

**Ordinance No. \_\_\_\_\_ - 2009**

**AN ORDINANCE AMENDING TITLE 18 OF THE SAN JUAN COUNTY CODE (the Unified Development Code) TO ALLOW FOR ESSENTIAL PUBLIC FACILITIES AND TO MODIFY THE TIMING LIMITATIONS FOR SUBMISSION OF PLANNED UNIT DEVELOPMENT APPLICATIONS FROM MASTER PLANNED RESORTS. AMENDMENTS INCLUDE CHAPTER 18.20 (definitions); SECTION 18.30.030 & .040 (Land Use Tables); SECTION 18.30.050 (Land Use Regulations-General Provisions); CHAPTER 18.40 (Performance and Use Specific Standards); ADDING A NEW SECTION TO CHAPTER 18.80 (Essential Public Facility Conditional Use Permit); AND AMENDING SECTION 18.90.060.I.1 (time limits for PUD applications from master planned resorts)**

- A. RCW 36.70A.200(5) (the Growth Management Act or GMA) states that no comprehensive plan or development regulation may preclude the siting of essential public facilities; and
- B. There are many kinds of essential public facilities with different siting and design requirements; and
- C. The islands of San Juan County vary in their need for public services; and
- D. In some cases San Juan County's established land use districts do not provide adequate locations for all essential public facilities; and
- E. In some cases San Juan County's development standards may preclude the siting and approval of essential public facilities;
- F. In addition, the Council desires to provide more flexibility for Master Planned Resorts that are required to gain approval of a Planned Unit Development application, and to provide a time extension that can be approved by the Council;
- G. FINDINGS. The County Council makes the following findings:
1. These amendments are being considered by the County Council as part of the first set of development code amendments for 2009.
  2. An environmental checklist was prepared evaluating potential environmental effects of the essential public facility amendments to the County Code, a notice of Determination of Non-significance was published on September 24, 2008, and the notice was provided to federal, state and local agencies in accordance with San Juan County Code 18.80.050 and WAC 197-11-340.
  3. The 60-day notice on the essential public facility amendments, as required by RCW 36.70A.106, was provided to the Department of Community, Trade and Economic Development on September 12, 2008, and was assigned a Material ID No. 13437. A 60-day notice on the Master Planned Resort amendments was submitted on March 26, 2009 and assigned ID no. 14215.
  4. Efforts to involve and inform the public included:
    - A Planning Commission workshop held September 19, 2008;
    - A mailing to service providers on September 22, 2008;
    - Two public meetings held the morning and evening of October 2, 2008;

5. The County Planning Commission conducted a duly advertised public hearing on the essential public facility amendments on October 10, October 17, November 21, 2008 and January 16, 2009. The Commission received public testimony and provided findings and recommendations including recommended ordinance language.
6. The Planning Commission conducted a duly advertised public hearing on the Master Planned Resort amendments on April 17 and May 21, 2009, accepted public testimony, and provided findings and recommendations including recommended ordinance language.
7. The County Council conducted a duly advertised public hearing on \_\_\_\_\_, 2009 at which time the public had an opportunity to comment.
8. The County Council (agreed/ disagreed) with the findings and recommendations of the Planning Commission.
9. After considering the evidence in the record, the County Council approved this ordinance.

NOW THEREFORE, BE IT IS ORDAINED, by the County Council of San Juan County, State of Washington, as follows:

**SECTION 1.** SJCC 18.20.030 (“C” Definitions) and Ord. 15-2005 Exh. B are amended to read as follows:

“**Calendar decade**” means a 10-year period beginning January 1st of any year evenly divisible by 10.

“**Campground and camping facilities**” means a facility in which sites are offered for less than 30 days for persons using tents or other personal, portable overnight shelters.

“**Capital facilities**” means physical structures or facilities owned or operated by a government entity which provides or supports a public service.

“**Capital improvements**” means improvements to land, structures, initial furnishings, and selected equipment.

“**Channel**” means an open conduit for water either naturally or artificially created, but does not include artificially created irrigation, return flow, or stock watering channels. (See WAC 173-14-030 (8)(b); see also “stream.”)

“**Class I beach**” means a beach or shore having dependable, geologically fully developed, and normally dry backshore.

“**Class II beach**” means a beach or shore having only marginally, geologically partially developed and not dependably dry backshore.

“**Class III beach**” means a beach or shore having no dry backshore.

“**Clearing**” means the destruction or removal, by hand or with mechanical means, of vegetative ground cover or trees including, but not limited to, root material or topsoil material.

“**Cluster development**” means the massing of development on one or more parts of a property.

“**Coastal high hazard areas**” means the areas within any areas of special flood hazard that are subject to high velocity waters, including but not limited to storm surge or tsunamis.

“**Commercial recreational facility**” means a place designed and equipped for the conduct of sports and leisure-time activities which is operated as a business and open to the public for a fee (see “indoor recreational facilities and outdoor recreational facilities.”)

“**Commercial sign**” means any object, device, display or structure that is used for attracting attention to any commercial use, product, service, or activity.

“**Commercial use**” means activity involving the sale of goods or services.

“**Common area**” means any area contained within the boundaries of a proposed land division or within a multifamily residential development and owned by the lot owners as tenants-in-common,

joint tenancy, or through an association or nonprofit association, and provided specifically for the common use of the residents.

- “Communication towers”** means towers, dishes, or antennas established for the sending or receiving of signals.
- “Community club or facility”** means a not-for-profit use that provides social, health, recreational, cultural, or educational facilities to a community.
- “Community Development and Planning Department”** means the San Juan County Community Development and Planning Department, the former San Juan County Permit Center and the former San Juan County Planning Department.
- “Community dock,”** for purposes of SJCC 18.50.190(C)(8) and 18.50.340(G), means a dock serving three or more residential waterfront properties.
- “Community structure”** means a structure which is intended for the common use of the residents of a particular subdivision or community.
- “Comprehensive Plan”** means the San Juan County Comprehensive Plan and all of its goals, objectives, policies, documents, and maps.
- “Concurrency”** means a condition in which an adequate capacity of capital and transportation facilities and services is available to support development at the time that the impacts of development occur. (See also “adequate capacity,” “available capacity,” and “levels of service.”)
- “Concurrency facilities”** means the public facilities and services for which concurrency is required in accordance with the policies of the Comprehensive Plan. They include transportation facilities (ferry service and parking areas, Types 1 and 2 public docks, intersections in activity centers or urban growth areas, and collector public roads), and “Category A” capital facilities (County solid waste and recycling facilities; community water systems that serve urban growth areas, AMIRDs (village, hamlet, and residential activity centers and island centers), or master planned resort activity centers; and community sewage treatment facilities that serve village and master planned resort activity centers).
- “Concurrency test”** means the comparison of a project’s impact on concurrency facilities to the available capacity, including existing and planned capacity, of the concurrency facilities.
- “Conditional use”** means a use that is identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 by the symbol “C” and which requires a conditional use permit.
- “Conditional use permit”** means a permit issued by San Juan County stating that the land uses and activities meet all criteria set forth in local ordinances, and all conditions of approval in accordance with the procedural requirements of SJCC 18.80.100.
- “Conditional use, shoreline”** means a use, development, or substantial development which is classified as a conditional use in the Shoreline Master Program (SMP; see Element 3 of the Plan and Chapter 18.50 SJCC), or which is not classified within the SMP.
- “Condominium”** means the division of a building or land pursuant to the Horizontal Property Regimes Act, Chapter 64.32 RCW, or to the Condominium Act, Chapter 64.34 RCW.
- “Conical surface”** means the FAA imaginary surface that is the lower boundary of an airspace which extends outward and upward from the periphery of the horizontal surface.
- “Conservancy designation”** means the land use designation of the Comprehensive Plan designed to protect valuable natural resources, wildlife, historical, and scenic areas.
- “Conservancy environment, shoreline”** means an environment designation that is applied to areas which are largely free of intensive development.
- “Consolidated formation”** means any geologic formation in which the earth materials have become firm and coherent through natural rock-forming processes.
- “Construction contractor yards and offices”** means service establishments primarily engaged in general contracting or subcontracting in the building construction trades. These include administrative offices, workshops and the indoor or outdoor storage of tools, equipment, materials, and vehicles.
- “Contiguous”** means adjoining as defined herein, but will often have the added component of sharing the common boundary for a considerable distance, along the whole or most of one side or border.

“**Contract Purchaser**” See “Applicant.”

“**Correctional Facility**” means any facility operated by or under contract to a public agency for the confinement of individuals accused or convicted of criminal or delinquent activity.

“**Cottage enterprise**” means a commercial or manufacturing activity conducted in whole or in part in either the resident’s single-family dwelling unit or in an accessory building, but is of a scale larger than a home occupation.

“**County**” means San Juan County, Washington, its board, commissions, and departments.

“**Covered moorage**” means a pier and/or float or system of floats covered by a roof.

“**Critical areas**” means geologically hazardous areas frequently flooded areas, critical aquifer recharge areas, wetlands, and fish and wildlife conservation areas, all as defined in this chapter and regulated in SJCC 18.30.110 through 18.30.160.

“**Critical habitat**” means an area or type of environment that may be of crucial importance to the perpetuation of an organism or biological population which normally lives or occurs there.

“**Critical water resource areas**” means selected watersheds and critical aquifers where resources are potentially threatened by salt water intrusion or primary contaminants or limited due to poor recharge.

“**Cul-de-sac**” means a road closed at one end by an area of sufficient size for turning vehicles around.

“**Current use**” means the use of land or improvements at the time of permit application.

**SECTION 2.** SJCC 18.20.50 (“E” definitions) and Ord. 15-2005 Ex. B are amended to read as follows:

“**Eastsound Subarea Plan**” means the document containing the Eastsound Subarea Plan and official map.

“**Eating establishment**” means a use providing preparation and retail sale of food and beverages.

“**Ecology (WDOE)**” means the State of Washington Department of Ecology.

“**Emergency**” means an immediate danger to public health or safety or of serious environmental degradation.

“**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, WAC 232–120–14 and the Washington Department of Natural Resources, Washington Natural Heritage Plan.

“**Environmental checklist**” means a form prescribed by the director and the state of Washington to identify the potential environmental impacts of a given proposal.

