

Chapter 18.40
PERFORMANCE AND USE-SPECIFIC STANDARDS

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18.40.010 General provisions.

The performance standards provided in this chapter are those specific requirements that must be met before approval may be given for a proposed development or use within a particular land use district.

Note also that specific proposals for new development may be subject to more than one set of performance standards. For example, a proposal for a commercial campground would be subject to the performance standards for all commercial uses in SJCC 18.40.110, for recreational developments in SJCC 18.40.330, and for signs in SJCC 18.40.370 through 18.40.400. Where the development is subject to the jurisdiction of the Shoreline Master Program (see Chapter 18.50 SJCC), additional regulations and standards may apply, and additional permits may be required.

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

18.40.020 Agricultural activities, best management practices for water quality.

All agricultural activities performed within watersheds for ground water collection or adjacent to shorelines shall develop a water quality conservation plan with the local USDA representative consistent with “best management practices” and with the goal of protecting water quality. Agricultural activities conducted on agricultural resource (AG) lands will include the water quality plan as a portion of the five-year plan filed with the County assessor. Ord. 2–1998 Exh. B § 4.2)

18.40.030 Airports.

A. Height Limitation. No structure, vegetation, or obstruction of any kind shall be built, placed, hung, or allowed to grow so that any part exceeds the height as provided in the zone areas and surfaces established in this subsection, unless otherwise specified on an adopted airport district overlay designation. Where an area is subject to more than one height limitation, the lower limitation shall apply. The height restriction for each zone is as follows:

1. **Approach Zone.** As may be allowed without penetrating the imaginary surface described in the definition of approach surface in Chapter 18.20 SJCC.
2. **Transitional Zone.** As may be allowed without penetrating the imaginary surface described in the definition of transitional surface in Chapter 18.20 SJCC.
3. **Horizontal Zone.** As may be allowed without penetrating the imaginary surface described in the definition of horizontal surface in Chapter 18.20 SJCC.
4. **Conical Zone.** As may be allowed without penetrating the imaginary surface described in the definition of conical surface in Chapter 18.20 SJCC.

B. Hazards for Airports. The following standards apply to airports in addition to the standards in subsection (A) of this section.

1. **Distances of Rights-of-Way from Primary Surface.** All private and public road rights-of-way must either (a) be set back a minimum of 200 feet from the end of the primary surface as measured parallel to the extended runway centerline or (b) must allow a minimum of 10 feet clearance between the road right-of-way and approach surface. In addition, road rights-of-way must be set back a minimum of 200 feet from the extended runway centerline, as measured perpendicular thereto.
2. **Lights.** No searchlight, beacon light, or other glaring light shall be used, maintained, or operated within the approach, transitional, or horizontal zones in such a way as to cause a visual hazard to normal aircraft operations.
3. **Smoke or Haze.** Any land use or activity that produces smoke or haze to a degree that would interfere with normal aircraft operations is prohibited.
4. **Bird Hazard.** Any land use or activity that produces a bird-strike hazard for normal aircraft operations is prohibited.
5. **Public Assemblies.** Any land use that causes or encourages people to assemble in large numbers, including medium- and high-density residential uses (greater than one dwelling unit per two acres), commercial uses requiring more than 10 parking spaces or an equivalent degree of traffic generation, and campgrounds (having more than three campsites per acre), is prohibited in the approach and transitional zones designated by an airport district overlay.
6. **Noise.** Any land use that requires a low background noise level and which would be adversely affected by a noise impact greater than the noise exposure forecast level projected for the airport vicinity for the year of application, including auditoriums, schools, churches, hospitals, and concert halls is prohibited in the approach and transitional zones designated by an airport district overlay.
7. **Marking and Lighting.** Notwithstanding this subsection, the owner of any existing nonconforming structure or tree is required to permit the installation, operation, and maintenance thereon of such markers and lights as shall be deemed necessary by the Federal Aviation Administration (FAA) to indicate the presence of such airport hazards. Such markers and lights shall be installed, operated, and maintained at the expense of the airport served.

8. FAA Restrictions.

- a. All development must comply with the Federal Aviation Regulations (FAR) Part 77, relating to heights of land uses proximate to airports and protection of airspaces critical to airport operations.
- b. All development must comply with the FAA Advisory Circular 150/5370-10, Standards for Specifying Construction on Airports.

C. Permit Restrictions.

1. No permit shall be granted that would:
 - a. Allow the establishment or creation of an airport hazard;
 - b. Authorize any use or activity that would result in the siting of an incompatible use adjacent to an airport (Chapter 36.70 RCW); or
 - c. Permit a nonconforming structure or use to be made larger or to become higher or become a greater hazard to air navigation than it was when this code was adopted.
2. Additional or new commercial aircraft operations at an airport constitute an expansion of use subject to conditional use permit requirements of this code. (Ord. 2-1998 Exh. B § 4.3)

18.40.031 General standards for airport overlay districts.

A. Incompatible Uses. Any land use or activity or density that is prohibited by or cannot meet the performance standards in SJCC 18.40.030 and the standards in SJCC 18.40.032 *et seq.* for the appropriate district is an incompatible use adjacent to an airport and is prohibited.

B. Permit Restrictions.

1. All development, land divisions and binding site plans within an adopted airport overlay district must comply with the requirements of SJCC 18.30.180 and with the performance standards in SJCC 18.40.030 *et seq.* for the appropriate district. The administrator shall condition or deny an application that does not so comply.
2. Applications for development and subdivision in an airport overlay district shall clearly indicate the applicable aircraft accident safety zone, and height overlay district zone if applicable, in which the parcel or project is located. (Ord. 5-2002 § 4)

18.40.032 Specific standards for Orcas Island Airport overlay district.

The lands that are included within aircraft accident safety zones 1 through 5 are shown on the official maps of the Orcas Island airport overlay district.

A. Runway Protection Zone (Zone 1). Zone 1 is the area that begins 200 feet from the threshold line on the runway pavement which marks the end of the declared usable runway surface, and extends out 1,000 feet to its widest point, where it measures 450 feet across, 225 feet on either side of the extended runway centerline.

1. New residential development and new structures are prohibited.
2. Public assembly uses and uses that promote the concentration of people are prohibited.
3. No increase to height or scale of existing uses or structures shall be permitted.
4. The bulk storage of flammable or hazardous materials is prohibited.

B. Inner Safety Zone (Zone 2), North Portion. Zone 2 is the area that begins at the end of the runway protection zone (zone 1) and extends out 1,500 feet. It measures 450 feet across, 225 feet on either side of the extended runway centerline. The north portion of zone 2 is that portion of zone 2 north of Enchanted Forest Road.

1. Maximum allowable residential density is one dwelling unit per acre.
2. The following uses that require or promote the concentration of people or have substantial occupancy by dependent populations (such as children, sick, or the elderly) are prohibited: schools, libraries, hospitals, nursing homes, day care centers, multifamily housing, playfields, public meeting rooms, public assembly uses, churches and religious assembly uses, restaurants, motels and hotels.
3. No increase to the height or scale of nonconforming uses or structures shall be permitted. Nonconforming uses may not be expanded beyond currently permitted size and uses.
4. The bulk storage of flammable (except for residential propane or heating oil tanks) or hazardous materials is prohibited. Residential propane tanks shall be located underground.
5. A minimum of 40 percent of the site shall remain in open space to maximize the opportunity for pilots in an emergency to avoid structures intended for human occupancy. To the extent possible subject to the development and design standards for the land use district in which the project is located, this open space shall include those portions of the site closest to the extended runway centerline, and shall be contiguous with similar open spaces on adjacent properties. No more than 25 percent of this required open space (10 percent of the site area) may be on that

portion of the site between the Lovers Lane right-of-way and structures fronting on Lovers Lane.

6. To the extent possible subject to development and design standards for the land use district in which the project is located, structures for human occupancy shall be located on those portions of the site farthest from the extended runway centerline.
7. For nonresidential uses, the maximum design occupancy for normal use of the site and structures shall not exceed an annual average of 10 people per acre during all hours, or 30 people per acre during hours of operation. The maximum floor area ratio (FAR) for development below is assumed to meet these design objectives. In calculating FAR, the floor area of a permitted accessory residential unit shall not be included:
 - a. Retail, service and office uses: 0.15;
 - b. Manufacturing and industrial uses: 0.35;
 - c. Warehouse and storage uses: 1.0;
 - d. Other nonresidential uses: 0.15.

C. Inner Safety Zone (Zone 2), South Portion. The south portion of zone 2 is that portion of zone 2 south of Enchanted Forest Road.

1. Maximum permitted residential density is the lesser of one dwelling unit per acre or the density permitted by the land use district in which the property is located.
2. For nonresidential uses, the intensity of design occupancy and intensity of development, and prohibited uses involving public assembly or occupancy by dependent populations, shall be as established in the inner turning zone (zone 3).
3. No increase to the height or scale of nonconforming uses or structures shall be permitted. Nonconforming uses may not be expanded beyond currently permitted size and uses.
4. The bulk storage of flammable (except for residential propane or heating oil tanks) or hazardous materials is prohibited. Propane tanks shall be located underground.
5. A minimum of 40 percent of the site shall remain in open space to maximize the opportunity for pilots in an emergency to avoid structures intended for human occupancy. To the extent possible subject to the development and design standards for the land use district in which the project is located, this open space shall include those portions of the site closest to the extended runway centerline, and shall be contiguous with similar open spaces on adjacent properties. No

more than 25 percent of this required open space (10 percent of the site area) may be on that portion of the site between the Lovers Lane right-of-way and structures fronting on Lovers Lane.

D. Inner Turning Zone (Zone 3). Zone 3 is the area that begins 200 feet from the threshold line on the runway pavement which marks the end of the declared usable runway surface, and for the standard area that extends out at 30 degrees from both sides of the extended runway centerline to 2,500 feet. It connects to the centerline of the inner safety zone (zone 2) with sweeping arcs, 2,500 feet from the threshold line on the runway pavement. The inner portion of Zone 3 is that portion of zone 3 closer to the extended centerline of the runway than a line parallel to and 300 feet outside of the outer boundary of zone 2. The outer portion of zone 3 is all other parts of zone 3.

