

BEFORE THE DIRECTOR OF COMMUNITY DEVELOPMENT
OF JEFFERSON COUNTY

RE: Request for Administrative Interpretation

File No.: PRE98-0052
Applicant: Chuck Finnila
Representative: Tillman Engineering
Property Description: Sections 15 & 22, T25N, R2W

A pre-application consultation was held on January 12, 1999, at which time, a number of planning issues pertaining to the siting of a 222-acre golf-course/residential complex south of Black Point Road were discussed. The proponent requested by letter dated January 19, 1999 that the County provide further information regarding these issues. Following is the administrative response to the requests as discussed at the pre-application meeting and contained in the aforementioned letter.

1. Land Use/Zoning Designation

- A. The use "golf course" is not an outright permitted use.
- B. Residential use is not considered an appurtenant feature to the use "golf course".
- C. The appropriate density designation for this specific site is a legislative act and therefore cannot be determined by the Director. The appropriate procedure for this decision is detailed in the analysis.
- D. The Best Management Practices requirements for construction of golf courses, as referenced in the Jefferson County Interim Critical Areas Ordinance, it is not an administrative decision. The Director can not update the Jefferson County ordinance by adopting King County's amended version. The appropriate procedure for this decision is detailed in the analysis.

These four interpretations are based on the detailed analysis provided below.

- A. The Jefferson County Comprehensive Plan identifies a number of areas throughout the County as "Parks, Preserves and Recreation".

Staff does not concur with the applicant's interpretation that Recreation Area is an 'overlay district', as Recreation Area is identified as a primary use designation in the Comprehensive Plan map with no other additional designations assigned.

The subject property contains approximately 180 acres of land zoned as Parks Preserve and Recreation and approximately 40 acres of lands zoned as R-20 (1 residence per 20 acres).

The proponent states that "*in the event that a comprehensive plan has been adopted under the planning provisions of RCW 36.70A, yet an implementing development regulation has not been adopted, project review defaults to the comprehensive plan.*"

LOG ITEM
13

Staff maintains that there are provisions for development regulations for the proposed golf course under current Jefferson County implementing ordinances. Specifically, the Jefferson County Emergency Interim Controls Ordinance and Zoning Ordinance both contain language which are applicable to the proposal.

Section 13 Use Tables of the EICO does not indicate what uses are allowed in lands with the zoning district Parks Preserve and Recreation. However, **Section 13 Use Tables** does state that a 'golf course' requires a conditional use permit in residential zones (R-5, R-10, & R-20). Furthermore, 'golf course' is prohibited in all other districts listed, and is not permitted outright in any listed districts. Section 13 states that "*uses shall be strictly interpreted*".

The **Jefferson County Zoning Code, as amended** (Ordinance 09-0801-94) defines Conditional Use as:

"a use that would not be permitted outright generally or without restriction throughout a zoning district but which, if condition as to number, area, location or relation to the surrounding uses, would not be detrimental to public health, safety, or general welfare".

The surrounding properties adjacent to the subject property are zoned R-20 and R-5, respectively. The zoning administrator has determined that the proposed development of a golf course on the subject property is *similar to a listed use* (Conditional Use in R-5 and R-20) and therefore requires a Conditional Use Permit.

B. The Jefferson County EICO section 3.10 states that "*the county is divided into general land use districts or zones...*". Residential use of a property is allowed in zoning districts designated as rural residential (RR).

The **Jefferson County Zoning Code** defines a Recreational Facility as "*any development designed and intended for day use or overnight recreational uses...including amusement parks, picnic areas, and campgrounds.*"

The term recreational facilities do not include provisions for residential use. An appurtenant use is considered an accessory use to a primary use. The applicant proposes that maintenance personnel may live in residential units associated with a golf course, and therefore residential use of the site is an accessory use. The proposal, however, includes provisions for up to 20 large lot tracts, each to have an individually owned single family residence. Such a use is considered residential use (Rural Residential RR-10) under the Jefferson County Zoning and EICO codes, and this type of residential use is not considered an appurtenant use to the zoning district Recreation Area.

