



**JEFFERSON COUNTY**  
**DEPARTMENT OF COMMUNITY DEVELOPMENT**

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## Unified Development Code Interpretation

This interpretation is made according to Section 8.6 of the Unified Development Code (UDC). An interpretation of the provisions of the UDC is intended to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret scope or intent.

Pursuant to UDC Section 8.6(2), the UDC Administrator may issue an interpretation of the provisions of the Code on his/her own initiative. The UDC Administrator has promulgated this interpretation. Pursuant to UDC Section 8.6(2)(c), the following factors were considered in reaching this interpretation decision:

- The applicable provisions of the UDC including its purpose and context;
- The implications of the interpretation for development within the county as a whole, including the precedent the interpretation will set for other applicants; and
- Consistency with the Jefferson County Comprehensive Plan and other relevant ordinances and policies.

Date: September \_\_\_\_\_, 2003

SUBJECT: Clarification related to definition of the use classification "Small Equipment Repair, Sales, and Rental Services" as distinguished from the use classification "Retail Sales and Services" including consideration of whether or not neighborhood electric vehicles fall within the range of uses allowed under the use classification "Small Equipment Repair, Sales, and Rental Services."

UDC Section: Table 3-1: Allowable and Prohibited Uses

"Small Equipment Repair, Sales and Rental" is categorized in Table 3-1 as a commercial use that is allowed in the following designated areas as a "yes" use: Rural Village

Centers, Neighborhood/Visitor Crossroads, General Crossroads, Glen Cove Light Industrial/Commercial, and Glen Cove Light Industrial.

“Retail Sales and Services” is categorized in Table 3-1 as a commercial use that is allowed in the following designated areas as a “yes” use: Rural Village Centers and General Crossroads.

Language subject to interpretation:

Does the range of uses included under the definition “Small Equipment Repair, Sales, and Rental Services” include neighborhood electric vehicles which for purposes of this interpretation are defined as electric vehicles which are rated for use on roads with a speed limit of 35 miles per hour or less.

Interpretation:

In making this determination the Administrator makes the following clarification related to the use titled “Small Equipment Repair, Sales, and Rental Services.” The Administrator notes the similarity between “Small Equipment Repair, Sales, and Rental Services” defined in Section 2.3 as:

*Commercial establishments engaged primarily in the repair, and/or rental and sale of small equipment, including but not limited to tools, watches, appliances, televisions and other electronic devices, computers, lawnmowers, bicycles and similar items.*

and the use category titled “Retail Sales and Services” defined in Section 2.3 as:

*Establishments engaged in retail sales of goods, including, but not limited to, the retail sale of merchandise not specifically listed under another use classification in Table 3-1 of the UDC. This classification includes, but is not limited to, department stores, clothing stores, shoe stores, jewelry stores, hardware stores, furniture stores, antique stores, pharmacies, appliance stores, agricultural feed and supply stores, stationary stores, office supply stores and other similar uses; and establishments engaged in the sale of services directly to the consumer including, but not limited to, small equipment repair, plumbing, and electrical repair services, and other similar uses.*

The Administrator further notes that “Small Equipment Repair, Sales, and Rental Services” is allowed in the Glen Cove Light Industrial/Commercial and Glen Cove Light Industrial district while “Retail Sales and Services” are restricted to rural commercial districts only (i.e. a “yes” use in Rural

Village Centers and General Crossroads and a "no" use in the Glen Cove Light Industrial/Commercial and Glen Cove Light Industrial district).

While the definitions are similar, the districts in which they are permitted to occur implies a distinction between the two use classifications. While the Glen Cove Light Industrial/Commercial and Glen Cove Light Industrial districts are intended to accommodate light industrial uses, some use classifications that are categorized in Table 3-1 as "Commercial Uses" are permitted based on the fact that they have the potential for impacts similar to light industrial uses. Based on this consideration, uses categorized under the Table 3-1 heading as "Commercial Uses" such as "Automotive Service and Repair", "Boat Storage, Commercial", "Boat Building and Repair, Commercial" and "Excavating Contractor, Commercial" are permitted in the Glen Cove Industrial/Commercial and Glen Cove Industrial district.

