



# JEFFERSON COUNTY

## DEPARTMENT OF COMMUNITY DEVELOPMENT

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## Memorandum

To: Board of County Commissioners  
From: Long-Range Planning and Planning Commission  
Date: May 22, 2006  
Re: Annotation of Omnibus Code Amendment Package

### Itemized Omnibus History

Re: Request for details on the formation of specific code amendment proposals within the Omnibus code amendment package.

Staff and the Planning Commission have prepared preparation this memorandum to provide the Board of County Commissioners (BoCC) with the annotation requested through BoCC motion on February 21, 2006. Staff history/annotation, past documentation and PC/DCD correspondence has been compiled to create this narrative. Most comments are based on DCD staff-Planning Commission memos of 5/14/06 and 5/31/05, meeting minutes and clarification from staff and relevant State regulations. Grammatical corrections and typos have not been itemized in this memo.

The Unified Development Code (UDC) Omnibus amendment package is intended to update out of date references, adjust for recent changes to state law or court decisions affecting land use, expand economic development opportunities in accordance with the scope of Comprehensive Plan policies, improve permit efficiency and clarify permit processes for public convenience. It was also partially intended to revert to the Jefferson County Code (JCC) as a single code source, rather than the Unified Development Code (UDC) as a subset. This will save cost, time and reduce application and interpretation difficulty. It will also reflect legal requirements, as it is necessary to refer directly to JCC, not UDC, in court proceedings.

#### UDC-Section 1/JCC-18.05 “Introduction”

**18.05.080-** Remove appellate hearing examiner (*ibid 18.40.290*); Staff is recommending the Appellant Hearing Examiner be deleted from the JCC. The impetus behind this proposed elimination of the Appellant Examiner is based upon a recommendation from the current Jefferson County Hearing Examiner. The Appellant Examiner process is utilized by only a few jurisdictions and has been rarely used by Jefferson County applicants. Applicants can appeal the Hearing Examiner’s decision directly to Superior Court or request the Hearing Examiner reconsider the matter. <sup>1</sup>

**18.05.085-** (2) Wording amended to reflect BoCC representation of Jefferson County; and remove references to appellate hearing examiner (*ibid 18.05.080*).

<sup>1</sup> See BoCC 2/14/2006 “In the future, such appeals will go directly from the Hearing Examiner to the Superior Court.

**18.05.090-** Table 1-1 added County Waste Management Essential Public Facility (CWMEPF) and reorganize Airport Essential Public Facility (AEPF) and Airport Overlays (AO). *References to the Airport Overlay zones have been included, consistent with Ordinance 16-1213-04<sup>2</sup>.*

**18.05.180 and 18.05.200-** Changed Uniform Building Code (UBC) =International Building Code (IBC) to reflect recently adopted IBC. All references to the Uniform Building Code have been deleted and replaced with references to the recently adopted International Building Code.

## **UDC-Section 2/JCC-18.10 “Definitions”**

A number of definitions have been modified to conform to provisions of the Washington Administrative Code (WAC), the Revised Code of Washington (RCW), the Uniform Fire Code (UFC) and the International Building Code (IBC).

**18.10.005-** UBC=IBC (*ibid 18.05.180*).

### **18.10.010-**

(c) Remove ‘Airport district’ and ‘approach/transitional’ language (*ibid 18.05.090*);

Revise ‘allowable outright uses’ and ‘allowable use’ definition to *better reflect that an approval process may be required*;

Replace ‘animal shelter (kennel)’ with multiple clarified definitions for consistency with *the changes being proposed in 18.20.060*;

Replace ‘aquaculture’ definition *for consistency with Department of Ecology (DOE)*.

### **18.10.020-**

(c) Clarify BoCC definition *to include all variation in refereeing to the Board*;

‘Bulk fuel’ replaced with ‘Bulk plant and terminal facility’ *to reflect change from Uniform Fire Code (ibid 18.05.180)*.

### **18.10.040-**

Remove Director of Department of Public Works to simplify as director is already defined;

Add ‘Disturbed area’ definition *to reflect mining amendments in 18.20.24*;

Modify ‘Division of land’ *for consistency with amendments in 18.85*;

Add Department of Transportation (DOT) reference *to reflect State language*;

Add ‘Drive-thru’ reference as amended in *18.20.182*.

