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., adopted the Jefferson County Comprehensive Plan (the "Plan"), a Plan that was originally adopted by Resolution No. 72-98 on August 28, 1998 and subsequently later amended, and;

WHEREAS, in furtherance of the Plan, the County adopted its GMA-derived development regulations, known locally as the Unified Development Code (or "UDC"), in December 2000 to be effective as of January 16, 2001, and;

WHEREAS, the UDC, upon its adoption, was timely challenged through means of not less than five Petition For Reviews ("PFRs") filed with the Western Washington Growth Management Hearings Board (or "WWGMHB"), and

WHEREAS, one of those five PFRs was filed by the City of Port Townsend and the City’s PFR was amicably resolved; and

WHEREAS, a portion of the consideration granted to the City of Port Townsend for the dismissal with prejudice of its PFR was the addition of certain language to the UDC; and

WHEREAS, this Ordinance amends the UDC in the manner required by the settlement between the City of Port Townsend and the County; and

WHEREAS, another of the five PFRs was filed by two citizens’ groups: the Olympic Environmental Council and the Shine Community Action Council; and
WHEREAS, the PFR filed by these citizens’ group proceeded through to a Hearing on the Merits before the WWGMHB in December 2001; and

WHEREAS, in the Response Brief filed by the County and at the Hearing on the Merits it became clear that Jefferson County would agree to make four (4) housekeeping changes to the UDC that fixed omissions and better reflected the intent of the UDC’s authors; and

WHEREAS, the WWGMHB ruled against the County on all but one issue (that one issue being the sufficiency of protections offered critical areas with respect to the installation of asphalt batch plants) by publishing a Final Decision and Order (or “FDO”) in January 2002 that mandated this County to undertake and implement six distinct steps; and

WHEREAS, that FDO listed as mandate or directive #1 that this County enact as part of the UDC the four housekeeping changes listed in the Response Brief of the County and discussed at the Hearing on the Merits; and

WHEREAS, this Ordinance amends the UDC so that it reflects and includes the four housekeeping changes the County was required by directive #1 of the FDO to make part of the UDC.

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners that they approve the following revisions and additions to the UDC and;

BE IT FURTHER ORDAINED by the Board that they make the following general Findings of Facts applicable to these revisions and additions to the UDC:

Section 1 - General Findings of Fact for Revisions and Additions to the UDC:


2. The Growth Management Act, which mandates that Jefferson County generate and adopt a Comprehensive Plan, also requires that there be in place a process to amend the Comprehensive Plan.
3. These amendments to the County's UDC are being made in order to resolve certain litigation before the WWGMHMB, specifically PFRs timely filed by the City of Port Townsend and two citizens' groups, the Olympic Environmental Council and the Shine Community Action Council.

4. These UDC amendments began as a recommendation included as part of a March 6, 2002 Department of Community Development memorandum to the Planning Commission.

5. Also reflected in these amendments are proposed language for the 4 housekeeping amendments reflected in an e-mail memo dated February 27, 2002 from Petitioners' representative, an e-mail that did not come to the attention of the Planning Commission ("PC") until the PC's hearing on this matter, which occurred in early April 2002.

6. These proposed amendments and revisions to the UDC were approved by the County's Planning Commission by a 6-1 vote on April 3, 2002 after a public meeting that included an opportunity for public comment. The PC prepared a written recommendation that the County Commission enact these amendments.

7. That written recommendation came before the County Commission on April 15, 2002. The County Commission approved these amendments by a 3-0 vote and directed staff to prepare this Ordinance in order to formally enact said amendments.

8. The amending language described in this ordinance has been approved by the County Commission because it serves to make the UDC more compliant with the Growth Management Act and the County's Comprehensive Plan.

9. Adoption of this amending language (which alters the UDC) promotes the health and welfare of the citizens of Jefferson County.

10. However, certain findings must be made with respect to any adopted UDC amendments or revisions.

11. Pursuant to Section 9 of this County's Unified Development Code, all proposed amendments to the GMA-derived development regulations must be analyzed, in part, through the "filter" of the seven growth management indicators (or "GMI") listed at UDC §9.5.4(b), although those GMI represent only some of the criteria that the County Commission must use when deciding whether to adopt or reject a proposed UDC amendment.
12. Because of the general nature of the GMI, each and every GMI will not be applicable or apropos for each and every amendment that this County Commission has considered.

13. However, the County Commission, in order to comply with UDC Section 9, should and must make generalized findings of fact with respect to the seven GMI listed there and do so now.

14. With respect to UDC §9.5.4(b)(1), the County Commission finds, as an example of numerous findings they might make with respect to (b)(1), that in the short-term the population of this County has not increased as quickly as the Comprehensive Plan envisioned, but this short-term decline in the rate of population growth does not necessarily mean that the County should abandon the long-term population forecasts found in the County’s Comprehensive Plan.

