

City of Port Townsend Land Use Code Text Revision Application

Application No. LUP 23-010

The text of the adopted land use code (also referred to interchangeably as “development regulations”) may be changed as long as the change is consistent with the Port Townsend Comprehensive Plan, including the policies of the shoreline master program, and the city’s official land use map and shoreline environments designation map. The land use code means the controls placed on development or land use activities by the city, including, but not limited to, zoning ordinances (including PTMC Titles 17, 18, and 19), shoreline master program development regulations (amendments may require approval from the Department of Ecology), critical areas ordinances, official controls, planned unit development ordinances, subdivision ordinances, and binding site plan ordinances. ¹

Deadline: All proposed amendments must be submitted to the City PCD by **February 1** of the current year to be considered during that year’s annual amendment process.

Applicant Name: Port of Port Townsend

Applicant’s Address: 2701 Jefferson Street, Port Townsend, WA 98368

Please provide a description of the proposed amendment:

The proposal is to amend Table 17.22.020 PTMC (Marine-Related and Manufacturing Districts - Permitted, Conditional, and Prohibited Uses) to incorporate the subheading "SERVICE USES, LODGING", and specifically list the term "Short term rental", classifying it as a "prohibited" use within M-II(B) zoning district generally, but allowing it as an exception within three existing structures: the Pilot House, Commander’s House, and Duplex Building. It would otherwise be treated as a prohibited use within all other marine-related and manufacturing districts. This change will permit guest use of structures originally intended as housing, analogous to the officer’s quarters at the Fort Worden PDA.

Explain why the amendment is being proposed. Is the amendment project related?

The amendment is being proposed to facilitate active use of the historic Duplex Building at Point Hudson, a structure that was originally designed to be used as residential accommodation, rather than for the light industrial/marine trades uses envisioned under the M-II(B) zoning district. Allowing the structure to be used for short-term guest rentals like those now permitted within historic residential quarters at the Fort Worden PDA will fill a need for additional transient accommodation, and help to generate much needed revenue to allow further rehabilitation of historic structures at Point Hudson.

The amendment is not project-related per se, although Duplex Building rehabilitation will be necessary to ready the structure for use as accommodation. The principal building alteration will be the installation of a dedicated outdoor air system (DOAS) to mitigate creosote odors. Interior period features will be retained, as at Fort Worden.

See attached for details on plan submittal requirements and cost.

RECEIVED

FEB 1 2023

¹ PTMC 20.04.090

SUBMITTAL REQUIREMENTS

General

- Application fee. \$1444.20 + SEPA fees. This fee is nonrefundable, as set forth in PTMC 20.09.

You will need to submit **three complete sets** of the following information:

- Land Use Text Revision Application Type text here
- SEPA Checklist (including supplemental sheet for non-project actions).
- Please prepare and label as “Exhibit A- Proposed Amendatory Language” -This exhibit must cite the section(s) of code proposed for amendment and show revisions in “bill” format (i.e., new language underlined; language proposed for deletion in strikeout). For example:

Exhibit A - Proposed Amendatory Language - Amend PTMC 17.20.020

C. Lighting Requirements in Commercial Zoning Districts. Where lighted signs and illuminated areas are permitted, such illuminating devices shall be shaded and directed so as not to provide glare toward any neighboring property.

- Please prepare and label as “Exhibit B - Compliance with Approval Criteria” – This exhibit explains how the revision meets the Approval Criteria set forth in PTMC 20.04.080(A) (see below).
- Any additional information deemed reasonably necessary by the PCD director to evaluate the proposed amendment.

Approval Criteria Section 20.04.080 PTMC

The following are questions taken from the approval criteria set forth in Section 20.04.080 PTMC. **On a separate sheet of paper**, please provide a thorough explanation of how the amendment and associated development proposal (if any) meets, conflicts with, or relates to the following criteria (i.e., we will need more than a simple “yes” or “no” answer). Provide supporting text and/or reference to supporting documents included in the application.

For ALL applications:

1. Whether the amendment will adversely affect the public health, safety and welfare in any significant way; and
2. Whether the proposed amendment is consistent with the GMA and adopted county-wide planning policies; and
3. Whether the proposed amendment reflects current widely held community values or resolves inconsistencies in the city’s comprehensive plan; and
4. Whether the proposed amendment would maintain the appropriate balance of land uses within the city; and
5. Whether the proposal implements the comprehensive plan; or alternatively
6. Since the adoption of the comprehensive plan, there has been a substantial change in circumstances related to the proposed amendment and/or the area in which it is located which warrants the proposal.



SEPA ENVIRONMENTAL CHECKLIST

THE PURPOSE OF SEPA

The State Environmental Policy Act (SEPA) requires the City to consider the environmental impacts of a proposal before making decisions. The City will use this checklist to help determine whether the environmental impacts of your proposal are significant and decide whether an Environmental Impact Statement (EIS) is required from a Determination of Significance (DS), or a Determination of Non-Significance (DNS) may be issued. An EIS must be prepared for all proposals with probable significant adverse impacts on the environment. Frequently, however, the impacts of a proposal can be mitigated through certain conditions or voluntary measures agreed to by the applicant. Mitigation measures may include, for example, limiting construction hours to reduce noise, preserving significant trees or habitat, and a variety of other issues regarding the environment.