### **18.10.050-**

Modify ‘endangered species’ and ‘Environmentally sensitive areas’ (ESA) citation *per WAC 356-190*;

Modify ‘existing use’ definition *for consistency with other proposed amendments*.

### **18.10.070-**

Remove ‘Grade, average level’; modify ‘Grade, existing’; add ‘Grade Plane’ *to reflect IBC (ibid 18.05.180)*.

### **18.10.080-**

(e) Modify ‘heavy equipment’, ‘height of building’, ‘height, building’ and ‘height story’ *to reflect IBC (ibid 18.05.180)*; and

Add ‘Hobby Kennel’ *for consistency with the changes being proposed in 18.20.060*.

### **18.10.090-**

Replace ‘impervious surface’ *to coincide with DOE’s Stormwater Management Manual (SMM)*;

Modify ‘intensification of nonconforming use’ *for consistency with proposed amendments in 18.20.260*;

Add ‘IBC’ definition (*ibid 18.05.180*).

### **18.10.100-**

Add ‘Junk motor vehicle’ definition *to reflect RCW 46.55.230*.

### **18.10.120-**

Add ‘Land disturbing activity’ definition and modify Land Division (*ibid 18.10.090*);

(c) Correct ‘Lot record’ citation *to reflect RCW change*.

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<sup>2</sup> Airport Overlay amendments, Ordinance 16-1213-04, have been adopted. Inclusion was a document error.  
Itemized Omnibus History

**18.10.130-**

Replace 'Manufactured housing' with modified 'Manufactured Home' *to comply with WAC*; and Add 'Mobile food unit' *for consistency with other recommendations in 18.20.182.*

**18.10.140-**

Redefine 'Noise' and add 'Noise disturbance' *to reflect WAC 173-58-020.*

**18.10.150-**

Modify 'Overlay district' *per Ordinance 16-1213-04 (ibid 18.05.090).*

**18.10.160-**

Remove 'Preliminary drainage plan' and modify 'Project permit' *to coincide with SMM (ibid 18.10.090).*

**18.10.180-**

Add 'Reclamation' and 'Reclamation setbacks' *to coincide with mining amendments 18.20.24;*

Modify 'Runoff' definition *to coincide with SMM (ibid 18.10.090);*

Add 'Recreational park trailer' *to clarify use per RCW 43.22.335;*

Modify 'Rural recreational lodging' to include 'cabins' based on DRD recommendation and *permit applications;*

Port Hadlock removed from 'Rural V. Centers' *to reflect UGA and GMA changes (ibid 18.18).*

**18.10.190-**

Remove 'Septage' and 'Substantial improvement' *to coincide with SMM (ibid 18.10.090);*

Add 'surface mine' *for consistency with RCW 79A.05.630.*

**18.10.200-**

'Transitional surface' removed as it referenced runways *per Ordinance 16-1213-04 (ibid 18.05.090).*

**18.10.210-**

Remove UBC *(ibid 18.05.180)*

**18.10.230-**

Add 'WADOT' and 'WSDOT' *to reflect change with DOT, 18.10.040.*

**UDC-Section 3/JCC-18.15 "Land Use Districts"**

**18.15.030-**

Add CWMEPF and AEPF as additional nonpublic land districts *(ibid 18.05.090)*

**18.15.035-**

Table updated *to reflect that outright uses are exempt for this code, therefore not require permitting or zoning review.* Add 'Note 5' for consistency regarding 'outright uses'.

**18.15.095-**

(4a) modified 'Disclosure' approval to *clearly disclose the potential contact between applicants and resource land activities and to reflect mining/forestry practice changes.*

**Article III A addition:**

Corrected to reflect the adoption of AO zones Ordinance 16-1213-04 *(ibid 18.05.090).*

**18.15.110-** Designates JC AEPFD as JC International Airport (JCIA); **18.15.1112** AEPF purpose and intent;

**18.15.1114** AEPF permit, conditions and prohibited uses; **18.15.1116** permitted uses of AEPF; **18.15.1118**

conditional, discretionary and special uses; **18.15.1120** Accessory uses subject to FAA; **18.15.1122** Prohibited

uses; **18.15.1124** AEPF development standards; **18.15.1126**, **18.15.1128** & **18.15.1130** electrical, lighting and

height specifications; **18.15.1132** Add "Grand transportation facilities" *(ibid 18.05.090).*

