

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

AGENDA REQUEST – *CONSENT*

TO: Board of County Commissioners

FROM: Monte Reinders, AICP, Director, Public Works
Mo-chi Lindblad, Principal Planner, Community Development
Philip C. Hunsucker, Chief Civil Deputy Prosecuting Attorney

DATE: July 28, 2024

SUBJECT: HEARING NOTICE and ~~POSSIBLE~~ ACTION re: Amendments to JCC [13.02.010](#),
and JCC [13.04.010](#) in Chapter 13 JCC (PHUGA Sewer Code)

STATEMENT OF ISSUE:

As the PHUGA sewer system is expected to come on line on September 8, 2025, staff has determined that clarification to title [13](#) JCC should be made. The clarifications include clarify when to “turn off” the transitional zoning and cleanup to definitions and references between chapter 18.19 JCC and chapter 13 JCC to provide greater consistency between the two chapters.

The Board of County Commissioners of Jefferson County adopted Ordinance No. [07-1118-24](#) on November 18, 2024, which adopted title [13](#) JCC (PHUGA Sewer Utility Code). Then, on December 9, 2024 the Board of County Commissioners adopted Ordinance No. [09-1209-24](#), which adopted the 2024 Comprehensive Plan Amendment Cycle Docket and amended title [13](#) JCC, chapter [18.18](#) JCC (Irondale and Port Hadlock UGA Development Regulation Implementation) and chapter [18.19](#) JCC (Transitional Rural Development Standards of the Irondale and Port Hadlock Urban Growth Area).

The Board of County Commissioners have raised questions about the how turning off the transitional rural zoning in chapter [18.19](#) JCC for the Irondale and Port Hadlock urban growth works in practice. Staff have been working on how best to answer this question for the Board of County Commissioners, county departments and the public. Along with training of staff across county departments, amendments to JCC [13.02.010](#) and JCC [13.04.010](#) are recommended. Staff recommends that the Board of Commissioners adopt an ordinance amending these sections of title [13](#) JCC.

BACKGROUND:

Why the Sewer is Important to the future of Jefferson County

Jefferson County needs urban services to stimulate economic development and the growth of affordable housing. The University of Washington College of the Built Environment currently ranks Jefferson County as the second least affordable county in Washington based on median home prices compared to wages. Only housing at urban levels can materially impact the availability of

affordable housing. Under the Growth Management Act (GMA), urban level housing is allowed only in an urban growth area, absent some exceptions not applicable here.

The Long History of the Development of the Irondale and Port Hadlock Urban Growth Area

Detailed planning for the designation of an Irondale and Port Hadlock Urban Growth Area (PHUGA) in compliance with the requirements of the GMA started and has been ongoing since the adoption of the first Jefferson County GMA Comprehensive Plan in 1998. Development of a sewer system is required to provide urban services in the PHUGA so that urban development may occur, as required by RCW [36.70A.110](#) under the GMA. Legislation adopted the PHUGA in 2004.

After the county adopted a Comprehensive Plan amendment creating the Irondale and Port Hadlock Urban Growth Area, the county spent years litigating with a community group called the Irondale Community Action Neighbors (ICAN) about whether the proposed UGA zoning complied with the Growth Management Act, Chapter [36.70A](#) RCW. It was a lack of a sewer that prevented implementation of the UGA zoning at the Growth Board, until now. According to the Growth Board:

In [its] May 2008 Decision and Order, the Board determined that the Irondale/Hadlock UGA and its implementing regulations did not comply with the GMA because the County's Capital Facilities Plan for the area did not provide sanitary sewer service throughout the proposed UGA over the 20-year planning period, and the plan failed to show a firm funding element for sewer service within the first six years.

Irondale Community Action Neighbors (ICAN) v. Jefferson County, Case No. 07-2-0012, FINAL DECISION AND ORDER Western Washington Growth Management Hearings Board (Feb. 8, 2008).