New development proposals may also place an added burden on public services. New residents and employees use public parks, require fire and police protection, and other general government services. These impacts are significant during the first few years after a proposal is submitted to the City, and before the tax the City receives generated by the project. City service providers must cover increasing expenses without compensating revenues. Impact mitigation under SEPA is designed to help reduce the strain on public services.

Also, capital costs associated with providing facilities for new residents and employees are not covered by these tax revenues. In a rapidly growing community, existing City taxpayers must make up unpaid short-term operational costs and capital expenses. Unless these impacts are mitigated, current City taxpayers would be put in the position of subsidizing new development and would not realize a full return on their tax dollars.

WHEN A CHECKLIST IS REQUIRED

The SEPA review process generally begins when someone submits a permit application to the City, for example, a building permit, land use application such as a conditional use or a rezone, grading permits, or any such project where the City is required to issue a permit or approval. This is considered an "action" under SEPA, in the Washington Administrative Code WAC 197-11-704.

Some questions ask about governmental regulations, such as zoning, shoreline, and land use designations. Answer these questions if you can. If you need help, City staff can assist you. The Checklist questions apply to all parts of your proposal, even if you plan to do it over a period of time, or on different parcels of land. Attach any additional information that will help describe your proposal or its environmental effects.

THE PROCESS

A pre-application conference with City Planning and Community Development (PCD) staff is required prior to submitting a SEPA environmental checklist. Filing a checklist with thorough answers the first time may avoid unnecessary delays later.

Within 14 days of determining that a SEPA application is complete, PCD will provide the public and adjacent property owners with notice and an opportunity to comment on the pending threshold determination.

The PCD will provide the applicant with a copy of the notice of the pending threshold determination posted on one (or in some cases two) public notice boards, and one (1) copy of an affidavit of posting. The applicant posts the notice(s), placing the board(s) in conspicuous locations on or near the property, and maintains them in place until the determination is issued. The affidavit of posting must be signed, notarized, and returned to the PCD no later than seven (7) days after the notices are provided. Upon issuance of the determination, any conditions imposed must be posted on the signboards and remain there until the project has been finalized.

The PCD will arrange one (1) publication of the notice to appear in a newspaper of general circulation within the City. Any person will then have a period of 20 days (30 days if a shoreline permit is involved) from the date of publication to submit information and comments to the PCD relating to the project. All comments received will be provided to the applicant. In addition to having the property posted and publishing the notice, PCD staff may opt to hold a public meeting to review the checklist, schedule a public site visit or informal meeting with the proponent, adjacent property owners, or interested citizens, or use any other reasonable method deemed appropriate by the staff.

The planning staff member who is the responsible official will make the threshold determination and issue either a Determination of Non-Significance (DNS), a Mitigated Determination of Non-Significance (MDNS), or a Determination of Significance (DS). An applicant may request in writing early notice if a DS is likely. A DS may not be appealed.

If the responsible official finds that a proposal is likely to have some potential significant environmental impacts, the applicant may modify the proposal to reduce such impacts, so that an MDNS could be issued. An MDNS lists specific mitigation measures to be implemented by the applicant to reduce impacts. If the project is approved with specific mitigating conditions, the applicant must post the conditions and return a signed, notarized affidavit of posting, and maintain the posted conditions during construction. The conditions must be removed upon completion of the project.

No threshold determination is final until expiration of the 15-day administrative appeal period. If it is appealed, then the determination is final when the decision is made on the appeal. If no written comments have been received on a threshold determination, no appeal is available.

**SEPA Application
Submittal Requirements
CHECKLIST**

- Completed Checklist
- Application fee
 - Minor:** \$793.36 (plus \$355.00 for notice fees)

 - Major:** \$1576.72 (Plus \$455.00 for notice fees) (*i.e. Planned Unit Developments, Full Subdivisions, Commercial projects in excess of 10,000 square feet and any other major projects*).

- Additional Fees:** Additional fees may apply should companion applications be required.

