



JEFFERSON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street • Port Townsend • Washington 98368
 360/379-4450 • 360/379-4451 Fax
<http://www.co.jefferson.wa.us/commdevelopment/>

Application for Suggested UDC Amendment

MLA # <u>02-00485</u>	PROJECT/APPLICANT NAME: <u>JEFFERSON COUNTY</u>
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Submittal Requirements

1. A completed Master Land Use Application. Representative authorization is required if application is not signed by applicant.
2. Any additional information reasonably deemed necessary by the Administrator to evaluate the proposed amendment.
3. Please prepare and label as "Exhibit A," a description of the proposed Plan/UDC amendment and any associated development proposal(s) if applicable. Applications for projected-related amendments must include plans and information or studies accurately depicting existing and proposed uses and improvements. Applications for such amendments that do not specify proposed uses and potential impacts are assumed to have maximum impact to the environment and public facilities and services.
4. Please provide an explanation of why the amendment is being proposed. (Attach additional sheets, if necessary.)
Proposed text amendments to the Unified Development Code (UDC) per an agreement with the Washington Environmental Council (WEC) in relation to a petition by WEC to the Western Washington Growth Management Hearings Board. The WEC petition concerned protections as established in the UDC for environmentally sensitive areas, in particular Wetlands and Fish and Wildlife Habitat Areas. The proposed UDC text amendments are attached in line-in/line-out format as Exhibit B. Included as background material are two administrative memorandums issued by the Director of Community Development and the agreement between the County and WEC.
5. Please prepare and label as "Exhibit B," proposed amendatory language (i.e., to affected text of both the Comprehensive Plan and UDC) shown in "bill" format, with text to be added indicated with underlining (e.g., underlining), and text to be deleted indicated with strikeouts (e.g., ~~strikeouts~~).
6. Please prepare and label as "Exhibit C," a **thorough** explanation of how the proposed amendment, meets, conflicts with, or relates to the following inquiries (NOTE: Simple "yes" or "no" responses are unacceptable.)
 - a. Have the circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Jefferson County Comprehensive Plan?
 - b. Are the assumptions that form the basis for the Jefferson County Comprehensive Plan no longer valid, or has new information become available that was not considered during the process of adoption of the Jefferson County Comprehensive Plan or any subsequent amendment?
 - c. Does the proposed amendment reflect current widely held values of the residents of Jefferson County?
7. *The applicant hereby certifies that the statements contained in this application are true and provide an accurate representation of the proposed amendment; and the applicant(s) hereby acknowledges that any approval issued on this application may be revoked if any such statement is found to be false.*

AL SCALF, DIRECTOR OF COMMUNITY DEVELOPMENT
 APPLICANT'S SIGNATURE

SEPTEMBER 12, 2002
 DATE



JEFFERSON COUNTY

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Master Land Use Permit Application Form

MLA02-00485

PROPERTY INFORMATION

Tax Parcel Number:

Subdivision Name: _____ Lot Number: _____

Property Size: _____ (acres/square feet) Existing Use of Property: _____

Site Address and/or Directions to Property: _____

Not applicable. This is not a site-specific proposal.

APPLICANT INFORMATION

Name of Applicant: Board of County Commissioners by and through the Department of Community Development Telephone: (360) 379-4450

Address: 621 Sheridan St

City: Port Townsend State: WA Zip Code: 98368

Name of Authorized Agent (if applicable): N/A Telephone: _____

Address: _____

City: _____ State: _____ Zip Code: _____

DESCRIPTION OF PROPOSED USE OR ACTIVITY (include separate sheets as necessary)

Proposed text amendments to the Unified Development Code (UDC) per an agreement with the Washington Environmental Council (WEC) in relation to a petition by WEC to the Western Washington Growth Management Hearings Board. The WEC petition concerned protections as established in the UDC for environmentally sensitive areas, in particular Wetlands and Fish and Wildlife Habitat Areas. The proposed UDC text amendments are attached in line-in/line-out format as Exhibit B. Included as background material are two administrative memorandums issued by the Director of Community Development and the agreement between the County and WEC.

