

Chapter 18.15

LAND USE DISTRICTS

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Article I. Land Use Districts

- 18.15.005 Classes established.

(1) The Jefferson County Comprehensive Plan establishes five principal land use classes for the county. Each class permits a different level of activity. The general classes are urban growth areas, rural lands, resource lands, master planned resorts and public lands.

(2) The individual land use categories within the classes are referred to as “districts.” This section of the Unified Development Code provides development regulations by identifying uses and activities which may or may not be established in these classes.

These classes have been developed based on:

- (a) Requirements of the Washington State Growth Management Act (RCW 36.70A);
- (b) Natural systems and land capability;
- (c) Existing land use patterns. [Ord. 10-04 § 3; Ord. 11-00 § 3.1]

18.15.010 Urban growth areas (UGA).

There is currently one unincorporated UGA in Jefferson County: the Irondale and Port Hadlock urban growth area. The Irondale and Port Hadlock UGA comprises three broad categories of urban land uses: urban residential; urban commercial; and urban industrial. These comprehensive plan land use categories are further defined into “zoning districts” that identify specific land use activities, densities and intensities of use allowed in the Irondale and Port Hadlock UGA. The specific land use and zoning provisions of the Irondale and Port Hadlock UGA are contained in Chapter 18.18 JCC. [Ord. 10-04 § 3; Ord. 11-00 § 3.1(1)]

18.15.015 Rural lands.

Rural Lands. This land use class includes three categories: rural residential; rural commercial; and rural industrial. These categories are further defined into specific “districts”:

(1) Rural Residential.

(a) Rural Residential 1 Unit/5 Acres (RR 1:5). The purpose of this district is to allow for continued residential development in areas of Jefferson County consisting of relatively high density pre-existing patterns of development, along the county’s coastal areas, and within areas within or adjacent to rural centers and rural crossroads. In addition, this district seeks to support and foster Jefferson County’s existing rural residential landscape and character by restricting new land divisions to a base density of one unit per five acres.

(b) Rural Residential 1 Unit/10 Acres (RR 1:10). This district provides a transitional area between the rural residential one per five acre district and the rural residential one unit per 20 acre district. Its intent is to preserve open space, protect critical areas, provide for the continuation of small-scale agricultural and forestry, and preserve and retain the rural landscape and character indigenous to Jefferson County.

(c) Rural Residential 1 Unit/20 Acres (RR 1:20). The purpose of this district is to provide a buffer in areas adjacent to UGAs and designated forest and agricultural lands of long-term commercial significance, as well as protecting areas identified as possessing area-wide environmental features which constrain development such as shoreline areas or areas of steep and unstable slopes. The district also protects land from premature conversion to higher residential densities prior to an established need.

(2) Rural Commercial.

(a) Rural Centers (Rural Village Center) (RVC). Rural village centers provide for most of the essential needs of the surrounding rural population and the traveling public. These areas supply a variety of basic goods and day-to-day services, while also providing a limited range of professional, public and social services. They are typically small, unincorporated commercial and residential community centers that provide rural levels of service and serve as a focal point for the local population. The boundaries of the rural

village centers are predominantly defined by the contained, built environment as it existed in 1990 or before, as required by RCW 36.70A.070(5)(d). Designated rural village centers include: Quilcene and Brinnon.

(b) General Crossroads (GC). General crossroads are existing historic commercial areas that provide a broad range of commercial goods and services for a larger population base in the northeastern part of Jefferson County. There is one general crossroads designation identified in Jefferson County: SR 19/20 Intersection.

(c) Neighborhood/Visitor Crossroads (NC). Neighborhood/visitor crossroad districts serve the nearby rural neighborhood and the commuting or traveling public. These historic areas typically provide an extended range of goods and services by establishment of restaurants, taverns/bars, auto part stores, hotel/motels and a limited range of specialty and professional services. There are five neighborhood crossroads identified in Jefferson County: Mats Mats, Discovery Bay, Four Corners, Chimacum and Gardiner.

(d) Convenience Crossroads (CC). Convenience crossroads consist of a single commercial property at a historical crossroads. Typically, the existing commercial use is a convenience or general store with associated uses that provide a limited selection of basic retail goods and services for the local population and the commuting or traveling public. Land uses are not oriented to markets beyond the local rural population. There are three convenience crossroad designations in Jefferson County: Nordland, Beaver Valley and Wawa Point.

(3) Rural Industrial.

(a) Light Industrial/Manufacturing (LI/M). The purpose of this district is to provide for rural economic development by regulating light industrial and manufacturing uses in the Quilcene area. The light industrial uses and activities associated with this district are intended to be compatible with the rural character. There are two light industrial/manufacturing districts in Jefferson County: Quilcene and Eastview.

(b) Glen Cove Light Industrial/Commercial (LI/C). The intent of this district is to facilitate economic development and provide for a broader range of light industrial and associated commercial activities in the Glen Cove area until the potential final urban growth area (PFUGA) designation process for the Glen Cove area may be considered. Associated commercial activities are intended to directly serve the needs of the land use activities existing within this district.

(c) Glen Cove Light Industrial (LI). The purpose of this district is to facilitate economic development and provide for a broad range of light industrial uses. The light industrial uses and activities associated with this district are intended to be compatible with the Glen Cove area.

(d) Heavy Industrial (HI). The intent of this district is to facilitate economic development and regulate development of more intensive heavy industrial and manufacturing activities, including and associated with the Port Townsend Paper Mill.

(e) Resource Based Industrial (RBI). This district recognizes existing forest resource-based industries in Jefferson County, in particular active sawmills and related activities. The district is intended to facilitate the continued operation of existing functional sawmills and related resource-based industrial activities in the county. There are three resource based industrial site designations in Jefferson County: ~~Gardner~~Gardiner, Center Valley, and the West End.

(4) Forest Transition Overlay 1 Unit/5 Acres (FTO 1:5). This category provides a transitional area between forest resource lands and abutting rural residential lands characterized by pre-platted lots of density greater or equal to one acre in size. The FTO category does not automatically attach to any lands, but parcel(s) may be approved for such designation in accordance with the provisions of JCC 18.15.571. Its intent is to promote the continued viability of resource-based activities in rural areas by minimizing the potential for conflict and incompatibility between these uses and surrounding residential uses. [Ord. 10-04 § 3; Ord. 21-02 § 1; Ord. 18-02 § 2 (Exhs. A, C); Ord. 11-00 § 3.1(2)]

18.15.020 Resource lands.

This land use class includes three main categories and several distinct “districts.”

(1) Agricultural Resource Lands (AG).

(a) Prime Agricultural Lands (AP-20). The purpose of the prime agricultural lands district is to protect and preserve areas of prime agricultural soils for the continued production of commercial crops, livestock, or other agricultural products requiring relatively large tracts of agricultural land. It is intended to preserve and protect the land environment, economy and lifestyle of agriculture in Jefferson County. These lands must be protected as “agricultural lands of long-term commercial significance.”

(b) Agricultural Lands of Local Importance (AL-20). The purpose of the agricultural lands of local importance district is to protect and preserve parcels of land which, while not necessarily consisting of prime agriculture soil or relatively large acreage, are still considered important to the local agricultural economy, lifestyle and environment. As such they deserve protection as “agricultural lands of long-term commercial significance.”

(2) Forest Resource Lands (FOR).

(a) Commercial Forest (CF-80). The purpose of the commercial forest district is to ensure large tracts of forest lands of long-term significance are protected from incompatible uses thereby sustaining the ability of forest resource extraction activities to be maintained as a viable commercial activity.

(b) Rural Forest (RF-40). The purpose of the rural forest district is to ensure forest lands of long-term significance are protected from incompatible uses thereby sustaining the ability of forest resource extraction activities to be maintained as a viable commercial activity, while allowing for diversity in the size of forest tracts.

(c) Inholding Forest (IF). This district encompasses parcels at least 20 acres in size that are entirely surrounded by designated forest resource lands and that are not vested for development under Washington State law.

(3) Mineral Resource Lands (MRL).

(a) Mineral Resource Lands Overlay District (MRL). The mineral resource land district is to provide for the conservation of mineral lands of long-term commercial significance (Article VI-C of this chapter). The intent of this district is to aid in sustaining and enhancing mineral extraction and processing activities of long-term commercial significance by protecting designated lands from incompatible development and to allow for the continued contribution of mineral lands to the Jefferson County economy. [Ord. 10-04 § 3; Ord. 06-04 § 2; Ord. 11-00 § 3.1(3)]

18.15.025 Master planned resort.

Per RCW 36.70A.360, a new master planned resort means a self-contained and fully integrated development with primary focus on resort destination facilities that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. A resort may include other residential uses, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(1) Port Ludlow Master Planned Resort (MPR). The only existing officially designated master planned resort in the county is the Port Ludlow MPR, which is designated in accordance with RCW 36.70A.362 as an existing master planned resort and is subject to the provisions of JCC Title 17. The master planned resort of Port Ludlow is characterized by both single-family and multifamily residential units with attendant recreational facilities including a marina, resort and convention center. The master planned resort of Port Ludlow also includes a large residential community. The entire resort is served by a village commercial center, which accommodates uses limited to serving the resort and local population. The master planned resort's internal regulations and planning restrictions such as codes, covenants and restrictions may be more restrictive than the requirements in JCC Title 17. However, Jefferson County does not enforce private codes, covenants and restrictions. [Ord. 10-04 § 3; Ord. 11-00 § 3.1(4)]
18.15.030 Public.

This land use class consists of nonfederal public lands used for special purposes. It includes ~~one main~~ three districts:

(1) ~~(1)~~ Parks, Preserves and Recreation (PPR). This land use district consists of state and county parks, preserves and recreational sites. It is intended to provide for public recreational opportunities consistent with the rural character of the county and preserve significant natural amenities of special or unique character. [Ord. 10-04 § 3; Ord. 11-00 § 3.1(5)]

(2) County Waste Management Essential Public Facility.

(3) Airport Essential Public Facility (AEPF) This land use district consists of land owned by the Port of Port Townsend that directly and indirectly supports the operations of the Jefferson County International Airport as an Essential Public Facility. It is intended to promote compatible land uses and the long-term economic viability of the JCIA consistent with County Goals regarding essential public facilities, the preservation of rural character, and economic development.

Article II. Land Use Regulations – Allowable and Prohibited Uses by Designation

18.15.035 General applicability.

The land use regulations in this section implement the Comprehensive Plan. They are broken down into broad categories which should include almost any type of land use that might be proposed. The use regulations establish standard procedures for all new development. [Ord. 10-04 § 3; Ord. 11-00 § 3.2]

18.15.040 Categories of land use.

Land uses regulated under this code are divided into four categories, as identified in Table 3-1.

(1) Uses Allowed. Uses allowed subject to meeting the applicable performance standards (Chapter 18.20 JCC) and development standards (Chapter 18.30 JCC) and other applicable provisions of this code, (including project permit approval, see Chapter

18.40 JCC, if a building or other development permit is required) are designated by a “Yes.”

(2) Discretionary Uses. Discretionary uses are certain named and all unnamed uses which may be allowed subject to the applicable development and performance standards (Chapters 18.20 and 18.30 JCC) and an administrative review of potential impacts are designated by a “D” (for “discretionary”). On the basis of the administrative review, the administrator may classify the proposed “D” use as either an allowed use, a prohibited use, or a conditional use in the particular land use district affected.

Discretionary, “D,” uses are subject to a Type II administrative review as specified in Chapter 18.40 JCC. Decisions classifying “D” uses made under this section may be appealed to the hearing examiner (see Chapter 18.40 JCC). The administrator may classify the discretionary use as an allowed “Yes” use in the particular district affected, only if the proposed development:

- (a) Complies with the applicable development standards of Chapter 18.30 JCC;
- (b) Complies with the performance and use-specific standards unique to the proposed use specified in Chapter 18.20 JCC;
- (c) Is appropriate in design, character, and appearance with the goals and policies for the land use designation and district in which the proposed use is located;
- (d) Is consistent with the goals and policies of the Comprehensive Plan and the applicable regulations of the Shoreline Master Program if the application involves property located within the jurisdiction of the state Shoreline Management Act, but does not require a shoreline permit;
- (e) Will be served by adequate facilities including access, fire protection, water and sewer facilities (municipal, community, or on-site systems);
- (f) Does not include any use or activity that would result in the siting of an incompatible use adjacent to an airport or airfield (Chapter 36.70 RCW);
- (g) Shall not adversely impact the public health, safety and general welfare of the residents of the county;
- (h) Shares characteristics common with but not of significantly greater intensity, density or that generates more environmental impact than those uses allowed in the district in which it is to be located; and
- (i) Will not result in impacts on the human or natural environments determined by the administrator to require review as a conditional use.

If the preceding conditions are not met to the satisfaction of the administrator, the administrator may either prohibit the use or require a conditional use permit.

(3) Conditional Uses. All conditional uses are designated by a “C” and may be allowed subject to meeting the applicable development standards (Chapter 18.30 JCC), performance standards unique to the proposed use (Chapter 18.20 JCC), and the criteria for a conditional use permit (Article VIII of Chapter 18.40 JCC), as provided for in this code. All conditional uses shall be reviewed in accordance with a Type III quasi-judicial permit review process (requiring public notice, written comment and a public hearing) outlined in Chapter 18.40 JCC; except that conditional administrative uses (designated by a “C(a)”) may be allowed subject to a Type II administrative permit review process (requiring public notice and written comment, but not a public hearing); and conditional discretionary uses (designated by a “C(d)”) may be allowed subject to a Type II permit review process, unless the administrator determines that a Type III permit review process

(requiring a public hearing) is warranted based on the project's potential impacts, size or complexity, according to criteria in JCC 18.40.550.

(4) Prohibited Uses. Uses designated with a "No" are not allowed in the applicable land use district.

Table 3-1. Allowable and Prohibited Uses

How To Use This Table

Table 3-1 displays the classifications of uses for land use districts, except for land use and zoning districts in the Irondale and Port Hadlock UGA which are specified in Chapter 18.18 JCC.

The allowability and classification of uses as represented in the table are further modified by the following:

The location may have a multiple designation. This would be true of the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also Notes 1 to 3 to this table.

All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use district and location, all relevant regulations must also be consulted in addition to this table.

Categories of Uses

Yes = Uses allowed subject to the provisions of this code, including meeting applicable performance standards (Chapter 18.20 JCC) and development standards (Chapter 18.30 JCC); if a building or other development permit is required, this use is also subject to project permit approval; see Chapter 18.40 JCC.

D = Discretionary uses are certain named and all unnamed uses which may be allowed subject to administrative approval and consistency with the UDC, unless the administrator prohibits the use or requires a conditional use permit based on project impacts; see JCC 18.15.040(2) and Chapter 18.40 JCC.

C = Conditional uses, subject to criteria, public notice, written public comment and public hearing procedure; see Article VIII of Chapter 18.40 JCC.

C(a) = Conditional uses, subject to criteria, public notice, written public comment, and an administrative approval procedure, but not a public hearing; see Article VIII of Chapter 18.40 JCC.

C(d) = Conditional uses, subject to criteria, public notice, written public comment and, at the discretion of the administrator, a public hearing procedure, if warranted, based on the project's potential impacts, size or complexity, according to criteria in JCC 18.40.550; see Article VIII of Chapter 18.40 JCC.

No = Prohibited use.

NOTES:

1. All uses must be consistent with the purpose of the land use district in which they are proposed to occur; See the Land Use Element of the Comprehensive Plan. All land

uses in all districts must meet the general regulations in Article III of this chapter unless otherwise stated herein.

2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of this chapter and of the SMP, as well as the applicable provisions and permit requirements indicated in this table. Please refer to the Shoreline Master Program for specific use regulations and regulations by shoreline environment.

3. Overlay districts provide policies and regulations in addition to those of the underlying land use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in Articles VI and VII of this chapter shall prevail over any conflicting provisions of the UDC.

4. The assignment of allowed or prohibited uses may not directly or indirectly preclude the siting of “essential public facilities” (as designated in the Comprehensive Plan) within the county. See JCC 18.15.110.

5. Outright uses are land uses or activities which are exempt from the provisions of this Unified Development Code.

56. Land Use Districts:

AG	Agricultural Resource Lands I	Rural Industrial
AP-20	Prime Agricultural Land	RI Resource Industrial
AL-20	Agricultural Land of Local Importance (Glen Cove)	LI/C Light Industrial/Commercial
	LI	Light Industrial (Glen Cove)
F	Forest Resource Lands	LI/M Light Industrial/Manufacturing
CF-80	Commercial Forest	HI Heavy Industrial
RF-40	Rural Forest	
IF	Inholding Forest	P Public
	PPR	Parks, Preserves and Recreation
RR	Rural Residential	
RR 1:5	Rural Residential – 1 DU/5 Acres	UGA Urban Growth Area
RR 1:10	Rural Residential – 1 DU/10 Acres	[See Chapter 18.18 JCC]
RR 1:20	Rural Residential – 1 DU/20 Acres	

RC	Rural Commercial
RVC	Rural Village Center
CC	Convenience Crossroad
NC	Neighborhood/Visitor Crossroad
GC	General Crossroad

6. Forest Practices (including timber harvesting), except for Class IV, general (see JCC 18.20.160) are regulated by the Washington Department of Natural Resources.

Specific Land Use	Resource Lands		Rural Residential			Rural Commercial				Rural Industrial				Public	UGA	
	Agricultural – Prime and Local	Forest – Commercial, Rural and Inholding	1 DU/5 Acres	1 DU/10 Acres	1 DU/20 Acres	Rural Village Center	Convenience Crossroad	Neighborhood/Visitor Crossroad	General Crossroad	Resource-Based Industrial	Light Industrial/Commercial (Glen Cove)	Light Industrial (Glen Cove)	Light Industrial/Manufacturing (Quilcene and Eastview)	Heavy Industrial	Parks, Preserves and Recreation	Irondale and Port Hadlock Urban Growth Area
Residential Uses	AG	CF/RF/IF	RR 1:5	RR 1:10	RR 1:20	RVC	CC	NC	GC	RI	LI/C	LI	LI/M	HI	PPR	UGA
Single-Family Housing																
Accessory dwellings units	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No Yes	No Yes	No	No	No	
Caretaker residence (public parks)	No	No	No	No	No	No	No	No	No	No	No	No	No	No	C(a)	
Co-housing/intentional communities (subject to PRRD overlay in RR districts)	Yes	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	
Manufactured/mobile home parks (subject to PRRD overlay in RR districts)	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	No	No	No	No	No	No	
Single-family residences	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	
Transient rental of residence or accessory dwelling unit	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	
Duplexes (subject to meeting underlying density requirements)	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	
Farm worker housing	See JCC 18.20.030	No	No	No	No	No	No	No	No	No	No	No	No	No	No	

Multifamily Housing															
Multifamily residential units (3+ units)	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Residential care facilities with up to 5 persons	No	No	Yes	Yes	Yes	Yes	No	No	Yes	No	No	No	No	No	No
Residential care facilities with 6 to 20 persons	No	No	C	C	C	Yes	No	No	No	No	No	No	No	No	No
Nursing/convalescent/assisted living facilities	No	No	C	C	C	Yes	No	Yes	Yes	No	No	No	No	No	No
Unnamed residential uses	No	No	D	D	D	D	No	D	D	No	No	No	No	No	No
Accessory Uses															
Home businesses	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
Cottage industry	C(a)	C(a)	C(d)	C(d)	C(d)	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
<u>Hobby kennel</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
Commercial Uses															
Animal shelters and commercial kennels, and commercial catteries	See JCC 18.20.030	C(ad)	C(ad)	C(ad)	C(ad)	C(ad)	No	No	C(ad)	No	No	No	No	No	No
Automotive service and repair	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No
Automotive service and repair (with subordinate auto sales)	No	No	No	No	No	Yes	No	No	Yes	No	No	No	No	No	No
Bed and breakfast inn (4 to 6 rooms)	Yes	No	C(a)	C(a)	C(a)	Yes	No	Yes	Yes	No	No	No	No	No	No
Bed and breakfast residence (1 to 3 rooms)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Boat storage, commercial (outside of SMP)	No	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	Yes	No	No
Boat building and repair, commercial	No	No	No	No	No	C	No	No	No	No	Yes	Yes	Yes	Yes	No
Clinics (medical, dental, and vision)	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Convenience and video stores	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Day care, commercial	C	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Drinking establishment	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Eating establishment	No	No	No	No	No	Yes	Yes	Yes	Yes	No	C	No	No	No	No
Small equipment repair, sales and rental services	See JCC 18.20.030	No	No	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No

Excavating/Construction contractor, commercial	No	No	No	No	No	Yes	No	No/Yes ¹	Yes	No	Yes	Yes	Yes	No	No
Food and beverage stands	No	No	No	No	No	Yes	Yes	Yes	Yes	No	Yes	Yes	Yes	Yes	No
Gas stations	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Golf courses and driving ranges	No	No	C	C	C	No	No	No	No	No	No	No	No	No	C
Grocery stores and gift shops	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Hotel/motel	No	No	No	No	No	Yes	No	No ²	C	No	No	No	No	No	No
Indoor entertainment or recreational facility	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Liquor stores	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Lumber yards/building supply and materials	No	No	No	No	No	Yes	No	No	C	No	Yes	Yes	Yes	No	No
Mini-storage facilities	No	No	No	No	No	Yes	No	C/Yes ³	Yes	No	Yes	No	Yes	No	No
Personal and professional services	No	No	No	No	No	Yes	D	D	Yes	No	No	No	No	No	No
Resorts, master planned (new)	See Article IV of Chapter 18.15 JCC														
Retail sales and services	See JCC 18.20.030	No	No	No	No	Yes	D	D	Yes	No	No	No	No	No	No
Vehicle sales, new and used retail (auto and RV)	No	No	No	No	No	C(a)	No	No	No/C(a) ⁴	No	No	No	No	No	No
Veterinary clinics and hospitals	See JCC 18.20.030														
Unnamed commercial uses	No	No	No	No	No	D	D	D	D	No	D	No	No	No	No
Industrial Uses															
Bulk fuel storage plant or terminal-facilities	No	No	No	No	No	No	No	No	No	No	C	C	C	C	No
Asphalt and concrete batch plants	No	C	No	No	No	No	No	No	No	No	No	No	No	Yes	No
Heavy equipment sales and rental services	No	No	No	No	No	C(a)	No	No	C(a)	No	Yes	Yes	Yes	No	No
Heavy industrial, resource-based	No	No	No	No	No	No	No	No	No	C(a)	No	No	No	Yes	No
Light industrial/manufacturing	See JCC	No	No	No	No	No	No	No	No	C(a)	Yes	Yes	Yes	No	No

	18.20.030														
Food or beverage bottling and/or packaging	See JCC 18.20.030	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
Outdoor storage yards	See JCC 18.20.030	No	No	No	No	No	No	No	No	C(a)	Yes	Yes	Yes	Yes	No
Recycling center	See JCC 18.20.030	No	No	No	No	No	No	No/C ⁵	No/C ⁶	No	Yes	Yes	Yes	No	No
Mineral extraction activities (without MRL overlay)	Yes	Yes	C	C	C	No	No	No	No	No	No	No	No	No	No
Mineral extraction activities (w/ MRL overlay) (10acre min. lot size)	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No
Mineral processing accessory to extraction operations (without MRL overlay)	C	C	C	C	C	No	No	No	No	Yes	C	C	C	Yes	No
Mineral processing accessory to extraction operations (w/ MRL overlay)	Yes	Yes	C	C	C	No	No	No	No	Yes	No	No	No	Yes	No
Warehouse/wholesale distribution center	See JCC 18.20.030	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	No	No
(Automobile) wrecking yards and junk (or salvage) yards	No	No	No	No	No	No	No	No/Yes ⁷	No/Yes ⁸	No	Nos	Nos	Yes	Yes	No
Unnamed industrial uses	No	No	No	No	No	No	No	No	No	D	D	D	D	D	No
Institutional Uses															
Essential Public Facilities⁹	See JCC 18.15.110														
Airports (w/o airport EPF overlay)	No	No	No	No	No	No	No	No	No	No	No	No	No	No	No
Educational facilities (state owned)	No	No	C	C	C	C	No	C	C	C	C	C	C	No	No

Large-scale regional transportation facilities (state owned) (e.g., freeways, ferry terminals)	No	No	C	C	C	C	No	C	C	C	C	C	C	C	No
Correctional facilities	No	No	C	C	C	C	No	C	C	C	C	C	C	C	No
Solid waste handling and disposal facilities	No	No	C	C	C	C	No	C	C	C	C	C	C	C	No
Inpatient substance abuse and mental health facilities	No	No	C	C	C	C	No	C	C	No	No	No	No	No	No
Unnamed essential public facilities	See JCC 18.20.030	No	C	C	C	C	C	C	C	C					
Public Purpose Facilities															
<u>Animal shelter</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>C(d)</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>C(d)</u>	<u>C(d)</u>
Assembly facilities	See JCC 18.20.030	No	C(d)	C(d)	C(d)	Yes	No	C(a)	C(a)	No	No	No	No	No	No
College or technical school/adult education facility (not state owned)	See JCC 18.20.030	No	No	No	No	C	No	C	C	No	No	No	No	No	No
Emergency services (police, fire, EMS)	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Government offices	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	C(a)
Library	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No
Museum	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	C(d)
Parks and playfields	C	C	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Post office	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No
Public works maintenance/equipment storage shops	C	C	C(d)	C(d)	C(d)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Recreational facilities	C	C	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Recycling collection facilities	See JCC 18.20.030	C(a)	C(a)	C(a)	C(a)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C(a)

