

STATE OF WASHINGTON  
Jefferson County

**An Ordinance Approving Comprehensive }  
Plan Amendments MLA04-29 and Unified } ORDINANCE No. \_\_\_\_\_  
Development Code Amendments MLA04-30 }  
Regarding the Irondale/Hadlock }  
Urban Growth Area }**

**WHEREAS**, the Board of Jefferson County Commissioners (“the Board”) has, as required by the Growth Management Act, as codified at RCW 36.70A.010 et seq., set in motion and now completed the proper professional review and public notice and comment with respect to any and all proposed amendments to the County’s *Comprehensive Plan* (“the Plan”) originally adopted by Resolution No. 72-98 on August 28, 1998;

**WHEREAS**, the Plan and its attached Land Use Map were subsequently amended by this Board’s Ordinance #19-1213-02 on December 13, 2002 to include an urban growth area (“UGA”) of approximately 1,245 acres in the Irondale/Port Hadlock region of the unincorporated County;

**WHEREAS**, Ordinance #19-1213-02 was timely challenged before the Western Washington Growth Management Hearings Board (or “WWGMHB”) by an unincorporated association of citizens, that association alleging the UGA created by that Ordinance was not GMA-compliant;

**WHEREAS**, the WWGMHB found the Irondale/Hadlock UGA boundary appropriate, but also directed the County to create development regulations for the UGA, complete the Capital Facilities planning to provide urban levels of service for the UGA and estimate the cost to residents of the urban levels of services that might be provided;

**WHEREAS**, the WWGMHB has determined that the County has until December 2004 to generate, publicize, discuss and adopt the documents that provide the necessary missing elements, i.e., development regulations and documents outlining the scope and type of urban services that will be provided inside the UGA;

**WHEREAS**, the County’s staff has, upon express direction from the Board, focused its efforts on completing the UGA ‘homework’ well before that December 2004 deadline and has, through nearly-Herculean effort by staff and the County’s Planning Commission, completed the necessary ‘homework’ months in advance;

**WHEREAS**, the Board completes the process by the adoption of this Ordinance and now makes the following findings of fact:

1. The Jefferson County *County Wide Planning Policy* Policies 1, 2, and 3 and *Comprehensive Plan* goals and policies LNG 9.0, 9.1, and LNP 9.5 call for an Urban Growth Area (“UGA”) for the Tri-Area.
2. The Tri-Area/Glen Cove Special Study conducted on behalf of the Board in 1999 determined that the future demand for commercial and industrial lands would outstrip the land so zoned and available in rural designations.
3. The Special Study also determined that it would be appropriate to designate a UGA for Irondale/Hadlock.
4. The Irondale/Hadlock UGA meets the following requirements specified in RCW 36.70A.110 for a non-municipal UGA
  - Characterized by urban growth
  - Adequate developable land has been designated for residential, commercial, and industrial uses to accommodate the growth for the 20-year planning period
  - Sufficient area for the designation of open space and greenbelts
  - Urban services such as roads, water, sanitary sewer, and storm drainage are provided or are planned for.
5. The Board adopted the UGA boundary on December 13, 2002 through Ordinance No. 19-1213-02.
6. Irondale Community Action Neighbors (ICAN) filed a petition for review on February 24, 2003 concerning the UGA boundary to the WWGMHB.
7. The WWGMHB found that the County needed to establish urban levels of service, capital facilities planning, and urban development regulations. The WWGMHB gave the County until February 27, 2004 to submit a compliance report on the actions taken to bring the UGA into compliance with the Growth Management Act.
8. The County submitted a compliance report on February 25, 2004 to the WWGMHB, which granted an additional 180 days until December 7 for the County to complete the planning or request another extension. The next compliance report is due on December 22, 2004 followed by a compliance hearing on February 17, 2005.