PERMITS REQUESTED FROM JEFFERSON COUNTY

Please check with Permit Center personnel before completing this section and refer to the specific sections of the UDC referenced for more information and further requirements. An asterisk (*) indicates that a supplemental application or questionnaire is required.

Type I Permits	Refer to:
<input type="checkbox"/> Septic Permit/Evaluation of Existing System (EES)	UDC Section 6.4.1 and Chapter 8.15 JCC
<input type="checkbox"/> Building/Demolition Permit	UDC Section 3.2.1 and Table 3-1
<input type="checkbox"/> Allowed "Yes" Use Consistency Analysis	UDC Section 3.2.1 and Table 3-1
<input type="checkbox"/> Home Business	Table 3-1 and UDC Section 4.20
<input type="checkbox"/> Stormwater Management *	UDC Section 6.7
<input type="checkbox"/> Road Access*	UDC Section 6.8
<input type="checkbox"/> Boundary Line Adjustment*	UDC Section 7.2
<input type="checkbox"/> Minor PRRD Amendments	UDC Section 3.6.13.15
<input type="checkbox"/> Sign Permit*	UDC Section 6.15
<input type="checkbox"/> Site Plan Approval Advance Determination (SPAAD)	UDC Section 8.7
<input type="checkbox"/> Shoreline Master Program Exemption/Permit Revisions	UDC Section 5
<input type="checkbox"/> Temporary Use (based on use may be Type II or Type III)*	UDC Sections 4.38 and 4.39
Type II Permits	Refer to:
<input type="checkbox"/> Discretionary "D" or Unnamed Use Classification	UDC Sections 3.2.1, 3.2.2 and Table 3-1

<input type="checkbox"/> Cottage Industry	UDC Section 7.3 and Table 3-1
<input type="checkbox"/> Short Plat, Preliminary and Final*	UDC Section 7.3
<input type="checkbox"/> Binding Site Plan*	UDC Section 7.5
<input type="checkbox"/> Conditional (Administrative) "C(a)" Use	UDC Table 3-1 and Section 8.8
<input type="checkbox"/> Conditional (Discretionary) "C(d)" Use	UDC Table 3-1 and Section 8.8
<input type="checkbox"/> Variance, Minor*	UDC Section 8.9
<input type="checkbox"/> Wireless Telecommunication	Ordinance 06-0712-99 (UDC Appendix C)
<input type="checkbox"/> Shoreline Substantial Development (Primary Use)	UDC Section 5
<input type="checkbox"/> Forest Practices Act/Release of Six-Year Moratorium for SFR	UDC Section 4.16.5(c)
<input type="checkbox"/> Temporary Use*	UDC Sections 4.38 and 4.39
<u>Type III Permits</u>	
<input type="checkbox"/> Conditional "C" Use	UDC Section 8.8
<input type="checkbox"/> Long Plat, Preliminary*	UDC Section 7.4
<input type="checkbox"/> Planned Rural Residential Development Preliminary Approval (PRRD) and Major Amendments*	UDC Section 3.6.13 (must be in conjunction with an underlying land division application)
<input type="checkbox"/> Plat Vacation/Alteration	UDC Section 7.1.3(d)
<input type="checkbox"/> Variance, Major*	UDC Section 8.9
<input type="checkbox"/> Reasonable Economic Use Variance*	UDC Section 3.6.4(h)
<input type="checkbox"/> Wireless Telecommunication	Ordinance 06-0712-99 UDC Appendix C
<input type="checkbox"/> Shoreline Management Substantial Development, Secondary Use*	UDC Section 5
<input type="checkbox"/> Shoreline Management Conditional Use*	UDC Section 5
<input type="checkbox"/> Shoreline Management Variance*	UDC Section 5
<u>Type IV Permits</u>	
<input type="checkbox"/> Long Plat, Final	UDC Section 7.4
<input type="checkbox"/> PRRD, Final	UDC Section 3.6.13
<u>Type V Permits</u>	
<input type="checkbox"/> Special Use (Essential Public Facilities)	UDC Section 3.3.5
<input type="checkbox"/> Jefferson County Comprehensive Plan/UDC/Land Use District Map Amendment*	UDC Section 9
<input type="checkbox"/> Jefferson County Shoreline Master Program Amendment*	UDC Section 5
<u>Other Local, State or Federal Permits</u>	
<input type="checkbox"/> Please identify any other local, state or federal permits required for this proposal, if known: <u>Review under the State Environmental Policy Act (SEPA)</u>	