“**Environmental impact statement (EIS)**” means a draft, final, or supplemental written document that reviews the likely significant and nonsignificant adverse and positive impacts of a proposal, ways to avoid, minimize or lessen the adverse impacts, and alternatives to the proposal.

“**Environmentally Sensitive Area(s) (ESA)**” means **Critical Area(s)**.

“**Equivalent residential unit (ERU)**” is a way to express water or sewage system use by nonresidential customers as an equivalent number of residential customers. An ERU is usually calculated using average daily demand figures.

“**Erosion**” means the detachment and movement of soil or rock by water, wind, ice, or gravity.

“**Erosion hazard areas**” means areas characterized by soils identified in the USDA San Juan County Soil Survey as having severe water erosion hazards:

1. The Pickett Soil portion within the Pickett-Rock Outcrop Complex–PrD only where slope exceeds 15 percent;
2. PrE;
3. The Roche Soil portion within the Roche-Rock Outcrop Complex, 30 to 70 percent slopes–RxE; and

4. Roche gravelly loam, 8 to 15 percent slopes–RgC.

**“Essential Public Facility (EPF)”** means a facility that provides a necessary public service as their primary mission, and that is difficult to site. EPFs include, but are not limited to, those facilities listed in RCW 36.70A.200; any facility that appears on the list maintained by the State Office of Financial Management under RCW 36.70A.200(4); secure community transition facilities as defined in RCW 71.09.020; state education facilities; state or regional transportation facilities as defined in RCW 47.06.140 and facilities determined to be an Essential Public Facility under SJCC 18.30.050 E. Essential public facilities of county or state-wide significance also include, but are not limited to: passenger and vehicle ferry terminals (public); public elementary and secondary schools; solid waste collection, transfer and disposal facilities; county roads and county docks; county equipment storage and maintenance yards; county septage handling and treatment facilities; primary electrical transmission and distribution systems; fire stations and emergency service facilities; public libraries; post offices; parks; county administrative offices; and general aviation airports.

~~“Essential public facilities” means those facilities 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, group homes (RCW 36.70A.200) and secure community transition facilities as defined in RCW 71.09.020(14). They do not necessarily include all public facilities or services; they may be, but are not necessarily, publicly owned. Essential public facilities in San Juan County include solid waste and recycling facilities, County septage collection and treatment, government administrative facilities, sheriff facilities, public works facilities, public school facilities, and community water systems and sewage treatment facilities that serve activity centers and urban growth areas.~~

**“Estuaries”** means the zone in which fresh and saltwaters mingle and affect the total land and water habitat. They are often referred to as “flats,” “mud bays,” “marshes,” or “saltchucks.”

**“Excavation”** means the mechanical removal of earth.

**“Existing use”** means the use of a lot or structure or improvements at the time of the enactment of the Unified Development Code (this code).

**“Experimental aquaculture”** means an aquaculture project that uses methods or technologies which are unprecedented or unproven in the state of Washington.

**“Extraction”** means the commercial removal of naturally occurring materials from the earth, excluding water.

**SECTION 3.** SJCC 18.20.160 (“P” Definitions) and Ord. 7-2005 § 2 are amended to read as follows:

**“Parcel”** means a lot or plot of land proposed or created in accordance with this code or prior subdivision ordinance and state law and intended as a unit for the purpose, whether immediate or future, of transfer of ownership. The external boundaries existing as of October 2, 1979, shall be used to establish what is a parcel for the purposes of this code. For parcels which have not been conveyed since that date, the legal description used in the conveyance closest to that date shall control. The term “parcel” is synonymous with the terms “lot” and “tract.”

**“Park”** means a tract of land that is specifically designated as a “park” and is used by the public for recreation.

**“Parking lot”** means an off-street, ground level open area, usually improved, for the temporary storage of motor vehicles.

**“Parking structure”** means a building or structure consisting of more than one level and used to store motor vehicles. Underground parking is considered a parking structure.

**“Party of record”** means all persons, agencies, or organizations who have submitted written comments or notified San Juan County of their desire to receive a copy of the final decision on a permit. (WAC 173–27–030).

- “Peak demand”** means the highest demand associated with a particular interval, such as peak day or peak hour.
- “Performance standard”** means a set of criteria or limits relating to certain characteristics that a particular use or process may not exceed.
- “Permanent moorage facility”** means a facility which provides wet moorage or dry storage for pleasure craft or commercial craft for a fee for periods of six months or more.
- “Permanently affordable housing”** means affordable housing, the affordability of which is assured for at least 99 years.
- “Permit Center”**. See “Department”.
- “Permit review”** means the process of reviewing applications for project permits for consistency with the requirements of this code.
- “Permittee”** means the entity to whom a permit is granted.
- “Person”** means any individual, owner, contractor, tenant, partnership, corporation, 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 forgoing entities.
- “Personal and professional services”** means, for the purposes of this code, establishments primarily engaged in providing assistance, as opposed to products, to individuals, business, industry, government, and other enterprises, not listed specifically in this code as a distinct use for regulatory purposes, such as laundry and dry cleaning services; barber shops and beauty salons; legal, engineering, architectural, design and accounting services, and the like.
- “Pervious surface”** means a surface that absorbs water.
- “Pier”** means a structure that abuts the shoreline and is generally used as a landing or moorage place for commercial and pleasure craft. A pier is a fixed platform above the water.
- “Planned unit development”** means a development characterized by a unified site design, clustered residential units or commercial units, and areas of common open space.
- “Planning Department”, “Permit Center”, and “Building Department”** all mean the San Juan County Community Development and Planning Department.
- “Planning Director”**. See Director.
- “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 code.
- “Plat Alteration”**. See “Subdivision, alteration of.”
- “Plat, Long”**. See “Subdivision (long).”
- “Plat, Short”**. See “Subdivision, short.”
- “Plat Vacation”**. See “Subdivision, vacation of.”
- “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.
- “Pocket beach”** means a Class II or Class III beach which does not depend on littoral drift accretion. It depends on the erosion of immediately adjacent sources.
- “Point”** means a low profile shoreline promontory of more or less triangular shape, the tip of which extends seaward.
- “Point-of-use demand management”** means a set of policies, procedures, and facilities that provide for the maximum efficiency where they are actually used, as distinguished from efficiency practices in supply, transmission, and distribution systems.
- “Point-source discharge”** means the release of waste or other flows which can be described as confined to a small area, such as discharges from a pipe or conduit. Releases occurring over a broad or undefined area are referred to as “nonpoint sources.” (See also “nonpoint-source.”)
- “Potential critical aquifer recharge areas”** means areas identified as significant due to their potential value in supplying groundwater and vulnerability to contamination. They are identified based upon the relative ability of the soil to accept water and allow it to flow to become groundwater.
- “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. (RCW 36.70B.020).

**"Preliminary plat"** means a neat and approximate drawing of a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and other elements of a subdivision consistent with the requirements of this code and Chapter 58.17 RCW.

**"Primary surface"** means the FAA imaginary surface that is longitudinally centered on and encloses an aircraft runway.

**"Primary use"** means the principal use of a property.

**"Priority species"** means all state and federal endangered, threatened, and sensitive species, and all federal candidate species; and all species of local concern as defined in this chapter.

**"Project permit"** refers to a land use permit or license required from San Juan County for a project, including but not limited to land divisions, boundary line modifications, binding site plans, planned unit developments, conditional use permits, variances, shoreline substantial development permits (shoreline conditional use permits, shoreline variances), provisional use permits and temporary use permits. Concurrency findings, determinations of completeness, and other such administrative approvals are reviewed as part of the underlying project permit and are not project permits. SEPA threshold determinations are not project permits. Building, driveway, and other construction-type development permits and approvals are not project permits for this UDC (RCW 36.70B.020(4) and 36.70B.140). (See "development permit.")

**"Proprietor-occupied"** means the residential occupancy by the owner of a building or property.

**"Provision"** means any written language contained in this code, including without limitation, any definition, policy, goal, regulation, requirement, standard, authorization, or prohibition.

**"Public access areas"** means ways or means of approach to provide the general public with a physical entrance to a property.

**"Public facilities"** 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 public schools.

**"Public schools"** means a building (and grounds) or part thereof designed, constructed, or used for publicly-operated education and or instruction.

**"Public services"** means services available to and used by the general public. They may be, but are not necessarily, provided by a public agency for fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services (RCW 36.70A.030(13)).

**"Public transportation systems"** means public facilities for air, water, or land transportation.

**"Public Works Facility"** means a facility operated by a government agency and used to maintain or operate public systems, facilities or equipment.

**SECTION 4.** SJCC Chapter 18.30.030 and Ord. 21–2002 § 4 are amended to read as follows:

**18.30.030 Land use table – Activity center land use districts.**

How to Use this Table

Table 3.1 displays the classification of uses for activity center land use districts, and Table 3.2 the classification of uses for rural, resource, and special land use districts. Use the appropriate table for the land use district of interest.

The allowability and classification of uses as represented in the tables are further modified by the following:

- The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note

that districts within the shorelines jurisdiction use some of the same names as the uplands land use districts, but allowable uses may differ substantially between the uplands and shorelines districts. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See *a/so* notes 1 – 3 to this table.

- All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use district and location, all relevant regulations must also be consulted in addition to this table.

**Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts.** <sup>(1, 2, 3, 4, 5)</sup>

Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(7, 8)</sup>
<b>Commercial Uses</b>								
Animal Shelters and Kennels	Prov	C	No	C	C	No	C	P.A.
Automotive Fuel, Service and Repair Stations	Prov	Prov	No	Prov	Prov	No	Prov	P.A.
Bed & Breakfast Inn	Prov	No	C	Prov	No	C	No	D
Bed & Breakfast Residence	Prov	No	Prov	Prov	No	Prov	Prov	Prov
Camping Facilities	Prov	No	No	C	No	No	No	P.A.
Day Care with 1-6 children	Prov	Prov	Prov	Prov	Prov	Prov	Prov	Prov
Day Care with 7+ children	Prov	C	Prov	Prov	C	Prov	Prov	D
Drinking Establishment	Yes	No	No	Yes	No	No	No	D
Eating Establishment	Yes	No	No	Yes	No	No	No	D
Hotel/Motel	Yes	No	No	C	No	No	No	P.A.
Indoor Entertainment Facility	Yes	D	No	C	C	No	No	D
Nursing Homes	Prov	No	No	No	No	No	No	P.A.
Personal and Professional Services	Yes	No	No	Yes	No	No	No	D
Personal wireless communications service facilities at potentially suitable locations <sup>(3, 14)</sup>	C	C	No	C	C	No	C	P.A. (C where allowed)
Residential Care Facilities with up to 8 persons	Prov	No	Prov	Prov	No	Prov	Prov	P.A.
<b>Commercial Uses</b>								
Residential Care Facilities with 9–15 persons	Prov	No	C	Prov	No	C	Prov	P.A.
Resorts and Camps, new	Prov	No	No	C	No	No	No	see Note 7

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	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(7, 8)</sup>
Existing Resorts and Camps, expansion of existing uses without increase to scope or scale	Prov	Prov	Prov	Prov	Prov	Prov	Prov	see Note 7
Existing Resorts and Camps, increase in scope or scale of facilities or services	D	D	D	D	D	D	D	see Note 7
Retail Sales and Services	Prov	D	No	Prov	No	No	Prov	D
Warehouse, Mini-storage, and Moving Storage Facilities	No	Prov	No	No	D	No	Prov	P.A.
Unnamed Commercial Uses <sup>(10)</sup>	D	D	No	D	D	No	D	D

**Industrial Uses**

Bulk Fuel Storage Facilities	No	C	No	No	C	No	D	P.A.
Concrete and Concrete Batch Plants	No	C	No	No	No	No	No	P.A.
Construction Yards	No	Prov	No	No	D	No	Prov	P.A.
Feedlots	No	No	No	No	No	No	No	P.A.
Garbage and Solid Waste Transfer Stations	No	Prov	No	No	C	No	D	P.A.
Heavy Equipment Rental Services	No	C	No	No	No	No	Prov	P.A.
Heavy Industrial	No	C	No	No	No	No	No	P.A.
Light Industrial	No	Prov	No	No	D	No	D	P.A.
Light Manufacturing	C	Prov	No	No	D	No	D	P.A.
Lumber Mills, Stationary	No	No	No	No	No	No	C	P.A.
<b>Public Works Facility</b>	<b>No</b>	<b>C</b>	<b>No</b>	<b>No</b>	<b>C</b>	<b>No</b>	<b>C</b>	<b>No</b>
Outdoor Storage Yards	No	Prov	No	No	D	No	Prov	P.A.
Recycling Center	D	D	No	D	D	No	D	P.A.
Recycling Collection Point	Prov	Prov	D	Prov	Prov	D	Prov	Yes

**Industrial Uses**

Resource Processing Accessory to Extraction Operations	No	No	No	No	No	No	No	P.A.
Mining and Mineral Extraction Activities	No	C	No	No	No	No	No	P.A.
Reclamation of Mineral Extraction Sites	D	D	D	D	D	D	D	P.A.
Wholesale Distribution Outlet	No	Yes	No	No	D	No	D	P.A.

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Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(7, 8)</sup>
Wrecking and Salvage Yards	No	C	No	No	No	No	No	P.A.
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	No	No	No	No	No	No	No	P.A.
Unnamed Industrial Uses	D	D	No	D	No	No	D	P.A.
<b>Institutional Uses</b>								
College or Technical School/Adult Education Facility	Prov	D	No	D	D	No	No	P.A.
Community Club or Community Organization Assembly Facility	Prov	No	D	Prov	No	D	No	D
Emergency Services	Yes	D	No	Yes	Yes	No	Yes	D
Government Offices	Yes	No	No	No	No	No	No	P.A.
Institutional Camps	No	No	No	No	No	No	No	P.A.
Library	Yes	No	Yes	Yes	No	Yes	No	D
Museum	Yes	No	No	Yes	No	No	No	D
Post Office	Yes	No	No	Yes	No	No	No	D
Religious Assembly Facility	Prov	C	C	D	C	C	Prov	P.A.
School, primary and secondary	Yes	No	C	Yes	No	C	Yes	P.A.
Unnamed Institutional Uses	C	C	C	C	C	C	C	P.A.
<b>Recreational Uses</b>								
Camping Facilities in public parks	Prov	No	No	C	No	No	No	P.A.
Indoor Recreation Facilities	Yes	D	No	D	D	No	D	D
Outdoor Recreation Developments	Prov	D	C	D	D	No	D	D
Parks	Prov	No	C	Prov	Prov	C	Prov	D
<b>Recreational Uses</b>								
Playing Fields	Prov	No	Prov	Prov	Prov	Prov	Prov	D
Recreational Vehicle Parks	D	D	No	D	No	No	No	P.A.
Outdoor Shooting Ranges	No	No	No	No	No	No	No	P.A.
Unnamed Recreational Uses	C	C	C	C	C	C	C	P.A.
<b>Residential Uses</b>								
Cottage Enterprise	Prov	Prov	Prov	Prov	Prov	Prov	Prov	P.A. <sup>(8)</sup>

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	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(7, 8)</sup>
Farm Labor Accommodations for persons employed in agricultural production on the premises	Prov	No	Prov	Yes	No	Prov	Prov	P.A. <sup>(8)</sup>
Farm Stay	Prov	No	Prov	Prov	No	Prov	No	P.A. <sup>(8)</sup>
Home Occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P.A. <sup>(8)</sup>
Mobile Home Parks <sup>(11)</sup>	No	No	Prov	No	No	Prov	No	P.A. <sup>(8)</sup>
Multi-family Residential Units (3+ units)	Prov	D	Yes	Yes	No	Yes	No	P.A. <sup>(8)</sup>
Single-Family Residential (1 unit only) or accessory apartment (1unit only), accessory to an allowable nonresidential use	Yes	Yes	Yes	Yes	Yes	Yes	Yes <sup>(13)</sup>	P.A. <sup>(8)</sup>
Single-Family Residential Unit	Yes	D	Yes	Yes	Yes	Yes	No	P.A. <sup>(8)</sup>
Two-Family Residential (duplex)	Yes	D	Yes	Yes	D	Yes	No	P.A. <sup>(8)</sup>
Vacation Rental of Residence or Accessory Dwelling Unit <sup>(9)</sup>	Prov	Prov	C <sup>(9)</sup>	Prov	Prov	C <sup>(9)</sup>	Prov	P.A. <sup>(8)</sup>
Rural Residential Cluster Development	No	No	D	No	No	D	No	No
	C	C	C	C	C	C	No	P.A. <sup>(8)</sup>
<b>Unnamed Residential Uses</b>								
<b>Transportation Uses</b>								
Airfields	No	C	No	No	No	No	No	P.A.
Airports	No	C	No	No	No	No	No	P.A.
Airstrips	No	No	No	No	No	No	No	P.A.
Hangars	No	D	D	No	No	No	No	D
Helipads	No	No	No	No	No	No	No	P.A.
Ferry Terminal	C	C	N	C	C	N	N	P.A.
<b>Transportation Uses</b>								
Parking Lots, commercial	D	D	D	D	D	D	D	D
Parking Structures	D	D	No	No	No	No	No	D
Streets, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Trails and Paths, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Unnamed Transportation Uses	D	D	No	D	D	No	D	D

**Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts.** <sup>(1, 2, 3, 4, 5)</sup>

Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(7, 8)</sup>
<b>Utilities Uses</b>								
Commercial Communication Facilities <sup>(14)</sup>	C	C	No	C	C	No	C	P.A. (C where allowed)
Commercial Power-Generation Facilities	C	C	C	C	C	C	C	P.A.
Community Sewerage Treatment Facilities	D	D	D	D	D	D	D	D
Storage and Treatment of Sewerage, Sludge and Septage – systems other than lagoons	C	C	C	C	C	C	C	P.A.
Utility Distribution Lines	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Utility Facilities	D	D	D	D	D	D	D	D
Utility Substations	D	D	D	D	D	D	D	D
Utility Transmission Lines	D	D	D	D	D	D	D	D
Water Storage Tanks, community	D	D	D	D	D	D	D	D
Water Treatment Facilities	D	D	D	D	D	D	D	D
Unnamed Utility Uses	D	D	D	D	D	D	D	D
<b>Agricultural and Forestry Uses</b>								
Agricultural Processing, retail, and Visitor-serving Facilities for Products	Yes	Yes	No	Yes	Yes	No	Yes	P.A.
Agricultural Uses and Activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Forest Practices <sup>(12)</sup> , no processing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Lumber Mills, Portable	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Nurseries	Yes	No	No	Yes	No	No	Yes	D
Retail Sales of agricultural products	Yes	Yes	Prov	Yes	Yes	Prov	Yes	Yes
<b>Agricultural and Forestry Uses</b>								
Small-Scale Slaughterhouses	No	Yes	No	No	Yes	No	Prov	P.A.
Unnamed Agricultural and Forestry Uses	C	C	C	C	C	C	C	P.A.

**Notes:**

1. All uses must be consistent with the purpose of the land use district in which they are proposed to occur; *cf.* the Land Use Element of the Comprehensive Plan. All land uses in all districts must meet the general

regulations in SJCC 18.30.050 unless otherwise stated therein.

