



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

Planning Commission Recommendations: 2007 Comprehensive Plan Amendment Applications

The Board of County Commissioners placed nine site-specific Comprehensive Plan amendments and one suggested amendment for establishment of the Industrial Land Bank on the 2007 Final Docket. Due to the heavy work load anticipated from the proposed Critical Areas Ordinance amendments and the controversial nature of some of the proposed site specific amendments, the Planning Commission chose to defer action on the Industrial Land Bank until 2008. The Planning Commission reviewed and is recommending action on the following Comprehensive Plan Amendments for the 2007 planning cycle.

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)

Applicant request: Rezone of a 19.75 acre lot from RR1:20 to RR1:5.

Findings: This property abuts the western side of Oak Bay road and there are currently no improvements on the property. The Planning Commission found that the rezone was consistent with the Comprehensive Plan and was in character with the adjoining lots.

Recommendation: Approve 8-0 with 1 abstaining.

MLA07-79; Janet Gillanders; Big Leaf Lane, west of US 101, north of Quilcene; 40 acres (tax parcel numbers 702113011 & 702113002);

Applicant Request: Rezone of two 19 acre lots from RR1:20 to RR1:5

Findings: This property is bisected by the Little Quilcene River with about 28 acres on the west side of the river and a little more than 10 acres on the east side of the river. The Planning Commission found that the original requested rezone was not consistent with the goals of the Comprehensive Plan as it would have put greater pressure to rezone other lots on the west side of the Little Quilcene River.

However, after communications with Mrs. Gillanders the Planning Commission reached a compromise position to rezone the eastern portion of the parcel at RR1:10. While this creates two different zoning overlays on a single parcel, it is anticipated that the eastern portion of the parcels will be divided into a single separate lot through a boundary line adjustment.

Recommendation: Approve proposal with modifications 8-0-0 (1 excused)

MLA07-90; Richard Broders and Broders Family Limited Partnership; west side of US 101 on the west side of Discovery Bay; 396 acres (tax parcel numbers 902124002 & 902121002 (partition))

Applicant Request: Mineral resource land overlay on a 396 acre commercial forestry parcel to create a gravel yard including some on site processing (rock crushing).

Findings: This acreage is on the western side of US 101 above Discovery Bay. Sufficient land is available to ensure visual screening from the highways and no houses are located in the proximate location of the proposed gravel yard. Access to the gravel yard would be from US 101 and an access

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permit must be received from WSDOT. The Planning Commission found that the requested mineral overlay for a gravel yard was consistent with the Comprehensive Plan.

Recommendation: Approval 7-0-1 (1 excused.)

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).

Applicant Request: Rezone RF 1:40 to RR 1:5

Findings: This parcel, located south of Forks, is divided by Clearwater Road and abuts the Clearwater River to the west and Commercial Forest property directly to the east. The Planning Commission found that the proposed rezone was not consistent with the Comprehensive Plan. The parcel still meets the criteria for Resource Lands. The Planning Commission did discuss a scenario of creating two separate zoning overlays on either side of the Clearwater Road. However, the parcel does not lend itself to this solution because the area between Clearwater Road and the adjacent Commercial Forest parcel is too small to support a RR1:20 zoning overlay.

Recommendation: Deny 5-3-0 (1 excused).

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; approximately 120 acres (tax parcel numbers 921322002 (partitioned) & 921321004);

Applicant Request: CF 1:80 to RR 1:20 and RF 1:40 to RR 1:10

Findings: The applicant proposed a unique rezone with an emphasis on residential forestry. While the Planning Commission saw merit in the rezone request, currently such zoning is not supported by the Comprehensive Plan.

Recommendation: Deny 5-3-0 (1 excused).

MLA07-99; Sharon McCarthy; South Jacob Miller Road; 20 acres (tax parcel number 001081005); west of South Jacob Miller Road;

Applicant Request: RR 1:20 to RR 1:5.

Findings: This parcel is adjacent to lots with an RR1:5 zoning overlay. The Planning Commission found that this proposal was consistent with the Comprehensive Plan.

Recommendation: Approve 8-0-0 (1 excused).

MLA07-100; Sharon McCarthy; South Jacob Miller Road; 20 acres (tax parcel number 001081001); adjacent and to the west of Jacob Miller Road;

Applicant Request : RR 1:20 to RR 1:5

Findings: This parcel is adjacent to lots with an RR1:5 zoning overlay. The Planning Commission found that this proposal was consistent with the Comprehensive Plan.

Recommendation: Approve 8-0-0 (1 excused).



Peter Downey, Chairman
Jefferson County Planning Commission

11-20-07

Date



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

20 November 2007

**Planning Commission Recommendation for
Comprehensive Plan Amendment Application MLA07-096
Proposed by Security Services Northwest, Inc.**

The request was to change two parcels from the current zoning of "Rural Residential" (RR 1:20) to "Commercial Forest" or "Rural Forest" of (1:40).

