

**JEFFERSON COUNTY  
DEPARTMENT OF COMMUNITY DEVELOPMENT**



**2008 COMPREHENSIVE PLAN  
AMENDMENT DOCKET**

**STAFF REPORT AND SEPA ADDENDUM**

Preliminary Staff Recommendation  
with Environmental Analysis  
for the Adoption of Amendments  
to the Jefferson County Comprehensive Plan  
and Unified Development Code

**September 3, 2008**

*INTEGRATED GROWTH MANAGEMENT ACT/  
STATE ENVIRONMENTAL POLICY ACT DOCUMENT*  
Environmental Review of a Non-Project Action:  
Addendum to Existing Environmental Documents

## ***Principal Contributors/Authors***

### **Department of Community Development Long-Range Planning**

Al Scaf, Director  
Stacie Hoskins, Planning Manager  
Michelle McConnell, Associate Planner  
Karen Barrows, Assistant Planner  
Joel Peterson, Assistant Planner  
Ryan Hunter, Assistant Planner

## ***Technical Contributors***

**Department of Central Services**  
Doug Noltemeier, Senior GIS Analyst

## ***Logistical Contributors***

### **Department of Community Development**

Rose Ann Carroll, Office Coordinator  
Jeanie Orr, Planning Clerk – Long Range Planning

# Table of Contents

		Page
<b>1</b>	<b>Environmental Summary &amp; Fact Sheet .....</b>	<b>1-1</b>
1.1	Fact Sheet .....	1-1
1.2	Environmental Summary .....	1-5
1.2.1	Introduction & Process .....	1-5
1.2.1.1	Adoption of Existing Environmental Documents .....	1-5
1.2.1.2	Incorporation of Documents by Reference.....	1-6
1.2.1.3	Level of Environmental Analysis .....	1-6
1.2.1.4	Process & Public Involvement.....	1-7
1.2.2	Major Conclusions .....	1-9
1.2.2.1	Summary Matrix of Impacts & Mitigation Measures.....	1-9
1.2.2.2	Comparison of Current & Proposed Land Use Designations	1-12
1.2.2.3	Significant Unavoidable Adverse Impacts.....	1-14
1.2.3	Significant Areas of Controversy & Uncertainty .....	1-14
1.2.4	Issues to be Resolved .....	1-18
1.2.4.1	Environmental Choices to be Made .....	1-18
1.2.4.2	Effectiveness of Mitigation Measures.....	1-18
1.2.4.3	Main Options to be Preserved or Foreclosed by the Action...	1-19
<b>2</b>	<b>Concise Analysis of the Proposals .....</b>	<b>2-1</b>
2.1	Overview.....	2-1
2.1.1	Individual & Cumulative Impact Analysis, & Staff Recommendations ..	2-1
2.1.2	Growth Management Indicators .....	2-1
2.2	Final Docket .....	2-4
2.2.1	Staff Recommendation Summary .....	2-5
2.3	Staff Reports: Site-Specific Amendments .....	2-6
2.3.1	Requests for Change of Rural Residential Density (3) .....	2-7
2.3.1.1	MLA08-32 (D. Holland).....	2-9
2.3.1.2	MLA08-69 (George).....	2-14
2.3.1.3	MLA08-84 (Broders) .....	2-19
2.3.1.4	Cumulative Analysis of Requests for Change of Rural Residential Density.....	2-25
2.3.2	Request for Change from Commercial Forest Resource Land Designation to combination of Rural Forest, Agriculture of Local Significance, or Rural Residential Densities (1) .....	2-25
2.3.2.1	MLA08-56 (Brown/Goldsmith).....	2-32

2.3.2.2	Cumulative Analysis of Request for Change of Forest Resource Land Designation to combination of Rural Forest, Agriculture of Local Significance, and Rural Residential.....	2-26
2.3.3	Request for Change from Commercial Forest Land Designation to Rural Residential (1) .....	2-37
2.3.3.1	MLA08-73 (Jackson) .....	2-38
2.3.3.2	Cumulative Analysis of Request for Change from Forest Resource Land Designation to Rural Residential .....	2-42
2.3.4	Request for Application of the Mineral Resource Land Overlay to an Underlying Commercial Forest Land Designation.....	2-42
2.3.4.1	MLA08-93 (Pope Resources).....	2-48
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 .....	2-54
2.3.5	Request for Change from Resource-Based Industrial Zone (RBIZ) Designation to Light Industrial (1).....	2-54
2.3.5.1	MLA08-101 (Hendy) .....	2-59
2.3.5.2	Cumulative Analysis of Request for Change from Resource-Based Industrial Zone (RBIZ) to Light Industrial.....	2-62
2.3.6	Request for Change from Rural Residential Designation to Rural Commercial (1) .....	2-62
2.3.6.1	MLA08-96 (M. Holland) .....	2-66
2.3.6.2	Cumulative Analysis of Request for Change from Rural Residential Designation to Rural Commercial.....	2-69
<b>3</b>	<b>Supporting Record, Analysis, &amp; Materials.....</b>	<b>3-1</b>
<b>4</b>	<b>Distribution List .....</b>	<b>4-1</b>
<b>5</b>	<b>Appendices .....</b>	<b>5-1</b>
<b>A.</b>	<b>Location Maps of Proposed Amendments .....</b>	<b>A-1</b>
A-1	MLA 08-32 (D. Holland) – Map of Proposed Redesignation/Rezone .....	A-2
A-2	MLA 08-56 (Brown/Goldsmith) - Map of Proposed Redesignation/Rezone.....	A-3
	(MLA08-59 (Guise) was withdrawn on August 27, 2008)	
A-4	MLA08-69 (George) - Map of Proposed Redesignation/Rezone .....	A-4
A-5	MLA08-73 (Jackson) - Map of Proposed Redesignation/Rezone .....	A-5
A-6	MLA08-84 (Broders) - Map of Proposed Redesignation/Rezone.....	A-6
A-7	MLA08-93 (Pope Resources) - Map of Proposed Redesignation/Rezone .....	A-7
A-7a	MLA08-93 (Burnett/Pope Resources) – Viewshed Map .....	A-8
A-8	MLA08-96 (M. Holland) - Map of Proposed Redesignation/Rezone .....	A-9
A-9	MLA08-101 (Hendy) – Map of Proposed Redesignation/Rezone.....	A-10
<b>B.</b>	<b>Legal Notice published September 3, 2008 .....</b>	<b>B-1</b>

C.	MLA08-101 (Hendy) – Comprehensive Plan Line-in/Line-out Changes.....	C-1
D.	MLA08-389 - Unified Development Code Line-in/Line-out Changes.....	D-1
E.	Jefferson County Resolution No. 55-03, September 22, 2003 .....	E-1

# 1 Environmental Summary & Fact Sheet

## 1.1 FACT SHEET

### Title and Description of Proposed Action

Pursuant to the Washington State Growth Management Act (GMA), the Jefferson County Board of County Commissioners (BoCC) is considering adoption of eight (8) individual amendment proposals to the 2004 Jefferson County Comprehensive Plan and one (1) amendment to the Unified Development Code (UDC). All eight (8) are site-specific amendment proposals (one of which is for a Mineral Resource Land Overlay (MRLO), that comprise the 2008 Comprehensive Plan Amendment Docket, which is the "Final Docket" for this year's annual amendment cycle.<sup>1</sup>

This document is a combined Staff Report and State Environmental Policy Act (SEPA) Addendum for the eight (8) site-specific proposed Comprehensive Plan amendments and one (1) UDC amendment. The objective of this document is to analyze the proposed amendments individually and cumulatively with regard to Comprehensive Plan amendment criteria outlined in Jefferson County Code (JCC) 18.45 and potential environmental impacts under SEPA. Adoption of Comprehensive Plan and UDC amendments is a non-project action under SEPA and is not intended to satisfy individual project action SEPA requirements (i.e., the environmental review needed for future land use or building permit applications).

Jefferson County Code 18.45.080 (1)(d) specifies that recommendations from the Planning Department and Planning Commission, and subsequent decision by the Board of County Commissioners on these proposed Comprehensive Plan amendment proposals will come forward as deny, approve or approve with modifications.

Following are brief descriptions of each of the eight (8) proposed amendments to the Comprehensive Plan and one (1) UDC amendment that are the subject of this notice. Each case has a Master Land Use Application (MLA) file number and Assessor's Parcel Number (APN) for reference:

#### Site-Specific Comprehensive Plan Amendments:

1. **MLA08-32**; Dave Holland/Davos Capital LLC; corner of Arabian Lane and Hastings Avenue, Port Townsend, WA; 14.02 acres (APN 001-064-002); RR 1:10 to 1:5.

<sup>1</sup> The 2008 Comprehensive Plan Amendment Docket was established by the Board of County Commissioners (BoCC) on July 7, 2008 following consideration of a Preliminary Docket containing thirteen (13) items.

2. **MLA08-56**; Gloria Brown, Trustee, BG Brown Trust (David Goldsmith, agent); one mile west of the intersection of Eaglemount and Center Roads, Chimacum, WA; 116 acres (APN 801-091-010, application under number 801091002); for 80 acres, request is CF 1:80 to RF 1:40; and for 36 acres, request is CF 1:80 to RR 1:20 or AL 1:20.
3. **MLA08-69**; Jeffrey and Tamara George; 472 South Edwards Road, Port Townsend, WA; 20 acres (APN 001-191-002); RR 1:20 to 1:10.
4. **MLA08-73**; James Jackson/Chimacum Heights LLC; near Chimacum, WA; 120 acres (APN 901-132-002); CF 1:80 to RR 1:10.
5. **MLA08-84**; Richard Broders/CMR Partnership; 0.3 miles down Cleveland Street, off Oak Bay Road near Port Hadlock, WA; 38 acres (APN 901-121-001); RR 1:20 to RR 1:5.
6. **MLA08-93**; James Burnett/Pope Resources); three miles west of the Hood Canal Bridge immediately north of Highway 104, and adjacent to the Shine Quarry, Port Ludlow, WA; 142 acres (APNs 821-324-002, 821-311-001, 821-291-002, and 821-302-001); CF 1:80 to Mineral Resource Land Overlay (MRL0).
7. **MLA08-96**; Michael Holland/Blue Moon Investments; intersection of Shine Road and Highway 104; 0.50 acres (APN 821-333-001); RR 1:5 to Rural Commercial (Neighborhood Visitor Crossroads (NC)).
8. **MLA08-101**; Catherine Hendy/Gerard Company; 5411 Center Road, Chimacum, WA; 9.5 acres and 1.2 acres (APNs 801-102-004 and 801-102-002 respectively); request is to rezone less than 4 acres on the first parcel from Resource Based Industrial (RBIZ) to Light Industrial.

Suggested UDC Amendment:

1. **MLA08-389**: Removing specific identification of locations from Industrial zoning references and changes reflecting the re-designation of the Center Valley Resource Based Industrial Zone to Light Industrial.

**Proponent**

The Jefferson County Board of County Commissioners (BoCC) on behalf of the applicants for the eight (8) site-specific amendment proposals.

**Lead Agency**

Jefferson County Department of Community Development (DCD)  
Long-Range Planning  
621 Sheridan Street  
Port Townsend WA 98368

SEPA Responsible Official:

Stacie Hoskins, DCD Planning Manager  
(360) 379-4463

Contact Person(s):  
Karen Barrows, Assistant Planner  
DCD Long-Range Planning  
(360) 379-4482

or

Joel Peterson, Assistant Planner  
DCD Long-Range Planning  
(360) 379-4472

or

Ryan Hunter, Assistant Planner  
DCD Long-Range Planning  
(360) 379-4464

**Authors and Principal Contributors**

Jefferson County Department of Community Development Long-Range Planning

**Date of Staff Report & SEPA Addendum**

September 3, 2008

**Date Comments are Due**

For all eight amendment proposals:

- Oral comments are welcome at the Planning Commission public hearing, 6:30 p.m., Wednesday, **September 17, 2008**, at the Washington State University (WSU) Extension Office, Spruce Room, Port Hadlock, WA.
- Written comments will be accepted by DCD on behalf of the Planning Commission through 4:30 p.m. on Friday, **October 3, 2008**. Send to: Department of Community Development, 621 Sheridan Street, Port Townsend, WA 98368

**Past Related Actions and Future Anticipated Actions**

The Planning Commission will hold a public hearing at 6:30 PM, Wednesday, **September 17, 2008**, at the WSU Extension Office, Spruce Room, Port Hadlock, WA. In mid-November, DCD expects to transmit to the BoCC a final DCD Staff Recommendation together with the Planning Commission Recommendation for all proposals on the 2008 Comprehensive Plan Amendment Docket and the one related UDC amendment.

**Tentative Adoption Date**

A legislative decision from the BoCC on each of the eight (8) Comprehensive Plan amendment proposals and the one UDC amendment under consideration is expected sometime prior to the end of the second week in December 2008. The meeting schedules and agendas for the Planning Commission and BoCC with regard to this Docket are available on a Jefferson County web page dedicated to the 2008 Comprehensive Plan annual amendment cycle

process. This web page can be accessed from the Jefferson County website:  
<http://www.co.jefferson.wa.us>.

**Appeal Information**

Issues relating to the adequacy of this SEPA Addendum and other procedural issues may not be appealed under the administrative appeal provisions of JCC §18.40.330. Appeals of GMA actions (i.e., a legislative decision by the BoCC) are heard first by the Western Washington Growth Management Hearings Board.

**Location of Background Material and Documents Incorporated by Reference**

Background material and documents used to support development of the Addendum are available for inspection from 9:00 AM to 4:30 PM, Monday through Friday, at the Jefferson County Department of Community Development, 621 Sheridan Street, Port Townsend WA 98368, (360) 379-4450. Appointments are welcome.

**Relation to Other Documents**

A series of documents have been prepared by or on behalf of Jefferson County to evaluate the impacts of the Jefferson County Comprehensive Plan and development regulations (i.e., the Unified Development Code (UDC) codified as Title 18 JCC), including amendments to both the Plan and UDC. These documents, listed in part 3 of this document, "Supporting Record, Analyses, and Materials," provide substantial background information and offer previous environmental descriptions and analyses. They are incorporated herein by this reference. The reader is encouraged to refer to these documents in conjunction with this document for a broader understanding of the issues and impacts analyzed.

In this document, descriptions of and references to the contents of the proposed amendments have been provided to the greatest extent possible, but do not include all information from the Comprehensive Plan amendment applications. For a more complete understanding of the discussion presented within this document, the Comprehensive Plan amendment applications themselves should be consulted.

**Cost to the Public**

Copies of the 2008 Comprehensive Plan Amendment Docket DCD Integrated Staff Report and SEPA Addendum, or selected pages thereof, are available at no cost from the Jefferson County Department of Community Development (DCD) and are also available for free on Compact Disk. The documents can be downloaded in PDF format from the DCD web page dedicated to the 2008 annual amendment cycle (<http://www.co.jefferson.wa.us>). Copies of this document are also available for inspection at DCD and the Jefferson County Public Library at Port Hadlock.

## 1.2 ENVIRONMENTAL SUMMARY

### 1.2.1 Introduction and Process

Jefferson County adopted a comprehensive plan pursuant to the Growth Management Act (GMA) on August 28, 1998 and updated the Plan on December 13, 2004. The Jefferson County Comprehensive Plan is a policy document that guides growth and future land use decisions in Jefferson County. In each successive year since initial adoption, the County has conducted a Comprehensive Plan amendment cycle as provided by the GMA. JCC 18.45 contains the set of development regulations adopted in December 2000 to guide the process for amending the Comprehensive Plan. The 2008 "Preliminary Docket" included thirteen (13) proposed amendments (ten (10) site-specific amendments and three (3) suggested amendments.) Consistent with JCC §18.45, all site-specific amendments (formal applications submitted in conjunction with a fee) automatically qualified for the "Final Docket." Two site-specific amendment applications, MLA08-87 and MLA08-59, were withdrawn in writing by the applicants. MLA08-87 was withdrawn on May 9, 2008, and MLA08-59 was withdrawn on August 27, 2008 (leaving eight (8) site-specific amendments). The Jefferson County Planning Commission heard testimony on three (3) suggested amendments on the Preliminary Docket and formulated a recommendation to the Board of County Commissioners (BoCC) regarding the composition of the Final Docket. The BoCC then established the Final Docket, declining to docket the three (3) suggested amendments and establishing the eight (8) site-specific amendments as the total number of amendment proposals on the Final Docket. One (1) UDC amendment is also associated with this amendment process as it amends the Development Regulations relating to one of the proposed site-specific Comprehensive Plan amendment proposals.

This document is an integrated Staff Report and State Environmental Policy Act (SEPA) Addendum. The object of this document is to analyze the proposed amendments individually and cumulatively with regard to goals and policies in the Comprehensive Plan, as well as amendment criteria outlined in JCC §18.45, and potential environmental impacts as required under SEPA. The adoption of amendments to the Comprehensive Plan and the UDC is a non-project action under SEPA, and the analysis presented in this document is not intended to satisfy individual project action SEPA requirements (i.e., the review needed for future land use or building permit applications). This is an integrated GMA/SEPA document that combines environmental analysis with a Staff Report offering a recommended action on each proposed Comprehensive Plan amendment and the UDC amendment. Guidance for preparing integrated GMA/SEPA documents is found at Washington Administrative Code (WAC) 197-11-235. The analysis in this document supplements the existing adopted environmental documents incorporated herein by reference. Jefferson County Code 18.45.080 (1)(d) specifies that recommendations from the Planning Department and Planning Commission, and subsequent decision by the Board of County Commissioners on these proposed Comprehensive Plan amendment proposals will come forward as deny, approve or approve with modifications.

#### 1.2.1.1 Adoption of Existing Environmental Documents

The following existing environmental documents have been adopted through legal notice published in the *Port Townsend & Jefferson County Leader* newspaper on September 3, 2008 (Appendix A):

- Draft and Final Environmental Impact Statements (DEIS/FEIS) and addenda prepared in anticipation of adoption of the Comprehensive Plan in 1998. The DEIS and FEIS, dated February 24, 1997 and May 27, 1998, respectively, examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan;

- The Integrated Staff Report and SEPA Addendum prepared for the 2004 Comprehensive Plan Amendment Docket by the Department of Community Development, issued on September 22, 2004;
- The Integrated Staff Report and SEPA Addendum prepared for the 2005 Comprehensive Plan Amendment Docket by the Department of Community Development, issued on August 3, 2005;
- The Integrated Staff Report and SEPA Addendum prepared for the 2006 Comprehensive Plan Amendment Docket by the Department of Community Development, issued on July 19, 2006;
- The Integrated Staff Report and SEPA Addendum prepared for the 2007 Comprehensive Plan Amendment Docket by the Department of Community Development, issued on September 5, 2007.

### **1.2.1.2 Incorporation of Documents by Reference**

The eight (8) Comprehensive Plan amendment applications and one (1) UDC amendment application, including all supplemental information submitted with or associated with the applications, all supporting record, analyses, and materials listed in part 3 of this document, all Appendix Items to this report, and all other materials or documents referenced in the text within are incorporated herein by this reference, pursuant to WAC 197-11-600 and 635.

The documents listed in part 3 of this document, "Supporting Record, Analyses, and Materials," provide substantial background information and offer previous environmental descriptions and analyses. The reader is encouraged to use existing documents in conjunction with this document for a more comprehensive understanding of the issues and impacts analyzed.

Moreover, to the greatest extent possible this document includes descriptions of, and references to, the content of the eight (8) individual proposals, but these descriptions do not include all the information from each Comprehensive Plan amendment application. For a more thorough understanding of the discussion presented here, the Comprehensive Plan amendment applications themselves should be consulted to supplement the information in this document.

### **1.2.1.3 Level of Environmental Analysis**

This document provides both a qualitative and a quantitative analysis of environmental impacts as appropriate to the general nature of the 2008 Comprehensive Plan Amendment Docket proposals and associated UDC amendment proposal. The adoption of comprehensive plan and UDC amendments is classified under SEPA as a non-project (i.e., programmatic) action. A non-project action, such as decisions on policies, plans or programs, is defined as an action that is broader than permit review for a single site-specific project. Environmental analysis for a non-project proposal does not require the same level of site-specific analysis required in conjunction with a permit application; instead, a document such as an Environmental Impact Statement (EIS) or a SEPA Addendum discusses impacts and alternatives appropriate to the scope of the non-project proposal and to the level of planning for the proposal (WAC 197-11-442). The analysis in this document is not intended to satisfy individual project action SEPA requirements (i.e., the review needed for a future land use or building permit application).

SEPA encourages the use of phased environmental review to focus on issues that are ready for decision, and to exclude from consideration issues already decided or not yet ready for decision-making (WAC 197-11-060(5)). Phased review is appropriate when the sequence of a proposal is from a programmatic document, such as an integrated GMA/SEPA document addressing comprehensive plan amendments, to other documents that are narrower in scope, such as site-specific, project-level analyses (i.e., "project actions" under SEPA).

