

Chapter 18.30
LAND USE DISTRICTS

Sections:	Page
Article I. Activities and Uses	
18.30.010 Land use districts	1
18.30.020 Land use regulations – Allowable and prohibited uses by designation and allowable residential densities.....	2
18.30.030 Land use table – Activity center land use districts.....	5
18.30.040 Land use table – Rural, resource, and special land use districts.....	11
18.30.050 Land use regulations – General provisions.....	17
18.30.060 Master planned resorts – Special provisions.	18
18.30.070 Rural, resource, and special districts – Special provisions.....	19
Article II. Overlay Districts	
18.30.080 Overlay districts – Purpose	20
18.30.090 Overlay districts – Maps	20
Article III. Special Overlay District Regulations	
18.30.100 Mineral resource lands district (MRL).....	20
18.30.110 Environmentally sensitive areas district (ESA).....	21
18.30.120 Geologically hazardous areas	22
18.30.130 Frequently flooded areas	23
18.30.140 Critical aquifer recharge areas.	23
18.30.150 Wetlands	24
18.30.160 Fish and wildlife habitat conservation areas.	32
18.30.170 Open space conservation overlay district (OSC).....	35
18.30.180 Airport overlay district (AOD).....	35
Article IV. Subarea Plans, Interim Controls and Development Standards	
18.30.190 Subarea plans.....	36
18.30.200 Interim controls in village and hamlet activity centers	36
18.30.210 Interim land use controls in Lopez Village urban growth area.	37
18.30.220 Land use standards in residential activity centers	38
18.30.230 Residential development standards in island centers, rural industrial and rural commercial districts.....	39

Article I. Activities and Uses

18.30.010 Land use districts.

The San Juan County Comprehensive Plan establishes four principal land use classes for the County. Each class permits a different level of activity. The four general classes are growth areas, activity centers (which include areas of more intensive rural development and master planned resorts), rural lands, and resource lands. The individual land use categories within the classes are

referred to as “districts.”

This section of the Unified Development Code provides development regulations by identifying uses and activities which may or may not be established in these classes. These classes have been developed based on:

- Natural systems and land capability;
- Existing land use patterns;
- The needs and expressed desires of the community; and

- Coordination with the Shoreline Management Act and the County Shoreline Master Program in Chapter 18.50 SJCC.

A. Growth areas are urban lands, which provide for compact urban development, urban-level services, and urban levels and intensities of uses and activities. This includes one category or “district”: urban growth area district (UGA).

B. Rural Activity Centers. The purpose of this land use class is to provide centers of activity in rural areas in a concentrated development pattern and allow for infill with a similar intensity of uses. Rural activity centers offer diverse employment opportunities; a variety of residential densities and housing types; and general commercial, general industrial, institutional, recreational, and community uses. This land use class includes five categories or “districts.” Four of these categories (village activity centers, hamlet activity centers, residential activity centers, and island centers) are existing areas of more intensive rural development (AMIRDs) as provided for in RCW 36.70A.070(5) (d). Master planned resorts provide for urban-level recreational development and services in a rural setting and context.

1. Village activity center district (V).
 - a. Commercial (VC).
 - b. Industrial (VI).
 - c. Residential (VR).
2. Hamlet activity center district (H).
 - a. Commercial (HC).
 - b. Industrial (HI).
 - c. Residential (HR).
3. Residential activity center district (RAC).
4. Island center district (IC).
5. Master planned resort district (MPR).

C. Rural Lands. This land use class includes five categories or “districts”:

1. Rural general use (RGU).
2. Rural residential (RR).
3. Rural farm-forest (RFF).
4. Rural industrial (RI).
5. Rural commercial (RC).

D. Resource Lands. This land use class includes three categories or “districts”:

1. Agricultural resource lands (AG).
2. Forest resource lands (FOR).
3. Mineral resource lands (MRL) overlay district (see SJCC 18.30.080).

E. Special Districts. The purpose of this rural land use subclass is to protect, conserve, and manage existing natural conditions, resources, and valuable historic,

cultural, educational, or scientific research areas and to preserve indigenous plant and animal species and ecosystems in a natural state for the benefit of existing and future generations without precluding compatible human uses. This land use class includes two categories or “districts”:

1. Conservancy lands (C);
2. Natural lands (N). (Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.1)

18.30.020 Land use regulations – Allowable and prohibited uses by designation and allowable residential densities.

The land use regulations which follow implement the Comprehensive Plan. They are broken down into broad categories which should include almost any type of land use that might be proposed. The use regulations establish standard procedures for all new development.

A. Categories of Allowable Use. Land uses allowed under this code are divided into five categories, as identified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040.

1. **Uses Allowed Outright.** Uses allowed without a project permit, subject to the applicable development standards (Chapter 18.60 SJCC; *see also* SJCC 18.80.070), are designated by a “YES”;
2. Provisional uses allowed subject to the applicable development standards (Chapter 18.60 SJCC) and performance standards unique to the proposed use (Chapter 18.40 SJCC; *see also* SJCC 18.80.080), are designated by “Prov”;
3. Discretionary uses allowed subject to the applicable development and performance standards (Chapters 18.40 and 18.60 SJCC) and an administrative review of potential impacts (SJCC 18.80.090) are designated by a “D” (for “discretionary”). On the basis of the administrative review, the administrator may require a conditional use permit for these uses;
4. Conditional uses allowed subject to the applicable development standards (Chapter 18.60 SJCC), performance standards unique to the proposed use (Chapter 18.40 SJCC), and a conditional use permit (SJCC 18.80.100), are designated by a “C”; and
5. New uses, or changes in the locations of uses, in a master planned resort activity center which require an amendment to the master plan (*see* SJCC 18.30.060, 18.60.190, and 18.90.060) are designated “P.A.” (for “plan amendment”).

B. Prohibited Uses. Uses designated with a “No” are not allowed in the applicable land use district.

C. Multiple Designations. Some properties or developments may be subject to the regulations for

two or more applicable land use districts, shoreline environments, or overlay districts.

D. Allowable Residential Density.

1. The maximum allowable residential density for all parcels is shown on the official maps of the San Juan County Comprehensive Plan. In determining the maximum number of allowable parcels or dwelling units, only whole numbers may be used. Fractional density units are not parcels and may not be combined across density designation or parcel boundaries to create a whole density unit.
2. Residential densities shown on the official maps of the Comprehensive Plan apply to both the areas subject to the jurisdiction of the Shoreline Master Program and the upland areas, except where shoreline regulations specify a different density.
3. The maximum allowable density reflects the general intent of the Comprehensive Plan and should be allowed unless maximum density would exceed site capabilities or unless it would thwart other applicable County land use regulations. If specific site considerations dictate a lower density than that shown on the official maps, the County shall have authority to impose a lower density. The approved density shall be determined on a case-by-case basis and shall be based on considerations of topography, protection of natural resources and systems, and the intent and policies of the Shoreline Management Act, the State Environmental Policy Act, the Comprehensive Plan, this code, and this Shoreline Master Program.

The allowed density may be reduced below the maximum if SEPA analysis or other evaluation of the site or area-wide conditions demonstrates that adverse effects of development at the maximum density can be mitigated or avoided by a reduction to the approved density, and no appropriate alternative means of mitigation is available.

4. The residential densities specified on the official maps shall not constitute and shall not be construed as minimum parcel sizes. Minimum parcel sizes may be set forth elsewhere in this code or in a subarea plan.
5. Temporary Exception for Tenants-in-Common as of December 20, 1998. The purpose of this exception is to provide a limited period of time for relief for unusual hardship situations that may be created for unrelated individuals holding property as tenants-in-common by density reductions established in the official maps adopted during the year 2000. A complete application for division of land under this

provision must be filed no later than December 31, 2002.

Division of land that would exceed maximum density standards may be allowed if all the following are met:

- a. The parcel has been owned by the same owners as tenants-in-common since before the December 20, 1998 official maps adoption date;
- b. The parcel is not within a natural or conservancy land use district and does not propose division of a natural or conservancy shoreline area;
- c. A subdivision or a binding site plan application must be approved according to the standards of Chapter 18.70 SJCC, as modified in this subsection (D)(5) and condominium standards (where applicable) under state law;
- d. Each parcel created, including any common area created under this subsection (D)(5) shall be restricted to prohibit further division to increase the number of residential units that may be constructed on the entire parcel divided under provisions of this subsection (D)(5);
- e. The number of parcels to be created shall not exceed the number of separate interests in the tenancy in common, plus one parcel in the case of creation of a parcel held in common on which no residential development is permitted. Individual tenancies may be jointly held, such as husband and wife, parent and child, and partners. To identify each tenant-in-common, the application shall include a certificate from an attorney licensed to practice law in Washington State, which identifies all pertinent documents to identify the tenants in common, confirms that those documents have been reviewed, and identifies the tenants-in-common as of the date the tenancy was established;
- f. The number of parcels created shall not exceed the smallest number established by the following limitations, plus one parcel in the case of creation of a parcel held in common on which no residential development is permitted:
 - i. The number of dwelling units that would have been permitted on the parcel in the official maps adopted December 20, 1998;
 - ii. One dwelling unit per five acres of land in the rural farm-forest district;

- iii. One dwelling unit per 9.5 acres of land plus one bonus dwelling unit for parcels greater than 50 acres in size in the agricultural resource land district;
 - iv. One dwelling unit per 19.5 acres of land plus one bonus dwelling unit for parcels greater than 50 acres in size in the forest resource land district;
 - g. In a case where the number of parcels permitted under subsection (D)(5)(f) of this section is smaller than the number of dwelling units legally constructed on the parcel prior to December 20, 1998, the parcel may be divided as follows:
 - i. The division will create new parcels only to the extent necessary to separate the ownership of the land where the existing structures occur.
 - ii. Lot coverage and setback standards in this code may be waived by the decisionmaking body if necessary to accommodate existing development.
- 6. Land division is prohibited in natural districts and in natural shoreline environments.
- 7. **Conservancy Lands (C).**
 - a. Where no numerical density designation is assigned on the official maps a maximum allowable density of one dwelling unit per five acres shall apply.
 - b. On publicly owned conservancy lands, the maximum allowable residential density is one dwelling unit per parcel, except for housing for employees (not to exceed that necessary for land or park management), or for housing associated with an existing public higher educational facility.
- 8. For all rural (except activity centers), resource, or conservancy districts, and for all shoreline areas, land division shall be subject to the conservation design provisions in SJCC 18.70.060 (B)(10).
- 9. **Lopez Village Urban Growth Area.** The maximum densities for all designations shall be as specified in SJCC 18.30.210.
- 10. Maximum allowable residential densities for planned unit developments in urban growth areas and residential activity centers shall be determined as provided in SJCC 16.55.240, 18.30.210, 18.30.220 and 18.60.220.
- 11. Maximum residential densities in master planned resorts are determined as provided in SJCC 18.30.060(B).
- 12. **Maximum residential densities within the unincorporated portion of the Friday Harbor Urban Growth Area.**
 - a. In that portion of the UGA where standards adopted by the town for its single-family residential zone apply (according to Section 7 of the “Friday Harbor Unincorporated Urban Growth Area Management Agreement”), the maximum allowable residential density shall be four dwelling units per acre.
 - b. In that portion of the UGA where standards adopted by the town for its light industrial, light manufacturing, or public utilities land use designations apply (according to Section 7 of the “Friday Harbor Unincorporated Urban Growth Area Management Agreement”), residential and general commercial development shall be prohibited.
- 13. **Exception for Rural Residential Cluster Development.** Land developed under the provisions of SJCC 18.60.230 shall be subject to the density provisions of that section.
- E. Development Standards and Use Limitations.** All uses are subject to certain bulk and dimensional standards, such as setbacks and off-street parking requirements. These standards are specified in Chapter 18.60 SJCC.
- F. Criteria for Site-Specific Redesignations and Master Planned Resort Approval.** The criteria for decisionmaking on these actions are specified in SJCC 18.90.030 and 18.90.060.
- G. Application, Notice, and Appeal Requirements.** The requirements to file an application, the administrative processes for handling the application, and appeal procedures, are specified in Chapter 18.80 SJCC. (Ord. 14–2000 § 7(ZZ); Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.2)

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 *also* 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. ^(1, 2, 3, 4, 5)

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
Commercial Uses								
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 ^(3, 14)	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.

Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts. ^(1, 2, 3, 4, 5)

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
Commercial Uses								
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
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 ⁽¹⁰⁾	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.
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

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
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.
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.
Institutional Uses								
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.
Recreational Uses								
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

Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts. ^(1, 2, 3, 4, 5)

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
Recreational Uses								
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.
Residential Uses								
Cottage Enterprise	Prov	Prov	Prov	Prov	Prov	Prov	Prov	P.A. ⁽⁸⁾
Farm Labor Accommodations for persons employed in agricultural production on the premises	Prov	No	Prov	Yes	No	Prov	Prov	P.A. ⁽⁸⁾
Farm Stay	Prov	No	Prov	Prov	No	Prov	No	P.A. ⁽⁸⁾
Home Occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	P.A. ⁽⁸⁾
Mobile Home Parks ⁽¹¹⁾	No	No	Prov	No	No	Prov	No	P.A. ⁽⁸⁾
Multi-family Residential Units (3+ units)	Prov	D	Yes	Yes	No	Yes	No	P.A. ⁽⁸⁾
Single-Family Residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	Yes	Yes	Yes	Yes	Yes	Yes	Yes ⁽¹³⁾	P.A. ⁽⁸⁾
Single-Family Residential Unit	Yes	D	Yes	Yes	Yes	Yes	No	P.A. ⁽⁸⁾
Two-Family Residential (duplex)	Yes	D	Yes	Yes	D	Yes	No	P.A. ⁽⁸⁾
Vacation Rental of Residence or Accessory Dwelling Unit ⁽⁹⁾	Prov	Prov	C ⁽⁹⁾	Prov	Prov	C ⁽⁹⁾	Prov	P.A. ⁽⁸⁾
Rural Residential Cluster Development	No	No	D	No	No	D	No	No
Unnamed Residential Uses	C	C	C	C	C	C	No	P.A. ⁽⁸⁾
Transportation Uses								
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.

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

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
Transportation Uses								
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
Utilities Uses								
Commercial Communication Facilities ⁽¹⁴⁾	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
Agricultural and Forestry Uses								
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 ⁽¹²⁾ , 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

Table 3.1. Allowable and Prohibited Uses in Activity Center Land-Use Districts. ^(1, 2, 3, 4, 5)

Land Uses	Classification of Uses by Land-Use District ⁽⁶⁾							
	Village			Hamlet			Island Center	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR ^(7, 8)
Agricultural and Forestry Uses								
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:

- 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.
- 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.
- 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.
- 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).
- 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
- 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.
- 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.
14. 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.

(Ord. 21–2002 § 4; Ord. 12–2001 § 4; Ord. 8–2001 Exh. B §18.30.030 (Table 3.1); Ord. 14–2000 § 7(AAA); Ord. 14–2000 § 7(AAA), (BBB); Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.2 (Table 3.1))

18.30.040 Land use table – Rural, resource, and special land use districts.

How to Use this Table									
Table 3.2 displays the classification of uses for rural, resource, and special land use districts, and Table 3.1 the classification of uses for activity center 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:									
<ul style="list-style-type: none"> • 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 <i>also</i> 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 3.2. 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 (C if historic) ⁽⁸⁾	No (C if historic) ⁽⁸⁾	No (C if historic) ⁽⁸⁾	No
Bed & Breakfast Residence	Prov	No	Prov	No	Prov	Prov	Prov	No (C if historic) ⁽⁸⁾	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
Commercial Uses									
Camping Facilities	C	No	No (C if historic) ⁽⁸⁾	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
Resorts and Camps, new	C	No	No (C if historic) ⁽⁸⁾	No	No (D if historic) ⁽⁸⁾	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 ⁽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

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
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
Lumber Mills, Stationary	C	No	Prov	Prov	D	D	D	No	No
Outdoor Storage Yards	C	No	No	Prov	No	No	No	No	No
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
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
Institutional Uses									
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	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) ⁽⁸⁾	No	No	No	No (D if historic) ⁽⁸⁾	No	No
Library	C	C	No	No	No	No	No	No	No
Museum	C	C	No	No	C	No	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

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 Uses									
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
Outdoor Recreation Developments	C	C	C	C	C	No	No	D	C
Parks	C	C	C	C	C	No	C	D	C
Playing Fields	C	C	C	C	C	No	No	C	No
Recreational Vehicle Parks	No	No	No	No	No	No	No	No	No
Outdoor Shooting Ranges	C	No	No	C	No	No	No	No	No
Unnamed Recreational Uses	C	C	C	C	C	C	C	No	No
Residential Uses									
Cottage Enterprise	Prov	No	Prov	Prov	Prov	Prov	Prov	Prov	No
Farm Labor Accommodations for persons employed in agricultural production on the premises	Prov	No	Prov	Prov	Prov	Prov	Prov	No	No
Farm Stay	Prov	No	Prov	No	No	Prov	Prov	No	No
Home Occupation	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Mobile Home Parks ⁽¹³⁾	No	No	No	No	No	No	No	No	No
Multi-family Residential Units (3+ units)	No	No	D	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
Single-Family Residential Unit	Yes	Yes	Yes	No	No	Yes	Yes	Yes	Yes
Two-Family Residential (duplex)	No	No	Yes	No	No	Yes	Yes	No	No
Vacation Rental of Residence or Accessory Dwelling Unit ⁽¹⁰⁾	Prov	C ⁽¹⁰⁾	Prov	Prov	Prov	No	No	No ⁽¹⁰⁾	No ⁽¹⁰⁾
Rural Residential Cluster Development	No	D	D	No	No	No	No	No	No
Unnamed Residential Uses	C	C	C	No	No	C	C	No	No
Transportation Uses									
Airfields	C	No	No	No	No	No	No	No	No
Airports	C	No	No	No	No	No	No	No	No
Airstrips	C	No	No	No	No	No	No	No	No
Hangars	Prov	Prov	Prov	No	No	No	No	No	No
Helipads	No	No	No	No	No	No	No	No	No
Ferry Terminal	C	No	No	C	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
Transportation Uses									
Parking Lots, commercial	No	No	No	No	No	No	No	No	No
Parking Structures	No	No	No	No	No	No	No	No	No
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
Utilities Uses									
Commercial Communication Facilities ⁽¹⁷⁾	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
Agricultural and Forestry Uses									
Agricultural Processing, retail, and Visitor-serving Facilities for Products	D	No	D	D	D	D	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	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.

(Ord. 21–2002 § 4; Ord. 12–2001 § 4; Ord. 8–2001 Ex. B § 18.30.040 (Table 3.2); Ord. 6–2001; Ord. 14–2000 § 7(AAA); Ord. 11–2000 § 4; Ord. 2–1998 Ex. B § 3.2 (Table 3.2))

18.30.050 Land use regulations – General provisions.

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 administrator.
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 administrator shall be notified at once.
3. The following shall be stated as a condition of approval on all development permits issued by the administrator 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 Administrator 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. 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 of Essential Public Facilities. The Growth Management Act directs that no comprehensive plan or development regulation may preclude the siting of essential public facilities (RCW 36.70A.200(2)). The location and permitting of essential public facilities shall be guided by the policies of the Comprehensive Plan, and 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.
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).
3. In land-use districts where the uses are prohibited, or within resource lands, environmentally sensitive 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. In such cases, the final selection of a site, including where necessary a determination that no practicable alternative exists, shall be made by the board of County commissioners.

Only if no practicable alternative exists, and then only to the minimum extent possible and in accordance with applicable regulations, may such facilities be located where the uses are prohibited, or within resource lands, environmentally sensitive areas, or special lands. The final selection of a site, including where necessary a determination that no practicable alternative exists, shall be made by the board of County commissioners.

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.
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. (Ord. 12-2001 § 4; Ord. 4-2001 § 1; Ord. 2-1998 Exh. B § 3.3)

18.30.060 Master planned resorts – Special provisions.

“Master planned resort” is an activity center designation established under the Comprehensive Plan.

A. Allowable Uses.

1. **Initial Determination.** Allowable uses and their locations within a master planned resort are determined during the development of the master plan. The SJC planning director shall recommend such uses and any conditions for uses to be considered allowable. The BOCC then determines these uses as part of the approval of the master plan.
2. **Changes in Uses.** Subsequent changes in uses or in the location of allowable uses at master planned resorts are handled through amendments to the master plan.
 - a. Recognizing that a master planned resort may require small changes to facilities and services in response to changing customer demand or markets, some degree of flexibility for the resort is desirable. Such flexibility eliminates the need for every change to be processed as a master plan amendment. Accordingly, Table 3.1 in SJCC 18.30.030, Allowable and Prohibited Uses in Activity Center Land Use Districts, identifies those uses which may be allowed

by the administrator without a master plan amendment after establishment of the master planned resort.

- b. The list of uses in Table 3.1 in SJCC 18.30.030 that may be allowed after establishment of a master planned resort is only to be used for changes to the uses in an approved master plan. It is not intended to, in any way, indicate which land uses or activities are appropriate to or may be approved for any particular master planned resort.

B. Residential Densities and Uses.

1. **Residential Density.** A mix of urban and suburban development densities may be established within an MPR activity center but must be integrated into and support the on-site recreational nature of the resort. This is determined at the time of master plan approval.
2. **Residential Density in the Vicinity of the Resort.** New urban and suburban land uses and densities are prohibited outside the boundaries of the MPR activity center.

C. Self-Contained Development. All necessary supportive and accessory on-site urban-level commercial and other services should be contained within the boundaries of the MPR activity center, and such services shall be oriented to serve the MPR. However, an outside service provider (including a municipality or special purpose district) may provide sewer, water, stormwater, security, fire suppression, or emergency medical services to the resort; provided, that all costs associated with service extensions and capacity increases directly attributable to the master planned resort are fully borne by the resort. A master planned resort and service providers may enter into agreements for shared capital facilities and utilities; provided, that such facilities and utilities serve only the master planned resort or urban growth areas.

D. Master Plan Amendments. The procedures and process for adopting or amending a master plan are as provided in SJCC 18.90.060 and in the particular master plan.

