



JEFFERSON COUNTY

DEPARTMENT OF COMMUNITY DEVELOPMENT

621 Sheridan Street
Port Townsend, WA 98368
Al Scalf, Director

Unified Development Code Interpretation

This interpretation is made according to Article VI of Chapter 18.40 of the Unified Development Code, Jefferson County Code (JCC 18.40.350). An interpretation of the provision of the UDC is intended to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret scope or intent. The "Factors for Consideration" listed in JCC 18.40.360(4) were considered in making this UDC interpretation, including applicable policies of the Jefferson County Comprehensive Plan.

Date: December 31, 2007
Case: ZON07-00099/MLA07-00640
Applicant/Property
Owner : McDiehl LLC
33 Jefferson Ave
Port Ludlow, WA 98365

Representative: David Goldsmith
536 Foster St
Port Townsend, WA 98368

Subject: Door of Grace Ministry seeks clarification and interpretation of Section 3.502 Permitted Uses of the Port Ludlow MPR code.

Summary: The Ministry seeks to locate Grace Christian Center as part of a mixed use development within the Village Commercial Center Zone (MPR-VC). The MPR-VC is silent on religious assembly facilities as a permitted use, but does include such public purpose and assembly facilities as community center, theater, library and museum as permitted uses.

Interpretation
Sought:

Is a religious assembly facility considered a permitted use within the MPR-VC zone?

Relevant Law, Code, Plans, Ordinances or Policies:

MPR Code (Ordinance No. 08-1004-99) - (JCC Title 17)

Section 2.20 (JCC 17.05.090) Compliance With Regulations Required:

No Structure shall hereafter be erected and no existing structure shall be moved, altered, added to or enlarged, *nor shall any land or structure be used, or arranged to be used for any purpose other than that which is included among the uses listed in the following chapters as permitted in the zoning district in which the structure or land is located,* (italics added for emphasis) nor shall any land or structure be used in any manner contrary to any other requirement specified in this Ordinance.

Section 3.50 Village Commercial Center Zone (MPR-VC)

Section 3.501 Purpose: The MPR-VC zone provides retail and commercial uses and other services to meet the needs of resort visitors and community residents. In addition to retail and commercial uses or services, other uses such as government or community offices and facilities, long-term care facilities, residential uses, and visitor services are permitted within this zone.

Section 3.502 Permitted Uses (JCC 17.30.020): The following uses are permitted in MPR-VC zone:

Retail	Services	Other	Residential
Bank and financial institution	Travel consultant	Art gallery	Multifamily dwelling
Variety store	Dry cleaner/laundry	Theater	Assisted living, congregate care facilities
Grocery store	Barber and beauty shops	Post office	Mixed use: residential above first floor commercial
Hardware store	General/business office	Recycling drop-off facility	Single-family, attached or detached dwelling unit
Pharmacy and drug store	Professional office	Library	
Liquor store (state)	Real Estate	Museum	
Personal medical supply store	Day care center	Community center	
Florist shop	Clinic (medical, dental, mental health, chiropractic)	Police facility	

Specialty food store	Social services	Fire station	
Sporting goods and related stores	Miscellaneous health	Park	
Book and stationery stores	Home health/home care	Indoor tennis facility	
Jewelry store	Vehicle repair and gas station		
Photographic and electronics shops	Car wash		
Computer, office equipment and related sales	Transportation service		
Music store	Utility purveyor office		
Farmers market	Public agency or utility office		
Interior decorating shop	Mailing/packaging business		
Food service establishment			
Antique store			

Section 3.503 Conditional Uses (JCC 17.30.030): The following uses are permitted conditionally within the MPR-VC zone:

- 1) Principal use, above-ground, and free standing parking structure
- 2) Conference center
- 3) Helipad for medical emergencies only
- 4) Above-ground electrical substations, sewage pump stations and treatment plants, and potable water storage tanks or facilities
- 5) Assisted living, congregate care, or multi-family uses if greater than 35,000 square feet in gross floor area. [Ord. 8-99 § 3.503]

**Jefferson County Comprehensive Plan
Land Use and Rural Element
Village Commercial Center (VCC):**

Commercial area identified in the 1993 EIS for Port Ludlow Master Planned Resort. Commercial uses will provide many essential day-to-day goods and services to residents and resort visitors.