9. An Open House was held November 18, 2003 to receive public comment on the UGA planning process.
10. A Citizen Task Force consisting of the Chair of the Board of County Commissioners, the Chair of the Planning Commission, three Planning Commissioners, and six citizen representatives was formed in January 2004 to create development standards for the UGA and to review Capital Facilities planning for the UGA.
11. The Planning Commission discussed the components of the UGA at its meetings on the following dates: June 18, July 16, July 30, September 3, October 15, November 5, and December 3, 2003; January 21, February 18, April 21, May 5, and June 30, 2004. Public comments were taken at all of these meetings.
12. The Planning Commission UGA Committee met on the following dates to discuss the issues relating to the UGA: June 11, June 25, July 2, July 9, July 16, July 23, July 30, August 6, August 13, August 20, October 8, October 14, October 28, November 5, November 19, November 25, and December 9, 2003; January 6, January 27, May 25, June 1, June 8, June 15, June 22, June 25, and June 29, 2004. These meetings were publicly noted and public comments were welcomed.
13. The PUD allowed the County to insert flyers into their customers' water bills on separate occasions to advertise the UGA planning process and Open House.
14. An Open House was held on April 14, 2004 to receive public comment on the UGA planning.
15. The Citizen Task Force made its final recommendation to the Planning Commission on April 27, 2004.
16. The Irondale/Hadlock UGA and associated UDC amendments referenced herein have been subject to environmental review in compliance with the State Environmental Policy Act ("SEPA"), RCW 43.12C and WAC 197-11. On May 19, 2004, the County's SEPA responsible official, Director of Community Development Al Scalf, issued an Integrated Staff Report and SEPA Addendum, including a Notice of Adoption of Existing Environmental Documents.
17. The following environmental documents have been adopted pursuant to SEPA administrative rules:

- Draft and Final Environmental Impact Statements (DEIS/FEIS) and addenda prepared in anticipation of adoption of the Comprehensive Plan in 1998. The DEIS and FEIS are dated February 24, 1997 and May 27, 1998, respectively, and examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan.
- Draft and Final Supplemental EIS (DSEIS/FSEIS) and addenda for the Comprehensive Plan 1999 Amendments, also known as Tasks III and IV of the Tn-Area / Glen Cove Special Study. The DSEIS and FSEIS are dated June 30, 1999 and August 18, 1999, respectively, and examined the potential environmental impacts of adopting one of the identified planning alternatives for the Tn-Area of Chimacum-Port Hadlock-Irondale and the Glen Cove mixed use area.
- DCD Integrated Staff Report and DSEIS/FSEIS for the 2002 Comprehensive Plan Amendment Docket. The DEIS and FSEIS are dated August 21, 2002 and November 25, 2002 respectively. Amidst other information, the adopted documents provide background and analysis on the designation of a UGA in the Irondale & Port Hadlock area.

18. The SEPA Addendum and related documents (for example, the UGA element of the Comprehensive Plan, the stormwater management and transportation plans and the proposed UGA development regulations) were made available to the public on May 19, 2004.
19. The Planning Commission held a public hearing on the General Sewer Plan on May 19, 2004.
20. The General Sewer Plan had been available to the general public since it was published in draft form in December 2003.
21. There were several comments provided against the then-preferred alternative in the draft General Sewer Plan.
22. The Planning Commission held public hearings on the Comprehensive Plan amendment and Unified Development Code on June 2 and June 16, 2004.
23. The Planning Commission deliberated its recommendation on June 30, 2004.