C. As stated at the pre-application meeting, the applicant may petition the Board of County Commissioners for a map correction of the Comprehensive Plan. Determination of the residential density as R-5, R-10, or R-20 cannot be made unless the designation of the land in question is corrected from the designated Recreation Lands to a Rural Residential zone. The subject property was previously zoned as RR-10 under the Interim Growth Strategy Ordinance, and is currently zoned as Recreation Lands with a portion zoned as RR-20 under the Comprehensive Plan (see attached maps). By submitting a map correction request to the B.O.C.C., the applicant may question the basis upon which the County changed the instant properties designation from Residential to Parks, Preserves, and Recreation. The B.O.C.C. may grant a map correction if the applicant can demonstrate the change was made in error or based on

inaccurate information. Should the Board of County Commissioners approve the Comprehensive Plan map correction, zoning the subject property as residential, the applicant could then submit an application for a Conditional Use Permit for the golf course and a subdivision application for the proposed residential lots. Enclosed is an application packet for Amendments to the Jefferson County Comprehensive Plan and Correction to the Comprehensive Plan land use map.

If the map correction request is denied by the B.O.C.C., the application will be docketed and considered during the annual Comprehensive Plan review.

D. The Jefferson County Interim Critical Areas Ordinance (JCICAO) **section 4.2** allows the Critical Areas Administrator to construe or interpret vague or incomplete terms within the ordinance. The language contained in the JCICAO **section 7.503 Golf Courses and other turf cultivation** clearly states that the "Best Management Practices for Golf Course Development and Operation", King County DDES, 1993 shall be followed in development of golf courses in Jefferson County. The language is not vague or incomplete in terms, and therefore does not require interpretation by the Critical Areas Administrator. The proposed change to the JCICAO is considered an amendment. An amendment to the Jefferson County Interim Critical Areas Ordinance (JCICAO) is considered a legislative action and as such, requires review and recommendations from the Jefferson County Planning Commission to the Jefferson County Board of County Commissioners for final review and approval.

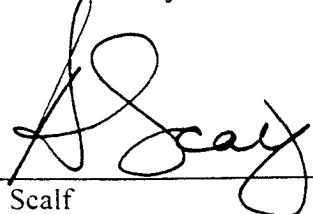
2. Appeal

Any person may file a written appeal with the Director within ten (10) working days of the date of the interpretation. Parts "C" and "D" of this decision can not be appealed through this process as neither is deemed decisions delegated to The Director. The written appeal must set forth:

1. Facts demonstrating how the Appellant is adversely affected by the decision; and
2. An explanation or documentation in support of an interpretation proposed by the requesting party that is contrary to the Director's interpretation.

Following receipt of a notice of appeal and payment of the appropriate fee, the Hearing Examiner shall conduct an open record appeal hearing.

Dated this 1st day of February 1999.




