

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners (BOCC)
Philip Morley, County Administrator

FROM: Stacie Hoskins, Department of Community Development Planning Manager *SH*
Carl Smith, Department of Community Development Director *CS*

DATE: November 12, 2013

SUBJECT: MLA13-00115 UDC Text Amendment –JCC 18.40.090 Preapplication Conference.

ATTACHED: Attachment A: Proposed amendments to JCC 18.40.090
Attachment B: Table 8.1 from the JCC showing complete list of application types
Attachment C: Planning Commission Recommendation
Attachment D: Ordinance to amend JCC 18.40.090

STATEMENT OF ISSUE:

As specified in JCC 18.40.090, certain types of land use applications require a “preapplication conference” to assist the applicant in understanding submittal requirements. Staff proposes to add certain additional types of applications to those requiring pre-application conferences, due to their complexity and to help compensate DCD for staff time spent in assisting applicants in their application process. Staff finds that the proposed additional types of applications are also complex and by requiring the preapplication conference, the applicant will be benefitted by having the information needed to submit more complete applications and proceed through the permitting process in the most efficient way possible.

ANALYSIS:

Currently, preapplication conferences are required for “Type II”, “Type III” and some “Type I” applications. Examples of these types are as follows:

Type I: Applications with more than 10,000 s.f. of impervious surface or more than 5,000 s.f. of non-single family development.

Type II: Binding site plans, short subdivisions, shoreline substantial development permits.

Type III: Long subdivisions, conditional use permits, major variances, plat alterations.

Proposed Amendment

Staff proposes to add several more types of applications that require a preapplication conference, as follows:

Type IV: Final plats and final Planned Rural Residential Developments.

Type V: Special use permits, amendments to the comp plan, development regulations, or master plans.

Critical Area Stewardship Plans (CASP's).

The proposed amended language of JCC 18.40.090 is shown on Attachment A. The complete list of JCC application types and decision making authority is shown on Attachment B.

The estimated number and annual fees that could result from these new preapplications is:

Preapplication conference for CASP's, Type IV & V apps. (est. 10/year X \$380 = \$3,800).

SEPA and Growth Management review processes

The proposed amendments were assessed under SEPA, including a public notice and comment period. No public comments were received, and the Jefferson County SEPA responsible official issued a final determination of non-significance on October 1, 2013. Pursuant to the GMA, the proposed amendments were provided to the Washington Department of Commerce for a 60-day review. This review period ends on October 29, 2013.

Planning Commission review process

A public notice was properly published on September 4, 2013, and at the Planning Commission meeting of August 18, 2013, the Planning Commission conducted a public hearing on the proposed amendment. No public comments were received. Following the public hearing, the Planning Commission discussed the proposed amendment and voted to approve the amendment and "recommendation with findings and conclusions" (Attachment C).

ALTERNATIVES:

The BOCC may accept the public hearing process conducted by the Planning Commission or could choose to conduct its own public hearing, prior to taking formal action on the proposed amendments.

FISCAL IMPACT/COST BENEFIT ANALYSIS:

Having these additional types of applications that require a preapplication conference will benefit applicants by informing them of application requirements and will also provide a modest increase in revenue for DCD, which helps DCD provide customer service.

RECOMMENDATION:

Staff recommends the BOCC accept the Planning Commission's public hearing process, its "recommendation with findings and conclusions", and take formal action to approve the proposed amendments by adopting the ordinance provided as Attachment D.

REVIEWED BY:


Philip Morley, County Administrator

ATTACHMENT A

Jefferson County Code Appendix FEE SCHEDULES

Sections:

Fees for new programs, events, or services.

Annual fee indexing.

Periodic fee review.

FEE SCHEDULES FOR NEW PROGRAMS, EVENTS, OR SERVICES

Fees for new programs/services instituted after passage of Ordinance No. 12-96 in departments/divisions covered under this appendix are authorized for establishment by resolution of the board of county commissioners as recommended by the department. Any fixed amount fees established under this section will be subject to annual fee indexing and periodic review, as if they were established as part of this appendix. [Ord. 12-96 § 3]

ANNUAL FEE INDEXING

Fixed amount fees established by this appendix shall be adjusted annually on the first business day of January ("adjustment date") by the amount of the increase in the Consumer Price Index (CPIW). The CPIW is the Consumer Price Index – U.S. City Average for All Urban Wage Earners and Clerical Workers, published by the Bureau of Labor Statistics for the United States Department of Labor.

The annual fee adjustment shall be calculated as follows: Each fee in effect immediately prior to the adjustment date will be increased by the percentage increase in the CPIW as reported for the month of September preceding the adjustment date. Increases will be rounded to the nearest dollar. A fee shall not be reduced by reason of such calculation. However, fee increases in accordance with this calculation shall not exceed five percent per year.