Deliberations of the planning commission would suggest that this issue has:

- No relevance with regard to the rate of growth in the county;
- No increase on demand for county services;
- No impact on the designation of urban land;
- Not invalidated assumptions in the county's Comprehensive Plan;
- Not demonstrated inconsistencies between the Comprehensive Plan, the Growth Management Act and the County Wide Planning Policy;
- Not created pressure to change nearby land uses;
- Raised the possibility of a subsequent issue that definitely presented a significant challenge to the attitudes and values of the local citizens.

However, a statement in the proposal noting "tree farming" (in the section regarding "Overall Plan") led to the following:

- Keeping the current designation (RR 1:20) of the two (2) parcels would not adversely affect the provisions available to the land owner, as identified in the Jefferson County Code (JCC), for authorized forest practices. See JCC 18.15.095, titled as "Right to farm and forestry provisions". Refer to item (1) which states: "Applicability. Right to farm and forestry provisions apply to all resource and rural land use districts except rural residential 1:5 ...". Also, refer to item (3) that states: "Nuisance. The following shall not be considered a nuisance; agricultural and forestry activities, ... conducted or maintained for commercial agricultural or forestry purposes on land designated as rural residential 1:10 and 1:20, rural industrial, rural commercial, agricultural resource or forest resource". The parcels as currently zoned allows for forest practices that are consistent with the policies of Washington State and Jefferson County.

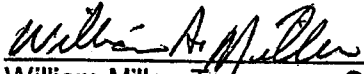
Because of the above and in consideration of the significant public comment opposing the proposal:

The Planning Commission recommendation (5-0-0) is to deny Comprehensive Plan Amendment MLA07-096.

Additional comment to the Board of County Commissioners:

It should be noted that the initial Planning Commission vote on September 26, 2007, to deny MLA07-096, was (4-3-0). Only seven members voted because of the excused absence of Mr. Werch and the recusal of Mr. Downey. Because it was determined that five (5) votes are required to forward a Planning Commission recommendation regarding a Comprehensive Plan Amendment to the Board of County Commissioners, a motion, by Ms. Farmer, was made to take another vote on the issue, but when all members would be available to vote. It subsequently appeared that that motion may have been presented in language that may not have been clear or fully understood. Nevertheless, at the first meeting after the return of Mr. Werch, October 17, 2007, Mr. Downey again ceded his responsibility to the Vice Chair, Mr. Schindler, to conduct the vote for MLA07-096. At that point, Mr. Schindler read from a prepared statement and declared that there would be no further voting on this issue and that no motion to do so would be allowed. As it is not the role of the Chair or acting chair to deny the making of a motion the Commissioners, moved, seconded and voted (5-3-0) to remove Mr. Schindler as acting Chair. Subsequently, Mr. Miller was installed (5-3-0) as a temporary Chair for the purpose of conducting a vote on MLA07-096. A motion to deny MLA07-096 was made, and seconded. However, because Ms. Sokol, Mr. Whittaker, and Mr. Schindler got up and walked out of the room, the motion was passed (5-0-0). Mr. Miller then ceded his position and gave the gavel back to Mr. Downey.

Sincerely yours;



William Miller, Temporary Chairman

20 NOVEMBER 2007
Date



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

Dissenting Report
To
Board of County Commissioners

November 19, 2007

Re: 2007 Comprehensive Plan Amendments

File Number: MLA07- 96 Submitted February 28, 2007

Applicant: Hill Timber and Bay Mountain Timber, Joseph D'Amico, Authorized Agent

Planning Commissioners: Bud Schindler, Edel Sokol & Mike Whittaker

Property Description:

The property is located upland of Discovery Bay West of US 101. The area contains two twenty area parcels zoned as Rural Residential (RR 1:20). The property is surrounded on two sides by lands zoned as Rural Residential. (RR 1:20) and the other two sides by lands zoned as Rural Forest. (RF 1:40).

Applicant Request:

The proposal as presented is a downzone of the two parcels from RR 1:20 to RF 1:40 changing the nature from rural residential to rural forest.

Planning Commission Majority:

The Planning Commission majority make the argument that this request has resulted in an overwhelming amount of opposition from neighboring property owners that are experiencing excess noise from existing shooting and a concern about lead poisoning and other environmental damage resulting from expended bullets and explosives. They have openly stated that their main obligation as Planning Commissioners on matters such as this is to assess the opinions of stakeholders, experts, the public, etc.

DCD Staff and Planning Commission Minority Group:

Staff and the Planning Commission minority group agree that this request be approved and that down-zoning is always preferred to up-zoning. Staff recognizes that if should such a downzone were approved, the authorized agent may apply for a conditional use permit to site a shooting range on the rezoned land. The intent of the applicant is to further the distance of the shooting such as to reduce the noise level to the neighboring properties. However, to do this, it is understood that the applicant must apply for a conditional use permit. Such a permit is not part of this rezone request nor would approval of this rezone request bind the County to either approve or deny such a permit application.