Jefferson County is employing the phased review concept in its environmental review of growth management planning actions. The analysis in this Staff Report and SEPA Addendum will be used to review the potential environmental impacts of the proposed amendments to the Jefferson County Comprehensive Plan and UDC. Additional environmental review of development proposals will occur as specific projects are proposed (e.g., land use and building permit applications). This will result in an additional incremental level of review when subsequent implementing actions require a more detailed evaluation and as additional information becomes available. Future project action environmental review for development applications that are not categorically exempt from SEPA could occur in the form of a supplemental EIS, SEPA addendum, or threshold Determination of Non-Significance (DNS).

#### **1.2.1.4 Process and Public Involvement**

The following is a description of the anticipated review and public involvement process for the 2008 Comprehensive Plan Amendment Docket, related UDC amendment, and associated Staff Report and SEPA Addendum.

This 2008 Comprehensive Plan Amendment Docket DCD Staff Report and SEPA Addendum is available to agencies and interested parties pursuant to GMA and SEPA rules. Comments on the merits of the proposals shall be accepted as outlined below under "Public Comment Period."

##### **1.2.1.4.1 Preliminary Public Outreach - Docketing Process**

The public process for compiling the final docket has followed the public involvement requirements of the GMA and the specific procedures established in JCC §18.45.060 through §18.45.090. DCD staff compiled the preliminary Comprehensive Plan amendment docket following the March 1, 2008 deadline for applications set forth in JCC 18.45.040 (2) (a).

On April 9, 2008, the Planning Commission and BoCC held a joint workshop to gather information and review both site-specific and suggested preliminary docketing recommendations.

The site-specific proposals were docketed automatically. After timely and effective public notice, the Planning Commission held an open record public hearing on April 16, 2008, to receive public comment on the suggested amendments of the preliminary docket.

On April 16, 2008, the Planning Commission transmitted its final docketing report and recommendations to the BoCC.

On June 9, 2008, after timely and effective public notice, the BoCC held an open-record public hearing on the three suggested amendments on the preliminary docket.

On July 7, 2008, the BoCC adopted the 2008 Final Docket of eight (8) proposals for review.

##### **1.2.1.4.2 Review of Final Docket - Planning Commission Public Hearing - Public Comment Period**

The Jefferson County Planning Commission is scheduled to hold at least one (1) public hearing to take testimony on the proposed Comprehensive Plan amendments that comprise the 2008 Comprehensive Plan Amendment Docket (2008 Docket) and the associated UDC amendment. Formal notice will appear in the newspaper of record, the *Port Townsend & Jefferson County Leader*, prior to the public hearings.

The issuance of this *Staff Report and SEPA Addendum* on Wednesday, September 3, 2008, initiates a public comment period. For the eight (8) site-specific amendment proposals comprising the final docket and the associated one (1) UDC amendment:

- Oral comments are welcome at the Planning Commission public hearing, 6:30 p.m., Wednesday, **September 17, 2008**, at WSU Extension Office, Spruce Room, Port Hadlock.

- Written comments will be accepted by DCD on behalf of the Planning Commission through 4:30 p.m. on Friday, **October 3, 2008**.

Please submit any written comments to DCD at 621 Sheridan Street, Port Townsend WA 98368 or via email to [planning@co.jefferson.wa.us](mailto:planning@co.jefferson.wa.us). Comments submitted prior to the close of the comment period will be forwarded to the Planning Commission for consideration during that advisory body's deliberations. Please note that the Planning Commission may elect at its discretion to schedule an additional date and time for oral comments, and/or extend the period in which written comments may be accepted.

Written public comments submitted after close of the Planning Commission comment period will be forwarded to the Board of County Commissioners (BoCC) for consideration in its legislative decision. The BoCC may hold a public hearing before taking final legislative action on the Final Docket (formal notice will appear in the newspaper of record, the *Port Townsend & Jefferson County Leader*, prior to the BoCC hearing).

#### 1.2.1.4.3 Availability of Documents

For more information or to inspect or request copies of the original applications for the proposed amendments, the adopted existing environmental documents or other related information, contact DCD Long-Range Planning at the mail or email addresses above, by phone at (360) 379-4450, or visit the 2008 Comprehensive Plan amendment cycle webpage, where many relevant documents and maps are available in Portable Document Format (PDF). The 2008 Comprehensive Plan amendment cycle webpage can be accessed through the County homepage: <http://www.co.jefferson.wa.us>.

#### 1.2.1.4.4 Planning Commission and Board of County Commissioners Deliberation

Following the public hearing(s) on the proposed Comprehensive Plan and UDC Amendments, the Planning Commission will deliberate on the proposals, potentially over a series of meetings, and formulate a recommendation on each proposal for consideration by the Board of County Commissioners (BoCC). It is anticipated that the Planning Commission will initiate its deliberations for the proposals following the close of oral testimony on September 17, and may continue deliberating on the proposed amendments during its regularly scheduled meetings of October 15, 2008, and November 1, 2008. It is anticipated that the Planning Commission will forward a recommendation and transmittal document to the BoCC on all proposed amendments by Wednesday, November 19, 2008.

The Planning Commission generally meets the first and third Wednesdays of any given month at the WSU Community Learning Center, Shold Business Park, 201 W. Patison, Port Hadlock. It is possible that the Planning Commission will hold one or more special meetings outside of the meeting schedule outlined above. Additional meetings will be properly noticed in the legal section of the *Leader*. Following the completion of the Planning Commission recommendation on the 2008 Docket, DCD will formally transmit the Planning Commission recommendation to the BoCC along with the DCD final staff recommendations, any comments submitted during the public comment period, and the record of the Planning Commission deliberations. It is anticipated that the Planning Commission and DCD recommendations will be presented to the BoCC in late November 2008.

In making a final legislative decision on the 2008 Docket, the BoCC considers the Planning Commission recommendations, the full case record of the Docket (all comments provided to the Planning Commission, the minutes of the Planning Commission meetings, and other background information), the DCD staff recommendation that accompanies the Planning Commission recommendation, legal advice from the Prosecuting Attorney's office, and any written or oral comments provided to the BoCC before or during a BoCC public hearing on the Docket (should one be held). If the BoCC elects to schedule one or more public hearings on the Docket following receipt of the Planning Commission recommendation, there would be another opportunity for agencies and the public to provide formal comments on the Docket. A legal notice would appear

in the *Port Townsend & Jefferson County Leader*, the publication of record, announcing any BoCC public hearings on the 2008 Docket.

A legislative decision from the BoCC on each of the Comprehensive Plan amendment proposals under consideration is expected prior to the end of the second week in December 2008 (Monday, December 8<sup>th</sup> has been tentatively identified as a likely adoption date). The meeting schedules and agendas for the Planning Commission and BoCC with regard to the 2008 Docket are available on a Jefferson County webpage dedicated to the 2008 Comprehensive Plan annual amendment cycle process. This webpage can be accessed from the Jefferson County website: <http://www.co.jefferson.wa.us>.

## 1.2.2 Major Conclusions

The summary conclusions and/or highlights from the analysis in part 2 of this Staff Report and SEPA Addendum are presented here for the reader's convenience. A reading of the analysis in part 2 in addition to any supporting material referenced in the text, including Appendix Items, is encouraged. Generally, information presented elsewhere is *not* reprinted here.

### 1.2.2.1 Summary Matrix of Impacts and Mitigation Measures

The complete description of the proposals, analysis of impacts, and recommendation for mitigation measures and conditions are within the individual staff evaluations for each of the proposed amendments found in part 2 of this document, "Concise Analysis of the Proposals," or among the Appendix Items, as appropriate. Summary statements presented in **Table 1** below consist of the final recommendations and do not include discussion or explanations. Readers are encouraged to review the more comprehensive discussion of issues later in this chapter under "Areas of Controversy and Uncertainty," and also found in the "Concise Analysis" in part 2, and to consult the Appendix Items, the amendment applications themselves, and other supporting materials listed in part 3, in order to formulate the most accurate impression of impacts associated with the proposals and staff recommendations.

"Significant" as used in SEPA means a reasonable likelihood of more than a moderate adverse impact on environmental quality. Significance involves context and intensity and does not lend itself to a formula or quantifiable text (WAC 197-11-794).

<b>Table 1. Summary of Impacts and Mitigation</b>			
<b>#</b>	<b>APPLICATION NUMBER &amp; DESCRIPTION</b>	<b>PROBABLE SIGNIFICANT ENVIRONMENTAL IMPACTS?</b>	<b>SUMMARY RECOMMENDATION/ PROPOSED MITIGATION/ CONDITIONS</b>
1	<b>MLA08-32</b> ; Dave Holland/Davos Capital LLC; corner of Arabian Lane and Hastings Avenue, Port Townsend, WA; 14.02 acres (APN 001-064-002); RR 1:10 to 1:5.	No significant adverse environmental impacts identified.	Approve.

<b>Table 1. Summary of Impacts and Mitigation</b>		
<b>APPLICATION NUMBER &amp; DESCRIPTION</b>	<b>PROBABLE SIGNIFICANT ENVIRONMENTAL IMPACTS?</b>	<b>SUMMARY RECOMMENDATION/ PROPOSED MITIGATION/ CONDITIONS</b>
2 <b>MLA08-56</b> ; Gloria Brown, Trustee, BG Brown Trust (David Goldsmith, agent); one mile west of the intersection of Eaglemount and Center Roads, Chimacum, WA; 116 acres (APN 801-091-010, application under number 801-091-002); for 80 acres, request is CF 1:80 to RF 1:40; and for 36 acres, request is CF 1:80 to RR 1:20 or AL 1:20.	No significant adverse environmental impacts identified.	Deny.
3 <b>MLA08-69</b> ; Jeffrey and Tamara George; 472 South Edwards Road, Port Townsend, WA; 20 acres (APN 001-191-002); RR 1:20 to 1:10.	No significant adverse environmental impacts identified.	Deny.
4 <b>MLA08-73</b> ; James Jackson/Chimacum Heights LLC; near Chimacum, WA; 120 acres (APN 901-132-002); CF 1:80 to RR 1:10.	No significant adverse environmental impacts identified.	Deny.
5 <b>MLA08-84</b> ; Richard Broders/CMR Partnership; 0.3 miles down Cleveland Street, off Oak Bay Road near Port Hadlock, WA; 38 acres (APN 901-121-001); RR 1:20 to RR 1:5.	No significant adverse environmental impacts identified.	Deny.

<b>Table 1. Summary of Impacts and Mitigation</b>			
<b>APPLICATION NUMBER &amp; DESCRIPTION</b>		<b>PROBABLE SIGNIFICANT ENVIRONMENTAL IMPACTS?</b>	<b>SUMMARY RECOMMENDATION/ PROPOSED MITIGATION/ CONDITIONS</b>
6	<b>MLA08-93</b> ; James Burnett/Pope Resources); three miles west of the Hood Canal Bridge immediately north of Highway 104, and adjacent to the Shine Quarry, Port Ludlow, WA; 142 acres (APNs 821-324-002, 821-311-001, 821-291-002, and 821-302-001); CF 1:80 to Mineral Resource Land Overlay (MRLO).	Yes. SEPA Mitigated Determination of Non-Significance (MDNS). The Mineral Resource Land Overlay (MRLO) is a zoning/planning tool with full expectation that mining may occur within the overlay zone, within the standards and guidelines in Jefferson County Code and applicable state and federal laws. Approval of the MRLO would increase the likelihood of wetland impacts, water quantity & quality concerns, noise, light, glare, dust and traffic impacts. Complying with Conditions for approval can mitigate these impacts.	Approve with with modifications and mitigating measures as conditions of approval.  The following reports would need to be prepared:  Visual impact analysis; Habitat Management Plan; Stormwater Pollution Plan; Report on existing noise levels and Supplemental Noise Report for Iron Mountain Quarry (IMQ) mine operation; Mine site illumination report: light and glare analysis; Transportation report with Transportation Impacts Analysis; Hydro-geological report: groundwater supply and water quality of recharge; Wetland Inventory
7	<b>MLA08-96</b> ; Michael Holland/Blue Moon Investments; intersection of Shine Road and Highway 104; 0.50 acres (APN 821-333-001); RR 1:5 to Rural Commercial (Neighborhood/Visitor Crossroad (NC)).	No significant adverse environmental impacts identified.	Approve with modification.
8	<b>MLA08-101 (and associated UDC amendment MLA08-389)</b> ; Catherine Hendy/Gerard Company; 5411 Center Road, Chimacum, WA; 9.5 acres and 1.2 acres (APNs 801-102-004 and 801-102-002 respectively); request is to rezone less than 4 acres on the first parcel from Resource Based Industrial (RBIZ) to Light Industrial.	No significant adverse environmental impacts identified.	Approve with modification.  The property has been identified as potentially needing environmental remediation as part of any new development.

### 1.2.2.2 Comparison of Current and Proposed Land Use District Designations

The following table displays the (approximate) current number of acres within each land use district (from the Comprehensive Plan, County Geographic Information System database, and other sources), and the proposed change in the approximate number of acres under each district under the proposals. Increases in gross acreage are indicated with “+” and decreases are indicated with “-“. The reader should understand that these numbers are approximations for planning purposes only, and most figures have been rounded. They do not necessarily represent the actual numbers of acres on the ground. They are, however, the best approximation available at this time. The purpose of the table is to set a context for the legislative decision before the Board of County Commissioners for this year’s amendment cycle.

All acreage figures in the following table are in gross acres, including road rights-of-way and some water features. The net developable acreage would be lower.

<b>Table 2. Comparison of Current and Proposed Land Use District Designations</b>			
<b>Land Use Designation/Zoning District</b>	<b>Current Gross Acreage (2007 Plan)</b>	<b>Potential Future Gross Acreage Under Applicant Proposals</b>	<b>Potential Future Gross Acreage Under Staff Recommendation</b>
<b>Rural Residential</b>			
RR 1:5	29,244	29,295.5 (+ 51.5 approx.)	29,257.5 (+ 13.5 approx.)
RR 1:10	9,689	9,815 (+ 126 approx.)	9,675 (-14 approx.)
RR 1:20	51,341 <sup>2</sup>	51,283 (- 58 approx.)	No change
<b>Incorporated UGA</b>			
Port Townsend UGA	4,466	No change	No change
<b>LAMIRDs</b>			
Rural Village Centers (Hadlock, Brinnon, Quilcene)	242	No change	No change
General Crossroads	96	No change	No change
Convenience Crossroads	11	No change	11.5 (+ .5)
Neighborhood Crossroads	122	122.5 (+ .5)	No change
<b>Master Planned Resort</b>			
MPR - Village Commercial Center	43 <sup>3</sup>	No change	No change
MPR - Resort Complex 10:1	57	No change	No change
MPR - Multiple Family 10:1	75	No change	No change
MPR - Single Family	1,431	No change	No change

<sup>2</sup> MLA08-56: applicant requests that 36 acres be rezoned either Agriculture of Local Significance (AL 1:20), or Rural Residential (RR) 1:20. Here the assumption is that the AL 1:20 designation is used; however, approval could result in a 36-acre increase in RR 1:20, and a corresponding 36-acre decrease in AL 1:20, as represented in this table.

<sup>3</sup> Gross Acreage under proposal MLA06-87, addressed through a separate EIS and approved in January 2008, increased overall MPR areas by 256 acres (approx.) however, zoning within the MPR has not as of this writing been allocated.

<b>Table 2. Comparison of Current and Proposed Land Use District Designations</b>			
<b>Land Use Designation/Zoning District</b>	<b>Current Gross Acreage (2007 Plan)</b>	<b>Potential Future Gross Acreage Under Applicant Proposals</b>	<b>Potential Future Gross Acreage Under Staff Recommendation</b>
<b>Rural Residential</b>			
4:1			
MPR - Single Family Tracts 1:2.5	114	No change	No change
MPR - Recreation Area	259	No change	No change
MPR - Open Space Reserve	356	No change	No change
<b>Parks &amp; National Forest</b>			
Parks, Preserves, Recreation - Not MPR	2,859	No change	No change
Olympic National Forest	57,299	No change	No change
Olympic National Park	139,463	No change	No change
<b>Forestlands</b>			
Rural Forest	8,645	8,725 (+ 80 approx.)	No change
Commercial Forest	310,327	310,091 (- 236 approx.)	No change
<b>Forestlands, continued</b>			
Inholding Forest	7,228	No change	No change
Resource Based Industrial Zone	152	148 (- 4 approx.)	148 (- 4 approx.)
<b>Agricultural</b>			
Commercial Agriculture	4,296	No change	No change
Agricultural Lands of Local Significance	3,220	3,256 (+ 36 approx.)	No change
<b>Industrial</b>			
Heavy Industry (Mill)	278	No change	No change
Light Industrial	72	76 (+ 4 approx.)	76 (+ 4 approx.)
Light Industrial/ Manufacturing (Quilcene, Eastview)	56	No change	No change
Light Industrial/ Commercial (Glen Cove)	90	No change	No change
<b>Essential Public Facilities</b>			
Airport EPF	287	No change	No change
Military Reservation	3,452	No change	No change
Waste Management EPF	241	No change	No change

### 1.2.2.3 Significant Unavoidable Adverse Impacts

Conclusions as to whether an impact would be considered significant, unavoidable, and adverse are found in the Summary Matrix above (Table 1, Section 1.2.2.1). Many of those conclusions contain assumptions about the ability to plan future development proposals in a way that would minimize impacts, or assumptions about how mitigation measures or existing regulations would be applied. Based upon use, regulation, and mitigation assumptions, none of the potential impacts of the future development scenarios evaluated in this document would meet all of the parameters (significant *and* unavoidable *and* adverse). For more information on the relationship of plan and policymaking to future review of development permit applications, review the discussion on Effectiveness of Mitigation Measures below at §1.2.4.2.