- The latest list of tax parcels and their owners within 300 feet of the property, prepared by a Title Company, with said owner's names and addresses typed on mailing labels. The City will supply envelopes. For minor SEPA, include 1 set of mailing labels; for major SEPA, include 2 sets of mailing labels.
- A vicinity map of the area as shown by the Jefferson County Assessor's Office
- Three copies of a site plan** showing the dimensions and shape of:
 - Existing lots
 - All existing or proposed structures/improvements
 - Existing and Proposed building floor space (if applicable)
 - Conceptual building elevations (if applicable)
 - Adjacent streets, alleys, driveways and off-street parking
 - Utilities, parking, landscape areas, adjacent land uses
 - All easements, deeds, restrictions or other encumbrances restricting the use of the property, if applicable
 - Significant natural features such as creeks, wetlands, steep slopes, etc.
 - The location of any critical areas and/or buffers as described in PTMC 19.05, including all floodplains, lying within or adjacent to the proposed variance; Critical Areas special reports where required by (PTMC 19.05 - Critical Areas)
 - North Arrow and scale
- If the above site plan is larger than 8-1/2" x 11", provide one 8-1/2" x 11" copy
- A drainage plan. If there are existing structures on-site, show and calculate the total amount of impervious surfaces (i.e. building roof areas, driveways) in square feet and current method of stormwater management (i.e. downspouts, drywells, etc.)
- Attach any additional information (reports, studies, maps, illustrations, leases, permits, etc.) that may further describe the proposal or as required by the Planning and Community Development Department.

Periodic plan and code amendments thereafter have been subject to supplemental SEPA review by the City of Port Townsend.

9. **Do you know whether applications are pending for governmental approvals of other proposals directly affecting the property covered by your proposal? If yes, explain.** *No. The proposal to amend the text of the City's Zoning Code is a non-project action under SEPA, not a site-specific proposal.*

10. **List any government approvals or permits that will be needed for your proposal, if known.** *Not applicable. The proposal to amend the table of permitted, conditional and prohibited uses set forth at PTMC 17.22.020 is a non-project action under SEPA. Site specific project review and associated permits would be required for any future building improvements undertaken in consequence of this text amendment.*

11. **Give brief, complete description of your proposal, including the proposed uses and the size of the project and site. There are several questions later in this checklist that ask you to describe certain aspects of your proposal. You do not need to repeat those answers on this page.**

a. **Brief Description:** *The Port of Port Townsend requests that Table 17.22.020 PTMC be amended to specifically list "short term rentals" (as that term is defined in 17.08.060 PTMC) and to classify this use as "Prohibited" within the M-II(B) zoning district, subject to specific exceptions for three existing structures at Point Hudson: the Commander's House; the Pilot House; and the Duplex Building. Unless excepted as outlined above, "short term rentals" would be "Prohibited" within the M/C, M-I, M-II(A), M-II(B) and M-III zoning districts. Text would be added to the "Applicable Regulations/Notes" column of the use table to stipulate that short term rentals are permitted only within three existing structures at Point Hudson: the Commander's House; the Pilot House; and the Duplex Building.*

b. **Have any known wetlands or their buffers been identified on the property?**
 No Yes [Please note: the proposal is a non-project action that would in no way affect any wetlands or other critical areas identified within the M-II(B) zoning district.]

If yes, attach wetland report.

c. **Are there any steep slopes (greater than 15%) on the property?** No

Yes

If yes, attach geotechnical report.

12. **Location of the proposal. Give sufficient information for a person to understand the precise location of your proposed project, including a street address, if any, and section, township, and range, if known. If a proposal would occur over a range of area, provide the range or boundaries of the site(s). Provide a legal description, site plan, vicinity map, and topographic map, if reasonably available. While you should submit any plans required by the agency, you are not required to duplicate maps or detailed plans submitted with any permit applications related to this checklist.**

Please print in ink or type each answer. Please do not write in area designated "Evaluation."	EVALUATION FOR AGENCY USE ONLY
<p>B. ENVIRONMENTAL ELEMENTS</p> <p>1. EARTH</p> <p>a. General description of the site (mark one): <input checked="" type="checkbox"/> Flat <input type="checkbox"/> Rolling <input type="checkbox"/> Hilly <input type="checkbox"/> Steep slopes <input type="checkbox"/> Mountainous <input type="checkbox"/> Other</p> <p>b. What is the steepest slope on the site (approximate percent of the slope)? <u>Not applicable. The proposal is to adopt a text change in the City's zoning code. As such, the proposal is programmatic in nature.</u></p> <p>c. What general types of soils are found on the site (for example, clay, sand, gravel, peat, muck)? If you know the classification of agricultural soils, specify them and note any agricultural land of long-term commercial significance and whether the proposal results in removing any of these soils. <u>Not applicable. Please see the response to 1(b), above.</u></p> <p>d. Are there surface indications or a history of unstable soils in the immediate vicinity? If so, describe. <u>Not applicable. Please see the response to 1(b), above.</u></p> <p>e. Describe the purpose, type, total area, and approximate quantities of any filling, excavation, and grading proposed. Indicate source of fill. <u>Not applicable. Please see the response to 1(b), above.</u></p> <p>f. Could erosion occur as a result of clearing, construction, or use? If so, generally describe. <u>Not applicable. Please see the response to 1(b), above.</u></p> <p>g. About what percent of the site would be covered with impervious surfaces after project construction (for example, asphalt or buildings)? <u>Not applicable. Please see the response to 1(b), above.</u></p> <p>h. Proposed measures to reduce or control erosion, or other impacts to the earth, if any: <u>Not applicable. Please see the response to 1(b), above.</u></p>	