School, primary and secondary	See JCC 18.20.030	No	C	C	C	C	No	No	C	No	No	No	No	No	No
Visitor/interpretive center	No	C(d)	C(d)	C(d)	C(d)	C(d)	No	C(d)	C(d)	No	No	No	No	No	C(d)
Water/wastewater treatment facilities	No	No	C(d)	C(d)	C(d)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C(d)
Cemeteries	No	No	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	No
Religious assembly facility	No	No	C(d)	C(d)	C(d)	C(a)	No	C(a)	C(a)	No	No	No	No	No	No
Unnamed institutional uses	No	No	D	D	D	D	D	D	D	D	D	D	D	D	D
Small-Scale Recreation and Tourist Uses															
Aerial recreational activities (e.g., balloon rides, gliders)	No	No	C(d)	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No
Animal preserves and game farms with dangerous wild animals	No	No	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	No
Animal tourist farms with domestic and nondangerous wild animals	See JCC 18.20.030														
Agritourism	See JCC 18.20.030														
Campgrounds and camping facilities, new	See JCC 18.20.030	C(d)	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	Yes
Campgrounds, camping facilities and small-scale resorts; expansion of existing facilities	See JCC 18.20.030	C(d)	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	Yes
Cultural festival and historic sites, permanent	C(d)	C(d)	C(d)	C(d)	C(d)	C(d)	No	C(d)	C(d)	No	No	No	No	No	Yes
Equestrian centers	C(d)	C(d)	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	No

Outdoor commercial amusement facilities	See JCC 18.20.030	No	C	C	C	Yes	No	No	Yes	No	No	No	No	No	No
Outdoor archery ranges	No	C(d)	C(d)	C(d)	C(d)	No	No	No	No	No	No	No	No	No	No
Recreational, cultural or religious conference center/retreat facilities	See JCC 18.20.030	No	C	C	C	C(d)	No	No	C(d)	No	No	No	No	No	No
Recreational vehicle parks	No	C(d)	C(d)	C(d)	C(d)	Yes	No	No	Yes	No	No	No	No	No	No
Outdoor shooting ranges	No	C	No	No	No	No	No	No	No	No	No	No	No	No	No
Outdoor recreational equipment rental and/or guide services	See JCC 18.20.030	No	C(d)	C(d)	C(d)	Yes	No	Yes	Yes	No	No	No	No	No	No
Public display gardens	C(d)	C(d)	C(d)	C(d)	C(d)	Yes	No	No	No	No	No	No	No	No	No Yes
Rural restaurant, only when associated with a primary recreational or tourist use	See JCC 18.20.030	No	C(d)	C(d)	C(d)	N/A	N/A	N/A	N/A	No	No	No	No	No	No
Recreational off-road vehicle (ORV) and all-terrain vehicle (ATV) parks and recreational areas	No	C	No	No	No	No	No	No	No	No	No	No	No	No	No
Rural recreational lodging or cabins for transient rental	See JCC 18.20.030	No	C	C	C	N/A	N/A	N/A	N/A	No	No	No	No	No	No
Unnamed small-scale recreation and tourist uses	See JCC 18.20.030	No	C(d)	C(d)	C(d)	D	D	D	D	No	No	No	No	No	D
Temporary Uses															
Seasonal roadside stands	See JCC 18.20.330														
Temporary festivals	See JCC 18.20.390														
Temporary outdoor uses	See JCC 18.20.380														

Transportation Uses															
Park and ride lots/transit facilities	C(d)	C(d)	C(d)	C(d)	C(d)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Roads, public or private	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trails and paths, public or private	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unnamed transportation uses	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Utilities Uses															
Commercial communication facilities	See JCC 18.20.130														
Utility developments, major	C	C	C	C	C	C	C	C	C	C	C	C	C	C	C
Utility developments, minor	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)	C(a)
Unnamed utility uses	D	D	D	D	D	D	D	D	D	D	D	D	D	D	D
Agricultural and Forestry Uses															
Agricultural activities and accessory uses	See JCC 18.20.030														
Aquacultural uses and activities (outside of shoreline jurisdiction)	Yes	No	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No
Aquatic plant and animal processing and storage	See JCC 18.20.030	No	No	No	No	No	No	No	No	No	Yes	Yes	Yes	Yes	No
Lumber mills and associated forestry processing activities and uses	See JCC 18.20.030	C(a)	No	No	No	No	No	No	No	Yes	No	No	No	Yes	No
Nurseries	Yes	Yes	C(d)	C(d)	C(d)	Yes	No	Yes	Yes	No	No	No	No	No	No
Unnamed agricultural and forestry uses	D	D	D	D	D	No	No	No	No	No	No	No	No	No	No

[Ord. 10-04 § 3; Ord. 06-04 § 2; Ord. 21-02 § 1; Ord. 18-02 § 2 (Exh. C); Ord. 7-01 § 2 (Exh. A); Ord. 11-00 § 3.2(1)]

18.15.045 Unnamed uses.

This code recognizes that not every conceivable use can be identified and that new uses may evolve over time. Furthermore, it establishes the administrator's authority to review proposed "unnamed" uses for similarity with other uses listed in this code and to ensure consistency of the proposed use with the applicable district. When a use is not specifically listed in Table 3-1 (or, if proposed within the Irondale and Port Hadlock UGA, in Chapter 18.18 JCC), it shall be reviewed as a discretionary "D" use by the administrator, using a Type II process specified in Chapter 18.40 JCC. The administrator shall use the criteria contained in JCC 18.15.040(2), to determine and establish whether the proposed unnamed use shall be classified as an allowed use, a conditional use, or prohibited within the applicable district. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(2)]

18.15.050 Multiple designations.

Some properties or developments may be subject to the regulations for two or more applicable land use districts, shoreline environments, or overlay districts. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(3)]

18.15.055 Allowable residential density.

(1) The maximum allowable residential density for all parcels is shown on the official maps of the Jefferson County Comprehensive Plan.

(2) The maximum allowable density reflects the general intent of the Comprehensive Plan and should be allowed unless maximum density would exceed site capabilities or unless it would thwart other applicable county land use regulations.

(3) The residential densities specified on the official maps shall not constitute and shall not be construed as minimum lot sizes. If specific site considerations dictate a lower density than that shown on the official maps, the county shall have authority to impose a lower density. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(4)]

18.15.060 Development standards and use limitations.

All uses are subject to certain bulk and dimensional standards, such as setbacks and off-street parking requirements. These standards are specified in Chapter 18.30 JCC and supplementary standards for land uses in the Irondale and Port Hadlock UGA are identified in Chapter 18.18 JCC. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(5)]

18.15.065 Criteria for site-specific redesignations and master planned resort approval.

The criteria for decision-making on these actions are specified in Chapters 18.40 and 18.45 JCC. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(6)]

18.15.070 Application, notice, and appeal requirements.

The requirements to file an application, the administrative processes for handling the application, and appeal procedures, are specified in Chapter 18.40 JCC. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(7)]

18.15.075 Variances from standards.

Variances to performance standards of Chapters 18.20 and 18.30 JCC may be requested in accordance with the requirements of Chapter 18.40 JCC. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(8)]

18.15.080 Change of use.

Any time a change of use occurs within an existing building or structure, such uses shall only be allowed if consistent with the uses allowed in the applicable land use and zoning district as specified in this chapter or Chapter 18.18 JCC and if such uses meet the applicable performance standards of Chapter 18.20 JCC and the development standards of Chapter 18.30 JCC unless waived by the administrator. [Ord. 10-04 § 3; Ord. 11-00 § 3.2(9)]

Article III. Land Use Regulations – General Provisions

18.15.085 Applicability.

The regulations in this article apply to all land uses in all districts unless stated otherwise. [Ord. 10-04 § 3; Ord. 11-00 § 3.3]

18.15.090 Archaeological and historical site protection.

(1) When an application for development is received for an area known to be archaeologically or historically significant, no action shall be taken on the application and the applicant shall not initiate any excavation or development activity until the site has been inspected by a qualified archaeologist, historian, or architect, as appropriate, designated by the administrator.

(2) If during excavation or development of a site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity shall be halted, and the administrator shall be notified at once.

(3) The following shall be stated as a condition of approval on all development permits issued by the county:

If during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate area shall be halted, and the Administrator shall be notified at once.

[Ord. 10-04 § 3; Ord. 11-00 § 3.3(1)]

18.15.095 Right to farm and forestry provisions.

(1) Applicability. Right to farm and forestry provisions apply to all resource and rural land use districts except rural residential 1:5. The provisions of this section are not to be construed to in any way modify, supersede or abridge state or county law relative to nuisances; rather, they are only to be used in the interpretation and enforcement of the provisions of this code.

(2) Purpose. To provide the residents of the county proper notification of the county's recognition and support of farming and forestry activities.

(3) Nuisance. The following shall not be considered a nuisance: agricultural and forestry activities, lumber mills (operating between 7:00 a.m. and 7:00 p.m.), and other facilities, or appurtenances thereof, conducted or maintained for commercial agricultural or forestry purposes on land designated as rural residential 1:10 and 1:20, rural industrial, rural commercial, agricultural resource, or forest resource.

(4) Disclosure. The disclosure statement in subsection (4)(b) of this section shall be used under the following circumstances and in the following manner:

(a) Approval of any land division, land use, building, or development of any lands within 500 feet of lands which are designated as agricultural resource, forest resource, or

mineral resource, shall ~~be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on a form provided by the department of community development. include a condition of approval affixed to the land use or project permit approval issued by Jefferson County. This condition is intended to disclose to applicants their proximity to resource lands and potential discomforts which are associated with resource land activities. However, if disclosure conforming to the provisions of this section has been recorded for a prior permit, subsequent disclosures shall not be required.~~

(b) The required disclosure statement is as follows:

“Jefferson County has determined that the use of real property for agricultural and forestry operations is a high priority and favored use in the county. The county will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with commonly accepted best management practices in compliance with local, state, and federal laws. If your real property includes or is within five hundred (500) feet of real property designated as Rural Residential 1:10 or 1:20, Rural Industrial, Rural Commercial, Agriculture, or Forestry, you may be subject to inconveniences or discomforts arising from such farming and forestry operations, including but not limited to noise, tree removal, odors, flies, fumes, dust, smoke, the operation of farm and forestry machinery during any 24-hour period, the storage and disposal of manure, and the application of permitted fertilizers and permitted pesticides. One or more of these inconveniences may occur as a result of agricultural and forestry operations which are in conformance with existing laws and regulations. ”

[Ord. 10-04 § 3; Ord. 11-00 § 3.3(2)]

18.15.100 Development permits and resource lands.

Development permit approvals for the use of lands adjacent to lands designated resource lands shall be conditioned through the disclosure statement in JCC

18.15.095(4)(b) and other appropriate measures to ensure that the use of such lands shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes. [Ord. 10-04 § 3; Ord. 06-04 § 2; Ord. 11-00 § 3.3(3)]

18.15.105 Overlay districts and subarea plans.

Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land use districts. The regulations for these areas are found in Articles VI and VII of this chapter. [Ord. 10-04 § 3; Ord. 11-00 § 3.3(4)]

18.15.110 Special use permit – Siting of essential public facilities.

The Growth Management Act directs that no comprehensive plan or development regulation may preclude the siting of essential public facilities (RCW 36.70A.200(2)). The location and permitting of essential public facilities shall be guided by the policies of the Comprehensive Plan, and subject to the following procedures:

(1) The siting and location policies and strategies of the Jefferson County

Comprehensive Plan and Countywide Planning Policy #4 shall be followed to the maximum extent possible.

(2) Essential public facilities shall be located if possible within land use designations for which the uses are allowed (cf. Tables 3.1 or Chapter 18.18 JCC).

- (3) Only if no practicable alternative exists, and then only to the minimum extent possible and in accordance with applicable regulations, may such facilities be located where the uses are prohibited.
- (4) A special use permit shall be required only for the siting of essential public facilities under this code.
- (a) Process. A special use permit shall be reviewed under the same process as a Comprehensive Plan amendment, as specified in Chapter 18.45 JCC.
- (b) Application Requirements. An applicant for a special use permit shall provide the same application materials as for a petition for a site-specific land use redesignation, as specified in Chapter 18.45 JCC. A special use permit shall also include an alternative site analysis evaluating at least two other alternative sites for the proposed facility.
- (c) Approval Criteria. The burden of proof shall be on the applicant to provide evidence in support of the application. The criteria for approval or denial shall include the following elements:
- (i) The characteristics of the special use will not be unreasonably incompatible with the types of uses permitted in surrounding areas;
 - (ii) The proposed special use will not create undue noise, odor, heat, vibration, air or water pollution impacts on surrounding existing or potential dwelling units;
 - (iii) The special use will not materially endanger the health, safety and welfare of the community;
 - (iv) The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous to or significantly conflict with existing and anticipated traffic in the local area;
 - (v) The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area unless conditions can be established to mitigate adverse impacts;
 - (vi) The location, size and height of buildings, structures, walls and fences and screening vegetation for the special use shall not hinder or discourage the appropriate development or use of neighboring properties;
 - (vii) The special use is not in conflict with the policies of the Comprehensive Plan, the comprehensive plans of adjacent jurisdictions that may be affected by the use, or the basic purposes of this chapter;
 - (viii) For special uses outside of UGAs, extension, construction, or maintenance of urban services and facilities is not required, unless no practicable alternative exists;
 - (ix) No feasible alternative site exists which better meet the requirements of these criteria;
 - (x) The need for the special use at a specific location is documented, taking into account regionwide distribution of facilities and the capacity and location of equivalent facilities;
 - (xi) For special uses in or adjacent to resource lands, the impacts on the long-term natural resource management and production will be minimized;
 - (xii) For state-owned essential public facilities, the state shall provide justification for the facility and its location in Jefferson County based on forecasted needs and a logical service area; and

(xiii) For state-owned essential public facilities, the state shall have established a public process by which the residents of the county and of affected and “host” municipalities have a reasonable opportunity to participate in the site selection process.

(d) Conditions of Approval. If approved, conditions of approval for the special use may include conditions of approval which address the criteria listed above and the following:

- (i) Accessibility;
- (ii) Transportation needs and services;
- (iii) Public facility and service needs and availability;
- (iv) Site design;
- (v) Control of on-site and off-site impacts during construction;
- (vi) Facility operations; and
- (vii) Impacts on environmentally sensitive areas. [Ord. 10-04 § 3; Ord. 11-00 § 3.3(5)]

Article IIIA. Jefferson County International Airport Essential Public Facility District (AEPF) [Ord.16-1213-04]

18.15.1110 Designated.

“Jefferson County International Airport Essential Public Facility District” is the Jefferson County International Airport (JCIA) is a general purpose, public aviation airport that provides recreational, business, flight training, charter and air taxi services and other uses. The Airport Essential Public Facility District designation (see the official Jefferson County Comprehensive Plan Land Use Designations Map) shall apply to the following:

(1) Parcels designated as an Airport Essential Public Facility on the official Jefferson County Comprehensive Plan Land Use Designations Map;

(2) Any parcels or parcels (a) subsequently acquired by the Port in accordance with the provisions of the approved JCIA Master Plan, or (b) currently owned by the Port, which are approved for inclusion in the Airport Essential Public Facility District through the Jefferson County Comprehensive Plan text and land use amendment process, or any other applicable process.

18.15.112 Purpose and intent.

The purpose and intent of this section is to regulate land uses within the “Airport Essential Public Facility District” (AEPF) in order to encourage orderly economic development in a manner compatible with airport operations and adjacent properties and to protect existing general aviation public use airports from conflicting or incompatible adjacent land uses or activities.

18.15.1114 Permitted, Conditional and Prohibited Uses.

New development within the AEPF District shall be restricted principally to Aviation Support Facilities and Aviation Related Manufacturing/Light Industrial Uses that directly or indirectly support its operation as an essential public facility. However, certain public and quasi-public non-aviation related uses may be permitted as specifically set forth in this subsection.

18.15.116 Permitted Uses:

- (a) Aviation support facilities and activities that directly support flight operations and the operation of the Jefferson County International Airport, and include, but are not limited to: pilot and passenger service facilities including food service; charter services and aircraft rentals; airport-related government offices; navigational aids; runway aprons; terminal buildings; hangars; fuel storage facilities; operations/maintenance facilities; aviation museum and/or visitor interpretive center; automobile parking; and restaurants.
- (b) Aviation related manufacturing and light industrial uses and activities that comply with FAA guidelines and which contribute to the operations of the JCIA as an economically self-supporting enterprise. These include, but are not limited to: aircraft repair facilities; aircraft remodeling facilities; aircraft sales and related aircraft equipment, services and supplies; aircraft manufacturing; airborne freight facilities; air pilot training schools; aviation clubs; taxi and bus terminal; automobile rental and associated parking; aviation related manufacturing authorized and approved by the Federal Aviation Administration; and aerial recreational activities (e.g., balloon rides, gliders, etc.).
- (c) Public works maintenance/ equipment storage shops;
- (d) Park and ride lots/transit facilities;
- (e) Roads, public or private; and
- (f) Public trails and paths.
- (g) Port-related government offices.

- 18.15.1118 Conditional, Discretionary and Special Uses (classified as "C," "C(a)," "C(d)" and "D" as described in the notes preceding Table 3-1, *infra*):
- (a) Large scale regional transportation facilities (State owned) (e.g., freeways) (C);
 - (b) Unnamed Essential Public Facilities (C);
 - (c) Emergency services (police, fire and EMS) (C);
 - (d) Utility developments, major (C);
 - (e) Utility developments, minor (C) (a);
 - (f) Unnamed transportation uses (D);
 - (g) Unnamed utility uses (D); and
 - (h) Commercial communication facilities (note: this is a special use under Chapter 18.20.130JCC.).

18.15.1120 Accessory Uses: Other uses accessory or incidental to uses allowed in 18.15.125, above, are permitted in the Airport Essential Public Facility District subject to approval by the Federal Aviation Administration. Such uses include, but are not limited to caretaker residences.

18.15.1122 Prohibited Uses: Uses not specified within this section are prohibited. Additionally, uses or activities that may affect flight operations including, but not limited to the following, are expressly prohibited:

- i. Any use that releases airborne substances, such as steam, dust or smoke;
- ii. Any use that attracts concentrations of birds, waterfowl or

other wildlife;

- iii. Uses that are determined to pose a hazard to the safe operation of the Airport as an aviation facility.

- 18.15.1124 Development Standards. This section provides standards to minimize the conflicts between the Jefferson County International Airport and proposed future development proximal to the airport proper. The following development standards are established to prevent future incompatible uses and airspace obstructions in airport overlay districts, approaches and surrounding areas. Land uses and development shall comply with the standards established in the Federal Aviation Regulations (FAR), Part 77 (Objects affecting navigable airspace). Where the standards contained in this section conflict with FAR, Part 77, the more restrictive shall apply. All other development standards and review and approval criteria in this Code shall also apply.
- 18.15.1126 Electrical Emissions. Any use or activity that emits electrical currents shall be installed in a manner that does not interfere with communication systems or navigational equipment.
- 18.15.1128 Lighting. New development that creates glare of lighting that interferes with the lights necessary for aircraft navigation, including landing and take-off, shall be prohibited.
- 18.15.1130 Height Restrictions. New development or alteration of existing development within the airport's navigable airspace shall be in accordance with "Federal Aviation Regulations, Part 77: Objects Affecting Navigable Airspace."
- 18.15.1132 Ground Transportation Facilities. All uses shall be served by adequate transportation facilities, including appropriate facilities for transit, pedestrians, and bicycles. Where transportation facilities are not adequate to serve a proposed use, the applicant shall make provision for necessary improvements. Transportation facilities shall be deemed adequate if necessary improvements are planned and funded in the Jefferson County Comprehensive Plan Six Year Transportation Improvement Program. Transportation facilities shall meet the design standards of the Department of Public Works and Jefferson Transit. These standards include, but are not limited to, the American Association of State Highway and Transportation Officials (AASHTO) *Policy on Geometric Design of Highways and Streets*, the Institute of Transportation Engineers *Trip Generation Manual*, and the Washington Department of Transportation *Highway Design Manual and Standard Specifications for Road, Bridge, and Municipal Construction*.

Article IV. Master Planned Resorts – Special Provisions

- 18.15.115 Designated.

“Master planned resort” (MPR) is a land use designation established under the Comprehensive Plan. The only existing officially designated master planned resort in the county is the Port Ludlow MPR, provisions for which are codified in JCC Title 17. The Port Ludlow MPR is adopted pursuant to RCW 36.70A.362 regarding designation of existing master planned resorts. Designation of any new master planned resorts pursuant to RCW 36.70A.360 requires compliance with the provisions of this article and a formal site-specific amendment to the Comprehensive Plan Land Use Map subject to the findings required by JCC 18.45.080. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4]

18.15.120 Purpose and intent.

Jefferson County has a wide range of natural features, including climate, vegetation, water, natural resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. New master planned resorts authorized by RCW 36.70A.360 offer an opportunity to utilize these special features for enjoyment and recreational use, while bringing significant economic diversification and benefits to rural communities. The purpose of this article is to establish a master planned resort land use district to be applied to those properties the board of county commissioners determines are appropriate for development as a master planned resort consistent with the Comprehensive Plan policies and RCW 36.70A.360. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(1)]

18.15.123 Allowable uses.

The following uses may be allowed within a master planned resort classification authorized in compliance with RCW 36.70A.360:

- (1) All residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations; provided, such uses are integrated into and support the on-site recreational nature of the master planned resort.
- (2) Short-term visitor accommodations, including, but not limited to, hotels, motels, lodges, and other residential uses, that are made available for short-term rental; provided, that short-term visitor accommodations shall constitute no less than 65 percent of the total resort accommodation units.
- (3) Indoor and outdoor recreational facilities and uses, including, but not limited to, golf courses (including accessory structures and facilities, such as clubhouses, practice facilities, and maintenance facilities), tennis courts, swimming pools, marinas, hiking and nature trails, bicycle paths, equestrian facilities, sports complexes, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.
- (4) Campgrounds and recreational vehicle (RV) sites.
- (5) Visitor-oriented amenities, including, but not limited to:
 - (a) Eating and drinking establishments;
 - (b) Meeting facilities;
 - (c) On-site retail businesses and services which are designed to serve the needs of the users such as gas stations, espresso stands, beauty salons and spas, gift shops, art galleries, food stores, real estate/property management offices; and
 - (d) Recreation-oriented businesses and facilities such as sporting goods and outdoor equipment rental and sales.

(6) Cultural and educational facilities, including, but not limited to, interpretative centers and exhibits, indoor and outdoor theaters, and museums.

(7) Capital facilities, utilities and services to the extent necessary to maintain and operate the master planned resort.

(8) Temporary and/or permanent structures to serve as sales offices.

(9) Any other similar uses deemed by the administrator to be consistent with the purpose and intent of this section, the Comprehensive Plan policies regarding master planned resorts, and RCW 36.70A.360. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(2)]
18.15.126 Requirements for master planned resorts.

An applicant for an MPR project must meet the following requirements:

(1) Master Plan. A master plan shall be prepared for the MPR to describe the project and provide a framework for project development and operation. This shall include:

(a) A description of the setting and natural amenities that the MPR is being situated to use and enjoy, and the particular natural and recreational features that will attract people to the area and resort.

(b) A description of the destination resort facilities of the MPR, including short-term visitor accommodations, on-site outdoor and indoor recreational facilities, off-site recreational opportunities offered or provided as part of the resort's services, and commercial and supportive services provided.

(c) A listing of the proposed allowable uses and maximum densities and intensities of use of the MPR and a discussion of how these uses and their distribution meet the needs of the resort and its users.

(d) A land use map or maps that depict the completed MPR development, showing the full extent and ultimate development of the MPR or resort and its facilities and services, including residential and nonresidential development types and location.

(e) A description, with supportive information and maps, of the design and functional features that provide for a unified development, superior site design and protection of natural amenities, and which further the goals and policies of the Comprehensive Plan. This shall address how landscaping, screening, and open space, recreational facilities, road and parking design, capital facilities, and other components are integrated into the project site.

(f) A description of the environmentally sensitive areas of the project and the measures that will be employed for their protection. For an MPR adjacent to the water and subject to the jurisdiction of the Shoreline Management Act, a description and supportive materials or maps indicating proposed public access to the shoreline area pursuant to the Shoreline Master Program.

(g) A description of how the MPR relates to surrounding properties, and how its design and arrangement minimize adverse impacts and promote compatibility among land uses within the development and adjacent to the development.

(h) A demonstration that sufficient facilities and service which may be necessary, appropriate, or desirable for the support of the development will be available, and that concurrency requirements of the Comprehensive Plan will be met.

(i) A description of the intended phasing of development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at interim stages prior to completion of all phases of

the project, and how the project may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.