E. Planned Unit Development Applications. Any new development and any new phase of development in an MPR land use designation, except as provided in SJCC 18.90.060(D)(5), requires the approval of a planned unit development as provided in SJCC 18.90.060. A phase that is consistent with the approved master plan will not require a master plan amendment. (Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.4)

18.30.070 Rural, resource, and special districts – Special provisions.

A. Rural Farm-Forest (RFF). 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.

B. Agricultural and Forest Resource Lands. 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.

C. Conservancy Districts.

1. Practices for the maintenance of indigenous plants, for continuous growth of desirable tree and plant species native to the site, and for uses which do not involve physical development or alteration of property shall be allowed outright.
2. Uses which require physical development or alteration of property must protect the conservancy resource. The administrative consistency review of SJCC 18.80.070(E)(1) shall not be passed unless this protection is ensured.
3. **Residential Density.** The maximum in allowable residential densities for conservancy parcels are as described in SJCC 18.30.020(D)(7).
4. All residential development on publicly owned conservancy lands shall require a conditional use permit.

D. Natural Districts.

1. **Residential Density.** One residential unit is allowed per legal lot of record. Land division is prohibited.
2. **Required Permits and Use Limitations.**
 - a. Practices for the maintenance of indigenous plants, for continuous growth of desirable tree and plant species native to the site, and for uses which do not involve physical development or alteration of property shall be allowed outright.
 - b. Uses which require physical development or alteration of property are prohibited unless otherwise indicated in Table 3.2 in SJCC 18.30.040. The natural resource must be protected, and the administrative consistency review of SJCC 18.80.070(E)(1) shall not be passed unless this protection is ensured.

- c. Cultural facilities shall be limited to those designed for the purpose of conserving or interpreting the natural or cultural history of the property or for the education of visitors about its natural or cultural resources. Any such facility shall be small in scale, shall leave the majority of the site undisturbed, and shall have no more than a minimal impact on the character or value of the natural area.
- d. At Madrona Point on Orcas, if any provision of this section is in conflict with the terms or intent of the 1989 Agreement between the County and the Lummi Indian Tribe (executed under authority of 25 U.S.C. Section 465 and recorded under San Juan County Auditor's File Number 90164328), the 1989 agreement shall prevail. (Ord. 11-2000 § 4; Ord. 2-1998 Exh. B § 3.5)

Article II. Overlay Districts

18.30.080 Overlay districts – Purpose.

Overlay districts provide regulations in addition to those of other sections in this code for certain land areas and for uses which warrant specific recognition and management. See the official maps for the location of the overlay districts. Except as otherwise provided in this SJCC 18.30.080 through 18.30.180, the provisions of an overlay district shall prevail over any conflicting provisions of this code for the duration of the overlay district, subject to RCW Title 36. All other provisions of this code shall remain in full force and effect within the overlay district. The following types of overlay districts are provided by this code:

- A. **Mineral resource lands (MRL);**
- B. **Environmentally sensitive areas (ESA);**
- C. **Open space conservation (OSC);** and
- D. **Airport overlay district (AOD).** (Ord. 26-2002 § 3; Ord. 2-1998 Exh. B § 3.6.1)

18.30.090 Overlay districts – Maps.

- A. The official maps do not portray survey accuracy and do not provide a definitive answer as to whether any overlay district regulations apply to a specific property. Persons are encouraged to request a written interpretation from the administrator as to the presence or absence of an overlay district(s) on specific property. In those cases where the administrator provides a written interpretation, the interpretation shall be binding on the County. If written interpretations require a field investigation by a qualified professional, it will be done at the requestor's expense.

- B. **Environmentally Sensitive Areas (ESA) Maps.** The ESA maps are provided only as a general guide to alert the viewer to the possible location and extent of environmentally sensitive areas. The maps may not be relied on to establish the existence or boundaries of a sensitive area, nor to establish whether all of the elements necessary to identify an area as an ESA actually exist. Conditions in the field are controlling: in the event of a conflict between the information shown on the maps and information shown as a result of field investigation, the latter shall prevail. (Ord. 2-1998 Exh. B § 3.6.2)

Article III. Specific Overlay District Regulations

18.30.100 Mineral resource lands district (MRL).

- A. **Designation Procedures.** A mineral resource land (MRL) overlay district may be applied based upon the following criteria, only upon acceptance by the County of a complete application from a property owner and upon approval of a redesignation in accordance with SJCC 18.90.030. MRLs of long-term commercial significance are those lands from which the commercial extraction of minerals (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated within 20 years and which are characterized by all of the following:

1. Have a known or potential extractable resource in commercial quantities verified by submittal of a geologic and economic report prepared by a qualified professional;
2. Current or future land use will not exceed a residential density of one dwelling unit per 10 acres;
3. Are not within an activity center, rural residential, natural or conservancy designation or any shoreline designation;
4. Are not within a regulated wetland or fish and wildlife conservation area pursuant to SJCC 18.30.150 and 18.30.160.

- B. **Allowable and Prohibited Uses.** Allowable and prohibited uses within mineral resource lands overlay districts are specified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 for the underlying designation. All uses must comply with any applicable performance standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60 SJCC), unless otherwise specified in this code.

C. Nuisance and Disclosure Provisions.

1. **Nuisance.** The following shall not be considered a nuisance: mineral resource extraction and processing activities, operations (except between 7:00 p.m. and 7:00 a.m. and on weekends), facilities or appurtenances thereof, conducted or

maintained for commercial mineral resource extraction and processing purposes on land designated as mineral resource land (MRL), regardless of past or future changes in the surrounding area land use or land use designation.

2. **Disclosure.** The disclosure statement in subsection (C)(2)(b) of this section shall be used under the following circumstances and in the following manner:

a. Approval of any land division, land use, building, or development of lands adjacent to or within 500 feet of lands designated as mineral resource land (MRL) shall be conditioned on the execution by the applicant of a statement of acknowledgment containing the disclosure statement on forms provided by the permit center. The executed form shall be recorded by the County auditor in the same manner as a deed. However, if a disclosure conforming to the provisions of this subsection has been recorded for a prior permit, subsequent disclosures shall not be required.

b. The required disclosure statement is as follows:

If your real property is within five hundred (500) feet of real property within an area designated as Mineral Resource Land (MRL), you may be subject to inconveniences or discomforts arising from such operations, including but not limited to noise, tree removal, odors, fumes, dust, smoke, the operation of machinery, and the storage and disposal of aggregate products. One or more of the inconveniences described may occur as a result of extraction and processing operations which are in conformance with existing laws and regulations. San Juan County has determined that the use of certain real properties for mineral resource extraction and processing activities is necessary to ensure resource availability in the County. The County will not consider to be a nuisance those inconveniences or discomforts arising from extraction and processing operations, if such operations are consistent with commonly accepted best management practices and comply with local, state, and federal laws.

(Ord. 2-1998 Exh. B § 3.6.3)

18.30.110 Environmentally sensitive areas district (ESA).

A. Purpose. The environmentally sensitive areas overlay district (ESA) is adopted to implement the policies of the Comprehensive Plan for five types of environmentally sensitive areas as defined in SJCC 18.30.120 through 18.30.160:

1. Geologically hazardous areas.
2. Frequently flooded areas.
3. Critical aquifer recharge areas.
4. Wetlands.
5. Fish and wildlife habitat areas.

B. Applicability. This overlay district provides regulations for land use and development in and within 300 feet of environmentally sensitive areas.

Any land use or development activity which is subject to a development permit or approval under this code may be undertaken on land located within or containing an ESA or its buffer only if the provisions of this section are met. The appendices are incorporated herein by reference. A copy is on file at the auditor's office and planning department.

C. Allowable Uses. All uses shall be subject to requirements specified in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 for the underlying district, unless otherwise specified in this code.

D. General Exemptions. The following uses and activities are exempt from the provisions of this section; provided, that they are otherwise consistent with other sections in this code:

1. Emergencies that threaten the public health, safety, and welfare. An emergency is an unanticipated and imminent threat to the public health or safety or to the environment which requires immediate action within a period of time too short to allow full compliance with this code.
2. Routine maintenance and repair of existing structures, utilities, sewage disposal systems, water systems, drainage facilities, ponds, public and private roads, and driveways.
3. Installation, construction, replacement, or modification of (a) electrical lines or electrical facilities; (b) telecommunication lines; or (c) water and sewer distribution lines within private or public rights of way; provided, that a prior written statement of exemption is obtained from the administrator.
4. Establishment and routine maintenance and repair of lawns, landscaping, gardens, orchards, and fences accessory to a single-family residential use; provided, that where a regulated wetland or its buffer is present the provisions of SJCC 18.30.150, Wetlands, shall apply.

5. Removal of hazardous, diseased, or dead trees and vegetation and, when necessary, measures to control a fire or halt the spread of disease or damaging insects.
6. Land divisions exempt from the land division requirements as specified in SJCC 18.70.010(C).

E. Reasonable Use Exception. If the application of this section would result in denial of all reasonable use of a property (*i.e.*, denial of all economically beneficial or productive use of the land), development may be allowed which is consistent with the general purposes of this code, this section, and the public interest. "Reasonable use," for the purposes of this section, shall include improved area(s) totaling not more than 21,780 square feet or 80 percent of the parcel, whichever is less, on any parcel which constituted a legal building site prior to the adoption of these regulations. Within the improved area(s) the ESA may be cleared, filled, drained, excavated or otherwise altered by development. All improvements, including parking and driving areas, with the exception of a driveway for a single-family residence, shall be included in the improved area(s) unless the improvements are otherwise exempt under this section. Reasonable use exceptions from the provisions of this section shall be subject to all of the following criteria:

1. The application of this section would deny all reasonable use of the property so that there is no reasonable use, other than that proposed, with a lesser impact on the ESA;
2. The proposed development does not pose an unreasonable threat to the public health, safety or welfare; and
3. Any proposed improved area shall be located in such a way as to minimize the impact to the ESA. (Ord. 2-1998 Exh. B § 3.6.4)

18.30.120 Geologically hazardous areas.

A. Classification. Geologically hazardous areas are classified in three categories according to the probability of hazardous geologic activity occurring. In all cases, a slope is delineated by establishing its toe and top and measured by averaging the inclination over at least 20 feet of vertical relief. In the absence of a topographic field survey of the subject property, the administrator shall use the United States Coast and Geodetic Survey 7.5 Minute Series Topographic Quadrangle Maps to determine slopes.

1. Category I

- a. Areas designated in the Washington Department of Ecology Coastal Zone Atlas as U (Unstable), UB (Unstable Bluff), URS (Unstable Recent Slide), or UOS (Unstable

Old Slide) and other areas identified by site-specific geologic reports.

- b. Areas with slopes of greater than 50 percent and with a vertical relief of 20 feet or more, except areas of exposed, unfractured bedrock. If any portion of a slope meets this definition, the slope or some larger portion may be designated a landslide hazard area.

2. Category II.

- a. Erosion hazard areas characterized by soils identified in the USDA San Juan County Soil Survey as having severe water erosion hazards:

- i. The Pickett Soil portion within the Pickett-Rock Outcrop Complex;
 - A. (PrD-only where slope exceeds 15 percent);
 - B. (PrE);
- ii. The Roche Soil portion within the Roche-Rock Outcrop Complex, 30 to 70 percent slopes (RxE); or
- iii. Roche gravelly loam, 8 to 15 percent slopes (RgC).