### 1.2.3 Significant Areas of Controversy & Uncertainty

Table 3 summarizes the key environmental issues and options facing decision-makers:

#	APPLICATION NUMBER & DESCRIPTION	Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY
1	<p><b>MLA08-32;</b> Dave Holland/Davos Capital LLC; corner of Arabian Lane and Hastings Avenue, Port Townsend, WA; 14.02 acres (APN 001-064-002); RR 1:10 to 1:5.</p>	<p>As has been the case since adoption of the Comprehensive Plan in 1998, that which constitutes “an established pattern of same or similar sized parcels” (LNPs 3.3.1 through 3.3.3) is somewhat unclear. In the past, this criterion has been applied in instances where if more than 50% of the perimeter of a parcel abuts areas designated and/or divided into parcels of higher density, to permit up-zoning. Application of the established pattern criteria may be useful in making decisions about the allocation of future population growth, but in isolation of population growth allocation considerations, the established pattern criteria may have limited purpose and unintended cumulative consequences.</p> <p>This proposal, as is the case with the other proposed rural up-zones, raises the issue: under what circumstances is it appropriate to re-designate and rezone lower density rural residential parcels for higher density rural use? Should one year’s worth of proposals be considered “cumulative analysis,” or is a longer time frame optimal in terms of achieving the goals contained in the GMA and the Comprehensive Plan?</p> <p>Staff recommends approval of this proposal. Changing the zoning of the rural residential 1:10 parcel would not directly create pressure to up-zone parcels immediately adjacent to the property and it does not contain significant critical areas. The issues concerning established pattern criteria and precedence to up-zone similar parcels in the county remain controversial.</p>

#	APPLICATION NUMBER & DESCRIPTION	Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY
2	<p><b>MLA08-56;</b> Gloria Brown, Trustee, BG Brown Trust (David Goldsmith, agent); one mile west of the intersection of Eaglemount and Center Roads, Chimacum, WA; 116 acres (APN 801-091-010, application under number 801-091-002); for 80 acres, request is CF 1:80 to RF 1:40; and for 36 acres, request is CF 1:80 to RR 1:20 or AL 1:20.</p>	<p>The application states the property is misclassified as Commercial Forest land, and the property is not part of a Forest Land Block of at least 320 acres. However, forest land is located south of the property. When one incorporates the Rural Forest land and the forest land extending south of highway 104, the property is part of an uninterrupted zoned forest land block in excess of 320 acres.</p> <p>The application states that a portion of the zoned forest land is pasture land and has been pasture land for some time. While pasture land does exist within the zoned forest land, the Comprehensive Plan prohibits the County from rezoning the zoned forest land to agricultural land. The appropriate time for protesting the designation of the pasture land as forest land would have been during the adoption of the Comprehensive Plan in 1998 or 2004. Since the plan was not appealed on this issue at that time, the zoning is presumed valid and any subsequent amendments must comply with the Comprehensive Plan.</p>
3	<p><b>MLA08-69;</b> Jeffrey and Tamara George; 472 South Edwards Road, Port Townsend, WA; 20 acres (APN 001-191-002); RR 1:20 to 1:10.</p>	<p>In the past, the primary approach to assessing rural residential rezone applications has been the application of LNP 3.3 of the comprehensive plan, especially with regards to the “an established pattern of same or similar sized parcels” language. The general approach to applying the ‘established pattern’ language has been use of at least 50% of the parcel being bordered by greater residential density, in which a property is determined to be part of an established pattern of greater density. However, application of the established pattern in this way is somewhat arbitrary and applying this ‘established pattern’ criterion in isolation of consideration of the rest of the comprehensive plan is problematic.</p> <p>The application of the 50%-bounded established pattern could lead to unintended long-term, cumulative consequences, including:</p> <ul style="list-style-type: none"> <li>• creating a ‘domino effect’ in which rezones often trigger the potential for up-zoning adjacent properties to higher density</li> <li>• drawing population growth away from urban areas</li> <li>• undermining the goals of the GMA and Comprehensive Plan by creating new opportunities for subdivisions which may create rural residential lots without consideration of the overall projected 20-year future population growth and its allocation to rural areas</li> <li>• reducing the variety of rural densities that is called for in the GMA and Comprehensive Plan</li> <li>• reducing the overall rural character, open space, and native vegetation the County is called to retain in the Comprehensive Plan without an adequate level of visioning, planning, and cumulative effects analysis</li> </ul>

#	APPLICATION NUMBER & DESCRIPTION	<b>Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY</b>
4	<b>MLA08-73</b> ; James Jackson/Chimacum Heights LLC; near Chimacum, WA; 120 acres (APN 901-132-002); CF 1:80 to RR 1:10.	<p>The application refers to the “Guidelines for Classification of Forest Resource Lands in Jefferson County” in arguing for the rezoning of this property. However, these guidelines cannot be considered in isolation of the rest of the Comprehensive Plan, which calls on the County to classify and designate natural resource lands. The Comprehensive Plan establishes a number of Natural Resources Goals (NRG 1 through 5) which encourage conservation of forest resources, sustainability of forest resources, environmental compatibility, minimization of land use conflicts and encouraging the continuation of forestry on commercial lands as well as lands which are not designated as commercial forest resource lands.</p> <p>The application states the property has been poorly managed in the past and it will not provide a primary income for the applicant. Poor management in the past, as unfortunate as that is, cannot be a consideration in the County’s analysis; to do so could inadvertently create an incentive for other forest land owners to poorly manage their land in order to justify a rezone to residential use. Also, the property’s Forest Management Plan states that this property can be expected to produce high quality timber and that the Douglas firs and red cedars are growing at an ideal level for the given conditions. Large scale commercial harvest needs to consider a typical rotation cycle for commercial forest land of 40-60 years to assess financial viability. It should be noted that the applicant purchased this property in July of 2007, subsequent to the alleged poor management.</p>
5	<b>MLA08-84</b> ; Richard Broders/CMR Partnership; 0.3 miles down Cleveland Street, off Oak Bay Road near Port Hadlock, WA; 38 acres (APN 901-121-001); RR 1:20 to RR 1:5.	<p>The 38-acre parcel, zoned RR 1:20, is situated in the middle of the local promontory or ness. It is immediately surrounded by land zoned rural residential 1:5. A broader view of the area reveals other RR 1:20 parcels in the immediate vicinity.</p> <p>The application suggests an error on part of Jefferson County for not zoning the entire area as RR 1:5 in the 2004 Comprehensive Plan. However, the zoning of RR1:20 is consistent and reflective of the goals and policies in the Comprehensive Plan, particularly the Land Use and Rural, Open Space, and Environment elements. Further, the parcel conforms to the definition and purpose of RR1:20 in JCC 18.15.015 (1)(c).</p> <p>The application provides supporting argument for the rezone request utilizing the aforementioned 50%-bounded established pattern, noting the surrounding RR1:5 parcels and relating it to the established pattern criterion. As discussed above in MLA08-69, this criterion used to establish zoning districts should not be used in isolation of other considerations including lot supply, variety of rural densities, critical areas on the parcel, maintaining rural character, avoiding rural sprawl and the parcel’s proximity to the proposed Irondale/Hadlock Urban Growth Area.</p>

#	APPLICATION NUMBER & DESCRIPTION	<b>Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY</b>
6	<p><b>MLA08-93</b>; James Burnett/Pope Resources); three miles west of the Hood Canal Bridge immediately north of Highway 104, and adjacent to the Shine Quarry, Port Ludlow, WA; 142 acres (APNs 821-324-002, 821-311-001, 821-291-002, and 821-302-001); CF 1:80 to Mineral Resource Land Overlay (MRLO).</p>	<p>This proposal raises the issue as to how JCC 18.15.170(6) should be applied to individual requests for application of the MRL Overlay designation. Many of the County's most productive resource lands contain significant fish and wildlife habitat resources. Should the criterion identified in JCC 18.15.170 (6) be interpreted as precluding application of the overlay to areas containing designated and mapped fish and wildlife habitat areas?</p> <p>If significant adverse impacts are probable in the project-level analysis as demonstrated in the application, the question arises as to what level of mitigation should be prescribed in an MRLO.</p> <p>The Port Ludlow Master Planned Resort community is located in close proximity to this proposal and has expressed concern about potential impacts from the proposed mining activity. GMA gives preference to natural resources when planning land use. Iron Mountain Quarry maintains they have existing use rights to mine in this area and do not need a MRLO. How should these conflicting land uses be balanced?</p>
7	<p><b>MLA08-96</b>; Michael Holland/Blue Moon Investments; intersection of Shine Road and Highway 104; .50 acres (APN 821-333-001); RR 1:5 to Rural Commercial (Neighborhood/Visitor Crossroad (NC)).</p>	<p>In recent years, proposals of this type have raised questions regarding reconsideration of Local Area of More Intense Rural Development or "LAMIRD" boundaries. In this case, the designation criteria have been met. The proposal is consistent with the criteria for LAMIRDs, set forth at RCW 36.70A.070(5)(d). It would not likely detract from the overall intention of the 1998 Comprehensive Plan.</p> <p>Subject property qualifies as a limited area of more intensive development (LAMIRD) with a Convenience Crossroads (CC) designation, not a designation of Neighborhood/Visitor Crossroads (NC), as requested in the application.</p>
8	<p><b>MLA08-101 (and associated UDC amendment MLA08-389)</b>; Catherine Hendy/Gerard Company; 5411 Center Road, Chimacum, WA; 9.5 acres and 1.2 acres (APNs 801-102-004 and 801-102-002 respectively); request is to rezone less than 4 acres on the first parcel from Resource Based Industrial (RBIZ) to Light Industrial.</p>	<p>This proposal raises the question as to whether a future light industrial use will be compatible with the surrounding rural land uses when compared with the previous use for a sawmill. Because there is a high level of uncertainty as to what the likely future land use will be within the limits of the Light Industrial zoning, this consideration was not a significant factor in this analysis.</p>

## **1.2.4 Issues to Be Resolved**

### **1.2.4.1 Environmental Choices to Be Made**

The Comprehensive Plan states that, “a healthy environment is fundamental to the quality of life of its citizens” and further provides four essential components for environmental protection:

- Watershed and Fish Habitat Recovery Management Strategy;
- Regulatory Strategy for Consolidated Environmental Review;
- Critical Area Protection Strategy; and
- Public Education and Involvement Strategy.

Each choice taken by the County and its residents may impact environmental quality. Comprehensive Plan goals and objectives are implemented through development regulations in the Unified Development Code (UDC) (codified as Title 18 of the Jefferson County Code (JCC). The UDC was developed such that protective measures are incorporated into permit decisions. For more discussion on this process, refer to §1.2.4.2 below.

The Comprehensive Plan amendment proposals on this year’s Docket may have the potential, if adopted, to affect the environment. For this reason, each proposal must be carefully analyzed for potential impacts, both as an individual proposal and with respect to cumulative impacts when associated with the other proposals on the 2008 Docket, and if necessary, denied, conditioned, or modified appropriately.

### **1.2.4.2 Effectiveness of Mitigation Measures**

The legislative adoption of Comprehensive Plan amendments and related UDC amendment is a non-project action under the State Environmental Policy Act (SEPA). In contrast, a project action would be a decision on a land use or building permit reviewed under the general policy framework offered by the Comprehensive Plan and its implementing regulations. SEPA review is required for project actions, unless those actions are categorically exempt from SEPA review when the proposal is compared to the list of exemption thresholds at WAC 197-11-800. Environmental review, such as the analysis contained in this document, is essential at the non-project level in order to set up a regulatory framework that protects the environment. Generally, mitigation measures would not be required for the programmatic action of adopting a Comprehensive Plan or development regulation amendment, but may be useful and appropriate to address probable significant adverse environmental impacts identified at the project level. It is often the case that project action environmental review is where specific mitigation measures can be applied to condition a proposal such that the approval and execution of the proposal does not present a significant adverse environmental impact. With regard to environmental review of this year’s Comprehensive Plan annual amendment cycle docket and related UDC amendment, it should be understood that Jefferson County has in place a regulatory framework that follows the guidance established in Washington State laws, such as SEPA, the Growth Management Act (GMA), and the Shoreline Management Act (SMA).

Jefferson County adopted the Unified Development Code (UDC) in December 2000 (effective January 16, 2001) as the unified set of development regulations to implement the Comprehensive Plan adopted in August 1998. Until the adoption of the UDC, the Comprehensive Plan was implemented through a variety of separate ordinances, some in place prior to the adoption of the Comprehensive Plan. The Interim Controls Ordinance prescribed allowed uses within the various districts set forth upon the Comprehensive Plan land use map, and the Land Use Procedures Ordinances outlined the development permit review process and related administrative matters. The UDC replaced these and other previously existing ordinances. It has now been codified at Title 18 of the Jefferson County Code (JCC).

Among the replaced ordinances was the Critical Areas Ordinance. Protective measures for critical areas are contained at JCC §18.22, et seq. Critical areas are protected through the application of overlay districts. Examples of such overlay districts include Critical Aquifer Recharge Areas, Frequently Flooded Areas, Geologically Hazardous Areas, Fish and Wildlife Habitat Conservation Areas, and Wetlands. The County maintains data to assist in identifying these areas from a variety of sources, including the State of the Washington and the US Federal government, in a Geographic Information Systems (GIS) database. The data are used to create maps depicting the approximate location and extent of environmentally sensitive areas.

Development Review Division planners conduct site visits, use historical information and use available GIS information when reviewing land use and building permit applications. Protective measures are applied accordingly. If needed, an applicant may be required to submit a Special Report, such as an Aquifer Recharge Area Report, Drainage and Erosion Control Plan, Geotechnical Report, Grading Plan, Habitat Management Plan, or Wetland Delineation Report. The contents of these Special Reports are governed by JCC §18.45 Article VI-J. Submitted Special Reports are used not only to condition land use and building permit approval, but can augment existing data for the County GIS database on critical areas.

Sometimes the existing regulations may not adequately protect the environment when examined in the context of a particular project. Depending on the particular aspects of a development proposal, mitigation measures above and beyond the protections provided by the established development regulations may be needed to avoid significant adverse environmental impacts. In these cases, jurisdictions may employ their "SEPA substantive authority" to further condition approval of a development application. These mitigation measures are generally developed through project action SEPA review and established as permit conditions through an Environmental Impact Statement (EIS) or a threshold Mitigated Determination of Non-significance (MDNS).

Consideration of mitigation measures that correspond with adoption of any one of the proposed Comprehensive Plan amendments in this year's cycle is not always as clear as placing a condition on a permit. For example, the legislative decision to adopt a modified version of the original Comprehensive Plan amendment proposal may also be considered a form of mitigation. The Board of County Commissioners (BoCC) may be effectively mitigating the potential environmental impact of adopting a Comprehensive Plan amendment by adopting a modified proposal or even deciding not to adopt the proposal based on environmental considerations. For formal site-specific amendment applications, the BoCC could apply a mitigation measure that affects future use of the land in question. In any of these cases, mitigation as applied to a non-project action such as a Comprehensive Plan amendment is distinct from mitigation as applied to a land use or building permit approval. It is at the time of project action review that established protection measures for environmentally sensitive areas and other development standards are applied to proposals for on-the-ground development. Judging the effectiveness of mitigation measures in this context requires on-going attention.

### **1.2.4.3 Main Options to Be Preserved or Foreclosed by the Action**

The eight (8) of the site-specific proposals and the UDC amendment proposal reviewed in this document are relatively minor in that they do not collectively represent a distinct change in direction from implementation of the adopted 1998 Comprehensive Plan or subsequent 2004 periodic review. The County has identified several areas of probable significant adverse impacts from the proposed Iron Mountain Quarry mining proposal, and has determined that these can be mitigated. This proposal by Burnett/Pope Resources (MLA08-93) has been assigned a threshold of mitigated determination of non-significance (MDNS).

In deciding when it is appropriate to up-zone lower density rural residential parcels to higher density rural residential designations, or when it is appropriate to up-zone commercial forest land to rural residential designations, the County will establish precedents with far-reaching implications that will be used to judge the appropriateness of similar rezone proposals in years to

come. Therefore, determinations that appear to have little direct environmental impact when viewed in isolation in 2008 may have significant indirect and cumulative environmental impacts if employed as justification for a substantial number of similar rezones in future Comprehensive Plan amendment cycles. Denying certain rezone proposals that would increase pressures to convert commercial forest land and/or rural lands to higher intensity land use designations will likely maintain the integrity of the Comprehensive Plan by reducing present and future environmental impacts, preventing sprawl, and preserving future planning options.

Regardless of the alternative selected, growth and development under the County's adopted Comprehensive Plan will result in some unavoidable adverse impacts. The County's adopted Plan is designed to accommodate the Washington State Office of Financial Management (OFM) population projections for the year 2024. Under any of the action alternatives reviewed in this document, continued growth and development under the adopted Plan is likely to result in increased growth and development in certain areas of the County, cumulative impacts to fish and wildlife habitat, increased demands upon transportation facilities and transit, and increased demand for public infrastructure and facilities. The County will continue to plan for distribution of growth that will result in the lowest levels of environmental impacts, focus on infill, and balance capital investment.

## 2 Concise Analysis of the Proposals

### 2.1 OVERVIEW

Pursuant to JCC 18.45, Jefferson County is conducting an annual Comprehensive Plan and associated Unified Development Code (UDC) 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. One of the proposals in this year's Final Docket requires a concurrent UDC amendment.

**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, 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 the eight (8) site-specific Comprehensive Plan amendments on the Final Docket and the one (1) related UDC amendment; there are no suggested Comprehensive Plan amendments on the 2008 Final Docket. This document further divides the amendments into sub-categories.

#### 2.1.1 Individual & Cumulative Analysis, and 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.

#### 2.1.2 Growth Management Indicators

Pursuant to JCC §18.45.080(1)(b), all proposals 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;
- Whether assumptions upon which the Comprehensive Plan is based are still valid;
- Community-wide attitudes towards land use;
- Whether changes in circumstances dictate a need for amendment; and
- Consistency between state law and the Comprehensive Plan, or the Comprehensive Plan 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 2008 amendment cycle. This section will serve to promote consideration and inquiry into these seven growth management indicators (GMIs) and is intended to be a starting point for broader community consideration before the Planning Commission and the BoCC. While this review of the GMIs 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) – GMIs**

Each of the GMIs is discussed in the order 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, 2008 OFM Population Estimate for Jefferson County for the Allocation of Selected State Revenues, shows a 2008 population of **28,800**. 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 passed Resolution #55-03 that 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, including 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).

Table 4. Population Trend for Jefferson County

YEAR	1910	1920	1930	1940	1950	1960	1970	1980	1990	2005	2006	2007	2008
County Population	8300	6420	8346	8918	11618	9639	10661	15965	20406	27600	28200	28600	28800
Port Townsend	4181	2847	3970	4683	6888	5074	5241	6067	7001	8745	8820	8865	8925
Percent in Port Townsend	50%	44%	47%	53%	59%	53%	49%	38%	34%	32%	31%	31%	31%

**Jefferson County Population 1910-2008**

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

As Table 4 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.

The Board of County Commissioners passed Resolution #55-03 in 2003. This requires the allocation of growth over a 24 year planning period (2000-2024) as follows:

- 36% to the City of Port Townsend,
- 17% to Port Ludlow MPR,
- 17% to 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 has adopted 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 Irondale/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 2024 planning horizon scenario accommodated the allocated projected growth of 4,906 people.

With a theoretical carrying capacity of over 30,000 people, 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. However, county population growth is occurring more slowly than projected in 1998. Moreover, 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 Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes about the future growth and management of the county. The Comprehensive Plan was originally adopted in 1998 and revised in 2004. Updating the Comprehensive Plan in 2011 will likely include an opportunity to reassess countywide attitudes. Between Comprehensive Plan updates, countywide attitudes can best be inferred through local election results, perspectives expressed by public representatives such as the Planning Commission, and comments received during public comment periods. That said, an updated public opinion survey would also be an effective way to gauge countywide attitudes.

**(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, climate change issues, significantly increased fuel costs, 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 non-compliance decision of the Irondale/Port Hadlock area as a UGA. Many of these changes in circumstances were addressed during the 2004, 2005, 2006, and 2007 updates or amendments 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 with regard to rural land use districts and resource overlays. Portions of the Comprehensive Plan found to be “non-compliant” by the Western Washington Growth Management Hearings Board are not relevant to these proposed amendments. 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 eight (8) proposed site-specific amendments to the Comprehensive Plan and the one (1) related UDC amendment. Each case has a Master Land Use Application (MLA) file number and Assessor’s Parcel Number (APN) for reference.

### Site-Specific Comprehensive Plan Amendments:

1. **MLA08-32;** Dave Holland/Davos Capital LLC; corner of Arabian Lane and Hastings Avenue, Port Townsend, WA; 14.02 acres (APN 001-064-002); RR 1:10 to 1:5.
2. **MLA08-56;** Gloria Brown, Trustee, BG Brown Trust (David Goldsmith, agent); one mile west of the intersection of Eaglemount and Center Roads, Chimacum, WA; 116 acres (APN 801-091-010 – application under number 801-091-002); for 80 acres, request is CF 1:80 to RF 1:40; and for 36 acres, request is CF 1:80 to RR 1:20 or AL 1:20.
3. **MLA08-69;** Jeffrey and Tamara George; 472 South Edwards Road, Port Townsend, WA; 20 acres (APN 001-191-002); RR 1:20 to 1:10.
4. **MLA08-73;** James Jackson/Chimacum Heights LLC; near Chimacum, WA; 120 acres (APN 901-132-002); CF 1:80 to RR 1:10.
5. **MLA08-84;** Richard Broders/CMR Partnership; 0.3 miles down Cleveland Street, off Oak Bay Road near Port Hadlock, WA; 38 acres (APN 901-121-001); RR 1:20 to RR 1:5.
6. **MLA08-93;** James Burnett/Pope Resources); three miles west of the Hood Canal Bridge immediately north of Highway 104, and adjacent to the Shine Quarry, Port Ludlow, WA; 142 acres (APNs 821-324-002, 821-311-001, 821-291-002, and 821-302-001); CF 1:80 to Mineral Resource Land Overlay (MRLO).
7. **MLA08-96;** Michael Holland/Blue Moon Investments; intersection of Shine Road and Highway 104; 0.50 acres (APN 821-333-001); RR 1:5 to Rural Commercial (Neighborhood/Visitor Crossroad (NC)).
8. **MLA08-101;** Catherine Hendy/Gerard Company; 5411 Center Road, Chimacum, WA; 9.5 acres and 1.2 acres (APN 801-102-004 and 801-102-002 respectively); request is to rezone less than 4 acres on the first parcel from Resource Based Industrial (RBIZ) to Light Industrial.

UDC Amendment:

1. **MLA08-389:** Removing specific identification of locations from Industrial zoning references and changes reflecting the re-designation of the Center Valley Resource Based Industrial Zone to Light Industrial.

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 and the one (1) related UDC amendment that are addressed in this Integrated Staff Report and SEPA Addendum are grouped into six (6) types of proposed actions:

- Rural Residential Rezones (3 proposals)
- Commercial Forest to Rural Residential Rezone (1 proposal)
- Commercial Forest to combination of Rural Forest and Agriculture of Local Significance or Rural Residential Rezone (1 proposal)
- Resource Based Industrial to Light Industrial Rezone (1 proposal)
- Rural Residential to Commercial Rezone (1 proposal)
- Mineral Resource Land Overlay Designation (1 proposal)

This grouping of proposed actions and detailed discussion is located in Section 2.3 of this report. 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 next 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 recommendation to the BoCC later this year, staff will have the opportunity to append a supplemental evaluation to these preliminary recommendations. The preliminary staff recommendations, including modifications and mitigation measures, are summarized in the following table:

**Table 5. 2008 Comprehensive Plan (and related UDC) Amendment Docket:  
Summary of Staff Recommendations**

#	APPLICATION NUMBER	APPLICANT/PARCEL NUMBER	GENERAL DESCRIPTION OF PROPOSAL	STAFF RECOMMENDATION
1	<b>MLA08-32</b>	Holland; 001064002	14 acres: RR 1:10 to 1:5	Approve.
2	<b>MLA08-56</b>	Brown; 801091010 (application under # 801091002)	116 acres total: 80 acres: CF 1:80 to RF 1:40; 36 acres: CF 1:80 to RR 1:20 or AL 1:20.	Deny.