1. Notwithstanding this section, the requirements of zone 5 shall apply to the small wedges of land on the north shore that are in zone 3.
2. Maximum allowable residential density the inner portion of zone 3 is the lesser of four dwelling units per acre or the maximum density permitted in the land use district in which the property is located. Maximum allowable residential density in the outer portion of zone 3 is the lesser of eight dwelling units per acre or the maximum density permitted in the land use district in which the property is located. Within zone 3 only, within the area designated for the village commercial district in the official maps for the Eastsound Subarea Plan as amended October 3, 2000, the maximum allowable residential density is 12 dwelling units per acre.
3. The following uses that require or promote the concentration of people or have substantial occupancy by dependent populations (such as children, sick, or the elderly) are prohibited: schools, libraries, hospitals, nursing homes, day care centers, playfields, public meeting rooms with a capacity for more than 25 people, public assembly uses, churches and religious assembly uses, restaurants, motels and hotels.
4. No increase to the height or scale of nonconforming uses or structures shall be permitted. Nonconforming uses may not be expanded beyond currently permitted size and uses.
5. The bulk storage of flammable (except for residential propane or heating oil tanks) or hazardous materials is prohibited. Propane tanks shall be located underground.
6. A minimum of 30 percent open space is required.

7. For that portion of zone 3 on the east side of Lovers Lane, to the extent possible subject to development and design standards for the land use district in which the project is located, structures for human occupancy shall be located on those portions of the site farthest from the extended runway centerline.

8. In the inner portion of zone 3, the maximum design occupancy for normal use of the site and structures for nonresidential uses shall not exceed an annual average of 15 people per acre during all hours, or 50 people per acre during hours of operation. The maximum floor area ratio (FAR) for development below is assumed to meet these design objectives. In calculating FAR, the floor area of a permitted accessory residential unit shall not be included:

- a. Retail, service and office uses: 0.25;
- b. Manufacturing and industrial uses: 0.50;
- c. Warehouse and storage uses: 2.0;
- d. Other nonresidential uses: 0.25.

9. In the outer portion of zone 3, the maximum design occupancy for normal use of the site and structures for nonresidential uses shall not exceed an annual average of 30 people per acre during all hours, or 100 people per acre during hours of operation. The maximum floor area ratio (FAR) for development below is assumed to meet these design objectives. In calculating FAR, the floor area of a permitted accessory residential unit shall not be included:

- a. Retail, service and office uses: 0.50;
- b. Manufacturing and industrial uses: 1.00;
- c. Warehouse and storage uses: 2.00;
- d. Other nonresidential uses: 0.50.

E. Outer Safety Zone (Zone 4). Zone 4 is the area that extends out 225 feet from both sides of the extended runway centerline, beginning at the outer edge of the inner turning zone (zone 3) and extending to the outer boundary of the horizontal zone, 5,000 feet from the threshold line on the runway pavement.

1. Maximum permitted residential density is the lesser of four dwelling units per acre or the density permitted by the land use district in which the property is located.
2. For nonresidential use, the intensity of design occupancy and intensity of development, and prohibited uses involving public assembly or occupancy by dependent populations, shall be as established in the inner part of the inner turning zone (zone 3).
3. No increase to the height or scale of nonconforming uses or structures shall be

permitted. Nonconforming uses may not be expanded beyond currently permitted size and uses.

4. The bulk storage of flammable (except for residential propane or heating oil tanks) or hazardous materials is prohibited. Propane tanks shall be located underground.
5. A minimum of 40 percent of the site shall remain in open space to maximize the opportunity for pilots in an emergency to avoid structures intended for human occupancy. To the extent possible subject to the development and design standards for the land use district in which the project is located, this open space shall include those portions of the site closest to the extended runway centerline, and shall be contiguous with similar open spaces on adjacent properties. No more than 25 percent of this required open space (10 percent of the site area) may be on that portion of the site between the Lovers Lane right-of-way and structures fronting on Lovers Lane.
6. To the extent possible subject to development and design standards for the land use district in which the project is located, structures for human occupancy shall be located on those portions of the site farthest from the extended runway centerline.

F. Sideline Safety Zone/Airport Development Zone (Zone 5). Zone 5 is the area that is immediately adjacent to the airport and runway area. The standard area begins at the primary surface, extending out 500 feet from the extended runway centerline and connecting at its ends to the inner turning zone (zone 3). For Orcas Island airport, the southerly boundary extends only as far as the northern boundary of the Mt. Baker Road right-of-way, and extends along that right-of-way line to intersect with the boundary of zone 1. In the northeast, the boundary of zone 5 extends north as described until it meets the center of the marina district waterway. From there it is extended north along the centerline of the marina district waterway and then north to intersect with the boundary of zone 3.

1. New residential development is prohibited except as provided in subsection (F)(2) of this section.
2. Residential Use in the Grasylyvania and Aeroview Subdivisions. Existing and new residential use in the portions of the Grasylyvania and Aeroview subdivisions that are within sideline safety zone (zone 5), solely in the form of aircraft hangar structures which incorporate within them an accessory single-family residential dwelling unit, may be allowed as a conforming use.

3. Aviation-related, industrial, utility, storage, and nonretail commercial uses are preferred uses.
4. Shoreline and marina operations, docking and other such uses of the shorelines environments, where they do not conflict with subsection (F)(5) of this section and Chapter 18.50 SJCC, are allowed.
5. Except as necessary and incidental to airport operations, the following uses that require or promote the concentration of people or have substantial occupancy by dependent populations (such as children, sick, or the elderly) are prohibited: schools, libraries, hospitals, nursing homes, day care centers, multifamily housing, playfields, public meeting rooms, public assembly uses, churches and religious assembly uses, restaurants, motels and hotels.
6. No increase to the height or scale of nonconforming uses of structures shall be permitted. Nonconforming uses may not be expanded beyond currently permitted size and uses.
7. To the extent possible subject to the development and design standards for the land use district in which the project is located, structures for human occupancy shall be located on those portions of the site farthest from the extended runway centerline.
8. The maximum design occupancy for normal use of the site and structures shall not exceed an annual average of 10 people per acre during all hours, or 30 people per acre during hours of operation. The maximum floor area ratio (FAR) for development below is assumed to meet these design objectives. In calculating FAR, the floor area of a permitted accessory residential unit shall not be included:
 - a. Retail, service and office uses: 0.15;
 - b. Manufacturing and industrial uses: 0.35;
 - c. Warehouse and storage uses: 1.0;
 - d. Other nonresidential uses: 0.15.

G. Traffic Pattern Zone (Zone 6). This zone is not designated for the Orcas Island airport overlay district. (Ord. 2–2003 § 1; Ord. 5–2002 § 4)

18.40.040 Airfields and airstrips.

A. Standards.

1. No aircraft except those of the airfield or airstrip owners shall be stored at any airfield or airstrip. If hangars are proposed for aircraft storage, they shall be only for the noncommercial use of the aircraft owner(s).

2. No commercial activity shall be allowed. The owner of an airfield or airstrip may allow commercial carriers to land on a regular basis for the purpose of delivering mail or freight to an island and may allow nonscheduled charter flights to land, but no freight distribution facilities or other commercial service shall be conducted.
3. In any application for a new or expanded airfield or airstrip, the applicant is required to demonstrate that:
 - a. The proposed use cannot be accommodated by existing facilities or planned expansions to existing facilities;
 - b. The safety of persons and property on the ground will be assured;
 - c. The traffic pattern is approved by the FAA prior to permit application and, if required by the County, marked on the ground prior to operation in accordance with FAA standards for segmented circle marker systems;
 - d. Traffic patterns shall minimize noise impacts on nearby properties; and
 - e. Drainage will be controlled so that pollutants and sediments will not be carried into water bodies or onto adjacent properties. (See SJCC 18.60.060 and 18.60.070.)
4. Signs may be required in order to post noise control requirements for departures.
5. Aircraft operations that have not been established prior to the effective date of this code shall be allowed only between 7:00 a.m. and dusk.

B. Standards for Nonconforming Airfields and Airstrips. The following standards apply to all airfields and airstrips made nonconforming by adoption of this code:

1. Nonconforming airfields and airstrips are deemed abandoned if aircraft operations cease for any period of 24 consecutive months.
2. Aircraft operations are only allowed between the hours of 7:00 a.m. and dusk.

C. Standards for the Alteration or Expansion of Airfields and Airstrips. Additional or new commercial aircraft operations at airfields and airstrips constitute an expansion of use. An increase in the number of owners or legal beneficiaries of rights to the use of an airfield or airstrip constitutes an expansion subject to the use regulations for the applicable land use district (Tables 3.1 and 3.2, SJCC 18.30.030 and 18.30.040).

1. An alteration or expansion that would result in increased aircraft activity, conflict with the purpose of the applicable land use district, or cause increased adverse impacts to surrounding areas is prohibited.
2. For other minor, low-impact changes (see Table 8.2, SJCC 18.80.090) the administrator may apply conditions appropriate to ensure that such uses have minimal adverse impacts. (Ord. 2–1998 Exh. B § 4.4)

18.40.050 Animal kennels and shelters.

Animal kennels and shelters are subject to the following standards:

- A. Animals shall be sheltered in suitable, clean structures. Structures and animal runs associated with a kennel shall be located at least 100 feet from any property line.
- B. Kennels or shelters located adjacent to village residential (VR), hamlet residential (HR), or rural residential (RR) districts shall be indoor facilities only.
- C. Animals being kept on the premises shall be allowed outside only between the hours of 7:00 a.m. and 7:00 p.m.
- D. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. (Ord. 2–1998 Exh. B § 4.5)

18.40.060 Assembly facilities.

The following standards apply to all assembly facilities:

- A. Operators of assembly facilities such as meeting halls, community centers, churches, *etc.*, if served by a shared private, nonpaved road must mitigate the dust and road maintenance problems associated with the increased road use.
- B. The storage of buses or vans over 10,000 pounds gross vehicle weight is permitted on-site only, subject to the following requirements:
 1. The location of the parking areas for these vehicles is as indicated on an approved site plan;
 2. No more than two large vehicles may be stored on-site at a given period of time;
 3. Vehicles and vehicle parking shall not intrude into public rights-of-way or obstruct sight visibility from any driveway; and
 4. Type A screening is required to screen the vehicles from view of neighboring property.
- C. **Dwelling Units.** Any dwelling in conjunction with assembly facilities shall comply with the provisions governing residential uses for the district where it is located.