Copies of the adjusted fee schedule shall be available to the public at the office of the designated department and will be mailed to any customer upon request. The adjusted fee schedule will show the prior year fees, the CPIW, and the new fee. [Ord. 12-96 § 4]

PERIODIC FEE REVIEW

At minimum, once every three years, but no more frequently than once per year, fees established under this appendix will be evaluated for consistency with applicable laws, regulations and fee policies adopted by the board of commissioners. Periodic fee review will consider at least the following factors: service cost recovery; public versus private service benefit; departmental goals; other available funding sources; and comparison fees in adjacent counties, statewide averages and other comparable areas. [Ord. 12-96 § 5]

ATTACHMENT B

Estimated Revenues from Proposed New Fees

9/26/13

Fees requiring Planning Commission review and recommendation and BOCC approval (JCC 18.44.090). Note: these fees being proposed by separate ordinance)

Application Type	Current fee	Proposed fee	Est. Rev.
a) Require pre-app conf for CASP and Type IV & V apps. (est. 10/year X \$380 = \$3,800)	\$0.00	\$380	\$3,800

Fees requiring only BOCC review and approval (JCC Fee Appendix)

Application Type	Current fee	Proposed fee	Est. Rev.
b) Pre application site visit (if needed), (estimated 7/year X \$152 = \$1,064)	\$0.00	\$152	\$1,064
c) Resubmittal of consistency review (estimated 100/year X \$152 = \$15,200)	\$0.00	\$152	\$15,200
d) Road vacation request. (estimated 4/year X \$228 =912)	\$0.00	\$228	\$912
e) Customer Assistance Meeting** (est. 1,000 hours/year*** X \$76 = \$76,000)	\$0.00	\$76	\$76,000
Total:			\$96,976



**JEFFERSON COUNTY
PLANNING COMMISSION**

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

Planning Commission Recommendation for MLA13-00115

JCC Text Amendment
For
JCC 18.40.090 Preapplication Conferences:

Recommendation with Findings and Conclusions

To: Board of County Commissioners, Chair John Austin;
Department of Community Development, Director Carl Smith; and
Interested public of Jefferson County

Date: September 18, 2013

Attached: Proposed Text for JCC Chapter 18.40.090 Preapplications

In preparing our recommendation, we have considered the growth management indicators and other general guidance on required findings, and therefore do hereby declare the following findings and conclusions in support of our decision:

A. Required findings as per Jefferson County Code (JCC) Title 18.45.080(1)(b)(i-iii):

JCC 18.45.080 Final docket – Planning commission and board of county commissioners review.

(1) Planning Commission Review. All proposed amendments on the final docket shall be reviewed and assessed by the planning commission, which shall make a recommendation to the board of county commissioners after holding at least one open record public hearing.

(a) Notice. The hearing before the planning commission shall be noticed by one publication in the official newspaper of the county at least 10 days prior to the date of the hearing and by posting a copy of the notice of hearing in the Jefferson County Courthouse. This notice shall include the following:

- (i) The purpose(s) of amending and/or updating the Comprehensive Plan;
- (ii) The deadline for submitting comments on the amendments; and
- (iii) A tentative hearing schedule; continued hearings may be held by the planning commission but no additional notices need be published.

(b) Required Findings – Generally. For all proposed amendments, the planning commission shall develop findings and conclusions and a recommendation which consider the growth management indicators set forth in JCC 18.45.050(4)(b)(i) through (4)(b)(vii), as well as the following:

- (i) Whether circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Jefferson County Comprehensive Plan;
- (ii) Whether the assumptions upon which the Jefferson County Comprehensive Plan is based are no longer valid, or whether new information is available which was not considered during the adoption process or any annual amendments of the Jefferson County Comprehensive Plan; and
- (iii) Whether the proposed amendment reflects current widely held values of the residents of Jefferson County.

Planning Commission findings:

- I. Circumstances have changed in the sense the economy in recent years has suffered through the “great recession”, meaning less land development in the County and therefore less permit revenue for DCD. This leaves DCD needing new sources of revenue in order to continue providing timely development review and permitting services for the County. Additionally, the types of applications proposed to require the preapplication fees are complex. The preapplication conference will benefit the applicant by providing information to make the permitting process more efficient and timely.
- II. The assumptions upon which the Jefferson County Comprehensive Plan is based are still valid, however, consideration of assumptions that lead to the adoption of the Comp Plan are not applicable to this proposal since it is for amendment of the development code and not the Comp Plan.