In the end, the county was able to preserve the UGA zoning while it sought to obtain funding to make a sewer "available." The funding effort for the sewer took nearly fifteen years. The county preserved the UGA zoning until the sewer was "available" by creating a transitional rural overlay, which could be found in Chapter [18.19](#) JCC, and by describing when a sewer would become "available" in Ordinance No. [03-0323-09](#), later codified in JCC [18.18.060\(4\)](#), which then said, "Sewers will be considered to be available to the phased implementation area when sewer infrastructure enters a sewer phase area, according to the phased areas outlined in the Port Hadlock Sewer Facility Plan, September 2008." (Emphasis added.)

In 2009, the County incorporated the Port Hadlock UGA Sewer Facility Plan (2008) ("Sewer Plan") into the County's Comprehensive Plan Capital Facilities Element ("CFE") to comply with the Growth Board's decision finding noncompliance with the County's Urban Growth Area ("UGA") and GMA capital facilities planning. Ordinance No. [03-0323-09](#) (Re: MLA09-00024, UGA Final Compliance Action). The Sewer Plan is an engineering document; however, in addition to the engineering specifications it adopted a 6-year and 20-year financing plan to implement the 2008 Sewer Plan or its alternatives. Ordinance No. [03-0323-09](#) at 79. The Growth Board found that the County's CFE, Capital Facilities Plan ("CFP"), and Sewer Plan's met GMA planning requirements with a financing plan, service areas, phasing, component details, and consistency.

Irondale Community Action Neighbors (ICAN) et al. v. Jefferson County, WWGMHB No. 07-2-0012c, at 7-10 ([Compliance Order](#), May 1, 2009). The Sewer Plan was updated in 2021. [Port Hadlock UGA Sewer Facility Plan Update](#) and [Appendices](#) (Feb. 2021). A Comprehensive Plan Amendment (MLA20-00102) was adopted for the updated Sewer Plan in Ordinance No. [01-0426-21](#), when the 2020 Comprehensive Plan Docket was approved. The 2021 Sewer Plan update includes a phased plan for providing sewer in the UGA starting with the commercial core along SR-116 and Rhody Drive and expanding into residential areas over time.

Construction of the PHUGA sewer system for the core area began in 2023 and the sewer is expected to begin operating on September 8, 2025. This is the first day that sewer will be “available” to portions of the PHUGA, making it possible to turn off transitional zoning in those areas where sewer is “available.”

Transitional Zoning will remain in areas where sewer is not “available”

The core area does not include the entire PHUGA. Accordingly, in order to comply with *Irondale Community Action Neighbors (ICAN) v. Jefferson County*, Case No. 07-2-0012, FINAL DECISION AND ORDER Western Washington Growth Management Hearings Board (Feb. 8, 2008), transitional zoning in chapter [18.19](#) JCC must continue until sewer is “available” in other parts of the PHUGA. According to JCC [18.19.110](#) (as amended by Ordinance No. [03-0323-09](#)), “Effective as of March 23, 2009, the effective date of Ordinance No. [03-0323-09](#), Jefferson County shall apply transitional rural zoning in the Irondale and Port Hadlock Urban Growth Area for parcels that do not yet have sewer available.” Ordinance No. [09-1209-24](#), Appendix A, Exhibit 1 at 13. Recall that it was Ordinance No. [03-0323-09](#) that saved the PHUGA at the Growth Board.

Prior to the adoption of Ordinance No. [09-1209-24](#), sewer availability for purposes of determining when transitional zoning could be turned off and then urban level zoning would become effective was determined by chapter [18.19](#) JCC was when sewer service came within 200 feet of a property within the PHUGA. Ordinance No. [09-1209-24](#), moved the determination of when a public sewer was available from chapter [18.19](#) JCC to JCC [13.04.010](#). Through Ordinance No. [09-1209-24](#), JCC [18.18.060\(4\)](#) states, “Sewers shall be considered to be available for the purposes of turning off the transitional rural zoning in chapter [18.19](#) JCC for the Irondale and Port Hadlock urban growth area as described in title [13](#) JCC” and, JCC [13.02.010](#) states ““available or availability” means that the PHUGA sewer system is available to a property as described in JCC [13.04.020](#).”