(2) **Development Agreement.** A master planned resort shall require approval of a development agreement as authorized by Article XI of Chapter 18.40 JCC (Development Agreements), and RCW 36.70B.170 through 36.70B.210. Consistent with JCC 18.40.860(3) and RCW 36.70B.170, the development agreements shall be prepared by the applicant and must set forth the development standards applicable to the development of a specific master planned resort, which may include, but are not limited to:

- (a) Permitted uses, densities and intensities of uses, and building sizes;
- (b) Phasing of development, if requested by the applicant;
- (c) Procedures for review of site-specific development plans;
- (d) Provisions for required open space, public access to shorelines (if applicable), visitor-oriented accommodations, short-term visitor accommodations, on-site recreational facilities, and on-site retail/commercial services;
- (e) Mitigation measures imposed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and other development conditions; and
- (f) Other development standards including those identified in JCC 18.40.870 and RCW 36.70B.170(3).

(3) **Formal Site-Specific Comprehensive Plan Amendment.** A master planned resort shall require a site-specific amendment of the Comprehensive Plan Land Use Map to a master planned resort land use designation, pursuant to the requirements of JCC 18.45.040; provided, that the subarea planning process authorized under Article VII of Chapter 18.15 JCC (Subarea Plans) and JCC 18.45.030 may be used if deemed appropriate by both the applicant and the county. The Comprehensive Plan amendment or subarea plan may be processed by the county concurrent with the review of the resort master plan and development agreement required for approval of a master planned resort.

(4) **Planned Actions.** If deemed appropriate by the applicant and the county, a master planned resort project may be designated by the county as a planned action pursuant to the provisions of RCW 43.21C.031 and WAC 197-11-164 and 197-11-168.

(5) **Self-Contained Development.** All necessary supportive and accessory on-site urban-level commercial and other services should be contained within the boundaries of the MPR, and such services shall be oriented to serve the MPR. New urban or suburban development and land uses are prohibited outside the boundaries of a master planned resort, except in areas otherwise designated as urban growth areas in compliance with RCW 36.70A.110. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(3)]

18.15.129 **Application requirements and approval process.**

New MPR applications shall be processed as Type V permits under this UDC, requiring legislative approval by the board of county commissioners and the following:

- (1) A draft of the master plan shall be prepared to meet the requirements of JCC 18.15.126(1).
- (2) A request for authorization of a development agreement, pursuant to the requirements of JCC 18.15.126(2) and Article XI of Chapter 18.40 JCC (Development Agreements).

(3) A request for a site-specific Comprehensive Plan Land Use Map amendment necessary to meet the requirement of JCC 18.15.126(3) and 18.45.040. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(4)]

18.15.132 Decision-making authority.

(1) The planning commission, pursuant to its authority specified under JCC 18.40.040 and 18.45.080, shall hear and make recommendations on master plans and site-specific applications for MPR land use designations on the Comprehensive Plan Land Use Map.

(2) The board of county commissioners, pursuant to its authority specified under JCC 18.40.040, 18.40.880(5) and 18.45.080, shall designate new master planned resort land use districts on the Comprehensive Plan Land Use Map, approve the uses, densities, conditions and standards authorized for site-specific MPRs in a development agreement, and approve master plans. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(5)]

18.15.135 Criteria for approval.

An application to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.

(1) The master plan is consistent with the requirements of this article and Article VI-D of this chapter (Environmentally Sensitive Areas District (ESA)).

(2) The MPR is consistent with the goals and policies of the Comprehensive Plan, the requirements of the Shoreline Master Program, and complies with all other applicable sections of this code and all other codes and policies of the county.

(3) If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.

(4) The MPR will provide active recreational uses, adequate open space, and sufficient services such as transportation access, public safety, and social and health services, to adequately meet the needs of the guests and residents of the MPR.

(5) The MPR will contain within the development all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.

(6) Environmental considerations are employed in the design, placement and screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, historic sites, and public views.

(7) All on-site and off-site infrastructure and service impacts have been fully considered and mitigated.

(8) Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property.

(9) The master plan establishes location-specific standards to retain and enhance the character of the resort.

(10) The land proposed for a master planned resort is better suited and has more long-term importance for the MPR than for the commercial harvesting of timber or production of agricultural products, and the MPR will not adversely affect adjacent agricultural or forest resource land production. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(6)]

18.15.138 Port Ludlow Master Planned Resort.

The Port Ludlow Master Planned Resort Code (JCC Title 17), as may be amended to be consistent with the provisions of this UDC, is hereby adopted by reference and made a part of this UDC. [Ord. 7-01 § 2 (Exh. B); Ord. 11-00 § 3.4(7)]

Article V. Rural and Resource Districts – Special Provisions

18.15.140 Agricultural and forest resource lands – Site-specific designations and amendments.

The procedures and process for a site-specific designation or removal from designation of agricultural and forest resource lands shall be the same as for a comprehensive plan amendment as provided in Chapter 18.45 JCC. [Ord. 11-00 § 3.5(1)]

18.15.145 Agricultural resource districts.

(1) Residential Density. No land designated as agricultural land shall be subdivided such that its residential density exceeds one unit per 20 acres, when the property owner elects not to use the cluster subdivision option provided in subsection (2) of this section.

(2) Clustering Provisions. The owner of a parcel designated as agricultural resources may undertake a cluster subdivision in accordance with Article VI-M (PRRDs) of this chapter. The objective of a cluster subdivision is to provide a property owner with sufficient development rights to maintain their ownership options while retaining the maximum amount of land in agricultural production. [Ord. 10-04 § 2; Ord. 11-00 § 3.5(2)]

18.15.150 Forest resource districts.

(1) Residential Density. There shall be no subdivision of land designated commercial forest or rural forest for residential purposes. However, nothing in this code shall be construed to prevent the owner of designated commercial or rural forest land from living on his/her land; provided, that applicable building requirements are met.

(2) Subdivisions and Use Limitations. Subdivision of commercial and rural forest lands for construction or installation of nonresidential purposes, as allowed in Table 3-1 in JCC 18.15.040, shall be at least 80 acres in size within the commercial forest designation and 40 acres in size within the rural forest designation and must meet the following criteria:

- (a) The facility cannot otherwise be suitably located on undesignated land;
- (b) The installation cannot otherwise be accomplished without subdivision;
- (c) The facility is to be located on the lowest feasible grade of forest land; and
- (d) The facility removes as little land as possible from timber production.

(3) Setback Requirements for Adjacent Development. New structures proposed to be located on parcels adjacent to designated forest lands shall:

(a) Establish and maintain a minimum 250-foot building setback adjacent to commercial forest lands and 100 feet adjacent to the rural forest lands designation, which shall serve as a resource protection area, as measured from the property boundaries of adjacent forest lands except as follows:

(i) If the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 250 feet adjacent to commercial forest lands and 100 feet adjacent to the rural forest lands designation, then the new structure shall maintain the maximum setback possible; or

(ii) If the owner of the land on which the new structure is proposed and the owner of the adjacent forest land each sign and file for record, in the manner required by law for

covenants running with the land, a document which establishes an alternative setback for one or both of the properties, a setback of less than 250 feet adjacent to commercial forest lands and 100 feet adjacent to rural forest lands may be maintained;

(b) Provide adequate access for fire vehicles; and

(c) If the proposed structure is located within 250 feet of the boundary of commercial forest lands or within 100 feet of rural forest lands, in the area where the setback is to be applied, the property owner shall survey the property boundaries that abut forest land in the area where the setback is to be applied, locate the property boundaries on the ground, and submit a record of survey, or other means deemed acceptable to the administrator, with a building permit application.

(4) Setback Requirements on Designated Forest Lands. Builders of new structures proposed to be located on parcels designated commercial, rural, or inholding forest shall:

(a) Establish and maintain a minimum 250-foot setback, which shall be a resource protection area, from the property boundaries of adjacent commercial and rural forest lands except as follows:

(i) If the size, shape, and/or physical site constraints of an existing legal lot do not allow a setback of 250 feet, the new structure shall maintain the maximum setback possible.

(5) Establishment of Resource Protection Areas. Subdivisions, short subdivisions and rural cluster subdivisions of parcels adjacent to forest land shall establish a resource protection area of a minimum 250-foot width along commercial forest land boundaries and 100-foot width along rural forest and inholding forest land boundaries. [Ord. 11-00 § 3.5(3)]

Article VI. Overlay Districts

Article VI-A. Purpose

18.15.155 Established.

Overlay districts provide regulations in addition to those of other sections in this code for certain land areas and for uses which warrant specific recognition and management. See the official maps for the location of the overlay districts. Except as otherwise provided in this Article VI, the provisions of an overlay district shall prevail over any conflicting provisions of this code for the duration of the overlay district, subject to RCW Title 36. All other provisions of this code shall remain in full force and effect within the overlay district. The following types of overlay districts are provided by this code:

(1) Mineral resource lands (MRL);

(2) Environmentally sensitive areas (ESA);

(3) Airport essential public facility district (A);

(4) Remote rural (RR) overlay for West End Planning Area (WEPA) and Brinnon Planning Area (BRPA),

(5) Planned rural residential development (PRRD); and

(6) Small-scale recreation and tourist (SRT). [Ord. 11-04 § 2; Ord. 10-04 § 3; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.1]

Article VI-B. Maps

18.15.160 Official maps.

The official maps do not portray survey accuracy and do not provide a definitive answer as to whether any overlay district regulations apply to a specific property. Persons

may request a written interpretation from the administrator as to the presence or absence of an overlay district(s) on specific property, except as provided for ESAs in JCC 18.15.165. In those cases where the administrator provides a written interpretation, the interpretation shall be binding on the county. If written interpretations require a field investigation by a qualified professional, it will be done at the requestor's expense. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.2(1)]

18.15.165 Environmentally sensitive areas (ESA) maps.

The ESA maps are provided only as a general guide to alert the viewer to the possible location and extent of environmentally sensitive areas and are generally found to be accurate within 300 feet. The maps may not be relied on to establish the existence or boundaries of a sensitive area, nor to establish whether all of the elements necessary to identify an area as an ESA actually exist. Conditions in the field are controlling: in the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.2(2)]

Article VI-C. Mineral Resource Lands District (MRL)

18.15.170 Designation procedures.

A mineral resource land (MRL) overlay district may be applied based upon the following criteria, only upon acceptance by the county of a complete application from a property owner and upon approval of a redesignation in accordance with Chapter 18.45 JCC and processed as a comprehensive plan amendment. MRLs of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

- (1) Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
- (2) The parcel is a minimum of 10 acres in size;
- (3) The subject property is surrounded by parcels no smaller than five acres in size on 100 percent of its perimeter;
- (4) The current or future land use designation will not exceed a residential density of one dwelling unit per five acres;
- (5) Are not within any shoreline designation, urban growth area or rural village center or within one-half mile of any established or potential urban growth area or rural village center boundary, as shown on the official maps of the comprehensive plan; and
- (6) Are not within a regulated wetland or fish and wildlife habitat area pursuant to Article VI-H and VI-I of this chapter. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.3(1)]

18.15.175 Allowable and prohibited uses.

Allowable and prohibited uses within mineral resource lands overlay districts are specified in Table 3-1 in JCC 18.15.040 for the underlying designation. All uses must comply with any applicable performance standards in Chapter 18.20 JCC and development standards in Chapter 18.30 JCC; unless otherwise specified in this code. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.3(2)]

18.15.180 Nuisance and disclosure provisions.

- (1) Nuisance. The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or maintained for

commercial mineral resource extraction and processing purposes on land designated as mineral resource land (MRL), regardless of past or future changes in the surrounding area land use or land use designation. [Maximum permissible noise levels shall be governed according to the provisions of the WAC 173-60, Maximum Environmental Noise Levels.](#)

(2) Disclosure. The disclosure statement in subsection (2)(b) of this section shall be used under the following circumstances and in the following manner:

(a) Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land (MRL) shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the department of community development. However, if a disclosure conforming to the provisions of this section has been provided for a prior permit, subsequent disclosures shall not be required.

(b) The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land (MRL), you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. Jefferson County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.

[Ord. 10-04 § 3; Ord. 11-00 § 3.6.3(3)]

Article VI-D. Environmentally Sensitive Areas District (ESA)

18.15.185 Purpose.

Purpose. The environmentally sensitive areas overlay district (ESA) is adopted to implement the policies of the Comprehensive Plan for five types of environmentally sensitive areas as defined in Articles VI-E through VI-I of this chapter:

- (1) Critical aquifer recharge areas;
- (2) Frequently flooded areas;
- (3) Geologically hazardous areas;
- (4) Fish and wildlife habitat areas;
- (5) Wetlands. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.4(a)]

18.15.190 Applicability.

Any land use or development activity which is subject to a development permit or approval under this code may only be undertaken on land located within or containing an ESA or its buffer if the provisions of this Article VI-D are met. Uses and activities in environmentally sensitive areas, or their buffers for which no permit or approval is required by any other county ordinance, remain subject to the development standards and other requirements of this section. [Ord. 11-00 § 3.6.4(b)]

18.15.195 Allowable uses.

All uses shall be subject to requirements specified in Table 3-1 and Chapter 18.18 JCC for the underlying district, unless otherwise specified in this code. [Ord. 11-00 § 3.6.4(c)]

18.15.200 Coverage.

This Article VI-D applies to all uses and activities within ESAs or their designated buffers unless otherwise exempt. The following permits and approvals shall be subject to and coordinate with the requirements of this section: clearing and grading; site plan approval; sewage disposal; subdivision or short subdivision; binding site plans; building permit; planned residential development; shoreline substantial development; variance; conditional use permit; certain forest practice permits (Class IV general, Class III conversion option harvest plans); other permits leading to the development or alteration of land; and rezones if not combined with another development permit. In instances where a proposal involves a parcel of real property with more than one ESA or ESA buffer, the standards that pertain to each identified ESA shall apply. When provisions of this section conflict with one another, or when provisions of this section conflict with any other local law, the provision that provides more protection to the ESA shall apply. No permit involving a designated environmentally sensitive area shall be approved unless it is determined to be in compliance with this code.

Any action taken in an environmentally sensitive area designated under this article that is in violation of the standards and conditions contained herein is expressly prohibited. [Ord. 10-04 § 3; Ord. 11-00 § 3.6.4(d)]

18.15.205 General exceptions.

The administrator may grant an exception to the requirements of this Article VI-D. In determining whether an exception is appropriate, the administrator shall require that the proposed land or water use will not create unmitigatable significant adverse environmental impacts. In making this determination, the administrator may require that an applicant prepare a special report (per Article VI-J of this chapter). In granting an exception, the administrator may require conditions of approval, including mitigation, as necessary to ensure that the subject land or water use action will not pose a risk of adverse environmental impacts. [Ord. 11-00 § 3.6.4(e)]

18.15.210 General exemptions.

The following activities are exempt from the requirements of this Article VI-D:

- (1) 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 article.
- (2) Repealed by Ord. 5-03.
- (3) 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.
- (4) Structural alterations to buildings, permitted under the provisions of this code, that do not alter the structural footprint or introduce new adverse impacts to an adjacent environmentally sensitive area.

(5) Normal and routine maintenance or repair of existing utility structures within a right-of-way or existing utility corridor or easements, including the cutting, removal and/or mowing of vegetation above the ground.

(6) Forest practices conducted pursuant to Chapter 76.09 RCW, except Class IV (general conversions) and conversion option harvest plans (COHP).

(7) Normal and routine installation and maintenance of propane storage tanks and wood stoves for single-family houses or mobile homes. [Ord. 5-03 § 2; Ord. 11-00 § 3.6.4(f)]

18.15.215 Nonconforming uses.

(1) Any use or structure in existence on the date this code becomes effective that does not meet the buffer requirements of this Article VI-D for any designated critical area shall be considered a legal nonconforming use.

(2) Any use or structure for which an application has vested or for which a permit has been obtained prior to the effective date of the ordinance codified in this code, that does not meet the buffer requirements of this article for any designated ESA, shall be considered a legal nonconforming use.

(3) A legal nonconforming use or structure may be repaired or maintained without limitation by this article.

(4) A legal nonconforming use or structure that has been damaged or destroyed by fire or other calamity may be restored and its immediately previous use may be resumed. [Ord. 11-00 § 3.6.4(g)]

18.15.220 Reasonable economic use variance.

(1) If the application of this Article VI-D would deny all reasonable economic use of the property, the applicant may apply for a reasonable economic use variance, only upon denial of a permit due to the requirements of this article.

(2) The applicant shall apply to the department, and the department shall prepare a recommendation to the hearing examiner. The property owner and/or applicant for a reasonable use variance has the burden of proving that the property is deprived of all reasonable use. [Ord. 11-00 § 3.6.4(h)]

18.15.225 Notice.

The hearing examiner shall conduct a public hearing on the variance request. Decisions of the hearing examiner shall be final and conclusive unless appealed to the appellat examiner. Public notice shall be provided as follows:

(1) The department shall arrange for at least one publication of the notice of hearing to appear in a newspaper of general circulation within the county at least 10 days before the hearing. Payment of all publication fees shall be the responsibility of the applicant.

(2) The department shall send notice to adjacent property owners advising them of the hearing. The notice shall be mailed to the owners of record of all property lying within 300 feet of the property at issue, at least 10 days before the public hearing. Names and addresses of adjacent property owners shall be provided to the department by the applicant, subject to department approval.

(3) The department shall provide the applicant with at least two copies of the hearing notice, and one copy of an affidavit of posting. The applicant shall post the notices and maintain them in place for at least 10 days prior to the hearing, not including the day of posting or the day of the hearing. The notices shall be placed in conspicuous locations on or near the property and shall be removed by the applicant after the hearing. Notices shall

be mounted on easily visible boards provided by the department. The affidavit of posting shall be signed, notarized, and returned to the department at least 10 days prior to the hearing.

(4) All hearing notices shall include a legal description of the property involved, and a concise description of the variance requested in nonlegal language. [Ord. 11-00 § 3.6.4(i)]

18.15.230 Findings.

A reasonable economic use variance may be granted only when the hearing examiner finds that the application meets all of the following criteria:

- (1) No reasonable economic use with less impact on the ESA or its buffer is possible.
- (2) There is no feasible on-site alternative to the proposed activities that would allow a reasonable economic use with less adverse impacts to environmentally sensitive areas or ESA buffers. Feasible on-site alternatives shall include, but are not limited to reduction in density; phasing of project implementation; change in timing of activities; and revision of road or parcel layout or related site planning considerations.
- (3) The proposed variance will result in the minimum feasible alteration or impairment to the environmentally sensitive areas functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions.
- (4) Disturbance of environmentally sensitive areas has been minimized by locating any necessary alteration in ESA buffers to the minimum extent possible.
- (5) The proposed variance will not cause degradation to surface or groundwater quality.
- (6) The proposed variance complies with all federal, state and local statutory and common law, including the Endangered Species Act, and statutory laws related to sediment control, pollution control, floodplain restrictions, and on site wastewater disposal, and common law relating to property and nuisance.
- (7) There will be no material damage to nearby public or private property and no material threat to the health or safety of people on or off the property.
- (8) The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the ordinance codified in this code. [Ord. 11-00 § 3.6.4(j)]

18.15.235 Conditions.

- (1) In granting approval for reasonable economic use variances, the hearing examiner may require mitigating conditions that will, in the examiner's judgment, substantially secure the objectives of this code.
- (2) In granting approval for reasonable economic use variances involving designated wetlands, the hearing examiner shall consider the following mitigating conditions:
 - (a) Provision of a mitigation plan demonstrating how the applicant intends to substantially restore the site to predevelopment conditions following project completion; and
 - (b) The restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's actions; the overall goal of any restoration, creation or enhancement project shall be no net loss of wetlands function and acreage. [Ord. 11-00 § 3.6.4(k)]

Article VI-E. Critical Aquifer Recharge Areas

18.15.240 Classification.

Critical aquifer recharge areas are naturally susceptible due to the existence of permeable soils or a seawater wedge in coastline aquifers. Certain overlying land uses can lead to water quality and/or quantity degradation. The following classifications define critical aquifer recharge areas.

(1) Susceptible aquifer recharge areas are those with geologic and hydrologic conditions that promote rapid infiltration of recharge waters to groundwater aquifers. For the purposes of this Article VI-E, unless otherwise determined by preparation of an aquifer recharge area report authorized under this article, the following geologic units, as identified from available State of Washington Department of Natural Resources geologic mapping, define susceptible aquifer recharge areas for east Jefferson County:

- (a) Alluvial fans (Ha);
- (b) Artificial fill (Hx);
- (c) Beach sand and gravel (Hb);
- (d) Dune sand (Hd);
- (e) Floodplain alluvium (Hf);
- (f) Vashon recessional outwash in deltas and alluvial fans (Vrd);
- (g) Vashon recessional outwash in meltwater channels (Vro);
- (h) Vashon ice contact stratified drift (Vi);
- (i) Vashon ablation till (Vat);
- (j) Vashon advance outwash (Vao);
- (k) Whidbey formation (Pw); and
- (l) Pre-Vashon stratified drift (Py).

(2) Those areas meeting the requirements of susceptible aquifer recharge areas (above) and which are overlain by the following land uses as identified in this code are subject to the provisions of the protection standards in this article:

- (a) All industrial land uses;
- (b) All commercial uses;
- (c) All rural residential land uses:
 - (i) Requiring a discretionary use or conditional use permit, or
 - (ii) With nonconforming uses that would otherwise require a discretionary use or conditional use permit;
- (d) Unsewered planned rural residential developments;
- (e) Unsewered residential development with gross densities greater than one unit per acre.

(3) Special aquifer recharge protection areas include:

- (a) Sole source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);
- (b) Special protection areas designated by the Washington Department of Ecology under Chapter 173-200 WAC;
- (c) Wellhead protection areas determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of Chapter 246-290 WAC;
- (d) Groundwater management areas designated by the Washington Department of Ecology in cooperation with local government under Chapter 173-100 WAC.

(4) Seawater intrusion protection zones (SIPZ) are aquifers and land overlying aquifers with some degree of vulnerability to seawater intrusion. SIPZ are defined either by proximity to marine shoreline or by proximity to groundwater sources that have demonstrated high chloride readings. All islands and land area within one-quarter mile of marine shorelines and associated aquifers together compose the coastal SIPZ. Additionally, areas within 1,000 feet of a groundwater source with a history of chloride analyses above 100 milligrams per liter (mg/L) are categorized as either at risk (between 100 mg/L and 200 mg/L) or high risk (over 200 mg/L) SIPZ. Individual groundwater sources with a history of chloride analyses above 200 mg/L shall be considered “sea-salt water intrusion areas,” which are among the “sources or potential sources of contamination” listed in Washington Administrative Code (WAC) 173-160-171, implementing code for the Water Well Construction Act.

In some cases, high chloride readings may be indicative of connate seawater (i.e., relic seawater in aquifers as opposed to active seawater intrusion). When best available science or a hydrogeologic assessment demonstrate that high chloride readings in a particular area are due to connate seawater, the area in question shall not be considered an at risk or high risk SIPZ. When the status of an area is in question, the UDC administrator is responsible for making the determination based upon recommendation from county department of health and human services. [Ord. 6-03 § 2; Ord. 3-03 § 1; Ord. 9-02 § 1; Ord. 4-02 § 2; Ord. 11-00 § 3.6.5(a)]

18.15.245 Designation.

Jefferson County shall prepare and exhibit dated critical aquifer recharge area maps which demonstrate the approximate distribution of the susceptible aquifer recharge areas, special aquifer recharge protection areas, and seawater intrusion protection zones. The critical aquifer recharge area maps shall be periodically revised, modified, and updated to reflect additional information. [Ord. 6-03 § 2; Ord. 3-03 § 1; Ord. 9-02 § 1; Ord. 4-02 § 2; Ord. 11-00 § 3.6.5(b)]

18.15.250 Applicability.

(1) The following land use activities are considered high impact land uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited in susceptible aquifer recharge areas and special aquifer recharge protection areas. In all other areas of the county outside of susceptible aquifer recharge areas and special aquifer recharge protection areas, these activities shall require an aquifer recharge area report pursuant to this Article VI-E:

- (a) Chemical manufacturing and reprocessing;
- (b) Creosote/asphalt manufacturing or treatment (except that asphalt batch plants may be permitted in susceptible aquifer recharge areas only if such areas lie outside of special aquifer recharge protection areas and only if best management practices are implemented pursuant to JCC 18.20.240 (2)(h)(iv) and 18.30.170 and an accepted aquifer recharge area report);
- (c) Electroplating and metal coating activities;
- (d) Hazardous waste treatment, storage and disposal facilities;
- (e) Petroleum product refinement and reprocessing;
- (f) Underground storage tanks for petroleum products or other hazardous materials;
- (g) Recycling facilities as defined in this code;
- (h) Solid waste landfills;

- (i) Waste piles as defined in Chapter 173-304 WAC;
- (j) Wood and wood products preserving;
- (k) Storage and primary electrical battery processing and reprocessing.
- (2) All other land uses shall be subject to the protection standards contained in this article and mitigating conditions included with an aquifer recharge area report, where applicable.
- (3) Seawater Intrusion Protection Zones. Marine shorelines and islands are susceptible to a condition that is known as seawater intrusion. Seawater intrusion is a condition in which the saltwater/freshwater interface in an aquifer moves inland so that wells drilled on upland areas cannot obtain freshwater suitable for public consumption without significant additional treatment and cost. Maintaining a stable balance in the saltwater/freshwater interface is primarily a function of the rate of aquifer recharge (primarily through rainfall) and the rate of groundwater withdrawals (primarily through wells). New development, redevelopment, and land use activities on islands and in close proximity to marine shorelines in particular should be developed in such a manner to maximize aquifer recharge and maintain the saltwater/freshwater balance to the maximum extent possible. [Ord. 6-03 § 2; Ord. 3-03 § 1; Ord. 9-02 § 1; Ord. 4-02 § 2; Ord. 11-00 § 3.6.5(c)]

18.15.255 Protection standards.

- (1) General. The following protection standards shall apply to land use activities in susceptible aquifer recharge areas and special aquifer protection areas, and when specified in seawater intrusion protection zones, unless mitigating conditions have been identified in a critical aquifer recharge report that has been prepared pursuant to this Article VI-E.
- (2) Stormwater Disposal.
 - (a) In all critical aquifer recharge areas, stormwater runoff shall be controlled and treated in accordance with best management practices and facility design standards as identified and defined in the Stormwater Management Manual for the Puget Sound Basin, as amended, and the stormwater provisions contained in Chapter 18.30 JCC.
 - (b) To help prevent seawater from intruding landward into underground aquifers, all new development activity on Marrowstone Island, Indian Island and within one-quarter mile of any marine shoreline shall be required to infiltrate all stormwater runoff on site. The administrator will consider requests for exceptions to this policy on a case-by-case basis. This provision is interpreted as establishing a hierarchy in which the first and best alternative is on-site infiltration using drywells or other methods, the second best alternative is direct discharge into marine waters through a stormwater tightline. In order to utilize the least preferred alternative, which is considered an exception to the policy, applicants must demonstrate through a geotechnical or similar report prepared by a licensed professional that both on-site infiltration and upland off-site disposal are not practicable or feasible. The report must include cost figures for comparison.
- (3) On-Site Sewage Disposal.
 - (a) All land uses identified in JCC 18.15.240 and special aquifer recharge protection areas that are also classified as susceptible aquifer recharge areas (as defined in this article) shall be designated areas of special concern pursuant to WAC 246-272-21501.