Planning Commission Minority Group:

The Planning Commission minority group makes the argument that the majority's obligation is flawed. Our bylaws state that the role of a Planning Commissioner is to (1) *act as policy advisors in matters concerning general land use and shoreline use within the county and (2) recommend planning and shoreline policies consistent with the goals and policies of the community as expressed in the Jefferson County Comprehensive Plan, the Shoreline Management Master Program and amendments to such plans.*

Their understanding of their obligation fails to recognize that as policy advisors they can, indeed, recommend policy as long as they are consistent with the elements of Comprehensive Plan. The RCW's (RCW 36.70.040) state that the role of the Planning Commission is to *assist the planning department in carrying out its duties, including assistance in the preparation and execution of the comprehensive plan and recommendations to the department for the adoption of official controls and/or amendments thereto.*

The GMA, our own Comprehensive Plan and our bylaws tell us that public involvement is the cornerstone of long range comprehensive planning for any community. However, it states that this planning must be carried out in a manner consistent with the goals and policies of the Comprehensive Plan (Page 1-11). The minority questions how the majority can combine a proposed usage with a request for a zoning change. These are separate issues and should be treated as suggested by DCD.

The minority group would also like the BoCC to recognize that several violations of the rules of order occurred that have compromised the integrity of the Planning Commission decision process. The following statement was read into the record at the Planning Commission meeting of October 17, 2007:

CPA MLA07-96

Planning Commission results following Deliberation

Statement by Bud Schindler, Vice Chair

On September 26, in a legal meeting of the Planning Commission, deliberation took place on CPA No. MLA07-96 known as the D'Amico request. The motions made to approve or deny this CPA failed because a majority vote of the active Planning Commissioners could not be obtained. If allowed to go forward to the BoCC, the decision from the Planning Commission would be "No Recommendation". The Planning Commission carried a motion for reconsideration of this recommendation to the meeting of October 3 when an additional commissioner would be available to possibly break the deadlock.

After a review of Roberts Rules, it is my position that the rationale for a motion of reconsideration sets a dangerous precedence for the Planning Commission.

(Point No.1) Roberts Rules states that a motion to reconsideration *enables a majority in an assembly, within a limited time and without notice, to bring back for further consideration a motion which has already been voted on.* The motion made was to consider the entire recommendation and not any particular motion.

(Point No. 2) Roberts Rules states that "*The purpose for a reconsideration vote is to permit correction of hasty, ill-advised, or erroneous action, or to take into account added information or a changed situation that has developed since the taking of the vote.*" The motion for reconsideration was based on the fact that an additional commissioner would be available to either approve or deny the CPA and thus a recommendation could be made to the BoCC.

(Point No. 3) Roberts Rules states that a motion for reconsideration must abide by the following unique characteristic: *It can be made only by a member who voted with the prevailing side. In other words, a reconsideration can be moved only by one who voted 'aye' if the motion involved was adopted, or 'no', if the motion was lost.* We had no prevailing side on this issue. We were

deadlocked. As a reminder, our by-laws call for matters such as this CPA, to be decided by an affirmative vote of a majority of the total active members of the Planning Commission.

(Point No. 4) At the meeting of October 3, the additional commissioner required to call up the motion to reconsider was on an excused absence and as such, the presiding officer of the assembly declared that no action would be taken on the D'Amico issue. For actions such as this; a motion of reconsideration that has a definitive time for the debate to continue, Roberts Rules calls for a more formal process. The motion must first be called up and recognized by the assembly, followed by any member of the assembly motioning to *Postpone to a Certain Time*, to *Limit or Extend Limits of Debate* or simply to *Lay on the Table*. A debate on this motion then ensues followed by a vote and the results announced by the presiding officer.

As a result of these violations of order, it is my decision as the presiding officer of this assembly that the final vote taken at the meeting of September 26 stands and that the message going forward to the BoCC on this issue will be "No Recommendation".

The above message rather than being recognizing for the good of the order was recognized as being an attack on their democratic rights. The minority group continues to feel that these violations set a dangerous precedent for the Planning Commission and compromises the integrity of the Planning Commission process. Proper rules of order are critically important should an applicant appeal any Jefferson County ruling to either the courts or the Growth Management Hearings Board.