ANALYSIS:

The intent of Ordinance No. [09-1209-24](#), was to maintain the 200 foot rule previously in chapter [18.19](#) but staff who have been working with the language of title [13](#) JCC, as pipes have been laid, connections to properties began, the sewer plant has been installed, and sign ups of properties to the sewer system are underway believe JCC [13.02.010](#) and JCC [13.04.010](#) are not as clear as possible. Clarity about how the transitional zoning turns off and UGA zoning becomes effective is necessary both for staff across county departments and the public.

Staff will present the proposed changes discussed in this agenda request at a workshop on August 4, 2025.

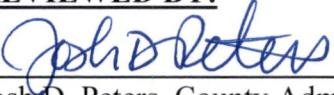
FISCAL IMPACT:

Expect additional staff time in training. But also expect a slight productivity increase because of the changes in the ordinance will require less effort to apply the transitional zoning requirements. Otherwise, there will be no significant fiscal impact from adopting the proposed ordinance.

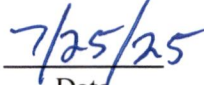
RECOMMENDATION:

Approve a hearing notice for publication of a public hearing on the proposed ordinance for August 18, 2025.

REVIEWED BY:



Josh D. Peters, County Administrator



Date

NOTICE OF PUBLIC HEARING

Amendments to JCC 13.02.010, and JCC 13.04.010 in Chapter 13 JCC (PHUGA Sewer Code)

NOTICE IS HEREBY GIVEN that a public hearing is scheduled by the Jefferson County Board of Commissioners for **Monday, August 18, 2025 at 10:45 a.m.** in the Commissioners' Chambers, County Courthouse, 1820 Jefferson Street, Port Townsend, WA 98368 (HYBRID). Notice of said hearing is to be published once in the official newspaper of Jefferson County.

This hearing is for the purpose of receiving written and verbal testimony about the amendments to JCC 13.02.010, and JCC 13.04.010 in Chapter 13 JCC (PHUGA Sewer Code).

The information is available for viewing on the County website by visiting: www.co.jefferson.wa.us and follow this pathway - Services - Laserfiche Web Portal (username and password is: public) - Board of Commissioners - BOCC Agenda Packets – 2025 Weekly Agenda Items – 08 August 2025 – 081825 - HEARING re JCC Sewer Utility Code

Jefferson County ensures full compliance with Title VI of the Civil Rights Act of 1964 by prohibiting discrimination against any person on the basis of race, color, or national origin in the provision of benefits and services resulting from its federally assisted programs & activities. The meeting site is ADA accessible. Accommodations for people with disabilities can be arranged with advance notice by calling 360-385-9100.

You are welcome to participate in this hearing. You will need to join the meeting by 10:45 a.m. using the following methods: **VIRTUALLY:** Via the following Zoom, link:

<https://zoom.us/j/93777841705>, **PHONE:** Dial 1-253-215-8782 and enter access code: 937-7784-1705# and press *9 to "raise your hand" to be called upon. Access for the hearing impaired can be accommodated using Washington Relay Service at 1-800-833-6384, or **IN-PERSON.**

In addition, written testimony is also invited beginning on July 28, 2025 and ending on August 18, 2025, at the end of the Public Hearing, unless extended by the Board of County Commissioners. Written public testimony may be submitted by **Email to:** jeffbocc@co.jefferson.wa.us. You can also **Mail** your testimony to: Jefferson County Commissioners' Office; P.O. Box 1220, Port Townsend, WA 98368. Written testimony must be received by the Board of County Commissioners by the end of the hearing testimony period.