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<p>4) Will the proposal require surface water withdrawals or diversions? Give general description, purpose and approximate quantities, if known. <u>Not applicable. The proposal is a non-project action and does not involve any surface water withdrawals or diversions.</u></p> <p>5) Does the proposal lie within a 100-year flood plain? If so, note the location on the site plan. <u>Not applicable. However, portions of the M-II(B) zone at Point Hudson do lie within the 100-year floodplain. Future improvements undertaken by the Port to its Point Hudson property would continue to be subject to project level SEPA review, unless categorically exempt.</u></p> <p>6) Does the proposal involve any discharges of waste materials to surface waters? If so, describe the type of waste and anticipated volume of discharge. <u>Not applicable. Please see responses above regarding potential future project-level actions.</u></p> <p>b. Ground Water:</p> <p>1) Will ground water be withdrawn from a well for drinking water or other purposes? If so, give a general description of the well, proposed uses and approximate quantities withdrawn from the well. Will water be discharged to ground water? Give a general description, purpose, and approximate quantities, if known. <u>No/not applicable. The proposal is a non-project amendment to the text of the PTMC.</u></p> <p>2) Describe waste material that would be discharged into the ground from septic tanks or other sources, if any (for example: domestic sewage; industrial, containing the following chemicals ..., agricultural; etc.). Describe the general size of the system, the number of such systems, the number of houses to be served (if applicable), or the number of animals or humans the system(s) are expected to serve: <u>No/not applicable. As a non-project action, the proposal does not involve discharges of waste materials.</u></p> <p>c. Water runoff (including stormwater):</p> <p>1) Describe the source of runoff (including storm water) and method of collection and disposal, if any (include quantities, if known). Where will this water flow? Will this water flow into other waters? If so, describe. <u>No/not applicable. As a non-project action, the proposal does not involve water runoff.</u></p> <p>2) Could waste materials enter ground or surface waters? If so, generally describe. <u>No/not applicable. As a non-project action under SEPA, the proposal does not involve runoff or waste materials of any kind.</u></p>	

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<p>d. Proposed landscaping, use of native plants, or other measures to preserve or enhance vegetation on the site, if any: <u>None/not applicable. No impacts to vegetation will be caused by the proposed action; therefore, no mitigation measures are proposed.</u></p> <p>d. List all noxious weeds and invasive species known to be on or near the site: <u>None/not applicable.</u></p> <p>5. ANIMALS</p> <p>a. Check any birds and animals that have been observed on or near the site or are known to be on or near the site:</p> <p><u>Birds:</u></p> <p><input type="checkbox"/> Hawk <input type="checkbox"/> Heron <input type="checkbox"/> Eagle <input type="checkbox"/> Songbirds</p> <p><input type="checkbox"/> Other: _____</p> <p><u>Mammals:</u> <input type="checkbox"/> Deer <input type="checkbox"/> Bear <input type="checkbox"/> Elk <input type="checkbox"/> Beaver</p> <p><input type="checkbox"/> Other: _____</p> <p><u>Fish:</u> <input type="checkbox"/> Bass <input type="checkbox"/> Salmon <input type="checkbox"/> Trout</p> <p> <input type="checkbox"/> Herring <input type="checkbox"/> Shellfish</p> <p><input type="checkbox"/> Other: _____</p> <p><u>Not applicable. The proposal is to adopt a non-project text amendment to text within Table 17.22.020 PTMC. Nevertheless, most of the above-listed species are known to live within Port Townsend, or are seen from time to time within the City limits. Any project level actions occurring in future that exceed categorical exemption thresholds would be subject to site-specific review and analysis, including review of potential impacts to wildlife.</u></p> <p>b. List any threatened or endangered species known to be on or near the site. <u>Not applicable. The proposal is to adopt a text amendment to language within the Table of permitting, conditional and prohibited uses found at 17.22.020 PTMC.</u></p> <p>c. Is the site part of a migration route? If so, explain. <u>The proposal is non-project in nature. In consequence, this question is inapplicable. However, most of east Jefferson County, including Port Townsend, is known to be part of the Pacific Flyway. Thus, migratory waterfowl routinely pass through or near to the M-II(B) zoning district at Point Hudson.</u></p>	

