

Chapter 18.05

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This document is the Jefferson County Unified Development Code and may be cited as the “UDC” or the “code.” [Ord. 11-00 § 1.1]

18.05.020 Authority, purpose, and scope.

(1) Authority and Comprehensive Plan Consistency. This code is a principal tool for implementing the goals and policies of the Jefferson County Comprehensive Plan, pursuant to the mandated provisions of the state of Washington’s Growth Management Act (Chapter 36.70A RCW (Revised Code of Washington)), Shoreline Management Act (Chapter 90.58 RCW), Subdivisions Code (Chapter 58.17 RCW), State Environmental Policy Act (Chapter 43.21C RCW), and other applicable state and local laws.

The land division provisions of this code (Chapter 18.35 JCC) are intended to supplement and implement Chapter 58.17 RCW as the land division ordinance of the county. If the provisions of this code conflict with any provision of Chapter 58.17 RCW, the RCW shall prevail.

No land shall be subdivided or developed for any purpose which is not in conformance with the Comprehensive Plan or applicable provisions of this code.

This code is intended to be used as a single integrated document. Each part contributes to a unified regulatory system.

- (2) Purpose. The general purposes of this Unified Development Code are:
- (a) To encourage land use decision-making in accordance with the public interest, protection of private property rights and the public good, and applicable laws of the state of Washington;
 - (b) To protect the general public health, safety, and welfare and encourage orderly economic development;
 - (c) To implement the Jefferson County Comprehensive Plan goals and policies through land use and other regulations;
 - (d) To provide for the economic, social, and aesthetic advantages of orderly development through harmonious groupings of compatible and complementary land uses and the application of appropriate development standards;
 - (e) To provide for adequate public facilities and services in conjunction with development; and
 - (f) To promote general public safety by regulating development of lands containing physical hazards and to minimize the adverse environmental impacts of development.
- (3) Scope. Hereafter, no building, structure, or land use activity shall be engaged, erected, demolished, remodeled, reconstructed, altered, enlarged, or relocated, and no building, structure or premises shall be used in Jefferson County except in compliance with the provisions of this code and then only after securing all required permits and licenses. Any building, structure, or use lawfully existing at the time of passage of the ordinance codified in this code, although not in compliance therewith, may be maintained as provided in JCC 18.20.260, Nonconforming legal structures and uses. [Ord. 11-00 § 1.2]

18.05.030 Code administration – Purpose.

The purpose of JCC 18.05.030 through 18.05.080 is to provide an administrative land use regulatory system that will best satisfy the following basic needs:

- (1) To separate the county's land use regulatory function from its land use planning function;
- (2) To ensure and expand the principles of fairness and due process in public hearings; and
- (3) To provide an efficient and effective land use regulatory system which integrates the public hearing and decision-making processes for land use matters. [Ord. 11-00 § 1.3(1)]

18.05.040 Department of community development – Duties and responsibilities.

The duties and responsibilities of the director shall be as follows:

- (1) Assist the board of commissioners in their consideration of alternative future directions and implementation of policies for future development of the county;
- (2) Conduct research and prepare reports to the board of commissioners, planning commission and citizens concerning the priority projects and issues identified by the board of commissioners;
- (3) Assist development proponents to achieve project goals in conformance with applicable land use regulations and in support of the Jefferson County Comprehensive Plan and any other applicable land use goals and policies;
- (4) Coordinate project, program, contractual and planning activities with other public agencies;

- (5) Supervise enforcement of building, land use, and related environmental protection codes;
- (6) Administer county land use and environmental protection regulations, the Shoreline Master Program and the National Flood Hazard Insurance Program;
- (7) Serve as the county building official;
- (8) Prepare budget recommendations and monitor expenditures;
- (9) Hire, train, supervise and assist the building inspector and other staff members assigned to planning and building responsibilities;
- (10) Assist in preparation of ordinances, resolutions, contracts, agreements, covenants and other legal documents related to community development and administration and enforcement of county land use and environmental protection ordinances;
- (11) Seek grants and donations in support of the priority planning projects selected by the board of commissioners;
- (12) Prepare job descriptions, performance appraisals, labor agreement addenda, administrative procedures, etc., in exercise of management and supervisory responsibilities;
- (13) Represent the county under the direction of the board of commissioners; and
- (14) Such other duties as may be assigned by the board of commissioners. [Ord. 11-00 § 1.3(2)]