Signed this _____ day of _____, 2025,

JEFFERSON COUNTY BOARD OF COMMISSIONERS
Heidi Eisenhour, Chair

**STATE OF WASHINGTON
COUNTY OF JEFFERSON**

**An Ordinance Amending JCC 13.02.010 and
JCC 13.04.010**

ORDINANCE NO. _____

WHEREAS, RCW [36.94.020](#) authorizes Jefferson County to construct, operate and maintain, conduct, and operate systems of sanitary sewerage, and grants Jefferson County the authority to control, regulate, operate, and manage such systems of sanitary sewerage; and,

WHEREAS, the [Washington Constitution](#), Article XI, Section 11, confers upon county legislative authorities the police power to adopt regulations necessary to protect the health, safety, and well-being of its residents; and,

WHEREAS, RCW [36.32.120\(7\)](#) provides that the county legislative authorities shall make and enforce, by appropriate resolutions or ordinances, all such police and sanitary regulations as are not in conflict with state law; and,

WHEREAS, local governments have considerable latitude in exercising police powers through enacting reasonable regulations. A regulation is reasonable if it promotes public safety, health, or welfare, and bears a reasonable and substantial relation to accomplishing the purpose being pursued; and,

WHEREAS, detailed planning for the designation of an Irondale [and](#) Port Hadlock Urban Growth Area (“PHUGA”) in compliance with the requirements of the Growth Management Act (“GMA”) started and has been ongoing since the adoption of the first Jefferson County GMA Comprehensive Plan in 1998; and,

WHEREAS, development of a sewer system is required to provide urban services in the PHUGA so that urban development may occur, as required by RCW [36.70A.110](#) under the GMA; and,

WHEREAS, Jefferson County needs urban services to stimulate economic development and the growth of affordable housing; and,

WHEREAS, the University of Washington College of the Built Environment currently ranks Jefferson County as the second least affordable county in Washington based on median home prices compared to wages; and,

WHEREAS, on November 18, 2024, the Board of County Commissioners of Jefferson County adopted Ordinance No. [07-1118-24](#), which adopted title [13](#) JCC (PHUGA Sewer Utility Code) and,

WHEREAS, on December 9, 2024, the Board of County Commissioners Jefferson County adopted Ordinance No. [09-1209-24](#), which amended title [13](#) JCC, Chapter [18.18](#) JCC (Irondale and Port Hadlock UGA Development Regulation Implementation) and chapter [18.19](#) JCC (Transitional Rural Development Standards of the Irondale and Port Hadlock Urban Growth Area); and,

WHEREAS, prior to the adoption of Ordinance No. [09-1209-24](#), sewer availability for purposes of determining when transitional zoning could be turned off and so urban level zoning would become effective was determined by chapter [18.19](#) JCC as when sewer service came within 200 feet of a property within the PHUGA UGA;¹ and,

WHEREAS, Ordinance No. [09-1209-24](#), moved the determination of when a public sewer was available from chapter [18.19](#) JCC to JCC [13.04.010](#), as JCC [18.18.060](#) states, “Sewers shall be considered to be available for the purposes of turning off the transitional rural zoning in chapter [18.19](#) JCC for the Irondale and Port Hadlock urban growth area as described in title [13](#) JCC” and, JCC [13.02.010](#) now states “‘available or availability’ means that the PHUGA sewer system is available to a property as described in JCC [13.04.020](#) (sic);” and,

WHEREAS, the intent of Ordinance No. [09-1209-24](#), was to maintain the 200 foot rule previously in chapter [18.19](#) JCC by moving the definition of “available and availability” to title 13 JCC; and,

WHEREAS, Staff who have been working with the language of title [13](#) JCC, as the startup of the PHUGA sewer system nears believe JCC [13.04.010](#) is not as clear as possible; and

WHEREAS, clarity is necessary about how the transitional zoning turns off and UGA zoning becomes effective; and,

WHEREAS, RCW [36.94.130](#) authorizes the board of county commissioners to adopt by reasonable rules and regulations governing the construction, maintenance, operation, use, connection and service of the system of sanitary sewerage; and,

NOW, THEREFORE, BE IT ORDAINED by the Board of County Commissioners of Jefferson County, Washington as follows:

Section 1. Whereas Clauses are Findings of Fact. The Whereas clauses above are findings of fact for this ordinance.