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<p>4) Proposed measures to reduce or control environmental health hazards, if any: <u>None/not applicable.</u></p> <p>b. NOISE</p> <p>1) What types of noise exist in the area which may affect your project (for example: traffic, equipment, operation, other)? <u>None/not applicable. Noise within the M-II(B) zoning district may occur in conjunction with marine-related light industrial activity (e.g., SEA Marine travel lift operations), but tends to be modest and periodic, rather than sustained.</u></p> <p>2) What types and levels of noise would be created by or associated with the project on a short-term or a long-term basis (for example: traffic, construction, operation, other)? Indicate what hours noise would come from the site. <u>None/not applicable. The proposed action – amending permitted uses within existing structures – would be unlikely to generate additional noise impacts.</u></p> <p>3) Proposed measures to reduce or control noise impacts, if any: <u>None/not applicable. The proposal is non-project in nature; no impacts have been identified, and no mitigation measures are needed or proposed.</u></p> <p>8. LAND AND SHORELINE USE</p> <p>a. What is the current use of the site and adjacent properties? Will the proposal affect current land uses on nearby or adjacent properties? If so, describe. <u>This is a non-project action to amend the text of the PTMC. The amendment will expand the range of permitted uses within three existing structure in the M-II(B) zoning district to include "short term rentals": the Commander's House, the Duplex Building, and the Pilot House. The Commander's House and Pilot House are presently in use as transient accommodation and permitted as such under the City's Shoreline Master Program – which is controlling in the event of a conflict with other provisions of City code (e.g., Title 17).</u></p> <p>b. Has the project site been used as working farmlands or working forest lands? If so, describe. How much agriculture or forest land of long-term commercial significance will be converted to other uses as a result of the proposal, if any? If resource land has not been designated, how many acres of farmland or forest land tax status will be converted to non-farm or non-forest use? <u>No/not applicable.</u></p>	

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<p>h. Has any part of the site been classified as an "critical area" by the city or the county? If so, specify. <u>Not applicable. This is a non-project proposal to amend the Use Table at PTMC 17.22.020.</u></p> <p>i. Approximately how many people would reside or work in the completed project? <u>Not applicable. This is a non-project action to amend the Use Table at PTMC 17.22.020.</u></p> <p>j. Approximately how many people would the completed project displace? <u>None/not applicable. This is a non-project action to amend the Use Table at PTMC 17.22.020.</u></p> <p>k. Proposed measures to avoid or reduce displacement impacts, if any: <u>No impacts would be generated by the proposal, so no mitigation measures are proposed.</u></p> <p>l. Proposed measures to ensure the proposal is compatible with existing and projected land uses and plans, if any: <u>None. The City's Comprehensive Plan does not contain explicit language with respect to permitted and prohibited uses within the M-II(B) zoning district. Accordingly, a narrowly tailored amendment to the text within Table 17.22.020 PTMC does not create an inconsistency between the Plan and Code. The description of the M-IIB (Point Hudson) – Marine-Related Manufacturing land use designation in the Plan indicates that the designation accommodates a variety of marine-related uses at a scale appropriate to Point Hudson. Further, the Plan encourages adaptive reuse of the original Station Buildings. Importantly, Policy 11.9 of the Land Use Element directs that the City "[w]ork closely with the Port of Port Townsend to provide for the development of . . . Point Hudson . . . in a way that ensures the viability of long-term marine uses, the vitality of the area for port-related uses, and compatibility with surrounding areas." Allowing "short term rentals" of the Duplex Building at Point Hudson will help to preserve historic interior features and generate much needed additional revenue to allow rehabilitation of other historic Station Buildings.</u></p> <p>m. Proposed measures to ensure the proposal is compatible with nearby agricultural and forest lands of long-term commercial significance, if any: <u>Not applicable. Moreover, as an urban growth area, there are by law no agricultural or resource lands of long-term commercial significance within the City of Port Townsend.</u></p>	
<p>9. HOUSING</p> <p>a. Approximately how many units would be provided, if any? Indicate whether high, middle, or low-income housing. <u>None/not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020.</u></p>	

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<p>12. RECREATION</p> <p>a. What designated and informal recreational opportunities are in the immediate vicinity? <u>The M-II(B) zoning district at Point Hudson is proximate to a myriad of designated and informal recreational opportunities. The Port's Point Hudson property contains a transient recreational marina, an RV campground, existing transient accommodations at the Commander's Beach House, and annually plays host to the Port Townsend Wooden Boat Festival. Immediately adjacent and to the west of the Port's property is the Northwest Maritime Center and the City's National Landmark Historic District.</u></p> <p>b. Would the proposed project displace any existing recreational uses? If so, describe. <u>No/not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020. However, allowing "short term rentals" within the M-II(B) zoning district (limited to the Commander's House, Duplex Building, and Pilot House) will facilitate continued recreational and visitor-serving uses at Point Hudson.</u></p> <p>c. Proposed measures to reduce or control impacts on recreation, including recreational opportunities to be provided by the project or applicant, if any: <u>No impacts are created, so no mitigation is proposed. Moreover, the proposal is a non-project action to amend the Use Table at PTMC 17.22.020. However, the proposed text amendment would facilitate the provision of transient accommodations to the many visitors who come to Port Townsend to recreate, thereby increasing public access to our community's varied recreational and cultural attractions.</u></p> <p>13. HISTORICAL AND CULTURAL PRESERVATION</p> <p>a. Are there any buildings, structures, or sites located on or near the site that are over 45 years old listed in or eligible for listing in national, state, or local preservation registers located on or near the site? If so, specifically describe. <u>Because the proposal is a non-project action, this question is not directly applicable. However, as outlined previously, the M-II(B) zoning district contains a number of buildings, roughly one dozen (12) of which date from the 1930s and 1940s when Point Hudson served first as a federal quarantine station, and later, a US Coast Guard station and US Army training base. While none of these structures are individually listed, they are eligible for listing, and were identified as "contributing" within the application to the US Department of Interior for the designation of the Port Townsend National Landmark Historic District (1977).</u></p>	