Following the reading of the above decision by the presiding officer, the Planning Commission majority proceeded on the following course of action:

- Rescinded the decision of the presiding officer (Bud Schindler)
- Temporarily rescinded the presiding officer (Bud Schindler)
- Elected a temporary presiding officer (Bill Miller)
- A motion was made and seconded to deny the D'Amico CPA
- A vote was taken (the minority briefly excused ourselves for a discussion)
- The presiding officer announced the voting results as five in favor, four opposed (5:0)
- A motion was made to continue the meeting on the COA

The Planning Commission minority group concluded that the majority, again, violated the rules of order. Roberts Rules states that: *a vote to rescind except when applied to a constitution, bylaws, or special rules of order, requires (a) a two-thirds vote, (b) a majority vote when notice of intent to make the motion, stating the complete substance of the proposed change, has been given at the previous meeting, or (c) a vote of the entire membership— whichever is most practical to obtain.* A vote to rescind the decision of a presiding officer and the ensuing vote to rescind the presiding officer requires a two-thirds vote (six in favor rather than five).

Another violation of the rules of order occurred when the motion to elect a temporary presiding officer was not conducted by the secretary of the Planning Commission as called out in our by-laws.

At no time prior to the above course of action did the majority call for a motion to appeal the decision of the presiding officer. Robert Rules clearly states that by electing a presiding officer, the assembly delegates to him the authority and duty to make necessary rulings on questions of parliamentary law. But any two members have the right to appeal from his decision on such a question. By one member making (or "taking") the appeal and another seconding it, the question is taken from the chair and vested in the assembly for final decision. Had this process been properly followed, this issue could have been discussed and possibly resolved in an orderly fashion. These actions proved to the minority that the majority group bends the rules of order to their advantage but ignores them (or doesn't fully understand them) when not to their advantage.

All invalid motions described above nullify any action taken after the September 26th vote. As such, the decision of the presiding officer as stated in the October 17th meeting should stand.

Minority Response to MLA07-96 "Indicators"

Growth Management indicators were not discussed during deliberations.

Nevertheless, the following are our responses:

"No relevance with regard to the rate of growth in the county."

Down-zoning from residential to Forest Land affects growth in the county because less land is available for residential use.

"No increase on demand for county services."

Not true! Services to include fire, transportation, etc. are based on residential land available.

"No impact on the designation of urban land."

Not true! *Diminished* growth in urban lands.

"Not invalidated assumptions in the county's Comprehensive Plan."

Not relevant!

"Not demonstrated inconsistencies between the Comprehensive Plan, the Growth Management Act and the County Wide Planning Policy."

Not true! This further protects Forest Land and discourages up-zoning by neighbors.

"Not created pressure to change nearby land uses:"

Not true! Down-zoning reduces pressure to up-zone adjacent land.

"Raised the possibility of a subsequent issue that definitely presented a significant challenge to the attitudes and values of the local citizens."

Not true! Hunting and shooting are part of rural values. Subsequently, this land use change would move shooting activity further inland away from complaining neighbors.

Minority Group Recommendation:

That the Jefferson Board of County Commissioners not consider the recommendations of the planning commission majority and approve proposed amendment MLA07-96

Respectfully,

Bud Schindler

Bud Schindler

11/20/07
Date

Edel Sokol

Edel Sokol

11/20/07
Date

Mike Whittaker

Date

Another violation of the rules of order occurred when the motion to elect a temporary presiding officer was not conducted by the secretary of the Planning Commission as called out in our by-laws.

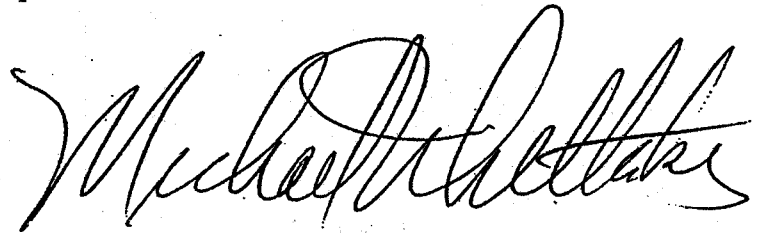
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All invalid motions above nullify any action taken after the September 26th vote. As such, the decision of the presiding officer as stated in the October 17th meeting should stand.

Minority Group Recommendation:

That the Jefferson Board of County Commissioners not consider the recommendations of the planning commission majority and approve proposed amendment MLA07-96

Respectfully,

A handwritten signature in black ink, appearing to read "Mike Whittaker", written in a cursive style.

Bud Schindler

Edel Sokol

Mike Whittaker

**Minority Report
To
Board of County Commissioners
November 19, 2007**

Re: 2007 Comprehensive Plan Amendments
File Number: MLA07- 93 Submitted February 28, 2007
Applicant: Rayonier Forest Resources L.P. represented by Terra Pointe
**Planning
Commissioners:** Bud Schindler, Edsel Sokol & Mike Whittaker

Property Description:

The property area contains a total of 48.78 acres and is mixed zoned with 5.87 acres (two separate locations) in Rural Residential (RR 1:20) and the remainder of 42.91 acres in Rural Forest (RF 1:40). The property is surrounded on three sides by lands zoned as Rural Residential. (RR 1:20). The fourth side is zoned Rural Forest.