Section 2. Purpose. The purpose of this ordinance is to clarify how the transitional zoning turns off and UGA zoning becomes effective upon sewer availability in the PHUGA.

Section 3. Amendment of JCC [13.02.010](#) and JCC [13.04.010](#). JCC [13.02.010](#) and JCC [13.04.010](#) are hereby amended as set out in Appendix A.

Section 4. SEPA Compliance.

In 2009, the County incorporated the Port Hadlock UGA Sewer Facility Plan (2008) (“Sewer Plan”) into the County’s Comprehensive Plan Capital Facilities Element (“CFE”) to comply with the Growth Board’s decision finding noncompliance with the County’s Urban Growth Area (“UGA”) and GMA capital facilities planning. Ordinance No. [03-0323-09](#) (Re: MLA09-00024, UGA Final Compliance Action). Ordinance No. [03-0323-09](#) states:

¹ For example, JCC [18.19.120](#)(4) said, “Nothing in this section shall be construed as prohibiting the placement of an on-site septic system in the UGA, unless the property is located within 200 feet of an existing sewer service area which has capacity to accommodate the proposed development.”

WHEREAS, Jefferson County issued an Addendum document pursuant to the Washington State Growth Management Act and State Environmental Policy Act (SEPA) on February 4, 2009, which is hereby incorporated by reference;

WHEREAS, the SEPA Responsible Official at the Department of Community Development has determined that existing environmental documents, augmented by the integrated SEPA Addendum, provide adequate environmental review to satisfy the requirements of WAC 197-11-600;

Ordinance No. [03-0323-09](#) at 3.

4. The Department of Public Works and Community Development have drafted a feasible financing plan for a sanitary sewer system for the first six years, have completed sound engineering for effluent discharge that will not harm the environment, and have provided for the economic needs of the local population, now and into the future.

Ordinance No. [03-0323-09](#) at 4.

6. The following environmental documents have been adopted pursuant to SEPA administrative rules:

- Draft and Final Environmental Impact Statements (DEIS/FEIS) and addenda prepared in anticipation of adoption of the Comprehensive Plan in 1998. The DEIS and FEIS are dated February 24, 1997 and May 27, 1998, respectively, and examined the potential cumulative environmental impacts of adopting alternative versions of the Comprehensive Plan.
- Draft and Final Supplemental EIS (DSEIS/FSEIS) and addenda for the Comprehensive Plan 1999 Amendments, also known as Tasks III and IV of the Tri-Area / Glen Cove Special Study. The DSEIS and FSEIS are dated June 30, 1999 and August 18, 1999, respectively, and examined the potential environmental impacts of adopting one of the identified planning alternatives for the Tri-Area of Chimacum-Port Hadlock-Irondale and the Glen Cove mixed use area.
- DCD Integrated Staff Report and DSEIS/FSEIS for the 2002, 2003, 2004, 2005 and 2006 Comprehensive Plan Amendment Dockets. Amidst other information, the adopted documents provide background and analysis on the designation of a UGA in the Irondale & Port Hadlock area.
- DCD Integrated GMA/SEPA Staff Report dated February 21, 2007.
- DCD Integrated GMA/SEPA Staff Report dated February 4, 2009.

Ordinance No. [03-0323-09](#) at 4-5. As amended, the Comprehensive Plan incorporated the entire Sewer Plan and it was added as an Appendix to the CFE. Ordinance No. [03-0323-09](#) at 83. A copy of the SEPA checklist was included in the Sewer Plan—Environmental Report and SEPA Checklist. Details from the Sewer Plan were directly incorporated into the Comprehensive Plan's 6-year CFP. Ordinance No. [03-0323-09](#) at 79.

The Sewer Plan adopted a 6-year and 20-year financing plan to implement the 2008 Sewer Plan or its alternatives. *Id.* The Growth Board found that the County's CFE, Capital Facilities Plan ("CFP"), and Sewer Plan's met GMA planning requirements with a financing plan, service areas, phasing, component details, and consistency. *Irondale Community Action Neighbors (ICAN) et al. v. Jefferson County*, WWGMHB No. 07-2-0012c, at 7-10 (Compliance Order, August 12, 2009).