18.05.050 Planning commission – Duties and responsibilities.

The duties and responsibilities of the planning commission shall be as follows:

- (1) The planning commission shall review the Jefferson County Comprehensive Plan and other planning documents to determine if the county's plans, goals, policies, land use ordinances and regulations are promoting orderly and coordinated development within the county. The commission shall make recommendations concerning this to the board of commissioners.
- (2) The planning commission shall review land use ordinances and regulations of the county and make recommendations regarding them to the board of commissioners.
- (3) The planning commission shall recommend priorities for and review studies of geographic subareas in the county.
- (4) All other county boards, committees, and commissions shall coordinate their planning activities, as they relate to land use or the Jefferson County Comprehensive Plan, with the planning commission.
- (5) The planning commission may hold public hearings in the exercise of its duties and responsibilities as it deems necessary.
- (6) The planning commission shall have such other duties and powers as heretofore have been or hereafter may be conferred upon the commission by county ordinances or as directed by resolution of the board of commissioners, the performance of such duties and exercise of such authority to be subject to the limitations expressed in such enactments. [Ord. 11-00 § 1.3(3)]

18.05.060 Department of public works – Duties and responsibilities.

The duties and responsibilities of the department of public works in the administration of this UDC shall be as follows:

- (1) The Jefferson County department of public works shall review development proposals subject to this UDC regarding adequacy of area circulation, access, roads,

drainage systems, signs, and other areas of its jurisdiction and forward its comments and recommendations to the department of community development. [Ord. 11-00 § 1.3(4)]
18.05.070 Department of environmental health – Duties and responsibilities.

The Jefferson County department of environmental health shall review development proposals subject to this UDC regarding the adequacy of sewage disposal and water supply systems, or other areas of its jurisdiction, and forward comments and recommendations to the department of community development. [Ord. 11-00 § 1.3(5)]

18.05.080 Hearing examiner ~~and appellate hearing examiner.~~

(1) Offices Created.

(a) Pursuant to RCW 35.63.130 and 36.70.970, the separate offices of the Jefferson County hearing examiner (hearing examiner) ~~and the Jefferson County appellate hearing examiner (appellate hearing examiner)~~ are created and established.

(b) The hearing examiner ~~and the appellate hearing examiner~~ shall exercise the authority designated in Chapter 18.40 JCC for the land use matters set forth in this section.

(c) Hearings held by the hearing examiner ~~or appellate hearing examiner~~ shall constitute the hearings required by state law for such land use matters.

(d) Unless the context requires otherwise, the terms “hearing examiner” ~~and “appellate hearing examiner”~~ used in this code shall include hearing examiners ~~and appellate hearing examiners~~ pro tempore.

(2) Appointment – Qualifications – Terms.

(a) The Jefferson County board of commissioners shall appoint the hearing examiner ~~and the appellate hearing examiner~~ solely with regard to qualifications for the duties of such offices and the persons so appointed shall have such training or experience as will qualify them to conduct administrative or quasi-judicial hearings on land use regulatory matters.

(b) The terms of appointment for the hearing examiner ~~and the appellate hearing examiner~~ shall be pursuant to their respective contracts executed with the board of commissioners.

(c) The office of the hearing examiner shall be under the administrative supervision of the hearing examiner. ~~The office of the appellate hearing examiner shall be under the administrative supervision of the appellate hearing examiner. Both The~~ offices shall be separate and distinct from any other county officer or department.

(d) The hearing examiner ~~and the appellate hearing examiner~~ shall hold no other appointive or elective public office or position in county government except as provided in JCC 18.05.030 through 18.05.080.

(3) Appointment of Hearing Examiners Pro Tempore. The board of commissioners may appoint one or more hearing examiners pro tempore ~~or appellate hearing examiners pro tempore~~ to act in the absence of the regular hearing examiner ~~or regular appellate hearing examiner~~. Such appointment shall be from qualified applicants to be recommended by the hearing examiner ~~or appellate hearing examiner~~, as applicable. Hearing examiners ~~and appellate hearing examiner~~ pro tempore, when acting in such capacity, shall have all powers and duties of the hearing examiner ~~or appellate hearing examiner~~ as prescribed in this code or elsewhere.

(4) Hearing Examiner ~~and Appellate Hearing Examiner~~ – Conflict of Interest and Freedom from Improper Influence.

(a) The hearing examiner ~~and the appellate hearing examiner~~ shall not conduct or participate in any hearing or decision in which the hearing examiner ~~or appellate hearing examiner~~ has a direct or substantial financial interest.