#	APPLICATION NUMBER	APPLICANT/PARCEL NUMBER	GENERAL DESCRIPTION OF PROPOSAL	STAFF RECOMMENDATION
3	<b>MLA08-69</b>	George; 001191002	20 acres: RR 1:20 to RR 1:10	Deny.
4	<b>MLA08-73</b>	Jackson; 901132002	120 acres: CF 1:80 to RR 1:10	Deny.
5	<b>MLA08-84</b>	Broders; 901121001	38 acres: RR 1:20 to RR 1:5	Deny.
6	<b>MLA08-93</b>	Burnett/Pope Resources; 821324002; 821311001; 821291002; and 821302001	142 acres: apply MRL Overlay to CF 1:80	Approve with modification and conditions.
7	<b>MLA08-96</b>	M. Holland; 821333001	.50 acres: RR 1:5 to Rural Commercial Neighborhood/Visitor Crossroad	Approve with modification.
8	<b>MLA07-101 (and related UDC amendment MLA08-389)</b>	Hendy; 801102004 and 801102002	9.5 acres and 1.2 acres respectively: request is to rezone a portion of 801102004 from Resource-Based Industrial Zone (RBIZ) to Light Industrial	Approve with modification.

## 2.3 STAFF REPORTS: SITE-SPECIFIC AMENDMENTS

Each of the eight (8) site-specific Comprehensive Plan amendment proposals and the one (1) related UDC amendment proposal evaluated in this document are grouped together below according to category:

- Three (3) requests for Change of Rural Residential Density (e.g., RR 1:20 to RR 1:5);
- One (1) request for Change from Commercial Forest Land Designation to combination of Rural Forest and Agriculture of Local Significance Densities (e.g., CF 1:80 to RF 1:40, or CF 1:80 to AL 1:20);, or Rural Residential (e.g., CF 1:80 to RR 1:20);
- One (1) request for Change from Commercial Forest Land Designation to Rural Residential Designation (e.g., CF 1:80 to RR 1:10);
- One (1) request for Application of an Overlay Designation (e.g., MRL Overlay on CF 1:80).
- One (1) request for Change from Resource-Based Industrial Zone (RBIZ) Designation to Light Industrial with necessary concurrent UDC amendment;
- One (1) request for Change from Rural Residential Designation to Rural Commercial (e.g., RR 1:5 to Rural Commercial NC); and

## 2.3.1 Requests for Change of Rural Residential Density (3)

The three (3) requests for changes in Rural Residential density are subject to the goals, policies, and implementation strategies contained in the Growth Management Act, County-Wide Planning Policies, Jefferson County Comprehensive Plan, Jefferson County Code and applicable clarifications from the Growth Management Hearings Board. Of most relevance is Chapter 3 of the Comprehensive Plan with particular focus given to pages 3-3 to 3-6 and Land Use Policies (LNP) 3.1, 3.2, and 3.3. These Land Use Policies are copied below.

### POLICIES:

**LNP 3.1** Identify and encourage diverse rural land uses and densities which preserve rural character and rural community identity.

**LNP 3.2** Establish rural residential land use densities for all lands located outside of designated Urban Growth Areas. Proposed rural residential densities shall allow for an adequate supply of appropriately zoned land based upon the County's rural population projections and needs while maintaining rural character and rural community identity, preserving rural resource-based uses, and avoiding sprawl.

**LNP 3.3** Rural residential densities shown on the Land Use Map shall be designated by three (3) residential land use densities: one dwelling unit per five (5) acres, one dwelling unit per ten (10) acres, or one dwelling unit per twenty (20) acres in size and subject to the following

**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;
- b. parcels of similar size (i.e., 5 acres) or pre-existing smaller parcels along the coastal areas;
- c. parcels immediately adjacent to the boundaries of the Rural Village Centers; and
- d. 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 to on-site wastewater disposal (i.e. septic) 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 or PRRDs).

Also, a density exemption provision was introduced in the UDC. The special circumstances to which it applies is explained in LNP 3.7 and put into effect by JCC 18.30.050(4).

The legal regulatory requirements for lot subdivision are articulated in Chapter 18.35 JCC, Land Divisions, implementing the State Subdivision Act (RCW 58.17). A “lot of record” is an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or long plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyance purposes on the date of recording of the instrument first referencing the lot (JCC 18.10.120). However, this does not mean that the lot was established to conform with County Code or RCW 58.17. Some of the old “paper plats” have been in existence since the late 1800’s and many can still be developed irrespective of current zoning standards so long as development standards can be met.

A related issue which may influence overall rural housing density is that of Accessory Dwelling Units (ADU). An ADU is “accessory” to the primary residence and provides a complete, independent living facility. Each parcel zoned rural residential is eligible to create an ADU.

The issues of zoned rural residential density, developable lots of record, density exemptions and ADUs, combined with the lot supply discussion in the Growth Management Indicators in 2.1.2 and again in staff evaluations below, account for the total potential development capacity of the rural zones in Jefferson County. The Comprehensive Plan gives guidance on how that development capacity may be shaped to prevent low-density sprawl.

When considering the County’s goal of increasing development density in Urban Growth Areas and maintaining rural character outside of UGAs, much attention is given to what “rural character” is. We shape this definition from the Comprehensive Plan, the Jefferson County Code and clarifications from the Growth Management Hearings Board.

In *Achen v. Clark County* 95-2-0067 (Compliance Order, 2-5-98), the Western Washington Growth Management Hearings Board stated “*While rural lands may be the leftover meatloaf in the GMA refrigerator, they have very necessary and important functions both as a planning mechanism and as applied on the ground.*”

The WWGMHB continued, “*A secondary aspect of proper rural area planning involves the preservation of a rural lifestyle. A ‘rural sprawl’ has the same devastating effects on proper land uses and efficient use of tax payer dollars as urban sprawl. Uncoordinated development of rural areas often involves greater economic burdens than in urban areas. Infrastructure costs for rural development are, by definition, more inefficient than for urban.*”

The Comprehensive Plan delves into ‘rural lifestyle’ within Land Use and Rural Element Goals & Policies 18, 19, 20, and 21, and stresses a long-term perspective toward decisions affecting environmental quality, rural development intensities and long-term habitability of Jefferson County.

Another planning mechanism to preserve rural character is by ensuring there is a variety of rural densities (RCW 36.70A.070(5)(b)). Rural character is a pattern of use and development in which

open space, natural landscape and vegetation predominate over the built environment. A county must assure that the “natural landscape” predominates and fosters traditional rural lifestyles, rural based economies and opportunities (*Durland v. San Juan County* 00-2-0062c, Final decision and order 5-7-01 and *Butler v. Lewis County* 99-2-0027c, Final Decision and Order, 6-30-00).

The three proposals for residential density changes will be reviewed consistent with the Comprehensive Plan and other relevant laws and regulations. A general description, required findings and conclusions, and staff recommendation for each proposal is provided below.

**2.3.1.1 MLA08-32 (D. Holland)**

**Applicant:** David Holland/Davos Capital LLC

**Assessor Parcel Number:** 001064002

**Location:** Corner of Arabian Lane and Hastings Avenue near Port Townsend

2.3.1.1.1 General Description and Environmental Information

The proposed amendment would redesignate approximately fourteen (14) acres from Rural Residential one dwelling unit per ten acres (RR 1:10) to Rural Residential one dwelling unit per five acres (RR 1:5). The subject parcel is located at the corner of Arabian Lane and Hastings Avenue approximately two miles from the City of Port Townsend in unincorporated Jefferson County. The parcels adjacent to the east and west of the subject site are designated RR 1:10; the parcel to the east, while zoned RR 1:10, is five acres in size; and the parcel to the north is designated AL 1:20. Adjacent to the south lies property zoned RR 1:5.

The subject site is completely forested and is comprised of moderate slopes (i.e., less than 15%). The entire parcel is located in an area considered to be a susceptible aquifer recharge area; however, development may occur in these areas compliant with protection standards in the UDC. Re-designation and rezoning of the property would create one (1) additional parcel, and permit up to two (2) primary dwelling units to be constructed on-site. The applicant has expressed a desire to purchase an additional acre of land in order to create the possibility of three primary dwelling units 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 growth management indicators. Staff findings, conclusions, and recommendations follow.

<b>Table 6. Cumulative Impact Analysis - MLA08-32: D. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 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>	Population growth is occurring slower than projected in the Comprehensive Plan. Additional guidance regarding rural densities and preservation of rural character have come from GMHB decisions as discussed above.

<b>Table 6. Cumulative Impact Analysis - MLA08-32: D. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes about the future growth and management of the county. The Comprehensive Plan was originally adopted in 1998 and revised in 2004. Updating the Comprehensive Plan in 2011 will likely include an opportunity to reassess countywide attitudes. Between Comprehensive Plan updates, countywide attitudes can best be inferred through local election results, perspectives expressed by public representatives such as the Planning Commission, and comments received during public comment periods. Whether the proposal reflects current widely held values will be determined by the extent to which it is consistent with the Comprehensive Plan and by the comments and decision made during the 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>	The Comprehensive Plan states that “the allocation of future population must be considered when analyzing the overall need for the creation of additional residential lots and determining where those lots should be located to accommodate future growth” (Comprehensive Plan, pg. 3-6). LNP 3.2 echoes this point in stating that “proposed rural residential densities shall allow for an adequate supply of appropriately zoned land based upon the County’s rural population projections and needs while maintaining rural character and rural community identity, preserving rural resource-based uses, and avoiding sprawl.” (Comprehensive Plan, pg. 3-47). This raises the question as to the ratio of rural residential lot supply to the 20-year projected population growth and its allocation to rural areas. Is the county in need of additional rural residential parcels at this time to accommodate future rural growth? By allowing the creation of additional rural residential lots, could the County weaken its ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03? Moreover, what

<b>Table 6. Cumulative Impact Analysis - MLA08-32: D. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
	<i>cumulative</i> impact does annual rural residential rezones - without the comprehensive long range planning associated with Comprehensive Plan updates - have on reducing the variety of rural residential densities, open space, native vegetation, and rural character in the area? The county is called on to preserve these characteristics at LNP 3.1 (Comprehensive Plan, pg. 3-47), LNG 18.0 (Comprehensive Plan, pg. 3-61), LNP 20.1 (Comprehensive Plan, pg. 3-63), OSG 1.0 (Comprehensive Plan, pg. 6-14), and ENG 7.0 (Comprehensive Plan, pg. 8-25).
<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 probable significant adverse impacts 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>	Adjacent parcels to the south are zoned at a higher density, RR 1:5. Adjacent parcels to the east and west, while currently zoned RR 1:10, are 5-acre parcels (to the east), and a 1-acre parcel (to the west). The parcel to the north, while zoned AL 1:20, is just over 6 acres. It is not anticipated that approval of this specific request will lead to pressure to rezone surrounding properties. The change in land use designation could potentially create pressure to rezone parcels under similar circumstances in the county. In order to prevent cumulative pressure to rezone at a County-wide level, staff recommends that this analysis shall not be utilized as justification to support future rezone applications.
<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 proposed amendment could cumulatively affect the land use and population growth projections that are the basis of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to

<b>Table 6. Cumulative Impact Analysis - MLA08-32: D. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
	<p>accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Approving the proposal could set a precedent that could create pressure in subsequent years to rezone parcels under similar circumstances, thus cumulatively adding to the number of available lots in rural areas of the county which may exceed projected demand. In order to prevent cumulative pressure to rezone at a County-wide level, staff recommends that this analysis shall not be utilized as justification to support future rezone applications.</p>
<p><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></p>	<p>Although the property is just over a mile from the Port Townsend UGA, the proposed amendment is not located within an area that is currently under review for UGA designation.</p>
<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 inter-jurisdictional policies or agreements, and any other local, state or federal laws</i></p>	<p>The Growth Management Act (GMA) requires the County to "encourage development in urban areas"; "reduce the inappropriate conversion of undeveloped land into sprawling, low-density development"; and "retain open space" (RCW 36.70A.020(1, 2, &amp; 9)). The GMA also requires the County to contain or otherwise control rural development (RCW 36.70A.070(5)(c)(i)) and the Comprehensive Plan "provide sufficient capacity of land suitable for development...to accommodate their allocated housing and employment growth...and consistent with the twenty-year population forecast..." (36.70A.115). At what point is the conversion of undeveloped land into low-density development considered inappropriate? Under what circumstances might rezoning rural residential properties affect the county's ability to encourage development in urban areas? What does it mean to provide sufficient capacity of land suitable for development in ways consistent with the twenty-year population forecast? Staff reviews of existing 1998 data and provisional data to 2008 have not been conclusive enough to absolutely determine the answers to these questions. Given the analysis and in the absence of definitive conclusions, it is presumed that the proposal is consistent with the GMA and other applicable laws and regulations.</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).

### **Supplemental Sheet for Non-project 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. All development shall comply with Washington State Department of Ecology Stormwater Management Manual for Western Washington, which requires stormwater to be addressed on site.

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

This proposal may result in land clearing and development that could affect native plants and animals. It is not, however, likely to result in a significant impact. 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 may potentially contribute to the depletion of energy resources through increased residential energy use and some loss of forest resources, however, such impacts are not considered significant. 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 proposal is not likely to use or affect environmentally sensitive areas or areas designated for governmental protection.

#### **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?**

Allowable land and shoreline uses are not affected by this amendment except for the intensity of residential development due to the density change. 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.**

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.

The Rural Residential 1:10 parcel meets the criteria of LNP 3.3.1 for the RR 1:5 designation, it does not contain significant critical areas, and it will not create direct pressure to up-zone parcels immediately adjacent to the property. While there remains concern about the number of rural residential lots in relation to the 20-year projected population growth, its allocation to rural areas, and the affect this has on encouraging growth in urban areas, staff determined that there is not sufficient data at this time to factor it into the recommendation. Furthermore, while approval may set a precedent which will increase pressure in subsequent years to up-zone parcels under similar circumstances, the county shall analyze future amendment applications on a case by case basis.

**2.3.1.2 MLA08-69 (George)**

**Reference Number:** MLA08-69

**Applicant:** Jeffrey and Tamara George

**Assessor Parcel Number:** 001191002

**Location:** 472 South Edwards Road, Port Townsend

**2.3.1.2.1 General Description and Environmental Information**

The subject parcel is located at 472 South Edwards Road, approximately one and a half miles from Port Townsend. The application proposes a change of land use designation and zoning of the parcel, approximately 20 acres in size, from RR 1:20 to RR 1:5.

The subject site is largely forested, and mapped as slight landslide hazard on the western portion of the parcel. The entire parcel is mapped as critical aquifer recharge area; however, the site is considered a legal lot of record by current standards and development may occur in these areas compliant with protection measures in the UDC. Re-zoning of the property would create one (1) additional parcel, and permit up to two (2) primary dwelling units to be constructed on-site.

**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 growth management indicators. Staff findings, conclusions, and recommendations follow.

<b>Table 7. Cumulative Impact Analysis - MLA08-69: George</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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>	An application for a map correction (MCR99-2) in 1999 to change the parcel zoning from RR1:20 to RR1:5 was not approved because the Board of County Commissioners determined that the application should be submitted as a Comprehensive Plan amendment rather than a map correction. The circumstances related to the area have otherwise not changed substantially since the adoption of the Comprehensive Plan.

<b>Table 7. Cumulative Impact Analysis - MLA08-69: George</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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>	Population growth is occurring slower than was projected in the Comprehensive Plan. Additional guidance regarding rural densities and preservation of rural character have come from GMHB decisions as discussed above.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes about the future growth and management of the county. The Comprehensive Plan was originally adopted in 1998 and revised in 2004. Updating the Comprehensive Plan in 2011 will likely include an opportunity to reassess countywide attitudes. Between Comprehensive Plan updates, countywide attitudes can best be inferred through local election results, perspectives expressed by public representatives such as the Planning Commission, and comments received during public comment periods. Whether the proposal reflects current widely held values will be determined by the extent to which it is consistent with the Comprehensive Plan and by the comments and decision made during the 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>	The Comprehensive Plan states that “the allocation of future population must be considered when analyzing the overall need for the creation of additional residential lots and determining where those lots should be located to accommodate future growth” (Comprehensive Plan, pg. 3-6). LNP 3.2 echoes this point in stating that “proposed rural residential densities shall allow for an adequate supply of appropriately zoned land based upon the County’s rural population projections and needs while maintaining rural character and rural community identity, preserving rural resource-based uses, and avoiding sprawl.” (Comprehensive Plan, pg. 3-47). This raises the question as to the ratio of rural residential lot supply to the 20-year projected population growth and its allocation to rural areas. Is the county in need of additional rural residential parcels at this time to accommodate future rural growth? By allowing the creation of additional rural residential lots, could the County weaken its ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03? Moreover, what <i>cumulative</i> impact does annual rural residential rezones - without the comprehensive long range planning associated with Comprehensive Plan updates - have on reducing the variety of rural residential densities, open space,

<b>Table 7. Cumulative Impact Analysis - MLA08-69: George</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
	native vegetation, and rural character in the area? The county is called on to preserve these characteristics at LNP 3.1 (Comprehensive Plan, pg. 3-47), LNG 18.0 (Comprehensive Plan, pg. 3-61), LNP 20.1 (Comprehensive Plan, pg. 3-63), OSG 1.0 (Comprehensive Plan, pg. 6-14), and ENG 7.0 (Comprehensive Plan, pg. 8-25).
<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 would not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks, or environmental features. The proposal may, however, result in increased pressure to upgrade the dirt access road.
<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 subject parcels are physically suitable for the requested land use designation and anticipated development.
<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 may increase pressure to up-zone an adjacent parcel to the north (#001-191-002) which is zoned RR 1:20, and other rural residential properties under similar circumstances. Cumulatively, this is may result in a loss of open space and native vegetation and divert growth away from urban areas, and therefore is not in the long-term best interest of the county as a whole.
<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 proposed amendment could cumulatively affect the land use and population growth projections that are the basis of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Approving the proposal could create pressure to rezone the adjacent parcel to the north and set a precedent that could create pressure in subsequent years to rezone parcels under similar circumstances, thus cumulatively adding to the number of available lots in rural areas of the county which may exceed projected demand.

<b>Table 7. Cumulative Impact Analysis - MLA08-69: George</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 inter-jurisdictional policies or agreements, and any other local, state or federal laws</i>	The Growth Management Act (GMA) requires the County to “encourage development in urban areas”; “reduce the inappropriate conversion of undeveloped land into sprawling, low-density development”; and “retain open space” (36.70A.020(1, 2, & 9)). The GMA also requires the County to contain or otherwise control rural development (36.70A.070(5)(c)(i)) and that the Comprehensive Plan “provide sufficient capacity of land suitable for development...to accommodate their allocated housing and employment growth...and consistent with the twenty-year population forecast...” (36.70A.115). Furthermore, Jefferson County Code 18.15.015(1)(c) states that Rural Residential 1:20 zoning “...protects land from premature conversion to higher residential densities prior to an established need.” At what point is the conversion of undeveloped low-density land into higher-density development considered inappropriate? Under what circumstances might rezoning rural residential properties affect the county’s ability to encourage development in urban areas? What does it mean to provide sufficient capacity of land suitable for development in ways consistent with the twenty-year population forecast? While staff have not been able to conclusively determine the answers to these questions, staff has determined that the applicant has not demonstrated an established need for conversion of RR 1:20 to higher residential densities as called for in JCC 18.15.015(1)(c). Furthermore, the GMA and the County Wide Planning Policies require a variety of rural residential land use densities and this amendment would reduce variety of rural densities in this area (GMARCW 36.70A.070(5)(b) and CWPP 8.1, 8.4).

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).

## **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?**

This proposal is not likely to significantly increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

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

This proposal may result in land clearing and development that could potentially affect native plants and animals. It is not, however, likely to result in significant impacts. 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 may potentially contribute to the depletion of energy resources through increased residential energy use and some loss of forest resources, however, such impacts are not considered significant. 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 proposal is not likely to use or affect environmentally sensitive areas or areas designated for governmental protection, with the exception of the presence of a slight landslide hazard area in the western portion of the parcel. All development shall comply with the protection standards in the UDC.

### **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?**

Allowable land and shoreline uses are not affected by this amendment except for the intensity of residential development due to the density change. 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 significant 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 proposal is not expected to conflict with local, state, or federal laws or requirements for the protection of the environment.