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<p>b. Is the site or affected geographic area currently served by public transit? If so, generally describe. If not, what is the approximate distance to the nearest transit stop? <u>Not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020. However, Jefferson Transit's #11 "Port Townsend Shuttle" serves the M-II(B) zoning district, with a request stop location adjacent to the Port Townsend Skate Park at Point Hudson.</u></p> <p>c. How many additional parking spaces would the completed project or non-project proposal have? How many spaces would the project or proposal eliminate? <u>No/not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020.</u></p> <p>d. Will the proposal require any new or improvements to existing roads, streets, pedestrian, bicycle or state transportation facilities, not including driveways? If so, generally describe (indicate whether public or private). <u>Not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020. That said, permitting short term rental use of one new structure (the Duplex Building) at Point Hudson would not be anticipated to generate a need for transportation improvements.</u></p> <p>e. Will the project or proposal use (or occur in the immediate vicinity of) water, rail, or air transportation? If so, generally describe. <u>Not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020. However, the M-II(B) zoning district at Point Hudson is the base of operations for Puget Sound Express, a whale watch business that also provides passenger ferry service to Friday Harbor, San Juan Island between May and September. The M-II(B) district is also served by transit, as noted in the response to 14(b), above.</u></p> <p>f. How many vehicular trips per day would be generated by the completed project or proposal? If known, indicate when peak volumes would occur and what percentage of the volume would be trucks (such as commercial and non-passenger vehicles). What data or transportation models were used to make these estimates? <u>None/not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020. Amending the Use Table to permit short term rentals would not be expected to materially affect peak traffic volumes.</u></p> <p>g. Will the proposal interfere with, affect or be affected by the movement of agricultural and forest products on roads or streets in the area? If so, generally describe. <u>No/not applicable. The proposal is a non-project action to amend the Use Table at PTMC 17.22.020.</u></p>	

Please print in ink or type each answer. Please do not write in area designated "Evaluation."	EVALUATION FOR AGENCY USE ONLY
<p>D. Supplemental sheet for non-project actions</p> <p>(IT IS NOT NECESSARY to use this sheet for project actions) Because these questions are very general, it may be helpful to read them in conjunction with the list of the elements of the environment.</p> <p>When answering these questions, be aware of the extent the proposal, or the types of activities likely to result from the proposal, that would affect the item at a greater intensity or at a faster rate than if the proposal was not implemented. Respond briefly and in general terms.</p> <p>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?</p> <p><u>Amending the Use Table at PTMC 17.22.020 would not be expected to have any direct effect upon water discharges, air emissions, storage or release of hazardous substances or the production of noise.</u></p> <p>Proposed measures to avoid or reduce such increases are:</p> <p><u>Because no impacts have been identified, no mitigation measures have been proposed.</u></p> <p>2. How would the proposal be likely to affect plants, animals, fish, or marine life?</p> <p><u>Amending the Use Table at PTMC 17.22.020 would not be expected to plants, animals, fish or marine life.</u></p> <p>Proposed measures to protect or conserve plants, animals, fish, or marine life are:</p> <p><u>Amending the Use Table at PTMC 17.22.020 would not be expected to plants, animals, fish or marine life.</u></p> <p>3. How would the proposal be likely to deplete energy or natural resources?</p> <p><u>Amending the Use Table at PTMC 17.22.020 would not be expected to deplete energy or natural resources.</u></p>	

Please print in ink or type each answer. Please do not write in area designated "Evaluation."	EVALUATION FOR AGENCY USE ONLY
<p><u>preserve historic interior features that might otherwise be eliminated if the buildings were adapted for marine light industrial use and generate much needed additional revenue to help fund rehabilitation of other historic Station Buildings.</u></p> <p>Proposed measures to avoid or reduce shoreline and land use impacts are:</p> <p><u>Because no impacts have been identified, no mitigation measures have been proposed.</u></p> <p>6. How would the proposal be likely to increase demands on transportation or public services and utilities?</p> <p><u>The proposed amendment to the Use Table at PTMC 17.22.020 relates only to existing structures at Point Hudson (not new development, per se) and would therefore not be expected to increase demands on transportation or public services and utilities. <input type="checkbox"/></u></p> <p>Proposed measures to reduce or respond to such demand(s) are:</p> <p><u>Because no impacts have been identified, no mitigation measures have been proposed.</u></p> <p>7. Identify, if possible, whether the proposal may conflict with local, state or federal laws or requirements for the protection of the environment?</p> <p><u>The proposed amendment to the Use Table at PTMC 17.22.020 does not conflict with any local, state or federal laws or requirements for environmental protection.</u></p>	