**18.15.180-**

(1) Modify 'Nuisance' specifying maximum noise standard to *be consistent with WAC 173-60*

**18.15.400-**

'Wetland delineation' (2) remove Army Corps of Engineers certification *at that agency's request.*

**18.15.505-**

(3) PRRD application dimension specifications modified to *coincide with administrative process and increase incentives for clustering. Similar language will be moved from density bonus requests; 20% density bonus for PRRD that includes critical areas and 200% of the associated buffer included in the reserve tract and allowed the recognition of previously platted densities. The maximum bonus density allowed has*

been removed from **18.15.520** to coincide with the preceding amendment. Codify that Planned Rural Residential Development (PRRD) applications for areas under preliminary plat approval from a previous application are considered under the densities from the previous application. Adoption of this proposal would encourage rather than discourage existing preliminary plats to be reformulated under a PRRD, thereby taking advantage of potential mutual benefits to developers/landowners and to the public interest that are possible through a PRRD, including the maintenance of larger tracts of open space that can act as wildlife corridors and provide other ecological and visual functions. At this time, the code does not clearly inform the user that the development densities, or residential units per acre, approved in a preliminary plat continues to be effective under a PRRD-style re-plat.

**18.15.575-**

JCIASP replaced per Ordinance 16-1213-04 (*ibid* 18.05.090).

**UDC-Section 4/JCC-18.20 "Performance and Use-Specific Standards"**

**18.20.020-**

'Accessory uses and structures'

(2) Update 'accessory dwelling unit' to reference LI or LI/C zones, UBC=IBC (*ibid* 18.05.180);

Add recreational park trailers to clarify to coincide with RCW 43.22.335;

And (3) Updated junk motor vehicle language to reflect RCW 46.55.230 (*ibid* 18.10.100).

**18.20.030-**

(2) 'Environmentally sensitive' changed to 'Critical areas' to coincide with WAC 356-190.

**18.20.060-**

'Animal kennels, (catteries) and shelters' has been updated reflecting the JCC (6.05) Animal Responsibility Ordinance which differentiates between "hobby kennels" and "commercial kennels". Prior language batched all kennels into one designation requiring a conditional use permit, regardless of size or scope of the kennel operation. The changes include modification to Table 3-1 to be consistent with the Jefferson County Animal Responsibility Ordinance, to classify food and beverage stands and construction contractors, to include notification procedures for properties in proximity to resource lands, and to modify the density bonus provisions available to certain PRRDs.

**18.20.070-**

'Asphalt and concrete batch plants' language update for consistency with mining recommendations 18.20.240.

**18.20.110-**

'Cemeteries' modified to reflect cemeteries could be public or private.

**18.20.160-**

Updated to reflect 'forest practices' and the Shoreline Master Program SMP (1)-(4);

(3) Regarding clarification on Class IV, Class III to coincide with WAC; and Class IV General Permit related to 18.30.070 recommendations on stormwater and WAC;

(5) Stormwater and 'critical areas' modified for consistency with SMM and WAC (*ibid* 18.10.090); and (7c) COHP projects meeting criteria not subject to State Environmental Policy Act (SEPA) review to comply with changes to WAC 222 and to for consistency with stormwater and grading standards currently required under the JCC.

**18.20.170-**

'Cottage Industry' (4) has been modified to include small-scale auto repair as a cottage industry to maintain rural character through employee and operations caps, to be permitted via a conditional use permit; the revisions include employee and operations caps to maintain rural character, as well as a requirement to fully comply with DOE waste management and stormwater standards (WAC, SMM).

**18.20.182-**

'Food and beverage stands' (1-9) were added in three categories (mobile, permanent and temporary) to specify regulations, specifications and permit due to the number of newly established stands and large volume of complaints received by the County; and for consistency with health and safety standards of the

*Environmental Health division of County Public Health, the Building division of County Community Development and L&I.*

**18.20.240-**

*'Mineral extraction' modified for consistency with Article VI 18.15/18.30 recommendations, WAC 173-60-04(2) (a) as adopted by JC resolution 67-85 and RCW 78.44; see attachments;*

*The clarification for expansion, intensification, and alteration of nonconforming uses includes public hearings when a determination of significance has been issued. It requires a mineral extraction permit for more than three acres of disturbed area or one acre of eight for prospecting. It also clarifies noise disturbance provisions consistent with WAC 173-60 for surrounding properties and decreased the allowable noise for operations that occur outside the hours of 7 am and 7 pm.*

