

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Josh D. Peters, AICP, Director, Community Development
Joel M. Peterson, Associate Planner, Community Development

DATE: November 13, 2023

SUBJECT: Deliberation and Possible Decision: Proposed 2023 Comprehensive Plan & Unified Development Code (UDC) Annual Amendments; Direction to draft ordinance or hold public hearing.

STATEMENT OF ISSUE:

The Jefferson County Planning Commission has completed review of proposals on the 2023 Comprehensive Plan Amendment Cycle Docket per JCC 18.45.080(2). As required, the Planning Commission transmits their recommendation on the final docket to the Board of County Commissioners (BoCC) for consideration and possible adoption.

Proposed Amendments:

1. Site-Specific: Mineral Resource Land Overlay (MRLO)—Miles Sand and Gravel
2. Site-Specific: Rezone 17 acres Rural Residential (RR) one dwelling unit per 20 acres (1:20) to RR 1:5—Gifford-Yep
3. Site-Specific: Rezone from RR 1:5 to Agricultural Land (AL)-20—Midori Farm
4. Suggested: Planning Commission Housing Amendments
5. Suggested: Community Development Proposed UDC Omnibus Housekeeping Amendments

The Planning Commission's recommendation is to approve each of the site-specific rezone proposals and the suggested UDC Omnibus Housekeeping Amendments. The Planning Commission and Community Development recommend additional work on the Housing Amendments proposal. Community Development makes the same recommendations to the BoCC for site-specific rezones, UDC amendments, and continuation of the Housing Amendments.

ANALYSIS:

JCC 18.45.060. By the second regular BoCC meeting in December of each year, the BoCC shall review and consider at a regularly scheduled meeting the Planning Commission's report and recommendations regarding proposals on the 2023 Docket. The BoCC may adopt the Planning Commission and Community Development's recommendations without a public

hearing. If the BoCC chooses to deny or modify a proposal, the BoCC shall hold a public hearing on the proposed amendments. JCC 18.45.080(2)(b).

Planning Commission Housing amendments were not developed to the point of proposing line-in/line-out text amendments to the UDC. Additional discussion on this and future work plans may take place in a future joint Community Development/Planning Commission/BoCC workshop. Continued work on this proposal will provide an opportunity to integrate UGA planning, middle housing, stock plans, and other housing strategies in the 2024 Comprehensive Plan Amendment Cycle and 2025 Comprehensive Plan Periodic Review.

Along with the Planning Commission's recommendation letter, Community Development has provided review and recommendations in the integrated GMA/SEPA Staff Report (attached).

FISCAL IMPACT:

No fiscal impact is created by the decision on site-specific and UDC amendment proposals. The continued work on Housing amendments presumes General Fund-supported activities at a level that matches the Long-Range Planning budget already supported by the General Fund, as well as ongoing grant-funded Periodic Update work.

RECOMMENDATION:

Community Development and the Planning Commission recommend adoption of the three proposed site-specific amendments and the UDC Omnibus Housekeeping amendments. If the BoCC agrees with the Planning Commission and Community Development, the Board may make a motion to adopt the proposals, and instruct Community Development to draft an ordinance for final action at a future BoCC meeting.

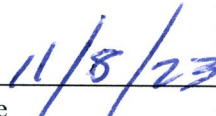
If the BoCC wishes to deny or modify a proposed amendment, then the BoCC must hold a public hearing on the amended Docket. The BoCC would instruct Community Development to schedule and prepare a hearing notice for the BoCC approval.

REVIEWED BY:



Mark McCauley, County Administrator

Date



11/8/23

**JEFFERSON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**



**2023 COMPREHENSIVE PLAN
AMENDMENT DOCKET**

STAFF REPORT AND SEPA ADDENDUM

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

October 11, 2023

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

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

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 three (3) individual site-specific amendment proposals to the 2018 Jefferson County Comprehensive Plan and two (2) amendments proposals to the Unified Development Code (UDC).

This document is a combined Staff Report and State Environmental Policy Act (SEPA) Addendum for the proposed amendments. 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 proposed amendments to the Comprehensive Plan and the UDC, that are the subject of this notice.

Site-Specific Comprehensive Plan Amendments:

1. **ZON2021-0013:** Miles Sand & Gravel, addition of 200-ac Mineral Resource Land Overlay contiguous with current extraction operation, Wahl Lake extraction area in the vicinity of 1500 Wahl Lake Road, Parcels 701011001, 701021002, 701121001, 701111001.
2. **ZON2023-00004:** Jamie and Alicia Gifford-Yep, rezone 17-acre RR20 to RR5, Rhody Dr and Anderson Lake Rd, Parcel 901101005.
3. **ZON2023-00006:** Midori Farm and M&J Investments, rezone 14.5-ac RR5 to Agriculture, 294152 Hwy 101, Quilcene, Parcels 702133022, 702133029

Suggested UDC Amendments:

1. **Planning Commission: Housing.** Develop regulations using performance standards for single-parcel planned rural residential developments. Develop congregate housing regulations. These proposals may be carried forward to the 2024 amendment cycle and combined with other housing amendment proposals.
2. **Community Development: UDC Housekeeping Omnibus Amendments.** 12 total amendments. Enact existing Comprehensive Policies by establishing Highway Visual Corridor Overlay to codify existing policies on a portion SR20, rescind Forest Transition Overlay; clarify building development process during UGA sewer implementation, temporary use permit for RV residence during Construction.

Proponent

The Jefferson County Board of County Commissioners (BoCC) on behalf of the applicants.

Lead Agency

Jefferson County Department of Community Development (DCD)
621 Sheridan Street
Port Townsend WA 98368
(360) 379-4450

SEPA Responsible Official:
Greg Ballard, Development Code Administrator
(360) 379-4454

Contact Person:
Joel Peterson, Associate Planner
(360) 379-4457

Authors and Principal Contributors

Jefferson County Department of Community Development Long-Range Planning

Date of Staff Report & SEPA Addendum

October 11, 2023

Date Comments are Due

For all amendment proposals:

- Oral comments are welcome at the Planning Commission public hearing, 5:30 p.m., Wednesday, **November 1, 2023**, at the Tri-Area Community Center, 10 West Valley Road, Chimacum, Washington 98325.
- Written comments will be accepted by DCD on behalf of the Planning Commission through the close of the Public Hearing, November 1, 2023. Written comments may be sent to: 2023 Amendment Cycle, Department of Community Development, 621 Sheridan Street, Port

Townsend, WA 98368, or emailed to
planning@co.jefferson.wa.us.

**Past Related Actions and
Future Anticipated Actions**

ZON2021-0013: Miles Sand & Gravel Mineral Resource Land Overlay (MRLO) was heard by the Planning Commission in 2022, and the Planning Commission recommended approval of the MRLO. The proposal was held over to 2023 and will receive final action in mid-December by the BoCC with the 2023 proposals.

Tentative Adoption Date

A legislative decision from the BoCC on each of the Comprehensive Plan and UDC amendment proposals under consideration is expected the second week in December 2023. Meeting schedules and agendas for the Planning Commission and BoCC with regard to this Docket will be published in the Leader newspaper and on the County website.

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 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 <https://test.co.jefferson.wa.us/WeblinkExternal/Browse.aspx?id=4713187&dbid=0&repo=Jefferson>

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.

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 continues to update the Plan through required periodic reviews. 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 to guide the process for amending the Comprehensive Plan. Consistent with JCC18.45, all site-specific amendments (formal applications submitted in conjunction with a fee) automatically qualified for the "Final Docket." One site-specific amendment application (ZON2023-00005) was withdrawn because the proposed activity could be done in the current zone with a Conditional Use Permit, and did not require rezoning. The 2021 Mineral Resource Land Overlay was delayed due to staffing issues attributable to the Covid Pandemic, and eventually combined with the 2023 amendment cycle. This project, however, has already been recommended for approval by the Jefferson County Planning Commission. On April 19, 2023, the Planning Commission heard testimony on the two suggested amendments on the Preliminary Docket and recommended them to the Board of County Commissioners (BoCC) to be part of the Final Docket. On May 8, 2023, the BoCC then established the Final Docket, including the two UDC proposals and the three site-specific zoning 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

Year	State Environmental Policy Act Document Description
1997-1998	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 are dated February 24, 1997 and May 27, 1998, respectively, and examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan.

6/30/1999 8/18/1999	Draft Supplemental EIS (DSEIS)--Comprehensive Plan 1999 Amendments (Task III of Tri-Area/Glen Cove Special Study) Final Supplemental Environmental Impact Statement. Jefferson County Comprehensive Plan 1999 Amendments. Tri-Area/Glen Cove Special Study Task IV.
6/11/2001	Glen Cove/Tri-Area Special Study Supplemental EIS Final Decision Document, June 11, 2001
2002	Integrated Growth Management Act/State Environmental Policy Act Document Environmental Review of a Non-Project Action: Draft Supplemental EIS August 21, 2002, to Supplement the Comprehensive Plan Draft and Final EIS (1997) and Comprehensive Plan 1999 Amendments Draft and Final SEIS. November 25, 2002 Integrated FSEIS 2002 Amendment Docket. This FSEIS was appealed before the Western Washington Growth Management Hearings Board (WWGMHB) of which the WWGMHB issued a Final Decision and Order (FDO) and remanded it back to the Department for additional environmental review. The county hired Wheeler Consulting, to prepare additional environmental review based on the FDO. A DSEIS to the 2002 CPA SEIS was issued on March 3, 2004 . A FSEIS to the 2002 CPA SEIS was issued on May 12, 2004 as part of the review and in consideration of MLA02-00235.
2003	Staff Recommendation and Environmental Analysis with Regard to the Adoption of Four Proposed Site-Specific Amendments to the 1998 Jefferson County Comprehensive Plan. SEPA Addendum August 6, 2003. Sept. 17, 2003 SEPA Addendum for Suggested Amendments
2004	2004 Staff Report and SEPA Addendum to 1998 EIS for UGA Amendments to the Comprehensive Plan issued May 19, 2004.
2004	2004 Comprehensive Plan Amendment Docket Department of Community Development Integrated Staff Report and SEPA Addendum issued September 22, 2004.
2005	Integrated GMA/SEPA Addendum Staff Report, August 3, 2005. Incorporated by reference: 1998 DEIS/FEIS and 2004 Addendum.
2006	Integrated GMA/SEPA Addendum Staff Rpt., July 19, 2006
2007	SEPA Addendum , adopting by reference 2004 Staff Report and SEPA Addendum for UGA Amendments to the Comprehensive Plan issued May 19, 2004 and 2004 Comprehensive Plan Amendment Docket Department of Community Development Integrated Staff Report and SEPA Addendum issued September 22, 2004.
2008	Integrated GMA/SEPA Addendum Staff Report, September 3, 2008. Adopted by reference: 1998 DEIS/FEIS, and environmental documents from 2004, 2005, 2006, and 2007 environmental review
2009	Integrated GMA/SEPA Addendum Staff Report, September 2, 2009. Adopted by legal notice: 1998 DEIS/FEIS, September 22nd Staff Report 2004, 2005, 2006, 2007, 2008, "and all supplementary information...supporting record, analyses, materials."
2010	Integrated GMA/SEPA Addendum Staff Report, September 2010.

2013	Integrated GMA/SEPA Addendum , Staff Report September 4, 2013. Adopted by reference all previous SEPA documents.
2015	Staff Report & SEPA Environmental Review, Proposal to Amend Unified Development Code, JCC 18.30.150 Sign Code, October 29, 2015. Integrated Growth Management Act/State Environmental Policy Act Analysis, Environmental Review of a Non-Project Action.
2018	Jefferson County Comprehensive Plan Update 2038 SEPA Addendum to 1998 Draft and Final Jefferson County Comprehensive Plan Environmental Impact Statements and subsequent Supplemental EISs and Addenda. April 4, 2018
2022	Staff Report & SEPA Environmental Review to establish regulations for the siting, establishment, and operation of temporary housing facilities for unhoused people needing emergency housing services. Proposal to Amend Unified Development Code Chapter 18.20 JCC Performance & Use-Specific Standards, Chapter 18.10 JCC Definitions. Integrated Growth Management Act/State Environmental Policy Act Addendum . April 20, 2022.
2022	Staff Report & Environmental Review, Proposal to Amend Unified Development Code (UDC) Jefferson County Code (JCC) 18.12: 'Legal Lot of Record Determination and Lot Consolidation' and Amendments to JCC 18.10 and 18.35. Integrated Growth Management Act (GMA)/State Environmental Policy Act (SEPA) Addendum . August 24, 2022.

1.2.1.2 Incorporation of Documents by Reference

The three Comprehensive Plan amendment applications and two UDC amendment applications, 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.

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 2023 Comprehensive Plan & UDC Amendment Docket proposals. Jefferson County is employing the phased review concept in its environmental review of growth management planning actions. 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). 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.

1.2.1.4 Process and Public Involvement

The following is a description of the anticipated review and public involvement process for the 2023 Comprehensive Plan Amendment Docket, related UDC amendments, and associated Staff Report and SEPA Addendum.

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, 2023 deadline for applications set forth in JCC 18.45.040 (2) (a).

From April through June, the Planning Commission and Community Development held public meetings to gather information and testimony regarding 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 19, 2023, to receive public comment on the suggested amendments of the preliminary docket.

On April 19, 2023, the Planning Commission transmitted its final docketing report and recommendations to the BoCC.

On May 8, 2023, Community Development presented the docket analysis and Planning Commission recommendations to the BoCC. The BoCC discussed the suggested amendments on the preliminary docket and accepted the Planning Commission recommendations.

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 a public hearing on November 1, 2023 to take testimony on the proposed Comprehensive Plan amendments that comprise the 2023 Comprehensive Plan Amendment Docket and the associated UDC amendments. A formal Notice of Intent to Amend appears in the *Port Townsend & Jefferson County Leader*, October 11, 2023, announcing the November 1, 2023 public hearing, along with the issuance of this *Staff Report and SEPA Addendum* on Wednesday, October 11, 2023, and initiates a public comment period. The notice provides instructions for providing testimony.

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 accept the recommendations of Planning Commission, or hold their own 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 Community Development at the mail or email addresses above, by phone at (360) 379-4450, or visit the Laserfiche Web Portal at:

Community Development/Long Range Planning/2023 CP-UDC Annual Amendment Cycle.
<https://test.co.jefferson.wa.us/WeblinkExternal/Browse.aspx?id=4713187&dbid=0&repo=Jefferson>

1.2.1.4.4 Planning Commission and Board of County Commissioners Deliberation

Following the public hearing 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 **November 1, 2023**, and will continue deliberating on the proposed amendments during a special meeting on the following Wednesday, November 8, 2023. Meetings will be noticed pursuant to the Open Public Meetings Act. Deliberations will possibly continue in the following regular meeting of November 15, 2023, if necessary. It is anticipated that the Planning Commission will forward their recommendations and transmittal document to the BoCC on all proposed amendments for the BoCC meeting Monday, November 20, 2023.

In making a final legislative decision on the 2023 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 2023 Docket. A legislative decision from the BoCC on each of the Comprehensive Plan amendment proposals under consideration is expected by the second week in December 2023.

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).

Table 1. Summary of Impacts and Mitigation			
#	APPLICATION NUMBER & DESCRIPTION	PROBABLE SIGNIFICANT ENVIRONMENTAL IMPACTS?	SUMMARY RECOMMENDATION/ PROPOSED MITIGATION/ CONDITIONS
1	ZON2021-0013; Miles Sand & Gravel, addition of 200-ac Mineral Resource Land Overlay contiguous with current extraction operation, Wahl Lake extraction area in the vicinity of 1500 Wahl Lake Road, Parcels 701011001, 701021002, 701121001, 701111001.	The proposed land use is favored by state GMA and Jefferson County and appropriate in the CF80 zone. Wetlands and Fish & Wildlife Habitat Conservation Areas (FWHCA) could be impacted. Reclamation is required. Further environmental review is required at a project level. No significant adverse environmental impacts identified for MRLO.	Approve.

Table 1. Summary of Impacts and Mitigation			
APPLICATION NUMBER & DESCRIPTION		PROBABLE SIGNIFICANT ENVIRONMENTAL IMPACTS?	SUMMARY RECOMMENDATION/ PROPOSED MITIGATION/ CONDITIONS
2	ZON2023-00004; Jamie and Alicia Gifford-Yep, rezone 17-acre RR20 to RR5, Rhody Dr and Anderson Lake Rd, Parcel 901101005.	Potential addition of two homesites. Does not change levels of service available. No significant adverse environmental impacts identified.	Approve.
3	ZON2023-00006; Midori Farm and M&J Investments, rezone 14.5-ac RR5 to Agriculture, 294152 Hwy 101, Quilcene, Parcels 702133028, 702133029	Current land use is agriculture. Insignificant loss of potential residential use. No significant adverse environmental impacts identified.	Approve.
4	Planning Commission: Housing. Develop regulations using performance standards for single-parcel planned rural residential developments. Develop congregate housing regulations. These proposals may be carried forward to the 2024 amendment cycle and combined with other housing amendment proposals.	Creates increased residential use of parcels with no increase in environmental impacts. No significant adverse environmental impacts identified.	Continue in 2024
5	Community Development: UDC Housekeeping Omnibus Amendments. Enact existing Comprehensive Policies by establishing	No significant adverse environmental impacts identified.	Approve.

	Highway Visual Corridor Overlay to codify existing policies on a portion SR20, rescind Forest Transition Overlay; clarify building development process during UGA sewer implementation, temporary use permit for RV residence during residential construction, repeals density exemption at JCC 18.30.040(4), multiple updates for consistency and to correct scrivener errors.		
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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. 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).