- (i) Such designation shall identify minimum land area and best management practices for nitrogen removal as design parameters necessary for the protection of public health and groundwater quality.
- (ii) Best management practices (BMPs) shall be adopted by action of the Board of Health.
- (b) As new information becomes available that would classify an area as a special aquifer recharge protection area or an area of special concern under this article, said area may be designated as such by the county. Any additional areas of special concern designated through this process shall receive the same protections identified in subsection (3)(a) of this section.
- (4) **Golf Courses and Other Turf Cultivation.** In all critical aquifer recharge areas, golf courses shall be developed and operated in a manner consistent with “Best Management Practices for Golf Course Development and Operation,” King County environmental division (now: department of development and environmental services), January 1993. Recreational and institutional facilities (e.g., parks and schools) with extensive areas of cultivated turf shall be operated in a manner consistent with portions of the aforementioned best management practices pertaining to fertilizer and pesticide use, storage, and disposal. In seawater intrusion protection zones, golf courses and other turf cultivation using groundwater for irrigation shall be prohibited, unless the water source is located outside of seawater intrusion protection zones or in an approved public water supply.
- (5) **Commercial Agriculture.** Commercial agricultural activities, including landscaping operations, must be operated in accordance with best management practices for fertilizer, pesticide, and animal waste management as developed by the Jefferson County Conservation District.
- (6) **Above-Ground Storage Tanks.** Above-ground tanks shall be fabricated, constructed, installed, used and operated in a manner which prevents the release of hazardous substances or dangerous wastes to the ground or groundwater. Above-ground storage tanks intended to hold or store hazardous substances or dangerous wastes are provided with an impervious containment area, equivalent to or greater than 100 percent of the tank volume, enclosing and underlying the tank, or ensure that other measures are undertaken as prescribed by the Uniform Fire Code which provide an equivalent measure of protection.
- (7) **Mining and Quarrying.** Mining and quarrying performance standards containing groundwater protection best management practices pertaining to operation, closure, and the operation of gravel screening, gravel crushing, cement concrete batch plants, and asphalt concrete batch plants, where allowed, are contained in Chapters 18.20 and 18.30 JCC.
- (8) **Hazardous Materials.** Land use activities that generate hazardous waste, which are not prohibited outright under this code, and which are conditionally exempt from regulation by the Washington Department of Ecology under WAC 173-303-100, or which use, store, or handle hazardous substances, shall be required to prepare and submit a hazardous materials management plan that demonstrates that the development will not have an adverse impact on groundwater quality. The hazardous materials management plan must be updated annually by the facility owner.

(9) Well Drilling, Land Division, and Building Permits in Seawater Intrusion Protection Zones.

(a) Well Drilling. The Washington State Department of Ecology regulates well drilling pursuant to the Water Well Construction Act. Proposed wells, including those exempt from permitting requirements, must be sited at least 100 feet from “known or potential sources of contamination,” which include “sea-salt water intrusion areas” (WAC 178-160-171), unless a variance is obtained from Ecology per WAC 173-160-106.

(b) Subdivisions. Applications for land division (Chapter 18.35 JCC) must include specific and conclusive proof of adequate supplies of potable water through a qualifying hydrogeologic assessment (relevant components of an aquifer recharge area report per JCC 18.15.375) that demonstrates that the creation of new lots and corresponding use of water will not impact the subject aquifer such that water quality is degraded by seawater intrusion.

(i) Marrowstone Island Subdivision Moratorium. Due to documented seawater intrusion on Marrowstone Island and the existence of undeveloped lots of record, Jefferson County has imposed a moratorium on additional land divisions on the island until such time as public water is available or it is demonstrated through the well monitoring program that groundwater quality is not degrading due to seawater intrusion.

(c) Building Permits.

(i) Evidence of potable water may be an individual well, connection to a public water system, or an alternative system. Whatever method is selected, the regulatory and operational standards for that method must be met, including Jefferson County health codes and Washington Administrative Code. Pursuant to Section 4 of the state “Guidelines for Determining Water Availability for New Buildings” (Ecology Publication 93-27), investigation and identification of well interference problems and impairment to senior rights is the responsibility of the Washington Department of Ecology. If the possibility of a problem is suspected, the local permitting authority should contact Ecology.

(ii) All types of building permits that require proof of potable water use are subject to this policy, specifically building permits for new single-family residences (SFRs) or other structures with plumbing that are not associated with an existing SFR (i.e., shops or garages with a bathroom).

(d) Voluntary and mandatory measures of the Jefferson County seawater intrusion policy apply to development proposals within the coastal, at risk, and high risk SIPZ, and upon Marrowstone Island, in the following manner, in addition to all existing applicable health codes:

(i) Coastal SIPZ.

(A) Voluntary actions:

(I) Water conservation measures;

(II) On-going well monitoring for chloride concentration;

(III) Submittal of data to county.

(B) Mandatory actions:

(I) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;

(II) If public water is unavailable, an individual well may be used as proof of potable water subject to the following requirement:

1. Chloride concentration of a laboratory-certified well water sample submitted with building permit application;
 2. Installation of source-totalizing meter (flow).
- (III) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.
- (ii) At Risk SIPZ.
- (A) Voluntary actions:
- (I) Water conservation measures.
 - (B) Mandatory actions:
- (I) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;
 - (II) If public water is unavailable, an individual well may be used as proof of potable water subject to the following requirements:
 1. Chloride concentration of a laboratory-certified well water sample submitted with building permit application;
 2. Installation of a source-totalizing meter (flow);
 3. On-going well monitoring for chloride concentration;
 4. Submittal of flow and chloride data to the county per monitoring program;
- (III) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.
- (iii) High Risk SIPZ.
- (A) Mandatory actions:
- (I) Water conservation measures (per list maintained by UDC administrator);
 - (II) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;
 - (III) If public water is unavailable, an individual well may only be used as proof of potable water subject to the following requirements:
 1. Variance from WAC Title 173 standards granted by Ecology per WAC 173-160-106 for a new groundwater well within 100 feet of a sea-salt water intrusion area per WAC 173-160-171 (i.e., within 100 feet of a groundwater source showing chloride concentrations above 200 mg/L or within 100 feet of the marine shoreline); or for an existing groundwater well not subject to an Ecology variance, applicant must provide a hydrogeologic assessment (relevant components of an aquifer recharge area report per JCC 18.15.375) which shall be transmitted to Ecology for review, demonstrating that use of the well does not cause any detrimental interference with existing water rights and is not detrimental to the public interest;
 2. Chloride concentration of a laboratory-certified well water sample submitted with building permit application;
 3. If chloride concentration exceeds 250 mg/L in a water sample submitted for a building permit, then the property owner shall be required to record a restrictive covenant that indicates a chloride reading exceeded the U.S. Environmental Protection Agency secondary standard (250 mg/L) under the National Secondary Drinking Water Regulations;
 4. Installation of a source-totalizing meter flow;
 5. On-going well monitoring for chloride concentration;
 6. Submittal of flow and chloride data to the county per monitoring program;

- (IV) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.
- (iv) Marrowstone Island. In addition to all voluntary and mandatory actions associated with the applicable SIPZ as described above, the following measures apply to all development proposals on Marrowstone Island that include groundwater withdrawal:
- (A) Voluntary Actions.
- (I) Installation of times together with new well pump installations to enable pump use limitation to low demand times.
- (B) Mandatory Actions.
- (I) The use of a well proposed as proof of potable water for a new building permit shall be conditioned through the building permit such that enrollment in a county-sponsored monitoring program is required, including periodic submittal of flow and chloride data as determined by the county.
- (II) Installation of a source-totalizing meter (flow).
- (III) Installation of a variable speed pump, controllable from the surface, in order to enable reduction of withdrawal rate, as may be necessary.
- (IV) Installation of a 1,000-gallon minimum storage tank that shall conform to the ANSI/NSF standard 61.
- (10) Mitigating Conditions. The administrator may require additional mitigating conditions, as needed, to provide protection to all critical aquifer recharge areas to ensure that the subject land or water use action will not pose a risk of significant adverse groundwater quality impacts. The determination of significant adverse groundwater quality impacts will be based on the antidegradation policy included in Chapter 173-200 WAC.
- (11) Authority for Denial. In all critical aquifer recharge areas, the administrator may deny approval if the protection standards contained herein or added mitigating conditions cannot prevent significant adverse groundwater quality impacts. [Ord. 6-03 § 2; Ord. 3-03 § 1; Ord. 9-02 § 1; Ord. 4-02 § 2; Ord. 11-00 § 3.6.5(d)]

Article VI-F. Frequently Flooded Areas

18.15.260 Incorporation by reference.

This Article VI-F incorporates by reference the classification, designation and protection provisions contained in the Jefferson County floodplain management ordinance (Chapter 15.15 JCC) with the following addition:

- (1) In addition to the insurance maps identified in the floodplain management ordinance (Chapter 15.15 JCC), flood hazard areas shall be identified with reference to the Federal Emergency Management Agency (FEMA) 100-year floodplain designations. Such flood hazard areas shall be subject to the criteria of the floodplain management ordinance.
- (2) The floodplain management ordinance conforms with the intent of the minimum guidelines (WAC 365-190-080(3)) through directly considering the effects of flooding on human health and safety, together with effects on public facilities and services, through its protection standards. [Ord. 11-00 § 3.6.6(a)]

18.15.265 Relationship to other regulations.

While the Jefferson County floodplain management ordinance requires consistency with all other applicable laws, in the event that a conflict should exist the stricter standard shall apply to the regulated development. [Ord. 11-00 § 3.6.6(b)]

Article VI-G. Geologically Hazardous Areas

18.15.270 Classification/designation.

- (1) Classification. Geologically hazardous areas shall be classified based upon a combination of erosion, landslide and seismic hazard.
- (2) Designation. The following erosion, landslide and seismic hazard areas shall be subject to the standards of this Article VI-G:
 - (a) Erosion Hazard Areas. Areas containing soils or soil complexes described and mapped within the United States Department of Agriculture/Soil Conservation Service Soil Survey for Jefferson County as having a severe or very severe erosion hazard potential.
 - (b) Landslide Hazard Areas. Areas potentially subject to mass movement due to a combination of geologic, topographic and hydrologic factors including:
 - (i) Areas of historic failures or potentially unstable slopes, such as:
 - (A) Areas described and mapped as having severe or very severe building limitations for dwellings without basements within the United States Department of Agriculture/Soil Conservation Service Soil Survey for Jefferson County;
 - (B) Areas described and mapped as recent or old landslides or slopes of unstable materials within the Washington State Department of Ecology Coastal Zone Atlas of Jefferson County; and
 - (C) Areas described and mapped as areas of poor natural stability, former landslides and recent landslides by the Washington State Department of Natural Resources, Division of Geology and Earth Resources;
 - (ii) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, or undercutting by wave action; and
 - (iii) Areas with any indications of earth movement, such as:
 - (A) Rockslides;
 - (B) Earthflows;
 - (C) Mudflows; and
 - (D) Landslides.
 - (c) Seismic Hazard Areas. Areas subject to severe risk of damage as a result of earthquake induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. These areas are identified by the presence of: poorly drained soils with greater than 50 percent silt and very little coarse material; loose sand or gravel, peat, artificial fill and landslide materials; or soil units with high organic content.
- (3) Sources Used for Identification. Sources used to identify geologically hazardous areas include, but are not limited to:
 - (a) United States Department of Agriculture/Soil Conservation Service, Soil Survey for Jefferson County.
 - (b) Washington State Department of Ecology, Coastal Zone Atlas.
 - (c) Washington State Department of Natural Resources, Slope Stability and Geologic Maps of Eastern Jefferson County.
 - (d) Washington State Department of Natural Resources, Geographic Information System: Soil Survey.
 - (e) Washington State Department of Natural Resources, Geologic Maps of Eastern Jefferson County, Compressibility of Earth Materials in Eastern Jefferson County.
 - (f) United States Department of the Interior, USGS Quad Maps.

(4) Geologic Hazard Area Maps. The maps prepared by the county using the identification sources listed in this section have been produced for informational purposes only and are not regulatory devices forming an integral part of this code. [Ord. 11-00 § 3.6.7(a)]

18.15.275 Protection standards.

(1) General. Application for a project on a parcel of real property containing a designated geologically hazardous area or its buffer shall adhere to the requirements set forth below.

(2) Drainage and Erosion Control.

(a) An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan, as specified in this chapter, when the project application involves either of the following:

(i) The alteration of a geologically hazardous area or its buffer; or

(ii) The creation of a new parcel within a known geologically hazardous area.

(b) Drainage and erosion control plans required under this chapter shall discuss, evaluate and recommend methods to minimize sedimentation of adjacent properties during and after construction.

(c) Surface drainage shall not be directed across the face of a marine bluff, landslide hazard or ravine. The applicant must demonstrate that the stormwater discharge cannot be accommodated on-site or upland by evidence of a geotechnical report, unless waived by the administrator. If drainage must be discharged from a bluff to adjacent waters, it shall be collected above the face of the bluff and directed to the water by tight line drain and provided with an energy dissipating device at the shoreline, above OHWM.

(d) In addition to any erosion control methods specified in the drainage and erosion control plan, the administrator may require hydroseeding of exposed or disturbed areas.

(3) Clearing and Grading.

(a) In addition to the general clearing and grading provisions in Chapter 18.30 JCC, the following provisions shall also apply:

(i) Clearing within geologically hazardous areas shall be allowed only from April 1st to November 1st, unless the applicant demonstrates that such activities would not result in impacts contrary to the protection requirements herein;

(ii) Only that clearing necessary to install temporary sedimentation and erosion control measures shall occur prior to clearing for roadways or utilities;

(iii) Clearing limits for roads, septic, water and stormwater utilities, and temporary erosion control facilities shall be marked in the field and approved by the administrator prior to any alteration of existing native vegetation;

(iv) Clearing for roads and utilities shall remain within construction limits which must be marked in the field prior to commencement of site work; and

(v) The authorized clearing for roads and utilities shall be the minimum necessary to accomplish project specific engineering designs and shall remain within approved rights-of-way.

(b) The following provisions regarding grading shall apply:

(i) An applicant submitting a project application shall also submit, and have approved, a grading plan, as specified in this chapter, when the application involves either of the following:

(A) The alteration of a geologically hazardous area or its buffer; or

- (B) The creation of a new parcel within a known geologically hazardous area.
- (ii) Excavation, grading and earthwork construction regulated under this section shall only be allowed from April 1st to November 1st, unless the applicant demonstrates that such activities would not result in impacts contrary to the protection requirements herein.
- (4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:
- (a) During clearing for roadways and utilities, all trees and understory lying outside of approved construction limits shall be retained; provided, that understory damaged during approved clearing operations may be pruned.
- (b) Damage to vegetation retained during initial clearing activities shall be minimized by directional felling of trees to avoid environmentally sensitive areas and vegetation to be retained.
- (c) Retained trees, understory and stumps may subsequently be cleared only if such clearing is necessary to complete the proposal involved in the triggering application.
- (5) Buffer Marking. The location of the outer extent of landslide hazard area buffers shall be marked in the field as follows:
- (a) A permanent physical separation along the boundary of the landslide hazard area shall be installed and permanently maintained. Such separation may consist of logs, a tree or hedge row, fencing, or other prominent physical marking approved by the administrator.
- (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: "Landslide Hazard Area & Buffer – Do Not Remove or Alter Existing Native Vegetation."
- (c) In the case of short plat, long plat, binding site plan or site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the landslide hazard area and its buffer.
- (6) Buffers – Standard Requirements. The following landslide hazard area buffer provisions shall apply:
- (a) Buffer areas shall be required to provide sufficient separation between the landslide hazard area and the adjacent proposed project.
- (b) The appropriate width of the landslide hazard area buffer shall be determined by either: application of the standard buffer width set forth below; or, by acceptance of a geotechnical report meeting the criteria of this section.
- (c) Buffers shall remain naturally vegetated. Where buffer disturbance has occurred during construction, replanting with native vegetation shall be required.
- (d) Buffers shall be retained in their natural condition; however, minor pruning of vegetation to enhance views may be permitted by the administrator on a case-by-case basis.
- (e) All buffers shall be measured perpendicularly from the top, toe or edge of the landslide hazard area boundary.
- (f) A standard buffer of 30 feet shall be established from the top, toe and all edges of landslide hazard areas.
- (7) Reducing Buffer Widths. The administrator may reduce the standard landslide hazard area buffer width only when the project applicant demonstrates, to the satisfaction

of the administrator, that the project cannot meet the required setback. The reduced buffer must adequately protect the proposed project and the landslide hazard area to the maximum extent possible. Under no circumstances shall the buffer width be reduced to less than 15 feet.

(8) Increasing Buffer Widths. The administrator may increase the standard landslide hazard area buffer width when a larger buffer is necessary to protect the proposed project and the landslide hazard area. This determination shall be made when the administrator demonstrates any one of the following through appropriate documentation:

- (a) The landslide area is unstable and active.
- (b) The adjacent land is susceptible to severe landslide or erosion, and erosion control measures will not effectively protect the proposed project or the landslide hazard area.
- (c) The adjacent land has minimal vegetative cover.

(9) Geotechnical Report.

(a) An applicant submitting a project application shall submit, and have approved, a geotechnical report, as specified in Article VI-J of this chapter, when the application involves any of the following:

- (i) The alteration of a landslide hazard area or its buffer.
- (ii) The creation of a new parcel within a known landslide hazard area.
- (iii) The construction of a publicly owned facility in a designated seismic hazard area.

(b) Where a geotechnical report is required for a landslide hazard area, the project application shall not be approved unless the geotechnical report certifies all of the following:

- (i) There is minimal landslide hazard as proven by a lack of evidence of landslide activity in the vicinity in the past;
- (ii) An analysis of slope stability indicates that the proposal will not be subject to risk of landslide, or the proposal or the landslide hazard area can be modified so that hazards are eliminated;
- (iii) The proposal will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
- (iv) The proposal will not decrease slope stability on adjacent properties; and
- (v) All newly created building sites will be stable under normal geologic conditions (if applicable).

(c) Where a geotechnical report is required for a seismic hazard area, the project application shall not be approved unless the geotechnical report demonstrates that the proposed project will adequately protect the public safety. [Ord. 11-00 § 3.6.7(b)]

18.15.280 Conditions.

(1) General. In granting approval for a project application subject to the provisions of this Article VI-G, the administrator may require mitigating conditions that will, in the administrator's judgment, substantially secure the objectives of this article.

(2) Basis for Conditions. All conditions of approval required pursuant to this section shall be based upon either the substantive requirements of this section or the recommendations of a qualified professional, contained within a special report required under this chapter. [Ord. 11-00 § 3.6.7(c)]

Article VI-H. Fish and Wildlife Habitat Areas

18.15.285 Classification/designation.

Fish and wildlife habitat areas (FWHAs) include both aquatic and terrestrial areas within Jefferson County. The approximate location and extent of critical fish and wildlife habitat areas are displayed in the Washington Department of Fish and Wildlife's (WDFW) Priority Habitat and Species (PHS) Program database. The following designations shall be used in classifying ESAs to be regulated under this Article VI-H.

- (1) All seasonal ranges and habitat elements with which state-listed candidate and monitor species or priority game and nongame species have a primary association.
- (2) All habitats with which species of local importance have a primary association.
- (3) Those waters that meet the criteria for Type 1, 2, 3, 4 and 5 streams as set forth in WAC 222-16-030.
- (4) Areas with which federal or state endangered, threatened, and sensitive species of fish and wildlife have a primary association. [Ord. 11-00 § 3.6.8(a)]

18.15.290 Sources used for identification.

Sources used to identify fish and wildlife habitat areas include, but are not limited to:

- (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
- (2) Washington State Department of Natural Resources, Water Type Index Maps.
- (3) Washington State Department of Fish and Wildlife, Non-Game and Priority Habitats and Species Data Bases. [Ord. 11-00 § 3.6.8(b)]

18.15.295 Fish and wildlife habitat area maps.

The above maps have been produced for informational purposes only and are not regulatory devices forming an integral part of this Article VI-H. [Ord. 11-00 § 3.6.8(c)]

18.15.300 Exempt activities.

The following uses shall be allowed within a FWHA or its buffer, if they are not prohibited by any other law, provided they are conducted so as to minimize any impact on the function and character of the FWHA or its buffer, and provided they are consistent with any county-approved habitat management plan or other special report required by this chapter, or any state or federally approved management plan for an endangered, threatened, or sensitive species.

- (1) Reconstruction of structures destroyed by fire or other means; provided, that completed application for reconstruction occurs within the previous structural footprint and within two years of the destruction. This provision is intended to apply only to that portion of a building which lies within a FWHA or its buffer;
- (2) The removal of noxious weeds from buffer areas;
- (3) Existing and ongoing landscaping activities (such as lawn and garden maintenance) and existing and ongoing agricultural activities on lands enrolled in the open space tax program for agriculture or on lands designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan Land Use Designations. For the purpose of this section, existing and ongoing means that agricultural activities have been conducted within the five-year period leading up to the adoption of Ordinance No. 5-03 on April 28, 2003;
- (4) The enhancement of a buffer by planting indigenous vegetation;
- (5) The construction of trails which shall be unpaved when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and

which are no wider than five feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area;

(6) Harvesting wild crops which do not significantly affect the viability of the wild crop, the function of the fish and wildlife habitat area or regulated buffer (does not include tilling of soil or alteration of the fish and wildlife habitat area, except as provided in subsection (3) of this section);

(7) Any of the general exemptions authorized by Article VI-D of this chapter. [Ord. 06-04 § 2; Ord. 5-03 § 2; Ord. 11-00 § 3.6.8(d)]

18.15.305 Regulated activities.

Any land use or development activity which is subject to a development permit or approval requirements of this code shall be subject to the provisions of this Article VI-H. These include, but are not limited to the following activities which are directly undertaken or originate in a FWHA or its buffer, unless exempted.

(1) Stream Crossings. All stream crossings should be discouraged and alternatives should be explored. Any private or public road expansion or construction which is proposed and must cross streams classified within this article, shall comply with the following minimum development standards:

(a) The design of stream crossings shall meet the requirements of the Washington Department of Fish and Wildlife. Fish passage shall be provided if necessary to address manmade obstructions on-site. Other alternatives may be allowed upon a showing that, for the site under review, the alternatives would be less disruptive to the habitat or that the necessary building foundations were not feasible. Submittal of a habitat management plan which demonstrates that the alternatives would not result in significant impacts to the fish and wildlife habitat area (FWHA) may be required;

(b) Crossings shall not occur in salmonid spawning areas unless no other reasonable crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

(c) Bridge piers or abutments shall not be placed either within the floodway or between the ordinary, high water marks unless no other reasonable alternative placement exists;

(d) All stream crossings shall be required to pass 100-year projected flood flows, even in non-fish bearing Type 4 and 5 streams. In addition, crossings for Type 1, 2 or 3 should allow for downstream transport of large woody debris;

(e) Crossings shall serve multiple properties whenever possible; and

(f) Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

(2) All land divisions, as allowed by Chapter 18.35 JCC, or as a PRRD as regulated in this chapter, shall comply with the following development standards:

(a) In order to avoid the creation of nonconforming lots, each new lot shall contain at least one building site that meets the requirements of this code, including buffer requirements for FWHAs. This site must also have access and a sewage disposal system location that are suitable for development and does not adversely impact the FWHA.

(b) After preliminary approval and prior to final land division approval, the common boundary between a required buffer and the adjacent property shall be identified using

appropriate signs as specified in this article. In lieu of signs, alternative methods of buffer identification may be approved when such methods are determined by the administrator to provide adequate identification to the buffer and the FWHA.