(b) No member of the board of commissioners, county official or any other person shall attempt to influence or in any way interfere with the examiner ~~or appellate hearing examiner~~ in the performance of their designated duties.

(5) Hearing Examiner ~~and Appellate Hearing Examiner~~ – Powers.

(a) Hearing Examiner. As more specifically set forth in Chapter 18.40 JCC, the hearing examiner shall have the authority to conduct open record predecision and open record appeal hearings and prepare a record thereof, and enter written findings and conclusions, and decisions for the following land use matters:

- (i) Applications for reasonable economic use variances;
- (ii) Applications for planned rural residential developments (PRRDs);
- (iii) Applications for shoreline substantial development permits, and conditional and variance permits under the Jefferson County Shoreline Master Program;
- (iv) Applications for plat alterations and vacations;
- (v) Applications for long subdivisions;
- (vi) Applications for conditional use permits;
- (vii) Applications for variances;
- (viii) Application for wireless telecommunications facilities;
- (ix) Appeals of administrative decisions releasing six-year Forest Practices Act (FPA) moratoria;
- (x) Appeals of administrative decisions regarding cottage industries;
- (xi) Appeals of administrative short subdivision decisions;
- (xii) Appeals of administrative binding site plan decisions;
- (xiii) Appeals of administrative conditional use permit decisions;
- (xiv) Appeals of administrative variance decisions;
- (xv) Appeals of administrative decisions regarding substantial development permits under the Jefferson County Shoreline Master Program;
- (xvi) Appeals of administrative decisions regarding permits for wireless telecommunications facilities;
- (xvii) Appeals of formal Unified Development Code interpretations made by the administrator;
- (xviii) Appeals of SEPA threshold determinations made by the responsible official; and
- (xix) Any other matter designated by this code or other county ordinance.

~~(b) — Appellate Hearing Examiner. As more specifically set forth in Chapter 18.40 JCC, the appellate hearing examiner shall have the authority to conduct closed record appeal hearings and prepare a record thereof, and enter written findings and conclusions, and decisions for the following land use matters:~~

- ~~(i) — Appeals of decisions of the hearing examiner regarding reasonable economic use variances;~~
- ~~(ii) — Appeals of decisions of the hearing examiner regarding planned rural residential developments (PRRDs);~~
- ~~(iii) — Appeals of decisions of the hearing examiner regarding shoreline substantial development permits, and conditional and variance permits under the Jefferson County Shoreline Master Program;~~

- ~~(iv) Appeals of decisions of the hearing examiner regarding plat alterations and vacations;~~
 - ~~(v) Appeals of decisions of the hearing examiner regarding long subdivisions;~~
 - ~~(vi) Appeals of decisions of the hearing examiner for conditional use permits;~~
 - ~~(vii) Appeals of decisions of the hearing examiner regarding variances;~~
 - ~~(viii) Appeals of decisions of the hearing examiner regarding wireless telecommunications facilities;~~
 - ~~(ix) Appeals of final administrative decisions regarding enforcement of this code; and~~
 - ~~(x) Any other matter designated by this code or other county ordinance.~~
- (c) Criteria for Review. Conditions of Approval. As more specifically set forth in Chapter 18.40 JCC, the decisions of the hearing examiner ~~and appellate hearing examiner~~ shall be based upon the policies of the Jefferson County Comprehensive Plan, the Shorelines Management Act, the State Environmental Policy Act, the standards set forth in this code and any other applicable land use plans or ordinances adopted by the board of commissioners. The hearing examiner ~~and appellate hearing examiner are~~ is empowered to attach reasonable conditions found necessary to make a project compatible with its environment and to carry out the goals and policies of the Comprehensive Plan, the Shoreline Master Program, or other applicable plan or program adopted by the board of commissioners. Such conditions may include but are not limited to the following:
- (i) Exact location and nature of development, including additional building and parking area setbacks, screenings in the form of landscaped berms, landscaping, or fencing;
 - (ii) Impact of the development upon other lands;
 - (iii) Hours of use of operation or type and intensity of activities;
 - (iv) Sequence and scheduling of development;
 - (v) Maintenance of the development;
 - (vi) Duration of use and subsequent removal of structures;
 - (vii) Granting of easements for utilities or other purposes and dedication of land or other provisions for public facilities, the need for which the hearing examiner ~~or appellate hearing examiner~~ finds would be generated in whole or in significant part by the proposed development;
 - (viii) Mitigation of any adverse environmental impacts;
 - (ix) Provisions that would bring the proposal into compliance with a policy(ies) of the Comprehensive Plan; and
 - (x) Mitigating conditions authorized by any other provision of this code or other provision of local, state or federal law.
- (d) Procedural Rules. The hearing examiner ~~and the appellate hearing examiner~~ shall have the power to prescribe rules and regulations concerning procedures for hearings authorized herein, subject to confirmation by the board of commissioners, to issue summons for and compel the appearance of witnesses, to administer oaths and to preserve order. The privilege of cross-examination of witnesses in open record hearings shall be accorded all interested parties or their counsel in accordance with rules of the hearing examiner.
- (6) Standards of Review.
- (a) Hearing Examiner.

