpose and effect of the 1998 Comprehensive Plan (CP). |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment is not consistent with the Comprehensive Plan polices and designation criteria governing rural forest resource lands and runs contrary to Plan and GMA provisions which disfavor conversion of productive forest lands to higher intensity uses. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1: How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would theoretically result in the construction of seven (7) additional dwelling units over baseline conditions. However, these additional units would be unlikely to result in a significant increase in water withdrawal or discharge.

Question #2: How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not be likely to affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3: How would the proposal be likely to deplete energy or natural resources?

The proposal is unlikely to deplete energy or natural resources; all subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4: How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

Though the subject parcel contains wetland areas, and a riverine environment, ongoing protection of these areas under the County's environmentally sensitive areas regulations would help to prevent any adverse impacts of potential future development.

Question #5: How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The Clearwater River is a Type 1 DNR Stream within the "Conservancy" designation of the Jefferson County Shoreline Master Program. If approved, the proposal could lead to an eight-fold increase in residential densities on the subject site, and increase the potential number of dwelling units abutting the river. To the extent that approval of the proposal may conflict with the forest resource land classification and designation guidelines of the Comprehensive Plan, it may be viewed as encouraging land uses incompatible with the County's Forest Lands designation scheme.

Question #6: How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7: Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Comprehensive Plan amendment appears to be inconsistent with Comprehensive Plan narrative, designation criteria and policies governing commercial forestlands (see the Plan narrative on pp 4-2 through 4-5 of the Natural Resource Conservation Element, as well as and NRGs 1.0 and 3.0 and the policies thereunder). The proposal would also appear to clearly conflict with the natural resource industry goal of the GMA (see RCW 36.70A.040(8)).

2.3.3.1.3 Staff Recommendation

Staff recommends denial of the proposed site-specific amendment. The parcel continues to meet the criteria for rural forestland designation set forth in the Natural Resource Conservation Element of the Comprehensive Plan, as follows:

- The parcel is comprised predominantly of forest land grades 1 through 4 as mapped by the DNR;
- The parcel is over 40 acres in size;
- The property is part of a forest land block of at least 320 acres in size;
- No part of the proposed rezone area lies within ½ mile of a UGA or Rural Village Center;
- The parcel is, and has been, enrolled in a deferred forest tax program; and,
- No portion of the proposed rezone site lies within a community water system service area.

Removal of the property from forestland designation would reduce the total forest resource land base of Jefferson County, an action that is strongly disfavored under both the GMA and the Jefferson County Comprehensive Plan. It would also be likely to increase pressure to up-zone and convert RF 1:40 parcels located to the northwest, thus eroding the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan (CP). Staff notes that under NRP 3.3, parcels designated as Forest Land (including RF 1:40 lands) in common ownership separated by a public right-of-way (e.g., Clearwater Road) must be considered a single parcel.

Accordingly, the designation of the property as RF 1:40 is consistent with the guidance contained in the Natural Resources Element of the Comprehensive Plan.

2.3.3.2 MLA07-94 (Rayonier/Terra Pointe) – Mats Mats

Reference Number: MLA07-94

Applicant: Terra Pointe Services, agent for Rayonier Forest Resources L.P.

Assessor Parcel Number(s): Portions of 921322002 & 921321004

Location: West of Oak Bay Road and north of Mats Mats Beach Road

2.3.3.2.1 General Description and Environmental Information

The request includes two component parts: first, it would seek to change the current land use designation on a portion of one (1) tax parcel of approximately forty (40) acres in size (tax parcel number 921321004) from Rural Forest one dwelling unit per forty acres (RF 1:40) Rural Residential one dwelling unit per ten acres (RR 1:10). The same tax parcel number is associated with a 160-acre block of land to the southwest of the proposed rezone area that is currently zoned Commercial Forest one dwelling unit per eighty acres (CF 1:80). Second, the proposal would seek to split-zone a tax parcel of approximately 160 acres in size (tax parcel number 921322002, upzoning the eastern half (i.e., 80 acres) of this parcel from Commercial Forest one dwelling unit per eighty acres (CF 1:80) to Rural Residential one dwelling unit per twenty acres (RR 1:20). Thus, the total proposed rezone area comprises some 120 total acres.

The forty (40) acre area proposed for rezoning from RF 1:40 to RR 1:10 (a portion of tax parcel 921321004) lies immediately adjacent and to the east of Oak Bay Road, just east of Mats Mats Bay. It is bounded on the north by land designated and zoned RF 1:40, on the west by land designated and zoned CF 1:80 which is also subject to this rezone proposal. On the south, the forty (40) acre component is bounded by land zoned RR 1:5 and “local agriculture”; on the east (i.e., across Oak Bay Road) is land designated and zoned RR 1:10. The Jefferson County Assessor identifies the parcel as designated forestland (i.e., for deferred taxation purposes). In addition to the application for rezoning, recent permit activity concerning this parcel includes the following: an uneven aged harvest in 2003 (FPA 2605459); a stormwater permit with SEPA (i.e., a FPA Class IV General Conversion, December 18, 2006; BLD06-00710); and a timber harvest and associated road construction earlier this year (FPA2608296). A review of maps and information on file with Jefferson County does not reveal the presence of any environmentally sensitive areas on that portion of this tax parcel subject to the rezone proposal.