**2.3.1.2.3 Staff Recommendation**

Staff recommends denial of the proposed site-specific amendment.

The applicant has not demonstrated an established need for conversion of RR 1:20 to higher residential densities as called for in JCC 18.15.015(1)(c). Moreover, approving this proposal could create direct pressure to up-zone the adjacent parcel to the north, potentially resulting in the reduction of the variety of rural residential densities, open space, native vegetation, and rural character in the area. There is additional concern about the number of rural residential lots in relation to the 20-year projected population growth, its allocation to rural areas, and the affect this has on encouraging growth in urban areas. Staff has determined, however, that there is not sufficient data at this time to factor the latter issue into the recommendation.

**2.3.1.3 MLA08-84 (Broders)**

**Reference Number:** MLA08-84

**Applicant:** Richard Broders/CMR Partnership

**Assessor Parcel Number:** 901121001

**Location:** Cleveland Street off Oak Bay Road near Port Hadlock

**2.3.1.3.1 General Description and Environmental Information**

The subject parcel is located 0.3 miles down Cleveland Street off Oak Bay Road, about 650 feet from the proposed Irondale/Port Hadlock Urban Growth Area. The request would change the land use designation and zoning of this thirty-eight (38) acre-parcel from RR 1:20 to RR 1:5. The properties surrounding the subject site are designated and zoned RR 1:5.

A review of Jefferson County environmentally sensitive area maps reveals the presence of a wetland in the central and eastern portions of the parcel. Re-designation and rezoning of the property would theoretically permit up to six (6) dwelling units to be constructed on-site, quadrupling the current permissible dwelling unit density.

**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 growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 8. Cumulative Impact Analysis - MLA08-84: Broders</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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>	Circumstances related to the proposed amendment or the area in which it is located have not substantially changed since the adoption of the Comprehensive Plan in 2004.
<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>	Population growth is occurring slower than projected in the Comprehensive Plan. Lot over-supply is an issue that must be considered (see analysis of MLA08-69). Additional guidance regarding rural densities and preservation of rural character have come from GMHB decisions as discussed above.

<b>Table 8. Cumulative Impact Analysis - MLA08-84: Broders</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes about the future growth and management of the county. The Comprehensive Plan was originally adopted in 1998 and revised in 2004. Updating the Comprehensive Plan in 2011 will likely include an opportunity to reassess countywide attitudes. Between Comprehensive Plan updates, countywide attitudes can best be inferred through local election results, perspectives expressed by public representatives such as the Planning Commission, and comments received during public comment periods. Whether the proposal reflects current widely held values will be determined by the extent to which it is consistent with the Comprehensive Plan and by the comments and decision made during the 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 proposed amendment would not likely have a significant impact on transportation levels of service.
<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 Comprehensive Plan states that “the allocation of future population must be considered when analyzing the overall need for the creation of additional residential lots and determining where those lots should be located to accommodate future growth” (Comprehensive Plan, pg. 3-6). LNP 3.2 echoes this point in stating that “proposed rural residential densities shall allow for an adequate supply of appropriately zoned land based upon the County’s rural population projections and needs while maintaining rural character and rural community identity, preserving rural resource-based uses, and avoiding sprawl.” (Comprehensive Plan, pg. 3-47). This raises the question as to the ratio of rural residential lot supply to the 20-year projected population growth and its allocation to rural areas. Is the county in need of additional rural residential parcels at this time to accommodate future rural growth? By allowing the creation of additional rural residential lots, could the County weaken its ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03? Moreover, what <i>cumulative</i> impact does annual rural residential rezones - without the comprehensive long range planning associated with Comprehensive Plan updates - have on reducing the variety of rural residential densities, open space, native vegetation, natural beauty, rural character, and impacts to environmentally sensitive areas in the area? The county is called on to preserve these characteristics at LNP 3.1 (Comprehensive Plan, pg. 3-47), LNG 18.0 (Comprehensive Plan, pg. 3-61), LNP 19.0 (Comprehensive Plan, pg. 3-62), LNP 20.1 (Comprehensive Plan, pg. 3-63), LNP 21.0 (Comprehensive Plan, 3-63) OSG 1.0 (Comprehensive Plan, pg. 6-14), and ENG 7.0 (Comprehensive Plan, pg. 8-25).

<b>Table 8. Cumulative Impact Analysis - MLA08-84: Broders</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 rezone will have an estimated impact to onsite and off-site environmental features, is in close proximity to a proposed Urban Growth Area, and will remove the variety in rural densities, thus changing the character of the area.
<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 Comprehensive Plan identifies the parcel as RR 1.20 which is an appropriate residential density. The request to increase residential density to R1:5 to match surrounding densities would not achieve the goals of the Comprehensive Plan. Wetlands and other environmental amenities, particularly as headwater to a fish-bearing stream, are a concern at this site.
<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 site-specific amendment would not create pressure to change land use designation of other properties in the immediate area. The change in land use designation could, however, potentially create pressure to rezone parcels under similar circumstances in the county.
<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 proposed change in zoning would potentially add up to six (6) additional residential 1:5 parcels to this zoning category and affect land use characteristics provided by a variety of rural densities. The proposed amendment could also cumulatively affect the land use and population growth projections if there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas. Additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Approving the proposal could set a precedent that could create pressure in subsequent years to rezone parcels under similar circumstances, thus cumulatively adding to the number of available lots in rural areas of the county which may exceed projected demand.
<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 subject property is not within a UGA, though in close proximity.

<b>Table 8. Cumulative Impact Analysis - MLA08-84: Broders</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 inter-jurisdictional policies or agreements, and any other local, state or federal laws</i></p>	<p>The Growth Management Act (GMA) requires the County to “encourage development in urban areas”; “reduce the inappropriate conversion of undeveloped land into sprawling, low-density development”; and “retain open space” (36.70A.020(1, 2, &amp; 9)). The GMA also requires the County to contain or otherwise control rural development (36.70A.070(5)(c)(i)) and that the Comprehensive Plan “provide sufficient capacity of land suitable for development...to accommodate their allocated housing and employment growth...and consistent with the twenty-year population forecast...” (36.70A.115). Furthermore, Jefferson County Code 18.15.015(1)(c) states that Rural Residential 1:20 zoning “...protects land from premature conversion to higher residential densities prior to an established need.” At what point is the conversion of undeveloped low-density land into higher-density development considered inappropriate? Under what circumstances might rezoning rural residential properties affect the county’s ability to encourage development in urban areas? What does it mean to provide sufficient capacity of land suitable for development in ways consistent with the twenty-year population forecast? While staff have not been able to conclusively determine the answers to these questions, staff has determined that the applicant has not demonstrated an established need for conversion of RR 1:20 to higher residential densities as called for in JCC 18.15.015(1)(c). Furthermore, the GMA and the County Wide Planning Policies require a variety of rural residential land use densities and this amendment would eliminate variety of rural densities in this area (GMARCW 36.70A.070(5)(b) and CWPP 8.1, 8.4).</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).

**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 proposed re-zone could allow additional impervious surface and result in increased land clearing, potentially affecting discharge to water. All development shall comply with the Washington State Department of Ecology Stormwater Management Manual for Western Washington for stormwater control.

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

The parcel has a non-fish bearing stream and wetlands which flow into a fish-bearing segment of the same creek and to Port Townsend Bay. Residential development could potentially change characteristics such as nutrients, woody debris and water temperature. Rezoning and subsequent development at RR 1:5 density could directly impact habitat functions and values.

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

The proposal may contribute to the depletion of energy resources through increased residential energy use and some loss of forest resources, however, such impacts are not considered significant. 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 property is a wooded keystone of the immediate area in that it's a large undivided parcel within an area of smaller lots. It is midpoint between wetlands and shorelines on either side of the ness or point where it is situated. One side is a State Park. Residential development at R1:5 densities would remove the property's significance in this area. Moreover, the parcel has a non-fish bearing stream and wetlands which flow into a fish-bearing segment of the same creek. Residential development could potentially change characteristics such as nutrients, woody debris and water temperature.

**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 rezone would allow further densification and intensity of existing land uses. The proposal removes the variety of rural densities of the area.

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

The rezone would not have any likely impact on transportation facilities. Public services and utilities are already in the vicinity.

**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 rezone would not likely conflict with laws or requirements for wetland protection, but application of these laws would depend upon additional information such as the kind of natural resources on site, wetland type and buffering requirements.

### 2.3.1.3.3 Staff Recommendation

Staff recommends denial of the proposed site-specific amendment.

The County's past analyses and past Growth Management Hearings Board decisions have worked around the edges of the issue of low-density sprawl. There is no single vision. The issue of re-zones and density changes is often viewed from two perspectives: maintaining rural character and accommodating population growth with higher densities.

The zoning density of one residence per five-acres has been accepted as the minimum for rural density (WWGMHB). There are exceptions such as non-conforming lots of record, density exemptions and accessory dwelling unit policy. However, GMA requires a variety of rural densities (36.70A.070 (5)(b)). Further GMA guidance on land-use policy is provided by 36.70A.070 (5)(c)(ii) to ensure visual compatibility, (iii) reduce low-density sprawl, and (iv) protect critical areas.

Site-specific conditions may well have been a criterion supporting the RR 1:20 designation in 1998 and again in 2004. The 38-acre parcel is the "keystone" of the smaller parcels surrounding it. This acreage is also the keystone between bays, wetlands and fish habitat. Following to the southwest, the parcel is near other RR 1:20 parcels and continue into a variety of commercial forest parcels. The designation of RR 1:20 fits the variety standard.

The analysis is not wholly a review of consideration of isolated, site-specific conditions. The planning goals of GMA, the Comprehensive Plan, growth indicators, and Countywide Planning Policies compose the body of information to consider when analyzing requests to change established zoning designations. A common theme among these references is sought to answer the request, but more often a balance is struck between various disparate goals.

Jefferson County actively participates in planning under the State Growth Management Act and engages in active planning with its citizens. The future of the county is embodied in the community vision and practical planning practices documented in the Comprehensive Plan.

Large-scale expansion of RR 1:5 zoning, and further increasing the same low-density zoning over a broad area just outside of the Urban Growth Area will thwart the county's efforts to shift growth from rural sprawl to more cost-effective UGAs where services can be provided more efficiently.

The property is within WRIA 17, Quilcene/Snow watershed planning unit, in the 35 square mile Chimum Creek Sub-watershed. Rural residential zoning is found on approximately 8,528 acres (38% of the sub-watershed). The predominant residential zoning density (4,112 acres) is one residence per 20 acres (Resolution No. 92-99).

The property is located within the Comprehensive Plan's Tri-Area planning area #4. The parcel is approximately 38 acres in size and zoned RR1:20, allowing for one dwelling and one Accessory Dwelling Unit.

The parcel is 650 feet from the boundary of the proposed Irondale/Port Hadlock Urban Growth Area and less than one mile from the downtown core.

The parcel is adjacent to the small Bay View Estates lots platted in 1890.

The parcel area consists of about 20% wetlands. The amount of buffering required for these wetlands is not yet determined. The parcel contains a type Np stream. Type Np streams are believed to provide habitat necessary to support the long-term viability of water conditions that support salmonid species in downstream Type F (fish-bearing) streams (Palmquist, 2005). Seasonal reaches are critically important to the outcome of water conditions in perennial reaches. The stream is fish-bearing below Cedar Avenue. Cedar Avenue has a culvert which creates a step barrier to fish passage toward the subject property.

### **2.3.1.4 Cumulative Analysis of Requests for Change of Residential Density**

The three (3) proposals for change of rural residential density involve a total of three (3) tax parcels encompassing approximately seventy (70) acres. Approval of these three amendments, as proposed by the applicants, would allow the potential for eight (8) additional rural dwelling units over what is allowed under existing zoning (i.e., from three (3) currently, to eleven (11) 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. With respect to the Holland property, based on this programmatic environmental review, no site-specific characteristics exist which would preclude the use of the site for higher density rural residential purposes.

However, approving the proposals may create pressure to up-zone other parcels under similar circumstances in subsequent years. Such up-zoning may cumulatively result in the diversion of growth away from urban areas and a reduction in the variety of rural residential densities, open space, native vegetation, and rural character in the county without the appropriate level of comprehensive long range planning. The county will analyze future amendment applications on a case by case basis.

### **2.3.2 Request for Change from Commercial Forest Land Designation to combination of Rural Forest and Agriculture of Local Significance or Rural Residential (1)**

A request for a change from Commercial Forest Land to Rural Forest and Agriculture of Local Significance or Rural Residential are subject to the goals, policies, and implementation strategies contained in the Growth Management Act, County-Wide Planning Policies, Jefferson County Comprehensive Plan, Jefferson County Code and applicable clarifications from the Growth Management Hearings Board. Of greatest relevance are Chapters 3 and 4 of the Comprehensive Plan. Of particular use for consideration of forest and agricultural lands are pages 4-1 to 4-4, pages 4-8 to 4-11, and Natural Resource Goals & Policies (NRG&P) 1.0, 3.0, 4.0, and 10.0. The most relevant sections of the Comprehensive Plan when considering Rural Residential zoning are discussed under section 2.3.1 of this document, above, with the exception of LNG 22.0, which is of particular importance to forest and agricultural lands. LNG 22.0 from Chapter 3 and relevant excerpts from the Natural Resources Element narrative and goal and policy language are provided below for convenience:

#### **Chapter 3: Land Use and Rural Element**

##### **GOAL:**

**LNG 22.0 Foster sustainable natural resource-based industry in rural areas through the conservation of forest lands, agricultural lands, mineral lands, and aquaculture lands in order to provide economic and employment opportunities that are consistent with rural character.**

#### **Chapter 4: Natural Resource Conservation Element**

##### **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):

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

<b>Indicator</b>	<b>Comments</b>
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
- In-holding 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 In-holding 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.

**Agricultural Lands**

**Classification and Designation of Agricultural Land**

It is Jefferson County’s intent to protect and foster opportunities for the successful practice of agriculture. The land in Jefferson County was examined to assess the long-term commercial viability of parcels considered for agriculture zoning. While undeveloped land with prime agricultural soils as identified in the Natural Resources Conservation Service’s *Soil Survey of Jefferson County, Washington*, clearly must be preserved, additional parcels also have long term commercial significance for agriculture at the local level. Successful, commercial agriculture can be practiced on many types of soils, through a variety of environmentally sound means on small parcels as well as large. Economically valuable agriculture does not have to be the exclusive support of a family. Small ventures that simply augment family income are valuable to the land owner and the community as a whole. The guidelines, listed below, taken as a whole and interpreted on a parcel by parcel basis, direct which parcels of land are suitable for designation as Agricultural Lands of Long Term Significance. No single guideline is considered essential for agricultural designation, nor is there a minimum lot size threshold.

**Comprehensive Plan Table 4-2**

**Guidelines for Classification of Agricultural Resource Lands in Jefferson County**

1. Presence of prime agricultural soil as the Natural Resources Conservation Service’s <i>Soil Survey of Jefferson County, Washington</i> on a significant portion of the parcel.	A significant portion of prime agricultural soils should be approximately one third or more of the parcel.
2. Historic usage for agriculture	Land which has been used for agriculture for a number of years or can be converted back to active agriculture, even if it is currently lying fallow, should be given high priority for agricultural designation
3. Parcels of land 10 acres or larger in size should be given strong consideration however smaller parcels may also be highly suitable for agricultural designation	Some types of agriculture are best practiced on parcels ten acres and larger and they should be given high priority for agricultural designation. Smaller parcels considered suitable for agriculture designation, which are adjacent to residentially designated land, may be subject to increased regulatory oversight for some types of agricultural practices.
4. Participation by parcel owner in the Open Space Tax Program for Agricultural Land	Participation in the Open Space Tax Program is not a requirement for agricultural designation; however, it is a good indication of qualifying land.

5. Located away from existing land uses that would interfere with agricultural practices	Some existing land uses would interfere with agricultural activities such as uses, which pollute. Residential uses are not considered uses, which would interfere with agricultural practices. The possibility that agricultural uses practiced according to Best Management Practices, may interfere with residential uses shall not be a reason to deny agricultural designation of a parcel.
6. Located outside of areas already served with "urban governmental services" which are typically provided in cities.	Areas where the public has already made a significant investment in services suited to urban levels of development such as storm and sanitary sewers, street cleaning services, urban levels of fire and police protection, etc. are no longer suitable to be classified as a natural resource to be protected from more intense development.
7. Location outside of existing Master Planned Resort (MPR) or Urban Growth Area (UGA) land use designations.	Undeveloped land with prime agricultural soils was not included in Jefferson County's designated UGA or MPR areas, therefore any additional undeveloped parcels in those areas should be preserved for more intensive development and not designated as agricultural lands of long term commercial significance.
8. Currently in commercial agricultural use	Land currently being used for any type or scale of commercial agriculture should be given high priority for agricultural designation.
9. Physically and topographically suitable for the practice of commercial agriculture	Some land which is excessively steep, wet, unstable, prone to frequent flooding, primarily rock cliffs, etc. is clearly not suitable for designation as agricultural land of long term commercial significance.
10. If currently designated as Rural Forest (RF-40) land has already been platted into 20 acre or smaller parcels.	A rezone from Rural Forest designation to Agricultural designation must not result in creating an increase in allowable residential density. Therefore only those Rural Forest parcels already platted in 20 acres or smaller lot sizes may be considered for reclassification to Agricultural designation.
11. Is not currently designated as Commercial Forest (CF-80)	Commercial Forest land has been designated based on soil suitability for forestry and should not be converted to agricultural designation
12. Is not currently designated as In-holding Forest (IF)	This land is located within Commercial Forest designation areas and it has poor soils for agriculture and is not suitable for agricultural designation.

In order to conserve the agricultural resource land base in Jefferson County and maintain the farming industry while recognizing the diversity of agricultural land owners, Agricultural Lands of Long-Term Commercial Significance consist of two designations:

- Prime Agricultural Lands (AP-20)
- Agricultural Lands of Local Importance (AL-20)

**Comprehensive Plan Table 4-2a  
Summary of Agricultural Land Designations**

Land Use Designation	Criteria for Designation	Principal Land Use
<p>Prime Agricultural Land (AP-20)</p>	<p>Land designated as Prime Agricultural Land shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>• consist, in substantial proportion, of land with prime agricultural soils as defined by the Natural Resources Conservation Service’s <i>Soil Survey of Jefferson County, Washington</i>; and</li> <li>• be in regions of the county where commercial agriculture is the current and historically predominant use including but not limited to the following areas: <ul style="list-style-type: none"> <li>○ Quimper Peninsula</li> <li>○ Beaver Valley</li> <li>○ Chimacum Valley</li> <li>○ Discovery Bay Valley</li> <li>○ Quilcene River Valley</li> <li>○ Tarboo Valley</li> <li>○ Dosewallips Valley</li> <li>○ West Jefferson County valleys; and</li> </ul> </li> <li>• is not currently served by “urban governmental services”; and</li> <li>• is in an area characterized by a substantial proportion of undeveloped parcels of land 20 acres or greater in size; and</li> <li>• is outside of any area designated as Master Planned Resort (MPR) or Urban Growth Area (UGA); and</li> <li>• is in an area where no existing land uses are present, which will seriously interfere with the successful long term practice of a range of agricultural activities; and</li> <li>• does not include land currently designated Rural Forest (RF-40) presently in a parcel size 40 acres or larger, or Commercial Forest (CF-80) or In-holding Forest (IF).</li> </ul>	<p>Agricultural activities and single family residential</p>
<p>Agricultural Land of Local Importance (AL-20)</p>	<p>In order to preserve and stimulate agricultural diversity and to maintain an undeveloped land base for future agricultural use, the owner of a parcel may petition the County for designation as Agricultural Land of Local Importance. When the owner of a parcel or an aggregate of parcels petitions successfully for rezone to agriculture the land shall be considered an Agricultural Land of Long Term Commercial Significance and as such, it shall be afforded the rights and protections of natural resource land. Land designated as Agricultural Land of Local Importance shall meet the following criteria:</p> <ul style="list-style-type: none"> <li>• the owner of the parcel currently utilizes or intends to utilize the land for long term commercial agricultural purposes; and</li> <li>• the land is located away from existing land uses that would interfere with agricultural practices; and</li> <li>• the land is located outside of areas already served with “urban governmental services” which are typically provided in cities; and</li> <li>• the land is located outside of existing Master Planned Resort (PR) or Urban Growth Area (UGA) land use designations; and</li> <li>• the land is physically and topographically suitable for the practice of commercial agriculture.</li> <li>• if currently designated as Rural Forest (RF-40), the land is already platted into 20 acre or smaller parcels; and</li> <li>• the land is not currently designated as Commercial Forest (CF-80) or In-holding Forest (IF).</li> </ul>	<p>Agricultural uses and single family residential</p>

## **NATURAL RESOURCE LANDS**

### GOAL:

**NRG 1.0** Encourage the conservation of resource lands and the long-term sustainable use of natural resource-based economic activities throughout Jefferson County.

