

November 3, 2009 Draft

AN ORDINANCE AMENDING SAN JUAN COUNTY CODE SECTION 18.30.040 REGARDING ALLOWABLE AND PROHIBITED USES IN RURAL, RESOURCE, & SPECIAL LAND USE DISTRICTS

BACKGROUND

- A. San Juan County Code (SJCC) 18.30.040, Table 3.2 allows Outdoor Recreation Developments in the Rural Farm Forest land use district by Conditional Use Permit. It does not allow Indoor Recreation Facilities.
- B. The Comprehensive Plan Goal for Recreation is to provide for recreational opportunities to meet the needs and interests of County residents while ensuring that recreational uses are compatible with the natural limitations of each specific site and surrounding uses. Comprehensive Plan Section B, Element 2, Policy 2.2.E.3 is to allow commercial recreational developments, consistent with the above goal, which will serve to complement public recreational facilities.
- C. A community service organization on Lopez is interested in building an indoor community swimming pool to meet the needs and interests of County residents.
- D. The County Council makes the following findings:
1. An environmental checklist was prepared evaluating potential environmental effects of the proposed amendment to the Unified Development Code, a notice of Determination of Non-significance was published on July 22, 2009, 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.
 2. The 60-day notice on the amendment to the Unified Development Code, as required by RCW 36.70A.106, was provided to the Department of Commerce on August 7, 2009.
 3. This amendment is being considered as part of the first set of changes to the Unified Development Code for 2009.
 4. The Planning Commission conducted a duly advertised public hearing on August 21, 2009, received public testimony, and recommended approval of the proposed amendments to the Unified Development Code.
 5. The County Council conducted a duly advertised public hearing on _____, at which time the public had the opportunity to comment.
 6. The County Council agrees with the findings and recommendations of the Planning Commission.

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

Section 1. SJCC 18.30.040 Table 3.2 and Ordinance 15-2005§3 are each amended to read as follows:

SJCC 18.30.040.

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾									
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Commercial Uses										
Animal Shelters and Kennels	C	No	C	No	C	No	No	No	No	
Automotive Fuel, Service and Repair Stations	C	No	No	Prov	Prov	No	No	No	No	
Bed & Breakfast Inn	C	No	C	No	Prov	No	No	No	No	
Bed & Breakfast Residence	Prov	No	Prov	No	Prov	(C if historic) ⁽⁸⁾ Prov	(C if historic) ⁽⁸⁾ Prov	(C if historic) ⁽⁸⁾ No	No	
Camping Facilities	C	No	No	No	No	No	No	No	No	
Day Care with 1-6 children	Prov	Prov	Prov	Prov	Prov	Prov	Prov	No	No	
Day Care with 7+ children	C	C	C	C	Prov	No	No	No	No	
Drinking Establishment	No	No	No	No	No	No	No	No	No	
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 ⁽⁹⁾	No	No	No	No	
Personal wireless communications service facilities at potentially suitable locations ^(3, 17)	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	

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾								
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Resorts and Camps, new	C	No	No	No	No	No	No	No	No
			(C if historic) ⁽⁸⁾		(D if historic) ⁽⁸⁾				
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 ⁽¹¹⁾	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
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
Lumber Mills, Stationary	C	No	Prov	Prov	D	D	D	No	No
Outdoor Storage Yards	C	No	No	Prov	No	No	No	No	No
Reclamation of Mineral Extraction Sites	D	D	D	D	D	D	D	D	D
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 ⁽¹²⁾ (C if existing)	No	No	No	No	No
Mining and Mineral Extraction Activities	C	No	No	No ⁽¹²⁾ (C if existing)	No	No	No	No	No

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾									
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	C	No	No	Prov	No	No	No	No	No	No
Wholesale Distribution Outlet	C	No	No	No	No	No	No	No	No	No
Wrecking and Salvage Yards	C	No	No	D	No	No	No	No	No	No
Unnamed Industrial Uses	C	No	No	C	No	No	No	No	No	No
Institutional Uses										
College or Technical School/Adult Education Facility	C	No	No	C	C	No	No	No	No	No
Community Club or Community Organization Facility	C	C	No	No	D	(D at Port Stanley School) ¹⁸	No	No	(D at UW FHL)	No
Emergency Services	Yes	C	C	Yes	Yes	C	C	C	C	No
Government Offices	No	No	No	No	No	No	No	No	No	No
Institutional Camps	No	No	No	No	No	No	No	No	No	No
Library	C	C	(D if historic) ⁽⁸⁾	No	No	No	No	No	No	No
Museum	C	C	No	No	C	(C at Port Stanley School) ¹⁸	No	No	No	No
Post Office	No	No	No	No	No	No	No	No	No	No
Religious Assembly Facility	D	D	D	D	D	C	C	No	No	No
School, primary and secondary	C	No	No	No	C	No	No	No	No	No
Unnamed Institutional Uses	C	No	No	C	C	No	No	No	No	No
Recreational Uses										
Camping Facilities in public parks	C	No	No	No	No	No	No	C	No	No
Indoor Recreation Facilities	C	No	No	No	C	No	No	No	No	No
<u>Indoor Swimming Pool</u>	<u>C</u>	<u>No</u>	<u>C</u>	<u>No</u>	<u>C</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>No</u>
Outdoor Recreation Development	C	C	C	C	C	No	No	D	C	C
Parks	C	C	C	C	C	No	C	D	C	C
Playing Fields	C	C	C	C	C	No	No	C	No	No