ACKNOWLEDGEMENTS

By signing the application form, the applicant/owner attests that the information provided herein is true and correct to the best of their knowledge. I also certify that this application is being made with the full knowledge and consent of all owners of the affected property. Any material falsehood or any omission of a material fact made by the applicant/owner with respect to this application packet may result in this permit being null and void.

I further agree to save, indemnify and hold harmless Jefferson County against all liabilities, judgments, court costs, reasonable attorney's fees and expenses which may in any way accrue against Jefferson County as a result of or in consequence of the granting of this permit.

I further agree to provide access and right of entry to Jefferson County and its employees, representatives or agents for the sole purpose of application review and any required later inspections. This right of entry shall expire when the County (through the Administrator or the Administrator's representatives) concludes the application has complied with all applicable laws and regulations. Access and right of entry to the applicant's property shall be requested and shall occur only during regular business hours.

(APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE) (DATE)

I hereby designate _____ to act as my agent in matters related to this application for permit(s).

(APPLICANT SIGNATURE) (DATE)

The action or actions Applicant will undertake as a result of the issuance of this permit may negatively impact upon one or more threatened or endangered species and could lead to a potential "take" of an endangered species as those terms are defined in the federal law known as the "Endangered Species Act" or "ESA." Jefferson County makes no assurances to the applicant that the actions that will be undertaken because this permit has been issued will not violate the ESA. Any individual, group or agency can file a lawsuit on behalf of an endangered species regarding your action(s) even if you are in compliance with the Jefferson County development code

The Applicant acknowledges that he, she or it holds individual and non-transferable responsibility for adhering to and complying with the ESA. The Applicant has read this disclaimer and signs and dates it below.

(APPLICANT OR AUTHORIZED REPRESENTATIVE SIGNATURE) (DATE)

Description of the Proposed UDC Amendments

Issue

Jefferson County and the Washington Environmental Council (WEC) signed an agreement pertaining to a petition by WEC to the Western Washington Growth Management Hearings Board. The WEC petition concerned protections as established in the UDC for environmentally sensitive areas, in particular Wetlands and Fish and Wildlife Habitat Areas. The proposed UDC text amendments fulfill part of the agreement between Jefferson County and WEC.

Board of County Commissioners Concern

The BOCC signed an agreement with WEC.

Department of Community Development Recommendation

The Department recommends amending language in the UDC as proposed in Exhibit B.

Affected CP and UDC Sections

UDC 3.6.4.f(1)ii and iii

UDC 3.6.9.f(2)i, Table 3-5 and Note 1

UDC 8.2.4.a

Full line-in/line-out text is included in this application as Exhibit B.

Proposed Line-In/Line-Out UDC Amendment Language

Section 3 • Land Use Districts

...

3.6.4 ENVIRONMENTALLY SENSITIVE AREAS DISTRICT (ESA).

...

f. **General Exemptions.**

(1) The following activities are exempt from the requirements of this Section:

- i. Emergencies that threaten the public health, safety and welfare. An “emergency” is an unanticipated and immediate threat to public health, safety, or the environment which requires action within a time too short to allow compliance with this Section.
- ii. Pre-existing and ongoing agricultural activities on lands containing environmentally sensitive areas. For the purpose of this Section, existing and ongoing means that the activity has been conducted within the past five years and the subject lands must be of the Agriculture Production District (AG-PD) land use district on the Comprehensive Plan land use map.
- iii. Normal and routine maintenance and operation of pre-existing retention/ detention facilities, biofilters and other stormwater management facilities, irrigation and drainage ditches, farm ponds, fish ponds, manure lagoons, and livestock water ponds, provided that such activities shall not involve conversion of any wetland not currently being used for such activity. For the purpose of this Section, farming/agricultural activities are only exempt if conducted on lands of the Agriculture Production District (AG-PD) land use district on the Comprehensive Plan land use map.

