

**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners

FROM: Michael Dawson, Environmental Public Health and Water Quality, Water Quality Manager

DATE: Monday, August 11, 2025

SUBJECT: PUBLIC HEARING: In the Matter of Amending Section [8.65.090](#) Annual Fee and [8.65.100](#) Certain Parcels Exempt From Fee of the Jefferson County Clean Water District, Chapter [8.65](#) of the Jefferson County Code (JCC)

STATEMENT OF ISSUE:

Jefferson County's Department of Environmental Public Health & Water Quality seeks to reconcile the Clean Water District Annual Fee authorized by section [8.65.090](#) JCC with newly approved sewer system connection fees, like those associated with the new Port Hadlock Urban Growth Sewer System, expected to come online early this fall. The goal is to ensure those Jefferson County property owners who will be paying a new sewer connection fee will not also continue to pay an annual Clean Water District fee.

ANALYSIS:

Adoption of a Jefferson County Ordinance requires a public hearing pursuant to section [2.55.060](#) JCC. As such, BoCC approved a public hearing notice for Monday, August 11, 2025, at 10:15 a.m. The public notice was published in *The Port Townsend & Jefferson County Leader* on July 23, 2025. A workshop was held at the Board of Health meeting on July 17, 2025.

The proposed amendments to sections [8.65.090](#) Annual Fee and [8.65.100](#) Certain Parcels Exempt From Fee in the Jefferson County Clean Water District, Chapter [8.65](#) JCC are consistent with the county's recently repealed and replaced chapter [8.15](#) (On-Site Sewage Code) through Ordinance No. [02-0220-25](#) and updated title [13](#) (Utilities), including a new Sewer Utility Code, Ordinance No. [07-1118-24](#), and a new Sewer Utility Fee Schedule Resolution No. [66-1118-24R](#).

The proposed amendments to chapter [8.65](#) clarify and improve understanding and clarity within the Clean Water District code, so it better accommodates new sewer hook ups. The proposed amendments are also consistent with the regulatory reform mandate in Jefferson County Resolution No. [17-19](#).

Port Hadlock UGA Sewer System is scheduled to be operational on September 8, 2025. Public Works, Department of Community Development, and the Prosecuting Attorney's Office held a BoCC Workshop on August 4, 2025 to discuss details about how this affects zoning and required hook ups.

Attached for review are the following documents:

- Proposed Ordinance
- Power Point Presentation

For more information and updates about the Port Hadlock Wastewater System, visit <https://www.co.jefferson.wa.us/1158/Port-Hadlock-Wastewater-System>

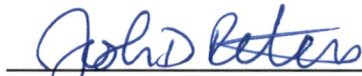
FISCAL IMPACT:

The overall impact of adopting the proposed ordinance may slightly reduce the Clean Water District's annual fund. If all properties in the Port Hadlock Phase I and Pleasant Harbor Master Planned Resort that are currently assessed the Clean Water District Annual Fee were to connect to sewer, there would be no more than a 2% reduction to the annual assessment at current rates. However, the number of properties connected to sewer also result in a lessened workload for Clean Water District programs, as those properties would no longer be potential sources of non-point source pollution. Since sewer connection is anticipated to be staggered and increase over a period of many years, it is impossible to tell the overall fiscal impact with exact certainty.

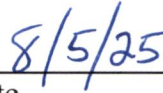
RECOMMENDATION:

Staff respectfully requests BoCC move to adopt the proposed ordinance: In the Matter of Amending Section [8.65.090](#) Annual Fee and [8.65.100](#) Certain Parcels Exempt From Fee of the Jefferson County Clean Water District, Chapter [8.65](#) of the Jefferson County Code (JCC).

