

**DEVELOPMENT AGREEMENT  
BY AND BETWEEN JEFFERSON COUNTY,  
WASHINGTON AND PLEASANT HARBOR  
MARINA AND GOLF RESORT, LLP  
RELATING TO THE DEVELOPMENT  
COMMONLY KNOWN AS THE PLEASANT  
HARBOR MARINA AND GOLF  
MASTER PLANNED RESORT**

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## List of Attachments

### Exhibits:

- Exhibit 1 – Legal description of Pleasant Harbor Marina and Golf Resort, LLP Property and Pleasant Harbor Marina, LLC Property
- Exhibit 2 – Master Plan Map of the Property
- Exhibit 3 – Pleasant Harbor Marina and Golf MPR Land Use Map (recordable version of Comprehensive Plan map)
- Exhibit 4 – Phasing Plans

### Appendices:

- Appendix A – MPR zoning chapter, Title 17 and 18 as amended
- Appendix B – Stormwater Management Requirements, Chapter 18.30.070 JCC
- Appendix C – Critical Area Requirements, Chapter 18.22 JCC
- Appendix D – Land Division Requirements, Chapter 18.35 JCC
- Appendix E – Land Use Application Procedures Requirements, Chapter 18.40 JCC
- Appendix F – Shoreline Master Program Requirements, Chapter 18.25 JCC
- Appendix G – Additional development standards, Chapters 12.05, 12.10, and 18.30 JCC
- Appendix H – Water System Plan
- Appendix I – Wastewater Treatment Plan
- Appendix J – Memoranda of Understanding:

1. Schools Mitigation
2. Fire/EMS Mitigation
3. Law Enforcement Mitigation
4. Transportation Mitigation
5. Health Care Services Mitigation
6. Housing Mitigation
7. Parks and Recreation Mitigation

- Appendix K – Ordinance 01-0128-08
- Appendix L – Vegetation Management Plan
- Appendix M – Conservation Easements
- Appendix N – Water Quality Monitoring Plan, including Amendment 1
- Appendix O – Neighborhood Water Supply Program
- Appendix P – Wildlife Management Plan, including Amendment 1
- Appendix Q – Cultural Resources Management Plan
- Appendix R – Tunicate Monitoring Agreement
- Appendix S – International Dark Sky
- Appendix T – LEED Narrative

## **DEVELOPMENT AGREEMENT**

This DEVELOPMENT AGREEMENT (“this Agreement”) is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2018, by and between PLEASANT HARBOR MARINA AND GOLF RESORT, LLP, a Washington limited liability partnership (referred to as “the Developer”) and JEFFERSON COUNTY (the “County”), a municipal corporation under the laws of the State of Washington, pursuant to RCW 36.70B.170-.210.

### **1 RECITALS.**

**WHEREAS**, the Developer is the owner of real property consisting of approximately 237.88 acres located within the County which property is described with particularity in Exhibit 1 (the “Property”).

**WHEREAS**, the County approved the Developer’s application to designate the Property as a master planned resort pursuant to RCW 36.70A.360 in the County Comprehensive Plan to allow for resort-related development including, but not limited to, a golf course and other on-site indoor and outdoor recreational amenities, conference center, resort-related commercial uses, long-term and short-term residential units not to exceed 890 units, and open space (“the Pleasant Harbor MPR”).

**WHEREAS**, buildout of the Property is expected to occur over the next ten to twenty-five years and the Developer, the County, and members of the public at large will invest considerable time in the County permit and review process for the future buildout of the Property.

**WHEREAS**, the Washington State Legislature enacted RCW 36.70B.170-.210 to strengthen the land use planning process and reduce the costs of development by authorizing the County to enter into an agreement with a landowner regarding the development of its real property located within the County’s jurisdiction.

**WHEREAS**, the County has determined that this Agreement will facilitate orderly buildout of the Property within the Pleasant Harbor MPR and will further promote growth management and planning objectives of the County by providing certainty over time with respect to permitted densities, uses, infrastructure, development standards and other aspects of the development review process.

**WHEREAS**, the Parties to this Agreement acknowledge the Zoning Ordinance for the Pleasant Harbor MPR is in conformance with the standards set forth in the Countywide Planning Policies and the Jefferson County Comprehensive Plan and is consistent with the goals and requirements of the Growth Management Act, Chapter 36.70A RCW and Jefferson County Ordinance 01-0128-08.

**WHEREAS**, this Agreement constitutes a final land use action pursuant to RCW 36.70C.020.

**NOW THEREFORE**, in consideration of the promises, covenants, and provisions set forth in this Agreement, the receipt and adequacy of which consideration is acknowledged, the parties agree as follows:

## **2 EFFECTIVE DATE, TERM AND BUILD-OUT PERIOD.**

### **2.1 Effective Date.**

The effective date shall be the date of the adoption of a resolution by the Jefferson County Board of Commissioners (“Board of Commissioners”) approving this Agreement as required by RCW 36.70B.200.

### **2.2 Term.**

The term of this Agreement shall be from the effective date to forty-five (45) years after the effective date or five (5) years after the end of the build-out period described in Section 2.3, whichever is sooner.

### **2.3 Build-Out Period.**

The build-out period for purposes of RCW 36.70B.180 shall be twenty-five (25) years from the effective date or five years after the completion of all the phases described in Section 10, whichever is later.

### **2.4 Modification.**

This Agreement may be modified, extended or terminated upon the express written agreement of the Developer and the County.

### **2.5 Exhibits and Appendices.**

Exhibits 1 through 4 and Appendices A through T are incorporated herein by this reference as if fully set forth. In the event of any conflict or inconsistency between the Exhibits and Appendices and the main body of this Agreement, the main body of this Agreement shall control.

## **3 THE PROPERTY AND THE MASTER PLAN.**

### **3.1 The Property Description.**

The Property covered by this Agreement consists of approximately 237.88 acres and is described with particularity in Exhibit 1.

### **3.2 The Master Plan Components.**

For the purposes of this Agreement, the Master Plan for future development of the Pleasant Harbor MPR consists of the development regulations adopted by the Board of County Commissioners, the conditions and requirements of Ordinance 01-0128-08, the Final

Environmental Impact Statement, the Final Supplemental Impact Statement, and this Agreement, inclusive of a Phasing Plan and Master Plan Map of the Property.

#### **4 NATIVE AMERICAN TREATY RIGHTS.**

##### **4.1 Protection of Native American Treaty Rights.**

###### 4.1.1 Protection of Fishing Rights.

The Pleasant Harbor MPR is located between two public beaches located at the mouths of the Duckabush and the Dosewallips Rivers which provide both commercial and ceremonial/subsistence harvest opportunities to Native American tribes (“tribes”) with usual and accustomed fishing rights in the area. To protect water quality the Developer shall construct the Pleasant Harbor MPR in accord with the Stormwater Management requirements attached as Appendix B, Shoreline Master Program attached as Appendix F and Wastewater Treatment Plan attached as Appendix I. The Developer will operate the Pleasant Harbor MPR in accord with the Water Quality Monitoring Plan attached as Appendix N and the Neighborhood Water Supply Program attached as Appendix O.

The Property sits atop a bluff above these two public beaches. Further, though located between these two public beaches, access to the public beaches on the trail from the Property has been prohibited and will continue to be prohibited permanently.

###### 4.1.2 Protection of Hunting Rights.

The Port Gamble S’Klallam Tribe (“PGST”) has expressed concern that Elk hunted by the PGST in areas outside of the Property could be attracted to the Pleasant Harbor MPR once it is built out. The Developer shall implement the adaptive management measures set forth in the Wildlife Management Plan attached as Appendix P to mitigate against this concern.

##### **4.2 Preservation of Native American Treaty Rights.**

The parties respect the tribal treaty rights and have modified the project and imposed mitigation measures designed, in part, to protect and preserve those rights.

Nothing in this Agreement should be viewed as an attempt to curtail or expand the rights reserved to tribes under their treaties with the United States, including but not limited to the Point No Point Treaty.

The Developer will continue to cooperate with tribes to protect tribal treaty rights.

#### **5 RECOGNITION OF AREAS WITH CULTURAL SIGNIFICANCE.**

The parties and the tribes discussed the importance of kettles on the Property to the PGST’s cultural history.

The PGST has applied for including of any Traditional Cultural Properties on the National Register of Historic Places as of the date of this Agreement. If, prior to

Developer applying for a grading or building permit for the Pleasant Harbor MPR, the PGST applies for and receives a recommendation from the State Advisory Council on Historic Preservation that either Kettle B or C is eligible for listing in the National Register of Historic Places, the Developer shall:

- (A) Preserve either Kettle B or C by preventing the selected kettle from being used for any stormwater storage; and,
- (B) Consult with the PGST to arrive at a kettle management plan where the PGST would enhance the selected kettle by removing invasive vegetation and planting it with native vegetation found at the time of its use by native people, and to develop and install an educational signs that explain the significance of the kettles to native people.

This provision does not restrict or otherwise prevent Developer from exercising its right to object to any application that kettles are culturally significant.

## **6 PROTECTION OF WATER QUALITY OUTSIDE OF THE PROPERTY**

### **6.1 Recognition of Significant Nearby Natural Resources.**

The Developer recognizes the importance of Hood Canal as a source of recreation and fishing. Protecting water quality in Hood Canal is just as important to the success of the Pleasant Harbor MPR as it is to those who use Hood Canal for recreation and subsistence.

### **6.2 Developer's Agreement to Address Impacts of the Pleasant Harbor MPR on Nearby Natural Resources.**

The Developer agrees to address demonstrated impacts of the Pleasant Harbor MPR to water quality both on-site and off-site. The Developer will construct the Pleasant Harbor MPR in accord with the Stormwater Management requirements attached as Appendix B, Shoreline Master Program attached as Appendix F and Wastewater Treatment Plan attached as Appendix I. The Developer will operate the Pleasant Harbor MPR in accord with the Water Quality Monitoring Plan attached as Appendix N and the Neighborhood Water Supply Program attached as Appendix O.

## **7 RESERVATION OF POLICE POWER OF THE COUNTY**

### **7.1 Police Power.**

The Developer understands and agrees that pursuant to RCW 36.70B.170(4), the execution of a development agreement is a proper exercise of the County's police power.

### **7.2 Reservation of County Authority.**

The Developer understands and agrees that pursuant to RCW 36.70B.170(4) and JCC 18.40.840(3)(d), this Agreement reserves the County's authority to impose new or different regulations to the extent required by a serious threat to public health and safety.

## **8 DEVELOPMENT STANDARDS.**

### **8.1 Permitted Uses and Density Standards; Zoning.**

The Master Plan, permitted land uses, and development regulations for development within the Property are set forth in chapter 17.60 of the Jefferson County Code, attached as Appendix A. Development of the Property shall not exceed 890 residential units, 56,608 square feet of commercial space and indoor and outdoor recreational spaces when completed at full build out.

### **8.2 Planning Goals and Objectives.**

The planning goals adopted by the County in the Comprehensive Plan as of the date of recording this Agreement shall be the policy guidance and the foundation for all future development of the Pleasant Harbor MPR.

### **8.3 Stormwater Standards.**

#### 8.3.1 Stormwater Subject to Best Management Practices and the County's Stormwater Management Requirements.

In all future development within the Pleasant Harbor MPR the Developer shall utilize best management practices ("BMP") and be subject to the County Stormwater Management requirements, JCC 18.30.070. A copy of JCC 18.30.070 is attached in Appendix B.

#### 8.3.2 Stormwater Management in Public Roads, Rights-of-Way and Easements.

The County shall be responsible for the management of stormwater runoff in all public roads, rights-of-way, and easements within the Pleasant Harbor MPR that have been accepted by the County for maintenance or other areas within the Pleasant Harbor MPR dedicated to the County. The Developer shall be responsible for the management of stormwater runoff in all other public areas within the Pleasant Harbor MPR as may be necessary to control stormwater runoff as required by Ordinance 01-0128-08, Condition 63(q).

#### 8.3.3 Stormwater Management in Private Rights-of-Ways

The Developer shall be responsible for the management of stormwater runoff in all private rights-of-ways and other non-public areas such as parking lots or drainage easements, as may be necessary to control stormwater runoff as required by Ordinance 01-0128-08, Condition 63(q).

### **8.4 Critical Area Standards**

Critical areas and their associated buffers, as well as allowed uses within the critical areas of the Pleasant Harbor MPR shall be determined based upon the Jefferson the County Critical Area requirements, Chapter 18.22 JCC. A copy of Chapter 18.22 JCC is attached in Appendix C.

## **8.5 Land Division Standards**

Platting within the Pleasant Harbor MPR shall be pursuant to RCW 58.17 and the County Land Division requirements, Chapter 18.35 JCC, and within the time frames adopted by the County pursuant to the 1995 Regulatory Reform Legislation, ESHB 1724 (ch. 347, Laws of 1995), as codified in Permit Application and Review Procedures/SEPA Implementation, Chapter 18.40 JCC, and vested in accordance with RCW 36.70B.180. A copy of Chapter 18.35 JCC and is attached in Appendix D and a copy of Chapter 18.40 JCC is attached in Appendix E.

## **8.6 Shoreline Master Program**

All future development within the Pleasant Harbor MPR shall be subject to the County Shoreline Master Program, Chapter 18.25 JCC. A copy of the applicable Shoreline Master Program requirements are attached as Appendix F.

## **8.7 Additional Development Standards.**

Additional Development Standards as identified in Chapters 12.05, 12.10, and 18.30 JCC shall also apply to the extent they do not conflict with the terms of this Agreement. A copy of Chapters 12.05, 12.10, and 18.30 JCC are attached in Appendix G.

## **8.8 Compliance with Ordinance 01-0128-08.**

As conditions to designating the Property as a master planned resort per Ordinance 01-0128-08, the County requires the Developer implement the following requirements:

### **8.8.1 Condition 63(e).**

The Developer shall advertise and give written notice at libraries and post offices in East Jefferson County and recruit locally to fill opportunities for contracting and employment, and will prefer local applicants provided they are qualified, available, and competitive in terms of pricing.

### **8.8.2 Condition 63(f).**

The Developer shall prioritize the sourcing of materials from within Jefferson County to develop the Pleasant Harbor MPR. Nothing in this Section 8.8.2 shall require that developer utilize materials or labor from within Jefferson County that are not of comparable price or quality to their counterparts outside of Jefferson County.

### **8.8.3 Condition 63(k).**

The Developer prepared a Cultural Resources Management Plan to assure archaeological investigations and systematic monitoring of the subject property prior to issuing permits; and during construction to maintain site integrity, provide procedures regarding future ground disturbing activity, assure traditional tribal access to cultural properties and

activities, and to provide for community education opportunities. Developer shall implement the Cultural Resources Management Plan attached in Appendix Q.

8.8.4 Condition 63(l).

Developer prepared a Wildlife Management Plan focused on non-lethal strategies developed in the public interest and in consultation with the State of Washington Department of Fish and Wildlife (“WDFW”) and local tribes, to prevent diminishment of tribal wildlife resources cited in the Brinnon Sub-Area Plan (e.g., deer, elk, cougar, waterfowl, osprey, eagles, and bear), to reduce the potential for vehicle collisions on U.S. Hwy 101, to reduce the conflicts resulting from wildlife foraging on high-value landscaping and attraction to fresh water sources, to reduce the dangers to predators attracted to the area by prey or habitat, and to reduce any danger to humans. Developer shall implement the Wildlife Management Plan attached in Appendix P, modified by Amendment 1 attached thereto.

8.8.5 Condition 63(p).

The Developer shall provide access to the water system by any neighboring parcels if salt water intrusion becomes an issue for neighboring wells on Black Point where it is proven that the Developer draw down of potable water has caused the salt water intrusion, and reserve areas for additional recharge wells will be included in case wells fail, are periodically inoperable, or cause mounding. A Neighborhood Water Policy Plan is attached in Appendix O. The Developer will implement the Neighborhood Water Policy Plan.

8.8.6 Condition 63(r).

The Developer prepared a comprehensive Water Quality Monitoring Plan specific to Pleasant Harbor requiring water collection, testing and an adaptive management program. The monitoring plan shall be funded by a yearly reserve, paid for by the Developer and will include regular offsite sampling of pollution, discharge, and/or contaminant loading, in addition to any onsite monitoring regime. The Developer will implement the Water Quality Monitoring Plan attached in Appendix N, modified by Amendment 1 attached thereto.

8.8.7 Condition 63(s).

To ensure that natural greenbelts and buffers are maintained and protected, a conservation easement attached in Appendix M will be recorded within 15 days of the effective date of this Agreement. The Developer will implement the Vegetation Management Plan attached in Appendix L. The Developer shall, prior to site disturbance, record a conservation easement protecting any wetlands and their respective buffers identified or created on the Property.

#### 8.8.8 Condition 63(t).

The Developer shall conduct ongoing monitoring and maintain an inventory regarding Tunicates and other invasive species. A Tunicate Agreement is attached in Appendix R. The Developer will implement the Tunicate Agreement.

#### 8.8.9 Condition 63(x).

The Developer shall use the LEED Shadowing (Leadership in Energy and Environmental Design) and “Green Built” green building rating system standards. These standards, applicable to commercial and residential dwellings respectively, “promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings and improving occupant health and well-being.” A Narrative Demonstrating Compliance with the Intent of LEED Standards is attached in Appendix T. The Developer will implement LEED Shadowing Standards, but is not required to register with LEED or obtain LEED certificates or approvals.

#### 8.8.10 Condition 63(z).

The Developer shall use the International Dark Sky Association (“IDA”) Zone E-standards for the MPR. These standards are recommended for “areas with intrinsically dark landscapes” such as national parks, areas of outstanding natural beauty, or residential areas where inhabitants have expressed a desire that all light trespass be limited. Dark Sky and Energy Star Approved High Efficiency Lighting Standards is attached in Appendix S. The Developer will implement the Dark Sky and Energy Star Approved High Efficiency Lighting Standards.

### **8.9 The Pleasant Harbor MPR Water Service.**

Water main extensions and potable water system improvements for potable water service that may be required to serve the Pleasant Harbor MPR shall be installed in conformance with the most current approved specifications and requirements as determined by the Washington State Department of Health and shall comply with the Coordinated Water System Plan (“CWSP”) and all other applicable laws, ordinances, rules and regulations. A copy of the applicable CWSP is attached in Appendix H.

### **8.10 The Pleasant Harbor MPR Wastewater Treatment Plan.**

Sanitary and on-site sewer and future sewer system improvements as required to serve the Developers Property shall be installed in conformance with the most current approved specifications and requirements of the Washington State Department of Health, Washington State Department of Ecology and the County Department of Public Health and all other applicable laws, ordinances, rules and regulations.

### **8.11 Memoranda of Understanding.**

As a condition to designating the Property as a master planned resort, the County required that the Developer negotiate memoranda of understanding or memoranda of agreement to

provide needed support for law enforcement services, the Brinnon schools, Fire District No. 4 and emergency medical services to mitigate for the potential impacts associated with development of the Pleasant Harbor MPR.

RCW 36.70A.360(4)(e) provides that a master planned resort is authorized only if on-site and off-site infrastructure and impacts are fully considered and mitigated. In part, the memoranda of understanding (“MOUs”) are written to address this requirement.

The parties secured the following MOUs:

8.11.1 School Services Mitigation.

School services to the Pleasant Harbor MPR are provided by the Brinnon School District. Mitigation for school services associated with development of the Pleasant Harbor MPR, if any, shall be implemented by the Developer as set forth in the MOU attached as Appendix J-1.

8.11.2 Fire and EMS Services Mitigation.

Jefferson County Fire District No. 4 will provide Fire and EMS services within the Pleasant Harbor MPR. Mitigation for Fire and EMS services associated with development of the Pleasant Harbor MPR, if any, shall be implemented by the Developer as set forth in the in the MOU attached as Appendix J-2.

8.11.3 Law Enforcement Services Mitigation.

The County will provide law enforcement services within the Pleasant Harbor MPR. Mitigation for law enforcement services associated with development of the Pleasant Harbor MPR shall be implemented by the Developer as set forth in the MOU attached as Appendix J-3.

8.11.4 Transportation Services Mitigation.

Public transportation services to the Pleasant Harbor MPR are provided by Jefferson County Transit. Mitigation of transportation services associated with development of the Pleasant Harbor MPR shall be implemented by the Developer as set forth in the in the MOU attached as Appendix J-4.

8.11.5 Healthcare Services Mitigation.

Mitigation for health care services associated with development of the Pleasant Harbor MPR shall be implemented by the Developer as set forth in the MOU attached as Appendix J-5.

8.11.6 Housing Mitigation.

The Developer shall comply with Ordinance 01-0128-08, Condition 63(g) related to affordable housing. This will include but not be limited to the staff housing mitigation

associated with development of the Pleasant Harbor MPR, if any, which shall be implemented by the Developer as set forth in the MOU attached as Appendix J-6.

#### 8.11.7 Parks and Recreation Mitigation.

The County, the State and the United States provide areas for parks and recreation in the vicinity of the Property. Parks and Recreation mitigation associated with development of the Pleasant Harbor MPR shall be implemented by the Developer pursuant to applicable state and local law as set forth in the MOU attached as Appendix J-7.

#### 8.11.8 MOUs Satisfy Condition 63(c) of Ordinance No. 01-0128-08.

The County agrees that the MOUs listed in this Section 8.11 satisfy condition 63(c) of Ordinance No. 01-0128-08 and adequately mitigate impacts for the proposed development of the Pleasant Harbor MPR. No additional mitigation will be required, except as provided in Section 9.2.4.

## **9 STANDARDS FOR DEVELOPMENT AND OTHER MITIGATION BY COUNTY.**

### **9.1 County Processing and Review.**

The review and approval of proposed development applications proposed by the Developer for the Property shall be pursuant to the Pleasant Harbor MPR Zoning Code (Appendix A) and the County's Permit Application and Review Procedures/SEPA Implementation, Chapter 18.40 JCC, which is attached in Appendix E.

### **9.2 SEPA Compliance.**

#### 9.2.1 Environmental Impact Statement.

The parties acknowledge that potential environmental impacts from future development of the Pleasant Harbor MPR have been assessed and addressed in prior environmental documents. The prior reviews were published in the following documents:

- Draft Environmental Impact Statement for Pleasant Harbor Marina and Golf Resort (September 5, 2007) ("DFEIS");
- Pleasant Harbor Marina and Golf Resort, Final Environment Impact Statement (November 27, 2007) ("FEIS");

Pursuant to Condition 63(b) of Ordinance 01-0128-08, the County required a supplemental impact statement on the planned final configuration of the MPR, and the systems designed to address the conditions and environmental consequences of the MPR as identified in the FEIS (Chapter 5) and Conditions 63(a)-(dd) in Ordinance 01-0128-08.

### 9.2.2 Supplemental Environmental Impact Statement.

The Supplemental Environmental Impact Statement was published in the following documents:

- Draft Supplemental Environmental Impact Statement for Pleasant Harbor Marina and Golf Resort November 19, 2014 (“DSEIS”);
- Pleasant Harbor Marina and Golf Resort, Final Supplemental Environment Impact Statement December 9, 2015 (“FSEIS”).

### 9.2.3 Substantial Compliance with Environmental Impact Statements and Supplemental Environmental Impact Statements Required.

The FEIS, DSEIS and FSEIS are referred to collectively as the “Prior EISs.” Development shall substantially comply with the express mitigation measures imposed pursuant to the Prior EISs.

### 9.2.4 Future SEPA Review for Individual Projects.

The Prior EISs shall constitute compliance to the fullest extent possible under SEPA, as well as Condition 63(b) of Ordinance 01-0128-08, for all subsequent approvals or permits to develop the Pleasant Harbor MPR consistent with this Agreement, including, but not limited to, plats, short plats, binding site plans, boundary line adjustments, development permits, grading permits and building permits. Except as provided in this Section 9.2.4, no further environment impact statements are required, and no additional substantive SEPA mitigation measures are required for approvals or permits that authorize development that is consistent with level and range of development analyzed in the Prior EISs.

The County may require additional environmental analysis for a new or modified proposal that materially exceeds the level and range of development reviewed in the Prior EISs. For any such new or modified proposal, relevant information from Prior EISs shall be used to the fullest extent possible in future SEPA review. The scope of environmental review shall be limited to considering how or whether the proposal differs from or exceeds the scope of the Prior EISs and if so, whether such modification results in potentially significant adverse environmental impacts that have not been adequately addressed in the Prior EISs.

Nothing in this Section 9.2.4 shall release the Developer or its successors, successors in title, or assignees from complying fully with the terms of the Pleasant Harbor MPR Comprehensive Plan Amendment, Ordinance 01-0128-08 (Appendix K), specifically condition 63(b), which requires an automatic threshold determination of significance unless the SEPA Responsible Official determines that the proposal results in only minor construction.

### **9.3 Vesting of Development Standards.**

#### **9.3.1 Scope of Vesting.**

To the fullest extent allowed by RCW 36.70B.180, all development proposed on the Property shall be vested to and governed by the terms of this Development Agreement, the Pleasant Harbor MPR chapter of the Jefferson County Zoning Code, and the Unified Development Code, now codified at Title 18 of the Jefferson County Code including, but not limited to, those code standards attached to this Agreement effective on the date of this Agreement and attached as Appendices A-I).

#### **9.3.2 Vesting Period.**

The vesting period shall be the same as the build-out period in Section 2.3. Except as otherwise provided in Section 9.3, any new or different development standards adopted by the County during the term of this Agreement shall not apply to the Property.

#### **9.3.3 Default Standards and Requirements.**

To the extent this Agreement does not establish standards or requirements covering a subject, element or condition, then the development approval sought shall vest to and be governed by the County codes, regulations and standards in effect upon the date of complete application. The development standards identified in this Agreement shall apply to the Property for the term of this Agreement, except: The Board of County Commissioners reserves the authority to modify one or more of the standards or requirements of development for the Pleasant Harbor MPR during the term of the Agreement, to avoid a serious threat to public health or safety, as provided in RCW 36.70B.170 and JCC 18.40.840(3)(d).

#### **9.3.4 State and Federal Law.**

This Agreement does not relieve the Developer of any obligations to comply with state or federal laws or regulations of any kind including but not limited to those laws or regulations related to Native American treaty rights, endangered species, or stormwater.

#### **9.3.5 Building Codes.**

Jefferson County Code Title 15, The International Building Code and International Fire Code in effect in the State of Washington as of the date of filing of a complete application for a building permit shall apply to all new development.

## **10 PHASING.**

### **10.1 Phasing Plan.**

#### 10.1.1 Phases Proposed.

Pleasant Harbor MPR is a planned resort that is capable of being developed in independent and severable components or “phases.” Future development of the Pleasant Harbor MPR and all associated infrastructure, including roads and utilities, may be reviewed, permitted and constructed and/or bonded in phases or sub-phases. A phasing plan (consisting of three phases) for development of the Pleasant Harbor MPR (reviewed as part of the SEIS) is attached as Exhibit 4, modified to move “US HIGHWAY 101 AND BLACK POINT ROAD INTERSECTION IMPROVEMENTS” from Phase 3a to Phase 1a and to change the color of those improvements from red to purple. Each phase may further be broken down into discrete sub-phases as conditions dictate, but each primary phased must be constructed in the order set forth below.

#### 10.1.2 Requirement of Adequate Infrastructure, Open Space, Recreational Facilities, Landscaping and Other Conditions Sufficient for Each Phase to Stand Alone.

JCC 18.15.135 requires that if a master planned resort will be phased, each phase must contain adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the Pleasant Harbor MPR sufficient to stand alone if no subsequent phases are developed. The Developer will comply with JCC 18.15.135 and will complete or bond all necessary infrastructure to support a phase or sub-phase sufficient for each phase or sub-phase to stand alone, prior to obtaining approval for a subsequent phase.

#### 10.1.3 Phase 1.

Phase 1a consists of site clearing and grading for golf course, road network, building footprints, and Kettle B. Construct Highway 101 and Black Point Road intersection improvements. Commence road construction with services and begin implementation of the vegetation management plan. Create construction materials processing location on the golf course site.

Phase 1b consists of construction of the LOSS drainfield (wastewater treatment plant back up system), water storage tank with distribution piping at Tee 5, transit stop, construct sanitary sewer pump stations, Sea View Villas (170 units), Golf Vistas (32 units) and utility district.

#### 10.1.4 Phase 2.

Phase 2a consists of completion of the golf course and Half-way house (adjacent to fairway 5), develop the new, additional well, Kettle C: supplementary replacement to Kettle B, construct maintenance building and 52 units for staff quarters.

Phase 2b consists of construction of the Golf Terrace Recreation Center and Conference center/spa (208 units).

#### 10.1.5 Phase 3.

Phase 3a consists of construction of the Maritime Village building consisting of 66 units and 21,000 square feet of commercial. Reconstruct Black Point Road and construct new access road to WDFW boat launch.

Phase 3b consists of construction of the Golf Terraces 2, 3, and 4 (330 units), construction of Sea View Villas (14 units) and Golf Vistas (16 units). Complete utility district for the resort.

### **10.2 Preliminary Facilities.**

In addition to the facilities specifically described in Section 10.1 each Phase must design adequate preliminary facilities to service the phase. Preliminary facilities are those preliminary facilities or improvements that must be approved and installed in concert with the development of each phase. The preliminary facilities include the following:

#### 10.2.1 Water System.

A water system with sufficient water rights to serve the phase or sub-phase under review and approval.

#### 10.2.2 Wastewater Treatment System.

A sewer system with sufficient capacity to accommodate the waste discharge for the phase or sub-phase under review and approval.

#### 10.2.3 Road Network.

A road network to accommodate the phase or sub-phase under review and approval.

#### 10.2.4 Landscaping.

Landscaping for the phase or sub-phase under review and approval.

#### 10.2.5 Parking.

Associated parking for the phase or sub-phase under review and approval.

#### 10.2.6 County Approval of Preliminary Facilities Required.

The County's approval of a phase or sub-phase, whether by preliminary plat or other process, shall require approval of preliminary facilities for the entire phase. The Developer may construct preliminary facilities for each lot or tract in conjunction with development of that lot or tract. A final plat for a phase may be recorded by lot or tract provided all of

the preliminary facilities necessary to serve the lot or tract are complete and the specific development requirements within each lot or tract are complete.

### **10.3 Public Amenities and Access.**

Public amenities and access are those facilities and improvements that provide resort related activities and services. The Pleasant Harbor MPR shall, at a minimum, shall contain the following resort amenities (1) a 9-hole golf course; (2) spa services; (3) sports courts; (4) pool; and (5) water slides. These amenities shall be completed consistent with completion of the phase in which the amenity is proposed and made available to members of the general public for a fee to be established by the Developer.

## **11 INDEMNITY.**

### **11.1 Indemnified Claims.**

The indemnified claims are:

- (a) Claims for costs, losses, damages or expenses as a result of the County's approval of this Agreement and the Developer's or the Developer's contractors, agents or employees operations under this Agreement including, but not limited to, claims that this Agreement violates treaty rights of tribes;
- (b) Claims based on the Developer's negligence; and,
- (c) Claims based on the breach of any of the Developer's obligations under this Agreement.

As used in this Agreement the term "indemnified claim(s)" means the claims listed in this Section 11.1.

### **11.2 The Developer's Obligations.**

#### 11.2.1 Scope.

The Developer shall defend, indemnify and hold the County, and its elected officials and employees harmless from and shall process and defend at its own expense, including all costs, attorney fees and expenses relating thereto, all claims, demands, or suits at law or equity arising in whole or in part, directly or indirectly, from any indemnified claims.

The County retains the right to provide additional counsel for the County's defense at the County's sole expense to assist counsel paid for by the Developer or to monitor any indemnified claim.

#### 11.2.2 No Waiver of RCW 4.96.020 by the Developer.

The Developer shall not attempt to waive the requirements of the filing of a pre-suit claim against the County under RCW 4.96.020.

#### 11.2.3 Cooperation.

The Developer and County shall cooperate with each other in the defense of any indemnified claims. The Developer shall not file any pleadings or motions or take any position with a court, government agency or hearing officer without first consulting with the County. Developer retains sole discretion to pursue defense of Indemnified Claims in any means it deems appropriate, but cannot take positions on behalf of the County without the County's consent.

#### 11.2.4 Best Efforts to Obtain Release of the County.

If the Developer settles any indemnified claim, the Developer will use its best efforts to obtain a release of the indemnified claim for the County, and its elected officials and employees.

#### 11.2.5 Claims against Both the County and the Developer.

The Developer wishes to avoid the expenses of a separate defense of both it and the County should any person assert an indemnified claim against both the Developer and the County. Accordingly, the Developer agrees to provide joint counsel to represent both the Developer and the County at the Developer's sole expense when indemnified claims are made against both the County and the Developer. However, the County retains the right to substitute its own counsel in place of joint counsel at the County's sole expense or to provide additional counsel at the County's sole expense to assist counsel paid for by the Developer or to monitor any indemnified claim.

#### 11.2.6 The Developer is the Real Party in Interest.

For any indemnified claim where the Developer is required to provide the County a defense pursuant to Section 11, the Developer shall make it clear that it is the real party in interest on any indemnified claims made against the County and that: (i) Any positions the Developer takes in defending the indemnified claims are the positions of the Developer and not the County; and, (ii) Any positions the Developer takes in defending the indemnified claims are not necessarily the positions the County would take if it were the real party in interest.

### **11.3 The County's Obligations.**

#### 11.3.1 Notice.

The County shall provide notice to the Developer of any indemnified claim it receives within fourteen days of receipt of such claim. For the avoidance of doubt, the notice

required under this Section 11.1.3 includes notice of any pre-suit claim presented to the County under RCW 4.96.020.

#### 11.3.2 Cooperation.

The County shall cooperate with the Developer in the defense of any indemnified claims. The County shall not file any pleadings or motions or take any position with a court, government agency or hearing officer without first consulting with the Developer.

#### 11.3.3 Consent to Counsel Selected by the Developer.

The County may consent to the representation by counsel selected by the Developer and provide appropriate waivers of conflicts of interest to counsel selected by the Developer. Provided, however, that if the County refuses to consent or to provide appropriate waivers of conflicts of interest, the Developer may suspend performance of the indemnity obligations under this Section 11.

### **11.4 Limitations.**

#### 11.4.1 No Indemnity for Claims Other than Indemnified Claims.

Nothing in this Section 11 shall require the Developer to indemnify, hold harmless, or defend the County from claims, demands or suits based on claims against the County that are not indemnified claims and are based solely upon the conduct of the County, its elected officials, employees and agents.

#### 11.4.2 Claims Based on Comparative Fault.

If the claims or suits are caused by or result from the comparative fault of: (i) the Developer's agents or employees; and, (ii) the County, its elected officials, employees and agents, this indemnity provision with respect to claims or suits based upon such comparative fault, then the claims shall be treated as claims against both the County and the Developer under Section 11.2.6 until a final, enforceable judgment is entered. After a final, enforceable judgment is entered, the Developer and the County shall each be responsible for their shares of the final, enforceable judgment.

## **12 GENERAL PROVISIONS.**

### **12.1 Governing Law.**

This Agreement shall be governed by and interpreted in accordance with the laws and regulations of the State of Washington, as if applied to transactions entered into and to be performed wholly within the State of Washington between residents of the State of Washington. No party shall argue or assert that any law other than Washington law applies to the governance or construction of this Agreement.

## **12.2 Binding on Successors.**

This Agreement shall be binding upon and inure to the benefit of the successors, successors in title and assigns of the Developer and upon the County.

## **12.3 Assignment.**

### 12.3.1 Right to Transfer, Consent of the County Not Required.

The parties acknowledge that development of the Pleasant Harbor MPR may involve sale and assignment of portions of the Property to other persons who will own, develop and/or occupy portions of the Property and buildings thereon. The Developer shall have the right to assign or transfer all or any portion of the respective interests, rights or obligations under this Agreement or in the Property to other parties acquiring an interest or estate in all or any portion of the Property, including transfer of all interests through foreclosure (judicial or non-judicial) or by deed in lieu of foreclosure, provided transferee agrees to assume all obligations of the Developer under this Agreement. Consent by the County shall not be required for any transfer of rights pursuant to this Agreement.

### 12.3.2 Obligations of the Developer and Transferee under this Agreement.

Upon the transfer or assignment under this Section 12.3 and the transferee's assumption of all obligations of the Developer under this Agreement, the transferee shall be entitled to all interests and rights and be subject to all obligations under this Agreement pertaining to the property transferred or assigned, and the Developer shall be released of liability under this Agreement for the property transferred or assigned, but shall retain liability for any breach which occurred prior to the transfer of rights to another party and for those portions of the Property still owned by the Developer.

## **12.4 Release of the Developer's Liability by Assignment.**

### 12.4.1 Transfer and Assumption of All Obligations Under this Agreement Required.

The Developer shall be released of all liabilities and obligations under the Agreement if:

- (a) The Developer provides notice to the County of an Assignment of the Agreement; and,
- (b) The transferee has assumed in writing the all the obligations of this Agreement.

### 12.4.2 Results of Effective Assignment.

If the conditions for release are met under this sub-section, then from and after the date of transfer, the Developer shall have no further liability or obligation under the Agreement, and the assignee shall exercise the rights and perform the obligations of the Developer under the Agreement for that portion of the Property acquired by the successor or assign.

### 12.4.3 Effect of Partial Assignment.

The parties acknowledge that the Developer may transfer or assign title to a portion of the Property in any manner consistent with this Agreement. Should the transfer or assignment of title relate to only a portion of the Property, then the release of liability pursuant to this paragraph shall only apply to acts or omissions arising from or related to the portion of the Property being assigned or transferred.

### **12.5 Recording as a Covenant Running with the Land.**

This Agreement shall be recorded with the County Auditor against the Property as a covenant running with the land and pursuant to RCW 36.70B.190 shall be binding on the Developer, its successors, successors in title and assigns during its Term. The parties agree that the appendices need not be recorded.

### **12.6 Release as to Residential Development.**

Upon the approval of a final plat, a condominium declaration or other approved land division in compliance with this Agreement that relates to residential development of the Property, then there shall be executed and recorded with the County Auditor a release from this Agreement with respect to that particular and specific parcel or parcels of real property that received final plat approval, filed a condominium declaration or was the subject of other approved land division. Residential development on the parcel or parcels released pursuant to this subsection shall continue to be subject to the requirements of the development regulations listed in Sections 7 and 8.1.

### **12.7 Severability.**

If any provision of this Agreement is determined by a court of law to be unenforceable or invalid, then the remainder of the Agreement shall remain in full force and effect. Further, as to those provisions held by a court of law to be unenforceable, the parties shall confer and agree to amend the Agreement to implement the mutual intent of the parties to the maximum allowed by law.

### **12.8 Amendment.**

This Agreement shall not be amended without the express written approval of the County and the Developer (or its successors, successor in title and assigns with respect to the property in which they have an interest). The Board of County Commissioners must approve all amendments to this Agreement by ordinance or resolution and only after notice to the public and a public hearing.

### **12.9 Headings.**

The headings in this Agreement are inserted for reference only and shall not be construed to expand, limit or otherwise modify the terms and conditions of this Agreement.

### **12.10 Dispute Resolution.**

In the event of any dispute relating to this Agreement, all parties upon the written request (to be titled "Notice of Dispute") of any other party, shall meet within the five (5) business days to seek in good faith to resolve the dispute. The County shall send a department director or the qualified lead planner and other persons with information relating to the dispute, and the Developer shall send an owner's representative and any consultant or other person with technical information or expertise related to the dispute. If the parties are unable to reach amicable resolution of a dispute within thirty (30) days of the written Notice of Dispute issued by one of the parties, the parties agree that they will immediately identify a mediator and participate in mediation in good faith. The selected mediator shall have documented experience and expertise in Washington land use law. The parties agree to work cooperatively to select a mediator with land use and real estate experience. Each party will identify and propose to the other party three potential mediators. Between the proposed mediator lists, the parties will select a mutually agreeable mediator to resolve the dispute. The mediation shall be completed within 90 days of the original written Notice of Dispute by one of the parties. If the parties are unable to reach a resolution following timely mediation, each party reserves the right to seek resolution and pursue remedies available under this Agreement and at law. The parties agree that the cost of mediation pursuant to this paragraph shall be borne equally by the parties to this Agreement. The parties may agree in writing to extend any deadline or time frame listed in this Section 12.10.

### **12.11 Default and Remedies.**

No party shall be in default under this Agreement unless it has failed to perform a material provision under this Agreement for a period of thirty (30) days after written notice of default from any other party. Each notice of default shall specify the nature of the alleged default and the manner in which the default may be cured satisfactorily. If the nature of the alleged default is such that it cannot be reasonably cured with the thirty (30) day period, then commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure. Any party not in default under this Agreement shall have all rights and remedies provided by law including without limitation damages, specific performance or writs to compel performance or require action consistent with this Agreement. In recognition of the possible assignment and sale of portions of the Property (see Section 12.3) any claimed default shall relate as specifically as possible to the portion of the Property involved and any remedy against any party shall be limited to the extent possible to the owners of such portion of remedies which do not adversely affect the rights, duties or obligations of any other non-defaulting owner of portions of the Property under this Agreement. Each party to this Development Agreement shall be solely responsible for the costs they incur with respect to asserting or defending against any dispute, alleged default or civil lawsuit.

**12.12 No Third Party Beneficiaries.**

This Agreement is made and entered into for the sole protection and benefit of the parties hereto and their successors in title and assigns. No other person shall have any right of action based upon any provision of this Agreement.

**12.13 Construction.**

This Agreement has been reviewed and revised by legal counsel for all parties and no presumption or rule that ambiguity shall be construed against the party drafting the document shall apply to the interpretation or enforcement of this Agreement.

**12.14 Signature in Counterparts.**

Separate copies of this Agreement may be signed by each of the parties and this Agreement will have the same force and effect as if the original had been signed by all the parties.

**12.15 Notice.**

All communications, notices and demands of any kind which a party under this Agreement requires or desires to give to any other party shall be in writing deposited in the U.S. mail, certified mail postage prepaid, return receipt requested, and addressed as follows:

To the County:            Director  
                                  Jefferson County Department of Community Development  
                                  621 Sheridan Street  
                                  Port Townsend, WA 98368

cc:                            Board of County Commissioners  
                                  P.O. Box 1220  
                                  Port Townsend, WA 98370

                                  Prosecuting Attorney  
                                  P.O. Box 1220  
                                  Port Townsend, WA 98370

To Pleasant Harbor Marina and Golf Resort, LLP and Pleasant Harbor Marina, LLC:

c/o M. Garth Mann  
Statesman Group of Companies Ltd.  
9300 E. Raintree Drive, Suite 100  
Scottsdale, Arizona 85269

cc: John T. Cooke  
Houlihan Law  
100 N. 35<sup>th</sup> St.  
Seattle, WA 98103

**12.16 Estoppel Certificates.**

Within 30 days following any written request that any party or a mortgagee may make from time to time, the other party shall execute and deliver to the requesting person a statement certifying that: (a) this Agreement is in full force and effect, and stating any formal amendments to the Agreement; and, (b) to the best of the knowledge of the certifying party, no notice of default has been sent and no notice of violation of applicable laws has been issued regarding the project; and any other reasonably request information. Failure to provide a timely response to the requesting party shall be deemed conclusive evidence that the Agreement is unmodified and in full force and effect and that no notices of default or violation have been issued. Issuance of estoppel certificates is an administrative matter within the County. The County shall have no liability to the requesting party if it provides an estoppel certificate in good faith and with reasonable care.

**12.17 Cooperation.**

The parties shall not unreasonably withhold requests for information, approvals or consents provided for in this Agreement. The parties agree to take further actions and execute further documents, whether jointly or within their respective powers and authority, to implement the intent of this Agreement.

**12.18 Voluntary Undertaking.**

This Agreement is entered into voluntarily and without any coercion by or undue influence on the part of any person, firm or corporation.

**12.19 No Waiver.**

No waiver by any party of any term or condition of this Agreement shall be deemed or construed as a waiver of any other term or condition, or a waiver of any subsequent breach, whether of the same or a different provision of this Agreement.

**12.20 No Private CCR Enforcement by the County.**

The parties acknowledge and agree that nothing in this Agreement shall alter, infringe upon, modify, change, limit or restrict the ability or powers of the existing neighborhood, tract or subdivision property owner or lot owner associations from enforcing, interpreting and utilizing any and all covenants, conditions or restrictions that pre-exist this Agreement or covenants, conditions or restrictions recorded with the County Auditor after the effective date of this Agreement.

The parties further acknowledge and agree that the County bears no responsibility for the enforcement, interpretation or resolution of any dispute, filing, grievance, complaint or appeal that might arise as a result of recorded covenants, conditions or restrictions relating to tracts, subdivisions, lots or parcels within the Pleasant Harbor MPR.

**12.21 Entire Agreement.**

This Development Agreement consists of the Resolution approving the Agreement, the Agreement, Exhibits 1-4, and Appendices A-T. This Agreement constitutes the entire agreement between the parties relating to this subject matter. There are no other agreements, oral or written, except as expressly set forth herein. Except as specifically provided in this Agreement, this Agreement supersedes all prior or simultaneous representations, discussions, negotiations, and agreements, whether written or oral.

**12.22 No Assignment.**

The Developer represents, warrants and agrees that it has not assigned, transferred, conveyed, encumbered or in any manner otherwise disposed of all or any portion of the Property or any rights, obligations, or interests of any nature or kind whatsoever covered by this Agreement, whether before or after they occurred, regardless of whether they have occurred as of the date of this Agreement.

### **13 REPRESENTATIONS AND WARRANTIES.**


Each of the parties represents and warrants that:

- (a) Each is fully authorized to enter into this Agreement;
- (b) Each has taken all the necessary actions to duly approve the making and performance of this Agreement and that no further approval is necessary;
- (c) Each has read this Agreement in its entirety and knows the contents of this Agreement;
- (d) The terms of this Agreement are contractual and not mere recitals; and,
- (e) Each have signed this Agreement having obtained the advice of legal counsel.

**(SIGNATURES FOLLOW ON NEXT PAGE)**

**Signatures**

JEFFERSON COUNTY  
Jefferson County Board of County Commissioners

By   
Chair, David Sullivan

Date: \_\_\_\_\_


By   
Member, Kathleen Kler

Date: \_\_\_\_\_

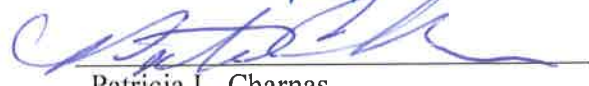
By   
Member, Kate Dean

Date: \_\_\_\_\_

APPROVED AS TO FORM:

  
Philip C. Hunsucker, *Michael Haas*  
Chief ~~Civil~~ Deputy Prosecuting  
Attorney

Date: 10/14/2018

  
Patricia L. Charnas  
Director of Community Development

Date: 10/18/18

PLEASANT HARBOR MARINA AND GOLF RESORT, LLP

By: M. Garth Mann  
M. Garth Mann

Its: Manager

Date: 06/27/2018

**Acknowledgement**

STATE OF WASHINGTON )  
 ) ss  
COUNTY OF \_\_\_\_\_ )

PROVINCE OF ALBERTA  
*MGM*

On this 27 day of JUNE, 2018, before me, the undersigned, a Notary Public in and for the State of Washington, duly commissioned and sworn, personally appeared Melvin G. Mann, to me known to be the person who signed as manager of Pleasant Harbor Marina and Golf Resort, LLP, the Washington limited liability company that executed the within and foregoing instrument, and acknowledged said instrument to be the free and voluntary act and deed of said limited liability company for the uses and purposes therein mentioned, and on oath stated that he was duly elected, qualified and acting as said officer of the limited liability company and that he was authorized to execute said instrument.

IN WITNESS WHEREOF I have hereunto set my hand and official seal the day and year first above written.

Dated this 27 day of JUNE, 2018.

David C.M. Bell  
(Signature of Notary)

(Print or stamp name of Notary)

**DAVID C.M. BELL**  
A Commissioner for Oaths - Notary Public  
in and for the Province of Alberta  
My Appointment Expires at the Pleasure of  
the Attorney General for the Province of Alberta

NOTARY PUBLIC in and for the State  
of Washington, residing at \_\_\_\_\_  
My Appointment Expires: \_\_\_\_\_

**Exhibit 1**

**(LEGAL DESCRIPTION – CONTAINED ON THE FOLLOWING PAGES)**

The Pleasant Harbor Master Plan Resort at Black Point shall consist of the properties described below, excluding only that portion of any parcel lying westerly of US 101, and together with leased tidelands supporting the Pleasant Harbor Marina; all as illustrated at Figure 1-5, page 1-4 of the Brinnon Master Planned Resort FEIS issued November 27, 2008.

**Parcel A APN 502153002**

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

Together with a perpetual non-exclusive easement for road and utility purposes through, across and over the following described property:

Beginning at the Southeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 15;

thence run West, along the South line of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , approximately 175 feet to the Southerly line of Black Point County Road; thence Northeasterly, along said Southerly line, to a point 30 feet North of said South line when measured at right angles; thence East, parallel to said South line, to the East line of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence South 30 feet to the point of beginning;

And over and across the West 30 feet of the South 30 feet of Government Lot 4 in said Section 15.

Situate in the County of Jefferson, State of Washington.

**Parcel B APN 502153003**

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

Except that portion thereof, lying within a strip of land conveyed to the State of Washington, for State Road No. 9, Duckabush River-North Section, by deed dated August 28, 1933, and recorded under Auditor's File No. 70817, records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel C APN 502153023**

Those portions of Sections 15 and 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The Southwest ¼ of the Southeast ¼ and Government Lot 7 of said Section 15, and Government Lots 2 and 3 of said Section 22;

Except those portions thereof lying East of the West line of the East 695.00 feet of said Southwest ¼ of the Southeast ¼, and East of the Southerly prolongation of said West line;

Also Except that portion of the West 100.00 feet of said Government Lot 7, lying Southerly of the North 539.00 feet thereof.

Together with tidelands of the second class, as conveyed by the State of Washington, situate in front of, adjacent to and abutting upon the West ½ in width of said Government Lot 2, in said Section 22.

Situate in the County of Jefferson, State of Washington.

**Parcel D APN 502154002**

That portion of the Northwest ¼ of the Southeast ¼ of Section 15, Township 25 North, Range 2 West, W.M., lying Southerly of the Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File No. 223427, records of said County;

Except that portion described as follows:

That portion of the Northwest ¼ of the Southeast ¼ of Section 15, Township 25 North, Range 2 West, W.M., described as follows:

Beginning at a point of intersection of the East line of the Northwest ¼ of the Southeast ¼ and the Southerly margin of the Black Point Road;  
thence South along the said East line, a distance of 300 feet;  
thence West 350 feet;  
thence North to the point of intersection with the Southerly margin of the Black Point Road;  
thence Easterly along said Southerly margin to the point of beginning.

Situate in the County of Jefferson, State of Washington.

**Parcel E APN 502152005**

That portion of the Southwest ¼ of the Northwest ¼ of Section 15, Township 25 North, Range 2 West, W.M., described as follows:

A strip of land 250 feet wide lying Easterly of and parallel to the Southeasterly right of way of State Highway 101;

Except the right of way for Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File Nos. 223427 and 410399, records of Jefferson County, Washington.

Also Excepting Therefrom the following tract:

Beginning at the Southwest corner of Government Lot 3; thence North 88° 23' 07" West 308.14 feet to the Southeasterly right of way of State Highway No. 101, and the true point of beginning; thence Southwesterly along said Highway, 117 feet, thence South 88° 23' 07" East, to a point 175 feet West of the high tide line; thence Northeasterly to a point on the North line of the Southwest ¼ of the Northwest ¼, 100 feet West of said high tide line; thence North 88° 23' 07" West to the true point of beginning of this exception.

Situate in the County of Jefferson, State of Washington.

**Parcel F APN 502152014**

Lot 1 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel G APN 502152015**

Lot 2 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel H APN 502152016**

Lot 3 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel I APN 502152013**

Lot 1, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 to 223 and amended in Volume 3 of Short Plats, pages 8 to 10, records of Jefferson County, Washington,

Except that portion of Lot 1 described as follows:

That portion of Government Lot 3 abutting second class tidelands in Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington, being more particularly described as follows:

Commencing at the North  $\frac{1}{4}$  corner of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington; thence South  $88^{\circ} 13' 42''$  East along the North line of said Section 15 for a distance of 364.50 feet to the point of beginning; thence continuing South  $88^{\circ} 13' 42''$  East 238.76 feet to the line of mean high tide; thence South  $61^{\circ} 12' 00''$  West along the line of mean high tide 34.78 feet; thence North  $40^{\circ} 41' 54''$  West along the line of mean high tide 3.31 feet; thence South  $62^{\circ} 36' 19''$  West along the line of mean high tide 26.83 feet; thence South  $87^{\circ} 54' 36''$  West 166.65 feet; thence North  $21^{\circ} 21' 05''$  West 43.00 feet to the point of beginning.

And Also Excepting second class tidelands as conveyed by the State of Washington, in front of, adjacent to and abutting the above described excepted uplands.

Situate in the County of Jefferson, State of Washington.

**Parcel J APN 502152012**

Lot 2, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 through 223, and amended in Volume 3 of Short Plats, pages 8 through 10, records of Jefferson County, Washington.

Together with second class tidelands, as conveyed by the State of Washington, situate in front of, adjacent to and abutting thereon.

Situate in the County of Jefferson, State of Washington.

**Parcel K APN 502153020**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 345.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof;

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 345.00 feet;

Situate in the County of Jefferson, State of Washington.

**Parcel L APN 502153021**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 520.00 feet less the East 345.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 520.00 feet and the West of the Southerly prolongation of the East line of said East 345.00 feet.

Situate in the County of Jefferson, State of Washington.

**Parcel M APN 502153022**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 695.00 feet less the East 520.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 695.00 feet and West of the Southerly prolongation of the East line of said East 520.00 feet.

Situate in the County of Jefferson, State of Washington.

## AMENDMENT 1 TO WILDLIFE MANAGEMENT PLAN

This Wildlife Management Plan is amended as follows:

- (1) Delete the sentence on page 5, paragraph 2 that reads: “Elk migrate on a seasonal pattern and can be expected to be in the project vicinity during certain times of the year.”
- (2) Delete “and inhabit the site for short durations during the year” from the sentence on page 5, paragraph 2 that reads: “Elk could potentially wander onto Black Point and inhabit the site for short durations during the year.”
- (3) After the sentence on page 5, paragraph 2 that reads: “According to Bryan Murphie (wildlife biologist with WDFW), there are two unique herds in the area: Duckabush and the Dosewallips herds (personal communication, 2017).” add the following sentence: “the Point No Point Treaty Council’s census records show that at times the Duckabush herd has contained as many as 80 individuals.”
- (4) After the sentence on page 5 paragraph 2 that reads: “Both herds have the potential ...,” add the following: “Some elk migrate seasonally. The Duckabush herd is resident year-round, and has not undergone a true migration since 1993. Some individual elk are nomadic, and may travel up to 13 kilometers from one end of their range to the other. As a result, it is possible that most of the Duckabush heard would be in the vicinity of the MPR all year, posing the risk that elk will cross Highway 101 and visit the MPR.”
- (5) Add a new fourth bullet in the “Deer” section on page 7 as follows: “■ Deer that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (6) Delete “because the site is adjacent to mapped elk crucial wintering range” from the sentence on page 7 that reads: “Elk have not been identified on the property but there is a potential for their presence because the site is adjacent to mapped elk crucial wintering range (WDFW 2017).”
- (7) Delete the following to the sentence from page 7: “Therefore, another potential strategy to reduce elk and vehicular incidents is to install collars on elk that are linked to signs on Highway 101.”
- (8) Delete the following to the sentence from pages 7-8: “However, this strategy would not prevent elk from entering the project site and is not always an effective strategy (personal communication with Fish and Wildlife Biologist at WSDOT 2017; personal communication with Wildlife Biologist at WDFW 2017).”
- (9) After the first sentence in the first full paragraph on page 8 that reads: “To help prevent elk and vehicle collisions, Statesman will install flashing signs that are associated with collared elk.” add the following: “A flashing sign shall be located on the East side of Highway 101 on both the North and the South sides of the Pleasant

Harbor MPR, in a precise locations determined by the Developer, after consultation with the Washington Department of Fish and Wildlife (WDFW). The Developer also will work with the WDFW to attach devices to area elk that would trigger the flashing signs when the Elk approach them. The WDFW will determine how the flashing signs will interface with the elk movements, who will be responsible for capturing and collaring elk, who will replace collars when they wear out, and who will be responsible for maintenance of all the system components. The Developer will reimburse WDFW for installation of two flashing signs and provide reimbursement of up to \$10,000 to WDFW for elk collars on the Duckabush herd and other system components for the program.”

- (10) Delete the following from the last sentence in the first full paragraph on page 8 as follows: “If more than four elk (which could be a herd) are observed accessing the property within a one year span,” so the sentence would read: “Statesman will employ the following strategies to remove and discourage elk from the site:”
- (11) Delete the all the language in the second bullet on page 8 as follows: “Once the property is developed and should there be more than four elk on the property at one time after the developer has determined that noise-deterrents, smell-deterrents and visual deterrents have proven ineffective, then the developer will install a fence as a last resort to discourage their presence for the benefit of the PGST and their hunting rights. The fence will only be installed on WDFW and WSDOT’s concurrence that installation of a fence will not pose a threat to human health and safety.” Replace it with the following: Nevertheless, the Developer shall construct an exclusion fence along the western border of the MPR South of Black Point Road, to exclude elk from the MPR. The Developer will be responsible for determining the precise location of the exclusion fence, but will consult with the WDFW and the Point No Point Treaty Council before constructing the exclusion fence. The exclusion fence shall be visible to Elk, (e.g., using survey tape or branches, or other like means) and shall be at least 8 feet in height. Fencing shall be either woven-wire or electric. Fencing shall be constructed before or concurrent with clearing the forest and developing greens, fairways, and lawns at the MPR.”
- (12) Add a new third bullet to the “Elk” section on page 8 as follows: “■ Elk that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (13) Add a new second bullet in the “Cougar” section on page 9 as follows: “■ Cougar that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (14) Add a new bullet in the “Bear” section on page 9 after the last two bullets in that section as follows: “■ Bear that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”

- (15) Add a new fourth bullet to the end of the “Waterfowl” section on page 10 as follows: “■ Deer that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (16) Delete “install a west oriented fence in any open areas where elk could find access to the 9 holes of golf course grasses. The Applicant will investigate if there is proven technology in types of grasses that are not attractive for elk grazing. In the case of elk, if more than four elk individuals are observed on the site in a 1-year period, Statesman will use alternative elk management strategies including scare tactics and fencing as described in the Wildlife Management Strategies section above” in the second paragraph in the “Summary and Recommendations” section on page 10 and replace it with the following: “the mitigation measures outlined above.”

This Amendment 1 shall be attached to the Wildlife Management Plan.

## **AMENDMENT 1 TO WATER QUALITY MONITORING PLAN**

This Water Quality Management Plan is amended as follows:

(1) Section X. is renumbered as Section X.A and Section XI. is renumbered as Section X.B.; and,

(2) A new Section X is added as follows:

### **X. Actions to be Taken, if Sampling Results Show Increasing Concentrations in Water Quality Parameters**

#### **A. Investigation.**

If sampling results show three consecutive increases in concentrations of any one of the water quality parameters sampled under this Agreement the Developer shall take steps to identify the cause of the increase. Under the direction of the JCWQ, the Developer shall take reasonable steps to investigate the cause of the increase in the water quality parameters, including but not limited to inspecting, sampling, or testing to determine the cause, nature and extent of the increase. JCWQ may require the Developer to provide a plan for investigation within the time determined by JCWQ as necessary to address the increasing concentrations in the water quality parameters.

#### **B. Remediation.**

Under the direction of the JCWQ, the Developer shall eliminate, or minimize any threat or potential threat to human health or the environment posed by increasing concentrations that are caused by the construction or operations of the Resort, including taking steps to eliminate, or modify the source to insure applicable groundwater quality standards are not exceeded.

This Amendment 1 shall be attached to the Water Quality Management Plan.

## **Exhibit 1**

Legal description of Pleasant Harbor Marina and  
Golf Resort, LLP Property and  
Pleasant Harbor Marina, LLC Property

## EXHIBIT 1

The Pleasant Harbor Master Plan Resort at Black Point shall consist of the properties described below, excluding only that portion of any parcel lying westerly of US 101, and together with leased tidelands supporting the Pleasant Harbor Marina; all as illustrated at Figure 1-5, page 1-4 of the Brinnon Master Planned Resort FEIS issued November 27, 2008.

### **Parcel A APN 502153002**

The Northeast  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

Together with a perpetual non-exclusive easement for road and utility purposes through, across and over the following described property:

Beginning at the Southeast corner of the Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$  of said Section 15;  
thence run West, along the South line of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ , approximately 175 feet to the Southerly line of Black Point County Road;  
thence Northeasterly, along said Southerly line, to a point 30 feet North of said South line when measured at right angles;  
thence East, parallel to said South line, to the East line of said Southwest  $\frac{1}{4}$  of the Northwest  $\frac{1}{4}$ ;  
thence South 30 feet to the point of beginning;

And over and across the West 30 feet of the South 30 feet of Government Lot 4 in said Section 15.

Situate in the County of Jefferson, State of Washington.

### **Parcel B APN 502153003**

The East  $\frac{1}{2}$  of the Northwest  $\frac{1}{4}$  of the Southwest  $\frac{1}{4}$  of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

Except that portion thereof, lying within a strip of land conveyed to the State of Washington, for State Road No. 9, Duckabush River-North Section, by deed dated August 28, 1933, and recorded under Auditor's File No. 70817, records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel C APN 502153023**

Those portions of Sections 15 and 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The Southwest ¼ of the Southeast ¼ and Government Lot 7 of said Section 15, and Government Lots 2 and 3 of said Section 22;

Except those portions thereof lying East of the West line of the East 695.00 feet of said Southwest ¼ of the Southeast ¼, and East of the Southerly prolongation of said West line;

Also Except that portion of the West 100.00 feet of said Government Lot 7, lying Southerly of the North 539.00 feet thereof.

Together with tidelands of the second class, as conveyed by the State of Washington, situate in front of, adjacent to and abutting upon the West ½ in width of said Government Lot 2, in said Section 22.

Situate in the County of Jefferson, State of Washington.

**Parcel D APN 502154002**

That portion of the Northwest ¼ of the Southeast ¼ of Section 15, Township 25 North, Range 2 West, W.M., lying Southerly of the Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File No. 223427, records of said County;

Except that portion described as follows:

That portion of the Northwest ¼ of the Southeast ¼ of Section 15, Township 25 North, Range 2 West, W.M., described as follows:

Beginning at a point of intersection of the East line of the Northwest ¼ of the Southeast ¼ and the Southerly margin of the Black Point Road;  
thence South along the said East line, a distance of 300 feet;  
thence West 350 feet;  
thence North to the point of intersection with the Southerly margin of the Black Point Road;  
thence Easterly along said Southerly margin to the point of beginning.

Situate in the County of Jefferson, State of Washington.

**Parcel E APN 502152005**

That portion of the Southwest ¼ of the Northwest ¼ of Section 15, Township 25 North, Range 2 West, W.M., described as follows:

A strip of land 250 feet wide lying Easterly of and parallel to the Southeasterly right of way of State Highway 101;

Except the right of way for Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File Nos. 223427 and 410399, records of Jefferson County, Washington.

Also Excepting Therefrom the following tract:

Beginning at the Southwest corner of Government Lot 3;  
thence North 88° 23' 07" West 308.14 feet to the Southeasterly right of way of State Highway No. 101, and the true point of beginning;  
thence Southwesterly along said Highway, 117 feet,  
thence South 88° 23' 07" East, to a point 175 feet West of the high tide line;  
thence Northeasterly to a point on the North line of the Southwest ¼ of the Northwest ¼, 100 feet West of said high tide line;  
thence North 88° 23' 07" West to the true point of beginning of this exception.

Situate in the County of Jefferson, State of Washington.

**Parcel F APN 502152014**

Lot 1 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel G APN 502152015**

Lot 2 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel H APN 502152016**

Lot 3 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

**Parcel I APN 502152013**

Lot 1, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 to 223 and amended in Volume 3 of Short Plats, pages 8 to 10, records of Jefferson County, Washington,

Except that portion of Lot 1 described as follows:

That portion of Government Lot 3 abutting second class tidelands in Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington, being more particularly described as follows:

Commencing at the North ¼ corner of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington;  
thence South 88° 13' 42" East along the North line of said Section 15 for a distance of 364.50 feet to the point of beginning;  
thence continuing South 88° 13' 42" East 238.76 feet to the line of mean high tide;  
thence South 61° 12' 00" West along the line of mean high tide 34.78 feet;  
thence North 40° 41' 54" West along the line of mean high tide 3.31 feet;  
thence South 62° 36' 19" West along the line of mean high tide 26.83 feet;  
thence South 87° 54' 36" West 166.65 feet;  
thence North 21° 21' 05" West 43.00 feet to the point of beginning.

And Also Excepting second class tidelands as conveyed by the State of Washington, in front of, adjacent to and abutting the above described excepted uplands.

Situate in the County of Jefferson, State of Washington.

**Parcel J APN 502152012**

Lot 2, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 through 223, and amended in Volume 3 of Short Plats, pages 8 through 10, records of Jefferson County, Washington.

Together with second class tidelands, as conveyed by the State of Washington, situate in front of, adjacent to and abutting thereon.

Situate in the County of Jefferson, State of Washington.

**Parcel K APN 502153020**

Those portions of the Southwest ¼ of the Southeast ¼ of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 345.00 feet of said Southwest ¼ of the Southeast ¼, as measured along the North line thereof;

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 345.00 feet;

Situate in the County of Jefferson, State of Washington.

**Parcel L APN 502153021**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 520.00 feet less the East 345.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 520.00 feet and the West of the Southerly prolongation of the East line of said East 345.00 feet.

Situate in the County of Jefferson, State of Washington.

**Parcel M APN 502153022**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 695.00 feet less the East 520.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

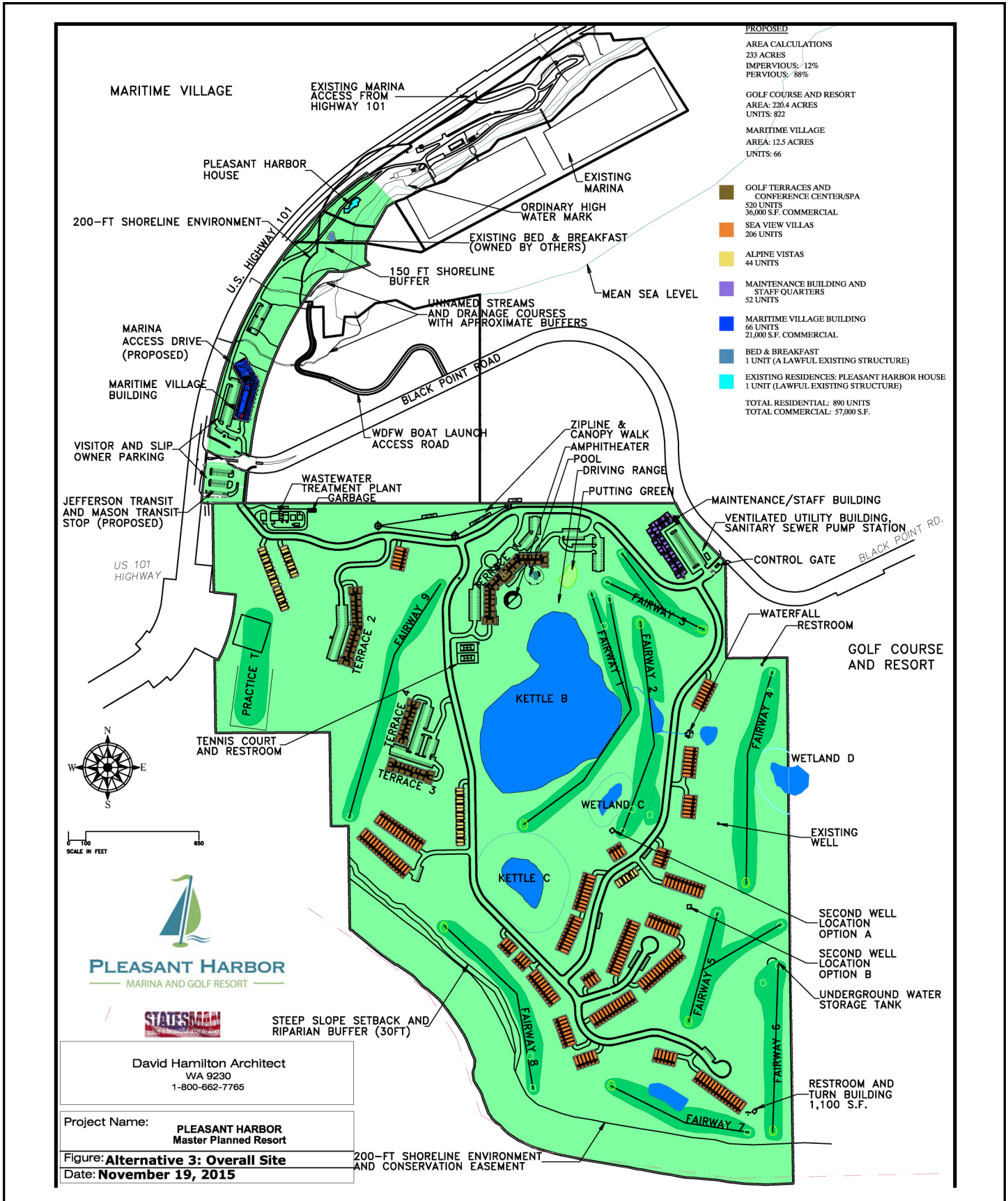
Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 695.00 feet and West of the Southerly prolongation of the East line of said East 520.00 feet.

Situate in the County of Jefferson, State of Washington.

## **Exhibit 2**

Master Plan Map of the Property

# Pleasant Harbor Final SEIS



Source: David Hamilton Architects, 2015



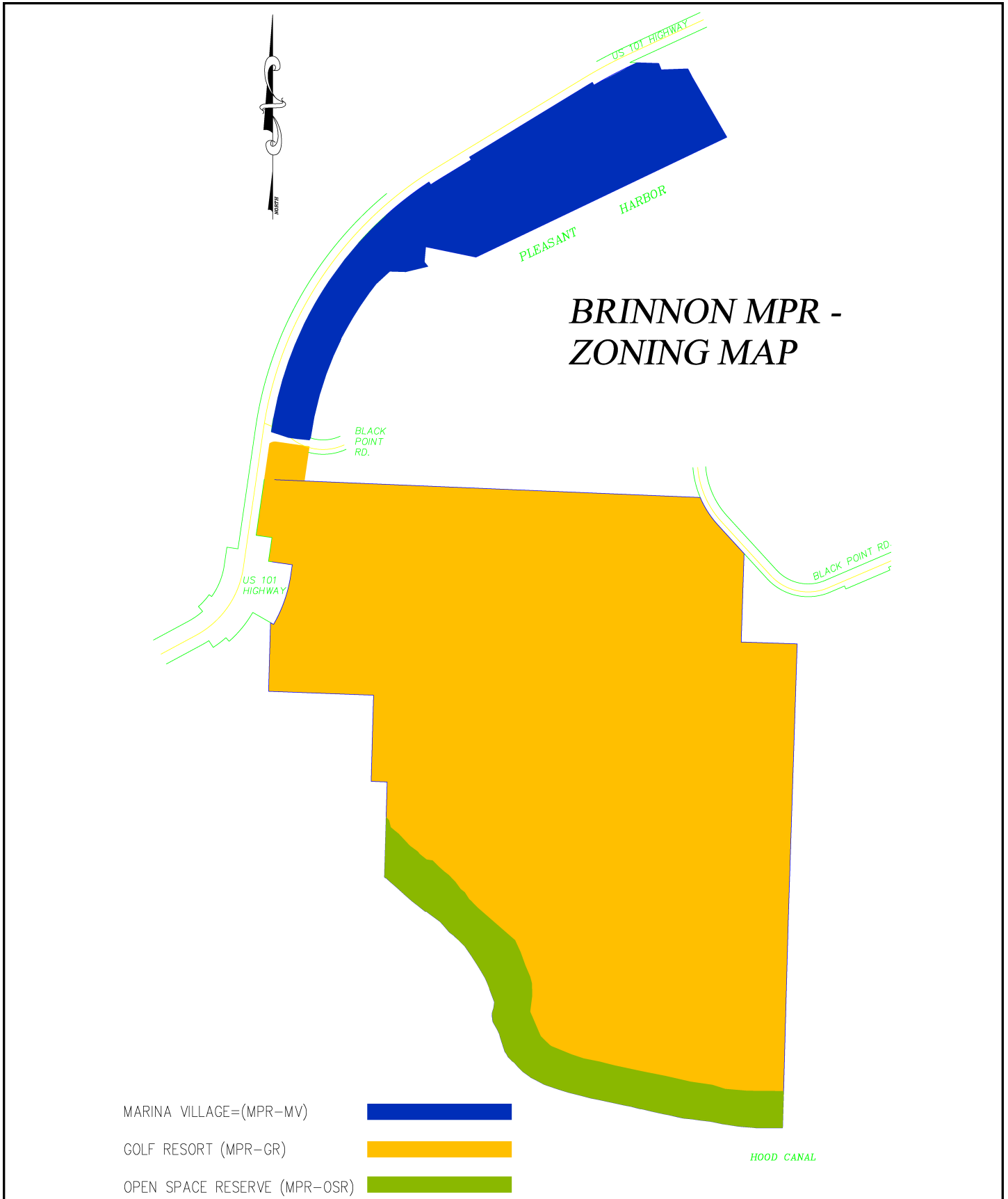
Figure 2-9

Alternative 3 Site Plan

## **Exhibit 3**

Pleasant Harbor Marina and Golf MPR Land Use Map  
(recordable version of Comprehensive Plan map)

Pleasant Harbor  
Final SEIS



- MARINA VILLAGE=(MPR-MV) [Blue bar]
- GOLF RESORT (MPR-GR) [Orange bar]
- OPEN SPACE RESERVE (MPR-OSR) [Green bar]

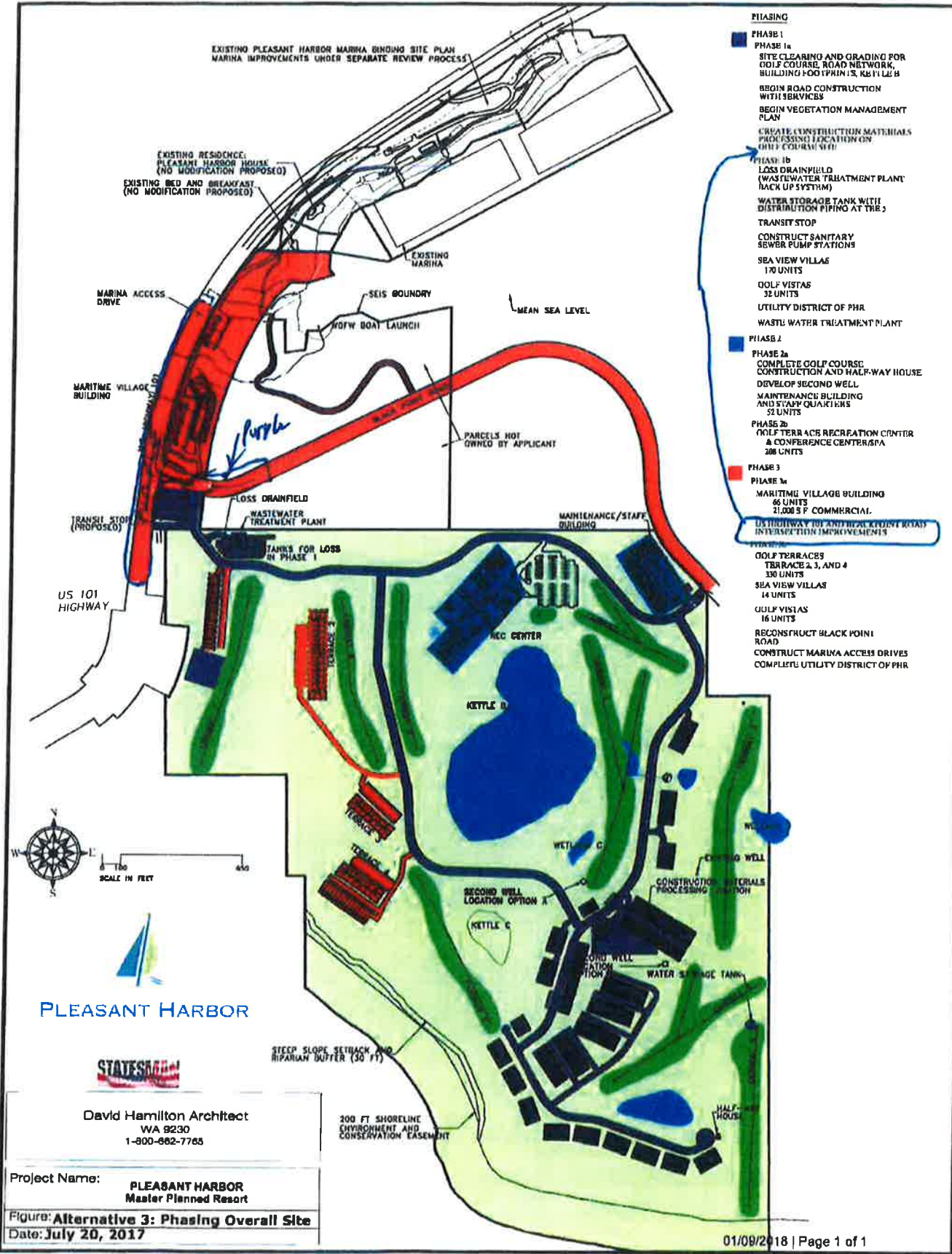
Source: Craig A. Peck & Associates, 2013



Figure 3.18-1  
Zoning Map

## **Exhibit 4**

### Phasing Plans



EXISTING PLEASANT HARBOR MARINA BINDING SITE PLAN  
MARINA IMPROVEMENTS UNDER SEPARATE REVIEW PROCESS

EXISTING RESIDENCE:  
PLEASANT HARBOR HOUSE  
(NO MODIFICATION PROPOSED)

EXISTING BED AND BREAKFAST  
(NO MODIFICATION PROPOSED)

EXISTING MARINA

SEIS BOUNDARY

MEAN SEA LEVEL

BOAT LAUNCH

PARCELS NOT OWNED BY APPLICANT

MARINA ACCESS DRIVE

MARITIME VILLAGE BUILDING

TRANSIT STOP (PROPOSED)

US 101 HIGHWAY

LOSS DRAINFIELD

WASTEWATER TREATMENT PLANT

TANKS FOR LOSS IN PHASE 1

MAINTENANCE/STAFF BUILDING

REC CENTER

KETTLE D

WELL C

SECOND WELL LOCATION OPTION A

KETTLE C

CONSTRUCTION MATERIALS PROCESSING YARD

COND WELL LOCATION OPTION B

WATER STORAGE TANK

HALF-HOUSE

STEEP SLOPE SETBACK AND RIPARIAN BUFFER (30 FT)

200 FT SHORELINE ENHANCEMENT AND CONSERVATION EASEMENT

**PHASING**

**PHASE 1**

- PHASE 1a
  - SITE CLEARING AND GRADING FOR GOLF COURSE, ROAD NETWORK, BUILDING FOOTPRINTS, R&I L&B
  - BEGIN ROAD CONSTRUCTION WITH SERVICES
  - BEGIN VEGETATION MANAGEMENT PLAN
  - CREATE CONSTRUCTION MATERIALS PROCESSING LOCATION ON THE COURSE W/IT
- PHASE 1b
  - LOSS DRAINFIELD (WASTEWATER TREATMENT PLANT BACK UP SYSTEM)
  - WATER STORAGE TANK WITH DISTRIBUTION PIPING AT THE 3
  - TRANSIT STOP
  - CONSTRUCT SANITARY SEWER PUMP STATIONS
  - SEA VIEW VILLAS 170 UNITS
  - GULF VISTAS 32 UNITS
  - UTILITY DISTRICT OF PHR
  - WASTEWATER TREATMENT PLANT

**PHASE 2**

- PHASE 2a
  - COMPLETE GOLF COURSE CONSTRUCTION AND HALF-WAY HOUSE
  - DEVELOP SECOND WELL
  - MAINTENANCE BUILDING AND STAFF QUARTERS 52 UNITS
- PHASE 2b
  - GOLF TERRACES RECREATION CENTER & CONFERENCE CENTER/SPA 208 UNITS

**PHASE 3**

- PHASE 3a
  - MARITIME VILLAGE BUILDING 66 UNITS
  - 2,000 S.F. COMMERCIAL
  - UTILITYWAY TO ANTICIPATED FUTURE ROADS INTERSECTION IMPROVEMENTS
- PHASE 3b
  - GOLF TERRACES TERRACE 2, 3, AND 4 330 UNITS
  - SEA VIEW VILLAS 14 UNITS
  - GULF VISTAS 16 UNITS
  - RECONSTRUCT BLACK POINT ROAD
  - CONSTRUCT MARINA ACCESS DRIVES
  - COMPLETE UTILITY DISTRICT OF PHR



PLEASANT HARBOR



David Hamilton Architect  
WA 9230  
1-800-882-7765

Project Name: **PLEASANT HARBOR Master Planned Resort**

Figure: **Alternative 3: Phasing Overall Site**  
Date: **July 20, 2017**

## **Appendix A**

MPR zoning chapter,  
Title 17 and 18 as amended

## Chapter 17.60 GENERAL PROVISIONS

### Sections:

- [17.60.010](#) Authority.
- [17.60.020](#) Title.
- [17.60.030](#) Purpose and intent.
- [17.60.040](#) Master plan.
- [17.60.050](#) Applicability.
- [17.60.060](#) Requirements.
- [17.60.070](#) Resort cap and residential use restrictions.
- [17.60.080](#) Nonconforming uses and structures.
- [17.60.090](#) Reserved.
- [17.60.100](#) Exemptions.
- [17.60.110](#) Enforcement.

#### **17.60.010 Authority.**

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This division is adopted pursuant to Chapters 36.70 and 36.70A RCW, and JCC Title 18. [Ord. 3-18 § 2 (Att. 1)]

#### **17.60.020 Title.**

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The regulations set forth in this division shall be known as the “Pleasant Harbor Master Planned Resort Code” or by the short title “Pleasant Harbor MPR code.” Citations to these regulations shall be made using the applicable JCC section number. [Ord. 3-18 § 2 (Att. 1)]

#### **17.60.030 Purpose and intent.**

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The purpose and intent of the Pleasant Harbor MPR code is to set forth development regulations that are consistent with the Jefferson County Comprehensive Plan for future development within the boundaries of the Pleasant Harbor Master Planned Resort (“MPR”). The Pleasant Harbor MPR provides a mixture of visitor-oriented transient accommodations, secondary homes, recreational facilities, and supporting commercial facilities. [Ord. 3-18 § 2 (Att. 1)]

#### **17.60.040 Master plan.**

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For the purposes of this division, the master plan for future development of the Pleasant Harbor MPR consists of: the regulations set forth in this division, along with: the conditions and requirements of Ordinance 01-0128-08; the conditions and requirements published in two environmental impact statements, the November 27, 2007, Final Environmental Impact Statement for the Brinnon (also referred to as the Pleasant Harbor Marina and Golf Resort) Master Planned Resort, and the December 2015 Pleasant Harbor Final Supplemental Impact Statement, including maps, mitigation measures, phasing plan; and any development agreement between Jefferson County and the

developer. [Ord. 3-18 § 2 (Att. 1)]

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**17.60.050 Applicability.**

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The provisions of this division shall apply to all regulated land use or development activity and siting of infrastructure including over-water or in-water work to be conducted within the boundary of the Pleasant Harbor MPR as depicted on the official land use map for Jefferson County, Washington. [Ord. 3-18 § 2 (Att. 1)]

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**17.60.060 Requirements.**

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In addition to the requirements of this division, the provisions of JCC Titles 15 and 18, as currently enacted or as hereafter amended or as may be vested, shall apply to development in the Pleasant Harbor MPR. Any regulated land use or development activity within the Pleasant Harbor MPR must also comply with the applicable development standards and requirements of:

- (1) Conditions and requirements of Ordinance 01-0128-08;
- (2) The mitigation measures required in the November 27, 2007, Final Environmental Impact Statement for the Brinnon (also referred to as the Pleasant Harbor Marina and Golf Resort) Master Planned Resort (2007 FEIS), and the Pleasant Harbor Marina and Golf Resort, Final Supplemental Environment Impact Statement December 9, 2015 (2015 FSEIS); and
- (3) The terms and conditions of any development agreement entered into between Jefferson County and the developer.

Where conflicts occur between the provisions of this division and other applicable code provisions, applicable mitigation measures, or applicable provisions of a development agreement between Jefferson County and the developer, the more restrictive shall apply. [Ord. 3-18 § 2 (Att. 1)]

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**17.60.070 Resort cap and residential use restrictions.**

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Pursuant to Ordinance 01-0128-08, the Pleasant Harbor MPR in total shall have a development cap of up to 890 residential units; provided, however, short-term visitor accommodation units and short-term rental units shall constitute not less than 65 percent of the total units including, but not limited to, hotels, motels, lodges, and any residential uses allowed under each zone. Short-term visitor accommodation units and short-term rental units shall be construed to mean occupancies equal to or less than 30 days. The Pleasant Harbor MPR in total shall have a development cap of 56,608 square feet of resort commercial, retail, restaurant, and conference space. [Ord. 3-18 § 2 (Att. 1)]

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**17.60.080 Nonconforming uses and structures.**

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JCC 18.20.260, as currently enacted or as hereafter amended, applies to all existing nonconforming uses or structures in all zones of the MPR. [Ord. 3-18 § 2 (Att. 1)]

**17.60.090 Reserved.**

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**17.60.100 Exemptions.**

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The exemptions contained in Chapter 15.05 JCC, as currently enacted or as hereafter amended, apply in all zones of the MPR. [Ord. 3-18 § 2 (Att. 1)]

**17.60.110 Enforcement.**

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The enforcement provisions codified in Chapter 18.50 JCC, Enforcement, as currently enacted or as hereafter amended, shall apply to any alleged violation of this division, more commonly known as the "Pleasant Harbor MPR code." [Ord. 3-18 § 2 (Att. 1)]

**Chapter 17.65**  
**GOLF RESORT (MPR-GR ZONE)**

Sections:

- [17.65.010](#) Purpose.
- [17.65.020](#) Permitted uses.
- [17.65.030](#) Height restrictions.
- [17.65.040](#) Setback requirements.
- [17.65.050](#) Critical areas.

**17.65.010 Purpose.**

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The MPR-GR zone allows residential and recreational facilities, as well as commercial amenities and services associated with the resort and surrounding community. [Ord. 3-18 § 2 (Att. 1)]

**17.65.020 Permitted uses.**

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The following uses are permitted in the MPR-GR zone:

- (1) Residential uses including single-family and multifamily structures, condominiums, townhouses, apartments, lofts, villas, time-share and other fractionally owned accommodations, short-term visitor accommodation units and short-term rental units with occupancies equal to or less than 30 days;
- (2) Visitor oriented amenities, including, but not limited to:
  - (a) Conference and meeting facilities;
  - (b) Restaurants, cafes, delicatessens, pubs, taverns and entertainment associated with such uses;
  - (c) On-site retail services and businesses typically found in destination resorts and designed to serve the convenience needs of users and employees of master planned resort; and
  - (d) Recreation businesses and facilities;
- (3) Cultural and informational facilities of all kinds including, but not limited to, interpretative displays of local Native American ties to and uses of the area, art galleries, and indoor or outdoor theaters;
- (4) Indoor and outdoor resort-related recreational facilities, including but not limited to tennis courts, swimming pools, spa services, hiking trails, bicycle paths, ropes courses, amphitheater, and other recreational uses consistent with the nature of master planned resort;
- (5) New public facilities and services as defined in JCC 18.10.160, but only as a conditional use if not part of a platting, development review process or one-time expansion; and

(6) Other similar uses consistent with the purpose of this zone and MPR as determined by the department of community development. [Ord. 3-18 § 2 (Att. 1)]

**17.65.030 Height restrictions.**

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No buildings within the MPR-GR zone shall be erected, enlarged or structurally modified to exceed 35 feet in height as measured by IBC standards except with approval of the director of the department of community development and the local fire district. Underground or embedded parking shall not be included in any height calculations. [Ord. 3-18 § 2 (Att. 1)]

**17.65.040 Setback requirements.**

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(1) All structures shall be set back at least 20 feet from the Pleasant Harbor MPR boundary lines and adjacent MPR zones. Minimum building setback from State Route 101 right-of-way is 35 feet. Minimum setback from Black Point Road right-of-way is 20 feet.

(2) All buildings not attached or having common walls shall be separated by a minimum distance of 10 feet, as measured from foundation to foundation. [Ord. 3-18 § 2 (Att. 1)]

**17.65.050 Critical areas.**

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All provisions of existing Jefferson County Code regarding critical areas and their buffers apply, and wetland buffers once determined are to be placed in a permanent conservation easement. [Ord. 3-18 § 2 (Att. 1)]

**Chapter 17.70**  
**OPEN SPACE RESERVE (MPR-OSR)**

Sections:

[17.70.010](#) Purpose.

**17.70.010 Purpose.**

The purpose of the MPR-OSR zone is to provide for a nonclearing permanently forested native vegetation buffer between the resort development and the waters of Hood Canal. The MPR-OSR zone shall extend landward as measured 200 feet horizontally from the ordinary high water mark of Hood Canal as measured in accordance with local and state code. Buffers and setbacks as required under this division or under JCC Title 18 apply to the MPR-OSR zone. [Ord. 3-18 § 2 (Att. 1)]

**Chapter 17.75**  
**MARINA – MARITIME VILLAGE (MPR-MV)**

Sections:

- [17.75.010](#) Purpose.
- [17.75.020](#) Permitted uses.
- [17.75.030](#) Prohibited uses.
- [17.75.040](#) Height restrictions.
- [17.75.050](#) Setback requirements.

**17.75.010 Purpose.**

The MPR-MV zone provides mixed use amenities and services associated with the marina and maritime village portion of the Pleasant Harbor MPR and surrounding community, and provides support to the marina operations. [Ord. 3-18 § 2 (Att. 1)]

**17.75.020 Permitted uses.**

The following uses are permitted in the MPR-MV zone:

- (1) Marina as approved through the Jefferson County shoreline master program and associated regulations, Chapter 18.25 JCC;
- (2) Residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations of all kinds, short-term visitor accommodation units and short-term rental units with occupancies equal to or less than 30 days;
- (3) The marina and maritime village related upland mixed use, commercial and service facilities, including open parking lots, restaurants and shops, as well as marine service facilities, marina office, yacht club and recreation facilities serving the resort and the marina;
- (4) Accessory uses and structures, such as garages, carports, storage buildings and similar structures supporting marina and maritime village uses, fuel service and parking;
- (5) Indoor and outdoor resort-related recreational facilities, including but not limited to tennis courts, swimming pools, marinas, hiking trails, bicycle paths, ropes courses, game center and other recreational uses consistent with the nature of master planned resort;
- (6) New public facilities and services as defined in JCC 18.10.160, but only as a conditional use if not part of a platting, development review process or one-time expansion; and
- (7) Other similar uses consistent with the purpose of the zone and MPR as determined by the department of community development and consistent with Chapter 18.25 JCC. [Ord. 3-18 § 2 (Att. 1)]

**17.75.030 Prohibited uses.**

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Float planes and float plane docks are prohibited. Aerial access is limited to helicopters for emergency purposes only. [Ord. 3-18 § 2 (Att. 1)]

**17.75.040 Height restrictions.**

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No buildings within the MPR-MV zone shall be erected, enlarged or structurally modified to exceed 35 feet in height as measured by IBC standards except with approval of the director of the department of community development and the local fire district. Underground or embedded parking shall not be included in any height calculations. [Ord. 3-18 § 2 (Att. 1)]

**17.75.050 Setback requirements.**

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(1) Minimum building setback from Highway 101 right-of-way shall be 35 feet. Minimum building setback from Black Point Road right-of-way shall be 20 feet.

(2) All new structures located within shoreline jurisdiction shall comply with the setback requirements of Jefferson County's shoreline master program as codified under Chapter 18.25 JCC. [Ord. 3-18 § 2 (Att. 1)]

**Chapter 17.80**  
**PLEASANT HARBOR RESORT DEVELOPMENT**

Sections:

- [17.80.010](#) Resort development.
- [17.80.020](#) Required mitigation measures during development and operations.
- [17.80.030](#) SEPA compliance required.
- [17.80.040](#) Revisions to master plan.
- [17.80.050](#) Minor revisions.
- [17.80.060](#) Major revisions.

**17.80.010 Resort development.**

This chapter describes development and operations mitigation measures for facilities located in the Pleasant Harbor MPR, consistent with the “master plan” defined by JCC [17.60.040](#), describes how SEPA is used, and provides processes for reviewing major or minor revisions to the master plan. These provisions apply to all development and operations within the Pleasant Harbor MPR. [Ord. 3-18 § 2 (Att. 1)]

**17.80.020 Required mitigation measures during development and operations.**

The mitigation measures required in the Brinnon (also referred to as the Pleasant Harbor Marina and Golf Resort), Final Environment Impact Statement (November 27, 2007) (2007 FEIS), the Pleasant Harbor Marina and Golf Resort, Final Supplemental Environment Impact Statement December 9, 2015 (2015 FSEIS), and the terms and conditions of the Ordinance 01-0128-08 and the mitigation measures contained in the development agreement entered into between Jefferson County and the developer are required for the Pleasant Harbor MPR. Listed for reference are those mitigation measures, which include but are not limited to:

(1) Shoreline Mitigation. The southern shoreline abutting Hood Canal will be put into a permanent conservation easement from the ordinary high water mark to 200 feet landward. Property ownership and responsibility for the permanent conservation easement shall be set forth in any development agreement.

(2) Water Quality Mitigation.

(a) The Pleasant Harbor MPR shall be required to perform water quality monitoring and to supply that data from the state water quality sampling station and other stations in Pleasant Harbor and submit a summary water quality report to Jefferson County.

(b) The Pleasant Harbor MPR shall comply with a county-approved comprehensive water quality monitoring plan requiring at least monthly water collection and testing developed and approved in concert with an adaptive management program, utilizing best available science and appropriate

state agencies. The monitoring plan shall be funded by a yearly reserve, paid for by the Pleasant Harbor MPR, that will include regular off-site sampling of pollution, discharge, and/or contaminant loading, in addition to any on-site monitoring regime.

(c) In the event that water quality shows any sign of deterioration, Jefferson County shall consult with the owners and operators of the resort, the local residents, and the state (both Washington State Department of Health and Washington Department of Fish and Wildlife) concerning the source of the change.

(d) Pertinent permits for the Pleasant Harbor MPR shall require implementation of appropriate mitigation measures to alleviate any water quality issues caused by the Pleasant Harbor MPR.

(3) Marina Mitigation.

(a) As a condition for permitting, all stormwater from impervious surfaces shall be captured and treated according to the most current edition of the Stormwater Management Manual for Western Washington before discharge.

(b) There shall be no discharge of sewage or contaminated bilge waters at the marina.

(c) Pump out facilities shall be provided and operational at all times.

(d) Cleaning of fish or sea life shall be prohibited within the controlled access areas of the marina.

(e) The project permits shall incorporate shellfish protection district guidelines.

(f) The marina shall have the right to inspect any vessel at any time.

(g) The marina shall develop and manage an active boater education program appropriate to the marina setting to supplement any Jefferson County program developed as part of the shellfish protection district.

(h) New or significant expansions to existing fuel storage or transfer shall be prohibited on marina floats, docks, piers, and storage lockers.

(i) No storage of oily rags, open paints, or other flammable or environmentally hazardous materials except emergency equipment as approved in the emergency service MOU shall be permitted on the docks.

(j) Painting, scraping, and refinishing of boats shall be limited to minor repairs when in the water, which do not result in any discharge to the waters of the harbor.

(k) Any minor repairs must employ a containment barrier that prevents debris from entering the

marine waters.

(l) Shellfish harvesting notices and information will be available at the resort at specific locations, such as the marina, maritime village and at the conference center.

(m) The marina operations shall incorporate mitigation requirements consistent with Jefferson County's shellfish protection plan, and shall integrate a boater education program into a marina public education plan, which shall be implemented and maintained for so long as the resort is in operation, as part of a resort habitat management plan.

(n) The marina operations shall collect water quality data (from state sources so long as available or from approved testing plan should the state sources move or not accurately reflect Pleasant Harbor conditions), and shall be required to participate with Jefferson County in an adaptive management program to eliminate, minimize, and fully mitigate any changes arising from the resort and related Pleasant Harbor or maritime village.

(o) The marina operations shall conduct ongoing monitoring and maintain an inventory regarding tunicates and other invasive species, and shall be required to participate with Jefferson County and state agencies in an adaptive management program to eliminate, minimize, and fully mitigate any changes arising from the resort, and related to Pleasant Harbor or the maritime village.

(4) Golf Course Mitigation.

(a) The Pleasant Harbor MPR shall ensure that golf course operations comply with the best practice standards of the King County Best Management Practices for Golf Course Development and Operation (1993), or their substantial equivalent, including, but not limited to, American Golf Association standards.

(b) The golf course and resort facilities will be required to participate in any adaptive management programs required by Jefferson County, as a result of the water quality monitoring program required by subsection (2) of this section and any changes caused by the resort operations.

(c) Stormwater discharge from the golf course shall meet requirements of zero discharge into Hood Canal. To the extent necessary to achieve the goal of designing and installing stormwater management, infrastructures and techniques that allow no stormwater run-off into Hood Canal shall be used.

(d) The Pleasant Harbor MPR shall implement as a best management practice for the operation and maintenance of the golf course a requirement to maintain a log of fertilizers, pesticides and herbicides used on the Pleasant Harbor MPR site, and this information shall be made available to the public.

(5) Greenhouse Gas Mitigation. The Pleasant Harbor MPR shall collaborate at least annually with the Climate Action Committee or its successor to calculate greenhouse gas emissions (GHGs) associated with the Pleasant Harbor MPR, and identify techniques to mitigate such emissions through sequestration and/or other acceptable methods.

(6) Blending of Buildings, Light Mitigation, Greenbelts and Buffer Management.

(a) In keeping with an approved landscaping and grading plan, and in order to satisfy the intent of JCC 18.15.135(6), and with special emphasis at the maritime village, the buildings should be constructed and placed in such a way they will blend into the terrain and landscape with park-like green belts between buildings.

(b) Construction of buildings within the Pleasant Harbor MPR boundaries shall strive to preserve trees that have a diameter of 10 inches or greater at breast height (dbh). An arborist will be consulted and the ground staked and flagged to ensure the roots and surrounding soils of significant trees are protected during construction. To the extent possible, trees of significant size (i.e., 10 inches or more in diameter at breast height (dbh)) that are removed during construction shall be made available with their root wads intact for possible use in salmon recovery projects.

(c) All development within the Pleasant Harbor MPR shall use the International Dark Sky Association (IDA) Zone E-1 standards within the boundaries of the Pleasant Harbor MPR.

(d) The Pleasant Harbor MPR shall, at its expense, incur all costs for stewardship of the conservation easements including but not limited to removing, when appropriate, naturally fallen trees, and replanting to retain a natural visual separation of the development from U.S. Hwy 101. [Ord. 3-18 § 2 (Att. 1)]

**17.80.030 SEPA compliance required.**

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(1) Compliance with JCC Title 18, inclusive of all SEPA implementation policies and procedures, is required.

(2) Use of Prior Environmental Impact Statements.

(a) Potential environmental impacts from future development of the Pleasant Harbor MPR have been assessed and addressed in prior environmental documents. The prior reviews were published in the following documents:

(i) Draft Environmental Impact Statement for Pleasant Harbor Marina and Golf Resort (September 5, 2007) (DEIS);

(ii) Brinnon (also referred to as the Pleasant Harbor Marina and Golf Resort) Marina and Golf Resort, Final Environment Impact Statement (November 27, 2007) (FEIS);

(iii) Draft Supplemental Environmental Impact Statement for Pleasant Harbor Marina and Golf Resort, November 19, 2014 (DSEIS);

(iv) Pleasant Harbor Marina and Golf Resort Final Supplemental Environment Impact Statement, December 9, 2015 (FSEIS).

(b) The DEIS, FEIS, DSEIS and FSEIS are referred to collectively as the “prior EISs.” Development shall substantially comply with the express mitigation measures imposed pursuant to the prior EISs.

(c) The prior EISs shall constitute compliance to the fullest extent possible under SEPA, as well as Condition 63(b) of Ordinance 01-0128-08, for all subsequent approvals or permits to develop the Pleasant Harbor MPR including, but not limited to, plats, short plats, binding site plans, boundary line adjustments, development permits, grading permits and building permits for development and impacts that are consistent with the level and range analyzed in the prior EISs. Upon compliance with the mitigation measures required by the prior EISs, and compliance with applicable regulations and compliance with any development agreement between Jefferson County and the developer, no additional substantive SEPA mitigation measures are required for approvals or permits that authorize development, provided the development and its impacts are consistent with level and range of development analyzed in the prior EISs.

(d) Additional environmental analysis may be required for a new or modified proposal that materially exceeds the level and range of development and impacts reviewed in the prior EISs. For any such new or modified proposal, relevant information from prior EISs shall be used to the fullest extent possible in future SEPA review. The scope of environmental review shall be limited to considering how or whether the proposal differs from or exceeds the scope of the prior EISs and, if so, whether such modification results in potentially significant adverse environmental impacts that have not been adequately addressed in the prior EISs. [Ord. 3-18 § 2 (Att. 1)]

#### **17.80.040 Revisions to master plan.**

(1) Any proposed revision of size or scope to the Pleasant Harbor MPR boundary or zone changes within the Pleasant Harbor MPR shall require a Comprehensive Plan amendment and related zoning action. Such changes are outside the scope of the revision processes described below and in JCC [17.80.050](#) and [17.80.060](#). Jefferson County may approve an amendment to the Comprehensive Plan only if all applicable requirements of the Growth Management Act (Chapter 36.70A RCW) are fulfilled.

(2) Jefferson County shall accept building permits only for projects included in and consistent with the master plan. A revision to the existing master plan shall be submitted to Jefferson County for approval

prior to the acceptance of any proposal that is inconsistent with the master plan set forth in this division. Upon approval of a revision, all subsequent development proposals shall be consistent with the revised master plan and development regulations.

(3) Proposed revisions to the master plan shall be submitted to the department of community development (DCD) and the DCD director will determine whether the proposal constitutes a major or minor revision. Upon making a determination, the proposed revision shall follow the appropriate process for plan revisions as outlined in JCC [17.80.050](#) and [17.80.060](#). [Ord. 3-18 § 2 (Att. 1)]

**17.80.050 Minor revisions.**

(1) Minor Revisions. The master plan may require minor changes to facilities and services in response to changing conditions or market demand. Minor revisions are those that do not result in a substantial change to the intent or purpose of the master plan and do not have a significantly greater impact on the environment than that addressed in previous environmental documents. The following nonexclusive list of changes are examples of a minor revision for purposes of this section:

- (a) An increase in the overall gross commercial square footage of the master plan that does not cumulatively exceed five percent;
- (b) Addition of uses that do not modify the recreational nature and intent of the resort;
- (c) Minor shifting of the location or orientation of buildings;
- (d) Minor shifting of the location or orientation of parking areas;
- (e) Minor changes to landscaping;
- (f) Minor shifting of the location, design or orientation of public facilities; and
- (g) Timing of approved development.

A change to the master plan not specifically identified above may still qualify as a minor revision under this section despite its failure to satisfy one or more of the conditions in subsections (1)(a) through (g) of this section if not specifically mentioned above if the change does not otherwise qualify as a major revision.

(2) Minor Revision Approval Process. Applications for minor revisions shall be submitted to, and reviewed by, the Jefferson County department of community development (DCD) to determine if the revisions are consistent with the existing master plan, the 2007 FEIS, the 2015 FSEIS, subsequent environmental impact statements, the Comprehensive Plan, Ordinance 01-0128-08, and other pertinent documents. Those proposals that satisfy the above-referenced criteria shall be deemed a minor plan revision and may be administratively approved (as a Type II decision under the land use

procedures of JCC Title 18, Unified Development Code) by the director of the department of community development. Public notice of the application, the written decision, and appeal opportunities shall be provided to all persons or agencies as required by the land use procedures of JCC Title 18, Unified Development Code. Those revisions that do not comply with the provisions contained within this section shall be deemed a major revision, subject to the provisions outlined in JCC [17.80.060](#). [Ord. 3-18 § 2 (Att. 1)]

**17.80.060 Major revisions.**

Revisions to the master plan that will result in a substantial change to the resort including: changes in use, increase in the intensity of use, or in the size, scale, or density of development; or changes which may have substantial impacts on the environment beyond those reviewed in previous environmental documents, are major revisions and will require application for a revised master plan.

(1) Application for a Major Revision to the Master Plan. An application shall be prepared describing the proposed revision in relation to the approved master plan and providing a framework for review, analysis and mitigation of the revised development activity proposed. The master plan revision proposal shall include the following information:

- (a) A description of how the revised master plan would further the goals and policies set forth in the Comprehensive Plan;
- (b) A description of how the master plan revision complements the existing resort facilities of the Pleasant Harbor MPR;
- (c) A description of the design and functional features of the master plan revision, setting out how the revision provides for unified development, integrated site design and protection of natural amenities;
- (d) A listing of proposed additional uses and/or proposed changes to density and intensity of uses within the resort, and a discussion of how these changes meet the needs of residents of the Pleasant Harbor MPR and patrons of the resort;
- (e) A completed SEPA environmental checklist with description and analysis of the environmental impacts associated with the proposed revision, including an analysis of the cumulative impacts of both the proposed revision and the approved master plan, and their effects on surrounding properties and/or public facilities;
- (f) A description of how the proposed master plan revision is integrated with the overall Pleasant Harbor MPR and any features, such as connections to trail systems, natural systems or greenbelts, that have been established to retain and enhance the character of the resort and the overall Pleasant Harbor MPR;

- (g) A description of the intended phasing of development projects;
  - (h) Maps, drawings, illustrations, or other materials necessary to assist in understanding and visualizing the design and use of the completed proposed development, its facilities and services, and the protection of critical areas;
  - (i) A calculation of estimated new demands on capital facilities and services and their relationship to the existing resort and MPR demands, including but not limited to transportation, water, sewer and stormwater facilities; and a demonstration that sufficient facilities and services to support the development are available or will be available at the time development permits are applied for; and
  - (j) A description of how the proposed major revision may affect the memorandums of understanding (MOUs) as identified in the development regulations or Ordinance 01-0128-08.
- (2) Major Revision Process. Major revisions shall be processed as a hearing examiner decision (Type III), with a required public hearing prior to the decision. Public notice of the application, the required public hearing, the written decision, and appeal opportunities shall be provided to all persons or agencies as required by the land use procedures of Article III of Chapter 18.40 JCC, unified development code. Any proposed major revision also involving a change to the boundaries of the MPR shall require a Comprehensive Plan amendment (a Type V county commissioners decision) prior to any decision on the master plan amendment.
- (3) Decision Criteria. The hearing examiner may approve a major revision to the master plan, and the board of county commissioners may approve any associated Comprehensive Plan amendments, only if all the following criteria are met:
- (a) The proposed revision would further the goals and policies set forth in the Comprehensive Plan;
  - (b) No unmitigated probable significant adverse environmental impacts would be created by the proposed revision;
  - (c) The revision is consistent with all applicable development regulations, including those established for critical areas;
  - (d) On-site and off-site infrastructure (including but not limited to water, sewer, stormwater and transportation facilities) impacts have been fully considered and mitigated; and
  - (e) The proposed revision complements the existing resort facilities, meets the needs of residents and patrons, and provides for unified development, integrated site design, and protection of natural amenities. [Ord. 3-18 § 2 (Att. 1)]



**Chapter 17.85**  
**LIMITATION OF PERMIT APPROVAL, EXTINGUISHMENT AND SEVERABILITY**

Sections:

[17.85.010](#) Limitation of permit approval.

[17.85.020](#) Severability.

**17.85.010 Limitation of permit approval.**

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(1) An MPR approved with a phasing plan shall be null and void if the applicant fails to meet the conditions in the approved phasing plan.

(a) A new development plan shall be required for any development on the subject property.

(b) Specific development activities shall be subject to the standards of the approved MPR and the regulations in effect at the time of development permit application.

(2) This section is not an exclusive basis for enforcement. All other bases for enforcement apply.

[Ord. 3-18 § 2 (Att. 1)]

**17.85.020 Severability.**

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If any section, subsection, clause or phrase of this division or amendment thereto, or its application to any person or circumstance, is held by a court of competent jurisdiction to be invalid, the remainder or application to other persons or circumstances shall not be affected. [Ord. 3-18 § 2 (Att. 1)]

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**18.15.025 Master planned resort.**

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Per RCW 36.70A.360, a new master planned resort means a self-contained and fully integrated development with primary focus on resort destination facilities that includes short-term visitor accommodations associated with a range of indoor and outdoor recreational facilities within the property boundaries in a setting of significant natural amenities. A resort may include other residential uses, but only if the residential uses are integrated into and support the on-site recreational nature of the resort.

(1) Port Ludlow Master Planned Resort (MPR). The first existing officially designated master planned resort in Jefferson County is the Port Ludlow MPR, which is designated in accordance with RCW 36.70A.362 as an existing master planned resort and is subject to the provisions of JCC Title 17. The master planned resort of Port Ludlow is characterized by both single-family and multifamily residential units with attendant recreational facilities including a marina, resort and convention center. The master planned resort of Port Ludlow also includes a large residential community. The entire resort is served by a village commercial center, which accommodates uses limited to serving the resort and local population. The master planned resort's internal regulations and planning restrictions such as codes, covenants and restrictions may be more restrictive than the requirements in JCC Title 17. However, Jefferson County does not enforce private codes, covenants and restrictions.

(2) Pleasant Harbor MPR. Pleasant Harbor MPR is the second officially designated master planned resort in Jefferson County. The Pleasant Harbor MPR is designated in accordance with RCW 36.70A.360 as a new master planned resort and is subject to the provisions of JCC Title 17. The Pleasant Harbor MPR is characterized by resort and recreation facilities and amenities south of Black Point Road and a marina/maritime village and associated housing north of Black Point Road. The resort is predominately designed to serve resort and recreation uses and has only limited full-time occupancy. The resort is served by the Brinnon Rural Center, which accommodates LAMIRD-scale commercial uses serving the resort and local population. The master planned resort's internal regulations and planning restrictions such as codes, covenants and restrictions may be more restrictive than the requirements in JCC Title 17. However, Jefferson County does not enforce private codes, covenants and restrictions. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

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**18.15.115 Designation.**

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"Master planned resort" (MPR) is a land use designation established under the Comprehensive Plan. The officially designated master planned resorts in Jefferson County are the Port Ludlow MPR and the Pleasant Harbor MPR, provisions for which are codified in JCC Title 17. The Port Ludlow MPR is adopted pursuant to RCW 36.70A.362 regarding designation of existing master planned resorts. Pleasant Harbor MPR is adopted pursuant to RCW 36.70A.360 pertaining to new master planned resorts. Designation of any new master planned resorts pursuant to RCW 36.70A.360 requires

compliance with the provisions of this article and a formal site-specific amendment to the Comprehensive Plan Land Use Map subject to the findings required by JCC 18.45.080. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

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**18.15.120 Purpose and intent.**

Jefferson County has a wide range of natural features, including climate, vegetation, water, natural resources, scenic qualities, cultural, and geological features, which are desirable for a wide range of recreational users to enjoy. New master planned resorts authorized by RCW 36.70A.360 offer an opportunity to utilize these special features for enjoyment and recreational use, while bringing significant economic diversification and benefits to rural communities. The purpose of this article is to establish a master planned resort land use district to be applied to those properties the board of county commissioners determines are appropriate for development as a master planned resort consistent with the Comprehensive Plan policies and RCW 36.70A.360. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

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**18.15.123 Allowable uses.**

The following uses may be allowed within a master planned resort classification authorized in compliance with RCW 36.70A.360:

- (1) All residential uses including single-family and multifamily structures, condominiums, time-share and fractionally owned accommodations; provided, such uses are integrated into and support the on-site recreational nature of the master planned resort.
- (2) Short-term visitor accommodations, including, but not limited to, hotels, motels, lodges, and other residential uses, that are made available for short-term rental; provided, that short-term visitor accommodations shall constitute no less than 65 percent of the total resort accommodation units.
- (3) Indoor and outdoor recreational facilities and uses, including, but not limited to, tennis courts, swimming pools, marinas, hiking and nature trails, bicycle paths, equestrian facilities, sports complexes, and other recreational uses deemed to be consistent with the on-site recreational nature of the master planned resort.
- (4) Campgrounds and recreational vehicle (RV) sites.
- (5) Visitor-oriented amenities, including, but not limited to:
  - (a) Eating and drinking establishments;
  - (b) Meeting facilities;
  - (c) On-site retail businesses and services which are designed to serve the needs of the users such as gas stations, espresso stands, beauty salons and spas, gift shops, art galleries, food

stores, real estate/property management offices; and

(d) Recreation-oriented businesses and facilities such as sporting goods and outdoor equipment rental and sales.

(6) Cultural and educational facilities, including, but not limited to, interpretative centers and exhibits, indoor and outdoor theaters, and museums.

(7) Capital facilities, utilities and services to the extent necessary to maintain and operate the master planned resort.

(8) Temporary and/or permanent structures to serve as sales offices.

(9) Any other similar uses deemed by the administrator to be consistent with the purpose and intent of this section, the Comprehensive Plan policies regarding master planned resorts, and RCW 36.70A.360. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

#### **18.15.126 Requirements for master planned resorts.**

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An applicant for an MPR project must meet the following requirements:

(1) Master Plan. A master plan shall be prepared for the MPR to describe the project and provide a framework for project development and operation. This shall include:

(a) A description of the setting and natural amenities that the MPR is being situated to use and enjoy, and the particular natural and recreational features that will attract people to the area and resort.

(b) A description of the destination resort facilities of the MPR, including short-term visitor accommodations, on-site outdoor and indoor recreational facilities, off-site recreational opportunities offered or provided as part of the resort's services, and commercial and supportive services provided.

(c) A listing of the proposed allowable uses and maximum densities and intensities of use of the MPR and a discussion of how these uses and their distribution meet the needs of the resort and its users.

(d) A land use map or maps that depict the completed MPR development, showing the full extent and ultimate development of the MPR or resort and its facilities and services, including residential and nonresidential development types and location.

(e) A description, with supportive information and maps, of the design and functional features that provide for a unified development, superior site design and protection of natural amenities, and which further the goals and policies of the Comprehensive Plan. This shall address how

landscaping, screening, and open space, recreational facilities, road and parking design, capital facilities, and other components are integrated into the project site.

(f) A description of the environmentally sensitive areas of the project and the measures that will be employed for their protection. For an MPR adjacent to the water and subject to the jurisdiction of the Shoreline Management Act, a description and supportive materials or maps indicating proposed public access to the shoreline area pursuant to the Tshoreline master program.

(g) A description of how the MPR relates to surrounding properties, and how its design and arrangement minimize adverse impacts and promote compatibility among land uses within the development and adjacent to the development.

(h) A demonstration that sufficient facilities and service which may be necessary, appropriate, or desirable for the support of the development will be available, and that concurrency requirements of the Comprehensive Plan will be met.

(i) A description of the intended phasing of development of the project, if any. The initial application for an MPR shall provide sufficient detail for the phases such that the full intended scope and intensity of the development can be evaluated. This shall also discuss how the project will function at interim stages prior to completion of all phases of the project, and how the project may operate successfully and meet its environmental protection, concurrency, and other commitments should development cease before all phases are completed.

(2) Development Agreement. A master planned resort shall require approval of a development agreement as authorized by Article XI of Chapter 18.40 JCC (Development Agreements), and RCW 36.70B.170 through 36.70B.210. Consistent with JCC 18.40.830(3) and RCW 36.70B.170, the development agreements shall be prepared by the applicant and must set forth the development standards applicable to the development of a specific master planned resort, which may include, but are not limited to:

(a) Permitted uses, densities and intensities of uses, and building sizes;

(b) Phasing of development, if requested by the applicant;

(c) Procedures for review of site-specific development plans;

(d) Provisions for required open space, public access to shorelines (if applicable), visitor-oriented accommodations, short-term visitor accommodations, on-site recreational facilities, and on-site retail/commercial services;

(e) Mitigation measures imposed pursuant to the State Environmental Policy Act, Chapter 43.21C RCW, and other development conditions; and

(f) Other development standards including those identified in JCC 18.40.840 and RCW 36.70B.170(3).

(3) Formal Site-Specific Comprehensive Plan Amendment. A master planned resort shall require a site-specific amendment of the Comprehensive Plan Land Use Map to a master planned resort land use designation, pursuant to the requirements of JCC 18.45.040; provided, that the subarea planning process authorized under Article VII of this chapter (Subarea Plans) and JCC 18.45.030 may be used if deemed appropriate by both the applicant and Jefferson County. The Comprehensive Plan amendment or subarea plan may be processed by Jefferson County concurrent with the review of the resort master plan and development agreement required for approval of a master planned resort.

(4) Planned Actions. If deemed appropriate by the applicant and Jefferson County, a master planned resort project may be designated by Jefferson County as a planned action pursuant to the provisions of RCW 43.21C.031 and WAC 197-11-164 and 197-11-168.

(5) Self-Contained Development. All necessary supportive and accessory on-site urban-level commercial and other services should be contained within the boundaries of the MPR, and such services shall be oriented to serve the MPR. New urban or suburban development and land uses are prohibited outside the boundaries of a master planned resort, except in areas otherwise designated as urban growth areas in compliance with RCW 36.70A.110. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

#### **18.15.129 Application requirements and approval process.**

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New MPR applications shall be processed as Type V permits under this UDC, requiring legislative approval by the board of county commissioners and the following:

(1) A draft of the master plan shall be prepared to meet the requirements of JCC [18.15.126](#)(1).

(2) A request for authorization of a development agreement, pursuant to the requirements of JCC [18.15.126](#)(2) and Article XI of Chapter 18.40 JCC (Development Agreements).

(3) A request for a site-specific Comprehensive Plan Land Use Map amendment necessary to meet the requirement of JCC [18.15.126](#)(3) and 18.45.040. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

#### **18.15.132 Decision-making authority.**

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(1) The planning commission, pursuant to its authority specified under JCC 18.40.040 and 18.45.080, shall hear and make recommendations on master plans and site-specific applications for MPR land use designations on the Comprehensive Plan Land Use Map.

(2) The board of county commissioners, pursuant to its authority specified under JCC 18.40.040, 18.40.850(5) and 18.45.080, shall designate new master planned resort land use districts on the Comprehensive Plan Land Use Map, approve the uses, densities, conditions and standards

authorized for site-specific MPRs in a development agreement, and approve master plans. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

**18.15.135 Criteria for approval.**

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An application to develop any parcel or parcels of land as an MPR may be approved, or approved with modifications, if it meets all of the criteria below. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.

- (1) The master plan is consistent with the requirements of this article and Article VI-D of this chapter (Environmentally Sensitive Areas District (ESA)).
- (2) The MPR is consistent with the goals and policies of the Comprehensive Plan, the requirements of the Shoreline Master Program, and complies with all other applicable sections of this code and all other codes and policies of Jefferson County.
- (3) If an MPR will be phased, each phase contains adequate infrastructure, open space, recreational facilities, landscaping and all other conditions of the MPR sufficient to stand alone if no subsequent phases are developed.
- (4) The MPR will provide active recreational uses, adequate open space, and sufficient services, such as transportation access, public safety, and social and health services, to adequately meet the needs of the guests and residents of the MPR.
- (5) The MPR will contain within the development all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.
- (6) Environmental considerations are employed in the design, placement and screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, historic sites, and public views.
- (7) All on-site and off-site infrastructure and service impacts have been fully considered and mitigated.
- (8) Improvements and activities are located and designed in such a manner as to avoid or minimize adverse effects of the MPR on surrounding lands and property.
- (9) The master plan establishes location-specific standards to retain and enhance the character of the resort.
- (10) The land proposed for a master planned resort is better suited and has more long-term importance for the MPR than for the commercial harvesting of timber or production of agricultural

products, and the MPR will not adversely affect adjacent agricultural or forest resource land production. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

**18.15.138 Master planned resort.**

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JCC Title 17, Master Planned Resorts, as may be amended, is hereby adopted by reference and made a part of this UDC. [Ord. 3-18 § 3 (Att. 2); Ord. 8-06 § 1]

**Article V. Rural and Resource Districts – Special Provisions**

## **Appendix B**

Stormwater Management Requirements,  
Chapter 18.30.070 JCC

**18.30.070 Stormwater management standards.**

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All new development and redevelopment must conform to the standards and minimum requirements set by the most current version of the Washington Department of Ecology Stormwater Management Manual for Western Washington (SMM) and obtain a stormwater management permit if required by subsection (5) of this section. The administrator may require additional measures as indicated by the environmental review or other site plan review.

(1) Definitions. For the purposes of this section, the definitions at Section I-2.3 of the SMM shall apply:

(a) "New development" includes land-disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development.

(b) "Redevelopment" includes, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities.

(c) "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(d) "Land-disturbing activity" is any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation.

Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

(2) Exemptions. Commercial agriculture, road maintenance activities, and forest practices regulated under WAC Title 222, except for Class IV general forest practices and COHPs (see JCC 18.20.160), pursuant to SMM Section I-2.2, are exempt from the provisions of the minimum requirements.

(3) Development and Redevelopment Minimum Requirements. Development and redevelopment meeting the criteria of subsection (1)(a) of this section shall be required to control erosion and sediment during construction and to permanently stabilize soil exposed during construction. Such development shall:

(a) Comply with the minimum requirements for development of small parcels in Section I-2.5 of the SMM;

(b) Applicants for all development and redevelopment meeting the criteria for subsection (1)(a) of this section, except for detached single-family residences and duplexes creating or adding less than 2,000 square feet and land-disturbing activities of less than 7,000 square feet, shall prepare a stormwater site plan (or show on other diagrams being prepared for the project, if appropriate) showing:

(i) Vicinity map;

(ii) Location of the structure and its access;

(iii) All applicable setback requirements;

(iv) Location of all applicable erosion and sediment control BMPs; and

(v) Existing site features and sensitive areas.

(4) New Development Minimum Requirements.

(a) All new development and redevelopment shall be required to comply with Minimum Requirement No. 2 (Construction Stormwater Pollution Prevention) as contained in the SMM.

(b) New development that includes: (i) the creation or addition of 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area; or (ii) has land-disturbing activities of 7,000 square feet or greater shall comply with Minimum Requirements Nos. 1 through 5 as contained in the SMM.

(c) New development that includes: (i) the creation or addition of 5,000 or more square feet of

impervious surface; or (ii) converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas; or (iii) converts 2.5 acres, or more, of native vegetation to pasture shall comply with Minimum Requirements Nos. 1 through 10 as contained in the SMM.

(d) Redevelopment that includes: (i) new, replaced, or total of new plus replaced impervious surface of 2,000 square feet or more; or (ii) 7,000 square feet or more of land-disturbing activity shall comply with Minimum Requirements Nos. 1 through 5 as contained in the SMM.

(e) Stormwater Site Plan. Stormwater site plans shall be developed to the standards of Volume I, Chapter 3 of the SMM, and include:

- (i) Project overview;
- (ii) Plot plan, including the elements of subsection (3)(b) of this section;
- (iii) Locations of structures and other impervious surfaces;
- (iv) Locations of stormwater runoff treatment and flow control facilities;
- (v) Road rights-of-way and easements;
- (vi) Preliminary conditions summary;
- (vii) Analysis of off-site water quality impacts (including groundwater) resulting from the project, and mitigation measures;
- (viii) Analysis and design of proposed stormwater runoff control facilities, including flow control, treatment, and source control BMPs (cf. Volume I, Section I-4 of the SMM, which provides a list of and selection process for BMPs);
- (ix) Construction stormwater pollution prevention plan;
- (x) Special reports and studies;
- (xi) Stormwater and drainage system maintenance specifications.

(f) Commercial and industrial developments, subdivisions or other projects requiring stormwater management facilities including collection, conveyance, treatment, detention, and infiltration facilities shall enter into a stormwater management facility maintenance agreement with Jefferson County to operate and maintain the facilities as per the approved plans. The public works department will prepare the agreement after approval of the project stormwater site plan and submit it to the applicant. The applicant shall file the agreement with the Jefferson County auditor prior to final project approval by Jefferson County.

(5) Stormwater Management Permit and Plan Review. All grading of 500 cubic yards or more (not exempted under subsection (5)(b) of this section), land-disturbing activities of 7,000 square feet or more, or creation of 2,000 square feet or more of impervious surface shall be subject to a stormwater management permit. Prior to issuance of a stormwater management permit, the applicant shall submit the required stormwater management plans to the administrator for review and approval. The administrator shall issue the stormwater management permit consistent with a Type I permit process (as specified in Chapter 18.40 JCC) only upon a finding that the proposed use or activity meets all applicable requirements of JCC 18.30.060 and this section, and any other applicable requirements of this code.

(a) Applications for grading projects or land-disturbing activities which require a stormwater management permit shall include the following information. The administrator may waive specific submittal requirements determined to be unnecessary for review of the application.

- (i) Source of fill material and deposition of excess material;
- (ii) Physical characteristics of fill material;
- (iii) Proposed methods of placement and compaction consistent with the applicable standards in of the International Building Code;
- (iv) Proposed surfacing material;
- (v) Proposed method(s) of drainage and erosion control;
- (vi) Methods for restoration of the site;
- (vii) Demonstration that in-stream flow of water will remain unobstructed;
- (viii) Demonstration that erosion and sedimentation from outflow channels will be minimized by vegetation or other means; and
- (ix) Demonstration that pond runoff will be controlled to protect adjacent property from damage. [Ord. 8-06 § 1]

## **Appendix C**

Critical Area Requirements,  
Chapter 18.22 JCC

**Chapter 18.22  
CRITICAL AREAS**

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[18.22.010](#) Purpose – Generally.

Article II. Administrative Provisions

- [18.22.020](#) Applicability.
- [18.22.030](#) Identification and mapping of critical areas.
- [18.22.050](#) Coverage.
- [18.22.070](#) General exemptions.
- [18.22.080](#) Nonconforming uses.
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Article III. Critical Aquifer Recharge Areas

- [18.22.100](#) Classification.
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- [18.22.130](#) Protection standards.
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Article IV. Frequently Flooded Areas

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Article V. Geologically Hazardous Areas

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Article VI. Fish and Wildlife Habitat Conservation Areas (FWHCAs)

- [18.22.195](#) Compliance alternatives.
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areas.

- [18.22.220](#) Sources used for identification.
- [18.22.230](#) Fish and wildlife habitat conservation area (FWHCA) maps.
- [18.22.250](#) Regulated activities.
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#### Article VII. Wetlands

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#### Article IX. Alternative Protection Standards – Critical Area Stewardship Plans (CASPs)

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#### Article XI. Watershed Monitoring

[18.22.640](#) Watershed monitoring.

#### Article XII. Adaptive Management

[18.22.650](#) Adaptive management.

### Article I. Purpose

#### **18.22.010 Purpose – Generally.**

The purpose of the Jefferson County critical areas ordinance is to comply with state law and to describe authorized methods and procedures established to ensure the functions and values of critical areas are not degraded when allowing approved uses and development activities in the county. This regulation offers landowners a choice of two methods for ensuring the functions and values of critical areas are not degraded:

- (1) For any critical area, landowners may use a prescriptive method, as described herein; or
- (2) For fish and wildlife habitat conservation areas (FWHCA) and wetlands, landowners may choose an adaptive method by providing a site-specific stewardship plan (see Article IX, JCC [18.22.460](#)).

[Ord. 3-08 § 1]

### Article II. Administrative Provisions

#### **18.22.020 Applicability.**

Unless otherwise exempted under JCC [18.22.070](#), any land use or development activity that is subject to a development permit or approval under this title may only be undertaken on land located within or containing a critical area or its buffer if the provisions of this chapter are met. Unless

otherwise exempted under JCC [18.22.070](#), uses and activities in critical areas or their buffers for which no permit or approval is required by any other provision of county code are also subject to the development standards and other requirements of this chapter. [Ord. 3-08 § 1]

#### **18.22.030 Identification and mapping of critical areas.**

The approximate locations and extents of critical areas within the county are displayed on various inventory maps available through the Jefferson County department of community development. The critical areas maps are provided only as a general guide to alert the viewer to the possible location and extent of critical areas. These maps need not to be relied upon exclusively to establish the existence/absence or boundaries of a critical area, or to establish whether all of the elements necessary to identify an area as a critical area actually exist. Conditions in the field control; in the event of a conflict between the information shown on the maps and information shown as a result of field investigations, the latter shall prevail. To the extent practicable, the county shall ensure that its critical area maps are updated as inventories are completed in compliance with the requirements of the Growth Management Act. [Ord. 3-08 § 1]

#### **18.22.050 Coverage.**

(1) The following permits and approvals shall be subject to, and coordinated with, the requirements of this section: clearing and grading; site plan approval; sewage disposal; subdivision or short subdivision; binding site plans; building permit; planned residential development; shoreline substantial development; variance; conditional use permit; certain forest practice permits (Class IV general, Class III conversion option harvest plans); other permits leading to the development or alteration of land; and rezones if not combined with another development permit. In instances where a proposal involves a parcel of real property with more than one critical area or critical area buffer, the standards that pertain to each identified critical area shall apply. When provisions of this section conflict with one another, or when provisions of this section conflict with any other local law, the provision that provides more protection to the critical area shall apply. No permit involving a designated critical area shall be approved unless it is determined to be in compliance with this code.

(2) Any action taken in a critical area designated under this chapter that is in violation of the standards and conditions contained herein is expressly prohibited. [Ord. 3-08 § 1]

#### **18.22.070 General exemptions.**

The following activities in critical areas or their buffers are exempt from the requirements of this chapter:

- (1) Agricultural activities when undertaken pursuant to best management practices to minimize impacts to critical areas and consistent with JCC 18.20.030.
- (2) Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09

RCW and forest practice regulations, WAC Title 222, and which are exempt from Jefferson County jurisdiction.

(3) Maintenance or reconstruction of existing public or private roads, paths, bicycle ways, trails, bridges, and associated storm drainage facilities when undertaken pursuant to best management practices to minimize impacts to critical areas and to immediately restore any disturbed critical area or its buffer; provided, that reconstruction does not involve expansion of facilities.

(4) Maintenance and repair of existing drainage facilities or systems, including, but not limited to, ditches, culverts, catch basins, and outfalls when undertaken pursuant to best management practices to minimize impacts to critical areas and immediately to restore any disturbed critical area or its buffer.

(5) Utility activities, when undertaken pursuant to best management practices to minimize impacts to critical areas and immediately to restore any disturbed critical area or its buffer:

(a) Normal and routine maintenance or repair of existing utility facilities or rights-of-way.

(b) Installation, construction, relocation and replacement, operation, repair, or alteration of all utility lines, equipment, or appurtenances, not including substations, in improved road rights-of-way.

(6) Reconstruction, remodeling, or maintenance of existing structures. This exemption shall not apply to reconstruction which is proposed as a result of structural damage associated with a geologically hazardous area and does not allow further intrusion into a wetland, fish and wildlife habitat conservation area and/or their buffers.

(7) Site investigative work. Site investigative work necessary for land use application submittals, including but not limited to surveys, soil logs, and percolation tests involving no fill or use of heavy equipment in a wetland, or a fish and wildlife habitat conservation area or their buffers; provided, that disturbed critical areas and their buffers are immediately restored and best management practices are implemented and excavation for soil logs or percolation tests are filled.

(8) Emergency action. Action that is taken which is necessary to resolve or prevent imminent threat or danger to public health or safety, or to public or private property, or serious environmental degradation. If the nature of the emergency is such that it is not possible to first seek review, the department, as well as any federal or state agencies with jurisdiction (e.g., the U.S. Army Corps of Engineers), must be notified of the action within 30 days of the initiation of the emergency work.

(9) Artificial wetlands and artificial ponds.

(10) Flood control. Operation, maintenance and repair of dikes, ditches, reservoirs, and other

structures and facilities which were created or developed as part of normal flood control activities, except that this exemption does not extend to the permanent draining or permanent alteration of any regulated wetland.

(11) Irrigation. Operation, maintenance and repair of ditches, reservoirs, ponds and other structures and facilities.

(12) Recreational uses, swimming, boating and fishing. Maintenance and repair of docks, piers, boat launches and floats in lakes (provided that the proposed action complies with the requirements of the Shoreline Management Act), in deep water habitats one acre or greater in size when such activities are for recreational purposes and do not involve alteration of or construction through, over or in a regulated wetland. Other outdoor activities, including hunting and fishing (pursuant to state law), bird watching, hiking, bicycling.

(13) Existing residential landscaping. Planting, irrigating, fertilizing, spraying, mowing and pruning and maintenance and repair of structures when such activities are part of existing normal residential landscaping activities and no building permit is required. This exemption does not allow further intrusion into a wetland, fish and wildlife habitat conservation area, geologically hazardous area or their buffers.

(14) All wetlands wherein wetland conditions are being maintained only because of human-induced water, even if it can be determined that the wetland conditions would no longer exist if the activity (for example, irrigation or pumping water) were to be terminated.

(15) Removal or destruction of noxious weeds listed in Chapter 16-750 WAC is the responsibility of the landowner; provided, that the following conditions are met:

(a) The removal or control of noxious weeds shall follow guidelines issued by the Jefferson County noxious weed control board. The Jefferson County noxious weed control board shall coordinate with the department of planning and community development for the control of noxious weeds in wetlands.

(b) All herbicide applications in aquatic environments shall conform to the rules of the Department of Ecology, Department of Agriculture and Department of Natural Resources, pursuant to Chapters 173-201, 16-228, and 222-38 WAC.

(16) The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions, or water sources and provided these activities do not have any adverse impacts on protection of the critical area or its buffer.

(17) The enhancement of a buffer by planting indigenous vegetation.

(18) The construction of unpaved trails when located in the buffer areas and elevated when located in wetlands, which are not intended for motorized use, and which are no wider than five feet, unless additional width is necessary for safety along a precipice, steep hillside, or other hazardous area.

(19) Installation of navigation aids and boundary markers.

(20) Drilling or digging and maintenance of wells; provided, that impacts to critical areas and their buffers are minimized and disturbed areas are immediately restored.

(21) The administrator may determine that an activity is closely allied or similar to any activity in this list. If such an activity does not impact the functions and values of any critical area or its buffers, it may also be determined to be exempt. [Ord. 3-08 § 1]

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**18.22.080 Nonconforming uses.**

(1) Any legal use or legal structure in existence on the effective date of the ordinance codified in this chapter that does not meet the buffer requirements of this chapter for any designated critical area shall be considered a legal nonconforming use.

(2) Any use or structure for which an application has vested or for which a permit has been obtained prior to the effective date of the ordinance codified in this chapter, that does not meet the buffer requirements of this chapter for any designated critical area, shall be considered a legal nonconforming use.

(3) A legal nonconforming use or structure may be maintained or repaired without limitation by this chapter.

(4) A legal nonconforming use or structure that has been damaged or destroyed by fire or other calamity may be restored and its immediately previous use may be resumed. [Ord. 3-08 § 1]

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**18.22.090 Reasonable economic use variance.**

(1) Generally. If the application of this chapter would deny all reasonable economic use of the property, the applicant, upon denial of a permit due to the requirements of this chapter, may apply for a reasonable economic use variance.

(2) Staff Recommendation and Burden of Proof. Upon application to the department, the department shall prepare a recommendation to the hearing examiner. The property owner and/or applicant for a reasonable economic use variance shall bear the burden of proving that the property is deprived of all reasonable economic use.

(3) Hearing Examiner Process. The hearing examiner shall conduct a public hearing on the variance request. Decisions of the hearing examiner shall be final and conclusive. Public notice shall be

provided as follows:

- (a) The department shall arrange for at least one publication of the notice of hearing to appear in a newspaper of general circulation within the county at least 10 days before the hearing. Payment of all publication fees shall be the responsibility of the applicant.
  - (b) The department shall send notice to adjacent property owners advising them of the hearing. The notice shall be mailed to the owners of record of all property lying within 300 feet of the property at issue, at least 10 days before the public hearing. Names and addresses of adjacent property owners shall be provided to the department by the applicant, subject to department approval.
  - (c) The department shall provide the applicant with at least two copies of the hearing notice, and one copy of an affidavit of posting. The applicant shall post the notices and maintain them in place for at least 10 days prior to the hearing, not including the day of posting or the day of the hearing. The notices shall be placed in conspicuous locations on or near the property and shall be removed by the applicant after the hearing. Notices shall be mounted on easily visible boards provided by the department. The affidavit of posting shall be signed, notarized, and returned to the department at least 10 days prior to the hearing.
  - (d) All hearing notices shall include a legal description of the property involved, and a concise description of the variance requested in lay language.
- (4) Hearing Examiner – Required Findings. A reasonable economic use variance may be granted only when the hearing examiner finds that the application meets all of the following criteria:
- (a) No reasonable economic use with less impact on the critical area or its buffer is possible.
  - (b) There is no feasible on-site alternative to the proposed activities that would allow a reasonable economic use with less adverse impacts to critical areas or associated buffers. Feasible on-site alternatives shall include, but are not limited to:
    - (i) Reduction in density, scope, scale or intensity;
    - (ii) Phasing of project implementation;
    - (iii) Change in timing of activities; and
    - (iv) Revision of road or parcel layout or related site planning considerations.
  - (c) The proposed variance will result in the minimum feasible alteration or impairment to the critical area functional characteristics and existing contours, vegetation, fish and wildlife resources, and hydrological conditions.

(d) Disturbance of critical areas has been minimized by locating any necessary alteration in critical area buffers to the minimum extent possible.

(e) The proposed variance will not cause degradation to surface or groundwater quality.

(f) The proposed variance complies with all federal, state and local statutory and common law, including the Endangered Species Act, and statutory laws related to sediment control, pollution control, floodplain restrictions, and on-site wastewater disposal, and common law relating to property and nuisance.

(g) There will be no material damage to nearby public or private property and no material threat to the health or safety of people on or off the property.

(h) The inability to derive reasonable economic use of the property is not the result of actions by the applicant in segregating or dividing the property and creating the undevelopable condition after the effective date of the regulations codified in this chapter.

(5) Conditions.

(a) In granting approval for reasonable economic use variances, the hearing examiner may require mitigating conditions.

(b) In granting approval for reasonable economic use variances involving designated wetlands, the hearing examiner shall consider the following mitigating conditions:

(i) Provision of a mitigation plan demonstrating how the applicant intends to substantially restore the site to predevelopment conditions following project completion; and

(ii) The restoration, creation or enhancement of wetlands and their buffers in order to offset the impacts resulting from the applicant's actions; the overall goal of any restoration, creation or enhancement project shall be no net loss of wetlands function and acreage.

(6) Performance Bond. The administrator may require a performance bond of 120 percent of the cost of the outstanding work items to be accomplished. [Ord. 3-08 § 1]

**18.22.095 Physical separation – Functional isolation.**

Buffer areas which are both physically separated and functionally isolated from a critical area and do not protect the critical area from adverse impacts shall be excluded from buffers otherwise required by this chapter. Functional isolation can occur due to existing public roads, structures, vertical separating, or any other relevant physical characteristic. The administrator may require a biological site assessment to determine whether the buffer is functionally isolated. [Ord. 3-08 § 1]

### Article III. Critical Aquifer Recharge Areas

#### 18.22.100 Classification.

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Critical aquifer recharge areas are naturally susceptible due to the existence of permeable soils or a seawater wedge in coastline aquifers. Certain overlying land uses can lead to water quality and/or quantity degradation. The following classifications define critical aquifer recharge areas:

(1) Susceptible aquifer recharge areas are those with geologic and hydrologic conditions that promote rapid infiltration of recharge waters to groundwater aquifers. For the purposes of this article, unless otherwise determined by preparation of an aquifer recharge area report authorized under this article, the following geologic units, as identified from available State of Washington Department of Natural Resources geologic mapping, define susceptible aquifer recharge areas for east Jefferson County:

- (a) Alluvial fans (Ha);
- (b) Artificial fill (Hx);
- (c) Beach sand and gravel (Hb);
- (d) Dune sand (Hd);
- (e) Floodplain alluvium (Hf);
- (f) Vashon recessional outwash in deltas and alluvial fans (Vrd);
- (g) Vashon recessional outwash in melt water channels (Vro);
- (h) Vashon ice contact stratified drift (Vi);
- (i) Vashon ablation till (Vat);
- (j) Vashon advance outwash (Vao);
- (k) Whidbey formation (Pw); and
- (l) Pre-Vashon stratified drift (Py).

(2) Those areas meeting the requirements of susceptible aquifer recharge areas (above) and which are overlain by the following land uses as identified in this code are subject to the provisions of the protection standards in this article:

- (a) All industrial land uses;
- (b) All commercial uses;

- (c) All rural residential land uses:
    - (i) Requiring a discretionary use or conditional use permit; or
    - (ii) With nonconforming uses that would otherwise require a discretionary use or conditional use permit;
  - (d) Unsewered planned rural residential developments;
  - (e) Unsewered residential development with gross densities greater than one unit per acre.
- (3) Special aquifer recharge protection areas include:
- (a) Sole-source aquifers designated by the U.S. Environmental Protection Agency in accordance with the Safe Drinking Water Act of 1974 (Public Law 93-523);
  - (b) Special protection areas designated by the Washington Department of Ecology under Chapter 173-200 WAC;
  - (c) Wellhead protection areas determined in accordance with delineation methodologies specified by the Washington Department of Health under authority of Chapter 246-290 WAC;
  - (d) Groundwater management areas designated by the Washington Department of Ecology in cooperation with local government under Chapter 173-100 WAC.
- (4) Seawater intrusion protection zones (SIPZ) are aquifers and land overlying aquifers with some degree of vulnerability to seawater intrusion. SIPZ are defined either by proximity to marine shoreline or by proximity to groundwater sources that have demonstrated high chloride readings. All islands and land area within one-quarter mile of marine shorelines and associated aquifers together compose the coastal SIPZ. Additionally, areas within 1,000 feet of a groundwater source with a history of chloride analyses above 100 milligrams per liter (mg/L) are categorized as either at risk (between 100 mg/L and 200 mg/L) or high risk (over 200 mg/L) SIPZ. Individual groundwater sources with a history of chloride analyses above 200 mg/L shall be considered "sea-salt water intrusion areas," which are among the "sources or potential sources of contamination" listed in WAC 173-160-171, implementing code for the Water Well Construction Act.
- (a) In some cases, high chloride readings may be indicative of connate seawater (i.e., relic seawater in aquifers as opposed to active seawater intrusion). When best available science or a hydrogeologic assessment demonstrate that high chloride readings in a particular area are due to connate seawater, the area in question shall not be considered an at risk or high risk SIPZ. When the status of an area is in question, the UDC administrator is responsible for making the determination based upon recommendation from county department of health and human services. [Ord. 3-08 § 1]

**18.22.110 Designation.**

Jefferson County shall prepare and exhibit dated critical aquifer recharge area maps which demonstrate the approximate distribution of the susceptible aquifer recharge areas, special aquifer recharge protection areas, and seawater intrusion protection zones. The critical aquifer recharge area maps shall be periodically revised, modified, and updated to reflect additional information. [Ord. 3-08 § 1]

**18.22.120 Applicability.**

(1) The following land use activities are considered high impact land uses due to the probability and/or potential magnitude of their adverse effects on groundwater and shall be prohibited in susceptible aquifer recharge areas and special aquifer recharge protection areas. In all other areas of the county outside of susceptible aquifer recharge areas and special aquifer recharge protection areas, these activities shall require an aquifer recharge area report pursuant to this article:

- (a) Chemical manufacturing and reprocessing;
- (b) Creosote/asphalt manufacturing or treatment (except that asphalt batch plants may be permitted in susceptible aquifer recharge areas only if such areas lie outside of special aquifer recharge protection areas and only if best management practices are implemented pursuant to JCC 18.20.240 (2)(h)(iv) and 18.30.170 and an accepted aquifer recharge area report);
- (c) Electroplating and metal coating activities;
- (d) Hazardous waste treatment, storage and disposal facilities;
- (e) Petroleum product refinement and reprocessing;
- (f) Storage tanks for petroleum products or other hazardous substances, except with a conditional discretionary use "C(d)" permit approval;
- (g) Recycling facilities as defined in this code;
- (h) Solid waste landfills;
- (i) Waste piles as defined in Chapter 173-304 WAC;
- (j) Wood and wood products preserving;
- (k) Storage and primary electrical battery processing and reprocessing.

(2) All other land uses shall be subject to the protection standards contained in this article and mitigating conditions included with an aquifer recharge area report, where applicable.

(3) Seawater Intrusion Protection Zones. Marine shorelines and islands are susceptible to a condition that is known as seawater intrusion. Seawater intrusion is a condition in which the saltwater/freshwater interface in an aquifer moves inland so that wells drilled on upland areas cannot obtain freshwater suitable for public consumption without significant additional treatment and cost. Maintaining a stable balance in the saltwater/freshwater interface is primarily a function of the rate of aquifer recharge (primarily through rainfall) and the rate of groundwater withdrawals (primarily through wells). New development, redevelopment, and land use activities on islands and in close proximity to marine shorelines in particular should be developed in such a manner to maximize aquifer recharge and maintain the saltwater/freshwater balance to the maximum extent possible. [Ord. 4-10 § 1 (Exh. B); Ord. 3-08 § 1]

#### **18.22.130 Protection standards.**

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(1) General. The following protection standards shall apply to land use activities in susceptible aquifer recharge areas and special aquifer protection areas, and when specified in seawater intrusion protection zones, unless mitigating conditions have been identified in a critical aquifer recharge report that has been prepared pursuant to this article.

(2) Stormwater Disposal.

(a) In all critical aquifer recharge areas, stormwater runoff shall be controlled and treated in accordance with best management practices and facility design standards as identified and defined in the Stormwater Management Manual for the Puget Sound Basin, as amended, and the stormwater provisions contained in Chapter 18.30 JCC.

(b) To help prevent seawater from intruding landward into underground aquifers, all new development activity on Marrowstone Island, Indian Island and within one-quarter mile of any marine shoreline shall be required to infiltrate all stormwater runoff on site. The administrator will consider requests for exceptions to this policy on a case-by-case basis. This provision is interpreted as establishing a hierarchy in which the first and best alternative is on-site infiltration using drywells or other methods; the second best alternative is direct discharge into marine waters through a stormwater tightline. In order to utilize the least preferred alternative, which is considered an exception to the policy, applicants must demonstrate through a geotechnical or similar report prepared by a licensed professional that both on-site infiltration and upland off-site disposal are not practicable or feasible. The report must include cost figures for comparison.

(3) On-Site Sewage Disposal.

(a) All land uses identified in JCC [18.22.120](#) and special aquifer recharge protection areas that are also classified as susceptible aquifer recharge areas (as defined in this article) shall be designated areas of special concern pursuant to WAC Title 246.

(i) Such designation shall identify minimum land area and best management practices for nitrogen removal as design parameters necessary for the protection of public health and groundwater quality.

(ii) Best management practices (BMPs) shall be adopted by action of the board of health.

(b) As new information becomes available that would classify an area as a special aquifer recharge protection area or an area of special concern under this article, said area may be designated as such by the county. Any additional areas of special concern designated through this process shall receive the same protections identified in subsection (3)(a) of this section.

(4) Golf Courses and Other Turf Cultivation. In all critical aquifer recharge areas, golf courses shall be developed and operated in a manner consistent with the most current edition of "Best Management Practices for Golf Course Development and Operation," King County department of development and environmental services. Recreational and institutional facilities (e.g., parks and schools) with extensive areas of cultivated turf shall be operated in a manner consistent with portions of the aforementioned best management practices pertaining to fertilizer and pesticide use, storage, and disposal. In seawater intrusion protection zones, golf courses and other turf cultivation using groundwater for irrigation shall be prohibited, unless the water source is located outside of seawater intrusion protection zones or in an approved public water supply.

(5) Above-Ground Storage and Underground Storage Tanks. Above-ground and underground storage tanks shall be fabricated, constructed, installed, used and operated in a manner which prevents the release of hazardous substances to the ground or groundwater and be consistent with the Department of Ecology's standards for construction and installation under Chapter 173-360 WAC. Above-ground storage tanks intended to hold or store hazardous substances shall be provided with an impervious containment area, equivalent to or greater than 100 percent of the tank volume, enclosing and underlying the tank; or ensure that other measures are undertaken as prescribed by the Uniform Fire Code which provide an equivalent measure of protection. Underground storage tanks intended to store hazardous substances shall provide an impervious tertiary containment area underlying the tanks or ensure that other measures are undertaken which provide an equivalent measure of protection. Application for installation of underground storage tanks not prohibited under this article, or application for a conditional discretionary "C(d)" use permit approval, shall be accompanied by an aquifer recharge report pursuant to this article.

(6) Mining and Quarrying. Mining and quarrying performance standards containing groundwater protection best management practices pertaining to operation, closure, and the operation of gravel screening, gravel crushing, cement concrete batch plants, and asphalt concrete batch plants, where allowed, are contained in Chapters 18.20 and 18.30 JCC.

(7) Hazardous Materials. Land use activities that generate hazardous waste, which are not prohibited

outright under this code, and which are conditionally exempt from regulation by the Washington Department of Ecology under WAC 173-303-100, or which use, store, or handle hazardous substances, shall be required to prepare and submit a hazardous materials management plan that demonstrates that the development will not have an adverse impact on groundwater quality. The facility owner must update the hazardous materials management plan annually.

(8) Well Drilling, Land Division, and Building Permits in Seawater Intrusion Protection Zones.

(a) Well Drilling. The Washington State Department of Ecology regulates well drilling pursuant to the Water Well Construction Act. Proposed wells, including those exempt from permitting requirements, must be sited at least 100 feet from “known or potential sources of contamination,” which include “sea-salt water intrusion areas” (WAC 178-160-171), unless a variance is obtained from Ecology per WAC 173-160-106.

(b) Subdivisions. Applications for land division (Chapter 18.35 JCC) must include specific and conclusive proof of adequate supplies of potable water through a qualifying hydrogeologic assessment (relevant components of an aquifer recharge area report per JCC [18.22.400](#)) that demonstrates that the creation of new lots and corresponding use of water will not impact the subject aquifer such that water quality is degraded by seawater intrusion.

(i) Marrowstone Island Subdivision Moratorium. Due to documented seawater intrusion on Marrowstone Island and the existence of undeveloped lots of record, Jefferson County has imposed a moratorium on additional land divisions on the island until such time as public water is available or it is demonstrated through the well monitoring program that groundwater quality is not degrading due to seawater intrusion.

(c) Building Permits.

(i) Evidence of potable water may be an individual well, connection to a public water system, or an alternative system. Whatever method is selected, the regulatory and operational standards for that method must be met, including Jefferson County health codes and the Washington Administrative Code. Pursuant to Section 4 of the State “Guidelines for Determining Water Availability for New Buildings” (Ecology Publication No. 93-27), investigation and identification of well interference problems and impairment to senior rights is the responsibility of the Washington Department of Ecology. If the possibility of a problem is suspected, the local permitting authority should contact Ecology.

(ii) All types of building permits that require proof of potable water use are subject to this policy, specifically building permits for new single-family residences (SFRs) or other structures with plumbing that are not associated with an existing SFR (i.e., shops or garages with a bathroom).

(d) Voluntary and mandatory measures of the Jefferson County seawater intrusion policy apply to development proposals within the coastal, at risk, and high risk SIPZ, and upon Marrowstone Island, in the following manner, in addition to all existing applicable health codes:

(i) Coastal SIPZ.

(A) Voluntary Actions.

- (I) Water conservation measures;
- (II) Ongoing well monitoring for chloride concentration;
- (III) Submittal of data to county.

(B) Mandatory Actions.

- (I) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;
- (II) If public water is unavailable, an individual well may be used as proof of potable water subject to the following requirements:
  - 1. Chloride concentration of a laboratory-certified well water sample submitted with building permit application;
  - 2. Installation of source-totalizing meter (flow).
- (III) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.

(ii) At Risk SIPZ.

(A) Voluntary Actions.

- (I) Water conservation measures.

(B) Mandatory Actions.

- (I) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;
- (II) If public water is unavailable, an individual well may be used as proof of potable water subject to the following requirements:
  - 1. Chloride concentration of a laboratory-certified well water sample submitted with

building permit application;

2. Installation of a source-totalizing meter (flow);

3. Ongoing well monitoring for chloride concentration;

4. Submittal of flow and chloride data to the county per monitoring program;

(III) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.

(iii) High Risk SIPZ.

(A) Mandatory Actions.

(I) Water conservation measures (per list maintained by UDC administrator);

(II) For proof of potable water on a building permit application, applicant must utilize DOH-approved public water system if available;

(III) If public water is unavailable, an individual well may only be used as proof of potable water subject to the following requirements:

1. Variance from WAC Title 173 standards granted by Ecology per WAC 173-160-106 for a new groundwater well within 100 feet of a sea-salt water intrusion area per WAC 173-160-171 (i.e., within 100 feet of a groundwater source showing chloride concentrations above 200 mg/L or within 100 feet of the marine shoreline); or for an existing groundwater well not subject to an Ecology variance, applicant must provide a hydrogeologic assessment (relevant components of an aquifer recharge area report per JCC [18.22.400](#)), which shall be transmitted to Ecology for review, demonstrating that use of the well does not cause any detrimental interference with existing water rights and is not detrimental to the public interest;

2. Chloride concentration of a laboratory-certified well water sample submitted with building permit application;

3. If chloride concentration exceeds 250 mg/L in a water sample submitted for a building permit, then the property owner shall be required to record a restrictive covenant that indicates a chloride reading exceeded the U.S. Environmental Protection Agency secondary standard (250 mg/L) under the National Secondary Drinking Water Regulations;

4. Installation of a source-totalizing meter flow;

5. Ongoing well monitoring for chloride concentration;

6. Submittal of flow and chloride data to the county per monitoring program;

(IV) If public water is unavailable, a qualifying alternative system may be used as proof of potable water.

(iv) Marrowstone Island. In addition to all voluntary and mandatory actions associated with the applicable SIPZ as described above, the following measures apply to all development proposals on Marrowstone Island that include groundwater withdrawal:

(A) Voluntary Actions.

(I) Installation of timers together with new well pump installations to enable pump use limitation to low demand times.

(B) Mandatory Actions.

(I) The use of a well proposed as proof of potable water for a new building permit shall be conditioned through the building permit such that enrollment in a county-sponsored monitoring program is required, including periodic submittal of flow and chloride data as determined by the county.

(II) Installation of a source-totalizing meter (flow).

(III) Installation of a variable speed pump, controllable from the surface, in order to enable reduction of withdrawal rate, as may be necessary.

(IV) Installation of a 1,000-gallon minimum storage tank that shall conform to ANSI/NSF Standard 61.

(9) Mitigating Conditions. The administrator may require additional mitigating conditions, as needed, to provide protection to all critical aquifer recharge areas to ensure that the subject land or water use action will not pose a risk of significant adverse groundwater quality impacts. The determination of significant adverse groundwater quality impacts will be based on the anti-degradation policy included in Chapter 173-200 WAC.

(10) Authority for Denial. In all critical aquifer recharge areas, the administrator may deny approval if the protection standards contained herein or added mitigating conditions cannot prevent significant adverse groundwater quality impacts. [Ord. 4-10 § 1 (Exh. B); Ord. 3-08 § 1]

#### **18.22.135 Adaptive management.**

As part of the periodic review and amendment to Jefferson County's implementing regulations

required under RCW 36.70A.130(4), Jefferson County shall review the need for and implement an adaptive management program for groundwater resources in certain discrete geographic areas of the county, consistent with the provisions of WAC 365-195-920(2). [Ord. 3-08 § 1]

#### **Article IV. Frequently Flooded Areas**

##### **18.22.140 Incorporation by reference.**

This article incorporates by reference the classification, designation and protection provisions contained in the Jefferson County floodplain management ordinance (Chapter 15.15 JCC) with the following addition:

(1) In addition to the insurance maps identified in the floodplain management ordinance (Chapter 15.15 JCC), flood hazard areas shall be identified with reference to the Federal Emergency Management Agency (FEMA) 100-year floodplain designations. Such flood hazard areas shall be subject to the criteria of the floodplain management ordinance.

(2) The floodplain management ordinance conforms with the intent of the minimum guidelines (WAC 365-190-080(3)) through directly considering the effects of flooding on human health and safety, together with effects on public facilities and services, through its protection standards. [Ord. 3-08 § 1]

##### **18.22.150 Relationship to other regulations.**

While the Jefferson County floodplain management ordinance requires consistency with all other applicable laws, in the event that a conflict should exist the stricter standard shall apply to the regulated development. [Ord. 3-08 § 1]

#### **Article V. Geologically Hazardous Areas**

##### **18.22.160 Classification/designation.**

(1) Classification. Geologically hazardous areas shall be classified based upon a combination of erosion, landslide and seismic hazard.

(2) Designation. The following erosion, landslide, seismic, and channel migration zone (CMZ) hazard areas shall be subject to the standards of this article:

(a) Erosion Hazard Areas. Areas containing soils or soil complexes described and mapped within the United States Department of Agriculture, Soil Conservation Service, Soil Survey for Jefferson County as having a severe or very severe erosion hazard potential.

(b) Landslide Hazard Areas. Areas potentially subject to mass movement due to a combination of geologic, topographic and hydrologic factors including:

(i) Areas of historic failures or potentially unstable slopes, such as:

(A) Areas described and mapped as having severe or very severe building limitations for dwellings without basements within the United States Department of Agriculture, Soil Conservation Service, Soil Survey for Jefferson County;

(B) Areas described and mapped as recent or old landslides or slopes of unstable materials within the Washington State Department of Ecology Coastal Zone Atlas of Jefferson County; and

(C) Areas described and mapped as areas of poor natural stability, former landslides and recent landslides by the Washington State Department of Natural Resources, Division of Geology and Earth Resources;

(ii) Areas potentially unstable as a result of rapid stream incision, stream bank erosion, or undercutting by wave action; and

(iii) Areas with any indications of earth movement, such as:

(A) Rockslides;

(B) Earthflows;

(C) Mudflows; and

(D) Landslides.

(c) Seismic Hazard Areas. Areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, soil liquefaction, or surface faulting. These areas are identified by the presence of: poorly drained soils with greater than 50 percent silt and very little coarse material; loose sand or gravel, peat, artificial fill and landslide materials; or soil units with high organic content.

(d) Channel Migration Zones (CMZs). Areas subject to the natural movement of stream channel meanders. Those areas within the delineated high risk CMZ area (the area in which channel migration is likely to occur within the next 50 years) are subject to this article. Disconnected migration areas, which are areas that have been disconnected from the river by legally existing artificial structure(s) that restrain channel migration (such as levees and transportation facilities built above or constructed to remain intact through the 100-year flood elevation) and are no longer available for migration by the river, shall be excluded from review under this article. Moderately high, moderate, and low risk CMZs areas are also excluded from review under this article.

(3) Sources Used for Identification. Sources used to identify geologically hazardous areas include, but

are not limited to:

- (a) United States Department of Agriculture, Soil Conservation Service, Soil Survey for Jefferson County.
- (b) Washington State Department of Ecology, Coastal Zone Atlas.
- (c) Washington State Department of Natural Resources, Slope Stability and Geologic Maps of Eastern Jefferson County.
- (d) Washington State Department of Natural Resources, Geographic Information System: Soil Survey.
- (e) Washington State Department of Natural Resources, Geologic Maps of Eastern Jefferson County, Compressibility of Earth Materials in Eastern Jefferson County.
- (f) United States Department of the Interior, USGS Quad Maps.
- (g) U.S. Department of the Interior, Bureau of Reclamation, 2004, Channel Migration Zone Study for the Duckabush, Dosewallips, Big Quilcene and Little Quilcene Rivers, Jefferson County, Washington. Denver, CO.
- (h) Perkins Geosciences, 2006, Channel Migration Hazard Maps for the Dosewallips, Duckabush, Big Quilcene and Little Quilcene Rivers, Jefferson County, Washington. Seattle, WA.
- (i) Perkins Geosciences with TerraLogic GIS, June 2004, Lower Hoh River Channel Migration Study Summary Report.
- (j) The following rivers are not regulated in this section as a result of not having mapped CMZs (not an exhaustive list): Thorndyke Creek, Shine Creek, Chimacum Creek, Snow Creek, Salmon Creek, Upper Hoh River, Bogachiel River, Clearwater River, and Quinault River.

(4) Geologic Hazard Area Maps. The maps prepared by the county using the identification sources listed in this section have been produced for informational purposes only and are not regulatory devices forming an integral part of this code. [Ord. 6-09 § 1 (Exh. B); Ord. 3-08 § 1]

#### **18.22.170 Protection standards.**

(1) General. Application for a project on a parcel of real property containing a designated geologically hazardous area or its buffer shall adhere to the requirements set forth below.

(2) Drainage and Erosion Control.

(a) An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan, as specified in this chapter, when the project application involves either of the following:

- (i) The alteration of a geologically hazardous area or its buffer; or
- (ii) The creation of a new parcel within a known geologically hazardous area.

(b) Drainage and erosion control plans required under this chapter shall discuss, evaluate and recommend methods to minimize sedimentation of adjacent properties during and after construction.

(c) Surface drainage shall not be directed across the face of a marine bluff, landslide hazard or ravine. The applicant must demonstrate that the stormwater discharge cannot be accommodated on site or upland by evidence of a geotechnical report, unless waived by the administrator. If drainage must be discharged from a bluff to adjacent waters, it shall be collected above the face of the bluff and directed to the water by tight line drain and provided with an energy dissipating device at the shoreline, above OHWM.

(d) In addition to any erosion control methods specified in the drainage and erosion control plan, the administrator may require hydroseeding of exposed or disturbed areas or other BMPs.

(3) Clearing and Grading.

(a) In addition to the general clearing and grading provisions in Chapter 18.30 JCC, the following provisions shall also apply:

- (i) Clearing within geologically hazardous areas shall be allowed only from April 1st to November 1st, unless the applicant demonstrates that such activities would not result in impacts contrary to the protection requirements herein;
- (ii) Only that clearing necessary to install temporary sedimentation and erosion control measures shall occur prior to clearing for roadways or utilities;
- (iii) Clearing limits for roads, septic, water and stormwater utilities, and temporary erosion control facilities shall be marked in the field and approved by the administrator prior to any alteration of existing native vegetation;
- (iv) Clearing for roads and utilities shall remain within construction limits which must be marked in the field prior to commencement of site work; and
- (v) The authorized clearing for roads and utilities shall be the minimum necessary to accomplish project specific engineering designs and shall remain within approved rights-of-

way.

(b) The following provisions regarding grading shall apply:

(i) An applicant submitting a project application shall also submit, and have approved, a grading plan, as specified in this chapter, when the application involves either of the following:

(A) The alteration of a geologically hazardous area or its buffer; or

(B) The creation of a new parcel within a known geologically hazardous area.

(ii) Excavation, grading and earthwork construction regulated under this section shall only be allowed from April 1st to November 1st, unless the applicant demonstrates that such activities would not result in impacts contrary to the protection requirements herein.

(4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:

(a) During clearing for roadways and utilities, all trees and understory lying outside of approved construction limits shall be retained; provided, that understory damaged during approved clearing operations may be pruned.

(b) Damage to vegetation retained during initial clearing activities shall be minimized by directional felling of trees to avoid critical areas and vegetation to be retained.

(c) Retained trees, understory and stumps may subsequently be cleared only if such clearing is necessary to complete the proposal involved in the triggering application.

(d) Within a high risk CMZ, vegetation removal shall not be allowed. Vegetation removal outside of a high risk CMZ shall not be reviewed under this article. Should this provision conflict with other vegetation retention requirements specified within the JCC, the more restrictive protection requirement applies.

(5) Buffer Marking. The location of the outer extent of landslide hazard area buffers shall be marked in the field as follows:

(a) A permanent physical separation along the boundary of the landslide hazard area shall be installed and permanently maintained. Such separation may consist of logs, a tree or hedgerow, fencing, or other prominent physical marking approved by the administrator.

(b) Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: "Landslide Hazard Area

& Buffer – Do Not Remove or Alter Existing Native Vegetation.”

(c) In the case of short plat, long plat, binding site plan or site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the landslide hazard area and its buffer.

(6) Buffers – Standard Requirements. The following landslide hazard area buffer provisions shall apply:

(a) Buffer areas shall be required to provide sufficient separation between the landslide hazard area and the adjacent proposed project.

(b) The appropriate width of the landslide hazard area buffer shall be determined by either: application of the standard buffer width set forth below; or by acceptance of a geotechnical report meeting the criteria of this section.

(c) Buffers shall remain naturally vegetated. Where buffer disturbance has occurred during construction, replanting with native vegetation shall be required.

(d) Buffers shall be retained in their natural condition; however, minor pruning of vegetation to enhance views may be permitted by the administrator on a case-by-case basis.

(e) All buffers shall be measured perpendicularly from the top, toe or edge of the landslide hazard area boundary.

(f) A standard buffer of 30 feet shall be established from the top, toe and all edges of landslide hazard areas.

(g) A building setback line is required to be five feet from the edge of any buffer area for a landslide hazard area or to outside the full extent of the high risk channel migration zone (CMZ), whichever is greater.

(7) Reducing Buffer Widths. The administrator may reduce the standard landslide hazard area buffer width only when the project applicant demonstrates, to the satisfaction of the administrator, that the project cannot meet the required setback. The reduced buffer must adequately protect the proposed project from the risks of the landslide hazard area to the maximum extent possible. Under no circumstances shall the buffer width be reduced to less than 15 feet.

(8) Increasing Buffer Widths. The administrator may increase the standard landslide hazard area buffer width when a larger buffer is necessary to protect the proposed project and the landslide hazard area. This determination shall be made when the administrator demonstrates any one of the following through appropriate documentation:

- (a) The landslide area is unstable and active.
  - (b) The adjacent land is susceptible to severe landslide or erosion, and erosion control measures will not effectively protect the proposed project from the risks posed by the landslide hazard area.
  - (c) The adjacent land has minimal vegetative cover.
- (9) Geotechnical Report.
- (a) An applicant submitting a project application shall submit, and have approved, a geotechnical report, as specified in Article VIII of this chapter, when the application involves any of the following:
    - (i) The alteration of a landslide hazard area or its buffer.
    - (ii) The creation of a new parcel within a known landslide hazard area.
    - (iii) The construction of a publicly owned facility in a designated seismic hazard area.
  - (b) Where a geotechnical report is required for a landslide hazard area, the project application shall not be approved unless the geotechnical report certifies all of the following:
    - (i) There is minimal landslide hazard as proven by a lack of evidence of landslide activity in the vicinity in the past;
    - (ii) An analysis of slope stability indicates that the proposal will not be subject to risk of landslide, or the proposal or the landslide hazard area can be modified so that hazards are eliminated;
    - (iii) The proposal will not increase surface water discharge or sedimentation to adjacent properties beyond predevelopment conditions;
    - (iv) The proposal will not decrease slope stability on adjacent properties; and
    - (v) All newly created building sites will be stable under normal geologic and hydrogeologic conditions (if applicable).
  - (c) Where a geotechnical report is required for a seismic hazard area, the project application shall not be approved unless the geotechnical report demonstrates that the proposed project will adequately protect the public safety. [Ord. 6-09 § 1 (Exh. B); Ord. 3-08 § 1]

**18.22.180 Conditions.**

- (1) General. In granting approval for a project application subject to the provisions of this article, the

administrator may require mitigating conditions that will, in the administrator's judgment, substantially secure the objectives of this article.

(2) Basis for Conditions. All conditions of approval required pursuant to this section shall be based upon either the substantive requirements of this section or the recommendations of a qualified professional, contained within a special report required under this chapter. [Ord. 6-09 § 1 (Exh. B); Ord. 3-08 § 1]

## **Article VI. Fish and Wildlife Habitat Conservation Areas (FWHCAs)**

### **18.22.195 Compliance alternatives.**

Article VI sets forth the prescriptive requirements. Applicants for development permits or approvals subject to this article may elect to comply with the critical area stewardship plan (CASP) provisions set forth in Article IX of this chapter in lieu of the prescriptive requirements set forth herein. [Ord. 3-08 § 1]

### **18.22.200 Classification/designation.**

(1) Classification. Fish and wildlife habitat conservation areas (FWHCAs) are those areas identified as being of critical importance to the maintenance of endangered, threatened, or sensitive species of fish, wildlife and/or plants, or species of local importance. These areas are typically identified either by known point locations of specific species (such as a nest or den) or by habitat areas or both. All areas within the county meeting these criteria are hereby designated critical areas and are subject to the provisions of this article.

(2) Mapping. The approximate location and extent of identified fish and wildlife habitat conservation areas (FWHCAs) are shown on the county's critical area maps. These maps are to be used as a guide and do not provide a definitive critical area determination. The county shall update the maps as new FWHCAs are identified or new information related to updates to existing maps becomes available.

(3) Designation. The following are designated as fish and wildlife habitat conservation areas (FWHCAs):

(a) Areas with which endangered, threatened, and sensitive species listed by the federal or state government have a primary association.

(i) Federally designated and threatened species are those fish and wildlife species identified by the U.S. Fish and Wildlife Service and the National Marine Fisheries Service that are in danger of extinction or threatened to become endangered. The U.S. Fish and Wildlife Service and the National Marine Fisheries Services should be consulted for current listing status.

- (ii) State endangered, threatened, and sensitive species are those species native to the state of Washington identified by the State Department of Fish and Wildlife that are in danger of extinction, threatened to become endangered, vulnerable, or declining and are likely to become endangered within the state. The state maintains the list of these species in WAC 232-12-014 (endangered species) and in WAC 232-12-014 (threatened and sensitive species). The State Department of Fish and Wildlife should be consulted for current listing status.
- (b) Rivers and streams not otherwise protected under Washington State Forest Practices regulations (Chapter 76.09 RCW and WAC Title 222) that have FWHCAs are protected according to stream type.
- (c) Lands covered under the Forest Practices Act. Forested areas in Jefferson County provide protection as FWHCAs under the Forest Practices Act (Chapter 76.09 RCW) and forest practices regulations (WAC Title 222).
- (d) Commercial and recreational shellfish areas, including designated shellfish habitat conservation areas (note: shellfish aquaculture activities within all public and private tidelands and bed lands suitable for shellfish harvest are allowed uses; such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest).
- (e) Kelp and eelgrass beds.
- (f) Surf smelt, Pacific herring, and Pacific sand lance spawning areas.
- (g) Natural area preserves and natural resource conservation areas.
- (h) All areas designated by the Department of Natural Resources (DNR) through the Washington Natural Heritage Program as high quality wetland ecosystems and high quality terrestrial ecosystems.
- (i) Species and habitats of local importance established pursuant to the process delineated in JCC [18.22.210](#). [Ord. 3-08 § 1]

**18.22.210 Process and requirements for designating habitats of local importance as critical areas.**

(1) Purpose. This section describes the process for designating species and habitats of local importance that are not covered by the federal and state sensitive, threatened or endangered species regulations. Accordingly, this section details the requirements for designating and monitoring species and habitats of local importance, as well as removing such species and habitats from designation if necessary.

(2) Definition. The use of the term “habitat” in this section includes areas designated as “wildlife corridors.”

(3) Procedure for Designation – Generally. An application/nomination to designate a habitat of local importance as a critical area shall be processed according to the procedures for Type V land use decisions established in Chapter 18.40 JCC.

(4) Nominations/Applications. Any person, organization, or Jefferson County agency may nominate and apply for designation a species or habitat of local importance. A nominating person or organization must be a resident of, or headquartered in, Jefferson County.

(5) Nomination/Application Submittal.

(a) The applicant shall provide information demonstrating that the species or habitat is native to Jefferson County, existing on or before the date of adoption of the regulations codified in this chapter.

(b) All nominations/applications for designation of a species/habitat of local significance shall include the following:

(i) Identification of the species including its scientific and locally common name(s);

(ii) Identification of the geographic location, including Jefferson County parcel numbers, and extent of the habitat associated with a nominated species or the nominated habitat itself if not associated with a nominated species; a map of an appropriate scale to properly describe the location and extent of the habitat will accompany the nomination, as well as geo-referencing information sufficient to allow mapping of the habitat site in the county GIS mapping system;

(iii) The status of the species or the occurrence of the type of habitat in surrounding counties and in the rest of the state has been considered in making this nomination;

(iv) A management strategy for the species or habitat;

(v) Indications as to whether the proposed management strategy has been peer reviewed, and if so, how this was done and by whom;

(vi) Where restoration of habitat is proposed, a specific plan, including how the restoration will be funded, must be provided as part of the nomination;

(vii) Recommendations for allowed, exempt, and regulated activities within the area;

(viii) Recommended buffer and setback requirements and their justification;

(ix) Seasonal requirements;

(x) A monitoring plan must be practical and achievable and include the following:

(A) Baseline data and a description of what measurements will be used to determine the success of the project. The plan shall include the criteria and time period required to evaluate the success of the plan;

(B) A contingency plan for failure;

(C) A list of all parcels not included in the nomination but affected by the monitoring process;

(xi) The nomination must also include an economic impact, cost and benefits analysis. The nomination must also include an analysis of alternative solutions to formal designation of the habitat of local importance as a regulated critical area under this chapter.

(c) The applicant shall be responsible for paying all fees and all expenses incurred by Jefferson County to process the application.

(6) Review and Approval Criteria.

(a) Species nominated for designation under this section must satisfy the following criteria:

(i) Local populations that are in danger of extirpation based on documented trends since the adoption of the Growth Management Act;

(ii) The species is sensitive to habitat manipulation;

(iii) The species or habitat has commercial, game, or other special value such as locally rare species;

(iv) The nomination includes an analysis of the proposal using best available science; and

(v) The nomination specifies why protection by other county, state or federal policies, laws, regulations or nonregulatory tools is inadequate to prevent degradation of the species or habitat and for which management strategies are practicable, and describes why, without designation and protection, there is a likelihood that the species will not maintain and reproduce over the long term, or that a unique habitat will be lost.

(b) Habitats nominated for designation under this section must satisfy the following criteria:

(i) Where a habitat is nominated to protect a species, the use of the habitat by that species must be documented or be highly likely or the habitat is proposed to be restored with the

consent of the affected property owner so that it will be suitable for use by the species; and, long-term persistence of the species in Jefferson County and adjoining counties is dependent on the protection, maintenance or restoration of the habitat;

(ii) Areas nominated to protect a particular habitat must represent either high quality native habitat or habitat that has an excellent potential to recover to a high quality condition and which is either of limited availability or highly vulnerable to alteration;

(iii) The nomination specifies the specific habitat features to be protected (e.g., nest sites, breeding areas, nurseries, etc.). In the case of proposed wildlife corridors, the nomination shall specify those features that are required for the corridor to remain viable to support and protect the nominated species.

(7) Review and Approval Process.

(a) The department of community development shall determine whether the application submittal is complete. If deemed complete, the department shall evaluate the proposal for compliance with the approval criteria set forth in this section and make a recommendation to the planning commission based on those criteria. The department shall also notify all parcel owners affected of the terms and contents of the proposal.

(b) Upon receipt of a staff report and recommendation from the department, the planning commission shall hold a public hearing, and make a recommendation to the board of commissioners based upon the approval criteria set forth in this section.

(c) The Jefferson County board of commissioners shall consider the recommendation transmitted by the planning commission at a regularly scheduled public meeting, and may then adopt an ordinance formally approving the designation. Should the board wish to vary from the planning commission recommendation and alter or reject the application, such action may only occur following a separate public hearing conducted by the board.

(d) Upon approval, the ordinance designating and regulating the species or habitat of local importance shall be codified in this article for public information and implementation by the department, and a notice to title shall be placed upon all parcels affected by the designation.

(e) Each ordinance creating a species or habitat of local importance shall include periodic review or reassessment of the initial designation. The length of the periodic review may be dependent on the characteristics of the species or habitat.

(8) Removal from Designation. Species or habitats of local significance may be removed at any time; provided, that they no longer meet the criteria set forth in subsection (5) of this section (e.g., as a result of a natural catastrophe or climatic change event); and provided further, that the procedural

requirements of this section and the procedural requirements established for Type V land use decisions set forth within Chapter 18.40 JCC are met. [Ord. 3-08 § 1]

#### **18.22.220 Sources used for identification.**

Sources used to identify fish and wildlife habitat conservation areas (FWHCAs) include, but are not limited to, the following:

- (1) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.
- (2) Washington State Department of Natural Resources, Water Type Index Maps.
- (3) Washington State Department of Fish and Wildlife, Non-Game and Priority Habitats and Species databases.
- (4) Public and private tidelands or bedlands suitable for shellfish harvest and identified by the Washington Department of Health's classification system and shellfish protection districts established pursuant to Chapter 90.72 RCW.
- (5) Kelp and eelgrass beds may be classified and identified with the Department of Natural Resources Aquatic Lands Program and the Department of Ecology (note: many locations are compiled in the Puget Sound Environmental Atlas).
- (6) Herring and smelt spawning times and locations are outlined in WAC 220-110-240 through 220-110-250, Hydraulic Code Rules, Technical Report No. 79, and the Puget Sound Environmental Atlas. [Ord. 3-08 § 1]

#### **18.22.230 Fish and wildlife habitat conservation area (FWHCA) maps.**

County maps identifying FWHCAs have been produced for informational purposes only and are not regulatory devices forming an integral part of this article. [Ord. 3-08 § 1]

#### **18.22.250 Regulated activities.**

Any land use or development activity that is subject to a development permit or approval requirements of this code shall be subject to the provisions of this article. These include, but are not limited to, the following activities that are directly undertaken or originate in a FWHCA or its buffer, unless otherwise exempted under JCC [18.22.070](#):

- (1) Stream Crossings. Any private or public road expansion or construction which is proposed and must cross streams classified within this article shall comply with the following minimum development standards:
  - (a) The design of stream crossings shall meet the requirements of the Washington Department of Fish and Wildlife. Fish passage shall be provided if necessary to address manmade

obstructions on-site. Other alternatives may be allowed upon a showing that, for the site under review, the alternatives would be less disruptive to the habitat or that the necessary building foundations were not feasible. Submittal of a habitat management plan which demonstrates that the alternatives would not result in significant impacts to the fish and wildlife habitat area (FWHCA) may be required;

(b) Crossings shall not occur in salmonid spawning areas unless no other reasonable crossing site exists. For new development proposals, if existing crossings are determined to adversely impact salmon spawning or passage areas, new or upgraded crossings shall be located as determined necessary through coordination with the Washington State Department of Fish and Wildlife;

(c) Bridge piers or abutments shall not be placed either within the floodway or between the ordinary, high water marks unless no other reasonable alternative placement exists;

(d) All stream crossings shall be designed based on the 100-year projected flood flows, even in non-fish bearing Type Np and Ns streams. In addition, crossings for Type S and F streams should allow for downstream transport of large woody debris;

(e) Crossings shall serve multiple properties whenever possible; and

(f) Where there is no reasonable alternative to providing a culvert, the culvert shall be the minimum length necessary to accommodate the permitted activity.

(2) Utilities. Placement of utilities within designated fish and wildlife habitat areas may be allowed pursuant to the following standards:

(a) Construction of utilities may be permitted in FWHCAs or their buffers only when no practicable or reasonable alternative location is available and the utility corridor meets the requirements for installation, replacement of vegetation and maintenance outlined below. Utilities are encouraged to follow existing or permitted roads where possible.

(b) Construction of sewer lines or on-site sewage systems are not permitted in FWHCAs or their buffers, except that they may be permitted in a buffer area when the applicant demonstrates it is necessary to meet state and/or local health code requirements; there are no other practicable alternatives available; and construction meets the requirements of this article. Joint use of the sewer utility corridor by other utilities may be allowed.

(c) New utility corridors shall not be allowed in FWHCAs with known locations of federal or state-listed endangered, threatened or sensitive species, except in those circumstances where an approved habitat management plan is in place.

(d) Utility corridor construction and maintenance shall protect the environment of fish and wildlife habitat areas and their buffers.

(i) New utility corridors shall be aligned when possible to avoid cutting trees greater than 12 inches in diameter at breast height (four and one-half feet) measured on the uphill side.

(ii) New utility corridors shall be revegetated with appropriate native vegetation at not less than preconstruction vegetation densities or greater, immediately upon completion of construction or as soon thereafter as possible due to seasonal growing constraints. The utility shall ensure that such vegetation survives for a three-year period.

(e) Utility towers should be painted with brush, pad or roller and should not be sandblasted or spray-painted, nor shall lead-based paints be used.

(3) Bank Stabilization.

(a) A stream channel and bank, bluff, and shoreline may be stabilized when naturally occurring earth movement threatens existing legal structures (structure is defined for this purpose as those requiring a building permit pursuant to the building code), public improvements, unique natural resources, public health, safety or welfare, or the only feasible access to property, and, in the case of streams, when such stabilization results in maintenance of fish habitat or improved water quality, as demonstrated through a habitat management plan or equivalent study or assessment. Bluff, bank and shoreline stabilization shall follow the standards of the Jefferson County shoreline master program, geologically hazardous areas provision in this chapter, and the floodplain management ordinance (Chapter 15.15 JCC).

(b) The administrator shall require that bank stabilization be designed by a professional engineer licensed in the state of Washington with demonstrated expertise in hydraulic actions of shorelines. For bank stabilization projects within FWHCAs, the applicant must provide a geotechnical report that demonstrates that bioengineering solutions (vegetation versus hard surfaces) are infeasible. The report must document the engineering rationale why bioengineering solutions are infeasible in a manner that can be confirmed through review by other engineering professionals. Bank stabilization projects may also require a hydraulic project approval from the Washington Department of Fish and Wildlife that will be determined after consultation with WDFW.

(4) Gravel Mining. Gravel mining is discouraged within FWHCAs or their buffers, and it shall not be permitted if it causes unmitigatable significant adverse impacts, but it may be allowed following the review and approval of a habitat management plan, including a detailed mining and reclamation plan pursuant to the applicable performance standards in JCC 18.20.240 or as otherwise required in this code.

(5) Forest Practices, Class IV General. Timber harvesting with associated development activity involving land conversions from forest use, or otherwise meeting the DNR definition as a Class IV General application, shall comply with the provisions of this article, including the maintenance of buffers, where required.

(6) Road/Street Repair and Construction. Any private or public road or street expansion or construction which is allowed in a FWHCA or its buffer shall comply with the following minimum development standards:

(a) No other reasonable or practicable alternative exists and the proposed road or street serves multiple properties whenever possible;

(b) Public and private roads are encouraged to provide for other purposes, such as utility crossings, pedestrian or bicycle easements, viewing points, etc.;

(c) The road or street construction is the minimum necessary, as required by the department of public works' guidelines. Minimum necessary provisions may include projected level of service requirements; and

(d) Construction time limits shall be determined in consultation with the Washington Department of Fish and Wildlife in order to ensure species and habitat protection.

(7) Outdoor Recreation, Education and Trails. Activities and improvements that do not significantly affect the function of the FWHCA or regulated buffer (including viewing structures, outdoor scientific or interpretive facilities, trails, hunting blinds, etc.) may be permitted in FWHCAs or their buffers.

(a) Trails and other facilities shall, to the extent feasible, be placed on existing road grades, utility corridors, or other previously disturbed areas;

(b) Trails and other facilities shall be planned to minimize removal of trees, shrubs, snags and important wildlife habitat;

(c) Viewing platforms, interpretive centers, benches and access to them, shall be designed and located to minimize impacts to wildlife, fish, or their habitat and/or critical characteristics of the affected FWHCA;

(d) Trails, in general, shall be set back from streams so that there will be minimal impact to the stream from trail use or maintenance. Trails shall be constructed with pervious surfaces when feasible and trails within FWHCAs are not intended to be used by motorized vehicles.

(8) Chemical Application or Storage. Chemical applications are not permitted within FWHCAs unless expressly approved as part of a farm plan, forest practices application, or for the control of invasive

or noxious plant species. In cases where approved chemical applications occur as part of a forest practices application or farm plan, proper reporting procedures shall be followed. Chemical storage shall not be permitted within a FWHCA or its buffer. [Ord. 3-08 § 1]

#### **18.22.265 Habitat management plans – When required.**

When a development proposal is located on lands which may contain a habitat for a protected species other than bald eagle nesting territories, or when the applicant proposes to alter, decrease or average the standard buffer, a habitat management plan (HMP) shall be required, consistent with the requirements of JCC [18.22.440](#). [Ord. 3-08 § 1]

#### **18.22.270 Protection standards.**

- (1) General. Application for a project on a parcel of real property containing a designated FWHCA or its buffer shall adhere to the requirements set forth in this section.
- (2) Drainage and Erosion Control. An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan, as specified in this chapter.
- (3) Grading. An applicant submitting a project application shall also submit, and have approved, a grading plan, as specified in this chapter.
- (4) Vegetation Retention. The following provisions regarding vegetation retention shall apply:
  - (a) All trees and understory lying outside of road rights-of-way and utility easements shall be retained (except for hazard trees) during clearing for roadways and utilities; provided, that understory damaged during approved clearing operations may be pruned.
  - (b) Damage to vegetation retained during initial clearing activities shall be minimized by directional felling of trees to avoid critical areas and vegetation to be retained.
  - (c) Retained trees, understory and stumps may subsequently be cleared only if such clearing is necessary to complete the proposal involved in the project application.
- (5) Buffers – Standard Requirements. The administrator shall have the authority to require buffers from the edges of all FWHCAs in accordance with the following:
  - (a) Buffers Generally.
    - (i) Buffers shall be established for activities adjacent to FWHCAs as necessary to protect the integrity, functions and values of the resource, consistent with the requirements set forth in Tables 18.22.270(1) and 18.22.270(2) of this section.
    - (ii) A building setback line of five feet is required from the edge of any buffer area; however, nonstructural improvements such as septic drain fields may be located within setback

areas.

(iii) Buffers shall be retained in their natural condition; however, minor pruning of vegetation to enhance views or provide access may be permitted as long as the function and character of the buffer are not diminished.

(iv) Lighting shall be directed away from the FWHCA.

(b) Prescriptive FWHCA Buffers.

(i) The standard buffer widths required by this article are considered to be the minimum required to protect the stream functions and values at the time of the proposed activity. When a buffer lacks adequate vegetation to protect critical area functions, the administrator may deny a proposal for buffer reduction or buffer averaging.

(ii) The standard buffer shall be measured landward horizontally on both sides of the stream from the ordinary high water mark (OHWM) as identified in the field. Nevertheless, the required buffer shall include any adjacent regulated wetland(s), landslide hazard areas and/or erosion hazard areas and required buffers, but shall not be extended across paved roads or other lawfully established structures or hardened surfaces. The following standard buffer width requirements are established; provided, that portions of streams that flow underground may be exempt from these buffer standards at the administrator’s discretion when it can be demonstrated that no adverse effects on aquatic species will occur.

**Table 18.22.270(1): Stream Buffers\***

<b>Stream Type</b>	<b>Buffer Requirement</b>
Type “S” – Shoreline Streams	150 feet
Type “F” – Fish Bearing Streams	150 feet
Type “Np”– Non-Fish Bearing Perennial Streams	75 feet
Type “Ns” – Non-Fish Bearing Seasonal Streams greater than or equal to 20% grade	75 feet
Type “Ns” – Non-	50 feet

Fish Bearing Seasonal Streams less than 20% grade	
*Note: (a) The buffers set forth above shall apply to culverted streams; though in limited circumstances, a variance may be made in the application of stream buffers under Article IX of Chapter 18.40 JCC. (b) Stream type shall be determined using the criteria set forth in WAC 222-16-030.	

(iii) Buffers for Other FWHCAs. The administrator shall determine appropriate buffer widths for other FWHCAs based on the best available information. Buffer widths for nonstream habitat conservation areas shall be as follows:

**Table 18.22.270(2): Buffers for Other FWHCAs**

FWHCA Type	Buffer Requirement
Areas with Which Federally Listed Species Have a Primary Association	Buffers shall be 150 feet; provided, that local and site specific factors shall be taken into consideration and the buffer width based on the best available information concerning the species/habitat(s) in question and/or the opinions and recommendations of a qualified professional with appropriate expertise.
Commercial and Recreational Shellfish Areas	Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.
Kelp and Eelgrass Beds	Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.
Surf Smelt, Pacific Herring, and Pacific Sand Lance Spawning Areas	Buffers shall extend 150 feet landward from ordinary high water mark of the marine shore.
Natural Ponds and Lakes	Ponds under 20 acres – buffers shall extend 50 feet from the ordinary high water mark; Lakes 20 acres and larger – buffers shall extend 100 feet from the ordinary high water mark; provided, that where vegetated wetlands

	are associated with the shoreline, the buffer shall be based on the wetland buffer requirements.
Natural Area Preserves and Natural Resource Conservation Areas	Buffers shall not be required adjacent to these areas. These areas are assumed to encompass the land required for species preservation.
Locally Important Habitat Areas	The buffer for marine nearshore habitats shall extend landward 150 feet from the ordinary high water mark.  The need for and dimensions of buffers for other locally important species or habitats shall be determined on a case-by-case basis, according to the needs of the specific species or habitat area of concern. Buffers shall not be required adjacent to the wildlife corridor. The administrator shall coordinate with the Washington Department of Fish and Wildlife and other state, federal or tribal experts in these instances, and may use WDFW PHS management recommendations when available and applicable.

(6) The administrator shall have the authority to reduce buffer widths on a case-by-case basis; provided, that the specific standards for avoidance and minimization set forth in JCC [18.22.350\(1\)](#) shall apply, and when the applicant demonstrates to the satisfaction of the administrator that all of the following criteria are met:

- (a) The buffer reduction shall not adversely affect the habitat functions and values of the adjacent FWHCA or other critical area.
- (b) The buffer shall not be reduced to less than 75 percent of the standard buffer.
- (c) The slopes adjacent to the FWHCA within the buffer area are stable and the gradient does not exceed 30 percent.

(7) The administrator shall have the authority to average buffer widths on a case-by case basis; provided, that the specific standards for avoidance and minimization set forth in JCC [18.22.350\(1\)](#) shall apply, and when the applicant demonstrates to the satisfaction of the administrator that all the following criteria are met:

- (a) The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer and all increases in buffer dimension are parallel to the FWHCA.
- (b) The buffer averaging does not reduce the functions or values of the FWHCA or riparian habitat, or the buffer averaging, in conjunction with vegetation enhancement, increases the habitat function.
- (c) The buffer averaging is necessary due to site constraints caused by existing physical characteristics such as slope, soils, or vegetation.
- (d) The buffer width is not reduced to less than 75 percent of the standard width.
- (e) The slopes adjacent to the FWHCA within the buffer area are stable and the gradient does not exceed 30 percent.
- (f) Buffer averaging shall not be allowed if FWHCA buffers are reduced pursuant to subsection (6) of this section.
- (8) Buffer Marking. The location of the outer extent of required buffers shall be marked in the field as follows:
- (a) During Construction. Buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: "Buffer – Do Not Remove or Alter Existing Native Vegetation."
- (9) In the case of short plat, long plat, binding site plan, and site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the FWHCA.
- (10) The applicant may also choose to dedicate the buffer through a conservation easement or deed restriction that shall be recorded with the Jefferson County auditor. Such easements or restrictions shall, however, use the forms approved by the prosecuting attorney. [Ord. 3-08 § 1]

**18.22.280 Conditions.**

- (1) General. In granting approval for a project application subject to the provisions of this article, the administrator may require mitigating conditions that will, in the administrator's judgment, substantially secure the objectives of this article.
- (2) Basis for Conditions. All conditions of approval required pursuant to this article shall be based upon either the substantive requirements of this article or the recommendations of a qualified professional utilizing best available science, contained within a special report required under this

chapter. [Ord. 3-08 § 1]

## Article VII. Wetlands

### 18.22.290 Stewardship alternative.

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Article VII sets forth the prescriptive requirements for wetlands. Applicants for development permits or approvals subject to this article may elect to comply with the critical area stewardship plan (CASP) provisions set forth in Article IX of this chapter in lieu of the prescriptive requirements set forth herein. CASP may be applied within Category II, III, and IV wetlands and buffers, and within buffers in Category I. They cannot be used in Category I wetlands. [Ord. 3-08 § 1]

### 18.22.300 Classification/designation.

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(1) Classification. Wetlands shall be classified using the 2004 Washington State Department of Ecology's Wetland Rating System for Western Washington (Ecology Publication No. 04-06-025), or as amended. Wetland rating categories shall not be determined based upon illegal modification of the land. Wetland delineations shall be determined by using the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.

(2) Designation. As determined using the 1997 Washington State Department of Ecology's Washington State Wetlands Identification and Delineation Manual (Ecology Publication No. 96-94 or as amended), wetlands shall be designated as critical areas and regulated under this article regardless of size; provided, that Category IV wetlands less than one-tenth acre (4,356 square feet) shall be exempt from the requirements of this article when all of the following criteria are met:

- (a) The wetland does not provide breeding habitat for native amphibian species. Breeding habitat is indicated by adequate and stable seasonal inundation, presence of thin-stemmed emergent vegetation, and clean water;
- (b) The wetland does not have unique characteristics that would be difficult to replace through standard compensatory mitigation practices;
- (c) The wetland is not located within a fish and wildlife habitat conservation area (FWHCA) as defined in the section of this chapter dealing with FWHCAs, and is not integral to the maintenance of habitat functions of an FWHCA;
- (d) The wetland is not located within a floodplain;
- (e) The wetland is not associated with a shoreline of the state as defined by the county's shoreline master program;
- (f) The wetland is not part of a mosaic of wetlands and uplands, as determined using the guidance provided in the wetland rating system.

(3) Sources Used for Identification. The following sources should be used to identify potential wetland locations. Sources include, but are not limited to:

(a) United States Department of the Interior, Fish and Wildlife Service, National Wetlands Inventory.

(b) United States Department of Agriculture, Soil Conservation Service, Soil Survey of Jefferson County Areas, Washington.

(c) United States Department of Agriculture, Natural Resources Conservation Service, Hydric Soils List, Jefferson County Area.

(d) County critical areas mapping. The wetland maps prepared by the county have been produced for informational purposes only and are not regulatory devices forming an integral part of this article. [Ord. 3-08 § 1]

#### **18.22.310 Regulated activities.**

Any land use or development activity shall be subject to the provisions of this Article VII, including, but not limited to, the following activities that are directly undertaken or originate in a regulated wetland or its buffer, unless exempted under JCC [18.22.070](#):

(1) The removal, excavation, grading, or dredging of material of any kind, including the construction of ponds and trails;

(2) The dumping or discharging of any material, or placement of any fill;

(3) The draining, flooding, or disturbing of the wetland water level or water table;

(4) The driving of pilings;

(5) The placing of obstructions;

(6) The construction, reconstruction, demolition, or expansion of any structure;

(7) The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, application of herbicides or pesticides, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW (Forest Practices Act) and its rules;

(8) Activities that result in:

(a) A significant change of water temperature;

(b) A significant change of physical or chemical characteristics of wetlands water sources, including quantity; or

(c) The introduction of pollutants; or

(9) Wetland Buffers. In addition to those activities allowed in regulated wetlands in this article, the following activities are allowed within wetland buffers without having to meet the protection standards or requirements for wetland studies or mitigation, set forth in this article; provided, that impacts to buffers are minimized and that disturbed areas are immediately restored except as specifically allowed in JCC [18.22.070](#).

(a) Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These include low intensity, passive recreational activities, such as pervious trails, nonpermanent wildlife watching blinds, scientific or educational activities, and sports fishing or hunting. Trails within buffers shall be designed to minimize impacts to the wetland, and shall not include any impervious surfaces.

(b) Within the buffers of Category III and IV wetlands only, vegetation-lined swales designed for stormwater management or conveyance when topographic restraints determine there are no other upland alternative locations. Swales used for detention purposes may only be placed in the outer 25 percent of the buffer. Conveyance swales may be placed through the buffer, if necessary. [Ord. 3-08 § 1]

#### **18.22.330 Protection standards.**

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(1) General. Application for a project on a parcel of real property containing a designated wetland or its buffer shall adhere to the requirements set forth below.

(2) Delineation. An applicant submitting a project application shall also submit, and have approved, a wetland delineation report as specified in JCC [18.22.450](#). Additionally, the following provisions shall apply:

(a) The location of the wetland and its boundary shall be determined through the performance of a field investigation utilizing the methodology contained in the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter.

(b) If the wetland is located off of the property involved in the project application and is inaccessible, the best available information shall be used to determine the wetland boundary and category.

(c) The wetland boundary shall be staked or flagged in the field.

(d) This requirement may be waived under the following circumstances:

(i) Single-Family Residences. The requirement for a wetland delineation and special report may be waived by the administrator for construction of a single-family residence on an existing lot of record if DCD staff or a qualified wetland evaluator determines that:

(A) Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and

(B) The single-family residence and all accessory structures and uses are not proposed to be located within the distances identified in Table 18.22.330(1) from the estimated wetland boundary.

“Qualified wetland evaluator” means an individual recognized and acceptable to the administrator in using the most current edition of the Department of Ecology’s Washington State Wetland Rating System for Western Washington (2004), Ecology Publication No. 04-06-025, or as amended, in categorizing and rating wetlands.

(ii) Subdivisions and Short Subdivisions. The requirement for a wetland delineation and special report will be waived for subdivisions and short subdivisions of an existing lot of record if a site assessment made by a qualified wetland evaluator indicates the following:

(A) Sufficient information exists to estimate the boundaries of a wetland without a delineation; and

(B) Building envelopes or building setback lines are not proposed to be located within the distances identified in Tables 18.22.330(1), (2) and (3) from the estimated wetland boundary.

(3) Wetland Buffer Requirements. Wetland buffer widths shall be prescribed and established based upon the category of the wetland, the wetland rating scores and the impact level of the proposed land use. The resulting buffers are shown in Tables 18.22.330(1), (2), and (3) (for low, moderate and high impact land uses).

(a) The category and rating scores of a wetland shall be determined by a qualified wetland evaluator who must be recognized and acceptable to the administrator and use the most current edition of the Department of Ecology’s “Wetlands in Washington State Volume 2: Guidance for Protecting and Managing Wetlands” (DOE Publication No. 05-06-0008) in categorizing and rating wetlands.

(b) There are three land use impact level types. Each type is presented with the table containing the buffer widths that would be prescribed for its associated wetland category.

(c) Proposals for development will have three options for deciding what their buffer distance will

be. A buffer distance is the closest distance the proposed development can be to the wetland boundary.

(i) The stewardship plan option, as detailed in Article IX of this chapter.

(ii) The Professionally Delineated Boundary Option. A prescriptive buffer distance based on an actual delineation of the wetland boundary as determined by a qualified wetland evaluator (cost is the responsibility of proponent). This buffer distance will be measured outward from the delineated wetland boundary. Refer to the column in the tables with the word “delineation” in the heading.

(iii) The Apparent Boundary Option. A prescriptive buffer distance based on the apparent location of the wetland boundary as proposed by the county’s wetland specialist. In these cases the buffer will be the total distance calculated using the buffer distance as shown in the “delineation” column of the tables plus an additional 20 to 50 feet, depending upon wetland category (shown in the “nondelineation” column of the table). This calculated buffer distance will be measured outward from the apparent wetland boundary.

(4) Drainage and Erosion Control. An applicant submitting a project application shall also submit, and have approved, a drainage and erosion control plan as specified in this chapter. The plan shall discuss, evaluate and recommend methods to minimize sedimentation of designated wetlands during and after construction.

(5) Buffer Marking. Upon approval of the delineation report, the location of the outer extent of the wetland buffer shall be marked in the field as follows:

(a) A permanent physical indicator along the upland boundary of the wetland buffer area shall be installed and permanently maintained.

(b) During construction activities, buffer perimeters shall be marked with temporary signs at an interval of one per parcel or every 100 feet, whichever is less. Signs shall remain in place prior to and during approved construction activities. The signs shall contain the following statement: “Wetland & Buffer – Do Not Remove or Alter Existing Native Vegetation.”

(c) In the case of short plat, long plat, binding site plan, and site plan approvals under this code, the applicant shall include on the face of any such instrument the boundary of the wetland and its buffer.

(d) The applicant may also choose to dedicate the buffer through a conservation easement or deed restriction that shall be recorded with the Jefferson County auditor. Such easements or restrictions shall, however, use the forms approved by the prosecuting attorney.

(6) Buffers – Standard Requirements.

(a) The administrator shall have the authority to require buffers from the boundaries of all wetlands as established by this article, and in accordance with the following criteria.

(i) Wetland buffer widths shall be measured along a horizontal line perpendicular to the wetland boundary as marked in the field during delineation if required, or based upon site investigation, aerial photographs, or LiDAR images.

(ii) Functionally isolated buffer areas are those areas separated from a wetland that do not protect the wetland from adverse impacts. Buffers need not include areas that are functionally isolated and physically disconnected from the wetland by a substantial developed surface such as a dike, building, parking lot, or road. In determining whether or not a buffer area is functionally isolated, the administrator shall take into consideration whether or not the isolated buffer area is used by wildlife to gain access to the wetland. In instances where substantial wildlife use is documented, the area shall be retained as buffer despite being otherwise isolated or disconnected from the wetland.

(iii) When a buffer is on a slope steeper than 40 percent, and/or lacks adequately dense and diverse vegetation, the administrator may deny a proposal for buffer reduction or buffer averaging.

(b) The prescribed buffer widths shall be established on the basis of the following factors:

(i) The wetland's value and sensitivity to disturbance, based on its category (I, II, III, IV) as determined by the total score on the rating form for the wetland rating system;

(ii) The expected level of impact of the proposed adjacent land use, as determined from Tables 18.22.330(1), (2), and (3). The administrator may determine, on the basis of detailed information from the applicant about the site conditions, scope, and intensity of the proposed development, that the proposed land use will have a lesser level of impact on the wetland than indicated by similar land uses on the list.

**Table 18.22.330(1)**

**WETLAND CATEGORIES, RATING SCORES AND BUFFER WIDTHS  
FOR LOW IMPACT LAND USES**

Low impact land uses shall include the following:

- Private driveways serving no more than two residential parcels;
- Unpaved trails (when not exempted by JCC [18.22.070](#));
- Utility corridors (private or public) without a maintenance road;

- Landscaping, lawns, gravel driveways, etc.

Wetland Category	Wetland Characteristics • Habitat (H) • Water Quality (WQ)	Buffer Width with an Identified Wetland Boundary (Delineated)	+ An Additional Distance from an Apparent Wetland Boundary (Not Delineated)
<b>IV</b> (Total of scores for all functions is less than 15 points)	[Total of scores less than 15 points]	25 feet	+20 feet
<b>III</b> (Total of scores for all functions is 16 – 19 points)	[With H score 5 – 7 points] [Not meeting above characteristic]	75 feet 40 feet	+30 feet
<b>II</b> (Total of scores for all functions is 20 – 22 points or having “special characteristics” identified in the rating form)	[WQ score 8 – 9 points and H score less than 5 points] [H score 8 – 9 points] [H score 5 – 7 points] [Estuarine] [Interdunal] [Not meeting above characteristics]	50 feet 150 feet 75 feet 75 feet 75 feet 50 feet	+40 feet
<b>I</b> (Total of scores for all functions is more than 23 points or having “special characteristics” identified in the rating form)	[WQ score 8 – 9 points and H score less than 5 points] [H score 8 – 9 points] [H score 5 – 7 points] [Coastal Lagoon] [Estuarine] [Wetlands with High Conservation Value] [Bog] [Forested] [Not meeting above	50 feet 150 feet 75 feet 100 feet 100 feet 125 feet 125 feet Buffer width based on score for H functions or WQ functions 50 feet	+50 feet

characteristics]
Note: Wetlands shall be classified using the 2004 Washington State Department of Ecology’s Wetland Rating System for Western Washington (Ecology Publication No. 04-06-025), the 2014 Washington State Department of Ecology’s Update (Publication No. 14-06-019), or as amended.

**Table 18.22.330(2)**  
**WETLAND CATEGORIES, RATING SCORES AND BUFFER WIDTHS**  
**FOR MODERATE IMPACT LAND USES**

Moderate impact land uses shall include the following:

- Single-family residential use on parcels of one acre or larger;
- Private roads or driveways serving three or more residential parcels;
- Paved trails;
- Passive recreation areas;
- Utility corridors (private or public) with a maintenance road;
- Class IV-General forest conversions, including conversion option harvest plans.

Wetland Category	Wetland Characteristics: • Habitat (H) • Water Quality (WQ)	Buffer Width with an Identified Wetland Boundary (Delineated)	+ An Additional Distance from an Apparent Wetland Boundary (Not Delineated)
<b>IV</b> (Total of scores for all functions is less than 15 points)	[Total of scores less than 15 points]	40 feet	+20 feet
<b>III</b> (Total of scores for all functions is 16 – 19 points)	[With H score 5 – 7 points] [Not meeting above characteristic]	110 feet 60 feet	+30 feet
<b>II</b> (Total of scores for all functions is 20 – 22 points or having “special characteristics”	[WQ score 8 – 9 points and H score less than 5 points] [H score 8 – 9 points] [H score 5 – 7 points] [Estuarine]	75 feet 225 feet 110 feet 110 feet 110 feet	+40 feet

identified in the rating form)	[Interdunal] [Not meeting above characteristics]	75 feet	
I (Total of scores for all functions is more than 23 points or having “special characteristics” identified in the rating form)	[WQ score 8 – 9 points and H score less than 5 points]	75 feet	+50 feet
	[H score 8 – 9 points]	225 feet	
	[H score 5 – 7 points]	110 feet	
	[Coastal Lagoon]	150 feet	
	[Estuarine]	150 feet	
	[Wetlands with High Conservation Value]	190 feet	
	[Bog]	190 feet	
	[Forested]	Buffer width based on score for H functions or WQ functions	
	[Not meeting above characteristics]	75 feet	
Note: Wetlands shall be classified using the 2004 Washington State Department of Ecology’s Wetland Rating System for Western Washington (Ecology Publication No. 04-06-025), the 2014 Washington State Department of Ecology’s Update (Publication No. 14-06-019), or as amended.			

**Table 18.22.330(3)  
WETLAND CATEGORIES, RATING SCORES AND BUFFER WIDTHS  
FOR HIGH IMPACT LAND USES**

High impact land uses shall include the following:

- Single-family residential use on parcels smaller than one acre;
- Commercial, multifamily, industrial and institutional uses;
- Public roads.

<b>Wetland Category</b>	<b>Wetland Characteristic:</b> • Habitat (H) • Water Quality (WQ)	<b>Buffer Width with an Identified Wetland Boundary (Delineated)</b>	<b>+ An Additional Distance from an Apparent Wetland Boundary (Not Delineated)</b>
<b>IV</b>	[Total of scores less than	50 feet	+20 feet

(Total of scores for all functions is less than 15 points)	15 points]		
<b>III</b> (Total of scores for all functions is 16 – 19 points)	[With H score 5 – 7 points] [Not meeting above characteristic]	150 feet 80 feet	+30 feet
<b>II</b> (Total of scores for all functions is 20 – 22 points or having “special characteristics” identified in the rating form)	[WQ score 8 – 9 points and H score less than 5 points] [H score 8 – 9 points] [H score 5 – 7 points] [Estuarine] [Interdunal] [Not meeting above characteristics]	100 feet 300 feet 150 feet 150 feet 150 feet 100 feet	+40 feet
<b>I</b> (Total of scores for all functions is more than 23 points or having “special characteristics” identified in the rating form)	[WQ score 8 – 9 points and H score less than 5 points] [H score 8 – 9 points] [H score 5 – 7 points] [Coastal Lagoon] [Estuarine] [Wetlands with High Conservation Value] [Bog] [Forested]  [Not meeting above characteristics]	100 feet 300 feet 150 feet 200 feet 200 feet 250 feet 250 feet Buffer width based on score for H functions or WQ functions 100 feet	+50 feet
Note: Wetlands shall be classified using the 2004 Washington State Department of Ecology’s Wetland Rating System for Western Washington (Ecology Publication No. 04-06-025), the 2014 Washington State Department of Ecology’s Update (Publication No. 14-06-019, or as amended.			

(7) Reducing Buffer Widths. Upon submission of a special report by a qualified professional that demonstrates a buffer reduction does not have any adverse impact on the existing functions and

values of the wetland, the administrator shall have the authority to reduce the prescribed buffer widths, (within a defined area), listed in the section above; provided, that all of the following shall apply:

- (a) The buffer of a Category I or II wetland is not reduced to less than 75 percent of the required buffer or 50 feet, whichever is greater;
- (b) The buffer of a Category III or IV wetland is not reduced to less than 75 percent of the required buffer, or 25 feet, whichever is greater;
- (c) The applicant implements reasonable measures to reduce the adverse impacts of structures and appurtenances on the subject parcel as determined by the administrator;
- (d) Buffer area reduction shall be minimized to accommodate only those structures and appurtenances as approved by the administrator.

(8) Averaging Buffer Widths. Upon submission of a special report by a qualified professional that demonstrates a buffer reduction does not have any adverse impact on the existing functions and values of the wetland, the administrator shall have the authority to average wetland buffer widths on a case-by-case basis; provided, that all of the following shall apply:

- (a) The buffer averaging does not have any adverse impact on the functions and values of the wetland;
- (b) The total area contained within the buffer after averaging is no less than that which would be contained within the prescribed buffer, and the buffer boundary remains more or less parallel to the wetland boundary in order to avoid the creation of panhandles;
- (c) The most sensitive, or highest value, areas of the wetland have the widest buffer dimensions, and the buffer boundary takes into account variations in slope, soils, or vegetation to optimize the overall effectiveness of the buffer;
- (d) The minimum buffer width is no less than 75 percent of the standard prescribed buffer width;
- (e) The buffer has not been reduced in accordance with subsection (5) of this section. Buffer averaging is not allowed if the width of the entire buffer has been reduced already. [Amended pursuant to Ecology's 2014 update to the 2004 Wetlands Rating System; Ord. 3-08 § 1]

#### **18.22.340 Noncompensatory enhancement.**

Noncompensatory enhancement projects are those which are conducted solely to increase the functions and values of an existing wetland and which are not required to be conducted pursuant to the mitigation requirements of JCC [18.22.330](#). There are two types of noncompensatory

enhancement:

(1) Type 1 Noncompensatory Enhancement. Type 1 noncompensatory enhancement projects involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (1)(a) and (1)(b) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.

(a) The enhancement plan must be submitted for review, and approved by the administrator.

(b) The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.

(2) Type 2 Noncompensatory Enhancement. Type 2 noncompensatory enhancement projects involve wetland alterations that do not include the filling, draining, or excavating of a regulated wetland. Such projects might involve the removal of nonnative plant species or the planting of native plant species. All applications for Type 2 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (2)(a) through (2)(c) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.

(a) The enhancement plan shall be submitted for review, and approved, by the administrator.

(b) The enhancement plan must include a detailed description of the activity including the following information:

(i) The goal of the enhancement project;

(ii) What plants, if any, will be removed or planted;

(iii) How the activity will be conducted, including the type(s) of tools or machinery to be used; and

(iv) The qualifications of the individual who will be conducting the enhancement activity.

(c) The enhancement plan must either be prepared by a qualified wetlands consultant or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology. [Ord. 3-08 § 1]

#### **18.22.350 Mitigation.**

The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.

(1) Mitigation Sequence. Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated wetlands or their buffers. When a proposed use or development activity poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.

- (a) Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated wetland or its buffer;
- (b) Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
- (c) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
- (d) Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
- (e) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.

(2) Compensatory Mitigation – General Requirements. As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated wetlands, or as an enforcement action pursuant to Chapter 18.50 JCC, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any code violator.

- (a) Except persons exempt under this article, any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland equivalent to or larger than those altered in order to compensate for wetland losses. The following table specifies the ratios that apply to creation or restoration that is in-kind, on-site, and is accomplished prior to or concurrently with alteration:

**Table 18.22.350**

**Required Replacement Ratios for Compensatory Wetland Mitigation**

<b>Category and Type of Wetland Impacts</b>	<b>Re-establishment or Creation</b>	<b>Rehabilitation Only<sup>1</sup></b>	<b>Re-establishment or Creation (R/C) and Rehabilitation (RH)<sup>1</sup></b>	<b>Re-establishment or Creation (R/C) and Enhancement (E)<sup>1</sup></b>	<b>Enhancement Only<sup>1</sup></b>
All Category	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

IV					
All Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category II Estuarine	Case-by-case	4:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case
Category II Interdunal	2:1 Compensation has to be interdunal wetland	4:1 Compensation has to be interdunal wetland	1:1 R/C and 2:1 RH Compensation has to be interdunal wetland	Not considered an option <sup>2</sup>	Not considered an option <sup>2</sup>
All Other Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category I Natural Heritage Site	Not considered possible <sup>3</sup>	6:1 Rehabilitation of a Natural Heritage site	R/C not considered possible <sup>3</sup>	R/C not considered possible <sup>3</sup>	Case-by-case
Category I Coastal Lagoon	Not considered possible <sup>3</sup>	6:1 Rehabilitation of a coastal lagoon	R/C not considered possible <sup>3</sup>	R/C not considered possible <sup>3</sup>	Case-by-case
Category I	Not considered	6:1 Rehabilitation	R/C not considered	R/C not considered	Case-by-case

Bog	possible <sup>3</sup>	of a bog	possible <sup>3</sup>	possible <sup>3</sup>	
Category I Estuarine	Case-by-case	6:1 Rehabilitation of an estuarine wetland	Case-by-case	Case-by-case	Case-by-case

<sup>1</sup> These ratios are based on the assumption that the rehabilitation or enhancement actions implemented represent the average degree of improvement possible for the site. Proposals to implement more effective rehabilitation or enhancement actions may result in a lower ratio, while less effective actions may result in higher ratio. The distinction between rehabilitation and enhancement is not clear-cut. Instead, rehabilitation and enhancement actions span a continuum. Proposals that fall within the gray area between rehabilitation and enhancement will result in a ratio that lies between the ratios for rehabilitation and the ratios for enhancement.

<sup>2</sup> Due to the dynamic nature of interdunal systems, enhancement is not considered an ecologically appropriate action.

<sup>3</sup> Natural heritage sites, coastal lagoons, and bogs are considered irreplaceable wetlands because they perform some functions that cannot be replaced through compensatory mitigation. Impacts to such wetlands would therefore result in a net loss of some functions no matter what kind of compensation is proposed.

- (b) Compensation must be completed prior to wetland destruction, where possible.
  - (c) Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to this article, with the replacement ratios as specified above.
  - (d) Compensatory mitigation must be conducted on property that will be protected and managed to avoid further development or degradation. The applicant or code violator must provide for long-term preservation of the compensation area.
  - (e) The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding, to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.
  - (f) Compensatory mitigation must monitor the impact and take appropriate corrective measures.
- (3) Compensatory Mitigation – Type, Location, and Timing.
- (a) Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.

(b) When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.

(c) Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.

(d) Off-site compensation can be allowed only if:

(i) On-site compensation is not feasible due to hydrology, soils, waves, or other factors;

(ii) On-site compensation is not practical due to probable adverse impacts from surrounding land uses;

(iii) Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or

(iv) Off-site compensation will be conducted in accordance with subsection (4) of this section (Cooperative Compensation Projects).

(e) Except in the case of cooperative compensation projects, off-site compensation must occur within the same watershed where the wetland loss occurs; provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable technical alternative. The stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.

(f) Except in the case of cooperative compensation projects, in selecting compensation sites applicants must pursue locations in the following order of preference:

(i) Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists; and

(ii) Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.

(g) Construction of compensation projects must be timed to reduce impacts to existing wildlife and flora. Construction must be timed to assure that grading and soil movement occurs during the dry season. Planting of vegetation must be specifically timed to the needs of the target species.

(h) A mitigation plan shall include a monitoring plan. The duration, frequency and methods of monitoring depend on a project's goals, objectives, and performance standards. In general, monitoring is required for at least five years. If a scrub-shrub or forested vegetative community is proposed, monitoring may be required for 10 years or more. Monitoring may be extended if interim performance standards are not met.

(4) Cooperative Compensation Projects. The county may encourage, facilitate, and approve cooperative projects where one or more applicants, or an organization with demonstrated capability, may undertake a compensation project if it is demonstrated that:

- (a) Creation of one or several larger wetlands may be preferable to many small wetlands;
- (b) The group demonstrates the organizational and fiscal capability to act cooperatively;
- (c) The group demonstrates that long-term management of the compensation area can and will be provided; and
- (d) There is a clear potential for success of the proposed compensation at the identified compensation site. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in this article. [Ord. 3-08 § 1]

### **Article VIII. Special Reports**

#### **18.22.360 General requirements.**

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- (1) The administrator may require a special report or reports when critical areas are impacted.
- (2) Special reports for critical areas shall include a scale map of the development proposal site and a written report.
- (3) The special report shall identify and characterize any critical area as a part of the larger development proposal site, assess impacts of the development proposal on any critical area on or adjacent to the development proposal site, and assess the impacts of any alteration proposed for a critical area.
- (4) The special report shall propose adequate protection mechanisms that may include mitigation, maintenance and monitoring plans, and performance surety.
- (5) Special reports shall include documentation certifying the qualifications of the preparer. [Ord. 3-08 § 1]

#### **18.22.370 Waivers.**

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The administrator may waive the requirement for a special report when an applicant demonstrates all

of the following:

(1) The proposal involved will not affect the critical area in a manner contrary to the goals, purposes and objectives of this code.

(2) The minimum protection standards required by this chapter are satisfied. [Ord. 3-08 § 1]

#### **18.22.380 Retaining consultants.**

Jefferson County may retain consultants to assist in the review of special reports outside the range of staff expertise. The applicant shall pay for the costs of retaining said consultants. [Ord. 3-08 § 1]

#### **18.22.390 Acceptance of special reports.**

(1) The administrator shall verify the accuracy and sufficiency of all special reports within 42 calendar days of their submission.

(2) If the administrator finds that a special report does not accurately reflect site conditions, or does not incorporate appropriate protections mechanisms, the administrator shall cite evidence (e.g., soil samples, well log data, etc.) that demonstrates where the special report is insufficient or in error. The applicant may then either revise the special report and submit another special report, or appeal the administrative determination pursuant to this code. [Ord. 3-08 § 1]

#### **18.22.400 Aquifer recharge area report.**

(1) General. Aquifer recharge area reports serve as the primary means for Jefferson County to verify the accuracy of its critical aquifer recharge area map and to determine specific aquifer protection measures to be applied to prevent significant adverse groundwater quality impacts.

(2) Aquifer Recharge Area Report Content. An initial evaluation shall be made by a qualified groundwater scientist/engineer. The aquifer recharge area report shall include:

(a) A detailed description of the project, including all processes and other activities that have the potential for contaminating groundwater;

(b) A hydrogeologic evaluation that includes, at a minimum:

(i) A description of the hydrogeologic setting of the aquifer region;

(ii) Site location, topography, drainage, and surface water bodies;

(iii) Soils and geologic units underlying the site;

(iv) Groundwater characteristics of the area, including flow direction and gradient, and existing groundwater quality;

- (v) The location and characteristics of wells and springs within 1,000 feet of the site;
  - (vi) An evaluation of existing groundwater recharge; and
  - (vii) A discussion and evaluation of the potential impact of the proposal upon groundwater recharge;
- (c) A contaminant transport analysis for the uppermost groundwater supply aquifer assuming an accidental spill or release of project-specific contaminants or on-site sewage discharge, or both if applicable;
- (d) A discussion and evaluation that details available on-site spill response and containment equipment, employee spill response training, and emergency service coordination measures;
- (e) Proposed best management practices to minimize exposure of permeable surfaces to potential pollutants and to prevent degradation of groundwater quality; and
- (f) Requirements for a monitoring program with financial guarantees/assurances that the monitoring program will be implemented.

(3) Professional Qualifications. The minimum qualifications for groundwater scientists and engineers performing groundwater and contaminant transport evaluations and preparing aquifer recharge area reports shall be established pursuant to acceptable industry standards for training and experience and as established by the state of Washington in the Washington Administrative Code or by statute.

(4) County Review. Reports shall be forwarded to the Jefferson County environmental health division for technical review. The environmental health division shall review the reports within 30 days of receipt to determine their adequacy. The county may request additional information in order to determine the adequacy of the reports. The administrator shall determine appropriate conditions as identified in the report to mitigate proposed land uses. The administrator shall be authorized to collect fees necessary to recover costs associated with processing and review of aquifer recharge area reports, implementation of the protection standards contained in this chapter, and administration of the general provisions of the critical aquifer recharge area provisions of this code. Such fees will be incorporated into the Jefferson County fee schedule. [Ord. 3-08 § 1]

#### **18.22.410 Drainage and erosion control plan.**

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- (1) General. This plan shall address best management practices that are physical, structural or managerial practices that, when used singly or in combination, prevent or reduce pollution of water.
- (2) Qualifications of the Preparer. Drainage and erosion control plans shall be prepared by a licensed professional engineer, except for small parcel erosion control plans.

(3) Information Requirements. The design standards and information requirements for submission of drainage and erosion control plans shall be established in accordance with the Department of Ecology's Stormwater Management Manual currently adopted by Jefferson County. [Ord. 3-08 § 1]

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**18.22.420 Geotechnical report.**

(1) General. This report shall include a description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposal, and opinions and recommendations on the suitability of the site to be developed.

(2) Qualifications of the Preparer. Geotechnical reports shall be prepared by a licensed geotechnical engineer, a professional geologist, or a licensed professional engineer knowledgeable in regional geologic conditions with professional experience in landslide, erosion, or seismic hazard evaluation.

(3) Information Requirements.

(a) A description of the geologic setting of the region, based upon readily available data, including:

(i) Site location and topography;

(ii) Soils and geologic units underlying the site;

(iii) The location and characteristics of springs within 1,000 feet of the site; and

(iv) Level of hazard in CMZ.

(b) An evaluation of the potential impact of the proposal upon existing geological hazards.

(c) A discussion and evaluation of the potential impact of the proposal upon existing geological hazards.

(d) Recommendations on appropriate protection mechanisms, if necessary, to minimize the risk of erosion or landslide. [Ord. 3-08 § 1]

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**18.22.430 Grading plan.**

(1) General. This plan shall identify the proposed development project including the movement of material on-site, along with the proposed and existing contours of the site, and cross-sections thereof.

(2) Qualifications of the Preparer. Grading plans shall be prepared by a licensed professional engineer or an individual with at least three years experience in the preparation of grading plans who is knowledgeable of soil conditions and geology in Jefferson County.

(3) Information Requirements.

- (a) A description of the general vicinity of the proposed site.
- (b) The property limits and accurate contours of existing ground and details of terrain and area drainage.
- (c) Limiting dimensions, elevations of finish contours to be achieved by the grading, and proposed drainage channels and related construction.
- (d) Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage areas and the estimated runoff of the areas served by any drains.
- (e) The location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners that are within 15 feet of the property or which may be affected by proposed grading operations.
- (f) A discussion and evaluation of the potential impact of the proposed grading upon designated critical areas.
- (g) Recommendations on appropriate protection mechanisms, if necessary, to prevent degradation of designated critical areas and to ensure public safety. [Ord. 3-08 § 1]

#### **18.22.440 Habitat management plan.**

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- (1) General. This report shall identify how the development impacts of the proposed project will be mitigated. The Washington Department of Fish and Wildlife Priority Habitat and Species Management Recommendations shall be the basis for this report.
- (2) Qualifications of the Preparer. Habitat management plans shall be prepared by persons who have a minimum of a bachelor's degree in wildlife or fisheries habitat biology, or a related degree in a biological field from an accredited college or university with a minimum of four years experience as a practicing fish or wildlife habitat biologist.
- (3) Information Requirements.
  - (a) A map(s) prepared at an easily readable scale, including the following information:
    - (i) The location of the proposed development site, including property limits;
    - (ii) The relationship of the site to surrounding topographic and cultural features;
    - (iii) The nature and density of the proposed development or land use change;
    - (iv) Proposed building locations and arrangements; and

- (v) The boundaries of forested areas.
- (b) A legend that includes the following information:
- (i) A complete and accurate legal description as prescribed by the triggering application form (the description shall include the total acreage of the parcel);
  - (ii) Title, scale and north arrows;
  - (iii) Date, including revision dates, if applicable; and
  - (iv) Certificates by a professional biologist as appropriate.
- (c) A report that contains the following information:
- (i) A description of the nature, density and intensity of the proposed development in sufficient detail to allow analysis of such land use change upon identified fish and wildlife habitat;
  - (ii) The applicant's analysis of the effect of the proposed development, activity or land use change upon the fish or wildlife species identified by the Washington Department of Fish and Wildlife within the identified priority habitat, utilizing the management guidelines;
  - (iii) A plan by the applicant that shall explain how any adverse impacts created by the development will be mitigated.
- (d) Possible mitigating measures that may include, but are not limited to:
- (i) Establishment of buffer zones;
  - (ii) Preservation of critically important plants and trees;
  - (iii) Limitation of access to habitat area;
  - (iv) Seasonal restriction of construction activities; and
  - (v) Establishing a timetable for periodic review of the plan. [Ord. 3-08 § 1]

**18.22.450 Wetland delineation report.**

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(1) General. This report shall be required when a proposed development encroaches upon a designated wetland or its buffer, and shall be used to identify the boundaries and classification of the designated wetland.

(2) Qualifications of the Preparer. Wetland delineation reports shall be prepared by a biologist with wetlands expertise, a professional wetland scientist certified by the Society of Wetland Scientists.

(3) Information Requirements.

(a) A map(s) prepared at an easily readable scale, including the following information:

- (i) Wetland boundaries;
- (ii) Sample site and sample transects;
- (iii) Boundaries of forested areas; and
- (iv) Boundaries of wetland classes if multiple classes exist.

(b) A legend that includes the following information:

- (i) A complete and accurate legal description as prescribed by the triggering application form (the description shall include the total acreage of the parcel);
- (ii) Title, scale and north arrows;
- (iii) Date, including revision dates, if applicable; and
- (iv) Certificates by a professional biologist as appropriate.

(c) A report that contains the following information:

- (i) A discussion of the delineation methods and results, with special emphasis on technique used from the Washington State Wetlands Identification and Delineation Manual, March 1997, or as amended hereafter;
- (ii) A description of relevant site information acquired from the National Wetland Inventory maps and the Soil Survey for Jefferson County;
- (iii) The acreage of each wetland on the site, based on the survey, if the acreage will impact the buffer size determination or the project design;
- (iv) All completed field data sheets numbered to correspond to each sample site;
- (v) Project cross-sections, both before and after completion, in relation to the surface elevation of the wetland must be indicated for proposed activities that involve cutting or filling operations within the wetland or its proposed buffer;
- (vi) Classification of the wetland in accordance with the standards adopted in this chapter and a detailed written analysis of the existing regulated wetland including: vegetation communities classified per the U.S. Fish and Wildlife Service Classification of Deepwater

Habitats (1979); species composition of vegetation communities, including presence and percent cover; existing soils; and existing hydrologic conditions including inflow/outflow, source of water within the system, relative water quality, and seasonal changes in hydrology, if applicable;

(vii) A detailed analysis of wildlife species use of the wetland and its buffer;

(viii) A detailed analysis of the existing wetland buffer including species composition and percent coverage, whether the buffer is disturbed or not, and the functional value of the buffer in relation to the regulated wetland;

(ix) If the development activity would eliminate all or part of a regulated wetland then a detailed compensatory mitigation plan as outlined in subsection (4) of this section must be provided.