2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; *see also* SJCC 18.80.110 for shoreline permit requirements.
3. Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in SJCC 18.30.080 through 18.40.190 shall prevail over any conflicting provisions of the UDC.
4. Categories of uses:
  - Yes = Uses allowed outright (*i.e.*, without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; *see* SJCC 18.80.070.
  - Prov = Provisional use subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards and Chapter 18.40 SJCC, performance standards specific to the use; *see* SJCC 18.80.080.
  - D = Administrative Review: a discretionary use subject to administrative permit approval and consistency with Chapter 18.60 SJCC, Development Standards, unless the Director administrator requires a conditional use permit based on project impacts; *see* SJCC 18.80.090 and Table 8.2.
  - C = Conditional use, subject to public notice and permit hearing procedure; *see* SJCC 18.80.100.
  - P.A. = "Plan Amendment": the use requires an amendment to an adopted master plan; *see* SJCC 18.30.060 and 18.90.060.
  - No = Prohibited use.
5. The assignment of allowed and prohibited uses may not directly or indirectly preclude the siting of "essential public facilities" (as designated in the Comprehensive Plan; *see also* the definition in SJCC 18.20.050) within the County. *See* SJCC 18.30.050(E).
6. Activity center land use districts:

VC = Village Commercial	HC = Hamlet Commercial	IC = Island Center
VI = Village Industrial	HI = Hamlet Industrial	MPR = Master Planned Resort
VR = Village Residential	HR = Hamlet Residential	
7. Special provisions for uses within master planned resort activity centers are described in SJCC 18.30.060; *see also* SJCC 18.60.190 and 18.90.060.
8. An MPR includes short-term visitor accommodations that are associated with the recreational facilities of the resort. An MPR may also include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort. It is incumbent on the master plan or plan amendment proponent to provide the information supportive of such a determination. *Also see* SJCC 18.30.060, 18.60.190, and 18.90.060.
9. In all activity center land use districts the vacation rental of a residence or accessory dwelling unit may be allowed by provisional ("Prov") permit only if the owner or lessee demonstrates that the residence or accessory dwelling unit in question was used for vacation rental on or before June 1, 1997; otherwise, a conditional use ("C") permit is required. After internal land use district boundaries are adopted for an activity center this provision will apply to VR and HR districts but not to the activity center in general.
10. For the purposes of this Table 3.1, the unnamed commercial uses include commercial aquaculture and commercial marinas.
11. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the allowable uses would be indicated by the row "Single-Family Residential Unit."
12. Forest practices (including timber harvesting), except for Class IV General (*see* SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
13. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.



**Table 3.2. Allowable and Prohibited Uses in Rural, Resource, & Special Land Use Districts.** <sup>(1, 2, 3, 4, 5)</sup>

Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>								
	Rural Districts					Resource Lands		Special Lands <sup>(7)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Eating Establishment	C	No	No	No	C	No	No	No	No
Hotel/Motel	No	No	No	No	No	No	No	No	No
Indoor Entertainment Facility	C	No	No	No	No	No	No	No	No
Nursing Homes	No	No	No	No	No	No	No	No	No
Personal and Professional Services	D	No	No	No	No <sup>(9)</sup>	No	No	No	No
Personal wireless communications service facilities at potentially suitable locations <sup>(3, 17)</sup>	C	No	C	C	C	C	C	No (Prov at Mt. Const. Sites)	No
Residential Care Facilities with up to 8 persons	Prov	Prov	Prov	No	Prov	Prov	Prov	No	No
Residential Care Facilities with 9–15 persons	Prov	C	C	No	C	No	No	No	No
Resorts and Camps, new	C	No	No (C if historic) <sup>(8)</sup>	No	No (D if historic) <sup>(8)</sup>	No	No	No	No
Resorts and Camps, existing: expansion of existing uses without increase to scope or scale	Prov	Prov	Prov	Prov	Prov	Prov	Prov	Prov	Prov
Resorts and Camps, existing: increase in scope or scale of facilities or services	D	D	D	D	D	D	D	No	No
Retail Sales and Services	C	No	No	No	Prov	No	No	No	No
Warehouse, Mini-storage, and Moving Storage Facilities	C	No	No	No	No	No	No	No	No
Unnamed Commercial Uses <sup>(11)</sup>	D	No	D	D	D	No	No	No	No

**Industrial Uses**

Bulk Fuel Storage Facilities	C	No	No	C	C	No	No	No	No
Concrete and Concrete Batch Plants	C	No	No	C	No	No	No	No	No
Construction Yards	C	No	No	D	D	No	No	No	No
Feedlots	No	No	No	No	No	No	No	No	No

**Industrial Uses**

Garbage and Solid Waste Transfer Stations	C	No	No	D	D	No	No	No	No
Heavy Equipment Rental Services	C	No	No	Prov	Prov	No	No	No	No
Heavy Industrial	C	No	No	C	No	No	No	No	No
Light Industrial	C	No	No	D	C	No	No	No	No
Light Manufacturing	C	No	No	D	C	No	No	No	No

Table 3.2. Allowable and Prohibited Uses in Rural, Resource, & Special Land Use Districts.<sup>(1, 2, 3, 4, 5)</sup>

Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>								
	Rural Districts					Resource Lands		Special Lands <sup>(7)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Lumber Mills, Stationary	C	No	Prov	Prov	D	D	D	No	No
Outdoor Storage Yards	C	No	No	Prov	No	No	No	No	No
<b>Public Works Facility</b>	<b>C</b>	<b>No</b>	<b>No</b>	<b>C</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>	<b>No</b>
Recycling Center	C	No	C	C	C	No	No	No	No
Recycling Collection Point	No	No	No	Prov	Prov	No	No	No	No
Resource Processing accessory to Extraction Operations	C	No	No	No <sup>(12)</sup> (C if existing)	No	No	No	No	No
Mining and Mineral Extraction Activities	C	No	No	No <sup>(12)</sup> (C if existing)	No	No	No	No	No
Reclamation of Mineral Extraction Sites	D	D	D	D	D	D	D	D	D
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	C	No	No	Prov	No	No	No	No	No
Wholesale Distribution Outlet	C	No	No	No	No	No	No	No	No
Wrecking and Salvage Yards	C	No	No	D	No	No	No	No	No
Unnamed Industrial Uses	C	No	No	C	No	No	No	No	No
<b>Institutional Uses</b>									
College or Technical School/Adult Education Facility	C	No	No	C	C	No	No	No (D at UW FHL)	No
Community Club or Community Organization Assembly Facility	C	C	No	No	D	No (D at Port Stanley School) <sup>18</sup>	No	No	No
Emergency Services	Yes	C	C	Yes	Yes	C	C	C	No
Government Offices	No	No	No	No	No	No	No	No	No
Institutional Camps	No	No	No (D if historic) <sup>(8)</sup>	No	No	No	No (D if historic) <sup>(8)</sup>	No	No
Library	C	C	No	No	No	No	No	No	No
Museum	C	C	No	No	C	No (C at Port Stanley School) <sup>18</sup>	No	No	No
Post Office	No	No	No	No	No	No	No	No	No
Religious Assembly Facility	D	D	D	D	D	C	C	No	No
School, primary and secondary	C	No	No	No	C	No	No	No	No
Unnamed Institutional Uses	C	No	No	C	C	No	No	No	No
<b>Recreational Uses</b>									
Camping Facilities in public parks	C	No	No	No	No	No	No	C	No
Indoor Recreation Facilities	C	No	No	No	C	No	No	No	No



**Table 3.2. Allowable and Prohibited Uses in Rural, Resource, & Special Land Use Districts.** <sup>(1, 2, 3, 4, 5)</sup>

Land Uses	Classification of Uses by Land-Use District <sup>(6)</sup>								
	Rural Districts					Resource Lands		Special Lands <sup>(7)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Streets, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C	C
Trails and Paths, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C	C
Unnamed Transportation Uses	D	D	D	D	D	C	C	C	C
<b>Utilities Uses</b>									
Commercial Communication Facilities <sup>(17)</sup>	C	No	C	Prov	C	C	C	No (C at Mt. Const. Sites)	No
Commercial Power-Generation Facilities	C	No	No	D	D	C	C	No	No
Community Sewerage Treatment Facilities	No	No	No	No	No	No	No	No	No
Storage and Treatment of Sewerage, Sludge and Septage—systems other than lagoons	C	C	C	C	C	C	C	No	No
Utility Distribution Lines	Prov	Prov	Prov	Prov	Prov	D	D	D	D
Utility Facilities	D	D	D	D	D	D	D	D	D
Utility Substations	D	D	D	D	D	D	D	D	D
Utility Transmission Lines	D	D	D	D	D	D	D	D	D
Water Storage Tanks, community	D	D	D	D	D	D	D	D	C
Water Treatment Facilities	D	D	D	D	D	D	D	D	C
Unnamed Utility Uses	D	D	D	D	D	D	D	C	C
<b>Agricultural and Forestry Uses</b>									
Agricultural Processing, retail, and Visitor-serving Facilities for Products	D	No	D	D	D	D <sup>20</sup>	D	No	No
Agricultural Uses and Activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Forest Practices <sup>(14)</sup> , no processing	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No
Lumber Mills, Portable	Yes	Yes	Yes	Yes	Yes	Yes	Yes	D	No
Nurseries	Yes	No	Yes	Yes	Yes	Yes	Yes	No	No
Retail Sales of agricultural products	Yes	No	Yes	Yes	Yes	Prov <sup>20</sup>	Prov	No	No
Small-Scale Slaughterhouses	Prov	No	Prov	Yes	Yes	Prov	Prov	No	No
Unnamed Agricultural and Forestry Uses	C	C	C	C	C	C	C	No	No

**Notes:**

- All uses must be consistent with the purpose of the land use district in which they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all districts must meet the general regulations in SJCC 18.30.050 unless otherwise stated therein.
- A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high

water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; *see also* SJCC 18.80.110 for shoreline permit requirements.

3. Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land use districts for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district or within the jurisdiction of a subarea plan, the applicable provisions of the overlay district or subarea plan as provided in SJCC 18.30.080 through 18.30.190 shall prevail over any conflicting provisions of the UDC.
4. Categories of uses:
  - Yes = Uses allowed outright (*i.e.*, without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; *see* SJCC 18.80.070.
  - Prov = Provisional use subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards and Chapter 18.40 SJCC, performance standards specific to the use; *see* SJCC 18.80.080.
  - D = Administrative Review: a discretionary use subject to administrative permit approval and consistency with Chapter 18.60 SJCC, Development Standards, unless the ~~administrator~~ Director requires a conditional use permit based on project impacts; *see* SJCC 18.80.090 and Table 8.2.
  - C = Conditional use, subject to public notice and permit hearing procedure; *see* SJCC 18.80.100.
  - P.A. = "Plan Amendment": the use requires an amendment to an adopted master plan; *see* SJCC 18.30.060 and 18.90.060.
  - No = Prohibited use.
5. The assignment of allowable and prohibited uses may not directly or indirectly preclude the siting of "essential public facilities" (as designated in the Comprehensive Plan; *see also* the definition in SJCC 18.20.050) within the County. *See* SJCC 18.30.050(E).
6. Rural, resource, and special land use districts:
 

RGU = Rural general use	RI = Rural industrial	FOR = Forest resource lands
RR = Rural residential	RC = Rural commercial	C = Conservancy
RFF = Rural farm-forest	AG = Agricultural resource lands	N = Natural
7. Special provisions for uses within conservancy and natural land districts are described in SJCC 18.30.070.
8. "Historic": In several isolated cases an existing use that would be made nonconforming by this UDC is considered desirable to allow to continue and possibly to expand. Because this might be difficult or prohibited if the use were to become nonconforming, the use is labeled "historic," and the allowable use designation is indicated. *See also* the definitions in Chapter 18.20 SJCC.
9. Veterinary clinics are allowable in the rural commercial districts subject to a discretionary use permit ("D").
10. In rural residential and conservancy land use districts the vacation rental of a residence or accessory dwelling unit may be allowed by provisional ("Prov") permit only if the owner or lessee demonstrates that the residence or accessory dwelling unit in question was used for vacation rental on or before June 1, 1997. Vacation rentals in natural designations, and in shoreline natural environments (*see* SJCC 18.50.330(H)(6)) are prohibited.
11. For the purposes of this Table 3.2, unnamed commercial uses include commercial aquaculture and commercial marinas, but these uses are not subject to the provisions of SJCC 18.40.110(B)(1).
12. Restriction of mining and mineral extraction and related resource processing in RI shall not preclude consideration of an application for redesignation as a mineral resource lands overlay district. "Existing" means operating at the time of the adoption of this code.
13. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the allowable uses would be indicated by the row "Single-Family Residential Unit."
14. Forest practices (including timber harvesting), except for Class IV General (*see* SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
15. On all agricultural or forest resource lands (AG and FOR), the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel by any means, the allowable area for conversion of the parent parcel to nonfarm and/or nonforestry use shall not be exceeded.

This shall not apply to parcels smaller than five acres.

16. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.
17. All personal wireless facilities are regulated by the provisions of the PWCSF Subarea Plan. Personal wireless facilities are permitted as a separate, commercial type of land use. Locations that are potentially suitable for personal wireless facilities are shown on the official map of the subarea plan; personal wireless facilities are prohibited in all other areas.
18. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or community gatherings or meetings (as provided by RCW 84.36.060) is allowed by permit.
19. Cottage enterprises in agricultural resource land districts shall be subject to the following provisions in addition to those of SJCC 18.40.190:
  - a. Cottage enterprises shall be located, designed, and operated so as not to interfere with natural resource land uses; and
  - b. Cottage enterprises may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.
20. Agricultural processing, retail, and visitor-serving facilities for agricultural products, and the retail sales of agricultural products, shall be subject to the following provisions:
  - a. Facilities for retail sales and processing shall be located, designed and operated so as not to interfere with agricultural uses and shall be accessory to the growing of crops or raising of animals on site.
  - b. Commercial uses shall be accessory to agricultural use and shall predominantly produce, store or sell agricultural products from one or more producers, products derived from regional agricultural production, provide agriculturally related experiences, or products produced on site.
  - c. Commercial accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.
  - d. Commercial accessory uses may include compatible commercial or retail uses including, but not limited to:
    - 1) Storage and refrigeration of agricultural projects; and
    - 2) Production, sales, and marketing of value-added agricultural products derived from regional sources;
    - 3) Cottage enterprises that support and sustain on-farm agricultural operations and production;
    - 4) Support services that facilitate the production, marketing, and distribution of agricultural products; and
    - 5) Off-farm and on-farm sales and marketing of predominantly regional agricultural products, and locally made art and arts and crafts.

**SECTION 6.** SJCC 18.30.050 (Land use regulations – General provisions) and Ord. 12–2001 § 4 are amended to read as follows:

The regulations in this section apply to all land uses in all districts unless stated otherwise.

**A. Archaeological and Historical Site Protection.**

1. When an application for development is received for an area known to be archaeologically or historically significant, no action shall be taken on the application and the applicant shall not initiate any excavation or development activity until the site has been inspected by a qualified archaeologist, historian, or architect, as appropriate, designated by the Director.
2. If during excavation or development of a site an area of potential archaeological significance is uncovered, all activity in the immediate vicinity shall be halted, and the Director shall be notified at once.
3. The following shall be stated as a condition of approval on all development permits issued by the Director or hearing examiner:

If during excavation or development of the site an area of potential archaeological significance is uncovered, all activity in the immediate area shall be halted, and the Director shall be notified at once.

**B. Right to Farm and Forestry Provisions.**

1. **Applicability.** Right to farm and forestry provisions apply to all resource and rural land use districts except rural residential. The provisions of this section are not to be construed to in any way modify, supersede or abridge state or County law relative to nuisances; rather, they are only to be used in the interpretation and enforcement of the provisions of this code.
2. **Purpose.** To provide the residents of the County proper notification of the County's recognition and support of farming and forestry activities.
3. **Nuisance.** The following shall not be considered a nuisance: agricultural and forestry activities, lumber mills operating between 7:00 a.m. and 7:00 p.m., facilities, or appurtenances thereof, conducted or maintained for commercial agricultural or forestry purposes on land designated as rural general use, rural farm-forest, rural industrial, rural commercial, agricultural resource, or forest resource.
4. **Disclosure.** The disclosure statement in subsection (B)(4)(c) of this section shall be used under the following circumstances and in the following manner:
  - a. San Juan County shall mail a copy of the disclosure statement to all owners of real property in the County with the annual tax bill.
  - b. Approval of any land division, land use, building, or development of lands designated rural general use, rural farm-forest, rural industrial, rural commercial, agricultural resource, or forest resource, and of any lands within 500 feet of lands which are designated as agricultural resource, forest resource, or mineral resource, shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on a form provided by the ~~permit center~~ Department. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.
  - c. The required disclosure statement is as follows:

San Juan County has determined that the use of real property for agricultural and forestry operations is a high priority and favored use in the county. The county will not consider to be a nuisance those inconveniences or discomforts arising from such operations, if such operations are consistent with commonly accepted best management practices in compliance with local, state, and federal laws. If your real property includes or is within 500 feet of real property designated as Rural General Use, Rural Farm Forest, Rural Industrial, Rural Commercial, Agriculture, or Forestry, you may be subject to inconveniences or discomforts arising from such farming and forestry operations, including but not limited to noise, tree removal, odors, flies, fumes, dust, smoke, the operation of farm and forestry machinery during any 24-hour period, the storage and disposal of manure, and the application of permitted fertilizers and permitted pesticides. One or more of these inconveniences may occur as a result of agricultural and forestry operations which are in conformance with existing laws and regulations.

- C. **Development Permits and Resource Lands.** Development permit approvals for the use of lands adjacent to lands designated as AG and FOR resource lands or lands with a mineral resource land (MRL) overlay designation, may be conditioned to ensure that the use of such lands shall not interfere with the continued use in the accustomed manner and in accordance with best management practices of those lands designated for resource purposes.
- D. **Overlay Districts and Subarea Plans.** Overlay districts and subarea plans provide policies and regulations in addition to those of the underlying land use districts. The regulations for these areas are found in SJCC 18.30.080 through 18.30.190.
- E. **Siting and Design of Essential Public Facilities (EPFs).** The Growth Management Act directs that no comprehensive plan or development regulation may preclude the siting of essential public facilities (RCW 36.70A.200(25)). The identification, location and permitting of essential public

facilities shall be guided by the policies of the Comprehensive Plan, including Section B, Elements 2 (Land Use); Appendix 2 (Joint Planning Polices); and the requirements of SJCC Titles 16 and 18. This section is not intended to circumvent normal permitting processes or requirements. Facilities that are or can be located in an appropriate land use district, that can meet County development standards, are required to do so and shall follow the standard permitting procedures. Facilities that cannot meet one or more requirements are subject to the following procedures:

~~1. The location policies of the County Comprehensive Plan and the Joint Planning Policy (Appendix 2 of the Plan) shall be followed to the maximum extent possible.~~

1. Determination of an Essential Public Facility. Any public or private entity may submit a written request that the Director make a determination that a facility is an EPF.

a. Requests for designation as an EPF shall contain a conceptual description of the facility, a preliminary site plan, an explanation of the need for the facility, a preliminary development schedule, identification of any sites that are under consideration, and required fees.

b. After receiving such a request, the Department and applicant shall hold a public meeting to discuss the request. At least 10 days prior to the meeting, the Department shall provide notice in the legal section of the official County newspaper, and if particular sites are under consideration, at least 15 days prior to the meeting, notice shall be mailed to all owners of property within 300 feet of the parcel boundaries of those sites.

c. Following the public meeting, the Director shall issue a written determination whether, in his judgment, the proposed project is an EPF, and within 10 days shall publish notice of said determination in the official County newspaper.

d. The Director's decision may be appealed to the Hearing Examiner in accordance with the provisions of SJCC Chapter 2.22 and SJCC 18.10.030 and 18.80.140.