Applicant Request:

The petitioner's request for adopting their amendment should be granted because it clearly meets the criteria set out in the Jefferson County Comprehensive Plan 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:

- a. an established pattern of the same or similar sized parcels (i.e., 5 acres) or smaller sized existing lots of record;"

Staff and Planning Commission Majority:

Staff and the majority make the argument that this request be denied contending that 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 GMA and the Jefferson County Comprehensive Plan. They also contend that it would likely increase pressure to up-zone and convert RF 1:40 parcels to the northwest of the site and that this would also be inconsistent with the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan.

Minority Rebuttal:

The Planning Commission minority agrees that there would be a reduction of forestland and the total forest resource land base but to put this into perspective this amounts to a reduction of 43 acres out of 8,645 acres ((0.5%) for Forest Land and a reduction of the same amount (43 acres) from a total forest resource land base of 383,487 acres (0.011%). This is insignificant. In fact, if the acreage for the total number of conversions since 1999 were considered, it would also be insignificant.

The minority also contends that if the subject property were zoned in a similar manner as the surrounding residential properties (RR 1:20) that there would be no increased pressure to up-zone the property to the northwest which is surrounded by Rural Forest and is not located with the Clearwater Road running through it. If zoned in this manner, only one additional residential unit could be located on this property, this being located on the East side of the road.

Staff and the majority contend that approval of this request is inconsistent with the 1998 Comprehensive Plan. However, a change to Rural Residential is also supported by the Comprehensive Plan Policy LNP 3.3.

Staff and the majority also contend that a change such as requested is strongly disfavored under with GMA. However, the goals of GMA are meant to serve as guidelines (RCW 36.70A.020) where a sense of balance must be realized. GMA does recognize the value of rural lands and rural character to Washington's economy, its people, and its environment. (RCW 36.70A.011). To sustain this rural character, the county should provide for reasonable expansion of residential growth. How else can the economy change without residential

growth? However, there exists a flawed assumption that there is an "over supply" of buildable lots in Jefferson County. Washington State Department of Community Trade and Economic Development (CTED) and staff have both made this assumption and as such, have likely led to the denial of the petitioner's request. There should always be more lots than the projected population growth. It is absurd to think that family units should equal buildable lots. There is no such thing as the "correct" ratio between supply and demand of rural residential lands.

The following profile of Jefferson County should be considered when deciding this CPA:

- 98% of Jefferson County landmass is already protected and most of our critical areas are in parks and timberland.
- there is one MPR and two Rural Villages Centers in unincorporated Jefferson County
- the majority of human habitation is on RR 1:5, RR 1:10 and RR 1:20 and this is contained on 90,530 acres of land.
- According to the U. S. Census Bureau, there are approximately 16,000 housing units on 1,000,200 acres and 14.3 people per 640 acres.
- Olympic National Park contains 922,651 acres of which more than half is in Jefferson County and Ninety Five percent is designated wilderness, National Forest Land in Jefferson County 633,677 acres then add commercial forest land
- Olympic National Park protects 3,500 miles of streams, rivers and creeks, 29 species of native freshwater fish, 54 Pacific salmon and steelhead.

Finally, the minority continues to remind staff of the fact that Jefferson County continues to operate without a final forest lands ordinance, contrary to Comprehensive Plan Policy NRP 3.1. During the 2006 CPA process, staff, argued that since a formal process is not in place, applications for conversions of forest lands cannot be adequately reviewed. The minority contends that GMA does not allow for ongoing interim ordinances, and eventually the county may find itself in legal difficulty.

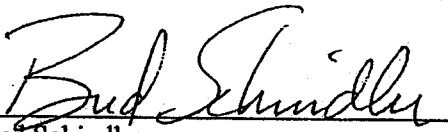
Findings of fact:

1. LNP 3.3.3 A rural residential land use designation of one dwelling unity per 20 acres (RR 1:20) shall be assigned to those areas throughout the County with:
 - a. and established pattern of the same or similar sized parcels (i.e. 20 acres) or larger

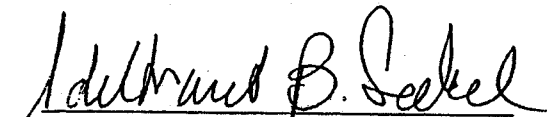
Minority Recommendation:

That the Jefferson Board of County Commissioners approve proposed amendment MLA07-93 with conditions that it be zoned Rural Residential (RR 1:20). This is consistent with the Jefferson County Comprehensive Plan (See Findings of Fact) and the GMA.