(4) Mitigation Plan Contents. All wetland restoration, creation, and enhancement projects required by this code, either as a condition of project approval or as the result of an enforcement action, shall follow a mitigation plan prepared by a qualified specialist as defined herein and conducted in accordance with the requirements described in this code. The applicant or violator must receive written approval of the mitigation plan by the administrator prior to commencement of any wetland restoration, creation, or enhancement activity. [Ord. 3-08 § 1]

#### **Article IX. Alternative Protection Standards – Critical Area Stewardship Plans (CASPs)**

##### **18.22.460 Critical area stewardship plans (CASPs) – Generally.**

Property owners may elect to develop site-specific critical area stewardship plans (CASPs) as an alternative to the prescriptive requirements of Articles VI (Fish and Wildlife Habitat Conservation Areas (FWHCAs)) through VII (Wetlands) of this chapter. At a minimum, the CASP must provide equal or greater protection of critical area functions and values than the prescriptive standards of buffers and setbacks. The property owner shall be responsible for developing these plans in consultation with a qualified professional meeting the applicable requirements of Article VIII of this chapter. When available, qualified Jefferson County staff may assist landowners with these submissions. The administrator shall be responsible for reviewing and approving submitted plans. The administrator may, at his/her discretion, seek technical assistance from the Jefferson County conservation district, Washington Department of Fish and Wildlife or the Washington Department of Ecology when reviewing CASPs for approval. [Ord. 3-08 § 1]

##### **18.22.461 Applicability and limitations.**

The following provisions define the applicability and limitations of the CASP:

(1) CASPs apply to only residential development, related activities and appurtenances, including

accessory dwelling units (ADUs). They may be used in rural village centers (RVCs) but are not to be used in urban growth areas (UGAs). They are not to be used for commercial or industrial uses or developments, as identified and defined in Chapter 18.10 JCC.

(2) They can be applied to properties one-quarter acre or larger.

(3) CASPs are only applicable to fish and wildlife habitat conservation areas (Article VI) or wetlands (Article VII).

(4) CASPs must provide equal or greater protection of critical area functions and values than the prescriptive standards of buffers and setbacks.

(5) They may be applied within Category II, III and IV wetlands and buffers, and within buffers of Category I wetlands. They cannot be used in Category I wetlands.

(6) CASPs may not be used for activities involving fill for building within wetlands and FWHCAs but may be used for fill or vegetation management within these critical areas if it is for enhancement of their functions.

(7) CASPs will be administered as a Type I permit, per Chapter 18.40 JCC.

(8) A CASP may be prepared by any person, but it is strongly advised that a qualified professional be at least consulted. [Ord. 3-08 § 1]

#### **18.22.465 Performance standards.**

Critical area stewardship plans (CASPs) shall identify specific performance standards focused on maintaining or enhancing the functions and values of the critical area(s).

(1) Performance standards will vary from one plan to another depending on the critical area being protected and the potential hazards associated with the proposed development. Chosen performance standards should be quantifiable so that they can be measured. They may include maintenance of a wetland's hydraulic capacity, percent ground cover in revegetated areas, control of invasive plants, survival of shrubs and trees, etc. Compliance with Washington State water and/or sediment quality standards (Chapters 173-201A and 173-204 WAC) will be determined by Jefferson County's watershed monitoring program described in Article X of this chapter.

(2) The CASP shall include protocols for monitoring these performance standards to include sampling and analytical methods; timing of the sampling; and determination of the statistical procedures used to define significant departures from the performance standards. Performance standards should contain the following components:

(a) Indicator. They identify what will be monitored, such as woody vegetation, invasive species

(e.g., reed canary grass (*Phalaris arundinacea*), wetland area, or water regimes).

(b) Attributes. They identify what aspect of the indicator will be monitored, such as percent cover of vegetation, density of stems of surviving vegetation, size of the wetland buffer area, or percent of an inundated area.

(c) Actions. They identify the degree of compliance, such as “will not exceed X percent cover of invasive species,” or “will establish X acres of wetland area,” or will “prescribe a required survival of planted vegetation.”

(d) Quantities/Status. They identify the amount of change or the desired level the attribute should reach, such as achieving X percent total aerial cover of trees and shrubs, or establishing X acres of wetland buffer.

(e) Time Frame. They identify when the standard should be achieved. For example, “having X area inundated at the end of July each year” or “achieving X percent total aerial cover of trees and shrubs by year Y.” Performance standards should be appropriate for the monitoring period.  
[Ord. 3-08 § 1]

#### **18.22.470 CASP contents – Existing conditions.**

Critical area stewardship plans (CASPs) shall include the following elements:

- (1) A site plan of the entire parcel identifying the critical area being protected by the CASP.
- (2) When wetlands are present on the property, a wetland delineation report shall be completed in accordance with JCC [18.22.450](#). The most current edition of Washington State Wetland Rating System for Western Washington shall be used in preparing the report. The report shall detail the scores determined for hydrologic, water quality and habitat functions, and shall ensure the most pertinent score is accorded the greatest weight in rating the wetland. The ratings forms and supplemental information required for completing those forms shall be included in the report. The prescriptive wetland buffers appropriate to the wetland class and proposed activity defined in JCC [18.22.330](#) shall be reviewed.
- (3) Surface waters and wetlands shall be surveyed for accurate stream typing and/or wetland rating by a qualified professional, consistent with state law.
- (4) Habitats of local importance documented by Jefferson County on and within three-tenths of one mile of the property shall be documented.
- (5) Presence of any other critical areas.
- (6) A description of the property and adjacent watershed to include:

- (a) A contour map describing land elevations within three-tenths of one mile of the property.
  - (b) Documented or observed presence of threatened or endangered species.
  - (c) A qualitative assessment of the property's hydrology to include evidence of prolonged flooding or ponding, known significant aquifer recharge areas, observed surface water drainage patterns and stream flows.
- (7) A qualitative assessment of surface waters to include stream and/or pond substrate types, presence of large woody debris and riffles and pools, potential fish spawning areas, observed fish and aquatic invertebrates, etc.
- (8) A qualitative assessment of the existing landscape located within the prescriptive buffers defined in JCC [18.22.330](#) for wetlands and JCC [18.22.270](#) for surface waters shall include:
- (a) The presence of invasive and/or exotic plant species and the presence and condition of all layers of vegetation. The species composition and general age and condition of existing forests within this area should be documented. This section should be supported with photo documentation;
  - (b) Evidence of historic or existing and ongoing agricultural and/or forestry activities;
  - (c) A determination of the landscape slopes adjacent to surface waters to include a qualitative assessment of soil textures and stability together with an assessment of the value of existing vegetation for stabilizing soils.
- (9) A description of existing human disturbances within the critical area to include roads, bridges, bulkheads, hydrologic modification to include pre-existing (i.e., grandfathered) farm ponds, excavated ditches, drain tile lines and other structures. The location of these features should be annotated on the site map.
- (10) A description of how the proposed development might adversely affect the critical area's functions and values.
- (11) This section should be supported by photo documentation. [Ord. 3-08 § 1]

**18.22.480 Description of the management proposal.**

The overall goal of the critical area stewardship plan (CASP) is to maintain or enhance the existing functions and values of the associated watershed while addressing the needs and desires of the property owner. The proposed plan should be described in detail to include the following:

- (1) A clear statement of the goals, objectives, and performance standards of the plan and how implementation of this plan will protect the functions and values. This section shall also describe the

goals of the property owner, including proposed multiple uses of the critical area and/or the areas within the buffers defined in JCC [18.22.270](#) and [18.22.330](#).

(2) The CASP shall be supported with the site map described in JCC [18.22.470](#)(1) overlaid with the following information:

- (a) The location of the development activities proposed at the site;
- (b) Final contours when grading within the critical area or its buffer is proposed;
- (c) Existing vegetation in the critical area or its buffer that is to be preserved;
- (d) Invasive and/or noxious vegetation that is to be controlled or eradicated including control methods;
- (e) Species and general location of new vegetation to be planted;
- (f) Location of all structures to be placed within a critical area and the buffers prescribed in JCC [18.22.270](#) and [18.22.330](#).

(3) The proposed buffers shall be described with an emphasis on how they will protect the critical area's functions and values from being degraded. This section of the report should be supported by reference to published literature or well reasoned rationales provided by the professional preparing the report.

(4) A rationale for the final contours when grading is involved with a description of how the changes will help implement the goals of the plan.

(5) A detailed plan describing the maintenance of existing vegetation and/or re-vegetation of the site. For trees and shrubs, this plan should describe the density (spacing) of individual species as well as their location in the landscape. A rationale for the vegetation maintenance and/or revegetation plan shall be provided to include a description of how the plants will function to meet the goals of the management plan and of the property owner. This plan should include:

- (a) A table describing the numbers and types of plants to be introduced;
- (b) A description of how the various vegetation layers will function to protect water quality, the critical area's hydrology, and the habitat needs of wildlife known to exist in the area;
- (c) Planting density (spacing) by species;
- (d) A planting schedule with reference to local rainfall patterns and additional watering requirements and methods;

(e) Short-term protection methods such as protective tubes, socks, control of other vegetation that might out-compete the planted stock, mulching requirements, etc.

(6) A proposed or approved stormwater management plan as applicable per JCC 18.30.060 through 18.30.070 shall be attached as an appendix.

(7) The timing of proposed plan implementation, with an emphasis on how the anticipated timing will minimize disturbance to the critical area and eliminate potential effects to adjoining properties and/or wildlife of local concern.

(8) A list of the additional local, state and federal permits that will be required for implementing the CASP. [Ord. 3-08 § 1]

#### **18.22.490 Maintenance.**

Some critical area stewardship plans (CASPs) may require periodic maintenance activities. These plans shall include a maintenance schedule detailing these activities. In general, plans that do not require long-term maintenance are preferred to plans that require periodic maintenance to be verified by county staff. [Ord. 3-08 § 1]

#### **18.22.510 As-built plan requirement.**

An initial as-built plan shall be prepared by a qualified professional judged competent by Jefferson County describing the action taken to implement the critical area stewardship plan (CASP). This report shall include:

- (1) A contour map describing final contours if grading is required;
- (2) A quantitative description of the vegetation planted;
- (3) Establishment of two or more permanent photo documentation stations with established bearings and monuments to ensure that subsequent photographs depict the same landscape for comparative purposes;
- (4) Additional photographic documentation is encouraged. [Ord. 3-08 § 1]

#### **18.22.520 Periodic monitoring.**

Critical area stewardship plans (CASPs) shall be monitored and reports submitted as prescribed by the approving authorities' implementation program. Monitoring reports shall be submitted to the department of community development, and shall include the following:

- (1) Identification of the goals, objectives and performance standards of the CASP including the specific performance standards adopted pursuant to JCC [18.22.465](#);

- (2) A qualitative comparison of the critical area functions and values present at the time of annual monitoring with conditions existing during creation of the CASP and conditions observed during previous annual reports;
- (3) A discussion of real-time observation describing compliance with the performance standards described in JCC [18.22.465](#);
- (4) When analysis of monitoring results describes a deficiency in meeting the CASP's goals, adaptive management shall be employed to rectify the deficiency;
- (5) The landowner agrees to allow approved Jefferson County staff access to property for the purposes of monitoring;
- (6) Monitoring periods may be extended when necessary, as determined by the administrator. [Ord. 3-08 § 1]

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**18.22.530 Contingency planning.**

A contingency plan is required describing how the critical area stewardship plan (CASP) might be modified if monitoring indicates a failure to meet the stated goals, or a need to modify the goals because of events outside the landowner's control (e.g., damage associated with a wildlife). For instance, if one of the planted species of vegetation proves ill adapted to the environment and fails to survive or thrive to the extent needed to provide the intended function then alternative species should be identified. In general, plans should initially plant at greater than 120 percent of the specified final density of shrubs and trees. The contingency plan should call for either supplemental planting when the density falls below the prescribed final density or it could call for the planting of alternate specie(s). [Ord. 3-08 § 1]

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**18.22.540 Failure to submit required reports.**

Failure to submit a report required under this article shall constitute a failure to comply with the terms of the permit, and shall be processed by the administrator pursuant to Chapter 18.50 JCC, Enforcement. [Ord. 3-08 § 1]

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**18.22.550 Waiver.**

The administrator may waive portions of a critical area stewardship plan (CASP) if, in his/her opinion, critical area functions and values will not be adversely affected by a proposed activity. An approved CASP must be recorded on the property deed (recorded with the Jefferson County auditor) and must remain in effect unless replaced by a new or updated CASP approved by the county. [Ord. 3-08 § 1]

## **Article X. Implementation Strategies**

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**18.22.570 Conservation futures.**

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Jefferson County through the conservation futures fund (Ordinance No. 06-0708-02, Chapter 3.08 JCC) may use conservation futures funds to compensate affected property owners for their costs in protecting fish and wildlife through the purchase of conservation easements. [Ord. 3-08 § 1]

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**18.22.580 Education.**

Jefferson County encourages good stewardship on its land to provide benefits to fish and wildlife. The county will seek funds to provide general resource education and site-specific assistance to help landowners understand why it is important to improve their management practices and to show them how to improve those practices in a way that benefits both the landowner and natural resources. The county believes that these are win-win goals key to maintaining and enhancing natural resources. [Ord. 3-08 § 1]

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**18.22.590 Best management practices (BMPs).**

As a general practice, Jefferson County encourages and supports the use of best management practices by all landowners in an effort to enhance the county's natural resources. Farm BMPs have been developed over the last five decades by the USDA and Jefferson County's conservation district. Residential BMPs (JCC [18.22.630](#)) are promoted for all landowners in Jefferson County, whether engaged in agriculture or not. [Ord. 3-08 § 1]

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**18.22.600 Cost sharing incentives.**

Jefferson County will assist and encourage landowners to participate in private, state and federally funded resource enhancement projects. In addition, Jefferson County will seek outside sources of grant funds to increase the resources available for resource stewardship programs. [Ord. 3-08 § 1]

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**18.22.610 Static buffer widths for voluntarily enhanced critical areas.**

For purposes of determining required buffer widths, wetlands and or riparian areas that are intentionally enhanced, where such enhancement is not part of a required mitigation plan, will retain the prescriptive buffer requirements determined prior to the enhancement activity. Additional future restrictions will not be placed on wetlands associated with their increased functions and values caused by voluntary enhancement. [Ord. 3-08 § 1]

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**18.22.620 Public benefit rating system.**

Buffers that are dedicated as permanent open space tracts will qualify for the maximum number of points under the public benefit rating system. Qualifying applicants will be offered the opportunity to enroll in the Jefferson County open space tax program at no cost. [Ord. 3-08 § 1]

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**18.22.630 Residential best management practices (BMPs).**

The following best management practices (BMPs) will be encouraged by Jefferson County for all existing and future residential development adjacent to critical areas. Permits may be conditioned to

require these BMPs when utilizing buffer averaging or other administratively available means of buffer reduction.

(1) Stormwater Management.

- (a) Filter runoff from impervious surfaces through appropriate vegetation such as lawns or biofiltration swales prior to entering wetlands or wetland buffers.
- (b) Direct gutter downspouts into either biofiltration swales or gravel-lined pits to sequester bacteria and atmospherically deposited contaminants.
- (c) Store petroleum, fertilizer and pesticide containers under cover and away from water sources and critical areas until properly disposed.
- (d) Apply only the amount of irrigation water that can be absorbed into the ground to landscapes. Avoid excessive water resulting in surface flows into wetland or wetland buffers.
- (e) Avoid the use of chlorinated water for landscape use.
- (f) Avoid using salt on impervious surfaces such as walks and driveways during freezing weather.
- (g) Ensure that all outside burning is controlled.
- (h) Avoid motorized vehicle incursions into the wetland and/or wetland buffer.

(2) Management of Household Contaminants and Yard Waste.

- (a) Maintain all garbage and litter in enclosed containers that exclude wildlife.
- (b) Do not use poisons to control moles, rodents or other pests near wetlands.
- (c) Strictly adhere to label restrictions when using EPA approved pesticides.
- (d) Do not dispose of yard waste (grass clippings, trimmings, etc.) or any other waste in wetlands or wetland buffers.
- (e) Do not maintain vehicles or equipment in areas where contaminants will wash directly into wetland buffers. Maintenance areas should include filter swales or grassy areas of sufficient width to intercept surface flows into critical areas or their buffers.
- (f) Store all potential contaminants, including petroleum products, pesticides, cleaners, etc., under cover and properly dispose of empty containers.

(3) Landscape Management.

- (a) Do not plant invasive ornamental plants in or adjacent to any critical area buffers.
- (b) Retain, where possible, large trees that shade wetland areas – even though they may grow outside the required buffer.
- (c) Leave permeable surfaces on as much of the landscape as possible.
- (d) Attempt to incorporate large woody debris into the landscape plan as a benefit to wildlife.
- (e) Shield outside lights so that they do not shine directly into nearby wetlands. [Ord. 3-08 § 1]

### **Article XI. Watershed Monitoring**

#### **18.22.640 Watershed monitoring.**

Jefferson County shall develop and implement a countywide monitoring plan designed to give early notification of degrading water quality and to document improving water quality as a result of an increased emphasis on voluntary landowner stewardship. This effort will include the following:

- (1) The county will initiate this process by conducting an inventory of all current monitoring activities conducted by local, state and federal agencies and private groups such as stream keepers and water watchers.
- (2) The county will assist with compilation of all of the marine and freshwater data applicable to Jefferson County in a single database to establish a baseline dataset.
- (3) When the inventory described above is complete, a monitoring program will be designed to complement existing efforts to assess the following endpoints:
  - (a) Temperature;
  - (b) Dissolved oxygen;
  - (c) pH;
  - (d) Fecal and total coliform;
  - (e) Total suspended solids;
  - (f) Total volatile solids; and
  - (g) Nutrients, to include NH<sub>4</sub><sup>+</sup>, NH<sub>3</sub>, NO<sub>3</sub> and PO<sub>4</sub>.
- (4) Monitoring of all appropriate Type S and F streams will be accomplished near their entry into the marine environment. Additional monitoring will be accomplished during the first one inch of rain in the

fall of each year and during the period of anticipated lowest flow in late summer (August or September).

(5) Jefferson County will encourage biological monitoring using rapid bio-assessment procedures of the health of its watersheds by voluntary programs such as water watchers.

(6) Three samples will be collected at each established sampling site. Where sampling indicates a significant exceedance of Washington State water quality criteria (using appropriate statistical analyses) and/or an exceedance of existing baseline data, Jefferson County will notify (as appropriate) the Washington State Department of Health and the Department of Ecology requesting assistance in determining the cause of the exceedance.

(7) Jefferson County will work cooperatively with landowners contributing to the exceedance to correct the problem. If property owners do not cooperate, or if the exceedance persists despite attempts at adaptive management, then Jefferson County will take whatever legal or regulatory steps are necessary to correct the situation. Those steps may include legal action or an increase in the buffer widths in stream segments causing the exceedances. [Ord. 3-08 § 1]

## **Article XII. Adaptive Management**

### **18.22.650 Adaptive management.**

Adaptive management relies on scientific methods to evaluate how well regulatory and nonregulatory actions achieve their objectives and makes adjustments to those programs. Management, policy, and regulatory actions are treated as experiments that are purposefully monitored and evaluated to determine whether they are effective and, if not, how they should be improved to increase their effectiveness. An adaptive management program is a formal and deliberate scientific approach to taking action and obtaining information in the face of uncertainty. To effectively implement an adaptive management program, Jefferson County, in support of its CAO will:

- (1) Address funding for the research component of the adaptive management program;
- (2) Change course based on the results and interpretation of new information that resolves uncertainties; and
- (3) Commit to the appropriate time frame and scale necessary to reliably evaluate regulatory and nonregulatory actions affecting critical areas protection and anadromous fisheries. [Ord. 3-08 § 1]

## **Appendix D**

Land Division Requirements,  
Chapter 18.35 JCC

**Chapter 18.35  
LAND DIVISIONS**

## Sections:

## Article I. General Provisions

- [18.35.010](#) General authority.
- [18.35.020](#) Purpose.
- [18.35.030](#) Applicability.
- [18.35.040](#) Exemptions.
- [18.35.050](#) Violations – Penalties.

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#### Article I. General Provisions

##### **18.35.010 General authority.**

This chapter of the Jefferson County Unified Development Code is adopted under the authority of Chapter 58.17 RCW. [Ord. 8-06 § 1]

##### **18.35.020 Purpose.**

The purpose of this chapter is to regulate the division of land lying within Jefferson County, and to promote the public health, safety, and general welfare in accordance with the standards established by the state of Washington and Jefferson County, and to:

- (1) Prevent the overcrowding of land;
- (2) Lessen congestion and promote safe and convenient travel by the public on sidewalks, pathways, streets and highways;
- (3) Promote the efficient use of land;
- (4) Facilitate adequate provision for water supply, sewage disposal, drainage, streets, schools, parks, recreational areas, fire protection and other capital requirements;
- (5) Require uniform monumentation and conveyancing of lots, tracts and parcels by accurate legal description;
- (6) Facilitate the expeditious processing of development applications through the adoption of clear, predictable and uniformly applied land division regulations; and
- (7) Implement the goals, policies and substantive requirements of the Washington State Growth Management Act (Chapter 36.70A RCW) and the Jefferson County Comprehensive Plan. [Ord. 8-06

§ 1]

**18.35.030 Applicability.**

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(1) This chapter applies to the division of land into four parcels for short subdivisions and of five or more parcels for long subdivisions. This chapter further applies to boundary line adjustments and binding site plan review and regulation.

(2) Property boundary lines separating two or more lots of record may be adjusted only under the specific provisions set forth in this chapter.

(3) The process for resubdivision, alteration and vacation of any existing subdivision is identical to the process for initial subdivision. All such subdivision applications shall conform with the applicable sections in this chapter governing the subdivision of property into lots, tracts or parcels. All proposed plat vacations shall comply with the requirements and criteria set forth in RCW 58.17.212, as now adopted or hereafter amended.

(4) Where this chapter imposes greater restrictions or higher standards upon the development of land than other provisions of this code, laws, ordinances or restrictive covenants, the provisions of this chapter shall prevail.

(5) Pursuant to Chapters 79.125 and 58.17 RCW, tidelands may not be altered in any fashion under this section. Tideland acreage may not be included or given other consideration in any land division, plat alteration, or boundary line adjustment. The authority to alter platted tidelands lies with the department of natural resources. [Ord. 8-06 § 1]

**18.35.040 Exemptions.**

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This chapter does not apply to the following:

(1) Divisions of land into lots, tracts or parcels each one of which is one-sixteenth of a section of land or larger, or 40 acres or larger if the land is not capable of description as a fraction of a section of land; provided, that for purposes of computing the size of a lot that borders on a street or road, the lot size shall be expanded to include that area that would be bounded by the center line of the street or road and the side lot lines of the lot running perpendicular to such center line; and provided further, that within the commercial forest district (i.e., CF-80), each lot, tract or parcel shall be at least 80 acres in size;

(2) Cemeteries and burial plots while used for that purpose;

(3) Divisions of land made by testamentary provisions or the laws of descent; provided, that this exemption shall not be construed to permit inter vivos transfers, and provided further, that any structure or use on the property must comply with all other applicable county regulations; and

(4) Divisions of land relating to the acquisition of a fee simple interest in land by public agencies, including, but not limited to, divisions made for road or public right-of-way conveyance or widening purposes. This exemption shall not be construed to include acquisitions of easements. [Ord. 8-06 § 1]

#### **18.35.050 Violations – Penalties.**

(1) Criminal Penalties and Liability. Any person, firm, corporation, or association or any agent of any person, firm, corporation or association who sells, offers for sale, leases, or transfers any lot, tract, or parcel of land prior to compliance with this chapter is guilty of a misdemeanor and, upon conviction thereof, shall be punished by a fine not to exceed \$1,000 or by imprisonment in jail for a term not exceeding 90 days, or by both such fine and imprisonment. Each violation or each sale, offer for sale, lease, or transfer of each separate lot, tract, or parcel of land in violation of any provision of this chapter is deemed a separate and distinct offense. If performance of an offer of agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary approval of a short plat or long plat, but prior to final plat approval, is expressly conditioned on the recording of the final plat containing the lot, tract or parcel under this chapter, the offer or agreement does not violate any provision of this chapter. All payments on account of an offer or agreement conditioned as provided in this chapter shall be deposited in an escrow account and no disbursements to sellers are permitted until the final plat is recorded. This prohibition of property transfers prior to compliance with this chapter shall apply equally to transfers prior to completion of short subdivisions, long subdivisions and binding site plans.

(2) Chapter 18.50 JCC Applicable. In addition to the penalties provided in this section, all violations of any provision of this chapter or any incorporated standards, or conditions of any permit issued hereunder, are subject to the provisions of Chapter 18.50 JCC. The administrator is authorized to enforce the provisions of this chapter in accordance with Chapter 18.50 JCC.

(3) Other Enforcement Action. In the event an applicant for a short subdivision, long subdivision, or binding site plan fails and refuses to install required improvements in the time required by any preliminary or final approval, the county may withhold further building or other development permits, make demand against any bonds, collect monies deposited in escrow to secure installation of improvements, initiate a local improvement district, or take such other action as may be necessary to cause the improvements to be made. [Ord. 8-06 § 1]

## **Article II. Boundary Line Adjustments**

#### **18.35.060 Purpose, scope and limitations.**

(1) Purpose and Scope. The purpose of this article is to provide procedures and criteria for the review and approval of adjustments to boundary lines between platted or unplatted lots, tracts or parcels, or both in order to:

- (a) Allow the enlargement or merging of lots, tracts or parcels to improve or qualify as a buildable lot or for any other lawful purpose;
- (b) Rectify defects in legal descriptions;
- (c) Achieve increased setbacks from property lines or environmentally sensitive areas;
- (d) Correct situations wherein an established use is located across a lot line; or
- (e) For other similar purposes.

This article is also intended to ensure compliance with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC.

(2) Prohibited Boundary Changes. This article shall not apply to boundary changes that would:

- (a) Result in the creation of an additional lot, tract, parcel, site within a binding site plan or division as defined in Chapter 18.10 JCC;
- (b) Result in a lot, tract or parcel or site within a binding site plan that does not qualify as a buildable lot as defined in Chapter 18.10 JCC;
- (c) Relocate an entire lot, tract or parcel from one parent parcel into another parent parcel;
- (d) An adjustment that crosses zoning district boundaries. Adjustments may be allowed across different rural residential densities;
- (e) Be inconsistent with any restrictions or conditions of approval for a recorded short plat or long plat; or circumvent the short subdivision or long subdivision procedures set forth in this chapter;
- (f) Separate an accessory dwelling unit from the primary use of the property.

(3) Lot Consolidation. The consolidation of two or more lots, tracts or parcels for the purpose of creating a single lot, tract or parcel that meets the requirements for a buildable lot shall in all cases be considered a minor adjustment of boundary lines and shall not be subject to the short subdivision or long subdivision provisions of this chapter. Lot consolidations shall not require a survey or soil evaluation.

(4) Adjustments to Binding Site Plans. Recognized lots in an approved binding site plan shall be considered a single site and no lot lines on the site may be altered by a boundary line adjustment to separate lots to another property not included in the original site plan of the subject development.

(5) Rectifying legal defects, such as an established use located across a lot line, and the adjustment

of boundary lines to match water bodies, roads, or fence lines, shall be considered minor adjustments and shall not require a soil evaluation and may be allowed regardless of the size of the resultant parcels.

(6) Time Limitations. If more than two lots, tracts or parcels have been subject to a boundary line adjustment process, those lots shall not be permitted to use the boundary line adjustment process again for five years with the exception of lot consolidations, testamentary divisions, civil cases, court orders, rectifying legal defects, or the adjustment of one line between two or more property owners for the purpose of settling a dispute. [Ord. 8-06 § 1]

**18.35.070 Application submittal and contents.**

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To be considered complete, applications for boundary line adjustments shall include the following:

(1) Applications for boundary line adjustments shall be made on forms provided by the Jefferson County department of community development and shall be submitted to the department of community development, along with the appropriate fees established under the Jefferson County fee ordinance.

(a) A single application may be submitted for multiple BLAs for adjacent parcels, lots, tracts or sites within a binding site plan. However, standard application fee(s) shall apply to each BLA after the first two per additional parcel, lot, tract or site.

(b) In instances of lot consolidation, standard application fee(s) shall apply based on the number of resulting parcels or lots;

(2) A completed land use permit application form, including all materials required pursuant to Chapter 18.40 JCC;

(3) Three copies of a clean and legible drawing suitable for recording showing the following:

(a) The proposed lines for all affected lots, tracts or parcels, indicated by bold solid lines;

(b) The existing lot, tract or parcel lines proposed to be changed, indicated by light broken lines;

(c) The location and dimensions of all structures/improvements existing upon the affected lots, tracts or parcels and the distance between each such structure/improvement and the proposed boundary lines, with structures proposed to be removed from the site depicted with broken lines and structures to remain on the site depicted with solid lines;

(d) A north arrow indication and scale;

(e) All assessor's tax parcel numbers for the affected lots, tracts or parcels;

(f) The location of the property as to quarter/quarter section;

- (g) The location and dimensions of any easements within or adjacent to any affected lots, tracts or parcels;
- (h) The location, right-of-way widths, pavement widths and names of all existing or platted streets or roads, whether public or private, and other public ways within or adjacent to the affected lots, tracts or parcels;
- (i) The area and dimensions of each lot prior to and following the proposed adjustment;
- (j) The existing on-site sewage system components and reserve areas and the proposed location for on-site sewage systems and soil test pits for all affected lots that are not currently served by an on-site sewage system or other approved wastewater treatment system;
- (k) The location of all existing and proposed water and storm drainage facilities; and
- (l) The approximate location and extent of any environmentally sensitive areas designated under Article VI-D of Chapter 18.15 JCC, including any flood hazard areas lying within the existing or revised parcel boundaries. The following notice will be recorded on the drawing when the parcels that are part of the boundary line adjustment include, or are adjacent to, environmentally sensitive areas (ESA):

Notice to Public: Current Jefferson County geographic information systems (GIS) maps identify the presence of an Environmentally Sensitive Area (ESA) such as stream, wetland, flood, landslide hazard, erosion, aquifer recharge area, fish and wildlife habitat, shoreline, etc., lying within and/or adjacent to the revised parcels encompassed by this Boundary Line Adjustment. Prior to any land disturbing activity or construction activity, applicant/owner shall contact the Jefferson County department of community development regarding compliance for such ESAs. Approval of this Boundary Line Adjustment does not guarantee a buildable site within said parcel(s). Such determination is dependent on approvals of water, septic, bulk and dimensional setbacks, and ESA requirements.

- (4) The original legal description of the entire property together with new separate legal descriptions for each lot, tract or parcel, labeling them each as existing parcel A, existing parcel B, revised parcel A, revised parcel B, etc. The drawing shall be attached to or include on the face a formal legal declaration of the boundary line adjustment, signed and notarized by all legal owners of the subject properties. In cases where the property has not been surveyed, the following disclaimer shall be recorded on the drawing:

DISCLAIMER LANGUAGE FOR BLA STATEMENT OF INTENT: Your request for a Boundary Line Adjustment (BLA) has been approved. Since no survey was submitted as part of your BLA application, the County accepts no liability for what facts a survey might

have revealed. A survey might have revealed that a structure or improvement believed to be on the applicant's property is, in fact, located wholly or partially upon someone else's property or upon property that is not the subject of this BLA. But in the absence of a survey, the applicant bears sole responsibility if such a problem arises.

(5) A copy of any covenants, conditions and restrictions (CC&Rs), deed restrictions, or planned rural residential development (PRRD) agreements pertaining to or affecting the property; and

(6) If an individual septic system is proposed (i.e., as opposed to connection to either a community drainfield or municipal sewer system), the applicant shall provide written verification from the Jefferson County department of environmental health that the lots, tracts, parcels or sites, as each would exist after the boundary line adjustment, are adequate to accommodate an on-site sewage disposal system. The location of soil logs must be shown on the drawing to show land area sufficient to meet environmental health requirements for each resultant lot, tract, or parcel that does not contain a dwelling. An applicant may choose to apply for a site plan approval advance determination (SPAAD) to fulfill this requirement. In cases where the requirement to provide written verification that the resultant lots can accommodate on-site sewage system from the Jefferson County department of environmental health has been waived, the following notice shall be recorded on the drawing:

Notice to Public: Approval of this Boundary Line Adjustment does not guarantee a buildable site within said parcel(s). Such determination is dependent on approvals of water, septic, bulk and dimensional setbacks, and ESA requirements.

This requirement shall be waived for resultant parcels that:

- (a) Are larger than 2.5 acres;
- (b) Have existing residential structures; or
- (c) Have limited the use of the resultant parcel to agriculture, forestry, or open space through conservation easements, restrictive covenant, or similar legal arrangement. The open space tax program shall not be used to fulfill this requirement;

(7) The application shall be accompanied by a current (i.e., within 30 days) title company certification of the following:

- (a) The legal description of the total parcels sought to be adjusted;
- (b) Those individuals or corporations holding an ownership interest and any security interest (such as deeds or trust or mortgages) or any other encumbrances affecting the title of said parcels. Such individuals or corporations shall sign and approve the final survey prior to final approval;

- (c) Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate;
- (d) Any easements or restrictions affecting the properties to be adjusted with a description of purpose and referenced by the auditor's file number and/or recording number; and
- (e) If lands are to be dedicated or conveyed to the county as part of the subdivision, an American Land Title Association (A.L.T.A.) policy may be required by the director of the department of public works. [Ord. 8-06 § 1]

**18.35.080 Review process and criteria.**

- (1) Prior to approval, a proposed boundary line adjustment shall be reviewed by the Jefferson County assessor.
- (2) Based on any comments solicited and received from the department of public works, the department of environmental health or other applicable departments and agencies, the administrator shall approve the proposed boundary line adjustment only upon finding that the adjustment would not:
  - (a) Create any additional lot, tract, parcel, site within a binding site plan or division or relocate any lot, tract, parcel, or site within a binding site plan or division to another parent parcel;
  - (b) Result in a lot, tract, parcel, site within a binding site plan or division that contains increased density or insufficient area or dimension to meet the minimum requirements for area and dimension as set forth in Chapter 18.15 JCC and state and local health codes and regulations;
  - (c) Diminish or impair drainage, water supply, existing sewage disposal, and access or easement for vehicles or pedestrians, utilities, and fire protection for any lot, tract, parcel, site (i.e., within an approved binding site plan), or division;
  - (d) Diminish or impair any public or private utility easement or deprive any parcel of access or utilities;
  - (e) Diminish or impair the functions and values of environmentally sensitive areas designated under Article VI-D of Chapter 18.15 JCC, or create an unsafe or hazardous environmental condition;
  - (f) Create unreasonably restrictive or hazardous access to the property;
  - (g) Create a nonconforming lot, tract, or parcel or increase the nonconforming aspects of an existing lot, tract or parcel relative to Chapter 18.15 JCC;
  - (h) Replat or vacate a short plat or long plat, or revise, amend, or violate any of the conditions of approval for any short or long subdivision; or

- (i) Create a lot, tract, or parcel that crosses zoning district boundaries, with the exception an adjustment across rural residential densities.
- (3) Following approval by the administrator, a final record of survey document shall be prepared by a licensed land surveyor in accordance with Chapter 58.09 RCW and Chapter 332-130 WAC. The document shall contain a land surveyor's certificate and a recording certificate. The final page of the record of survey document shall contain the following signature blocks:
- (a) The Jefferson County assessor's office, to be signed by the Jefferson County assessor or his/her designee; and
- (b) The department of community development, to be signed by the administrator.
- (4) Upon approval the following statement of intent shall be recorded by the auditor and referenced by auditor file number on the final survey:

THIS RECORDING IS FOR THE PURPOSE OF ASSISTING WITH A BOUNDARY LINE ADJUSTMENT PURSUANT TO RCW 58.17.040(6). IT DOES NOT CREATE ANY ADDITIONAL LOTS, TRACTS, PARCELS, OR A DIVISION AS THE LAND DESCRIBED HEREON SHALL MERGE OR BE INTEGRATED INTO ABUTTING PROPERTY PRESENTLY OWNED BY THE PROPONENTS. NOR DOES THE BOUNDARY LINE ADJUSTMENT RESULT IN ANY LOTS, TRACTS, PARCELS OR DIVISION WHICH CONTAIN INSUFFICIENT AREA AND DIMENSION TO MEET MINIMUM COUNTY AND SANITATION REQUIREMENTS FOR WIDTH AND AREA FOR A BUILDING SITE.

- (5) Pursuant to RCW 86.56.345, current year and any delinquent taxes shall be paid before approval of any boundary line adjustment.
- (6) Applications for boundary line adjustments shall be processed according to the procedures for Type I land use decisions established in Chapter 18.40 JCC. [Ord. 8-06 § 1]

### **Article III. Short Subdivisions**

#### **18.35.090 Scope.**

Any land being divided into four or fewer lots, tracts or parcels that has not been divided through a short subdivision within the previous five years shall meet the requirements of this article. Land within an approved short subdivision may not be further divided in any manner within a period of five years without the filing of a long plat. However, when a short plat contains fewer than four parcels, the owner of the short plat may file an alteration within the five-year period to create up to four lots within the boundaries of the original short plat; provided, that the parcel is not held in common ownership with a contiguous parcel which has been subdivided within the preceding five years. [Ord. 8-06 § 1]

**18.35.100 Application submittal and contents.**

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To be considered complete, applications for short subdivisions shall include the following information:

- (1) Applications for short subdivisions shall be made on forms provided by the Jefferson County department of community development and shall be submitted to the department of community development, along with the appropriate fees established under the Jefferson County fee ordinance;
- (2) A completed land use permit application form, including all materials required pursuant to Chapter 18.40 JCC;
- (3) A sworn certification by the applicant verifying whether the applicant has any interest in any land adjacent to any portion of the subject property; such interest in land may be by reason of ownership, contract for purchase by an agreement or option by any person, family member, firm or corporation in any manner connected with the applicant or the development;
- (4) The dimensions and area of each proposed lot, tract or parcel to accurately show that each lot, tract or parcel contains sufficient area to satisfy the minimum requirements of Chapter 18.15 JCC; provided, that the area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the area computations;
- (5) Five paper copies of a preliminary short plat meeting the standards of JCC [18.35.110](#) and [18.35.120](#);
- (6) Where applicable, any special reports or studies required under Chapter 18.15 JCC, prepared in accordance with the requirements of Article VI-K of Chapter 18.15 JCC;
- (7) A preliminary drainage plan prepared in a manner consistent with the requirements of Chapter 18.30 JCC, including any soil test information that may be deemed necessary by the director of the department of public works;
- (8) The estimated quantities of any fill to be expected from the site and imported to the site; and
- (9) Documentation of water availability and adequacy for each parcel affected sufficient to meet the requirements of JCC 18.30.030. [Ord. 8-06 § 1]

**18.35.110 Preliminary short plat preparation.**

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The preliminary short plat shall be prepared in accordance with the following requirements:

- (1) The preliminary short plat shall be prepared by a Washington State licensed engineer or land surveyor registered or licensed by the state of Washington. The preparer shall certify on the short plat that it is a true and correct representation of the land actually surveyed. The preparation of the plat shall comply with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC as now

adopted or hereafter amended. Upon surveying the property, the surveyor shall place temporary stakes on the property to enable the county to locate and assess features of the short plat in the field. The datum to be used for all surveying and mapping shall be as follows: The projection name is the state plane; the projection spheroid is GRS 1980; the coordinate system is Washington State Plane North Zone; and the horizontal datum is NAD 83.

(2) All geographic information portrayed by the preliminary short plat shall be accurate, legible and drawn to a horizontal scale of 50 feet or fewer to the inch, except that the location sketch and typical roadway cross-sections may be drawn to any other appropriate scale.

(3) A preliminary short plat shall be 18 by 24 inches in size, allowing one-half inch borders, and if more than one sheet is needed, each sheet shall be numbered consecutively and an index sheet showing the entire property and orienting the other sheets, at any appropriate scale, shall be provided. In addition to other map submittals, the applicant shall submit one copy of each sheet reduced to 8-1/2 inches by 11-1/2 inches in size. If more than one sheet is required, an index sheet showing the entire subdivision with road and highway names and block numbers (if any) shall be provided. Each sheet, including the index sheet, shall be of the above specified size.

(4) The area of each proposed lot, tract or parcel on the short plat map shall accurately show that each lot, tract or parcel contains sufficient area to satisfy minimum zoning requirements. The area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the area computations. [Ord. 8-06 § 1]

#### **18.35.120 Preliminary short plat contents.**

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(1) A preliminary short plat shall be submitted on one or more sheets and shall provide the information described below. All specifications for required improvements shall conform to the development standards contained in Chapter 18.30 JCC.

- (a) The name of the proposed subdivisions together with the words "Preliminary Short Plat";
- (b) The name and address of the applicant;
- (c) The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat;
- (d) Numeric scale (50 feet or fewer to the inch), graphic scale, true north point, and date of preparation;
- (e) Identification of all land intended to be cleared, and the location of the proposed access to the site for clearing and grading during site development or construction; and
- (f) A form for the endorsement of the administrator, as follows:

## APPROVED BY JEFFERSON COUNTY

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Department of Community Date  
Development Administrator

(2) The preliminary plat shall contain a vicinity sketch sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads, and other major constructed and natural features.

(3) Except as otherwise specified in this chapter, the preliminary short plat shall contain the following existing geographic features, drawn lightly in relation to proposed geographic features:

(a) The boundaries of the property to be subdivided, and the boundaries of any adjacent property under the same ownership as the land to be subdivided, to be indicated by bold lines;

(b) The names of all adjoining property owners, or names of adjoining developers;

(c) All existing property lines lying within the proposed subdivision, including lot lines for lots of record which are to be vacated, and all existing property lines for any property adjacent to the subject property which is under the same ownership as the property to be subdivided (as described in JCC [18.35.110\(3\)](#)) shall be shown in broken lines;

(d) The location, right-of-way widths, pavement widths and names of all existing or platted roads, whether public or private, and other public ways within 200 feet of the property to be divided;

(e) The location, widths and purposes of any existing easements lying within or adjacent to the proposed subdivision;

(f) The location, size and invert elevation of sanitary sewer lines and stormwater management facilities lying within or adjacent to the proposed subdivision or those that will be connected to the subdivision as part of the proposal (if applicable);

(g) The location and size of existing water system facilities including all fire hydrants lying within or adjacent to the proposed subdivision or those which will be connected to as part of the proposed subdivision (if applicable);

(h) The location, size and description of any other underground and overhead facilities lying within or adjacent to the proposed subdivision (if applicable);

(i) The location of any environmentally sensitive areas as described in Article VI-D of Chapter 18.15 JCC, including all floodplains lying within or adjacent to the proposed subdivision;

- (j) The location of existing sections and municipal corporation boundary lines lying within or adjacent to the proposed subdivision;
  - (k) The location of any well and associated setbacks existing within the proposed subdivision;
  - (l) The location of any individual or on-site sewage disposal system existing within the proposed subdivision;
  - (m) Existing contour lines at intervals of five feet, labeled at intervals not to exceed 20 feet;
  - (n) The location of any existing structures lying within the proposed subdivision; existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines.
- (4) The preliminary plat shall show the following proposed geographic features:
- (a) The boundaries in bold solid lines of any proposed lots, tracts or parcels, the area and dimensions of each proposed lot, tract or parcel, and the proposed identifying number or letter to be assigned to each lot, tract or parcel, and block (if applicable);
  - (b) The right-of-way location and width, the proposed name of each road, street or other public way to be created and the estimated tentative grades of such roads; where roadways may exceed the maximum allowable grade or alignment, the director of the department of public works may require sufficient data, including centerline profiles and cross-sections, if necessary, to determine the feasibility of said roadway;
  - (c) The location, width and purpose of each easement to be created;
  - (d) The boundaries, dimensions and area of public and common park and open space areas;
  - (e) Identification of all areas proposed to be dedicated for public use, together with the purpose and any condition of dedication;
  - (f) Proposed final contour lines at intervals of five feet; final contour lines shall be indicated by solid lines; contour lines shall be labeled in intervals not to exceed 20 feet;
  - (g) The building envelope, as defined in JCC 18.10.020, shall be indicated for each lot;
  - (h) Proposed monumentation;
  - (i) Proposed location and description of all individual or community wells, or water system improvements, including fire hydrants (if applicable);
  - (j) Proposed location and description of all sewage disposal improvements, including (if

- applicable) profiles and all pump stations and their connections to the existing system;
- (k) Proposed location and description of all stormwater management improvements;
  - (l) Proposed road cross-sections, showing bicycle and pedestrian pathways, trails and sidewalks (if applicable);
  - (m) Proposed type and location of road lighting (if applicable);
  - (n) Proposed type and location of landscaping (if applicable);
  - (o) Proposed location and description of transit stops and shelters (if applicable);
  - (p) Proposed covenants, conditions and restrictions (CC&Rs) on development (if applicable).

(5) Upon review of an application, the administrator may require additional pertinent information, as deemed necessary, to satisfy any other regulatory requirements. The administrator may also waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the administrator shall document the waiver in the project file or log. [Ord. 8-06 § 1]

#### **18.35.130 Short plat approval criteria.**

In addition to the review criteria provided in Chapter 18.40 JCC, the following criteria are the minimum measures by which each proposed short subdivision will be considered:

(1) Short subdivisions shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the administrator that all of the following have been satisfied:

(a) The proposed subdivision conforms to all applicable county, state and federal zoning, land use, environmental and health regulations and plans, including but not limited to the following:

- (i) The Jefferson County Comprehensive Plan; and
- (ii) The provisions of this code, including any incorporated standards;

(b) Utilities and other public services necessary to serve the needs of the proposed subdivision shall be made available, including open spaces, drainage ways, roads, streets and other public ways, potable water, transit facilities, sewage disposal, parks, playgrounds, schools, sidewalks and other improvements to assure safe walking conditions for students who walk to and from school;

(c) Approving the proposed short subdivision will serve the public use and interest and adequate provision has been made for the public health, safety and general welfare.

(2) Notwithstanding the approval criteria set forth in subsection (1) of this section, in accordance with

RCW 58.17.120, as now adopted and hereafter amended, a proposed subdivision may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed short subdivision lies within both a flood control zone, as specified by Chapter 86.16 RCW, and either the 100-year floodplain or the regulatory floodway, the county shall not approve the preliminary short plat unless:

- (a) The applicant has demonstrated to the satisfaction of the administrator that no feasible alternative exists to locating lots and building envelopes within the 100-year floodplain; and
- (b) It imposes a condition requiring the applicant to comply with Article VI-F of Chapter 18.15 JCC and any written recommendations of the Washington State Department of Ecology. In such cases, the county shall issue no development permit associated with the proposed short subdivision until flood control problems have been resolved. [Ord. 8-06 § 1]

#### **18.35.140 Short plat review process.**

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- (1) An application for a short subdivision shall be processed according to the procedures for Type II land use decisions established in Chapter 18.40 JCC.
- (2) The administrator shall solicit comments from the director of the department of public works, the chief of the fire district in which the proposal is located, local utility providers, sheriff, building official, school district in which the proposal is located, adjacent jurisdictions if the proposal is within one mile of a city or other jurisdiction, Washington State Department of Transportation if the proposal is adjacent to a state highway, and any other local, state or federal officials as may be necessary.
- (3) Based on comments from county departments, applicable agencies and other information, the administrator shall review the proposal subject to the criteria contained in JCC [18.35.130](#). A proposed short plat shall only be approved when consistent with all the provisions of JCC [18.35.130](#).
- (4) An applicant for a short subdivision may request that certain requirements established or referenced by this chapter be modified. Such requests shall be processed according to the procedures for variances in Chapter 18.40 JCC, and shall satisfy the criteria contained in Article IV of Chapter 18.40 JCC, Variances.
- (5) Pursuant to RCW 86.56.345, current year and any delinquent taxes must be paid before the approval of a short subdivision. [Ord. 8-06 § 1]

#### **18.35.150 Modifications to an approved preliminary short plat.**

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- (1) Minor modifications to a previously approved preliminary short plat may be requested by the applicant and approved by the administrator subject to the provisions for Type I decisions in Chapter 18.40 JCC; provided, that the modification does not involve any of the following:

- (a) The location or relocation of a road or street;
  - (b) The creation of an additional lot, tract or parcel;
  - (c) The creation of a lot, tract or parcel that does not qualify as a buildable lot pursuant to this code;
  - (d) The relocation of an entire lot, tract or parcel from one parent parcel into another parent parcel.
- (2) Before approving such an amendment, the administrator shall make written findings and conclusions documenting the following conditions:
- (a) The modification will not be inconsistent or cause the short subdivision to be inconsistent with the decision of the county preliminarily approving the application;
  - (b) The modification will not violate the intent of the original conditions of application approval; and
  - (c) The modification will not cause the short subdivision to violate any applicable county policy or regulation.
- (3) Modifications that involve the circumstances described in subsection (1) of this section, or exceed the criteria set forth in subsection (2) of this section, shall be processed as a new preliminary short plat application. [Ord. 8-06 § 1]

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**18.35.160 Surety.**

Subdivision applicants may be required to post a surety guaranteeing completion of subdivision improvements within one year of final plat approval. The surety shall be for 200 percent of the cost of construction of those improvements estimated by a licensed engineer. Surety shall be in a form acceptable to Jefferson County. In the event that the applicant does not complete construction within one year, Jefferson County shall be authorized to complete the construction and pay for the work from the surety account. Surety shall not be accepted for developing potable water sources. Surety may only be released only after inspection by Jefferson County. [Ord. 8-06 § 1]

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**18.35.170 Director of the department of public works certificate of improvements.**

No permit for the construction of improvements within an approved subdivision shall be issued by the county until the improvement method report, all construction drawings, proposed performance guarantees, and other submittals in conformance with the development standards contained in Chapter 18.30 JCC and any incorporated standards have been received and approved by the director of the department of public works. All construction of improvements shall be inspected and approved in conformance with the development standards contained in Chapter 18.30 JCC and any incorporated

standards. After completion of all required improvements or the guarantee of the construction of all required improvements, the director of the department of public works shall submit a certificate in triplicate to the administrator stating the required improvements or guarantees are in accordance with the provisions of this chapter, the preliminary short plat, including the county's decision approving the short plat, and in accordance with the development standards contained in Chapter 18.30 JCC and any incorporated standards. The administrator shall transmit one copy of the certification to the subdivider, together with a notice advising the subdivider to prepare a final plat for the proposed short subdivision. The administrator shall retain one copy of the certificate. [Ord. 8-06 § 1]

#### **18.35.180 Final short plat requirements.**

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The applicant must submit a reproducible copy, plus five paper copies of the proposed final short plat to the administrator. The reproducible copy of the approved final short plat will contain the elements as described in JCC [18.35.120](#) and shall include certifications and other requirements as provided in JCC [18.35.370](#) for long plats. [Ord. 8-06 § 1]

#### **18.35.190 Accompanying documents – Final short plat.**

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(1) In cases where any restrictive deed covenants or CC&Rs will apply to lots or parcels within a subdivision, a type written copy of such covenants, bearing all necessary signatures, shall be submitted along with the final plat. Where the recordation of specific deed restrictions or CC&R provisions have been required as a condition of preliminary plat approval, the administrator shall approve and sign the deed restriction or CC&Rs prior to final plat approval.

(2) The final plat shall be accompanied by a current (i.e., within 30 days) title company certification of the following:

- (a) The legal description of the total parcel sought to be subdivided;
- (b) Those individuals or corporations holding an ownership interest and any security interest (such as deeds or trust or mortgages) or any other encumbrances affecting the title of said parcel. Such individuals or corporations shall sign and approve the final plat prior to final approval;
- (c) Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate;
- (d) Any easements or restrictions affecting the property to be subdivided with a description of purpose and referenced by the auditor's file number and/or recording number; and
- (e) If lands are to be dedicated or conveyed to the county as part of the subdivision, an American Land Title Association (A.L.T.A.) policy may be required by the director of the department of public works.

(3) All maintenance, performance and guarantee bonds or other guarantees as may be required by the director of the department of public works and the approved improvement method report to guarantee the acceptability and/or performance of all required improvements. [Ord. 8-06 § 1]

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**18.35.200 Final short plat approval.**

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The final short plat shall be approved by the administrator upon satisfaction of all conditions of approval and all requirements as provided in this article and Article VI of this chapter. Final approval of short plats by the Jefferson County board of county commissioners shall be required. All final short plats shall be approved, disapproved or returned to the applicant within 30 days of their filing, unless the applicant consents to an extension of time in writing. [Ord. 8-06 § 1]

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**18.35.210 Time limitation on final short plat submittal.**

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Approval of a preliminary short plat shall expire unless the applicant submits a proposed final plat in proper form for final approval within three years after preliminary approval. The department of community development shall not be responsible for notifying the applicant of an impending expiration. [Ord. 8-06 § 1]

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**18.35.220 Effect of an approved final short plat – Valid land use.**

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Any lots, tracts or parcels in a final short plat filed for record shall be a valid land use notwithstanding any change in zoning for a period of five years from the date of filing. A short subdivision shall be governed by the terms of approval of the final short plat, and the statutes, ordinances and regulations in effect on the date of preliminary plat approval for a period of five years after final short plat approval unless the Jefferson County board of commissioners finds that a change in conditions creates a serious threat to the public health or safety of residents within or outside the short subdivision. [Ord. 8-06 § 1]

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**18.35.230 Distribution of copies and filing of final short plat.**

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The administrator shall distribute the original and copies of the approved final short plat as follows:

(1) The original shall be returned to the applicant after it has been forwarded to the county auditor for recording; and

(2) One recorded paper copy shall be retained in the files of the department of community development. [Ord. 8-06 § 1]

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**18.35.240 Transfer of ownership following short plat approval.**

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Whenever any parcel of land lying within the county is divided under the provisions of this article relating to short subdivisions, no person, firm, or corporation shall sell or transfer any such lot, tract or parcel without having first received final approval of the short plat and having recorded the final short plat with the Jefferson County auditor. It is the responsibility of the applicant to ensure that a

final short plat is fully certified and filed for record with the Jefferson County auditor prior to transferring ownership of any land. [Ord. 8-06 § 1]

**18.35.250 Building and occupancy permits – Issuance after final short plat approval.**

(1) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved short subdivision prior to a determination by the relevant fire district chief or designee that adequate fire protection and access for construction needs exists.

(2) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved short subdivision until the applicant complies with the improvement method report, all requirements of the department of public works certificate of improvements, and all requirements of the final plat approval.

(3) No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved subdivision prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the director of the department of public works and county building official. [Ord. 8-06 § 1]

**18.35.260 Accumulative short plats.**

Accumulative short plats are not permitted. The short subdivision process may not be used to apply for a series of short plats within two years from any application, thereby circumventing the long subdivision procedures. [Ord. 8-06 § 1]

**Article IV. Long Subdivisions**

**18.35.270 Scope.**

Long subdivisions, as processed under this article, shall include all divisions of land into five or more lots, and shall require improvements so that any development will be in compliance with this code and any other codes or ordinances which may apply. [Ord. 8-06 § 1]

**18.35.280 Application submittal and contents.**

To be considered complete, the application for a long subdivision shall include the following information:

(1) The application for approval of a long subdivision shall be submitted to the department of community development on forms to be provided by the department along with the appropriate fees established by the Jefferson County fee ordinance;

(2) A completed land use permit application form, including all materials required pursuant to Chapter

18.40 JCC;

(3) The area and dimensions of each proposed lot, tract or parcel to accurately show that each lot, tract or parcel contains sufficient area to satisfy the minimum requirements of Chapter 18.15 JCC. The area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the area computations;

(4) Five paper copies of a preliminary plat meeting the standards and requirements of JCC [18.35.290](#) and [18.35.300](#);

(5) Where applicable, any special reports or studies required under Chapter 18.15 JCC, prepared in accordance with the requirements of Article VI-K of Chapter 18.15 JCC;

(6) A preliminary drainage plan prepared in a manner consistent with the requirements of Chapter 18.30 JCC, including any soil test information as may be deemed necessary by the director of the department of public works;

(7) The estimated quantities of any fill to be exported from the site and imported to the site; and

(8) Documentation of water availability and adequacy for each parcel affected sufficient to meet the requirements of JCC 18.30.030. [Ord. 8-06 § 1]

**18.35.290 Preliminary plat – Preparation.**

The preliminary plat shall be prepared in accordance with the following requirements:

(1) The preliminary plat shall be prepared by a Washington State licensed engineer or land surveyor registered or licensed by the state of Washington. The preparer shall certify on the plat that it is a true and correct representation of the lands actually surveyed. The preparation of the plat shall comply with the Survey Recording Act, Chapter 58.09 RCW and Chapter 332-130 WAC as now adopted or hereafter amended. Upon surveying the property, the surveyor shall place temporary stakes on the property to enable the county to locate and assess features of the long plat in the field. The datum to be used for all surveying and mapping shall be as follows: The projection name is the state plane; the projection spheroid is GRS 1980; the coordinate system is the Washington State Plane North Zone; and the horizontal datum is NAD 83.

(2) All geographic information portrayed by the preliminary plat shall be accurate, legible and drawn to a horizontal scale of 50 feet or fewer to the inch, except that the location sketch and typical roadway cross-sections may be drawn to any other appropriate scale.

(3) A preliminary plat shall be 18 inches by 24 inches in size, allowing one-half-inch borders, and if more than one sheet is needed, each sheet shall be numbered consecutively and an index sheet showing the entire property and orienting the other sheets, at any appropriate scale, shall be provided.

In addition to other map submittals, the applicant shall submit one copy of each sheet reduced to 8-1/2 inches by 11-1/2 inches in size. If more than one sheet is required, an index sheet showing the entire subdivision with road and highway names and block number (if any) shall be provided. Each sheet, including the index sheet, shall be of the above-specified size.

(4) The area of each proposed lot or parcel depicted on the long plat map shall accurately show that each lot, tract or parcel contains sufficient area to satisfy minimum zoning requirements. The area of land contained in access easements, access panhandles or pipestem configurations shall not be included in the lot size computations. [Ord. 8-06 § 1]

**18.35.300 Preliminary plat – Contents.**

(1) A preliminary plat shall be submitted on one or more sheets and shall provide the following information. All specifications for public improvements shall conform to the standards contained in Chapter 18.30 JCC, including any standards incorporated therein:

- (a) The name of the proposed subdivision together with the words “Preliminary Plat”;
- (b) The name and address of the applicant;
- (c) The name, address, stamp and signature of the professional engineer or professional land surveyor who prepared the preliminary plat;
- (d) Numeric scale 50 feet or fewer to the inch), graphic scale, true north point, and date of preparation;
- (e) Identification of all land intended to be cleared, and the location of the proposed access to the site for clearing and grading during site development and construction; and
- (f) A form for the endorsement of the administrator of the department of community development, as follows:

APPROVED BY JEFFERSON COUNTY

\_\_\_\_\_  
 Department of Community Date  
 Development Administrator

(2) The preliminary plat shall contain a vicinity sketch sufficient to define the location and boundaries of the proposed subdivision with respect to surrounding property, roads, and other major constructed and natural features.

(3) Except as otherwise specified in this chapter, the preliminary plat shall contain the following existing geographic features, drawn lightly in relation to proposed geographic features:

- (a) The boundaries of the property to be subdivided, and the boundaries of any adjacent property under the same ownership as the land to be subdivided, to be indicated by bold lines;
- (b) The names of all adjoining property owners, or names of adjoining developers;
- (c) All existing property lines lying within the proposed subdivision, including lot lines for lot of record which are to be vacated, and all existing property lines for any property lying adjacent to the subject property which is under the same ownership as the property to be subdivided (as described in JCC [18.35.290\(3\)](#)) shall be shown in broken lines;
- (d) The location, right-of-way widths, pavement widths and names of all existing or platted roads, whether public or private, and other public ways within 200 feet of the property to be subdivided;
- (e) The location, widths and purposes of any existing easements lying within or adjacent to the proposed subdivision;
- (f) The location, size and invert elevation of sanitary sewer lines and stormwater management facilities lying within or adjacent to the proposed subdivision or those that will be connected to as part of the proposed subdivision (if applicable);
- (g) The location and size of existing water system facilities including all fire hydrants lying within or adjacent to the proposed subdivision or those which will be connected to as part of the proposed subdivision (if applicable);
- (h) The location, size and description of any other underground and overhead facilities lying within or adjacent to the proposed subdivision (if applicable);
- (i) The location of any environmentally sensitive areas as described in Article VI-D of Chapter 18.15 JCC, including all floodplains, lying within or adjacent to the proposed subdivision;
- (j) The location of existing sections and municipal corporation boundary lines lying within or adjacent to the proposed subdivision;
- (k) The location of any well existing within the proposed subdivision;
- (l) The location of any individual or on-site sewage disposal system existing within the proposed subdivision;
- (m) Existing contour lines at intervals of five feet labeled at intervals not to exceed 20 feet;
- (n) The location of any existing structures lying within the proposed subdivision; existing structures to be removed shall be indicated by broken lines, and existing structures not to be removed shall be indicated by solid lines.

- (4) The preliminary plat shall show the following proposed geographic features:
- (a) The boundaries in bold solid lines of all proposed lots, the area and dimensions of each proposed lot, and the proposed identifying number or letter to be assigned to each lot and/or block;
  - (b) The right-of-way location and width, the proposed name of each road, street, alley, or other public way to be created and the estimated tentative grades of such streets; where roadways may exceed the maximum allowable grade or alignment, the director of the department of public works may require sufficient data, including centerline profiles and cross-sections if necessary, to determine the feasibility of said roadway;
  - (c) The location, width and purpose of each easement created;
  - (d) The boundaries, dimensions and area of public and common park and open space areas;
  - (e) Identification of all areas proposed to be dedicated for public use, together with the purpose and any condition of dedication;
  - (f) Proposed final contour lines at intervals of five feet; final contour lines shall be indicated by solid lines; contour lines shall be labeled in intervals not to exceed 20 feet;
  - (g) The building envelopes, as defined in JCC 18.10.020, shall be indicated for each lot;
  - (h) Proposed monumentation;
  - (i) Proposed location and description of all individual or community wells, or water system improvements, including all proposed fire hydrants (if applicable);
  - (j) Proposed location and description of all sewage disposal improvements, including (if applicable) profiles, and, if needed, all pump stations and their connections to the existing system;
  - (k) Proposed location and description of all stormwater management system improvements;
  - (l) Proposed road cross-sections, showing proposed bicycle and pedestrian pathways, trails and sidewalks (if applicable);
  - (m) Proposed type and location of road lighting (if applicable);
  - (n) Proposed type and location of landscaping (if applicable);
  - (o) Proposed location and description of transit stops and shelters (if applicable);

(p) Proposed covenants, conditions and restrictions (CC&Rs) on development (if applicable).

(5) Upon review of an application, the administrator may require additional pertinent information as needed to satisfy any other regulatory requirements. The administrator may also waive specific submittal requirements determined to be unnecessary for review of an application. In such event, the administrator shall document the waiver in the project file or log. [Ord. 8-06 § 1]

#### **18.35.310 Approval criteria.**

In addition to the review criteria provided Chapter 18.40 JCC, the following criteria are the minimum measures by which each proposed subdivision will be considered:

(1) Long subdivisions shall be given preliminary approval, including preliminary approval subject to conditions, upon finding by the county that all of the following have been satisfied:

(a) The proposed subdivision conforms to all applicable county, state and federal zoning, land use, environmental and health regulations and plans, including, but not limited to, the following:

(i) The Jefferson County Comprehensive Plan; and

(ii) The provisions of this code, including any incorporated standards;

(b) Utilities and other public services necessary to serve the needs of the proposed subdivision shall be made available, including open spaces, drainage ways, roads, streets, other public ways, potable water, transit facilities, sewage disposal, parks, playgrounds, schools, sidewalks and other improvements that assure safe walking conditions for students who walk to and from school;

(c) The probable significant adverse environmental impacts of the proposed subdivision, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with the State Environmental Policy Act (SEPA) implementing provisions contained within Chapter 18.40 JCC and Chapter 43.21C RCW;

(d) Approving the proposed subdivision will serve the public use and interest and adequate provision has been made for the public health, safety, and general welfare.

(2) Notwithstanding approval criteria set forth in subsection (1) of this section, in accordance with RCW 58.17.120, as now adopted and hereafter amended, a proposed subdivision may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed subdivision lies within both a flood control zone, as specified by Chapter 86.16 RCW, and either the 100-year floodplain or the regulatory floodway, the county shall not approve the preliminary plat unless:

(a) The applicant has demonstrated to the satisfaction of the hearing examiner that no feasible alternative exists to locating lots and building envelopes within the 100-year floodplain; and

(b) It imposes a condition requiring the applicant to comply with Article VI-F of Chapter 18.15 JCC and any written recommendations of the Washington State Department of Ecology. In such cases, the county shall issue no development permit associated with the proposed short subdivision until flood control problems have been resolved.

(3) Pursuant to RCW 86.56.345 current year and any delinquent taxes must be paid before approval of any subdivision. [Ord. 8-06 § 1]

#### **18.35.320 Preliminary long plat review process.**

(1) An application for a full subdivision shall be processed according to the procedures for Type III land use decisions established in Chapter 18.40 JCC.

(2) The administrator shall solicit comments from the director of the department of public works, the chief of the fire district in which the proposal is located, local utility providers, sheriff, building official, school district in which the proposal is located, adjacent jurisdictions if the proposal is located within one mile of a city or other jurisdiction, Washington State Department of Transportation, if the proposal is adjacent to a state highway, and any other state, local or federal officials as may be necessary.

(3) Based on comments from county departments, applicable agencies and other information, the administrator shall review the proposal subject to the criteria contained in JCC [18.35.310](#). A proposed long subdivision shall only be approved when consistent with all the provisions of JCC [18.35.310](#).

(4) An applicant for a long subdivision may request that certain requirements established or referenced by this chapter be modified. Such requests shall be processed according to the procedures for variances in Chapter 18.40 JCC, and shall satisfy the criteria contained in Article IV of Chapter 18.40 JCC, Variances. [Ord. 8-06 § 1]

#### **18.35.330 Preliminary plat approval – Phased development.**

Where subdivision development is proposed in distinct phases, preliminary plat approval must be granted for the entire subdivision. The plat map must delineate the separate divisions or phases that are to be developed in increments. The preliminary approval is conditional upon completion of the proposed phases in a particular sequence and may specify a completion date for each phase. Final plat approval is granted for each separate phase of the preliminary plat. Any changes in the development after preliminary approval will require approval in accordance with JCC [18.35.320](#). [Ord. 8-06 § 1]

#### **18.35.340 Modifications to an approved preliminary plat.**

(1) Minor modifications to a previously approved preliminary long plat may be requested by the

applicant and approved by the administrator subject to the provisions for Type I decisions in Chapter 18.40 JCC; provided, that the modification does involve any of the following:

- (a) The location or relocation of a road or street;
- (b) The creation of an additional lot, tract or parcel;
- (c) The creation of a lot, tract or parcel that does not qualify as a buildable lot pursuant to this code;
- (d) The relocation of an entire lot, tract or parcel from one parent parcel into another parent parcel.

(2) Before approving such an amendment, the administrator shall make written findings and conclusions documenting the following conditions:

- (a) The modification will not be inconsistent or cause the long subdivision to be inconsistent with the decision of the county preliminarily approving the application;
- (b) The modification will not violate the intent of the original conditions of application approval; and
- (c) The modification will not cause the long subdivision to violate any applicable county policy or regulation.

(3) Modifications that involve the circumstances described in subsection (1) of this section, or exceed the criteria set forth in subsection (2) of this section, shall be processed as a new preliminary long plat application. [Ord. 8-06 § 1]

#### **18.35.350 Surety.**

Subdivision applicants may be required to post a surety guaranteeing completion of subdivision improvements within one year of final plat approval. The surety shall be for 200 percent of the cost of construction of those improvements estimated by a licensed engineer. Surety shall be in a form acceptable to Jefferson County. In the event that the applicant does not complete construction within one year Jefferson County shall be authorized to complete the construction and pay for the work from the surety account. Surety shall not be accepted for developing potable water sources. Surety may only be released only after inspection by Jefferson County. [Ord. 8-06 § 1]

#### **18.35.360 Director of public works certificate of improvements.**

No permit for the construction of improvements within an approved subdivision shall be issued by the county until the improvement method report, all construction drawings, proposed performance guarantees, and other submittals in conformance with Chapter 18.30 JCC and any incorporated

standards have been received and approved by the director of the department of public works. All construction of improvements shall be inspected and approved in conformance with development standards contained in Chapter 18.30 JCC and any incorporated standards. After completion of all required improvements or the guarantee of the construction of all required improvements, the director of the department of public works shall submit a certificate in triplicate to the administrator stating the required improvements or guarantees are in accordance with the provisions of this chapter, the preliminary plat, including the county's decision approving the plat, and in accordance with the development standards contained in Chapter 18.30 JCC and any incorporated standards. The administrator shall submit one copy of the certification to the subdivider, together with a notice advising the subdivider to prepare a final plat for the proposed subdivision. One copy of the certificate shall be retained by the administrator. [Ord. 8-06 § 1]

#### **18.35.370 Preparation of a final long plat.**

The final long plat shall be prepared in accordance with the following requirements:

- (1) The final plat shall be prepared by a land surveyor licensed by the state of Washington or a Washington state licensed engineer.
- (2) Six paper copies of the final long plat shall be submitted, measuring 18 inches by 24 inches in size, allowing one-half inch for border.
- (3) A final long plat shall contain the following information:
  - (a) The name of the subdivision;
  - (b) Legal description of the property being subdivided;
  - (c) Numeric scale, graphic scale, true north point and date of preparation of the final plat;
  - (d) The lot line of the plat, referenced to county (USC&GS) datum and based on an accurate traverse, with angular and linear dimensions and bearings;
  - (e) The exact location, width and name of all roads, streets, alleys and other public ways within and adjacent to the subdivision;
  - (f) The exact location, width and purpose of all easements and dedications for rights-of-way provided for public and private services and utilities;
  - (g) True courses and distances to the nearest established road lines, or sections or quarter section corner monuments which shall accurately locate the subdivision;
  - (h) Section lines accurately tied to the lines of the plat by distances and courses;

- (i) All lot and block numbers (if applicable) and lines, with accurate dimensions in feet and hundredths of feet;
- (j) All house address numbers as assigned by the county;
- (k) Delineation of the building envelope of each lot;
- (l) The radii, internal angles, points of curvature, tangent bearings and lengths of arc;
- (m) The accurate location of each permanent control monument;
- (n) All plat meander lines or reference lines along bodies of water shall be established as above, but not farther than 20 feet from the high water line of such body;
- (o) Accurate outlines and legal descriptions of any areas to be dedicated or reserved for public use, with the purpose of such dedication or reservation and any limitations indicated thereon and in dedication;
- (p) Accurate outlines of any area to be reserved by the deed covenant for common use of owners of property within the subdivision, together with the purposes of such reservation;
- (q) Any restrictions or conditions on the lots or tracts within the subdivision, as required by the county or at the discretion of the property owner, including, but not limited to, environmentally sensitive areas buffers;
- (r) The auditor's file number of all documents and conveyances recorded with the Jefferson County auditor associated with preliminary or final plat approval;
- (s) The name and seal of the Washington State licensed land surveyor or Washington State licensed engineer responsible preparation of the final plat, and a signed certification on the plat by said surveyor to the effect that it is a true and correct representation of the land actually surveyed by him or her, that the existing monuments shown thereon exist as located and that all dimensional and geodetic details are correct;
- (t) A signed, notarized certification stating that the subdivision has been made with the free consent and in accordance with the desires of the all persons with ownership and/or security interests in the property. If the plat includes a dedication, the certificate or a separate written instrument shall contain the dedication of all roads and other areas to the public, any individual or individuals, or to any corporation, public or private, as shown on the plat. Such certificate or instrument shall be signed and acknowledged before a notary public by all parties having any interest in the land subdivided. The owner shall waive all claims against the county, on behalf of the owner and the owner's successors and assigns, which may be occasioned by the establishment and/or construction of any roads, streets, storm drainage improvements or other

improvements;

(u) An offer of dedication may include a waiver of right of direct access to any road from any property. Such waiver may be required by the director of the department of public works as a condition of approval. Any dedication, donation or grant as shown on the face of the plat shall be considered as a quit claim deed to the said donee or grantee for use for the purpose intended by the donation or grant;

(v) Signature blocks for the appropriate certification of the county auditor, director of the department of public works, director of the public health department, and DCD administrator, as follows:

DIRECTOR OF PUBLIC WORKS  
CERTIFICATE

I hereby certify to the best of my knowledge that this final plat is in compliance with the certificate of improvements issued pursuant to the Jefferson County Unified Development Code and is consistent with all applicable county improvement standards and requirements in force on the date of preliminary plat approval, this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Director, Jefferson County Department  
of Public Works

DEPARTMENT OF COMMUNITY  
DEVELOPMENT ADMINISTRATOR'S  
CERTIFICATE

I hereby certify that on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_, that this final plat is in substantial conformance with the preliminary plat and any conditions attached thereto, which preliminary plat was approved by Jefferson County on the \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Administrator, Jefferson County  
Community Development Department

JEFFERSON COUNTY PUBLIC HEALTH DIRECTOR CERTIFICATE

Approved by public health department on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_

Director, Jefferson County Public Health Dept.

TREASURER

All taxes and/or assessments due are paid in full on this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jefferson County Treasurer

(w) A form of the approval of the county assessor, as follows:

ASSESSOR'S APPROVAL

Examined and approved this \_\_\_\_ day of \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
Jefferson County Assessor

Attest:

\_\_\_\_\_  
Deputy Jefferson County Assessor

(x) A form for the certificate of the Jefferson County recorder, as follows:

RECORDING CERTIFICATE

Filed for record at the request of Jefferson County this \_\_\_\_ day of \_\_\_\_\_, 20\_\_  
\_\_\_\_, at \_\_\_\_\_ minutes past \_\_M., and recorded in Volume \_\_\_\_ of Plats, page \_\_\_\_  
Records of Jefferson County, Washington.

Jefferson County Recording Number \_\_\_\_.

\_\_\_\_\_  
Manager

\_\_\_\_\_  
Superintendent of Records

(y) Any additional pertinent information as required at the discretion of the director of the department of public works or the DCD administrator.

(4) All signatures or certifications appearing on a final plat shall in be reproducible black ink. [Ord. 8-06 § 1]

**18.35.380 Accompanying documents – Final long plat.**

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(1) In cases where any deed covenants or restrictions, including any CC&Rs, will apply to lots or parcels within a subdivision, a typewritten copy of such covenants bearing all necessary signatures shall be submitted along with the final plat.

(2) The final plat shall be accompanied by a complete survey of the section or sections in which the plat or replat is located, or as much thereof as may be necessary to properly orient the plat within such section or sections. The plat and section survey shall be submitted with complete field and computation notes, showing the original or re-established corners, with the description of the same, and the actual traverse showing error or closure and method of balancing. A sketch showing all distances, angles and calculations required to determine corners and distances of the plat shall accompany this data. The allowable error of closure shall not exceed one foot in 10,000 feet.

(3) The final plat shall be accompanied by a current (within 30 days) title company certification of:

(a) The legal description of the total parcel sought to be subdivided;

(b) Those individuals or corporations holding an ownership interest and any security interest (such as deed of trust or mortgages) or any other encumbrances affecting the title of said parcel. Such individuals or corporations shall sign and approve the final plat prior to final approval;

(c) Any lands to be dedicated shall be confirmed as being owned in fee title by the owner(s) signing the dedication certificate;

(d) Any easements or restrictions affecting the property to be subdivided with a description of purpose and referenced by the auditor's file number and/or recording number; and

(e) If lands are to be dedicated or conveyed to the county as part of the subdivision, an American Land Title Association (A.L.T.A.) title policy may be required by the director of the department of public works.

(4) The applicant shall provide the director of the department of public works with a computer disk containing a complete set of the final plat maps and as-built drawings on CADD(c) or other GIS-compatible software as acceptable to the director of the department of public works.

(5) All documents submitted under this section shall contain the name of the subdivision and the name and address of the subdivider.

(6) All maintenance, performance and guarantee bonds or other guarantees as may be required by the director of the department of public works and the improvement method report to guarantee the acceptability and/or performance of all improvements. For all improvements constructed after final plat approval, reproducible as-built drawing and CADD(c) files shall be submitted within 15 days of

completion of construction. [Ord. 8-06 § 1]

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**18.35.390 Final long plat application.**

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(1) Applications for final long plat approval shall be made on forms provided by the department along with the fee established in the Jefferson County fee ordinance.

(2) Applications for final plat approval shall be processed according to the procedures for Type IV land use decisions established in Chapter 18.40 JCC, and shall be approved, disapproved, or returned to the applicant within 30 days of their filing, unless the applicant consents to an extension of time in writing.

(3) Applications for final plat approval shall be submitted within five years of the date of the preliminary plat approval.

(4) The final plat map shall be prepared in accordance with JCC [18.35.300](#) and [18.35.320](#).

(5) Prior to final approval, with the exception of the recording certificate, the applicant shall obtain all signatures and certifications on the face of the plat in accordance with JCC [18.35.370](#). [Ord. 8-06 § 1]

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**18.35.400 Time limitation on final long plat submittal.\***

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The original and three copies of a final long plat meeting all requirements of Chapter 58.17 RCW shall be transmitted by the administrator to the board of county commissioners within five years of the date of the preliminary long plat approval. No extensions shall be granted. A plat granted preliminary approval but filed for final long plat approval following the applicable time period shall be null and void. The department of community development shall not be responsible for notifying the applicant of an impending preliminary long plat expiration. [Ord. 8-06 § 1]

\*Code reviser's note: "Within five years" is now seven years until December 31, 2014, under state law – go to: <http://apps.leg.wa.gov/rcw/default.aspx?cite=58.17.140>.

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**18.35.410 Effect of an approved final long plat – Valid land use.**

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Any lots in a final long plat filed for record shall be a valid land use notwithstanding any change in zoning laws for a period of five years from the date of filing. A long subdivision shall be governed by the terms of approval of the final long plat, and the statutes, ordinances and regulations in effect on the date of preliminary long plat approval for a period of five years after final long plat approval unless the board of county commissioners finds that a change in conditions creates a serious threat to the public health or safety of residents within or outside the subdivision. [Ord. 8-06 § 1]

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**18.35.420 Distribution of copies and filing of final long plat.**

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The administrator shall distribute the original and copies of the approved final long plat as follows:

- (1) The original shall be returned to the applicant after it has been forwarded to the county auditor for recording;
- (2) Prior to the issuance of any building permits, one recorded reproducible copy shall be transmitted to the director of the department of public works;
- (3) One recorded paper copy shall be retained in the files of the department of community development; and
- (4) One recorded paper copy shall be provided to the building official for assignment of addresses.  
[Ord. 8-06 § 1]

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**18.35.430 Transfer of ownership following final long plat approval.**

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Whenever any parcel of land lying within the county is divided under the provisions of this article relating to long subdivisions, no person, firm, or corporation shall sell or transfer or advertise for sale or transfer any such lot, tract or parcel without having first received final approval of the long plat and having recorded the final long plat with the Jefferson County auditor. It is the responsibility of the applicant to ensure that a final long plat is fully certified and filed for record with the Jefferson County auditor prior to transferring ownership of any land. [Ord. 8-06 § 1]

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**18.35.440 Building and occupancy permits – Issuance after final long plat approval.**

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- (1) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved long subdivision prior to a determination by the relevant fire district chief or designee that adequate fire protection and access for construction needs exists.
- (2) No building permit for a structure other than a temporary contractor's office or temporary storage building shall be issued for a lot or parcel within an approved long subdivision until the applicant complies with the improvement method report, all requirements of the department of public works certificate of improvements, and all requirements of the final plat approval.
- (3) No occupancy permit for a structure other than a temporary contractor's office or other approved temporary building shall be issued for a structure on a lot or parcel within an approved long subdivision prior to final inspection and approval of all required improvements which will serve such lot or parcel to the satisfaction of the director of the department of public works and county building official. [Ord. 8-06 § 1]

### **Article V. Binding Site Plans**

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**18.35.450 Purpose.**

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The purpose of this article is to clearly delineate the criteria used by the county to review and approve

binding site plans. A binding site plan is intended to provide an alternative means of dividing land. The binding site plan process provides a means for certain types of land division applications to be processed administratively based upon the development standards and regulations contained within this code and any other applicable ordinances and regulations. Binding site plans tie a future development to an approved set of conditions and site layout. [Ord. 8-06 § 1]

#### **18.35.460 Scope.**

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This article shall only apply to one or more of the following:

- (1) The use of a binding site plan to divisions of land for sale or lease of mixed use, commercial or industrial zoned property where the applicant proposes a unified scheme of development;
- (2) Divisions of property for residential, commercial or industrial condominium development as provided for in JCC [18.35.470](#); and
- (3) Planned rural residential developments (PRRDs) proposed under Article VI-M of Chapter 18.15 JCC where full short or long subdivision of the land into separate, legally segregated lots, tracts or parcels is not required. [Ord. 8-06 § 1]

#### **18.35.470 Condominiums.**

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For the purpose of approval of condominium developments, the provisions of this chapter regarding short subdivision and long subdivision shall not apply if:

- (1) A land division is proposed as a condominium and does not result in the subdivision of land into separately owned lots in accordance with the definition for short or long subdivisions, but subjects a portion of a lot, tract or parcel to Chapter 64.34 RCW (the "Condominium Act") subsequent to the recording of a binding site plan for all such land;
- (2) The improvements constructed or to be constructed thereon are required by the provisions of the binding site plan proposed for a condominium project;
- (3) Jefferson County has approved a binding site plan for all such land; and
- (4) The binding site plan contains the following statement:

All development and use of the land described herein shall be in accordance with this binding site plan, as it may be amended with the approval of Jefferson County, and in accordance with such other government permits, approvals, regulations, requirements, and restrictions that may be imposed upon such land and the development and use thereof. Upon completion, the improvements on the land shall be included in one (1) or more condominiums or owned by an association or other legal entity in which the owners' associations have a membership or other legal or beneficial interest. This binding site plan

shall be binding upon all persons, businesses, corporations, partnerships or other entities now or hereafter having any interest in the land described herein.

[Ord. 8-06 § 1]

**18.35.480 Application submittal and contents.**

To be considered complete, applications for binding site plan approval shall include the following information:

- (1) Applications for binding site plans shall be made on forms provided by the Jefferson County department of community development and shall be submitted to the department of community development, along with the appropriate fees established under the Jefferson County fee ordinance;
- (2) A completed land use permit application form, including all materials required pursuant to Chapter 18.40 JCC;
- (3) Mixed Use, Commercial and Industrial Binding Site Plans. In addition to materials required pursuant to subsections (1) and (2) of this section, a binding site plan application for mixed use, commercial or industrial proposals shall contain the same elements and information as a preliminary long plat, in accordance with JCC [18.35.280](#), [18.35.290](#) and [18.35.300](#);
- (4) Binding Site Plan for Residential Condominiums. In addition the materials required pursuant to subsections (1) and (2) of this section, a binding site plan for residential condominiums shall conform to the requirements of Chapter 64.34 RCW, the "Condominium Act." The applicant shall submit a sworn declaration from a registered land surveyor licensed in the state of Washington that all requirements of RCW 64.34.232, as now adopted and hereafter amended, have been satisfied. The county shall not be responsible for verification that the proposal complies with Chapter 64.34 RCW, but may rely upon the representation of the licensed surveyor. The applicant shall submit five copies of the binding site plan map for review. The site plan shall have dimensions of 18 inches by 24 inches and must be prepared by a registered surveyor licensed in the state of Washington. In addition to the requirements of Chapter 64.34 RCW, the binding site plan map must include the following information:
  - (a) The name of the condominium project;
  - (b) Legal description of the entire parcel;
  - (c) The date, scale, and north arrow;
  - (d) Boundary lines, rights-of-way for roads, streets, easements, and property lines of lots, the location of all open spaces, utilities, and other improvements with accurate bearings, dimensions of angles and arcs, and of all curve data describing the location of all improvements;

- (e) Names and right-of-way widths of all roads or streets within the parcel and immediately adjacent to the parcel. Street names shall be consistent with the names of existing adjacent streets;
- (f) Number of each lot and each block or division;
- (g) Location, dimensions and purpose of any easements, noting if the easements are public or private;
- (h) Location and description of monuments, boundary corners set, and all lot corners set and found;
- (i) Datum elevations and primary control points approved by the department of public works. Descriptions and ties to all control points will be shown with dimensions, angles, and bearings;
- (j) A dedicatory statement acknowledging public and private dedications and grants;
- (k) The statement required by JCC [18.35.470](#)(4) must be on the face of the final binding site plan; and
- (l) Other restrictions, conditions, and requirements as deemed necessary by the county, including all applicable development standards contained in Chapter 18.30 JCC and any standards incorporated therein. [Ord. 8-06 § 1]

**18.35.490 Binding site plan approval criteria.**

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- (1) Binding site plans shall be approved upon showing that all of the following have been satisfied:
  - (a) The proposed binding site plan conforms to all applicable county, state and federal zoning, land use, environmental and health regulations and plans, including but not limited to the following:
    - (i) The Jefferson County Comprehensive Plan; and
    - (ii) The provisions of this code, including any incorporated standards;
  - (b) Utilities and other public services necessary to serve the needs of the proposed binding site plan shall be made available, including open spaces, drainage ways, roads, streets and other public ways, potable water, transit facilities, sewage disposal, parks, playgrounds, schools, sidewalks and other improvements to assure safe walking conditions for students who walk to and from school;
  - (c) The probable significant adverse environmental impacts of the proposed binding site plan, together with any practical means of mitigating adverse impacts, have been considered such

that the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with the State Environmental Policy Act (SEPA) implementing provisions contained within Chapter 18.40 JCC and Chapter 43.21C RCW;

(d) Approving the proposed binding site plan will serve the public use and interest and adequate provision has been made for the public health, safety and general welfare.

(2) Notwithstanding the approval criteria set forth in subsection (1) of this section, a proposed binding site plan may be denied because of flood, inundation or swamp conditions. Where any portion of the proposed binding site plan lies within both a flood control zone, as specified by Chapter 86.16 RCW, and either the 100-year floodplain or the regulatory floodway, the county shall not approve the binding site plan unless:

(a) The applicant has demonstrated to the satisfaction of the administrator that no feasible alternative exists to locating lots and building envelopes within the 100-year floodplain; and

(b) It imposes a condition requiring the applicant to comply with Article VI-F of Chapter 18.15 JCC and any written recommendations of the Washington State Department of Ecology. In such cases, the county shall issue no development permit associated with the proposed binding site plan until flood control problems have been resolved. [Ord. 8-06 § 1]

#### **18.35.500 Binding site plan review process.**

(1) An application for a binding site plan approval shall be processed according to the procedures for Type III land use decisions established in Chapter 18.40 JCC.

(2) The administrator shall solicit comments from the director of the department of public works, the chief of the fire district in which the proposal is located, local utility providers, sheriff, building official, school district in which the proposal is located, adjacent jurisdictions if the proposal is within one mile of a city or other jurisdiction, Washington State Department of Transportation if the proposal is adjacent to a state highway, and any other local, state or federal officials as may be necessary.

(3) Based upon comments from county departments and applicable agencies, and other information, the administrator shall review the proposal subject to the criteria of JCC [18.35.490](#). A proposed binding site plan shall only be approved when consistent with all the provisions of JCC [18.35.490](#). Binding site plan approval may be based upon certain delineated conditions. The county shall make written finding and conclusions documenting compliance with all approval criteria. A binding site plan shall be granted preliminary approval only, until all improvements are installed or the county has received adequate guarantees or assurances of future installation of improvements.

(4) Upon satisfying all conditions of approval, if any, and satisfying all requirements of Chapter 18.30 JCC and any incorporated standards for the installation of all improvements, the administrator shall

administratively approve the final binding site plan for filing with the Jefferson County assessor. The final binding site plan shall conform to the requirements of JCC [18.35.370](#) and [18.35.380](#), as applicable.

(5) For all condominium projects, prior to final approval, the applicant shall obtain the written approval from the Jefferson County assessor of the condominium CC&Rs. [Ord. 8-06 § 1]

#### **18.35.510 Binding site plan development standards.**

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Binding site plans shall conform to the development standards contained in Article VI of this chapter. [Ord. 8-06 § 1]

#### **18.35.520 Modifications and vacations.**

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Binding site plans may be modified or vacated subject to the following:

(1) Binding site plans may be modified only if the modification is minor in nature and the original intent of the recorded binding site plan is not changed and if the modification does not adversely impact public health and safety, the environment, or the delivery of services to the site. The proposed modification must be clearly shown and be accompanied by a letter of explanation and application for a plat alteration. Upon administrative approval of such modification, the modifications shall become part of the binding site plan. If the proposed modification constitutes a substantial modification, the proposal shall be processed as a new binding site plan application.

(2) Prior to issuance of any building permit or other site development permits, including, but not limited to, clearing and grading permits, a binding site plan may be vacated as a whole only. Vacating a binding site plan releases all conditions and obligations on the parcel associated with such plan. A binding site plan may be vacated with the submission to DCD of a letter of intent to vacate the binding site plan. The letter shall become binding upon its acceptance by the administrator. If the binding site plan has been recorded with the Jefferson County auditor, notice of the vacation shall be recorded on forms acceptable to the Jefferson County auditor.

(3) After issuance of any building or other site development permits, including, but not limited to, clearing and grading permits, the process for vacation of all or part of a binding site plan is identical to the process for initial binding site plan approval. [Ord. 8-06 § 1]

#### **18.35.530 Distribution of copies and filing.**

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(1) Upon approval, a binding site plan shall follow the procedures of JCC [18.35.420](#).

(2) After approval of the general binding site plan for commercial or industrial divisions, the approval for improvements and finalization of specific individual commercial and industrial lots shall be done by administrative approval. [Ord. 8-06 § 1]

**18.35.540 Time limit.**

The applicant or owner of the property subject to a binding site plan shall obtain all permits for the development of a site within five years of its recording under JCC [18.35.530](#). If the applicant fails to obtain all permits within five years, no site development permits shall be issued until the applicant files a new application and obtains binding site plan approval in accordance with this article. [Ord. 8-06 § 1]

**18.35.550 Extinguishment of binding site plans with preliminary approval prior to UDC adoption.**

The applicant or owner of a property subject to a binding site plan having preliminary approval prior to the initial adoption date of this Unified Development Code (UDC) shall obtain final approval of the binding site plan within two years of the initial adoption of this code. If the applicant fails to obtain final binding site plan approval within two years, no site development permits shall be issued until the applicant files a new application and obtains binding site plan approval in accordance with this article. [Ord. 8-06 § 1]

**18.35.560 Effect of final binding site plan approval.**

(1) All provisions, conditions, and requirements of the binding site plan shall be legally enforceable on the purchaser of any other person acquiring a lease or other legal or property interest of any lot, tract, or parcel created pursuant to the binding site plan.

(2) Any sale, transfer, or lease of any lot, tract or parcel created pursuant to the binding site plan, that does not conform to the requirements of the binding site plan, or without binding site plan approval, shall be considered a violation of this article. [Ord. 8-06 § 1]

**Article VI. Subdivision Development Standards****18.35.570 Requirements for improvements.**

All improvements shall be designed and constructed in conformance with the development standards contained in this article, as well as Chapter 18.30 JCC and any standards incorporated therein. Prior to construction of any improvements, as approved upon the preliminary plat or binding site plan, the subdivider shall furnish construction plans. These plans must be prepared, signed, dated and stamped by a Washington State licensed civil engineer and shall be in accordance with the standards contained in Chapter 18.30 JCC. The construction plans must be reviewed and approved by the county prior to construction. [Ord. 8-06 § 1]

**18.35.580 Transportation and drainage standards.**

(1) Transportation Standards – Generally. All divisions of land covered by this chapter shall be served by appropriate transportation facilities, including roads and facilities for transit, pedestrians, and bicycles. Transportation facilities shall be adequate both to serve the division of land and to avoid

adverse effects to the existing transportation system. If transportation facilities are inadequate, the applicant shall be required to make provision for all necessary improvements. Transportation facilities shall be deemed adequate if necessary improvements are planned and designated funding is secured in the Six-Year Transportation Improvement Program.

(2) Road and Drainage Design and Construction Standards.

(a) All roads serving two or more lots shall comply with the road design and construction standards specified in JCC 18.30.080;

(b) A drainage analysis shall be performed in conformance with JCC 18.30.070, and drainage systems shall be designed to the standards set forth in JCC 18.30.060(2) and 18.30.070. [Ord. 8-06 § 1]

**18.35.590 Responsibility for road improvements.**

Where reasonably necessary to mitigate the direct impacts of the proposed division of land and/or to meet safety requirements, off-site road improvements may be required as a condition of approval under this chapter. When required, the applicant shall bear the sole responsibility to make such off-site road improvements. [Ord. 8-06 § 1]

**18.35.600 Health standards.**

The following health standards apply to all divisions of land governed by this chapter:

(1) Water. All divisions of land shall comply with the requirements established by the Jefferson County department of health for the provision of water;

(2) Wastewater Disposal. All divisions of land shall comply with the requirements established by the Jefferson County department of health for wastewater disposal; and

(3) Storm Drainage. Stormwater flows from land divisions shall not adversely affect critical aquifer recharge areas. All divisions of land shall meet the regulations for critical aquifer recharge areas contained in Article VI-E of Chapter 18.15 JCC. [Ord. 8-06 § 1]

**18.35.610 Fire and utility standards.**

All divisions of land governed by this chapter shall meet the fire protection and improvement standards adopted by Jefferson County. [Ord. 8-06 § 1]

**18.35.620 Plan review, inspection and fees.**

The department of community development and department of public works are responsible for reviewing all engineering drawings and for the supervision, inspection and acceptance of all subdivision improvements, and shall charge the subdivider the applicable fees as set forth in the

Jefferson County fee ordinance. [Ord. 8-06 § 1]

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**18.35.630 Release of improvement guarantee.**

If an improvement bond or other guarantee has been submitted, such guarantee shall be released in accordance with the development standards contained in Chapter 18.30 JCC. [Ord. 8-06 § 1]

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**18.35.640 Floods and flood control.**

The county may disapprove a proposed subdivision because of flood, inundation or regulated wetlands if the county finds that such condition poses a threat to the public health, safety or general welfare. Where any portion of the proposed subdivision lies within both a flood control zone, as specified by Chapter 86.16 RCW, and either the 100-year floodplain or the regulatory floodway, the county shall impose a condition on the preliminary plat requiring the subdivider to conform to the Federal Emergency Management Agency (FEMA) flood hazard requirements. In such cases, no development permit associated with the proposed subdivision shall be issued by the county until said FEMA requirements have been met. Where feasible, the county may require that all lots and/or building envelopes be located outside the 100-year floodplain. The county may also require dedication of land to any public body and/or the construction of improvements and may impose other conditions necessary to protect against flooding or inundation. [Ord. 8-06 § 1]

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**18.35.650 Additional requirements.**

The standards or requirements established in this chapter and Chapter 18.30 JCC are minimum requirements. These standards may be increased and additional requirements may be imposed for the purpose of mitigating identified probable significant adverse environmental impacts pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, as now established or hereafter amended. Such additional requirements may include, but are not limited to, off-site improvements to any public facility, the dedication and/or improvement of parks and open spaces, and contributions to any county fund established to finance the provision of public services required by subdivision. [Ord. 8-06 § 1]

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**18.35.660 Phased subdivision.**

Preliminary plat approval must be granted for the entire subdivision and must delineate the separate divisions that are to be developed in phased increments. Where the preliminary plat approval is conditioned upon completion of the proposed phases in a particular sequence, the preliminary plat approval shall specify a completion date for each phase. Final plat approval may be granted for each separate phase of the preliminary plat. Any changes at the preliminary plat stage will require approval in accordance with JCC [18.35.340](#). [Ord. 8-06 § 1]

## **Article VII. Plat Alteration**

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**18.35.670 Purpose.**

- (1) To allow modifications to approved short plats, binding site plans, and subdivisions including:
  - (a) The creation of additional lots within an existing subdivision or short plat containing four or fewer lots within five years of final approval;
  - (b) Revision of lot lines, notes, notice to purchasers, or easements established in a recorded plat;
  - (c) Vacation, in whole or in part, of a subdivision, binding site plan, mobile home park, RV park, short subdivision, or large lot subdivision.
- (2) This section does not apply to alteration or replatting of any plat of state-granted tide or shore lands. [Ord. 8-06 § 1]

**18.35.680 Application submittal and contents.**

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To be considered complete, applications for plat alterations shall include the following:

- (1) Applications for plat alterations shall be made on forms provided by the Jefferson County department of community development and shall be submitted to the department of community development, along with the appropriate fees established under the Jefferson County fee ordinance;
- (2) A completed land use permit application form, including all materials required pursuant to Chapter 18.40 JCC;
- (3) Current title company certification/plat certificate.
  - (a) For a plat vacation, signatures of all parties having an ownership interest, including deeds of trust, in that portion of the short plat, long plat, or binding site plan subject to the proposed vacation; or
  - (b) For a plat alteration or replat, signatures of a majority of those parties having an ownership interest, including deeds of trust, of the lots, tracts, parcels, sites or divisions in the subject short plat, long plat or binding site plan, or portion to be altered; or
  - (c) For a plat alteration affecting open space, easements, or public or private rights-of-way signatures of all parties that make use of the portion being altered;
- (4) A copy of any covenants, conditions, and restrictions (CC&Rs), deed restrictions, easements, planned rural residential development (PRRD) agreements, or other encumbrances restricting the use of the property;
- (5) Five paper copies of the plat map and any surveys of record, with proposed alteration(s) or vacation(s) depicted in red ink. [Ord. 8-06 § 1]

**18.35.690 Review process and criteria.**

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- (1) An application for a plat amendment shall be processed according to the procedures for Type II land use decisions established in Chapter 18.40 JCC and the criteria listed in RCW 58.17.215;
- (2) Notice shall be given to the affected parties, a public hearing may be requested by a person receiving notice within 14 days of receipt of notice. When a public hearing is requested the application shall be processed according to the procedures for Type III decisions established in Chapter 18.40 JCC and the criteria listed in RCW 58.17.215;
- (3) The administrator shall solicit comments from the director of the department of public works, the chief of the fire district in which the proposal is located, local utility providers, sheriff, building official, school district in which the proposal is located, adjacent jurisdictions if the proposal is within one mile of a city or other jurisdiction, Washington State Department of Transportation if the proposal is adjacent to a state highway, and any other local, state or federal officials as may be necessary;
- (4) Based on comments from county departments, applicable agencies and other information, the administrator shall review the proposal subject to the criteria contained in this section. A proposed plat amendment shall only be approved when consistent with all the provisions of JCC 18.35.690 and RCW 58.17.215. [Ord. 8-06 § 1]

## **Appendix E**

Land Use Application Procedures Requirements,  
Chapter 18.40 JCC

**Chapter 18.40**  
**PERMIT APPLICATION AND REVIEW PROCEDURES/SEPA IMPLEMENTATION**

Sections:

Article I. Types of Project Permits

- [18.40.010](#) Purpose.
- [18.40.020](#) Procedures for processing project development permit applications.
- [18.40.030](#) Determination of proper type of procedure.
- [18.40.040](#) Project permit application framework.
- [18.40.050](#) Joint public hearings (other public agency hearings).
- [18.40.060](#) Legislative enactments.
- [18.40.070](#) Legislative enactments not restricted.
- [18.40.080](#) Exemptions from project permit processing.

Article II. Project Permit Applications (Type I – IV)

- [18.40.090](#) Preapplication conference.
- [18.40.100](#) Development permit application.
- [18.40.110](#) Submission of acceptance of application determination of completeness – Additional information and project revision.
- [18.40.120](#) Referral and review of development permit applications.
- [18.40.130](#) Scope of project review.
- [18.40.140](#) Project consistency.

Article III. Public Notice Requirements

- [18.40.150](#) Public notice – Generally.
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## **Article I. Types of Project Permits**

### **18.40.010 Purpose.**

Articles I through VI of this Unified Development Code are a mechanism for implementing the provisions of Chapter 36.70B RCW (the Local Project Review Act) regarding compliance, conformity, and consistency of proposed projects with the Jefferson County Comprehensive Plan and development regulations.

(1) Given the extensive investment that public agencies and a broad spectrum of the public have made and will continue to make in Jefferson County's Comprehensive Plan and development regulations, it is essential that project review start from the fundamental land use planning choices made in the Comprehensive Plan and regulations. If the Comprehensive Plan or regulations identify the type of land use, specify density and identify and provide for the provision of public facilities needed to review the proposed development and site, these decisions, at a minimum, provide the foundation for further project review unless there is a question of code interpretation. The project review process, including the environmental review process under Chapter 43.21C RCW and the consideration of consistency, should start from this point and should not reanalyze these land use planning decisions in making a permit decision, unless the county finds that the Comprehensive Plan and regulations do not fully foresee site-specific issues and impacts identified through land use project application review.

(2) Comprehensive plans and development regulations adopted by the county under Chapter 36.70A RCW (the Growth Management Act), sub-area plans, and environmental policies, laws and rules adopted by the county, the state, and the federal government address a wide range of environmental subjects and impacts. These provisions typically require environmental studies and contain specific standards to address various impacts associated with a proposed development (e.g., building size and location, drainage, transportation requirements, and protection of environmentally sensitive areas). When the county applies these existing requirements to a proposed project, some or all of a project's potential environmental impacts may be avoided or otherwise mitigated. Through the integrated project review process described in Articles I through V of this chapter, the administrator will determine whether existing requirements, including the applicable regulations or plans, adequately analyze and address a project's environmental impacts. Project review generally should not require additional studies and mitigation under Chapter 43.21C RCW where existing regulations adequately address a proposed project's probable significant adverse environmental impacts. Development regulations enable project review through the application of established scientific standards, required studies and standard mitigation measures. [Ord. 8-06 § 1]

### **18.40.020 Procedures for processing project development permit applications.**

For the purpose of project permit processing under this code, all development permit applications shall be classified as one of the following: Type I, Type II, Type III, or Type IV. Legislative decisions are classified as Type V actions and are addressed in Chapter 18.45 JCC. Exemptions from the requirements of project permit application processing are set forth in JCC [18.40.080](#). [Ord. 8-06 § 1]

**18.40.030 Determination of proper type of procedure.**

(1) Determination by the Administrator. The administrator shall determine the proper procedure for all development applications. If there is a question as to the appropriate type of procedure, the administrator shall resolve it in favor of the higher numbered procedure type, except as specifically authorized for discretionary conditional use permits under JCC [18.40.520](#)(2).

(2) Optional Consolidated Permit Processing. An application that involves two or more procedures may be processed collectively under the highest numbered procedure required for any part of the application or processed individually under each of the procedures identified by this code. The applicant may determine whether the application shall be processed collectively or individually. If the application is processed under the individual procedure option, the highest numbered type procedure must be processed prior to the subsequent lower numbered procedure.

(3) Decision-maker(s). The board of county commissioners is the highest decision-maker, followed by the hearing examiner and the administrator. Joint public hearings with other agencies shall be processed in accordance with JCC [18.40.050](#).

(4) Administrator. Upon issuance of a determination of completeness as described in JCC [18.40.110](#), the administrator shall assign a project planner to the project who will coordinate and be responsible for all phases of development application administration.

(5) SEPA Review. Project review conducted pursuant to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall occur concurrently with project review. The SEPA review process, including all public comment procedures, is set forth in Article X of this chapter. Nothing contained in Articles I through V of this chapter shall be construed as restricting the need for full environmental review in accordance with Articles VI-C through VI-K of Chapter 18.15 JCC, and Article X of this chapter. [Ord. 8-06 § 1]

**18.40.040 Project permit application framework.**

**Table 8-1. Permits – Decisions**

Type I <sup>1</sup>	Type II	Type III	Type IV	Type V
Septic permits	Classification of unnamed and discretionary uses under Article II of	Reasonable economic use variances under JCC 18.15.220	Final plats under Chapter	Special use permits under JCC 18.15.110

	Chapter 18.15 JCC		18.35 JCC	
Allowed uses not requiring notice of application (e.g., “Yes” uses listed in Table 3-1 in JCC 18.15.040, building permits, etc.)	Release of six-year FPA moratorium for an individual single-family residence under JCC 18.20.160	PRRDs under Article VI-M of Chapter 18.15 JCC and major amendments to PRRDs under JCC 18.15.545(3)	Final PRRDs under Article VI-M of Chapter 18.15 JCC	Jefferson County Comprehensive Plan amendments under Chapter 18.45 JCC
Minor amendments to planned rural residential developments (PRRDs) under JCC 18.15.545	Cottage industries under JCC 18.20.170	Shoreline substantial development permits for secondary uses, and conditional and variance permits under the Jefferson County Shoreline Master Program (SMP)		Amendments to development regulations including amendments to this UDC and the Land Use Districts Map
Home businesses approved under JCC 18.20.200	Short subdivisions under Article IV of Chapter 18.35 JCC	Plat alterations and vacations under JCC 18.35.030(3)		Amendments to the Jefferson County SMP
Temporary outdoor use permits under JCC 18.20.380	Binding site plans under Article V of Chapter 18.35 JCC	Long subdivisions under Article V of Chapter 18.35 JCC		Subarea and utility plans and amendments thereto
Stormwater management permits under JCC 18.30.070	Administrative conditional use permits under JCC <a href="#">18.40.520(1)</a> [i.e., listed in Table 3-1 in JCC 18.15.040 as “C(a)”]	Discretionary conditional use permits under JCC <a href="#">18.40.520(2)</a> [i.e., listed in Table 3-1 in JCC 18.15.040 as “C(d)”] where		Development agreements and amendments thereto under Article XI of this chapter

		required by administrator	
Road access permits under JCC 18.30.080	Discretionary conditional use permits under JCC <a href="#">18.40.520</a> (2) [i.e., listed in Table 3-1 in JCC 18.15.040 as "C(d)"] unless Type III process required by administrator	Conditional use permits under JCC <a href="#">18.40.520</a> (3) (i.e., uses listed in Table 3-1 in JCC 18.15.040 as "C")	Master plans for master planned resorts
Sign permits under JCC 18.30.150	Minor variances under JCC <a href="#">18.40.640</a> (1)	Major variances under JCC <a href="#">18.40.640</a> (2)	
Boundary line adjustments under Article II of Chapter 18.35 JCC	Shoreline substantial development permits for primary uses under Jefferson County SMP	Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC	
Minor adjustments to approved preliminary short plats under JCC 18.35.150	Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC	Major industrial development conditional use approval under Article VIII of Chapter 18.15 JCC	
Minor amendments to approved preliminary long plats under JCC 18.35.340	Small-scale recreation and tourist (SRT) uses in SRT overlay district under JCC 18.15.572.	Forest practices release of a moratorium under Chapter 18.20 JCC	
Site plan approval	Plat alterations		

advance determinations under Article VII of this chapter	under JCC 18.35.670.			
Exemptions under the Jefferson County SMP	Appeals of enforcement actions under Chapter 18.50 JCC			
Revisions to permits issued under the Jefferson County SMP				

<sup>1</sup> If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC [18.40.150](#) through [18.40.220](#) and Article X of this chapter (the SEPA integration section).

**Table 8-2. Action Types – Process**

		Project Permit Application Procedures (Types I – IV)				Legislative
		Type I	Type II	Type III	Type IV	Type V
Recommendation made by:	Project planner	Project planner	Project planner	N/A	Planning commission <sup>1</sup>	
Final decision made by:	Administrator	Administrator	Hearing examiner	Board of county commissioners	Board of county commissioners	
Notice of application:	No	Yes	Yes	No	N/A	
Open record public hearing:	No	Only if administrator's decision is appealed, open record hearing before hearing examiner	Yes, before hearing examiner, prior to permit decision by the hearing examiner	No	Yes, before planning commission to make recommendation to board of county commissioners	
Closed record appeal/final decision:	No	No	No	N/A	Yes, or board of county commissioners	

				could hold its own hearing
Judicial appeal:	Yes	Yes	Yes	Yes <sup>2</sup>

<sup>1</sup>Type V land use actions are subject to review and recommendation by the planning commission. However, utility plans and moratoria and interim zoning controls adopted under RCW 36.70A.390 are not subject to review and consideration by the planning commission.

<sup>2</sup>Pursuant to RCW 36.70A.250 and 36.70A.280, the Western Washington Growth Management Hearings Board (WWGMHB) is authorized to hear and determine petitions alleging that the county is not in compliance with the requirements of Chapter 36.70A RCW, Chapter 90.58 RCW as it relates to the adoption of the Shoreline Master Program, or Chapter 43.21C RCW as it relates to plans, development regulations, or amendments, adopted under RCW 36.70A.040 or Chapter 90.58 RCW. Direct judicial review may also be obtained pursuant to RCW 36.70A.295.

If not categorically exempt pursuant to SEPA, Type I projects shall be subject to the notice requirements of JCC [18.40.150](#) through [18.40.220](#) and Article X of this chapter (the SEPA integration section).

**SUMMARY OF DECISION-MAKING**

- Type I: In most cases, administrative without notice. However, if a Type I permit is not categorically exempt under SEPA, then, administrative with notice.
- Type II: Administrative with notice. Final decision by administrator unless appealed. If appealed, open record hearing and final decision by hearing examiner.
- Type III: Notice and open record public hearing before the hearing examiner. Final decision by hearing examiner. Appeal to superior court.
- Type IV: Closed record decision by board of commissioners during a regular public meeting. Type IV decisions are purely ministerial in nature (see Article IV of Chapter 18.35 JCC).
- Type V: Except for utility plans, notice and public hearing before planning commission, with planning commission recommendation to board of commissioners. Notice of public hearings provided prior to final legislative decisions (see Chapter 18.45 JCC).

[Ord. 8-06 § 1]

**18.40.050 Joint public hearings (other public agency hearings).**

(1) Administrator's Decision to Hold Joint Public Hearings. The administrator may combine any public hearing on a project permit application with any hearing that may be held by another local, state, regional, federal, or other agency on the proposed action, as long as the hearing is held within the county and the requirements of subsection (3) of this section are met.

(2) Applicant's Request for a Joint Hearing. The applicant may request that the public hearing on a permit application be combined as long as the joint hearing can be held within the time periods set forth in this chapter. In the alternative, the applicant may agree to a particular schedule if additional time is needed in order to complete the hearings.

(3) Prerequisites to a Joint Hearing. A joint public hearing may be held with another local, state, regional, federal or other agency and the county, as long as:

(a) The other agency is not expressly prohibited by statute from doing so;

(b) Sufficient notice of the hearing is given to meet each of the agencies' adopted notice requirements as set forth in statute, ordinance or rule; and

(c) The agency has received the necessary information about the proposed project from the applicant in enough time to hold its hearing at the same time as the local government hearing.

[Ord. 8-06 § 1]

**18.40.060 Legislative enactments.**

(1) Decision. The following decisions are legislative, and are not subject to the procedures in this chapter, unless otherwise specified:

(a) Unified Development Code text, and land use district amendments (i.e., Land Use Map amendments);

(b) Area-wide rezones to implement county policies contained within the Jefferson County Comprehensive Plan and amendments thereto;

(c) Adoption of the Jefferson County Comprehensive Plan and any plan amendments;

(d) Shoreline master program adoption and amendments; and

(e) All other master land use, subarea, functional and/or utility plans and amendments thereto.

(2) Procedures. Except as otherwise provided in this chapter, the procedures for the legislative decisions specified in this chapter are set forth in Chapter 18.45 JCC. [Ord. 8-06 § 1]

**18.40.070 Legislative enactments not restricted.**

Nothing in this chapter shall limit the authority of the county to make changes to the Jefferson County Comprehensive Plan as part of an annual revision process, this Unified Development Code or any of the county's other development regulations, or to undertake any other legislative actions. [Ord. 8-06 § 1]

**18.40.080 Exemptions from project permit processing.**

(1) Applicability. Whenever a permit or approval in the Jefferson County Unified Development Code has been designated as a Type II, III or IV permit, the procedures set forth in Articles I through IV of this chapter shall be followed in project permit processing. The following permits or approvals are specifically excluded from the procedures set forth in this chapter:

- (a) Landmark designations;
- (b) County road vacations; and
- (c) As authorized under RCW 43.21C.031 (2)(a), public works projects identified as planned actions in the Jefferson County Comprehensive Plan or any amendments thereto. Planned actions are those public or private projects specifically identified by county ordinance or resolution adopted after environmental review conducted in conjunction with the adoption or annual amendment of the Comprehensive Plan.

(2) Exemptions. If categorically exempt under SEPA, Chapter 42.31C RCW, Type I permits shall not be subject to the following provisions contained in this chapter<sup>1</sup>:

- (a) The notice of application requirements of JCC [18.40.150](#) through [18.40.220](#);
- (b) Except as provided in RCW 36.70B.140, optional consolidated project permit review processing under JCC [18.40.030](#)(2);
- (c) Joint public hearings under JCC [18.40.050](#); and
- (d) A single report stating that all decisions and recommendations made as of the date of the report on all project permits included in the consolidated permit process that do not require an open public record predecision hearing and any recommendations on project permits that do not require an open record predecision hearing, as further set forth in RCW 36.70B.060(5).

(3) Notice of Decision. Unless the applicant waives the time deadlines in writing, all Type I permits shall be processed within 120 calendar days after the applicant files a complete application, subject to JCC [18.40.110](#). [Ord. 8-06 § 1]

## Article II. Project Permit Applications (Type I – IV)

### 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. 3-13 § 1]

**18.40.100 Development permit application.**

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(1) Information Required for All Applications. Applications for project permit decisions shall be submitted upon forms provided by the administrator. A project permit application is complete when it meets the submission requirements of this section. An application shall consist of all materials required by the relevant section of this code or other applicable county ordinance or regulation, and shall also include the following general information:

- (a) A completed project permit application form, including a SEPA checklist unless categorically exempt from SEPA;
- (b) A verified statement by the applicant that the property affected by the application is in the exclusive ownership of the applicant, or that the applicant has submitted the application with the written consent of all owners of the affected property, and proof of ownership of the property;
- (c) Identification of a single contact person or entity to receive determinations and notices required by this code;
- (d) A legal description of the site, including the Jefferson County assessor's parcel number;
- (e) The applicable fee as set forth in the Jefferson County fee ordinance;
- (f) For each building permit necessitating potable water, evidence of available and adequate water supply and, if applicable, compliance with the requirements established by the Jefferson County department of health for the provision of water; evidence may be in the form of a water right permit from the Department of Ecology, or another form sufficient to verify the existence of an adequate water supply;
- (g) Evidence of septic approval, a valid pending septic application, or sewer availability and, if applicable, compliance with the requirements established by the Jefferson County department of health for wastewater disposal;
- (h) A site plan, showing the location of all proposed lots and points of access and identifying all easements, deeds, restrictions or other encumbrances restricting the use of the property, if applicable. All information should be accurate, legible and generally should be drawn to a scale no smaller than one inch equals 50 feet for a plot larger than one acre and no smaller than one inch equals 25 feet for a plot one acre or smaller; and
- (i) Identification of other local, state and federal permits required for the proposal, to the extent known by the applicant.

(2) Commercial, Industrial, Multifamily and Small-Scale Recreational and Tourist Uses – Additional Application Requirements. In addition to the general information required under subsection (1) of this section, all building permit applications involving commercial, industrial, multifamily, and small-scale recreational and tourist uses listed in Table 3-1 in JCC 18.15.040 shall include a site plan prepared by a civil engineer, architect or landscape architect licensed in the state of Washington that includes or graphically depicts the following information:

- (a) Compass direction and graphic scale;
- (b) Total gross acreage;
- (c) Proposed and existing structures including building envelopes and building setback lines;
- (d) Distances between all proposed and existing buildings;
- (e) All proposed or existing uses;
- (f) The layout of an internal vehicular and pedestrian circulation system, including proposed ingress and egress for vehicles and roadway widths, and additional right-of-way if required on substandard roads;
- (g) The location of significant geographic features on the site and immediately adjoining properties;
- (h) Corner grades and existing contours of topography at five-foot contour intervals;
- (i) Proposed development or use areas;
- (j) Property lines, adjoining streets, and immediately adjoining properties and their ownership;
- (k) Existing and proposed grades and volume and deposition of excavated material;
- (l) A preliminary drainage plan;
- (m) Locations of all existing and proposed utility connections;
- (n) Parking spaces and driveways;
- (o) Proposed landscaping; and
- (p) The location and extent of wetlands, floodplains and other environmentally sensitive areas.

(3) Additional Application Requirements. In addition to the information required under subsections (1) and (2) of this section, the administrator may require additional information or studies in order for the application to be considered complete. Such information may include, but is not necessarily limited to,

the following:

- (a) A phasing plan, acreage of phases, and time schedule, if the site is intended to be developed in phases;
- (b) Enumeration of the number of persons that will reside in a dwelling(s);
- (c) Documentation of the date and method of segregation for the subject property verifying that the lot or lots were not created in violation of the subdivision (i.e., either short or long) laws in effect at the time of creation, or identifying whether the lots were created prior to the advent of Chapter 58.16 RCW in 1937;
- (d) A recorded survey of the subject property in order to verify property boundaries and setback measurements.

(4) Application Requirements in Other Applicable Regulations. Applications for the following land use permits must satisfy JCC [18.40.100](#)(1), (2) and, if required, (3), and the following provisions of this Unified Development Code and applicable county ordinances and regulations:

- (a) Building permits under the Jefferson County building code, Chapter 15.05 JCC, or its successor ordinance;
- (b) On-site septic systems pursuant to Chapter 8.15 JCC;
- (c) Reasonable economic use variance permits under JCC 18.15.220;
- (d) Planned rural residential developments (PRRDs) under Article VI-M of Chapter 18.15 JCC;
- (e) Cottage industries under JCC 18.20.170;
- (f) Home businesses under JCC 18.20.200;
- (g) Temporary outdoor use permits under JCC 18.20.380;
- (h) Stormwater management permits under JCC 18.30.070;
- (i) Sign permits under JCC 18.30.150;
- (j) Boundary line adjustments under Article II of Chapter 18.35 JCC;
- (k) Short plats under Article III of Chapter 18.35 JCC;
- (l) Long plats under Article IV of Chapter 18.35 JCC;
- (m) Binding site plans under Article V of Chapter 18.35 JCC;

- (n) Site plan approval advance determinations under Article VII of Chapter [18.40](#) JCC;
- (o) Written exemptions, shoreline substantial development permits for primary and secondary uses, and shoreline conditional use and variance permits under the Jefferson County Shoreline Master Program;
- (p) Wireless telecommunications permits under JCC 18.20.130 and Chapter 18.42 JCC; and
- (q) Plat alterations under Article VII of Chapter 18.35 JCC.

All application requirements identified in other code sections that supplement or supersede the requirements of this chapter shall be met before an application is deemed complete.

(5) Waivers. The administrator may waive any specific submittal requirements determined to be unnecessary for review of any application. In such event, the administrator shall document the waiver in the project file or project log. [Ord. 8-06 § 1]

**18.40.110 Submission of acceptance of application determination of completeness – Additional information and project revision.**

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(1) Determination of Completeness. Within 28 calendar days after receiving a project permit application the administrator shall mail a determination to the applicant that states either that:

- (a) The application is complete; or
- (b) The application is incomplete and information necessary to make the application complete.

(2) Identification of Other Agencies with Jurisdiction. To the extent known by the county, other agencies with jurisdiction over the project permit application shall be identified in the county's determination of completeness.

(3) Incomplete Application Procedure – Appeal.

(a) If the applicant receives a determination that the application is incomplete or that additional information is required, the applicant shall have 90 calendar days to submit the necessary information to the administrator, or to appeal the decision to the hearing examiner in accordance with the procedures for Type II projects. Within 14 calendar days after the applicant has submitted the additional information, the administrator shall again make the determination described in subsection (2) of this section.

(b) If the applicant refuses to submit additional information, does not request additional time to submit the required information within the 90-calendar-day period, or does not appeal the decision, the application will be considered abandoned and therefore withdrawn and the applicant shall forfeit the application fee. The department of community development shall not be

responsible for notifying the applicant of an impending expiration.

(4) County's Failure to Provide a Determination of Completeness. A project permit application shall be deemed complete under this section if the administrator does not provide a written determination to the applicant that the application is incomplete as provided in subsection (1) of this section.

Notwithstanding a failure to provide a determination of completeness, the administrator may request additional information as provided in subsection (6) of this section.

(5) Date of Acceptance of Application. A project permit application is complete for purposes of this section when it meets the submission requirements in JCC [18.40.100](#), as well as any additional submission requirements contained in other applicable provisions of this code. This determination of completeness shall be made when the application is sufficient for continued processing even though additional information may be required or project modifications may be undertaken after submittal. When the project permit application is determined to be complete, the administrator shall accept it and note the date of acceptance in the project file. Upon providing a determination of completeness, the administrator shall assign the project to a project planner.

(6) Additional Information. The administrator's determination of completeness shall not preclude the administrator from requiring additional information, that the applicant correct plans or perform studies at any time if new information is required for project review, or if there are substantial changes in the proposed action.

(a) Any period during which the administrator has requested the applicant to correct plans, perform required studies, or provide additional information shall be excluded from the 120-day time period or other applicable time period set forth in JCC [18.40.320](#).

(b) The time period for requiring additional information shall be calculated from the date the administrator notifies the applicant of the need for additional information until the earlier of:

(i) The date the administrator determines whether the information satisfies the request for information; or

(ii) Fourteen calendar days after the date the information has been provided to the administrator.

(7) Effect of Project Permit Application Revisions – Substantial Revisions. If, in the judgment of the administrator, the content of an application is so substantially revised by an applicant, either voluntarily or to conform to applicable standards and requirements, that such revised proposal constitutes a substantially different proposal than that originally submitted, the administrator shall deem the revised proposal to be a new application.

(a) In reaching a decision whether a revision is substantial, the administrator shall consider the

relative (to the application in its initial form) and absolute magnitude of the revision, the environmental sensitivity of the site, any changes in location of significant elements of the project and their relation to public facilities, surrounding lands and land uses and the stage of review of the proposal.

(b) Lesser revisions that would not constitute substantial revisions during early stages of review may be substantial during later stages due to the reduced time and opportunity remaining for interested parties to review and comment upon such changes.

(c) Written notice of such determination of substantial revision shall be provided to the applicant and all parties of record, including the reasons for the administrator's decision.

(d) A determination that any revision is substantial shall result in the time periods mandated by this chapter starting from the date at which the revised project application is determined to be complete. The revised project application shall be subject to all laws, regulations and standards in effect on the date of the determination of completeness of the substantial revision. [Ord. 8-06 § 1]

**18.40.120 Referral and review of development permit applications.**

Upon acceptance of a complete application, the administrator shall do the following:

(1) Transmit a copy of the application, or appropriate parts of the application, to each affected agency and county department for review and comment, including those agencies responsible for determining compliance with state and federal requirements. The affected agencies and county departments shall have 14 calendar days to comment, except that state agencies shall have 28 days to comment on special reports per Article VI-D, Environmentally Sensitive Areas District (ESA), of Chapter 18.15 JCC et al., including habitat management plans and wetland mitigation plans. Affected agencies and county departments are presumed not to have comments if not submitted within the 14-calendar-day period, or 28-calendar-day period, as above; provided, that the administrator may grant an extension of time if needed. Additionally, in the event that the state agency or agencies involved communicate verbally or in writing intention to waive the opportunity to submit comments, the corresponding state agency comment period shall terminate and be so noted in the case file.

(2) Applications for developments and planned actions subject to the State Environmental Policy Act (SEPA), Chapter 43.21C RCW, shall be reviewed in accordance with the policies and procedures contained in Article X of this chapter. SEPA review shall be conducted concurrently with development project review. The following are exempt from concurrent review:

- (a) Projects categorically exempt from SEPA; and
- (b) Components of planned actions previously reviewed and approved in the Jefferson County

Comprehensive Plan or amendments thereto to the extent permitted by law and consistent with the SEPA determination for the planned action.

(3) If a Type II or III procedure is required, DCD shall provide for notice and/or hearing as set forth in Article III of this chapter. [Ord. 8-06 § 1]

**18.40.130 Scope of project review.**

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(1) Fundamental land use planning choices made in the Jefferson County Comprehensive Plan, subarea plans, this Unified Development Code and any other applicable development regulations shall serve as the foundation for project review. The review of a proposed project's consistency with this Unified Development Code under JCC [18.40.140](#), other applicable development regulations, or in the absence of applicable regulations, the adopted Jefferson County Comprehensive Plan or subarea plan(s), shall incorporate the data collected under this section.

(2) During project review, the administrator or any subsequent reviewing body (e.g., the hearing examiner) shall determine whether the items listed in this subsection are defined in this Unified Development Code or any other applicable development regulations applicable to the proposed project or, in the absence of applicable regulations, the adopted Jefferson County Comprehensive Plan or subarea plan(s). At a minimum, such regulations or plans shall be determinative of the:

(a) Type of land use permitted at the site, including uses that may be allowed under certain circumstances, such as planned rural residential developments and conditional uses, if the criteria for their approval have been satisfied;

(b) Density of residential development; and

(c) Availability and adequacy of public facilities identified in the Jefferson County Comprehensive Plan, if the plan provides funding of these facilities.

(3) During project review, the administrator shall not re-examine alternatives to or hear appeals on the items identified in subsection (2) of this section.

(4) The administrator may determine that the requirements for environmental analysis and mitigation measures in this Unified Development Code and other applicable regulations provide adequate mitigation for some or all of the project's specific probable significant adverse environmental impacts to which the requirements apply. In making this determination the administrator shall:

(a) Determine if the applicable regulations require measures that are sufficient to adequately address site-specific, probable significant adverse environmental impacts identified through project application review; and

(b) Determine whether additional studies are required and/or whether the project permit

application should be conditioned with additional mitigation measures.

(5) Nothing in this section shall be construed as limiting the authority of the county to approve, condition, or deny a project as provided in this Unified Development Code or any other development regulations adopted under the authority of Chapters 36.70A and/or 43.21C RCW, including project review under Articles VI-D through VI-I of Chapter 18.15 JCC, and Article X of this chapter. [Ord. 8-06 § 1]

#### **18.40.140 Project consistency.**

(1) A proposed project's consistency with this Unified Development Code or other development regulations adopted under Chapter 36.70A RCW or, in the absence of applicable development regulations, the appropriate elements of the Jefferson County Comprehensive Plan or subarea plan adopted under Chapter 36.70A RCW shall be determined by consideration of:

- (a) The type of land use;
- (b) The level of development such as units per acre or other measures of density;
- (c) Infrastructure, including public facilities and services needed to serve the development; and
- (d) The character of the development.

(2) In determining consistency, the determinations made pursuant to JCC [18.40.130](#) shall be controlling.

(3) For purposes of this section, the term "consistency" shall include all terms used in this chapter and Chapter 36.70A RCW to refer to performance in accordance with this chapter and Chapter 36.70A RCW, including, but not limited to, compliance, conformity, and consistency.

(4) Nothing in this section requires documentation, dictates procedures for considering consistency, or limits the administrator from asking more specific or related questions with respect to any of the four main categories listed in subsections (1)(a) through (1)(d) of this section.

(5) For purposes of assisting in determining consistency with the UDC for a particular project permit, the administrator shall also utilize review of the site plan submittal required by JCC [18.40.100](#) (1)(h) to ensure compliance with the requirements of Chapters 18.20 and 18.30 JCC. [Ord. 8-06 § 1]

### **Article III. Public Notice Requirements**

#### **18.40.150 Public notice – Generally.**

(1) Public notice is not required for Type I projects that are categorically exempt from SEPA. If not SEPA exempt, Type I projects are subject to the notice of application and SEPA notice requirements set forth in JCC [18.40.160](#) through [18.40.220](#) and Article X of this chapter.

(2) Public notice of the notice of application and of the open record predecision public hearing, if any, is required for all Type II and Type III actions. Published notice is not required for closed record public meetings before the county commissioners (i.e., Type IV approvals of long plats and PRRDs), because no new testimony or evidence is allowed at such meetings or hearings. Mailed notice of closed record public hearings shall be provided to all parties of record.

(3) Public notice is not required for other Type IV actions because no public hearing is held.

(4) Public notice of Type V legislative actions must be published as described in Chapter 18.45 JCC and as required by state law.

(5) The applicant shall be responsible for all costs of public notice. [Ord. 8-06 § 1]

**18.40.160 Notice of application – When required.**

The administrator shall issue a notice of application on all Type II and Type III project permit applications. [Ord. 8-06 § 1]

**18.40.170 Notice of application – Time of issuance.**

The administrator shall issue the notice of application within 14 calendar days of issuing the determination of completeness. If an open record predecision public hearing is required for the requested project permit(s), the notice of application shall be issued at least 15 calendar days prior to the public hearing. [Ord. 8-06 § 1]

**18.40.180 Notice of application – SEPA exempt projects.**

A notice of application shall not be required for project permits that are categorically exempt under SEPA, unless a public comment period or an open record predecision hearing is required. A notice of application shall be required for all Type II projects, regardless of whether such projects are exempt from SEPA. [Ord. 8-06 § 1]

**18.40.190 Notice of application – Contents.**

The notice of application shall include the following:

- (1) The name and address of the applicant or the applicant's representative;
- (2) The date of application, the date of the notice of completion for the application, and the date of the notice of application;
- (3) The street address location of the project or, if unavailable, a description of the subject property reasonably sufficient to inform the public of its location, which may include a vicinity location (map), the location in reference to roadway intersections, or a written description (rural route box or

subdivision lot and block alone are not sufficient);

(4) A description of the proposed project action, use or development and a list of project permits included in the application and, if applicable, a list of any additional studies requested under JCC [18.40.110](#)(6);

(5) The identification of state, federal or other permits required by other agencies with jurisdiction not included in the application, to the extent known by the county;

(6) The identification of existing environmental documents that evaluate the proposed project, and the location of where the application and any studies can be reviewed;

(7) The name and phone number of the contact project planner;

(8) A statement of the limits of the public comment period, which shall be 14 calendar days following the date of the notice of application (or 20 or 30 calendar days if the application involves a permit under the Jefferson County Shoreline Master Program, as further set forth in JCC [18.40.220](#));

(9) Statements of the right of any person to comment on the application, receive notice of and participate in any hearings, request a copy of the decision once made, and any appeal rights;

(10) A statement of the preliminary determination, if one has been made at the time of the notice of application, of the proposed project's consistency with applicable development regulations and of those development regulations that will be used for project mitigation, as provided in RCW 36.70B.040 and JCC [18.40.140](#);

(11) Pursuant to WAC 197-11-355, a statement on the first page of the notice of application that:

(a) The optional DNS process of WAC 197-11-355 is being used;

(b) This may be the only opportunity to comment on the environmental impacts of the proposal;

(c) The proposal may include mitigation measures under applicable development regulations, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

(d) A copy of the subsequent threshold determination may be obtained upon request, and will be mailed to any person commenting upon the notice of application. In addition, the notice of application shall list the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

(12) The date, time, place and type of hearing, if applicable, and if scheduled prior to the date of the notice of application;

(13) A statement of when and where a copy of the application, all supporting documentation and evidence relied upon by the applicant, and applicable development regulations may be available for public inspection;

(14) A statement that a copy of the staff report will be available for inspection at no cost to the public at least seven calendar days prior to the public hearing (if applicable); and

(15) Any other information the administrator determines appropriate. [Ord. 8-06 § 1]

**18.40.200 Notice of application – SEPA integration.**

Except for a determination of significance (DS), the county may not issue its threshold determination until the expiration of the public comment period on the notice of application. If the county has made a determination of significance under Chapter 43.21C RCW concurrently with the notice of application, the notice of application may be combined with the threshold determination and the scoping notice for a draft environmental impact statement (DEIS). However, nothing in this chapter prevents a DS and scoping notice from being issued prior to the notice of application. [Ord. 8-06 § 1]

**18.40.210 Notice of application – Mailing, publication, and posting requirements.**

(1) Published Notice. The administrator shall publish notice in the official county newspaper at least once. Published notice shall include the project's road or street address or location, project description, type(s) of permit(s) required, comment period dates, and location where the complete application and notice of application may be reviewed.

(2) Posting. The applicant shall post a notice of application on the property as follows:

(a) A single notice board shall be placed at the midpoint of the site road frontage or as otherwise directed by the county for maximum visibility, where it is completely visible to vehicle traffic and pedestrians.

(b) Additional notice boards may be required where the site does not abut a public road, for a large site that abuts more than one public road, or the administrator determines that additional notice boards are necessary to provide adequate public notice.

(c) Notice boards shall be constructed and installed in accordance with any specifications promulgated by the county.

(d) Notice boards shall be maintained in good and legible condition by the applicant during the notice period, be in place at least 15 calendar days prior to the date of the hearing, and be removed within 15 calendar days after the end of the notice period.

(e) The applicant prior to the hearing or final comment date shall submit an affidavit of posting to the administrator. If the affidavit is not filed as required, any scheduled hearing or date by which

the public may comment on the application will be postponed in order to allow compliance with this notice requirement.

(3) Mailing.

(a) The administrator shall send a notice of application by mail to the applicant, the owners of the subject property (if different from the applicant), and to all owners of property within 300 feet of any portion of the exterior boundaries of the subject property. The DCD shall be responsible for preparation of the list of adjacent property owners; provided, that the administrator retains the authority to require the applicant to supply and certify the list of adjacent property owners in circumstances where the information is not readily available to the county. DCD shall obtain addresses for mailed notice shall from the county's geographic information system (GIS) or real property tax records. The administrator shall make a notation in the file affirming mailing of notice to all persons entitled to notice under this chapter.

(b) All public notices shall be deemed to have been provided or received on the date the notice is deposited in the mail or personally delivered, whichever occurs first. Failure to send notice by mail shall not invalidate such proceedings where the owner appears at the hearing or receives actual notice. [Ord. 8-06 § 1]

**18.40.220 Notice of application – Public comment.**

(1) Length of Comment Period. The comment period shall be 14 calendar days from the date of the notice of application, except as may otherwise be provided for commenting on preliminary plat applications (i.e., 20 days pursuant to RCW 58.17.095 (2)), for commenting on scoping and draft and final environmental impact statements pursuant to WAC 197-11-408 and 197-11-500 and Article X of this chapter, and for commenting on permits under the Jefferson County Shoreline Master Program (SMP) (see subsection (2) of this section).

(2) Comment Periods for Permits Under the Jefferson County Shoreline Master Program (SMP). The content of notice under the SMP shall be identical to the notice set forth in JCC [18.40.190](#) except that:

(a) The public may provide comments on a shoreline development permit application for 30 calendar days after the notice of application (notice for shoreline permits is longer than the comment period for other Type II and III permits pursuant to RCW 90.58.140(4)); and

(b) The public comment period shall be 20 calendar days for a shoreline permit for limited utility extensions or for construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion (see RCW 90.58.140(11)); and

(c) A notice of application for a shoreline substantial development permit shall notify the public of the 20-day or 30-day comment period.

(3) Comments may be mailed, personally delivered or sent by facsimile. Comments shall be as specific as possible.

(4) The administrator will receive public comments during regular business hours any time up to and during the open record hearing, if any, or if there is no predecision hearing, prior to the decision on the project permit.

(5) The county may not issue a decision or recommendation on the project permit(s) until the expiration of the public comment period on the notice of application. [Ord. 8-06 § 1]

#### **18.40.230 Notice of public hearing.**

Notice of public hearing shall be provided not less than 10 calendar days prior to the hearing. If the notice of application does not specify a hearing date, a separate notice of public hearing shall be provided. For Type III projects, the notice of a threshold determination under SEPA may be combined with the notice of public hearing. Notice under this section shall be accomplished as follows:

(1) Published Notice. The administrator shall publish a notice of public hearing in the official county newspaper at least one time. This notice shall include (and republish if necessary) the appropriate information from JCC [18.40.190](#).

(2) Mailed Notice. The administrator shall send a notice of public hearing to all of the persons entitled to notice, as described in JCC [18.40.210](#)(3), including any person who submits written or oral comments on the notice of application.

(3) Posted Notice. Posted notice of the public hearing is required for all Type III project permit applications, which shall be posted as set forth in JCC [18.40.210](#)(2). In addition, notice of Type III preliminary plat actions and proposed subdivisions must be given as set forth in JCC [18.40.240](#). [Ord. 8-06 § 1]

#### **18.40.240 Additional public notice requirements – Type III preliminary plat actions.**

In addition to the notice for Type III actions above, pursuant to Chapter 58.17 RCW, additional notice for preliminary plats and proposed subdivisions shall be provided as follows:

(1) Notice of the filing of a preliminary plat application of a proposed subdivision located adjacent to or within one mile of the municipal boundaries of a city or town utilities shall be given to the appropriate city or town officials, pursuant to RCW 58.17.080 and 58.17.090.

(2) Notice of the filing of a preliminary plat application for a proposed subdivision located adjacent to the right-of-way of a state highway or within two miles of the boundary of a state or municipal airport shall be given to the Washington State Secretary of Transportation, who must respond as to the effect of the proposed subdivision on the state highway or airport within 15 calendar days of such notice.

(3) Special notice of the hearing shall be given to adjacent landowners by any other reasonable method the county deems necessary. Adjacent landowners are the owners of real property, as shown by the records of the county assessor, located within 300 feet of any portion of the boundary of the proposed subdivision. If the owner of the real property which is proposed to be subdivided owns another parcel or parcels of real property which lie adjacent to the real property proposed to be subdivided, mailed notice shall be given to owners of real property located within 300 feet of any portion of the boundaries of such adjacently located parcel(s). [Ord. 8-06 § 1]

**18.40.250 Optional additional public notice.**

(1) As optional methods of providing public notice of any project permits, the county may:

- (a) Notify the public or private groups with known interest in a certain proposal or in the type of proposal being considered;
- (b) Notify the news media;
- (c) Place notices in appropriate regional or neighborhood newspapers or trade journals;
- (d) Place public notice in agency newsletters or send notice to agency mailing lists, either general lists or lists for specific proposals or subject areas;
- (e) Mail to neighboring property owners; or
- (f) Place notices on the Internet.

(2) The county's failure to provide the optional notice as described in this section shall not be grounds for invalidation of any permit decision. [Ord. 8-06 § 1]

**Article IV. Project Review and Approval Processes**

**18.40.260 Administrative approvals without notice (Type I).**

The administrator may approve, approve with conditions, or deny (with or without prejudice) all Type I permit applications which are categorically exempt from SEPA without notice (see Tables 8-1 and 8-2 in JCC [18.40.040](#), and JCC [18.40.080\(2\)](#)). Type I projects that are not categorically exempt under SEPA shall be subject to the notice of application and comment period provisions of JCC [18.40.150](#) through [18.40.220](#), and the SEPA notice requirements of Article X of this chapter. The administrator's decision under this section shall be final on the date issued, and may not be appealed to the hearing examiner. [Ord. 8-06 § 1]

**18.40.270 Administrative approval subject to notice (Type II).**

(1) The administrator may approve, grant preliminary approval, approve with conditions, or deny (with or without prejudice) all Type II permit applications, subject to the notice and appeal requirements of

this article and Article III of this chapter. The administrator shall issue written findings and conclusions supporting all Type II decisions.

(2) Type II administrative decisions shall become final subject to the following: an applicant or party of record may appeal the decision to the hearing examiner for an open record hearing, as further set forth in Article V of this chapter. [Ord. 8-06 § 1]

**18.40.280 Hearing examiner review and decision (Type III decisions and appeals of Type II decisions).**

(1) The hearing examiner shall review and make findings, conclusions and a decision on all Type III permit applications and appeals of Type II decisions.

(2) For Type III actions, the administrator shall prepare a staff report on the proposed development or action summarizing the comments and recommendations of county departments, affected agencies and special districts, and evaluating the development's consistency with this Unified Development Code, adopted plans and regulations. The staff report shall include proposed findings, conclusions and recommendations for disposition of the development application. The staff report shall include and consider all written public comments on the application.

(3) Upon receiving a recommendation from the administrator or notice of any other matter requiring the hearing examiner's attention (e.g., an appeal of a Type II administrative decision), the hearing examiner shall perform the following actions as appropriate:

(a) Hold an open record predecision hearing on a Type III permit application and make a decision after reviewing the recommendation of the administrator; or

(b) Hold an open record appeal hearing and make a decision on the following matters:

(i) Appeals of Type II administrative decisions;

(ii) Appeals of administrative interpretations made under Article VI of this chapter;

(iii) Appeals of SEPA threshold determinations made pursuant to Article X of this chapter (other than determinations of significance); and

(iv) Other matters not prohibited by law.

(4) The hearing examiner shall conduct a public hearing on all Type III development proposals and appeals of Type II administrative decisions for the purpose of taking testimony, hearing evidence, considering the facts germane to the proposal or appeal, and evaluating the proposal or appeal for consistency with this Unified Development Code, adopted plans and regulations. Notice of the hearing examiner hearing shall be in accordance with JCC [18.40.230](#). As applicable, all appeals of

administrative interpretations made under Article VI of this chapter, and appeals of SEPA threshold determinations made under Article X of this chapter (other than determinations of significance (DS)) shall be considered together with the decision on the project application in a single, consolidated public hearing.

(5) In addition to the approval criteria listed elsewhere in this Unified Development Code, the hearing examiner shall not approve a proposed development unless he/she first makes the following findings and conclusions:

- (a) The development adequately mitigates impacts identified under Articles VI-D through VI-I of Chapter 18.15 JCC (i.e., environmentally sensitive areas) and Article X of this chapter (i.e., SEPA implementing provisions);
- (b) The development is consistent with the Jefferson County Comprehensive Plan and meets the requirements and intent of this Unified Development Code;
- (c) The development is not detrimental to the public health, safety and welfare;
- (d) For subdivision applications, findings and conclusions shall be issued in conformance with Chapter 18.35 JCC and RCW 58.17.110.

(6) In the hearing examiner's decision regarding Type III actions and appeals of Type II administrative decisions, the hearing examiner shall adopt written findings and conclusions.

(a) The hearing examiner's decision following closure of an open record predecision public hearing on a Type III action shall include one of the following actions:

- (i) Approve;
- (ii) Approve with conditions;
- (iii) Deny without prejudice (reapplication or resubmittal is permitted); or
- (iv) Deny with prejudice (reapplication or resubmittal is not permitted for one year).

(b) A hearing examiner's decision following an open record appeal hearing on a Type II administrative decision, on a SEPA threshold determination on a Type II administrative decision, or on a SEPA threshold determination on a Type III permit decision shall include one of the following actions:

- (i) Grant the appeal in whole or in part;
- (ii) Deny the appeal in whole or in part; or

(iii) If appropriate, in a proceeding involving a SEPA appeal of a threshold determination consolidated with the hearing on a Type III permit application, continue the open record public hearing pending SEPA compliance.

(c) The hearing examiner decision shall be issued within 10 working days unless a longer period is agreed upon by the hearing examiner and the applicant. [Ord. 8-06 § 1]

**18.40.290 Board of county commissioners action (Type IV decisions).**

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(1) The board of county commissioners shall make a decision after reviewing Type IV actions during a regularly scheduled meeting.

(2) In its decision, the board of county commissioners shall make its decision by motion, resolution or ordinance, as appropriate. [Ord. 8-06 § 1]

**18.40.300 Procedures for public hearings.**

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Public hearings (including open record appeals of Type II decisions and open record predecision hearings on Type III permit applications) shall be conducted in accordance with the hearing examiner's rules of procedure and shall serve to create or supplement an evidentiary record upon which the hearing examiner will base his/her decision. In cases where scientific standards and criteria affecting project approval are at issue, the hearing examiner shall allow orderly cross-examination of expert witnesses presenting reports and/or scientific data and opinions. The hearing examiner may address questions to any party who testifies at a public hearing. The hearing examiner shall open the public hearing and, in general, observe the following sequence of events:

(1) Staff presentation, including submittal of any administrative reports. The hearing examiner may ask questions of the staff;

(2) Applicant presentation, including submittal of any materials. The hearing examiner may ask questions of the applicant;

(3) Testimony or comments by the public germane to the matter;

(4) Rebuttal, response or clarifying statements by the staff and the applicant;

(5) The evidentiary portion of the public hearing shall be closed and the hearing examiner shall deliberate on the matter before him/her;

(6) Pursuant to RCW 36.70.970, each final decision of the hearing examiner shall be in writing and shall include findings and conclusions, based on the record, to support the decision. Such findings and conclusions shall also set forth the manner in which the decision would carry out and conform to the Jefferson County Comprehensive Plan, this Unified Development Code and any other applicable county development regulations. Each final decision of the hearing examiner, unless the applicant and

hearing examiner mutually agree to a longer period in writing, shall be rendered within 10 working days following conclusion of all testimony and hearings. [Ord. 8-06 § 1]

#### **18.40.310 Reconsideration.**

A party of record at a public hearing may seek reconsideration only of a final decision by filing a written request for reconsideration with the hearing examiner within five business days of the date of the final written decision. The request shall comply with JCC [18.40.330](#)(5)(b). The hearing examiner shall consider the request without public comment or argument by the party filing the request, and shall issue a decision within 10 working days of the request. If the request is denied, the previous action shall become final. If the request is granted, the hearing examiner may immediately revise and reissue his/her decision or may call for argument in accordance with the procedures for closed record appeals. Reconsideration should be granted only when an obvious legal error has occurred or a material factual issue has been overlooked that would change the previous decision. [Ord. 8-06 § 1]

#### **18.40.320 Final decision.**

(1) Finality. All administrative interpretations made pursuant to Article VI of this chapter and Type II and III project permit decisions under this code shall be final unless appealed pursuant to Article V of this chapter.

(2) Finding and Conclusions. Each final decision of the hearing examiner and, in the case of certain Type V decisions, as more fully set forth in Chapter 18.45 JCC, the board of county commissioners shall be in writing and shall include findings and conclusions based on the record.

(3) Notice of Final Decision.

(a) Except for those permits exempted under JCC [18.40.080](#), upon issuance of the final decision, the administrator shall provide a notice of decision that includes a statement of all determinations made under SEPA and the procedures for administrative appeal, if any, of the permit decision. The notice of decision may be a copy of the report or decision on the project permit application. It shall also state that affected property owners may request a change in valuation for property tax purposes notwithstanding any program of revaluation fully set forth in RCW 36.70B.130.

(b) A copy of the notice of decision shall be mailed or hand delivered to the applicant, any person who, prior to the rendering of the decision, requested notice of the decision, and to all persons who submitted substantive written comments on the application. The notice of decision shall be posted and published as set forth in JCC [18.40.210](#)(1) and (2), and shall be provided to the Jefferson County assessor.

(4) Timing of Notice of Final Decision. The final decision on a development proposal shall be made within 120 calendar days from the date of the determination of completeness unless:

(a) Certain days are excluded from the time calculation pursuant to subsection (5) of this section;

(b) The application involves a shoreline permit application for limited utility extensions (RCW 90.58.140(13)(b)) or construction of a bulkhead or other measures to protect a single-family residence and its appurtenant structures from shoreline erosion. In those cases, the decision to grant or deny the permit shall be issued within 21 calendar days of the last day of the comment period specified in JCC [18.40.220\(2\)](#);

(c) The application involves a preliminary long plat application under Article IV of Chapter 18.35 JCC. In such cases, the application shall be approved, disapproved, or returned to the applicant for modification or correction within 90 days from the date of the determination of completeness; or

(d) The application involves a final short plat application under Article III of Chapter 18.35 JCC, or a final long plat application under Article IV of Chapter 18.35 JCC. In such cases, the application shall be approved, disapproved or returned to the applicant within 30 days from the date of the determination of completeness.

(5) Calculation of Time Periods for Issuance of Notice of Final Decision. In determining the number of calendar days that have elapsed since the determination of completeness, the following periods shall be excluded:

(a) Any period during which the applicant has been requested by the county to correct plans, perform studies, or provide additional information. The period shall be calculated as set forth in JCC [18.40.110\(6\)\(b\)](#).

(b) If substantial project revisions are made or requested by an applicant, the 120 calendar days will be calculated from the time the county determines the revised application is complete and issues a new determination of completeness.

(c) All time required for the preparation of an environmental impact statement (EIS) following a determination of significance (DS) pursuant to Chapter 43.21C RCW.

(d) Any period for open record appeals of project permits under JCC [18.40.330](#); provided, however, that the time period for the hearing and decision shall not exceed a total of 90 calendar days.

(e) Any extension of time mutually agreed upon by the county and the applicant.

(f) Any time required for the preparation of an administrator's code interpretation pursuant to Article VI of this chapter.

(6) The time limits established in this chapter do not apply if a project permit application:

(a) Requires an amendment of the Jefferson County Comprehensive Plan or this Unified Development Code; or

(b) Requires approval of the siting of an essential public facility as provided in RCW 36.70A.200.

(7) Notice to Applicant. If the county is unable to issue its final decision on a project permit application within the time limits provided for in this chapter, it shall provide written notice of this fact to the project applicant. The notice shall include a statement of reasons why the time limits have not been met and an estimated date for issuance of the notice of decision.

(8) Effective Date. The final decision of the administrator, hearing examiner, or board of county commissioners shall be effective on the date stated in the decision, motion, resolution or ordinance; provided, however, that the appeal periods shall be calculated from the date of the decision, as further provided in JCC [18.40.330](#) and [18.40.340](#). [Ord. 8-06 § 1]

## Article V. Appeals

### **18.40.330 Administrative appeals.**

In the absence of a specific right of appeal authorized under this UDC, there shall be no right to administrative appeals.

(1) Type I Permits. Decisions of the Administrator on Type I permits and decisions regarding the appropriate permit process to be used for discretionary conditional use permit applications (i.e., “C(d)” uses listed in Table 3-1 in JCC 18.15.040) under JCC [18.40.520](#), are not appealable to the hearing examiner. However, administrative code interpretations may be appealed as set forth in Article VI of this chapter.

(2) Type II Permits.

(a) The administrator’s final decision on a Type II permit application may be appealed by a party of record to the hearing examiner for an open record appeal hearing as further set forth in JCC [18.40.280](#). The responsible official’s SEPA determination of nonsignificance (DNS) or mitigated determination of nonsignificance (MDNS) may also be appealed by a party of record to the hearing examiner for an open record appeal hearing. Administrative appeals of a DS or draft or final EIS are not allowed.

(b) All appeals of Type II permit decisions must be in writing, conform with the procedures for appeal set forth in subsection (5) of this section, and be filed within 14 calendar days after the notice of decision is issued. Appeals of environmental determinations under SEPA, except for a

determination of significance (DS), shall be consolidated with any open record hearing on the project permit. (See RCW 36.70B.110(6)(d)).

(3) Type III Permits.

(a) The responsible official's DNS or MDNS may be appealed to the hearing examiner by the applicant or anyone commenting on the environmental impacts of the proposal (as further set forth in JCC [18.40.780](#)). The appeal must be in writing, in conformance with subsection (5) of this section, and be filed within 14 calendar days after the threshold determination is issued as set forth in subsection (4) of this section. Appeals of environmental determinations under SEPA shall be consolidated with any open record hearing on the project permit. (See RCW 36.70B.110(6)(d)). Administrative appeals of a DS or draft or final EIS are not allowed.

(4) Calculation of Appeal Periods. The appeal periods shall be calculated as of the date the notice of decision is published or, for appeals involving a SEPA determination, from the date the decision is issued pursuant to WAC 197-11-340(2)(d).

(5) Procedure for Appeals.

(a) A notice of appeal shall be delivered to the administrator by mail or by personal delivery, and must be received by 4:00 p.m. on the last business day of the appeal period, with the required appeal fee pursuant to the Jefferson County fee ordinance.

(b) The notice of appeal shall contain a concise statement identifying:

(i) The decision being appealed and the identification of the application which is the subject of the appeal;

(ii) The name, address, and phone number of the appellant and his/her interest in the matter;

(iii) Appellant's statement describing standing to appeal (i.e., how he or she is affected by or interested in the decision);

(iv) The specific reasons why the appellant believes the decision to be wrong. The appellant shall bear the burden of proving the decision was wrong;

(v) The desired outcome or changes to the decision; and

(vi) A statement that the appellant has read the appeal and believes the contents to be true, signed by the appellant.

(c) Any notice of appeal not in full compliance with this section shall not be considered. [Ord. 8-06 § 1]

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**18.40.340 Judicial appeals.**

(1) Time to File Judicial Appeal. The applicant or any aggrieved party may appeal from the final decision of the administrator, hearing examiner, or to a court of competent jurisdiction in a manner consistent with state law. All appellants must timely exhaust all administrative remedies prior to filing a judicial appeal.

(2) Service of Appeal. Notice of appeal and any other pleadings required to be filed with the court shall be served by delivery to the county auditor (see RCW 4.28.080), and all persons identified in RCW 36.70C.040, within the applicable time period. This requirement is jurisdictional.

(3) Cost of Appeal. The appellant shall be responsible for the cost of transcribing and preparing all records ordered certified by the court or desired by the appellant for the appeal. Prior to the preparation of any records, the appellant shall post an advance fee deposit in an amount specified by the county auditor with the county auditor. Any overage will be promptly returned to the appellant.  
[Ord. 8-06 § 1]

**Article VI. Unified Development Code Interpretation**

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**18.40.350 Purpose.**

An interpretation of the provisions of this Unified Development Code is intended to clarify conflicting or ambiguous wording, interpret proper classification of a use, or interpret the scope or intent of the provisions of this code; provided, however, that interpretations of the provisions adopted under the Jefferson County building code, Chapter 15.05 JCC, or its successor ordinance, may not be requested under this article. An interpretation of the provisions of this code may not be used to amend the code. Further, code interpretations are not considered a project permit action subject to "typing" and the public notice requirements contained in Articles I through V of this chapter. [Ord. 8-06 § 1]

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**18.40.360 Submission requirements.**

(1) Who May Request Interpretation. Any person may request a written interpretation of the provisions of this code. Additionally, the administrator may issue an interpretation on the administrator's own initiative.

(2) The administrator may require that any request that seeks interpretation of more than four UDC sections be broken down into smaller requests, each requiring the standard fee. The administrator may limit the code interpretation to what is deemed necessary to clarify the section and may decline responding to requests that are deemed excessive or onerous or those that ask hypothetical questions.

(3) Submittal Requirements. Any person requesting an interpretation of this code shall submit a written request specifying each provision of the code for which an interpretation is requested, why an

interpretation of each provision is necessary, and any reasons or materials in support of a proposed interpretation. The applicant shall pay the fee set forth in the Jefferson County fee ordinance or an administrator's interpretation.

(4) Factors for Consideration. In making an interpretation of the provisions of this code, the administrator should consider the following, as applicable:

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

(5) Conflicts with Other Regulations. Where conflicts occur between the provisions of this code and the Jefferson County building code, Chapter 15.05 JCC, or its successor ordinance, or other regulations of the county, the more restrictive shall apply. If any conflict between the land use districts map and the text of this code ensue, the text of this code shall prevail. [Ord. 8-06 § 1]

#### **18.40.370 Administrator's decision.**

(1) The DCD administrator's decision on a request for an interpretation shall include the name of the applicant, the description of the subject proposal, the language of the provisions of this code subject to interpretation, the explanation of the DCD administrator's interpretation, and any other necessary information reasonably related to the proposal.

(2) Response to Written Request. The DCD administrator shall mail a written response to any person filing a written request to interpret the provisions of this code within 28 calendar days of having received the request; provided, however, that when a request is made by a permit applicant while a project is pending and after a determination of completeness has been issued, the permit applicant must agree to waive the time frame required under Article IV of this chapter to allow for preparation of the interpretation, and any changes to the project that the interpretation might require. [Ord. 8-06 § 1]

#### **18.40.380 Time limitation and enforcement.**

(1) Time Limitation. An interpretation of this code remains in effect unless and until rescinded in writing by the administrator, or superseded by a formal amendment under JCC 18.45.090.

(2) Enforcement. An interpretation of this code issued in accordance with this article may be enforced in the same manner that any provision of this code is enforced (see Chapter 18.50 JCC). All written interpretations of this code, with a current index of such interpretations shall be maintained by DCD and made available for public inspection. [Ord. 8-06 § 1]

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**18.40.390 Appeals of administrator’s interpretations.**

When an interpretation is made in response to a written request pursuant to the provisions of this article, the person filing the written request may appeal the decision of the administrator to the hearing examiner within 14 calendar days of the decision using the process for appeals of Type II permit decisions as set forth in JCC [18.40.330](#). The fee for such appeal shall be as set forth in the Jefferson County fee ordinance and must be paid by the appellant at the time of filing the appeal. [Ord. 8-06 § 1]

**18.40.400 Judicial appeal.**

Appeals from the final decision of the hearing examiner shall be made to the Jefferson County superior court within 21 calendar days of the date the decision or action becomes final, as set forth in JCC [18.40.340](#). All appeals must conform to the provisions of JCC [18.40.340](#), and are subject to the requirements set forth in that section. [Ord. 8-06 § 1]

**Article VII. Site Plan Approval Advance Determinations**

**18.40.410 Purpose.**

The purpose of this article is to allow prospective buyers, owners or developers of land a means to obtain advance determinations of the site requirements and constraints to particular parcels without undertaking the risk or expense of applying for a “triggering” building or other development permit. It is intended to reduce the cost of development and aid in the facilitation of predevelopment financing for applicants. [Ord. 8-06 § 1]

**18.40.420 Scope.**

All “Yes” uses identified in Table 3-1 in JCC 18.15.040, or classified as such by the administrator pursuant to Article II of Chapter 18.15 JCC, that require issuance of a building or septic permit are eligible to obtain site plan approval advance determination. Advanced site plan approval may be granted without an accompanying building or development permit only upon completion of an administrative review process to ensure consistency with the performance standards of Chapter 18.20 JCC, the development standards of Chapter 18.30 JCC and other applicable requirements of the UDC. The decision of the administrator regarding site plan review may be appealed only as part of an appeal of an underlying building or other construction or development permit decision. [Ord. 8-06 § 1]

**18.40.430 Application requirements.**

Each application for site plan approval advance determination shall include the information required by JCC [18.40.100](#)(1) and must identify the specific proposed use of the property for which the application is being submitted. Any commercial, industrial, small-scale recreational and tourist use, or multifamily residential use listed as a “Yes” use in Table 3-1 in JCC 18.15.040, or classified as such by the administrator, that seeks site plan approval advance determination under this article shall also be subject to the additional application submittal requirements of JCC [18.40.100](#)(2) and the preapplication

conference requirements of JCC [18.40.090](#). The administrator may require additional information subject to the specific submittal requirements of JCC [18.40.100](#)(3) and (4), where determined by the administrator to be necessary for review of a site plan approval advance determination application. For the purposes of meeting the requirements of this article, the application requirements of JCC [18.40.100](#)(1)(g) shall be interpreted to require the submittal of soil logs and other applicable information pursuant to WAC 246-272-11001 and the Jefferson County Code necessary to determine compliance with the Jefferson County health department regulations regarding on-site septic disposal.

The administrator may waive specific submittal requirements determined to be unnecessary for review of a site plan approval advance determination application. [Ord. 8-06 § 1]

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**18.40.440 Application review.**

Review of applications for site plan review shall be as follows:

(1) Review Procedures. When the administrator determines that an application is technically complete, as defined in JCC [18.40.110](#), the application shall be processed as a Type I permit under procedures specified in Article IV of this chapter.

(2) Referral and Review of Application. The administrator shall transmit a copy of the application, or appropriate parts of the application, to affected agencies and county departments for review and comment. [Ord. 8-06 § 1]

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**18.40.450 Approval criteria.**

Site plans shall be approved upon showing that all of the following have been satisfied:

(1) The proposed site plan conforms to all applicable county, state and federal, land use, environmental and health regulations and plans, including but not limited to the following:

- (a) The Jefferson County Comprehensive Plan; and
- (b) The provisions of this code, including any incorporated standards;

(2) Adequate provisions for utilities and other public services necessary to serve the needs of the proposed site plan have been demonstrated, including open spaces, drainage ways, roads, and other public ways, potable water, sewage disposal, fire flow and other improvements;

(3) The probable significant adverse environmental impacts of the proposed site plan, together with any practical means of mitigating adverse impacts, have been considered such that the proposal will not have an unacceptable adverse effect upon the quality of the environment, in accordance with the State Environmental Policy Act (SEPA) implementing provisions contained within this chapter and Chapter 43.21C RCW;

(4) Approving the proposed site plan will serve the public use and interest and adequate provision has been made for the public health, safety and general welfare. [Ord. 8-06 § 1]

**18.40.460 Duration of approval.**

Approval of the site plan shall be effective for five years from the date of original approval by the administrator. If a building permit has not been issued within the five-year period, the site plan approval shall expire. An expired site plan approval advance determination cannot be revived or extended except by new application that must meet all then-existing criteria and conditions listed in this article. Knowledge of the expiration date and shall be the responsibility of the applicant. The county will not provide notification prior to expiration. [Ord. 8-06 § 1]

**18.40.470 Limitations on approval.**

Approval of the site plan shall not guarantee the performance of specific site features or improvements (e.g., wells, septic systems, stormwater drainage facilities, etc.) and any proposal granted a site plan approval advance determination shall not be immune from changes in state or federal laws which are enacted or have an effective date after the date of the site plan approval advance determination and which may affect the performance and implementation of the site plan and associated use or activity. Any subsequent land division or boundary line adjustment of a parcel or lot which has received site plan approval advance determination under this article shall void such site plan approval and require a new site plan approval advance determination application. Approval of a site plan under this section does not constitute authority to commence any development or building activity until such time as final authorizing permits are issued (e.g., septic, wells, stormwater management, or building permits, etc.). [Ord. 8-06 § 1]

**18.40.480 Modifications to an approved site plan.**

(1) Minor modifications to a previously approved site plan under this article may be requested by the applicant and approved by the administrator subject to the provisions for Type I decisions; provided, that the modification does not involve any of the following:

- (a) A change of proposed land use to one other than that approved for the original site plan;
- (b) The location or relocation of a road or street (excluding driveways, internal parking or accessways);
- (c) An adjustment that crosses land use district boundaries where the administrator reasonably believes that the adjustment is intended to serve as a rationale for a future site-specific land use district redesignation application;
- (d) The creation of an additional lot, tract or parcel;
- (e) Would create a site plan for a parcel that does not qualify as a building site pursuant to this

code;

(f) Would make the site plan inconsistent with any restrictions or conditions of approval for a recorded short plat, long plat, boundary line adjustment, plat amendment or binding site plan.

(2) Before approving such an amendment, the administrator shall make written findings and conclusions documenting the following conditions:

(a) The modification will not be inconsistent or cause the site plan to be inconsistent with the decision of the county preliminarily approving the application;

(b) The modification will not violate the intent of the original conditions of application approval; and

(c) The modification will not cause the site plan approval advance determination to violate any applicable county policy or regulation.

(3) Modifications that involve the circumstances described in subsection (1) of this section, or exceed the criteria set forth in subsection (2) of this section, shall be processed as a new site plan approval advance determination application. [Ord. 8-06 § 1]

### **Article VIII. Conditional Uses**

#### **18.40.490 Purpose.**

The purpose of the conditional use permit process is to provide flexibility in the application of the use regulations contained in this code in order to accommodate uses that may be appropriate in an established district under certain circumstances, but inappropriate in the same district under others. At the time of application, a review of the location, design, configuration, and potential impact of the proposed use shall be conducted by comparing the use to the goals and policies established in the Jefferson County Comprehensive Plan and to adopted development standards. This review shall determine whether the proposed use should be permitted by weighing the public need or the benefit to be derived from the use against the impact that it may cause. [Ord. 8-06 § 1]

#### **18.40.500 Scope.**

This article shall apply to each application for a conditional use permit. Only those uses indicated by a "C(a)," "C(d)" or "C" opposite the use in Table 3-1 in JCC 18.15.040 will be considered for a conditional use permit. [Ord. 8-06 § 1]

#### **18.40.510 Application submittal and contents.**

(1) The application for a conditional use permit shall be submitted to DCD on forms provided by the department, along with the appropriate fees established under the Jefferson County fee ordinance. The application shall include all materials required pursuant to JCC [18.40.100](#).

(2) The administrator may waive specific submittal requirements determined to be unnecessary for review of an application. [Ord. 8-06 § 1]

**18.40.520 Conditional use permit types – Review processes.**

(1) Applications for uses listed as an administrative conditional use permit (i.e., “C(a)”) in Table 3-1 in JCC 18.15.040 shall be processed according to the procedures for Type II land use decisions established in Article IV of this chapter.

(2) Applications for uses listed as discretionary conditional use permits (i.e., “C(d)”) in Table 3-1 in JCC 18.15.040 shall, at a minimum, be processed according to the procedures for Type II land use decisions established in Article IV of this chapter. However, in accordance with this subsection, the administrator may on a case-by-case basis refer a discretionary conditional use permit application to the hearing examiner to be processed according to the procedures for Type III land use decisions established in Article IV of this chapter.

(a) Required Findings. Prior to referring an application for a use listed as “C(d)” in Table 3-1 in JCC 18.15.040 to the hearing examiner, the administrator shall make one or both of the following findings:

(i) In the exclusive, discretionary judgment of the administrator, the application involves potentially significant issues relating to location, design, configuration, and potential impacts to surrounding properties and the community that can be more appropriately considered and addressed through an open public record pre-decision hearing before the Jefferson County hearing examiner; or

(ii) In the exclusive, discretionary judgment of the administrator, the application seeks approval of a use involving complex legal issues necessitating special expertise in the decision-maker.

(b) Timing. The administrator shall determine whether or not to refer an application to the hearing examiner, for a public hearing, concurrent with the determination of completeness required under JCC [18.40.110](#)(1).

(c) Discretion of the Administrator. The administrator’s decision to refer an application to the hearing examiner under this subsection to be processed as a Type III application shall be for the purpose of affording maximum fairness in decision-making and procedural due process protection, and shall not affect the substantive applicability of local, state or federal policies or law applicable to any permit application. The decision to refer any application to the hearing examiner to be processed as a Type III application rests exclusively within the discretion of the administrator.

(d) No Notice or Hearing Required. Because the administrator's decision to refer (or not to refer) an application for a use listed as "C(d)" in Table 3-1 in JCC 18.15.040 to the hearing examiner for a public hearing rests solely in the administrator's discretion, the county is not required to provide prior notice of the administrator's decision. The administrator shall not be required to hold a public hearing on such a decision. The decision of the administrator made pursuant to this subsection (2) shall not constitute an appealable administrative decision.

(3) Applications for uses listed as a "C" in Table 3-1 in JCC 18.15.040 shall be processed according to the procedures for Type III land use decision established in Article IV of this chapter. [Ord. 8-06 § 1]

**18.40.530 Approval criteria for all conditional uses.**

(1) The county may approve or approve with modifications an application for a conditional use permit (i.e., uses listed in Table 3-1 in JCC 18.15.040 as "C(a)," "C(d)" or "C") if all of the following criteria are satisfied:

(a) The conditional use is harmonious and appropriate in design, character and appearance with the existing or intended character and quality of development in the vicinity of the subject property and with the physical characteristics of the subject property;

(b) The conditional use will be served by adequate infrastructure including roads, fire protection, water, wastewater disposal, and stormwater control;

(c) The conditional use will not be materially detrimental to uses or property in the vicinity of the subject parcel;

(d) The conditional use will not introduce noise, smoke, dust, fumes, vibrations, odors, or other conditions or which unreasonably impact existing uses in the vicinity of the subject parcel;

(e) The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the conditional use will not unreasonably interfere with allowable development or use of neighboring properties;

(f) The pedestrian and vehicular traffic associated with the conditional use will not be hazardous to existing and anticipated traffic in the vicinity of the subject parcel;

(g) The conditional use complies with all other applicable criteria and standards of this code and any other applicable local, state or federal law; and more specifically, conforms to the standards contained in Chapters 18.20 and 18.30 JCC;

(h) The proposed conditional use will not result in the siting of an incompatible use adjacent to an airport or airfield;

- (i) The conditional use will not cause significant adverse impacts on the human or natural environments that cannot be mitigated through conditions of approval;
  - (j) The conditional use has merit and value for the community as a whole;
  - (k) The conditional use is consistent with all relevant goals and policies of the Jefferson County Comprehensive Plan; and
  - (l) The public interest suffers no substantial detrimental effect. Consideration shall be given to the cumulative effect of similar actions in the area.
- (2) In instances where all of the above findings cannot be made, the application shall be denied.
- (3) The administrator may consider applications for modifications of lawfully established conditional uses and developments approved under this code and conditional uses in existence on December 18, 2000, when the application proposes to bring the existing use substantially closer to compliance with the standards of this code. The administrator may approve, conditionally approve, or deny the modification application. A site plan conforming to the provisions of this chapter and Article II, Project Permit Applications (Type I – IV), of this chapter shall accompany the application showing the location, size and type of modification proposed by the applicant.
- (4) Modifications may be approved by the administrator under Type I review procedures; provided, that the cumulative modifications of the approved use will not exceed the following limitations:
- (a) The modification will not increase residential use by more than one unit, if allowed by the land use district;
  - (b) The modification will not increase the required amount of parking by more than 20 percent or 20 spaces (whichever is less);
  - (c) The proposed modification will not expand the total square footage of all structures and/or outdoor use areas, excluding parking, by more than 20 percent. In addition, the proposed expansion of the structure shall not result in total size of the structure exceeding the maximum building size limits in Chapter 18.30 JCC;
  - (d) The modification will not change or modify any special condition imposed under any previous official review;
  - (e) The modification will not significantly reduce the amount or location of required site screening;
  - (f) The modification will not expand an existing nonconforming use or structure, or render a

conforming use or structure nonconforming;

(g) The modification will not establish a new use;

(h) The modification will not expand a mining/site operation, mineral processing or mineral batching activity;

(i) In the determination of the administrator, the modification will not create or materially increase any adverse impacts or undesirable effects of the project, or cause the use or structure to become inconsistent with the Comprehensive Plan or the purpose of the land use class and district.

(5) All proposed uses, structures and site improvements (and modifications thereof) shall comply with the development standards of this code.

(6) Any proposed modification that does not meet all the requirements of this subsection shall not be approved through this process, but shall be reviewed through the current review procedures as outlined by this chapter.

(7) Decisions to administratively approve modifications shall be administered through a consistency review of development permits in accordance with this code and any previous conditions of approval. [Ord. 8-06 § 1]

**18.40.540 Additional conditions.**

The county may impose additional conditions on a particular use if it is deemed necessary for the protection of the surrounding properties, the neighborhood, or the general welfare of the public. The conditions may:

(1) Increase requirements in the standards, criteria or policies established by this code;

(2) Stipulate an exact location for the conditional use on the subject property as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic;

(3) Require structural features or equipment as a means of minimizing hazards to life, limb, property damage, erosion, landslides or traffic; or

(4) Contain restrictions or provisions deemed necessary to establish parity with uses permitted in the same zone with respect to avoiding nuisance generating features in matters of noise, odors, air pollution, wastes, vibration, traffic and physical hazards. [Ord. 8-06 § 1]

**18.40.550 Use of property before final decision.**

No building permit shall be issued for any use involved in an application for approval for a conditional use permit until the conditional use permit is approved and becomes effective. [Ord. 8-06 § 1]

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**18.40.560 Effective period – Expiration.**

(1) A conditional use permit automatically expires and becomes void if the applicant fails to file for a building permit or other necessary development permit within three years of the effective date (the date of the decision granting the permit) of the permit unless the permit approval provides for a greater period of time.

(2) Extensions to the duration of the original permit approval are prohibited.

(3) The department of community development shall not be responsible for notifying the applicant of an impending expiration. [Ord. 8-06 § 1]

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**18.40.570 Modification of a conditional use permit.**

The county may modify an approved conditional use permit as follows: the county may delete, modify or impose additional conditions upon finding that the use for which the approval was granted has been intensified, changed or modified by the property owner or by person(s) who control the property without approval so as to significantly impact surrounding land uses. A modification will be processed as a Type II land use decision pursuant to JCC [18.40.270](#). [Ord. 8-06 § 1]

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**18.40.580 Conditional use permit to run with the land.**

A conditional use permit granted under this article shall continue to be valid upon a change of ownership of the site, business, service, use or structure that was the subject of the permit application. No other use is allowed without approval of an additional conditional use permit. [Ord. 8-06 § 1]

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**18.40.590 Permit suspension or revocation.**

The county may suspend or revoke an approved conditional use permit pursuant to Chapter 18.50 JCC upon finding that:

(1) The use for which the approval was granted has been abandoned for a period of at least one year;

(2) Approval of the permit was obtained by misrepresentation of material fact; or

(3) The permit is being exercised contrary to the terms of approval. [Ord. 8-06 § 1]

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**18.40.600 Assurance device.**

In appropriate circumstances, the administrator may require a reasonable performance or maintenance assurance device, in a form acceptable to the county prosecutor, to assure compliance with the provisions of this code and the conditional use permit as approved. [Ord. 8-06 § 1]

**Article IX. Variances (Minor and Major)**

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**18.40.610 Purpose.**

The purpose of this article is to ensure that all persons and their property are guaranteed equal rights and opportunities under similar circumstances. A variance is never to be used to endow certain persons or property with special privileges denied to all others under similar circumstances. Variances may only be granted for dimensional, area and bulk requirements (e.g., height, setbacks, yard size, lot coverage, frontage, floor area and the like) specified by this code. [Ord. 8-06 § 1]

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**18.40.620 Scope.**

This article shall apply to all applications for variances from the provisions of this code, except for reasonable economic use variances and environmentally sensitive area buffer width reductions, which shall be governed by the provisions of Article VI-D of Chapter 18.15 JCC. [Ord. 8-06 § 1]

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**18.40.630 Application submittal and contents.**

(1) The application for a variance shall be submitted to DCD on forms provided by the department, along with the appropriate fees established under the Jefferson County fee ordinance. The application shall include all materials required pursuant to JCC [18.40.100](#).

(2) The administrator may waive specific submittal requirements determined to be unnecessary for review of an application. [Ord. 8-06 § 1]

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**18.40.640 Variance types – Review processes.**

The following are subject to this permit review process:

(1) Minor and Major Variances Distinguished.

(a) Minor variances include variances that would permit expansion of an existing building which would extend no more than 10 percent beyond the dimensional, area and bulk requirements specified by this code. Minor variances also include variances to allow expansion of an existing building that is nonconforming as to setback or lot coverage requirements when the proposed expansion would not:

(i) Increase the nonconformity of the building; and

(ii) Result in any portion of the building or expansion being located closer to an abutting property line than does the existing building at its nearest point to the property line.

(b) Major variances include all other variances (i.e., all variances not described in subsection (1)(a) of this section).

(2) Minor Variances. Applications for minor variances shall be processed according to the procedures for Type II land use decisions established in JCC [18.40.270](#).

(3) Major Variances. Applications for major variances shall be processed according to the procedures for Type III land use decisions established in Article IV of this chapter. [Ord. 8-06 § 1]

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**18.40.650 Approval criteria.**

A variance may be granted only if the applicant demonstrates all of the following:

- (1) The variance will not constitute a grant of special privilege inconsistent with the limitation upon uses of other properties in the vicinity and land use district in which the subject property is located;
- (2) The variance is necessary because of special circumstances relating to the size, shape, topography, location or surroundings of the subject property, to provide it with use rights and privileges permitted to other properties in the vicinity and in the land use district in which the subject property is located;
- (3) The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and land use district in which the subject property is located;
- (4) The special circumstances of the subject property make the strict enforcement of the provisions of this code an unnecessary hardship to the property owner;
- (5) The special circumstances are not the result of the actions of the applicant; and
- (6) The variance is consistent with the purposes and intent of this Unified Development Code. [Ord. 8-06 § 1]

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**18.40.660 Additional conditions.**

In granting any variance, the decision-maker may prescribe appropriate conditions and safeguards to assure that the purpose and intent of this code will not be violated. [Ord. 8-06 § 1]

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**18.40.670 Limitation on authority.**

The administrator or hearing examiner (as applicable) may not grant a variance under this article for the following:

- (1) The provisions of this code establishing allowed, conditional, discretionary and prohibited uses within the various land use districts (i.e., Table 3-1 in JCC 18.15.040);
- (2) The density provisions of this code;
- (3) The procedural or administrative provisions of this code; or
- (4) Any provision of this code which, by its terms, is not subject to a variance. [Ord. 8-06 § 1]

**18.40.680 Effective period – Expiration.**

- (1) A variance approval automatically expires and becomes void if the applicant fails to file for a building permit or other necessary development permit within three years of the date of the decision granting the variance unless the variance approval provides for a greater period of time.
- (2) Extensions to the duration of the original variance approval are prohibited.
- (3) The department of community development shall not be responsible for notifying the applicant of an impending expiration. [Ord. 8-06 § 1]

**18.40.690 Assurance device.**

In appropriate circumstances, the administrator or hearing examiner (as applicable) may require a reasonable performance or maintenance assurance device, in a form acceptable to the prosecuting attorney, to assure compliance with the provisions of this title and the variance as approved. [Ord. 8-06 § 1]

**Article X. State Environmental Policy Act (SEPA) Implementation**

**18.40.700 Authority.**

- (1) This section contains county procedures and policies implementing the State Environmental Policy Act (SEPA) (Chapter 43.21C RCW). Jefferson County adopts this article under RCW 43.21C.120, as amended, and WAC 197-11-904.
- (2) SEPA Rules – Adoption by Reference. The county hereby adopts by reference the SEPA rules, Chapter 197-11 WAC. The SEPA rules must be used in conjunction with this article. This article contains uniform usage and definitions of terms under SEPA and the SEPA rules. The county adopts by reference the definitions in WAC 197-11-700 et seq., as supplemented by Chapter 18.10 JCC. [Ord. 8-06 § 1]

**18.40.710 Purpose.**

The purpose of this article is to adopt regulations that implement SEPA, consistent with the SEPA rules. This is accomplished by ensuring that:

- (1) Environmental values are considered in making land use and agency decisions, and reasonable alternatives and conditions are identified and implemented to mitigate (as provided in this article) the adverse environmental impacts of proposed actions on the environment;
- (2) Adequate and timely environmental information is gathered and provided to decision-makers, and procedural delay and duplication is avoided; and
- (3) Opportunity for public involvement is included in the decision-making process. [Ord. 8-06 § 1]

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**18.40.720 Responsible official – Decision-making authority.**

(1) The responsible official shall be the administrator.

(2) For those proposals for which the county is the lead agency, the responsible official is vested with authority to and shall make the threshold determination, determine an exemption (if any), supervise scoping and preparation of any required environmental impact statement (EIS), administer the SEPA rules and this article, and perform any other functions assigned to the “lead agency” or “responsible official” by the SEPA rules.

(3) The responsible official shall be responsible for the written comments of the county in response to a consultation request:

- (a) Prior to issuance of a threshold determination;
- (b) For participation in scoping; or
- (c) For review of a draft environmental impact statement (DEIS).

(4) The department of community development (DCD) shall maintain all documents required by SEPA rules and make them available in accordance with Chapter 42.17 RCW (the Disclosure – Campaign Finances – Lobbying Records Act). [Ord. 8-06 § 1]

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**18.40.730 Lead agency determination and responsibilities.**

(1) The county department receiving application for or initiating a proposal that includes a non-exempt action shall determine the lead agency for the proposal under WAC 197-11-050 and WAC 197-11-922 through 197-11-940, unless lead agency has been previously established.

(2) When the county is lead agency, the responsible official shall supervise compliance with threshold determination requirements. If an EIS is required, that official shall supervise preparation of the EIS.

(3) When the county is not lead agency, the county shall use and consider the determination of nonsignificance (DNS), mitigated determination of nonsignificance (MDNS), or final environmental impact statement (FEIS) of the lead agency in making decisions on the proposal. Unless required under WAC 197-11-600 no DNS or EIS in addition to that issued by the lead agency shall be prepared. The county may, however, conduct supplemental environmental review under WAC 197-11-600.

(4) If the county receives a lead agency determination that appears inconsistent with criteria contained in WAC 197-11-922 through 197-11-940, it may object to the determination. Objection must be made to the agency that made the determination and must be resolved within 15 calendar days of receipt of the determination, or the county must petition the Department of Ecology for lead agency determination under WAC 197-11-946 within the 15-calendar-day period. The responsible official may initiate any such petition on behalf of the county.

(5) Any county department making lead agency determination for a private proposal shall require sufficient information to identify all other agencies with jurisdiction over the proposal. [Ord. 8-06 § 1]

**18.40.740 Initiation of SEPA review – Limitations on actions during review.**

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(1) Initiation of Review. The county's SEPA process begins when a permit application is submitted to the county, or when the county proposes to take an official action as defined in WAC 197-11-704.

(2) Limitations on Actions during SEPA Process. Until the responsible official issues a final DNS or FEIS and the SEPA appeal period has lapsed, the county shall not take any project action (issuing permits, approvals, etc.) on a nonexempt project, or take any nonproject action (decisions on policies, plans, programs, etc.), that would have an adverse environmental impact or would limit the choice of reasonable alternatives. [Ord. 8-06 § 1]

**18.40.750 Categorically exempt actions – Use of existing documents and analyses.**

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(1) Categorically Exempt Levels.

(a) Except as set forth in subsection (1)(b) of this section, Jefferson County adopts and incorporates by reference the categorical exemption levels set forth in WAC 197-11-800.

(b) Pursuant to WAC 197-11-800(1)(c)(v), the maximum exempt level for any landfill or excavation activity in Jefferson County shall be 500 cubic yards.

(c) Pursuant to WAC 197-11-800(1)(c)(ii), the maximum exempt level for the construction of a barn, loafing shed, farm equipment storage building, produce storage or packing structure, or similar agricultural structure, covering 30,000 square feet, and to be used only by the property owner or his or her agent in the conduct of farming the property. This exemption shall not apply to feed lots.

(d) Pursuant to WAC 197-11-800(1)(c)(iii), the maximum exempt level for the construction of an office, school, commercial, recreational, service or storage building with 12,000 square feet of gross floor area, and with associated parking facilities designed for up to 40 automobiles.

(e) Pursuant to WAC 197-11-800(1)(c)(iv), the construction of a parking lot designed for 40 automobiles shall be exempt.

(2) Categorically Exempt Actions. Actions categorically exempt under subsection (1) of this section do not require review under this article or the preparation of an environmental impact statement, and may not be conditioned or denied under SEPA, except as provided in WAC 197-11-305 and subsection (3) of this section.

(3) Use of Exemptions.

- (a) The responsible official will determine the applicability of a categorical exemption. The determination by the responsible official that a proposal is exempt from SEPA is final. None of the procedural requirements of this article (except as provided in WAC 197-11-305 and this subsection) apply to an exempt proposal.
- (b) If a proposal includes exempt and non-exempt actions, the responsible official shall determine the lead agency pursuant to WAC 197-11-050.
- (c) If a proposal includes exempt and non-exempt actions, the county may authorize exempt actions prior to compliance with procedural requirements of this article, except as provided in subsections (3)(d) through (3)(g) of this section.
- (d) Consistent with WAC 197-11-070, 197-11-305 and 197-11-800, the county may not authorize the use of exemptions for:
- (i) Actions that are not exempt;
  - (ii) Any action that would have a probable significant adverse environmental impact;
  - (iii) A series of exempt actions that are physically or functionally related which together would result in a probable significant adverse environmental impact for the overall project;  
or
  - (iv) Any action that would limit choice of alternatives.
- (e) The county may withhold approval of an exempt action that would lead to modification of the physical environment when such modification would serve no purpose if nonexempt action(s) were not approved (see WAC 197-11-305(1) (b)(i)).
- (f) The county may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if the non-exempt action(s) were not approved (see WAC 173-806-060).
- (g) Actions identified as categorically exempt from SEPA under WAC 197-11-800 shall remain exempt under SEPA even when located in one or more of the environmentally sensitive areas (ESAs) classified, designated and mapped under Article VI-D of Chapter 18.15 JCC. However, the categorical exemptions listed in WAC 197-11-800 shall not apply when undertaken wholly or partly on lands covered by water, regardless of whether or not such lands are mapped as ESAs. Proposals in areas subject to this subsection (3)(g) shall require environmental review and a threshold determination, and may be conditioned or denied under this article (see WAC 197-11-756, 197-11-800, and 197-11-908).

(4) Use of Existing Documents and Analyses. Procedures for the use, adoption, or incorporation of existing documents and analyses are provided in WAC 197-11-600, 197-11-610, 197-11-630, and 197-11-635.

(5) Planned Actions.

(a) The county may, as part of its planning processes, elect to perform or have performed for it in advance of any development proposal, the environmental review and analysis for certain actions and their probable impacts. These “planned actions” must be so designated by ordinance or resolution adopted by the county after the analysis of the actions and their impacts has been completed.

(b) Planned actions must be located in an urban growth area, a master planned resort (MPR), or a fully contained community, and meet the additional requirements contained in RCW 43.21C.031 (2)(a).

(c) The analysis must be sufficient to identify and analyze all probable significant impacts and most nonsignificant impacts of the actions, and to identify (and, optionally, provide) to a great extent the mitigation necessary (i.e., the significant impacts must be “adequately addressed” in an environmental impact statement).

(d) As a result of the analysis in subsections (5)(a) and (5)(c) of this section, a development proposal being prepared under a planned action does not require a threshold determination or the preparation of an environmental impact statement, but is subject to a full environmental review of its impacts and full requirements for mitigation as identified and specified by the review for the planned action in subsection (5)(c) of this section.

(e) If the environmental review identifies additional impacts not addressed by the planned action, a checklist and threshold determination shall be required. [Ord. 8-06 § 1]

#### **18.40.760 Analysis of nonexempt project and nonproject actions.**

The procedures and requirements in this article apply equally to project and nonproject actions.

(1) Submittal of Environmental Checklist.

(a) A completed environmental checklist shall be submitted with any application for a permit or approval not specifically exempted as per JCC [18.40.750\(1\)](#). However, a checklist is not required if the county and applicant agree that an EIS is required, if SEPA compliance has been completed, or if SEPA compliance has been initiated by another agency. The county shall use the checklist to determine lead agency and to make the threshold determination if the county is lead agency.

(b) Applicants for private proposals shall complete the checklist, and the county shall provide assistance as appropriate. For county proposals, the department initiating the proposal shall complete the checklist.

(2) Review of Project Impacts. The responsible official shall review the checklist, other information about a project, and the applicable regulations to review the environmental impacts of the project and make a threshold determination. In making this review the responsible official may determine:

(a) All of the project's probable significant adverse environmental impacts have been adequately identified and analyzed. If not, additional studies and analyses may be required;

(b) Some or all of the probable significant adverse environmental impacts have been adequately addressed and mitigated in this UDC and other development regulations adopted by Jefferson County, the Comprehensive Plan, or in other applicable local, state, or federal laws and rules by:

(i) Avoiding or otherwise mitigating the impacts; or

(ii) The county has designated as acceptable certain levels of service, land use designations, development standards, or other land use planning required or allowed by the Growth Management Act (Chapter 36.70A RCW).

Where probable significant adverse environmental impacts have not been adequately mitigated, the responsible official may condition the project with additional mitigation measures or deny the permit;

(c) To determine if the probable significant adverse environmental impacts have been addressed by an existing rule or law of another agency with jurisdiction, the county shall consult orally or in writing with that agency and may expressly defer to that agency. In making this deferral, the county shall base or condition its project approval on compliance with that agency's rules or laws;

(d) If the county bases or conditions its SEPA approval of the project wholly or in part on compliance with the requirements or mitigation measures identified in subsections (2)(b)(i) and (2)(b)(ii), during project review the county shall not impose additional mitigation under SEPA for those impacts so conditioned;

(e) Nothing in this subsection limits the authority of the county in its review or mitigation of a project to adopt or otherwise rely on environmental analyses and requirements under other laws, as provided by SEPA.

(3) Threshold Determination. The "threshold determination" is the decision regarding whether there is a reasonable likelihood that the project will have a probable significant adverse environmental impact

on an element of the environment. A threshold determination is required for any proposal that meets the definition of an “action” under WAC 197-11-704 and is not categorically exempt, a planned action, or subject to WAC 197-11-600(3). The responsible official shall make and publish the threshold determination for public comment as provided in JCC [18.40.780](#):

(a) Determination of Significance (DS). If a project may have a probable significant adverse environmental impact, a DS shall be issued, and an EIS shall be required. In determining an impact’s significance, the responsible official shall take into account the guidance in WAC 197-11-330 and 197-11-794, including:

(i) Locational, quantitative, and cumulative effects, severity and likelihood of the effects, and effects on environmentally sensitive or special areas; and

(ii) Mitigation measures that will be implemented. The responsible official shall not balance whether beneficial aspects of a proposal outweigh its adverse environmental impacts in determining significance.

(b) Determination of Nonsignificance (DNS). If a project will not have a significant adverse environmental impact, a DNS shall be issued.

(c) Request for Early Indication of DS. Pursuant to WAC 197-11-350(2) and (6), submission of an environmental checklist and prior to the responsible official’s threshold determination on a proposal, an applicant may ask the responsible official to indicate whether it is considering a DS. If the responsible official indicates a DS is likely, the applicant may clarify or change features of the proposal to mitigate the impacts that led the responsible official to consider a DS likely. The applicant shall revise the environmental checklist as may be necessary to describe the clarifications or changes. The responsible official shall make its threshold determination based upon the changed or clarified proposal. If a proposal continues to have one or more probable significant adverse environmental impacts, even with mitigation measures, an EIS shall be prepared. The county’s indication under this section that a DS appears likely shall not be construed as a determination of significance. Likewise, the preliminary discussion of clarifications or changes to a proposal shall not bind the county to a mitigated DNS.

(4) Mitigated Determination of Nonsignificance (MDNS). The responsible official may issue a MDNS as provided in this subsection and in WAC 197-11-350, based on conditions attached to the proposal by the responsible official or on changes to or clarifications of the proposal made by the applicant.

(a) Mitigation measures that justify issuance of a MDNS shall be incorporated in the DNS shall be deemed conditions of approval of the permit decision, and may be enforced in the same manner as any term or condition of the permit. The county may incorporate implementation or enforcement provisions in the MDNS and require performance guarantees.

(b) If the tentative county decision on a permit or approval does not include mitigation measures that were incorporated in a MDNS, the county shall evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (i.e., withdrawal of a DNS).

(5) The responsible official shall provide for prompt and coordinated review by government agencies and the public on compliance with applicable environmental laws and plans, including mitigation for specific probable significant adverse impacts arising from the project that have not been considered and addressed at the plan or development regulation level. The county may clarify or change features in their own proposal, and may specify mitigation measures in their DNSs, as a result of comments by other agencies or the public or as a result of additional agency planning (see WAC 197-11-350).

(6) Durations of comment periods are as provided in JCC [18.40.780](#). At the end of the comment period the threshold determination becomes final unless retained, modified, or withdrawn, and the appeal period begins.

(7) Preparation of EIS.

(a) Preparation of the draft environmental impact statement (DEIS) and final environmental impact statement (FEIS) and supplemental environmental impact statement (SEIS) are the responsibility of the county under the direction of the responsible official. Before the county issues an EIS the responsible official must be satisfied that it complies with this article and with Chapter 197-11 WAC. When a DS is issued, an opportunity will be provided to comment on the scope of the EIS that will be developed.

(b) The DEIS, FEIS or SEIS will be prepared by the county or by a consultant in accordance with county procedures established for consultant selection. If the county requires an EIS for a proposal and the responsible official determines that a consultant will prepare the EIS, the applicant shall be so notified immediately after completion of the threshold determination.

(c) The county may require an applicant to conduct specific investigations and to provide information the county does not possess. The applicant is not required to supply information for the purpose of EIS preparation if such information is not required under this article.

(d) If a consultant is preparing an EIS, the responsible official shall assure that the EIS is prepared in a responsible manner. The county shall:

- (i) Initiate and coordinate scoping and ensure that the consultant receives all substantive information submitted through the scoping process;
- (ii) Assist the consultant in obtaining information from applicants; and
- (iii) Direct the content and organization of the EIS.

- (e) The responsible official shall maintain procedures for preparation of EISs in accordance with the above.
- (8) The DNS and checklist, or FEIS, for non-exempt proposals shall accompany county staff recommendations to any appropriate decision-making body (e.g., the hearing examiner).
- (9) The county shall not take any action on the project permit application until the SEPA appeal period has lapsed.
- (10) Any appeal of the final SEPA determination shall be heard as provided in JCC [18.40.810](#). [Ord. 8-06 § 1]

**18.40.770 Substantive authority.**

- (1) The county may attach conditions to a permit or approval for nonexempt actions pursuant to WAC 197-11-660; provided, that:
  - (a) The conditions are necessary to mitigate probable significant adverse environmental impacts identified in environmental documents prepared pursuant to this code and Chapter 197-11 WAC;
  - (b) Such conditions are in writing;
  - (c) The mitigation measures included in such conditions are reasonable and capable of being accomplished;
  - (d) The responsibility to implement the mitigation measures are imposed only to the extent attributable to the identified adverse environmental impacts of the applicant's proposal, although voluntary additional mitigation may occur;
  - (e) The county has considered whether the requirements of the Jefferson County Comprehensive Plan and development regulations adopted to implement the Plan, as well as other local, state, and federal laws or rules, provide adequate analysis of and mitigation for probable significant adverse environmental impacts of the project proposal; and
  - (f) Such conditions are based on one or more policies in subsection (3) of this section.
- (2) The county may deny a permit or approval for nonexempt actions pursuant to WAC 197-11-660; provided, that:
  - (a) A finding is made that approving the proposal would be likely to result in probable significant adverse environmental impacts that are identified in an FEIS or final SEIS prepared pursuant to this code and Chapter 197-11 WAC;
  - (b) A finding is made that there are no reasonable mitigation measures capable of being

accomplished that are sufficient to mitigate the identified impact;

(c) The denial is based on one or more policies set forth in subsection (3) of this section.

(3) The county designates and adopts by reference the following county plans, ordinances and policies as the basis for exercise of county authority pursuant to this article:

(a) The county adopts by reference the policies in the following Jefferson County plans and ordinances:

(i) The Jefferson County Comprehensive Plan, as now exists or may hereafter be amended;

(ii) The Jefferson County Shoreline Master Program, as now exists or may hereafter be amended;

(iii) This Unified Development Code, as now exists or may hereafter be amended;

(iv) The Jefferson County building code, Chapter 15.05 JCC, as now exists or may hereafter be amended;

(v) The Jefferson County flood damage protection ordinance, Chapter 15.15 JCC, as now exists or may hereafter be amended;

(vi) The Jefferson County stormwater management ordinance, JCC 18.30.070, as now exists or may hereafter be amended;

(vii) The Jefferson County Road, Traffic and Circulation Standards, as they now exist or may hereafter be amended;

(viii) The Secretary of the Interior's Standards for Rehabilitating Historic Buildings; and

(ix) All other county plans, ordinances, regulations and guidelines adopted after the effective date of this Unified Development Code.

(b) The policies enumerated in RCW 43.21C.020.

(c) The county further designates and adopts the following policies as the basis for its exercise of authority pursuant to this article. The county shall use all practicable means, consistent with other essential considerations of state policy, to improve and coordinate plans, functions, programs and resources to the end that the state and its citizens may:

(i) Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

- (ii) Assure for all people of the state of Washington and Jefferson County a safe, healthful, productive and aesthetically and culturally pleasing surrounding;
- (iii) Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;
- (iv) Preserve important historic, cultural and natural aspects of our national heritage;
- (v) Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources; and
- (vi) Achieve a balance between population and resource use, which will permit a high quality of life for all residents of Jefferson County. [Ord. 8-06 § 1]

**18.40.780 Public notice and comment.**

(1) When the responsible official makes a threshold determination and issues a DNS or MDNS under WAC 197-11-340(2), the responsible official shall use the “optional DNS process” pursuant to WAC 197-11-355. Under this process, where the county is the lead agency for a project and the responsible official has a reasonable basis for determining significant adverse environmental impacts are unlikely, it shall use a single integrated 14-day comment period to obtain comments on the notice of application and the likely threshold determination for the proposal. There will be no second comment period when the DNS or MDNS is issued.

(a) The notice of application shall contain the information regarding the optional DNS process as set forth in JCC [18.40.190](#)(11), and shall be noticed as set forth in JCC [18.40.210](#). The notice of application and environmental checklist shall be sent to agencies with jurisdiction, the Department of Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of the implementation of the proposal, as well as anyone requesting a copy of the environmental checklist for the specific proposal.

(b) For Type II projects, the threshold determination shall be issued concurrently with the notice of the administrator’s decision on the underlying project, as further set forth in JCC [18.40.320](#)(3).

(c) For Type III projects, the notice of the threshold determination shall be issued concurrently with the notice of public hearing on the underlying project before the hearing examiner.

(d) If the county indicates on the notice of application that a DNS or MDNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application pursuant to WAC 197-11-355(3) and 197-11-948.

(e) Type I projects that are not categorically exempt from SEPA shall be subject to notice of application and comment period provisions of JCC [18.40.150](#) through [18.40.220](#), as well as the

notice requirements of this section.

(f) If a DS is made concurrent with the notice of application, the DS and scoping notice shall be combined with the notice of application; provided, however, that the DS/scoping notice may be issued before the notice of application (RCW 36.70B.110). If sufficient information is not available to make a threshold determination when the notice of application is issued, the DS may be issued later in the review process (WAC 197-11-310(6)). If the responsible official issues a DS under WAC 197-11-360(3), the responsible official shall state the scoping procedure for the proposal in the DS, as required by WAC 197-11-408, by publishing notice in the official county newspaper.

(2) If the county issues a DEIS under WAC 197-11-455(5), FEIS under WAC 197-11-560, or SEIS under WAC 197-11-620, notice of availability of the documents shall be given by publishing notice in the official county newspaper; by notifying groups which have expressed interest in a certain proposal being considered; by notifying the news media; by sending notice to agency mailing lists; and by other means deemed appropriate by the responsible official.

(3) The applicant shall be responsible for all costs of the public notice requirements under this article.

(4) Comment periods begin with the publication of notice as provided in this section. Comments must be received within:

(a) Fourteen calendar days for a DNS or MDNS;

(b) Twenty-one calendar days for a DS and scoping notice. Pursuant to WAC 197-11-408(2)(a)(iii), the date of issuance for purposes of computing this comment period shall be the date the DS is sent to the Department of Ecology and other agencies with jurisdiction and is made publicly available; and

(c) Thirty calendar days for a DEIS.

(5) The responsible official shall consider timely comments on the notice of application and either issue a DNS or MDNS with no comment period using the procedures set forth in Article IV of this chapter and this article; issue a DS; or require additional information or studies prior to making a threshold determination. A copy of the DNS or mitigated DNS shall be sent to agencies with jurisdiction, the Department of Ecology, those who commented, and anyone requesting a copy. A copy of the environmental checklist need not be recirculated.

(6) A DNS or MDNS becomes final at the end of the comment period unless the determination is modified or withdrawn by the responsible official.

(a) When a DS is withdrawn and a DNS issued, a new notice must be published as provided in

this section, and a 14-calendar-day comment period provided on the new threshold determination.

(b) When a DNS is withdrawn and a DS issued, a new notice must be published as provided in this section, and a 21-calendar-day comment period provided on the new threshold determination and scoping notice.

(c) If modified, the threshold determination becomes final upon publication of notice as provided in this section by the responsible official. A new appeal period shall then commence.

(7) Notice for public hearings shall be given consistent with this section and JCC [18.40.230](#), and may be combined with other notice(s). [Ord. 8-06 § 1]

#### **18.40.790 Public hearings and meetings.**

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(1) If a public hearing on the proposal is held under some other requirement of law, the hearing shall be open to consideration of the environmental impact of the proposal, together with any environmental document that is available. This does not require extension of the comment periods for environmental documents.

(2) In all other cases a public hearing on the environmental impact of a proposal shall be held whenever one or more of the following situations occur:

(a) The county determines that a public hearing would assist it in meeting its responsibility to implement the purposes and policies of SEPA and its implementing rules;

(b) When 100 or more persons who reside within the county, or who would be adversely affected by the environmental impact of the proposal, make written request to the lead agency within 30 calendar days of issuance of the DEIS; or

(c) When two or more agencies with jurisdiction over a proposal make written request to the lead agency within 30 calendar days of the issuance of the DEIS.

(3) Whenever a public hearing is held under subsection (2) of this section, it shall occur no earlier than 15 calendar days from the date the DEIS is issued, and not later than 50 calendar days from its issuance. Notice shall be given as set forth in JCC [18.40.780](#)(6).

(4) Whenever a public hearing is held under subsection (2) of this section, it shall be open to discussion of all environmental documents and any written comments that have been received by the county prior to the hearing. A copy of the environmental document shall be available at the public hearing.

(5) Comments at public hearings should be as specific as possible (see WAC 197-11-550).

(6) The county may hold informal public meetings or workshops. Such gatherings may be more flexible than public hearings and are not subject to the above notice and similar requirements for public hearings.

(7) Public meetings held under Chapter 36.70B RCW may be used to meet SEPA public hearing requirements so long as the requirements of this section are met. A public hearing under this section need not be an open record hearing as defined in RCW 36.70B.020(3). [Ord. 8-06 § 1]

#### **18.40.800 Environmentally sensitive areas.**

(1) Actions identified as categorically exempt from SEPA under JCC [18.40.750](#)(1) shall remain exempt under SEPA even when located in one or more of the ESAs classified, designated and mapped under Article VI-D of Chapter 18.15 JCC. A threshold determination shall not be required for actions identified as categorically exempt.

(2) Actions located in one or more ESAs that are categorically exempt from review under this article, and which require issuance of a permit or approval under this code or any other applicable county ordinance or regulation, shall be reviewed, and as necessary, conditioned or denied to assure consistency with the protection standards contained in Article VI-D of Chapter 18.15 JCC. [Ord. 8-06 § 1]

#### **18.40.810 Appeals.**

(1) Appeal of a Threshold Determination for a Type I Permit Decision. Threshold determinations on Type I permit decisions may not be appealed administratively to the hearing examiner.

(2) Appeal of a Threshold Determination for Type II Permits – Open Record Hearing. The decision of the responsible official on Type II permits making a threshold determination of a DNS or MDNS, approving a proposal subject to conditions, or denying a proposal under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC [18.40.280](#) for an open record appeal hearing. Any such appeal must be filed within the time limits of JCC [18.40.330](#)(2)(b), and must be consolidated with any appeal on the underlying Type II permit decision. Any requests for reconsideration shall be governed by JCC [18.40.310](#).

(3) Appeal of a Threshold Determination for Type III Permits – Open Record Hearing. The decision of the responsible official on Type III permits making a threshold determination of a DNS, approving a proposal subject to conditions, or denying a project under SEPA's substantive authority may be appealed to the hearing examiner pursuant to JCC [18.40.280](#). The open record public hearing on the SEPA appeal shall be before the hearing examiner, who shall consider the appeal together with the decision on the project application in a single, consolidated hearing as further set forth in Article IV of this chapter. Any requests for reconsideration shall be governed by JCC [18.40.310](#).

(4) Appeals of Threshold Determinations for Type V Actions. Threshold determinations of the

responsible official on Type V decisions (other than a DS) may not be appealed to the hearing examiner.

(5) Limitations on Appeals for All Types of Permits. When a threshold determination results in a DS it shall not be appealable. In addition, issues relating to the adequacy of the EIS and other procedural issues may not be appealed under this article.

(6) Who May Appeal. An applicant or other party of record, as defined in Chapter 18.10 JCC, may file a SEPA appeal as provided in this article.

(7) Time to Appeal Administrative Decisions. A written statement appealing the threshold determination must be filed within 14 calendar days after the notice of decision is issued. When the last calendar day (as defined in Chapter 18.10 JCC) of the appeal period is a Saturday, Sunday or legal holiday, the appeal period shall run to the next business day.

(8) Form of Appeal. A person or group appealing the decision of the responsible official shall submit a written appeal in the form and manner set forth in JCC [18.40.330\(5\)](#). Notice of all appeals shall be mailed to all parties of record not less than 10 calendar days prior to the date of the public hearing to consider the appeal.

(9) Scope of Review. The hearing examiner shall affirm, modify or reverse the responsible official's decision, and shall enter findings and/or conclusions into the record to support the decision. In making the decision, the hearing examiner shall give deference to and afford substantial weight to the decision of the responsible official. Review shall be on a de novo basis.

(10) Judicial Appeals. Pursuant to RCW 43.21C.075, if there is a time period for appealing the underlying permit decision, appeals under this article shall be commenced within such time period. The county shall give official notice stating the date and place for commencing an appeal.

(a) Optional Limitation Period. If there is no time period for appealing the underlying government action, the county, applicant for or proponent of an action may use a notice of action pursuant to RCW 43.21C.075 and 43.21C.080. The notice shall describe the action and state time limitations for commencing a challenge to that action, in a form substantially similar to that provided in WAC 197-11-990. The notice shall be published by the department, applicant or proponent pursuant to RCW 43.21C.080, and any action to set aside, enjoin, review or otherwise challenge any such governmental action shall be commenced within 21 days from the date of the last newspaper publication of the notice of action, as further set forth in RCW 43.21C.080.

(b) Exemption. This article does not apply to decisions made pursuant to Chapter 90.58 RCW, the Shoreline Management Act. Appeals of SEPA mitigation measures pertaining to projects subject to Chapter 90.58 RCW shall be made to the shoreline hearings board along with the

appeal of the county's shoreline decision, as further set forth in Chapter 90.58 RCW. In addition, as an alternative dispute resolution process, any SEPA appeal, whether involving a shoreline issue or not, may be made to the shoreline hearings board upon the consent of the parties to the action, as further set forth in RCW 43.21C.075(7).

(11) Violations and Penalties. The administrator is authorized to enforce the provisions of this article whenever he or she determines that a condition exists in violation of this article or permit issued hereunder. All violations of any provisions of this article, incorporated standard or permit issued pursuant to this article are made subject to the provisions of Chapter 18.50 JCC, which provides for voluntary correction, notice and orders to correct the violation, stop work and emergency orders, and assessment of civil penalties.

(12) Public Nuisance. All violations of this article are determined to be detrimental to the public health, safety and welfare and are public nuisances, and may corrected by any reasonable and lawful means, as further set forth in Chapter 18.50 JCC.

(13) Alternative Remedies. As an alternative to any other judicial or administrative remedy provided in this article or by law or ordinance, any person who willfully or knowingly violates or fails to comply with any stop work order or emergency order issued pursuant to Chapter 18.50 JCC is guilty of a misdemeanor and upon conviction shall be punished as set forth in JCC 18.50.110. Each day such violation or failure to comply continues shall be considered an additional misdemeanor offense. [Ord. 8-06 § 1]

## **Article XI. Development Agreements**

### **18.40.820 Purpose.**

This article establishes the mechanism under which Jefferson County may enter into development agreements as authorized by RCW 36.70B.170. A decision to enter into a development agreement shall be made on a case-by-case basis. A development agreement may be appropriate for large, complex or phased projects, or projects which were not contemplated by existing development regulations or existing application procedures. [Ord. 8-06 § 1]

### **18.40.830 General requirements.**

(1) Discretion to Enter Development Agreement. A development agreement is an optional device that may be used at the sole discretion of the county, except a development agreement shall be required for applications for master planned resorts in accordance with JCC 18.15.126 and major industrial developments in accordance with JCC 18.15.605.

(2) Who May Enter. The property owner(s) and the county shall be parties to a development agreement; provided, that if a proposed development is within an adopted municipal UGA, the applicable town or city shall also be a party to the agreement. The following may be considered for

inclusion as additional parties in a development agreement: contract purchasers, lenders, third-party beneficiaries and utility service providers.

(3) Content of Development Agreements. A development agreement shall be prepared by the applicant and shall set forth the development standards and other conditions that shall apply to and govern the development, use and mitigation of the property subject to the agreement.

(4) When Development Agreements May Be Approved. A development agreement may be entered into prior to, concurrent with or following approval of project permits for development of the property.

(5) Consistency with Unified Development Code. The development standards and conditions set forth in a development agreement shall be consistent with the applicable development regulations set forth in the Unified Development Code, except in the case of a master planned resort (which requires a site-specific Comprehensive Plan amendment), where adopted standards may be modified by the development standards contained in the agreement, so long as all project impacts have been adequately mitigated. However, the minimum requirements related to the protection of environmentally sensitive areas in Article VI-D of Chapter 18.15 JCC may not be varied by adoption of any development agreement. [Ord. 8-06 § 1]

**18.40.840 Development standards to be addressed.**

(1) A development agreement shall include, but need not be limited to, one or more of any of the following types of development controls and conditions:

- (a) Project elements such as permitted uses, residential and nonresidential densities, scale and intensity of uses and/or building sizes;
- (b) Mitigation measures, development conditions and other requirements pursuant to environmental review under Chapter 43.21C RCW;
- (c) Design standards such as maximum heights, setbacks, drainage and water quality requirements, screening and landscaping and other development features;
- (d) Roads, water, sewer, storm drainage and other infrastructure requirements;
- (e) Affordable housing;
- (f) Recreational uses and open space preservation;
- (g) Phasing;
- (h) Development review procedures, processes and standards for implementing decisions, including methods of reimbursement to the county for review processes;

- (i) Other appropriate development requirements or procedures.
- (2) A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. Project applicants and governmental entities may include provisions and agreements whereby applicants are reimbursed over time for financing public facilities.
- (3) Development agreements shall:
  - (a) Establish a process for amending the agreement;
  - (b) Specify a termination date upon which the agreement expires;
  - (c) Establish a vesting period for applicable standards; and
  - (d) Reserve authority to impose new or different regulations to the extent required by a serious threat to public health and safety. [Ord. 8-06 § 1]

**18.40.850 Procedures.**

- (1) A development agreement shall be initiated by a written request from the property owner to the administrator of the department of community development. The request should describe the project and the specific reasons why the project is suitable for a development agreement. The request should identify the development standards set forth in JCC [18.40.840](#) that the applicant is requesting to be included in the development agreement and any other reasonable information requested by the county.
- (2) If the administrator determines in his or her discretion that a development agreement should be considered by the county, the property owner shall be so informed, except that development agreements shall be required for the approval of master planned resorts in accordance with JCC 18.15.126 and for the approval of major industrial developments in accordance with JCC 18.15.605.
- (3) When a development agreement is being considered prior to project permit approvals, the property owner shall provide the county with the same information that would be required for a complete application for such project permits in order for the county to determine the development standards and conditions to be included in the development agreement.
- (4) When a development agreement is being considered following approval of project permits, the development standards and other conditions set forth in such project permits shall be used in the development agreement without modification.
- (5) The county shall only approve a development agreement by ordinance or resolution after a public hearing. The board of county commissioners may, in its sole discretion, approve the development agreement. If the development agreement relates to a project permit application, the provisions of

Chapter 36.70C RCW shall apply to the appeal of the decision on the development agreement.

(6) An approved and fully executed development agreement shall be recorded with the county auditor.  
[Ord. 8-06 § 1]

**18.40.860 Effect.**

(1) A development agreement is binding on the parties and their successors, including a city that assumes jurisdiction through incorporation or annexation of the area covering the property subject to the development agreement.

(2) A development agreement shall be enforceable during its term by a party to the agreement.

(3) A development agreement shall govern during the term of the agreement all or that part of the development specified in the agreement and may not, unless otherwise agreed to in the development agreement, be subject to an amendment to a local government land use ordinance or development standard or regulation or a new local government land use ordinance or development standard or regulation adopted after the effective date of the agreement.

(4) Permits issued by the county after the execution of the development agreement shall be consistent with the agreement.

(5) Nothing in RCW 36.70B.170 through 36.70B.200 and Section 501, Chapter 374, Laws of 1995, or this chapter is intended to authorize the county to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of state law. [Ord. 8-06 § 1]

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<sup>1</sup>Pursuant to RCW 36.70B.140(2), boundary line adjustments, building and other construction permits, or similar administrative approvals categorically exempt from environmental review under SEPA (i.e., Chapter 43.21C RCW), or permits/approvals for which environmental review has been completed in connection with other project permits, are excluded from the provisions of RCW 36.70B.060, and 36.70B.110 through 36.70B.130.

## **Appendix F**

Shoreline Master Program Requirements,  
Chapter 18.25 JCC

**Chapter 18.25  
SHORELINE MASTER PROGRAM**

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## Article XI. Official Shoreline Map

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### Article I. Introduction

#### 18.25.010 Purpose and intent.

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(1) The purposes of this shoreline master program are to:

- (a) Guide the future use and development of Jefferson County's shorelines in a positive, effective, and equitable manner consistent with the Washington State Shoreline Management Act of 1971 (Chapter 90.58 RCW) as amended; and
- (b) Promote the health, safety, and general welfare of the community by providing long range, comprehensive policies and effective, reasonable regulations for use and development of Jefferson County shorelines; and
- (c) Ensure, at minimum, no net loss of shoreline ecological functions and processes; and
- (d) Plan for restoring shorelines that have been impaired or degraded in the past; and
- (e) Adhere to the policies contained in RCW 90.58.020 for shorelines of the state:

It is the policy of the State to provide for the management of the shorelines of the State by planning for and fostering all reasonable and appropriate uses. This policy is designed to insure the development of these shorelines in a manner, which, while allowing for limited reduction of rights of the public in the navigable waters, will promote and enhance the public interest. This policy contemplates protecting against adverse effects to the public health, the land and its vegetation and wildlife, and the waters of the State and their aquatic life, while protecting generally public rights of navigation and corollary rights incidental thereto...

In the implementation of this policy the public's opportunity to enjoy the physical and aesthetic qualities of natural shorelines of the State shall be preserved to the greatest extent feasible consistent with the overall best interest of the State and the people generally. To this end uses shall be preferred which are consistent with control of pollution and prevention of damage to the natural environment or are unique to or dependent upon use of the State's shoreline. Alterations of the natural condition of the shorelines of the State, in those limited instances when authorized, shall be given priority for single family residences, ports, shoreline recreational uses including but not limited to parks, marinas, piers, and other improvements facilitating public access to shorelines of the State, industrial and commercial developments which are particularly dependent on their location on or use of the shorelines of the State, and other development that will provide an

opportunity for substantial numbers of the people to enjoy the shorelines of the State.

Permitted uses in the shorelines of the State shall be designed and conducted in a manner to minimize, insofar as practical, any resultant damage to the ecology and environment of the shoreline area and any interference with the public's use of the water.

[Ord. 7-13 Exh. A (Art. I § 1)]

**18.25.020 Applicability.**

(1) All proposed uses and development, as defined in Article II of this chapter, occurring within shoreline jurisdiction shall comply with this program and Chapter 90.58 RCW. This program applies to all uses and developments within shoreline jurisdiction whether or not a shoreline permit or statement of permit exemption is required.

(2) This program's shoreline uses and developments shall be classified as follows:

(a) Permitted Uses and Developments. Uses and developments that are consistent with this program and Chapter 90.58 RCW. Such uses/developments shall require a shoreline substantial development permit, a shoreline conditional use permit, a shoreline variance, and/or a statement that the use/development is exempt from a shoreline substantial development permit.

(b) Prohibited Uses and Developments. Uses and developments that are inconsistent with this program and/or Chapter 90.58 RCW and which cannot be allowed through any permit or variance.

(3) Classification of a use or development as permitted does not necessarily mean the use/development is allowed. It means the use/development may be permitted subject to review and approval by the county and/or the Department of Ecology. Many permitted uses/developments, including those that do not require a substantial development permit, can individually or cumulatively affect adjacent properties and/or natural resources and therefore must comply with this program in order to avoid or minimize such adverse impacts. The county may attach conditions of approval to any permitted use via a permit or statement of exemption as necessary to assure consistency of the project with the Shoreline Management Act and this program.

(4) This program shall apply to:

(a) All of the lands and waters of Jefferson County that fall under the jurisdiction of Chapter 90.58 RCW; and

(b) Every person, individual, firm, partnership, association, organization, local or state governmental agency, public or municipal corporation, or other nonfederal entity; and

(c) All nonfederal uses and developments undertaken on federal lands and on lands subject to nonfederal ownership, lease, or easement, even though such lands may fall within the external boundaries of federally owned lands<sup>1</sup>.

(5) Federal agencies are subject to this program and Chapter 90.58 RCW, as provided by the Coastal Zone Management Act (16 U.S.C. 1451 et seq. and WAC 173-27-060(1)).

(6) The provisions of this program shall not apply to lands held in trust by the United States for Indian Nations, tribes or individuals. Where tribal concerns are expressed in relation to SMP jurisdiction, those shall be resolved through appropriate government to government consultation in accordance with Washington State Centennial Accord and the RCW. [Ord. 7-13 Exh. A (Art. I § 2)]

**18.25.030 Governing principles of this master program.**

(1) The goals, policies and regulations of this program are based on the governing principles in WAC 173-26-186 and the policy statements of RCW 90.58.020.

(2) Any inconsistencies between this program and Chapter 90.58 RCW must be resolved in accordance with the RCW.

(3) The planning policies of this program may be achieved by diverse means, one of which is regulation. The county may also acquire land, implement capital projects and programs, encourage voluntary measures, create incentive programs, or use other means to implement this program's planning policies.

(4) When regulating use and development of private property, the county's actions must be consistent with all relevant legal limitations including constitutional limitations. This program must not unconstitutionally infringe on private property rights or result in an unconstitutional taking of private property.

(5) The regulatory provisions of this program are limited to shorelines of the state, whereas the planning functions of this program may extend beyond shoreline jurisdiction.

(6) The policies and regulations of this program must be integrated and coordinated with the policies and rules of the Jefferson County Comprehensive Plan (Comprehensive Plan) and its implementing development regulations adopted under the Growth Management Act (Chapter 36.70A RCW).

(7) The policies and regulations of this program are intended to protect shoreline ecological functions by:

(a) Requiring that current and potential ecological functions be identified and understood when evaluating new uses and developments.

(b) Requiring adverse impacts to be mitigated in a manner that ensures no net loss of shoreline ecological functions. Mitigation, as defined in Article II of this chapter, shall include avoiding first, then minimizing, and then replacing/compensating for lost functions and/or resources.

(c) Ensuring that all uses and developments, including preferred uses and uses that are exempt from a shoreline substantial development permit, will not cause a net loss of shoreline ecological functions.

(d) Preventing, to the greatest extent practicable, cumulative impacts from individual developments.

(e) Fairly allocating the burden of preventing cumulative impacts among development opportunities.

(f) Including regulations and regulatory incentives to restore shoreline ecological functions where such functions have been degraded by past actions. [Ord. 7-13 Exh. A (Art. I § 3)]

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**18.25.040 Title.**

This document shall be known as the Jefferson County shoreline master program (“the master program” or “this program”). [Ord. 7-13 Exh. A (Art. I § 4)]

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**18.25.050 Adoption authority.**

This master program is adopted under the authority granted by Chapter 90.58 RCW and Chapter 173-26 WAC. [Ord. 7-13 Exh. A (Art. I § 5)]

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**18.25.060 Critical areas regulations adopted by reference.**

(1) The Jefferson County critical areas regulations contained in Chapter 18.22 JCC are integral and applicable to this program, and are hereby adopted by reference, except that:

(a) Nonconforming use and development within shoreline jurisdiction shall be subject to this program and not JCC 18.22.080.

(b) Exceptions to critical area and buffer standards shall be allowed as described in Article VI (JCC [18.25.270](#)(5)) of this program.

(c) Activities that are exempt from critical areas regulation per JCC 18.22.070 shall comply with this program. Such activities may require a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit unless this program and RCW 90.58.030(3)(e) specifically indicate the activity is exempt from shoreline substantial development permit requirements. This provision shall not apply to agricultural activities on agricultural lands, which are exempt from both JCC 18.22.070 and this program.

(2) The provisions of Chapter 18.22 JCC shall apply to any use, alteration or development within shoreline jurisdiction whether or not a shoreline permit or written statement of exemption is required.

(3) Within shoreline jurisdiction, the regulations of Chapter 18.22 JCC shall be liberally construed together with this program to give full effect to the objectives and purposes of the provisions of this program and Chapter 90.58 RCW.

(4) All references to the critical areas ordinance are for the version adopted on March 17, 2008, as Ordinance No. 03-0317-08, and further amended on May 11, 2009, as Ordinance No. 06-0511-09.

(5) Ocean uses and activities conducted within Jefferson County's and the state of Washington's jurisdiction shall comply with Chapter 43.143 RCW (Ocean Resources Management Act) and WAC 173-26-360 (Ocean Management). Nothing in this subsection is intended to expand or modify the applicability of Chapter 43.143 RCW, WAC 173-26-360, or any subsections thereof, to ocean uses and activities not otherwise governed by those laws, administrative rules, or their subsections. [Ord. 7-13 Exh. A (Art. I § 6)]

#### **18.25.070 Relationship to other plans and regulations.**

(1) Uses and developments regulated by this program may also be subject to other provisions of the JCC, the Jefferson County Comprehensive Plan, the Washington State Environmental Policy Act (Chapter 43.21C RCW and Chapter 197-11 WAC), and other local, state and federal laws.

(2) Project proponents are responsible for complying with all applicable laws prior to commencing any use, development or activity.

(3) Where this program makes reference to any RCW, WAC, or other state or federal law or regulation, the most recent amendment or current edition shall apply.

(4) In the event this program conflicts with other applicable county policies or regulations, all regulations shall apply and unless otherwise stated, the more restrictive provisions shall prevail. [Ord. 7-13 Exh. A (Art. I § 7)]

#### **18.25.080 Liberal construction.**

This program is exempt from the rule of strict construction; therefore this program shall be liberally construed to give full effect to its goals, policies and regulations. Liberal construction means that the interpretation of this document shall not only be based on the actual words and phrases used in it, but also by taking its deemed or stated purpose into account. Liberal construction means an interpretation that tends to effectuate the spirit and purpose of the writing. For purposes of this program, liberal construction means that the administrator shall interpret the regulatory language of this program in relation to the broad policy statement of RCW 90.58.020, and make determinations which are in keeping with those policies as enacted by the Washington State Legislature. [Ord. 7-13 Exh. A (Art. I

§ 8)]

**18.25.090 Severability.**

If any section or provision of this program is declared invalid it shall not affect the validity of this program as a whole. [Ord. 7-13 Exh. A (Art. I § 9)]

**Article II. Definitions**

**18.25.100 Definitions.**

These SMP definitions are derived from multiple sources. Definitions denoted with (\*) are from this title. Definitions denoted with (\*\*) are from Chapter 173-26 WAC. Definitions denoted with (\*\*\*) are from Chapter 90.58 RCW. Definitions denoted with (\*\*\*\*) are from the previously adopted county SMP (this chapter) and/or the proposed but not adopted 2000 Draft SMP. Definitions with no asterisk are derived from other sources or represent the best professional judgment of the authors.

(1) A Definitions.

- (a) \*\*"Abandon" means to terminate the use of a structure by an affirmative act such as changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction. Except for ongoing agricultural activities, there shall be a presumption that a use has been abandoned if it is not undertaken, utilized, implemented or performed for a period of two years from the date of cessation/termination or vacation.
- (b) \*\*"Abutting" means adjoining with a common boundary line or any portion thereof.
- (c) \*\*"Accessory dwelling unit" means an additional dwelling unit either in or added to an existing single-family detached dwelling, or in a separate accessory structure on the same lot as the main structure, for use as a complete, independent living facility with provisions within the accessory dwelling unit for cooking, eating, sanitation and sleeping. Such a dwelling shall be considered an accessory use to the main dwelling and be clearly subordinate to the main dwelling.
- (d) "Accessory structure" means any detached structure that is optional, incidental and subordinate to a primary use and located on the same lot as the primary use. Boathouses, barns, storage sheds, workshops, gazebos, docks, piers, floats, buoys, beach access structures and other similar structures are examples that are typically accessory to a primary use.
- (e) \*\*"Accessory use" means use of land or of a building or portion thereof incidental and subordinate to the principal use and located on the same lot with the principal use. Private moorage and other recreational uses are examples of uses that are accessory to residential

development.

(f) \*\*\*\*“Accretion” means the slow addition of land by the deposition of water-borne sediment through the net effect of wave action and longshore drift.

(g) \*\*\*“Act” means the Shoreline Management Act of 1971 (Chapter 90.58 RCW) as amended.

(h) \*\*“Adequate” means acceptable but not excessive.

(i) \*\*“Adjacent” means (in addition to abutting) that which is near or close; for example, an industrial district across the road or highway from a commercial district shall be considered as adjacent.

(j) \*\*“Adjacent lands, shoreline” means lands adjacent to the shorelines of the state (outside of shoreline jurisdiction). See RCW 90.58.340.

(k) \*\*“Administrator” means the Jefferson County department of community development director or a designated representative.

(l) \*\*“Adverse impact or effect” means the result of a condition that creates, imposes, aggravates, or leads to inadequate, impractical, unsafe, or unhealthy conditions or reduces ecological functions or values.

(m) \*\*\*\*“Advertising” means publicly displayed messages or signs, billboards, placards, or buildings that direct attention to promotion of a business, service, or product.

(n) \*\*“Aggrieved party” means a party of record who can demonstrate the following:

(i) The land use decision will prejudice the person;

(ii) The asserted interests are among those the county is required by county code, federal or state law or regulation to consider in making a land use decision; and

(iii) A decision on appeal in favor of the person would substantially eliminate or redress the prejudice alleged to be caused by the land use decision.

(o) \*\*“Agricultural activities” means agricultural uses and practices including, but not limited to: producing, breeding, or increasing agricultural products; rotating and changing agricultural crops; allowing land used for agricultural activities to lie fallow in which it is plowed and tilled but left unseeded; allowing land used for agricultural activities to lie dormant as a result of adverse agricultural market conditions; allowing land used for agricultural activities to lie dormant because the land is enrolled in a local, state, or federal conservation program, or the land is subject to a conservation easement; conducting agricultural operations; maintaining, repairing,

and replacing agricultural equipment; maintaining, repairing, and replacing agricultural facilities; provided, that the replacement facility is no closer to the shoreline than the original facility; and maintaining agricultural lands under production or cultivation.

(p) \*\*\*“Agricultural land” means those specific land areas on which agriculture activities are conducted as of the date of adoption of this master program pursuant to the state guidelines (Chapter 173-26 WAC) as evidenced by aerial photography or other documentation. After the effective date of the master program, land converted to agricultural use is subject to compliance with the requirements of the master program.

(q) \*\*“Agriculture, existing and ongoing” means any agricultural activity conducted on an ongoing basis on lands enrolled in the open space tax program for agriculture or designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan land use designations; provided, that agricultural activities were conducted on those lands at any time during the five-year period preceding April 28, 2003. Agricultural use ceases when the area on which it is conducted is converted to a nonagricultural use.

(r) \*\*“Agriculture, new” means agricultural activities proposed or conducted after April 28, 2003, and that do not meet the definition of existing ongoing agriculture.

(s) \*\*“Allowed use” means uses allowed subject to the provisions of this program, including meeting applicable performance and development standards; if a shoreline permit, building permit or other development permit (e.g., stormwater permit) is required, the use is subject to the project review and approval process.

