IN THE MATTER OF AMENDING ORDINANCE #18-1213-02, AN ORDINANCE THAT ADOPTED AND ENACTED CERTAIN ADDITIONS TO THE COUNTY’S UNIFIED DEVELOPMENT CODE ASSOCIATED WITH ORDINANCE NO. 21-1220-02 COMPREHENSIVE PLAN AMENDMENTS APPROVED THROUGH THE ADOPTION OF ORDINANCES NO. #13-1213-02, #15-1213-02 and #19-1213-02

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

WHEREAS, one of the adopted amendments to the County’s Comprehensive Plan (MLA #02-241) changed the boundary for the rural commercial district known formally as the Glen Cove LAMIRD; and

WHEREAS, the change in the Glen Cove LAMIRD boundary also required changes, revisions and additions to certain portions of this County’s GMA-driven development regulations, which are known as the Unified Development Code or “UDC;” and
WHEREAS, the changes to the UDC necessitated by the changes to the boundary of the Glen Cove LAMIRD were submitted as MLA #02-329, i.e., a separate amendment document for consideration by staff, outside agencies and the public; and

WHEREAS, MLA #02-239 contained a copy of the proposed “line-in, line-out” changes, revisions; that would be made to the UDC if MLA #02-329 were approved by the Board; and

WHEREAS, those proposed “line-in, line-out” changes, revisions and additions included changes to UDC §6.7, entitled “Stormwater Management Standards,” specifically changes that would make the most current Washington State Department of Ecology [or “DOE”] Stormwater Management Manual, also known as the “2001 Manual,” the controlling document for any future application [at any location in the unincorporated County] for a County-issued stormwater management permit; and

WHEREAS, adoption by the County of the more stringent standards described and laid out within the “2001 Manual” was expressly included at page 2-62 [last bullet on the page] of the Draft SEIS issued in late August 2002; and

WHEREAS, a decision to expressly state in the UDC that the County will impose upon any applicant for a County-issued stormwater management permit the standards described and listed in the 2001 Manual conforms with the adopted Comprehensive Plan or “CP” Land Use Policy (or “LNP”) 26.1 because that LNP [added to the CP in November 1999 as part of a Hearings Board Compliance Order] states the County will require new development “to comply with the latest edition of the DOE’s Stormwater Manual for the Puget Sound Basin;” and

WHEREAS, Ordinance #14-1213-02, which enacted and approved Mineral Resource Overlay designations for Fred Hill Materials, Inc. and W. E. Seton, expressly
refers to the concept that the County will use the “2001 Manual” when it evaluates any requests for mining or excavating permits on the parcels that have been newly designated as Mineral Resource Lands; and

WHEREAS, Condition #3 imposed on Fred Hill Materials within Ordinance #14-1213-02 expressly states that the operations there shall be subject to the standards found in the “latest edition of the [DOE] Stormwater Management Manual for Western Washington;” and

WHEREAS, the above statements prove the clear intent of this Board, as the elected legislature of this County, to adopt and utilize the most current version of the DOE Stormwater Management Manual for Western Washington; and

WHEREAS, the omission from Exhibit “C” to Ordinance #18-1213-02 of any language that adopts and enacts the “2001 Manual” as the official Manual that controls the application process for any stormwater management permit that relates to real property located within the unincorporated portions of Jefferson County was clearly a clerical error rather than an intentional policy decision of the Board; and

WHEREAS, the County has stated since at least May 1, 2002 its intent to make adoption of the “2001 Manual” a part of what it accomplishes during this CP amendment cycle; and

WHEREAS, the County has complied with the procedural and substantive provisions of the Growth Management Act with respect to this Ordinance, which implements a technical correction to an earlier and equally valid GMA-derived Ordinance; and

WHEREAS, adoption of this Ordinance complies with the GMA.
NOW, THEREFORE, BE IT ORDAINED by the Jefferson County Board of
County Commissioners as follows:

Section One:
The attached document entitled Exhibit “C” shall replace and does replace in its entirety
the Exhibit “C” previously made part of the Ordinance adopted on December 13, 2002
and known as Ordinance #18-1213-02. Exhibit “C” as attached will be made part of this
Ordinance and part of Ordinance #18-1213-02.

Section Two:
All other portions of Ordinance #18-1213-02 remain valid and are not impacted, altered,
revised or repealed by adoption of this Ordinance.

Section Three:
All Sections of this Ordinance are individually severable and the invalidation of any
Section of this Ordinance shall not impact the lawfulness or effectiveness of any other
Section.

APPROVED AND ADOPTED this 21ST day of December, 2002.

SEAL:  JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Richard Wojt, Chair

ATTEST:

Glen Huntingford, Member

Lorna Delaney, CMC
Clerk of the Board  Dan Titterness, Member