The Sewer Plan was updated in 2021. [Port Hadlock UGA Sewer Facility Plan Update and Appendices](#) (Feb. 2021). The revisions to the Sewer Plan mostly related to funding, engineering specifications (low pressure system with grinders), and minor modifications to the core service area. The revisions allowed the County to implement sewerage the core service area within six years. A Comprehensive Plan Amendment (MLA20-00102) was adopted for the updated Sewer Plan in Ordinance No. [01-0426-21](#), when the 2020 Comprehensive Plan Docket was approved. Ordinance No. [01-0426-21](#) included a SEPA review through a staff issued Addendum to the 1998 Draft and Final Jefferson County Comprehensive Plan Environmental Impact Statements ("EIS") and subsequent Supplement EISs, and a SEPA Checklist and Addendum that addressed the 2020 Docket items, including the proposed revisions to the Comprehensive Plan. Ordinance No. [01-0426-21](#) at 2.

The County published a SEPA Addendum on February 28, 2021. The SEPA Addendum and supporting SEPA Environmental Checklists provide additional information relating to the Jefferson County Final Environmental Impact Statement ("Final EIS"), May 27, 1998 and associated SEPA documents. These SEPA documents were adopted and the additional information was determined not to involve significant new impacts. A Determination of Significance and Notice of Adoption was published on February 28, 2021. Ordinance No. [01-0426-21](#) at 8.

An agency may use previously prepared environmental documents to evaluate proposed actions, alternatives, or environmental impacts. The proposals may be the same as or different than those analyzed in the existing documents (WAC 197-11-600(2)). These documents are listed in response to Question 8 of the SEPA Environmental Checklist and in the Addendum and were adopted in association with the Comprehensive Plan and development regulations adopted in Ordinance No. [01-0426-21](#). This ordinance is within the scope of the previous EIS documents and the February 28, 2021 Determination of Significance and Notice of Adoption.

Section 5. Effective Date: This ordinance shall take effect immediately upon adoption.

(SIGNATURES FOLLOW ON NEXT PAGE)

ADOPTED this ____ day of _____ 2025.

JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS

SEAL:

Heidi Eisenhour, Chair

Greg Brotherton, Member

ATTEST:

Heather Dudley-Nolette, Member

APPROVED AS TO FORM:

Carolyn Gallaway,
Clerk of the Board

Date

Philip C. Hunsucker, Date
Chief Civil Deputy Prosecuting Attorney

APPENDIX A

AMENDMENTS TO JCC 13.02.010 AND JCC 13.040.010

13.02.010 “A” definitions.

“Accessory dwelling unit” or “ADU” has the same meaning as in JCC 18.10.010.

“Adequate OSS” means an existing on-site sewage system (“OSS”) that is not failing, as defined in JCC 13.02.060.^{2,3}

² Comment: Failing is defined in JCC [13.02.060](#) as:

“Failing” of an on-site sewage system means that in the opinion of the county department of public health, an on-site sewage system (“OSS”) threatens the public health or environment by inadequately treating sewage or by creating a potential for direct or indirect human contact between sewage, as specified by Chapter [8.15](#) JCC and Chapter [246-272A](#) WAC. Examples of a failing on-site sewage system include, but are not limited to:

- (1) Sewage on the surface of the ground;
- (2) Sewage backing up into a structure caused by slow soil absorption of an on-site sewage system discharge;
- (3) Sewage leaking from an on-site sewage tank or collection system;
- (4) Cesspools or seepage pits where evidence of groundwater or surface water quality degradation exists;
- (5) Inadequately treated effluent contaminating groundwater or surface water; or
- (6) Noncompliance with standards required on an on-site sewage system permit.

(WAC [246-272A-0010](#)).

JCC [13.02.060](#).