24. The Comprehensive Plan will be amended as follows:
- The Urban Growth Area Element will become Chapter 2 in the Comprehensive Plan and contains: The Future Land Use Map, Critical Aquifer Recharge Areas Map, and Sewer Service Area Map.
  - The current Chapter 2 of the Comprehensive Plan, entitled “Plan Implementation and Monitoring,” will become Appendix H to the Plan.
  - The General Sewer Plan will be adopted as Appendix I to the Plan.
  - The UGA Transportation Plan will be adopted as Appendix J to the Plan
  - The UGA Stormwater Plan will be adopted as Appendix K to the Plan
  - For consistency, wherever required.
25. The Unified Development Code will be amended as follows:
- Development Regulations applicable within the UGA will be adopted as Appendix D.
  - The zoning map for the UGA will be included as a part of Appendix D.
  - For consistency, wherever required.
26. The public comments were primarily positive and optimistic for establishing a UGA. Many comments spoke to the need for some commercial growth, the cost of housing, and creating pride in the community. There were several comments against the proximity of the proposed sewer system to an existing neighborhood. All written and oral comments were taken into consideration by the Planning Commission and DCD staff when in formulating recommendations to the Board of County Commissioners.
27. The Planning Commission made the following findings:
- The Planning Commission has held three duly noticed public hearings on the various components of the UGA package. Public comments were taken into consideration.
  - All of the alternatives in the General Sewer Plan need more investigation and fieldwork to determine the most practical alternative. The Port of Port Townsend has offered land near the airport for a sewer treatment facility. Although the Planning Commission did not have time to evaluate the site for a sewer treatment facility, they recommend further study for that location.

- The Planning Commission recommends that the Board adopt the proposed amendments to the Comprehensive Plan and to the Unified Development Code for the UGA, as refined and transmitted by the Planning Commission.
28. The Planning Commission recommendations came to this Board on July 19, 2004 at which time the Board established a hearing date of 7 PM on Monday, August 2, 2004.
  29. The public hearing held on August 2, 2004 was well-attended. Some persons who spoke that evening supported the Board's decision to implement the Irondale/Port Hadlock UGA with the documents this Ordinance makes part of the Comprehensive Plan and the County's development regulations. Others expressed support for UGA planning generally, but requested that the Board continue the planning effort to include more analysis and the participation of more residents.
  30. Because the WWGMHB was so explicit in the June 2004 Compliance Order in listing the limited ways in which this County was not GMA-compliant, this Board has determined that it must make additional specific findings responsive to that June 2004 Compliance Order.
  31. In response to the determination by the WWGMHB that the County has not yet adopted urban levels of service for this unincorporated UGA, this Board informs the reader that the new Chapter 2 of the Comprehensive Plan, entitled "UGA Element," at pages 2-24 and 2-25 establishes urban levels of service for this UGA.
  32. Furthermore, other levels of service have been and remain established by the County's Comprehensive Plan adopted in 1998. Examples of levels of service established in the Comprehensive Plan include levels of service for solid waste, parks and recreation, county maintenance shops and animal control facilities. In this regard the reader is directed to a more detailed description of these previously-established levels of service at page 2-13 of the "UGA Element" that is made part of the Comprehensive Plan by enactment of this Ordinance. The relevant pages of the County's Comprehensive Plan that adopt levels of service are incorporated herein by reference.
  33. In response to the determination by the WWGMHB that the County has not yet completed a sufficiently adequate capital facilities planning, the reader is referred to the General Sewer Plan, the Stormwater Management Plan and the

Transportation Plan, all of which were generated specifically for the Irondale/Port Hadlock UGA.

34. Adoption of this Ordinance makes the General Sewer Plan, the Stormwater Management Plan and the Transportation Plan part of the County's Comprehensive Plan.
35. The WWGMHB also expressed concern in the June 2004 Compliance Order that the County had not yet completed a fiscal analysis of how affordable such urban services would be to a resident of the Irondale/Port Hadlock UGA.
36. With respect to the eventual installation of sanitary sewers (in phases) within that UGA, the reader is referred to Section 5 of the General Sewer Plan, which describes different methods for collecting the funds to pay for the installation of such sewers, i.e., by way of example only, a local improvement district (or "LID"), a system development charge (also known as a "SDC") or entirely through monthly charges to those persons and businesses using the sanitary sewer.
37. Section 5 of the General Sewer Plan contemplates at least six different scenarios as ways to pay for sanitary sewers depending on what portion of the UGA obtains sanitary sewers and how they are paid for, that is to say whether a LID or SDC is utilized.
38. If an SDC is chosen, then growth in the form of residential or commercial development will, in general, pay for sanitary sewers as it occurs. According to the General Sewer Plan if an SDC is used to pay for the sanitary sewers the estimated one-time installation costs will range between \$1,365 and \$4,637 per "Equivalent Residential Unit," or ERU.
39. Note that an ERU equates approximately to a residence, but is more precisely a 'term of art' that attributes to any residence a fixed amount of flow that a residence will place into a sanitary sewer system, makes that amount of flow "one unit" and then measures the flow attributed to any other user of a sanitary sewer system, be it a multi-family dwelling, a restaurant or a laundry, against that standard "one unit." The ERU methodology is the standard method of measuring consumption of the service (capacity) that any sanitary sewer can provide.
40. The General Sewer Plan, at page 5-6, also includes an estimate of how much a LID payment method would cost per acre of land inside the UGA. Per acre the annual cost for a 20-year LID would fall between \$965 and \$1,330.