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	ZON2021-0013; Miles Sand & Gravel, addition of 200-ac Mineral Resource Land Overlay contiguous with current extraction operation, Wahl Lake extraction area in the vicinity of 1500 Wahl Lake Road, Parcels 701011001, 701021002, 701121001, 701111001.	PC recommendations for conditions at MRLO designation, County proposes mitigation identified at project-specific review. See SEPA discussion below. Wetlands Fish passage barriers

#	APPLICATION NUMBER & DESCRIPTION	Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY
2	ZON2023-00004; Jamie and Alicia Gifford-Yep, rezone 17-acre RR20 to RR5, Rhody Dr and Anderson Lake Rd, Parcel 901101005.	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? Criteria 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. Staff recommends approval of this proposal. Changing the zoning of the rural residential 1:20 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.
3	ZON2023-00006; Midori Farm and M&J Investments, rezone 14.5-ac RR5 to Agriculture, 294152 Hwy 101, Quilcene, Parcels 702133022, 702133029	Jurisdictions planning under the Growth Management Act (GMA) are required to identify and protect natural resource lands so that future development does not preclude their use. The county favors agriculture and has designated agriculture lands with prime soils, or of local importance as AP20 & AL20, respectively. Community Development recommends zoning the subject parcels as Agricultural Lands of Local Importance (AL20).
#	APPLICATION NUMBER & DESCRIPTION	Table 3. AREAS OF CONTROVERSY AND UNCERTAINTY
4	Planning Commission: Housing. Develop regulations using performance standards for single- parcel planned rural residential developments. Develop congregate housing regulations. These proposals may be carried forward to the 2024 amendment cycle and combined with other housing amendment proposals.	GMA density concerns Challenges in establishing performance standards. There is a need for careful development of, and consistent regulation of performance standards.
5		

Community Development: UDC Housekeeping Omnibus Amendments. Enact existing Comprehensive Policies by establishing Highway Visual Corridor Overlay to codify existing policies on a portion SR20, rescind Forest Transition Overlay; clarify building development process during UGA sewer implementation, temporary use permit for RV residence during residential construction, repeals density exemption at JCC 18.30.040(4), multiple updates for consistency and to correct scrivener errors.	Establishing Highway Visual Corridor Overlay to codify existing policies on a portion SR20, Rescind Forest Transition Overlay; Clarify building development process during UGA sewer implementation, Temporary use permit for RV residence during residential construction, Repeals density exemption at JCC 18.30.040(4), Multiple updates for consistency and to correct scrivener errors.
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1.2.4 Issues to Be Resolved

1.2.4.1 Environmental Choices to Be Made

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 2023 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 in Chapter 18.22 JCC. Critical areas 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 Chapter 18.22 JCC. 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 site-specific proposals and proposed UDC amendments 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 periodic reviews.

In deciding when it is appropriate to up-zone lower density rural residential parcels to higher density 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 2023 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.

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 2038. 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 Ch. 18.45 JCC, 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 three (3) site-specific Comprehensive Plan amendments and two (2) suggested Comprehensive Plan/UDC amendment proposals on the 2023 Final Docket.

2.1.1 Individual & Cumulative Analysis, and Staff Recommendations

Part 2 of this document addresses specific criteria contained in Ch.18.45 JCC 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 18.45.080(1)(b) JCC, all proposals regarding amendment to the Comprehensive Plan must include an inquiry into the seven (7) "growth management indicators" listed at 8.45.050 (4)(b) JCC. 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 2023 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 periodic update scheduled for completion in 2025.

Jefferson County Code (JCC) 18.45.050 (4) (b) – Growth Management Indicators

(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 publishes census estimates each year beginning April 1. Washington's total population grew by an estimated 86,750—to 7,951,150 as of April 1, 2023, according to annual estimates that the Office of Financial Management prepared.

The unadjusted population growth rate over the last year was 1.1%, somewhat slower than the previous year, when the state's population grew by 1.3%.

Washington's population has grown by 244,840 people since the 2020 decennial census on April 1, 2020. The 86,750 increase is below the average annual increase from the last decade (98,200). King County remains the main contributor to the state's overall population growth, adding 30,100 people this year, compared to an average of 33,800 people per year between 2010 and 2020.

Migration continues to be the primary driver behind Washington's population growth. From 2022 to 2023, net migration (people moving in minus people moving out) totaled 72,300, down by 11,300 from last year. Net migration accounted for 83% of the state's population growth. Natural change (births minus deaths) was responsible for the other 17%. Natural change (14,445) remains low but has recovered somewhat from the increased deaths and lower births during the COVID-19 pandemic. Deaths will increase as baby boomers age, and birth rates from millennial and post-millennial parents should continue to be lower than previous generations.

Consistent with previous years, over 71% of state population growth occurred in the five largest metropolitan counties — Clark, King, Pierce, Snohomish, and Spokane. The nine counties with populations between 100,000 and 350,000 saw 21% of the state's growth. Counties with less than 100,000 had an 8% share, smaller than the previous year. Whatcom (1.8%), Benton (1.5%), and Snohomish (1.5%) were the three fastest growing counties. (OFM, 2023)

Housing growth is a significant reason Washington saw population growth this year, evident in high occupancy rates in most cities in 2023. Over the past year, the state added 46,300 housing units, 300 less than the previous year. Of all new units built this past year, 63% were multifamily units. However, this trend is not seen in Jefferson County. More than 72% of all new housing units the past two years were built in one of the state's five largest metropolitan counties. King County led all counties with 18,800 new housing units and saw 40% of the state's total housing growth over the last year. (OFM, 2023)

Jefferson County ranks 33rd out of 39 Washington counties for population increase. The 2023 population estimates for Jefferson County is 33,425, a net increase of 448 people since 2020. The 2023 population estimate of the City of Port Townsend is 10,330. Note that migration is the driving factor in Jefferson County population too, as the natural change (births & deaths) was -841 residents, and migration was +1,289 people, leaving the net gain of 448 people between 2020-2023 (average 149 per year). For comparison, the decade 2010-2020 was recorded as an average annual change in population to be 311 people per year, with an average Natural Increase of -175 and a Net Migration of 486. This reveals that the small Jefferson

County total population increases are accompanied by a higher net migration and an accompanying higher net natural change. The numeric change in Jefferson County population between 2022-2023 was 75, or 0.22% change. The slow growth in Jefferson County is paired with below the state-average in housing development.

Jefferson County is designated as a rural county. With a total land area of 1,803.7 square miles, the 2023 population density of Jefferson County is 18.53 people per square mile.

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).

In 2015, Jefferson County and the City of Port Townsend developed a population projection and urban population allocation for the City of Port Townsend, Port Hadlock/Irondale Urban Growth Area, and the Port Ludlow and Pleasant Harbor Master Planned Resorts based on OFM's 2012 Medium projections. The County passed Resolution #38-15 on October 26, 2015, adopting the Updated Population Forecast, summarized in Exhibit 1-2 of the Comprehensive Plan, reproduced here. The allocation of projected growth is 70% to Urban areas and 30% to Rural areas. The projected growth rate countywide is 0.98%. The population growth rate for 2022-2023 was merely 0.22%

Jefferson County Comprehensive Plan EXHIBIT 1-2. Jefferson County & City of Port Townsend 20-year Population Projection & Distribution (2018-2038). Refer to the Comprehensive Plan for full text and footnoted information.

Location (Unincorporated unless noted)	2010 Population	Allocation Total Growth County-wide	Projecte d Growth (2010- 38)	2018 Projected Population	Estimate d Growth (2018-38)	Projected Populatio n 2038	2010-38 Projected Growth Rate
Port Townsend UGA (Incorporated)	9,113	36%	3,366	9,661	2,814	12,479	1.13%
Port Hadlock/ Irondale UGA	3,580	19.4%	1,814	3,795	1,516	5,394	1.48%
Port Ludlow MPR	2,603	10.1%	944	2,759	789	3,547	1.11%
Pleasant Harbor (Brinnon) MPR	--	4.5%	421	--	352	421	24.1 %
UGA/MPR Subtotal	15,296	70%	6,545	16,215	5,471	21,841	1.28%
Rural & Resource Areas Subtotal	14,576	30%	2,804	15,452	2,445	17,380	0.63%
County-wide Total	29,872	100%	9,349	31,667	7,816	39,221	0.98%

(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 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. The Port Hadlock Wastewater Facility will enable planned densities within the UGA to come to fruition.

(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 updated in 2018. (Comprehensive Plan, Appendix E) This analysis evaluated developable lands and the ability to accommodate the allocated population. The UGA has sufficient capacity to accommodate the projected 2038 population of 5,394 people with an estimated growth rate of 1.48%.

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 periodic review and adoption of the Comprehensive Plan in 2018, the majority of assumptions made as part of the Plan continue to be valid. Amendments to GMA and other laws made by the State Legislature and precedent-setting decisions made by the Growth Management Hearings Boards influence local government implementation of GMA. These amendments will be under consideration during the 2025 Periodic Update commencing later this year.

(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, revised in 2004, and last updated in 2018. Updating the Comprehensive Plan in 2025 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 2018. Taken from a broad perspective, these changing circumstances include: the Covid Pandemic, issues surrounding affordable housing, and climate change. Jefferson County adopted final development regulations outlining a process for establishing legal lots of record, and siting and management of temporary housing facilities were recently addressed with UDC amendments.

(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. The UDC is found to be consistent with the Comprehensive Plan. Proposed amendments to the UDC in this evaluation assist with maintaining that consistency, including removal of the Forest Transition Overlay in Ch. 18.15 JCC and the Density Exemption in Ch. 18.30 JCC.

2.2 FINAL DOCKET

Following are brief descriptions of each of the three (3) proposed site-specific amendments to the Comprehensive Plan and two (2) suggested text amendment proposals amending the UDC.

2023 FORMAL SITE-SPECIFIC AMENDMENTS

Three formal site-specific amendment proposals from the public were received by March 1, 2023 per JCC 18.45.050(3). Site-specific amendments are automatically placed on the final docket for processing during the amendment cycle.

1. Case # ZON2021-00019

Applicant: Miles Sand & Gravel

Location: Wahl Lake Extraction Area

Proposal: Extend Mineral Resources Land Overlay (MRLO) from existing adjacent MRLO areas designating an additional 200 acres.

2. Case # ZON2023-00004

Applicant: Gifford-Yep Property (see Attachment 2)

Location: Rhody Drive and Anderson Lake Road, Chimacum

Proposal: Rezone 17 acres RR-20 to RR-5 for future 3-lot subdivision

3. Case # ZON2023-00006

Applicant: Midori Farm (see Attachment 4)

Location: Highway 101 & W. Columbia Street, Quilcene

Proposal: Rezone 14.5 acres from RR-5 to AL-20

2023 SUGGESTED UDC TEXT AMENDMENTS

1. Planning Commission: UDC amendments to development UDC code provisions which provide additional opportunities for workforce housing and affordable housing, by providing congregate housing options and tiny home planned unit development options.

2. Community Development (DCD): Omnibus UDC amendments, new and deferred items, addressing a number of corrections, updates, and clarifications to Title 18 of Jefferson County Code. A highway visual corridor policy that has been in effect since 1998 will be codified in the UDC and will appear on the Comprehensive Plan land use map.

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 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. The staff recommendations are presented to the Planning Commission for consideration. In

transmitting the Planning Commission recommendation to the BoCC, 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 Major Conclusions in this report.

2023 Comprehensive Plan and UDC Amendment Docket Summary of Staff Recommendations

#	Application Number	Applicant/PARCEL NUMBER	General Description of Proposal	staff recommendation
1	ZON2021-00019	701011001 701021002 701121001 701111001	Mineral Resource Land Overlay Designation	Approve
2	ZON2023-00004	901101005	Gifford-Yep Rezone RR20 to RR5	Approve
3	ZON2023-00006	702133022, 702133029	Midori Farm Rezone RR5 to Agriculture	Approve
4	(No Case #) Planning Commission Housing Amendments	Countywide	Congregate Housing, Single-Parcel Cluster Development	Continue UDC amendments into 2024 and the Periodic Update
5	(No Case #) Community Development UDC Omnibus	Countywide	Omnibus Housekeeping Amendments	Approve

2.3 STAFF REPORTS: SITE-SPECIFIC AMENDMENTS

Each of the three (3) site-specific Comprehensive Plan amendment proposals and two (2) related UDC amendment proposal evaluated in this document are grouped together below according to category to evaluate them cumulatively; however, there is only one proposal per category in 2023:

2.3.1 Requests for Change of Rural Residential Density

The single request 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.

JEFFERSON COUNTY RURAL RESIDENTIAL ZONING DENSITIES:

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.

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.

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.

CONSIDERATIONS IN CHANGING RURAL RESIDENTIAL DENSITY:

Rural Character

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.

Lot of Record

The legal regulatory requirements for lot subdivision are articulated in Chapter 18.35 JCC, Land Divisions, implementing the State Subdivision Act (RCW 58.17). Historically, a "lot of record" may not have been lawfully 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 may outline lots that cannot be developed with respect to current zoning standards or State Subdivision Act requirements.

In September 2022, Jefferson County adopted Ordinance 9-22, enacting a new Chapter 18.12 Legal Lot of Record Determination and Lot Consolidation. Previously, Jefferson County defined a "buildable lot" basically on the ability of the lot to adequately meet health standards related to on-site wastewater disposal (i.e. septic systems) and individual water systems (i.e. well). The Site Development Review/Legal Lot of Record determination process will clarify what lots are actually developable, whether regarding site constraints or identifying those lots not legally created under state subdivision law.

As a result of this process, the density exemption provision in JCC 18.30.050(4) is no longer relevant and is part of the proposed housekeeping changes within the Omnibus Housekeeping changes proposed by Community Development in this report.

Planned Rural Residential Development (PRRD)

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 Ch. 18.15 JCC, Article VI-M (Planned Rural Residential Developments or PRRDs). The PRRD standards are applied as a planning overlay, and require a minimum of 10 gross acres when applied with a subdivision in the RR1:5 zone. If code provisions are met, there is an allowance for a 20% bonus density increase.

Lot Supply & Housing Density

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.

Jefferson County has ample undeveloped residential lots. Factors affecting the cost of development include site constraints from critical areas, supply issues driving up cost of building materials, and availability of

contractors, has increased costs and slowed housing development and supply. Community Development has seen an increase of residential development interest on marginal sites. Inexpensive residential lots typically have intrinsic development challenges and may require special reports and engineering.

A related issue which may influence overall rural housing density and supply is that of Accessory Dwelling Units (ADU). An ADU is "accessory" to the primary residence and provides a complete, independent living facility. With some exceptions, each parcel zoned rural residential is eligible to create an ADU. Accessory dwellings may become a more affordable option for housing development. Also, the use of pre-approved stock plans can lower costs.

The factors 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.

APPLICABLE COMPREHENSIVE PLAN POLICIES:

1. Policy LU-P-1.6 Ensure appropriate services are provided as needed and that the duplication of services is avoided by promoting the coordination of local governmental agencies, non-profits, cooperatives, educational institutions, programs, and planning.
2. Policy LU-P-15.1 Identify and implement rural land uses, densities, and environmental standards which preserve and protect rural character. Evaluate environmental quality as critical to the preservation of rural character when reviewing development applications in rural areas.
3. Policy LU-P-17.1 Residential uses in the unincorporated portions of the County shall be characterized by a variety of rural residential parcel sizes and densities.
4. Policy LU-P-17.2 Encourage innovation and creativity in lot and site design and in re-platting of existing lots to create efficient land developments, add flexibility in design, and encourage multi-modal transportation while meeting underlying density and site requirements.
5. Policy LU-P-17.3 Carefully plan rural commercial development in a way that supports and is compatible with rural community character and that can be supported by rural levels of service.

The following proposal for a change in residential density 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 ZON2023-00004 (Gifford-Yep)

Applicant: Jamie and Alicia Gifford-Yep

Assessor Parcel Number: 901101005

Location: NW Corner of Rhody Drive (SR19) and Anderson Lake Road

2.3.1.1.1 General Description and Environmental Information

Parcel 901101005 is approximately eighteen (18) acres in size, rectangular in shape, and is bounded on the east by Rhody Drive (State Route 19) and to the south by Anderson Lake Road. The parcel is diagonally across Rhody Drive from HJ Carrol Park, across Rhody Drive from RR1:5 zoned parcels, across Anderson Lake Road from RR1:5 zoned parcels, and abutting the Evergreen Coho Escape ("SKP") Retreat residential area on the west property line, and abutting several substandard (to size) lots on the north property line zoned RR1:20. The proposed amendment would change zoning from Rural Residential, one dwelling unit per twenty acres (RR 1:20), to Rural Residential, one dwelling unit per five acres (RR 1:5). The applicant plans to create a short-subdivision of the 18-acre parcel which could yield an additional two parcels for a total of three parcels. One residence is present on the subject parcel.

The subject parcel is approximately 75% forested and is relatively flat. Critical Areas on the site include some seismic soils in the northwest corner and a south-central portion of the parcel. Seismic soils will not affect the ability to develop residences on resulting lots. The entire parcel is located in an area considered to be a special aquifer recharge protection area--susceptible aquifer recharge area; however, development may occur in these areas compliant with protection standards in the UDC. The area is served by the Quimper Water Service Area.

Transportation

Anderson Lake Road Average Daily Traffic (ADT) was 1,923 from a 6/12/2019 count at mile post 2.66, approximately 158 feet west of intersection with Rhody Court near State Route 19. Each new single-family residence is estimated to generate up to 10 ADT. Two new residences are proposed to have access onto Anderson Lake Road. Two new residences are estimated to increase the ADT of Anderson Lake Road by 20, up to approximately 1,943 ADT.

According to the Transportation Technical Document, Appendix C of the December 2018 Jefferson County Comprehensive Plan, Anderson Lake Road would be operating at a Level of Service (LOS) A with 2,050 ADT forecast in year 2038. So, with the addition of 20 ADT from the proposed 2 residences of a future short plat, the level of service on Anderson Lake Road is estimated to remain at LOS A.

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.

Cumulative Impact Analysis – ZON2023-00004 (Gifford-Yep)	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The circumstances related to the area have 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. Generally, the planning assumptions in the Comprehensive Plan are still valid.
	The Comprehensive Plan is intended to reflect, to the extent possible, countywide attitudes

<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	about the future growth and management of the county. The 2018 Comprehensive Plan update provides a relatively recent opportunity to reassess countywide attitudes. The proposal is consistent with the Comprehensive Plan.
<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 is not expected to 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>	Rural residential densities allow for an adequate supply of appropriately zoned land based upon the County's rural population projections and needs. The rezone is adjacent to similar densities and will not change rural character. The location of the proposal is near rural amenities (HJ Carrol Park), rural commercial zones, and is served by adequate rural infrastructure.
<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. Applicants have proposed a future short subdivision, which will be required to have a shared driveway, entering Anderson Lake Road, for the two additional lots that could be created.
<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 and east are zoned at a higher density, RR 1:5. The west side of the parcel is adjacent to a similarly zoned (RR1:20) area but is a more densely developed, grandfathered, housing development (the Evergreen Coho "SKP" Park on Anderson Lake Road. Three parcels abutting to the north are zoned RR1:20 but are about 1, 5, and 6 acres in size. The change in residential density could potentially create pressure to up-zone parcels under similar circumstances at a County-wide level, but each circumstance would be evaluated individually. 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>	This particular site-specific amendment does not materially affect land use or population growth projections. Care should be taken to prevent possible cumulative effect with future actions.
<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 property is located about ¼ mile from the south boundary of the Port Hadlock/Irondale Urban Growth Area (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 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, & 9)). The GMA also requires the County to contain or otherwise control rural development (RCW 36.70A.070(5)(c)(i)) and through the Comprehensive Plan “provide sufficient capacity of land suitable for development...to accommodate the allocated housing and employment growth...and consistent with the twenty-year population forecast...” (36.70A.115). Given that there are similarly-situated parcels and the availability of public services, it is presumed that the proposal is consistent with the GMA and other applicable laws and regulations.