Respectfully,


Bud Schindler

11/20/07
Date


Edel Sokol

11/20/07
Date

Mike Whittaker

Date

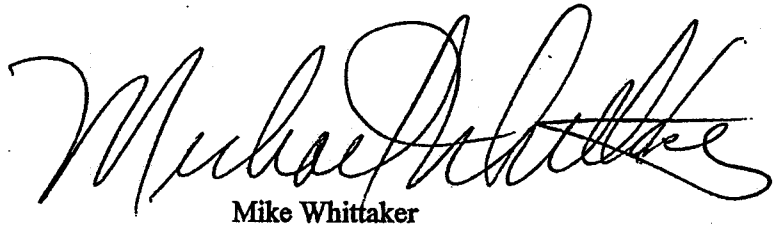
Minority Recommendation:

That the Jefferson Board of County Commissioners approve proposed amendment MLA07-93 with conditions that it be zoned Rural Residential (RR 1:20). This is consistent with the Jefferson County Comprehensive Plan (See Findings of Fact) and the GMA.

Respectfully,

Bud Schindler

Edel Sokol

A handwritten signature in black ink, appearing to read "Mike Whittaker". The signature is fluid and cursive, with a large initial "M" and "W".

Mike Whittaker

Minority Report

To Board of County Commissioners

November 19, 2007

Re: 2007 Comprehensive Plan Amendments
File Number: MLA07- 94 Submitted February 28, 2007
Applicant: Rayonier Forest Resources L.P. represented by Terra Pointe
Planning Commissioners: Bud Schindler, Edel Sokol & Mike Whittaker

Property Description and Applicant Request:

The request includes two component parts: First, it would seek to change the current land used designation on a portion of one (1) tax parcel of approximately forty (40) acres from Rural Forest (RF 1:40) to Rural Residential (RR 1:10). Second, it seeks to change the current land use of an adjacent parcel of 80 acres from Commercial Forest (CF 1:80) to Rural Residential (RR 1:20).

The applicant wishes to practice an emergent form of creative land use that integrates working forest management along the rural/commercial forest edge. It features the following elements:

1. Continued management of working forests

Provide an ownership structure with appropriate covenants that guide a forest management regime that focuses on longer rotations, habitat management, and working forest production. This type of working forest would adhere to covenants that are voluntarily created by the owner and would supplement the current regulatory state forest practices act. The current timber supply would not be removed from the local economy.

2. Integrated working forest management along the rural/commercial forest edge

The commercial forest edge between rural lands and the larger institutional forests is striking a harder and more defined line between contrasting land use patterns. Integrating a forestry ownership pattern in-between these two land uses can serve to smooth a transition from rural to forestry uses.

3. Integrated Forest Committee with a dedicated forest management staff

Create a forest management committee dedicated to oversee the forest management activities through the assistance of a dedicated Forest Manager hired by an association board of directors and coordinated by a forest management committee. The Forest Manager would act as a liaison between the community members, all agencies, and the community board. The Forest Manager would manage the forest certification program and assist owners in managing their forest in accordance with their forest management plans and certification performance standards. Similar relationships between small land owners and forest managers already exist in Jefferson County.

Staff and Planning Commission Majority:

Staff and the majority make the argument that this request be denied contending that removal of the property from forestland designation would reduce the total forest resource land base of Jefferson County. They also contend that it would likely increase pressure to up-zone and convert resource lands (both CF 1:80 and RF 1:40) and that this would be inconsistent with the overall purpose and effect of the land use pattern established in the 1998 Comprehensive Plan.

Minority Rebuttal:

The Planning Commission minority agrees that there would be a reduction of land designated as forest resource land. However because this land would be managed as a forest, it would only reduce the amount of forested land by the space taken up by residential units. If one were to assume that each parcel were to use one acre of land for a residential unit and an ADU, this would equate to a total loss of eight acres of forest. To put this loss into perspective, when considering 8,645 acres of Forest Land this would be a reduction of 0.09%. When considering the reduction to the total forest resource land base of 383,487 acres this would mean a loss of 0.002%. These measures are insignificant. The pressure to up-zone and convert other resource lands would be mitigated by this creative form of land use. Unless the owner of a parcel zoned as a commercial forest is on the edge of land zoned as rural residential, this type of land use would not be considered.

Staff and the majority contend that approval of this request is inconsistent with the 1998 Comprehensive Plan. However, this change to Rural Residential is also supported by the Comprehensive Plan calls for the county to identify and encourage diverse rural land uses and densities, which preserve rural character and rural community identity (LNP 3.1). This is backed up by RCW 36.70A.90 that calls for comprehensive plans to provide for innovative land use management techniques, including, but not limited to, density bonuses, cluster housing, planned unit developments and transfer of development rights. The Jefferson County Code provides for the promotion of creative site layouts and designs and allowing flexibility in the application of the standards for residential development in rural residential and agricultural districts (JCC 18.15.475).

