

**JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS**

**AGENDA REQUEST**

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

**FROM:** Al Scaff, Department of Community Development (DCD) Director  
Stacie Hoskins, DCD Planning Manager *SH*  
David Wayne Johnson, Associate Planner *DW*

**DATE:** October 3, 2011

**SUBJECT:** Approval of Legal Notice for Public Hearing to Re-establish Adult Business Moratorium

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**STATEMENT OF ISSUE:**

The Planning Agency and Board of County Commissioners have determined a need for Adult Business regulations. A moratorium per RCW 36.70A.390 would allow Jefferson County time to establish appropriate siting criteria and regulations prior to submittal of development proposals. The most recent moratorium (Ord No. 01-0425-11) was adopted April 25, 2011 and expires October 25, 2011. The required public hearing will consolidate the re-establishment of the moratorium as the BoCC will adopt another six month moratorium at the conclusion of the public hearing.

**BACKGROUND:** On February 16, 2005, the Planning Commission unanimously agreed to request the Board of County Commissioners pass a moratorium prohibiting the issuance of permits and approvals pertaining to adult businesses until the appropriate planning and regulations could be done. On March 14, 2005 the BoCC passed such a moratorium pursuant to RCW 36.70A.390.

UDC amendments are governed by Jefferson County Code, JCC 18.45.090, and subject to review under the State Environmental Policy Act (SEPA), WAC 197-11. The UDC amendment process can be simplified to 8 Steps detailed below. This amendment proposal is at Step 7.

1. Amendment initiated by DCD staff, the BOCC, the PC or by application.
2. DCD staff provides preliminary review of the proposed amendment and presents to BOCC for direction on whether or not to place on DCD work plan.
3. DCD staff reviews the amendment, prepares a staff report and makes recommendation.
4. Notice of Intent to amend the development regulations shall be provided, and public hearing before the PC is scheduled
  - a. At least 10 days prior to the date of the hearing per JCC 18.45.090(2)(b); and
  - b. At least 60 days prior to final adoption per WAC 365-195-620.
5. The PC shall hold a public hearing, JCC 18.45.090(3)
6. The PC shall make a recommendation to the BOCC using the site-specific criteria set forth in JCC 18.45.080(1)(b) and (1)(c), as applicable.
7. The BOCC shall consider the proposed amendment at a regularly scheduled meeting and apply the criteria set forth in JCC 18.45.080(1)(b) and (1)(c), as applicable.
8. The BOCC may adopt the PC recommendation or may conclude a change in the recommendation is necessary. A change requires the Board conduct its own public hearing and comply with notice requirements.

On May 19, 2010, the Planning Commission held a public hearing on the amendment, deliberated and voted to forward their recommendation to the BoCC on June 2, 2010. On June 28, 2010, DCD Staff presented the PC recommendation to the BoCC for possible acceptance and further action. At that Board meeting, The BoCC instructed staff to conduct further research on SOB licensing issues. Staff brought the proposed amendment back to the Planning Commission for further review and possible reconsideration of their recommendation. On February 2, 2011 the Planning Commission voted to revise their recommendation removing the licensing provisions under proposed Chapter 5.10. On March 21, 2011 Staff presented the revised Planning Commission recommendation to the BoCC who chose to further explore the issue of business licensing through a County Staff workshop. The current moratorium will expire before staff has concluded its research and presented findings to the BoCC for consideration and further action.

On April 25, 2011 the BOCC voted unanimously to continue to maintain the moratorium on adult businesses (Ord No. 01-0425-11) and continue review of amendment MLA08-00257. To date, no applications for adult businesses have been submitted, and the Board has adopted eight moratoria regarding adult businesses:

- Ordinance No. 04-0314-05, adopted March 14, 2005
- Ordinance No. 05-0505-08, adopted May 5, 2008
- Ordinance No. 10-1103-08, adopted November 3, 2008
- Ordinance No. 05-0427-09, adopted April 27, 2009
- Ordinance No. 08-1109-09, adopted November 9, 2009
- Ordinance No. 02-0510-10, adopted May 10, 2010
- Ordinance No. 06-1025-10, adopted October 25, 2010
- Ordinance No. 01-0425-11, adopted April 25, 2011 and expires October 25, 2011

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

Moratoriums are valid for 6-month periods so they must be reinstated periodically as the final legislation is drafted. The regulations and related issued for siting and licensing Adult Businesses is currently being researched by County Staff. The current moratorium will expire before anticipated adoption of those regulations.

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

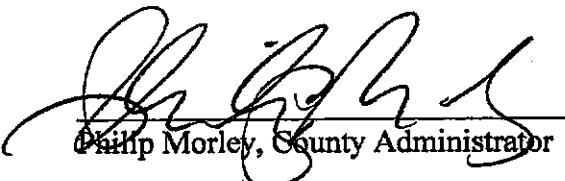
The BOCC is required to hold a public hearing within 60 days of adoption of the moratorium.

**RECOMMENDATION:**

DCD recommends the BOCC:

1. Approve the attached legal notice for a consolidated Public Hearing and adoption of another six month moratorium on Sexually Oriented Businesses on October 24, 2011.

**REVIEWED BY:**

  
Philip Morley, County Administrator

Date 9/28/11

To: *Port Townsend & Jefferson County Leader*  
LEGAL NOTICE

Publish one (1) time: **Wednesday, October 5, 2011**  
**Please use 7-point font.**

Bill: Jefferson County Department of Community Development  
621 Sheridan St., Port Townsend, WA 98368  
Customer #: 17385

Staff Contact: Stacie Hoskins, Planning Manager, (360) 379-4450

Date: October 3, 2011

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**NOTICE OF PUBLIC HEARING  
JEFFERSON COUNTY BOARD OF COUNTY COMMISSIONERS**

**NOTICE IS HEREBY GIVEN** that the Jefferson County Board of County Commissioners will hold a public hearing on **Monday, October 24, 2011 at 10:15 AM** in the Board Chambers at the Jefferson County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368.

The purpose of the public hearing is to hear testimony regarding an Ordinance enacting a six month moratorium against the issuance of permits or approvals pertaining to adult, or sexually oriented businesses, with adoption of another six month moratorium.

For further information, please contact Long-Range Planning, Dept. of Community Development, 621 Sheridan Street, Port Townsend, WA 98368, (360) 379-4465.

Date: 10/03/2011

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**John Austin, Chair**