(c) Buffer areas shall be dedicated as permanent open space tracts, functioning as sensitive areas buffers.

(3) Utilities. Placement of utilities within designated fish and wildlife habitat areas may be allowed pursuant to the following standards:

(a) Construction of utilities may be permitted in FWHAs or their buffers, only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below. Utilities are encouraged to follow existing or permitted roads where possible.

(b) Construction of sewer lines or on-site sewage systems are not permitted in FWHAs or their buffers, except that they may be permitted in a buffer area when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirement of this article. Joint use of the sewer utility corridor by other utilities may be allowed.

(c) New utility corridors shall not be allowed in FWHAs with known locations of federal or state-listed endangered, threatened or sensitive species, except in those circumstances where an approved habitat management plan is in place.

(d) Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat areas and their buffers.

(i) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

(ii) New utility corridors shall be revegetated with appropriate native vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives for a three-year period.

(e) Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray-painted, nor shall lead-base paints be used.

(4) Bank Stabilization. A stream channel and bank, bluff, and shoreline may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a building permit pursuant to the Uniform Building Code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish habitat or improved water quality. Bluff, bank and shoreline stabilization shall follow the standards of the Jefferson County Shoreline Master Program, geologically hazardous areas provision in this chapter, and the floodplain management ordinance.

The administrator may require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of shorelines. For bank stabilization projects within FWHAs, emphasis shall be placed on bioengineering solutions (vegetation versus hard surfaces) unless proved by the applicant to be infeasible. Bank stabilization projects may also require a

hydraulic project approval from the Washington Department of Fish and Wildlife which will be determined after consultation with WDFW.

(5) Gravel Mining. Gravel mining is discouraged within FWHAs or their buffers, and it shall not be permitted if it causes unmitigatable significant adverse impacts, but it may be allowed following the review and approval of a habitat management plan, including a detailed mining and reclamation plan pursuant to the applicable performance standards in Chapter 18.20 JCC (mineral extraction) or as otherwise required in this code.

(6) Forest Practices, Class IV General. Timber harvesting with associated development activity involving land conversions from forest use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this article, including the maintenance of buffers, where required.

(7) Road/Street Repair and Construction. Any private or public road or street expansion or construction which is allowed in a fish and wildlife habitat area or its buffer shall comply with the following minimum development standards:

(a) No other reasonable or practicable alternative exists and the proposed road or street serves multiple properties whenever possible;

(b) Public and private roads are encouraged to provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary, as required by the department of public works' guidelines. Minimum necessary provisions may include projected level of service requirements; and

(d) Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure species and habitat protection.

(8) Outdoor Recreation, Education and Trails. Activities and improvements which do not significantly affect the function of the fish and wildlife habitat area or regulated buffer (including viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted in FWHAs or their buffers.

(a) Trails and other facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other previously disturbed areas;

(b) Trails and other facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

(c) Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize impacts to wildlife, fish, or their habitat and/or critical characteristics of the affected conservation area;

(d) Trails, in general, shall be set back from streams so that there will be minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible and trails within a FWHAs are not intended to be used by motorized vehicles.

(9) Chemical Application or Storage. Chemical applications are not permitted within FWHAs unless expressly approved as part of a farm plan, forest practices application, or for the control of invasive or noxious plant species. In cases where approved chemical applications occur as part of a forest practices application or farm plan, proper reporting procedures shall be followed. Chemical storage shall not be permitted within a FWHA or its buffer. [Ord. 11-00 § 3.6.8(e)]

18.15.310 General prohibitions.

No land use or development activity, even if the activity does not require a permit, shall be allowed that alters the function or character of the FWHA or its buffer. This includes, but is not limited to activities involving:

- (1) The removal, excavation, grading, dumping, discharging, or filling of any material unless part of a project which has been permitted pursuant to this Article VI-H;
- (2) The destruction or alteration of FWHAs or their buffers through clearing, grading, harvesting, shading, intentional burning, vegetation removal or planting of vegetation that would alter the character of the FWHA or buffer, unless part of a project which has been permitted pursuant to this article;
- (3) New residential, commercial or industrial development or construction, unless exempted or provided for elsewhere in this article. [Ord. 11-00 § 3.6.8(f)]

18.15.315 Protection standards.

- (1) General. Application for a project on a parcel of real property containing a designated FWHA or its buffer shall adhere to the requirements set forth below.
- (2) Drainage and Erosion Control. An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan, as specified in this chapter.
- (3) Grading. An applicant submitting a project application shall also submit, and have approved, a grading plan, as specified in this chapter.
- (4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:
 - (a) All trees and understory lying outside of road rights-of-way and utility easements shall be retained (except for hazard trees) during clearing for roadways and utilities; provided, that understory damaged during approved clearing operations may be pruned.
 - (b) Damage to vegetation retained during initial clearing activities shall be minimized by directional felling of trees to avoid critical areas and vegetation to be retained.
 - (c) Retained trees, understory and stumps may subsequently be cleared only if such clearing is necessary to complete the proposal involved in the project application.
- (5) Buffers – Standard Requirements. Fish and wildlife habitat areas shall have buffers and building setbacks established.
 - (a) Buffers or setbacks shall be maintained along the perimeter of fish and wildlife habitat areas. Buffer distances associated with streams shall be measured horizontally from the ordinary high water mark (OHWM). All other buffer distances shall be measured horizontally from the established FWHA perimeter.
 - (b) A building setback line of five feet is required from the edge of any buffer area.
 - (c) Buffers shall be retained in their natural condition, however, minor pruning of vegetation to enhance views or provide access may be permitted as long as the function and character of the buffer are not diminished.
 - (d) Streams with adjacent riparian wetland habitats shall be subject to the buffer widths which apply to their wetland class or the standard streamside buffer widths set forth below, whichever is more restrictive.
 - (e) Standard streamside buffer widths shall be applied to each side of the stream in accordance with Table 3-2.

Table 3-2. Standard Streamside Buffers

Stream Type Buffer Widths

- Type 1 & 2 150 ft.
- Type 3 100 ft.
- Type 4 100 ft.
- Type 5 50 ft.

Note: Stream type shall be determined using the criteria set forth in WAC 222-16-030.

(6) Reducing Buffer Widths. The administrator may reduce the standard buffer widths when the project applicant demonstrates the following to the satisfaction of the administrator:

- (a) Standard buffer function will be preserved through such mechanisms as buffer averaging or enhancement with native vegetation.
- (b) A habitat management plan is required for all buffer width reductions, including buffer averaging.
- (c) Under no circumstances shall buffer widths be reduced by more than 25 percent.

(7) Increasing Buffer Widths. The administrator may increase the standard buffer width when a larger buffer width is necessary to protect the structure, function and character of FWHA's. The buffer may be increased or other protections provided in order to prevent a significant adverse environmental impact to the function or character of the FWHA by a proposed land use or development activity.

This determination shall be supported by appropriate documentation. Such determination shall be attached as permit condition and shall demonstrate that:

- (a) A larger buffer is necessary to maintain viable populations or critical habitat of endangered, threatened, or sensitive species; or
- (b) The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts to the FWHA; or
- (c) Increasing the vegetation area widths will only be done as necessary to preserve the structure, function and character of the FWHA; or
- (d) If the FWHA lies within an area where there is evidence of a migrating stream or river channel, increased protection will be necessary. Based upon site habitat conditions and species presence, the buffer may be extended; or
- (e) If streams are located in ravines (45 percent slope or greater), the minimum buffer width shall be the minimum buffer required for the stream type, or a buffer width which extends 25 feet beyond the top of the slope, whichever is greater.

(8) Averaging Buffer Widths. The administrator may modify the standard buffer widths by averaging. Buffer width averaging shall be allowed only when an individual or firm meeting the criteria of JCC 18.15.395(2) demonstrates all of the following to the satisfaction of the administrator:

- (a) Width averaging will not adversely impact the function or character of the designated FWHA.
 - (b) The total area contained within the buffer after averaging is not less than that contained within the standard buffer prior to averaging.
 - (c) The standard buffer width has not been reduced by more than 25 percent.
 - (d) A habitat management plan shall be prepared to justify buffer width averaging.
- (9) Buffer Marking. Upon approval of the habitat management plan, the location of the outer extent of required buffers shall be marked in the field as follows:

- (a) A permanent physical separation along the boundary of the buffer area shall be installed and permanently maintained. Such separation may consist of logs, a tree or hedge row, or other prominent physical marking approved by the administrator.
- (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: “Buffer – Do Not Remove or Alter Existing Native Vegetation.”
- (c) In the case of short plat, long plat, binding site plan, and site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the streamside buffer area.
- (d) The applicant may also choose to dedicate the buffer through a conservation easement or deed restriction that shall be recorded with the Jefferson County auditor. Such easements or restrictions shall, however, use the forms approved by the prosecuting attorney. [Ord. 11-00 § 3.6.8(g)]

18.15.320 Conditions.

- (1) General. In granting approval for a project application subject to the provisions of this Article VI-H, the administrator may require mitigating conditions that will, in the administrator’s judgment, substantially secure the objectives of this article.
- (2) Basis for Conditions. All conditions of approval required pursuant to this article shall be based upon either the substantive requirements of this article or the recommendations of a qualified professional utilizing best available science, contained within a special report required under this chapter. [Ord. 11-00 § 3.6.8(h)]

Article VI-I. Wetlands

18.15.325 Classification/designation.

- (1) Classification. Wetlands shall be classified using the Washington State Department of Ecology’s Wetland Rating System for Western Washington, 2nd Edition, 1993. Wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.
- (2) Designation. As determined using the Washington State Department of Ecology’s Wetland Rating System for Western Washington, 2nd Edition, 1993, all Category I wetlands, Category II wetlands 2,500 square feet or larger in size and Category III and IV wetlands 10,000 square feet or larger in size, shall be subject to the standards of this Article VI-I.
- (3) Sources Used for Identification. Sources used to identify designated wetlands include, but are not limited to:
 - (a) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
 - (b) Areas identified as hydric soils, soils with significant soil inclusions and “wet spots” within the United States Department of Agriculture/Soil Conservation Service Soil Survey for Jefferson County.
 - (c) Washington State Department of Natural Resources, Geographic Information System: Hydrography and Soils Survey Layers.
- (4) Wetland Maps. The wetland maps prepared by the county have been produced for informational purposes only and are not regulatory devices forming an integral part of this article. [Ord. 11-00 § 3.6.9(a)]

18.15.330 Regulated activities.

Any land use or development activity shall be subject to the provisions of this Article VI-I, including, but not limited to, the following activities which are directly undertaken or originate in a regulated wetland or its buffer, unless exempted:

- (1) The removal, excavation, grading, or dredging of material of any kind, including the construction of ponds and trails;
- (2) The dumping, discharging, or filling of any material;
- (3) The draining, flooding, or disturbing of the wetland water level or water table;
- (4) The driving of pilings;
- (5) The placing of obstructions;
- (6) The construction, reconstruction, demolition, or expansion of any structure;
- (7) The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, application of herbicides or pesticides, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW (Forest Practices Act) and its rules; or
- (8) Activities that result in:
 - (a) A significant change of water temperature;
 - (b) A significant change of physical or chemical characteristics of wetlands water sources, including quantity; or
 - (c) The introduction of pollutants. [Ord. 11-00 § 3.6.9(b)]

18.15.335 Exempt activities.

(1) Wetlands. The following uses shall be allowed within a regulated wetland without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in this Article VI-I, if they are not prohibited by any other law. However, forest practices and conversions are governed by Chapter 76.09 RCW and its rules.

- (a) Normal maintenance, repair, or operation of existing structures, facilities, or improved areas, such as on-site septic systems, lawns, landscaping, orchards, gardens, trails, and driveways. Maintenance and repair do not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, and do not include the construction of a maintenance road;
- (b) Modification or expansion of existing uses and structures, pursuant to the requirements of the nonconforming use and structure provisions of this code;
- (c) Outdoor recreational activities, including hunting and fishing (pursuant to state law), birdwatching, hiking, bicycling, boating, and swimming;
- (d) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions, or water sources;
- (e) Existing and ongoing agricultural activities on lands enrolled in the open space tax program for agriculture or on lands designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan Land Use Designations. For the purpose of this section, “existing and ongoing” means that agricultural activities have been conducted within the five-year period leading up to the adoption of Ordinance No. 5-03 on April 28, 2003;
- (f) Normal maintenance, but not construction, of drainage ditches;
- (g) Use of existing nature trails;
- (h) Installation of navigation aids and boundary markers;

- (i) Site investigative work necessary for a project application submittal, such as surveys, soil logs, percolation tests, and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored;
- (j) Drilling or digging and maintenance of wells; provided, that wetland impacts are minimized and disturbed areas are immediately restored.
- (2) Wetland Buffers. In addition to those activities allowed in regulated wetlands in this article, the following activities are allowed within wetland buffers without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in this article; provided, that impacts to buffers are minimized and that disturbed areas are immediately restored except as specifically allowed in subsection (2)(a) of this section.
 - (a) In association with a single-family residence only, the establishment and expansion of lawns, landscaping, orchards, gardens, and fences; provided, that:
 - (i) Lawns, landscaping, orchards, and gardens shall be allowed within the outer 25 percent of the buffer width where no reasonable alternative is available. No structure other than fences nor any impervious surface shall be included in the above; and
 - (ii) Fences shall be designed to allow the unimpeded passage of surface water beneath them.
 - (b) Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These include low intensity, passive recreational activities, such as pervious trails, nonpermanent wildlife watching blinds, scientific or educational activities, and sports fishing or hunting. Trails within buffers shall be designed to minimize impacts to the wetland, and shall not include any impervious surfaces.
 - (c) Within the buffers of Category III and IV wetlands only, vegetation-lined swales designed for stormwater management or conveyance when topographic restraints determine there are no other upland alternative locations. Swales used for detention purposes may only be placed in the outer 25 percent of the buffer. Conveyance swales may be placed through the buffer, if necessary. [Ord. 06-04 § 2; Ord. 5-03 § 2; Ord. 11-00 § 3.6.9(c)]

18.15.340 Protection standards.

- (1) General. Application for a project on a parcel of real property containing a designated wetland or its buffer shall adhere to the requirements set forth below.
- (2) Delineation. An applicant submitting a project application shall also submit, and have approved, a wetland delineation report as specified in JCC 18.15.400. Additionally, the following provisions shall apply:
 - (a) The location of the wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.
 - (b) If the wetland is located off of the property involved in the project application and is inaccessible, the best available information shall be used to determine the wetland boundary and class.
 - (c) After approval of the delineation report, the wetland boundary shall be staked and flagged in the field.
 - (d) This requirement may be waived under the following circumstances:

- (i) Single-Family Residences. The requirement for a wetland delineation and special report may be waived for construction of a single-family residence on an existing lot of record if field investigation by county staff indicates the following:
 - (A) Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - (B) The single-family residence and all accessory structures and uses are not proposed to be located within the distances identified in Table 3-3, below, from the estimated wetland boundary.
- (ii) Subdivisions and Short Subdivisions. The requirement for a wetland delineation and special report will be waived for subdivisions and short subdivisions of an existing lot of record if field investigation by county staff indicates the following:
 - (A) Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - (B) Building envelopes or building setback lines are not proposed to be located within the distances identified in Table 3-3, below, from the estimated wetland boundary.

Table 3-3. Minimum Wetland Buffers Necessary as Part of Qualifying for a Waiver from Delineation and Special Report Requirements(1, 2, 3)

Wetland Category	Required Distance from Estimated Wetland Boundary (feet)(4)
I	225
II	150
III	75
IV	37

Notes:

1. These buffers are one part of the complete requirements necessary to qualify for a waiver. See subsection (2) of this section.
 2. These are not standard wetland buffers: they are optional buffers for cases when a delineation is not made. These minimum waiver buffers, shown in Table 3-3, are 1.5 times the standard buffer widths identified in this article. If a single-family residence, building envelope, or setback line in a subdivision is proposed to be closer to the wetland than the distance identified in the table, a wetland delineation report must be performed.
 3. The same opportunities for exemption from delineation shall apply to uncategorized wetlands. The department of community development shall be responsible for determining the wetland category.
 4. The following shall not be located within the distances identified in the table: (a) single-family residences and all accessory structures and uses; (b) subdivision building envelopes and setback lines.
- (3) Drainage and Erosion Control. An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan as specified in this chapter. The plan shall discuss, evaluate and recommend methods to minimize sedimentation of designated wetlands during and after construction.

- (4) Buffer Marking. Upon approval of the delineation report the location of the outer extent of the wetland buffer shall be marked in the field as follows:
- (a) A permanent physical separation along the upland boundary of the wetland buffer area shall be installed and permanently maintained. Such separation may consist of logs, a tree or hedge row, or other prominent physical marking approved by the administrator.
 - (b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: “Wetland & Buffer – Do Not Remove or Alter Existing Native Vegetation.”
 - (c) In the case of short plat, long plat, binding site plan, and site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the wetland and its buffer.
 - (d) The applicant may also choose to dedicate the buffer through a conservation easement or deed restriction that shall be recorded with the Jefferson County auditor. Such easements or restrictions shall, however, use the forms approved by the prosecuting attorney.
- (5) Buffers – Standard Requirements. The following buffer provisions shall apply:
- (a) Buffer areas shall be required to provide sufficient separation between the designated wetland and the adjacent proposed project.
 - (b) The appropriate width of the wetland buffer shall be determined by either: application of the standard buffer widths set forth below in Table 3-4; or by variations to the standard buffers as allowed in subsections (6), (7) and (8) of this section.
 - (c) Buffers shall remain naturally vegetated except where the vegetation has been disturbed, invaded by highly undesirable species (e.g., noxious weeds), or would substantially benefit from the increased diversity of introduced species. Where buffer disturbance has occurred during construction, replanting with native vegetation shall be required. Minor pruning of vegetation to enhance views and removal of undesirable species (e.g., alders) may be permitted by the administrator on a case-by-case basis.
 - (d) All buffers shall be measured perpendicularly from the wetland boundary as surveyed in the field.
 - (e) Standard wetland buffer widths shall be as established in Table 3-4.

Table 3-4. Standard Buffer Widths
for Wetlands

Wetland Category	Standard Buffer Width
I	150 ft.
II	100 ft.
III	50 ft.
IV	25 ft.

- (6) Reducing Buffer Widths. The administrator may reduce the standard wetland buffer widths, when the project applicant demonstrates both of the following to the satisfaction of the administrator:
- (a) Standard wetland buffer width averaging as set forth in this article is unfeasible.

- (b) The project application includes a buffer enhancement plan using native vegetation which substantiates that an enhanced buffer will improve the functional attributes of the buffer to provide additional protection for functions and values.
- (7) Increasing Buffer Widths. The administrator may increase the standard wetland buffer widths when a larger buffer is necessary to protect wetland functions and values based on local conditions. This determination shall be made only when the department demonstrates any one of the following through appropriate documentation:
- (a) A larger buffer is necessary to maintain viable populations of existing species.
 - (b) The wetland is used by species listed by the Washington State Department of Wildlife as endangered, threatened, or sensitive, or has documented priority species or habitats or essential or outstanding potential habitat for those species, or has unusual nesting or resting sites (e.g., heron rookeries and raptor nesting trees).
 - (c) The adjacent land is susceptible to severe landslide or erosion, and erosion control measures will not effectively prevent adverse wetland impacts.
 - (d) The adjacent land has minimal vegetative cover or slopes greater than 45 percent.
- (8) Averaging Buffer Widths. The administrator may modify the standard wetland buffer widths set forth in this section by averaging. Buffer width averaging shall be allowed only when an individual or firm meeting the criteria of JCC 18.15.400(2) demonstrates all of the following to the satisfaction of the administrator:
- (a) Width averaging will not adversely impact the wetland functional values;
 - (b) The total area contained within the wetland buffer after averaging is not less than that contained within the standard buffer prior to averaging;
 - (c) The standard buffer width has not been reduced by more than 25 percent. [Ord. 11-00 § 3.6.9(d)]

18.15.345 Noncompensatory enhancement.

Noncompensatory enhancement are those wetland enhancement projects which are conducted solely to increase the functions and values of an existing wetland and which are not required to be conducted pursuant to the mitigation requirements of JCC 18.15.350. There are two types of noncompensatory enhancement:

- (1) Type 1 Noncompensatory Enhancement. Type 1 noncompensatory enhancement projects involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (1)(a) and (1)(b) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
- (a) The enhancement plan must be submitted for review and approval by the administrator:
 - (b) The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.
- (2) Type 2 Noncompensatory Enhancement. Type 2 noncompensatory enhancement projects involve wetland alterations that do not include the filling, draining, or excavating of a regulated wetland. Such projects might involve the removal of non-native plant species or the planting of native plant species. All applications for Type 2 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (2)(a) through (2)(c) of this section, which

demonstrates that the proposed activities will result in an increase in wetland functions and values.

- (a) The enhancement plan shall be submitted for review and approval by the administrator;
- (b) The enhancement plan must include a detailed description of the activity including the following information:
 - (i) The goal of the enhancement project;
 - (ii) What plants, if any, will be removed or planted;
 - (iii) How the activity will be conducted, including the type(s) of tools or machinery to be used; and
 - (iv) The qualifications of the individual who will be conducting the enhancement activity.
- (c) The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology. [Ord. 11-00 § 3.6.9(e)] 18.15.350 Mitigation.

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

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated wetlands or their buffers. When a proposed use or development activity poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

- (a) Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated wetland or its buffer;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(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 Chapter 18.50 JCC, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any code violator.

- (a) Except persons exempt under this article, 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	Creation and Restoration(1)	Enhancement(2)
I	6:1	12:1
II or III		
• Forested	3:1	6:1
• Scrub-Shrub	2:1	4:1
• Emergent	2:1	4:1
IV	1.25:1	2.5:1

Notes:

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.
 - (b) Compensation must be completed prior to wetland destruction, where possible.
 - (c) Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to this article, with the replacement ratios as specified above.
 - (d) 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.
 - (e) 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.
- (3) Compensatory Mitigation – Type, Location, and Timing.
 - (a) Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.
 - (b) When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.
 - (c) Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.
 - (d) Off-site compensation can be allowed only if:
 - (i) On-site compensation is not feasible due to hydrology, soils, waves, or other factors;
 - (ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses;
 - (iii) Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
 - (iv) Off-site compensation will be conducted in accordance with subsection (4) of this section (Cooperative Compensation Projects).

(e) Except in the case of cooperative compensation projects, off-site compensation must occur within the same watershed where the wetland loss occurs; provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable technical alternative. The stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.

(f) Except in the case of cooperative compensation projects, in selecting compensation sites applicants must pursue locations in the following order of preference:

(i) Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists; and

(ii) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.

(g) Construction of compensation projects must be timed to reduce impacts to existing wildlife and flora. Construction must be timed to assure that grading and soil movement occurs during the dry season. Planting of vegetation must be specifically timed to the needs of the target species.

(4) Cooperative Compensation Projects. The county may encourage, facilitate, and approve cooperative projects where one or more applicants, or an organization with demonstrated capability, may undertake a compensation project if it is demonstrated that:

(a) Creation of one or several larger wetlands may be preferable to many small wetlands;

(b) The group demonstrates the organizational and fiscal capability to act cooperatively;

(c) The group demonstrates that long term management of the compensation area can and will be provided; and

(d) There is a clear potential for success of the proposed compensation at the identified compensation site. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in this article. [Ord. 5-03 § 2; Ord. 11-00 § 3.6.9(f)]

Article VI-J. Special Reports

18.15.355 Waivers.

The administrator may waive the requirement for a special report when an applicant demonstrates all of the following:

(1) The proposal involved will not affect the environmentally sensitive area in a manner contrary to the goals, purposes and objectives of this code.

(2) The minimum protection standards required by this section are satisfied. [Ord. 4-02 § 2; Ord. 11-00 § 3.6.10(a)]

18.15.360 General contents.

(1) Scale Map and Written Report. Special reports for environmentally sensitive areas shall include a scale map of the development proposal site and a written report.

(2) Impacts Assessment. The special report shall identify and characterize any critical area as a part of the larger development proposal site, assess impacts of the development proposal on any environmentally sensitive areas on or adjacent to the development proposal site, and assess the impacts of any alteration proposed for a critical area.

(3) Protection Mechanisms. The special report shall propose adequate protection mechanisms that may include mitigation, maintenance and monitoring plans, and performance surety.

(4) Preparer – Proof of Qualifications. Special reports shall include documentation certifying the qualifications of the preparer. [Ord. 4-02 § 2; Ord. 11-00 § 3.6.10(b)]
18.15.365 Retaining consultants.

Jefferson County may retain consultants to assist in the review of special reports outside the range of staff expertise. The applicant shall pay for the costs of retaining said consultants. [Ord. 4-02 § 2; Ord. 11-00 § 3.6.10(c)]

18.15.370 Responsibility.

(1) General. Special reports shall include documentation certifying the qualifications of the preparer.

(2) Determining Accuracy and Sufficiency. The administrator shall verify the accuracy and sufficiency of all special reports.