41. The General Sewer Plan, at page 5-7, estimates that if the capital costs (in reality, repayment of debt for expenses incurred to install the system) and operating costs were paid for by monthly charges to the users of the system, then the costs to the users of the system would be between \$18 and \$55 per ERU.
42. The Stormwater Plan for the Irondale/Port Hadlock UGA, at page 8-2, also provides estimates with respect to the costs of implementing and installing the stormwater management improvements described in that Plan.
43. Specifically, the Stormwater Plan discusses two options and would impose a financial burden on a certain class of properties no matter which option was chosen.
44. The first option is to have all developed parcels, residential or not, contribute to the costs of stormwater management because they all create stormwater runoff. The Plan estimates each ERU would pay \$2.86 annually under this option.
45. The second option is that only those parcels that are designated for commercial, industrial and multi-family development will significantly benefit from the stormwater management improvements and thus only they should pay for those improvements. If this option is chosen, those affected ERUs will pay \$10.50 per year.
46. Additionally, regardless of which option was chosen, those parcels designated for commercial, industrial and multi-family uses would, according to the Stormwater Management Plan, also pay an annual inspection fee of \$7.00 per ERU.
47. The Stormwater Management Plan being made part of the County's Comprehensive Plan by adoption of this Ordinance also includes a Chapter 9 devoted entirely to a "Financing Analysis."
48. Finally, the WWGMHB found the County to be non-compliant because it had not yet adopted development regulations that would be applicable within the Irondale/Port Hadlock UGA.
49. This Ordinance cures that deficiency by adopting Appendix D to the County's Unified Development Code or "UDC." Appendix D is a "use table" for the numerous zones that are established within the boundary of the Irondale/Port Hadlock UGA.

50. This Ordinance also cures that deficiency by adopting other changes to the UDC to make other portions of the UDC consistent with the existence of this UGA.
51. Having a) satisfied the deficiencies listed in the June 2004 Compliance Order of the WWGMHB, b) provided early and continuous public participation in the preparation of the documents that are made part of the Comprehensive Plan and UDC by adoption of this Ordinance, and c) created an unincorporated Irondale/Port Hadlock UGA that complies with the requirements of RCW 36.70A.110, this Board concludes that this UGA is GMA-compliant.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

Section One:

The County's Comprehensive Plan be and hereby is amended to include the following documents:

- A document entitled "Urban Growth Area Element" will become Chapter 2 in the Comprehensive Plan and contains: The Future Land Use Map, Critical Aquifer Recharge Areas Map, and Sewer Service Area Map.
- A document entitled "General Sewer Plan ... Revised Final Draft, May 2004" is made Appendix I to the Plan.
- A document entitled "Transportation" on its first page is made Appendix J to the Plan
- A document entitled "Irondale and Port Hadlock .... Stormwater Management Plan, May 2004" is made Appendix K to the Plan
- For consistency, wherever required, pursuant to a 32-page untitled document that has as its first page a page shown as page 1-8.

Section Two:

The County's Comprehensive Plan be and hereby is amended so that the current Chapter 2 of the Comprehensive Plan, entitled "Plan Implementation and Monitoring," is made Appendix H to the Plan.

Section Three:

The County's development regulations, known as the Unified Development Code, be and hereby are amended to include the following documents