State Environmental Policy Act

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 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 1:20 parcel is evaluated to be appropriate for a RR 1:5 designation as it is adequately served by public services and does not contain significant critical areas. While there remains a surplus of 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 could 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.

2.3.2 Request for Change from Rural Residential Land Designation to Agriculture

A request for change from Rural Residential land to Agriculture is 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 2, Natural Resources, of the

Comprehensive Plan. The most relevant sections of the Comprehensive Plan when considering Rural Residential zoning are discussed under section 2.3.1 of this document, above. Relevant excerpts from the Natural Resources Element narrative and goal and policy language are provided below for convenience.

In 1998, as part of planning under the Growth Management Act, Jefferson County identified agricultural lands to be conserved through zoning as Agricultural Lands of Local Importance (AL-20) and Prime Agricultural Lands (AP-20) based on soil types as well as the existence of agricultural activities on the land. Through a zoning process, the county allowed landowners to elect to have their properties zoned agriculture and can be enrolled in the Jefferson County Open Space Tax Program as agricultural land pursuant to the Washington State Open Space Taxation Act. Agricultural zoning limits the density of development, prohibits non-farm use, though also allows accessory uses.

As part of the 2003 agricultural lands planning effort, a one-time agriculture land rezone opt-in was offered to enroll qualifying agricultural lands as "Open Space—Ag Land" [MLA03-209], and was enacted in Ordinance No. 05-0428-03, adopted April 28, 2003, defining these areas as "existing and ongoing agriculture".

Although soils play a significant role in determining whether land is capable for agricultural uses, it is not the exclusive method since some types of agriculture are not soil-dependent. A key element of the GMA's definition for agricultural land is that the land is primarily devoted to commercial agriculture; meaning, that the land is actually used or capable of being used for agricultural production.

Comprehensive Plan, Natural Resources p 2-7:

Agricultural Lands

Agricultural lands are an essential and valued part of Jefferson County's food system, both for local production and export to other areas. To identify areas that are suitable for agricultural use, the United States Department of Agriculture (USDA) assigns classifications to farmland soils based on their physical and chemical characteristics and potential for production. Prime Farmland is land that has the best combination of characteristics for agricultural production and is not urban in nature. Farmland of Statewide Importance is quality farmland that does not meet the criteria to be classified as prime farmland, but still has the capability to produce high crop yields when managed appropriately. 0 shows the acreage of each USDA farmland classification present in Jefferson County.

Comprehensive Plan Exhibit 2-2, Jefferson County Farmland Classifications

Farmland Classification	Acres
Prime Farmland	35,542
Prime Farmland if drained	16,923
Prime Farmland if irrigated	10,577
Prime Farmland if drained and either protected from flooding or not frequently flooded during the growing season	796
Farmland of Statewide Importance	209,818
Total	273,656

Source: USDA NRCS, 2017.

Most of Jefferson County's Prime Farmland soils are in the river valleys of western Jefferson County, particularly along the Hoh and Queets rivers, and in the coastal areas south of La Push. Prime Farmland soils in the eastern county are concentrated in the Dosewallips River valley near Brinnon, in the area around

Quilcene, and in the area along Snow Creek between Discovery Bay and Crocker Lake. The Chimacum and Beaver Valley areas contain extensive soils that qualify as Prime Farmland if properly drained, and these areas are home to most of the county's actively cultivated cropland.

Eastern Jefferson County also possesses large areas designated as Farmland of Statewide Importance. While these soils may not possess the same physical and chemical characteristics as Prime Farmland soils, they are suited to many types of agricultural activities and represent a valuable potential resource.

Comprehensive Plan, Natural Resources p. 2-9:

While agriculture is a vital part of Jefferson County's economy and culture, barriers to the economic sustainability of farming in the county continue to arise. In recent years, the number of individual farms has trended upward, including a rise in total commodity values. However, sales have decreased per farm, as the local industry transitions towards smaller targeted farm operations. As land values continue to rise, starting and maintaining a productive, profitable farm is challenging for many Jefferson County farmers.

Comprehensive Plan, Natural Resources pp. 2-16, 2-17:

Not only does the GMA mandate the protection of agricultural lands, farmland conservation is a centerpiece of that legislation. Under GMA, agricultural resource lands are designated based on the following criteria (WAC 365-190-050):

The land should not already be characterized by urban growth.

The land is being used or is capable of being used for agricultural production. Factors to consider include whether the physical conditions are well-suited to agriculture. Soil conditions are important considerations, but some agricultural operations are less dependent on soil quality than others.

- a. Lands currently used for agriculture and those capable of being used for such must be evaluated for designation, and land enrolled in federal conservation programs is recommended for inclusion.
- b. The land capability classification system of the USDA Natural Resource Conservation Service shall serve as a primary indicator of agricultural capability.

The land has long-term commercial significance for agricultural production. Counties and cities should consider the following factors, as applicable:

- a. Presence of prime and unique farmland soils;
- b. Availability of public facilities and services;
- c. Water availability;
- d. Tax status, such as enrollment in a current use taxation program;
- e. Relationship or proximity to urban growth areas,
- f. Predominant parcel size;
- g. Land use settlement patterns and compatibility with agriculture, including intensity of nearby land uses and history of nearby development permits;
- h. Value of the land under alternative uses; and
- i. Proximity to markets.

Jefferson County is committed to protecting limited agricultural lands, as well as promoting agriculture as the key component of a strong local food system, which has multiple benefits to the economy, emergency preparedness, health of local citizens, and ecosystem services. 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, and in all zoning classifications in the county. Small ventures that simply augment family income are valuable to both the land owner and the whole community.

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:

1. Prime Agricultural Lands (AP-20)—The purpose of the prime agricultural lands zoning classification is to protect and preserve areas of prime agricultural soils for the continued production of commercial crops, livestock, or other agricultural products requiring relatively large tracts of agricultural land. It is intended to preserve and protect the land, environment, economy, and lifestyle of agriculture in Jefferson County. These lands must be protected as “agricultural lands of long-term commercial significance.”

— Criteria for Designation: AP-20

- Meet all criteria for agricultural production capability established in WAC 365-190-050 and consist, in substantial proportion, of land with prime agricultural soils as defined by the Natural Resources Conservation Service’s Soil Survey of Jefferson County, Washington; and
- Is located in rural areas served by transportation infrastructure adequate to facilitate transport of agricultural goods to market; and
- Is in an area characterized by a substantial proportion of undeveloped parcels of land 20 acres or greater in size; and
- Is outside of any area designated as Master Planned Resort (MPR) or Urban Growth Area (UGA); and
- Is in an area where no existing land uses are present that would seriously interfere with the successful long-term practice of a range of agricultural activities; and
- 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 Inholding Forest (IF).

2. Agricultural Lands of Local Importance (AL-20)—The purpose of the agricultural lands of local importance is to protect and preserve parcels of land which, while not necessarily consisting of prime agriculture soil or relatively large acreage, are still considered important to the local agricultural economy, lifestyle, and environment. As such they deserve protection as “agricultural lands of long-term commercial significance.”

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 Agricultural Land of Long-Term Commercial Significance, and as such, it shall be afforded the rights and protections of natural resource land.

— Criteria for Designation: AL-20

- The land is located away from existing land uses that would interfere with agricultural practices; and
- The land is located outside any area designated as Master Planned Resort (MPR) or Urban Growth Area (UGA) and is not characterized by urban development; and
- The land is physically and topographically suitable for the practice of commercial agriculture; and
- Is located in rural areas served by transportation infrastructure adequate to facilitate transport of agricultural goods to market; and

- If currently designated as Rural Forest (FR-40), the land is already platted into 20 acre of smaller parcels; and
 - The land is not currently designated as Commercial Forest (CF-80) or Inholding Forest (IF).
- [end pp 2-16, 2-17]

Comprehensive Plan Policies, Chapter 2: Natural Resources

Goal NR-G-1 Encourage the conservation and long-term sustainable use of resource lands so their continued future use will not be precluded by other uses; and encourage the long-term sustainability of natural resource-based economic activities throughout Jefferson County.

Policy NR-P-1.5 As part of the Comprehensive Plan Update Periodic Review Process under the Growth Management Act, regularly review and update the inventories and designations of forest, mineral, and agricultural resource lands of long-term commercial significance in Jefferson County to ensure that all such designated lands meet requirements of state law, and are available into the future.

Goal NR-G-8 Conserve and protect the agricultural land base and its associated economy and lifestyle.

Policy NR-P-8.1 Support the conservation of agricultural land through prioritization and protection of parcels large enough to maintain viability of agricultural use, tax incentive programs, the purchase or transfer of development rights, and other methods developed in cooperation with agricultural landowners and managers and stakeholders.

Policy NR-P-8.4 Support the preservation of family owned farms by discouraging the conversion of these lands to other uses.

Policy NR-P-8.8 Analyze the benefits and feasibility of new or revised development regulations to implement cluster development in rural and resource areas, such as in association with cooperative/joint ownership farming operations.

Policy NR-P-8.9 In lieu of subdividing agricultural zoned lands, explore innovative zoning techniques, as described under RCW 36.70A.177, to help facilitate the availability of more affordable farm land and create opportunities to expand the market for local food.

Policy NR-P-8.10 Consider allowing tools that support current and new generation farmers with access to land and housing.

2.3.2.1 ZON2023-00006 (Midori Farm)

Applicant: Midori Farm and M&J Investments

Assessor Parcel Numbers: 702133028, 702133029

Location: 294152 Hwy 101, Quilcene

2.3.2.1.1 General Description

Rezone 14.5-acres RR5 to Agriculture. Historically, this 14.6-acres was one parcel that was used as farmland. Currently, there are no buildings or development on site. In 2007, the previous owner divided the parcel into two parcels now zoned Rural residential 1:5 (RR5). In 2016, M and

J Investments purchased the property with the intention of keeping this productive farmland as working farmland. Since 2016, Midori Farm has been leasing this land to grow WSDA-certified organic vegetables. Midori Farm currently has a long-term lease on the property and plans to continue farming here. The zoning amendment to AP-20 or AL-20 will match existing neighboring farmland zoning. Future plans include building a small vegetable processing facility (less than 1000 s.f.) to allow Midori Farm to make value-added products onsite.

2.3.2.1.2 Cumulative Impact Analysis

Cumulative Impact Analysis – ZON2023-00006 (Midori Farm)	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The circumstances related to the area have not changed substantially since the adoption of the Comprehensive Plan. The subject residential-zoned parcels have already been in agriculture use.
<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. Retaining the subject parcels for future residential use is not critically important.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan encourages agricultural uses.
<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 proposal is consistent with 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>	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</i>	The subject parcels are physically suitable for the requested land use designation.

<i>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>	
<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 agriculture use is well situated in this area and is in proximity to other agricultural uses.
<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>	This particular site-specific amendment does not materially affect land use or 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 parcels are not within an urban growth area.
<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 protect agriculture where it is appropriate.

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 any significant increase in water withdrawal or discharge. This area, including the subject parcels, are already being farmed.

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.

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

The proposal would not be expected to contribute to the depletion of energy resources. Such impacts from agriculture are not considered to be a significant environmental impact.

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?

Land uses are not affected by this amendment except that the future theoretical yield of several residences as would be allowed if zoned RR5, would be precluded as zoned Agriculture. 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. Current levels of use would continue.

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.

2.3.2.1.3 Staff Recommendation

Staff recommends approval of the proposed site-specific amendment with designation as **Agricultural Lands of Local Importance (AL-20)**.

2.3.3 Request for Application of the Mineral Resource Land Overlay to an Underlying Commercial Forest Land Designation

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. Relevant excerpts from the Natural Resources Element narrative, goal, and policy language include the following:

Comprehensive Plan, Natural Resources pp. 2-4, 2-5:

Mineral Lands

Mineral lands provide an important non-renewable resource in the form of sand, gravel, and hard rock basalt. These resources are used in a variety of applications, such as making concrete, restoring beaches, and providing gravel for roads. Mining interests have remarked that the County's gravel deposits are of very high quality (ANSI "perfect", a materials engineering standard from the American National Standards Institute), which means it is highly useful for roadway and other construction activities without further processing. Washington Department of Natural Resources (DNR) records 13 active

surface mining permits in Jefferson County, primarily concentrated in eastern Jefferson County, though two are in western Jefferson County along the Hoh River. In addition to these sites under active production, the United States Department of Agriculture Natural Resource Conservation Service (NRCS) has classified extensive areas in both the eastern and western county as potential source areas for sand and gravel based on soil characteristics.

Surface soil characteristics and other proxy indicators identify sub-surface geology providing initial data for mineral resource mapping. This preliminary information needs to be refined with other data sources. Much of Jefferson County's forest resources have potential mineral resource value. The forest resource designation provides another level of land use resource protection for unidentified mineral resources within the County.

The Department of Community Development and mining interests have periodic discussions regarding mineral resource mapping and locations. Since the County does not have financial resources to conduct independent geological surveys of County-specific resources, available state and federal data sources need to be considered along with ongoing public-private communications. As part of comprehensive planning under the Growth Management Act, a periodic review of potential mineral resource lands of long-term commercial significance is done by the County based upon our available data sources.

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.

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.

Updated information from the Washington Department of Natural Resources may be available for evaluation during the 2025 Comprehensive Plan periodic review.

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. Specific areas of review may 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.

Reclamation creates opportunities for new uses compatible with current, ongoing and reclaimed adjacent land uses. Reclamation reduces the dangers associated with some post-mining features, improves the aesthetics of the site, and can create environmental amenities, such as lakes, ponds, wetlands, and forests.

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

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.

Comprehensive Plan Policies

Goal NR-G-6 Conserve and protect Mineral Resource Lands for long-term economic use, while providing for mitigation of potential adverse impacts associated with mineral extraction and processing operations.

Policy NR-P-6.1 Work with Washington Department of Natural Resources to develop standards and guidelines to identify and address the impact of mining operations on adjoining properties. Conditions placed on mining uses should not have the intent of rendering mining operations economically unfeasible.

Policy NR-P-6.2 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.

Policy NR-P-6.3 Preserve water resource quality and quantity in the regulation of mineral extraction activities.

Policy NR-P-6.4 Designate mineral resource lands as follows:

1. Mineral Lands of Long-Term Commercial Significance: Properties that have been approved with a mineral resource lands overlay consistent with JCC 18.15.170 and those properties actively being mined for commercial production in compliance with State and County permits, as appropriate.
2. Provisional Mineral Lands: Areas known to be potential sources of valuable mineral resources, including sand, gravel, stone, or rock, but not included in the MRLO overlay and not in production. These areas include:
 - a. Maps and information provided by the Washington Department of Natural Resources, the United States Geological Service, and any relevant information provided by property owners;
 - b. Lands classified by NRCS as "good" sources of sand, gravel, or road fill material; and
 - c. Lands classified by NRCS as "fair" sources of sand, gravel, or road fill material, and which are located outside cities and urban growth areas.

Policy NR-P-6.5 The provisional mineral resource designation is an interim measure to protect mineral resources until the presence of a commercially viable mineral deposit can be verified through a geologic study.

1. Property owners who wish to finalize designation of their property and undertake mining activities may submit a study by a qualified geologist indicating the presence of commercially significant, accessible mineral resources and request a mineral lands overlay. Likewise, property owners may request removal of their property from the provisional mineral lands designation by submitting a study from a qualified geologist confirming the absence of such resources.

2. The County may evaluate whether non-mineral lands activities on the provisionally designated areas may foreclose the potential for mineral extraction and request a study of development applicants. The county may condition uses to ensure that significant deposits are not foreclosed over the long term.

Goal NR-G-7 Ensure, through Washington Department of Natural Resources reclamation plans, 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.

Policy NR-P-7.1 Ensure that County-required reclamation plans preserve the safety, function and value of adjacent lands including aesthetic and environmental and water resource values.

Policy NR-P-7.2 Encourage reclamation plans that provide enhanced public value such as parks, playgrounds, open space, trails, wetlands, and fish and wildlife habitat.

Policy NR-P-7.3 Encourage reclamation that occurs on an ongoing basis as mineral deposits are depleted.

2.3.3.1 MLA2021-0019 (Miles Sand & Gravel)

Reference Number: MLA2021-00019

Applicant: Miles Sand & Gravel

Assessor Parcel Number(s): 701011001, 701021002, 701121001, 7401111001

Location: Vicinity of 1500 Wahl Lake Road, Port Ludlow, Wahl Lake Extraction Area

2.3.3.1.1 General Description and Environmental Information

The proposed amendment would seek to apply the Mineral Resource Land (MRL) Overlay designation to approximately 200 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). Re-designation 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.

The proposal was received by Community Development in 2021. Due to staffing shortages and issues attributable to the Covid Pandemic, review of the proposal was carried forward to 2022. The Planning commission completed their review in 2022 and provided their recommendation to the Board of County Commissioners to approve this overlay. As staffing and time constraints again brought this proposal to the

end of 2022 without legislative action, the proposal was combined with the 2023 amendment cycle so that the Comprehensive Plan would be amended no more than one time per year per GMA.

2.3.3.1.2 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.

Cumulative Impact Analysis – MLA2021-00019: Miles Sand & Gravel	
UDC/JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The existing MRLO area has undergone extraction under Conditional Use Permits. As the resource is followed, additional area needs to be added to the overlay. Extraction in these new MRLO areas will be reviewed under a new Conditional Use Permit.
<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.
<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 include any additional traffic than currently occurs. The proposal does not affect any County roads.
<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 during the project phase.
<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</i>	The subject parcels are suitable for the MRLO as they contain known mineral resources.