- b. Any area with all three of the following characteristics:

- i. Slopes in excess of 15 percent;
- ii. Soil having layers of moderate or faster permeability (0.8 inches per hour or greater) overlying layers having very slow or slower permeability (0.20 inches per hour or less); and
- iii. Evidence of groundwater seepage to the surface.

- c. Areas directly underlain or affected by mine workings including steep and unstable slopes created by open mines. Mine hazard areas are based upon the identification of active or historic mining activity and site-specific information regarding topography and geology provided by the applicant as needed.

3. **Category III.** San Juan County in its entirety is located within Seismic Zone 3 in accordance with the Uniform Building Code.

B. Protection Standards.

1. Category I.

- a. The following shall be prohibited:
 - i. Structures where the primary occupancy is public assembly, including but not limited to schools, churches, day care centers, hospitals and other medical facilities; and

- ii. Facilities for emergency response and public safety.
 - b. Applications for development other than in subsection (B)(1)(a) of this section shall be accompanied by a geotechnical report, which is approved by the County and prepared in accordance with subsection (C) of this section, below, and which demonstrates that:
 - i. The slope is less than 80 percent; and
 - ii. There is no hazard or the hazard will be mitigated with appropriate conditions. The geotechnical report shall specify adequate development conditions to ensure this.
- 2. **Category II.** The administrator may, with discretion or upon receipt of a report from a qualified professional, waive or approve modifications to the requirements set forth in subsections (B)(2)(a – c) of this section.
 - a. Development shall be located in accordance with the following:
 - i. Structures and improvements shall be sited, designed, and constructed to minimize cut and fill and to retain as much of the natural topographic character of the slope as possible; and
 - ii. Structures and improvements shall be located to avoid the most hazard-prone portion of the site and to preserve vegetation necessary to prevent soil erosion.
 - b. Where previous human activity has significantly modified natural topography, the County may allow further modification of such slopes if a geotechnical report, prepared in accordance with subsection (C) of this section demonstrates that such activity will result in improved slope stability.
 - c. Cleared or graded areas must be restored and protected until replacement plantings are established and maintained unless occupied by structures or other impervious surfaces to avoid soil erosion and to stabilize slopes. Temporary erosion and drainage controls may be required unless permanent restoration and protection are timed to ensure slope stability in the wet season.
- 3. **Category III.** Development activities are required to conform to the applicable provisions of the Uniform Building Code which contains structural safeguards to reduce the risks from seismic activity.

C. Geotechnical Reports. If a geotechnical report is required in accordance with this section, it shall include investigation, testing, analysis, and recommendations and shall be prepared and signed by an engineer with relevant geotechnical education and experience, licensed to practice in the state of Washington. The engineer shall certify that the project as conditioned or otherwise will pose no unreasonable threat to persons or property either on- or off-site and that the project will not decrease slope stability. (Ord. 2–1998 Ex. B § 3.6.5)

18.30.130 Frequently flooded areas.

- A. Classification.** This section applies to all areas of special flood hazards within the jurisdiction of San Juan County as identified by the Federal Insurance Administration on its Flood Insurance Rate Maps (FIRMs), Numbers 530149 0001-0008, dated June 7, 1977, and any revisions thereto, which are hereby adopted by reference and declared to be part of this code. The FIRMs are on file at the permit center.
- B. Protection Standards.** All developments in areas of special flood hazards must first meet the requirements of this code including any subarea plans and the San Juan County health and building codes adopted in Chapters 13.04 and 15.04 SJCC, respectively. When allowed, such developments shall also meet the requirements for floodproofing or construction as detailed on the Federal Emergency Management Agency (FEMA) National Flood Insurance Program Elevation Certificates. (Ord. 2–1998 Ex. B § 3.6.6)

18.30.140 Critical aquifer recharge areas.

- A. Classification.** Potential critical aquifer recharge areas are divided into three classes, identified by soil types specified in the USDA-NRCS Soil Survey:
 - 1. **High.** Areas with high potential for aquifer recharge include the San Juan, Everett, and Indianola series soil types.
 - 2. **Medium.** Areas with medium potential include the Alderwood series and the Indianola-Roche complex soil types.
 - 3. **Low.** All remaining areas in the County are placed in the low category.

Because the combined effects of their soil types and hydrogeology create conditions which are more susceptible to contamination, potential critical aquifer recharge areas include only high and medium classes.

- B. Protection Standards for High and Medium Classes.**
 - 1. Applications for new development in potential critical aquifer recharge areas must demonstrate compliance with Chapter 13.04 SJCC, Sewer Service Systems, as amended.

2. The following uses are prohibited in potential critical aquifer recharge areas, unless any significant adverse impacts can be mitigated by conditions of approval. Hydrogeologic testing and site evaluation performed pursuant to subsection (C) of this section, may be required to demonstrate that the proposed land use will not degrade ground water, and that hydrogeologic conditions do not facilitate degradation:
 - a. Underground hazardous material storage tanks;
 - b. Commercial, industrial, institutional, or other facilities which store, use, handle, or produce hazardous substances or waste products;
 - c. Petroleum pipelines for other than single-family residential use;
 - d. Surface mining operations which are subject to a Washington Department of Natural Resources permit;
 - e. Solid waste landfills;
 - f. Land application of sewage sludge from sewage treatment works which combine industrial waste and commercial waste with domestic waste, or any sewage sludge operation exceeding two acres in size;
 - g. Development activities which require withdrawal of groundwater located in known areas of groundwater contamination, as evidenced by depletion of fresh water quality and quantity, for example by salt water intrusion;
 - h. All uses where repetitive pesticide and fertilizer applications are required or where any toxic substance is disseminated; and
 - i. Stormwater facilities and discharge points.
3. Application for any County permit for a commercial, industrial, or recreational use or development shall identify and inventory specific quantities and materials of a toxic or hazardous nature which may be used, stored, or produced on-site, along with their location and special handling requirements.
4. Agricultural uses shall employ best management practices in the application, storage, and disposal of pesticides, herbicides, and fertilizers, including livestock wastes.

C. Hydrogeologic Testing and Site Evaluation. When required, hydrogeologic testing and site evaluation shall be conducted by a qualified engineer or geologist with appropriate hydrological background and experience who shall characterize the site and its relationship to the aquifer. The scope of the hydrogeologic study shall be in direct relationship to

the scope of the proposed development. Such testing shall include, but not be limited to, an analysis of:

1. Depth to groundwater and impermeable soil layer;
2. Aquifer properties such as hydraulic conductivity and gradients;
3. Soil texture, permeability, and contaminant attenuation properties;
4. Characteristics of the vadose zone (the unsaturated top layer of soil and geologic material) including permeability and attenuation properties, and other relevant facts; and
5. The degree to which the aquifer is usable as a potable water source; the feasibility of protective measures to preclude further degradation; the practicability of treatment measures to maintain potability; and the availability of alternative potable water sources. (Ord. 2-1998 Exh. B § 3.6.7)

18.30.150 Wetlands.

A. Wetland Rating. The San Juan County wetland rating system (on file with the administrator) is designed to differentiate between wetlands based on their sensitivity to disturbance, rarity, irreplaceability, and the functions and values they provide. Rating categories apply to the regulated wetland as it exists on the effective date of this code, as the regulated wetland may naturally change thereafter, and as the regulated wetland may change in accordance with permitted activities. Ratings shall not be based on illegal modifications to a wetland. The categories are summarized in subsections (A)(1) through (A)(4) of this section.

1. **Category I.** These wetlands are the “best of the best.” These are wetlands that:
 - a. Contain a particular rare species;
 - b. Represent a high-quality example of a rare wetland type as defined in Appendix A*;
 - c. Are regionally rare; or
 - d. Provide irreplaceable functions and values.
2. **Category II.** These are wetlands that:
 - a. Contain very sensitive or important wildlife or plants on a seasonal or annual basis;
 - b. Are difficult to replace, as defined in Appendix A*;
 - c. Provide very high functions and values, particularly for wildlife habitat.
3. **Category III.** These wetlands provide important functions and values. They provide habitat for a variety of flora and fauna and occur more commonly throughout the County than either Category I or II wetlands.

4. **Category IV.** These are wetlands that are smaller, isolated, and have less diverse vegetation than Categories I, II, and III but still provide important functions and values.

B. Classification.

1. Wetlands are defined in SJCC 18.20.220. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites including but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, waste water treatment facilities, farm ponds, and landscape amenities. However, wetlands may include artificial wetlands created intentionally from nonwetland areas to mitigate conversion of wetlands if permitted by the County.
2. **Regulated Wetlands.** Not all “wetlands” as defined in SJCC 18.20.220 are “regulated wetlands.” Regulation of a wetland by this section is determined by the size and category of the wetland. Wetland sizes are determined in accordance with subsection (G) of this section, and are not limited by parcel boundaries. For the purposes of this section, “regulated wetlands” shall include those wetlands that meet the criteria in Table 3.3:

Table 3.3. Threshold size above which a wetland is regulated under SJCC 18.30.150.

Wetland Category	Threshold Size ^{1, 2}
I	[All Category I wetlands are regulated]
II	Greater than 2,500 sq. ft.
III	Greater than 5,000 sq. ft.
IV	Greater than 10,000 sq. ft.

Notes:

1. Wetland sizes are determined in accordance with SJCC 18.30.150(G) and are not limited by parcel boundaries.
2. Wetlands smaller than the threshold size for the category are not regulated by the County under SJCC 18.30.150.

However, wetlands that do not meet the size criteria in Table 3.3 may be regulated under the federal Clean Water Act.

The general location and extent of wetlands in San Juan County are shown in the National Wetlands Inventory (U.S. Department of the Interior) and the San Juan County Wetlands Inventory.

- C. **Regulated Activities.** Any land use or development activity which is subject to development permit or approval requirements of the San Juan County Code shall be subject to the provisions of this section,

including but not limited to the following activities which are directly undertaken or originate in a regulated wetland or its buffer, unless exempted under SJCC 18.30.110(D) or subsection (D) of this section:

1. The removal, excavation, grading, or dredging of material of any kind, including the construction of ponds and trails;
2. The dumping, discharging, or filling of any material;
3. The draining, flooding, or disturbing of the wetland water level or water table;
4. The driving of pilings;
5. The placing of obstructions;
6. The construction, reconstruction, demolition, or expansion of any structure;
7. The destruction or alteration of wetland vegetation through clearing, harvesting, shading, intentional burning, application of herbicides or pesticides, or planting of vegetation that would alter the character of a regulated wetland; provided, that these activities are not part of a forest practice governed under Chapter 76.09 RCW (Forest Practices Act) and its rules; or
8. Activities that result in:
 - a. A significant change of water temperature;
 - b. A significant change of physical or chemical characteristics of wetlands water sources, including quantity; or
 - c. The introduction of pollutants.