The eighty (80) acre proposed rezone area (i.e., the east half of tax parcel number 921322002) is bounded by land designated and zoned as follows: on the north by RR 1:5; on the west by CF 1:80 (i.e., the west half of tax parcel number 921322002); on the south by CF 1:80 (a portion of tax parcel number 921321004); and on the east by RF 1:40 (i.e., including the proposed RF 1:40 to RR 1:10 proposed rezone area described above). The Jefferson County Assessor also identifies this parcel as designated forestland. This parcel was apparently also subject to the application for stormwater permit with SEPA (i.e., a FPA Class IV General Conversion, December 18, 2006) under BLD06-00710 referenced above.

A review of maps and information on file with Jefferson County does not reveal the presence of any known environmentally sensitive areas except for “slight” landslide hazard areas in proximity to the northern boundary of the proposed rezone area (i.e., tax parcel number 921322002). Taken together, redesignation and rezoning of this 120-acre area would theoretically increase the theoretical dwelling unit density of the property from two (2), to eight (8), a significant increase over current permissible density.

2.3.3.2.2 Cumulative Impact Analysis

Pursuant to JCC §18.45.080 (1) (b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis - MLA07-94: Rayonier/Terra Pointe – Mats Mats | |
|---|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have not changed substantially since the adoption of the Comprehensive Plan in 1998. However, the applicant contends that data regarding the number of vacant buildable lots within the North Port Ludlow area are obsolete, and that increased demand for larger rural residential lots, in conjunction with the recent amendments to the County’s environmentally sensitive areas regulations, represent a substantial change in conditions. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. The applicant asserts that data regarding the supply of larger vacant rural residential parcels are obsolete. Staff notes that creation of a supply of rural residential lots was not a significant factor guiding the initial application of resource land use designations. Protection of existing rural character and existing resource related industries were significant objectives. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | To the extent that the proposal would permit an erosion of the County’s resource land base, the proposed amendment may be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | The proposal would appear to be inconsistent with the Comprehensive Plan. The current RF 1:40 and CF 1:80 zoning of the parcels appears consistent with the Comprehensive Plan’s narrative and policies relating to the designation of rural forest land. No persuasive arguments or evidence has been presented to suggest that the property was incorrectly designated as RF 1:40 and CF 1:80 in the first instance. |

| Cumulative Impact Analysis - MLA07-94: Rayonier/Terra Pointe – Mats Mats | |
|--|--|
| UDC/JCC Criterion | Staff Evaluation |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks or environmental features. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | Generally, the subject parcel is physically suitable for the requested land use designation. |
| <i>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</i> | Approval of the proposal would be likely to increase pressure to convert Commercial and Rural Forest Resource Lands to higher intensity use, eroding the overall purpose and effect of the 1998 Comprehensive Plan (CP). |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The proposal does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment is not consistent with the Comprehensive Plan polices and designation criteria governing rural forest resource lands and runs contrary to Plan and GMA provisions which strongly disfavor conversion of productive forest lands to higher intensity uses. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1: How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

The proposal would theoretically result in the construction of six (6) additional dwelling units over baseline conditions. However, these additional units would be unlikely to result in a significant increase in water withdrawal or discharge.

Question #2: How would the proposal be likely to affect plants, animals, fish, or marine life?

The proposal would not be likely to affect plants, animals, fish, or marine life. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3: How would the proposal be likely to deplete energy or natural resources?

The proposal is unlikely to deplete energy or natural resources; all subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4: How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The subject parcels contain slight landslide hazard areas on the northern boundary of the proposed CF 1:80 to RR 1:20 rezone area. If the request were to be approved, development in these areas would be reviewed and if necessary, conditioned under the landslide hazard area provisions of the County's environmentally sensitive areas regulations.

Question #5: How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

The proposed rezone area does not involve the Shoreline jurisdiction. However, if approved, the proposal could lead to a four-fold increase in residential densities on the subject site. To the extent that approval of the proposal may conflict with the forest resource land classification and designation guidelines of the Comprehensive Plan, it may be viewed as encouraging land uses incompatible with the County's Forest Lands designation scheme.

Question #6: How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7: Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed Comprehensive Plan amendment appears to be inconsistent with Comprehensive Plan narrative, designation criteria and policies governing Commercial Forest Lands and Rural Forest Lands (see the Plan narrative on pp 4-2 through 4-5 of the Natural Resource Conservation Element, as well as and NRGs 1.0 and 3.0 and the policies thereunder). The proposal would also appear to clearly conflict with the natural resource industry goal of the GMA (see RCW 36.70A.040(8)).

