

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners
John Fischbach, County Administrator

FROM: Dept. of Community Development (DCD) Long-Range Planning

DATE: August 9, 2004

SUBJECT: Draft ordinance for adoption of Planning Commission recommendation for MLA04-29 & MLA04-30: Comprehensive Plan and UDC Amendments for Irondale/Hadlock UGA

STATEMENT OF ISSUE:

On June 30, the Planning Commission (PC) unanimously recommended a proposed set of amendments for the Comprehensive Plan and Unified Development Code (UDC) addressing Development Regulations, a Comprehensive Plan Urban Growth Area Element, and Capital Facilities planning, including Stormwater Management, Sanitary Sewers, and Transportation. The PC recommendation was developed using the framework of a recommendation from the UGA Citizen Task Force. The PC recommendation was presented to the Board on July 19.

The Board held a public hearing on the proposals on Monday, August 2 at the Tri-Area Community Center. At the conclusion of the hearing, the Board directed staff to prepare an agenda request for the August 9 Regular Agenda and to include a draft ordinance that adopts the Planning Commission recommendation. A draft ordinance dated August 3, 2004 is included with this agenda request.

The amendments for the Urban Growth Area (UGA) consists of the following: line-in/line out amendments to the Comprehensive Plan; a new Comprehensive Plan Element for the Urban Growth Area; new Comprehensive Plan Appendices for Stormwater Management, Transportation, and a General Sewer Plan; UDC line-in/line-out amendments to the UDC; and urban development standards in a new UDC Appendix D. The case numbers are MLA04-29 (Comp Plan) and MLA04-30 (UDC).

Several issues were raised at the August 2 public hearing:

1. Some residents of the Curtiss and Randolph Street areas in Port Hadlock expressed consternation that the UGA Task Force recommendation included changing that area from Residential to Commercial zoning. They described the area as principally a neighborhood with children. The objections to commercial zoning ranged from traffic and safety concerns related to children, increased taxes, and the ability (or inability) to construct accessory dwelling units (ADUs) and/or rebuild, remodel or expand an existing residence. There were also questions related to the relationship of this area to a proposed sewer system.
2. Others commented on transportation impacts, water availability, threats to water quality in Chimacum Creek and area aquifers, stormwater management, and the extent of commercial acreage as well as the types of development allowed in those areas per the proposal.

We have received additional written comments since the August 2 public hearing. These include comments from area residents, a realtor's association, and the land use attorney representing the Inn at Port Hadlock.

Staff has identified other issues related to the latest versions of the UGA maps, dated May 19. There are two apparent

mapping errors and a need to reclassify some figure titles. With regard to the Zoning map, there is no clear policy as to the procedure involved in amending the map.

ANALYSIS/STRATEGIC GOALS/PROS and CONS:

The draft ordinance dated August 3 will need to be modified to address any of the issues and concerns referenced.

With regard to the matter of ADUs and rebuilding, remodeling or expanding an existing residence in a Commercial zone, the use table in the proposed UDC Appendix D provides that ADUs in Commercial zones are a “yes” use, meaning that an existing residence could be augmented by a 1,250 square-foot or less ADU, within restrictions related to onsite septic systems. If sewer service is available, the ADU would need to be hooked up. An existing residence would be considered a legal, nonconforming use, which, absent any specific regulation in Appendix D, is regulated via UDC section 4.26. Rebuilding due to damage is addressed in subsection 3. Remodeling and expansion is addressed in subsection 2. Expansion is allowed through a Type 1 administrative permit up to 10% of the existing building size or 200 square feet, whichever is greater. Proposals that exceed those limits are a conditional use (Type III permit), up to a cap of 3,999 square feet. Rebuilding, remodeling, or expanding would trigger a requirement to hook up to sewer service, when and if service is available.

Staff believes that an alteration in the UGA Zoning map for the Curtiss and Randolph Street area, while leaving the Future Land Use map unchanged, is a potential solution to the issue that would respect the wishes of the UGA Task Force as well as the residents who addressed the Board on August 2. See number 1 under the Recommendation section.