D. Exempt Activities.

1. **Wetlands.** The following uses shall be allowed within a regulated wetland without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in subsections (E) through (H) of this section, if they are not prohibited by any other law. However, forest practices and conversions are governed by Chapter 76.09 RCW and its rules.
 - a. Normal maintenance, repair, or operation of existing structures, facilities, or improved areas, such as lawns, landscaping, orchards, gardens, and driveways. Maintenance and repair do not include any modification that changes the character, scope, or size of the original structure, facility, or improved area, and do not include the construction of a maintenance road.
 - b. Modification or expansion of existing uses and structures, pursuant to the requirements of the nonconforming use and structure provisions of SJCC 18.40.310 and 18.80.120.

- c. Outdoor recreational activities, including hunting and fishing (pursuant to state law), birdwatching, hiking, boating, and swimming.
 - d. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require tilling soil, planting crops, or changing existing topography, water conditions, or water sources.
 - e. Existing and ongoing agricultural activities.
 - f. Normal maintenance, but not construction, of drainage ditches.
 - g. Use of existing nature trails.
 - h. Installation of navigation aids and boundary markers.
 - i. Site investigative work necessary for and use application submittal, such as surveys, soil logs, percolation tests, and other related activities. In every case, wetland impacts shall be minimized and disturbed areas shall be immediately restored.
 - j. Drilling or digging and maintenance of wells; provided, that wetland impacts are minimized and disturbed areas are immediately restored.
2. **Wetland Buffers.** In addition to those activities allowed in subsection (D)(1) of this section, the following activities are allowed within wetland buffers without having to meet the protection standards, or requirements for wetland studies or mitigation set forth in subsections (E) through (H) of this section; provided, that impacts to buffers are minimized and that disturbed areas are immediately restored except as specifically allowed in subsection (D)(2)(a) of this section.
- a. In association with a single-family residence only, the establishment and expansion of lawns, landscaping, orchards, gardens, and fences; provided, that:
 - i. Lawns, landscaping, orchards, and gardens shall be allowed within the outer 25 percent of the buffer width where no reasonable alternative is available. No structure other than fences nor any impervious surface shall be included in the above; and
 - ii. Fences shall be designed to allow the unimpeded passage of surface water beneath them.
 - b. Activities having minimal adverse impacts on buffers and no adverse impacts on regulated wetlands. These include low intensity, passive recreational activities,

such as pervious trails, nonpermanent wildlife watching blinds, scientific or educational activities, and sports fishing or hunting. Trails within buffers shall be designed to minimize impacts to the wetland, shall be no wider than five feet, shall not include any impervious surfaces, and shall not totally circumnavigate the wetland perimeter.

- c. Within the buffers of Category III and IV wetlands only, vegetation-lined swales designed for stormwater management or conveyance when topographic restraints determine there are no other upland alternative locations. Swales used for detention purposes may only be placed in the outer 25 percent of the buffer. Conveyance swales may be placed through the buffer, if necessary.
- d. All legal parcels less than one acre in size as of the date of adoption of this code are exempt from the wetland buffer provisions.

E. Protection Standards. A development permit or land division may be conditioned to provide for the continued protection of the wetland resource and reasonable use of the property. Conditions may include, but are not limited to, wetland buffers, setbacks, limits on clearing and grading, conditions on the land title, best management practices for erosion control and maintenance of water quality, or other conditions appropriate to avoid or mitigate identified adverse impacts.

1. **Standard Buffer Zone Widths.**

- a. The following buffers in Table 3.4 shall be required for wetlands based on the category of wetland as outlined in subsection (A) of this section:

Table 3.4. Standard buffer widths for wetlands.

Wetland Category	Buffer Width (feet) ¹
I	150
II	75
III	50
IV	35

Note:

- 1. Measured as per subsection (E)(1)(b) of this section.
- b. All buffers shall be measured from the wetland boundary as delineated in the field pursuant to the requirements of subsection (G)(1) of this section.

- c. Except as otherwise specified in subsection (D) of this section, wetland buffers shall be retained in their natural condition.
 - d. Where buffer disturbance or alteration has or will occur in conjunction with regulated activities, revegetation with native vegetation shall be required and completed within the next growing season.
 - e. Any wetland created, restored, or enhanced as compensation for approved wetland alterations shall also include the standard buffer required for the category of the created, restored, or enhanced wetland. Created wetlands will be deemed as Category II for the purposes of establishing a buffer.
2. **Buffer Width – Averaging.** Buffer averaging allows limited reductions of buffer width in specified locations on the property proposed for development while requiring increases in others so that the total area of the buffer is unchanged. Averaging of required buffer widths will be allowed only if the applicant demonstrates that all of the following criteria are met:
- a. Averaging is necessary to accomplish the purposes of the proposal, and no reasonable alternative is available;
 - b. The wetland contains variations in sensitivity due to existing physical characteristics and the reduction from standard buffer widths will occur only contiguous to the area of the wetland determined to be least sensitive;
 - c. Averaging width will not adversely affect the wetland functional values;
 - d. The total area contained within the wetland buffer after averaging is no less than that contained within the standard buffer prior to averaging. In no instance shall the buffer width be reduced by more than 25 percent of the standard buffer width; and
 - e. If a portion of the buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation and fencing where appropriate to improve the functional attributes of the buffer, to provide additional protection for wetland functions and values. A proposal to enhance a buffer shall not be used as justification to reduce an otherwise functional standard buffer width, unless such buffer reduction complies with all other criteria for buffer width averaging.
3. **Buffer Width – Decreasing.** Decreasing of required buffer widths will be allowed only if the applicant demonstrates that all of the following

criteria are met:

- a. Buffer width averaging pursuant to subsection (E)(2) of this section is not possible due to site characteristics;
 - b. A decrease is necessary to accomplish the purposes of the proposal and no reasonable alternative is available;
 - c. The wetland contains variations in sensitivity due to existing physical characteristics, and reduction from standard buffer widths will occur only adjacent to the area of the wetland determined to be the least sensitive;
 - d. Decreasing width will not adversely affect the wetland functional values;
 - e. In no instance will the buffer width be reduced by more than 50 percent of the standard buffer width; and
 - f. If a portion of a buffer is to be reduced, the remaining buffer area will be enhanced, using native vegetation and fencing where appropriate to improve the functional attributes of the buffer and to provide additional protection for wetland functions and values. A proposal to enhance a buffer shall not be used as justification to reduce an otherwise functional standard buffer width, unless such buffer reduction complies with all other criteria for reducing buffer widths.
4. **Buffer Width – Increasing.** Standard buffers may be increased by the County only upon a determination that:
- a. The increase is recommended by a County-employed qualified wetland consultant who has inspected the site and demonstrated that a larger buffer is necessary to:
 - i. Maintain viable populations of existing species proposed or listed by the federal government or the state as rare, endangered, threatened, and sensitive, or species of local concern as defined in Chapter 18.20 SJCC;
 - ii. Protect critical or outstanding potential habitat for those species listed in subsection (E)(4)(a)(i) of this section is present; or
 - iii. Protect nesting sites such as heron rookeries or raptor nesting trees that are present in the wetland or its buffer.
 - b. If a Category I, II, or III wetland is located within 25 feet of the toe of slopes of 30 percent or more, buffers may be increased to include the tops of slopes determined to be “erosion hazard areas” as defined in Chapter

18.20 SJCC.

5. **Establishment of Limits of Clearing.** Prior to building permit approval, the location of the outer extent of the wetland buffer and the limits of the areas to be disturbed shall be marked in the field in accordance with a clearing and grading plan approved as part of a development permit or approval or for a single-family residence in accordance with the provisions of subsection (G) of this section. Such field markings may be field-approved by the County prior to the commencement of permitted activities. Markings shall be maintained throughout the duration of any construction activities.
 6. **Regulation of Ponds Smaller than 20 Acres in Size.** (Note: lakes and ponds 20 acres or greater in size are regulated in SJCC 18.30.110(A) (5) and 18.30.160(A)(4), and by the Shoreline Master Program, Chapter 18.50 SJCC.)
 - a. Ponds created out of nonwetland areas are not subject to the provisions of this section.
 - b. Ponds previously excavated or created within wetlands, as indicated by a combination of topographic features, remaining vegetation, and mapped hydric soils, shall be subject to the provisions of this section.
 - c. A pond may only be constructed in a Category III or IV regulated wetland, and then only as part of an approved wetland mitigation or noncompensatory enhancement project. A wetland mitigation or enhancement plan shall be submitted for administrative consistency review, pursuant to SJCC 18.80.070(E)(1). The enhancement or mitigation plan must be prepared pursuant to the requirements of subsections (F) and (H) of this section, and include the information required in Appendix B* (Mitigation/Enhancement Plan Contents) of this code.
 7. **Trails for Public Education.** Trails that are specifically designed and built for public education purposes by a public agency or conservation organization may be located anywhere within a regulated wetland buffer. Such trails shall be subject to administrative consistency review, pursuant to SJCC 18.80.070(E)(1). Application for such trails must include a special report prepared in accordance with subsection (G)(2) of this section.
- F. Noncompensatory Enhancement.** Noncompensatory enhancement are those wetland enhancement projects which are conducted solely to increase the functions and values of an existing wetland and

which are not required to be conducted pursuant to the mitigation requirements of subsection (H) of this section. There are two types of noncompensatory enhancement:

1. **Type 1 Noncompensatory Enhancement.** Type 1 noncompensatory enhancement projects involve the filling, draining, or excavating of a regulated wetland. All applications for Type 1 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (F)(1)(a) through (c) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
 - a. The enhancement plan must be submitted for administrative consistency review, pursuant to SJCC 18.80.070(E)(1);
 - b. The enhancement plan must include the information required in Appendix B* of this code; and
 - c. The enhancement plan must either be prepared by a qualified wetlands consultant as defined in Chapter 18.20 SJCC or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.
2. **Type 2 Noncompensatory Enhancement.** Type 2 noncompensatory enhancement projects involve wetland alterations that do not include the filling, draining, or excavating of a regulated wetland. Such projects might involve the removal of non-native plant species or the planting of native plant species. All applications for Type 2 noncompensatory enhancement projects shall be accompanied by an enhancement plan prepared in accordance with subsections (F)(2)(a) through (c) of this section, which demonstrates that the proposed activities will result in an increase in wetland functions and values.
 - a. The enhancement plan shall be submitted for administrative consistency review, pursuant to SJCC 18.80.070(E)(1);
 - b. The enhancement plan must include a detailed description of the activity including the following information:
 - i. The goal of the enhancement project;
 - ii. What plants, if any, will be removed or planted;
 - iii. How the activity will be conducted, including the type(s) of tools or machinery to be used; and

- iv. The qualifications of the individual who will be conducting the enhancement activity.
- c. The enhancement plan must either be prepared by a qualified wetlands consultant as defined in Chapter 18.20 SJCC or accepted in writing by the U.S. Fish and Wildlife Service, the Washington Department of Fish and Wildlife, or the Washington Department of Ecology.