- D. **Screening.** There shall be Type C screening along the perimeter of any parking lot that is adjacent to or across a road from residential land uses.
- E. **Associated Uses.** Uses sponsored by a community club or organization such as day schools, auditoriums used for social and sports activities, health centers, convents, preschool facilities, or convalescent homes, shall be considered separate uses subject to the provisions of this code for the district designation in which they are located. This does not apply to uses sponsored by a religious organization. (*See also* SJCC 18.40.210, which provides for child care centers as accessory uses.) (Ord. 2–1998 Exh. B § 4.6)

18.40.070 Automotive fuel, service, and repair stations.

Automotive fuel, service, and repair stations must conform to the following restrictions and standards:

- A. Ingress and egress must be by means of driveways approved by the County engineer;
- B. All driveways must be at least 35 feet from street intersections;
- C. Driveways must be not less than 40 feet apart and not less than 15 feet from interior property lines;
- D. Parking and storage areas must be paved in accordance with specifications of SJCC 18.60.120 and 18.60.140;
- E. Service and fuel stations shall have a minimum of 150 feet of frontage on at least one street from which there is access;
- F. No outdoor storage is allowed;
- G. Lighting at service and fuel stations must be adequate to permit safe night-time operation, but must be of direct cutoff design, shielded, or placed to avoid glare or nuisance to nearby residential property and passing street traffic;
- H. Any vehicle stored for more than 30 days must be screened by a Type A screen (*see* SJCC 18.60.160); and
- I. A Type C screen (*see* SJCC 18.60.160) must be provided along all road frontages.
- J. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. (Ord. 12–2001 § 5; Ord. 2–1998 Exh. B § 4.7)

18.40.080 Automobile wrecking yards and junk (or salvage) yards.

Auto wrecking yards and junk (or salvage) yards are subject to the following standards:

- A. Total use area shall not exceed one acre.

- B. Minimum street frontage shall be 100 feet.
- C. Minimum lot depth shall be 125 feet.
- D. Minimum building setback distance from property lines shall be 30 feet on all sides.
- E. A Type A Screen (SJCC 18.60.160) shall be used to enclose the auto wrecking yard or junk yard.
- F. All outdoor storage shall be within the screened area.
- G. At no time shall any items be piled higher than the screening.
- H. Scrap tires shall not be stored outside for a period exceeding 30 days.
- I. Notwithstanding the above regulations, all auto wrecking yards and junk yards must comply with all state regulations pertaining to this type of use.
- J. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. (Ord. 2–1998 Exh. B § 4.8)

18.40.090 College or technical schools.

College or technical schools are subject to the following standards:

- A. College or technical schools located in the rural industrial (RI) or rural commercial (RC) districts must be related to a resource use of the land.
- B. Colleges or technical schools must comply with the site standards for industrial uses, SJCC 18.40.280. (Ord. 2–1998 Exh. B § 4.9)

18.40.100 Commercial communication facilities.

Personal wireless facilities are regulated under Chapter 16.80 SJCC; *see also* SJCC 18.30.190(E). Other commercial communication facilities are subject to the following standards:

- A. The entire facility must be aesthetically and architecturally compatible with its environment. In no case will metal exteriors be allowed for accessory buildings.
- B. Facilities shall be located on the lot so that the distance from the base of the facility to any adjoining property line or supporting structure of another facility is at least 100 percent of the proposed facility height. Facilities that cannot satisfy this 100 percent setback may be approved; provided, that the applicant presents a certification from a licensed structural engineer that the structure is designed for a basic wind speed of 90 mph in accordance with the currently adopted edition of the ANSI–EIA/TIA–222E.
- C. Communication facilities located outside of activity centers may not include offices, long-term vehicle storage, other outdoor storage, broadcast studios (except for emergency purposes), or other uses that

- are not needed to send or receive transmissions.
- D. When lighting is required and permitted by the FAA or other federal or state authority, it shall be oriented upward and outward so as not to project onto surrounding residential property.
 - E. Strobe lighting on commercial communication facilities is prohibited.
 - F. In order to minimize facility proliferation, the applicant shall provide data that supports the conclusion that sharing space on existing facilities is not feasible or possible based on one or more of the following factors: available space on existing facilities, the facility owner's ability to lease space, the facility's structural capacity, radio frequency interference, geographic service area requirements, mechanical or electrical incompatibilities, the comparative costs of co-location and new construction, or any Federal Communications Commission (FCC) limitations on facility and tower sharing.
 - G. All proposals for communication facilities or towers shall include justification for the height requested.
 - H. No land use permit is required for any satellite dish smaller than one meter in diameter in any land use district, or for any communication facility or for any satellite dish antennas smaller than two meters in diameter when associated with a place of business or industry and located in the VC, VI, HC, HI, RC, and RI land use designations.
 - I. Conformance with the FCC guidelines shall be demonstrated with baseline testing conducted in accordance with the requirements in Table 4.1, below. All subsequent radio-frequency (RF) radiation monitoring shall also be conducted in accordance with these requirements.
 - J. Television and radio broadcast antennas and associated facilities shall be allowed only on sites established for this purpose (as of December 31, 1996) at Mount Constitution on Orcas Island.

Table 4.1. Protocol for Testing and Monitoring of Electromagnetic Fields (EMF) for Commercial Communications Facilities.^{1, 2}

EMF Parameter ³	Suitable Testing Equipment ⁴	Testing Method or Technique	Comments
Microwave Power Density	HP 435B, Battery-Powered MW Power Meter with 8542A Thermistor Sensor and Calibrated Horn Antenna, or updated equivalent	Map 360 degrees around proposed site at 10-meter increments to a distance of 100 meters. Aim horn away from site or towards existing towers. Make measurements at one meter and two meters above ground in open areas and at occupancy levels in buildings within 100 meters.	One meter simulates the average height of small children, two meters that of adults. Positional accuracy must be +/- one meter. A nonmetal tripod should be used, along with fiber optic cables from sensor to readout.
Broadband Spectrum Analysis (covering the frequency range of 100 kHz to 3 GHz)	HP 35665A (Low-Frequency), HP8591 (VHF to MW) or HP 8560E (ELF to MW) with ELF and VHF-MW Isotropic Sensors	Record the spectrum of frequencies at selected GPS coordinates. Note any displayed interference or constructive/destructive harmonics.	Spectrum analysis readings at: center of site and 4-positions on circles extending 10, 20, and 50 meters from antenna site. Spectrum readings must also be conducted at all locations where RF or MW "hot spots" or "nulls" were previously detected.
Radio Frequency Field Density	Broadband RF Survey Meter with Isotropic omnidirectional probe ⁵	Probe sensor should be tripod-mounted (nonmetallic) with fiber optic cables at least 10m long connected to readout unit to eliminate possible coupling effects between probe and operator.	RF probe positions should be identical to MW, and all other sensors or probe positions. Make measurements at one meter and two meters, as above. Flag all "hot spots" or "nulls" in signal density/intensity.

Notes:

1. This table is adapted from the "Cobbs Protocol." It appears in a table, "Suggested EMF Monitoring Measurements at Transmitter Sites," presented by C.A. Cobbs to the Federal Communications Commission on 2/18/96 (and is available for inspection at the planning department).
2. A charged object produces an electric field in the space around it; an object that carries current or which is a magnet produces a magnetic field in the nearby area. Energy is transferred via these "electromagnetic fields" (EMF) to people and other living

organisms that pass through the fields. "Field density" is a measure of the strength of the fields; "power density" is a measure of the energy flow through the field.

3. Abbreviations used:

ELF = Extremely low frequency radiation, 30 to 300 Hz	Hz = Hertz, a unit of frequency equal to one cycle of an electro-magnetic wave per second	Gauss = A unit of magnetic flux density,
RF = Radio-frequency radiation		EMF = Electromagnetic field
VHF = Very high frequency radiation	kHz = kiloHertz = 1,000 Hertz	GPS = Global positioning satellite
MW = Microwave radiation	MHz = MegaHertz = 1 million Hertz	

4. Equipment from other manufacturers, or other models, may be substituted; provided, that it meets or exceeds the specifications of the indicated equipment.
5. Available from Holaday Instruments, Hewlett-Packard, *etc.*

(Ord. 12–2001 § 5; Ord. 14–2000 § 7(FFF); Ord. 2–1998 Exh. B § 4.10)

18.40.110 Commercial uses – Standards for site development.

A. All Commercial Uses. The following standards apply to all commercial uses as listed in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 and to any use determined by the administrator to be commercial use.

1. Water supplies and sewage disposal facilities adequate to serve the proposed use shall be provided. Occupancy shall not be permitted before water supplies and sewage disposal facilities are approved and installed.
2. Use of a County access road or private road for access to new commercial development shall be permitted only if the applicant demonstrates that public health, safety, and welfare will be protected, and if traffic and maintenance impacts to the private road are minimized by conditions on the permit.
3. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property.

B. Commercial Development in Rural Designations. The following standards apply to all commercial uses located in the rural land use designations listed in Table 3.2 in SJCC 18.30.040, as determined by the administrator.

1. The proposed use will result in minimal additional demands on services and utilities available in rural areas and will not result in more than a minimal and manageable increase in demand on community water supplies, sewage disposal systems, or roads.
2. Building coverage impacts identified in Table 8.2 in SJCC 18.80.090 as medium or low may be allowed. Traffic and parking impacts need not necessarily meet the levels criteria of Table 8.2. (Ord. 2–1998 Exh. B § 4.11)

18.40.120 Conversions of land to non-forestry use – Forest management practices – General regulations.

A. Forest management practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title 222, applicable Washington Department of Fish and Wildlife regulations, Class IV General regulations to be adopted by San Juan County, and applicable provisions of Chapter 18.50 SJCC, the Shoreline Master Program. However, thinning for views and the taking of timber for personal domestic purposes shall not be subject to any permits associated with this code.