Al Scalf
Director of Community Development

BRINNON


DOGSWALLIPS
STATE PARK

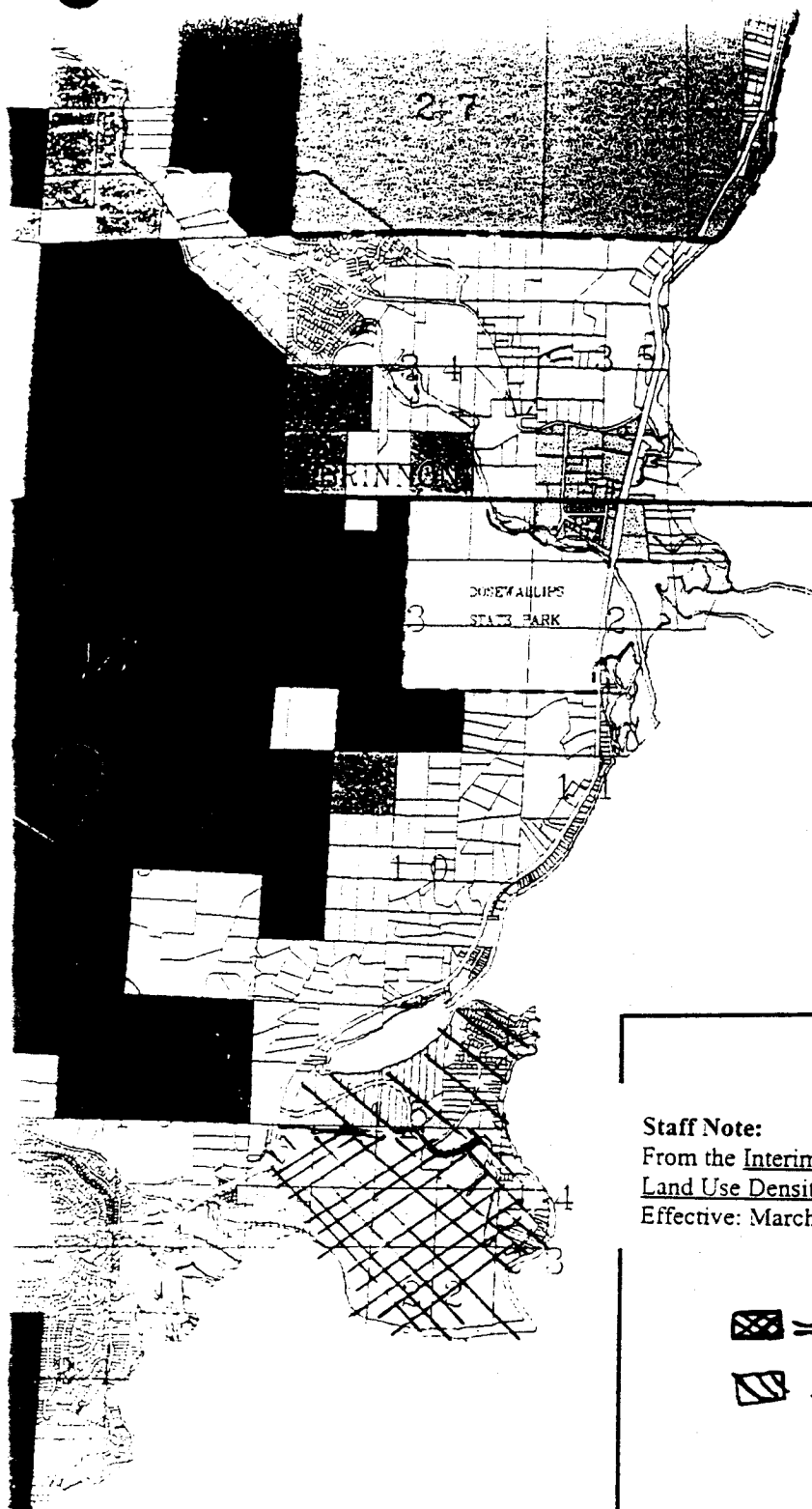
Staff Note:
From the Rural & Natural Resource Land Use & Zone Designations
Land Use Density Map
Effective: August 28, 1998

 = Private Preserves & Recreation

 = RR 1:20

 = RR 1:5

 = Boundary of Proposed Project



Staff Note:
 From the Interim Growth Strategy Ordinance
Land Use Density Map
 Effective: March 7, 1997 - August 28, 1998

▣ = RR 1:10

▤ = RR 1:5

PUBLISH 1 TIME: February 10, 1999

BILL: JEFFERSON COUNTY Permit Center, Development Review Division
621 Sheridan, Port Townsend, WA 98368

Per the **Jefferson County Procedures and Criteria Land Use Regulations Ordinance** an applicant may request in writing an interpretation of any provision of Jefferson County's land use regulations. On January 19, 1999 Tillman Engineering, representative of proponent Chuck Finnilla, requested a Code Interpretation from the Jefferson County Director of Community Development (herein the Director).

RE: File No.: PRE98-0052

Property Description: Approximately 220-acres located south of Black Point Road in Brinnon, WA; legally described as a portion of Sections 15 & 22, Township 25N, Range 02W.

The proponent has stated the following:

- A. The use "golf course" with appurtenant features be [considered] an outright permitted use.
- B. Appurtenant features of the use "golf course" include "large-lot residential/"low-density residential" use.
- C. Large-lot residential density is appropriate at a one residence per 10 acres for this specific site.

In addition the proponent has requested the Director to adopt and implement *Core Requirement #8: Water Quality of the King County Surface Water Design Manual* for development requirements of a golf course within a designated Susceptible Critical Aquifer Recharge Area. Currently Section 7.503 of the Jefferson County Interim Critical Areas Ordinance (Ordinance #14-0626-95) requires that *Best Management Practices for Golf Course Development and Operation, King County DDES, 1993* be followed.

On February 1, 1999, the Director issued an Administrative Code Interpretation as described below.