(i) Matters in which the hearing examiner is empowered to make a final decision on a project permit application (i.e., following an open record predecision hearing) or on an appeal of a formal Unified Development Code interpretation made by the administrator (i.e., following an open record appeal hearing), shall be subject to a de novo standard of review.

(ii) Matters in which the hearing examiner is empowered to make a final decision on an appeal of a decision of the administrator on a project permit application or on an appeal of a decision of the SEPA responsible official (i.e., following an open record appeal hearing) shall be subject to a clearly erroneous standard of review.

~~(b) — Appellate Hearing Examiner. Matters in which the appellate hearing examiner is empowered to make a final decision on an appeal of a decision of the hearing examiner on a project permit application (i.e., following a closed record appeal hearing) shall be subject to the following standards of review, as applicable:~~

~~(i) — The clearly erroneous standard (i.e., as articulated in decisions of the courts of the state of Washington) when the appeal involves an alleged error in the application of the law to the facts; or~~

~~(ii) — The erroneous interpretation of the law standard (i.e., as articulated in decisions of the courts of the state of Washington), when involving an alleged error in the interpretation of the law. [Ord. 11-00 § 1.3(6)]~~

18.05.085 Hearing examiner rules of procedure.

(1) Conflicts Among Authorities. These rules may conflict with other sources or authorities of law. The order of precedence applicable to such conflict situations shall be (from top to bottom) as follows:

- (a) State or federal constitution;
- (b) State or federal statutes;
- (c) State or federal regulations;
- (d) State or federal published case law;
- (e) UDC or other applicable duly enacted Jefferson County ordinance;
- (f) These rules.

Thus, for example, to the extent these rules conflict with the UDC, then the applicable UDC provision shall apply.

(2) Definitions. The following definitions apply for the purposes of this section:

(a) Aggrieved person: A person or entity is deemed to be an “aggrieved person” only when all of the following conditions are present:

- (i) The decision being challenged has prejudiced or is likely to prejudice that person or entity;
- (ii) The person or entity’s asserted interests are among those that the county was required to consider when it made the decision; and
- (iii) A judgment or decision in favor of that person or entity would substantially eliminate or redress the prejudice to that person or entity caused or likely to be caused by the challenged decision.

(b) BoCC: The ~~Jefferson County~~ board of county commissioners for Jefferson County, the county legislature for the municipal corporation known as Jefferson County or any subsequently created or approved legislative body for Jefferson County.

(c) Comprehensive Plan: The 1998 Jefferson County Comprehensive Plan and Land Use Map as now adopted and as may be amended in the future.