B. All forest practice permit applications provided to the County by the Washington Department of Natural Resources (WDNR) shall be reviewed to ensure that regulations in this code and in applicable overlay districts will be met.

C. Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the WDNR with an explanation why emergency action was necessary so that the WDNR may evaluate the appropriateness of the "emergency" and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, Title 222 WAC, and County authorities derived from them (including the requirements of this code); provided, that the operator:

1. May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of

the catastrophic event; and

2. Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application (RCW 76.09.060(7); WAC 222-20-070).

D. Harvesting Without a Forest Practices Permit.

When harvesting takes place without a permit, except as provided in subsection (C) of this section, the County shall impose the six-year moratorium of SJCC 18.40.160(B) on the entire parcel or parcels illegally harvested from the date the unpermitted harvesting was discovered by the WDNR or the County. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of SJCC 18.40.170(A)(2) and (3) (RCW 76.09.060(3)(b)(i)(C) and (iii)).

- E. Logging roads shall be subject to provisions of SJCC 18.40.120 through 18.40.180 and 18.60.080(C) (private roads).
- F. Where applicable, forest management practices shall be consistent with the San Juan Islands Trust Land Management Plan. (Ord. 12-2001 § 5; Ord. 14-2000 § 7(EEE); Ord. 2-1998 Exh. B § 4.12.1)

18.40.130 Conversions of land to non-forestry use – Forest management practices – Regulations by designation.

General regulations in SJCC 18.40.120 through 18.40.180 shall apply to all Comprehensive Plan designations, except that commercial timber harvest shall not be permitted in the natural designation. (Ord. 2-1998 Exh. B § 4.12.2)

18.40.140 Conversions of land to non-forestry use – Forest management practices – Class IV General forest practices and jurisdictions.

A. Purpose.

1. Class IV General forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in designated urban growth areas.
2. Class IV General is not intended to serve as a growth control per se, but rather for the management and mitigation of growth and development. The environmental review and conditioning of Class IV General forest practice applications are intended to be at a higher level than for continuance of forestry use, in recognition of the higher impacts associated with

conversion of the land to developed uses.

B. Applicability. Applications involving any of the following circumstances are Class IV General:

1. Lands that have been or are being converted to nonforestry use;
2. Forest practices on lands platted after January 1, 1960;
3. Lands with a likelihood of future conversion to urban development within the next 10 years;
4. All Class II (including timber harvest and road construction) and Class III forest practice applications in designated urban growth areas; and
5. All Class I applications in the UGAs, but only after the County has assumed permit jurisdiction (*see* subsection (D) of this section).

C. Exceptions to the Requirement for a Class IV General Permit.

1. Forest practices involving a single landowner where contiguous ownership is less than two acres in size. This exception does not apply if:
 - a. Any of the limiting conditions in WAC 222-16-050(3)(r) are present. In this case, an application for Class II, III, or IV must be made, depending on the forest practices proposed. If these conditions are present and a conversion is proposed, a Class IV General application is required.
 - b. The forest practices are Class IV Special; that is, they have the potential for substantial impacts to the environment as provided in WAC 222-16-050(1), 222-16-070, or 222-16-080.
 - c. The land already has a six-year moratorium applied to it as part of the forest practice permit in SJCC 18.40.160 or as a result of enforcement actions as per SJCC 18.40.170. In this case, a Class IV General application is required for a conversion to any nonforestry use.
 - d. The land is in a designated UGA and the County has assumed permit jurisdiction for Class IV General. In this case, subsection (B)(5) of this section applies (but SEPA review is not required – *see* SJCC 18.40.150(A)).
2. Applications involving any of the following circumstances are not Class IV General:
 - a. The landowner submits a signed statement of intent to retain the land in forestry use as in SJCC 18.40.160.
 - b. The landowner submits a County-approved conversion option harvest plan (*see* SJCC

18.40.180) as part of an application for a Class II, III, or IV special forest practices permit.

- c. An application that involves forest practices that are listed as Class IV Special in WAC 222-16-050, 222-16-070, and 222-16-080, but that also includes a conversion, is processed as Class IV Special by the WDNR but also is accorded the full County review and conditioning of a Class IV General.

D. Jurisdiction for Class IV General Permit Review and Approval. Unlike other forest practices, the County exercises additional review and approval authorities for Class IV General forest practices. These authorities were clarified and extended by SSB 5714, enacted by the 55th Legislature, 1997:

1. **Before December 31, 2001.** The County may adopt an ordinance to regulate Class IV General forest practices, and request the transfer of jurisdiction for review and approval of these permits within the County. The WDNR and Washington Department of Ecology will review the County's proposed regulations, and approve the transfer of jurisdiction. In the absence of such a transfer, the WDNR will continue to exercise approval authority to the end of 2001 with input from the County.
2. **After December 31, 2001.** The County must have adopted an ordinance and assumed jurisdiction over these permits by this date. Thereafter, the County regulates and enforces all Class IV General applications within the County. (Ord. 14-2000 § 7(EEE); Ord. 2-1998 Exh. B § 4.12.3)

18.40.150 Conversions of land to non-forestry use – Forest management practices – Regulations governing Class IV General forest practice permits.

A. SEPA Review Required. Class IV General forest practices are reviewed under SEPA, and the preparation of a checklist (*see* SJCC 18.80.050) is required. (However, Class I forest practices in urban growth areas, when processed as Class IV General forest practices, are not subject to environmental review under SEPA.)

B. Procedures for Conversion to Nonforestry Use. If a forest practice permit application indicates the intention by the property owner to convert to a nonforestry use, or if forest practices are proposed to occur on land platted after January 1, 1960:

1. **If Class IV General is Still Within WDNR Jurisdiction.** The County shall forward to the WDNR its consent or objections to the permit. The County response shall be based on

compliance with provisions of the Comprehensive Plan and applicable subarea plans. The County shall not consent to forest practice permit approval if the operations proposed will preclude compliance with applicable County regulations. The WDNR will not approve the portions to which the County objects unless it receives a favorable ruling on appeal to the forest practices appeals board; or

2. **Once the County Has Jurisdiction.** The administrator shall approve, approve with conditions, or deny the application based on the criteria above, the results of the environmental review, and administrative review of compliance with the requirements and standards of this code (such as shorelines, environmentally sensitive areas, road design, grading and drainage), and other applicable codes and regulations.
3. The property owner shall submit to the administrator a signed statement of the proposed use, and a plot plan that identifies the land area to be devoted to it. The administrator shall impose any conditions necessary to ensure compliance with applicable County regulations and shall notify the property owner (and WDNR, if applicable) of County requirements. The administrator may also provide recommendations to the property owner for site development in accordance with applicable County policies. The property owner shall sign a statement of compliance with County regulations provided by the administrator. (Ord. 14-2000 § 7(EEE); Ord. 2-1998 Exh. B § 4.12.4)

18.40.160 Conversions of land to non-forestry use – Forest management practices – Regulations governing continuance of forestry use.

A. Landowner's Intention Not To Convert.

1. If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV General permit will not be required, and a mandatory development moratorium shall be applied (*see* subsection (B) of this section).
2. **Recording of Intent.** The WDNR will submit to the County a copy of the statement of a forest landowner's intention not to convert. The County shall file this statement with the County auditor, who shall record this statement together with a legal description of the property affected

as provided in Chapter 65.04 RCW. WDNR will collect a recording fee from the applicant and reimburse the County for the cost of recording the application (RCW 76.09.060.3(b)(i)(A) and (B)).

B. Mandatory Six-Year Development Moratorium.

For six years after the date of the application the County shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to nonforestry uses of the entire parcel or parcels subject to the application (RCW 76.09.060(3)(b)(i), (ii), and (iii)).

C. Continuing Forestry in Urban Growth Areas.

Forest practices within a designated UGA require a Class IV General permit (*see* SJCC 18.40.140(B) (3), (4), and (5), unless:

1. The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (A) of this section, with an application, accompanied by either a written forest management plan acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (*i.e.*, proof of forest tax class status). A mandatory development moratorium shall be applied (*see* subsection (B) of this section); or
2. A COHP is submitted to the WDNR as part of an application. (Ord. 12–2001 § 5; Ord. 14–2000 § 7(EEE); Ord. 2–1998 Exh. B § 4.12.5)

18.40.170 Conversions of land to non-forestry use – Illegal conversions and enforcement.

A. Conversion Without a Class IV General Permit or COHP.

1. If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV General or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended (RCW 76.09.060(3)(b)(iii)).
2. The County shall impose the six-year moratorium of SJCC 18.40.160(B) on the entire parcel or parcels that was illegally converted from the date the unpermitted conversion was discovered by the WDNR or the County (RCW 76.09.060(3)(b)(i) (C)).
3. Violations may be subject to civil or criminal penalties, as per Chapter 222–46 WAC. The County may also enforce its regulations as provided in subsection (A)(1) of this section,

using the procedures in Chapter 18.100 SJCC.

- B. Failure to Comply with Reforestation Requirements.** This constitutes a removal of designation and a change of use, and shall subject all parcels illegally converted to the payments and/or penalties resulting from such removals or changes (RCW 76.09.060 (3)(b)(ii). (Ord. 12–2001 § 5; Ord. 14–2000 § 7(EEE); Ord. 2–1998 Exh. B § 4.12.6)

18.40.180 Conversion option harvest plan (COHP) – General regulations.

- A.** A COHP is a voluntary plan developed by the landowner and approved the County that indicates the limits and types of harvest areas, road locations, and open space. This approved plan is submitted to the WDNR as part of a Class II, Class III, or Class IV Special forest practice application, and is attached to and becomes part of the conditions of the permit approved by the WDNR.

If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner’s option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on future development (*see* SJCC 18.40.160 (B)) without having to file a Class IV General application (WAC 222–20–050(2)).

Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; *see* subsection (F) of this section.