<i>development, including but not limited to access, provision of utilities and compatibility with existing and planned surrounding land uses</i>	
<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 could have an effect on future use of the parcel for forestry, though land at this site already reclaimed is shown to support reforestation.
<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.

Assessment of Long-Term Commercial Significance of Mineral Resources	
UDC/JCC Criteria (JCC 18.15.170)	Staff Evaluation
<i>Has a known or potential extractable resource in commercial quantities been verified by submittal of a geologic and economic report prepared by a qualified professional?</i>	Yes. A geologic report has been submitted.
<i>Is the parcel is a minimum of 10 acres in size?</i>	Yes. The proposed overlay encompasses approximately 200 acres.
	The parcel is not surrounded by parcels smaller than five acres on any side.

<i>Is the subject property surrounded by parcels no smaller than five acres in size on 100 percent of its perimeter?</i>	
<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 underlying zone is Commercial Forest (CF-80). The existing and future permissible density of all areas within the proposed MRL Overlay is one dwelling unit per eighty acres.
<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.
<i>Is the proposed MRL Overlay outside of regulated wetland or fish and wildlife habitat areas pursuant to Chapter 1.22 JCC?</i>	No. There are regulated wetlands and fish-bearing streams on the proposed MRLO and are proposed to be avoided or mitigated in the project phase.

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 aggregate surface mining.

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. Currently, there are fish passage barriers in the proposed MRLO area which may be corrected through project-specific evaluation and permitting. There are wetlands in the proposed MRLO area. Methods already employed at the site include avoiding the seasonal high subsurface water level by a margin that ensures the wetland hydrology is maintained. Also, water quality monitoring can be used to evaluate the potential for affects to plants, animals, and hydrology.

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. Energy use on site is not considered to be a limiting concern.

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 propose base mining depth to be above subsurface water levels as is conditioned with the current mining site. Potential impacts to wetlands or buffers would be mitigated by maintaining mining above the seasonal high water table.

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 expanded MRLO will not affect shoreline use. The expanded MRLO will maintain the existing processing area and current intensity of use, though moving into additional resource extraction areas. Aggregate conveyance will be designed to prevent dropping material in stream areas. Otherwise, water quality could be a concern.

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

No additional truck traffic is planned or anticipated.

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 at the project level.

2.3.3.1.3 Staff Recommendation

Staff recommends approval and designation of the 200-acre Mineral Resource Land Overlay (MRLO). Site-specific conditions would be specified in the operating permit. In general, staff finds the proposal meets requirements for conservation of mineral resource lands 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 requires that land appropriate for mineral extraction activities is not inappropriately converted for residential purposes.

It is the policy (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 applied, during review of a conditional use permit application, which minimize the conflict.

2.4 STAFF REPORTS: SUGGESTED TEXT AMENDMENTS

2.4.1 Planning Commission Proposed Housing Amendments General Description and Environmental Information

Note: Housing amendments are recommended to be continued into the 2024 amendment cycle and 2025 Periodic Review. Additional analysis is required.

Recommendations for Planning Commission Housing Amendments

1. Continue development of housing amendment proposals in the 2024.
2. Clarify what types of housing can currently be done pursuant to the UDC, through additional public information materials.
3. Facilitate development of housing using Stock Plans to lower costs.
4. Review ADU requirements within the UGA and in rural residential zones.
5. Review LAMIRDs for infill capacity and public services availability.
6. Integrate applicable legislative changes regarding housing into the Comprehensive Plan and UDC

2.4.2 Community Development Proposed UDC Omnibus Housekeeping Amendments

2.4.2.1 General Description. The proposed housekeeping amendments are listed in the attached spreadsheet and shown in the line-in/line-out attachment.

2.4.2.2 Cumulative Impact Analysis

Cumulative Impact Analysis – UDC Amendments	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	County circumstances related to the amendments 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>	Assumptions of the Comprehensive Plan are still valid, and the proposals implement the Goals & Policies.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The amendments implement Comprehensive Plan Goals & Policies, following widely held values of county residents.

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?

The proposed UDC amendments will not increase discharges to water, emissions to air, or production, storage or release of toxic or hazardous substances.

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

Generally, the UDC amendment proposals are just textual amendments. However, rescinding the Forest Transition Overlay (FTO) will be more protective of forest resources. The State Route 20 Highway Visual Corridor has already been a policy, but adding it as a mapped overlay will make this buffer area easier to administer—making it more protective of native vegetation, thus habitat, along this portion of State Route 20.

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

The UDC amendment proposals will not influence the use of energy or natural resources.

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

The proposed UDC amendments do not have any direct environmental affect to sensitive areas, but by nature of the State Route Highway Visual Corridor preserving a natural buffer along a portion of the highway, and the Forest Transition Overlay no longer allowing a low-density residential zone abutting forest resources, sensitive areas may be indirectly protected.

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?

Same answer as question #1: Generally, the UDC amendment proposals are just textual amendments. However, rescinding the Forest Transition Overlay (FTO) will be more protective of forest resources. The State Route 20 Highway Visual Corridor has already been a policy, but adding it as a mapped overlay will make this buffer area easier to administer—making it more protective of native vegetation, thus habitat, along this portion of State Route 20.

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

The proposed UDC amendments will not have any affect on transportation, public services, or utilities.

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 UDC amendment proposals are primarily housekeeping in nature, and are intended to clarify or implement policies, correct errors, and generally be more in line with local and state requirements.

2.4.2.3 Staff Recommendation

Staff recommends approval of the UDC Omnibus Housekeeping Amendments as shown below in the summary table below and in the line-in/line-out text.

	UDC Amendment Proposals for 2023 Annual Amendment Cycle		
			ver. 10-09-2023

Item	Docket Tracking #	Code Section	Description
1	191	18.12.070(2)	Correct incomplete word. "An owner of contiguous, substandard lots as of the effective date of the ordinance codified in this chapter shall aggregate (combine) lots to meet the requirements of this chapter". Added 3/1/2023.
2	34 & 48	18.15 TOC; 18.15.155(7) 18.15.574-576 18.30.130(4)(d) Comprehensive Plan	Maps the Highway 20 Visual Corridor through creation of the Highway Visual Corridor (HVC) overlay. Graphically represents the State Route 20 vegetated buffer policy adopted by the Board of County Commissioners June 21, 1988, and currently in UDC only as Note 1, Table 6-1, "To implement the intent of LNG 19.0 of the Comprehensive Plan [1998] to protect the forest corridor and tree canopy in the Glen Cove area, the setback from the right-of-way of SR 20 shall be 50 feet on each side of the highway (comprised of a 30-foot buffer and a 20-foot setback from the buffer), for new development, from the intersection of Old Fort Townsend Road and SR 20 to the incorporated boundary of the city of Port Townsend." This note is easily missed and there is no geographic representation in the code or Comprehensive Plan. The 1988 "Highway 20 Corridor Policies" document addresses a number of policies including commercial and industrial development, utility corridors, and access policy. The document was the source of Land Use Goal LNG 19.0 in the 1998 Comprehensive Plan "Endorse the extension of the forest corridor concept from Port Townsend's City limits south along SR 20 to the southerly extent of the Glen Cove/Tri-Area Study area to preserve and protect the forest corridor, and to provide a visual buffer between the roadway and new commercial and manufacturing development." There are a number of related planning policies in the 1988 document that have since been updated or addressed by nature of UDC updates in the past 35 years. The overlay requires not only the buffer and setback, but also to consider access alternatives during site planning. The current (2018) Comprehensive Plan includes the Highway 20 View Corridor policy "Along SR 20 and other suitable roadways, preserve and protect the forest corridor, and to provide a visual buffer between the roadway and new commercial and manufacturing development", Exhibit 1-12 Summary of Overlay Land Use & Zoning Designations, p. 1-23 and also in the Land Use Action Plan to "Address Highway 20 View Corridor Overlay on Zoning Maps and UDC as appropriate." Exhibit 1-24 Land Use Action Plan, p. 1-146. The amendment proposal updates text of Note 1 in Table 6-1, JCC 18.30.050, updates the UDC with a named

			overlay in Ch. 18.15 and also the Comprehensive Plan land use map with the buffer overlay.
3	45 & 192	18.15.571	Repeal Overlay District Article VI-N, JCC 18.15.571: Forest Transition Overlay--This provision has not been applied in the county since its inception. 2018 Public support for removing overlay and action item added to Comprehensive Plan to rescind overlay. Currently would allow conversion of a portion of zoned forest to RR5. Deferred from 2018 UDC docket. 2018 Comprehensive Plan Exhibit 2-7, p. 2-30, Natural Resources Action Plan "Update UDC to remove the FTO, which was originally established to minimize conflicts between forestry and adjacent rural residential uses, but is not widely applicable in the County, has never been implemented, has not responded to any conflicts, nor shown to be protective of natural resources."
4	197	18.19.150	Sewer implementation code amendment allowing land use development permits to be submitted before sewer connection availability. PW
5	189	18.20.380	Provide a temporary use permit for living in an RV while constructing a home. Provides permit pathway and conditions for appropriate temporary use. Added 3/1/2023.
6	176	18.30.050(4)	Repeal density exemption, allowing subdivision of substandard-acreage for subdivision under Ch. 18.35, pre-1998 Comprehensive Plan rural residential zoned parcels which have two houses & two septic systems. It is no longer relevant with LLOR process. Added 8/1/2019. "4) Density Exemptions. In land use districts with minimum density requirements, additional substandard or nonconforming lots can be segregated on a legal lot of record containing more than one primary dwelling unit and septic system consistent with the requirements for a short subdivision under Article III of Chapter 18.35 JCC; provided, that all conditions set forth in this subsection are satisfied...The property may be divided into a number of lots equal to the number of legally permitted and installed septic systems."
7	92	18.30.050 Table 6-1	JCC 18.30.050 Table 6-1 at Minimum Lot Area. Strike Note 10: ""N/A" -- Not Applicable" and add new Footnote 10 text: "If a development proposal depends on two or more lots or parcels to be considered as one site for purposes of complying with the provisions of this title or of any other provision of Jefferson County Code, the department may require the applicant to record a covenant to the benefit of the county that requires the retention of the lots under common ownership and control for the duration that the use is maintained on the site." Deferred from 2018 docket. Edit footnotes 3, 4, and 11 as shown and to replace bullet points with alpha characters.

8	195	18.35.030(5) 18.35.100(1)	(5) Pursuant to Chapters 79.125 and 58.17 RCW, tidelands <u>boundaries that are coincident with state-owned aquatic lands</u> may not be altered in any fashion under this section. Tideland acreage may not be included or given other consideration in any land division, plat alteration, or boundary line adjustment. The authority to alter platted tidelands lies with the department of natural resources. Added 3/1/2023. 18.35.100(1) edits to use "DCD", also same in 18.40.110(3)(b), 18.40.810(10)(a).
9	196	18.35.100(6)	Remove old reference to CAO that was missed in 2018. "Where applicable, any special reports or studies required under Chapter 18.1522 JCC Critical Areas Ordinance, prepared in accordance with the requirements of Article VI-K of Chapter 18.15 JCC;". Added 5/22/2023.
10	198	18.40.110	Section JCC 18.40.110, last amended by Ordinance No. 14-1210-18, is amended to read...strikes out-of-date appeal information.
11	166	18.40.180	"A notice of application shall not be required for Type I project permits that are categorically exempt under SEPA, unless a public comment period or an open record pre-decision hearing is required. A notice of application shall be required for all Type II <u>and Type III</u> projects, regardless of whether such projects are exempt from SEPA. [Ord. 8-06 § 1] Deferred from 2018 docket.
12	177	JCC 18.40.810	Standard of Review not "de novo". Added 3/28/2022. PAO

Specific Redline Code Text

The recommended line-in/line out text is attached in a separate document which uses different and conflicting formatting that cannot be appended within the document here. Please refer to the 2023 Combined Title 18 Amendments document, which shows the line-in/line-out (redline) text, organized by chapter and section of Jefferson County Code.

2023 TITLE 18 JCC Amendment Proposals

Chapter 18.12

LEGAL LOT OF RECORD DETERMINATION AND LOT CONSOLIDATION

18.12.070 Development of substandard lots of record.

(2) A landowner must aggregate adjacent lots to the extent possible to bring the substandard lot to conforming status. An owner of contiguous, substandard lots as of the effective date of the ordinance codified in this chapter shall aggregate (combine) lots to meet the requirements of this chapter; and aggregation of substandard lots shall meet the underlying density if possible and be recorded as a boundary line adjustment pursuant to JCC 18.35.060 through 18.35.080. If the resulting aggregation of lots does not meet the zoning minimum lot size or underlying density, the lot must meet an exception in subsection (3) of this section, or the owner must apply for and receive a residential development exception pursuant to JCC 18.12.080 to be considered eligible for development.

2023 TITLE 18 JCC Amendment Proposals

Chapter 18.15

LAND USE DISTRICTS

[At the Table of Contents, listing the Sections, deletes TOC Article VI-N heading and the TOC section entry]

Article VI-N. ~~Repealed~~ Forest Transition Overlay District (FTO)

"18.15.571 ~~Repealed~~ Forest transition overlay (FTO) district."

[Now, at Article VI-N, at JCC 18.15.571]

Article VI-N. ~~Repealed~~ Forest Transition Overlay District (FTO)

~~18.15.571 — Forest transition overlay (FTO) district.~~

~~(1) Purpose. The purpose and intent of this section is to provide a mechanism for designation of forest transition (FTO) lands and to provide development standards within the FTO overlay district in order to promote the continued viability of resource-based activities in rural areas and minimize the potential for conflict and incompatibility among these uses and adjacent residential uses. The development standards in this section, coupled with existing development standards in this code, are intended to achieve compatibility through implementation of performance criteria that will ensure adequate resource protection perimeter buffers, while maintaining the rural character and preserving critical areas.~~

~~(2) Applicability.~~

~~(a) "Forest transition overlay (FTO)" is a rural lands category established under the Comprehensive Plan. The FTO designation does not automatically attach to any lands within the county. An owner of forest resource lands, meeting the criteria set forth in subsection (3) of this section, may apply for designation. All lands designated FTO shall be subject to the requirements and criteria of this section.~~

~~(b) An FTO application must be processed with an application for short subdivision, long subdivision, or binding site plan approval under Chapter 18.35 JCC. Long subdivisions or binding site plans must also be coupled with a planned rural residential development (PRRD) application. The PRRD process provides increased flexibility and creativity in site layout and design and a better opportunity to create a viable transition between higher density rural residential uses and forest resource uses.~~

~~(3) Criteria for Designation. Only those forest resource lands that meet the following criteria are eligible for FTO designation:~~

~~(a) The parcel must be designated commercial forest (CF-80) or rural forest (RF-40);~~

~~(b) The parcel, as it existed at the time of Comprehensive Plan adoption on August 28, 1998, must abut land characterized by pre-platted lots of a density greater than or equal to one dwelling unit per acre on 25 percent of the total perimeter of the parcel boundary lines. Forest land parcels separated from lots by a public right-of-way shall not be considered abutting;~~

~~(c) The minimum parcel size shall be 10 gross acres; and~~

~~(d) The maximum parcel size shall be 225 gross acres.~~

~~(4) Allowable and Prohibited Uses. Allowable and prohibited uses within the FTO overlay district shall be the same as those allowed and prohibited in the rural residential one du/five acres (RR-1.5) district as specified in Table 3-1 in JCC 18.15.040. All uses must comply with any applicable performance standards in Chapter 18.20 JCC and development standards in Chapter 18.30 JCC.~~

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~~(5) Protection Standards:~~

~~(a) General. All permit development applications on a parcel of land designated FTO shall be included in the FTO overlay district and shall adhere to the requirements set forth in this section.~~

~~(b) Resource Protection Perimeter Buffers. Within the FTO overlay district, each parcel shall be required to create a resource protection perimeter buffer along common boundaries with designated forest resource lands.~~

~~(i) There shall be established and maintained a resource protection perimeter buffer of 250 feet in width along common boundaries with designated forest resource lands.~~

~~(ii) Resource protection perimeter buffers shall be retained in their natural condition, except where removal of vegetation is approved to enhance views or provide access or utilities.~~

~~(iii) Resource protection perimeter buffers shall be marked with permanent signs at an interval of every 200 feet. Signs shall remain permanently and shall be in place prior to and during approved construction activities. The signs shall contain the following statement: "Resource Protection Buffer—Do Not Remove Or Alter Existing Native Vegetation—For Further Information Contact the Jefferson County Department of Community Development."~~

~~(iv) The landowner shall be required to dedicate the resource protection buffer as a permanent open space tract on all final development permits, plats, or site plans.~~

~~(v) The landowner shall be required to include a notation on all final development permits, plats or site plans that includes the following notation:~~

~~Forest Transition Overlay. The land comprising this development is designated forest transition overlay and subject to the requirements of the forest transition overlay district, contained in JCC 18.15.571. All development activities are subject to, and must be undertaken in compliance with, the requirements and protective standards set forth in the unified development code.~~

~~(c) Additional PRRD Standards. In addition to the provisions of Article VI-M of this chapter, the following development standards shall apply to PRRDs within the FTO overlay district:~~

~~(i) Parcels within the FTO overlay district shall be deemed RR 1:5 for purposes of Article VI-M of this chapter. All standards, requirements, and criteria applicable to land designated RR 1:5 shall be applicable to land within the FTO overlay district.~~

~~(ii) Where reasonably feasible, the reserve tracts required by JCC 18.15.490 shall be situated along common boundaries with designated forest resource lands to enhance the size of resource protection perimeter buffers and minimize the potential for future conflicts and incompatibility.~~

~~(iii) Applicants are encouraged to design PRRDs within the FTO overlay district that include innovative ways to reduce the potential for conflict and incompatibility between forestry land uses and rural residential lands uses, maintain the predominant rural character, preserve scenic views and critical areas, and enhance the aesthetic benefits to the public by harmonizing the development with the topography and landscape features of the land.~~

~~(d) Compliance with Other Overlay District Requirements. All permits and development applications shall comply with the requirements of all other applicable overlay districts as set forth in Article VI of this chapter.~~

~~(6) Application Submittal and Contents. To be considered complete, an FTO application shall include the following information:~~

~~(a) The FTO application shall be submitted to the department of community development (DCD) on forms to be provided by DCD along with appropriate fees established under the Jefferson County fee ordinance;~~

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~~(b) A completed land use application form, including all materials required in accordance with Chapter 18.40 JCC;~~

~~(c) The applicant shall supply completed information and materials for all other permit and development applications required under this code consolidated with the PRRD application, if applicable;~~

~~(d) Where applicable, and special reports or studies required pursuant to Article VI-D of this chapter, prepared in accordance with the requirements of Article VI-J of this chapter;~~

~~(e) The applicant shall supply a narrative statement substantiating how the proposed development will provide a benefit to the public in reducing the potential conflict and incompatibility among abutting properties designated forest lands; and~~

~~(f) Any additional information required by the DCD administrator and/or the director of the department of public works.~~

~~(7) Preliminary FTO Approval Criteria:~~

~~(a) An FTO application shall be processed according to the procedures for a Type II decision established in Chapter 18.40 JCC.~~

~~(b) An FTO application shall be given preliminary approval upon a finding by the DCD administrator that the parcel(s) subject to the FTO application satisfy the criteria set forth in subsection (3) of this section, and that the FTO application is complete in accordance with the requirements set forth in subsection (6) of this section.~~

~~(8) Final FTO Designation. The FTO designation shall become effective upon final short subdivision, long subdivision, binding site plan and, if applicable, PRRD approval.~~

~~(9) Time Limitations on Final FTO Approval. Preliminary FTO approval shall expire unless the applicant obtains final short subdivision, long subdivision, binding site plan and, if applicable, PRRD approval within the time limits applicable to the particular development application(s). [Ord. 8-06 § 1]~~

Article VI. Overlay Districts

Article VI-A. Purpose

18.15.155 Established.

Overlay districts provide regulations in addition to those of other sections in this code for certain land areas and for uses which warrant specific recognition and management. See the official maps for the location of the overlay districts. Except as otherwise provided in this Article VI, the provisions of an overlay district shall prevail over any conflicting provisions of this code for the duration of the overlay district, subject to RCW Title 36. All other provisions of this code shall remain in full force and effect within the overlay district. The following types of overlay districts are provided by this code:

(1) Mineral resource lands (MRL);-

(2) *Repealed by Ord. 3-08*;-

(3) Airport essential public facility district (A);

(4) Remote rural (RR) overlay for West End Planning Area (WEPA) and Brinnon Planning Area (BRPA);

(5) Planned rural residential development (PRRD); ~~and~~-

(6) Small-scale recreation and tourist (SRT); ~~and~~ [and](#)

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(7) Highway Visual Corridor (HVC).