- (d) Ex Parte Communication: Any written or oral communication between an aggrieved person or a government agency and a hearing examiner that was made outside of public hearing and was not included in the public record.
- (e) Hearing examiner: The hearing examiner ~~or the appellate hearing examiner.~~
- (f) Hearing: An open record predecision hearing before a hearing examiner ~~or a closed record hearing before an appellate hearing examiner.~~ By way of example only, the term “hearing” includes appeals based upon the UDC, the State Environmental Protection Act (or “SEPA”) and road vacation requests directed to and handled by the county’s department of public works.
- (g) Interested citizen: Any person or entity that has:
- (i) Asked for a copy of a written hearing examiner decision by either requesting (in writing) such documents from the Jefferson County department of community development or has signed a register provided for such purpose at an open record predecision hearing ~~or appeal hearing;~~ or
- (ii) Made comments (written, oral or otherwise) during an open record predecision hearing.
- (h) Party: An aggrieved person (as defined above) who has filed the fee required by Jefferson County ordinance to initiate or generate the hearing process. The applicant and the Jefferson County agency that provided one or more reports to the hearing examiner shall be considered parties to the hearing. Those persons or entities meeting the definition of “interested citizen” above shall not be considered to be a “party” for the purposes of this section unless they also meet the definition of “aggrieved person” listed above. For the purposes of hearings relating to road vacations, the petitioner requesting the road vacation shall be considered a “party” as that term is defined in this section.
- (i) Timely submissions: Written submissions to the hearing examiner shall be considered timely if the submission is sent to the hearing examiner (via paper or electronically) seven days before the date of the hearing. ~~Written submissions to the appellate hearing examiner shall be considered timely if the submission is sent to the appellate hearing examiner (via paper or electronically) seven days before the date of the hearing.~~ A submission is deemed to be sent when it is either sent electronically or possession of the submission in paper form is transferred to the United States Postal Service or any private document carrier.
- (j) UDC: The Unified Development Code, a set of development regulations derived from the Growth Management Act, the county’s Comprehensive Plan that were made effective as of January 16, 2001, as they are now adopted and as they may be amended, replaced or revised in the future.
- (3) Standing. Only an “aggrieved person,” as that term is defined in this section, shall have the authority (legally known as “standing”) to come before the hearing examiner and seek a remedy or resolution from the hearing examiner. A determination by the hearing examiner that a person or entity holds or lacks standing can be appealed pursuant to law.
- (4) Powers of the Hearing Examiner. The hearing examiner shall have the following powers:
- (a) To make all rulings, determinations or decisions he or she is permitted to make pursuant to the laws and regulations of this country and this state and the ordinances of Jefferson County and to enter, if necessary, any written or oral order that accomplishes or

implements any act the hearing examiner is authorized to do. The authority granted by this section includes, but is not limited to, the authority to approve, deny or remand an application, proposal or decision before him or her or, in the alternative, combine one or more of the three alternatives listed, e.g., approve in part, remand in part.

(b) To enter, if necessary, a written or oral order, finding and ruling that a particular person or entity is not an “aggrieved party” as that term is defined in this section and thus does not have standing (in the legal sense) to seek a resolution or remedy from the hearing examiner.

(c) To hold the power, while conducting any hearing, to administer oaths, preserve order, limit or not accept repetitious testimony, and to issue summons for and compel the appearance of witnesses and production of documents and/or materials.

(d) To have sole discretion to rule on all procedural disputes that arise during a hearing, subject to subsequent appeal if a party decides that decision of the hearing examiner was incorrect factually or legally.

(e) To inspect the site which is the subject of a matter before him or her prior to or subsequent to the hearing if he or she deems it necessary to obtain a full understanding of the case. The failure of the hearing examiner to view a site shall not nullify or injure the decision ultimately rendered by that hearing examiner.

(f) To review and consider in making his or her decision all “timely submissions,” as that term is defined in this section. He or she shall have full discretion as to whether they will consider submissions that are not timely.

(g) To continue proceedings for any good cause he or she deems reasonable and appropriate provided they enter a written or oral order doing so before making their final decision or recommendation.

(h) To continue, upon an oral statement of good cause being shown, the current hearing to a specific time, place and date without further notice of that new date, time and place if he or she specifies on the record the time, date and place for the continuation of the hearing.

(i) To reopen a hearing after a written decision is rendered but before the applicable appeal period expires if he or she becomes aware that the decision rendered:

(i) Was based on fraudulent evidence, misrepresentation or other misconduct by a “party” (as that term is defined in this section); or

(ii) Was based upon mistake, misconception of facts, or erroneous application of the law.

(j) To set a date for the reopened hearing, but said date must be sufficiently in the future to provide not less than 10 days’ written notice of the time, date and place for the reopened hearing in the official newspaper for Jefferson County and 10 days’ written notice of the time, date and place for the reopened hearing to all “parties” and “interested citizens” as those terms are defined within this section.

(k) To set a time and date when the public comment period for a particular matter before the hearing examiner closes or ceases.

(l) To dismiss the application or appeal for default if the applicant or appealing party (or their designated representative) fails to appear at the regularly scheduled hearing or the reopened hearing, subject to the applicant or appealing party (or their designated representative) filing a request within seven business days to vacate the default for good cause shown.

(m) To impose upon an applicant or appellant (or their designated representative) who is subject to a default but subsequently has that default vacated, the costs associated with providing written notice for the rescheduled hearing date and any costs associated with the initial hearing date that the applicant or appealing party missed or did not appear at.