REVIEWED BY:



Josh Peters, County Administrator



Date

STATE OF WASHINGTON
County of Jefferson

**In the Matter of Amending Sections [8.65.090](#)
Annual Fee and [8.65.100](#) Certain Parcels
Exempt From Fee in the Jefferson County
Clean Water District, Chapter [8.65](#), of the
Jefferson County Code (JCC)**

ORDINANCE NO. _____

WHEREAS, Article XI, section [11](#) of the Washington Constitution, confers upon county legislative authorities the police power to adopt such local police, sanitary and other regulations as are not in conflict with general laws; and

WHEREAS, Article XI, section [11](#) of the Washington Constitution is a direct delegation of the police power to cities and counties, and the power delegated is as extensive within their sphere as that possessed by the legislature; and

WHEREAS, police power is that inherent and plenary power which enables prohibition of all things hurtful to the comfort, safety and welfare of society; and

WHEREAS, the scope of police power is broad, encompassing all those measures which bear a reasonable and substantial relation to promotion of the general welfare of the people; and

WHEREAS, on October 17, 2007, the Jefferson County Board of County Commissioners (BoCC) adopted Ordinance No. [08-1017-07](#), creating the Jefferson County Clean Water District, codified as chapter [8.65](#) JCC, as required by Chapter [90.72](#) RCW; and

WHEREAS, pursuant to JCC [8.65.040](#), the legal boundaries of the Jefferson County Clean Water District include all lands in eastern Jefferson County, including the City of Port Townsend, as described by the Jefferson County Public Hospital District No. 2 boundary; and

WHEREAS, on August 10, 2009, BoCC adopted Ordinance No. [07-0810-09](#), establishing a stable funding source for the Clean Water District as authorized by state law and to promote the general health, safety, and welfare of Jefferson County residents; and

WHEREAS, JCC [8.65.090](#) authorizes the collection of an annual fee to support the work of the Clean Water District; and

WHEREAS, on April 28, 2014, BoCC adopted Ordinance No. [03-0428-14](#), establishing a new basic fee for most parcels; and

WHEREAS, on November 24, 2014, BoCC adopted Ordinance No. [11-1124-14](#) further explaining which categories of parcels are exempt from payment of the Clean Water District fee; and

WHEREAS, on November 27, 2023, BoCC adopted Ordinance No. [06-1127-23](#), amending [8.65.090](#) Annual Fee for consistency with chapter [3.80](#) JCC County Department Fee Requirements and Policies; and

WHEREAS, JCC [8.65.100](#) has an exemption to paying the annual fee required by JCC [8.65.090](#), which recognizes that it is not fair for property owners who are hooked up to a public sewer system to pay the annual fee that supports the work of the Clean Water District because releases of contaminants from the operation of on-site sewer systems otherwise known as septic systems, are a primary cause of degradation of waters of the state; and

WHEREAS, the exemption in JCC [8.65.100](#) currently only applies to property owners in the City of Port Townsend and the within the Port Ludlow Master Planned Resort; and

WHEREAS, at the time the Clean Water District was created; the only communities with public sewer systems were the City of Port Townsend and the Port Ludlow Master Planned Resort; and

WHEREAS, two new public sewer systems are contemplated, the Port Hadlock Urban Growth Area Sewer System, which is now being built, and the Pleasant Harbor Master Planned Resort public sewer system, which is contemplated; and

WHEREAS, the exemption in JCC [8.65.100](#) is referenced in chapter [8.15](#) JCC; and

WHEREAS, BoCC has determined that encouraging hook ups to public sewer systems throughout Jefferson County would promote public health and protection of the environment; and

WHEREAS, BoCC has determined it is in the best interest of Jefferson County to revise the exemption currently in JCC [8.65.100](#) as is reflected in **Appendix A**, which has been revised to mirror the exemption from on-site sewer systems in JCC [8.15.055\(7\)](#);

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF JEFFERSON COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Whereas Clauses are Findings of Fact. The Board of County Commissioners of Jefferson County hereby adopts the above “Whereas” clauses as Findings of Fact supporting this Ordinance.

Section 2. Purpose. The purpose of this ordinance is to amend sections [8.65.090](#) and [8.65.100](#) JCC to account for the addition of the new Port Hadlock Urban Growth Area Sewer System connection fee, as well as other future approved sewer systems, so Jefferson County property owners who hook up to approved sewer systems will not continue to also be subject to the Clean Water District annual fee.