[Ord. 3-08 § 2; Ord. 8-06 § 1]

Article VI-Q State Route 20 Highway Visual Corridor (HVC) Overlay District

18.15.574 Purpose.

The State Route 20 corridor is the major transportation link between Port Townsend, the county seat, and the unincorporated portions of the county. As the gateway to Port Townsend, State Route 20 is well traveled by local residents, commercial haulers, and visitors alike. The State Route 20 corridor is part of the national scenic highway system. It is locally referred to as "Rhododendron Drive" due to the abundance of the state flower found in the corridor.

Pressure for strip development facing this corridor may occur as some business activities find this area a desirable place to locate. This pattern of development is contrary to the stated goals and policies of the Jefferson County Comprehensive Plan. Individual site plans or coordinated sub-area planning shall provide for the continued development of the State Route 20 corridor for residential, commercial, and industrial uses while maintaining the visual aesthetics of the corridor.

Efforts have been made to accommodate commercial and industrial activities within the corridor. The Glen Cove Industrial area with its frontage road (Otto Street), dedicated buffer, controlled access, and water utility provisions is the primary example. Sub-area planning or individual site plans shall provide for the continued development of the State Route 20 corridor for residential, commercial, and industrial uses while maintaining the visual aesthetics of the corridor. The goal of these planning elements is to maintain the visual and functional integrity of the State Route 20 corridor by incorporating elements such as visual buffers, signage, limited access, frontage roads, service roads, utility corridors and utility access, to allow business expansion while protecting the utility, safety, and aesthetics of the highway corridor. Uses that do not depend on unobstructed visual access or direct frontage access to State Route 20 are most suited in this corridor.

18.15.575 Corridor Designation

The State Route 20 Highway Visual Corridor (HVC) is designated as follows:

That area described as Tax 1, 2, 3, 4, 5, 6, 21, and 22, and the Santa Barbara Addition and Blocks 1, 2, 4, 5, and 8 of Denny's Second Addition (excluding the portion east of the City of Port Townsend waterline easement and the Port Townsend Paper Mill utility corridor), all within Section 16, Township 30 North, Range 1 West, WM and that area lying within the Southwest Quarter of Section 16 south of the railroad right-of-way; the Northwest Quarter of Section 21; and those portions of the plats of the Eisenbeis Bayview Addition of the Phillips Bayview Additions to the City of Port Townsend located in the Southeast Quarter of Section 17, all within Township 30 North, Range 1 West, WM (depicted on the "Highway 20 Corridor Map").

18.15.576 General Provisions

(1) Buffer Required for the State Route 20 Highway Visual Corridor (HVC)

(a) Buffer Dimensions. A thirty-foot-wide buffer is incorporated in the corridor, located adjoining the State Route 20 right-of-way toward the interior of the corridor area.

(b) Buffer Characteristics. New development and redevelopment within the State Route 20 Highway Visual Corridor (HVC) shall meet requirements of JCC 18.30.130(4)(d) Landscaping/Screening for Road Frontages. "Screen A" landscaping shall function as a visual barrier, with vegetative plantings, enhancements, and/or maintenance in order to screen development from the view of the traveling public. Visual screening may be accomplished through the

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enhancement and maintenance of the existing natural appearance of the highway corridor. Existing trees and vegetative plantings which meet or exceed these standards shall be considered to fulfill the buffer requirements.

(c) Buffer Maintenance. The buffer is to be maintained and, if necessary, supplemented with native plant material consisting of a mix of primarily evergreen trees and shrubs generally interspersed to form a continuous year-round screen that grows to at least eight feet in height within two growing seasons. No vegetation shall be removed from the buffer area until specific development plans and planting schedules are approved.

(c) Landscaping Plan. Compliance with this section shall be demonstrated with a Landscaping Plan meeting the requirements of JCC 18.30.130(7).

(d) Vegetation within the highway right-of-way shall not be used to determine buffer density.

(2) Setback. The minimum setback in the State Route 20 Highway Visual Corridor (HVC) for a commercial or industrial structure, including any accessory building or structure, shall be fifty (50) feet from the State Route 20 right-of-way.

(3) Corridor Site Plan

Development of parcels in the State Route 20 Highway Visual Corridor (HVC) shall depict on the site plan the location of the corridor buffer, elements of the landscaping plan, and provide a narrative that demonstrates consideration of the following elements, as applicable:

(a) applicability of shared signage;

(b) applicability of shared driveways, coordination of service road access, use of frontage roads, and limiting direct access to State Route 20; and

(c) consideration of utility corridors and utility access.

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Chapter 18.19

TRANSITIONAL RURAL DEVELOPMENT STANDARDS OF THE IRONDALE/PORT HADLOCK
URBAN GROWTH AREA

A new JCC Section 18.19.150 is added as follows:

18.19.150 Submittal of development and land use applications for approval of urban development with sewer connection under Chapter 18.18 JCC in the Phase 1 Area prior to initial startup of the PHUGA sewer system.

(1) Prior to availability of the Port Hadlock Urban Growth Area Sewer System ("PHUGA Sewer System"), the director may, in their sole discretion, accept any application for processing under Title 15 JCC or Title 18 JCC in which the applicant desires connection to or anticipates a requirement to connect to the PHUGA sewer system, under the following circumstances:

(a) The director of public works confirms that the applicant's proposal will be eligible for connection, or will be required to connect, to the PHUGA sewer system when the sewer becomes operational;

(b) The applicant's project is consistent with the urban growth area planning designation for the Port Hadlock UGA contained in the comprehensive plan and implementing development regulations in Chapter 18.18 JCC, which will be in effect when the sewer system is operational and available to the property; and

(c) The applicant agrees to assume the risk of starting project permitting prior to the date at which the PHUGA sewer system is fully operational and available to applicant's property, and agrees to a tolling of the time periods otherwise required by Title 18 JCC that may be exceeded as a result of the following possible delays:

(i) the time necessary to complete installation of the sewer system connection to the applicant's property; and

(ii) the time necessary for the sewer system to be declared operational.

(2) Authorization to submit a development application shall be conditioned on the following requirements:

(a) The applicant signs an acknowledgement that:

(i) installation of the sewer system in the Port Hadlock UGA is a major public works project for which schedule delays are foreseeable, despite best efforts;

(ii) commencement of construction will not be granted for any project reviewed pursuant to this section until the director of the department of public works provides an authorization stating that the county has executed a contract for construction of the pressure sewer to the applicant's property and providing a projected timeline for completion of the sewer connection; and

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(iii) a certificate of occupancy will not be issued for any project reviewed pursuant to this section until the sewer connection to the applicant's property is completed and the PHUGA sewer system is declared operational by the department of public works;

(b) The applicant signs a document containing the following provisions:—

(i) An agreement of assumption of risk and waiver of any damages resulting from a delay in commencement of construction or receipt of a certificate of occupancy as required by JCC 18.19.150(2)(a); and

(ii) An agreement any time period set in Title 18 JCC, including but not limited the 120-day time period and 18.40.300, will be tolled during the following possible delays:

A. The time necessary to complete installation of the sewer system connection to the applicant's property; and

B. The time necessary for the sewer system to be declared operational.

(3) No application submitted pursuant to this section will vest pursuant to JCC 18.40.320, if vesting is authorized by state law to that type of application, until the development regulations contained in chapter 18.18 JCC are in effect on the land and a fully complete application is on file with DCD.

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Chapter 18.20

PERFORMANCE AND USE-SPECIFIC STANDARDS

18.20.380 Temporary outdoor uses.

(2) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are allowed subject to a Type I approval process for a temporary outdoor use permit:

- (a) Outdoor art craft shows and exhibits not exceeding three days and not located on public park and/or school property;
- (b) Circuses, carnivals and similar transient amusement enterprises, limited to not more than 30 days of site occupation and operation in any one calendar year;
- (c) Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than 30 days in any one calendar year;
- (d) Charitable or community events, not exceeding seven days in duration and not more than four times in any one calendar year;
- (e) Overflow off-site parking, not exceeding seven days in duration and not more than four times in any one calendar year;
- (f) Auctions, not exceeding three days and not located on public park and/or school property;
- (g) Temporary asphalt or concrete batch plants for public road construction or repaving; provided, that all equipment, including the plant shall be removed within 30 days of project completion and the site shall be restored to its original condition;
- (h) Temporary food and beverage stands may be permitted for a period of six months and may be extended for an additional six months. Once an extension has been granted the site may not be used for a temporary food and beverage stand for two years after the expiration of the permit extension; and
- (i) Temporary use of a recreational vehicle (RV) as a dwelling by an owner or lessee of a site during construction of a residential structure; provided, the construction is under an approved building permit, the recreational vehicle (RV) is connected to permanent utilities (septic and water), the site has obtained an address for emergency medical services, and placement of the recreational vehicle (RV) complies with all Title 18 JCC standards for setbacks and Critical Areas.

(j) Similar uses as determined by the administrator.

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Chapter 18.30

DEVELOPMENT STANDARDS

18.30.050 Density, dimension, and open space standards.

- (1) Purpose. This section establishes: (a) density requirements; (b) bulk, area, and dimensional standards; and (c) specific rules for all uses. These standards and rules are intended to provide flexibility in project design and to maintain privacy between adjacent uses.
- (2) Development Standards. This section and Table 6-1 contain general density, intensity, and dimensional standards for the various land use districts. Limitations specific to a particular district are also specified.
- (3) Measurement Methods. The following methods will be used to determine compliance with this [code chapter](#):
- (a) The "maximum density" for a parcel is calculated by dividing the parcel area by the total number of residential dwelling units allowed according to the density designation. Only whole density units may be used.
 - (b) "Parcel area" or "lot area" is the total horizontal land area contained within the boundaries of a parcel.
 - (c) If a development proposal depends on two or more lots, parcels or combinations thereof to be considered as a site for purposes of complying with the provisions of this title or any other provisions of the Jefferson County Code, [the department DCD](#) may require the applicant to record a covenant to the benefit of the county that requires retention of the lots under common ownership and control for the duration that the use is maintained on the site.
 - (d) Setbacks from roads shall be measured from the edge of the road right-of-way. Side and rear setbacks are measured from the edge of the property in the same manner as road setbacks.
 - (e) "Impervious surface" is measured by calculating the horizontal land area of all surface areas that create a barrier to or retard the entry of water into the soil in comparison with natural conditions prior to development. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. See also JCC 18.30.070 for storm drainage standards.
 - (f) The height of buildings and structures shall be calculated by the vertical distance from grade plane to the average height of the highest roof surface. Story height is calculated by the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joist or, where there is not a ceiling, to the top of the roof rafters (cf. International Building Code).
- ~~(4) Density Exemptions. In land use districts with minimum density requirements, additional substandard or nonconforming lots can be segregated on a legal lot of record containing more than one primary dwelling unit and septic system consistent with the requirements for a short subdivision under Article III of Chapter 18.35 JCC, provided, that all conditions set forth in this subsection are satisfied:~~
- ~~(a) The parcel to be divided contains more than one existing legally permitted residential structure (not including an approved or functioning accessory dwelling unit), of which all structures have an individual, legally permitted and installed septic system approved by the Jefferson County environmental health department, and neither structure was approved as, or functions as, an accessory dwelling unit (ADU);~~
 - ~~(b) If on or before January 20, 1998, the parcel to be divided contained one or more existing legally permitted residential structures, of which each structure had an installed, individual and legally permitted septic system approved by the Jefferson County environmental health department, and the property contained at least one additional legally permitted and installed septic system not yet dedicated or connected to an existing residential structure;~~
 - ~~(c) The following conditions shall apply to all density exemptions authorized under this subsection:~~

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~~(i) Each of the existing residential units must have been constructed in compliance with all applicable building codes, zoning codes, and county, state and federal laws in effect at the time of construction and/or placement in the case of a manufactured or mobile home, and none of the residential structures were permitted as an ADU and neither structure consists of a recreational vehicle or travel trailer.~~

~~(ii) Each of the installed septic systems were legally permitted at the time of installation and are currently functioning properly as determined by the Jefferson County environmental health department, and are in compliance with the applicable environmental health regulations as reviewed and approved by the Jefferson County environmental health department.~~

~~(iii) The property may be divided into a number of lots equal to the number of legally permitted and installed septic systems. In rural residential zones the property shall be divided in a manner that creates lots of a size which are as equal as possible or as close to conforming with the minimum lot size or mapped density requirements of this code, whichever is the more restrictive. Lots divided under this section in resource zones shall not be larger than one acre, unless additional area is needed for the septic tank and drainfield.~~

~~(iv) Lots created under the exemption authorized in this subsection shall be exempt only from the density or minimum lot size requirements of this code and shall be subject to all other requirements of this code, including the requirement for its own access or agreed upon and legally created shared access (shared easement), as well as compliance with all other applicable county, state and federal laws.~~

~~(v) The responsibility to demonstrate that each residential structure was constructed or sited under a valid building permit and/or the regulations in effect at the time of construction, or placement in the case of a manufactured or mobile home, and that each septic system was approved and inspected by the Jefferson County environmental health department shall be that of the proponent.~~

~~(vi) The provisions of this subsection shall not apply to any recreational vehicle parks, mobile home parks, campgrounds, camper clubs, seasonal (vacation) homes, park models, or any property developed under a binding site plan.~~

Table 6-1. Density, Dimension and Open Space Standards

	Resource Lands				Rural Residential			Rural Commercial				Rural Industrial						Public	UGA	
	Agricultural Resource Lands	Commercial Forest	Rural Forest	Inholding Forest	1 DU/5 Acres	1 DU/10 Acres	1 DU/20 Acres	Rural Village Center	Convenience Crossroad	Neighborhood/Visitor Crossroad	General Crossroad	Resource-Based Industrial	Light Industrial/Commercial (Glen Cove)	Light Industrial (Glen Cove)	Light Industrial/Manufacturing (Quilcene and Eastview)	Heavy Industrial	Parks, Preserves and Recreation	Final Urban Growth Area (Reserved)	Major Industrial Development	
Development Standard ^a	AP-20 and AL-20	CF	RF	IF	RR 1:5	RR 1:10	RR 1:20	RVC	CC	NC	GC	RBI	LI/C	LI	LI/M	HI	PPR	UGA	MID	
Maximum Density (DU/Acre)	1/20	1/80	1/40	1/20	1/5	1/10	1/20	None	N/A ^{4a}	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	
Minimum Lot Area ^{1a}	None specified. Lot sizes shall be sufficient to meet the public health and environmental protection standards contained in Jefferson County regulations. Ability to subdivide is regulated by the mapped development density.																		Per Chapter 18.15 JCC, Article VIII	
Minimum Front or Road ¹¹ Setbacks ^{5,6} (feet)																				
Minor Collector and Local Access	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20		50	
Driveway	0	0	0	0	0	0	0													
Private Road and Ingress/Egress Easement	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20			
Major Collector	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	50		
Minor Arterial	35	35	35	35	35	35	35	30	35	35	35	35	35	35	35	35	35	50		
Principal Arterial	50	50	50	50	50 ¹	50	50	35	35	35	35	35	35 ¹	35 ¹	35	35	50	50		

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Development Standard ^a	Resource Lands				Rural Residential			Rural Commercial				Rural Industrial					Public	UGA	
	Agricultural Resource Lands	Commercial Forest	Rural Forest	Inholding Forest	1 DU/5 Acres	1 DU/10 Acres	1 DU/20 Acres	Rural Village Center	Convenience Crossroad	Neighborhood/Visitor Crossroad	General Crossroad	Resource-Based Industrial	Light Industrial/Commercial (Glen Cove)	Light Industrial (Glen Cove)	Light Industrial/Manufacturing (Quilcene and Eastview)	Heavy Industrial	Parks, Preserves and Recreation	Final Urban Growth Area (Reserved)	Major Industrial Development
	AP-20 and AL-20	CF	RF	IF	RR 1:5	RR 1:10	RR 1:20	RVC	CC	NC	GC	RBI	LI/C	LI	LI/M	HI	PPR	UGA	MID
Special Setback from Resource Lands	A special setback is required from the adjacent resource land or use as specified in Chapter 18.15 JCC.																		
Minimum Rear and Side Setbacks ^{5,6} (feet)	5	5 ²	5 ²	5 ²	5 ^{3,12}	5 ^{3,12}	5 ^{3,12}	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	5 ^{3,4}	10 ^{3,4}	10 ^{3,4}	10 ^{3,4}	10 ^{3,4}	20 ^{3,4}	20		100
Maximum Building Dimensions																			
Building Height ^{7,8} (feet)	35	35	35	35	35	35	35	35	35	35	35	IBC Std.	35 ¹⁶	35 ¹⁶	IBC Std.	IBC Std.	35		IBC Std.
Area of Impervious Surface Coverage ¹³ (%)	10	10	10	10	25	25	25	60	60	60	60	Per JCC 18.30.070	55	55	Per JCC 18.30.070	Per JCC 18.30.070	10		Per JCC 18.30.070
Area of Building Coverage ¹³	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	60	N/A	N/A	60	60	N/A		N/A
Maximum Building Size ⁹ (sq. ft.)	Subject to Department of Health on-site septic and water constraints, lot size and all other applicable requirements							20,000	5,000	7,500	10,000	None Specified	20,000 (LI) ¹⁶ 15,000 (C) ¹⁷	10,000 ¹⁸	None Specified	None Specified	None Specified		None Specified

NOTES:

1. See JCC 18.15.574 Article VI-Q State Route 20 Highway Visual Corridor (HVC) Overlay District for State Route 20 which implements the intent of LNC 19-9 of the Comprehensive Plan 2018 Comprehensive Plan policy LU-P-15.4 and as codified in JCC by Ordinance XX-XXXX-XX. To protect the forest corridor and tree canopy in the Glen Cove area, the setback from the right-of-way of SR 20 shall be 50 feet on each side of the highway (comprised of a 30-foot buffer and a 20-foot setback from the buffer), for new development, from the intersection of Old Fort Townsend Road and SR 20 to the incorporated boundary of the city of Port Townsend.