3.6.9 WETLANDS.

...

f. **Mitigation.** The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.

...

(2) **Compensatory Mitigation—General Requirements.** As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated wetlands, or as an enforcement action pursuant to Section 10 of this Code, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any Code violator.

- i. Except persons exempt under this Section, any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland equivalent to or larger than those altered in order to compensate for wetland losses. The following Table 3-5 specifies the ratios that apply to creation or restoration which is in-kind, on-site, and is accomplished prior to or concurrently with alteration:

Table 3-5. Required Replacement Ratios for Compensatory Wetland Mitigation.

Wetland Category	Replacement Ratio Creation and Restoration ⁽¹⁾	Enhancement
I	36:1	12:1
II or III		
• Forested	23:1	6:1
• Scrub-Shrub	4.5:1	4:1
• Emergent	4.5:1	4:1
IV	1.25:1	2.5:1

Note:

1. The first number in the ratio specifies the acreage of wetlands to be created, and the second number specifies the acreage of wetlands proposed to be altered or lost. The replacement ratios are derived from Department of Ecology Publication No. 97-112 (1998): "How Ecology Regulates Wetlands."
2. Enhancement of existing wetlands, may be considered as compensation; but above ratios must then be doubled.
3. Compensation must be completed prior to wetland destruction, where possible.
4. Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to this section, with the replacement ratios as specified above.
5. Compensatory mitigation must be conducted on property which will be protected and managed to avoid further development or degradation. The applicant or Code violator must provide for long-term preservation of the compensation area.
6. The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding, to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.

Section 8 • Permit Application and Review Procedures/SEPA Implementation

...
8.2 PROJECT PERMIT APPLICATIONS (TYPE I-IV).
...

4. **Referral and Review of Development Permit Applications.** Upon acceptance of a complete application, the Administrator shall do the following:
 - a. Transmit a copy of the application, or appropriate parts of the application, to each affected agency and county department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and county departments shall have fourteen (14) calendar days to comment, except that State agencies shall have twenty-eight (28) days to comment on special reports per UDC 3.6.4 et al, including Habitat Management Plans and Wetland Mitigation Plans. Affected agencies and county departments are presumed not to have comments if not submitted within the fourteen (14) calendar day period, or twenty-eight (28) calendar day period, as above; provided, that the Administrator may grant an extension of time if needed. Additionally, in the event that the State agency or agencies involved communicate verbally or in writing intention to waive the opportunity to submit comments, the corresponding State agency comment period shall terminate and be so noted in the case file.

Submittal Requirement #6

Please prepare and label as "Exhibit C," a thorough explanation of how the proposed amendment, meets, conflicts with, or relates to the following inquiries. (NOTE: Simple "yes" or "no" responses are unacceptable.)

- a. Have the circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Jefferson County *Comprehensive Plan*?

N/A. Proposed changes related to an agreement between Jefferson County and the Washington Environmental Council (WEC) in relation to a WEC petition to the Western Washington Growth Management Hearings Board (WWGMHB) with regard to the adoption of the Unified Development Code (UDC). The UDC is the set of development regulations that implement the *Comprehensive Plan*.

- b. Are the assumptions that form the basis for the Jefferson County *Comprehensive Plan* no longer valid, or has new information become available that was not considered during the process of adoption of the Jefferson County *Comprehensive Plan* or any subsequent amendment?

The agreement relates to an appeal of the adoption of the UDC in relation to the provisions therein for protecting environmentally sensitive areas. These amendments fulfill part of the agreement between the County and WEC.

- c. Does the proposed amendment reflect current widely held values of the residents of Jefferson County?

The agreement and corresponding proposed UDC amendments are a result of a petition by WEC to the WWGMHB. It is unclear at this point how the majority of county citizens would consider the proposed UDC amendments. The public process may provide insight into this question. The BOCC, representing Jefferson County citizens, signed the agreement with WEC.

[END]