(t) “Alteration” means any human induced change in an existing condition of a shoreline and/or its buffer. Alterations include but are not limited to grading; filling; channelizing; dredging; clearing (vegetation); draining; constructing structures; compaction, excavation, or any other activity that changes the character of a site.

(u) \*\*“Alteration, nonconforming structures” means any change or rearrangement in the supporting members of existing buildings, such as bearing walls, columns, beams, girders, or interior partitions, as well as any changes in doors, windows, means of egress or ingress or any enlargement to or diminution of a building or structure, horizontally or vertically, or the moving of a building from one location to another. This definition excludes normal repair and maintenance, such as painting or roof replacement, but includes more substantial changes.

(v) \*\*“Alteration, nonconforming use” means the expansion, modification or intensification of a use that does not conform to the land use regulations of this program.

(w) “Anadromous fish” means fish species that spend part of their lifecycle in saltwater, but

return to freshwater to reproduce.

(x) \**“Appeal”* means a request by an applicant or citizen that a decision made pursuant to this program be reviewed for its correctness and legality by another person, agency or court of law having jurisdiction to hear such an appeal.

(y) \**“Applicant”* means the owner or owners of record of the property subject to a project permit application under this program, or authorized representative thereof.

(z) \**“Application”* means the forms, plans and accompanying documents required for any project permit approval under this code.

(aa) \**“Appurtenance, normal”* means a structure or use that is necessarily connected to a primary use and is located landward of the ordinary high water mark. Normal appurtenances for residential development are garages, utilities, septic tanks and drainfields, as well as driveways, walkways, and fences, plus initial clearing and grading for a new residence which does not exceed 250 cubic yards and which does not involve placement of fill in any wetland or waterward of the ordinary high water mark.

(bb) \**“Aquaculture”* means the farming or culture of food fish, shellfish, or other aquatic plants or animals in freshwater or saltwater, and may include development such as structures, as well as use of natural spawning and rearing areas. Aquaculture does not include the harvest of wildstock geoduck on state-owned lands. Wildstock geoduck harvest is a fishery.

(cc) \**“Aquaculture activity”* means actions directly pertaining to growing, handling, or harvesting of aquaculture produce. Examples include, but are not limited to, propagation, tank farms, hatcheries, incubators/nurseries, stocking, feeding, disease treatment, depuration facilities, waste disposal, water use, development of habitat and structures, sorting, wet storage, and staging. Excluded from this definition are related commercial or industrial uses such as wholesale and retail sales, final processing and freezing.

(dd) \**“Aquaculture facility or farm”* means any facility or tract of land used to culture aquatic products. Each geographically separate facility or tract of land used for aquaculture shall constitute a separate facility/farm; provided, that adjoining farms/facilities with separate operators shall be considered separate facilities/farms.

(ee) \**“Archaeological”* means having to do with the scientific study of material remains of past human life and activities.

(ff) \**“Archaeological resource/site”* means a geographic locality including, but not limited to, submerged and submersible lands and the bed of the sea that contains physical evidence of an indigenous and subsequent culture including material remains of past human life, monuments,

symbols, tools, facilities, graves, skeletal remains and technological byproducts:

- (i) That are associated with events that have made a significant contribution to the broad patterns of our history; or
- (ii) That are associated with the lives of significant persons in our past; or
- (iii) That embody the distinctive characteristics of a type, period or method of construction, or that represent the work of a master, or that possess high artistic values, or that represent a significant and distinguishable entity whose components may lack individual distinction; or
- (iv) That have yielded or may be likely to yield, information important in history or prehistory.

(gg) "Archaeologist" is a person listed on the Washington State Department of Archaeology and Historical Preservation list of qualified archaeologists.

(hh) "Associated wetlands" means wetlands that are in proximity to tidal waters, lakes, rivers or streams that are subject to the Shoreline Management Act and either influence or are influenced by such waters. Factors used to determine proximity and influence include but are not limited to: location contiguous to a shoreline waterbody, formation by tidally influenced geohydraulic processes, presence of a surface connection including through a culvert or tide gate, location in part or whole within the 100-year floodplain of a shoreline, periodic inundation, and/or hydraulic continuity.

(ii) \*"Average grade level" means the average of the natural or existing topography of the portion of the lot, parcel, or tract of real property on that part of the lot to be occupied by the building or structure as measured by averaging the elevations at the center of all exterior walls of the proposed structure. In the case of structures to be built over the water, the average grade level shall be the elevation of the ordinary high water.

(2) B Definitions.

(a) \*"Backshore" means the area landward of the high tide line wetted by storm tides but normally dry. It may be a narrow gravel berm below a sea bluff or a broader complex of berms, marshes, meadows, or dunes.

(b) \*"Barrier beach" means an accretion shore form of sand and gravel that has been deposited by longshore drift in front of bluffs, bays, marshes, or estuaries, and functions like a storm barrier.

(c) \*"Bar" means a marine or river shore form similar to a spit or a hook, though generally not attached to the mainland during periods of high water.

- (d) \*Beach means the zone of unconsolidated material that is moved by waves, wind and tidal currents.
- (e) \*Beach restoration and enhancement means the alteration of terrestrial and tidal shorelines or submerged shorelines for the purposes of stabilization, recreational enhancement, or aquatic habitat creation or restoration. The materials used depend upon the intended use. For instance, to create a beach for recreational purposes, various grades of clean sand or pea gravel are often used. To restore or recreate a shore feature or an underwater aquatic environment (e.g., a reef), a combination of a rock matrix and sand or other materials may be used. To restore riparian habitat functions, native vegetation may be used.
- (f) \*Base flood means the flood having a one percent chance of being equaled or exceeded in any given year; also known as the 100-year flood, as shown on the FIRM maps.
- (g) \*Base flood elevation means the elevation for which there is a one percent chance in any given year that flood levels will equal or exceed it.
- (h) Beach access structure means a structural pathway/walkway for purposes of providing pedestrian access to a beach or shoreline area, not for motorized vehicle access. It often includes a stairway, tram, stair tower, platform and/or elevated walkway anchored to the ground surface by structural means.
- (i) Beds of navigable waters or bedlands means those lands lying waterward of and below the line of navigability on rivers and lakes not subject to tidal flow, or extreme low tide mark in navigable tidal waters, or the outer harbor line where harbor area has been created (RCW 79.105.060(2)).
- (j) Bedrock means a general term for rock, typically hard, consolidated geologic material that underlies soil or other unconsolidated, superficial material or is exposed at the surface.
- (k) Berm or protective berm means one or several accreted linear mounds of sand and gravel generally paralleling the shore at or landward of OHWM; berms are normally stable because of material size or vegetation, and are naturally formed by net-shore drift. Also, a linear mound used to screen an adjacent activity (e.g., a parking lot) from transmitting excess noise and glare.
- (l) \*Best management practices (BMPs) means systems of practices, schedules of activities, prohibitions, maintenance procedures, and management measures that prevent or minimize adverse impacts to the environment.
- (m) \*\*\*\*Bioengineering or biostabilization means the practice of using natural vegetative materials to stabilize shorelines and prevent erosion. This may include use of bundles of stems,

root systems, or other living plant material, soft gabions, fabric or other soil stabilization techniques, and limited rock toe protection where appropriate. Bioengineering projects often include habitat enhancement measures (e.g., anchored logs, root wads, etc.). Such techniques may be applied to creeks, rivers, lakes, reservoirs, and marine waters. Bioengineering may also be applied in upland areas away from the immediate shoreline.

(n) \*Board (BOCC)" means the board of county commissioners for Jefferson County. Also referenced as board of commissioners or county commissioners.

(o) \*Boat building and repair, commercial" means a commercial establishment where boats are constructed, dismantled, stored, serviced, or repaired, including maintenance work thereon.

(p) "Boating facilities" means any public or private facility for storing or launching vessels or watercraft. This includes marinas, open water moorage and anchorage areas, boat launch ramps, boat lifts, mooring buoys, piers, floats and docks or any other similar single-user or shared-use facility for public recreational use or private residential use. For purposes of this program, boathouses, boat repair shops, and other upland boat storage structures are not considered boating facilities.

(q) "Boathouse" means an enclosed structure designed and used exclusively for the storage of boats and boating equipment and not used as a dwelling unit.

(r) \*\*\*\*"Boat launch" or "boat ramp" means a slab, pad, plank, rail, or graded slope used for launching boats by means of a trailer, hand, or mechanical device.

(s) "Boat lift" is an in-water structure used for the dry berthing of vessels above the water level and lowering of vessels into the water periodically. A boat lift as herein defined is used to berth and launch a single vessel, suspended over the water's surface. A boat lift is generally a manufactured unit without a canopy cover and may be placed in the water adjacent to a dock/pier or as a stand-alone structure. A boat lift may be designed either for boats or personal watercraft. A boat lift is to be differentiated from a hoist or crane used for the launching or haul-out of vessels.

(t) "Bottom culture" means all aquaculture systems that are set on or securely and rigidly attached to the tidelands or bedlands and do not extend higher than six feet from the bottom (excluding hoists and similar apparatus). Bottom culture includes but is not limited to geoduck tubes, oyster longlines, clam netting, oyster rack and bags, and clam bags. Bottom culture does not include aquaculture suspended from rafts or buoys or contained in floating net pens.

(u) \*\*\*\*"Breakwater" means an offshore structure that is generally built parallel to shore that may or may not be connected to land, and may be floating or stationary. Their primary purpose is to

protect harbors, moorages and navigation activity from wave and wind action by creating stillwater areas along shore. A secondary purpose is to protect shorelines from wave caused erosion. Most breakwaters in the Pacific Coast are rip-rap mound construction.

(v) "Buffer" or "buffer zone, strip, or area" means the area adjacent to a shoreline or critical area that separates and protects the area from adverse impacts associated with adjacent land uses. A buffer is measured horizontally and perpendicularly from the ordinary high water mark, and includes the three-dimensional airspace above.

(w) "Building" means any structure used or intended for supporting or sheltering any use or occupancy as defined in the International Building Code.

(x) \*"Building envelope" means:

(i) A three-dimensional space in which a building or structure may be built meeting septic requirements;

(ii) A plat restriction for the purpose of defining building coverage areas for individual lots, or for describing shoreline building setbacks;

(iii) The buildable area of a lot, tract or parcel after applicable setbacks, buffers, easements and other restrictions on the lot, tract or parcel are taken into account.

(y) \*\*\*\*"Bulkhead" means a wall usually constructed parallel to the shore with the primary purpose of containing and preventing the loss of soil caused by erosion or wave action. Bulkheads are usually constructed of rock, poured-in-place concrete, steel or aluminum sheet piling, wood or wood and structural steel combinations. They may be either thin structures penetrating deep into the ground, or more massive structures resting on the surface.

(3) C Definitions.

(a) \*"Campground and camping facilities" means a facility in which sites are offered for persons using tents or other personal, portable overnight shelters. Campgrounds are for short-term stays and do not include trailer parks.

(b) "Canopy" means the collective branches and foliage of a single tree or group of trees, aggregate or collective tree crowns. A canopy can be closed or partially closed as in a forest or woodland stand, or composed of both individual trees and closed canopy groups as in an urban forest canopy.

(c) "Canopy cover" means the drip line area for an individual tree. For a stand of multiple trees it is the sum of the drip line areas of each tree less any overlap.

(d) \*\*\*\*“Channel” means an open water either naturally or artificially created to convey water.

(e) \* “Channel migration zone (CMZ)” means an area within the lateral extent of likely stream channel movement that is subject to risk due to stream bank destabilization, rapid stream incision, stream bank erosion and shifts in the location of stream channels.

“Channel migration zone” includes:

- (i) The historic channel migration zone (which is the footprint of the active channel documented through historical photographs and maps); and
- (ii) The avulsion hazard zone (which is an area with the potential for movement of the main river channel into a new location); and
- (iii) The erosion hazard area (which is an area outside the historic channel migration zone and the avulsion hazard zone, and includes an erosion setback for a 100-year period of time and a geotechnical setback to account for slope retreat to a stable angle of repose).
- (iv) “High channel migration hazard” (or “high risk CMZ”) for the Big Quilcene, Little Quilcene, Dosewallips, Duckabush, and Lower Hoh Rivers means those nondisconnected portions of the channel that are likely to migrate within a 50-year timeframe.
- (v) For the Big Quilcene, Little Quilcene, Dosewallips, and Duckabush Rivers, “moderate channel migration hazard” (or “moderate risk CMZ”) means those nondisconnected portions of the channel that are likely to migrate within a 50- to 100-year timeframe; and “low channel migration hazard” (or “low risk CMZ”) means those nondisconnected portions of the channel that are likely to migrate beyond a 100-year timeframe.
- (vi) For the Lower Hoh River, “moderately high hazard” (or “moderately high risk CMZ”) means those nondisconnected portions of the channel that are likely to migrate within a 50- to 100-year timeframe, “moderate hazard” means those nondisconnected portions of the channel that are likely to migrate beyond a 100-year timeframe, and “low hazard” means the nondisconnected portions of the channel that are less likely to be affected by channel migration, but is still at risk due to its location on the valley floor.

“Channel migration zone” does not include disconnected migration areas, which are areas that have been disconnected from the river by legally existing artificial structure(s) that restrain channel migration (such as levees and transportation facilities build above or constructed to remain intact through the 100-year flood elevation), that are no longer available for migration by the river.

“Channel migration zone” may exclude areas that lie behind a lawfully established flood

protection facility that is likely to be maintained by existing programs for public maintenance consistent with designation and classification criteria specified by public rule. When a natural geologic feature affects channel migration, the channel migration zone width will consider such natural constraints.

(f) "Channelization" means the straightening, relocation, deepening or lining of stream channels, including construction of continuous revetments or levees for the purpose of preventing gradual, natural meander progression.

(g) "Clearing" means the destruction or removal, by hand or with mechanical means, of vegetative ground cover, shrubs or trees. Clearing may or may not include removing root material or topsoil.

(h) "Cluster development" means a development design technique that groups or clusters buildings in specific areas on a site to minimize environmental impacts related to impervious surface, clearing and other impacts.

(i) "Commercial fish" means those species of fish that are classified under the Washington Department of Fish and Wildlife Food Fish Classification as commercial fish (WAC 220-12-010).

(j) \*"Commercial recreational facility" means a place designed and equipped for sports and leisure-time activities that is operated as a business and open to the public for a fee.

(k) \*"Commercial sign" means any object, device, display or structure that is used for attracting attention to any commercial use, product, service, or activity.

(l) \*"Commercial use" means a business use or activity at a scale greater than a home business or cottage industry involving retail or wholesale marketing of goods and services. Examples of commercial uses include offices and retail shops.

(m) "Community dock" means a dock that serves multiple residential properties including upland and waterfront lots in a subdivision or similar community setting. See also "Shared use."

(n) \*"Compatible" means uses or activities capable of existing together or in the vicinity of one another without disharmony or without generating effects or impacts which are disruptive to the normal use and enjoyment of surrounding property.

(o) "Compensatory mitigation" means replacing resources or functions, at an equivalent or greater level, to offset unavoidable impacts that remain after all appropriate and practicable avoidance and minimization measures have been implemented. "Compensatory mitigation" includes, but is not limited to, creation, restoration, enhancement, preservation, and rehabilitation of wetlands, buffers, and other habitats or resources.

- (p) \***“Comprehensive Plan”** means the Jefferson County Comprehensive Plan.
- (q) **“Conditional use permit (CUP)”** means a permit issued by the county stating that the proposed land uses and development activities meet all criteria and all conditions of approval in accordance with the procedural requirements of this code. The intent of requiring a CUP is to accommodate site-specific allowances while ensuring program requirements are satisfied. As per Chapter 18.15 JCC, a CUP can be administrative (C(a)) or discretionary (C(d)). For this program, criteria are described in Article IX of this chapter and application review processes are described in Article X of this chapter.
- (r) **“Conservation”** means the prudent management of rivers, streams, wetlands, wildlife and other environmental resources in order to preserve and protect them. This includes the careful use of natural resources to prevent depletion or harm to the environment.
- (s) \***“Conservation district”** means a special purpose district, like a fire district or school district, organized in accordance with Chapter 89.08 RCW for the purpose of providing assistance to landowners for the conservation of renewable resources.
- (t) **“Conservation easement”** means a legal agreement that the property owner enters into to restrict uses of the land for purposes of natural resources conservation. The easement is recorded on a property deed, runs with the land, and is legally binding on all present and future owners of the property.
- (u) **“Contaminant”** means any chemical, physical, biological, or radioactive substance that does not occur naturally in ground water, air, or soil or that occurs at concentrations greater than those in the natural levels (Chapter 172-200 WAC).
- (v) \***“County”** means Jefferson County, Washington, its board, commissions, and departments.
- (w) \*\*\*\***“Covered moorage”** means boat moorage, with or without walls, that has a roof to protect the vessel.
- (x) \*\*\*\***Creek.** See **“Stream.”**
- (y) **“Critical areas”** mean the following areas as designated in Chapter 18.22 JCC:
- (i) Critical aquifer recharge areas.
  - (ii) Wetlands.
  - (iii) Geologically hazardous areas.
  - (iv) Frequently flooded areas.

(v) Fish and wildlife habitat conservation areas.

(z) "Critical habitat" means habitat areas with which endangered, threatened, sensitive or monitored plant, fish, or wildlife species have a primary association (e.g., feeding, breeding, rearing of young, migrating). Such areas are identified herein with reference to lists, categories, and definitions promulgated by the Washington Department of Fish and Wildlife as identified in WAC 232-12-011 or 232-12-014; in the Priority Habitat and Species (PHS) program of the Department of Fish and Wildlife; or by rules and regulations adopted by the U.S. Fish and Wildlife Service, National Marine Fisheries Service, or other agency with jurisdiction for such designations. See also "Habitat of special significance."

(aa) "Cumulative impacts" or "cumulative effects" means the combined impacts of a proposed development action along with past impacts and impacts of reasonably foreseeable future development actions.

(bb) "Current deflector" means an angled stub-dike, groin, or sheet-pile structure which projects into a stream channel to divert flood currents from specific areas, or to control downstream current alignment.

(cc) \*"Current use" means the use of land or improvements at the time of permit application.

(4) D Definitions.

(a) "Dam" means a barrier across a stream or river to confine or regulate flow or raise water levels for purposes such as flood or irrigation water storage, erosion control, power generation, or collection of sediment or debris.

(b) \*"DCD" means the Jefferson County department of community development.

(c) "Deepwater habitats" means environments where surface water is permanent and often deep, so that water, rather than air, is the principal medium in which the dominate organisms live.

(d) "Degrade" means to scale down in desirability or salability, to impair in respect to some physical property or to reduce in structure or function.

(e) \*\*\*\*"Delta" or "river delta" means those lands formed as an aggradational feature by stratified clay, silt, sand and gravel deposited at the mouths of streams where they enter a quieter body of water. The upstream extent of a river delta is that limit where it no longer forms distributary channels.

(f) \*"Density" means the quantity per unit area, such as the number of dwelling units per acre.

(g) \*\*\*\*"Development" means a use consisting of the construction or exterior alteration of

structures; dredging; drilling; dumping; filling; removal of any sand, gravel, or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the surface of the waters overlying lands subject to this program at any state of water level.

(h) \*\*\*\*“Developed shorelines” means those shoreline areas that are characterized by existing uses or structures located within shoreline jurisdiction.

(i) “Development agreement” means a binding legal agreement between a local government and a property owner, managing agent or controlling entity that establishes the standards and other provisions that apply to, govern and vest the development, use and mitigation of real property for the specified duration of time, as consistent with local regulations and Chapter 36.70B RCW.

(j) “Diameter at breast height (DBH)” means the diameter of a tree at four and one-half feet above the ground measured from the uphill side.

(k) “Dike” means an artificial embankment placed at a stream mouth or delta to hold back sea water.

(l) \*\*“Director” means, unless otherwise specified, the director of the county’s department of community development (DCD) or the director’s designee.

(m) \*\*“Division of land” means the creation of any new lot or lots for the purpose of sale, lease, or transfer of ownership (see Chapter 18.35 JCC).

(n) “Dock” means a fixed platform structure anchored in and floating upon a water body that abuts the shore to provide landing for water dependent recreation or moorage for vessels or watercraft and does not include above water storage.

(o) \*\*“Drainage” means surface water runoff; the removal of surface water or ground water from land by drains, grading, or other means, which include runoff controls to minimize erosion and sedimentation during and after construction or development.

(p) “Dredge material disposal” means the depositing of dredged materials on land or into water bodies.

(q) “Dredging” means the removal of earth from the bottom of a stream, river, lake, bay, or other water body. This does not include de minimis removal of sediment during harvest of geoduck clams or other shellfish.

(r) \*\*“Drift cell, drift sector, or littoral cell” means a particular reach of marine shore in which littoral drift may occur without significant interruption and which contains any natural sources of such drift and also accretion shore forms accreted by such drift.

(s) "Drip line area" means the area measured from the trunk of the tree outward to a point at the perimeter of the outermost branch structure of the tree.

(t) \*\*"Driveway" means a strip of land which provides vehicular access to one or two lots.

(u) \*\*\*\*"Dune" means a hill or ridge of sand piled up by the wind and/or wave action.

(v) " Dwelling unit" means one or more rooms or structures designed for occupancy by an individual or family for living and sleeping purposes.

(5) E Definitions.

(a) \*\*\*"Ecological functions" or "shoreline functions" means the work performed or role played by the physical, chemical, and biological processes that contribute to the maintenance of the aquatic and terrestrial environments that constitute the shoreline's natural ecosystem. See WAC 173-26-200(2)(c). Functions include, but are not limited to, habitat diversity and food chain support for fish and wildlife, ground water recharge and discharge, high primary productivity, low flow stream water contribution, sediment stabilization and erosion control, storm and flood water attenuation and flood peak desynchronization, and water quality enhancement through biofiltration and retention of sediments, nutrients, and toxicants. These beneficial roles are not listed in order of priority.

(b) \*\*\*\*"Ecologically intact shorelines" means those shoreline areas that retain the majority of their natural shoreline functions and values, as evidenced by vegetation and shoreline configuration. Generally, but not necessarily, ecologically intact shorelines are largely free of structural shoreline modifications, structures, and intensive human activities.

(c) "Ecology" means Washington State Department of Ecology.

(d) \*\*\*"Ecosystem processes" means the suite of naturally occurring physical and geologic processes of erosion, transport, and deposition; and specific chemical processes that shape landforms within a specific shoreline ecosystem and determine both the types of habitat and the associated ecological functions.

(e) "Emergency activities" are those activities that require immediate action within a time too short to allow full compliance with this program due to an unanticipated and imminent threat to public health, safety or the environment (see WAC 173-27-040). Emergency construction does not include development of new permanent protective structures where none previously existed. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

(f) \***“Endangered species”** means a species which is in danger of extinction throughout all or a significant portion of its range, as classified by the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, or the Federal Endangered Species Act.

(g) **“Enhancement”** means actions performed within an existing degraded shoreline and/or buffer to intentionally increase or augment one or more functions or values of the existing area. Enhancement actions include, but are not limited to, increasing plant diversity and cover, increasing wildlife habitat and structural complexity (snags, woody debris), installing environmentally compatible erosion controls, or removing non-indigenous plant or animal species.

(h) \***“Erosion”** means the detachment and movement of soil or rock by water, wind, ice, or gravity.

(i) \***“Erosion hazard areas”** means areas characterized by soils identified in the USDA Jefferson County Soil Survey as having severe water erosion hazards.

(j) \***“Essential public facilities”** means those important and necessary facilities which provide essential services that are typically difficult to site, such as airports, state educational facilities, state or regional transportation facilities, state and local correctional facilities, solid waste handling facilities, and in-patient facilities including substance-abuse facilities, mental health facilities, and group homes (RCW 36.70A.200). They do not necessarily include all public facilities or services; they may be, but are not necessarily, publicly owned. Essential public facilities in Jefferson County include airports, large-scale transportation facilities, solid waste handling and disposal facilities, correctional facilities, in-patient treatment facilities including substance-abuse facilities and mental health facilities, state-owned educational facilities, and wastewater treatment plants.

(k) **“Estuary”** means a semi-enclosed coastal water body connected to a larger body of saltwater with one or more streams/rivers flowing into it. Estuaries are typically the mouths of rivers and have brackish water.

(l) \***“Excavation”** means the mechanical removal of earth, including soil, rocks, bedrock, and/or root material from areas landward of the OHWM of a waterbody.

(m) **“Exempt development”** refers to activities which the legislature identified as not requiring shoreline substantial development permits. Actions in shoreline jurisdiction not requiring such permits are required to be consistent with all the relevant policies and regulations in RCW 90.58.030 and WAC 173-27(040). A letter from the county must be obtained certifying that the development is exempt. Exempt uses may still require conditional use and/or variance permits.

(n) \*Existing use\* means the use of a lot or structure or improvements at the time of the enactment of this code, unless otherwise specified.

(o) \*Experimental aquaculture\* means aquaculture that cultivates new species, or uses growing methods or harvesting techniques that have not previously been used in the state of Washington and that differ significantly from common practice.

(p) \*Extraction\* means the commercial removal of naturally occurring materials from the earth, excluding water.

(q) \*\*\*Extreme low tide (ELT)\*\*\* means the lowest line of the land reached by a receding tide. This is the line as estimated by the federal government below which it might reasonably be expected that the tide would not ebb. In the Puget Sound area generally, this point is estimated by the federal government to be a point in elevation 4.50 feet below the datum plane of mean lower low water (0.0). Along the Pacific Ocean and in the bays fronting thereon and the Strait of Juan de Fuca, the elevation ranges down to a minus 3.5 feet in several locations.

(6) F Definitions.

(a) \*\*\*\*Fair market value (FMV)\*\*\* of a development means the open market bid price for conducting the work, using the equipment and facilities, and purchase of the goods, services and materials necessary to accomplish the development. This would normally equate to the cost of hiring a contractor to undertake the development from start to finish, including the cost of labor, materials, equipment and facility usage, transportation and contractor overhead and profit. The fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

(b) \*\*\*Feasible\*\*\* means, for the purpose of this program, that an action, such as a development project, mitigation, or preservation requirement, meets all of the following conditions:

(i) The action can be accomplished with technologies and methods that have been used in the past in similar circumstances, or studies or tests have demonstrated in similar circumstances that such approaches are currently available and likely to achieve the intended results;

(ii) The action provides a reasonable likelihood of achieving its intended purpose; and

(iii) The action does not physically preclude achieving the project's primary intended legal use. In cases where these guidelines require certain actions unless they are infeasible, the burden of proving infeasibility is on the applicant. In determining an action's infeasibility, the reviewing agency may weigh the action's relative public costs and public benefits, considered in the short- and long-term time frames.

- (c) (i) \*\*“Feasible alternative” means an alternative that:
- (A) Meets the requirements of federal, state, and local laws and regulations;
  - (B) Attains most or all of the basic objectives of the project;
  - (C) Is technically and technologically possible;
  - (D) Can be accomplished at a reasonable cost;
  - (E) Can be accomplished in a reasonable amount of time; and
  - (F) Adverse environmental, health, and safety effects are no greater than those of the original proposal.
- (ii) A determination of what is reasonable or feasible is made by the decision-making body on a case-by-case basis, taking into account the:
- (A) Probable intensity, severity, and cumulative impacts of the original proposal and alternative approaches, and opportunity for the avoidance or reduction in the number, intensity, or severity of significant impacts, or of the aggregate adverse impact;
  - (B) Risk of upset conditions (i.e., the risk that the control and mitigation measures will fail, be overwhelmed, or exceed allowed limits) and the potential severity of the impact should control or mitigation measures be ineffective or fail;
  - (C) Capital and operating costs;
  - (D) Period of time to accomplish, costs of additional time or delay, and time constraints for completion; and
  - (E) Location and site-specific factors, such as seasonal or topographic constraints, environmentally sensitive areas and habitats, site accessibility, and local community concerns.
- (d) \*\*\*\*“Feeder bluff” means any coastal headland or hill with a broad, steep face experiencing periodic erosion from waves, sliding or slumping that, through natural transportation, contributes eroded earth, sand or gravel material via a driftway to an accretion shoreform.
- (e) “Fill” means the addition of solid or semi-solid material such as soil, sand, rock, gravel, sediment, wood chips, mining overburden, earth retaining structure, or other material used to create any structure or infrastructure or when placed changes the elevation or grade of a receiving site.

- (f) "Fill material" means any solid or semi-solid material such as soil, sand, rock, gravel, sediment, wood chips, mining overburden, earth retaining structure, or other material from mining or other excavation activities, and materials used to create any structure or infrastructure, that when placed, changes the grade or elevation of the receiving site.
- (g) "Filling" means the act of transporting or placing by any manual or mechanical means fill material from, to, or on any soil surface, including temporary stockpiling of fill material.
- (h) "Finfish" means a vertebrate organism of the classes Osteichthyes, Agnatha, or Chondrichthyes possessing a bony and/or cartilaginous inner skeleton, including all stages of development and the bodily parts of the fish (RCW 77.08.22). Examples include, but are not limited to, salmon, trout, ling cod, rock fish, halibut, sole, sablefish, perch, pollock, whiting, tilapia, carp, lamprey, sturgeon, sharks, skates, and rays. In comparison, see "Shellfish."
- (i) "Fire hazard" means the accumulation of combustible materials in such a condition as to be readily ignited and in such a quantity as to create a hazard from fire to nearby structures, life and property.
- (j) "Fish habitat" means a complex of physical, chemical, and biological conditions that provide the life supporting and reproductive needs of a species or life stage of fish. Although the habitat requirements of a species depend on its age and activity, the basic components of fish habitat in rivers, streams, ponds, and nearshore areas include, but are not limited to, the following:
- (i) Clean water and appropriate temperatures for spawning, rearing, and holding;
  - (ii) Adequate water depth and velocity for migrating, spawning, rearing, and holding, including off-channel habitat;
  - (iii) Abundance of bank and in-stream structures to provide hiding and resting areas and stabilize stream banks and beds;
  - (iv) Appropriate substrates for spawning and embryonic development. For stream and lake dwelling fishes, substrates range from sands and gravel to rooted vegetation or submerged rocks and logs. Generally, substrates must be relatively stable and free of silts or fine sand;
  - (v) Presence of riparian vegetation as defined in this article. Riparian vegetation creates a transition zone, which provides large woody debris (LWD), shade, and food sources of aquatic and terrestrial insects for fish;
  - (vi) Unimpeded passage (suitable gradient and lack of barriers) for upstream and downstream migrating juveniles and adults.

(k) "Float" means a fixed platform structure anchored in and floating upon a water body that does not connect to the shore, and that provides landing for water-dependent recreation or moorage for vessels or watercraft, and that does not include above water storage.

(l) "Floating aquaculture" means aquaculture systems that suspend aquatic organisms in the water column using buoys, rafts, docks, piers or other structure and that extend more than three feet from the bottom into the water column. Floating aquaculture is synonymous with hanging aquaculture.

(m) "Floating house" means any floating structure that is designed, or has been substantially and structurally remodeled or redesigned, to serve primarily as a residence. "Floating houses" include house boats, house barges, or any floating structures that serve primarily as a residence and do not qualify as a vessel. A floating structure that is used as a residence and is capable of navigation, but is not designed primarily for navigation, nor is normally capable of self propulsion and use as a means of transportation, is a floating house, not a vessel per WAC 332-30-103.

(n) \*"Flood" or "flooding" means the temporary inundation of normally dry land areas from the overflow of inland or tidal waters or from the unusual and rapid accumulation or runoff of surface waters.

(o) "Flood control" means all development on rivers and streams designed to retard bank erosion, to reduce flooding of adjacent lands, to control or divert stream flow, or to create a reservoir, including but not limited to revetments, dikes, levees, channelization, dams, weirs, flood and tidal gates. Excluded are water pump apparatus.

(p) \*\*\*"Floodplain" is synonymous with 100-year floodplain and means that land area susceptible to inundation with a one percent chance of being equaled or exceeded in any given year. The limit of this area shall be based upon flood ordinance regulation maps or a reasonable method which meets the objectives of the Act.

(q) "Floodplain management" means a long-term program to reduce flood damages to life and property and to minimize public expenses due to floods through a comprehensive system of planning, development regulations, building standards, structural works, and monitoring and warning systems.

(r) "Floodway" means the area of a river valley that conveys flood waters with reasonable regularity, although not necessarily annually. At a minimum, the floodway is that which has been established in Federal Emergency Management Act flood insurance rate maps or Federal Emergency Management Act floodway maps. Other data and information, including topography, changes in soil or vegetation, and other indicators of past flooding, may be used to define and map a floodway that meets the objectives of the Shoreline Management Act, Chapter 90.58

RCW. The floodway shall not include those lands that can reasonably be expected to be protected from 100-year flood waters by flood control devices maintained by or maintained under license from the federal government, the state, or a political subdivision of the state.

(s) "Forest land" means all land that is capable of supporting a merchantable stand of timber and is not being actively used, developed, or converted in a manner that is incompatible with timber production.

(t) \*"Forest management" means forest practices pertaining to protecting, producing, and harvesting timber for economic use.

(u) \*"Forest practice" means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber, including but not limited to: road and trail construction and maintenance; harvest, final and intermediate; precommercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees; and brush control.

(v) \*"Forest practice, conversion" means the conversion of land to an active use incompatible with timber growing and where future nonforest uses will be located on currently forested land.

(w) \*"Frequently flooded areas" means lands subject to a one percent or greater chance of flooding in any given year.

(x) "Function assessment" or "functions and values assessment" means a set of procedures, applied by a qualified consultant, to identify the ecological functions being performed in a shoreline or critical area, usually by determining the presence of certain characteristics, and determining how well the area is performing those functions. Function assessments can be qualitative or quantitative and may consider social values potentially provided by an area. Function assessment methods must be consistent with best available science.

(7) G Definitions.

(a) "Gabions" means works composed of masses of rock, rubble, or masonry tightly enclosed usually by wire mesh so as to form massive blocks. They are used to form walls on beaches to retard wave erosion or as foundations for breakwaters or jetties.

(b) "Game fish" means those species of fish that are classified by the Washington Department of Fish and Wildlife as game fish (WAC 232-12-019).

(c) "Genetically modified organism (GMO)" means a plant, animal or microorganism whose genetic material has been manipulated by a molecular biological engineering technique (such as recombinant DNA technology using transgenic or cisgenic methods) resulting in a genetically

distinct organism with an altered hereditary pattern of protein production by the chromosomes. Selective breeding, cross breeding, and creation of polyploidy are not included.

(d) \***“Geologically hazardous areas”** means areas that because of their susceptibility to erosion, sliding, earthquake, or other geological events are not suited to the siting of commercial, residential, or industrial development consistent with public health or safety concerns.

(e) **“Geologically unstable”** means the relative instability of a shoreform or land form for development purposes over the long term or the intended life of any proposed structure. Soil, slope, ground or surface water, other geologic conditions, vegetation and effects of development are common factors that contribute to instability. Areas characterized by banks or bluffs composed of unconsolidated alluvial or glacial deposits (till and drift material), severely fractured bedrock, active and substantial erosion, substantially deformed trees and shrubs, or active or inactive earth slides are likely to be considered geologically unstable.

(f) **“Geotechnical report”** or **“geotechnical analysis”** means a scientific study or evaluation that includes a description of the ground and surface hydrology and geology, the affected land form and its susceptibility to mass wasting, erosion, and other geologic hazards or processes, conclusions and recommendations regarding the effect of the proposed development on geologic conditions, the adequacy of the site to be developed, the impacts of the proposed development, alternative approaches to the proposed development, and measures to mitigate potential site-specific and cumulative geological and hydrological impacts of the proposed development, including the potential adverse impacts to adjacent and down-current properties. Geotechnical reports shall conform to accepted technical standards and must be prepared by qualified engineers or geologists who are knowledgeable about the regional and local geology.

(g) \***“Grade, existing”** means the elevation of the ground or site prior to any work being done or any changes being made to the ground or site.

(h) \***“Grade, finished”** means the final elevation of the ground level after development.

(i) **“Gradient”** means a degree of inclination, or a rate of ascent or descent, of an inclined part of the earth’s surface with respect to the horizontal; the steepness of a slope. It is expressed as a ratio (vertical to horizontal), a fraction (such as meters/kilometers or feet/miles), a percentage (of horizontal distance), or an angle (in degrees).

(j) \***“Grading”** means stripping, cutting, filling, or stockpiling earth to create new grade.

(k) **“Groin”** means a wall-like structure extending on an angle waterward from the shore. Its purpose is to build or preserve an accretion shoreform or berm on its updrift side by trapping littoral drift. Groins are relatively narrow in width but vary greatly in length. Groins are

sometimes built in series as a system, and may be permeable or impermeable, high or low, and fixed or adjustable.

(l) "Ground water" means all water that exists beneath the land surface or beneath the bed of any stream, lake or reservoir, or other body of surface water within the boundaries of the state, whatever may be the geological formation or structure in which such water stands or flows, percolates or otherwise moves (Chapter 90.44 RCW).

(m) "Growth Management Act (GMA)" means the State of Washington Growth Management Act, Chapter 36.70A RCW, as amended.

(n) "Guidelines" means those standards adopted under Chapter 173-26 WAC, as amended, or any successor regulations thereof, that serve as standards for implementation of the policy of Chapter 90.58 RCW for regulations of uses of the shorelines, and that provide criteria to local governments and the Department of Ecology in developing master programs.

(8) H Definitions.

(a) "Habitat" means the place or type of site where a plant or animal naturally or normally lives and grows.

(b) "Habitat of special significance" means eelgrass beds, kelp beds, rocky reef habitat, geoduck beds, hardshell clam beds, habitat having significant populations of or which are important to the feeding, reproduction or other life stages of Dungeness crabs, herring, lingcod/greenling, true cod, soles and flounders, rock fishes, cabezon and other large sculpins, or sea perch, wildlife refuges and habitats of endangered or threatened species, and other habitat that meets the 1986 Interim Guidelines for Salmon Net Pen Culture in Puget Sound, as determined on a case-by-case basis in consultation with Washington Department of Fish and Wildlife. See also "Critical habitat."

(c) Hanging Aquaculture. See "Floating aquaculture."

(d) "Harbor area" means the area of navigable tidal waters as determined in Section 1 of Article 15 of the Washington State Constitution, which is forever reserved for landings, wharves, streets, and other conveniences of navigation and commerce. Harbor areas exist between the inner and outer harbor lines as established by the state harbor line commission. Harbor areas are managed by the Department of Natural Resources for the conveniences of navigation and commerce (RCW 79.105.060(5)).

(e) "Hazard tree" means any tree that presents a risk to persons or property due to a high probability of falling in the near future because of a debilitating disease, a structural defect, a root ball significantly exposed, or having been exposed to windthrow within the past 10 years.

Hazardous trees include, but are not limited to, conditions where a permanent, primary structure or appurtenant or accessory structure is within one and one-half tree lengths of the base of the trunk. Where not immediately apparent to the administrator, the hazard tree determination shall be made after review of a report prepared by a certified arborist or forester.

(f) "Hazardous area" means any shoreline area which is hazardous for intensive human use or structural development due to inherent and/or predictable physical conditions; such as but not limited to geologically hazardous areas, frequently flooded areas, and coastal high hazard areas.

(g) "Hazardous materials" means any substance containing such elements or compounds which when discharged in any quantity in shorelines present an imminent and/or substantial danger to public health or welfare; including, but not limited to: fish, shellfish, wildlife, water quality, and other shoreline features and property.

(h) "Hazardous waste" means those solid wastes designated by 40 CFR Part 261, and regulated as hazardous waste by the United States Environmental Protection Agency.

(i) "Hearings Board" means the State Shorelines Hearings Board referenced in RCW 90.58.170.

(j) "Height, building" means the vertical distance from grade plane to the average height of the highest roof surface (cf., International Building Code).

(k) "Historic" means having considerable importance or influence in history; historical.

(l) "Historic preservation professionals" means those individuals who hold a graduate degree in architectural history, art history, historic preservation, or closely related field, with coursework in American architectural history, or a bachelor's degree in architectural history, art history, historic preservation or closely related field plus one of the following:

(i) At least two years of full-time experience in research, writing, or teaching in American architectural history or restoration architecture with an academic institution, historical organization or agency, museum, or other professional institution; or

(ii) Substantial contribution through research and publication to the body of scholarly knowledge in the field of American architectural history.

(m) "Historic site, structure or landmark" means a site, structure or building of outstanding archaeological, historical or cultural significance. This is shown by its designation as such by the National or Washington State Register of Historic Places, designation as an historic landmark, or any such structure or feature for which the State Historic Preservation Officer has made a determination of significance pursuant to Section 106 of the National Historic Preservation Act.

(n) "Hotel" (or "lodge") means a commercial building in which lodging is provided and offered to

the public for compensation, and which is open to transient guests, and is not a motel or bed and breakfast inn.

(o) \*"Household" means one or more related or unrelated persons occupying a dwelling unit.

(p) "Hydraulic project approval (HPA)" means a permit issued by the State Department of Fish and Wildlife for modifications to waters of the state in accordance with Chapter 75.20 RCW.

(9) I Definitions.

(a) \*"Illegal use" means any use of land or a structure which is inconsistent with current codes and/or was inconsistent with previous codes in effect when the use or structure was established. An illegal use is different than a nonconforming use. (See also "Nonconforming.")

(b) "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and other surfaces. Open, uncovered retention/detention facilities shall not be considered impervious surfaces for purposes of this program. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(c) \*"Incidental" means subordinate to, minor in significance, and bearing a reasonable relationship with the primary use.

(d) \*"Incompatible" means uses and activities that are not compatible.

(e) "Industrial development" means facilities for processing, manufacturing, and storage of finished or semi-finished goods, including but not limited to oil, metal or mineral product refining, power generating facilities, including hydropower, ship building and major repair, storage and repair of large trucks and other large vehicles or heavy equipment, related storage of fuels, commercial storage and repair of fishing gear, warehousing construction contractors' offices and material/equipment storage yards, wholesale trade or storage, and log storage on land or water, together with necessary accessory uses such as parking, loading, and waste storage and treatment. Excluded from this definition are mining including on-site processing of raw materials, and off-site utility, solid waste, road or railway development, and methane digesters that are accessory to an agricultural use.

(f) "Industrial pier" means a fixed platform structure supported by piles in a water body that abuts the shore to provide access to or moorage of vessels or watercraft for industrial purposes, such as, but not limited to, mining, processing raw materials, manufacturing products from natural resources, and operations that include hazardous substances.

- (g) \*\*\*\*“Industry” means the production, processing, manufacturing, or fabrication of goods or materials. Warehousing and storage of materials or production is considered part of the industrial process.
- (h) \*“Infiltration” means the downward entry of water into the immediate surface of soil.
- (i) “Infrastructure” means existing installed facilities and services including capital facilities such as water supply, sewage disposal, and storm drainage systems, and transportation facilities such as public roads.
- (j) \*\*\*\*“Inner harbor line” means a line located and established in navigable tidal waters between the line of ordinary high water and the outer harbor line, constituting the inner boundary of the harbor area.
- (k) \*\*\*\*“In-stream structure” means a human-made structure placed within a stream or river waterward of the ordinary high water mark that either causes or has the potential to cause water impoundment, or the diversion, obstruction, or modification of water flow. In-stream structures may include those for hydroelectric generation, irrigation, water supply, flood control, transportation, utility service, transmission, fisheries enhancement, or other purposes.
- (l) \*“Intensification of nonconforming use” means any increase or expansion in the quality or quantity of products, goods, services, structures or adverse impacts upon parcels within the vicinity of the nonconforming use produced, generated, served, created or performed at the site of the legal nonconforming use by the owner or occupant of that legal nonconforming use.
- (m) \*“Intensive” means highly concentrated, very large, or considerable, in terms of Jefferson County standards and environment.
- (n) \*“International Building Code (IBC)” means the building code officially adopted by Jefferson County.
- (o) \*\*\*\*“Intertidal” means the area waterward of the ordinary high water mark and landward of the line of extreme low tide.
- (p) “Invasive species” means a species that is (i) nonnative (or alien) to Jefferson County and (ii) whose introduction causes or is likely to cause economic or environmental harm or harm to human health. Invasive species can be plants, animals, and other organisms (e.g., microbes). Human actions are the primary means of invasive species introductions. Includes noxious weeds that, when established, are highly destructive, competitive, or difficult to control by cultural or chemical practices, as per RCW 17.10.010.
- (q) “In-water finfish aquaculture” means the farming or culture of vertebrate or cartilaginous food

fish for market sale when raised in facilities located waterward of the ordinary high water mark in freshwater or saltwater water bodies, in either open-flow or contained systems. This includes net pens, sea cages, bag cages and similar floating/hanging containment structures and is intended to reflect the definition of "marine finfish rearing facilities" (RCW 90.48.220), but does not include temporary restoration/enhancement facilities used expressly to improve populations of native stocks and that meet the definition of "watershed restoration project" per RCW 89.08.460.

(r) \*\*\*\*"Island" means a land mass completely surrounded by water.

(10) J Definitions.

(a) \*\*\*\*"Jetty" means a structure generally perpendicular to the shore, extending through or past the intertidal zone. Jetties are built singly or in pairs at a harbor entrance or river mouth mainly to prevent accretion from littoral drift in an entrance channel. Jetties also serve to protect channels from storm waves or cross currents and to stabilize inlets through barrier beaches. Most jetties are of rip-rapped mound construction.

(b) Joint Use Dock. See "Community dock."

(11) No K definitions.

(12) L Definitions.

(a) "Lake" means a body of standing water in a depression of land or expanded part of a stream, of 20 acres or greater in total area. A lake is bounded by the OHWM, or where a stream enters the lake, the extension of the lake's OHWM within the stream. A lake is generally distinguished from marshes, bogs, and swamps by its greater depth.

(b) "Land disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to, clearing, grading, filling, compaction, and excavation.

(c) Landfill. See "Filling."

(d) "Landslide" means a general term covering a wide variety of mass movement landforms and processes involving the downslope transport, under gravitational influence, of soil and rock material en masse; included are debris flows, debris avalanches, earthflows, mudflows, slumps, mudslides, rock slides, and rock falls.

(e) \*"Landslide hazard" areas means areas potentially subject to risk of mass movement due to a combination of geologic, topographic, and hydrologic factors.

- (f) \***“Landward”** means to or toward the land.
- (g) **“Levee”** means a natural or artificial embankment on the bank of a river or stream for the purpose of keeping floodwaters from inundating adjacent land. Some levees have revetments on their sides.
- (h) **“Liberal construction”** means that the interpretation of this document shall not only be based on the actual words and phrases used in it, but also by taking its deemed or stated purpose into account.
- (i) **“Live-aboard”** means a seaworthy vessel that was designed primarily for navigation but is used as a residence. A boat or other floating structure is a residence if it is occupied 30 out of 45 days or 90 out of 365 days while moored or anchored in the same area, or if the local government, the marina, or the occupant of the boat defines it as a residence. The phrase **“in the same area”** means within a radius of one mile of any location where the same vessel previously moored or anchored. A vessel that is occupied and is moored or anchored in the same area, but not for the number of days described in this subsection, is considered a recreational or transient vessel (WAC 332-30-106).
- (j) **“Log storage”** means the water storage of logs in rafts or otherwise prepared for shipment in water-borne commerce, but does not include the temporary holding of logs to be taken directly into a vessel or processing facility (RCW 79.105.060(10)).
- (k) \***“Logging”** means activities related to and conducted for purposes of harvesting or processing timber. See also **“Forest practices.”**
- (l) \***“Long-term commercial significance”** means lands with the growing capacity, productivity, soil composition, and economic viability for long-term agricultural, mineral or silvicultural production.
- (m) \***“Lot”** means a designated tract, parcel or area of land established by plat, subdivision, or as otherwise permitted by law, to be separately owned, and utilized. The area below the ordinary high water mark may not be considered a part of the lot area for all purposes.
- (n) \***“Lot of record”** means an undeveloped lot, tract or parcel of land shown on an officially recorded short plat or long plat or a parcel of land officially recorded or registered as a unit of property and described by platted lot number or by metes and bounds and lawfully established for conveyancing purposes on the date of recording of the instrument first referencing the lot. The term lot of record does not imply that the lot was created in conformity with the legal regulatory requirements for subdivision of property in accordance with Chapter 58.17 RCW or Chapter 18.35 JCC.

(o) “Low intensity land use” means a land use that has limited impact upon the land, resources and adjoining properties in terms of the scale of development, and frequency, amount, or concentration of use. Low intensity uses are mostly passive uses that do not substantially consume resources or leave noticeable or lasting adverse effects.

(13) M Definitions.

(a) “Maintenance and repair” means work required to keep existing improvements in their existing operational state. This does not include any modification that changes the character, scope, or size of the original structure, facility, utility or improved area.

(b) “Marina” means a wet moorage and/or dry storage facility for multiple pleasure crafts and/or commercial crafts where goods or services related to boating may be sold commercially. Launching facilities and covered moorage may also be included. Marinas may be open to the general public or restricted on the basis of property ownership or membership.

(c) “Mass wasting” means downslope movement of soil and rock material by gravity. This includes soil creep, erosion, and various types of landslides, not including bed load associated with natural stream sediment transport dynamics.

(d) “Master planned resort (MPR)” means a self-contained and fully integrated planned unit development in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of on-site indoor or outdoor recreational facilities. A master planned resort may include other residential uses within its boundaries, but only if the residential uses are integrated into and support the on-site recreational nature of the resort (cf., RCW 36.70A.360).

(e) “May” means the action is allowable, provided it conforms to the provisions of this program.

(f) “Mean annual flow” means the average flow of a river or stream (measured in cubic feet per second) from measurements taken throughout the year. If available, flow data for the previous 10 years should be used in determining mean annual flow.

(g) “Minerals” means clay, coal, gravel, industrial minerals, metallic substances, peat, sand, stone, topsoil, and any other similar solid material or substance to be excavated from natural deposits on or in the earth for commercial, industrial, or construction use.

(h) (i) “Mining” or “mining operations” means, in accordance with RCW 78.44.031, all mine-related activities, exclusive of reclamation, that include, but are not limited to activities that affect noise generation, air quality, surface and ground water quality, quantity, and flow, glare, pollution, traffic safety, ground vibrations, and/or significant or substantial impacts commonly regulated under land use provisions. Mining specifically includes:

- (A) Extraction of rock, stone, gravel, sand, earth, and other minerals;
- (B) Blasting, equipment maintenance, sorting, crushing, and loading;
- (C) On-site mineral processing including asphalt or concrete batching, concrete recycling, and other aggregate recycling; and
- (D) All methods of transporting minerals to and from the mine (including conveyors, piers, and barges), on-site road maintenance, maintenance of roads used extensively for surface mining activities, traffic safety, and traffic control.

(ii) Mining shall not include the following:

- (A) Excavation and grading at building construction sites where such construction is authorized by a valid building permit; or
- (B) Excavation and grading in public rights-of-way for the purpose of on-site road construction, or in private rights-of-way for the same purpose if authorized by the county; or
- (C) Excavation and grading for the purpose of developing ponds or manure lagoons for agricultural purposes; or
- (D) Excavation and grading in connection with and at the site of any creek, river, or flood-control or storm drainage channel for the purpose of enlarging hydraulic capacity or changing the location or constructing a new channel or storm drain where such work has been approved by the county; or
- (E) Excavation and grading where the excavated material will be used on the same property or on property contiguous to and under the same ownership as the excavation.

(i) \***“Mitigation”** means measures prescribed and implemented to avoid, minimize, lessen, or compensate for adverse impacts. Explicit in this definition is the following order of preference:

- (i) Avoiding an impact altogether by not taking a certain action or parts of actions;
- (ii) Minimizing impacts by limiting the degree or magnitude of an action and its implementation;
- (iii) Rectifying impacts by repairing, rehabilitating, or restoring the affected environment;
- (iv) Reducing or eliminating an impact over time by preservation and maintenance operations during the life of the action;

- (v) Compensating for an impact by replacing or providing substitute resources or environments; and
- (vi) Monitoring the mitigation and taking remedial action when necessary.
- (j) "Mitigation bank" means a site where wetlands or similar habitats are restored, created, enhanced, or in exceptional circumstances, preserved, expressly for the purpose of providing compensatory mitigation in advance of authorized impacts to aquatic resources.
- (k) "Mitigation plan" means a detailed plan indicating actions necessary to mitigate adverse impacts to shorelines and/or critical areas.
- (l) "Mixed use" means a combination of uses within the same building or site as a part of an integrated development project with functional interrelationships and coherent physical design.
- (m) \*"Mobile home" means a factory-built dwelling built prior to June 15, 1976, to the standards other than the HUD Code, and acceptable under applicable state codes in effect at the time of construction or introduction of the home into the state. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. See also "Manufactured home" in Chapter 18.10 JCC.
- (n) \*"Mobile home park" means a development with two or more improved pads or spaces with required improvements and utilities designed to accommodate mobile homes, according to RCW 59.20.030(4).
- (o) "Monitoring" means evaluating the effects of a development action on the biological, hydrological, pedological, and geological elements of natural systems and/or assessing the performance of required mitigation measures through data collection, analysis and reporting.
- (p) \*\*\*\*"Mooring buoy" means an anchored floating device in a water body used for the landing or storage of a vessel or water craft.
- (q) \*"Motel" means a commercial building or group of buildings in which lodging is provided to transient guests, offered to the public for compensation, and in which access to and from each room or unit is through an exterior door.
- (r) \*"Motor home" means a motor vehicle originally designed, reconstructed, or permanently altered to provide facilities for human habitation, which include lodging, cooking, and sewage disposal, and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit constructed separately and affixed to a motor vehicle (RCW 46.04.305).
- (s) \*\*\*\*"Must" means a mandate; the action is required.

(t) “Multifamily dwelling” means a single building, or portion thereof, designed for or occupied by three or more families living independently of each other in separate dwelling units on one lot of record and, for the purpose of this program, includes triplexes, fourplexes, apartment buildings, and residential condominiums.

(14) N Definitions.

(a) \* “National Register of Historic Places” means the official federal list, established by the National Historic Preservation Act, of sites, districts, buildings, structures and objects significant in the nation’s history and prehistory, or whose artistic or architectural value is unique.

(b) \* “Native vegetation” means plant species that are indigenous to Jefferson County.

(c) “Nearshore” means the estuarine delta/marine shoreline and areas of shallow water from the top of the coastal bank or bluffs to the water at a depth of about 10 meters relative to mean lower low water.

(d) “Net pens” are finfish culturing systems that generally consist of two nets – an interior net to keep fish in and an exterior net to exclude predators. Net pens are typically anchored to the waterbody floor and suspended from the surface with a floatation structure; the netting continues above the water to a degree to stop fish from jumping out. Fish pen structures solely and directly established and managed for purposes of salmon enhancement and/or restoration are not considered net pens for purposes of this program.

(e) “No net loss (NNL)” means the maintenance of the aggregate total of the county shoreline ecological functions over time. The no net loss standard contained in WAC 173-26-186 requires that the impacts of shoreline use and/or development, whether permitted or exempt from permit requirements, be identified and mitigated such that there are no resulting adverse impacts on ecological functions or processes.

(f) \* “Noise” means any sound not occurring in the natural environment which causes or tends to cause an adverse psychological or physiological effect on humans. This includes sounds arising from the amplification of noises generated by expected or permitted uses of a lot or structure.

(g) “Nonconforming” means a use or development which conformed to the applicable codes in effect on the date of its creation but which no longer complies because of changes in code requirements. Nonconformity is different than and not to be confused with illegality (see “Illegal use”).

(h) “Nonconforming lot” means a legal lot of record in existence prior to the effective date of this program and any amendments thereto, on which it is not possible to construct a structure outside of/landward of the shoreline buffer or which does not otherwise meet the minimum lot

size requirements as set forth in this program. Depth of lot is measured as the distance from ordinary high water mark to the inside edge of the frontage setback.

(i) \*Nonconforming structure” means a structure which does not conform to the dimensional regulations of this program, including but not limited to setback, buffer, height, lot coverage, density, and building configuration.

(j) \*Nonconsumptive use” means a use which does not permanently deplete, degrade, or destroy the resource involved.

(15) O Definitions.

(a) “Off-premises sign” means a sign situated on premises other than those premises to which the sign’s message is related.

(b) \*\*\*\*“Offshore” means the sloping subtidal area seaward from the low intertidal.

(c) “Off-site mitigation” means to replace shoreline resources at a location away from the site that is impacted by development.

(d) “On-premises sign” means a sign situated on the premises to which the sign’s message is related.

(e) \*On-site waste disposal” means any one of several means for disposal of sanitary waste on the property from which it is generated (e.g., septic tank and drainfield).

(f) \*Open record hearing” means a hearing, conducted by a single hearing body or officer that creates the record through testimony and submission of evidence and information, under procedures prescribed by ordinance or resolution. An open record hearing may be held prior to the decision on a project permit and is to be known as an open record predecision hearing. An open record hearing may be held on an appeal, and is to be known as an open record appeal hearing, if no open record predecision hearing has been held on the project permit.

(g) \*Open space” means lands committed to farming and forestry uses and any parcel, lot, or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public or private use or enjoyment.

(h) \*Open space tax program” means a county program associated with property taxation. Land being used for agriculture may be enrolled in the tax program through the county assessor. The tax program is independent of land use designation (i.e., zoning) and these development regulations, except in the context of identifying existing and ongoing agriculture, as defined and regulated in this program.

(i) \*Operator\* means any person who is in actual physical or electronic control of a powered watercraft, motor vehicle, aircraft, off-highway vehicle, or any other engine driven vehicle.

(j) \*\*\*Ordinary high water mark\* or \*OHWM\* means that mark that will be found by examining the bed and banks and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years, as to mark upon the soil a character distinct from that of the abutting upland, in respect to vegetation as that condition exists on June 1, 1971, as it may naturally change thereafter, or as it may change hereafter in accordance with permits issued by Jefferson County or the Department of Ecology. On a site-specific basis, Department of Ecology has the final authority on determining where the ordinary high water mark is located (RCW 90.58.030).

(k) \*\*\*\*Outer harbor line\* means a line located and established in navigable waters as provided in Section 1 of Article 15 of the Washington State Constitution, beyond which the state shall never sell or lease any rights whatsoever to private persons.

(l) \*Owner\* means an individual, firm, business entity, trust, association, syndicate, partnership, or corporation having sufficient property interest to seek development of land.

(m) \*Owner-occupied\* means the residential occupancy of a building or property by the owner.

(16) P Definitions.

(a) \*Park\* means a tract of land designated for and used by the public for recreation.

(b) \*Parking lot\* means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles.

(c) \*Parties of record\* means the land use permit applicant; persons who have testified at the open record hearing; and any persons who have submitted written comments concerning the application that form part of the public record (excluding persons who only signed petitions or mechanically produced form letters).

(d) \*Performance standard\* means a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.

(e) \*Permit center\* means the Jefferson County department of community development.

(f) \*Permit review\* means the process of reviewing applications for project permits for consistency with the requirements of this program.

(g) \*Permittee\* means the entity to whom a permit is granted.

(h) \*Person\* means any individual, owner, contractor, tenant, partnership, corporation, business entity, association, organization, cooperative, public or municipal corporation, agency of a state or local governmental unit however designated, public or private institution, or an employee or agent of any of the foregoing entities.

(i) \*Pervious surface\* means a surface that absorbs water.

(j) \*Pier\* means a fixed platform structure supported by piles in a water body that abuts the shore to provide landing for water-dependent recreation or moorage for vessels or watercraft and does not include above water storage.

(k) \*Planned rural residential development (PRRD)\* means development characterized by a unified site design, clustered residential units, and areas of common open space pursuant to Article VI-M of Chapter 18.15 JCC.

(l) \*Planning department\* means the Jefferson County department of community development.

(m) \*Plat\* means a map or representation of a subdivision or short subdivision of land showing the division of a parcel of land into lots, roads, dedications, common areas, restrictions and easements, as regulated by Chapter 58.17 RCW and this program.

(n) \*Playing field\* means a land area designed and used for outdoor games, such as baseball, football, soccer, track events and tennis. It includes public outdoor swimming pools.

(o) \*Port\* means a legal entity established for purposes of acquiring, constructing, maintaining, operating, developing and regulating harbor improvements, rail or motor vehicle transfer and terminal facilities, water transfer and terminal facilities, air transfer and terminal facilities, or any combination of such transfer and terminal facilities, and other commercial transportation, transfer, handling, storage and terminal facilities, and industrial improvements.

(p) \*Predecision hearing, open record\* means a hearing, conducted by the hearing examiner, that creates the county's record through testimony and submittal of evidence and information, under procedures prescribed by the county by ordinance or resolution. An open record predecision hearing may be held prior to the county's decision on a project permit (RCW 36.70B.020).

(q) \*Preliminary plat\* means a neat and approximate drawing of a proposed subdivision showing the general layout of streets, lots, blocks (if applicable) and other elements of a subdivision consistent with the provisions of this program.

(r) \*Preservation\* means actions taken to ensure the permanent protection of existing, ecologically important areas that the county has deemed worthy of long-term protection.

(s) "Primary association" means the use of a habitat area by a listed or priority species for breeding/spawning, rearing young, resting, roosting, feeding, foraging, and/or migrating on a frequent and/or regular basis during the appropriate season(s) as well as habitats that are used less frequently/regularly but which provide for essential life cycle functions such as breeding/nesting/spawning.

(t) \*\*"Primary use" means the principal use of a property.

(u) "Priority habitat" means a habitat type with unique or significant value to one or more species. An area classified and mapped as priority habitat must have one or more of the following attributes: comparatively high fish or wildlife density; comparatively high fish or wildlife species diversity; fish spawning habitat; important fish and wildlife breeding habitat; important fish or wildlife seasonal range; important fish or wildlife movement corridor; rearing and foraging habitat; refuge; limited availability; high vulnerability to habitat alteration; unique or dependent species; or shellfish bed. A priority habitat may be described by a unique vegetation type or by a dominant plant species that is of primary importance to fish and wildlife (such as oak woodlands or eelgrass meadows). A priority habitat may also be described by a successional stage (such as old growth and mature forests). Alternatively, a priority habitat may consist of a specific habitat element (such as talus slopes, caves, snags) of key value to fish and wildlife. A priority habitat may contain priority and/or nonpriority fish and wildlife (WAC 173-26-020(24)).

(v) "Priority species" means wildlife species of concern due to their population status and their sensitivity to habitat alteration, as defined by the Washington Department of Fish and Wildlife.

(w) \*\*"Prohibited use" means any use or activity which is specifically not allowed by this program. A prohibited use cannot be authorized through a variance or conditional use permit.

(x) "Project" means any proposed or existing activity regulated by Jefferson County.

(y) \*\*\*\*"Project area" means all areas at and around a proposed shoreline development that would be affected directly or indirectly by the proposal for which a project proponent is seeking approval under this master program, and not simply the immediate area involved in the project. That is, the project area may consist of an area larger than the affected lot or parcel. Direct effects are those caused by the proposed project and occur at the same time and place. Indirect effects are those caused by the proposed project and are later in time, but still are reasonably certain to occur. The shoreline administrator is vested with the authority to define the project area.

(z) \*\*"Proof of ownership" means a photocopy of a recorded deed to property and/or a current title insurance policy insuring the status of an applicant as the owner in fee title to real property.

(aa) "Proponent" means the owner, sponsor, authorized agent and/or permit applicant of any proposed use or development on or affecting shorelines of the state.

(bb) \*"Provision" means any written language contained in this program, including without limitation any definition, policy, goal, regulation, requirement, standard, authorization, or prohibition.

(cc) "Pruning" means the removal of any of a tree's living branches.

(dd) "Public access" is a goal of the Shoreline Management Act that supports the public's right to get to, view and use the state's public waters, both saltwater and freshwater, the water/land interface and associated shoreline area. It includes physical access that is either lateral (areas paralleling the shore) or perpendicular (an easement or public corridor to the shore), and/or visual access facilitated by scenic roads and overlooks, viewing towers and other public sites or facilities. Public access can be established by easement or other means and may not always include a facility or structure. Public access is intended to connect people to public lands and waters, not to allow trespassing on private property.

(ee) \*"Public facilities (and services)" means facilities which serve the general public including streets, roads, ferries, sidewalks, street and road lighting systems, traffic signals, community water systems, community sewage treatment systems, storm sewer systems, parks and recreational facilities, and libraries (see RCW 36.70A.030). Some public facilities are essential public facilities.

(ff) "Public interest" means the interest shared by the citizens of the state or community at large in the affairs of government, or some interest by which their rights or liabilities are affected including, but not limited to, an effect on public property or on health, safety, or general welfare resulting from adverse effects of a use or development.

(gg) \*"Public transportation systems" means public facilities for air, water, or land transportation.

(hh) "Public use" means the use of any land, water, or building by a public agency for the general public, or by the public itself.

(ii) "Public utility" means a use owned or operated by a public or publicly licensed or franchised agency that provides essential public services such as telephone exchanges, electric substations, radio and television stations, wireless communications services, gas and water regulation stations and other facilities of this nature.

(17) Q Definitions.

(a) "Qualified professional" or "qualified consultant" means a person with experience and training

with expertise appropriate for the relevant subject. A qualified professional/consultant must have obtained a B.S. or B.A. degree or have appropriate education and experience.

(b) "Qualified geotechnical engineer" means a professional engineering geologist or geotechnical engineer, licensed in the state of Washington.

(18) R Definitions.

(a) "Rare, endangered, threatened and sensitive species" means plant and animal species identified and listed by the Washington State Department of Natural Resources, Washington Natural Heritage Program, Washington State Department of Fish and Wildlife, or the U.S. Fish and Wildlife Service, as being severely limited or threatened with extinction within their native ranges.

(b) "RCW" means the Revised Code of Washington.

(c) "Reach" means a section of shoreline and associated planning area that is mapped and described as a unit due to relatively homogenous characteristics that include land use and/or natural features, such as a drift cell location and other factors.

(d) "Reasonably foreseeable," in the context of this program and the Comprehensive Plan, means predictable by an average person based on existing conditions, anticipated build-out, and approved/pending permits.

(e) "Recharge" means the process involved in the absorption and addition of water from the unsaturated zone to ground water.

(f) "Reclamation" means, in accordance with RCW 78.44.031, rehabilitation for the appropriate future use of disturbed areas resulting from surface mining.

(g) "Recording" means the filing of a document(s) for recordation with the county auditor.

(h) "Recreational development" means parks and facilities for camping, indoor and outdoor sports, and similar developments.

(i) "Recreation, shoreline" means a commercial or public activity intended for personal enjoyment and leisure. Most shoreline recreation occurs outdoors and can be either passive (such as observation or recording activities such as photography, painting, bird watching, viewing of water conditions or shoreline features, nature study and related activities) or active (such as: fishing, clamming, hunting, beach combing, rock climbing; boating, swimming, hiking, bicycling, horseback riding, camping, picnicking, and similar activities). Existing rules for health, safety and public conduct are not exempted by an action being deemed recreational.

- (j) “Reestablishment” means measures taken to intentionally restore an altered or damaged natural feature or process including:
- (i) Active steps taken to restore damaged wetlands, streams, protected habitat, and/or their buffers to the functioning condition that existed prior to an unauthorized alteration;
  - (ii) Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or other events; and
  - (iii) Restoration can include restoration of wetland functions and values on a site where wetlands previously existed, but are no longer present due to lack of water or hydric soils.
- (k) \*\*\*\*“Rehabilitation” means a type of restoration action intended to repair natural or historic functions and processes. Activities could involve breaching a dike to reconnect wetlands to a floodplain or other activities that restore the natural water regime.
- (l) “Renovation” means to restore to an earlier condition as by repairing or remodeling. “Renovation” shall include any interior changes to the building and those exterior changes that do not substantially change the character of the existing structure.
- (m) “Resident fish” means a fish species that completes all stages of its life cycle within freshwater and frequently within a local area.
- (n) “Residential development” means development of land with dwelling units for nontransient occupancy including single-family, multifamily, and creation of new residential lots by land division. For the purposes of this program, accessory dwelling units, garages, and other similar structures accessory to a dwelling unit shall also be considered residential development (see also “Dwelling unit” and “Accessory dwelling unit”).
- (o) \*\*“Resource-based industrial” means a forest resource-based industrial land use designation that recognizes existing, active sawmills and related activities.
- (p) \*\*“Resource lands” means agricultural, forest, and mineral lands that have long-term commercial significance.
- (q) \*\*“Restoration” means the reestablishment or upgrading of impaired ecological shoreline processes or functions. This may be accomplished through measures including, but not limited to, revegetation, removal of fill, removal of intrusive shoreline structures and removal or treatment of toxic materials. Restoration does not imply a requirement for returning the shoreline area to aboriginal or pre-European settlement conditions.
- (r) \*\*“Restriction” means a limitation placed upon the use of parcel(s) of land.

(s) "Revetment" means a sloped wall constructed of rip-rap or other suitable material placed on stream banks or other shorelines to retard bank erosion and minimize lateral stream movement.

(t) "Rip-rap" means dense, hard, angular rock free from cracks or other defects conducive to weathering often used for bulkheads, revetments or similar slope/bank stabilization purposes.

(u) "Riparian corridor, zone or area" means the area adjacent to a water body (stream, lake or marine water) that contains vegetation that influences the aquatic ecosystem, nearshore area and/or fish and wildlife habitat by providing shade, fine or large woody material, nutrients, organic debris, sediment filtration, and terrestrial insects (prey production). Riparian areas include those portions of terrestrial ecosystems that significantly influence exchanges of energy and matter with aquatic ecosystems (i.e., zone of influence). Riparian zones provide important wildlife habitat. They provide sites for foraging, breeding and nesting; cover to escape predators or weather; and corridors that connect different parts of a watershed for dispersal and migration.

(v) \*\*\*\*"River" means a large natural stream of water emptying into any ocean, lake, or other body of water, and usually fed along its course by converging tributaries.

(w) \*\*"Road" means an improved and maintained public or private right-of-way which provides vehicular access to abutting properties, and which may also include provision for public utilities, pedestrian access, cut and fill slopes, and drainage.

(x) \*\*"Runoff" means water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes and wetlands as well as shallow ground water. In addition, that portion of rainfall or other precipitation that becomes surface flow and interflow.

(y) \*\*"Rural lands" means the class of land use designations which are intended to preserve the rural character of the county. Rural land designations include the following: rural residential, rural commercial, and rural industrial.

(z) \*\*"Rural residential designation" means the land use designation in the Comprehensive Plan designed to recognize existing residential development patterns of the rural landscape and provide for a variety of residential living opportunities at densities which maintain the primarily rural residential character of an area.

(19) S Definitions.

(a) \*\*"Sale" means the conveyance for consideration of legal or beneficial ownership.

(b) \*\*"Saltwater intrusion" or "seawater intrusion" means the underground flow of salt water into wells and aquifers.

- (c) \*\*\*\*“Scientific and educational facilities” means those sites, structures, or facilities that provide unique insight into our natural and cultural heritage.
- (d) \*’“Screening” means a method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation.
- (e) \*’“Seaward” means to or toward the sea.
- (f) \*\*\*\*\*“Seawall” means a structure whose primary purpose is to protect the shore from erosion by water waves. Seawalls are similar but typically more massive than bulkheads because they are designed to resist the full force of waves.
- (g) “Sedimentation” means the process by which material is transported and deposited by water or wind.
- (h) “Setback” means the distance a building structure is placed behind a specified limit such as a lot line or shoreline buffer.
- (i) “Shared use” means a facility shared by two or more lots/parcels. This can apply to facilities for adjoining lots or facilities shared between waterfront and upland properties; comparable to “Community structure” per JCC 18.10.030. See also “Community dock.”
- (j) “Shellfish” means invertebrate organisms of the phyla Arthropoda (class Crustacea), Mollusca (class Pelecypoda) and Echinodermata. Shellfish possess a full, partial or vestigial hard outer shell, carapace or exoskeleton. Examples include, but are not limited to, crabs and shrimp, clams, oysters, mussels and other bivalves, snails, limpets, abalone and other single-shelled gastropods, and sea urchins, sea cucumbers, sea stars.
- (k) “Shellfish habitat conservation areas” are all public and private tidelands suitable for shellfish, as identified by the Washington Department of Health classification of commercial growing areas, and those recreational harvest areas as identified by the Washington Department of Ecology as designated as shellfish habitat conservation areas pursuant to WAC 365-190-80. Any area that is or has been designated as a shellfish protection district created under Chapter 90.72 RCW is also a shellfish habitat conservation area.
- (l) “Shore armoring” or “structural shoreline armoring” refers to the placement of bulkheads and other hard structures on the shoreline to provide stabilization and reduce or prevent erosion caused by wave action, currents and/or the natural transport of sediments along the shoreline. Groins, jetties, breakwaters, revetments, sea walls are examples of other types of shoreline armoring.
- (m) \*\*\*“Shorelands” or “shoreland areas” means those lands extending landward for 200 feet in

all directions as measured on a horizontal plane from and perpendicular to the ordinary high water mark; floodways and contiguous floodplain areas landward 200 feet from such floodways; and all wetlands and river deltas associated with the streams, lakes and tidal waters which are subject to the provisions of Chapter 173-22 WAC, as may be amended; the same to be designated as to location by the Department of Ecology, as defined by Chapter 90.58 RCW.

(n) \*\*\*“Shorelines” are all of the water areas of the state as defined in RCW 90.58.030, including reservoirs and their associated shorelands, together with the lands underlying them except the following, which are excluded:

(i) Shorelines of statewide significance;

(ii) Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second (20 cfs) or less and the wetlands associated with such upstream segments; and

(iii) Shorelines on lakes less than 20 acres in size and wetlands associated with such small lakes.

(o) “Shoreline conditional use” means a use, development, substantial development, or unclassified use that, owing to some special characteristics attendant to its typical operation or installation, may be allowed in certain circumstances when consistent with criteria specified herein.

(p) “Shoreline conditional use permit” means a permit issued by Jefferson County and approved by Ecology stating that the land uses and activities meet all criteria set forth in this program, and all conditions of approval in accordance with the procedural requirements of this program.

(q) “Shoreline jurisdiction” means all shorelines of the state and shorelands.

(r) \*\*“Shoreline Management Act (SMA)” means the Shoreline Management Act of 1971 (Chapter 90.58 RCW), as amended.

(s) “Shoreline master program” (“SMP” or “program”) means the Jefferson County shoreline master program.

(t) \*\*\*“Shoreline modification activities” means those actions that modify the physical configuration or qualities of the shoreline area, usually through the construction of a physical element such as a bulkhead, dock or other shoreline structure. They can include other actions, such as clearing, grading, or filling.

(u) “Shoreline permit” means a shoreline substantial development permit (SSDP), a shoreline conditional use permit, or a shoreline variance, or any combination thereof issued by Jefferson

County pursuant to Chapter 90.58 RCW.

(v) "Shoreline stabilization" means nonstructural modifications to the existing shoreline intended to reduce or prevent erosion of uplands or beaches and/or influence wave action, currents and/or the natural transport of sediments along the shoreline. This includes use of bioengineering and other forms of vegetative stabilization.

(w) \*\*\*\*"Shorelines of statewide significance (SSWS)" with respect to Jefferson County are identified as follows:

(i) The area between the ordinary high water mark and the western boundary of the state, within Jefferson County and state of Washington jurisdiction, including harbors, bays, estuaries, and inlets.

(ii) The area between the ordinary high water mark and the western boundary of the state, within Jefferson County and state of Washington jurisdiction, including harbors, bays, estuaries, and inlets.

(iii) The lakes, whether natural, artificial, or a combination thereof, with a surface acreage of 1,000 acres or more measured at the ordinary high water mark, including associated wetlands.

(iv) Those areas of Puget Sound and the Strait of Juan de Fuca between the ordinary high water mark and the line of extreme low tide, which are Hood Canal from Tala Point to Foulweather Bluff, south to the Mason-Jefferson County line, including associated wetlands.

(v) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide.

(vi) Those natural rivers or segments thereof downstream from a point where the mean annual flow is measured at 1,000 cubic feet per second or more. In Jefferson County these rivers include portions of the Bogachiel River, Clearwater River, Hoh River, and Quinault River.

(vii) Those shorelands associated with the areas described in subsection (19)(w)(i), (ii), and (iv) of this definition.

(x) \*\*\*\*"Shorelines of the state" means the total of all shorelines and shorelines of statewide significance within Washington State.

(y) \*\*"Short plat" means a neat and accurate drawing of a short subdivision, prepared for filing for record with the county auditor, and containing all elements and requirements set forth in Chapter

## 18.35 JCC.

(z) \*‘‘Should’’ means that the particular action is preferred unless there is a demonstrated, compelling reason, based on policy of the Act and this program, against taking the action (WAC 173-26-020(32)).

(aa) \*‘‘Sign’’ means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are signs required by law, such as handicapped parking signs, and the flags of national and state governments.

(bb) \*‘‘Sign, commercial or industrial’’ means a sign that directs attention to a business or profession, to a commodity or service sold, offered, or manufactured, or to an entertainment offered on the premises where the sign is located.

(cc) ‘‘Significant vegetation removal’’ means the removal or alteration of trees, shrubs, and/or ground cover by clearing, grading, cutting, burning, chemical means, or other activity that causes significant impacts to ecological functions provided by such vegetation. The removal of invasive or noxious weeds does not constitute significant vegetation removal. Tree pruning, not including tree topping, where it does not affect ecological functions, does not constitute significant vegetation removal.

(dd) \*‘‘Single-family residence’’ means a dwelling unit designed for and occupied by no more than one family.

(ee) ‘‘Site plan approval advance determination (SPAAD)’’ means a review of a proposed development on a particular parcel for site requirements and constraints to allow prospective land buyers, owners or developers a means to obtain a five-year authorization prior to obtaining building permits for the development action. The intent is to reduce costs and aid financing and serves to vest a proposed development to current regulations.

(ff) ‘‘Slope’’ means:

(i) Gradient.

(ii) The inclined surface of any part of the earth’s surface, delineated by establishing its toe and top and measured by averaging the inclination over at least 10 feet of vertical relief.

(gg) \*‘‘Small-scale’’ means of a size or intensity which has minimal impacts on the surrounding area and which makes minimal demands on the existing infrastructure.

(hh) "Soil" means all unconsolidated materials above bedrock described in the Soil Conservation Service Classification System or by the Unified Soils Classification System.

(ii) \*"Solid waste" means all putrescible and nonputrescible solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including, but not limited to, junk vehicles, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid and semi-solid materials which are not the primary products of public, private, industrial, commercial, mining and agricultural operations. Solid waste includes but is not limited to sludge from wastewater treatment plants and septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

(jj) \*\*\*\*"Solid waste handling and disposal facilities" means any land or structure where solid waste is stored, collected, transported, or processed in any form, whether loose, baled or containerized, including but not limited to the following: transfer stations, landfills, or solid waste loading facilities. Solid waste handling and disposal facilities do not include the following: handling or disposal of solid waste as an incidental part of an otherwise permitted use; and solid waste recycling and reclamation activities not conducted on the same site as and accessory to the handling and disposal of garbage and refuse.

(kk) \*"Solid waste disposal" means the act or process of disposing of rubbish and garbage.

(ll) SPAAD. See "Site plan approval advance determination."

(mm) "Spit" means an accretion shoreform that is narrow in relation to length and extends parallel to or curves outward from shore; spits are also characterized by a substantial wave-built sand and gravel berm on the windward side, and a more gently sloping silt or marsh shore on the lagoon or leeward side; curved spits are called hooks.

(nn) \*"Storage yard, outdoor" means an outdoor area used for the storage of equipment, vehicles or materials for periods exceeding 72 hours.

(oo) \*\*\*\*"Stormwater" means rain or snow melt that does not naturally infiltrate into the ground but runs off surfaces such as rooftops, streets, or lawns, directly or indirectly, into streams and other water bodies or through constructed infiltration facilities into the ground.

(pp) "Stream" means an area where surface waters produce a defined channel or bed. A defined channel or bed is an area that demonstrates clear evidence of the annual passage of water and includes, but is not limited to, bedrock channels, gravel beds, sand and silt beds, and defined channel swales. The channel or bed need not contain water year round. This definition includes

drainage ditches or other artificial water courses where natural streams existed prior to human alteration, and/or the waterway is used by anadromous or resident salmonid or other fish populations.

(qq) "Strict construction" means an interpretation that considers only the literal words of a writing, as compared to liberal construction.

(rr) \*\*"Structure" means a permanent or temporary edifice or building or any piece of work artificially built up or composed of parts joined together in some definite manner, whether installed on, above, or below the surface of the ground or water, except for vessels (WAC 173-27-030). Retaining walls, bulkheads, fences, landscaping walls/decorative rockeries, and similar improvements to real property are examples of structures. Geoduck tubes are not considered structures for purposes of this program.

(ss) \*\*"Subdivision" means the division or redivision of land into lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

(tt) "Substantial development" means any development of which the total cost or fair market value exceeds \$5,718 or as adjusted by the state legislature, or any development which materially interferes with the normal public use of the water or shorelines of the state; except the classes of development listed (a) through (l) under RCW 90.58.030(3)(e).

(uu) \*\*\*\*"Substantially degrade" means to cause damage or harm to an area's ecological functions. An action is considered to substantially degrade the environment under any of the following criteria:

(i) The damaged ecological function or functions affect other related functions or the viability of the larger ecosystem; or

(ii) The degrading action may cause damage or harm to shoreline ecological functions under foreseeable conditions; or

(iii) Scientific evidence indicates that the action may contribute to damage or harm to ecological functions as part of cumulative impacts from similar permitted development on nearby shorelines.

(vv) \*\*\*\*"Subtidal" means the area waterward of the line of extreme low tide.

(ww) \*\*"Sustainable" means actions or activities which preserve and enhance resources for future generations.

(20) T Definitions.

(a) \**“Threatened species”* means a species that is likely to become an endangered species within the foreseeable future, as classified by the Washington Department of Fish and Wildlife, the Department of Natural Resources, Washington Natural Heritage Program, or the federal Endangered Species Act.

(b) \**“Threshold determination”* means the decision by the responsible official under the State Environmental Policy Act (SEPA) regarding the likelihood that a project or other action (WAC 197-11-704) will have a probable significant adverse impact on an element of the environment.

(c) *“Toe”* means the lowest part of a slope or cliff; the downslope end of an alluvial fan, landslide, etc.

(d) \*\*\**“Tombolo”* means a causeway-like accretion spit connecting an offshore rock or island with the main shore, such as the formation that connects Hood Head to the southern shore of Paradise Bay, near the Hood Canal Bridge.

(e) *“Topping”* means the removal of any part of a tree’s main stem.

(f) *“Trimming”* means the removal of living plant matter from any type of vegetation and includes limbing, thinning, shaping, tree pruning and topping.

(21) U Definitions.

(a) *“Unavoidable”* means adverse impacts that remain after all appropriate avoidance and minimization measures have been implemented.

(b) \**“Uplands”* means dry lands landward of OHWM.

(c) \**“Urban growth area (UGA)”* means an area designated by the county within which urban growth is to be encouraged and outside of which growth is not intended to be urban in nature (cf., Chapter 36.70A RCW).

(d) \**“Use”* means the purpose that land or building or structures now serve or for which they are or may be occupied, maintained, arranged, designed, or intended.

(e) \**“Utility distribution lines”* means pipes, wires, and associated structural supports.

(f) \**“Utility facilities”* means facilities directly used for the distribution or transmission of services to an area, excluding utility service offices.

(22) V Definitions.

(a) \**“Variance (or shoreline variance) permit”* means a type of permit that can provide relief from the dimensional requirements of this program. A variance may only be granted when all of the

criteria listed at WAC 173-27-170 are met. The variance is intended to allow only a minimum degree of variation from setback or other standards, just enough to afford relief and to allow a reasonable use of a property. Variances approved by Jefferson County must also be approved, denied, or approved with conditions by Ecology.

(b) "Vegetation" means all live plant material, including native and nonnative, woody and herbaceous, deciduous and evergreen, trees and understory groundcover, aquatic and terrestrial.

(c) "Vegetative debris" means all dead and downed plant material, naturally expired or portions of a plant removed intentionally, such as by trimming, resulting from native and nonnative, woody and herbaceous, deciduous and evergreen, trees and understory groundcover, aquatic and terrestrial source. Examples include, but are not limited to, leaves, needles, branches, limbs, annual herbaceous growth, and grass clippings. A standing tree snag is not considered vegetative debris for the purposes of this program.

(d) "Vegetation removal" means physical extraction, including the whole plant plus its root structure, or trimming in excess of that which a plant can survive even though the root structure is left in place, or chemical expiration of plant material.

(e) "Vessel" means a floating structure that is designed primarily for navigation, is normally capable of self propulsion and use as a means of transportation, and meets all applicable laws and regulations pertaining to navigation and safety equipment on vessels, including, but not limited to, registration as a vessel by an appropriate government agency as per WAC 332-30-103.

(f) "Vicinity" means, in rural and resource lands, the area within one mile of the exterior boundary of a given parcel (JCC 18.10.220).

(g) "View protection" means protection of the visual quality of the shoreline resource and maintenance of view corridors to and from waterways and their adjacent shoreland features.

(23) W Definitions.

(a) "WAC" means the Washington Administrative Code.

(b) "Waste disposal" means refuse composed of garbage, rubbish, ashes, dead animals, demolition wastes, automobile parts, and similar material.

(c) "Water-dependent use" means a use or portion of a use that requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. Ferry terminals, public fishing piers, marinas, and shellfish aquaculture are examples of water-

dependent uses. Residential development is not a water-dependent use but is a preferred use of shorelines of the state.

(d) \*\*\*“Water-enjoyment use” means a recreational use or other use that facilitates public access to the shoreline as a primary characteristic of the use; or a use that provides for recreational use or aesthetic enjoyment of the shoreline for a substantial number of people as a general characteristic of the use and which through location, design, and operation ensures the public’s ability to enjoy the physical and aesthetic qualities of the shoreline. In order to qualify as a water-enjoyment use, the use must be open to the general public and the shoreline-oriented space within the project must be devoted to the specific aspects of the use that fosters shoreline enjoyment. A restaurant or similar use may qualify as a water-enjoyment use, provided it includes public access to the shoreline.

(e) “Water-oriented use” means any one or a combination of water-dependent, water-related or water-enjoyment uses and serves as an all-encompassing definition for priority uses under the Act.

(f) “Water quality” means the characteristics of water, including flow or amount and related physical, chemical, aesthetic, recreation-related, and biological characteristics.

(g) \*\*\*“Water-related use” means a use or portion of a use that is not intrinsically dependent on a waterfront location but depends upon a waterfront location for economic viability because of one of the following:

(i) A functional requirement for a waterfront location such as the arrival or shipment of materials by water or the need for large quantities of water; or

(ii) The use provides a necessary service supportive of the water-dependent activities and the proximity of the use to its customers makes its services less expensive and/or more convenient. Water-related uses include manufacturers of ship parts large enough that transportation becomes a significant factor in the product’s cost; professional services for primarily water-dependent activities and storage of water-transported foods. Other examples of water-related uses may include the warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, gravel storage when transported by barge, oil refineries where transport is by tanker, and log storage for water-borne transportation.

(h) “Watershed” means a geographic region within which water drains into a particular river, stream or body of water.

(i) \*\*\*“Wetlands” means areas that are inundated or saturated by surface water or ground water

at a frequency and duration sufficient to support, and that under normal circumstances support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created for nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas to mitigate the conversion of wetlands.

(j) "Windthrow" means a natural process by which trees are uprooted or sustain severe trunk damage by the wind. [Ord. 7-13 Exh. A (Art. II)]

### **Article III. Master Program Goals**

#### **18.25.110 Purpose.**

This article describes the overall goals of the master program, which apply to all uses and developments within shoreline jurisdiction regardless of the designated shoreline environment in which they occur. These goals are informed by Chapter 173-26 WAC and the governing principles described in Article I of this chapter. The general policies and regulations in Article VI of this chapter and the specific use policies and regulations in Articles VII and VIII of this chapter are the means by which these goals are implemented. Achievement of these goals shall be consistent with the state's policies of avoiding cumulative impacts and ensuring no net loss of shoreline processes, functions, and values. These goals are not listed in order of priority. [Ord. 7-13 Exh. A (Art. III)]

#### **18.25.120 Conservation.**

(1) Purpose. As required by RCW 90.58.100(2)(f), the conservation goals address the protection of natural resources, scenic vistas, aesthetics, and vital shoreline areas for fisheries and wildlife for the benefit of present and future generations.

(2) Goals.

(a) Preserve, enhance and protect shoreline resources (i.e., wetlands, intertidal areas, and other fish and wildlife habitats) for their ecological functions and values, and aesthetic and scenic qualities.

(b) Maintain and sustain natural shoreline formation processes through effective shoreline management.

(c) Promote restoration and enhancement of areas that are biologically and/or aesthetically degraded while maintaining appropriate use of the shoreline.

- (d) Protect and enhance native shoreline vegetation to maintain water quality, fish and wildlife habitat, and other ecological functions, values and processes. [Ord. 7-13 Exh. A (Art. III § 1)]

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**18.25.130 Economic development.**

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(1) Purpose. As required by RCW 90.58.100(2)(a), the economic development goals address the location and design of industries, transportation facilities, port facilities, tourist facilities, commerce and other developments that are particularly dependent on their location on or use of the shorelines.

(2) Goals.

(a) Encourage viable, orderly economic growth through economic activities that benefit the local economy and are environmentally sensitive. Such activities should not disrupt or degrade the shoreline or surrounding environment.

(b) Accommodate and promote water-oriented industrial and commercial uses and developments, giving highest preference to water-dependent uses.

(c) Encourage water-oriented recreational use as an economic asset that will enhance public enjoyment of the shoreline.

(d) Encourage economic development in areas already partially developed with similar uses when consistent with this program and the Jefferson County Comprehensive Plan. [Ord. 7-13 Exh. A (Art. III § 2)]

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**18.25.140 Historic, archaeological, cultural, scientific and educational resources.**

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(1) Purpose. As required by RCW 90.58.100(2)(g), these goals address protection and restoration of buildings, sites and areas having historic, archaeological, cultural, scientific, or educational significance.

(2) Goals.

(a) Maintain finite and irreplaceable links to the past by identifying, preserving, protecting, and where appropriate, restoring historic, archaeological, cultural, scientific, and educational (HACSE) sites.

(b) Protect HACSE sites and buildings identified on national, state or local historic registers from destruction or alteration, and from encroachment by incompatible uses.

(c) Acquire, where feasible, HACSE sites to ensure their protection and preservation for present and future generations.

(d) Foster greater appreciation for shoreline management, maritime activities, environmental

conservation, natural history and cultural heritage by educating and informing citizens of all ages through diverse means.

(e) Ensure that tribal organizations and the State Office of Archaeology and Historic Preservation are involved in the review of projects that could potentially affect such resources.  
[Ord. 7-13 Exh. A (Art. III § 3)]

#### **18.25.150 Public access.**

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(1) Purpose. As required by RCW 90.58.100(2)(b), the public access goals address the ability of the public to reach, touch, and travel on the shorelines of the state and to view the water and the shoreline from adjacent locations.

(2) Goals.

(a) Develop, adopt, and implement a shoreline public access plan that incorporates public access into new shoreline development, unifies individual public access points into a comprehensive system, and seeks new waterfront access points that can be acquired for public use.

(b) Evaluate potential public access opportunities when reviewing all shoreline development projects except for individual single-family residential development projects.

(c) Acquire property (i.e., through purchase, donation or other agreement) to provide public access to the water's edge in appropriate and suitable locations.

(d) Regulate shoreline use and development to minimize interference with the public's use of the water and protect the public's opportunity to enjoy the physical and aesthetic qualities of shorelines, including views of the water.

(e) Expand opportunities for physical and visual public access to shorelines when such access can occur without human health, safety, and/or security risks, and without adverse effects on shoreline functions, processes, values, private property rights, and/or neighboring uses.

(f) Incorporate educational and interpretive signage and other tools into public access facilities to enhance the public's understanding and appreciation of shoreline ecology, cultural history and maritime heritage. [Ord. 7-13 Exh. A (Art. III § 4)]

#### **18.25.160 Recreation.**

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(1) Purpose. As required by RCW 90.58.100(2)(c), the recreation goals address the creation and expansion of water-oriented public recreational opportunities including, but not limited to, parks, tidelands, beaches, and ecological study areas.

(2) Goals.

- (a) Encourage diverse recreational opportunities in shoreline areas that can support such use and development without human health, safety, and/or security risks, and without adverse effects on shoreline functions, processes, values, private property rights, and/or neighboring uses.
- (b) Plan for future shoreline recreation needs and acquire (i.e., through purchase, donation or other agreement) shoreline areas that have a high potential to provide recreation areas.
- (c) Provide for both active and passive recreational needs when developing recreational areas.
- (d) Support other governmental and nongovernmental efforts to acquire and develop additional shoreline properties for public recreational uses. [Ord. 7-13 Exh. A (Art. III § 5)]

**18.25.170 Restoration and enhancement.**

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(1) Purpose. As required by WAC 173-26-186, the restoration and enhancement goals address reestablishment, rehabilitation and improvement of impaired shoreline ecological functions, values and/or processes.

(2) Goals.

- (a) Improve shoreline functions, processes, and values over time through regulatory, voluntary and incentive-based public and private programs and actions that are consistent with the shoreline master program restoration plan and other agency adopted restoration plans.
- (b) Encourage cooperative restoration programs between local, state, and federal public agencies, tribes, nonprofit organizations, and landowners.
- (c) Provide fundamental support to restoration work by various organizations by identifying shoreline restoration priorities, and by organizing information on available funding sources for restoration implementation.
- (d) Implement actions that restore shoreline ecological functions, values and processes as well as shoreline features, improve habitat for sensitive and/or locally important species, and are consistent with biological recovery goals for threatened salmon populations and other species and/or populations for which a recovery plan is available.
- (e) Integrate restoration efforts with other parallel natural resource management efforts including, but not limited to, shellfish closure response plans and water quality cleanup plans.
- (f) Increase the availability, viability and sustainability of shoreline habitats for salmon, shellfish, forage fish, shorebirds and marine seabirds, and other species. [Ord. 7-13 Exh. A (Art. III § 6)]

**18.25.180 Shoreline use.**

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(1) Purpose. As required by RCW 90.58.100(2)(e), the shoreline use goals address the general distribution, location, and extent of housing, business, industry, transportation, agriculture, natural resources, aquaculture, recreation, education, navigation, and other categories of public and private land use.

(2) Goals.

(a) Ensure that shoreline use patterns are compatible with the ecological functions and values of the shoreline and avoid disruption of natural shoreline processes.

(b) Increase protection of shoreline ecological resources by properly siting and regulating water-dependent and residential uses that have preferred status for use of waterfront lands.

(c) Encourage appropriate sustainable, low impact, and cluster development practices whenever feasible.

(d) Encourage uses that allow for or include restoration so that areas affected by past activities or catastrophic events can be improved.

(e) Ensure that all new development is consistent with the Land Use and Rural Element and other pertinent sections of the Comprehensive Plan and the Growth Management Act (Chapter 36.70A RCW).

(f) Limit development intensity in ecologically sensitive and fragile areas.

(g) Reduce health and safety risks by limiting development in areas subject to flooding, erosion, landslides, channel migration, and other hazards.

(h) Reserve aquatic lands including tidelands for water-dependent uses.

(i) Protect tidelands and bedlands that were acquired and retained under the Bush and Callow Acts by not permitting unrelated uses on these tidelands.

(j) Encourage all use and development to address potential adverse effects of global climate change and sea level rise. [Ord. 7-13 Exh. A (Art. III § 7)]

**18.25.190 Transportation, utilities and essential public facilities.**

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(1) Purpose. As required by RCW 90.58.100(2)(d), the transportation and essential public facilities goals address circulation and the general location and extent of thoroughfares, transportation routes, terminals, and other public utilities and facilities.

(2) Goals.

(a) Develop efficient and economical transportation systems and other essential public facilities in a manner that assures the safe movement of people and goods and that effectively provides other essential services without adverse effects on shoreline use and development or shoreline ecological functions, processes, or values.

(b) Provide and/or enhance physical and visual public shoreline access along public roads (i.e., turnouts, viewpoints and rest areas) in accordance with the public access provisions of this program.

(c) Provide for alternative modes of travel when developing circulation systems and ensure consistency with the Jefferson County nonmotorized transportation and recreational trails plan.

(d) Locate, construct and maintain new transportation and other essential public facilities in areas that do not require shoreline stabilization, dredging, extensive cut/fill and other forms of shoreline alteration.

(e) Identify road and public infrastructure developments that interfere with natural processes, require shoreline armoring, or have exorbitant maintenance needs. Prioritize relocation of such facilities to more environmentally sustainable and economically sensible locations. [Ord. 7-13 Exh. A (Art. III § 8)]

#### **Article IV. Shoreline Jurisdiction and Environment Designations**

##### **18.25.200 Shoreline jurisdiction and mapping.**

(1) The provisions of this program shall apply to all shorelines of the state in unincorporated Jefferson County including all freshwater and saltwater shorelines, shorelines of statewide significance and all shorelands as defined in Article II of this chapter and RCW 90.58.030. These areas are collectively referred to herein as "shorelines." The official shoreline map adopted with this program (Appendix A attached to the ordinance codified in this chapter) shows the general location and approximate extent of such shorelines.

(2) The official shoreline map shows the environment designations that apply to each segment of the shoreline planning area. The official shoreline map is for planning purposes only. It does not necessarily identify or depict the precise lateral extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction at the parcel level shall be determined on a case-by-case basis at the time a shoreline development is proposed. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands.

(3) The county shall maintain a Geographic Information Systems database that depicts the

coordinates for locating the upstream extent of shoreline jurisdiction (that is, the location where the mean annual stream flow is at least 20 cubic feet per second). The database shall also show the limits of the floodplain, floodway, and channel migration zones, and such information shall be used, along with site-specific information on the location of the ordinary high water mark and associated wetlands, to determine the lateral extent of shoreline jurisdiction on a parcel-by-parcel basis. The database shall be updated regularly as new information is made available and the public shall have access to the database upon request.

(4) All areas within shoreline jurisdiction that are not mapped and/or not designated shall be designated conservancy until the area is redesignated through a master program amendment, except within the Quinault Indian Nation reservation where the upland designation shall be natural and the waterward designation shall be priority aquatic. The shoreline environment designation in ocean coastal areas waterward of the ordinary high water mark (OHWM) extending to the westernmost boundary of the state of Washington shall be priority aquatic.

(5) If disagreement develops as to the exact location of a shoreline environment designation boundary line shown on the official shoreline map, the following rules shall apply:

(a) Boundaries indicated as approximately following lot, tract, or section lines shall be so construed.

(b) Boundaries indicated as approximately following roads or railways shall be respectively construed to follow their centerlines.

(c) Boundaries indicated as approximately parallel to or extensions of features indicated in subsections (5)(a) and (b) of this section.

(d) Whenever existing physical features are inconsistent with boundaries on the official shoreline map, the administrator shall interpret the boundaries, with deference to actual conditions. Appeals of such interpretations may be filed pursuant to the applicable appeal procedures described in Article X of this chapter. [Ord. 7-13 Exh. A (Art. IV § 1)]

#### **18.25.210 Shoreline environment designations – Purpose and criteria.**

(1) Shoreline environment designations have been developed as a part of this program in accordance with WAC 173-26-211. The designations provide a systematic, rational, and equitable basis upon which to guide and regulate use and development within specific shoreline planning areas.

(2) Shoreline environment designations are based on the following general factors, not listed in order of priority:

(a) The ecological functions and processes that characterize the shoreline, together with the

degree of human alteration as determined by the November 2008 Final Shoreline Inventory and Characterization Report and subsequent technical analyses; and

(b) The county's goal of having coordinated planning for open space, public access and other aspects of shoreline management; and

(c) Existing and planned development patterns, including county Comprehensive Plan designations; and

(d) The county Comprehensive Plan goals for shorelines; and

(e) The requirements outlined in WAC 173-26-211; and

(f) Public demand for state-owned wilderness beaches, ecological study areas, and public access and recreational activities.

(3) Shorelines in Jefferson County shall have one or more of the following designations:

(a) Priority Aquatic (PA).

(i) Purpose. The priority aquatic designation protects to the highest degree possible and, where feasible, restores waters and their underlying bedlands deemed vital for salmon and shellfish.

(ii) Designation Criteria. The priority aquatic designation is assigned to the most vital salmon streams and nearshore areas and the highest value marine shellfish habitats waterward of the ordinary high water mark. These shorelines have one or more of the following qualities:

(A) Documented Endangered Species Act-listed salmonid streams and marine habitats (summer chum, chinook, and steelhead);

(B) Estuaries that support Endangered Species Act-listed salmonid rearing;

(C) Other freshwater shorelines that provide habitat for salmonid species (coho, fall chum, pink, and cutthroat) and are relatively undeveloped;

(D) Intact drift cell processes (i.e., sediment source, transport, and deposition);

(E) Documented forage fish spawning habitats (herring, surf smelt, sandlance); and/or

(F) Important intertidal and subtidal shellfish areas (clam, oyster, crab, shrimp, and geoduck).

(b) Aquatic (A).

(i) Purpose. The aquatic designation protects, manages, and, where feasible, restores lake, stream, and marine waters and their underlying bedlands that are not designated as priority aquatic.

(ii) Designation Criteria. The aquatic designation is assigned to shoreline areas waterward of the ordinary high water mark if the area does not meet the criteria for the priority aquatic designation.

(c) Natural (N).

(i) Purpose. The natural designation protects from harm or adverse impact shoreline areas that are intact, have minimally degraded functions and processes, or are relatively free of human influence.

(ii) Designation Criteria. The natural designation is assigned to shoreline areas landward of the ordinary high water mark if any of the following characteristics apply:

(A) The shoreline is mostly ecologically intact and therefore currently performing an important or irreplaceable function or process that would be damaged by human activity; or

(B) The shoreline, whether minimally disturbed or intact, represents an ecosystem type or geologic feature that is of particular scientific and/or educational interest; or

(C) The shoreline contains undisturbed wetlands, estuaries, feeder bluffs, unstable slopes, coastal dunes, and/or accretional spits; or

(D) The shoreline is unable to support new development or uses without significant adverse impacts to ecological functions or processes; or

(E) The shoreline has the potential to regain natural conditions with minimal or no restoration activity; or

(F) The shoreline possesses serious development limitations or human health and safety risks due to the presence of environmental hazards related to flooding, channel migration, erosion or landslides and similar occurrences.

(d) Conservancy (C).

(i) Purpose. The conservancy designation provides for sustained use of resource lands and other relatively undeveloped shorelines while protecting ecological functions, conserving

natural, historic and cultural resources, and providing recreational opportunities.

(ii) Designation Criteria. A conservancy designation is assigned to shoreline areas landward of the ordinary high water mark if they do not meet the criteria for the natural designation and if any of the following characteristics apply:

(A) The shoreline is relatively undeveloped or currently supporting resource-based uses; or

(B) The shoreline can support low impact outdoor recreational activities; or

(C) The shoreline is predominantly low density rural residential use (RR 1:10, RR 1:20); or

(D) The shoreline can support low density residential development and low intensity water-oriented uses, including some commercial and industrial uses, without significant adverse impacts to shoreline functions or processes; or

(E) The shoreline is a good candidate for ecological restoration.

(e) Shoreline Residential (SR).

(i) Purpose. The shoreline residential designation accommodates residential development and accessory structures that are properly located and designed, in areas where high density residential developments and services exist or are planned.

(ii) Designation Criteria. The shoreline residential designation is assigned to shoreline areas landward of the ordinary high water mark if they do not meet the criteria for the natural, conservancy or high intensity environments, and if any of the following characteristics apply:

(A) The shoreline is within an urban growth area (UGA); or master planned resort (MPR); or designated high density rural residential area (RR 1:5); or

(B) The shoreline is predominantly high density (RR 1:5) single-family or multifamily residential development or is planned and platted for high density (RR 1:5) residential development.

(f) High Intensity (HI).

(i) Purpose. The high intensity designation ensures continued use of shorelines that are either presently used for commercial, industrial, or other high intensity nonresidential purposes or provide future economic development or recreational opportunities at a higher

scale and intensity than can be achieved in more ecologically sensitive areas.

(ii) Designation Criteria. The high intensity designation is assigned to shorelines landward of the ordinary high water mark if they do not meet the criteria for the natural, conservancy or shoreline residential environments if any of the following characteristics apply:

(A) The shoreline is within an urban growth area (UGA), rural commercial area, or rural industrial area and is suitable for high intensity uses; or

(B) The shoreline is currently used for industrial, commercial or other high intensity nonresidential uses and is suitable for ongoing high intensity use. [Ord. 7-13 Exh. A (Art. IV § 2)]

**18.25.220 Uses allowed in each shoreline environment designation.**

(1) Each shoreline environment designation shall be managed in accordance with its designated purpose as described in this section. Table 18.25.220 shows the permitted uses, conditional uses and prohibited uses for each environment designation. The requirements governing each use are described in Articles VI, VII and VIII of this program. The permit criteria are described in Article IX of this chapter and the administrative standards including the review procedures are described in Article X of this chapter. Table 18.25.220 is intended to illustrate the text of the master program. In the event discrepancies exist, the text shall govern.

**Table 18.25.220 – Permitted, Conditional and Prohibited Uses by Shoreline Environment Designation**

<b>P</b> = Use may be permitted subject to policies and regulations of program. May require shoreline substantial development permit or statement of exemption approval. See Articles VI, VII, VIII, IX and/or X of this chapter for details.						
<b>C(a)</b> = Conditional use administrative. See Articles II, IX and X of this chapter for definition, criteria and process details.						
<b>C(d)</b> = Conditional use discretionary. See Articles II, IX and X of this chapter for definition, criteria and process details.						
<b>X</b> = Prohibited use.						
* = Exceptions and limitations may apply as noted in this program. See specific section for details.						
<b>Shoreline Uses</b>	<b>Environment Designations</b>					
	<b>Waterward of OHWM</b>			<b>Landward of OHWM</b>		
	<b>Priority Aquatic</b>	<b>Aquatic</b>	<b>Natural</b>	<b>Conservancy</b>	<b>Shoreline Residential</b>	<b>High Intensity</b>

<b>Agriculture</b>	X	X	X*	P	P	P
<b>Aquaculture:</b>						
Aquaculture activities other than geoduck, in-water finfish, and upland finfish.	P	P	P	P	P	P
Geoduck	P	P	C(d)	C(d)	C(d)	P
In-water finfish (including net pens)	X	C(d)	X*/C(d)	X	X	C(d)
Upland finfish	X	C(d)	X	C(d)	X	C(d)
<b>Beach Access Structures:</b>	P	P	C(a)	P	P	P
Public	C(a)*	C(a)*	C(a)*	C(a)	C(a)	C(a)
Private, accessory to single-family residential development	X	C(a)*	X	C(a)	C(a)	C(a)
<b>Boating Facilities:</b>						
Boat launches (nonresidential)	P*	P*	C(a)*	C(a)	P	P
Boat launches (residential)	X*	P*	C(a)*	C(a)	P	P
Docks, piers, floats, lifts (nonresidential)	P*	P*	C(d)*	C(a)*	P*	P
Docks, piers, floats, lifts (residential)	X*	P*	X	C(a)	P	P
Float plane moorage	X	C(d)	X	C(a)	C(a)	P
Industrial piers	P*	P*	X	X	X	P
Marinas	X	P*	X	C(d)	C(d)	P
Mooring buoys	P*	P*	C(a)*	C(a)	C(a)*	P
<b>Commercial Development:</b>						

Water-dependent (recreation)	C(d)	P	C(d)	C(d)	P	P
Water-dependent or water-related (nonrecreation)	X	X	X	C(d)	P	P
Water-related (recreation)	X	P	X	X	P	P
Water-enjoyment	X	X	X	C(d)	P	P
Non-water-oriented	X	X	X	X*	C(d)	C(d)
<b>Dredging</b>	C(d)	C(d)	X*	C(d)	C(d)	P
<b>Dredge Disposal</b>	C(d)	C(d)	X*	C(d)	C(d)	C(d)
<b>Filling and Excavation</b>	C(d)	C(d)	X*	C(d)	P	P
<b>Flood Control Structures</b>	C(d)	C(d)	X	C(d)	C(d)	C(d)
<b>Forest Practices</b>	X	X	P	P	P	P
<b>In-Stream Structures</b>	C(d)	C(d)	X*	C(d)	C(d)	C(d)
<b>Industrial and Port Development:</b>						
Water-oriented	X	C(d)	X	C(d)	C(d)*	P
Non-water-oriented	X	X	X	X*	X*/C(d)	C(d)
<b>Mining</b>	X	X	X*	X*	X*	C(d)
<b>Parking:</b>						
Accessory to permitted use	X	X	X*	P/C(d)	P/C(d)	P/C(d)
Primary use	X	X	X	X	X	X
<b>Recreation:</b>						
Water-oriented	P*	P*	P*	P*	P	P
Non-water-oriented	X	X	X	X	C(d)	X
Underwater parks	C(a)	C(a)	N/A	N/A	N/A	N/A
<b>Residential:</b>						
Single-family (and normal appurtenances)	X	X	C(a)	P	P	P

Accessory structures associated with single-family development (other than beach access structures, boating facilities, and boathouses)	X	X	X	C(a)	P	P
Boathouses accessory to single-family residences	X	X	X	C(a)	C(a)	C(a)
Multifamily	X	X	X	P*	P	P
<b>Restoration and Enhancement</b>	P	P	P	P	P	P
<b>Shore Armor/Stabilization:</b>						
Nonstructural stabilization	P	P	P	P	P	P
Structural armoring, river and marine – nonresidential	C(a)*	C(a)*	C(a)*	C(a)*	C(a)*	C(a)*
Structural armoring, river and marine – residential	X	X	X	C(a)*	C(a)*	C(a)*
Structural armoring, lakes	X	X	X	X	X	X
<b>Signs</b>	P*	P*	X*	P	P	P
<b>Transportation:</b>						
Serving an allowed use	C(d)	C(d)	X*	P	P	P
Not serving a specific allowed use	C(d)	C(d)	X*	C(d)*	C(d)*	C(d)*
<b>Utilities:</b>						
Essential public	C(d)*	C(d)	X*	C(d)	P	P

facilities						
Oil, gas and natural gas transmission lines	C(d)*	C(d)	X*	P*	P*	P
Power/tidal energy generation facilities	X	C(d)	X	C(d)	C(d)	C(d)
Desalinization plants	X*	X*	X	C(d)	C(d)	C(d)
Sewage systems	X*	X*	X*	C(d)	C(d)	P
Water systems	X*	X*	X*	C(d)	C(d)	P
Electrical and communication lines	C(d)	C(d)	X*	P*	P*	P

[Ord. 7-13 Exh. A (Art. IV § 3)]

**Article V. Shorelines of Statewide Significance**

**18.25.230 Adoption of policy.**

(1) In accordance with RCW 90.58.020, the county shall manage shorelines of statewide significance in accordance with this section and in accordance with this program as a whole. Preference shall be given to uses that are consistent with the statewide interest in such shorelines. Uses that are not consistent with this section or do not comply with the other applicable policies and regulations of this program shall not be permitted on shorelines of statewide significance.

(2) In managing shorelines of statewide significance, Jefferson County shall:

- (a) Recognize and protect the statewide interest over local interest;
- (b) Preserve the natural character of the shoreline;
- (c) Seek long-term benefits over short-term benefit;
- (d) Protect the resources and ecology of the shoreline;
- (e) Increase public access to publicly owned areas of the shoreline;
- (f) Increase recreational opportunities for the public in the shoreline; and
- (g) Provide for any other element as defined in RCW 90.58.100 deemed appropriate or necessary. [Ord. 7-13 Exh. A (Art. V § 1)]

**18.25.240 Designation of shorelines of statewide significance.**

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In accordance with RCW 90.58.030(2)(e), the following Jefferson County shorelines are designated shorelines of statewide significance:

- (1) Shorelines of natural rivers or segments thereof, including portions of the Bogachiel, Clearwater, Hoh, and Quinault Rivers, downstream from a point where the mean annual flow equals 1,000 cubic feet per second or more; and
- (2) The waters of Hood Canal between the ordinary high water mark and the line of extreme low tide south of the line between Tala Point and Foulweather Bluff; and
- (3) Those areas of Puget Sound and the Strait of Juan de Fuca and adjacent salt waters north to the Canadian line and lying seaward from the line of extreme low tide. [Ord. 7-13 Exh. A (Art. V § 2)]

**18.25.250 Use preference.**

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To ensure that statewide interests are protected over local interests, the county shall review all development proposals within shorelines of statewide significance for consistency with RCW 90.58.030, this program, and the following, which are not listed in priority order:

- (1) When shoreline development or redevelopment occurs, it shall include restoration and/or enhancement of ecological conditions if such opportunities exist;
- (2) State and federal resource agencies, co-managers, and tribes, shall be consulted for development proposals that affect anadromous fish, shellfish, marine birds, and other shoreline resources;
- (3) Areas that are subject to commercial timber harvest pursuant to the Forest Practices Act and RCW 90.58.150 should be reforested as soon as possible and in accordance with the Forest Practices Act and the Forest and Fish Report;
- (4) Uses that are sustainable, that do not deplete natural resources, and that are compatible with other approved uses shall be preferred over uses that do not have these qualities;
- (5) Uses that provide long-term benefits shall be preferred over uses that provide only short-term gains;
- (6) Uses that preserve aesthetic qualities shall be preferred over uses that impact aesthetic qualities;
- (7) Uses that require a shoreline location shall be preferred over non-water-related uses. Non-water-related uses should be located outside the shoreline jurisdiction or in areas where they will not interfere with or displace preferred uses or public access;
- (8) Commercial shellfish beds, areas that support recreation and tourism, and other economic

resources of statewide importance shall be protected;

(9) Uses that have the potential to cause significant erosion and sedimentation due to excavation, land clearing, or other activities shall be strictly regulated to prevent adverse impacts to shoreline functions and processes;

(10) All public access and recreation use and development shall be designed to protect the ecological resources upon which such activities depend; and

(11) Public and private development shall be encouraged to provide trails, viewpoints, water access points and water-related recreation opportunities where conditions are appropriate for such uses.

[Ord. 7-13 Exh. A (Art. V § 3)]

### **Article VI. General Policies and Regulations**

#### **18.25.260 Applicability.**

The policies and regulations in this article apply to all uses and developments in all shoreline environments. The policies and regulations are not listed in order of priority. These policies and regulations:

- (1) Help to implement the master program goals in Article III of this chapter; and
- (2) Are informed by the governing principles in Article I of this chapter; and
- (3) Work in concert with all the other policies and regulations contained in this program; and
- (4) Are based on the state shoreline guidelines (Chapter 173-26 WAC). [Ord. 7-13 Exh. A (Art. VI)]

#### **18.25.270 Critical areas, shoreline buffers, and ecological protection.**

(1) Policies.

(a) All shoreline use and development should be carried out in a manner that avoids and minimizes adverse impacts on the shoreline environment. Uses and developments that may cause the future ecological condition to become worse than current condition should not be allowed. Use and development in areas that are ecologically valuable, hazardous, and/or possess rare or fragile natural features should be discouraged.

(b) In assessing the potential for new uses and developments to cause adverse impacts, the county should take into account all of the following:

- (i) Effects on ecological functions and ecosystem processes; and
- (ii) Effects that occur on site and effects that may occur off site; and

- (iii) Immediate effects and long-term effects; and
  - (iv) Direct effects of the project and indirect effects; and
  - (v) Individual effects of the project and the incremental or cumulative effects resulting from the project added to other past, present, and reasonably foreseeable future actions; and
  - (vi) Compensatory mitigation actions that offset adverse impacts of the development action and/or use.
- (c) The county should recognize and honor buffers and setbacks established by existing plats, preliminary plats, issued permits, binding site plans (BSPs) and site plan approval advance determinations (SPAADs), and by development agreements that are consistent with Chapter 36.70B RCW.
- (d) The county should work with other local, state, and federal regulatory agencies and resource management agencies to ensure that mitigation actions carried out in support of this program are likely to be successful and achieve beneficial ecological outcomes. This includes assisting applicants/proponents in planning, designing and implementing mitigation.
- (e) Single-family residential development on nonconforming lots should not substantially impair the view of the adjacent residences.
- (2) Regulations – No Net Loss and Mitigation.
- (a) All shoreline use and development, including preferred uses and uses that are exempt from permit requirements, shall be located, designed, constructed, conducted, and maintained in a manner that maintains shoreline ecological processes and functions.
  - (b) Uses and developments that cause a net loss of ecological functions and processes shall be prohibited. Any use or development that causes the future ecological condition to become worse than current condition shall be prohibited.
  - (c) Proponents of new shoreline use and development shall employ measures to mitigate adverse impacts on shoreline functions and processes.
  - (d) Mitigation shall include the following actions in order of priority:
    - (i) Avoiding the impact altogether by not taking a certain action or parts of an action;
    - (ii) Minimizing impacts by limiting the degree or magnitude of the action and its implementation by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

- (iii) Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
  - (iv) Reducing or eliminating the impact over time by preservation and maintenance operations;
  - (v) Compensating for the impact by replacing, enhancing, or providing substitute resources or environments;
  - (vi) Monitoring the impact and the compensation projects and taking appropriate corrective measures.
- (e) Mitigation actions shall not have a significant adverse impact on other shoreline uses fostered by the policies of the Shoreline Management Act.
- (f) When compensatory mitigation measures are required, all of the following shall apply:
- (i) The quality and quantity of the replaced, enhanced, or substituted resources shall be the same or better than the affected resources; and
  - (ii) The mitigation site and associated vegetative planting shall be nurtured and maintained such that healthy native plant communities can grow and mature over time; and
  - (iii) The mitigation shall be informed by pertinent scientific and technical studies, including but not limited to the Shoreline Inventory and Characterization Report (Final – Revised November 2008), the Shoreline Restoration Plan (Final October 2008) and other background studies prepared in support of this program; and
  - (iv) The mitigation shall replace the functions as quickly as possible following the impacts to ensure no net loss; and
  - (v) The mitigation activity shall be monitored and maintained to ensure that it achieves its intended functions and values. The monitoring timeframes shall be consistent with JCC 18.22.350(3)(h).
  - (vi) The county shall require the applicant/proponent to post a bond or provide other financial surety equal to the estimated cost of the mitigation in order to ensure the mitigation is carried out successfully. The bond/surety shall be refunded to the applicant/proponent upon completion of the mitigation activity and any required monitoring.
- (g) To encourage shoreline property owners to remove bulkheads and perform other beneficial shoreline restoration actions in advance of shoreline development or redevelopment, the county may give mitigation credit to any beneficial restoration action that occurred within five years of the proposed development/redevelopment activity; provided, that:

- (i) The applicant/property owner can provide conclusive evidence of the pre- and post-restoration conditions using photographs, reports, plans, affidavits, or similar evidence;
- (ii) The county can confirm via site inspection, photographs, affidavits or other evidence that the restoration actions have improved shoreline conditions; and
- (iii) The applicant/property owner provides assurances that the restoration area will be maintained in perpetuity. The assurance can be in the form of a notice on title, conservation easement, or similar mechanism.

(h) Compensatory mitigation measures shall occur in the vicinity of the impact or at an alternative location within the same watershed or appropriate section of marine shoreline (e.g., reach or drift cell) that provides greater and more sustainable ecological benefits. When determining whether off-site mitigation provides greater and more sustainable benefits, the county shall consider limiting factors, critical habitat needs, and other factors identified by the locally adopted shoreline restoration plan (October 2008 or as updated), or an approved watershed or comprehensive resource management plan. The county may also approve use of alternative mitigation practices such as in-lieu fee programs, mitigation banks, and other similar approaches, provided they have been approved and sanctioned by the Department of Ecology, the Puget Sound Partnership, the Department of Fish and Wildlife or the Army Corps of Engineers.

(i) Land that is constrained by critical areas and/or buffers shall not be subdivided to create parcels that are only buildable through a shoreline variance or would be considered nonconforming.

(3) Regulations – Cumulative Impacts.

(a) The county shall consider the cumulative impacts of individual uses and developments, including preferred uses and uses that are exempt from permit requirements, when determining whether a proposed use or development could cause a net loss of ecological functions.

(b) The county shall have the authority to require the applicant/proponent to prepare special studies, assessments and analyses as necessary to identify and address cumulative impacts including, but not limited to, impacts on fish and wildlife habitat, public access/use, aesthetics, and other shoreline attributes.

(c) Proponents of shoreline use and development shall take the following factors into account when assessing cumulative impacts:

- (i) Current ecological functions and human factors influencing shoreline natural processes;

and

- (ii) Reasonably foreseeable future use and development of the shoreline; and
- (iii) Beneficial effects of any established regulatory programs under other local, state, and federal laws; and
- (iv) Mitigation measures implemented in conjunction with the proposed project to avoid, reduce and/or compensate for adverse impacts.

(d) The county shall prohibit any use or development that will result in unmitigated cumulative impacts.

(4) Regulations – Critical Areas and Shoreline Buffers.

(a) Critical areas provisions of Chapter 18.22 JCC, dated March 17, 2008 (Ordinance No. 03-0317-08), and further amended in May 2009 (Ordinance No. 06-0511-09), and August 2010 (Ordinance No. 04-0809-10) are incorporated by reference; however, the following exceptions shall prevail for actions occurring within shoreline jurisdiction:

(i) All provisions listed in subsections (4)(b) through (l) and (5)(a) through (d) of this section (e.g., building setback, buffers, CASPs, reasonable use, nonconforming lots, water-oriented use/development) and provisions found in JCC [18.25.660](#) (i.e., nonconforming development), shall be governed by this program and not Chapter 18.22 JCC; and

(ii) Sections of Chapter 18.22 JCC, Article II of this chapter and other sections of JCC Title 18 regarding permit process, administrative, nonconforming use, appeal, and enforcement provisions within shoreline jurisdiction shall be governed by this program and not Chapter 18.22 JCC.

(b) In the event development or performance standards in Chapter 18.22 JCC are inconsistent with standards and requirements in this program, this program shall govern.

(c) Unless otherwise specified in this program, a buffer zone shall be established landward of all shorelines of the state to protect and maintain ecological functions and processes and to minimize risks to human health and safety. All buffers shall be maintained in a predominantly natural, undisturbed, undeveloped, and vegetated condition. Buffers shall not extend across lawfully established paved roads or hardened surfaces to include areas which are functionally isolated from the shoreline or critical area.

(d) Building Setback. As established in Chapter 18.22 JCC, all new uses and developments, including preferred uses and uses exempt from shoreline permit requirements, shall be located landward of the standard buffer plus a 10-foot-wide building setback unless otherwise specified

in this program.

(e) Standard Buffer. The standard buffer shall be measured landward in a horizontal direction perpendicular to the ordinary high water mark (OHWM) of the shoreline water body, and is a three dimensional space that includes the airspace above, as follows:

(i) Marine Shores. A minimum buffer of 150 feet shall be maintained in all shoreline environments.

(ii) Lake Shores. A minimum buffer of 100 feet shall be maintained in all shoreline environments.

(iii) Stream/River Shores. A minimum buffer of 150 feet shall be maintained in all shoreline environments.

(f) The county shall recognize and apply a buffer or setback established by an existing plat, preliminary plat, issued permit, binding site plan (BSP), site plan approval advance determination (SPAAD), or a development agreement that is consistent with Chapter 36.70B RCW.

(g) Multiple Buffers. In the event that buffers for any shorelines and/or critical areas are contiguous or overlapping, the landward-most edge of all such buffers and setbacks shall apply.

(h) Buffer Condition. The area within a required shoreline buffer shall be kept in a sufficiently vegetated condition so as to ensure it protects and maintains the existing ecological functions. Existing native vegetation shall be retained, and planting of native vegetation is preferred.

(i) Buffer Usage. When located to avoid areas of noted sensitivity and habitat, an area shall be permitted for "active use" within an approved buffer, provided the area does not exceed 20 percent of the required buffer area or is configured to span at least 15 linear feet of the water frontage, whichever is greater. This regulation shall not apply retroactively to existing uses except when new use or development is proposed.

(j) Buffer Reduction or Averaging. Proposals that request a decrease in the standard shoreline buffer of this program shall not require a shoreline variance if all of the approval criteria in JCC 18.22.270(6) and (7) are met. All other shoreline buffer reduction or shoreline buffer averaging proposals shall require a shoreline variance.

(k) Increased Buffers. An increase in buffer width shall be required upon determination that the development would be:

(i) Susceptible to severe erosion resulting in adverse impacts to the shoreline; or

(ii) Susceptible to health and safety risks caused by stream or river channel migration; or

- (iii) Susceptible to health and safety risks caused by flooding – from sea, river/stream; or
- (iv) On steeply sloped (greater than 25 percent) land adjacent to the ordinary high water mark.

(l) Alternative Protection via Critical Areas Stewardship Plans (CASPs). If a proponent of a shoreline use or development proposes to modify the buffer width requirement of an SMA-regulated waterbody using the CASP standards described in Article IX of Chapter 18.22 JCC, such buffer modification shall require a shoreline variance. If the proposed CASP buffer modification is for a wetland or habitat conservation area that is physically separated from the SMA-regulated waterbody, no shoreline variance shall be required.

(5) Regulations – Exceptions to Critical Area and Shoreline Buffer Standards.

(a) Nonconforming Lots – Development Allowed without a Variance (Modest Home Provision). New single-family development on any legal lot in shoreline jurisdiction that is nonconforming with respect to the required buffer standards may be allowed without a shoreline variance when:

- (i) The depth of the lot (distance from the ordinary high water mark to the inside edge of the frontage setback) is equal to or less than the standard shoreline buffer as indicated in subsection (4)(e) of this section; and
- (ii) The building area lying landward of the shoreline buffer and interior to required sideyard setbacks is not more than 2,500 square feet and the driveway is not more than 1,100 square feet. The building area means the entire area that will be disturbed to construct the home, normal appurtenances (except drainfields), and landscaping; and
- (iii) All single-family residences approved under this section shall not extend waterward of the common-line buffer; and
- (iv) Appropriate measures are taken to mitigate all adverse impacts, including using low impact development measures such as pervious pavement for driveways and other hard surfaces; and
- (v) Opportunities to vary the side yard and/or frontage setbacks are implemented to reduce the nonconformity when doing so will not create a hazardous condition or a condition that is inconsistent with this program and Chapter 18.30 JCC; and
- (vi) The residence is located in the least environmentally damaging location relative to the shoreline and any critical areas; and
- (vii) There is no opportunity to consolidate lots under common ownership that will alleviate

the nonconformity; and

(viii) The lot is not subject to geologic hazards; and

(ix) All structures are as far landward as possible and not closer than 30 feet from the ordinary high water mark; and

(x) At least 80 percent of the buffer area between the structures and the shoreline and/or critical area is maintained in a naturally vegetated condition.

(b) Nonconforming Lots – Common Line Buffer. For the purpose of accommodating shoreline views to be adequate and comparable to adjacent residences, but not necessarily equivalent, the administrator may reduce the standard buffer for a new single-family residence on nonconforming lots consistent with the following criteria:

(i) The proposed residence must be located within 300 feet of an adjacent legally established single-family residential primary structure constructed prior to adoption of this program that encroaches on the standard buffer. The mere presence of nearby shacks, sheds or dilapidated buildings does not constitute the existence of a residence, nor can such structures be used to determine a common line buffer. The nearest corners of the adjacent residences are those closest to the side-yard property line of the proposed residence.

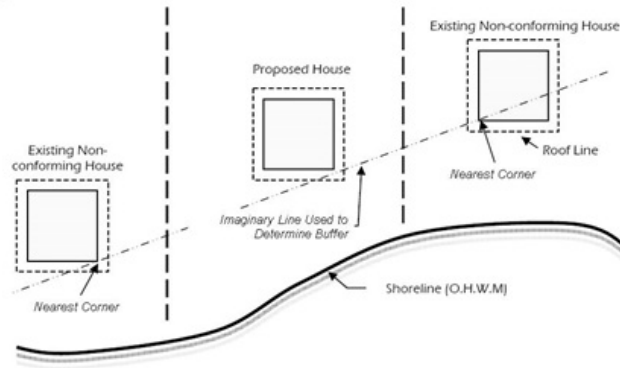
(ii) Existing Homes on Both Sides. Where there are existing residences adjacent on both sides of the proposed residence, the buffer shall be determined as the greater of either (A) a common line drawn between the nearest corners of each adjacent residence (see Figure 18.25.270(1)), or (B) a common line calculated by the average of both adjacent residences' existing setbacks (i.e.,  $(y+z)/2=x$  buffer; see Figure 18.25.270(2)).

(iii) Existing Home on One Side. Where there is only one existing residence adjacent to the proposed residence, the common line buffer shall be determined as the greater of either (A) a common line drawn between nearest corner of the foundation for the adjacent residence and the nearest point of the standard buffer on the adjacent vacant lot (see Figure 18.25.270(3)), or (B) a common line calculated by the average of the adjacent residence's setback and the standard buffer for the adjacent vacant lot (i.e.,  $(y+z)/2=x$  buffer; see Figure 18.25.270(4)).

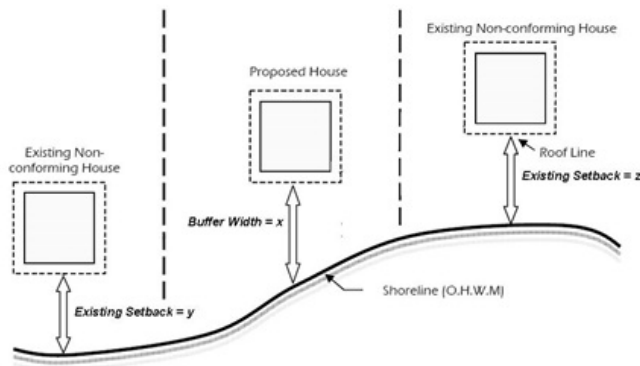
(iv) Figures 18.25.270(1) through (4) illustrate examples of the common line buffer allowance. When discrepancy between the text and the graphic exists, the text shall govern. Graphics are for illustration only, buffer shall be measured perpendicularly from the ordinary high water mark as per this section.

**Figures 18.25.270(1) – (4)**

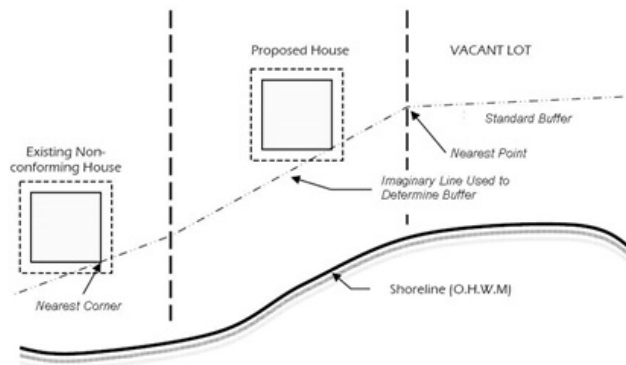
**Figure 18.25.270(1)**



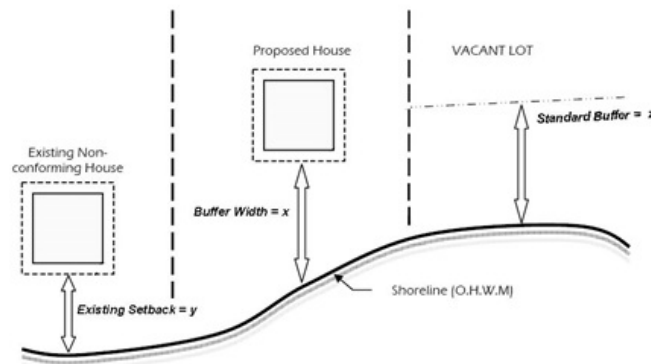
**Figure 18.25.270(2)**



**Figure 18.25.270(3)**



**Figure 18.25.270(4)**



(c) Nonconforming Lots – Development Requiring a Variance. Development on nonconforming lots that do not meet the requirements of subsection (5)(a) or (b) of this section require a shoreline variance.

(d) Water-Oriented Uses/Development. When otherwise consistent with this program and Chapter 18.22 JCC, the following water-oriented uses/developments may be permitted within a shoreline buffer without a shoreline variance. The amount and extent of buffer modification shall be the minimum needed to accommodate the allowed use/development. This allowance for water-oriented uses/developments within shoreline buffers without a shoreline variance may apply to the primary use and/or to the following accessory uses/structures:

- (i) Primary uses and structures that meet the definition of a water-dependent or water-related use/development as defined in Article II of this chapter.
- (ii) Boating facilities accessory to a single-family residential development including rails, docks, piers and floats;
- (iii) Boathouses accessory to a single-family residential development; provided, that all of the following are met:
  - (A) The boathouse is used to store watercraft and shall not be used as or converted to a dwelling unit. The county shall require a notice on title indicating such; and
  - (B) The boathouse has a maximum footprint of 300 square feet and a maximum height of 15 feet above average grade; and
  - (C) The primary doorway/entryway faces the water; and
  - (D) The structure is located entirely landward of the ordinary high water mark.
- (iv) Public or private beach access structures accessory to residential, commercial, industrial, port or other allowed uses/development; and

- (v) Public access structures, including but not limited to docks, piers, floats; and
- (vi) Certain utilities and essential public facilities as specified in JCC [18.25.530](#). [Ord. 7-13 Exh. A (Art. VI § 1)]

**18.25.280 Historic, archaeological, cultural, scientific and educational resources.**

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(1) Policies.

- (a) Historic, archaeological, cultural, scientific and educational (HACSE) sites and resources should be protected, preserved, and where possible, restored. All use and development on sites containing HACSE resources should be planned and carried out so as to prevent adverse impacts to the resource(s).
- (b) To prevent adverse impacts on HACSE resources, proponents of all new shoreline use and development should consult the county department of community development prior to beginning any project or activity.
- (c) Tribal, federal, state, educational institutions and local governments should cooperate to maintain an inventory of all known significant local HACSE sites and resources.
- (d) The location of historic, cultural and/or archaeological sites/resources should not be disclosed to the general public, consistent with applicable state and federal laws.
- (e) When HACSE sites/resources occur on public lands they should be accessible to the public and used for research or educational purposes consistent with the public access provisions of this program and applicable tribal access policies. Private owners of HACSE sites/resources are encouraged to provide access and educational opportunities when appropriate.
- (f) If development is proposed adjacent to an identified HACSE site/resource, then the proposed development should be designed and operated so as to be compatible with continued protection of the site/resource.

(2) Regulations – General Regulations.

- (a) Proponents of new shoreline use and development, including preferred uses and uses exempt from permit requirements, shall:
  - (i) Preserve and protect historic, archaeological and cultural resources that are recorded by the Washington State Department of Archaeology and Historic Preservation and resources that are inadvertently discovered during use or development activities; and
  - (ii) Consult the county department of community development, the Washington State

Department of Archaeology and Historic Preservation, affected tribes, and/or other appropriate agencies prior to beginning development so there is ample time to assess the site and make arrangements to preserve historical, cultural and archaeological resources; and

(iii) Comply with all state and federal regulations pertaining to archaeological sites.

(b) All feasible means shall be employed to ensure that data, structures, and sites having historical, archaeological, cultural, scientific, or educational significance are preserved, extracted, or used in a manner commensurate with their importance.

(c) Excavations for archaeological investigations or data recovery may be permitted subject to the provisions of this program.

(d) The county shall prohibit any use or development that poses a threat to a HACSE resource. Alternatively the county shall require the development to be postponed to allow for:

(i) Coordination with potentially affected tribes and/or the State Department of Archaeology and Historic Preservation; and/or

(ii) Investigation of public acquisition potential; and/or

(iii) Retrieval and preservation of significant artifacts.

(3) Regulations – Procedural Requirements.

(a) When the county receives a permit application or request for a statement of exemption for development on a property within 500 feet of a known or probable historic, archaeological, or cultural site, the county shall:

(i) Notify and inform affected tribes and agencies such as the State Department of Archaeology and Historic Preservation of the proposed activity including timing, location, scope, and resources affected; and

(ii) Require the applicant to provide a cultural resource site assessment prior to development unless the administrator determines that the proposed development activities do not include any ground disturbing activities and will not impact a known HACSE site/resource.

(b) If a cultural resource site assessment identifies the presence of significant historic or archaeological resources, a cultural resource management plan (CRMP) shall be required. The plan shall include:

- (i) An analysis of actions to be taken by the property owner, developer, archaeologist, or historic preservation professional, in the event that an inadvertent discovery of historic, archaeological, or cultural sites or artifacts occurs during site development; and
  - (ii) An explanation of why the proposed activity requires a location on, or access across and/or through, a significant historic or archaeological resource; and
  - (iii) A description of the historic/archaeological resources affected by the proposal; and
  - (iv) An assessment of the historic/archaeological resource and an analysis of the potential adverse impacts as a result of the activity; and
  - (v) Recommended measures to prevent adverse impacts; and
  - (vi) Comments from the Washington State Department of Archaeology and Historic Preservation, and affected tribes.
- (c) Site assessments and CRMPs required by this section shall be prepared by a professional archaeologist or historic preservation professional, as applicable. The landowner or project proponent shall be responsible for any professional service fees.
- (d) The administrator may reject or request revision of the conclusions reached in a CRMP when she/he can demonstrate that the assessment is inaccurate or does not fully address the management concerns involved.
- (e) Where public access is provided to any private or publicly owned building or structure of historic, archaeological or cultural significance, a public access management plan shall be developed in consultation with the Washington State Department of Archaeology and Historic Preservation, affected tribes and/or other agencies, to address the following:
- (i) The type and/or level of public access that is consistent with the long-term protection of both historic resource values and shoreline ecological functions and processes; and
  - (ii) Types and location of interpretative signs, displays and other educational materials; and
  - (iii) Site- and resource-specific conditions, including hours of operation, interpretive and/or directional signage, lighting, pedestrian access, and/or traffic and parking.
- (f) If any phenomena of possible historic, archaeological and/or cultural interest are inadvertently discovered during any new shoreline use or development, the proponent shall immediately stop work and comply with all of the following:
- (i) Notify the county department of community development, Washington State Department

of Archaeology and Historic Preservation, affected tribes, and other appropriate agencies;

(ii) Prepare a site assessment pursuant to this section to determine the significance of the discovery and the extent of damage to the resource;

(iii) Distribute the site assessment to the Washington State Department of Archaeology and Historic Preservation and affected tribes for a 30-day review to determine the significance of the discovery;

(iv) Maintain the work stoppage until the county determines that the site is considered significant by the above listed agencies or governments, or if the above listed agencies or governments have failed to respond within the applicable review period following receipt of the site assessment; and

(v) Prepare a CRMP pursuant to this section if the county determines that the site is significant.

(g) Upon inadvertent discovery of human remains, the county sheriff, coroner, and State Department of Archaeology and Historic Preservation (DAHP) must be immediately notified.

(h) In the event that unforeseen factors constituting an emergency as defined in RCW 90.58.030 necessitate rapid action to retrieve or preserve historic, archaeological and/or cultural resources, the project may be exempted from the requirement to obtain a permit. The county shall notify the State Department of Ecology, the State Attorney General's Office, potentially affected tribes, and the State Department of Archaeology and Historic Preservation of such a waiver within 30 days of such action. [Ord. 7-13 Exh. A (Art. VI § 2)]

#### **18.25.290 Public access.**

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##### **(1) Policies.**

(a) Providing public access to public shorelines is a primary goal of the Shoreline Management Act. Jefferson County actively supports public and private efforts making better use of existing facilities/opportunities. Strategic efforts to find and fund new shoreline public access are encouraged to meet increasing demands by a growing populace. Increasing all types of public access is a priority for the county.

(b) The county should prepare a comprehensive shoreline public access plan in cooperation with appropriate local, state, tribal and nongovernmental agencies/organizations, and the general public.

(c) The county should work with appropriate agencies and individuals to acquire lands that can provide physical access to public waters for public use.

- (d) Shoreline development by public entities, such as local governments, port districts, state agencies, and public utility districts, should provide public access as part of each development project, unless such access is shown to be incompatible with this program due to reasons of safety, security, or adverse impacts to shoreline functions and processes.
- (e) Shoreline development by private entities should provide public access when the development would either generate a demand for one or more forms of such access, and/or would impair existing legal access opportunities or rights.
- (f) Single-family residential developments with four or fewer lots/units should not be required to provide public access.
- (g) Public health and safety concerns associated with public access sites should be adequately mitigated and appropriate precautions taken to prevent adverse impacts on shoreline ecological functions and/or processes.
- (h) Efforts to implement the public access provisions of this section should be consistent with all relevant constitutional and other legal limitations on regulation of private property.
- (i) Public access requirements on privately owned lands should be commensurate with the scale and character of the development and should be reasonable, effective and fair to all affected parties including but not limited to the landowner and the public.
- (j) Where feasible, providers of shoreline public access should:
  - (i) Locate and design public access improvements in a manner that is compatible with the natural shoreline character and avoids adverse impacts to shoreline ecological functions and processes; and
  - (ii) Ensure public access improvements and amenities are safe, respect individual privacy, and avoid or minimize visual impacts from neighboring properties; and
  - (iii) Provide maps and orientation information to inform the public of the presence and location of privately held tidelands, especially those adjacent to public access and recreational areas; and
  - (iv) Incorporate programs, signage and informational kiosks into public access locations, where appropriate, to enhance public education and appreciation of shoreline ecology and areas of historical or cultural significance.

(2) Regulations.

- (a) Single-family residential developments consisting of four or fewer residential lots or dwelling

units shall not be required to provide public access.

(b) Opportunities to provide visual and/or physical public access shall be considered during the review and conditioning of all proposed commercial and industrial shoreline developments and residential developments involving more than four residential lots or dwelling units.

(c) Physical public access shall be incorporated into all development proposals on public lands, all public and private commercial and industrial uses/developments, and all residential subdivisions of greater than four lots unless the project proponent demonstrates that any of the following conditions exist:

(i) Unavoidable public health or safety hazards exist and cannot be prevented through reasonable means; or

(ii) The use/development has inherent security or cultural sensitivity requirements that cannot be mitigated through reasonable design measures or other solutions; or

(iii) The cost of providing the access, easement or an alternative amenity is disproportionate to the total long-term cost of the proposed development; or

(iv) The public access will cause unacceptable environmental impacts that cannot be mitigated; or

(v) The access would create significant, undue, and unavoidable conflicts with adjacent uses that cannot be mitigated.

(d) To be exempt from the public access requirements in subsection (2)(c) of this section, the project proponent must demonstrate that all feasible alternatives have been considered, including, but not necessarily limited to:

(i) Regulating access through means such as maintaining a gate and/or limiting hours of use; and

(ii) Separating uses and activities (e.g., fences, terracing, use of one-way glazing, hedges, landscaping, etc.).

(e) When physical public access is deemed to be infeasible based on considerations listed in subsection (2)(c) of this section, the proponent shall provide visual access to the shore or provide physical access at an off-site location geographically separated from the proposed use/developmental (e.g., a street end, vista, or trail system).

(f) Public access shall be located and designed to be compatible with the natural shoreline character, to avoid adverse impacts to shoreline ecological functions and processes, and to

ensure public safety.

(g) When otherwise consistent with this program, public access structures shall be exempt from the shoreline buffer requirements of this program, meaning that such structures shall be allowed to encroach into the shoreline buffer when necessary to provide physical and/or visual access to the water's edge.

(h) Public shoreline access provided by public road ends, public road rights-of-way, public utilities and rights-of-way shall not be diminished by the county, neighboring property owners, or other citizens, unless the property is zoned for industrial uses in accordance with RCW 36.87.130.

(i) Public access sites shall be directly connected to the nearest public street and shall include improvements that conform to the requirements of the Americans with Disabilities Act (ADA) when feasible and appropriate.

(j) Opportunities for boat-in public access and access to primitive shorelines not accessible by automobile shall be provided where feasible and appropriate.

(k) When required for public land, commercial, port or industrial use/development as per subsections (2)(b) and (c) of this section, public access sites shall be fully developed and available for public use prior to final occupancy of such use or development.

(l) Public access easements and permit conditions shall be recorded on the deed of title and/or the face of a short or long plat as a condition running, at a minimum, for a period contemporaneous with the duration of the authorized land use. Recordation shall occur at the time of final plat approval or prior to final occupancy.

(m) The location of new public access sites shall be clearly identified. Signs with the appropriate agency's logo shall be constructed, installed and maintained by the project proponent in conspicuous locations at public access sites and/or along common routes to public access sites. The signs shall indicate the public's right of access, the hours of access, and other information as needed to control or limit access according to conditions of approval. [Ord. 7-13 Exh. A (Art. VI § 3)]

### **18.25.300 Shoreline setbacks and height.**

#### **(1) Policies.**

(a) Standards for density, setbacks, height, and other provisions should ensure no net loss of shoreline ecological functions and/or processes and preserve the existing character of the shoreline consistent with the purpose of the applicable shoreline environment designation.

(b) Proponents of a development on no-bank or low bank marine shorelines are encouraged to locate the bottom of a structure's foundation higher than the level of expected future sea-level rise.

(2) Regulations.

(a) A building setback of 10 feet shall be established on the landward edge of the shoreline buffers required by this program.

(b) Sideyard setbacks shall be measured from all property lines that intersect the shoreline side of a lot or tract. Five feet of the total required sideyard setbacks may be provided on one side and the balance on the other side.

(c) Pursuant to RCW 90.58.320, no permit may be issued for any new or expanded building or structure more than 35 feet above average grade level when such a height will obstruct the view of a substantial number of residences on or adjoining such shorelines. Height is measured according to the definition in Article II of this chapter. The project proponent shall be responsible for providing sufficient information to the administrator to determine that such development will not obstruct views as described.

(d) Power poles and transmission towers associated with allowed uses and developments are not subject to height limits but shall not be higher than necessary to achieve the intended purpose. [Ord. 7-13 Exh. A (Art. VI § 4)]

**18.25.310 Vegetation conservation.**

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(1) Policies.

(a) Maintaining native shoreline vegetation is an important goal of this program. The policies and regulations of this section are intended to ensure well-vegetated, stable shorelines that provide habitat and other ecological benefits and resemble natural, unaltered shorelines.

(b) New uses and/or developments should be designed to preserve native shoreline vegetation to maintain shoreline ecological functions and processes and prevent direct, indirect and/or cumulative impacts of shoreline development.

(c) New uses and/or developments should establish native shoreline vegetation such that the composition, structure, and density of the plant community resemble a natural, unaltered shoreline as much as possible.

(d) Maintaining well-vegetated shorelines is preferred over clearing vegetation to create views or provide lawns. Limited and selective clearing for views and lawns may be allowed when slope stability and ecological functions are not compromised, but landowners should not assume that

an unobstructed view of the water is guaranteed. Trimming and pruning are generally preferred over removal of native vegetation. Property owners are strongly encouraged to avoid or minimize the use of fertilizers, herbicides and pesticides.

(e) Shoreline landowners are encouraged to preserve and enhance native woody vegetation and native groundcovers to stabilize soils and provide habitat. Maintaining native plant communities is preferred over nonnative ornamental plantings because native plants have greater ecological value. Nonnative vegetation that requires use of fertilizers, herbicides and/or pesticides is discouraged.

(f) Prior to granting a shoreline permit or determining that a proposed use/development is exempt from permitting, the county should evaluate site plans to determine the extent to which the vegetation is conserved. As needed, the county may require special reports regarding vegetation and shall condition approval of new developments to ensure the following:

- (i) Native plant communities on marine, river, and lake shorelines are preserved; and
- (ii) Overhanging trees along shorelines are kept intact to provide shading and other ecological functions; and
- (iii) Established areas of native plants are preserved to maintain slope stability and prevent surface erosion; and
- (iv) Structures and associated development are placed in areas that avoid disturbance of established native plants, especially trees and shrubs; and
- (v) Clearing and grading near bluff edges and other erosion- or landslide-prone areas are minimized to prevent slope instability; and
- (vi) Shoreline development proposals should incorporate provisions for removing invasive or nonnative species and planting native species when doing so would improve ecological functions and processes.

(2) Regulations.

(a) Unless otherwise specified, all shoreline use and development, including preferred uses and uses exempt from permit requirements, shall comply with the buffer provisions of this program and Chapter 18.22 JCC to protect and maintain shoreline vegetation.

(b) Proponents of all new shoreline uses or developments shall demonstrate that site designs and layouts are consistent with the policies of this section to ensure shoreline functions, values, and processes are maintained and preserved. A shoreline permit or written statement of exemption shall not mandate, nor guarantee, unobstructed horizontal or lateral visibility of the

water, shoreline or any specific feature near or far.

(c) View Maintenance. Proponents of all new shoreline uses or developments shall use all feasible techniques to maximize retention of existing native shoreline vegetation while allowing for shoreline views.

(i) Vegetation Trimming. Techniques shall include selective pruning, windowing and other measures that preserve native plant composition and structure. No more than 25 percent of a single tree's leaf bearing crown may be removed and no more than 25 percent of the canopy cover of any stand of trees may be removed for view preservation. If additional trimming is requested in subsequent years, the cumulative removal may not exceed 25 percent. Limbing or crown thinning shall comply with Tree Care Industry Association pruning standards, unless the tree is a hazard tree as defined by this program. Tree topping is prohibited when main stem/trunk is over three inches diameter at breast height (DBH).

(ii) Vegetation Removal. All vegetation removal within the buffer area must comply with JCC [18.25.270\(4\)\(h\)](#). In no instance shall vegetation removal exceed 20 percent of the required buffer area or 15 linear feet of the water frontage, whichever is greater. Outside the buffer, vegetation removal shall be the minimum necessary for maintaining shoreline views from the primary structure and to provide lawns or ground cover, and must comply with other applicable requirements such as clearing and grading, forest practices, and protection standards for fish and wildlife habitat.

(iii) The administrator may deny a request or condition approval of vegetation management proposals for view maintenance if it is determined the action will result in an adverse effect to any of the following:

- (A) Slope stability;
- (B) Habitat value;
- (C) Health of surrounding vegetation;
- (D) Risk of wind damage to surrounding vegetation;
- (E) Nearby surface or ground water; or
- (F) Water quality of a nearby water body.

(d) Proponents of all new shoreline uses or developments shall maintain existing native shoreline vegetation to the maximum extent practicable, except that the following activities shall be exempt from this requirement:

- (i) Existing and ongoing agricultural activities on agricultural lands enrolled in the open space tax program for agriculture or on lands designated as agricultural lands of long-term commercial significance on the official map of Comprehensive Plan land use designations;
  - (ii) Buffer enhancement by removal of noxious weeds, based on consultation with the Jefferson County noxious weed board, and/or planting native vegetation;
  - (iii) Maintenance of existing residential landscaping, such as lawns and gardens, pursuant to JCC 18.22.070(13);
  - (iv) Maintenance trimming of the limbs or branches on a tree or shrub that has a main stem less than three inches in diameter at breast height (DBH);
  - (v) Construction of pervious surface trails for nonmotorized use, provided the trail is no wider than five feet and the vegetation trimming is limited to five feet on either side of the trail except where an arborist report indicates that additional vegetation trimming or removal is required for safety reasons;
  - (vi) Harvest of wild crops that does not significantly affect the viability of the wild crop, or adversely affect shoreline functions of the area;
  - (vii) Removal of a hazard tree, as defined in Article II of this chapter, where trimming is not sufficient to address the hazard. In such cases, the downed tree shall be retained on site to provide wildlife habitat and enhance in-stream or marine habitat if present. The location of retained materials placed on site shall reflect firewise program guidance for defensible space and fire safety. Where not immediately apparent to the administrator, the hazard tree determination shall be made after review of a report prepared by an arborist or forester.
- (e) The county may impose conditions on new shoreline use and/or development as needed to prevent the introduction and spread of aquatic weeds. Aquatic weed removal and disposal shall occur in a manner that minimizes and mitigates adverse impacts to native plant communities and shoreline ecological functions.
- (f) When restoring or enhancing shoreline vegetation, proponents shall use native species approved by the county that are of a similar diversity, density, and type to that occurring in the general vicinity of the site prior to any shoreline alteration. The vegetation shall be nurtured and maintained to ensure establishment of a healthy and sustainable native plant community over time.
- (g) The vegetation conservation regulations of this program do not apply to commercial forest practices as defined by Article II of this chapter when such activities are covered under the Washington State Forest Practices Act (Chapter 76.09 RCW). Where such activities are

associated with a conversion of forest lands to other uses or other forest practice activities, the vegetation conservation requirements shall apply.

(h) Vegetation conservation standards shall not apply retroactively to existing uses and developments, although property owners are strongly encouraged to voluntarily improve shoreline vegetation conditions over the long term.

(i) Vegetative debris shall be properly managed by mulching/leaving in place as habitat and soil amendment, composting on-site, or removing and disposing of off-site. The dumping of vegetative debris, including grass clippings and yard waste, in shoreline areas is strongly discouraged, especially when slope stability and water quality would be threatened.

(j) Vegetative debris in the buffer that creates a fire hazard to existing structures may be reduced by chipping if the chipped material is returned to the original location. Fallen tree trunks may not be removed or chipped. [Ord. 7-13 Exh. A (Art. VI § 5)]

#### **18.25.320 Water quality and quantity.**

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##### **(1) Policies.**

(a) The location, construction, operation, and maintenance of all shoreline uses and developments should maintain or enhance the quantity and quality of surface and ground water over the long term.

(b) Shoreline use and development should minimize, through effective education, site planning and maintenance, the need for chemical fertilizers, pesticides, herbicides or other similar chemical treatments that could contaminate surface or ground water or cause adverse effects on shoreline ecological functions and values.

(c) Appropriate buffers along all wetlands, streams, lakes, and marine water bodies should be provided and maintained in a manner that avoids the need for chemical treatment.

(d) Potential adverse effects of agricultural activities on water quality should be minimized by implementing best management practices, buffers and other appropriate measures.

(e) Effective erosion control and water-runoff treatment methods should be provided for all shoreline development and use in accordance with JCC 18.30.070.

(f) Encourage pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such practices could reduce stormwater runoff.

##### **(2) Regulations.**

(a) All shoreline uses and activities shall use effective erosion control methods during both project construction and operation. At a minimum, effective erosion control methods shall require compliance with the current edition of the Department of Ecology's Stormwater Management Manual, NPDES General Permit requirements, and the stormwater management provisions of JCC 18.30.070.

(b) To avoid water quality degradation by malfunctioning or failing septic systems located within shoreline jurisdiction, on-site sewage systems shall be located and designed to meet all applicable water quality, utility, and health standards.

(c) All materials that may come in contact with water shall be composed of nontoxic materials, such as wood, concrete, approved plastic composites or steel, that will not adversely affect water quality or aquatic plants or animals. Materials used for decking or other structural components shall be approved by applicable state agencies for contact with water to avoid discharge of pollutants from wave splash, rain, or runoff. Wood treated with creosote, copper chromium arsenate or pentachlorophenol is prohibited in shoreline water bodies.

(d) Solid and liquid wastes and untreated effluents shall not be allowed to enter any ground water or surface water or to be discharged onto land. The release of oil, chemicals, genetically modified organisms or hazardous materials onto land or into the water is prohibited. [Ord. 7-13 Exh. A (Art. VI § 6)]

## **Article VII. Shoreline Modifications Policies and Regulations**

### **18.25.330 Applicability – Purpose.**

The policies and regulations in this article apply to all types of shoreline modification, with specific standards defined for each shoreline environment. They are not listed in order of priority. These policies and regulations:

- (1) Help to implement the master program goals in Article III of this chapter; and
- (2) Are informed by the guiding principles in Article I of this chapter; and
- (3) Work in concert with all the other policies and regulations contained in this program; and
- (4) Are based on the state shoreline guidelines (Chapter 173-26 WAC). [Ord. 7-13 Exh. A (Art. VII)]

### **18.25.340 Beach access structures.**

#### **(1) Policies.**

(a) Beach access structures, as defined in Article II of this chapter, should be located, designed and maintained in a manner that minimizes adverse effects on shoreline ecology.

- (b) Jefferson County recognizes a balance has to be found between enabling pedestrian access to beach areas and protecting fragile shoreline ecosystems.
  - (c) Neighboring property owners are encouraged to combine resources to collectively propose beach access structures in appropriate locations for shared use.
  - (d) Beach access structures should not be permitted until and unless their adverse effects on stream, lake or marine shoreline functions and processes, including any significant adverse effects on adjoining lands and properties, are fully evaluated and mitigated. All proposals for structures that link upland areas with adjacent beaches shall be carefully evaluated by the criteria and regulations in this section.
  - (e) Beach access structures may not be appropriate in some areas because of safety hazards or sensitive ecological conditions. The county should not permit these structures in areas where there are expected risks to human health and safety or adverse effects on shoreline functions and processes. Some properties will have view-only access to the neighboring waters.
  - (f) Beach access structures should conform to the existing topography, minimize adverse impacts on shoreline aesthetics, and minimize clearing and grading to the maximum extent feasible.
  - (g) Beach access structures should not be allowed if there is a reasonable likelihood that they will require erosion control structures or armoring in the future.
  - (h) Beach access structures should be designed to minimize the amount of clearing, grading, excavation, and other forms of shoreline alteration so that they don't require substantial bank or slope modifications.
  - (i) Beach access structures should only be allowed where it provides access to a publicly owned beach or where the same party owns both the uplands and adjoining tidelands or an easement is granted by the tideland owner to the upland owner for access.
- (2) Uses and Activities Prohibited Outright. Beach access structures shall be prohibited from marine feeder bluffs in all environment designations.
- (3) Shoreline Environment Regulations.
- (a) Priority Aquatic. Public beach access structures may be permitted as a conditional use, provided they are associated with a water-dependent use that includes public access to the shoreline, and provided they are consistent with policies and regulations of this program and are allowed in the adjoining upland designation. Private beach access structures accessory to single-family residential development shall be prohibited.

(b) Aquatic. Public beach access structures may be permitted as a conditional use, provided they are associated with a water-dependent use that includes public access to the shoreline, and provided they are consistent with policies and regulations of this program in the adjoining upland designation. Private beach access structures accessory to single-family residential development may be permitted as a conditional use when they are allowed in the adjoining upland designation.

(c) Natural. Public beach access structures may be permitted as a conditional use, provided they are associated with a water-dependent use that includes public access to the shoreline, and provided they are consistent with policies and regulations of this program. Private beach access structures accessory to single-family residential development shall be prohibited.

(d) Conservancy. Public and private beach access structures may be permitted as a conditional use, provided they are consistent with the provisions of this program.

(e) Shoreline Residential. Public and private beach access structures may be permitted as a conditional use, provided they are consistent with the provisions of this program.

(f) High Intensity. Public and private beach access structures may be permitted as a conditional use, provided they are consistent with the provisions of this program.

(4) Regulations.

(a) Beach access structures may be permitted only when consistent with the provisions of this program.

(b) Public beach access structures shall be subject to this section, JCC [18.25.290](#) (Public access) of this program, and conform to Americans with Disabilities Act (ADA) standards.

(c) When permitted, beach access structures shall be located, designed and operated to avoid critical areas and prevent a net loss of shoreline ecological functions or processes, including, but not limited to:

- (i) Habitat;
- (ii) Slope stability;
- (iii) Sediment transport; and
- (iv) Water quality.

(d) The county shall have the authority to require specific design standards based on the configuration of the site including existing topography, vegetation, soils, drainage and other factors.

(e) When allowed, beach access structures may be located within the shoreline buffer; provided, that:

- (i) The clear width of any walkway, staircase, tower or tram shall be at least three feet, and not exceed five feet; and
- (ii) The structure shall not extend more than 12 vertical feet above the bank or slope; and
- (iii) There is no other available public beach access within 500 feet of the proposed access site.

(f) No portion of a beach access structure shall be constructed waterward of the ordinary high water mark unless there is no other feasible alternative.

(g) When in-water or over-water construction is allowed in accordance with this section it shall be limited to a small pier or pile-supported pedestrian landing platform of 25 square feet or less that is otherwise consistent with the provisions of this program.

(h) New residential subdivisions of more than four units or lots shall include a restriction on the face of the plat prohibiting individual beach access structures. Shared access structures may be permitted in these subdivisions when consistent with the provisions of this program.

(i) Existing lawfully constructed nonconforming beach access structures may be repaired or replaced in kind as a nonconforming use as consistent with other provisions of this program.

(j) Beach access structures shall be prohibited if any of the following apply:

- (i) The structure would adversely impact a critical area or marine feeder bluff, or increase landslide or erosion hazards; or
- (ii) The structure is likely to interfere with natural erosion and accretion processes; or
- (iii) The bank slope where the structure is placed is likely to require shoreline stabilization/shoreline defense works in the future; or
- (iv) Substantial bank or slope modification is required.

(k) Prior to approving a permit for a beach access structure, the county shall require the project proponent to demonstrate that the project is consistent with this program. Information to be provided by the proponent will include, but not be limited to:

- (i) Existing conditions at the site related to erosion, slope stability, drainage, vegetation, and coastal processes; and

- (ii) Probable effects of the access structure on the stability of the site over time; and
- (iii) Potential effects of the access structure on shoreline processes such as net-shoreline drift, sediment transport, mass wasting, and erosion; and
- (iv) Methods for maintaining the structure over time that will preclude the need for a bulkhead or other type of stabilization in the future; and
- (v) Potential effects on fish and wildlife habitats and other shoreline ecological functions; and
- (vi) Measures needed to ensure/maintain slope stability, maintain coastal processes, and prevent erosion in the long term.

(l) The county may require proposals for pedestrian beach access structures to include geotechnical analysis prepared by a licensed professional engineer or geologist and/or biological analysis prepared by a qualified biologist. [Ord. 7-13 Exh. A (Art. VII § 1)]

**18.25.350 Boating facilities – Boat launches, docks, piers, floats, lifts, marinas, and mooring buoys.**

(1) Policies.

- (a) Boating facilities as defined in Article II of this chapter should be located, designed, constructed and operated with appropriate mitigation to avoid adverse effects on shoreline functions and processes and to prevent conflicts with other allowed uses.
- (b) Boating facilities should not be located or expanded where they would:
  - (i) Impact critical habitats; or
  - (ii) Substantially interfere with currents and/or net-shoreline drift; or
  - (iii) Cause significant adverse effects on aquatic habitat, biological functions, water quality, aesthetics, navigation, and/or neighboring uses.
- (c) Docks and piers should not be allowed where shallow depths require excessive overwater length.
- (d) The county should protect the natural character of the shoreline and prevent adverse ecological impacts caused by in-water and overwater structures by limiting the number of new docks/piers/floats and by controlling how they are designed and constructed and where they are located. Wood coated or treated with toxic materials should not be allowed.

(e) To prevent the impacts associated with private docks, piers, floats, lifts and launch ramps and rails accessory to residential development:

- (i) Mooring buoys are generally preferred over docks, piers or floats; and
- (ii) Shared docks/piers/floats serving multiple properties are preferred over single-user docks/piers/floats serving a single property or parcel; and
- (iii) Public boat launches are preferred over private launch facilities. Rail and track launch systems are preferred over ramps.

(f) Boating facilities associated with commercial, industrial, or port uses, residential subdivisions and multifamily housing should include public access and contribute to the public's ability to view, touch, and travel on the waters of the state in accordance with JCC [18.25.290](#) (Public access).

(g) The county should identify areas that are suitable for development and/or expansion of marinas and public boat launches and prevent them from being developed with non-water-dependent uses having less stringent site requirements. This should be accomplished in a timely manner.

(h) Development of new marinas and public boat launch facilities should be coordinated with public access and recreation plans and should be co-located with port or other compatible water-dependent uses where feasible. Affected parties and potential partners should be included in the planning process.

(i) When reviewing proposals for new or expanded marinas and public boat launches, the county should seek comment from public recreation providers, adjacent cities/counties, port districts, Washington State Parks, and the Washington State Departments of Ecology, Fish and Wildlife, Health, and Natural Resources, and area tribes to ensure that local as well as regional recreation needs are addressed.

(j) The county should support the use of innovative and effective methods for protecting, enhancing, and restoring shoreline ecological functions and processes during the design, development and operation of new or expanded boating facilities. Such methods may include public facility and resource planning, education, voluntary protection and enhancement projects, and incentive programs.

## (2) Shoreline Environment Regulations.

### (a) Priority Aquatic.

- (i) Boat Launches – Nonresidential. Only public and private launches serving water-

dependent commercial, industrial, port or other primary uses may be permitted if the primary use is permitted in the adjacent upland shoreline environment subject to the provisions of this program.

(ii) Docks, Piers, Floats and Lifts – Nonresidential. Only public and private docks, piers, floats and lifts serving water-dependent commercial, industrial, port or other primary uses are allowed subject to policies and regulations of this program if the primary use is permitted in the adjacent upland shoreline environment.

(iii) Boat Launches, Docks, Piers, Floats, and Lifts – Residential. Single-user docks, piers, floats, lifts and boat launches accessory to residential or private recreational development are prohibited. Shared boating facilities accessory to residential or private recreational development may be permitted.

(iv) Marinas are prohibited.

(v) Moorage used for float planes is prohibited.

(vi) Mooring buoys are allowed subject to the adjacent upland shoreline designation and the policies and regulations of this program.

(b) Aquatic.

(i) Public and private boat launches are allowed subject to policies and regulations of this program if allowed in the adjacent upland shoreline environment.

(ii) Public and private docks, piers, floats, and lifts are allowed if allowed in the adjacent upland shoreline environment.

(iii) Marinas are allowed subject to policies and regulations of this program if allowed in the adjacent upland shoreline environment.

(iv) Moorage used for float planes may be allowed with a conditional use permit if permitted in the adjacent upland designation.

(v) Mooring buoys are allowed subject to the adjacent upland shoreline designation and the policies and regulations of this program.

(c) Natural.

(i) Boat launches for hand launching of small watercraft (such as kayaks, small sailboats, and other nonmotorized watercraft) may be allowed with a conditional use permit, subject to policies and regulations of this program, if materials and design are compatible with the site.

(ii) A public dock, pier or float for recreational use may be allowed with a conditional use permit.

(iii) Mooring buoys that are accessory to water-dependent uses such as aquaculture may be allowed with a conditional use permit (C(a)).

(iv) All other boating facilities, including boating facilities accessory to residential development, are prohibited.

(d) Conservancy.

(i) Boat launches may be allowed with a conditional use permit subject to policies and regulations of this program.

(ii) Docks, piers, floats and lifts may be allowed with a conditional use permit subject to policies and regulations of this program, except industrial piers are prohibited.

(iii) Marinas may be permitted as a conditional use.

(iv) Moorage used for float planes may be permitted as a conditional use.

(v) Mooring buoys are allowed with a conditional use permit (C(a)) subject to policies and regulations of this program.

(e) Shoreline Residential.

(i) Boat launches are allowed subject to policies and regulations of this program.

(ii) Docks, piers, floats and lifts are allowed subject to policies and regulations of this program, except industrial piers are prohibited.

(iii) Marinas may be permitted as a conditional use.

(iv) Moorage used for float planes may be permitted as a conditional use.

(v) Mooring buoys are allowed with a conditional use permit (C(a)) subject to policies and regulations of this program.

(f) High Intensity. All boating facilities are allowed subject to policies and regulations of this program.

(3) Regulations – Boat Launches – Public.

(a) Public boat launches may be permitted when they are located, designed and constructed in a manner that minimizes adverse impacts on coastal or fluvial processes, biological functions,

aquatic and riparian habitats, water quality, navigation, and/or neighboring uses. Rail and track systems shall be preferred over concrete ramps or similar facilities.

(b) When permitted, public boat launches shall be:

- (i) Located in areas where there is adequate water mixing and flushing action;
- (ii) Designed so as not to retard or reduce natural shoreline flushing characteristics;
- (iii) Designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available;
- (iv) Designed so that existing or potential public access along beaches is not blocked or made unsafe, and so that public use of the surface waters is not unduly impaired; and
- (v) Developed and maintained to support waterfront access for watercraft. In those limited instances where separate or associated uses are permitted, other than restrooms and/or sewer/septic facilities, only uses that are water-dependent and/or afford public access uses shall be approved.

(c) Public boat launches on river shores shall be located downstream of accretion shoreforms, or on stable banks where no or minimal current deflections will be necessary.

(d) Public boat launches shall provide adequate restroom and sewage and solid waste disposal facilities in compliance with applicable health regulations.

(e) When overwater development is proposed in association with a public boat launch facility, it may be permitted only where such use requires direct water access, and/or where such facilities will significantly increase public opportunities for water access.

(f) Public boat launches shall be located and designed to prevent traffic hazards and minimize traffic impacts on nearby access streets.

(g) Public boat launch sites shall include parking spaces for boat trailers commensurate with projected demand and shall comply with the transportation provisions of this program.

(4) Regulations – Boat Launches (Ramps and Rails) – Private.

(a) Private boat launches shall be allowed only when public boat launches are unavailable within a reasonable distance.

(b) When permitted, private boat launches including launches accessory to residential development shall be designed and constructed using methods/technology that have been recognized and approved by state and federal resource agencies as the best currently available.

Rail and track systems shall be preferred over concrete ramps or similar facilities.

(c) No more than one private boat launch facility or structure shall be permitted on a single parcel or residential lot.

(5) Regulations – Docks, Piers and Floats – Nonresidential.

(a) Docks, piers and floats, as defined in Article II of this chapter, associated with commercial, industrial, port or public recreational developments should only be allowed when ecological impacts are mitigated in accordance with this program, and:

- (i) The dock/pier/float is required to accommodate a water-dependent use; and/or
- (ii) The dock/pier/float provides opportunities for the public to access the shoreline.

(b) New commercial, industrial, port or public recreational docks, piers and floats shall be designed and constructed to avoid or, if that is not possible, to minimize the impacts to nearshore habitats and processes.

(c) The length, width and height of nonresidential docks, piers and floats shall be no greater than that required for safety and practicality for the primary use.

(d) New and substantially expanded nonresidential docks, piers and floats shall be constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for any portions of the dock, pier, float, framing, or decking that come in contact with water shall be approved by applicable state agencies for use in water. For example, wood treated with creosote, pentachlorophenol or other similarly toxic materials is not allowed.

(e) To minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:

- (i) The width of docks, piers and floats shall be the minimum necessary. Materials that will allow light to pass through the deck may be required where width exceeds four feet; and
- (ii) Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangplanks in nearshore areas; and
- (iii) The maximum structure height above water shall be employed, consistent with safety and usability.

(f) Commercial, industrial, port or public recreational docks, piers and floats shall be spaced and oriented to shoreline in a manner that avoids or minimizes:

- (i) Hazards and obstructions to navigation, fishing, swimming and pleasure boating; and
  - (ii) Shading of beach substrate below; and
  - (iii) Any “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms. A north-south orientation is generally optimal.
- (g) Fill waterward of OHWM shall be limited to the minimum necessary to match the upland with the elevation of the nonresidential dock or pier when consistent with JCC [18.25.370](#) (Filling and excavation).
- (h) Dredging shall be limited to the minimum necessary to allow boat access to a nonresidential dock or pier when consistent with JCC [18.25.360](#) (Dredging).
- (i) Covered moorage associated with nonresidential docks, piers, and floats shall be prohibited.
- (6) Regulations – Docks, Piers, Floats and Lifts – Accessory to Residential Development.
- (a) Docks, piers, floats and lifts accessory to residential development/use shall only be allowed when:
- (i) Ecological impacts are mitigated in accordance with this program; and
  - (ii) The moorage platform is designed for access to private watercraft; and
  - (iii) The cumulative effects of dock, pier, float and lift proliferation have been identified and shown to be negligible.
- (b) If allowed under this program, no more than one dock/pier and one float and one boat/ski lift may be permitted on a single lot owned for residential use or private recreational use.
- (c) In-water fixed platform structures supported by piles that do not abut the shoreline shall be prohibited.
- (d) If permitted, new docks, piers, floats, lifts accessory to residential development/use shall be:
- (i) Designed and constructed to avoid or, if that is not possible, to minimize shading and other impacts on nearshore habitats and processes; and
  - (ii) Constructed of materials that will not adversely affect water quality or aquatic plants and animals over the long term. Materials for portions of the dock, pier, float, framing and decking in contact with water shall be approved by applicable state agencies for use in water. For example, wood treated with creosote, pentachlorophenol or other similarly toxic materials is not allowed; and

(iii) Spaced and oriented to shoreline in a manner that minimizes hazards and obstructions to navigation, fishing, swimming, and pleasure boating; and

(iv) Designed to avoid the need for maintenance dredging. The moorage of a boat larger than provided for in original moorage design shall not be grounds for approval of dredging; and

(v) Spaced and oriented to minimize shading and avoid a “wall” effect that would block or baffle wave patterns, currents, littoral drift, or movement of aquatic life forms. A north-south orientation is generally optimal.

(e) The length of docks and piers accessory to residential use/development shall be the minimum demonstrated necessary for safety and practicality for the residential use. The maximum length for residential docks or piers shall be limited to 100 feet as measured horizontally from the ordinary high water mark.

The administrator may approve a different dock or pier length when needed to:

(i) Avoid known eelgrass beds, forage fish habitats, or other sensitive nearshore resources; or

(ii) Accommodate shared use.

(f) Floats accessory to residential use shall not exceed 200 square feet in area or three feet in height as measured from the mean lower low water (MLLW).

(g) Floats shall only be used where there is sufficient water depth to prevent grounding at low tide. The county may require the use of stoppers or other measures to ensure compliance with this standard.

(h) To avoid and minimize adverse effects on nearshore habitats and species caused by overwater structures that reduce ambient light levels, the following shall apply:

(i) The width of docks and floats shall be the minimum necessary. Materials that will allow light to pass through the deck may be required where width exceeds four feet; and

(ii) Grating to allow light passage or reflective panels to increase light refraction shall be used on walkways or gangplanks in nearshore areas; and

(iii) The maximum structure height above water should be employed, consistent with safety and usability.

(i) Residential developments with more than four lots or dwelling units may be granted permits

for community docks that are shared by at least one other owner. No more than one dock/pier or float may be permitted for each three adjoining waterfront lots, with necessary access easements to be recorded at the time of permitting.

(j) Single-user docks, piers and floats for individual residential lots may be permitted in existing subdivisions approved on or before January 28, 1993, only where a shared facility has not already been developed. Prior to development of a new single-user dock/pier/float for a single residential lot, the applicant shall demonstrate that:

(i) Existing facilities in the vicinity, including marinas and shared moorage, are not adequate or feasible for use; and

(ii) On marine shorelines alternative moorage, such as one or more mooring buoys or a buoy in combination with a small dock sized to accommodate a tender vessel, are not adequate or feasible.

(k) Single-user moorage for private/recreational float planes may be permitted as a conditional use where construction of such moorage:

(i) Is limited to the smallest size necessary to accommodate the float plane.

(ii) Will not adversely affect shoreline functions or processes, including wildlife use.

(iii) Includes ecological restoration, in addition to mitigation, to compensate for the greater intensity of use associated with the float plane moorage.

(l) Covered moorage associated with single-family residential development shall be prohibited, except that the county may allow a small covered area up to 100 square feet in size, maximum height of 10 feet, and with vertical walls on up to three sides on the overland portion of a dock/pier only.

(m) Single-user docks/piers/floats shall be located within side yard setbacks for residential development (both onshore and offshore); provided, that a shared dock/pier may be located adjacent to or upon a shared side property line upon filing of an agreement by the affected property owners.

(n) Fill waterward of OHWM shall be limited to the minimum necessary to match the upland with the elevation of the residential dock or pier when consistent with JCC [18.25.370](#) (Filling and excavation).

(o) Dredging for construction or maintenance of docks, piers and floats accessory to residential use shall be prohibited waterward of OHWM.

(p) No single-user or shared dock/pier/float may be constructed to within 200 feet of OHWM on the opposite shoreline of any lake or semi-enclosed body of water such as a bay, cove, or natural channel.

(q) Boating facilities shall be marked with reflectors, or otherwise identified to prevent unnecessarily hazardous conditions for water surface users during day or night. Exterior finish shall be generally nonreflective.

(r) Boating facilities shall be constructed and maintained so that no part of them creates hazardous conditions nor damages other shoreline property or natural features during flood conditions.

(s) No dock, pier, float, or watercraft moored thereto shall be used for a residence.

(t) Storage of fuel, oils, and other toxic materials is prohibited on residential docks, piers and floats except in portable containers that have secondary containment.

(7) Regulations – Marinas.

(a) Marinas may be permitted on marine and river shorelines when they are consistent with this program and when the proponent demonstrates to the county's satisfaction that all of the following conditions are met:

- (i) The proposed location is the least environmentally damaging alternative; and
- (ii) Potential adverse impacts on shoreline processes and ecological functions are mitigated to achieve no net loss; and
- (iii) The project includes ecological restoration measures to improve baseline conditions over time; and
- (iv) The area has adequate water circulation and flushing action; and
- (v) The proposed location will not require dredging or excavation/filling of wetlands; and
- (vi) Suitable public infrastructure is available or can be made available to support the marina.

(b) Marinas shall be prohibited in all of the following locations:

- (i) Lake shores; and
- (ii) River point and channel bars or other accretional beaches; and

- (iii) Areas of active channel migration; and
  - (iv) Where a flood hazard will be created or exacerbated; and
  - (v) Shorelines with a priority aquatic environmental designation; and
  - (vi) River mouths.
- (c) Where marinas are permitted they shall be designed, constructed and operated according to the following:
- (i) Open pile or floating breakwater designs shall be used unless the proponent demonstrates that there are specific safety considerations that warrant alternative approaches or unless rip-rap or other solid construction is shown to have fewer impacts on shoreline ecology over the short and long term.
  - (ii) Shoreline armoring shall be limited to the minimum necessary to protect marina infrastructure and shall consist of softshore bio-stabilization unless such stabilization is demonstrated by a geotechnical analysis to be infeasible or inadequate to protect the site.
  - (iii) Floating structures shall be designed to prevent grounding on tidelands. Floats shall only be used where there is sufficient water depth to prevent grounding at low tide. The county may require the use of stoppers or other measures to ensure compliance with this standard.
  - (iv) Piers and other structures shall be located, sized and designed to minimize shading of nearshore aquatic habitats and species.
  - (v) Solid structures shall be designed to provide fish passage through and along the shallow water fringe.
  - (vi) Floating piers shall be required in rivers unless the proponent can demonstrate that fixed piers will cause substantially less impact on geo-hydraulic processes.
  - (vii) Marinas shall be sited to prevent restrictions in the use of commercial and recreational shellfish beds and in compliance with Washington Department of Health guidelines and National Shellfish Sanitation Program (NSSP) standards.
  - (viii) Marina development shall generally be required to include public access amenities. Consistent with JCC [18.25.290](#) (Public access), public access siting and design shall be determined based on what is appropriate to a given location and the needs/desires of the surrounding community. Public access shall be designed to be environmentally sound, aesthetically compatible with adjacent uses, and safe for users.

- (ix) Live-aboard vessels may occupy up to 20 percent of the slips at a marina. Marinas that accommodate live-aboards shall provide and maintain adequate facilities and programs to address waste disposal and sanitary disposal.
- (x) New or expanded marina development may include fill waterward of the ordinary high water mark only when necessary for the water-dependent portions of the marina facility. Such fill activities shall conform to JCC [18.25.370](#) (Filling and excavation) and this section. Filling solely for the creation of marina parking areas shall be prohibited.
- (xi) If new or expanded marina facilities adversely affect net shoreline drift or other coastal processes to the detriment of nearby beaches or habitats, the county may require the marina operator to replenish the substrate in these areas periodically or take other measures to offset adverse impacts.
- (d) New or expanded development appurtenant to marinas shall be designed and constructed to avoid and, where avoidance is not possible, minimize impacts on shoreline functions and processes. Facilities shall be clustered and located in the least environmentally damaging portion of the site to reduce clearing and grading impacts.
- (e) To meet the regulations in subsection (7)(d) of this section, the following standards shall apply to new or expanded development appurtenant to marinas:
- (i) Accessory uses at marinas shall be limited to water-oriented uses and uses that provide physical or visual shoreline access for substantial numbers of the general public. Accessory development includes, but is not limited to, parking, open air storage, waste storage and treatment, stormwater management facilities, utility and upland transportation development.
  - (ii) Water-oriented accessory uses reasonably related to marina operation may be located over water or near the water's edge by conditional use permit if an overwater or water's-edge location is essential to the operation of the use and if opportunities are provided for substantial numbers of people to access the shoreline.
  - (iii) Parking shall be located away from the water's edge and landward of shoreline buffers prescribed by this program unless no feasible alternative location exists.
  - (iv) Parking areas shall meet county stormwater management standards and shall, where feasible, incorporate low impact development practices such as pervious surfaces and bioswales.
  - (v) Dry moorage and other storage areas shall be landscaped with native vegetation to provide a visual and noise buffer for adjoining uses.

- (vi) Pump-out, holding, and/or waste treatment facilities and services shall be provided at all marinas. Pump-out facilities shall be conveniently located and sited to ensure easy access, prevent lengthy queues and allow full compliance with waste disposal regulations. Vessel-mounted pump-out services and hard-plumbed stations at each slip shall be preferred over portable pump-out equipment.
  - (vii) Marinas shall provide adequate restroom and sewage disposal facilities in compliance with applicable health regulations. Restrooms shall be available 24 hours a day for use by any patron of the marina facility; the need for restrooms shall be determined based on the number of slips and percentage of live-aboard vessels within the marina.
  - (viii) Garbage and recycling receptacles shall be provided and maintained by the marina operator at several locations convenient to users.
  - (ix) Marina operators shall post all regulations pertaining to handling and disposal of waste, sewage, fuel, and oil or toxic materials where all users may easily read them.
  - (x) Boat washing facilities shall be provided to minimize transfer of invasive aquatic species between water bodies.
- (f) When reviewing proposals for new or expanded marina facilities, the county shall require the proponent to prepare and implement appropriate technical studies and plans that are not already required via another regulatory review process. Examples of studies and plans that may be required include, but are not limited to:
- (i) A maintenance plan for maintaining pump-out and waste/sewage disposal facilities and services.
  - (ii) A spill response plan for oil and other spilled products. Compliance with federal or state law may fulfill this requirement.
  - (iii) An operational plan that, at a minimum, describes procedures for fuel handling and storage; measures, including signage, for informing marina users of applicable regulations; measures for collecting garbage and recyclables; measures and equipment for ensuring public safety.
  - (iv) A visual assessment of views from surrounding residential properties, public viewpoints, and the view of the shoreline from the water surface.
  - (v) An assessment of existing water-dependent uses in the vicinity including but not limited to, navigation, fishing, shellfish production and harvest, swimming, beach walking, and picnicking and shall document potential impacts and mitigating measures. The county shall

evaluate impacts on these resources and impose specific conditions to mitigate impacts as necessary.

(8) Regulations – Mooring Buoys.

- (a) Commercial or recreational mooring buoys may be permitted; provided, that they are consistent with this program and that individually or cumulatively:
- (i) They do not impede the ability of other landowners to access private property; and
  - (ii) They do not pose a hazard to or obstruct navigation or fishing; and
  - (iii) They do not contribute to water quality or habitat degradation; and
  - (iv) They do not pose a threat to a commercial shellfish growing area classification or reduce the ability to upgrade the classification.
- (b) The installation and use of mooring buoys (including commercial and recreational buoys) in marine waters shall be consistent with all applicable state laws, including Chapter 246-282 WAC, the current National Shellfish Sanitation Program (NSSP) standards, and other State Departments of Fish and Wildlife, Health, and/or Natural Resources standards.
- (c) Private recreational mooring buoys on state-owned aquatic lands shall not be used for residential (living on the boat) or commercial purposes.
- (d) Mooring buoys shall be located to:
- (i) Avoid eelgrass beds and other valuable aquatic and nearshore habitat areas; and
  - (ii) Prevent obstruction to navigation.
- (e) Mooring buoys shall use neutral buoyancy rope, mid-line float, helical anchors, or other state-approved designs that have minimal adverse effects on aquatic ecosystem and fish.
- (f) Mooring buoys shall not be allowed on lake shorelines of the state.
- (g) Mooring buoys shall be clearly marked and labeled with the owner's name and contact information and permit number(s).
- (h) The county shall plan for and coordinate with other agencies to control the placement and number of mooring buoys within bays and other areas to protect water quality and/or habitat and ensure that transit channels are maintained. Under no circumstances shall mooring buoy density exceed State Department of Health guidelines and National Shellfish Sanitation Program (NSSP) standards.

- (i) The capacity of each mooring buoy may not exceed one boat and its appurtenant shore access craft. [Ord. 7-13 Exh. A (Art. VII § 2)]

### **18.25.360 Dredging.**

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#### (1) Policies.

(a) Dredging, as defined in Article II of this chapter, and disposal of dredge material should only be allowed when alternatives are infeasible and when the dredging/dredge disposal is:

- (i) Necessary to support an existing legal use or a proposed water-dependent use or essential public infrastructure/facility; or
- (ii) Part of a clean-up program required under the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act; or
- (iii) Part of an approved ecological restoration or enhancement project; or
- (iv) Part of an approved beach nourishment project; or
- (v) Required to provide public access for a substantial number of people; or
- (vi) Required to provide water-oriented public recreation for a substantial number of people.

(b) When required to support an allowed use or development, dredging/dredge disposal should be the minimum needed to accommodate the allowed use or development for a reasonably foreseeable period of time.

(c) When allowed, dredging and disposal operations should be planned, timed and implemented to minimize:

- (i) Adverse impacts to shoreline ecology; and
- (ii) Adverse impacts to in-water and adjacent upland uses; and
- (iii) Interference with navigation.

(d) Dredging and dredge disposal should be consistent and coordinated with appropriate local, state and federal regulations to minimize duplication during the review process.

(e) Dredging and dredge disposal should not occur where they would interfere with existing or potential ecological restoration activities.

(f) Dredging and dredge disposal should occur where they will provide ecological benefits.

(2) Shoreline Environment Regulations.

- (a) Priority Aquatic. Dredging and dredge disposal may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
- (b) Aquatic. Dredging and dredge disposal may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.
- (c) Natural. Dredging and dredge disposal are prohibited except dredging and dredge disposal may be permitted as an essential element of an approved shoreline restoration project/program.
- (d) Conservancy. Dredging and dredge disposal may be permitted subject to a conditional use permit.
- (e) Shoreline Residential. Dredging and dredge disposal may be permitted subject to a conditional use permit.
- (f) High Intensity. Dredging may be permitted subject to the policies and regulations of this program. Dredge disposal may be allowed with a conditional use permit.

(3) Regulations – Dredging.

- (a) Proponents of new development shall locate and design such development to avoid or, if avoidance is not possible, to minimize the need for new dredging and maintenance dredging.
- (b) The county may permit dredging only when the project proponent demonstrates the activity is consistent with this program and that there are no feasible alternatives to dredging.
- (c) Dredging shall only be allowed when necessary to support the following uses and developments:
  - (i) Approved harbors, marinas, ports, and water-dependent industries;
  - (ii) Development or maintenance of essential public infrastructure and facilities;
  - (iii) Environmental clean-up activities required by the Model Toxics Control Act or Comprehensive Environmental Response, Compensation, and Liability Act;
  - (iv) Underground utility installation requiring trenches when boring, directional drilling, and other installation methods are not feasible;
  - (v) Maintenance dredging for the purpose of restoring a lawfully established use or development;

- (vi) Maintenance dredging for the purpose of restoring previously permitted or authorized hydraulic capacity of a stream or river;
  - (vii) Maintenance of existing irrigation reservoirs, drains, canals, or ditches;
  - (viii) Establishing, expanding, relocating or reconfiguring navigation channels and basins where necessary to assure the safety and efficiency of existing navigational uses;
  - (ix) Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat; or
  - (x) Public access and public water-oriented recreational developments/uses, including construction of public piers and docks that benefit substantial numbers of people.
- (d) The county may permit dredging for flood management purposes only when the project proponent demonstrates that:
- (i) The dredging is a required component of a county-approved comprehensive flood management plan; or
  - (ii) The dredging has a long-term benefit to public health and safety and will not cause a net loss of ecological functions and processes.
- (e) When conducting reviews of dredging proposals, the county shall first consider how the proposed activity has been regulated by other agencies, note same as a reference, and then establish what further information is needed for local review. The county may require information to ensure:
- (i) The project is designed, located, and timed to mitigate impacts on legally established neighboring uses and developments; and
  - (ii) Appropriate measures are taken to ensure the activity will not interfere with fishing or shellfishing; and
  - (iii) Appropriate measures are taken to minimize adverse effects on recreation, public access, and navigation; and
  - (iv) The activity shall not adversely impact natural processes such as channel migration, marine bluff erosion and/or net-shoreline drift; and
  - (v) Appropriate best management practices are employed to prevent water quality impacts or other forms of environmental degradation; and
  - (vi) Upstream and upgradient sediment sources that create the need for dredging have been

investigated and where feasible, mitigated; and

(vii) Appropriate measures are employed to protect public safety and prevent adverse impacts on other approved shoreline uses; and

(viii) The proposed activity complies with applicable federal, state, and other local regulations.

(f) Dredging for the primary purpose of obtaining material for landfill, upland construction, or beach nourishment shall be prohibited.

(g) Maintenance dredging may not be approved under exemption except within the existing footprint in accordance with previous approved plans.

(4) Regulations – Dredge Disposal.

(a) The county may permit disposal of dredge material only when the project proponent demonstrates the activity is consistent with this program and that there are no feasible alternatives to dredge disposal.

(b) When dredge material is deposited on land it shall be considered fill and subject to all applicable fill regulations.

(c) All unconfined, open water dredge disposal activities shall comply with the Puget Sound Dredged Disposal Analysis (PSDDA) criteria and guidelines and other applicable local, state and federal regulations.

(d) When consistent with this program, disposal of dredged materials in water areas other than PSDDA sites may only be allowed for the following reasons:

(i) To restore or enhance habitat; or

(ii) To reestablish substrates for fish and shellfish resources; or

(iii) To nourish beaches that are starved for sediment; or

(iv) To remediate contaminated sediments.

(e) Proposals for dredged material disposal shall be evaluated for their potential to cause adverse environmental impacts. Dredged material disposal shall be permitted only when the proponent demonstrates all of the following:

(i) The proposed action will not cause significant and/or ongoing damage to water quality, fish, shellfish and/or other biological resources; and

(ii) The proposed action will not adversely alter natural drainage, water circulation, sediment transport, currents, or tidal flows or significantly reduce floodwater storage capacities; and

(iii) The proposed action includes all feasible mitigation measures to protect marine, estuarine, freshwater and terrestrial species and habitats. [Ord. 7-13 Exh. A (Art. VII § 3)]

**18.25.370 Filling and excavation.**

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(1) Policies.

(a) Filling, as defined in Article II of this chapter, should only be allowed waterward of the ordinary high water mark when alternatives are infeasible and when the filling is:

(i) Necessary to support an approved water-dependent use or essential public infrastructure/facility; or

(ii) Part of an approved ecological restoration or enhancement project; or

(iii) Part of an approved aquaculture operation when the fill is required to improve production; or

(iv) Part of an approved beach nourishment project; or

(v) Required to provide public access for a substantial number of people; or

(vi) Required to provide water-oriented public recreation for a substantial number of people.

(b) Filling and excavation should not be allowed where structural shoreline stabilization would be required to maintain the materials placed or excavated.

(c) When allowed, filling and excavation should be conducted so that water quality, habitat, hydrology, natural erosion rates, and runoff/drainage patterns are not adversely affected.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Filling may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.

(b) Aquatic. Filling may be permitted subject to a conditional use permit if allowed in the adjacent upland environment.

(c) Natural. Filling and excavation is prohibited, except filling and excavation may be permitted as an essential element of an approved shoreline restoration project/program.

(d) Conservancy. Filling and excavation may be permitted subject to the policies and regulations

of this program and a conditional use permit.

(e) Shoreline Residential. Filling and excavation may be permitted subject to the policies and regulations of this program.

(f) High Intensity. Filling and excavation may be permitted subject to the policies and regulations of this program.

(3) Regulations.

(a) Filling and/or excavation shall only be allowed as part of an approved shoreline use and/or development activity and shall be subject to the requirements of the primary use/development.

(b) Excavation below the ordinary high water mark shall be considered dredging and shall be subject to JCC [18.25.360](#) (Dredging).

(c) When allowed, filling and/or excavation shall be located, designed, and carried out in a manner that:

(i) Minimizes adverse impacts on the shoreline environment; and

(ii) Blends in physically and visually with natural topography, so as not to interfere with appropriate use, impede public access, or degrade the aesthetic qualities of the shoreline; and

(iii) Does not require shoreline armoring or stabilization to protect materials placed unless it is part of an approved shoreline restoration project and shoreline armoring or stabilization measures are needed to keep the material in place.

(d) Fill materials placed within shoreline jurisdiction shall be from an approved source and shall consist of clean sand, gravel, soil, rock or similar material. The use of contaminated material or construction debris shall be prohibited.

(e) Fill placed waterward of the ordinary high water mark shall only be permitted when alternatives are infeasible and when the filling/excavation is necessary to support one or more of the following:

(i) Approved marinas, ports, and other water-dependent industries where upland alternatives or structural solutions including pile or pier supports are infeasible.

(ii) Development or maintenance of essential public infrastructure and facilities.

(iii) Environmental clean-up activities required by MTCA and CERCLA.

- (iv) Maintenance of a lawfully established use or development.
  - (v) Ecological restoration and enhancement projects benefiting water quality and/or fish and wildlife habitat.
  - (vi) Public access and public water-oriented recreation projects benefiting substantial numbers of people.
  - (vii) Part of an approved shoreline stabilization, flood control or in-stream structure project when consistent with this program.
- (f) Filling in areas of special flood hazard shall conform to the flood damage prevention provisions of Chapter 15.15 JCC.
- (g) The following information shall be required for all proposals involving fill or excavation unless the county determines that issues are adequately addressed via another regulatory review process:
- (i) A description of the proposed use of the fill area; and
  - (ii) A description of the fill material, including its source, and physical, chemical and biological characteristics; and
  - (iii) A description of the method of placement and compaction; and
  - (iv) A description of the location of the fill relative to natural and/or existing drainage patterns; and
  - (v) A description and map of the fill area and depth relative to the ordinary high water mark (OHWM); and
  - (vi) A description of proposed means to control erosion and stabilize the fill; and
  - (vii) A temporary erosion and sediment control (TESC) plan; and
  - (viii) A description of proposed surface runoff control measures. [Ord. 7-13 Exh. A (Art. VII § 4)]

**18.25.380 Flood control structures.**

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**(1) Policies.**

- (a) The county should prevent the need for flood control works by limiting new development in flood-prone areas.

(b) New or expanded development or uses in the shoreline, including subdivision of land, that would likely require flood control structures within a stream, channel migration zone, or floodway should be prohibited.

(c) Construction of new flood control structures should only be allowed where there is a documented need to protect an existing structure and mitigation is applied, consistent with this program. New development should be designed and located to preclude the need for such flood control structures.

(d) When evaluating the need for flood control structures such as traditional levees and/or dams, opportunities to remove or relocate existing developments and structures out of flood-prone areas should be pursued to the maximum extent feasible. Alternative measures, such as overflow corridors and setback levees, that may have less adverse impact on shoreline ecology should be considered before structural flood control measures can be approved.

(e) Probable effects on ecological functions and processes should be fully evaluated for consistency with this program before flood control structures are permitted.

(f) Flood control structures are a necessary and appropriate means of protecting existing development only when all of the following are met:

(i) The primary use being protected is consistent with this program; and

(ii) Nonstructural flood hazard reduction measures are infeasible; and

(iii) Where such structures can be developed in a manner that is compatible with multiple use of streams; and

(iv) Where shoreline resources such as fish and wildlife habitat and recreation are protected in the long term.

(g) When proven necessary, flood control structures should be located, designed, and maintained in a manner that:

(i) Minimizes adverse effects on shoreline ecology; and

(ii) Is compatible with navigation and recreation, especially in shorelines of statewide significance; provided, that public safety and ecological protection are fully addressed; and

(iii) Incorporates native vegetation to enhance ecological functions, creates a more natural appearance, improves ecological processes, and provides more flexibility for long-term shoreline management.

(iv) Nonregulatory methods to protect, enhance, and restore shoreline ecological functions and processes and other shoreline resources should be encouraged as an alternative to flood control structures. Nonregulatory methods may include public facility and resource planning, land or easement acquisition, education, voluntary protection and enhancement projects, or incentive programs.

(h) The county should continue to develop long-term, comprehensive flood hazard management plans in cooperation with other applicable agencies and persons to prevent flood damage, maintain the natural hydraulic capacity of streams and floodplains, and conserve or restore valuable, limited resources such as fish, water, soil, and recreation and scenic areas.

(i) Planning and design of flood control structures should be consistent with and incorporate elements from adopted watershed management plans, restoration plans and/or surface water management plans.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Flood control structures may be permitted subject to the policies and regulations of this program and a conditional use permit if allowed in the adjacent upland environment.

(b) Aquatic. Flood control structures may be permitted subject to the policies and regulations of this program and a conditional use permit if allowed in the adjacent upland environment.

(c) Natural. Flood control structures are prohibited.

(d) Conservancy. Flood control structures may be permitted subject to the policies and regulations of this program and a conditional use permit.

(e) Shoreline Residential. Flood control structures may be allowed subject to the policies and regulations of this program and a conditional use permit.

(f) High Intensity. Flood control structures may be permitted subject to the policies and regulations of this program and a conditional use permit.

(3) Regulations.

(a) Flood control structures shall be permitted only when there is credible engineering and scientific evidence that:

(i) They are necessary to protect existing, lawfully established development; and

(ii) They are consistent with Chapters 15.15 and 18.30 JCC and the county Comprehensive

Plan; and

(iii) Nonstructural flood hazard reduction measures are infeasible; and

(iv) Proposed measures are consistent with an adopted comprehensive flood hazard management plan if available.

(b) When permitted, flood control structures shall be:

(i) Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in-stream and riparian area; and

(ii) Placed landward of the OHWM except for weirs, current deflectors and similar structures whose primary purpose is to protect public bridges and roads; and

(iii) Placed landward of associated wetlands and designated habitat conservation areas, except for structures whose primary purpose is to improve ecological functions; and

(iv) Designed based on engineering and scientific analyses that provide the highest degree of protection to shoreline ecological functions or processes; and

(v) Designed to allow for normal ground water movement and surface runoff. Natural in-stream features such as snags, uprooted trees, or stumps should be left in place unless they are actually causing bank erosion or higher flood stages; and

(vi) Designed to allow streams to maintain point bars and associated aquatic habitat through normal accretion so that the stream can maintain normal meander progression and maintain most of its natural storage capacity.

(c) When permitted, dikes and levees shall be limited to that height required to protect adjacent lands from the predictable annual flood unless it can be demonstrated through hydraulic modeling that a greater height is needed and will not adversely impact shoreline ecological functions and processes.

(d) Flood control works are prohibited on estuary or embayment shores, on point and channel bars, and in salmon and trout spawning areas, except for the purpose of fish or wildlife habitat enhancement or restoration.

(e) Flood control structures and stream channelization projects that damage fish and wildlife resources, recreation or aesthetic resources, or create high flood stages and velocities shall be prohibited.

(f) Use of solid waste such as motor vehicles, derelict vessels, appliances, or demolition debris;

construction of flood control works is prohibited.

(g) Flood control structures shall not adversely affect valuable recreation resources and aesthetic values such as point and channel bars, islands, and braided banks.

(h) The county shall require flood control structures to be professionally engineered and designed prior to final approval. The design shall be consistent with the Department of Fish and Wildlife Aquatic Habitat Guidelines and other applicable guidance and regulatory requirements.

(i) No flood control structure shall be installed or constructed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the Department of Fish and Wildlife.

(j) Removal of beaver dams to control or limit flooding shall be allowed; provided, that the project proponent coordinates with the Department of Fish and Wildlife and obtains all necessary permits and approvals from the state.

(k) To determine that the provisions of this section are fully addressed, the county may require one or more technical studies/reports at the time of permit application for flood control structures unless the county determines that issues are adequately addressed via another regulatory review process. Technical reports required pursuant to this section shall address the following:

(i) An analysis of the flood frequency, duration and severity and expected health and safety risks as a rationale and justification for the proposed structure.

(ii) A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream.

(iii) A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources.

(iv) Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features.

(v) A description of any proposed plans to remove vegetation and revegetate the site following construction.

(l) To ensure compliance with the no net loss provisions of this program, the county may require the proponent to prepare a mitigation plan that describes measures for protecting shoreline and in-stream resources during construction and operation of a flood control structure. The required mitigation shall be commensurate with the value and type of resource or system lost. Mitigation

activities shall be monitored by the proponent to determine the effectiveness of the mitigation plan. In instances where the existing mitigation measures are found to be ineffective, the proponent shall take corrective action that satisfies the objectives of the mitigation plan. [Ord. 7-13 Exh. A (Art. VII § 5)]

#### **18.25.390 In-stream structures.**

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##### (1) Policies.

(a) Large-scale in-stream structures such as hydroelectric dams and related facilities are discouraged in Jefferson County. Such facilities should not be permitted except in the rare instance where there is clear evidence that the benefits to county residents outweigh any potential adverse ecological impacts.

(b) In-stream structures should be approved only when associated with and necessary for an ecological restoration project, a fish passage project, or an allowed shoreline use/development such as a utility or industrial facility.

(c) When necessary, in-stream structures should be located, designed, operated and maintained in a manner that minimizes adverse effects on the stream functions and processes.

(d) Proposals for new in-stream structures should be evaluated for their potential adverse effects on the physical, hydrological, and biological characteristics as well as effects on species that inhabit the stream or riparian area.

(e) When necessary, in-stream structures should be planned and designed to be compatible with navigation and recreation, especially in shorelines of statewide significance; provided, that public safety and ecological protection are fully addressed.

##### (2) Shoreline Environment Regulations.

(a) Priority Aquatic. In-stream structures may be allowed subject to the policies and regulations of this program and a conditional use permit if allowed in the adjacent upland environment.

(b) Aquatic. In-stream structures may be allowed subject to the policies and regulations of this program and a conditional use permit if allowed in the adjacent upland environment.

(c) Natural. In-stream structures are prohibited, except that in-stream structures (such as large woody debris) whose primary purpose is restoration of shoreline ecological conditions may be permitted subject to the provisions of this program.

(d) Conservancy. In-stream structures may be allowed subject to the policies and regulations of this program and a conditional use permit.

(e) Shoreline Residential. In-stream structures may be allowed subject to the policies and regulations of this program and a conditional use permit.

(f) High Intensity. In-stream structures may be allowed subject to the policies and regulations of this program and a conditional use permit.

(3) Regulations.

(a) Dams and associated power generating facilities shall not be permitted except in the rare instance where there is clear evidence that the benefits to county residents outweigh any potential adverse ecological impacts. The criteria for approving such facilities will depend on the specific location including its particular physical, cultural, and ecological conditions. Prior to approving or denying such facilities, the county shall consult citizens and appropriate agencies to evaluate in-stream structure proposals.

(b) In-stream structures whose primary purpose is flood control shall be subject to JCC [18.25.380](#) (Flood control structures) and this section. In-stream structures whose purpose is power generation shall be subject to the policies and regulations for JCC [18.25.470](#) (industrial use) and this section.

(c) When permitted, in-stream structures and their support facilities shall be:

(i) Constructed and maintained in a manner that does not degrade the quality of affected waters or the habitat value associated with the in-stream and riparian area; and

(ii) Located and designed based on reach analysis to avoid the need for structural shoreline armoring.

(d) All in-water diversion structures shall be designed to permit the natural transport of bedload materials. All debris, overburden and other waste materials from construction shall be disposed of in such a manner that prevents their entry into a water body.

(e) In-stream structures shall not impede upstream or downstream migration of anadromous fish.

(f) Small-scale power generating microturbines may be placed in streams, provided they do not create impoundments and there are no adverse effects on shoreline functions and processes, including but not limited to, stream flow, habitat structure, temperature, and/or water quality. The county shall take appropriate measures and precautions to prevent the proliferation of small-scale power generating apparatus as necessary to prevent cumulative adverse impacts.

(g) The county shall require any proposed in-stream structure to be professionally engineered and designed prior to final approval.

(h) No in-stream structure shall be installed without the developer having obtained all applicable federal, state, and local permits and approvals, including but not limited to a Hydraulic Project Approval (HPA) from the State Department of Fish and Wildlife.

(i) The county shall require the proponent of any in-stream structure proposal to provide the following information prior to final approval unless the county determines that the issues are adequately addressed via another regulatory review process:

(i) A site suitability analysis that provides the rationale and justification for the proposed structure. The analysis shall include a description and analysis of alternative sites, and a thorough discussion of the environmental impacts of each; and

(ii) A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on stream hydraulics, including potential increases in base flood elevation, changes in stream velocity, and the potential for redirection of the normal flow of the affected stream; and

(iii) A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and

(iv) For hydropower facilities, the proposed location and design of powerhouses, penstocks, accessory structures and access and service roads; and

(v) Proposed provisions for accommodating public access to and along the affected shoreline, as well as any proposed on-site recreational features; and

(vi) A description of any plans to remove vegetation and/or revegetate the site following construction; and proposed mitigation plan that describes, in detail, provisions for protecting in-stream resources during construction and operation, and measures to compensate for impacts that resources that cannot be avoided.

(vii) A description of sites proposed for the depositing of debris, overburden, and other waste materials generated during construction. [Ord. 7-13 Exh. A (Art. VII § 6)]

#### **18.25.400 Restoration.**

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##### **(1) Policies.**

(a) Protection of existing resources is the best way to ensure the long-term health and well-being of Jefferson County shorelines. Restoration should be used to complement the protection strategies required by this program to achieve the greatest overall ecological benefit.

(b) This program recognizes the importance of restoring shoreline ecological functions and processes. Jefferson County supports cooperative restoration efforts by strategically organizing programs between local, state, and federal public agencies, tribes, nonprofit organizations, and landowners to improve shorelines with impaired ecological functions and/or processes.

(c) Restoration actions should restore shoreline ecological functions and processes as well as shoreline features and should be targeted toward meeting the needs of sensitive and/or regionally important plant, fish and wildlife species.

(d) Restoration should be integrated with and should support other natural resource management efforts in Jefferson County and in the greater Puget Sound region.

(e) Priority should be given to restoration actions that meet the goals and objectives contained in JCC [18.25.170](#) (Restoration and enhancement).

(f) When prioritizing restoration actions, the county should give highest priority to measures that have the greatest chance of reestablishing ecosystem processes and creating self-sustaining habitats.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Restoration may be permitted subject to provisions of this program.

(b) Aquatic. Restoration may be permitted subject to provisions of this program.

(c) Natural. Restoration may be permitted subject to provisions of this program.

(d) Conservancy. Restoration may be permitted subject to provisions of this program.

(e) Shoreline Residential. Restoration may be permitted subject to provisions of this program.

(f) High Intensity. Restoration may be permitted subject to provisions of this program.

(3) Regulations. Restoration shall be carried out in accordance with an approved restoration plan and in accordance with the policies and regulations of this program. [Ord. 7-13 Exh. A (Art. VII § 7)]

**18.25.410 Structural shoreline armoring and shoreline stabilization.**

(1) Policies.

(a) The county should take active measures to preserve natural unarmored shorelines and prevent the proliferation of bulkheads and other forms of shoreline armoring.

(b) Nonstructural stabilization measures including relocating structures, increasing buffers, enhancing vegetation, managing drainage and runoff and other measures are preferred over

structural shoreline armoring.

(c) Structural shoreline armoring should only be permitted when necessary to support a primary structure associated with an approved shoreline use/development, public infrastructure, and/or essential public facilities when other alternatives are infeasible.

(d) Where beach erosion threatens an existing use or development, proposals for new structural shoreline armoring should evaluate a range of options and designs. On a reach-specific basis, causes of erosion as well as effects should be evaluated. Beach management issues such as sediment conveyance, geohydraulic processes, and ecological relationships all should be considered in arriving at a design to minimize disturbance.

(e) Shoreline stabilization and shoreline armoring for the purpose of leveling or extending property or creating or preserving residential lawns, yards or landscaping should not be allowed.

(f) When structural shoreline armoring is determined necessary to protect public infrastructure and primary structures, it should be located, designed, and maintained in a manner that minimizes adverse effects on shoreline ecology, including effects on the project site, adjacent properties, and sediment transport to downdrift areas.

(g) Before approving shoreline armoring structures, the county should require the proponent to identify, address and mitigate probable effects on shoreline processes and functions.

(h) Shoreline armoring structures should be located and designed based on an understanding of long-term physical shoreline processes. The structural shoreline armoring should fit the physical character and hydraulic energy of a specific shoreline reach, which may differ substantially from adjacent reaches.

(i) Vertical concrete or rock walls should be avoided whenever possible and only be used to protect shorelines as a last resort and only when extreme measures are required.

(j) Structural shoreline armoring should not interfere with existing or future public access to public shorelines nor with other appropriate shoreline uses such as navigation, seafood harvest, or recreation.

(k) When seeking approval for new structural shoreline armoring, the project proponent should include public access that is consistent with JCC [18.25.290](#) (Public access).

(l) Proponents of new structural shoreline armoring should coordinate with other affected property owners and public agencies to address ecological and geo-hydraulic processes, sediment conveyance and beach management issues for the whole drift sector (net shoreline-drift cell) or shoreline reach where feasible.

(m) Where feasible, any failing, harmful, unnecessary, or ineffective structural shoreline armoring should be removed, and shoreline ecological functions and processes should be restored using nonstructural methods.

(n) In addition to conforming to the regulations in this program, nonregulatory methods to protect, enhance, and restore shoreline ecological functions and other shoreline resources should be encouraged. Nonregulatory methods may include public facility and resource planning, technical assistance, education, voluntary enhancement and restoration projects, land acquisition and restoration, or other incentive programs.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Shoreline stabilization may be permitted subject to the provisions of this program. New structural shoreline armoring is prohibited, except to protect existing public transportation infrastructure and essential public facilities, in which case it may be allowed as a conditional use.

(b) Aquatic. Shoreline stabilization may be permitted subject to the provisions of this program. Structural shoreline armoring to protect existing public transportation infrastructure and existing essential public facilities may be allowed as a conditional use if allowed in the adjacent upland environment. Structural shoreline armoring to protect new residential developments is prohibited.

(c) Natural. Shoreline stabilization may be permitted subject to the provisions of this program. Structural shoreline armoring is prohibited except that structural shoreline armoring to protect existing public transportation infrastructure and existing essential public facilities may be allowed as a conditional use.

(d) Conservancy. Shoreline stabilization may be permitted subject to the provisions of this program. Shoreline armoring structures may be permitted as a conditional use.

(e) Shoreline Residential. Shoreline stabilization may be permitted subject to the provisions of this program. Shoreline armoring structures may be permitted as a conditional use.

(f) High Intensity. Shoreline stabilization may be permitted subject to the provisions of this program. Shoreline armoring structures may be permitted as a conditional use.

(3) Regulations – Existing Structural Shoreline Armoring.

(a) Existing structural shoreline armoring, as defined in Article II of this chapter, may be replaced in kind if there is a demonstrated need to protect public transportation infrastructure, essential public facilities, and primary structures from erosion caused by currents, tidal action, or waves and all of the following apply:

(i) The replacement structure is designed, located, sized, and constructed to assure no net loss of ecological functions.

(ii) The replacement structure performs the same stabilization function of the existing structure and does not require additions to or increases in size.

(iii) The replacement structure shall not encroach waterward of the ordinary high water mark or existing structure unless the residence was occupied prior to January 1, 1992, and there are overriding safety or environmental concerns. In such cases, the replacement structure shall abut the existing shoreline stabilization structure.

(b) Removal of older structures is required as new ones are put in place. Exceptions may be made by the administrator only in cases where removal would cause more ecological disturbance than leaving the remnant structure in place.

(4) Regulations – Subdivisions and Existing Lots without Structures.

(a) Land subdivisions shall be designed to assure that future development or use of the established lots will not require structural shoreline armoring.

(b) Use of a bulkhead, revetment or similar shoreline armoring to protect a platted lot where no primary use or structure presently exists shall be prohibited. Where such shoreline armoring already exists, property owners are strongly encouraged to remove it.

(c) Structural shoreline armoring for the sole purpose of leveling or extending property or creating or preserving residential lawns, yards, or landscaping shall be prohibited. Where such shoreline armoring already exists, property owners are strongly encouraged to remove it.

(5) Regulations – New or Expanded Shoreline Armoring, When Allowed.

(a) Structural shoreline armoring shall be prohibited in or adjacent to lakes and other low energy environments such as bays, and accreting marine shores. Where such shoreline armoring already exists, property owners are strongly encouraged to remove it.

(b) New structural shoreline armoring may be permitted and existing structural shoreline armoring may be expanded only when one or more of the following apply:

(i) When necessary to support a project whose primary purpose is enhancing or restoring ecological functions.

(ii) As part of an effort to remediate hazardous substances pursuant to Chapter 70.105 RCW.

- (iii) When necessary to protect public transportation infrastructure or essential public facilities and other options are infeasible.
  - (iv) When necessary to protect an existing, lawfully established primary water-oriented use, including a residence but not including a boathouse or other accessory structure, that is in imminent danger of loss or substantial damage from erosion caused by tidal action, currents, or waves.
- (c) Proposals for new or expanded structural shoreline armoring allowed under subsection (5)(b) of this section shall clearly demonstrate all of the following before a permit can be issued:
- (i) The erosion is not being caused by upland conditions, such as the loss of vegetation or poor drainage.
  - (ii) The structural shoreline armoring design is the least environmentally damaging alternative.
  - (iii) The shoreline armoring complies with the flood damage prevention regulations in JCC 18.30.070.
  - (iv) Adverse impacts are fully mitigated according to the prescribed mitigation sequence such that there is no net loss of shoreline ecological functions or processes.
  - (v) Alternatives to structural shoreline armoring including vegetative shoreline stabilization, flexible/natural materials and methods, beach nourishment and other forms of bioengineering are determined to be infeasible or insufficient.
- (d) When evaluating the need for new or expanded structural shoreline armoring, the administrator shall require the applicant to examine and implement alternatives to structural shoreline armoring in the following order of preference:
- (i) No action (allow the shoreline to retreat naturally).
  - (ii) Increased building setbacks and/or relocated structures.
  - (iii) Use of flexible/natural materials and methods, vegetation, beach nourishment, protective berms, or bioengineered shoreline stabilization.
- (e) The county shall require applicants for new or expanded structural shoreline armoring to provide credible evidence of erosion as the basis for documenting that the primary structure is in imminent danger from shoreline erosion caused by tidal action, currents, or waves. The evidence shall:

- (i) Demonstrate that the erosion is not due to landslides, sloughing or other forms of shoreline erosion unrelated to water action at the toe of the slope; and
  - (ii) Include an assessment of on-site drainage and vegetation characteristics and their effects on slope stability; and
  - (iii) Be prepared by a licensed professional engineer or geologist or other qualified professional with appropriate credentials.
- (6) Regulations – New or Expanded Shoreline Armoring, Design Standards.
- (a) New or expanded shoreline armoring shall be designed by a state licensed professional geotechnical engineer and/or engineering geologist and constructed according to applicable U.S. Army Corps of Engineers requirements and/or State Department of Fish and Wildlife Aquatic Habitat Guidelines.
  - (b) The size of structural shoreline armoring shall be limited to the minimum necessary to protect the primary use or structure that it is intended to protect.
  - (c) When shoreline armoring is permitted, it shall be constructed of erosion resistant, environmentally safe and durable materials that are easy to maintain.
  - (d) Shoreline armoring shall be designed and constructed with gravel backfill and weep holes so that natural downward movement of surface or ground water may continue without ponding or saturation that could compromise the surrounding soil stability.
  - (e) All forms of structural shoreline armoring shall be constructed and maintained in a manner that does not degrade the quality of affected waters. The county may require setbacks, buffers, and/or other measures to achieve these objectives.
  - (f) Shoreline defense structures shall not be constructed with waste materials such as demolition debris, derelict vessels, tires, concrete or any other materials which might have adverse toxic or visual impacts on shoreline areas.
  - (g) Gabions are prohibited as a means of stabilizing shorelines because of their limited durability and the potential hazard to shoreline users and the shoreline environment.
  - (h) Proposals, other than single-family residential developments of more than four lots, that involve new or expanded shoreline armoring shall incorporate public access features consistent with JCC [18.25.290](#) (Public access).
- (7) Regulations – Bulkheads.

(a) Bulkheads shall comply with the regulations noted in subsections (2) through (6) of this section.

(b) Bulkheads shall meet all of the following criteria:

(i) They shall be located generally parallel to the shoreline. Adequate bank toe protection shall be provided to ensure bulkhead stability without relying on additional rip-rap; and

(ii) They shall be located so as to tie in flush with existing bulkheads on adjoining properties, except when adjoining bulkheads do not comply with the design or location requirements set forth in this program.

(8) Regulations – Revetments.

(a) Revetments shall comply with the regulations noted in subsections (2) through (6) of this section.

(b) Revetments shall meet all of the following criteria:

(i) Revetments shall be placed landward of associated wetlands; and

(ii) Revetments shall be located sufficiently landward of the stream channel to allow streams to maintain point bars and associated aquatic habitat through normal accretion; and

(iii) Revetments shall be prohibited on estuarine shores, in wetlands, on point and channel bars, and in salmon and trout spawning areas.

(c) Revetments or similar structures that have already cut off point bars from the stream shall be relocated if feasible.

(d) When requesting a permit for a revetment along a stream or river, the applicant shall provide a geotechnical analysis of stream geomorphology both upstream and downstream of the proposed revetment site to assess the physical character and hydraulic energy potential of the specific stream reach and adjacent upstream or downstream reaches. The purpose of such analysis is to assure that the physical integrity of the stream corridor is maintained, that stream processes are not adversely affected, and that the revetment will not cause significant damage to other properties or shoreline functions and processes.

(9) Regulations – Breakwaters, Jetties, and Seawalls.

(a) Breakwaters, jetties, and seawalls shall comply with the regulations noted in subsections (2) through (6) of this section.

(b) Breakwaters, jetties, and seawalls shall only be allowed when shown to be necessary:

- (i) For purposes of navigation, or fisheries or habitat enhancement; or
  - (ii) To protect from strong wave action public water-dependent uses such as a harbor, marina, or port that are located seaward of the existing shoreline; or
  - (iii) When adverse impacts on water circulation, sediment transport, fish and wildlife migration, shellfish, and aquatic vegetation can be effectively mitigated.
- (c) Open-pile, floating, portable, or submerged breakwaters, or several smaller discontinuous structures that are anchored in place, shall be preferred over fixed breakwaters.
- (10) Regulations – Application Requirements. To verify that the provisions of this section are fully addressed, the county may require information to support a permit application for any type of shoreline stabilization. Application information required pursuant to this section shall address the urgency and risks associated with the specific site characteristics and shall include:
- (a) A scaled site plan showing: (i) existing site topography and (ii) the location of existing and proposed shoreline stabilization, shoreline armoring structures, and any fill including dimensions indicating distances to the OHWM; and
  - (b) A description of the processes affecting the site and surrounding areas, including but not limited to: tidal action and/or waves; slope instability or mass wasting; littoral drift; channel migration; and soil erosion, deposition, or accretion; and
  - (c) A description of alternatives to structural approaches, and a thorough discussion of the environmental impacts of each alternative; and
  - (d) A description of any proposed vegetation removal and a plan to revegetate the site following construction; and
  - (e) A hydraulic analysis prepared by a licensed professional engineer that describes anticipated effects of the project on water and wave elevations and velocities; and
  - (f) A biological resource inventory and analysis prepared by a qualified professional biologist that describes the anticipated effects of the project on fish and wildlife resources; and
  - (g) A description of opportunities for providing public access to and along the affected shoreline, as well as any proposed on-site recreational features if applicable; and
  - (h) A description of any waste and debris disposal sites for materials generated during construction; and
  - (i) Any other information that may be required to demonstrate compliance with the review criteria

referenced in this section. [Ord. 7-13 Exh. A (Art. VII § 8)]

### **Article VIII. Use-Specific Policies and Regulations**

#### **18.25.420 Purpose.**

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This article describes policies and regulations that apply to specific uses and developments in the shoreline jurisdiction. The policies and regulations are intended to work in concert with the master program goals (Article III of this chapter) and the general policies and regulations (Article IV of this chapter). Policies and regulations that address specific shoreline modifications (e.g., bulkheads, piers, dredging, etc.) that may be associated with, or accessory to, a specific use are in Article VII of this chapter. [Ord. 7-13 Exh. A (Art. VIII)]

#### **18.25.430 Agriculture.**

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(1) Policies.

(a) Agriculture is important to the long-term economic viability of Jefferson County. Consistent with WAC 173-26-241(3)(a)(ii), this program should not modify or limit ongoing agricultural activities occurring on agricultural lands.

(b) New agricultural uses and development, as defined in Article II of this chapter, proposed on land not currently in agricultural use, and conversion of agricultural lands to non-agricultural uses, should conform to this program.

(c) New agricultural use and development should be managed to:

- (i) Prevent livestock intrusion into the water;
- (ii) Control runoff;
- (iii) Prevent water quality contamination caused by nutrients and noxious chemicals;
- (iv) Minimize clearing of riparian areas;
- (v) Prevent bank erosion; and
- (vi) Assure no net loss of ecological functions and avoid adverse effects on shoreline resources and values.

(d) New agricultural use and development should preserve and maintain native vegetation between tilled lands and adjacent water bodies. The width of the native vegetation zone should vary depending on site conditions with the overall goal being to limit clearing of riparian corridors.

- (e) Intensive residential, industrial and commercial uses and uses that are unrelated to agriculture should be located so as not to create conflicts with agricultural uses.
- (f) The county should promote cooperative arrangements between farmers and public recreation agencies so that public use of shorelines does not conflict with agricultural operations.
- (g) Existing and new agricultural uses are encouraged to use best management practices to prevent erosion, runoff, and associated water quality impacts.
- (h) The county recognizes the importance of local food production, both on land and in water areas, when properly managed to control pollution and prevent environmental damage. As consistent with the Jefferson County Comprehensive Plan, RCW 36.70A.030, and 90.58.065, upland finfish aquaculture is considered agricultural production. However, for purposes of this program, upland finfish aquaculture should instead be managed as aquaculture and aquaculture activities, as defined in Article II of this chapter.

(2) Shoreline Environment Regulations.

- (a) Priority Aquatic. New agricultural activities are prohibited, except upland finfish aquaculture per the aquaculture policies and regulations of this program.
- (b) Aquatic. New agricultural activities are prohibited, except upland finfish aquaculture per the aquaculture policies and regulations of this program.
- (c) Natural. New agricultural activities are prohibited, except that low intensity agricultural activities such as grazing may be allowed subject to policies and regulations of this program; provided, that such low intensity agriculture does not expand or alter agricultural practices in a manner inconsistent with the purpose of this designation. All other agricultural activities are prohibited, except upland finfish aquaculture per the aquaculture policies and regulations of this program.
- (d) Conservancy. New agricultural activities may be allowed subject to policies and regulations of this program.
- (e) Shoreline Residential. New agricultural activities may be allowed subject to policies and regulations of this program.
- (f) High Intensity. New agricultural activities may be allowed subject to policies and regulations of this program.

(3) Regulations.

- (a) In accordance with RCW 90.58.065, this program shall not restrict existing agriculture on

agricultural land.

(b) New agricultural use and development on lands not meeting the definition of agricultural land shall comply with this program and all of the following regulations:

(i) Manure spreading shall be conducted in a manner that prevents animal wastes from entering water bodies or wetlands adjacent to water bodies. Manure spreading shall not be allowed within the floodway or within 25 feet of the ordinary high water mark of any shoreline, whichever is greater.

(ii) Confinement lots, feeding operations, lot wastes, manure storage or stockpiles, and storage of noxious chemicals shall not be allowed within floodways or within 200 feet of the ordinary high water mark of any shoreline, whichever is greater.

(iii) A buffer of naturally occurring or planted native vegetation shall be maintained between the shoreline and areas used for crops or intensive grazing. The width of the buffer on marine, river, and lake shorelines shall correspond to the standards of this program.

(iv) Bridges, culverts and/or ramps shall be used to enable livestock to cross streams without damaging the streambed or banks.

(v) Stock watering facilities shall be provided so that livestock do not need to access streams or lakes for drinking water.

(vi) Fencing or other grazing controls shall be used as appropriate to prevent bank compaction, bank erosion, or the overgrazing of, or damage to, shoreline buffer vegetation.

(c) Upland finfish aquaculture use and development shall be subject to the Aquaculture policies and regulations (JCC [18.25.440](#)). [Ord. 7-13 Exh. A (Art. VIII § 1)]

#### **18.25.440 Aquaculture.**

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(1) Policies.

(a) Aquaculture is a preferred, water-dependent use of regional and statewide interest that is important to the long-term economic viability, cultural heritage and environmental health of Jefferson County.

(b) The county should support aquaculture uses and developments that:

(i) Protect and improve water quality; and

(ii) Minimize damage to important nearshore habitats; and

- (iii) Minimize interference with navigation and normal public use of surface waters; and
  - (iv) Minimize the potential for cumulative adverse impacts, such as those resulting from in-water structures/apparatus/equipment, land-based facilities, and substrate disturbance/modification (including rate, frequency, and spatial extent).
- (c) When properly managed, aquaculture can result in long-term ecological and economic benefits. The county should engage in coordinated planning to identify potential aquaculture areas and assess long-term needs for aquaculture. This includes working with the Department of Fish and Wildlife (DFW), the Department of Natural Resources (DNR), area tribes and shellfish interests to identify areas that are suitable for aquaculture and protect them from uses that would threaten aquaculture's long-term sustainability.
- (d) Aquaculture use and development should locate in areas where biophysical conditions, such as tidal currents, water temperature and depth, will minimize adverse environmental impacts. Individual aquaculture uses and developments should be separated by a sufficient distance to ensure that significant adverse cumulative effects do not occur.
- (e) The county should support tideland aquaculture use and development when consistent with this program and protect tidelands and bedlands that were acquired and retained under the Bush and Callow Acts by not permitting non-aquaculture use and development on these tidelands.
- (f) Intensive residential uses, other industrial and commercial uses, and uses that are unrelated to aquaculture should be located so as not to create conflicts with aquaculture operations.
- (g) The county should promote cooperative arrangements between aquaculture growers and public recreation agencies so that public use of public shorelines does not conflict with aquaculture operations.
- (h) Experimental forms of aquaculture involving the use of new species, new growing methods or new harvesting techniques should be allowed when they are consistent with applicable state and federal regulations and this program.
- (i) The county should support community restoration projects associated with aquaculture when they are consistent with this program.
- (j) Commercial and recreational shellfish areas including shellfish habitat conservation areas are critical habitats. Shellfish aquaculture activities within all public and private tidelands and bedlands are allowed uses. Such activities include but are not limited to bed marking, preparation, planting, cultivation, and harvest.
- (k) Chemicals and fertilizers used in aquaculture operations should be used in accordance with

state and federal laws, and this program.

(l) The county recognizes upland finfish aquaculture is considered a type of agricultural production by the Jefferson County Comprehensive Plan, RCW 36.70A.030, and 90.58.065. However, for purposes of this program, upland finfish aquaculture should instead be managed as aquaculture and aquaculture activities, as defined in Article II of this chapter.

(m) Finfish aquaculture that uses or releases herbicides, pesticides, antibiotics, fertilizers, pharmaceuticals, non-indigenous species, parasites, viruses, genetically modified organisms, feed, or other materials known to be harmful into surrounding waters should not be allowed unless significant impacts to surrounding habitat and conflicts with adjacent uses are effectively mitigated.