**18.20.260-**

*'Nonconforming uses and structures': the impetus behind rewriting this item was difficulty for planning staff to interpret and implement the code. The section was revised to provide clarity and provide greater administrative discretion in determining the appropriate review process for various applications and to streamline the application process.*

**18.20.370-**

*'Tank farm facilities' replace 'bulk plant or terminal' with 'fuel storage' to reflect UBC=IBC (ibid 18.05.180).*

**18.20.380-**

*'Temporary outdoor uses' (2) temp food and beverage stands replaced (ibid 18.20.182); and (4) UBC=IBC (ibid 18.05.180).*

**18.20.420-**

*'Veterinarian clinics or hospitals' (2) 'catteries' added (ibid 18.20.060).*

**UDC-Section 6/JCC-18.30 "Development Standards"**

**18.30.050-**

*'Density, dimension and open space standards' (3), (4) and Table 6 modified to reflect UBC=IBC (ibid 18.05.180) and SMM 18.30.070. The number of lots that can be created through a density exemption was lifted from one additional lot that can be created to allowing the number of lots to be created equal to either the number of structures that existed on the property before January 20, 1998 or has a legally permitted septic system and drainfield(s) on or before the same date.*

**18.30.060-**

*(3) & (4) Puget Sound Basin=Western Washington and language modified to reflect SMM (ibid 18.10.090).*

**18.30.070-**

*'Stormwater management standards' (4) 'Stormwater site plan' update to coincide with SMM (ibid 18.10.090); and UBC=IBC (ibid 18.05.180).*

**18.30.080-**

*'Roads' (1) General Subdivision=Developments, plat=development and development process added by staff suggestion for consistency with other recommendations. Note: Lettering correction (w) to (r) next round.*

**18.30.090-**

*'Pedestrian circulation' (2) add to min standard declaration per Department of Public Works for consistency with JC non-motorized Transportation and Recreational Trails Plan.*

**18.30.100-**

*'Parking' (1) & (3) UBC=IBC (ibid 18.05.180);*

*Table 6-2 "Minimum parking spaces' modified for consistency with the JCC 6.05 (ibid 18.20.060).*

**UDC-Section 7/JCC-18.35 "Land Divisions"**

**18.35.030-**

*'Applicability' (5) 'tideland' referenced to RCW 79.125 and 58.17 to reflect RCW updates.*

**18.35.060-**

'Purpose, scope and limitations' (2-5) Boundary Line Adjustment (BLA) language has been modified *to assure BLA compliance with the most current case law*. The state law for BLAs do not make a distinction for the number of lots, parcels, or tracts that may have their boundaries adjusted. Also allowed an applicant to do a Site Plan Approval Advance Determination (SPAAD) in conjunction with a BLA to prove the resultant lots have sufficient buildable area.

**18.35.070-**

'Application submittal and contents' (3-7) clarified regarding BLAs and SPPAD (*ibid 18.35.060*) also for *consistency with ESA per WAC*; and Sewage systems language modified for efficiency (*ibid 18.40.100 below*).

**18.35.080-**

'Review process and criteria' (2-6) BLA modified to coincide with *RCW 86.56.345 and 18.35.060*.

**18.35.120-**

'Preliminary short plat contents' (3) 'associated setbacks' as existing location (*ibid Article VI below*).

**18.35.130-**

'Short plat approval criteria' (*ibid Article VI below*); and (1c) removed pertaining to SEPA language *updated in other sections*.

**18.35.140-**

'Short plat review process' (*ibid Article VI below*); and (5) Updated to reflect for *RCW 86.56.345*.

**18.35.160 & 18.35.350-**

'Surety' language replaces 'Improvement method report' per Public Works recommendation and *for efficiency (ibid Article VI below)*.

**18.35.180-**

'Final short plat' application requirements update from 3 to 5 copies for consistency in processing applications (*ibid Article VI and 18.45.040*).

**18.35.230 & 18.35.420-**

'Distribution of copies and filings' language updated (*ibid 18.45.040 below*).

**18.35.310-**

'Approval criteria' (3) reference updated *to reflect RCW 86.56.345 as adopted*.

**18.35.370-**

'Preparation of a final long plat' (3) Public Health Department replaces 'auditor's certificate' (*ibid Article VI*).