Section 3. Amendment to JCC [8.65.090](#) and JCC [8.65.100](#). Sections [8.65.090](#) and [8.65.100](#) JCC are hereby amended as reflected in **Appendix A**.

Section 4. Severability. If any section, subsection, sentence, clause, phrase of this ordinance or its application to any person or circumstance is held invalid, the remainder of this ordinance or its application to other persons or circumstances shall be fully valid and shall not be affected.

Section 5. SEPA. Categorical Exemption. This ordinance is categorically exempt from the State Environmental Policy Act under WAC [197-11-800](#)(19).

Section 6. Effective Date. This ordinance shall take effect and be in full force upon passage by the Jefferson County Board of Health.

(SIGNATURES FOLLOW ON NEXT PAGE)

APPROVED and ADOPTED this _____ day of _____, 2025.

SEAL:

JEFFERSON COUNTY BOARD OF COUNTY
COMMISSIONERS

Heidi Eisenhour, Chair

Greg Brotherton, Member

Heather Dudley-Nollette, Member

ATTEST:

APPROVED AS TO FORM:

Carolyn Gallaway, CMC Date
Clerk of the Board

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

APPENDIX A

Sections 8.65.090 and 8.65.100 JCC are amended as shown in the changes below:

8.65.090 Annual fee.

~~There is hereby established for the clean water district a financing mechanism, specifically a fee per assessor's parcel number ("APN") for all real property, except for parcels or lands described in JCC 8.65.100 as exempt from any obligation to pay the fee. Fees for nonexempt real property are adopted by resolution, pursuant to Chapter 3.80 JCC. These fees shall be adjusted annually, as specified in JCC 3.80.030. [Ord. 6-23 § 4; Ord. 11-14 § 1]~~

- (1) There is hereby established for the clean water district a financing mechanism, specifically a fee per assessor's parcel number ("APN") for all real property, except for parcels or lands described in JCC 8.65.100 as exempt from any obligation to pay the fee.
- (2) Fees for nonexempt real property are adopted by resolution, pursuant to Chapter 3.80 JCC. These fees shall be adjusted annually, as specified in JCC 3.80.030.
- (3) The annual fee shall be collected via the property owner's property tax statement to implement the requirements of this chapter.
- (4) The director of the Department of Environmental Public Health and Water Quality shall provide the county assessor and the county treasurer sufficient information to collect the annual fee to implement the requirements of this chapter. The coordination required by this subsection shall occur at least once annually before the deadline that county department's proposed budgets shall be submitted for consideration by the board of county commissioners.