(3) Nonacceptance of Inaccurate or Insufficient Reports. If the administrator finds that a special report does not accurately reflect site conditions, or does not incorporate appropriate protection mechanisms, the administrator shall issue a report citing evidence (e.g., soil samples, well log data, etc.) that demonstrates where the special report is insufficient or in error. The applicant may then either revise the special report and submit another special report, or appeal the administrative determination pursuant to this code. [Ord. 4-02 § 2; Ord. 11-00 § 3.6.10(d)]

18.15.375 Aquifer recharge area report.

(1) General. Aquifer recharge area reports serve as the primary means for Jefferson County to verify the accuracy of its critical aquifer recharge area map and to determine specific aquifer protection measures to be applied to prevent significant adverse groundwater quality impacts.

(2) Aquifer Recharge Area Report Content. An initial evaluation shall be made by a qualified groundwater scientist/engineer. The aquifer recharge area report shall include:

(a) A detailed description of the project, including all processes and other activities which have the potential for contaminating groundwater;

(b) A hydrogeologic evaluation which includes, at a minimum:

(i) A description of the hydrogeologic setting of the aquifer region;

(ii) Site location, topography, drainage, and surface water bodies;

(iii) Soils and geologic units underlying the site;

(iv) Groundwater characteristics of the area, including flow direction and gradient, and existing groundwater quality;

(v) The location and characteristics of wells and springs within 1,000 feet of the site;

(vi) An evaluation of existing groundwater recharge; and

(vii) A discussion and evaluation of the potential impact of the proposal upon groundwater recharge;

(c) A contaminant transport analysis for the uppermost groundwater supply aquifer assuming an accidental spill or release of project specific contaminants or on-site sewage discharge, or both if applicable;

(d) A discussion and evaluation that details available on-site spill response and containment equipment, employee spill response training, and emergency service coordination measures;

(e) Proposed best management practices to minimize exposure of permeable surfaces to potential pollutants and to prevent degradation of groundwater quality; and

(f) Requirements for a monitoring program with financial guarantees/assurances that the monitoring program will be implemented.

(3) Professional Qualifications. The minimum qualifications for groundwater scientists and engineers performing groundwater and contaminant transport evaluations and preparing aquifer recharge area reports shall be established pursuant to acceptable industry standards for training and experience and as established by the state of Washington in the Washington Administrative Code or by statute.

(4) County Review. Reports shall be forwarded to the Jefferson County environmental health division for technical review. The environmental health division shall review the reports within 30 days of receipt to determine their adequacy. The county may request additional information in order to determine the adequacy of the reports. The administrator shall determine appropriate conditions as identified in the report to mitigate proposed land uses. The administrator shall be authorized to collect fees necessary to recover costs associated with processing and review of aquifer recharge area reports, implementation of the protection standards contained in this chapter, and administration of the general provisions of the critical aquifer recharge area provisions of this code. Such fees will be incorporated into the Jefferson County Fee Schedule. [Ord. 4-02 § 2; Ord. 11-00 § 3.6.10(e)]

18.15.380 Drainage and erosion control plan.

(1) General. This plan shall address best management practices which are physical, structural or managerial practices, that when used singly or in combination, prevent or reduce pollution of water.

(2) Qualifications of the Preparer. Drainage and erosion control plans shall be prepared by a licensed professional engineer, except for small parcel erosion control plans.

(3) Information Requirements. The design standards and information requirements for submission of drainage and erosion control plans shall be established in accordance with the Department of Ecology's Stormwater Management Manual currently adopted by Jefferson County. [Ord. 11-00 § 3.6.10(f)]

18.15.385 Geotechnical report.

(1) General. This report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposal, and opinions and recommendations on the suitability of the site to be developed.

(2) Qualifications of the Preparer. Geotechnical reports shall be prepared by a licensed geotechnical engineer, a professional geologist, or a licensed professional engineer knowledgeable in regional geologic conditions with professional experience in landslide, erosion, or seismic hazard evaluation.

(3) Information Requirements.

(a) A description of the geologic setting of the region, based upon readily available data, including:

(i) Site location and topography;

(ii) Soils and geologic units underlying the site; and

(iii) The location and characteristics of springs within 1,000 feet of the site.

(b) An evaluation of the potential impact of the proposal upon existing geological hazards.

(c) A discussion and evaluation of the potential impact of the proposal upon existing geological hazards.

(d) Recommendations on appropriate protection mechanisms, if necessary, to minimize the risk of erosion or landslide. [Ord. 11-00 § 3.6.10 (g)]

18.15.390 Grading plan.

(1) General. This plan shall identify the proposed development project including the movement of material on-site, along with the proposed and existing contours of the site, and cross-sections thereof.

(2) Qualifications of the Preparer. Grading plans shall be prepared by a licensed professional engineer or an individual with at least three years experience in the preparation of grading plans who is knowledgeable of soil conditions and geology in Jefferson County.

(3) Information Requirements.

(a) A description of the general vicinity of the proposed site.

(b) The property limits and accurate contours of existing ground and details of terrain and area drainage.

(c) Limiting dimensions, elevations of finish contours to be achieved by the grading, and proposed drainage channels and related construction.

(d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage areas and the estimated runoff of the areas served by any drains.

(e) The location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or which may be affected by proposed grading operations.

(f) A discussion and evaluation of the potential impact of the proposed grading upon designated critical areas.

(g) Recommendations on appropriate protection mechanisms, if necessary, to prevent degradation of designated critical areas and to ensure public safety. [Ord. 11-00 § 3.6.10(h)]

18.15.395 Habitat management plan.

(1) General. This report shall identify how the development impacts of the proposed project will be mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations shall be the basis for this report.

(2) Qualifications of the Preparer. Habitat management plans shall be prepared by persons who have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years experience as a practicing fish or wildlife habitat biologist.

(3) Information Requirements.

(a) A map(s) prepared at an easily readable scale, including the following information:

(i) The location of the proposed development site, including property limits;

(ii) The relationship of the site to surrounding topographic and cultural features;

- (iii) The nature and density of the proposed development or land use change;
 - (iv) Proposed building locations and arrangements; and
 - (v) The boundaries of forested areas.
 - (b) A legend that includes the following information:
 - (i) A complete and accurate legal description as prescribed by the triggering application form (the description shall include the total acreage of the parcel);
 - (ii) Title, scale and north arrows;
 - (iii) Date, including revision dates, if applicable; and
 - (iv) Certificates by a professional biologist as appropriate.
 - (c) A report that contains the following information:
 - (i) A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon identified fish and wildlife habitat;
 - (ii) The applicant's analysis of the effect of the proposed development, activity or land use change upon the fish or wildlife species identified by the Washington Department of Fish and Wildlife within the identified priority habitat, utilizing the management guidelines;
 - (iii) A plan by the applicant that shall explain how any adverse impacts created by the development will be mitigated.
 - (d) Possible mitigating measures that may include, but are not limited to:
 - (i) Establishment of buffer zones;
 - (ii) Preservation of critically important plants and trees;
 - (iii) Limitation of access to habitat area;
 - (iv) Seasonal restriction of construction activities; and
 - (v) Establishing a timetable for periodic review of the plan. [Ord. 11-00 § 3.6.10(i)]
- 18.15.400 Wetland delineation report.
- (1) General. This report shall be required when a proposed development encroaches upon a designated wetland or its buffer, and shall be used to identify the boundaries and classification of the designated wetland.
 - (2) Qualifications of the Preparer. Wetland delineation reports shall be prepared by ~~either a biologist with wetlands expertise, or an individual or firm who has been certified by the United States Army Corps of Engineers, Region 10, to perform wetland delineations.~~
 - (3) Information Requirements.
 - (a) A map(s) prepared at an easily readable scale, including the following information:
 - (i) Wetland boundaries;
 - (ii) Sample site and sample transects;
 - (iii) Boundaries of forested areas; and
 - (iv) Boundaries of wetland classes if multiple classes exist.
 - (b) A legend that includes the following information:
 - (i) A complete and accurate legal description as prescribed by the triggering application form (the description shall include the total acreage of the parcel);
 - (ii) Title, scale and north arrows;
 - (iii) Date, including revision dates, if applicable; and
 - (iv) Certificates by a professional biologist as appropriate.

- (c) A report that contains the following information:
- (i) A discussion of the delineation methods and results, with special emphasis on technique used from the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter;
 - (ii) A description of relevant site information acquired from the National Wetland Inventory maps and the Soil Survey for Jefferson County;
 - (iii) The acreage of each wetland on the site, based on the survey, if the acreage will impact the buffer size determination or the project design;
 - (iv) All completed field data sheets numbered to correspond to each sample site;
 - (v) Project cross-sections, both before and after completion, in relation to the surface elevation of the wetland must be indicated for proposed activities which involve cutting or filling operations within the wetland or its proposed buffer;
 - (vi) Classification of the wetland in accordance with the standards adopted in this chapter and a detailed written analysis of the existing regulated wetland including: vegetation communities classified per the U.S. Fish and Wildlife Service Classification of Deepwater Habitats (1979); species composition of vegetation communities, including presence and percent cover; existing soils; and existing hydrologic conditions including inflow/outflow, source of water within the system, relative water quality, and seasonal changes in hydrology, if applicable;
 - (vii) A detailed analysis of wildlife species use of the wetland and its buffer;
 - (viii) A detailed analysis of the existing wetland buffer including species composition and percent coverage, whether the buffer is disturbed or not, and the functional value of the buffer in relation to the regulated wetland;
 - (ix) If the development activity would eliminate all or part of a regulated wetland then a detailed compensatory mitigation plan as outlined in subsection (4) of this section must be provided.
- (4) Mitigation Plan Contents. All wetland restoration, creation, and enhancement projects required by this code, either as a condition of project approval or as the result of an enforcement action, shall follow a mitigation plan prepared by a qualified specialist as defined herein and conducted in accordance with the requirements described in this code. The applicant or violator must receive written approval of the mitigation plan by the administrator prior to commencement of any wetland restoration, creation, or enhancement activity. [Ord. 11-00 § 3.6.10(j)]

Article VI-K. Airport Overlays [Ord.16-1213-04]

18.15.405 Designation. The JCIA has been identified as an essential public facility in the Jefferson County Comprehensive Plans of 1998 and 2004. The airport represents a valuable public asset. It provides both an important transportation service and a vital asset to facilitate economic growth in the county. As such, protection measures are needed to preserve the continued future viability of the airport. Therefore, two Airport Overlays are hereby created, as follows: i) Airport Overlay I: For the purpose of this section, the Airport Overlay I is that geographic area affected by the airport and defined on the basis of factors which include aircraft noise, aircraft flight patterns and airport safety areas. It is based on the Noise Contour Interval Map contained in the FAA approved JCIA Master Plan, which projects the 55 DNL contour through the year 2022;ii) Airport Overlay II: For the purpose of this section, the Airport Overlay II

is that geographic area that is affected by the FAA mandated airport traffic pattern for the JCIA and defined on the basis of aircraft flight patterns and safety areas. It includes areas that lie adjacent and to the south of Airport Overlay I and is based upon the Aircraft Accident Safety Zone #6 contained in the "Airports and Compatible Land Use" publication of the Washington State Department of Transportation's Aviation Division (2/99), to the extent that Zone #6 correlates with the FAA mandated airport traffic pattern for the JCIA as set forth in the FAA approved JCIA Master Plan.

18.15.410 Purpose of Airport Overlay I.

The purpose of the Airport Overlay I is to promote land uses that are compatible with the impacts of aircraft using the JCIA and normal airport operations within the airport environs. Because impacts of low flying aircraft can lead to pressure to curtail activities at airports, the Overlay is intended to protect the JCIA from such pressure, to apprise put new property owners and developers on notice of impacts from aircraft over-flights and the protect the public health, safety and general welfare. The following regulations are intended to provide a general environmental disclosure to current and prospective property owners of their proximity to airport operations, including flight take-off and landing patterns, to promote compatible land uses, and to discourage the siting of incompatible uses. They are further intended to discourage the siting of incompatible uses adjacent to the airport, protect the airport as an essential public facility, and preserve the ability of the airport to continue its operations into the future.

18.15.415 Disclosure Provisions-Airport Overlay I.

Jefferson County shall, in consultation with the Port of Port Townsend, prepare and maintain an Airport Overlay I Map and supporting informational materials that identify the parcels located within the Overlay. Such information shall also be made available to the public through the County website and the County map database file, and shall be included as a layer in the County GIS. The information made publicly available shall include a general notation substantially stating as follows:

“JCIA is a community airport for civil aviation and has been designated an Essential Public Facility by Jefferson County in accordance with the provisions of the Washington State Growth Management Act and the Jefferson County Comprehensive Plan. Properties in the vicinity of the airport may be subject to potential discomforts or inconveniences from noise and vibration associated with aircraft takeoff, landing, over-flight, and normal ground operations at the JCIA site. The County does not consider these inconveniences and/or discomforts arising from such operations to be a nuisance as long as they are consistent with Federal Aviation Administration regulations and standards. It is acknowledged that areas lying outside the fixed boundary of the Airport Overlay I may also be subject to low level noise and vibration. This information is intended only as a disclosure to property owners and potential property owners of their proximity to the JCIA, and the potential for low-level noise associated with airport activities.”

(1) The County shall provide general notification to applicants for all development, EXCEPT Type I permits (e.g. single-family residences), proposed to be sited in Overlay I. The intent of this notification is to inform applicants of their proximity to the airport and the potential for inconveniences and discomforts as described in (2)(i) above. Such notification shall be sent to the applicant during the project review phase as identified under Section 8.2.3(a) of the UDC.

(2). Project approvals, EXCEPT Type I permits as listed in UDC section 8.1.4, whether permitted outright or conditionally, within the Airport Overlay I shall contain as a condition of approval the following disclosure statement: “Jefferson County has determined that the Jefferson County International Airport (JCIA) is an essential public facility, and as such is an important use in the County. Both the Comprehensive Plan and the Growth Management Act require that the County discourage the siting of incompatible uses in the airport vicinity. The County will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with accepted federal aviation regulations and standards, the Port’s noise abatement procedures and applicable local, state and federal laws. Since this real property lies within the Airport Overlay I (a copy of which is available at the DCD Department and the POPT offices), you may be subject to inconveniences or annoyances including, but not limited to, noise and vibration associated with aircraft takeoff, landing and over-flight, and noise and vibration due to normal ground operations at the JCIA site.”

18.15.420 Comment by the Port of Port Townsend.

The Port of Port Townsend shall receive notice for all Type II and Type III projects that are located within the Airport Overlay I. The County shall follow the referral and review requirements as listed in UDC section 8.2.4. The County, in its discretion, may also submit for comment development proposals located outside the Airport Overlay I, but in such proximity to JCIA that the County deems appropriate an opportunity to comment by the Port.

18.15.425 Nuisance Provisions.

The following shall not be considered a nuisance: uses inherent to a general aviation public use airport, including but not limited to on and off-site aircraft noise and aircraft take-offs and landings, as well as airport maintenance, operation, construction and expansion activities, conducted in accordance with normal airport operations on land designated as Airport Essential Public Facility District (AEPF), regardless of past or future changes in the surrounding area land use or land use designations.

18.15.430 Prohibited Uses

The following uses shall be prohibited within the Airport Overlay I:

- (a) Co-housing/intentional communities (subject to PRRD Overlay in RR districts);
- (b) Manufactured/mobile home parks (subject to PRRD Overlay in RR districts);

- (c) Multifamily residential units (3+ units);
- (d) Residential care facilities w/6 to 20 persons;
- (e) Nursing/convalescent/assisted living facilities;
- (f) Bed and breakfast inns (4 to 6 rooms);
- (g) Day care, commercial;
- (h) Education facilities (state owned);
- (i) Assembly facilities;
- (j) College or technical schools/adult education facilities (not state owned);
- (k) Parks and playfields;
- (l) Recreational facilities;
- (m) Schools, primary and secondary;
- (n) Religious assembly facilities;
- (o) Outdoor commercial amusement facilities; and
- (p) Recreational, cultural or religious conference center/retreat facilities.

Any parcel or portion(s) of parcels located within the Airport Overlay I shall be subject to the incompatible use prohibitions listed above. Any future changes to the underlying zoning or uses within the Airport Overlay I shall be reviewed for incompatibility to the JCIA.

18.15.435 Purpose of Airport Overlay II.

The purposes of the Airport Overlay II are to apprise the public, property owners and developers of the existence of the airport traffic pattern and impacts from routine aircraft over-flights, and to identify an airport safety zone within which certain uses that involve higher concentrations of people will be prohibited for safety and compatibility reasons (e.g., uses involving 100 persons or more in buildings).

18.15.440 Airport Overlay II Map.

Jefferson County shall, in consultation with the Port of Port Townsend, prepare and maintain an Airport Overlay II Map and supporting informational materials that identify the parcels located within the Overlay. Such information shall also be made available to the public through the County website and the County Map database file, and be included as a layer in the County GIS. The information made publicly available shall include a general notation substantially stating as follows:

“The Airport Overlay II includes areas that lie beneath the FAA mandated traffic pattern for aircraft ascending or descending from the JCIA. As such, this area is subject to routine aircraft over-flights. It is acknowledged that areas lying outside the delineated Airport Overlay II zone may also be subject to aircraft over-flights.”

18.15.445 Comment by the Port of Port Townsend.

The Port of Port Townsend shall receive notice for all Type II and Type III projects that are located within the Airport Overlay II. The County shall follow the referral and

review requirements as listed in UDC section 8.2.4. The County, in its discretion, may also submit for comment development proposals located outside the Airport Overlay II, but in such proximity to JCIA that the County deems appropriate an opportunity to comment by the Port.

18.15.450 Approval Criterion- Conditional Use Permits.

Prior to approval of conditional use permit for a use located within Airport Overlay II, the Administrator and/or Hearing Examiner shall make the following finding: "The proposed use is compatible with ongoing flight operations conducted at the Jefferson County International Airport Essential Public Facility."

18.15.451 Nuisance Provisions.

The following shall not be considered a nuisance: uses inherent to a general aviation public use airport, including but not limited to on and off-site aircraft noise and aircraft take-offs and landings, as well as airport maintenance, operation, construction and expansion activities, conducted in accordance with normal airport operations on land designated as Airport Essential Public Facility District (AEPF), regardless of past or future changes in the surrounding area land use or land use designations.

18.15.452 Prohibited Uses.

Pursuant to The following uses shall be prohibited within the Airport Overlay II:

- (a) Manufactured/Mobile Home Parks;
- (b) Nursing/convalescent/assisted living facilities;
- (c) Hospitals (medical, dental vision and veterinary clinics which comply with the density standards are permissible);
- (d) Education facilities (state owned);
- (e) College or technical schools/adult education facilities (not state owned);
- (f) Schools, primary and secondary;
- (g) Any proposed use or development which congregates more than 100 people inside of a building or buildings on a subject parcel(s) and/or any use or development which congregates more than 150 people outside of a building or buildings on a subject parcel(s).

Any parcel or portion(s) of parcels located within the Airport Overlay II shall be subject to the incompatible use prohibitions listed above. Any future changes to the underlying zoning or uses within the Airport Overlay I shall be reviewed for incompatibility to the JCIA.

| ———Reserved. [Ord. 11-00 § 3.6.11(j)]

Article VI-L. Remote Rural Overlay Districts for the West End Planning Area and the Brinnon Planning Area

18.15.455 Applicability – Intent.

The remote rural (RR) overlay district encompasses two distinct subareas of the county; the first is the area designated as “West Jefferson County” (hereafter, West End Planning Area or WEPA) on the Jefferson County Comprehensive Plan Land Use Map (the official map); and the second is Planning Area 11, known as the Brinnon Planning Area or BRPA in south Jefferson County. The BRPA is designated in the Brinnon Subarea Plan (see JCC 18.15.580). The specific provisions for regulating home business, cottage industry, and small-scale recreation and tourist uses in the WEPA and BRPA RR overlay districts are similar but not identical. Notation is made in the following sections where the provisions differ.

The intent of this designation is to allow for expanded rural-compatible employment opportunities in sparsely populated rural areas that are isolated and remotely located from commercial and urban growth areas. These areas are characterized by high unemployment, distressed traditional resource-based economies, low residential densities, and very limited projected 20-year population growth. [Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.12]

18.15.460 Home-based businesses.

In the RR overlay districts, home-based businesses shall be regulated according to the following provisions:

- (1) Home-based businesses in the WEPA RR overlay shall be exempt from the following provisions of Chapter 18.20 JCC, Performance and Use-Specific Standards:
 - (a) The number of nonresident employees permitted pursuant to the requirements of JCC 18.20.200;
 - (b) The types of on-site retail sales allowed pursuant to JCC 18.20.200;
 - (c) The hours of operation as specified in JCC 18.20.200;
 - (d) The expansion limitations of the home-based business as specified in JCC 18.20.200. Instead, home-based businesses in the WEPA RR overlay may be permitted conditionally at a nonresidential location under provisions of RCW 36.70A.070(5)(d)(iii), which relate to the siting of isolated small-scale businesses.
- (2) Home-based businesses in the BRPA RR overlay district shall be exempt from the following provisions of Chapter 18.20 JCC, Performance and Use-Specific Standards:
 - (a) The number of nonresident employees permitted pursuant to the requirements of JCC 18.20.200. Instead, the number of nonresident employees allowed is eight and a number exceeding eight may be allowed with a conditional use permit;
 - (b) The types of on-site retail sales allowed pursuant to JCC 18.20.200; provided, that on-site retail sales are not unreasonably disruptive to the use of adjacent properties (per subsection (3)(a) of this section);
 - (c) The hours of operation as specified in JCC 18.20.200.
- (3) Exemptions allowed under this section shall be regulated according to the following standard:
 - (a) The home-based businesses shall not be disruptive to the use of adjacent properties and no equipment or process shall be used in the home-based business which creates excessive noise, vibration, glare, fumes, odors, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property.

(4) Any public hearings associated with requirements under this section shall be held in the local area, close to the residents who may be affected. [Ord. 11-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.12(a)]

18.15.465 Cottage industries.

In the RR overlay districts, cottage industries shall be regulated according to the following provisions.

(1) Cottage industries in the WEPA RR overlay shall be exempt from the following provisions of Chapter 18.20 JCC, Performance and Use-Specific Standards:

(a) The number of nonresident employees permitted pursuant to the requirements of JCC 18.20.170;

(b) The prohibition on specific occupations named in JCC 18.20.170;

(c) The indoor use and retail sales provisions of JCC 18.20.170;

(d) The hours of operation as specified in JCC 18.20.170;

(e) The outdoor storage/parking provisions of JCC 18.20.170;

(f) The restrictions on expansion of a cottage industry as specified in JCC 18.20.170.

Instead, cottage industries in the WEPA RR overlay may be permitted conditionally at a nonresidential location under provisions of RCW 36.70A.070(5)(d)(iii), which relate to the siting of isolated cottage industries.

(2) Cottage industries in the BRPA RR overlay shall be exempt from the following provisions of Chapter 18.20 JCC, Performance and Use-Specific Standards:

(a) The number of nonresident employees permitted pursuant to the requirements of JCC 18.20.170. Instead, the number of nonresident employees allowed is four and a number exceeding four may be allowed through a new or revised conditional use permit;

(b) The prohibition on specific occupations named in JCC 18.20.170;

(c) The indoor use and retail sales provisions of JCC 18.20.170; provided, that on-site retail sales are not unreasonably disruptive to the use of adjacent properties (per subsection (3)(a) of this section);

(d) The hours of operation as specified in JCC 18.20.170;

(e) The outdoor storage/parking provisions of JCC 18.20.170;

(f) The restrictions on expansion of a cottage industry as specified in JCC 18.20.170.

Instead, cottage industries in the BRPA RR overlay may be permitted conditionally under provisions of RCW 36.70A.070(5)(d)(iii), which relate to the siting of isolated cottage industries.

(3) Exemptions allowed under this section shall be regulated according to the following standard:

(a) The cottage industry shall not be disruptive to the use of adjacent properties and no equipment or process shall be used in the cottage industry which creates excessive noise, vibration, glare, fumes, odors, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property.

(4) Any public hearings associated with requirements under this article shall be held in the local area close to the residents who may be affected. [Ord. 11-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.12(b)]

18.15.470 Small-scale recreational and tourist uses.

In the WEPA RR overlay only, small-scale recreation and tourist uses shall be regulated according to the following provisions:

(1) The list of illustrative small-scale recreation and tourist uses, as defined in Chapter 18.20 JCC, Performance and Use-Specific Standards, shall be interpreted to include the following additional uses in the West End only:

(a) Small-scale grocery, convenience or general stores and shops or offices that provide basic goods and/or personal and professional services to meet the needs of the local population. Buildings containing such uses shall not exceed 5,000 square feet of gross floor area and shall be subject to all performance standards required pursuant to JCC 18.20.140, Commercial Uses – Standards for site development, and the development standards contained in Chapter 18.30 JCC.