~~2. Essential public facilities shall be located if possible within land use designations for which the uses are allowed (cf. Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040).~~

~~23. Siting of New EPFs. New EPFs may be located in land-use districts where the uses are prohibited, where they may not be consistent with the Comprehensive Plan goals and policies for the district, or within frequently flooded or geologically hazardous areas, only in conformance with the following requirements. or within resource lands, frequently flooded areas, geologically hazardous areas, wetlands, fish and wildlife habitat conservation areas or special lands, essential public facilities may be allowed and located, but only if no practicable alternative exists and then only to the minimum extent possible and in accordance with applicable regulations. The final selection of a site, including where necessary a determination that no practicable alternative exists, shall be made by the County Council.~~

~~a. Prior to initiating the following process the applicant shall pay the associated fees.~~

~~b. The Department and applicant shall jointly identify potential sites for the proposed facility.~~

~~c. The Department and applicant shall develop a methodology for selecting the site which includes, at a minimum, consideration of:~~

~~i) Impacts on existing land uses, resource lands, open space, scenic resources, and the natural and rural environment;~~

~~ii) How the location will help maintain or enhance the quality, or minimize the cost of the service;~~

~~iii) Economic, social and environmental impacts and benefits to the public;~~

iv) Sites located in land use districts that are most compatible with the facility shall be considered prior to sites in other districts. Sites in Resource, Natural, or Conservancy designations, and those where the facility would be located in wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas or frequently flooded areas shall not be considered until all other feasible alternatives are eliminated.

v. The siting criteria and recommendations provided by the joint County/ Town of Friday Harbor task force, if it is established (applicable only to facilities located on San Juan Island).

d. The applicant shall prepare an analysis and comparison of the potential sites, using the above methodology.

e. The Department and applicant shall hold a public meeting to discuss the analysis and the potential sites. At least 10 days prior to the meeting, the Department shall provide notice in the legal section of the official County newspaper, and at least 15 days prior to the meeting, notice shall be mailed to all owners of property within 300 feet of the parcel boundaries of the sites under consideration.

f. Following this meeting the applicant shall select the site and prepare a written request to the County Council for approval of the site and authorization to apply for an Essential Public Facility Conditional Use Permit. This request shall include a conceptual description of the facility, a preliminary site plan, an explanation of the need for the facility, a preliminary development schedule, an explanation of the methodology used to select the site, the analysis and comparison of sites that were considered, and an explanation of why the proposed site was selected.

g. After receiving such a request, the County Council shall conduct a public hearing to accept public input. At least 10 days prior to the hearing, the County shall provide notice in the legal section of the official County newspaper, and at least 15 days prior to the hearing notice shall be mailed to all owners of property within 1,000 feet of the parcel boundaries of the proposed site.

h. If the Council finds that the proposal meets the following criteria, they shall approve the site and authorize application for an Essential Public Facility Conditional Use Permit:

i. The facility is essential to adequately serve the public, recognizing that public needs differ between islands and between different areas of the County.

ii. No practicable alternative exists in an appropriate location.

After Council approval, the hearing examiner is vested with the authority to consider the application according to the Essential Public Facility Conditional Use procedures of SJCC Chapter 18.80.

3. Where an existing essential public facility (EPF) is non-conforming, it may be expanded on site or in combination with an adjacent parcel provided the County Council holds a public hearing and determines that a) the facility is essential to adequately serve the public; and b) the public benefits of expanding the facility in the existing location outweigh the economic, social and environmental costs and impacts associated with relocating the facility. After said determination, the hearing examiner is vested with the authority to consider the application according to the Essential Public Facility Conditional Use procedures of SJCC Chapter 18.80.

4. After selection of the site, the hearing examiner is vested with the authority to approve or deny the permit application for these facilities according to the conditional use procedures of SJCC 18.80.100.

4. Where a facility is located or proposed in an appropriate land use or shoreline district, but cannot meet a development standard included in SJCC Title 16 or 18, an Essential Public Facility Conditional use permit is required in accordance with the Essential Public Facility Conditional Use procedures of SJCC Chapter 18.80.
5. ~~Facility providers shall strive to mitigate inconsistencies with existing land uses and shall be compatible with the applicable comprehensive plan (County or town) for the area affected.~~

**Section 7.** SJCC 18.40.010 and Ord. 14–2000 § 7(AAA) are amended to read as follows:

**18.40.010 General provisions.**

The performance standards provided in this chapter are those specific requirements that must be met before approval may be given for a proposed development or use within a particular land use district. If there is a conflict, the more specific standards in this section control. Note also that specific proposals for new development may be subject to more than one set of performance standards. For example, a proposal for a commercial campground would be subject to the performance standards for all commercial uses in SJCC 18.40.110, for recreational developments in SJCC 18.40.330, and for signs in SJCC 18.40.370 through 18.40.400. Where the development is subject to the jurisdiction of the Shoreline Master Program (see Chapter 18.50 SJCC), additional regulations and standards may apply, and additional permits may be required.

To illustrate the way that this chapter works in conjunction with the tables of allowable and prohibited uses in Tables 3.1 and 3.2 (SJCC 18.30.030 and 18.30.040), if, for example, an application is submitted to develop a playing field, the first question is whether it is an allowable use in the land use district where it is proposed. Tables 3.1 and 3.2 identify allowable and prohibited uses in each land use district. For playing fields, Table 3.1 contains a “Prov” for village commercial, which means that a proposal to develop a playing field in village commercial is a provisional use and would be allowed if it met the applicable performance standards for recreational developments set forth in SJCC 18.40.330. Table 3.1 contains an “D” for master planned resort, which means that a proposal to develop a playing field in a master planned resort is a restricted use and would be allowed by the ~~administrator~~ Director if the impacts were appropriate according to the impact chart analysis set forth in SJCC 18.80.090, Table 8.2. Table 3.2 contains a “C” for playing fields in rural general use, which means that a proposal to develop a playing field in rural general use is a conditional use and would be allowed by conditional use permit and would also be subject to the performance standards of SJCC 18.40.330. (Ord. 14–2000 § 7(AAA); Ord. 2–1998 Exh. B § 4.1)

**Section 8.** SJCC 18.40 shall be amended to include the following section and subsequent sections shall be renumbered.

18.40.420 Solid Waste Transfer Station

The following standards shall apply to the development of Solid Waste Transfer Stations.

A. Bulk and Dimensional Standards. The following bulk and dimensional standards shall apply to solid waste transfer stations. These are alternate standards that substitute for similar standards contained in other sections of the County Code.

1. Minimum setbacks to structures and refuse storage or handling areas:

Road Setback: 60 ft. from centerline

Rear, side and front property line setback with no adjoining road:

Adjoining parcels in Rural Industrial, Rural General Use, & Eastsound Service and Lt.

Industrial zones: 50 ft.

Adjoining parcels in all other land use zones: 100 ft.

Setback requirements do not apply to mail boxes; wells; pump houses and other structures less than 120 square feet in size with a height that does not exceed 16 feet; septic systems and drainfields; landscaping (including berms); and utility apparatus such as poles, wires pedestals, manholes, vaults and other items as approved by the Director. Fences are also exempt except when they impair safe sight lines at intersections as determined by the County Engineer.

2. Building Height: The minimum necessary to accommodate the largest piece of equipment that will operate in the structure. Chimneys, smokestacks, fire or parapet walls, ADA required elevator shafts, flag poles, utility lines and poles, skylights, communication sending and receiving devices, HVAC and similar equipment are exempt from height requirements.
3. Maximum Area of Impervious Surface: Parcels  $\geq$  5 acres, 30% not including roads and driveways. Parcels < 5 acres shall meet the standard impervious area requirements.
4. Landscaping and Visual Screening. 25 feet of "Screen A" (full screen) landscaping shall be provided as visual barrier around the perimeter of the site. To the extent possible, existing vegetation shall be used to meet this requirement.
5. Recyclables.
  - a. Weather protection of recyclable items shall be ensured by using weather-proof containers or by providing a roof over the storage area.
  - b. All deposited material shall be contained wholly within the recycling box or facility. No litter shall be allowed to accumulate outside the recycling box or facility. The recycling box or facility shall be kept clean and free of odors or pests.
6. Items for reuse shall be stored within a fully enclosed structure.
7. Putrescible Wastes. All putrescible wastes shall be deposited in, stored and/or handled within a fully enclosed structure.
8. Maximum Hours of Operation. The hours the facility is open to the public shall not exceed 8 a.m. to 5 p.m. Monday through Saturday, and 10 a.m. to 5 p.m. on Sunday.

**Section 9.** SJCC Chapter 18.60, Table 6.2 and Ord. 26–2002 § 4 are amended to read as follows:

Table 6.2. Density, Dimension, and Open Space Standards for Rural, Resource, and Special Land Use Districts.

Development Standard	Land Use District <sup>(1)</sup>								
	Rural					Resource		Special	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Maximum Density (parcel area/total number of dwelling units)	[Please refer to the <i>Comprehensive Plan</i> official maps.]							See note 2	

Minimum Lot Area	See SJCC 18.70.010(E)								See note 2
<b>Minimum Front or Road Setbacks<sup>(4, 5, 6, 16)</sup></b>									
Existing road for collector (feet from centerline)	45	45	45	45	45	45	45	45	45
All other roads (feet from centerline)	40	40	40	40	40	40	40	40	40
<b>Minimum Rear and Side Setbacks<sup>(4, 5, 6, 16)</sup></b>									
Parcels smaller than five acres (feet)	10	10	10	10	10	10	10	10	10
Parcels five acres or larger, and average width ≥ 80 feet (feet)	15	15	15	15	15	15	15	15	15
<b>Maximum Dimensions</b>									
Building height (feet) <sup>(7, 8)</sup>	35 <sup>(9)</sup>	35 <sup>(9)</sup>	35 <sup>(9)</sup>	35 <sup>(9)</sup>	35 <sup>(9)</sup>	35	35	35	35
Area of impervious surface (%) <sup>(10, 15, 16)</sup>	10	10	3045 <sup>(13)</sup>	20	10	10	10	10	10
<b>Set-Aside Requirements</b>									
Minimum required open space or landscaped area (%) <sup>(11, 16)</sup>	30	30	30	30	30	N.A. <sup>(12)</sup>	N.A.	N.A.	N.A.
Maximum developable area (%) <sup>(16)</sup>	N.A.	N.A.	N.A.	N.A.	N.A.	See note 14	See note 14	N.A.	N.A.

**Notes:**

1. Rural, resource, and special land use districts:
 

RGU = Rural general use	RR = Rural residential	RFF = Rural farm-forest
RI = Rural industrial	RC = Rural Commercial	AG = Agricultural resource lands
FOR = Forest resource lands	C = Conservancy	N = Natural
2. Only one single-family residence is allowed per existing parcel. Land division for the purpose of additional development is prohibited.
3. Setbacks from roads outside of activity centers are measured from the centerline of the existing road. This measurement shall be to a line parallel to and measured perpendicularly from the appropriate line. Side and rear setbacks are measured from the edge of the property in the same manner as street setbacks.
4. Fences are exempt from setback requirements, except when impairing safe sight lines at intersections, as determined by the County engineer.
5. Setbacks do not apply to mail boxes, wells, pump houses, bus shelters, septic systems and drainfields, landscaping (including berms), utility apparatus such as poles, wires, pedestals, manholes, and vaults, and other items as approved by the administrator Director.
6. Road right-of-way setbacks may be waived, at the discretion of the County engineer, when the presence of shoreline setbacks, property lines, topography or other restrictions make it unreasonable to construct a structure without encroaching into the road right-of-way setback.
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, and spires associated with places of worship are exempt from height requirements.
8. Structures used for the storage of materials for agricultural activities are exempt for the maximum building height requirements.
9. Approved subarea plans may establish different height requirements in rural districts.
10. 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, including but not limited to buildings, parking areas, driveways, roads, sidewalks, patios, packed earth, and oiled surfaces. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces. See also SJCC 18.60.070, Storm drainage standards.
11. Required only for parcels over one acre in size.
12. "N.A." = Not Applicable.
13. In RFF land use districts, no more than 30 percent of the area of a parcel shall be covered by impervious surfaces, exclusive of roads and driveways.
14. On all agricultural or forest resource lands (AG and FOR), the maximum area of development which is not related to agricultural or forestry uses and activities shall be limited to 20 percent of the parcel area, but not less than one acre, regardless of the assigned density. Further, in the division of a parcel by any means, the allowable area for conversion of the parent parcel to nonfarm and/or nonforestry use shall not be exceeded. This shall not apply to parcels smaller than five acres.