The fact that "Small Equipment Repair, Sales, and Rental" is allowed within the Glen Cove Light Industrial/Commercial and Light Industrial districts while "Retail Sales and Services" is not implies the following distinction to the Administrator; the sales and rental services that occur under the "Small Equipment Repair, Sales, and Rental" classification of use must do so in association with on-site repair facilities. For example, an establishment engaged entirely in retail sales or only in equipment rental would be categorized under the commercial use category of "Retail Sales and Services" and that use would only be allowed in those rural commercial districts called out in Table 3-1. That is to say, the allowance of equipment sales and rental under the category "Small Equipment Repair, Sales, and Rental Services" may only occur when there is an on-site repair facility component to the establishment.

With the above consideration taken into account, it is the exclusive judgment of the Administrator that the repair, sales, and rental of neighborhood electric vehicles falls within the range of uses allowed consistent with "Small Equipment Repair, Sales, and Rental Services" and that any sale or rental of such vehicles is contingent upon the presence of on-site repair facilities.

Dated this \_\_\_\_ day of \_\_\_\_\_ 2003.

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Al Scalf, Director of Community Development

**JEFFERSON COUNTY  
PUBLIC NOTICE OF ADMINISTRATORS DECISION  
CASE NO.: ZON00-00037  
PROPONENT(S): RICK GORE**

**NOTICE IS HEREBY GIVEN** that Jefferson County received a request for clarification on the applicability of Section 13 of the Interim Controls Ordinance regarding a specific land use.

Application Received Date: October 30, 2000  
Application Complete Date: November 8, 2000  
Written Decision Date: November 22, 2000  
Application Notice Date: November 22, 2000

**PROPOSAL:**

Pursuant to Ordinance No. 04-0828-98, the applicant has requested a clarification on the applicability of Table 13-1, the Use Table, of the Interim Controls Ordinance for a land use described as a retail sales propane and fireplace company on a parcel of land located within the Port Hadlock Rural Village Center. Pursuant to the criteria contained in section 13.50 of the above referenced ordinance the Zoning Administrator has determined that the use described by the applicant is consistent with the types of uses permitted within the Rural Village Center zoning district and shall be permitted outright.

**PROJECT LOCATION:** Parcel number 901024060, in Section 02, Township 29, Range 01 West, located at 265 Chimacum Road, Port Hadlock.

Any person wishing to appeal the decision of the Zoning Administrator must do so within fourteen (14) days following the decision of the Administrator. Requirements for the content of an appeal request can be obtained at the Department of Community Development.

**BEFORE THE ZONING ADMINISTRATOR  
OF JEFFERSON COUNTY**

In re: Pursuant to Ordinance No. 04-0605-00, ) **File No. ZON00-00037**  
Request for classification of a land use ) RICK AND LAURIE GORE  
Not listed in Section 13 (Use Table) of the ) Findings, Conclusions,  
Interim Controls Ordinance (No. 04-0828-98) ) and Decision

**I. Summary of Proceedings**

Written request for classification received on October 30, 2000. Application complete date November 8, 2000. Notice of Decision published in the Jefferson County/Port Townsend Leader newspaper on November 22, 2000.

**II. Findings of Fact**

- (1) The property is located at 265 Chimacum Road, Port Hadlock. Section 02, Township 29N, Range 01 West. Parcel Number 901024060.
- (2) The applicant is requesting classification of a land use not listed in Table 13-1, the Use Table, of the Interim Controls Ordinance.
- (3) The proposed land use is described by the applicant as a retail sales propane and fireplace business to be located on a 1.68 acre parcel of land within the Port Hadlock Rural Village Center.
- (3) The applicant has indicated that the hours of operation will be Monday through Friday, 8:00 am to 5:00 pm, that they anticipate seeing 7 to 10 customers per day and that they will be hiring between 8 and 10 employees. A 30,000-gallon above ground propane storage tank, measuring 9 feet by 67 feet, would be installed.

**III. Criteria for Review**

- (1) Section 13.50 of Ordinance 04-0605-00, which amended the Interim Controls Ordinance, sets out the criteria for the Zoning Administrator's Decision. The proposed land use shall be classified as a permitted or conditionally permitted use only if the applicant has met his or her burden of proof with respect to demonstrating that the proposed land use will not:
  - a. be unreasonably incompatible with the types of uses permitted and conditionally permitted in the specified zoning district by Table 13-1;  
*Staff Comment: The use, as proposed by the applicant, is consistent with the types of uses permitted in the Port Hadlock Rural Village Center (RVC). Representative uses permitted in this area which are similar include retail sales as well as gas stations, both of which have a similar sales and service component.*
  - b. create, generate, add or cause additional pedestrian or vehicular traffic that would be substantially greater than would be created by similar legally permitted and conditionally permitted uses in the area where the proposed land use would occur;  
*Staff Comment: The amount of pedestrian and vehicular traffic potentially caused by a retail sales business which will employ 8 to 10 individuals and see 7 to 10 customers per day is consistent with the level of service envisioned for this area and would not create substantially greater impacts than those uses currently permitted within the zoning district. The proposed use will be subject to the development standards for this zoning district.*
  - c. create noise, odor, heat, vibration, air or water pollution impacts that would be substantially greater than would be created by similar legally permitted and conditionally permitted uses in the area where the proposed land use would occur;