(n) The county should prefer all finfish aquaculture use and development (in-water and upland) that operates with fully contained systems that treat effluent before discharge to local waters over open systems.

(o) The county should allow in-water finfish aquaculture in the open waters of the Strait of Juan de Fuca only when the area seaward of the ordinary high water mark (OHWM) which is subject to the county's jurisdiction extends a considerable distance, and when consistent with other provisions of this program.

(p) The county should prohibit in-water finfish aquaculture in waters of Jefferson County where there are habitat protection designations in place and/or water quality issues documented.

(2) Uses and Activities Prohibited Outright.

(a) In-water finfish aquaculture use/development, including net pens as defined in Article II of this chapter, shall be prohibited in the following areas due to established habitat protection designations and/or water quality issues:

- (i) Protection Island aquatic reserve or within 1,500 feet of the boundary;
- (ii) Smith and Minor Islands aquatic reserve or within 1,500 feet of the boundary;
- (iii) Discovery Bay, south of the boundary of the Protection Island aquatic reserve;
- (iv) South Port Townsend Bay mooring buoy management plan area; and
- (v) Hood Canal, south of the line extending from Tala Point to Foulweather Bluff, including Dabob and Tarboo Bays.

(3) Shoreline Environment Regulations.

- (a) Priority Aquatic. Aquaculture activities may be allowed subject to the use and development regulations of the adjacent upland shoreline environment, except all finfish aquaculture (in-water and upland) is prohibited.
- (b) Aquatic. Aquaculture activities may be allowed subject to the use and development regulations of the adjacent upland shoreline environment.
- (c) Natural. Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck aquaculture may be allowed with a conditional use permit (C(d)). All finfish aquaculture is prohibited, except in-water finfish aquaculture may be allowed with a conditional use permit (C(d)) where the area within the county’s jurisdiction extends seaward more than eight miles from the OHWM, as measured perpendicularly from shore. This does not require facilities to locate eight miles offshore; see other provisions of this section for siting requirements and supplemental maps for additional information.
- (d) Conservancy. Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck and upland finfish aquaculture may be allowed with a conditional use permit (C(d)). In-water finfish aquaculture is prohibited.
- (e) Shoreline Residential. Aquaculture activities, except for geoduck aquaculture, may be allowed subject to policies and regulations of this program. Geoduck aquaculture may be allowed with a conditional use permit (C(d)). All finfish aquaculture (in-water and upland) is prohibited.
- (f) High Intensity. Aquaculture activities may be allowed subject to policies and regulations of this program, except all finfish aquaculture (in-water and upland) may be allowed with a conditional use permit (C(d)).
- (g) For a summary and graphic approximation of the above shoreline environment regulations allowance of in-water finfish aquaculture, see Figure 18.25.440.

**Figure 18.25.440 – Summary and Maps of SED Allowance for In-Water Finfish Aquaculture**

	Shoreline Environment Designations (SEDs)						
	Waterward			Landward			
	Priority Aquatic	Aquatic		Natural	Conservancy	Shoreline Residential	High Intensity
<b>Would in-water finfish aquaculture</b>	No	Yes		No	No	No	Yes

<b>be allowed to locate in this SED?</b>		<b>OHWM</b>				
<b>Notes</b>		But only when the adjacent upland SED allows		Except when there is 8+ miles of seaward jurisdiction		

**Geographic Limitations:**

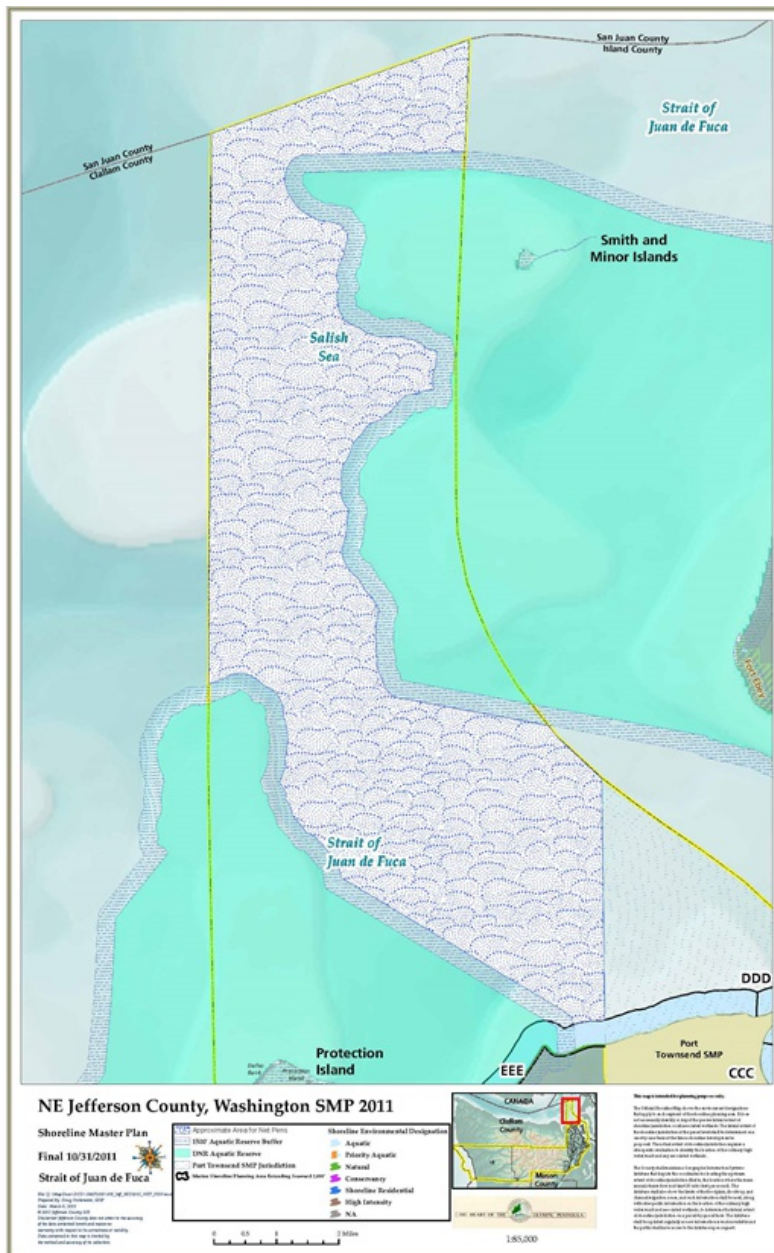
- 1 Not within the Protection Island Aquatic Reserve, the Smith and Minor Islands Aquatic Reserve or within 1,500 feet of their boundary
- 2 Not in Discovery Bay, south of the boundary for the Protection Island Aquatic Reserve, due to significant water quality concerns
- 3 Not within the South Port Townsend Bay mooring buoy management plan area or within 1,500 feet of the boundary, due to significant water quality concerns
- 4 Not in Hood Canal, south of the line from Tala Point to Foulweather Bluff (Kitsap County), due to significant water quality concerns

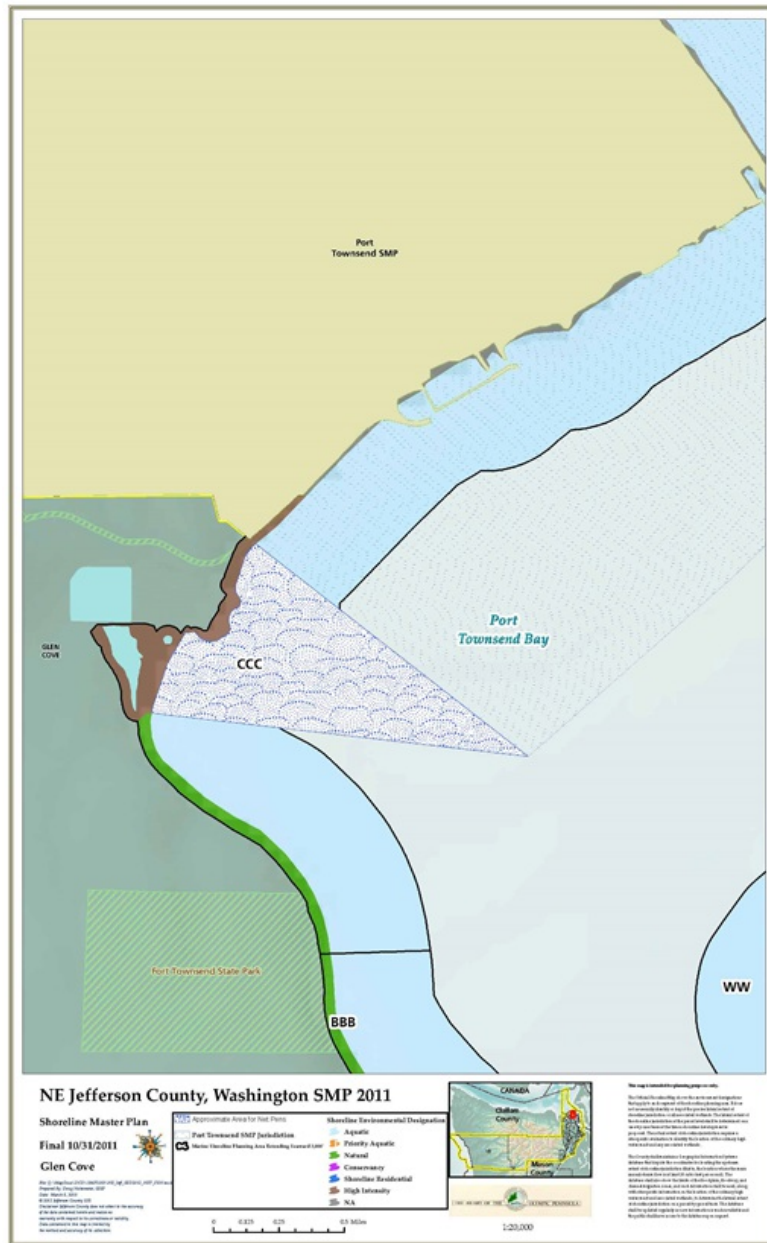
**Possible Siting Locations:**

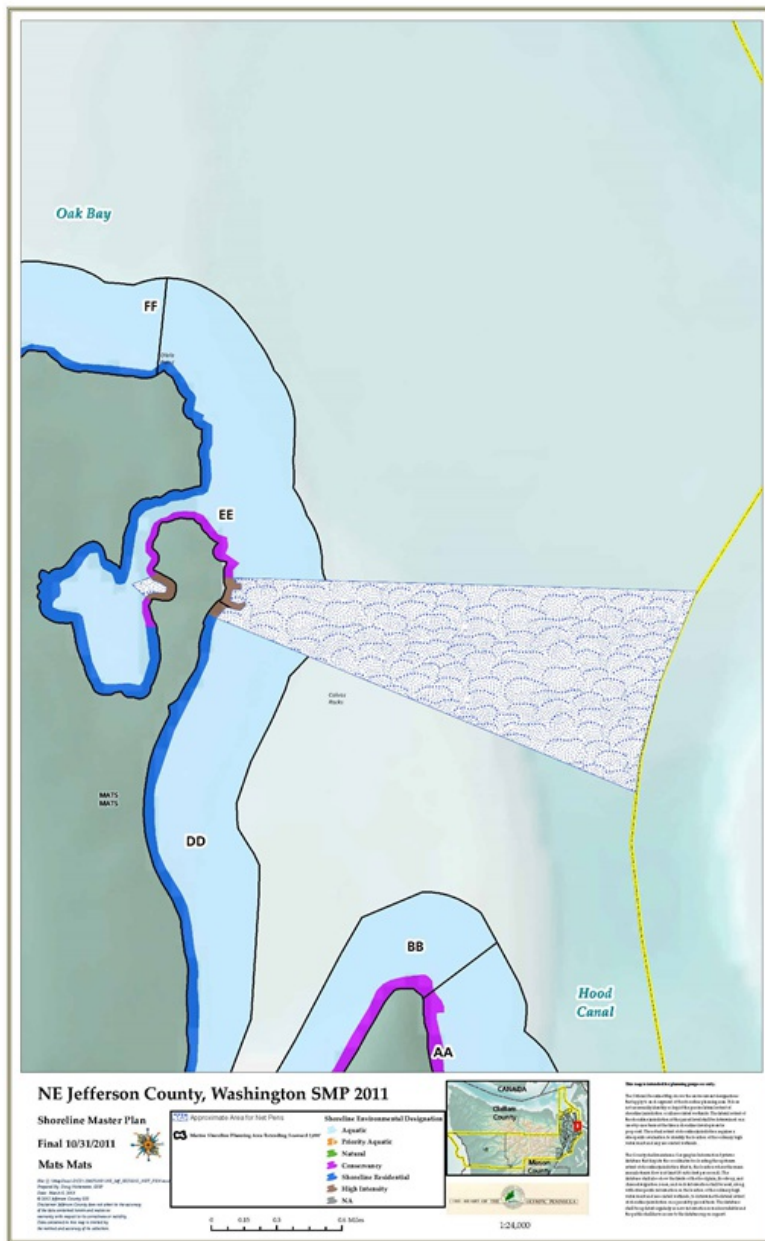
- 1 Strait of Juan de Fuca
- 2 Glen Cove
- 3 Mats Mats
- 4 Port Ludlow

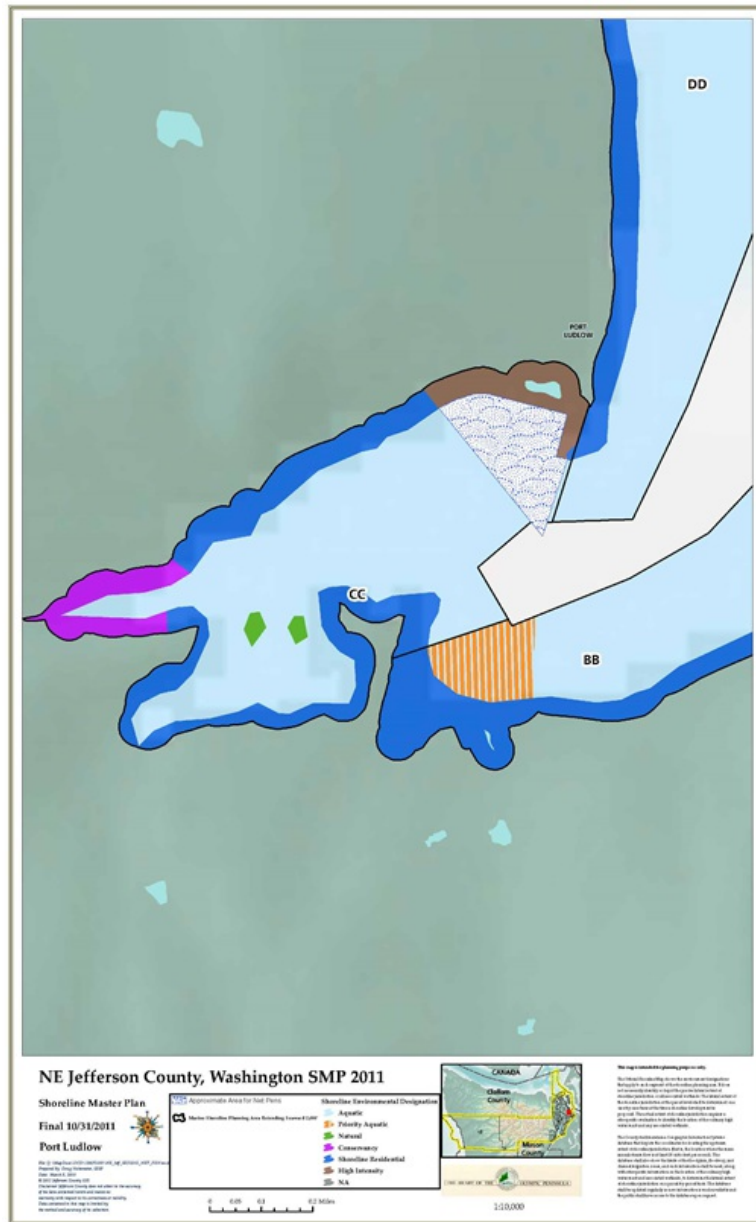
NOTE: Proposals also have to meet all conditional use permit (CUP) performance standards and other applicable provisions of this program.

Approximate siting locations are illustrated in the following four maps:









(4) Regulations – General.

(a) When a shoreline permit is issued for a new aquaculture use or development, that permit shall apply to the initial siting, construction, and/or planting or stocking of the facility or farm. If the initial approval is a shoreline substantial development permit, it shall be valid for a period of five years with a possible one-year extension. If the initial approval is a conditional use permit, it shall be valid for the period specified in the permit.

(b) Ongoing maintenance, harvest, replanting, restocking of or changing the species cultivated in any existing or permitted aquaculture operation is not considered new use/development, and

shall not require a new permit, unless or until:

(i) The physical extent of the facility or farm is expanded by more than 25 percent or more than 25 percent of the facility/farm changes operational/cultivation methods compared to the conditions that existed as of the effective date of this program or any amendment thereto. If the amount of expansion or change in cultivation method exceeds 25 percent in any 10-year period, the entire operation shall be considered new aquaculture and shall be subject to applicable permit requirements of this section; or

(ii) The facility proposes to cultivate species not previously cultivated in the state of Washington.

(c) Aquaculture uses and activities involving hatching, seeding, planting, cultivating, raising and/or harvesting of planted or naturally occurring shellfish shall not be considered development, as defined in Article II of this chapter, and shall not require a shoreline substantial development permit, unless:

(i) The activity substantially interferes with normal public use of surface waters; or

(ii) The activity involves placement of any structures as defined in Article II of this chapter; or

(iii) The activity involves dredging using mechanical equipment such as clamshell, dipper, or scraper; or

(iv) The activity involves filling of tidelands or bedlands.

(d) The county shall assess the potential for interference described in subsection (3)(c) of this section on a case-by-case basis. All proposed new aquaculture uses or developments shall submit a joint aquatic permit application (JARPA) and SEPA checklist to enable assessment by the county. Activities shall not be considered to substantially interfere with normal public use of surface waters, unless:

(i) They occur in, adjacent to or in the immediate vicinity of public tidelands; and

(ii) They involve the use of floating ropes, markers, barges, floats, or similar apparatus on a regular basis and in a manner that substantially obstructs public access, or passage from public facilities such as parks or boat ramps; or they exclude the public from more than one acre of surface water on an ongoing or permanent basis.

(e) Aquaculture activities not listed in subsection (4)(c) of this section and listed activities that fail to meet any of the criteria in subsection (1)(b) of this section shall require a shoreline substantial development permit (SDP) or conditional use permit (CUP), and shall be subject to

all of the following regulations:

- (i) Subtidal, intertidal, floating, and upland structures and apparatus associated with aquaculture use shall be located, designed and maintained to avoid adverse effects on ecological functions and processes.
- (ii) The county shall consider the location of proposed aquaculture facilities/farms to prevent adverse cumulative effects on ecological functions and processes and adjoining land uses. The county shall determine what constitutes acceptable placement and concentration of commercial aquaculture in consultation with state and federal agencies and tribes based on the specific characteristics of the waterbody, reach, drift cell, and uplands in the vicinity of the farm/facility.
- (iii) Upland structures accessory to aquaculture use that do not require a waterside location or have a functional relationship to the water shall be located landward of shoreline buffers required by this program.
- (iv) Overwater work shelters and sleeping quarters accessory to aquaculture use/development shall be prohibited.
- (v) Floating/hanging aquaculture structures and associated equipment shall not exceed 10 feet in height above the water's surface. The administrator may approve hoists and similar structures greater than 10 feet in height when there is a clear demonstration of need. The 10-foot height limit shall not apply to vessels.
- (vi) Floating/hanging aquaculture facilities and associated equipment, except navigation aids, shall use colors and materials that blend into the surrounding environment in order to minimize visual impacts.
- (vii) Aquaculture use and development shall not materially interfere with navigation, or access to adjacent waterfront properties, public recreation areas, or tribal harvest areas. Mitigation shall be provided to offset such impacts where there is high probability that adverse impact would occur. This provision shall not be interpreted to mean that an operator is required to provide access across owned or leased tidelands at low tide for adjacent upland owners.
- (viii) Aquaculture uses and developments, except in-water finfish aquaculture, shall be located at least 600 feet from any National Wildlife Refuge, seal and sea lion haulouts, seabird nesting colonies, or other areas identified as critical feeding or migration areas for birds and mammals. In-water finfish facilities, including net pens, shall be located 1,500 feet or more from such areas. The county may approve lesser distances based upon written

documentation that U.S. Fish and Wildlife Service (USFWS), Washington Department of Fish and Wildlife (WDFW) and affected tribes support the proposed location.

(ix) Aquaculture use and development shall be sited so that shading and other adverse impacts to existing red/brown macro algae (kelp), and eelgrass beds are avoided.

(x) Aquaculture uses and developments that require attaching structures to the bed or bottomlands shall use anchors, such as helical anchors, that minimize disturbance to substrate.

(xi) Where aquaculture use and development are authorized to use public facilities, such as boat launches or docks, the county shall reserve the right to require the applicant/proponent to pay a portion of the maintenance costs and any required improvements commensurate with the applicant's/proponent's use.

(xii) Aquaculture use and development shall employ nonlethal, nonharmful measures to control birds and mammals. Control methods shall comply with existing federal and state regulations.

(xiii) Aquaculture use and development shall avoid use of chemicals, fertilizers and genetically modified organisms except when allowed by state and federal law.

(xiv) Non-navigational directional lighting associated with aquaculture use and development shall be used wherever possible and area lighting shall be avoided and minimized to the extent necessary to conduct safe operations. Non-navigational lighting shall not adversely affect vessel traffic.

(xv) Aquaculture waste materials and by-products shall be disposed of in a manner that will ensure strict compliance with all applicable governmental waste disposal standards, including but not limited to the Federal Clean Water Act, Section 401, and the Washington State Water Pollution Control Act (Chapter 90.48 RCW).

(f) Prior to approving a permit for floating/hanging aquaculture use and development or bottom culture involving structures, the county may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline. The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated.

(5) Regulations – Finfish.

(a) The culture of finfish, including net pens as defined in Article II of this chapter, may be allowed with a discretionary conditional use approval (C(d)) subject to the policies and

regulations of this program. All finfish aquaculture (in-water and upland) shall meet, at a minimum, state-approved administrative guidelines for the management of net pen cultures. In the event there is a conflict in requirements, the more restrictive requirement shall prevail.

(b) All in-water finfish aquaculture (in-water and upland) proposals for facilities/operations shall:

(i) Provide the county, at the applicant's/operator's expense, a site characterization survey, baseline surveys, and annual monitoring as described in the 1986 Interim Guidelines, or subsequent documents approved by the state. The applicant/operator shall also provide the county with copies of all survey and monitoring reports submitted to Washington Departments of Ecology, Fish and Wildlife, and Natural Resources.

(ii) Submit an operations plan that includes projections for:

(A) Improvements at the site (e.g., pens, booms, etc.) and their relationship to the natural features (e.g., bathymetry, shorelines, etc.);

(B) Number, size and configuration of pens/structures;

(C) Schedule of development and maintenance;

(D) Species cultured;

(E) Fish size at harvest;

(F) Annual production;

(G) Pounds of fish on hand throughout the year;

(H) Average and maximum stocking density;

(I) Source of eggs, juveniles, and broodstock;

(J) Type of feed used;

(K) Feeding method;

(L) Chemical use (e.g., anti-fouling, antibiotics, etc.); and

(M) Predator control measures.

(iii) Provide county with documentation of adequate property damage and personal injury commercial insurance coverage as required by Washington Department of Natural Resources and other agencies.

(iv) Where the county does not have expertise to analyze the merits of a report provided by an applicant, the applicant may be required to pay for third-party peer review of said report.

(c) Bottom Sediments and Benthos.

(i) The depth of water below the bottom of any in-water finfish aquaculture facility shall meet the minimum required by the 1986 Interim Guidelines (i.e., 20 to 60 feet at MLLW), as based on facility production capacity (Class I, II or III) and the mean current velocity at the site, measured as noted in the Guidelines or by more current data/methodology.

(ii) In-water finfish aquaculture operations shall be prohibited where mean current velocity is less than 0.1 knots (five cm/sec).

(iii) The pen configuration (e.g., parallel rows, compact blocks of square enclosures, or clusters of various sized round enclosures, whether oriented in line with or perpendicular to the prevailing current direction) of any in-water finfish aquaculture facility shall be designed and maintained to minimize the depth and lateral extent of solids accumulation.

(iv) The use of unpelletized wet feed shall be prohibited to minimize undigested feed reaching the benthos or attracting scavengers in the water column.

(v) Anchoring or mooring systems shall utilize adequately sized helical devices or other methods to minimize disturbance to the benthos.

(d) Water Quality.

(i) All in-water finfish aquaculture facilities shall be designed, located and operated to avoid adverse impacts to water temperature, dissolved oxygen and nutrient levels, and other water quality parameters. Facilities must comply with National Pollutant Discharge Elimination Standards (NPDES) requirements.

(ii) All in-water finfish aquaculture facilities shall monitor water quality and net cleaning activities to comply with state requirements (including WAC 173-201A-210), especially during periods of naturally high water turbidity. Additional net cleaning activities shall be performed, as needed, to ensure state water quality standards are met.

(e) Phytoplankton.

(i) In-water finfish aquaculture facility production capacity shall be limited in nutrient sensitive areas to protect water quality and shall not exceed 1,000,000 pounds annual production per square nautical mile. The following shall apply for specific geographic areas:

(A) In the main basin of Puget Sound (area south of the sill at Admiralty Inlet extending

to the line between Tala Point and Foulweather Bluff, including Port Townsend Bay, Kilisut Harbor, and Oak Bay, and extending to the county's boundary midway to Whidbey Island), annual production shall be limited by the site characteristics in compliance with this program.

(ii) Applicants shall demonstrate through field and modeling studies that the proposed fish farms will not adversely affect existing biota.

(f) Chemicals.

(i) Only FDA-approved chemicals shall be allowed on a case-by-case basis for anti-fouling, predator control and other purposes. The use of tributyltin (TBT) is prohibited and all chemical use shall be reported to the state as required.

(ii) When necessary, vaccination is preferred over the use of antibiotics. Only FDA-approved antibiotics shall be used and such use shall be reported to the state as required. Operator shall take all necessary precautions to ensure that nearby sediments and shellfish do not accumulate significant amounts of antibiotics.

(g) Food Fish and Shellfish.

(i) All in-water finfish aquaculture facilities shall be located to avoid adverse impacts to habitats of special significance (as defined in Article II of this chapter) and populations of food fish and shellfish as follows, as determined on a case-by-case basis:

(A) When adjacent to any wildlife refuge, sanctuary, aquatic reserve or similar area intended to protect threatened or endangered species, locate a minimum of 300 feet in all directions from such protected areas;

(B) When water depth is less than 75 feet, locate at least 300 feet down-current and 150 feet in all other directions from significant habitats;

(C) When water depth is greater than 75 feet, locate at least 150 feet from significant habitat.

(ii) The county shall designate protective buffer zones around habitats of special significance in accordance with marine area spatial planning efforts led by the state, when such guidance and methodologies are available.

(h) Importation of New Fish Species. All in-water finfish aquaculture facilities shall comply with existing state and federal regulations to ensure importation of new and/or nonnative species does not adversely affect existing and/or native species.

(i) Genetic Issues.

(i) In compliance with state and federal requirements, in-water finfish aquaculture facilities that propose to culture species native to local waters should use stocks with the greatest genetic similarity to local stocks.

(ii) When there is increased risk of interbreeding or establishment of naturalized populations of the cultured species that would be in conflict with native stocks, only sterile or mono-sexual fish shall be allowed.

(iii) All in-water finfish aquaculture facilities shall locate a minimum distance from river mouths where wild fish could be most vulnerable to genetic degradation, as determined on a case-by-case basis or by state guidance.

(j) Escapement and Disease.

(i) All in-water finfish aquaculture facilities shall comply with state and federal requirements to control pests, parasites, diseases, viruses and pathogens and to prevent escapement including, but not limited to, those for certified eggs, approved import/transport and live fish transfer protocols, escapement prevention, reporting and recapture plans, and disease inspection and control per RCW 77.15.290, Chapter 77.115 RCW, Chapters 220-76 and 220-77 WAC and other requirements as appropriate.

(ii) The use of regional broodstock is preferred.

(iii) As consistent with the above mentioned Washington statutes and administrative rules, and other applicable authorities, all in-water finfish aquaculture facility operators shall provide the county with a disease response plan to detail specific actions and timelines to follow when an outbreak is detected. The plan shall address transport permit denial, quarantine, confiscation, removal, and other possible scenarios, identify what agencies will be notified or involved, what alternate facilities may be used, a public information/outreach strategy and other appropriate information.

(k) Marine Mammals and Birds.

(i) All in-water finfish aquaculture facilities shall locate a minimum of 1,500 feet from habitats of special significance for marine mammals and seabirds.

(ii) Only nonlethal techniques (e.g., anti-predator netting) shall be allowed to prevent predation by birds and/or mammals on the cultured stocks.

(l) Visual Quality. All in-water finfish aquaculture facilities shall conduct a visual impact assessment to evaluate and document the following siting and design variables in order to

minimize visual impacts to adjacent and surrounding uses:

- (i) Locate offshore from low bank shorelines rather than high bluff areas where angle of viewing becomes more perpendicular to the plane of water making the facility more visually evident.
  - (ii) Locate offshore a minimum of 1,500 feet from ordinary high water mark, or a minimum of 2,000 feet when higher density residential development (rural residential 1:5, urban growth area, master planned resort, and preexisting platted subdivisions with density equivalent/greater to such) is present along the adjacent upland. The county may require a greater distance as determined by a visual impact assessment.
  - (iii) Facilities shall be designed to maximize a horizontal profile to repeat the plane of the water surface rather than project vertically above the water surface. Vertical height shall be the minimum feasible, not to exceed 10 feet from the surface of the water.
  - (iv) Facilities shall be designed so that the overall size and surface area coverage does not exceed 10 percent of the normal cone of vision, dependent on the foreshortening created by the offshore distance and the average observation height.
  - (v) Facilities shall be designed to borrow from the form of structures and materials already in the environment (e.g., pilings, docks, marinas) and to blend with the predominate color schemes present (i.e., blue, green, gray, neutral earth tones). The colors of white and black shall be minimized as they have highly variable appearance in response to lighting conditions. Bright colors such as red, yellow, and orange shall be avoided, unless required for safety purposes. The use of a variety of materials or colors shall be limited and ordered.
  - (vi) Facilities proposed to locate in the vicinity of existing in-water finfish aquaculture facilities shall evaluate the aggregate impacts and cumulative effects of multiple operations in the same area.
  - (vii) Facilities shall be designed and located so that the surface area of individual operations does not exceed two acres of surface coverage and no more than one operation per square nautical mile.
  - (viii) Land based access for parking, staging, launching, and storage associated with any in-water finfish aquaculture facilities shall be evaluated for visual impacts and conflicts with adjacent upland uses.
- (m) Navigation, Military Operations and Commercial Fishing.
- (i) When appropriate, in-water finfish aquaculture facilities shall be located close to shore

and near existing navigational impediments (i.e., marinas, docks).

(ii) All in-water finfish aquaculture facilities shall be designed, located and operated to avoid conflict with military operations.

(iii) The county shall notify, as appropriate, marinas, ports, recreational and commercial boating/fishing organizations, and local tribes about comment opportunities during the permit review process, especially regarding proposed location of fish farm and related navigational aids.

(n) Human Health. All in-water finfish aquaculture facilities shall be designed, located and operated to:

(i) Ensure adequate water quality compatible with good husbandry practices;

(ii) Report any known bacteriological characteristics of fish food used;

(iii) Ensure proper storage of fish food to avoid alteration or degradation of feed quality;

(iv) Regularly monitor and report presence of parasites in farmed fish; and

(v) Comply with federal, state and local food safety requirements including, but not limited to, source identification and country of origin labeling, and hazard analysis and critical control points plan.

(o) Recreation.

(i) All in-water finfish aquaculture facilities shall ensure compliance with state and federal requirements, especially when location is proposed near underwater park facilities.

(ii) All in-water finfish aquaculture facilities shall be located a minimum of 1,000 feet from any recreational shellfish beach, public tidelands, public access facilities (e.g., docks or boat ramps) or other areas of extensive or established recreational use.

(iii) In-water finfish aquaculture operators shall inform the Notice to Mariners and other appropriate entities for nautical chart revisions and notify other sources that inform recreational uses (e.g., boaters, divers, shellfish harvesters).

(p) Noise.

(i) All in-water finfish aquaculture facilities shall be designed, located and operated to:

(A) Ensure compliance with state and federal noise level limits;

- (B) Require mufflers and enclosures on all motorized fish farm equipment;
  - (C) When appropriate, prefer electric motors over internal combustion engines.
- (ii) The county may require an acoustical study, conducted at the applicant's/operator's expense, to ensure any audible impacts are identified and adequately addressed.
- (q) Odor. All in-water finfish aquaculture facilities shall be designed, located and operated to:
- (i) Ensure compliance with state limits regarding nuisances and waste disposal;
  - (ii) Follow best management practices including, but not limited to:
    - (A) Daily removal and disposal of dead fish and other waste;
    - (B) Regular cleaning of nets and apparatus;
    - (C) Storage of food in closed containers;
    - (D) Walkway design and use allows spilled food to fall into the water.
  - (iii) Maximize the distance between the facility and nearby residential use/development, downwind location preferred, to minimize impacts resulting from foul odors.
- (r) Lighting and Glare.
- (i) Facilities shall comply with USCG requirements for operational and navigational lighting. The height of the light source above the water surface shall be the minimum necessary, not to exceed 80 inches, unless otherwise specified by state or federal requirements.
  - (ii) Facilities shall be designed so that any glare or shadows caused by the solar orientation are minimized.
  - (iii) Facilities shall utilize materials that minimize glare caused by sunlight or artificial lighting.
- (s) Upland Shoreline Use. All in-water finfish aquaculture facilities shall be designed, located and operated to minimize incompatible uses and degradation of upland area.
- (t) Local Services.
- (i) All in-water finfish aquaculture facilities shall be designed, located and operated to:
    - (A) Provide estimates of high, average, and low volumes of waste to be produced, including catastrophic events;

(B) Provide a waste management plan to include the method and frequency of collection, storage and disposal; and

(C) Ensure compliance with local, state, federal waste disposal requirements.

(ii) Equipment, structures and materials shall not be discarded in the water and shall not be abandoned in the upland.

(6) Regulations – Application Requirements.

(a) Prior to issuing a permit for any proposed aquaculture use or development, the county may require copies of permit applications and/or studies required by state and federal agencies to ensure provisions of this program are met, including, but not limited to, the following information:

(i) Anticipated harvest cycles and potential plans for future expansion or change in species grown or harvest practices.

(ii) Number, types and dimensions of structures, apparatus or equipment.

(iii) Predator control methods.

(iv) Anticipated levels of noise, light, and odor and plans for minimizing their impacts.

(v) Potential impacts to animals, plants, and water quality due to the discharge of waste water from any upland development.

(vi) Proof of application for an aquatic lands lease from the Washington State Department of Natural Resources (DNR) or proof of lease or ownership if bedlands are privately held.

(vii) Department of Health (DOH) Shellfish Certification Number.

(viii) Department of Fish and Wildlife (DFW) commercial aquatic farm or noncommercial, personal consumption designation.

(ix) Proof of application for any permits required by the U.S. Army Corps of Engineers, Department of Health, or other agency.

(x) Proof of application for any state and federal permits/approvals including any required federal consultation under Section 7 of the Endangered Species Act (16 U.S.C. 1531 et seq., ESA).

(b) Prior to approving a permit for floating/hanging or upland aquaculture use and development or bottom culture involving structures, the county may require a visual analysis prepared by the applicant/proponent describing effects on nearby uses and aesthetic qualities of the shoreline.

The analysis shall demonstrate that adverse impacts on the character of those areas are effectively mitigated. [Ord. 7-13 Exh. A (Art. VIII § 2)]

#### **18.25.450 Commercial use.**

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(1) Policies.

(a) Commercial development should be located, designed and operated to avoid and minimize adverse impacts on shoreline ecological functions and processes.

(b) Water-related commercial uses should not displace existing water-dependent uses, and water-enjoyment commercial uses should not displace existing water-related or existing water-dependent uses, unless there are compelling reasons in the public interest.

(c) Restoration of impaired shoreline ecological functions and processes should be encouraged as part of commercial development.

(d) Commercial development should be visually compatible with adjacent noncommercial properties.

(e) Commercial uses located in the shoreline should provide public access in accordance with JCC [18.25.290](#) (Public access).

(2) Uses and Activities Prohibited Outright. Commercial parking as a primary use shall be prohibited within the shoreline jurisdiction.

(3) Shoreline Environment Regulations.

(a) Priority Aquatic. Commercial use and development is prohibited, except that small-scale, low-intensity water-dependent commercial recreational use and development may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.

(b) Aquatic. Water-dependent and water-related commercial recreational use and development may be allowed subject to the use and development regulations of the abutting upland shoreline environment designation. Water-enjoyment and non-water-dependent commercial use/development is prohibited.

(c) Natural. Commercial use and development is prohibited, except that small-scale, low-intensity water-dependent commercial recreational use and development may be allowed through a conditional use permit.

(d) Conservancy. Water-dependent and water-related commercial use and development may be allowed as a conditional use subject to policies and regulations of this program. Non-water-

dependent and non-water-related commercial uses/developments are prohibited, except that small-scale, low-intensity recreational/tourist development/use may be allowed with a conditional use permit; provided, that a portion of the use/development is water-dependent or water-related.

(e) Shoreline Residential. Water-oriented commercial use and development may be allowed subject to policies and regulations of this program. Non-water-oriented commercial uses may be allowed as a conditional use.

(f) High Intensity. Water-oriented commercial use and development may be allowed subject to policies and regulations of this program. Non-water-oriented commercial uses may be allowed as a conditional use.

(4) Regulations – Application Requirements.

(a) The county shall require proponents of all commercial use and development to provide the following information at the time of permit application:

(i) Site plans showing the boundaries of the property and any existing structures, indication of existing vegetation and topography, locations of adjacent structures, roads or other infrastructure, and the ordinary high water mark and/or floodway boundary. For comparison, proposed structures and uses shall be overlaid on a site plan of existing conditions; and

(ii) A description of the specific nature and character of the commercial activity (e.g., water-dependent, water-related, water-enjoyment, non-water-oriented, or mixed-use), including a description of the specific components of the proposal; and

(iii) A description of the reason for needing a shoreline location; and

(iv) Any proposed measures to enhance the relationship of the activity to the shoreline; and

(v) A description of the proposed provisions for providing public visual and/or physical access to the shoreline; and

(vi) A description of mitigation measures proposed to ensure that the development will not cause significant adverse environmental impacts.

(b) For mixed-use proposals, at least one alternative design depicting a mixture of uses and activities, structural location, site design, bulk and dimensional configuration, and an alternative approach to public visual and physical access to the shoreline.

(5) Regulations – Water-oriented Use/Development.

(a) Water-oriented commercial use and development shall be allowed when the proponent

demonstrates that it will not result in a net loss of shoreline ecological functions or processes, or have significant adverse impact on other shoreline uses, resources and/or values such as navigation, recreation and public access.

(b) A use or development shall not be considered water-dependent, water-related or water-enjoyment until the county determines that the proposed design, layout and operation of the use/development meet the definition and intent of the water-dependent, water-related or water-enjoyment designation.

(c) Where existing water-oriented commercial uses are located in shoreline jurisdiction, any undeveloped and substantially unaltered portion of the waterfront not devoted to water-dependent use shall be maintained for future water-related use.

(6) Regulations – Non-Water-Oriented Use/Development.

(a) Non-water-oriented commercial uses are prohibited on the shoreline unless they meet the following criteria:

(i) The use is part of a mixed-use project that includes water-dependent uses and provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration; or

(ii) Navigability is severely limited at the proposed site and the commercial use provides a significant public benefit with respect to the Shoreline Management Act's objectives such as providing public access and ecological restoration.

(b) When permitted pursuant to subsection (5)(a) of this section, non-water-oriented uses shall provide public access and/or restore shoreline ecological functions as follows:

(i) When part of a mixed-use development, 80 percent of the shoreline buffer area shall be restored to provide shoreline ecological functions and processes that approximate the functions provided by the site in undisturbed or nondegraded conditions.

(ii) When not part of a mixed-use development, the county shall determine the type and extent of public access and restoration on a case-by-case basis according to the opportunities and constraints provided by the site.

(c) The county may waive the requirement to provide public access and/or restoration when:

(i) The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or

(ii) The county finds that the size of the parcel and/or the presence of adjacent uses

preclude restoration of shoreline ecological functions. In such cases, where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the policies and regulations of this program.

(d) Where restoration is provided pursuant to this section, buffers protecting the restored area shall be sized and designed as appropriate to protect shoreline resources based on a specific restoration plan. The buffer width may differ from the shoreline buffers required in JCC [18.25.270](#) so as not to encumber adjacent properties, unduly constrain the development site, or create a disincentive for restoration.

(e) Existing non-water-dependent and non-water-related commercial use or development on shorelines that conform to this program may be permitted to expand landward, but not waterward of existing structures, provided the expansion otherwise conforms to this program. [Ord. 7-13 Exh. A (Art. VIII § 3)]

#### **18.25.460 Forest practices.**

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##### (1) Policies.

(a) To be consistent with WAC 173-26-241(3)(e), the county should rely on the Forest Practices Act (Chapter 76.09 RCW), its implementing rules, and the 1999 Forest and Fish Report as adequate management of commercial forest uses within shoreline jurisdiction, except for forest conversion activities.

(b) Forest lands should be reserved for long-term forest management and other such uses that are compatible with forest management.

(c) Forest practices should maintain natural surface and ground water movement patterns and protect the quality of surface and ground water.

(d) Forest practices should minimize damage to fish and wildlife species and terrestrial, wetland, and aquatic habitats.

(e) Forest practices should aim to maintain or improve the quality of soils and minimize erosion.

(f) Where slopes are steep or soils are subject to sliding, erosion or high water table, special practices should be employed to minimize damage to shoreland and water bodies, and adjacent properties.

(g) Forest practices should be conducted in a manner that minimizes adverse effects on the aesthetic qualities of shorelines.

(h) Proper road and bridge design, location, and construction and maintenance practices should

be used to prevent adversely affecting shoreline resources.

(2) Uses and Activities Prohibited Outright. Forest practices below ordinary high water mark on all shorelines are prohibited.

(3) Shoreline Environment Regulations.

(a) Priority Aquatic. Forest practices are prohibited.

(b) Aquatic. Forest practices are prohibited.

(c) Natural. Forest practices may be allowed with conditional use approval, subject to the policies and regulations of this program.

(d) Conservancy. Forest practices may be allowed subject to the policies and regulations of this program.

(e) Shoreline Residential. Forest practices may be allowed subject to the policies and regulations of this program.

(f) High Intensity. Forest practices may be allowed subject to the policies and regulations of this program.

(4) Regulations.

(a) Timber harvesting and forest practices activities that do not meet the definition of development in Article II of this chapter shall be conducted in accordance with the Washington State Forest Practices Act (Chapter 76.09 RCW), WAC Title 222, and the 1999 Forest and Fish Report, and any regulations adopted pursuant thereto.

(b) Except as provided in subsections (4)(c) and (d) of this section, timber harvesting and forest practices activities that do not meet the definition of development in Article II of this chapter shall not be regulated by this program and shall not require a shoreline permit.

(c) Selective commercial timber cutting on shorelines of statewide significance shall not exceed 30 percent of the merchantable trees in any 10-year period as required by RCW 90.58.150. The county may allow exceptions to the 30 percent limit with a conditional use permit in accordance with WAC 173-26-241(3)(e).

(d) Forest practices roads on slopes that exceed 35 percent shall require a conditional use permit.

(e) Other activities associated with timber harvesting, such as filling, excavation, and building roads and structures, that meet the definition of development shall be regulated according to the

general provisions (Article VI of this chapter), shoreline modification provisions (Article VII of this chapter) and/or the other applicable use-specific provisions (this article) of this program and shall require a shoreline substantial development permit or conditional use permit as specified in this program.

(f) Conversion of forest land to nonforestry uses (Class IV Conversion Forest Practices Permit) shall be reviewed in accordance with the provisions for the proposed nonforestry use and the general provisions in Article VI of this chapter and shall be subject to any permit requirements associated with the nonforestry use. [Ord. 7-13 Exh. A (Art. VIII § 4)]

#### **18.25.470 Industrial and port development.**

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(1) Policies.

(a) In securing shoreline locations for industrial or port development, preference should be given first to water-dependent industrial or port development, then to water-related industrial or port development.

(b) Restoration of impaired shoreline ecological functions and processes should be encouraged as part of industrial and port development.

(c) Industrial and port development should be visually compatible with adjacent noncommercial properties.

(d) Industrial and port uses located in shoreline jurisdiction should provide public access in accordance with JCC [18.25.290](#) (Public access).

(e) Shorelines suitable for deep-water harbors with access to adequate rail, highway and utility systems should be reserved for water-dependent or water-related industrial and port development.

(f) Port facilities should be designed to allow the public to view harbor areas and should provide public facilities that do not interfere with port operations or endanger public health and safety.

(g) Where feasible, transportation and utility corridors serving industrial and port uses should be located away from the water's edge to minimize ecological impacts and to reduce the need for waterfront signs and other infrastructure.

(h) Industrial or port development at deep-water sites should be limited to those uses that produce long-term economic benefit and minimize environmental impact.

(i) Industrial and port development should be protected from encroachment or interference by incompatible uses such as residential or commercial uses, which have less stringent siting

requirements.

(j) Private and public entities should be encouraged to cooperatively use piers, cargo handling, storage, parking and other accessory facilities in waterfront industrial/port areas.

(k) Log storage is not a desired use of the county's shoreline and should be allowed only when adequate measures are taken to minimize adverse impacts. Upland log storage is preferred over in-water storage.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Industrial/port use and development are prohibited.

(b) Aquatic. Water-dependent and water-related industrial/port use and development may be allowed as a conditional use, subject to the use and development regulations of the abutting upland shoreline environment designation. Uses and developments that are not water-dependent or water-related are prohibited.

(c) Natural. Industrial/port use and development are prohibited.

(d) Conservancy. Only low intensity water-dependent and water-related industrial/port use and development may be allowed as a conditional use, subject to policies and regulations of this program. Uses and developments that are not water-dependent or water-related are prohibited, except that industrial/port use and development that meet the criteria in subsection (5)(a) of this section may be allowed as a conditional use.

(e) Shoreline Residential. Only low intensity water-dependent and water-related industrial/port use and development may be allowed subject to policies and regulations of this program. Uses and developments that are not water-dependent or water-related are prohibited, except that industrial/port use and development that meet the criteria in subsection (5)(a) of this section may be allowed as a conditional use.

(f) High Intensity. Water-dependent and water-related industrial/port use and development may be allowed subject to policies and regulations of this program. Uses and developments that are not water-dependent or water-related may be allowed as a conditional use.

(3) Regulations – General.

(a) Where industrial and port use/development is allowed, it shall be located, designed, and constructed in a manner that minimizes adverse impacts to shoreline resources and shall include mitigation to ensure no net loss of shoreline ecological functions and processes.

(b) Accessory development that does not require a location at or near the water's edge shall be

located upland of the water-dependent portions of the development and outside the shoreline buffer.

(c) Industrial noise caused by volume, frequency, or rhythm shall be muffled or otherwise controlled. Tsunami, air raid and other public safety warning sirens are exempt from this requirement. No vibration shall be permitted that is discernible without instruments on any adjoining non-industrial/port property. The county may require an acoustical study, vibration assessment, and mitigation as needed to address potential noise or vibration impacts.

(d) Industrial and port facilities shall minimize direct or reflected glare and noxious odors discernible without instruments from adjacent properties, streets, or water areas, and must comply with Olympic Region Clean Air Agency (ORCAA) standards.

(e) Docks, piers, pilings and launching facilities accessory to industrial and port development may be permitted; provided, that they serve a water-dependent or water-related use, and comply with JCC [18.25.350](#) (boating facilities).

(f) Storage or disposal of industrial and port wastes shall be prohibited within shoreline jurisdiction.

(g) Non-water-dependent industrial/port uses may be permitted to occur at facilities previously approved for water-dependent uses under the following conditions:

(i) A specific occupancy plan has been approved that allows interim uses for a specific period while the market for water-dependent uses is being developed and the proposed interim use is consistent with the occupancy plan.

(ii) The period of interim lease or commitment of the space shall not exceed five years. At the end of five years, a new application for interim use shall be submitted.

(iii) The proponent/applicant has made a good faith effort to obtain water-dependent uses. The period of the search for water-dependent uses, the notice of availability, listing or advertising employed, and any inquiries received shall be documented.

(iv) No permanent improvements will be made to the space that require more than five years of occupancy to repay the investment. No permanent improvements will be made that will reduce the suitability of the space for water-dependent use.

#### (4) Regulations – Water-oriented Use/Development.

(a) Water-oriented industrial/port use and development shall be allowed when the proponent/applicant demonstrates that it will not cause a net loss of shoreline ecological functions or processes or have significant adverse impact on other shoreline uses, resources

and/or values such as navigation, recreation and public access.

(b) A use or development shall not be considered water-dependent, water-related or water-enjoyment until the county determines that the proposed design, layout and operation of the use/development meet the definition and intent of the water-dependent, water-related or water-enjoyment designation.

(c) Where existing water-oriented industrial/port uses are located in shoreline jurisdiction, any undeveloped and substantially unaltered portion of the waterfront not devoted to water-dependent use shall be maintained for future water-related use.

(d) Water-dependent industry and port facilities shall be located and designed to minimize the need for initial or recurrent dredging, filling or other harbor and channel maintenance activities.

(5) Regulations – Non-water-oriented Use/Development.

(a) Non-water-oriented industrial/port uses are prohibited in shoreline jurisdiction unless they meet the following criteria:

(i) The site is physically separated from the shoreline by another property or public right-of-way; or

(ii) The use is part of a mixed-use project that includes an associated water-dependent use; or

(iii) Navigability is severely limited at the proposed site; or

(iv) The industrial/port use provides a significant public benefit in the form of public access and/or ecological restoration.

(b) When permitted pursuant to subsection (5)(a) of this section, non-water-oriented uses shall provide public access and/or restore shoreline ecological functions. The county shall determine the type and extent of public access and restoration on a case-by-case basis according to the opportunities and constraints provided by the site.

(c) The county may waive the requirement to provide public access and/or restoration when:

(i) The site is designated as a public access area by a shoreline public access plan, in which case public access consistent with that plan element shall be provided; or

(ii) The county finds that the size of the parcel and/or the presence of adjacent uses preclude restoration of shoreline ecological functions. In such cases, where on-site restoration is infeasible, equivalent off-site restoration shall be provided consistent with the

policies and regulations of this program.

(d) Where restoration is provided pursuant to this section, buffers on the restored area shall be designed as appropriate to protect shoreline resources based on a specific restoration plan. The buffer width may differ from the shoreline buffers required in JCC [18.25.270](#) so as not to encumber adjacent properties or unduly constrain the development site.

(e) Existing non-water-dependent and non-water-related industrial/port development on shorelines that conforms to this program may be permitted to expand landward, but not waterward of existing structures provided the expansion otherwise conforms to this program.

(6) Regulations – Log Storage.

(a) In-water storage or rafting of logs is prohibited unless all of the following conditions are met:

(i) There is no feasible upland location; and

(ii) State water quality standards can be met at all times; and

(iii) The storage does not create an impediment to navigation or interfere with other water-dependent uses; and

(iv) The storage occurs in deep water beyond the photic zone to reduce shading impacts; and

(v) Overland transportation of logs would cause unacceptable transportation impacts; and

(vi) Depths are sufficient to prevent grounding; and

(vii) Easy let-down devices are employed for placing logs in the water. Free-fall or dumping of logs into water shall be prohibited.

(b) Dredging to create log storage facilities shall be prohibited.

(c) Log storage facilities shall be located in existing developed areas to the greatest extent feasible. If a new log storage facility is proposed along an undeveloped shoreline, an alternatives analysis shall be required.

(d) Existing in-water log storage facilities in habitats used by federally listed threatened or endangered species shall be reevaluated if use is discontinued for two years or more or if substantial repair or reconstruction is required.

(e) Offshore log storage shall only be allowed on a temporary basis, and should be located where natural tidal or current flushing and water circulation are adequate to disperse potential

contaminants/pollutants.

(f) Appropriate bark and wood debris control, collection and disposal methods shall be employed at log storage areas, log dumps, raft building areas and mill-side handling zones to prevent wood debris from entering the water.

(g) Where water depths will permit the floating of bundled logs, they shall be secured in bundles on land before being placed in the water. Bundles shall not be broken again except on land or at mill-side.

(7) Regulations – Ship Building and Repair Yard Regulations.

(a) Ship and boat building and repair yards shall employ best management practices to control, collect and treat surface runoff to protect the quality of affected waters in accordance with Chapter 90.48 RCW.

(b) Cleaning, surfacing or resurfacing operations occurring over water that may result in the entry of debris into water shall employ fully intact tarps temporarily affixed to the hull above the water line. Prior to removing the tarps, the accumulated contents shall be removed and properly disposed of.

(c) Impervious pavement is required for ship building and repair yards where the wet season water table is less than four feet below surface level.

(8) Regulations – Application Requirements. The county shall require proponents of all industrial use and development to provide the following information at the time of permit application:

(a) Site plans showing the boundaries of the property and any existing structures, indication of existing vegetation and topography, locations of adjacent structures, roads or other infrastructure, and the ordinary high water mark and/or floodway boundary. For comparison, proposed structures and uses shall be overlaid on a site plan of existing conditions; and

(b) A description of the specific nature and character of the industrial activity (e.g., water-dependent or water-related), including a description of the specific components of the proposal; and

(c) A description of the reason for needing a shoreline location; and

(d) Any proposed measures to enhance the relationship of the activity to the shoreline; and

(e) A description of the proposed provisions for providing public visual and physical access to the shoreline; and

- (f) A description of potential noise impacts including an acoustical analysis; and
- (g) A description of mitigation measures including screening, fencing, and other measures to ensure that the development will not cause significant adverse environmental impacts. [Ord. 7-13 Exh. A (Art. VIII § 5)]

#### **18.25.480 Mining.**

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##### (1) Policies.

- (a) Mining, as defined in Article II of this chapter, should be located and conducted so as to provide long-term protection of water quality, fish and wildlife species and habitat, to cause the least amount of disruption to the natural shoreline character, resources and ecology, and to avoid net loss of ecological functions in accordance with this program and other applicable laws.
- (b) Mining should not be located and conducted where unavoidable adverse impacts to other uses or resources equal or outweigh the benefits from mining.
- (c) Mining should not interfere with public access or recreation on the shoreline.
- (d) Mining should only be permitted when the proponent provides appropriate studies and detailed operation plans demonstrating all of the following:
  - (i) Fish habitat, upland habitat and water quality will not be adversely affected;
  - (ii) The operation will not adversely affect geo-hydraulic processes, channel alignment, nor increase bank erosion or flood damages;
  - (iii) The operation will provide all feasible measures to protect aquatic resources and anadromous fisheries from pollution related to mining including, but not limited to, sedimentation and siltation; chemical and petrochemical use and spillage, and storage or disposal of wastes and spoils.
- (e) Mining operations should be located, designed, and managed so that adjoining properties do not experience adverse impacts from noise, dust or other effects of the operation. The mine operator should be required to implement mitigation measures to minimize adverse proximity impacts.
- (f) Mining proposals that result in the creation, restoration, or enhancement of habitat for priority species are preferred over proposals that do not create or improve priority habitat.

- (2) Uses and Activities Prohibited Outright. Commercial and industrial extraction and processing of quarry rock, sand, gravel, cobbles or other minerals along any marine or freshwater lake shoreline, or waterward of the ordinary high water mark on any stream/river shoreline, are prohibited.

(3) Shoreline Environment Regulations.

- (a) Priority Aquatic. Mining use and development are prohibited.
- (b) Aquatic. Mining use and development are prohibited.
- (c) Natural. Mining use and development are prohibited, except for transportation of minerals by road.
- (d) Conservancy. Mining use and development are prohibited, except for transportation of minerals by road.
- (e) Shoreline Residential. Mining use and development are prohibited, except for transportation of minerals by road.
- (f) High Intensity. Mining use and development may be allowed as a conditional use (CUP).

(4) Regulations.

- (a) All mining activities shall be conducted to ensure compliance with the Washington State Surface Mining Act (Chapter 78.44 RCW), with JCC 18.20.240, 18.30.070, and 18.40.073, and with the no net loss provisions of this program.
- (b) As defined in Article II of this chapter, the regulations contained in this section shall apply to all mining operations, including the extraction, primary processing and transport of naturally occurring materials. For the purposes of this section, primary processing shall be construed to include screening, crushing, and stockpiling of materials removed from the site where the processing activity is located. Transport of minerals shall include conveyor systems and barge terminals that are specifically dedicated to transport of mined materials from the site to the marketplace.
- (c) No material (such as mining overburden, debris and tailings) or equipment shall be placed in water bodies, critical areas, or floodways and shall be stored so as to prevent erosion or seepage to surface and ground waters.
- (d) To minimize noise, dust, vibration, glare and other adverse impacts, a buffer of at least 100 feet wide shall be maintained between any mining site, including accessory facilities, and adjacent properties not used for mining operations. The buffer shall consist of undisturbed soils and native vegetation and shall only include land owned or leased by the mine operator.
- (e) The proposed subsequent use of reclaimed mined property shall be consistent with the provisions of the environment designation in which the property is located and that reclamation

of disturbed shoreline areas shall provide appropriate ecological processes and functions consistent with the setting. Approved reclamation programs shall be initiated within 60 days following the completion of the mineral extraction operations, in consultation with Washington Department of Natural Resources.

(f) Equipment or apparatus associated with mining operations such as machinery, machine parts, filters, grease and oil containers and rope shall be removed in a timely manner to an appropriate upland location. Proposals for mineral extraction and processing shall be accompanied by a report prepared by a licensed professional geotechnical engineer that includes a description of all of the following:

- (i) Types of materials present on the site;
- (ii) Quantity and quality of each material;
- (iii) Lateral extent and depth of mineral deposits;
- (iv) Depth of overburden and proposed depth of mining;
- (v) Cross section diagrams indicating present and proposed elevations and/or extraction levels;
- (vi) Existing drainage patterns, seasonal or continuous, and proposed alterations to drainage patterns;
- (vii) Proposed means of controlling surface runoff and preventing or minimizing erosion and sedimentation;
- (viii) The location and sensitivity of any affected flood hazard areas;
- (ix) The overall mineral extraction and processing plan, including scheduling, seasonal changes in activity levels, and daily operation schedules;
- (x) Proposed screening, buffering or fencing plans consistent with the requirements of this program;
- (xi) Anticipated impacts to aquatic and riparian habitat; measures to mitigate or offset adverse impacts; and
- (xii) A proposed reclamation plan that, at a minimum, meets the requirements of Chapter 78.44 RCW. [Ord. 7-13 Exh. A (Art. VIII § 6)]

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**18.25.490 Recreation.**

(1) Policies.

(a) Public recreation on public lands is a preferred use of the shoreline. Recreational uses and developments that facilitate the public's ability to reach, touch, and enjoy the water's edge, to travel on the waters of the state, and to view the water and the shoreline are preferred. Where appropriate, such facilities should be dispersed along the shoreline in a manner that supports more frequent recreational access and aesthetic enjoyment of the shoreline for a substantial number of people.

(b) Jefferson County should develop a comprehensive shoreline public access plan in collaboration with federal, state, and local organizations whose missions include facilitating public access and recreation opportunities.

(c) Recreational use and development should facilitate appropriate use of shoreline resources while also conserving them.

(d) Linkages between shoreline parks, recreation areas and public access points with linear systems (e.g., water trails, hiking paths, bicycle paths, easements and/or scenic drives) should be provided where feasible.

(e) Recreation facilities should incorporate adequate orientation information and public education regarding shoreline ecological functions and processes, the effect of human actions on the environment and the importance of public involvement in shoreline management. Opportunities to incorporate educational and interpretive information should be pursued in design and operation of recreation facilities and other amenities such as nature trails.

(f) Recreational use and development should be supported by adequate utility and road facilities, or located where such facilities may be provided without significant damage to shore features commensurate with the number and concentration of anticipated users.

(g) The county should encourage the use of street ends and publicly owned lands for shoreline public access to and development of recreational opportunities.

(h) Recreation use and development should be located and designed in a manner that is compatible with the surrounding properties.

(i) Recreational developments are encouraged to use low impact development techniques including but not limited to pervious pavements, to minimize effects associated with stormwater runoff.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Water-oriented recreational use and development is allowed subject to the

regulations of the abutting upland shoreline environment designation. Underwater parks may be allowed as a conditional use. Non-water-oriented recreation is prohibited.

(b) Aquatic. Water-oriented recreational use and development is allowed subject to the regulations of the abutting upland shoreline environment designation. Underwater parks may be allowed as a conditional use. Non-water-oriented recreation is prohibited.

(c) Natural. Non-water-oriented recreation is prohibited. Low-intensity water-oriented recreational use and development may be allowed subject to policies and regulations of this program and the following criteria:

(i) Essential minor structures such as trails, stairs, small picnic areas, primitive roads, viewpoints, restrooms or other appropriate sanitary facilities, interpretive facilities, or development that will not adversely affect shoreline ecological functions and processes are permitted, subject to policies and regulations of this master program.

(ii) Any necessary landscaping shall use native vegetation.

(iii) Recreational development requiring extensive structures or substantial alterations to topography or native vegetation is prohibited.

(d) Conservancy. Non-water-oriented recreation is prohibited. Low-intensity water-oriented recreational use and development is allowed subject to policies and regulations of this program and the following criteria:

(i) Structures on sites of one acre or less shall not result in more than five percent building coverage, and total impervious surface shall not exceed 10 percent.

(ii) Structures on sites greater than one acre will not result in more than 10 percent building coverage, and total impervious surface will not exceed 20 percent.

(iii) Alteration of topography shall be limited to the minimum necessary to accommodate allowed use and development.

(iv) Recreational use and development will not result in visitor patterns that degrade shoreline ecological functions.

(e) Shoreline Residential. Water-oriented recreational use and development is allowed subject to the policies and regulations of this master program. Non-water-oriented recreation may be allowed as a conditional use.

(f) High Intensity. Water-oriented recreational use and development is allowed subject to the policies and regulations of this master program. Non-water-oriented recreation is prohibited.

(3) Regulations.

- (a) Water-oriented recreational use/development is a preferred use of the shoreline and shall be allowed when the proponent demonstrates that it will not result in a net loss of shoreline ecological functions or processes or have significant adverse impact on other shoreline uses, resources and/or values such as navigation and public access.
- (b) Recreation areas or facilities on the shoreline shall provide physical or visual public access consistent with JCC [18.25.290](#) (Public access).
- (c) Underwater parks may be permitted when properly sited and associated with adequate access, restroom facilities and parking. Underwater parks should be located adjacent to existing parks where feasible.
- (d) Non-water-oriented recreational facilities with playing fields or with extensive impervious surfaces are not preferred, and if permitted shall incorporate best management practices (BMPs) to prevent erosion, control the amount of runoff and prevent harmful concentrations of chemicals and sediment from entering water bodies.
- (e) New recreational use/development shall be located landward of the shoreline buffers required by this program except that components of the recreational use or development that are water-dependent or water-related may be allowed within the shoreline buffer.
- (f) Signs indicating the public's right to access shoreline areas shall be installed and maintained in conspicuous locations at recreational facility points of access and entrances.
- (g) When a public recreation site abuts private property/tidelands, signs and other similar markers shall also indicate geographic limits of public access to minimize conflicts with adjacent use/development.
- (h) Where appropriate, recreational development proposals shall include provisions for nonmotorized access to the shoreline (e.g., pedestrian, water access and bicycle paths).
- (i) Proposals for recreational use and development that involve any clearing, grading or impervious surface shall include a landscape plan that uses species approved by the county. Native, self-sustaining vegetation shall be used as often as possible. The removal of on-site native vegetation shall be limited to the minimum necessary for the development of campsites, selected viewpoints or other permitted structures or facilities and shall be subject to JCC [18.25.310](#) (Vegetation conservation).
- (j) Proposals for recreational development shall include adequate facilities for water supply, sewage and garbage disposal, and recycling commensurate with the intensity of the proposed

use. Remotely located sites shall encourage visitors to implement best management practices (BMPs) such as the tread lightly and leave no trace principles of low impact recreation.

(k) Recreational use and development shall incorporate appropriate mitigation to minimize light and noise impacts on adjoining land uses. Such measures shall include, but not be limited to, fencing, screening, and related measures. [Ord. 7-13 Exh. A (Art. VIII § 7)]

#### **18.25.500 Residential.**

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(1) Policies.

(a) Residential use is not water-dependent but is a preferred use of the shorelines when such development is planned and carried out in a manner that protects shoreline functions and processes to be consistent with the no net loss provisions of this program.

(b) All residential use and development should be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality and quantity, aesthetics, navigation, and neighboring uses.

(c) All residential use and development should be properly managed to avoid damage to the shoreline environment and prevent cumulative impacts associated with shoreline armoring, overwater structures, stormwater runoff, septic systems, introduction of pollutants, and vegetation clearing.

(d) New residential development should be limited to densities that are consistent with the Jefferson County Comprehensive Plan goals and policies, zoning restrictions, and this program. The density per acre of development should be appropriate to local natural and cultural features.

(e) Low impact development practices and clustering of dwelling units and accessory structures should be implemented as appropriate to preserve natural features, minimize physical impacts and reduce utility and road construction and maintenance costs.

(f) New residential development should be planned and built in a manner that avoids the need for structural shore armoring and flood hazard reduction in accordance with JCC [18.25.380](#) (Flood control structures) and [18.25.410](#) (shoreline stabilization) of this program and other applicable plans and laws.

(g) Residential development should be designed to:

(i) Maintain or improve ecological functions and processes; and

(ii) Preserve and enhance native shoreline vegetation; and

(iii) Control erosion; and

- (iv) Protect water quality; and
- (v) Preserve shoreline aesthetic characteristics; and
- (vi) Minimize structural obstructions to public views and normal public use of the shoreline and the water.

(h) Creation of new residential lots through land division should be designed, configured and developed to ensure that no net loss of ecological functions and processes occurs from the plat or subdivision, even when all lots are fully built-out.

(i) Residential developments are encouraged, but not required, to provide public access to the shoreline. New multi-unit residential development, including subdivision of land into more than four parcels, is strongly encouraged to provide public access/open space area equal to at least 30 percent of the total development/subdivision area for use by development residents and the public.

(j) Whenever possible, nonregulatory methods to protect, enhance, and restore shoreline ecological functions should be encouraged for residential development.

(2) Uses and Activities Prohibited Outright.

(a) In-water, overwater or floating residences or accessory dwelling units, including structures located in or on marshes, bogs, swamps, lagoons, tidelands, ecologically sensitive areas or open water areas, are prohibited.

(b) Residential development that can be reasonably expected to require structural shore armoring during the useful life of the structure or within 100 years, whichever is greater, is prohibited.

(c) Residential development within a channel migration zone or floodway that can be reasonably expected to require structural flood protection during the useful life of the structure or within 100 years, whichever is greater, is prohibited.

(d) Land division and boundary line adjustments in shoreline jurisdiction are prohibited when such actions will result in lot configurations that are likely to require:

- (i) Significant vegetation removal;
- (ii) Structural shore armoring;
- (iii) Shoreline modification for erosion control;

(iv) Flood hazard protection; or

(v) Result in a net loss of shoreline ecological functions and processes at the time of development of the subdivision and/or during the useful life of the development or within 100 years, whichever is greater.

(3) Shoreline Environment Regulations.

(a) Priority Aquatic. Residential development is prohibited.

(b) Aquatic. Residential development is prohibited.

(c) Natural. Residential development consisting of one single-family residence per existing legal lot of record may be allowed as a conditional use. Accessory dwelling units shall be prohibited.

(d) Conservancy. Single-family and duplex development may be allowed subject to policies and regulations of this program. All other residential development may be allowed as a conditional use.

(e) Shoreline Residential. Residential development is allowed subject to the policies and regulations of this master program.

(f) High Intensity. Residential development is allowed subject to the policies and regulations of this master program.

(4) Regulations – Primary Residences and Property Subdivision.

(a) Residential use and development shall be planned, designed, located, and operated to avoid adverse impacts on shoreline processes, aquatic habitat, biological functions, water quality, aesthetics, navigation, and neighboring uses.

(b) The buffer requirements in Article VI of this program apply to residences, normal appurtenances, and accessory dwelling units, except that docks, floats, and beach access structures and other water-dependent and water-related structures accessory to residential use may be permitted to encroach into the buffer in accordance with the applicable provisions of this program. Accessory structures must be sited and designed to not require shoreline armoring within 100 years.

(c) Cluster development and appropriate low impact development practices shall be required for development sites constrained by critical areas and/or shoreline buffers.

(d) When zoning regulations allow, proposals for multi-story residential development greater than 35 feet above average grade must include an analysis of how the structure would impact the

views of surrounding residents. If the proposed residence would block or significantly compromise the view of a substantial number of residences on adjoining areas, the county shall limit the height to 35 feet, or require design revisions or relocation to prevent the loss of views to neighboring properties.

(e) New multi-unit residential development, including subdivision of land into more than four parcels, shall provide public access/open space for use by development residents and the public. The county may alter the recommended area threshold per constitutional limits or waive this requirement if public access is infeasible due to incompatible uses, safety, impacts to shoreline ecology or legal limitations. The county may require alternatives to on-site physical access if on-site physical access is infeasible for the reasons noted.

(f) As per Article VI of this chapter, new or expanded subdivisions and planned unit developments comprised of four or more lots or units shall provide public access to publicly owned shorelines or public water bodies unless:

(i) The site is designated in a shoreline public access plan for a greater component of public access; or

(ii) The public access is demonstrated to be infeasible or inappropriate.

(g) New or amended subdivisions, except those for lot line adjustment and lot consolidation purposes, shall provide public access as required in Article VI of this chapter.

(h) When required for multi-lot/multi-unit residential development, the amount of public access/open space area shall be determined by site analysis per constitutional limits. The county may waive this requirement if public access is infeasible due to incompatible uses, risks to health or safety, impacts to shoreline ecology or legal limitations. In such cases, the county may require alternatives to on-site physical access if on-site physical access is infeasible for the reasons noted.

(i) The type and configuration of public access required for multi-unit/multi-lot residential development shall depend on the proposed use(s) and the following criteria:

(i) Subdivisions within shoreline jurisdiction that have views of water areas shall at a minimum provide an area from which the public can view the shoreline.

(ii) Subdivisions adjacent to public waterways or tidelands shall provide physical access to public waters/tidelands that are accessible at low tide or low water.

(5) Regulations – Accessory Structures/Uses.

(a) Accessory dwelling units may be permitted when the primary residential use is allowed

pursuant to, and only when, other provisions of this program are met.

(b) Accessory structures and uses such as boating facilities, pedestrian beach access structures, shore armoring and shore stabilization shall be subject to the applicable provisions of Article VII of this chapter.

(c) A single water-dependent boathouse, as defined in Article II of this chapter, accessory to single-family residential development may be allowed with a conditional use permit and in accordance with JCC [18.25.270](#)(5)(d)(iii) and other provisions of this program.

(d) A shoreline substantial development permit or conditional use permit shall be required for all accessory development that is not considered a normal appurtenance. [Ord. 7-13 Exh. A (Art. VIII § 8)]

#### **18.25.510 Signs.**

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##### (1) Policies.

(a) Signs should be located, designed and maintained to be visually compatible with local shoreline scenery as seen from both land and water, especially on shorelines of statewide significance.

(b) Sign location and design should not significantly impair shoreline views.

(c) To avoid continued proliferation of single purpose signs, communities, districts, and/or multi-use or multi-tenant commercial developments are encouraged to erect single, common use gateway signs to identify and give directions to local premises and public facilities.

(d) Signs of a commercial or industrial nature should be limited to those areas or premises to which the sign messages refer.

(e) Off-premises signs (including billboards) should not be located on shorelines except for approved community gateway or directional signs.

(f) Signs near scenic vistas and viewpoints should be restricted in number, location, and height so that enjoyment of these areas is not impaired.

(g) Freestanding signs should be located to avoid blocking scenic views and be located on the landward side of public transportation routes which generally parallel the shoreline.

(h) To minimize negative visual impacts and obstructions to shoreline access and use, low profile, on-premises wall signs are strongly preferred over freestanding signs or off-premises wall signs.

(i) Signs should be designed mainly to identify the premises and nature of enterprise without unduly distracting uninterested passersby.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic. Only wall signs and low profile freestanding signs under 30 inches in height for water-dependent uses may be allowed subject to the use and development regulations of the abutting upland shoreline environment designation. No one premises may maintain more than two signs in a priority aquatic shoreline area.

(b) Aquatic. Only wall signs and low profile freestanding signs under 30 inches in height for water-dependent uses may be allowed subject to the use and development regulations of the abutting upland shoreline environment designation. No one premises may maintain more than two signs in an aquatic shoreline area.

(c) Natural. Sign development is prohibited, except for trail marking, hazard warnings, or interpretive scientific or educational purposes and personal signs. Such allowed signs shall be limited in size and number to those required to effect their purpose.

(d) Conservancy. Signs may be permitted subject to the policies and regulations of this master program.

(e) Shoreline Residential. Signs may be allowed subject to the policies and regulations of this master program.

(f) High Intensity. Signs may be allowed subject to the policies and regulations of this master program.

(3) Regulations.

(a) Signs shall comply with JCC 18.30.150 and exemptions listed there also apply in this program.

(b) Plans and designs for non-exempt signs must be submitted for review at the time of shoreline permit application.

(c) All signs shall be located and designed to minimize interference with vistas, viewpoints, and visual access to the shoreline.

(d) Overwater signs or signs on floats or pilings shall be prohibited, except when related to navigation or a water-dependent use.

(e) Illuminated signs shall be hooded, shaded, or directed so as to eliminate glare when viewed

from surrounding properties or watercourses.

(f) No signs shall be placed in view corridors required as a condition of permit approval under this master program.

(g) The following types of signs may be permitted, subject to the provisions contained within this section:

(i) Water navigational signs and highway and railroad signs necessary for operation, safety and direction;

(ii) Public information/interpretive signs directly relating to a shoreline resource, use or activity;

(iii) Off-premises, free signs for community identification, information, or directional purposes;

(iv) Signs with changing messages; provided, that the information displayed is limited to time, temperature or date or public noncommercial messages;

(v) National, state or institutional flags or temporary decorations customary for special holidays and similar events of a public nature; and

(vi) Temporary directional signs to public or quasi-public events if removed within 10 days following the event.

(h) The following types of signs are prohibited:

(i) Signs that impair visual access through view corridors;

(ii) Off-premises, detached outdoor advertising signs;

(iii) Signs that incorporate spinners, streamers, pennants, flashing or blinking lights and moving devices, except for public highway and railroad signs;

(iv) Signs placed on trees or other natural features; and

(v) Commercial signs for products, services or facilities located off site. [Ord. 7-13 Exh. A (Art. VIII § 9)]

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#### **18.25.520 Transportation.**

(1) Policies.

(a) Major new roads, railroads and parking areas should be located outside of the shoreline

jurisdiction whenever feasible.

(b) Maintenance and repair of existing roads in shoreline jurisdiction shall use all reasonable methods to minimize adverse impacts on nearby shorelines.

(c) Road and railroad locations should be planned to fit the topographical characteristics of the shoreline to minimize alterations to natural shoreline conditions.

(d) New transportation facilities should be designed and located to minimize the need for the following:

- (i) Structural shoreline protection measures;
- (ii) Modifications to natural drainage systems; and
- (iii) Waterway crossings.

(e) Planning for transportation and circulation corridors shall consider location of public access facilities, and be designed to promote safe and convenient access to those facilities.

(f) Pedestrian trails and bicycle paths along shorelines are encouraged where they are compatible with the natural character, resources, and ecology of the shoreline.

(g) When transportation corridors are necessary within shoreline jurisdiction, joint-use corridors are preferred and encouraged for roads, utilities, and motorized forms of transportation/circulation.

(h) Parking in shoreline areas should be limited to that which directly serves a permitted shoreline use.

(i) Parking facilities should be located and designed to minimize adverse environmental impacts to the following, including, but not limited to:

- (i) Stormwater runoff;
- (ii) Water quality;
- (iii) Visual qualities;
- (iv) Public access; and
- (v) Vegetation and habitat.

(j) Parking areas should be planned to achieve optimum use. Where feasible, parking areas should serve more than one use (e.g., recreational use on weekends, commercial use on

weekdays).

(k) Transportation facilities should employ pervious materials and other appropriate low impact development techniques where soils and geologic conditions are suitable and where such measures could measurably reduce stormwater runoff.

(2) Uses and Activities Prohibited Outright.

(a) Parking as a primary use shall be prohibited within shoreline jurisdiction.

(b) Parking is prohibited on structures located in or over water.

(3) Shoreline Environment Regulations.

(a) Priority Aquatic. Transportation facilities that provide access to water-dependent or water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation. New or expanded stream crossings serving non-water-dependent or non-water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.

(b) Aquatic. Transportation facilities that provide access to water-dependent or water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation. New or expanded stream crossings for non-water-dependent or non-water-related uses may be allowed as a conditional use subject to the use and development regulations of the abutting upland shoreline environment designation.

(c) Natural. Transportation facilities are prohibited, except to access approved public recreational development.

(d) Conservancy. Transportation facilities may be allowed subject to policies and regulations of this program. Transportation facilities not serving a specific approved use, including roads, railways, and parking areas, may be allowed as a conditional use, provided there is no feasible location outside of the shoreline.

(e) Shoreline Residential. Transportation facilities may be allowed subject to policies and regulations of this program. Transportation facilities not serving a specific approved use, including roads, railways, and parking areas, may be allowed as a conditional use, provided there is no feasible location outside of the shoreline.

(f) High Intensity. Transportation facilities may be allowed subject to policies and regulations of this program. Transportation facilities not serving a specific approved use, including roads, railways, and parking areas, may be allowed as a conditional use, provided there is no feasible

location outside of the shoreline.

(4) Regulations – Design and Operation.

(a) New transportation facilities in shoreline jurisdiction shall be located to be as far away from shoreline features as possible and shall be designed to generally follow natural topography, to minimize cuts and/or fills, and to avoid adverse impacts to shoreline ecological functions and processes, including channel migration zones (CMZs). Wherever roads or railway embankments cross waterways including remnant stream channels and oxbow bends, crossings of ample cross-section shall be provided to span the feature.

(b) Raised arterial roads or railways shall be built outside the floodway except for necessary crossings. If built in the floodplain, such routes shall be designed to avoid obstructing floodwaters. Any parking areas required along such roads shall be located to prevent or minimize the need for flood control or shoreline armoring. Local access roads in floodplains shall be built so that floodwaters are not obstructed nor diverted.

(c) Transportation facilities shall be designed so that no significant loss of floodway capacity nor measurable increase in predictable flood levels will result. Such facilities shall avoid placing structures within the channel migration zone or any dynamic, shifting channel area.

(d) In instances where water crossing is required, roads shall cross shoreline areas and water bodies by the shortest, most direct route feasible unless such route would cause more damage to the environment.

(e) When an in-water or overwater development or structure is required for construction, operation or maintenance of transportation facilities, it shall meet all provisions of this section and this program.

(f) Bridge supports and abutments shall be designed and spaced so they do not act as walls baffling or blocking flood waters, or interrupting stream channel processes or littoral drift.

(g) Bridges and culverts shall be used in accordance with WDFW guidance to protect shoreline ecological functions and processes. Transportation crossings over ordinary high water in floodways shall be constructed on open piling, support piers, culverts, or other similar measures to preserve hydraulic processes.

(h) Parking facilities shall only be permitted in shoreline jurisdiction to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline.

(i) Transportation facilities shall be constructed of materials that will not adversely affect water

quality or aquatic plants and animals over the long term. Elements within or over water shall be constructed of materials approved by applicable state agencies for use in water for both submerged portions and other components to avoid discharge of pollutants from splash, rain or runoff. Wood or pilings treated with creosote, pentachlorophenol or other similarly toxic materials are prohibited. Preferred materials are concrete and steel.

(j) Transportation development shall be carried out in a manner that maintains or improves state water quality standards for affected waters.

(k) Pervious materials and low impact development techniques shall be used to manage stormwater runoff where feasible and where conditions are appropriate.

(l) Non-emergency construction and repair work shall be scheduled for that time of year when seasonal conditions (weather, streamflow) permit optimum feasible protection of shoreline ecological functions and processes.

(m) Transportation shall be required to make joint use of rights-of-way and to consolidate crossings of water bodies where adverse impact to the shoreline can be minimized by doing so.

(n) Roads and railroads shall be located to minimize the need for routing surface waters into and through culverts.

(5) Regulations – Parking.

(a) Parking shall only be permitted in shoreline jurisdiction when necessary to support an authorized use where it can be demonstrated that there are no feasible alternative locations away from the shoreline. Parking facilities shall be buffered from the water's edge and less intense adjacent land uses by vegetation, undeveloped space, or structures developed for the authorized primary use to the maximum practicable extent.

(b) Parking areas shall be developed using low impact development techniques whenever possible including but not limited to the use of permeable surfacing materials.

(c) Parking facilities shall be designed and located to minimize adverse impacts upon abutting properties. Landscaping shall consist of county-approved vegetation species planted prior to completion of the parking area. Landscape plantings shall be selected, planted and maintained to provide effective screening within three years of project completion and through maturity of the species.

(d) Parking facilities serving individual buildings shall be located landward of the principal building being served, except when the parking facility is located within or beneath the structure and is adequately screened, or in cases when an alternate location would have less

environmental impact on the shoreline.

(e) Parking facilities for shoreline uses shall be designed to provide safe and convenient pedestrian circulation within the parking area and to the shorelines.

(f) Parking facilities shall be provided with facilities adequate to prevent surface water runoff from contaminating water bodies, using best available technologies. A parking facility maintenance program shall be required to assure the proper functioning of drainage facilities over time. [Ord. 7-13 Exh. A (Art. VIII § 10)]

### **18.25.530 Utilities.**

#### **(1) Policies.**

(a) New public or private utilities should be located inland from the land/water interface, preferably outside of the shoreline, unless:

(i) The utility requires a location adjacent to the water; or

(ii) Alternative locations are infeasible; or

(iii) Utilities are required for permitted shoreline uses consistent with this program.

(b) Utilities should be located and designed to avoid public recreation and public access areas and significant historic, archaeological, cultural, scientific or educational resources.

(c) Pipeline and cable development should be designed and sited to avoid crossing aquatic lands. If a water crossing is unavoidable, it should be located in an area that will cause the least adverse ecological impact, be installed using the methods that minimize adverse impacts, and be the shortest length feasible.

(d) Utility facilities of all kinds that would require periodic maintenance activities should avoid shoreline locations to prevent disruption of shoreline ecological functions.

(e) New utilities should use existing transportation and utility sites, rights-of-way and corridors, rather than creating new corridors.

(f) New utility installations should be planned, designed and located to eliminate the need for structural shoreline armoring or flood hazard reduction measures.

(g) Utility facilities and corridors should be planned, designed and located to protect scenic views. Where feasible, conveyance utilities should be placed underground or alongside or under bridges, unless doing so would cause greater ecological impact or harm.

(h) Power generating facilities and other utilities using emerging technologies such as tidal energy generators should be carefully evaluated to ensure that the potential impacts are fully understood. Before approving such facilities, the county should consider whether the benefits to the public outweigh the potential impacts. The county should ensure such facilities are designed and located to protect ecological functions and shoreline resources.

(2) Shoreline Environment Regulations.

(a) Priority Aquatic.

(i) Submarine electrical and communications cables, water lines, sewer lines, fuel pipelines, sewer outfalls, overwater public utility lines consisting of local distribution lines, water intakes, and desalinization facility intakes/outfalls may be allowed as conditional uses subject to policies and regulations of this program and subject to the use and development regulations of the abutting upland shoreline environment designation.

(ii) All other utility development is prohibited.

(b) Aquatic.

(i) Submarine electrical and communications cables, water lines, sewer lines, fuel pipelines, sewer outfalls, overwater public utility lines consisting of local distribution lines, water intakes, and desalinization facility intakes/outfalls may be allowed as conditional uses subject to policies and regulations of this program and subject to the use and development regulations of the abutting upland shoreline environment designation.

(ii) Submarine water and sewer lines, fuel pipelines, and sewer outfalls may be allowed as conditional uses subject to the use and development regulations of the abutting upland shoreline environment designation.

(iii) Tidal generating facilities may be allowed as a conditional use.

(iv) All other utility development is prohibited.

(c) Natural.

(i) Utility development is prohibited.

(ii) Maintenance of existing utilities is allowed; provided, that the operator makes every effort to protect shoreline ecological functions and the natural features therein. Removal of existing utilities is preferred over time.

(iii) Utilities accessory to and serving permitted uses are allowed.

(d) Conservancy. Utility development consisting of local distribution facilities is allowed subject to policies and regulations of this program. The following may be allowed as a conditional use, provided there is no feasible location outside shoreline jurisdiction: sewage outfalls and treatment plants, overwater communication or power lines, fuel pipelines, and other types of hazardous material pipelines, regional facilities, including transmission facilities serving customers outside of Jefferson County, desalinization facilities, and power generating facilities. Freestanding communication towers are prohibited.

(e) Shoreline Residential. Utility development consisting of local distribution facilities is allowed subject to policies and regulations of this program. The following may be allowed as a conditional use, provided there is no feasible location outside shoreline jurisdiction: regional facilities, including transmission facilities serving customers outside of Jefferson County, desalinization facilities, and power generating facilities.

(f) High Intensity. Utility development consisting of local distribution facilities is allowed subject to policies and regulations of this program. The following may be allowed as a conditional use, provided there is no feasible location outside shoreline jurisdiction: regional facilities, including transmission facilities serving customers outside of Jefferson County, desalinization facilities, and power generating facilities.

(3) Regulations – General.

(a) All underwater pipelines transporting liquids intrinsically harmful to aquatic life or potentially injurious to water quality are prohibited, except in situations where no other feasible alternative exists. In those limited instances when permitted, automatic shut-off valves shall be provided on both sides of the water body, and pipe sleeves shall be used to facilitate repair without future encroachment on surface waters and wetlands, unless more feasible or technically superior alternatives exist that provide equivalent protection, as deemed by the administrator.

(b) Utilities that are not water-dependent shall be located outside shoreline buffers unless it is demonstrated that alternative locations and alternative technology are infeasible.

(c) The construction, operation and maintenance of utilities shall not cause a net loss of shoreline ecological functions or processes or adversely impact other shoreline resources and values.

(d) The following information shall be required for all proposals for utility facilities:

(i) A description of the proposed facilities; and

(ii) The rationale and justification for siting the proposed facility within shoreline jurisdiction; and

- (iii) A discussion of alternative locations considered and reasons for their elimination; and
- (iv) A description of the location of other utility facilities in the vicinity of the proposed project and any plans to include facilities or other types of utilities in the project; and
- (v) A plan for the reclamation of areas disturbed both during construction and following decommissioning and/or completion of the useful life of the facility; and
- (vi) A plan for the control of erosion and turbidity during construction and operation; and
- (vii) An analysis of alternative technologies; and
- (viii) Documentation that utilities avoid public recreation areas and significant natural, historic or archaeological or cultural sites or that no alternative is feasible and that all feasible measures to reduce harm have been incorporated into the proposal.
- (ix) When feasible, utility lines shall use existing rights-of-way, corridors and/or bridge crossings and shall avoid duplication and construction of new or parallel corridors in all shoreline areas.

(e) Utility facilities shall be constructed using techniques that minimize the need for shoreline fill. When crossing water bodies, pipelines and other utility facilities shall use pier or open pile construction.

(f) Vegetation clearing during utility installation or maintenance shall be minimized, and disturbed areas shall be restored or enhanced following project completion consistent with the requirements of this program.

(4) Regulations – Water Systems.

(a) Components of water systems that are not water-dependent shall be located away from the shoreline. Private and public intake facilities should be located where there will be no net loss in ecological functions or adverse impacts upon shoreline resources, values, natural features, or other users.

(b) Desalinization facilities shall be located outside of critical areas and landward of shoreline buffers, except for water-dependent components such as water intakes.

(5) Regulations – Essential Public Facilities.

(a) Essential public facilities shall be located, developed, managed, and maintained in a manner that protects shoreline ecological functions and processes.

(b) Essential public facilities shall be designed to enhance shoreline public access and aesthetics.

(c) Essential public facilities shall be located outside of shoreline jurisdiction unless they require a waterfront location or unless there is no feasible alternative.

(6) Regulations – Sewage Systems.

(a) Outfall pipelines and diffusers are water-dependent but shall be located to minimize adverse effects on shoreline ecological functions and processes or adverse impacts upon shoreline resources and values.

(b) Septic tanks and drain fields are prohibited where public sewer is readily available.

(7) Regulations – Solid Waste Facilities.

(a) Facilities for processing and storage and disposal of solid waste are not normally water-dependent. Components that are not water-dependent shall not be permitted on shorelines.

(b) Disposal of solid waste on shorelines or in water bodies has potential for severe adverse effects upon ecological processes and functions, property values, public health, natural resources, and local aesthetic values, and shall not be permitted.

(c) Temporary storage of solid waste in suitable receptacles is permitted as accessory to a permitted primary use or for litter control.

(8) Regulations – Oil, Gas and Natural Gas Transmission.

(a) Oil, gas and natural gas transmission and distribution pipelines and related facilities shall not be located in shoreline areas unless alternatives are demonstrated to be infeasible.

(b) Local natural gas service lines shall not be located in shoreline areas unless serving approved shoreline uses. Crossings of shorelines shall not be approved unless alternatives are demonstrated to be infeasible.

(c) Developers and operators of pipelines and related facilities for gas and oil shall be required to demonstrate adequate provisions for preventing spills or leaks, as well as established procedures for mitigating damages from spills or other malfunctions and shall demonstrate that periodic maintenance will not disrupt shoreline ecological functions.

(9) Regulations – Electrical Energy and Communication Systems.

(a) Systems components (including substations, towers, and transmission and distribution lines) that are not water-dependent shall not be located on shorelines unless alternatives are

infeasible.

(b) Underground placement of lines shall be required for new or replacement lines that are parallel to the shoreline, and do not cross water bodies. New or replacement lines that cross water or critical areas may be required to be placed underground depending on impacts on ecological functions and processes and visual impacts. Poles or supports treated with creosote or other wood preservatives that may be mobile in water shall not be used along shorelines or associated wetlands.

(10) Regulations – Power Generation Facilities. Power generation facilities involving emerging technologies such as tidal energy shall not be permitted until and unless the county determines that the adverse effects can be fully mitigated and the public benefits clearly outweigh the risks to the shoreline environment. [Ord. 7-13 Exh. A (Art. VIII § 11)]

### **Article IX. Permit Criteria and Exemptions**

#### **18.25.540 Substantial development permit criteria.**

To be authorized, all uses and developments shall be planned and carried out in a manner that is consistent with this program and the policy of the Act as required by RCW 90.58.140(1), regardless of whether a shoreline permit, statement of exemption, shoreline variance, or shoreline conditional use permit is required. [Ord. 7-13 Exh. A (Art. IX § 1)]

#### **18.25.550 Exemptions from shoreline substantial development permit process.**

(1) Exemptions shall be construed narrowly. Only those developments that meet the precise terms of one or more of the listed exemptions may be granted exemptions from the substantial development permit process.

(2) An exemption from the substantial development permit process is not an exemption from compliance with the Act or this program, or from any other regulatory requirements. To be authorized, all uses and developments must be consistent with the policies and provisions of this program and the Act.

(3) A use or development or use that is listed as a conditional use pursuant to this program or is an unlisted use or development, must obtain a conditional use permit even if the development or use does not require a substantial development permit.

(4) When a development or use is proposed that does not comply with the bulk, dimensional and/or performance standards of this program, such development or use shall only be authorized by approval of a shoreline variance even if the development or use does not require a substantial development permit.

(5) The burden of proof that a development or use is exempt is on the applicant/proponent of the exempt development action.

(6) If any part of a proposed development is not eligible for exemption, then a substantial development permit is required for the entire proposed development project.

(7) All permits or statements of exemption issued for development or use within shoreline jurisdiction shall include written findings prepared by the administrator, including compliance with bulk and dimensional standards and policies and regulations of this program. The administrator may attach conditions to the approval of exempt developments and/or uses as necessary to assure consistency of the project with the Act and this program. [Ord. 7-13 Exh. A (Art. IX § 2)]

#### **18.25.560 Exemptions listed.**

The following activities shall be considered exempt from the requirement to obtain a shoreline substantial development permit in accordance with RCW 90.58.030 and WAC 173-27-040:

(1) Fair Market Value. Any development of which the total cost or fair market value, whichever is higher, does not exceed \$6,416 or as adjusted by WAC 173-27-040, if such development does not materially interfere with the normal public use of the water or shorelines of the state. For the purpose of determining whether or not a permit is required, the total cost or fair market value shall be based on the value of development that is occurring on shorelines of the state as defined in RCW 90.58.030(2)(c). The total cost or fair market value of the development shall include the fair market value of any donated, contributed or found labor, equipment or materials.

(2) Maintenance and Repair. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements. Normal maintenance includes those usual acts to prevent a decline, lapse or cessation from a lawfully established condition. Normal repair means to restore a development to a state comparable to its original condition within a reasonable period after decay or partial destruction except where repair causes substantial adverse effects to the shoreline resource or environment. Replacement of a structure or development may be authorized as repair where such replacement is the common method of repair for the type of structure or development and the replacement structure or development is comparable to the original structure or development including but not limited to its size, shape, configuration, location and external appearance and the replacement does not cause substantial adverse effects to shoreline resources or the environment.

(3) Residential Bulkhead. Construction of the normal protective bulkhead common to single-family residences. A normal protective bulkhead includes those structural and nonstructural developments installed at or near, and parallel to, the ordinary high water mark for the sole purpose of protecting an existing single-family residence and appurtenant structures from loss or damage by erosion. A normal protective bulkhead is not exempt if constructed for the purpose of creating dry land. When a vertical or near vertical wall is being constructed or reconstructed, not more than one cubic yard of fill per one

foot of wall may be used for backfill. When an existing bulkhead is being repaired by construction of a vertical wall fronting the existing wall, it shall be constructed no further waterward of the existing bulkhead than is necessary for construction of new footings. When a bulkhead has deteriorated such that an ordinary high water mark has been established by the presence and action of water landward of the bulkhead, then the replacement bulkhead must be located at or near the actual ordinary high water mark. Beach nourishment and bioengineering erosion control projects may be considered a normal protective bulkhead when any structural elements are consistent with the above requirements and when the project has been approved by the Washington Department of Fish and Wildlife.

(4) Emergency Construction. Emergency construction necessary to protect property from damage by the elements. An emergency is an unanticipated and imminent threat to public health, safety or the environment that requires immediate action within a time too short to allow full compliance with this program. Emergency construction does not include development of new permanent protective structures where none previously existed. Where new protective structures are deemed by the administrator to be the appropriate means to address the emergency situation, upon abatement of the emergency situation the new structure shall be removed or any permit that would have been required, absent an emergency, pursuant to Chapter 90.58 RCW, Chapter 173-27 WAC or this program, shall be obtained. All emergency construction shall be consistent with the policies of Chapter 90.58 RCW and this program. As a general matter, flooding or other seasonal events that can be anticipated and may occur but that are not imminent are not an emergency.

(5) Agriculture. Construction and practices normal or necessary for farming, irrigation, and ranching activities, including agricultural service roads and utilities, construction of a barn or similar agricultural structure, and the construction and maintenance of irrigation structures including, but not limited to, head gates, pumping facilities, and irrigation channels. A feedlot of any size, all processing plants, other activities of a commercial nature, or alteration of the contour of the shorelands by leveling or filling other than that which results from normal cultivation, shall not be considered normal or necessary farming or ranching activities. A feedlot shall be an enclosure or facility used or capable of being used for feeding livestock hay, grain, silage, or other livestock feed, but shall not include land for growing crops or vegetation for livestock feeding and/or grazing, nor shall it include normal livestock wintering operations.

(6) Drainage. Operation and maintenance of any system of dikes, ditches, drains, or other facilities existing on June 4, 1975, that were created, developed or utilized, primarily as a part of an agricultural drainage or diking system.

(7) Navigation Aids. Construction or modification, by or under the authority of the Coast Guard or a designated port management authority, of navigational aids such as channel markers and anchor buoys.

(8) Single-Family Residences. Construction on shorelands by an owner, lessee, or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of 35 feet above average grade level and that meets all requirements of the state agency or local government having jurisdiction thereof. Single-family residence means a detached dwelling designed for and occupied by one family including those structures and developments within a contiguous ownership which are a normal appurtenance as defined in Article II of this chapter.

(9) Residential Docks. Construction of an individual/single-user or shared dock for private noncommercial pleasure craft, for use by the owner, lessee, or contract purchaser of a single-family or multifamily residence. The private dock exemption applies to dock construction cost as specified in RCW 90.58.030(3)(e).

(10) Irrigation. Operation, maintenance, or construction of canals, waterways, drains, reservoirs, or other facilities that now exist or are hereafter created or developed as a part of an irrigation system for the primary purpose of making use of system waters including return flow and artificially stored ground water for the irrigation of lands; provided, that this exemption shall not apply to construction of new irrigation facilities proposed after December 17, 2003.

(11) State Property. The marking of property lines or corners on state owned lands, when such marking does not significantly interfere with normal public use of the surface of the water.

(12) Energy Facilities. Any project with a certification from the governor pursuant to Chapter 80.50 RCW.

(13) Site Exploration. Site exploration and investigation activities that are prerequisite to preparation of a development application for authorization under this program, if:

- (a) The activity does not interfere with the normal public use of surface waters;
- (b) The activity will have no significant adverse impact on the environment including but not limited to fish, wildlife, fish or wildlife habitat, water quality and aesthetic values;
- (c) The activity does not involve the installation of any structure and, upon completion of the activity, the vegetation and land configuration of the site are restored to conditions existing before the activity;
- (d) A private entity seeking development authorization under this section first posts a performance bond or provides other evidence of financial responsibility to the administrator to ensure that the site is restored to preexisting conditions; and
- (e) The activity is not subject to the permit requirements of RCW 90.58.550.

(14) Noxious Weeds. The process of removing or controlling aquatic noxious weeds, as defined in

RCW 17.26.020, through the use of an herbicide or other treatment methods applicable to weed control that are recommended by a final environmental impact statement published by the Department of Agriculture or the Department of Ecology jointly with other state agencies under Chapter 43.21C RCW.

(15) Watershed Restoration. Watershed restoration projects as defined herein and by RCW 89.08.460. The administrator shall review the projects for consistency with this program in an expeditious manner and shall issue its decision along with any conditions within 45 days of receiving a complete application form from the applicant/proponent. No fee may be charged for accepting and processing applications for watershed restoration projects as defined in this section.

(16) "Watershed restoration project" means a public or private project authorized by the sponsor of a watershed restoration plan that implements the plan or part of the plan and consists of one or more of the following activities:

(a) A project that involves less than 10 miles of stream reach, in which less than 25 cubic yards of sand, gravel, or soil is removed, imported, disturbed or discharged, and in which no existing vegetation is removed except as minimally necessary to facilitate additional plantings;

(b) A project for the restoration of an eroded or unstable stream bank that employs the principles of bioengineering, including limited use of rock as a stabilization only at the toe of the bank, and with primary emphasis on using native vegetation to control erosive forces of flowing water; or

(c) A project primarily designed to improve fish and wildlife habitat, remove or reduce impediments to migration of fish, or enhance the fishery resource available for use by all of the citizens of the state; provided, that any structures, other than a bridge or culvert or in-stream habitat enhancement structure associated with the project, is less than 200 square feet in floor area and is located above the ordinary high water mark.

(17) "Watershed restoration plan" means a plan, developed or sponsored by the Department of Fish and Wildlife, the Department of Ecology, the Department of Transportation, a federally recognized Indian tribe acting within and pursuant to its authority, a city, a county or a conservation district that provides a general program and implementation measures or actions for the preservation, restoration, recreation, or enhancement of the natural resource character and ecology of a stream, stream segment, drainage area or watershed for which agency and public review has been conducted pursuant to Chapter 43.21C RCW, the State Environmental Policy Act.

(18) A public or private project, the primary purpose of which is to improve fish or wildlife habitat or fish passage, when all of the following apply:

(a) The project has been approved in writing by the Department of Fish and Wildlife as

necessary for the improvement of the habitat or passage and appropriately designed and sited to accomplish the intended purpose;

(b) The project received hydraulic project approval by the Department of Fish and Wildlife pursuant to Chapter 75.20 RCW; and

(c) The administrator has determined that the project is consistent with this program. The administrator shall make such determination in a timely manner and provide it by letter to the project proponent. [Ord. 7-13 Exh. A (Art. IX § 3)]

#### **18.25.570 Statements of exemption.**

(1) The administrator is hereby authorized to grant or deny requests for statements of exemption from the shoreline substantial development permit requirement for uses and developments within shorelines that are specifically listed above. Such statements shall be applied for on forms provided by the administrator. The statement shall be in writing and shall indicate the specific exemption of this program that is being applied to the development, and shall provide a summary of the administrator's analysis of the consistency of the project with this program and the Act. As appropriate, such statements of exemptions shall contain conditions and/or mitigating measures of approval to achieve consistency and compliance with the provisions of this program and Act. A denial of an exemption shall be in writing and shall identify the reason(s) for the denial. The administrator's actions on the issuance of a statement of exemption or a denial are subject to appeal pursuant to the appeal provisions in Article X of this chapter.

(2) Exempt activities related to any of the following shall not be conducted until a statement of exemption has been obtained from the administrator: dredging, flood control works and in-stream structures, archaeological or historic site alteration, clearing and ground disturbing activities such as landfill or excavation, dock construction, shore stabilization, freestanding signs, or any development within a priority aquatic, aquatic or natural shoreline designation; provided, that no separate written statement of exemption is required for the construction of a single-family residence when a county building permit application has been reviewed and approved by the administrator; provided further, that no statement of exemption is required for emergency development pursuant to WAC 173-14-040(1)(d).

(3) No statement of exemption shall be required for other exempt uses or developments unless the administrator has cause to believe a substantial question exists as to qualifications of the specific use or development for the exemption, or the administrator determines there is a likelihood of adverse impacts to shoreline ecological functions.

(4) Whenever the exempt activity also requires a U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899 or a Section 404 permit under the Federal Water Pollution Control Act of 1972, a copy of the written statement of exemption shall be sent to the

applicant/proponent and Ecology pursuant to WAC 173-27-050. [Ord. 7-13 Exh. A (Art. IX § 4)]

**18.25.580 Variance permit criteria.**

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(1) The purpose of a variance is to grant relief to specific bulk or dimensional requirements set forth in this program where there are extraordinary or unique circumstances relating to the property such that the strict implementation of this program would impose unnecessary hardships on the applicant/proponent or thwart the policies set forth in RCW 90.58.020. Use restrictions may not be varied. In authorizing a variance, special conditions may be attached to the permit by the county or the Department of Ecology to control any undesirable effects of the proposed use. Final authority for variance permit decisions shall be granted by the Department of Ecology.

(2) Variances will be granted in any circumstance where denial would result in a thwarting of the policy enumerated in RCW 90.58.020. In all instances extraordinary circumstances shall be shown and the public interest shall suffer no substantial detrimental effect.

(3) Variances may be authorized, provided the applicant/proponent can demonstrate all of the following:

- (a) That the strict application of the bulk or dimensional criteria set forth in this program precludes or significantly interferes with a reasonable permitted use of the property;
- (b) That the hardship described above is specifically related to the property, and is the result of conditions such as irregular lot shape, size, or natural features and the application of this program, and not, for example, from deed restrictions or the applicant's/proponent's own actions;
- (c) That the design of the project will be compatible with other permitted activities in the area and will not cause adverse effects on adjacent properties or the shoreline environment;
- (d) That the variance authorized does not constitute a grant of special privilege not enjoyed by the other properties in the area, and will be the minimum necessary to afford relief;
- (e) That the public interest will suffer no substantial detrimental effect;
- (f) That the public rights of navigation and use of the shorelines will not be materially interfered with by the granting of the variance; and
- (g) Mitigation is provided to offset unavoidable adverse impacts caused by the proposed development or use.

(4) In the granting of all variances, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if variances were granted to other developments in the area where similar circumstances exist, the total of the variances should

also remain consistent with the policies of RCW 90.58.020 and should not produce significant adverse effects to the shoreline ecological functions and processes or other users.

(5) Other factors that may be considered in the review of variance requests include the conservation of valuable natural resources and the protection of views from nearby roads, surrounding properties and public areas. In addition, variance requests based on the applicant's/proponent's desire to enhance the view from the subject development may be granted where there are no likely detrimental effects to existing or future users, other features or shoreline ecological functions and/or processes, and where reasonable alternatives of equal or greater consistency with this program are not available. In platted residential areas, variances shall not be granted that allow a greater height or lesser shore setback than what is typical for the immediate block or area.

(6) Permits and/or variances applied for or approved under other county codes shall not be construed as shoreline permits under this program. [Ord. 7-13 Exh. A (Art. IX § 5)]

#### **18.25.590 Conditional use permit criteria.**

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(1) The purpose of a conditional use permit is to allow greater flexibility in administering the use regulations of this program in a manner consistent with the policies of RCW 90.58.020. In authorizing a conditional use, special conditions may be attached to the permit by the county or the Department of Ecology to control any undesirable effects of the proposed use. Final authority for conditional use permit decisions rests with the Department of Ecology.

(2) Uses specifically classified or set forth in this program as conditional uses and unlisted uses may be authorized, provided the applicant/proponent can demonstrate all of the following:

(a) That the proposed use will be consistent with the policies of RCW 90.58.020 and this program.

(b) That the proposed use will not interfere with normal public use of public shorelines.

(c) That the proposed use of the site and design of the project will be compatible with other permitted uses within the area.

(d) That the proposed use will not cause adverse effects to the shoreline environment in which it is to be located.

(e) That the public interest suffers no substantial detrimental effect.

(3) In the granting of all conditional use permits, consideration shall be given to the cumulative environmental impact of additional requests for like actions in the area. For example, if conditional use permits were granted for other developments in the area where similar circumstances exist, the sum of the conditional uses and their impacts should also remain consistent with the policies of RCW

90.58.020 and should not produce a significant adverse effect to the shoreline ecological functions and processes or other users.

(4) Permits and/or variances applied for or approved under county zoning or subdivision code requirements shall not be construed as shoreline variances under this program. [Ord. 7-13 Exh. A (Art. IX § 6)]

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**18.25.600 Unclassified uses.**

Other uses not specifically classified or set forth in this program, including the expansion or resumption of a nonconforming use, may be authorized as conditional uses, provided the applicant/proponent can demonstrate that the proposal will satisfy the criteria set forth above, and that the use clearly requires a specific site location on the shoreline not provided for under this program, and extraordinary circumstances preclude reasonable use of the property in a manner consistent with the use regulations of this program. [Ord. 7-13 Exh. A (Art. IX § 7)]

**Article X. Administration and Enforcement**

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**18.25.610 Administrative authority and responsibility.**

(1) Administrator. The director of the Jefferson County department of community development or his/her designee (the administrator) is vested with authority to:

- (a) Administer this master program;
- (b) Recommend to the hearing examiner approval, approval with conditions, or denial of any permit applications or revisions in accordance with the policies and regulations of this master program and the provisions of the Jefferson County Unified Development Code;
- (c) Grant written permit exemptions from shoreline substantial development permit requirements of this master program;
- (d) Determine compliance with the State Environmental Policy Act (Chapter 43.21C RCW; Chapter 197-11 WAC);
- (e) Specify the required application forms and submittal requirements including the type, details and number of copies;
- (f) Advise interested citizens and project proponents of the goals, policies, regulations and procedures of this master program;
- (g) Make administrative decisions and interpretations of the policies and regulations of this master program and the Shoreline Management Act;
- (h) Collect applicable fees;

- (i) Determine that application submittals are substantially complete;
  - (j) Make field inspections as necessary;
  - (k) Submit substantial development permit, variance permit and conditional use permit applications and make written recommendations and findings on such permits to the hearing examiner for his/her consideration and final action;
  - (l) Assure that proper notice is given to appropriate persons and the public for all hearings;
  - (m) Provide technical and administrative assistance to the hearing examiner as required for effective and equitable implementation of this master program and the Act;
  - (n) Provide a summary report of the shoreline permits issued in the past calendar year to the hearing examiner and the Jefferson County board of county commissioners;
  - (o) Investigate, develop and propose amendments to this master program as deemed necessary to more effectively and equitably achieve its goals and policies;
  - (p) Seek remedies for alleged violations of this master program, the provisions of the Act, or of conditions of any approved shoreline permit issued by the county;
  - (q) Coordinate information with affected agencies; and
  - (r) Forward any decision on any permit application to the Washington State Department of Ecology for filing or action.
- (2) Hearing Examiner. The hearing examiner is vested with the authority and responsibility to:
- (a) Approve, condition, or deny shoreline substantial development permits, variance permits and conditional use permits after considering the findings and recommendations of the administrator;
  - (b) Decide local administrative appeals of the administrator's actions and interpretations, as provided in this program and the county Unified Development Code;
  - (c) Consider shoreline substantial development permit, variance permit and conditional use permit applications and administrative appeals of the administrator's actions on regular meeting days or public hearings;
  - (d) Review the findings and recommendations for permit applications or appeals of the administrator's actions and interpretations;
  - (e) Approve, approve with conditions, or deny substantial development permits, variance permits

and conditional use permits;

(f) Conduct public hearings on appeals of the administrator's actions, interpretations and decisions;

(g) Base all decisions on shoreline permits or administrative appeals on the criteria established in this master program; and

(h) At his or her sole discretion, require any project proponent granted a shoreline permit to post a bond or other acceptable security with the county, conditioned to assure that the project proponent and/or his or her successors adhere to the approved plans and all conditions attached to the shoreline permit. Such bonds or securities shall have a face value of at least 150 percent of the estimated development cost including attached conditions.

(3) Board of Commissioners.

(a) The Jefferson County board of county commissioners (the BOCC) is vested with the authority to approve any revisions or amendments to this master program in accordance with the applicable requirements of the Act and the Washington Administrative Code.

(b) The BOCC shall review and act upon any recommendations of the shoreline administrator for amendments to, or revisions of, this master program. The BOCC shall enter findings and conclusions setting forth the factors it considered in reaching its decision. To become effective any amendment to this master program must be reviewed and adopted by the Department of Ecology pursuant to RCW 90.58.190 and Chapter 173-26 WAC. [Ord. 7-13 Exh. A (Art. X § 1)]

**18.25.620 Permit application review.**

(1) Determinations of the administrator regarding the geographic applicability of this master program, permit exemptions and application submittal requirements shall be processed as Type I decisions pursuant to Chapter 18.40 JCC.

(2) Applications for substantial development permits and variance permits shall be processed as Type III decisions pursuant to the Chapter 18.40 JCC.

(3) Applications for uses/development listed as an administrative conditional use permit (i.e., "C(a)") in Table 18.25.220 shall be processed according to the procedures for Type II land use decisions established in Article IV of Chapter 18.40 JCC.

(4) Applications for uses/developments listed as discretionary conditional use permits (i.e., "C(d)") in Table 18.25.220 shall, at a minimum, be processed according to the procedures for Type II land use decisions established in Article IV of Chapter 18.40 JCC. However, in accordance with Chapter 18.40 JCC, the administrator may on a case-by-case basis refer a discretionary conditional use permit

application to the hearing examiner to be processed according to the procedures for Type III land use decisions established in Article IV of Chapter 18.40 JCC.

(5) All amendments to this master program shall be processed as Type V decisions pursuant to Chapter 18.40 JCC.

(6) Whenever the administrator issues a determination or recommendation and/or conditions of approval on a proposal which will result in the denial or substantial alteration of a proposed action, such determinations will be provided in writing stating the relationship(s) between the ecological factors, the proposed action and the condition(s). [Ord. 7-13 Exh. A (Art. X § 2)]

#### **18.25.630 Minimum permit application requirements.**

A complete application for a substantial development, conditional use, or variance permit shall contain, as a minimum, all of the information required in any applicable section of this program, all of the information required in JCC 18.40.100, and any other information the administrator deems pertinent, including at a minimum:

- (1) The name, address and phone number of the applicant/proponent, applicant's representative, and/or property owner if different from the applicant/proponent.
- (2) The property address and identification of the section, township and range to the nearest quarter, quarter section or longitude and latitude to the nearest minute.
- (3) The name of the shoreline (water body) that the site of the proposal is associated with.
- (4) A general description of the property as it exists at the time of application including its use, physical and ecological characteristics, improvements and structures.
- (5) A general description of the project vicinity including adjacent uses, structures and improvements, development intensity, and physical characteristics.
- (6) A vicinity map showing the relationship of the property and proposed development or use to roads, utilities, existing developments and uses on adjacent properties.
- (7) A site plan and/or engineered drawings identifying existing conditions consisting of photographs, text, maps and elevation drawings, drawn to an appropriate scale to clearly depict all required information.
- (8) Location of the ordinary high water mark of all water bodies within or adjacent to the project boundary. For any development that requires a precise location of the ordinary high water mark, the applicant/proponent shall provide a survey and describe the biological and hydrological basis for the location as indicated on the plans. Where the ordinary high water mark is neither adjacent to or within

the boundary of the project, the plan shall indicate the distance and direction to the ordinary high water mark of the adjacent shoreline.

(9) Existing land contours at intervals sufficient to accurately determine the existing character of the property. Areas within the project boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(10) Critical areas as designated in Chapter 18.22 JCC.

(11) A general description of the character of vegetation found on the site.

(12) A description of the existing ecological functions and processes affecting, maintaining, or influencing the shoreline at/near the project site.

(13) The dimensions and locations of all existing structures and improvements.

(14) The dimensions and locations of all proposed structures and improvements including but not limited to buildings, paved or graveled areas, roads, utilities, septic tanks and drain fields, material stockpiles or surcharge, and stormwater management facilities.

(15) Proposed land contours overlain on existing contours. The contours shall be at intervals sufficient to accurately determine the extent of proposed change to the land that is necessary for the development. Areas within the project boundary that will not be altered by the development may be indicated as such and contours approximated for that area.

(16) A summary characterization of the effects of the project on existing ecological functions and processes in the vicinity of the project. If the project is likely to have adverse effects on shoreline ecological functions or processes, a mitigation plan shall be provided demonstrating measures that will be taken to offset impacts.

(17) On all variance applications the plans shall clearly indicate where development could occur without approval of a variance, the physical features and circumstances on the property that provide a basis for the request, and the location of adjacent structures and use.

(18) The administrator may vary or waive the requirements in subsection (1) of this section on a case-by-case basis according to administrative application requirements.

(19) Where other approvals or permits are required for a use or development that does not require an open record hearing, such approvals or permits shall not be granted until a shoreline approval or permit is granted. All shoreline approvals and permits shall include written findings prepared by the administrator documenting compliance with bulk and dimensional standards and other policies and regulations of this program. [Ord. 7-13 Exh. A (Art. X § 3)]

**18.25.640 Preapplication conferences.**

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(1) Preapplication conferences are required in accordance with JCC 18.40.090(2) for projects including, but not limited to:

- (a) All Type II and Type III project applications.
- (b) 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.
- (c) All projects involving in-water work or work below the ordinary high water mark.

(2) Preapplication conferences for all types of applications not listed in subsection (1) of this section or specified by JCC 18.40.090(2) are strongly encouraged, and requests for conferences will be considered by the administrator on a time-available basis. [Ord. 7-13 Exh. A (Art. X § 4)]

**18.25.650 Notice of application and permit application review.**

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(1) Public notice requirements shall occur in accordance with Chapter 18.40 JCC, Article III and the following:

- (a) Type I permits (statements of exemption) shall not require notice of application or open record hearing consistent with JCC 18.40.040. However, if a Type I permit is not categorically exempt under SEPA, then a notice may be required.
- (b) The administrator shall issue a notice of application on all Type III project permit applications in accordance with Chapter 18.40 JCC, Article III.

(2) Permit application review shall occur in accordance with Chapter 18.40 JCC, Article IV. [Ord. 7-13 Exh. A (Art. X § 5)]

**18.25.660 Nonconforming development.**

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The following shall apply to nonconforming uses and developments, as defined in Article II of this chapter:

(1) Legally established uses, buildings, structures and/or lots of record that do not meet the specific standards of this program are considered legal nonconforming and may continue as long as they remain otherwise lawful, and meet the following criteria:

- (a) Existing, Permitted, or Vested. The use, building, structure, or lot was existing on the effective date of initial adoption of this program (December 20, 1974), or any subsequent amendment thereto, or was authorized under a permit or approval issued, or is otherwise vested to this program; or

- (b) Variance. A structure for which a variance has been issued; or
  - (c) Conditional. The existing use is designated as a conditional use under this program and existed prior to the adoption of this program or the adoption of an applicable amendment hereto and which has not obtained a conditional use permit; or
  - (d) Abandoned. As per JCC 18.20.260, the use or structure is not discontinued or abandoned for a period more than two years. A property owner may be allowed three years if they demonstrate a bona fide intention to sell or lease the property. For purposes of calculating this time period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:
    - (i) On the date when the land was physically vacated;
    - (ii) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services; or
    - (iii) On the date of termination of any lease or contract under which the nonconforming use has occupied the land.
- (2) Normal maintenance and repair of a nonconforming structure may be allowed in accordance with JCC [18.25.560](#), and other provisions of this program.
- (3) Any repair, replacement, relocation or expansion/enlargement of a bulkhead shall conform to the provisions in Article VII of this chapter.
- (4) If a nonconforming use or structure is discontinued or abandoned per this section the nonconforming rights shall expire and any subsequent use shall be conforming.
- (5) New single-family residential development on lots whose dimensions do not allow a residence to be constructed outside the standard shoreline buffer may be allowed without a variance in accordance with the provision in JCC [18.25.270](#) (nonconforming lots).
- (6) Rebuilding After Damage. If a nonconforming development sustains major structural damage due to fire, flood or other natural disaster, it may be reconstructed upon its original site and to the configuration existing immediately prior to the damage, provided:
- (a) The rebuilt structure will not cause adverse effects to adjacent properties or to the shoreline environment; and
  - (b) The site is geologically stable; and
  - (c) No horizontal or vertical expansion or enlargement of the footprint or height, or any degree of relocation, will occur; and

(d) No degree of relocation will occur, except to increase conformity, in which case the structure shall be located as far landward as possible or in the least environmentally damaging location relative to the shoreline or any critical area; and

(e) The submittal of applications for permits necessary to restore the development is begun within six months of the damage. The administrator may waive this requirement in situations with extenuating circumstances such as resolution of an estate, or widespread economic or natural disaster; and

(f) The reconstruction is commenced within two years of the issuance of permits. Administrator may allow a one year extension.

(7) In-Water/Overwater. When a use or development is not prohibited, replacement of nonconforming structures or buildings or portions thereof within the aquatic or priority aquatic shoreline area is allowed and shall comply with program requirements for materials that come in contact with the water pursuant to Article VI of this chapter. In-water and overwater use/development not allowed by this program shall not be replaced in-/overwater.

(8) Expansion/Enlargement without Conditional Use Permit or Shoreline Variance – Single-family Residential. The administrator may allow a one-time landward enlargement or expansion of nonconforming single-family residences by the addition of space to the exterior of the main structure or the addition of normal appurtenances without a shoreline conditional use permit or shoreline variance, provided, and subject to, the following:

(a) The structure is located landward of the ordinary high water mark; and

(b) No lateral or waterward enlargement or expansion beyond the existing structure's foundation walls will occur; and

(c) The increase/expansion in total footprint area does not threaten critical areas; and

(d) The increased height does not significantly impair the public's view of the shoreline.

(e) Enlargements, expansions or additions that increase the total footprint of the existing structure(s) by up to 10 percent shall be allowed, provided the expansion or addition will not adversely affect critical areas, significantly impair the ability of a substantial number of people to view the shoreline or increase the degree of nonconformity.

(f) Enlargements, expansions or additions that increase the total footprint of the existing structure(s) greater than 10 percent but no more than 25 percent or increase the structure height up to the limits allowed by this program shall be allowed; provided, that the addition will not adversely affect critical areas, significantly impair the ability of a substantial number of people to

view the shoreline, increase the degree of nonconformity, and further provided, that an equivalent area of shoreline buffer is enhanced through planting of native vegetation. The administrator shall require a planting plan to ensure this standard is implemented.

(9) Expansion/Enlargement with a Conditional Use Permit.

(a) The administrator shall require a conditional use permit for any of the following:

(i) Enlargement or expansion of nonconforming single-family residences by the addition of space to the exterior of the main structure or normal appurtenances where the total footprint will increase by more than 25 percent or the expansion/enlargement occurs vertically, laterally or landward, but not waterward, of the structure.

(ii) Enlargement or expansion of single-family residences where the addition of space to the exterior of the main structure is likely to adversely affect critical areas, or is likely to obstruct the view of an adjacent development.

(iii) When allowed, an equivalent area of shoreline buffer area shall be enhanced through planting of native vegetation, plus additional mitigation to be required as appropriate. The administrator shall require a planting plan to ensure this standard is implemented.

(b) Changing an Existing Nonconforming Use. A structure that is being or has been used for a nonconforming use may be used for a different nonconforming use only upon the approval of a conditional use permit, provided all the following criteria are met:

(i) No reasonable alternative conforming use is practical because of the configuration of the structure and/or the property; and

(ii) The proposed use will be at least as consistent with the policies and provisions of the Act and this program and as compatible with the uses in the area as the preexisting use; and

(iii) The use or activity is enlarged, intensified, increased or altered only to the minimum amount necessary to achieve the intended functional purpose; and

(iv) The structure(s) associated with the nonconforming use shall not be expanded in a manner that increases the extent of the nonconformity including encroachment into areas, such as setbacks and/or buffers established by this program, where new structures, development or use would not be allowed; and

(v) The vegetation conservation standards of Article VI of this chapter are met; and

(vi) The change in use, remodel or expansion will not create adverse impacts to shoreline

ecological functions and/or processes; and

(vii) Uses which are specifically prohibited or which would thwart the intent of the Act or this program shall not be authorized.

(viii) Nonconforming structures with conforming uses within commercial or mixed-use developments may be expanded or enlarged within the existing building footprint as a conditional use.

(10) Expansion/Enlargement with a Shoreline Variance.

(a) Single-Family Residential. Enlargement or expansion of single-family residences that extends waterward beyond the existing residential foundation walls, further into a critical area, further into the minimum required side yard setback, or that increases the structure height above the limits established by this program shall require a variance.

(b) Non-Single-Family Residential. Nonconforming structures, other than nonconforming single-family residences, that are expanded, enlarged or relocated, must obtain a variance or be brought into conformance with this program and the Act. Any nonconforming development that is moved any distance must be moved to comply with the bulk and dimensions requirements of this program. [Ord. 7-13 Exh. A (Art. X § 6)]

**18.25.665 State Environmental Policy Act (SEPA) compliance.**

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(1) Whenever an application for shoreline substantial development permit, shoreline variance, shoreline conditional use permit, or statement of exemption is subject to the rules and regulations of SEPA (Chapter 43.21C RCW), the review requirements of SEPA, including time limitations, shall apply, where applicable.

(2) Applications for shoreline permit(s) or approval(s) that are not categorically exempt shall be subject to environmental review by the responsible official of Jefferson County pursuant to the State Environmental Policy Act (Chapter 197-11 WAC).

(3) As part of SEPA review, the responsible official may require additional information regarding the proposed development in accordance with Chapter 197-11 WAC.

(4) Failure of the applicant/proponent to submit sufficient information for a threshold determination to be made shall be grounds for the responsible official to determine the application incomplete. [Ord. 7-13 Exh. A (Art. X § 7)]

**18.25.670 Burden of proof.**

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Permit applicants/proponents have the burden of proving that the proposed development is consistent with the criteria set forth in the Act and this program. [Ord. 7-13 Exh. A (Art. X § 8)]

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**18.25.680 Permit conditions.**

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In granting, revising, or extending a shoreline permit, the administrator may attach such conditions, modifications, or restrictions thereto regarding the location, character, and other features of the proposed development deemed necessary to assure that the development will be consistent with the policy and provisions of the Act and this program as well as the supplemental authority provided in Chapter 43.21 RCW as applicable. In cases involving unusual circumstances or uncertain effects, a condition may be imposed to require monitoring with future review or reevaluation to assure conformance with the Act and this program. [Ord. 7-13 Exh. A (Art. X § 9)]

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**18.25.690 Public hearings.**

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(1) Public hearings shall occur in accordance with JCC 18.40.230 and 18.40.300.

(2) Public hearing requirements for permit appeals shall be processed according to JCC 18.40.330; provided, that appeals of a determination regarding a statement of exemption shall occur in accordance with JCC 18.40.390. The fee for such appeal shall be as set forth in the Jefferson County fee ordinance and must be paid by the appellant at the time of filing the appeal. [Ord. 7-13 Exh. A (Art. X § 10)]

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**18.25.700 Expiration of permits and permit exemptions.**

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The following time requirements shall apply to all permit exemptions, substantial development permits and to any development authorized pursuant to a variance permit or conditional use permit:

(1) Construction shall be commenced or, where no construction is involved, the use or activity shall be commenced within two years of the effective date of the permit or permit exemption; provided, that the administrator may authorize a single extension based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology.

(2) Authorization to conduct development activities shall terminate five years after the effective date of a permit or permit exemption; provided, that the shoreline administrator may authorize a single extension for a period not to exceed one year based on reasonable factors, if a request for extension has been filed before the expiration date and notice of the proposed extension is given to parties of record and the Department of Ecology. [Ord. 7-13 Exh. A (Art. X § 11)]

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**18.25.710 Permits and permit exemptions – Effective date.**

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(1) The effective date of a shoreline permit or permit exemption shall be the date of the last action required on the shoreline permit or permit exemption and all other government permits and approvals that authorize the development to proceed, including all administrative and legal actions on any such permit or approval.

(2) It is the responsibility of the project proponent to inform the administrator of the permit applications filed with agencies other than Jefferson County and of any related administrative and legal actions on any permit or approval. If no notice of the permits or approvals is given to the administrator prior to the date established by the shoreline permit, permit exemption, or the provisions of this section, the expiration of a permit shall be based on the shoreline permit or permit exemption. [Ord. 7-13 Exh. A (Art. X § 12)]

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**18.25.720 Satisfaction of conditions required prior to occupancy or use.**

When permit or permit exemption approval is based on conditions, such conditions shall be satisfied prior to occupancy or use of a structure or prior to commencement of a nonstructural activity; provided, that an alternative compliance limit may be specified in the permit or permit exemption. [Ord. 7-13 Exh. A (Art. X § 13)]

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**18.25.730 Revisions following expiration of original permit or permit exemption.**

Revisions to permits and permit exemptions may be authorized after original permit or permit exemption authorization has expired; provided, that this procedure shall not be used to extend the original permit or permit exemption time requirements or to authorize substantial development after the time limits of the original permit or permit exemption. [Ord. 7-13 Exh. A (Art. X § 14)]

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**18.25.740 Extensions – Notice to Ecology.**

The shoreline administrator shall notify the Department of Ecology in writing of any change to the effective date of a substantial development permit, variance permit or conditional use permit as authorized by this section, with an explanation of the basis for approval of the change. Any change to the time limits of a permit or permit exemption other than those authorized by this section shall require a new permit application. [Ord. 7-13 Exh. A (Art. X § 15)]

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**18.25.750 Notice of decision, reconsideration and appeal.**

(1) A notice of decision for action on a shoreline substantial development permit, shoreline variance, or shoreline conditional use permit shall be provided to the applicant/proponent and any party of record in accordance with the procedures of Chapter 18.40 JCC and at least 10 days prior to filing such decisions with the Department of Ecology pursuant to WAC 173-27-130. Decisions filed with the Department of Ecology shall contain the following information:

- (a) A copy of the complete application;
- (b) Findings and conclusions that establish the basis for the decision including but not limited to identification of shoreline environment designation, applicable master program policies and regulations and the consistency of the project with appropriate review criteria for the type of permit(s);

- (c) The final decision of the local government;
  - (d) Where applicable, local government shall also file the applicable documents required by SEPA, or in lieu thereof, a statement summarizing the actions and dates of such actions taken under Chapter 43.21C RCW; and
  - (e) When the project has been modified in the course of the local review process, plans or text shall be provided that clearly indicate the final approved plan.
- (2) A notice of decision for shoreline statements of exemption shall be provided to the applicant/proponent and any party of record. Such notices shall also be filed with the Department of Ecology, pursuant to the requirements of WAC 173-27-050 when the project is subject to one or more of the following federal permitting requirements:
- (a) A U.S. Army Corps of Engineers Section 10 permit under the Rivers and Harbors Act of 1899. (The provisions of Section 10 of the Rivers and Harbors Act generally apply to any project occurring on or over navigable waters; specific applicability information should be obtained from the Corps of Engineers.); or
  - (b) A Section 404 permit under the Federal Water Pollution Control Act of 1972 (the provisions of Section 404 of the Federal Water Pollution Control Act generally apply to any project which may involve discharge of dredge or fill material to any water or wetland area; specific applicability information should be obtained from the Corps of Engineers).
- (3) This program shall only establish standing for parties of record for shoreline substantial development permits, shoreline variances, or shoreline conditional use permits. Standing as a party of record is not established by this program for exempt actions; provided, that in such cases standing may be established through an associated permit process that provides for public notice and provisions for parties of record.
- (4) The applicant/proponent or any party of record may request reconsideration of any final action by the decision maker within 10 days of notice of the decision. Such requests shall be filed on forms supplied by the county. Grounds for reconsideration must be based upon the content of the written decision. The decision maker is not required to provide a written response or modify his/her original decision. He/she may initiate such action as he/she deems appropriate. The procedure of reconsideration shall not preempt or extend the appeal period for a permit or affect the date of filing with the Department of Ecology, unless the applicant/proponent requests the abeyance of said permit appeal period.
- (5) Appeals to the Shoreline Hearings Board of a decision on a shoreline substantial development permit, shoreline variance or shoreline conditional use permit may be filed by the applicant/proponent

or any aggrieved party pursuant to RCW 90.58.180 within 21 days of filing the final decision by Jefferson County with the Department of Ecology. [Ord. 7-13 Exh. A (Art. X § 16)]

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**18.25.760 Initiation of development.**

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(1) Development pursuant to a shoreline substantial development permit, shoreline variance, or conditional use shall not begin and shall not be authorized until 21 days after the “date of filing” or until all review proceedings before the Shoreline Hearings Board have terminated.

(2) Date of Filing. “Date of filing” of a substantial development permit is the date of actual receipt of the decision by the Department of Ecology. The “date of filing” for a shoreline variance or shoreline conditional use permit shall mean the date the permit decision rendered by the Department of Ecology is transmitted by the Department of Ecology to the county and the applicant/proponent. [Ord. 7-13 Exh. A (Art. X § 17)]

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**18.25.770 Permit revisions.**

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(1) A permit revision is required whenever the applicant/proponent proposes substantive changes to the design, terms or conditions of a project from that which is approved in the permit. Changes are substantive if they materially alter the project in a manner that relates to its conformance to the terms and conditions of the permit, this program or the Act. Changes that are not substantive in effect do not require a permit revision.

(2) An application for a revision to a shoreline permit shall be submitted to the administrator. The application shall include detailed plans and text describing the proposed changes. The county decision maker that approved the original permit may approve the request upon a finding that the proposed changes are within the scope and intent of the original permit, and are consistent with this program and the Act.

(3) “Within the scope and intent of the original permit” means all of the following:

(a) No additional overwater construction is involved except that a pier, dock or floating structure may be increased by 10 percent over that approved under the original permit;

(b) Ground area coverage and/or height may be increased a maximum of 10 percent over that approved under the original permit; provided, that the revised permit does not authorize development to exceed the height, lot coverage, setback or any other requirements of this program except as authorized under a variance granted for the original development;

(c) Additional or revised landscaping is consistent with any conditions attached to the original permit and with this program;

(d) The use authorized pursuant to the original permit is not changed; and

(e) The revision will not cause adverse environmental impacts beyond those originally authorized in the permit.

(4) Revisions to shoreline permits may be authorized after the original permit authorization has expired. Revisions made after the expiration of the original permit shall be limited to changes that are consistent with this program and that would not require a permit under this program. If the proposed change is a substantial development as defined by this program, then a new permit is required. The provisions of this paragraph shall not be used to extend the time requirements or to authorize substantial development beyond the time limits or scope of the original permit.

(5) A new permit shall be required if the proposed revision and any previously approved revisions in combination would constitute development beyond the scope and intent of the original permit.

(6) Upon approval of a permit revision, the decision maker shall file with the Department of Ecology a copy of the revised site plan and a detailed description of the authorized changes to the original permit together with a final ruling and findings supporting the decision based on the requirements of this section. In addition, the decision maker shall notify parties of record of the action.

(a) If the proposed revision is to a development for which a shoreline conditional use or variance was issued, the decision maker shall submit the revision to the Department of Ecology for approval with conditions or denial, and shall indicate that the revision is being submitted under the requirements of this paragraph. Under the requirements of WAC 173-27-110(6), the Department of Ecology shall render and transmit to the decision maker and the applicant/proponent its final decision within 15 days of the date of the Department of Ecology's receipt of the submittal from the decision maker. The decision maker shall notify parties on record of the Department of Ecology's final decision. Appeals of a decision of the Department of Ecology shall be filed in accordance with the provisions of WAC 173-27-110(8). [Ord. 7-13 Exh. A (Art. X § 18)]

#### **18.25.780 Rescission and modification.**

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(1) Any shoreline permit granted pursuant to this program may be rescinded or modified upon a finding by the hearing examiner that the permittee or his/her successors in interest have not complied with conditions attached thereto. A specific monitoring plan may be required as a condition of a permit with specific reporting requirements. If the monitoring plan is not implemented, the permittee may be found to be noncompliant. The results of a monitoring plan may show a development to be out of compliance with specific performance standards, which may be the basis for findings of noncompliance.

(2) The administrator shall initiate rescission or modification proceedings by serving written notice of noncompliance to the permittee or his/her successors and notifying parties of record at the original address provided in application review files.

(3) The hearing examiner shall hold a public hearing no sooner than 15 days following such service of notice, unless the applicant/proponent files notice of intent to comply and the administrator grants a specific schedule for compliance. If compliance is not achieved, the administrator shall schedule a public hearing before the hearing examiner. Upon considering written and oral testimony taken at the hearing, the hearing examiner shall make a decision in accordance with the above procedure for shoreline permits.

(4) These provisions do not limit the administrator, the prosecuting attorney, the Department of Ecology or the Attorney General from administrative, civil, injunctive, declaratory or other remedies provided by law, or from abatement or other remedies. [Ord. 7-13 Exh. A (Art. X § 19)]

#### **18.25.790 Violations and penalties.**

(1) In addition to incurring civil liability under JCC 18.50.110 and RCW 90.58.210, pursuant to RCW 90.58.220, any person found to have willfully engaged in activities on shorelines of the state in violation of the provisions of the Act or of this program, or other regulations adopted pursuant thereto, shall be punished by:

- (a) A fine of not less than \$25.00 or more than \$1,000;
- (b) Imprisonment in the county jail for not more than 90 days; or
- (c) Both such fine and imprisonment; provided, that the fine for the third and all subsequent violations in any five-year period shall not be less than \$500.00 nor more than \$10,000; provided further, that fines for violations of RCW 90.58.550, or any rule adopted thereunder, shall be determined under RCW 90.58.560.

(2) Any person who willfully violates any court order or injunction issued pursuant to this program shall be subject to a fine or imprisonment or both, neither of which shall exceed the maximum fine or imprisonment stated in RCW 9.92.020 as currently enacted or as may hereafter be amended. [Ord. 7-13 Exh. A (Art. X § 20)]

#### **18.25.800 Remedies.**

(1) The Jefferson County prosecuting attorney, or administrator, where authorized, shall bring such injunctive, declaratory, or other actions as are necessary to ensure that no uses are made of the shorelines of the state located within Jefferson County in conflict with the provisions of this program, the Act, or other regulations adopted pursuant thereto, and to otherwise enforce the provisions of this program.

(2) Any person subject to the regulatory provisions of this program or the Act who violates any provision thereof, or permit or permit condition issued pursuant thereto, shall be liable for all damage

to public or private property arising from such violation, including the cost of restoring the affected area to its conditions prior to violation. The Jefferson County prosecuting attorney shall bring suit for damages under this section on their own behalf and on the behalf of all persons similarly situated. If liability has been established for the cost of restoring an area affected by a violation, the court shall make provision to assure that restoration will be accomplished within a reasonable time at the expense of the violator. In addition to such relief, including money damages, the court in its discretion may award attorney's fees and costs of the suit to the prevailing party.

(3) A person who fails to conform to the terms of a substantial development permit, conditional use permit or variance issued under RCW 90.58.140, who undertakes a development or use on shorelines of the state without first obtaining a permit, or who fails to comply with a cease and desist order may be subject to a civil penalty. The penalty shall be imposed pursuant to the procedure set forth in WAC 173-27-280 and become due and recovered as set forth in WAC 173-27-290(3) and (4). Persons incurring a penalty may appeal the same to the Shoreline Hearings Board or the BOCC pursuant to WAC 173-27-290(1) and (2). [Ord. 7-13 Exh. A (Art. X § 21)]

#### **18.25.810 Abatement.**

Structures or development on shorelines considered by the administrator to present a hazard or other public nuisance to persons, properties or natural features may be abated by the county under the applicable provisions of the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition or successor as adopted by Jefferson County, or by other appropriate means. [Ord. 7-13 Exh. A (Art. X § 22)]

#### **18.25.820 Third-party review.**

The administrator shall determine when third-party review shall be required. Third-party review requires any technical studies or inventories provided by the project proponent to be reviewed by an independent third party, paid for by the project proponent, but hired by the administrator. A qualified professional shall conduct third-party review. In determining the need for third-party review, the administrator shall base his/her decision upon, but shall not be limited to, such factors as whether there has been incomplete submittal of data or apparently inadequate design work, whether the project is large scale, or whether the development site is complex. [Ord. 7-13 Exh. A (Art. X § 23)]

#### **18.25.830 Inspections.**

Whenever it is necessary to make an inspection to enforce any of the provisions of this master program or whenever the administrator has reasonable cause to believe that there exists in any building, or upon any premises, any condition that constitutes a violation of this master program, the administrator shall take any action authorized by law. The Jefferson County prosecuting attorney shall provide assistance to the administrator in obtaining administrative search warrants or other legal remedies when necessary. [Ord. 7-13 Exh. A (Art. X § 24)]

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**18.25.840 Master program amendments.**

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Pursuant to RCW 90.58.190 and 36.70A.280, a decision by the Jefferson County board of county commissioners to amend this master program shall not constitute a final appealable decision until the Department of Ecology has made a decision to approve, reject, or modify the proposed amendment. Following the decision of the Department of Ecology regarding the proposed amendment, the decision may be appealed to the Western Washington Growth Management Hearings Board. [Ord. 7-13 Exh. A (Art. X § 25)]

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**18.25.850 Fees.**

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Required fees for all shoreline substantial development permits, shoreline conditional use permits, shoreline variances, statements of exemption, appeals, preapplication conferences and other required approvals shall be paid to the county at the time of application in accordance with the Jefferson County unified fee schedule in effect at that time. [Ord. 7-13 Exh. A (Art. X § 26)]

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**18.25.860 Transfer of permits.**

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An approved substantial development permit, conditional use permit or variance permit may be transferred from the original project proponent to any successor in interest to the project proponent; provided, that all of the conditions and requirements of the approved permit or variance shall continue in effect as long as the use or activity is pursued or the structure exists unless the terms of the substantial development permit, conditional use permit, or variance permit are modified in accordance with the relevant provisions of this master program. [Ord. 7-13 Exh. A (Art. X § 27)]

### **Article XI. Official Shoreline Map**

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**18.25.870 Official shoreline map.**

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The official shoreline map shows the Article IV shoreline environment designations (SEDs) that apply to each segment of the shoreline planning area under SMP jurisdiction. It does not necessarily identify or depict the precise lateral extent of shoreline jurisdiction or all associated wetlands. The lateral extent of the shoreline jurisdiction at the parcel level shall be determined on a case-by-case basis at the time a shoreline use/development is proposed. The actual extent of shoreline jurisdiction requires a site-specific evaluation to identify the location of the ordinary high water mark and any associated wetlands.

The county shall maintain a Geographic Information Systems database that depicts the coordinates for locating the upstream extent of shoreline jurisdiction (that is, the location where the mean annual stream flow is at least 20 cubic feet per second). The database shall also show the limits of the floodplain, floodway, and channel migration zones, and such information shall be used, along with site-specific information on the location of the ordinary high water mark and associated wetlands, to determine the lateral extent of shoreline jurisdiction on a parcel-by-parcel basis. The database shall

be updated regularly as new information is made available and the public shall have access to the database upon request.

Appendix A, attached to the ordinance codified in this chapter, depicts the SEDs in two formats:

(1) Official Shoreline Map. An overview map showing all of Jefferson County (image sized for large format printing).

(2) A collection of 18 break-out maps at closer range to allow greater details (images sized for 11-inch by 17-inch printing). Western Jefferson County is depicted in a single break-out map (Map No. 18). Eastern Jefferson County is broken into separate images (Map Nos. 1 through 17) as shown in Appendix A of the ordinance codified in this chapter. [Ord. 7-13 Exh. A (Appx. A)]

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<sup>1</sup>Wording from WAC 173-27-060(3).

## **Appendix G**

Additional development standards,  
Chapters 12.05, 12.10, and 18.30 JCC

**Chapter 12.05**  
**APPROACHES TO COUNTY ROADS<sup>1</sup>**

Sections:

- [12.05.010](#) Purpose.
- [12.05.020](#) Permit – Application.
- [12.05.030](#) Permit – Administration, issuance.
- [12.05.040](#) Temporary approaches – Permit, fee.
- [12.05.050](#) Removal.
- [12.05.060](#) Violation – Penalty.

**12.05.010 Purpose.**

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The purpose of this chapter is to provide reasonable rules for the construction of road approaches from abutting property to county roads pursuant to RCW 36.75.130 et seq. This chapter requires permits, provides for inspection of proposed and actual construction of said approaches, and provides penalties for violations of this chapter. [Ord. 9-92]

**12.05.020 Permit – Application.**

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(1) Any person, firm or corporation desiring to build, construct, or alter any permanent approach, or renew use of any approach previously constructed without a permit, to any county road shall make application for issuance of a permit to do so, together with payment of a fee, as provided by the board of county commissioners, (nonrefundable) to the Jefferson County department of public works, and said permit, if issued, shall be upon condition that the entire cost of performing such construction, including all labor, material, equipment and/or any other expense necessary to do the job shall be borne by the applicant.

(2) The applicant shall identify ownership of property abutting the approach that is to be served by said approach. The applicant shall also identify and locate any easements necessary to provide access to the county road. No permit will be issued without ownerships and easements of record specifically identified. [Ord. 9-92 § 1]

**12.05.030 Permit – Administration, issuance.**

---

(1) The county engineer in the Jefferson County department of public works, or a member of the public works department designated to act for him, shall review the aforesaid application to determine its sufficiency in meeting construction and design criteria which shall, at a minimum, be consistent with public works standards as contained in Washington State Department of Transportation's (WSDOT) Design Manual or in the American Association of State Highway and Transportation Officials (AASHTO). The county engineer or his designee shall further ascertain that the intended approach is properly located, giving consideration to observance of sight distances, physical features

and any other elements deemed essential in the interest of public safety.

(2) Upon approval of said county engineer or his designee, the permit may be issued. The signature of the applicant agreeing to compliance with the requirements and any special provisions of Jefferson County shall be affixed prior to commencement of any work. [Ord. 9-92 § 2]

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**12.05.040 Temporary approaches – Permit, fee.**

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(1) Any person or persons, firm or corporation desiring to build or construct a temporary approach to any county road for any logging or construction purpose, or for any other purpose, where the approach is not intended to be of a permanent nature, shall make application to the office of the Jefferson County engineer for issuance of a permit to do so, together with a cash fee, as provided by the board of county commissioners, (nonrefundable), and a cash bond of \$500.00, to run for a period not to exceed 180 days from the date of issuance of the permit, insuring that the permittee will remove the temporary approach in a manner satisfactory with the county engineer or his authorized representative within said time period whenever the approach is no longer needed.

(2) Such fee, deposited and held by the county engineer, is to be refunded to the permittee provided the approach is properly removed, but if held longer than 180 days, and the permittee has not requested a time extension, in writing, it shall be forfeited to Jefferson County and deposited in the county road fund. Permit approval of temporary approaches shall be contingent upon their evaluation by the county engineer or his designee and shall, at a minimum, meet public works standards as contained in WSDOT's Design Manual or in American Association of State Highway and Transportation Officials. [Ord. 9-92 § 3]

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**12.05.050 Removal.**

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Any person, firm or corporation who has received a permit to construct an approach, in accordance with design as set forth under JCC [12.05.030](#), who fails to construct and maintain the approach properly shall be subject to its removal from the county road right of way by county road crews and equipment. The county (for its trouble in doing so) shall be compensated by the confiscation and disposal of any culvert and/or materials so removed from the approach. Confiscated material so removed shall be disposed of as directed by the board of county commissioners and the proceeds thereof deposited in the county road fund. Before any such removal may be undertaken however, the county engineer shall give the permittee, or his successor in interest, an opportunity to correct the condition within a 30-day period following written notice of the intended action. [Ord. 9-92 § 4]

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**12.05.060 Violation – Penalty.**

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Any person or persons, firms or corporations, failing to comply with any part of this chapter, rules or regulations pertaining thereto, or violating any of the provisions thereof, shall be guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine not to exceed \$500.00, or by imprisonment in the county jail of Jefferson County for a term not exceeding 90 days. [Ord. 9-92 § 4]

<sup>1</sup> Prior legislation: Ord. 2-72.

## Chapter 12.10 ROAD VACATIONS

### Sections:

- [12.10.010](#) Purpose.
- [12.10.020](#) Definitions.
- [12.10.030](#) Scope.
- [12.10.040](#) Application.
- [12.10.050](#) Department of public works – Duties.
- [12.10.060](#) Department of community development – Duties.
- [12.10.070](#) Other applicable departments, agencies, and offices.
- [12.10.080](#) Hearing examiner – Duties.
- [12.10.090](#) Board of county commissioners – Duties.
- [12.10.100](#) Class C road vacations.
- [12.10.110](#) Review criteria.
- [12.10.120](#) Administration – Compensation requirement.
- [12.10.130](#) Legislative action.

### **12.10.010 Purpose.**

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The purpose of this chapter is to provide uniform criteria for the vacation of county roads within Jefferson County pursuant to the Roads and Bridges Vacation Act (Chapter 36.87 RCW). [Ord. 5-01 § 1]

### **12.10.020 Definitions.**

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“County” means Jefferson County, state of Washington.

“County road” means a public right-of-way, which lies outside the limits of any incorporated city, and that has been dedicated to, deeded to, established by usage, maintained, or otherwise established by the county. Such county roads shall be classified as follows:

(a) Class A. Roads established, dedicated to, deeded to, or otherwise established by the county for which no public expenditures have been made in the acquisition, improvement, or maintenance of same except those roads platted prior to March 12, 1904, which remained unopened for public use for a period of five years after authority was granted for opening them.

(b) Class B. Roads established, dedicated to, deeded to, or otherwise established by the county for which public expenditures have been made in the acquisition, improvement, or maintenance of same except those roads platted prior to March 12, 1904, which remained unopened for public use for a period of five years after authority was granted for opening them.

(c) Class C. Roads dedicated on a plat that was filed before March 12, 1904, which remained unopened for public use for a period of five years after authority was granted for opening them.

“Principal petitioner” means one of the owners of the frontage of the road (or portion of road) that is the subject of the proposed vacation designated within the petition to the county as the principal petitioner. The principal petitioner shall serve as the liaison between the owners of the frontage and the county’s public works department and shall be the sole person that public works will contact with respect to any specific application for a vacation. The principal petitioner shall be responsible to pay all fees and costs, including the “compensation requirement” outlined in JCC [12.10.120](#), that are associated with this proposed vacation. Nothing shall prevent the principal petitioner from obtaining monies from other persons owning frontage on the road (or portion of road) to be vacated to satisfy the fees and costs that might be associated with a particular request for a vacation. The principal petitioner and not the county shall be solely responsible for collecting such funds from the other persons owning frontage on the road (or portion of road) to be vacated. [Ord. 5-01 § 2]

#### **12.10.030 Scope.**

This chapter shall apply to petitions for the vacation of all or portions of a county road within Jefferson County. This chapter also sets forth that there is no petition procedure available for Class C roads. [Ord. 5-01 § 3]

#### **12.10.040 Application.**

(1) Petitions for Class A and Class B road vacations shall be submitted, along with fees as provided by the board of county commissioners as set forth in the fee schedule ordinance, in writing to the department of public works. The petition shall be signed by a majority of owners of the frontage of the road or portion thereof proposed to be vacated. The petition shall name a principal petitioner. The petition must show the land owned by each petitioner and set forth that such county road is useless as a part of the county road system and that the public will be benefited by its vacation and abandonment. All fees and costs described herein shall be paid prior to the vacation becoming effective. JCC [12.10.100](#) shall apply to Class C roads; JCC [12.10.040](#) through [12.10.090](#) shall pertain to the vacation of Class A and Class B roads.

(2) The board of county commissioners may initiate vacation action by resolution when:

- (a) Requested to do so by the county engineer;
- (b) The county is desirous of initiating a property exchange for relocation of a right-of-way to a better location, or for greenbelt purposes;
- (c) The right-of-way lies within county property;
- (d) The right-of-way lies within other public lands. [Ord. 5-01 § 4.10]

**12.10.050 Department of public works – Duties.**

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(1) The Jefferson County department of public works shall accept the road vacation petition and fee. The department shall provide preapplication consultation to the principal petitioner. The department of public works shall contact the department of community development and other applicable departments, agencies and offices requesting that they review such vacation and return any and all comments to the department of public works. The department of public works shall also contact all adjacent property owners within a 300-foot radius of the portion of the road requested for vacation. After the Jefferson County department of community development establishes the date of public hearing, the department of public works shall review the petition and post each terminus of the subject road with a public notice stating the fixed date of the public hearing. Such public notice shall be posted at least 20 days prior to the fixed date of the public hearing.

(2) The department of public works shall examine the proposed road vacation and produce a written report for the hearing examiner record that includes the county engineer's opinion as to:

- (a) Whether or not the subject road should be vacated;
- (b) Whether or not the road has been in use;
- (c) What the condition of the road is;
- (d) Whether or not it is advisable to preserve the road for the county road system in the future;
- (e) Whether or not the public will benefit by such vacation;
- (f) Whether public expenditures have been made in the acquisition, improvement, or maintenance of the subject road, and the amount of said expenditures; and
- (g) Any other applicable facts or information.

(3) The department of public works shall prepare a written staff report for the hearing examiner's review and recommendation.

(4) The department of public works shall then forward the hearing examiner's recommendations and appropriate information to the board of county commissioners.

(5) The department of public works shall submit a bill for the cost of such an examination and report. The petitioners shall be responsible for payment of these costs prior to the vacation becoming effective. When directed by the hearing examiner, the department of public works shall also provide an estimated amount of past county expenditures on the subject road. [Ord. 5-01 § 4.20]

**12.10.060 Department of community development – Duties.**

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(1) The department of community development shall review the petition and prepare a written report that includes:

- (a) The road vacation's consistency with the Jefferson County comprehensive plan and any other applicable plans, policies, or ordinances;
- (b) Whether environmentally sensitive areas exist in the vicinity which might be affected by the vacation; and
- (c) Any other applicable facts or information.

This report shall be submitted to the department of public works for inclusion in the staff report. The department of community development may also submit to the department of public works a bill for costs in conducting their review and developing their report.

(2) The Jefferson County department of community development shall establish the date and place of the public hearing with the hearing examiner. This date shall be selected in accordance with the Jefferson County hearing examiner's regular schedule. The Jefferson County department of public works shall ensure that notice of the public hearing is published in a newspaper having countywide circulation at least once a week for two consecutive weeks prior to the fixed date of the hearing. [Ord. 5-01 § 4.30]

#### **12.10.070 Other applicable departments, agencies, and offices.**

When appropriate, the following departments, agencies, and offices shall be contacted to review and comment on the petition: the water supply provider, the water treatment provider, the electric power provider, the telephone service provider, the Jefferson County sheriff's office, the local fire district, the emergency medical services provider, and any other applicable departments, agencies, and offices. [Ord. 5-01 § 4.40]

#### **12.10.080 Hearing examiner – Duties.**

In accordance with RCW 36.87.060, the hearing examiner shall hold a public hearing on all petitions for road vacations. The examiner shall review the road vacation petition, the written staff report(s), and the criteria contained in JCC [12.10.110](#), and shall receive public testimony in support of or in opposition to the proposed road vacation. The hearing examiner shall then issue a written record of recommendation to grant or deny the petition, with any conditions of approval. [Ord. 5-01 § 4.50]

#### **12.10.090 Board of county commissioners – Duties.**

(1) The Jefferson County board of commissioners shall review the report and recommendation of the Jefferson County hearing examiner. The Jefferson County board of commissioners shall either deny or accept and adopt, in whole or in part, the findings, conclusions, and recommendations of the hearing examiner, and shall make a final determination whether the request shall be denied, approved,

approved with conditions, or approved in part. The board of county commissioners may make separate or revised findings and conclusions. These shall be based upon testimony presented at the public meeting at which the hearing examiner's recommendation is considered.

(2) As a special condition for granting approval of the road vacation petition, the board of county commissioners may:

(a) Retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services, pursuant to RCW 36.87.140 and JCC [12.10.110](#); and/or

(b) Retain an easement within the subject vacated area for trail or pathway purposes, pursuant to JCC [12.10.110](#) and in accordance with the provisions of Chapter 7 of the Jefferson County comprehensive parks plan. [Ord. 5-01 § 4.60]

#### **12.10.100 Class C road vacations.**

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In accordance with Section 32, Ch. 19, P. 603, Laws of 1889-1890, roads classified as Class C roads in this chapter are roads where any public interest in that road was extinguished (or "vacated") automatically by operation of law because they remained unopened for five years after authority was granted for opening them. As such, Jefferson County does not offer any procedure, formal or informal, that would recognize or formalize this automatic extinguishment of the public's interest in a Class C road. [Ord. 5-01 § 4.70]

#### **12.10.110 Review criteria.**

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Road vacation petitions shall be reviewed according to the following criteria:

(1) The proposed road vacation complies with the Jefferson County comprehensive plan and any other applicable plans, policies, or ordinances.

(2) Roads should not be closed, vacated, or abandoned when land uses or development plans, or occurring patterns, indicate their usefulness for area circulation. Prior to a vacation decision, an examination should be made of its probable effect on overall area circulation in the neighborhood. Single or multiple vacations should be considered a positive tool toward improving neighborhood circulation and accesses.

(3) The effectiveness of fire, medical, law enforcement, or other emergency services should not be impaired by the closure, vacation, or abandonment of county roads. Appropriate authorities should be consulted with respect to this policy.

(4) Roads should not be closed, vacated, or abandoned when such routes can effectively be used for utility corridors. Suitable utility easements could be retained as a means of satisfying this policy.

Public and private utility companies and their plans should be consulted with respect to this policy. In compliance with RCW 36.87.140, the board of county commissioners may retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services.

(5) Roads should not be closed, vacated, or abandoned when such routes can be effectively used for trails or pathways. Suitable trail easements could be retained as a means of satisfying this policy. The Jefferson County parks, recreation, and open space plan should be used as a guide to determine trail needs.

(6) In compliance with RCW 36.87.130, no county road or part thereof should be vacated that abuts on a body of salt or fresh water, unless the vacation is to enable any public authority to acquire the vacated property for port purposes, boat moorage, or launching sites or for park, viewpoint, recreational, educational, or other public purposes, or unless the property is zoned for industrial purposes.

(7) The proposed vacation will not land lock any parcel of property. [Ord. 5-01 § 5]

#### **12.10.120 Administration – Compensation requirement.**

The board of county commissioners shall require compensation by the principal petitioner(s) for all Class A and Class B vacated rights-of-way in compliance with RCW 36.87.120. All resolutions vacating any street, right-of-way or alley, or part thereof, shall provide that the same shall not become effective until the principal petitioners abutting upon the street, right-of-way or alley, or part thereof so vacated, pay to the county the sum of the “base payment” and any applicable “additional payment” as those terms are defined and listed within this section.

(1) Base Payment. The principal petitioner(s) shall pay, with respect to the vacation of either or both Class A and Class B roads or rights-of-way a sum equal to one-half of the current fair market value (as of the date of the petition) of the area so vacated if the county holds title through a dedication, or the full current fair market value (as of the date of the petition) if the county acquired the subject rights-of-way other than by dedication, e.g., fee simple interest.

(2) Additional Payment. With respect to vacation of a Class A road or rights-of-way, and in addition to the base payment described above, the principal petitioner(s) shall pay to the county any and all other administrative costs incurred by the county in vacating the road.

With respect to vacation of a Class B road or rights-of-way, and in addition to the base payment described above, the principal petitioner(s) shall pay to the county an amount equal to the amount of public expenditures made in improvement or maintenance of the road or rights-of-way (or a portion of any road or rights-of-way) that is the subject of the proposed vacation, and all other administrative costs incurred by the county in vacating the road. To the extent the county can not, because of missing, destroyed or incomplete records, determine the precise amount expended for the

improvement or maintenance of a road or rights-of-way (or a portion of that road or rights-of-way) that is the subject of a proposed vacation, then the county shall be entitled to compensation equal to the amount spent on "improvement and maintenance" of that road or rights-of-way between January 1, 1994, and the date of the petition.

(3) Valuation Procedure. For all Class A and Class B vacation petitions, the principal petitioner(s) shall provide a fair market appraisal from an appraiser licensed by the state of Washington. Jefferson County shall have the right to review, accept or reject any appraisal and may do so with an internal report or an appraisal provided by a private state-licensed appraiser. If agreement on value is not reached after the county's appraisal, then Jefferson County may decline to vacate the right-of-way. If the county agrees to do so in writing, then the parties may select a mutually agreed upon neutral master appraiser, whose appraisal shall be final and binding upon the parties, and whose fee shall be paid for equally by both parties.

Alternate compensation may be provided in lieu of the monetary amounts defined above when the department of public works has stated in writing to the board of county commissioners that the proposed "in kind" or alternate compensation has value that equals or exceeds the dollar amount due and owing to the county for the proposed vacation. The board of county commissioners may choose to accept or reject this written recommendation of the department of public works. Alternate compensation shall include but not be limited to the exchange of property and/or improvements provided by the petitioner(s).

Compensation shall be paid into the Jefferson County road fund subsequent to the board of county commissioners approval of road vacations and prior to the signing of the vacation resolution.

Compensation and all other amounts and fees due and owing to the county must be paid within one year of approval of the request by the board of county commissioners. If any sums owed the county are not paid and/or conditions of approval are not met within one year of the board of county commissioners' approval of the vacation request as reflected in the approving resolution, then approval may be rescinded upon notice by mail to the principal petitioner(s). Should the request be denied, reimbursement to Jefferson County of all costs of processing the request shall be the responsibility of the principal petitioner. [Ord. 5-01 § 6]

#### **12.10.130 Legislative action.**

(1) At a regular public meeting, the board of county commissioners shall review the hearing examiner's report and recommendation, and may, at the discretion of the board, accept public testimony in support of or in opposition to the proposed road vacation. The board of county commissioners, by a majority vote, shall then grant or deny the petition.

(2) As a special condition for granting approval of a road vacation petition, the board of county commissioners may:

(a) Retain an easement within the subject vacated area for the construction, repair, and maintenance of public utilities and services, pursuant to RCW 36.87.140 and JCC [12.10.110](#); and/or

(b) Retain an easement within the subject vacated area for trail/pathway purposes, pursuant to JCC [12.10.110](#). [Ord. 5-01 § 7]

**Chapter 18.30  
DEVELOPMENT STANDARDS**

Sections:

- [18.30.010](#) General provisions.
- [18.30.020](#) General development standards.
- [18.30.030](#) Water supplies.
- [18.30.040](#) Sewage disposal.
- [18.30.050](#) Density, dimension, and open space standards.
- [18.30.060](#) Grading and excavation standards.
- [18.30.070](#) Stormwater management standards.
- [18.30.080](#) Roads.
- [18.30.090](#) Pedestrian circulation.
- [18.30.100](#) Parking.
- [18.30.110](#) Off-street loading space requirements.
- [18.30.120](#) Utility service lines and facilities.
- [18.30.130](#) Landscaping/screening.
- [18.30.140](#) Lighting.
- [18.30.150](#) Signs.
- [18.30.160](#) Archaeological and historic resources.
- [18.30.170](#) Mining, quarrying and asphalt/concrete batch plant best management practices in critical aquifer recharge areas.
- [18.30.180](#) On-site sewage disposal best management practices in critical aquifer recharge areas.
- [18.30.190](#) Noise.

**18.30.010 General provisions.**

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(1) Purpose. The purpose of this chapter is to establish provisions to set criteria associated with the development and redevelopment of land to achieve the goals and policies of the Jefferson County Comprehensive Plan. This chapter is intended to accomplish the following purposes:

- (a) Facilitate the orderly development of properly designed and constructed public and private roadways so as to provide a safe, durable and efficient integrated roadway system;
- (b) Protect public rights-of-way, natural resources, and open space from degradation due to poor development practices;
- (c) Protect the public interest in management of surface water drainage and related functions of drainage basins, watercourses, and shoreline areas; and
- (d) Fulfill the objectives of the comprehensive planning policies of Jefferson County in promoting the health, safety, and welfare of the public.

(2) Applicability. The development standards of this chapter are designed to effect the goals and policies of the Comprehensive Plan, and apply to all development and land use activities subject to

this code and within all land use districts except as may be specified below. [Ord. 8-06 § 1]

#### **18.30.020 General development standards.**

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The development standards of this chapter shall apply within each land use district and shall be minimum standards that apply uniformly to each class or kind of structure or land, except as hereinafter provided:

- (1) No building, structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered unless in conformity with all of the regulations specified in this chapter for the land use district in which it is located;
- (2) No building or structure shall encroach on any public right-of-way; no building or structure shall encroach on any private easement or right-of-way unless written permission is obtained from the easement grantee or right-of-way owner;
- (3) No part of a yard, or other open space, or off-street parking or loading space required about or in connection with any building for the purpose of complying with this chapter, shall be included as part of a yard, open space or off-street parking or loading space similarly required for any other building or structure;
- (4) Except as may be specifically provided elsewhere in this code, only one dwelling unit and one accessory dwelling unit per lot is allowed in those districts that permit residential uses; and
- (5) All land use activities shall be served by appropriate transportation facilities. Transportation facilities shall be adequate to meet the level of service standards adopted in the Jefferson County Comprehensive Plan and the appropriate design standards referenced in JCC [18.30.080](#)(1)(a). If transportation facilities would become inadequate, the applicant shall be required to provide necessary improvements and/or implement alternative measures such as transportation demand management (TDM), project phasing, or other measures acceptable to Jefferson County that will maintain the adopted level of service standards and meet design standards. If transportation facilities are not adequate, Jefferson County shall not approve the proposed development. Transportation facilities shall be deemed adequate if necessary improvements are planned and designated funding is secured in the Jefferson County Six-Year Transportation Improvement Program. [Ord. 4-07 § 2; Ord. 8-06 § 1]

#### **18.30.030 Water supplies.**

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When the development or redevelopment of land requires the availability of a supply of potable water as determined by the administrator, potable water shall be delivered by a means approved by the Washington Department of Health and/or Jefferson County health and human services.

- (1) All development must conform to the requirements of the Jefferson County health department and the Jefferson County coordinated water system plan regarding the availability and provision of water.
- (2) Water supply facilities shall be adequate to provide potable water from a public or community

water supply source and shall be constructed in conformity to standards of the jurisdictional governmental authority, unless the Jefferson County department of health approves the use of individual, on-site water supply wells.

(3) Water sources and facilities adequate for fire protection purposes shall be provided in all developments to the satisfaction of the Jefferson County fire marshal. Fire flow shall be determined in accordance with the provisions of JCC Title 15, as amended. [Ord. 8-06 § 1]

#### **18.30.040 Sewage disposal.**

(1) All development shall be provided with an individual, on-site septic system and drainfield approved by the Jefferson County health department in compliance with Chapter 8.15 JCC, unless the Jefferson County health department determines that public sewer is available which would then require connection to the approved public sewer.

(2) Design and construction standards for on-site sewage disposal shall conform to the requirements of the Jefferson County department of health or the agency having regulatory responsibility for the system. [Ord. 8-06 § 1]

#### **18.30.050 Density, dimension and open space standards.**

(1) Purpose. This section establishes: (a) density requirements; (b) bulk, area, and dimensional standards; and (c) specific rules for all uses. These standards and rules are intended to provide flexibility in project design and to maintain privacy between adjacent uses.

(2) Development Standards. This section and Table 6-1 contain general density, intensity, and dimensional standards for the various land use districts. Limitations specific to a particular district are also specified.

(3) Measurement Methods. The following methods will be used to determine compliance with this code:

(a) The "maximum density" for a parcel is calculated by dividing the parcel area by the total number of residential dwelling units allowed according to the density designation. Only whole density units may be used.

(b) "Parcel area" or "lot area" is the total horizontal land area contained within the boundaries of a parcel.

(c) Setbacks from roads shall be measured from the edge of the road right-of-way. Side and rear setbacks are measured from the edge of the property in the same manner as road setbacks.

(d) "Impervious surface" is measured by calculating the horizontal land area of all surface areas that create a barrier to or retard the entry of water into the soil in comparison with natural conditions prior to development. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. See also JCC 18.30.070 for storm drainage standards.

(e) The height of buildings and structures shall be calculated by the vertical distance from grade plane to the average height of the highest roof surface. Story height is calculated by the vertical distance from the top to top of two successive tiers of beams or finished floor surfaces; and, for the topmost story, from the top of the floor finish to the top of the ceiling joist or, where there is not a ceiling, to the top of the roof rafters (cf. International Building Code).

(4) Density Exemptions. In land use districts with minimum density requirements, additional substandard or nonconforming lots can be segregated on a legal lot of record containing more than one primary dwelling unit and septic system consistent with the requirements for a short subdivision under Article III of Chapter 18.35 JCC; provided, that all conditions set forth in this subsection are satisfied:

- (a) The parcel to be divided contains more than one existing legally permitted residential structure (not including an approved or functioning accessory dwelling unit), of which all structures have an individual, legally permitted and installed septic system approved by the Jefferson County environmental health department, and neither structure was approved as, or functions as, an accessory dwelling unit (ADU);
- (b) If on or before January 20, 1998, the parcel to be divided contained one or more existing legally permitted residential structures, of which each structure had an installed, individual and legally permitted septic system approved by the Jefferson County environmental health department, and the property contained at least one additional legally permitted and installed septic system not yet dedicated or connected to an existing residential structure;
- (c) The following conditions shall apply to all density exemptions authorized under this subsection:
  - (i) Each of the existing residential units must have been constructed in compliance with all applicable building codes, zoning codes, and county, state and federal laws in effect at the time of construction and/or placement in the case of a manufactured or mobile home, and none of the residential structures were permitted as an ADU and neither structure consists of a recreational vehicle or travel trailer.
  - (ii) Each of the installed septic systems were legally permitted at the time of installation and are currently functioning properly as determined by the Jefferson County environmental health department, and are in compliance with the applicable environmental health regulations as reviewed and approved by the Jefferson County environmental health department.
  - (iii) The property may be divided into a number of lots equal to the number of legally permitted and installed septic systems. In rural residential zones the property shall be divided in a manner that creates lots of a size which are as equal as possible or as close to conforming with the minimum lot size or mapped density requirements of this code, whichever is the more restrictive. Lots divided under this section in resource zones shall not be larger than one acre, unless additional area is needed for the septic tank and drainfield.
  - (iv) Lots created under the exemption authorized in this subsection shall be exempt only from the density or minimum lot size requirements of this code and shall be subject to all other requirements of this code, including the requirement for its own access or agreed upon and legally created shared access (shared easement), as well as compliance with all other applicable county, state and federal laws.

(v) The responsibility to demonstrate that each residential structure was constructed or sited under a valid building permit and/or the regulations in effect at the time of construction, or placement in the case of a manufactured or mobile home, and that each septic system was approved and inspected by the Jefferson County environmental health department shall be that of the proponent.

(vi) The provisions of this subsection shall not apply to any recreational vehicle parks, mobile home parks, campgrounds, camper clubs, seasonal (vacation) homes, park models, or any property developed under a binding site plan.

Development Standard <sup>9</sup>	Resource Lands				Rural Residential				Rural Commercial				Rural Industrial					Public	UGA	
	Agricultural Resource Lands	Commercial Forest	Rural Forest	Inholding Forest	1 DU/5 Acres	1 DU/10 Acres	1 DU/20 Acres	Rural Village Center	Convenience Crossroad	Neighborhood/Visitor Crossroad	General Crossroad	Resource-Based Industrial	Light Industrial/Commercial (Glen Cove)	Light Industrial (Glen Cove)	Light Industrial/Manufacturing (Quilcene and Eastview)	Heavy Industrial	Parks, Preserves and Recreation	Final Urban Growth Area (Reserved)	Major Industrial Development	
	AP-20 and AL-20	CF	RF	IF	RR 1:5	RR 1:10	RR 1:20	RVC	CC	NC	GC	RI	LI/C	LI	LI/M	HI	PPR	UGA	MID	
Maximum Density (DU/Acre)	1/20	1/80	1/40	1/20	1/5	1/10	1/20	None	N/A <sup>10</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A		N/A	
Minimum Lot Area	None specified. Lot sizes shall be sufficient to meet the public health and environmental protection standards contained in Jefferson County regulations. Ability to subdivide is regulated by the mapped development density.																	Per Chapter 18.15 JCC, Article VIII		
Minimum Front or Road <sup>11</sup> Setbacks <sup>5,6</sup> (feet)																				
Minor Collector and Local Access	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20		50	
Driveway	0	0	0	0	0	0	0													
Private Road and Ingress/Egress Easement	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20	20			
Major Collector	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30	30		50	
Minor Arterial	35	35	35	35	35	35	35	30	35	35	35	35	35	35	35	35	35		50	
Principal Arterial	50	50	50	50	50 <sup>1</sup>	50	50	35	35	35	35	35	35 <sup>1</sup>	35 <sup>1</sup>	35	35	50		50	
Special Setback from Resource Lands	A special setback is required from the adjacent resource land or use as specified in Chapter 18.15 JCC.																			
Minimum Rear and Side Setbacks <sup>5,6</sup> (feet)	5	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>2</sup>	5 <sup>3,12</sup>	5 <sup>3,12</sup>	5 <sup>3,12</sup>	5 <sup>3,4</sup>	5 <sup>3,4</sup>	5 <sup>3,4</sup>	5 <sup>3,4</sup>	10 <sup>3,4</sup>	10 <sup>3,4</sup>	10 <sup>3,4</sup>	10 <sup>3,4</sup>	20 <sup>3,4</sup>	20		100	
Maximum Building Dimensions																				
Building Height <sup>7,8</sup> (feet)	35	35	35	35	35	35	35	35	35	35	35	IBC Std.	35 <sup>16</sup>	35 <sup>16</sup>	IBC Std.	IBC Std.	35		IBC Std.	
Area of Impervious Surface Coverage <sup>15</sup> (%)	10	10	10	10	25	25	25	60	60	60	60	Per JCC 18.30.070	55	55	Per JCC 18.30.070	Per JCC 18.30.070	10		Per JCC 18.30.070	
Area of Building Coverage <sup>13</sup>	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	60	N/A	N/A	60	60	N/A		N/A	
Maximum Building Size <sup>14</sup> (sq. ft.)	Subject to Department of Health on-site septic and water constraints, lot size and all other applicable requirements								20,000	5,000	7,500	10,000	None Specified	20,000 (L) <sup>16</sup> 15,000 (C) <sup>17</sup>	10,000 <sup>18</sup>	None Specified	None Specified	None Specified	None Specified	None Specified

**NOTES:**

1. To implement the intent of LNG 19.0 of the Comprehensive Plan to protect the forest corridor and tree canopy in the Glen Cove area, the setback from the right-of-way of SR 20 shall be 50 feet on each side of the highway (comprised of a 30-foot buffer and a 20-foot setback from the buffer), for new development, from the intersection of Old Fort Townsend Road and SR 20 to the incorporated boundary of the city of Port Townsend.
2. Except if subject to the special setbacks required from adjacent resource lands as specified in Chapter 18.15 JCC.
3. Special Rear and Side Setbacks.
  - Wherever a residential use is proposed to abut a commercial use or zone, and vice versa, the setback shall be 35 feet.
  - Wherever a residential use is proposed to abut a light industrial use or zone, and vice versa, the setback shall be 25 feet, unless otherwise specified in this code.
  - Wherever a residential use is proposed to abut a heavy industrial use or zone, and vice versa, the setback shall be 100 feet, unless otherwise specified in this code.
4. Wherever a commercial use is proposed to abut an industrial use or zone, and vice versa, the setback shall be 20 feet, unless otherwise specified in this code.
5. Fences are exempt from setback requirements, except in the jurisdiction of the Shoreline Master Program (SMP) or when impairing safe sight lines at intersections, as determined by the county engineer.
6. Setbacks do not apply to mailboxes; wells; pump houses; bus shelters; septic systems and drainfields (except in the SMP); landscaping (including berms); utility apparatus such as poles, wires, pedestals, manholes, and vaults. No other structures or accessory uses shall be located in the front setback area unless approved by the administrator. The administrator may reduce the minimum road setbacks if the strict application of such setback would render a legal lot of record unbuildable under the provisions of this code.
7. Chimneys, smokestacks, fire or parapet walls, ADA-required elevator shafts, flagpoles, utility lines and poles, skylights, communication sending and receiving devices, HVAC and similar equipment, public water towers or tanks, and spires associated with places of worship are exempt from height requirements.
8. Propane fuel storage tanks and containers shall maintain setbacks and separations pursuant to the currently adopted International Fire Code.
9. Approved subarea plans may establish different bulk and dimensional requirements for those areas.
10. "N/A" = Not Applicable.
11. Road Classifications. To clarify the setbacks for development activities consistent with the requirements of this chapter, the following road designations shall apply:
  - Principal arterials: US 101, SR 104, SR 20.
  - Minor arterials: SR 19 (Beaver Valley Road, Rhody Drive, and Airport Cutoff).
  - Major collectors: SR 116 (Ness' Corner Road, Oak Bay Road to Flagler Road and Flagler Road), Center Road, Chimacum Road, Irondale Road, Quinault-South Shore Road, Upper Hoh Road.
  - Minor collectors: Anderson Lake Road, Bee Mill Road, Cape George Road, Clearwater Road, Cooke Avenue Extension, Coyle Road, Dabob Road, Dabob P.O. Road, Dosewallips Road, Duckabush Road, E. Quilcene Road, Four Corners Road, Eaglemount Road, Hastings Avenue West, Hazel Point Road, Larson Lake Road, Oak Bay Road, Paradise Bay Road, Penny Creek Road, Point Whitney Road, S. Discovery Road, Thorndyke Road, South Point Road.
12. The special side and rear setbacks provided in Table 6-1 shall also apply to outbuildings for residential or agricultural uses such as detached garages, storage sheds or tool sheds, except for existing lots of record less than five acres wherein the minimum rear and side yard setbacks for outbuildings shall be five feet.
13. Maximum area of building coverage is measured by the percentage of total lot area occupied by the footprints of all structures.
14. Maximum building size is measured as the area occupied by the footprint of each individual structure. A parcel may contain more than one structure of the maximum building size.
15. Pre-existing legal lots of record less than one acre in size in rural residential districts are subject to the stormwater requirements in Chapter 18.30 JCC and must meet the "Area of Impervious Surface Coverage" to the maximum extent practicable as determined by the administrator.
16. In the Glen Cove light industrial/commercial (LI/C) district, the 20,000-square-foot building size and the 35-foot building height for all "Yes" uses may be exceeded up to a maximum building size of 40,000 square feet (total interior floor space not to exceed 80,000 square feet) and

a maximum building height of 50 feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.

17. In the Glen Cove light industrial/commercial (LI/C) district, the 1,500-square-foot building size for all “Associated Commercial” uses may be exceeded up to a maximum building size of 3,000 square feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.

18. In the Glen Cove light industrial (LI) district, the 10,000-square-foot building size and the 35-foot building height for all “Yes” uses may be exceeded up to a maximum building size of 20,000 square feet and a maximum building height of 50 feet pursuant to the Type III review process contained in Chapter 18.40 JCC and consistent with the conditional use criteria contained in Chapter 18.40 JCC.

19. Impervious surface requirements do not apply to public purpose facilities.

[Ord. 10-12 § 1; Ord. 8-06 § 1]

#### **18.30.060 Grading and excavation standards.**

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##### **(1) General Regulations.**

(a) All grading and clearing activities shall be conducted so as to minimize potential adverse effects of these activities on forested lands, surface water quality and quantity, groundwater recharge, and fish and wildlife habitat, adjacent properties and downstream drainage channels.

(b) Grading and excavation to construct ponds and reservoirs shall:

(i) Meet all applicable setbacks specified in this code, except for stormwater detention facilities authorized by the county engineer;

(ii) Maintain in-stream flows of natural drainage courses; and

(iii) Protect adjacent property from damage.

(2) Drainage and Erosion Control. All grading activities shall be accomplished as follows:

(a) Design and maintain adequate buffers of undisturbed native vegetation to minimize off-site impacts of surface water runoff, erosion, and sedimentation.

(b) Design and construct all graded surfaces that are to be revegetated so that the graded surfaces will hold topsoil and to minimize surface runoff, erosion, and sedimentation.

(c) Selectively salvage the upper six to 12 inches of topsoil, stockpile it, and respread over all disturbed areas to be revegetated. Excess excavated material, if not retained on-site, must be disposed of at a permitted site approved by the administrator.

(d) Any area cleared or graded and not covered with gravel or an impervious surface shall be seeded immediately on completion of the project. If erosion is probable, areas with exposed soil shall be protected by temporary means during and following construction until seeding is established. All disturbances should at least be revegetated with grasses and forbs; including shrubs and trees as appropriate in the revegetation effort. Use of plant species native to the county is encouraged.

(e) Natural vegetation shall be retained to the maximum extent possible in construction and operation of any use. All development shall ensure that soil erosion and sedimentation of drainage ways will be controlled to prevent damage to adjoining property and downstream drainage channels and receiving waters.

(f) Surface drainage shall not be directed to or discharged into county roads or ditches within county rights-of-way unless approved by the county engineer.

(g) A drainage analysis shall be prepared if required by JCC [18.30.070](#). Drainage controls may be required to regulate volume, peak flow and velocities of runoff water and to control pollutants, erosion, and sedimentation if it is probable that damage could occur downstream to property or to water quality. Such controls may include landscaping or re-establishing native vegetation, ponds, catch basins, and other control structures.

(h) For effective long-term weed control, it is suggested that the landowner coordinate with the county weed control board to eradicate nuisance species.

(3) Best Management Practices (BMPs). BMPs from the currently adopted Stormwater Management Manual for Western Washington (SMM) (see JCC [18.30.070](#)) or as specified by the county engineer shall be employed in the control of erosion and sediment during construction, to permanently stabilize soil exposed during construction, and in the design and operation of stormwater and drainage control systems.

(4) Environmentally Sensitive Areas. All clearing and grading activities that will adversely affect environmentally sensitive areas shall be subject to the regulations of Article VI-D et seq. of Chapter 18.15 JCC, and JCC [18.30.070](#), without limitation to thresholds found herein:

(a) Critical Aquifer Recharge Areas. Standards governing development activities in these areas are found in Article VI-E of Chapter 18.15 JCC.

(b) Frequently Flooded Areas. Fills in flood hazard areas as identified on the FIRM (Flood Insurance Rate Maps) are not permitted unless the administrator finds that no reasonable alternative exists.

(c) Geologically Hazardous Areas. Standards governing development activities in these areas are found in Article VI-G of Chapter 18.15 JCC.

(d) Fish and Wildlife Habitat Areas. Standards governing development activities in these areas

are found in Article VI-H of Chapter 18.15 JCC.

(e) Regulated Wetlands. Alteration (filling, excavating, or draining) of regulated wetlands shall be subject to the provisions of Article VI-I of Chapter 18.15 JCC.

(5) Grading.

(a) Project or building permits which involve grading of 500 or more cubic yards are subject to environmental review under the State Environmental Policy Act (SEPA) (see Article X of Chapter 18.40 JCC) unless the grading is SEPA-exempt under WAC 197-11-800.

(Note: this does not apply when grading is associated with a development or activity which is categorically exempt from SEPA review requirements. Most minor new construction, including construction of a single-family house and related outbuildings, is exempt from SEPA review; see WAC 197-11-800.)

(b) All grading of 500 cubic yards or more shall be subject to a stormwater management permit, as specified in JCC [18.30.070](#)(6), with the exception of:

- (i) Maintenance of gravel roads;
- (ii) A SEPA-exempt (cf. WAC 197-11-800(2)(d)) residential driveway;
- (iii) Construction of a Class I – III logging road (per RCW 76.09.050 and WAC Title 222);
- (iv) Drainage improvements constructed in accordance with subsection (2) of this section and JCC [18.30.070](#); or
- (v) Construction of a pond of one-half acre or less which is not in a regulated wetland. [Ord. 8-06 § 1]

**18.30.070 Stormwater management standards.**

All new development and redevelopment must conform to the standards and minimum requirements set by the most current version of the Washington Department of Ecology Stormwater Management Manual for Western Washington (SMM) and obtain a stormwater management permit if required by subsection (5) of this section. The administrator may require additional measures as indicated by the environmental review or other site plan review.

(1) Definitions. For the purposes of this section, the definitions at Section I-2.3 of the SMM shall apply:

(a) “New development” includes land-disturbing activities, including Class IV general forest practices that are conversions from timber land to other uses; structural development, including construction or installation of a building or other structure; creation of impervious surfaces; and subdivision, short subdivision and binding site plans as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new

development.

(b) "Redevelopment" includes, on a site that is already substantially developed (i.e., has 35 percent or more of existing impervious surface coverage), the creation or addition of impervious surfaces; the expansion of a building footprint or addition or replacement of a structure; structural development including construction, installation or expansion of a building or other structure; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities.

(c) "Impervious surface" means a hard surface area that either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development, a hard surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.

(d) "Land-disturbing activity" is any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity.

(2) Exemptions. Commercial agriculture, road maintenance activities, and forest practices regulated under WAC Title 222, except for Class IV general forest practices and COHPs (see JCC 18.20.160), pursuant to SMM Section I-2.2, are exempt from the provisions of the minimum requirements.

(3) Development and Redevelopment Minimum Requirements. Development and redevelopment meeting the criteria of subsection (1)(a) of this section shall be required to control erosion and sediment during construction and to permanently stabilize soil exposed during construction. Such development shall:

(a) Comply with the minimum requirements for development of small parcels in Section I-2.5 of the SMM;

(b) Applicants for all development and redevelopment meeting the criteria for subsection (1)(a) of this section, except for detached single-family residences and duplexes creating or adding less than 2,000 square feet and land-disturbing activities of less than 7,000 square feet, shall prepare a stormwater site plan (or show on other diagrams being prepared for the project, if appropriate)

showing:

- (i) Vicinity map;
- (ii) Location of the structure and its access;
- (iii) All applicable setback requirements;
- (iv) Location of all applicable erosion and sediment control BMPs; and
- (v) Existing site features and sensitive areas.

(4) New Development Minimum Requirements.

- (a) All new development and redevelopment shall be required to comply with Minimum Requirement No. 2 (Construction Stormwater Pollution Prevention) as contained in the SMM.
- (b) New development that includes: (i) the creation or addition of 2,000 square feet, or greater, of new, replaced, or new plus replaced impervious surface area; or (ii) has land-disturbing activities of 7,000 square feet or greater shall comply with Minimum Requirements Nos. 1 through 5 as contained in the SMM.
- (c) New development that includes: (i) the creation or addition of 5,000 or more square feet of impervious surface; or (ii) converts three-quarters acre, or more, of native vegetation to lawn or landscaped areas; or (iii) converts 2.5 acres, or more, of native vegetation to pasture shall comply with Minimum Requirements Nos. 1 through 10 as contained in the SMM.
- (d) Redevelopment that includes: (i) new, replaced, or total of new plus replaced impervious surface of 2,000 square feet or more; or (ii) 7,000 square feet or more of land-disturbing activity shall comply with Minimum Requirements Nos. 1 through 5 as contained in the SMM.
- (e) Stormwater Site Plan. Stormwater site plans shall be developed to the standards of Volume I, Chapter 3 of the SMM, and include:
  - (i) Project overview;
  - (ii) Plot plan, including the elements of subsection (3)(b) of this section;
  - (iii) Locations of structures and other impervious surfaces;
  - (iv) Locations of stormwater runoff treatment and flow control facilities;
  - (v) Road rights-of-way and easements;
  - (vi) Preliminary conditions summary;
  - (vii) Analysis of off-site water quality impacts (including groundwater) resulting from the project, and mitigation measures;

(viii) Analysis and design of proposed stormwater runoff control facilities, including flow control, treatment, and source control BMPs (cf. Volume I, Section I-4 of the SMM, which provides a list of and selection process for BMPs);

(ix) Construction stormwater pollution prevention plan;

(x) Special reports and studies;

(xi) Stormwater and drainage system maintenance specifications.

(f) Commercial and industrial developments, subdivisions or other projects requiring stormwater management facilities including collection, conveyance, treatment, detention, and infiltration facilities shall enter into a stormwater management facility maintenance agreement with Jefferson County to operate and maintain the facilities as per the approved plans. The public works department will prepare the agreement after approval of the project stormwater site plan and submit it to the applicant. The applicant shall file the agreement with the Jefferson County auditor prior to final project approval by Jefferson County.

(5) Stormwater Management Permit and Plan Review. All grading of 500 cubic yards or more (not exempted under subsection (5)(b) of this section), land-disturbing activities of 7,000 square feet or more, or creation of 2,000 square feet or more of impervious surface shall be subject to a stormwater management permit. Prior to issuance of a stormwater management permit, the applicant shall submit the required stormwater management plans to the administrator for review and approval. The administrator shall issue the stormwater management permit consistent with a Type I permit process (as specified in Chapter 18.40 JCC) only upon a finding that the proposed use or activity meets all applicable requirements of JCC [18.30.060](#) and this section, and any other applicable requirements of this code.

(a) Applications for grading projects or land-disturbing activities which require a stormwater management permit shall include the following information. The administrator may waive specific submittal requirements determined to be unnecessary for review of the application.

(i) Source of fill material and deposition of excess material;

(ii) Physical characteristics of fill material;

(iii) Proposed methods of placement and compaction consistent with the applicable standards in of the International Building Code;

(iv) Proposed surfacing material;

(v) Proposed method(s) of drainage and erosion control;

(vi) Methods for restoration of the site;

(vii) Demonstration that in-stream flow of water will remain unobstructed;

(viii) Demonstration that erosion and sedimentation from outflow channels will be minimized by vegetation or other means; and

(ix) Demonstration that pond runoff will be controlled to protect adjacent property from damage. [Ord. 8-06 § 1]

**18.30.080 Roads.**

(1) General. The following shall apply to all public and private roads, including any road in a development subject to Chapter 18.35 JCC, Land Divisions:

(a) Transportation facilities shall be designed and constructed in conformance with the following reference manuals and standards of the Jefferson County department of public works which are hereby adopted by reference in this code, including:

(i) American Association of State Highway and Transportation Officials (AASHTO), A Policy on Geometric Design of Highways and Streets, Standard Specifications for Highway Bridges, and Roadside Design Guide;

(ii) Washington State Department of Transportation (WSDOT) Local Agency Guidelines, Highway Design Manual, Bridge Manual, Construction Manual, Highway Runoff Manual, Hydraulics Manual, Plans Preparation Manual, Standard Specifications for Road, Bridge, and Municipal Construction, and Standard Plans for Road, Bridge, and Municipal Construction;

(iii) Washington Department of Ecology Stormwater Management Manual;

(iv) Federal Highway Administration Manual on Uniform Traffic Control Devices;

(v) Institute of Transportation Engineers (ITE) Trip Generation Manual; and

(vi) Transportation Research Board (TRB) Highway Capacity Manual, Special Report No. 209.

(b) Bridges shall be designed and constructed in conformance with the standards of the department of public works identified by reference in this code. Bridge design and construction shall be certified by a licensed engineer.

(c) Road signs and traffic signs shall be installed in conformance with the standards of the department of public works identified by reference in this title.

(d) Drainage, erosion control, and stormwater management facilities shall comply with the requirements of the storm drainage standards contained in JCC [18.30.070](#) and the Washington Department of Ecology Stormwater Management Manual, and any other applicable Jefferson County standards.

(e) The applicant shall submit plans for construction of roads, bridges, stormwater management

facilities, and/or land disturbing activities regulated by this code to the department of public works for review and approval prior to commencing construction.

(f) Clearing, grading, and construction of roads, bridges, utilities, and stormwater management facilities shall be inspected by the department of public works. In order to enable the department to conduct inspections in a timely manner, the applicant shall notify the department in a timely manner regarding the project construction schedule.

The following road inspections are typically required:

- (i) Installation of temporary erosion and sediment control measures;
- (ii) Clearing and road subgrade preparation;
- (iii) Placing roadway gravel base;
- (iv) Placing roadway crushed surfacing top course;
- (v) Placing improved roadway surface (chip seal or asphalt concrete);
- (vi) Construction of stormwater management facilities; and
- (vii) Final plat review.

Additional inspections may be necessary based on site-specific conditions or the nature of the project.

(g) The department of public works may require development applicants to submit a traffic analysis prepared by a licensed engineer in order to determine the potential off-site impacts to public and private transportation facilities from proposed subdivisions.

(h) Subdivision road systems shall provide access to the public road system at two locations, when feasible. One access location may be allowed based on a finding by the department of public works that a single access location is adequate to protect the public health, safety, and welfare.

(i) Access to subdivisions from arterial and collector roads shall be restricted. Lots shall be accessed from an internal access road system, unless the lots are accessed from a local access road.

(j) Developments shall make appropriate provision to ensure safe walking conditions for pedestrians and for students who walk to and from school. Construction of road improvements, sidewalks, trails, or bicycle facilities may be required in order to meet this standard.

(k) Subdivisions shall make appropriate provision for transit and school bus stops.

(l) When a proposed subdivision is adjacent to a county road, a right-of-way 30 feet in width from the roadway centerline shall be conveyed to Jefferson County by either statutory warranty deed

or dedication in fee simple on the plat, if such right-of-way has not been previously conveyed.

(m) Easements for private roads providing access to and/or internal circulation within subdivisions shall be 60 feet in width. Easement width may be reduced on the recommendation of the department of public works based on a finding that the public health, safety, and welfare will be protected and that the easement width is adequate for the construction and maintenance of roads and utilities. Where reduced access easement widths are proposed, parallel utilities easements may be required.

(n) Access easements from the county road system to the subdivision shall be provided consistent with the requirements of this code. Access from the public road system shall be depicted on the final plat.

(o) Subdivision road names shall be approved by the board of county commissioners based on a recommendation by the department of public works.

(p) Subdivisions shall establish an agreement for the continuing maintenance of private roads either by recording a separate instrument and referencing said instrument on the plat or by declaring a maintenance agreement on the plat. The applicant shall submit the maintenance agreement to the department of public works for review and approval prior to final plat approval.

(q) All required construction of roads, bridges, utilities, and stormwater management facilities shall be inspected and approved by the department of public works prior to final development approval.

(r) Developments proposing access to county collector roads and state highways shall make appropriate access improvements to ensure that mobility on these roadways is not degraded. The design of access improvements shall be reviewed and approved by the Jefferson County engineer for county roads and by the Washington Department of Transportation for state routes.

(s) Subdivision applicants may post a surety guaranteeing completion of subdivision improvements within one year of final plat approval. The surety shall be reviewed and approved by the department of public works. The surety shall be for 200 percent of the cost of constructing the improvements based on an estimate prepared by a licensed engineer. In the event that the applicant does not complete construction of improvements within one year, the department of public works shall be authorized to complete the construction and pay for the work from the surety account. Surety shall not be accepted for water supply development other than distribution facilities.

(t) A maintenance bond guaranteeing any improvements required by this code for two years may be required by Jefferson County as a condition of final plat approval. Maintenance bonds shall be approved by the department of public works.

(u) Applications requiring review by the department of public works to meet the requirements of this section shall be assessed hourly review fees in accordance with the Jefferson County fee

schedule. By making application, the applicant agrees to reimburse the department for its expenses even if the proposal is denied by subsequent action of the county or the proposal is otherwise not completed.

(v) Modifications to design and construction standards for a specific road project may be approved by the county engineer.

(2) Public Roads.

(a) General.

(i) The Jefferson County engineer is responsible for the design and construction of all county roads.

(ii) The standard right-of-way width is 60 feet for all public roads.

(iii) Roadway monumentation shall be approved by the department of public works.

(iv) Road access permits are required for access to county roads. Applications will be reviewed by the administrator for the requirements of the environmentally sensitive areas overlay district (see Article VI-D of Chapter 18.15 JCC) and of the State Environmental Policy Act (Article X of Chapter 18.40 JCC) prior to being approved by the county engineer. Such permits shall be limited as follows:

(A) The number of access points along roads shall be limited to one per parcel, except:

- For agricultural access;
- When the parcel topography makes a single access point impractical for the entire parcel;
- When access is being provided for commercial uses with 20 or more parking spaces; or
- When additional access points are required or approved by the county engineer.

(B) New access points to arterial roads shall not be allowed if reasonable access from any other road is available.

(C) Road access points shall have a clear and unobstructed sight distance in both directions adequate to ensure public safety. Appropriate site distances shall be determined by the county engineer, based on speed limit, roadway surface, and other pertinent factors.

(D) Storm drainage and culvert sizing shall be based upon engineering analysis and the standards of JCC [18.30.060\(2\)](#) and [18.30.070](#). Maximum length of surface drainage for roadside ditches before discharging onto adjacent property or into natural drainageway

shall be 1,000 feet.

(E) The permits shall be conditioned to address impacts to environmentally sensitive areas or as indicated by SEPA analysis, if applicable.

(F) The county engineer shall have the authority to approve or deny all road access permits, which decision is final and not subject to administrative appeal.

(b) Road and Right-of-Way Dedication.

(i) Where any public road right-of-way abutting a property proposed for a development is subject to a conditional use permit or to Chapter 18.35 JCC, Land Divisions, and has insufficient width to conform to the county's adopted road standards for the class of road involved, the county engineer may:

(A) Require the dedication of sufficient additional right-of-way to bring the abutting half of the right-of-way (measured from the existing county road centerline) into conformance with the adopted standards; and

(B) Obtain additional easements to cut and fill on the subject property adjacent to the county road, and to provide for drainage of surface and stormwater runoff by directing the runoff along or into natural drainageways on lots adjacent to the county road. Such drainage should be designed and mitigated to avoid or minimize impacts to the environment and to the affected properties.

(ii) The county may accept the dedication of new county roads and rights-of-way subject to the following standards:

(A) Only if all of the following criteria are met:

- The road right-of-way is at least 60 feet in width and is dedicated to Jefferson County in fee simple;
- The road meets all other county standards; and
- An evaluation by the county engineer deems the road to be of general public benefit.

(B) When roads are proposed to be dedicated to Jefferson County, the county engineer shall make a report to the board of county commissioners regarding the practicality and necessity of accepting the dedication, the effect of the dedication on traffic circulation, and any other matters deemed to be material by the county engineer.

(C) All road rights-of-way dedications shall be processed in accordance with final plat procedures contained in Chapter 18.35 JCC, Land Divisions.

(c) Road Vacations. All applications to the board of county commissioners seeking vacation of a county road right-of-way or any portion of one shall be subject to the requirements of Chapter

12.10 JCC, Road Vacations. [Ord. 8-06 § 1]

**18.30.090 Pedestrian circulation.**

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(1) All development shall provide for separate easements and paths when the easement will provide links to a public trail referenced in any adopted county plan for public trails.

(2) Public pedestrian paths shall meet the following minimum design standards:

(a) Paths shall be visually distinguished from roads, driveways, and parking spaces.

(b) Paths shall have a standard unobstructed width of six feet or the minimum standards contained in the Jefferson County nonmotorized transportation and recreational trails plan, whichever is greater. [Ord. 8-06 § 1]

**18.30.100 Parking.**

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(1) General Parking Standards. The following standards shall apply to all development under this code.

(a) Off-street parking shall be established prior to occupancy of any new or expanded building or before a change occurs in the use of an existing building. Parking space requirements shall be determined from Table 6-2, and as follows:

(i) Off-street parking ratios expressed as the number of spaces per square feet means the usable or net square footage of floor area, exclusive of nonpublic areas, such as building maintenance areas, storage areas, closets, or restrooms. If the formula for determining the number of off-street parking spaces results in a fraction, the number of spaces shall be rounded to the nearest higher whole number;

(ii) Where other provisions of this UDC stipulate maximum parking allowed, or increase or reduce minimum parking requirements, those provisions shall apply;

(iii) An applicant may request a modification of the minimum number of parking spaces by providing a study prepared by a qualified professional that substantiates that parking demand can be met with a reduced parking requirement. In such cases, the administrator may approve a reduction of the minimum number of spaces required;

(iv) The current edition of the International Building Code shall be used to determine the number of occupants of a use;

(v) The administrator may refer to the current edition of the ITE Trip Generation Manual to determine the number of trips used to determine parking demand and may increase or reduce the required number of parking spaces based on actual usage or projected demand; and

(vi) For unnamed uses, the administrator may require a study prepared by a licensed civil engineer that substantiates an acceptable parking requirement.

(b) Parking for physically handicapped needs shall be provided consistent with state standards at a rate of not less than two percent of the total number of parking spaces, or a minimum of one parking space, whichever is greater. Single-family residences, including duplexes, are exempt from this requirement. Parking spaces for physically handicapped needs shall comply with ANSI 117.1-2003 (502.2 and 502.4.2). Such spaces shall be not less than 12 feet, six inches wide.

(c) A parking layout plan shall be submitted to the administrator for approval consistent with requirements of Table 6-2 for all multifamily residential, commercial, industrial, institutional and small-scale recreation and tourist uses, at the time of application for any permit or land use activity required by this code. The layout plan shall conform to the general parking standards contained in this subsection. The administrator may refer any parking plan to the county engineer for technical review.

(d) Required off-street parking located within the jurisdiction of the Shoreline Master Program shall also be consistent with applicable provisions of this section.

(e) Off-street parking areas containing five or more spaces shall be landscaped according to JCC [18.30.130](#)(6).

(f) The minimum parking space and aisle dimensions for the most common parking angles are shown in Table 6-3. For parking angles other than those shown on the chart, the minimum parking space and aisle dimensions shall be approved by the county engineer.

(g) Owners of two or more adjoining uses, structures or lots may utilize jointly the same parking or loading area when the hours of operation do not overlap. In the event that owners of one or more adjoining uses, structures or lots desire to utilize jointly the same parking concurrently, the total requirement for parking spaces shall be the sum of the requirements for each individual use, unless the applicants can demonstrate to the administrator that a lower number of parking spaces are justified through implementation of transportation demand management strategies, off-peak use, availability and use of public transit or alternative modes of travel or other measures.

(h) If lighting is provided, it shall be designed to minimize direct illumination of abutting properties and adjacent streets.

(2) Parking Access Standards. All parking facilities shall be developed consistent with the following access standards:

(a) Joint accesses for commercial, industrial and multifamily residential uses should be utilized whenever feasible.

(b) All ingress and egress to a parking lot accessing an arterial or collector roadway shall be developed so vehicles entering and leaving the parking lot are headed in a forward motion.

(c) Access points shall be located in a manner consistent with the standards of the Jefferson

County department of public works or WSDOT, where applicable.

(d) Limited access provisions shall be required when deemed necessary by the Jefferson County department of public works or WSDOT, where applicable.

(3) General Off-Street Parking Construction Standards.

(a) All required off-street parking shall be provided with an all-weather surface as required by the Jefferson County department of public works.

(b) Grading work for parking areas shall meet the requirements of the International Building Code. Drainage and erosion or sedimentation control facilities shall be provided in accordance with JCC [18.30.060\(2\)](#) and [18.30.070](#).

(c) Wheel stops, striping, or similar measures are required where a parked vehicle would encroach on adjacent property, pedestrian access or circulation areas, rights-of-way, or landscaped areas.

(d) Any lighting installed in parking areas shall be consistent with the requirements of JCC [18.30.140](#).

**Table 6-2. Minimum Number of Parking Spaces Required for Different Land Uses**

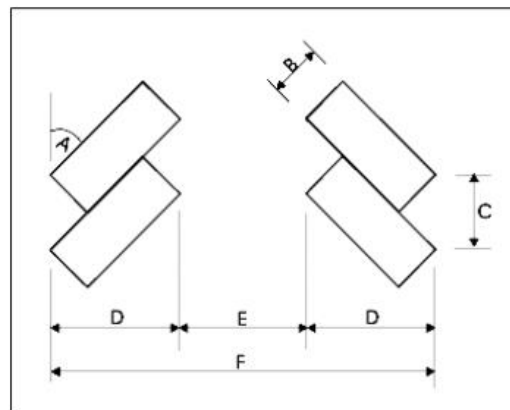
Land Use	Minimum Number of Parking Spaces Required <sup>(1)</sup>
COMMERCIAL USES	
Animal shelters, commercial kennels and catteries	1 per 750 square feet plus 1 per employee
Automotive service and repair	2 spaces per bay or stall plus 1 space per employee
Bed and breakfast inn or residence	1 per guest room, plus 2 per facility
Day care, group care, and residential care facilities	1 space per 10 people enrolled plus 1 for each staff member or volunteer on-site, but not fewer than 3 spaces
Drinking and/or eating establishments	1 per 100 square feet or 1 per 3 seats, whichever is greater. Seasonal outside seating does not require additional parking
Hotel/motel	1 per guest room plus 1 per employee
Indoor entertainment facilities	1 per 4 seats or per 100 square feet of assembly area, whichever is greater

Nursing homes/assisted living facilities	5 plus 1 per 6 beds
Personal and professional services and offices	1 space per 300 square feet plus 1 per employee, but not fewer than 3 spaces
Retail sales and services	1 per 300 square feet
Unnamed commercial uses	[Determined by the administrator]
<b>Industrial Uses</b>	
For all industrial uses (except as listed below)	1 per employee plus 1 per 300 square feet of any associated retail sales area
Heavy equipment rental services	1 per 750 square feet plus 1 per employee
Recycling center	1 per 750 square feet plus 1 per employee
Solid waste handling facilities	1 per 750 square feet plus 1 per employee
<b>INSTITUTIONAL USES</b>	
College or technical school/adult education facility	1 per classroom, plus 1 per 2 students
Community club or community organization facility	1 space per 300 square feet but not fewer than 5 spaces
Emergency services	[Determined by the administrator]
Government offices	1 space per 300 square feet but not fewer than 5 spaces
Library	1 per 300 square feet
Museum	1 per 800 square feet
Post office	1 space per 300 square feet but not fewer than 5 spaces
Religious assembly facility	1 per 5 fixed seats, plus 1 per 50 square feet of gross floor area without fixed seats used for assembly purposes
School, primary and secondary	1 per 10 students enrolled plus 1 per employee
Unnamed institutional uses	[Determined by the administrator]
<b>SMALL-SCALE RECREATIONAL AND TOURIST USES</b>	
For all small-scale recreational and tourist uses	[Determined by the administrator]
Unnamed small-scale recreational and tourist uses	[Determined by the administrator]

RESIDENTIAL USES	
Cottage industry	1 per 2 employees
Group homes	1.5 per tenant
Home business	2 per dwelling unit for each home business
Mobile home parks	2 per dwelling unit
Multifamily residential (3+ units)	1.5 per dwelling unit
Single-family residential unit	2 per dwelling unit
Two-family residential (duplex)	2 per dwelling unit
Unnamed residential uses	[Determined by the administrator]
TRANSPORTATION USES	
All transportation-related uses	[Determined by the administrator]
UTILITIES USES	
All utilities and related uses	[Determined by the administrator]
AGRICULTURAL USES	
Agricultural activities	None
Accessory uses	Parking fully accommodated on-site, unless otherwise permitted
Forest products, processing activities	1 per employee
Nurseries	1 per employee
Unnamed agricultural uses	[Determined by the administrator]

Note:

1. At least one parking space must be provided, unless indicated by "None."



**Table 6-3. Minimum Dimensions for Parking Stalls and Aisles**

Parking Angle (A)	Stall Width (B)	Curb Length (C)	Stall Depth (D)	Aisle Width (E)		Unit Depth (F)	
				1-Way	2-Way	1-Way	2-Way
0	9.0	22.5	9.0	12.0	20.0	30.0	38.0
45	9.0	12.5	17.5	14.0	20.0	49.0	55.0
60	9.0	10.5	18.0	18.0	20.0	54.0	56.0
90	9.0	9.0	18.0	23.0	26.0	59.0	62.0

[Ord. 8-06 § 1]

**18.30.110 Off-street loading space requirements.**

Every nonresidential building used for retail, wholesale, manufacturing, or storage activities, excluding self-service storage facilities, shall provide off-street loading spaces in accordance with the standards listed below:

- (1) One loading space shall be required for each building containing 7,500 or more square feet of gross floor area.
- (2) Each loading space must be a minimum of 10 feet wide, 25 feet long, have an unobstructed vertical clearance of 14 feet, six inches, and be surfaced, improved, and maintained as required by this section. Loading spaces must be located so that trucks do not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way. All loading space areas shall be separated from required parking areas and shall be designated as truck loading spaces.
- (3) Any loading space located within 100 feet of areas designated for residential use shall be screened and operated as necessary to reduce noise and visual impacts. Noise mitigation measures may include architectural or structural barriers, beams, walls, or restrictions on the hours of operation.
- (4) Loading areas and dumpsters shall be screened from adjacent residential uses by walls, trellises, arcades, or landscaping. [Ord. 8-06 § 1]

**18.30.120 Utility service lines and facilities.**

- (1) General Regulations.
  - (a) Environmental impacts resulting from installation or maintenance of utilities should be minimized. Areas disturbed during construction shall be replanted with native vegetation and maintained until firmly established. Clearing shall be confined to that necessary to allow installation and to prevent interference by vegetation once the system is in operation.
  - (b) Utilities and transportation facilities should be installed in the same rights-of-way when the

effect will be to reduce the adverse impacts on the physical environment.

(c) Solid waste transfer and disposal facilities shall be located and designed in accordance with Chapter 173-301 WAC, Department of Ecology Minimum Functional Standards for Solid Waste Handling, and applicable local health, safety, and fire protection codes. [Ord. 8-06 § 1]

### **18.30.130 Landscaping/screening.**

(1) Application. Landscaping or screening shall be provided for all multifamily residential, commercial and industrial land uses, small-scale recreational and tourist uses, and as required in other sections of this code, except that landscaping will not be required of industrial uses within the resource-based industrial district when the development is sufficiently screened from public view.

(2) General Provisions.

(a) Existing trees, vegetative plantings, undisturbed open space, and/or topographic or natural features which meet or exceed these standards shall be considered to fulfill the landscaping or screening requirements of this section and any other applicable reference to these screening requirements in other sections of this code.

(b) The administrator may authorize variations to the landscaping/screening requirements of this section to:

(i) Provide consideration of topography, natural features, existing native vegetation and soils on the site and site location in relation to adjacent and surrounding uses;

(ii) Allow alternative plant mixes or berming that accomplish the purposes of the type of landscape screening required;

(iii) Conserve water through the concept of xeriscaping;

(iv) Provide flexibility in the size of initial plantings; and

(v) Ensure that any nonresidential use, structure or activity when proposed in a rural residential (RR) district shall be compatible with that of existing and anticipated future uses in the district.

(3) Landscape Screening. The three types of landscaping screens are described and applied as follows.

(a) "Screen-A" landscaping:

(i) Is a "full screen" that functions as a visual barrier. This landscaping is typically found between residential and nonresidential areas;

(ii) Shall at a minimum consist of:

(A) A mix of primarily evergreen trees and shrubs generally interspersed to form a

continuous year-round screen that grows to at least eight feet in height within two growing seasons.

(b) "Screen-B" landscaping:

(i) Is a "filtered screen" that functions as a visual separator. This landscaping is typically found between commercial and industrial uses; between differing types of residential development; and to screen industrial uses from the road;

(ii) Shall at a minimum consist of:

(A) A mix of evergreen and deciduous trees and shrubs generally interspersed to create a filtered screen that grows to at least eight feet in height within two growing seasons.

(c) "Screen-C" landscaping:

(i) Is a "see-through screen" that functions as a partial visual separator to soften the appearance of parking areas and building elevations. This landscaping is typically found along road frontage or between multiple-family developments;

(ii) Shall at a minimum consist of:

(A) A mix of evergreen and deciduous trees or shrubs generally interspersed to create a continuous canopy.

(4) Landscaping Road Frontages. The average width or depth of perimeter landscaping along road frontages and required locations on private property shall be provided as follows:

(a) Ten feet of Screen-B landscaping shall be provided for an industrial development.

(b) Ten feet of Screen-B landscaping shall be provided for all above-ground utility facilities or development, excluding distribution and transmission corridors, located outside a public right-of-way.

(c) Ten feet of Screen-C landscaping shall be provided for all commercial or multiple-family residential development.

(5) Landscaping of Interior Lot Lines. The average width or depth of perimeter landscaping along interior lot lines shall be provided as follows:

(a) Fifteen feet of Screen-A landscaping shall be included in all commercial, industrial, or small-scale recreational and tourist development along any portion adjacent to a residential use or district, except as may be varied by the administrator under subsection (2)(b) of this section.

(b) Ten feet of Screen-B landscaping shall be included in all multiple-family development along any portion adjacent to a single-family residential use and in an industrial development along any

portion adjacent to a nonindustrial development, except as provided in subsection (5)(a) of this section.

(6) Landscaping for Parking Lots. Landscaping shall be provided for commercial, industrial, small-scale recreational and tourist uses, and multifamily residential use surface parking lots, with five or more parking stalls, as follows:

(a) Screening shall be provided on each side, front, and/or rear of a parking lot where such side, front, and/or rear abuts any residential use or district, except that no screening is required where the elevation of the parking area lot line is four feet higher than the finished elevation of the parking area surface.

(b) Parking lot screening and landscaping shall be kept in good condition and shall meet the following conditions:

(i) It shall be continuous where required along a side, front or rear of a parking area and shall not be less than four feet in height above the grade of the parking lot surface, broken only for accessways and aisles; provided, that the screening shall not be permitted for a distance of 20 feet on each side of a parking area accessway to ensure proper sight distance. Where screening is prohibited by the above provisions, low lying shrubs or other similar plantings shall be placed; such plantings shall not be allowed to exceed three feet in height.

(ii) Screening shall not be installed in such a manner as to obstruct the free use of any fire hydrant.

(iii) The space between the landscaping screen and the right-of-way, except for any pedestrian access improvements, shall be landscaped with grass, shrubs, trees, or evergreen groundcover. On the sides and rear of parking areas not facing a street, such landscaping shall be required between screening and the lot line.

(7) Landscape Plan. When screening is required, a landscaping plan shall be submitted with the project application to indicate how the minimum screening requirements are met. The plan must meet the following requirements:

(a) The landscape plan shall be drawn on the same base map as the development plans or on a separate sheet properly labeled and shall identify the following:

(i) Total landscape area;

(ii) Landscape materials, plant names, and applicable size;

(iii) Property lines;

(iv) Impervious surfaces;

(v) Existing or proposed structures, fences, and retaining walls; and

(vi) Natural features or vegetation left in natural state.

(b) The required landscaping shall be installed prior to project occupancy. However, a certificate of occupancy may be issued prior to installation of the required landscaping if a bond or other form of appropriate surety is posted in a manner acceptable to the administrator. The time limit for compliance may be extended to allow installation of such required landscaping during the next planting season.

(8) Maintenance.

(a) All landscaping and necessary support systems shall be maintained for the life of the project.

(b) All landscape materials shall be pruned and trimmed as necessary to maintain a healthy growing condition.

(c) Landscape areas shall be kept free of trash. [Ord. 8-06 § 1]

**18.30.140 Lighting.**

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(1) Exterior Lighting. Exterior lighting shall not exceed 30 feet in height from the finished grade for commercial and industrial uses, and 20 feet for residential uses (except when such lighting is an integral part of the building). Exterior lighting shall be energy-efficient and shielded or recessed so that direct glare and reflections are contained within the boundaries of the parcel. Exterior lighting shall be directed downward and away from adjoining properties and public rights-of-way. No lighting shall blink, flash, or be of unusually high intensity or brightness. All lighting fixtures shall be appropriate in scale, intensity, and height to the use they are serving. Any lighting installed in parking areas shall be of direct cutoff design so that the source is not visible from adjacent property.

(2) Street Lighting. Street lighting may be provided by private parties on county roads, provided the design and location shall be approved by the county engineer, and a method to cover the cost of operation and maintenance is approved by the county engineer. [Ord. 8-06 § 1]

**18.30.150 Signs.**

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(1) Purpose. These regulations are intended to balance the need to protect public safety and welfare, the need for a well-maintained and attractive community, and the need for adequate methods of communication through signs. Specific objectives are:

(a) To allow for and encourage the effective use of signs;

(b) To improve and maintain traffic and pedestrian safety by reducing distractions and hazards from signs;

(c) To maintain public and private property values, scenic resources and “rural character” in accordance with the adopted comprehensive plan;

(d) To ensure that the constitutionally guaranteed right of free expression is protected;

(e) To disavow any regulatory distinctions or restrictions on speech based on the content of signs. No part of this section shall be construed to favor one type of speech over another and if any provision of this section is ambiguous, it shall be interpreted as to not regulate on the basis of speech content.

(2) Applicability. No sign shall hereafter be erected or used for any purpose or in any manner except as permitted by the regulations of this section or as specified elsewhere in this code. All non-exempt signs shall be subject to review and approval and may require issuance of a sign permit and or a building permit by the administrator according to a Type I permit approval process as specified in Chapter 18.40 JCC.

(3) Definitions.

(a) "Abatement" means to repair, fix, rebuild, demolish and/or remove any sign or sign structure to remove any feature that is noncompliant with this section.

(b) "Abandoned sign" means any sign that, for a period of more than six months, no longer correctly identifies, exhorts, or advertises any person, business, product, event or activity conducted or available on or off the premises on which the sign is located.

(c) "Administrator" means the planning manager of the Jefferson County department of community development or his/her designee.

(d) "Banner sign" means a temporary sign composed of lightweight, flexible, nonrigid material either enclosed or not enclosed in a rigid frame.

(e) "Billboard sign" means any outdoor sign containing advertising which is not related to any use or activity on the premises on which the sign is located, but not including directional signs as defined in this title.

(f) "Commercial sign" means signs that exhort a viewer to patronize a business.

(g) "Community signs" mean signs which identify a recognized community or unincorporated place.

(h) "Directional sign" means a sign which serves solely to designate the location of any place, area, organization, or businesses, whether on premises or off premises.

(i) "Changing message sign" means a type of "moving sign" where only the display of words, symbols, graphics or images can be electronically or mechanically changed by remote or automatic means, and where the image and/or message remains fixed for at least three seconds, and where only the changing message exhibits movement and where the brightness or illuminance of the sign does not exceed 0.3 foot-candles above ambient light as measured during the night between the hours of 10:00 p.m. to 2:00 a.m. using a foot-candle meter at a preset

distance depending on sign size. The measuring distance in feet shall be determined by the product of the square root of the sign area and 100. In addition, illuminated moving signs with changing messages shall be equipped with automatic dimming technology which automatically adjusts brightness due to ambient light conditions.

(j) "Event signs" means signs and banners promoting public festivals, community or special events, and grand openings.

(k) "Foot-candle" means a unit of luminance or illumination, equal to one lumen incident per square foot.

(l) "Freestanding sign" means a sign which is supported by one or more permanent uprights, pole or braces to the ground and which is not connected to a building. Freestanding signs include "monument signs," meaning a sign attached to a solid base measuring 50 percent or more of the total sign width and which connects the sign to the ground.

(m) "Governmental sign" means a sign installed or placed by any political subdivision, municipal corporation or junior taxing district of the state or any entity having taxing authority granted to it by state statute.

(n) "Hand held sign" means a sign held or worn by a person.

(o) "Moving sign" means signage that exhibits movement, including inflatable structures, fluttering material, revolving or moving parts or lights to provide motion or the optical illusion of motion, animation or changing images. Moving signs may employ one or more of the following methods to provide motion or the illusion of motion: (i) naturally occurring energy, such as the wind; (ii) electrical energy; (iii) mechanical energy; or (iv) human power.

(p) "Nonconforming sign" means any sign in existence within the county on the date of adoption of the ordinance codified in this section which does not conform with the provisions of this section, but which did conform to all applicable laws in effect on the date the sign was originally erected.

(q) "Noncommercial signs" means signs that do not exhort a viewer to patronize a business, including, but not limited to, political signs as that term is defined in this section.

(r) "On-site sign" means a sign relating, through its message and content, to an activity, use, product, or service which is available on the premises on which the sign is erected.

(s) "Off-site sign" means a sign relating, through its message and content, to an activity, use, product, or service which is not available on the premises on which the sign is erected.

(t) "Political sign" means any sign which serves to influence, is intended to influence, or appears to be the type of sign which is commonly erected to influence the results of an election or ballot proposition.

(u) "Portable sign" means any sign which is not permanently affixed to the ground or a structure or building. This definition includes movable reader boards, banners and sandwich boards that are placed so as to be seen from private property or public rights-of-way.

(v) "Projection sign" means a sign that is wholly or partly dependent upon a building for support and which projects more than 12 inches from such building.

(w) "Real estate sign" means a temporary sign which directs attention to the sale, lease, or rental of a particular building, property, or premises, whether located at the premises to be sold, leased or rented or not.

(x) "Roof base" means the point at which the walls of a building meet the roof structure, excluding any eaves, parapets, cupolas, chimneys, towers, other projections, and any roof height caused by the pitch of a roof.

(y) Sandwich Board Sign. See "portable sign."

(z) "Sign" means any object, device, display or structure, or part thereof, situated outdoors which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event or location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. Excluded from this definition are signs required by law, such as handicapped parking signs, and the flags of national and state governments.

(aa) "Subdivision real estate sign" means a temporary sign which directs attention to the sale, lease or rental of more than one lot, house or premises within a subdivision.

(bb) "Temporary sign" means a sign associated with a particular short-term event or activity, such as but not limited to community festival, parade, grand opening, garage or rummage sale, political campaign and real estate signs, which are to be removed within 10 days of when the event or activity ends. For political signs, as that term is defined in this section, election day shall be considered the measuring event. Temporary signs are limited to a maximum time of not more than 180 days in any one calendar year, unless otherwise noted.

(cc) "Wayfinding signs" means, upon its establishment by the county, a program of uniform signs that are designed, installed and maintained by the county intended to assist the public in finding goods, services, events and places. Private or public entities may be approved to locate their messages on the wayfinding signs, upon payment of a fee intended to defray the cost of the program.

(dd) "Use" means the purpose that land or building or structures now serve or for which they are or may be occupied, maintained, arranged, designed, or intended.

(4) Exemptions. The following signs are exempt from the requirements to apply for and receive a land use sign permit or building permit; provided, that exempt signs must meet all other applicable

requirements of this section, and any other applicable requirements of this title:

- (a) Traffic and standardized public signs installed by a government entity;
- (b) Window and merchandise displays, point of purchase advertising displays such as product dispensers, illuminated displays located inside buildings and barber poles;
- (c) National flags, flags of a political subdivision, and symbolic flags of an institution or business;
- (d) Legal notices required by law;
- (e) Historic site plaques and markers and gravestones;
- (f) Noncommercial signs on private property;
- (g) Structures with messages or lettering affixed and intended for separate use, such as recycling containers and phone booths;
- (h) Real estate signs;
- (i) Signage of any kind affixed to any licensed motorized vehicle;
- (j) Seasonal displays or decorations, which are clearly incidental and customary and commonly associated with any national or local event, occasion or holiday or religious or cultural observance;
- (k) Murals or signs consisting solely of paint or other colored media that is applied on existing structures;
- (l) Portable signs;
- (m) Temporary signs.

(5) Prohibited Signs. The following signs are prohibited:

- (a) Abandoned signs;
- (b) Billboard signs;
- (c) Moving signs, excepting signs where the movement is induced entirely by naturally occurring causes, such as the wind or human power, and also excepting signs that display changing messages, may be allowed pursuant to subsection (6)(c) of this section;
- (d) Off-site signs which advertise a business; except as provided in subsection (6)(m) of this section;
- (e) Signs or sign structures which by coloring, shape, working, or location resemble or conflict with traffic-control signs or devices;

- (f) Signs which impede or create a safety hazard for pedestrians or vehicular traffic;
- (g) Signs attached to utility poles or traffic signs, except with the permission of the utility or agency;
- (h) Signs shall not be placed in the public right-of-way, except for governmental signs, portable signs and temporary signs as defined in subsection (3) of this section and as further regulated in subsections (6) and (8) of this section; and
- (i) Signs that are not in compliance with this section.

(6) Design Standards. All signs must meet the following standards:

- (a) The illumination of signs shall be shaded, shielded, or directed so the light intensity or brightness shall not adversely affect surrounding properties or public and private rights-of-way or create a hazard or nuisance to the traveling public, or to surrounding properties.
- (b) No sign or part thereof shall consist of rotating, revolving, or moving parts; consist of banners, streamers, or spinners; or involve flashing, blinking, or alternating lights; provided, that exceptions to this standard are temporary signs associated with local festivals, fairs, parades, or special events pursuant to subsection (8)(b) of this section; moving signs where the movement is induced wholly by naturally occurring causes, such as wind or human power; and changing message signs allowed pursuant to subsection (6)(c) of this section.
- (c) Changing message signs are allowed only in rural commercial, rural industrial, urban commercial, and master planned resort commercial zones and must be directed away from adjacent property zoned residential or open space, including properties across a public right-of-way; except that changing message signs which are also governmental signs, as defined elsewhere in this code, are allowed in other zoning designations not listed here, through a conditional use permit (C) process, if the parcel where the proposed changing message sign would be built, installed or placed is owned by a municipal corporation or other public entity, and the sign is placed or installed within 150 feet of the logical outer boundary of a LAMIRD. No changing message sign may be located closer than 200 feet from adjacent property zoned residential or open space, as measured from the sign location to the nearest property line of the residential or open space zoned property; provided, that a changing message sign may be closer than 200 feet to a residential or open space zone with review and approval through a conditional discretionary use permit process (C(d)) if proposed by a nongovernmental entity, or with review and approval through a conditional use permit (C) process if proposed by a governmental entity as described above.
- (d) For any uses within any rural commercial, rural industrial, resource, public or UGA land use district, the total square footage of signs shall not exceed 64 square feet; provided, that any sign size may be increased up to 50 percent larger than the standard size, upon approval of the administrator, based on a finding that the larger sign size is consistent with the provisions of subsection (1) of this section. Multitenant developments may have one freestanding sign for

each access point, commonly identifying the businesses within multitenant developments, provided such signs total no more than 64 square feet in aggregate. The maximum aggregate size for projection signs placed on a building is limited to one percent of the floor areas of the building, except that each occupant is allowed a sign of at least two square feet. In no case may an individual occupant's sign be larger than 15 square feet. The size of signs in square footage shall be calculated by the outside dimensions necessary to frame the information displayed. Any sign projecting beyond six inches from a perpendicular wall shall be at least eight feet above grade as measured from the ground to the bottom of the sign.

(e) Signs for any use located in any rural residential district shall not exceed 32 square feet of total sign area, with the exception of government signs, including community signs, which shall not exceed 64 square feet; provided, that any sign size may be increased up to 50 percent larger than the standard size, upon approval of the administrator, based on a finding that the larger sign size is consistent with the provisions of subsection (1) of this section.

(f) Uses located in any rural commercial, rural industrial, resource, public or UGA land use districts shall have no more than two on-site signs, except as allowed in this section for multitenant developments; provided, that the number of signs may be increased upon approval of the administrator, based on a finding that the increased number of signs is consistent with provisions of subsection (1) of this section. In no event shall the number of signs that may be added by the administrator for a particular parcel exceed the lesser of four signs or the least number of additional signs that would equal or exceed 100 percent of the signs that may be lawfully placed at that parcel prior to the administrator authorizing for the first time any additional signs. While an applicant may make more than one request for bonus signs, the maximum number of bonus signs available for authorization at a particular parcel shall never exceed four in addition to those lawfully allowed before the administrator authorized any bonus signs at that parcel.

(g) All signs shall be maintained to be structurally sound, so as to not present a public hazard. Pursuant to subsection (5)(f) of this section, signs that present a public hazard are prohibited and shall be subject to abatement.

(h) The design of freestanding signs shall include measures to restrict vehicles from passing beneath them. All freestanding pole signs or projecting signs shall provide pedestrian clearance to a minimum of eight feet, as measured from the ground to the bottom of the sign, where applicable.

(i) No signs located on property immediately adjacent to bodies of water, other than those related to water dependent uses, such as a marina, or noncommercial signs on private property, are permitted to face waterward, excepting governmental signs and signs relating to safety concerns, such as cable-crossing, construction-dredging, fuel area, etc.

(j) No sign shall be placed in a way as to obstruct a driver's vision of motor vehicle traffic, bicyclists or pedestrians, or traffic signs.