15. This standard may be exceeded for parcels that are less than five acres in size. However, in such cases where the total percentage of impervious surface will exceed that specified, the ~~administrator~~ Director shall require measures to be employed to reduce the long-term stormwater runoff from the parcels, such as French drains for directing roof runoff into appropriately sized dry wells, and retention/detention measures for large parking areas.
16. This development standard shall not apply to residential development in subdivisions which consist of lots less than 0.3 acres in area that are (except for access roads and driveways) surrounded on all sides by property preserved as permanent open space.

(Ord. 26-2002 § 4; Ord. 12-2001 § 6; Ord. 11-2000 § 5; Ord. 6-2000; Ord. 7-1999; Ord. 2-1999; Ord. 2-1998 Exh. B § 6.5)

**SECTION 10.** The following new section shall be added to SJCC Chapter 18.80.

**A. Purpose and Applicability.** Essential Public Facility Conditional Use Permits allow for the approval of essential public facilities that cannot meet a development standard included in SJCC Title 16 or 18, or that must be located and/or expanded in a land use or shoreline district where they are not allowed. For facilities proposed in a district where they are not allowed, the County Council must approve the site and authorize application for an Essential Public Facility Conditional Use Permit in conformance with SJCC 18.30.050.E (Siting and Design of Essential Public Facilities). For facilities authorized or required to obtain this Conditional Use Permit, it takes the place of a standard Conditional Use Permit.

**B. Notice and Public Hearing.** Notice of application and of public hearing is required in accordance with the procedures in SJCC 18.80.030. An open record pre-decision hearing is required.

**C. Decision making Authority.** The hearing examiner has the authority to approve or deny Essential Public Facility Conditional Use Permits and to impose reasonable conditions of approval providing such conditions do not render the facility or operation impracticable.

**D. Essential Public Facility Conditional Use Permits—Criteria for Approval.**

1. An application for an Essential Public Facility Conditional Use Permit shall be approved if the following criteria are met:
  - a. The proposal includes reasonable mitigation of negative impacts on existing land uses and the natural and rural environment. An application for approval of an EPF Conditional Use Permit may not however be denied because impacts are not fully mitigated.
  - b. The location, size, and height of structures and screening vegetation shall not unreasonably interfere with allowable development or use of neighboring properties;
  - c. Owners of property located within 1,000 feet of the subject parcel were offered an opportunity to participate in developing reasonable measures to mitigate negative impacts.
  - d. The facility will comply with the public health, safety and environmental protection requirements of SJCC Titles 16 and 18 related to access, fire protection, water, sewage disposal, stormwater management, and containment of chemicals.
  - e. To the extent possible the facility will comply with other requirements and development standards set forth in SJCC Title 16 and 18. Where a modification to a specific standard is proposed, it may be approved provided the new or expanded facility is necessary to adequately serve the public, the need for relief from the standard is justified, and it is not reasonable for the standard to be adhered to;

- f. Unless the operation warrants a rural location, government offices with more than 6 employees shall be located within Urban Growth Areas, Village Districts or in locations with existing water and sewer service.
- g. If located on San Juan, Lopez and Orcas Islands, new public schools shall be located within the Town, an Urban Growth Area, a Village District or in a location with existing water and sewer service.
- h. If located on San Juan Island, the applicant explored the possibility of sharing or co-locating facilities with the Town of Friday Harbor either on the proposed site or at a site located in the Town.
- i. The proposal does not include the siting of an incompatible use adjacent to a general aviation airport operated for the benefit of the general public (ref. RCW 36.70.547);

**E. Term.** Unless a shorter time period is specified in permit conditions, development authorized through an EPF Conditional Use Permit shall be completed within five years from the date of permit approval or the permit shall become null and void. An extension of up to one year may be granted by the decisionmaking authority if the permittee demonstrates good cause for an extension.

**F. Appeals.** Decisions on EPF conditional use permits are final decisions that may be appealed in accordance with procedures specified in SJCC 18.80.140.

**Section 11.** SJCC 18.90.060.1.1 and Ord. 16–2002 § 3 shall be amended as follows:

**18.90.060 Master planned resort (MPR) procedures.**

**A. Applicability.**

1. **New Resorts.** An application for a new MPR, and any applications for subsequent phases or for amendment of the master plan.
2. **Existing Resorts Without Approved Master Plans.**
  - a. Before receiving development approval for any new development (including buildings, paved areas and parking, and docks) cumulatively exceeding 4,000 square feet, new phase of development, new land division, new plan amendment-type of use, or change or addition to the allowable uses, any existing MPR that has not developed a master plan shall establish a schedule and develop a master plan to meet the requirements of this section, SJCC 18.30.060, 18.60.190, and other applicable sections of this code.
  - b. The requirements of subsection (A)(2)(a) of this section do not apply to any development for which a permit has been granted or for which a complete application is made prior to the adoption of this code.

**B. Purpose.** To provide for the planning, development, and operation of master planned resorts (MPR) and their master plans (RCW 36.70A.360 and 36.70A.362).

**C. Master Plan Requirements.** A master plan shall be prepared for the MPR to describe the project and provide a framework for project control and operation during and after development. This shall include:

1. 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.
2. A description of the destination resort facilities of the MPR, including short-term visitor accommodations, on-site outdoor and indoor recreational facilities, off-site and excursion opportunities offered or provided as part of the resort's services, and commercial and supportive services provided. The manner in which these services will support and be integrated into the on-site recreational nature of the resort shall be discussed as part of a

recreation plan and/or the required discussion in subsection (C)(3) of this section.

3. A description, with supportive information, 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 discuss how landscaping and open space, recreational facilities (if any), road and parking design, capital facilities, and other components of the master plan work together in the project.
4. In connection with the descriptions above, a listing of the proposed additional allowable uses and maximum density of the MPR as provided in SJCC 18.60.190(B)(2) and (3), and a discussion of how these uses and their distribution meet the needs of the resort and its patrons.
5. A description of any location-specific standards that are established to retain and enhance the character of the particular resort, and of how the MPR is meeting or will meet those standards.
6. 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.
7. A 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.
8. Additional maps, drawings, illustrations, or other materials, as appropriate, to assist in understanding and visualizing the design and operation of the development and its facilities and services, landscaping, protection of environmentally sensitive areas, and other features of the development.
9. 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.
10. Specific values and supportive information and rationale for the choices made for the flexible standards listed in SJCC 18.60.190(B)(1).
11. A demonstration that sufficient facilities and services which may be necessary, appropriate, or desirable for the support of the development will be available, and that concurrency requirements of SJCC 18.60.200 will be met.
12. A description of the environmentally sensitive areas of the project area, and the measures that will be employed for their protection.

#### **D. Application Requirements.**

1. **New Master Plan for a New Master Planned Resort.** For new MPR applications, a draft of the master plan shall be prepared to meet the requirements of SJCC 18.60.190 and this section. The planning department will evaluate the application and master plan, and if found to be complete, the department will forward recommendations to the planning commission. The application shall also include a request for a land use redesignation (and density change, if applicable) for the MPR activity center to meet the requirements of subsection (E) of this section.
2. **New Master Plan for an Existing MPR.** A draft of the new master plan required by subsection (A)(2) of this section shall be prepared to meet the requirements of SJCC 18.60.190 and this section, and the environmental review requirements of SJCC 18.80.050. The planning department will evaluate the master plan, and if found to be complete the department will forward recommendations to the planning commission.
3. **Planned Unit Development (PUD) Application.**
  - a. **When to Prepare.** A PUD application shall be prepared for approval of:
    - i. Any new development in an MPR land use designation, except as provided in subsection (D)(5) of this section;
    - ii. Each new phase of development. A phase that is consistent with the approved master plan will not require a master plan amendment.

**b. PUD Submittal Requirements.**

- i. A vicinity map showing the location of the site and its relationship to surrounding areas.
- ii. A site plan describing all proposed developments and the proposed locations of all uses.
- iii. If no land division or binding site plan is required, the requirements of SJCC 18.80.020(C) must be met.
- iv. If the PUD requires land division or a binding site plan, the preliminary and final subdivision requirements of SJCC 18.70.050 and 18.70.070, or binding site plan requirements of SJCC 18.70.090, must be met.
- v. If dwelling units are proposed, a statement of the number of units and average density.
- vi. A statement that discusses how the proposed PUD is consistent with the approved Master Plan, including the percentage of open space and the location of and provisions for protection of environmentally sensitive areas.
- vii. A demonstration that the MPR will contain sufficient infrastructure and capacity to meet the additional demands of the PUD and the requirements of this code for water, sewage treatment, and stormwater management.
- viii. A calculation of estimated new demands on capital facilities and services, proposed capital improvements or noncapital alternative strategies to address demands. The PUD shall undergo a review for concurrency as provided in SJCC 18.60.200.
- ix. An environmental assessment in accordance with the requirements of SJCC 18.80.050.