(5) Disqualification or Recusal of Hearing Examiner. Any person acting as a hearing examiner for Jefferson County is subject to disqualification for bias, prejudice, conflict of interest or any other cause for which a judge can be disqualified under the Code of Judicial Conduct.

Any “party” or “interested citizen” (as those terms are defined in this section) may request the hearing examiner to disqualify himself or herself as soon as reasonably possible upon discovering potential grounds for disqualification. The hearing examiner shall determine whether to grant the request, stating facts and reasons for their decision. If the hearing examiner is requested to recuse ~~himself or herself themselves~~ but does not, the making of the request by a “party” or “interested citizen” shall not be considered by the hearing examiner when they make their substantive decision.

If the hearing examiner believes that his or her relationship to the “parties” (as that term is defined in this section) or his or her financial interest in the subject of the hearing creates the appearance that the proceedings will not be fair, then the examiner must either (a) voluntarily step down from the case; or (b) disclose the relationship or interest on the record and state that he or she has a bona fide conviction that the interest or relationship will not interfere with the rendering of an impartial decision.

A hearing examiner’s voluntary decision to recuse himself or herself shall be made as soon as the need for recusal becomes apparent or known to the hearing examiner.

Recusal or disqualification of a hearing examiner shall not be necessary or mandated simply because the hearing examiner has considered the same or similar proposal in another hearing, has made a ruling adverse to the interest of a “party” (as that term is defined in this section) in the present or another hearing, or has considered and ruled upon the same or similar issue in the same or similar context.

(6) Evidence.

(a) Admissibility. The hearing generally will not be conducted according to technical rules relating to evidence and procedure. Any relevant evidence shall be admitted if it is the type which would tend to prove or disprove a material or relevant fact or assertion and would be commonly accepted by reasonably prudent persons in the conduct of their affairs. The rules of privilege shall be effective to the extent recognized by law. Relevant material and reliable evidence shall be admitted. Irrelevant, immaterial, unreliable and repetitious evidence may be excluded at the sole discretion of the hearing examiner, who shall, during the hearing, have full discretion to make evidentiary rulings.

(b) Copies. Documentary evidence may be received in the form of copies or excerpts, if the original is not readily available. Upon request, parties shall be given an opportunity to compare the copy with the original.

(c) Official Notice. The hearing examiner may take official notice of judicially cognizable facts and in addition may take notice of general, technical or scientific facts within his or her specialized knowledge. When a recommendation or decision of the hearing examiner rests, in whole or in part, upon the taking of official notice of a material

fact not appearing in the evidence of the record, opportunity to disprove such facts so noted shall be granted any affected person making timely notice thereof.

(d) Evidence Received Subsequent to the Hearing. If additional evidence is submitted after the public hearing or after the date when public comment will no longer be accepted, such additional evidence will only be considered upon a showing that the evidence has significant relevance and there is good cause for the delay in its submission. All "parties" (as that term is defined herein) will be given notice of the consideration of such evidence and, at the discretion of the hearing examiner, granted an opportunity to review such evidence and file rebuttal arguments regarding that additional evidence.

(7) Recording the Hearing. Hearings shall be electronically or digitally recorded and such recordings shall be part of the official case record. Copies of the electronic recordings of a particular proceeding shall be made available to the public upon request and the reasonable cost of such copying shall be paid by the person or party requesting the recording.

(8) Obtaining Copies. Copies of any or all documents submitted during a hearing can be obtained by any person or party willing to pay for such copies.

(9) Testimony. All testimony before the hearing examiner shall be taken under oath.

(10) Rights of Parties. Every party (as that term is defined in this section) shall have the right of proper notice, cross-examination (rebuttal), presentation of evidence, objection and all other rights essential to a fair hearing. Cross-examination shall be permitted to the extent it is necessary for a full disclosure of the facts.

(11) Ex Parte Communications Prohibited (and Remedy). No person or entity that is either a "party" or "interested citizen," as those terms are defined in this section, with respect to a particular petition or application which has been designated for an hearing before the hearing examiner shall communicate ex parte (outside of the record), directly or indirectly, with the hearing examiner concerning the merits of that or a factually related petition or application. This rule shall not prohibit ex parte communications that purely concern procedural matters (e.g., what are the deadlines for a timely submission, where can I get a copy of the hearing examiner rules, what is the address for the county?)