³ Comment:

JCC [8.15.050](#) has a similar definition. And, WAC [246-272A-0025](#)(1) states:

Upon the failure of an existing OSS within the service area of a sewer utility, the local health officer shall:

- (a) Permit the repair or replacement of the OSS only if a conforming OSS can be designed and installed, excluding OSS designed in compliance with or proposing to use Table X in WAC [246-272A-0280](#); or
- (b) Require connection to a public sewer system if the sewer utility allows the connection and has adequate public sewer services available within 200 feet from where the existing building drain connects to the existing building sewer, or where no building drain exists, within 200 feet from where the sewer line begins, as measured along the usual or most feasible route of access.

WAC [246-272A-0025](#)(1) (Emphasis added.)

“Aggrieved person” means a person who received an adverse decision by the director on decisions listed in JCC 13.07.060.

“Applicant” means a person who applies for a permit to connect to the PHUGA sewer system.

“Assessment” means a fee to be paid by the property owner for the cost of private construction of PHUGA sewer system improvements for property within an assessment reimbursement area.

“Assessment reimbursement area” means that area within the Port Hadlock UGA, which includes all parcels or real property likely to require connection to or service by PHUGA sewer system improvements constructed by a developer and the county.

“Available” and “availability” means that the PHUGA sewer system is located within 200 feet of an existing sewer collection line via public rights-of-way, utility easements or some other route at the discretion of the director.~~is available to a property as described in JCC 13.04.020.~~⁴

13.04.010 Connection-when required or permitted.

(1) Under JCC 18.18.060(4),⁵ this title describes when sewers will be considered to be “available” for the purposes of turning off the transitional rural zoning in chapter 18.19 JCC for the PHUGA.⁶ When sewers are “available,” urban growth area standards in chapter 18.18 JCC apply. JCC 13.02.010 defines “available” and “availability.”⁷

(2) This section ~~concerns~~ describes areas within the Port Hadlock UGA where the PHUGA sewer system is “available,” as ~~described~~ defined in JCC 13.02.010~~18.18.060(4)~~, where individual properties within those areas are required or permitted to connect to the PHUGA sewer system. All individual properties where the PHUGA sewer system is available are permitted to connect to the PHUGA sewer system, provided they pay the required fees.

~~(4)(3) The following Table 4-1 is intended to add clarification to~~determines when properties within the PHUGA are required to connect to the PHUGA sewer system.~~Chapter 18.18 JCC and chapter 18.19 JCC shall prevail if there are any inconsistencies with this chapter.~~⁸

⁴ Comment: The measurement should be as determined by the director. Standards in the definition will make the ordinance less likely to be challenged.

⁵ Comment: This section was added to describe the relationship between the new definition of “available and “availability” JCC 13.02.020, JCC 13.04.010, and JCC 18.18.060(4). It is intended to be way of making a clearer, more straightforward connection.

⁶ Comment: “Sewers will be considered to be available for the purposes of turning off the transitional rural zoning in Chapter 18.19 JCC for the Irondale and Port Hadlock urban growth area as described in title 13 JCC.” Ordinance No. 09-1209-24 at 137.

⁷ Comment: This section added to describe the relationship between the new definition of “available and “availability” JCC 13.02.020, JCC 13.04.010, and JCC 18.18.060(4). It is intended to be way of making a clearer, more straightforward connection.

⁸ Comment: This sentence is a remnant. After Ordinance No. 09-1209-24 was adopted, the sentence was no longer necessary. Now, the sentence is a source of potential confusion.