**Jefferson County Comprehensive Plan
Land Use and Rural Element
Rural Commercial Lands**

Criteria for Determining Commercial Land Boundaries

2. Criteria from RCW 36.70A.070(5)(d), the 1997 GMA amendments:
 - Provide public facilities and public services so as to avoid low-density sprawl.

***Application of Criteria to Designation of Rural Commercial Boundaries
Port Ludlow Village Commercial Center – Final Boundary***

The Master Planned Resort of Port Ludlow has a large residential community that is served by a Village Commercial Center. The designated commercial area is consistent with the 1993 programmatic Environment Impact Statement, and has been agreed to by community planning groups. Land use activities and performance standards will be regulated by the County, but may be limited to a somewhat greater degree by the Master Planned Resort's internal community codes, covenants and restrictions.

Rural Commercial Land Use Policies:

- LNP4.5** Ensure the provision of a variety of goods and day-to-day services and a limited range of professional, public and social services through new infill development and existing development which addresses most of the essential needs of the rural population and the commuting/traveling public.

Unified Development Code (UDC) – JCC Title 18

JCC 18.10.180

“Religious assembly facility” means a facility designed and used primarily for ceremonies, rituals and education pertaining to a particular system of spiritual beliefs (e.g., a church).

JCC 18.10.030

“Community structure” means a structure which is intended for the common use of the residents of a particular subdivision or community.

JCC 18.15.040 Categories of land use
Table 3-1 Allowable and Prohibited Uses
Public Purpose Facilities

Religious assembly facilities are allowed in commercial zones (except Convenience Crossroads) with an Administrative Conditional Use C(a) permit.

Interpretation:

Findings of Fact:

The MPR-VC code does not specifically list a “religious assembly facility” or “church” as an allowed use or as a use permitted conditionally within that zone. The MPR-VC stated purpose provides that, “in addition to retail and commercial uses or services, other uses such as government or *community offices and facilities*, long-term care facilities, residential uses, and *visitor services* are permitted within this zone. (emphasis added)

Section 2.20 (JCC17.05.090) prohibits any use not listed as permitted within that zone in which the use is to be located.

A search for “religious assembly facility” or “church” reveals that nowhere within the MPR code are these uses specifically permitted either outright or with a conditional use permit.

A review of the Jefferson County Comprehensive Plan clearly indicates that “services” are to be provided within the Rural Commercial zones to address the needs of the rural population and traveling public.

There are existing churches within the MPR that were constructed before the MPR Code took effect.

Jefferson County Code (UDC) allows churches within most commercial zones with a conditional use permit.

A Code Interpretation is “intended to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret scope or intent.

Conclusion:

The MPR Code does not specifically address “religious assembly facility” or “churches” within the MPR. Other listed allowed uses within the MPR-VC zone encompass a rather broad range of service-oriented uses of which a church would not be inconsistent. Of these listed allowed uses, Community Center and Social Services are most closely related to the functions of a church. A church can be considered a “community” that serves the social and spiritual needs for the rural population or traveling public. A church is similar

to a community center that serves those needs. Churches are common to all communities as are the "Other" allowed uses listed and therefore should logically be allowed under "Other" listed uses within the MPR-VC zone. However, referring to the UDC for consistency in permitting, "religious assembly facility" requires an Administrative Conditional Use (Ca) permit in most commercial zones, whereas most of the "Other" listed uses from the MPR-VC table are permitted outright in the UDC use table 3-1 Allowable and Prohibited Uses (JCC 18.15.040).

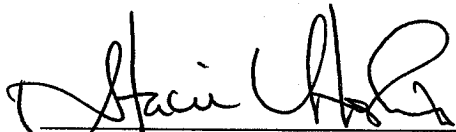
Decision:

Religious Assembly Facilities or churches may be allowed within the MPR-VC zone subject to a Type II Administrative Conditional Use C(a) permit.

Appeal:

As outlined in JCC 18.40.390, the applicant requesting a code interpretation may appeal the decision to the Hearing Examiner within fourteen (14) calendar days of the decision using the process for appeals of Type II permit decisions as set forth in JCC 18.40.330.

Dated this 31st day of December 2007.

 12/31/2007
Stacie Hoskins, Planning Manager