No hearing examiner shall communicate ex parte, directly or indirectly with any person or entity that is either a "party" or "interested citizen," as those terms are defined in this section, with respect to a particular petition or application which has been designated for a hearing before the hearing examiner concerning the merits of that or a factually related petition or application. Communications about purely procedural matters do not fall within this prohibition.

If a substantial prohibited ex parte communication is made to or by the hearing examiner, then such communication shall be publicly disclosed and the hearing examiner shall, within his or her discretion, abstain from participating in any consideration of the matter that was discussed ex parte. [Ord. 01-03 §§ 1 – 11]

18.05.090 Establishment of land use districts.

This Unified Development Code applies to the land use designations and map symbols in Table 1-1, below, that are established by the Jefferson County Comprehensive Plan and official maps.

Table 1-1. Comprehensive Plan Land Use District Designations
Abbreviation Land Use District Zoning District

(See Chapter 18.18 JCC)

Urban Growth Areas

UR Urban Residential Urban Low Density Residential (UDLR)

Urban Moderate Density Residential (UMDR)

Urban High Density Residential (UHDR)

UC Urban Commercial Urban Commercial (UC)

Visitor-Oriented Commercial (VOC)

ULI Urban Industrial Urban Light Industrial (ULI)

Rural Lands

Rural Commercial

RVC Rural Village Center

CC Convenience Crossroad

NVC Neighborhood/Visitor Crossroad

GC General Crossroad

Rural Industrial

RI Resource Based Industrial

LI/C Light Industrial/Commercial

LI Light Industrial

HI Heavy Industrial

Rural Residential

RR 1:5 Rural Residential 1:5

RR 1:10 Rural Residential 1:10

RR 1:20 Rural Residential 1:20

Resource Lands

Agricultural Resource Lands

AP-20 Prime Agricultural Land

AL-20 Agricultural Land of Local Importance

Forest Resource Lands

CF-80 Commercial Forest

RF-40 Rural Forest

IF Inholding Forest

Master Planned Resorts

MPR Port Ludlow Master Planned Resort

Public

PPR Parks, Preserves and Recreation

CWMEPF County Waste Management Essential Public Facility

AEPF Airport Essential Public Facility

P Public Public (P)

Overlay Designations

ESA Environmentally Sensitive Areas

MRL Mineral Resource Lands

WEPA RR West End Planning Area – Remote Rural

BRPA RR Brinnon Planning Area – Remote Rural

~~A Airport Essential Public Facility~~

AO Airport Overlays

- Airport Overlay I

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Airport Overlay II

SRT Small-scale Recreation and Tourist

Areas subject to subarea plans fall under the guidelines of those particular regulations (see Article VII of Chapter 18.15 JCC). The boundaries of the various land use districts and subarea plans, are shown on the Jefferson County Comprehensive Plan Official Maps (see JCC 18.05.100). [Ord. 10-04 § 3; Ord. 06-04 § 2, 2004; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 1.4(1)]

18.05.100 Official maps.

There is hereby made a part of this Unified Development Code a series of maps that shall be known officially as the “Jefferson County Comprehensive Plan Official Maps,” (hereafter, “the official maps”). The official maps shall show all those areas of Jefferson County that fall under the jurisdiction of this code and the designated land use classes, land use districts and zoning districts for all areas of Jefferson County.

There shall be only one official copy of the official maps, which shall reside in the custody of the Jefferson County department of community development. Whenever any portion of the official maps is legally amended, the official copy shall be altered annually to reflect the amendment.

At the time of adoption of this Unified Development Code, one copy of the official maps shall be filed with the Jefferson County auditor. In addition, at least once every 12 months following the filing of the initial official maps with the auditor, the community development department shall make an additional copy of the official maps and file it with the initial official maps in the auditor’s office. If the official maps have not been amended during the 12-month period, the community development department may file with the auditor a notice to that effect, signed by the department director, in lieu of a copy of the official maps. The purpose of these annual filings is to maintain an official record of the changes occurring over time to the land use classes and districts. At no time shall the copies of the official maps filed with the auditor be altered in any way.

Where questions arise regarding the precise boundaries of any designated environment, the administrator shall make the final determination, subject to the provisions of Article VI of Chapter 18.40 JCC, Unified Development Code Interpretations. Unofficial copies of the official maps may be prepared for administrative purposes and for sale to the public. [Ord. 10-04 § 3; Ord. 11-00 § 1.4(2)]

18.05.110 Land use district boundaries.

(1) Land use district boundaries, unless otherwise indicated by natural land forms, shall follow lot lines or the centerline of streets and alleys as shown on the official maps. Where the street layout on the ground varies from that shown on the official maps, the districts shown on the official maps shall be applied to the streets as actually laid out so as to carry out the intent and purpose of this code.