The only form of creative residential land use provided for in Jefferson County is the Planned Rural Residential Developments (JCC 18.15.475). The elements of a Planned Rural Residential Developments (PRRD) are as follows:

- 1) Provide for residential development in rural areas in a way that maintains or enhances the county's rural character;
- 2) Allow development of land with physical constraints, while at the same time preserving the natural characteristics of the site, including topography, native vegetation, wildlife habitat, environmentally sensitive areas, and other natural amenities of value to the community;
- 3) Retain large, undivided parcels of land that provide opportunities for compatible agricultural and other rural land uses;
- 4) Permit developers to use innovative methods and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing needs of Jefferson County residents; and
- 5) Provide for the economical provision of infrastructure to new development by allowing choices in the layout of roads, provision of community water and wastewater disposal systems and other improvements through superior site design and the use of clustering

The minority agrees that the provisions of a PRRD are not exactly applicable to the requested form of land use. However, because this form of land use is actively used by other counties and because it is backed up by the Comprehensive Plan and the GMA, the minority feels that designating the requested changes under the provisions of a PRRD while at the same time updating the JCC to incorporate this form of land use will work.

Staff and the majority also contend that a change such as requested is strongly disfavored under with GMA. However, the goals of GMA are meant to serve as guidelines (RCW 36.70A.020) where a since of balance must be realized. GMA does recognize the value of rural lands and rural character to Washington's economy, its people, and its environment. (RCW 36.70A.011). To sustain this rural character, the county should provide for reasonable expansion of residential growth. How else can the economy change without residential growth? However, there exists a flawed assumption that there is an "over supply" of buildable lots in Jefferson County. Washington State Department of Community Trade and Economic Development (CTED) and staff have both made this assumption and as such, have likely led to the denial of the petitioner's request. There should always be more lots than the projected population growth. It is absurd to think that family units should equal buildable lots. There is no such thing as the "correct" ratio between supply and demand of rural residential lands.

The following profile of Jefferson County should be considered when deciding this CPA:

- 98% of Jefferson County landmass is already protected and most of our critical areas are in parks and timberland.
- there is one MPR and two Rural Villages Centers in unincorporated Jefferson County
- the majority of human habitation is on RR 1:5, RR 1:10 and RR 1:20 and this is contained on 90,530 acres of land.
- According to the U. S. Census Bureau, there are approximately 16,000 housing units on 1,000,200 acres and 14.3 people per 640 acres.
- Olympic National Park contains 922,651 acres of which more than half is in Jefferson County and Ninety Five percent is designated wilderness, National Forest Land in Jefferson County 633,677 acres then add commercial forest land.
- Olympic National Park protects 3,500 miles of streams, rivers and creeks, 29 species of native freshwater fish, 54 Pacific salmon and steelhead .

Staff and the majority contend that approval of this request is inconsistent with the 1998 Comprehensive Plan. This is likely based on the flawed assumption that there is an "over supply" of buildable lots in Jefferson County. The Department of Community Trade and Economic Development (CTED) and staff have both made this assumption and as such, the petitioner's request should be denied. Of course, there are more lots than the projected population growth. It is absurd to think that family units should exactly equal buildable lots. There is no such thing as the "correct" ratio between supply and demand. Such an assertion is purely the "feeling" of bureaucrats and has no basis in science or economics.

Finally, the minority continues to remind staff of the fact that Jefferson County continues to operate without a final forest lands ordinance, contrary to Comprehensive Plan Policy NRP 3.1. During the 2006 CPA process, staff, argued that since a formal process is not in place, applications for conversions of forest lands cannot be adequately reviewed. The minority contends that GMA does not allow for ongoing interim ordinances, and eventually the county may find itself in legal difficulty.

Minority Recommendation:

That the Jefferson Board of County Commissioners approve proposed amendment MLA07-94 with conditions that it be restricted to the provisions of a PRRD until such a time that the JCC is updated to allow more creative land uses such as that requested by the applicant.

That the \$2500 fee paid by the applicant be carried forward and that no new fee be applicable.


Respectfully,



Bud Schindler

11/20/07

Date



Edel Sokol

11/20/07

Date

Mike Whittaker

Date

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Minority Recommendation:

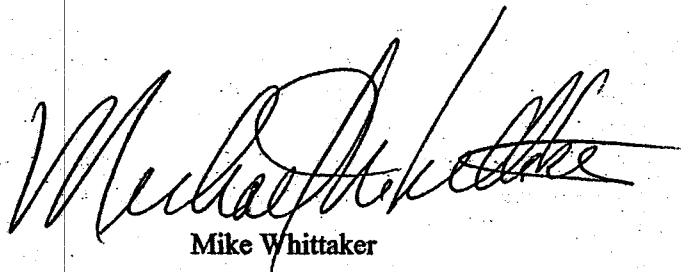
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That the \$2500 fee paid by the applicant be carried forward and that no new fee be applicable.

Respectfully,

Bud Schindler

Edel Sokol

A handwritten signature in black ink, appearing to read "Mike Whittaker", is written over the printed name. The signature is fluid and cursive.