- B.** All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHPs will be processed and reviewed in the same manner as “Prov” permit review for compliance with development and performance standards, SJCC 18.80.070(E). The application shall include:

1. The application checklist, including a legal description of the property.
2. The COHP agreement form.
3. The application fee.
4. Maps and drawings of the property detailing the following:
 - a. Location of existing and proposed roads, yarding areas, and access points;
 - b. Location and types of vegetation, old growth trees, and snags;
 - c. Location and type of soils;
 - d. Location and type of water bodies, drainage ways, or wetlands;
 - e. Location and type of critical habitat areas and other environmentally sensitive areas

(see SJCC 18.30.110 *et seq.*);

- f. Comprehensive Plan designation for the property;
 - g. Intended use(s), if known;
 - h. Approximate limits of conversion option harvest area;
 - i. Specific plans to modify or conduct forest practice activity for future conversion options;
 - j. Location and approximate dimensions of all clearcut areas; and
 - k. Parcel boundaries and dimensions.
5. Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads.
- C. All COHPs shall meet the following minimum standards:
1. No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the County (see SJCC 18.80.050).
 2. A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.
 3. A COHP shall preserve a 50-foot-wide buffer along all roads adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.
 4. All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.60 SJCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.
5. A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.
 6. A COHP shall contain written authorization from the property owner agreeing to San Juan County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.
 7. All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.
 8. Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.
 9. Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.
 10. All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.
 11. Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.
 12. Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.
- D. Any COHP which exceeds the minimum requirements of subsection (C) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (1) a site inspection by the County to evaluate the potential impacts of the COHP; and (2) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the "potential for substantial impact on the environment." If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently

mitigated for an MDNS (*see* SJCC 18.80.050).

The thresholds for review are:

1. The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district.
 2. The COHP includes harvest on slopes exceeding 40 percent.
 3. The COHP includes any clearcut areas exceeding two acres.
 4. The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife.
 5. The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional.
 6. The COHP has potential for substantial adverse impacts on Class 1 or 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.
- E.** The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP being approved as submitted.
- F. Failure to Comply with the Terms of a COHP.**
1. An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the County without agreement by the permittee, and in either case must be approved by the WDNR.
 2. If a landowner fails to comply with the requirements of the conversion option harvest plan, the County shall impose the six-year moratorium of SJCC 18.40.160(B) from the date the application for the permit was given final approval by the WDNR or by the County (if approval jurisdiction had been transferred to the County) (RCW 76.09.060(3)(b)(i)(F)).
 3. If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of SJCC 18.40.170(A)(2) and (3).
- G. Improvements Subject to this Code.** If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the County. (Ord. 14–

2000 § 7(EEE); Ord. 2–1998 Exh. B § 4.12.7)

18.40.190 Cottage enterprises.

The following standards apply to all cottage enterprises:

- A.** No exterior display of goods for sale shall be allowed.
- B.** Outdoor storage areas exceeding 500 square feet shall not be visible from adjacent properties or rights-of-way.
- C.** The enterprise employs or contracts no more than six persons on-site.
- D.** The cottage enterprise is an accessory use to the residential use of a dwelling unit, and the residential function of the buildings and property shall be maintained. The operator of the enterprise must reside on the parcel.
- E.** No more than one sign is allowed. No sign may be larger than two square feet, be internally illuminated, or be of reflective material.
- F.** The impacts of the cottage enterprise, as identified in Table 8.2 in SJCC 18.80.090, may not exceed the “low impact” category, except as follows:
 1. The cottage enterprise shall not increase the one-hour average background sound level by more than two decibels at the property boundary.
 2. Traffic generated by the cottage enterprise shall not exceed five round trips per day if the use is located on an “access road” or a nonsurfaced “collector road”; 10 round trips per day if located on a surfaced collector road; or 20 round trips per day if located on an arterial road.
 3. Parking spaces serving the cottage enterprise shall be screened from view from adjoining properties by a “Type B” landscaping screen (SJCC 18.60.160). Parking impacts need not necessarily meet the levels criteria of Table 8.2 in SJCC 18.80.090.
- G.** The owner(s) of a cottage enterprise shall certify compliance with performance standards in subsections (A) through (F) of this section, at the time the business commences, every five years, and at the time of sale of the property. Written certification shall be submitted to the permit center in a format approved by the administrator.
- H.** Sales and service incidental to the principally permitted use are allowed.
- I.** If one or more structures accessory to a single-family residence is used for the conduct of the cottage enterprise, the use area in accessory structures devoted to it shall not exceed 2,500 square feet in area on parcels two acres or less in size, except for existing accessory buildings constructed before the effective date of this code.

- J. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. (Ord. 2–1998 Exh. B § 4.13)

18.40.200 Desalination systems.

Standards for all desalinization systems are provided in SJCC 18.50.350(B) and also apply to portions of systems that occur outside the shoreline jurisdiction. (Ord. 2–1998 Exh. B § 4.14)

18.40.210 Day care and residential care facilities.

A. **Child Day Care Facilities.** The following standards apply to all child day care facilities:

1. All day care facilities shall demonstrate compliance with state licensing requirements.
2. Prior to initiating child care services, each child care provider must file a child care registration form with the administrator. The provider shall identify the classification of the day care facility as specified in state law, and must demonstrate compliance with the applicable requirements of this code as listed on the registration form.
3. Equipment used in the day care operations shall comply with all building setback requirements for the land use district in which the facility is located.
4. **Day Care Facilities – Accessory Use.**
 - a. A child day care center shall be considered an accessory use if it is sited on the premises of a community service use, such as a private or public school, grange, community center, library, or similar adult gathering place, and is operated in association with that activity.
 - b. Child care facilities for the exclusive use of employees of a business or public facility shall also be allowed as an accessory use of the business or facility. Prior to initiating operation of an accessory use child day care center, the operator must register with the County as specified in this section.
5. No structural or decorative alteration is allowed which would alter the residential character of an existing residential structure used as a child day care center.
6. An off-street area shall be provided for vehicles to drop off and pick up children.

B. **Residential Care Facilities and Nursing Homes.** The following standards apply to all residential care facilities and nursing homes:

1. The provider shall demonstrate compliance with state licensing requirements.
2. Prior to operation, each provider must file a facility registration form with the administrator. The provider shall identify the classification of the care facility as specified in state law and must demonstrate compliance with the applicable requirements of this code as listed on the registration form. (Ord. 2–1998 Exh. B § 4.15)

18.40.220 Drive-through window services.

The following standards apply to all drive-through window services:

- A. Only the following uses are permitted to have drive-through windows: banking, postal service, and ferry ticketing.
- B. A minimum of 120 feet of vehicle-queuing space shall be provided which is not within the public right-of-way, within on-site vehicular circulation aisles, or between the building and street. (Ord. 2–1998 Exh. B § 4.16)

18.40.230 Farm stay and farm worker accommodations.

A. **Farm Stay Accommodations.** The following standards apply to all farm stay accommodations:

1. Farm stay accommodations may be provided for up to six persons at any one time.
2. The site must currently be in the assessor’s tax category of agricultural open space.
3. Farm stay accommodations must be consistent with bed-and-breakfast residence requirements (*see* SJCC 18.40.260), except that farm stay accommodations may serve three meals a day to overnight guests only.
4. Accommodations shall be clearly subordinate to the agricultural activities on site or in the affected agricultural area and shall not detract from the rural environment.
5. Accommodations shall be located on no more than one acre of the farm parcel and shall be located so as to minimize the amount of agricultural land loss.
6. Accommodations shall not require the extension of public sewer and water services. On-site sewage disposal systems and water supplies shall be adequate to support the facility.
7. Accommodations are characterized by providing a maximum of 100 days annually for participation in farm operations and a maximum of 100 days annually for farm education programs.

B. Farm Worker Accommodations. The following standards apply to all farm worker accommodations:

1. Farm worker accommodations may be provided for up to 10 persons.
 2. The site must currently be in the assessor's tax category of agricultural open space.
 3. Accommodations are provided only to persons who are directly involved in agricultural activities and paid by the farm operator.
 4. Accommodations shall be clearly subordinate to agricultural activities on site or in the affected agricultural area and shall not detract from the rural environment.
 5. Accommodations shall be located on no more than one acre of the farm parcel and shall be located so as to minimize the amount of agricultural land loss.
 6. Accommodations shall not require the extension of public sewer and water services: on-site sewage disposal systems and water supplies shall be adequate to support the facility. (Ord. 2-1998 Exh. B § 4.17)
4. Leave ridgelines and contrasting edges between landscape types unbroken by structures;
 5. On rolling open or steep open slopes, locate new free-standing ADUs so that the buildings will be screened by existing vegetation or terrain; and
 6. Ensure the protection of features such as wetlands and wildlife habitat.

- E. At least one additional off-street parking space shall be provided for the accessory dwelling unit in addition to the parking required for the principal residence.
- F. An accessory dwelling unit must be owned by the owner of the single-family residence.
- G. Accessory dwelling units existing as of the date of adoption of this code will be excepted from the standards in subsection (B) of this section.
- H. No more than one structure shall be designated as an accessory dwelling unit on any residential lot unless the applicable density for that lot allows for additional residences.
- I. Vacation (short-term) rentals of an accessory dwelling unit for periods less than 30 days shall also be subject to the requirements in SJCC 18.40.270. (Ord. 21-2002 § 5; Ord. 2-1998 Exh. B § 4.18)

18.40.240 Accessory Dwelling Units (ADUs).

The following standards apply to all accessory dwelling units:

- A. Where not otherwise prohibited by this Code, one internal, attached, or free-standing accessory dwelling unit is permitted on any lot having a single-family residence as the principal use of the lot. This ADU shall not be counted in density calculations and shall not require a density unit in addition to that for the principal residence.
- B. An accessory dwelling unit shall not exceed 1,000 square feet in living area.
- C. An accessory dwelling unit shall be served by the same driveway as the principal residence unless site conditions warrant a separate access.
- D. A free-standing accessory dwelling unit that is permitted after December 3, 2002 shall meet the following siting location standards:
 1. Locate new free-standing ADUs outside of the most sensitive open space features of the site;
 2. Locate new free-standing ADUs and their utilities and driveways in order to minimize intrusion on the most sensitive open-space features of the site. Use the same water system and driveway to serve the principal residence and free-standing ADU unless separate systems or driveway would have fewer impacts to the environment;
 3. Maintain existing orchards, meadows and pasture areas;

18.40.250 Hospitality commercial establishments – Bed and breakfast inns.

The following standards apply to all bed and breakfast inns:

- A. No more than five guest rooms nor more than 15 guests shall be accommodated at any one time in a bed and breakfast inn. In bed and breakfast inns in historic structures containing more than five guest rooms, a general standard of three people per room will be used to determine maximum capacity.
- B. If a building is on a federal, state, or local register of historic structures, then the owner may apply for a bed and breakfast inn for up to 10 rooms. A conditional use permit may be granted if the historic character and fabric of the building are preserved, if there are no new structures or additions to the existing structure(s), and if all other bed and breakfast inn standards and restrictions are met.
- C. Bed and breakfast inns served by nonpaved County roads for more than 500 feet shall be limited to three guest rooms.
- D. Bed and breakfast inns are not allowed if access is by means of shared private nonsurfaced access roads.
- E. No meals other than breakfast served before noon shall be provided in bed and breakfast inns. Meals may only be served to overnight guests.
- F. Kitchen facilities are prohibited in guest rooms.