**EXHIBIT "A":
Proposed Amendatory Language**

Amend Table 17.22.020 PTMC to include a new category of use, "SERVICE USES, LODGING" located between "FOOD SERVICE USES" and "RESIDENTIAL USES" as set forth below¹:

Table 17.22.020²

**Marine-Related and Manufacturing Districts –
Permitted, Conditional and Prohibited Uses**

Key to table: P = Permitted outright; M = Permitted if marine related; C = Subject to a conditional use permit; X = Prohibited; N/A = Not applicable						
DISTRICT	M/C	M-I	M-II(A)	M-II(B)	M-III	APPLICABLE REGULATIONS/NOTES
<u>SERVICE USES, LODGING</u>						
<u>Short term rentals</u>	<u>X</u>	<u>X</u>	<u>X</u>	<u>X</u> (Except as indicated in applicable regulations/notes column)	<u>X</u>	<u>Prohibited, except for the following existing structures, where short term rentals shall be permitted: historic Pilot's Cottage on Lot 5, Blk 52 of PT Original Townsite; historic Junior Officer's Quarters (Duplex) Building; and the historic Commander's House.</u>

¹ Double-underlining indicates proposed new text.

² In the interest of brevity, only the new language to be inserted within the existing table is provided here, rather than reproducing the entirety of the Use Table, which otherwise remains unchanged.

EXHIBIT "B":
Compliance with Approval Criteria of Section 20.04.080 PTMC

1. Will the amendment adversely affect the public health, safety, and welfare in any significant way?

No. Instead, the proposal will advance the public health, safety, and welfare in two important ways:

- *Historic Preservation: Approval of "short-term rentals" will ensure that the Duplex Building, which was constructed in 1934-35 to serve as junior officers' quarters will be used in a manner consistent with its original intent (accommodation). This colonial revival style building has only been slightly altered and remains an excellent example of a standard plan governmental residential design of this period. Notably, the interior features and layout have not been significantly altered since the 1930s: millwork and hardware, electrical fixtures, plumbing fixtures and cabinetry are all largely original. Until adoption of the City's GMA Comprehensive Plan and Implementing Regulations in 1996-1997, the Duplex building was used during its entire history for residential purposes. A current Port Commissioner lived in the structure for nearly 14 years. However, after adoption of the new plan and code, populating this building space with tenants became far more challenging. The spaces are not well-suited for marine-related light industrial use, and demand for marine-related office space that would be consonant with the limitations of the M-II(B) district has been nearly non-existent. In consequence, the building has been either unoccupied (north half) or occupied by a non-profit use that did not conform with the use limitations of Table 17.22.020 PTMC (south half) for the past quarter century. Allowing "short-term rentals" of this building (along with the Commander's House and Pilot House, where transient residential use is already allowed via the Shoreline Master Program (see SMP Table 5.13-1)) will ensure active use and preservation of this historic structure.*
- *Revenue Generation to Fund Point Hudson Renovations: The proposed amendment will help the Port to financially justify substantial cost-effective capital reinvestment in the structure. The monthly and annual returns on the space as short term rental accommodation, as opposed to office space, are likely to be orders of magnitude higher than the revenues generated over the past quarter century. In turn, generation of additional revenue will enable the Port to justify other critical repairs and renovations to the historic Station Buildings at Point Hudson.*

2. Is the proposed amendment consistent with the Growth Management Act and County-Wide Planning Policy (CWPP) for Jefferson County?

Yes. The proposed text amendment is aligned with the thirteen (13) planning goals of the GMA codified at RCW 36.70A.020, and consistent with the substantive requirements of the GMA (RCW 36.70A.040(3) and (4)) and the CWPP for Jefferson County.

Specifically, the proposal is consistent with, and helps to implement, the following GMA planning goals:

- *Urban growth (1) – by encouraging active use of an existing structure in an urban area served with adequate public infrastructure; and*

- Open space and recreation (9) – by enhancing opportunities for families and groups to recreate at this historic location, and to enjoy and understand the remarkable natural environment surrounding Point Hudson; and
- Historic preservation (13) – by helping to generate much needed revenue that will enable the Port to preserve a structure of considerable historic and cultural significance to our community.

Additionally, the proposed amendment conforms with GMA requirements. The GMA at RCW 36.70A.040(3) and (4) requires that each city within a county planning under the Act adopt a comprehensive plan and “development regulations that are consistent with and implement” the plan. In this instance, it is most accurate to state that the proposal does not create an “inconsistency” between the Plan and Code. Because the City’s Comprehensive Plan contains no explicit directive language regarding permitted and prohibited uses within the M-II(B) zoning district, the proposed amendment to the text within Table 17.22.020 PTMC creates no inconsistency between the Plan and Code.