(b) The small-scale recreational and tourist uses specified in this section shall be regulated as conditional uses subject to the provisions of this code. Any public hearings associated with requirements under this section shall be held in the West End close to the residents who may be affected. [Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.12(c)]
Article VI-M. Planned Rural Residential Developments (PRRDs)

18.15.475 Purpose.

The purpose of this Article VI-M is to implement the Jefferson County Comprehensive Plan by promoting creativity in site layout and design, allowing flexibility in the application of the standards for residential development in rural residential and agricultural districts. This article provides performance criteria to encourage flexibility in the type and design of rural residential housing available to the public through the planned rural residential development (PRRD) process. More specifically, it is the purpose of this article to:

(1) Provide for residential development in rural areas in a way that maintains or enhances the county's rural character;

(2) Allow development of land with physical constraints, while at the same time preserving the natural characteristics of the site, including topography, native vegetation, wildlife habitat, environmentally sensitive areas, and other natural amenities of value to the community;

(3) Retain large, undivided parcels of land that provide opportunities for compatible agricultural and other rural land uses;

(4) Facilitate the creation of open space corridors for recreation and aesthetic enjoyment;

(5) Permit developers to use innovative methods and approaches not available under conventional zoning methods to facilitate the construction of a variety of housing types and densities serving the diverse housing needs of Jefferson County residents; and

(6) Provide for the economical provision of infrastructure to new development by allowing choices in the layout of roads, provision of community water and wastewater disposal systems and other improvements through superior site design and the use of clustering. [Ord. 11-00 § 3.6.13(1)]

18.15.480 Applicability.

(1) This Article VI-M shall apply to all permitted uses within all rural residential and agricultural districts (i.e., RR 1:5, RR 1:10, RR 1:20, AP-20, and AL-20) and constitutes an overlay district (i.e., floating zone) over these districts. This article may be applied to existing subdivisions and lots of record on which no development has yet occurred, or where adequate vacant land exists within an existing development to meet the criteria contained within this article.

(2) The PRRD process provides an alternative to traditional development under the prescriptive standards of this code. This article shall not be applied to rural residential or agricultural lots incapable of further subdivision due to minimum lot size, or as a means to avoid other procedures more appropriately reviewed as variance applications under Article IX of Chapter 18.40 JCC.

(3) A PRRD application must be processed with either an application for short subdivision, long subdivision, or binding site plan approval under Chapter 18.35 JCC. The function of this article is to allow more innovative ways of designing land divisions, enabling applicants to take advantage of incentives, including flexible density and dimensional standards, modification of other requirements of the county's development standards contained in this code, and density bonuses in appropriate situations in exchange for demonstrated benefits to the public interest. [Ord. 06-04 § 2; Ord. 11-00 § 3.6.13(2)]

18.15.485 Minimum and maximum land area – Dwelling unit cap and cluster cap.

The permissible number of dwelling units within a PRRD shall be calculated based upon the dwelling unit density of the underlying land use district.

(1) The minimum land area required for PRRD proposals shall be as follows:

- (a) RR 1:5 district – 10 gross acres;
- (b) RR 1:10 district – 20 gross acres; and
- (c) RR 1:20 and agricultural (AP-20 and AL-20) districts – 40 gross acres.

(2) The maximum land area that may be included in a PRRD proposal shall be as follows:

- (a) RR 1:5 district – 225 gross acres;
- (b) RR 1:10 district – 450 gross acres; and
- (c) RR 1:20 and agricultural (AP-20 and AL-20) districts – 900 gross acres.

(3) The maximum number of dwelling units that may be permitted in a PRRD proposal shall be limited to 45, contained within dwelling unit clusters of not more than 20 dwelling units each; except, that where a density bonus is requested under JCC 18.15.520, the proposal may include up to a total of 54 dwelling units, contained within dwelling unit clusters of not more than 22 dwelling units each.

(4) Dwelling unit clusters within PRRD proposals shall be sufficiently separated to provide visual relief and maintain rural character. Where feasible, clusters shall be separated by the natural topographical features of the site, including, but not limited to, environmentally sensitive areas, watercourses, and ridge lines. However, in no case shall dwelling unit clusters be located closer than 600 lineal feet from one another. These requirements regarding separation of dwelling unit clusters shall also be applied to circumstances where the adjoining property or properties have previously been developed through the PRRD process as set forth in this Article VI-M. [Ord. 06-04 § 2; Ord. 11-00 § 3.6.13(3)]

18.15.490 Rural residential districts – Reserve tract requirements.

(1) Each PRRD within the RR 1:5, RR 1:10 and RR 1:20 districts shall contain a reserve tract(s) comprising at a minimum the following percentage of the proposed PRRD:

- (a) RR 1:5 – 65 percent;
- (b) RR 1:10 – 75 percent; and
- (c) RR 1:20 – 85 percent.

- (2) The reserve tract(s) may be owned by a homeowners association, corporation, partnership, land trust, individual or other legal entity. The reserve tract shall be preserved as open space in perpetuity.
- (3) Community water systems, septic drainfields and stormwater detention facilities serving the PRRD may be located within the limits of the reserve tract(s).
- (4) Golf courses and accessory uses may be permitted upon a reserve tract without issuance of a separate conditional use permit under Chapter 18.40 JCC, if application for such uses accompanies the same application for initial PRRD approval. [Ord. 11-00 § 3.6.13(4)]

18.15.495 Agricultural districts – Reserve tract requirements.

- (1) Each PRRD within the agricultural districts shall contain a reserve tract(s) comprising at a minimum the following percentage of the proposed PRRD: 85 percent with emphasis on preserving land with prime agricultural soils for the practice of agriculture.
- (2) The reserve tract(s) may be owned by a homeowners association, corporation, partnership, land trust, individual or other legal entity.
- (3) Community water systems, septic drainfields and stormwater detention facilities serving the PRRD may be located within the limits of the reserve tract(s) only when they would not significantly impede the current or potential future resource use of the reserve tract(s).
- (4) Permitted uses within the reserve tract shall be limited to agriculture, floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production for poultry, livestock, fur-bearing animals, or honeybees, Christmas trees, nursery stock and floral vegetation, and other agricultural uses and activities accessory to farming and animal husbandry. These limitations on use of the reserve tract shall be noted on the face of the plat or binding site plan.
- (5) An existing residence within the limits of the reserve tract shall count toward the total number of residential units allowed in the PRRD. [Ord. 06-04 § 2; Ord. 11-00 § 3.6.13(5)]

18.15.500 Agricultural districts – Development setbacks from reserve tract(s).

Repealed by Ord. 06-04. [Ord. 11-00 § 3.6.13(6)]

18.15.505 Application submittal and contents.

To be considered complete, an application for a PRRD shall include the following information:

- (1) The application for approval of a PRRD shall be submitted to the department of community development on forms to be provided by the department along with the appropriate fees established under the Jefferson County fee ordinance;
- (2) A completed land use permit application form, including all materials required in accordance with Chapter 18.40 JCC;
- (3) Five copies of a PRRD site plan prepared in accordance with the following requirements:
 - (a) The dimensions and area of each proposed lot, tract or parcel (including any reserve tract(s)) to accurately show that the property proposed for the PRRD contains sufficient area to allow the number of lots, tracts or parcels proposed without exceeding the average density allowed in the underlying zoning district; ~~provided, that w~~ Where a density bonus is requested under JCC 18.15.520, the average density allowed in the

underlying district may be exceeded by up to 20 percent of the allowed density for that district and an additional twenty (20) percent for the area in the reserve tract that are designated critical areas. An additional bonus may be granted for the buffer area(s) associated with environmentally sensitive or critical areas that are included within the reserve tract, the bonus shall not exceed 20% of the allowed density in the buffer area;

and provided further, that the area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the area computations;

(b) The PRRD plan drawing shall be prepared by a Washington State licensed engineer or land surveyor registered or licensed by the state of Washington. The PRRD plan shall be consolidated with any plan or plat submitted under Chapter 18.35 JCC. The preparer shall certify in the plan submitted that it is a true and correct representation of the lands actually surveyed. The preparation of the plan shall comply with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC. The plan drawing shall have minimum dimensions of 18 inches by 24 inches and contain all information required in Article IV of Chapter 18.35 JCC for long subdivisions of property;

(c) If the applicant proposes a site design providing for a variety of separate residential areas or densities within a site, the site plan shall include a table providing the following information for each distinct area:

(i) The proposed residential use type in each area (e.g., detached single-family, duplexes, or multifamily);

(ii) The number of dwelling units;

(iii) Gross acreage; and

(iv) The approximate area of the smallest proposed lot;

(d) A form of the endorsement of the DCD administrator, as follows:

APPROVED BY JEFFERSON COUNTY

Department of Community Development Director Date _____

(4) Where applicable, any special reports or studies required pursuant to Article VI-D of this chapter prepared in accordance with the requirements of Article VI-J of this chapter;

(5) The applicant shall supply a narrative statement substantiating how the proposed development will be superior to, or more innovative than conventional development under this code. The statement shall also substantiate how the proposed PRRD will provide a benefit to the public beyond that available through conventional development. The applicant shall specifically identify all requirements and criteria of this Unified Development Code proposed for modification;

(6) The applicant shall supply completed information and materials for all other permit and development applications required under this code consolidated with the PRRD application;

(7) A conceptual landscaping plan shall be prepared, showing the proposed location and types of proposed vegetation;

(8) Building profiles if the PRRD proposes multifamily residential development; and

(9) Any additional information required by the DCD administrator and/or the director of the department of public works. [Ord. 11-00 § 3.6.13(7)]

18.15.510 Consolidated applications.

Where applicable, and in addition to the requirements set forth in JCC 18.15.480(3), applications for boundary line adjustments, conditional use permits or any other action requiring issuance of a permit under this code shall be considered simultaneously with a PRRD application. [Ord. 11-00 § 3.6.13(8)]

18.15.515 Incentives – Innovative development proposals.

(1) Purpose.

(a) More efficient use can be made of land, energy and resources and more livable development can be achieved when the designer has flexibility in residential dwelling unit types, placement and density. Such flexibility can be achieved while safeguarding the public interest by review of the proposed PRRD plan that shows the type and placement of residential structures.

(b) It is intended that innovative residential development encourage imaginative design to achieve these purposes. Therefore, incentive and flexibility may be allowed such as clustered housing and bonus densities, lot size averaging, zero lot lines, condominium development, and mixed residential types. The hearing examiner may approve the use of these tools as provided in this section as deemed reasonable and warranted by the excellence of the resulting design and its benefits to the community.

(2) Techniques.

(a) Clustered Housing. When residences are clustered in design groups in a PRRD with common open space, the clustered housing may, in lieu of the zone restrictions, be designed with building locations, lot sizes, and/or yards standards as prescribed on the plat or on plans for the PRRD approved by the county.

(b) Density Bonuses. When a plat, PRRD or other instrument is submitted under this Article VI-M, and is of sufficient excellence in design and planning, a higher density may be allowed therein in accordance with JCC 18.15.520.

(c) Lot Size Averaging. Lot area may be varied. Except as allowed under JCC 18.15.520, the combined area of all lots and reserve tracts in the PRRD shall be equal to the density of lot size allowed in the zone where located.

(d) Flexible Yards. Except as required under JCC 18.15.500 yards may be reduced to zero, provided the structures are shown on the plat or PRRD and a 10-foot access for maintenance is given by yard and/or easement along each outside wall.

(e) Residential Types. To achieve the most efficient use and conservation of land, energy, resources, view and terrain, mixed residential types may be designated and allowed in innovative PRRDs as prescribed in this section.

(3) Buyer Notification. The PRRD plan shall note that the residences thereon constitute an innovative residential development and must be constructed as shown on the PRRD plan. Building permits may be issued only for structure types and placements as shown on the PRRD plan. Sales agreements and titles for land and residences sold in innovative residential developments shall note this restriction. [Ord. 11-00 § 3.6.13(9)]

18.15.520 Modification of permitted densities – Density bonuses.

(1) Purpose for Bonus Densities. Bonus densities are intended to provide the incentive to encourage the development of more affordable housing, provide additional public amenities, or preserve valuable natural or cultural resources and features. The satisfaction of any of the bonus density criteria specified in subsection (4) of this section is considered to be in the public interest and worthy of a bonus density.

(2) Eligibility for Bonus Densities. Eligibility to obtain a bonus density is based upon site plan review and approval by the hearing examiner after a public hearing. Such bonus densities may be granted to a deserving application if the PRRD plan submitted is judged by the hearing examiner to have achieved one or more of the bonus density criteria in subsection (4) of this section.

(3) Maximum Bonus Density. ~~The maximum bonus density allowed is limited to an additional 20 percent over the density allowed in the underlying zone, calculated by rounding up to the nearest whole number.~~ In addition to criteria provided in this Article VI-M, the density shall be compatible with the site's natural constraints and the character and density of the surrounding area.

(4) Criteria for Approval of Bonus Densities. Upon submittal of the PRRD application, the hearing examiner shall review the proposed project and with respect to the allocation of bonus densities for the project. The allocation of bonus densities should be based upon a comprehensive review of the entire project. It is the intention of this section to allow bonus densities where a PRRD applicant proposes design attributes providing public benefits in addition to those required by local, state or federal land use, health, or environmental regulations. Bonus densities shall not be allowed for site design proposal that merely reflect mandatory requirements of local, state and federal codes or regulations. Consideration shall be given to, but not necessarily limited to the following criteria:

(a) Preservation of Natural, Historical and Cultural Features. Items for consideration under this criterion include the preservation and minimum disturbance of natural features and wildlife habitat; preservation of unique historical or cultural features; preservation of open space; and preservation of scenic resources.

(b) Public Service and Facility Availability. Items for consideration under this criterion include the provision of public park or other public facilities and/or sites; bicycle and pedestrian pathway systems; public transit access to the site; and special site design for special needs residents.

(c) Energy Efficiency. Items for consideration under this criterion include preservation of solar access; south orientation with added glazing for inhabited structures; the use of landscaping and topography for windbreaks and shading; common wall construction; the use of solar energy systems either passive or active for heating and/or cooling; energy conserving design of roadways and other structures; and higher insulation levels.

(d) Public Recreation Facilities. Items for consideration under this criterion include provision for public recreational features such as active play areas, passive open space areas, golf courses, and bicycle and pedestrian pathway systems.

(e) Environmental Design. Items for consideration under this criterion include on-site designs providing regional benefits, including drainage control using natural drainage and landscaped drainage retention facilities; flood control measures, particularly those measures serving regional needs; significant public access provided to designated potential open space or park areas, shoreline areas, trails, scenic sites and viewpoints; provision for substantial and exceptional landscape treatment; preservation of habitat identified for threatened and endangered species; and the use of recycled materials and resource conserving designs.

(f) Affordable Housing. Items for consideration under this criterion include the provision of a mix of housing types, use of townhouses or other common wall construction techniques directed toward providing a reasonable mix or diversity of bona fide affordable housing opportunities for the community. For the purposes of this section, and consistent with Policy #6 of the County-wide Planning Policy for Jefferson County, “affordable housing” means housing units available for purchase or rent to individuals or families with a gross income between the federally recognized poverty level and the median income for working families in Jefferson County; with costs, including utilities, that do not exceed 36 percent of gross income. Bonus densities will also be allowed for projects providing low-income housing in market rate developments. In such developments and other developments seeking bonus densities for the provision of low-income housing opportunities, the amount of bonus will be linked to the level of affordability (i.e., the lower the cost or rental rate per unit, the greater the bonus afforded to the development). Density bonuses for low-income housing projects will be granted only where all of the following conditions are satisfied:

- (i) The developer must agree to sell or rent the units to qualifying residents (i.e., only low-income and very low-income households);
- (ii) The developer must ensure the continued affordability of the units by qualified residents for a minimum of 20 years through the use of restrictive covenants or other deed restrictions approved by the county; and
- (iii) The units must be of an innovative design and compatible with the existing character of the surrounding area, with adequate assurances that such design and compatibility will be maintained throughout the 20-year period.

(g) Provision of Innovative Design. Items for consideration under this criterion include the provision of innovative design elements similar to, but not limited to, those described in JCC 18.15.515(2).

(h) Other suitable items believed by the county to be worthy of consideration may also be included as bonus density criteria. [Ord. 11-00 § 3.6.13(10)]

18.15.525 Modification of development standards.

(1) The following development standards may be modified in approving a PRRD application:

- (a) Building setbacks;
- (b) Height of buildings or structures, not to exceed 40 feet;
- (c) Lot size;
- (d) Lot width; and any other standards contained in Chapter 18.30 JCC.

(2) Standards that may not be modified or altered are:

- (a) Shoreline regulations when the property is located in an area under the jurisdiction of the Jefferson County Shoreline Master Program;
- (b) Standards pertaining to development within environmentally sensitive areas as set forth in Articles VI-D through VI-J of this chapter;
- (c) Regulations pertaining to nonconforming legal structures and uses as set forth in JCC 18.20.260; and
- (d) Regulatory standards and requirements of the Jefferson County health department, Washington State Department of Health, and Washington State Department of Ecology pertaining to the provision of potable water and wastewater disposal.

(3) Criteria for Approval of Alternative Development Standards. Approval of alternative development standards for PRRDs differs from the variance procedure described in Article IX of Chapter 18.40 JCC in that rather than being based upon hardship or unusual circumstance related to a specific property, the approval of alternative development standards proposed by a PRRD shall be based upon the criteria listed in this Article VI-M. In evaluating a planned development that proposes to modify the development standards of the underlying zoning district, the hearing examiner shall consider and base its findings upon the ability of the proposal to satisfy the following criteria:

(a) The proposed PRRD shall be compatible with surrounding properties, especially as relates to the following:

- (i) Landscaping and buffering;
- (ii) Public safety;
- (iii) Site access and circulation;
- (iv) Architectural design of building and harmonious use of materials;
- (b) The unique characteristics of the subject property;
- (c) The arrangement of buildings and open spaces as they relate to various uses within or adjacent to the PRRD;
- (d) Visual impact of the PRRD upon the surrounding area;
- (e) Improvements proposed in connection with the PRRD;
- (f) Preservation of unique natural features of the property; and
- (g) The public benefit derived by allowing the proposed alteration of development standards. [Ord. 11-00 § 3.6.13(11)]

18.15.530 Preliminary PRRD approval criteria.

The following criteria are the minimum measures by which each proposed PRRD will be considered:

(1) PRRDs shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the hearing examiner that all of the following have been satisfied:

(a) The proposed PRRD conforms to:

- (i) The Jefferson County Comprehensive Plan;
- (ii) All provisions of this code that are not proposed for modification; and
- (iii) Any other provisions of local, state or federal regulations, policies or plans, except those standards proposed for modification;

(b) Utilities and other public and private services necessary to serve the needs of the PRRD shall be made available, including:

- (i) Open spaces;
- (ii) Drainage ways;
- (iii) Roads and other public ways;
- (iv) Potable water;
- (v) Transit facilities;
- (vi) Wastewater disposal;
- (vii) Parks and playgrounds;
- (viii) Schools; and
- (ix) Sidewalks and other improvements that assure safe walking conditions for students who walk to and from school;

- (c) The probable significant adverse environmental impacts of the proposed PRRD, together with any practical means of mitigating such adverse impacts, have been considered and a determination issued that such adverse impacts can be mitigated in accordance with Article X of Chapter 18.40 JCC and the State Environmental Policy Act (SEPA), Chapter 43.21C RCW;
 - (d) Approving the proposed PRRD will serve the public use and interest and adequate provision has been made for the public health, safety and general welfare;
 - (e) The proposed PRRD satisfies the criteria set forth in this Article VI-M, as applicable; and
 - (f) The proposed PRRD will be superior to or more innovative than conventional development and will provide greater public benefit than that which would be available through the use of conventional zoning and/or development standards.
- (2) Notwithstanding the approval criteria set forth in subsection (1) of this section, in accordance with RCW 58.17.120, as now adopted and hereafter amended, a proposed PRRD may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed PRRD lies within both a flood control zone, as specified by Chapter 86.16 RCW, and either the one percent flood hazard area or the regulatory floodway, the county shall not approve the PRRD unless:
- (a) The applicant has demonstrated to the satisfaction of the hearing examiner that no feasible alternative exists to locating lots and building envelopes within the one percent flood hazard area; and
 - (b) It imposes a condition requiring the applicant to comply with Article VI-F of this chapter and any written recommendations of the Washington State Department of Ecology. In such cases, the administrator shall issue no development permit associated with the proposed PRRD until flood control problems have been resolved.
- (3) Preliminary approval of a PRRD does not constitute approval to obtain any building permits or begin construction of the project. [Ord. 11-00 § 3.6.13(12)]

18.15.535 PRRD review and approval process.

- (1) An application for preliminary PRRD approval shall be processed according to the procedures for Type III decisions established in Chapter 18.40 JCC.
- (2) A PRRD consolidated with a short subdivision application shall be reviewed for compliance with all standards and criteria set forth in Article III of Chapter 18.35 JCC.
- (3) A PRRD consolidated with a long subdivision application shall be reviewed for compliance with all standards and criteria set forth in Article IV of Chapter 18.35 JCC.
- (4) A PRRD consolidated with a binding site plan application shall be reviewed for compliance with all standards and criteria set forth in Article V of Chapter 18.35 JCC.
- (5) In addition to review under all requirements of Chapter 18.35 JCC, based on comments from county departments and applicable agencies, the hearing examiner shall review the proposal subject to the criteria contained in this Article VI-M, and shall approve any such proposal only when consistent with all the provisions of this article. [Ord. 11-00 § 3.6.13(13)]

18.15.540 Performance guarantees – PRRD agreements.

To ensure that the development is carried out in accordance with the proposed design and the conditions of project approval, prior to final approval, the hearing examiner shall require that the applicant enter into written agreement with the county, which agreement shall constitute CC&Rs binding upon all future purchasers, tenants and

occupants of the PRRD. Recordation of a signed PRRD agreement shall be a precondition to final approval of the PRRD. The PRRD agreement may include as applicable, and without limitation, the following:

- (1) An adequate guarantee providing for the permanent preservation, retention and maintenance of all reserve tracts (i.e., open space or agricultural) or public areas;
- (2) Where a reserve tract(s) is to be protected against building development, the applicant shall convey to the county an easement over such areas restricting the area against any future building or use except as consistent with providing open space for the aesthetic and recreational enjoyment of the surrounding residences, or providing an area permanently reserved for agricultural uses, as applicable;
- (3) The care and maintenance of reserve tracts shall be assured by establishment of an appropriate management organization for the project;
- (4) Ownership and tax liability of any reserve tract(s) shall be established in a manner acceptable to the county; and
- (5) Where bonus densities are obtained for low-income housing development, the applicant shall provide an assurance that the low-income housing will be maintained on the property for not less than 20 years and that project design and measures to ensure compatibility with adjacent land uses shall be maintained throughout the 20-year term.

[Ord. 11-00 § 3.6.13(14)]

18.15.545 Modifications to an approved PRRD.

(1) Modifications to a previously approved preliminary PRRD, may be requested by the applicant and approved by the director subject to the provisions for Type I decisions in Chapter 18.40 JCC; provided, that the modification does not involve any of the following:

- (a) The location or relocation of a road or street;
- (b) The creation of an additional lot, tract or parcel;
- (c) The creation of a lot, tract or parcel that does not qualify as a building site pursuant to this code;
- (d) The relocation of an entire lot, tract or parcel from one parent parcel into another parent parcel.

(2) Before approving such an amendment, the administrator shall make written findings and conclusions documenting the following conditions:

- (a) Increase the residential density;
 - (b) Reduce the area of a reserve tract;
 - (c) Relocate a reserve tract in a manner that makes it less accessible or usable as open space or agricultural land, as applicable;
 - (d) Change the point(s) of access to different roads;
 - (e) Increase the total ground area covered by building or other impervious surfaces;
- or

(f) Fail to preserve unique natural features that were required to be preserved by the preliminary PRRD approval.