- G. Bed and breakfast inns shall be restricted to proprietor-occupied single-family residences.
- H. Guest occupancies shall be limited to no more than 30 consecutive days.
- I. The exterior of the building shall retain a residential appearance.
- J. The bed and breakfast inn shall be operated in a way that will prevent unreasonable disturbance to area residents.
- K. One off-street parking space shall be provided for each guest room in addition to parking required for the residence. All parking spaces shall meet the standards of SJCC 18.60.120.
- L. Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
- M. No more than one sign is allowed. No sign may be internally illuminated or of reflective materials, or be larger than two square feet. It may contain only the name of the business and the hours of operation.
- N. The owner(s) of a bed and breakfast inn shall certify compliance with performance standards A through M of this section every five years and at the time of sale of the property. Written certification shall be submitted to the permit center in a format approved by the administrator. (Ord. 2–1998 Exh. B § 4.19.1)

18.40.260 Hospitality commercial establishments – Bed and breakfast residences.

The following standards apply to all bed and breakfast residences:

- A. Bed and breakfast residences shall be restricted to owner-occupied single-family residences. A bed and breakfast residence shall not occur in the same building with any other type of transient accommodation.
- B. No more than two sleeping rooms shall be available for the accommodation of bed and breakfast residence guests.
- C. No more than six guests shall be accommodated at any one time.
- D. Bed and breakfast residences shall be limited to a maximum of three guests when located on a private nonsurfaced road and when the residence is more than 500 feet along the nonsurfaced road.
- E. Guest occupancies shall be limited to no more than 30 consecutive days.
- F. No meals other than breakfast served before noon shall be provided in bed and breakfast residences. Meals may only be served to guests.

- G. The bed and breakfast residence shall be operated in a way that will prevent unreasonable disturbance to area residents.
- H. One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
- I. Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
- J. No more than one sign is allowed. No sign may be internally illuminated or of reflective materials, or be larger than two square feet. It may contain only the name of the business and the hours of operation.
- K. The owner(s) of a bed and breakfast residence shall certify compliance with performance standards A through J of this section every five years and at the time of sale of the property. Written certification shall be submitted to the permit center in a format approved by the administrator. (Ord. 2–1998 Exh. B § 4.19.2)

18.40.270 Vacation (short-term) rentals of residences or accessory dwelling units (ADUs).

The following standards apply to all vacation (short-term; less than 30 days) rentals of single-family residential units and accessory dwelling units or portions thereof:

- A. No more than three guests per bedroom shall be accommodated at any one time.
- B. The vacation rental of a principal residence or accessory dwelling unit shall be operated in a way that will prevent unreasonable disturbances to area residents.
- C. At least one additional off-street parking space shall be provided for the vacation-rental use in addition to the parking required for the residence or accessory dwelling unit.
- D. If any food service is to be provided the requirements for a bed and breakfast residence must be met.
- E. No outdoor advertising signs are allowed.
- F. The owner or a long-term lessee may either rent the principal residence or the accessory dwelling unit on a short-term basis (vacation rental), but not both.
- G. Where there are both a principal residence and an accessory dwelling unit, the owner or a long-term lessee must reside on the premises, or one of the living units must remain un-rented.
- H. In all activity center land use districts, 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. When 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.

- I. Vacation rental accommodations must meet all local and state regulations, including those pertaining to business licenses and taxes.
- J. Owners of vacation rentals must file with the Administrator a 24-hour contact phone number.
- K. The owner or lessee of the vacation rental shall provide notice to the tenants regarding rules of conduct and their responsibility not to trespass on private property or to create disturbances. If there is an easement that provides access to the shoreline, this shall be indicated on a map or the easement shall be marked; if there is no access, this shall be indicated together with a warning not to trespass. (Ord. 21–2002 § 5; Res. 145–1998; Ord. 2–1998 Exh. B § 4.19.3)

18.40.280 Industrial uses – Standards for site development.

- A. **All Industrial Uses.** The following standards apply to all industrial uses as listed in Tables 3.1 and 3.2 in SJCC 18.30.030 and 18.30.040 and to those other uses determined by the administrator to be industrial uses.
 - 1. The use of chemicals, industrial solvents, or other noxious or hazardous substances shall comply with all federal, state, and County safety, fire, structural, storage, and disposal standards.
 - 2. Water supplies, wastewater, and sewage disposal facilities adequate to serve the proposed use shall be provided.
 - 3. Retail sales and services incidental to a principally permitted use are allowable, provided:
 - a. The operations are contained within the main structure which houses the primary use;
 - b. Retail sales occupy no more than 15 percent of the total building square footage;
 - c. No retail sales or display of merchandise occurs outside the structure; and
 - d. All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises.
 - 4. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property.
 - 5. Use of a County access road or private road for

access to new industrial development shall be permitted only if the applicant demonstrates that public health, safety and welfare will be protected, and if traffic and maintenance impacts to the private road are minimized by conditions on the permit.

- B. **Industrial Uses in Rural Designations.** For all allowable and conditionally permitted industrial uses located in rural land use districts, as listed in Table 3.2 in SJCC 18.30.040, if estimated traffic volume generated would exceed the volume that would be generated by rural residential use of the site (five trips per day per unit of maximum density), any easements or road improvements required by the County engineer to accommodate the increase must be provided prior to occupancy.
- C. **Concrete Batch Plants – Additional Standards.** All receiving, mixing, and preparation activities shall occur in an enclosed space that includes an air filtration exhaust system.
- D. **Light Industrial Uses – Additional Standards.**
 - 1. All operations other than loading and unloading shall be conducted within a fully enclosed building.
 - 2. Production of noise at the property lines of the premises shall not exceed normal ambient noise levels in the vicinity, as discernible without instruments.
 - 3. No emissions of dust, dirt, odors, smoke, toxic gases or fumes will occur. (Ord. 2–1998 Exh. B § 4.20)

18.40.290 Lumber mills (portable and stationary).

- A. The hours of operation of all lumber mills – new, existing, or portable – are limited to 7:00 a.m. to 7:00 p.m.
- B. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. (Ord. 2–1998 Exh. B § 4.21)

18.40.300 Mobile home and trailer parks and mobile home subdivisions.

The following standards apply to all nontransient mobile home and trailer park and mobile home subdivisions:

- A. The maximum number of sites per acre may not exceed the underlying density standard of the district unless density is transferred from somewhere else through an approved transfer of development rights (TDR) program.
- B. At least 50 percent of the site shall be maintained in open space.

- C. Dwelling units shall be separated by a minimum of 15 feet.
- D. To enhance appearance and provide open space, a 30-foot landscaped area shall be provided on all sides and rear yards surrounding the development.
- E. A common storage area shall be provided at a ratio of 50 square feet per dwelling unit.
- F. Units shall be oriented in a manner that avoids repetitive siting, encourages privacy, and is compatible with the site layout and topography.
- G. Units shall have skirting or permanent decks installed to obscure chassis prior to occupancy.
- H. A mobile home park may include a storage area for recreational vehicles owned by residents of the park; provided, that the storage area contains no utility hook-ups and that no RV within the storage area shall be used as living quarters.
- I. A carport or garage may be attached to a mobile home as an accessory use.
- J. Accessory structures shall be located no closer than 10 feet to mobile homes on adjacent spaces. (Ord. 2-1998 Exh. B § 4.22)

18.40.310 Nonconforming structures and uses.

A nonconforming use, structure, site, or lot is one that did conform to the applicable codes which were in effect on the date of its creation, but no longer complies because of subsequent changes in code requirements. Nonconformity is different than and is not to be confused with illegality (*see* the definitions of “nonconforming,” “nonconforming use,” and “illegal use” in Chapter 18.20 SJCC). Legal nonconforming structures and uses are commonly referred to as “grandfathered.”

The following standards apply to all nonconforming structures and uses:

- A. When a nonconforming use or structure is proposed for alteration, modification, intensification, or expansion under this section, the total impact of the nonconforming use will be considered as well as the added impact of the incremental changes being proposed and the consistency of the changes with the applicable land use designation.
- B. Ordinary maintenance and repair of a nonconforming structure and its equipment or fixtures is permitted up to and including total replacement; provided, that the existing three-dimensional building envelope remains unchanged.
- C. If a nonconforming use or structure is destroyed by fire or other act of God, it may be rebuilt to the configuration existing immediately prior to the time that the structure was destroyed; provided, that rebuilding is completed within 24 months of the date of destruction.

- D. Nonconforming structures may be modified or altered, provided the degree of nonconformity of the structure is not increased.
- E. Any nonconforming use or structure may be altered, modified, or remodeled beyond the external dimensions present on the effective date of the ordinance codified in this chapter for the purpose of providing access required under Chapter 51-20 WAC. The extent of the alteration or modifications shall be limited to the provisions of access necessary to comply with Chapter 51-20 WAC as determined by the administrator.
- F. Expansion, modification, or intensification of a nonresidential nonconforming use is allowable subject to a conditional use permit, provided:
 1. A nonconformance with the standards of this code shall not be created or increased;
 2. The proposal shall comply with the standards of this code to maximum extent feasible; and
 3. The proposal shall not have an adverse impact on an environmentally sensitive area.