*Staff Comment: As proposed by the applicant, it is unlikely that this use will create noise, odor, heat, vibration, air or water pollution impacts substantially greater than those uses currently permitted in this district. The proposed use will be subject to the development standards for this zoning district and, if applicable, will be subject to review under the State Environmental Policy Act (SEPA).*

d. be detrimental to the public health, safety, and welfare;

*Staff Comment: The proposed use will be subject to existing development standards designed to address public health, safety, and welfare.*

e. if applicable, adversely affect the historical or rural character as defined in RCW 36.70A.030 or the surrounding area;

*Staff Comment: Based on applicable development standards, the proposed use will be conditioned to be consistent with the rural character of the surrounding area.*

f. be in conflict with the goals and policies of the Comprehensive Plan;

*Staff Comment: As proposed by the applicant, this use is consistent with those uses and the level of service envisioned in the Comprehensive Plan (see specifically Goal LNG 4.0 and Policies LNP 4.2 and LNP 4.5 regarding Rural Village Centers).*

g. require the extension of urban services or expansion of existing urban services as urban services are defined in RCW 36.70A.030;

*Staff Comment: As proposed, this use will not require the extension of existing urban services as defined in RCW36.70A.030.*

h. be inconsistent with all other applicable local, state and federal regulations.

*Staff Comment: Required compliance with existing development standards will ensure that the project is consistent with local regulations. As a use, the proposed propane and fireplace sales business is not inconsistent with state and federal regulations.*

#### IV. Conclusions

Based on review of the above criteria, it is the Administrator's conclusion that the retail sale of propane and fireplaces at the scale proposed by the applicant is consistent with the intent of the Rural Village Center (RVC) zoning district and should be allowed as an outright permitted use.

#### V. Decision

Based on the Findings, Review Criteria, and Conclusions, it is my administrative decision that the use described by the applicant as retail sales of propane and fireplaces is consistent with the types of uses permitted within the Rural Village Center and **shall be permitted outright**.

#### VI. Appeal

Any person wishing to appeal this decision of the Zoning Administrator must do so within fourteen (14) days following the decision. Requirements for the content of an appeal request can be obtained at the Department of Community Development, 621 Sheridan Street, Port Townsend, Wa. 98368.

\_\_\_\_\_  
Warren Hart, AICP  
Jefferson County Zoning Administrator

\_\_\_\_\_  
Date

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November 8, 2000

Mr. Rick Gore and Ms. Laurie Gore  
62 Rhody Court  
Chimacum, WA 98325

Re: Parcel 390102460, 265 Chimacum Road

Dear Mr. and Ms. Gore:

Pursuant to Ordinance No. 04-0605-00, you have requested a determination regarding the potential for a use within the Port Hadlock *Rural Village Center* which is not listed within the Use Table (Table 13-1) of the Jefferson County Interim Controls Ordinance (No. 06-0828-98). Based upon the description which you provided to the Department in your October 30, 2000 letter, the facts presented require a formal "Section 13" decision by the Zoning Administrator in order to determine whether the proposed land use will be permitted in the Port Hadlock *Rural Village Center*. The criteria which will be used by the administrator to make this decision can be found in section 13.50 of Ordinance No. 04-0605-00 (see enclosed).

Pursuant to Ordinance No. 04-0605-00, you have twelve business days (measured from the date of this letter) to provide proof that the proposed land use satisfies the criteria contained in section 13.50 of this ordinance and to pay the required fees for application and public noticing. These fees are \$120.00 for the administrative review/decision and \$111.00 for formal Notice of Application in the Jefferson County newspaper of record for a total of **\$231.00**.

Pursuant to Section 13.70 of Ordinance No. 04-0605-00, the Zoning Administrator shall issue his decision not later than twenty-five (25) business days after the date of this letter.

Thank you in advance for your cooperation. Please direct any questions you may have to Randy Kline, Project Planner, at (360) 379-4464.

Sincerely,

Warren Hart, AICP  
Zoning Administrator