- III. The proposed amendment is consistent with widely held values of the residents of Jefferson County in the sense they will provide additional revenues and greater customer service to assist applicants in the timely processing of development applications. Timely processing of applications is a widely held value of DCD's customers.

C. Inquiry to the growth management indicators as per Jefferson County Code (JCC) Title 18.45.050(4)(b)(i-vii):

1. Growth and development as envisioned in the Comprehensive Plan is occurring slower than anticipated due to economic conditions.
2. The capacity of the county to provide adequate services has diminished due to a decrease in tax revenue.
3. There is sufficient urban land, as designated and zoned to meet projected demand and need. Does not apply since this is not a Comp Plan amendment, but an amendment to the development code. Anticipated need is not likely to be more than currently designated for commercial use.
4. Are any assumptions upon which the Comprehensive Plan is based no longer found to be valid? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.
5. Are there changes in county-wide attitudes which necessitate amendments to the goals of the Comprehensive Plan and the basic values embodied within the Comprehensive Plan Vision Statement? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.
6. Are there changes in circumstances which dictate a need for amendment to the Comprehensive Plan? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.
7. There are no inconsistencies between the Comprehensive Plan and the GMA or the Comprehensive Plan and the Countywide Planning Policies for Jefferson County.

D. The Record

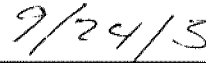
In addition to the guidance provided by GMA, the Countywide Planning Policies, the Jefferson County Code, and the Comprehensive Plan, the Planning Commission finds:

1. This proposed amendment is based on findings as required by JCC 18.45.080.
2. The public hearing for this proposed amendment has been duly noticed per the requirements of JCC 18.45.080.
3. This proposed amendment has been duly assessed for environmental impacts via a SEPA Checklist, as required by Chapter 197-11 WAC (SEPA rules).
4. This proposed amendment recommendation is based on the record, following an open record hearing and following the close of the open record hearing, consideration by the Planning Commission of any written or oral comments.
5. This proposed amendment satisfies legal criteria.
6. This proposed amendment is being provided for a 60 day review to the Washington State Department of Commerce, Growth Management Services, as required by RCW 36.70A.106 (GMA).

Based on these findings, on September 18, 2013, the Jefferson County Planning Commission voted 6 to approve, none to deny, and one abstained MLA13-00115 and recommend that the BoCC approve the Planning Agency's request to amend the JCC as proposed under MLA13-00115.



Kevin Coker, Planning Commission Chair



Date

ATTACHMENT D
JEFFERSON COUNTY
STATE OF WASHINGTON

In the matter of amending the	}	Ordinance No.
Unified Development Code, JCC 18.40.090	}	
to add certain additional types of applications	}	
that require a preapplication conference.	}	

WHEREAS, RCW Chapter 36.70A, et seq., also known as the Growth Management Act (“GMA”), requires that counties planning under the GMA adopt development regulations that are consistent with and implement their comprehensive plans; and

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 adopted a GMA-derived Comprehensive Plan (CP) on August 28, 1998 via Resolution No. 72-98 and completed its required seven-year update of said Comprehensive Plan via Ordinance No. 17-1213-04 on December 13, 2004; and

WHEREAS, the Unified Development Code (UDC) was originally adopted on December 18, 2000 as a development regulation required by the Growth Management Act (GMA), to be effective January 16, 2001; and

WHEREAS, for proper citation in courts of law the UDC has been codified within the Jefferson County Code (JCC) at Title 18; and

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

1. The State of Washington adopted the Growth Management Act (or “GMA”) in 1990.
2. Jefferson County began planning under the GMA in the early 1990s.
3. The County adopted a Comprehensive Plan under GMA on August 28, 1998. The County completed its statutorily required seven-year update of its Comprehensive Plan on December 13, 2004.
4. On August 30, 2013, the Department of Community Development (DCD) submitted an application for the proposed amendment. The amendment is not site-specific and would apply county-wide. The proposed amendment was assigned a tracking number of MLA13-00115.