If no exterior structural alterations or additions are made, a nonconforming use may be changed to another nonconforming use; provided, that the proposed use is equally or more appropriate to the district than the existing nonconforming use. Such a change of use shall be subject to conditional use permit approval. In no case shall a nonconforming use be changed to another nonconforming use which is more intensive or has greater impacts than the existing use.

- G. Unless specifically provided otherwise, any nonconforming structure or use under the jurisdiction of the Shoreline Master Program shall be subject to the nonconforming use provisions in WAC 173-27-080.
- H. Nonconforming uses may be relocated on the same parcel where they occur if the degree of nonconformity is not increased, and subject to a discretionary use permit.
- I. **No Replacement of Nonconforming Uses when Airport Hazard.** No structures or obstructions of any kind or nature whatsoever constituting a nonconforming use shall be rebuilt, repaired, or replaced where such repairing, rebuilding, or replacement constitutes an airport hazard.
- J. **Abandonment.** Nonconforming uses shall be considered abandoned if the use ceases to operate or is discontinued for 24 consecutive months. *See also* SJCC 18.40.350(H)(3). (Ord. 2-1998 Exh. B § 4.23)

18.40.320 Outdoor storage yards.

All outdoor storage yards for vehicles and equipment, in association with commercial or industrial use, shall be screened from public roadways and paths using either a Type A Screen or a Type C Screen used in conjunction with a fence built with natural materials standing a minimum of six feet high (*see* SJCC 18.60.160). (Ord. 2–1998 Exh. B § 4.24)

18.40.330 Recreational developments.

Recreational developments are parks, playing fields, and facilities for camping, outdoor sports facilities, and similar developments.

A. All Recreational Developments. The following standards apply to all recreational developments:

1. Recreational areas shall be located so as to protect adjacent properties from adverse impacts. Where the proposed recreational use can reasonably be expected to have adverse impacts on adjacent properties, and where existing ground cover, such as trees or shrubs, will not provide an adequate buffer between the recreational area and adjoining properties, screening or fencing will be required.
2. Parks and campgrounds in which individual lots or spaces are to be leased, sold or otherwise transferred are prohibited.
3. Parking areas associated with recreational areas shall be located inland away from the water and beaches and shall be designed to control surface runoff and prevent the pollution of nearby water bodies. Safe access from parking areas to recreation areas shall be provided by means of walkways or other suitable facilities.
4. Motorized, off-road, and all-terrain vehicle (ATV) parks and recreational areas are not consistent with the confined space and rural, residential nature of the islands and shall not be permitted.
5. Parks in the conservancy district shall not be designed, created, or operated in a manner which would reduce, limit, or degrade the purpose and intent of the conservancy district.
6. Playing fields must meet the following standards:
 - a. Hours of operation are limited to the period from sunrise to 10:00 p.m.
 - b. Any lighting must be of direct cutoff design and not extend beyond the property boundaries.
 - c. Any trash or garbage receptacles must be screened from view from surrounding properties.

d. Any restroom facilities must be screened from view from surrounding properties and the entrance must be fully visible from the public areas.

7. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property.

B. Commercial Recreational Development.

1. Recreational uses which are also commercial enterprises are subject to the site standards for commercial uses, SJCC 18.40.110, in addition to the regulations in subsection (A) of this section.
 2. Large-scale tourist attractions such as casinos and theme parks (but excluding golf courses) are prohibited. Commercial recreational developments designed primarily as tourist attractions shall not exceed a gross use area of 5,000 square feet.
- C.** Outdoor shooting and archery ranges shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur. It is recommended that the National Rifle Association's Range Manual be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as guidelines in the design and construction of shooting ranges. (Ord. 2–1998 Exh. B § 4.25)

18.40.340 Recycling collection points.

The following standards apply to all recycling collection points:

- A.** Collection points shall be identified by signs not exceeding two square feet.
- B.** Weather protection of recyclable items shall be ensured by using weather-proof containers or by providing a roof over the storage area.
- C.** Only recyclable materials shall be collected and stored at such collection points. Except for initial sorting and baling of recyclable items by users, all other processing of such materials shall be conducted off-site.
- D.** All deposited material shall be contained wholly within the recycling box or facility. No litter shall be allowed to accumulate outside the recycling box or facility. The recycling box or facility shall be kept clean and free of odors or pests. (Ord. 2–1998 Exh. B § 4.26)

18.40.350 Resource-based activities and facilities, surface mining, quarrying, and reclamation.

The following standards apply to all surface mining and reclamation activities:

- A. All surface extraction shall be performed in full compliance with the Washington State Surface Mining Act (Chapter 78.44 RCW). Other extraction must conform with all applicable Washington state laws.
- B. Applications for development permits for extraction shall be accompanied by a report prepared by a professional geologist which shall include at least the following information:
 - 1. Types of materials present on the site;
 - 2. Quantity and quality of each material;
 - 3. Lateral extent of deposit(s);
 - 4. Depth of deposit(s);
 - 5. Depth of overburden; and
 - 6. Method of extraction.
- C. All extraction, surface mining, and reclamation operations must, to the extent possible, employ best management practices (*see* SJCC 18.60.060 (C) and 18.60.070) for drainage and erosion and sedimentation control, buffer zones, and other precautionary measures as appropriate to protect adjoining lands, surface and groundwater quality and quantity, natural drainage systems, environmentally sensitive areas, wildlife habitat, and scenic resources from adverse impacts resulting from the extraction operations and to meet the standards of this code and other applicable County, state, and federal codes and regulations.
- D. Topsoil or other overburden having value for agriculture or other beneficial uses shall not be removed or disposed of in a manner which will reduce its value or prevent its future use.
- E. **Spoil Disposal.** Spoils shall be placed outside of environmentally sensitive areas, shoreline areas, and special land use districts. Final slope angle shall be no steeper than 1.5:1. Best management practices shall be employed for drainage and other controls so that (1) spoils are properly drained and do not cause ponding, (2) runoff water meets the requirements and standards of this code and other applicable County, state and federal codes and regulations, and (3) mass soil movement is prevented.
- F. All extraction and reclamation activities that create a noise disturbance must take place between 7:00 a.m. and 7:00 p.m. on weekdays. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property.

- G. The alteration, intensification, and expansion of existing gravel pits and surface mining operations is allowed subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding areas and uses, and provided that:

- 1. If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion, intensification, or modification, a conditional use permit shall be required.
- 2. Modification to include a new use or operation (*e.g.*, a rock crusher) shall require a conditional use permit and be limited to areas where residential densities are planned at five acres or more per dwelling unit.

H. Site Closure and Land Reclamation and Restoration.

Each application for a development permit for the initiation or expansion of extraction must be accompanied by a detailed site closure and reclamation plan. Existing operations of three acres or more that do not currently have a plan that meets these requirements shall develop one within two years of the adoption of this code. The plan shall indicate the approximate dates on which the reclamation effort is to be initiated and completed and shall show that the site is to be reclaimed for a use which is permitted by this code on that site. Whenever feasible, reclamation shall be initiated while the excavation is in progress; but in all cases must be initiated upon the exhaustion of minerals or materials, or upon the permanent abandonment of a quarrying, mineral extraction, or mining operation. In all cases, a bond shall be obtained and submitted on approval of any conditional use permit. The bond may be in favor of the state of Washington, under Chapter 78.44 RCW, if it is in a form acceptable to the County, and shall be in an amount sufficient to accomplish the approved reclamation plan.

- 1. A complete evaluation and accounting shall be made of soils and waters contaminated by toxic, hazardous, dangerous, extremely hazardous, radioactive, ignitable, corrosive, reactive, persistent, or putrescible substances. (For the purposes of this analysis, definitions are as provided in Chapter 173-303 WAC, as amended, and the SJC Solid Waste Ordinance, 17-96, as amended.
- 2. **Site Closure and Reclamation Plan.** A plan shall be prepared that shall:
 - a. Provide for the proper cleanup, disposal, destruction, or containment, and accounting of regulated substances, wastes, and soil and water contaminated by these, to meet the requirements of Chapters 173-303 and 173-340 WAC;

- b. Provide for the proper cleanup, disposal, destruction, or containment, and accounting of the substances and wastes identified in subsection (H)(1) of this section but which are not governed by subsection (H)(2)(a) of this section, and soil and water contaminated by these;
 - c. Meet the requirements and standards of this code and other applicable federal, state, and County codes and regulations;
 - d. Include an operation and maintenance manual for any systems or facilities that will operate beyond the closure of the site;
 - e. Include adequate funding, and performance bonding as appropriate, to operate and maintain any systems or facilities that will operate beyond the closure of the site, for the full required term of their operation. If the systems or facilities must be operated and maintained in perpetuity, the requirement shall be to provide for them in perpetuity;
 - f. Provide a grading and drainage plan to meet the requirements of SJCC 18.60.070; and
 - g. Provide for the restoration of the site and land to the standards in this code and other applicable codes and regulations.
3. All nonconforming (to the underlying land use district) buildings, structures, apparatus or appurtenances accessory to the quarrying, extraction, or mining operation shall be removed or otherwise dismantled to the satisfaction of the administrator.
 4. Final grades shall be such as to encourage the uses permitted within the underlying land use district.
 5. Grading or backfilling shall be made with solids not contaminated (*i.e.*, has less than 25 percent of a state or federally regulated quantity or concentration) by any of the substances identified in subsection (H)(1) of this section. Additional requirements apply to some wastes; *cf.* Chapter 173–303 WAC.
 6. Roads that will not be retained and maintained after closure to service the succeeding uses for the site shall be removed at the discretion of the administrator. For such roads, impervious materials shall be removed, hardened soil scarified, and the road beds graded or filled to return them to final grade.
 7. Graded or backfilled areas, except for roads that will be retained, shall be planted with sod or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately

surrounding, and to a depth of at least four inches or to that of the topsoil of land areas immediately surrounding if less than four inches.