2.3.3.2.3 Staff Recommendation

Staff recommends denial of the proposed site-specific amendment. The subject parcels continue to meet the criteria for commercial and rural forestland designation set forth in the Natural Resource Conservation Element of the Comprehensive Plan, as follows:

- The parcels are comprised predominantly of forest land grades 1 through 4 as mapped by the DNR;
- The parcels are over 40 and 80 acres in size, respectively;
- The property is part of a forest land block of at least 320 acres in size;
- No part of the proposed rezone area lies within ½ mile of a UGA or Rural Village Center;
- The parcels are, and have been, enrolled in a deferred forest tax program; and,
- No portion of the proposed rezone site lies within a community water system service area.

Removal of the property from forestland designation would reduce the total forest resource land base of Jefferson County, an action that is strongly disfavored under both the GMA and the Jefferson County Comprehensive Plan. It would also be likely to increase pressure to up-zone and convert CF 1:80 and RF 1:40 parcels located elsewhere in the vicinity, thus eroding the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan (CP). Accordingly, the existing designation of the properties as CF 1:80 and RF 1:40 is consistent with the guidance contained in the Natural Resources Element of the Comprehensive Plan. Finally, staff notes that the subject parcels encompass soil types, geology, topography and environmentally sensitive areas similar to many parcels designated CF 1:80 and RF 1:40 in Jefferson County.

2.3.3.3 Cumulative Analysis of Requests for Change from Forest Resource Land to Rural Residential Designation

The two (2) proposals for removal of commercial and rural forestland designation involve a total of approximately 163 acres (i.e., 80 acres of CF 1:80 and approximately 83 acres of RF 1:40). Approval of these two amendments, as proposed by the applicants, would have the practical result of creating the potential for thirteen (13) additional rural dwelling units over baseline conditions (i.e., sixteen (16) total, up from three (3) under current zoning) if approved. All subsequent subdivision, including the ability to utilize clustering provisions, would be subject to review pursuant to the JCC at time of application. Based on this programmatic environmental review, no site-specific characteristics exist which would preclude the use of these sites for residential purposes. Additionally, the fact that the requests are located in geographically separated areas (the West End and near Mats Mats on the east side of the County) minimizes the potential for negative cumulative environmental and capital facility impacts.

It should be noted that both proposals appear likely to result in indirect and cumulative significant adverse impacts to the environment in the form of increased pressure to convert commercial forest lands to higher density rural residential use (i.e., RR 1:5, RR 1:10 and RR 1:20); approval of these rezones would appear to make other similar upzones more likely in the future, eroding the overall purpose and effect of the commercial forest land designation scheme within the 1998 Comprehensive Plan (CP).

2.3.4 Request for Application of the Mineral Resource Land Overlay to an Underlying Commercial Forest Land Designation (1)

Requests for application of the Mineral Resource Land Overlay designation must be evaluated against Mineral Resource Land classification and designation criteria set forth within the Natural Resources Element of the Comprehensive Plan (see narrative at pages 4-6 and 4-7; and NRGs

6.0, 7.0, 8.0 and 9.0, and NRPs 6.1 through 9.2). Relevant excerpts from this Natural Resources Element narrative and goal and policy language include the following:

Mineral Lands

Classification and Designation of Mineral Lands

Based upon the criteria provided by the Department of Natural Resources, there are three key issues that need to be addressed in the designation and conservation of mineral resource lands:

1. Classifying the types of mineral resources that are potentially significant in Jefferson County;
2. Defining the amount and long-term significance of aggregate that is needed to meet the demand of Jefferson County's projected population; and,
3. Determining how to balance a variety of land uses within mineral resource areas.

Future mineral resource lands consist of areas identified with the potential for the existence of mineral resources. These areas:

- appear to contain the resource, based upon the information supplied by Department of Natural Resources;
- are not primarily within critical areas, for example, the 100-year flood plain or high quality wetland areas; and,
- are at least 80 acres in size, of which one forty (40) acre parcel or two twenty (20) acre parcels are currently vacant.

The criteria used to classify mineral resource lands in Jefferson County were based on the guidelines provided by the state and an analysis of local conditions. Limited geological information is available to accurately identify, evaluate, and designate mineral resources of long-term commercial significance. U.S. Geological Survey Maps and Department of Natural Resources surface mining data were reviewed by the Mineral Lands Work Group for the County to determine current and potential mineral resource lands of long-term commercial significance.

Based upon this evaluation, and in conjunction with the analysis and assessment of forest resource lands, a high degree of overlap between lands devoted to growing timber and land potentially containing commercial mineral deposits was identified. Because of the amount of forest cover and geology of Jefferson County, most mineral resources are located in forest resource lands.

Therefore, the inclusion of mineral extraction and primary processing as a permitted use on designated forest land will protect mineral resource lands from the encroachment of incompatible development, conserve the mineral resource land base of Jefferson County, and allow for its future utilization by the mining industry. In addition, the County has included in this strategy an action item to perform an analysis to determine the 50-year construction aggregate supply, so as to ensure that the lands to be protected will meet the 50-year projected demand within an economically feasible distance to the market area or areas within County jurisdiction. This satisfies the GMA requirements to not knowingly preclude opportunities for future mining and, as the lands are identified, to inform nearby property owners of the potential for future mining use of these areas in order to prevent or minimize potential conflicts.