### POLICIES:

**NRP 1.1** Designate lands where the preferred and principal land uses are resource-based economic activities as Natural Resource lands.

**NRP 1.2** Require land use activities adjacent to resource lands to be sited and designed so as to minimize conflicts with resource based economic activities.

**NRP 1.3** Provide up-to-date and accurate information to the public concerning the location of resource lands and the nature of land uses and activities to be expected within such areas.

**NRP 1.4** Protect resource industry activities that are performed in accordance with applicable regulations from being subject to legal action as public nuisances.

**NRP 1.5** Support resource-based economic activities that comply with applicable federal, state, and local regulations.

**NRP 1.6** Support cooperative resource management among natural resource landowners, environmental groups, state, federal and tribal governments.

**NRP 1.7** Consider incentive programs to support resource-based economic activities in rural areas.

**NRP 1.8** Locate natural resource-based economic activities throughout rural areas in close proximity to designated agricultural, forest or mineral resource lands upon which they are dependent.

## **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.

**AGRICULTURE LANDS**

GOAL:

**NRG 10.0** **Conserve and protect the agricultural land base and its associated economy and lifestyle.**

POLICIES:

- NRP 10.1** Adopt a final Agricultural Lands Ordinance that includes the criteria from the Interim Agricultural Lands Ordinance for classifying and designating Agricultural Lands for long-term commercial significance based on the class of agricultural land, the size of the parcel, the tax status, current use, and distance from populated areas.
- NRP 10.2** Minimize conflicts with agricultural activities by developing site and design requirements for land use activities adjacent to designated agricultural land which insure that the adjacent activities shall not interfere with the continued use, in the accustomed manner and in accordance with best management practices, of these designated agricultural lands for the production of food and other agricultural products.
- NRP 10.3** Support the conservation of agricultural land through tax incentive programs, the purchase or transfer of development rights, and other methods developed in cooperation with agricultural landowners and managers.
- NRP 10.4** Coordinate with state and federal agencies to encourage conservation of productive agricultural land through best management practices, including soil and water conservation, drainage, and livestock waste management programs.
- NRP 10.5** Support the continuation of farming as the primary use of Agricultural Lands by allowing a maximum base density of one dwelling unit per twenty (20) acres.
- NRP 10.6** Encourage clustering based upon the characteristics of various types of agricultural areas and practices in the County, while preserving an overall base density on Agricultural Lands that does not exceed one dwelling unit per twenty (20) acres.
- NRP 10.7** Discourage the extension of service areas of utility local improvement districts, or sewer, or public utility districts into designated Agricultural Lands.
- NRP 10.8** Support agricultural activities such as farmers' markets and roadside stands by permitting these uses outright on designated Agricultural Lands.
- NRP 10.9** Encourage the preservation of family owned farms by discouraging the conversion of these lands to other uses.
- NRP 10.10** Support the work of Washington State University Cooperative Extension for technical and marketing assistance for small-scale commercial farmers.

### **2.3.2.1 MLA08-56 (Brown)**

**Reference Number:** MLA08-56

**Applicant:** Gloria Brown/BG Brown Trust (David Goldsmith – agent)

**Assessor Parcel Number:** 801091010 (application under # 801091002)

**Location:** One mile west of the intersection of Eaglemount and Center Roads near Chimacum

#### **2.3.2.1.1 General Description and Environmental Information**

The subject parcel is located one mile west of the intersection of Eaglemount Road and Center Road near Chimacum. The request would change the land use designation and zoning of the parcel, approximately 116 acres in size, from CF 1:80 to a combination of RF 1:40 and AL 1:20, or RF 1:40 and RR 1:20.

Note: While the amendment application was for tax parcel number 801091002, subsequent boundary line adjustments on adjoining property resulted in a change of the parcel number to 801091010.

**2.3.2.1.2 Cumulative Impact Analysis**

Pursuant to JCC 18.450.080(1)(b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 8. Cumulative Impact Analysis - MLA08-56: Brown</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 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>	Population growth is occurring slower than projected in the Comprehensive Plan. Additional guidance regarding rural densities and preservation of rural character have come from GMHB decisions as discussed above. Information has been presented that a portion of the subject property is and has been used as pasture land and not forest land. It is possible that this information was not considered during the adoption or amendment processes.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes about the future growth and management of the county. The Comprehensive Plan was originally adopted in 1998 and revised in 2004. Updating the Comprehensive Plan in 2011 will likely include an opportunity to reassess countywide attitudes. Between Comprehensive Plan updates, countywide attitudes can best be inferred through local election results, perspectives expressed by public representatives such as the Planning Commission, and comments received during public comment periods.
<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.

<b>Table 8. Cumulative Impact Analysis - MLA08-56: Brown</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<p><i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i></p>	<p>The forested portion of the property consists of a Forest Land Grade 3, is more than 80 acres in size, is part of a Forest Land Block of at least 320 acres in size, and meets the other Forest Land classification criteria of the Comprehensive Plan (Comprehensive Plan, pgs. 4-3 &amp; 4-4). The application does not sufficiently demonstrated why this portion of the property should be reclassified as Rural Forest Land (RF 1:40) since, even with approval of this amendment, it will remain at least 80 acres in size. The remaining portion of the property cannot be reclassified as Agricultural Land of Local Importance (AL 1:20) because the comprehensive plan prohibits the rezoning of designated Commercial Forest land to Agricultural Resource lands (Comprehensive Plan, pg. 4-11). The comprehensive plan prohibits the subdivision of designated forest lands for residential purposes and clearly emphasizes the need to preserve and protect natural resource lands. A rezone to RR 1:20 could circumvent this provision and undermine the integrity of the County Comprehensive Plan (Comprehensive Plan, LNG 22.0, NRG 1.0 &amp; 3.0 and NRP 4.1, pgs. 3-64, 4-31, 4-32, and 4-33).</p>
<p><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></p>	<p>The proposed amendment would not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks, or environmental features that cannot be mitigated.</p>
<p><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></p>	<p>New parcels that could result from approval may require a new access road that crosses fish bearing Chimacum Creek and associated wetlands. Portions of the subject properties also include non-fish bearing streams and wetlands, creating potential development limitations.</p>
<p><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></p>	<p>The proposal, if approved, would set a precedent and create additional pressure for up-zoning commercial forest land.</p>

<b>Table 8. Cumulative Impact Analysis - MLA08-56: Brown</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 proposed amendment could cumulatively affect the land use and population growth projections that are the bases of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Moreover, approving this proposal would set a precedent and create further pressure to up-zone forest lands, resulting in a cumulative loss of the county's forest land and thus impacting the land use and population growth projections that are the bases 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 inter-jurisdictional policies or agreements, and any other local, state or federal laws</i>	RCW 36.70A.020(8) and 36.70A.060(1)(a) require that the County assure the conservation of natural resource lands. Re-designating commercial forest land for rural residential use would not be consistent with the GMA.

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).

**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?**

Reconstruction of an access bridge over fish-bearing Chimacum Creek could affect discharge of to the creek. All development shall comply with the Washington State Department of Ecology Stormwater Management Manual for Western Washington and bridge construction requires a Hydraulic Project Approval through Washington Department of Fish and Wildlife.

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

This proposal may result in land clearing and development that could affect native plants and animals. It is not, however, likely to result in significant impacts. Increased discharge of stormwater resulting from the possible reconstruction of an access bridge over fish-bearing Chimacum Creek may impact fish species, as well as downstream marine nearshore resources. 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 may contribute to the depletion of energy resources through increased residential energy use and some loss of forest resources, however, such impacts are not considered significant. 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.**

This proposal may result in land clearing and development that could potentially affect fish and non-fish bearing creeks and mapped wetlands. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for critical 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?**

The proposal would result in the re-designation of commercial forest land to either agricultural land of local significance or rural residential land, which is prohibited under the Comprehensive Plan. No portion of the site lies within the shoreline jurisdiction, although the Type F stream feeds into the lower reaches of Chimacum Creek that are Shorelines of the State.

**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 significant 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.**

New parcels that could result from approval may require a new access road that crosses fish bearing Chimacum Creek and associated wetlands. Portions of the subject property also include non-fish bearing streams and wetlands. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for critical areas.

### 2.3.2.1.3 Staff Recommendation

Staff recommends denial of the proposed site-specific amendment.

The forested portion of the property consists of a Forest Land Grade 3, is more than 80 acres in size, is part of a Forest Land Block of at least 320 acres in size, and meets the other Forest Land classification criteria of the comprehensive plan (Comprehensive Plan, pgs. 4-3 & 4-4). The application does not sufficiently demonstrate why this portion of the property should be reclassified as Rural Forest Land (RF 1:40) since, even under the proposal, it will remain at least 80 acres in size. The remaining portion of the property cannot be reclassified as Agricultural Land of Local Importance (AL 1:20) because the comprehensive plan prohibits the rezoning of designated Commercial Forest land to Agricultural Resource lands (Comprehensive Plan, pg. 4-11). The comprehensive plan prohibits the subdivision of designated forest lands for residential purposes and emphasizes the need to preserve and protect natural resource lands (Comprehensive Plan, LNG 22.0, NRG 1.0 & 3.0 and NRP 4.1, pgs. 3-64, 4-31, 4-32, and 4-33). Rezoning to Rural Residential would in essence circumvent provision NRP 4.1 and be inconsistent with the Comprehensive Plan.

If the Planning Commission or Board of County Commissioners do choose to approve the rezoning of the pasture land portion of this proposal, staff recommends that the split zoning occur at the precise boundary of the pasture land and that a condition of approval be applied requiring the land owner to obtain a boundary line adjustment which matches the approved split zoning.

### **2.3.2.2 Cumulative Analysis of Request for Change of Commercial Forest Land Designation to combination of Rural Forest and Agriculture of Local Significance or Rural Residential**

The proposed amendment could cumulatively affect the land use and population growth projections that are the basis of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Moreover, approving this proposal would set a precedent and create further pressure to up-zone forest lands, resulting in a cumulative loss of the county's forest land and thus impacting the land use and population growth projections that are the bases of the Comprehensive Plan.

New parcels that could result from approval may require a new access road that crosses fish bearing Chimacum Creek and associated wetlands. Portions of the subject properties also include non-fish bearing streams and wetlands. Project-specific development that may occur as a result of the proposal would be subject to applicable federal, state, and local protections for critical areas.

### **2.3.3. Request for Change from Commercial Forest Land Designation to Rural Residential (1)**

Requests for a change from Commercial Forest Land to Rural Residential are subject to the goals, policies, and implementation strategies contained in the Growth Management Act, County-Wide Planning Policies, Jefferson County Comprehensive Plan, Jefferson County Code and applicable clarifications from the Growth Management Hearings Board. Of greatest relevance are Chapters 3 and 4 of the Comprehensive Plan. The most applicable citations for both forest land and rural residential use are discussed above under sections 2.3.1 and 2.3.2 of this document and therefore will not be repeated here.

**2.3.3.1 MLA08-73 (Jackson)**

**Reference Number:** MLA08-73

**Applicant:** James Jackson/Chimacum Heights LLC

**Assessor Parcel Number:** 901132002

**Location:** near Chimacum

2.3.3.1.1 General Description and Environmental Information

The subject parcel is located one-half mile from Oak Bay Road (via Kingfisher Place), three-quarters of a mile from the Jefferson County Sheriff's Office, and one-half mile from Chimacum. The request proposes to change the land use designation and zoning of this one hundred-twenty (120) acre parcel from CF 1:80 to RR 1:10.

2.3.3.1.2 Cumulative Impact Analysis

Pursuant to JCC 18.450.080(1)(b), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 9. Cumulative Impact Analysis - MLA08-73: Jackson</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 pre-platted Irondale Acre Tracts (Oak Hills development) to the east of the property (but not directly abutting the property) are beginning to be developed at approximately 4 acre lots over 200 acres.
<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>	Population growth is occurring slower than was projected in the Comprehensive Plan. Additional guidance regarding rural densities and preservation of rural character have come from GMHB decisions as discussed above.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	A widely held value of Jefferson County residents is the preservation of the county's forest lands, as reflected in the Comprehensive Plan. This proposal seeks to remove 120 acres from forest land designation.
<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. The applicant has indicated an intention to seek an expansion of the water service area to include the property.

<b>Table 9. Cumulative Impact Analysis - MLA08-73: Jackson</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<p><i>The proposed site-specific amendment is consistent with the goals, policies, and implementation strategies of the various elements of the Comprehensive Plan</i></p>	<p>The Comprehensive Plan emphasizes the need to preserve and protect natural resource lands (Comprehensive Plan, LNG 22.0 and NRG 1.0 &amp; 3.0, pgs. 3-64, 4-31, and 4-32). The property meets the forest land classification criteria in that it consists of Forest Land Grades 3 &amp; 4, is more than 80 acres in size, is part of a Forest Land Block of at least 320 acres in size, is located further than a half-mile from the proposed Irondale/Port Hadlock Urban Growth Area (UGA), is currently in a deferred forest tax status, and is located outside a community water system service area. A professional forester employed by the applicant stated in a 2007 Forest Management Plan submitted to the County Assessor's office that the property can produce some of the best quality wood products available in the Puget Sound area today and that the applicant was committed to a concentrated effort to produce high quality wood products through state of the art forest management techniques. The Comprehensive Plan's Open Space, Parks and Recreation, and Historic Preservation Policy 1.2(f) calls on the county to evaluate proposed development projects to preserve and protect open space areas, including forested ridges and hilltops that can be viewed from public areas and public roads. The subject property is a forested ridge visible from public areas in Chimacum, the development of which will result in the loss of some open space (Comprehensive Plan, OSP 1.2(f), pg. 6-14). Finally, the Comprehensive Plan prohibits the subdivision of designated forest lands for residential purposes (Comprehensive Plan, NRP 4.1, pg. 4-33). Therefore, this proposal is not consistent with the various elements of the Comprehensive Plan.</p>
<p><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></p>	<p>The proposed amendment would not result in a probable significant adverse impact to the transportation network, capital facilities, utilities, parks, or environmental features.</p>
<p><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></p>	<p>The subject parcel is physically suitable for the requested land use designation and anticipated development with regard to access, provision of utilities and compatibility with existing and planned surrounding land uses.</p>

<b>Table 9. Cumulative Impact Analysis - MLA08-73: Jackson</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 proposed amendment could set a precedent for rezoning commercial forest land to rural residential, creating more pressure to rezone commercial forest land. Cumulatively, this could result in a significant loss of the county's commercial forest lands.
<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 proposed amendment could cumulatively affect the land use and population growth projections that are the basis of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Moreover, approving this proposal could set a precedent and create further pressure to rezone forest lands, resulting in a cumulative loss of the county's forest land and thus impacting the land use and population growth projections that are the bases 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 inter-jurisdictional policies or agreements, and any other local, state or federal laws</i>	RCW 36.70A.020(8) and 36.70A.060(1)(a) require that the County assure the conservation of natural resource lands. Re-designating commercial forest land for rural residential use would not be consistent with the GMA.

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).

**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?**

This proposal is not likely to significantly increase discharge to water; emissions to air; production, storage, or release of toxic or hazardous substances; or production of noise.

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

This proposal may result in land clearing and development that could potentially affect native plants and animals. It is not, however, likely to result in a significant impact. 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 may contribute to the depletion of energy resources through increased residential energy use and will result in the loss of 120 acres of forest 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 proposal is not likely to use or affect environmentally sensitive areas or areas designated for governmental protection, with the exception of the presence of a slight landslide hazard area in the western portion of the parcel. Should this amendment be approved, future land division and development of the parcel shall comply with County critical area protection measures.

**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 proposal would convert forest land to rural residential development, resulting in the loss of forest resource lands. No portion of the site lies within the shoreline jurisdiction, however, loss of forest cover in watersheds affects ecosystem processes that support shoreline functions and resources.

**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 significant additional demand for public services. The proponent, however, has indicated that he will seek an expansion of the water service area to include the property.

**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 proposal is not expected to conflict with local, state, or federal laws or requirements for the protection of the environment.

**2.3.3.1.3 Staff Recommendation**

Staff recommends denying approval of the proposed site-specific amendment.

The Comprehensive Plan clearly emphasizes the need to preserve and protect natural resource lands (Comprehensive Plan, LNG 22.0 and NRG 1.0 & 3.0, pgs. 3-64, 4-31, and 4-32). In addition, the property meets the forest land classification criteria in that it consists of Forest Land Grades 3 & 4, is more than 80 acres in size, is part of a Forest Land Block of at least 320 acres in size, is

located further than a half-mile from the proposed Irondale/Port Hadlock Urban Growth Area (UGA), is currently in a deferred forest tax status, and is located outside a community water system service area. A professional forester employed by the applicant stated in a 2007 Forest Management Plan submitted to the County Assessor's office that the property can produce some of the best quality wood products available in the Puget Sound area today, and that the applicant was committed to a concentrated effort to produce high quality wood products through state of the art forest management techniques. The forested property is also located on a ridge visible from public areas, which the Comprehensive Plan calls to preserve and protect (Comprehensive Plan, OSP 1.2(f), pg. 6-14). Finally, the Comprehensive Plan prohibits the subdivision of designated forest lands for residential purposes (Comprehensive Plan, NRP 4.1, pg. 4-33). A rezone from Commercial Forest to Rural Residential could circumvent this provision and undermine the integrity of the Comprehensive Plan. Therefore, this proposal is not consistent with the various elements of the Comprehensive Plan.

### **2.3.3.2 Cumulative Analysis of the Request for Change from Forest Resource Land to Rural Residential Designation**

The proposed amendment could cumulatively impact the land use and population growth projections that are the bases of the Comprehensive Plan. If there are currently more rural residential parcels than is needed to accommodate the 20-year projected population growth and its allocation to rural areas, then additional rural residential lot creation may weaken the county's ability to direct growth to urban areas, as called for in UGA-P 1.5 (Comprehensive Plan, pg. 2-23) and Board of County Commissioners Resolution no. 55-03. Moreover, approving this proposal could set a precedent and create further pressure to rezone forest lands, resulting in a cumulative loss of the county's forest land and impacting the land use and population growth projections that are the bases of the Comprehensive Plan.

### **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 are subject to the goals, policies, and implementation strategies contained in the Growth Management Act, County-Wide Planning Policies, Jefferson County Comprehensive Plan, Jefferson County Code and applicable clarifications from the Growth Management Hearings Board. Applications must be evaluated using 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, 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 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 approach an action item (Item #8, p. 4-40, Comprehensive Plan) 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 for mining activities such as size, clearing, stormwater controls and protection of critical areas.

The Land Use map of this Plan depicts the locations 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 depicts the parcels regulated under DNR permits at the time of the Comprehensive Plan adoption, 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 current, ongoing and reclaimed 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 is not the restoration of the site to pre-mining topography.

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.

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

	<b>NOT SUITABLE FOR DESIGNATION</b>	<b>CONSIDER FOR DESIGNATION</b>	<b>DESIGNATION DESIRABLE</b>	<b>DESIGNATION HIGHLY DESIRABLE</b>	<b>DESIGNATION CRITICAL</b>
<b>QUALITY OF DEPOSIT</b>	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.
<b>SIZE OF DEPOSIT</b>	Small deposit.	Small deposit (less than 2,000 tons)	Medium-size deposit.	Large deposit (7.5 million tons)	Very large deposit (10 million tons).
<b>ACCESS DISTANCE FROM MARKET</b>	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.
<b>COMPATIBLE WITH NEARBY AREAS</b>	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).
<b>IMPACT OF NOISE</b>	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.
<b>IMPACT OF BLASTING</b>	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.

**Comprehensive Plan Table 4-3 continued**

	<b>NOT SUITABLE FOR DESIGNATION</b>	<b>CONSIDER FOR DESIGNATION</b>	<b>DESIGNATION DESIRABLE</b>	<b>DESIGNATION HIGHLY DESIRABLE</b>	<b>DESIGNATION CRITICAL</b>
<b>IMPACT OF TRUCK TRAFFIC</b>	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.
<b>VISUAL IMPACT</b>	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.
<b>SURFACE &amp; GROUND WATER IMPACTS</b>	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.
<b>WETLANDS IMPACT</b>	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.
<b>SLOPES</b>	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.
<b>BIOLOGICAL IMPACT</b>	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.
<b>IMPACT OF FLOODING</b>	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 MLA08-93 (Burnett/Pope Resources)**

**Reference Number:** MLA08-93

**Applicant:** James Burnett/Pope Resources

**Assessor Parcel Number(s):** 821324002; 821311001; 821291002; and  
821302001

**Location:** Three miles west of the Hood Canal Bridge immediately north of Highway 104, and adjacent to Shine Quarry, Port Ludlow, WA

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 142 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 entire proposed MRL Overlay area is identified by the Jefferson County Assessor as designated forestland (i.e., for deferred taxation purposes). Addition of the MRL Overlay would 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. CF 1:80 would be the subsequent use.