- (k) Community signs are permitted at each entrance to the community. Said signs are limited to one per entrance, and may not exceed 64 square feet in area or eight feet in height as measured from the ground to the top of the sign. Signs relating to clubs, societies, orders, fraternities and the like shall be permitted as part of the community sign.
- (l) Portable sandwich board signs subject to the following criteria:
- (i) No more than two sandwich board signs may be erected per business;
  - (ii) Sandwich board signs shall not exceed three feet in width and four feet in height, from the ground to the top of the sign;
  - (iii) Sandwich board signs shall be displayed during business hours only;
  - (iv) Sandwich board signs, where located on sidewalks, shall provide a minimum of 36 inches of continuous horizontal clear space between the sign and any building or the edge of the sidewalk, to provide for the free passage of pedestrian traffic; and
  - (v) Sandwich board signs shall have a maximum area per side of 12 square feet.
- (m) Off-site signs may only be allowed when they meet all of the following standards:
- (i) Are directional in nature as defined in subsection (3)(h) of this section;
  - (ii) Located on private property along a major or minor arterial;
  - (iii) Located not less than 600 feet from an intersection;
  - (iv) No larger than 32 square feet for noncommercial signs and not more than six square feet for commercial signs. Noncommercial signs, except for government signs, are limited to a maximum height above ground of eight feet, from the ground to the top of the sign; and
  - (v) Only three off-site directional commercial signs per commercial destination may be allowed; not more than eight feet tall, as measured from the ground to the top of the sign; not more than six square feet in sign area, and located not more than 1,320 linear feet from the turn-off to the destination of the sign; and, if applicable, one sign located at the nearest "T" intersection on the same road to the commercial destination.
- (n) Banner signs shall be no larger than 64 square feet and not placed on utility poles without the permission of the utility. Banner signs placed over roadways, including the height above the roadway, must have approval of the appropriate roadway managing agency.
- (o) Hand held signs shall not exceed 16 square feet; provided, that the size may be increased up to 50 percent larger than the standard size, upon approval of the administrator, based on a finding that the larger size is consistent with provisions of subsection (1) of this section.
- (p) Unless otherwise stated in this section, the maximum height in feet above the ground to the

top of the sign for any sign attached to a building on any parcel of land zoned rural commercial, rural industrial, resource, public or UGA is the sum of the square root of the maximum sign size in square feet for the sign type and the land use zone as identified in this section, plus the height of the building at the roof base. For example, for a building 20 feet high to the roof base and an allowable sign size of 32 square feet, the maximum sign height would be: square root of 32 feet = 5.6 feet + 20 feet = 25.6 feet above ground level.

(q) Unless otherwise stated in this section, the maximum height in feet above the ground for any on-site sign not attached to a building on any parcel of land zoned rural commercial, rural industrial, resource, or UGA is 35 feet from the ground to the top of the sign.

(r) Unless otherwise stated in this section, the maximum height in feet above the ground for any sign in a rural residential zone is eight feet from the ground to the top of the sign.

(7) Nonconforming Signs. Legally established signs in place prior to the adoption of these standards and not in conformance with these standards shall be considered legal, nonconforming signs, and may remain as provided below:

(a) Legal nonconforming off-site signs shall be removed within five years of adoption of an ordinance establishing a “wayfinding sign” program, which is intended to provide off-site sign locations where businesses can place signs. Until adoption of a wayfinding sign ordinance, legal nonconforming signs must be continually maintained, not relocated, and not structurally altered. Nonconforming off-site signs may be replaced by off-site directional signs as allowed in subsection (6)(m) of this section.

(b) Legal nonconforming on-site signs may remain provided they are continually maintained, not relocated, and not structurally altered.

(8) Temporary Signs. Temporary signs are exempt from the requirements to obtain a sign permit, subject to the following standards:

(a) Temporary signs shall be limited in size to 64 square feet; except that temporary signs in the public right-of-way are subject to size and height limits of subsection (8)(g) of this section and shall not obstruct safe visibility of any motorist or pedestrian traffic. Temporary signs shall be secured in their location so as to not collapse, become airborne or otherwise cause a safety hazard. Temporary signs, except for banner signs placed across roadways, and signs mounted within the public right-of-way, shall not exceed eight feet in height from the ground to the top of the sign.

(b) Event signs and banners promoting public festivals, community or special events, and grand openings may be displayed for up to 30 days prior to the event and shall be removed no later than 10 days after the event. The sponsoring entity is responsible for sign removal. Event signs may be located “off site.” To ensure consistency with this section, “event” signs subject to the requirements of Chapter 8.20 JCC shall be reviewed by the administrator for a “special event

permit.”

(c) Garage or rummage sale signs may be displayed for up to seven days prior to the event and shall be removed no later than one day after the event.

(d) Political signs may be displayed upon the date of official filing of a candidate for elective office or upon certification by the county of a ballot measure, and must be removed not later than 10 days after the final election for the candidate or ballot measure.

(e) Real estate signs may be displayed upon execution of a formal listing agreement between seller and real estate agent, or a listing “for sale by owner,” and removed within 10 days of either: (1) the date the new owner or lessee takes possession of the property, or (2) the date of the expiration of the listing, and (3) shall not be more than 12 square feet in size and not exceed eight feet above existing grade, as measured from the ground to the top of the sign.

(f) Subdivision Real Estate Sales Signs. Real estate signs advertising the sale of lots or dwelling units located within an approved subdivision shall be permitted; provided, that there shall be no more than one sign per subdivision entrance, and each sign shall be no greater than 32 square feet in area and no greater than eight feet in height, as measured from the ground to the top of the sign. These signs shall be removed within 10 days following the initial sale of all lots or dwelling units within the subdivision.

(g) Temporary signs and portable signs in the public right-of-way, excepting governmental signs, must not exceed four square feet in size, not exceed three feet above existing grade to the top of the sign and must include the name and contact information of the party posting the sign and must be removed by the party who posted the sign or their agent not later than 10 days after the sign is no longer serving its purpose, including but not limited to the end of the temporary event, festival, election, or sale. All nongovernmental signs in the public right-of-way are limited to a maximum of 180 days per calendar year.

(9) Signs along State Highways. All signs along state highways in Jefferson County are also subject to any sign regulations and permit requirements established by the state of Washington.

(10) Substitution. Noncommercial signs are allowed in all districts and may be substituted for any sign expressly allowed under this code. [Ord. 1-16 § 1; Ord. 10-14 § 1 (Att. A)]

#### **18.30.160 Archaeological and historic resources.**

(1) When an application for a permit is received for an area known to contain archaeological artifacts and data as identified by appropriate state, federal or tribal agencies, the county shall not take action on the application and shall inform the applicant thereof, and the applicant shall not initiate any excavation or development activity until the site has been inspected and a written evaluation is provided by a qualified archaeologist. Significant archaeological data or artifacts must be recovered before work begins or resumes on a project. No application will be delayed more than 10 working days for such an inspection. If the application is approved by the county, conditions shall be attached

reflecting the recommendations of the archaeologist regarding preservation or protection of the site.

(2) All permits shall contain a special provision advising the permit holder that if during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity of the find must be halted immediately and the administrator must be notified at once. Activities authorized by the permit will not be delayed more than five working days for a finding of significance by the administrator, following the administrator's receipt of notification, unless the permit holder agrees to an extension of that time period.

(3) All development proposed for location adjacent to sites which are listed, or are determined by the appropriate state or federal authority to be eligible for listing in the state or national registers of historic places, must be located so as to complement the historic site. Development which degrades or destroys the historical character of such sites is not permitted.

(4) Archaeological sites are subject to Chapter 27.44 RCW (Indian Graves and Records) and Chapter 27.53 RCW (Archaeological Sites and Records) and must comply with Chapter 25-48 WAC (Archaeological Excavation and Removal Permit). Archaeological excavations are allowed subject to applicable state laws.

(5) Identified historical or archaeological resources must be considered in site planning for public parks, public open space, and public access and site planning, with access to such areas designed and managed so as to give maximum protection to the resource. [Ord. 8-06 § 1]

**18.30.170 Mining, quarrying and asphalt/concrete batch plant best management practices in critical aquifer recharge areas.**

The following shall be considered minimum development standards necessary only for mineral extraction, quarrying and asphalt/concrete batch plant operations located in susceptible aquifer recharge areas or special aquifer recharge protection areas as defined in Article VI-E of Chapter 18.15 JCC. See also the performance and use-specific standards requirements of JCC 18.20.070 (Asphalt and Concrete Batch Plants) and JCC 18.20.240 (Mineral Extraction, Mining, Quarrying and Reclamation) for general mining, quarrying and asphalt/concrete batch plant operations. Asphalt batch plants are prohibited in special aquifer recharge protection areas (JCC 18.15.250(1)(b)).

(1) Best Management Practices.

(a) Concrete and Asphalt Production at Stationary Sites. This activity applies to any activity that mixes raw materials on-site to produce or enhance concrete or asphalt. It also applies to subsequent activities such as pouring concrete structures, and making other concrete and asphalt products. Mishandling of raw materials on concrete production can introduce suspended solids and heavy metals to stormwater runoff and cause pH increases in receiving waters. In addition, stormwater pollution can result from washing of waste concrete from trucks, forms, wheelbarrows, buckets, and other equipment in the work area. The loose chunks of aggregate resulting from washing of equipment can easily reach storm drains, either in the wash water itself or in stormwater runoff. Asphalt emulsion and chunks of aggregate can easily wash off of

equipment used in mixing and production in a similar manner as concrete. Mobile concrete pouring and asphalt application are covered under a separate activity in these administrative rules. Concrete production at mining sites is also covered by this activity.

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods, or practices, are required if you are engaged in concrete and asphalt mixing and production:

(A) Discharge all process water from production, pouring, and equipment cleaning activities to a sump, process water treatment or recycling system, or sanitary sewer system.

(B) Contain the production and pouring area to prevent stormwater from entering the area and carrying pollutants away.

(C) Routine maintenance.

(I) Sweep the production and pouring areas weekly, if it is paved, to collect loose chunks of aggregate and raw material particles for recycling or proper disposal.

(II) Do not hose down area to a storm drain.

(ii) Additional BMPs. The following BMPs, intended to provide improved pollution control, may be required of an applicant by the administrator in a manner consistent with Chapter 18.40 JCC:

(A) Use an oil control device in the catch basins to treat stormwater runoff.

(B) Cover the production area with provisions for prevention of stormwater run on.

(C) Pave the mixing, production and/or pouring area(s) with a slope to a central collection area. For concrete production and pouring activities, a sump drain should not be provided because it would be quickly clogged with hardened concrete. It may not be wise to segregate the mixing and pouring area from the curing area because wastewater from curing applications could be collected by a drain. By sloping the pavement to a central location, loose chunks of concrete or asphalt aggregate can be collected more easily and recycled or disposed of properly.

(b) Storage of Liquid Materials in Stationary Tanks. This section applies to any activity that stores any type of liquid chemicals, waste oils, solvents, or petroleum products in above-ground storage tanks. Leaking tanks on these sites can contribute toxic compounds, oils and greases, heavy metals, abnormal pH, and nutrients to stormwater runoff. In addition, spills may occur during liquid transfer operations to and from the tanks.

This activity does not apply to underground storage tanks or to businesses permitted by the Washington State Department of Ecology to treat, store, or dispose of dangerous wastes. Storage of reactive, combustible, or flammable liquids must comply with the fire code

requirements and may need to comply with the Washington State Department of Ecology regulations.

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods or practices are required if you are engaged in storage of liquid materials in stationary tanks:

(A) Store and contain liquid materials in such a manner that if the tank is ruptured, the contents will not discharge, flow or be washed into the storm drainage system, surface waters, or groundwater.

OR

(B) If the liquid is oil, gas or other material that separates from and floats on water, install a spill control device (such as a tee section) in the catch basins that collect runoff from the storage tank area.

(C) Routine Maintenance.

(I) Place drip pans or absorbent materials beneath all mounted taps, and at all potential drip and spill locations during filling and unloading of tanks. Any collected liquids or soiled absorbent materials must be reused/recycled or properly disposed.

(II) Store and maintain appropriate spill cleanup materials in a location known to all near the tank storage area; and ensure that employees are familiar with the site's spill control plan and/or proper spill cleanup procedures.

(III) Sweep and clean the storage area monthly if it is paved; do not hose down the area to a storm drain.

(IV) Check tanks (and any containment sumps) daily for leaks and spills. Replace tanks that are leaking, corroded, or otherwise deteriorating with tanks in good condition. Collect all spilled liquids and properly dispose of them.

(c) Storage of Any Liquid Material in Portable Containers. This section applies to any activity that stores any type of liquid chemicals, waste oils, solvents or petroleum products in portable containers (such as drums). This activity covers permanent storage as well as temporary storage areas at temporary sites. Spills and drips of these liquids, or overflowing of storage containers, can contribute toxic compounds, oils and greases, heavy metals, abnormal pH, and nutrients to stormwater runoff.

This section does not apply to businesses that are permitted by the Washington State Department of Ecology to treat, store, or dispose of dangerous waste. Storage of reactive, combustible, or flammable liquids must comply with the Washington State Department of Ecology regulations.

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods, or practices, are required if you are engaged in storage of liquid materials in portable containers:

(A) Place tight-fitting lids on all containers.

(B) Enclose or cover the containers where they are stored. The local fire district must be consulted for limitations on clearance of roof covers over containers used to store flammable materials.

(C) Raise the containers off the ground by use of pallet or similar method, with provisions for spill control.

OR

(D) Contain the material in such a manner that if the container leaks or spills, the contents will not discharge, flow, or be washed into the storm drainage system, surface waters, or groundwater.

(E) Place drip pans or absorbent materials beneath all mounted container taps, and all potential drip and spill locations during filling and unloading of containers. Any collected liquids or soiled absorbent materials must be reused/recycled or properly disposed.

(F) Routine Maintenance.

(I) Store and maintain appropriate spill cleanup materials in a location that is known to all employees near the tank storage areas, and ensure that employees are familiar with the site's spill control plan and/or proper spill cleanup procedures.

(II) Sweep and clean storage area monthly if it is paved; do not hose down the area to a storm drain.

(III) Check containers (and any containment sumps) daily for leaks and spills. Replace containers that are leaking, corroded, or otherwise deteriorating with ones in good condition. If the liquid chemicals are corrosive, containers made of compatible materials must be used instead of metal drums. New or secondary containers must be labeled with the product name and hazards.

(IV) Collect all spilled liquids and properly dispose of them.

(d) Storage of Soil, Sand, Salt and Other Erodible Materials. This section applies to stockpiling erodible raw materials such as soil, sawdust, gravel, sand and road de-icing salts. It covers permanent sites as well as temporary construction sites and other temporary locations. Raw material stockpiles can easily erode due to wind or precipitation and contribute suspended solids, nutrients, heavy metals, and abnormal pH to stormwater runoff.

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods, or practices, are required if you are engaged in the storage or stockpiling of erodible material on a normal or temporary basis:

(A) Site and contain the stockpiles of raw material in such a manner so as to prevent off-site impacts of surface water runoff, erosion, and sedimentation.

(B) Routine Maintenance.

(I) Sweep paved storage areas monthly for collection and disposal of loose solid materials; do not hose down the area to a storm drain or conveyance ditch.

(II) Stock cleanup materials, such as brooms, dust pans, and vacuum sweepers (if desired) near the storage unit.

(ii) Additional BMPs. The following BMPs, intended to provide improved pollution control, may be required of an applicant by the administrator in a manner consistent with Chapter 18.40 JCC:

(A) A catch basin insert, configured for sediment removal, may remove some of the pollutants in runoff from this activity. (Catch basin inserts require frequent maintenance to be effective. Carefully consider this when making your decision.)

(e) Engine Repair and Maintenance. This activity applies to operations that conduct engine repair and maintenance in vehicles and other equipment. It also applies to mobile vehicle maintenance operations, such as at construction sites. This common activity can lead to immediate stormwater contamination if it is not done in a controlled manner. This activity can contaminate stormwater with toxic hydrocarbons, other toxic organic compounds, oils and greases, abnormal pH, and heavy metals. Related vehicle maintenance activities are covered under the following activity headings in these administrative rules: "Painting, Finishing, and Coating of Vehicles, Products and Equipment," "Vehicle Washing and Stream Cleaning," "Fueling Operations, and Vehicle and Equipment Parking and Storage."

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods, or practices, are required if you are engaged in engine repair and maintenance:

(A) If temporary work is being conducted outside, use tarp, ground cloth, or drip pans beneath the vehicle or equipment to capture all spills and drips. The collected drips and spills must be disposed of, reused, or recycled properly.

(B) If the work is done on a regular basis at a stationary business location, move the activity indoors.

(C) Routine Maintenance.

(I) Employees must be educated on proper handling and disposal of engine fluids.

(II) Store and maintain appropriate spill clean up materials in a location known to all; and ensure that employees are familiar with the site's spill control plan and/or proper spill cleanup procedures (reusable cloth rags can be used to clean up small drips and spills instead of disposables; these can be washed by a permitted industrial laundry; do not clean them at home or a coin-operated laundry business).

(III) Sweep the maintenance area weekly, if it is not paved, to collect loose particles, and wipe up all spills with rags and other absorbent material immediately; do not hose down the area to a storm drain.

(ii) Additional BMPs. The following BMPs, intended to provide improved pollution control, may be required of an applicant by the administrator in a manner consistent with Chapter 18.40 JCC:

(A) Absorbent material such as pillows or brooms can be used around storm drains or in catch basins to absorb oil and other substances. A qualified disposal contractor must pick up used absorbent material containing oil or other engine fluids.

(B) A catch basin insert, configured for oil removal, may remove some of the pollutants in runoff from this activity. (Catch basin inserts require frequent maintenance to be effective. Carefully consider this when making your decisions.)

(f) Vehicle Washing and Steam Cleaning. This activity applies to operations that receive shipments of bulk liquid materials by truck or rail and transfer those liquids into storage tanks or containers or handle the truck or rail loading of liquid materials from tanks. Spills and drips of these liquids can potentially contribute toxic organic compounds, oils and greases, nutrients, heavy metals, and abnormal pH to stormwater runoff.

(i) Minimum Requirements. The following BMPs, or equivalent measures, methods, or practices, are required if you are engaged in vehicle washing and steam cleaning:

(A) It is allowable to rinse down the body of a vehicle, including the bed of a truck, with just water without doing any washwater control BMPs.

(B) If you wash (with mild detergents) on an area that infiltrates water, such as gravel, grass or loose soil, it is acceptable to let the washwater infiltrate as long as you only wash the body of the vehicles.

(C) However, if you wash on a paved area and use detergents or other cleaners, or if you wash/rinse the engine compartment or the underside of the vehicles, you must do one of the following options:

(I) Designate and pave wash area to wash all vehicles in. Discharge wash water from vehicle cleaning operations to a sanitary sewer, holding tank, or process treatment system or process through an enclosed recycling system. The local

sewer authority may have limits on the types and amounts of pollutants, such as oil and heavy metals that can be discharged to a sanitary sewer. Absolutely no untreated wash water can enter storm drains.

OR

(II) Designate and pave wash area to wash all vehicles in. Use a storm drain cover or other effective method of preventing all wash and rinse water from entering a storm drain or other drainage system feature. All runoff from the activity must be collected from proper disposal to a sanitary sewer. A wet vacuum or pump can be used for this. There are several products commercially available that enable collection of runoff. This requirement also applies to mobile vehicle washing services.

OR

(III) Take the vehicles to a commercial car wash or use a mobile washing service that complies with either of the previous options.

(D) Designated wash area must be well-marked with signs indicated where and how washing must be done.

(E) Oil changes and other engine maintenance cannot be conducted in the designated washing area.

(g) Optional BMPs. The BMPs listed below are measures that should be considered at all times for improving pollution control. While these BMPs are not mandatory, applicants are encouraged to incorporate them in their plan for implementing BMPs, and the administrator may, in a manner that is consistent with Chapter 18.40 JCC, require that an applicant implement one, several or all of the BMPs listed in this section. Implementing one, some or all of these BMPs may reduce or eliminate the need to implement other more complex or costly BMPs.

(i) Locate activities as far as possible from surface drainage paths. Locating activities on high ground, far from drainage paths, ditches, gutters and storm drains allows more time to recognize spills and act to prevent water contamination.

(ii) Avoid the activity or reduce its occurrence. Often an alternative production process or material application process can be used to substitute for another, more polluting, process. Ideally, a polluting activity can be avoided altogether, or its frequency of occurrence reduced. An example is washing vehicles less often or taking vehicles to commercial car washes or detail shops rather than washing on-site.

(iii) Use less material. Improper disposal of excess material or increased application of materials simply because excess is available can cause pollution. Purchase only the amount of material that will be needed for foreseeable use. In most cases you will see cost

savings in both purchasing and disposal.

(iv) Use the least toxic materials available. All applications of solid and liquid materials should use the least toxic products and raw materials available, whether in production; cleaning; pesticide applications; or other uses.

(v) Create and/or maintain vegetated areas near activity location. Grass and types of vegetation can filter out many pollutants in stormwater runoff. Vegetated areas should be maintained around areas where polluting activities occur, especially down slope of activity areas. Routine maintenance will keep vegetated areas healthy and capable of filtering pollutants.

(vi) Recycle as much as possible. Recycling is always preferable to disposal of unwanted materials. Leftover paints, finishes, cleaning materials, building materials, etc., may be used by someone else, so don't throw them away. Contact a neighbor, friend, school, church, community group, theater group, etc., to see if your leftover materials can be used. Many empty containers and other common items are recyclable. Contact the Jefferson County Recycling Center for recycling options.

(vii) Educate others about stormwater pollution prevention. Educate your employees, business associates, contractors, family, and friends about stormwater pollution control. Encourage others to find solutions to stormwater pollution problems, and to continue learning about pollution control techniques.

(viii) Implement treatment BMPs. Treatment BMPs are used to remove pollutants from stormwater before being discharged from a site. These include oil separators and other catch basin inserts that control pollutants in the piped system and as well as numerous biological systems such as a biofiltration swales, infiltration, and constructed wetlands. These BMPs may be a preferred option in certain circumstances.

(2) Best Management Practices (BMP) Report Criteria. The following criteria shall apply when preparing a best management practices (BMP) report:

(a) The report shall be prepared by, or done under the direction of or designed by, a qualified person with demonstrated expertise in the industry or field as demonstrated by a statement of qualifications.

(b) The report will identify appropriate BMPs and how they will be employed to prevent degradation of groundwater. Examples of BMPs are found in subsection (1) of this section. All necessary technical data, drawings, calculations, and other information to describe application of the BMPs must be supplied.

(c) The report shall identify how the applicant will satisfy the requirements of the Dangerous Waste Regulations, Chapter 173-303 WAC, in the event that hazardous material is released into the ground or groundwater.

(d) The report shall be reviewed by the department of community development or a consultant hired by the county, at the applicant's expense, for this review. The county may consult with the Jefferson County health department, State of Washington Departments of Health or Ecology, independent reviewer, or any parties as it sees fit. [Ord. 8-06 § 1]

**18.30.180 On-site sewage disposal best management practices in critical aquifer recharge areas.**

The following best management practices (BMPs) are required to meet minimum on-site sewage standards within susceptible aquifer recharge areas or special aquifer recharge protection areas, as identified in Article VI-E of Chapter 18.15 JCC, from the Jefferson County health department, when the following conditions are present:

- (1) The contaminants of concern, bacteria and nitrogen, are not fully treated (removed) from wastewater in Type 1A and 2A soils (excessively coarse) with conventional gravity fed on-site sewage systems. To more adequately protect the groundwater in these areas from contamination by these elements the standards in this section have been developed utilizing a combination of treatment systems and land use density parameters.
- (2) Where land use densities are such that adequate aquifer protection is not ensured, best management practices for on-site sewage shall apply to new development, or expansion (as defined in WAC 246-272-01001) of existing development when an on-site sewage disposal system is installed.
  - (a) Tables 1 and 2 shall be used to determine the type of on-site sewage disposal system required and the minimum lot size in different soil types where public water is available. Lot size requirements are taken from the Washington State On-Site Sewage Code, Chapter 246-272 WAC, Table VII. Soil textural classifications and minimum standards for methods of effluent distribution for soil types and depths are taken from Chapter 246-272 WAC, Tables II and VI, respectively.
  - (b) In critical aquifer recharge areas, no on-site sewage permit will be issued where public water systems are not available on lots less than one acre, except as permitted in subsection (2)(c) of this section.
  - (c) When lots sizes do not meet the area requirements specified in Tables 1 and 2, and lot consolidation is impracticable, an approved composting toilet and greywater treatment system may be permitted. Permits for composting toilets shall include a condition requiring further treatment of toilet waste at the Port Townsend composting facility or other approved site. On-site use or disposal of the toilet-generated compost shall not be allowed.
  - (d) BMPs shall be updated as new technologies are reviewed and approved by Jefferson County environmental health and/or Washington State Department of Health. Criteria for review of new or existing systems will include, but not be limited to adequate laboratory evidence provided by the system proprietor of a minimum of 50 percent total nitrogen reduction prior to final disposal. Currently, acceptable BMPs include:

- (i) Intermittent sand filter followed by a shallow pressure distribution system (also meets Treatment Standard 2);
- (ii) Recirculating gravel filter;
- (iii) Composting and incinerating toilets – if these are used, greywater from the facility shall be treated by the method normally required by the site and soil conditions required under Chapter 246-272 WAC. For example: Type 1A soils require Treatment Standard 2 under Chapter 246-272 WAC. Only composting or incinerating toilets listed as approved proprietary devices by the Washington Department of Health may be permitted.

(e) Systems that meet Treatment Standard 2 are listed and approved by the Washington State Department of Health and are available in the Guidelines for the Application of Treatment Standards 1 and 2. Only those systems that meet Treatment Standard 2 and are listed as nitrogen reduction BMPs (in subsection (2)(c) of this section) meet the standard for critical aquifer recharge area requirements in Type 1A soils.

(f) Where a question/disagreement regarding the soil texture exists the following procedure shall be used:

- (i) Sample will be taken in the presence of Jefferson County health department staff.
- (ii) Chain of custody protocol shall be followed.
- (iii) Lab reports shall be sent to Jefferson County environmental health division and the applicant, or applicant’s representative, for review.

**Table 1**

**On-Site Sewage System Requirements for Sites Using Public Water Sources and Having Three Feet Vertical Separation in Critical Aquifer Recharge Areas**

1

Note: “NO<sub>3</sub> BMP” refers to the nitrogen reduction best management practices listed in JCC [18.30.180\(2\)\(d\)](#).

	Soil Type (as defined in Table II of Chapter 246-272 WAC)							
Minimum Lot Size <sup>2</sup>	1A	1B	2A	2B	3	4	5	6
>1.0 ac	Treatment Standard 2	Conventional Gravity	Pressure Distribution	Conventional Gravity	Conventional Gravity	Conventional Gravity	Conventional Gravity	Conventional Gravity
22,000	Treatment	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow	Shallow	Shallow	Shallow

sq. ft.	Standard 2 that is also listed as NO <sub>3</sub> BMP				Pressure Distribution	Pressure Distribution	Pressure Distribution	Pressure Distribution
0.5 ac (21,780 sq. ft.)	Treatment Standard 2 that is also listed as NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution	Shallow Pressure Distribution	
20,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution	Shallow Pressure Distribution	
18,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution		
15,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution			
12,500 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP				

<sup>1</sup>As defined in Article VI-E of Chapter 18.15 JCC.

<sup>2</sup>Per unit volume of sewage (450 gallons per day), WAC 246-272-01001.

**Table 2**

**On-Site Sewage System Requirements for Sites Using Public Water Sources and Having Two Feet But Less Than Three Feet of Vertical Separation, for Development in Critical Aquifer Recharge Areas**

3

Note: "NO<sub>3</sub> BMP" refers to the nitrogen reduction best management practices listed in JCC 18.20.180(2)(d).

	Soil Type (as defined in Table II of Chapter 246-272 WAC)							
Minimum Lot Size <sup>4</sup>	1A	1B	2A	2B	3	4	5	6

>1.0 ac	Treatment Standard 2	Pressure Distribution	Pressure Distribution	Pressure Distribution	Pressure Distribution	Pressure Distribution	Pressure Distribution	Pressure Distribution
22,000 sq. ft.	Treatment Standard 2 that is also listed as NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution	Shallow Pressure Distribution	Shallow Pressure Distribution
0.5 ac (21,780 sq. ft.)	Treatment Standard 2 that is also listed as NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution	Shallow Pressure Distribution	
20,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution		
18,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution	Shallow Pressure Distribution		
15,000 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP	Shallow Pressure Distribution			
12,500 sq. ft.			NO <sub>3</sub> BMP	NO <sub>3</sub> BMP				

<sup>3</sup>As defined in Article VI-E of Chapter 18.15 JCC.

<sup>4</sup>Per unit volume of sewage (450 gallons per day), WAC 246-272-01001.

[Ord. 8-06 § 1]

**18.30.190 Noise.**

The intensity of sound emitted by any commercial or industrial activity shall not exceed levels established by the Washington State Department of Ecology under Chapter 173-60 WAC, and by Jefferson County under Resolution No. 67-85, "Establishment of Environmental Designations for Noise Abatement Areas for Jefferson County." [Ord. 8-06 § 1]

## **Appendix H**

### Water System Plan

# Jefferson County Coordinated Water System Plan



**- Update -  
June 1997**

Prepared by  
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Under the Direction of the Jefferson County  
Water Utility Coordinating Committee



# Engineering Certificate


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June 1997

The technical material and data contained in this report was prepared under the supervision and direction of the undersigned, whose seal as a professional engineer licensed to practice as such, is affixed below.



EXPIRES 09-10 -97

  
Robert L. Wubben, P.E.  
Washington P.E. No. 11752

Economic and Engineering  
Services, Inc.



# Acknowledgments

It is impossible to accomplish a project of this magnitude and complexity without a significant degree of cooperation and assistance from individuals and interagency participation. It is equally impossible to adequately recognize all of those who contributed to the project's success. Clearly, however, this update of the Jefferson County Coordinated Water System Plan has resulted from the foresight of the Jefferson County Commissioners and water utilities throughout the area, along with their commitment to improve the level of utility service within Jefferson County.

Current Members		Past Members*	
Cy Heffernan	Chairman	B. G. Brown	Past Chairman
Dick Broders	Discovery Bay Village	Dean Anderson	Bridgheaven Water Works
Ernie Bushong	Kalaoch Water System	John Barber	Bridgheaven Water Works
Ray Butler	Fort Worden State Park	Sid Cartwright	Water District No. 1
Bob Deason	Seamount Estates Community	Roger DeJarnette	Cape George Water Company
Larry Fay	Jefferson County Health Dept.	Frank Dubla	Water District No. 3
Franz Gruber	Jefferson County Water District No. 1	Jim Engle	City of Port Townsend
Michael Langley	Kala Point Utility Co.	David Goldsmith	Jefferson County
David Mathis	Bridgheaven Water Works	Jim Humphrey	Marrowstone Island
Mark McKibbin	Olympus Beach Tracts, Inc.	Bill Jones	Water District No. 1
Tom McNerney	Snow Creek Ranch	Pete Langley	Fire Protection District No. 6
Jim Parker	PUD No. 1 of Jefferson County	Bob Leach	PUD No. 1 of Jefferson County
Roy Raudebaugh	Discovery Bay NACO West	Gary Rowe	Jefferson County
Clarence Shelton	Pleasant Tides Water Co-Op	Bob Marsh	Jefferson County Water District No. 1
Ted Shoulberg	City of Port Townsend	Shawn Russell	Ludlow Water Company
Ed Skowrya	Cape George Water Company	Richard Siffert	State of Washington Dept. of Health
Larry Smith	Ludlow Water Company	Jim Singer	Marrowstone Island
Gary F. Winberg	Olympic Mobile Village	Ron Smith	Indian Island
Richard Wojt	Jefferson County	Craig Ward	Jefferson County Planning
Al Scalf	Jefferson County Planning	Bob Wheeler	City of Port Townsend
<b>Exofficio</b>			
Sean Orr	Department of Health		
Karl Johnson	Department of Health		

(\* members who served from 1990 - 1992)



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# Glossary

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The following definitions are applicable to interpretation of the Coordinated Water System Plan. Additional definitions may be found in Chapter 246-290 WAC, "Group A Public Water Systems," effective July 1994, Department of Health, Olympia, WA 98504.

## ACRONYMS:

AcFt	Acre Feet of Water - an amount of water sufficient to cover one acre with one foot of water (325,900 gallons). This term is often used in describing annual quantities of use and in annual limitations listed on Water Rights Certificates.
APWA	American Public Works Association
AWWA	American Water Works Association
City	City of Port Townsend
County	Jefferson County
CWSP	Coordinated Water System Plan (Chapter 70.116 RCW)
CWSSA	Critical Water Supply Service Area (Chapter 70.116 RCW and Chapter 248-56 WAC)
DOH	Department of Health, State of Washington
DOT/APWA	Combined standards for public works construction practices of the Washington Department of Transportation and the American Public Works Association, 1984 Edition
Ecology	Department of Ecology, State of Washington
EPA	United States Environmental Protection Agency
GIS	Geographic Information System
GMA	Growth Management Act
gpcd	Gallons per capita per day
gpd	Gallons per day
gpm	Gallons per minute
IDMS	Integrated Data Management System
JCHD	Jefferson County Health Department
JCPBD	Jefferson County Planning and Building Department
MGD	Million gallons per day.

PUD	Jefferson County Public Utility District No. 1
RCW	Revised Code of Washington
SEPA	State Environmental Policy Act (1971)
SMA	Satellite System Management Agency - an organization, individual, or other entity which is prequalified, as provided in the CWSP, to render services such as operation, maintenance, development, or management of water systems in the CWSSA.
UGA	Urban Growth Area
USGS	United States Geological Survey
USRP	Utility Service Review Procedure - an administrative procedure established under local agency jurisdiction to identify the water purveyor best able to serve an area where new public water service is requested. (See Designated Purveyor)
WAC	Washington Administrative Code
WRIA	Water Resource Inventory Area
WSP	Water System Plan
WUCC	Jefferson County Water Utilities Coordinating Committee

**TERMS:**

Classes of Public Water Systems      Public water systems are generally classified into 2 categories as follows:

Group A - serving 15 or more connections or 25 or more people/day for 60 or more days/year.

Group B - serving less than 15 connections (but more than one single family residence) and less than 25 people for 60 days or more/year or less than 15 connections and any number of people for less than 60 days/year.

Group A systems are divided into a series of subgroups as diagrammed in Table 1 at the end of this Glossary of Acronyms and Terms section. A full description of the classes of systems is contained in WAC 246-290-010.

Designated Purveyor or Designated Utility      A water purveyor (utility) identified to provide water service to a given area. When willing to provide the service in a timely and reasonable manner, the designated purveyor is assigned an exclusive right to provide public water service to the area and is required to include the

area within its approved Water System Plan.

Expanding Water Systems	Those public water systems installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities which will enable the system to increase in size its existing service area. New individual retail or direct service connections onto an existing distribution system shall not be considered an expansion of the public water system.
Fire Flow	The rate of water delivery needed for the sole purpose of fighting fires. The fire flow volume shall be in addition to the requirements of the water system for domestic demand, and a 20 psi residual pressure should be maintained throughout the system under combined maximum demand flow conditions.
Interlocal Agreement	See Service Area Agreement
Intertie	A physical connection between individual water systems which allows water supply to be transferred in one or both directions. An intertie can be established as a primary source, secondary or peaking supply, or emergency supply. Ordinarily, the use of an intertie is governed by a written agreement or contract between the utilities. A modification to water rights issued by Ecology may also be required.
Land Use Designation	The land use(s) allowed in a geographical area by right or permit, as provided in the Jefferson County Planning ordinances.
Level of Service	Operational features, such as pressure, flow, reliability, etc., provided to the customer by the water system.
New Construction	Any addition of supply, transmission, distribution or storage facilities, either in a new water system or an expanding water system, which provides a capability to serve additional dwelling units or other buildings.
Public Water System	Any water supply system intended or used for human consumption or other domestic uses, including source, treatment, storage, transmission, and distribution facilities where water is furnished to any community or group of individuals, or is made available to the public for human consumption or domestic use, but excluding all water supply systems serving one single family residence. Water systems meeting all of the following requirements are not included:

1. Purchase their entire supply of water from another public water system;
2. Do not treat the water (other than softening or corrosion control); and,
3. Do not sell water. Businesses or systems merely storing and distributing water provided by others are exempt unless that system sells water as a separate item or bills separately for the water provided.

Remote System

A public water system, located within the designated service area of a utility, that is detached/distant from the primary facilities of the utility. A remote system has its own source of supply, pending connection to the utility primary source and distribution facilities.

Satellite System

A public water system located within that portion of the Critical Water Supply Service Area not designated as a contiguous service area for any existing utility. Multiple satellite systems may be owned and/or operated by a single utility without necessity of physical connection between systems.

Service Area

A geographical area assigned to a water purveyor for the purpose of providing both current and future public water service. Boundaries are defined by agreements among adjacent utilities and are recorded on a set of maps on file with Jefferson County. Water service provided within designated service areas must be consistent with local land use plans.

Service Area (Existing)

A specific area within which direct service or retail service connections to customers of a public water system are currently available.

Service Area (Future)

A specific area for which water service is planned by a public water system as determined by written agreement among purveyors.

Service Area Agreement

An agreement signed by water utilities which identifies the service area for which the utility has retail water service responsibility.

Service Connection

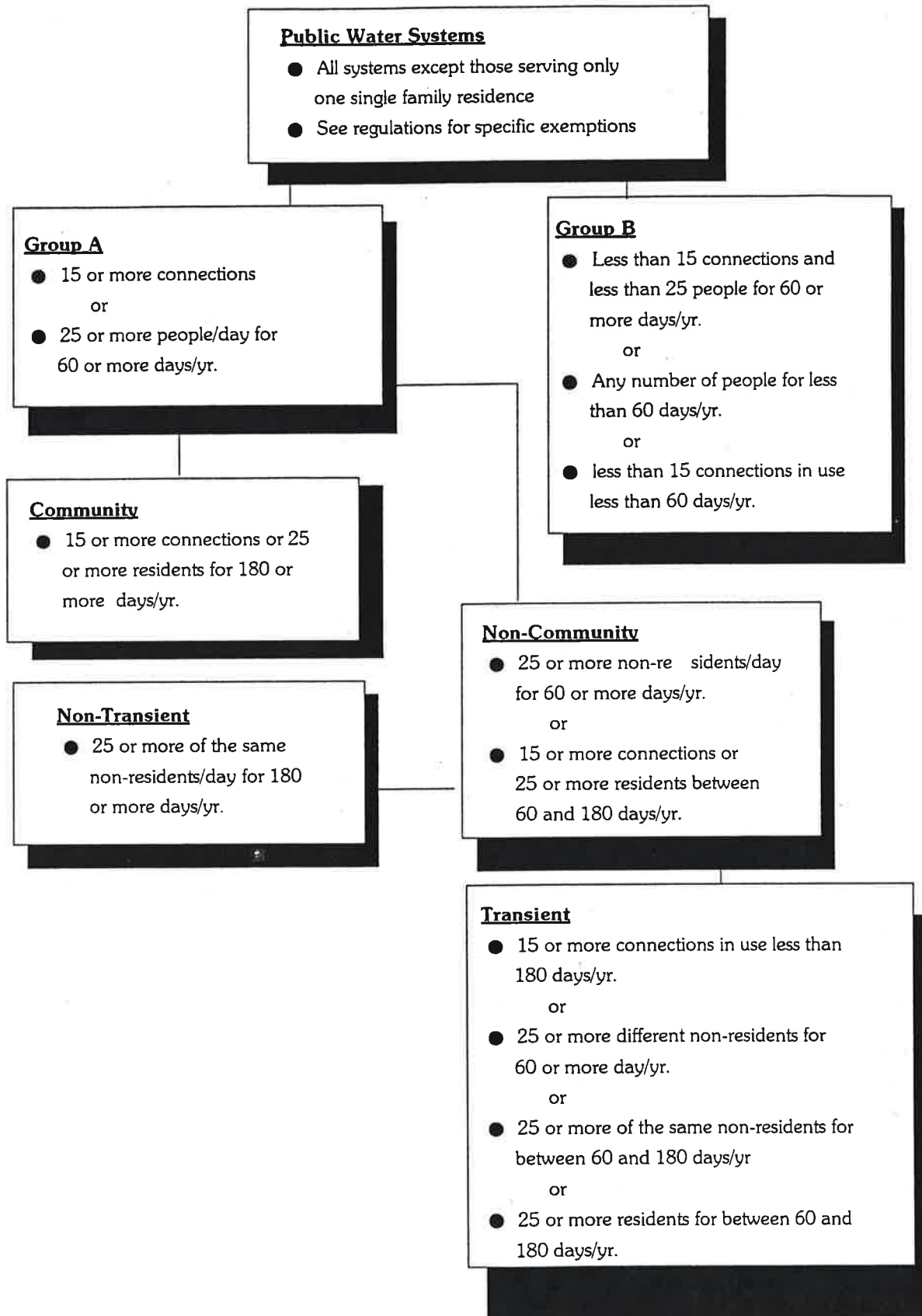
A physical connection through which water may be delivered to a customer for discretionary use. Unless otherwise indicated, all such connections, whether currently in use or not, shall be considered as a service connection. The service connection defines the limit of the

water utility's responsibility for system design and operation unless otherwise provided for in the water utility's condition of service policies.

Utility customers such as mobile home parks, planned unit developments, condominiums, apartment buildings, industrial/commercial sites, or other similar complexes are generally considered exterior to the water system. In such cases, the purveyor shall be required to meet design standards for water systems up to the point of service to the customer; and beyond that point, the applicable plumbing and building codes, fire codes, County health regulations, and local ordinances are deemed to be sufficient to protect the public health and to ensure adequate water service. These customers are not themselves considered herein as water purveyors unless specifically designated as such by DOH.

#### Water System Plan

A written plan prepared for a particular water system and service area which identifies a schedule of needed improvements, a financial program, and an operations program. A water system which is expanding within a designated service area may be required to include other elements in its plan. Details of Water System Plan requirements can be found in WAC 246-290-100.



**Section 1**

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# Section 1 Summary

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## 1.1 Introduction

This update of the Jefferson County Coordinated Water System Plan (CWSP) represents a culmination of several previous studies, projects, and a series of negotiations. These have all been directed toward meeting the drinking water supply needs of the area consistent with documented public policy.

This CWSP presents a detailed local and State water service delivery and management program developed by the Water Utility Coordinating Committee (WUCC) pursuant to Chapter 70.116 RCW and Chapter 246-293 WAC. This CWSP update is especially significant in that it is built upon a cooperative effort among Jefferson County (County), Jefferson County PUD No. 1 (PUD), the City of Port Townsend (City), the area water utilities, and the State Departments of Health (DOH) and Ecology (Ecology).

The CWSP provides a process and strategy for existing water utilities to define their role in the adopted land use and projected growth strategies for the area. The source of supply strategies in Section 10 reflect the collective views of the WUCC and integrates the documented views of State and local governments. Although the CWSP is not the total and final water resource management plan for the area, it serves as a major piece of the larger resource and growth management plan.

## 1.2 Findings and Recommendations

The WUCC finds and recommends the following:

### 1.2.1 Management Area

The CWSP specifically provides plans for the provision of public water supply in the County, which is divided into designated utility service areas and a satellite system management area. The CWSP and the Public Water System Coordination Act assign responsibility for planning, designing, financing, constructing, and operating all public water systems (two or more homes) in the designated areas. These responsibilities should be fully assumed and implemented by the respective water purveyors.

### 1.2.2 Source of Supply

The source of supply for the CWSP and the management area is a combination of groundwater and the City's Quilcene Supply.

### ***Surface Water Supply***

A program for long-term cooperative development of surface water should be developed. The City, the PUD, and the County should join together in shaping the future growth and needs for the area. Once growth decisions are made, supply needs will be apparent, and the parties can move toward a cooperative solution to supply issues. Ultimately, solutions will involve specific programs for conservation, infrastructure development, reuse, and conjunctive use. Moreover, an integrated approach to water resource management will be required to provide for a sustainable future supply, especially for designated urban growth areas (UGA).

### ***Groundwater Supply***

A water resource evaluation should be carried out as soon as possible to determine the resource capacity, constraints, and options in Eastern Jefferson County. The preliminary characterization completed in 1994 was a start. Ultimately, this evaluation should include identification of aquifer characteristics, expected safe yield for development, water quality, and constraints to development.

Currently, the PUD is undertaking a regional water study to expand upon the 1994 effort. A general "scope of work" has been developed which will provide for detailed water budget and aquifer analysis on an individual drainage basin or watershed level. This approach will allow for focus on the most important areas and allow more than one study, under the direction of more than one sponsor, to be underway simultaneously. For example, the PUD could be assessing the Chimacum Creek drainage, while the City could take the lead on the Quilcene drainages.

Also, the City finalized a groundwater study which involved construction of three groundwater monitoring wells, aquifer testing, and groundwater sampling. The results of that study will help in better delineating the City's wellhead protection areas, provide technical support for groundwater use in the Tri-Area, and provide a basis for continued groundwater investigations on the Quimper Peninsula (CH2M Hill, 1996).

### ***Water Rights***

Each water utility should verify to the extent possible that Ecology has recorded water rights for the sources and service area of its water system.

### **1.2.3 Water Supply and Land Use**

The CWSP has not incorporated the future land use of the County. The County Comprehensive Plan is currently under development. However, this document is consistent with the most currently available planning data and assumptions, including the County-wide Planning Policies jointly adopted by the City and County under the federal Growth Management Act (GMA) of 1990.

### **1.2.4 Designated Service Area**

The designated water service areas represent the geographical area where the identified utility has accepted responsibility to provide a "safe and adequate" water supply in a "timely and reasonable" manner. The appeals process of this CWSP will be used to confirm this responsibility. No new water system (two or more customers) will be permitted to form unless the designated water system is "unable or unwilling" to provide water service in a "timely and reasonable" manner.

When a new system is formed, the approving agency should require a demonstration of financial viability for system operation and management. Recommended guidelines for determining financial viability are set forth as part of DOH Operating Permit regulations and supporting documents.

Existing non-viable water systems within the designated service area of a utility will be referred to the designated utility for ownership transfer or receivership proceedings.

### **1.2.5 Classification of Existing Systems and Operating Permits**

The Jefferson County Health Department (JCHD), with the assistance of the WUCC and other County and State agencies, should review the classification of the more than 80 existing Group A water systems in the County to ascertain their ability to provide safe and adequate water supply. The State system of categorization identifies those systems that are self-sufficient, those that require assistance from a Satellite System Management Agency (SMA), those that are non-viable and should consider transfer of ownership to the designated water system or SMA, and those of unknown status.

### **1.2.6 Satellite System Management and Receivership**

Existing State law (43.70.195 RCW) provides for the County to be the "receiver of last resort" of any of the existing 160 public water systems in the study area that are unable to comply with federal and State regulations and customer service requirements specifically outlined in federal, State, and

local (CWSP) procedures. Under the 1990 GMA, Section 63 refers to the need to document compliance as evidence of an "adequate water supply."

The CWSP provides for the designated utility (designated service area) to assume lead responsibility in lieu of the County for correcting the deficiencies of the small systems if receivership is invoked. If the designated system does not assume responsibility or the systems are not located within a designated service area, the goal of the CWSP is for the PUD to accept receivership responsibility. The CWSP recognizes the PUD as the primary service agency for new systems in the non-designated areas.

### **1.2.7 Water Conservation and Monitoring**

The DOH/Ecology guidelines were considered in the development of the water conservation aspects of the CWSP. Implementation of a joint, utility based, regional water conservation program is possible under the leadership of the WUCC and major purveyors. Conservation programs are to be developed in the preparation or update of water system plans (WSPs). The City, County, and the PUD, along with the WUCC, should jointly lead the coordinated development of the regional program.

The Jefferson County Integrated Data Management System (IDMS) should be expanded and utilized to handle data (in conjunction with the City's GIS system), monitor water use trends, and evaluate successful implementation of the conservation program.

### **1.2.8 Minimum Design Standards - Fire Flow**

The Minimum Design Standards developed by the WUCC and discussed in this report, should be adopted by County Ordinance and applied County-wide. In addition to fundamental water system design information, these standards describe how fire protection and fire flow requirements are determined.

### **1.2.9 Data Management**

The County has been a leader in developing a County-wide IDMS. In doing so, the County has coordinated with the City and the PUD to facilitate future data integration and use. Environmental Sensitive Areas, geology, soils, and parcel data are only a few of the layers that have been incorporated into the system allowing for sophisticated analyses. IDMS continues to be a powerful asset to future decision-makers since more and more information of improving quality can be accessed and analyzed quickly. This will continue to aid in decisions concerning future land use and capacity, including water supply.

In addition, the City has developed a similar and compatible Geographic Information System (GIS) that provides much greater specific detail related to its water system. This system also contains similar information covering lands within the City boundary.

### **1.2.10 Administrative Framework**

Implementation of the CWSP requires participation by all members of the WUCC. The CWSP, after review by the County and adoption by DOH, becomes the regional public Water System Plan. All related decisions by local or State government should be guided by the Plan.

The Utility Service Review Procedure (USRP), Exhibit 5-2, describes how the County anticipates administering their responsibilities.

- Water utilities will be responsible for updating their WSPs for their designated areas in accordance with DOH regulations.
- Responsibility of SMA implementation on a regional basis within non-designated service areas has been assigned to the PUD. The program relates to ownership, operation, and management of new systems. This responsibility also extends to accepting receivership of existing systems through court proceedings on behalf of the County, once mutually acceptable conditions are determined by the County and PUD, and accepted through an Interlocal Agreement.

### **1.2.11 Water Utility Planning and Operations**

Future population and water demand projections over a 20-year planning period have been developed for the County. These projections should be utilized by the purveyors to plan for improvements or expansion of their water system consistent with the State's GMA. While a 20-year planning period is a minimum required for this document, the WUCC acknowledges that some water utilities may wish to use a 50-year demand forecast.

Most of the smaller water systems in the County do not have emergency interties with adjacent utilities. In addition, few of the smaller systems have any significant quantity of storage available to them.

Each water purveyor within the Critical Water Supply Service Area (CWSSA) should assess its distribution system with respect to the need to replace water lines or rehabilitate sections of the system. The age and size of existing water lines, as well as recently required system repair work, should be considered when making this assessment. Replacement of existing lines

should be sized for both future needs and the possibility of establishing and maintaining interties with adjacent utilities.

Many of the smaller systems have undersized water facilities. Because of these deficiencies, few of these purveyors have systems capable of providing fire flow service. Those utilities whose service areas contain land designated for commercial or industrial uses should plan for a distribution capacity capable of transporting required fire flows to serve new developments on these properties.

Each water utility should consider installation of individual customer meters. Customer metering allows a greater equity in customer charges and gives the customer the incentive to eliminate or reduce water wastage. All production wells should have meters to measure water production. With both well meters and customer meters, the utility will be able to estimate water losses on their system, and assess the need for rehabilitation or replacement of distribution pipes. The information will also assist the utilities in identifying the most efficient operating procedures.

All water utilities should begin regular monitoring and recording of total production well output and water levels to develop a baseline set of data for groundwater resource evaluation.

A large number of small water utilities in the County are operating with limited resources. These systems have difficulty in meeting current needs, and are unable to meet additional requirements imposed by growth. The small size and inadequate revenue base of many of these utilities will make it difficult to finance needed improvements. Staffing is usually on a volunteer basis, and needed maintenance and monitoring is likely to be overlooked. These findings suggest that support is needed from a WUCC (County) and PUD sponsored program to make combined or shared resources available, provide adequate qualified staff, and produce economies of scale that will assist these smaller utilities in addressing their system improvement needs and in meeting their routine operational and maintenance requirements.

Along these lines, the City has suggested that a feasibility study be completed covering the establishment and operation of a regional water quality laboratory. The WUCC has concurred with this recommendation.

### ***Technical Assistance***

Technical assistance for the many small systems would be extremely beneficial in evaluating low-cost improvements or improved operating procedures to ensure a safe and reliable domestic water supply for County citizens. The WUCC and PUD should help facilitate such assistance.

### **1.2.12 Regional Supply Strategies**

The strategy for the future water supply of Jefferson County can be depicted in two major pieces: 1) a strategy for the City, the Quimper Peninsula, and the Tri-Area; and, 2) a strategy for the remainder of the County.

#### ***A strategy for Port Townsend, the Quimper Peninsula, and the Tri-Area which involves:***

Port Townsend's water utility, the PUD, and to some degree water systems at Kala Point and Cape George.

Some uncertainty about the source of supply (surface or ground).

Key decisions on land use, source development, and would benefit from (if not need) cooperation among all parties.

A regional approach or work plan.

#### ***A strategy for the remainder of the County which involves:***

Most of the other utilities in the County.

Primarily groundwater sources.

More or less independent actions of area purveyors to plan for future demand.

The Water System Planning and project approval processes of the JCHD and DOH.

### **1.2.13 Implementation Highlights**

The County and City will pursue cooperative land use planning as required under the GMA. This will enable future land use to be clarified and allow WSPs to be developed in a consistent manner to meet the future needs of the region.

Several programs and studies, vital to the provision of efficient and reliable utility service in the County, have been identified in this CWSP. Each water purveyor and governmental entity should assist in the implementation of these needed programs and studies, or undertake and complete those specifically assigned. The WUCC will have overall responsibility to facilitate funding and implementation of the various regional efforts.

The Minimum Water System Standards, presented in Section 4, should be reviewed annually by a review committee of the WUCC. Recommended

revisions should be submitted to the County Commissioners for adoption through ordinance amendment. (Note: Water systems can adopt standards more stringent than the minimum standards adopted in the CWSP, but must be consistent with the Level of Service defined under the County Comprehensive Plan.)

Once approved by the WUCC, this CWSP should be reviewed for conformance with County policies, and submitted to DOH for approval.

This CWSP should be revised and updated, as necessary, as prescribed by RCW 70.116.

This CWSP should be considered for adoption by the County Commissioners as a Water General Plan pursuant to RCW 36.94, County Services Act. The 1986 CWSP was adopted in such a manner. The 1986 adoption should be rescinded or amended under any scenario.

The County should schedule semi-annual meetings of the WUCC to address common problems and issues of concern to Jefferson County water utilities and to facilitate overall CWSP implementation. The WUCC should specifically review and provide guidance on the following:

- The groundwater development and testing program.
- Implementation of pertinent sections of the Dungeness/Quilcene Pilot Project Plan.
- Revisions to the Minimum Design Standards.
- Reservation and future allocation of public water supply water rights.
- Conservation and wellhead protection implementation.
- DOH permitting status.
- Adjustments to designated service area agreements to ensure a timely and reasonable delivery of water service.

An overall implementation schedule of recommended activities, assigned responsibilities, time frames, and section references for this CWSP are presented as Table 1-1.

**Table 1-1  
Implementation Schedule**

Activity	Responsibility	Time Frame (Year following Plan Adoption)	Section Reference
This CWSP should be considered for adoption by the County Commissioners as a Water General Plan pursuant to RCW 36.94, County Services Act.	County	Y1	Section 1
Adoption of appropriate procedures to require a signed Service Area Agreement as a prerequisite to granting approval to a utility for service area expansion.	County	Y1	Section 2
Following the DOH regulations establishing the statewide SMA program, adoption of County procedures complementary to the State program.	County	Y1	Section 2
Routine meetings of the WUCC to assess progress and complete assignments as provided by the County Commissioners.	WUCC	Semi-Annual	Section 2
Update of this document on a six year cycle.	County	Y6	Section 2
Adoption of an ordinance/motion or other appropriate action to achieve recognition of those service area boundaries supported by signed Service Area Agreements.	County	Y1	Section 2
			Section 3
Assure that all expanding water systems have completed a Service Area Agreement.	WUCC	Y1	Section 3
Adoption of an ordinance/motion implementing the Water Utility Design Standards, including Fire Flow Standards and Procedures described in Section 4.	County	Y1	Section 4
Annual Meeting of a Standards Review Sub-Committee of the WUCC.	WUCC	Y1	Section 4
			Section 2
Public notice whenever a WSP is proposed for DOH approval.	DOH	Ongoing	Section 5

<b>Table 1-1 (cont) Implementation Schedule</b>			
<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan Adoption)</b>	<b>Section Reference</b>
WSP service area maps (with current and proposed pipelines) along with indications of any phased expansion (sometimes called "tiering") filed with the County.	DOH	Ongoing	Section 5
Public notice and opportunity for comment whenever a service area is proposed to be changed, and whenever a small system or satellite system (see Section on Satellite System Management) is proposed for inclusion or incorporation into an existing system.	DOH	Ongoing	Section 5
Establish a requirement to connect to an existing utility within an existing service area if service can be provided in a timely and reasonable manner.	County	Y1	Section 5
Establish a requirement for well site approval prior to drilling.	County	Y1	Section 5
Applicants for building and/or development permits be advised of USRP process in graphic, simplified, and yet accurate terms (a brochure).	County	Y1	Section 5
The County should consider a system to identify individual well locations and a program to assure proper well decommissioning and abandonment.	County	Y1	Section 5
An Interlocal Agreement should be developed between the County and the PUD, and shall specify the schedule and relationships for developing the SMA program.	County/PUD	Y1	Section 6
Seek funding to support upgrade of satellite systems and development of County water system data.	County/PUD	Ongoing	Section 6
Conservation Programs of major utilities should be monitored by the WUCC as part of a WUCC process to facilitate County-wide conservation implementation.	WUCC	Ongoing	Section 7

**Table 1-1 (cont)  
Implementation Schedule**

Activity	Responsibility	Time Frame (Year following Plan Adoption)	Section Reference
WUCC should monitor development of WHPP and develop a County-wide database of wellhead zones and policies.	WUCC	Ongoing	Section 8
WUCC should work with larger purveyors to develop some common elements of WHPP programs (such as protection policies and spill response).	WUCC	Y2	Section 8
Complete a feasibility study on a Regional Laboratory	WUCC	Y1	Section 8
Request receipt and review of DOH permit status on a semi-annual basis.	WUCC	Ongoing	Section 9
Assist small utilities in understanding operating permit requirements and improving operating status.	WUCC	Ongoing	Section 9
The WUCC reviews completed and adopted City and County Comprehensive plans, and amends CWSP as necessary for consistency.	WUCC	Y1	Section 10
WUCC meets to discuss service areas and request submittal of any changes and any proposed source of supply updates/planning changes.	WUCC	On-going	Section 10
Proposed service area changes, CWSP amendments, reviewed by County for consistency with Comprehensive Plans.	County	On-going	Section 10
CWSP amended with new Service Areas and other necessary changes.	County/DOH	Y1	Section 10
Confirm existing water rights, if there are any questions.	WUCC/Purveyors	Y1	Section 10
Examine individual system demands and consider joint or individual exploration of those aquifers which seem adequate for regional supply.	PUD/Purveyors	Y1// Ongoing	Section 10
Consider development of a comprehensive Ground Water Management Plan.	PUD/Purveyors/County	Y2	Section 10

**Table 1-1 (cont)**  
**Implementation Schedule**

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan Adoption)</b>	<b>Section Reference</b>
Search and Development of new regional supplies.	PUD	Ongoing	Section 10
Consider "Rural Restricted Water Systems" for areas such as Marrowstone Island.	Marrowstone Residents/ County/PUD	Y1	Section 10

## Section 2

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## Section 2

# The Coordinated Water System Planning Process

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### 2.1 Introduction

The Public Water System Coordination Act, enacted in 1977 and codified as Chapter 70.116 RCW, establishes a procedure for the State's water utilities to coordinate their planning and construction programs with adjacent water utilities and other local governmental activities. This Act specifies that the Department of Social and Health Services (now Department of Health - (DOH)) or Jefferson County (County) Legislative Authority may declare an area within a County as a Critical Water Supply Service Area (CWSSA). This declaration must be based upon the findings of a Preliminary Assessment identifying problems related to inadequate water quality, unreliable service, or lack of coordinated planning.

In 1971, the Washington State Legislature enacted the Water Resource Act, Chapter 90.54 RCW, which sets forth fundamental water resource policy to ensure that the waters of the State will be protected and fully utilized for the greatest benefit of the people. Subsequently, "Procedures Relating to the Reservation of Water for Future Public Water Supply," Chapter 173-590 WAC, were established. These procedures are available to public water systems for use in reserving water rights required to meet their projected domestic needs over the next 50 years. This program is administered by the Department of Ecology (Ecology) in an effort to resolve competing water use activities within a geographical area and establish a management system that will ensure that an efficient overall water resource program is developed.

The Public Water System Coordination Act and the Water Rights Reservation processes may be used individually or in combination by the local public water utilities. Implementation of either of these laws requires that a Coordinated Water System Plan (CWSP) be prepared for the study area.

### 2.2 Preliminary Assessment

A Preliminary Assessment of water system concerns in the County was prepared in 1983 by the County.

The Preliminary Assessment identified a number of water utility concerns, such as:

- Inconsistent Design
- Overlapping of Service Areas
- Conflicts between Land Use and Water System Plans (WSPs), and
- Duplication of Facilities

Based upon the findings of the Preliminary Assessment, the County Board of Commissioners, with the support of the water purveyors, declared the County to be a CWSSA, by resolution on October 24, 1983, and confirmed in 1995 (Exhibit 2-1a, 2-1b, 2-1c). The Water Utility Coordinating Committee (WUCC) was appointed by the County Board of Commissioners to oversee the development of recommendations for individual utility plans and a County-wide program for coordinated management of water supply.

## **2.3 Coordinated Water System Plan Preparation**

Preparation of a CWSP for the County was first undertaken in 1983 and completed in 1986. This document is an update to that previous plan. As part of this update, as required by WAC 246-293-210, the original assessment of water systems was reviewed as well as the boundaries of the CWSSA. The WUCC recommended keeping the original boundaries (including all of the County). The County Commissioners concurred with that recommendation in September 1995.

The policies, procedures, and recommendations presented herein were developed in conjunction with the Jefferson County Planning and Building Department (JCPBD), the Jefferson County Health Department (JCHD), water purveyors located within the CWSSA, the County Commissioners, DOH, and other parties represented on the WUCC.

Development of this CWSP has been accomplished in conformance with WAC 248-56-700 (2) (a), wherein the CWSP is comprised of a compilation of individual WSPs, together with a Regional Supplement that addresses concerns relating to the entire CWSSA. Therefore, the CWSP for the County area consists of two components. One component is fulfilled by this document, which addresses issues of regional concern as required by law (The Regional Supplement). The second component is the compilation of the individual WSP documents for each purveyor, developed individually or during the CWSP process. These individual WSPs are incorporated in this CWSP by reference and are to be submitted to DOH for approval.

## **2.4 Objectives**

This CWSP has been prepared to fulfill several regulatory requirements, as prescribed in WAC 248-56, Public Water System Coordination Act; WAC 173-590, Procedures Relating to the Reservation of Water for Future Public Water Supply; Chapter 36.94 RCW, and a Water General Plan, as provided for under the County Services Act. Preparation of this CWSP was undertaken to accomplish several objectives of the County Commissioners, County staff, and the WUCC in addition to addressing those concerns identified during the implementation of the 1986 CWSP. The following objectives were emphasized during the development of the CWSP.

Exhibit 2-1a

RESOLUTION NO. 97-83

DESIGNATING JEFFERSON COUNTY AS  
CRITICAL WATER SUPPLY SERVICE AREA

WHEREAS, the Board of County Commissioners of Jefferson County, pursuant to the provisions of the Revised Code of Washington, Section 36.32.120(6) has the care of County property and the management of County funds and business; and

WHEREAS, the Jefferson County Commissioners, pursuant to Chapter 70.116.4(1) RCW has the authority to designate areas of Critical Water Supply Service Areas; and

WHEREAS, the Jefferson County Commissioners concur with the Preliminary Assessment of the problems related to public water supply service as prepared for the Jefferson County Public Utility District; and

WHEREAS, more than 60 representatives of public water systems in Jefferson County, the Jefferson County Commissioners, the Jefferson County Public Utility District Commission and Staff, the Jefferson County Planning Department and other interested parties discussed the Preliminary Assessment on September 27, -1983, and agreed that problems related to public water systems do exist; and

WHEREAS, representatives of the Department of Social and Health Services have reviewed the Preliminary Assessment and have supported the Jefferson County Public Utility District's effort to undertake comprehensive water system planning; now, therefore,

BE IT HEREBY RESOLVED, by the Board of County Commissioners of Jefferson County, Washington, that the entire County shall be designated a Critical Water Supply Service Area and the provisions of Chapter 70.116 RCW be initiated.

BE IT FURTHER RESOLVED, that the Jefferson County Public Utility District shall be principally responsible for the staffing, funding and administration of the Public Water System Coordination Act and related activities.

APPROVED and ADOPTED this 24 day of Oct, 1983.

JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS

A.M. O'Meara  
A.M. O'Meara, Chairman

B.G. Brown  
B.G. Brown, Member

John L. Pitts  
John L. Pitts, Member

SEAL:

ATTEST:

Jerdine C. Bragg  
Jerdine C. Bragg  
Clerk of the Board

Exhibit 2-1b

RESOLUTION NO. 118-83

A RESOLUTION TO CONFIRM AND LEGALLY ESTABLISH  
THE LIMITS OF THE "CRITICAL WATER SUPPLY SERVICE  
AREA" AS THE WHOLE OF JEFFERSON COUNTY

WHEREAS, the Preliminary Assessment prepared for  
the implementation of the Public Water Service Coordination  
Act in Jefferson County recommended that the scope of the  
implementing study include the whole of Jefferson County;  
and

WHEREAS, the membership of the Water Utility  
Coordinating Committee at its first meeting recommended the  
same thing; and

WHEREAS, there was no persuasive substantive  
counter argument against these limits presented at either of  
the public hearings held by this commission on this subject;  
now, therefore,

BE IT HEREBY RESOLVED, that the external boundaries  
for the Critical Water Supply Service Area (declared in  
Resolution 97-83) are established as the boundaries of  
Jefferson County. Thus the entire County is to be covered  
in the Coordinated Water System Plan.


APPROVED and ADOPTED this 12<sup>th</sup> day of Dec., 1983

JEFFERSON COUNTY  
BOARD OF COUNTY COMMISSIONERS

SEAL:

  
A. M. O'Meara, Chairman

ATTEST:

  
Ferdine C. Bragg  
Clerk of the Board

  
B. G. Brown, Member


  
John L. Pitts, Member

Exhibit 2-1c

RECEIVED

STATE OF WASHINGTON  
County of Jefferson

OCT 04 1995

HEALTH DEPT.

In the Matter of Establishment of  
the Boundary for the Critical Water  
Supply Service Area

RESOLUTION NO 93-95

WHEREAS, Jefferson County has been declared a Critical Water Supply Service Area through County Resolutions 97-83 and 118-83 in 1983 and under the provisions of Chapter 70.116 RCW (Public Water System Coordination Act of 1977).

WHEREAS, the County has appointed a Water Utility Coordinating Committee (WUCC) to oversee the development and implementation of the CWSP.

WHEREAS, a Coordinated Water System Plan (CWSP) was developed and approved by the Department of Health (DOH) in 1986 according to Chapter 70.116 RCW and Chapter 246-293 WAC (Water System Coordination Act implementing regulations), and must be updated every five years.

WHEREAS, according to WAC 246-293-210, the boundaries of the Critical Water Supply Service Area need to be reviewed every five years as part of the CWSP update.

WHEREAS, review of the Critical Water Supply Service Area was an agenda item for August 30, 1995 WUCC meeting.

WHEREAS, a motion of the WUCC was carried (with one dissenting vote), to keep the existing Critical Water Supply Service Area.

BE IT HEREBY RESOLVED, that the Critical Water Supply Service Area boundary established in 1983 remain unaltered until further advised by the WUCC.

APPROVED this 2<sup>nd</sup> day of October, 1995.



JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

*[Signature]*  
Glen Huntingford, Chair

(Excused Absence)

*[Signature]*  
Robert Hinton, Member

*[Signature]*  
Richard Wojt, Member

ATTEST: *[Signature]*  
Lorna L. Delaney, CMC  
Clerk of the Board

### **2.4.1 Future Service Area**

Each utility was requested to plot its existing and future service area boundaries on a map. The future service area boundaries of the larger Group A systems and the smaller systems (with intent to expand) were plotted to identify conflicting or unclaimed areas. Those utilities that did not identify their future service area were assumed not to be interested in expanding. For non-responding utilities, the future service area was assumed to correspond to the existing service area. A standard agreement was formulated to allow utilities to recognize adjacent service areas by reference to the map.

### **2.4.2 Minimum Design Standards**

This subject included a diverse list of considerations by the utilities, including material specifications, construction practices, distribution facilities, metered services, and fire flow requirements.

### **2.4.3 Utility Service Review Procedure**

The Utility Service Review Procedure (USRP) was developed to identify the appropriate purveyor, both willing and capable, to provide water service to new developments and expansions. This procedure utilizes the recognized future service areas as a basis for assigning applicants for development permits to water utilities. In non-designated areas, the procedure emphasizes adjacent utilities with an approved WSP as the preferred service providers. If adjacent and qualified utilities do not exist, the County will refer a developer to the Satellite System Management Agency (SMA).

### **2.4.4 Population, Water Demand, and Regional Supply**

Another key element of the CWSP is the Regional Supply Plan. This plan reflects local land use and growth decisions. Consequently, the Regional Supply Plan is a product of population projections, land use and population distribution projections, and water use estimates of various components of the total population. Recent County and City of Port Townsend (City) approved population projections were utilized in determining the potential growth in the County over the next 20 years. By utilizing that information and various water use assumptions, water demand projections were made. Once demand was known, the focus shifted to options for meeting future demand through development of regional supply strategies, and a Regional Supply Plan.

## **2.5 Plan Approval Process**

Preparation of this CWSP is the responsibility of the County and the local utilities, acting through the WUCC. The WUCC identified local needs and gave direction to

the development of the CWSP as it related to area-wide issues. Through the efforts of the WUCC and the County agency staff, the procedures, regional policies, and minimum standards have been completed for the CWSSA.

The completed CWSP is submitted by the WUCC to JCPBD for internal review and then forwarded to the County Commissioners. County review is to ensure there are no inconsistencies with current land use plans, shoreline master programs, and/or developmental policies. The County has 60 days upon receipt of the CWSP to act on the document. Alternative actions the County may take are set forth in WAC 246-293-290 (See Exhibit 2-2). The CWSP is also submitted to DOH which must also act upon the WUCC approval within 60 days.

Any changes requested to procedures, service area boundaries, or other issues prior to the five-year update of the CWSP need to follow the same process for amendment as that outlined above for CWSP approval.

## **2.6 Appeals Process**

According to RCW 70.116.060 (5), the County may develop and utilized a mechanism for addressing disputes that arise in the implementation of the CWSP, after the Plan has been approved by DOH. It could be argued that such a process was adopted by the County Commissioners in 1986 (Resolution 13-86) when the CWSP was approved by DOH and adopted as a County General Water Plan per Chapter 36.94 RCW. The pertinent appeal process language is provided on page III-4 of the 1986 CWSP.

This process has not been used extensively, and where it has been used, the process has not been well defined. Consequently, the WUCC recommends that the County Commissioners consider formalizing the specific role of the WUCC in a County dispute resolution process.

For a variety of reasons, this role should, at a minimum, consist of facilitation, mediation, and fact finding as opposed to a formal quasi-judicial process. The legally established decision making authorities of the Commissioners, and the Fire Marshal should be sufficient to serve any appeals process. Also, the scope of issues which might be raised (and therefore involve the WUCC) are not well defined. The County Commissioners may choose to limit the scope of appeal topics for the WUCC based on such criteria as the experience of the WUCC in such matters, the feasibility of issue resolution, etc.

Until such appeals processes are more fully developed, the WUCC will fulfill the facilitation, mediation, and fact finding roles, as outlined below, consistent with existing processes and State law; provided that issues pertaining to events within the City Limits of Port Townsend should be resolved by the City.

## Exhibit 2-2

### STATE REGULATION RELATING TO LOCAL REVIEW OF PLAN

#### WAC 246-293-290 COORDINATED WATER SYSTEM PLAN - LOCAL REVIEW.

(1) Prior to submission of a coordinated water system plan to the department for approval, the plan shall be reviewed by the county legislative authority(ies) in the county(ies) in which the critical water supply service area is located. County review of the coordinated water system plan shall include at least one public hearing.

(2) If no comments have been received from the county legislative authority(ies) within 60 days of receipt of the coordinated water system plan, the department may consider the plan for approval.

(3) If within 60 days of receipt of the coordinated water system plan, the county legislative authority(ies) find any segment of the plan to be inconsistent with adopted land use plans, shorelines master programs, the following shall occur:

(a) The county legislative authority(ies) shall submit written description of their determination and justification supporting their determination prior to the end of the 60 day period to the department and all affected parties.

(b) The county legislative authority(ies) shall make every effort to resolve any inconsistencies within 60 days of submittal of written justification.

(c) The department may approve those portions of the coordinated water system plan found not to be inconsistent with adopted plans and policies at any time after the initial determination by the county legislative authority(ies).

(d) If after the 60-day period established for resolution of inconsistencies an inconsistency still exists, the affected parties shall each present their final recommended alternative solution to the department. The department shall then review all alternative solutions and discuss its recommendations with the county(ies) and the water utility coordinating committee. If after two years of the declaration of the critical water supply service area the inconsistencies persist, the department may deny proposals to establish or to expand any public water system facilities which affect that portion of the critical water supply service area being contested.

### **2.6.1 Review Process**

It is expected that most issues will arise over the question of what constitutes reasonable conditions of water service. The view of the WUCC is that the majority of such disputes can best be resolved if discussions between the parties are facilitated by persons knowledgeable of public water system design, construction, and operation. To this end, the WUCC will form a subcommittee for purpose of peer review of issues with the objective of reaching negotiated agreements.

If an applicant and a utility are unable to agree on conditions of service, a written request for review of the issues may be made to the JCPBD by either party. The JCPBD will initiate review by sending a copy of the request to the chairperson of the WUCC. The WUCC is responsible for establishment of a facilitation/mediation process for resolution of disagreements. The process is voluntary for all parties. The process will generally function within the framework described below.

#### ***Appeal Review Subcommittee***

A subcommittee of the WUCC will be formed by the WUCC chairperson. Membership will initially consist of representatives of the interests listed below. This membership will be as follows and may change at the discretion of the WUCC as experience is gained in the appeal process.

- JCHD (1 member)
- WUCC Utility Member (3 members)
- Non-Voting WUCC Member (1 member)

#### ***Objectives***

The review process will be directed to achieve the following objectives:

- Provide a forum for negotiation of the issues between the parties.
- Facilitate the negotiations.
- Assure equitable representation between parties.
- Reach agreement between parties.
- Where parties choose not to participate in the negotiations, identify, and evaluate the facts associated with the issues.

#### ***Subcommittee Report***

The Subcommittee will conclude its review within 45 days of receipt of the appeal. The Subcommittee chairperson will provide a written report to the JCPBD containing the majority view of the Subcommittee. When the appeal has been resolved, the conditions of agreement will be reported. A full or

conditional notice of withdrawal of the appeal by the applicant should accompany the report. Where resolution was not achieved, the report should identify the controlling issues and the position of the parties. A Subcommittee recommendation for disposition of the issues is to be provided.

### **2.6.2 Department Action**

The JCPBD will file the report of the Subcommittee as a part of the development request record. When the appeal was not resolved, the JCPBD will review the recommendations of the Subcommittee for consistency with CWSP provisions and County land use policies. Any inconsistencies will be noted as an addendum to the Subcommittee report. The original appeal, Subcommittee recommendations, and JCPBD addendum (if any) will then be forwarded by the JCPBD for consideration in conjunction with the development application.

### **2.6.3 Appeal Process Review**

The need for effectiveness and efficiency of the above described process can only be determined through plan implementation. Refinement or re-direction may be needed. For this reason, the WUCC should conduct an annual review of the appeals process at least during next few years of CWSP implementation. Based upon this review, adjustments should be made within the framework of the described appeal process. Major changes will require CWSP amendments.

### **2.6.4 Fire Flow Appeals**

The County has established a Fire Code Advisory Committee and Board of Appeals. The purpose of the group is to advise the Fire Marshal on matters pertaining to Fire Code Administration. This group includes membership from the WUCC and others familiar with water system and CWSP issues. As outlined in the Minimum Design Standards (see Section 4), the WUCC recommends that the Design Standards and Fire Flow provisions be adopted through County Ordinance. Further, the WUCC recommends that members of the Fire Code Advisory Committee be appointed as a standing subcommittee of the WUCC to advise the Fire Marshal on Fire Flow issues and on the use of Alternative Methods as defined in WAC 246-293-670. This subcommittee would also advise on any appeals of service standards which might involve fire flow issues.

## **2.7 Water System Plan Review and Approval**

The Public Water System Coordination Act and DOH implementing regulations (Chapter 246-293 WAC) require that expanding Group A water systems within the CWSSA prepare a WSP identifying the proposed program for compliance with, and implementation of, responsibilities defined in the CWSP. The WUCC and DOH

recognize that purveyors must be allowed to respond to CWSP requirements. Therefore, they have agreed that new or updated WSPs must be completed and submitted for review and approval within one year from the date DOH approves the CWSP.

By statute, DOH is responsible for WSP approval. This approval authority may be delegated to the JCHD for smaller systems. The conditions of such delegation would be set forth in a formal agreement between the agencies.

The County review should be made of all plans involving facilities in the unincorporated area, including municipal activities outside corporate boundaries. This review should be coordinated by the JCPBD to determine consistency of proposed actions with County land use policies and plans. When the activities and facilities of a public water purveyor are located entirely within the corporate limits of a city, the review for consistency is to be made by the city. Appropriate recommendations should then be provided to the DOH or JCHD regarding conditions of approval.

Exhibit 2-3 illustrates the procedure described above for review and approval of water system plans.

## **2.8 Recent State Legislative and Administrative Action**

Recent legislation enacted by the 1991 State Legislature must be phased into CWSP plan implementation. Program areas where new or amended laws, regulations, and/or ordinances may be necessary are as follows:

### **2.8.1 RCW 70.116.134**

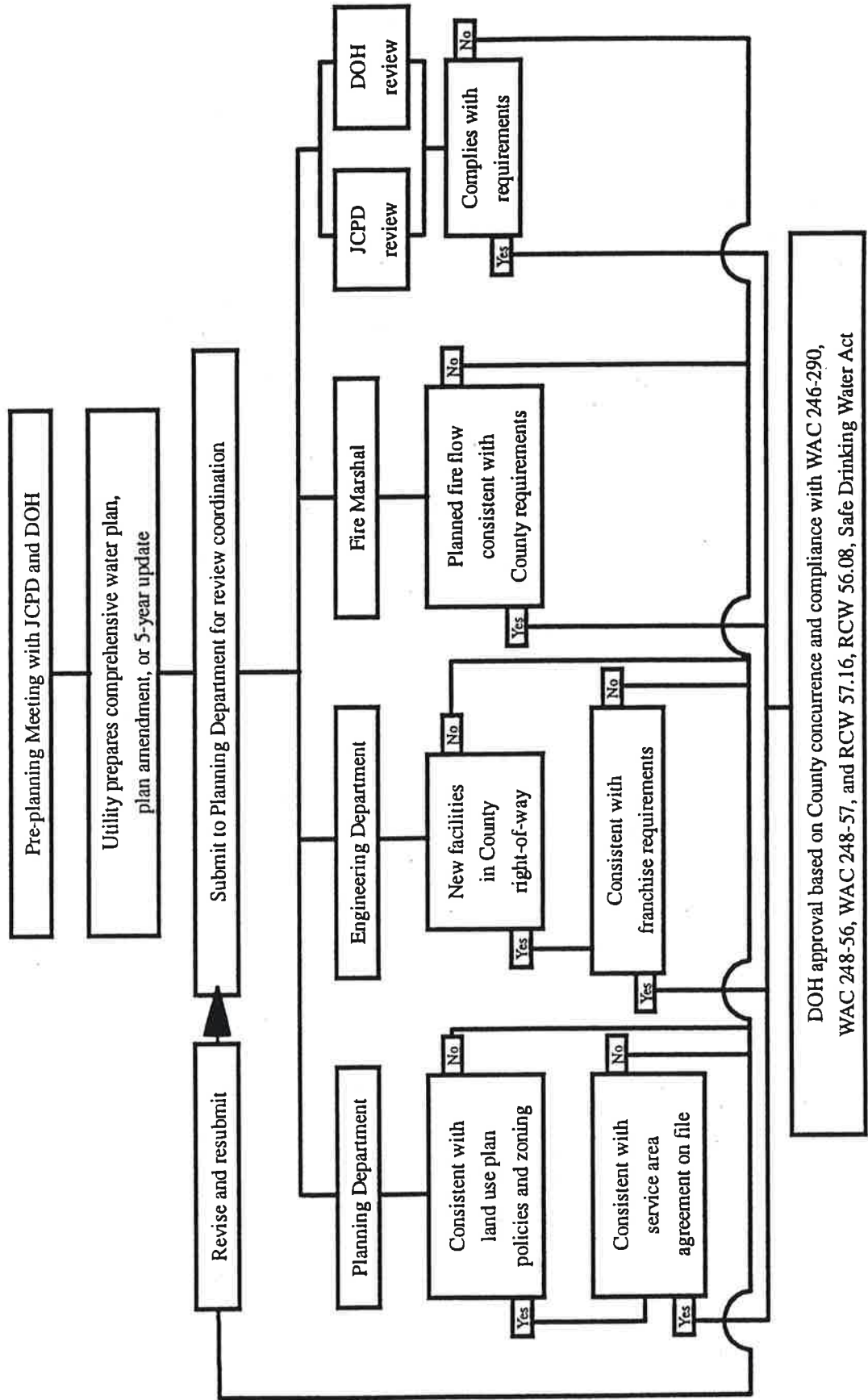
RCW 70.116.134, enacted in the 1991 Regular Session, relates to SMAs. The legislation provided that:

- The DOH has adopted rules establishing criteria for designating individuals or water purveyors as qualified SMAs.
- Each county is to advise the DOH of potential SMAs.
- DOH shall approve SMAs meeting the established criteria and shall maintain and make available a list of approved agencies to each county.
- Prior to constructing a new public water system, the developer shall first be directed by the county to one or more qualified SMAs for the purpose of exploring the possibility of a SMA owning or operating the proposed new water system.

The USRP, described in Section 5, is consistent with this legislation.

# Exhibit 2-3

## Review of Water System Plans



### **2.8.2 RCW 90.03.383**

Legislation related to public water system interties was also enacted in the 1991 Regular Session. RCW 90.03.383 provisions are summarized as follows:

- Interties are recognized as valuable management tools for public water systems.
- For an intertie proposed after January 1, 1991, the proposal is to be incorporated into the CWSP or utility's WSP for review and approval by DOH and Ecology as part of the plan review process. Water right requirements (place-of-use issues) are to be addressed in this process.

This legislation will enable utilities to address water right matters related to system interties, in an expeditious manner, through submittal of water system plans to DOH.

### **2.8.3 RCW 70.119A.110**

RCW 70.119A.110, also enacted during the 1991 Regular Session of the Legislature, establishes an operating permit requirement for Group A public water systems. As the permit program is implemented by DOH, no person may operate a Group A system without a valid permit. This requirement will become a further consideration in implementation of the USRP.

### **2.8.4 Engrossed Second Substitute Senate Bill 5448**

Engrossed Second Substitute Senate Bill 5448 passed the Legislature during the 1995 Session. This Bill significantly revised Chapter 70.116 RCW. The most notable changes were:

- Section 3 requires that all new public water systems (Group A or B) must either be owned or managed by a SMA. If a SMA is not available, a determination must be made that the proposed new system has the management and financial resources to provide safe and reliable services. Approval of new systems that are not satellite managed must be conditioned on either future satellite management of the system or periodic performance review.
- Sections 2 and 13 significantly modify procedures for adopting and updating CWSPs. They leave final decisions regarding "timely and reasonable" service at the local level and allow for local development and implementation of disputes which arise during implementation of the CWSP (including service area disputes).
- Section 6 extends the requirement for certified water system operators to include Group A systems with fewer than 100 connections if they are in significant noncompliance with water quality or monitoring regulations, or have treatment other than simple disinfection.

- Other portions of the Bill, including those authorizing a State Revolving Fund financial assistance program, and the use of administrative penalties to fund training and technical assistance activities, will provide important future resources. The effective date of this legislation was July 22, 1995.

## **2.9 Coordinated Water System Plan Update**

In accordance with the provisions of the Public Water System Coordination Act as amended by ESSB 5448 (above), the CWSP should be reviewed and updated by the WUCC every six years, or sooner, if necessary.

## **2.10 Periodic Committee Review**

The WUCC has determined that it should continue as a standing committee and meet periodically to address issues of regional significance and to review implementation issues regarding this CWSP. A subcommittee should be established within the WUCC with responsibility to meet at least annually to review the effectiveness of and the need for any subsequent changes to the Minimum Design Standards.

The WUCC and County Commissioners have considered the role and function of the WUCC in overall water policy issues. As a result of those discussions, the Commissioners passed a resolution regarding the role of the WUCC in overall County water policy. This resolution is presented as Exhibit 2-4. To implement this CWSP and the roles envisioned by the Commissioners, the full WUCC should meet at least twice a year to assess implementation progress and to take up any assignments provided to them by the County Commissioners.

## **2.11 Environmental Document**

Adoption of the CWSP by the DOH, and adoption of individual WSPs by public water purveyors, constitute "actions" under the State Environmental Policy Act (SEPA) of 1971, Chapter 43.21C RCW and WAC 197-11-704. This adoption action is not categorically exempt under the SEPA rules. At a minimum, SEPA rules require the preparation of an "environmental checklist" and a threshold determination. The CWSP and WSPs, therefore, must be accompanied by appropriate environmental (SEPA) documents.

The CWSP establishes administrative, management, and policy procedures to respond to the needs of existing and future customers in the County. It is intended to address regional concerns within the County not ordinarily included in each utility's WSP. Examples of regional issues are: potential shared facilities, regional sources of supply, procedures for reviewing and approving future water use activities, minimum design standards, designated water utility service areas, and water utility management policies.

**Exhibit 2-4**

**STATE OF WASHINGTON  
County of Jefferson**

REC'D SEP 23 1995

**IN THE MATTER OF ESTABLISHING  
THE ROLE AND FUNCTION OF THE  
JEFFERSON COUNTY WATER UTILITY  
COORDINATING COMMITTEE (WUCC)**

)  
) **RESOLUTION NO. 79-95**  
)  
)

**WHEREAS, Jefferson County has been declared a Critical Water Service Area through County Resolution No. 97-83 and 118-83 in 1983 and under the provisions of Chapter 70.116 RCW (Public Water System Coordination Act of 1997); and,**

**WHEREAS, a Coordinated Water System Plan (CWSP) was developed and approved by the State Department of Health (DOH) in 1986 according to Chapter 70.116 RCW and Chapter 246-293 WAC (Water System Coordination Act implementing regulations), and must be updated every five (5) years; and,**

**WHEREAS, the provisions of the CWSP processes and procedures, service areas, and minimum standards for water system design and construction (including fire flow) are binding on all water systems in the County; and,**

**WHEREAS, the County has appointed a Water Utility Coordinating Committee (WUCC) to oversee the development and implementation of the CWSP; and,**

**WHEREAS, under the provisions of the CWSP, disputes over the schedule and conditions of water service and the minimum design standards can be appealed to a subcommittee of the WUCC.**

**WHEREAS, the subject of the number and impact of private wells on water system management and water resources management has been a constant WUCC issue since 1986, private supply makes up a significant portion of the total water use and private water supply is specifically mentioned in regulation and statute as part of the CWSP process; and,**

**WHEREAS, the CWSP process relies on data, and that additional information is needed to continue to characterize the extent of regional ground and surface water supplies; and,**

**WHEREAS, each purveyor of ground water will need to address source protection, and for nearly all of the County's public water supply, this will be provided according to the wellhead protection requirements of DOH; and,**

**WHEREAS, water conservation plans are required for utilities to obtain new water rights, coordination of efforts can reduce conservation program costs, and regional efforts can be a backbone of these individual plans; and,**

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SEP 12 1995  
JEFFERSON COUNTY  
PUBLIC WORKS DEPT.

## Exhibit 2-4 (cont)

Resolution No. 79-95: Establishing the Role and Function of the WUCC

**WHEREAS**, in conjunction with the need for conservation in response to increasing demand, waste reduction and water reuse may become a more significant issue in the future; and,

**WHEREAS**, long term water resources (for all uses) development and management depends on a consistent application of regulation, and common knowledge of the policies, processes, and procedures of the regulators; and,

**WHEREAS**, although the WUCC consists primarily of larger utilities, it has a responsibility to provide general assistance to smaller utilities as they attempt to meet the new and expanding regulatory requirements.

**NOW THEREFORE BE IT RESOLVED**, that the Board of County Commissioners of Jefferson County that the Water Utility Coordinating Committee (WUCC) be charged with responsibilities described below and including those responsibilities currently or hereafter provided under State law and regulation:

The WUCC has the responsibility to provide a program relating to water system coordination, for evaluation and determination of critical water service areas, and for orderly and efficient public water system planning as required under Chapter 70.116 RCW and Chapter 246-293 WAC. To be meaningful, this program will need to be enhanced by continuing efforts to improve knowledge and understanding of the extent and limitations of the County's water resources through data acquisition and management, special studies, and public involvement, regional information sharing, and coordination. To that end, continuing WUCC activity should involve:

1. **CWSP Development:** Advice and oversight of the development of a CWSP and approval of the plan as required by law including an update of the designation of the Critical Water Service Area boundary as required by law.
2. **CWSP Implementation:** Monitoring a CWSP implementation program with its variety of components to assure completion or, as necessary, modification. This effort should include elements of:
  - a. **Appeals:** Managing the operation of an appeals sub-committee in the event there are disputes over timely and reasonable service.
  - b. **Standards Updates:** Reviewing and updating design and construction standards.
  - c. **Fire Flow Standards and Alternate Means:** Resolving fire flow issues and setting fire flow requirements for water system planning purposes.
  - d. **Service Area Changes and Disputes:** Assuring that service areas are updated as necessary and that the USRP is followed.
  - e. **Conservation:** Conducting regional conservation programs as an effective way to educate and implement basic water conservation.
  - f. **Waste Reduction and Reuse:** Identifying areas where water reuse might be a viable option, and conducting special studies to enhance regional knowledge and the possibilities of implementation of such

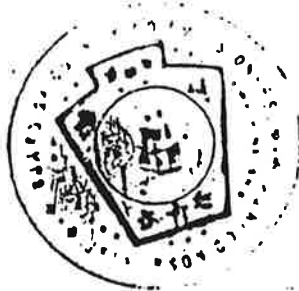
## Exhibit 2-4 (cont)

### Resolution No. 79-95: Establishing the Role and Function of the WUCC

- programs.
- g. **Assistance to Small Systems:** Generally providing education, technical assistance, and financial advice to smaller utilities as they strive to meet requirements.
3. **Water Use and Demand:** In conjunction with the region's water purveyors, development of an on-going water demand and water use data set. This information will be helpful in predicting demand (required by Water System Plans and future CWSP updates) and for evaluation of source of supply scenarios.
  4. **Individual Supply (Private Domestic Wells):** Addressing the water use and effect of private domestic supply as part of any regional water supply scenarios, in managing service areas and demands, and in dealing with risks to water supply (wellhead protection). The level of evaluation, analysis, and direction of this issue should be defined by the WUCC.
  5. **Source of Supply Studies and Analysis:** Investigation of future potable water supply options - e.g. off stream storage ( in the context of fish and habitat issues), aquifer capacity studies, use of advanced technology, etc. This may involve long term data gathering special ground water investigations, hydrogeological studies on recharge and runoff, technology assessment (reverse osmosis, membrane treatment, etc.), instream flow and habitat evaluations.
  6. **Wellhead, Aquifer, and Source Protection:** Sponsoring or assisting with potential contaminant source inventories, hydrogeologic analysis, and development of risk reduction strategies for designated source protection areas. The WUCC should help the smaller systems meet the Department of Health requirements through advice on regional studies, and general risk reduction strategy development.
  7. **Application of Water Resource Law:** Assisting in determining the level of compliance and enforcement of water resources related to statutes and regulations including those of DOH. The WUCC should monitor the application of the State's Water Code, instream flow requirements, and well drilling standards to assure that they are being applied consistently.

Approved and signed this 5th day of September, 1995.

SEAL:



ATTEST:

*Lorna L. Delaney*  
Lorna L. Delaney, CMC  
Clerk of the Board

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

*Glen Huntingford*  
Glen Huntingford, Chairman

*Robert Hinton*  
Robert Hinton, Member

*Richard Wojt*  
Richard Wojt, Member

The CWSP contents should be referenced in an Environmental Checklist. It is anticipated that both negative and positive impacts will occur to earth, water, land use, population, public services, and utilities as a result of implementing individual WSPs. The CWSP has been developed in accordance with the most current and best available planning data which reflects local land use policies and requirements. Therefore, implementation of this Plan and the employment of sound engineering and construction practices during the implementation of each utility's WSP should minimize any adverse impacts.

## 2.12 Summary and Recommendations for Action

The State, County, and local water purveyors will have a specific agenda as a result of recent legislation and as part of the implementation of the CWSP process outlined above. Specific to the broader CWSP implementation mechanisms, the County will need to plan for activities as shown in Table 2-1.

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan Adoption)</b>
Adoption of an ordinance/motion implementing the Water Utility Design Standards including Fire Flow Standards and Procedures described in Section 4.	County	Y1
Adoption of an ordinance/motion or other appropriate action to achieve recognition of those service area boundaries supported by signed Service Area Agreements.	County	Y1
Adoption of appropriate procedures to require a signed Service Area Agreement as a prerequisite to granting approval to a utility for service area expansion.	County	Y1
Following the DOH regulations establishing the Statewide SMA program, adoption of County procedures complementary to the State program.	County	Y1
Routine meetings of the WUCC to assess progress and complete assignments as provided by the County Commissioners.	WUCC	Semi-Annual
Update of this document on a six-year cycle.	County	Y6

## **Section 3**

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## Section 3

# Water Utility Service Areas

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### 3.1 Introduction

The Public Water System Coordination Act requires that a procedure be established to identify the existing and future service areas of public water utilities within the Critical Water Supply Service Area (CWSSA).

Two obligations accompany the establishment of service area boundaries. The first obligation is that Jefferson County (County) and Washington State (State) governments recognize an identified utility as the responsible agency for providing all public water service within a designated area. The second obligation is that the utility shall assume responsibility, within its service area, for planning and implementing water system development and proper utility management. The manner in which this responsibility is to be fulfilled is to be described in the utility's water system plan (WSP). For those areas within the CWSSA, but not within any utility's designated service area, the Utility Service Review Procedure (USRP), gives priority for service to a Satellite System Management Agency (SMA) or an adjacent utility with an approved WSP. If neither of these service options is available, a new utility may be formed and constructed subject to Coordinated Water System Plan (CWSP) specifications, Department of Health (DOH) regulations, and a demonstration of financial viability.

The Coordination Act provides the legal mechanism, for municipalities and private water utilities alike, to establish exclusive service boundaries within the unincorporated areas of the County. This procedure provides the utilities with the assurance that their planning, capital improvement programs, and financial commitments are consistent with State and County requirements.

From the County's perspective, designated service areas will mean a specific utility has accepted responsibility for development of cost-effective and efficient service to accommodate the future growth that these areas will experience. Growth management objectives established for these areas by the County's Planning Area Comprehensive Plans must be accommodated in each utility's approved plan and actual improvements.

The Coordination Act requires that service area boundaries be established by agreement among the purveyors based on a variety of factors. These factors include: topography, readiness and ability to serve, existing water system or municipal boundaries, future population projections, and sewer service areas. It also specifies that these service areas be developed in conformance with the land use policies of the County.

### 3.2 Service Area Commitments and Procedures

Prior to implementation of the Public Water System Coordination Act, projected service areas outside of legally constituted boundaries were subject to unpredictable change. Changes were dependent upon actions by County government, formation of new systems, or developer negotiations for water supply service with different water utilities.

The Coordination Act provides the legal mechanism for all public water utilities to establish exclusive service area boundaries independent of municipal boundaries.

The establishment of future service area boundaries carries with it two obligations. The first obligation is that the County and State government shall recognize each utility as the responsible agency for providing all public water service within its designated area, and to assist them in fulfilling that obligation. The second obligation is the utility's responsibility for providing satisfactory water service within a reasonable time frame to customers within that geographical area designated as their future service area.

Service area boundaries were established by purveyors based on a variety of factors, including:

- Readiness and ability to provide service,
- Financial Viability,
- Existing water system or municipal boundaries,
- Future population projections,
- Local land use policies,
- Political responsibilities,
- Topography, and
- Sewer service areas.

A utility's water facilities, such as sources of supply and reservoirs, may be located outside the utility's service area provided the facilities are not used to provide direct retail service within another utility's service area, unless the designated utility approves such service.

Once adopted as part of this CWSP, the designated utility will have exclusive responsibility for the provision of water services within the identified service area.

Future water customers within a utility's service area should be provided water service by the designated utility, except under the following circumstances:

- An applicant is proposing the use of a private well with one service connection. The use of a private well must be approved by the Jefferson County Health Department (JCHD) and the utility; or

- ❑ Interim service is to be provided to an applicant by another utility (or SMA) until such time as the designated utility can provide service, as documented in an agreement between the utilities. There is no limit to the time period for which interim service may be provided by another utility; however, this period must be addressed in the agreement; or
- ❑ If the designated utility is unwilling, or unable, to provide service or the applicant and utility cannot agree to the conditions of service, the County may seek an evaluation of service alternatives by the SMA. If the SMA determines that an adjacent utility, the SMA, or a new utility should provide service, the service area of that water utility should be modified to reflect the new responsible party.

Section 5 provides more detail on the USRP, as well as identifies both utility and new customer responsibilities.

### **3.3 Service Area Designation**

#### **3.3.1 Service Area Identification**

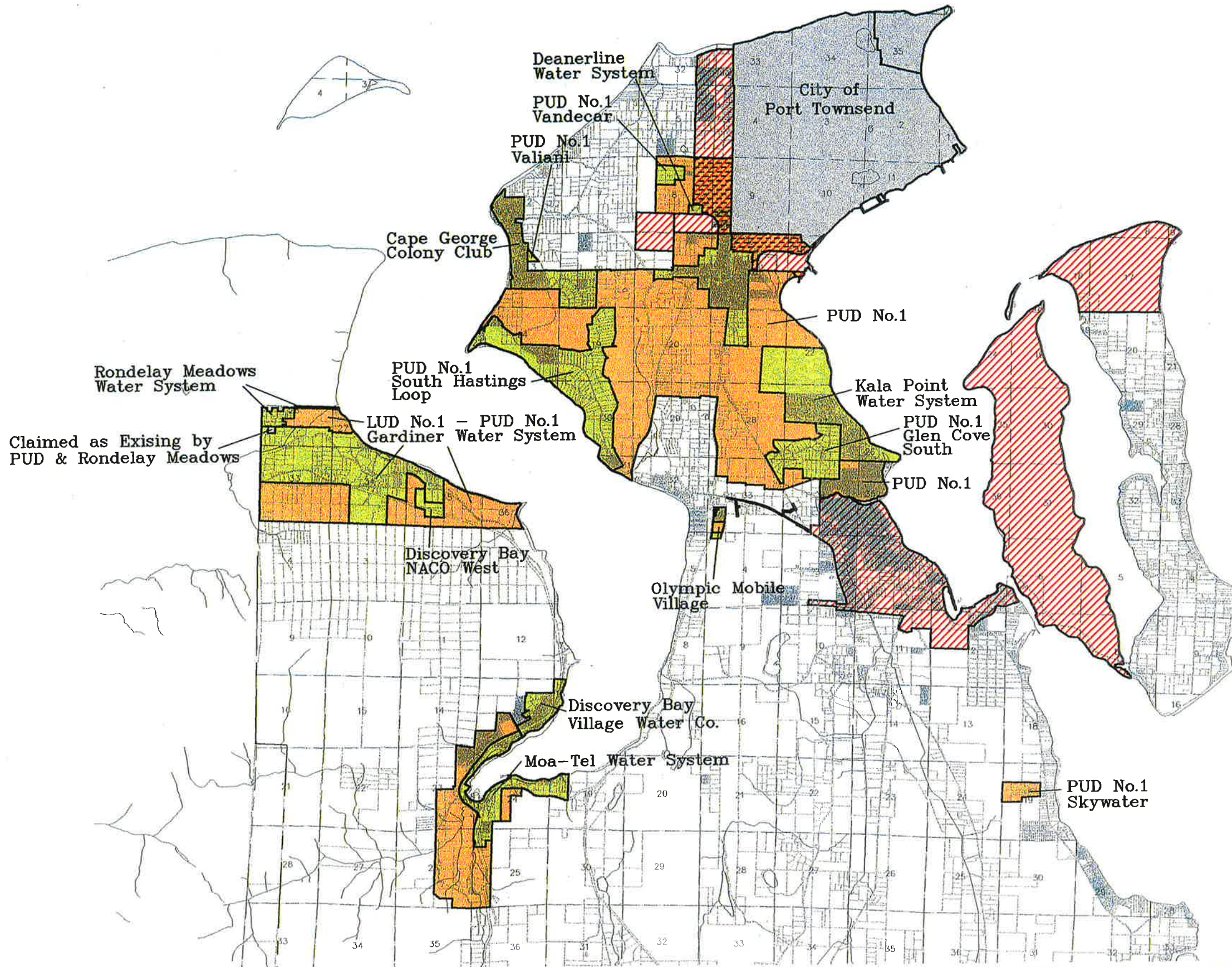
All known Group A (Community) public water supply systems were notified of the procedures of the Coordination Act and the requirements for their system. A current list of these County water utilities is maintained by the JCHD.






Each of these water systems was requested to submit a copy of their existing water supply service area to identify service area boundaries, potential overlaps between adjacent water utilities, and also an indication of the interest, or lack thereof, of the smaller water systems in expanding their service areas.

Exhibits 3-1a, 3-1b, 3-1c present service area maps indicating the known specific service area boundaries for Group A systems in the County. These service area maps are the official record of the utility service areas. It is maintained by the Jefferson County Planning and Building Department (JCPBD). A copy is on file with the JCHD, the Jefferson County PUD No. 1 (PUD), and DOH.

#### **3.3.2 Service Area Adjustments**


All future service by public water systems in the County will be determined according to the utilities' approved WSP and designated service areas. When a need for new water service is identified, the JCPBD will refer the applicant to the JCHD which will administer the USRP, described in Section 5, to identify the utility designated for the area. A service area adjustment is required if a utility accepts responsibility for service outside of its designated boundary.

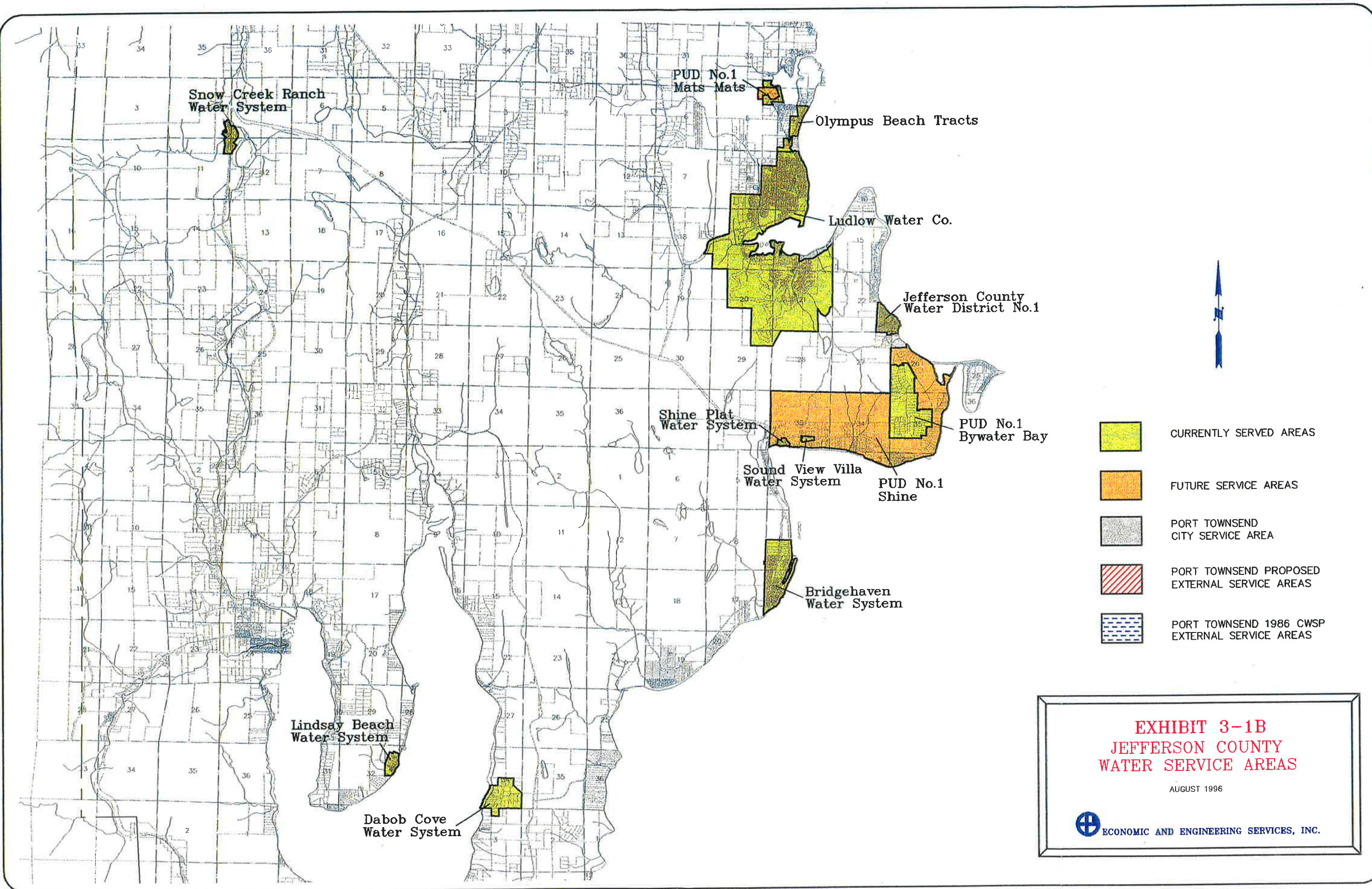







-  CURRENTLY SERVED AREAS
-  FUTURE SERVICE AREAS
-  PORT TOWNSEND CITY SERVICE AREA
-  PORT TOWNSEND EXTERNAL SERVICE AREAS
-  DISPUTED AREA

**EXHIBIT 3-1A**  
**JEFFERSON COUNTY**  
**WATER SERVICE AREAS**

NOVEMBER 1996

 ECONOMIC AND ENGINEERING SERVICES, INC.

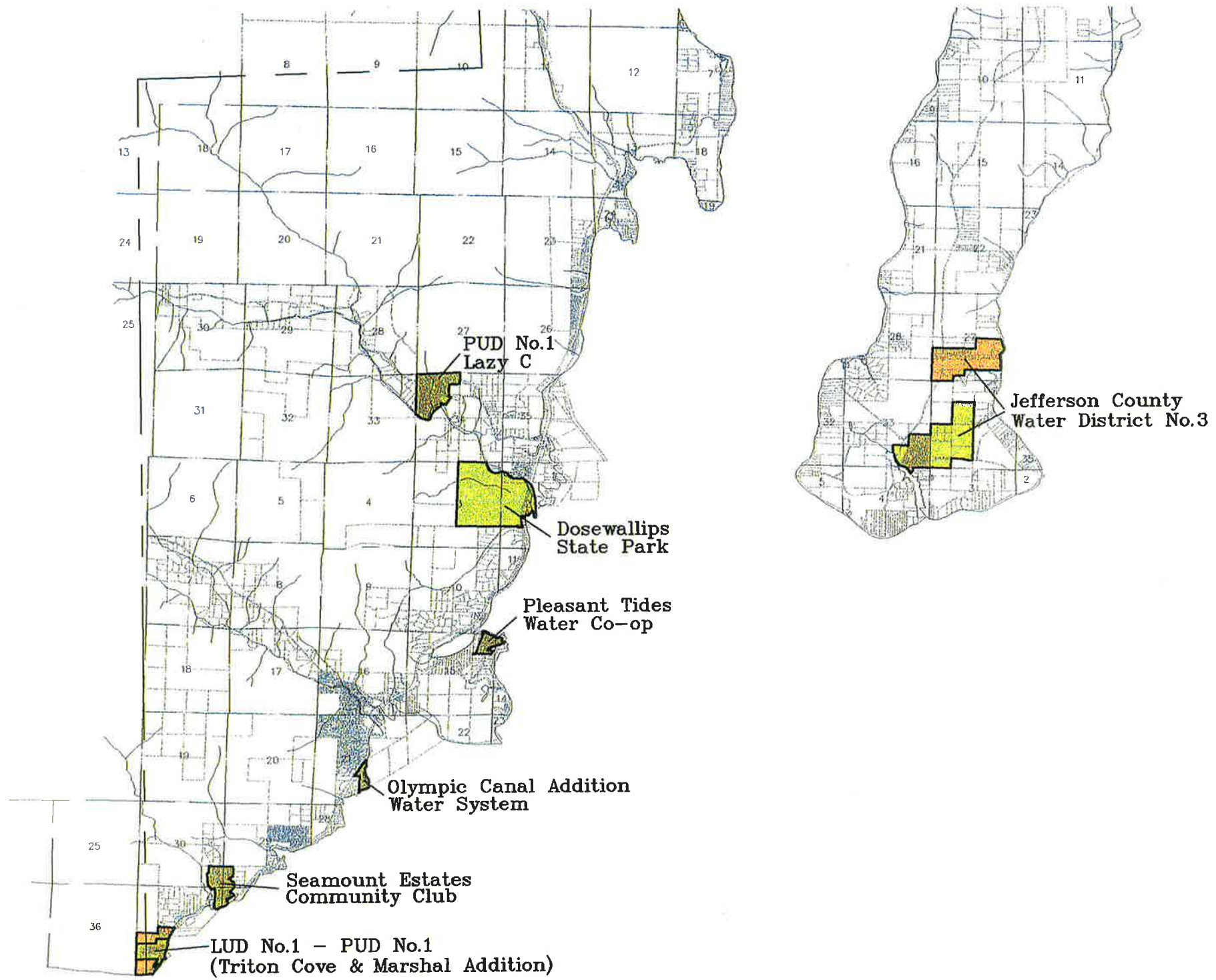







-  CURRENTLY SERVED AREAS
-  FUTURE SERVICE AREAS
-  PORT TOWNSEND CITY SERVICE AREA
-  PORT TOWNSEND PROPOSED EXTERNAL SERVICE AREAS
-  PORT TOWNSEND 1986 CWSP EXTERNAL SERVICE AREAS

**EXHIBIT 3-1B**  
**JEFFERSON COUNTY**  
**WATER SERVICE AREAS**

AUGUST 1996

 ECONOMIC AND ENGINEERING SERVICES, INC.



-  CURRENTLY SERVED AREAS
-  FUTURE SERVICE AREAS
-  PORT TOWNSEND CITY SERVICE AREA
-  PORT TOWNSEND PROPOSED EXTERNAL SERVICE AREAS
-  PORT TOWNSEND 1986 CWSP EXTERNAL SERVICE AREAS

**EXHIBIT 3-1C**  
**JEFFERSON COUNTY**  
**WATER SERVICE AREAS**

AUGUST 1996

 ECONOMIC AND ENGINEERING SERVICES, INC.

If, for any reason, water service is not provided by the designated utility and interim service cannot be arranged, or if a utility determines their service area is either too large or too small, an adjustment to the utility's service area boundary is required.

Final (official) adjustment of service areas requires the signing of service area agreements among the affected adjacent purveyors, and filing these agreements with the JCPBD for incorporation in the official CWSP file.

### **3.4 Water System Plan for Service Area**

DOH regulations require expanding utilities to develop and maintain a current WSP for their designated service area. The plans must be completed and/or updated on a similar schedule as this CWSP. The detail and content of the WSPs differ based on the number of customers. Guidelines for plan content are described in Chapter 246-290, "Group A Public Water Systems," and in various guidance documents published by DOH.

All other water systems are exempt from the planning requirement, provided no system expansion occurs and DOH does not specifically request plan development. An Engineering Report (Project Approval) must be submitted to DOH and approved for system improvements not covered in a WSP.

### **3.5 Service Area Agreement**

#### **3.5.1 Form of Agreement**

A Service Area Agreement (Agreement) was drafted and approved by the Water Utility Coordinating Committee (WUCC) and forwarded to the utilities for signature along with final copies of their future service area maps. A copy of a typical Agreement is included as Exhibit 3-2. Signed Agreements are on file with the County.

Establishment of individual agreements among all water systems in the study area is extremely cumbersome. Therefore, the Agreement was used to allow the utility to agree with the boundary of its service area as shown on Exhibit 3-1a through 3-1c.

Where understandings concerning joint service, transfer of service, or common boundaries require more specific terms than are provided in the Agreement, the affected utilities are to document the specific conditions in an attachment to the Agreement. For these understandings to be recognized in implementing this CWSP, the utilities must place them on file with the County as an attachment to the Agreement.

## Exhibit 3-2

### AGREEMENT FOR ESTABLISHING WATER UTILITY SERVICE AREA BOUNDARIES

#### PREAMBLE

This Agreement for water utility service area boundaries identifies and establishes between the parties the external boundary of the service area for which the designated water purveyor has assumed direct retail water service responsibility. The responsibilities accepted by the water purveyor are outlined in the Jefferson County Coordinated Water System Plan (CWSP), and as defined by the adopted rules and regulations of the Department of Health (DOH). Except as specifically provided herein, this agreement does not give new authorities or responsibilities to any water purveyor or to Jefferson County or State regulatory agencies, but acknowledges the geographical area for these designated service responsibilities.

The terms used within this Agreement shall be as defined in the implementing regulations of Chapter 70.116 RCW, except as identified below.

1. Jefferson County Critical Water Supply Service Area Map shall mean the map incorporated into this Agreement as Attachment A for the retail service area, except as amended in accordance with the CWSP procedures and with the concurrence of the affected water purveyors.
2. Retail Service Area shall mean the designated geographical area in which a purveyor shall supply water either by direct connection, by a satellite system, or through interim service by an adjacent utility or Satellite System Management Agency under agreement with the designated utility.
3. Wholesale Service Area shall mean the designated geographical area in which a purveyor, a group of purveyors, or another organization provides water to other water purveyors on a wholesale basis. A wholesale water supplier shall not provide water to individual customers in another purveyor's retail service area except with the concurrence of the purveyor responsible for the geographical area in question.
4. Lead Agency for administering the Agreement For Establishing Water Utility Service Area Boundaries shall be the Jefferson County Planning Department, unless otherwise established by amendment to the CWSP.

The authority for this Agreement is granted by the Public Water System Coordination Act of 1977, Chapter 70.116 RCW.

## Exhibit 3-2 (cont)

### TERMS OF AGREEMENT

WHEREAS, Such an Agreement is required in WAC 248-56-730, Service Area Agreements-Requirement, of the Public Water System Coordination Act; and

WHEREAS, Designation of retail water service areas, together with the cooperation of utilities, will help assure that time, effort, and money are best used by avoiding unnecessary duplication of service; and

WHEREAS, Definite future service areas will facilitate efficient planning for, and provision of, water system improvements within Jefferson County as growth occurs; and

WHEREAS, Responsibility for providing water service through ownership and/or management of water systems in a designated service area is vested in the designated utility; and

WHEREAS, Definite retail and wholesale service areas will help assure that water reserved for public water supply purposes within Jefferson County will be utilized in the future in an efficiently planned manner,

NOW, THEREFORE, the undersigned party, having entered into this Agreement by signature of its authorized representative, concurs with and will abide by the following provisions:

Section 1. Service Area Boundaries. The undersigned party acknowledges that the Jefferson County Critical Water Supply Service Area Map, included as Attachment A to this Agreement and as may be subsequently updated, identifies the utility's future water service area. The undersigned further acknowledges that there are no service area conflicts with adjacent water utilities, or, where such conflicts exist, agrees that no new water service will be extended within disputed areas until such conflicts are resolved.

Section 2. Common Service Area Transfer. It is understood that utilities may initially continue existing water service within the boundaries of neighboring utilities, as defined in Attachment A. Such common service areas, if they exist, are described in Attachment B to this agreement. Also included in Attachment B are copies of, or a list of, all resolutions, ordinances, or agreements permitting these uncontested overlays. The undersigned party agrees that any water line for retail service extending outside of the retail service area boundary, as set forth in Attachment A, shall be phased out and service transferred to the designated adjacent utility on an economic basis or by mutual agreement.

## Exhibit 3-2 (cont)

Economic basis considerations may include, but are not limited to:

- (a) A determination by the present owner of service lines that maintenance, repair, and/or replacement costs exceed attributable income.
- (b) Planned or imminent major street improvements or major improvements to either or both water systems which include an opportunity to transfer service.

The terms of the transfer of service area described in this Section shall be established in a separate agreement among the adjacent utilities whose boundaries are affected.

Section 3. Boundary Streets. Unless separate agreements exist with adjacent utilities concerning water services or other utility services, this party agrees that the water utility which is located to the north or east of boundary streets between this party and adjacent utilities will be entitled to provide future water service on both sides of those streets. Depth of service on boundary streets shall be limited to one platted lot or as otherwise agreed by the utilities. Existing services on boundary streets shall remain as connected unless transfer of service is agreed to by both parties, as per Section 2. These provisions do not disallow the placement of mains in the same street by adjacent utilities where geographic or economic constraints require such placement for the hydraulic benefit of both utilities.

Section 4. Boundary Adjustments. If, at some time in the future it is deemed appropriate by the undersigned party to make service area boundary adjustments, such modifications must receive written concurrence (which shall not be unreasonably withheld) of all utilities that would be directly affected by such a boundary adjustment and the legislative authority(ies) having jurisdiction. These written modifications must be noted and filed with the designated Jefferson County lead agency and DOH. It is understood by the undersigned party that if, as provided by RCW 70.116.040, it is unable to provide service within its designated service area boundary it may decline to do so. But, in that case, an applicant may be referred to other adjacent utilities, to a pre-qualified Satellite System Management Agency (SSMA), or a new utility may be created and the original service area boundary will be adjusted accordingly. This provision does not apply where boundary adjustments are made as a result of municipal annexations or incorporations, nor is it intended to modify the provisions of state law.

Section 5. Service Extension Policies. The undersigned party agrees that prior to expanding its water service area, other than by addition of retail customers to existing water mains, or to serve in the capacity of a pre-qualified SSMA, it shall have adopted design standards and Utility Service extension policies. The design

**Exhibit 3-2 (cont)**

standards shall meet or exceed the Jefferson County Minimum Design Standards.

Municipalities further agree that if an individual municipality identifies a service area outside of their existing municipal corporate boundaries, said municipality will assume full responsibility for providing water service equivalent to (excluding rates and charges) the level of service provided for their inside-city customers. This will be in conformance with applicable land use policies.

Section 6. Systems Placed in Receivership. Legislation passed in the 1990 Regular Session of the Washington State Legislature (Substitute Senate Bill 6447) provides that whenever an action is brought in superior court to place a public water system in receivership, the petition to the court shall name candidates for receiver who have consented to assume operation of the water system. The undersigned party agrees to be named as receiver in such actions initiated for systems within its designated service area. By this consent, the undersigned does not waive its rights to appear and participate in the court proceedings to determine acceptable conditions of receivership.

This agreement by reference includes the following attachments:

Attachment A - Jefferson County Critical Water Supply Service Area Map. (see Section 1)

Attachment B - Common Service Area Agreement - Optional - Utility may attach copies or list such agreements if relevant. (see Section 2)

IN WITNESS WHEREOF, the undersigned party has executed this Agreement as of \_\_\_\_\_.

\_\_\_\_\_  
Water Utility

\_\_\_\_\_  
Representative

\_\_\_\_\_  
Title

Receipt Acknowledged:

\_\_\_\_\_  
Jefferson County  
Planning Department

\_\_\_\_\_  
Date

To confirm designated service areas and establish their legal service boundary, all expanding water utilities must complete the Agreement and submit it to the County. Each Agreement will be reviewed in conjunction with individual WSPs.

Unless a documented public health problem exists, failure to file an Agreement within one year from the date of approval of the CWSP by DOH should result in denial of proposed system expansions and building permits within the service area. For utilities with unresolved service area conflicts, this denial should be limited to proposed activities within the contested service area.

### **3.5.2 Expanding Small Systems**

Expanding systems are recognized through this CWSP as being entitled to enlarge their systems to serve the number of approved future connections (as indicated in DOH's current water system database). Expansion beyond the limit requires approval of the JCHD and DOH, as well as that of the larger utility (if contained within a larger utility's boundary).

The existing systems that had planned for service area expansion, but did not document their intention through the CWSP preparation process, are not precluded from seeking such recognition in the future. This could be accomplished through participation in the next CWSP update process or, in the interim, through an appropriate request to the County. Any such request should include documentation that the utility's expansion plans are consistent with the objectives of the CWSP.

### **3.5.3 Service Within Transmission Pipeline Corridors**

Purveyors are encouraged to document the extent of current service along their water transmission pipelines or within the designated service areas of other service utilities and advise these utilities accordingly. Connections to transmission lines should generally not be allowed because they can cause serious problems when water treatment requirements are applied to such system configurations.

### **3.5.4 Service Area Relinquishment Process**

Currently, there is no defined process directing steps which should be taken if a utility wants to discontinue service to an area. The WUCC has recognized this deficiency. Within one year of adoption of this Plan, the WUCC should adopt such procedures and amend this document.(PUD/MH)

### 3.6 Summary and Recommendations

Table 3-1 shows the actions that should be taken to implement this Section of the CWSP.

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan adoption)</b>
Assure that all expanding water systems have completed a Service Area Agreement.	WUCC	Y1 & Y2

**Section 4**

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# Section 4

## Minimum Standards and Specifications

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### 4.1 Introduction

This Section of the Coordinated Water System Plan (CWSP) provides a set of minimum design and performance specifications for both existing and new water utilities planning to install capital facilities for expansion purposes in Jefferson County (County).

The Public Water Systems Coordination Act as well as the design standards and other administrative procedures outlined in this CWSP apply uniformly to all public water supply systems in the unincorporated areas of the County. However, municipally-owned water utilities and local government authorities are not preempted by this CWSP within their municipal boundaries. These standards do not supersede any other legally constituted and applicable standards that are more stringent.

### 4.2 Purpose

The purpose of these standards is to set a base level of utility planning, design, and construction for public water utilities. This base level must provide for development consistent with adopted land use plans of the agencies having jurisdiction. Uniformity and consistency in standards will, in the long-term, reduce costs to consumers as system inerties and/or consolidation of utilities takes place. Reliability of water supply will also be improved.

### 4.3 Definitions

The following definitions are applicable for interpretation of these design standards:

#### 4.3.1 Public Water System

Public Water Systems are defined for Group A Water Systems and Group B Water Systems in Chapters 246-290 WAC and 246-291 WAC, respectively. These definitions are summarized below and depicted in Exhibit 4-1:

Group A Water Systems are those with:

- 15 or more connections, or
- 25 or more people/day for 60 or more days/year

# Exhibit 4-1 Public Water Systems

## Public Water Systems

All systems except those serving only one single family residence or less than five residences on the same farm.

### Group A

- 15 or more connections  
or
- 25 or more people/day for 60 or more days/yr.

### Group B

- Less than 15 connections and less than 25 people for 60 or more days/yr.  
or
- Less than 15 connections and any number of people for less than 60 days/yr.

### Community

- 15 or more connections or 25 or more residents for 180 or more days/yr.

### Noncommunity

- 25 or more nonresidents/day for 60 or more days/yr.  
or
- 15 or more connections or 25 or more residents between 60 and 180 days/yr.

### Nontransient

- 25 or more of the same nonresidents/day for 180 or more days/yr.

### Transient

- 15 or more connections in use less than 180 days/yr.  
or
- 25 or more different nonresidents for 60 or more days/yr.  
or
- 25 or more of the same nonresidents for between 60 and 180 days/yr.  
or
- 25 or more residents for between 60 and 180 days/yr.

Group B Water Systems are those with:

- Less than 15\* connections and less than 254 people for 60 or more days/year, or
- Less than 15\* connections and any number of people for less than 60 days/year.

\*WAC 246-291-030 allows the Department of Health (DOH) to waive all requirements for residential systems with only two services. Operationally, this waiver is in place in the County.

#### **4.3.2 Service Connection**

The service connection is a physical connection through which water may be delivered to a customer for discretionary use. Unless otherwise indicated, all such connections, whether currently in use or not, shall be considered. The limit of the water utility's responsibility for system design and operation is the water meter or the customer property line, whichever is closest to the main.

Utility customers such as mobile home parks, planned unit developments, condominiums, apartment buildings, industrial/commercial sites, or other similar complexes are considered exterior to the water system. In such cases, the purveyor shall be required to meet the adopted design standards up to the point of service to the customer. Beyond that point, the applicable plumbing and building codes, County health regulations, and local ordinances are deemed to be sufficient to protect the public health and to ensure adequate water service. These customers are not themselves considered as water purveyors unless specifically designated as such by DOH.

#### **4.3.3 Fire Flow**

Fire flow is a design requirement of the public water system to provide the capacity for water delivery at a rate needed for the sole purpose of fighting fires. Unless specified otherwise and permitted otherwise by regulation, the fire flow volume, identified in Table 4-1, shall be in addition to the requirements of the water system for domestic demand, using accepted DOH guidelines for public water supplies.

<b>Table 4-1</b>	
<b>Minimum Design Fire Flows For Application To Water System Design <sup>(1)</sup></b>	
<b>Classification of Service (WAC 246-293-630)</b>	<b>Minimum Fire Flow for Water System Design <sup>(2)</sup></b>
<b>Low Density Residential</b> - Lot sizes greater than one acre (including parks, open space, agricultural lands, etc.)	None Required
<b>Residential</b> - Lot sizes one acre or less (including all single and multi-family structures less than 4,000 square feet, and mobile homes and recreational vehicle parks.)	750 gallons per minute for 30 minutes
<b>Commercial &amp; Multi-Family</b> - Structures Greater than 4,000 Square Feet	1,000 gallons per minute for 60 minutes <sup>(3)</sup>
<b>Industrial</b>	1,500 gallons per minute for 60 minutes <sup>(3)</sup>

- (1) These fire flows are intended to be utilized only for planning and design of new or expanding Public Water Systems as defined by Chapters 246-290 and 246-291 WAC. Also, projects not requiring creation or expansion of a public water system are not affected by these planning and design requirements (for example, single family residences or individual projects not meeting the public water system definition are not affected). These minimum fire flows are in addition to requirements for normal domestic maximum use unless "Alternate Means" are utilized according to WAC 246-293-670.
- (2) With approval of the Fire Marshal and DOH, fire flow availability may be phased in.
- (3) Commercial, multi-family and industrial buildings may be subject to higher fire flow standards and shall be evaluated on an individual basis by the County Fire Marshal.

#### 4.3.4 New Construction

New construction is any addition of supply, transmission, distribution, or storage facilities, either in a new water system or an expanding water system, which provides a capability to serve additional dwelling units or other buildings.

#### 4.3.5 Expanding Water System

An expanding water system is an existing water system installing additions, extensions, changes, or alterations to their existing source, transmission, storage, or distribution facilities that will enable the system to increase the size of its existing service area and/or its number of approved service connections. The exceptions to this are as follows:

- A system which connects new approved individual retail or direct service connections onto an existing distribution system within an existing service area; or,
- A distribution system extension into an existing service area identified in a current and approved water system plan (WSP) or project report.

#### 4.3.6 Upgrade of a Water System

Improvements to a water system to upgrade reliability, maintainability, and/or service to existing approved connections would not generally be subject to compliance with these standards. This includes replacement of components with similar components so long as the replacement is not for the purpose of increasing capacity to serve additional customers. Nevertheless,

compliance with these standards to the extent practical is strongly encouraged. Technical assistance in defining appropriate, cost-effective system upgrading is available through the Satellite System Management Agency (SMA) as explained in Section 6.

#### **4.3.7 Intertie**

An intertie is a physical connection between individual water systems which allows water supply to be transferred in one or both directions. An intertie can be established to provide a primary source, secondary or peaking supply, or emergency supply. Ordinarily, the use of an intertie is governed by a written agreement or contract between the utilities (Chapters 246-290 WAC and 246-291 WAC). A modification to water rights may also be required.

#### **4.3.8 Standpipe**

A standpipe is an installation, other than a fire hydrant, which allows connection of a fire hose to a water main, thereby, supplementing water supply for fire protection purposes.

#### **4.3.9 Additional Definitions**

Additional definitions may be found in the definitions sections of Chapters 246-290 WAC and 246-291 WAC, "Group A Public Water Systems" and "Group B Public Water Systems," respectively.

### **4.4 Application of Standards**

This section sets forth the minimum performance, design, and construction standards for use by new or expanding water systems in the County. Each water utility has the authority to require more stringent standards. They may not, however, reduce these minimum standards for new services. All utilities are encouraged to adopt at least the minimum standards when existing facilities are upgraded to improve reliability or increase maintainability.

Existing water systems are not required to reconstruct or replace facilities to comply with these standards unless such reconstruction or replacement is necessary because of service area expansion or to meet minimum public health requirements as determined by DOH.

Provisions of the Minimum Design Standards apply to new construction, either in whole or in part, depending on the type of improvement and the classification of land use for the area of the proposed development. Existing utilities undergoing expansion to serve new areas must meet the minimum standards.

The following determinations need to be made to assure proper application of these standards:

#### **4.4.1 Determination of Service Provider**

If the development site is within a utility's planned future service area, the applicant will be referred to that utility. Otherwise, the new service provider will be identified through the Utility Service Review Procedure and/or the SMA. The Jefferson County Planning and Building Department (JCPBD) or the Jefferson County Health Department (JCHD) can assist in identifying the Designated Utility.

#### **4.4.2 Classification of the Water System**

##### ***Expanding Water Systems***

All physical facilities installed for expanding a water system to provide service to additional customers shall comply with the standards identified in this CWSP and those presented in the purveyor's approved WSP. This will also include replacements of existing facilities if those replacements are necessary to provide the required additional capacity. Expansion does not include adding retail customers to existing mains, provided the resulting number of customers is within the level approved for that system by DOH.

If a proposed expansion involves an existing utility whose plant in service does not comply with these Minimum Design Standards, the JCPBD or DOH may require that the existing purveyor submit a plan and schedule for upgrading existing facilities to comply with some or all of the provisions of these standards. Phased development may also utilize connections to other utilities, pending completion of local capital facilities development.

This phased improvement plan shall be submitted prior to approval of a proposed expansion, and shall include identification of new facilities required, an approximate total cost, method of financing, and a date when all improvements shall be completed. Approval of the system expansion may then be made subject to a written agreement by the purveyor to accomplish the improvements.

##### ***Non- Expanding Systems or Water System Upgrades***

Public water utilities should upgrade existing facilities by making improvements consistent with these standards as replacement or repair are required. Improvements made to upgrade a system may include: ordinary maintenance; modifications to improve reliability, availability, and maintainability of equipment; and replacement of components with similar components. It is not intended that this requirement obligate the utility to removal of functional components before their scheduled or necessary removal or repair. However, as removal, upgrades, or repairs are necessary,

it is in the best interest of the utilities and their customers that such activity be consistent with these standards.

Through the SMA, technical assistance can be provided to any utility wishing to identify appropriate standards of design for planned upgrading of its water system.

A summary of application of design standards for different land use classifications and different levels of improvement is provided in Table 4-2.

Classification	Type of Improvement (See Definitions)		
	Upgrade	Expansion	New System
Residential	Compliance required when replacement or repair are, in the opinion of the utility and/or DOH, necessary.	Compliance required, including fire flow. Phased improvement plan for existing system may be required.	Compliance required, including fire flow.
Multi-family, Commercial, Industrial	Compliance required when replacement of repair are, in the opinion of the utility and/or DOH, necessary.	Compliance required, including fire flow.	Compliance required, including fire flow.

## 4.5 Generally Applicable Standards and References

### 4.5.1 Source Development

New sources must conform to the latest revisions of all standards regulated by the Department of Ecology (Ecology) and DOH. Specifically, this includes WAC 173-160, Minimum Standards for Construction and Maintenance of Water Wells, administered by Ecology, and Chapters 246-290 WAC and 246-291 WAC, "Group A Public Water Systems" and "Group B Public Water Systems," respectively, as administered by DOH.

All test and production wells must be drilled in accordance with detailed drilling and testing specifications, which have either been prepared by or received prior approval of the designated utility.

### 4.5.2 Water Rights

Water rights must be obtained in accordance with Ecology regulations and procedures, and transferred to utility ownership. Copies of water rights

documents, correspondence, and other records are to be maintained on file by the purveyor.

#### **4.5.3 Water Quality**

Water quality must be proven to conform with DOH criteria specified in Chapters 246-290 WAC and 246-291 WAC and/or any additional requirements more stringently applied by the JCHD. Each utility may reserve the right to reject any source whose raw water quality does not meet these criteria.

#### **4.5.4 General Design Provisions**

Except as otherwise superseded in these standards, water system design, installation, modification, and operation are subject to the rules and regulations promulgated for all "Group A Public Water Systems," and "Group B Public Water Systems" (Chapters 246-290 WAC and 246-291 WAC). (Note: Water systems can adopt standards more stringent than the minimum standards adopted in the CWSP, but must be consistent with the Level of Service defined under the County Comprehensive Plan.)

#### **4.5.5 Material Specifications and Construction Standards**

Except as specified in the designated utility's individual WSP, or as superseded by these minimum standards, selection of materials and installation of water system facilities in the County shall conform to the following:

- Applicable County or Municipal ordinance;
- "Standard Specifications for Road, Bridge, and Municipal Construction," Washington State Department of Transportation/American Power Works Association (DOT/APWA) Latest Edition;
- Standards of the American Water Works Association (AWWA);
- Recommendations of the manufacturer of materials or equipment.

Along County road rights-of-way in unincorporated areas, a County utility permit must be applied for and approved prior to construction. Construction in the City remains subject to municipal permitting requirements. All requirements of the permit shall become part of these specifications.

#### **4.5.6 Disinfection and Bacteriological Testing**

All pipe, reservoirs, and appurtenances shall be flushed and disinfected in accordance with the standards of the DOH, AWWA C601-68 and D105-80,

and DOT/APWA Section 7-11.3(12), unless other equivalent standards are specified by the designated utility.

#### **4.5.7 Cross Connection Control**

Where the possibility of contamination of the supply exists, water services shall be equipped with appropriate cross connection control devices in accordance with Chapters 246-290 WAC and 246-291 WAC. The designated utility shall determine the need, size, kind, and location of the device.

#### **4.5.8 Pipe Sizing**

Water mains shall be sized using the current edition (or as amended) of "Sizing Guidelines for Public Water Supplies," prepared by DOH, or other accepted hydraulic analysis submitted by a licensed engineer. Water main size shall be adequate to provide maximum instantaneous demand flow plus required fire flow, and to maintain the pressure requirement defined above.

#### **4.5.9 Storage**

Storage requirements are based upon three components:

- Equalizing Storage, required to supplement production from water sources during high demand periods;
- Standby Storage, required as backup supply in case one or more sources is out of service; and,
- Fire Storage, required to supplement producing sources in order to deliver required fire flow for the required duration (see "Fire Flow Requirements").

Sizing of storage facilities shall be adequate to provide for equalizing storage plus the standby and fire storage requirements. Equalizing and standby storage volumes shall be determined using "Sizing Guidelines for Public Water Supplies," DOH. Fire storage volumes shall be determined using the appropriate fire flow and duration as provided below under "Fire Flow Requirements."

### **4.6 Coordinated Water System Plan Specific Standards**

#### **4.6.1 Design Standards**

##### ***Utility Interties***

Emergency interties or dual transmission capability should be provided whenever practicable. Specific locations, size, and alignment of major water lines should consider emergency interties with adjacent water utilities.

### ***Pressure Requirement***

Water systems shall be designed to provide a delivery pressure range of 30 psi at the customer service connection. A minimum residual pressure of 30 psi shall be maintained under peak hourly demand conditions. For water systems requiring fire flow capability, the design shall be adequate to maintain fire flow at a pressure of at least 20 psi during peak hourly design flow conditions (WAC 246-290-230).

### ***Isolation Valving***

Valving shall be installed at all crosses and tees, in a configuration which permits isolation of each connecting line. In general, this requires the number of valves to be one less than the number of serviceable lines connected. A valve is not generally required for short block lines of less than 100 feet. In addition, where customers are being served, unvalved lengths of pipe should not exceed 500 feet in school, commercial, or multi-family areas, and 800 feet in residential areas.

### ***Air and Air-Vacuum Relief Valves***

To minimize problems associated with air entrainment, the purveyor shall provide for installation of air or combined air-vacuum relief valves at appropriate points of high elevation in the system.

### ***Blow-off Valves***

A blow-off assembly shall be installed on all permanent dead end runs and at designated points of low elevation within the distribution system. These valves shall be sufficient in size to assure adequate flushing of the line. The blow-off assembly shall be installed in the utility right-of-way except where an access and construction easement is provided for in writing by the water utility. In no case shall the location be such that there is a possibility of back-siphonage into the distribution system. A standpipe or hydrant may be adequate to serve as a blow-off device. Discharges from a blow-off valve shall be controlled to minimize undesirable impacts on nearby property and activity.

### ***Appurtenances***

Valves, hydrants, and other appurtenances shall be installed in accordance with APWA 7-12, 7-14, and AWWA C600.

### ***Booster Pump Stations***

Booster pump stations for individual residences shall be equipped with shut-off switches to make sure they are incapable of reducing pressure below zero. A low pressure cut-off shall be installed on the suction side of the pump.

### ***Alarms***

Pump stations shall be provided with shut-off alarms as required by the utility.

### ***Emergency Power***

Unless directed otherwise by the utility, all source and booster pumping facilities shall be equipped with auxiliary power pigtail outlets and at least manual transfer switching devices.

### ***Corrosion Control***

Where appropriate, and depending on individual site conditions, the utilities may require cathodic protection or other appropriate corrosion control measures to be incorporated into the pipeline design.

## **4.6.2 Operation Standards**

### ***Flow Measurement***

At the discretion of the designated utility, all service lines shall be installed so that each residential, commercial, and industrial structure will have a separate metered service for domestic water received from the utility. Where service is provided to a complex under single ownership, and where water utility line subdivision is impractical, the designated utility shall specify that domestic water consumption be measured by a master meter. Service lines providing fire flow may be required to be equipped with fire detection check, or other appropriate metering devices, as directed by the designated utility or Fire Marshal.

### ***Disposal of Highly Chlorinated Water***

Water which has been highly chlorinated for disinfection purposes must be dechlorinated before discharging to water bodies or storm sewers. Ecology regulations regarding discharge to public waters should be followed.

### **4.6.3 Construction Standards**

#### ***General Facility Placement***

Underground facilities shall be located in accordance with applicable Municipal or County ordinance. Where no ordinance applies, water mains shall be installed at a location compatible with the existing water system, the terrain, and the location of other utilities.

In addition, all piping, pumping, source, storage, and other facilities shall be located on public rights-of-way or dedicated utility easements. Utility easements must be a minimum of 15 feet in width, and piping shall be installed no closer than 5 feet from the easement's edge. Exceptions to this minimum easement may be approved by the operating water utility. Unrestricted access shall be provided to all public water system lines and public fire hydrants that are maintained by public agencies or utilities.

#### ***Separation Distance***

Transmission and distribution water piping shall be separated at least 10 feet horizontally from on-site waste disposal piping, drainfields, and/or gravity or force mains. All parallel and crossing installations of water and sewer lines shall be installed in accordance with provisions of Chapters 246-290 WAC and 246-291 WAC and the "Recommended Standards for Water Works - Ten State Standards."

Separate trenches shall be provided for other utilities (power, telephone, TV, etc.).

#### ***Pipe Installation Requirements***

- Detector Tape Requirement:** An acceptable metallic tape marked with appropriate information shall be used in all piping installations. Detectable pipe identification tape shall be installed 16 inches above pipe material along pipe centerline.
- Alignment:** Pipe alignment shall conform to APWA 7-10.3(5). Under normal circumstances, the actual pipe alignment shall not deviate from the design by more than 2 inches in either direction.

#### ***Pipe Cover***

A 3-foot minimum cover is required from the finished ground surface to the top of the pipe for transmission, distribution, and service piping.

Utilities should be aware that standard stormwater design for road crossings includes a 42-inch catchment. This standard may conflict with the 3-foot

standard depth for water systems. Utilities are encouraged to coordinate planning to avoid such conflicts.

### ***Service Installations***

- Service Taps:** When a water main is extended, service taps will be installed, where practical, to all designated building sites at the time of construction.
- Service Connections:** Connections shall conform to APWA 7-15 and to the utility's installation details.
- Trench backfill** shall conform to APWA 7-10. A maximum of 100 feet of open trench behind the last pipe section installed is allowable. Surface restoration shall include grading to existing grade, reseeding if required, and replacing road surface materials in accordance with County road surfacing standards.
- Cross-Connection Control:** Purveyors should reference WAC 246-290-490 for Group A requirements for cross-connection control. As required in WSPs, purveyors must develop a cross-connection control program. The reference manual published by the AWWA - Pacific Northwest Section titled "Accepted Procedure and Practice in Cross-Connection Control" should be used as a reference in developing such a program.
- Meters:** Metering should be installed with the addition of each service connection. Sizing should be based on manufacturer's calibration to meet performance standards within the range expected with the particular service connection.

### ***Hydrostatic Testing***

A hydrostatic and pressure leakage test will be conducted on all newly constructed water mains, fire lines, fire hydrant leads, and stub-outs in accordance with DOT/APWA Section 7-11.3(11) and AWWA C-600 specifications, unless other equivalent standards are specified by the designated utility.

### ***Joint Deflection and Joint Restraint Systems.***

Joint deflection and joint restraint systems shall meet the standards of AWWA or the requirements of the pipe manufacturer.

### ***Concrete Blocking***

The design of concrete blocking shall be based on available soil bearing pressure data.

### ***Erosion Control***

Efforts shall be made to prevent erosion (silt fences, hay bales, etc.) and reestablish vegetation (replant with grass).

## **4.7 Fire Protection Standards**

Determination of fire protection requirements and application of fire flow requirements have been confusing and controversial in the County. During the development of this CWSP, a Subcommittee of the Water Utility Coordinated Committee (WUCC) was created to address these issues. The following is a summary of topics addressed by the group, conclusions drawn, and recommendations for CWSP implementation:

### **4.7.1 Background and Regulatory Requirements**

The following is basic information necessary to understanding the application of fire flow requirements to water systems and to individual buildings/projects:

#### ***Purpose***

The purpose of Chapter 246-293 WAC (the Water System Coordination Act Regulations) is "for the purpose of implementing a program relating to public water system coordination within the state of Washington, for evaluation and determination of critical water supply service areas, and assistance for orderly and efficient public water system planning." (WAC 246-293-001)

#### ***Fire Flow Requirements - Application to Water Systems***

Level of service standards are utilized in planning and design of water systems to assure that adequate source, storage, and transmission are developed to meet system needs. Under Part III. (Fire Flow) of the Water System Coordination Act Regulations (Chapter 246-293 WAC), specific requirements to meet these objectives for fire protection are conveyed.

The application of these requirements are specific to new and expanding water systems (as defined in the regulation). Section 630 (WAC 246-293-630) explains the application of the Fire Flow (Part III) to Water Systems. For expanding or new water systems, the purveyor's WSP must contain a section addressing fire flow, hydrant requirements, and system reliability standards. This plan must also contain a map entitled "Development Classifications" delineating the system's existing and future service area with the following development classifications:

- Low Density - lot sizes greater than one acre (including parks, open space, agricultural lands, etc.).
- Residential - lot sizes one acre or less, (including all single and multi-family structures less than 4,000 square feet, and mobile home and recreational vehicle parks).
- Commercial and multi-family residential structures with a floor area 4,000 square feet or greater.
- Industrial.

Assignment of the above categories are to be based upon:

- Existing development, and
- Future development for a minimum of ten years as identified in proposed or adopted land use plans and policies applicable within the existing and future service area.

The development classifications outlined above must be determined by a method acceptable to the planning jurisdiction(s) (Jefferson County and the City of Port Townsend), provided that the criteria used is consistent within a given critical water supply service area.

The WSP must identify and schedule improvements needed for the water system to be capable of supplying required fire flow.

#### ***State Minimum Fire Flow System Design Requirements***

WAC 246-293-640 (2) provides that "where local standards are not adopted under WAC 248-57-900 (now WAC 246-293-680)," the table of fire flows provided in the regulation shall be the minimum fire flow standards for the County. According to this regulation, contact with the County Fire Marshal shall be made before applying these standards in a WSP or to design of individual development.

*More Stringent Requirements Allowed* - WAC 246-293-680 provides that "the appropriate city, town, or county legislative authority may promulgate fire flow and system reliability performance standards applicable within their respective jurisdiction."

*Flows Applicable to Specific Structures* - Section 10.401 and 10.402 of the Uniform Fire Code (1991) state that "an approved water supply capable of supplying the required fire flow for fire protection shall be provided to all premises ...." and in setting the requirements for fire flow, the Fire Marshal

in Jefferson County (Fire Chief in Port Townsend) may be guided by the provision in Appendix III-A of the Uniform Fire Code.” However, consideration should be given to the fact that Appendix III-A has not been adopted by either Washington State or Jefferson County.

*Nationally Recognized Methods of Determining Fire Flows For Specific Structures* - In the fire protection determination by the Fire Marshal, fire flow (or protection measures) should be made by a nationally accepted method and use of Appendix III-A (Uniform Fire Code) is one possible reference. However, use of flows outlined in the Coordination Act Regulations would not be advisable with the exception that the flows are generally considered adequate for residential units at the densities indicated.

*Inability of System to Plan for to Provide Flows/Alternate Means of Fire Protection* - WAC 246-293-670 states that “fire protection may be provided by means other than those discussed in the regulations, provided that such alternate methods are fully documented in the water system plan and approved by both the local fire protection authority (Fire Marshal in Jefferson County; Fire Chief in Port Townsend) and the department (of Health).”

The following conclusions can be drawn from this basic information.

- The purpose of the Water System Coordination Act Regulations is to establish rules and guidance for water system planning.
- Stricter water system planning requirements can be established through County/City ordinance, but also alternative methods of meeting fire flow can be utilized as necessary for special water system development - as approved by the Fire Marshal and DOH.
- The County has no specific adopted fire flow requirements for utilization in permitting. Application of CWSP fire flow requirements for individual projects is inappropriate since the primary purpose is for water system design to assure adequate pipe size, source, and storage.
- The County would benefit from an ongoing dialogue between the permitting authorities and the fire authorities (between the Fire Marshal, Fire Districts, Fire Departments, and JCHD). Further, documentation of permitting rationale regarding fire protection requirements would benefit communication and offer a basis upon which future decisions could be made.
- Much of this will be accomplished through two groups recently created by the County. A Fire Code Appeals Board has been established under the provisions of the Fire Code. A larger group was also formed as the

County's Fire Code Advisory Committee, whose role is to provide advice and guidance to the Fire Marshal and the County Commissioners on fire standards application or interpretation, and to make recommendations on needed ordinances or legislation. (see Exhibit 4-2 - Resolution No. 59-95)

- It is the appropriate role of the County Commissioners to provide any specific fire flow guidance to the Fire Marshal for application to specific structures and for permitting purposes. County ordinance adoption processes are the appropriate forum for deliberation of this County policy issue.

#### **4.7.2 Recommended Fire Protection Standards and Application Protocols**

##### ***Fire Flows***

Table 4-1 (page 4-4) contains the recommended fire flows to be utilized for water system planning and evaluation only. As indicated on the table, these flows are not intended to be applied to specific projects.

##### ***Phased Projects/Development - Requirement to Meet Standards for Underground Facilities***

It is desirable, in all areas, for water utilities to establish and maintain facilities to assist the fire protection districts in providing efficient and timely firefighting capability. In developments classified for minimum fire flow, adequate hydrants, flows, and storage are specifically required in these standards. In areas where fire flow is required, all required facilities shall be included in the design, and installed with construction of the water system. An exception to this shall be phased improvements approved by the Fire Marshal and DOH.

In this case, underground facilities shall be installed in the new service area according to the hydraulic and operational requirements of system-wide compliance. Aboveground and remaining underground facilities may be installed by the utility in both the new and existing service area, as provided in a phased improvements agreement.

##### ***Storage "Nesting"***

Because of the potential high per capita cost of fire flow storage for small systems, and consistent with these statutory provisions, utilities may be allowed to utilize standby storage to meet the fire flow requirements outlined in Table 4-1 (page 4-4). These utilities must have an approved WSP and specific written approval of the Fire Marshal in Jefferson County (Fire Chief in Port Townsend) and DOH.

## Exhibit 4-2

STATE OF WASHINGTON  
County of Jefferson

IN THE MATTER OF THE ESTABLISHING }  
THE JEFFERSON COUNTY FIRE CODE }  
ADVISORY COMMITTEE AND BOARD }  
OF APPEALS }

RESOLUTION NO. 59-95

WHEREAS, Chapter 19.27 RCW provides that there shall be in effect in all counties and cities the State Building Code; and,

WHEREAS, the Uniform Fire Code, Volumes 1 and 2, and Statewide Amendments (UFC) were adopted by the State Building Code Council November 18, 1994 to be effective June 30, 1995; and,

WHEREAS, Chapter 19.27.110 RCW designates the County Fire Marshal to be the enforcing authority of the Uniform Fire Code in the unincorporated areas of the County; and,

WHEREAS, the 1994 Uniform Fire Code Section 103.1.4 requires that there be appointed, by the County legislative authority, an appeals board with training and experience to pass judgement on pertinent matters, to determine suitability of alternate materials and types of construction, and to provide for reasonable interpretations of the provisions of the UFC; and,

WHEREAS, there is a need for good communications between the Fire Marshal, Fire Protection District and other affected groups; and,

WHEREAS, the Uniform Fire Code requires the Fire Marshall to make decisions in many and varied technical fields of which he may not have personal knowledge or experience; and,

WHEREAS, there is a need to provide the Fire Marshall advice and counsel on decisions pertaining to the fire protection requirements of the UFC as applied to individual and unique situations.

NOW, THEREFORE, BE IT RESOLVED, that the Jefferson County Fire Code Advisory Committee be established and that it will consist of eleven (11) members. One member will be appointed to represent each of the following groups or areas of special knowledge:

Jefferson County Fire Marshal

Jefferson County Fire Chief's Association

Jefferson County Water Utility Coordinating Committee (WUCC)

Jefferson County Fire Commissioners' Association

Jefferson County home building industry

Fire Insurance Industry

Petroleum Industry or person knowledgeable of issues related to flammable liquids.

Liquefied Petroleum Gas (LPG) Industry or person knowledgeable about LPG.

Electrical Utility, Electrical Engineer or Electrical Contractor.

Business community

Fire Protection Engineer or fire protection consultant

## Exhibit 4-2 (cont)

Resolution No 59-95: Establishing the Jefferson County Fire Code Advisory Committee and Board of Appeals

BE IT FURTHER RESOLVED that the following apply:

- The County Fire Marshall shall be an ex-officio member of the Appeals Board and shall act as secretary to the Advisory Committee.
- In the event there is no qualified person available from the above listed areas of interest, persons may be selected from other areas of interest that are affected by the enforcement of the UFC to be appointed to the Fire Code Advisory Committee.
- No member of the Committee shall receive any compensation for services thereon.
- Such Committee shall review existing legislation and make recommendations in writing to the Board of Commissioners in an advisory capacity concerning the type, scope and substance of new legislation, if deemed necessary or advisable, to meet the hazards of fire and explosion.
- The Committee shall elect a chairperson and vice chairperson and may adopt rules and regulations for its operation. The Committee shall meet at least once a quarter in a regular meeting, at a time and place fixed by the rules; and the chairperson may call special meetings when deemed necessary, provided notice is given as required by law.
- The Committee will consult with and advise the Jefferson County Fire Marshall with regard to general administration of the UFC and with particular attention to :

UFC Section 101.4	Supplemental Rules and Regulations
UFC Section 103.1.1	Technical Assistance
UFC Section 103.1.2	Alternate Materials and Methods
UFC Section 103.1.3	Practical Difficulties
UFC Section 903	Water Supplies and Fire Hydrants
- The Chairperson of the Advisory Committee shall select five (5) members to act as a BOARD OF APPEALS as required by UFC Section 103.1.4, when needed, to hear an appeal of a Fire Marshall's decision. The members of the Board of Appeals will be Fire Code Advisory Committee members that have no represented interest in the matter under appeal.

APPROVED this 17<sup>th</sup> day of July, 1995.

SEAL:



ATTEST:

Lorna Delaney  
Lorna Delaney,  
Clerk of the Board

JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

Glen Huntingford, Chairman

Robert Hinton, Member

Richard Wojt, Member

### ***Fire Hydrant Location***

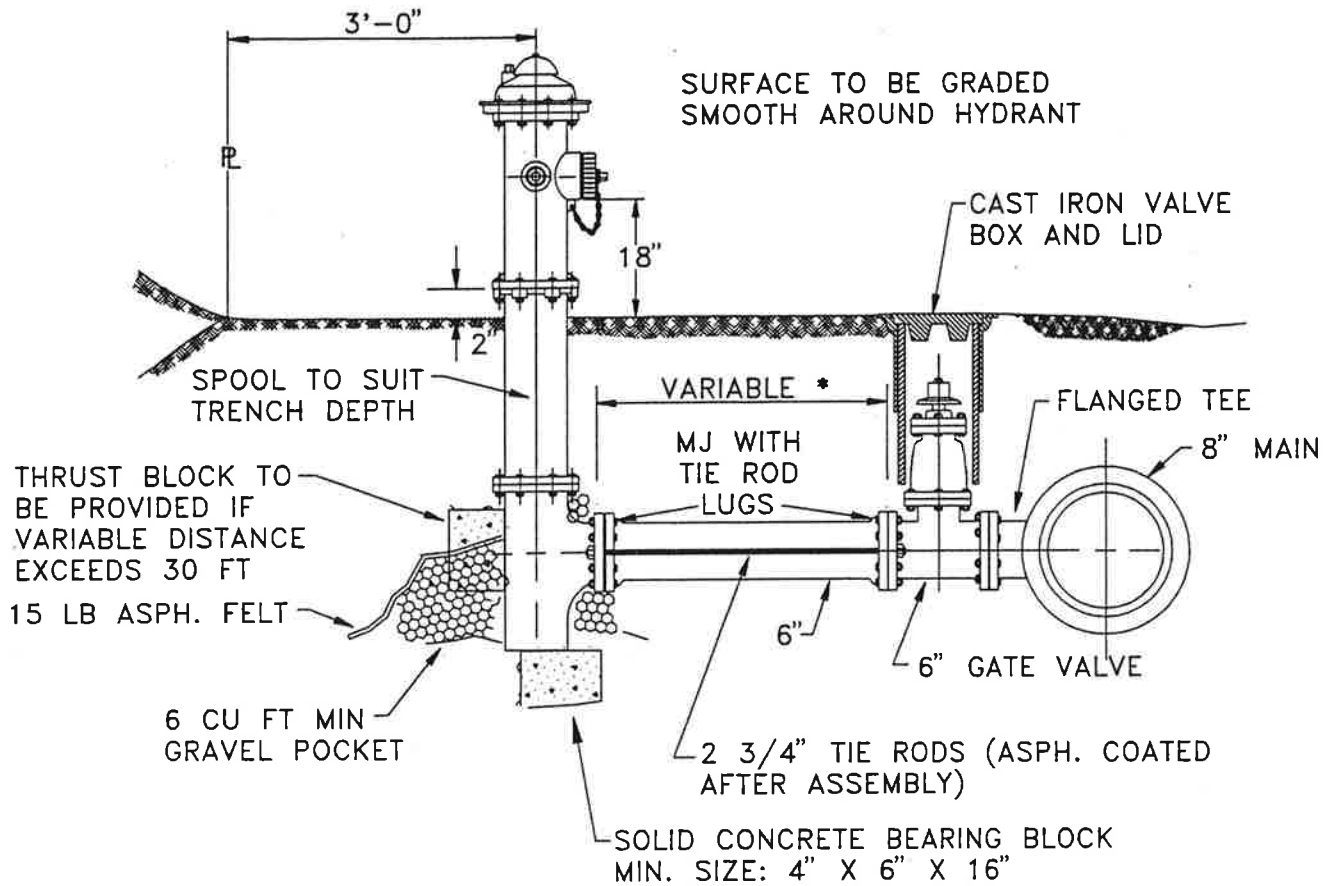
Fire hydrants shall be located at a spacing of 750 feet for all areas serving single family structures, and shall be located as close to intersections as possible. For all other types of service (for instance, multi-family, commercial, industrial), hydrant spacing shall be 300 feet on center. Actual location of hydrants shall be identified in the development site plan and shall be approved by the water purveyor, the JCPBD, and the Fire Marshal. Hydrant spacing may be more stringent than those mentioned above. Placements shall be made to provide unhindered access for fire hose connection, testing, and maintenance. Control of runoff during hydrant operation shall also be provided.

### ***Fire Hydrants***

A fire hydrant must contain two each 2½-inch hose ports and one 4½-inch National Standard threaded pumper (steamer) port with a 4-inch Stortz adapter on the 4½-inch port for access by fire hoses, tanker, and pumper connections. Hydrants should be painted with a color code for easy identification of their fire flow rating. The following color scheme shall be used:

- |                                     |                        |
|-------------------------------------|------------------------|
| <input type="checkbox"/> Red        | 0-499 GPM              |
| <input type="checkbox"/> Orange     | 500-999 GPM            |
| <input type="checkbox"/> Green      | 1,000-1,500 GPM        |
| <input type="checkbox"/> Blue       | Greater than 1,500 GPM |
| <input type="checkbox"/> Standpipes | All Painted Red        |

### Exhibit 4-3 Standard Hydrant Detail



**NOTES:**

- 1) ALL WORK TO BE PER DOT/APWA STDS, 1984 EDITION
- 2) ALL PIPE TO BE PVC-CL-150, C-900; FITTINGS TO BE CAST IRON.
- 3) ALL PIPE TO BE BEDDED; NATIVE MATERIAL MAY BE USED IF SUITABLE.
- 4) ALL HYDRANTS TO BE DRY BARREL TYPE (AWWA C502-80) WITH 2- 2 1/2" NPT PORTS AND 1 - 4" NST PUMPER PORT.
- 5) ALL ROAD DITCHES TO BE RESTORED TO EXISTING CONDITION.



### ***Standpipes and Emergency Water Ports***

Standpipes are not considered fire hydrants. Standpipes shall be equipped with at least a 2 1/2-inch National Standard Thread connection port for access by fire hose and tanker. An emergency water port may also be installed on aboveground facilities to the same specifications. All standpipes and emergency ports shall be painted red. In all land use classifications, standpipes shall be installed at the terminus of any line less than 6-inches in diameter, and at least 2 1/2-inches in diameter, where such terminus is greater than 300 feet from the nearest hydrant. Such pumper port facilities shall be clearly identified to the local fire protection district.

### ***Maintenance of Fire Protection Facilities***

A written operational agreement identifying responsibilities for maintenance and testing of fire protection facilities between the local fire protection district and the water utility is strongly encouraged.

Operational agreements should contain at least those elements contained in the sample agreement included as Exhibit 4-4. Copies of operational agreements should be retained by the water purveyor and the fire protection district, and should be kept on file with the Jefferson County Fire Marshal, Fire Protection District Commissioners, and the JCPBD.

Unless otherwise specified in the operation agreement, it is desirable that all fire protection facilities be tested for operation upon initial installation, and then every 12 months thereafter. Whenever major revisions or additions to source, storage, or other facilities have been made, the system capabilities and facility locations should be updated, and the information filed with the fire protection district and the JCPBD.

Maintenance of fire flow facilities should include the periodic painting of the fire hydrants, the trimming of weeds from the vicinity of the hydrant or standpipe, the replacement of reflectorized location markers, and the replacement of protective bollards.

### ***Fire Assistance***

Many of the water utilities of the County will serve land use classifications which do not require compliance with the fire flow provisions of these standards. However, it is strongly recommended that each purveyor take the measures needed to provide the maximum feasible fire protection for its customers and to facilitate later conversion to full fire flow capability if expansion of the water system is proposed. Technical assistance can be obtained from the Fire Marshal in Jefferson County (Fire Chief in City of Port Townsend) or through the SMA by any utility wishing to explore alternatives for installation of fire protection facilities.



Some examples of lower cost alternatives to provide assistance to firefighting personnel are presented below:

- A survey and inventory of all utility maintained water sources and storage facilities which may be utilized in firefighting. The inventory should be provided to the local fire protection district, along with a notification list of water utility personnel who could be contacted for assistance by the fire protection district.
- Standpipes and emergency water ports installed on existing facilities.
- Development of supplemental water sources. Since water for fire protection need not be potable, the fire demand burden from a potable water system may be reduced by providing additional supply from local natural water bodies, irrigation facilities, and so forth. Such supplemental supply must not be connected to the potable water system, even temporarily (e.g., no chance for cross connection). National Fire Protection Association Standard NFPA-1231 provides guidelines for supplemental water source development.
- Additional storage facilities. Providing additional storage facilities with suitable pumper port access (obtain specification from local fire protection district) can provide a significant increase in available high volume flow, since fire units carry pumping facilities. If connected to the potable water system, the storage facility must be kept protected from contamination and periodically disinfected.
- Pre-Fire Planning. Water utilities, with the assistance of their local fire protection district, can develop response plans and plans for facility upgrading to increase fire protection capability.

***Interpretation of Fire Flow Standards and Relationship with the County Fire Code Advisory Committee and Board of Appeals.***

Most fire protection issues which arise during project development and permitting involve the Fire Code and interpretation. Consequently, the County's Fire Code Advisory Committee (see Exhibit 4-2 - Resolution No. 59-95) will handle most fire protection issues.

However, provisions of the Coordination Act and associated regulations allow for interpretation of fire flow requirements for new and expanding water systems. Interpretation can involve such things as adequacy of phasing and sufficiency of "alternate means" of meeting fire flow requirements.

The members of the Fire Code Advisory Committee have the appropriate background to assist in interpretation of fire flow issues should they arise.

Consequently, the WUCC recommends that:

- The WUCC be expanded by adding members of the Fire Code Advisory Committee.
- The Utility Service Review Procedure (USRP) appeals process include provisions for a sub-group of five members of the Fire Code Advisory Committee to hear and resolve appeals of disputes involving fire flow provisions of the CWSP.
- The Fire Code Advisory Committee be utilized to advise the WUCC on fire flow issues.

In this way, the same group of expertise is used to advise the Fire Marshal on all fire protection issues within the County, and help the WUCC should fire protection expertise be needed.

#### **4.8 Other Applicable Standards to be Developed in Water System Plans**

In addition to application of the minimum standards outlined above, individual utility WSPs shall address general design and construction standards covering the following topics:

- Settlement Liability
- Advance Notice of construction
- Inspection Notification
- Traffic Control
- Approval for Construction Outside of Business Hours
- Noncompliance Penalty
- Survey and As-Built Drawings
- Standard Details
- Excavation and Backfill requirements and standards

The need for earthquake protection shall, as appropriate, be considered during the design of the individual system component(s).

#### **4.9 Coordinated Water System Plan Standards Review and Amendment Procedures**

A Standards Review Committee, as selected by the WUCC, will convene annually to review the minimum standards and their implementation. This Standards Review

Committee shall seek input from the County Fire Marshal and the fire districts on matters related to fire protection standards and their application. The Committee shall present recommendations for changes, if any, to the WUCC and County Commissioners for consideration as amendments to this Plan.

#### 4.10 Summary of Recommendations

Table 4-3 shows the actions that should be taken to implement this Section of the CWSP.

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame</b>
Adoption of an ordinance/motion implementing the Water Utility Design Standards, including Fire Flow Standards and Procedures described in Section 4.	County	Fall 1996
Annual Meeting of a Standards Review Sub-Committee of the WUCC.	WUCC	Summer 1997

## **Section 5**

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# Section 5

## Utility Service Review Procedure

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### 5.1 Introduction

This Coordinated Water System Plan (CWSP) establishes a set of administrative procedures, water resource policies, and growth objectives for Jefferson County (County) water utilities located within the Critical Water Supply Service Area (CWSSA). The procedures are to guide local officials, citizens, developers, and State and federal regulatory agencies in identifying the necessary facilities for providing an adequate water service.

Provisions of the Public Water System Coordination Act require that no new public water system be established within the County CWSSA, unless it is determined that existing purveyors are unable to provide the service in a timely and reasonable manner. According to the 1995 amendments to the Coordination Act (RCW 70.116.060), timely and reasonable was defined as service within 120 days (E2SSB 5448, 1995), unless specified otherwise by the County Commissioners.

Section 63 of the Growth Management Act (GMA) was enacted by the 1990 Legislature. It requires that each applicant who applies for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. The Utility Service Review Procedure (USRP) describes the administrative procedures for reviewing development proposals and associated requests for water service in the unincorporated portion of the County CWSSA. The procedure will identify existing purveyors who are willing and able to provide this new water service and document the availability of water supply.

### 5.2 Context of the Utility Service Review Procedure

The USRP should be viewed in the context of other related procedures and requirements affecting development and water supply. Specifically, the following should be considered:

- The primary control of land use under existing County Comprehensive Plans and Zoning Ordinances.

A general philosophy of this CWSP is that water utility service should not dictate growth patterns. On the contrary, land use policies should establish growth trends within the water utility service areas to permit the water utility management program to be responsive to, and provide service commensurate with, applicable adopted land use policies.

- The authorities of the Washington State Department of Ecology (Ecology) in managing the water resources under the State Water Code.

Ecology is required to analyze each application for a Water Right against several criteria intended to protect prior and future uses of the resource from adverse impacts of development. Specific procedures established through statute, regulation, and policy are available should adverse impacts occur.

- The authorities of the Washington State Department of Health (DOH) in establishing requirements for water purveyors and the specific detail required in purveyor's water system plans (WSPs) as established by regulation, guidelines, and policy.

WSPs must address the water system facilities required to accommodate growth. This growth is the growth projected to occur within each utility's service area, based upon the County's Comprehensive Plan and municipal land use plans where an interlocal agreement exists. WSPs are required by regulation for expanding Group A systems (or others as directed by DOH) and must be consistent with this CWSP. The plans must address such issues as projected future demand, source adequacy and source development plans, infrastructure capacity and needs, and financial and operating plans to address these issues.

Since WSPs are the detailed plans that describe the mechanisms by which each purveyor is to meet future demand, the adoption processes for these plans should provide an opportunity for public information/education about such things as the phasing of main extensions, policies regarding satellite systems, standards for construction within the service area, and many other details.

The Water Utility Coordinates Committee (WUCC) has considered the importance of these documents and recommended the following for Jefferson County:

- In addition to review by adjacent purveyors, a public notice should be issued whenever a WSP is proposed for DOH approval. This notice should include a review period of no longer than 30 days, and comments should be provided to DOH and the WUCC.
- Filing of detailed WSP service area maps (with current and proposed pipelines) along with indications of any phased expansion (sometimes called "tiering").
- Public notice and opportunity for comment whenever a service area is proposed to be changed, and whenever a small system or satellite system (see Section 6 on Satellite System Management) is proposed for inclusion or incorporation into an existing system.

The USRP pertains only to proposed new systems. It recognizes the service area boundaries established for existing utilities and the responsibilities the utilities have accepted for providing reliable service within these boundaries. These

responsibilities are extended through this CWSP to address the system receivership provisions of 1990 legislation, enacted in SSB 6447 (an Act relating to Failing Water Systems). These responsibilities are described later in this section.

The proliferation of individual water supplies (serving one or two homes) is a concern in terms of water resource management, utility management, and system viability. This section will also discuss this issue and recommend processes to protect the resources and utilities.

### **5.3 Related Procedures for Private (Individual) Water System Approvals**

Approximately one-third of the County's population is served by private water systems. These water systems range from individual wells to less conventional systems such as rainwater collection. In some areas of the County, wells that are experiencing saltwater intrusion or other contaminant problems could result in a water source not suitable for drinking purposes.

Private wells are exempt from the requirement to obtain a water right if they are for private domestic use of under 5,000 gallons per day and irrigate less than one-half acre. However, these wells are subject to water rights regulation by Ecology. Generally, water rights are granted "first in time as first in right." In other words, a new well is "junior" to "senior" rights (water put to beneficial use at an earlier date). This concept applies to private domestic wells as well as to those requiring a water right permit. Consequently, new well owners are responsible to assure that their well does not interfere with the use of a senior right. To do so, would invite Ecology enforcement action.

A variety of problems can be caused by private wells and proliferation of individual wells throughout the County can endanger the quality and quantity of the groundwater resource. Installing additional individual wells that affect the water table invites increased potential for contamination by saltwater or other contaminants. If individual wells are allowed to be drilled within a service area, an additional pathway is provided for surface contamination to reach the aquifer(s), and the financial viability of the existing utility can be threatened. Improperly abandoned wells also can provide a conduit for aquifer contamination. In addition, where service can be provided by a water purveyor, connection should be required to assure a more managed resource, and the viability of the purveyor.

Given the need to provide safe and adequate water to the citizens of the County as well as the need to address and resolve the issue of potential financial hardships, the County should identify and define the requirements for individual water systems, including alternative collection systems. Further, the County should consider a system to identify individual well locations and a program to assure proper well decommissioning and abandonment.

Consequently, the WUCC has recommended that two rules be developed and promulgated as County Ordinances.

- The first rule would establish a requirement to connect to an existing utility within an existing service area if service can be provided in a timely and reasonable manner. The exceptions to this would be provided through the USRP appeal process (see Section 2), or through agreement with the purveyor. Any agreement with the purveyor must include provisions for eventual decommissioning and abandonment of the private well along with connection to the public water supply. This provision is consistent with Section 28 of the GMA Amendments of 1991.
- The second rule would establish a requirement for well site approval prior to drilling through County Ordinance. Such a requirement will assure that the County is aware of all wells drilled in the County, that they are drilled by a licensed well driller, and that the provisions of this USRP are followed before drilling. In conjunction with this requirement, the County will establish a data system to manage information relative to wells, location, purpose, and the like.

These ordinances will be implemented as follows.

### **5.3.1 Adequacy of Water Supply**

Pursuant to Section 63 of the GMA (RCW 19.27.097), individual water service requests will be reviewed by the Jefferson County Planning and Building Department (JCPBD) at the time of building permit application. Criteria for review of private water systems will be based on "Interim Guidelines For Determining Water Availability for New Buildings," and will be revised as the guidelines are revised or made into law. These State guidelines were established by a technical advisory committee to interpret the meaning of Section 63 of the GMA. The JCPBD must use these guidelines for applicants requesting certification of adequacy for water systems serving existing buildings or requests for new individual wells.

As part of an ongoing effort to address the County's water supply needs and assure the safety of its citizens, the JCPBD will implement the recommendations stated in the State guidelines. The guidelines provide for the following:

- Prior to well drilling - Well drillers will be required to notify the Jefferson County Health Department (JCHD) of the location of the proposed well, thus allowing for site inspection prior to drilling.
- Prior to approval of a building permit for any building requiring potable water, the applicant must provide evidence of an adequate water supply for the intended use of the building. The applicant must demonstrate:

- The source is capable of providing water on the average in the amount of 400 gallons per day (gpd) or more. Acceptance of a lesser daily volume may be considered if appropriate conservation or storage measures render the additional volume unnecessary.
  - The use of the proposed water supply does not impair an existing water right and is not detrimental to the public welfare.
  - The development meets all siting criteria established by State regulations, local ordinances, and construction is in compliance with State and local regulations.
- The JCPBD requires the system to be evaluated for the following parameters:
- Source type: All systems will be required to provide safe drinking water. If the source is other than a properly constructed well, construction documents and other evidence will be reviewed to verify the safety and reliability of the supply.
  - Source protection: The applicant must protect the source of supply through setbacks or sanitary control measures. Chapter 246-290 WAC will be used to determine source protection requirements.
  - Site Inspection: The JCHD will inspect proposed well and other source sites and verify proper location prior to drilling.
  - Source Quality: The JPBD will require applicants to document that the source water quality meets the health based criteria established in Chapter 246-290 WAC for the following:
    - Bacteriological standards
      - Inorganic contaminants with public health significance (such as arsenic, barium, cadmium, chromium, fluoride, lead, mercury, nitrate [as N], selenium, silver, and sodium).
      - Any other parameters specified by the JCHD (for example, conductivity, pH, turbidity, and so forth).

### **5.3.2 Requirement to Connect to Existing Systems (if available)**

Section 63 of the GMA was amended in the 52nd Legislature, 1991 Special Session, as Section 28. This amendment reads as follows:

"Each applicant for a building permit of a building necessitating potable water shall provide evidence of an adequate water supply for the intended use of the building. Evidence may be in the form of a water right permit from Ecology, a letter from an approved water purveyor stating the ability to provide water, or another form sufficient to verify the existence of an

adequate water supply. In addition to other authorities, the county or city may impose conditions on building permits requiring connection to an existing public water system where the existing system is willing and able to provide safe and reliable potable water to the applicant with reasonable economy and efficiency. An application for a water right shall not be sufficient proof of an adequate water supply.

"Buildings that do not need potable water facilities are exempt from the provisions of this section. The Department of Ecology, after consultation with local governments, may adopt rules to implement this section, which may recognize differences between high-growth and low-growth counties."

#### ***Application of Section 28 In Designated Service Areas***

Pursuant to Section 28 RCW 19.27.097, the JCPBD will require those new applicants which are in a designated service area to connect to an existing public water system if one is available, has an approved WSP, and is willing to provide safe and reliable potable water to the applicant with reasonable economy and efficiency.

#### ***Application of Section 28 In All Other Areas***

Parcels located in areas not now served by public water systems must either be served by an approved individual source or by a new public water system established in accordance with the USRP and this CWSP.

### **5.4 Activities Within City Boundaries**

Water service requests within established City limits (Port Townsend) are not subject to the USRP. Applicants for such water service must contact the City directly.

### **5.5 Receivership of Failing Systems**

State law (43.70.195 RCW) provides that whenever an action is brought by the Secretary of Health or a local health officer to place a public water system in receivership, the petition shall include the names of one or more suitable candidates for receiver who have consented to assume operation of the water system. If there is no other person willing and able to be named as receiver, the court shall appoint the County in which the water system is located as receiver.

Through the establishment of service area boundaries in the CWSP, and the review process described above, existing utilities have accepted the lead responsibility for providing public water supply within their designed service areas and, therefore, should be the named receiver for the failing system. A logical extension of this responsibility is for the designated utilities to assist in correcting problems of

failing systems within the boundaries of their service areas and accept ownership of the systems following the upgrade of the system to the utility's standards.

Upon adoption of this CWSP by DOH, the Group A - Community systems with 100 or more permanent connections (formerly Class 1 systems), and all expanding public water systems which intend to have 100 or more permanent connections, will be considered candidates who have consented to assume the receivership role described in SSB 6447 for failing systems within their designated service area. The Secretary of Health or DOH Health Officer will advise the court of the name of the designated utility in any future petition for receivership.

## **5.6 Utility Service Review Procedure**


The USRP identifies the utility in whose designated service area a proposed development lies. It then describes, in priority sequence, the available water service options (i.e., existing purveyor, adjacent purveyor, satellite system management, new system). It also describes options for water service to proposed developments lying outside of designated service areas.

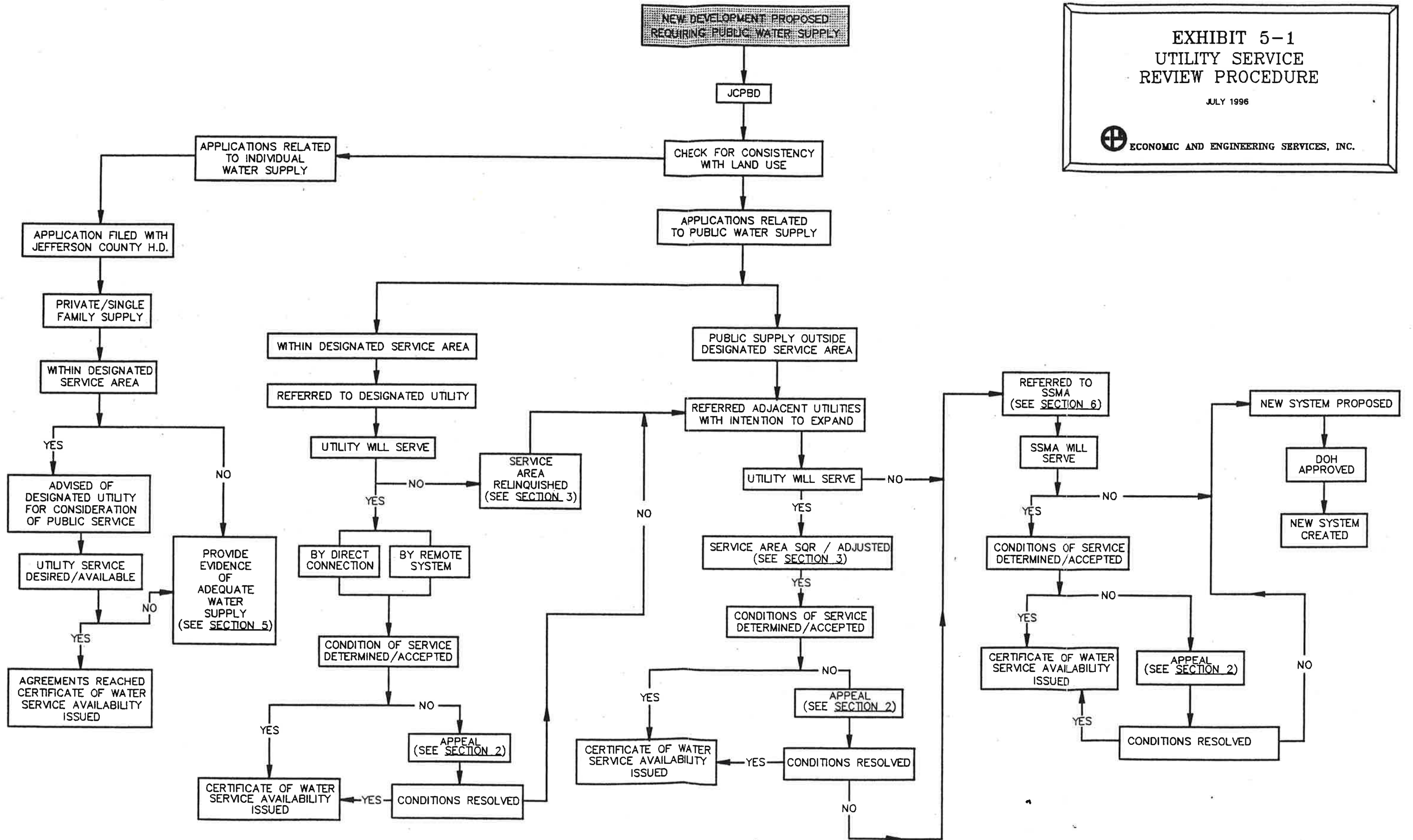
Within the USRP process, reference to "service area(s)" means the specific geographical area described in the written agreement required by RCW 90.116.070(1) and WAC 246-293-250. The service area boundary is identified by a map attached to the agreement. The boundary will include the area within which direct/retail service connection to customers is currently available (existing service area) and the area for which water service is planned (future service area) by the designated utility.

The USRP applies to all development proposals requiring approval by the County and/or by the JCHD. These include: New plat or subdivision development; short plats; land use permits, changes and approvals; rezones; issuance of residential and commercial building permits; creation of new water systems; resolution of health emergencies arising out of existing public water systems; source site inspections; and other related activities. At the time an application is submitted for permits or approvals involving water supply, or upon request, the JCPBD will initiate and administer the review procedure. A flow chart of steps to be followed in the USRP is provided as Exhibit 5-1.

The USRP procedures are intended to identify an existing water purveyor willing and able to provide water supply facilities and to include the new development within its service area. In effect, the end result of the USRP is to assign the proposed new development or land use to the service area of a designated water utility. In the event a designated utility is unable or unwilling to provide service, the referral process referenced in subsequent paragraphs should be followed.

**EXHIBIT 5-1**  
**UTILITY SERVICE**  
**REVIEW PROCEDURE**  
 JULY 1996


**ECONOMIC AND ENGINEERING SERVICES, INC.**



JCPBD = Jefferson County Planning and Building Department  
 JCHD = Jefferson County Health Department  
 SSMA = Satellite System Management Agency (See Section 6)

In consideration of the complexity of permitting processes in general, and the USRP specifically, the WUCC has recommended that applicants for building permits be advised of this process in graphic, simplified, and yet accurate terms. In this way, these people can assess the process, and plan for the possible outcomes. Descriptions of the process might be included with the Certificate of Water Availability form and consist of a flow chart and/or brochure describing the process. Whatever the form, the public should be advised of the process at the earliest step in their permitting efforts.

Pursuant to State law, water service requests occurring within a contested service area, or the service area of a utility that has not completed either its individual WSP or its Service Area Agreement (Agreement), may be denied until these issues are resolved. If the affected utilities are unable or unwilling to resolve their service area issues, the Board of County Commissioners will follow the procedures of RCW 70.116.060(5) in an attempt to resolve them. Should these attempts fail, DOH may hold hearings on the matter and render a determination.

The USRP is described in the following paragraphs.

#### **5.6.1 Review Process for Development Proposals or Water Service Requests in Conformance with Applicable Land Use Plans**

The first step in the process is to assure that the proposed development and associated water service applications conform with land use plans and zoning ordinances.

##### ***Coordinated Review Process***

The JCPBD will coordinate review of all development proposals within the unincorporated area of the County CWSSA. The JCPBD will be responsible for ensuring conformance with the applicable comprehensive land use plans, Zoning Code, service area agreements for future municipal annexation areas, and utilities' comprehensive WSPs. Upon determination of appropriate land use designation, the JCPBD will review building requests for conformance with the appropriate building and fire codes throughout the County.

##### ***Review of Proposed Individual Water Supplies***

The review of applications for building permits that propose to use an individual water supply will be coordinated by the JCPBD in the following manner:

If the proposed development is outside the designated service areas of existing purveyors, the applicant will be required to provide suitable evidence of the availability of an adequate water supply. Current information required by the County is reflected in Exhibit 5-2 (at the end of this section). This documentation is consistent with Section 63 of the GMA.

Where the proposed development is within the designated service area of an existing utility, the applicant will be directed to that utility. Notification of water availability will be evidenced by information supplied on the form provided by the Jefferson County Permit Center (see Exhibit 5-3 - end of this section). The intent of this referral is to bring the applicant and water utility together for a discussion and examination of the existing or proposed capability for connecting the building water supply to the existing public water system. Should the utility not be willing or able to provide timely service, then an individual water supply system may be developed consistent with existing County regulations (see below). If agreement is reached, a Certificate of Water Service Availability (see Exhibit 5-4 - end of this section) would be issued by the utility, and provided to the JCPBD.

***Public Water System Service Required (Existing or New System)***

Where two or more service connections are proposed (a public water system is required), the applicant must coordinate his or her supply needs with an existing utility, as assigned. The JCPBD will review the proposed water service request and refer the applicant to a designated utility, adjacent utilities, or the Satellite System Management Agency (SMA), as outlined in the steps below. The creation of a new public water system will only be allowed if an adjacent utility and a SMA declines service to the new development and no other existing system wishes to provide service as an SMA.

*Proposed Development Within Designated Service Areas* - The applicant will be referred to the designated utility. In response to a request for water service, the utility will give notice of its intent to exercise one of the following options, in order of priority:

1. The designated utility or developer provides direct service by extending existing mains and supply. Or,
2. The designated utility approves design of a detached, remote system (the utility must be an approved SMA to provide remote service) and upon construction in accordance with said design, owns and operates the system. A contract establishes financial obligations for maintenance, operation, and management until the two systems are connected. As an alternative, the remote system may be operated by an adjacent utility, another SMA, or a developer/homeowners association. Where the remote system consists of four or fewer connections and requires no fire flow, the designated utility may allow facilities that meet DOH standards but are less stringent than this CWSP's Minimum Design Standards. It is anticipated that these more lenient standards will be utilized primarily when the proximity of a small system will benefit from larger nearby facilities planned for future installation by the designated utility.

The designated utility denies the provision of service, relinquishes that portion of its service area, and service options are further determined through the procedures described below.

*Proposed Development in Relinquished Service Areas or Non-Designated Areas* - If a designated utility is unwilling or unable to provide service or the development is in an undesignated area, the following shall occur:

- The Jefferson County PUD No. 1 (PUD) is recognized as the SMA. This recognition is subject to the conditions and understandings of the SMA program as described in Section 6 of this CWSP.
- The JCPBD will refer the developer to an adjacent purveyor (with an approved WSP that provides for expansion), who will have the first option to provide service through ownership and/or operational responsibility.
- If an adjacent purveyor can not or will not provide service, then the opportunity will go to the PUD as the County's SMA.
- If the PUD and an adjacent purveyor decline service, the JCPBD will identify any other feasible purveyors with an approved WSP that provides for expansion and give them the next option to serve the new development. If responsibility is accepted, service area boundaries will be changed accordingly.
- If adjacent purveyors do not exist or they and the PUD decline service, the developer may create a new system.

*Approval of New Systems* - The process described above results in the formation of a new public water system only in those instances where existing purveyors are unwilling or unable to provide service. The new water purveyor will be required to submit a service area agreement, prepare an appropriate WSP and provide evidence of water right permit (if required) as issued by Ecology.

Once the decisions are made regarding the direction of the proposed project and service area jurisdictions, appropriate environmental review documents should be prepared under the State Environmental Policy Act (SEPA).

In addition, the agency having jurisdiction for the new system approval (DOH or JCPBD) should determine that the proposed new system is financially viable. This determination should be based upon documentation of the willingness of system customers to fully finance the total true cost of developing, constructing, operating, and maintaining the public water system in full compliance with federal, State, and local water quality and water quantity requirements. Recommended guidelines for determining financial

viability are provided in the "Financial Viability Manual" (March 1995), published by DOH.

The proposed project must be reviewed with the assigned utility to identify the engineering, design standards, financial, managerial, and other requirements of service. Fire flow requirements for the proposed project will be determined by the Fire Marshal and reviewed by the utility prior to its signature of a Certificate of Water Availability.

The utility will provide to the applicant a signed Certificate of Water Availability listing conditions of service prior to the County's issuance of the required approval/permit.

After the preliminary plat or other land use permits are approved, a written contract should be developed and executed between the utility and applicant to formalize the conditions of service responsibilities. Each utility may have special considerations to be included within its contract.

Prior to approval of final plats or building permits, the water facilities are to be installed to meet the utility's minimum standards.

#### **5.6.2 Review Process for Development Proposals or Water Service Requests Not in Conformance with Applicable Land Use Plans**

If a development proposal requires a zoning change or alteration of applicable land use plans, then each affected utility shall be contacted by the JCPBD and allowed to comment on the proposal prior to approval of that change. By identifying new or additional utility costs associated with changes in land use or zoning, these costs of development can be integrated into the decision-making process. This will allow the assignment of these costs to customers benefiting from the land use change.

### **5.7 Appeals Process**

The USRP process gives existing systems preference for providing water service to potential new customers. Each service must be timely and reasonable. Issues of what constitutes appropriate conditions of service may be expected to arise between applicants for new water service and existing system operators. Other controversies may also arise over implementation requirements of the CWSP. For these reasons, an appeal procedure was developed and adopted by the WUCC. Since the procedure has general application to the CWSP, it is described in Section 2 - The Coordinated Water System Planning Process.

### **5.8 Special Review Considerations**

In the review of development proposals and associated requests for water service, the JCPBD shall be guided by the special considerations provided below.

### **5.8.1 Applications for Service to Non-Residential Properties**

Commercial and industrial properties represent a fire flow responsibility that may greatly exceed flows required for residential housing. These flow requirements are critical to the sizing of the storage, pumping, and piping facilities. For these reasons, the JCPBD shall also use the referral process described herein for all proposed commercial and industrial developments.

### **5.8.2 Expansion of Small Water Systems**

Special consideration is required for the future expansion of small systems (after adoption of the CWSP) both inside and outside designated service areas. These considerations are addressed below:

#### ***Expansion Outside Utility's Designated Service Areas***

An expanding Group A - Non-Community, and Group B system located outside of the utility's designated service area will be referred by the JCPBD to adjacent, larger utilities with approved WSPs or SMAs. This will allow the expanding system to discuss and evaluate utility service proposals by an adjacent utility or SMA versus expansion. If the decision is made to pursue expansion, the system owner must submit to the JCPBD a completed Service Area Agreement. A WSP commensurate with the planned system expansion must be submitted to, and be approved by, the appropriate agency, either DOH or the JCPBD.

#### ***Expansion Within Utility's Designated Service Areas***

Expansion beyond initially approved service connections for an existing smaller utility located within a designated utility service area will not be allowed without approval by the larger utility. The CWSP places responsibility on the review agencies to recognize a specific utility's service area. In turn, the utility is responsible for effective management within that service area.

## **5.9 Summary - Recommendations for Implementation**

Table 5-1 (following page) lists the activities that are recommended to implement this section of the CWSP.

**Table 5-1**  
**Coordinated Water System Plan Implementation Activities**

Activity	Responsibility	Time Frame (Year following Plan adoption)
Require public notice whenever a WSP is proposed for DOH approval.	DOH	Ongoing
Require WSP service area maps (with current and proposed pipelines) along with indications of any phased expansion (sometimes called "tiering") filed with the County.	DOH	Ongoing
Require public notice and opportunity for comment whenever a service area is proposed to be changed, and whenever a small system or satellite system (see Section 6 on Satellite System Management) is proposed for inclusion or incorporation into an existing system.	DOH	Ongoing
Establish a requirement to connect to an existing utility within an existing service area if service can be provided in a timely and reasonable manner.	County	Fall 1996
Establish a requirement for well site approval prior to drilling	County	Y1
Advise applicants for building permits of USRP process in graphic, simplified, and yet accurate terms (a brochure).	County	Y1
The County should consider a system to identify individual well locations and a program to assure proper well decommissioning and abandonment.	County	Y1

## Exhibit 5-2

### UTILITY SERVICE REVIEW PROCEDURE

#### CERTIFICATE OF WATER SUPPLY UTILITY SERVICE

The Jefferson County Coordinated Water System Plan establishes the Utility Service Review Procedure. The purpose of the procedure is to assure that water system development is coordinated between existing water service providers, the Jefferson County PUD and the Jefferson County Planning Department, Development Review Division (DRD). The *Certificate of Water Supply Utility Service* form must be completed prior to developing a new public water supply system, expanding an existing system, or changing the standard of service (e.g., change from residential service to commercial service). The Certificate should be completed before significant engineering and design have begun since the completed form documents the County's approval of the water system design.

The utility service review procedure is initiated by the Development Review Division upon submission of a triggering application that indicates creation of a new water system or connection to an existing system. Triggering applications include the following:

- subdivisions,
- zoning,
- well site inspections,
- building permits,
- onsite sewage system permits

The DRD will determine if the proposal is within an existing service area and, if so, direct the applicant to the appropriate utility for service review. If there is not a service area, then the applicant will be directed to the PUD.

If a water system is being proposed independent of a triggering application, the applicant will need to prepare a conceptual water system design and submit it to DRD to initiate the procedure. The design should include a map showing the proposed service area boundaries, proposed source location, preliminary distribution system layout and the number and types of service connections.

In all cases, the DRD will evaluate the proposal for consistency with land use policies and will make written findings to that effect.

## Exhibit 5-2 (cont)

### JEFFERSON COUNTY HEALTH DEPARTMENT ENVIRONMENTAL HEALTH DIVISION

Policy Statement Number 93 - 02

Program: Drinking Water

Subject: Water Availability Requirements for Building Permits -  
Chapter 19.27.097

Effective this date, the following policy shall be adopted concerning proof of an adequate supply of potable water as a prerequisite for a building permit:

#### I. General Requirements.

- A. Each applicant for a building permit for a project necessitating potable water shall provide evidence of an adequate supply of potable water for the intended use of the building, except that those applications for permits for replacement structures, improvements or additions to buildings that will not result in an increase in water usage or buildings not requiring a potable water supply are not subject to the provisions of this policy.
- B. The Jefferson County Building Department shall determine if proof of adequate supply is required.
- C. The Jefferson County Environmental Health Department shall determine if the proof provided meets the adequacy and quality (potability) requirements.

#### II. Public Water Systems

- A. Applicants intending to connect to a public water supply shall provide written notification from an approved the water system purveyor stating that the system has the capacity and commitment to provide water. The water system must be in compliance with state water supply regulations and the state surface and ground water codes (Chapters 90.03 and 90.44 RCW).
- B. The health department shall review the notification supplied by the purveyor as well as the record from the Washington Department of Health to verify that the approved system has the capacity and is in compliance before finding that quantity and quality criteria has been met.

#### III. Individual Water Supplies.

- A. Individual water supplies shall be capable of providing a minimum of 400 gallons per day.

## Exhibit 5-2 (cont)

### Page 2 of 3, Water Availability Requirements

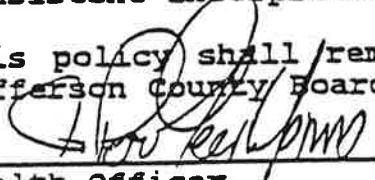
- B. Individual water systems shall be tested for coliform bacteria and nitrate-N, and shall not exceed maximum contaminant limits established in the State Board of Health Drinking Water Regulations.
  - C. The Health Department may require testing for sodium and chlorides where there is known or suspected sea water intrusion.
  - D. Wells shall be constructed and sited in accordance with state standards for well construction (Chapter 173-160 WAC). A copy of the well log showing the depth, production, casing and surface seal may serve as proof of proper construction.
  - E. Springs and surface water sources , including ground waters under the influence of surface water, shall only be considered when authorized by a valid water right permit. When surface waters or springs are considered, water quality and quantity standards apply. Because surface waters and springs are highly susceptible to microbial and other contamination, these systems shall submit a conceptual plan for continuous treatment to meet potable water standards.
- IV. Alternative water supplies shall only be approved when systems outlined in Sections II and III are not available.
- A. When water quality test results indicate violation of a maximum contaminant limit, water supplies may be treated to improve quality. When on-going treatment is proposed, a conceptual plan for a treatment system shall be submitted for review by the Health Department. When on-going treatment is required to obtain compliance with water quality standards, a notice to the property title shall be recorded. The notice will specify that the water supply does not meet water quality standards, specify what parameters are exceeded, and note that continuous treatment is required.
  - B. Water supplies that do not provide the minimum volumes specified shall only be considered adequate when accompanied by a water conservation plan. The water conservation plan shall project average daily and annual water needs. The proposed water supply system shall provide water quantities in amounts adequate for daily and annual needs. When a water supply does not meet water quantity requirements, a notice to property title shall be recorded stating that the water supply does not meet minimum quantity requirements pursuant to 19.27.097 RCW.
  - C. The Jefferson County Health Department may develop standard forms and notices for implementing provisions of sections III.E, IV.A and IV.B.

Exhibit 5-2 (cont)

Page 3 of 3, Water Availability Requirements

The 1990 Growth Management Act includes provisions requiring proof of an adequate supply of potable water before a building permit can be issued. The law (19.27.097 RCW) authorizes the Department of Ecology to develop regulations to implement the act. The DOE has developed Guidelines for Determining Water Availability for New Buildings and is currently preparing final Guidelines. The guidelines are general in nature and allow for a certain amount of flexibility for local conditions although they do serve as minimum standards. This policy is intended to adopt those guidelines as the county standard for implementing RCW 19.27.097, clarify county procedures, and provide consistent interpretation of the Guidelines.

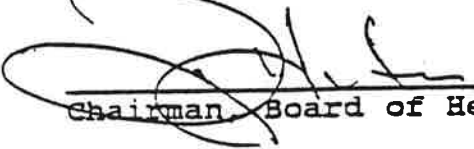
This policy shall remain in effect until amended or repealed by the Jefferson County Board of Health.



Health Officer

5-27-93

Date



Chairman, Board of Health

5-25-93

Date

Jefferson County Permit Center  
621 Sheridan St  
Port Townsend WA 98368  
(360) 379-4450

**Exhibit 5-3**

**WATER AVAILABILITY NOTIFICATION  
PUBLIC WATER SYSTEM**

TO: Jefferson County Environmental Health Department

FROM: Water System Name \_\_\_\_\_  
System Operator \_\_\_\_\_  
State ID Number \_\_\_\_\_  
Total connections for which system is approved \_\_\_\_\_  
Number of service connections existing (in use) \_\_\_\_\_  
Number of service connections committed \_\_\_\_\_  
Date and results of most recent water bacteriological analysis  
\_\_\_\_\_

The \_\_\_\_\_ water system is  
capable of and will supply potable water to the following location:

Assessors Parcel ID# \_\_\_\_\_  
Legal Description \_\_\_\_\_  
Site Address \_\_\_\_\_  
\_\_\_\_\_  
Operator Signature \_\_\_\_\_  
Date \_\_\_\_\_



Exhibit 5-4

CERTIFICATE OF WATER SUPPLY UTILITY SERVICE JEFFERSON COUNTY

\*\*\*\*\*OFFICIAL USE ONLY DO NOT WRITE IN THIS SPACE\*\*\*\*\*

Application Number Project Name

Approved Water Plan Water Utility Assigned By

\*\*\*\*\*

APPLICANT TO COMPLETE

Applicant Name

Proposed Project

Project Location

Project Preliminary Plan:

Indicate the number of units of each category:

Residential Multi-Family Commercial Industrial Agricultural Other

I, the undersigned, certify that I, or my appointed representative have discussed this proposed project and its impacts with the Water Utility shown above. I acknowledge that this proposed project may require improvements to the water system shown above which would incur my financial obligation. Prior to Final Plat approval, or approval of the Water System Plan or the Engineer's Report, it is understood that a legal contract between myself and the Water Utility must be submitted to Jefferson County which specifies the terms of the water service, operational responsibility, and financial obligation. Furthermore, I acknowledge that I have read and understand the following material.

Signature of Applicant Date

## Exhibit 5-4 (cont)

### UTILITY SERVICE REVIEW PROCEDURE (USRP)

If an individual well is proposed, then the Procedure (USRP) is not required at this time. Individual well proposal is forwarded to the County Health Department for review and approval.

#### Priority 1: Within Service Area

Jefferson County will determine whose service area water supply the request is located in, and will then direct the applicant to that purveyor or water utility with a *Certificate of Water Supply Utility Service* in hand. If the utility declines service, a letter stating 'Justification of Denial' will be required.

If the purveyor declines service, then go to Priority 2.

#### Priority 2: Satellite System Management Agency (SSMA)

The designated SSMA for the County will be allowed to respond to the service request and provide conditions of service to the applicant. If the SSMA declines service, a letter stating 'Justification of Denial' will be required.

If the SSMA declines service, then go to Priority 3.

#### Priority 3: Adjacent utility

The applicant must approach adjacent utilities to determine if service can be provided. If the adjacent utility declines service, a letter stating 'Justification of Denial' will be required.

If adjacent utility declines service, then go to Priority 4.

#### Priority 4: Create new Public Water System (PWS)

After the first 3 priorities are ruled out, a new PWS may be considered through the required State review process. The applicant will be directed to have an engineer contact the DOH Regional Engineer for specific requirements (Water System Plan, project report, construction documents, etc.).

Note: Once service is determined, Jefferson County will sign off on the *Certificate for Water Supply Utility Service* and adjust service area maps as necessary. Sign off will occur only after consultation with the DOH to determine whether the proposed system is adequate to serve.

Exhibit 5-4 (cont)

TO BE COMPLETED BY THE WATER UTILITY

A. Please circle the appropriate action(s) and/or fill in the appropriate blanks.

- 1. The proposal is/is not within our approved water service area.
- 2. The \_\_\_\_\_ water utility does/does not desire to serve this development at this time/ever.
- 3. The water utility is/is not willing to assume interim satellite operational management responsibility for the proposed water system until a connection to our system is possible.

If you (the utility) are not going to manage the supply of water for this development, please proceed to number 16 and attach a letter explaining the 'Justification of Denial'. The County will be unable to proceed without this 'Justification of Denial'. In all other cases, continue with the questionnaire.

- 4. The proposed development is/is not consistent with our approved water system plan.
- 5. Water service can be made available to this development immediately/by \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_.
- 6. Indicate estimated *peak hour*, *peak day*, and *annual average water supply* needed in gallons per minute (GPM).

	Peak Hour	Peak Day	Annual Avg.
Required fire flow		n/a	n/a
Estimated domestic			
Total requirements			

7. Number of fire hydrants required \_\_\_\_\_

8. The \_\_\_\_\_ water system has been approved for \_\_\_\_\_ service connections and currently has \_\_\_\_\_ active connections and \_\_\_\_\_ service commitments.

**Exhibit 5-4 (cont)**

Application No. \_\_\_\_\_

9. Will the project require extension of water mains or adjustments to service area boundaries? Yes/No If yes, please describe:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

10. Significant facilities improvements other than waterline extension would/would not be required. List improvements:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

11. The entire water system capable of serving the ultimate development density **will/will not** be installed initially prior to final plat approval. If staged development is proposed, specify what form and the method of surety which will be provided to guarantee ultimate installation of water system facilities. \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

12. List the flows that could be provided to the development with a minimum pressure of 30 psi and 20 psi.

\_\_\_\_\_ GPM at 30 psi  
\_\_\_\_\_ GPM at 20 psi

13. Indicate size of main required for hookup: \_\_\_\_\_ inches.

14. Indicate distance from existing main to project: \_\_\_\_\_ feet.

15. Design and installation of the proposed water system **will/will not** be reviewed and inspected by our agency.

**Exhibit 5-4 (cont)**

Application No. \_\_\_\_\_

16. A satisfactory contract has/has not been made with the applicant to serve this proposal. Comments: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

*I, the undersigned, certify that I, or another authorized representative of the utility, have discussed this proposed project and its impacts with the applicant. I acknowledge that the \_\_\_\_\_ water system has the capacity in installed facilities and water rights to serve the proposed development with the improvements identified above and that the service to the proposed project is consistent with this utility's water system plan.*

\_\_\_\_\_  
**WATER UTILITY REPRESENTATIVE**

\_\_\_\_\_  
**DATE**

**\*\*\*\*\* TO BE COMPLETED BY APPROPRIATE REVIEW AGENCY\*\*\*\*\***

B. Please circle the appropriate action(s) and/or fill in blanks.

1. Jefferson County Health Department (Individual Wells)

The Jefferson County Health Department has reviewed the proposed method of water supply and hereby offers conceptual approval/disapproval for the proposal. Final approval will be reserved until a suitable well site is approved and until it is demonstrated that applicable separation distances and health regulations are attainable. Comments:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
**County Health Department Official**

\_\_\_\_\_  
**Date**

**Exhibit 5-4 (cont)**

Application No. \_\_\_\_\_

2. **Jefferson County Development Review Division (Reviews for consistency with County land use policies.)**

The Development Review Division has reviewed the proposed method of water supply and hereby offers conceptual approval/disapproval for the proposed supply. Comments: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Development Review Division Signature

\_\_\_\_\_  
Date

3. **Washington State Department of Health**

Reviews applications where there is a disagreement of terms of water service or formation of a new water supply utility. Due either to a disagreement on terms of water service or to the formation of a new water supply utility, the DOH has made a decision on water service. This decision is presented in the attached letter dated \_\_\_\_/\_\_\_\_/\_\_\_\_ and signed by \_\_\_\_\_.

The Water Utility Coordinating Committee did/did not make recommendations applicable to this case which are/are not attached. Comments \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\_\_\_\_\_  
Washington State Department of Health

\_\_\_\_\_  
Date

## **Section 6**

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## Section 6

# Satellite System Management

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### 6.1 Introduction

As described in Section 5, the Utility Service Review Procedure (USRP) is a process to be implemented by Jefferson County (County), through which proposed developments requiring a public water supply will be referred to existing utilities as a first step in obtaining water service. This process applies to developments proposed both within and outside of the designated service areas of existing utilities. The goal of this process is to minimize the creation of new public water systems.

In the 1986 coordinated water system planning process, the Water Utility Coordinating Committee (WUCC) recognized that many utilities would not be able to immediately serve new developments within their service areas by direct connection. Also, a large portion of the County remained undesignated in that no existing utility planned to serve water to that area at that time. The WUCC also recognized that many existing, small utilities need technical and financial assistance to properly operate and maintain their systems under increasing requirements from State and federal regulatory agencies. To fulfill these needs, the concept of satellite system management and Satellite System Management Agencies (SMAs) was addressed.

Under this concept, the County would designate one or more qualified SMAs to serve in the role outlined above. These agencies would serve an essential role as new water service and systems were considered, and they would be consulted as part of the USRP. New service would come from an existing purveyor, the SSMA, or, as a last option, through the creation of a new water system. Only when the existing purveyors and the SMA were not willing or able to serve the new area would a new system be allowed. In this way, the SMA was granted a "first right of refusal" in the development of a new system outside of the existing designated service areas.

This concept was not designed to prevent one owner from owning more than one system in a "satellite" arrangement (without physical connection). However, for that owner to build and acquire new systems, the owner would have to become a SMA, or the existing SMA would have to decline service allowing a new system.

Since 1986, the satellite system management concept has become more formal with action by the Legislature requiring regulations describing a Satellite System Management Program. During this Coordinated Water System Plan (CWSP)

update process, the provisions of the 1986 Plan have been reviewed and revised to be consistent with developing State law and regulations.

## 6.2 State Law and Regulations

The framework for a State-wide Satellite System Management Program was enacted by the 1991 State Legislature and codified as RCW 70.116.134. SMA was defined as a person or entity that is certified by the Department of Health (DOH) to own or operate more than one public water system on a regional or County-wide basis, without the necessity for physical connection between such systems.

The State legislation required that DOH adopt rules that establish criteria for designating qualified SMAs. These regulations were adopted in 1994 (Chapter 246-295 WAC). Under the regulations, the County is required to identify potential SMAs to DOH. Preference is to be given to public utilities or utility districts or to investor-owned utilities (under the jurisdiction of the Utilities and Transportation Commission).

Potential candidates for SMA status must:

- Provide DOH a notice of intent to become a SMA,
- Participate in a "presubmittal conference" to discuss planning requirements, and
- Submit a SMA application and plan.

The SMA plan content must address the following elements:

- A statement of existing system ownership, intent to own water systems, and a description of any existing systems and current staffing.
- SMA service area description.
- Service area policies such as annexation policy, ownership versus management criteria, methods for determining financial feasibility of system acquisition, general policies, service request procedures, and a listing of available services.
- System design standards for new systems and existing systems.
- Financial viability information including a description of revenue sources, a budget, and general financial policies.
- A description of operation and maintenance programs and staffing (including documentation of at least one Distribution Manager - Level 2 on staff).
- Documentation from the County that the SMA approach is consistent with their plans.
- Documentation that any systems owned by the potential SMA (on the date of the request) are in compliance with DOH standards.

- Current water system plan(s) (WSP) or an approved DOH schedule for plan development.

Following DOH determination and County review, the DOH approves SMAs meeting the established criteria. At least on an annual basis, the DOH provides a list of approved agencies to the respective Counties.

### 6.3 Recommended Program

In the 1986 CWSP, the Jefferson County Public Utility District No. 1 (PUD) was recommended as the SMA for Jefferson County. This proposal was confirmed by the County Commissioners during their review of the CWSP under Resolution 13-86 (see Exhibit 6-1 - at the end of this section). In both past and current Plan development processes, the WUCC evaluated alternative organizations that have the potential of serving as an SMA in the County. From a practical standpoint, only the City of Port Townsend, the County, and the PUD have the existing organization, management capability, and financial strength to meet the challenge.

For a variety of reasons, a program implementing the 1986 designation of the PUD as the SMA has never been fully developed. Therefore, to fully implement this program, the WUCC has recommended the following:

- The PUD continue its assigned role in developing and managing the program for SMA service throughout the County. The program must be consistent with adopted DOH rules, the CWSP, and developed subject to the oversight of the WUCC.
- Anticipated levels of service may include the following three categories: (1) Assumption of Ownership and operation, (2) operations and general management, and (3) specific technical assistance.
- An Interlocal Agreement or Memorandum of Understanding (MOU) should be developed between the County and the PUD, and shall specify the schedule and relationships for developing the SMA program and the responsibilities for providing water service in the SMA service area. A draft has been prepared and is included as Exhibit 6-2 (at the end of this section).
- The County local governments and water purveyors jointly support the review of the following possible SMA funding programs that include:
  - Federal and State sources such as: Public Works Trust loans, Centennial Clean Water Program Grants, and other grants and loans.
  - Local sources such as: County-wide PUD levy (including incorporated area), County General Fund.

The WUCC further recommends that:

- Water utilities that have a designated service area be responsible for all new public water service within the designated area, whether by extension of their system or by operation of a "remote" system. The designated purveyor will also be the "receiver" of any existing water system within its service area that fails to meet State public water system standards and is placed into receivership under State law. This provision will be reflected the Service Area Agreement filed with the County as part of service area designation (see Section 3).

The funding program described above should be available to designated purveyors to assist in their upgrade of remote systems obtained through receivership proceedings.

- A portion of the funds available should be used to collect, analyze, and manage data related to the effective use and management of the County surface and groundwater resources. Areas of water data needs include use, quality/availability, trends, and conservation.
- This CWSP should not preclude the establishment of additional SMAs should the need arise. According to DOH regulations, these SMAs will be recommended by the County and meet DOH requirements. However, to avoid confusion, any additional SMA approval will require the revision of Section 5 - Utility Service Review Procedure. Any revisions should clearly delineate the process for service acquisition and the relationship among multiple SMAs.

## 6.4 New Water Services

The assignment of water service for new developments proposed in the non-designated area as set forth in Section 5, Utility Service Review Procedure, may be summarized as follows:

- The PUD will be recognized as the SMA.
- Proposals for new water service will first be referred to the appropriate Service Provider for the location, or in undesignated service areas, first to an adjacent purveyor with an approved WSP and then to the PUD.
- When the adjacent purveyor or the PUD provides service, the new system will be owned, operated, and managed by the adjacent purveyor or the PUD.
- Should the adjacent purveyor and the PUD decline service, the developer will then be referred to any purveyors with an approved WSP that provides for expansion, qualify as an SMA, or otherwise meet DOH requirements.
- If service will not be provided by an adjacent purveyor or the PUD, creation of a new system may be allowed. New systems must be determined to be financially

viable by DOH. Recommended guidelines for determining such viability are contained in the "Financial Viability Manual" (1995), prepared by DOH.

## 6.5 Summary - Recommendations for Implementation

Table 6-1 shows the actions that will be taken to implement this Section of the CWSP.

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan adoption)</b>
Develop an Interlocal Agreement between the County and the PUD, and specify the schedule and relationships for developing the SMA program	County/PUD	Y2
Seek funding to support the upgrading of satellite systems and development of County water system data.	County/PUD	Ongoing

Exhibit 6-1 RESOLUTION 13-86

ADOPTION OF THE

JEFFERSON COUNTY COORDINATED WATER SYSTEM PLAN  
SERVICE AREA BOUNDARY MAP

WHEREAS, Chapter 90.54 Revised Code of Washington (Water Resource Act) sets forth the fundamentals of water resource policy to ensure the waters of the state will be protected and fully utilized for the greatest benefits to the people of the state; and

WHEREAS, Chapter 70.116 Revised Code of Washington (Public Water System Coordination Act) establishes procedures for the coordination of water utilities within the community and the integration of water utility development with local land use plans and policies; and

WHEREAS, Chapter 36.94 Revised Code of Washington (General Water Plan) establishes the procedures for the creation and adoption of a general water plan; and

WHEREAS, Washington Administrative Code 173-590 (Procedures Relating to the Reservation of Water for Future Public Water Supply) establishes procedures for the reservation of water supplies for the benefit of the people of Jefferson County; and

WHEREAS, the Jefferson County Board of Commissioners by Resolution 97-83 declared Jefferson County to be a Critical Water Supply Service Area initiating an effort to undertake and develop a comprehensive water system plan; and

WHEREAS, the Jefferson County Coordinated Water Systems Plan (CWSP) is a result of that effort and has been developed to comply with the provisions of the aforementioned statutes and county resolution; and

WHEREAS, the Jefferson County Planning Commission reviewed the CWSP and recommended that the Jefferson County Board of Commissioners adopt the plan as the general water plan and as an addendum to the Jefferson County Comprehensive Plan with the provision that a water resource protection policy and strategy be developed by the county and the PUD #1 as an element to the CWSP; now, therefore,

BE IT RESOLVED that the Jefferson County Coordinated Water System Plan is hereby adopted as the general water plan as per RCW 36.94.

BE IT FURTHER RESOLVED that the Jefferson County Coordinated Water System Plan and Service Area Boundary Map is hereby adopted as an addendum to the Jefferson County Comprehensive Plan per RCW 36.70.

BE IT FURTHER RESOLVED that the Jefferson County PUD #1 shall be designated as the Satellite System Management Agency (SSMA) and shall carry out the responsibilities defined in the CWSP.

BE IT FURTHER RESOLVED that the CWSP amendments dated January 23, 1986 be hereby adopted as a part of the plan.

BE IT FURTHER RESOLVED that full implementation of the CWSP shall occur on April 1, 1986 while the standards prescribed in the document shall become effective immediately.

APPROVED and adopted this 23rd day of January 1986.

SEAL:



BOARD OF COUNTY COMMISSIONERS OF  
JEFFERSON COUNTY, WASHINGTON:

*John L. Pitts*  
John L. Pitts, Chairman

*B.G. Brown*  
B.G. Brown, Member

ATTEST: *Jerdine C. Bragg*  
Jerdine C. Bragg  
Clerk of the Board

*Larry W. Dennison*  
Larry W. Dennison, Member

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# Exhibit 6-1 (cont)

## AMENDMENTS

### JEFFERSON COUNTY COORDINATED WATER SYSTEM PLAN (CWSP)

January 23, 1986

PAGE II-5 and II-6: Exclude Exhibit II-1. Agreement for Establishing Water Utility Service Area Boundaries in Jefferson County Critical Water Supply Service Area.

PAGE III-4: Paragraph (5) shall be amended to read as follows: If the applicant disagrees with the conditions of service, the CWSP review board will be requested to evaluate the reasonableness of those conditions and recommend guidelines for a solution. Such a request could be initiated by either the applicant, the utility, or the county. The CWSP review board shall be comprised of five members duly appointed by the Jefferson County Board of Commissioners and the Jefferson County PUD commissioners, including one county commissioner, one Jefferson County PUD commissioner, and three members of the WUCC. The three members of the WUCC shall represent a Class I, Class II, and Class IV water system, respectively. Two additional members from the WUCC shall be similarly appointed and shall preside as non-voting members, except in cases of conflict of interest among voting members. In this event, an alternate member shall be chosen as needed by the main voting body to replace the board member(s) with the conflict of interest and shall act as a voting board member. The conflict may be referred to DSHS in accordance with WAC 248-56-620 (1)(a)(ii) to decide if "timely and reasonable" service is available from the utility. If not, one of the other service alternatives in paragraph (3) or (4) above may be utilized.

PAGE III-10: Exclude Exhibit III-2. Certificate of Water Supply Utility Service.

PAGE IV-9: Exclude Exhibit IV-2. Fire Control Facility Maintenance and Testing Responsibilities.

VO 12 PAGE 0 322

September 25, 1995

## Exhibit 6-2

MEMORANDUM OF UNDERSTANDING  
JEFFERSON COUNTY PUBLIC UTILITY DISTRICT  
AND  
JEFFERSON COUNTY

**WHEREAS**, federal and state regulations and standards regarding drinking water quality, water system operations, and water resources are imposing increased responsibilities, restrictions, obligations, and costs on water system owners and operators; and

**WHEREAS**, the principal agency for regulating water systems in the State, the Department of Health (DOH), is in the process of implementing additional requirements including annual operating permits and financial feasibility tests to gauge the ability of water systems to operate in accordance with applicable standards; and

**WHEREAS**, the 1990 Growth Management Act (GMA) requires the County to inventory wetlands, aquifer recharge areas and other natural resources which will place constraints on development of new sources of water; and

**WHEREAS**, the GMA includes provisions requiring the certification of adequacy of individual and community water systems and the preparation of appropriate utility capital improvement plans; and

**WHEREAS**, water systems that are unable to comply with state and federal standards, represent a potential threat to the public health and safety; and

**WHEREAS**, Chapter 43.70 RCW requires that counties become the receiver of last resort for water systems within their jurisdictions that DOH determines have not been effective in resolving deficiencies that threaten public health and safety; and

**WHEREAS**, Jefferson County does not provide public water service; and

September 25, 1995

**Exhibit 6-2 (cont)**

**WHEREAS**, pursuant to Chapter 43.70 RCW, Jefferson County is authorized to contract to provide services to water systems in receivership; and

**WHEREAS**, pursuant to Chapter 54.04 RCW, the purpose of the Jefferson County Public Utility District No. 1 (District) is to conserve the water resources of the county for the benefit of the people thereof, and to supply public utility service, including water for all uses; and

**WHEREAS**, under County Resolution 13-86 (January 23, 1986), the District was designated as the Satellite System Management Agency (SSMA) to carry out SSMA duties as identified in the County's Coordinated Water System Plan (CWSP).

**WHEREAS**, pursuant to Chapter 54.16 RCW, the District may make surveys, plans, investigations or studies for domestic and industrial water supply, and for matters and purposes reasonably incidental thereto, within and without the District, and compile comprehensive maps and plans showing the territory that can be most economically served by the various resources and utilities, the natural order in which they should be developed, and how they may be joined and coordinated to make a complete and systematic whole; and

**WHEREAS**, the District may construct, purchase, condemn and purchase, acquire, add to, maintain, conduct, and operate water systems, within or without its limits, for the purpose of furnishing the District, and the inhabitants thereof, and any other persons including public and private corporations within or without its limits, with an ample supply of water for all purposes, public and private, with full and exclusive authority to sell and regulate and control the use, distribution, and price thereof; and

**WHEREAS**, the County and the District desire to work cooperatively because the County is the governmental agency responsible for planning and regulation of land use and the District is recognized by the County as having County-wide responsibility for technical, managerial, financial, operational, and support services needed to provide satisfactory water resource development, protection, and utility service; and

**WHEREAS**, it may be possible for the District to cost-share expenses related to the takeover of failed systems, the District is neither legally required nor may be

**Exhibit 6-2 (cont)**

September 25, 1995

financially capable of absorbing all administrative and related compliance costs posed by failed systems.

**WHEREAS**, under the GMA the County is embarking on a coordinated planning process with all jurisdictions. Growth management plans, prepared and adopted by local general purpose government pursuant to Department of Community, Trade, and Economic Development (CTED) guidelines, will designate the distribution, extent and location of various land uses, including public utilities. A capital facilities element will forecast future needs, propose locations of such facilities, and identify a six-year financing plan for funding future facilities.

***NOW THEREFORE, BE IT AGREED AS FOLLOWS:***

**SECTION 1 - GOALS:**

The goals of this agreement are to:

- A. Protect public health and safety through provision of water service that complies with applicable state and federal standards for water system operations, and drinking water standards.
- B. Ensure effective and efficient utilization of water resources.
- C. Support adopted land use plans and the goals of the Growth Management Act.
- D. Clarify responsibilities for Satellite System water service in Jefferson County
- E. Clarify financial responsibilities for assumption of ownership / operation of systems placed into receivership by DOH and the Jefferson County Health Department.

**SECTION 2 - PRINCIPLES AND PROCEDURES**

**Exhibit 6-2 (cont)**

September 25, 1995

- A. In order to achieve the goals and objective of this agreement, the County and the District agree to the following principles and procedures.
- a. The District will meet DOH requirements for Satellite System Management including development of a SSMA Plan as specified under \_\_\_\_\_ WAC. Components of this plan shall include:
    - 
    - 
    -
  - b. The District will strive to assure the most efficient and effective water service along with an equitable rate structure and cost allocation. The district will develop contracts, policies, and procedures which reflect these principles.
  - c. The County will support the overall water supply development and projects which benefit the overall welfare of the County with funding appropriate to achieve the County's objectives and proportionate to the County's interests.
  - d. The District will act as the County's Agent for all water systems placed into receivership by DOH and the Jefferson County Health Department.
  - e. It is understood that the District will use its best efforts to facilitate financially feasible solutions to all water systems placed into receivership.
- B. Should the District make application for financial assistance to fund a receivership project, the County agrees to assist the District identify and secure the funds and/or grant moneys necessary to finance the project. The County further agrees to compensate the District, when requested, for grant, accounting, audit, personnel, and other direct administrative expenses associated with receivership projects incurred by the District.
- C. Under GMA, the County has significant authority to require proof of adequate water supply prior to issuance of building permits or subdivision approval. Given the need to assure adequate water

Exhibit 6-2 (cont)

September 25, 1995

supplies are available for project population increases for the next 20 years, the County agrees to consult with the District regarding land use policies and proposed changes as far in advance as possible so that the District can use sound economic judgment in its capital facilities planning and resource management planning.

- D. The County and the Jefferson County Health Department shall establish and enforce such rules and regulations as required to protect public health and safety.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 1995.

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
District Commissioner

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
District Commissioner

\_\_\_\_\_  
County Commissioner

\_\_\_\_\_  
District Commissioner

## **Section 7**

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# Section 7

## Conservation Planning Requirements

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### 7.1 Introduction

Conserving water will limit the demand on water system components, reduce energy costs, lessen impacts to the environment, improve water quality, and reduce costs for the utility and the customer. More specifics on the impacts of water conservation are provided below:

- Conserving water will lessen impacts to the natural environment. Conservation minimizes the withdrawal of water from groundwater sources. This reduces the potential for negative environmental impact that might be associated with the withdrawal. Groundwater sources are recharged by surface waters, and excessive groundwater withdrawals could lead to reduced surface water levels. This could, in turn, lead to reduced habitat for various species.
- Water conservation can also improve water quality in areas where groundwater withdrawal is drawing salt water, or pollution from human activities.
- With the increasingly complex provisions of the Safe Drinking Water Act (SDWA), it may become necessary for the utilities to provide additional treatment on their sources in the future. Conservation will reduce the amount of water that might need to be treated and thus reduce capital and operating costs by reducing chemical use, downsizing equipment, and utilizing shorter operation times. Less water would need to be pumped and/or chemically treated, filters would require less backwashing, and equipment would last longer because it would run less.
- Water conservation will reduce the need for larger water system components such as wells, springs, pump stations, pipes, and reservoirs. The energy costs associated with running these components will also be reduced. The reduction of energy use has even more benefits, like limiting pollution to the atmosphere and/or the impact on streams from hydroelectric plants.
- In homes, conserving water will reduce the cost of water, wastewater, and energy services. Efficient shower heads and washing machines can reduce the total quantity of water to be heated, thus reducing energy consumption. As water and wastewater suppliers are beginning to encourage water conservation through graduated or "inverted block" rate structures (i.e., the more you use, the more you pay), water conservation will reduce the customer's utility bill.
- Continuing to follow the cycle of water use, it is apparent that water use does not stop at the home. Water, that is used, flows into the wastewater systems.

These systems require pipes, pump stations, treatment, and disposal facilities to function, just like water systems. The costs of building and operating these wastewater facilities are reduced through water conservation in much the same way that the related costs for a water system are reduced.

In summary, water conservation makes sense from many different perspectives. It supports the natural environment; lowers capital and operating costs for water purveyors, businesses, and residences; and conserves energy.

## **7.2 Conservation Planning Requirements**

In July of 1990, a document titled "Interim Guidelines for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs" (Interim Guidelines) was jointly issued by the Washington Departments of Ecology (Ecology) and Health (DOH), and the Washington Water Utility Council (WWUC). In July 1993 the Interim Guidelines were clarified by DOH and Ecology and circulated to the WWUC for review and comment. The Interim Guidelines have been used by Ecology and DOH since June 1992 as "a requirement" to be completed with the submittal of WSPs and applications for additional water rights for public water supplies.

The Conservation Guidelines were prepared in response to State legislation directing Ecology and DOH to encourage water use efficiency. One of these statutes, Chapter 43.20.230 RCW, requires DOH to incorporate conservation procedures and guidelines into the development and approval of WSPs. In addition, the statutes direct that Ecology require an approved conservation plan prior to approving applications for water rights.

In March 1994, the Interim Guidelines were replaced with "Conservation Planning Requirements - Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs" (Conservation Planning Requirements).

Although the Conservation Planning Requirements have not been formalized into regulation, they are being used by both Ecology and DOH to determine whether an effective water conservation plan has been implemented, and whether water systems are complying with the intent of Washington State law by promoting water use efficiency.

The Conservation Planning Requirements suggest a range of measures to be implemented by water utilities of various sizes. These measures, as taken directly from the March 1994 document, are summarized in Table 7-1.

**Table 7-1  
Recommended Water Conservation Program for Public Water Systems**

Measures	Public Water Systems			
	Large	Medium	Small	Region
A. Public Education				
1. School Outreach	X			X
2. Speakers Bureau	X			X
3. Program Promotion (implementation required)	X	X	X	X
4. Theme Shows and Fairs	X			X
B. Technical Assistance				
1. Purveyor Assistance	X	X		X
2. Customer Assistance	X	X		X
3. Technical Studies	X			X
4. Bill Showing Consumption History	X	X		
C. System Measures				
1. Require Source Meters (required if requesting water rights)	X	X	X	X
2. Require Service Meters	X	X	X	X
3. Unaccounted Water/Leak Detection	X	X		X
D. Incentives/Other Measures				
1. Single-Family/Multi-Family Kits	X	X		X
2. Nurseries/Agriculture	X	X		X
3. Landscape Management/Playfields- Exeriscaping	X	X		X
4. Conservation Pricing	X	X	X	X
5. Utility Finances Retrofit	X			X
6. Seasonal Demand Management	X			X
7. Recycling/Reuse	X			X

Source: Conservation Planning Requirements - Guidelines and Requirements for Public Water Systems Regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs

Definitions:

Large System Measures;

Medium System Measures;

Small System Measures; and

Regional System Measures.

The Conservation Planning Requirements outline what should be contained in a Conservation Plan. Several key elements are listed below:

- Water Use Data Collection - Systems must report the best currently available data for the categories of use identified for the water system.
- Water Demand Forecast - A water demand forecast, including an estimate of reduction of water use from implementation of water conservation measures, must be developed.
- Conservation Program - Elements:
  - A statement of the plan's goals and objectives - These must be designed to meet the needs of the specific water system.

- Evaluation of Conservation Measures - Measures identified in the Conservation Planning Requirements and others tailored to specific utility circumstances need to be evaluated. The utility must compare various alternative activities and devices based on assumptions related to savings potential, public acceptance, implementation, as well as prepare and submit an estimate of cost.
- Identification of Selected Measures - The Plan must contain the following information for the combination of measures selected:
  - Description of Measures -
  - Implementation Schedule - A schedule outlining implementation of the program must be prepared, including such details as dates and levels of price increases, information program timing, etc.
  - Budget - A projected budget for each selected conservation measure or combination of activities must be incorporated into a year-by-year budget.
  - Monitoring Program Effectiveness - Mechanisms for measuring program success must be described, including timing and incorporation of results into on-going programs.
  - Target Water Savings Projections - The utilities must identify a percentage savings goal, based on the measures chosen for implementation, which the entire water conservation program will attempt to save. This percentage savings goal will be factored into the demand forecast.

### 7.3 Conservation Planning Tools

Conservation planning requirements vary according to the size of the utility. In Jefferson County (County), the systems vary in size from around 3,000 connections for the City of Port Townsend (City) to less than 100 connections for many Group A systems. To assist the utilities in determining their specific requirements, DOH has produced a series of checklists. The two checklists applicable to the County are for:

- Systems With 1,000 to 10,000 Service Connections.
- Systems With Fewer Than 1,000 Service Connections Located in Critical Water Supply Service Areas.