Mike Whittaker



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street

Port Townsend, WA 98368

(360) 379-4450

Planning Commission Recommendations: 2007 Comprehensive Plan Amendment Application: MLA06-87

MLA06-87; Statesman Group Master Planned Resort at Black Point in Brinnon.

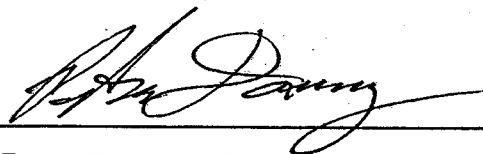
The Board of County Commissioners placed the Brinnon Area MPR site-specific Comprehensive Plan amendment on the 2007 Final Docket. This proposed MPR rezone of 256 acres on Black Point in Brinnon would create 890 units of permanent and transient housing, an 18 hole golf course, and commercial space along the marina and at the golf course.

The Planning Commission appointed four members and one alternate to a committee to review the proposal, address issues and concerns and make a recommendation to the full Planning Commission. That committee voted to approve the proposal (3-1) with conditions. The Planning Commission held one public hearing in Brinnon specifically on this proposal. Approximately 30 people testified both in support and against the proposal. Additionally more than 300 written responses were received. Responses in favor of the proposal cited economic development, environmental stewardship of the proponent and quality of life as reasons for supporting the proposal. Responses against the proposal cited inaccurate rainfall data used in developing the water supply and water treatment plans, concerns about water supply, concerns about adjacent shellfish beds to the south of the proposed development, concerns about tribal cultural and historical resources, concerns about the potential for saltwater intrusion into the aquifer, concerns about effects on the rural nature of the community, concerns about induced traffic, concerns about the infrastructure needed to support the project and concerns about effects on the shoreline and water quality of Hood Canal.

After extensive review of the criteria needed to make the decision and whether or not the proposal was consistent with the Jefferson County Comprehensive Plan, the Planning Commission found that the proposal is consistent with the Comprehensive Plan and voted (7-2) to recommend approval of the proposal with the following conditions:

- 1) ensuring that the EIS is based on science and data pertinent to the Brinnon site. This includes rainfall projections, runoff projections and potential impacts on Hood Canal.
- 2) negotiating with the developer to provide needed support for the Brinnon school, fire district, and Emergency Medical Services (EMS).

- 3) requiring the developer to prioritize the sourcing of labor and construction materials from within Jefferson County.
- 4) examining the possible ecological impact of the development's water plan that alters kettles for use as water storage.
- 5) consulting with tribes regarding cultural resources.
- 6) ensuring that natural greenbelts will be maintained on U.S. Highway 101 and as appropriate on the shoreline.
- 7) Further, more detailed review is needed at the project level SEPA analysis to ensure that water quantity and water quality issues are addressed. If the plan proves to be inadequate at the project level, the county commissioners should consider altering the size as a way to mitigate water quality and water quantity impacts.



Peter Downey, Chairman
Jefferson County Planning Commission

11-28-07

Date



JEFFERSON COUNTY

PLANNING COMMISSION

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

Planning Commission Minority Report 2007 Comprehensive Plan Amendment Application: MLA06-87

We, as a minority of the Planning Commission, believe that Statesman's plan as detailed in MLA06-87 DEIS is inadequate. Still, we agree that Statesman's plans for the Master Planned Resort (MPR) be allowed, but only with the seven (7) conditions approved by the majority and, in addition, the three (3) conditions listed below:

- That in keeping with an MPR designation as located in a setting of natural amenities, and in order to satisfy the requirements of the Shoreline Master Program (JCC 18.15.135 (1), (2), (6), the greenbelts at the shoreline be retained and maintained as they currently exist in order to provide for "the screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, historic sites, and public views."
- That in keeping with an approved landscaping and grading plan, and in order to satisfy the intent of JCC 18.15.135 (6), the buildings be built and placed in such a way that they will blend into the terrain and landscape with parklike greenbelts between the buildings.
- In fostering the economy of South County by promoting tourism, that the housing units at the Marina Village be limited to rentals and time share; or, at the very least, it should be mandated that each section be required to keep the 65% to 35% ratio of rental & time-shares to permanent residences per JCC 18.15.123 (2).

Thus, we, the minority, recommend the following:

That the Statesman's plan for the Master Plan Resort (MLA06-87) be approved *only* if a total of ten (10) conditions be placed on approval, i.e., the seven (7) Planning Commission majority conditions found in the majority report, and the three (3) Planning Commission minority conditions specified above.

As a minority of the vote taken on November 14, 2007, on MLA06-87 (Brinnon Master Plan Resort) we, JD Gallant and Ashley Bullitt, hereby submit this Minority Report to the Jefferson County Board of Commissioners.



JD Gallant, Planning Commissioner

(Signing for and with the approval of Ashley Bullitt.)

11-28-07

Date