The Natural Resource Lands Element and JCC title 18 identify the extraction of sand, gravel, rock, and minerals as a permitted use. The JCC provides development regulations on mining activities such as size, clearing, stormwater controls and protection of critical areas.

The Land Use map of this Plan depicts the location of existing mining operations which currently

operate under a Department of Natural Resources Surface Mining Reclamation Permit, and provides an underlying land use designation. The Mineral Lands map accompanying this element shows the parcels regulated under DNR permits, although it should be noted that the mining operations for a number of the sites do not occupy the entire parcel.

The Regulatory Framework for Mineral Lands

Once identified, lands under consideration for commercial mineral extraction must also be evaluated to assess land use compatibility, economic issues, and environmental impacts. A matrix (Table 4-3) accompanying NRP 6.2 is provided as a reference point for both the County and applicant to assess the feasibility of designating and protecting the mineral resource and should be linked to future land use decisions. Specific areas of review will include, at a minimum, the following: compatibility with neighboring land uses; noise; traffic; visual impacts; water resources, including surface water, ground water, and wetlands; soil, including erosion, slopes, flooding, and contamination; and fish and wildlife habitat.

Eventually, as the mineral resource is depleted, mining sites are abandoned, or the operations discontinued for long periods of time. Reclamation of abandoned, depleted, or discontinued mines creates opportunities for new uses compatible with adjacent land uses. Reclamation reduces the dangers associated with some types of abandoned mines, improves the aesthetics of the site, and can create environmental amenities, such as lakes, ponds, wetlands, and forests.

Reclamation plans are required by the Department of Natural Resources and will be considered by Jefferson County during environmental assessment of proposed mining operations. Policies in this Plan encouraging reclamation plans will be addressed through SEPA review of mining operations regulated by the Department of Natural Resources. The State Department of Natural Resources regulates mining sites of three (3) acres in size or larger.

MINERAL RESOURCE LANDS

GOAL:

NRG 6.0 Conserve and protect Mineral Resource Lands for long-term economic use.

POLICIES:

- NRP 6.1** Adopt a final Mineral Lands Ordinance that includes criteria from the Interim Mineral Lands Ordinance for classifying and designating Mineral Resource Lands of commercial significance based on physical and topographic characteristics, distance from populated areas, and the quality of the resource.
- NRP 6.2** Adopt a final Mineral Lands Ordinance that includes a process for reviewing mineral lands designation petitions which assesses the feasibility of designating mineral resource lands according to Table 4.3, and considers compatibility with adjacent land uses, economic issues and environmental impacts.
- NRP 6.3** Adopt a final Forest Lands Ordinance that includes criteria from the interim ordinance allowing mineral extraction and the primary processing of materials on designated Forest Lands, provided that the extraction is conducted under a Washington State Department of Natural Resources Surface Mining Permit and/or other applicable permit and is performed in accordance with the guidelines for best management practices established by Jefferson County.
- NRP 6.4** Mitigate conflicts with adjacent land uses by zoning and regulations including operation, siting, buffering and design requirements which minimize conflicts between mineral extraction/primary processing activities and land use activities

located adjacent to designated mineral lands.

**Table 4-3
Matrix for Assessing Lands for designation as Mineral Resource Lands**

| | NOT SUITABLE FOR DESIGNATION | CONSIDER FOR DESIGNATION | DESIGNATION DESIRABLE | DESIGNATION HIGHLY DESIRABLE | DESIGNATION CRITICAL |
|-------------------------------------|--|---|---|---|---|
| QUALITY OF DEPOSIT | Low grade deposit. | Variable but located near use area or processing plant. | Deposit made economical to mine by upgrading material. | Grade meets the requirements for road construction or can be upgraded. | Concrete quality. |
| SIZE OF DEPOSIT | Small deposit. | Small deposit (less than 2,000 tons) | Medium-size deposit. | Large deposit (7.5 million tons) | Very large deposit (10 million tons). |
| ACCESS DISTANCE FROM MARKET | More than 20 miles from use area. | Distance from use area is minimized due to access to interstate. | Less than 10 miles from the use area; alternative access route available. | Large deposit presently beyond economical hauling distance to present use areas. Near highways: access can be provided. | Within 5 miles of uses area. Adjacent to highway with access for trucks. |
| COMPATIBLE WITH NEARBY AREAS | Adjacent land use presently incompatible with mining (appreciable residential development within range of excessive noise, dust, blasting, vibrations, etc.) | Scattered development within outer range of impacts of mining; owners may not object to mining. | Adjacent land suitable for development and within commuting distance of use area. | Imminent incompatible development on adjacent lands. | No incompatible land uses existing or likely in the foreseeable future (adjacent land in national forest, operator's ownership, agricultural land use). |
| IMPACT OF NOISE | Noise level in adjacent presently developed areas would clearly exceed standards if mining occurred. | | Noise level in adjacent undeveloped areas would exceed standards for likely use, but use of these areas can be easily delayed or economical mitigation can be provided by barriers. | | Noise at adjacent residential areas less than 50 dB(A) due to distance or topographical barrier, berm can be constructed easily. |
| IMPACT OF BLASTING | Too close to existing subdivision. | | | | Blasting no required; permanent open space between quarry and other uses; topographical barrier between quarry and other land uses; only occasional light blasting; blasting compatible with adjacent uses. |