Both of these checklists are provided in Exhibit 7-1 (located at the end of this section). In addition, DOH and Ecology have produced the following documents for assistance in evaluating conservation measures and meeting conservation requirements:

- Water Conservation Handbook for Public Water Systems.

- Planning Handbook - A Guide for Preparing Water System Plans.
- Water Conservation Bibliography for Public Water Systems.

These documents are available from the regional offices of Ecology and DOH.

## 7.4 Summary - Recommendations for Implementation

Table 7-2 shows the recommended activities for implementation of this Section of the Coordinated Water System Plan (CWSP).

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame</b>
Conservation Programs of major utilities should be monitored by the WUCC as part of a WUCC process to facilitate Countywide conservation implementation.	WUCC	Ongoing

## Exhibit 7-1

### **CONSERVATION PLANNING REQUIREMENTS FOR PUBLIC WATER SYSTEMS WITH 1,000 - 10,000 SERVICE CONNECTIONS**

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The checklists below are for use by public water systems in their efforts to develop a water conservation plan in accordance with the Guidelines and Requirements for Public Water Systems regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs (Conservation Planning Requirements). These checklists will also be used by Ecology and Health staff in reviewing conservation plans required for public water systems. Conservation plans consist of three elements: data collection and reporting; demand forecasting for future water needs, and; conservation program development and implementation. **THESE CHECKLISTS IDENTIFY THE REQUIREMENTS FOR EACH OF THESE THREE COMPONENTS OF A CONSERVATION PLAN FOR PUBLIC WATER SYSTEMS WITH 1,000 - 10,000 SERVICE CONNECTIONS.** Please refer to the Conservation Planning Requirements for additional details.

CONSERVATION PLANS ARE REQUIRED COMPONENTS OF WATER SYSTEM PLANS REQUIRED BY THE DEPARTMENT OF HEALTH (HEALTH), AND ARE REQUIRED BY THE DEPARTMENT OF ECOLOGY (ECOLOGY) PRIOR TO THE ISSUANCE OF WATER RIGHTS TO PUBLIC WATER SYSTEMS. Implementation of conservation plans may be conditions of approval of water system plans and for water right permits. Where water system plans are required, Health will be the lead agency in reviewing conservation plans. Health will coordinate review of conservation plans with Ecology. If you have any questions about the Conservation Planning Requirements contact the Health Regional Office Planner for your area.

For additional resources to assist in the development of your conservation plan please refer to the Water Conservation Handbook for Public Water Systems developed by Ecology and Health. Additionally, the Planning Handbook - A Guide for Preparing Water System Plans is available from Health to assist in the development of your overall water system plan. Finally, the Water Conservation Bibliography for Public Water Systems published by Health provides references to additional water conservation information and literature which can be obtained from the library and other sources. All of these documents are available from Ecology or Health.

**NOTE:** The information in this handout provides an overview of the specific requirements in the Conservation Planning Requirements. You should not rely on this handout exclusively to prepare your conservation plan. Please refer to the Conservation Planning Requirements to determine the specific guidelines and requirements for your conservation plan.

## Exhibit 7-1 (cont)

### WATER USE DATA COLLECTION REQUIREMENTS CHECKLIST

This checklist summarizes the water use data reporting requirements in the Conservation Plan Requirements. Unless otherwise noted data should be reported in cubic feet. The Conservation Planning Requirements establish 1991 as the initial year for water use data collection and reporting. If available, data should be shown for the past 5 years. Systems are encouraged to collect more than the minimum required data.

To meet the minimum requirements of the Conservation Planning Requirements, plans must contain currently available data on water usage for the categories of use listed below. If the data has not been collected for any of the categories below, you will be required to make a commitment in your conservation plan to begin collecting the data as required. This commitment must include a schedule for when the data will begin to be collected, and what improvements if any will be made to ensure the data is collectable. Systems which make this commitment to collect data, but do not follow through and collect the information may be unable to receive subsequent water system plan approval or approval for additional water rights, until data consistent with the checklist below is collected.

All data elements must be reported or a commitment must be made (for each data element not collected) to collect and report the data prior to the next water system plan update. Where available, daily, monthly and annual totals must be reported, not averages. Please read the footnotes to obtain additional important information.

- A. Are you a new public water system which has not yet collected any water use data?  Yes  No

If yes, skip to number 14

#### Water Use Data

#### Data Collected?

- |  |  |
|--|--|
| 1. Source of Supply Meter (monthly totals from each source) <sub>1</sub>     | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 2. Total Annual Use - Each Source (annual totals)                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 3. Emergency Interties - Amount Imported (monthly totals from each intertie) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Imported  |
| 4. Wholesale - Amount Purchased (annual totals from each wholesaler)         | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Purchased |
| 5. Peak Day / Peak Month Usage (peak monthly totals) <sub>2</sub>            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 6. Unaccounted for Water (annual total)                                      | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 7. Accounted for Non-Revenue Water (annual totals) <sub>3</sub>              | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None           |

## Exhibit 7-1 (cont)

8. Service Meter Usage (monthly totals),
- |                                    |                             |
|------------------------------------|-----------------------------|
| Single-Family                      | __ Yes __ No                |
| Multi-Family                       | __ Yes __ No __ None Served |
| Commercial/Governmental/Industrial | __ Yes __ No __ None Served |
| Agricultural                       | __ Yes __ No __ None Served |
9. Emergency Interties - Amount Exported  
(monthly totals provided to each intertie) \_\_ Yes \_\_ No \_\_ None Exported
10. Wholesale - Amount Sold  
(monthly totals provided to each wholesale customer) \_\_ Yes \_\_ No \_\_ None Sold
11. Population Served (annual totals), \_\_ Yes \_\_ No
12. Conservation Data  
(report the type of measure, level of implementation,  
duration and date begun - to be included in  
conservation plan, not reported with other data), \_\_ Yes \_\_ No
13. Existing Rate Schedules \_\_ Yes \_\_ No

### Data Collection Commitment?

14. Unreported Data Elements \_\_ Yes \_\_ No \_\_ All Reported  
(for all data elements where data was not  
collected, the system is required to make a  
commitment to initiate and continue to collect data),

1. Daily meter reading dependent upon staff resources and availability of meters. If a system is located in a Critical Water Supply Service Area (CWSSA - Chapter 70.116 RCW) and meters are in place the information will be required. If not in a CWSSA, or if meters are not in place the data is required to be collected monthly. Those systems which do not have source meters will be required to estimate usage.
2. Peak day data is required only when source meter usage is required to be collected daily. Peak month usage is required in all cases.
3. Accounted for non-revenue water includes uses which can be accounted for, but where revenue is not collected. Examples include fire protection, system flushing and other designated uses.
4. Those systems which do not have service meters will be required to estimate how much each of these users has consumed. Include the number of connections in each category of user. Data may be collected through normal billing procedures. Monthly data may be estimated if customers are billed less frequently.
5. Report the number of connections and customers in the residential class, and number of connections for the other customer classes. Population served must be reported, a commitment to include the information in the next water system plan is inadequate. Data on population per household is available from the State Office of Financial Management.
6. If no previous conservation efforts have been undertaken, development of a conservation plan consistent with the Conservation Planning Requirements will be acceptable.
7. Systems must either have collected all data or made a written commitment to initiate and continue data collection or the conservation plan can not be approved.

## Exhibit 7-1 (cont)

### DEMAND FORECASTING REQUIREMENTS CHECKLIST

This checklist summarizes the demand forecasting factors which must be considered when forecasting future water needs. Demand forecasts must include demands from wholesale customers. To meet the minimum requirements of the Conservation Planning Requirements demand forecasts must incorporate the four factors listed below. Other factors determined to be appropriate by the system may be included as is appropriate. Demand forecasts must show demand for 6 and 20 year projections for both average daily demand and peak day demand, which depict future usage with and without conservation savings obtained from the conservation program (i.e. that factor in target water saving projections identified in the conservation program).

#### Factors Required to be Included

#### Included?

- |  |  |
|--|--|
| 1. Projected Population (based on information from local government and/or Office of Financial Management)                           | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 2. Land Use/Zoning/Capacity (adopted land use and zoning regulations)  | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 3. Conservation Savings (water projected to be saved through the water conservation program must be factored into demand projection) | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| 4. Per Capita Water Use and Other Non-Residential Water Use (based on documented water usage - when available)                       | <input type="checkbox"/> Yes <input type="checkbox"/> No |

## Exhibit 7-1 (cont)

### WATER CONSERVATION PROGRAM REQUIREMENTS CHECKLIST

Conservation programs must include conservation objectives, evaluation of conservation measures, identification of selected conservation activities, and target water saving projections as discussed below. Please refer to the Conservation Planning Requirements for additional details.

**Conservation Objectives.** Goals and objectives of the conservation program shall be identified. These objectives should be designed to meet the needs of the specific water system (e.g., attain maximum utilization of current supplies, reduce peak daily consumption, reduce peak monthly consumption, reduce total annual consumption, promote long term efficiency with accelerated conservation on a short term basis, reduce usage from a specific customer class, develop public education and awareness, etc.). **EACH WATER SYSTEM WILL NEED TO DEVELOP CONSERVATION OBJECTIVES WHICH LOGICALLY MEET ITS NEEDS.**

**Evaluation of Conservation Measures.** Public water systems must evaluate all recommended conservation measures identified in the Conservation Planning Requirements and implement those that are required and those that meet the public water systems' needs. The specific measures to be evaluated depend upon the size of the system. However, systems are encouraged to evaluate measures above the minimum requirements. The system must explain decisions not to implement measures it is required to evaluate.

#### **Identification of Selected Conservation Activities**

- Description.** Description of conservation measures being implemented (including required measures).
- Schedule.** Schedule of when the conservation measures will be implemented (emphasis on 6 year implementation schedule).
- Budget.** Projected budget for each selected conservation measure. Schedule and budget information should be shown together.
- Monitoring Requirements.** Description of how the system will monitor the success of its conservation measures (e.g., documented reduction in water usage, distribution of conservation materials, implementation of specific measures).

**Target Water Savings Projections.** Each system will identify a percentage savings goal, based on the measures chosen for implementation, which the entire water conservation program will attempt to save. Because different systems may have already implemented different levels of conservation, and the conservation needs of each system are different, no percentage savings goal has been established in the Conservation Planning Requirements. This percentage savings goal must be factored into the demand forecast.

To meet the minimum requirements of the Conservation Planning Requirements all required measures must be planned to be implemented within six years, and all recommended measures must be evaluated and implemented if cost effective.

## Exhibit 7-1 (cont)

The following checklist summarizes the water conservation measures which are required to be implemented, and measures which are required to be evaluated and implemented where cost effective. In the absence of clear evidence to the contrary, estimates on the costs and benefits of conservation measures (i.e. selection of non-mandatory measures for implementation) will not be challenged. Please refer to the footnotes for additional important information.

<u>Required Conservation Measures</u>	<u>Measure Implemented?</u>
1. Program Promotion	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Install Source Meters	<input type="checkbox"/> Yes <input type="checkbox"/> No

All recommended measures listed below must be evaluated for implementation in the conservation plan to meet the minimum requirements in the Conservation Planning Requirements.

<u>Recommended Conservation Measures</u>	<u>Measure Evaluated?</u>
3. Purveyor Assistance	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Customer Assistance	<input type="checkbox"/> Yes <input type="checkbox"/> No
5. Utilize Bill Showing Consumption History	<input type="checkbox"/> Yes <input type="checkbox"/> No
6. Install Service Meters	<input type="checkbox"/> Yes <input type="checkbox"/> No
7. Unaccounted Water/Leak Detection Program	<input type="checkbox"/> Yes <input type="checkbox"/> No
8. Single-Family/Multi-Family Kit Distribution Program	<input type="checkbox"/> Yes <input type="checkbox"/> No
9. Development of Nurseries /Agricultural Conservation Program	<input type="checkbox"/> Yes <input type="checkbox"/> No
10. Development of Landscape Management/Xeriscaping Program	<input type="checkbox"/> Yes <input type="checkbox"/> No
11. Conservation Pricing	<input type="checkbox"/> Yes <input type="checkbox"/> No

1. Program promotion is required to be implemented for all public water systems. Source metering is required to be implemented by all systems prior to receiving additional water rights. If additional water rights are not being sought, this measure must be evaluated and implemented if cost effective. If unaccounted for water is greater than 20 percent a leak detection program must be initiated.

## Exhibit 7-1 (cont)

### OTHER REQUIREMENTS CONTAINED IN THE CONSERVATION PLANNING REQUIREMENTS

In addition to developing a conservation plan as delineated above, the Conservation Planning Requirements also require that all public water systems preparing a water system plan identify existing rate schedules (include schedules for various customers classes if they are different), and inventory major potential sources and uses for reclaimed water.

#### Other Requirements

#### Information Included?

1. Inventory of Sources and Uses for Reclaimed Water:

Yes  No

1. A list of potential sources and uses of reclaimed water is contained in the Conservation Planning Requirements. Only those systems with more than 25,000 service connections will be required to evaluate water reuse as a conservation measure.

## Exhibit 7-1 (cont)

### ***CONSERVATION PLANNING REQUIREMENTS FOR PUBLIC WATER SYSTEMS WITH FEWER THAN 1,000 SERVICE CONNECTIONS LOCATED IN CRITICAL WATER SUPPLY SERVICE AREAS***

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The checklists below are for use by public water systems in their efforts to develop a water conservation plan in accordance with the Guidelines and Requirements for Public Water Systems regarding Water Use Reporting, Demand Forecasting Methodology, and Conservation Programs (Conservation Planning Requirements). These checklists will also be used by Ecology and Health staff in reviewing conservation plans required from public water systems. Conservation plans consist of three elements: data collection and reporting; demand forecasting for future water needs, and; conservation program development and implementation. THESE CHECKLISTS IDENTIFY THE REQUIREMENTS FOR EACH OF THESE THREE COMPONENTS OF A CONSERVATION PLAN FOR PUBLIC WATER SYSTEMS WITH FEWER THAN 1,000 SERVICES LOCATED IN AREAS COVERED BY A COORDINATED WATER SYSTEM PLAN DEVELOPED PURSUANT TO CHAPTER 70.116 RCW. Please refer to the Conservation Planning Requirements for additional details.

CONSERVATION PLANS ARE REQUIRED COMPONENTS OF WATER SYSTEM PLANS REQUIRED BY THE DEPARTMENT OF HEALTH (HEALTH), AND ARE REQUIRED BY THE DEPARTMENT OF ECOLOGY (ECOLOGY) PRIOR TO THE ISSUANCE OF WATER RIGHTS TO PUBLIC WATER SYSTEMS. Implementation of conservation plans may be conditions of approval of water system plans and for water right permits. Where water system plans are required, Health will be the lead agency in reviewing conservation plans. Health will coordinate review of conservation plans with Ecology. If you have any questions about the Conservation Planning Requirements contact the Health Regional Office Planner for your area, or if your system is not required to complete a water system plan, the Ecology Regional Office for your area.

For additional resources to assist in the development of your conservation plan please refer to the Water Conservation Handbook for Public Water Systems developed by Ecology and Health. Additionally, the Planning Handbook - A Guide for Preparing Water System Plans is available from Health to assist in the development of your overall water system plan. Finally, the Water Conservation Bibliography for Public Water Systems published by Health provides references to additional water conservation information and literature which can be obtained from the library and other sources. All of these documents are available from Ecology or Health.

NOTE: The information in this handout provides an overview of the specific requirements in the Conservation Planning Requirements. You should not rely on this handout exclusively to prepare your conservation plan. Please refer to the Conservation Planning Requirements to determine the specific guidelines and requirements for your conservation plan.

## Exhibit 7-1 (cont)

### WATER USE DATA COLLECTION REQUIREMENTS CHECKLIST

This checklist summarizes the water use data reporting requirements in the Conservation Planning Requirements. Unless otherwise noted, data should be reported in cubic feet. The Conservation Planning Requirements establish 1991 as the initial year for water use data collection and reporting. If available, data should be shown for the past 5 years. Systems are encouraged to collect more than the minimum required data.

To meet the minimum requirements of the Conservation Planning Requirements, plans must contain currently available data on water usage for the categories of use listed below. If the data has not been collected for any of the categories below, you will be required to make a commitment in your conservation plan to begin collecting the data as required. This commitment must include a schedule for when the data will begin to be collected, and what improvements if any will be made to ensure the data is collectable. Systems which make this commitment to collect data, but do not follow through and collect the information may be unable to receive subsequent water system plan approval or approval for additional water rights, until data consistent with the checklist below is collected.

All data elements must be reported or a commitment must be made (for each data element not collected) to collect and report the data prior to the next water system plan update. Where available, daily, monthly and annual totals must be reported, not averages. Please read the footnotes to obtain additional important information.

A. Are you a new public water system which has not yet collected any water use data?  Yes  No

If yes skip to number 14

#### Water Use Data

#### Data Collected?

- |  |  |
|--|--|
| 1. Source of Supply Meter (monthly totals from each source) <sub>1</sub>     | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 2. Total Annual Use - Each source (annual totals)                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 3. Emergency Interties - Amount Imported (monthly totals from each intertie) | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Imported  |
| 4. Wholesale - Amount Purchased (annual totals from each wholesaler)         | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Purchased |
| 5. Peak Month Usage (peak monthly totals)                                    | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 6. Unaccounted for Water (annual totals)                                     | <input type="checkbox"/> Yes <input type="checkbox"/> No   |
| 7. Accounted for Non-Revenue Water (annual totals) <sub>2</sub>              | <input type="checkbox"/> Yes <input type="checkbox"/> No <input type="checkbox"/> None Sold      |

## Exhibit 7-1 (cont)

8. Service Meter Usage (monthly totals)<sub>3</sub>
- |                                    |    |     |    |    |    |            |
|------------------------------------|----|-----|----|----|----|------------|
| Single-Family                      | __ | Yes | __ | No | __ | Not Served |
| Multi-Family                       | __ | Yes | __ | No | __ | Not Served |
| Commercial/Governmental/Industrial | __ | Yes | __ | No | __ | Not Served |
| Agricultural                       | __ | Yes | __ | No | __ | Not Served |
9. Emergency Interties - Amount Exported (monthly totals provided to each intertie) \_\_ Yes \_\_ No \_\_ None Exported
10. Wholesale - Amount Sold (monthly totals provided to each wholesale customer) \_\_ Yes \_\_ No \_\_ None Sold
11. Population Served (required to be reported - annual totals)<sub>4</sub> \_\_ Yes \_\_ No
12. Conservation Data (report the type of measure, level of implementation, duration and date begun - to be included in conservation plan, not reported with other data)<sub>5</sub> \_\_ Yes \_\_ No
13. Existing Rate Schedules \_\_ Yes \_\_ No

### Data Collection Commitment?

14. Unreported Data Elements (for all data elements where data was not collected, the system is required to make a commitment to initiate and continue to collect data)<sub>6</sub> \_\_ Yes \_\_ No \_\_ All Reported

1. Those systems which do not have source meters will be required to estimate source production.
2. Accounted for non-revenue water includes uses which can be accounted for, but where revenue is not collected. Examples include fire protection, system flushing and other designated uses.
3. Those systems required to collect data which do not have service meters will be required to estimate how much each of these users has consumed. Include the number of connections in each category of user. Data may be collected through normal billing procedures. Monthly data may be estimated if customers are billed less frequently.
4. Report the number of connections and customers in the residential class, and number of connections for the other customer classes. Population served must be reported, a commitment to include the information in the next water system plan update is inadequate. Data on population per household is available from the State Office of Financial Management.
5. If no previous conservation efforts have been undertaken, development of a conservation plan consistent with the Conservation Planning Requirements will be acceptable.
6. Systems must either have collected all data or made a written commitment to initiate and continue data collection or the conservation plan can not be approved.

## Exhibit 7-1 (cont)

### DEMAND FORECASTING REQUIREMENTS CHECKLIST

This checklist summarizes the demand forecasting factors which must be considered when forecasting future water needs. Demand forecasts must include demands from wholesale customers. To meet the minimum requirements of the Conservation Planning Requirements demand forecasts must incorporate the four factors listed below. Other factors determined to be appropriate by the system may be included as is appropriate. Demand forecasts must show demand for 6 and 20 year projections for both average daily demand and peak day demand, which depict future usage with and without conservation savings obtained from the conservation program (i.e. that factor in target water saving projections identified in the conservation program).

<u>Factors Required to be Included</u>	<u>Included?</u>
1. Projected Population (based on information from local government and/or Office of Financial Management)	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Land Use/Zoning/Capacity (adopted land use and zoning regulations)	<input type="checkbox"/> Yes <input type="checkbox"/> No
3. Conservation Savings (water projected to be saved through the water conservation program must be factored into demand projection)	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Per Capita water use and Other Non-Residential Water Use (based on documented water usage - when available)	<input type="checkbox"/> Yes <input type="checkbox"/> No

## Exhibit 7-1 (cont)

### WATER CONSERVATION PROGRAM REQUIREMENTS CHECKLIST

Conservation programs must include conservation objectives, evaluation of conservation measures, identification of selected conservation activities, and target water saving projections as discussed below. Please refer to the Conservation Planning Requirements for additional details.

**Conservation Objectives.** Goals and objectives of the conservation program shall be identified. These objectives should be designed to meet the needs of the specific water system (e.g., attain maximum utilization of current supplies, reduce peak daily consumption, reduce peak monthly consumption, reduce total annual consumption, promote long term efficiency with accelerated conservation on a short term basis, reduce usage from a specific customer class, develop public education and awareness, etc.). **EACH WATER SYSTEM WILL NEED TO DEVELOP CONSERVATION OBJECTIVES WHICH LOGICALLY MEET ITS NEEDS.**

**Evaluation of Conservation Measures.** Public water systems must evaluate all recommended conservation measures identified in the Conservation Planning Requirements and implement those that are required and those that meet the public water systems' needs. The specific measures to be evaluated depend upon the size of the system. However, systems are encouraged to evaluate measures above the minimum requirements. The system must explain decisions not to implement measures it is required to evaluate.

#### **Identification of Selected Conservation Activities**

- Description.** Description of conservation measures being implemented (including required measures).
- Schedule.** Schedule of when the conservation measures will be implemented (emphasis on 6 year implementation schedule).
- Budget.** Projected budget for each selected conservation measure. Schedule and budget information should be shown together.
- Monitoring Requirements.** Description of how the system will monitor the success of its conservation measures (e.g., documented reduction in water usage, distribution of conservation materials, implementation of specific measures).

**Target Water Savings Projections.** Each system will identify a percentage savings goal, based on the measures chosen for implementation, which the entire water conservation program will attempt to save. Because different systems may have already implemented different levels of conservation, and the conservation needs of each system are different, no percentage savings goal has been established in the Conservation Planning Requirements. This percentage savings goal must be factored into the demand forecast.

To meet the minimum requirements of the Conservation Planning Requirements all required measures must be planned to be implemented within six years, and all recommended measures must be evaluated and implemented if cost effective.

## Exhibit 7-1 (cont)

The following checklist summarizes the water conservation measures which are required to be implemented, and measures which are required to be evaluated and implemented where cost effective. In the absence of clear evidence to the contrary, estimates on the costs and benefits of conservation measures (i.e. selection of non-mandatory measures for implementation) will not be challenged. Please refer to the footnotes for additional important information.

<u>Required Conservation Measures</u>	<u>Measure Implemented?</u>
1. Program Promotion	<input type="checkbox"/> Yes <input type="checkbox"/> No
2. Install Source Meters	<input type="checkbox"/> Yes <input type="checkbox"/> No

All recommended measures listed below must be evaluated for implementation in the conservation plan to meet the minimum requirements in the Conservation Planning Requirements.

<u>Recommended Conservation Measures</u>	<u>Measure Evaluated?</u>
3. Install Service Meters	<input type="checkbox"/> Yes <input type="checkbox"/> No
4. Conservation Pricing	<input type="checkbox"/> Yes <input type="checkbox"/> No

1. Program promotion is required to be implemented for all public water systems. Source metering is required to be implemented by all systems prior to receiving additional water rights. If additional water rights are not being sought, this measure must be evaluated and implemented if cost effective. If unaccounted for water is greater than 20 percent a leak detection and repair program must be initiated.

### OTHER REQUIREMENTS CONTAINED IN THE CONSERVATION PLANNING REQUIREMENTS

In addition to developing a conservation plan as delineated above, the Conservation Planning Requirements also require that all public water systems preparing a water system plan identify existing rate schedules (include schedules for various customers classes if they are different), and inventory major potential sources and uses for reclaimed water.

<u>Other Requirements</u>	<u>Information Included?</u>
1. Inventory of Sources and Uses for Reclaimed Water	<input type="checkbox"/> Yes <input type="checkbox"/> No

1. A list of potential sources and uses of reclaimed water is contained in the Conservation Planning Requirements. Only those systems with more than 25,000 service connections will be required to evaluate water reuse as a conservation measure.

**Section 8**

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## Section 8

# Wellhead Protection Planning Requirements

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### 8.1 Introduction

Wellhead protection is defined as drinking water source protection for those water systems relying on groundwater as a supply. It is analogous to watershed protection for surface water supplies. Undertaking actions which provide wellhead protection makes sense. Purveyors, however, have generally not been taking such actions because the threats to groundwater have only recently become generally known. The threat of contamination and resulting loss of supply have become a significant threat in many areas of the country. As a result, wellhead protection planning has become a requirement under the 1986 Federal Safe Drinking Water Act (SDWA) and a requirement for all of Washington's Group A (15 connections or more) public water systems relying on groundwater as a source of supply.

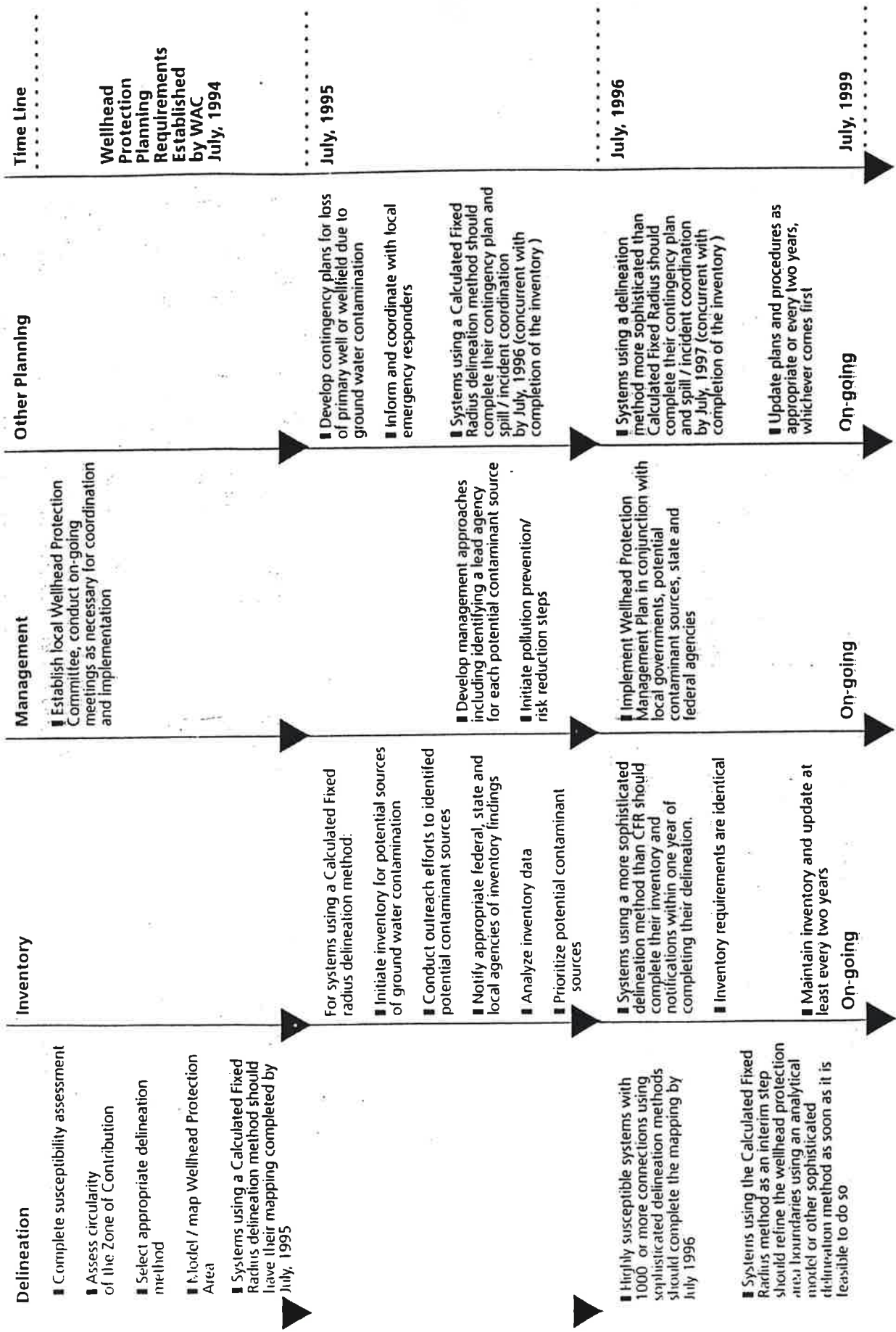
Federal regulations have fostered recent (1994) State regulations and a State Wellhead Protection Program (WHPP), as defined in Chapter 296-290 of Washington's Administrative Code (WAC). The State Department of Health (DOH) is the State agency responsible for development and implementation of the program, and has published a guidance document entitled Washington State Wellhead Protection Program (1993 and 1995). These documents describe the following specific elements:

- A delineated wellhead protection area (WHPA) for each well, wellfield, or spring;
- An inventory within the WHPA of all potential sources of groundwater contamination;
- A management plan to reduce the likelihood that potential contaminant sources will pollute the drinking water supply;
- Contingency plans for providing alternate sources of drinking water in the event that contamination does occur; and
- Inclusion of public participation while the program is being developed.

According to regulations, Wellhead Protection Plans are to be part of Water System Plan (WSP) development, updates of which are to be prepared every six years. Because of this schedule, DOH has promulgated an implementation schedule that sets a deadline of July 1999 for preparation of the integrated document. (See Exhibit 8-1) Early implementation, however, makes sense as does wellhead protection itself.

# Exhibit 8-1

## Wellhead Protection Program Implementation Schedule



The most current DOH guidance document (Washington State Wellhead Protection Program Guidance Document, April 1995) and regulations should be referenced for detailed requirements. To provide a summary of the program, materials (Exhibits 8-1 and 8-2) from the DOH guidance document have been extracted and modified.

## 8.2 Wellhead Plan Elements

### 8.2.1 Wellhead Protection Area Zones

#### *Wellhead Protection Area Delineation Methods*

Chapter 246-290 WAC, the drinking water regulations for Group A systems, was modified in May 1994 by the State Board of Health to explicitly require wellhead protection measures. July 1994 established the beginning date for compliance (Exhibit 8-1). By July 1995, all groundwater based Group A systems were required to complete a DOH susceptibility assessment form.

The DOH susceptibility assessment includes an assessment of the circularity of the zone of contribution. The findings from the assessment, plus system size, determine the minimum acceptable WHPA delineation method. For most systems, a Calculated Fixed Radius (CFR) method may be employed. Other methods include development of an analytical model or a numerical model, each with increasing sophistication.

The CFR method is the minimum acceptable method of delineation for public water systems with less than 1,000 connections. The utility may want to upgrade this method if:

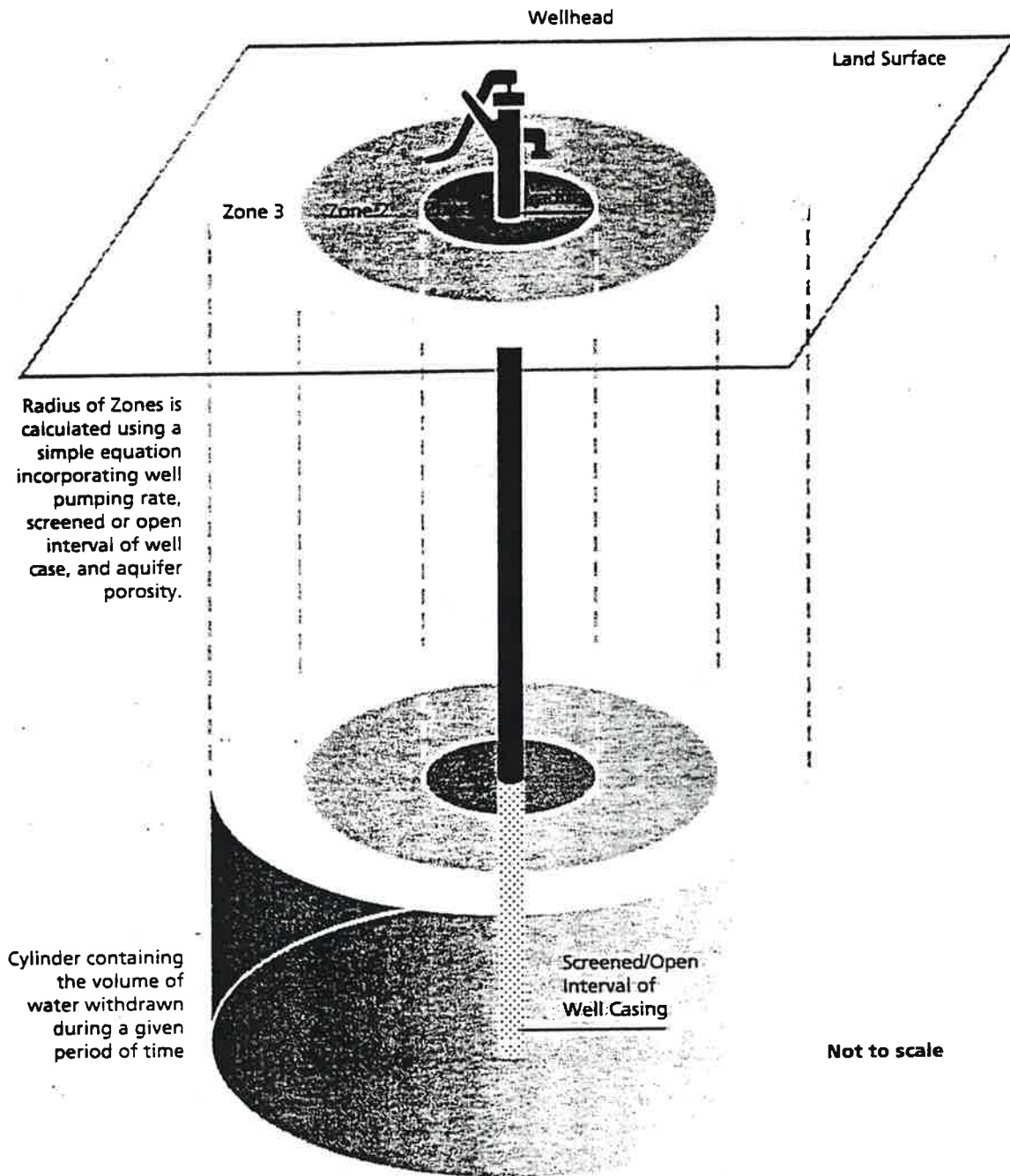
- The susceptibility assessment form indicates that the system is highly susceptible,
- The hydrogeologic setting is strongly non-circular (see below), or
- The results of a potential contaminant source inventory show the presence of high risks to the source.

Key indicators of a non-circular hydrogeologic setting include:

- Evidence of a hydrogeologic boundary within the wellhead zone(s).
- Where the geology consists of fractured rock and/or basalt, or where it is coarse sand and gravel.
- Where the aquifer has a high horizontal flow rate (flood plain, areas with artesian wells) with high pressures, or with shallow flowing wells and springs.
- Where there are other high capacity wells within the zone(s).

## Exhibit 8-2

### Illustration of a Calculated Fixed Radius Model



$$r = \sqrt{\frac{Qt}{\pi n H}}$$

**Where:**

Q = Pumping Rate of Well

n = Aquifer Porosity = 0.22

H = Open Interval or Length of Well Screen

t = Travel Time to Well (1, 5, 10 years)

Use of the CFR method involves a simple volumetric flow equation and requires information on well pumping rate, open or screened interval of well, and an assumption of the porosity of the aquifer. DOH suggests that a generalized value of 0.22 be used as aquifer porosity where site specific conditions are unknown. Also, where the screened interval is unknown, DOH recommends the use of 10 feet. The formula and an illustration of the CFR method is shown in Exhibit 8-2.

Systems using the CFR method were expected to complete the initial delineation, including boundary mapping, by July 1995. Systems using more sophisticated, site-specific modeling approaches were expected to complete the initial delineation by July 1996.

### ***Wellhead Protection Area Zones***

The primary zones of a WHPA are defined using a time of travel of groundwater criteria. The three principal zones are delineated using one-, five-, and ten-year time-of-travel factors. The two other zones are the currently existing sanitary control area and an additional buffer zone (if warranted). Varying management strategies for pollution prevention and risk reduction should be applied to address different types of contaminant threats. The wellhead protection area consists of:

- Sanitary Control Area:** As defined in WAC 246-290-135.
- One-Year Time-of-Travel Zone:** This zone is managed to protect the drinking water supply from viral, microbial, and direct chemical contamination.
- Five-Year Time-of-Travel Zone:** This zone should be actively managed to control potential chemical contaminants. All potential contaminant sources must be addressed, with an emphasis on pollution prevention and risk reduction management.
- Ten-Year Time-of-Travel Zone:** This zone determines the outer boundary of the WHPA. Within this zone, potential contaminant sources should be targeted to receive increased regulatory attention and technical assistance, with an emphasis on pollution prevention and risk reduction management.
- Buffer Zone:** This is an area up-gradient from the Ten-Year Zone, potentially extending to include the entire zone of contribution. The buffer zone may also identify additional non-contiguous critical aquifer recharge areas requiring protection from contamination.

### **8.2.2 Potential Contaminant Source Inventory**

An inventory should be conducted following delineation of the WHPA boundaries. The purpose of the inventory is to locate all potential sources of groundwater contamination within the WHPA. An inventory of potential contaminant sources is essential. Without identifying potential threats, pollution prevention and risk reduction steps cannot be taken.

Within one-year after the definition of the WHPA boundaries, an initial inventory should be completed for the WHPA (See Exhibit 8-1). Land use practices change over time; therefore, inventory data should be updated no less often than every two years.

### **8.2.3 Contingency Planning**

WAC 246-290-135 (4)(c)(vi) establishes the requirement that, as part of a WHPP, public water systems are to develop a contingency plan to ensure consumers have an adequate supply of potable water in the event that contamination results in the temporary or permanent loss of the principle source of supply (major well(s) or wellfield).

Contingency plans should be established within one year after completing the WHPA delineation(s) (See Exhibit 8-1).

### **8.2.4 Spill/Incident Response Planning**

In conjunction with the contingency plan, the water system must work with local emergency responders (such as local fire and police departments), the Department of Ecology's (Ecology) Spill Operations Section, the Washington State Military Department's Emergency Management Division, and any local emergency planning committee to evaluate whether changes in hazardous materials discharge incident/spill response measures are needed to better protect groundwater quality within designated WHPAs.

Coordination with local emergency responders must be initiated within one year after completing the WHPA delineation.

### **8.2.5 Public Involvement**

Many public water systems in Washington State are owned or operated by non-governmental entities. In addition, a large number of WHPAs will include areas outside the jurisdiction of the public water system owner. To help resolve multi-jurisdictional issues, DOH promotes and encourages the establishment of a local wellhead protection committee. In many settings, a local government agency is most appropriate as the designated lead agency of the committee. Existing groups in the community such as a Ground Water

Advisory Committee or a WUCC may serve as the nucleus of a local wellhead protection committee. Coordinating efforts may provide significant cost-savings when delineating and inventorying.

### **8.3 New Wells to be Utilized for Public Water Supply**

A preliminary delineation and initial inventory are required prior to new source approval (WAC 246-290-130). This is to ensure that existing potential contaminant sources can be identified and evaluated before a well is approved for a public water system. All other elements of the WHPP and Ecology's Well Construction standards will also apply. Preliminary delineation for new sources may be done using a CFR method.

### **8.4 Relationship to County Critical Areas Ordinance**

Chapter 7 of the Jefferson County Interim Critical Areas Ordinance establishes protection measures for critical aquifer recharge areas. The protection measures include the prohibition of high impact land uses, and special provisions for the use of on-site sewage systems. Also included are standards of above ground and underground storage tanks, stormwater disposal, mining and quarrying, hazardous materials handling and storage, commercial agriculture, and turf cultivation (including golf courses).

The critical aquifer recharge areas provisions are intended, in part, to facilitate implementation of utility WHPPs. Development regulations established in the ordinance are applicable to designated wellhead protection areas and creates the basis for managing new development near public water supply wells. Consequently, it is essential that water purveyors provide their WHPA maps to the County as soon as they are developed so that they can be included in the critical area maps.

### **8.5 Regional Water Quality Monitoring - Regional Laboratory Needs**

It would be highly desirable to have a certified laboratory in the County to analyze drinking water samples on a timely basis.

All water systems are required to sample and test for coliform bacteria periodically and any time new construction or major repairs take place. Currently these samples are sent by mail or courier to laboratories outside the County. With a laboratory in the County, results of these tests would be available sooner and more reliably. The laboratory could also be appropriately equipped to analyze for parameters of particular interest to Jefferson County (e.g. chlorides, iron, manganese).

Having a local laboratory might also make water quality data much more accessible because common digital data formats and systems could be used.

## **8.6 Summary**

All Group A public water systems are required to prepare either a WSP pursuant to WAC 246-290-100 or a Small Water System Management Program document under WAC 246-290-410. Wellhead protection plans are a required component of both documents.

Appropriate elements of a local WHPP must be documented and included in either the WSP or the Small Water System Management Program document. The WSP is reviewed on a six-year cycle by DOH. Systems whose plans are reviewed within five years of July of 1994 must include the appropriate pieces of the WHPP as indicated by the time line shown in Exhibit 8-1. Systems submitting a Water System Plan after the five-year implementation schedule will be required to document a completed WHPP.

Small Water System Management Program documents are currently reviewed on an "as needed" basis. Appropriate components of the WHPP must be included for systems whose plans are reviewed within five (5) years of July of 1994. All systems submitting a Small Water System Management Program document after the five-year implementation schedule will be required to document a completed WHPP.

## **8.7 Summary - Recommendations for Implementation**

Table 8-1 shows the recommended activities for implementation of this Section of the CWSP.

**Table 8-1**  
**Coordinated Water System Plan Implementation Activities**

Activity	Responsibility	Time Frame (Year following Plan Adoption)
WUCC should monitor development of WHPP and develop a County-wide database of wellhead zones and policies.	WUCC	Ongoing
WUCC should work with larger purveyors to develop some common elements of WHPP programs (e.g., protection policies and spill response).	WUCC	Y2
County will update Critical Areas Ordinance with Wellhead Protection Zones and language as necessary.	County	Ongoing
Complete a feasibility study on a Regional Laboratory	WUCC	Y1

**Section 9**

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## Section 9

# Operating Permits and Financial Viability

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### 9.1 Operating Permits

RCW 70.119A.110, enacted in the 1991 Regular Session, establishes an operating permit requirement for Group A public water systems. As the permit program is implemented by the Department of Health (DOH), no person may operate a Group A system without a valid permit.

DOH issues permits to water systems beginning in the first calendar quarter with community systems over 500 services and Satellite System Management Agencies (SMA). Community systems under 500 services, non-community systems, and selected State and federal agencies are permitted during the second, third, and fourth quarters, respectively.

Each quarter, water systems are evaluated against the following criteria:

- Whether a health-related order has been issued;
- Whether the system has violated any previous order;
- Whether the system qualifies as a system with Significant Non- Compliance (ongoing monitoring and/or quality violations);
- Whether the approved number of services has been exceeded;
- Whether the system has an approved water system plan (WSP), if required;
- Whether financial viability requirements have been met; and
- Whether the system has a certified operator, if required.

Color coded permits are issued based on the level of attainment of criteria. The colors and interpretation are as follows:

- Green:** All criteria are met.
- Red:** The system fails to meet any of the first four criteria.
- Yellow:** The system meets the first four criteria and fails to meet any of the last three criteria.

Red and Yellow permits are issued with statements explaining which criteria the system has failed to meet. Systems may be reviewed during any quarter and permits upgraded or downgraded, as appropriate, depending on changing situations.

A quarterly report listing each system evaluated, its permit color, and any explanatory statement should be sent to every local health department. To date, no Jefferson County (County) reports have been available.

Fees generated from this program are dedicated to administration of the State's Drinking Water Program either directly or through agreements with local health departments.

## **9.2 Financial Viability**

As mentioned above, Financial Viability is one of the criteria DOH uses in evaluating systems for Operating Permit issuance. The financial viability of a water system is represented by the system's ability to fully finance the total cost of developing, constructing, operating, and maintaining a public water system in full compliance with federal, State, and local requirements.

Many utility owners and managers are not fully financing the total cost of operating their water systems. This concern primarily focuses on small water system development (< 1,000 connections).

To determine the financial viability of a water system, DOH has developed a three-part program:

- Large Water Systems > 1,000 Connections
- Small Water Systems < 1,000 Connections
- Private for profit water systems

DOH has developed a financial viability program that will assist utility owners and managers in determining the total costs of operating their water system. The overall purpose of the DOH Financial Viability Program is to highlight the importance of maintaining a financially sound water system, report their compliance to DOH, and to provide utility owners and managers with an easy to use framework to evaluate financial viability.

### **9.2.1 Large Water Systems**

To assist large water systems in determining their financial viability, DOH has developed financial program guidelines that are identified in the Department's Planning Handbook. These guidelines emphasize WSP development and/or development of capital improvement plans.

### **9.2.2 Small Water Systems**

Specifically, this program applies to utilities with less than 1,000 connections and those operating under the following situations:

- All new water systems;
- All expanding water systems;
- Problem water systems; and
- Investor-owned - those with Utilities and Transportation Commission (UTC) oversight.

Four major causes have lead DOH to become involved in small water system financial viability issues. These causes are:

- Lack of good utility system operations,
- Lack of adequate capital improvement planning,
- Inadequate infrastructure, and
- The impacts of the Safe Drinking Water Act (SDWA) on these utilities.

To assist small water systems in determining their financial viability. DOH has developed a four-part test that consists of:

1. Operating Budget,
2. Cash Reserve,
3. Capital Cash Reserve, and
4. Household Income Index.

This program is explained in the "Financial Viability Manual - for New and Expanding Small Water Systems" published by DOH in March 1995. This document contains examples of viability calculations and criteria such as those listed in Table 9-1.

Table 9-1 Viability Calculations and Criteria	
Element	Criteria
Operating Budget	Revenues - Expenses $\geq$ 0
Cash Reserve	Operating Cash Reserve $\geq$ 1/8 Annual O&M
Capital Cash Reserve	Capital Cash Reserve $\geq$ Capital Replacement Cost
Household Income index	Rates $\leq$ 0.015 X Median Household Income

### 9.2.3 Private For Profit Systems

To assist private for profit water systems in determining their financial viability, DOH and the Washington State UTC have developed financial program guidelines that are used by both agencies in making financial viability determinations.

### 9.2.4 Special Situations

Utilities in the following categories are required to demonstrate financial viability and document the result in a WSP:

- All New Water Systems;
- All Expanding Water Systems; and
- Problem Non-Expanding Water Systems

## 9.3 Summary and Recommendations for Implementation

The financial viability of a water system should be evaluated under the following circumstances:

- When a utility is developing a long-range WSP that includes recommendations for both existing and future system improvements. The financial viability of implementing all improvement recommendations while maintaining adequate operation is an integral element of the WSP.
- When a utility is in substantial non-compliance with drinking water requirements. This would require an evaluation of the system and a recommendation for improvements that includes a comprehensive financial viability program.

Public water system owners and managers have both a public health and management responsibility to ensure that the water system they operate meets all regulatory and prudent business requirements. Table 9-2 shows the recommendation activities to help assure better compliance, and financially viable water systems in the County:

Activity	Responsibility	Time Frame
Request receipt and review DOH permit status on a semi-annual basis.	WUCC	Ongoing
Assist small utilities in understanding operating permit requirements and improving operating status.	WUCC	Ongoing

**Section 10**

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# Section 10

## Source of Supply Strategies

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### 10.1 Introduction

One of the tasks in preparing a Coordinated Water System Plan (CWSP) is the development of population growth projections and associated public water supply demand in the study area. This information, combined with the assessment of the ability of existing utilities to meet current and future water supply needs, provides the priorities for implementing the coordination process. This assessment is necessary to place the current supply situation in perspective, to raise issues and elevate awareness where necessary, and to help assure future water supply requirements are met in an efficient manner.

### 10.2 Water Supply Planning Considerations

Throughout the process of updating the 1986 CWSP, several major policy and planning activities have been underway. For water supply planning, issues relating to the future growth of the area, water rights, and water resources planning and policy have been under continuing change, development, and discussion. The following are summaries of some of the major areas that needed special consideration as this document was being prepared.

#### 10.2.1 Growth Management Act Planning

Jefferson County (County) is preparing a new Comprehensive Plan under the provisions of the State Growth Management Act (GMA). This process has been underway for several years, and reflects uncertainty about the future of population, density, and characteristics of growth throughout the County. The City and County Comprehensive Plans should be prepared in conformance with County-Wide Planning Policies. To the extent that they are, they will be consistent. Potential inconsistencies which may exist will be worked out over time.

Among the debated issues have been those of population allocation and density of development. This has been particularly true for areas on the Quimper Peninsula and those within the Tri-Area (Chimacum, Hadlock, and Irondale communities). The City of Port Townsend (City) and the Jefferson County PUD No. 1 (PUD) are major purveyors in these areas; and, with the County, have the obligation to plan for water service. For the City, there are concerns that they might overextend their resources through commitments in the Tri-Area and may need to plan for infrastructure in the Glen Cove area

(adjacent to the City and a possible Urban Growth Area (UGA)). These concerns have led to some hesitation in determining future service areas without more certainty of future population density and land use. At the same time, the PUD which is already serving some of these same areas, would like to have more certainty with regard to their complementary boundaries with the City, their supply (a portion of which comes under contract with the City), and the need to fully evaluate the possibility of a service area swap (e.g., should Glen Cove become a UGA).

This water resources component of the CWSP has been developed during discussions on these unresolved issues. Consequently, the "vision" for the future of Jefferson County is somewhat clouded. Once this first level of GMA planning is complete, the vision is expected to be much clearer. At that time, this document can be revised, enhanced, and updated accordingly.

### **10.2.2 Water Resources Planning and Water Right Issuance**

Water Rights processing at the Department of Ecology (Ecology) has slowed to a near stop over the last several years. A combination of legal decisions, policy determinations, and agency management issues have highlighted the lack of clear vision with regard to water policy in Washington State. Issues such as the competition for basic resource allocation, questions about State priorities, groundwater continuity with surface water, and a general lack of understanding (and information) have all contributed to this ongoing uncertainty.

Ecology has attributed their lack of ability to meet demand on lack of resources and information. In response, in 1994, the Governor's office provided Ecology with a \$500,000 fund to provide resources for completing "Basin Assessments" to facilitate the processing of water rights. Basin Assessments were intended as a method to develop a "snapshot" of the status of information and data relating to water resources on a basin-by-basin basis. Once developed, water rights might be issued if the information was deemed adequate, otherwise further studies would be undertaken to provide the needed decision-making information. In this respect, these assessments can provide a long-term work plan for the area, basin, or sub-basin upon which future the grant of water rights will depend.

One year after the funds were provided, initial Basin Assessments were completed on many basins throughout the State. Water rights decisions followed. In many key growth areas (e.g., East King County and the Green/Duwammish Basin) many water right applications were denied. Currently, the process is one of appeals defined by the Hearings Board and the courts. This has created an uncertainty which continues today.

Within the County, the PUD has taken the lead in water resources assessment studies. In 1994, the PUD completed a groundwater characterization study (Eastern Jefferson County Groundwater Characterization Study). This effort generally described the groundwater resource and its availability for meeting water purveyors' future demands. This effort (described later in this section) was limited and did not cover all aspects of the Basin Assessment concept.

Recently, however, the PUD undertook a more regional water supply effort consistent with the objectives of the Ecology "Basin Assessments." This effort is proposed to take several years, concentrating effort on "sub-areas or drainages" within the County, and detailing the current level of information on the total hydrogeologic scheme (surface and groundwater - supply and demand - etc.). This effort, and future work resulting from this effort, will help provide much needed certainty about the quantity of water resources available and the cost of sustaining the supply.

Also, the City has finalized a groundwater study which involved construction of three groundwater monitoring wells, aquifer testing, and groundwater sampling. The results of that study will help in better delineating the City's wellhead protection areas (WHPAs) and should provide a basis for continued groundwater investigations on the Quimper Peninsula.

### **10.2.3 The "Chelan" Planning Process - Dungeness/Quilcene Pilot Planning Effort**

#### ***Background***

The 1974 "Boldt" decision held that the Indian Tribes who had signed treaties in 1855 (in what is now Washington) were entitled to the opportunity to harvest half of the harvestable salmon and steelhead returning to off-reservation fishing grounds. A subsequent decision held that the right to harvest fish implies a right to protection of the fisheries habitat. The method by which the Tribes were to execute this right to protect the habitat was not defined.

In the 1980s, the State and the Tribes entered cooperative arrangements to manage the fisheries, and to explore the implications of the Boldt decisions on water resources and habitat management. Discussions of these topics eventually lead to a 1990 retreat at Lake Chelan.

*The Chelan Agreement* - A variety of "caucuses" were represented at the Lake Chelan retreat. Representatives of State, local, and tribal governments, and agricultural, business, environmental, fisheries, and recreational interests were included. The eventual Chelan Agreement established a State-wide

forum to review water management policies, and created a framework for the development of regional water management plans. The concept provides an opportunity to resolve management conflicts locally through negotiation and consensus.

*State Pilot Efforts* - Also in 1990, the Legislature passed supportive legislation to fund two pilot planning efforts in the State. One of the efforts was undertaken in the Methow River Basin in Eastern Washington. The other was to occur in Western Washington - the Dungeness-Quilcene (DQ) Basins were incorporated into this second pilot planning effort.

*The DQ Process* - The goals and principles of the Chelan Agreement are as follows (from Chapter 12 of the Chelan Agreement):

- That water resource management decisions be by hydrologic unit or regional planning area as defined in the "boundary" section in the Agreement.
- That future conflicts will be reduced if water use needs located in a hydrologic unit first be met from water resources within that unit.
- The recognition that actions will be guided by the Tribes' objective to achieve an overall net gain of the productive capacity of fish and wildlife habitats, in consort with the State's related objective to accommodate growth in a manner that will protect the unique environment of the State. These objectives have been included in the Memorandum of Understanding (MOU) on Environmental Protection. The participants understand the achievement of an overall net gain of the productive capacity may, in addition to instream flows, include a variety of other means.
- That the water resource planning process described in the Agreement shall in no way affect existing water rights without the consent of the water rights holder. Nor shall this planning process necessitate, require, or limit any formal determination or resolution of any legal dispute about water rights under State or federal law, or by Indian treaty. This is an alternative process, voluntarily designed by the affected parties to build on the existing system of water rights through a cooperative, flexible effort to plan and manage the uses of Washington State's water resources.
- To develop and implement a program providing for conservation, efficiency, elimination of waste, water reuse, and restoration of riparian habitat areas for water retention, including the development of legislation and/or regulations where appropriate.
- To assist Ecology in locating the resources for compliance, enforcement, and administration of existing laws and regulations.

- That the participants remain fully committed to the planning process described in the Agreement.

These goals and principles led the DQ Regional Planning Group (RPG) to a set of consistent goals and objectives. A caucus structure mandated by the Chelan Agreement was adopted and utilized (i.e., agriculture, business, environmental, and so forth). Two representatives (specified as one each from Dungeness and Quilcene Basins; generalized as from Clallam and Jefferson County) were found to represent each caucus.

Departing from the Chelan Agreement, however, the RPG chose a "full consensus" process. Over the next two years, the groups met and derived the final DQ Plan, dated June 30, 1994.

Several "regional strategies and recommendations" were developed and applied to the DQ planning area. However, because of many differences in the two drainage basins (Dungeness and Quilcene Rivers) and the relative levels of information on these basins, the RPG developed recommendations for each of the areas, and were listed in the Plan as "County-specific" recommendations.

### ***Planning Results***

*Regional Strategies and Recommendations* - The following were recommended as applicable strategies and recommendations to both the Dungeness and Quilcene Basins. (Included in this listing is an alpha-numeric reference to the actual language within Chapter 5 of the DQ Plan.)

- Regional use of water: Use water from within the area, and keep the water resources within the region. (R. 1)
- Incentives should be developed by Ecology, the Department of Health (DOH) and other agencies to encourage community water systems. (J.11.1.6)
- Land use patterns should be designed to encourage and influence the development of community well systems. (J.11.1.8)
- Conservation is the most cost-effective way to extend limited water supplies for the foreseeable future, and will need to become a way of life for every water user. (R. 4)
- Legal mechanisms, such as Trust Water Rights, or other leasing strategies should be used to transfer conserved water to instream flows, to better protect both water rights holders and stream flows. (R. 5)
- Groundwater: The RPG believes that groundwater has the most potential as a residential and municipal source and that further technical investigations should be implemented. (R. 6)

- Mimic Nature: To achieve a net gain in productive biological capacity, existing and potential development should incorporate design and components to allow recharge and runoff to wetlands, small streams, and groundwater. (R. 6.6)
- Storage: New on-river storage should not be allowed in the region. (R. 7)
- Habitat: In all management actions, strive to retain or restore structural and functional characteristics of river, riparian, and wetland habitats important to fish and wildlife. (R. 8)
- Flood Plain Management: Protect, and in some cases restore, flood plain and estuarine habitat to provide functions and values necessary for wild fish and other wildlife resources, as well as protect life, safety, and property. (R. 9)
- Discourage future development in the flood plain. (R. 9.1)
- Forest Practices: Evaluate cumulative impacts of forest practices to short- and long-term regional hydrology, especially related to at-risk native and wild fish stocks and anadromous species. (R. 10)
- Fish Management: Protect, and in some cases restore, salmonid habitat to provide functions and values necessary for native and wild fish and other wildlife resources. (R. 11)
- Wildlife Management: Protect wildlife as an important component of the bio-regional ecosystem. (R. 12) The RPG agrees that water-dependent or water-related recreation is a beneficial use of water. (R. 13)
- Designate the Dungeness/Greywolf Rivers (down to the National Forest Service boundary) as a Wild and Scenic River. (R. 13.1)
- Provide better access to rivers in the region on clearly designated lands that will not interfere with landowners. (R. 13.2)
- Develop riverside management plans to improve habitat, and conduct an educational program to encourage responsible river use. (R. 13.2)

A special recommendation for the region was to conduct a comprehensive hydrogeologic investigation of the quantity and quality of surface and groundwater. A workplan for a five-year study project was developed by the United States Geological Survey (USGS) for the DQ project. Coupled with this need was the recommendation for continuing water quality and quantity data management essential for ongoing water resource and land use planning efforts.

*“Jefferson County” (Quilcene Basins)* - A summary of recommendations applicable to Jefferson County are included below (alpha-numeric references denote the language in Chapter 7 of the DQ Plan):

### *Habitat and Instream Flows*

- No new surface water rights or permits should be issued for rivers and streams in east Jefferson County, until such time as instream flows for each stream are adopted by rule. (J. 5. 1)
- A Watershed Council representative of all interests should be formed to focus and coordinate restoration efforts in the watershed, to investigate the resources, and to design and implement projects. (J. 1)
- The Watershed Council should establish instream flows for recommendation to the State for all east Jefferson County streams, except the Big Quilcene River. (J. 5.2)
- Negotiations between the major users and water resource holders on the Big Quilcene should work towards improving instream flow conditions. (J. 5.3)
- Habitat protection, restoration, and enhancement projects should be designed and implemented to better use the available water and to improve conditions for native and wild fish. (J. 4)
- A water resources study should be completed to determine the quantity and quality of surface and groundwater. (J. 9)

### *Fish Management*

- To protect and promote wild fish, hatchery practices, and impacts on the Big Quilcene River should be analyzed. The hatchery should be managed primarily to protect and provide for native and wild salmonids and other fish species. (J. 7)

### *Groundwater (J. 10)*

Much is unknown about the groundwater supplies in the County. Increasing population in the County has added to concerns over sufficient and safe water availability. Instances of seawater intrusion and other pollution, coupled with declining well levels and growing population pressures, make it clear that an immediate effort is needed to provide safe and sustainable supplies in the future.

- A comprehensive groundwater study is needed to determine the groundwater resources, their status, and to describe accurately the aquifers and areas of risk. After the study is completed, a long-term strategy and program should be developed to protect groundwater resources in the County.
- Policies to protect and maintain groundwater quantity and quality are needed at the local level.

- All future wells should require permits, and proof should be provided that they are not in hydraulic continuity with any stream or river, will not contribute to seawater intrusion or adversely affect existing uses.
- Driller's reports for all wells with less than 5,000 gallons per day should be logged and entered into the local groundwater database.
- Land use plans and actions by local governments should recognize and protect aquifer recharge areas.
- Community systems should be encouraged, and metered.

*Education and Conservation (J. 13)*

- Conservation education and practices should be implemented to provide for better efficiency and use of limited water supplies.
- Implement the DQ education plan focusing on distinct user groups impacted by alterations in water resource quantity, quality, and availability.

*Impact on CWSP Planning and Implementation: Adoption by Jefferson County, Port Townsend, and the Jefferson County PUD* - The County, City, and PUD all participated to some degree in the process through selected representatives. At the end of the planning process, these entities were asked for resolutions or letters of support for the Plan. These are attached as Exhibits 10-1, 10-2, and 10-3. Port Townsend's resolution of support indicated that the Plan should give direction to this CWSP and the City's Water Comprehensive Plan (Water System Plan). The County pledged to work toward implementation of the Plan, and the PUD's letter of support highlighted the need for data and conservation programs.

*The WUCC, CWSP, and Water System Planning: Relationship to DQ Activities* - The DQ Plan envisions an integrated water planning and management system. As such, the efforts, required by law, as part of the development of a CWSP and individual system plans were seen as integral to the implementation of the DQ Plan. Given the endorsements of the County, City, and PUD, this process should include development of a CWSP that is consistent with the goals, objectives, and tasks outlined in the DQ Plan. Should any activity under this CWSP or a related planning activity require or cause a modification to any of these endorsements, then such modification should be made or the DQ Plan should be adjusted (if an implementation/continuing planning program can be established).

*Implementation Plans and Affect on CWSP Activity* - Currently (Fall, 1995), implementation of the DQ Plan is uncertain. The Jefferson County Water Resources Council was formed in January 1995. A council charter was prepared and signed by the majority of interests represented on the Council.

Exhibit 10-1

STATE OF WASHINGTON  
County of Jefferson

IN THE MATTER OF AUTHORIZING }  
COMMISSIONER RICHARD E. WOJT TO VOTE } RESOLUTION NO. 74-94  
IN SUPPORT OF THE DRAFT PLAN OF THE }  
DUNGENESS/QUILCENE PILOT PROJECT }

WHEREAS, Jefferson County has participated in the Dungeness/Quilcene Pilot Project since the Spring of 1991, and

WHEREAS, a Draft Dungeness/Quilcene Water Resources Management Plan has now been written which outlines regional water management strategies for the future, and

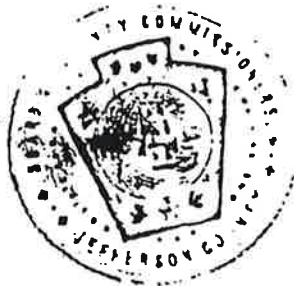
WHEREAS, Jefferson County hereby states its support for the draft Plan and pledges to work toward Plan implementation, and

WHEREAS, County Commissioner Richard E. Wojt has been the County's representative and has been actively involved in the project, now, therefore;

BE IT RESOLVED, that the Board of County Commissioners authorizes Richard E. Wojt to sign the draft Plan and recommendations to the Washington Department of Ecology for the protection of the quality and quantity of the region's surface and groundwater.

APPROVED this 20<sup>th</sup> day of June, 1994.

SEAL:



JEFFERSON COUNTY  
BOARD OF COMMISSIONERS

(Excused Absence)  
Robert Hinton, Chairman

[Signature]  
Glen Huntingford, Member

ATTEST: [Signature]  
Yorna L. Delaney  
Clerk of the Board

[Signature]  
Richard E. Wojt, Member

Exhibit 10-2

RESOLUTION NO. 94 73

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PORT TOWNSEND AUTHORIZING JULIE MCCULLOCH TO VOTE IN SUPPORT OF THE DRAFT PLAN OF THE DUNGENESS/QUILCENE PILOT PROJECT

WHEREAS, the City has participated in the Dungeness/Quilcene Pilot Project since Spring of 1991, and

WHEREAS, the City has been actively involved in the project and has provided substantial input into the Plan, and

WHEREAS, the Plan makes recommendations related to many water concerns including instream flow, habitat, groundwater, water storage, date development, conservation, fish hatchery operation, and

WHEREAS, the Plan will provide an overview direction for the Coordinated Water System Plan and the City's Water Comprehensive Plan, and

WHEREAS, the Plan provides for a progressive approach to dealing with water,

NOW THEREFORE BE IT RESOLVED that the City Council authorizes its representative, Julie McCulloch to vote in support of the draft Plan or Plan in substantially the same form.


PASSED this 16<sup>th</sup> day of May, 1994.

  
John Clise, Mayor

Attest:

  
Dave Grove, Clerk-Treasurer

Approved as to Form:

  
Dennis McLerran, City Attorney

# Public Utility District #1

Of Jefferson County

July 27, 1994

Board of Commissioners  
Richard M. Shipman, District 1  
Kenneth McMillen, District 2  
Robert A. Krutzenst, District 3

James G. Parker, Manager

Linda Newberry, Project Coordinator  
Dungeness-Quilcene Pilot Planning Project  
c/o Jamestown S'Klallam Tribe  
1033 Old Blyn Highway  
Sequim, WA 98382

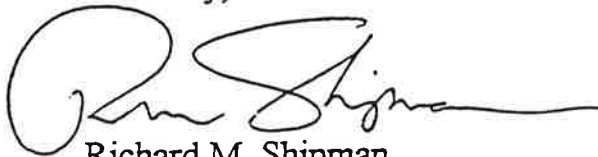
The Jefferson County PUD wishes to commend the participants in the Dungeness-Quilcene Water Resource Pilot Planning Project (Chelan Agreement), for their perseverance in creating the framework for an ongoing water resource management process for the eastern Olympic Peninsula region outlined in the Water Resource Management Plan.

All the parties having diverse interests as to water use and allocation in the region were able to find enough common ground to create a set of recommendations and strategies designed to protect and manage the water resource by voluntary, yet concerted actions.

The Regional Planning Group and other supporting committees have compiled a substantial set of technical data on the water resource. Their work has only emphasized the need for further ground and surface water investigations, more exacting information in such areas as stream flow data and hydraulic continuity as well as the development of a meaningful all encompassing water conservation program

We hope that the legacy of the Dungeness-Quilcene Pilot Project will be that the citizens and governments at the local and regional level were able to successfully address their water resource problems, without imposition of state or judicial mandates.

Sincerely,



Richard M. Shipman  
President of the Board

The County has yet to sign the Charter; however, County representatives are usually present at the Council meetings. An MOU is being drafted between the PUD and the City to continue funding the Council. Also, Ecology is currently developing instream flow rules for the Dungeness River. Once the Dungeness rule-making is complete (late summer/fall 1996), Ecology reportedly will start a similar process on the Quilcene River. The first step will be to look at the recommendations in the Plan and decide which of the recommendations have rule-making potential.

Regardless, the Water Utility Coordinating Committee (WUCC) and CWSP planning has followed the general strategies and recommendations of the Plan, with a few exceptions which are listed below.

- Generally, a basin approach has been used with data analysis and demand forecasting.
- The source of supply plan will indicate that to date, and, on an increasing basis, only the City will be transporting water out of one drainage to serve another.
- No on-stream storage solutions are planned.
- Given the City's need for all of its surface supply, groundwater is the only available source of supply for meeting future demand.
- Prudent groundwater protection and conservation programs are recommended for implementation.
- Education will need to be emphasized and underscored as an important component for CWSP implementation efforts.
- Further analysis of recharge/runoff relationships will need to be made to analyze "storage" options and groundwater availability.
- In addition, the CWSP calls for continued data development and management.

The CWSP does not call for a moratorium on surface water rights issuance based on the lack of instream flows in the area. The focus of the CWSP is on groundwater for future supply. However, the current (Fall, 1995) position of the State's water allocating agency (Ecology) has placed a virtual moratorium on additional surface withdrawals. The need for this moratorium is not because of the lack of regulated instream flows; rather, Ecology is demanding information on the impacts to flows in the area, and, without long-term data, a conclusive statement on availability cannot generally be made. There may arise a situation in which additional surface water rights might be appropriate without setting instream flow and where the relative risk to the resource is small (e.g., small withdrawal or non-consumptive withdrawal).

In general, this CWSP is consistent with the overall objectives of the DQ Plan.

### 10.3 Population and Planning Areas

Planning for future water supply needs requires projection of demand for both near-term and long-term periods. The near-term projections are generally necessary to define needed capital improvements anticipated within the ensuing six-year period. Such improvements require lead time for financing, design, and construction. Long-term forecasts are necessary to quantify probable water resource requirements. Such forecasts guide the identification and sizing of long-range supply facilities, and management of water resources, including conservation measures, necessary to meet future demands over the 20-year planning period.

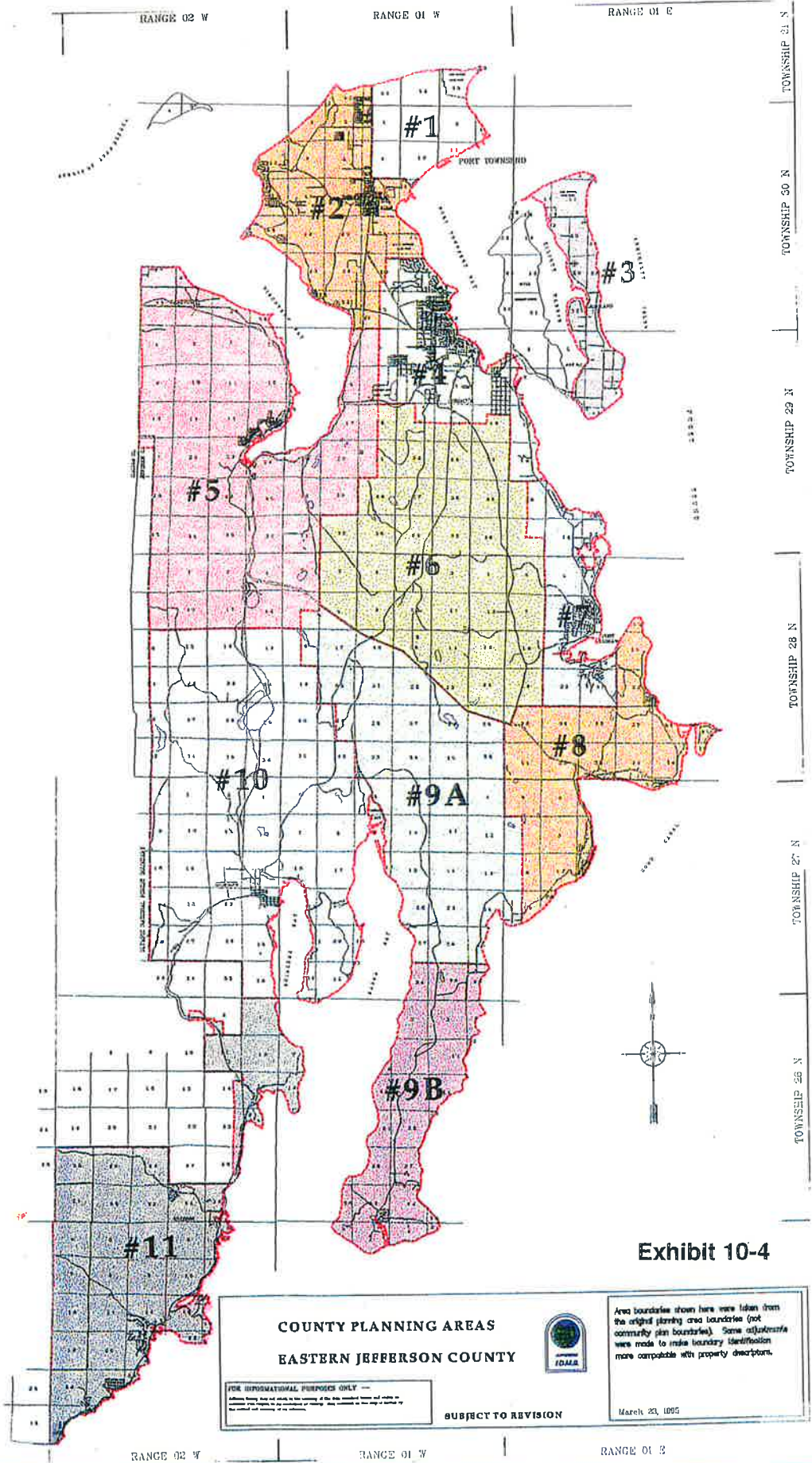
Population growth is the single most influencing factor in future domestic water demand. Not only does the magnitude of future population have an impact, but the location of new population centers will greatly affect delivery of future water supplies. Therefore, population growth must be coordinated and "in sync" with approved land use plans and policies.

Water demand projections are generally based on existing studies, population projections, current water use data, land use patterns, and the estimated reduction in water use resulting from water conservation. Demand forecasts are expressed as average day and peak day demand.

Demand forecasts for the purposes of a CWSP are generally not as detailed as those prepared for an individual Water System Plan (WSP), and are intended to provide general trends and guidance to individual utilities in their future planning. As an example, the effects of conservation and reuse cannot be predicted accurately given the variety of infrastructure and water use throughout the County without considerable effort. This type of prediction is best left to water systems as they plan for their specific future.

For counties planning under the GMA, population forecasting has been an issue. At first, the State Office of Financial Management (OFM) forecasts were to be used as the minimum or baseline. Challenges to forecasting approaches have led to the use of OFM forecasts as the "medium" level of growth.

In Jefferson County, two forecasts have been developed over the last several years. The most recent forecasts (dated August 1994 and January 1995, respectively) are being used to prepare the County's Comprehensive Plan. The difference between the two alternatives is the allocation of population to the Tri-Area, one of 12 planning areas shown in Exhibit 10-4, and the difference is based on whether the Tri-Area becomes a UGA. The August 1994 forecast will be used for this CWSP effort, with population allocated to the Tri-Area as a UGA. Should this not be the case, the forecasted demand for the area would be conservatively large, but the overall ramifications to County water supply forecasts would be minor.



**Exhibit 10-4**

<p><b>COUNTY PLANNING AREAS</b> <b>EASTERN JEFFERSON COUNTY</b></p>			<p>Area boundaries shown here were taken from the original planning area boundaries (not community plan boundaries). Some adjustments were made to make boundary identification more compatible with property description.</p>
<p><small>FOR INFORMATIONAL PURPOSES ONLY — Additional zoning data and details in the zoning of this site number have not been included in this map. For more information on zoning, please contact the Planning Department at 300 West 10th Street, Jefferson, MO 64501.</small></p>			
<p><b>SUBJECT TO REVISION</b></p>			

The August 1994 Population Forecast for Jefferson County and Port Townsend was prepared by Watterson West Group, Inc. under contract with the County. This report was eventually revised and adopted by the County in January 1995. (The Watterson Report). The effort used a variety of economic and demographic indicators to derive forecasts for each of the 12 planning areas (Exhibit 10-5). The planning areas are roughly the same planning areas used by the County for many years and referenced in the 1986 CWSP. A general description of the 12 areas follows:

### **10.3.1 Port Townsend**

The City of Port Townsend (City) is the only incorporated city in the County. It is located at the northeast tip of the Quimper Peninsula. The City was once one of the major seaports in the Northwest, but lost this distinction with the arrival of the railroads and Seattle's development as the dominant rail/sea shipping location. Regardless, Port Townsend continues to be a focal point for the County in terms of government, commerce, and population density.

The City's water supply comes from the Quilcene River System and supports not only Port Townsend, but the local paper mill, some of the City's Tri-Area, and some PUD systems.

### **10.3.2 Quimper**

The Quimper planning area includes the Quimper Peninsula outside of the City. This area is comprised of significant developments like Cape George (Cape George Colony), and smaller population clusters such as those at Beckett's Point and Ocean Grove Estates. However, this area has been characterized by a relatively low growth rate and generally rural residential development. The character of the area reflects this pattern.

Water supply to this area is largely from private domestic use. However, both the PUD systems and Cape George Water System are significant sources of supply for the area.

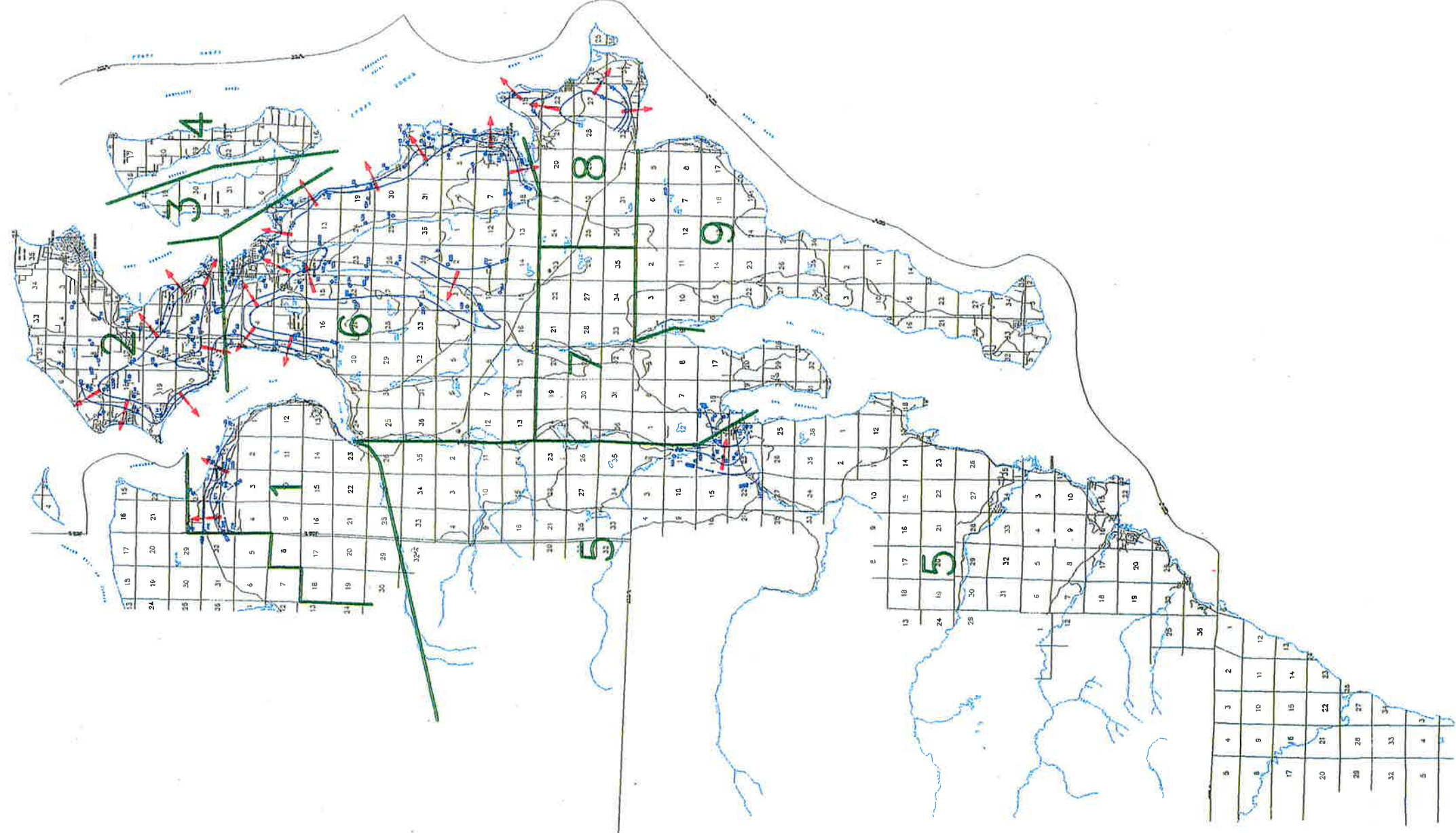
### **10.3.3 Marrowstone Island**

This island is located off the northeast County mainland. It is characterized by low density and rural character. Its rural nature reflects its location in relation to the City, but also the difficulty of obtaining an adequate water supply.

Currently, there is no public water supply to residents of Marrowstone Island. The island has been the target of studies (most recently by Ecology) to determine the extent of seawater intrusion into the Island's aquifer(s).

RANGE 03 W      RANGE 02 W      RANGE 01 W      RANGE 01 E

TOWNSHIP 25 N      TOWNSHIP 26 N      TOWNSHIP 27 N      TOWNSHIP 28 N      TOWNSHIP 29 N      TOWNSHIP 30 N      TOWNSHIP 31 N



\*DATA USED TO ESTIMATE GROUNDWATER LEVELS WAS OBTAINED FROM DRILLER'S WELL LOGS AND WAS NOT FIELD VERIFIED.

EXHIBIT 10-5  
GROUNDWATER LEVEL CONTOURS  
AND RECHARGE ASSESSMENT AREAS  
FROM JEFFERSON COUNTY GROUNDWATER  
CHARACTERIZATION



ECONOMIC AND ENGINEERING SERVICES, INC.

HORIZONTAL SCALE IN FEET



Estimated Groundwater Level Contour in Feet MSL



Flow Path Direction

Recharge Area Boundary



#### **10.3.4 Tri-Area**

The Tri-Area communities of Port Hadlock, Irondale, and Chimacum are located about eight miles south of the City's downtown area. Located on the Quimper Peninsula, adjacent to Port Townsend Bay, the Tri-Area communities (including the surrounding rural areas) encompass about 6 square miles. The residential development of Kala Point is located north of the Chimacum Creek bordered on the east by Port Townsend Bay.

This area has commercial, higher density residential, medium density residential, farm, and rural land uses. Its proximity to the City and its location along one of the major County transportation routes have brought about, and will continue to bring about, increasing pressure for growth and development.

The possible creation of an UGA under the provisions of the GMA has been under consideration for a portion of the area, and for some time. A combination of factors continue to bring this subject to the forefront. Growth and density are not new to the area. A plat map of the area shows the effects of the past when nearly 10,000 people lived in the Irondale community during the peak of the sailing ship era and the City's status as a major Northwest port. These platted parcels, a remnant of history, continue to be a significant factor in planning for the area's future.

Water is provided to this area largely by the City, and also by Kala Point Water Company and the PUD. Kala Point's supply is groundwater while the PUD obtains part of its supply from groundwater and part from the City's surface (and groundwater) supply. In addition, some development has occurred using private domestic wells as the source of supply.

#### **10.3.5 Discovery Bay**

The character of growth in the Discovery Bay area has been most affected by the major transportation routes to Port Angeles and Quilcene. Other than growth along these areas, development has been non-existent or very rural in nature. However, along the transportation routes, especially around Discovery Bay and the shoreline, development has fostered in the form of rural centers, resort communities, and medium density communities like Gardner.

Water supply is provided to the area by the PUD (Gardner) and several smaller water systems in the Discovery Bay area. All sources of supply rely on groundwater.

### **10.3.6 Center/Inland Valley**

This area is characterized by farm and forest land. The population densities and growth of the area reflect this land use. Center is a crossroads for major County transportation routes, but is located near enough to the Tri-Area to be buffered from development pressures. Consequently, the area has remained a farming area with considerable undeveloped forested lands.

There are no significant public water purveyors in this area. Development is dependent on private domestic or small water systems for supply. Groundwater is the only reasonably available source.

### **10.3.7 Port Ludlow/Oak Bay**

Port Ludlow is a master planned community developed in 1967. This community has been characterized as a "village in the woods by the bay," and includes high density condominium units, residential development, a restaurant, marina, and golf course.

Within the planning area, however, are lower density rural residential development, including the area around Oak Bay and the uplands.

The water supply and distribution service areas for Port Ludlow include the North Bay and South Bay Service Areas. Currently, Port Ludlow is served by five wells, four reservoirs, and an extensive distribution system. Water service is provided by the Ludlow Water Company, which is privately-owned and managed by Pope Resources.

Other small water systems exist in the area, such as Olympus Beach Tracts. These, along with considerable private domestic development, provide the area with groundwater supply.

### **10.3.8 Shine/Paradise Bay/Southpoint**

This area is located south of Port Ludlow and includes the major transportation routes from Port Ludlow, Port Angeles, Port Townsend, and Discovery Bay to the Hood Canal Bridge and Kitsap County. Growth has been relatively slow compared with the higher density areas of the County, but growth pressure is occurring as the demand for recreation/retirement/rural property has increased. What has been a rural area will likely continue as rural. Nonetheless, subdivision of large parcels and rural domestic population densities will increase.

Water supply is a significant concern in the Shine area due to possible aquifer limitations. In addition, there is the unsubstantiated problem, but

real concern, of seawater intrusion into groundwater reservoirs as a result of aquifer depletion.

Public water supply in the area is provided by Bywater Bay Public Utility District, Water District No. 1, and the Bridgehaven Water District. Groundwater is the source for these purveyors and significant numbers of private domestic users.

### **10.3.9 Coyle/Toandos Peninsula**

This is a relatively large area in the southern part of the eastern part of the County. It is characterized by large parcels of forested land. Its low population and rural character are unmatched in the Eastern County as no major transportation routes cross this area to serve other higher density areas. On the other hand, this area is characterized by water access and water/mountain views making it prime real estate for retirement and recreation.

The only major water purveyor to the area is Water District No. 3, which uses groundwater sources. All other sources are small systems or individual groundwater supply.

### **10.3.10 Quilcene**

The Quilcene planning area is largely forested with areas of rural farmland, such as the Lake Leland area. The commercial center for the area is Quilcene. Quilcene has many public services including commercial services and a public school system. However, the growth rate in this area has remained low.

This is one of four rural planning areas in the County with no significant public water systems. Water is provided by small systems and single family supplies from surface and groundwater.

### **10.3.11 Brinnon**

The Brinnon planning area is in the far southeast portion of the eastern part of the County. Highway 101, linking Olympia and Shelton with Quilcene, Port Townsend, and Port Angeles, traverses the area and provides significant recreational and tourist traffic in the summer months. For the remainder of the year, Brinnon's setting along Hood Canal is attractive as a retirement, recreational, or rural setting for year-around residents.

Brinnon is served by several public water systems, the largest of which include the "Lazy C" operated by the PUD. Ground and surface supplies exist for systems in this area with groundwater as the main public supply.

### 10.3.12 Jefferson County's West End

At the western tip of the County is a sparsely populated West End planning area. This area is comprised largely of forested parcels and has not experienced growth.

There are no significant public water systems in the West End area, except the water system serving the Clearwater/Olympic Corrections Center - an adult corrections facility supporting between 200 and 400 inmates. This and other small systems in the area rely primarily on groundwater for their source of supply.

## 10.4 Selected County Population Forecast

Like many areas of the State, the County has experienced significant and steady population growth. Estimates for the rate of growth have varied, but the County has been ranked among the fastest growing counties in the State over the past ten years. According to 1995 OFM figures, Jefferson County experienced a 23 percent growth rate over the last five years, leading all counties in growth percentage. This most recent five-year data shows the 1994 population at 25,100 (with the City's share at 8,165). This recent growth translates into an average annual growth rate of 4.23 percent for the County (and 3.12 percent for the City).

The Watterson Study (cited above) used a 2.15 percent annual growth rate projected over the ensuing 20-year forecast period from 1994 (and later extrapolated by the County from 1996 to 2016). This rate was further refined for each of the planning areas. The results, in terms of anticipated population and growth rate, are displayed in Table 10-1.

Area	1996	2016	Change	Growth Rate
Port Townsend	8,366	13,867	5,501	2.56%
Quimper Peninsula	2,927	4,076	1,149	1.67%
Marrowstone Island	839	1,015	176	0.96%
Tri-Area	4,324	5,489	1,165	1.20%
Discovery Bay	1,085	1,470	385	1.53%
Center/Inland Valleys	1,351	1,759	408	1.33%
Port Ludlow/Oak Bay	1,985	4,901	2,916	4.62%
Shine/Paradise Bay	897	1,471	574	2.50%
Coyle/Toandos Peninsula	411	596	185	1.88%
Quilcene	1,308	1,797	489	1.60%
Brinnon	1,299	1,943	644	2.03%
West End	<u>962</u>	<u>1,005</u>	<u>43</u>	<u>0.22%</u>
	25,754	39,389	13,635	2.15%

As Table 10-1 shows, the Port Ludlow planning area is expected to experience the highest growth rate, forecasted at 4.6 percent annually. The City is expected to have a more modest growth rate at about the average for the County - 2.62 percent annually. Together these two areas are expected to receive nearly two-thirds of the population increase or over 8,000 of the nearly 13,000 new residents expected in the County by the year 2016.

On the slow-growth side, the West End area will barely change (less than one percent growth per year). Other slower growing areas include: Marrowstone Island, Center/Inland Valley, and Quilcene areas.

## **10.5 Water Supply**

### **10.5.1 Port Townsend's Olympic Gravity Water System**

The largest surface water supply is owned by the City. The City receives its water from the Big Quilcene and Little Quilcene Rivers through a 30-inch diameter, 28.5-mile pipeline, known as the Olympic Gravity Water System (OGWS). Pipeline capacity is 19.4 MGD. The Little Quilcene River is currently used as an emergency or supplemental water source. This system provides water to the City, Port Townsend Paper Company, to some of the Tri-Area, and to some areas adjacent to the City.

### **10.5.2 Regional Groundwater Supply for Current and Future Public Water Systems**

Other than the surface supply mentioned above, the County is dependent on groundwater for supply. Because of this and concern over future demand, and as described in Section 10.2.1, a preliminary study of the region's groundwater was completed in 1994 by Economic and Engineering Services, Inc. (EES) and Pacific Groundwater Group (PGG). The work was conducted under a grant from Ecology to the PUD.

The study made use of existing information and addressed the following objectives:

- Preliminary characterization of area aquifers;
- Analysis of vulnerability of aquifers;
- Creation of an initial groundwater database; and
- Identification of strategies for groundwater protection.

Below is a summary of the conclusions from that report:

- Additional groundwater development appears feasible in the eastern part of the County. Water budget analyses based on estimates of recharge,

runoff, groundwater consumption, and the assumption that 20 percent of total recharge can be developed without unacceptable consequences, indicate that 20-to-25 million gallons per day (MGD), in addition to current withdrawal, may be feasible.

- Potential well yields in the eastern part of the County are generally low (less than 200 gallons per minute - gpm). About 6 percent of the wells surveyed in the study had potential yields of greater than 500 gpm and about 12 percent had potential yields of 200-to-500 gpm. The mean potential yield was 40 gpm while the median yield was 20 gpm based on an analysis of 254 wells manually selected from a well log data source of about 2,000 wells.
- A geologic map and eight cross sections constructed from geologic reports, maps, and well logs show a series of glacial and interglacial deposits overlying bedrock of marine basalt and marine sediments. The glacial and interglacial materials represent repeated deposition and erosion of sediments over the past million plus years. The coarser sand and gravel of these deposits form the major aquifers (water bearing units) in the County. Bedrock areas produce generally low potential well yields as water tends to flow only through limited fractures in the rock.
- The geologic and well yield assessments indicate no extensive areas of moderate or high yield aquifers. Instead, moderate and high yield areas appear to be localized in zones where deposits of permeable materials are locally extensive. This distribution of well yields indicates that areas for preferred future development cannot be identified based on the resolution of this study. Instead, specific small area feasibility studies are recommended before well exploration and development programs are undertaken.
- An assessment of aquifer susceptibility (to contamination) and aquifer vulnerability (the combination of susceptibility and potential for contamination sources) indicates that most of the County lies in low-to-moderate susceptibility and low vulnerability areas. This assessment indicates conditions for the uppermost aquifer. Deeper aquifers are often less susceptible and less vulnerable. (Each well, however, needs to be evaluated for its individual characteristics.) The assessment indicates the County has a low probability of significant aquifer contamination.
- Existing water quality data are scarce. The few data that are available indicate limited water quality problems with iron, manganese, and chloride contamination. Marrowstone Island is an exception with a (Ecology) study suggesting widespread indications of saltwater intrusion.
- Several data gaps were identified during the course of this study. These include: lack of positive location data for well logs (and the difficulty of

their use in non-electronic format); the lack of usable water level data; the lack of water quality data; and lack of deep hydrogeologic data. Much additional information on the characteristics of groundwater in the County could be generated if these data gaps were rectified.

- Additional work was recommended as a continuation of the characterization process. Continued development of a computerized database for well logs, measurements of water levels and consumption, collection of water quality data, and development of a computerized database for water quality data, and the collection of deep hydrogeologic information from unexplored areas is recommended.
- A Wellhead Protection Program (WHPP) is required of groundwater purveyors (Group A systems) within the next few years. As such, Wellhead Protection is the strategy of choice for water quality protection. All purveyors dependent on groundwater as a source should plan now for undertaking protection programs for their source(s).

The report should be consulted for the specific assumptions used in providing yield estimates, but they are useful for general characterization and perspective. The County was divided into nine regions for analysis, and some of which coincide with the boundaries of the planning areas used in this CWSP. Noteworthy in the estimates for potential yield, was the estimate of zero for Marrowstone Island, and the relatively low anticipated yields (relative to criteria for regional production wells) in the Ludlow-Shine area, and more moderate yields in the Tri-Area and Chimacum Valley.

A summary table and a map of the analysis areas from the report are presented as Table 10-2 and Exhibit 10-5, respectively.

<b>Table 10-2</b>				
<b>Recharge and Potential Additional Groundwater</b>				
			<b>Low End of Range</b>	<b>High End of Range</b>
<b>Region 1</b> (Gardner, SW Disco. Bay)	Recharge	Total in gpm	5,100.0	6,200.0
		Total in MGD	7.3	8.9
	Yield	20-Percent Capture in MGD	1.5	1.8
		Current Use in MGD	0.1	0.1
		Potential Additional to 20 % in MGD	1.4	1.7
<b>Region 2</b> (Greater Pt. Townsend)	Recharge	Total in gpm	4,700.0	5,400.0
		Total in MGD	6.8	7.7
	Yield	20-Percent Capture in MGD	1.4	1.5
		Current Use in MGD	0.4	0.4
		Potential Additional to 20 % in MGD	1.0	1.1

<b>Table 10-2 (cont)</b>				
<b>Region 3</b> (Indian Island)	Recharge	Total in gpm	600.0	700.0
		Total in MGD	0.9	1.0
	Yield	20-Percent Capture in MGD	0.2	0.2
		Current Use in MGD	0.0	0.0
		Potential Additional to 20 % in MGD	0.2	0.2
<b>Region 4</b> (Marrowstone Island)	Recharge	Total in gpm	400.0	500.0
		Total in MGD	0.5	0.6
	Yield	20-Percent Capture in MGD	0.1	0.1
		Current Use in MGD	0.1	0.1
		Potential Additional to 20 % in MGD	0.0	0.0
<b>Region 5</b> (Western Foothills)	Recharge	Total in gpm	9,700.0	13,600.0
		Total in MGD	13.9	19.5
	Yield	20-Percent Capture in MGD	2.8	3.9
		Current Use in MGD	0.3	0.3
		Potential Additional to 20 % in MGD	2.5	3.6
<b>Region 6</b> (Tri-Area and South)	Recharge	Total in gpm	18,200.0	20,000.0
		Total in MGD	26.2	28.8
	Yield	20-Percent Capture in MGD	5.2	5.8
		Current Use in MGD	0.6	0.6
		Potential Additional to 20 % in MGD	4.7	5.2
<b>Region 7</b> (North of Daybob Bay)	Recharge	Total in gpm	1,700.0	18,800.0
		Total in MGD	24.8	27.1
	Yield	20-Percent Capture in MGD	5.0	5.4
		Current Use in MGD	0.1	0.1
		Potential Additional to 20 % in MGD	4.9	5.4
<b>Region 8</b> (Ludlow-Shine)	Recharge	Total in gpm	5,300.0	5,900.0
		Total in MGD	7.6	8.5
	Yield	20-Percent Capture in MGD	1.5	1.7
		Current Use in MGD	0.1	0.1
		Potential Additional to 20 % in MGD	1.4	1.6
<b>Region 9</b> (Toandos Peninsula)	Recharge	Total in gpm	18,500.0	20,100.0
		Total in MGD	26.7	29.0
	Yield	20-Percent Capture in MGD	5.3	5.8
		Current Use in MGD	0.1	0.1
		Potential Additional to 20 % in MGD	5.3	5.7
<b>Total</b>		Potential Additional to 20 % in MGD	21.3	24.6

Note: Q to nearest 100 gpm or 0.1 MGD, actual value +/- 50 to 100 %

### **10.5.3 Groundwater for Individual Water Systems**

It is recognized that many residents of the study area receive their water supply from private sources such as wells or springs. This practice may be expected to continue in the future, at least in the rural areas. In developing a water demand forecast related to public water supply needs, an allowance must be made for that segment of the population expected to remain on private supplies.

An estimate of the number of people utilizing private domestic wells can be derived from a deduction utilizing Department of Health (DOH) records on water systems, existing population estimates, and deducting those populations from the County total. Such an estimate was made during preparation of the 1992 Draft CWSP. According to that analysis, the County had about 8,000 people, or about 30 percent of the County population, using private wells at that time (Table 7-6 CWSP Draft, 1992).

## **10.6 Existing Public Water Systems**

### **10.6.1 General Background**

According to DOH records as of March 1995, the County had 166 "public water systems." According to DOH regulations, any domestic water supply system serving more than a single family residence is classified as a public water system. A domestic supply infers that the water is furnished or intended for human consumption. Water systems are further divided into "Groups," from the large systems of more than 15 permanent connections defined as Group A systems to the smaller Group B systems consisting of two-to-14 permanent connections. (DOH regulations allow a waiver of requirements to residential systems with two services - a two party system.) Also included in the Group categorization are subgroups of community and non-community (business) systems, and transient (State Parks) and non-transient types of systems.

Within the County, about half of the systems are Group A.

Included in the DOH database is information on each approved public water system, including the type and capacity of water source(s), number of existing connections, as well as the address and telephone number of a contact person. A copy of various types of information on all or some of the systems can be obtained from the Southwest Regional Office of DOH.

Exhibit 3-1 shows the locations of the larger Group A and B systems in the eastern part of the County. The large Group A systems include: Cape George Colony Club, Inc.; Kala Point Water System; Ludlow Water Company; the Jefferson County PUD; and the City.

## 10.6.2 Selected Systems of Interest and Water Rights

For the purposes of this plan, systems serving over 50 connections were examined to determine the adequacy of existing supply, handle future growth, and capability to meet future demand. A listing of these systems plus others of interest in the County is provided in Table 10-3.

<b>Table 10-3</b>	
<b>Jefferson County Water Systems of Interest</b>	
<b>Identification Number</b>	<b>Facility Name</b>
<b>PUD</b>	
<b>Systems**(Expanding)</b>	
17441X	Glen Cove (Commercial and Residential)
025164	Glen Cove South
00058D	LUD No. 3 (Hastings Loop South)
07877W	LUD No. 1 (Gardner)
02676T	Lazy "C" Water System (LUD No. 8)
02043p	Bywater Bay
894470	Triton Cove Estates - Marshal Addition (LUD No. 6)
<b>Other Systems</b>	
69000R	Port Townsend, City of
08330N	Bridgehaven Water System
11050C	Cape George Colony Club, Inc.
36705Y	Jefferson County Water Dist. No. 1
375006	Kala Point Water System
68700L	Ludlow Water Co.
367115	Jefferson County WD No. 3
205141	Olympic Mobile Village
637009	Olympus Beach Tracts, Inc.
03313C	Pleasant Tides Water Co-op
76986X	Seamount Estates Community Club

Having adequate water rights is a requisite for regional water supply development and planning. Being able to acquire new water rights is a necessary component of new source selection and development.

Information for the water right tabulations presented in Table 10-4 has been primarily obtained from the water right printout records dated August 2, 1992, as part of preparation for the 1992 CWSP draft, and water right claims registry of Ecology. Table 10-4 displays water right listings limited to public water systems with 50 or more connections. However, some larger water systems being managed or operated by the PUD have been incorporated because of the Utility's collective connections and importance as a Satellite System Management Agency (SMA). The printout has limitations (and some errors) that preclude a total evaluation of each system's water rights, but it does provide basic data that is helpful. Table 10-5 is a summary of water rights. Some of the major systems are discussed below.

**Table 10-4  
Water Rights for Medium and Large Water Systems**

**PUD SYSTEMS**

**Glen Cove Water System - 17741X(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			Comments
			GPM (cfs)	MGD	AF/yr(s) (4)	
Well	30N01W-30	G2-29128	100	0.15	67	a.

a. Application approved in 1996

**Glen Cove South - 025164**

Source	Location (2)	(W.R. No.)	Control No. (3)			Comments
			GPM (cfs)	MGD	AF/yr(s) (4)	
2 Wells	30N01W-33A 30N01W-33H	G2-27756P	95	0.14	96	a.
Total			95	0.14	96	

a. Not found in DOH report.

**LUD No. 3 (Hastings Loop South) - 00058D(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			Comments
			GPM (cfs)	MGD	AF/yr(s) (4)	
All water served by Port Townsend						a.

a. DOH Report shows 1 well (seasonal) in NW 1/4 of SE 1/4 of Sec. 24, T.30N., R.01W.; and that permanent supply is from Port Townsend.

**LUD No. 1 (Gardiner Water System) - 07877W(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			Comments
			GPM (cfs)	MGD	AF/yr(s) (4)	
Well	30N02W-28	G2-25395C	305	0.44	155	a.
Total			305	0.44	155	

a. Water right in name of Jefferson County PUD No. 1.

**Lazy "C" Water System - 02676T(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			Comments
			GPM (cfs)	MGD	AF/yr(s) (4)	
Well	26N02W-34	G2*08095C (C-5920)	40	0.06	38	a.
Well	26N02W-34E	G2-24136C	30	0.04	60	b.
Total			70	0.10	98	

a. Water right listed under Lazy C Properties.

b. Water right listed under Lazy C Club, Inc.

**Table 10-4 (cont)**

**Water Bay - 02043P**

Source	Location (2)	(W.R. No.)	Control No. (3)			AF/yr(s) (4)	Comments
			GPM	(cfs)	MGD		
Well #1	28N01E-34M	G2-27816P	150		0.22	136	
Well #2	28N01E-35D	G2-27817P	30		0.04	27	a., b.
Total			180		0.26	163	

- a. Water right listed created under Pope Resources - assigned to PUD in November 1995.
- b. Not found in DOH Report.

**Triton Cove Estates - Marshal Addition (LUD No. 6) - 894470(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			AF/yr(s) (4)	Comments
			GPM	(cfs)	MGD		
Well	25N02W-31	G2-00345C	60		0.09	29	a.
Well	25N02W-31	G2-24354C	60		0.09	29	b.
Well	25N02W-31	G2-26553C	10		0.01	5.6	a.
Well	25N02W-31M	G2-28464A	100				c.
Total			130		0.19	63.6	

- a. Water right listed under Triton Cove Estates.
- b. Water right listed under Jefferson County PUD No. 1.
- c. Water right filing in application status; therefore, not included in totals. Filed by Jefferson County PUD No. 1.

**OTHER SYSTEMS**

**Port Townsend, City of - 69000R(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	GPM	(cfs)	MGD	AF/yr(s) (4)	Comments
Well	29N01W-02R	G2-20221C	200		0.29	160	
Well	29N01W-03	G2*04215C (C-3297-A)	2,250		3.24	1,120	
Big Quilcene River	29N01W-19A	R2*02533C (C-2004)				800	
Little Quilcene River	28N02W-284	(C-7028)	4,291	(9.56)	6.18	2,000	b.
Dosewallips River	26N02W-28	S2*13765AAL (Appl. 13765)	22,442	(50.0)			c.
	26N03W-25	S2*13765ABL					
Total			42,648		29.1	4,080	

- a. Annual quantity not identified.
- b. Certificate covers Permit No. 9259 for 9.56 cfs, subject to low flow of 6 cfs; Reservoir Permit No. 62 for 750 AF; and Reservoir Permit No. 181 for 1,250 AF.
- c. Filings in application status; therefore not included in totals.

**Bridgehaven Water System - 08330N(1)**

Source	Location (2)	(W.R. No.)	Control No. (3)			AF/yr(s) (4)	Comments
			GPM	(cfs)	MGD		
2 Wells	27N01E-09N 27N01E-16C	G2-24128C	195		0.28	200	a., b.
Total			195		0.28	200	

- a. Water right issued in name of Bridgehaven Community Club Association.
- b. Well in Section 16 may never have been drilled, so right is probably for one well only.

**Table 10-4 (cont)**

**George Colony Club, Inc. - 11050C**

Source	Location (2)	Control No. (3) (W.R. No.)	Control No. (3)			Comments	
			GPM	(cfs)	MGD		AF/yr(s) (4)
Well	30N01W-18M	G2-00945C	61		0.09	98.2	a.
Well	30N01W-18	G2-23759C	140		0.2	160	a.
Well	30N01W-18	G2-23774C	185		0.27	160	a.
Well	30N02W-12Q	G2*07537C (C-5576-A)	60		0.09	96	a.
Well	30N02W-12Q	G2-00947C	30		0.04	48	a.
Well	30N02W-13	G2*07538C (C-5577-A)	60		0.09	96	a.
Total			536		0.78	658.2	

a. DOH Report shows three wells total.

**Jefferson County Water District No. 1 - 36705Y(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	Control No. (3)			Comments	
			GPM	(cfs)	MGD		AF/yr(s) (4)
Un-named Stream	28N01E-27A	S2*17326C (C-10174)	72	(0.16)	0.10		a.
Well	28N01E-27G	G2-26422C	98		0.14	90	
Total			170		0.24	90	

a. Annual quantity not identified on certificate. Back-up Supply

**Point Water System - 375006(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	Control No. (3)			Comments	
			GPM	(cfs)	MGD		AF/yr(s) (4)
Well	30N01W-26N	G2-23892C	55		0.08	89	
Well	30N01W-26N	G2-24203C	60		0.09	96	
Well	30N01W-27F	G2-24848C	200		0.29	289	
Well	30N01W-27F	G2-24998C	100		0.14	160	
Total			415		0.60	634	

**Ludlow Water Co. - 68700L(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	Control No. (3)			Comments	
			GPM	(cfs)	MGD		AF/yr(s) (4)
Well	28N01E-08H	G2-00193C	110		0.16	88	a.
Well	28N01E-08Q	G2-00194C	150		0.22	120	a.
Well	28N01E-08P	G2-25627C	150		0.22	122	a.
Well	28N01E-21F	G2-21542C	23		0.03	30	a.
Well	28N01E-21F	G2-21543C	46		0.07	70	a.
Well	28N01E-21R	G2-25816C	175		0.25	35	a.
Well	28N01E-21R	G2-27492P	300		0.43	161 (s)	a.
Total			954		1.38	465	

a. Water rights under name of Pope and Talbot or Pope Resources.

**Jefferson County W.D. No. 3 - 367115(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	Control No. (3)			Comments	
			GPM	(cfs)	MGD		AF/yr(s) (4)
Well	26N01W-33J	G2-22785C	143		0.2	126	
Total			143		0.2	126	

**Table 10-4 (cont)**

**Olympic Mobile Village - 205141(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	GPM (cfs)	MGD	AF/yr(s) (4)	Comments
Well	30N01W-33N	G2-20120C	30	0.04	11.2	a.
Well	30N01W-33N	G2-24844C	158	0.23	22.7	b.
Total			188	0.27	33.9	

- a. Water right listed under Bert M. Hill.
- b. Water right listed under Kenneth G. Brown.

**Olympus Beach Tracts, Inc. - 637009(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	GPM (cfs)	MGD	AF/yr(s) (4)	Comments
2 Wells	28N01E-04	G2-20901C	42	0.06	27.25	
Total			42	0.06	27.25	

**Pleasant Tides Water Co-Op - 03313C(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	GPM (cfs)	MGD	AF/yr(s) (4)	Comments
Well	25N02W-15E	G2-21134C	40	0.06	60	a.
Well	25N02W-15E	G2-23623C	45	0.06	60	a.
Total			85	0.12	120	

- a. These water rights are listed under Black Pt. Water Co.

**Seamount Estates Community Club - 76986X(1)**

Source	Location (2)	Control No. (3) (W.R. No.)	GPM (cfs)	MGD	AF/yr(s) (4)	Comments
2 Wells	25N02W-30R	G2-24230C	300	0.43	50.7	
Unn. Spring	25N02W-30J	S2-22643C	4.5 (0.1)	0.01	1.5	
Total			304.5	0.44	52.2	

**Footnotes:**

- (1) Department of Health utility I.D. Number.
- (2) The location of source is given by township, range, section, and where possible from the water right printout, the 40-acre tract (e.g., NW 1/4 SW 1/4) within the section. For example, in the source location, 27N01E-09N, the part preceding the hyphen indicates Township 27 North, Range 1 East Willamette Meridian. The number following the hyphen indicates the section (9) and the letter (N) gives the 40-acre tract within the section as shown in the schematic below:

D	C	B	A
E	F	G	H
M	L	K	J
N	P	Q	R

N is the SW 1/4 of the SW 1/4 of section.

- (3) The control number represents the first column in a standard water right printout. Where the G2 or S2 is followed by a hyphen, the number is the same as the formal water right number. When the G2 or S2 is followed by an asterisk, it is only a control number and the water right number is shown below in parentheses (e.g., G2\*07537C - Control number only; (C-5576-A) represents Certificate of Water Right No. 5576-A).
- (4) The (s) following AF/yr means the right is at least partially supplemental to existing rights. Generally, this figure is not included in totals.

**Table 10-5  
Summary of In-Service Capacity  
and Water Rights for Existing Public Water Supply Systems <sup>(1)</sup>**

System Name	In-Service Capacity <sup>(2)</sup>		Water Rights		
	GPM	MGD	GPM	MGD	AF/YR
<b>PUD SYSTEMS</b>					
Glen Cove Water System (4)	100	0.15	100	0.15	67
Glen Cove South	95	0.14	95	0.14	96
LUD No. 3 (Hastings Loop South) (4)	--	--	--	--	--
LUD No. 1 (Gardiner Water System)	305	0.44	305	0.44	155
Lazy "C" Water System	70	0.10	70	0.10	98
Bywater Bay	30	0.04	30	0.04	27
Triton Cove Estates Marshal Addition (LUD No. 6)	65	0.09	130	0.19	64
<b>OTHER SYSTEMS</b>					
Port Townsend, City of	18,800	27.07	20,206	29.10	(3)
Bridgehaven Water System	195	0.28	195	0.28	200
Cape George Colony Club, Inc.	410	0.59	536	0.77	658
Jefferson County Water District No. 1	98	0.14	170	0.24	90
Kala Point Water System	405	0.58	415	0.60	634
Ludlow Water Co.	738	1.06	954	1.38	465
Jefferson County Water District No. 3	130	0.19	143	0.20	126
Olympic Mobile Village	100	0.14	188	0.27	34
Olympus Beach Tracts, Inc.	52	0.07	42	0.06	27
Pleasant Tides Water Co-op	83	0.12	85	0.12	120
Seamount Estates Community Club	325	0.47	304	0.44	52
<b>TOTAL</b>	<b>22,001</b>	<b>32</b>	<b>23,968</b>	<b>35</b>	<b>2,913</b>

Footnotes:

- (1) Existing public water supply systems include all systems with fifty (50) or more connections and all systems managed or operated by the PUD No. 1 of Jefferson County.
- (2) In-service capacity represents those sources that are equipped and on-line. The figures reflect the reported maximum amount of water that can be taken from the water source on an instantaneous basis by the installed pumping or diversion facilities. It does not equate to source yield, nor does it indicate how long the systems are or can be operated at the maximum rate.
- (3) Most early (older) surface water rights do not identify a specific annual authorization.
- (4) Water for these systems obtained from Port Townsend.
- (5) The water right filing for this system is in application status; therefore, it is not yet a water right of record.

***The City of Port Townsend***

The City is in a unique situation because it has substantial water rights, contract to supply water to several other entities, and thus act as a water "wholesaler."

Below is a summary of the City's water rights:

- 30.0 cfs (19.39 MGD) from the Big Quilcene River (perfected, primary water right).
- 9.56 cfs (6.18 MGD) from the Little Quilcene River (perfected, low flow restricted, seasonally restricted, water right).
- 50.0 cfs (32.32 MGD) from the Dosewallips River (application only, not a perfected water right).
- 5.46 cfs (3.53 MGD) from the Chimacum Valley in the form of groundwater (perfected water rights).

The combined surface water rights equal 25.57 MGD and groundwater rights equal 3.53 MGD for a total of 29.1 MGD. The Little Quilcene right is low flow restricted, making the combined use of the Little and Big Quilcene sources difficult during summer months. However, both of these sources can be used to fill storage reservoirs (Lord's Lake and City Lake).

Supply to the City (and Port Townsend Paper Company) is restricted by the existing pipeline capacity (19.4 MGD). The available average supply is a combination of the pipeline capacity (19.4 MGD) and Chimacum Valley groundwater pumping and treatment capacity (0.900 MGD) for a total of 20.3 MGD.

The City is under contract to supply 14.9 MGD of its water, as shown below:

User	Quantity (MGD)
Port Townsend Paper Company	14.400
Navy/Indian Island	0.114
Fort Flagler	0.015(5.5 MG/YR)
Fisheries	0.042(15.5 MG/YR)
PUD (S. Hastings)	0.280
PUD (Glen Cove)	<u>0.050</u>
Total Supply	14.902

### ***PUD and PUD Satellites***

For the purposes of this CWSP, some of the PUD Satellite Systems and the PUD Service Area Systems (seven systems total), were examined. These systems are listed below:

- Bywater Bay - PUD
- Glen Cove Water System (Commercial and Residential) - PUD
- Glen Cove South - PUD
- Lazy "C" Water System (LUD No. 8) - PUD
- LUD No. 3 (Hastings Loop South) - PUD
- LUD No. 1 (Gardner) - PUD

Triton Cove Estates-Marshal Addition - (LUD No. 6) - PUD

The LUD No. 3 and the Glen Cove Systems acquire their water supply from the City. The rest are dependent upon groundwater for their source. For the most part, these supplies are adequate, although as indicated in the Water Rights Information (Tables 10-4 and 10-5), some may need to secure or confirm water rights.

In addition to the above systems, the PUD has several additional small systems. It is anticipated that the PUD will increase this number significantly over the next few years.

**Other Systems**

Other systems examined included the following:

- Jefferson County WD No. 1
- Jefferson County WD No. 3
- Cape George Colony Club
- Ludlow Water Company
- Kala Point Water System
- Bridgehaven Water System
- Olympic Mobile Village
- Olympus Beach Tracts, Inc.
- Pleasant Tides Water Co-op
- Seamount Estates Community Club

There are no reported critical problems with any of these systems, and water availability appears adequate for current needs. All of these systems have water rights approximately equal to their reported (DOH) capacity.

**10.6.3 Water System Capacity**

A DOH water system listing (May 8, 1992) was used as part of an early draft of this CWSP for a general comparison of rights and capacity. Table 10-5 is a summary of in-service capacities and water rights for 18 public water supply systems. This table is included only to provide a general overview because its usefulness for regional demand, source capacities, and water rights evaluations is limited. For example, converting the total authorized instantaneous withdrawal rate from gpm to MGD is mathematically correct, but technically flawed because it assumes that all rights can be operated 100 percent of the time, which is normally not the case. In some situations, the annual authorization would not allow a continuous withdrawal at the maximum authorized rate of withdrawal; and in other situations, the source or system limitations may preclude continuous operation.

The analysis has also shown inconsistencies among the data sources. For instance, when a comparison was made between in-service capacity to Ecology's water right data, there were variances. In other cases, no water rights or claims to water right have been identified for some of the systems. Some systems are not listed in the DOH report, but this does not necessarily mean there is no water right for the system. Because name changes in Ecology records do not generally follow ownership changes of water rights (except when the water right filing is in application or permit status), the inability to match a water right or claim (using only printouts) to each water system is not uncommon.

The water right analysis generally has shown a poor correlation between reported system capacities and the related water rights. The major conclusion/recommendation from the analysis is that each of the individual water utilities should carefully review its water right(s) with Ecology to assure adequacy and verify correctness.

The totals of capacities and instantaneous water rights should not be used to compare against future regional demand, except in a general sense, because the systems are not generally integrated with each other. However, as the capacities of various systems are compared against smaller and smaller areas, the results can provide insight into the likely demand on a system, the need for sub-regional coordination, and the general likelihood of supply shortages.

## 10.7 Overall Water Demand

Estimates of water demand can be done with varying levels of sophistication and over a variety of planning horizons. For individual WSPs, estimates are generally focused on a 20-year horizon. However, special emphasis should be made to the short-term (six years) for capital planning and short-term projects, and to the long-term (50 years) for major infrastructure planning. The obvious problem with the 50-year forecast is the level of uncertainty, and the lack of equivalency of the uncertainties between water systems. These uncertainties can be worse when planning on a regional basis, where land use and economics can encourage growth in a variety of directions over time. For the purposes of this Plan, and the CWSP, a 20-year population forecast has been used, and an associated 20-year demand forecast will be used. To some extent, however, the uncertainties will remain different for each system.

Based upon the population growth anticipated in planning areas (Table 10-1), an average day demand and peak day demand for the area was determined. To arrive at these numbers, data from various utilities and data derived during the development of the 1992 Draft CWSP was used. An average day

per capita use of 120 gallons per day (gpd) seemed appropriate and was approved by the WUCC for use in all areas except for the City. For the City, data indicated that the per capita use was closer to 200 gpd (likely due to commercial and industrial use in the area).

Table 10-6 shows the results of this analysis. By 2016, the County can expect to be using over 6,500 acre feet of water a year. On a peak day (using 2.5 as a peaking factor), the anticipated population of 39,000 people will demand about 14.6 MGD. These figures do not take into account any conservation measures not yet in effect.

Because these general demand calculations follow population, the high demand areas are those mentioned above for high rates of growth. Accordingly, Port Townsend, Port Ludlow, the Tri-Area, and Shine/Paradise Bay/Southpoint can expect the largest demand increases.

## **10.8 Current Delivery Capacity and Water Rights**

The assessment provided below is broken down into 12 planning areas. Although the discussion focuses on several of the larger water systems in each area, smaller water systems, and individual supplies will continue to be significant in meeting future demand.

The following analysis is intended to put the water supply needs in perspective to available supply. The major assumption used for this analysis is that people will want to go, or will go, where there is supply. The record is clear that construction and demand are geographically a function of perceived and desired lifestyle, economics, and regulation (resource management). If the economics are such that a lifestyle can be obtained with private water supply, and there is no regulatory (or resource) reason to prohibit well construction or diversions, then private supplies will be developed regardless of public supply availability. Again, any comparison of water rights to demand and system capacity with regional demand, must be done with these limitations in mind. It is interesting and valuable, however, to know whether public supply in an area (planning area in this case) is in a position to meet some, most, or all of the area's anticipated growth. This information can serve to highlight critical supply issues, or draw attention to areas where on a relative basis, supply may not be as much of a problem.

The following analysis, is done for this purpose and is not intended to portray a precise prediction of supply needs. Again, more precise analysis is best performed by individual water systems and their WSPs as they prepare for future growth.

Table 10-6  
Water Demand Analysis

Area	1996		2016		1996		2016		Water		In Service		In Service		Notes
	Average Daily Demand (AcFt/Year)	Average Daily Demand (AcFt/Year)	Peak Day Demand (MGD)**	Peak Day Demand (MGD)**	Water Right (AcFt/Yr)***	Water Right Surplus/Deficiency (AcFt/Yr)	Water Right Surplus/Deficiency (AcFt/Yr)	In Service Supply (MGD)	In Service Supply (AcFt/Year)	In Service Capacity Surplus/Deficiency	In Service Capacity Surplus/Deficiency	In Service MGD Capacity 2016 Surplus/Deficiency	In Service MGD Capacity 2016 Surplus/Deficiency		
Port Townsend	1,874	3,107	4.18	6.93	29.1	0	0	0	0	0	0	5.00	-1.93	1	
Quimper Peninsula	393	548	0.88	1.22	1.19	759	211	986	438	0	0	0.88	-0.34		
Marrowstone Island	113	136	0.25	0.30	0	0	-136	0	-136	0	0	0.00	-0.30		
Tri-Area	581	738	1.30	1.65	4.27	2,010	1,272	1,686	948	1,686	948	1.51	-0.14		
Discovery Bay	146	198	0.33	0.44	0.44	155	-43	493	295	493	295	0.44	0.00		
Center/Inland Valleys	182	236	0.41	0.53	0	0	-236	0	-236	0	0	0.00	-0.53		
Port Ludlow/Oak Bay	267	659	0.60	1.47	1.44	492	-167	1,266	607	1,266	607	1.13	-0.34		
Shine/Paradise Bay	121	198	0.27	0.44	0.56	317	119	515	318	515	318	0.46	0.02		
Coyle/Toandos Peninsula	55	80	0.12	0.18	0.2	126	46	213	133	213	133	0.19	0.01		
Quilcene	176	242	0.39	0.54	0	0	-242	0	-242	0	0	0.00	-0.54		
Brinnon	175	261	0.39	0.58	0.679	334	73	874	613	874	613	0.78	0.20		
West End	129	135	0.29	0.30	0	0	-135	0	-135	0	0	0.00	-0.30		
	0	4,211	9.40	14.59	37.879	4,193	-2,344	11,633	5,095	11,633	5,095	10.39	-4.21		

1. From Surface Supply minus PT Paper's Supply -Pipeline Capacity at 19.4 MGD with Contract for 14.8 MGD  
2. 785 from PT

### **10.8.1 Port Townsend**

The City has a surface water withdrawal right of up to 25.57 MGD. However, pipeline capacity is limited to 19.4 MGD. The paper mill (Port Townsend Paper) has contract rights to 14.4 MGD of this diversion and other contracts to total 14.8 MGD. The remainder (5 MGD) is available to meet the City's growth.

Population and related peak day demand at 2016 could be in the range of 6.9 MGD. The current 5 MGD surface water supply will be insufficient to meet the City's needs on a peak day basis.

The City has projected a buildout scenario (City limits) of 25,000 people (included in "Population Change in Jefferson County: The Next 20 Years," April 1992, Jefferson County). With this scenario, at 200 gpd average day, demand might reach 5 MGD (with peak day at nearly 13 MGD). This might be a conservative estimate. With the growth rate continuing at the Watterson Report rate (2.62 percent per year) to the year 2046 (50 years), Port Townsend's population would be expected to reach about 30,000. Under either scenario, existing supply of 5 MGD will not meet these needs, even with fairly substantial water conservation measures.

### **10.8.2 Quimper**

The Quimper area's water systems have the capacity and water rights to serve only about 75 percent of the anticipated population increase. Total increase in this area is expected to be about 1,150 people by 2016. The largest available capacity exists on the PUD's South Hastings Loop (LUD No. 3) where capacity and water rights for about 250 connections currently exists. Cape George and the Glen Cove Systems both expect to serve significant increases over the next 20 years (collectively increasing from the current 614 connections to 1,065), but both currently lack water rights and capacity to do so. The PUD has water rights (100 gpm and 67 af/y). Such rights will take care of the projected deficiencies. Without new water rights and capacity, about one quarter of the projected new growth will occur on small public systems or private individual wells. Water systems and capacity for this area are shown in Table 10-7.

### **10.8.3 Marrowstone**

Very little public water service exists on Marrowstone Island. While a significant new public water system might be possible, the addition of only about 80 new dwellings to serve about 175 people over the next 20 years may not justify such a system. Consequently, the area will rely on groundwater sources which are already under threat by possible overdrafting and seawater intrusion.

Table 10-7  
Jefferson County Water System Capacity and Demand

System	Water Rights % of Subarea	Capacity % of Subarea	Current ERU	Information Source	Capacity ERU	ERU Basis	ERU Available	Population @ 2.2 per ERU	Total Available	Needed	To be Served	% Capacity with Public Service
<b>Area 2 - Quimper</b>												
LUD No. 3 (Haslings Loop South) (1)	0%	0%	180	SSA	445	DOH Approved	265	583	583			
Cape George Colony Club, Inc.	65%	67%	391	SAA	460	DOH Approved	69	152	152			
Glen Cove Water System (1)	13%	17%	117	SSA	180	Calculated	63	139	139			
Olympic Mobile Village	23%	16%	76	SSA	99	DOH Approved	23	51	51			
								TOTAL FOR AREA	924	1,149	225	80%
<b>Area 4 - Tri Area</b>												
Glen Cove South	3%	9%	43	SSA	117	DOH Approved	74	163	163			
Kala Point Water System	14%	39%	405	SSA	617	DOH Approved	212	466	466			
Port Townsend, City of (Ground Water)	83%	52%	3,015	Calculated (1)	4,413	Calculated (1)	1,398	3,075	3,075			
								TOTAL FOR AREA	3,704	1,165	(2539)	318%
<b>Area 5 - Discovery Bay</b>												
LUD No. 1 (Gardiner Water System)	100%	100%	100	SSA	200	DOH Approved	100	220	220	385	165	57%
<b>Area 7 - Port Ludlow</b>												
Olympus Beach Tracts, Inc.	4%	6%	52	1992 CWSP Draft	75	Calculated	23	51	51			
Ludlow Water Co.	96%	94%	950	SSA	2,452	WSP @ 160 per eru	1,502	3,304	3,304	2,916	(439)	115%
								TOTAL FOR AREA	3,355	2,916	(439)	
<b>Area 8 - Shine</b>												
Bywater Bay (PUD)	7%	9%	25	SSA	36	DOH Approved	11	24	24			
Jefferson County Water District No. 1	43%	30%	184	SSA	250	DOH Approved	66	145	145			
Bridgheaven Water System	50%	61%	87	1992 CWSP Draft	350	Calculated	263	579	579	574	(174)	130%
								TOTAL FOR AREA	748	574	(174)	
<b>Area 9 - Coyle</b>												
Jefferson County Water District No. 3	100%	100%	95	1992 CWSP Draft	250	Calculated	155	341	341	185	(156)	184%
								TOTAL FOR AREA	341	185	(156)	
<b>Area 11- Brinnon</b>												
Lazy "C" Water System	15%	13%	120	SSA	168	DOH Approved	48	106	106			
Trifton Cove Estates Marshal Addition (LUD No. 6)	3%	12%	33	SSA	99	DOH Approved	66	145	145			
Pleasant Tides Water Co-op	18%	15%	63	1992 CWSP Draft	150	Calculated	87	191	191			
Seamount Estates Community Club	65%	60%	56	SSA	151	DOH Approved	95	209	209	644	(7)	101%
								TOTAL FOR AREA	651	644	(7)	

#### 10.8.4 Tri-Area

The Tri-Area is a much more complicated situation. Three large public water systems currently serve the area (Kala Point, the PUD, and the City). While Kala Point and the PUD both plan on serving a considerable number of new customers over the next 20 years with their existing capacity (combined, this would mean about 300 new connections), the City and the management of its supply and service area may experience future shortages or abundance of water in this area.

This area as a whole is expected to grow by about 1,150 people over the next 20 years. This will roughly equal about 525 new connections. Subtracting the PUD and Kala Point capabilities, this leaves the need for about 200 new connections.

The City has been serving its service area (significant areas of Irondale, Hadlock, and Chimacum), with supply from two wells in the area supplemented (or vice versa) with water from its Quilcene supply. Looking to the future, the City may not be able, given DOH treatment/chlorination rules, to provide surface water to this area. The City has groundwater rights of 3.53 MGD in the Tri-Area, with only about 800,000 gallons to 1 MGD of that developed. In addition to the Tri-Area, the City has commitments to provide water throughout the area to Indian Island and Fort Flagler. These commitments are about 700,000 gpd at the maximum. The City has listed a maximum day residential and commercial load for the area at 919,048 (399,586 average day) gpd (Fact Sheet dated July 17, 1995 - Tri Area only). The City also listed its current surface water commitment to the area at 1 MGD.

Future demand for the entirety of the needed 525 connections could be an additional 0.5 MGD at 800 gpd per connection. As noted above, the City has water rights for potentially 3.53 MGD from the two wells in the Tri-Area. If the City were able to provide an additional 0.5 MGD (total well production of about 1.4 MGD) from these wells, then total peak demand could be met by this additional supply. To meet the contracted supply and without using surface supply, the total demand would equal 2.1 MGD (919,048 current demand, 700,000 contracted, and 500,000 new demand from 500 new customers). This is theoretically possible from the water rights available to the City. From a water rights standpoint, this area could have a surplus by 2016 even without new conservation measures. Water systems and capacity for this area are shown in Table 10-7. The City is underway with the development of a new well adjacent to the Sparling Well that will increase the groundwater capacity.

### **10.8.5 Discovery Bay**

Discovery Bay planning area has only one large non-transient public water system. The PUD's Gardner Water System (LUD No. 1) is about half utilized about 100 connections remaining. These will only meet about 60 percent of the area's anticipated growth of about 385 people over the next 20 years. Smaller water systems and private wells will be required to meet the remaining need. The Gardner Water System capacity for this area is shown in Table 10-3.

### **10.8.6 Center/Inland Valley**

No large public water systems exist in this area. Consequently, it is anticipated that all of the nearly 400 new residents in the area will be on small systems or private domestic wells.

### **10.8.7 Port Ludlow/Oak Bay**

The Port Ludlow/Oak Bay area is forecast to experience the largest population increase (nearly 2,900 people or about 1300 dwellings) over the next 20 years. This area is served by two water systems (the Ludlow Water Company and Olympus Beach Tracts, Inc.). According to size, Ludlow is the main water supplier for the area. According to its WSP, the system has a capacity of about 2,450 with about 950 residential connections currently. This leaves sufficient capacity to meet the forecast demand for the area. Water systems and capacity for this area are shown in Table 10-7.

### **10.8.8 Shine/Paradise Bay/Southpoint**

This planning area is served by three of the larger water systems (PUD's Bywater Bay, Jefferson County Water District No. 1, and the Bridgehaven Water System). Altogether these systems have water rights and capacity to meet the anticipated demand from roughly 575 new residents to the area by 2016. Water systems and capacity for this area are shown in Table 10-7.

### **10.8.9 Coyle/Toandos Peninsula**

The Coyle/Toandos Peninsula is served by only one of the County's larger water systems - Jefferson County Water District No. 3. This utility has the capacity to serve an additional 350 people, if necessary. Growth for this rural area is anticipated to be only about 185 over the next 20 years. Because of its rural nature, the Water District may not find it necessary to tax its resources significantly to meet demand. Jefferson County Water District No. 3 capacity for this area is shown in Table 10-7.

### **10.8.10 Quilcene**

The Quilcene area has discussed the possibility of a public water system to serve the community of Quilcene. However, no firm plans are pending. Consequently, the projected 489 additional people expected to reside in the area by 2016 will need to rely on small systems and private domestic wells.

### **10.8.11 Brinnon**

This area is served by several water systems. These include the PUD's Lazy "C" System, its Triton Cove System, the Pleasant Tides Water Co-Op, and the Seamount Estates Community Club system. The combined capacity and water rights of these systems will not meet the anticipated demand of over 600 additional people in the area by 2016. Of the systems, the Lazy "C" system is expected to expand to accommodate an additional 48 connections over the next several years. With this additional capacity, the areas growth could nearly be accommodated by these systems. Water systems and capacity for this area are shown in Table 10-7.

### **10.8.12 West End**

The limited growth in this area will need to be met by private domestic supplies or small water systems, since there are no significant public systems in the area now, and the low growth rate is unlikely to create the need for larger new systems.

## **10.9 Planning Assumptions**

Each planning area, its systems, and water supply are subject to certain assumptions as described below.

### **10.9.1 The City of Port Townsend**

Key issues which potentially affect water supply for the City are those relating to instream flows in the Quilcene River System and the contract with the Port Townsend Paper. Each can dramatically affect the ability of the City to serve its future population.

Optimistically, the City will continue to work with Port Townsend Paper to achieve a modest, if not dramatic, reduction in water demand for that facility and renegotiate the current contract to "free" some of the supply. The current contract is for 14.4 MGD. But the mill has demonstrated its ability to operate with less. Aggressive conservation may allow for a long-term contract providing significant supply to the City and its adjacent water service areas while still meeting the paper company's ongoing supply needs.

Countering that outlook are the instream habitat issues in many Western Washington streams, including the Quilcene River System. Recently, the City, in collaboration with many other area interests, developed the Dungeness/Quilcene Plan (the same DQ Plan described earlier). This plan discusses the water supply issues in the County and proposes a variety of policies and actions to address them. As an example of the spirit of the Plan, the City voluntarily reduced its withdrawals from the Big Quilcene River during low flow periods in 1994. The paper mill was poised to shut down as the City's reservoir supply dwindled. Although this previous effort was voluntary, the City may decide in the future to forego a portion of its water rights to meet instream needs. Should that be the case, the City will need cooperation from the paper mill (under a new contract) to meet its future demands. However, as indicated in the previous analysis of demand, the City will need additional supply from their surface water source, and from the current paper mill allocation under any current growth scenario.

The City has recently started a transition, moving the Tri-Area portion of its supply to groundwater (hopefully to be met by two Tri-Area wells). As mentioned previously, water rights and production capacity are large questions surrounding this step. However, in taking this step, the City has considered the water rights issues, the cost of surface water treatment, their future needs, and a new arrangement (contract) with the Port Townsend Paper Company.

On the extreme, if the City "builds out" to nearly 25,000 people, they will need 9 or 10 MGD to meet peak needs. This would leave 9 or 10 MGD for the Paper Company. This possibility poses several questions.

Can this type of conservation be met? Will the Paper Company survive in our world pulp and paper economy for 20-to-50 more years (to "build out")? What conditions will be negotiated with the Mill when the contract expires in 2020? Are there off stream storage possibilities?

Answers to these questions might provide long-term answers to the City's supply needs. Under some scenarios, this supply might provide for some regional needs as well. Currently, however, there are no discussions of off stream storage, and the paper mill must be considered a future demand. Any discussions will require that all data and engineering analyses be available to all interests in the area. A key consideration for the future will be the filtration treatment requirements for the surface water system and the costs (and economies of scale) related to serving smaller or larger areas. The City is continuing to look at those questions through its water resources planning process and continuing analysis of the water system.

Currently, all of the 19.4 MGD from the Quilcene River System can be allocated to meet the City and the Paper Company's needs. The rest of the region will have to depend on groundwater for the foreseeable future.

### **10.9.2 Quimper**

The key issue for the Quimper area in meeting future demand is water supply and water rights. On a fundamental level, the ability of the area to supply the water is unknown, and such supplies to the PUD and Cape George will be required to meet future demand. To obtain water rights (for the larger water systems), evidence of water supply availability will need to be gathered and presented. Further, all issues related to conservation, intertie use, and alternative supplies will need to be addressed.

In addition, the PUD will need to re-negotiate its contracts with the City for supply to some of the area. These contracts are due to expire before 2015, and the City's water situation will have a great bearing on these negotiations and the availability of water supply.

### **10.9.3 Marrowstone**

Can the Marrowstone Island aquifers continue to produce at the rate they are currently producing? That question and others related to the seawater intrusion or (naturally occurring) higher than normal salt content of Island supplies will need to be addressed. It may be possible for continued development at the rate envisioned by growth planners, but perhaps not. Currently, not enough information exists to close the aquifer to further withdrawals. Incremental additions to the population appear to be the pathway for the future as new information is developed.

### **10.9.4 Tri-Area**

For the Tri-Area, resolution of several issues may help resolve the water supply issues. For now, however, the City's resource management and its groundwater capacity are the key elements for meeting future demand.

Currently, it is unknown if the aquifer (or more specifically, the withdrawal areas used by the City) can be expanded to meet the full water right (about 3 MGD). If not, the area may face water shortages. DOH regulations have presented obstacles to continued, long-term use of surface supply in the area because of current and expected surface water treatment requirements. Unless a full commitment is made to surface supply (also, the City's surface supply may be limited as noted above), conjunctive use (surface and groundwater supplies) may not be able to continue. Nevertheless, a short-

term conjunctive use strategy will be necessary as the City tests the ability of the area's aquifers to provide sufficient quantities for the future.

Adding to the growth scenarios in the Tri-Area are those involving possible incorporation of a new City of Irondale (Hadlock and Irondale). Such an incorporation, if it were to occur, would necessarily follow designation of this area as an UGA by the County under the provisions of the GMA. This scenario does raise the issue of who will serve water. The City has indicated that it will reduce the size of its service area to only existing customers and that for which it has "capacity." If demand is greater than the City can provide, will another provider (e.g., the PUD) embark on source development for a new service area? Will a new City have enough capital resources to undertake utility management and new source development?

These questions remain unanswered. Resolution of the land use "vision" for the area through GMA planning and resolution of the incorporation possibilities will significantly affect the short-term future of water supply for the area. Answers should be known within the next two years. Currently, however, the best assumption (supported by analysis) is that there will be adequate water (in a short-term, five-to-ten years, conjunctive use scheme) from the City's surface and groundwater supply. This supply will be complemented by PUD and Kala Point Water System sources in the area. Some private domestic wells will continue to be used in those areas outside service areas in this region.

#### **10.9.5 Discovery Bay**

Few issues exist in this area. The central issue for new construction will be the existing lot pattern and the final determinations on future land use for the area. The level of development in this area is expected to keep demand below that affected by current water rights of existing utilities (the largest is the PUD's Gardner System). Consequently, finding supply or the ability of existing systems to meet demand should not be a constraint to growth at the rate envisioned. Private domestic supplies will continue to be a significant source for this area given the scattered and rural component of growth expected.

#### **10.9.6 Center/Inland Valley**

The situation here is similar to Discovery Bay. In this area, considerably more of the land is expected to remain in large parcels as agricultural. Small development (exempt from water right requirements) will develop to meet demand. For those larger developments requiring water rights, the effect of those withdrawals on existing wells and on streams (for example, Chimacum

Creek) will be the key tests. Current Ecology policy will make these supply developments expensive and unlikely to occur (even if land use allows).

#### **10.9.7 Port Ludlow/Oak Bay**

The Port Ludlow Water Company has the capacity to handle growth in the area if all new expected growth moved there. However, significant growth will occur outside of this water system. For these potential builders, finding water supply (location and abundance) will be the challenge and limiting factor.

#### **10.9.8 Shine/Paradise Bay/Southpoint**

The water systems in this area can meet demand with existing rights. Growth outside these systems, however, will continue to occur. Other than the existing systems, only smaller development (exempt from water rights and allowed by land use determinations and existing lots) is expected over the next 20 years.

#### **10.9.9 Coyle/Toandos Peninsula**

Most of the growth in this area is expected to be based on supply from individual wells. This assumption is based on the rural nature of the area, coupled with the historical low-growth rate. Aquifer capacity at specific locations will be the limiting water supply factor affecting growth.

#### **10.9.10 Quilcene**

A key issue facing this area is whether to construct a new water system for the Quilcene community. Such a system will need a significant new supply (offset by reductions from current individual wells). Groundwater will be the logical choice given the difficulties with instream flows and DOH surface water treatment rules. If such a supply is created, the management of the areas resource in consort with the Quilcene River and the City's supply will be paramount to successful implementation. If no new system is constructed in the area, the impediment to the modest development over the next 20 years will be site specific aquifer capacity and water quality considerations for the small group or individual wells.

#### **10.9.11 Brinnon**

Demand in this area will likely be met by a combination of existing public supplies and creation of new, small systems. For the existing supply, few issues have been apparent regarding capacity or water rights. However, new systems will be dependent on finding new supply - a site specific issue for most of the anticipated small development.

## 10.9.12 West End

Growth will continue as it has in the past. Builders of small and individual systems should have few issues as they seek groundwater supply.

## 10.10 Jefferson County Water Supply Strategy

### 10.10.1 Introduction

The overall strategy for the future water supply of the County would be intended to reflect the County's policy of facilitating the planning and, as necessary, provision of water to its constituents, and can be depicted in two components:

#### (1) A strategy for Port Townsend, the Quimper Peninsula, and the Tri Area; which involves:

- Port Townsend's water utility, the PUD, and to some degree Kala Point Water System and Cape George Colony Club.
- Some uncertainty about the source of supply (surface or ground).
- Key decisions on land use, source development, and would benefit from (if not need) cooperation among all parties
- A regional approach or workplan,

#### (2) A strategy for the remainder of the County which involves:

- Most of the other utilities in the County.
- Groundwater as the predominant source.
- Independent actions of area purveyors to plan for future demand.
- The Water System Planning and project approval processes of the Jefferson County Health Department (JCHD) and DOH.

In this context, the following Jefferson County Water Supply Strategy and workplan is recommended.

### 10.10.2 Port Townsend, Quimper Peninsula, and the Tri-Area

#### *Questions Needing Answers*

The future of service to these areas is dependent on answers to the following questions:

- What are the likely populations and densities for these areas?*
- Which purveyors will commit to meeting the water demands in which areas?*

### ***The Pathway to Answers (A Workplan)***

To develop some certainty in the future of water supply for this portion of the County, the following steps need to be followed (preferably in the following order of priority) in a manner consistent with the County-Wide Planning Policies developed as part of the GMA:

- The WUCC reviews completed and adopted City and County Comprehensive plans, and amends CWSP as necessary for consistency.
- WUCC meets to discuss service areas and request submittal of any changes and any proposed source of supply updates/planning changes.
- Proposed service area changes and CWSP amendments reviewed by the County for consistency with City and County Comprehensive Plans.
- CWSP amended with new or amended Service Areas and other necessary changes.

### **10.10.3 The Remainder of Jefferson County**

#### ***PUD Satellites and Small Systems***

Because the only available source of supply is groundwater, supply strategies for the PUD Satellites and other small systems are not complex. For all of these systems, the problem is one of assuring protection of their existing sources, and managing for the level of in-filling which is anticipated within their boundaries. To meet their needs, these water purveyors will:

- Need to confirm their existing water rights, if there are any questions. (See Tables 10-4 and 10-5)
- Need to be diligent in protection of their water supplies as growth and other human activity occurs around them.
- Need to provide incentive or regulation for conservation and reuse, where appropriate, to optimize the resource they currently have available.

Groundwater to meet current domestic needs appears adequate. However, the County has limited groundwater resources. Estimates are that by 2042, groundwater demand will increase from the current consumption of 4.38 MGD to 11.94 MGD. Nearly 8 MGD will need to be found. Of this, nearly 3

MGD of the 8 MGD will need to be provided by PUD Satellites and small systems.

Following the results of the Groundwater Characterization Study, these utilities should now do the following.

- Carefully examine their individual needs and consider joint or individual exploration and development of those aquifers which seem adequate for regional supply.
- At the same time, consideration should be given to a County-wide Ground Water Management Plan, with a mission to protect and optimize available resources. The only supply option available to the PUD Satellites and small systems is the development of groundwater. Protection of groundwater will also require consideration of sewer collection and treatment.
- The PUD should continue to manage small systems so opportunities for interties, conjunctive use, conservation, and reuse are all optimized.
- Water rights for all small systems should be verified and confirmed.
- The PUD should take the lead in continuing to search for and develop new groundwater sources and in examination of current treatment technologies for improving the quality of existing supplies.

#### ***Rural Areas with Special Supply Problems (Marrowstone Island)***

Jefferson County, like many rural Western Washington counties, faces increasing rural population and associated demand for rural utility services. In some cases, the growth itself, and its impact on environmental resources, is increasing the acute nature of these problems. Rural areas experiencing water supply problems because of lack of water, salt water intrusion, and groundwater contamination (from natural and manmade sources) need an affordable water supply to meet public health needs.

Currently, there are areas of the County, such as Marrowstone Island, where supply is short, groundwater contamination has been partially documented, and alternative supplies are being sought by individuals. To meet the need for a "safe and adequate" water supply in rural areas, where limited supply or economics limit the typical system design, an alternative approach is required.

Options have included traditional pipeline supply, conservation measures, stormwater catchment, and "greywater" reuse. The pipeline alternative has been seen until now as the only way to supply an adequate supply as defined

by DOH. Pipelines have a relatively high cost of construction. Coupled with the sparse and rural distribution of consumers, pipelines may be infeasible.

Another option - a "Restricted Water System" design includes the use of a "trickle" or restricted flow, low capacity distribution system, with residential reservoirs to handle "peak" uses.

A rural water system must meet the following requirements:

Meets Drinking Water Standards

The source of supply must meet applicable drinking water standards. The source might be a regional groundwater supply or the current City surface supply.

The system must have DOH approval.

Economic Feasibility

To be an economically feasible solution, the system must be able to be implemented, and be affordable to those who will finance the capital construction and operation of the system.

Consistent with Land Use Criteria/Standards and Density

One of the biggest issues facing rural areas is the issue of growth and growth impacts. For many of those who live in rural areas, resource constraints to growth are a welcomed ally against growth since current zoning, if implemented, would, in their minds, detract from the rural character of their surroundings. On the other hand, there are those who own property and have not yet constructed, who do not have an adequate supply and find it difficult to finance improvements, sell their home, or conduct daily chores. For this latter group, a rural system would be favored.

Residents of Marrowstone Island should pursue evaluation of a Restricted Flow Water System. In doing so, a variety of policy and institutional questions will need to be answered. Among these are: Will there be sufficient growth to support such a system? Who will manage the system? What should be the design capacity of the system? Where will the water come from?

To answer these and other questions, residents of Marrowstone Island should work with the City, the PUD, and the County. With cooperation, the future character of, and water supply for, Marrowstone Island can be determined. Currently, with questionable water supply, expanding development and sale of existing homes and property are jeopardized. A Restricted Flow Water

System, appropriately sized and supported by County zoning, could provide a more certain future and adequate water at a reasonable cost.

## **10.11 Summary and Recommendations**

### **10.11.1 Summary**

The supply strategies for the County involve a key set of actions for the City, the PUD, and the County to resolve issues and establish stability for service on the Quimper Peninsula and for the Tri-Area. These actions necessarily involve cooperation in planning for the economic future, land use, and service areas. As such, these parties bear the bulk of the burden for successful completion of this CWSP Plan and for meeting the intent of the Water System Coordination Act.

The second component of these strategies involves the WUCC, water purveyors (specifically the PUD), and DOH. The charge for these entities will be to provide technical and policy assistance to the area utilities in meeting their future demand. This will necessarily involve assistance in data acquisition and clarification of water right issues, regional definition of potential sources of supply, and demand projections. For the most part, these activities can be completed as part of a utility's WSP. However, special studies may be necessary depending on circumstances.

### **10.11.2 Recommendations**

Table 10-8 lists recommended actions, responsible lead entities, and expected time frame.

**Table 10-8**  
**Jefferson County Water Resources Strategies - Implementation Plan**

<b>Activity</b>	<b>Responsibility</b>	<b>Time Frame (Year following Plan Adoption)</b>
The WUCC reviews completed and adopted City and County Comprehensive plans, and amend CWSP as necessary for consistency.	WUCC	Y1
WUCC meets to discuss service areas and request submittal of any changes and any proposed source of supply updates/planning changes	WUCC	Y1
Proposed service area changes, CWSP amendments, reviewed by County for consistency with Comprehensive Plans.	County	Y1
CWSP amended with new Service Areas and other necessary changes.	County/DOH	Y1
Confirm existing water rights, if there are any questions	WUCC/Purveyors	Y1
Examine individual system demands and consider joint or individual exploration of those aquifers which seem adequate for regional supply.	PUD/Purveyors	Y1/Ongoing
Consider development of a comprehensive Ground Water Management Plan	PUD/Purveyors/County	Y1
Search and Development of new regional supplies.	PUD	On-going
Consider "Rural Restricted Water Systems" for areas such as Marrowstone Island.	Marrowstone Residents/County/PUD	Y2

## **Appendices**

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**Comments received on the August 1996  
Draft Coordinated Water System Plan prior to  
Jefferson County Commissioners October 7, 1996, Public Hearing**

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# JEFFERSON COUNTY PLANNING DEPARTMENT

Long-Range Planning and Growth Management

Jefferson County Courthouse P.O. Box 1220 Port Townsend, WA 98368  
(360) 385-9123 FAX: (360) 385-9357 1-800-831-2678

## MEMO

**TO:** Sean Orr, Department of Health, Southwest Drinking Water Operations

**FROM:** Cheryl Halvorsen

**DATE:** September 6, 1996

**SUBJECT:** Supporting information Re: Draft CWSP

Enclosed are the following items related to the Draft Jefferson County Coordinated Water System Plan Update:

1. 08/27/96 Letter from Cy Heffernan, Jefferson County Water Utility Coordinating Committee
2. 07/22/96 Letter from Bob Wheeler, Department of Public Works, City of Port Townsend
3. 08/22/96 Memorandum for Record from James Parker, Manager PUD #1, w/ copy of PUD Commissioner Bob Krutenat memo of 08/15/96
4. 08/25/96 Letter from Julie Jaman
5. 08/28/96 Letter from Thomas McNerney & Associates
6. Tapes (2) of 08/28/96 WUCC meeting

You received a copy of the Plan Update earlier.



## Jefferson County Water Utility Coordinating Committee

Cy Heffernan, Chair  
615 Sheridan

Port Townsend, Washington 98368-2476  
(360) 385-9444 – (800) 831-2678 – fax (360) 385-9401

August 27, 1996

Jefferson County Board of Commissioners  
Jefferson County Courthouse  
Port Townsend, WA 98368

State of Washington  
Department of Health  
Southwest Drinking Water Operations  
2411 Pacific Avenue  
Olympia, WA 98504-7823

Dear Members of the Board and Department of Health:

The purpose of the letter is to provide WUCC comment on the Draft CWSP pursuant to 246-293-260 WAC.

The WUCC has pursued an update to the CWSP since 1990. The result has been two draft documents for consideration. These are the current version and a 1992 version. In each case, the WUCC did its "job" by completing a process and providing the document. In each case, the document was technically not as good or complete as it might have been because of processes out of WUCC control. Because of processes beyond WUCC control, the 1992 draft was not adopted, and because of similar processes, this document may not be adopted as well.

For this document, many improvements in the previous draft have been made, and many initiatives have been started consistent with plan implementation. However, we recognize that this document is incomplete because Port Townsend, the largest water provider, has failed to comply with state law (RCW 70.116.070) and refused to provide a service area agreement despite repeated requests from the State Department of Health and our Committee. The WUCC has been unsuccessful in obtaining this agreement and is now deferring action to the Department of Health. At the same time, the City appears to be comfortable with

providing the Department a service area in its Draft Water System Plan (July, 1996). The WUCC recommends immediate enforcement action against the City and by the Department to obtain a service area agreement.

In addition, the WUCC realizes that service area determinations are difficult given the uncertainty with regard to land use planning. The City has adopted their Comp Plan. The County has, to date, been unable to provide a plan for the future of key areas. If the County Commissioners can do anything to expedite the process, it would help provide a more complete CWSP. At the same time, the WUCC knows, and the regulations state, that the best available planning information should be used in preparation of the document. For the City, this information should be used in a service area determination. Every other utility requested to provide a service area agreement has done so.

The City and the PUD have been negotiating for some time on service to some areas outside the City. There has been little progress. We are not sure why, but we feel that the WUCC cannot provide the incentives for the City and the PUD to negotiate their issues to some type of agreement. Perhaps the tools of DOH will be more successful.

The WUCC has heard the SEPA issues surrounding the document for the last two years. While the WUCC recognizes the need to address SEPA, the WUCC does not agree with the need for an EIS and State DOH concurs. Regardless, the WUCC believes that the SEPA issues are being used by some to raise non-CWSP issues, or promote agendas beyond the scope of the CWSP or the WUCC. Therefore, the WUCC supports the decision of the County to move lead agency status to DOH. The WUCC and County SEPA responsible official feel DOH is the appropriate lead agency under SEPA rules, and the best agency to provide an unbiased assessment of environmental impacts.

Much progress has been made. All WUCC meetings have been declared open to the general public. WUCC meetings have been advertised in the local paper, and all have had public comment periods. The WUCC feels public process has been addressed.

Finally, the WUCC intends to move forward with implementation of many of the ideas found in this draft regardless of DOH action. The WUCC feels that there is a considerable agenda for the Committee to help improve utility coordination and communication along with better service to the public. Both the County and the PUD have offered to fund and support on-going WUCC activity. Working with these entities and the City (if it chooses), the WUCC can greatly enhance the operation and service to County ratepayers and save significant taxpayer dollars at update time.

This process has left the WUCC with a technically incomplete document. Again, this has been because of actions (or non-action) beyond the control of the WUCC. For this reason, the WUCC is questioning the effectiveness of the CWSP process. However, the WUCC stands ready to provide input and assistance in implementation of those items within its purview.

Once the County Comprehensive Planning is completed, UGA designation is complete, negotiations between the City and PUD are complete, the WUCC is prepared to again update this document. Until then, the WUCC is simply transferring written comments and tapes of public comments to the Commissioners and DOH for consideration, but does not recommend action on any of the comments until the above tasks are completed.

Very Truly Yours,



Cy Heffernan  
Chair

# Department of Public Works

5210 KUHN STREET  
PORT TOWNSEND, WASHINGTON 98368  
360/385-7212  
360/385-7675 FAX



July 22, 1996

Mr. Larry Fay  
Jefferson County Environmental Health  
615 Sheridan Street  
Port Townsend, WA 98368

RECEIVED

JUL 19 1996  
JEFF. COUNTY  
HEALTH DEPT.

Re: City of Port Townsend Water Service Areas and Draft CWSP

Dear Larry:

In response to your request for submission of a formal Service Area Agreement by the City of Port Townsend, I am enclosing a parcel map which shows the water service areas as submitted by the City to the Washington State Department of Health in our Draft Comprehensive Water System Plan. This map contains a few revisions to the Tri-Area water service area as depicted in the City's Water Service Area Resolution (dated February 5, 1996). These changes are in response to comments that the City received on the resolution. The resolution was submitted to DOH and the Water Utility Coordinating Committee in March 1996. You will note that some of the service area boundaries follow existing water mains in roadways. The City will be developing policies which set the criteria by which water service will be provided on either side of these roads. Also, although not shown on the enclosed map, the City intends to continue to serve water to Indian Island and Fort Flagler in accordance with existing contracts.

The City Utility Committee will have to review the Service Area Agreement prior to bringing it to the full Council for approval. Since our Comprehensive Water System Plan is still a draft and we have yet to receive comments from DOH on the Plan, it is not clear whether the City would be willing to sign the Agreement at this point. However, the enclosed map should be sufficient for you to proceed with issuance of the Draft Coordinated Water System Plan (CWSP) and represents the City's intended future water service areas to the best of our knowledge.

As stated in the February 1996 resolution, the City will continue to recognize its 1993 water service area boundaries until either a) the City's Comprehensive Water System Plan is approved by DOH and adopted by the City Council or b) the CWSP is approved by DOH and adopted by Jefferson County, whichever comes first.

I have reviewed the Draft CWSP and have the following comments:

- 1) Regarding Marc Horton's memo to Larry Fay dated July 8, 1996: as stated above, the City submitted the February 1996 resolution to the WUCC for use in defining the City's future water service areas. With that, and the enclosed map, it would be unreasonable for

the CWSP to put the City's service area in "unknown status."

- 2) Chapter 1, page 2; #2b Groundwater Supply: the City is finalizing a groundwater study which involved construction of three groundwater monitoring wells, aquifer testing and groundwater sampling. The results of that study will help in better delineating the City's wellhead protection areas and should provide a basis for continued groundwater investigations on the Quimper Peninsula.
- 3) Chapter 1, page 2; #3 Water Supply and Land Use: the City has adopted its Comprehensive Plan as of July 15, 1996. This should be used as the basis for land use discussions in the CWSP.
- 4) Chapter 1, page 4, # 7 Water Conservation and Monitoring, paragraph 2 and #9 Data Management: the City has developed its own Geographic Information System (GIS) which we will be utilizing for all of the City's water service areas. We believe the City's GIS is compatible with the County's system.
- 5) Chapter 1, page 7, #12 Regional Supply Plan: the distinction between the two strategies is not clear. How does the City as a Group A water purveyor really differ from any other Group A purveyor in the County in terms of water service planning? The City's surface water will be needed to serve growth and development in the Port Townsend Urban Growth Area in the next 20 years. The CWSP will outline where water will be served by public water supply systems in the County. It is the responsibility of the individual water purveyors to plan for water supply needs for their service areas in their individual water system plans. The City's strategy for source of supply is not uncertain: surface water will be the source of supply for the City, the area west of the City and Glen Cove; groundwater will be the source of supply for the Tri-Area. This is consistent with our Agreed Orders with DOH and our Draft Water System Comprehensive Plan.
- 6) Chapter 1, page 7, #13a Implementation Highlights : this should be reworded to reflect that in accordance with County Wide Planning Policies #6 and #7, the City and County should prepare economic development and housing elements to ensure properly coordinated economic development and housing strategies. The provisions of these CWPPs should be followed.
- 7) Chapter 1, page 8, #13c: a note should be added here that utilities may adopt water system standards that are more stringent than the minimum standards adopted in the CWSP.
- 8) Chapter 1, page 9, #13g: another item for discussion by the WUCC could be a regional water quality laboratory.

- 9) Chapter 1, page 10: the time frame for adoption of the CWSP (Fall 1996) seems unreasonable given the Environmental Impact review process required. Also, the wording under this activity is unclear.
- 10) Chapter 1, page 14: a) for the first two activities on this page please refer to comment #6 above; b) for the third activity described on this page: this should be reworded as "the City and County should designate unincorporated UGAs in accordance with RCW 36.70.A.110 and coordinate and cooperate for the successful expansion of the Port Townsend UGA into Glen Cove; c) regarding the fourth activity, see comment #3 above, also the time frame for adoption of the County plan seems unrealistic.
- 11) Chapter 2, page 11, K. Environmental Document: it is the City's understanding that an Environmental Impact Statement will be required for the CWSP; this is based on a Determination of Significance (DS) dated November 16, 1994. We are not aware of any revisions to this DS by the County.
- 12) Chapter 4, page 14, first bullet (definition of "Rural"): one acre rural densities have been found not to comply with the requirements of the Growth Management Act by the Western Growth Management Hearings Board.
- 13) Chapter 4, page 18: this table could be revised to include the City water system fire flow requirements: residential = 1000 gpm for 2 hours (except for the area west of the City which will meet CWSP requirements); non-residential = 3500 gpm for 2 hours (or as directed by the City Fire Marshall).
- 14) Chapter 6, page 4, #4b: the PUD levy must be used for regionally-benefiting programs.
- 15) Chapter 10, page 1, II.A: the last sentence in the first paragraph should be replaced with: "The City and County Comprehensive Plans should be prepared in conformance with County-wide Planning Policies. To the extent that they are, they will be consistent; potential inconsistencies which may exist will be worked out over time."
- 16) Chapter 10, page 3, first and second paragraphs: see comment # 2 above.
- 17) Chapter 10, page 11, (3): the Jefferson County Water Resources Council was formed in January 1995. A council charter was prepared and signed by the majority of interests represented on the Council. Jefferson County has yet to sign the Charter; however, County representatives are usually present at the Council meetings. A Memorandum of Understanding is being drafted between the PUD and the City of Port Townsend for continued funding of the Council. Also, the Department of Ecology (DOE) is currently

developing instream flow rules for the Dungeness River. Once the Dungeness rule-making is complete (late summer/fall 1996), DOE will come to the Quilcene side. The first step will be to look at the recommendations in the Plan and decide which of the recommendations have rule-making potential.

- 18) Chapter 10, page 13, last paragraph and page 14, first paragraph and page 19, Section IV: the City and County both signed resolutions in early 1996 adopting population projections for use in their respective Comprehensive Plans. A copy of the population projections for each planning area of the County is attached.
- 19) Chapter 10, page 24, section 1: replace the word "extensive" in the first sentence with "substantial." Under the fourth bullet: delete the phrase "currently used for peaking purposes" - groundwater is currently used as the primary water source for the City's Tri-Area customers.
- 20) Chapter 10, page 25: update the City's contractual obligations as follows:

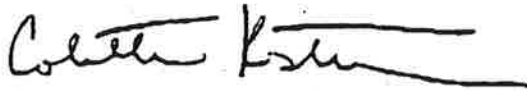
PT Paper Company	14.4 mgd
Navy/Indian Island	0.114 mgd
Fort Flagler	5.5 mg/year
Fisheries	15.5 mg/year
PUD - South Hastings	0.28 mgd
PUD - Glen Cove	0.05 mgd
- 21) Chapter 10, page 28, second paragraph: delete the last sentence and replace with: "The City of Port Townsend calculated average gallons per capita per day water use for 1994 for their Draft Water System Comprehensive Plan using billing records and master meter readings; the results were 116 gpcpd based on billing records and 171 gpcpd based on the master meter."
- 22) Chapter 10, page 29, Section A, second and third paragraphs: this section should reference the results of the water demand analysis done for the City's Draft Comprehensive Water System Plan. Table 3-4 attached is taken from the Draft Plan and identifies the populations and water needs for the 10-year, 20-year and build-out of the City's proposed water service areas. If you have any questions regarding this table, please call Colette Kostelec (385-3000).
- 23) Chapter 10, page 30, Section D: please refer to Table 3-4 attached for the City's projected water needs for the Tri-Area water service area. Again, if you have any questions, please call Colette.

- 24) Chapter 10, page 33: Section IX.A, second paragraph, last sentence: replace "and the surrounding area" with "and its adjacent water service areas."
- 25) Chapter 10, page 34, first paragraph: the City has applied to the DOE for additional points of diversion under its existing water right for the Sparling well. It is anticipated that the City will be utilizing additional wells to supply the Tri-Area service area. In the fourth paragraph: delete sentence "Currently however ... future demand."
- 26) Chapter 10, page 35, last paragraph, last full sentence: change "'excess' supply" to "capacity."
- 27) Chapter 10, page 38, Section X: please refer to comment # 5 above.
- 28) Chapter 10, page 39, B.1: please refer to comment # 18 above and the attached table of population projections.
- 29) Chapter 10, page 40, 2 a-d: please refer to comment # 10 above.
- 30) Chapter 10, page 45: please refer to comment #10 above.
- 31) Chapter 10, Table 1: please refer to comment #18 above and the attached table of population projections.
- 31) Chapter 10, Table X-2: based on the City's Draft Comprehensive Water System Plan, the total number of connections in 1994 in the City's combined service areas was 4,974.
- 32) Chapter 10, Table X-4: the City's current in-service capacity should be 19.4 mgd surface water and 0.8 mgd groundwater for a total of 20.2 mgd.
- 33) Chapter 10, Tables X-5 and X-6: please refer to attached Table 3-4 for projections of water needs for the City service areas.

Letter to Larry Fay  
July 22, 1996  
Page 6

If you have any questions, please call me. I will be on vacation until August 6; in my absence, please call Colette Kostelec, Development Review Engineer at 385-3000.

Sincerely,



for Robert L. Wheeler, Director  
Public Works Department

cc: Al Scalf  
Colette Kostelec  
Tim McMahan



TABLE 3-4  
10 YEAR, 20 YEAR, AND BUILD-OUT WATER DEMAND PROJECTIONS

	Actual Pop. (1994)		Average Day (AD) (in MG/D)			Peak Day (PD) (in MG/D)			Maximum Day (MD) (in MG/D)			Peak Hour (PH) (in MG/H)		
	1994	2004	2004	2014	2046	1994	2004	2014	2046	1994	2004	2014	2046	
<b>City &amp; Area West of City</b>														
Population	7953	10,243	13,191	23,035		7953	10,243	13,191	23,035	7953	10,243	13,191	23,035	
Billing Records <sup>1</sup>	170	234	276	448		170	234	276	448	170	234	276	448	
Commercial	73					193				271				
Govt.	34					91				127				
<b>SUBTOTAL</b>	116	1.22	1.56	2.73		309	3.24	4.16	7.26	35	4.53	5.83	10.16	
Master Meter	171	1.80	2.31	4.02		456	4.78	6.14	10.71	638	6.69	8.60	14.99	
Area City <sup>2</sup>				0.47					1.40				1.96	
<b>TOTAL SURFACE WATER USED</b>														
Billing Records				3.28					8.66				12.12	
Master Meter				2.49					5.00				16.93	
Surface Water Right				3.00										
Surface Water Surplus/(Deficiency)				1.20					(3.66)				(7.11)	
Billing Records				4.51										
Master Meter														
<b>Tri-Area</b>														
Current Population <sup>3</sup>	3,316					3,316				3,316				
Projected Population <sup>3</sup>														
Billing Records		3,924	4,600	7,877			3,924	4,600	7,877		3,924	4,600	7,877	
Residential	86	0.34	0.40	0.68		186	0.33	0.86	1.47	261	1.02	1.20	2.06	
Contracts <sup>4</sup>	56	0.14	0.17	0.29		17	0.31	0.36	0.63	110	0.43	0.51	0.87	
<b>SUBTOTAL</b>	123	0.48	0.56	0.97		205	1.04	1.22	2.09	371	1.44	1.71	2.92	
Master Meter	163	0.64	0.77	1.32		563	7.47	7.97	2.86	508	1.99	2.34	4.00	
Groundwater Right				1.14					3.53					
Groundwater Surplus/(Deficiency)														
Billing Records				0.17					1.44				0.69	
Master Meter				(0.18)										

NOTES:  
 From City of Port Townsend Resolution No. 96-46 (see Table 3-1). Year 2046 based on High Projection.  
 Based on no. of conn. in Dec 1994 @ 2.23 people/connection (City) and 2.36 people/connection (Tri-Area)  
 Based on 7% of population projections for Quimper Planning Area  
 Year 2046 based on 7% of Quimper share (39.3%) based on 2016 numbers of high projection for Planning Areas 2, 3, & 4.  
 1994 values for gallons/capita/day based on actual usage divided by population of City and Area West of City.  
 See Table  
 Projected contractual water usage based on gallons/capita/day x population projections up to contract amount.  
 MDD = 2.66 City  
 PHD = 1.4 x MDD  
 Glen Cove currently under contract with the FUD; projected water demands based on full build-out of "Community-Serving UGA."

22 August 1996

MEMORANDUM FOR RECORD

SUBJECT: Draft Jefferson County Coordinated Water System Plan (CWSP) dated August 1996

1. The purpose of this memo is to provide Public Utility District #1 (PUD) of Jefferson County comments and recommendations to the draft CWSP.
2. The document was reviewed by the PUD Board of Commissioners. Commissioner Krutenat's remarks are enclosed as a separate item to this memo, however his comments are those of the PUD and therefore will not be repeated in this memo.
3. The PUD is willing to become the lead agency to schedule, finance and record future WUCC meetings. The PUD is also willing to finance an annual meeting which includes a consultant to facilitate the meeting and to make any changes necessary to the CWSP. This would allow for a continuous updating and improvement of the document. (Table 2-1, page 2-10)
4. The document does not address procedures for one purveyor to assume customers from another purveyor that is releasing a portion of its service area. (section 3)
5. Page 1-11. schedule should be pushed back 6 months to make more realistic.
6. Exhibit 3 -1A mistakenly shows the City's service to include the Glen Cove area.
7. Exhibit 4-3. Does the County really want concrete guard posts around fire hydrants.
8. Section 5. In Bob K's memo he addresses the need to explain the process for an individual well owner to address the effects of neighboring wells over pumping the aquifer.
9. Exhibit 5-3. Should include a line that states the length of period this form is valid.
10. Page 10-5. The following two sections should be added:  
  
Section J.11.1.6 States" Incentives should be developed by Ecology, the DOH and other agencies to encourage community water systems.  
  
Page 10-5 Section J.11.1.8 States" Land use patterns should

be designed to encourage and influence the development of community well systems.

11. Page 10-26. PUD does have water rights for Glen Cove area. 100 gpm, 67 AF.

12. page 10-31. Para. 10.9.2 - PUD - City contract is renewed in 2015.

13. Page 10-42. Glen Cove system number - 025164  
Bywater Bay system number - 02043p - delete  
Pope Resources

14. Table 10-4.

Glen Cove	30N01W-30	G2-29128	100	0.15	67
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15. The PUD supports making minor adjustments to the Plan and sending it forward for review by the County and DOH. The PUD believes it is important to continue having the WUCC meeting and perhaps retaining a consultant to update the CWSP on an annual basis.

16. Please read the enclosed comments for additional PUD concerns.

17. POC this memo is Jim Parker

James G. Parker  
Manager

Encl

1. Bob Krutenat's comments on CWSP.

# MEMORANDUM

FROM THE DESK OF

BOB KRUTENAT, Commissioner, Public Utility District #1 of Jefferson County, District #3

**DATE:** August 15, 1996

**TO:** Jim Parker, Mgr. Jefferson County PUD

**RE:** Review of the Draft CWSP

**CC:** Commissioners Shipman, McMillen

**ENC:** None

There are several general comments that apply to the entire CWSP.

First is the use of the phrase "update to the CWSP". This implies that the complete CWSP is composed of the 1986 approved volume and this "update". I think the word "revision" should be used in place of the word "update" in most places. The use of "revision" clearly means that the 1986 approved volume is to be replaced with this "revision" to the CWSP.

Second is the use of various units which are not comparable or consistent. For example, table 10-6 talks about water demand in mgd, and table 10-8 talks about demand in ERUs. If there is a technical reason to use ERUs then an explanation should be placed prominently in the table. Also various standards are used to determine the adequacy of supply, such as 800 gpd, 400 gpd, and the city uses 200 gpd, for each connection. If the statutes require that various values be used, then those statutes should be referenced. Some places refer to per capita consumption, other places refer to per connection consumption.

Thirdly, there is a very limited discussion of exempt wells and the rights and responsibilities of exempt well owners vis-a-vis water systems. Exempt wells account for about one third of the consumption of groundwater and a plan that ignores that large a segment of the consumers, would be incomplete. Procedures for resolving disputes between water systems and well owners should be included or at least referenced, so that if disputes arise, all parties are informed about resolution methods.

Finally, the tone of the document is not specific. A plan must lay out courses of action that are definitive and that relate directly to the circumstances discussed. An example of this is the statement in paragraph 1.2.11 that "...few of the systems have any significant quantity of storage available ....". The number of systems or the total amount of storage compared to the required or desired standard, should be listed. This allows the reader to determine the magnitude of the problem and the adequacy of the corrective action. There are other examples of this un-specific language through out the document. The use of acronyms through out the document would make a glossary of terms very helpful. Even for persons familiar with the terminology, the acronyms can be confusing, requiring a search for the first usage to find the meaning.

**MEMO** from the desk of  
**Bob Krutenat, Commissioner, Jefferson County PUD #1, District #3.**  
**Subject: Review of the Draft CWSP**  
**Date: August 13, 1996**

Specific comments.

**Section 1.2.6:** It would be helpful to include the RCW citation that spells out the law relating to receivership and how it is accomplished.

**Section 3, Exhibit 3-1A, Jefferson County Water Service Areas, August 1996.** The colorization of the map does not show the Glen Cove area as a currently served PUD service area. This is incorrect. It further shows Port Townsend present and future service areas, but does not indicate PUD current and future service areas.

**Section 4.6.1: second paragraph, last sentence.** The spelling of "flow" is missing the "f".

**Section 4.6.3.** The construction standards do not include any statements concerning the proper bedding and bedding compaction to be used under pipes. For reference see PUD standard detail titled "Typical trench detail".

**Section 5.3.1, paragraph 5.** Here the source must be capable of supplying 400 gpd. Why not use the 800 gpd suggested by DOH or the 200 gpd used by Port Townsend. Here is another example to inconsistent units.

**Section 10.** Entire section. This section seems to intertwine source capability and water rights which define availability, with demand both peak day and average day which is defined by the characteristics of the systems, their storage and pipe/pump sizing. It would be more clear if the population areas were discussed in terms of source availability, then a second discussion of the system characteristics that might be limiting and what could be done to increase system demand capability.

**Section 10.3, paragraph 3 & 4.** The term "water demand" is used to characterize the available source capacities. This is confusing when later in the section "demand" refers to peak flows required to supply the "demand". Perhaps a glossary of technical terms is appropriate, which would define these elements of the discussions, so the reader has the concepts firmly in mind.

**Section 10.6.2, page 10-22** the table in the center of the page. The table has no title and the units are inconsistent. The reader is required to stop and convert mgy to mgd before the proper comparison can be made. This is necessary because the total is expressed in mgd.

**Section 10.6.3, first paragraph.** This paragraph refers to the conversion of gpm to mgd and the mathematical correctness of the method. This is the place to place a detailed discussion of the various units, how and why they are used and the correct methodology for converting from one set to another. Realizing that most water rights are absolutely limited by the  $Q_s$  amount in acre feet per year (afpy) and that the  $Q_i$  (gallons per minute or cubic feet per second, gpm or cfs respectively) is the maximum amount the source can produce without detriment, the relationships that exist between these technical quantities and the units used to quantify system flows or customer usage, should be clearly spelled out at this point. This may seem academic to professional people, but the average citizens that read this document may not clearly understand what is being said.

**MEMO** from the desk of  
**Bob Krutenat, Commissioner, Jefferson County PUD #1, District #3.**  
**Subject: Review of the Draft CWSP**  
**Date: August 13, 1996**

Section 10.7. second and third paragraph. The use of per capita day use (120 gpd), the city's per capita use (200 gpd), followed by 6000 afpy and 14 mgd, is an example of mixed units that do not allow direct comparison. The plan should show how these factors are related either by showing the mathematics or by explanation of the relationships, particularly the conversion from per capita usage to connections or ERUs.

Section 10.8.2 The population increase is counted as per capita, but the water system capacity is referred to in connections. Explain the relationships.

Section 10.8.4 second paragraph. Here a growth of 3400 people is equated to 1500 connections for a people to connection ratio of 2.266. Is this a standard ratio, is it special to this area, and should this factor be used everywhere in the document to convert people to connections?

Section 10, table 10-4. The Ludlow Water Company water rights G2-25816C has a  $Q_1$  of 35 afpy with 45 afpy as supplemental only, while G2-27492P is totally supplemental. These restricted, supplemental water rights should not be combined with un restricted water rights in the totals. This leads to converting the supplemental rights into MGD and including them in the totals available for continuous use, as has been done in this table, making the totals of 1.38 MGD and 465 afpy incorrect.

August 25, 1996

Board of County Commissioners  
Court House  
Port Townsend, WA

RECEIVED

AUG 26 1996

JEFF. COUNTY  
HEALTH DEPT.

RE: Jefferson County Coordinated Water System Plan Revision

Dear Commissioners;

The Quimper Planning Area Committee has not reviewed the draft CWSP. However I attended the WUCC meetings until about a year ago when the BOCC established the new make up of the WUCC participants. The Quimper group has received documents, minutes concerning the CWSP revision and, most recently, comments on the draft.

I have read the comments from the City of Port Townsend and Bob Krutenat, responses to the city from Marc Horton and an indirect response from Jim Parker about the city's comments to Sean Orr.

Some issues were brought up in these comments which were of concern when I was attending WUCC meetings over two years ago. These issues appear to remain unresolved.

1. There is a lack of protection for existing single family wells where there is concern those families on private wells will be forced to connect to systems due to impacts from growth such as: additional ground water withdrawal; septic systems; lack of aquifer protection policies in the draft CWSP. As existing systems become marginal due to growth around them owners will be forced to subsidise the infrastructure necessary for growth development which is directly contrary to the GMA particularly in relation to development in rural areas.

The implications of the CWSP standards are that citizens will pay for growth development rather than the speculators and developers. These questions need to be answered as was recognized in the Determination of Significance in 1994. The EIS was to have been done concurrently with the writing of this new CWSP, Where is the FIS?

2. The level of service standards in the draft CWSP relating to fire flow uses a "rural" definition of one acre or more. Any parcel smaller requires urban/suburban fire flow. Some fire hydrants have been installed in the Quimper area. Does that mean that we have urban infrastructure to accommodate urban densities? It seems obvious that the fire danger from ldu/acre is considerably more than from ldu/10 acres. What is the safety impact from this "rural" definition and what would be the impact to insurance rates?

3. It should be noted that the Quimper Community Plan calls for a rural density of 1 du/10acres. Water from private wells or class B systems is quite adequate for such densities if aquifer protection based on BMPs is implemented as is required in the Critical Areas Ordinance. There is no resolve on the part of the county to prevent degradation of existing private systems. The CWSP should be consistent with the Critical Areas ordinance and include policies which protect existing systems. Further the CWSP should be referring to updated and corrected maps rather than the ones originally used in the development of the CA Ordinance.
4. It appears that the WUCC intends to adopt a Final CWSP rather than just those sections on which all parties agreed. This was the process we agreed to so that the CWSP would reflect the Comprehensive Plan level of service standards, land use densities and rural policies.
5. As I recall it there was to be an EIS done concurrently with the CWSP which is essentially a new document. I attended meetings where scoping issues were identified. Where is the scoping document which Marc Horton was in charge of writing? Even though the county has reneged on its lead agency status the scoping issues identified so long ago remain as concerns of the citizens and should be addressed in an up front and objective process. We want to know the impacts of this water system plan to our community.

The CWSP should be consistent with and responsive to all the work that has done to help plan for our future resource needs and uses. This work includes the Dungeness/Quilcene Pilot Planning Project, the State Hearings Board rulings concerning Jefferson County and the GMA, the Jefferson County Comprehensive Plan, the County Wide Planning Policies. These documents took thousands of hours to research and write, hundreds of thousands of dollars (taxes), and the participation of hundreds of citizens. We don't want our efforts and concerns ignored such as the BOCC has just done by withdrawing their lead agency status. By the way, signing the CWSP is an "action" of government and cannot be done without a SEPA checklist at least.

From the letter that Marc Horton wrote to Bob Wheeler on August 2, 1996, I gather there will be little time to take comments into consideration in the document. From the WUCC agenda for August 28, 1996, there will be even less time before the WUCC adopts the CWSP. So, I'll see you at the public hearing unless you withdraw from that too.

Sincerely,

  
Julie Jamän  
Member, Quimper Planning Group

cc  
Gary Rowe  
Al Scalf  
Larry Fay  
Sean Orr

**THOMAS C. MCNERNEY & ASSOCIATES**  
**FIRE PROTECTION CONSULTING**

354 Point Whitney Road  
Brinnon, WA 98120

FIRE INVESTIGATIONS  
FIRE PROTECTION ANALYSIS  
CODE COMPLIANCE PROBLEM SOLVING

Tel 360 798 4348  
Fax 360 798 4348

August 28, 1996

To: Jefferson County WUCC  
Fr: Thomas C. McNerney  
Representing Snow Creek Ranch Water System  
Re: Draft Jefferson County Coordinated Water System Plan Update  
Dated August 1996

I have reviewed the above referenced document and make the following recommendations for change:

**Change No. 1.**

**Page 1-9 Table 1-1 Implementation Schedule**

**Last Item**

Applicants for building and/or development permits be advised of USRP process in graphic, simplified, and yet accurate terms (a brochure)

Reason for change: Developers of subdivisions etc. should be aware of water system requirements, as well as builders.

**Change No. 2.**

**Page 4-14 2<sup>nd</sup> Bulleted paragraph**

Stricter water system planning requirements can be established through County/City ordinance CWSP, but also alternative methods of meeting fire flow can be utilized as necessary for special water system development - as approved by the local fire authority, Fire Marshal and DOH.

**Reason for change:**

WAC 246-293-640 Minimum standards for fire flow. (1.) City, town, or county legislative authority shall set minimum fire flows where local standards are adopted under WAC 248-57-900 (changed to WAC 246-293-680)

WAC 246-293-670 gives the authority to approve alternate methods to the "local fire protection authority".

**Definition of local fire protection authority in WAC 246-293-610 (6)**

"Local fire protection authority" - The fire district, city, town, or county directly responsible for the fire protection within a specified geographical area.

**Change No. 3.**

**Page 4-15 Paragraph "Storage 'Nesting' "**

Because of the potential high per capita cost of fire flow storage for small systems, and consistent with these statutory provisions, utilities ~~will~~ ~~may~~ be allowed to utilize standby storage to meet the fire flow requirements outlined in Table 4-1.

These utilities must have an approved Water System Plan and specific written approval of the Fire Marshal in Jefferson County (Fire Chief in Port Townsend) and DOH.

Reason for change: To provide consistency with the WAC and the 2<sup>nd</sup> sentence in the paragraph.

**Change No. 4.**

**Page 4-16 Paragraph "Fire Hydrants" 2<sup>nd</sup> 3<sup>rd</sup> & 4<sup>th</sup> sentences**

A fire hydrant must contain both 2 1/4 inch and 4 inch National Standard threaded ports with Stortz adapter on the 4 inch ports for access by all fire hoses, tanker and pump facilities, ~~or both 2 1/4 inch and 4 1/4 inch ports.~~ This exception recognizes the different uses in various parts of the County. In the north part of the County (the city and the PUD), 4 inch ports are in use. However, in the south, 4 1/4 inch ports are in use. All new installations should be coordinated with the local fire department or district, and should recognize the need for mutual aid. Until such time as the fire districts and departments agree on a standard approach and a retrofitting program (if necessary), adapters will be a necessary part of standard fire fighting equipment.

Reason for change: The fire districts have been contacted by the FIRE CODE ADVISORY COMMITTEE and have informally agreed that this change should be made. The number of fire hydrants in the South County are so few and the pumper ports so seldom used, the change would present no hardship on the districts.

**Change No. 5**

**Page 4-17 Section entitled "Maintenance of Fire Protection Facilities"**

Replace the word "shall" with "should" in the 4 places in the section where the word "shall" is used.

Reason for change: The section starts in the first sentence with "is strongly encouraged" and then changes to the "shall" approach. This is not consistent language.

**Change No. 6**

**Page 4-20 Table 4-2 Classification--Multi-family, Commercial, Industrial  
"Expansion" column**

Compliance required, including fire flow. ~~Fire District may set additional standards requirement.~~

**Page 4-20 Table 4-2 Classification Multi-family, Commercial, Industrial  
"New system" column**

Compliance required, including fire flow. ~~Fire District may set additional standards requirement.~~

Reason for change: There is no statutory requirement for this and it would be poor practice to have six different sets of standards in the county. The same set of standards should apply county-wide.  
Example: Snow Creek water system is in two fire districts so it could have two different sets of standards that it would have to comply with.

**Comments received as part of the record of the  
Jefferson County Commissioners October 7, 1996 Public Hearing**

**HEARING re: Draft Coordinated Water System Plan (C.W.S.P.):** Environmental Health Director Larry Fay reported that this hearing is to take comments on the draft Coordinated Water Service Plan (CWSP) that the Water Utility Coordinating Committee (WUCC) has been working on for the past few years. The WUCC voted to refer this document to the County Commissioners along with the comments received on it. Since the draft plan was forwarded to the Board, the City of Port Townsend has submitted a Service Area Agreement to the WUCC. Larry Fay stated that if the Board taking comments, that changes should be made to the CWSP, they should direct the WUCC to make the necessary changes before the plan is sent on to the State Board of Health for adoption. The County is to review the plan for consistency with land use regulations.

Commissioner Hinton, Acting Chairman, opened the public hearing.

Al Boucher stated that he feels the Board has no need to hold this hearing since the Service Area Agreement has been received from the City of Port Townsend. He then questioned the wording of the agreement and whether the County has been party to it. He asked if Al Scalf cleared the agreement with the Board before he acknowledged it?

Guy Rudolph stated that Mark Huth, Attorney Representing the Irondale Community Action Committee, has submitted a comment letter on their behalf (see attached). He added that he has a number of concerns about the CWSP:

- It does not address or take into consideration individual well owners in the Tri Area or any area of the County.
- The County has to adopt the CWSP and it can't be adopted by the State Department of Health.

Ted Shoulberg representing the City of Port Townsend Utility Committee, submitted and read a letter (see attached.)

Hearing no further comments the Chairman closed the public testimony portion of the hearing.

Commissioner Huntingford asked how the comments will be addressed in the CWSP? Larry Fay reported that the WUCC will work to make changes in the CWSP to address the comments received, and then it can be brought back to the Board for review and another hearing.

The Board concurred that written comments will be taken on the CWSP until Friday October 11, 1996 at 5 p.m.

The discussion continued regarding who would make changes to the draft plan, the WUCC or County staff

Marc Horton, Economic and Engineering Services, stated that this document has already been forwarded to the State Department of Health (DOH). There is a consecutive 60 day review by the County and the DOH. If the County doesn't comment to the State, the DOH can adopt the plan. He suggested that the County have the WUCC suggest changes to the plan based on the comments received. Larry Fay suggested that a letter be sent to the State Department of Health advising them that changes may be made to the plan. That would stop the State's time clock.

Commissioner Huntingford suggested that a process be developed for making changes to the CWSP as a result of the comments received. This outline will be reviewed by the Board at their next meeting. The discussion continued regarding the comments received, who should make changes to the CWSP based on those comments, the process for review of any changes made and if the CWSP adoption should be put off until the County's land use planning is complete.

The meeting was recessed at the end of the scheduled business and reconvened on Tuesday morning. Commissioners Hinton and Huntingford were present. Commissioner Wojt was not present.

# City of Port Townsend

City Council

Port Townsend, Washington 98368 365-3000



October 7, 1996

Richard Wojt, Chair  
Board of County Commissioners  
P.O. Box 1220  
Port Townsend, WA 98368

Dear Commissioners:

I am writing on the behalf of the City of Port Townsend to comment regarding the Board of County Commissioner's (BOCC) consideration of the Coordinated Water System Plan (CWSP). The BOCC's exclusive role in reviewing the draft CWSP is to make a determination regarding whether service area boundaries reflect the existing land usage and permitted densities in County plans, ordinances and/or growth policies (RCW 70.116.040). In the absence of a County GMA Comprehensive Plan and in accordance with WAC 246-293-220, the County-wide planning policies (CWPP) form the best available planning data and growth policies for the BOCC to make this determination.

As you are aware, the City has been actively involved in the CWSP process and has expressed its views throughout the process. The City has consistently indicated that the absence of a completed County GMA Comprehensive Plan creates a major roadblock for water planning. By admission of your own consultant, the non-completion of County GMA Planning makes the water supply chapter inadequate, doing little more than stating facts. It does not resolve water service area issues, nor does it propose a water supply plan. This is a major shortcoming of the CWSP that, from the standpoint of the City, causes the plan to be seriously incomplete.

The City's understanding of the motion passed by the Water Utility Coordinating Committee (WUCC) approved sending the plan on to the County Commissioners with changes to be made by the consultant from input received, both written and verbal, on the plan. No one has seen these changes, and to our knowledge, these changes have not been made. How can a plan be considered, let alone moved on to the BOCC or the Department of Health (DOH), when the plan has not been completed?

There has since been discussion that the WUCC motion only authorized the existing draft plan to be submitted to the County Commissioners with verbal and written comments attached. The City believes the motion actually stated that the CWSP be updated with these comments included. Sean Orr, from the DOH, has also stated that he will require a completed plan ie: a plan that has been revised with the comments incorporated into the new draft. Regardless, at this point, the County Commissioners have several choices. The City therefore suggests that

the BOCC hold the public hearing and then direct the consultant to make appropriate changes based on verbal and written comments presented at and before the hearing and produce a final draft document. The BOCC should then hold another hearing on the new draft, assuming that major changes are necessary, and send the completed document on to the DOH.

Another unfinished aspect of the plan is the State Environmental Protection Act (SEPA) checklist and a SEPA threshold determination. The City was led to believe that the County, as lead agency, had issued a determination of significance (DS). Evidently, a DS was never formally issued. The County then decided to relinquish its lead agency status to DOH. The City feels that this action reduces the ability to control the CWSP process locally. We have not been supportive of this decision.

It is important for governments to be respectful of restraints that exist on other governmental entities. For instance, for a City representative to take any official position on a policy document such as the CWSP, it is necessary for the entire City Council to review the plan and ultimately authorize the Council's representative to approve the document. The CWSP schedule did not allow for Council's input which necessitated the City's representative to abstain from voting at the WUCC meeting. The argument that the City has had plenty of time to review the plan is not accurate. The draft plan was not issued until August 1996 and the WUCC meeting was August 28, 1996. This is not sufficient time for City government or the public to respond to this important document.

The attached letter details specific City staff comments on a previous internal draft CWSP. We reiterate our comments here. The following are general overview comments that the City makes on the existing draft of the CWSP:

1. There is no discussion on the need for, or consideration of, a regional water quality laboratory.
2. There are many "shall's" and "must's" that have no legal authority and that must be changed to "should's" or "may's".
3. There should be some discussion related to current water rights laws and evolving State water rights policy.
4. The plan should recognize the completion of the City's GMA Comprehensive Plan and the City's draft Water Master Plan.
5. There is no law or requirement for economics and housing "negotiations" to occur between the City and the County. RCW 70.116 does not authorize or require inclusion of these issues. The City's GMA Comprehensive Plan complies with the County Wide Planning Policies (CWPP's). Including such a negotiation requirement in the CWSP is totally inappropriate, and appears to be for political purposes.
6. The draft CWSP often sounds like the Land Use Plan. Pursuant to State law, this is inappropriate for a CWSP. All such statements need to be deleted. The County needs

to complete its GMA Comprehensive Plan so that the CWSP can be completed as a water supply plan.

7. The implementation dates need to be changed to more realistic goals.
8. The appeal section does not comply with State law and needs extensive rewriting. Neither the RCW 70.116, nor WAC 246-293, authorizes the WUCC to perform these functions.
9. The plan indicates that utilities need to continue water service to entities that are connected to transmission lines. This must be deleted. In accordance with the Safe Drinking Water Act (SDWA) requirements, individual utilities should be able to make these decisions.
10. Fire protection inspections and testing should indicate preferences but not requirements.
11. "Rural" is not defined as 1 unit/acre in existing County regulations or GMA Hearings Board decisions. Therefore, this aspect of the plan fails to meet the requirements of RCW 70.116.040.
12. Very little emphasis is given to critical areas/aquifer protection ordinances or the need for the County, and County water utilities, to ensure protection of drinking water sources.

At this point, it appears that the County intends to send the plan to DOH for final resolution. The City would respectfully state that it is more important for the County to finish it's GMA Comprehensive Plan and then work on completing the water supply plan. If the County decides to move forward, the City recommends that the plan reflect compliance with the CWPP and that the County update the CWSP as soon as the County GMA Plan is complete to assure that the CWSP is consistent with the land use plan.

Sincerely,



Ted Shoulberg  
Chair, City Council Utility Committee

Attachment

AS:\ANNIE\WP61\LETTERS\BOBW\CWSPCOM1.WPD

# Department of Public Works

5210 KUHN STREET  
PORT TOWNSEND, WASHINGTON 98368  
360/385-7212  
360/385-7675 FAX



November 20, 1996

**RECEIVED**

NOV 22 1996

JEFF. COUNTY  
HEALTH DEPT.

Mr. Larry Fay, Director  
Jefferson County Health Department  
615 Sheridan Street  
Port Townsend, WA 98368

**RE: Draft CWSP -- Section 2.6 (WUCC Appeal Process)**

Dear Larry:

I am writing to clarify the City's position that the "appeal process" set forth in Section 2.6 of the Draft CWSP does not comply with state law, and should be deleted in its entirety.

As a matter of general municipal law, an appellate body must be conferred quasi-judicial appellate authority by clear state law. Our primary concern regarding the WUCC assuming appellate authority through the CWSP is that the state law simply does not support this appellate authority, this appellate authority runs contrary to state law, and the role of the WUCC in this regard raises significant appearance of fairness issues. Jefferson County utilities and general purpose municipal corporations should be responsible within their own service areas and jurisdictional boundaries to address conditions of service, subject to applicable regulatory plans, ordinances and statutes. In appropriate situations as defined by state law, appeals may be filed with the Washington Department of Health, in accordance with Chapter 70.116 RCW.

## 1. Proposed Appellate Process.

The proposed appellate process for the WUCC allows the WUCC to sit in an appellate capacity on issues of "protest or interpretation regarding the requirements of the CWSP" which may be raised either by an applicant for a development permit or a utility. This section states that such issues raised within the corporate limits of the city of Port Townsend will be resolved by the City. However, for issues related to development activities in the unincorporated area, the appeals process shall be in effect.

By the proposed Section 2.6, the WUCC may sit in a appellate capacity regarding the interpretation and application of water utility service area boundaries; proposed schedule for providing service; "[c]onditions of service, excluding published rates and fees;" and "[m]inimum design standards as adopted in the CWSP, . . ." Additionally, this section provides that "[t]he specifics of the matters subject to appeal will be developed and formally adopted by the WUCC

including legal issues surrounding annexation provisions as a condition of service. These will then be transmitted to the County Commissioners for consideration for adoption as a County Ordinance." (Section 2.6.1.)

The Appeals Process section purports to set up a "peer review" subcommittee, with a rather ambiguous and poorly defined scope of authority. The subcommittee is designated by the WUCC chair person, evidently without concurrence or confirmation of the committee as a whole or the affected utilities or municipalities. It appears that the subcommittee will act in some sort of mandatory mediation role, and with unresolved disputes, then act as an appellate body, making a recommendation to DOH for disposition of the issues.

It is not clear how fact-finding will be done, whether hearings will be conducted, and how the due process rights of affected parties will be protected. It is not clear from Section 2.6 what the subcommittee does in the event of a failure to mediate a dispute. It appears that the subcommittee, after attempting to mediate, transmits recommendations for resolution to the Jefferson County Planning and Building Department, which will then review the recommendations of the subcommittee for consistency with the CWSP provisions and county land use policies. (Section 2.6.3.) The original appeal, subcommittee recommendations, and Jefferson County Planning and Building and Development addendum is then forwarded to the Department of Health for final review and determination. It is unclear from Section 2.6 exactly how appeals are resolved, how the evident appearance of fairness issue regarding the subcommittee serving as both mediator and appellate body will be resolved, what the Planning Department's role will be, what the BOCC's role will be, what standards the review will follow, how DOH will process the "recommendations," and in general, how the procedure will work at the local or state levels.

## 2. Intent and Purpose of the Act.

The Public Water System Coordination (the "Act") does not envision this kind of involvement by either the Jefferson County Planning and Building Department or by the WUCC. The Act does not authorize the BOCC to enact future ordinances regarding "annexation provisions as a condition of service," nor does any other state statute. RCW 70.116.030 provides that the CWSP will identify the present and future needs of the water systems and "sets forth means for meeting those needs in the most efficient manner possible." Further, the legislature recently refined the Act, with legislative findings stating that coordinated water system planning should be "consistent with the planning principles of the Growth Management Act and the comprehensive plans adopted by local governments under the Growth Management Act." (ESHB 5448, Chapter 376, Laws of 1995.) It should be noted that annexation issues are resolved under the GMA, not the Act.

The general intent of the Act is the preservation of an adequate supply of potable water and efficient and orderly water system development, achieved through coordinated water planning by water utilities in the area, based upon county land use plans and regulations. Section 2.6 does not appear to be targeted toward this intent, but rather appears to create jurisdiction for the WUCC to act as a quasi-judicial, fact-finding body to review and contest service area boundaries, conditions of

service (including annexation provisions as a condition of service) and schedules for providing service. Essentially, the WUCC is reserving for itself the opportunity to review, second-guess, and potentially obstruct the "efficient and orderly development" of properties and water systems occurring within the service area of the purveyors, consistent with the GMA. This runs contrary to the intent of the Act and may obstruct compliance with the GMA.

### 3. Authority of the WUCC.

The WUCC's authority is very clearly defined by RCW Chapter 70.116 and under WAC 246-293. For example, RCW 70.116.040(2) authorizes a "committee" to "participate in the development of a CWSP for the designated [critical water supply service] area." RCW 70.116.050(6) provides "the committee established in RCW 70.116.040 may develop and utilize a mechanism for addressing disputes that arise *in the development of the CWSP.*" [Emphasis added.] (In this section, the committee may address disputes arising during development of the CWSP, *not* in the administration of the CWSP.) Dispute resolution is conferred upon "the affected legislative authorities" by RCW 70.116.060(5). This section provides "the affected legislative *authorities*<sup>1</sup> may develop and utilize a mechanism for addressing disputes that arise in the implementation of the coordinated water system plan *after the plan has been approved by the secretary.*" [Emphasis added.]

It is important to note that the dispute resolution process contemplated in RCW 70.116.060(5) is: (1) available to the "*legislative authorities*" (*i.e.*, not the WUCC, not non-legislative water purveyors, and therefore available to the City and the County only); (2) this dispute resolution is *not part of the CWSP*, but arises only *after* the secretary reviews and approves the plan; and (3) this section is for legislative dispute resolution *only*, requiring concurrence by the legislative authorities, to be utilized exclusively for their purposes only. This section does not authorize or require an appeal process, either for the WUCC or even the BOCC. The dispute resolution process cannot be imposed upon any legislative authority, but can only operate with the concurrence of a legislative authority. The WUCC simply cannot constitute the dispute resolution body as described in Section .060(5).

RCW 70.116.070 states that where any overlap exists between service areas, "the local legislative authority may attempt to resolve the conflict through procedures established under RCW 70.116.060(5)." This decision may then be appealed to the Department of Health. Again, this section does not anticipate the WUCC performing this role. This section is narrowly confined to the local legislative authority reviewing overlapping boundary disputes and not the myriad of issues set forth in Section 2.6 of the draft Plan. It is to be noted that WAC 246-293-110 defines the "county legislative authority" to mean the Board of Commissioners or other such body established by county charter, authorized to enact resolutions and ordinances. This section does not confer or authorize delegation of lawmaking or quasi-judicial authority to the WUCC.

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<sup>1</sup> "Affected legislative authorities" is used in the plural, not singular, implying that as an affected legislative authority, the City has this right along with the County.

WAC 246-293-160 quite narrowly confines the power of the WUCC as follows:

(1) The initial purpose of the Water Utility Coordinating Committee shall be to recommend external critical water supply service area boundaries to the county legislative authority within six months of appointment of the committee [citation omitted].

(2) Following establishment of the external critical water supply service area boundaries, *the water utility coordinating committee shall be responsible for developing the coordinated water system plan.* [Emphasis added.]

This section does not confer upon the WUCC the authority to act in an appellate capacity, or even to mediate disputes regarding conditions of service, including annexation provisions as a condition of service. WAC 246-293-260 again states that after establishment of external critical water supply service area boundaries, the WUCC's role is exclusively for the development of a coordinated water system plan. The authority of the WUCC to act in a dispute resolution role is set forth in WAC 246-293-260(3)(c), which authorizes the WUCC *only* to "serve as a forum for developing and/or negotiating future service area agreements." This section does not empower the WUCC to act in a quasi-judicial capacity, and is narrowly confined to assistance in negotiating future service area agreements.

In particular, the WUCC is not empowered to develop "matters subject to appeal," including "legal issues surrounding annexation provisions as a condition of service." (Section 2.6.1.) Likewise, this is not an appropriate, lawful inquiry for the BOCC.<sup>2</sup> The GMA and general municipal statutes govern annexation issues and the authority of municipalities to condition utility service (and the attendant costs imposed upon taxpayers of a municipality) upon annexation agreements.

There is no provision either in the statute or in the WAC for the WUCC to serve as a quasi-judicial, appellate body, reviewing, interpreting, applying, and ruling or making recommendations upon conditions of service or any other matters as set forth in Section 2.6. As a matter of general municipal law, a quasi-judicial appellate body must be acting within the confines of clearly established or delegated authority, conferred upon it by the legislature. The WUCC simply lacks this authority. As expansively defined in Section 2.6, this authority does not even exist for the Board of County Commissioners, or for that matter, even for the Department of Health.

Except as specifically provided in the Act, the Department of Health itself does not possess authority to review and question conditions of service established by a sovereign municipal corporation, such as the City of Port Townsend. So long as the City follows the provisions of the

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<sup>2</sup> A central problem with Section 2.6 is the mixing of mediation and quasi-judicial, appellate roles. If the WUCC were to serve exclusively as a body assisting with non-binding dispute mediation in clearly defined, agreed issues, this section may not be problematic.

CWSP, and acts within the scope of its authority under its water system plan and the general municipal statutes (including statutes governing annexation), the City cannot be subject to reversal by the WUCC, the BOCC, or DOH. In short, the WUCC lacks the authority to act in quasi-judicial capacity; no authority is conferred by statute to overturn or make recommendations regarding the presumptively valid police power decisions of a municipal corporation; and it is inappropriate for the chair person of the WUCC to appoint a subcommittee acting in this quasi-judicial capacity.

**4. Appearance of Fairness Issues.**

The section creating an appeal process is extremely ambiguous and subject to interpretation. However, it does appear that the subcommittee will first act as a mediator, and then will somehow act in a quasi-judicial capacity. This means that the subcommittee may have *ex parte* communications with persons appearing before it. Further, the subcommittee may be composed of the very parties whose decisions are subject to the appeal proceeding. Finally, it is highly unusual for a quasi-judicial body to first act in a mediation role, then upon failure of mediation, to shift into the role of acting as a quasi-judicial body.

This section invites abuse and will violate the Appearance of Fairness Doctrine. The subcommittee will be acting in a quasi-judicial, rather than legislative capacity. Significant procedural due process problems exist with the appeal process as proposed. In all likelihood, both actual conflicts of interest as well as apparent conflicts and apparent unfairness will be rampant within this process.

**5. Conclusion.**

Section 2.6 must be stricken in its entirety. There is no need for a local appellate body to review matters as set forth in Section 2.6. The Department of Health can serve as an appellate body in appropriate matters as specified by statute. However, there is a substantial invasion of local municipal authority anticipated in Section 2.6, and the WUCC lacks legal authority to act in this capacity.

Please do not hesitate to call me with any questions.

Very truly yours,



Robert Wheeler

Port Townsend Public Works Director

copy: Mayor Julie McCulloch  
City Council Utility Committee Members  
Timothy L. McMahan, City Attorney

ltr\cwsp\sfay.ltr

**Mark Huth**  
**Attorney at Law**  
P.O. Box 303  
Port Townsend, WA 98368  
Telephone: (360) 379-0543  
Facsimile: (360) 379-5167

RECEIVED  
OCT 04 1996

October 4, 1996

Board of County Commissioners  
P.O. Box 1220  
Port Townsend, WA 98368

RE: Irondale Community Action Neighbors Comments on Draft CWSP

Gentlemen,

I represent Irondale Community Action Neighbors, Inc. At their request and on their behalf I submit the following comments. The County is considering the required update of the Coordinated Water System Plan (CWSP). Pursuant to RCW 70.116.060(6), the Draft Update has been forwarded to the BOCC for their review. As you are aware, the entire county was designated a Critical Water Supply Service Area by Resolution No. 97-83. A CWSP was subsequently created and adopted in 1986. Little, if any environmental review has ever been conducted for the original CWSP. To date, no environmental review of the Draft Update has been conducted. A Determination of Significance was apparently issued by the County in 1994 but never signed. The Washington Department of Health (DOH) provided a process for approval which indicated the Board could choose to accept SEPA responsibility for review of the Draft Update (see May 31, 1996 Sean Orr letter to Larry Fay on approval process). The County should review applicable law regarding environmental review. SEPA requires that environmental documents be prepared at the "earliest possible point when the principal features of a proposal and its environmental impacts can be identified." WAC 197-11-055. The Department of Health has incorporated that requirement into their SEPA regulations. DOH also generally requires that an EIS must accompany plans for major actions submitted to the Department. WAC 246-03-030. SEPA requirements generally should be incorporated with existing agency planning so the procedures can run concurrently rather than consecutively. By approving the Draft Update and forwarding it to DOH with no environmental review, the County would be failing to meet any of the above principles.

The lack of concern for environmental review highlights the overall inadequacy of the proposed Draft Update. Without intending to criticize the substantial efforts of the WUCC, ICAN views the Draft Update as an

unwarranted surrender of local decision-making and control to State authorities for no other reason than the inability of the local jurisdictions to act responsibly and according to law. Extensive public hand-wringing and complaining have been voiced by local legislative authorities regarding the lack of local control over planning in the Growth Management Act (GMA) planning process. Now, when faced with the requirement to plan for a significant piece of the GMA and development process, the allocation and use of water resources, the Draft Update defers all of the critical decisions to State control. At a recent meeting, State Department of Health officials informed local officials that they would not make decisions regarding local land use during their review of the Draft Update. Thus, it appears likely that if the Draft Update is not revised to include the necessary decisions prior to submitting it to DOH, it will be remanded back to the local level. Needless to say, now is the time to address the problems in the Draft Update.

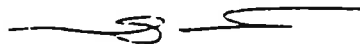
The essence of the failure of the Draft Update is provided most markedly in subsection 10.10.2, Questions Needing Answers. That subsection clearly shows that essential issues required to be addressed in a proper CWSP have been deferred. Under RCW 70.116, the legislature recognized that an adequate supply of water for domestic, commercial, and industrial use is vital to the health and well-being of the public. A CWSP is intended to maximize efficient and effective development of public water supply systems. A critical component of a CWSP is the designation of service area boundaries within the critical water supply service area. In other words, as you know, each of the purveyors within the County must be designated a service area and future service area. It is obvious from the Draft Update and the comments provided by the City of Port Townsend (see July 22, 1996 letter from City Public Works to Larry Fay), that this initial step in the process is actually a stumbling block which impedes any real planning. The City and the WUCC have until recently not been in agreement as to the boundaries of the City's Tri-Area service area. The Draft Update indicates the Tri-Area service area remains as adopted in the 1986 CWSP. The City attempted to amend the Tri-Area service area boundary in 1993 (City Resolution 93-72). However, pursuant to DOH requirements that the City complete a water system plan, the City has been directed to provide a "formal future service area" pursuant to RCW 70.116 (Agreed Order, Docket No. 96-007). The City then adopted City Resolution No. 96-23 purporting to establish policies to guide the City water system planning process and amend the Tri-Area service area. The City's Draft Comprehensive Water System Plan alleges that the City is prohibited by law from "providing municipal water outside municipal boundaries and outside its planning area in excess of projected supply needs to serve customers within the City's corporate boundaries". Section 2.9.3 at page 2-9. The Tri-Area is placed at the bottom of the City's priority list for provision of water service. The City's Draft Plan states that the City's goal is "that growth in the Tri-Area be controlled locally by those who live in that community and

that planning and water service decisions be coordinated at the local level." Section 2.9.3 at page 2-10. Recently the City created a draft Resolution which presented a proposed revision to the Tri-Area service area. The City clearly desires to limit provision of water within the 1986 Tri-Area service area. The draft Resolution states that "the City is not the appropriate utility to provide ongoing, long-term water service to rural areas which are not adjacent to the City's municipal boundaries." The City has recently adopted a resolution delineating a new Tri-Area service area.

Incredibly, the Draft Update contains little discussion of the above-described dispute. It merely identifies the City Tri-Area service area status as "unknown". To ignore an integral component of the water planning area in a supposedly comprehensive document begs logic. Local resolution of that dispute will be abdicated to the State. As usual the citizens suffer the consequences. Despite election of this Board and other officials in the City and County, residents of Jefferson County will apparently have their fate decided by officials in Olympia. How they can be expected to bring more wisdom to bear on the allocation of precious water resources to the citizens of the Tri-Area than our own local officials is never explained. The failure to resolve these issues is particularly perplexing in light of the willingness and availability of an entity to step forward and fill the gap in local planning. As you are aware, a Petition for Incorporation of Irondale as a city was filed with the County over eighteen months ago. The County has chosen to ignore the Petition. We are currently reviewing our options regarding the lack of action by the County in regard to the Petition. In any event, it seems reasonable to allow the citizens whose rights and future are being "planned" to have some representation in the process. Rather than forwarding the Draft Update to DOH, the Board should incorporate all of the comments made, consider the recent developments regarding the Tri-Area and Glen Cove water service areas and revise the update prior to deciding whether it is consistent with local land use plans. At the same time, the Petition for Incorporation should be submitted to the voters. Following approval, the citizens of the Tri-Area would enjoy proper representation regarding the issue of water service and the many other critical issues which have not been properly addressed.

If the County fails to take the above action, we are prepared to challenge your future actions regarding the CWSP and the GMA. We look forward to your prompt response.

Sincerely,



Mark Huth

MH:cr

**THOMAS C. MCNERNEY & ASSOCIATES**  
FIRE PROTECTION CONSULTING

354 Point Whitney Road  
Brinnon, WA 98320

FIRE INVESTIGATIONS  
PROTECTION ANALYSIS  
CODE COMPLIANCE PROBLEM SOLVING

Tel 360 796 4349 FIRE  
Fax 360 796 4349

December 5, 1996

To: Jefferson County WUCC  
Fr: Thomas C. McNerney  
Representing Snow Creek Ranch Water System  
Re: Draft Jefferson County Coordinated Water System Plan Update  
Dated August 1996

I have reviewed the above referenced document and make the following recommendations for change;

**Change No. 1.**

**Page 1-9 Table 1-1 Implementation Schedule**

**Last item**

Applicants for building and/or development permits be advised of USRP process in graphic, simplified, and yet accurate terms (a brochure).

Reason for change: Developers of subdivisions etc. should be aware of water system requirements, as well as builders.

**Change No. 2.**

**Page 4-14 2<sup>nd</sup> Bulleted paragraph**

Stricter water system planning requirements can be established through County/City ordinance ~~WSP~~, but also alternative methods of meeting fire flow can be utilized as necessary for special water system development - as approved by the Fire Marshal and DOH.

Reason for change:

WAC 246-293-640 **Minimum standards for fire flow.**(1.) City, town, or county legislative authority shall set minimum fire flows where local standards are adopted under WAC 248-57-900 (changed to WAC 246-293-680)

**Change No. 3.**

**Page 4-15 Paragraph "Storage 'Nesting' "**

Because of the potential high per capita cost of fire flow storage for small systems, and consistent with these statutory provisions, utilities ~~will~~ may be allowed to utilize standby storage to meet the fire flow requirements outlined in Table 4-1.

These utilities must have an approved Water System Plan and specific written approval of the Fire Marshal in Jefferson County (Fire Chief in Port Townsend) and DOH.

Reason for change: To provide consistency with the WAC and the 2<sup>nd</sup> sentence in the paragraph.

**Change No. 4.**

**Page 4-16 Paragraph "Fire Hydrants" 2<sup>nd</sup> 3<sup>rd</sup> & 4<sup>th</sup> sentences**

A fire hydrant must contain 2 each 2 ½ inch hose ports and one 4 ½ inch National Standard threaded pumper (steamer) port with a 4 "Stortz adapter on the 4 1/2 inch port for access by fire hoses, tanker and pumper connections. ~~or has 2 ½ inch and 4 ½ inch ports. This exception recognizes the different uses in various parts of the County. In the north part of the County (the city and the FUD), 4 inch ports are in use. However, in the south 4 ½ inch ports are in use. All new installations should be coordinated with the local fire department or district, and should recognize the need for mutual aid. Until such time as the fire districts and departments agree on a standard approach and a retrofitting program (if necessary), adapters will be a necessary part of standard fire fighting equipment.~~

Reason for change: The fire districts have been contacted by the FIRE CODE ADVISORY COMMITTEE and have informally agreed that this change should be made. The number of fire hydrants in the South County are so few and the pumper ports so seldom used, the change would present no hardship on the districts.

**Change No. 5**

**Page 4-17 Section entitled "Maintenance of Fire Protection Facilities"**

Replace the word "shall" with "should" in the 4 places in the section where the word "shall" is used.

Reason for change: The section starts in the first sentence with "is strongly encouraged" and then changes to the "shall" approach. This is not consistent language.

**Change No. 6**

**Page 4-20 Table 4-2 Classification--Multi-family, Commercial, Industrial  
"Expansion" column**

Compliance required, including fire flow. ~~Fire District may set additional standards requirement.~~

**Page 4-20 Table 4-2 Classification Multi-family, Commercial, Industrial  
"New system" column**

Compliance required, including fire flow. ~~Fire District may set additional standards requirement.~~

Reason for change: There is no statutory requirement for this and it would be poor practice to have six different sets of standards in the county. The same set of standards should apply county-wide.  
Example: Snow Creek water system is in two fire districts so it could have two different sets of standards that it would have to comply with.

**MOA ESTATE**  
154 Highway 20  
Port Townsend, WA 98368

November 13, 1996

Jefferson County Water Utility Coordinating Committee (WUCC)  
615 Sheridan  
Port Townsend, WA 98368-2476

Attention: Mr. Cy Heffernan, Chair

Reference: Moa-Tel Group A Community Water System - I.D.# 078161

Regarding: Impact of proposed "fire flow" standards on smaller private water systems

Dear Sirs:

In reviewing the "Final Draft 45470/August 5, 1996" version of the proposed Jefferson County Coordinated Water System Plan Update, I am very concerned that although a lot of new "rules and regulations" have been generated, a workable "program" has not been developed to guide Water Systems in dealing with the "problems" associated with "fire flow". This is especially true for smaller private Water Systems, as it appears they must design and build to "fire flow" standards but, in turn, have no guarantee that developers (pertaining to all classifications) will be required to adhere to "fire flow" design standards and therefore make a substantial contribution toward this infrastructure.

I do understand that the primary function of WUCC is to produce "design and build" standards to be utilized by all public Water Systems in Jefferson County. I also do understand that the County's Fire Code Advisory Committee's primary function is to establish appropriate "fire code" standards to be utilized by all developers and to be implemented by the Fire Marshal. What I don't understand is why Water Systems should be compelled to adhere to "design and build" standards with the associated capital cost burden but not have the regulatory assurance that there will be appropriate developer contribution to off-set this financial burden.

STATE OF


Page 2  
November 13, 1996

As an example, three commercial developments are being proposed for our Water Service Area that should require appropriate "fire flow." It is my understanding that these "fire code standards" may be waived; and although we have been gradually upgrading our system to "fire flow" standards, we may never be compensated for doing so.

In closing, we are fully prepared to offer the appropriate "fire flows"; but, developers must contribute their share. Looking forward to working with you to find a solution to this matter, I remain;

Yours truly

Estate of Walter A. Moa, Sr.

  
per: Walter A. Moa, Jr.  
Co-Executor

WAM/pw  
val1000

# **Appendix I**

## Wastewater Treatment Plan

Appendix I – Wastewater Treatment Plan

PLACEHOLDER

It is page 931-932 of the FSEIS VOL 3

## **Appendix J**

Memoranda of Understanding:  
Schools Mitigation

Brinnon School District #46  
46 Schoolhouse Road  
Brinnon, WA 98320  
360.796.4646

## MEMORANDUM OF UNDERSTANDING

School District Response dated April 18, 2011

THIS AGREEMENT, by and between Pleasant Harbor Marina and Golf Resort LLP (Company) and Brinnon School District #46 (District) is designed to identify those impacts to the District associated with the development of the Pleasant Harbor Marina and Golf Resort (Resort), now under regulatory review by the County, not addressed by increased revenue from the proposed Resort and subject to supplemental mitigation to assure concurrency in accordance with the ordinance of approval, Ordinance 01-0128-08, paragraph 63(c), which provided a requirement that the SEIS review memoranda of understanding on appropriate mitigation for the following:

To provide needed support for the Brinnon School District, Fire District, Emergency Service (EMS), Staff Housing, Police, Public Health, Parks and Recreation and Transit ...

The November 2007 FEIS provided the following commentary:

### 3.5.4 Schools

The Brinnon/Black Point area is located within the Brinnon School District #46 and serves grades K-8 *plus the District has a pre-school program. Students of high school age attend their district of choice.* The Brinnon School utilizes four regular classrooms, *one serviceable portable classroom, a combination computer/library room, gym, and administrative offices.*

In 2000, the school district had a total enrollment of 74 students. This declined to a low of between 30 and 40 students in 2005, but rose to 56 students during the 2005-2006 school year. School enrollment for 2006-2007 was 49, and the enrollment for the 2007-2008 school year was 45. In 2010, the enrollment declined to 31.5 *full-time equivalent students* (including kindergarten which is counted as half days). *The current average enrollment for the 2010-2011 school year is 34.0 full time equivalent students. The District also enrolls thirteen (13) pre-school students on campus. Thirty-five (35) high school students are enrolled in the district of their choice, with funding provided by the Brinnon School District.*

Seasonal recreational homes are not expected to add students to the school district, so no impacts are expected from that component of the resort population. Since the proposed Resort Staff Housing is intended for both resort staff and Brinnon residents, it is expected that some of these units would be occupied by families with school-age children.

The Capital Facilities Element of the County BSAP MPR Alternative has established an LOS standard for the Brinnon School of 23 students per classroom. With four regular classrooms and *one serviceable portable classroom*, the school can accommodate up to

115 students based on the established LOS. For the last six years the school has had an excess capacity and the coming year will reach 32% of its capacity.

The Resort and the Brinnon School District

The Resort will endeavor to team with the Brinnon School District to explore ways to increase revenue to the District's budget. *However*, in the long term, increased revenue will come from increased enrollment.

In addition to the above described measures, the Resort would contribute to the District as follows:

1. Two dollars for each paid round of golf.
2. Two dollars for each paid spa treatment.
3. A bonus of one dollar per hour when employment-age students of Brinnon residents attending Brinnon or other Jefferson County Public Schools are employed by the Resort.
4. Visitors to the Resort will be given the opportunity to contribute a financial gift to the Brinnon School Development Program.
5. If local Brinnon residents are stimulated to enjoy the Resort amenities, their support of the Resort would also contribute to the Brinnon School District through the methods of contribution described in measures 1 and 2, above.
6. Education opportunities:
  - a. The Resort will have a conference center that will be available at specific times for the District for teaching purposes.
  - b. The Resort's employees and consultants will be available to teach students about the high standards of Green Technologies used to develop and operate the Resort.
  - c. Scholarships will be available to Jefferson County students interested in Environmental Studies, Health-Care studies, and Hotel Management programs.

*All of the above items 1-6 shall have no sunset provision and shall continue to be carried forward should the development be sold at some future date ("run with the land").*

Approved May 16, 2011 by the Brinnon School Board as evidenced by the following signatures:

Nancy Thompson 5-16-11  
Nancy Thompson, Superintendent Date

Valerie J. Schindler 5-16-11  
Valerie Schindler, Board Chair Date

Approved By Pleasant Harbor Marina and Golf Resort, LLP

[Signature] July 25/18  
Managing Member Date

## **Appendix J**

Memoranda of Understanding:  
Fire/EMS Mitigation



272 Schoolhouse Road  
Brinnon WA, 98320  
Phone: 360-796-4450  
Fax: 360-796-3999  
Web Site: [www.brinnonfire.org](http://www.brinnonfire.org)

## **Memorandum of Understanding in Support of Fire District and Emergency Management Systems (EMS)**

Jefferson County Fire District #4,  
a.k.a. the Brinnon Fire Department  
And  
Pleasant Harbor Marina and Golf Resort, LLP

This Memorandum of Understanding in Support of Fire District and Emergency Management Systems (EMS (“MOU”)) sets for the terms and understanding between the Jefferson County Fire District #4 (Brinnon Fire Department) and PLEASANT HARBOR MARINA AND GOLF RESORT, LLP, a Washington limited liability partnership (referred to as “Developer”) for emergency services.

WHEREAS, Developer is the owner of real property consisting of approximately 237.88 acres located within Jefferson County (“Developer’s Property,” as defined below).

WHEREAS, Jefferson County (“County”) approved Developer’s application to designate Developer’s Property as a master planned resort pursuant to RCW 36.70A.360 in the County Comprehensive Plan to allow for resort-related development including, but not limited to, a golf course and other on-site indoor and outdoor recreational amenities, conference center, resort-related commercial uses, long-term and short-term residential units not to exceed 890 units, and open space (“Pleasant Harbor MPR”).

WHEREAS, the Developer expects the buildout of Developer’s Property to occur over the next five to twenty years or as mutually agreed upon by the Developer and County, depending upon market conditions and Developer.

WHEREAS, the Washington State Legislature enacted RCW 36.70B.170-.210 to strengthen the land use planning process and reduce the costs of development by authorizing the County to enter into a private agreement with a landowner regarding the development of its real property located within the County's jurisdiction ("Development Agreement").

WHEREAS, in Ordinance 01-0128-08, the County has required the Developer to "negotiate memoranda of understanding (MOU) or memoranda of agreement (MOA) to provide needed support for the Brinnon school, fire district, Emergency Medical Services (EMS), housing, police, public health, parks and recreation, and transit prior to approval of the Development Agreement."

1. Purpose. This MOU describes the response of Brinnon Fire Department in the event a medical emergency, fire or rescue/entrapment occurs during and after the construction phase of the Pleasant Harbor Marina and Recreation Community.

2. Definitions.

a. "Brinnon Fire Department" means Jefferson County Fire District #4.

b. "County" means Jefferson County, a municipal corporation under the laws of the State of Washington.

c. "Developer" means Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns.

d. "Development Agreement" means the agreement to be completed between the County and the Developer consistent with RCW 36.70B.170-.210.

e. "Developer's Property" means the real property owned by the Developer that is the subject of the pending application for a master planned resort at Pleasant Harbor in Brinnon, Washington.

f. "Firewise Design Standards" means together and as may be amended: (i) NFPA 1141: Standard for Fire Protection Infrastructure for Land Development in Wildland, Rural, and Suburban Areas, 2012 Edition; and, (ii) NFPA 1144: Standard for Reducing Structure Ignition Hazards from Wildland Fire, 2008 Edition

g. "MOU" means this MOU for Support of Fire District and Emergency Medical Services.

h. "party" means one of the parties.

i. "parties" means the Brinnon Fire Department and Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns.

j. "Undertakings" means the undertakings by the Developer in Section 3 of this MOU.

3. MOU is Conditioned on Approval of the Development Agreement by the County. The Developer's Undertakings in this MOU are conditioned on the approval of the Development Agreement by the County.

4. Developer's Undertakings. The Developer will provide the following to mitigate increase of service by the Jefferson County Sheriff's Office ("JCSO") anticipated with the construction of the resort at the Developer's Property as follows:

- a. The Developer will comply with the Firewise Standards during the buildout of the Developer's Property; and,
- b. The Developer will continue to comply the Firewise Standards after the buildout of the Developer's Property.

5. Brinnon Fire Department Undertakings.

a. Brinnon Fire Department will respond with Paramedics and EMT's, firefighters and technical rescue teams with appropriate apparatus and equipment. This may be accomplished with use of assistance from mutual aid agreements between Jefferson County, Mason County Fire Districts, Navy Region Northwest and Airlift Northwest.

b. Advanced Life Support / Basic Life Support, structure fires, wild land fires and technical rescues will be determined by the initial 911 call received at the 911 center (JeffComm) or by the on-scene Incident Commander (I/C) during the 911 incident.

c. The I/C will mitigate any and all activities during the emergency incident and incorporate an action plan as deemed necessary given the specific emergency.

d. Helicopter Landing Zones will be utilized by the established landing zones already in place and approved by Airlift Northwest and Brinnon Fire Department.

e. All incidents will be kept on file at the Brinnon Fire Department using the web based software Emergency Reporting and made available using public records request policy.

6. Funding. This MOU is not a commitment of funds.

7. Duration.

a. This MOU is at-will and may be modified by mutual consent of authorized officials from Brinnon Fire Department and the Developer's authorized representatives.

b. This MOU shall become effective upon signature by the authorized officials and will remain in effect until modified or terminated by any one of the partners by mutual consent.

c. In the absence of mutual agreement by the authorized officials this MOU shall end after 90 days with written notice.

**Contact Information**

8. Contact Information.


a. Brinnon Fire Department:

Authorized Official: Timothy R. Manly Sr.  
Fire Chief  
Address: 272 Schoolhouse Rd (POB 42), Brinnon WA 98320  
Telephone: 360-796-4450  
Fax: 360-796-3999  
E-mail: tmanly@brinnonfire.org

b. Developer:

Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns  
Authorized Official: M. Garth Mann  
Position: Managing Member  
Address: 7370 Sierra Morena Blvd. S.W., Calgary, Alberta, Canada T3H 4H9  
Telephone: 403-256-4151  
Fax: 403-256-6100  
E-mail: Garth.Mann@statesmangroup.com

Approved By Jefferson County Fire District #4

Signature   
Timothy R. Manly Sr.  
Fire Chief

Date 8/9/18

Approved By Pleasant Harbor Marina and Golf Resort, LLP

Signature   
M. Garth Mann, Managing Member

Date July 25 / 18



# SAFER FROM THE START

A Guide to Firewise-Friendly Developments



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## FOREWORD

---

**In 1985, wildfire destroyed more than 1,400 homes throughout the U.S. Since then, private and governmental fire experts have worked to discover the roots of this problem and to bring the best available research and practices to the public.**

The Firewise Communities program teaches people how to keep homes safer from wildfire. For new developments and for residents of community associations, it's important to know how to design and build safely and to maintain wildfire safety in the long run. This guide addresses the interests of developers and people living in community associations at risk from wildfire.

Many private developers seek information about how to make their planned communities and subdivisions Firewise from the ground up – building safer from the start. This guide will help developers create safer, more vibrant new communities by keeping fire in mind.

In some existing communities governed by associations, guiding documents – their master deeds or covenants, conditions and restrictions (CC&Rs) – restrict the ability of residents to make important Firewise changes to their property. Where residents are prohibited from changing a roof from flammable to nonflammable material, or from removing any vegetation, living or dead, from around their properties, the rules are not “Firewise-friendly.”

This guide provides developers of new communities and residents of existing community associations a tool they can use to integrate Firewise concepts into design and development, as well as their covenants, conditions and restrictions and architectural rules. Community associations can greatly improve their existing conditions using the information in this guide. And by building safer from the start, the communities of tomorrow have a better chance of surviving – and thriving – in a fire-prone environment.

*Firewise Communities Program staff are Jim Smalley, Project Manager; Cheryl Blake, Products Manager; Michele Steinberg, Communities Support Manager; and Judith Leraas Cook, Firewise Communities/USA Program Manager. The program is grateful for the assistance of the following individuals in the research, development and review of this guide: Lee Ann Beery, Arizona State Forestry Division; Andrew Fortin, Esq., Community Associations Institute; Jan Fulkerson, Texas Forest Service; Terry Haines, USDA Forest Service, Southern Research Station; Jerry Hurley, Plumas County (California) Fire Safe Council; Gerry LaCavera, Florida Division of Forestry; Molly Mowery, Masters Candidate in Planning, Massachusetts Institute of Technology; Claire Reiss, Esq., Public Entity Risk Institute; Cheryl Renner, Renner & Associates; James Schwab, American Planning Association; Katherine Skakel, AICP, Hood River, Oregon; Ed Smith, University of Nevada Cooperative Extension Service; Tim Steele, Mission Canyon Community (California) Architectural Review Committee; and Keith Worley, Forestree Development LLC.*

*“Building Firewise concepts into the community itself means that from day one, there are rules and expectations set on how to address fire safety issues within the community.”*

—ANDREW FORTIN, COMMUNITY ASSOCIATIONS INSTITUTE

## INTRODUCTION

---

**Whether you live in a subdivision in a beautiful natural area, or you are building communities nestled in the woods, you may have to deal with the risk of wildfire.**



This guide will help you look at your community and your home in a new way – a Firewise-friendly way. Taking the natural phenomenon of wildfire into account when planning, designing and building a subdivision can help you achieve your goals in a safe and environmentally sound manner. Checking your home and its surroundings to see if Firewise improvements can be made will help you keep it safer from wildfire.

