

From: "Jeanie Orr"
To: "Al Scalf", "Ashley Bullitt", "Bill Miller", "Brent Butler", "Bud Schindler", "Christina Pivarnik", "Edel Sokol", "Henry Werch", "JD Gallant", "Jeanie Orr", "Joel Peterson", "Karen Barrows", "Mike Whittaker", "Patricia Farmer", "Peter Downey"
Subject: FW: Comments to PC
Date: Thu, 7 Jun 2007 13:42:55 -0700

From: jim hagen
Sent: Wednesday, June 06, 2007 8:54 AM
To: Jeanie Orr; Cheryl Halvorson
Subject: Comments to PC

Jeanie and Cheryl,

Can you distribute this to the PC, BOCC, and CAO Committee?

Thanks,

Jim

Jefferson County Planning Commission,

Following are comments (6/6/07) inspired by Dr. Fred Weinmann's submittal of 5/21/07 to the Planning Commission.

Dr. Weinmann completely misrepresents the CAO Committee majority position on wetland buffer exemptions for farming. He writes, "Thus, the often stated concern about onerous regulations being imposed on farmers is disingenuous. Apparently the underlying goal is to avoid or minimize any regulatory limitations that might be imposed if/when agricultural lands are converted to residential, commercial, or industrial development."

First, how could Dr. Weinmann make such a presumption since he only attended one regular meeting of the CAO Committee? Nobody talked about converting AG lands to other uses, even on a subliminal level, so his whole point is unnecessary. For someone presenting himself as a scientist, the above quote has no substance beyond personal prejudice and bias. Second, his low regard for the motives of the CAO Committee majority is only exceeded by his lack of understanding of land use planning under the Growth Management Act.

There is no way to avoid regulatory limitations upon conversion of agricultural land to some other use. Even assuming AG land could easily be converted, the standard regulations would replace any exemptions once any conversion is legislatively approved. The main question is, I wonder if Dr. Weinmann is aware just how difficult it would be to convert AG land to even rural residential (RR). Conversion to commercial or industrial would be near impossible due to constraints of the GMA.

Conversion of AG to RR requires a site-specific amendment to our Comprehensive Plan. (The term "residential" is loosely applied to rural areas, where GMA maximums are 1:5). Any change in density to allow more housing would require a change in use. Changes in use from AG are strongly discouraged in the goals and policies in the Natural Resource Element of the Comp Plan relating to agriculture. Policies 10.7 and 10.9 prohibit the extension of public services into AG lands and discourages conversion of these lands to other uses, respectively. Combined with community values held toward maintaining farmland, it's difficult to conceive a change to another use would be granted. To my knowledge, it hasn't even been attempted since our comp plan was adopted in 1998. The suggestion that our AG lands could be subjected to the ill motives cast by Dr. Weinmann is both insulting and extremely remote.

The idea of AG lands being converted to commercial or industrial uses is near impossible under GMA rules. Ask Pam Pepper and Kevin Widell about the challenge of converting just from RR to commercial, let alone AG to commercial/industrial. RCW 36.70A.070(5)(d) addresses criteria for commercial designation in rural areas. Called limited areas of more intensive rural development, or LAMIRDS, this section describes specific requirements for qualification for commercial designation outside Urban Growth Areas. The main requirement is the parcel is part an area that was characterized as an existing commercial use or contained "built environment" on July 1st, 1990. An isolated parcel cannot be designated commercial unless it is already within a designated LAMIRD and meets all additional criteria, including the July 1st, 1990 cut-off. The locations of all LAMIRDS in the county can be found in the Land Use Element of the Comp Plan. Since the GMA also protects resource lands against incompatible adjacent development, there are, I believe, no AG lands that qualify for conversion to commercial/industrial. As our comp plan and development regulations must be consistent with GMA, simply changing our local plans to suit the ever present greedy developer is subject to intense scrutiny and likely legal recourse.

Underlying the promotion of the strong, prescriptive approach to protecting critical areas sponsored by WEC and DOE is the specter of the greedy developer or profit-minded homeowner from whom the public needs protection.

In their response to the CAO Committee Fundamental/Foundational Principles, Jill Silver and Amy Hiatt write, "The reality is that, in the absence of regulation, individual financial gain will often trump land use and management decisions responsible for protection of the public interest." Faced with the inability to explain how DOE wetland science applied to sparse Jefferson County development patterns, Rick Mraz speculated that we still needed to be prepared for the "unexpected."

The fact is, this "reality," besides being a damning indictment of our neighbors, is not very real, either. WE HAVE NO ABSENCE OF REGULATION. Most people don't understand how strict and comprehensive our land use laws regulate the use of property. They are designed precisely to prevent the "unexpected" in favor of predictable, orderly growth. Any discussion of property rights in our county automatically comes attached with built in limitations provided by existing regulations. Our planning laws on their own serve as a first line of

defense for protection of critical areas. Some on the Planning Commission will remember a planner named Kevin Russell. He moved to New Hampshire, a very environmentally conscious state, and when his resume was reviewed for employment it was remarked by their planners just how strict Washington's GMA is.

The conclusions Dr. Weinmann reaches, which tar an entire diverse group in one broad stroke, are not very scientific but rather are emblematic of narrow attitudes much more likely to have a negative impact on our community interest than the smaller buffers recommended by the CAO Committee.

I understand the Planning Commission has a tremendous amount of reading to do, but I suggest you also review two important documents relevant to your decisions; the Comprehensive Plan and Unified Development Code. It is there you might be able to separate probability from fear.

Jim Hagen

Planning Commission Chair, 2005-2007