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2. Except if subject to the special setbacks required from adjacent resource lands as specified in Chapter 18.15 JCC.
3. Special Rear and Side Setbacks. Special Rear or Side Setbacks are required.
 - a. Wherever a residential use is proposed to abut a commercial use or zone, and vice versa ~~the~~ the setback shall be 35 feet.
 - b. Wherever a residential use is proposed to abut a light industrial use or zone, and vice versa ~~the~~ the setback shall be 25 feet, unless otherwise specified in this code.
 - c. Wherever a residential use is proposed to abut a heavy industrial use or zone, and vice versa ~~the~~ the setback shall be 100 feet, unless otherwise specified in this code.
4. Wherever a commercial use is proposed to abut an industrial use or zone, and vice versa ~~the~~ the setback shall be 20 feet, unless otherwise specified in this code.
5. Fences are exempt from setback requirements, except in the jurisdiction of the Shoreline Master Program (SMP) or when impairing safe sight lines at intersections, as determined by the county engineer.
6. Setbacks do not apply to mailboxes; wells; pump houses; bus shelters; septic systems and drainfields (except in the SMP); landscaping (including berms); utility apparatus such as poles, wires, pedestals, manholes, and vaults. No other structures or accessory uses shall be located in the front setback area unless approved by the administrator. The administrator may reduce the minimum road setbacks if the strict application of such setback would render a legal lot of record unbuildable under the provisions of this code.
7. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, skylights, communication sending and receiving devices, HVAC and similar equipment, public water towers or tanks, and spires associated with places of worship are exempt from height requirements.
8. Propane fuel storage tanks and containers shall maintain setbacks and separations pursuant to the currently adopted International Fire Code.
9. Approved subarea plans may establish different bulk and dimensional requirements for those areas.
~~10. N/A - Not Applicable. 10. If a development proposal depends on two or more lots or parcels to be considered as one site for purposes of complying with the provisions of this title or of any other provision of the Jefferson County Code, DCD may require an applicant to record a covenant to the benefit of the county that requires the retention of the lots under common ownership and control for the duration that the use is maintained on the site.~~
11. Road Classifications. To clarify the setbacks for development activities consistent with the requirements of this chapter, the following road designations shall apply:
 - a. Principal arterials: US 101, SR 104, SR 20.
 - b. Minor arterials: SR 19 (Beaver Valley Road, Rhody Drive, and Airport Cutoff).
 - c. Major collectors: SR 116 (Ness' Corner Road, Oak Bay Road to Flagler Road and Flagler Road), Center Road, Chimacum Road, Irondale Road, Quinalt-South Shore Road, Upper Hoh Road.
 - d. Minor collectors: Anderson Lake Road, Bee Mill Road, Cape George Road, Clearwater Road, Cooke Avenue Extension, Coyle Road, Dabob Road, Dabob P.O. Road, Dosewallips Road, Duckabush Road, E. Quilcene Road, Four Corners Road, Eaglemount Road, Hastings Avenue West, Hazel Point Road, Larson Lake Road, Oak Bay Road, Paradise Bay Road, Penny Creek Road, Point Whitney Road, S. Discovery Road, Thorndyke Road, South Point Road.
12. The special side and rear setbacks provided in Table 6-1 shall also apply to outbuildings for residential or agricultural uses such as detached garages, storage sheds or tool sheds, except for existing lots of record less than five acres wherein the minimum rear and side yard setbacks for outbuildings shall be five feet.
13. Maximum area of building coverage is measured by the percentage of total lot area occupied by the footprints of all structures.
14. Maximum building size is measured as the area occupied by the footprint of each individual structure. A parcel may contain more than one structure of the maximum building size.
15. Pre-existing legal lots of record less than one acre in size in rural residential districts are subject to the stormwater requirements in Chapter 18.30 JCC and must meet the "Area of Impervious Surface Coverage" to the maximum extent practicable as determined by the administrator.

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16. In the Glen Cove light industrial/commercial (LI/C) district, the 20,000-square-foot building size and the 35-foot building height for all "Yes" uses may be exceeded up to a maximum building size of 40,000 square feet (total interior floor space not to exceed 80,000 square feet) and a maximum building height of 50 feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.
17. In the Glen Cove light industrial/commercial (LI/C) district, the 1,500-square-foot building size for all "Associated Commercial" uses may be exceeded up to a maximum building size of 3,000 square feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.
18. In the Glen Cove light industrial (LI) district, the 10,000-square-foot building size and the 35-foot building height for all "Yes" uses may be exceeded up to a maximum building size of 20,000 square feet and a maximum building height of 50 feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.
19. Impervious surface requirements do not apply to public purpose facilities.

[Ord. 14-18 § 4 (Exh. B); Ord. 10-12 § 1; Ord. 8-06 § 1]

18.30.130 Landscaping/screening.

(1) Application. Landscaping or screening shall be provided for all multifamily residential, commercial and industrial land uses, small-scale recreational and tourist uses, and as required in other sections of this code, except that landscaping will not be required of industrial uses within the resource-based industrial district when the development is sufficiently screened from public view.

(2) General Provisions.

(a) Existing trees, vegetative plantings, undisturbed open space, and/or topographic or natural features which meet or exceed these standards shall be considered to fulfill the landscaping or screening requirements of this section and any other applicable reference to these screening requirements in other sections of this code.

(b) The administrator may authorize variations to the landscaping/screening requirements of this section to:

(i) Provide consideration of topography, natural features, existing native vegetation and soils on the site and site location in relation to adjacent and surrounding uses;

(ii) Allow alternative plant mixes or berming that accomplish the purposes of the type of landscape screening required;

(iii) Conserve water through the concept of xeriscaping;

(iv) Provide flexibility in the size of initial plantings; and

(v) Ensure that any nonresidential use, structure or activity when proposed in a rural residential (RR) district shall be compatible with that of existing and anticipated future uses in the district.

(3) Landscape Screening. The three types of landscaping screens are described and applied as follows.

(a) "Screen-A" landscaping:

(i) Is a "full screen" that functions as a visual barrier. This landscaping is typically found between residential and nonresidential areas;

(ii) Shall at a minimum consist of:

(A) A mix of primarily evergreen trees and shrubs generally interspersed to form a continuous year-round screen that grows to at least eight feet in height within two growing seasons.

(b) "Screen-B" landscaping:

(i) Is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the road;

(ii) Shall at a minimum consist of:

(A) A mix of evergreen and deciduous trees and shrubs generally interspersed to create a filtered screen that grows to at least eight feet in height within two growing seasons.

(c) "Screen-C" landscaping:

(i) Is a "see-through screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along road frontage or between multiple-family developments;

(ii) Shall at a minimum consist of: a

~~(A) A~~ mix of evergreen and deciduous trees or shrubs generally interspersed to create a continuous canopy.

(4) Landscaping Road Frontages. The average width or depth of perimeter landscaping along road frontages and required locations on private property shall be ~~provided~~ as follows:

(a) Ten feet of Screen-B landscaping shall be provided for an industrial development.

(b) Ten feet of Screen-B landscaping shall be provided for all above-ground utility facilities or development, excluding distribution and transmission corridors, located outside a public right-of way.

(c) Ten feet of Screen-C landscaping shall be provided for all commercial or multiple-family residential development.

~~(d) Within the Highway Visual Corridor Overlay, Article VI-Q, a 30-foot vegetated buffer providing "Screen-A" landscaping is to be located adjoining State Route 20, along with a 20-foot setback from the buffer, totaling a 50-foot visual corridor meeting the purpose and requirements of JCC 18.15.574.~~

(5) Landscaping of Interior Lot Lines. The average width or depth of perimeter landscaping along interior lot lines shall be provided as follows:

(a) Fifteen feet of Screen-A landscaping shall be included in all commercial, industrial, or small-scale recreational and tourist development along any portion adjacent to a residential use or district, except as may be varied by the administrator under subsection (2)(b) of this section.

(b) Ten feet of Screen-B landscaping shall be included in all multiple-family development along any portion adjacent to a single-family residential use and in an industrial development along any portion adjacent to a nonindustrial development, except as provided in subsection (5)(a) of this section.

(6) ~~Screening¹ Landscaping~~ for Parking Lots. ~~Screening Landscaping~~ shall be provided for commercial, industrial, small-scale recreational and tourist uses, and multifamily residential use surface parking lots, with five or more parking stalls, as follows:

(a) ~~Parking lot Screening screening~~ shall be provided on each side, front, and/or rear of a parking lot where such side, front, ~~and/or~~ rear abuts any residential use or district, except that no screening is required where the elevation of the parking area lot line is four feet higher than the finished elevation of the parking area surface.

(b) Parking lot screening ~~and landscaping~~ shall be kept in good condition and shall meet the following conditions:

(i) ~~Parking lot screening~~ ~~4~~ shall be continuous where required along a side, front or rear of a parking area and shall not be less than four feet in height above the grade of the parking lot surface, broken only for accessways and aisles; provided, that the screening shall not be permitted for a distance of 20 feet on each side of a parking area accessway to ensure proper sight distance. Where screening is prohibited by the above provisions, low lying shrubs or other similar plantings shall be placed; such plantings shall not be allowed to exceed three feet in height.

(ii) ~~Parking lot screening Screening~~ shall not be installed in such a manner as to obstruct the free use of any fire hydrant.

¹ JCC 18.10.190: "'Screening' means a method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation." Note: There is no definition of "landscaping" in Title 18 JCC.

(iii) The space between ~~the a landscaping parking lot~~ screen and the right-of-way, except for any pedestrian access improvements, shall be landscaped with grass, shrubs, trees, or evergreen groundcover. On the sides and rear of parking areas not facing a street, such landscaping shall be required between ~~the~~ screening and the lot line.

(7) Landscape Plan. When screening is required, a landscaping plan shall be submitted with the project application to indicate how the minimum screening requirements are met. The plan must meet the following requirements:

(a) The landscape plan shall be drawn on the same base map as the development plans or on a separate sheet properly labeled and shall identify the following:

- (i) Total landscape area;
- (ii) Landscape materials, plant names, and applicable size;
- (iii) Property lines;
- (iv) Impervious surfaces;
- (v) Existing or proposed structures, fences, and retaining walls; and
- (vi) Natural features or vegetation left in natural state.

(b) The required landscaping shall be installed prior to project occupancy. However, a certificate of occupancy may be issued prior to installation of the required landscaping if a bond or other form of appropriate surety is posted in a manner acceptable to the administrator. The time limit for compliance may be extended to allow installation of such required landscaping during the next planting season.

(8) Maintenance.

- (a) All landscaping and necessary support systems shall be maintained for the life of the project.
- (b) All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition.
- (c) Landscape areas shall be kept free of trash. [Ord. 8-06 § 1]

Chapter 18.35 LAND DIVISIONS

18.35.030 Applicability.

(1) This chapter applies to the division of land into four parcels for short subdivisions and of five or more parcels for long subdivisions. This chapter further applies to boundary line adjustments and binding site plan review and regulation.

(2) Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions set forth in this chapter.

(3) The process for resubdivision, alteration and vacation of any existing subdivision is identical to the process for initial subdivision. All such subdivision applications shall conform with the applicable sections in this chapter governing the subdivision of property into lots, tracts or parcels. All proposed plat vacations shall comply with the requirements and criteria set forth in RCW 58.17.212, as now adopted or hereafter amended.

(4) Where this chapter imposes greater restrictions or higher standards upon the development of land than other provisions of this code, laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

(5) Pursuant to Chapters 79.125 and 58.17 RCW, tidelands boundaries that are coincident with state-owned aquatic lands may not be altered in any fashion under this section. ~~Tidelands acreage may not be included or given other consideration in any land division, plat alteration, or boundary line adjustment. The authority to alter platted tidelands lies with the department of natural resources.~~ [Ord. 8-06 § 1]

Article III. Short Subdivisions

18.35.100 Application submittal and contents.

To be considered complete, applications for short subdivisions shall include the following information:

(1) Applications for short subdivisions shall be made on forms provided by ~~the Jefferson County department of community development~~ the Jefferson County department DCD of community development and shall be submitted to ~~the department of community development~~ the department DCD of community development, along with the appropriate fees established under the Jefferson County fee ordinance;

(2) A completed land use permit application form, including all materials required pursuant to Chapter 18.40 JCC;

(3) A sworn certification by the applicant verifying whether the applicant has any interest in any land adjacent to any portion of the subject property; such interest in land may be by reason of ownership, contract for purchase by an agreement or option by any person, family member, firm or corporation in any manner connected with the applicant or the development;

(4) The dimensions and area of each proposed lot, tract or parcel to accurately show that each lot, tract or parcel contains sufficient area to satisfy the minimum requirements of Chapter 18.15 JCC; provided, that the area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the area computations;

(5) Five paper copies of a preliminary short plat meeting the standards of JCC 18.35.110 and 18.35.120;

(6) Where applicable, any special reports or studies required under Chapter 18.45~~22~~ JCC, ~~(Critical Areas Ordinance), prepared in accordance with the requirements of Article VI-K of Chapter 18.15 JCC;~~ (Critical Areas Ordinance);

(7) A preliminary drainage plan prepared in a manner consistent with the requirements of Chapter 18.30 JCC, including any soil test information that may be deemed necessary by the director of the department of public works;

(8) The estimated quantities of any fill to be expected from the site and imported to the site; and

(9) Documentation of water availability and adequacy for each parcel affected sufficient to meet the requirements of JCC 18.30.030. [Ord. 8-06 § 1]

Chapter 18.40

PERMIT APPLICATION AND REVIEW PROCEDURES/SEPA IMPLEMENTATION

18.40.110 Determination of complete application – Additional information and project revision.

(1) Determination of Completeness. Within 28 calendar days after receiving a project permit application the administrator shall mail a determination to the applicant that states either that:

- (a) The application is complete; or
- (b) The application is incomplete and information necessary to make the application complete.

(2) Identification of Other Agencies with Jurisdiction. To the extent known by the county, other agencies with jurisdiction over the project permit application shall be identified in the county's determination of completeness.

(3) Incomplete Application Procedure—~~Appeal~~.

(a) If the applicant receives a determination that the application is incomplete or that additional information is required, the applicant shall have 90 calendar days to submit the necessary information to the administrator, ~~or to appeal the decision to the hearing examiner in accordance with the procedures for Type II projects~~. Within 14 calendar days after the applicant has submitted the additional information, the administrator shall again make the determination described in subsection (2) of this section.

(b) If the applicant refuses to submit additional information, does not request additional time to submit the required information within the 90-calendar-day period, ~~or does not appeal the decision~~, the application will be considered abandoned and therefore withdrawn and the applicant shall forfeit the application fee. ~~The department DCD of community development~~ shall not be responsible for notifying the applicant of an impending expiration.

(4) County's Failure to Provide a Determination of Completeness. A project permit application shall be deemed complete under this section if the administrator does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1) of this section. Notwithstanding a failure to provide a determination of completeness, the administrator may request additional information as provided in subsection (6) of this section.

(5) Date of Acceptance of Application. A project permit application is complete for purposes of this section when it meets the submission requirements in JCC 18.40.100, as well as any additional submission requirements contained in other applicable provisions of this code. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. When the project permit application is determined to be complete, the administrator shall accept it and note the date of acceptance in the project file. Upon providing a determination of completeness, the administrator shall assign the project to a project planner.

(6) Additional Information. The administrator's determination of completeness shall not preclude the administrator from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action.

(a) Any period during which the administrator has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the 120-day time period or other applicable time period set forth in JCC 18.40.300.

(b) The time period for requiring additional information shall be calculated from the date the administrator notifies the applicant of the need for additional information until the earlier of:

- (i) The date the administrator determines whether the information satisfies the request for information; or

(ii) Fourteen calendar days after the date the information has been provided to the administrator.

(7) Effect of Project Permit Application Revisions – Substantial Revisions. If, in the judgment of the administrator, the content of an application is so substantially revised by an applicant, either voluntarily or to conform to applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the administrator shall deem the revised proposal to be a new application.

(a) In reaching a decision whether a revision is substantial, the administrator shall consider the relative (to the application in its initial form) and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.

(b) Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.

(c) Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the administrator's decision.