15. Regardless of the possible fluctuation in the rate of population growth that does occur or might occur in this County it supports GMA goals to further protect groundwater resources.

16. With respect to UDC §9.5.4(b)(2), the County Commission finds that the capacity of the County to provide adequate services has not changed, although expected continued severe pressures on the County’s budget may alter this picture in the coming years, thus suggesting that it is wise to protect groundwater resources now.

17. With respect to UDC §9.5.4(b)(3), the County Commission finds that while sufficient ‘urban’ land is designated and zoned within this County to meet projected demand and need pursuant to the agreed-upon population allocation in Joint City and County Resolution No. 17-96, that conclusion will, by definition, be revisited and reconsidered as the County considers establishing an urban growth area in the Port Hadlock and Irondale neighborhoods. If this County creates additional UGA’s, then the protection of groundwater will be of paramount concern.

18. With respect to UDC §9.5.4(b)(4), the County Commission finds that while most of the assumptions that supported the policies and goals of the 1998 Comprehensive Plan remain valid, there are at least two assumptions that need revisiting.

19. The first assumption of the 1998 plan worthy of reconsideration comes about because of the documented need for additional rural commercial and industrial land as indicated by the Regional Economic Analysis and Forecast of January 1999 prepared by Richard Trottier, which suggests the County can expect to see a growth in jobs of some 7,000 to 9,000 in the next decades and must accommodate
them with additional commercially and industrially zoned land not currently in existence.

20. Secondly, the County always intended to revisit its conservatively-drawn boundaries around the rural commercial districts, known formally as “limited areas of more intensive rural development” or “LAMIRD’s” and has new definitions of “built environment” provided to it by the Western Washington Growth Management Hearings Board to work with as it does that redrawing.

21. Each of these new assumptions makes protecting groundwater resources and, more generally, critical areas, of that much greater importance.

22. With respect to UDC §9.5.4(b)(5), the County Commission finds that recent election results indicate not necessarily a change in the attitudes of the County’s citizenry, but certainly a reprioritization of those basic values with an emphasis now placed on economic opportunity and a healthy economy. This reprioritization becomes particularly important in the face of increasing unemployment and our current national recession. While this shift in priorities does not necessarily require wholesale changes to the goals of the plan, it does and will require some modification of the plan in order to better achieve opportunity for improving the economic base in a manner that is consistent with GMA and the County’s Plan, which do and will continue to mandate the protection of critical areas and groundwater resources so that this continues to be an attractive place to live.

23. With respect to UDC §9.5.4(b)(6), the County Commission finds that the County has undergone changed circumstances with respect to the worsening of the gap between the median income of a citizen and the general unavailability of housing that is affordable based on such a salary, the listing of salmon species as “endangered” pursuant to federal statute, new development regulations adopted by the County to implement the GMA and the County’s Plan and additional Hearings Board decisions which illuminate what the state laws permit or do not permit. Such changed circumstances may make amendments to the Plan appropriate.

24. With respect to UDC §9.5.4(b)(7), the County Commission finds that any inconsistencies between the County’s Plan and the GMA exist because Jefferson County was found to be out of compliance with respect to the protection of critical areas and groundwater resources. These amendments go a fraction of the way to resolve the non-compliant status of the UDC.

25. With respect to UDC §9.8.1(b), another portion of the UDC which the County Commission should consider when adopting amendments or revisions to the UDC, the County Commission finds the three criteria listed there inapplicable in these circumstances, specifically circumstances where the UDC is being revised to
implement a settlement agreement (arising from the City of Port Townsend PFR) and is also being revised to implement the written mandate of an FDO published by the WWGMHB in January 2002 directing this County to undertake and complete six distinct actions (O.E.C. and Shine C.A.C. PFR.)

26. Adoption of this amending and revision language to the UDC, this County's GMA-derived development regulations, places Jefferson County in full compliance with item #1 in the January 2002 FDO published by the WWGMHB with respect to the PFR filed by the Olympic Environmental Council and the Shine Community Action Council.

Section 2 - Language Revisions and Additions to the UDC:
The language of the attached Exhibit, consisting of 17 pages, is hereby adopted as the detailed revisions and additions to the UDC.

Section 3 - Section 3 - Severability:
If any section, subsection, sentence, clause, phrase, or figure of this ordinance or its application to any person or circumstances is held invalid, the remainder of the ordinance or the application to other persons or circumstances shall not be affected.

Section 4 - Effective Date:
This ordinance shall become effective upon adoption by the Board of County Commissioners, also known herein as the County Commission.

APPROVED AND ADOPTED this 22nd day of April, 2002.

SEAL:

ATTEST:

Lorna Delaney, CMC
Clerk of the Board

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Richard Wojt, Chair
Dan Titterness, Member

APPROVED AS TO FORM:

Deputy Prosecuting Attorney

Glen Huntingford, Member