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾									
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Recreational Vehicle Parks	No	No	No	No	No	No	No	No	No	No
Outdoor Shooting Ranges	C	No	No	C	No	No	No	No	No	No
Unnamed Recreational Uses	C	C	C	C	C	C	C	No	No	No

Residential Uses

Cottage Enterprise	Prov	No	Prov	Prov	Prov	Prov ¹⁹	Prov	Prov	No	No
Farm Labor Accommodations for persons employed in agricultural production on the premises	Prov	No	Prov	Prov	Prov	Prov	Prov	No	No	No
Farm Stay	Prov	No	Prov	No	No	Prov	Prov	No	No	No
Home Occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mobile Home Parks ⁽¹³⁾	No	No	No	No	No	No	No	No	No	No
Multi-family Residential Units (3+ units)	No	No	D	No	No	No	No	No	No	No
Single-Family Residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	Prov	No	Prov	Prov ⁽¹⁶⁾	Prov ⁽¹⁶⁾	Prov	Prov	No	No	No
Single-Family Residential Unit	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes	Yes
Two-Family Residential (duplex)	No	No	Yes	No	No	Yes	Yes	No	No	No
Rural Residential Cluster Development	No	D	D	No	No	No	No	No	No	No
Unnamed Residential Uses	C	C	C	No	No	C	C	No	No	No
Vacation Rental of Residence or Accessory Dwelling Unit ⁽¹⁰⁾	Prov	C ⁽¹⁰⁾	Prov	Prov	Prov	No	No	No ⁽¹⁰⁾	No ⁽¹⁰⁾	No ⁽¹⁰⁾

Transportation Uses

Airfields	C	No	No	No	No	No	No	No	No	No
Airports	C	No	No	No	No	No	No	No	No	No
Airstrips	C	No	No	No	No	No	No	No	No	No
Hangars	Prov	Prov	Prov	No	No	No	No	No	No	No
Helipads	No	No	No	No	No	No	No	No	No	No
Ferry Terminal	C	No	No	C	C	No	No	No	No	No
Parking Lots, commercial	No	No	No	No	No	No	No	No	No	No
Parking Structures	No	No	No	No	No	No	No	No	No	No
Streets, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C	C	C
Trails and Paths, public	Yes	Yes	Yes	Yes	Yes	Yes	Yes	C	C	C

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾									
	Rural Districts					Resource Lands		Special Lands ⁽⁷⁾		
	RGU	RR	RFF	RI	RC	AG	FOR	C	N	
Unnamed Transportation Uses	D	D	D	D	D	C	C	C	C	
Utilities Uses										
Commercial Communication Facilities ⁽¹⁷⁾	C	No	C	Prov	C	C	C	No (C at Mt. Constitution 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	
Agricultural and Forestry Uses										
Agricultural Processing, retail, and Visitor-serving Facilities for Products	D	No	D	D	D	D ²⁰	D	No	No	
Agricultural Uses and Activities	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	
Forest Practices ⁽¹⁴⁾ , 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 ²⁰	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:

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 18.30.190 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 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 2. 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 3. Effective Date.

This ordinance shall take effect on the tenth working day after adoption.

Section 4. Codification.

Section 1 shall be codified.

ADOPTED this ____ day of _____ 2009.

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

ATTEST: Clerk of the Council

By: _____
Ingrid Gabriel, Clerk Date

REVIEWED BY COUNTY
ADMINISTRATOR

Pete Rose Date

APPROVED AS TO FORM ONLY
RANDALL K. GAYLORD

By: _____
Date

Lovel Pratt, Member
District 1, San Juan South

Richard Peterson, Chair
District 2, San Juan North

Howard Rosenfeld, Member
District 3, Friday Harbor

Richard Fralick, Vice Chair
District 4, Orcas West/Waldron

Gene Knapp, Member
District 5, Orcas East

Bob Myhr, Member
District 6, Lopez/Shaw