G. Determination of Regulatory Boundary, and Requirements for Special Reports.

1. **Determination of Regulatory Boundary.** The location of the wetland boundary shall be determined through a field investigation by a qualified wetlands consultant utilizing the currently accepted federal and state delineation procedures and manuals, as a part of a special report prepared in accordance with subsection (G)(2) of this section. This requirement may be waived under the following circumstances:

- a. **Single-Family Residences.** The requirement for a wetland delineation and special report will be waived for construction of a single-family residence on an existing lot of record if field investigation by County staff indicates the following:
 - i. Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
 - ii. The single-family residence and all accessory structures and uses are not proposed to be located within the distances identified in Table 3.5, below, from the estimated wetland boundary.
- b. **Simple Land Divisions.** The requirement for a wetland delineation and special report will be waived for a simple land division submitted in accordance with SJCC 18.70.040 if field investigation by County staff indicates the following:
 - i. Sufficient information exists for staff to estimate the boundaries of a wetland without delineation;
 - ii. Both parcels resulting will have buildable area outside the wetland and the wetland buffer identified in Table 3.5, below; and
 - iii. The simple land division approval will be recorded in the County auditor’s file together with a statement that development on both described parcels is subject to the provisions of SJCC 18.30.110.

c. **Subdivisions, Short Subdivisions and Binding Site Plans.** The requirement for a wetland delineation and special report will be waived for subdivisions, short subdivisions, and binding site plans of an existing lot of record if field investigation by County staff indicates the following:

- i. Sufficient information exists for staff to estimate the boundaries of a wetland without a delineation; and
- ii. Building envelopes or building setback lines are not proposed to be located within the distances identified in Table 3.5, below, from the estimated wetland boundary.

2. **Special Report Contents.** When a special wetland report is required, it must be completed by a qualified wetlands consultant as defined in Chapter 18.20 SJCC and must contain the following:

- a. A map, at a scale no smaller than one inch equals 200 feet, of the delineated regulated wetland boundary as determined by the criteria in this subsection. In addition, the map shall show the general location of the wetland boundary for all other wetlands located on the property proposed for the use or development activity. When regulated wetlands do not occur on the subject property, but wetland buffers from offsite wetlands do occur, those wetland buffers must be indicated on the submitted maps.

Table 3.5. Minimum wetland buffers necessary as part of qualifying for a waiver from delineation and special report requirements. 1, 2, 3

Wetland Category	Required Distance from Estimated Wetland Boundary (feet) ⁴
I	200
II	125
III	75
IV	60

Notes:

- 1. These buffers are one part of the complete requirements necessary to qualify for a waiver – see SJCC 18.30.150(G)(1).
- 2. These are not standard wetland buffers: they are optional buffers for cases when a delineation is not made. If a single-family residence, building envelope, or setback line in a subdivision is proposed to be closer to the wetland than the distance identified in the table, a wetland delineation must be performed.

3. The same opportunities for exemption from delineation shall apply to unclassified wetlands. Permit center staff shall either determine the wetland category or hire a qualified wetland consultant at the expense of the County.
4. The following shall not be located within the distances identified in the table: (a) single-family residences and all accessory structures and uses; (b) subdivision building envelopes and setback lines. For simple land divisions, both resulting parcels must have buildable area outside the wetland and the buffer distance in the table. See SJCC 18.50.130(G)(1).
 - b. The site plan for the proposed use or development at the same scale as the wetland map, showing the extent of the proposed activity in relationship to the delineated, regulated wetland edges and their buffers. Site plans must include the location of all roads, structures, and utilities including stormwater systems, sewage (sanitary or septic) systems, power, or any proposed installations within the regulated wetland or its buffer.
 - c. Project cross sections, both before and after completion, in relation to the surface elevation of the wetland must be indicated for proposed activities which involve cutting or filling operations within the wetland or its proposed buffer.
 - d. Classification of the wetland in accordance with Appendix A* and a detailed written analysis of the existing regulated wetland including: vegetation communities classified per the U.S. Fish and Wildlife Service Classification of Deepwater Habitats (1979); species composition of vegetation communities, including presence and percent cover; existing soils; and existing hydrologic conditions including inflow/outflow, source of water within the system, relative water quality, and seasonal changes in hydrology, if applicable.
 - e. A detailed analysis of wildlife species use of the wetland and its buffer.
 - f. A detailed analysis of the existing wetland buffer including species composition and percent coverage, whether the buffer is disturbed or not, and the functional value of the buffer in relation to the regulated wetland.
 - g. If the development activity would eliminate all or part of a regulated wetland then a detailed compensatory mitigation plan as outlined in subsection (G)(3) of this section must be provided.

3. **Mitigation Plan Contents.** All wetland restoration, creation, and enhancement projects required by this code, either as a condition of project approval or as the result of an enforcement action, shall follow a mitigation plan prepared by a qualified wetland specialist as defined herein and conducted in accordance with the requirements described in Appendix B*. The applicant or violator must receive written approval of the mitigation plan by the administrator prior to commencement of any wetland restoration, creation, or enhancement activity.

H. Mitigation. The overall goal of mitigation shall be no net loss of wetland function, value, and acreage.

1. **Mitigation Sequence.** Mitigation includes avoiding, minimizing, or compensating for adverse impacts to regulated wetlands or their buffers. When a proposed use or development activity poses potentially significant adverse impacts to a regulated wetland or its buffer, the preferred sequence of mitigation as defined below shall be followed unless the applicant demonstrates that an overriding public benefit would warrant an exception to this preferred sequence.
 - a. Avoiding the impact altogether by not taking a certain action or parts of actions on that portion of the site which contains the regulated wetland or its buffer;
 - b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - c. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - d. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 - e. Compensating for the impact by replacing, enhancing, or providing substitute resources or environments.
2. **Compensatory Mitigation – General Requirements.** As a condition of any permit or other approval allowing alteration which results in the loss or degradation of regulated wetlands, or as an enforcement action pursuant to Chapter 18.100 SJCC, compensatory mitigation shall be required to offset impacts resulting from the actions of the applicant or any code violator.
 - a. Except persons exempt under SJCC 18.30.110(E), any person who alters or proposes to alter regulated wetlands shall restore or create areas of wetland equivalent to or larger than those altered in order to

compensate for wetland losses. The following Table 3.6 specifies the ratios that apply to creation or restoration which is in-kind, on-site, and is accomplished prior to or concurrently with alteration:

Table 3.6. Required replacement ratios for compensatory wetland mitigation.

Wetland Category	Replacement Ratio ¹
I	6:1
II or III	
• Forested	3:1
• Scrub-Shrub	2:1
• Emergent	1.5:1
IV	1.25:1

Note:

1. The first number in the ratio specifies the acreage of wetlands to be created, and the second number specifies the acreage of wetlands proposed to be altered or lost.
 - b. Enhancement of existing wetlands, other than Category I and Category II wetlands, may be considered as compensation; but above ratios must then be doubled.
 - c. Compensation must be completed prior to wetland destruction, where possible.
 - d. Compensatory mitigation must follow an approved compensatory mitigation plan pursuant to subsection (G)(3) of this section, with the replacement ratios as specified above.
 - e. Compensatory mitigation must be conducted on property which will be protected and managed to avoid further development or degradation. The applicant or code violator must provide for long-term preservation of the compensation area.
 - f. The applicant shall demonstrate sufficient scientific expertise, supervisory capability, and financial resources, including bonding in accordance with Appendix C* (Performance and Maintenance Bonding for Wetlands), to carry out the project. The applicant must demonstrate the capability for monitoring the site and making corrections if the project fails to meet projected goals.
3. **Compensatory Mitigation – Type, Location, and Timing.**
 - a. Priority will be given to in-kind, on-site compensation if feasible and if the wetland to be lost has a moderate to high functional value.
 - b. When the wetland to be impacted is of a limited functional value and is degraded, compensation may be of the wetland community type most likely to succeed with the highest functional value possible.
 - c. Out-of-kind compensation may be allowed when out-of-kind replacement will best meet identified goals (for example, replacement of historically diminished wetland types). Where out-of-kind replacement is accepted, greater acreage replacement ratios may be required to compensate for lost functional values.
 - d. Off-site compensation can be allowed only if:
 - i. On-site compensation is not feasible due to hydrology, soils, waves, or other factors;
 - ii. On-site compensation is not practical due to probable adverse impacts from surrounding land uses;
 - iii. Potential functional values at the site of the proposed restoration are significantly greater than the lost wetland functional values; or
 - iv. Off-site compensation will be conducted in accordance with subsection (H)(4) of this section, cooperative compensation projects.
 - e. Except in the case of cooperative compensation projects, off-site compensation must occur within the same watershed where the wetland loss occurs; provided, that Category IV wetlands may be replaced outside of the watershed if there is no reasonable technical alternative. The stormwater storage function provided by Category IV wetlands must be provided for within the design of the development project.
 - f. Except in the case of cooperative compensation projects, in selecting compensation sites applicants must pursue locations in the following order of preference:
 - i. Filled, drained, or cleared sites which were formerly wetlands and where appropriate hydrology exists; and
 - ii. Upland sites, adjacent to wetlands, if the upland is significantly disturbed and does not contain a mature forested or shrub community of native species, and where the appropriate natural hydrology exists.

- g. Construction of compensation projects must be timed to reduce impacts to existing wildlife and flora. Construction must be timed to assure that grading and soil movement occurs during the dry season. Planting of vegetation must be specifically timed to the needs of the target species.
4. **Cooperative Compensation Projects.** The County may encourage, facilitate, and approve cooperative projects where one or more applicants, or an organization with demonstrated capability, may undertake a compensation project if it is demonstrated that:
- a. Creation of one or several larger wetlands may be preferable to many small wetlands;
 - b. The group demonstrates the organizational and fiscal capability to act cooperatively;
 - c. The group demonstrates that long term management of the compensation area can and will be provided; and
 - d. There is a clear potential for success of the proposed compensation at the identified compensation site. Conducting compensation as part of a cooperative process does not reduce or eliminate the required replacement ratios outlined in subsection (H)(2) of this section. (Ord. 14–2000 § 7 (CCC); Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.6.8)

*** Appendices referenced in this section are attached to Ord. 2–1998 and are on file in the office of the clerk of the board.**

18.30.160 Fish and wildlife habitat conservation areas.

A. Classification.

- 1. **Upland Category I.** Priority habitat areas as listed below:
 - a. Areas having a primary association with bald eagles, which are protected under the Washington State Bald Eagle Protection Rules (WAC 232–12–292), as well as the federal Bald Eagle Protection Act and Endangered Species Act.
- 2. **Upland Category II.** Priority habitat areas as listed below, except those included in Upland Category I.
 - a. Habitat areas associated with rare plants and priority species as identified by the Washington Department of Natural Resources, Natural Heritage Program.
- 3. **Upland Category III.** Important habitat areas which are not based on use by a specific species.

These areas are protected by their conservation ownership or management status and are not subject to the protection standards within this section:

- a. Areas listed as national wildlife refuges, national parks, national estuary reserves, natural area preserves, or any preserve or reserve designated under WAC 332–30–151;
 - b. State natural area preserves, or natural resource conservation areas identified by state law and managed by the Department of Natural Resources; and
 - c. Areas with recognized wildlife habitat value owned by The Trust For Public Lands, The Nature Conservancy, The San Juan Preservation Trust, the Bureau of Land Management, or the San Juan County land bank.
4. **Freshwater Habitat Areas.** These areas include the following:
- a. Streams and riparian areas classified as Type 2 through 5 Waters of the State and any associated riparian areas within 50 feet of a Type 2 stream or 25 feet of a Type 3, 4, or 5 stream. (Stream types are as identified by the Department of Natural Resources; *cf.* Chapter 222–30 WAC); and
 - b. Lakes and ponds 20 acres or larger, which are also subject to Chapter 18.50 SJCC. (Wetlands and ponds smaller than 20 acres are regulated in SJCC 18.30.110(D) and 18.30.150(E)(6).
5. **Marine Habitat Areas.** These areas include the following:
- a. All kelp and eelgrass beds;
 - b. Priority shellfish areas as follows:
 - i. All public and private tidelands or bedlands which are approved or conditionally approved by the Washington Department of Health for shellfish harvest;
 - ii. Any shellfish protection districts created under Chapter 90.72 RCW; and
 - iii. Areas with all of the following attributes: broad intertidal areas, bays with geographically restricted wave action and circulation, poor or limited flushing, warmer water temperatures, seasonally reduced salinities, and increased potential for algae bloom; and
 - c. All identified smelt spawning areas.