(d) A determination that any revision is substantial shall result in the time periods mandated by this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations and standards in effect on the date of the determination of completeness of the substantial revision. [Ord. 14-18 § 4 (Exh. B); Ord. 8-06 § 1]

18.40.180 Notice of application – SEPA exempt projects.

A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record hearing is required. A notice of application shall be required for all Type II and Type III projects, regardless of whether such projects are exempt from SEPA. [Ord. 12-19 § 4 (Appx. C); Ord. 8-06 § 1]

Article X. State Environmental Policy Act (SEPA) Implementation

18.40.810 Appeals.

(1) Appeal of a Threshold Determination for a Type I Permit Decision. Threshold determinations on Type I permit decisions may not be appealed administratively to the hearing examiner.

(2) Appeal of a Threshold Determination for Type II Permits – Open Record Hearing. The decision of the responsible official on Type II permits making a threshold determination of a DNS or MDNS, approving a proposal subject to conditions, or denying a proposal under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC 18.40.280, Chapter 2.30 JCC, and the Hearing Examiner rules of Procedure for an open record appeal hearing. Any such appeal must be filed within the time limits of JCC 18.40.330(2)(b), and must be consolidated with any appeal on the underlying Type II permit decision.

(3) Appeal of a Threshold Determination for Type III Permits – Open Record Hearing. The decision of the responsible official on Type III permits making a threshold determination of a DNS, approving a proposal subject to conditions, or denying a project under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC 18.40.280, Chapter 2.30 JCC, and the Hearing Examiner rules of Procedure. The open record public hearing on the SEPA appeal shall be before the hearing examiner, who shall consider the appeal together with the decision on the project application in a single, consolidated hearing as further set forth in Article IV of this chapter.

(4) Appeals of Threshold Determinations for Type V Actions. Threshold determinations of the responsible official on Type V decisions (other than a DS) may not be appealed to the hearing examiner.

(5) Limitations on Appeals for All Types of Permits. When a threshold determination results in a DS it shall not be appealable. In addition, issues relating to the adequacy of the EIS and other procedural issues may not be appealed under this article.

(6) Who May Appeal. An applicant or other party of record, as defined in Chapter 18.10 JCC, may file a SEPA appeal as provided in this article.

(7) Time to Appeal Administrative Decisions. A written statement appealing the threshold determination must be filed within 14 calendar days after the notice of decision is issued.

(8) Form of Appeal. A person or group appealing the decision of the responsible official shall submit a written appeal in the form and manner set forth in Chapter 2.30 JCC and the Hearing Examiner Rules of Procedure.

(9) Scope of Review. The hearing examiner shall affirm, modify or reverse the responsible official's decision, and shall enter findings and/or conclusions into the record to support the decision. In making the decision, the hearing examiner shall give deference to and afford substantial weight to the decision of the responsible official. ~~Review shall be on a de novo basis.~~

(10) Judicial Appeals. Pursuant to RCW 43.21C.075, if there is a time period for appealing the underlying permit decision, appeals under this article shall be commenced within such time period. The county shall give official notice stating the date and place for commencing an appeal.

(a) Optional Limitation Period. If there is no time period for appealing the underlying government action, the county, applicant for or proponent of an action may use a notice of action pursuant to RCW 43.21C.075 and 43.21C.080. The notice shall describe the action and state time limitations for commencing a challenge to that action, in a form substantially similar to that provided in WAC 197-11-990. The notice shall be published by ~~the department~~ DCD, applicant or proponent pursuant to RCW 43.21C.080, and any action to set aside, enjoin, review or otherwise challenge any such governmental action shall be commenced within 21 days from the date of the last newspaper publication of the notice of action, as further set forth in RCW 43.21C.080.

(b) Exemption. This article does not apply to decisions made pursuant to Chapter 90.58 RCW, the Shoreline Management Act. Appeals of SEPA mitigation measures pertaining to projects subject to Chapter 90.58 RCW shall be made to the shoreline hearings board along with the appeal of the county's shoreline decision, as further set forth in Chapter 90.58 RCW. In addition, as an alternative dispute resolution process, any SEPA appeal, whether involving a shoreline issue or not, may be made to the shoreline hearings board upon the consent of the parties to the action, as further set forth in RCW 43.21C.075(7).

(11) Violations and Penalties. The administrator is authorized to enforce the provisions of this article whenever he or she determines that a condition exists in violation of this article or permit issued hereunder. All violations of any provisions of this article, incorporated standard or permit issued pursuant to this article are made subject to the provisions of JCC Title 19, which provides for voluntary correction, notice and orders to correct the violation, stop work, and assessment of civil penalties.

(12) Public Nuisance. All violations of this article are determined to be detrimental to the public health, safety and welfare and are public nuisances, and may be corrected by any reasonable and lawful means, as further set forth in JCC Title 19.

(13) Alternative Remedies. As an alternative to any other judicial or administrative remedy provided in this article or by law or ordinance, any person who willfully or knowingly violates or fails to comply with any stop work order issued pursuant to JCC Title 19 is guilty of a misdemeanor and upon conviction shall be punished as set forth in JCC 19.10.020(2). Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense. [Ord. 9-20 § 2 (Appx. B); Ord. 12-19 § 4 (Appx. C); Ord. 8-06 § 1]

HIGHWAY 20 CORRIDOR MAP



PROVED BY
JEFFERSON C

Richard Shipman
Richard Shipman, Chair
Alice King
Alice King, Secretary

APPROVED BY THE
JEFFERSON COUNTY

B.G. Brown
B.G. Brown, Chairman
Dennison, Member
George C. Brown
George C. Brown, Member



JEFFERSON COUNTY
PLANNING COMMISSION

621 Sheridan Street | Port Townsend, WA 98368
360-379-4450 | email: PlanComm@co.jefferson.wa.us
<http://www.co.jefferson.wa.us/580/Planning-Commission>

TO: Jefferson County Board of Commissioners

FROM: Jefferson County Planning Commission

DATE: November 7, 2023

SUBJECT: Jefferson County Planning Commission's Report and Recommendation for Approval of the 2023 Comprehensive Plan Site-Specific Proposals, Unified Development Code (Title 18 JCC) Omnibus Amendments, and Staff Recommendations for Continued Work on Housing Amendments to the UDC.

The Jefferson County Planning Commission (PC) has conducted its review of the 2023 Docket and forwards this report with recommendations to the Jefferson County Board of Commissioners (BoCC). This report reviews three (3) site-specific zoning proposals and suggested text amendments to the UDC. The Planning Commission is recommending approval of the 2023 Amendment Cycle proposals.

On May 8, 2023, the BoCC established the Final Docket and forwarded the proposals to the Planning Commission for review, public process, and a recommendation. The proposals were on various agendas and discussed in Planning Commission meetings from May through October. On November 1, 2023, the Planning Commission held a duly noticed public hearing to accept testimony regarding the site-specific and suggested text amendments on the Final Docket. One written comment was received from the Washington Geological Survey acknowledging the Mineral Resource Land Overlay (MRLO) proposal and inviting the county to review their online resources to possibly assist with future identification of mineral resources. In the hearing, verbal testimony was received from one member of the public regarding the MRLO, to be protective of wetlands and streams in the area.

As you recall, the MRLO proposal was a carryover project from 2021-2022, was reviewed by the Planning Commission with a public hearing on September 21, 2022, and unanimously recommended for approval through the Planning Commission's correspondence to the BoCC on October 17, 2022 (attached to this report). To prevent amending the comprehensive plan more often than once per year (pursuant to Ch.36.70A RCW, Growth Management Act), the proposal was added to the 2023 annual amendment cycle for the Board's final action.

We submit to you the following recommendations regarding site-specific and suggested text amendments on the 2023 Final Docket:

2023 Comprehensive Plan and UDC Amendment Docket Summary of Planning Commission Recommendations

#	Application Number	Applicant/PARCEL NUMBER	General Description of Proposal	Planning Commission Recommendation
1	ZON2021-00019	701011001 701021002 701121001 701111001	Mineral Resource Land Overlay Designation	Approve
2	ZON2023-00004	901101005	Gifford-Yep Rezone RR20 to RR5	Approve
3	ZON2023-00006	702133028, 702133029	Midori Farm Rezone RR5 to Agriculture	Approve
4	(No Case #) Planning Commission Housing Amendments	Countywide	Congregate Housing, Single-Parcel Cluster Development	Continue UDC amendments into 2024 and the Periodic Update
5	(No Case #) Community Development UDC Omnibus	Countywide	Omnibus Housekeeping Amendments	Approve

Planning Commission Findings for 2023 Suggested Text Amendments

The Planning Commission voted unanimously recommending approval of the amendment proposals and adopt the findings of the Staff Report as the Planning Commission findings.

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. Planning Commission findings, conclusions, and recommendation follow.

1. Mineral Resource Land Overlay—Miles Sand and Gravel

Cumulative Impact Analysis – MLA2021-00019: Miles Sand & Gravel	
UDC/JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The existing MRLO area has undergone extraction under Conditional Use Permits. As the resource is followed, additional area needs to be added to the overlay. Extraction in these new MRLO areas will be reviewed under a new Conditional Use Permit.

Jefferson County Planning Commission Recommendations on Final Docket
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<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.
<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 include any additional traffic than currently occurs. The proposal does not affect any County roads.
<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 during the project phase.
<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 could have an effect on future use of the parcel for forestry, though land at this site already reclaimed is shown to support reforestation.
	The proposal is not within a UGA.

<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>	
<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.

Assessment of Long-Term Commercial Significance of Mineral Resources	
UDC/JCC Criteria (JCC 18.15.170)	Staff Evaluation
<i>Has a known or potential extractable resource in commercial quantities been verified by submittal of a geologic and economic report prepared by a qualified professional?</i>	Yes. A geologic report has been submitted.
<i>Is the parcel is a minimum of 10 acres in size?</i>	Yes. The proposed overlay encompasses approximately 200 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 underlying zone is Commercial Forest (CF-80). The existing and future permissible density of all areas within the proposed MRL Overlay is one dwelling unit per eighty acres.
<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.

<i>Is the proposed MRL Overlay outside of regulated wetland or fish and wildlife habitat areas pursuant to Chapter 1.22 JCC?</i>	No. There are regulated wetlands and fish-bearing streams on the proposed MRLO and are proposed to be avoided or mitigated in the project phase.
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2. Gifford-Yep Rezone RR20 to RR5.

3. Cumulative Impact Analysis – ZON2023-00004 (Gifford-Yep)	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The circumstances related to the area have 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. Generally, the planning assumptions in the Comprehensive Plan are still valid.
<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 2018 Comprehensive Plan update provides a relatively recent opportunity to reassess countywide attitudes. The proposal is consistent with the Comprehensive Plan.
<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 is not expected to 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>	Rural residential densities allow for an adequate supply of appropriately zoned land based upon the County's rural population projections and needs. The rezone is adjacent to similar densities and will not change rural character. The location of the proposal is near rural amenities (HJ Carrol Park), rural commercial zones, and is served by adequate rural infrastructure.

Jefferson County Planning Commission Recommendations on Final Docket
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<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. Applicants have proposed a future short subdivision, which will be required to have a shared driveway, entering Anderson Lake Road, for the two additional lots that could be created.
<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 and east are zoned at a higher density, RR 1:5. The west side of the parcel is adjacent to a similarly zoned (RR1:20) area but is a more densely developed, grandfathered, housing development (the Evergreen Coho "SKP" Park on Anderson Lake Road. Three parcels abutting to the north are zoned RR1:20 but are about 1, 5, and 6 acres in size. The change in residential density could potentially create pressure to up-zone parcels under similar circumstances at a County-wide level, but each circumstance would be evaluated individually. 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>	This particular site-specific amendment does not materially affect land use or population growth projections. Care should be taken to prevent possible cumulative effect with future actions.
<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 property is located about ¼ mile from the south boundary of the Port Hadlock/Irondale Urban Growth Area (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</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" (RCW

<i>policies or agreements, and any other local, state or federal laws</i>	36.70A.020(1, 2, & 9)). The GMA also requires the County to contain or otherwise control rural development (RCW 36.70A.070(5)(c)(i)) and through the Comprehensive Plan "provide sufficient capacity of land suitable for development...to accommodate the allocated housing and employment growth...and consistent with the twenty-year population forecast..." (36.70A.115). Given that there are similarly-situated parcels and the availability of public services, it is presumed that the proposal is consistent with the GMA and other applicable laws and regulations.
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3. Midori Farm, Change from RR5 to AL-20

3. Cumulative Impact Analysis – ZON2023-00006 (Midori Farm)	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	The circumstances related to the area have not changed substantially since the adoption of the Comprehensive Plan. The subject residential-zoned parcels have already been in agriculture use.
<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. Retaining the subject parcels for future residential use is not critically important.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The Comprehensive Plan encourages agricultural uses.
<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 proposal is consistent with 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>	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>	The subject parcels are physically suitable for the requested land use designation.
<i>The proposed site-specific amendment will not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the county as a whole</i>	The agriculture use is well situated in this area and is in proximity to other agricultural uses.
<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>	This particular site-specific amendment does not materially affect land use or 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 parcels are not within an urban growth area.
<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 protect agriculture where it is appropriate.

4. Planning Commission Housing Amendments

The Planning Commission and Department of Community Development have made progress on this proposal but have not completed the analysis. No line-in/line-out text is available at this time. The Planning Commission and Community Development provide the following recommendations to continue work into the 2024 amendment cycle, including additional housing work for the 2025 Comprehensive Plan Periodic Review.

Recommendations for Planning Commission Housing Amendments

1. Continue development of housing amendment proposals in the 2024.
2. Clarify what types of housing can currently be done pursuant to the UDC, through additional public information materials.
3. Facilitate development of housing using Stock Plans to lower costs.
4. Review ADU requirements within the UGA and in rural residential zones.
5. Review LAMIRDs for infill capacity and public services availability.
6. Integrate applicable legislative changes regarding housing into the Comprehensive Plan and UDC

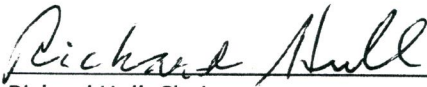
5. Community Development Proposed UDC Omnibus Housekeeping Amendments

The twelve (12) proposed UDC amendments are summarized in a separate document. The Planning Commission has reviewed these amendment proposals, some of them since 2017 during the development of the 2018 Comprehensive Plan Periodic Review, and recommend adopting the twelve proposed amendments. The following findings are made because the amendments are not site-specific.

Cumulative Impact Analysis – UDC Amendments	
JCC Growth Management Indicators	Staff Evaluation
<i>Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Comprehensive Plan</i>	County circumstances related to the amendments 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>	Assumptions of the Comprehensive Plan are still valid, and the proposals implement the Goals & Policies.
<i>Whether the proposed amendment reflects current widely held values of the residents of Jefferson County residents</i>	The amendments implement Comprehensive Plan Goals & Policies, following widely held values of county residents.

Jefferson County Planning Commission Recommendations on Final Docket
2023 Comprehensive Plan & Unified Development Code Annual Amendment Cycle

Thank you for your consideration of the Planning Commission recommendations.


Richard Hull, Chair

11/7/2023
Date



JEFFERSON COUNTY
PLANNING COMMISSION

621 Sheridan Street | Port Townsend, WA 98368
360-379-4450 | email: PlanComm@co.jefferson.wa.us
<http://www.co.jefferson.wa.us/580/Planning-Commission>

October 17, 2022

Jefferson County Board of Commissioners
P.O. Box 1220
Port Townsend, WA 98368

The Jefferson County Planning Commission is pleased to forward the following findings and recommendations regarding Miles Sand & Gravel's proposed Mineral Resource Land Overlay (MRLO) amendment to the Comprehensive Plan. We provide these recommendations for consideration in your final deliberations regarding the proposed amendment.

The project proposal was received by DCD from Miles Sand & Gravel in 2021, and due to staffing workload, was deferred to the 2022 comprehensive Plan amendment cycle. The proposal is to designate 200 additional acres adjacent to the existing 165-acre MRLO at the Wahl Lake Extraction Area.

Community Development introduced the proposal to the Planning Commission April, 2022, and has reviewed the proposal in subsequent meetings since that time. The Planning Commission held a duly noticed public hearing on the proposal on September 21, 2022. On October 5, 2022, the Planning Commission deliberated and voted unanimously to approve the proposed MRLO (vote 9-0-0). We provide our findings below and conclude with the Planning Commission recommendations.

Required Findings for All Proposed Amendments--18.45.080(1)(b)

Planning Commission Review. All proposed amendments on the final docket shall be reviewed and assessed by the planning commission, which shall make a recommendation to the Board of County Commissioners after holding at least one open record public hearing.

Required Findings – Generally. For all proposed amendments, the planning commission shall develop findings and conclusions and a recommendation which consider the growth management indicators set forth in JCC 18.45.050(4)(b)(i) through (4)(b)(vii), as well as the following:

(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 Jefferson County Comprehensive Plan;

Planning Commission Finding: The circumstances have not changed since the 2018 Comprehensive Plan periodic review.

(ii) Whether the assumptions upon which the Jefferson County 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 of the Jefferson County Comprehensive Plan; and

Planning Commission Finding: The assumptions of the Comprehensive plan are still valid.

(iii) Whether the proposed amendment reflects current widely held values of the residents of Jefferson County.

Planning Commission Finding: The need for Sand and Gravel is recognized by the Jefferson County Comprehensive Plan, and also by the Growth Management Act that shapes it.

18.45.080(1)(c) Additional Required Findings – Formal Site-Specific Amendments.

In addition to the required findings set forth in subsection (1)(b) of this section, in order to recommend approval of a formal site-specific proposal to amend the Comprehensive Plan, the planning commission must also make the following findings:

(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 (e.g., sheriff, fire and emergency medical services, parks, fire flow, and general governmental services);

Planning Commission Finding: No impact to level of service to transportation facilities or impacts to other services

(ii) The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County Comprehensive Plan;

Planning Commission Finding: There are no material inconsistencies between the Comprehensive Plan, Growth Management Act, and Countywide Planning Policy.

(iii) 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;

Planning Commission Finding: The project does not create any unmitigated impacts to the environment, transportation network, capital facilities, utilities, and parks.

(iv) 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, the following:

(A) Access;

Planning Commission Finding regarding Access: See Map Exhibit CI. Access is from SR-104. This is the access for existing mineral resource extraction facilities on Wahl Lake Rd. and adequately serves the proposal.