With regard to taxes, according to the Assessor the standard for tax assessment is the highest and best use, at 100% of fair market value. For vacant land, re-designation to Commercial would likely mean a higher valuation. For existing residences, the highest and best use would either be residential (the current use) or commercial (the value of the land zoned Commercial), whichever is greater, but not a combination of both. Questions associated with the tax implications of adopting this proposal should be referred to the Assessor.

The issues listed under 2. above are addressed in the documentation associated with the UGA proposal, such as the stormwater management plan, transportation plan, and general sewer plan.

The written comment period has been extended until close of business Wednesday. The analysis presented here does not include response to those comments received after the public hearing August 2. Staff would need more time to consider those comments, should the Board desire additional staff analysis.

The identified technical map issues are the following:

1. Parcel number 901 024 102 is zoned Public, though it is in private ownership. We believe this was an oversight.
2. Parcel number 901 024 103 is currently split-zoned between Commercial and Public, presumably because a Section line intercepts the parcel, effectively creating two polygons in the Geographic Information Systems (GIS) database.
3. The Figure 2-2 map, the UGA Zoning map, should be relabeled Figure D-1, as it will be housed in the UDC rather than the Comprehensive Plan. Other figures would need to be relabeled accordingly (e.g., the previous Figure 2-3 would become Figure 2-2).

With regard to amending the zoning map, since it will be part of the UDC, the procedure will presumably be a UDC amendment, which can be initiated outside of the annual amendment cycle for the Comprehensive Plan. Amendment proposals would be processed just like typical UDC amendments, involving a 60-day notice to the State, a staff report including SEPA review, a public hearing and deliberation before the Planning Commission, and eventual consideration by the Board. The question is how such amendment proposals will be initiated. For example, would a proposal require a site-specific amendment application and the corresponding fee, effectively requiring the County to

initiate the review process before the Planning Commission, despite the fact that the Planning Commission and DCD Long-Range Planning would presumably already have an established work plan? Or would proposals be suggested amendments, for which no fee is paid by the applicant, but the County has full discretion whether to send the proposal through the public process (i.e., similar to the “docketing” process for the annual Comprehensive Plan amendment cycle)?

The policy related to amending the zoning map potentially has significant impacts on the budget and work plan of LRP, the Planning Commission, the Prosecuting Attorney’s office, and the Board’s office. This policy is not sufficiently articulated in the proposal.

FISCAL IMPACT/COST-BENEFIT ANALYSIS:

The process of adopting a UGA proposal fits within the 2004 Long-Range Planning budget. As stated above, the policy that the Board enacts with regard to amendment of the UGA zoning map may have implications for the County budget.

RECOMMENDATION:

Based on public comment and staff analysis, staff recommends that the Board direct staff to redraft the ordinance for presentation to the Board in either one week or two weeks, depending on the extent of changes as specified by the Board and whether the Board desires that staff consider and respond to the written comments received after the public hearing August 2 and the close of the written comment period on August 4.

Staff recommends the following changes to the proposal:

1. The Curtiss Street and Randolph Street area that is proposed for Commercial designation be designated Urban Commercial on the Future Land Use map (Fig. 2-1) and Moderate-Density Residential on the Zoning map (Fig. D-1). The effect of this action would be that the area would continue to have Residential zoning (though with increased density in comparison to the Rural Residential designation in place today) until such time as the Zoning map is altered to reflect the Commercial designation of the area on the Future Land Use map. There is one other area in the UGA that shares this characteristic. It is the area directly west of the Hadlock commercial core and north of Ness’ Corner Road. With Residential zoning, the restrictions and conditions described above related to ADUs and rebuilding, remodeling or expanding existing residences would not be in place until such time as the zoning is changed is Commercial, if and when that time comes.
2. Parcel number 901 024 102 be zoned Commercial, as the Public designation is a map error.
3. Parcel number 901 024 103 be zoned Commercial in its entirety, as it is currently split-zoned between Commercial and Public, which is apparently a map error.
4. Re-label the figures as described above: Fig. 2-2 to Fig. D-1 and other figures changed accordingly.

REVIEWED BY:

John Fischbach, County Administrator

Date