B. Protection Standards.

1. **General Habitat Protection Standards.** The following performance standards shall be met for development permits or approvals located inside of or within 300 feet of a habitat classified in this section, except for Upland Category III:

- a. The proposal must mitigate to the maximum extent feasible any significant adverse impacts to habitat functions and values and to habitat buffers. Mitigation actions by an applicant or property owner shall occur in the following preferred sequence, unless the applicant demonstrates that an overriding public benefit would warrant an exception:
 - i. Avoiding the impact by not taking a certain action or parts of actions on that portion of the site which contains the habitat area or its buffer;
 - ii. Minimizing impacts by limiting the degree or magnitude of the action and its implementation;
 - iii. Rectifying the impact by repairing, rehabilitating, or restoring the affected environment;
 - iv. Reducing or eliminating the impact over time by preservation and maintenance operations during the life of the action; or
 - v. Compensating for the impact by replacing or providing substitute resources or environments. This may require preparation of a habitat management plan in accordance with subsection (D) of this section.
- b. Where impacts cannot be avoided, the applicant must seek to implement other appropriate mitigation actions in compliance with the intent, standards, and criteria of this section. In an individual case, these actions may include consideration of alternative site plans and layouts and reductions in the density or scope of the proposal.
- c. Temporary and permanent erosion and sedimentation controls must be provided to prevent the introduction of sediments or pollutants to water bodies or water courses within the habitat area.
- d. Clearing and grading must be limited to that necessary for establishment of the use or development and must be conducted so as to avoid significant adverse impacts and to minimize the alteration of the volume, rate, or temperature of freshwater flows to or within the habitat area and any buffer specified in this section.

e. The proposal will not introduce hazardous substances to the habitat areas that would have significant adverse impacts on that area, including but not limited to fertilizers, herbicides, pesticides, fuel and waste oil, and human or livestock fecal matter.

f. Stream flows must be protected from changes to the normal flow, temperature, turbidity, and discharge to the maximum extent practicable.

2. **Habitat-Specific Standards.** The following performance standards apply within specific habitat areas. Exceptions to these standards may be allowed if a special report, prepared by a qualified wildlife biologist, habitat management consultant, botanist, or marine biologist demonstrates that such exception would not have a significant adverse impact on the habitat area.

a. **Freshwater Habitats:** Septic drainfields and a 100 percent repair area must be at least 100 feet from the edge of the habitat area.

b. **Marine Habitats:**

i. Septic drainfields and a 100 percent repair area must be at least 100 feet from the edge of the habitat area.

ii. Uses and developments in or over water must minimize changes to natural water circulation and must be designed and operated in a manner that minimizes the introduction of contaminants and debris.

iii. Uses and developments must minimize disruption of the substrate, and the location and design of structures and activities must minimize obstruction of light in the habitat area.

c. **Upland Habitats:**

i. Category I habitats must be protected pursuant to the Washington State Bald Eagle Protection Rules (WAC 232-12-292). A cooperative site management plan will be developed whenever activities that alter habitat are proposed near a verified nest territory or communal roost.

ii. Category II habitats will be protected in accordance with the County's determination of appropriate conditions considering the site-specific recommendations of the Washington Department of Fish and Wildlife, Nongame Division, and the Washington Department of Natural Resources, Natural Heritage Program, and site-specific information supplied by the

applicant and conservation organizations. Possible conditions may include, but are not limited to, the following:

- A. Establishment of buffer zones;
 - B. Preservation of critically important vegetation;
 - C. Limitation of access to the habitat area; and
 - D. Seasonal restriction of construction activities.
- iii. Proposals located within 1,300 feet of an Upland Category II habitat will be reviewed by the County for potential habitat impacts, considering the recommendations of the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, Natural Heritage Program, and site-specific information supplied by the applicant and conservation organizations.
 - iv. If it is likely that a proposed project will have a significant adverse effect on a Category II habitat, the applicant shall complete a habitat management plan pursuant to subsection (D) of this section.

C. Nomination of Species of Local Concern.

1. **Nomination.** In order to nominate a species as a species of local concern, an interested individual or organization must:
 - a. Demonstrate that the species merits special consideration by documenting its:
 - i. Declining population status;
 - ii. Sensitivity to habitat manipulation; or
 - iii. Commercial or other special value;
 - b. Propose management strategies for the species which would be both effective and within the scope of this code; and
 - c. Accurately illustrate the habitat location(s) of the species on the map (scale 1:24,000).
2. **Proposals.** Nomination proposals for species of local concern shall be submitted to the administration for review of completeness and scope. Complete proposals which are within the scope of this code will be submitted for approval to the Washington Department of Fish and Wildlife, Washington Department of Natural Resources (Natural Heritage Program), and other local or state agencies' experts, for comments and recommendations regarding the accuracy of the data and effectiveness of the proposed management strategies.

3. **Public Hearing.** A public hearing before the board of County commissioners will be held on those proposals which are found to be complete, within the scope of this code, and effective to protect the species. If a proposal is approved by the board of County commissioners, the species will be added to the list of species of local concern and will be protected according to the approved management strategies adopted by amendment of this code.

D. Habitat Management Plans.

1. Any habitat management plan required shall identify how the impacts of the proposed use or development will be mitigated.
2. The habitat management plan must contain the following information at a minimum:
 - a. Map(s) prepared at a scale no smaller than one inch = 200 feet showing:
 - i. The location of the proposed development site;
 - ii. The relationship of the site to surrounding topographic and cultural features;
 - iii. The nature and density of the proposed development or land use change;
 - iv. Proposed building locations and arrangements;
 - v. A legend which includes:
 - A. A complete and accurate legal description and the total acreage of the parcel;
 - B. Title, scale and north arrow;
 - C. Date, including revision dates if applicable; and
 - D. Certificates, by a professional biologist as appropriate.
 - vi. Existing structures and landscape features, including the name and location of all water courses, ponds, and other bodies of water.
 - b. A report which contains:
 - i. A description of the nature, density, and intensity of the proposed development in sufficient detail to allow analysis of the impact of such land use change on the habitat;
 - ii. An analysis of the effect of the proposed development, activity, or land use change on the classified habitat;
 - iii. A plan for the mitigation of any adverse impacts to wildlife habitats classified in this section posed by the project; and

- iv. An evaluation by the Washington Department of Fish and Wildlife, the Washington Department of Natural Resources, Natural Heritage Program, or a qualified wildlife expert regarding the effectiveness of any proposed mitigating measures or programs, including recommendations as appropriate.
3. Possible mitigation measures may include the following:
 - a. Establishment of buffer zones;
 - b. Preservation of critically important vegetation;
 - c. Limitation of access to the habitat area;
 - d. Seasonal restriction of construction activities; and
 - e. Establishment of a timetable for periodic review of the plan and performance or maintenance bonding in accordance with Appendix C*.
 4. This plan will be prepared by a wildlife biologist, habitat management consultant, marine biologist, or botanist, with a combination of relevant education and experience sufficient to perform the tasks described above. (Ord. 12–2001 § 4; Ord. 2–1998 Exh. B § 3.6.9)

18.30.170 Open space conservation overlay district (OSC).

- A. **Purpose.** This section is adopted to implement the policies of the open space conservation overlay district of the Comprehensive Plan.
- B. **Voluntary Protection Guidelines.** Voluntary protection guidelines may help property owners make land use decisions in keeping with the purpose of this code (*see* SJCC 18.10.020(B)). Citizens may want to give consideration to voluntary provisions for protection of their property, by reviewing guidelines for that purpose, such as:
 1. San Juan County land bank brochures and statements on conservation easements and gifts of land;
 2. “A Guide to Logging Aesthetics: Practical Tips for Loggers, Foresters, and Landowners”;
 3. “Voluntary Land Conservation in the San Juan Islands: A Landowner’s Guide” from the San Juan Preservation Trust;
 4. “A Place in the Islands: How Private Landowners Shape the Future of the San Juans” from the San Juan Preservation Trust;
 5. “Preserving Family Lands: Essential Tax Strategies for the Landowner,” by Stephen J. Small; and

6. The San Juan County Open Space and Conservation Plan and its adopting resolution.

These and other guidelines and materials are available from a variety of sources, including the planning department.

- C. **San Juan Valley Agricultural Heritage Open Space Conservation Overlay District.** An overlay district is established on agricultural resource lands within the San Juan Valley and Upper San Juan Valley landscape units on San Juan Island, as identified in Parts III and IV (Open Space Atlas and Map Folio) of the San Juan County Open Space and Conservation Plan (SJCC 18.30.190(F)). The area within this district is shown on the official maps.

1. **Heritage Plan Overlay District Conservation Incentive Bonus.** A conservation incentive bonus has been developed and adopted for land division in the overlay district for which some parcels will be eligible. The regulations governing this conservation incentive bonus are in Section 18.70.060(C)(10)(g) of this Code.
2. **Effective Date of Heritage Plan.** The San Juan Valley heritage plan overlay district conservation incentive bonus regulations became effective on June 6, 2002 upon the action of the Western Washington Growth Management Hearings Board to rescind its order of invalidity dated July 21, 1999 regarding the allowable density of some properties in the overlay district. (Ord. 26–2002 § 3; Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.6.10)

18.30.180 Airport overlay district (AOD).

- A. **Purpose.** To implement the policies of the Comprehensive Plan for airport overlay districts and the directives of RCW 36.70.547 and 36.70A.510. The airport overlay district is intended to protect the public health, safety and welfare, to recognize and protect those areas devoted to public-use aviation and associated activities from airspace obstructions or hazards, and to promote compatibility between airport uses and land uses and activities in the airport vicinity and environs.
- B. **Applicability.**
 1. The airport overlay district shall include the areas that are within aircraft accident safety zones, and FAA airspace zones if applicable, as depicted on the official maps, and any additional administrative area that is included in a district.
 2. All project and development permits, subdivisions, binding site plans, and planned unit developments within the designated limits of an airport overlay district as shown on the official maps shall be subject to the regulations of this section and to the applicable performance

standards in SJCC 18.40.030 *et seq.*

3. If there is any conflict between regulations of an airport overlay district and regulations of the underlying land use designation, the more restrictive regulations shall apply.

C. Aircraft Accident Safety Zones. These zones include the lands within the runway protection zone (zone 1), inner safety zone (zone 2), inner turning zone (zone 3), outer safety zone (zone 4), sideline safety zone/airport development zone (zone 5), and traffic pattern zone (zone 6) which are defined in Chapter 18.20 SJCC.