As a developer or builder, you want to create a community that provides potential buyers or renters with beautiful, private, convenient and safe places to live. As a resident, you want your home in your scenic community to be beautiful and safe from wildfire. As a member of a homeowner or community association, you

want to maintain the beauty and value of your neighborhood, as well as protect the people who live there. If you are building in an area naturally prone to wildfire, there are some important factors for you to take into account to improve the safety and livability of your new community.

Firewise principles address site design, construction and landscaping, as well as property maintenance and education of residents. These principles can

be integrated seamlessly into your development design as well as a community's master deed, covenants, conditions and restrictions (CC&Rs), subdivision rules, and architectural review guidelines.

Use this guide to learn more about the nature of wildfires and how Firewise principles in the development process can make homes and communities much less vulnerable to damage and loss. If you are a resident of an older subdivision, you can use these principles to make Firewise improvements to your home and surroundings that will give you and your neighbors a much greater edge when it comes to surviving a wildfire.

This guide will help you to:

- assess your site for wildfire risk factors,
- use Firewise principles in design and construction, and



- incorporate wildfire safety into your development's guiding documents and rules.

You'll also find examples of how other communities have been built Firewise from the ground up and about the benefits they've enjoyed as a result.

Understanding how to prevent home ignitions and destruction from wildfires is essential to incorporate appropriate

safety measures into the design, construction and landscaping of your development. This guide uses a checklist format to help you identify the items you may want to include in the community's title document or declaration, subdivision rules, and architectural review requirements. If your community documents are already in place, the checklist and examples can help identify and support possible

changes for the community to enact to increase their wildfire protection. Examples from other communities are provided to give you an idea of how your document can be best structured to ensure that wildfire safety issues are fully addressed.

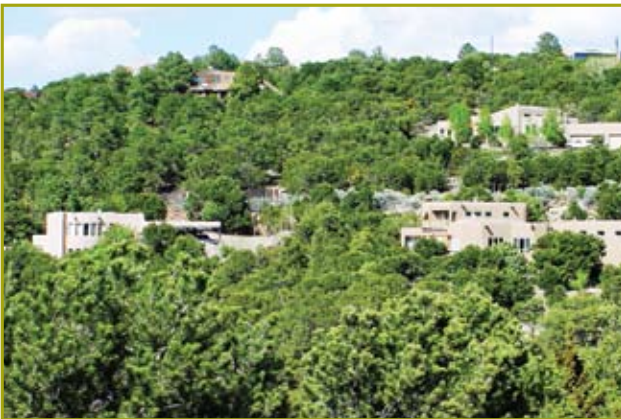
*“The idea of Firewise in pre-development for a community is that you plan before you build, which makes it cheaper to do things right. Planning ahead protects human life as well as structures.”*

—CHARLIE BAUN, ENVIRONMENTAL CONSERVATION SERVICES, INC.



## WHY USE FIREWISE PRINCIPLES?

### Could your planned community be vulnerable to damage from wildfires?



It's not as simple as looking at a map, and it isn't restricted to communities in the Western U.S. Fire professionals call the places where homes are built near or among lands prone to wildfire the "wildland/urban interface." It may be more helpful to think of the wildland/urban interface not as a place, but rather as a set of conditions that can exist in nearly every community. These conditions include the amount, type, and distribution of vegetation;

the flammability of the structures (homes, businesses, outbuildings, decks, fences) in the area, and their proximity to fire-prone vegetation and to other combustible structures; weather patterns and general climate conditions; topography; hydrology; average lot size; road construction; and more.

Growth patterns around the country indicate significant increases in development in rural or wildland areas. U.S. Census data from 2000 shows that nine of the 15 fastest-growing regions in the country are already considered wildland fire-prone areas – or are becoming fire-prone as a result of rapid growth. While some years are worse than others in terms of home losses, an "average" year sees some 800 to 1,000 homes lost during wildfire

events. These numbers are dwarfed by the truly catastrophic events such as the 2003 southern California fires that burned down some 3,600 homes over a few weeks.

Of course, growth and development are happening in areas that have valuable amenities, not just risks of wildfire. Home buyers increasingly are seeking privacy, natural beauty, recreational opportunities, and affordable living. There are more than 300,000 association-governed communities in the United States and more than 24 million housing units in these communities – an increase of about 40% in the past decade.<sup>1</sup> Given overall national development trends, where many formerly rural census tracts tripled in population during the 1990s<sup>2</sup>, it is likely that many of these communities are being built in wildfire-prone areas.

However, developing a new community in a fire-prone area does not necessarily spell disaster. Using Firewise



principles from the design stage to the final build-out can result in communities that retain their attractive elements and have the additional benefit of being compatible with their natural environment, which includes wildfire. Firewise principles include community infrastructure design considerations, home design and layout, home construction materials, landscaping choices, and maintenance activities all chosen and applied with wildfire in mind. These principles have been developed and tested over the past several decades in communities throughout the U.S., and are supported by physical fire science research. Using Firewise principles can help community residents manage the risk of fire the way that many commonly cope with snowstorms or flood seasons.

Firewise design and construction can begin to make new communities safer. But the long-term maintenance of Firewise conditions and the involvement of residents in their own safety are also very important elements to ensuring safer communities over time. Learning a little about how homes ignite in a wildfire and how this can be prevented sheds light on why ongoing, collaborative Firewise activity is needed.

Creating a Firewise community from the ground up not only makes for a safer community, but can also help

meet other goals and objectives for the developer and local officials or regulators. Firewise construction can contribute to a home's insurability and overall soundness. Firewise landscap-



ing can maintain the natural beauty of a site while avoiding future problems with unhealthy trees or plants and minimizing other problems associated with poor landscaping practices, such as soil erosion, weakened tree limbs vulnerable to wind, snow load or ice, and overuse of pesticides and chemicals. Firewise maintenance of individual properties and common areas can bring residents together to contribute to the safety and aesthetic goals of the development over time.

### **The Home Ignition Zone: The Basic Building Block of Firewise**

The first consideration in reducing destruction of homes from wildfire lies in reducing the possibilities for ignition in the Home Ignition Zone – that is, the home and its immediate surroundings

within 100-200 feet. The conditions within this zone largely determine the home's resistance to ignition and its survivability from wildfire.

A wildfire disaster resulting in the loss of many homes and perhaps lives is almost always the result of worst-case scenario conditions. These include lots of vegetative fuel (living and dead), hot, dry windy weather, and often topography with steep slopes or "chimneys" that carry fire quickly. The fire through this wildland area builds in intensity and spreads rapidly. When the fire burns into a community, the



homes become more fuel and sequential ignitions result in homes igniting neighboring homes – also known as a conflagration.

By changing the character of the Home Ignition Zone, a resident can alter the path of a fire approaching a home. Whether homes will ignite during wildfire has to do with the condition of the home itself and the area in the Home Ignition Zone. Some risk factors to look for include homes with flammable roofing, siding and decking materials; accumulations of leaves, needles, twigs, brush or tree limbs on, around or under homes; dense vegetation in the Home Ignition Zone; and flammable items (mulch, woodpiles, other materials) in direct contact with homes or attachments.

By changing the character of the community's ignition zone, developers and community associations have the opportunity to alter a wildfire's path for an entire community. Because many communities have homes that are closer than 100-200 feet to one another, the individual homes' ignition zones overlap. This means that in order to change the community's ignition zone, residents need to work together. Developers have a special opportunity to reduce the likelihood of home

ignitions in a wildfire by designing in a Firewise way "from the ground up."

### **Assessing Risks and Reducing Ignition Hazards**

Communities almost everywhere in the United States are at some risk from wildfire. Your community may have a very short fire season, but homes in your area may still be at risk to wildfire ignition. The best resource for determining your area's relative risk to wildfires is usually your State Forestry office. Local fire departments may also have historical information on wildfire occurrences in your area. Appendix A provides basic information on how fire behaves and can give you some general guidelines about risk factors for wildfire. Appendix B gives a more detailed description of how to assess individual homes for wildfire risk.



*“Investing in forest clean-up and adopting Firewise practices not only reduced the risk but enhanced the beauty and value of the on-site forests. What’s more, promoting the project as a Firewise community has proven to be a beneficial marketing tool.”*

—CHRIS HEFTEL, DEVELOPER, RIVER BLUFF RANCH, WASHINGTON

## FOR THE DEVELOPER, BUILDER AND DESIGNER

If you are designing a new community or subdivision, knowing about your wildfire risk can help you create a safer development from the beginning.



Consulting with state forestry staff and local fire professionals will help you understand not only the wildfire hazards you need to address in your design, but also any county or state regulations that guide development in wildfire-prone areas.

For specific guidelines on construction and infrastructure, refer to Appendices C (Construction checklist) and D (Infrastructure guidelines).

### **Location, location, location**

Knowing that terrain and weather are two of the main factors in wildfire risk, consider any major topographical features when designing the subdivision layout. These include steep slopes, ridges, bluffs, canyons, “draws”, “chimneys” and “saddles”. Consider that south-facing slopes will have drier vegetation from solar heating and that winds will carry fire up into chimneys and down through canyons. In addition, heavy rains after a fire may cause mudflows or soil erosion.

When considering location of home sites, think of potential fire exposure and elements related to site maintenance and fire response:

- Setbacks
- Home-to-home proximity

- Access/Egress

- Road/driveway width and grade

Homes sited at the top of a ridge will need to have adequate setback away from potential flames. Residents or community managers will need to have access to vegetated areas in order to maintain them in a Firewise condition. Think about site design from the point of view of fire approaching, and of the maintenance that will be needed on the landscape to keep fireprone vegetation from accumulating. Homes with rooflines closer than 30 feet apart can become ignition sources for one another.

Depending on the size of the development, certain infrastructure for fire protection may be required. In the absence of such requirements, you may want to include these features in your plan to enhance community values. For example, since steep, nar-

**Excerpted from “Developing in the Interface” by Chris Heftel in American Perspectives on the Wildland/Urban Interface. Heftel, a developer, is president of River Bluff Ranch in Spokane, Washington.<sup>3</sup>**

There are many important and fascinating aspects to developing near wildlands and many challenges. When it comes to creating new wildland/urban interface communities, developers are critical players and should start by using Firewise planning as a part of their overall development process. I offer my recommendations for developers planning and constructing beautiful, fire resistant projects in the wildland/urban interface:

- Require each home site to be a defensible place and do the research. Invest the time to become as knowledgeable about these issues as you are with other development issues.
- Evaluate interface site conditions. Early in the process, and when you begin to study your other development issues, solicit on-site inspections and frank feedback from various stakeholders and specialists. Discuss these issues with owners of neighboring wildlands, environment groups, realtors, your marketing team and others.
- Evaluate your site from other aspects, including current and long term prospects for the health of forests or other natural vegetation, recreational space opportunities, aesthetics of open spaces and views from home sites, creating defensible space that enhances aesthetics for each building site, off-site risks from neighboring wildlands outside of your control and the prospects for cooperation and/or collaboration from those who control these off-site wildlands, existence of on-site hazardous fuels, ways to reduce them and the associated costs.
- Consider opportunities to minimize costs and generate timber harvest revenues by integrating fuel reduction, forest health and aesthetic enhancement goals with site clearing activities, market analysis to achieve increased sales prices due to aesthetics from additional fuel reductions.
- Conduct a systematic assessment of your project’s prospects for each aspect of creating a “Firewise” community. Ask interface fire experts to assess your project based on your development plans. Look for ways to improve your position by making feasible changes to your plans. Sources of wildland/urban interface financial assistance are available through a variety of grants, and many materials and specialists are available at little or no cost.
- Develop a section of your master plan for wildland fire risk management based on the specifics of your project. Consider the issues of sustainability and enforceability.
- Fuels don’t maintain themselves. Vegetation grows back; trees die. People don’t always do the right thing; homeowners come and go; some ignore or break the rules. Draft covenants so that homeowner associations, fire districts and possibly others have the legal and financial ability to perpetuate the Firewise conditions you created.
- Consider the scale of your wildland/urban interface project. If your site is large with considerable open spaces, incorporate designs that allow such elements as recreation spaces and service access roads to double as firebreaks. If your site and/or building parcels are small, incorporate ways to maintain adequate separation between structures. For example, cluster ignition resistant houses and provide the defensible space around each cluster.

Successful developers must pay attention to site conditions such as rock, highly erodible soils, and the like. Wildland fire is another equally important site condition to evaluate and intelligently incorporate into your development design, but unlike many conditions requiring mitigation, wildlands often also represent a wonderful and exciting opportunity to create something of beauty which prospective buyers value.



row, winding roads make it more difficult for fire engines to respond to fire and medical emergencies, you may want to consider minimizing road gradient where possible both for emergency egress by residents as well as access by fire trucks. A grade of ten percent or greater will significantly impact their speed and their ability to arrive and maneuver safely. For a very large community with homes that are widely spread out, a community fire station (or land set aside for one) may be an important addition.

### **The natural environment:**

The beauty of nature is what attracts many residents to live in planned developments. Trees, grasslands and other natural elements may be a major amenity for your new development. Consider the following when reviewing your site with fire in mind:

- Fire-prone species of trees, shrubs and other plants
- Density of vegetation
- Overall health of the vegetation
- Undergrowth
- Local practices for vegetation management
- Dead or downed vegetation
- Options for debris disposal

- Ornamental landscaping choices
- Availability of water for landscape maintenance and firefighting

Some types of vegetation are more fire-prone than others. Pine forests, palmetto, scrub oaks, and species with a lot of resins or oils are of concern. Broad-leaf (deciduous) trees are more fire-resistant, but also consider the overall health of the ecotype. A forestry professional will be able to help identify any unhealthy conditions of the natural vegetation in your area.

If heavy undergrowth has been allowed to spread throughout your site, or there are dense forests, these are potential fire hazards. Even in areas dominated by tall grasses or shrubs rather than forests, uninterrupted beds of flammable vegetation are a concern. Find out which agencies or organizations are currently managing the forest or rangeland conditions by thinning trees, removing undergrowth or conducting prescribed burns. If prescribed or controlled burning is practiced in your area, consider the impacts of smoke from these activities in your design and in your advice to potential buyers.

When learning about the vegetation on your site, you'll often find that forestry and fire professionals call it "fuel". If the trees or other vegetation are

very unhealthy or pose a danger of extreme fire, you may even hear terms like "stand replacement fire" and "soil-altering fire". These terms mean that significant treatment of the vegetation will be needed before you begin development. Forestry professionals may recommend that you treat the vegetation or "fuel" prior to subdividing the properties and recording the lot splits.

Consider areas where dead vegetation – downed trees or limbs, pine needles, dead leaves – may have accumulated on your site. This material can be a significant fuel for a wildfire – often more



so than live plants. A plan for removal of this material before development will go a long way toward the aesthetics and fire safety of the built community. If the area tends to accumulate a lot of dead material from heavy need-

dle or leaf drop, consider how future property owners will dispose of this on their own and on common areas in the community.

Your site may be enhanced by ornamental plantings in common areas and on home sites. There are many options for fire-resistant plant species as well as good techniques for arrangement that can be attractive, compatible with the local environment, and safer from wildfire. Consider that one characteristic of a Firewise plant is its ability to be maintained easily, without drying out or dropping lots of leaves or needles. Will property owners have adequate water for maintaining home landscapes?

Water supply is also critical to consider for firefighting purposes. If there is not a municipal water supply available for your site, think about what other sources are available. Consult with your local fire authorities regard-

ing alternatives such as dry hydrants, ponds, water tanks or cisterns.

As the developer you may or may not be responsible for building the homes that will populate your new community. For more about building a Firewise home and designing Firewise home landscapes, see the following section, "For the Resident" in this guide.



**An excerpt from a letter by the City of Hood River (Oregon) Fire Marshal to Prospective Property Owners<sup>4</sup>**

In order for the fire department to gain access to your home or building, the access roads must meet these requirements. The road infrastructure in the east Hood River area is such that fire and EMS response is delayed. This delay is due to the fact that narrow streets and tight corners make it difficult to maneuver large fire apparatus around the area. Strict adherence to the road standard is required by all property developers. By providing adequate fire department access roads, you reduce the amount of time lost positioning apparatus.

**A developer in southwest Colorado discusses the value of wildfire mitigation:<sup>5</sup>**

Ron Tyner, a developer with the former Peregrine Creek Development Company, believes that the company was one of the first and only developers required to do fire mitigation in La Plata County.

In 1996, [his company was] involved in the Tomahawk Subdivision, a resubdivision of 72 acres of the original Rafter J in La Plata County. "We were surprised and somewhat aggravated when the county required wildfire mitigation. Quite honestly, we had no idea what 'to the standards of the Colorado State Forest Service' meant."

An on-site visit with [a] Colorado State District Forester taught him the meaning of words like slash, defensible space, ladder fuels and fuel breaks. Tyner was advised that 120 to 140 trees per acre was optimum, that the spacing between tree crowns should be 15 feet and gambel oak was to be left in clumps of 12 stems. He was also told that slash, the thinned remains of branches and leaves, was to be spread and piled no more than 18 inches high on the forest floor, and special attention should be given to the steep slopes.

"From the moment work began, Tyner said, "we not only noticed a positive aesthetic difference but our lot sales soared."

The company was able to directly measure their investment by comparing their sales prices with resales in the immediate area. The result was a net profit increase of 20 percent.

Tyner says whether a county requires it or not, he does wildfire mitigation before developing an area as a matter of course.

"It's not just that buyers are more aware of the need for protecting against wildfires, but I am able to sleep better knowing that we made a safer place to live in the forest."



## FOR THE RESIDENT

This section will help you learn what to do to make your home safer, whether you are building new or living in a residence you want to improve for wildfire resistance.



You can also use Appendix C for a quick checklist on Firewise construction.

### Building a Firewise Home

If you're living in a community where the developer has taken wildfire into account in the infrastructure and overall design of the community's layout and landscape, you are half-way there. The next step is to ensure that your home is built using Firewise

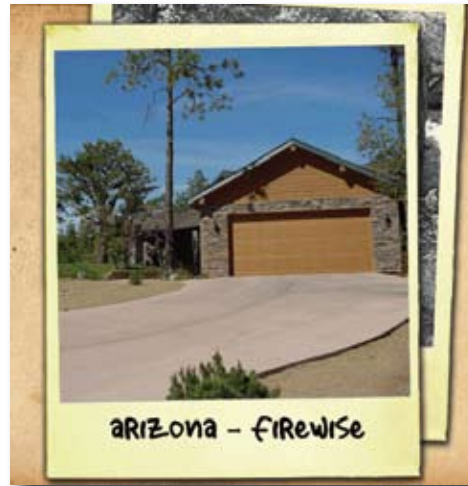
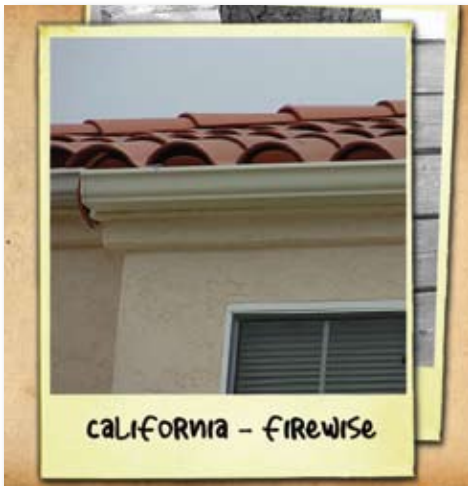
techniques. Luckily, "Firewise building materials" are commonly used and readily available. The key elements to consider when building a Firewise home are:

- Roof and Roof Elements
- Vents and Openings
- Windows
- Walls
- Attachments –  
Decks, Porches, Fences
- Other Structures

**Roof** The most important consideration is to ensure the building has a nonflammable roof. Review Appendix A, "How Homes Ignite During Wildfire" to learn more about how vulnerable flammable roofs are to ignition from flying brands and embers during a wildfire. Ensure that your home is constructed using nonflammable roofing materials and roof assembly. Good choices for roofing material in-

clude asphalt, fiber-cement, tile, concrete and metal. Simpler roofs with steep pitches limit the accumulation of needles and dead leaves that can be an "ember trap" in a wildfire. Gutters, skylights and other elements on the roof should also be made of non-flammable material.

**Walls** The siding used on homes can also make a difference in how well the home will resist ignition from a wildfire. Nonflammable choices include stucco, brick and fiber-cement. Large-timber construction is also fire-resistant as it takes a long time for large timbers to ignite and burn. Vinyl siding can be vulnerable to radiant heat but will typically melt and drop away from the sheathing rather than carry fire. If there is no protection installed for the wall underneath vinyl siding, the home is more vulnerable to both radiant heat and embers. Wood siding is also vulnerable to ignition, more so if it does not have an



interlocking lap, which means there is space between the shingles and the studs where embers could penetrate.<sup>6</sup>

**Windows** During a wildfire, windows, like the rest of the home, are exposed to radiant heat, convection and embers. Radiant heat could be severe enough to break the glass in a window or ignite the exterior siding directly below it. Flames from burning siding or vegetation burning near a window could touch the window and heat it to the breaking point. Embers can strike a window and break it, or ignite any flammable debris on a window sill. For these reasons, dual-pane or tempered glass are good Firewise choices for windows. Dual-pane windows have an added advantage of the outer layer of glass that provides a thermal shield for the inner pane, allowing it to heat more slowly and decreasing the chances it will heat enough to break. Consider extra protection for any large windows facing an area where wildfire is likely to approach, or design the home to avoid such exposures.

**Vents and Openings** Openings in the home need special consideration. Chimney flues, attic vents on the roof or under the eaves, crawl space vents, even doggie doors can provide an opening for embers or flames to enter the interior of the home during a wild-

fire. These areas should be screened with metal mesh of no more than 1/4-inch (1/8-inch is preferred, but could become clogged if painted). Doggie doors, garage doors, and entry doors should have seals that prevent ember entry when closed properly.

**Attachments – Decks, Porches and Fences** When designing or installing decks, porches and fences, remember that if it is attached to the house, it is part of the house – or part of the fuel from a wildfire’s point of view. Decks in particular pose special hazards in a wildfire. If they overhang a slope, they can heat from beneath and eventually ignite from radiant or convective heat. This is exacerbated by any accumulation of flammables – stored items or leaf litter – under or around the deck. The flat deck surface can load up with embers flying from up to a mile away. Consider using non-flammable material or material that will not carry fire to the house. You can add special protection in the area where the deck meets the house to prevent the home igniting from the deck by using metal flashing.

Wooden fences are prone to ignition as they extend into vegetated areas and often have accumulated debris or leaf litter against them. If flammable fence material is being used, a simple fence fix is to ensure that the attachment to

the house is made of a nonflammable material. Fences shared by neighbors that are closer than 100 feet to any part of either house will need special attention to prevent accumulation of flammable debris on either side.

**Other Structures** Other structures attached to the house or within the Home Ignition Zone should be designed to minimize ignition. These might include garages, storage sheds, worksheds, greenhouses or stables. Ensure that these structures are built from fire-resistant materials and will employ the same care around the property as for the primary structure.

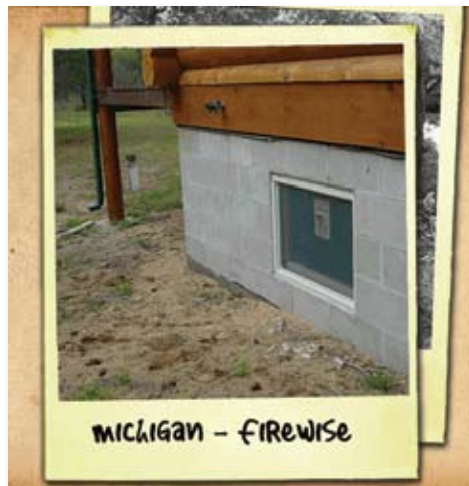
### **Designing a Firewise Landscape**

Homes ignite because of the condition of the home itself and everything around the home within 100 to 200 feet (see Appendix A). The landscape design and material become a critical element in creating a Firewise home. The primary considerations include:

- Zone Concept
- Fuel-Free Area
- Firewise Plants
- Choosing Firewise plants
- Plant arrangement and maintenance
- Tree Spacing



hawaii - FIREWISE



michigan - FIREWISE



new mexico - FIREWISE

You can also read more about Firewise landscaping principles in Appendix D, and review a Firewise Landscaping checklist in Appendix E.

**Zone Concept** This refers to the idea of working from your house out into the landscape in designing your Firewise surroundings (see diagram, page 6). The overall Home Ignition Zone includes the home and everything around it within 100 to 200 feet. If your home is on a steep slope you may need to design your landscaping to the 200-foot mark. But you should begin in the area closest to your home – within three to five feet of your walls and attachments.

**Fuel-Free Area** Basically, it is a bad idea to allow flames to touch your home. By creating an area free of fuel for an encroaching wildfire within three to five feet of your home, you can avoid many potential ignitions. This area should be designed to have nonflammable material such as rock or gravel, bare earth, or small, low-growing flowers or other plants that will not be able to generate enough heat to carry flames to the sides of your home or its attachments. Remember that a wood fence or deck that attaches to your home needs the same kind of attention to minimize ignition potential.

**Firewise Plants** For ornamental vegetation around the home, choose species compatible with your local environment that are also fire-resistant or that will not carry fire to adjacent grass, shrubs or your home. The Firewise website links to many plant lists created by Cooperative Extension Services around the country that can help you choose the best plants for your location.

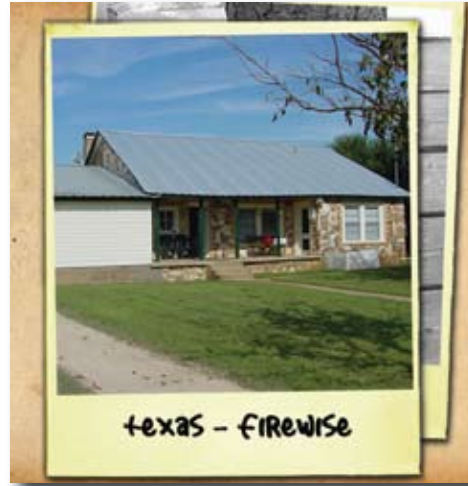
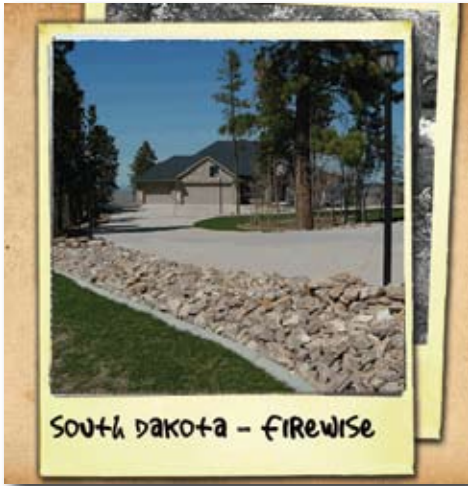
**Plant Arrangement** In keeping with the zone concept, a Firewise landscape will keep the area within 30 feet of the home “lean, clean and green,” with plantings arranged in islands to break up the continuity of potential fuel for a fire.

**Tree Spacing** It’s best to keep tree limbs and branches at least 10 feet away from the sides and roof of your house, and avoid limbs that hang over the house (besides generating needle or leaf drop onto your roof, a burning limb can come down on the roof and cause more problems). The tops or crowns of the trees should be spaced so that fire cannot make the leap from canopy to canopy. Trees should be separated from lower growing vegetation that can create a “ladder” for fire to go from the surface into the tree canopy.

## Modifying the (Existing) Home Ignition Zone

If you are living in an older home and are wondering where to begin your Firewise improvements, the recommendation is always to begin with the home and work your way out from there. The key elements are the same for the home construction and landscaping. For your home structure, consider the following improvements. These are listed roughly in order of how easy or inexpensive they are to accomplish. However, replacing a flammable roof is one of the most important things you can do to make your home safer from wildfire.

- Remove flammable material such as needles, leaves and twigs from your roof and gutters, and from under decks and porches and along fences
- Screen all vents in your eaves or on your roof, chimney openings, and crawlspaces or underneath decks with 1/8” or smaller nonflammable metal mesh screen
- Replace wood fences with metal (or install metal flashing or a metal gate on the fence portion that touches the house)
- Replace single-pane windows with dual-pane windows and ensure



Neighbors may also encounter shared wildfire risks within commonly-held areas in the community, such as open space or roadways. The homeowners association should address the mitigation and maintenance of these areas, but will still need residents to work in cooperation to reduce the fuels where these common areas border private lots. Residents of community associations with good Firewise practices and governance have a great opportunity to reduce their wildfire risks and get credit for it, too.

- window screens are in good shape
- Replace flammable siding with non-flammable material
  - Replace flammable roof with non-flammable roof assembly

For your yard and landscape, consider these improvements:

- Create a fuel-free zone within 3-5 feet of your home's perimeter as well as any attachments
- Remove any tree branches that hang over your roof or are within 10 feet of your chimney
- Remove dead or dying plants and rake up needles, leaves and other debris within 30 feet of your home.
- Replace fire-prone plants with Firewise species
- Remove vines, shrubs, scrub and other undergrowth beneath trees or large shrubs to prevent a fire "ladder"
- Thin out trees up to 100 feet from your home to keep tree canopies from touching

### **Working with Your Neighbors**

In a community with homes within 100 feet of each other, you may be wondering how you can improve your wildfire safety if you can't cross that Home Ignition Zone line into someone

else's back yard. In fact, if your neighbor's home isn't Firewise, you can be at greater risk from ignition during a wildfire, as a burning structure will generate a tremendous amount of heat and flying embers. Your "neighbor" might also be a national or state forest, national park, or private rangeland. Fire behavior will be the same regardless of who owns the land within your Home Ignition Zone. That's why it's critical to work with neighboring landowners to ensure the greatest degree of protection from wildfire.

The Firewise Communities/USA recognition program is a national effort to encourage and acknowledge residents' actions to make their homes safer from wildfire. If you are actively involved in Firewise work with your neighbors and/or your Homeowner's Association (HOA), your community may be eligible for recognition as an outstanding example of wildfire safety in action. See Appendix F for more on becoming a Firewise Communities/USA site.

#### **A memo from firefighter Robert Holt, with the Redding Interagency Hotshot Crew, describes the scene in a neighborhood during the Angora Fire that destroyed 254 homes near Lake Tahoe in 2007:<sup>7</sup>**

"...the house...had pine needles draped on its roof, under its wooden porch, and along its wooden fence. [We] cut a line around it, but because of the extreme wind, it jumped our line and flames involved the porch. Figuring this house was done for, I tried to get into the back yard of the house next door to the south. Because its gates were locked and I would not have an escape route, I could not find a way to protect it. I took refuge around the southwest corner of the first house and sprayed water on the side of the second house, but soon the heat was too much; I took a blast to the right side of my face and abandoned the houses. If the first house had cleaned its roof, fence, and porch of pine needles, I could have saved it. If there had been a way to access the back of the second house, I could have saved that one as well...."

"It is my expert opinion that we could have saved no less than 75% of the houses that were lost if the landowners had removed the pine needles from their roofs, porches, and fence lines. In addition, houses that had locked gates and not-easily-found spigots also burned. When one house became involved, the surrounding houses caught also due to the flying embers and direct flame impingement."

*“Keep in mind that, besides keeping a wildfire from reaching a home, Firewise landscaping can keep a fire that might start in one home from igniting adjacent homes. This is where the importance of neighborhood organization and cooperation comes in.”*

—MIKE KUHN, EXTENSION FORESTRY SPECIALIST, UTAH STATE UNIVERSITY

## FOR THE COMMUNITY ASSOCIATION

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**How to use covenants to guide community Firewise practices.**



### **Covenants in Context**

Many newly planned developments make use of guiding documents known as covenants for the benefit of all residential owners and their neighbors. Covenants can be a very useful tool for guiding Firewise-friendly development. What's more, neighborhoods with properly drafted and enforced covenants or architectural standards have been shown to retain property value better than those with poorly enforced covenants or no standards at all,

and neighborhoods that follow their covenants and standards tend to be safer, look better, maintain better relationships with local governments, and better retain or increase the investments that homeowners have made in their properties.<sup>8</sup>

A covenant is a rule governing the use of real property, and may also refer to a promise or agreement (as formalized in a deed) concerning the use of the land. For example, a purchaser of land “covenants” to abide by certain restrictions associated with the use of the land. Essentially, such covenants are promises made by a prospective purchaser as a condition of purchasing the land in question.

When properly recorded on a deed conveying land, a covenant (“restrictive deed covenant”) has the legal effect of a binding contract term, and may be so enforced. When covenants are instead signed privately among neighbors, as in a mutual compact

or agreement, they are still binding upon the signatories and may be litigated if breached.

Covenants differ from zoning ordinances in that they are between private parties rather than between a governmental entity and a private party. Thus, a neighborhood association or single homeowner may enforce a covenant as against another homeowner, rather than a city or county enforcing a zoning ordinance as against a private citizen. Another difference is that zoning ordinances are regulations recorded as local laws “on the books,” whereas covenants are recorded in private deeds, either as deed restrictions or as neighborhood compacts between private parties. Because covenants are voluntary, they may be more restrictive than zoning ordinances. Covenants are also known as “the master deed,” “declaration,” or “CC&Rs,” for “covenants, conditions and restrictions.”



Community associations in almost half the states base their rule-making authority on one or another version of a set of regulations called the Uniform Acts. The Uniform Acts give associations the power to regulate common elements. It also specifies the powers of the association board. According to the Uniform Acts, association boards of directors may:

- Adopt and amend bylaws, rules, and regulations
- Regulate the use, maintenance, repair, replacement and modification, of common elements;
- Impose charges for late payments of assessments and, after notice and an opportunity to be heard, levy reasonable fines for violations

of the declaration, bylaws, and rules and regulations of the association;

- Exercise any other powers necessary and proper for the governance and operations of the association.

A sound set of CC&Rs can provide a good basis for Firewise-friendly development, and ensure that a community association maintains Firewise standards into the future. The CC&R document should address the following issues:

- An overall vision or mission statement that includes fire safety as part of the community's values
- Guidelines for design, siting and construction of homes that will ensure that wildfire ignition potential is considered

- Overall landscaping and maintenance guidelines for homes and commonly-owned areas
- Guidelines on construction and maintenance of fire protection infrastructure, including roads, bridges, driveways, water supply and other elements.
- Guidelines on signage for evacuation routes and design of community safe zones for shelter
- Education for residents about Firewise principles and wildfire safety

For more details on Firewise-friendly rules and example language, see the next section in this guide, "Firewise-Friendly Rule Elements and Examples".



*“Because we live in an area that is at high risk for wildfires, communities within the Bailey area are beginning to realize the importance of forest stewardship and endorsing the Firewise concept.”*

—BILL FOX, FIREWISE COMMITTEE CHAIRMAN, DEER CREEK VALLEY RANCHOS, COLORADO

## RULES AND EXAMPLES

The Community Associations Institute publishes guidance for drafting good rules.



While the covenant document can cover just about anything under the umbrella of land use in the community, it should function as the “constitution” for the community, and leave very detailed rules to an Architectural Review Board or similar subcommittee. Unless specified in the CC&R or Master Deed, changing a covenant restriction may require 100% agreement among residents. Some key characteristics of “good rules” are provided by the Community Associations Institute<sup>9</sup>:

1. Good rules are transparent
2. Good rules are few rules.
3. Good rules are easy to obey.
4. Good rules are efficient.
5. Efficient rules accomplish their goal without undue side effects.
6. Good rules are enforceable.
7. Good rules are flexible.
8. Good rules must be communicated to the residents.

Community associations may have a CC&R document that makes no mention of wildfire or similar issues. Rules can still be developed to incorporate Firewise considerations in a community’s Architectural Review Guidelines or Design Review Committee rules.

### **Firewise Friendly Rules Elements**

#### ***Good rules are transparent.***

Some methods to ensure that you

have transparent rules are to include wildfire safety in the Design Review Committee’s mission statement, and/or to provide specific definitions in the document that outlines the community’s design standards. Wildfire issues have their own “lingo” – such terms as “fuel,” “mitigation,” “defensible space,” “home ignition zone,” etc., are not necessarily familiar to community residents. Any such terms should be clearly defined in the rules.

A vision statement helps community residents and potential buyers to understand more of what the community stands for, and helps provide some insight into why certain rules may exist.

#### ***Good rules are few rules.***

Depending on the community, “few rules” will mean something different. In Genesee, Colorado, the ARC standards<sup>10</sup> are 24 pages long, and cross-reference to tree removal rules, local Firewise construction guides, and a



native plant list. However, Genesee is operated by a Foundation with full-time staff that serve to manage this large property. For a Firewise-friendly development, rules should cover common areas and individual lots; should describe the requirements for Firewise construction; and should describe the requirements for Firewise landscaping and maintenance. In the absence of a reference to a Firewise plant list, some communities mention the two or three most troublesome fire-prone invasive species that residents must avoid.

**Good rules are easy to obey.**

Education about wildfire and Firewise practices will help residents understand the reason for the rules, and using clear language in your design guidelines will help people obey the rules. HOA boards and managers are not the community “police,” so creating rules that are easy to obey increases the likelihood they will be followed. If residents have organized to achieve recognition status as a Firewise Communities/USA site, they are voluntarily complying with directives to maintain their properties in a Firewise condition.

**Good rules are efficient.**

Efficient rules are ones that accomplish exactly what the board intended them to accomplish. Firewise rules that are too harsh or too vague will do little to accomplish the goal of making the

community safer from wildfire. Firewise rules should relate specifically to the goal they are trying to accomplish – making homes and the areas around them less susceptible to ignition from wildfire. To do that, the rules should be based on sound fire science research and established Firewise principles.

Efficient rules accomplish their goal without undue side effects. There is always the possibility rules intended for wildfire safety could have undesirable results, such as residents removing the wrong kind of vegetation, or using poor practices in trimming trees or brush that results in unhealthy vegetation or poor aesthetic qualities. Efficient Firewise rules will provide specific references to good practices so that possible undesirable side effects can be avoided.

**Good rules are enforceable.**

Vague rules or rules using jargon or technical language are difficult to enforce. Rather than telling residents to “reduce fuel loads near homes,” a better rule would be to require “removal of dead or dying vegetation within the area from the foundation walls of the home to a 30-foot perimeter.” By the same token, overly specific rules can create problems with enforcement. It is more difficult to obtain voluntary compliance with rules that are extremely strict. Another important consideration for enforcement is to ensure that the Association rules are

consistent with all existing state and county laws. Some states require wildfire risks and safety measures to be recorded on the subdivision plat or in the master deed.

**River Bluff Ranch, a community developed in Spokane, Washington, built Firewise-friendly elements into the infrastructure and the covenants:<sup>11</sup>**

Among the requirements of the River Bluff Ranch covenants are paved two-lane roads, secondary evacuation roads, and a network of forest roads. Also required are underground utilities; a series of non-potable-water storage tanks with dry hydrants; fire-resistant roofing, double-paned windows, deep side yard setbacks, defensible space, and vegetation maintenance; and an on-site caretaker, equipment and shop.

The covenants further require that the community’s homeowners’ association, when formed, enforce the covenants, educate the residents, maintain the roads and water storage facilities, manage an ongoing forest stewardship program, and implement the recommended Firewise Communities budget – currently \$2 per person – to be used for future Firewise efforts.

### **Good rules are flexible.**

Flexibility on Firewise rules is a good idea, as each home lot will present different challenges for wildfire mitigation. For example, some homes will not have 30 feet of space in all directions that stays within the homeowner's lot. Some properties will be located on steep slopes where additional safety treatments extending perhaps 150 feet from the home will be necessary.

### **Good rules must be communicated to the residents.**

While the CC&R or master deed documents are part of every resident's papers, this does not necessarily mean that the Firewise rules in those documents have been read and understood by every resident. Association boards should distribute the rules in resident handbooks and redistribute copies of the rules periodically. Public area postings of rules, information in newsletters or on the association website are also effective ways of communicating the rules to residents.

### **Firewise Cleanup Recommendations and Procedures from Lake Camelot, Wisconsin<sup>13</sup>**

A good example of clear language that can easily be obeyed.

1. Eliminate fire fuels within 30 feet of any structure on the property. This includes clearing any dead wood or timber that could ignite or provide fuel for fire. Eliminating dead standing timber should be considered.
2. Maintain trees and bushes in a fire safe manner. Where possible use bushes that maintain high moisture content. Trim tree limbs to a level of 6 to 10 feet above ground to prevent them acting as ladder fuel for fire.
3. Ensure tree canopies do not overhang any structure.
4. Keep roof gutters and downspouts free of leaves and other fire fuels.
5. Enclose patios and decks to prevent fire fuel from being ignited by flying sparks, in the event of fire.
6. Build and maintain a non-flammable barrier of 3 feet or more from any structure to prevent ignition of the structure. Use rocks, stone, or other non-flammable material as much as possible.
7. Maintain a green lawn area at least 20 feet around any structure where possible. During summer months, ensure the lawn area is watered to maintain its moisture for deterrence against ignition by fire. Keep the grass mowed short.
8. Keep the area around your house raked free of fallen leaves and needles.
9. Dispose of cuttings and debris properly.
10. Make sure your driveway has sufficient width and height room for a fire truck.
11. Maintain woodpiles at least 10 feet from the house.

### **From Colorado Revised Statute 38, "Colorado Common Interest Ownership Act," 38-33.3-106.5. Prohibitions contrary to public policy - patriotic and political expression - emergency vehicles - fire prevention - definitions.<sup>14</sup>**

(1) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not prohibit any of the following:

(e) The removal by a unit owner of trees, shrubs, or other vegetation to create defensible space around a dwelling for fire mitigation purposes, so long as such removal complies with a written defensible space plan created for the property by the Colorado state forest service, an individual or company certified by a local governmental entity to create such a plan, or the fire chief, fire marshal, or fire protection district within whose jurisdiction the unit is located, and is no more extensive than necessary to comply with such plan. The plan shall be registered with the association before the commencement of work. The association may require changes to the plan if the association obtains the consent of the person, official, or agency that originally created the plan. The work shall comply with applicable association standards regarding slash removal, stump height, revegetation, and contractor regulations.

(2) Notwithstanding any provision in the declaration, bylaws, or rules and regulations of the association to the contrary, an association shall not require the use of cedar shakes or other flammable roofing materials.

# FIREWISE-FRIENDLY CHECKLIST AND RULE EXAMPLES

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# Are Your Rules Firewise-Friendly? A Checklist

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*Use this checklist to determine if your community association's governing documents contain elements that guide development and maintenance in a Firewise manner. Sample language can be found in the examples in the next section, and in the appendices covering Firewise assessment, infrastructure and design. Your community may not need or want to cover all of the items in this checklist – it's designed to allow you to tailor your rules concerning wildfire safety.*

## ***Do your rules restrict residents from taking Firewise action?***

Two very common prohibitions found in older community association covenants and restrictions involve roofs and vegetation. A number of community associations prohibit residents from replacing flammable roofs with nonflammable alternatives. Others severely restrict residents' ability to remove flammable vegetation – dead or alive – from around their homes. If your current rules contain these prohibitions, the most Firewise-friendly action you can take is to change the rules. Work with your association's legal counsel to review and make recommendations for rule changes.

## ***Does your mission or vision statement include wildfire safety?***

The covenant language can include a mission or vision statement for the community that includes the concept of protecting the safety of life and property from damage due to wildfires and other natural or man-made hazards.

## ***Do your architectural or design standards include Firewise concepts?***

Your association's architectural or design review committee can have significant influence on the safety and aesthetic value of the community, if their standards include Firewise concepts. Check to see that the following items are covered in your site design and review process, building requirements, and landscaping guidelines.

## ***Do Your Rules Address Firewise-Friendly Site Design, Preparation and Infrastructure?***

*Firewise-Friendly Site Design* – Firewise friendly rules will require that sites for new homes be assessed for wildfire risks (see Appendix B). Rules should also direct that homes should be set back from bluffs, cliffs, overhangs or steep slopes (see Appendix G).

*Firewise-Friendly Site Preparation* – Rules can direct the preparation of home sites to minimize the presence of dead, dying or diseased trees and other vegetation. In some cases, site grading should be performed to minimize the risk of fire approaching from steep slopes or other topographic features (see Appendix G).

*Setbacks* – To enable residents to more easily modify and maintain their home ignition zones, homes should not be spaced too closely together. A requirement for homes to have a minimum of 30 feet of clear space from the foundation to the property line on all sides is Firewise-friendly.

*Driveways* – Very long, narrow, steep driveways pose a serious challenge for fire and emergency responders trying to reach homes – and for residents trying to leave in an emergency. Rules that provide a maximum slope for driveways, a minimum width, and a maximum length will help alleviate emergency response concerns. For very long driveways, a turnaround for emergency vehicles should be required. See Appendix G for more about Firewise-friendly road, bridge and driveway requirements.

*Approach Signage and House Numbers* – Rules about home address marking can help assure that emergency responders can find and assist residents when every second counts. See Appendix G for details.

*Firefighting water supply* – See Appendix G for guidelines about water supply needs. Even the most Firewise-friendly development will need to be designed with the assumption that fire and emergency response may be needed from time to time.

### **Do Your Rules Address Firewise-Friendly Home Building Requirements?**

Your state or county building and fire codes may or may not address Firewise concepts for new construction. Be sure to find out what any applicable codes may require as a minimum. Your association may establish more protective rules to address your wildfire risk. Keep in mind that Firewise homes are created by addressing both the home design and construction AND the surrounding landscape within 100-200 feet. Review Appendix G for specific model language you can use for each element.

*Building Materials* – A Firewise home will include exterior surfaces of either nonflammable materials (such as brick, block, stone, concrete, stucco, fiber-cement or plaster) or fire-resistant material such as large timber construction. Since new exterior finish products are constantly being introduced into the construction industry, your association may want to allow for review of these products on a case by case basis. Any approved products should constitute a minimum 20-minute fire-rated assembly (or better, especially if homes are closer than 30 feet apart).

*Roofs* – The most important element of the home from a Firewise point of view is the roof. Firewise-friendly rules will require that all roofing material must be fire-rated for the fire risk (ratings are Class A, B, or C), and expressly prohibit the use of flammable shakes or shingles. In addition, rules can require that roof forms and slopes be designed to be as simple as practicable to minimize the potential for debris accumulating in roof valleys.

*Chimneys* - Rules should require that every fireplace and wood stove chimney and flue shall be provided with an approved spark arrester, with a non-combustible screen that prevents the passage of embers.

*Exterior Openings (Windows, Skylights and Doors)* - Firewise-friendly rules will address the safety of windows, doors and other exterior openings to wildfire risks.

*Eaves, Soffits, Vents* – Firewise construction addresses areas of the home that are vulnerable to wildfire, such as eaves, that can become a heat trap for flames, and any openings in the home such as vents, where embers could enter.

*Decks, Porches and Fences* – When building a home to resist wildfire, it's important to remember that if something is attached to the house, it is part of the house – and should be constructed to resist ignition from flames and embers. Firewise-friendly rules address not only the materials for these attachments, but also the importance of keeping flammable material, including debris and firewood piles, away.

### ***Do Your Rules Address Firewise Landscaping Design and Maintenance?***

*Landscape Plan* – Firewise-friendly rules will require submittal of a landscape plan for new development that takes into account wildfire ignition risk. Plant choice and arrangement within the home ignition zone should reflect Firewise concepts, including a fuel-free area within 3-5 feet of all sides of the home and attachments, fire-resistant plants, and arrangements that avoid massing of flammable vegetation. Rules can also require fire mitigation work before development occurs. See Appendix G regarding fuel modification rules.

*Plant Choices* - Firewise-friendly rules will refer to available lists or guides on ignition-resistant plant choices (one source is at [www.firewise.org](http://www.firewise.org); many states' Cooperative Extension Services have developed Firewise plant lists linked here). Rules may prohibit particular species or require others.

*Landscape Maintenance* – Rules should address expectations of property owners with regard to landscape maintenance. Firewise-friendly activities include regular mowing and irrigation of grass, pruning and limbing up trees and thinning out dense stands, and removal of dead or dying material. Associations should provide direction for the proper disposal or recycling of slash or green waste.

### ***Do Your Rules Address Firewise-Friendly Retrofit of Homes and Landscapes?***

What do the Association rules say about roof replacements, enlargement of homes, and additions such as decks, porches or fences? Firewise-friendly rules will ensure that roof replacements or repairs are done with nonflammable materials, and that the rules for new homes and attachments are followed for additions with regard to wildfire ignition potential. The same goes for alterations of the landscape or new plantings, as well as needed removal of vegetation for fire mitigation.

### ***Do Your Rules Address Common Areas and Buildings Governed by the Association?***

The same Firewise concepts described for development of private lots apply to common areas, including roads and bridges, open spaces, and community-wide water supplies for firefighting. Firewise-friendly rules should follow guidelines in Appendix G for building construction, infrastructure require-

ments for the design and maintenance of roads and bridges, and design of water supplies. Open spaces and other common areas meant to provide a natural look or recreational amenity should be designed to minimize wildfire risks by using fire-resistant plants where possible and mitigating for fire by thinning or removing vegetation. The rules should also designate accepted methods and locations for the disposal of slash and green waste from common areas, and address who will maintain common areas.

### ***Do Your Rules Address Firewise Education and Maintenance?***

If your community was developed with Firewise in mind, it will still need ongoing attention and care to ensure that homes are maintained in a Firewise manner and landscapes and vegetation are periodically treated to minimize fire risks. Whether you include a rule in your governing documents or not, some important elements to consider include:

- disclosing fire risk and mitigation responsibilities to new owners;
- periodic public information about wildfire risk and Firewise activities to all residents; and
- establishing an annual Firewise event in which residents can participate.

Your rules may simply establish a Firewise Committee within the Association that can manage these functions. Community websites and newsletters are excellent venues for Firewise information and education.

# Firewise-Friendly Rule Examples

The following are a few examples of community guidelines and rules that include Firewise-friendly language. Many other covenants and restrictions include references to wildfire mitigation standards applicable in the state or county, or authorize committees to handle Firewise activity and architectural or design review. The language you choose should be tailored to your community's specific wildfire situation and your association's mission and vision.

## **EXAMPLE 1 - From Caldera Springs, Oregon, Design Review Guidelines:<sup>15</sup>**

### 5.13 WILDFIRE MANAGEMENT

The potential for wildfire is the concern of every Owner. Caldera Springs is committed to attaining and retaining status as a "Firewise Community" (see [www.firewise.org](http://www.firewise.org)). As part of that commitment, all Owners are required to adhere to the following planning and design considerations (in addition to all requirements of applicable laws and regulations, as well as other design requirements found elsewhere in this document that have Firewise criteria):

- A. All structures shall include a 30' (or to the property line if less distance) "firebreak" surrounding them, consisting of the following:
1. Dry grasses are to be kept mown to less than 4" from 1 June to 1 October. Scattered bunchgrasses and other short or sporadic grasses are excepted.
  2. Trees overhanging structures to be essentially free of dead material.
  3. Roofs, gutters and decks shall be maintained essentially free of accumulations of pine needles and other debris from 1 June to 1 October.
  4. No trees or vegetation is allowed within 10 feet of chimney or stove outlets.
  5. Flammable mulches (bark mulch, wood chips, pine needles, etc.) or dry grasses or ground cover is not permitted within 5 feet of structures, unless adjacent to areas of the structure with non-flammable siding.
  6. Bitterbrush and manzanita shall be removed entirely.
  7. On pines and other flammable trees, branches shall be removed up to a minimum of six (6) feet and a maximum of eight (8) feet or to three times the height of flammable vegetation (dry grasses, brush) remaining within 3 feet of tree drip lines. On pines and other flammable trees shorter than twenty (20) feet, only the branches from the lower one-third 1/3 of the tree shall be removed. All trees shall be maintained substantially free of deadwood. Dead branches shall be removed to a minimum height of ten (10) feet.

B. All chimneys should be equipped with UL or I.C.B.U. approved spark arrester. No outdoor fire pits or fireplaces will be allowed. Only lidded barbeque grills will be allowed for outdoor cooking.

C. All exterior vent openings in structures and open spaces under combustible decks (if less than 12" clear above the ground) must be shielded with non-combustible, corrosion resistive screening with 1/4" maximum clear openings. Decks constructed of wood and greater than 12" above the ground must be kept clear of dead vegetative materials and other highly combustible items underneath them.

D. Vegetation on the lot shall be developed and maintained by the Owner in accordance with the requirements of other rules established by the Association for compliance with Firewise standard.

## **EXAMPLE 2 - From Roxborough Park Foundation (Colorado) Building and Landscape Design Requirements, Procedures and Regulations (DRD):<sup>16</sup>**

### 4.0 BASIC BUILDING DESIGN REQUIREMENTS

#### 4.8 Roofs

...All roofing material must meet Douglas County or quasi-municipal entity having jurisdiction over the property. Requirements for fire rating, as a minimum, should be fire rated class "A". Wooden shakes or asphalt shingles are not allowed...

### 8.0 ADDITIONS OR ALTERATIONS TO EXISTING STRUCTURES AND LANDSCAPING

#### 8.3.1 Re-Roofing of Existing Buildings

As stated in the introduction to this document, Roxborough Park is a community with dwellings of many varieties designed to complement, physically and aesthetically, their neighboring dwellings and natural surroundings. The style, quality and aesthetic attributes of the roofing are of particular importance to our community because of the dramatic visual impact of roofs, in general.

Therefore, the [Design Review Committee] DRC requires existing roofs constructed of concrete or slate tiles be replaced only with concrete or slate tiles. Existing roofs constructed of any materials other than concrete or slate

## Firewise-Friendly Rule Examples - (Continued)

tiles may be replaced with a high relief steel roofing or other material that meets the general aesthetic and quality criteria described in the DRD Subsection 4.8 and is capable of meeting a class "A" roof assembly and all additional Douglas County requirements for fire rating. It is the sole responsibility of the applying resident to determine and ensure the structural integrity of the dwelling using proposed material different than the original roofing material.

### 8.7 Removal of Vegetation for Fire Mitigation

Owner may remove natural vegetation within fifteen feet (15') of a house and may cut or trim dead or diseased trees or shrubs without approval from the DRC. Other natural vegetation or landscape plantings may be removed for the purpose of fire mitigation only with the approval of the DRC. The owner must submit to the DRC, a defensible space plan created specifically for the property by the Colorado State Forest Service, an individual or company certified by a local governmental entity to create such a plan, the fire chief, fire marshal or fire protection district within whose jurisdiction the unit is located, or other similarly qualified individual or entity. The plan must have an original signature date and title of the fire mitigation expert. Following approval of the DRC, owners must strictly comply with the plan. Any failure to obtain required approval, or any failure to strictly comply with an approved plan, is a Class 4 offense, subject to the fines listed in the DRD.

### **EXAMPLE 3 - From Awbrey Butte (Oregon) Landscape Guidelines<sup>17</sup>**

#### General Description of the Development and Landscape Design Philosophy

All of the landscapes within Awbrey Butte are expected to employ high standards. High standards for design and construction will ensure landscapes that are considerate to the site and to surrounding buildings. The Landscape Standards section specifically addresses design and architectural objectives.

Extensive formal landscaping is not required on Awbrey Butte homesites; however, all landscaping shall be organized in a casual, fluid manner so as to integrate into the natural setting of Awbrey Butte. All homesites must be maintained as follows:

- a. Present a neat and pleasing appearance to all off-property vantage points (roadways and other homesites)
- b. Minimize fire danger in the area

c. Maximize weed control

d. Moderate the problem of wind-blown dust

#### Fire Control

General precautions shall be taken against potential fire danger as enforced by the City of Bend Fire Prevention Officer. Specific rules of the Uniform Fire Code (Article 11) and rules for outdoor burning are available for review at the City of Bend Fire Department. Article 11 includes information regarding open burning, combustibles and flammable materials, fire reporting, false alarms and use of equipment, appliances and devices.

Homeowners should consider precautions such as the following in the development of landscaping plans:

- a. New plantings of evergreen trees in the Interior Zone should be placed to avoid collections of needles on roofs
- b. Grasses or succulent ground covers surrounding structures can provide some protection from the advancement of ground fires.
- c. Irrigation systems ringing the building site can assist in diverting an oncoming fire and protecting the encircled structure.
- d. Non-combustible roof materials may help prevent or limit fire damage.
- e. Roof sprinklers can protect combustible roofs from burning due to airborne material traveling from off-site sources.
- f. A combination of hose bibs/stand pipes and easily accessible lengths of hose which allow access to all sides of the exterior of the home and other on-site structures can be of great value in dealing with a threatening fire.
- g. Spring maintenance should include removal of all homesite accumulations of pine needles, leaves and other dead plant materials that could serve as fuel for fire. Dead branches within living trees and shrubs should be removed, particularly within 5 feet of the ground. Burning is not permitted in Awbrey Butte, all material must be removed from the site.
- h. Thinning of some thick stands of pine trees may be appropriate under certain conditions (stand is directly adjacent to residence, trees are unhealthy, etc.). Approval for such thinning must be received from the ARC.
- i. All weeds on the homesite should be controlled early in the spring to prevent the potential of fires during the dry summer season.

*“We whole-heartedly recommend the Firewise Communities/USA Program to any community with a probable wildfire hazard.”*

—BILL DETER, CRYSTAL LAKE CLUB, WISCONSIN

## MORE RESOURCES

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### Resources and documents referenced in this guide include:

1. National Statistics/Industry Data, Community Associations Institute website, [www.caionline.org](http://www.caionline.org)
2. Mapping Census 2000: The Geography of U.S. Diversity, Brewer & Suchan, ESRI Press, 2001.
3. Heftel, Chris, “Developing in the Interface,” in American Perspectives on the Wildland/Urban Interface, Firewise Communities, 2003.
4. Wells, Devon, City of Hood River Fire Marshal, memo to potential property owners in the East Hood River area regarding fire department requirements for building.
5. Tyner, Ron and Laura Lewis, “Wildfire Mitigation, A Developer’s Perspective,” Community Wildfire Information Series, [www.southwestcoloradofires.org](http://www.southwestcoloradofires.org).
6. University of California Homeowner’s Wildfire Mitigation Guide <http://groups.ucanr.org/HWMG/>
7. Holt, Robert, Superintendent, Redding Interagency Hotshot Crew Leadership Development Program, in a memo to Tim Sexton on July 6, 2007, regarding fuel conditions during the initial attack of the Angora Fire.
8. “CC&R Basics”, Real Estate Center, FindLaw ([www.findlaw.com](http://www.findlaw.com)), 2008.
9. Buck, Gurdon H., Drafting Rules: How Community Associations Maintain Peace and Harmony, Community Associations Press, Alexandria, VA. 2004.
10. Architectural Review Committee Revised Standards, 2007, Genesee Foundation Architectural Review Committee, <http://geneseefoundation.org/arc.html>
11. Flynn, Bill, “Remote Control,” NFPA Journal, March/April 2003
12. “Initiation Draft, Mission Canyon Community Plan,” May 2008, Santa Barbara (California) County Planning and Development Office of Long Range Planning
13. Lake Camelot Property Owner’s Association Community Firewise Protection Plan, September 2007, Lake Camelot, Wisconsin.
14. Colorado Revised Statute 38, “Colorado Common Interest Ownership Act.”
15. Caldera Springs (Oregon) Design Review Guidelines
16. Roxborough Park Foundation (Colorado) Building and Landscape Design Requirements, Procedures and Regulations

## Resources and Documents - (Continued)

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17. Awbrey Butte (Oregon) Landscape Guidelines
18. Firewise Guide to Landscape and Construction, Firewise Communities, 2008.
19. Ismay, Randall, "Landscapes in the Wildland/Urban Interface," in American Perspectives on the Wildland/Urban Interface, Firewise Communities, 2003.
20. NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire, 2008 Edition, National Fire Protection Association, Quincy, Mass.
21. NFPA 1144, Standard for the Protection of Life and Property from Wildfire, 2002 Edition, National Fire Protection Association, Quincy, Mass.

### Additional Resources Include:

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- Firewise website – [www.firewise.org](http://www.firewise.org)
  - Firewise Communities/USA Recognition Program – [www.firewise.org/usa](http://www.firewise.org/usa)
  - Firewise product catalog – [www.firewise.org/catalog](http://www.firewise.org/catalog)
  - Firewise Online Learning Center – [http://www.firewise.org/fw\\_youcanuse/learningcenter/index.htm](http://www.firewise.org/fw_youcanuse/learningcenter/index.htm)
- National Fire Protection Association codes and standards – [www.nfpa.org](http://www.nfpa.org)
- Cohen, Jack D., "The Wildland/Urban Interface Fire Problem," Fall 2008; "Wildland - Urban Fire: Beware the Home Ignition Zone," Public Entity Risk Institute Symposium, October 2001; "What is the Wildland Fire Threat to Homes?" Thompson Memorial Lecture, Flagstaff, AZ, April 2000.
- Community Associations Institute – [www.caionline.org](http://www.caionline.org)
- Federal Emergency Management Agency, "How Homes Ignite: Building a Better Defense Against Wildfire," in At Home in the Woods, 2004 [http://www.fema.gov/hazard/fire/pubs/athome\\_woods.shtm](http://www.fema.gov/hazard/fire/pubs/athome_woods.shtm)
- Institute for Business & Home Safety wildfire resources – [www.disastersafety.org](http://www.disastersafety.org)
- International Code Council, International Wildland/Urban Interface Code, 2006, [www.iccsafe.org](http://www.iccsafe.org)
- University of California at Berkeley Fire Information Engine Toolkit - <http://firecenter.berkeley.edu/toolkit/homeowners.html>

# Appendix Material

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## Appendix A - How Homes Ignite During Wildfire

A wildfire disaster resulting in the loss of many homes and perhaps lives is almost always the result of worst-case scenario conditions. These include lots of vegetative fuel (living and dead), hot, dry windy weather, and often steep slopes that carry fire quickly. The fire builds in intensity and spreads rapidly through wildland areas of trees and grasses. When the fire burns into a community, the homes become more fuel and simultaneous ignitions result in many homes burning at once – also known as a conflagration.

With a limited number of trucks, fire fighters, limited water supplies, and dozens or hundreds of homes burning, fire service personnel try to respond but are often overwhelmed. Fire protection effectiveness is reduced as firefighters try to use their limited resources to protect structures. The frequent result is many destroyed and damaged homes.

A house burns during a wildfire because of its interrelationship with everything in its immediate surroundings – within 100 to 200 feet. What happens within this zone is critical to structure survival. Potential ignitions from wildfire can be prevented or minimized in this zone.

In its simplest terms, a wildland/urban interface fire is one where the fuel feeding the fire changes from vegetation to homes. For this to happen, wildland fire must be close enough to the home for its flames and/or flying brands to contact the flammable parts of the structure.

The “Fire Triangle” describes the three elements that must be present for fire to exist. The three parts of the fire triangle are **fuel**, **heat** and **oxygen**. When one element is removed, there can be no combustion, so the fire goes out. This same basic concept applies for all kinds of fire, from a camp fire to a wildfire that could ignite homes. In a wildfire, the fuel is vegetation – grasses, leaves, needles, shrubs and trees. In a real-life wildfire scenario, the fuel-heat-oxygen triangle is complicated by factors including the type, amount and arrangement of vegetative fuel, the weather – temperature,

humidity, precipitation and wind – and the local topography – steep slopes versus flat areas. These factors all affect the wildfire’s rate of spread and intensity.

The risk factors include the type, amount and arrangement of fuel for the fire. Grasses and needles are “fine fuels” – they ignite easily and burn quickly. While these fine fuels don’t create a lot of heat or large flames, they can ignite heavier fuels, like tree branches and large shrubs, which take longer to start burning but then burn intensely. When you are considering how risky your area is, take a look at what kinds of vegetation – living or dead – are in your community.

The general climate and temporary weather conditions play an important role in wildfire risk. Generally speaking, areas subject to long periods of hot, dry, windy weather are more at risk from wildfire. However, short periods of this kind of weather during your area’s “dry season” mean that your wildfire risk increases. Temperature, humidity, precipitation and wind are all factors affecting the intensity and spread of fire. Strong winds can push fire up or down slopes, and can loft burning embers up to a mile from the main body of the fire.

Finally, the lay of the land plays a part in wildfire risk. Steep slopes carry fire uphill at an increased rate of spread, and canyons act as channels for wind to spread fire. Slopes that face south will get more sun exposure and thus more heat which dries vegetation in those areas and makes it more flammable. If your community is in a very hilly area or features cliffs, ridges or bluffs, you may have higher risk of loss in these areas when a wildfire occurs.

The three ways that heat is transferred to combustible material – such as the wall of a home - are **Radiation**, **Convection**, and **Conduction**. Radiation occurs when there is enough heat close enough to a flammable object to ignite it. Convection describes flames contacting the surface of the object. Conduction is when there is sufficient heat for a long

enough time to conduct heat from the surface of a wall to the interior.

Three ways that wildfire commonly ignites homes are:

1. Burning embers (burning needles, leaves, branches and cones create embers or brands in a “blizzard” during a wildfire) land on combustible materials on the home or enter the home through vents and other openings.
2. Radiated heat from burning vegetation or structures ignites the home’s roof, siding, decks or porches, or breaks windows, allowing ignition of the interior of the home.
3. Combustible fuels (e.g., grass, pine needles, dry leaves, woodpiles, furniture, doormats) on or immediately adjacent to the home ignite and spread the fire to the home itself.

Knowing how fire can ignite homes provides important implications for preventing ignition. To reduce ignition by radiation, property owners can reduce the volume of heavy vegetation within 30 to 100 feet of their homes, which will reduce the size and intensity of the flames that can get near the house. To reduce the likelihood of ignition by convection, residents can make sure there is no flammable material touching the house, such as tall grasses, tree branches, dead leaves or needles, mulch or firewood piles. Having non-flammable roofs and decking, screened openings, and keeping leaf and needle litter out of gutters can minimize the likelihood of ignition by conduction by firebrands and embers.

Preventing the homes from igniting means our fire protection resources could be applied to **containing** the wildfire rather than attempting to douse dozens of structure fires **and** containing the wildfire. In that way, fire protection can be more effective and focus on a few problems instead of many. IF we can prevent home ignitions, we can prevent the mass destruction of homes.

## Appendix B – Firewise Assessment Guidelines

The following is an excerpt from NFPA 1144, Standard for Reducing Structure Ignition Hazards from Wildland Fire, 2008 edition. The concept is to review individual properties and sites for ignition potential of the home and its surroundings within 100-200 feet.

1144-12

REDUCING STRUCTURE IGNITION HAZARDS FROM WILDLAND FIRE

<b>STRUCTURE ASSESSMENT GUIDE</b>	
Date of assessment: <u>22 Nov</u>	Property address: <u>70 Norris Rd.</u>
Resident: <u>John and Jane Doe</u>	Property owner: <u>Same</u>
<b>PRIMARY INFORMATION</b>	
Assessment Items	Mitigation Recommendations
<b>1. OVERVIEW OF SURROUNDINGS</b>	
<p><b>How is the structure positioned in relationship to severe fire behavior?</b>  <i>The house is located near peak of a ridge at local map reference Q-4-12. The setbacks from the lot lines are approximately 15–20 ft. There is a slight sloping of the lot away from the house within 50 ft of the lot line on the north.</i></p>	<p><i>Since prevailing winds during fire season are most likely from the west-southwest, keep pine needles and leaf litter cleaned up on roadside berm.</i></p>
<p><b>Type of construction:</b>  <i>Wood frame construction with brick façade on the front. Vinyl siding on back and two sides.</i></p>	
<b>2. CHIMNEY TO EAVES</b>	
<p><b>Inspect the roof — noncombustible? shingles missing? shingles flat with no gaps?</b>  <i>Noncombustible roofing in good shape.</i></p>	<p><i>Inspect roof each spring for damage, especially after a hard winter or wind storm.</i></p>
<p><b>Gutters — present? Noncombustible?</b>  <i>Aluminum gutters at all eaves. No overhanging limbs nearby. Pine needles and leaf litter not likely to collect in deep quantities.</i></p>	<p><i>Keep gutters free of pine needles and leaves. Check early spring and fall.</i></p>
<p><b>Litter on roof, in gutters, and crevices?</b>  <i>Fairly clean. Not much of a concern. Easy to maintain.</i></p>	
<b>3. TOP OF THE EXTERIOR WALL TO FOUNDATION</b>	
<p><b>Attic, eave, soffit vents, and crawl spaces:</b>  <i>Not much of a concern.</i></p>	
<p><b>Inspect windows and screens — metal screens? Multi-paned windows? Picture windows facing vegetation?</b>  <i>Metal screens on all windows. Some windows on west side are double-paned. Some high vegetation near front windows. Low vegetation in rear.</i></p>	<p><i>Keep front bushes pruned and watered during fire season. Replace any missing or torn screens immediately, especially the front.</i></p>
<p><b>Walls and attachments — noncombustible? Will they collect litter?</b>  <i>Not much of a concern.</i></p>	
<p><b>Decks — combustible materials?</b>  <i>Wooden deck and privacy fence on south side. No skirting or screening beneath deck. Deck in good condition. Small vegetation around deck but overhanging tree limbs. Some collection of leaves and needles near deck and wooden stairs.</i></p>	<p><i>Prune trees closest to deck and privacy fence. Remove the pine needles and leaves. Store combustibles elsewhere — perhaps the shed in the backyard — especially during high fire danger periods. Put skirting or 1/4" wire mesh around deck openings.</i></p>
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FIGURE A.4.1.2 Structure Assessment Guide — Example with Notations.

<b>STRUCTURE ASSESSMENT GUIDE (continued)</b>	
Assessment Items	Mitigation Recommendations
<b>3. TOP OF THE EXTERIOR WALL TO FOUNDATION (continued)</b>	
<p><b>Fences.</b>                      Wooden stockade fence joins house on north side. Wooden fencing also on south side. Chain link in rear along lot line. Neighbor’s wooden fence is less than 2–3 ft from their wooden fence — will allow leaves and embers to accumulate.</p>	<p>Keep wooden fence perimeter clear of dry leaves and other combustible materials like chairs, wood, etc. If the chance presents itself to use noncombustible materials to separate fence from house, you should consider it.</p>
<p><b>Flammable material next to or under the structure.</b>                      None observed.</p>	
<p><b>Combustible materials near or on the structure where walls meet roof or decking surfaces.</b>                      Plastic outdoor furniture pads on deck might pose problem from ember shower.</p>	<p>Keep combustible chair pads put away except when in use.</p>
<p><b>Crawl space, attic vents, soffits.</b>                      All appear to be in excellent condition and protected.</p>	
<p><b>Nooks and crannies and other small spaces.</b>                      All appear to be in excellent condition and protected.</p>	
<b>4. FOUNDATION TO IMMEDIATE LANDSCAPED AREA</b>	
<p><b>Landscaped (managed) vegetation — separation distances, maintenance, plant selection? Firewise Landscaping Zones?</b>                      Lawn well cared for. Leaf and needle accumulation along east side (rear of property) with small stand of trees. Front and south side have mix of pine and other vegetation.</p>	<p>Be sure to keep these areas well tended, pine needles cleared and limbs pruned. Lawn needs to be kept green and mowed. Plants irrigated, pruned and raked — especially during high fire danger periods.</p>
<p><b>Propane tanks.</b>                      No large ones. Outdoor grill small tank.</p>	<p>Make sure this area is kept clear of any combustibles — especially when using the grill.</p>
<p><b>Vehicle and RV use and parking, including lawn mowers, etc.</b>                      Parking in front. Mower storage in shed which is 40–50 ft from NE corner of house. Plastic children’s play house etc. near wooden fence along north side but over 30 ft from house.</p>	
<b>5. IMMEDIATE LANDSCAPED AREA TO EXTENT OF THE HOME IGNITION ZONE</b>	
<p><b>Inspect vegetation clearance and crown separation.</b>                      Lot is rather small and the neighboring properties’ vegetation is more dense than this one. Trees in back should pose little concern as prevailing winds will not communicate fire towards house.</p>	<p>Work with neighbors to improve all three lots to reduce the hazards on this corner. The neighbors behind this address and those on either side might benefit from some clearance that might take place but the separation of those properties appears to be sufficient.</p>
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FIGURE A.4.1.2 Continued

“When considering improvements to reduce wildfire vulnerability, the key is to consider the home in relation to its immediate surroundings. The home’s vulnerability is determined by the exposure of its external materials and design to flames and firebrands during extreme wildfires. The higher the fire intensities near the home, the greater the need for nonflammable construction materials and a resistant building design.” – Jack Cohen, USDA-Forest Service

### **Use Rated Roofing Material.**

Roofing material with a Class A, B or C rating is fire resistant and will help keep the flame from spreading. Examples:

- Composition shingle
- Metal
- Clay
- Cement tile

### **Use Fire-Resistant Building Materials on Exterior Walls.**

Examples include:

- Cement
- Plaster
- Stucco
- Masonry (concrete, stone, brick or block)

While vinyl is difficult to ignite, it can fall away or melt when exposed to extreme heat.

### **Use Double-Paned or Tempered Glass.**

Double-pane glass can help reduce the risk of fracture or collapse during an extreme wildfire. Tempered glass is the most effective. For skylights, glass is a better choice than plastic or fiberglass.

### **Enclose Eaves, Fascias, Soffits and Vents.**

‘Box’ eaves, fascias, soffits and vents, or enclose them with metal screens. Vent openings should be covered with 1/8” metal screen.

### **Protect Overhangs and Other Attachments.**

Remove all vegetation and other fuels from around overhangs and other attachments (room additions, bay windows, decks, porches, carports and fences). Box in the undersides of overhangs, decks and balconies with non-combustible or fire-resistant materials. Fences constructed of flammable materials like wood should not be attached directly to the house.

Anything attached to the house (decks, porches, fences and outbuildings) should be considered part of the house. These act as fuel bridges, particularly if constructed from flammable materials.

1. If a wood fence is attached to the house, separate the fence from the house with a masonry or metal barrier.
2. Decks and elevated porches should be kept free of combustible materials and debris.
3. Elevated wooden decks should not be located at the top of a hill. Consider a terrace.

Excerpted from “Landscapes in the Wildland/Urban Interface,” by Randall Ismay in American Perspectives on the Wildland/Urban Interface. Randall Ismay is a landscape/waterscape consultant from Laguna Niguel, California

Well conceived and executed Firewise landscaping adds wonderful aspects to the immediate world around us. It can help us become more compatible with Nature and safer in the event of a wild-fire. The success of a landscape depends on how well some basic principles are incorporated into its design. The Xeriscape principals of landscaping (a landscaping method that employs use of native and water-thrifty plants to help to conserve resources) afford perhaps the best choice to provide beauty and compatibility while improving safety in natural settings.

*Function* – Typical functions of a landscape include enjoyment, privacy, highlighting an area or entry, enhancing architecture, blending with surroundings, growing vegetables or cut flowers, providing play, exercise or entertainment space. To follow this first and critical principle, ask: “What do I want to create and do around my home?” “What do I want from the garden?” and most importantly: “How will my garden function in my life?”

*Fit* – This principle refers to how well or poorly the landscape and its plants fit into their environment. In a wildland/urban interface setting, the traditional tree-and-turf approach can be water and maintenance intensive and can invite trouble from native critters. Let nature provide food for her critters, not your landscape. It is wonderful to be with nature, but sacrificing the landscaping to the local wildlife does not ‘fit’ a wildland environment.

*Finance* – If it won’t fit the pocketbook, then it won’t function correctly. The vast majority of costs associated with the landscape will be devoted to maintenance, not to design and installation. Careful planning and use of plants that need less water, less fertilizer, less pruning and less care will save money and will greatly enhance enjoyment.

*Fun* – Now we can talk about beauty and aesthetics along with fragrances, sounds, birds, bunnies, and anything else that makes the garden an enjoyable and fulfilling place. If it is fun, then it will just naturally receive the attention and care it needs. However, the garden cannot be fun if it does not first: ‘function’ in our lives in the way that we want; ‘fit’ the environment in which it must survive; and survive without excessive strain on ‘finances’.

*Follow-through* – This is the most important principle of all. Without proper maintenance and care, any garden or landscape becomes a liability. In the natural setting of the wildland/urban interface, problems will grow exponentially if there is no follow-through. Be a good steward of both the garden and of the natural forests and lands that surround the home.

### **Firewise Landscaping**

Remember that the intent of the Firewise landscape is to create a beautiful setting while reducing the flammability and the quantity of fuel that a fire could consume while attempting to burn its way to your home. This approach applies to the surrounding environs as well. A coordinated effort of residents and professionals can bring about healthier forests and natural systems that are more Firewise.

Learn about the ‘natural’ cycle of fire in your environment. Nearly every environment in the world has its own fire regimen or cycle - strong winds that tend to push intense fires through the canopy of the trees or slower winds likely to burn only the shrubs and grasses under the trees? Historically, fires tend to burn in the region in the same time of year with similar conditions. Some regional plants actively burn and some do not. It’s a good idea to know how long it has been since the area burned and when it is likely to burn again?

### **The Zone Approach**

Start with the house and the area within about 30 feet of it. Keep fire from traveling to the house by ground or air. In the garden, use openly spaced and low flammability plants that are properly watered. Pathways, walks and open spaces create interest and help break up direct routes for fire to reach the home.

From 50-100 feet beyond the house, vegetation (both native and introduced) can increase in size and numbers. Islands and groupings of plants can be created that will enhance eye appeal and interest but will not carry fire.

Beyond 100 feet, thinned shrubs and trees will not carry fire through their canopies. If trimmed up from the ground, they do not provide ladders for surface fires to climb into tree tops. Dead brush and debris should be removed and disposed safely off-site in legally designated dump sites.

### **Good Practices**

It is important to keep the landscape running smoothly. Some good practices include: maintain an irrigation system to keep plants healthy year round; use barbecues and other fire carefully in your surroundings; keep trees and shrubs pruned up and thinned; remove dead leaves and litter to reduce fuels and keep the garden healthy; keep firewood well away from the house; keep at least a few feet of open space between house foundations and plants, and use good cultural practices, good plant selection and natural methods to prevent plant diseases and control pests. Healthy plants are less likely to burn.

By learning to live with Nature, not in spite of her, we can enjoy the wonders of the wildlands beyond the sidewalks. Only by recognizing the risks and accepting the responsibilities that go hand-in-hand with having Nature and fire as our neighbor can we create personal safety.

## **Appendix E – Firewise Landscaping Checklist<sup>18</sup>**

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The primary goal for Firewise landscaping is fuel reduction — limiting the level of flammable vegetation and materials surrounding the home and increasing the moisture content of remaining vegetation. This includes the entire ‘home ignition zone’ which extends up to 200 feet in high hazard areas.

### **Use the Zone Concept**

Zone 1 is the 30 feet adjacent to the home and its attachments; Zone 2 is 30 to 100 feet from the home; Zone 3 is 100 to 200 feet from the home.

#### **Zone 1 (All Hazard Areas)**

This well-irrigated area encircles the structure and all its attachments (wooden decks, fences, and boardwalks) for at least 30 feet on all sides.

1. Plants should be carefully spaced, low-growing and free of resins, oils and waxes that burn easily.
2. Mow the lawn regularly. Prune trees up six to ten feet from the ground.
3. Space conifer trees 30 feet between crowns. Trim back trees that overhang the house.
4. Create a ‘fire-free’ area within five feet of the home, using non-flammable landscaping materials and/or high-moisture-content annuals and perennials.
5. Remove dead vegetation from under deck and within 10 feet of house.
6. Consider fire-resistant material for patio furniture, swing sets, etc.
7. Firewood stacks and propane tanks should not be located in this zone.
8. Water plants, trees and mulch regularly.
9. Consider xeriscaping if you are affected by water-use restrictions.

#### **Zone 2 (Moderate and High Hazard Areas)**

Plants in this zone should be low-growing, well-irrigated, and less flammable.

1. Leave 30 feet between clusters of two to three trees, or 20 feet between individual trees.
2. Encourage a mixture of deciduous and coniferous trees.
3. Create ‘fuel breaks’, like driveways, gravel walkways and lawns.
4. Prune trees up six to ten feet from the ground.

#### **Zone 3 (High Hazard Areas)**

Thin this area, although less space is required than in Zone 2. Remove smaller conifers that are growing between taller trees. Remove heavy accumulation of woody debris. Reduce the density of tall trees so canopies are not touching. Maintaining the Firewise Landscape

- Keep trees and shrubs pruned six to ten feet from the ground.
- Remove leaf clutter and dead and overhanging branches.
- Mow the lawn regularly and dispose of cutting and debris promptly.
- Store firewood away from the house.
- Maintain the irrigation system regularly.
- Familiarize yourself with local regulations regarding vegetative clearance, debris disposal, and fire safety requirements for equipment.

## Appendix F – *Becoming a Recognized Firewise Communities/USA Site*

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To qualify as a Firewise Communities/USA recognition site, a community must have met five standards:

1. Complete a community assessment and create a plan
2. Form a Firewise Board
3. Hold a Firewise Day event
4. Invest a minimum of \$2/capita in local wildfire mitigation projects. (Volunteer hours, equipment use, time contributed by agency fire staff, and grant funding can be included)
5. Submit an application via your State Forestry agency to the Firewise program

Firewise Communities/USA provides up-to-date, take-action information to homeowners and communities that help them change their wildfire risk situation. Residents who participate in the Firewise process create an action plan that commits them to a sustained program of wildfire mitigation that is generally both physically doable and cost-effective. Residents learn about home ignitability so they can create their own, unique solutions to their wildfire mitigation chal-

lenges. When people understand there is something they can do, they are more apt to act. They search out more information to validate what they have already learned. One of the most important things Firewise Communities/ USA participants learn is that neighbors can help neighbors--- and that they are often inextricably linked together in their mitigation solutions. With little or no preparation before a wildfire event, communities lose much. One of the benefits of participating in the Firewise Communities/USA program is that communities receive continuing support because of the communication that occurs among the Firewise Board, the local fire department and state or federal wildfire agency representatives. The action plan created by each community is implemented via annual Firewise Day events (local mitigation activities) and, thus, wildfire readiness improves in the long term. See [www.firewise.org/usa](http://www.firewise.org/usa) for more information and application forms.

Sample Language for Firewise Standards on Infrastructure, Construction and Landscaping

The National Fire Protection Association standard on reducing structure ignition risk from wildland fire is NFPA 1144. The following language is excerpted from both the 2002 and 2008 editions to demonstrate how the standard language could be used in community rules and requirements. This language represents minimum standards; your state or local building or fire code and other regulations may be more stringent.

**Access, Ingress, Egress, and Evacuation**

*Roads*

Access for emergency responders, ingress, egress, and evacuation shall be provided for all buildings.

Roads shall be designed and constructed to allow evacuation simultaneously with emergency response operations.

Roads shall be not less than 20 feet of unobstructed width with a 13 and ½-foot vertical clearance.

Parking shall be allowed only where an additional 9 feet of improved road width is provided and only within that improved road width.

Roads shall be designed, constructed, and maintained to accommodate the load and turning radius of the largest apparatus typically used to respond to that location.

Roads shall have no grade in excess of 10 percent, unless mitigation measures can be agreed upon jointly by the fire department and the developer.

Dead-end roads in excess of 300 feet in length shall be provided with turnouts and turnarounds.

Every dead-end fire service access road more than 300 feet in length shall be provided with a turnaround at the terminus having a minimum radius of 50 feet to the center line, or alternatively shall have a “hammerhead T” turnaround to provide emergency vehicles with a three-point turnaround ability.

*Driveways*

Where any point of a building is greater than 150 feet from a road, a driveway shall be provided to within 150 feet of the building.

Where the driveway is greater than 150 feet in length, it shall not be less than 12 feet in unobstructed width with 13 and ½ feet in vertical clearance.

Where the driveway is greater than 300 feet, it shall be provided with turnouts or turnarounds at locations approved by local fire authorities.

Required driveways shall have a grade not to exceed 10 percent, unless mitigation measures can be agreed on jointly by the fire department and developer or owner.

*Bridges*

Any bridge on a road or required driveway shall be designed to accommodate the load of the largest apparatus typically used to respond to that location. The load limit shall be clearly posted at the approaches to the bridge.

Any gate on a required road or driveway shall be located a minimum of 30 feet from the intersection of the road or driveway.

The gate opening shall swing inward and shall provide a clear opening of no less than two feet wider than the gated road or driveway.

Emergency responders shall have ready access to locking mechanisms on any gate that restricts access.

*Signs*

Roads, fire service access, dwellings, and commercial structures shall be identified by a consistent identification system that provides for sequenced or patterned numbering and nonduplicated naming within each jurisdiction, in consultation with the fire department.

All letters, numbers and symbols shall be a minimum of 4 inches in height with a ½-inch stroke, and shall be reflectorized and contrasting with the background color of the sign.

Signs shall be visible from the road and mounted no less than 6 feet nor more than 8 feet above the surface of the road, unless local conditions or existing standards prescribe otherwise.

Street and road name signs and supporting structures shall be of noncombustible materials.

*Water Supply*

At a minimum, every building shall be provided with a water supply meeting the requirements of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting, for the purpose of fire fighting.

Private fire service mains and hydrants shall be installed to meet the requirements of NFPA 24, Standard for the Installation of Private Fire Service Mains and Their Appurtenances.

Threads on all fire hydrant outlets shall be American National Fire Hose Connection Screw Threads and shall be equipped with thread adapters where local fire department thread is different.

Fire hydrants shall meet the requirements of AWWA Standards C-502, Dry Barrel Fire Hydrants, or C-503, Wet Barrel Fire Hydrants.

Dry fire hydrants shall meet the requirements of NFPA 1142, Standard on Water Supplies for Suburban and Rural Fire Fighting.

The contractor or installer of water supply systems shall demonstrate by actual test that the capacity of the water supply system will meet fire protection design requirements.

### ***Building Design, Location, and Construction in Wildland Areas***

#### *Design*

Construction documents shall clearly indicate the methods, materials, and processes employed to meet the requirements of this standard and the location of each structure or feature drawn to scale.

Construction documents shall include a vicinity map that provides details regarding the vicinity within 300 ft (91 m) of property lines, including other structures, slope, vegetation, fuel breaks, water supply systems, and access roads.

#### *Location*

Separation distances between primary and accessory structures on each lot and structures on adjacent lots shall not be less than 30 ft (9 m).

Buildings located closer than 30 ft (9 m) to a vegetated slope shall require special mitigation measures as determined by the community Architectural Review Committee (ARC).

The ARC shall be permitted to require a noncombustible wall or barrier where sufficient space is unavailable between the structure and undisturbed native vegetation or slopes.

Vegetation shall be modified to mitigate hazardous conditions within 30 ft (9 m) of the foundations prior to the start of construction.

All slash from vegetation modification and construction debris shall be treated or removed prior to or immediately upon completion of construction.

#### *Roof Design and Materials*

The requirements for roof covering assemblies shall be as follows:

1. Only listed roof covering, tested and rated in accordance with NFPA 256, Standard Methods of Fire Tests of Roof Coverings; ASTM E 108, Standard Test Methods for Fire Tests of Roof Coverings; or equivalent, shall be used.

2. The specific class shall be consistent with the wildland fire hazard assessment conducted prior to construction.

Vents shall be screened with a corrosion-resistant, noncombustible wire mesh with the mesh opening not to exceed nominal 1/4 in. (6.3 mm) in size.

Eaves shall be boxed in with five-eighths-inch (15.5 mm) nominal sheathing or noncombustible materials or meet the requirements of other vents.

Where the roof profile allows space between the roof covering and the roof decking, the spaces shall be constructed to prevent the intrusion of flames and embers, be fire-stopped with approved materials, or have additional assembly components of noncombustible materials to prevent ignition.

Attic or foundation ventilation louvers or ventilation openings in vertical walls shall be covered with nominal one-quarter-inch (6.3 mm) mesh corrosion-resistant metal screen or other noncombustible and approved material that offers equivalent protection.

No attic ventilation openings or ventilation louvers shall be permitted in soffits, in eave overhangs, between rafters at eaves, or in other overhanging areas on those exposures facing hazardous vegetation.

Attic spaces shall be ventilated as approved for the building configuration, the climatological conditions of the site, and the moisture and temperature conditions associated with the occupancy and use of the building.

#### *Overhanging Projections*

All projections (exterior balconies, carports, decks, patio covers, unenclosed roofs and floors, and similar architectural appendages and projections) shall be of heavy timber construction; be constructed of noncombustible material, fire-retardant-treated wood, or other ignition-resistant materials; or be a 1-hour fire-rated assembly.

#### *Overhanging Buildings*

The underside of overhanging buildings and supporting structural elements shall be of heavy timber construction; be constructed of noncombustible material, fire-retardant-treated wood, or other ignition-resistant materials; or be a 1-hour fire-rated assembly.

#### *Exterior Vertical Walls*

Exterior vertical walls shall meet the requirements for heavy timber construction, ignition-resistive material, fire-retardant-treated wood, or be a minimum 20-minute fire-rated assembly where walls are potentially exposed to a wildland fire, unless the ARC determines that the wildland fire risk and structure assessment requires greater protection.

All exterior walls shall be protected with 2 in. (50 mm) nominal solid blocking between exposed rafters at all roof over-

hangs, under the exterior wall covering on all sides exposed to native vegetation.

When appendages and projections are attached to exterior fire-resistive walls, they shall be constructed to maintain the fire-resistive integrity of the wall.

Structural elements that result in or could result in the collection of combustible materials proximal to the structure shall be protected.

### *Exterior Openings*

Exterior windows, windows within exterior doors, and skylights shall be tempered glass, multilayered glazed panels, glass block, or have a fire-resistance rating of no less than 20 minutes.

Window screening shall be noncombustible mesh and installed to prevent the collection of firebrands and embers or their entry into open windows.

Exterior doors shall be solid-core wood no less than 1<sup>3</sup>/<sub>4</sub> in. (45 mm) thick, approved noncombustible construction, or have a fire protection rating of no less than 20 minutes.

Vents for attic and subfloor ventilation shall be screened with a corrosion-resistant wire mesh, with the mesh opening not exceeding nominal 1/4 in. (6.3 mm) in size.

Attic and subfloor vents shall not be installed in a location that faces heavy vegetative fuels.

Vents shall not be installed in walls that face heavy vegetative fuels.

### *Chimneys and Flues*

Every fireplace and wood stove chimney and flue shall be provided with an approved spark arrester constructed of a minimum 12-gauge welded wire or woven wire mesh, with openings not exceeding one-half-inch (12.7 mm).

Vegetation shall not be allowed within 10 ft (3 m) of a chimney outlet.

### *Accessory Structures*

Accessory structures shall be constructed to meet the requirements of this chapter or shall be separated from the main structure by a minimum of 30 ft (9 m).

#### *Mobile and Manufactured Homes*

Permanently located mobile and manufactured homes with an open space beneath shall have a skirt of noncombustible material or material that has a minimum fire-resistive rating of 20 minutes.

Any enclosed space beneath the mobile or manufactured home shall be vented and screened with noncombustible mesh with openings no larger than one-quarter inch.

### *Vehicle Parking Areas*

Vehicle parking areas within the immediate landscaped zone shall be maintained free of dry grasses and fine fuels that could be ignited by hot exhaust systems or firebrands.

### *Exterior Exposure Hazards*

Heat and flame sources that are unprotected or unsupervised shall not be permitted within 30 ft (9 m) of the primary structure.

Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in hazardous fire areas without prior approval of the ARC.

Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

Propane tanks and other flammable or combustible liquids storage shall conform to NFPA 58, Liquefied Petroleum Gas Code, and the community's wildland fire hazard mitigation plan.

Other combustible materials within 30 ft (9 m) of any structure shall be removed or stored in conformance with the community's wildland fire hazard mitigation plan.

### *Fuel Modification Area Requirements (Landscaping in the Home Ignition Zone)*

Where the wildland fire hazard mitigation plan requires establishment of a fuel modification area, the modifications shall extend to the limits of the structure ignition zone.

### *Fuels Modification and Treatment*

Ground fuels, including native vegetation and plants used for landscaping within the defined landscaping zones, shall be treated or removed.

Live vegetation within the fuel modification area shall have dead material removed and shall be thinned and pruned in conformance with the community's wildland fire mitigation plan.

Dead and downed fuels within 30 ft (9 m) of all buildings shall be removed or treated to maintain the fuel modification area in conformance with the wildland fire mitigation plan, as approved by the AHJ.

Vegetation under trees within the fuel modification area shall be maintained at a height that will preclude ground fire from spreading in the tree crown.

Tree crowns within the structure ignition zone shall be spaced to prevent structure ignition from radiant heat.

The community's fuel modification plan shall include a maintenance element identifying and defining the responsibility for continued and periodic maintenance.



Firewise Communities  
1 Batterymarch Park  
Quincy, MA 02169  
[www.firewise.org](http://www.firewise.org)

## **Appendix J**

Memoranda of Understanding:  
Law Enforcement Mitigation

## Memorandum of Understanding for Support of Police Services

This Memorandum of Understanding for Support of Police Services (“MOU”) is between and between PLEASANT HARBOR MARINA AND GOLF RESORT, LLP, a Washington limited liability partnership (referred to as “Developer”) and JEFFERSON COUNTY (the “County”), a municipal corporation under the laws of the State of Washington.

WHEREAS, Developer is the owner of real property consisting of approximately 237.88 acres located within Jefferson County (“Developer’s Property,” as defined below).

WHEREAS, the County approved Developer’s application to designate Developer’s Property as a master planned resort pursuant to RCW 36.70A.360 in the County Comprehensive Plan to allow for resort-related development including, but not limited to, a golf course and other on-site indoor and outdoor recreational amenities, conference center, resort-related commercial uses, long-term and short-term residential units not to exceed 890 units, and open space (“Pleasant Harbor MPR”).

WHEREAS, the Developer expects the buildout of Developer’s Property to occur over the next five to twenty years or as mutually agreed upon by the Developer and County, depending upon market conditions and Developer.

WHEREAS, the Washington State Legislature enacted RCW 36.70B.170-.210 to strengthen the land use planning process and reduce the costs of development by authorizing the County to enter into a private agreement with a landowner regarding the development of its real property located within the County’s jurisdiction (“Development Agreement”).

WHEREAS, in Ordinance 01-0128-08, the County has required the Developer to “negotiate memoranda of understanding (MOU) or memoranda of agreement (MOA) to provide needed support for the Brinnon school, fire district, Emergency Medical Services (EMS), housing, police, public health, parks and recreation, and transit prior to approval of the Development Agreement.”

1. Definitions.

a. “Call Volume” means the total number of calls received and dispatched to Jefferson County Sheriff’s Deputies during the year from the South County for all purposes including but not limited to: (i) reports of property crimes such as burglaries, theft, trespass, and malicious mischief; (ii) reports of crimes against persons or other breaches of the peace such as assaults, sex offenses, domestic violence calls, disorderly conduct, protection order violations; (iii) reports of violations or accidents related to motor vehicles such as, vehicular homicide and vehicular assault cases, drunk driving offenses, motor vehicle accidents, speeding or other driving infractions, and boating offenses; (iv) medical assistance or coroner calls for which one or more Sheriff’s Deputies respond; (v) false alarms occasioned by accidental or misuse of home alarm systems or fire service calls; and, (vi) shellfish or other fish and game offenses or infractions.

b. "County" means Jefferson County, a municipal corporation under the laws of the State of Washington.

c. "Developer" means Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns.

d. "Development Agreement" means the agreement to be completed between the County and the Developer consistent with RCW 36.70B.170-.210.

e. "Developer's Property" means the real property owned by the Developer that is the subject of the pending application for a master planned resort at Pleasant Harbor in Brinnon, Washington.

f. "First Responder" means Emergency Medical Responder.

g. "First Responder Certification" means a certification issued by the Washington Department of Health for an Emergency Medical Responder (First Responder).<sup>1</sup>

h. "JSCO" means the Jefferson County Sheriff's Office.

i. "MOU" means this MOU for Support of Police Services.

j. "party" means one of the parties.

k. "parties" means Jefferson County, a municipal corporation under the laws of the State of Washington and Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns.

l. "South County" means that portion of Jefferson County south of latitude 47 degrees, 30 minutes North, but east of a North-South line running 123 degrees, 30 minutes West (from the Clallam County – Jefferson County line to the Mason County - Jefferson County line).

m. "Undertakings" means the undertakings by the Developer in Section 3 of this MOU.

2. MOU is Conditioned on Approval of the Development Agreement by the County. The Developer's Undertakings in this MOU are conditioned on the approval of the Development Agreement by the County.

3. Developer's Undertakings. The Developer will provide the following to mitigate increase of service by the Jefferson County Sheriff's Office ("JCSO") anticipated with the construction of the resort at the Developer's Property as follows:

a. To facilitate police service in South County, the Developer will provide to the JCSO at no cost to the county a "public service room" on the Developer's Property that is at least 500 square feet. This space would be exclusively for county law enforcement use. However, the County will be responsible for any communication, furniture or other equipment needed to make the space useful for law enforcement purposes.

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<sup>1</sup> <http://www.doh.wa.gov/Portals/1/Documents/Pubs/530060.pdf>

- b. The Developer will reserve one 24-foot slip for the JSCO boat to dock at the Marina on a temporary basis when the JSCO boat is in the South County area.
- c. To minimize the increase in call volume in South County because of the development on the Developer's Property, the Developer will provide the following service on at the Developer's Property.
- d. The Developer will continue to maintain a security systems and video monitoring of the Marina and the Developer's Property with security staff on duty or on call 24 hours a day, 7 days a week.
- e. When construction begins, and through the construction phases, the Developer will maintain and increase security staff and security systems as needed to control theft and vandalism on the Developer's Property.
- f. After the first occupancy following construction at the Developer's Property, the Developer will maintain security staff sufficient to provide 24/7 service to the Developer's Property including roving patrol, video systems, intrusion systems and gated entry as necessary.
- g. The security staff at the Developer's Property will not act as law enforcement and will comply with all the requirements for security guards in RCW title 18, Chapter 18.170.
- h. The all security staff at the Developer's Property will be licensed pursuant to RCW 18.170.030, if not an Armed Private Security Guard as defined in RCW 18.170.010(1) or RCW 18.170.040, if an Armed Private Security Guard as defined in RCW 18.170.010(1);
- i. Throughout planning, construction and operation of the Developer's Property the Developer's management and security staff will work to improve communication and build relationship with the JCSO to ensure best possible performance, service and cooperation.
- j. The Developer expects that security staff would be first on scene in the event of a medical emergency and agrees that all security staff shall possess a current a certification issued by the Washington Department of Health of First Responder or higher.
- k. Communication between the JCSO and the Developer's security is of primary importance. The security staff will make every effort to build a solid working relationship with JCSO.
- l. The County and the Developer hope that increase in taxes collected by the County because of the construction on the Developer's Property may result in sufficient revenue pay for County services provided to the Developer's Property. However, the parties agree that any increased level of police service in the South County likely would result solely from the Developer's Property since no other projects are expected of the size and complexity as the plan for the resort at the Developer's Property. Therefore, if: (a) The Developer fails to maintain a full time security staff as required by this MOU; or, (b) An annual increase in cost of police services in the South County is greater than 25 percent of Levels of Police Service provided by JCSO in 2016, then the Developer shall provide sufficient funds to the County on July 1<sup>st</sup> of each calendar year to pay for one full time deputy based in the South County.

4. General Terms.

a. Controlling Law. This MOU is entered into in the State of Washington. This MOU shall be governed by and construed in accordance with the laws of the United States and of the State of Washington as if applied to transactions entered into and to be performed wholly within Washington between California residents. No party shall argue or assert that any law other than Washington law applies to the governance or construction of this MOU.

b. Binding on Successors and Assigns. This MOU will extend to and be binding upon, and inure to the benefit of the successors and assigns, as the case may be, of each party to this MOU.

c. Notice. Any notice required by this MOU will be given in accordance with the notice requirements of the Development Agreement.

d. No Assignment. The parties represent, warrant and agree that they have not assigned, transferred, conveyed, encumbered or in any manner otherwise disposed of all or any portion of the rights covered by this MOU, whether before or after they were obtained, regardless of whether they have been obtained as of the date of this MOU.

e. Entire Agreement. This MOU constitutes the entire agreement between the parties relating to this subject matter and its terms are contractual, not a mere recital. Except as specifically provided in this MOU, this MOU supersedes all prior or simultaneous representations, discussions, negotiations, and agreements, whether written or oral.

f. No Inducements. The parties acknowledge that there have been no inducements or representations upon which any of the parties have relied entering into this MOU, except as expressly set forth in this MOU.

g. No Third-Party Beneficiaries. The parties do not intend, and nothing in this MOU shall be construed to mean, that any provision in this MOU is for the benefit of any person or entity who is not a party.

h. Modification of this MOU. This MOU may be amended or supplemented only by a writing that is signed by duly authorized representatives of all of the parties.

i. Effect of Partial Invalidity. If any term or provision of this MOU is found to be invalid, in violation of public policy or unenforceable to any extent, such finding shall not invalidate any other term or provision of this MOU and such other terms and provisions shall continue in full force and effect. The parties understand, intend, and agree that this MOU and each of the terms, covenants, and provisions of this MOU shall be enforced to the greatest extent permitted by law. If any part of this MOU is found invalid or unenforceable, that part will be amended to achieve as nearly as possible the same economic effect as the original provision and the remainder of this MOU will remain in full force.

j. Signature in Counterparts. The parties agree that separate copies of this MOU may be signed by each of the parties and this MOU will have the same force and effect as if the original had been signed by all the parties.

k. Cooperation. The parties agree that they shall facilitate, in good faith, the effectuation of this MOU.

l. Voluntary Undertaking. The parties acknowledge that they have read this MOU and are fully aware of the contents of this MOU and its legal effect. This MOU is entered into voluntarily and without any coercion by or undue influence on the part of any person, firm or corporation.

m. Investigation and Complete Understanding. The parties acknowledge that they have made such investigation of the facts pertaining to this MOU and all matters contained herein as they deem necessary, desirable or appropriate. The parties expressly understand that the facts later may turn out to be other than or different from the facts now known or believed to be true. The parties expressly assume the risk of such different facts and agree that all provisions of this MOU shall remain in all respects effective and enforceable and not subject to termination or rescission by reason of any such different facts.

n. Independent Legal Advice and Investigation. In entering into this MOU, the parties acknowledge that they have received independent legal advice from their own counsel and have relied on their own investigation and upon the advice of their own attorney with respect to the advisability of making the settlement provided in this MOU.

o. No Oral Waiver. No term or provision of this MOU will be considered waived by either party, and no breach excused by either party, unless such waiver or consent is in writing signed on behalf of the party against whom the waiver is asserted. No consent by either party to, or waiver of, a breach by either party, whether express or implied, will constitute a consent to, waiver of, or excuse of any other, different, or subsequent breach by either party.

p. Arms-Length Negotiations. The parties agree that this MOU has been negotiated at arms length, with the assistance and advice of competent, independent legal counsel.

q. Joint Drafting Effort. The parties acknowledge and agree that the drafting of this MOU has been a joint effort by the parties and that this MOU shall not be deemed prepared or drafted by any one of the parties. The terms of this MOU shall be interpreted fairly and in accordance with their intent and not for or against any one of the parties. The parties further acknowledge and agree that each of the parties possess equal bargaining power with respect to this MOU.

## 2. Representations and Warranties

The Developer represents and warrants:

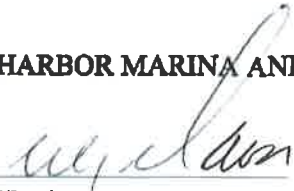
- a. That it is fully authorized to enter into this MOU;
- b. That the Developer is a corporate entity is duly organized and validly existing in good standing under the laws of one of the states of the United States of America;

c. That the making and performance of this MOU will not violate any provision of law or of the Developer's articles of incorporation, charter or by-laws;

d. That the Developer has taken all necessary corporate and internal legal actions to duly approve the making and performance of this MOU and that no further corporate or other internal approval is necessary; and,

e. That the Developer has read this MOU in its entirety and knows the contents of this MOU, that the terms of this MOU are contractual and not merely recitals, and that they have signed this MOU, having obtained the advice of legal counsel.

PLEASANT HARBOR MARINA AND GOLF RESORT, LLP

  
M. Garth Mann,  
Title: DIRECTOR  
Pleasant Harbor Marina and Golf Resort, LLP

Date: July 25/18

Approved By Jefferson County Sheriff Office:

  
David Stanko,  
Jefferson County Sheriff

Date: 5/10/17

## **Appendix J**

Memoranda of Understanding:  
Transportation Mitigation

**MEMORANDUM OF UNDERSTANDING  
BETWEEN PLEASANT HARBOR MARINA AND GOLD RESORT, LLP  
AND  
JEFFERSON TRANSIT AUTHORITY  
FOR SUPPORT OF TRANSIT SERVICES**

THIS MEMORANDUM OF UNDERSTANDING (“MOU”), by and between Pleasant Harbor Marina and Golf Resort, LLP (“Developer”) and Jefferson Transit Authority (“Transit”) for support of transit services is designed to memorialize the mitigation the Developer will provide to mitigate against potential impacts to Transit associated with the development of the Pleasant Harbor Marina and Golf Resort (the “Resort”).

WHEREAS, the Washington State Legislature enacted RCW 36.70B.170-.210 to strengthen the land use planning process and reduce the costs of development by authorizing Jefferson County to enter into a private agreement with a landowner regarding the development of the Resort located within the County’s jurisdiction (“Development Agreement”).

WHEREAS, Jefferson County Ordinance 01-0128-08 paragraph 63 (c), provided that the Developer enter into memoranda of understandings to provide needed support for certain public services.

[T]o provide needed support for the Brinnon School, Fire District, Emergency Medical Service (EMS), housing, police, public health, parks and recreation and transit.

WHEREAS, The FEIS identified the following potential mitigation measures that the Developer would implement to mitigate impacts to Transit.

**3.4.3.6 Public Transportation Impacts**

Jefferson Transit Route #1 stops approximately one-third of a mile from the project site and the intersection of US Hwy 101 at Black Point Road providing transit service four times per day to the main entrance of the Pleasant Harbor properties. The applicant proposes to purchase and maintain a van or small shuttle bus available for guests and tenants to utilize on an as-needed basis for use in group trip making, coordinated events, airport-shuttle, and other miscellaneous traffic. The applicant also proposes to work with Jefferson Transit in scheduling and to expand service as necessary to the resort as well as considering joint opportunities to provide layover or transit service and facilities within site.

FEIS at p. 3-51

**3.4.2.5 Public Transportation Services**

Jefferson Transit Route #1 provides public transportation services in the area, with a stop on US Hwy 101 at Black Point Road, adjacent to the project site. Route #1 provides Monday through Saturday service to Brinnon, Quilcene, and the Hadlock/Irondale/Chimacum Tri-Area. Service at US Hwy 101 and Black Point Road is provided Monday through Friday at 7:08 a.m., 8:36 a.m., 3:14 p.m.

and 6:47 p.m. On Saturday service is provided at Hwy 101 and Black Point at 7:53 a.m. and 6:28 p.m.

FEIS at p. 3-46

WHEREAS, in 2011 Transit received 0.09% of all sales tax generated in the County. Resort construction is expected to generate \$20,000,000 in sales tax revenue and operation of the Resort is projected to inject approximately \$95,000,000.00 in taxable sales annually. FEIS at p. 3-63. This substantial addition of the sales tax revenue base is expected to cover more than any additional incremental costs of providing transit service to the Resort.

1. MOU is Conditioned on Approval of the Development Agreement by the County. The Developer's Undertakings in this MOU are conditioned on the approval of the Development Agreement by the County.

2. Developer's Undertakings. The Developer and Transit agree that the mitigation in these undertakings is consistent with the requirements of RCW 82.02.020, is within the authority of the County to require under Chapter 43.21 C RCW and is not duplicative of any other conditions. The developer will provide the following to mitigate the increased need for transit service anticipated with the construction of the Resort as follows:

- a. The Developer shall provide on-site transit stop(s) in the location(s) shown on the attached sketch as part of the first phase of development;
- b. The Developer agrees to prominently display and maintain a current bus schedule for Transit in the Marina District and Resort Areas so the schedule is publicized and easily accessed;
- c. The Developer shall consult Transit for review of construction plans for the bus pull-out specification on or before the time of application for Building Permit, and;
- d. The Developer shall purchase and maintain an operational shuttle of use by Resort guests during the prime season (May-September). The shuttle shall be in operation before more than 25% of the golf resort rooms are available for use.

This agreement is entered into for the benefit of the parties to this agreement and the County only and shall confer no benefits, direct or implied, on any other third persons.

**Pleasant Harbor Marina and Golf Resort, LLP**

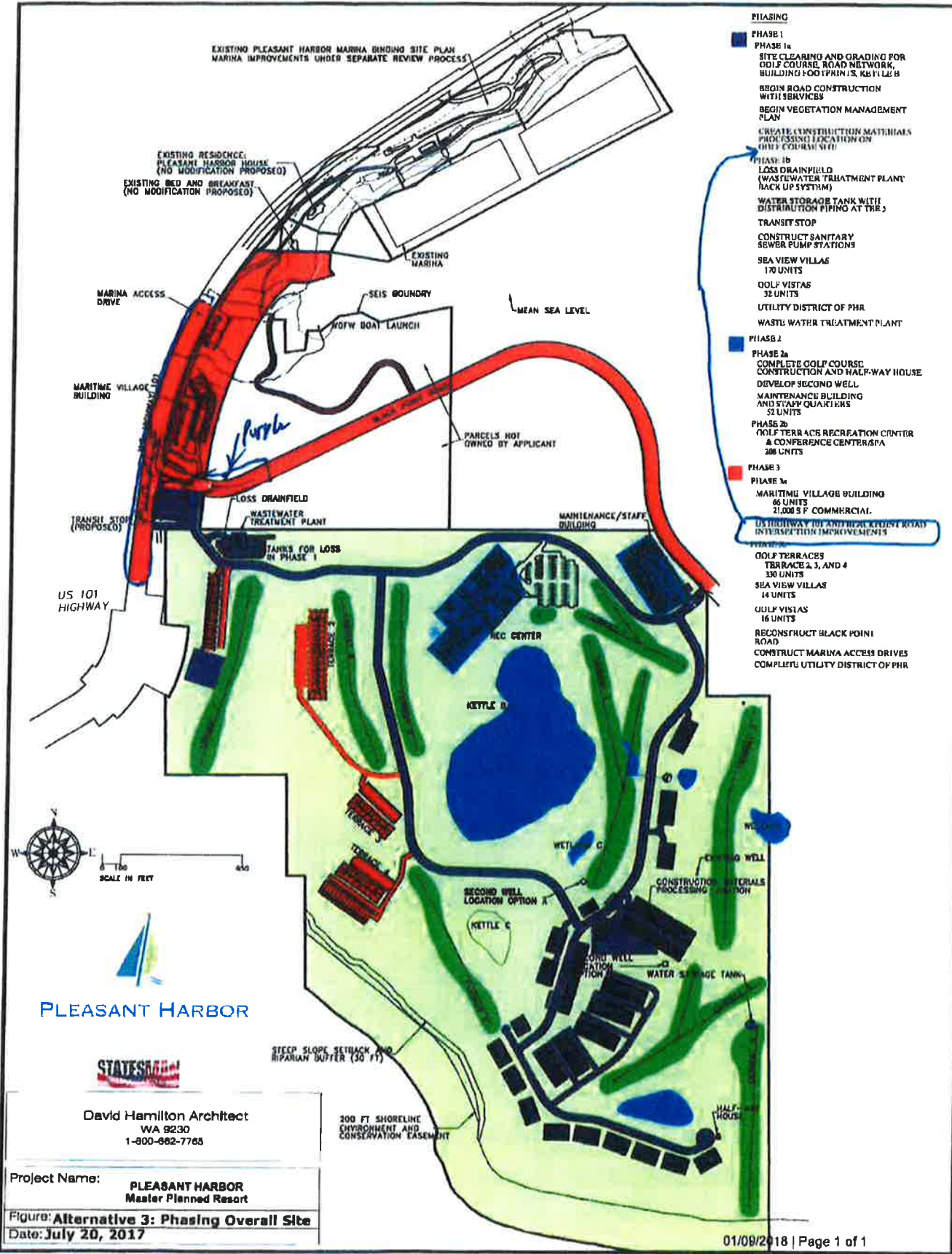
By:   
M. Garth Mann, Managing Member

Date July 25/18

**Jefferson Transit Authority**

By:   
General Manager

Date 10-16-18



EXISTING PLEASANT HARBOR MARINA BINDING SITE PLAN  
MARINA IMPROVEMENTS UNDER SEPARATE REVIEW PROCESS

EXISTING RESIDENCE:  
PLEASANT HARBOR HOUSE  
(NO MODIFICATION PROPOSED)

EXISTING BED AND BREAKFAST  
(NO MODIFICATION PROPOSED)

EXISTING MARINA

SEIS BOUNDARY

MEAN SEA LEVEL

BOAT LAUNCH

PARCELS NOT OWNED BY APPLICANT

MARINA ACCESS DRIVE

MARITIME VILLAGE BUILDING

TRANSIT STOP (PROPOSED)

US 101 HIGHWAY

LOSS DRAINFIELD

WASTEWATER TREATMENT PLANT

TANKS FOR LOSS IN PHASE 1

MAINTENANCE/STAFF BUILDING

REC CENTER

KETTLE D

WELL C

SECOND WELL LOCATION OPTION A

KETTLE C

CONSTRUCTION MATERIALS PROCESSING YARD

COND WELL

WATER STORAGE TANK

HALF-HOUSE

STEEP SLOPE SETBACK AND RIPARIAN BUFFER (30 FT)

200 FT SHORELINE ENHANCEMENT AND CONSERVATION EASEMENT

**PHASING**

**PHASE 1**

- PHASE 1a
  - SITE CLEARING AND GRADING FOR GOLF COURSE, ROAD NETWORK, BUILDING FOOTPRINTS, R&P L&B
  - BEGIN ROAD CONSTRUCTION WITH SERVICES
  - BEGIN VEGETATION MANAGEMENT PLAN
  - CREATE CONSTRUCTION MATERIALS PROCESSING LOCATION ON THE COURSE W/IT
- PHASE 1b
  - LOSS DRAINFIELD (WASTEWATER TREATMENT PLANT BACK UP SYSTEM)
  - WATER STORAGE TANK WITH DISTRIBUTION PIPING AT THE 3
  - TRANSIT STOP
  - CONSTRUCT SANITARY SEWER PUMP STATIONS
  - SEA VIEW VILLAS 170 UNITS
  - GULF VISTAS 32 UNITS
  - UTILITY DISTRICT OF PHR
  - WASTEWATER TREATMENT PLANT

**PHASE 2**

- PHASE 2a
  - COMPLETE GOLF COURSE CONSTRUCTION AND HALF-WAY HOUSE
  - DEVELOP SECOND WELL
  - MAINTENANCE BUILDING AND STAFF QUARTERS 52 UNITS
- PHASE 2b
  - GOLF TERRACES RECREATION CENTER & CONFERENCE CENTER/SPA 208 UNITS

**PHASE 3**

- PHASE 3a
  - MARITIME VILLAGE BUILDING 66 UNITS
  - 21,000 S.F. COMMERCIAL
  - UTILITYWAY TO ANTICIPATED FUTURE ROADS INTERSECTION IMPROVEMENTS
- PHASE 3b
  - GOLF TERRACES TERRACE 2, 3, AND 4 330 UNITS
  - SEA VIEW VILLAS 14 UNITS
  - GULF VISTAS 16 UNITS
  - RECONSTRUCT BLACK POINT ROAD
  - CONSTRUCT MARINA ACCESS DRIVES
  - COMPLETE UTILITY DISTRICT OF PHR



PLEASANT HARBOR



David Hamilton Architect  
WA 9230  
1-800-882-7765

Project Name: **PLEASANT HARBOR Master Planned Resort**

Figure: **Alternative 3: Phasing Overall Site**  
Date: **July 20, 2017**

## **Appendix J**

Memoranda of Understanding:  
Health Care Services Mitigation

# Jefferson Healthcare

October 1, 2010

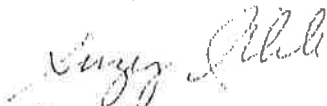
Pleasant Harbor Marina  
308913 US Hwy 101  
Brimmon, WA 98320

RE: Memorandum of Understanding

Dear Garth Mann:

Enclosed is the signed memorandum of understanding with Pleasant Harbor Marina and Jefferson Healthcare. Please sign and return a fully executed copy for our records. You may contact me at 360-385-2200 extension 2001, if you have any questions. Thank you.

Sincerely,

  
Suzy White  
Executive Assistant

enclosures

Hospital

Home Health and  
Hospice

Physical Therapy  
& Rehabilitation

Clinics:

- Jefferson Medical  
& Pediatric Group
- Port Townsend  
Family Physicians
- South County  
Medical Clinic
- Olympic Primary Care
- Richard Lynn, MD
- Sleep Medicine

834 Sheridan  
Port Townsend, Washington 98368  
360-385-2200  
[www.jeffersonhealthcare.org](http://www.jeffersonhealthcare.org)



308913 US Hwy 101, Brinnon WA 98320  
(360) 796-4611 (800) 547-3479  
Fax: (866) 848-4612

April 19, 2010

MEMORANDUM OF UNDERSTANDING  
Health Care

THIS AGREEMENT, by and between Pleasant Harbor Marina and Golf Resort LLP (Company) and Jefferson Healthcare is designed to identify impacts associated with the development of the Pleasant Harbor Marina and Golf Resort (Resort), now under regulatory review by the County, not addressed by increased revenue from the proposed Resort and subject to supplemental mitigation to assure concurrency in accordance with the ordinance of approval, Ordinance 01-0128-08, paragraph 63(c), which provided a requirement that the SEIS review memoranda of understanding on appropriate mitigation for the following:

To provide needed support for the Brinnon School, Fire District, Emergency Service (EMS), Staff Housing, Police, Public Health, Parks and Recreation and Transit...

Health Services

The Brinnon/Black Point area does not currently have a medical facility in the local community. The area is serviced by Jefferson General Hospital in Port Townsend and Mason General Hospital in Shelton. A medical clinic has been established in Quilcene, supported by Jefferson General Hospital.

Expected increase regarding health care would primarily involve accidental injury or unanticipated illness. The Resort will take the following steps to ensure proper care for visitors and employees:

1. Upon development the resort proposal includes 500+/- square feet of clinic space on resort property for a certified nurse and/or general practitioner to be staffed and equipped by the resort.
2. Selected resort staff will receive training to a minimum level of first responder and receive ongoing training to stay current in CPR, AED, Oxygen Administration and First Aid. This program is currently in place at the resort marina with seven staff trained as first responders or better.
3. If an agreement can be made with the Hospital and the Jefferson County Medical Director, selected staff will be trained to the level of EMT-B and/or EMT-I.
4. Resort emergency staff and facility will be available to the community for emergencies such as local disaster.
5. These steps do not replace the need for local EMS or hospital care. The goal is to ensure patients receive the best possible care as quickly as possible, to reduce response time in an emergency, to minimize impact on local EMS for non emergency care.
6. The resort will work to develop the best possible working relationship with local EMS and other medical services
7. Should the Resort expand and require emergency Air-Lift capabilities, a suitable landing zone will be provided to accommodate helicopter or float plane transport.

Approved By Jefferson HealthCare

Signature  Print VICTOR J. DIRKSEN Date 9-30-10  
Jefferson HealthCare

Approved By M. Garth Mann (President & CEO Statesman Group)

Signature  Print M. G. MANN. Date MAY 16 / 11  
M. Garth Mann, President & CEO Statesman Group

## **Appendix J**

Memoranda of Understanding:  
Housing Mitigation

# MEMORANDUM OF UNDERSTANDING

## Housing

THIS AGREEMENT, by and between Pleasant Harbor Marina and Golf Resort LLP (Developer) and Jefferson County is designed to address impacts associated with development of the Pleasant Harbor Marina and Golf Resort (Resort).

WHEREAS, the Resort is now under regulatory review by the County.

WHEREAS, County Ordinance 01-0128-08, paragraph 63(g) states:

The developer shall commission a study of the number of jobs expected to be created as a direct or indirect result of the MPR that earn 80% or less of the Brinnon area average median income (AMI). The developer shall provide affordable housing (e.g., no more than 30% of household income) for the Brinnon MPR workers roughly proportional to the number of jobs created that earn 80% or less of the Brinnon area AMI. The developer may satisfy this condition through dedication of land, payment of in lieu fee, or onsite housing development.

WHEREAS rental housing in the Brinnon area is limited as described in Section 3.5.6 of the Final Environmental Impact Statement for the Proposed Brinnon Master Planned Resort dated November 27, 2007 (2007 FEIS).

### Agreement

The Resort agrees to enter into this Agreement for purposes of completing the requirements of Ordinance 01-0128-08, paragraph 63(g), so that it can obtain the benefits of developing the Resort. As such, the Resort agrees to the undertakings below as being supported by sufficient consideration to make this Agreement legally binding on the Resort, its successors and assigns. The Developer will undertake the following requirements to mitigate housing impacts related to the Resort development:

1. During construction, construction workers will have access to the existing 60-unit RV facility on site as stated on page 3-65 of the FEIS.
2. Once constructed by the developer, affordable staff housing (not more than 30% of income) will be available at the Resort to accommodate a workforce from 104 to 208 employees (52 Double Occupancy per bedroom Suites). This affordable staff housing will be located above the Agra-Center/Staff Quarters, a multi-use structure in the golf course/resort area.
3. To comply with the rough proportionality under Condition 63(g), those full-time staff who make less than \$34,143 (80% of the Brinnon AMI) annually and who are not able to reside on-site in the Staff Quarters due to full occupancy, shall be compensated by the Senior management will be housed in the Golf Chalets adjacent to Terrace Building 1.
4. Booking Staff will be housed in assigned suites, within the proposed Maritime Village at the intersection of Black Point Road with U.S. Highway 101, to accommodate late arrivals. Full-Time Booking staff who do not earn more than \$34,143 annually shall not pay more than 30% of their take-home monthly income for housing.

Approved By Jefferson County Board of Commissioners

4. Booking Staff will be housed in assigned suites, within the proposed Maritime Village at the intersection of Black Point Road with U.S. Highway 101, to accommodate late arrivals. Full-Time Booking Staff who do not earn more than \$34,143 annually shall not pay more than 30% of their take-home monthly income for housing.

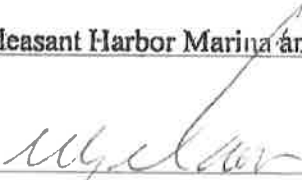
Approved By Jefferson County Board of Commissioners



David Sullivan, Chairman

8/14/18  
Date

Approved by Pleasant Harbor Marina and Golf Resort, LLP



M. Garth Mann, President & CEO Statesman Group

July 25/18  
Date

## **Appendix J**

Memoranda of Understanding:  
Parks and Recreation Mitigation

# MEMORANDUM OF UNDERSTANDING

## Parks and Recreation Impacts

THIS AGREEMENT, by and between Pleasant Harbor Marina and Golf Resort, LLP (“Developer”) and Jefferson County (“County”) is designed to identify those park and recreation impacts to the County associated with the development of the Pleasant Harbor Marina and Golf Resort (the “Resort”).

Whereas, the Resort is now under regulatory review by the County.

WHEREAS, County Ordinance 01-0128-08, paragraph 63© which provided a condition for approval of the Comprehensive Plan amendment MLA06-00087 that the Developer negotiate memoranda of understating (MOUs) or memoranda of agreement (MOAs) states:

to provide needed support for the Brinnon school, fire district, Emergency Medical Service (EMS), housing, police, public health, parks and recreation and transit ...

WHEREAS, the November 27, 2007 Final Environmental Impact Statement for the proposed Brinnon Master Planned Resort (2007 FEIS) provided the following commentary:

### 2.4.1 Recreation on Hood Canal

The state recreational areas near the proposed master plan are both significant and popular, with more than one half million visitors to the area annually, principally in the summer season.

Washington State Parks has developed a Management Plan for the state-managed parks in the Dosewallips Area, near Brinnon:

- Dosewallips State Park, 424.5-acres/5,500 feet of shoreline – has picnicking, hiking, boating, fishing, public recreational shellfishing for oysters, clams, crabs, shrimp (387,221 visitors in 2004);
- Triton Cove State Park, 28.5 acres/593 feet of shoreline – has picnicking, shore fishing, public recreational shellfishing, and boating (42,212 visitors in 2004);
- Pleasant Harbor State Park, 1 acre/100 feet of shoreline – has sheltered moorage (2,439 visitors in 2004);
- Toandos Peninsula, with 10,000 feet of shoreline, has public recreational shellfishing with boat access;
- Point Whitney Shellfish Laboratory on the tip of Pt. Whitney has a boat launch available for public use.
- Right Smart Cove, 1 acre/200 feet of shoreline – has kayaking and limited access.

An on-line version of the approved June 2006 Dosewallips State Park Area Management Plan may be obtained at:  
<http://www.parks.wa.gov/plans/dose/Dosewallips%20Final%20Plan.pdf>. See also the Dosewallips State Park web site at  
<http://www.parks.wa.gov/parkpage.asp?selectedpark=Dosewallips>.

Additionally, the state-owned Duckabush Tidelands, located off US HWY 101 about 3.9 miles south of Brinnon, are open year-round for public recreational shellfish harvesting.

2007 FEIS at p. 2-7.

## **2.5 The Olympic Mountains**

The other outstanding natural and recreational features of the area are the Olympic Mountains, and its combination of National Forest, National Park, and recreation areas.

The Brinnon Subarea includes access to the Olympics through three trailhead systems: the Duckabush and the Dosewallips to the north, and the Hamma Hamma to the south. The Seal Rock Park campground, located just north of Brinnon, provides public access to the shoreline.

The Olympic National Forest is managed by the U.S. Forest Service and the Olympic National Park by the National Park Service.

Significant information about both systems is available on line:

Olympic National Forest website: <http://www.fs.fed.us/r6/olympic/>  
Olympic National Park website: <http://www.nps.gov/olym>

Published reports identify more than four million tourists per year visit the National Forest and National Park annually, and here again, the use is heavily skewed to the tourist season from May to October. See: <http://www.olympicpeninsula.org/research.html>. Access to the Olympic National Forest and Olympic National Park will be one of the attractions of the resort.

2007 FEIS at p. 2-8.

WHEREAS, the County Parks are listed in Table 4-1 of the 2015 update of the Jefferson County Parks, Recreation, and Open Space Comprehensive Plan (PROS Plan) which is repeated below:

**Please Help  
Protect and Preserve Your Parks**

*We request, in accordance with  
Jefferson County Parks Ordinance,  
that the following  
rules and regulations be observed:*

- Camping & use of trailers is permitted only at designated campsites. Check-out 3 p.m.
- When camping, temporary occupancy of the same campsite is limited to 7 days.
- Vehicles occupying a single campsite at one time shall be limited to one car or one vehicle with trailer.
- Fires are permitted ONLY in designated camping & picnic areas. During extreme fire danger, fires may be prohibited in County parks.
- All garbage, cans, bottles, waste materials, must be deposited in designated receptacles or removed from the area.
- Discharging fire arms or any unreasonable noise is prohibited in County parks. Please observe a 10 p.m. quiet time.
- All DAY USE PARKS are open to the public from dawn to dusk unless otherwise posted.
- Dogs, cats and other pets are prohibited in County parks unless on a leash.
- No fireworks in County parks.
- Speed limit on all lakes is 10 mph.


**For Further Information Contact:**  
Jefferson County Department of Public Works  
Parks & Recreation Division  
P.O. Box 2070  
Port Townsend, WA 98368  
(360) 385-9160

**Welcome to Jefferson County Parks**  
Camping Season: April 1 - October 31  
(except (includes) Campground)

Jefferson County Sites	Map Loc on Back	Acres	View F-Fresh S-Soft	Picnic Utens	Camp Sites	Fees *	Description
Beaver Lake (NW Kananan Camp)	O	30	F				For Group Reservations - Contact N.W. Kimball at (360) 733-7222
Boo Bates Field	I						Youth Sports Field
Broad Spit Park	U	43.5	S				Undeveloped Beach
Chumuck Park	J	7.95		4	8	\$12.00	Water, Community Center, Shelter
Courthouse Park	E	1.11		3			Historical, Tennis Court, Basketball, Open Field
East Beach Park	N	0.61	S	2			Day use, Beach, Shelter
East Quilicee Park	T	1		3			Undeveloped Beach
Gibbs Lake Park	P	34.8	F	1			Fishing, Trails, Picnic
H.J. Carroll Park	K	40	F	6			Field, Picnic, Shelter, Trails, Sports, etc.
Hicks Park	R	0.67	S	1			Boat Ramp, Beach, Picnic
Indian Island Parks	L	22	S	8			Day use, Beach, Trails, Shelter
Incodale Beach Park	H	12.1	S				Day use, 3000 ft Shoreline, Picnic, Unimproved
Incodale Park	G	1.90		2			Field, Sports, Basketball Court, Playground
Lake Leland Campground	Q	2.6	F	3	22	\$15.00	Boat Ramp, Beach, Fishing, No Potable Water
Lazy Lion Memorial Tr.	F	6					New Motorized Trail, Horse trails from Mill Road to Horse Control
Lower Oak Bay Campground	M	25.7	S	6	14	\$15.00	Boat Ramp, Beach, Picnic
Memorial Field	D	4.09					Stadium Sports Field
North Beach	B	0.61	S	4			Beach, Shelter, Picnic
Port Townsend Community Center	C	0.92		3			Tennis Center, Gym, Play ground (Recreation 385-9222) Senior Center Meetings (Sr. Assoc. 385-9207)
Quilicee Campground	S	4.07		3	13	\$12.00	Playground Area, Community Center, Tennis Court, Shelter (November 1 - March 31, No charge)
Quilicee River Park	V	0.26					Fishing, Picnic
Quilicee Sports Park	W						Youth Sports Field
Upper Oak Bay Campground	M	5		2	24	\$15.00 w elec \$18.00	Playground, Licensed electric hook-ups, 113 with electric hook-up

\* Veterans with WA State Lifetime Disability Pass Camp Free

**Thank You  
For Your Interest in  
Jefferson County Parks**



With your help,  
we continue striving to  
maintain and improve this  
important public trust

Other Information  
County Fairgrounds  
(360) 385-1013  
City of Port Townsend Parks  
(360) 344-3055  
Washington State Parks  
Campsite Reservations  
1-888-226-7688  
www.parks.wa.gov  
ShelBab  
Call Before You Dig  
1-800-662-6632

WHEREAS, although the County does not provide local parks in Brinnon, the service area of the County's regional parks as defined in the PROS Plan encompasses the Developer's Property.

WHEREAS, the County's regional parks such as Indian Island Park, Gibbs Lake Park, HJ Carroll Park, Broad Spit Park, Lake Leland Park, and North Beach Park are highly accessible and attractive to day use recreationalist such as guests at the Developer's Property

WHEREAS, the County's regional parks do not require a State of Washington Discover Pass, National Forest Service, pass, or National Parks Access Pass, making them more accessible.

WHEREAS, the County, state and federal facilities are supported by a combination of tax dollars and fees for service.

WHEREAS, the Resort is expected to provide a significant property and sales tax revenue and guests of the Resort need to pay any day or use fee for the park and recreation facilities used.

WHEREAS, neither the County nor State or Federal services have identified an impact fee basis for use of public parks and use of the parks is encouraged as part of the attraction of Jefferson County.

WHEREAS, mitigation can best be addressed by facilitating use and reducing parking and associated impacts of individual use by providing shuttle and transit services.

WHEREAS, the Resort also provides a residence for tourists, which supplement the camping facilities that are often full.

WHEREAS, in 2017, the County General Fund, which funds Jefferson County Parks & Recreation, receives 18.2% of all real property tax generated in the County. As the Resort builds out this percentage is expected to remain relatively constant.

WHEREAS, with the Developer's Property expected to create a property cost in excess of \$300,000,000 at build out of the resort, which adds substantially to the assessed value of the County, the incremental property tax revenue to the County is expected to more than cover any incremental costs attributable to patron's use of tax supported parks and recreation facilities in addition to fees charged for service or use.

## AGREEMENT

### 1. Definitions.

- a. "County" means Jefferson County, a municipal corporation under the laws of the State of Washington.
- b. "Developer" means Pleasant Harbor Marina and Golf Resort, LLP a Washington limited liability partnership, including its successors and assigns.
- c. "Development Agreement" means the agreement to be completed between the County and the Developer consistent with RCW 36.70b.170-.210.
- d. "Developers Property" means the real property owned by the Developer that is the subject of the application for a master planned resort at Pleasant harbor in Brinnon, Washington.
- e. "MOU" means this MOU.
- f. "party" means Jefferson County, a municipal corporation under the laws of the State of Washington and Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, including its successors and assigns.
- g. "Undertakings" means the undertakings by the Developer in Section 3 of this MOU.


2. MOU is Conditioned on Approval of the Development Agreement by the County. The Developer's Undertakings in this MOU are conditioned on the approval of the Development Agreement by the County.

3. Developer's Undertakings. The Developer will provide the following to mitigate increase of service to parks and recreation facilities as follows:

- a. The Developer agrees to post prominently at the Developer's Property information for all of the local County, State and Federal park and recreation services sufficient so guests can readily obtain information on fees, availability and activities.
- b. The Developer agrees to provide shuttle capability for up to 28 people per day to local County, State and Federal parks and recreation facilities during the primary season from June-September. The daily shuttle destination shall be selected by resort staff in their sole discretion.
- c. The Developer agrees to give residents of the Brinnon community access to passive facilities such as trails, open spaces, parks, athletic fields, playgrounds, and picnic sites free of charge.
- d. The Developer agrees that active and indoor facilities such as swimming pools, conference centers, golf courses, marina facilities, fitness areas, classroom space, or dining halls may be rented for a reasonable fee and under commercially reasonable terms and conditions.
- e. The Developer agrees to allow access to resort amenities by Jefferson County Parks and Recreation programs such as summer camps, youth sports leagues, fitness programs, swimming lessons, or community events on a reservation basis, and for a nominal fee and under commercially reasonable terms and conditions.

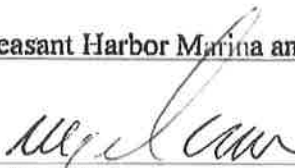
4. Adequate Mitigation. The Developer and County agree that the mitigation proposed above is adequate to address the identified impact, consistent with the requirements of RCW 82.02.020, is within the authority of the County to require under Chapter 43.21C RCW and is not duplicative of any other condition.


Approved by the Jefferson County Board of Commissioners

  
 \_\_\_\_\_  
 David Sullivan, Chairman

  
 \_\_\_\_\_  
 Date

Approved by Pleasant Harbor Marina and Golf Resort, LLP

  
 \_\_\_\_\_  
 M. Garth Mann, President & CEO Statesman Group

  
 \_\_\_\_\_  
 Date

## **Appendix K**

Ordinance 01-0128-08

cc: DCD  
PA  
PC  
Sheriff } 1/31/08

STATE OF WASHINGTON  
County of Jefferson

**AN ORDINANCE APPROVING ONE } Ordinance No. 01-0128-08**  
**COMPREHENSIVE PLAN AMENDMENT, }**  
**FILE NUMBER }**  
**MLA06-87 [STATESMAN] }**

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

WHEREAS, as mandated by the GMA, the Board has reviewed and voted upon the proposed amendments to the County’s Comprehensive Plan (“CP”) that composed the 2007 Comprehensive Plan Amendment Docket (“the Docket”), and;

WHEREAS, of the ten (10) proposals that compose the Docket, three (3) were rejected; one proposal, MLA07-104, has been forwarded to the 2008 CP Cycle; the Board has approved or approved with conditions six (6) of the remaining proposals, five (5) of which are analyzed in Ordinance No. 02-0128-08; herein analyzed is only one proposal, MLA06-87 [Statesman], which was approved unanimously by the Board; and

WHEREAS, an adopting Ordinance is required to formalize the Board’s legislative decision with respect to MLA06-87, and;

WHEREAS, the Board makes the following Findings of Fact and Conclusions with respect to the 2007 Comprehensive Plan Amendment Cycle and the amendment contained herein:

1. The County adopted its Comprehensive Plan in August 1998 and its development regulations or Unified Development Code (UDC), Title 18 in the Jefferson County Code (JCC) in December 2000. The CP was reviewed and updated in 2004.
2. The Growth Management Act (GMA), which mandates that Jefferson County generate and adopt a CP, also requires that there be in place a process to amend the CP. The UDC contains precisely such a process in Section 9, and in Title 18 in the JCC.

3. The amendment process for the CP must be available to the citizens of this County [including corporations and other business entities] on a regular basis. In accordance with RCW 36.70A.130, CP amendments can generally be considered “no more frequently than once per year.”
4. This particular amendment “cycle” began on or before March 1, 2007, the deadline for submission of a proposed CP amendment.
5. MLA06-87 was timely filed on by March 1, 2006, and carried over to the 2007 cycle in December 2006, because a separate environmental impact statement was deemed necessary, and this work could not be performed in 2006.
6. The 2007 CP process started with nine formal site-specific amendments and three suggested amendments (for a total of twelve), all of which were placed on the Preliminary Docket through the CP amendment process contained at JCC Section 18.45.050.
7. The Planning Commission and the Board of County Commissioners held a joint workshop on April 4, 2007 to provide an opportunity for the site-specific CP amendment applicants to make public presentations on their proposals.
8. The Planning Commission held a duly-noticed public hearing on the Preliminary Docket on April 18, 2007.
9. The Planning Commission completed its recommendation on the Preliminary Docket on April 18, 2007, recommending that all twelve original CP amendment applications be placed on the Final Docket.
10. The Department of Community Development (DCD) issued a Review of Preliminary Docket on May 7, 2007, analyzing the proposals on the Preliminary Docket and offering the following recommendation: that two of the three suggested amendments be eliminated from the Final Docket due to limitations on staff resources.
11. The Board established the Final Docket on May 14, 2007 as nine site-specific amendments plus one suggested amendment.
12. The Department of Community Development (DCD) issued an integrated Staff Report and State Environmental Policy Act (SEPA) Addendum on September 5, 2007, analyzing the proposals on the Final Docket and offering preliminary recommendations for each.

13. All of these amendments have been subject to a SEPA-driven analysis through the DCD Staff Report and SEPA Addendum dated September 5, 2007. In addition, a separate Draft Environmental Impact Statement was published on this date pertaining to the site-specific application analyzed in this ordinance, MLA06-87 (Statesman), with an associated 45-day public comment period ending at close of business on October 24, 2007. An associated addendum issued with the Final Environmental Impact Statement was published on November 27, 2007. For further analysis of the other five (5) amendments comprising the 2007 CP cycle, see Ordinance No. 02-0128-08.
14. The Draft Environmental Impact Statement (DEIS) and Final Environmental Impact Statement (FEIS) were undertaken and generated pursuant to the State Environmental Protection Act (SEPA) and a determination by the SEPA-responsible official that the proposed amendment, MLA06-87, warranted a threshold "Determination of Significance" (DS), and thus environmental review for any probable significant adverse environmental impacts, although the environmental review at this stage was the review appropriate for a non-project action as that term of art is defined in SEPA.
15. The FEIS was prepared in conformance with SEPA requirements and the amendment in this ordinance is the alternative identified in the DEIS as "the proposal."
16. The Planning Commission held a duly-noticed public hearing on MLA06-87 (Statesman) on October 3, 2007. Oral public comment related to this proposed amendment was taken during the public hearing, and written comments were accepted through the close of business on October 24, 2007.
17. The Planning Commission deliberated on MLA06-87 at special meetings on October 31, 2007, and on November 14, 2007, reviewing the growth management indicators, findings, and conclusions relative to JCC 18.45, and completed recommendations on November 20, 2007.
18. The above statements indicate that the proposed CP amendment was and is the subject of "early and continuous" public participation as is required by GMA.
19. The Planning Commission recommendations were transmitted to the Board through formal memoranda dated November 28, 2007, and are part of the record for the legislative decision.

20. The Planning Commission recommended to the Board seven conditions be attached to approval of this proposal, MLA06-87 [Statesman]. The conditions were included in the Planning Commission recommendations specific to this proposal.
21. The FEIS and addendum associated with this proposal were published on November 27, 2007. Initial scoping identified probable significant adverse impacts. Public comments elaborated on those concerns, and the final EIS included staff responses to 17 different categories covered in over 400 public comment letters, expressed orally and in writing by the public and by various local and state agencies regarding this application during the public comment period.
22. The FEIS detailed mitigating conditions resulting from these comment letters as specified in Chapter 5, overall representing a meticulous and thorough response to the concerns of the citizens and agencies, precisely what is intended by SEPA.
23. The Board held a duly-noticed public hearing on December 3, 2007 and continued this public hearing on December 6, 2007, closing the public comment period on December 7, 2007. The Board did consider all public comments received.
24. The final DCD staff recommendation was presented to the Board during the December 3, 2007 and December 6, 2007 public sessions in which the Planning Commission recommendations were also presented.
25. The final DCD staff recommendation did not match the Planning Commission recommendation for approval, having different proposed modifications attached.
26. On December 10, 2007, the Board signed Resolution No. 113-07 extending the timeframe for the legislative decision on the proposed amendment to January 14, 2008.
27. All procedural and substantive requirements of the GMA have been satisfied.
28. The Board of County Commissioners deliberated and decided to approve the Statesman proposal on January 14, 2008.
29. DCD staff presented to the Board a 14-step process for decision-making. Step 1: It was moved and seconded "to approve the Statesman proposal as revised with conditions, and to amend the Jefferson County Comprehensive Plan on pages 3-23 and 3-45.

- Step 2: The Comprehensive Plan land use map designations on page 3-45 for this area would be changed to reflect a Master Planned Resort as outlined in the November 27, 2007 Final Environmental Impact Statement on page 1-4.” See Exhibit “B” to this Ordinance.
30. Step 3: The Board was required to apply criteria from JCC 18.45.080, generally referred to as deliberations, findings and conclusions, and growth management indicators.
31. Step 4: The Board entered an affirmative statement that consistency with the Growth Management Act, specifically RCW 36.70A.360(1) through (4), is achieved, as each of the pertinent criteria are met by this proposal.
32. With respect to RCW 36.70A.360(1), the Board hereby enters an affirmative statement that the proposed Master Planned Resort would be a “self-contained and fully integrated planned unit development, in a setting of significant natural amenities with primary focus on destination resort facilities consisting of short-term visitor accommodations.”
33. With respect to RCW 36.70A.360(4) the Board hereby enters an affirmative statement that its CP already includes policies to guide the development of new MPR, the CP and the related development regulations serve to preclude urban or suburban land uses in the vicinity of the MPR, the land at the site in question is better suited for an MPR than for the commercial harvesting of timber or agricultural production, the MPR plan is and will be consistent with all GMA-derived development regulations relating to GMA critical areas and all on-site and off-site infrastructure and service impacts have been fully considered and will be mitigated as the MPR is implemented first through a development agreement, internal zoning map and internal zoning code, then through plat and permit review and possible issuance of permits and, with all the prior items accomplished, finally with the issuance of building permits.
34. Step 5: The Board entered an affirmative statement that consistency with the Jefferson County Comprehensive Plan, specifically Land Use Policies 24.1-24.13, has been achieved by the applicant, as each of the pertinent criteria are met by this proposal. By way of example only, the Board’s affirmative finding that the site of the proposed MPR is better suited to become an MPR than it is to be the site of a commercial timber harvest serves to satisfy the condition laid out in the CP at LNP 24.4, found at p. 3-65 of the CP. The area is

zoned Rural Residential and not Commercial Forest under the Growth Management Act, and therefore this finding is not required within the proposal.

35. Step 6: The Board entered an affirmative statement that consistency with the Brinnon Sub-Area Plan, adopted on May 1, 2002, specifically Goals 1.0 and Policies 1.1-1.3, is achieved, as each of the pertinent criteria are met by this proposal.
36. Step 7: With respect to JCC 18.15.126, the Board affirmed that only a Comprehensive Plan amendment application was under consideration, and that the development agreement and zoning code guiding MPR projects will come before it in a subsequent process after the adoption of this CP amendment. A subsequent development agreement and zoning code shall be consistent with this CP amendment. This criterion applies to each of the following code references contained within Step 7.
37. With respect to JCC 18.15.025 and JCC 18.15.115 on land use districts, the Board concluded that new zoning code language will be developed at a later phase, describing a second Master Planned Resort in Jefferson County, since Port Ludlow is the only MPR currently designated under the CP.
38. The Board affirmed the appropriateness of the proposal with respect to JCC 18.15.120 on purpose and intent, and consistency with RCW 36.70A.360. A new MPR is thus appropriate at this location.
39. The Board further determined that in accordance with JCC 18.15.123, a subsequent development agreement and zoning code will ensure consistency with said section.
40. The Board affirmed that the provisions of JCC 18.15.129 are applicable to this proposal, pertaining to the nature of the application as a Type V legislative process, and include a draft master plan (summarized in the FEIS), a site-specific CP amendment, and require a development agreement at a later phase in the process.
41. The Board affirmed that decision-making authority is granted to the Board under JCC 18.15.132, after ensuring the veracity of the planning commission process, and after reviewing its recommendations. A development agreement and zoning code will be developed in a subsequent phase.

42. With respect to 18.15.135, the Board concluded that the application to develop will take place at project-level phases subject to the development agreement and zoning code, consistent with this approval of the CP amendment.
43. The Board determined that 18.15.138 shall be amended at a later date to include revisions and/or additions to Title 17, in order to establish a zoning code for the Brinnon MPR. This shall be accomplished through a Type V legislative process.
44. Step 8: With respect to the directives set forth in RCW 36.70, the Planning Enabling Act, the Board concludes that all steps in the process were conducted properly, including the application submittal; the public process, review, and recommendations by the Planning Commission; the public process conducted by the Board; its own findings; and its position as the sole decision-making authority whereby the Planning Commission's recommendation is advisory only and the final determination always rests with the Board.
45. Steps 9-14: The Board determined that the procedural requirements of JCC Section 18.45.080(2)(c), in which for all adopted amendments the Board shall develop findings and conclusions which consider the growth management indicators set forth in a) JCC Section 18.45.050(4)(b) (i) through (vii, and b) items (i) through (iii) in JCC Section 18.45.080(1)(b), have been met. Findings and growth management indicators are further explained below.
46. SEPA mitigations called out in Chapter 5 of the FEIS shall be adhered to through development of a zoning code, development agreement, and any permit applications.
47. Further conditions of approval are identified in item # 63 (below). The Board directed staff to prepare this ordinance, provide for legal review, and prepare a record identifying all components of this CP application process.
48. Further, the Board voted unanimously to amend the CP.
49. JCC Section 18.45.080(1)(c), which contains eight criteria from which the Board must generate findings, is applicable only to site-specific Comprehensive Plan amendments.
50. Inquiry into the growth management indicators referenced above was begun for the 2007 Docket through the DCD integrated Staff Report and SEPA Addendum of September 5, 2007. The Board's findings and conclusions with respect to the growth management

indicators are augmented by the September 5, 2007 staff findings and conclusions, except when and as noted below.

51. With respect to JCC Section 18.45.050(4)(b)(i), which asks whether assumptions regarding growth and development have changed since the initial CP adoption, the Board concludes that census data indicates that the population growth rate in this county has slowed in the last two to four years, and is slower than projected.
52. With respect to JCC Section 18.45.050(4)(b)(ii), which asks whether the capacity of the County to provide adequate services has diminished or increased, the Board concludes that this CP amendment as conditioned will not impact the ability of the County to provide services.
53. With respect to JCC Section 18.45.050(4)(b)(iii), which asks if sufficient urban land is or has been designated within the County, the Board concludes that this proposal may constitute additional urban lands (as allowed under RCW 36.70A.360) to the Jefferson County Comprehensive Plan amendments made effective by adoption of this Ordinance.
54. With respect to JCC Section 18.45.050(4)(b)(iv), which asks if any of the assumptions on which the initial CP was based have become invalid, the Board concludes that the assumptions upon which the CP is based have generally not changed.
55. With respect to JCC Section 18.45.050(4)(b)(v), which asks if any of the countywide attitudes upon which the CP was based have changed, the Board concludes that the countywide attitudes have not generally changed since this CP amendment was submitted.
56. With respect to JCC Section 18.45.050(4)(b)(vi), which asks if there has been a change in circumstance that may dictate the need for an amendment, the Board concludes that a conceptual Brinnon MPR was identified in the Brinnon Sub-Area Plan adopted into the County's CP on May 1, 2002, and that there have not been any overarching or countywide changes in circumstances that would dictate or require a shift in the policies reflected in the CP with respect to MPR designations.
57. With respect to JCC Section 18.45.050(4)(b)(vii), which asks if inconsistencies have arisen between the CP, the GMA and the Countywide Planning Policies, the Board concludes that these amendments do not reflect any such inconsistency, since a variety of rural residential densities is maintained even after adoption of this CP amendment.

58. Pursuant to JCC Sections 18.45.080(2)(c) and 18.45.080(1)(b), the Board finds that:
- (1) Circumstances related to the proposed amendment and/or the area in which it is located have not substantially changed since the adoption of the Jefferson County Comprehensive Plan.
  - (2) The assumptions upon which the Jefferson County Comprehensive Plan is based continue to be valid.
  - (3) Based upon public testimony, the proposed amendment may reflect current widely held values of the residents of Jefferson County.
59. In addition to the required findings set forth in JCC Section 18.45.080(1)(b), in order to recommend approval of a formal site-specific proposal to amend the Comprehensive Plan, the Board must also make eight (8) findings as specified in Section 18.45.080(1)(c)(i) through (viii).
60. Pursuant to JCC Section 18.45.080(1)(c), the Board enters the following findings:
- (i) The proposed site-specific amendment meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services (e.g., sheriff, fire, and emergency medical services, parks, fire flow, and general governmental services).
  - (ii) The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County Comprehensive Plan.
  - (iii) The proposed site-specific amendment will not result in probable significant adverse impacts to the county's transportation network, capital facilities, utilities, parks, and environmental features that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities.
  - (iv) The subject parcel is physically suitable for the requested land use designation and the anticipated land use development, including but not limited to the following:
    - a. Access
    - b. Provision of utilities; and
    - c. Compatibility with existing and planned surrounding land uses.

- (v) The proposed site-specific amendment will not create a pressure to change the land use designation of other properties, unless the change of land use designation for other properties is in the long-term best interests of the county as a whole.
  - (vi) The proposed site-specific amendment does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan.
  - (vii) If within an unincorporated urban growth area (UGA), the proposed site-specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA.
  - (viii) The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the Countywide Planning Policy for Jefferson County, applicable inter-jurisdictional policies and agreements, and local, state and federal laws.
61. Master Planned Resorts are governed under a distinct statutory provision within the GMA. They are not Rural Lands, and thus are not Limited Areas of More Intensive Rural Development (LAMIRDs). Instead, RCW 36.70A.360 provides that **new** MPRs "...may constitute urban growth outside of urban growth areas as limited by this section."
62. MLA06-87 is submitted by Statesman Group of Companies, LTD. The application is for a Master Planned Resort (MPR) designation. (See Exhibit A for the complete legal description and Exhibit B for a map.)
63. In consideration of the public interest, and pursuant to the authority that is granted the County legislative authority under SEPA by RCW 43.21C.060, WAC 197-11-660 and Jefferson County Code 18.40.770, the Board enters certain of the following conditions for approval of the CP amendment MLA06-87, recognizing that certain of the conditions listed here are imposed not in reliance upon SEPA but instead pursuant to the Board's general police power as a legislative body [arising from Article XI, § 11 of the State Constitution and RCW 36.32.120(7)], particularly conditions d, e, f, g, v, x, aa and bb:
- a) Any analysis of environmental impacts is to be based on science and data pertinent to the Brinnon site. This includes rainfall projections, runoff projections, and potential impacts on Hood Canal.

- b) All applications will be given an automatic SEPA threshold determination of Determination of Significance (DS) at the project level except where the SEPA-responsible official determines that the application results in only minor construction.
- c) The project developer will be required to negotiate memoranda of understanding (MOU) or memoranda of agreement (MOA) to provide needed support for the Brinnon school, fire district, Emergency Medical Services (EMS), housing, police, public health, parks and recreation, and transit prior to approval of the development agreement. Such agreements will be encouraged specifically between the developer and the Pleasant Tides Yacht Club, and with the Slip owner's Association regarding marina use, costs, dock access, loading and unloading, and parking.
- d) A list of required amenities shall be in the development agreement along with conditions for public access.
- e) Statesman shall advertise and give written notice at libraries and post offices in East Jefferson County and recruit locally to fill opportunities for contracting and employment, and will prefer local applicants provided they are qualified, available, and competitive in terms of pricing.
- f) Statesman will prioritize the sourcing of construction materials from within Jefferson County.
- g) The developer shall commission a study of the number of jobs expected to be created as a direct or indirect result of the MPR that earn 80% or less of the Brinnon area average median income (AMI). The developer shall provide affordable housing (e.g., no more than 30% of household income) for the Brinnon MPR workers roughly proportional to the number of jobs created that earn 80% or less of the Brinnon area AMI. The developer may satisfy this condition through dedication of land, payment of in lieu fee, or onsite housing development.
- h) The possible ecological impact of the development's water plan that alters kettles for use as water storage must be examined, and possibly one kettle preserved.
- i) Any study done at the project level pursuant to SEPA (RCW 43.21C) shall include a distinct report by a mutually chosen environmental scientist on the impacts to the hydrology and hydrogeology of the MPR location of the developer's intention to use

one of the existing kettles for water storage. Said report shall be peer-reviewed by a second scientist mutually chosen by the developer and the county. The developer will bear the financial cost of these reports.

- j) Tribes should be consulted regarding cultural resources, and possibly one kettle preserved as a cultural resource.
- k) As a condition of development approval, prior to the issuance of any shoreline permit or approval of any preliminary plat, there shall be executed or recorded with the County Auditor a document reflecting the developer's written understanding with and among the following: Jefferson County, local tribes, and the Department of Archaeology and Historical Preservation, that includes a cultural resources management plan to assure archaeological investigations and systematic monitoring of the subject property prior to issuing permits; and during construction to maintain site integrity, provide procedures regarding future ground-disturbing activity, assure traditional tribal access to cultural properties and activities, and to provide for community education opportunities.
- l) A wildlife management plan focused on non-lethal strategies shall be developed in the public interest in consultation with the Department of Fish and Wildlife and local tribes, to prevent diminishment of tribal wildlife resources cited in the Brinnon Sub-Area Plan (e.g., deer, elk, cougar, waterfowl, osprey, eagles, and bear), to reduce the potential for vehicle collisions on U.S. Highway 101, to reduce the conflicts resulting from wildlife foraging on high-value landscaping and attraction to fresh water sources, to reduce the dangers to predators attracted to the area by prey or habitat, and to reduce any danger to humans.
- m) No deforestation or grading will be permitted prior to establishing adequate water rights and an adequate water supply.
- n) Approval of a Class A Water System by the Washington Department of Health, and approval of a Water Rights Certificate by the Department of Ecology shall be required prior to applying for any Jefferson County permits for plats or any new development.
- o) Detailed review is needed at the project-level SEPA analysis to ensure that water quantity and water quality issues are addressed. The estimated potable water use is

based on a daily residential demand used to establish the Equivalent Residential Units (ERU) for the development using a standard of 175 gallons per day (gpd). The goal of the development is 70 gpd. All calculations for water use at any stage shall be based on the standard of 175 gpd.

- p) A Neighborhood Water Policy shall be established that requires Statesman to provide access to the water system by any neighboring parcels if saltwater intrusion becomes an issue for neighboring wells on Black Point, and reserve areas for additional recharge wells will be included in case wells fail, are periodically inoperable, or cause mounding.
- q) Stormwater discharge from the golf course shall meet requirements of zero discharge into Hood Canal. To the extent necessary to achieve the goal of designing and installing stormwater management infrastructures and techniques that allow no stormwater run-off into Hood Canal, Statesman shall prepare a soil study of the soils present at the MPR location. Soils must be proven to be conducive to the intended infiltration either in their natural condition or after amendment. Marina discharge shall be treated by a system that reduces contamination to the greatest possible extent.
- r) A County-based comprehensive water quality monitoring plan specific to Pleasant Harbor requiring at least monthly water collection and testing will be developed and approved in concert with an adaptive management program prior to any site-specific action, utilizing best available science and appropriate state agencies. The monitoring plan shall be funded by a yearly reserve, paid for by Statesman, that will include regular offsite sampling of pollution, discharge, and/or contaminant loading, in addition to any onsite monitoring regime.
- s) The developer must ensure that natural greenbelts will be maintained on U.S. Highway 101 and as appropriate on the shoreline. Statesman shall record a conservation easement protecting greenbelts and buffers to include, but not be limited to, a 200-foot riparian buffer along the steep bluff along the South Canal shoreline, the strip of mature trees between U.S. Highway 101 and the Maritime Village, wetlands, and wetland buffers. Easements shall be perpetual and irrevocable recordings dedicating the property as natural forest land buffers. Statesman, at its expense, shall manage these

easements to include removing, when appropriate, naturally fallen trees, and replanting to retain a natural visual separation of the development from Highway 101.

- t) The marina operations shall conduct ongoing monitoring and maintain an inventory regarding Tunicates and other invasive species, and shall be required to participate with the County and state agencies in an adaptive management program to eliminate, minimize, and fully mitigate any changes arising from the resort, and related to Pleasant Harbor or the Maritime Village.
- u) In keeping with the MPR designation as located in a setting of natural amenities, and in order to satisfy the requirements of the Shoreline Master Program (JCC 18.15.135(1),(2),(6), the greenbelts of the shoreline should be retained and maintained as they currently exist in order to provide for “the screening of facilities and amenities so that all uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, historic sites, and public views.” In keeping with Comprehensive Plan Land Use Policy 24.9, the site plan for the MPR shall “be designed to blend with the natural setting and, to the maximum extent possible, screen the development and its impacts from the adjacent rural areas.” Evergreen trees and understory should remain as undisturbed as possible. Statesman shall infill plants where appropriate with indigenous trees and shrubs.
- v) In keeping with an approved landscaping and grading plan, and in order to satisfy the intent of JCC 18.15.135(6), and with special emphasis at the Maritime Village, the buildings should be constructed and placed in such a way that they will blend into the terrain and landscape with park-like greenbelts between the buildings.
- w) Construction of the MPR buildings will be completed in a manner that strives to preserve trees that have a diameter of 10 inches or greater at breast height (dbh). An arborist will be consulted and the ground staked and flagged to ensure the roots and surrounding soils of significant trees are protected during construction. To the extent possible, trees of significant size (i.e., 10 inches or more in diameter at breast height (dbh)) that are removed during construction shall be made available with their root wads intact for possible use in salmon recovery projects.

- x) Statesman shall use the LEED (Leadership in Energy and Environmental Design) and “Green Built” green building rating system standards. These standards, applicable to commercial and residential dwellings respectively, “promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings, and improving occupant health and well-being.”
- y) There shall be included as a best management practice for the operation and maintenance of a golf course within the MPR that requires the developer to maintain a log of fertilizers, pesticides, and herbicides used on the MPR site, and this information will be made available to the public.
- z) Statesman shall use the International Dark Sky Association (IDA) Zone E-1 standards for the MPR. These standards are recommended for “areas with intrinsically dark landscapes” such as national parks, areas of outstanding natural beauty, or residential areas where inhabitants have expressed a desire that all light trespass be limited.
- aa) In fostering the economy of South Jefferson County by promoting tourism, the housing units at the Maritime Village should be limited to rentals and time-shares; or, at the very least, it should be mandated that each section be required to keep the ratio of 65% to 35% of rental and time-shares to permanent residences per JCC 18.15.123(2).
- bb) Verification of the ability to provide adequate electrical power shall be obtained from the Mason County Public Utility District.
- cc) Statesman Corporation shall collaborate with the Climate Action Committee (CAC) to calculate greenhouse gas emissions (GHGs) associated with the MPR, and identify techniques to mitigate such emissions through sequestration and/or other acceptable methods.
- dd) Statesman Corporation is encouraged to work with community apprentice groups to identify and advertise job opportunities for local students.

**NOW, THEREFORE, BE IT ORDAINED** as follows:

Section One: Under MLA06-87 [Statesman], the map of Comprehensive Land Use Designations is hereby amended to reflect that the parcels of property located in Brinnon, Washington, and found in the legal description (see Exhibit A to this Ordinance) accompanying this CP application, shall be given in their entirety an underlying land use designation of Master Planned Resort.

Section Two: The Comprehensive Plan narrative on page 3-23 would be amended to add language below the last paragraph that would read:

Early in 2008, Jefferson County designated a new Master Planned Resort (MPR) in Brinnon. The new Master Planned Resort is 256 acres in size and includes the Pleasant Harbor and Black Point areas. The Marina area is existing and would be further developed to include additional commercial and residential uses such as townhouses and villas. The Black Point area of the new resort would include new facilities such as a golf course, a restaurant, a resort center, townhouses, villas, staff housing, and a community center. The overall residential construction would not exceed 890 total units.

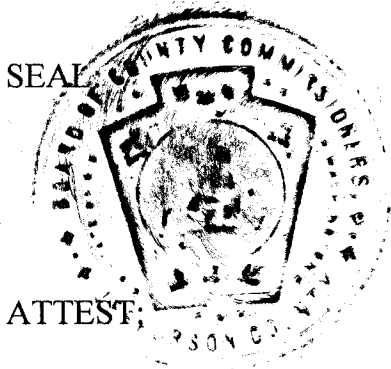
Section Three: If any section of this Ordinance is deemed either non-compliant or invalid pursuant to the Growth Management Act, then the development regulations and/or underlying zoning designations applicable to that parcel or parcels prior to adoption of the non-compliant or invalid section of this Ordinance shall be applicable to that parcel or parcels.

Section Four: If any section of this Ordinance is deemed either non-compliant or invalid pursuant to the Growth Management Act, such a finding of non-compliance or invalidity shall not nullify or invalidate any other section of this Ordinance.

Section Five: The map and legal description are hereby incorporated by attachment.

Section Six: In consideration of the weather emergency situations of December 2007, and within the overall public interest, the Board extended the decision date on these CP amendments to January 14, 2008 by Resolution No. 113-07. The Board's adoption of the motion approving the MPR for Black Point met the legislative intent of Resolution 113-07 as the decision date for the legislative decision. This Ordinance becomes effective on the date it is executed.

APPROVED AND ADOPTED this 28th day of January, 2008.



JEFFERSON COUNTY BOARD OF COMMISSIONERS

Handwritten signature of Phil Johnson in black ink.

Phil Johnson, Chairman

Handwritten signature of David Sullivan in black ink.

David Sullivan

Handwritten signature of Julie Matthes in black ink.

Julie Matthes, CMC  
Deputy Clerk of the Board

Handwritten signature of John Austin in black ink.

John Austin

Approved as to form:

Handwritten signature of David Alvarez in black ink, followed by the date "1/31/2008".

David Alvarez, Deputy Civil Prosecuting Attorney

**Exhibit A** Ordinance No. 01-0128-08

The Pleasant Harbor Master Plan Resort at Black Point shall consist of the properties described below, excluding only that portion of any parcel lying westerly of US 101, and together with DNR leased tidelands supporting the Pleasant Harbor Marina.

**PARCEL A:**

The Northeast 1/4 of the Southwest 1/4 of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

TOGETHER WITH a perpetual non-exclusive <sup>X</sup> easement for road and utility purposes through, across and over the following described property:

Beginning at the Southeast corner of the Southwest 1/4 of the Northwest 1/4 of said Section 15;  
thence run West, along the South line of said Southwest 1/4 of the Northwest 1/4, approximately 175 feet to the Southerly line of Black Point County Road;  
thence Northeasterly, along said Southerly line, to a point 30 feet North of said South line when measured at right angles;  
thence East, parallel to said South line, to the East line of said Southwest 1/4 of the Northwest 1/4;  
thence South 30 feet to the point of beginning;

AND over and across the West 30 feet of the South 30 feet of Government Lot 4 in said Section 15.

Situate in the County of Jefferson, State of Washington.

**PARCEL B:**

The East 1/2 of the Northwest 1/4 of the Southwest 1/4 of Section 15, Township 25 North, Range 2 West, W.M., in Jefferson County, Washington;

EXCEPT that portion thereof, lying within a strip of land conveyed to the State of Washington, for State Road No. 9, Duckabush River-North Section, by deed dated August 28, 1933, and recorded under Auditor's File No. 70817, records of Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

PARCEL C:

Those portions of Sections 15 and 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The Southwest 1/4 of the Southeast 1/4 and Government Lot 7 of said Section 15, and Government Lots 2 and 3 of said Section 22;

EXCEPT those portions thereof lying East of the West line of the East 695.00 feet of said Southwest 1/4 of the Southeast 1/4, and East of the Southerly prolongation of said West line;

ALSO EXCEPT that portion of the West 100.00 feet of said Government Lot 7, lying Southerly of the North 539.00 feet thereof.

TOGETHER WITH tidelands of the Second Class, as conveyed by the State of Washington, situate in front of, adjacent to and abutting upon the West 1/2 in width of said Government Lot 2, in said Section 22.

Situate in the County of Jefferson, State of Washington.

PARCEL D:

That portion of the Northwest 1/4 of the Southeast 1/4 in Section 15, Township 25 North, Range 2 West W.M., lying Southerly of the Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File Nos 223427, records of said County;

EXCEPT that portion described as follows:

That portion of the Northwest 1/4 of the Southeast 1/4 of Section 15, Township 25 North, Range 2 West, W.M., described as follows:

Beginning at the point of intersection of the East line of the Northwest 1/4 of the Southeast 1/4 and the Southerly margin of the Black Point Road;  
thence South along the said East line, a distance of 300 feet;  
thence West 350 feet;  
thence North to the Point of intersection with the Southerly margin of the Black Point Road;  
thence Easterly along said Southerly margin to the Point of Beginning.

Situate in the County of Jefferson, State of Washington.

PARCEL E:

That portion of the Southwest 1/4 of the Northwest 1/4 of Section 15, Township 25 North, Range 2 West, W.M., as follows:

A strip of land 250 feet wide lying Easterly of and parallel to the Southeasterly right-of-way of State Highway 101;

EXCEPT the right of way for Black Point Road as conveyed to Jefferson County by deed recorded under Auditor's File No. 223427 and 410339, records of Jefferson County, Washington.

ALSO EXCEPTING THEREFROM the following described tract:

Beginning at the Southwest corner of Government Lot 3;  
thence North  $88^{\circ} 23' 07''$  West 308.14 feet to the Southeasterly right-of-way of State Highway No. 101, and the TRUE POINT OF BEGINNING;  
thence Southwesterly along said Highway, 117 feet,  
thence South  $88^{\circ} 23' 07''$  East, to a point 175 feet West of the high tide line;  
thence Northeasterly to a point on the North line of the Southwest 1/4 of the Northwest 1/4, 100 feet West of said high tide line;  
thence North  $88^{\circ} 23' 07''$  West to the TRUE POINT OF BEGINNING of this exception.

Situate in the County of Jefferson, State of Washington.

PARCEL F:

Lot 1 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

PARCEL G:

Lot 2 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

PARCEL H:

Lot 3 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Situate in the County of Jefferson, State of Washington.

PARCEL I:

Lot 1, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 to 223 and amended in Volume 3 of Short Plats, pages 8 to 10, records of Jefferson County, Washington, EXCEPT that portion of lot 1 described as follows:

That portion of Government Lot 3 abutting 2nd class tidelands in Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington, being more particularly described as follows:

Commencing at the North 1/4 corner of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington;  
thence South  $88^{\circ} 13' 42''$  East along the North line of said Section 15 for a distance of 364.50 feet to the point of beginning;  
thence continuing South  $88^{\circ} 13' 42''$  East 238.76 feet to the line of mean high tide;  
thence South  $61^{\circ} 12' 00''$  West along the line of mean high tide 34.78 feet;  
thence North  $40^{\circ} 41' 54''$  West along the line of mean high tide 3.31 feet;  
thence South  $62^{\circ} 36' 19''$  West along the line of mean high tide 26.83 feet;  
thence South  $87^{\circ} 54' 36''$  West 166.65 feet;  
thence North  $21^{\circ} 21' 05''$  West 43.00 feet to the point of beginning.

AND ALSO EXCEPTING Second Class tideland as conveyed by the State of Washington, in front of, adjacent to and abutting the above described excepted uplands.

Situate in the County of Jefferson, State of Washington.

PARCEL J: 50215202

Lot 2, Pleasant Harbor Marina Short Plat, as per plat recorded in Volume 2 of Short Plats, pages 221 through 223, and amended in Volume 3 of Short Plats, pages 8 through 10, records of Jefferson County, Washington.

TOGETHER WITH second class tidelands, as conveyed by the State of Washington, situate in front of, adjacent to and abutting thereon.

Situate in the County of Jefferson, State of Washington.

PARCEL K: 502153020 BROWN

Those portions of the Southwest 1/4 of the Southeast 1/4 of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 345.00 feet of said Southwest 1/4 of the Southeast 1/4, as measured along the North line thereof;

TOGETHER WITH that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 345.00 feet;

Situate in the County of Jefferson, State of Washington.

PARCEL L: 502153021 JOAN MANKS

Those portions of the Southwest 1/4 of the Southeast 1/4 of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson County, Washington, described as follows:

The East 520.00 feet less the East 345.00 feet of said Southwest 1/4 of the Southeast 1/4, as measured along the North line thereof.

TOGETHER WITH that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 520.00 feet and West of the Southerly prolongation of the East line of said East 345.00 feet.

Situate in the County of Jefferson, State of Washington.

PARCEL M: 502153022 CHARLES MANKE

Those portions of the Southwest 1/4 of the Southeast 1/4 of Section 15, and Government Lot 2 of Section 22, both in Township 25 North, Range 2 West, W.M., Jefferson Ocutny, Washington, described as follows:

The East 695.00 feet less the East 520.00 feet of said Southwest 1/4 of the Southeast 1/4, as measured along the North line thereof.

TOGETHER WITH that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 695.00 feet and West of the Southerly prolongation of the East line of said East 520.00 feet.

Situate in the County of Jefferson, State of Washington.

Parcel N: 502152017

Lot 4 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, pages 205 and 206, records of Jefferson County, Washington, being a portion of Section 15, Township 25 North, Range 2 West, W.M., Jefferson County, Washington.

Records examined to February 10, 2006, at 8:00 A.M.

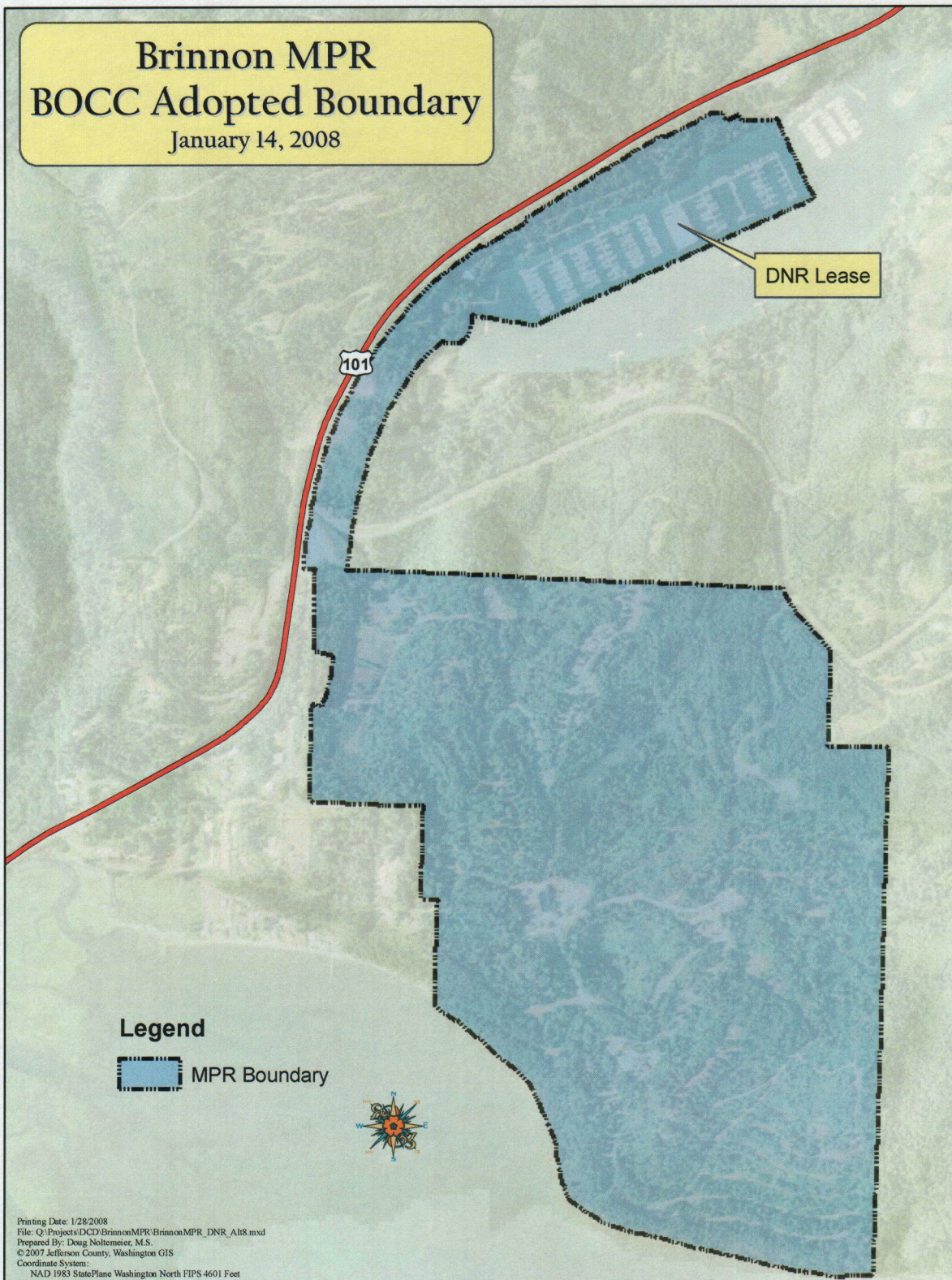
Ordinance Number: 01-0128-08

## Exhibit B


MLA06-87 Map: BoCC-Adopted Boundary, Brinnon MPR

# Brinnon MPR BOCC Adopted Boundary

January 14, 2008



## Legend

 MPR Boundary



Printing Date: 1/28/2008  
File: Q:\Projects\DCD\BrinnonMPR\BrinnonMPR\_DNR\_Alt8.mxd  
Prepared By: Doug Noltemeyer, M.S.  
© 2007 Jefferson County, Washington GIS

Coordinate System:  
NAD 1983 StatePlane Washington North FIPS 4601 Feet  
Datum: North American 1983  
DISCLAIMER: Jefferson County does not attest to the accuracy of the data contained herein and makes no warranty with respect to its correctness or validity. Data contained in this map is limited by the method and accuracy of its collection.


0 250 500 1,000 Feet  


Figure 8

**NOTICE OF ADOPTION BY THE  
JEFFERSON COUNTY BOARD OF COMMISSIONERS  
OF COMPREHENSIVE PLAN AMENDMENTS**

**NOTICE IS HEREBY GIVEN** that the Board of County Commissioners (BoCC) for Jefferson County enacted Ordinance #[Replace with number] on January 28, 2008, thereby adopting the Brinnon MPR Comprehensive Plan amendment associated with the 2007 Comprehensive Plan amendment cycle; the decision having been made on January 14, 2008, following the schedule outlined in Resolution #113-07, signed on December 10, 2007.

The Adopting Ordinance was enacted during the regular Consent Agenda at **9:30 AM** in the BOCC Chambers, Jefferson County Courthouse, 1821 Jefferson St., Port Townsend. Following is a brief description of this amendment to the Comprehensive Plan. This case has a Master Land Use Application (MLA) file number for reference and is a site-specific amendment.

**MLA06-87:** The Statesman proposal was approved as revised with conditions, to amend the Jefferson County Comprehensive Plan on pages 3-23 and 3-45. The comprehensive plan narrative on page 3-23 would be amended to add language below the last paragraph to read:

“Early in 2008, Jefferson County designated a new master planned resort (MPR) in Brinnon. The new master planned resort is 256 acres in size and includes the Pleasant Harbor and Black Point areas. The Marina area is existing and would be further developed to include additional commercial and residential uses such as townhouses and villas. The Black Point area of the new resort would include new facilities such as a golf course, a restaurant, a resort center, townhouses, villas, staff housing, and a community center. The overall residential construction would not exceed 890 total units.”

The comprehensive plan land use map designations on page 3-45 for this area would be changed to reflect a master planned resort as outlined in the November 27, 2007 final environmental impact statement on page 1-4.

Five additional site-specific Comprehensive Plan Amendments for the 2007 amendment cycle are enacted in a separate Adoption Ordinance.

**Availability of Information:** Copies of the adopted ordinance are available at the Jefferson County Courthouse, 1821 Jefferson St., Port Townsend WA 98368, (360) 385-9100. A copy of the full text of the ordinance will be mailed out upon request. Background information is available at the Dept. of Community Development, 621 Sheridan Street, Port Townsend and on the DCD web pages: [www.co.jefferson.wa.us/commdevelopment](http://www.co.jefferson.wa.us/commdevelopment). Contact Karen Barrows for more information: (360) 379-4482 or [kbarrows@co.jefferson.wa.us](mailto:kbarrows@co.jefferson.wa.us).

## **Appendix L**

### Vegetation Management Plan



**"RMG"**

**RESOURCE MANAGEMENT GROUP**

**In Association With:**

**BLACK ROCK, LLC**

**MERRYMAN RESOURCE MANAGEMENT, LLC**

**VEGETATION MANAGEMENT PLAN**

**PLEASANT HARBOR MASTER PLANNED RESORT**

**JULY 19, 2017**

**PREPARED FOR:**

**STATESMAN CORPORATION  
C/O GARTH MANN**

**7370 SIERRA MORENA BOULEVARD SOUTHWEST  
CALGARY, ALBERTA T3H4H9  
CANADA**

# PLEASANT HARBOR MASTER PLANNED RESORT

## VEGETATION MANAGEMENT PLAN

### TABLE OF CONTENTS

- 1.0 Introduction / Purpose**
- 2.0 Governing Document Hierarchy**
- 3.0 Vegetation Management Practices (VMP's)**
  - 3.1 VMP #1 / View Maintenance
  - 3.2 VMP #2 / Fire Safety
  - 3.3 VMP #3 / Slope Stability
  - 3.4 VMP #4 / Noxious Plant Removal
  - 3.5 VMP #5 / Removal of Danger Trees
- 4.0 Sensitive Area Restrictions**
- 5.0 Chemical Application, Removal, and Spill Cleanup**
- 6.0 Monitoring Methods**
- 7.0 Summary / Conclusion**
- 8.0 Appendix: "Forest Report, Pleasant Harbor Marina and Golf Resort"**

## 1.0 INTRODUCTION / PURPOSE

Pleasant Harbor Master Planned Resort is situated on approximately 257 acres in the Pleasant Harbor and Black Point areas on the west side of Hood Canal. The finished resort complex will consist of a 9-hole championship golf course, residential housing, marina and maritime village.

The Pleasant Harbor Master Planned Resort (MPR) proposal was the subject of programmatic environmental review associated with a Jefferson County action to amend their Comprehensive Plan to designate the Pleasant Harbor and Black Point areas, south of the town of Brinnon, as a Master Planned Resort. The Jefferson County Board of County Commissioners (BoCC) imposed thirty conditions of approval on the Comprehensive Plan amendment, as set forth in Ordinance No. 01-0128-08. Current project level environmental review effort requires demonstrating compliance with these 30 conditions. Five of the conditions relate to preparation of this Vegetation Management Plan. The five conditions address general and specific issues as they pertain to the health and condition of vegetation on the Pleasant Harbor / Black Point site. The conditions also address potential effects that may result from development of the site both during the construction phase and forward into the future. In addition to assisting in management of vegetation in general, this Vegetation Management Plan supports the Pleasant Harbor *Wildlife Management Plan*<sup>1</sup> report in a variety of ways by means of encouraging the long term viability and functional nature of coniferous and deciduous forest communities and other wildlife supportive attributes found on the Pleasant Harbor / Black Point area.

The "*Forest Report, Pleasant Harbor Marina and Golf Resort*", hereinafter referenced as the "*Forest Report*" is attached to this Vegetation Management Plan. The "*Forest Report*" describes current existing conditions of forested areas located on the property (see Appendix).

## 2.0 GOVERNING DOCUMENT HEIRACHY

Per the Jefferson County Department of Community Development, the hierarchy of consideration when evaluating vegetation management is as follows.<sup>2</sup>

Legal, governing documents

1. Any applicable Federal and State Laws.
2. Jefferson County Critical Area Ordinance (CAO) and CAO maps.
3. Jefferson County BoCC Ordinance 01-0128-08
4. Other Local area agreements and requirements (if any).

Other essentials:

- Jefferson County Noxious Weed Control Board (NWCB) Fact Sheets  
[www.co.jefferson.wa.us/WeedBoard/](http://www.co.jefferson.wa.us/WeedBoard/)
- National Fire Protection Organization's Firewise Communities website  
<http://www.firewise.org/>

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<sup>1</sup> Jennifer L. Dadisman and Joseph O. Callaghan, *Wildlife Management Plan, Pleasant Harbor Master Planned Resort*, Geo-Engineers Technical Report File 12677-001-12

<sup>2</sup> Teal Lake Village Homeowners Association, *Comprehensive Vegetation Management Plan*, Copy furnished by Jefferson County DCD. (<http://www.plsbca.org/teal/2016-TLV-Vegetation-Management-Plan.pdf>)

- “Plant Selection Guide”, contained within Washington State Department of Ecology (DOE) Publication Number 9330 titled “Slope Stabilization and Erosion control Using Vegetation”  
<https://fortress.wa.gov/ecy/publications/documents/9330.pdf>
- “Vegetation Management: A guide for Puget Sound Bluff Property Owners” contained within Publication Number 9331  
<https://fortress.wa.gov/ecy/publications/documents/9331.pdf>

### **3.0 VEGETATION MANAGEMENT PRACTICES (VMP's)**

#### **3.1 VMP #1 / Alteration for View Maintenance**

Where it may be desirable to remove or trim trees for view maintenance, it is strongly encouraged to:

- Consider selective removal to establish view corridors. A view that is framed by trees is usually considered more desirable than one where all trees are removed. Denuding large areas of trees can create drainage, slope stability, and aesthetic problems, and will therefore not be allowed.
- Look to other means to maintain a view including thinning, windowing, or selective limb removal.
- Refrain from topping trees as it will necessitate ongoing maintenance, may weaken the tree and doing so may present a safety concern.

#### **3.2 VMP #2 / Alteration for Fire Safety**

- Addressing fire safety concerns by means of altering vegetation on areas within the Pleasant Harbor MPR area shall give weight to recommendations from the National Fire Protection Association’s Firewise Program ([www.firewise.org](http://www.firewise.org)) Among many suggestions for protection of lives and property, it recommends that within a minimum distance of 30 feet surrounding dwellings, vegetation should consist of native fire resistant shrubs, grasses, and other plantings, or be controlled by maintained cutting to a level of four to six inches, and debris should be removed from the area.
- In some timbered portions of the Pleasant Harbor property “Fuel Ladder” issues exist where thick and tall understory vegetation provides a burn route that often will enable a forest fire to reach the upper canopy limbs of dominant trees. Should a forest fire occur in this situation, it is far more likely to be catastrophic in its effect on the vegetation community in which it occurs. Forested areas of the property should be inventoried for this situation and evaluated for understory preventative treatment where prudent.

#### **3.3 VMP #3 / Alteration for Slope Stability**

- Any alteration of vegetation within an area considered a “Critical Area” due to natural characteristics and/or inclusion on the Jefferson County Critical Area Map shall be done in compliance with the Jefferson County Critical Area Ordinance (CAO).
- If the area in question lies within a mapped critical area or exhibits critical area characteristics and the owner desires to verify or disprove critical area status, the owner must at their own cost, hire a licensed engineering geologist to assess such status. After review by the licensed engineering geologist the ownership may bring geologist’s

report of findings to the Department of Community Development (DCD) and request a change in the Critical Area Map.

### 3.4 VMP #4 / Alteration for Noxious Weed Removal

- Noxious weed control or removal should follow BMP guidelines as described by the Jefferson County NWCB's "Fact Sheet" for each type of weed addressed (see web links below).
- Should chemical treatment of weeds be selected as a method of treatment it shall adhere to all required stipulations for use as found in Federal, State, and local regulations (refer to Plan Section 5.0 "Chemical Application, Removal, and Spill Cleanup" for additional information).
- Many web sites offer additional information on control of Noxious Weeds as well as documentation on chemical recommendations and use requirements. Below are links to two Jefferson County's sites featuring additional information on noxious weeds.

[www.co.jefferson.wa.us/WeedBoard/](http://www.co.jefferson.wa.us/WeedBoard/)

[http://www.co.jefferson.wa.us/WeedBoard/pdfs/Weed\\_List.pdf](http://www.co.jefferson.wa.us/WeedBoard/pdfs/Weed_List.pdf)

### 3.5 VMP #5 / Alteration for Tree Hazard Management

- Definition of a Hazard Tree:  
A tree may be considered potentially hazardous if it is situated in an area frequented by people or is located adjacent to valuable facilities. A tree becomes more dangerous if it has defects in its roots, bole (trunk), or branches that may cause or accelerate failure resulting in property damage, personal injury or death.<sup>3</sup> Remember also that a tree without any identifiable defect may, by simple proximity, be dangerous in natural situations such as a severe wind event. The degree of hazard varies with size of the tree and the defect type and location within the tree's structure. Site managers must be aware of these issues, know how to recognize and evaluate them, and be diligent in correcting or mitigating potential damage. Conscientious assessment and abatement would make the site safer and more enjoyable.<sup>4</sup>
- The Jefferson County *Shoreline Master Program* definition of a hazard tree reads as follows:  
"Hazard tree" means any tree that presents a risk to persons or property due to a high probability of falling in the near future because of a debilitating disease, a structural defect, a root ball significantly exposed, or having been exposed to wind throw within the past 10 years. Hazardous trees include, but are not limited to, conditions where a permanent, primary structure or appurtenant or accessory structure is within one and one-half tree lengths of the base of the trunk. Where not immediately apparent to the administrator, the hazard tree determination shall be made after review of a report prepared by a certified arborist or forester.<sup>5</sup>

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<sup>3</sup> G.W. Wallis, D. J. Morrison, D. W. Ross, *Tree Hazards In Recreational Sites In British Columbia, Management Guidelines*, (B.C. Ministry of Environment and Parks, Canadian Forest Service, Joint Report No. 13, 1987), p6.

<sup>4</sup> Ibid, p6

<sup>5</sup> Jefferson County SMP Update, Chapter 18.25, Article II.

- It is important to note that regulatory jurisdictions sometimes vary in their requirement for maximum distance between tree base and structure. In particular, in individual cases on steep hills and in high wind exposure areas, it may be prudent to increase the setback distance from tree base to target to assure adequate protection from falling trees. In areas heavily used by people, it may also be prudent to evaluate hazard exposure levels, irrespective of the presence or lack of structures.
- Hazard Trees and Associated Liabilities: Any tree could present some degree of hazard no matter how sound it might appear. Prudence should rule when public safety is potentially at risk. Wind, weather, gravity, time, disease, insects; all these threats are continuous in their attack on sound and secure trees. Another adversary of sound tree structure and safety is the natural process of maturation that all trees go through, some species being more long lived than others. These influences all interact to increase the likelihood of failure. The extent of liability depends in large part on the preventative actions of the management team. Negligent acts or omission are simply not acceptable. Managers must be proactive and responsible to actively minimize hazard and reduce danger.

For additional information regarding tree hazards present on site, methods of treatment, and a straightforward tree hazard danger rating system to help less experienced observers initially come to terms with hazard tree issues, please refer to the *“Forest Report”* (see Appendix).

#### **4.0 SENSITIVE AREA RESTRICTIONS**

Streams, Wetlands, Cultural sites, Shorelines, and other identified areas of note shall be protected in compliance with all Federal, Washington State, Jefferson County, and other applicable local requirements.

#### **5.0 CHEMICAL APPLICATION, REMOVAL AND SPILL CLEANUP**

Any use of chemicals for purposes of this Vegetation Management Plan shall be done in strict accordance with applicable rules, regulations, and label directions.

Chemical spill and cleanup information can be obtained from the following links:

<http://www.ecy.wa.gov/programs/spills/other/reportaspill.htm>

<https://www.epa.gov/pesticide-incidents/how-report-spills-and-environmental-violations>

#### **6.0 VEGETATION MONITORING METHODS**

The following are suggested as methods for assessment of vegetation health and condition in the Pleasant Harbor MPR project.

##### **Situation Response**

Reports will from time to time be communicated by visitors, and residents or employees indicating something may have occurred impacting vegetation in the MPR area. This communication can take many forms, from casual reports and comments to more formal

observation by employees and others with more specific responsibility. Encourage employees and others to report things when they see them.

### **Repetitive Point Monitoring**

To identify slower less observable changes in vegetation health, competition, occurrence of invasive and noxious species, and other challenges; it is suggested repetitive monitoring be established in such a way so it may provide evidence of unhurried modifications that occur over time and are sometimes difficult to track.

- One helpful method used to identify slow change would be to establish photo points at which an inventory of scope and frequency of issues (or the lack of issues) can be evidenced by repetitive photo records. Using a time interval ranging from monthly to quarterly to annually depending on potential concerns would work well to help trigger timely problem recognition and resolution should a problem arise.
- An example of an ongoing issue already occurring on the Pleasant Harbor property is the ever increasing occurrence of laminated Root Rot (*Phellinus sulphurascens* (Pilát) [formerly *Phellinus weirii* (Murr.)Gilb. Douglas-fir form]. This pathogen affects trees slowly by spreading out in an ever increasing circle via transmission through root grafts underground. The slow spread of disease would be more easily apparent on annual photographs from the same point.
- Another example of the use of pictures would be to photograph the Highway 101 roadside areas passing through the Pleasant Harbor area. Changes would be recorded and without difficulty, tracked to identify vegetation degradation or improvement over time.
- As a side note, additional benefit may be possible in using photo recording points to track Resort Complex development creating a historical legacy in future times.

### **Single occurrence sample inventory**

- Single occurrence measurement quantifies any number of samples of a condition or conditions at a specific time, such as at season end or beginning or after a specific event has occurred. It can be used to measure such conditions as stocking levels in tree stands, disease occurrence, or an infestation of noxious and/or invasive species within a particular forest area. Necessary plots would be measured and results tabulated in a single sampling event rather than over a broader time period.

### **Establishing a baseline**

- To measure change between repetitive sample occurrences, an effective baseline is required from which change can be calculated with each new sampling effort. It is anticipated that the "Forest Report" (see Appendix) can provide the first baseline from which to measure subsequent improvements in vegetation vigor and health in all parts of the Pleasant Harbor / Black Point areas of the Pleasant Harbor MPR site.

## **7.0 SUMMARY / CONCLUSION**

This Vegetation Management Plan shall serve as a roadmap for achieving and maintaining a desired future condition.

Current conditions presented in the "*Forest Report*" provide necessary information regarding the current state of vegetation on the Pleasant Harbor MPR site (see Appendix).

When current condition maps are overlain with the footprint of the proposed MPR development the site management team can begin working to formulate specific operational prescriptions.

These prescriptions, using methods and treatments most appropriate to the site, will in turn provide a pathway towards ultimate vegetation goals and objectives established following the guidelines presented by the BoCC in Ordinance No. 01-0128-08.

The vegetation management team would vary in its makeup from time to time, depending on the planning and specific development activity best suited at each juncture of the project planning sequence.

Appropriate professionals from such disciplines as Forestry, Arboriculture, Horticulture, and Landscape Architecture would be consulted as needed.

## **8.0 APPENDIX: "*Forest Report, Pleasant Harbor Marina and Golf Resort*"**



**"RMG"**  
**RESOURCE MANAGEMENT GROUP**

In Association With:

**BLACK ROCK, LLC**

**MERRYMAN RESOURCE MANAGEMENT, LLC**

**FOREST REPORT**

ORIGINAL REPORT DRAFT SUBMITTED FOR JEFFERSON COUNTY REVIEW IN AUGUST 2009

**Appendix to the**  
**VEGETATION MANAGEMENT PLAN**  
**Pleasant Harbor Master Planned Resort**  
**July 19, 2017**

PREPARED FOR:

**STATESMAN CORPORATION**  
**C/O GARTH MANN**

**7370 SIERRA MORENA BOULEVARD SOUTHWEST**  
**CALGARY, ALBERTA T3H4H9**  
**CANADA**

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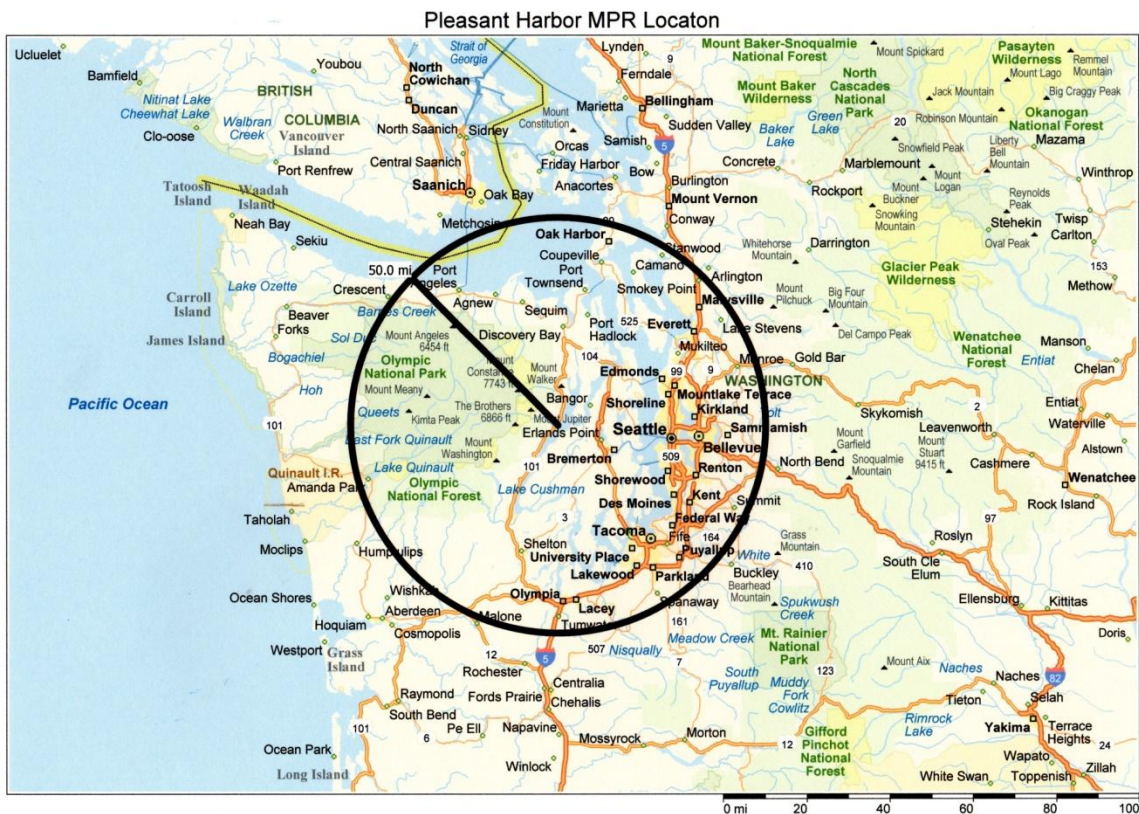
### **8.0 RECOMMENDATIONS**

## 1.0 INTRODUCTION

Resource Management Group (RMG) is an association of companies and individuals, each specializing in supplying support services to their client's site development efforts. One area of expertise where RMG provides solutions and support for client needs is in Forest and Forestry related issues. RMG was initially contacted by Craig Peck, P.E. for the Statesman Corporation project at Pleasant Harbor. In this contact, RMG was asked to evaluate the existing forest communities associated with the Pleasant Harbor MPR project and document their overall condition.

## 2.0 LOCATION OF DEVELOPMENT

The Pleasant Harbor Master Planned Resort (MPR) development is located on the eastern side of the Olympic Peninsula and adjacent to the western shore of Hood Canal. It occupies a portion of Sections 15 and 22 in Township 25 north, Range 2 west (of the Willamette Meridian). The proposal area is situated near the southeastern corner of Jefferson County, WA and fronts on Highway 101. It lies approximately 4 miles south of the small town of Brinnon.



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Figure 1 / General area map showing fifty mile radius surrounding Pleasant Harbor MPR

## Forest Report Pleasant Harbor Master Planned Resort

The Pleasant Harbor Master Planned Resort (MPR) project referred to in this study covers a land area of approximately 257 Acres. This area is part of the East Olympic and Hood Canal River Basins and the Skokomish-Dosewallips Water Resource Inventory Area (WRIA16).

A majority of the project acreage is located on Black Point which forms a peninsula into Hood Canal, with its southern edge bordering the Dosewallips River delta and bounded on the north by the Pleasant Harbor Marina area. This acreage consists of many low lying hills, ravines and glacial kettles. The site has been used for many years as a recreational vehicle (RV) and campsite resort and contains many developed roads, RV pads, utilities, restrooms and RV septic dumping facilities.

The remainder of the project site consists of the Pleasant Harbor Marina and closely associated upland property. These areas are quite active at present with the following permitted uses:

- Marina with multiple docks and boat slips
- Marina-associated support structures including a restaurant and small grocery
- One large single family detached home
- Bed and Breakfast business
- Real Estate office

### **3.0 DESCRIPTION of PROPOSED MASTER PLANNED RESORT (MPR)**

The Statesman Corporation intends to develop a mixed use Master Planned Resort on their Pleasant Harbor property. The project would consist of two areas of endeavor: developing a Maritime Village on property that overlooks the harbor area, and developing a golf course and golf resort on the 204 acres of the Black Point Peninsula.

The MPR proposal was the subject of programmatic environmental review associated with a Jefferson County action that amended their Comprehensive Plan to designate the Pleasant Harbor and Black Point areas, south of the town of Brinnon, as a Master Planned Resort (MPR). The Jefferson County Board of County Commissioners (BoCC) imposed 30 conditions of approval on the Comprehensive Plan amendment, as set forth in Ordinance No. 01-0128-08. The current project-level environmental review effort requires demonstrating compliance with these 30 conditions, five of which relate to preparation of this Forestry Report:

- a. *[The SEIS shall include] an analysis of environmental impacts to be based on science and data pertinent to the Brinnon site.*
  
- s. *The developer will ensure that natural greenbelts will be maintained on U.S. Highway 101 and as appropriate on the shoreline. Statesman shall record a conservation easement protecting greenbelts and buffers to include, but not be limited to a 200 foot riparian buffer along the steep bluff along the south Canal shoreline, the strip of mature trees between U.S 101 and the Maritime Village, wetlands and wetland buffers. Easements shall be perpetual and irrevocable recordings dedicating the property as natural forest land buffers. Statesman at its expense shall manage these easements including removing, when appropriate, naturally fallen trees and replanting to retain a natural visual separation of the development from Highway 101.*

- u. In keeping with the MPR designation as located in a setting of natural amenities, and in order to satisfy the requirements of the Shoreline Master Program (JCC 18.15.135[1][2][6]), the greenbelts of the shoreline should be retained and maintained as they currently exist in order to provide for screening of facilities and amenities so that all the uses within the MPR are harmonious with each other, and in order to incorporate and retain, as much as feasible, the preservation of natural features, historic sites and public views. In keeping with the Comprehensive Plan Land Use policy 24.9, the site plan for the MPR shall be designed to blend with the natural setting and to the maximum extent possible, screen the development and its impacts from the adjacent rural areas. Evergreen trees and understory should remain as undisturbed as possible. Statesman shall infill plants where appropriate with indigenous trees and shrubs.*
  
- v. In keeping with an approved landscaping and grading plan, and in order to satisfy the intent of JCC 18.15.135(6) and with special emphasis at the Maritime Village, the buildings will be constructed and placed in such a way that they will blend into the terrain and landscape with park-line greenbelts between the buildings.*
  
- w. Construction of the MPR buildings will be completed in a manner that strives to preserve trees that have a diameter of 10 inches or more at breast height. An arborist will be consulted and the ground staked and flagged to ensure roots and surrounding soil of significant trees are protected during construction. To the extent possible, trees of significant size (10 inches or more in diameter at breast height [DBH]) that are removed during construction shall be made available with their root wads intact for possible use in salmon recovery.*

#### **4.0 PROPOSED SCOPE OF SERVICE (by Location)**

RMG's support service proposal made to Statesman Corporation was designed to evaluate forest health and identify hazardous trees (where applicable) in the Maritime Village Commercial and Residential areas, as well as in the Black Point Golf Resort area. Within the Maritime Village, condition of trees within the 200 foot shoreline buffer was also evaluated. This initial survey of forest health would then serve future operational needs as a precursor to more advanced stages of planning, permitting and development. The forest evaluation was also an early step in a course of action designed to comply with the five applicable Jefferson County BoCC conditions listed above in Section 3.0 as "Conditions of Approval; a, s, u, v, and w".

#### **4.1 Maritime Village**

##### **4.1.1 Maritime Commercial**

- a) Conduct an initial assessment of trees and of the distribution and health of "significant trees" at least 10 inches in diameter at breast height (DBH) and larger, by sub-area within the existing and future development areas of the Maritime commercial site.
- b) Identify specific pathological issues and impacts present on the site, the future impact of those issues and impacts on the proposed development, and their potential to affect the MPR project in its ability to comply with BoCC conditions of approval.
- c) Identify the variety of types of mechanical trauma or stress that has occurred to individual trees on the site, the future impact of trauma and stress issues on the proposed MPR development,

and the potential effect those issues may have on the MPR project's ability to comply with BoCC conditions of approval.

- d) Review historical items relative to the forest on the site, including the overall health of the existing forest in this area and what effect prior and current uses may have on future forest health.
- e) Locate, categorize, and photograph specific examples of the identified issues including significant trees as defined by Jefferson County criteria.
- f) Identify hazard/danger trees.
- g) Discuss potential operations and activities that may be necessary in mitigation of tree health and safety issues.
- h) Conduct an overall assessment of existing site and slope conditions and discuss appropriate methods for removal of dangerous trees.
- i) Suggest suitable Silvicultural methods for improving the existing forest environment including potential to enhance the future MPR development vegetated areas by planting additional or replacement indigenous trees and shrubs.

#### **4.1.2 Maritime Residential**

- a) Review issues presented by a combination of future waterfront activity and development, steep slopes and well defined upland areas.
- b) Complete a similar review as described for the Commercial area with sub-areas uniquely identified within the Maritime Residential area.
- c) Identify various timber type groups present and identify both on vertical aerial imagery and by use of individual photos taken from ground level.
- d) Discuss observations regarding impacts from past activity on the site and recommendations made similar to above.

#### **4.2 Black Point Golf Course and Resort**

The scope of work in this area covers not only forest health but the overall impact to the site from prior timber harvest activities as well as impact to the areas disturbed by the activities of the Black Point Campground. RMG will review the history of the site, give a description of specific activities in various areas over time, and the types of impacts the site has been subjected to. This will be in contrast to the current status of the forest. Specific areas having received varying impact levels will be segregated and identified. RMG will discuss various treatment and development options as well as considerations regarding erosion control, native or leave areas (buffers), and potential nursery set aside areas, wetlands and development with restoration.

### **5.0 METHODOGY**

#### **5.1 Paper and Document Inventory Review / Historical Review**

RMG conducted a review of the existing documentation provided to them by Mr. Craig Peck, P.E. of Craig A. Peck & Associates. This included information from GeoEngineers, historical maps and information about American Campgrounds, Soil and Geology Evaluation by the Subsurface Group, Wetland Delineation prepared by GeoEngineers, and aerial photography from the Washington Department of Transportation. Additional forestry references were consulted as needed and are identified in Sections 6 and 7.

Historical aerial photographs show the Maritime Village area, especially the area of the current marina buildings and pool, to have been the site of log dumping and rafting operations in previous years.



Figure 2 / Historical log dumping and rafting operation in Pleasant Harbor, circa 1965  
Photo: DNR / WSDOT Aerial Photography Lab / Annotation: RMG

## 5.2 Field Work, Reconnaissance & Photography

### 5.2.1 Maritime Village

RMG coordinated with on-site marina staff for a number of visits to perform the necessary field work for this project. RMG representatives from Black Rock LLC, Merryman Resource Management, LLC, with field work task support from Washington Timberland Management, Inc. conducted a preliminary review by dividing the commercial and residential portions of the Maritime Village into nine (9) sub areas. Six of the nine sub-areas were located within the Maritime Commercial area and three were located within the Maritime Residential area. These areas were identified and delineated using flagging, position of existing structures, and other easily identifiable features on site. Preliminary tree counts were made within each sub-area. Several site visits focused on specific danger trees and forest pathology. The last group of visits was dedicated to photographing specific examples of issues identified in this Forest Report.

### 5.2.2 Black Point Golf Course and Resort

The Black Point area of the proposed MPR presents a significantly different challenge in comparison to the Maritime Village area. Based on the overall size of the Golf Course Resort area, a combination of on-

site visits and the use of historical aerial photography and other documents were chosen to best enable formulating a description of the condition of this property.

To better understand the existing campground and its effect on current vegetative site conditions within the Black Point area, specific historical information was evaluated that pertained to the extent of environmental disruption required for initial campground development. Utility installations were examined on “as-built” plans that identified the extent of underground piping and associated excavation necessary for the complex water system serving the current campground layout. Additional drawings showed previously planned and installed camp sites and roads. On-site visits confirmed the existence of the extensive water system as well as numerous restroom facilities and associated drain fields and septic tanks.

Many camp site areas had connections for propane tanks and hookups were available at individual sites. Availability of propane resulted from the installation of an underground distribution piping network. Power also was provided throughout the property, serving many campsite areas as well as the abundance of buildings that now still exist scattered throughout the Black Point RV area. Due to the scope of impact from buildings and other structures, water lines, power distribution, and propane installations, an aerial overview gives the best opportunity to examine and understand the wide spread extent of these facilities.

## **6.0 EXISTING CONDITIONS**

Vegetation presently found on the overall MPR project area consists primarily of an overstory of Douglas-fir (*Pseudotsuga menziesii*) with occurrences of Red Alder (*Alnus rubra*), Black Cottonwood (*Populus trichocarpa*), Bitter Cherry (*Prunus emarginata*), Bigleaf Maple (*Acer macrophyllum*), and Pacific Madrone (*Arbutus menziesii*). Broadleaf shrubs and other plants found in the understory typically include: Red-Flowering Currant (*Ribes sanguineum*), Scotch Broom (*Cytisus scoparius*), Vine Maple (*Acer circinatum*), Salal (*Gaultheria shallon*), and Evergreen Huckleberry (*Vaccinium ovatum*).

### **6.1 Maritime Village**

A variety of conditions were found to exist in the Maritime Village ranging from historical issues related to prior use, to such current issues as hazard trees and forest disease. Study of the nine sub-areas within the Maritime Village area identified those issues and their distribution. For additional details on conditions identified in within the Maritime Commercial and Maritime Residential sub-areas of the Maritime Village, please refer to Table 1 on Page 19, Table of Environmental and Mechanical Influences affecting the Maritime Village Area.

#### **6.1.1 Maritime Commercial**

The six (6) sub-areas studied within the Commercial portion of the Maritime Village area are identified in Figure 3. Those areas are specifically addressed as follows:

##### **MC-1 Sub-area:**

Sub-area MC-1 lies at the NW extremity of the Commercial area. This sub-area spans between Highway 101 and the Harbor high tide line and is further defined by the main access and other roads serving the marina (see Figure 3).

This sub-area contains areas of relatively untouched second growth timber. Native trees and plants observed typify those common to the whole property. Douglas-fir is predominant species. Also present are Western Redcedar and occasional hardwoods.

Located within the *MC-1* sub-area is an old swimming pool. The pool is no longer used for recreation, having been converted to a water storage facility for fire emergency use. Sub-area *MC-1* contains a dug well and a drilled well and well access road.

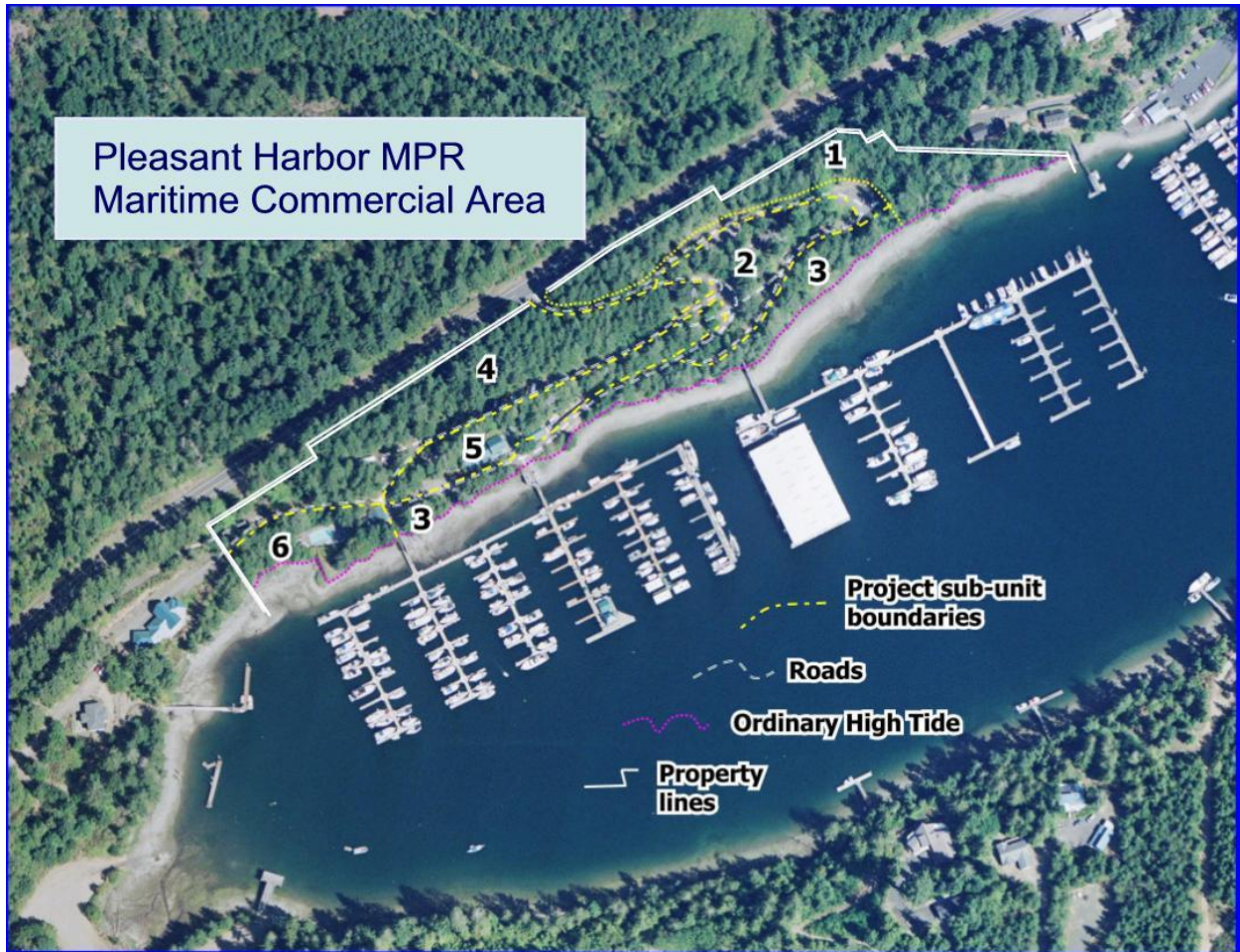


Figure 3 / Annotated Photo of Maritime Commercial Area  
Photo: DNR / WSDOT Aerial Photography lab / Annotation: RMG

For additional details on conditions identified in the *MC-1* sub-area, please refer to Table 1, Environmental and Mechanical Influences affecting the Maritime Area.

In conversations with Project Engineer, Craig Peck of Craig A. Peck & Associates, it was disclosed that this portion of the Marina property is designated for reservation as a forest preservation area in the final development plan.

*MC-2 Sub-area:*

Sub-area *MC-2* is defined by roads on all sides. It is a small heavily impacted portion of the marina property (see Figure 3). This sub-area contains narrow bands of relatively untouched second growth

timber. These timbered areas have been impacted on all sides by construction of roads and buildings in previous years. Native trees and plants found in this area typify those common to the whole property. Douglas-fir is the predominant species and also present are Western Redcedar and occasional hardwoods.

For additional details on conditions identified in the MC-2 sub-area, please refer to Table 1, Environmental and Mechanical Influences Affecting the Maritime Area.



Figure 04 – Image #2744 & 2747 / Heart rot tree overhanging Marina buildings and service area / Photo: RMG

MC-3 Sub-area:

Sub-area MC-3 is that area located between the lowest road and the high tide line of the harbor. This area runs the length of the waterfront from its common line with Sub-unit MC-1, to the boundary of Sub-area MC-6 near the waterside swimming pool (see Figure 3). It is a heavily impacted portion of the Maritime Commercial area. It occupies a narrow sliver of land between road and water and fronts on the maintenance and work areas, the grocery store / restaurant building, and also the access routes to the docks. Douglas-fir is the predominant species and also present are Western Redcedar and occasional hardwoods.

For additional details on conditions identified in the MC-3 sub-area, please refer to Table 1, Environmental and Mechanical Influences Affecting the Maritime Area.



Figure 05 – Image #2662/ Dead trees behind and overhanging buildings / Photo: RMG

#### MC-4 Sub-area

This area is generally characterized by steeper slopes beginning at a cut bank on the uphill side of the upper road and parking lot. The slope continues uphill to the Highway 101 right of way line. The western edge of sub-area *MC-4* is at the eastern edge of the Residential portion of the Maritime Village Area. This sub-area contains the most consistent conifer timber stand in the Commercial portion of the Maritime area. Native trees and plants found in this area typify those common to the whole property. Sub-area *MC-4* contains a domestic well and storage tank serving the current marina. Sub-area *MC-4* also contains a short road which serves the well site.

For additional details on conditions identified in the *MC-4* sub-area, please refer to Table 1, Environmental and Mechanical Influences Affecting the Maritime Area.



Figure 06 Image #2708 / Dead tree overhanging parking area near the east end of MC-4  
Photo: RMG

### MC-5 Sub-area

The *MC-5* sub-area can easily be characterized as the “Operations Center” of the current marina complex. This area runs parallel to the water and is located between the lower waterfront road and the upper road/parking lot area.

Many of the hazard trees located here hang above the marina office, storage area, restaurant etc. Of particular note within sub-area *MC-5* are hazard trees of medium to high failure potential that are within striking distance of buildings, the parking areas, and foot traffic underneath (see Figures 4, 5, 6).

Within this sub-area trees have been impacted by environmental and mechanical influences. Native trees and plants found in this area typify those common to the whole property.

For additional information on conditions identified in the *MC-5* sub-area, please refer to Table 1, Environmental and Mechanical Influences affecting the Maritime Area.



Figure 07 Image #2704 / Mechanical root damage at road edge in Marina Commercial area / Photo: RMG



Figure 08 / Image #2673 / Dead tree with broken top that hit maintenance area near center of MC-5 / Photo: RMG

MC-6 Sub-area

Sub-area MC-6 is that area occupying the fenced pool and recreation site along with the waterfront area lying between the most westerly ramp to the boat docks and the eastern edge of the Maritime Residential area (see Figure 3)

Within this sub-area trees have been impacted by environmental and mechanical influences. For further information please refer to Table 1, Environmental and Mechanical Influences affecting the Maritime Area.

Wave and tidal erosion of the high tide area of the harbor is causing pronounced lean and unbalanced growth patterns that lead to higher levels of tree failure potential. Tree bole scaring and root damage has resulted from past construction activity and vehicle traffic. Trees show indications of Root Rot and Heart Rot infection. The Marina Area as a whole demonstrates an excellent example of a heavily impacted forest area. From past log dumping and rafting (see Figure 2), to the extent of the current marina operation (see Figure 3); a very large percentage of this area is now converted in use from a forest growth focus to other purposes and activities.



Figure 9/ Image #2654 / Machine graded terraced beach area at high tide line, MR-1 area looking towards MC-6 swimming pool / Photo: RMG

**6.1.2 Maritime Residential**

For identification of the three Sub-areas within the Residential portion of the Maritime Village, please see Figure 10 below.



Figure 10 / Maritime Residential Area / Photo: DNR / WSDOT Aerial Photo Lab / Annotation: RMG

Note: Fig 10 Property lines are approximate only and subject to adjustment

**MR-1 Sub-Area:**

This area is best described as a fairly uniform stand of Douglas-fir beginning at or just above the ordinary high water line of the harbor and extending up to the edge of Highway 101. It has been selectively logged in the area of the two homes, yards, and parking areas. Considerable work has been done in creating these building sites. Significant mass grading activity has

occurred in creation of building sites and also in creation of access routes to the waterfront and to the existing dock and floats that serve the two houses located in this area. Trees in this area exhibit many of the same features and disease impacts shown in the Marina area. Within this sub-area trees have been impacted by environmental and mechanical influences. A listing of the various impacts observed to occur within this sub-area is presented in Table 1 on page 18.

MR-2 Sub-Area

Sub-area *MR-2* is a small exception portion of mixed conifer and hardwood located within the greater area of Sub-area *MR-3*. Due to small overall size and the poor quality of the forest community within *MR-2*, along with in-growth of various invasive brush species, this stand has limited value as a retention area. It should be noted that except for the obvious differences in appearance between *MR-2* and *MR-3*, *MR-2* would not likely be segregated for purposes of this report.



Figure 11 / Image #2800 / Tree at cut bank edge overhanging single family home parking area / Photo: RMG

MR-3 Sub-Area

Sub-area MR-3 is predominately gravel parking area and also includes a small building that has been in use as a Real Estate office. Expanding areas of scotch broom and blackberries and other invasive species compose the remaining landscape of this area.



Figure 12 / Image 2638 / Dead tree at edge of MR-2 and MR-3 areas as seen from highway 101 / Photo: RMG

The Maritime Village as a whole demonstrates an excellent example of a heavily impacted previously forest area. From past log dumping and rafting along the harbor shore (see Figure 2), to the extent of the clearing and grading that has occurred adjacent to Highway 101 (see Figure 10, area 3 and Figure 12), a very large percentage of this area is now converted in use from forest growth to other purposes and activities.

Forest Report  
Pleasant Harbor Master Planned Resort

Environmental and Mechanical Influences affecting Trees in the Maritime Village Area		For photo Examples see Figure #	Commercial Sub-areas						Residential Sub-areas		
Condition	Description		MC-1	MC-2	MC-3	MC-4	MC-5	MC-6	MR-1	MR-2	MR-3
1	<b>WAVE and TIDAL EROSION</b> is causing severe lean and un-balanced growth patterns leading to higher level of tree failure potential along high tide lines.	9, 14, 15	X		X			X	X		
2	<b>TREE BOLE SCARING and ROOT DAMAGE</b> contributed by construction activity and vehicle traffic. Past road construction created "cut banks" necessary to locate roads and parking areas. Impacts include undercut roots and insecure trees perched over high use areas.	7,11, 12,	X	X	X	X	X	X	X		
3	<b>LAMINATED ROOT ROT</b> ( <i>Phellinus weirii</i> ) and other root and heart rots and Canker disease indicated by dead trees, visible fruiting bodies, yellowing foliage, significant needle loss, and other indicators.	5, 8, 12	X	X	X	X	X	X	X		X
4	<b>HAZARD TREES</b> are observed having medium or high failure potential and are within striking distance of auto and RV parking areas, foot traffic areas, and/or buildings.	4, 5, 6, 7, 8, 11, 12, 15	X	X	X	X	X	X	X	X	X
5	<b>BURIED DEBRIS</b> remain from previous site uses. Observations include steel cable and tree bark.	No pics		X							
6	<b>PREVIOUS LOG DUMP ACTIVITIES</b> resulted in modified tree form such as sweep in tree bole segments and bole damage. Some intertidal and upland areas are graded and re-formed.	2, 9, 11, 14						X	X		
7	<b>GRADED &amp; GRAVELED PARKING area present</b> along Hwy 101. (no trees present)	12									X

### 6.2 Black Point Golf Course and Resort

To best explain this area, a rating system was created and used to evaluate varying site condition. This system looked at the property from a historic viewpoint, being used for commercial forestry activities for many years. It also looked at the property from the standpoint of understanding the significant and fairly definable historical impacts on the property occurring as a result of development of RV site facilities and related activities taking place in previous years. Numerous site visits were made and review of historical aerial photographs was important to stratification and identifica. Please see Figure 13 below to identify and locate the six sub-areas within the Black Point area.

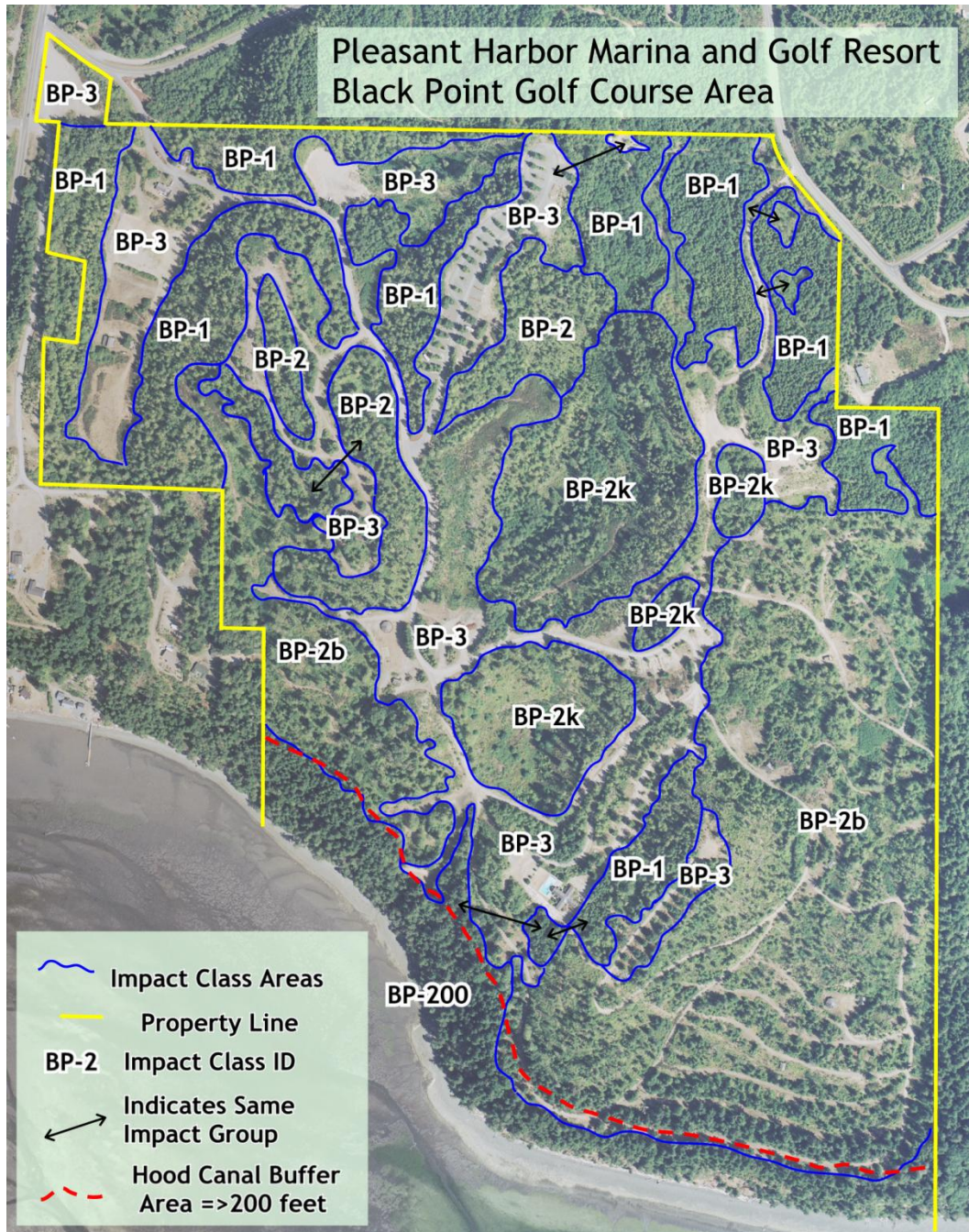


Figure 13 / Sub units within the Black Point area (Annotation by RMG)

### **6.2.1 Black Point Sub-units Defined**

#### *BP-1 Sub-Areas (21.4% of total BP area)*

These areas are characterized by relative low impact based on historical utilization. These areas hold larger trees than are found in other Black Point timbered areas, as defined by height and diameter. Overall health and/or stand condition is acceptable for long term retention where that option is within approved plans for development. These areas appear to be approximately 50 to 70 years of age and have avoided harvest in prior times.

#### *BP-2 Sub-Areas (6.3% of total BP area)*

These areas have experienced significant levels of impact relative to the impact apparent in *BP-1* Sub-areas. Evidence of increased impact is provided through observations of poor stand development, insufficient re-establishment of tree cover and, invasion of scotch broom and other non-native species. These areas may also exhibit some direct impact of development of underground utilities, minor access roads and trails, and other campground associated features. These areas were most likely selected for harvest in the past due to ease of logging, accessibility, and location relative to the original campground plans.

#### *BP-2b Sub-Areas (33.6% of total BP area)*

The *BP-2b* Sub-area components are poorly stocked (stem count per acre) with a significant presence of mixed brush and invasive species. Roads, utility construction, campground impacts, etc. have all had significant effect on this Sub-area group and their impact is greater relative to impacts seen in area *BP-2*. Some re-growth of vegetation and growth of young trees is in evidence currently due primarily to cessation of campground use in recent years.

#### *BP-2K Sub-Areas (11.8% of total BP area)*

These areas are identified as “Glacial Kettles” in historical information and in Geotech field evaluations of the site. “Kettle” areas have been logged in the past as can be seen on aerial imagery (see Figure 13) and by observation on site. Skid trail evidence and tree stand regeneration status within the kettle boundaries is also visible.

#### *BP-3 Sub-Areas (19.2% of total BP area)*

These areas are clearly heavily impacted. They are comprised of specific identifiable camp sites, roads, buildings, recreational areas, and maintenance facilities etc. extensive enough for exclusion from Sub-area *BP-2b*. These areas have been converted to other uses and are no longer compatible with growing trees (see Figure 13).

#### *BP-200' Sub-Area (7.7% of total BP area)*

The 200 foot Hood Canal Shoreline setback area falls under jurisdiction of the Washington State Shoreline Management Act. This area is dedicated to be preserved as a conservation easement. The area will be the subject of restoration efforts in the proposed Statesman MPR; in compliance with Jefferson County BoCC Condition “s” (for additional details please see Report Section 3.0 Item “s”, page 4).

### 6.2.1 Sub-Area Size Calculation and Distribution

To establish the relative impact to the Black Point Area by each defined sub-area, the sub-areas were delineated on aerial photos and a dot grid proportion system was used to calculate acreages within each sub-area unit. For details of these calculations please refer to Table 2 below.