(3) Modifications that involve the circumstances described in subsection (1) of this section, or exceed the criteria set forth in subsection (2) of this section, shall be processed as a new PRRD application. [Ord. 11-00 § 3.6.13(15)]

18.15.550 Building and occupancy permit – Issuance after final PRRD approval.

- (1) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved PRRD prior to a determination by the relevant fire district chief or designee that adequate fire protection and access for construction needs exists.
 - (2) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved PRRD until either:
 - (a) All required improvements that will serve the subject lot or parcel have been constructed and the county has accepted a properly executed documents for such improvements; or
 - (b) All required improvements have been bonded or otherwise guaranteed; or
 - (c) An improvement bond in an amount adequate, in the determination of the director of the department of public works, to guarantee construction of those required public improvements necessary to serve the lot or parcel or which a building permit is sought, has been accepted by the county.
 - (3) No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved PRRD prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the director of the department of public works and county building official. [Ord. 11-00 § 3.6.13(16)]
- 18.15.555 Final PRRD plan requirements.
- (1) The applicant must submit a reproducible copy of the proposed final PRRD plan to the administrator of the department of community development.
 - (2) Where a PRRD is consolidated with a short subdivision or long subdivision, the applicant shall submit all information required for submittal under Article III (Short Subdivisions) or Article IV (Long Subdivisions) of Chapter 18.35 JCC, as applicable.
 - (3) Where a PRRD is consolidated with a binding site plan application, the applicant shall submit all information required for submittal under Article V of Chapter 18.35 JCC, as applicable.
 - (4) In cases where any restrictive deed covenants or CC&Rs will apply to lots or parcels within a PRRD, a typewritten copy of such covenants, bearing all necessary signatures, shall be submitted along with the final PRRD. Where the recordation of specific deed restrictions or CC&R provisions have been required as a condition of PRRD approval, the DCD director shall approve and sign the deed restriction or CC&Rs prior to final approval. The CC&Rs shall clearly delineate the provisions that the hearing examiner has imposed as a condition of PRRD approval and those provisions voluntarily imposed by the applicant/declarant for private purposes. The CC&Rs shall specifically provide that the county will not enforce any private CC&R provisions.
 - (5) The final PRRD plan shall be accompanied by a current (within 30 days) title company certification of:
 - (a) The legal description of the total parcel subject to the application;
 - (b) Those individuals or corporations holding an ownership interest and any security interest (e.g., deeds of trust or mortgages) or any other encumbrances affecting the title of said parcel. Such individuals or corporations shall sign and approve the final plan prior to final approval;

- (c) Any lands to be dedicated to the county shall be conformed as being owned in fee title by the owner(s) signing the dedication certificate;
 - (d) Any easements or restrictions affecting the property with a description of purpose and referenced by the auditor's file number and/or recording number; and
 - (e) If lands are to be dedicated or conveyed to the county as part of the proposal, an American Land Title Association title policy may be required by the director of the department of public works.
- (6) The applicant shall submit for final approval any PRRD agreement that may be required in conformance with JCC 18.15.540.
- (7) The final PRRD plan shall be processed as a Type IV application as set forth in Chapter 18.40 JCC, and shall be approved by the board of county commissioners upon satisfaction of all conditions of approval and all requirements as provided in this Article VI-M. [Ord. 11-00 § 3.6.13(17)]

18.15.560 Time limitations on final PRRD submittal.

Approval of a preliminary PRRD shall expire unless the applicant submits a proposed final PRRD with all supporting documents in property form for final approval within five years after preliminary approval. [Ord. 11-00 § 3.6.13(18)]

18.15.565 Extinguishment of preliminary planned unit developments approved prior to UDC adoption.

The applicant or owner of a property subject to a planned unit development preliminarily approved prior to the initial adoption date of this Unified Development Code (UDC) shall obtain all permits for the development of the site within two years of the initial adoption of the ordinance codified in this code. If the applicant fails to obtain all permits within two years, the approval shall be extinguished, and no site development permits shall be issued until the applicant files an application and obtains approval for a PRRD in accordance with this Article VI-M. [Ord. 11-00 § 3.6.13(19)]

18.15.570 Filing of final PRRD plan.

Upon review and approval of a final PRRD, the DCD administrator shall return the original to the applicant for recording. The final PRRD plan shall be filed in accordance with the applicable procedures provided in Chapter 18.35 JCC. [Ord. 11-00 § 3.6.13(20)]

Article VI-N. Forest Transition Overlay District (FTO)

18.15.571 Forest transition overlay (FTO) district.

(1) Purpose. The purpose and intent of this section is to provide a mechanism for designation of forest transition (FTO) lands and to provide development standards within the FTO overlay district in order to promote the continued viability of resource-based activities in rural areas and minimize the potential for conflict and incompatibility among these uses and adjacent residential uses. The development standards in this section, coupled with existing development standards in this code, are intended to achieve compatibility through implementation of performance criteria that will ensure adequate resource protection perimeter buffers, while maintaining the rural character and preserving environmentally sensitive areas.

(2) Applicability.

(a) "Forest transition overlay (FTO)" is a rural lands category established under the comprehensive plan. The FTO designation does not automatically attach to any lands

within the county. An owner of forest resource lands, meeting the criteria set forth in subsection (3) of this section, may apply for designation. All lands designated FTO shall be subject to the requirements and criteria of this section.

(b) An FTO application must be processed with an application for short subdivision, long subdivision, or binding site plan approval under Chapter 18.35 JCC. Long subdivisions or binding site plans must also be coupled with a planned rural residential development (PRRD) application. The PRRD process provides increased flexibility and creativity in site layout and design and a better opportunity to create a viable transition between higher density rural residential uses and forest resource uses.

(3) Criteria for Designation. Only those forest resource lands that meet the following criteria are eligible for FTO designation:

(a) The parcel must be designated commercial forest (CF-80) or rural forest (RF-40);

(b) The parcel, as it existed at the time of Comprehensive Plan adoption on August 28, 1998, must abut land characterized by pre-platted lots of a density greater than or equal to one dwelling unit per acre on 25 percent of the total perimeter of the parcel boundary lines. Forest land parcels separated from lots by a public right-of-way shall not be considered abutting;

(c) The minimum parcel size shall be 10 gross acres; and

(d) The maximum parcel size shall be 225 gross acres.

(4) Allowable and Prohibited Uses. Allowable and prohibited uses within the FTO overlay district shall be the same as those allowed and prohibited in the rural residential one du/five acres (RR 1:5) district as specified in Table 3-1 in JCC 18.15.040. All uses must comply with any applicable performance standards in Chapter 18.20 JCC and development standards in Chapter 18.30 JCC.

(5) Protection Standards.

(a) General. All permit development applications on a parcel of land designated FTO shall be included in the FTO overlay district and shall adhere to the requirements set forth in this section.

(b) Resource Protection Perimeter Buffers. Within the FTO overlay district, each parcel shall be required to create a resource protection perimeter buffer along common boundaries with designated forest resource lands.

(i) There shall be established and maintained a resource protection perimeter buffer of 250 feet in width along common boundaries with designated forest resource lands.

(ii) Resource protection perimeter buffers shall be retained in their natural condition, except where removal of vegetation is approved to enhance views or provide access or utilities.

(iii) Resource protection perimeter buffers shall be marked with permanent signs at an interval of every 200 feet. Signs shall remain permanently and shall be in place prior to and during approved construction activities. The signs shall contain the following statement: "Resource Protection Buffer – Do Not Remove Or Alter Existing Native Vegetation – For Further Information Contact the Jefferson County Department of Community Development."

(iv) The landowner shall be required to dedicate the resource protection buffer as a permanent open space tract on all final development permits, plats, or site plans.

(v) The landowner shall be required to include a notation on all final development permits, plats or site plans that includes the following notation:

Forest Transition Overlay. The land comprising this development is designated forest transition overlay and subject to the requirements of the forest transition overlay district, contained in JCC 18.15.571. All development activities are subject to, and must be undertaken in compliance with, the requirements and protective standards set forth in the unified development code.

(c) Additional PRRD Standards. In addition to the provisions of Article VI-M of this chapter, the following development standards shall apply to PRRDs within the FTO overlay district:

(i) Parcels within the FTO overlay district shall be deemed RR 1:5 for purposes of Article VI-M of this chapter. All standards, requirements, and criteria applicable to land designated RR 1:5 shall be applicable to land within the FTO overlay district.

(ii) Where reasonably feasible, the reserve tracts required by JCC 18.15.490 shall be situated along common boundaries with designated forest resource lands to enhance the size of resource protection perimeter buffers and minimize the potential for future conflicts and incompatibility.

(iii) Applicants are encouraged to design PRRDs within the FTO overlay district that include innovative ways to reduce the potential for conflict and incompatibility between forestry land uses and rural residential lands uses, maintain the predominant rural character, preserve scenic views and environmentally sensitive areas, and enhance the aesthetic benefits to the public by harmonizing the development with the topography and landscape features of the land.

(d) Compliance with Other Overlay District Requirements. All permits and development applications shall comply with the requirements of all other applicable overlay districts as set forth in Article VI of this chapter.

(6) Application Submittal and Contents. To be considered complete, an FTO application shall include the following information:

(a) The FTO application shall be submitted to the department of community development (DCD) on forms to be provided by DCD along with appropriate fees established under the Jefferson County fee ordinance;

(b) A completed land use application form, including all materials required in accordance with Chapter 18.40 JCC;

(c) The applicant shall supply completed information and materials for all other permit and development applications required under this code consolidated with the PRRD application, if applicable;

(d) Where applicable, and special reports or studies required pursuant to Article VI-D of this chapter, prepared in accordance with the requirements of Article VI-J of this chapter;

(e) The applicant shall supply a narrative statement substantiating how the proposed development will provide a benefit to the public in reducing the potential conflict and incompatibility among abutting properties designated forest lands; and

(f) Any additional information required by the DCD administrator and/or the director of the department of public works.

(7) Preliminary FTO Approval Criteria.

(a) An FTO application shall be processed according to the procedures for a Type II decision established in Chapter 18.40 JCC.

(b) An FTO application shall be given preliminary approval upon a finding by the DCD administrator that the parcel(s) subject to the FTO application satisfy the criteria set forth in subsection (3) of this section, and that the FTO application is complete in accordance with the requirements set forth in subsection (6) of this section.

(8) Final FTO Designation. The FTO designation shall become effective upon final short subdivision, long subdivision, binding site plan and, if applicable, PRRD approval.

(9) Time Limitations on Final FTO Approval. Preliminary FTO approval shall expire unless the applicant obtains final short subdivision, long subdivision, binding site plan and, if applicable, PRRD approval within the time limits applicable to the particular development application(s). [Ord. 18-02 § 2 (Exh. A); Ord. 11-00 § 3.6.14]

Article VI-O. Small-Scale Recreation and Tourist (SRT) Overlay District

18.15.572 Small-scale recreation and tourist (SRT) overlay district.

(1) Purpose. The purpose of this section is to implement the Brinnon Subarea Plan, a chapter of the Jefferson County Comprehensive Plan, by establishing a small-scale recreation and tourist (SRT) overlay district at WaWa Point. The intent of this section is to encourage small-scale recreation and tourist development consistent with the needs, scale and rural character of the Brinnon Planning Area and in compliance with the provisions of RCW 36.70A.070. This section provides for certain exemptions, review criteria and other requirements to encourage compatible rural economic development in the Brinnon Planning Area. The provisions of this section allow for flexible application of the SRT standards to recognize the unique economic development characteristics and needs of this remote rural area.

(2) Applicability. This section shall apply to all small-scale recreation and tourist uses identified in Table 3-1 in JCC 18.15.040 and subject to the performance standards identified in JCC 18.20.350. The WaWa Point SRT overlay district shall encompass those areas within the Brinnon Planning Area identified on Figure BR-9 of the Brinnon Subarea Plan. The provisions of this section constitute an overlay district (i.e., floating zone) over the underlying rural residential districts at WaWa Point. All other provisions of this unified development code shall apply to such uses in the SRT overlay district unless otherwise exempted by this section.

(3) Small-Scale and Recreational Tourist Uses. In the WaWa Point SRT overlay district, small-scale recreation and tourist uses shall be regulated according to the following provisions:

(a) The list of illustrative small-scale recreation and tourist uses in rural residential districts, as defined in Table 3-1 in JCC 18.15.040, and Chapter 18.20 JCC, Performance and Use-Specific Standards, shall be classified as Type II permit uses within the SRT overlay district only unless otherwise classified by this section.

(b) Outdoor commercial amusement facilities, outdoor shooting ranges, and off-road vehicle (ORV) and all-terrain vehicle (ATV) parks and recreational uses shall be prohibited within the SRT overlay.

(c) Unnamed uses, if classified as an SRT by the administrator, consistent with the requirements of JCC 18.20.350(2), shall be treated as “Cd” (Conditional discretionary) uses within the SRT overlay.

(d) All allowed uses within the SRT overlay shall be exempt from the general minimum lot size requirements of JCC 18.20.350(3)(b), provided they are located on

legal lots of record. However, other use-specific minimum lot size requirements of JCC 18.20.350 shall apply unless otherwise exempted by this section.

(e) The use-specific minimum lot size requirements of JCC 18.20.350 for equestrian centers, conference center/retreat facilities, and for rural recreational lodging shall not apply to such uses when located within the SRT overlay.

(f) All allowed uses within the SRT overlay shall have a site plan approved by the administrator consistent with the requirements of the UDC generally and JCC 18.20.350(3)(j) specifically.

(g) Setbacks and other development standards shall be consistent with those required in the underlying rural residential district, except as may be modified by JCC 18.20.350 or by the provisions of this section.

(h) Expansion of existing SRT uses and facilities within the SRT overlay shall be exempt from the requirements of JCC 18.20.350(4)(a) (which requires a conditional use permit), but shall be subject to a Type II permit process.

(i) Rural recreational lodging or cabins for overnight rental and conference center/retreat facilities, when located within the SRT overlay, shall be exempt from the requirements of JCC 18.20.350(9)(f) (which requires a conditional use permit), but shall be subject to a Type II permit process.

(j) The maximum size provisions for rural recreational lodging or cabins for overnight rental, and conference center/retreat facilities, specified in JCC 18.20.350(9)(b), shall be amended as follows when such uses are located within the SRT overlay:

(i) Fifteen built cabins or bedrooms for overnight lodging comprising up to 7,500 square feet of gross floor area are allowed for up to every 10 acres of parcel area devoted to SRT use, or as allowed in JCC 18.20.350(9)(b), whichever is greater. A maximum of 30 rooms or cabins comprising no more than 12,000 square feet of total building area over the entire site, excluding a caretaker's or manager's residence, shall apply to rural recreational lodging uses in areas greater than 10 acres when located in the SRT overlay.

(ii) In projects involving both conference center/retreat facilities and lodging facilities, total building coverage shall not exceed the maximum impervious surface coverage allowed by Table 6-1 in JCC 18.30.050 for the underlying rural residential district and other requirements of this title, as applicable.

(iii) The administrator may also modify the maximum building size of the SRT use(s) allowed under this section based on the authority granted under JCC 18.20.350(3)(j).

(k) Rural restaurants, when located within the SRT overlay, shall be exempt from the provisions of JCC 18.20.350(10)(a) (which requires co-location with another primary SRT use).

(l) All SRT uses allowed within the SRT overlay shall be subject to all performance standards required pursuant to JCC 18.20.140, Commercial uses – Standards for site development, and the development standards contained in Chapter 18.30 JCC.

(m) The public notice requirements of the Type II permit process in Chapter 18.40 JCC shall be required to ensure that adjacent and surrounding property owners receive adequate and timely public notice and comment periods for proposed SRT uses within the SRT overlay district.

(n) During site plan review of proposed SRT uses within the SRT overlay, the administrator shall consider site and building design standards including, but not

necessarily limited to, building material types, building mass and orientation, architectural treatment, and the use of existing vegetation and landscaping as means to ensure compatibility with the surrounding rural character. [Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.6.14]

Article VI-P. Small-Scale Business and Cottage Industry (SBCI) Overlay District
18.15.573 Small-scale business and cottage industry (SBCI) overlay district.

Repealed by Ord. 11-04. [Ord. 1-04 § 3 (Exh. C); Ord. 11-00 § 3.6.15]

Article VII. Subarea Plans

18.15.580 Brinnon Subarea Plan.

The Brinnon Subarea Plan is a chapter of the Jefferson County Comprehensive Plan that established policies and regulations specific to the Brinnon Planning Area (Planning Area #11). Unless modified by the Brinnon Subarea Plan, all other policies and regulations of the Comprehensive Plan and this unified development code apply to project proposals in the Brinnon Planning Area. Brinnon Subarea Plan measures specific to the Brinnon Planning Area are incorporated into this code in the following subsections:

(1) Article VI of this chapter, Overlay Districts.

(a) Article VI-L of this chapter, Remote Rural Overlay Districts for the West End Planning Area and the Brinnon Planning Area (provisions for home business and cottage industry).

(b) JCC 18.15.572, Small-scale recreation and tourist (SRT) overlay district (provisions for SRT uses in the WaWa Point SRT overlay). [Ord. 11-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 3.7]

Article VIII. Major Industrial Development

18.15.600 Purpose and intent.

The purpose and intent of this article is to establish a process for reviewing and approving proposals to authorize siting of specific major industrial developments outside urban growth areas pursuant to RCW 36.70A.365 and the Jefferson County Comprehensive Plan. "Major industrial development" means a master planned location for a specific manufacturing, industrial, or commercial business that:

(1) Requires a parcel of land so large that no suitable parcels are available within an urban growth area; or

(2) Is a natural resource-based industry requiring a location near agricultural land, forest land, or mineral resource land upon which it is dependent.

The major industrial development shall not be for the purpose of retail commercial development or multitenant office parks. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(1)]

18.15.605 Application requirements and approval process.

Major industrial development applications shall be processed as Type III conditional use permits under this code, requiring an open record hearing before the hearing examiner. Additionally, a development agreement between the county and the applicant (and other parties, as necessary) is a mandatory element of a major industrial development application and shall be processed per Article XI of Chapter 18.40 JCC (Development Agreements). The open record public hearing before the hearing examiner shall, in an effort to consolidate the application review process, serve as the public hearing required before approval of a Type III permit and before adoption of a development agreement via ordinance or resolution. The development agreement shall not be adopted by the board of county commissioners until the hearing examiner

approves the conditional use permit application. RCW 36.70A.365(3) states that final approval of a major industrial development shall be considered an adopted amendment to the comprehensive plan designating the major industrial development site on the land use map as an urban growth area. If an application for a major industrial development in Jefferson County is approved as a conditional use by the hearing examiner, the conditional use approval in combination with the required board of county commissioners' adoption of the development agreement via ordinance or resolution shall be considered "final approval," the result of which shall amend the Comprehensive Plan Land Use Map. Final approval of an application for a major industrial development and the corresponding amendment to the land use map shall not be considered an amendment to the Comprehensive Plan for the purposes of RCW 36.70A.130(2) and may be considered at any time. JCC 18.45.040, the standard process for amending the Comprehensive Plan, does not apply. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(2)]

18.15.610 Approval criteria.

A major industrial development may be approved outside an urban growth area in Jefferson County under this section if the following criteria are met, in addition to other applicable regulations of this code not specifically referenced herein:

- (1) The proposal must require for operation 40 or more acres, including acreage for required buffers;
- (2) The proposal satisfies all the conditional use approval criteria listed in JCC 18.40.560;
 - (a) When reviewing the project's "merit and value for the community as a whole," per JCC 18.40.560(1)(j), consideration shall be given to the number of jobs created. The number of jobs per net acre of development, not including the required buffers, shall be typical for the type of industry proposed;
 - (b) When analyzing the potential "negative effects" and "cumulative effects of similar actions in the area," per JCC 18.40.560(1)(l), consideration shall be given to the number and relative locations of major industrial developments permitted in Jefferson County and their subsequent or anticipated impacts;
- (3) A development agreement is included in the application pursuant to Article XI of Chapter 18.40 JCC (Development Agreements);
- (4) New infrastructure is provided for and/or applicable impact fees are paid;
- (5) Transit-oriented site planning and traffic demand management programs are approved and implemented and the general development standards related to traffic as contained in JCC 18.30.020(5) are met;
- (6) Buffers are provided between the major industrial development and adjacent nonurban areas and managed according to an approved landscape plan, per JCC 18.30.130, Landscaping/screening, except that buffers for major industrial developments shall be 50 feet of Screen-B landscaping for road frontages and 100 feet of Screen-A landscaping for interior lot lines along any portion adjacent to a nonurban area, including rural residential districts and designated resource lands, except as may be varied by the administrator under JCC 18.30.130(2)(b);
- (7) Bulk and dimensional standards for major industrial development urban growth areas are satisfied pursuant to Table 6-1 in JCC 18.30.050;
- (8) Environmental protection including noise, air and water quality has been addressed and provided for, per requirements of this code (Article VI-D of Chapter 18.15

JCC (Environmentally Sensitive Areas District (ESA)) and other applicable sections) and other mitigative measures as appropriate through review under the State Environmental Policy Act per Chapter 43.21C RCW and Article X of Chapter 18.40 JCC, (State Environmental Policy Act (SEPA) Implementation);

(9) Provision is made to mitigate adverse impacts on designated agricultural lands, forest lands, and mineral resource lands via interior lot lines buffers per subsection (3) of this section and other case- or site-specific measures as determined through State Environmental Policy Act review;

(10) The plan for the major industrial development is consistent with the provisions to protect environmentally sensitive areas as presented in Article VI-D of Chapter 18.15 JCC (Environmentally Sensitive Areas District (ESA));

(11) Appropriate and suitable measures are established for the environmental remediation and/or restoration of the site in the case of future abandonment of the industrial or commercial operation, as determined through environmental review of the application and commensurate with the impacts of the specific use permitted;

(12) If phasing of development (per JCC 18.15.625(1)) is contemplated by the applicant, the overall project plan, including general timelines for construction but illustrating building footprints and projected uses in lieu of design details to be submitted with future building permit applications, must be presented in the original application such that the overall plan is established through the conditional use permit and a development agreement; and

(13) For major industrial development applications made pursuant to JCC 18.15.600(1), the county has determined, and entered findings that land suitable to site the major industrial development is unavailable within the urban growth area according to the current inventory of developable land within urban growth areas. Priority shall be given to applications for sites that are adjacent to or in close proximity to the urban growth area. For applications under JCC 18.15.600(1) or (2), the county must also find that the proposal is appropriately defined as a major industrial development and should not be more appropriately categorized as some other type of land use application. The approving authority may use discretion in considering specific major industrial developments proposed for specific land use districts based on the nature of the proposed use and activity. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(3)]

18.15.615 Conditional use requirements.

Major industrial developments shall comply with Article VIII of Chapter 18.40 JCC (Conditional Uses), including provisions on the use of the property before the final decision (JCC 18.40.580), the effective period of the permit and the expiration (JCC 18.40.590), modification to the permit (JCC 18.40.600), the validity of the permit when there is change in ownership of the land (JCC 18.40.610), permit suspension or revocation (JCC 18.40.620), and the requirement of an assurance device and/or additional conditions at county discretion (JCC 18.40.570 and 18.40.630). [Ord. 2-02 § 3; Ord. 11-00 § 3.8(4)]

18.15.620 Final approval.

Pursuant to RCW 36.70A.365(3), final approval of an application for a major industrial development shall be considered an adopted amendment to the Comprehensive Plan designating the major industrial development site on the land use map as an urban growth area. The urban growth area associated with a major industrial development shall

be a limited urban growth area intended for the specific major industrial development and not to absorb future population and other goals of mixed-use urban growth areas. A decision of approval by the hearing examiner regarding the conditional use permit, in combination with the board of county commissioners' adoption via ordinance of the associated development agreement, shall be considered "final approval." Final approval of an application for a major industrial development shall not be considered an amendment to the comprehensive plan for the purposes of RCW 36.70A.130(2) and may be considered at any time. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(5)]

18.15.625 Phasing of development, expansion, future use of land, abandonment of site, and reverting to previous land use district.

(1) The county recognizes that economic and other considerations may necessitate that business plans for a major industrial development be characterized by phasing of development (i.e., a portion of the overall site plan is constructed first, followed at a later date by the next portion or rest of the site plan, depending on economic and other factors). The major industrial development urban growth area established in the original application process would delineate the overall site plan. For phasing of development to be approvable, the overall project plan, including general timelines for construction but illustrating building footprints and projected uses in lieu of design details to be submitted with future building permit applications, must be presented in the original application. Per JCC 18.40.590, the proponent must file for the building permits or other necessary permits associated with the first phase of the development within three years of the effective date of the conditional use permit, unless the permit approval provides for a greater period of time.

(2) Expansion of the major industrial development beyond the boundaries of the original site plan and established urban growth area would require the full permit approval process described in this section of the code.

(3) Future use of the land is determined and bound by the original application and development agreement. Per JCC 18.40.610, no other use is allowed without approval of an additional conditional use permit. A future application for a major industrial development that utilizes the same land area within the previously established urban growth area is approvable if the required code and statutory criteria are met. Final legislative approval following conditional use approval would be unnecessary in this case, as the urban growth area is already established on the Comprehensive Plan Land Use Map. If the dimensions of the urban growth area must be modified, that process would be undertaken pursuant to JCC 18.45.040.

(4) The owners of land zoned and used for major industrial development and/or the conditional use permittee and/or other entity as appropriate for particular circumstances shall be responsible for appropriate and suitable environmental remediation and/or restoration of the site in the case of abandonment of the industrial or commercial operation. The responsible part shall be identified in the development agreement and/or conditional use permit. The responsibility for appropriate and suitable environmental remediation and/or restoration will be determined through environmental review of the application and commensurate with the impacts of the specific use permitted. An environmental remediation and/or restoration plan shall be established in the development agreement and conditional use permit approval.

(5) Under certain circumstances, it may be deemed appropriate by the county that the major industrial development urban growth area, or a portion thereof, revert to the previous land use district, or in rare cases change to another land use district. A change to the Comprehensive Plan Land Use Map shall be considered as a Comprehensive Plan amendment application during the annual amendment cycle as governed in Chapter 18.45 JCC. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(6)]

18.15.630 Urban growth in adjacent nonurban areas.

Chapter 36.70A RCW requires that development regulations are established to ensure that urban growth will not occur in nonurban areas adjacent to major industrial developments. Jefferson County rural land use districts are characterized by rural densities (i.e., one dwelling unit per five or more acres for rural residential and less dense for resource lands). In order to ensure that these controls remain effective, it should be noted that proximity to a major industrial development urban growth area or development or extension of infrastructure shall not provide a basis for a Comprehensive Plan amendment to change the land use district for property adjacent to a major industrial development to a land use district with greater development density or more intensive uses. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(7)]

18.15.635 Re-authorization of article after initial period of implementation.

In order to ensure that the standards contained in this article, as applied to applications for major industrial developments, result in acceptable and desirable impacts to the physical and cultural landscape of Jefferson County, the county commissioners shall, upon the occurrence of five approved major industrial developments or the passage of five years from the date this section was adopted, whichever occurs first, hold a public hearing and take action to reauthorize, modify, suspend or delete this article. Any amendments for the UDC proposed by the county commissioners as a result of that public hearing shall be processed pursuant to Chapter 18.45 JCC. [Ord. 2-02 § 3; Ord. 11-00 § 3.8(8)]