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 growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 10. Cumulative Impact Analysis – MLA08-93: Burnett/Pope</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 Port Ludlow Master Planned Community has continued to develop within the MPR zoned area to the north. The resident population is greater 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 assumptions upon which the Comprehensive Plan is based are presumed to be valid.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The proposal reflects current widely held values of the residents of Jefferson County residents insofar as mineral extraction is conducted in the county. However, it must be noted that other values which are stated in the Comprehensive Plan regarding avoidance of land-use conflicts are also expressed by Jefferson County residents.

<b>Table 10. Cumulative Impact Analysis – MLA08-93: Burnett/Pope</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 does not affect any County roads. The Washington Department of Transportation recommends a Traffic Impact Analysis regarding level of service and safety on SR104.
<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 is consistent with the goals, policies and implementation strategies of the Comprehensive Plan.
<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>	Potential impacts from mining activity as a result of the MRLO are possible. Those impacts can be mitigated through a combination of SEPA mitigation measures and Conditions of Approval.
<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 subject parcels are suitable for the MRLO as they contain known mineral resources.
<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 MRLO will not create pressure to place mineral overlays on 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 MRLO designation is appropriate for the underlying CF1:80 zoning. It may have an effect on future use of the parcel for forestry.
<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 proposal is not within a UGA.
<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 proposal is consistent with GMA, CWPPs and other applicable policies, agreements and laws.

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.

<b>Table 11. Assessment of Long-Term Commercial Significance of Mineral Resources – MLA08-93: Burnett/Pope</b>	
<b>UDC/JCC Criterion (JCC 18.15.170)</b>	<b>Staff Evaluation</b>
<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. A geologic report has been submitted verifying an extractable resource in commercial quantities.
<i>Is the parcel is a minimum of 10 acres in size?</i>	Yes. As indicated previously, the proposed overlay encompasses approximately 142 acres.
<i>Is the subject property surrounded by parcels no smaller than five acres in size on 100 percent of its perimeter?</i>	The parcel is not surrounded by parcels smaller than five acres on any side.
<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, though portions of the MRL Overlay are less than one-half mile of the Port Ludlow MPR.
<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. There are regulated wetlands on the proposed MRLO.

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).

### **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 impacts would be commensurate with hard-rock surface mining. Pre-project materials provided by the applicant shows surface water and a sedimentation pond with a discharge. Removal of hills which currently buffer Port Ludlow from noise dust and light could increase the effect of these hazards. Potential impacts from light, noise, dust, diminished water quality are addressed with SEPA mitigation measures.

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

Effects would be direct from removal of habitat and indirect from disturbance by mining activities and discharge from the site. An initial inventory of plants, animals and natural communities of concern would precede a Habitat Management Plan, as specified in the SEPA mitigation measures.

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

The natural resources would be depleted by their extraction, which is the purpose of the project. Electricity, fossil fuels and water would be used for normal operation of the mine.

#### **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.**

Project materials provided by the applicant show base mining depth to be below the surface elevation of existing wetlands. The potential effect of draining subsurface water from the wetlands or the buffers could potentially be mitigated by not mining into the seasonal high water table. Along with SEPA mitigation measures identified in Question #2, an initial inventory and rating of wetlands will provide baseline conditions from which to apply conservation and mitigation plans.

#### **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?**

Surface water drains from the MRLO area into Squamish Harbor and Hood Canal. Water quality and impacts to Shorelines of the State could be a concern.

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

The impacts from additional truck traffic on SR 104 would be analyzed in a Traffic Impact Analysis and may require further mitigations such as road system improvements.

#### **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 proposal does not appear to conflict with any law. Environmental protections will be achieved through SEPA mitigation measures and through Conditions of Approval.

### 2.3.4.1.3 Staff Recommendation

Staff recommends approval with modifications and conditions of the proposed MRL Overlay amendment. In general, the conservation of mineral resource lands occurs under the GMA, through the natural resource lands designation process (RCW 36.70A.040 (3)(b) and 36.70A.170) and through the adoption of development regulations to implement their conservation (RCW 36.70A.060(1)). GMA provides a measure of protection for natural resource activities, but there is no requirement that rural lands be primarily devoted to these uses (*ARD and Diehl v. Mason County*, WWGMHB Case No. 06-2-0005 (Final Decision and Order, 8-14-06). Rather, GMA requires that land appropriate for mineral extraction activities is not inappropriately converted for residential purposes.

In this instance, a Mineral Resource Overlay application is in close proximity to a Master Planned Resort. Map A-7a characterizes the viewshed from anywhere along the Port Ludlow Master Planned Resort. There are topographical features between the proposed mine site and the Resort with the exception of the valley connecting on the east side of the area. This map also shows a one-half mile buffer extending outward from the Resort. Planning decisions are guided by an effort to balance two potentially conflicting land uses. The goals of the Comprehensive Plan provide a general direction for both the conservation of Jefferson County's natural resource lands and the enhancement of resource based industries (Natural Resources Element, Jefferson County Comprehensive Plan, Chapter 4).

It is the policy (NRP 1.4, Comprehensive Plan) of Jefferson County to protect resource industry activities that are performed in accordance with applicable regulations from being subject to legal action as public nuisances. However, Jefferson County's strategy for maintaining compatibility between activities on natural resource lands and adjacent land uses includes protection of those nearby land uses from adverse impacts. Therefore, mitigating conflicts between mineral extraction activities and other land use activities located adjacent to them may be accomplished by requirements which minimize the conflict (NRP 6.4, Comprehensive Plan).

### **SEPA Mitigation Measures (18.40.760 (2)(b)(ii); 18.40.760 (4)(a))**

SEPA mitigation measures are required to bring the probable impacts to a moderate level for the Mitigated Determination of Nonsignificance (MDNS). These mitigations include conducting the appropriate project analysis for the proposed mining activities:

- A. Visual Impact Analysis
- B. Species and Habitat Inventory and development of a Habitat Management Plan
- C. Stormwater Pollution Plan
- D. Report on existing noise levels and a Supplemental Noise Report for Iron Mountain Quarry operation
- E. Mine site Illumination Report: Light and Glare Analysis
- F. Transportation Report with Transportation Impact Analysis
- G. Hydro-geological report: Groundwater Supply and Water Quality of Recharge
- H. Wetland Inventory and Mitigation Analysis

## **Jefferson County Conditions of Approval (18.45.080 (1)(d))**

18.45.080 (1)(d) refers to the Planning Commission recommendation process. The findings and conclusions shall include a recommendation to the Board that the project be denied, approved, or approved with conditions or modifications.

Staff interprets JCC 18.20.240(g)(i)—increased off-site impacts resulting from alteration, intensification, and expansion of existing gravel pits and surface mining operations—as providing justification to consider JCC 18.40.530 for Conditional Use Permit criteria at the project level. These criteria for review are not for the legislative action phase, however they will need to be considered at the project level phase.

### **Staff Recommendations for Conditions of Approval and Modification:**

- 1) The MRL Overlay amendment shall not extend any closer than one-half mile to the Port Ludlow Master Planned Resort boundary.
- 2) The proponent shall prepare and submit a habitat management plan with any formal mining or stormwater application submitted to Jefferson County
- 3) Prior to approval and operation of a surface mine in the IMQ mineral resources overlay, the proponent shall submit and satisfy all requirements of the Jefferson County Code (JCC) Title 18 including, but not limited to:
  - a) Protection of critical areas per JCC 18.15.170 (6). Mining is prohibited within regulated wetlands or their buffers. Mining is prohibited in Fish and Wildlife Habitat areas or their buffers.
  - b) Submission of a drainage and erosion control plan, grading plan, and aquifer recharge area report if applicable, which shall demonstrate that the proposed activities will not cause degradation of groundwater or surface waters.
- 4) The proponent shall satisfy all requirements of JCC 18.120.240 for mineral extraction, mining, and reclamation including full compliance with the Washington State Surface Mining Act (RCW 78.44).
- 5) The proponent shall satisfy all development standard requirements of JCC 18.30.
- 6) The proponent shall fulfill the requirements of the State Environmental Policy Act (SEPA) found at RCW 43.21c and WAC 197-11.
- 7) All activities within the MRL overlay shall be subject to the standards of the latest edition of the Department of Ecology Stormwater Management Manual for Western Washington. Gravel mining operations shall, prior to approval and operation, obtain from the Washington State Department of Ecology Water Quality Program a National Pollutant Discharge Elimination System (NPDES) permit for process water, stormwater and mine dewatering water discharges.
- 8) Mining shall be limited to a maximum depth of ten (10) feet above the seasonal high water table as determined by the best available scientific data, and in concurrence with Department of Ecology.
- 9) At the point of Development Permit application, the proponent shall meet the requirements of JCC 18.20.240 (2)(c) by dedication of buffer zones and other precautionary measures as appropriate to protect adjoining lands, wildlife habitat and scenic resources from adverse impacts.

### **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**

Iron Mountain Quarry is located in the Comprehensive Plan's Shine, #8A planning unit. This area has known mineral resource deposits and active quarries. The proposal would add an additional 142 acres (approximately) to the County MRL Overlay designation.

### **2.3.5 Request for Change from Resource-Based Industrial Zone (RBIZ) Designation to Light Industrial (1)**

Requests for a change from Resource-Based Industrial Zone to a Light Industrial Zone are subject to the goals, policies, and implementation strategies contained in the Growth Management Act, County-Wide Planning Policies, Jefferson County Comprehensive Plan, Jefferson County Code and applicable clarifications from the Growth Management Hearings Board. Of greatest relevance is Chapter 3 of the Comprehensive Plan. Of particular use are pages 3-18 to 3-22, and LNG 10.0, 11.0, and 12.0, which are copied below for convenience.

## **INDUSTRIAL LANDS**

### **Rural Industrial**

Rural land designated as rural industrial land in this Plan is based on existing industrial uses in areas previously zoned as industrial. Pursuant to RCW 36.70A.070(5)(d), counties may recognize areas of more intensive industrial development and contain them within logical boundaries to limit infill development. Designated under this Plan are the following industrial zones: Port Townsend Paper Mill as Heavy Industrial (**HI**), Glen Cove as light industrial and associated commercial (**LI/C**), Quilcene and Eastview Industrial Plat as light industrial (**LI/M**), and forest resource-based industrial zones (**RBIZ**) at Gardiner, Center, and the West End. All areas meet the following minimum criteria for designation of rural industrial land:

1. An area or use of more intensive industrial development in existence on July 1, 1990; and
3. An area that is not located on designated natural resource lands.

#### *Port Townsend Paper Mill Heavy Industrial Area*

The Port Townsend Paper Mill has provided employment for several generations of Jefferson County residents. The mill property has been designated as heavy industrial (**HI**) for the mill and for activities ancillary to the mill. The property includes a water treatment lagoon and a port facility on Port Townsend Bay that are directly related to activities at the mill. The mill is recognized as a heavy industrial activity because it is a large-scale and intensive industrial activity that must meet extensive environmental permitting requirements under industrial standards for air quality, water quality, and wastewater treatment.

#### *Glen Cove Industrial Area*

Uses for the Light Industrial/Commercial (**LI/C**) designation at Glen Cove include commercial and retail uses that are directly associated with the light industrial uses. Associated commercial and retail uses may include commodities and products, mechanical or electrical supplies, warehousing and storage, or may provide support services to those who work in the industries, such as a small café. Allowing broader commercial uses at Glen Cove would require addressing concerns regarding pedestrian and traffic safety, infrastructure, and incompatible uses both visually and in terms of hazardous materials storage. Thus the commercial designation for Glen Cove is restricted to uses which differ considerably from those in Rural Crossroads and Rural Village Centers.

Light industrial/commercial uses allowed at Glen Cove include but are not limited to: industrial parks, light manufacturing, construction yards, engine repair, metal fabrication or machining, plumbing shops and yards, printing and binding facilities (non-retail), research laboratories, excavating contractors, furniture manufacturing, software development, lumber yards, vehicle repair and restoration, warehousing and storage, boat building and repair, craft goods, blacksmith or forge, commercial relay and transfer stations, boat storage, and associated commercial uses as discussed above. Also permitted as conditional uses are those such as: amateur radio towers greater than 65 feet in height, café, car wash, electronic goods repair, fitness center, kennels, mini-storage, and nursery/landscape materials.

The Glen Cove industrial boundary for light industrial/commercial uses recognizes a contained cluster of existing uses. When the County adopted the Comprehensive Plan in 1998 and established the *interim* LI/C zone at Glen Cove, the GMA was still in its formative years and the case law was not available for guidance. Jefferson County was among the first counties to establish Limited Areas of More Intensive Rural Development (LAMIRDs) allowed under GMA as amended in 1997 by ESB 6094. There was intent to revisit the boundary after thorough analysis was completed. An expanded Light Industrial (**LI**) zone was established at Glen Cove in December 2002. The Light Industrial district does not allow for the commercial uses that are allowed in the LI/C zone.

#### *Quilcene Industrial Area*

The light industrial area at Quilcene was recognized in the final Plan based on criteria in 1997 amendments to the GMA allowing Counties to recognize and contain existing areas and uses of more intensive industrial development (RCW 36.70A.070(5)(d)). The industries need not be limited to those serving the local population. Other criteria and considerations used for this designation include: a minority report from the Planning Commission recommending a light industrial area in Quilcene, the need to provide local employment in an area of distressed economic conditions located at a distance from the Urban Growth Area, and the desire to reduce commuter-related traffic pressures on County roadways.

The existing industrial uses include a sawmill, a machine shop, and industrial storage. A vested project for additional industrial storage is the basis for recognition of an adjacent parcel. Light industrial uses allowed in the Quilcene Industrial Area include but are not limited to those described above for Glen Cove, with the exception of the associated commercial and retail uses.

Transportation access is adequate, as the area is on Highway 101. New development will be restricted until water supply issues related to adequate fire flow are addressed following the community election for a Local Utility District in late 1998.

#### *Eastview Light Industrial/Manufacturing Zone*

The Eastview Industrial Plat borders the Paper Mill Heavy Industrial Zone on the north. Eastview consists of six lots comprising about 8 acres that was platted in 1978. The current uses include storage, boat yard, and repair services.

## **Urban Industrial**

Urban Industrial lands are not bound by the requirements for rural industrial lands in RCW 36.70A.070(5)(d), and has the ability to expand beyond the July 1, 1990 built environment. There is currently one example of Urban Industrial within the County, the Urban Light Industrial Zone within the Irondale/Hadlock UGA.

### *Urban Light Industrial*

There are approximately 25 acres of land zoned for Urban Light Industrial within the Irondale/Hadlock UGA, most of which is currently used by a concrete batch plant and pre-existing gravel pit.

### *Major Industrial Development*

If there is insufficient industrial land available within an urban growth area (UGA) for a large industrial operation or if a natural resource-based industrial operation needs to be sited adjacent to natural resources, there is a process within the GMA that allows for the siting of a major industrial development (MID) outside of a UGA. Additionally, GMA allows qualified counties to designate two Industrial Land Banks (ILBs) before December 31, 2007 for specific purpose of siting MIDs. MIDs sited in rural lands either through a permitting process (RCW 36.70A.365) or within a designated ILB (RCW 36.70A.367) would be considered urban growth areas.

## **Forest Resource-Based Industrial Zones**

Forest resource-based industries at Gardiner, Center Valley, and the West End have been designated as Resource-Based Industrial Zones to recognize active sawmills and related activities at those sites, based on 1997 GMA amendments codified as RCW 36.70A.070(5)(d)(i) recognizing existing industrial uses and allowing for their intensification. The Resource-Based Industrial Zones are limited to forest resource-based industrial uses in order to prevent the establishment of a wider range of industrial uses. It is also intended to support employment in a distressed economic sector that, while it has seen a decline in employment, will continue to have long-term economic importance for the County.

Forest resource-based industrial zone boundaries were determined based on criteria in RCW 36.70A.070(5)(d) for determining logical boundaries. The reduction in acreage allows for limited infill, and contains the industrial activity and associated uses to an area based on the developed area on July 1, 1990.

Jefferson County recognizes that the cyclical nature of the forest industry will continue to result in economic upturns and downturns as reforested areas become available for harvest. In order to maintain facilities that continue to operate, the County recognizes that conversion of machinery and facilities into forest-related production activities would help to support this industry from one cycle to the next. The development code will include criteria for the permitting and regulation of conversion and/or intensification of these areas for related uses that may involve adapting existing equipment and facilities, recycling, or adding limited value to the forest resource products and byproducts (see LNP 12.4).

The following table lists industrial areas, existing designations under 1994 zoning, current uses, and designations under this Plan:

**Comprehensive Plan Table 3-9  
Industrial Land Designations**

<b>Industrial Area</b>	<b>1994 Designation and Acreage</b>	<b>Current Use</b>	<b>Comprehensive Plan Designation and Acreage</b>
Port Townsend Paper Mill	Heavy Industrial 292 acres	Pulp and paper mill	Heavy Industrial (HI) 283.8 acres
Glen Cove Industrial Area	Light Industrial-Commercial 295.9 acres	Multiple light industrial and associated commercial	Light Industrial/Commercial (LI/C) 71.58 acres Light Industrial (LI) 54.93 acres
Quilcene Industrial Area	Heavy Industrial 20.2 acres	Sawmill, machine shop, industrial storage	Light Industrial/Manufacturing (LI/M) 22.3 acres
Eastview Industrial Plat	--	Storage, Boat Yard	Light Industrial/Manufacturing 8.06 acres
Center Valley	Heavy Industrial 12.6 acres	Sawmill and associated activities	Forest Resource-Based Industrial Zone (RBIZ) 3.84 acres
Gardiner Industrial Area	Heavy Industrial 32.2 acres	Sawmill and associated activities, gravel pit	Forest Resource-based Industrial Zone (RBIZ) 24.9 acres
West End	Light Industrial-Commercial 193 acres	Sawmill and associated activities	Forest Resource-based Industrial Zone (RBIZ) 122.5 acres
Irondale/Hadlock UGA	--	Gravel Pit	Urban Light Industrial (ULI) 25 acres
<b>TOTAL</b>	<b>928.3 acres</b>		<b>616.9 acres</b>

The industrial areas designated as shown above result in a reduction in industrial acreage of 1994 zoning designations from a total of 928.3 acres to 616.9 acres, an overall reduction of 34%. The application of GMA criteria protects the economic viability of existing uses while restricting industrial activities to existing areas.

**INDUSTRIAL LAND USES**

GOAL:

LNG 10.0 Identify and designate sufficient land area within the county for industrial uses and economic development.

POLICIES:

**LNP 10.1** Major industrial developments (MIDs) may be sited outside of Urban Growth Areas consistent with the UDC and all the criteria in RCW 36.70A.365.

**LNP 10.2** Consistent with RCW 36.70A.367, consider the establishment of up to two Industrial Land Banks for the siting of MIDs.

**LNP 10.3** Designate sufficient land for light industrial uses within the Irondale/Hadlock UGA.

GOAL:

**LNG 11.0** **Recognize and contain the following areas and uses of more intensive industrial development within boundaries that may allow for limited areas of infill development:**

POLICIES:

**LNP 11.1** Designate the Port Townsend Paper Mill property as Heavy Industrial.

**LNP 11.2** Designate the Glen Cove area boundary as Light Industrial and Light Industrial/Commercial , consistent with the provisions of RCW 36.70A.070(5)(d).

**LNP 11.3** Designate the Quilcene industrial area as Light Industrial/Manufacturing .

**LNP 11.4** Designate the Eastview Industrial Plat as Light Industrial/Manufacturing (LI/M).

GOAL:

**LNG 12.0** Locate new natural resource-based industries in rural lands and near the resource upon which they are dependent, in accordance with RCW 36.70A.365.

POLICIES:

**LNP 12.1** Encourage the establishment of sustainable natural resource-based industrial uses in rural areas to provide employment opportunities.

**LNP 12.2** Natural resource-based industries may be located near the agricultural, forest, mineral, or aquaculture resource lands upon which they are dependent.

**LNP 12.3** Recognize and designate existing pre-1990 forest resource-based industrial uses and activities at Center, Gardiner, and the West-End as Resource-Based Industrial Zones (**RBIZ**).

**LNP 12.4** Existing forest resource based industrial uses and activities shall be recognized as areas of more intensive rural development under RCW 36.70A.070(5)(d)(i). These Resource-Based Industrial Zones should be allowed to accommodate conversions and/or an intensification of these uses and activities under the provisions contained in RCW 36.70A.070(5)(d)(iii).

**Growth Management Act Criteria**

In addition to these Comprehensive Plan goals and policies, specific provisions of the Growth Management Act guide the designation of "limited areas of more intensive rural development" (LAMIRDs) outside of Urban Growth Areas. Pursuant to the GMA (see RCW 36.70A.070(5)(d)(iv) Jefferson County must adopt measures to minimize and contain existing areas or uses within LAMIRDs, and those areas shall not extend beyond the logical outer boundary (LOB) of LAMIRDs.