**18.35.520-**

'Modifications and vacations' (1) 'application for a plat alteration' added to binding site plan (*ibid Article VI*).

**Article VI "Plat Alteration" addition:**

**18.35.670-18.35.690** 'Purpose' 'Application submittal and contents' and 'Review process and criteria' added *as plat amendment process existed pre-UDC and staff would like to create that option again*. The ability to amend or alter a plat was not incorporated into the JCC when the code was adopted in 2000. This amendment would increase efficiency in processing applications.

**UDC-Section 8/JCC-18.40 "Permit Application and Review Procedures/SEPA Implementation"**

All 'appellant examiner' language removed, references update and subsection numbers reorganized for consistency after changes (*ibid 18.05.080*).

**18.40.010-**

'Purpose'; (3) and Table 8-2 appellant examiner removed (*ibid 18.05.080*); and Table 8-1 *updated for consistency with recommendation throughout 'Omnibus'*.

**18.40.100-**

'Development permit application'; (1g) pending septic application condition added *by staff and BoCC suggestion to reduce backlog in permitting and increase efficiency in the application process*; and (3-4) Modified *for consistency with recommendations throughout 'Omnibus'*.

**18.40.130-** 'Scope', **18.40.140** 'Project constancy', **18.40.270** 'Administrative approval', **18.40.290** 'Appellant Examiner', **18.40.320** 'Final decision' **18.40.330** 'Administrative appeals'- appellant examiner references removed (*ibid 18.05.080*).

**18.40.340-**

'Judicial appeals' replacing 'Remand' for appeals (*ibid 18.05.080*); and  
(4) Land Use Petition Act reference removed for clarity as it is redundant *to judicial appeals*.

**18.40.360-**

'Submission requirements' (2) added to specify abuse of UDC interpretation requests *as a recommendation by staff due to experience with interpretation requests*.

**18.40.470-**

'Limitations on approval' to clarify that 'advanced determination' is subject *to law changes*.

**18.40.480-**

'Modifications to an approved site plan' (1) plat amendment added for consistency with 'Omnibus' recommendations (*ibid Article VI*).

**18.40.530-**

'Approval criteria for all conditional uses'; (3-7) added to specify modifications of 'conditional uses' *as recommended by staff in response to public needs and efficiency in application processes*.

**18.40.750-**

'Categorically exempt actions' (1) clarify maximum exempt levels to be consistent with WAC 197-11-800 (1) (c) SEPA thresholds will decrease cost and review time for permits without compromising environmental protection. This change incorporates the maximum exemption thresholds permissible under WAC 197-11-800. WAC allows jurisdictions to change the thresholds for SEPA review; (2) "probable significant" added as measure of environmental impact *per WAC; as environmental protections are established according to best available science*.

**18.40.760 & 18.40.770-**

"Probable significant" added to impacts language (*ibid 18.40.750*).

**18.40.790-**

'Public hearings and meetings'; (2b) number of affected persons regarding an environmental impact project to require a written request raised from 50 to 100 *to be consistent with SEPA requirements (ibid 18.40.750)*.

**18.40.810-**

'Appeals'; hearing examiner language removed (*ibid 18.40.290*); and  
Land Use Petition Act removed (*ibid 18.40.340*).

**18.40.830-**

'General requirements' (5) 'environmentally sensitive area' district (ESA) reference removed (*ibid 18.10.050*).

**UDC-Section 9/JCC-18.45 "Comp Plan & GMA Implementing Regulations Amendment Process"**

'Applications for Comp Plan amendment' (2) update application deadline and add color copies/maps specifications to update as adopted, *see Board Official Buisness-1/18/2006. Made changes to the dates for both site-specific and suggested amendments to March 1st.*

**18.45-** Adopted through *Ordinance No. 02-0126-06*.

**UDC-Section 10/JCC-18.50 "Enforcement";** *see Board Official Buisness-1/18/2006*

**18.50-** Adopted through *Ordinance No. 02-0126-06*.

**UDC-Appendix D/JCC-18.18 "Irondale and Port Hadlock UGA Development Regulation Implementation"**

**18.18-** Notice added to declare 18.18 "null and void" *This section has been rescheduled as of April 10, 2006 in entirety.*

This memo was prepared by staff and the Planning Commission as requested by the February 21, 2006 BoCC motion. The attached memos and documents have been added for further detail on the formation of the UDC Omnibus recommendations.