Table 4-3 continued

| | NOT SUITABLE FOR DESIGNATION | CONSIDER FOR DESIGNATION | DESIGNATION DESIRABLE | DESIGNATION HIGHLY DESIRABLE | DESIGNATION CRITICAL |
|---|--|--|--|--|--|
| IMPACT OF TRUCK TRAFFIC | Only access is local road through residential area. | Slightly longer alternative route exists. | Alternative truck route can be built at reasonable expense; alternative transportation (conveyor, etc., can be used past residential streets). | | Adjacent to freeway with access to site. |
| VISUAL IMPACT | Mining would destroy or create. | Mining activity cannot be screened and would permanently alter landscape. | Some activity visible from residential areas, but no permanent deterioration of landscape. | Mining activity can be easily screened by berms and/or vegetation. | Activity screened by topography or vegetation, or appreciably reduced by distance. |
| SURFACE & GROUND WATER IMPACTS | Potential adverse impacts to water resources on site. | Water resources on site and can be avoided. | Limited water resources on site and can be mitigated. | | No water resources on site. |
| WETLANDS IMPACT | High quality wetlands throughout the site. | High quality wetlands only on a portion of site and can be avoided. | Lower quality wetlands on site and can be mitigated. | Wetlands can be avoided on site. | No or minimal wetlands on site and of low quality. |
| SLOPES | Site located in active unstable slope area. | Potential or historical unstable slopes. | Unstable slopes on site can be avoided. | Minimal slopes throughout the site. | Level grade mining with minimal slopes. |
| BIOLOGICAL IMPACT | Rare and threatened/ endangered plants or animals on site. | Site includes priority wildlife habitat that would be permanently moved by mining. | Species of Special Concern habitat located on site. | Minor or temporary loss of fish and wildlife habitat. | No significant biological resources; rehabilitation of site would replace or create habitat. |
| IMPACT OF FLOODING | Mining would cause erosion of adjacent property; could be prevented only at great expense. | | Mining would create erosion hazard for roads, bridges, and utility lines; however, these structures could be strengthened at reasonable costs. | | Mining would create flood control channel and would not damage adjacent land. |

GOAL:

NRG 7.0 Provide for mitigation of potential adverse impacts associated with mining extraction and processing operations.

POLICIES:

NRP 7.1 Require environmental review on all mineral lands designation requests and/or conditional use permits.

NRP 7.2 Provide for the following factors in mineral resource land use decisions:
a. The range of environmental impacts, including short-term and long-term effects arising over the lifetime of the proposal;

- b. The ability of the site to confine or mitigate all operational impacts;
- c. The compatibility of operations with adjacent land uses when mitigating measures are applied;
- d. The capacity of transportation facilities to handle safely the transport of products from the site; and,
- e. The adequacy of plans for reclamation of the site for appropriate future use.

NRP 7.3 Develop standards and guidelines to identify and address the impact of mining operations on adjoining properties. Such conditioning should not have the intent of rendering mining operations economically unfeasible.

NRP 7.4 Evaluate small mining operations to determine when the cumulative impact of small operations becomes a significant adverse impact upon the land or upon adjacent lands.

GOAL:

NRG 8.0 **Ensure that County mineral resource lands are restored to safe and useful condition with enhancement and mitigation of damage to the function and aesthetics of the environment and subsequent land uses.**

POLICIES:

NRP 8.1 Develop requirements for reclamation plans for mineral extraction activities. These requirements may exceed minimum State requirements.

NRP 8.2 Ensure that reclamation plans preserve the safety, function and value of adjacent lands including aesthetic and environmental and water resource values.

NRP 8.3 Encourage reclamation plans which provide enhanced public value such as parks, play-grounds, open space, trails, wetlands, and fish and wildlife habitat.

NRP 8.4 Encourage reclamation that occurs on an ongoing basis as mineral deposits are depleted.

NRP 8.5 Avoid the potential for aquifer contamination in importing material used for reclamation backfill or storage and in approving subsequent land use activities on reclaimed mining lands.

NRP 8.6 Establish standards for performance bonds unless otherwise required for reclamation activities to be provided prior to the initiation of mineral resource extraction land use activities.

GOAL:

NRG 9.0 **Preserve water resource quality and quantity in the regulation of mineral extraction activities.**

POLICIES:

NRP 9.1 Regulate mining operations to prevent adverse impacts to ground or surface water quality.

NRP 9.2 Establish a preference for the protection of aquifers and recharge zones from the effects of surface mining in the event that adverse impacts cannot be avoided through best management practices.