(B) Provision of utilities;

Planning Commission Finding: Provision of utilities: necessary utilities will be evaluated further at the project-specific level under a Conditional Use Permit.

(C) Compatibility with existing and planned surrounding land uses;

Planning Commission Finding: The existing zoning is CF-80 (commercial forestry); the proposed MRL zoning overlay designation will be on CF-80 zoned land, and the underlying land use will remain forestry as mineral extraction activities occur. After reclamation and replanting, the property will revert back to forestry. All property abutting the proposed MRL overlay is also forestry use.

(v) 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;

Planning Commission Finding: The current zoning overlay is appropriate for mineral resources, and the underlying Commercial Forest zoning will be preserved. This is compatible with the surrounding land uses of the Wahl Lake Extraction Area.

(vi) The proposed site-specific amendment does not materially affect the land use and population growth projections that are the bases of the Comprehensive Plan;

Planning Commission Finding: The proposal includes mitigation during the extraction process, so that the disturbed area remains at a relatively constant size, with concurrent reclamation activities. The proposal does not affect population growth estimates.

(vii) If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA;

Planning Commission Finding: Not Applicable.

(viii) The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the County-Wide Planning Policy for Jefferson County, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws.

Planning Commission Finding: The proposal is consistent with these plans and policies.

18.45.050(4)(b) Additional Findings

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

Planning Commission Finding: OFM growth rate is ca.1% countywide. This is consistent with the Comprehensive Plan.

(ii) Whether the capacity of the county to provide adequate services has diminished or increased;

Planning Commission Finding: With the Port Hadlock/Irondale UGA and wastewater facility, the County will be increasing its ability to provide services for growth and development. The nexus with this project is an increased demand for aggregate for construction.

(iii) Whether sufficient urban land is designated and zoned to meet projected demand and need;

Planning Commission Finding: The Comprehensive Plan demonstrates that there is sufficient land zoned to meet projected demand.

(iv) Whether any of the assumptions upon which the plan is based are no longer found to be valid;

Planning Commission Finding: The assumptions in the Comprehensive Plan are still relevant and valid.

(v) Whether changes in county-wide attitudes necessitate amendments to the goals of the plan and the basic values embodied within the Comprehensive Plan Vision Statement;

Planning Commission Finding: Jefferson County is known for high quality mineral resources. Additional mineral resource area identification and overlays would be appropriate as noted in the Comprehensive Plan.

(vi) Whether changes in circumstances dictate a need for amendments;

Planning Commission Finding: Supply of sand and gravel may be important locally in Jefferson County. There have been supply-chain issues associated with the Covid-19 Pandemic and building materials supply have been affected.

(vii) Whether inconsistencies exist between the Comprehensive Plan and the GMA or the Comprehensive Plan and the County-wide Planning Policy for Jefferson County.

Planning Commission Finding: There are no material inconsistencies between the Comprehensive Plan, Growth Management Act, and Countywide Planning Policy.

18.45.080(1)(d) Recommendation

The planning commission's findings and conclusions shall include a recommendation to the board of county commissioners that the proposed amendment(s) be denied, approved, or approved with conditions or modifications.

Recommendations:

1. The Jefferson County Planning Commission unanimously recommends approval of the 200-acre Mineral Resource Land Overlay proposal by Miles Sand & Gravel.

2. The Planning Commission finds that Miles Sand & Gravel has shown a great deal of expertise and success with mine reclamation and have been accommodating and responsive to the Tribe's environmental concerns outlined in the Tribes comment letters on the zoning proposal. The Planning Commission encourages the Board of County Commissioners to respectfully take into consideration Tribal concerns during your deliberation.

Although specific conditions would be added to a conditional use permit for actual mining activities subsequent to this zoning approval, the Planning Commission would like the Board to consider including conditions of approval in your zoning decision. (Tribal comment letters are provided). The Planning Commission recommends the following conditions:

- a. The applicant shall monitor water quality parameters to identify and correct any sediment entering Thorndyke Creek from mining or transfer of mined materials.
 - b. The applicant shall monitor water quality parameters to identify and correct negative changes to wetlands due to changes in soil horizon depth.
 - c. The applicant shall correct any fish-passage barriers within future mining project areas.
3. Additionally, the Planning Commission recommends that the Board provide future resources for Community Development do additional work inventorying and zoning mineral resources county-wide to update the Comprehensive Plan.



Richard Hull, Chair
Jefferson County Planning Commission

HIGHWAY 20 CORRIDOR POLICIES

The Highway 20 corridor is the major transportation link between Port Townsend, the county seat, and the unincorporated portions of the county. As the gateway to Port Townsend, Highway 20 is well traveled by local residents, commercial haulers, and visitors alike. The corridor is part of the national scenic highway system. It is locally referred to as "Rhododendron Drive" due to the abundance of the state flower found in the corridor.

The corridor area is utilized by a mixture of residential, commercial, and industrial uses. A greater portion of the area is undeveloped.

Pressure for strip development along this corridor is increasing as some business activities find this area a desirable place to locate. This pattern of development is contrary to the stated goals and policies of the Jefferson County Comprehensive Plan. Residential development adjacent to Highway 20 within the corridor appears to be unlikely.

Efforts have been made to accommodate commercial and industrial activities within the corridor over the past several years. The Glen Cove Industrial area with its frontage road (Otto Street), dedicated buffer, controlled access, and water utility provisions is the primary example.

The following policies provide for the continued development of the Highway 20 corridor for residential, commercial, and industrial uses. The goal of these policies is to allow business expansion while protecting the utility, safety, and aesthetics of the highway corridor. Uses that do not depend on unobstructed visual access or direct frontage access to Highway 20 are most suited in this corridor.

A mixture of residential, commercial, and light and heavy industry will continue to locate in this area; however, heavy industry should be limited to the eastern side of Highway 20 and south of the railroad right-of-way. Small business parks, planned commercial and industrial parks, light manufacturing, bulk storage facilities, warehousing, and other services not directly dependent on the retail market are appropriate activities in this area. However, businesses primarily dependent on retail trade, such as convenience good stores, fast food outlets, or similar commercial establishments, are more suited for and should locate in areas designated as "commercial" in the Jefferson County Comprehensive Plan or applicable community development plan.

DEFINITIONS

The following definitions shall apply for the purpose of the implementation of these policies:

1. **HIGHWAY 20 CORRIDOR:** That area described as Tax 1, 2, 3, 4, 5, 6, 21, and 22, and the Santa Barbara Addition and Blocks 1, 2, 4, 5, and 8 of Denny's Second Addition (excluding the portion east of the City of Port Townsend waterline easement and the Port Townsend Paper Mill utility corridor), all within Section 16, Township 30 North, Range 1 West, WM and that area lying within the Southwest Quarter of Section 16 south of the railroad right-of-way; the Northwest Quarter of Section 21; and those portions of the plats of the Eisenbeis Bayview Addition of the Phillips Bayview Additions to the City of Port Townsend located in the Southeast Quarter of Section 17, all within Township 30 North, Range 1 West, WM (depicted on the "Highway 20 Corridor Map").
2. **COMMERCIAL USES:** Commercial uses are those that provide goods, merchandise, or services for compensation through retail and wholesale outlets, including but not limited to retail shopping, commercial recreation, and business and professional services.
3. **INDUSTRIAL USES:** Industrial uses are those involved in the commercial production, processing, manufacturing, fabrication, or assembly of goods or materials. The warehousing, storage, and shipment of products and materials are included in this definition. Due to the wide variety of industrial activities and the range of possible impacts, industry is further defined as light and heavy.

Light industries are those activities that meet all of the following criteria:

- a. Activities that are wholly contained (excluding display) in a structure or combination of structures not exceeding 10,000 square feet.
- b. Activities that utilize five (5) acres or less of land for on-site requirements.
- c. Activities that do not produce noise, traffic, smoke, dust, odors, vibration, heat, light, particulate, or electromagnetic energy to a greater intensity than normally associated with commercial activities.
- d. Activities that have outside storage not exceeding the square footage of building coverage.

Examples of light industry include but are not limited to manufacturing facilities, assembly and fabricating plants, and warehouse centers.

Heavy industry is defined as all other industrial activities or those deemed as such during administrative review. Examples include but are not limited to wood processing facilities, rock crushers, pulp and paper mills, and bulk storage of petroleum products.

POLICIES

The following policies provide for limited access, buffers, frontage roads, and the like, and are intended to protect and maintain the visual and functional integrity of the Highway 20 corridor while accommodating the continued expansion of the business community. All residential activities are encouraged to develop in accordance with these policies, however, single family homes are considered exempt.

1. ACCESSES:

- a. Access onto Highway 20 should be limited to the following rights-of-way or points of entrance:

East of Highway 20: Old Fort Townsend Road, Seton Road, Frederick Avenue, and Glen Cove Road.

West of Highway 20: Frederick Avenue, Thomas Street, and yet to be established accesses to intersect (as close as practicable) with Old Fort Townsend and Seton Roads.

- b. Left turn lanes and acceleration and deceleration lanes should be developed on the highway at these access points as necessary for the efficient and safe flow of traffic.

2. SERVICE ROADS:

- a. Access to properties should be provided through the extension and development of service roads. The platted rights-of-way of Otto Street and Louisa Street should be developed for this purpose. These rights-of-way should be extended in a southerly direction to intersect with Old Fort Townsend Road east of Highway 20 and the Old Fort Townsend Road extension west of Highway 20, or in such a manner that a comparable lopped roadway system is developed.
- b. A roadway access under the existing railroad bridge, utilizing the abandoned railroad right-of-way, should be created.

3. UTILITY CORRIDORS: The existing Jefferson County Public Utility District #1 water line should be extended to provide for a looped system along Otto Street, Louisa Street, and Old Fort Townsend Road (east and west of Highway 20). Other major utilities should use the same corridors whenever practicable.
4. BUFFERS: A thirty foot wide buffer is incorporated in the corridor. This buffer is to adjoin the Highway 20 right-of-way and the inside boundary of the corridor's perimeter where the perimeter adjoins a dissimilar land use designation. This buffer will require planting and/or maintenance in order to screen development from the view of the traveling public and those properties lying outside of the corridor area. The intent of this policy is to create, within six years of site development, a buffer that will provide a practical visual obstruction. further, the intent of this policy is to enhance and maintain the existing natural appearance of the highway corridor.

Affected properties will need to incorporate and present as an element of their development plans a written and graphic proposal to accomplish this policy. No vegetation should be removed from the buffer area until specific development plans and planting schedules are approved.

The following provisions are to implement this policy:

- a. A thirty (3) foot buffer is to be located adjoining the Highway 20 right-of-way and the interior boundary of the corridor area.
- b. The buffer is to be maintained and, if necessary, supplemented with native plant material consisting of compact evergreen plants and trees. Native rhododendrons growing in the buffer area should be retained. Additional plantings of native rhododendrons are encouraged.
- c. The buffer and plantings will, for all practical purposes, prevent the visual inspection of facilities located behind the buffer. This visually obscuring effect is to be accomplished within six (6) years from the date of occupancy of the building or development for which the buffer is established.
- d. The buffer vegetation is to be permanently maintained and, if necessary, replaced or supplemented to ensure compliance with the intent of this policy.
- e. Vegetation within the highway right-of-way should not be used to determine buffer density.
- f. In lieu of supplementing or establishing a thirty (3) foot buffer, applicants may retain the services of a registered landscape architect or other similar licensed professional to prepare a buffer/screening plan, supervise its implementation, and certify its completion. Said plan through the use of native vegetation, planted earth berm, or similar natural adaptations may utilize whatever buffer width is necessary to accomplish the buffer/screening policy consistent with the intent of this policy and Provision C above.

The specific plans for implementation of this policy will be evaluated and approved during project review. Property owners may chose to dedicate the buffer area to Jefferson County. Such dedications may be accepted by the board of county commissioners on a case by case basis. Additionally, this buffer is considered "open space" pursuant to the Open Space Taxation Act, RCW 84.34; therefore, the buffer is eligible for the beneficial tax assessment established under the act.

5. **SETBACKS:** The minimum setback for a commercial or industrial structure, including any accessory building or structure, should be fifty (50) feet from the Highway 20 right-of-way.
6. **OUTSIDE STORAGE:** Outside storage of equipment and materials should be screened from Highway 20 and those areas located outside of the corridor designation.
7. **DRAINAGE:** On-site surface drainage controls should be developed in accordance with the Jefferson County Public Works Department and Washington State Department of Transportation standards and should incorporate pollution control devices when required during project review.
8. **SIGNS:** The following policies apply to all signs within the Highway 20 corridor, except signs approved in accordance with Washington State Department of Transportation motorist information signing.
 - a. Signs must be setback behind the buffer area for properties fronting on Highway 20.
 - b. No off-premise signs should be permitted, except for standardized public signs and multi-tenant signs as defined below. All other signs must be located on the premise of the business to which the sign relates. Signs placed between the buildings and the Highway 20 right-of-way should not be illuminated.
 - c. Multi-tenant access road signs:
 - (1) One double-faced, multi-tenant sign not to exceed twenty feet in height may be placed at each of the designated roads providing access onto Highway 20. These signs should identify the businesses between each intersection in a uniformly designed fashion. Such signs may be indirectly lit only. The use of such signs should be limited to businesses desiring identification and are not to be used for product advertisement.
 - (2) The multi-tenant signs should be located and constructed in such a manner that clear visibility and readability for the traveling public is accomplished. Such signs may be located on county right-of-way with the approval of the Jefferson County Public Works Department.

- (3) Each business may use a maximum of four square feet on each face of the multi-tenant sign or individual businesses may use up to eight square feet provided such individual signs do not exceed one foot in height.

9. PARKING: Parking lots should be setback behind the buffer area.

APPROVAL

APPROVED by the JEFFERSON COUNTY BOARD OF COMMISSIONERS this 21st
day of June, 1988.

B.G. Brown
B.G. Brown, Chairman

Seal:

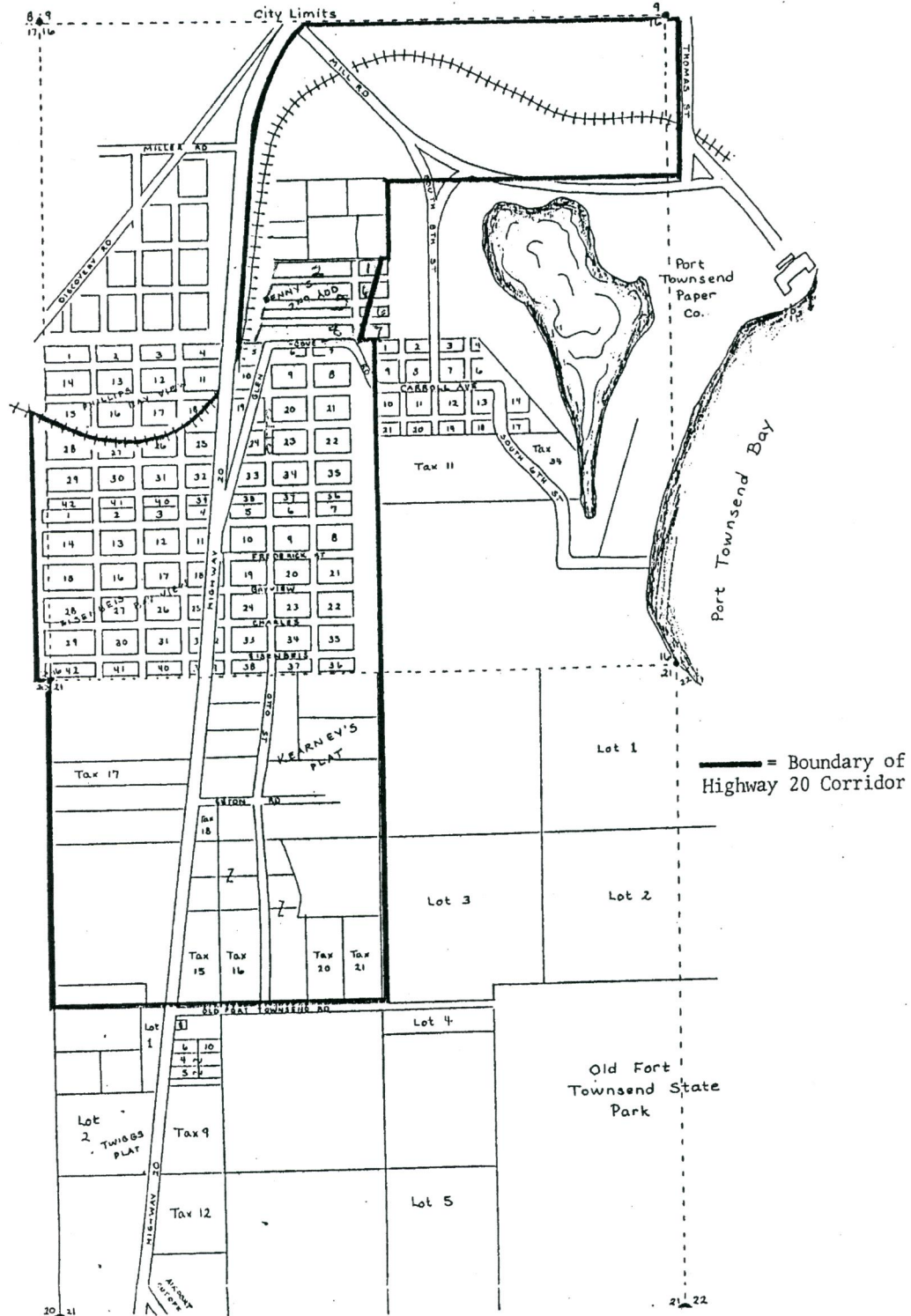
Larry W. Dennison, Member

Attest:

Jerdine C. Bragg
Jerdine C. Bragg
Clerk of the Board

George C. Brown
George Brown, Member

HIGHWAY 20 CORRIDOR MAP



APPROVED BY THE
JEFFERSON COUNTY PLANNING COMMISSION

Richard Shipman
Richard Shipman, Chairman
Alice King
Alice King, Secretary

APPROVED BY THE
JEFFERSON COUNTY BOARD OF COMMISSIONERS

B.G. Brown
B.G. Brown, Chairman
Larry W. Dennison
Larry W. Dennison, Member
George C. Brown
George C. Brown, Member