SUB-AREA ACREAGE CALCULATION SHEET Table # 2								Group % of total acres
Impact Type	Type ID	dot count	dot factor	Impact Type acres	Type % of total acres	Group acreage total		
<b>~Minimal impact~<sup>1</sup></b>								
Forested	BP-1	176	0.2113	47.10	21.41%	47.10	21.41%	
<b>~Light impact~<sup>2</sup></b>								
Shoreline Conservation Easement 200' reserve	BP-200'	63	0.2113	16.86	7.66%	16.86	7.66%	
<b>~Medium to Heavy impact~<sup>3</sup></b>								
Medium Impact BP-2	BP-2	52	0.2113	13.92	6.33%			
Medium impact (Glacial Kettle areas)	BP-2k	97	0.2113	25.96	11.08%			
Heavy Impact	BP-2b	276	0.2113	73.87	33.58%	113.75	51.70%	
<b>~Heaviest impact~<sup>4</sup></b>								
Converted from forest use (Roads, parking, camping, buildings, etc., <u>not</u> incl. any BP200' restoration that may occur)	BP-3	158	0.2113	42.29	19.22%	42.29	19.22%	
<b>Total % of impacted area rated Medium to Heaviest 74.54%</b>								
<b>Total % of impacted area rated Minimal to Light 29.07%</b>								
Note: Total acreage used here provided by Craig A. Peck & Associates								
TOTAL		822		220.00	100.00%	220.00	100.00%	

Based on the percentage of the total Black Point area contained within the more heavily impacted BP Sub-area groups, it should be apparent to even the casual reader of this report that the entire Black Point area has been subject to significant degradation from development associated activities over the last approximately thirty or more years. An estimated 52.8% of the area falls within the “heavy” to “converted” (BP-2B and BP-3) use impact groups. The percentage of impact in the whole Black Point area climbs to 70.9% with the inclusion of all except the Forested (BP-1) and Shoreline Conservation Easement area (BP-200') sub-areas.

<sup>1</sup> Residual 2<sup>nd</sup> growth timber with capability to grow to maturity without modification (steeper slopes)

<sup>2</sup> Residual 2<sup>nd</sup> growth timber within 200 feet of shoreline , rehab required to repair roads and other clearings if needed

<sup>3</sup> Prior harvest occurred without sufficient reforestation due to camp facility creation

<sup>4</sup> Converted in use from forest to campground (includes roads, parking areas, camping sites, buildings, recreation areas, etc

## **7.0 DISCUSSION**

### **7.1 Maritime Village (Commercial and Residential)**

#### **Uplands**

A review of on-site issues identified in the Maritime Commercial and Residential portions of the property leads to a clear realization that both past and current uses have contributed to and/or enabled many of the pathological issues and mechanically damaged trees presently found on the site. Local knowledge and historical evidence found in photographs of the Pleasant Harbor area indicate that the sheltered area of the harbor was used as a log dump beginning perhaps as early as the 1930's and continued thru the mid 1960's into the early 1970's, before becoming a Marina (Figure 2).

#### **Shoreline (Waterfront)**

##### **Log Dump / Marina Operation**

As seen on the aerial photo shown in Figure 2, historical log dumping and rafting operations encompassed a significant area within Pleasant Harbor. As seen more recently in Figure 14 below, old pilings still remain where log rafts and boom sticks were once tied and remnants of horizontal log bulkheads can be seen by the waterside swimming pool, as support for the fill surrounding the pool area where log loaders worked in previous times.



Figure 14 / Image 2648 / Remaining pilings and bulkhead from historical log dump operation /  
Photo: RMG

These structures as well as concentrations of bark and other woody debris that now lie buried underneath fill materials will continue to decay and settle making unstable areas. Remnants of cables are found throughout the site and tree damage associated with cables being tied to them was observed. In some cases cable damage has provided openings in the cambium layer of the tree bole enabling disease entry points. Heavy truck traffic (loaded log trucks) as well as construction related equipment used during the development of the marina both contributed to significant soil compaction. Cut banks created during road construction and other activities have done mechanical damage to many trees.

Tidal Action

Over time tidal and wave action has contributed to undermining of supporting soil from trees along the shoreline (Figure 15). These leaning trees are potential hazards to near shore marine or boating activity and beach users.



Figure 15 / Image 2645 / Tree leaning towards dock / Photo: RMG

### Tree Pathology

General pathological groupings observed on the property are as follows:

- Root Diseases
- Laminated Root Rot
- Conifer Rust Fungi
- Canker Diseases

A more complete study of pathogen biological origin and development can be found in literature referred to in the Appendix. See also Table 1, Condition 3 for Sub-unit presence of pathogens.

Most prevalent is the root disease, “Laminated Root Rot”.<sup>5,6</sup> This type of infection may be randomly dispersed throughout a stand or may be grouped in “disease centers”. The presence of this root disease as mentioned in the results section of this report and in Table 1 is prevalent throughout both the Marina and Maritime Village areas. It is also likely that the pathogen may exist in the Black Point area but resides in a dormant state in older root material remaining from the previous forest. The Laminated Root Rot pathogen may remain virulent for as long as fifty years in pieces of root material left on site following harvest or other tree removal activities.<sup>7</sup> In that state it will continue to threaten a contribution to the process of infecting healthy trees in situations where new roots from subsequent stands reach old root material and the process begins anew.

### Danger Trees

The cumulative impact of forest disease combined with mechanical impacts that have occurred during active log handling, road construction and in more recent years during construction of the marina have created a situation within the Maritime property that is potentially hazardous. Field evaluation of trees within the Maritime area leads to the recognition of significant numbers of trees having moderate to high failure potential. Hazard levels are defined in this report using concepts drawn from *Tree Hazards in Recreation Sites in British Columbia*<sup>8</sup> and in *Long-Range Planning for Developed Sites in the Northwest*.<sup>9</sup>

Operations necessary to mitigate hazardous tree health and safety issues should begin with removal of most hazardous trees. Hazard ratings identifying various degrees of hazard are defined in Table 3 parts a, b, and c on the following page. Hazard trees are found not only in the upland areas of the property but also along the waterfront where there is extensive vehicle and foot traffic as well as marine activity. Safe removal of hazard trees may require a variety of methods and equipment depending on the individual tree’s location, characteristics, and situation. Some tree hazard mitigation efforts may be as simple as contracting with an experienced tree climber on a tree by tree basis to climb individual trees and remove them section by section. Other trees may require more elaborate means employing heavy

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<sup>5</sup> Thies, Walter G., Sturrock, Rona N., 1995, *Laminated Root Rot in Western North America*, (USDA Forest Service, Pacific Northwest Research Station, General Technical Report PNW-GTR-349) (Published in cooperation with Natural Resources Canada, Canadian Forest Service)

<sup>6</sup> Allen, E. A., Morrison, D. J., Wallis, G. W., 1966, *Common Tree Diseases of British Columbia*, (Natural Resources Canada, Canadian Forest Service) p.20-23

<sup>7</sup> Op. Cit., Thies, p.15

<sup>8</sup> Wallis, G. W., Morrison, D. J., Ross, D. W., 1987, *Tree Hazards in Recreational Sites in British Columbia*, (British Columbia Ministry of Environment and Parks, Canadian Forestry Service, Joint Report No. 13)

<sup>9</sup> Harvey, R. D. Jr., Hessburg, P. F. Sr., 1992, *Long-Range Planning for Developed Sites in the Pacific Northwest: The Context of Hazard Tree Management*, (USDA Forest Service FPM-TP039-92) p17-18

equipment such as excavators and/or boom trucks. Any of these methods will require considerable safety areas around the work zone. Further treatment ideas are presented in the RMG report titled *2009 Prescriptive Vegetation Management Plan, Pleasant Harbor Marina and Golf Course Resort.*<sup>10</sup>

**Table 3a. Tree Failure Potential Rating System<sup>11</sup>**

Value <u>1</u>	<b>Very low</b> failure potential	<ul style="list-style-type: none"> <li>▪ sound trees not likely exposed to weather extremes</li> </ul>
Value <u>2</u>	<b>Low</b> failure potential	<ul style="list-style-type: none"> <li>▪ minor defects may be present</li> <li>▪ weather sheltered or unsheltered but sound</li> </ul>
Value <u>3</u>	<b>Medium</b> failure potential	<ul style="list-style-type: none"> <li>▪ moderate defects</li> <li>▪ shallow soil</li> <li>▪ high water table</li> <li>▪ exposure to weather extremes</li> </ul>
Value <u>4</u>	<b>High</b> failure potential	<ul style="list-style-type: none"> <li>▪ serious defects</li> <li>▪ limited root anchorage</li> <li>▪ dead trees or root disease</li> <li>▪ multiple defects</li> </ul>

**Table 3b. Tree Failure Impact Rating System<sup>12</sup>**

Value <u>1</u>	<b>No</b> damage	<ul style="list-style-type: none"> <li>• only small tree parts involved</li> <li>• no chance failed parts will cause damage on impact</li> </ul>
Value <u>2</u>	<b>Minor</b> damage	<ul style="list-style-type: none"> <li>• only small tree parts fail</li> <li>• indirect impact in occupied areas, or failure will occur when area is unoccupied</li> <li>• if damage occurs target is low value</li> </ul>
Value <u>3</u>	<b>Medium</b> damage	<ul style="list-style-type: none"> <li>• small trees or tree parts sufficient to cause moderate damage</li> <li>• moderate target value</li> <li>• target likely to sustain only moderate damage</li> </ul>
Value <u>4</u>	<b>Extensive</b> damage	<ul style="list-style-type: none"> <li>• medium to large trees or tree parts</li> <li>• high target value including high value property and damage likely to be severe</li> <li>• potential to injure or kill people</li> </ul>

**Table 3c. Risk Class Allocation<sup>13</sup>**

RISK CLASS	TREATMENT PRIORITY
8	Very high
7	High
6	Moderate
2-5	Low

<sup>10</sup> RMG, 2009, *Prescriptive Vegetation Management Plan, Pleasant Harbor Marina and Golf Course*, (Report prepared for Statesman Corporation)

<sup>11</sup> Op. cit., Harvey, p17-18

<sup>12</sup> Ibid, p17-18

<sup>13</sup> Ibid, p17-18

Laminated Root Rot (*Phellinus weirii*), now (*Phellinus sulphurascens*)<sup>14</sup> “pockets” are the most prevalent tree health issue on the property and occur throughout the Maritime Commercial and Maritime Residential areas. As these “pockets” of disease continue to increase in size over time primarily via root grafting under the soil surface, additional trees become infected and eventually weaken and die. Mitigation of entire infection pockets is not as easily accomplished as removal of individual obviously infected or dead trees may be. Visibly infected hazardous trees in these infected areas can be removed by harvest. To stop the spread of disease and subsequent creation of additional hazard trees over time, additional trees from the perimeter of the infection area (approximately 50 feet past visible infection) must also be removed to minimize further expansion of the disease in the stand through root grafting.<sup>15</sup>

Mitigation Methods for Laminated Root Rot

Based on control methods recommended in previously mentioned publications<sup>16,17</sup> and relying on the experience of Washington Timberland Management, Inc. in treating root rot infestations in Western Washington, it can be concluded that four basic options are available from which to choose to treat Laminated Root Rot infections. The fifth option may also be available in time.

1. Destruction of infection areas (pockets) thru harvest of all infected trees and at least two trees outside the visible influence of the infection, followed by return visits to eradicate any further spread. This will minimize the ability of the pathogen to transfer from host tree to host tree by transporting thru root grafts in the sub soil. This method will create holes in the forest but leave other areas intact. Replanting could follow with a resistant species of tree.
2. Selective logging of larger forest areas in which the pathogen is active, followed by return visits to eradicate any further spread. Further harvest to salvage dying trees may leave under stocked areas that would need reforestation with a resistant species. This is not a great deal different than option #1.
3. Final harvest of the entire forest (clear cut) which would be followed with replacement of the forest with a resistant species.
4. Remove all trees and stumps, and redevelop the site per the MPR Development Agreement and BoCC conditions contained in Ordinance No. 01-0128-08. This option would serve to more permanently interrupt the root grafting process and eliminate much of the transport potential relied on by the root rot pathogen for further infection. Resistant and non-susceptible species would be used in landscaping.
5. Chemical inactivation may offer promise for future management, especially with high-value trees, provided environmental risk associated with use of registered chemicals can be successfully addressed.<sup>18</sup>

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<sup>14</sup> Note, since original drafting of this document Laminated Root Rot has been reclassified as:  
(*Phellinus sulphurascens* (Pilat) [formerly *Phellinus weirii* (Murr.) Gilb. Douglas-fir form]

<sup>15</sup> Op. cit., Thies, p19-25

<sup>16</sup> Ibid, p21

<sup>17</sup> Op. cit., Allan, p20-23

<sup>18</sup> Op. Cit., Thies, p23

In the end, the goal of hazard tree evaluation and hazard management on this MPR site, including Laminated Root Rot hazards, is to strike an appropriate balance between various priorities.

- Protect public safety.
- Protect public and private property.
- Comply with BoCC objective “u” to “retain evergreen trees and understory in a condition as undisturbed as possible”.
- Maintain sustainability of the forest and recreation environment.
- Minimize cost.
- The end goal of hazard tree evaluation and hazard management is to strike an appropriate balance between various priorities.

The comments to follow consider these priorities in conjunction with preliminary understandings of the scope of activities planned by Statesman Corporation at the Pleasant Harbor MPR site.

Sub-area MC-1 in the Maritime area could be left intact except to respond to recommendations that any root rot infected areas be treated in line with a developed long term Vegetation Management Plan as outlined in the precursory 2009 Prescriptive Vegetation Management Plan.<sup>19</sup> The objective would be to protect the remaining stand from further spread of the disease and the public from further hazard. This area could be replanted with Western Red cedar or hardwoods that would be more resistant to infection.

As mentioned previously, the Laminated Root Rot (*P. sulphurascens*) pathogen has a life of approximately 50 years within pieces of root material that remain in the soil. If during that extended time an unaffected tree’s roots finally touch a portion of old infected root material, it is exposed and may well become infected and reinitiate the process<sup>20</sup>.

One treatment for dealing with areas of severe rot root infection is mechanical stump removal and ripping of the soil with heavy equipment to break the potential transmission route of the pathogen through root grafts<sup>21</sup>. It is important to note that proposed development of the Maritime Commercial and Residential areas would supply a number of benefits to the site that inhibit or destroy the disease or inhibit its spread.

Mass grading and other construction based movement of fill material serves to severely interrupt root based pathogen transmission pathways. Foundations and other constructed features can serve to block pathogen transmission on a permanent basis. Landscaping offers a chance for new and health re-vegetated and root rot resistant areas to be created.

Due to the many similarities between the Maritime Commercial sub-area and the Maritime Residential sub-area within the Maritime Village, many of the discussion points would be the same as they relate to the standing trees or larger forested located in this portion of the overall project. For purposes of this report both the Commercial and Residential segments of the Maritime Village area have been combined in the foregoing discussion.

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<sup>19</sup> RMG, 2009 Prescriptive Vegetation Management Plan, Pleasant Harbor Marina and Golf Course, (Report prepared for Statesman Corporation)

<sup>20</sup> Op. cit., Thies, p15-16

<sup>21</sup> Ibid, p21

One feature of the Maritime Village area not found covered in the Maritime Commercial area discussion is the expansive gravel parking area along Highway 101. This area is referred to as Sub-area MR-2 in Section 6.1 of this report and is partially shown in the foreground of Figure 12. This area is worth reviewing as it clearly demonstrates extensive intrusion and the conversion in use from a previously forested area to an area with no forestry use as all. This area previously included a Real Estate office and its parking lot.

## **7.2 Black Point Golf Course and Resort**

In reviewing the Black Point area the extensive impacts this property has been subjected to are very apparent. As previously shown in Table 2, “Minimal Impact” areas are the smallest portion of the existing forested areas that remain on the Black Point property. This remaining area of larger timber equates to approximately 21.41% of the total Black Point area acreage. One possible reason for this area remaining less impacted is its topography or steepness. Harvest occurring to enable creation of the previous campground would have been focused at more usable areas of topography. It is probable also that the historical value of this timber, when harvest last occurred, was not worth taking to market due to smaller average tree size and a location on steep slopes that in some cases exceed normal ground based harvest equipment limitations. A second forested area also containing larger trees is composed of that portion of the Black Point property located within 200 feet of the high tide line on the shoreline of Hood Canal. The 200 foot shoreline buffer area is approximately 7.66% of the total Black Point area. This buffer area will be restored to a more natural state where needed and protected as part of the proposed Statesman development plans, in compliance with Jefferson County BoCC Ordinance No. 01-0128-08, condition “s”.

Forest areas on other portions of the Black Point property were tree covered in past years but are now stocked with only brush and smaller trees (Table 2, “Medium to Heavy Impact”). These were most likely stocked with trees of higher value at the time of last harvest and thus became the target of logging efforts. In reviewing available aerial photography, one can see logging impacts in these areas in the form of skid trails within the Black Point area, including within the Kettles. These remaining forested areas are not without impacts or intrusions from the surrounding development of the campground. Many have trails, parking areas on the edge, adjacent dilapidated buildings, and old skid roads and landing areas within.

The remaining forested area of “Minimal Impact” (BP-1) is in direct contrast to the “Light Impact” area (BP-200), the areas of “Medium to Heavy Impact” (BP-2, BP-2K, BP-2B), and the area of “Heaviest Impact” (BP-3). All of these other sub-areas of the overall Black Point property are presented in Section 6.2 and tabulated in Table 2. These disturbed portions of the property all show varying degrees of impact, from moderate thru outright conversion to a use “not compatible with growing forests”.

The more impacted areas from Medium to Heaviest comprise approximately 70.9% of the property. Three treatment options appear available within the framework of the MPR and the BoCC conditions:

1. Clean up and mitigate as much of the past impact as possible and allow those areas to revert to a more natural state
2. Clean up the site as above and reactivate as a permitted campground
3. Redevelop the property per the MPR zoning and the proposal submitted by The Statesman Corporation.

These options really divide naturally into two main categories:

1. Development and restoration of the campground could occur in a layout similar to the footprint of the existing campsite and RV Park.
2. Redevelopment could shape the current site into a resort in line with the MPR zoning of the area.

In looking at option categories 1 and 2 above and considering the likelihood of creating a viable forest that would provide sustainable natural environment values per BoCC Condition “u” in a reasonably near future time, the Black Point area is most likely too heavily impacted by existing development and the extensive presence of poor quality trees and invasive species to be able to be economically reestablished with a value in excess of the economic return available from more development focused target uses.

Development of the site as the MPR zoning allows would enable a relatively complete restoration of the entire site. This restoration would facilitate re-establishment of significant and healthy green belts and buffers. Reinstatement of open spaces between the proposed fairways and other resort areas would most likely enhance and increase the amount of natural vegetation as compared to its current impacted condition. Repair of previous development features such as roads and camp areas lying within the first two hundred feet above the shoreline of Hood Canal would add significantly to the total positive impact development would lend to a reinvigorated Black Point environment.

For successful redevelopment into a MPR facility, site conditions would necessitate considerable mass grading and mandate extensive erosion control efforts.

With current available clearing and grading technology, grinding of organic and woody debris harvested from the site would generate ample “hog fuel” for use in slope stabilization and site protection from storm water or runoff issues. The use of locally created “hog fuel” in the site surface stabilization and protection process would also aid in preventing further depletion from the site of the organic value of this material. This has potential to aid in rebuilding depleted soils on the property.

During land clearing done in preparation for a mass grading operation, prospective stumps and trees meeting specification for use as “Large Woody Debris” (LWD) could be processed and saved for future rehabilitation use both on and off the property. Habitat trees having potential for placement and use in restoration work in wetlands would be identified and sheltered. Sufficient native species of brush, shrubs or trees could be identified and transferred and held in a potential on site nursery area for use in later reestablishment work. Early identification of potential transplant nursery areas would allow for small nursery grown and selected onsite natural trees to be transplanted to the holding site at an earlier point in time and allowed to mature for later movement to final planting locations as the development process moved along.

## **8.0 RECOMMENDATIONS**

The original request to RMG was to evaluate the existing forest communities in the Maritime Commercial and Residential areas as well as on the Black Point Golf Resort property. These forest communities are all located within the MPR proposal and thereby subject to Jefferson County BoCC conditions under Ordinance No. 01-0128-08; five of which relate specifically to preparation of this Report. The five conditions have been detailed previously in Report Section 3.

An operational course of action that would begin the process of charting a functional path to compliance with these BOCC Conditions would follow the template presented in the 2009 Prescriptive Vegetation Management Plan<sup>22</sup>

By combining the 2009 Prescriptive Vegetation Management Plan template, the information presented in this report, and the proposed/approved site development plan, while maintaining an appropriate focus on adherence to the BoCC conditions of approval; a site specific vegetation management operational plan could then be created. Within this operational plan, individual segments of the planned development and their potential impacts on existing and future forest vegetation could be evaluated and a proper prescriptive plan of action could be designed. This approach would serve to insure that appropriate actions specifically intended to comply with the Jefferson County BoCC Conditions would be implemented. For example, buffer and greenbelt areas (BoCC, Condition “s”) would be individually evaluated, delineated, and protective measures would be designed. Other BoCC conditions such as building placement (BoCC Condition “v”), and identification and protection of significant trees (BoCC Condition “w”) would also have specific plans addressing their needs. The planned protective measures would then be set in place prior to, and remain during construction. Long term protection measures whose efficacy would be designed to extend indefinitely past the completion of the project development phase could also be designed and put in action.

Proper identification of “significant trees”, and hazardous conditions as identified in this Forest Report, combined with good record keeping and adherence to a final Vegetation Management Plan will provide a basis for long term management, safety and enhancement of the forested vegetative communities within the MPR.

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<sup>22</sup> Op. cit., RMG

**Appendix M**  
Conservation Easements

Jefferson County

(Space above this line for recorder's use only)

<b>DOCUMENT TITLE:</b>	Conservation Easement
<b>REFERENCE NUMBER(S) OF RELATED DOCUMENTS:</b>	
Additional reference numbers on page(s) ____ of document.	
<b>GRANTOR:</b>	Pleasant Harbor Marina & Golf Resort, LLP
<b>GRANTEE:</b>	Jefferson County
<b>ABBREVIATED LEGAL DESCRIPTION:</b>	Section 15, Township 25 North, Range 2 West, WM Section 22, Township 25 North, Range 2 West, WM
Additional legal on page 5 of document.	
<b>ASSESSOR'S TAX PARCEL NO(S).</b>	502152013, 502152012, 502152016, 502152015, 502152014, 502153023, 502153022, 502153021, 502153020

This Conservation Easement (“Easement”) is made this \_\_\_\_ day of \_\_\_\_\_, 2018 by and between Pleasant Harbor Marina & Golf Resort, LLP (“Grantor”), in favor of Jefferson County, a municipal subdivision of the State of Washington (“Grantee” or “County”).

**Recitals**

**Whereas**, Pleasant Harbor Marina and Golf Resort LLP is the owner of certain real property in Jefferson County, Washington more particularly described in **Exhibit A** and **Exhibit B** attached hereto and incorporated herein by reference (“Property”); and

**Whereas**, Jefferson County Ordinance No. 01-0128-08 (“Ordinance”) designated the Property as master planned resort subject to a number of conditions; and

**Whereas**, Condition 63(s) of the Ordinance requires that development of the Property preserve existing natural greenbelts along portions of the Property abutting United

States Highway 10 and the shoreline through the creation of a conservation easement preserving the same; and

**Whereas**, this Easement is intended to satisfy Condition 63(s) of the Ordinance.

**Now, Therefore**, for good and valuable consideration, and in consideration of the mutual covenants, terms, conditions and restrictions contained herein, the parties agree as follows:

### **AGREEMENT**

1. Grant. Grantor grants to Grantee this non-exclusive Conservation Easement in perpetuity over and across the following portions of the Property described as follows:

The westerly ten (10) feet of the portion of the Property identified in Exhibit A abutting State Highway 101; and

Two hundred (200) feet landward from the ordinary high water mark on the portion of the Property identified in Exhibit B abutting Hood Canal.

(“Easement Areas”).

2. Purpose. The purpose of this Easement is to conserve and maintain the existing vegetation in the Easement Areas to provide a visual buffer of the development from US Highway 101 and to preserve vegetation along Hood Canal. All parties agree and acknowledge that it is impossible to fully screen the proposed development from US Highway 101 and this Easement shall not be construed to require as much.
3. Affirmative Rights and Interests Conveyed. To accomplish the purpose of this Easement, the following rights and interest are conveyed to Grantee by this Easement:
  - a. To enter onto, inspect, observe, and study the Easement Area for the purposes of (1) identifying the current condition of the Easement Area and the baseline condition thereof, (2) monitoring the uses and practices regarding the Easement Area to ensure they are consistent with this Easement, and (3) assuring the Easement Area is maintained and restored consistent with the purpose of this Easement.
  - b. To prevent any activity within the Easement Area that is inconsistent with the purpose of this Easement and to require restoration of the

Easement Area damaged by activity or use that is inconsistent with the purpose of this Easement.

4. Grantor Duties. Grantor shall take reasonable measures to prevent any activities or uses of the Easement Area that may degrade the Easement Area. Grantor shall, at its sole expense, replant fallen trees or dead vegetation as necessary to retain a natural, visual buffer of development on the Property from State Highway 101.
5. Reserved Rights. Grantor shall, in its sole discretion, be allowed to use the Easement Area abutting US Highway 101 for access to and from the resort, for resort signage and construction of the proposed transit stop and associated parking area. Grantor shall also be entitled to trim or remove vegetation within the Easement Area to maintain adequate lines of sight for ingress and egress to and from the resort area to US Highway 101. Grantor shall be entitled to remove any vegetation in the Easement Area that poses a threat to human health or safety.
6. Binding Effect & Runs with the Land. The benefits and burdens of this Agreement are appurtenant to and shall run with the land and shall be binding upon the heirs, executors, administrators, personal representatives, transferees, or successors in interest or assigns of Grantee and Grantors.
7. Governing Law. This Agreement shall be governed by and construed in accordance with the laws of the State of Washington.
8. Final and Complete Expression; Amendment. This Agreement constitutes the final and complete expression of the parties with respect to the transactions contemplated herein. This Agreement may not be modified, amended, altered, superseded or terminated except by an agreement in writing signed by the then owners of the Grantor Property and the Grantee Property.
9. Counterparts. This Agreement may be executed and delivered in more than one counterpart, each of which shall be deemed an original, and all of which together shall constitute one and the same instrument.



## **EXHIBIT A**

### **LEGAL DESCRIPTION**

A strip of land ten (10) feet in width over the following described parcels, abutting the southeasterly right of way line of US Highway 101, the northerly boundary line of said strip of land described as follows:

Beginning at the southwest corner of Lot 1 of Watertouch Short Plat, as recorded in Volume 2 of Short Plats, Page 205-206, records of Jefferson County;

Thence northeasterly along the right of way of US Highway 101 to the northwest corner Lot 3 of said Short Plat, and the terminus of said line.

Together with a strip of land ten (10) feet in width over the following described parcels, abutting the southeasterly right of way line of US Highway 101, the northerly boundary line of said strip of land described as follows:

Beginning at the southwest corner of Lot 2 of Pleasant Harbor Marina Short Plat, as recorded in Volume 2 of Short Plats, Pages 221-223 and amended in Volume 3 of Short Plats, Pages 8-10, records of Jefferson County;

Thence in a northeasterly direction along the right of way of US Highway 101 to the intersection of said right of way and the north line of Section 15, Township 25 North, Range 2 West, W.M., and the terminus of said line.

All situate in the County of Jefferson, State of Washington.

## EXHIBIT B

### LEGAL DESCRIPTION

#### **Jefferson County Tax Parcel No. 502153023**

Those portions of Sections 15 and 22, both in Township 25 North, Range 2 West, W.M., Jefferson County Washington, described as follows:

The Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  and Government Lot 7 of said Section 15, and Government Lots 2 and 3 of said Section 22;

Except those portions thereof lying East of the West line of the East 696.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , and east of the Southerly prolongation of said West line;

Also Except that portion of the West 100.00 feet of said Government Lot 7, lying Southerly of the North 539.00 feet thereof.

Together with tidelands of the second class, as conveyed by the State of Washington, situate in front of, adjacent to and abutting upon the West  $\frac{1}{2}$  of said Government Lot 2 in said Section 22.

Situate in the County of Jefferson, State of Washington.

#### **Jefferson County Tax Parcel No. 502153022**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of the Section 22 both in Township 25 North, Range 2 West, W.M., Jefferson County Washington, described as follows:

The East 695.00 feet less the East 520.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of Government Lot 2 lying East of the Southerly prolongation of the West line said East 695.00 feet and West of the Southerly prolongation of the East line of said East 520 feet.

Situate in the County of Jefferson, State of Washington.

#### **Jefferson County Tax Parcel No. 502153021**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of the Section 22 both in Township 25 North, Range 2 West, W.M., Jefferson County Washington, described as follows:

The East 520.00 feet less the East 345.00 feet of Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 520.00 feet and the West of the Southerly prolongation of the East line of said East 345.00 feet.

Situate in the County of Jefferson, State of Washington.

**Jefferson County Tax Parcel No. 502153020**

Those portions of the Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$  of Section 15, and Government Lot 2 of the Section 22 both in Township 25 North, Range 2 West, W.M., Jefferson County Washington, described as follows:

The East 345.00 feet of said Southwest  $\frac{1}{4}$  of the Southeast  $\frac{1}{4}$ , as measured along the North line thereof.

Together with that portion of said Government Lot 2 lying East of the Southerly prolongation of the West line of said East 345.00 feet.

Situate in the County of Jefferson, State of Washington.

## **Appendix N**

Water Quality Monitoring Plan,  
including Amendment 1

**Water Quality Monitoring Plan**  
**For Pleasant Harbor Marina and Golf Resort**  
**June 4, 2018**

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## **Water Quality Monitoring Plan**

### **I. Part of Development Agreement**

This Water Quality Monitoring Plan is a part of and is enforceable under the Development Agreement between Jefferson County and the Pleasant Harbor Marina and Golf Resort LLP, the developer of the Pleasant Harbor Master Planned Resort in Brinnon, Washington.

The primary goal of this Water Quality Monitoring Plan is to comply with Ordinance No. 01-0128-08 Condition 63-R is to establish the requirements for a comprehensive water quality monitoring plan to provide a means of ensuring that the Resort does not add to any existing water quality challenges. To that end, this Water Quality Monitoring Plan provides a system to verify that the no impact plan of the Resort is and will be effective to protect sensitive natural resources.

### **II. Ordinance Requirement for a Water Quality Monitoring Plan**

Jefferson County Board of County Commissioners Ordinance No. 01-0128-08 Condition 63-R requires the Pleasant Harbor Master Planned Resort to prepare and implement a Water Quality Monitoring Plan:

A County-based comprehensive water quality monitoring plan specific to Pleasant Harbor requiring at least monthly water collection and testing will be developed and approved in concert with an adaptive management program prior to any site-specific action, utilizing the best available science and appropriate state agencies. The monitoring plan shall be funded by a yearly reserve, paid for by Statesman that will include regular offsite sampling of pollution, discharge, and/or contaminant loading, in addition to any onsite monitoring program.

### **III. Use Designation**

Per WAC 173-201A-600 and WAC 173-201A-610, Pleasant Harbor carries an “Extraordinary” marine water quality use designation.

### **IV. Numerous Potential Impacts on Water Quality in and around Pleasant Harbor**

In addition to the existing Pleasant Harbor Marina and the proposed resort to be built by Pleasant Harbor Marina and Golf Resort LLP (Resort), there are a number of other uses that potentially could negatively impact water quality in Pleasant Harbor other than the Resort. These include, but are not limited to:

1. Home Port Marina in Pleasant Harbor;
2. Vessels anchored in Pleasant Harbor, sometimes unattended for weeks or months;
3. Land owned by the State of Washington Department of Fish & Wildlife (WDFW), including a WDFW boat launch;
4. At least 6 private docks;

## Water Quality Monitoring Plan

5. Private development owned by a number of persons, including at least 10 private residence structures on septic systems visible from the water, including one house owned by Pleasant Harbor Marina;
6. Septic system failures in the Duckabush and Dosewallips River watersheds;
7. On-going construction on at least one building site on the southeastern bluff of the harbor.

### **V. Comparison of Water-Related Impacts of Current and Planned Development by Pleasant Harbor Marina and Resort LLP Compared to Other Operations in the Area**

1. The new WDFW public boat launch sees increased use each year, including extensive commercial use by Tribal fisheries.
2. With the improvements at the parking area and access to the State Park dock near the entrance of the harbor, the dock attracts more visitors;
3. The proposed Master Planned Resort development will not increase the number of moorage slips;
4. Pleasant Harbor Marina replaced and improved fuel dock and fuel systems to meet strict environmental requirements;
5. Pleasant Harbor Marina replaced and improved the marine sewage pump out system to offer more pump out stations and more reliable equipment to the public;
6. Pleasant Harbor Marina currently offers the only pump out service and fuel for visiting boaters in Central Hood Canal;
7. Pleasant Harbor Marina strictly enforces Best Management Practices (BMP's) including a no discharge policy concerning black water, contaminated bilge water, fuel, oil or any other chemicals hazardous to the environment;
8. Pleasant Harbor Marina currently is recognized as a Washington Clean Marina and has achieved the EnviroStar Clean Marina certification;
9. Pleasant Harbor Marina currently publishes a monthly newsletter with information reinforcing the BMP's of the Marina;
10. The Resort Development will follow strict environmental standards during and after construction.

In the context of the affected environment described above, the Pleasant Harbor Marina and Golf Resort, LLP (Resort) proposes to participate in a program to monitor the impact of developments, both private and public, to the water quality of Pleasant Harbor.

### **VI. Performance Standards**

1. The Resort will not cause a violation of any water quality criteria.

## Water Quality Monitoring Plan

2. Prior to the date of application of the application for the first development permit, the Resort must provide a report to the Jefferson County Public Health's Water Quality Division (JCWQ) of the best management practices to be applied so that when all appropriate combinations of individual best management practices are utilized, the Resort will not cause a violation of water quality criteria.

3. Best management practices for the Resort established in pursuant to this Water Quality Monitoring Plan permits, orders, rules, or directives of Ecology or JCWQ shall be reviewed annually and shall and modified, as appropriate, so as to achieve compliance with water quality criteria.

4. If the Resort is applying all best management practices appropriate or required by the Washington Department of Ecology ("Ecology") or JCWQ and a violation of water quality criteria occurs, the Resort shall notify JCWQ within 48 hours.

5. For any violation of water quality criteria, the Resort shall take immediate steps to correct the violation and shall remedy any impact to water quality caused by the Resort.

6. If any violation of water quality criteria occurs, the Resort shall modify existing best management practices or apply further water pollution control measures, selected or approved by Ecology or JCWQ, to achieve compliance with water quality criteria.

7. Activities which potentially contribute to nonpoint source pollution shall be conducted utilizing best management practices to prevent violation of water quality criteria.

8. Activities which potentially cause pollution of stormwater shall be conducted so as to comply with the water quality criteria. The primary means to be used for requiring compliance with the water quality criteria shall be through best management practices required by Ecology or JCWQ for activities which generate stormwater pollution.

9. Performance standards will meet Washington State Ecology requirements in WAC 173-201A and 173-200 as appropriate and as may be revised.

10. Methodology and Quality Assurance guidelines shall be established and submitted to JCWQ for approval after the best management practices for this program are approved.

## **VII. Pleasant Harbor Sampling**

### **A. Locations**

1. Initial sampling locations will be the THREE locations identifies as points 1, 2 and 5 on Figure 2 (page 3) of Appendix 2 of the 2007 DEIS (copy attached).

2. Sampling is currently being done in other locations by other agencies, to avoid duplication of effort data from other agencies may be used if possible.

### **B. Surface Water Quality Criteria**

Table 1 below illustrates proposed water quality parameter goals for the marine sampling locations in Pleasant Harbor based on WAC 173-201A-210.

**Table 1**

<b>Water Quality Parameter</b>	<b>Category</b>	<b>Criteria</b>	<b>Ecology Regulations</b>
Aquatic Life pH	Extraordinary	Within the range of 7.0 to 8.5 with a human-caused variation of less than .0.2 units	WAC 173-201A-210(1)(f)
Aquatic Life Turbidity	Extraordinary	Turbidity must not exceed: 5 NTU over background when background is 50 NTU or less: or A 10 percent increase in turbidity when the background turbidity is more than 50 NTU	WAC 173-201A-210(1)(e)
Aquatic Life Dissolved Oxygen (DO)	Extraordinary	7.0 mg/L for lowest 1-day minimum	WAC 173-201A-210(1)(d)
Aquatic Life Temperature	Extraordinary	13 degrees Celsius for highest 1-day maximum (1-DMax)	WAC 173-201A-210(1)(c)
Water Contact Recreation Bacteria Criteria		Fecal coliform organism levels must not exceed a geometric mean value of 14 colonies/100ml, with not more than 10 percent of all samples (or any single sample when less than ten sample points exist) obtained for calculating the geometric mean value exceeding 43 colonies/100mL	WAC 173-201A-210(3)(b)

**C. Monitoring Schedule**

<b>Phase</b>	<b>Schedule</b>	<b>Comments</b>
Pre-construction	Quarterly	Establish baseline conditions in marine waters of Pleasant Harbor
Construction	Monthly	Monitor water quality during construction
Post-Construction	Monthly	As analyses are evaluated and results are favorable, the sampling can be modified with approval from JCWQ

**VIII. Black Point Groundwater**

**A. Sampling Location and Frequency**

Developer shall also conduct semi-annual sampling from MW 2, MW 5, MW 7 and MW 8 depicted on Figure 1 of the map prepared by the Subsurface Group LLC. Sampling shall begin no later than the date of the application for the first development permit. Developer shall sample groundwater for primary and secondary contaminants list in Table 1 of WAC 173-200-040.

Sampling frequency shall be reduced to annually if there are not exceedances of applicable groundwater standards for a period of five years.

**B. Criteria**

Sample results shall be compared to Washington groundwater standards set forth in WAC 173-200-040.

**IX. Reporting of Sampling Results.**

Sampling results must be reported to JCWQ immediately, but no later than within 48 hours after receipt by the Resort.

**X. Actions to be Taken, if Sampling Results Show Increasing Concentrations in Water Quality Parameters**

**A. Investigation**

If sampling results show three consecutive increases in concentrations of any one of the water quality parameters sampled under this Agreement the Developer shall take steps to identify the cause of the increase. Under the direction of the JCWQ, the Developer shall take reasonable steps to investigate the cause of the increase in the water quality parameters, including but not limited to inspecting, sampling, or testing to determine the cause, nature and extent of the increase. JCWQ may require the Developer to provide a plan for investigation within the time determined by JCWQ as necessary to address the increasing concentrations in the water quality parameters.

**B. Remediation**

Under the direction of the JCWQ, THE Developer shall eliminate, or minimize any threat or potential threat to human health or the environment posed by increasing concentrations that are caused by the construction or operations of the Resort, including taking steps to eliminate, or modify the source to insure applicable groundwater quality standards are not exceeded.

**X.A. Quality Assurance/Quality Control**

Data submitted must include verification of appropriate Quality Assurance/Quality Control (QA/QC). To meet this requirement, the Resort must prepare a Quality Assurance Plan (QAPP) in accordance with the requirements of the latest version of Ecology's Publication No. 04-03-030, December 2016 Guidelines for Preparing Quality Assurance Project Plans for Environmental Studies and the most recent versions of EPA Documents QA/R-5, EPA Requirements for Quality Assurance Project Plans, and QA/G-5, Guidance for Quality Assurance Project Plans. See Ecology's Publication No. 04-03-030, Appendix D. A template for an acceptable QAPP is in Ecology's Publication No. 04-03-030, Appendix K.

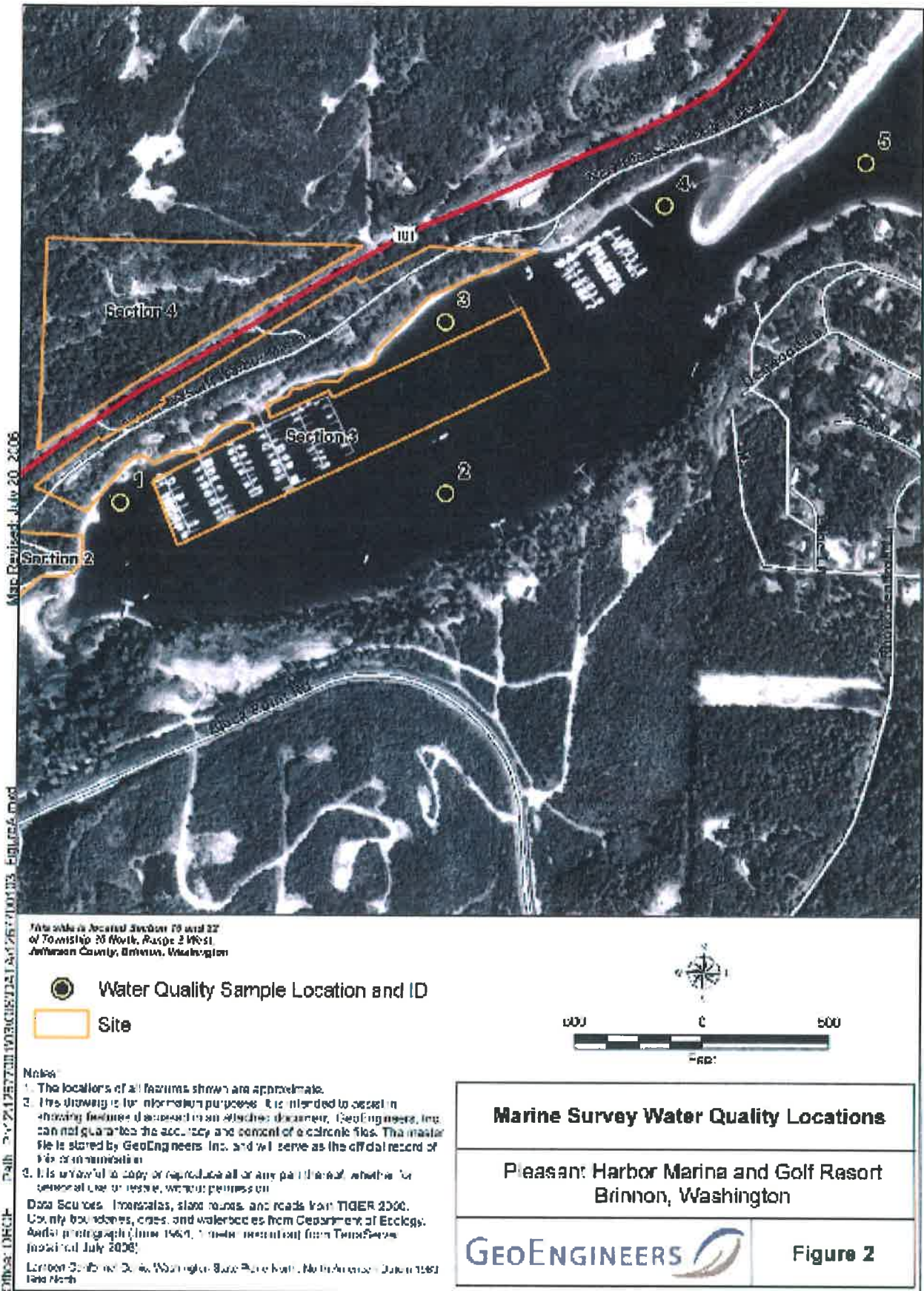
**X.B. Sampling Management**

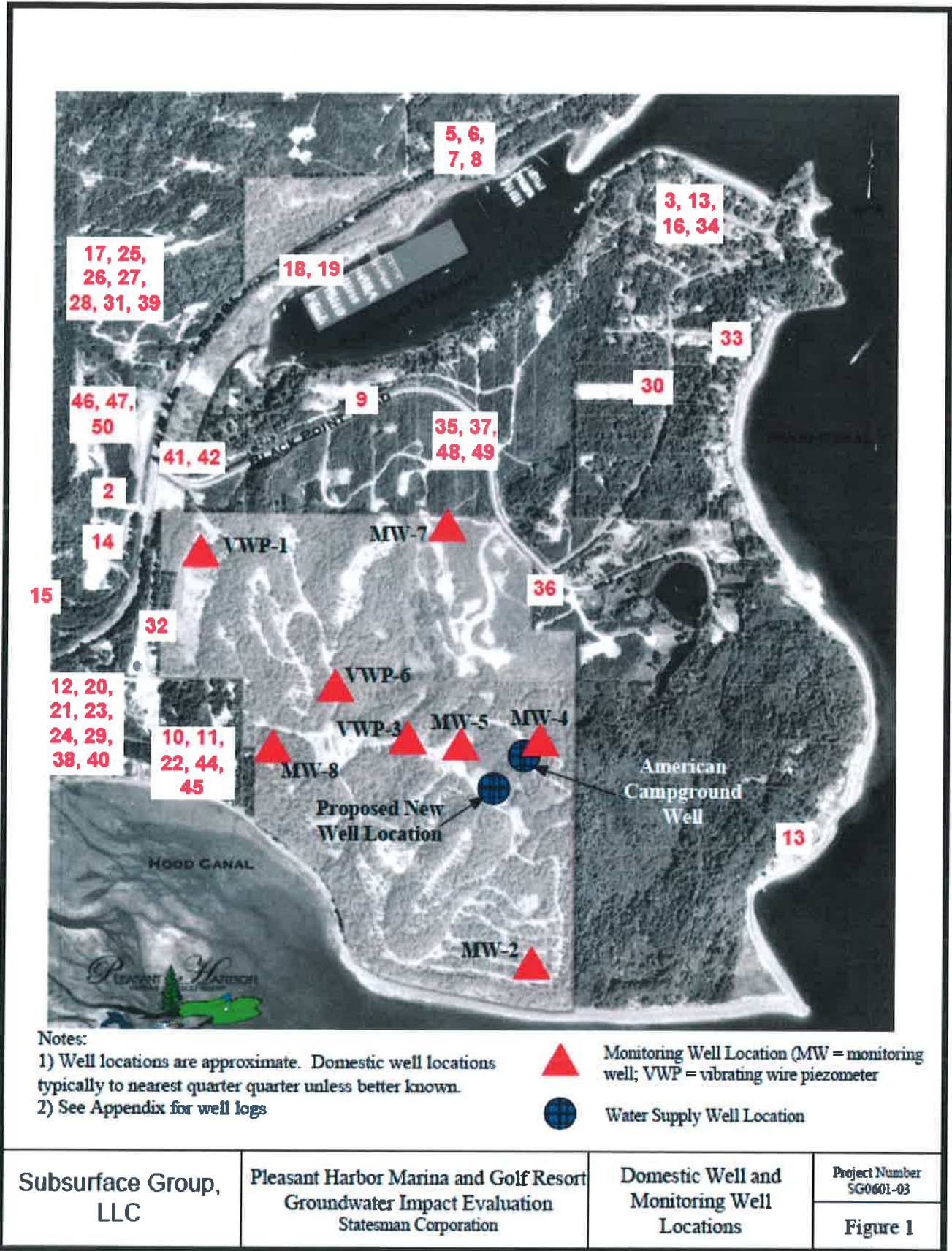
This water quality monitoring plan may be modified based on an analysis of results, comparison of existing data sources and consultation with JCWQ as results exceeding applicable water quality criteria are analyzed. The monitoring plan may be revised over time so that it remains effective, complies with applicable law, and industry standards. Examples of revisions that may be addressed include but are not limited to:

1. Sampling sites may be added or removed depending on appropriateness of sampling locations to final design;
2. Monitoring schedule may be modified based on the evaluation of results;
3. Updated or improved sampling techniques based on new technology; and,

Water Quality Monitoring Plan

4. Revise parameters to reflect changes in existing environmental concerns.





## **AMENDMENT 1 TO WATER QUALITY MONITORING PLAN**

This Water Quality Management Plan is amended as follows:

(1) Section X. is renumbered as Section X.A and Section XI. is renumbered as Section X.B.; and,

(2) A new Section X is added as follows:

**X. Actions to be Taken, if Sampling Results Show Increasing Concentrations in Water Quality Parameters**

**A. Investigation.**

If sampling results show three consecutive increases in concentrations of any one of the water quality parameters sampled under this Agreement the Developer shall take steps to identify the cause of the increase. Under the direction of the JCWQ, the Developer shall take reasonable steps to investigate the cause of the increase in the water quality parameters, including but not limited to inspecting, sampling, or testing to determine the cause, nature and extent of the increase. JCWQ may require the Developer to provide a plan for investigation within the time determined by JCWQ as necessary to address the increasing concentrations in the water quality parameters.

**B. Remediation.**

Under the direction of the JCWQ, the Developer shall eliminate, or minimize any threat or potential threat to human health or the environment posed by increasing concentrations that are caused by the construction or operations of the Resort, including taking steps to eliminate, or modify the source to insure applicable groundwater quality standards are not exceeded.

This Amendment 1 shall be attached to the Water Quality Management Plan.

## **Appendix O**

### Neighborhood Water Supply Program

PLEASANT HARBOR NEIGHBORHOOD  
WATER SUPPLY PLAN  
January 8, 2018

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## 1 Purposes of this Policy.

The Developer (defined below) proposes to operate a Public Water System (defined below) at the Developer's Property (defined below).

The purposes of this Pleasant Harbor Neighborhood Water Policy (this Policy) are to:

- (a) Fulfill the requirements of paragraph 63(p) of the Ordinance;
- (b) Assure that the Developer and the Pleasant Harbor Water System (defined below) take investigative or corrective action necessary to assure that its groundwater wells do not cause saltwater intrusion and compromise the safety and reliability of the underlying aquifer;
- (c) Establish monitoring and mitigation measures that meet and exceed the requirements for municipal water supply well installation or operation in a High Risk SIPZ (as defined below), even though the Developer's Property (defined below) is not located in a High Risk SIPZ, consistent with the Developer commitment to assure its neighbors and the County (defined below) that the aquifer beneath the Developer's Property is used wisely and is protected from salt water intrusion.

## 2 Definitions.

### a. Baseline Standard.

"Baseline Standard" means: (i) for the Pleasant Tides Wells, the average of the results for the constituents measured and reported in the last three annual reports filed by the Pleasant Tides Operator (defined below) prior to the start of construction at the Developer's Property;<sup>[1]</sup> and, (ii) for individual wells, obtain approval from Ecology and the Director of DCD (in consultation with the Environmental Health Director) for sampling at least one individual well located waterward of the Developer's Property in each direction to the East and South of the Developer's Property. Then, the Developer shall provide to Ecology and the Director of DCD the results from samples from the selected individual wells not less than 30 days prior to the start of construction. Prior to construction, the Developer also shall provide Ecology and DCD copies of the last three annual reports filed by the Pleasant Tides Operator.

### b. Black Point.

"Black Point" means the Black Point area in Brinnon, Washington where the Developer's Property is located.

<sup>[1]</sup> See, for example: <http://www.wawater.com/ccr/>.

c. County.

“County” means Jefferson County, a municipal corporation under the laws of the State of Washington.

d. County Board of Health.

“County Board of Health” means the Jefferson County Board of Health.

e. DCD.

“DCD” means the Jefferson County Department of Community Development.

f. Development Agreement.

“Development Agreement” means the development agreement to which this Policy is attached.

g. Department.

“Department” means the State of Washington Department of Health.

h. Developer.

“Developer” means Pleasant Harbor Marina and Golf Resort, LLP, a Washington limited liability partnership, and any successor or assign.

i. Developer’s Property.

“Developer’s Property” means the master planned resort proposed by the Developer that is the subject of the Ordinance.

j. Ecology.

“Ecology” means the State of Washington Department of Ecology.

k. Environmental Health Director.

“Environmental Health Director” means the Director of Environmental Health Section of the Jefferson County Public Health Department or designee.

l. Groundwater Monitoring Plan.

“Groundwater Monitoring Plan” means the Revised Pleasant Harbor Groundwater Monitoring Plan prepared by Subsurface Group, LLC dated February 22, 2010, attached as Appendix A, as is now in effect or as may be amended with the concurrence of the Department, Ecology, and the Director of DCD in consultation with the Environmental Health Director.

m. High Risk SIPZ.

“High Risk SIPZ” means a SIPZ where areas within 1,000 feet of a groundwater source with a history of chloride analyses over 200 mg/L.

n. Neighboring Well.

“Neighboring Well” means any municipal, community or individual water supply well on Black Point that is not located on the Developer’s Property, located between the Developer’s Property and Hood Canal and that exists as of the effective date of the Development Agreement. Neighboring Wells include the Pleasant Tides Wells (defined below).

o. Ordinance.

“Ordinance” means Jefferson County Ordinance 01-0128-08.

p. Permit.

“Permit” means the permit issued by Ecology on June 16, 2010 under Application Number G2-30436, attached as Appendix B, as is now in effect or as may be amended.

q. Pleasant Harbor Water System.

“Pleasant Harbor Water System” means the proposed Public Water System for the Developer’s Property.

r. Pleasant Harbor Wells.

“Pleasant Harbor Wells” means the water supply wells in the Pleasant Harbor Water System.

s. Pleasant Tides Water Co-Op.

“Pleasant Tides Water Co-Op” means the holder of the ground water permits issued by Ecology under applications G2-21134C (Black Point Water Co Inc), G2-2363C (Black Point Water Co Inc) and G2-27964 (Pleasant Harbor Beach Tract).

t. Pleasant Tides Operator.

“Pleasant Tides Operator” means Washington Water Service Company, P.O. Box 336, Gig Harbor, Washington 98335-0336, Phone: (253) 851-4060, or any subsequent Satellite System Management Agency operating the Pleasant Tides Wells.

u. Pleasant Tides Wells.

“Pleasant Tides Wells” means the Pleasant Tides Co-Op’s municipal water supply wells at Black Point.

v. Policy.

“Policy” means this Neighborhood Water Supply Policy.

w. Potential Threat.

“Potential Threat” means increasing levels of chlorides as demonstrated by data collected and analyzed from groundwater pursuant to the standards required by the Regulation when: (i) chloride in such well exceeds Baseline Standard by 15%, resulting in chloride levels above 200 mg/l; or, (ii) chloride levels increase by 30%, resulting in levels above 100 mg/l over a 12-month period.

x. Public Water System.

“Public Water System” means a public water system as defined in WAC 246-290-010(204) and WAC 246-290-020(1).

y. Regulation.

“Regulation” means Ch. 246-290, WAC.

z. Safe Drinking Water Act.

“Safe Drinking Water Act” means the Federal Safe Drinking Water Act, 42 U.S.C. §300f *et seq.* as is now in effect or as may be amended and any regulations that implements it.

aa. Satellite System Management Agency.

Satellite System Management Agency means a satellite system management agency established under RCW 70.116.134 that meets all the requirements of Ch. 246-295, WAC and is on the Department’s Office of Drinking Water’s List of Approved Satellite Management Agencies for Jefferson County.<sup>1</sup>

bb. Seawater Intrusion Policy.

“Seawater Intrusion Policy” means the Jefferson County Seawater Intrusion Policy contained in JCC 18.22.130(8).

cc. SIPZ.

“SIPZ” means seawater intrusion protection zone, an area where aquifers and land overlaying aquifers has some degree of vulnerability to seawater intrusion. *See* JCC 18.10.190.

<sup>1</sup> *See*: [http://www.doh.wa.gov/Portals/1/Documents/4200/SMA\\_List.pdf](http://www.doh.wa.gov/Portals/1/Documents/4200/SMA_List.pdf).

dd. State Board of Health.

“State Board of Health” means the Board of Health for the State of Washington.

ee. Term of the Development Agreement.

“Term of the Development Agreement” means the term of the Development Agreement.

ff. Well Construction Standards.

“Well Construction Standards” means the minimum standards for construction and maintenance of wells contained in Ch. 173-160, WAC, as it may be amended, and JCC 18.22(8).

3 Compliance with All Requirements of the Permit, the Ordinance, and the Seawater Intrusion Policy.

The Developer shall comply with all requirements of the Permit, the Ordinance, and the Seawater Intrusion Policy. Compliance with the Ordinance includes full compliance with Condition 63(p) which states:

A Neighborhood Water Policy shall be established that requires Statesman to provide access to the water system by any neighboring parcels if saltwater intrusion becomes an issue for neighboring wells on Black Point, and reserve areas for additional recharge wells will be included in case wells fail, are periodically inoperable, or cause mounding.

For purposes of the Seawater Intrusion Policy, the Developer shall treat the Developer’s Property as a High Risk SIPZ to provide the maximum protection of the aquifer that can be required under the Seawater Intrusion Policy.

4 Compliance with Groundwater Monitoring Plan Requirements.

The Developer shall comply fully with the Groundwater Monitoring Plan, as attached as Appendix A, as is now in effect or as may be amended with the concurrence of the Department, Ecology, and the Director of DCD in consultation with the Environmental Health Director.

5 Compliance with Condition 63(p) of the Ordinance.

a. Required Consultation.

The Developer shall consult with the Department, Ecology, the Director of DCD in consultation with the Environmental Health Director and the Pleasant Tides Operator if groundwater data demonstrates a Potential Threat to any municipal, community or

individual water supply wells on the Developer's Property or waterward of the Developer's Property. The Parties will attempt to determine the cause of the Potential Threat and identify additional monitoring and mitigation measures if the Potential Threat is the result of the Pleasant Harbor Wells.

b. Initial Mitigation Measures

In the event of a Potential Threat the Developer shall, after consultation required in paragraph 5.a., pursue one of the following mitigation measures to address the Potential Threat: (i) construction of a recharge well(s); or (ii) lowering pumping rates and/or adding additional points of withdrawal ("Initial Mitigation Measures"). The Developer may, in its sole discretion, forego the Initial Mitigation Measures and provide a replacement water source for impacted Neighboring Wells, as specified in paragraph d of this section.

c. Reserve Areas Required.

The Developer shall reserve areas for recharge and/or additional water supply wells for use if there is a Potential Threat to any Neighboring Wells.

d. Replacement Water Required for Affected Neighboring Wells.

If Initial Mitigation Measures do not address the Potential Threat, the Developer shall provide a replacement water source for affected Neighboring Wells if it the Potential Threat is caused by the Pleasant Harbor Wells. The Developer, in its sole discretion and at its sole cost, may: (i) Allow connection to the Pleasant Harbor Water System; or, (ii) drill a substitute water supply well to replace the affected Neighboring Well.

If the Pleasant Harbor Water System provides replacement water in response to a Potential Threat, it may apply for consolidation of the water rights under RCW 90 44.105, decommission the affected Neighboring Well consistent with the requirements of state and local law, at the sole cost of the Pleasant Harbor Water System, and request that the owner of the affected Neighboring Well release any claims against the Developer and the Pleasant Harbor Water System for any impairment of the water right in exchange for providing replacement water.

7. Termination.

This Policy shall terminate under the following scenarios, whichever occurs later: (a) Termination of the Development Agreement; or (b) five (5) years after a Potential Threat is discovered during the Term of the Development Agreement, then is addressed and available data demonstrates that the Potential Threat no longer exists.

**(SIGNATURES FOLLOW ON NEXT PAGE)**

PLEASANT HARBOR MARINA AND GOLF RESORT, LLP

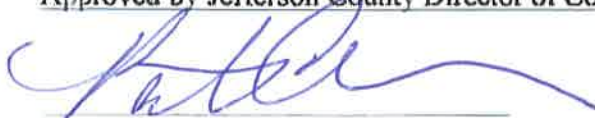
  
M. Garth Mann,

Title: DIRECTOR

Pleasant Harbor Marina and Golf Resort, LLP

Date: July 25 / 18

Approved by Jefferson County Director of Community Development:



Patty Charnas,  
Jefferson County Director of Community Development

Date: 8/10/18

## **EXHIBIT A**

Attached Revised Pleasant Harbor Groundwater Monitoring Plan Prepared by  
Subsurface Group, LLC, dated February 22, 2010

**SUBSURFACE GROUP LLC**

11220 Fieldstone Lane N.E.  
Bainbridge Island, Washington 98110  
Tel: (206) 778-8074 Fax: (206) 780-5669

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MEMORANDUM

To: Tom McDonald  
From: Scott Bender  
CC: Craig Peck, Garth Mann  
Date: February 22, 2010  
RE: REVISED PLEASANT HARBOR GROUNDWATER MONITORING  
PLAN

---

This memorandum presents the groundwater monitoring plan to be used during construction and operation of the Pleasant Harbor Golf and Marina Resort. The plan is based on several meetings and discussions with the Department of Ecology and Pacific Groundwater Group. Groundwater monitoring will be performed to document water quality and drawdown conditions related to the development.

Figure 1 presents a map of the existing and proposed groundwater monitoring instrumentation. Two additional monitoring wells will be installed, labeled MW-7 and MW-8 as shown on the attached map. These will be standard 2-inch diameter monitoring wells completed to a minimum of 10 feet below the water table. The existing monitoring wells are labeled on the map MW-2, MW-4, and MW-5. Wells labeled VWP-1, VWP-3, and VWP-6 were geotechnical borings with vibrating wire piezometers installed in them to measure groundwater pressures.

The highest groundwater demand at the site will be during site development prior to the construction of the central pond. About one month before construction and during this period dataloggers will be connected to all of the wells at the site. The program will collect measurements on groundwater pressure and fluid conductivity (which can be correlated to salinity). Dataloggers that record groundwater pressure will be installed at VWP-1, VWP-3, MW-5, and VWP-6. Dataloggers that measure both groundwater pressure and fluid conductivity (which can be correlated to salinity) will be installed at MW-2, MW-4, MW-7, and MW-8. These units will record groundwater measurements on a 0.5 hour basis. The dataloggers will be downloaded every two months during the construction season estimated from April 1 to November 1, and every three months in the non-construction period, estimated November 1 to April 1 when there will be minimal well use.

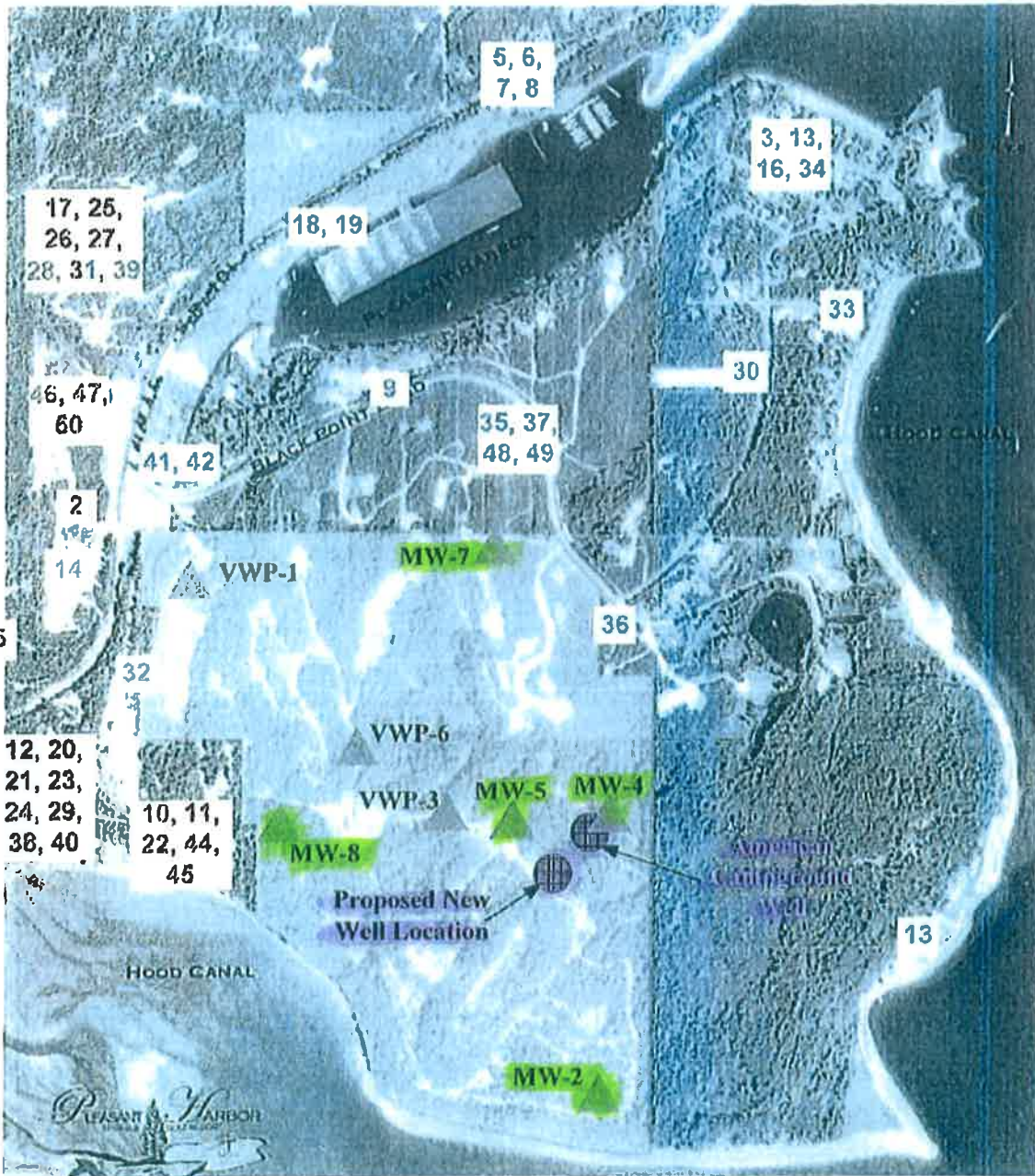
During construction, water quality samples will be collected from the two supply wells and MW-4, MW-7, and MW-8 if an anomalous conductivity trend is observed. The samples will be sent to a water quality laboratory for analysis of chloride and nitrates.

Memorandum to Statesman Corporation  
February 22, 2010  
Page 2

After construction is completed and the occupancy of the resort units commences, all of the dataloggers will be downloaded quarterly. Water quality samples will be collected from the supply wells quarterly. This program will be continued for five years or until the resort has achieved full build-out, whichever is longer; at which time the monitoring plan will be adjusted based on the results of the program. The data will be transmitted to Ecology for their review.

Pleasant Harbor will perform a minimum 72-hour aquifer test at each new water supply well installed for the project. During testing the wells will be sampled for electrical conductivity and chloride concentrations.

Pleasant Harbor will use its best efforts to sample a minimum of two coastal domestic wells for electrical conductivity and chloride concentrations twice a year in April and August. Sampling will be dependent upon obtaining the permission, cooperation and availability of the owner of the domestic well. Ecology has identified four potential candidates; Pleasant Harbor will prioritize these wells, and will seek others if the listed wells are not available. For consistency, Pleasant Harbor will attempt to establish a long-term relationship with those well owners.



**Notes:**

- 1) Well locations are approximate. Domestic well locations typically to nearest quarter quarter unless better known.
- 2) See Appendix for well logs



Monitoring Well Location (MW = monitoring well; VWP = vibrating wire piezometer)



Water Supply Well Location

Subsurface Group,  
LLC

Pleasant Harbor Marina and Golf Resort  
Groundwater Impact Evaluation  
Statesman Corporation

Domestic Well and  
Monitoring Well  
Locations

Project Number  
SG0601-03

Figure 1

## **Appendix P**

Wildlife Management Plan,  
including Amendment 1

November 2, 2017

Statesman Group  
7370 Sierra Morena Boulevard SW  
Calgary, Alberta T3H 4H9

Attention: Garth Mann

Subject: Revised Wildlife Management Plan  
Pleasant Harbor Master Planned Resort  
Jefferson County, Washington  
File No. 12677-001-12

## **INTRODUCTION**

The Pleasant Harbor Master Planned Resort is situated on approximately 237 acres in Pleasant Harbor and Black Point in Hood Canal and will consist of a 9-hole championship golf course, residential housing, marina and a maritime village. As part of the Jefferson County approval conditions (Ordinance No. 01-0128-08, 63.I) a wildlife management plan is required. This condition states that the wildlife management plan (WMP) will focus on non-lethal strategies to:

- Prevent diminishment of tribal wildlife resources (e.g. deer, elk, cougar, waterfowl, osprey, eagles and bear);
- To reduce the potential for vehicle collisions on US Highway 101;
- Reduce the conflicts resulting from wildlife foraging on high value landscaping and attraction to fresh water sources;
- To reduce the dangers to predators attracted to the area by prey or habitat; and
- To reduce the danger to humans.

This letter report presents the WMP prepared to address Ordinance No. 01-0128-08, 63.I, for the proposed Pleasant Harbor Master Planned Resort (MPR), near Brinnon in Jefferson County, Washington (Figure 1 – Vicinity Map). The following report addresses the current preferred alternative (Alternative 3) site plan for the MPR (Figure 2 – Site Map). A Habitat Management Plan (HMP) for the project area was developed in 2012 and describes potential fish and wildlife usage of the project site (GeoEngineers 2012). In addition, the HMP also described minimization measures such as providing wildlife corridors, increasing shoreline buffer and enhancement through native plantings in degraded habitat areas (GeoEngineers 2012); Figure 3 shows the proposed wildlife corridors.



## Project Location

The Pleasant Harbor MPR is located along the western shoreline of the Hood Canal surrounding Pleasant Harbor and Black Point in Sections 15 and 22 of Township 25 North, Range 2 west of the Willamette Meridian. The MPR property, hereinafter referred to as the site, is approximately 1½ miles south of Brinnon in Jefferson County, Washington (Figure 1). The site is located in the Skokomish-Dosewallips Water Resource Inventory Area (WRIA 16) and is part of the East Olympic and Hood Canal Basins.

The approximately 237-acre site is partially developed and comprised of three main development sections as identified in Figure 1. Section 1 is the Golf Course/Golf Resort on Black Point, which extends east approximately 1 mile into Hood Canal. This property was historically used for camping and recreation. Sections 2 and 3, referred to as the Maritime Village/Marina area. These sections are located on the northwest shoreline of Pleasant Harbor which is a shallow cove of Hood Canal north of Black Point. Currently, Sections 2 and 3 are being utilized for a variety of purposes including business (real estate office), recreational (the marina) and commercial (restaurant and convenience store).

## Site Description

The entire site was previously logged by others prior to 1970. Historical aerial photographs reproduced in the *Forestry Report* prepared for the Pleasant Harbor MPR show the area now occupied by the Pleasant Harbor Marina was once used for log rafting and a log dump. The existing narrow loop road on the slope and along the waterfront was created by others to serve these uses.

### Black Point Peninsula and Marina

Existing land use on the Black Point Peninsula is predominantly low-density residential. The peninsula was previously logged, and single-family homes have been constructed on the west and east sides. The northern end of the peninsula is undeveloped. Washington State Department of Fish and Wildlife (WDFW) owns approximately 30 acres of forest land on the northern portion of the peninsula. Improvements on WDFW land include a public boat launch and picnic area with access from Black Point Road.

The site was historically used as a 500-site campground and consists of developed roads and camping pads. There are buildings remaining on-site, including restrooms located throughout the developed area of the site. Section 1 is bordered by Hood Canal to the south, forested land and several single-family residences to the east, light residential housing to the north and Highway 101 to the west. Black Point peninsula landforms consist of hills, ravines and deep kettles shaped by glacial processes. The project area is sparsely forested with pockets of second growth coniferous forest and areas of deciduous shrubs and trees. There are also cleared areas that were associated with the campground, including roads, campsites, maintenance areas, lodge, restrooms, parking areas and play areas.

The golf course has been reduced to 9-holes to accommodate the Tribe, where only 3.1 acres is classified as impervious development. At the Marina/Maritime Village uplands, the impervious areas are only 1.8 acres of development.



Vegetation found on the property consists primarily of an over story of Douglas fir (*Pseudotsuga menziesii*), with occurrences of red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa*), bitter cherry (*Prunus emarginata*), bigleaf maple (*Acer macrophyllum*), and Pacific madrone (*Arbutus menziesii*). Broadleaf shrubs and other plants found in the understory include: red-flowering currant (*Ribes sanguineum*), Scot's broom (*Cytisus scoparius*), vine maple (*Acer circinatum*), salal (*Gaultheria shallon*), and evergreen huckleberry (*Vaccinium ovatum*). The Black Point peninsula and marina areas provide grazing and cover habitat for deer, elk, cougar, and bear. However, these habitats do not provide potential grazing or prey habitat for osprey, eagles and waterfowl.

### Shoreline

The Pleasant Harbor shoreline is considered a low-energy environment due to the protected waters of the Bay and the vegetation established below the mean higher high tide line. Salt-tolerant vegetation identified on the shoreline along Pleasant Harbor included saltgrass (*Distichlis spicata* var. *spicata*), pickleweed, Puget Sound gumweed (*Grindelia integrifolia* var. *macrophylla*) and fleshy jaumea (*Jaumea carnosa*).

The Hood Canal shoreline of Black Point is considered a high-energy environment because of the exposed nature of the shoreline and the lack of vegetation established below the mean higher high tide line. The shoreline along Black Point is high bluff with areas of vertical slopes, which contain little to no vegetation and signs of active erosion. The shoreline within the project area does not provide grazing or cover habitat for deer, elk, cougar, or bear. However, the shoreline does provide potential grazing and prey habitat for osprey, eagles and waterfowl.

## PROJECT DESCRIPTION

The plan is to develop a mixed-use resort development on the 237-acre site. Although three project alternatives and a no-action alternative (four alternatives total) have been developed, the basic project description remains consistent within the various phases and alternatives.

For more specific information on the preferred alternative, see Attachment 1.

### Mitigation Measures

Various strategies will be implemented to help prevent the diminishment of tribal wildlife resources throughout the site from impacts caused by the development. These strategies include providing natural vegetated areas that will be protected from development and remain undisturbed as well as reducing impacts to the marine environment by controlling pollution that may drain to Hood Canal and Pleasant Harbor.

The following mitigation measures will be taken to limit impacts to terrestrial wildlife resources and protect wildlife corridors within the golf resort:

- Designated vegetated areas/corridors will be left undisturbed and extend throughout areas of development. These undisturbed vegetated areas will consist of the typical forested habitat that

currently exists on the site. The areas will be dominated by a coniferous and deciduous forest, with dense to moderately dense shrub and herbaceous layers.

- Wildlife Corridors depicted on Figure 3 extending through golf course fairways will consist of mowed grasses. However, it is assumed that wildlife will still cross through these areas of the fairways.
- The JCC 150-foot shoreline buffer will be increased to a 200-foot shoreline buffer and will not be disturbed or encroached upon. Disturbed portions of the buffer will be restored.
- The final wetland critical area buffers will be marked and left undisturbed for Wetlands C and D.
- Existing concrete and gravel roads within the buffers of Wetlands C and D will be removed and the areas will be replanted with native vegetation that is found in the project vicinity.
- Vegetated corridors that lead to offsite areas and to other remaining vegetated areas will be left throughout the golf course and housing areas. These corridors will lead to more than 200 acres of relatively undisturbed vegetation on and off site in addition to existing and created wetland features on-site. These corridors will be dominated by native vegetation that will provide food and habitat to animals that may use the site.
- An effort will be made to retain trees that have a Diameter at Breast Height (DBH) of 10 inches or greater throughout the site in these corridors. These trees are important because they are used as perch trees and nesting trees for birds such as bald eagles and osprey. An active osprey nest was identified near the west shoreline of Pleasant Harbor and the nest and tree will be protected during construction.

Undisturbed areas of natural vegetation and habitat corridors are important to wildlife currently using the site. Habitat corridors are needed to allow movement and subsequent flow of genes between wildlife populations in habitats that otherwise would be isolated. The two primary users of corridors are corridor travelers and corridor dwellers. Corridor travelers include large herbivores such as deer; medium to large carnivores like foxes and coyotes; and various migratory animals (Payne and Bryant 1994). Corridor dwellers generally have limited dispersal ability and consist mostly of plants, insects, amphibians, reptiles, small mammals and birds. These vegetated areas will lessen impacts and allow wildlife that typically utilizes the site to continue to utilize the site.

## WILDLIFE RESOURCES

As stated above, the purpose of this WMP is to provide non-lethal strategies to prevent diminishment of tribal wildlife resources (e.g. deer, elk, cougar, waterfowl, osprey, eagles and bear) to reduce the potential for vehicle collisions on US Highway 101, to reduce the conflicts resulting from wildlife foraging on high value landscaping and attraction to fresh water sources, to reduce the dangers to predators attracted to the area by prey or habitat and to reduce the danger to humans. Therefore, development of the WMP included identification of tribal wildlife resources and review of literature on the identified tribal wildlife resources. For the purposes of this report, the wildlife resources discussed below include: deer, elk, cougar, waterfowl, osprey, eagles and bears.



## Deer

During previous site visits, black-tail deer (*Odocoileus hemionus columbianus*) scat and tracks were observed throughout the site from the shoreline to the upland in all sections and there were visual confirmations of deer made during the field reconnaissance.

## Roosevelt Elk

There is documented presence of regular large concentrations of Roosevelt elk (*Cervus elaphus roosevelti*) in the vicinity of the site (WDFW 2017). Elk migrate on a seasonal pattern and can be expected to be in the project vicinity during certain times of the year. Elk could potentially wander onto Black Point and inhabit the site for short durations during the year. However, SR 101 separates the entire site from crucial elk wintering range (WDFW 2017). According to Bryan Murphie (wildlife biologist with WDFW), there are two unique herds in the area: Duckabush and the Dosewallips herds (personal communication, 2017). Both herds have the potential to cross Highway 101, but the Duckabush herd would likely be the herd that utilize Black Point (personal communication with Bryan Murphie 2017). There is not a documented presence of elk utilizing Black Point; however, elk could be found occasionally using the site (personal communication with Bryan Murphie 2017).

Elk are typically found in herds that can range in size of individuals. During mating season, bulls gather harems of cows and these harems can range in size from 3 to 25 cows (WDFW 2004). Therefore, it is assumed a herd could be as small as 4 individuals (3 cows and 1 bull).

## Cougar

The project site includes forested habitat with thick brush and sparse development which is typical habitat of cougar. While cougars were not observed during the site reconnaissance and no evidence of cougar was noted, it is possible that cougar are found within the development site. Adult cougar prey typically includes deer (WDFW 2004), which have been identified on and near the project site.

## Bears

Due to habitat conditions of the project site (forested area with sparse development) bears could be found at the project site. In general, bears are strongly associated with forest cover, but they do occasionally use open country (WDFW 2004). Bears were not observed on the project site and evidence of presence was not noted; however, due to habitat conditions, it is possible that bears could be found within the development site.

## Waterfowl

Migratory water fowl, such as ducks, geese and swans, are expected to be present within the vicinity of the site. The Duckabush River enters Hood Canal about 1 mile southwest of the site. There is an extensive delta and shallow mudflat habitat at the mouth of the river. This area is prime habitat for waterfowl: thus, they can be expected to feed and migrate through the area during various times of the year. There is a documented waterfowl concentration of trumpeter swans (*Cygnus buccinators*) along the southern shoreline of Black Point that is associated with the mouth of the Duckabush River and of hooded merganser (*Lophodytes cucullatus*) along the east shoreline of Black Point (WDFW 2011; WDFW 2017). There is also documented presence of hooded merganser as concentrations in a pond less than ½ mile to the east of the site (WDFW 2011; WDFW 2017).



## Osprey and Eagles

An active osprey nest was observed and identified adjacent to the development site, near the west shoreline of Pleasant Harbor. Two off-site bald eagle nests are mapped by WDFW (WDFW 2017) on the eastern shoreline of Black Point, under ½ mile east from the development area. The shoreline on the southern edge of Black Point and the Pleasant Harbor shoreline contain mature trees suitable for eagle and osprey perching. Although there are no eagle nests or communal areas identified onsite, there is a presence of bald eagles in the project vicinity, which indicates there is potential for bald eagles to utilize the site. During the 2006 field reconnaissance, one immature and one adult bald eagle were observed flying over the site, and two adult bald eagles were observed perched in mature Douglas fir trees along Pleasant Harbor.

## WILDLIFE MANAGEMENT STRATEGIES

The proposed project has been designed to minimize impacts from the proposed development. Wildlife corridors and enhancement through installation of native plants is proposed over much of the site. In addition, the golf course has been reduced from an 18-hole course to a 9-hole course reducing the overall footprint of the development.

Through discussions with Native American Tribes it has been identified that tribal wildlife resources (including Roosevelt Elk) should be discouraged from using the development site (Jefferson County Web Meeting Notes 2017). Therefore, management strategies listed below include strategies to discourage wildlife use of the sites to prevent diminishment of the wildlife resources, reduce vehicle collisions, reduce conflicts with foraging on high value landscaping, reduce dangers to predators attracted by prey and reduce dangers to humans.

### Deer

Deer have been identified on the project site and will likely continue to reside within the project area after construction. Deer can be a nuisance species when population numbers increase to a point where human and deer conflicts become a concern (WDFW 2004). Deer will forage on landscaped plants and can attract animals that prey on deer, such as cougar and bear. In addition, with an increased population there is a potential increase in deer and vehicle collisions (WDFW 2004).

Potential ways to discourage deer from the property include:

- Installing cattle guards within driveways or roads with adjacent fencing along entrances;
- Landscaping with deer resistant plants;
- Implementing scare tactics. Scare tactics can include visual (bright colors, jerking movements), auditory (loud noises) and smell (sprays that have a scent deer dislike). However, scare tactics are often considered temporary because deer will get used to the tactic and once again return to the site; and
- Installing fencing around the site or potential food sources (landscaped plants).



Statesman will evaluate deer presence on the project site and if deer become a nuisance, Statesman will implement the following strategies:

- Statesman will landscape with deer resistant plants and if needed will fence around potential food sources (landscaped plants).
- Scare tactics will be used to deter deer from the project site. Scare tactics will include use of chemicals for smell, loud noises and flashing lights.
- If deer continue to be a nuisance, Statesman will install cattle guards and fencing as a last resort to discourage deer presence on the property. The fence will only be installed on WDFW and Washington State Department of Transportation (WSDOT's) concurrence that installation of a fence will not pose a threat to human health and safety.

### Roosevelt Elk

Elk have not been identified on the property but there is a potential for their presence because the site is adjacent to mapped elk crucial wintering range (WDFW 2017). Elk can be a nuisance species when human and elk conflicts become a concern. Elk will forage on landscaped plants and due to the location of the highway, there is a potential increase in elk and vehicle collisions (WDFW 2004). Human and elk conflicts are influenced by the number of elk in the area, the availability of alternative food sources and hiding cover, and winter weather conditions (WDFW 2004).

Methods to discourage elk from utilizing the site are similar to deer. Typical nonlethal damage-control techniques to discourage elk include but are not limited to the following:

- Scare tactics can include visual (bright colors, jerking movements), auditory (loud noises) and smell (sprays that have a scent elk dislike). However, scare tactics are often considered temporary because the animals will get used to the tactic and return to the site.
- Elk fences and other barriers can provide relief from elk damage in situations where plants cannot be protected individually (WDFW 2004; Johnson, et al. 2014; WSDOT 2017; personal communication with Fish and Wildlife biologist at WSDOT 2017; personal communication with Wildlife Biologist at WDFW 2017). The fence will need to be minimum 8-foot-high woven-wire fence. In addition, electric fences have proven to be an alternative to the woven-wire fencing. The fences feature eight to ten strands of high tensile steel wire supported by conventional fence post systems. To be effective, fencing must be seen by the elk because often times they will go through the fence if not seen. To make the fencing visible, survey tape or branches can be used.
- High numbers of wildlife and vehicle collisions frequently occur in areas where large numbers of deer and elk are present directly adjacent to high traffic volume highway segments (WSDOT 2017). According to WSDOT, signs are the most commonly used tool to warn motorists of the possibility of wildlife on the highway (WSDOT 2017). Flashing signs or signs with regularly updated messages are more successful at reducing deer and elk vehicle collisions than regular signs and are currently used in areas with high wildlife/vehicle collision rates (WSDOT 2017). Therefore, another potential strategy to reduce elk and vehicular incidents is to install collars on elk that are linked to signs on Highway 101. The signs would light up when the elk get close to the roadway and warn people to slow down. However, this strategy would not prevent elk from entering the project site and is not always an



effective strategy (personal communication with Fish and Wildlife Biologist at WSDOT 2017; personal communication with Wildlife Biologist at WDFW 2017).

To help prevent elk and vehicle collisions, Statesman will install flashing signs that are associated with collared elk. Even though there is no history of elk grazing on the grasses in the project area, the Applicant has agreed to satisfy the concerns of PGST to install a west oriented fence in any open areas where elk could find access to the 9 holes of golf course grasses. The Applicant will investigate if there is proven technology in types of grasses that are not attractive for elk grazing. For the project site, strategies for discouraging elk from the property include utilizing scare techniques which is a temporary solution. Statesman will be responsible for monitoring elk presence on the site. If more than four elk (which could be a herd) are observed accessing the property within a one year span, Statesman will employ the following strategies to remove and discourage elk from the site:

- If four elk are observed on the property in a one year span, Statesman will implement scare tactics to deter the elk from the project site. Scare tactics will include use of chemicals smell, loud noises and flashing lights.
- There has been no history of elk entering and grazing on the property. Once the property is developed and should there be more than four elk on the property at one time after the developer has determined that noise-deterrents, smell-deterrents and visual deterrents have proven ineffective, then the developer will install a fence as a last resort to discourage their presence for the benefit of the PGST and their hunting rights. The fence will only be installed on WDFW and WSDOT's concurrence that installation of a fence will not pose a threat to human health and safety.

### Cougar

Cougar could potentially be attracted to the development site by the presence of prey species such as deer and elk. WDFW provides several tips for preventing conflicts if living within areas where cougars are present (WDFW 2004):

- Do not leave small children unattended and make sure children are indoors by dusk. Cougars are generally more active from dusk to dawn.
- Modify the habitat around homes. Light all walkways after dark and avoid landscaping with plants that deer prefer to eat. Shrubs and trees around children's play areas should be pruned to prevent cougars from hiding behind them.
- Do not feed wildlife that may be prey to cougars. Attracting prey species will likely attract cougars.
- Feed pets inside and do not leave unattended water and food outside.
- Use garbage cans with tight-fitting lids because garbage can attract small mammals that, in turn may attract cougars.

Statesman will monitor the number of cougar sightings on the project site. If cougar presence becomes a nuisance then the following strategies will be implemented:

- Statesman will implement public education programs regarding living in areas with cougars (i.e. garbage can management, feeding pets and supervising children outdoors).



- If cougars are still observed on the property, Statesman will modify habitat around homes which will include, lighting all walkways after dark, pruning shrubs and trees and landscaping with deer resistant plants.

### **Bear**

Bear can utilize a variety of habitats but are generally associated with forested areas. Therefore, bear have the potential to be on the development site before and after the development of the project. WDFW provides several tips for preventing conflicts if living within areas where bears may be present (WDFW 2004):

- Do not feed bears; a wild bear can become permanently food conditioned after just one handout and associate food with humans.
- Manage garbage. Bears will go through garbage looking for food. Trash cans should be put out shortly before the garbage truck arrives, garbage cans should have tight fitting lids and be kept in a shed or garage, and garbage cans should be sprayed with disinfectants to reduce odors that may attract bears.
- Remove bird feeders from early March through November.
- Clean barbecue grills after each use and store the barbecue in a shed or garage.
- Electric fencing can be used where bears frequent. Electric fencing will only work if it is operating before conflicts occur. Bears will go through electric fencing once they are food conditioned and know that food is available.
- Temporary scare tactics (as described above) can be used to temporarily scare bears from a building. The location of the frightening devices should be changed every other day; however, bears will still become accustomed to them after a period of time.

Statesman is planning to install bear proof garbage containers approved by US Park Service. Statesman will monitor the number of bear sightings on the project site. If bear presence becomes a nuisance than the following strategies will be implemented to discourage bear presence:

- Statesman will implement public education programs regarding living in areas with bears (i.e. garbage can management, cleaning barbeque grills and bird feeders).
- If needed scare tactics will be implemented to deter bears from certain areas.

### **Waterfowl**

There is potential for waterfowl to become attracted to the site after development has occurred. Waterfowl habitat (mowed grasses and areas of open water) is being created as a result of the development actions. Methods to discourage use of the site include:

- Not feeding waterfowl,
- Putting a grid or net over open water that will prevent waterfowl from using the water; and



- Scare tactics.

Statesman will evaluate waterfowl presence and identify whether waterfowl are becoming a nuisance. If waterfowl are becoming a nuisance then the following strategies will be implemented to discourage waterfowl presence:

- Install signage near open water to educate people about not feeding birds.
- Implement scare tactics such as loud noises and flashing lights.
- If waterfowl presence is still considered to be a nuisance, a grid or net will be installed over open water features.

### Osprey and Eagles

Osprey and eagles are currently found near the project site and will likely to be present after the project is constructed. In general, osprey and eagles are not considered nuisance species. Habitat for osprey and eagles will be managed at the project site by retaining trees that have a DBH of 10 inches or greater throughout the site in these corridors. These trees are important because they are used as perch trees and nesting trees for birds such as bald eagles and osprey.

## SUMMARY AND RECOMMENDATIONS

The Pleasant Harbor Master Planned Resort is situated on approximately 237 acres in Pleasant Harbor and Black Point in Hood Canal and will consist of a 9-hole championship golf course, residential housing, marina and a maritime village. As part of the Jefferson County approval conditions (Ordinance No. 01-0128-08, 63.I), a wildlife management plan is required. For the purposes of this report, the wildlife resources discussed within this WMP include: deer, elk, cougar, waterfowl, osprey, eagles and bears.

Deer, elk, cougar, bear, osprey and eagles all have the potential to be found on or within the project site and presence of these animals on the development site may increase as a result of the proposed development. Statesman will manage sightings and determine whether these species are considered a nuisance. Even though there is no history of elk grazing on the grasses in the project area, the Applicant has agreed to satisfy the concerns of PGST to install a west oriented fence in any open areas where elk could find access to the 9 holes of golf course grasses. The Applicant will investigate if there is proven technology in types of grasses that are not attractive for elk grazing. In the case of elk, if more than four elk individuals are observed on the site in a 1-year period, Statesman will use alternative elk management strategies including scare tactics and fencing as described in the Wildlife Management Strategies section above.

Typical recommended management strategies for living with wildlife are listed below:

- If species become a nuisance, employ scare tactics (visual, auditory and smell). This is often a temporary strategy that will only work until the animal becomes use to the noise.



- Do not feed the animals. Waterfowl and bear will associate humans and food and may become aggressive.
- Manage pets responsibly. Leaving pet food out may attract prey species which could in turn attract predator species such as cougar.
- Manage garbage cans, barbeque grills, and bird feeders. These items can attract animals looking for food. Animals may associate food with humans and become aggressive.

## LIMITATIONS

GeoEngineers has developed this Wildlife Management Plan for the property located at Pleasant Harbor and Black Point owned by Statesman Group in general accordance with the scope and limitations of our proposal. Within the limitations of scope, schedule and budget, our services have been executed in accordance with the generally accepted practices in this area at the time this report was prepared. No warranty or other conditions express or implied should be understood.

This report has been prepared for the exclusive use of Statesman Group and authorized agents and regulatory agencies following the described methods and information available at the time of the work. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. The information contained herein should not be applied for any purpose or project except the one originally contemplated.

The applicant is advised to contact all appropriate regulatory agencies (local, state, and federal) prior to design or construction of any development to obtain necessary permits and approvals.

## REFERENCES

GeoEngineers, Inc., 2012. Habitat Management Plan Pleasant Harbor Master Planned Resort, Jefferson County, Washington. Prepared for Statesman Group. January 27, 2012.

Jefferson County Meeting Notes. Meeting Notes Summary and Follow-Up Action Items, Pleasant Harbor MPR Discussion, Technical Workgroup. Web Meeting: January 26, 2017 at 8:30 to 10:30 am.

Johnson, Heather, et al., 2014. Evaluation of Techniques to Reduce Deer and Elk Damage to Agricultural Crops. Available at: [http://onlinelibrary.wiley.com/doi/10.1002/wsb.408/epdf?r3\\_referer=wol&tracking\\_action=preview\\_click&show\\_checkout=1&purchase\\_referrer=www.google.com&purchase\\_site\\_license=LICENSE\\_DENIED\\_NO\\_CUSTOMER](http://onlinelibrary.wiley.com/doi/10.1002/wsb.408/epdf?r3_referer=wol&tracking_action=preview_click&show_checkout=1&purchase_referrer=www.google.com&purchase_site_license=LICENSE_DENIED_NO_CUSTOMER).

Payne, Neil F. and Fred C. Bryant, 1994, Techniques for Wildlife Habitat Management of Uplands. McGraw Hill, Inc., New York.

Personal communication with Kelly McAllister at WSDOT, 2017. Phone conversation between Kelly McAllister a Fish and Wildlife Biologist with WSDOT and Jennifer Dadisman with GeoEngineers. July 7, 2017.



Personal communication with Bryan Murphie at WDFW, 2017. Phone Conversation between Bryan Murphie a Wildlife Biologist with WDFW and Jennifer Dadisman with GeoEngineers. July 7, 2017.

United States Department of Agriculture – Natural Resources Conservation Services, 1999. American Elk (*Cervus elaphus*). Available at: [https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_010000.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_010000.pdf).

Washington Department of Fish and Wildlife, 2004. Olympic Elk Herd Plan. Wildlife Program, Washington Department of Fish and Wildlife, Olympia. 52pp.

Washington Department of Fish and Wildlife, 2004. Living with Wildlife in the Pacific Northwest. Available at: <http://wdfw.wa.gov/living/species/>.

Washington Department of Fish and Wildlife, 2011, Washington Department of Fish and Wildlife Habitats and Species Map in the Vicinity of T29R01E Section 7.

Washington Department of Fish and Wildlife, 2016. District 15 Hunting Prospects. Available at: <http://wdfw.wa.gov/hunting/prospects/2016/statewide.pdf>.

Washington Department of Fish and Wildlife, 2017 Priority Habitat and Species Interactive Mapper. Available at: <http://apps.wdfw.wa.gov/phsontheweb/>.


Washington Department of Fish and Wildlife, 2017. Game management Unit (GMU) Search; Jefferson County. Available at: <http://wdfw.wa.gov/hunting/gmu/search/search.php?searchby=County&search=Jefferson&orderby=PlaceName>.

Washington State Department of Transportation, 2008. Analysis of Deer and Elk- Vehicle Collision Sites along State Highways in Washington State. Available at: <http://www.wsdot.wa.gov/Research/Reports/700/701.1.htm>.

Washington State Department of Transportation, 2017. Reducing the Risk of Wildlife Collisions. Available at: <https://www.wsdot.wa.gov/Environment/Biology/FAQwildlifeCollisions.htm>.


If you have any questions regarding our work or the information provided please call us at 253.383.4940.

Sincerely,  
GeoEngineers, Inc.



Jennifer L. Dadisman, PWS  
Biologist

JLD:JOC:tin:cam



Joseph C. Callaghan, MS, PWS  
Associate

Attachments:

Figure 1. Vicinity Map

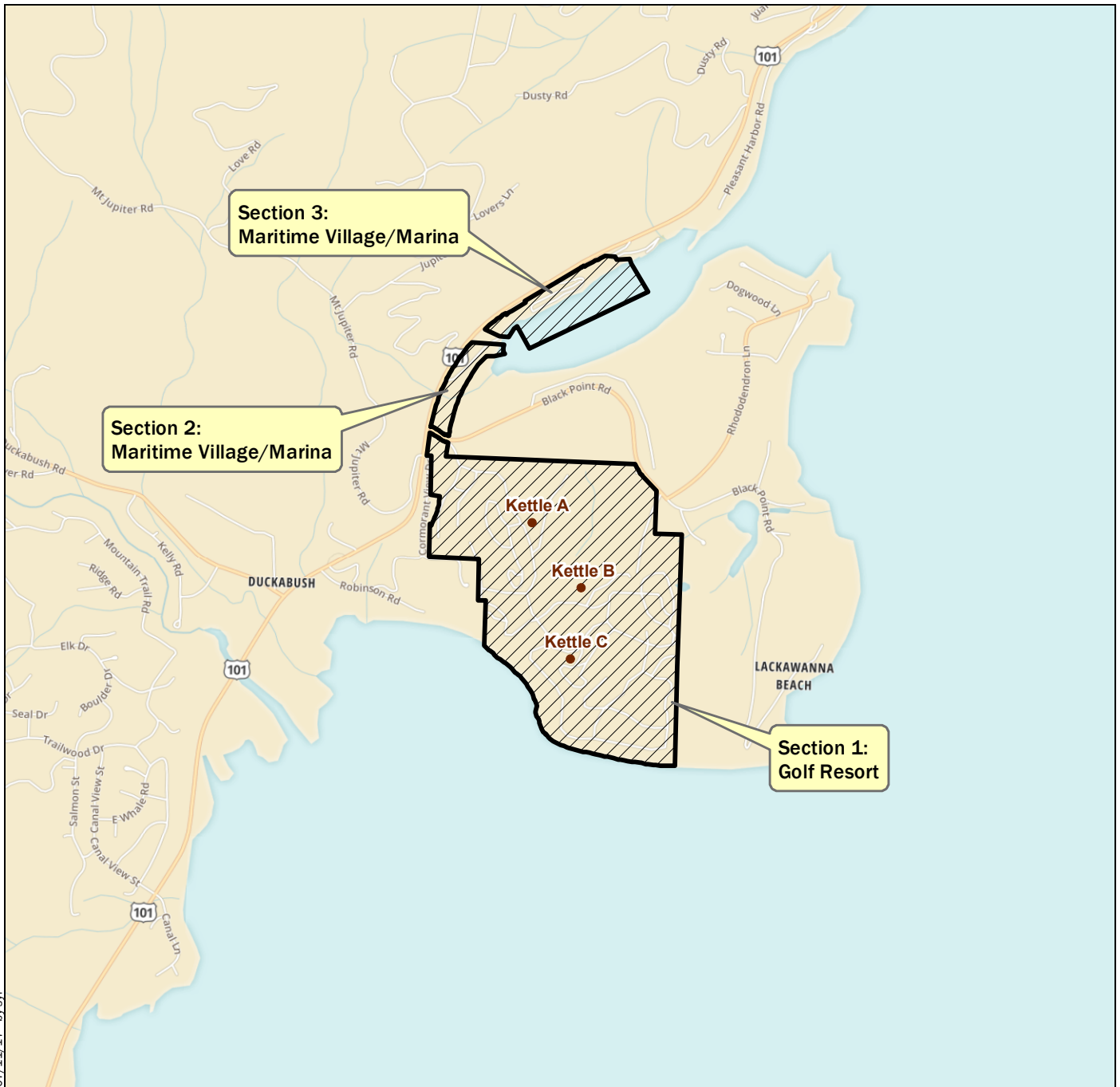
Figure 2. Site Plan

Figure 3. Golf Course Wildlife Corridor Plan

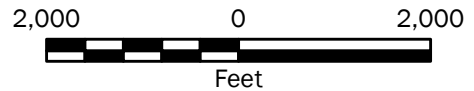
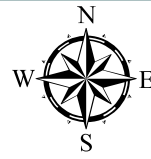
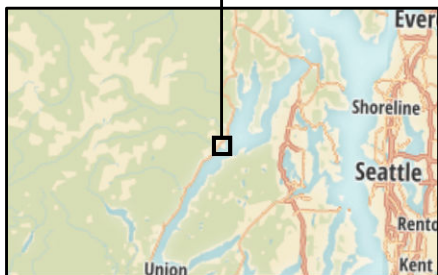
Attachment 1. Alternative 3 Phasing Figure

One copy submitted





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Vicinity Map

Pleasant Harbor Master Planned Resort  
Brinnon, Washington



**Notes:**



1. The locations of all features shown are approximate.
2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

Data Source: Mapbox Open Street Map, 2015

Projection: NAD 1983 StatePlane Washington North FIPS 4601 Feet

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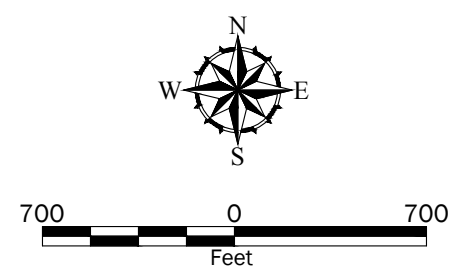



- Legend**
-  Property Boundary
  -  Proposed Fence Line

- Notes:**
1. The locations of all features shown are approximate.
  2. This drawing is for information purposes. It is intended to assist in showing features discussed in an attached document. GeoEngineers, Inc. cannot guarantee the accuracy and content of electronic files. The master file is stored by GeoEngineers, Inc. and will serve as the official record of this communication.

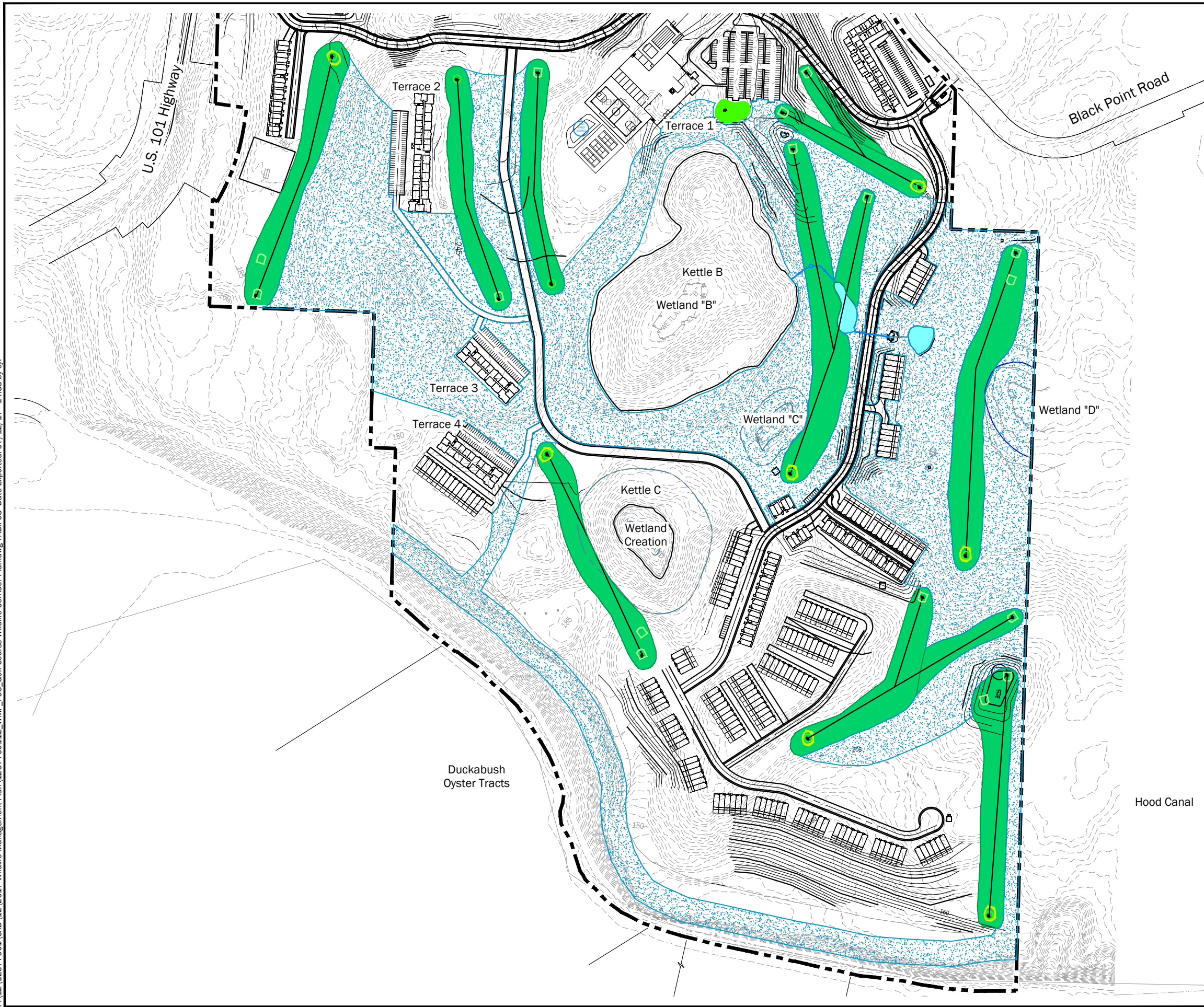
Data Source: Background from Drawing provided by WH Pacific Statesman and Craig A. Peck and Associates, dated 07/05/17. Aerial photo for Microsoft Bing map server.

Vertical Datum: NAVD 88.  
 Projection: NAD83 Washington State Planes, North Zone, US Foot.



<b>Site Plan</b>	
Pleasant Harbor Master Planned Resort Brinnon, Washington	
	<b>Figure 2</b>

P:\12\12677001\CAD\12.2017 Wildlife Management Plan\1267700112\_WMP\_F03\_Golf Course Wildlife Corridor Plan.dwg TAB:F03 Date Exported: 07/12/17 - 14:33 by syl



**Legend**

- Property Boundary
- Wildlife Corridor

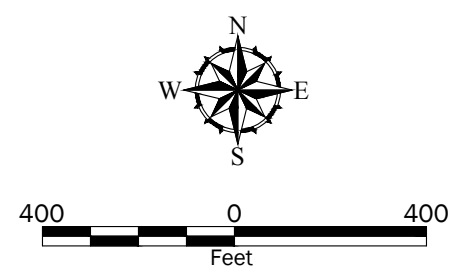
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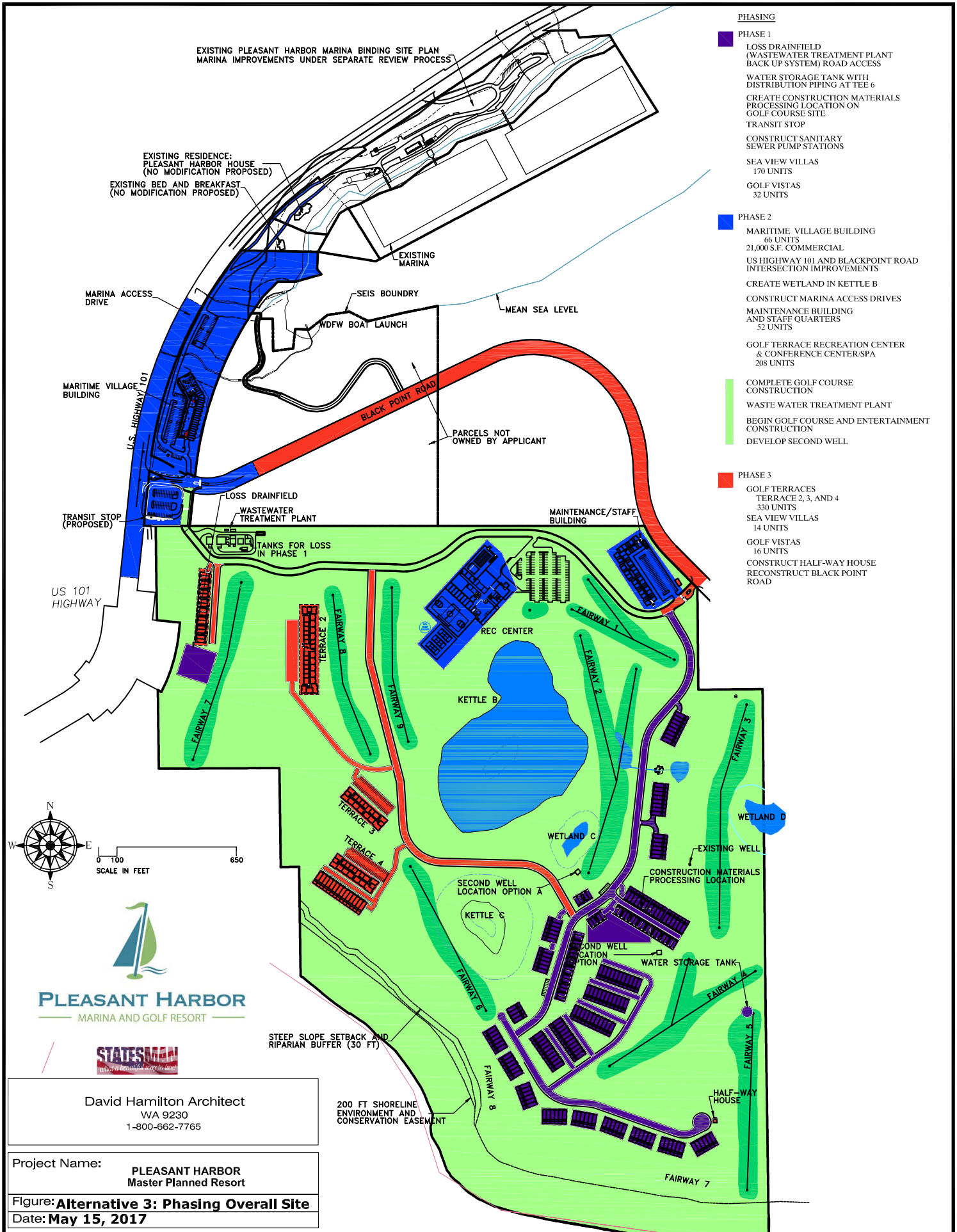
Vertical Datum: NAVD 88.

Projection: NAD83 Washington State Planes, North Zone, US Foot.



<b>Golf Course Wildlife Corridor Plan</b>	
Pleasant Harbor Master Planned Resort Brinnon, Washington	
	Figure 3

**ATTACHMENT 1**  
**Alternative 3 Phasing Figure**



**PHASING**

**PHASE 1**

- LOSS DRAINFIELD (WASTEWATER TREATMENT PLANT BACK UP SYSTEM) ROAD ACCESS
- WATER STORAGE TANK WITH DISTRIBUTION PIPING AT TEE 6
- CREATE CONSTRUCTION MATERIALS PROCESSING LOCATION ON GOLF COURSE SITE
- TRANSIT STOP
- CONSTRUCT SANITARY SEWER PUMP STATIONS
- SEA VIEW VILLAS 170 UNITS
- GOLF VISTAS 32 UNITS

**PHASE 2**

- MARITIME VILLAGE BUILDING 66 UNITS
- 21,000 S.F. COMMERCIAL
- US HIGHWAY 101 AND BLACKPOINT ROAD INTERSECTION IMPROVEMENTS
- CREATE WETLAND IN KETTLE B
- CONSTRUCT MARINA ACCESS DRIVES
- MAINTENANCE BUILDING AND STAFF QUARTERS 52 UNITS
- GOLF TERRACE RECREATION CENTER & CONFERENCE CENTER/SPA 208 UNITS

**COMPLETE GOLF COURSE CONSTRUCTION**

- WASTE WATER TREATMENT PLANT
- BEGIN GOLF COURSE AND ENTERTAINMENT CONSTRUCTION
- DEVELOP SECOND WELL

**PHASE 3**

- GOLF TERRACES TERRACE 2, 3, AND 4 330 UNITS
- SEA VIEW VILLAS 14 UNITS
- GOLF VISTAS 16 UNITS
- CONSTRUCT HALF-WAY HOUSE
- RECONSTRUCT BLACK POINT ROAD

EXISTING PLEASANT HARBOR MARINA BINDING SITE PLAN  
MARINA IMPROVEMENTS UNDER SEPARATE REVIEW PROCESS

EXISTING RESIDENCE:  
PLEASANT HARBOR HOUSE  
(NO MODIFICATION PROPOSED)  
EXISTING BED AND BREAKFAST  
(NO MODIFICATION PROPOSED)

EXISTING MARINA

MARINA ACCESS DRIVE

SEIS BOUNDARY

MEAN SEA LEVEL

BLACK POINT ROAD

PARCELS NOT OWNED BY APPLICANT

MARITIME VILLAGE BUILDING

U.S. HIGHWAY 101

LOSS DRAINFIELD  
WASTEWATER TREATMENT PLANT

MAINTENANCE/STAFF BUILDING

TRANSIT STOP (PROPOSED)

TANKS FOR LOSS IN PHASE 1

US 101 HIGHWAY

REC CENTER

KETTLE B

FAIRWAY 1

FAIRWAY 7

TERRACE 2  
FAIRWAY 8

FAIRWAY 9

TERRACE 3

FAIRWAY 2

FAIRWAY 3

WETLAND C

WETLAND D

EXISTING WELL

CONSTRUCTION MATERIALS PROCESSING LOCATION

SECOND WELL LOCATION OPTION A

KETTLE C

FAIRWAY 6

SECOND WELL LOCATION OPTION B

WATER STORAGE TANK

FAIRWAY 4

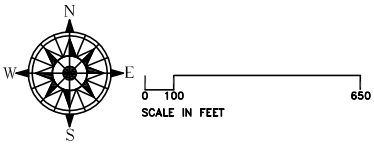
FAIRWAY 5

FAIRWAY 8

FAIRWAY 7

STEEP SLOPE SETBACK AND RIPARIAN BUFFER (30 FT)

200 FT SHORELINE ENVIRONMENT AND CONSERVATION EASEMENT



David Hamilton Architect  
WA 9230  
1-800-662-7765

Project Name: **PLEASANT HARBOR Master Planned Resort**

Figure: **Alternative 3: Phasing Overall Site**  
Date: **May 15, 2017**

## AMENDMENT 1 TO WILDLIFE MANAGEMENT PLAN

This Wildlife Management Plan is amended as follows:

- (1) Delete the sentence on page 5, paragraph 2 that reads: “Elk migrate on a seasonal pattern and can be expected to be in the project vicinity during certain times of the year.”
- (2) Delete “and inhabit the site for short durations during the year” from the sentence on page 5, paragraph 2 that reads: “Elk could potentially wander onto Black Point and inhabit the site for short durations during the year.”
- (3) After the sentence on page 5, paragraph 2 that reads: “According to Bryan Murphie (wildlife biologist with WDFW), there are two unique herds in the area: Duckabush and the Dosewallips herds (personal communication, 2017).” add the following sentence: “the Point No Point Treaty Council’s census records show that at times the Duckabush herd has contained as many as 80 individuals.”
- (4) After the sentence on page 5 paragraph 2 that reads: “Both herds have the potential ...,” add the following: “Some elk migrate seasonally. The Duckabush herd is resident year-round, and has not undergone a true migration since 1993. Some individual elk are nomadic, and may travel up to 13 kilometers from one end of their range to the other. As a result, it is possible that most of the Duckabush heard would be in the vicinity of the MPR all year, posing the risk that elk will cross Highway 101 and visit the MPR.”
- (5) Add a new fourth bullet in the “Deer” section on page 7 as follows: “■ Deer that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (6) Delete “because the site is adjacent to mapped elk crucial wintering range” from the sentence on page 7 that reads: “Elk have not been identified on the property but there is a potential for their presence because the site is adjacent to mapped elk crucial wintering range (WDFW 2017).”
- (7) Delete the following to the sentence from page 7: “Therefore, another potential strategy to reduce elk and vehicular incidents is to install collars on elk that are linked to signs on Highway 101.”
- (8) Delete the following to the sentence from pages 7-8: “However, this strategy would not prevent elk from entering the project site and is not always an effective strategy (personal communication with Fish and Wildlife Biologist at WSDOT 2017; personal communication with Wildlife Biologist at WDFW 2017).”
- (9) After the first sentence in the first full paragraph on page 8 that reads: “To help prevent elk and vehicle collisions, Statesman will install flashing signs that are associated with collared elk.” add the following: “A flashing sign shall be located on the East side of Highway 101 on both the North and the South sides of the Pleasant

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- (15) Add a new fourth bullet to the end of the “Waterfowl” section on page 10 as follows: “■ Deer that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.”
- (16) Delete “install a west oriented fence in any open areas where elk could find access to the 9 holes of golf course grasses. The Applicant will investigate if there is proven technology in types of grasses that are not attractive for elk grazing. In the case of elk, if more than four elk individuals are observed on the site in a 1-year period, Statesman will use alternative elk management strategies including scare tactics and fencing as described in the Wildlife Management Strategies section above” in the second paragraph in the “Summary and Recommendations” section on page 10 and replace it with the following: “the mitigation measures outlined above.”

This Amendment 1 shall be attached to the Wildlife Management Plan.

**Revised Wildlife Management Plan**  
**For**  
**PLEASANT HARBOR MARINA AND GOLF RESORT**  
**As Prepared By GeoEngineers dated November 2, 2017**

**(This document reflects the June 4, 2018 Board of County  
Commissioners revisions to the above-referenced  
Revised Wildlife Management Plan as indicated by strikeout and  
red print)**

**(This document was prepared for convenience of the future planner)**

## Site Description

The entire site was previously logged by other prior to 1970. Historical aerial photographs reproduced in the *Forestry Report* prepared for the Pleasant Harbor MPR show the area now occupied by the Pleasant Harbor Marina was once used for log rafting and log dump. The existing narrow loop road on the slope and along the waterfront was created by others to serve these uses.

### Black Point Peninsula and Marina

Existing land use on the Black Point Peninsula is predominantly low-density residential. The peninsula was previously logged, and single-family homes have been constructed on the west and east sides. The northern end of the peninsula is undeveloped. Washington State Department of Fish and Wildlife (WDFW) owns approximately 30 acres of forest land on the northern portion of the peninsula. Improvements on WDFW land include a public boat launch and picnic area with access from Black Point Road.

The site was historically used as a 500-site campground and consists of developed roads and camping pads. There are buildings remain on-site, including restrooms located throughout the developed area of the site. Section 1 is bordered by Hood canal to the south, forested land and several single-family residences to the east, light residential housing to the north and Highway 101 to the west. Black Point peninsula landforms consists of hills, ravines and deep kettles shaped by glacial processes. The project area is sparsely forested with pockets of second growth coniferous forest and areas of deciduous shrubs and trees. There are also cleared areas that were associated with the campground, including roads, campsites, maintenance areas, lodge, restrooms, parking areas and play areas.

The golf course has been reduced to 9-holes to accommodate the Tribe, where only 3.1 acres is classified as impervious development. At the Marina/Maritime Village uplands, the impervious areas are only 1.8 acres of development.

Vegetation found on the property consists primarily of an over story of Douglas fir (*Pseudotsuga menziesii*), with occurrences of red alder (*Alnus rubra*), black cottonwood (*Populus trichocarpa*), bitter cherry (*Prunus emarginata*), bigleaf maple (*Acer macrophyllum*), and Pacific madrone (*Arbutus menziesii*). Broadleaf shrubs and other plants found in the understory include: red-flowing currant (*Ribes sanguineum*), Scot's broom (*Cytisus scoparius*), vine maple (*Acer circinatum*), salal (*Gaultheria shallon*), and evergreen huckleberry (*Vaccinium ovatum*). The Black Point peninsula and marina areas provide grazing and cover habitat for deer, elk, cougar, and bear. However, these habitats do not provide potential grazing or prey habitat for osprey, eagles and waterfowl.

### Shoreline

The Pleasant Harbor shoreline is considered a low-energy environment due to the protected waters of the Bay and the vegetation established below the mean higher high tide line. Salt-tolerant vegetation identified on the shoreline along Pleasant Harbor included saltgrass

wetland features on-site. These corridors will be dominated by native vegetation that will provide food and habitat to animals that may use the site.

- An effort will be made to retain trees that have a Diameter at Breast height (DBH) of 10 inches or greater throughout the site in these corridors. These trees are important because they are used as perch trees and nesting trees for birds such as bald eagles and osprey. An active osprey nest was identified near the west shoreline of Pleasant Harbor and the next tree will be protected during construction.

Undisturbed areas of natural vegetation and habitat corridors are important to wildlife currently using the site. Habitat corridors are needed to allow movement and subsequent flow of genes between wildlife populations in habitats that otherwise would be isolated. The two primary users of corridors are corridor travelers and corridor dwellers. Corridor travelers include large herbivores such as deer, medium to large carnivores like foxes and coyotes; and various migratory animals (Payne and Bryant 1994). Corridor dwellers generally have limited dispersal ability and consist mostly of plants, insects, amphibians, reptiles, small mammals and birds. These vegetated acres will lessen impacts and allow wildlife that typically utilizes the site to continue to utilize the site.

## **WILDLIFE RESOURCES**

As stated above, the purpose of this WMP is to provide non-lethal strategies to prevent diminishment of tribal wildlife resources (e.g. deer, elk, cougar, waterfowl, osprey, eagles, and bear) to reduce the potential for vehicle collisions on US Highway 101, to reduce the conflicts resulting from wildlife foraging on high value landscaping and attraction to fresh water sources, to reduce the dangers to predators attracted to the area by prey or habitat and to reduce the danger to humans. Therefore, development of the WMP included identification of tribal wildlife resources and review of literature on the identified tribal wildlife resources. For the purposes of this report, the wildlife resources discussed below include: deer, elk, cougar, waterfowl, osprey, eagles and bears.

### **Deer**

During previous site visits, black-tail deer (*Odocoileus hemionus columbianus*) scat and tracks were observed throughout the site from the shoreline to the upland in all sections and there were visual confirmations of deer made during the field reconnaissance.

### **Roosevelt Elk**

There is documented presence of regular large concentrations of Roosevelt elk (*Cervus elaphus roosevelti*) in the vicinity of the site (WDFW 2017). ~~Elk migrate on a seasonal pattern and can be expected to be in the project vicinity during certain times of the year.~~ Elk could potentially wander onto Black Point. ~~and inhabit the site for short durations during the year.~~ However, SR 101 separates the entire site from crucial elk wintering range (WDFW 2017). According to Bryan Murphie (wildlife biologist with WDFW), there are two unique herds in the area: Duckabush and the Dosewallips herds (personal communication, 2017). The Point No Point

## **Osprey and Eagles**

An active osprey nest was observed and identified adjacent to the development site, near the west shoreline of Pleasant Harbor. Two off-site bald eagle nests are mapped by WDFW (WDFW 2017) on the eastern shoreline of Black Point, under ½ mile east from the development area. The shoreline on the southern edge of Black Point and the Pleasant harbor shoreline contain mature trees suitable for eagle and osprey perching. Although there are no eagle nests or communal areas identified onsite, there is a presence of bald eagles in the project vicinity, which indicates there is potential for bald eagles to utilize the site. During the 2006 field reconnaissance, one immature and one adult bald eagle were observed flying over the site, and two adult bald eagles were observed perched in mature Douglas fir trees along Pleasant Harbor.

## **WILDLIFE MANAGEMENT STRATEGIES**

The proposed project has been designed to minimize impacts from the proposed development. Wildlife corridors and enhancement through installation of native plants is proposed over much of the site. In addition, the golf course has been reduced from an 18-hole course to a 9-hole course reducing the overall footprint of the development.

Through discussions with Native American Tribes it has been identified that tribal wildlife resources (including Roosevelt Elk) should be discouraged from using the development site (Jefferson County Web Meeting Notes 2017). Therefore, management strategies listed below include strategies to discourage wildlife use of the sites to prevent diminishment of the wildlife resources, reduce vehicle collisions, reduce conflicts with foraging on high value landscaping, reduce dangers to predators attracted by prey and reduce dangers to humans.

### **Deer**

Deer have been identified on the project site and will likely continue to reside within the project area after construction. Deer can be a nuisance species when population numbers increase to a point where human and deer conflicts become a concern (WDFW 2004). Deer will forage on landscaped plants and can attract animals that prey on deer, such as cougar and bear. In addition, with an increased population there is a potential increase in deer and vehicle collisions (WDFW 2004).

Potential ways to discourage deer from the property include:

- Installing cattle guards within driveways or roads with adjacent fencing along entrances;
- Landscaping with deer resistant plants;
- Implementing scare tactics. Scare tactics can include visual (bright colors, jerking movements), auditory (loud noises) and smell (sprays that have a scent deer dislike). However, scare tactics are often considered temporary because deer will get used to the tactic and once again return to the site; and
- Installing fencing around the site or potential food sources (landscaped plants).

~~vehicular incidents is to install collars on elk that are linked to signs on Highway 101. The signs would light up when the elk get close to the roadway and ward people to slow down. However, this strategy would not prevent elk from entering the project site and is not always an effective strategy (personal communication with Fish and Wildlife Biologist at WSDOT 2017; personal communication with Wildlife Biologist at WDFW 2017).~~

To help prevent elk and vehicle collisions, Statesman will install flashing signs that are associated with collared elk. ~~A flashing sign shall be located on the East side of Highway 101 on both the North and the South sides of the Pleasant Harbor MPR, in a precise locations determined by the Developer, after consultation with the Department of Fish and Wildlife (WDFW). The Developer also will work with the WDFW to attach devices to area elk that would trigger the flashing signs when the Elk approach them. The WDFW will determine how the flashing signs will interface with the elk movements, who will be responsible for capturing and collaring elk, who will replace collars when they wear out, and who will be responsible for maintenance of all the system components. The Developer will reimburse WDFW for installation of two flashing signs and provide reimbursement of up to \$10,000 to WDFW for elk collars on the Duckabush herd and other system components for the program. Even though there is no history of elk grazing on the grasses in the project area, the Applicant has agreed to satisfy the concerns of the PGST to install a west oriented fence in any open areas where elk could find access to the 9 holes of golf course grasses. The Applicant will investigate if there is proven technology in types of grasses that are not attractive for elk grazing. For the project site, strategies for discouraging elk from the property include utilizing scare techniques which is a temporary solution. Statesman will be responsible for monitoring elk presence on the site. If more than four elk (which could be a herd) are observed accessing the property within a one year span,~~ Statesman will employ the following strategies to remove and discourage elk from the site:

- ~~If four elk are observed on the property in a one year span, Statesman will implement scare tactics to deter the elk from the project site. Scare tactics will include use of chemicals smell, loud noises and flashing lights.~~
- ~~There has been no history of elk entering and grazing on the property. Once the property is developed and should there be more than four elk on the property at one time after the developer has determined that noise deterrents, smell deterrents and visual deterrents have proven ineffective, then the developer will install a fence as a last resort to discourage their presence for the benefit of the PGST and their hunting rights. The fence will only be installed on WDFW and WSDOT's concurrence that installation of a fence will not pose a threat to human health and safety.~~ Nevertheless, the Developer shall construct an exclusion fence along the western border of the MPR South of Black Point Road, to exclude elk from the MPR. The Developer will be responsible for determining the precise location of the exclusion fence, but will consult with WDFW and the Point No Point Treaty Council before constructing the exclusion fence. The exclusion fence shall be visible to elk, (e.g., using survey tape or branches, or other like means) and shall be at least 8 feet in height. Fencing shall be either woven-wire or electric. Fencing shall be constructed before or concurrent with clearing the forest and developing greens, fairways, and lawns at the MPR.

- Remove bird feeders from early March through November.
- Clean barbeque grills after each use and store the barbeque in a shed or garage.
- Electric fencing can be used where bears frequent. Electric fencing will only work if it is operating before conflicts occur. Bears will go through electric fencing once they are food conditioned and know that food is available.
- Temporary scare tactics (as described above) can be used to temporarily scare bears from a building. The location of the frightening devices should be changed every other day; however, bears will still become accustomed to them after a period of time.

Statesman is planning to install bear proof garbage containers approved by US Park Service. Statesman will monitor the number of bear sightings on the project site. If bear presence becomes a nuisance then the following strategies will be implemented to discourage bear presence:

- Statesman will implement public education programs regarding living in areas with bears (i.e. garbage can management, cleaning barbeque grills and bird feeders).
- If needed scare tactics will be implemented to deter bears from certain areas.
- **Bear that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.**

### **Waterfowl**

There is potential for waterfowl to become attracted to the site after development has occurred. Waterfowl habitat (mowed grasses and areas of open water) is being created as a result of the development actions. Methods to discourage use of the site include:

- Not feeding waterfowl,
- Putting a grid or net over open water that will prevent waterfowl from using the water; and
- Scare tactics.
- **Deer that end up on the MPR shall not be destroyed by the Developer, except where the animal poses a threat to human health or safety.**

Statesman will evaluate waterfowl presence and identify whether waterfowl are becoming a nuisance. If waterfowl are becoming a nuisance then the following strategies will be implemented to discourage waterfowl presence:

- Install signage near open water to educate people about not feeding birds.
- Implement scare tactics such as loud noises and flashing lights.
- If waterfowl presence is still considered to be a nuisance, a grid or net will be installed over open water features.

### **Osprey and Eagles**

Osprey and eagles are currently found near the project site and will likely to be present after the project is constructed. In general, osprey and eagles are not considered nuisance species. Habitat for osprey and eagles will be managed at the project site by retaining trees that have a

This report has been prepared for the exclusive use of Statesman Group and authorized agents and regulatory agencies following the described methods of information available at the time of the work. No other party may rely on the product of our services unless we agree in advance to such reliance in writing. The information contained herein should not be applied for any purpose of project except the one originally contemplated.

The applicant is advised to contact all appropriate regulatory agencies (local, state, and federal) prior to design or construction of any development to obtain necessary permits and approvals.

## REFERENCES

GeoEngineers, Inc., 2012. Habitat Management Plan Pleasant Harbor Master Planned Resort, Jefferson county Washington. Prepared for Statesman Group. January 27, 2012.

Jefferson County Meeting Notes. Meeting Notes Summary and Follow-Up Actions Items, Pleasant Harbor MPR Discussion, Technical Workgroup. Web Meeting: January 26, 2017 at 8:30-10:30 am.

Johnson, Heather, et al., 2014. Evaluation of Techniques to Reduce Deer and Elk Damage to agricultural Crops. Available at:  
[http://onlinelibrary.wiley.com/doi/10.1002/wsb.408/epdf?r3\\_referer=wol&tracking\\_action=previous\\_click&show\\_checkout=1&purchase\\_referrer-www.google.com&purchase\\_site\\_license=LICENSE\\_DENIED\\_NO\\_CUSTOMER](http://onlinelibrary.wiley.com/doi/10.1002/wsb.408/epdf?r3_referer=wol&tracking_action=previous_click&show_checkout=1&purchase_referrer-www.google.com&purchase_site_license=LICENSE_DENIED_NO_CUSTOMER).

Payne, Neil F. and Fred C. Bryant, 1994, Techniques for Wildlife Habitat Management of Uplands. McGraw Hill, Inc., New York.

Personal communication with Kelly McAllister at WSDOT, 2017. Phone conversation between Kelly McAllister a Fish and Wildlife Biologist with WSDOT and Jennifer Dadisman with GeoEngineers. July 7, 2017.

Personal communication with Bryan Murphie at WDFW, 2017. Phone Conversation between Bryan Murphie a Wildlife Biologist with WDFW and Jennifer Dadisman with GeoEngineers. July 7, 2017.

United States Department of Agriculture – Natural Resources Conservation Services, 1999. American Elk (*Cervus elaphus*). Available at  
[https://www.nrcs.usda.gov/Internet/FSE\\_DOCUMENTS/nrcs143\\_010000.pdf](https://www.nrcs.usda.gov/Internet/FSE_DOCUMENTS/nrcs143_010000.pdf).

Washington Department of Fish and Wildlife, 2004. Olympic Elk Herd Plan. Wildlife Program, Washington Department of Fish and Wildlife, Olympia. 52pp.

## **Appendix Q**

### Cultural Resources Management Plan

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**Proposed Plan for Archeological Monitoring and Inadvertent  
Discovery Protocol**

**DAHP Response to Cultural Resources Plan**

**Skokomish Tribe Response to Cultural Resources Plan**

# **Proposed Plan for Archaeological Monitoring and Inadvertent Discovery Protocol**



Cultural Resource Consultants, Inc.

**PROPOSED PLAN FOR ARCHAEOLOGICAL MONITORING  
AND INADVERTENT DISCOVERY PROTOCOL,  
ARCHAEOLOGICAL MONITORING AT PLEASANT HARBOR MARINA  
JEFFERSON COUNTY, WASHINGTON**

**AUTHOR:** Glenn D. Hartmann  
**DATE:** January 12, 2012, revised February 7, 2012, March 27, 2012  
**LOCATION:** Jefferson County, Washington  
**T, R, S:** Township 25 North, Range 2 West, Section 15 and 22, Willamette Meridian.

**PREPARED FOR:** Don Coleman  
Pleasant Harbor Marina  
308913 Hwy 101  
Brinnon, WA 98320

Pleasant Harbor Marina is requesting periodic archaeological monitoring of construction excavations and other below-fill ground-disturbing activities in Brinnon, Jefferson County, Washington. The Pleasant Harbor Master Planned Resort is proposed on approximately 257 acres of the 710-acre Black Point Peninsula along the western side of the Hood Canal. The peninsula is surrounded on the north, south, and east by the waters of Hood Canal. Pleasant Harbor is formed by the west shore of Black Point and the east shore of the mainland.

**Background**

Prior archaeological field investigations of the project area did not result in the identification of any prehistoric or historic archaeological resources (Mather et al. 2006; Berger 2008). Subsurface investigations focused on archaeologically sensitive landforms; that is, those environments most likely to contain naturally buried archaeology identified in collaboration with cultural resources staff of the Skokomish Tribe (e.g., kettles, vantage points, the bluff edge). High probability areas in Black Point where buried archaeological deposits might occur (i.e., kettle margins and bases) were sampled using hand-excavated shovel probes. Locations of all probes, shovel scrapes, and wall profiles were mapped on a small-scale project area topographic map (see Mather et al. 2006: Figure 16). In all, 93 shovel probes/scrapes were excavated during the 2006 field investigations with 27 probes along the southern bluff, 12 probes on high points, 22 probes in kettle basins and 32 probes along the kettle margins and rims. In addition wall profiles were faced in order to assess the local stratigraphy.

Subsequent to the initial cultural resource assessment for the project, Berger (2008) conducted archaeological monitoring during geotechnical assessment. Archaeological monitoring of geotechnical explorations did not result in the identification of any evidence of archaeological sites, historic structures, or other features. Conditions and sediments observed during this

episode of archaeological monitoring suggested a low probability for as-yet unidentified archaeological sites.

### **Archaeological Monitoring**

Archaeological monitoring will include an orientation for the construction crew and machine operators prior to initiating construction. Project personnel would be made aware of the potentials of archaeology within the project area. They will be apprised of their responsibilities during archaeological monitoring, their obligations in the case of an inadvertent discovery and they will be made aware of the inadvertent discovery plan and protocol.

Periodic archaeological monitoring is planned during construction excavations and other below-fill ground-disturbing project actions to minimize potential effects to any as-yet unknown human remains and/or intact archaeological deposits. Monitoring would occur at those locations within the project area that have previously been identified as high probability—kettles, vantage points, the bluff edge—if sediments in these landforms will be affected by ground-disturbing construction. Presently available plans indicate that construction would not occur along the bluff edge.

Project maps were reviewed and high probability locations were identified using the earlier analyses of the project area (Mather et al. 2006; Berger 2008), which had tested and monitored geotechnical explorations in these locations (Figure 1). Those areas with greater archaeological potentials were mapped on topographic maps of the project area (Figures 2 and 3). Monitoring is planned for the high probability areas until it can be determined with greater assurance that continual monitoring is not necessary. Monitoring results would be reviewed with DAHP staff and tribal representatives prior to adjusting the monitoring schedule.

Archaeological monitoring would entail having an archaeologist present during construction excavation below-fill to observe subsurface conditions and identify any buried archaeological materials that may be encountered. Monitoring will be performed either by a “professional archaeologist” (RCW 27.53.030 (8)) or under the supervision of a professional archaeologist.

The monitoring archaeologist would stand in close proximity to construction equipment in order to view subsurface deposits as they are exposed, and would be in close communication with equipment operators to ensure adequate opportunity for observation and documentation. Archaeological monitoring will seek to identify potential buried surfaces, anthropogenic sediments, and archaeological features such as shell middens, hearths, or artifact-bearing strata. The monitoring archaeologist will inspect project excavations and the recovered sediments for indications of such archaeological resources. The archaeologist will be provided the opportunity to screen excavated sediments and matrix samples when this is judged useful to the identification process. It is not expected that modern fill (e.g., imported culturally-sterile construction fill) or glacial till sediments would be included in screening procedures. Excavated spoils may be examined in the course of monitoring. If cultural materials are observed in spoils piles, it is expected that these would be removed for examination and that the opportunity to screen spoil sediments would be available.

Archaeological monitoring of construction excavation will proceed until it can be determined with a greater level of confidence that human remains or other cultural resources are not likely to be impacted by construction excavation of the project. The archaeologist will conduct monitoring until native and fill deposits can be confidently isolated and identified based on observed sedimentary exposures. Upon completion of the monitoring, the archaeologist will prepare a report on the methods and results of the work, and recommendations for any necessary additional archaeological investigations, illustrated with maps, drawings, and photographs as appropriate.

#### **Contingency Plan**

In accordance with RCW 27.44 Indian Graves and Records Act, RCW 27.53 Archaeological Sites and Resources, RCW 68.50 Human Remains, and RCW 68.60, Abandoned and historic cemeteries and historic graves, the following protocols will be followed in the event that archaeological materials and/or human remains are discovered:

#### **Procedures Upon Discovery of Potential or Actual Cultural Resources**

1. Upon discovery of a potential or actual archaeological site, or cultural resources as defined by RCW 27.44 Indian Graves and Records Act, and RCW 27.53 Archaeological Sites and Resources, Pleasant Harbor Marina, its employees, its contractors and sub-contractors shall:

(a) Immediately cease or halt ground disturbing, construction, or other activities around the area of the discovery and secure the area with a perimeter of not less than thirty (30) feet until all procedures are completed and the parties agree that activities can resume. If such a perimeter would materially impact agency functions mandated by law, related to health, safety or environmental concerns, then the secured area shall be of a size and extent practicable to provide maximum protection to the resource under the circumstances. Project activities that are not ground disturbing may continue outside the secured perimeter around the findings. No one shall excavate any findings and all findings will be left in place, undisturbed and without analysis, until consultation with DAHP and the Tribe regarding a final disposition of the findings has been completed. In accordance with RCW 27.53.060, no one shall knowingly remove or collect any archaeological objects without obtaining a permit.

(b) Notify the Local Government Archaeologist at DAHP and the Tribes of the discovery as soon as possible, but in any event, no later than (24) hours of the discovery. If human remains are found, Pleasant Harbor Marina shall follow notification procedures specified below (see "Human Remains and Associated Funerary Objects").

(c) Arrange for the parties to conduct a joint viewing of the discovery within (48) forty-eight hours of the notification, or at the earliest possible time thereafter, Pleasant Harbor Marina or their authorized representative shall arrange for the archaeologist to attend the joint viewing. After the joint viewing, taking into account any recommendations of the Tribe(s), DAHP, and the archaeologist, the parties shall discuss the potential significance, if any, of the discovery.

(d) Consult with the Tribes and DAHP on the transfer and final disposition of artifacts. Until the Tribe has a repository that meets the standards of curation established 36 CFR Part 79, artifacts shall be curated using an institution or organization that meets curation standards, selected through consultation with the Tribe.

**Inadvertent Discovery of Human Skeletal Remains on Non-Federal and Non-Tribal Land in the State of Washington (RCWs 68.50.645, 27.44.055, and 68.60.055)**

2. If ground-disturbing activities encounter human skeletal remains during the course of construction, then all activity must cease that may cause further disturbance to those remains and the area of the find must be secured and protected from further disturbance. In addition, the finding of human skeletal remains must be reported to the Jefferson County Coroner's Office and Jefferson County Sheriff's Office in the most expeditious manner possible. The remains should not be touched, moved, or further disturbed.

3. The Jefferson County Coroner's Office will assume jurisdiction over the human skeletal remains and make a determination of whether those remains are forensic or non-forensic. If the county coroner determines the remains are non-forensic, then they will report that finding to the Department of Archaeology and Historic Preservation (DAHP) who will then take jurisdiction over the remains and report them to the appropriate cemeteries and affected tribes. The State Physical Anthropologist will make a determination of whether the remains are Indian or Non-Indian and report that finding to any appropriate cemeteries and the affected tribes. The DAHP will then handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains.

4. DAHP will handle all consultation with the affected parties as to the future preservation, excavation, and disposition of the remains if there is no federal agency involved.

**Confidentiality of Information**

5. Pleasant Harbor Marina or their authorized representative recognizes that archaeological properties are of a sensitive nature and sites where cultural resources are discovered can become targets of vandalism and illegal removal activities. Pleasant Harbor Marina or their authorized representative shall keep and maintain as confidential all information regarding any discovered cultural resources, particularly the location of known or suspected archaeological property, and exempt all such information from public disclosure consistent with RCW 42.17.300.

6. Pleasant Harbor Marina or their authorized representative shall make its best efforts to ensure that all records indicating the location of known or suspected archaeological properties are permanently secured and confidential.

7. Pleasant Harbor Marina or their authorized representative shall ensure that its personnel, contractors, and permittees keep the discovery of any found or suspected human remains, other cultural items, and potential historic properties confidential, including but not limited to, refraining such persons from contacting the media or any third party or otherwise sharing information regarding the discovery with any member of the public. Pleasant Harbor Marina or

their authorized representative shall require its personnel, contractors and permittees to immediately notify the Lead Representative of Pleasant Harbor Marina or their authorized representative of any inquiry from the media or public. Pleasant Harbor Marina or their authorized representative shall immediately notify DAHP of any inquiries it receives. Prior to any public information release, Pleasant Harbor Marina or their authorized representative, DAHP, and the Tribe(s) shall concur on the amount of information, if any, to be released to the public, any third party, and the media and the procedures for such a release, to the extent permitted by law.

#### **Lead Representative and Primary Contact**

8. The lead representatives and primary contacts of each party under this plan are as identified below. The parties may identify other specific personnel before the commencement of any particular project element as the contacts.

##### **Pleasant Harbor Marina**

308913 Hwy 101

Brinnon, WA 98320

Primary Contact: Don Coleman, Maintenance and Security Supervisor, 206-714-1482

##### **Pleasant Harbor Marina**

7370 Sierra Morena Blvd. S.W.

Calgary, Alberta

Primary Contact: M. Garth Mann, President & C.E.O, 403-256-4151

##### **Jamestown S'Klallam Tribe**

1033 Old Blyn Highway

Sequim, WA 98382

Primary Contact: Gideon Kauffman

##### **Lower Elwha Klallam Tribe**

2851 Lower Elwha Rd

Port Angeles, WA 98363

Primary Contact: Bill White, Cultural Resources

##### **Port Gamble S'Klallam Tribe**

31912 Little Boston Rd NE

Kingston, WA 98346

Primary Contact: Josh Wisniewski Ph.D.

##### **Skokomish Tribe**

North 80 Tribal Center Rd

Skokomish, WA 98584

Primary Contact: Kris Miller, Cultural Resources

##### **Squaxin Island Tribe**

SE 10 Squaxin Lane  
Shelton, WA 98584  
Primary Contact: Rhonda Foster

**Suquamish Tribe**  
15838 Sandy Hook Rd  
PO Box 498  
Suquamish, WA 98392-0498  
Primary Contact: Stephanie Trudel

**Washington Department of Archaeology and Historic Preservation**  
PO Box 48343  
Olympia, WA 98504-8343  
Lead Representative: Allyson Brooks, State Historic Preservation Officer, 360-586-3066  
Primary Contact: Gretchen Kaehler, Local Government Archaeologist, 360-586-3088  
Primary Contact for Human Remains: Guy Tasa, State Physical Anthropologist, 360-586-3534

**Jefferson County Coroner's Office**  
PO Box 1220  
Port Townsend, WA 98368  
Lead Representative: Scott W. Rosekrans, Prosecuting Attorney/Coroner, 360-385-9180

**Jefferson County Sheriff's office**  
79 Elkins Road  
Port Hadlock, WA 98339  
Lead Representative: Tony Hernandez, Sheriff, 360-385-3831

**Department of Community Development**  
621 Sheridan Street  
Port Townsend, WA 98368  
Lead Representative: David W. Johnson, 360-379-4465

**Cultural Resource Consultants, Inc.**  
710 Ericksen Avenue NE, Suite 100  
PO Box 10668  
Bainbridge Island, WA 98110  
Lead Representative: Glenn Hartmann, Senior Archaeologist/Principal, 206-855-9020

#### **References Cited**

Berger, Margaret  
2008 Archaeological Monitoring of Geotechnical Explorations for the Pleasant Harbor  
Golf Resort, Jefferson County, Washington. Technical Memo 0804A-1, Cultural  
Resource Consultants, Bainbridge Island.

Mather, Camille, Jennifer Chambers, James Schumacher, and Matthew Gill

2006 Cultural Resources Assessment for the Proposed Pleasant Harbor Marina and Golf Resort, Jefferson County, Washington. WSHS Technical Report #274. Prepared for Statesman Corporation. On file at Cultural Resource Consultants, Inc., Bainbridge Island.

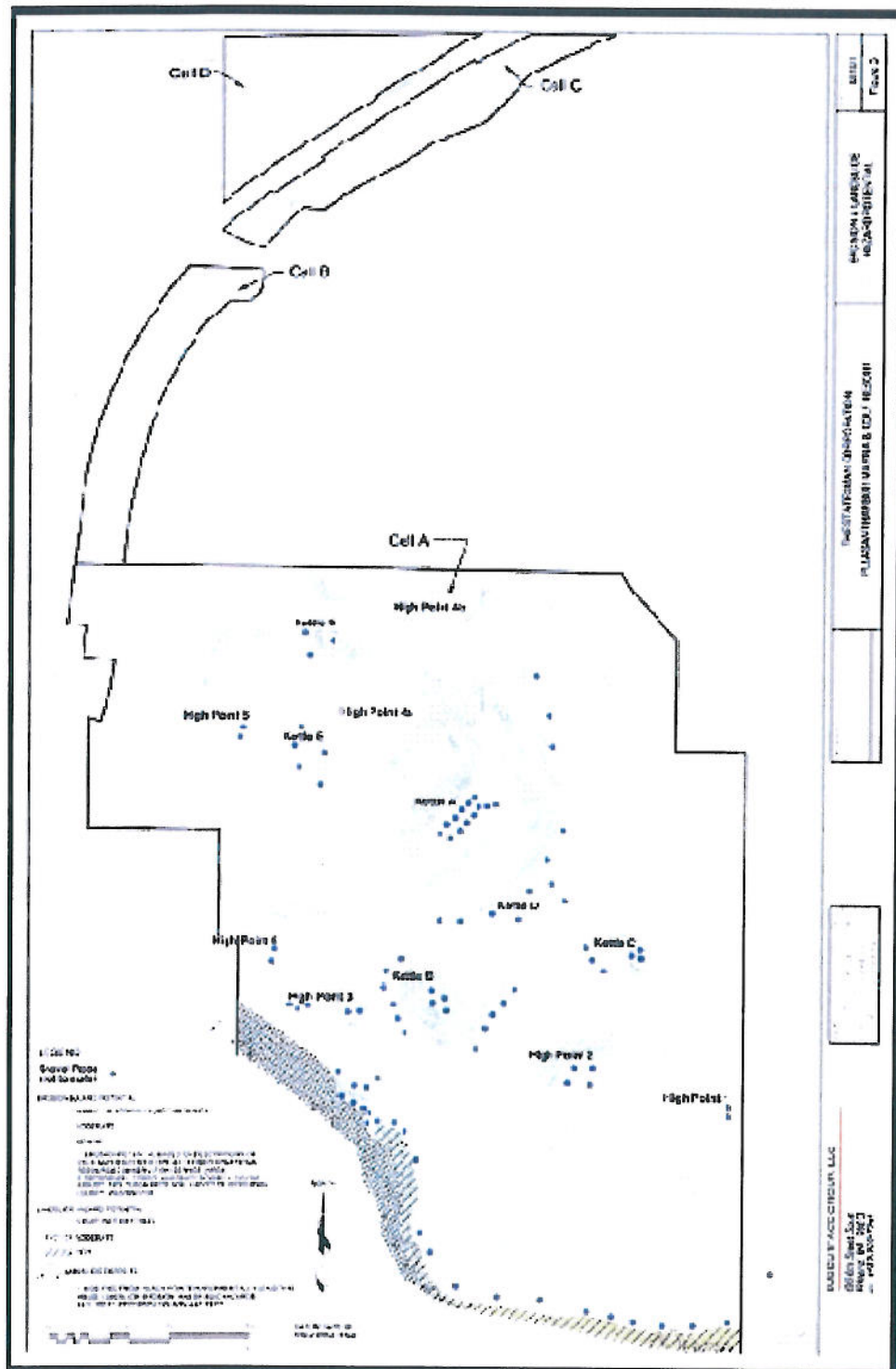


Figure 1. Previous testing (Mather et al 2006) identified high probability areas.

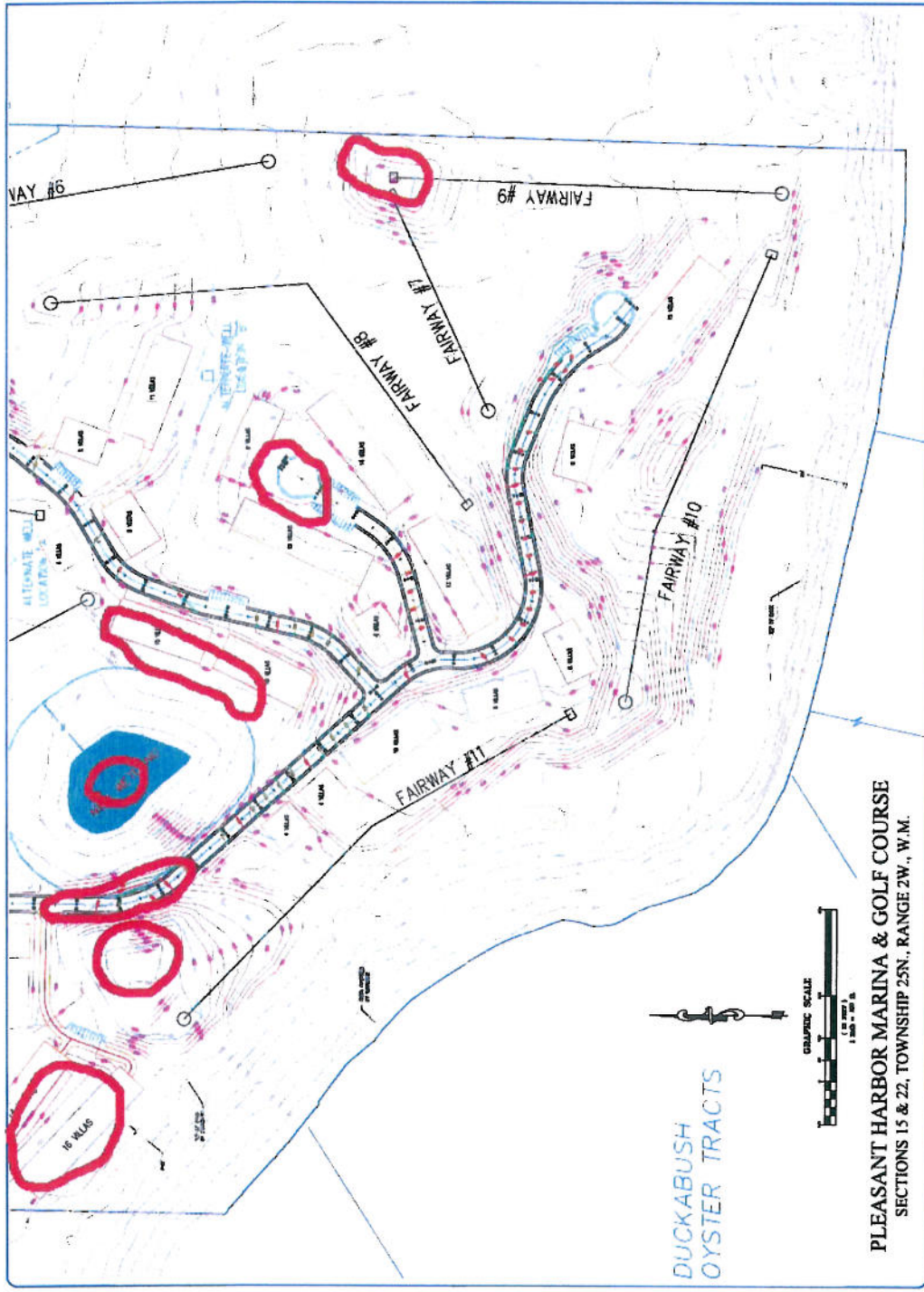


Figure 2. High probability areas identified for monitoring (outlined in red) based on previous analyses of the project area (Mather et al. 2006).

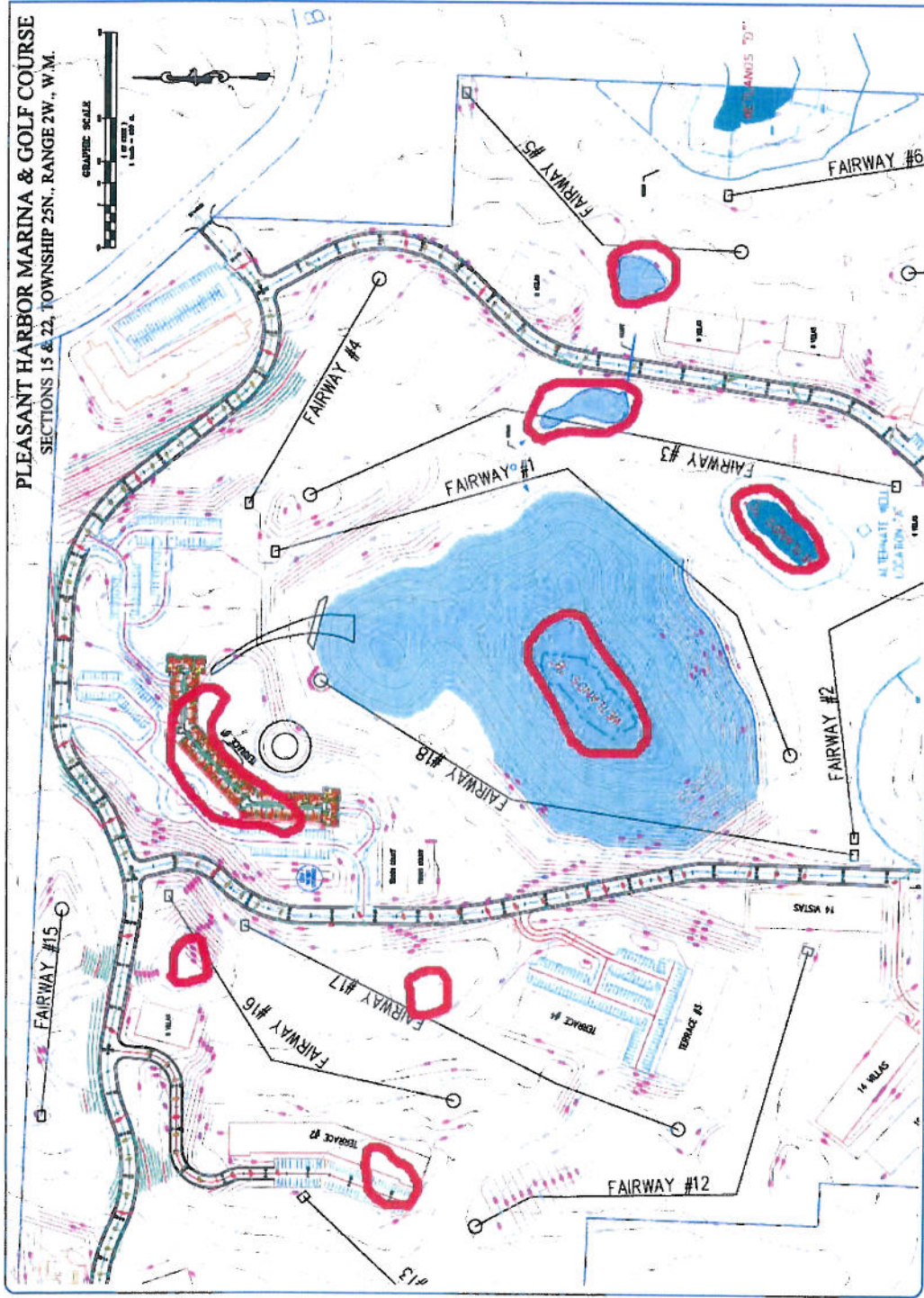


Figure 3. Areas to be monitored (outlined in red) include wetlands, kettles, and vantage points (after Mather et al. 2006).

# **DAHP Response to Cultural Resources Plan**



January 14, 2013

Mr. David Johnson  
Associate Planner  
Jefferson County  
621 Sheridan Street  
Port Townsend, WA 98368

In future correspondence please refer to:

Log: 081106-13-JE

Property: Statesman Group Master Planned Resort in Brinnon's Black Point and Pleasant Harbor Marina, Jefferson Co.

**Re: Concur with Cultural Resource Management Plan for Archaeological Monitoring and Inadvertent Discovery**

Dear Mr. Johnson:

Thank you for contacting the Washington State Department of Archaeology and Historic Preservation (DAHP). We concur with the attached plan for the Statesman Group Master Planned Resort. Three Tribes have concurred with the plan and three others did not comment. We have no other comments or concerns as long as the attached monitoring and inadvertent discovery plan is implemented during ground disturbing activities for the above project.

Thank you for the opportunity to review and comment. Please feel free to contact me if you have any questions.

Sincerely,

Gretchen Kaehler  
Assistant State Archaeologist  
(360) 586-3088  
[gretchen.kaehler@dahp.wa.gov](mailto:gretchen.kaehler@dahp.wa.gov)

cc. Gideon Kauffman, Archaeologist, Jamestown S'Klallam  
Bill White, Archaeologist, Lower Elwha Klallam Tribe  
Josh Wisniewski, THPO, Port Gamble S'Klallam Tribe  
Kris Miller, THPO, Skokomish Tribe  
Rhonda Foster, THPO, Squaxin Island Tribe  
Dennis Lewarch, THPO, Suquamish Tribe  
Don Coleman, Pleasant Harbor Marina



## **Appendix R**

### Tunicate Monitoring Agreement



## INVASIVE TUNICATE MONITORING AGREEMENT

Washington Department of Fish and Wildlife

THIS AGREEMENT, by and between Pleasant Harbor Marina and Golf Resort LLP (Resort) and Washington Department of Fish and Wildlife (WDFW) is designed to address impacts associated with development of the Pleasant Harbor Marina and Golf Resort (Resort), now under regulatory review by the County, not addressed by increased revenue from the proposed Resort and subject to supplemental mitigation to assure concurrency in accordance with the ordinance of approval, Ordinance 01-0128-08, paragraph 63(t) regarding monitoring of invasive tunicates and other invasive species, which provided a requirement

“to conduct ongoing monitoring and maintain an inventory regarding Tunicates and other invasive species, and shall be required to participate with the County and State agencies in an adaptive management programs to eliminate, minimize, and fully mitigate any changes arising from the resort, and related to Pleasant Harbor or the Maritime Village”.

### **Current activity**

The Resort has been aware of the invasive tunicate issue in not only our marina but in Pleasant Harbor in general. The staff of the Resort has cooperated with WDFW to allow access to the docks for monitoring and removal. In the past, the Resort has hosted volunteer diver efforts to monitor and remove invasive species from the docks. The Resort replaced the wooden fuel dock in the spring of 2009. The Resort Best Management Practices currently follow State and industry guidelines regarding in water boat maintenance and cleaning. The Resort development plans include future replacement of existing wood docks with exposed foam flotation.

### **Agreement**

WDFW is the state agency responsible for addressing the invasive tunicate issue in Pleasant Harbor.

The Resort agrees to enter into this Agreement for purposes of completing the requirements of Ordinance 01-0128-08, paragraph 63(t), so that it can obtain the benefits of developing the Resort. As such, the Resort agrees to the undertakings below as being supported by sufficient consideration to make this Agreement legally binding on the Resort, its successors and assigns. Understanding the potential harm invasive species may cause, the Resort offers to take the following steps to assist WDFW and local agencies to monitor and control the spread of non-native aquatic species at Pleasant Harbor Marina.

The Resort agrees to:

1. Hire a diver to investigate and monitor annually for all invasive tunicate (sea squirt) species listed on the WDFW website (<http://wdfw.wa.gov/ais/tunicates.html>) including club tunicate (*styela clava*), transparent tunicate (*ciona savignyi*), colonial tunicate



**PLEASANT HARBOR**  
RESORT

308913 1st Hwy 101, Sequim WA 98220  
(360) 798-4611 (800) 847-2479  
Fax (360) 848-4612

(didemnum vexillum), chain tunicate (botrylloides violaceus), golden tar tunicate (botryllus schlosseri), sea grape tunicate (molgula manhattanensis) and vase tunicate (clona intestinalis). The diver hired by the Resort will prepare a report within 30 days of the completion of the annual inspection detailing the locations, types and approximate locations of invasive tunicates at Pleasant Harbor Marina.

2. Cooperate with WDFW in their effort to find ways to control or eliminate invasive species. This will include allowing reasonable access to the Marina facility to experiment with most effective ways of eliminating invasive species. For the avoidance of doubt "reasonable access" means access after providing 7-days written notice to the Marina.
3. Provide educational materials and information to Resort tenants and visitors regarding identification of invasive species and steps they may take to help prevent the spread of invasive species.
4. Allow WDFW the opportunity to inspect any in water structure such as docks or pilings the Resort plan to replace by providing WDFW at least 7-days written notice prior to removing the structure.
5. Properly dispose of any in water structure such as docks or pilings that are replaced. These structures will not be allowed to leave Pleasant Harbor by water with living invasive tunicates attached. If any docks are to be towed from the harbor they must be hauled out and dried prior to leaving the harbor. Any structure to be destroyed will be properly disposed of according to state and county standards.

This agreement between WDFW and the Resort is sufficient to satisfy the Jefferson County condition to conduct ongoing monitoring of tunicates and other invasive species, and participate with the County and State agencies in an adaptive management programs to eliminate, minimize, and fully mitigate any changes arising from the resort, and related to Pleasant Harbor or the Maritime Village.

Approved By Washington Department of Fish and Wildlife

Signature 

Date August 17, 2018

Print Allen Pleus  
Authorized Representative for Invasive Aquatic Species

Pleasant Harbor Marina and Golf Resort LLP

Signature 

Date July 25/18

Print M.E. Martin  
Managing Member

## **Appendix S**

International Dark Sky

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**Dark Sky and Energy Star Approved High Efficiency Lighting  
Standards**

**Pleasant Harbour Marina and Golf Resort & Spa**

**Dark Sky and Energy Star Approved High Efficiency Lighting Standards**

**By Michael Bornyk**

**Signature Lighting Manufactures**

**Las Vegas, Nevada,**

## SCOPE

This report presents Guidelines for Outdoor Lighting (GOL) for Pleasant Harbor Marina and Golf Resort & Spa (PLHGR) and describes the types of equipment specified to satisfy the guidelines for Dark Sky Lighting Standards.

The Dark Sky Lighting Standards have three objectives:

1)

To limit visible glare across the Resort Property and adjoining property, and to provide a guide for adequate lighting used for navigation within the Marina area and to suggest lighting policies that may be applied to the Resort boundaries.

2)

The intention of these guidelines is to protect the Operations of the Resort from deterioration by surrounding light pollution.

3)

The general guidelines for outdoor lighting within the Resort includes Lighting Fixtures and Signage throughout Pleasant Harbor to minimize the impact of artificial lighting on the night environment while maintaining a degree of safety for visitors.

## Acronyms

CF Compact Florescent lamps

CO Cut-off luminaires (<2% up-light)

FCO Full Cut-Off luminaires (0% up-light or Fully Shielded)

GOL Guidelines for Outdoor Lighting

HID High Intensity Discharge lamps (LPS, HPS, MH lamps)

HPS High Pressure Sodium lamps ("yellow" coloured lamps)

LEDs Light Emitting Diodes

LPS Low Pressure Sodium lamps (monochromatic, single colour lamps)

MH Metal Halide lamps ("white" coloured lamps)

NC Non cut-off (no restriction on up-light)

SCO Semi Cut-off luminaires (<2% and <5% up-light)

## Definitions:

**Glare** Intense and blinding light. Causes visual discomfort and can be disability.

**Landscape lighting** Luminaires mounted in or at grade (but not more than 3 feet above grade) and used solely for landscaping and pedestrian pathways rather than any area lighting.

**Obtrusive light** Spill light that causes glare, annoyance, discomfort, or loss of visual ability.

**Light Pollution.** Is uncontrolled light that fails to meet Dark Sky Standards.

**Luminaire (light fixture)** A complete lighting unit consisting of one or more electric lamps, the lamp holder, any reflector or lens, ballast (if any), and any other components and accessories.

**Fully shielded (full cut-off) luminaire** A luminaire emitting no light above the horizontal plane.

**Spill light** Light from a lighting installation that falls outside of the boundaries of the property on which it is located. Usually results in obtrusive light.

## **Zoning and Dark Sky Lighting Code Objectives**

### **LZ0: No ambient lighting (E0/1)**

Areas where the natural environment will be seriously and adversely affected by lighting. Impacts include disturbing the biological cycles of flora and fauna and/or detracting from human enjoyment and appreciation of the natural environment. Human activity is subordinate in importance to nature. The vision of human residents and users is adapted to total darkness, and they expect to see little or no lighting. When not needed, lighting should be extinguished. (These are areas such as the Marina waterfront )

### **LZ1: Low ambient lighting (E2)**

Areas where lighting might adversely affect flora and fauna or disturb the character of the area. The vision of human residents and users is adapted to low light levels. Lighting may be used for safety, security and/or convenience but it is not necessarily uniform or continuous. After curfew, most lighting should be extinguished or reduced as activity levels decline.

### **LZ2: Moderate ambient lighting (E3)**

Areas of human activity where the vision of human residents and users is adapted to moderate light levels. Lighting may typically be used for safety, security and/or convenience but it is not necessarily uniform or continuous. After curfew, lighting may be extinguished or reduced as activity levels decline.

### **LZ3: Moderately high ambient lighting (E4)**

Areas of human activity where the vision of human residents and users is adapted to moderately high light levels. Lighting is generally desired for safety, security and/or convenience and it is often uniform and/or continuous. After curfew, lighting may be extinguished or reduced in most areas as activity levels decline.

## **Crime**

The most prevalent reason given for night lighting is to reduce crime in cities. This is generally based on the notion that more light improves visibility, and that this visibility discourages criminals. Based on before and after studies of crime statistics, there is no clear evidence that excessive outdoor lighting reduces crime.

Vandalism provides an example of the opposite effect of securing lighting than is generally accepted. Studies conclude that lighted areas are more subject to vandalism and graffiti. Anecdotal evidence and more focused studies support the policy of turning lights off when security staff is not around. Apparently, vandals want to see the results of the damage and for others to see it. When lights are off, there is less gratification in vandalising an area or painting graffiti.

## **The Marina/Shorelines**

Historically Harbor Marinas are more than the mechanics for transportation and recreation. However, they are also important ecosystems such as Eel Grass that supports hatching fish (salmon) for in-water and adjacent shorelines.

An increasing number of properties have shore line lighting that illuminates the waterway. This impacts waterways in two negative aspects:

From the human stand point; bright lights along the shoreline make it very difficult to navigate the channel. Glare from unshielded shoreline lighting prevents our eyes from becoming adapted to the darkness. At night, a boater will only be able to see the points of light along the shore rendering the channel markers and out-of-channel hazards difficult to see. Clearly, glare along the shoreline results in a safety hazard that is corrected in design at Pleasant Harbour Resort.

The second impact is on fish and aquatic plants. The effect of light on fish is not clear however, fish are attracted to the light from their natural feeding depths. The increase in the concentration of fish changes the hunting efficiency of predators. Although the behaviour of the nocturnal predator may not be compromised by artificial light, the ability of its prey to recognize the danger and to escape will affect their survival.

## **Summary**

The Dark Sky Standards will minimize the effects of artificial light on the Marina Ecosystem.

## **GENERAL GUIDELINES FOLLOWED AT PLEASANT HARBOR RESORT**

1. Illumination should be to the minimum practical level,
2. The affected area of illumination should be as confined to specific areas as practical,
3. The duration of the illumination should be as short as practical for Resident Safety.
4. Illumination technology should minimize the amount of blue spectrum in the light.
5. Technology should utilize High Efficiency Lighting Standards (Energy Star Guidelines).

## PUBLIC SAFETY

### Extent of Illumination for Pedestrian Areas:

By starting the design for illumination that has impact on the nocturnal environment should be minimized by limiting the extent of the affected area.

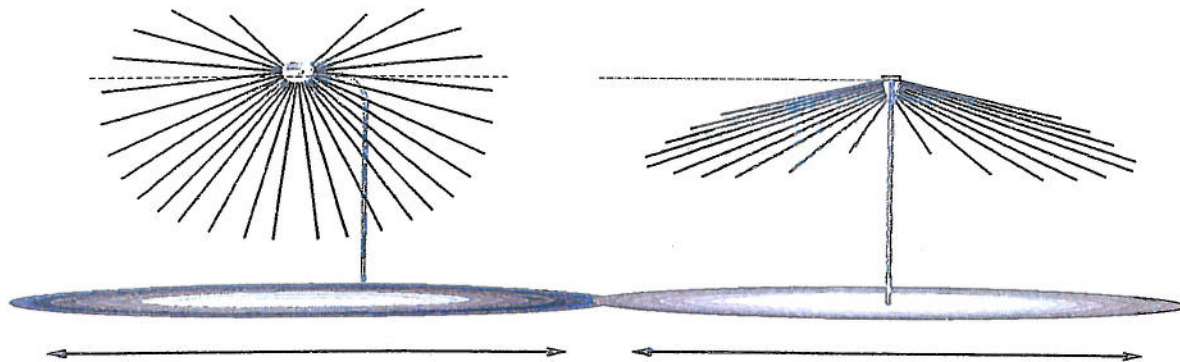
Designing around Trees in a lighted area will significantly restrict the extent of the illumination that is intended to provide Public Safety

Therefore, the Resort has provided standards of custom designed light fixtures that are engineered to limit the extent of scattered light, and recognizing the extent of the vegetation.

### The Designed Lighting:

Using Full Cut-off (FCO) fixtures (also called fully shielded fixtures) prevent light from shining beyond the immediate area and up to the sky. Since no light shines horizontally, the amount of glare at a distance from the fixture is significantly reduced. This increases visibility. By reducing glare, eyes of both animals and people can become more accustomed to the darkness where lower illumination levels produce a safe result for public pedestrian pathways.

### EXHIBIT:



#### Glare/Non Shielded Lighting

#### Pleasant Harbour Lighting Full Cut-off (FCO) Shielded Luminaire

The improvement in visibility with FCO fixtures permits the use of lower wattage bulbs that in turn reduces energy consumption. By lowering the illumination levels, less light will reflect off the surfaces. This will also reduce the extent and impact, of the artificial light on the night environment.

The next design step is to consider pole heights that are limited to below the surrounding trees or berms so that the stray light will be contained.

THEREFORE:

1. All luminaries should use full cut-off fixtures.
2. Fixtures should not be mounted more than 6 meters above the USP grade.
3. The durable shields should be securely affixed to the existing luminaires such that no light shines from the fixture within 10 degrees of the horizon.

## The Designed Lighting for Duration of the Illumination at Pleasant Harbor Resort:

Artificial illumination should not persist past a reasonable time after dark. The Resort's Policy defines "dark time" where illuminated activity and noise is discouraged. (This recognizes that low-level activity may continue after sunset and dusk after which there will be a lighting curfew that is determined by the area of the Resort.)

Management will determine a reasonable amount of lighting pre-curfew time based on the season and activity. (such as 3 to 4 hours after sunset).

### SUMMARY:

1. Minimum lighting should be installed for areas with minimal pedestrian traffic.
2. There should be a lighting curfew within 3 to 4 hours of sunset.
3. Timing circuits should turn off many exterior lighting fixtures within the Resort at the beginning of the lighting curfew except where identified by Management.
4. Light detectors that are triggered by sunset should activate the timing circuit to control the light. Manually activated switches should also be available.
5. In areas with high volume of pedestrian traffic that continues after dark; will turn on with motion or off without motion the illuminated pathways.
- 6) Only Light Emitting Diodes (LEDs), compact fluorescent and Low-Voltage incandescent lamps can be switched on for short periods of time.  
High Intensity Discharge (HID) lamps (Low Pressure Sodium and High Pressure Sodium) require several minutes to heat up before they will reach full brightness. **(all suggested Lighting fixtures in this report are specified as LED or Low Voltage fixtures or Compact Fluorescent manufactured to Energy Star standards .)**
- 7) The type of light (spectral content) that is specified varies with the location. High vehicle traffic areas require sufficient color content and recognition, and for these areas HPS or LED will meet the requirements, using the minimum practical wattage criteria.

### UNDERSTANDING THE REQUIREMENTS FOR A RESORT

- Permit reasonable uses of outdoor lighting for night-time safety, utility, security, and enjoyment while preserving the ambiance of the night;
- Curtail and reverse any degradation of the night-time visual environment and visible stars;
- Minimize glare and obtrusive light by avoiding outdoor lighting that is misdirected, excessive, or unnecessary;
- Conserve energy and resources to the greatest extent possible with LED or Low Voltage;
- Protect the natural environment from the damaging effects of night lighting. Use the lowest wattage of lamp that is feasible. The maximum wattage for most commercial applications should be 250 watts of high intensity LED lighting and should be considered the maximum, and where less is preferred

- Whenever possible integrate automated lighting control systems or motion sensor for controlled lighting.
- Incorporate curfews (i.e. turn lights off automatically after a certain hour in conjunction with motion sensing wherever traffic is minimal).
- All lighting installations shall be designed and installed to be fully shielded (full cut-off), (exceptions below), and shall have a maximum lamp wattage for LED of 250 watts (or lumen equivalent) for commercial lighting, 26 watts compact fluorescent for residential lighting (or approximately 1,600 lumens). In residential areas and general Public facilities throughout Pleasant Harbour, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.

**Lighting that is exempt from these standards:**

1. Lighting in swimming pools and other water features
2. Exit signs and other illumination required by building codes.
3. Lighting for stairs and ramps, as required by the ADA and the Building code.
4. Signs are regulated by the sign code, but all sign lighting is recommended to be fully shielded.
5. Holiday and temporary lighting (less than thirty days use in any one year).
6. Tennis Court and Stage/ Outdoor Theatre lighting; steps will have been taken to minimize glare and light trespass, and utilize sensible curfews.
7. Low voltage LED landscape lighting, but such lighting should be shielded in such a way as to eliminate glare and light trespass.
8. Lighting attached to The Resort Terraces should not exceed the height of the eave and be fully shielded.
9. Parking and Bollard height restrictions will only be considered to control light trespass on adjacent properties.
10. After the Age of 40 the Human Eye requires double the amount of light every 13 year, and will determine the Dark Sky Designs for certain areas of Convalescent short-term stay.

There is Design Criteria utilizing three zone types throughout the Resort. These include some limitation on the use of non fully shielded lighting fixtures for the Maritime Village Commercial Areas as a need for security and signage.

The Outdoor internally-illuminated signs must either be constructed with an opaque background and translucent text and symbols, with a color of non white, off-white, light grey or cream symbols.

Lighting Fixture Designs for Specified Areas at Pleasant Harbour Resort such as the *Lighting for outdoor tennis courts shall be considered Class 1 (Color Rendition), and shall be exempt from the lumens per acre limits. However, this is specified with a minimum Shielded Lighting non-adjustable heads (Full Cut-off). Lighting Curfews will apply.*

*Parking Lots and Pathways and Internal Roads, and Maintenance Areas and Addresses for the Marina and the Golf Course Units & Surface Parking, Jefferson Transit Stop, Store front Signage will be Full Cut-Off Shielded non-adjustable heads.*

#### DISCUSSION: FACTORS AFFECTING LIGHT LEVEL STANDARDS

Light level standards are affected by light quantity and quality desired fixture efficiency and other applicable factors.

Quantity of light or the light output and light levels is measured in lumens, lux and foot-candles. **Initial Lumens/Foot-candles** reflect the amount of light produced by a lamp when it is installed. Supply voltage variations, lamp's interaction with the ballast and dirt build up (**Luminaire Dirt Depreciation**) reduce the produced amount of light. Lessening of light output over time, while continuing to consume the same energy amounts (**Lamp Lumen Depreciation**) also reduces the light levels of the lamp and wastes energy.

**Maintained Foot-candles** show the light level after light loss factors are taken into account over a period of time. **Mean Lumens** show the average light output over the lamp's lifetime. When addressing lighting standards, a provision for the light quantity depreciation over time due to multiple factors should be made.

Quality of light depends on the brightness, distribution and light color.

Photometric brightness (Luminance) is the amount of light leaving the lamp or reflecting from a surface. It is measured in foot-lambert's, candelas/sq.ft. and candelas/square meter (metric). Brightness can produce levels of glare if not contained properly. Glare that comes directly from the light source is a **Direct glare**. **Reflected glare** occurs on the task surface. **Discomfort glare** does not blind but creates discomfort. **Disability glare** prevents vision and blinds. Every fixture has a Visual Comfort Probability (VCP) rating that reflects its level of visual comfort. Glare can severely interfere with visual comfort. High brightness ratings produce high contrast and can also create a visual fatigue during "transient adaptation", which is the adaptation process of the eye when brightness changes.

Light Color depends on the visible light spectrum and the wavelength composition of the lamp

light (Spectral power distribution), the color of the light the lamp produces (Color temperature measured in Kelvin), the way the light source makes the color appear to human eyes and how well subtle variations in color shades are revealed (Color rendering – Color Rendering Index from 0-100). The higher the CRI is, the better the color rendition appears. An inappropriate color rendition can deceive the eye and supply it with wrong information.

Fixture efficiency is affected by two factors. The first factor is the amount of power (watts W) required for the fixture to work at any given time and the amount of light leaving the fixture (**Electrical Efficiency**). The second is how much light will be produced by the fixture and how much of it will be task efficient (**Fixture Efficiency**). An inefficient fixture can use the same amount of energy as an efficient one while producing less light.

### **Other criteria affecting the light level standards**

Activity level in the area can change the requirement of light quantity and quality depending on security concerns and the function that takes place.

CPTED (Crime Prevention through Environmental Design) strives to create safer environments through sensitive design. The concept of Attractive Nuisance is a part of CPTED. The concept reflects the idea that a potentially harmful objects that can draw the attention of a child and raise a desire to investigate or play. Examples: construction sites, equipment, ponds and fountains, tunnels, wells and others. CPTED establishes lighting guidelines based on the risk activity of the area.

Visual acuity is the ability to detect a different aspect of detail. Areas that require high security levels of detail differentiation may require high visual acuity. Excessive brightness or insufficient light can hinder visual acuity.

### **High Light Levels and Vision**

At high light levels absolute sensitivity decreases, contrast threshold increases, the eyes switch to photopic (cone vision) vision.

Object recognition depends on the ability of the eye to discriminate differences in illumination within the object and against its environment, not on how bright the scene is.

### **The Recommended Illuminances (subject to Safety)**

- Illumination levels at the property line of all parking areas shall range between a minimum of 0.2 footcandles (fc) and a maximum of 1.0 fc with as close to 0.2fc when located next to residential areas.
- Mercury vapour fixtures shall not be permitted as a component of exterior design.

### **RM-1 travel trailer park and campground during construction:**

- *Street lighting.* All streets and driveways within the campground shall be lighted at night

with electric lights providing a minimum average illumination of **0.2fc**.

Site lighting should not exceed thirty (30) feet (6 meters) in pole height. Site lighting illumination criteria shall be as follows:

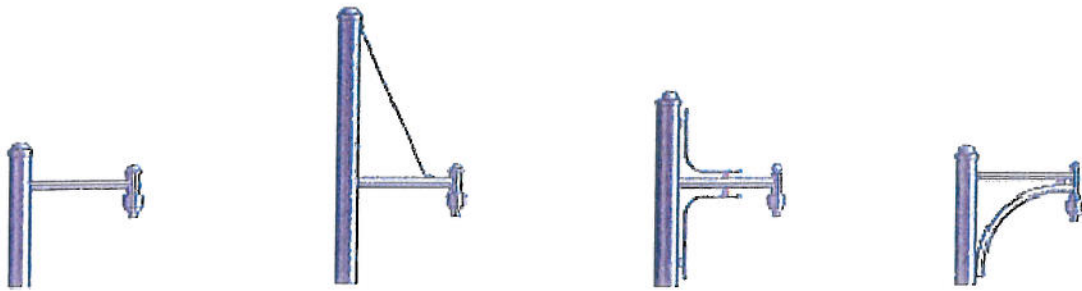
- Open parking facilities: **0.6** minimum fc on pavement.
- Covered parking facilities during daytime: **50fc** at entrance(s), **10fc** at ramps and corners and **5fc** in general parking spaces.
- Covered parking facilities during nighttime: **5fc** minimum at entrance(s), ramps, corners and general parking spaces.
- All illuminance uniformity ratios shall be **4:1** (Average/Minimum).

### ***CUSTOM DESIGNED LIGHTING FIXTURES FOR THE RESORT***



Pole Heights are limited to 6 meters above the USP.

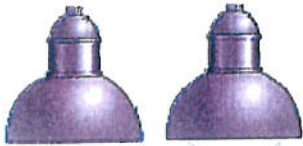
## Specified Dark Sky Approved Fixture Mounting Post Cross-Arms For Fully Shielded Fixtures



**Intended Use:** Architectural Site, Roadway Lighting, and outdoor projects where quality lighting, reducing glare, energy waste and preventing night time light pollution is important.

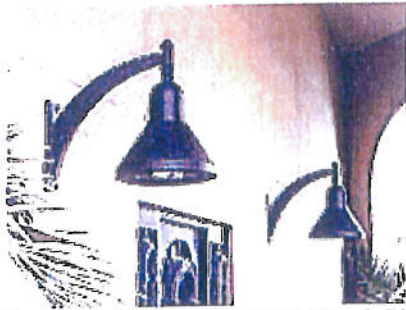
### **Features:**

- High performance optics
- Precision designed reflectors, available in 5 different distribution types
- Full cut-off performance with flat lens
- Cut-off performance with sag glass lens



**Full Cutoff**

**Cutoff**



**Intended Use:** Architectural Site, Roadway Lighting, and outdoor projects where quality lighting, reducing glare, energy waste and preventing night time light pollution is important.

**Features:**

High performance optics

Precision designed reflectors, available in 4 different distribution types

Full cut-off performance with flat lens

Cut-off performance with sag glass lens



**Cutoff**



**Full Cutoff**

LED fixtures last 50,000+ hours. That means minimal to no maintenance cost for over 15 years when used on an average of 10 hours per night. When comparing LEDs to conventional light sources the initial cost is higher, but the long term cost is lower.

- Mounts easily
- Full Cut-off, Fully Shielded LED
- High Output LED Light Engine
- Maintains 70% of its initial lumens at 50,000 hours
- Weatherproof high temperature silicone gaskets

- Superior Heat Sinking with Die Cast Aluminum Housing and External Fins
- LED lighting offers significant energy savings plus additional savings from greatly reduced re-lamping.

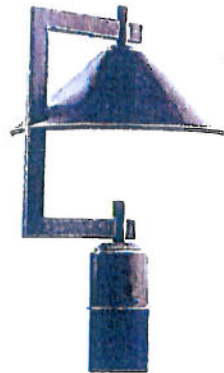
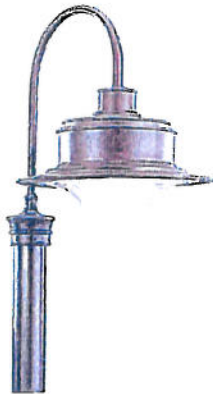
*Specifications for Pathways and and The Maritime Park*

*It is highly suggested that these are fully Shielded fixtures using Led lighting at 3000-4500 k for color rendition and illumination purposes. LZ2 (E2) ZONE*

To further limit the extent of the illuminated area, bollard post heights that are fully shielded should be limited to below the surrounding trees or berms to a maximum of 2 meters, so that the



Dark Sky compliant with a Fully Shielded lamp.

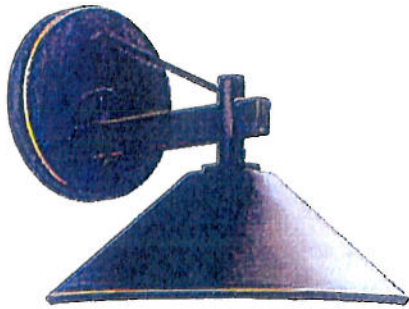


**RESIDENTIAL ADDRESSES**

In residential areas, Condo development and general Public facilities throughout Pleasant Harbor Resort, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property. Fully Shielded Dark Sky Compliant LED Residential or Light Commercial Wall Lights, from as wide as 22 inches to as narrow as 7 inches.



Outdoor Wall Sconce with Dark outer layer.

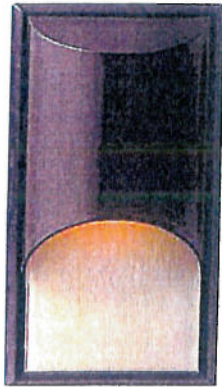


Outdoor Wall Sconce with Dark outer



Outdoor Wall Sconce with Dark Outer Layer

Wall Lighting continued..



Outdoor Wall Sconce Simple Lines available



Outdoor Wall Light Greater Protrusion

**Parking Lots and Maintenance Areas:** *these are fully Shielded fixtures using LED lighting at 3000-4500 k for color rendition and illumination purposes. LZZ (E2) ZONE*

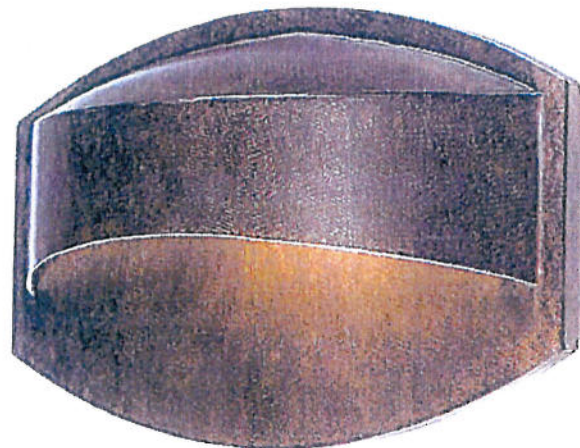
To further limit the illumination the poles are specified to a maximum of 3.5 meters above the USP grades.

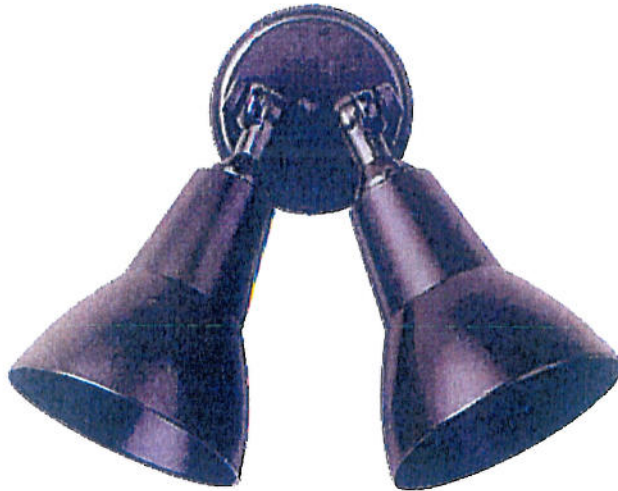
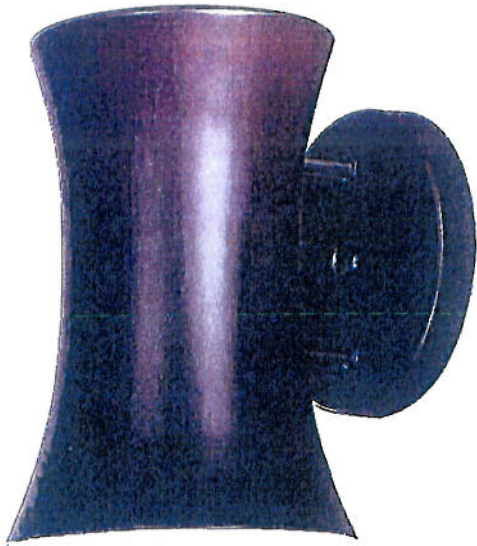
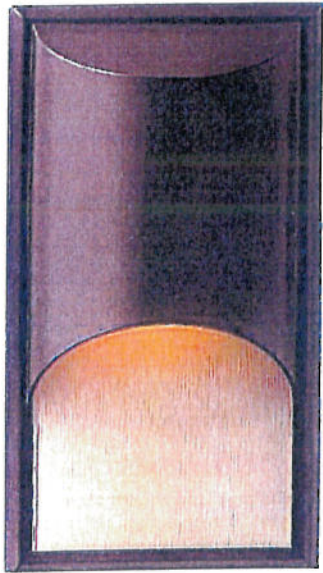


**Shielded Fixtures LED**

***EXAMPLES of Store Signage, Awning Lighting, Public Washrooms***

All Public Signage lighting installations shall be designed and installed to be fully shielded (full cut-off) and shall have a maximum lamp wattage of 250 watts LED (or lumen equivalent) for commercial lighting. In General Public facilities throughout Pleasant Harbour Resort, light should be shielded such that the lamp itself or the lamp image is not directly visible outside the property perimeter.





All luminaires should use full cut-off fixtures. Fixtures should not be mounted more than 6 meters above the USP grade.

*Specifications are fully Shielded fixtures using Led lighting at 3000-4500 k for color rendition and illumination purposes. LZ2 (E2) ZONE*

## Kilowatt Comparison by Area of Resort Intersections and Access/Egress Points: **Black Point Road, Marina Access Drive, Boat Launch Access, Multifamily Roadways.**

Standard: Omni Directional Lighting standards (MH, HPS,LPS) with up to 40% lost Lumens  
Dark Sky Focused Directional with Less than 5 % lost Lumens.  
Also using timer devices and proximity sensors or Motion sensors so that lumens are maintained at 50% or less from 2 am on unless triggered to return to full lumens.

Total Roadway area of approximately 2.6 miles with several sharp turns and rounded areas. Total Light count will be 173 fixtures needed using 250 watt LED Dark Sky Compliant fixtures. Using Photocell with Motion or Proximity detectors on 60% of these will cut KW consumption by 50% from 2 am until Dawn.

Dark Sky LED Direct Lighting has almost no Lumen Loss within fixture and has instant response time for Proximity Detectors. All other Lighting Sources have too slow response times for Motion or Proximity Detection.

Roadway Lighting using LED Dark Sky Compliant ( only 5% light loss) 250 watt fixtures with Motion detection ,5 hours at 100%. 60% of fixtures running 4 hours from 2 am running at 50 % lumens) Based on 9 hours usage **381 KWH**( 173 fixtures x250w x 5 hours + 173 fixtures x 250w x 4hoursx.4 number of fixtures + 173 fixtures x 250 x4 hours x.6 # of fixtures x. 5 lumens)/1000

Roadway KW total Usage using Standard technology Dark to Dawn and with no motion detection and Light Losses (up to 30%) and 350watt HPS fixtures would be  
Based on 9 hours usage a night 544 **KWH**. (173 fixtures X9 hoursx350 watt HPS/1000)

## **Golf Resort Buildings, Villas and Maintenance Areas**

Building Common Area Lighting (Golf Terraces, Alpine Vista, SeaView Villas Maintenance Building and Quarters.

Dark Sky Wall Pack will be used for all of these Buildings for common area walkways between buildings for a total of 75.

Pathway Lighting or Park Area Lighting (walkways between parking or Road areas using Bollard or Low Decorative Pole Lighting)

Dark Sky Approved Bollards or 10 foot pole lamp.

Each fixture will be a 150 watt Dark Sky Compliant Led fixture

Also using timer devices and proximity sensors or Motion sensors so that lumens are maintained at 50% or less from 2 AM on unless triggered to return to full lumens.

Total KW usage Dark Sky LED will be **84.3 KWH**.

Using other technology you will need 200 watt fixtures. They also will not have the ability to Dim or use Motion /Proximity Detection.

Total KW usage will be Standard Lighting **135 KWH**

## Marina Village Reunion House Marina Centre Store Fronts and Exterior Lighting

Dark Sky Wall Pack will be used for all of these Buildings

A combination of 52- 250 watt Led Fully Shielded light fixtures and 6 -150 watt Fully Shielded Exterior Fixtures

These Fixtures will have a Cut-off time at 2 am. Average time of use will be 5 hours per evening  
Dark Sky LED Direct Lighting has almost no Lumen Loss within fixture

Total KWH Count will be **69.5 KWH** per evening.

Exterior KW total Usage using Standard technology and Light Losses (up to 30%) and 350watt HPS fixtures would be **97 KWH** per Evening

## Individual Resort Residential Units

**Golf Resort, Maritime Village, Pleasant Harbor House, B&B**  
(For A Total of 900 Exterior Fixtures based on 1 per exterior Exit or Balcony)

Dark Sky Fully Shielded Fully Shielded Wall Lights to be used in each Residence. Each will be a 15 watt Led Bulb.

Estimate will be that 30% of these fixtures will be on each evening for a minimum of 3 hours.

Total KWH count (900 x 15 w x3 x .3) will be a total of **12.15 KWH** per evening  
The KWH Count would be the same using Energy Star CFL Bulbs

The KWH count would be 70% higher using regular incandescent Light Bulbs

KWH count using Regular 60 watt Bulbs would be **48.6 KWH** per evening.

## Golf Resort Amenities, Recreational Amenities

These will be a combination of Fully Shielded and Partially Shielded Led Dark Sky Compliant Fixtures. Some of the Recreational Areas should use Partially Shielded for overall Lighting Range.

Total of Fully Shielded 250 watt Wall or Pole lights- 14  
These will be operated on average from 9 Pm until 2 am then dimmed to 50% with motion detection in place.

Total of Partially Shielded 250 watt Pole Lights – 36 (Tennis Courts, Pool areas, Misc areas.  
These will be operated from on Average 9 pm until 1 am

Total KWH usage for Led Dark Sky Fixtures Fully Shielded. (14 x 250w x5) + (14 x 250w x 4 x.5) + (36 x 250w x 4) **Total 60.5 KWH**

Using Regular Technology the total KWH usage would work out the following. Non Dimming Non Shielded HPS Fixtures for Each Location. ( 14 x 350w x5) +(14 x 350w x 4) + (36 x 350w x 4)  
**Total 94.5 KWH.** Again this without the benefit of any Dark Sky Compliance or attributes.

## **Parking Lots, Transit Stop, Misc. Areas**

All of these areas will use Fully Shielded Dark Sky Compliant Pole Mount Fixtures. Each will use a 250 watt Led Fixture Head. They will run at 100% Lumens for approximately 5 hours per evening (9pm-2am) then run at 50 % until .5 hours after Dawn (2am-6am) we will use Motion detection after 2 am .

Total amount of pole Fixtures needed is 45 at 250 watts LED lighting each. KWH hour's usage  
(45 x 250w x 5) + (45 x 250w x 4 x .5) **Total KWH Usage 78.75 KWH** per evening.

Using Standard Technology with 350 watt lighting to make up for lighting leakage of 30 % and NON Shielded Fixtures without Dimming or Motion Technology the KWH hour usage per evening would be  
(45 x 350w x 9) **Total KWH Usage 141.75 KWH** per evening

**Total KWH Usage using LED Technology, Dimming ,Motion detection and Using Dark Sky Compliant Fixtures Is Considerably less with the Benefit of Dark Sky Attributes at 686.2 KWH per evening.**

**Total KWH usage using Standard HPS, LPS or MH Technology and Non Dark Sky Compliance is 1060.85 KWH per Evening.**

## **DARK SKY STANDARDS AT PLEASANT HARBOR RESORT**

### **SUMMARY:**

The general belief that more light means better safety and security is just a myth. What is needed is the right amount of light, in the right place, at the right time. More light just means wasted light and energy.

The Resort will use the lowest wattage of lamp possible. For energy and cost saving purposes, compact fluorescent lamps or LED have been specified rather than incandescent. Whenever possible automate or turn off the lights.

LED fixtures last 50,000+ hours. That means none or minimal maintenance cost for over 15 years when turned on an average of 10 hours per night.

Although Metal Halide very efficient outdoor lighting system LED is far more efficient in that the fact it is directional and very little light is lost in the Fixture itself.

The general guidelines for outdoor lighting within the Resort include Custom Designed Lighting and Signage throughout to minimize the impact of artificial lighting on the night environment.

Guest and Patron security and safety is an important consideration, especially in well travelled areas.

The Ecology is an important factor for Dark Sky Lighting standards resulting in GREEN HOUSE GAS SEQUESTERING WITH THE REDUCTION IN KILOWATTS PER HOUR CONSUMED.

# **Appendix T**

## LEED Narrative

## **Compliance with LEED Standards**



February 14, 2012, 2012

## Pleasant Harbor Marina and Golf Resort Narrative Demonstrating Compliance with the Intent of LEED Standards

Condition "63.x" of Jefferson County Ordinance 01-0128-08 states:

"Statesman shall use the LEED (Leadership in Energy and Environmental Design) and "Green Built" green building rating system standards. These standards, applicable to commercial and residential dwellings respectively, "promote design and construction practices that increase profitability while reducing the negative environmental impacts of buildings, and improving occupant health and well-being".

Statesman is not obligated to receive LEED certification, Statesman agrees to build to LEED standards.

The LEED 2009 manual for new construction and major renovations shall apply to all commercial buildings within the MPR.

Following is a summary of applicable items from the LEED 2009 checklist. Details for each item may be found in the LEED 2009 Manual for New Construction.

### Sustainable Sites

1. Prerequisite 1 Construction Activity Pollution Prevention required

Intent: To reduce pollution from construction activities by controlling soil erosion, waterway sedimentation and airborne dust generation.

- a) Described in Craig A. Peck & Associate reports, Subsurface Group reports, and golf course contractor reports, these measures will include:
  - i. On-site gravel and sand production
  - ii. Protecting topsoil by stockpiling and covering for re-use
  - iii. Prevention of sedimentation leaving the confines of the site to enter Hood Canal
  - iv. Water truck controls for dust and particulates

2. Credit 1 Site Selection 1 point

Intent: To avoid the development of inappropriate sites and reduce the environmental impact from the location of a building on a site.

- a) The site has been approved for development of a Master Planned Resort (MPR) by Jefferson County Ordinance 01-0128-08.

- b) Prior use of the site was recreational in the form of an RV park. Most of the area proposed for the golf course/golf resort was previously developed with roads, water and utilities operate to campsites covering the area. Rest room facilities, outdoor cooking areas, and an activity center.
- c) The marina area of the MPR will comply with the December 2009 Jefferson County locally-approved Shoreline Management Plan (SMP).

3. Credit 2      Development Density and Community Connectivity      5 points

Intent: To channel development to urban areas with existing infrastructure, protect green fields, and preserve habitat and natural resources.

- a) Urban services and infrastructure required to serve the MPR will be developed on-site in accordance with the Washington State Growth Management Act. Where services are required from others, Pleasant Harbor Marina and Golf Resort will negotiate a reasonable Memorandum of Understanding with each agency or district (in accordance with Board of County Commissioners Condition 63.c) to provide mitigation to offset the cost of services not offset by the additional tax revenue that will be generated by the Resort.
- b) The marina upland will be renovated within the footprint of existing buildings to comply with the December 2009 locally-approved Shoreline Master Program (SMP).
- c) The golf course is proposed within an area where previous site disturbance occurred.
- d) Other services to be provided within the MPR will include: restaurants, laundry, a convenience store, boat launch, real estate office, a place of worship, beauty salon, medical office, fitness center, and other amenities.
- e) Steep slopes to the south with mature vegetation in the 200-ft Shoreline Environment along the south boundary of the golf course/golf resort area of the MPR will be managed by local Tribes for the purpose of preserving and minimizing potential impacts to habitat and natural resources.

4. Credit 3      Brownfield Development .....does not apply .....      0 points

5. Credit 4.1      Alternative transportation - public transportation access      6 points

Intent: To reduce pollution and land development impacts from automobile use.

- a) Provisions will be made for a Jefferson Transit/Mason Transit stop at the intersection of Black Point Road with U.S. Highway 101.
- b) Shuttle service will be provided within the Resort to accommodate guest activities and provide access between the Marina and Golf Resort areas.
- c) Shuttle service will be provided between the Resort and State and National Parks in the area to minimize parking demand that might otherwise occur as a result of tenants of the Resort visiting these areas.

6. Credit 4.2      Alternative transportation - bicycle storage and changing rooms      0.5 point

Intent: To reduce pollution and land development impacts from automobile use.

- a) Bicycle rental and bicycle storage is proposed for guests and staff who may wish to use Resort pathways.
- b) Staff and guests will be encouraged to use bicycles within the resort property.

7. Credit 4.3 Alternative Transportation - low-emitting and fuel-efficient vehicles 3 points

Intent: To reduce pollution and land development impacts from automobile use.

- a) On-site hybrid fuel-efficient vehicles or electric carts will be available for rent to use within the Resort.
- b) Guests will be encouraged to utilize shuttle service on-site and between the marina and golf course/golf resort.

8. Credit 4.4 Alternative Transportation - parking capacity 2 points

Intent: To reduce pollution and land development impacts from automobile use.

- a) Shuttle service will be provided between parking areas and the marina to minimize parking at the marina.
- b) 70% of guest parking associated with the golf resort residential units will be below grade within structures.
  - i. For Stage 1, Marina Lands: all parking for the 66 residential units will be surface parking. Parking for the guests of the Marina will be surface parking, as it is currently.
    - a. Marina parking is currently surface parking and parkade parking with approximately 198 stalls
  - ii. For Stage 2, Golf Resort, all parking for occupants of the Terrace condos or the Villas and Vistas will be below grade in a concrete parkade. Golfers and short-stay visitors to the Resort will have surface parking. Staff parking will be surface parking.
    - a. The preliminary count for Golf Course surface parking is 499 stalls
    - b. The preliminary count for Golf Course underground parking is 633 stalls plus 38 underground boat stalls.
- c) Visitors and guests will be encouraged to use shuttle service or pedestrian pathways to minimize use of personal vehicles on the resort property.

9. Credit 5.1 Site Development – protect or restore habitat 1 point

Intent: To conserve existing natural areas and restore damaged areas to provide habitat and promote biodiversity.

- a) Proposed residential densities are 3.0 units per acre with minimal amounts of impervious area of approximately 12% of the site with the Preferred Alternative 3 site plan. Approximately 88% of the site will be maintained in a pervious condition.

- b) Native plantings proposed in the marina upland area, maritime village, and golf resort will be selected to promote biodiversity.

10. Credit 5.2 Site Development – maximize open space 1 point

Intent: To promote biodiversity by providing a high ratio of open space to development footprint.

- a) Redevelopment in the marina upland area will be limited to the footprint of existing buildings.
- b) The proposed 18-hole golf course will retain a high ratio of open space within the MPR.

11. Credit 6.1 Storm water Design – quality control 1 point

Intent: To limit disruption of natural hydrology by reducing impervious cover, increasing on-site infiltration, reducing or eliminating pollution from storm water runoff and eliminating contaminants.

- a) The proposed storm water management plan (Peck & Associates 2011) will increase on-site infiltration and control storm water runoff from the golf course/golf resort lands to prevent contaminants from entering Hood Canal.

12. Credit 6.2 Storm water Design – quality control 1 point

Intent: To limit disruption and pollution of natural water flows by managing storm water runoff.

- a) Storm water design will include vegetated bio-swales, constructed wetlands, infiltration galleries, and below-grade storm water piping to control storm water and prevent run-off from disturbed areas during and following construction, and from pollutant-generating surfaces in the developed condition of the site.

13. Credit 7.1 Heat Island Effect – non roof 1 point

Intent: To reduce heat islands to minimize impacts on microclimates and human and wildlife habitats.

- a) As previously stated, approximately 88% of the site will be preserved in pervious surface area, which will avoid heat-generation by pavement and roofs in these areas.
- b) Provisions will be made for approximately 50% to 70% of vehicles to park in covered parking, below grade.
  - i. See Item #8 (credit 4.4) for details regarding proposed parking.
- c) Healthy trees and shrubs removed during clearing and grading (10 inches in diameter or less) will be considered for relocation to a temporary tree farm for future replanting in disturbed areas.

14. Credit 7.2 Heat Island Effect – Roof 1 point

Intent: To reduce heat islands to minimize impacts on microclimates and human and wildlife habitats.

- a) Metal, non-combustible roofing materials have been selected with a solar reflective index (SRI) of 75% of the roof surface).

- b) SRI is used by the Green Building Council to estimate how hot a surface will get when exposed to full sun. Materials with the highest SRI are coolest and the most appropriate choice for mitigating the heat island effect.

15. Credit 8 Light Pollution Reduction 1 point

Intent: To minimize light trespass from the building and site, reduce sky-glow to increase night sky access, improve nighttime visibility through glare reduction and reduce development impact from lighting on nocturnal environments.

- a) Light pollution will be reduced using Dark Sky fixtures from which light will emit is at an angle. (The nadir at a given point is the local vertical direction pointing in the direction of the force of gravity at that location.)

Interior lighting standards will be specified using Energy Star Standards:

- LED lighting
  - Compact fluorescent
  - Induction lighting for parkades
  - Low voltage for exterior landscape lighting
- b) Non-emergency exterior luminaries with a direct line of sight on roads or on pathways will be controlled through occupant sensing motion detectors to reduce lighting by 50% between 11pm and 5am.
- c) Building exterior lighting will be indirect with luminance value no greater than 0.10 horizontal and vertical foot-candles at the site boundary. At 10 feet beyond, building exterior lighting will be no greater than 0.01 horizontal foot-candles.
- d) All public roadways accessing the resort will have luminance generated from an LED single luminary or from induction lighting placed at intersections to provide sufficient safe light levels at the site boundary for a length of 2 times the driveway width centered at the centerline of the driveway.

### Water Efficiency

16. Prerequisite 1: Water Use Reduction required

Intent: To increase water efficiency within buildings to reduce the burden on municipal water supply and wastewater systems.

- a) No municipal water supply or wastewater systems will be impacted by the development. On-site privately-owned and privately-operated systems are proposed within the MPR.
- b) Fixtures chosen for use will comply with guidelines described in the LEED 2009 construction standards (page 21) with the goal of reducing water consumption. The list below describes representative fixtures and the LEED guideline regarding use in gallons per flush (gpf) or gallons per minute (gpm).
- i. Commercial toilets 1.6 gallons per flush (gpf)

- ii. Commercial urinals 1.0 gpf
- iii. Commercial lavatory faucets 2.2 gpm at 60 psi (private applications)
- iv. Commercial lavatory faucets 0.5 gpm at 60 psi (all except private applications)
- v. Commercial pre-rinse spray valves (food service) <1.6 gpm
- vi. Residential toilets 1.6 gpf
- vii. Residential lavatory faucets 1.2 gpm at 60 psi
- viii. Residential kitchen faucet 2.2 gpm at 60 psi
- ix. Residential showerheads 2.5 gpm at 80 psi per shower stall

17. Credit 1: Water Efficient Landscaping 4 points

Intent: To limit or eliminate the use of potable water or other natural surface or subsurface water resources available on or near the project site for landscape irrigation.

- a) Non-potable water utilization will reduce potable water consumption through wastewater treatment and storm water management systems.
- b) Total potable water consumption will be reduced by more than 50% per equivalent residential unit (ERU) per day as a result of proposed water use reduction fixtures and practices.
- c) The proposal includes using Class A reclaimed water from a Membrane Bioreactor (MBR) treatment process for landscape irrigation and fire smart spray irrigation..

18. Credit 2: Innovative Water Technologies 2 points

Intent: To reduce wastewater generation and potable water demand while increasing the local aquifer recharge.

- a) In addition to non-potable water feed of Class "A" water for irrigation of the golf course and landscaped areas, a second water line will be provided for the commercial center's use at Terrace Building 1 for Class "A" feed to toilets and urinals.
- b) An on-site wastewater treatment facility will be constructed.

19. Credit 3: Water Use Reduction 4 points

Intent: To further increase water efficiency within buildings to reduce the burden on municipal water supply and wastewater systems.

- a) Planned use of low-volume fixtures combined with collection of stormwater collection for reuse will reduce the demand on wells.
- b) Wastewater will be treated at the on-site treatment facility to allow re-use of water for non-potable needs including irrigation and fire fighting purposes.

## Energy and Atmosphere

### 20. Prerequisite 1: Fundamental Commissioning of Building Energy Systems required

Intent: To verify that the project's energy-related systems are installed and calibrated to perform according to the owner's project requirements, basis of design and construction documents.

Elements of the proposed energy system will include: CHP (Combined Heat and Power)

Source power will be generated through one micro-turbine that will provide sufficient power to operate the Waste Water Treatment Plant (WWTP) for secondary power. Tri-generation is a term that refers to three functions of the Micro Turbines:

- Produce power to operate the WWTP.
- Waste heat will generate heat for the pools, spas and provide BTU's to the heating system.
- Heat will enhance the operation of the geothermal heat pumps.

GEO Exchange:

- A lined reservoir will have the capacity to store up to ± 120 million gallons of Class A reclaimed water from the wastewater treatment process, and collected storm water.
  - Plastic piping from the geothermal heat pumps will traverse the base of the 13.5-acre reservoir in order to displace heat (heat sink) from the buildings (as required), as well as to produce cooling. Water, mixed with 8% bio-degradable vegetable oil, will circulate through the piping.
- a) A qualified individual will be assigned to review and oversee the commissioning of energy systems and the management of the utility District of Pleasant Harbor Resort.
  - b) This individual will document and report completion and/or recommendations to the Resort owner.
  - c) The Resort owner will document the project requirements.
  - d) Requirements will include the development of commissioning requirements, commissioning plan, verification of installation and performance, completion of a summary commissioning report.

### 21. Prerequisite 2: Minimum Energy Performance required

Intent: To establish the minimum level of energy efficiency for the proposed building and systems to reduce environmental and economic impacts associated with excessive energy use.

- a) The building designs for multi-level structures will utilize a non-combustible recycled steel with concrete interface between floors.
- b) Exterior materials will be selected from the Hardi-Plank energy-conservation group.
- c) Interior materials will be selected from fiber-free laminated hardwoods and tiles providing ease of maintenance.

22. Prerequisite 3: Fundamental Refrigerant Management required

Intent: To reduce stratospheric ozone depletion.

- a) The Resort will comply with the requirement of zero use of chlorofluorocarbon-based refrigerants in new construction and re-construction. This standard for CFC elimination is part of Energy Star Appliances and Fixtures that applies to refrigerators, and air-conditioning condensers.

23. Credit 1: Optimize Energy Performance 10 points

Intent: To achieve increasing levels of energy performance beyond the prerequisite standard to reduce environmental and economic impacts associated with excessive energy use.

- a) Georexchange will use the ambient temperatures in the ground to improve efficiency and operation cost of heating and cooling. The earth will be used as a heat source in cold weather and a heat sink in warm weather. The reclaimed water reservoir of 13.5 acres will provide a medium for the exchange of heating and cooling for the geo-exchange mechanical systems. Reduced energy consumption will be achieved with the Tri-generation of collecting the waste heat from the combined heat and power (CHP) cogeneration unit and relaying this heat for pool and spa heating.
  - i. Note: Tri-Generation: creating heating, power and cooling from a single fuel source.
- b) Waste heat collected from the CHP cogeneration unit will contribute to heating in common areas.

24. Credit 2: On-Site Renewable Energy 7 points

Intent: To encourage and recognize increasing levels of on-site renewable energy self-supply to reduce environmental and economic impacts associated with fossil fuel energy use.

- a) The Public Utility District of Mason County was consulted to validate LEED standards for this energy. Hydroelectric energy produced through the PUD's Bonneville Plant would not meet LEED standards. However, the GRID does engage in Wind-Power Energy that will provide for a percentage of the energy source for the Resort as negotiated with Mason County PUD #1.
- b) The Resort, through necessity, has specified 35 - 40% of energy consumption and capacity from Green Energy Sources. The hybrid system includes geothermal exchange closed loops for heating and cooling as well as in-suite controls for the energy related monitoring. The results are Whole Building Energy Systems, where the building performance rating has been improved by more than 30%. This will include the benefit of green electrical power, waste-heat used for recreational heating, and cooling from the geo-exchange within the water medium of the reservoir.

25. Credit 3: Enhanced Commissioning 2 points

Intent: To begin the commissioning process early in the design process and execute additional activities after systems performance verification is completed.

- a) The Resort agrees to follow requirements set forth in the LEED 2009 manual for new construction (page 39).
- b) These requirements ensure the capability to efficiently commission systems as they are built or installed with documentation of completion and/or suggestions.

26. Credit 4: Enhanced Refrigerant Management 2 points

Intent: To reduce ozone depletion and support early compliance with the Montreal Protocol while minimizing direct contributions to climate change.

- a) The Resort will use no chlorofluorocarbon (CFC)-based refrigerants or conventional refrigeration technology.
- b) The proposed geo-exchange heat pumps will provide a central heating and/or cooling system that pumps heat to or from the ground/water of the Reservoir & Brackish Marina Water. The earth will be used as a heat source in cooler weather and a heat sink in warmer weather. This design will take advantage of moderate temperatures in the water to improve efficiency and reducing the operational cost of heating and cooling systems. 2-pipe fan coil systems for delivering heat/cooling. A 2-pipe fan coil unit consists of a fan and a heating or cooling coil. Different areas of a building may require heating or cooling at the same time; therefore, a 4-pipe system will be used in some buildings.
- c) Without mechanical cooling that utilizes CFC's, the proposed energy system will minimize any direct impact on ozone depletion. (GHG Emissions)
- d) Use of Energy Star appliances that do not release CFCs will be specified for use within the Resort.

27. Credit 5: Measurement and Verification 3 points

Intent: To provide for the ongoing accountability of building energy consumption over time.

- a) Energy consumption will be monitored for each structure.
- b) Energy consumption will be controlled with specified use of low-consumption fixtures and appliances.

28. Credit 6: Green Power 1 points

Intent: To encourage the development and use of grid-source, renewable energy technologies on a net zero pollution basis.

- a) The Resort will use propane first and diesel second, for the redundancy energy source of the combined heat and power (CHP) Unit

**Materials and Resources**

29. Prerequisite 1 required

Intent: To facilitate the reduction of waste generated by building occupants that is hauled to and disposed of in landfills.

- a) Provide easy access to areas dedicated to collection and storage of materials for recycling for the entire resort area including the Marina.
- b) Recyclable materials will include paper, cardboard, glass, plastics and metals.

30. Credit 1.1: Building Reuse – maintain existing walls, floors and roof .does not apply ... 0 points

31. Credit 1.2: Building Reuse – maintain existing interior nonstructural elements 0 points

.....does not apply .....

32. Credit 2: Construction Waste Management 2 points

Intent: To divert construction and demolition debris from disposal in landfills and incineration facilities. Redirect recyclable recovered resources back to the manufacturing process and reusable materials to appropriate sites.

- a) Twin dumpsters will be provided at building sites, one for recyclables.

33. Credit 3: Materials Reuse .....does not apply ..... 0 points

34. Credit 4: Recycled Content 1 point

Intent: To increase demand for building products that incorporate recycled content materials, thereby reducing impacts resulting from extraction and processing of virgin materials.

- a) Metals and plastics will be made of recyclable materials.
- b) In accordance with Jefferson County Board of County Commissioners Condition 63.f, Statesman will prioritize the sourcing of construction materials from within the County, where possible.

35. Credit 5: Regional Materials 2 points

Intent: To increase demand for building products that are extracted and manufactured within the region, thereby supporting the use of indigenous resources and reducing the environmental impacts resulting from transportation.

- a) Regional materials to be used on-site such as cement boards, metal framing and roofing material, floor coverings and wood products will be made from renewable products. To the extent possible, at least 20% of these materials will have been extracted, harvested or recovered and manufactured within 500 miles of the Resort.

36. Credit 6: Rapidly Renewable Materials 1 points

Intent: To reduce the use and depletion of finite raw materials and long-cycle renewable materials by replacing them with rapidly renewable materials.

- a) Construction materials will include recycled steel and recycled wood products.

37. Credit 7: Certified Wood .....does not apply ..... 0 points

## **Indoor Environmental Quality**

### 38. Prerequisite 1: Minimum Indoor Air Quality Performance required

Intent: To establish minimum indoor air quality (IAQ) performance to enhance indoor air quality in buildings, thus contributing to the comfort and well-being of the occupants. .

- a) Window designs will be specified as venting windows to code standards. Buildings are air conditioned, from Ground-Water Sources using geothermal technology.
- b) All buildings will be naturally ventilated through the delivery of fresh-air through the delivery of heat and cooling from geo-exchange. The reflected ceiling plan will provide the airflow pathway incorporating fan-coil units.

### 39. Prerequisite 2: Environmental Tobacco Smoke (ETS) Control required

Intent: To prevent or minimize exposure of building occupants, indoor surfaces and ventilation air distribution systems to environmental tobacco smoke (ETS).

- a) Smoking will be prohibited except on designated outdoor areas 25 feet or more away from buildings

### 40. Credit 1: Outdoor air delivery monitoring 1 point

Intent: to provide capacity for ventilation system monitoring to help promote comfort and well-being.

- a) CO<sub>2</sub> sensors will monitor parkades with alarm controls.

### 41. Credit 2: Increased Ventilation 1 point

Intent: To provide additional outdoor air ventilation to improve indoor air quality (IAQ) and promote occupant comfort, well-being and productivity.

- a) All outdoor spaces will be naturally ventilated.
- b) Hydrocarbons will be reduced to minimum standards on-site; therefore, CO<sub>2</sub> emissions will be substantially reduced.

### 42. Credit 3.1: Construction Indoor Air Quality Management Plan – During Construction 1 point

Intent: To reduce indoor air quality (IAQ) problems resulting from construction or renovation and promote the comfort and well-being of construction workers and building occupants.

- a) Control standards will be met or exceeded based on Sheet Metal and Air Conditioning Contractors' National Association (SMACNA) standards.
- b) Permanently installed air handlers will not be required for temporary heating/cooling during construction.

### 43. Credit 3.2: Construction Indoor Air Quality Management Plan – Before Occupancy 1 point

Intent: To reduce IAQ problems resulting from construction or renovation to promote the comfort and well-being of construction workers and building occupants.

- a) Building flush-out and filter replacement will occur through the fan coil units prior to occupancy.
- b) Filters will be inspected regularly during occupancy.

44. Credit 4.1: Low-Emitting Materials – Adhesives and Sealants 1 point

Intent: To reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants.

- a) Adhesives, sealants and sealant primers will comply with South Coast Air Quality Management District (SCAQMD) Rule #168 as specified in the 2009 LEED manual for new construction (page 66).

45. Credit 4.2: Low-Emitting Materials – paints and coatings 1 point

Intent: to reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants.

- a) Low emitting materials such as paints and coatings to be used within the Resort will comply with volatile organic compound (VOC) limits. Clear wood finish, floor coatings, stains, primers and shellacs will also meet these standards.

46. Credit 4.3: Low-Emitting Materials – Flooring Systems 1 point

Intent: To reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants.

- a) The flooring specifications will be mainly tile in foyers, kitchens, bathrooms, laundry spaces, with laminate hardwood in grand rooms and high traffic areas. These will meet tight-looped Floor Score Standards.

LEED 2009 cites Floor Score certification as an indicator of indoor air quality. FloorScore tests and certifies all hard surface flooring and flooring adhesive products to ensure they meet stringent indoor air quality emission requirements. The program was developed by the Resilient Floor Covering Institute (RFCI) in conjunction with Scientific Certification Systems (SYS0 and has certified products since 2005

- b) Volatile Organic Compound (VOC)-approved Milligan Carpets will be specified for quiet spaces such as bedrooms and corridors under the Green Label Plus program.

LEED 2009 cites the Green Label Plus program as an indicator of indoor air quality. The Carpet and Rug Institute (CRI) launched the Green Label Plus program in 1992 to test carpet, cushions and adhesives to help identify products with very low emissions of VOC.

47. Credit 4.4: Low-Emitting Materials – Composite Wood and Agrifiber Products 1 point

Intent: To reduce the quantity of indoor air contaminants that are odorous, irritating and/or harmful to the comfort and well-being of installers and occupants.

- a) No formaldehyde resins will be specified for interior use.

48. Credit 5: Indoor Chemical and Pollutant Source Control 1 point

Intent: To minimize building occupant exposure to potentially hazardous particulates and chemical pollutants.

- a) VOC-approved Milligan "Dirt Control" entry way systems will be specified for all major foyer entryways.
- b) Exhaust rates are quoted at 0.50 cubic feet per minute per square foot of room area. The pressure differential, with surrounding spaces, will meet 5 Pascals on average and 1 Pascal when doors to rooms are closed.
- c) A separate ventilated utility building adjacent to the Maintenance Building will be the only appropriate area for storage of hazardous liquids and chemicals.

49. Credit 6.1: Controllability of Systems – Lighting 1 point

Intent: To provide a high level of lighting system control by individual occupants or groups in multi-occupant spaces (e.g., classrooms and conference areas) and promote their productivity, comfort and well-being. (See Dark Sky Lighting Report.)

- a) Lighting controls through monitoring systems such as "Energex" will have a manual override option; otherwise, adjustments will be controlled by the measurement of lumens to code requirements by utilizing LED or Energy Star fixtures or Induction Lighting.
- b) When motion ceases, the illumination will be decreased by 50% to 100%.
- c) Outdoor lighting will be controlled by photocells and motion detectors.

50. Credit 6.2: Controllability of Systems – Thermal Comfort 1 point

Intent: To provide a high level of thermal comfort control by individual occupants or groups in multi-occupant spaces (e.g., classrooms and conference areas) and promote their productivity, comfort and well-being.

- a) Thermal comfort will be controlled through a 2 and 4 pipe fan coil system with thermal energy produced through Tri-generation geothermal technology combined with one CHP. (See the description provided in Item #26 above.)

51. Credit 7.1: Thermal Comfort – Design 1 point

Intent: To provide a comfortable thermal environment that promotes occupant productivity and well-being.

- a) Heating and cooling will be provided with Tri-generation geothermal technology combined with one CHP. (See the description provided in Item #23, above.)

52. Credit 7.2: Thermal Comfort – verification .....does not apply ..... 0 points

53. Credit 8.1: Daylight and Views – Daylight 1 point

Intent: To provide building occupants with a connection between indoor and the outdoors through the introduction of daylight and views into the regularly occupied areas of the building.

- a) Natural light will be important in common gathering areas to a minimum level of 25 foot candles during daylight and 500 foot candles for clear sky conditions without shades.
- b) The proposal includes preserving and selectively planting evergreen trees to shade buildings.

54. Credit 8.2: Daylight and Views – Views 1 point

Intent: To provide building occupants with a connection between indoor and the outdoors through the introduction of daylight and views into the regularly occupied areas of the building.

- a) Architectural designs direct views in approximately 80% of buildings towards the south, east and west.  
  
Views will be directed away from the north except for approximately 12% of the Terrace units in Building 1. All other views will be orientated to the south, west and east or variations of this in order to maximize daylight within structures.
- b) Sight lines will be enhanced through the design of transom windows and clear-story windows in vaulted spaces.

### Innovation in Design

55. Credit 1: Innovation in Design 5 points

Intent: To provide design teams and projects the opportunity to achieve exceptional performance above the requirements set by the LEED Green Building Rating System and/or innovative performance in Green Building categories not specifically addressed by the LEED Green Building System.

- a) Materials, design, specifications and standards will be exceeded in almost every category.
- b) Compliance will be demonstrated through points earned, through quality control, with documentation throughout planning, construction and operation.
- c) Proposed strategies center on multiple uses of each feature (such as the proposed reservoir), and especially the proposed multi-use of structures in order to minimize the impervious area of the Master Planned Resort.

### Regional Priority

56. Credit 1: Regional Priority 4 points

Intent: To provide an incentive for the achievement of credits that address geographically-specific environmental priorities.

- a) Hood Canal is a regional priority for protection and preservation. The storm water management proposal for the Resort is designed to infiltrate runoff on-site to prevent the discharge of pollutants to Hood Canal. The proposal includes permanently preserving the 200-ft Shoreline Environment of the south bank of the golf course property within a conservation easement to be administered by local Tribes.

# **Pleasant Harbor Conceptual Load Estimates**

Pleasant Harbor - Conceptual Load Estimates for Development					
Building I.D.	Building Size	Number of Residential Units	Load Density (VA/SF)	Load Subtotal (VA)	Load Total (VA)
Golf Terraces and Conference Center/Spa - T1 (Residential)	235,369	191	15	3,530,535	
Golf Terraces and Conference Center/Spa - T1 (Commercial)	36,000		25	900,000	
Golf Terraces and Conference Center/Spa - T1 (Total)	271,369	191			4,430,535
Golf Terraces and Conference Center/Spa - T2	155,915	153	15		2,338,725
Golf Terraces and Conference Center/Spa - T3	92,695	88	15		1,390,425
Golf Terraces and Conference Center/Spa - T4	92,695	88	15		1,390,425
Sea View Villas (23 buildings - per each, assume equal size)	16,632		15	249,480	
Sea View Villas (23 buildings - total load)	382,542	206	15		5,738,130
Golf Vistas (5 buildings - per each, assume equal size)	14,256		15	213,840	
Golf Vistas (5 buildings - total load)	71,280	44	15		1,069,200
Maritime Village (Residential)	55,803	66	15	837,045	
Maritime Village (Commercial)	13,334		25	333,350	
Maritime Village (Total)	72,453	66			1,170,395
Pleasant Harbor House	3,316	1	15		49,740
B&B Existing	1,461	1	15		21,915
Maintenance/Staff	86,931	52	15		1,303,965
Water Treatment Plants (Provided by WRP Engineering)	8,521				433,400
Total Load for Development (in kVA):					19,337

# **Mason County PUD Letter**

November 18, 2013

Brendon Inman, PE  
Hargis  
[brendoni@hargis.biz](mailto:brendoni@hargis.biz)

Dear Mr. Inman,

In response to your questions with regard to Mason PUD 1's ability to serve the Pleasant Harbor Resort at "Full Build-Out" I would like to elaborate a little since it is not a simple "yes" or "no" answer. PUD 1 is ready and able to meet the total capacity needs of the project at full build-out. As we have previously discussed with the Pleasant Harbor planning group, this would need to be accomplished through a phased-in approach, as discussed more fully below in response to your questions.

**Short Answers to Your Questions:**

**1. Does Mason County PUD No.1 currently have capacity to serve this development?**

**Answer:** Not at this time.

**2. If the answer to #1 is "not at this time", at what point would that occur?**

**Answer:** This will require a phased-in approach. The first requirement would be to add cooling fans on the power transformer in the Duckabush Substation. These fans will give us the capacity to serve Stage 1, Phases 1-3, as presented on the construction schedule provided by Hemisphere Engineering, Inc. on June 22, 2011. Beyond the installation of cooling fans in the Duckabush substation, we will need to perform additional engineering studies and designs to accommodate the remaining stages/phases of the development.

**3. What improvements/upgrades would need to occur to serve the proposed development at full build out?**

**Answer:** To serve full build-out will require a new substation and associated distribution feeders.

**4. Would PUD improvements be made in phases coincident with the proposed development?**

**Answer:** Yes; improvements would be made as project loads are added.

In addition to the distribution system additions needed to serve this project, there are also power and transmission considerations that should be kept in minds as the project unfolds. Under the power sales contract between PUD 1 and the Bonneville Power Administration ("BPA"), substantial advance notice is required in order to obligate BPA to serve the project load. For example, notice for service from BPA under

its Tier 2 power rates requires up to XX years advance notice. Similarly, under the transmission agreement between PUD and BPA, obtaining transmission capacity on the BPA system to import a resource acquired to serve the project requires up to XX years advance notice. I mention these matters so these timing requirements can be integrated into the project planning process.

I trust these answers are responsive to your question. Should you need any further information, do not hesitate to contact me.