D. Allowable Uses. The performance standards of SJCC 18.40.030 *et seq.* for airports and airport overlay districts further limit and regulate the allowable and prohibited uses that are listed in Chapter 16.55 SJCC, the Eastsound Subarea Plan, and in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 for the underlying land use districts. Airport district ordinances may supplement these provisions for allowable uses.

E. General Regulations.

1. The Friday Harbor Height and Hazard District adopted by San Juan County Ordinance 72–1987, as amended, is hereby incorporated as a part of this code.
2. The Lopez Airport District Land Use Regulations, Chapter 16.32 SJCC, as amended, are hereby incorporated as a part of this code. (Ord. 5–2002 § 3; Ord. 14–2000 § 7(DDD); Ord. 2–1998 Exh. B § 3.6.11)

Article IV. Subarea Plans, Interim Controls and Development Standards

18.30.190 Subarea plans.

Previously adopted subarea plans (*see* SJCC 18.90.050 for subarea plan initiation provisions) are:

- A.** The Eastsound Subarea Plan, Chapter 16.55 SJCC, and any amendments thereto.
- B.** The Shaw Island Subarea Plan, Chapter 16.45 SJCC, and any amendments thereto.
- C.** The Waldron Island Limited Development District Subarea Plan, Chapter 16.36 SJCC, and any amendments thereto.
- D.** The San Juan Islands Trust Lands Management Plan, adopted by the County (Ordinance No. 86–1986) and the board of natural resources in 1986, and any amendments thereto, which identifies the most appropriate uses of and management plans for approximately 2,500 acres of land located on six islands.

E. The San Juan County Personal Wireless Communication Service Facilities Subarea Plan, Chapter 16.80 SJCC (Ordinance No. 8–1997), and any amendments thereto, and the official map thereto which identifies preferred, potentially suitable, conditionally suitable, and unsuitable locations.

F. The San Juan County Open Space and Conservation Plan, adopted in 1991 (Ordinance No. 124–1991), and any amendments thereto, which presents methods to identify and protect significant open spaces, vistas, and view corridors that substantially contribute to the sense of rural character in the County. (Ord. 2–1998 Exh. B § 3.7)

18.30.200 Interim controls in village and hamlet activity centers.

A. Purpose. To provide temporary controls for the development of certain activity centers, for which location-specific designations and standards have not yet been developed, until such designations and standards are adopted.

B. Applicability. This section shall apply to residential, commercial and industrial development within the rural activity center boundaries shown on the activity center official maps for the following: Deer Harbor, Westsound, Orcas Village, Olga and Doe Bay.

C. Standards.

1. **Building Height.** Building height shall not exceed 30 feet unless more than one taller building exists in the activity center, in which case the height standards in Chapter 18.60 SJCC shall apply.
2. **Building Scale.** The construction of any commercial or industrial building or buildings which exceed 5,000 square feet in gross usable area within any structure, or cumulatively on a single parcel, is prohibited. No multifamily residential building, or complex of residential buildings on a single parcel, shall include more than three dwelling units.
3. **Use.** Commercial and industrial uses are allowed subject to the provisions of this section and Table 3.1 in SJCC 18.30.030. Other uses are subject to the provisions of Table 3.1 in SJCC 18.30.030. No industrial use shall be established prior to the adoption of a village or hamlet industrial designation and map for the affected activity center. However, the expansion of an existing industrial use allowed by Table 3.1 in SJCC 18.30.030 is allowable.
4. **Landscaping and Open Space.** Include open or landscaped areas as listed in Table 6.1.
5. **Moorage Structures.** Moorage structures in the village and hamlet activity centers are regulated as per SJCC 18.50.190.

D. Density Bonus for Affordable Housing in Bonus Density Residential Districts in Olga and Doe Bay Hamlet Activity Centers. The locations of these bonus density districts are shown on the official maps. Within each district:

1. The base allowable residential density of the bonus density districts in Olga hamlet shall be one dwelling unit per two acres. The maximum allowable residential density with the affordable housing bonus shall be two dwelling units per acre.
2. The base allowable residential density of the bonus density district in Doe Bay hamlet shall be one dwelling unit per five acres. The maximum allowable residential density with the affordable housing bonus shall be two dwelling units per acre.
3. Dwelling units above the base density will be allowed only for a development that provides a minimum of 25 percent of the proposed residential units (base units plus bonus units) as affordable housing as specified in SJCC 18.60.260.
4. The number of dwelling units permitted in a development providing a minimum of 25 percent of the proposed residential units as affordable housing is the lesser of:
 - a. The number of dwelling units allowed by the base allowable residential density, plus 1.5 times the number of affordable housing units provided, rounded down to whole units; and
 - b. The number of dwelling units allowed by the maximum allowable residential density shown on the official maps.

E. Resource Land Buffer in the Deer Harbor Hamlet Activity Center. The location of this buffer area is shown on the official maps.

1. A buffer area of at least 50 feet shall be maintained from the boundary of any property designated as forest resource land.
2. No new structure shall be allowed within the buffer area that houses a residential occupancy or a commercial occupancy which provides lodging or food service to visitors.

F. Floating Zone and Density Bonus for Affordable Housing in the Deer Harbor Hamlet Activity Center. Development may occur in the following ways:

1. **Development without a Planned Unit Development Application.** Single-family residential development may occur without a PUD application using the maximum allowable residential density as indicated on the official maps.

2. **Development with a Planned Unit Development Application.** Using the PUD procedures of SJCC 18.80.160 and meeting the requirements and standards of SJCC 18.60.220:

- a. **Floating Zone.** A “floating zone” may be applied within the hamlet for the purpose of providing the opportunity for additional affordable housing. The “floating zone” may be applied in any location where the residential density indicated on the official maps is one dwelling unit per two acres.
- b. The base allowable residential density shall be one dwelling unit per two acres. The maximum allowable residential density with the affordable housing shall be two dwelling units per acre.
- c. Dwelling units may not be located in the buffer areas established by subsection (E) of this section.
- d. The total number of bonus dwelling units that may be developed within the hamlet under these floating zone provisions may not exceed 60.

G. Review. The level of application review shall be as specified in Table 3.1 in SJCC 18.10.030. In village and hamlet activity centers, the Residential column shall be used to determine whether a residential use is allowed and what permit level is required; for all other proposed uses, the Commercial column shall be used. Industrial uses are limited by the provisions of this section 18.30.200.

H. Sunset. The interim controls of this section will end for a given activity center named in subsection (B) of this section when the location-specific designations and standards are adopted by the board of County commissioners. (Ord. 12–2001 § 4; Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.8)

18.30.210 Interim land use controls in Lopez Village urban growth area.

A. Purpose. To provide temporary controls for the development of the Lopez Village urban growth area during the development of final urban growth area plans.

B. Standards for New and Substantially Altered Development. All new development, and all substantial alterations within the boundaries of the Lopez Village UGA are subject to the development standards of SJCC 18.60.240.

C. Lopez Village Urban Growth Area Allowable and Prohibited Uses.

1. The VC district provisions of Tables 3.1 (SJCC 18.30.030) and 6.1 (SJCC 18.60.050) shall apply to the entire Lopez Village urban growth area, except as modified by SJCC 18.60.220(D) for

planned unit developments.

2. Standards in SJCC 18.30.200(C)(1), (3), (4) and (5) shall apply to the Lopez Village urban growth area until urban growth planning is completed.
3. **Building Scale.** The construction of any commercial or industrial building or buildings which exceed 5,000 square feet in gross usable area within any structure, or cumulatively on a single parcel, is prohibited until urban growth area planning is completed.

D. Lopez Village Urban Growth Area Densities, and Bonus for Affordable Housing with Planned Unit Development.

1. **Development without a Planned Unit Development Application.** Single-family residential development may occur without a PUD application under the following conditions:
 - a. Maximum allowable residential density for the village core district is six dwelling units per acre.
 - b. Maximum allowable residential density for the remainder of the urban growth area is two dwelling units per acre.
2. **Development with a Planned Unit Development Application.** Using the PUD procedures of SJCC 18.80.160 and meeting the requirements and standards of SJCC 18.60.220:
 - a. In the village core district the base allowable residential density is six dwelling units per acre, and the maximum allowable residential density is eight dwelling units per acre.
 - b. In the remainder of the urban growth area the base allowable residential density is two dwelling units per acre, and the maximum allowable residential density is eight dwelling units per acre. (Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.9)

18.30.220 Land use standards in residential activity centers.

- A. **Purpose.** To provide standards for the development of residential activity centers.
- B. **Applicability.** This section shall apply to development within the boundaries shown on the official maps for residential activity centers.
- C. **Standards.**
 1. Minimum parcel size is 0.5 acre (except as provided for PUD development in subsection (D) of this section).
 2. **Allowed Uses.** The allowable and prohibited uses of the rural residential land use district in Table 3.2 in SJCC 18.30.040 apply to the entire residential activity center areas. Single-family

and multifamily residential accessory uses are allowed subject to the provisions of this section and Table 3.2.

3. **Building Height.** Building height shall not exceed 30 feet unless more than one taller building exists in the residential activity center, in which case the height standards of the hamlet residential district in Table 6.1 in SJCC 18.60.050 shall apply.
4. **Landscaping and Open Space.** Include open or landscaped areas as listed for the hamlet residential district in Table 6.1 in SJCC 18.60.050, except where project-specific standards are required as a condition of approval of a PUD under subsection (D) of this section and SJCC 18.60.220.
5. **Water and Sewer Services.**
 - a. Urban-level water service and fire-suppression flow may be provided in any part of these residential activity centers.
 - b. Sewer service may be provided to any part of the Rosario residential activity center.

D. Bonus Density District and Planned Unit Development. The locations of bonus density districts are shown on the official maps. Development may occur in the bonus density district in the following ways:

1. **Development without a Planned Unit Development Application.** Single-family residential development may occur without a PUD application under the following conditions:
 - a. **Rosario Residential Activity Center.**
 - i. The maximum allowable residential density is one dwelling unit per two acres.
 - ii. Minimum parcel size is 0.5 acre.
2. **Development with a Planned Unit Development Application.** Using the PUD procedures of SJCC 18.80.160 and meeting the requirements and standards of SJCC 18.60.220:
 - a. **Rosario Residential Activity Center.**
 - i. The base allowable residential density is one dwelling unit per two acres.
 - ii. Maximum allowable residential density for development under the affordable housing provisions and bonuses of SJCC 18.60.220 is two dwelling units per acre. (Ord. 14–2001 § 5; Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.10)

18.30.230 Residential development standards in island centers, rural industrial and rural commercial districts.

- A. Purpose.** To protect the limited rural areas available for commercial and industrial development from the location of incompatible residential development.
- B. Applicability.** This section shall apply to island center activity centers, rural industrial, and rural commercial land use districts.

C. Residential Development Standard.

- 1. One dwelling unit per parcel is allowed.
 - a. The unit must be an accessory to a commercial or industrial use, and must be located within or attached and subordinate to the commercial or industrial structure.
 - b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit may not include an accessory dwelling unit in addition to the main residence.
- 2. All other new residential development is prohibited. (Ord. 21–2002 § 4; Ord. 11–2000 § 4; Ord. 2–1998 Exh. B § 3.11)