5. The Department of Community Development prepared a staff report and recommendation for MLA13-00115 that analyzed the proposed UDC text amendment.
6. The staff report, including text of the proposed amendments to the development regulations, was available to the public on September 4, 2013, the duly published date starting a two-week open public comment period.
7. DCD presented the staff report to the Planning Commission at their regularly scheduled and duly noticed public meeting and public hearing at the Planning Commission meeting of September 18, 2013. No public comments were received.
8. Following the close of the public hearing, the Planning Commission held deliberations and took formal action to recommend approval of the proposed amendments as presented, with a vote of six in favor, one abstention and none opposed. This vote also included approval of the findings and conclusions for MLA 13-00115.
9. As the Planning Commission recommendation concurs with the DCD staff recommendation, the Planning Agency recommendation is one of consensus.
10. The SEPA Responsible Official for Jefferson County determined that existing environmental documents provide adequate environmental review to satisfy the requirements of WAC 197-11-600. This conclusion was memorialized via issuance of a Determination of Non-Significance (DNS) on October 1, 2013.
11. The Board concurs with the Planning Commission recommendation and states that MLA13-00115, as proposed, is consistent with the Growth Management Act, the County-wide planning policies, any other inter-jurisdictional policies or agreements, and any other local, state or federal laws and directed staff to present an ordinance reflecting the Code changes as stated in the minutes of their meeting on October 14, 2013.
12. Pursuant to the County's authority conferred by Chapters 36.70, 36.70A, 36.70B, and 43.21C RCW, the Board hereby adopts the revised and amended Section 18.40.090 listed below as an official control under Chapter 36.70 RCW and as a development regulation for implementing the County's Comprehensive Plan in accordance with Chapters 36.70A and 36.70B RCW.
13. Enactment of this Ordinance is within the general police power granted by the WA State Constitution to the County Commission in its role as the legislative body for Jefferson County.

NOW, THEREFORE, the Board of County Commissioners for Jefferson County, Washington, in regular session assembled, does hereby ordain as follows:

Section One:

JCC 18.40.090 is amended to read in its entirety as follows:

“18.40.090 Preapplication conference.

(1) Purpose. Preapplication conferences provide a prospective applicant and the county the opportunity to determine if and how the regulations (e.g., environmentally sensitive areas and SEPA) may apply, an opportunity to acquaint the applicant with the requirements of the Jefferson County Unified Development Code, and to discuss, if applicable, how the applicant may modify the scope and design of the project to reduce or avoid restrictions which may be imposed by the county.

(2) When Required. Preapplication conferences are required for all Type II, Type III, Type IV and Type V project applications and Type I project applications proposing impervious surfaces of 10,000 square feet or more and/or non-single-family structures of 5,000 square feet or more. Additionally, preapplication conferences are required for Critical Area Stewardship Plan applications. Preapplication conferences for all other types of applications are optional, and requests for conferences will be considered by the administrator on a time-available basis.

(3) Scheduling and Conceptual Design Review. The conference shall be held within 15 calendar days of the request and payment of the fee set forth in the Jefferson County fee ordinance. Upon payment of the fee, the applicant shall submit to DCD a preliminary sketch or conceptual design that illustrates the applicant’s generalized ideas of the proposal. This should include approximate lot lines, general topography of the site, suggested vehicle access to the site, and provision of utilities. Final drawings are discouraged at this preapplication stage. Additionally, the applicant shall identify all land uses on adjacent properties and all platted and opened roads serving the site.

(4) Information Provided to Applicant. At the conference, the administrator shall provide the applicant with:

- (a) A list of the requirements for a completed application;
- (b) A general summary of the procedures to be used to process the application;
- (c) The references to the relevant code provisions or development standards that may apply to the approval of the application; and
- (d) A list of any applicable hourly review fees that may be charged by one or more county agencies upon the filing of a project permit application with the county.

(5) Assurances Unavailable. It is impossible for the conference to be an exhaustive review of all potential issues. The discussions at the conference or the information provided by the administrator shall not bind or prohibit the county's future application or enforcement of all applicable laws and regulations. No statements or assurances made by county representatives shall in any way relieve the applicant of his or her duty to submit an application consistent with all relevant requirements of county, state and federal codes, laws, regulations and land use plans.[Ord. 8-06 § 1]".

Section Two: All other sections, tables and language of the Unified Development Code, Title 18 of Jefferson County Code are not altered or amended in any manner by this Ordinance.

Section Three: Severability: In the event any one or more of the provisions of this ordinance shall for any reason be held to be invalid, such invalidity shall not affect or invalidate any other provisions of this ordinance, but this ordinance shall be construed and enforced as if such invalid provision had not been contained therein; PROVIDED, that any provision which shall for any reason be held by reason of its extent to be invalid shall be deemed to be in effect to the extent permitted by law.

Section Four: This ordinance shall be in full force and effect on January 2nd, 2014.

Approved and signed this ____th day of October, 2013.

JEFFERSON COUNTY
BOARD OF COMMISSIONERS

Seal:

Attest:

John Austin, Chairman

Erin Lundgren
Clerk of the Board

Approved as to Form Only:

Phil Johnson, Member

David Alvarez
Deputy Prosecuting Attorney

David Sullivan, Member