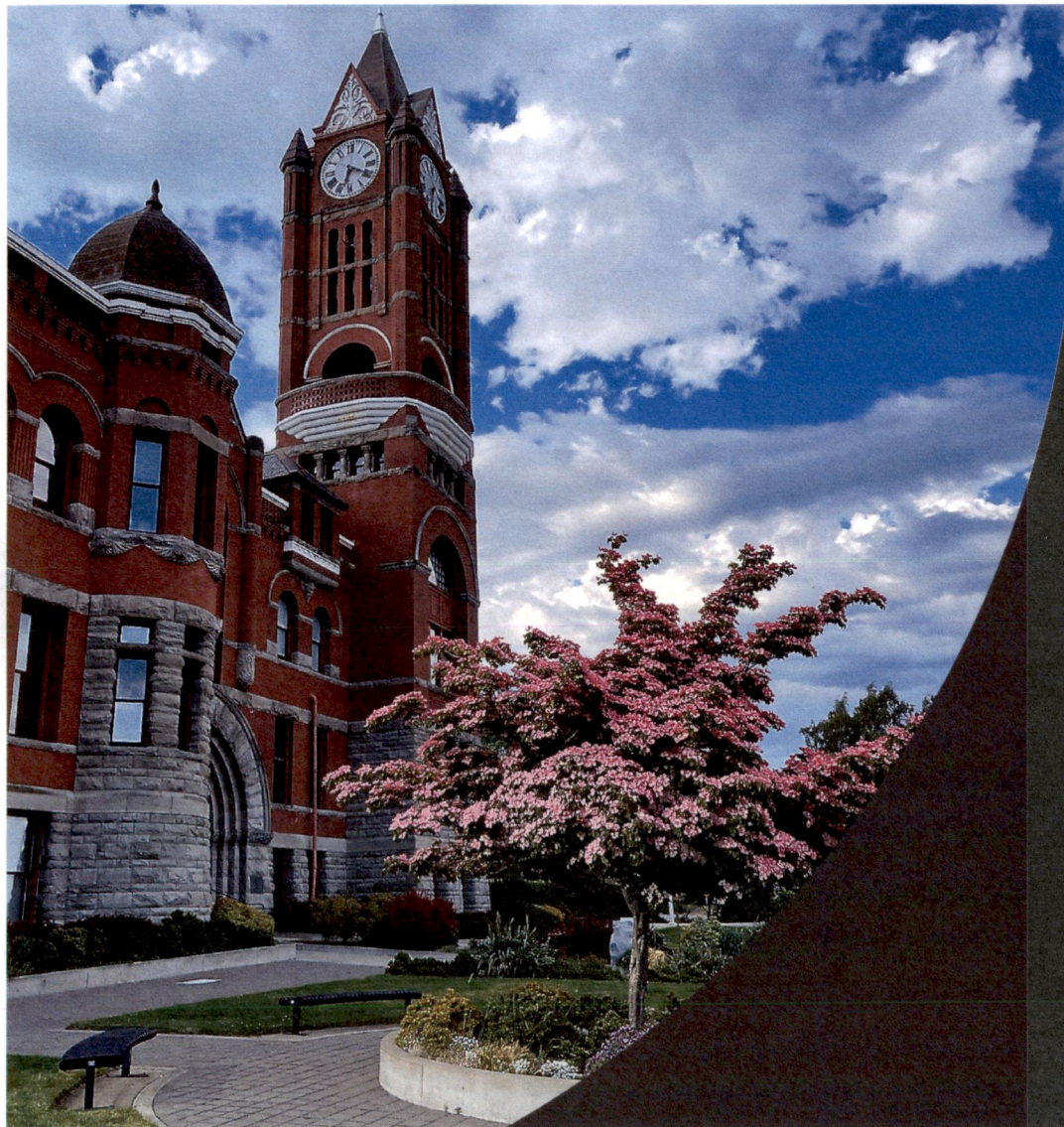
8.65.100 Certain parcels exempt from fee.

~~Exempt parcels (as defined in Chapter 84.36 RCW) shall not be subject to said fee. Parcels within the boundaries of the city of Port Townsend and the Port Ludlow Master Planned Resort connected to a sanitary sewer service shall not be subject to said fee. Facilities permitted and assessed fees for wastewater discharge under the National Pollutant Discharge Elimination System shall not be subject to said fee. Lands classified as forest land under Chapter 84.33 RCW and timber land under Chapter 84.34 RCW shall not be subject to said fee. Parcels determined by the county assessor to qualify for a senior citizen or disabled persons property tax exemption under RCW 84.36.381 on January 1st of the tax year shall not be subject to said fee. If a portion of a real property parcel does not satisfy any exemption criteria specified in this section, then the parcel shall be subject to said fee. [Ord. 11-14 § 2]~~

- (1) The following parcels shall be exempt from the annual fee required by JCC 8.65.090, provided the property owner can demonstrate that at least one of the following exemptions apply to the satisfaction of the health officer:
 - (a) Parcels that are exempt from taxation pursuant to chapter 84.36 RCW;