While LAMIRDs must be delineated predominantly by the pre-July 1, 1990 built environment, they may also include undeveloped lands if limited in order to prevent further low-density sprawl. The GMA sets forth four issues that must be addressed in establishing the LOB in addition to respecting the predominance of the 1990 built environment:

- The need to preserve the character of existing natural neighborhoods and communities;
- Physical boundaries such as bodies of water, streets and highways, and landforms and contours;
- The prevention of abnormally irregular boundaries; and
- The ability to provide public facilities and services in a manner that does not permit low-density sprawl.

The proposal for a change in designation from Resource Based Industrial Zone to Light Industrial is reviewed below consistent with these criteria.

**2.3.5.1 MLA08-101 (Hendy)**

**Reference Number:** MLA08-101 (and related UDC amendment MLA08-389)

**Applicant:** Catherine Hendy

**Assessor Parcel Number:** 801102004 and 801102002

**Location:** 5411 Center Road, Chimacum

2.3.5.1.2 General Description and Environmental Information

The request proposes to change the current land use designation of a portion of less than four (4) acres of parcel #801102004 (a 9.5-acre parcel) from Resource-Based Industrial (RBIZ) to Light Industrial.

2.3.5.1.3 Cumulative Impact Analysis

Pursuant to JCC 18.45.080(1)(b) and 1(c) and JCC 18.45.090(3) and (4), the Planning Commission and Board of County Commissioners shall develop findings and conclusions that consider specific growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 12. Cumulative Impact Analysis - MLA08-101 (and related MLA08-389): Hendy</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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>	Circumstances related to the proposed amendment have substantially changed since the adoption of the Comprehensive Plan in that the property has been unused for several years.
<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>	There is information available which was not considered during the adoption process or any annual amendments to the Comprehensive Plan in that the property has been unused for several years.
<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</i>	The proposal meets concurrency requirements for

<b>Table 12. Cumulative Impact Analysis - MLA08-101 (and related MLA08-389): Hendy</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<i>concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services</i>	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>	The proposed amendment is consistent with the various elements of the Comprehensive Plan. In addition to being consistent with the Land Use and Rural element (Chapter 3), the proposed amendment advances EDG 6.0 and related EDP 6.1, which calls on the County to encourage and support economic development for rural and urban lands (Comprehensive Plan, pg. 7-7).
<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 would 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>	The subject parcel may require environmental remediation due to diesel contamination of the soil in conjunction with permitting of new development on the property. The subject parcel is otherwise 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 proposed amendment is not anticipated to create 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 proposed amendment does not materially affect land use and population growth projections.
<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 subject property is not located within an UGA.

<b>Table 12. Cumulative Impact Analysis - MLA08-101 (and related MLA08-389): Hendy</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws</i>	Commercial use of the subject property was in existence before July 1, 1990. Approval would not result in a changed boundary of the existing industrial zoning of the subject property. Moreover, the proposal promotes economic development. The proposal is therefore consistent with RCW 36.70A.020(5) and 36.70A.070(1)(5)(d).

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).

**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 amount of increase in emissions to air, use of hazardous substances, or production of noise will depend on the type of industrial activity that occurs on the property, which is unknown at this time. The subject parcel may, however, require environmental remediation due to diesel contamination of the soil in conjunction with permitting of new development on the property. All subsequent project specific development proposals will be subject to applicable federal, state, and local regulations regarding air emissions, use of hazardous substance, or production of noise.

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

The proposal is not expected to significantly affect plants, animals, fish, or marine life.

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

The degree to which the proposal depletes energy or natural resources depends on the specific type of industrial activity that occurs on the property, which is unknown at this time, though it is not anticipated to be significant regardless of type of activity. 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.**

There are wetlands and a fish bearing stream on the subject property. However, they are largely located outside the existing RBIZ zoning and the proposed Light Industrial zoning. Therefore the proposal is not likely to have a significant impact on critical 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?**

The proposed amendment is consistent with existing plans and does not lie within a shoreline jurisdiction. The proposal will create additional Light Industrial zoned land within an existing industrial zoning.

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

The proposal is not expected to generate any significant 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 proposal is not expected to conflict with local, state, or federal laws or requirements for the protection of the environment. The subject parcel may, however, require environmental remediation before new development on the property is permitted to occur.

**2.3.5.1.4 Staff Recommendation**

Staff recommends approval, with modifications, of the proposed site-specific amendment. The proposal is modified to apply only to the 3.84 acres of the subject property which is currently zoned Resource Based Industrial.

Commercial use of the subject property was in existence before July 1, 1990. Approval would not result in a changed boundary of the existing industrial zoning of the subject property. Moreover, the proposal promotes economic development. The proposal is therefore consistent with RCW 36.70A.020(5) and 36.70A.070(1)(5)(d). Recommended modifications to the application include clarification that the amendment applies to only approximately 3.84 acres of parcel number 801102004 and that the amendment requires specific line-in, line-out text changes to both the Comprehensive Plan and the Unified Development Code (UDC). See Appendix C for specific line-in, line-out recommended edits of the Comprehensive Plan and the UDC.

**2.3.5.2 Cumulative Analysis of Request for Change from Resource-Based Industrial (RBIZ) to Light Industrial Designation**

The proposal will create an additional 3.84 acres of Light Industrial zoned land (for a total of 58.77 acres), but within an existing industrial zoning.

**2.3.6 Request for Change from Rural Residential Designation to Rural Commercial (1)**

Requests for changes for a rural residential land use designation to a rural industrial or rural commercial designation are subject to the goals, policies, and implementation strategies contained in the Comprehensive Plan, with Chapter 3 being the most relevant. Of particular use are the subject to Comprehensive Plan goals and policies contained at Land Use Goal (LNG) 5.0 on page 3-50.

**GOAL:**

**LNG 5.0 Establish and maintain the location and size of the County's Rural Crossroads to provide access to a limited range of non-residential uses.**

POLICIES:

**LNP 5.1** All rural commercial lands shall be designated based on the provisions of the Growth Management Act (RCW 36.70A).

**LNP 5.2** Designate the following historic crossroads as Convenience Crossroads (**CC**) as shown on the Land Use Map: Nordland, Beaver Valley, and Wawa Point.

**LNP 5.2.1** Designation is based on the criteria in the Growth Management Act and the following additional criteria:

- a. Consists of a single commercial property; and
- b. Provides local rural population and commuting/traveling public with basic consumer goods and services.

**LNP 5.2.2** Limit uses and their scale within the designated boundary of each of the Convenience Crossroads to those involving basic consumer goods and services.

**LNP 5.3** Designate the following historic crossroads as Neighborhood/Visitor Crossroads (**NC**) as shown on the Land Use Map: Chimacum, Discovery Bay, Four Corners, Gardiner, and Mats Mats.

**LNP 5.3.1** Designation is based on the criteria of the Growth Management Act and the following additional criteria:

- a. Multiple commercial properties; and
- b. Includes limited specialty goods and professional services; and
- c. Serves the local rural population and the commuting/traveling public.

**LNP 5.3.2** Limit uses and their scale within the designated boundaries of each of the designated Neighborhood/Visitor Crossroads to those involving basic consumer staples with a limited range of goods and services and/or serving the commuting/traveling public.

**LNP 5.3.3** Encourage affordable housing through the allowance of multifamily housing opportunities such as multifamily residential units, senior housing, and assisted living facilities, and manufactured/mobile home parks.

**LNP 5.4** Designate the following crossroads as General Commercial Crossroads (**GC**) as shown on the Land Use Map: SR 19/20 Intersection.

**LNP 5.4.1** Designation is based on the criteria in the Growth Management Act and the following additional criteria:

- a. Location at a major highway intersection near high density population in the Tri-Area; and
- b. Existing commercial uses meet limited regional and multiple community levels of service.

**LNP 5.4.2** Limit uses and the scale of those uses within each of the designated General Commercial crossroads to those involving an expanded range of commercial goods and services.

**LNP 5.4.3** Encourage affordable housing through the allowance of multifamily housing opportunities such as multifamily residential units, senior housing, assisted living facilities, and manufactured/mobile home parks.

**LNP 5.5** Ensure visual compatibility and traditional design elements for Rural Crossroads commercial infill development with the surrounding rural area through the creation and implementation of community based design and development standards. Uses within Rural Crossroads shall be scaled and sized to protect the rural character of the natural neighborhood.

**Comprehensive Plan Table 3-2  
Summary of Land Use and Zoning Designations**

Land Use/Zoning Designation	Criteria for designation	Principal Land Use
<b>RESIDENTIAL</b>		
Rural Residential 1 unit/5 acres (RR 1:5)	Located in areas of similar development; areas with smaller existing lots of record; along the coastal area; adjacent to Rural Village Center and Rural Crossroad designations; overlay designation for pre-existing platted subdivisions.	Single family residential
Rural Residential 1 unit/10 acres (RR 1:10)	Located in an area with similar development patterns; adjacent to Urban Growth Area, transition density between RR 1:5 and RR 1:20; parcels in coastal areas of similar size; includes land affected by critical areas.	Single family residential
Rural Residential 1 unit/20 acres (RR 1:20)	Located in an area with similar development patterns; Adjacent to Urban Growth Area, Resource Production Land or State/National Forest Land; parcels in coastal areas of similar size; includes land affected by critical areas; includes private timberlands; includes agricultural lands.	Single family residential
<b>COMMERCIAL</b>		
Convenience Crossroads (CC)	Existing rural commercial uses which provide a limited range of basic goods and services (basic foodstuffs, gas, basic hardware, and basic medicinal needs); generally located at the intersection of local arterials or collectors; usually contain a convenience/general store associated with gas pumps. May also serve the traveling public.	Rural Commercial

COMMERCIAL (continued)		
Neighborhood/ Visitor Crossroads (NC)	Existing rural commercial uses which provide an expanded range of basic goods and services for the rural population and traveling public (grocery, hardware, bakery, restaurant, tavern, auto repair, small professional offices, public services, and medical offices).	Rural Commercial
General Crossroads (GC)	Existing commercial uses that provide a mixture of local, traveling public, and community uses, and may include limited regional uses due to proximity to population centers in the Tri-Area.	Rural Commercial
Rural Village Centers (RVC)	Existing rural commercial uses that provide for many of the basic daily needs of the rural population; typically supplies goods and day-to-day services; provides limited public and social services. Residential uses include single family, duplexes, triplexes, and assisted living facilities.	Rural Community- based Commercial and Residential
Village Commercial Center (VCC)	Commercial area identified in the 1993 EIS for Port Ludlow Master Planned Resort. Commercial uses will provide many essential day-to-day goods and services to residents and resort visitors.	Rural Community- based Commercial

### Growth Management Act Criteria

In addition to these Comprehensive Plan criteria, specific provisions of the Growth Management Act guide the designation of “limited areas of more intensive rural development” (LAMIRDs) outside of Urban Growth Areas. Pursuant to the GMA (see RCW 36.70A.070(5)(d)(iv) Jefferson County must adopt measures to minimize and contain existing areas or uses within LAMIRDs, and those areas shall not extend beyond the logical outer boundary (LOB) of LAMIRDs. While LAMIRDs must be delineated predominantly by the pre-July 1, 1990 built environment, they may also include undeveloped lands if limited in order to prevent further low-density sprawl. The GMA sets forth four issues that must be addressed in establishing the LOB in addition to respecting the predominance of the 1990 built environment:

- The need to preserve the character of existing natural neighborhoods and communities;
- Physical boundaries such as bodies of water, streets and highways, and landforms and contours;
- The prevention of abnormally irregular boundaries; and
- The ability to provide public facilities and services in a manner that does not permit low-density sprawl.

The proposal for a change in designation from rural residential to rural commercial is reviewed below consistent with these criteria.

**2.3.6.1 MLA08-96 (M. Holland)**

**Reference Number:** MLA08-96

**Applicant:** Michael Holland/Blue Moon Investments

**Assessor Parcel Number:** 821333001

**Location:** Intersection of Shine Road and Highway 104

**2.3.6.1.2 General Description and Environmental Information**

The request would change the current land use designation of an approximately half-acre (.50) parcel from Rural Residential one dwelling unit per five acres (RR 1:5) to Rural Commercial Neighborhood Crossroad (NC). For practical purposes the subject property has been developed for commercial use since approximately 1977. It was not so designated in the 1998 Comprehensive Plan because at that time the existing zoning of the property was residential, and it did not qualify for a commercial designation.

**2.3.6.1.3 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 growth management indicators. Staff findings, conclusions, and recommendation follow.

<b>Table 13. Cumulative Impact Analysis - MLA08-96: M. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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. The property was initially zoned residential because it had a residential designation at the time of the adoption of the 1998 Comprehensive Plan, and did not qualify for a commercial designation because the Comprehensive Plan criteria for commercial designation required previous commercial zoning. Since that time both state law and the Comprehensive Plan have changed. Under current standards the property meets all the criteria under RCW 36.70A070(5)(d)(i) for a limited area of more intense rural development (LAMIRD), and meets the criteria listed in the Comprehensive Plan and Jefferson County Code for Convenience Crossroads (see LNP 5.2.1)(a)(b).
<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 and are relevant to this proposal remain valid.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The proposal reflects the values established in the Comprehensive Plan.

<b>Table 13. Cumulative Impact Analysis - MLA08-96: M. Holland</b>	
<b>UDC/JCC Growth Management Indicators</b>	<b>Staff Evaluation</b>
<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 is consistent with the Comprehensive Plan LNP 5.2.1 guiding the designation of Convenience Crossroads.
<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 proposal is consistent with the Comprehensive Plan LNP 5.2.1 guiding the designation of Convenience Crossroads.
<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 parcel is already developed. Access to the transportation network already exists; power and public water serve the existing building.
<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>	Jefferson County has established clear criteria, in accordance with GMA guidelines, that are written into the Comprehensive Plan guiding the designation of such properties. There are limited properties that could potentially take advantage of the LAMIRD criteria. Designating such properties could allow for more goods and services to be offered locally.
<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 land use and population projections.
<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 re-designation is not located within a UGA.
<i>The proposed amendment is consistent with the Growth Management Act (RCW 36.70A), the Countywide Planning Policies for Jefferson county, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws</i>	The proposed amendment meets the requirements of RCW 36.70A(5)(d)(i) for LAMIRDs and County-Wide Planning Policies, specifically #8: Policy on Rural Areas. The character of the rural area will not be affected by re-designating 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).

### **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 is unlikely to increase discharge to water or create other environmental impacts.

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

The proposal is unlikely to affect wildlife or plants.

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

The proposal is unlikely to deplete energy or natural resources, although more electricity will be used to operate an active facility.

**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 parcel is located in a high-risk Seawater Intrusion Protection Zone (SIPZ) area. Current development on the parcel utilizes a private water system and is within the PUD's Biwater Bay service area. Approval of this amendment would not likely increase ground water withdrawal.

**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 subject property is not within shoreline. The proposal will affect land use as future development shall comply with commercial standards. Without a land use change, changes and expansion of the existing use would need to comply with JCC 18.20.260, legal non-conforming uses.

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

The Convenience Crossroads (CC) designation is recommended by staff because subject site consists of a single commercial property, and can provide the local rural population and commuting public with basic consumer goods and services (see LNP 5.2.1(a)(b)). The CC designation is intended in part to ensure that the proposal will not substantially increase demands on transportation, public services, and utilities; the parcel has featured a de facto commercial use since approximately 1978.

**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 proposal meets the requirements of RCW 36.70A.070(5)(d)(i). The parcel meets the July 1, 1990 "built environment" LAMIRD criteria.

#### 2.3.6.1.4      Staff Recommendation

Staff recommends approval with modification of the proposed site-specific amendment: the subject property meets the requirements of the July 1, 1990 "built environment" LAMIRD criteria, and qualifies for a designation of Convenience Crossroads, not Neighborhood/Visitor Crossroads. The subject property's location, size, and proximity to the Hood Canal Bridge and to Highway 104 are consistent with the creation of limited areas of more intensive rural development (LAMIRDs) outside of urban areas, as specified in RCW 36.70A.070(5)(d). Recommendation includes a modification: that the rezone result in a LAMIRD designated Convenience Crossroad (CC) rather than Neighborhood/Visitor Crossroad (NC), to lower intensity of possible uses (see JCC 18.15.040 – Use Table) since subject property is surrounded by zoned or platted densities of 1 d.u. per 5 acres or greater. Subject property does not qualify for the Neighborhood/Visitor Crossroad (NC) designation because it consists of only a single commercial property (see LNP 5.2.1(a)).

#### **2.3.6.2            Cumulative Analysis of Request for Change from Rural Residential to Rural Commercial Designation**

The proposal would create an additional 0.50 acre of Rural Commercial land and reduce Rural Residential lands by the same amount.

### 3 Supporting Record, Analyses, & Materials

The table below lists existing environmental documents and other documents and information utilized for the development of this 2008 Comprehensive Plan Amendment Docket DCD Staff Report and SEPA Addendum. This report supplements information presented in prior environmental documents prepared for adoption of the Comprehensive Plan, other legislative actions, and other County decisions and activities.

DATE	DOCUMENT	DOCUMENT EVALUATED
September 27, 1978	Draft Environmental Impact Statement (DEIS)	Proposed Comprehensive Plan (pre-GMA)
January 2, 1979	Final EIS (FEIS)	Proposed Comprehensive Plan
December 21, 1992	Countywide Planning Policies (Res. No. 40-99)	
February 14, 1994	DEIS	Draft Implementing Ordinance for 1979 Comprehensive Plan
March 1, 1995	Existing Conditions	Alternatives for establishing GMA Comprehensive Plan
February 24, 1997	DEIS	Comprehensive Plan - February 24, 1997 draft
May 27, 1998	FEIS	Proposed Comprehensive Plan
August 3, 1998	Staff Responses to Questions	Proposed Comprehensive Plan
August 6, 1998	Washington Department of Natural Resources Forest Practices Report # 2601814	Forest Practices report for parcel #801-091-002
January 26, 1999	Land Use Inventory Report	Part of Special Study
January 26, 1999	Regional Economic Analysis / Forecast	Part of Special Study
June 30, 1999	Draft Supplemental EIS (DSEIS)	Comprehensive Plan 1999 Amendments (Task III of Tri-Area/Glen Cove Special Study)
August 18, 1999	Final Supplemental EIS (FSEIS) with addenda	Comprehensive Plan 1999 Amendments (Task IV of Tri-Area/Glen Cove Special Study)
June 11, 2001	Special Study Final Decision Document	
November 2001	Tri-Area UGA Capital Facilities Special Study	
August 21, 2002	Integrated Staff Report & DSEIS	2002 Comprehensive Plan Amendment Docket
November 25, 2002	Integrated FSEIS	2002 Amendment Docket
December 2002	Final decisions, findings, ordinances, and conditions	2002 Amendment Docket
February 13, 2003	Memorandum to Planning Commission	Agricultural Lands policy and regulation
April 28, 2003	Ordinance No. 05-0428-03 and all documentation for MLA03-485	Amendments to UDC concerning Agricultural Lands
August 6, 2003	Integrated Staff Reports & SEPA Addenda	2003 Amendment Docket
September 22, 2003	Jefferson County Board of Commissioners Resolution No. 55-03	Population forecast for the period 2000-2024 and the urban/rural allocation
February 2004	Water System Plan Vol. 2: Public Utility District #1 of Jefferson County	Depicts Bywater Bay Water System (Fig. 1.1) approved by DOH Feb. 2005
2004	Staff analysis and environmental review for Urban Growth Area (UGA).	MLA04-29 & 30: UGA plans, goals, policies, maps, and regulations.
September 22, 2004	Integrated Staff Report & SEPA Addendum	2004 Amendment Docket, including "2004 Update" required by GMA
August 3, 2005	Integrated Staff Report & SEPA Addendum	2005 Amendment Docket

July 19, 2006	Integrated Staff Report & SEPA Addendum	2006 Amendment Docket
July 27, 2007	Real Estate Excise Tax Affidavit for parcel 901-132-002	Real Estate purchase information
August 20, 2007	Forest Management Plan for Chimacum Heights LLC	Forest Management Plan
September 5, 2007	Integrated Staff Report and SEPA Addendum	2007 Amendment Docket
August 4, 2008	E-mail correspondence from Ross Goodwin to Ryan Hunter	Response to Mr. James Jackson's e-mail comments
February 14, 2005	Type N Stream Demarcation Study, Phase I: Pilot Results, Robert Palmquist, Principle, Np Technical Group of the Upslope Process Scientific Advisory Group, State of Washington Forest Practices Board's Adaptive Management Program	Evaluation of Np stream influence on fish-bearing stream segments.

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Development: Growth Management Services

Department of Ecology SEPA Unit

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Washington Association of Realtors

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