The proposal for application of the MRL Overlay designation will be reviewed consistent with this narrative, goal and policy direction. A general description, criteria review, and staff recommendation for the proposal is provided below.

2.3.4.1 MLA07-90 (Broders)

Applicant: Richard Broders and the Broders Family Associates LP

Assessor Parcel Number(s): 902124002 & a portion of 902121002

Location: West side of US 101 on the west side of Discovery Bay

2.3.4.1.1 General Description and Environmental Information

The proposed amendment would seek to apply the Mineral Resource Land (MRL) Overlay designation to approximately 396 acres of CF 1:80 designated and zoned land. Because the proposal is to apply an overlay designation to the subject properties, it would not seek to change the underlying CF 1:80 land use designation and zoning. The subject parcels are located immediately west (though not directly adjacent) to US Highway 101 in S12, T29N, R2W W.M. The northerly tax parcel (90211002) is owned by the Broders Family Limited Partnership. The proposal is to apply the MRL Overlay designation to the southern one-half of this tax parcel (i.e., approximately 320 acres), as well as to tax parcel number 902124002 (i.e., approximately seventy-six (76) acres), which lies adjacent and to the south. Parcel 902124002 is owned by Richard Broders. These properties lie adjacent and immediately east of the parcels proposed to be downzoned to RF 1:40 under MLA07-96, discussed previously in this document.

The current land use designations and zoning of surrounding properties are as follows: to the north is the remainder of parcel 901124002 owned by the applicant and zoned CF 1:80; to the west lie two (2) twenty (20) acre parcels designated RR 1:20 and one (1) property designated RF 1:40 (note: these RR 1:20 parcels are those proposed for RF 1:40 zoning under MLA07-96); to the south lie parcels designated RR 1:20; and to the east is a combination of RR 1:20 and RR 1:5 designated land. The elevations on the subject site range from approximately 150 feet near the eastern perimeter of the proposed overlay area, to over 500 feet on the western perimeter. A review of maps and information on file with Jefferson County reveals the presence of the following mapped environmentally sensitive areas: wildlife habitat areas, including areas likely within ¼ mile of an Eagle's nest apparently located off-site, along the shoreline, and northeast of the proposed MRL Overlay; one field verified Type 4 DNR Stream and a number of Type 5 streams on the eastern one-half of the property; both moderate and slight landslide hazard areas, also situated roughly on the eastern one-half of the proposed MRL Overlay area; and two relatively small erosion hazard areas in the southeastern corner of the property.

The entire proposed MRL Overlay area is identified by the Jefferson County Assessor as designated forestland (i.e., for deferred taxation purposes). Redesignation would in not change the permissible dwelling unit densities on-site, which would continue to be restricted to one dwelling per eighty acres consistent with the underlying CF 1:80 zoning.

2.3.4.1.2 Cumulative Impact Analysis

Pursuant to JCC §18.45.080 (1) (b), the Planning Commission and Board of County Commissioners must develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

| Cumulative Impact Analysis – MLA07-90: Broders | |
|---|---|
| UDC/JCC Criterion (JCC §18.45.080 (1) (b)) | Staff Evaluation |
| <i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i> | The circumstances related to area have changed substantially since the adoption of the Comprehensive Plan. Consistent with the requirements of the JCC, the applicant has provided geological and economic report evaluating the potential extractable mineral resources on-site; moreover, the applicant has requested application of the MRL Overlay, consistent with the procedures for designation outlined in the Plan and codified in the JCC. Together, these facts are sufficient to reach the conclusion that conditions have changed relative to the site since initial adoption of the Plan in 1998. |
| <i>Whether the assumptions upon which the Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments to the Jefferson County Comprehensive Plan</i> | The majority of the assumptions upon which the Comprehensive Plan was adopted remain valid. However, the applicant has presented new information relative to the commercial significance and quality of the sand and gravel deposits on this site that was not specifically considered during the adoption process or any of the annual amendment cycles. |
| <i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i> | The proposed amendment would not appear to be inconsistent with the values of Jefferson County residents; these views may be made more evident through the Plan amendment process. |
| <i>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</i> | The proposal meets concurrency requirements for transportation. The proposed amendment should not adversely impact the level of county services. |
| <i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i> | There do not appear to be any clear inconsistencies with the Comprehensive Plan. The parcel would appear to meet most of the assessment criteria set forth in Table 4-3 of the Plan's Natural Resource Conservation Element for "designation desirable." However, to the extent that the proposed overlay encompasses areas that are classified and designated as Fish and Wildlife Habitat area under JCC §18.15.285, designation may be problematic under the "biological impact" criterion of the assessment matrix. Please also refer to the discussion of the criteria in JCC §18.15.170 in the table below. |