8. Topsoil shall be planted with trees, shrubs, legumes or grasses, selected from species indigenous to the County.
9. Graded or backfilled areas shall be reclaimed in a manner which will not allow water to collect and permit stagnant water to remain. Pondered water may be included in the restoration plan; provided, that it has natural drainage and meets health and community services department and other applicable codes and regulations. Suitable drainage systems described in the site closure and restoration plan and approved by the County engineer shall be constructed or installed if natural drainage is not possible. (Ord. 2–1998 Exh. B § 4.27)

18.40.360 Sewage sludge and septage.

- A. Storage and treatment of sewage sludge and septage at any facility other than an approved sewerage system plant, and development of storage or treatment facilities, are industrial uses for the purposes of this code and are subject to the site standards for industrial uses in SJCC 18.40.280 and to approval by the County sanitarian.
- B. The importation of sewage sludge or septage from outside the County is prohibited.
- C. The application of sewage sludge and septage to land for disposal or for fertilization is subject to approval by the San Juan County board of health or its designee. (Ord. 2–1998 Exh. B § 4.28)

18.40.370 Signs – General regulations.

- A. Off-premises, outdoor commercial signs shall not be permitted.
- B. Exterior neon signs, signs that are illuminated from within, and signs or portions of signs that move, flash, or are otherwise animated shall not be permitted in any area.
- C. The County shall reserve the right to remove or require the removal of existing nonconforming signs when their useful life has ended.
- D. The maximum size of any sign in activity center designations is limited to 15 square feet.
- E. **Multiple Signs on a Building.** The maximum aggregate size for multiple signs is limited to one percent of the floor area of the building, except that each occupant is allowed a sign of at least two square feet. In no case may an individual occupant's sign be larger than 15 square feet.
- F. No sign mounted on a building shall extend above or beyond the eave, rake, or parapet of the wall on

which it is mounted. Any sign projecting beyond six inches from a perpendicular wall shall be at least six feet, eight inches above grade.

- G. Signs painted on buildings shall be measured by the smallest polygon enclosing the letters and symbols of the sign.
- H. Awnings and canopies with letters, wording, or symbols, and/or those covered with translucent material and containing internal illumination shall be considered signs in their entirety. Awnings and canopies not containing internal illumination or letters, wording, or symbols shall not be considered signs.
- I. Wall graphics are allowable provided they do not constitute commercial advertising that would otherwise be prohibited. (Ord. 2-1998 Exh. B § 4.29.1)

18.40.380 Directional signs.

- A. Except as provided in subsection (B) of this section, directional signs shall be permitted solely to provide direction to geographical places (*e.g.*, Westsound, Roche Harbor, Richardson) and contain only the place name, an arrow, and mileage. Such signs may only be placed at critical intersections and, except as provided below, shall be no larger than four inches by 24 inches. Except as provided in SJCC 18.40.370(D), such signs shall be permitted outright subject to written approval of the County engineer. Directional signs of up to six inches by 42 inches may be permitted outright if submitted in writing by a community organization as part of an island-wide sign program, subject to written approval by the administrator and the County engineer.
- B. Directional signs of up to six inches by 42 inches for public parks may be authorized by the County engineer and permitted outright.
- C. Directional signs of up to four inches by 24 inches for other major public destinations (*e.g.*, resorts with lodging facilities and post offices) shall be permitted subject to administrative consistency review (SJCC 18.80.070(E)(1)) if applicants demonstrate that such signs are necessary due to unusual circumstances and if the application is submitted in writing by a community organization as part of an island-wide sign program. The intent is to keep the number of such signs to a minimum. Applications must identify those critical intersections where directional signs are proposed. Other directional signs for commercial uses shall be allowed only as allowed in SJCC 18.40.390. (Ord. 14-2000 § 7(GGG); Ord. 2-1998 Exh. B § 4.29.2)

18.40.390 Identification and advertising signs.

- A. Freestanding advertising and identification signs shall

not be approved or installed where it is feasible and practical to mount or paint the proposed sign on a building. Signs shall be attached to buildings unless the business cannot be seen from a public road.

- B. Residential and commercial identification signs and residential and commercial advertising signs that are located outside of activity centers shall not exceed two square feet.
- C. Businesses (other than home occupations or cottage enterprises) located more than 200 feet from a public right-of-way or property line, or when the building is not visible from a right-of-way, are allowed one freestanding sign; provided, that the sign is six square feet or smaller in size. This regulation only applies in rural and resource land use designations as defined in the Comprehensive Plan; *see* SJCC 18.10.040(A). (Ord. 2-1998 Exh. B § 4.29.3)

18.40.400 Exempt signs.

The following signs are exempt from the regulations contained in SJCC 18.40.370 through 18.40.400:

- A. Signs required by law and flags of national and state governments.
- B. “No Hunting” and “No Trespassing” signs, all of which must be smaller than two square feet.
- C. Political signs shall be permitted outright; provided, that they shall not be erected more than 45 days prior to an election and shall be removed by the candidate or landowner no more than 72 hours following an election terminating candidacy. Political signs shall not exceed six square feet in area.
- D. Special event signs for periods not to exceed 30 days, after which they must be removed, and not for more than one 30-day period in any calendar year.
- E. Public notice signs.
- F. Traffic signs and traffic control devices and signals.
- G. Temporary decorations that are customary for the holidays and located on private property.
- H. One temporary construction sign no larger than four feet by eight feet in size for a period not to exceed 12 consecutive months, after which it must be removed.
- I. House numbers. (Ord. 2-1998 Exh. B § 4.29.4)

18.40.410 Small resorts and camps, existing.

- A. Alteration, modification, or expansion of existing camps and existing small resorts that would expand the scope of services (*e.g.*, adding meal service or new recreational facilities, adding new convention, hotel, or marina facilities), increase the scale of facilities, or add on-site residential housing are subject to the procedures for administrative review of impacts for discretionary uses (*see* SJCC 18.80.090 and Table 8.2).

- B. Expansion of existing uses that conform to the current scope and scale is allowed subject to a provisional use permit to which the administrator shall attach reasonable performance standards to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding areas and uses. (Ord. 2–1998 Exh. B § 4.30)

18.40.420 Tank farm facilities.

The following standards apply to all tank farm facilities:

- A. Water supplies and sewage disposal facilities adequate to serve the proposed use shall be provided. Occupancy shall not be permitted before water supplies and sewage disposal facilities are approved and installed.
- B. All tank farm facilities must meet the site standards for industrial uses (SJCC 18.40.280).
- C. Type A screening (SJCC 18.60.160) shall be provided.
- D. All tank farm facilities must comply with applicable state and federal standards. (Ord. 2–1998 Exh. B § 4.31)

18.40.430 Utility (electrical, sewerage, and other) distribution and transmission lines and substations.

“Wired utility distribution lines” operate at voltages of 15 kV and lower, and distribute power from a substation to the end-user (connecting via a service line; *see* SJCC 18.60.150). “Wired utility transmission lines” operate at voltages of 24.9 kV and above. They move bulk power between substations and do not directly serve the end consumer.

The following standards apply to all utility distribution and transmission lines:

- A. New utility distribution lines shall be placed underground wherever reasonable and practicable. Undergrounding of existing lines in the course of routine maintenance and replacement is encouraged where practicable, particularly where such undergrounding would enhance recognized scenic and open space areas and resources.
- B. Environmental impacts resulting from installation or maintenance of utilities and utility facilities shall be avoided or minimized. Where no feasible alternative to the impact exists, and mitigation is not feasible,

appropriate compensating measures should be developed.

- C. Where revegetation of areas disturbed during construction is required by this code in order to mitigate erosion, surface water runoff, habitat, aesthetic or other impacts, such areas shall be replanted with native vegetation and maintained until firmly established. Clearing shall be confined to that necessary to allow installation and to prevent interference by vegetation once the system is in operation.
- D. Utilities and transportation facilities shall be installed in the same rights-of-way when the effect will be to reduce the adverse impacts on the physical environment.
- E. Applications for utility substations shall include baseline and projected electromagnetic field (EMF) density in accordance with the protocols in Table 4.2, below. Test measurements and results shall be shown on the permit application site plan. Post-construction and any operational testing shall also be done in accordance with Table 4.2. Post-construction test results shall be submitted to the administrator within 90 days to complete the file record, and copies will be made available to the public upon request.
- F. Extension of community sewerage system lines outside of activity centers shall be allowed only if:
 1. The extension is demonstrated to be necessary to remedy existing or potential groundwater contamination problems or to correct existing or impending health hazards, as determined by the County sanitarian; or
 2. The extension is to provide sewage collection and treatment services to a public elementary or secondary school.
- G. Routine maintenance and replacement of wired utility transmission and distribution lines and poles within existing rights-of-way, where environmentally sensitive areas are not present and where exempt from SEPA and Shoreline Master Program review (*see* SJCC 18.80.050 and 18.80.110), are authorized without further permit application and approval; provided, that such construction and activities must comply with applicable development and performance standards of this chapter and Chapter 18.60 SJCC.

Table 4.2. Protocol for Testing of Electromagnetic Fields (EMF) at Utility Substations.^{1, 2}

Test Parameter	Test Equipment	Testing Method
Field Density of EMF produced by 60 Hz AC Power Equipment	ELF ³ monitor with three-axis sampling capability.	1) Record EMF levels at 50-foot intervals along property lines of the subject property (site). 2) Record EMF levels at 20-foot intervals along the fenceline of substation equipment. Measurements shall be made at waist height.

Notes:

1. A charged object produces an electric field in the space around it; an object that carries current or which is a magnet produces a magnetic field in the nearby area. Energy is transferred via these “electromagnetic fields” (EMF) to people and other living organisms that pass through the fields. “Field density” or “flux density” is a measure of the strength of the fields. Unit of Measurement of flux density: milli-Gauss.
2. Reporting requirements for this testing: see SJCC 18.40.430(E).
3. Abbreviations used:

ELF = Extremely low frequency radiation, 30 to 300 Hz

EMF = Electromagnetic field

AC = Alternating current

Hz = Hertz, a unit of frequency equal to one cycle of an electromagnetic wave per second

Gauss = A unit of magnetic flux density,
 = $10^{-4} \text{ Wb/m}^2 = 10^{-4} \text{ Volt-seconds/square meter}$

(Ord. 2–1998 Exh. B § 4.32)