

Memorandum

To: Planning Commission
From: Long-Range Planning/UDC Subcommittee
Re: UDC/JCC
Date: 5/31/05

The following document represents proposed changes to the Unified Development Code (UDC) recommended jointly by Staff and the UDC Committee. Staff is proposing to eliminate the current format of the UDC and officially replace it with the Jefferson County Code (JCC). The impetus behind this request is the JCC is the legal code utilized for Jefferson County. The JCC encompasses the codification of all general ordinances for the County. This includes the UDC, which is codified as Title 18 of the JCC. The JCC contains a different formatting system and is maintained and updated by a professional code publishing company. The transition to using solely the JCC will eliminate the efforts, expense and time to format and update two separate UDC codes.

The attached document represents line-in/out changes to the JCC proposed by Staff and the UDC Subcommittee. This draft encompasses both global and policy changes. The global changes to the JCC include removing outdated references to the old UDC, correcting spelling and grammar errors, and updating references to new codes, rules and laws.

Policy changes are described below with references to each section of the JCC.

Chapter 18.05 – Introduction

1) Deleted all references to the appellant hearing examiner

Staff Comment

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 Examiners decision directly to Superior Court or request the Hearing Examiner reconsider the matter.

2) Include Airport Overlays as adopted through Ordinance No. 16-1213-04

3) Change references from the Uniform Building Code to reflect the newly adopted International Building Code.

Chapter 18.10 – Definitions

Page 4 - Delete old references to the airport.

Page 4 – Redefined “**Allowed Use**” to clarify that an approval process may be required.

Page 6 – Revised definitions to kennels, shelters and catteries. The revision corresponds to the changes being proposed in JCC 18.20.060.

Page 8 – Bulk fuel storage revised to reflect Uniform Fire Code.

Page 13 – “**Disturbed Area**” – Included to address mining.

Page 17 – Inserted “**Grade Plane**” to reflect IBC.

Page 18 – Deleted UBC height provisions and added IBC.

Page 19 – Revised definition of “**Impervious surface**” to coincide with DOE’s Stormwater Management Manual.

Page 20 – Amend definition of “**Junk motor vehicle**” to reflect RCW 46.55.230.

Page 21 – “**Land disturbing activity**” changed to coincide with DOE’s definition in the Stormwater Management Manual.

Page 23 – “**Manufactured home**” revised to comply with the WAC.

Page 25 – Definition of “**Noise**” revised to reflect WAC 173-58-020.

Page 31 – Added definitions pertaining to “**Reclamation**” and “**Reclamation Setbacks**”.

Page 33 – Revised the definition of “**Runoff**” to correspond to DOE’s Stormwater Management Manual.

Page 38 – Added new definition of “**Surface mine**”.

Chapter 18.15 – Land Use Districts

Article III §18.15.1110 – Added the changes to the airport as approved by Ordinance No. 16-1213-04.

Article VI-K § 18.15.405 – Changed the Airport Overlays per Ordinance No. 16-1213-04.

Page 8 – Included landfill as an Essential Public Facility.

Page 11 – Clarified that outright uses or activities are exempt for this code (e.g., to not require permitting or zoning review)

Table 3-1

Page 14 – Created new provisions for kennels and catteries. The section coincides with the Jefferson County Animal Responsibility Ordinance and 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.

Page 14 – Modified excavation contractor to include construction contractor. Construction includes excavation.

Page 15 – Food and beverage stands is a new section identified in 18.20.

Page 23 – Modified procedures to condition a permit apprising property owners of their proximity to adjacent resource lands. Prior procedures required the applicant to submit a statement of acknowledgement.

Page 75 – Added a 20% density bonus for Planned Rural Residential Developments that includes critical areas and 200% of the associated buffer included in the reserve tract and allowed the recognition of previously platted densities.

Chapter 18.18 – Urban Growth Area

Page 10 – Removed sign regulations for Urban Growth Area, included reference to JCC 18.30.150 for applicable sign regulations.

Chapter 18.20 – Performance and Use-Specific Standards

18.20.060- Animal Kennels, Catteries and Shelters

Revised this section to coincide with the Jefferson County Animal Responsibility Ordinance (Chapter 6.05 of the JCC). The revisions included defining “hobby kennel”, “catteries”, “commercial kennels” and “shelters”. The changes also amended Table 3-1 to differentiate between the newly defined uses. Prior language required a conditional use permit for all types of kennels.

18.20.160 - Forest Practices

Changes were made to comply with WAC 222 and reflect the stormwater and grading standards currently required under the JCC.

18.20.170 – Cottage Industry

Added small scale auto repair as a cottage industry. The revision includes an employee and cottage industry operation cap to maintain rural character. In addition, full compliance with stormwater and DOE’s waste management standards is required. Prior to establishing the cottage industry a conditional use permit is still required.

18.20.182 – Food and Beverage Stands

Food and Beverage Stands were added to this code due to the number of newly established stands and large volume of complaints received by the County. Three categories of stands were created to allow mobile, temporary, and permanent stands. The proposal was created in concert with Jefferson County Environmental Health, L&I and Jefferson County Building Department to assure health and safety requirements are met.

18.20.240 - Mineral Extraction

Clarified provisions for expansion, intensification, and alteration of nonconforming uses to include public hearings when a determination of significance has been issued. Requires a mineral extraction permit for more than three acres of disturbed area or one acre of eight for prospecting. Clarified noise disturbance provisions consistent with WAC 173-60-040(2)(a) 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

This section was rewritten and reformatted. The impetus behind the rewrite stemmed from current planning staff's inability to accurately interpret and implement the code. The section was revised to provide clarity and allow for more administrative discretion for determining review of the various applications.

Chapter 18.30 – Development Standards

18.30.050 – Density, Dimension and Open Space

Changes were made that reflect the adoption of the International Building Code

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.

18.30.150 – Signs

Revised the signage regulations to specify requirements for internally illuminated signs, reduced the maximum sign height to 15-feet, changed the requirements for mounting signage on the building and signage at access points.

Chapter 18.35 – Land Divisions

18.35.060 – Boundary Line Adjustments

Updated BLA code for 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.

Added Article VI – § 18.35.670 Plat Alteration

The ability to amend or alter a plat was not incorporated into the JCC when the code was adopted in 2000.

18.40 – Permit Application and Review Procedures/SEPA Implementation

18.40.290 – Appellant Examiner

This section was amended to delete the Appellant Hearing Examiner process.

18.40.750 – SEPA

Increased the maximum flexible thresholds to require commercial buildings over 12,000 square feet, agricultural buildings over 30,000 square feet and parking lots over 40 automobiles/parking stalls to be subject to review under the State Environmental Policy Act (SEPA). WAC 197-11-800 allows jurisdictions to change the thresholds for SEPA review.

18.45 – Comprehensive Plan and GMA Implementing Regulations Amendment Process

18.45.040 – Applications for Comprehensive Plan Amendments

Made changes to the dates for both site-specific and suggested amendments to March 1st.

18.45.050 – Compilation of Preliminary Docket

Changed the Five Year Assessment Cycle to Periodic Assessment. The change to Periodic Assessments will reflect future State changes to the timelines for assessment. The dates for processing the assessments has been changed to allow for increased review time.