| Cumulative Impact Analysis – MLA07-90: Broders | |
|--|--|
| UDC/JCC Criterion (JCC §18.45.080 (1) (b)) | Staff Evaluation |
| <i>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</i> | The proposed amendment will not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks, or environmental features that cannot be mitigated. |
| <i>In the case of a site-specific amendment to the land use map, that the subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i> | The proposal is physically suitable for the requested land use designation. It is similar to the surrounding properties and their access to utilities and land uses. |
| <i>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</i> | The proposal is unlikely to create a pressure to change the land use designation of other properties. |
| <i>The proposed site-specific amendment does not materially affect land use and population growth projections that are the bases of the Comprehensive Plan</i> | The site-specific proposal does not affect the land use and population growth projections that are the basis of the comprehensive plan. The proposed land use will be consistent with surrounding land uses. |
| <i>If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA</i> | The proposed amendment is not located within an area that is currently under review for UGA designation. |
| <i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable interjurisdictional policies or agreements, and any other local, state or federal laws</i> | The proposed amendment meets the requirements of GMA. The proposal also would appear to satisfy the criteria set forth in JCC §18.15.170, except for criterion 6 relating to Fish and Wildlife Habitat areas. Impacts to Fish and Wildlife Habitat areas will be analyzed through a habitat management plan and include mitigations to prevent adverse impacts to the natural resources. |

In addition to the findings and conclusions required under JCC §18.45.080 (1) (b), the Planning Commission and Board of County Commissioners must also develop additional findings and conclusions as set forth under JCC §18.15.170 that consider specific criteria relative to mineral lands. Mineral Resource Lands of long-term commercial significance are those lands from which the commercial extraction of minerals (i.e., sand, gravel, rock and other valuable aggregate or

metallic substances) can be anticipated within twenty (20) years, and which are characterized by affirmative findings relative to all of the criteria set forth in the table below.

| Assessment of Long-Term Commercial Significance of Mineral Resources – MLA07-90: Broders | |
|--|---|
| UDC/JCC Criterion (JCC §18.15.170) | Staff Evaluation |
| <i>Has a known or potential extractable resource in commercial quantities been verified by submittal of a geologic and economic report prepared by a qualified professional?</i> | Yes. Mr. Dan McShane, a licensed engineering geologist for the Statum Group of Bellingham, Washington, was retained by Mr. Broders to prepare such an evaluation. Mr. McShane has concluded that a high quality deposit of at least .5 million tons exists within the proposed overlay area. Please refer to pages 3-5 of the Mr. McShane's report (included as part of Mr. Broder's application) for further detail. |
| <i>Is the parcel is a minimum of 10 acres in size?</i> | Yes. As indicated previously, the proposed overlay encompasses approximately 396 acres. |
| <i>Is the subject property surrounded by parcels no smaller than five acres in size on 100 percent of its perimeter?</i> | Yes. The proposed overlay is bounded predominantly by twenty (20) acre and larger parcels. On the eastern boundary there is a triangular tax parcel, which while oddly shaped and relatively small, nevertheless slightly exceeds five (5) acres in size. The parcel is owned by Ramon Broders, zoned RR 1:5, and lies entirely west of US 101. This is the smallest parcel bordering the proposed MRL Overlay site. |
| <i>Does the current, or will the future, land use designation have a residential density equal to, or lower than, one (1) unit per five (5) acres?</i> | Yes. The existing and future permissible density of all areas within the proposed MRL Overlay is one dwelling unit per eighty acres (CF 1:80). |
| <i>Is the proposed MRL Overlay outside the shoreline designation, an urban growth area or rural village center, and more than one-half mile of any established or potential urban growth area or rural village center boundary, as shown on the official maps of the Comprehensive Plan?</i> | Yes. The proposed MRL Overlay area is several miles north of the Discovery Bay Crossroads Neighborhood Commercial area. No portion of the proposed site lies within the shoreline jurisdiction or a current or potential future UGA. |

| Assessment of Long-Term Commercial Significance of Mineral Resources – MLA07-90: Broders | |
|--|--|
| UDC/JCC Criterion (JCC §18.15.170) | Staff Evaluation |
| <i>Is the proposed MRL Overlay outside of regulated wetland or fish and wildlife habitat areas pursuant to Article VI-H and VI-I of Chapter 18.15 JCC [Ord. 8-06 § 1]?</i> | No. A significant portion of the northeastern quadrant of the proposed MRL Overlay, almost entirely on tax parcel number 901124002 would appear to fall within the limits of a Fish and Wildlife Habitat Area designated under §JCC 18.15.285. |

The following environmental analysis is presented in the format of the Non-Project Action Supplemental Sheet to the Environmental Checklist developed by the Department of Ecology pursuant to the State Environmental Policy Act (SEPA).

Section D. Supplemental Sheet for Nonproject Actions

Question #1. How would the proposal be likely to increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise?

It is not likely that this proposal would result in a significant increase in water withdrawal or discharge.

Question #2 How would the proposal be likely to affect plants, animals, fish, or marine life?

A habitat management plan will be required so that the proposal would not affect plants, animals, fish, or marine life. Moreover, future mineral extraction activities that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for plants, animals, fish, and marine life.

Question #3 How would the proposal be likely to deplete energy or natural resources?

All subsequent project specific development proposals will be subject to applicable federal, state, and local energy conservation standards.