(2) Land use district boundary lines shall extend parallel from their landward location to a point of intersection at the center of all bodies of water. Bodies of water include all saltwater bodies, streams, and lakes. [Ord. 10-04 § 3; Ord. 11-00 § 1.4(3)]

18.05.120 Environmentally sensitive area maps.

Environmentally sensitive area maps are provided only as a general guide to alert the viewer to the possible location and extent of environmentally sensitive areas. The maps should not be relied upon 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

environmentally sensitive area actually exist. However, the maps may be relied upon by the administrator as a basis for requiring field investigation and special reports. In the event of a conflict between information shown on the maps and information shown as a result of field investigation, the latter shall prevail. At the request of an applicant, the administrator will conduct a site visit before requiring field investigations or special reports.

The definitions and classifications provided in this code are the controlling factors in determining the actual presence and extent of an environmentally sensitive area. [Ord. 10-04 § 3; Ord. 11-00 § 1.4(4)]

18.05.130 Applicability.

This code provides land use regulations that apply to all land and land use activity and to all structures and facilities within Jefferson County. The provisions of this code shall prevail over any conflicting provision of the Jefferson County Comprehensive Plan, except as provided in JCC 18.05.150. [Ord. 11-00 § 1.5(1)]

18.05.140 Water and sewer.

All development shall comply with the Jefferson County water and sewage disposal regulations and requirements of Chapter 18.30 JCC for water and sewer and Chapter 8.15 JCC, administered by the environmental health division of the Jefferson County health department. [Ord. 11-00 § 1.5(2)]

18.05.150 Applicability of Shoreline Master Program.

The provisions of this code augment those of the Shoreline Master Program. All developments within the jurisdiction of the Shoreline Master Program must conform with its provisions. In the event of any conflict between the Shoreline Master Program and other provisions of this code, the more restrictive shall prevail. [Ord. 11-00 § 1.5(3)]

18.05.160 Applicability of permit requirements.

Any permit or other approval required by this code is in addition to any shoreline permit required by the Shoreline Master Program. Proposed uses or development occurring wholly or partially within the jurisdiction of the Shoreline Master Program are subject to the permit requirements of the SMP. [Ord. 11-00 § 1.5(4)]

18.05.170 Nonconforming uses or structures.

(1) Existing nonconforming uses and structures that are not under the jurisdiction of the Shoreline Master Program shall be subject to JCC 18.20.260, Nonconforming legal structures and uses, and Chapter 18.40 JCC or such provisions for nonconforming uses in a subarea plan.

(2) Existing nonconforming uses and structures under the jurisdiction of the Shoreline Master Program (SMP) shall be subject to the requirements specified within the SMP. If the SMP or subarea plan does not detail requirements for nonconforming uses and structures, then the provisions of WAC 173-27-080 shall control. [Ord. 11-00 § 1.5(5)]

18.05.180 Building code.

Where conflicts occur between the provisions of this code and the ~~Uniform~~International Building Code, the more restrictive provision shall control. [Ord. 11-00 § 1.5(6)]

18.05.190 Subarea plans.

Where conflicts occur between this code and any regulation of any subarea plan, the regulation of the subarea plan shall control. [Ord. 11-00 § 1.5(7)]

18.05.200 Minimum standards.

Where this code references the Uniform International-Building Code, the intent is to require only the minimum standards for new construction allowed under state law unless such standards conflict with other provisions of this code or Chapter 15.05 JCC, Building Codes. [Ord. 11-00 § 1.6]

18.05.210 Title and headings not law.

The title, section and subsection headings as used in this Unified Development Code do not constitute regulation. [Ord. 11-00 § 1.7]

18.05.220 Severability clause.

If any provision of this code or its application to any person, legal entity, or circumstances is held to be invalid, the remainder of this code and the application of the remaining provisions to other persons or circumstance shall not be affected. [Ord. 11-00 § 1.8]

18.05.230 Waiver.

A waiver or failure to enforce any part of this code or any goal or policy in the Comprehensive Plan by Jefferson County or any of its agents shall not constitute a waiver of any other part of the code or Comprehensive Plan, nor shall such a waiver or failure to enforce constitute a future or continuing waiver of the specific part that was waived or not enforced. [Ord. 11-00 § 1.9]