- (b) Parcels that are connected to an approved sewer system with a National Pollution Discharge Elimination Permit (NPDES);
 - (c) Parcels on forestland, as defined in RCW [84.33.035](#);
 - (d) Parcels on timberland, as defined in RCW [84.34.020](#); and,
 - (e) Parcels determined by the county assessor to qualify for a senior citizen or disabled persons property tax exemption under RCW [84.36.381](#) on January 1st of the tax year.
- (2) Documentation supporting any exemption may be required by the health officer.
- (3) If any portion of a parcel does not satisfy an exemption criterion specified in this section, then the parcel shall be subject to the fee required by JCC [8.65.090](#).
- (4) To receive an exemption authorized by this section:
- (a) The property owner shall submit to the department a completed application on a form approved by the department. If submitted by April 30th, the exemption shall be considered for the current year. If submitted after April 30th, the exemption shall be considered commencing with the following year.
 - (b) For the exemption in subsection (1)(b), the property owner shall submit in addition to the application required by subsection (4)(a), a sewer bill for the property showing an account number and the sewer provider's contact information.

There are no other changes to chapter [8.65](#) JCC.



BoCC Public Hearing: Amendments to Clean Water District Ordinance

August 11, 2025

Michael Dawson,

**Water Quality Manager, Jefferson County
Environmental Public Health & Water Quality**

Agenda



Clean Water District



Proposed Amendments



Public Process



Next Steps



Questions



Clean Water District

August 11, 2025

Shellfish Protection Districts (RCW 90.72)



- 16 districts across 11 counties in WA
- "...shellfish harvesting is important to our economy and way of life."
- To be established in "...areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent."
 - Onsite septic systems
 - Agricultural practices
 - Stormwater
- Local health departments, conservation districts named as appropriate entities
- Ecology Centennial Clean Water Funds

doh.wa.gov/community-and-environment/shellfish/growing-area-restoration/shellfish-protection-districts-library

Clean Water District



- Chapter [90.72](#) Revised Code of Washington (RCW)
 - Shellfish Protection Districts
- Chapter [8.65](#) Jefferson County Code (JCC)
 - Clean Water District
 - Established 2007
- District boundaries ([8.65.040](#))
 - East Jefferson County
 - City of Port Townsend
 - Hospital District No. 2
- Annual fee ([8.65.090](#))
- Certain parcels exempt from fee ([8.65.100](#))
- Clean Water District Advisory Council
 - Created August 2011
 - Clean surface water to protect the public
 - Meetings Quarterly



Clean Water District (8.65.010 Purpose)



The purpose of this chapter is to:

- (1) Create a shellfish protection district as required by Chapter [90.72](#) RCW.
- (2) Establish the boundaries of the district.
- (3) Establish a district name.
- (4) Adopt a water quality improvement plan for Jefferson County.
- (5) Adopt a nonpoint pollution plan for the Discovery Bay watershed.
- (6) Establish a fee to fund the clean water district.

[Ord. 7-09 § 1; Ord. 8-07 § 1]



Clean Water District Amendment History



Summary of Amendments to Clean Water District:

- Ordinance 08-1017-07 (October 2007) – Establishes Clean Water District.
- Ordinance 07-0810-09 (August 2009) – Establishes Annual Fee (\$5 dollars per parcel).
- Ordinance 03-0428-14 (March 2014) – Annual Fee Increase (\$20 dollars per parcel).
- Ordinance 11-1124-14 (November 2014) – Clarifies 8.65.100 Exemption (Port Townsend, PLMPR, Timberland, Senior/Disabled).
- Ordinance 06-1127-23 (June 2023) – Amends Annual Fee for consistency with chapter 3.80 JCC Revenue and Finance.



Proposed Amendments

Annual fee & Certain parcels exempt from fee



At the time the Clean Water District was created, the only communities with public sewer systems were the City of Port Townsend and the Port Ludlow Master Planned Resort.

Encouraging hook ups to public sewer systems throughout Jefferson County promotes public health and protection of the environment.

Exemption in JCC **8.65.100** is referenced in chapter **8.15** JCC On-Site Sewage.

The purpose of this ordinance is to amend sections **8.65.090** and **8.65.100** JCC to account for the addition of the new and approved sewer systems with connection fees, so those same Jefferson County property owners will not continue to also be subject to the Clean Water District annual fee.

