An Ordinance to Amend the Jefferson County Unified Development
Code with Respect to Removing Certain Limits and Preconditions with Respect
to the Installation of On-site Septic Systems Ordinance No. 03-0702-01

WHEREAS, the Board of County Commissioners for Jefferson County, a municipal
corporation of the State of Washington, (hereinafter “the Board”) constitutes the legislative body for Jefferson County; and

WHEREAS, Jefferson County is a county planning under the Growth Management Act, codified at Chapter 36.70A RCW, and adopted its Comprehensive Plan in August 1998; and

WHEREAS, the Board adopted in December 2000 development regulations to implement and effectuate the County’s Comprehensive Plan and called those development regulations the Unified Development Code (or “UDC”); and

WHEREAS, the UDC established a system whereby an applicant could apply for an on-site septic permit only in conjunction with the submission of a building permit; and

WHEREAS, the Board sent proposed “line-in, line-out” text amendments for the UDC to the County’s Planning Commission to change this provision and allow individuals to apply for on-site septic permits prior to application for a building permit; and

WHEREAS, the Board made the issue described above a proposed Board-initiated UDC text amendment pursuant to the Planning Enabling Act, codified at Chapter 36.70 RCW; and

WHEREAS, this issue was brought to the Jefferson County Planning Commission on March 7, 2001; and

WHEREAS, a public hearing was held by the Planning Commission on April 4, 2001; and

WHEREAS, the Planning Commission deliberated this issue at its regularly scheduled meetings of May 2, 2001 and May 16, 2001; and
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WHEREAS, the Planning Commission worked quite diligently to make sure all viewpoints were heard with respect to this issue; and

WHEREAS, for example, at the initiation of the Planning Commission Chair, septic designers, a land loan officer from one of the local banks, and several representatives from the real estate industry were invited to attend a Planning Commission meeting in order to provide background information (see the March 7, 2001 minutes listed below); and

WHEREAS, after much deliberation, the Planning Commission for Jefferson County submitted the following recommendations:
- Elimination of the requirement where a building permit must be tied to the septic permit application.
- That the Site Plan Approval Advance Determination (SPAAD) be optional as regards to the issuance of a septic permit.
- That the vesting time of the Site Plan Approval Advance Determination (SPAAD) be five (5) years.
- That the option of a pre-application conference is made clear to the public that it is available for determining the current requirements on any parcels in lieu of a SPAAD. This will not include any vesting rights or field inspections.
- That the restriction on septic systems for a parcel where a travel trailer might be involved be removed from the Unified Development Code (UDC).

WHEREAS, the Department of Community Development recommended the following to the County legislature, specifically:
- Adoption of the Board-initiated line in=line out language developed by the Board and staff.
- Promotion of vesting through the building permit application or through the utilization of the Site Plan Approval Advance Determination (SPAAD).
- Inclusion as part of any stand-alone septic permit issued outside of [or in the absence of] the SPAAD process a clear notice that the septic permit does not vest the property owner to any other County permits and is subject to later-enacted changes in Jefferson County land use regulations.

WHEREAS, the Board had the opportunity to review the following documents before enacting this Ordinance:
- Planning Commission Findings of Fact, Conclusions and Recommendation.
- File Number MLA01-00085 - Application for Unified Development Code Amendment.
- Planning Commission Chair March 6, 2001 memorandum to Commission Members.
- Planning Commission March 7, 2001 Minutes.
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- Planning Commission April 4, 2001 Public Hearing Minutes.
- DCD Staff Memorandum to Planning Commission re: information related to SPAAD process.
- Planning Commission April 18, 2001 Minutes.
- Planning Commission requested line/line out changes for discussion purposes.
- Planning Commission May 16, 2001 Draft Minutes.
- Written public comment letters.
- June 11, 2001 memorandum from DCD staff to the Board transmitting the Planning Commission Recommendation.

WHEREAS, the Board, in its role as the County legislature, heard a report from planning staff, had the opportunity to review the proposals put forth by the Planning Commission and the planning staff and took public testimony on June 11, 2001; and

WHEREAS, a majority of the Board voted to amend the text of the UDC in a manner that fully accepted the five recommendations put forth by the Jefferson County Planning Commission;

WHEREAS, these amendments comply with the Growth Management Act and the County’s 1998 Comprehensive Plan; and

WHEREAS, these amendments do not require any change or alteration to the County’s Comprehensive Plan; and

WHEREAS, the enactment of the UDC underwent a thorough analysis pursuant to the State Environmental Protection Act (or “SEPA”) and a Determination of Significance and Notice of Adoption of Existing Environmental Documents was adopted for the UDC on or about November 21, 2000.

WHEREAS, the County’s SEPA Responsible Official has determined that the DEIS/FEIS issued previously for the County’s Comprehensive Plan serves as the requisite environmental review for the UDC and for these UDC amendments; and

WHEREAS, the health, safety and welfare of the citizens of Jefferson County is served and enhanced by the enactment of this Ordinance.
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NOW, THEREFORE, BE IT ORDAINED as follows:

Section One: The Unified Development Code (or “UDC”) is hereby amended in the manner described below:

Section 6.4.1 of the UDC, as adopted on December 11, 2000, is hereby repealed in its entirety and replaced with the following language:

“All development shall be provided with an individual, on-site septic system and drainfield approved by the Jefferson County Health Department in compliance with Chapter 8.15 JCC, unless the Jefferson County Health Department determines that public sewer is available which would then require connection to the approved public sewer.”

Section 8.1.4 of the UDC, also known as Table 8-1 entitled “Permits—Decisions” is amended to reflect the addition of the phrase “septic permits,” in the top most box under the most left-hand column, i.e., the column for “Type 1” permits.

Section 8.2.2(d) of the UDC is amended to reflect the insertion of a new (2), which shall read in its entirety as follows “(2) On-site septic systems pursuant to 8.15 JCC;” and that Section 8.2.2(d) is further amended so that the current subsection (2) becomes subsection (3), current subsection (3) becomes subsection (4) and so forth through to new subsection (17).

Section 8.7.2 of the UDC, specifically the fourth line of that section is amended to add the phrase “or septic” between the phrase “of a building” and “permit are eligible to obtain [SPAAD].”

Section 8.7.6 of the UDC is amended to make the Site Plan Approval Advance Determination effective for five (5) [rather than three] years from the date of original approval by the Administrator.

Section Two: All other sections, tables and language of the Unified Development Code are not altered or amended in any manner by this Ordinance.

Section Three: Each of the five amendments described in Section One is severable from the remainder of this Ordinance and shall continue in full force and effect if any other portion of Section One is declared invalid, repealed or otherwise made ineffective.
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Section Four: This Ordinance becomes effective as of 6 PM on the date of its enactment by the Jefferson County Board of County Commissioners.

Dated this 2nd day of July, 2001.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Glen Huntingford, Chair

Dan Titterness, Member

Richard Wojt, Member

SEAL:

ATTEST:

Julie Matthews, Deputy
Lorna Delaney, Clerk of the Board

APPROVED AS TO LEGAL FORM:

David Alvarez
Chief Civil Deputy Prosecuting Attorney