**4. Master Plan Amendment Application.**

- a. **When to Prepare.** An amendment to the master plan shall be prepared for the approval of new development in any one-year period in an MPR planning area when any of the following occur:
  - i. A new type of recreational facility is proposed that was not previously discussed in the master plan;
  - ii. New uses are proposed that were not previously authorized in the master plan and are represented in the Allowable and Prohibited Uses Table 3.1 in SJCC 18.30.030 as requiring a plan amendment; or
  - iii. A major change in theme or market approach is proposed which would result in the need for different or expanded facilities.
- b. An application for amendment of the master plan shall submit those discussions and plans that are required by subsections (C) and this subsection, and other materials or information that are new or modified from the materials included in the existing master plan, plus provide such additional unchanged material as is necessary for the understanding and review of the proposed amendment.
- c. Each amendment of a master plan shall undergo an environmental assessment and concurrency review in accordance with the requirements of SJCC 18.60.200 and 18.80.050.

**5. Minor Changes to a Master Planned Resort.**

- Some minor changes do not require a PUD application or a master plan amendment but remain subject to the requirements of this code, including case-by-case permit review where applicable. Such minor changes include:
- a. Routine maintenance of existing roads, footpaths, bicycle paths, structures, and utilities.
  - b. Minor activities, excluding construction, that are consistent with the master plan and approved PUDs.
  - c. Activities, including construction, that are consistent with the master plan but which have not been included in an approved PUD may be submitted for case-by-case permit approval, subject to the following restrictions:
    - i. For any activities or uses that would require a conditional use or shoreline conditional use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would require a conditional use permit, a PUD application must be submitted.
    - ii. Any activities or uses that would not require a conditional use or shoreline conditional

use permit, or whose impacts according to Table 8.2 in SJCC 18.80.090 would not require a conditional use permit, may be submitted according to the permit application, notice, and hearing requirements of Chapter 18.80 SJCC, and processed according to the permit procedures of Chapter 18.80 SJCC appropriate to the use classification; provided, that whenever the cumulative development (including buildings, paved areas and parking, docks, and newly landscaped areas) not included in previously approved PUDs meets or exceeds 4,000 square feet, a new PUD application must be submitted.

**E. Designation of an MPR Activity Center land use District.** Procedures for amendments to the official maps shall be as set forth in SJCC 18.90.020, as modified in this section.

1. A request for amendment of the official maps in order to designate an MPR activity center, and any associated changes in densities, shall be submitted together with the application for the MPR. The planning department shall evaluate the request to modify the official maps and shall forward recommendations to the planning commission and BOCC for consideration.
2. The time limitation of SJCC 18.90.030 does not apply to a request for amendment that is submitted in connection with an application for an MPR.
3. The request for amendment shall include a discussion that addresses the information requirements of SJCC 18.90.030 and identifies where in the application materials and master plan the information and discussions may be found.
4. Through the use of legal descriptions and maps, the application shall identify clearly the areas for which the changes are requested. The reason or reasons for the request shall be clearly stated. The application shall describe how the proposed change meets all of the criteria for approval listed in SJCC 18.90.030(F) and subsection (H)(1) of this section.

**F. Notice and Hearing.**

1. **Minor Changes to Master Plan.** Notice and hearing requirements as applicable and as provided in this code.
2. A hearing before the hearing examiner, and notice of application and of public hearing, are required (see SJCC 18.80.030) for all PUD applications.
3. A hearing before the planning commission, and notice of application and of public hearing, are required (see SJCC 18.90.020) for:
  - a. The initial application and approval of the master plan and project, and the amendment of the official maps;
  - b. A new master plan for an existing MPR; and
  - c. All master plan amendments.

**G. Decisionmaking Authority.**

1. The administrator is vested with the authority to approve or deny minor changes.
2. The hearing examiner is vested with authority to hear and decide all PUD applications.
3. The planning commission is vested with authority to hear and make recommendations on MPR activity center designation and on density changes.
4. The board of County commissioners is vested with authority to designate new master planned resort land use districts, to approve the uses, densities, and standards within those districts, and to approve or deny a master plan and amendments to the master plan.

**H. Criteria for Approval.**

1. **Master Planned Resort Proposal and Application.** 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.
  - a. The master plan meets or exceeds the requirements of this section and SJCC 18.60.190.
  - b. The MPR is consistent with the goals and policies of the Comprehensive Plan, the requirements of the Shorelines Master Program in Chapter 18.50 SJCC, and complies with all other applicable sections of this code and all other codes and policies of the County.
  - c. 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.

- d. The MPR will provide active recreational uses such as boating, pools, and playing fields, and sufficient services such as transportation access, police, fire, and social and health services, to adequately meet the needs of the guests and residents of the MPR.
- e. The MPR will contain within the development (or be provided by outside providers as per SJCC 18.30.060(C)) all necessary supportive and accessory on-site urban-level commercial and other services, and such services shall be oriented to serve the MPR.
- f. 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, public views, and historic and other important features.
- g. 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.
- h. The master plan establishes location-specific standards to retain and enhance the character of the resort.

2. **MPR Activity Center Designation.** The County may approve or approve with modifications an application for a change of designation or density for the property in order to designate the MPR activity center and make associated density changes if all of the criteria of SJCC 18.90.030(F); provided, that new urban and suburban land uses are precluded from outside of the boundaries in the vicinity of the MPR except in designated urban growth areas per RCW 36.70A.360(2) and 36.70A.362(2)(e).

3. **Planned Unit Development Application.** The burden of proof shall be on the applicant. A PUD shall be approved by the County only if all of the following criteria are met:

- a. The proposed activities, developments and uses will not be contrary to the intent or purposes and regulations of this code or the Comprehensive Plan;
- b. The proposal is consistent in design, character and appearance with the goals and policies for the MPR land use designation in which the proposed use is located, and the approved master plan;
- c. The proposal meets or exceeds the requirements of SJCC 18.60.190;
- d. If the PUD requires land division or a binding site plan, it meets the requirements of SJCC 18.70.090;
- e. The proposal identifies and protects environmentally sensitive areas, archaeological and historic resources, and visual and aesthetic resources; and environmental considerations are employed in the design, placement and screening of facilities and amenities;
- f. The proposal will not cause significant adverse impacts on the human or natural environments that cannot be mitigated by conditions of approval;
- g. The appropriate County officials have certified that the proposal will be served by adequate facilities including access, fire protection, water, stormwater control, and sewage disposal facilities;
- h. The proposal passes all concurrency tests as provided in SJCC 18.60.200;
- i. The location, size, and height of buildings, structures, walls and fences, and screening vegetation for the proposed use, shall not hinder allowable development or use of neighboring properties; and
- j. The proposed land uses, activities, and structures comply with applicable development standards of Chapter 18.60 SJCC and performance standards specified in Chapter 18.40 SJCC, and with any required mitigation measures.

4. **New Master Plan for an Existing MPR.** An application for approval of a master plan for an existing MPR may be approved, or approved with modifications, if it meets all of the criteria in subsection (H)(1) of this section. If no reasonable conditions or modifications can be imposed to ensure that the application meets these criteria, then the application shall be denied.

**I. Time Limits.**

1. **Initiation of a New Master Planned Resort.** The first PUD application shall be submitted within two years of the date of master plan and MPR approval, or the approval shall become null and void. An extension of up to one year may be granted by the administrator if the

proponent demonstrates good cause for an extension. An extension up to an additional three years may also be granted by Council resolution after a public hearing.

2. **Planned Unit Development.**

- a. If the PUD requires land division or a binding site plan, the time limits of SJCC 18.70.050(G), 18.70.070(F), 18.70.090 and 18.70.110 shall apply.
- b. If no land division or binding site plan is required, construction must be completed within five years of approval of the PUD. A one-year extension may be granted by the administrator.

3. **New Master Plan for an Existing MPR.** The master plan shall be submitted to the planning department within two years of the date of adoption of the Comprehensive Plan.

- a. An extension of up to one year may be granted by the planning director if the proponent demonstrates good cause for an extension. Subsection (A)(2)(a) of this section will continue to apply during that period.
- b. If no extension is granted, or the extension expires without submittal of the master plan, the planning director will notify the administrator. Thereafter, the administrator shall accept no further development applications and grant no further development approvals for the MPR until the planning director accepts a master plan application as meeting the requirements of subsection (D)(2) of this section.
- c. If subsection (I)(3)(b) of this section has applied for one year, or if the proponent submits a letter stating that it does not intend to develop a master plan, the planning director will recommend to the board of County commissioners the revocation of the MPR designation and MPR land use district designation.

**J. Appeals.**

1. **Master Planned Resort Proposals, MPR Land Use Designations, Master Plan Amendments.** BOCC decisions may be appealed as provided in state law.
2. **Planned Unit Development Proposals.** The decisions of the hearing examiner may be appealed in accordance with procedures specified in SJCC 18.80.140.
3. Administrative decisions may be appealed in accordance with procedures specified in SJCC 18.80.140. (Ord. 16-2002 § 3; Ord 11-2000 § 8; Ord. 2-1998 Exh. B § 9.6)

**SECTION 12. Savings Clause.**

This ordinance shall not affect any pending suit or proceeding; or any rights acquired; or liability or obligation incurred under the sections amended or repealed; nor shall it affect any proceeding instituted under those sections. All rights and obligations existing prior to adoption of this ordinance shall continue in full force and effect.

**SECTION 13. Severability.**

If any provision of this ordinance or its application to any person is held invalid, the remainder of this ordinance and the application to other persons or circumstances shall not be affected. Remaining sections of the ordinance shall be interpreted to give effect to the spirit of the ordinance prior to removal of the portions declared invalid.

**SECTION 14. Effective Date.**

This ordinance shall take effect on \_\_\_\_\_, 2009

**SECTION 15. Codification.**

Sections 1-10 shall be codified.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_ 2009

2009.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_

**COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: \_\_\_\_\_  
Ann Larson, Clerk  
Date:

\_\_\_\_\_  
Lovel Pratt, Member  
District 1, San Juan South

\_\_\_\_\_  
Rich Peterson, Member  
District 2, San Juan North

REVIEWED BY COUNTY  
ADMINISTRATOR

\_\_\_\_\_  
Howard Rosenfeld, Member  
District 3, Friday Harbor

\_\_\_\_\_  
Pete Rose Date:

APPROVED AS TO FORM ONLY  
RANDALL K. GAYLORD

\_\_\_\_\_  
Richard Fralick, Member  
District 4, Orcas West/Waldron

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

\_\_\_\_\_  
Gene Knapp, Member  
District 5, Orcas East

\_\_\_\_\_  
Bob Myhr, Member  
District 6, Lopez/Shaw