




**JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA REQUEST**

**TO:** Board of County Commissioners  
Philip Morley, County Administrator

**FROM:** Al Scalf, Director, DCD   
Stacie Hoskins, Planning Manager, DCD   
Joel Peterson, Associate Planner, UGA Project 

**DATE:** Submitted October 21, 2009 for October 26, 2009

**SUBJECT:** Irondale/ Port Hadlock UGA Compliance Action per WWGMHB PFR #07-2-0012c

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**STATEMENT OF ISSUE:**

The Western Washington Growth Management Hearings Board found Jefferson County compliant with the Irondale/Port Hadlock Urban Growth Area (UGA) Capital Facilities Plan, Sewer Facilities Plan and the Dwelling Unit & Population Holding Capacity Plan.

Only one compliance issue remains with the Growth Management Hearings Board: "The Board finds that until such time as the County adopts an ordinance clarifying which rural development standards apply prior to sewer availability, it remains out of compliance with the requirement of RCW 36.70A.110 and RCW 36.70A.020 (1) and (12)." (p. 15 of 21, Compliance Order, Case No. 07-2-0012c, August 12, 2009)

The Board of County Commissioners may adopt the recommendation of the Planning Commission. If the Board does not adopt the Planning Commission recommendation, the Planning Enabling Act illuminates the process in this situation: "If after considering the matter at a public meeting...the board deems a change in the recommendations of the planning agency to be necessary, the change shall not be incorporated in the recommended control until the board shall conduct its own public hearing...and it shall adopt its own findings of fact and statement setting forth the factors considered at the hearing and its own analysis of findings considered by it to be controlling." (RCW 36.70.630)

Chapter 18.45 JCC reiterates this process: "If after considering the mater at the regularly scheduled public meeting the board of county commissioners deems a change in the recommendation of the planning commission to be necessary, the change shall not be incorporated until the board conducts its own public hearing..." (JCC 18.45.080 (2) (b))

**ANALYSIS/STRATEGIC GOALS/PROS and CONS:**

Attachments: DCD staff recommendation; Planning Commission recommendation; summary of proposed amendments to the Comprehensive Plan and Unified Development Code made in MLA09-295; Summary of Hearings Board Decisions; and Deputy Prosecuting Attorney matrix of legal issues tracked throughout the compliance effort.

The proposed amendments in MLA09-295 address the Compliance Order by clarifying the rural standards in place in advance of sewer availability.

There is a strong community desire for policy that will allow immediate urban development in the UGA in advance of sewer availability. Conversely, DCD believes that while development is important, the GMA statute and legal precedence establishes that sewer facilities must be available when urban development occurs.

The Board can accept the Planning Commission recommendations or, if a change in the Planning Commission recommendations is deemed necessary, the Board can hold its own public hearing. A draft of the proposed hearing announcement is attached to this bill, should the BoCC so choose to conduct their own public hearing.

It is important that the Compliance Order deadline of November 12, 2009 be met so that the county is in a competitive position for sewer funding requests to granting and loaning agencies, assuming that the Board's action leads to a determination of compliance after the January 5, 2010 Compliance Hearing.

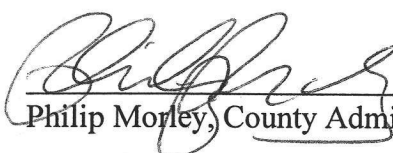
**FISCAL IMPACT/COST-BENEFIT ANALYSIS:**

The work effort to prepare the draft amendments for compliance, public review and Planning Commission support are funded through the existing resources of DCD.

**RECOMMENDATION:**

Review recommendations from DCD and the Planning Commission. If changes to the Planning Commission are deemed necessary, approve publication of the attached legal announcement of a public hearing on November 9, 2009.

**REVIEWED BY:**

  
Philip Morley, County Administrator

Date

  
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