Question #4 How would the proposal be likely to use or affect environmentally sensitive areas or areas designated (or eligible or under study) for governmental protection; such as parks, wilderness, wild and scenic rivers, threatened or endangered species habitat, historic or cultural sites, wetlands, floodplains, or prime farmlands.

The proposed Comprehensive Plan amendment is consistent with the zoning criteria established in the Comprehensive Plan (see the Mineral Lands Assessment Matrix, Table 4-3, of the Natural Resource Conservation Element of the Plan). One Type 4 DNR Stream and several Type 5 DNR Streams exist within the limits of the proposed MRL Overlay. Any issues not addressed through this non-project review of the proposal relating to streamside setbacks and buffers could also be resolved in the mine permitting process, consistent with the requirements of JCC §18.20.240, the performance and use specific development standards for mineral extraction, mining, quarrying and reclamation activities.

Question #5 How would the proposal be likely to affect land and shoreline use, including whether it would allow or encourage land or shoreline uses incompatible with existing plans?

No portion of the site lies within the shoreline jurisdiction.

Question #6 How would the proposal be likely to increase demands on transportation or public services and utilities?

The proposal is unlikely to generate any noticeable additional demand for public services.

Question #7 Identify, if possible, whether the proposal may conflict with local, state, or federal laws or requirements for the protection of the environment.

The proposed amendment does not appear to conflict with the zoning criteria established in the Comprehensive Plan. However, note the concerns raised in the tables above regarding Fish and Wildlife Habitat areas and the "biological impact" criterion of the Mineral Lands Assessment Matrix (Table 4-3) in the Natural Resource Lands Element of the Plan, as well as JCC §18.15.170(6), the criterion which requires that the MRL Overlay not include designated habitat areas. To the extent that the proposed MRL Overlay encompasses designated habitat areas, it would appear to conflict with the County's Code.

2.3.4.1.3 Staff Recommendation

Staff recommends approval of the proposed MRL Overlay amendment, with one condition:

- A Habitat Management Plan that provides appropriate mitigation to prevent adverse environmental impacts to the critical area shall be prepared and submitted to the County as a condition precedent to issuance of any use permit for mining activities within the MRL Overlay.

2.3.4.2 Cumulative Analysis of the Request for Application of the Mineral Resource Land Overlay Designation to an Underlying Forest Resource Land Designation

As modified by staff, the proposed application of the MRL Overlay to the property subject to MLA07-90 will advance the purpose of the County's MRL Overlay designation set forth within the 1998 Comprehensive Plan, while also preserving the property for future commercial forestry use.

2.4 STAFF REPORT: SUGGESTED AMENDMENT

2.4.1 Implementation of RCW 36.70A.367 Relating to the Establishment of Industrial Land Banks

2.4.1.1 MLA07-104 (Jefferson County)

Applicant: Jefferson County

Assessor Parcel Number(s): N/A

Location: Unknown at this time (Comprehensive Plan map and text amendments)

2.4.1.1.1 General Description and Site-Specific Environmental Information

The nature and extent of this proposed amendment cannot be ascertained with any degree of accuracy at this time. The information gathering and analysis process that may ultimately lead to the designation of one up to two Industrial Land Bank (ILB) sites in the County is in its formative stage. Accordingly, analysis within this document would appear premature.

2.4.1.1.2 Cumulative Impact Analysis

Please refer to the comment in section 2.4.1.1.1, above. Because the proposed amendment has not been developed at the time of this writing, it is not possible to assess the proposal against the review criteria of JCC §18.45.080 (1) (b)).

Findings assessing Pursuant to UDC §9.8.1.b, the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific criteria. Those criteria, and staff evaluations, follow.

Section D. Supplemental Sheet for Nonproject Actions

Because the ILB alternatives have not yet been developed or analyzed, it is premature to attempt to assess their potential environmental impacts under SEPA. Accordingly, a supplemental sheet for nonproject actions has yet to be prepared.

2.4.1.1.3 Staff Recommendation

This suggested amendment (which when more fully developed would also incorporate up to two (2) site-specific rezones) is not prepared for full review or adoption at this time. It is recommended that a final legislative decision on the proposal be deferred, and that the matter be included on the County's Comprehensive Amendment docket for 2008.

On March 30, 2007, the County entered into a Professional Services Agreement with E.D. Hovee & Company to prepare key elements of the analyses necessary for the County to determine whether or not it wishes to pursue the designation of one or more ILB sites under RCW 36.70A.367. The work being conducted by Hovee & Company will result in the preparation of the following project deliverables:

- An Economic Futures Report;
- A Searchable Database Report (i.e., of commercial and industrial businesses within the County);
- Industrial/Commercial Land Use Scenarios (i.e., Industrial land use alternatives);
- An Assessment of Commercial/Industrial Land Use Needs; and
- SEPA analysis of any sites recommended for designation as ILBs under RCW 36.70A.367.

These analyses must be completed in order to identify and propose any site-specific land use redesignations that might form part of the County's Comprehensive Plan Amendment Docket for 2008.