Proposed amendments reflected in **Appendix A** attached to proposed ordinance.



Public Process

Public Process



- **Board of Health Workshop** on July 17, 2025.
- **BoCC Consent Agenda** for Public Hearing Notice July 21, 2025.
- **Publication** in *The Port Townsend & Jefferson County Leader* on July 23, 2025.
 - Per JCC 2.55.060(2)
- **BoCC Public Hearing** on Monday, August 11, 2025.

Legislative authority is BoCC



RCW [90.72.030](#)

Shellfish protection districts—Establishment—Governing body—Programs.

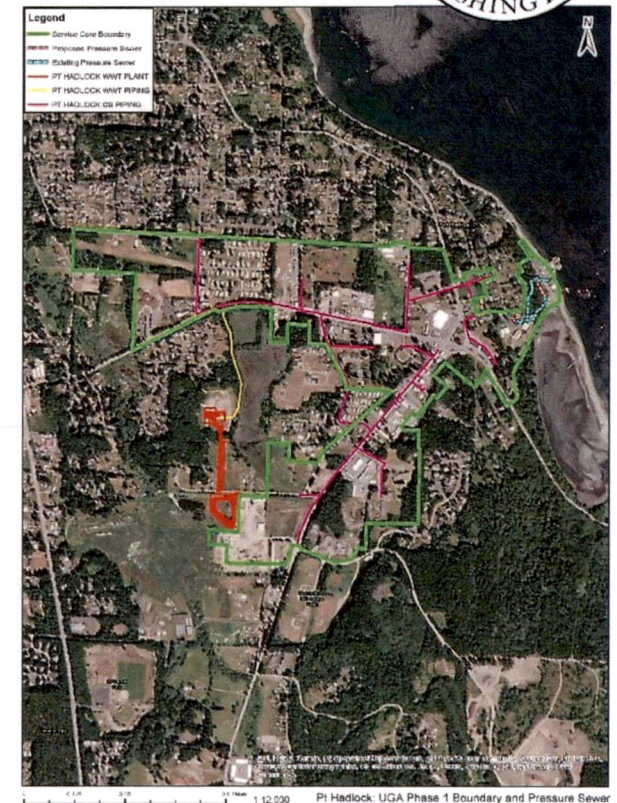
The legislative authority of each county having shellfish tidelands within its boundaries is authorized to establish a shellfish protection district to include areas in which nonpoint pollution threatens the water quality upon which the continuation or restoration of shellfish farming or harvesting is dependent. The legislative authority shall constitute the governing body of the district and shall adopt a shellfish protection program with elements and activities to be effective within the district. The legislative authority may appoint a local advisory council to advise the legislative authority in preparation and implementation of shellfish protection programs. This program shall include any elements deemed appropriate to deal with the nonpoint pollution threatening water quality over shellfish tidelands, including, but not limited to, requiring the elimination or decrease of contaminants in stormwater runoff, establishing monitoring, inspection, and repair elements to ensure that on-site sewage systems are adequately maintained and working properly, assuring that animal grazing and manure management practices are consistent with best management practices, and establishing educational and public involvement programs to inform citizens on the causes of the threatening nonpoint pollution and what they can do to decrease the amount of such pollution. The county legislative authority shall consult with the department of health, the department of ecology, the department of agriculture, or the conservation commission as appropriate as to the elements of the program. An element may be omitted where another program is effectively addressing those sources of nonpoint water pollution. Within the limits of RCW [90.72.040](#) and [90.72.070](#), the county legislative authority shall have full jurisdiction and authority to manage, regulate, and control its programs and to fix, alter, regulate, and control the fees for services provided and charges or rates as provided under those programs. Programs established under this chapter, may, but are not required to, be part of a system of sewerage as defined in RCW [36.94.010](#).



Next Steps

Next Steps

- BoCC Public Hearing (August 11, 2025).
- BoCC deliberations; if adopted, amendments to ordinance become effective.
- Port Hadlock UGA Sewer System is scheduled to be operational on September 8, 2025.





Questions?