Table 4-1			
Properties within Port Hadlock UGA where Sewer Connection Required			
Use	"Adequate" ^(1a) On-Site Sewage System?	Sewer System "Available" ^(2b) ?	Connection Required?
Sewer Not "Available"^(2b)			
Existing structure	Yes <u>/or</u> No	No	No
Major modification of existing structure	No	No	No ^(c)
New structure	N/A	No	No ^(c)
<u>Sewer "Available"^(2b)</u>			
Existing single-family residence or duplex	No	Yes	Yes
<u>Existing single-family residence or duplex</u>	<u>Yes</u>	<u>Yes</u>	<u>No</u>
Major modification of a single-family residence or duplex	No	Yes	Yes
Modification of a single-family residence or duplex	Yes	Yes	No
New single-family residence or duplex	N/A	Yes	Yes
New Accessory Dwelling Unit (ADU)	N/A	Yes	Yes ^(4d)
Garage or addition to structure without plumbing	Yes	Yes	No
Existing multifamily dwelling	Yes <u>or/</u> No	Yes	Yes
Major modification to a multifamily dwelling	No	Yes	Yes
New multifamily dwelling	N/A	Yes	Yes
Existing non-residential structure with less than 1 ERU per month average water use	Yes	Yes	No ⁽³⁾
Existing non-residential structure with less than 1 ERU per month average water use	No	Yes	Yes
Existing non-residential structure with equal to or greater than 1 ERU per month average water use	Yes <u>or/</u> No	Yes	Yes
New non-residential structure	N/A	Yes	Yes
Major modification to a non-residential structure	No	Yes	Yes
Notes: <u>(a) "Adequate OSS" is defined in JCC 13.02.150.¹⁰ means that the on-site sewage system ("OSS") has a current inspection, is not failing or in need of significant repairs or replacement, and existing flows or proposed flows resulting from a building remodel or change of use will not trigger the need for modification to the OSS as determined by the Director of the Jefferson County Department of</u>			

⁹ Comment: Notes changed from numbers to letters to avoid confusion with section numbers.

¹⁰ Comment: The new definition in JCC 13.02.150 says, "'Adequate OSS' means an existing on-site sewage system ('OSS') that is not failing, as defined in JCC 13.02.060."

Table 4-1			
Properties within Port Hadlock UGA where Sewer Connection Required			
Use	"Adequate" ^(1a) On-Site Sewage System?	Sewer System "Available" ^(2b) ?	Connection Required?
Environmental Health. If the Director of the Jefferson County Department of Environmental Health determines that a major modification, remodel, or change of use would require modification to or expansion of an OSS, then a sewer connection is required if the PHUGA sewer system is "available."¹¹ If there is any question whether the on-site sewage system is "adequate," consult with Jefferson County Environmental Health Department. See JCC <u>18.19.120</u> and chapter <u>8.15</u> JCC.¹² (b) "Available" is defined in JCC 13.02.010. See subsection (1) and JCC 18.18.060(4) for the relationship between sewer availability and the urban growth area standards in chapter 18.18 JCC, as described in JCC 18.19.120. When sewers are "available," urban growth area standards in chapter <u>18.18</u> JCC apply. (c) Subject to No Protest Agreement per JCC 18.19.120(3) or other binding agreement requiring connection to sewer when "available," as defined in JCC 13.02.010 per JCC <u>18.19.120(3)</u>.¹³ (d) See subsection (5) for requirements for connecting a new detached ADU to the PHUGA sewer system. When connecting a new detached ADU to the sewer system, all other structures with plumbing on the same property are required to connect to sewer at the same time.¹⁴			

(4) If there is any question whether the on-site sewage system is an "Adequate OSS," the director shall consult with Jefferson County Environmental Health Department. See JCC 18.19.120 and chapter 8.15 JCC.

(5) When connecting a new detached ADU to the PHUGA sewer system,¹⁵ all other structures with plumbing on the same property are required to connect to the PHUGA sewer system at the same time.

There are no changes to other sections of the Jefferson County Code.

¹¹ Comment: This was moved to a definition for clarity. The definition relies on the already existing definition of "failing" in JCC 13.02.060.

¹² Comment: This note was moved to a subsection because it is a substantive rule, not just a note and there is no other substantive rule like it in title 13 JCC.

¹³ Comment: This changes makes the language consistent with JCC 18.18.060(4) made in Ordinance No. 09-1209-24.

¹⁴ Comment: This note was moved to a subsection because it is a substantive rule, not just a note and there is no other substantive rule like it in title 13 JCC.

¹⁵ Comment: "PHUGA sewer system" is the defined term in JCC 13.02.160.