With respect to the County-wide Planning Policy for Jefferson County (CWPP): this document was adopted by way of a joint resolution between Jefferson County and the City of Port Townsend on December 21, 1992. It was intended to establish a joint policy framework to guide the development of comprehensive plans by each jurisdiction, and to ensure that they were coordinated and consistent. The CWPP includes policy statements addressing eight (8) subject areas all of which seek to facilitate consistent and coordinated provision of public services. However, the CWPP does not pertain at the granular level of permitted, conditional and prohibited uses within a specific zoning district, except in very rare circumstances. For example, permitting an industrial scale abattoir or slaughterhouse within a rural village center could be seen to create a demand for urban public services (e.g., wastewater) incompatible with rural areas and the framework policies of the CWPP. In this instance, however, permitting a species of transient accommodation within a particular zoning district in an urban growth area (UGA) creates no such inconsistency.

In sum, the proposed text amendment lies well within the range of legislative discretion afforded localities under RCW 36.70A.320 and 36.70A.3201. Adoption of the amendment is necessary and appropriate to ensure active and financially viable use of the Duplex Building, and assists the Port in fulfilling its unambiguous mandate under RCW Title 53 to enhance the economic vitality and quality of life for the citizens of Jefferson County.

3. Does the proposed amendment reflect current widely held community values or resolve inconsistencies in the City’s Comprehensive Plan?

Yes, the proposal reflects widely held community values. Point Hudson has long been viewed by Port Townsend residents as a critical piece of the community’s connection to its past. The central direction of the City’s Plan, Code and SMP with respect to Point Hudson has been to preserve its historic and cultural place of importance and to leave a legacy for future generations. The Community Direction Statement in the Plan sums it up as follows: “Such a plan is a statement of confidence, optimism, and belief in ourselves, a statement that our community can change without losing its essential character.” The direction statement also recognizes that historic buildings like the Duplex preserve a tangible link to the past and should be preserved. Goal 17 of the Land Use Element of the Plan and the ensuing policies emphasize the conservation and preservation of historic and cultural resources to foster community identity and pride. Moreover, Policies 11.9 and 11.10

emphasize the need for the City and Port to work closely together to ensure the long-term viability of marine uses, the vitality of the area, compatibility, and that a limited range of non-water-oriented uses should be permitted at Point Hudson to promote adaptive reuse of the original Station Buildings.

In sum, the very narrow proposed text amendment directly facilitates active use of an historic structure and the generation of revenue to facilitate further renovations of the historic Station Buildings. As such, it may accurately be seen as consistent with widely held community values embodied within the Comprehensive Plan.

4. Does the proposed amendment maintain the appropriate balance of land uses within the City?

Yes. The proposed text amendment is exceedingly narrow in scope and would affect the allowed use of one structure at Point Hudson: the historic Junior Officers' Quarters or "Duplex Building". The other structures affected by the amendment (Pilot House and Commander's House) are in current use as transient accommodation and are specifically permitted as such via Table 5.13-1 of the City's Shoreline Master Program. Thus, this minor proposed amendment would not materially affect the "balance of uses" within the City. Moreover, the change does not create pressure to change the permitted uses generally within the M-II(B) zoning district. The amendment is unique and narrow in scope, and would facilitate use of this historic structure in a manner consistent with its original purpose and compatible with surrounding recreational and marine-related uses.

5. Does the proposal implement the Comprehensive Plan?

Yes. The Plan encourages adaptive reuse of the original Station Buildings and facilitates implementation of the historic preservation goals of the City Comprehensive Plan outlined in the response to criterion #3, above. It also helps to implement Policy 11.9 of the Land Use Element which directs that the City "[w]ork closely with the Port of Port Townsend to provide for the development of . . . Point Hudson . . . in a way that ensures the viability of long-term marine uses, the vitality of the area for port-related uses, and compatibility with surrounding areas." By allowing "short term rentals" of the Duplex Building at Point Hudson, the structure will be actively used in a manner consistent with its original purpose. This will help to ensure that historic interior features will be preserved – features that otherwise may need to be eliminated to successfully adapt the structure for marine-related light industrial or office use.

6. Alternatively, since the adoption of the Comprehensive Plan, has there been a substantial change in circumstances related to the proposed amendment and/or the area in which it is located which warrants the proposal?

Yes. Additionally (rather than "alternatively"), there has been a change in circumstances that clearly warrants the proposal: the nearly 25 years of practical property management experience of the Port since adoption of the Plan and Code. This experience – gathered by the Port as landowner property manager - shows that the historic Station Buildings lying outside the Shoreline Jurisdiction (where the "adaptive reuse" allowances of the Point Hudson District provide some degree of use flexibility) but within the M-II(B) zoning district, are very difficult to lease or rent given current use restrictions. This is particularly true of the Duplex Building, which was constructed to be used as junior officer residential quarters,

rather than “marine industrial” space. Because of the abject lack of demand for “office uses, marine related”, this structure has been either unoccupied, or occupied by uses that do not conform to Table 17.22.020 PTMC (e.g., Gatheringplace). Long-term, unoccupied buildings are at risk of further decay and decline. This is not an outcome that is desirable for the Port, City, or community at large.