- A. Development of a golf course at the subject site requires a Conditional Use Permit.
- B. Residential use of a property is allowed in zoning districts Rural Residential. The site is currently zoned as Parks, Preserves and Recreation. A Recreation Area is identified as a primary use designation in the Comprehensive Plan map with no other additional designations assigned. An appurtenant use is considered an accessory use to a primary use. The proposal includes provisions for up to 20 large lot residential tracts. It is determined that the proposed residential use is not considered an appurtenant use to the zoning district Recreation Area.
- C. A density determination of one single family resident per 10 acres at the subject property is a legislative action, not an administrative decision. The zoning designation of Rural Residential with an appropriate density of the subject property may be proposed as either a Comprehensive Plan map correction or a Comprehensive Plan amendment.

LOG ITEM

14

D. A change in requirements under section 7.503 of the Jefferson County Interim Critical Areas Ordinance (JCIAO) is considered an amendment. An amendment to the JCICAO is a legislative action and as such, requires review and recommendations from the Jefferson County Planning Commission to the Jefferson County Board of County Commissioners for final review and approval.

This interpretation was made based on Jefferson County land use codes including The Comprehensive Plan and the following ordinances: #04-0828-98; #05-0828-98; #08-1123-98; #09-0801-94, as amended; and #05-0509-94, as amended.

Any appeal of this Code Interpretation must be filed within ten (10) working days of its publication. Requirements for the content of an appeal request can be obtained at the Jefferson County Permit Center Development Review Division, 621 Sheridan, Port Townsend, WA 98368, (360) 379-4450. Appeals must be properly filed before 4:30 p.m. February 24, 1999 to be considered by the Jefferson County Hearing Examiner.

NOTICE OF DECISION

Per the **Jefferson County Procedures and Criteria Land Use Regulations Ordinance** an applicant may request in writing an interpretation of any provision of Jefferson County's land use regulations. On January 19, 1999 Tillman Engineering, representative of proponent Chuck Finnilla, requested a Code Interpretation from the Jefferson County Director of Community Development (herein the Director). RE: File No.: PRE98-0052

Property Description: Approximately 220-acres located south of Black Point Road in Brinnon, WA; legally described as a portion of Sections 15 & 22, Township 25N, Range 02W.

The proponent has stated the following:

- A. The use "golf course" with appurtenant features be [considered] an outright permitted use.
- B. Appurtenant features of the use "golf course" include "large-lot residential/"low-density residential" use.
- C. Large-lot residential density is appropriate at a one residence per 10 acres for this specific site.

In addition the proponent has requested the Director to adopt and implement *Core Requirement #8: Water Quality of the King County Surface Water Design Manual* for development requirements of a golf course within a designated Susceptible Critical Aquifer Recharge Area. Currently Section 7.503 of the Jefferson County Interim Critical Areas Ordinance (Ordinance #14-0626-95) requires that *Best Management Practices for Golf Course Development and Operation, King County DDES, 1993* be followed.

On February 1, 1999, the Director issued an Administrative Code Interpretation as described below.

- A. Development of a golf course at the subject site requires a Conditional Use Permit.
- B. Residential use of a property is allowed in zoning districts Rural Residential. The site is currently zoned as Parks, Preserves and Recreation. A Recreation Area is identified as a primary use designation in the Comprehensive Plan map with no other additional designations assigned. An appurtenant use is considered an accessory use to a primary use. The proposal includes provisions for up to 20 large lot residential tracts. It is determined that the proposed residential use is not considered an appurtenant use to the zoning district Recreation Area.
- C. A density determination of one single family resident per 10 acres at the subject property is a legislative action, not an administrative decision. The zoning designation of Rural Residential with an appropriate density of the subject property may be proposed as either a Comprehensive Plan map correction or a Comprehensive Plan amendment.
- D. A change in requirements under section 7.503 of the Jefferson County Interim Critical Areas Ordinance (JCIAO) is considered an amendment. An amendment to the JCICAO is a legislative action and as such, requires review and recommendations from the Jefferson County Planning Commission to the Jefferson County Board of County Commissioners for final review and approval.

This interpretation was made based on Jefferson County land use codes including The Comprehensive Plan and the following ordinances: #04-0828-98; #05-0828-98; #08-1123-98; #09-0801-94, as amended; and #05-0509-94, as amended.

Any appeal of this Code Interpretation must be filed within ten (10) working days of its publication. Requirements for the content of an appeal request can be obtained at the Jefferson County Permit Center Development Review Division, 621 Sheridan, Port Townsend, WA 98368, (360) 379-4450. Appeals must be properly filed before 4:30 p.m. February 24, 1999 to be considered by the Jefferson County Hearing Examiner.

LOG ITEM
