



MEMORANDUM

REPORT DATE: February 2, 2023

TO: San Juan County Planning Commission

FROM: Sophia Cassam, Planner III *sc*
David Williams, Director

SUBJECT: Public Hearing on Code Amendments Resulting from the 2036 Comprehensive Plan (*Plan*) Update

HEARING DATE: February 17, 2023

ATTACHMENTS: A. Draft Ordinance Amending SJCC 18.20.010, 18.30.040, 18.30.230, 18.35.015, 18.60.230, and 18.60.260.

PURPOSE

To prepare the Planning Commission to hold a public hearing on February 17, 2023 regarding proposed development code amendments resulting from the 2036 Comprehensive Plan Update.

PUBLIC COMMENTS

Please send all public comments to UDCcomments@sanjuanco.com. Please do not copy the County Council, Planning Commission members, or County Staff. Written public comments received by February 16 at 12pm will be provided to the County Council prior to the February 17 hearing. Please focus comments on the proposed code amendments discussed in this memo.

BACKGROUND

On January 20, 2023, DCD staff briefed the Planning Commission on proposed development code amendments resulting from the 2036 Comprehensive Plan (*Plan*) Update. The January 5, 2023 staff report for the January 20 briefing is available at: <https://www.sanjuanco.com/DocumentCenter/View/27508/>.

The *Plan* update was adopted on November 30, 2022 and included several policy changes that correspond directly with San Juan County Code (SJCC) Title 18 Unified Development Code (UDC). The UDC must be amended to align with the *Plan* before the *Plan* update goes into effect on April 1, 2023. Table 1 below summarizes *Plan* policies amended during the update that require UDC changes.

Table 1. Summary of *Plan* Update Code Amendments.

Topic	<i>Plan</i> Policy	SJCC
Mineral Resource Land Overlay (MRLO) commercial significance	Element 2, Section 2.4.c, Policy 1.i	18.35.015(A)(1)

Island Center	Element 2, Section 2.5.2, Policy 1.c	18.30.230(C)(1)
Cluster Developments: # of units, allowed square footage, and developer requirements	Element 5, Goal 7, Policy 4	18.60.230 (2.a), (5.b) and (6)
Affordable housing definition	Element 5, Goal 7, Policy 5	18.60.260(B) 18.20.010 "A" Definitions
Affordable housing for moderate income households	Element 5, Goal 7, Policy 3	18.60.260(G)
Allow existing schools in rural land use designations	No policy. Decision regarding land use review request 19-0005.	18.30.040 "Institutional Uses" Add new line for existing schools

DRAFT ORDINANCE

The proposed UDC amendments are included in the draft ordinance in Attachment A. The draft ordinance first lists and provides background information on the proposed UDC and ordinance amendments. Then, the draft ordinance shows the proposed amendments in ~~strikeout~~/underline format. At the public hearing, the Planning Commission will make a recommendation to the County Council regarding the draft ordinance.

DETACHED HOUSING UNITS IN ISLAND CENTER

At the January 20 briefing, staff proposed an additional amendment to the residential development standards for the Island Center land use designation in SJCC 18.30.230(C)(1)(a). The proposal is to remove the requirement for dwelling units in Island Centers to be located within or attached to the structure of the primary commercial, institutional, or industrial use. Attaching or locating a dwelling unit within structures of these uses, particularly industrial uses, presents safety concerns. Additionally, the cost of ensuring the safety of a dwelling unit attached to an industrial use can be inhibitive. Detached dwellings would still be required to be subordinate to the primary use of the property. Proposed language has been added to SJCC 18.30.230(C)(1)(a) to require a commercial, institutional, or industrial use to be established on the property before the dwelling unit is constructed. The Planning Commission's discussion of the proposal was favorable of the additional amendments. The proposed amendments are shown below and on page 20 of the draft ordinance (Attachment A).

SJCC 18.30.230(C)(1)(a)

C. Residential Development Standard.

1. One dwelling unit per parcel is allowed.

a. The unit must be an accessory to a commercial, institutional, or industrial use, and must be ~~located within or attached and~~ subordinate to the commercial, institutional, or industrial structure. The dwelling unit shall not be constructed prior to the establishment of the primary commercial, institutional, or industrial use.

b. Notwithstanding the definition of "dwelling unit" in SJCC 18.20.040, the dwelling unit may not include an accessory dwelling unit in addition to the main residence.

2. All other new residential development is prohibited

DRAFT FINDINGS

In addition to making a recommendation to the County Council regarding the draft ordinance, the Planning Commission will make findings to accompany the recommendation. The purpose of findings is to show how and why the Planning Commission made the recommendation. The Planning Commissioners may consider the draft findings below in addition to any other information they wish to communicate to the County Council.

1. Background items C.1-6 of the ordinance were identified as 2036 Comprehensive Plan Update policy amendments corresponding directly with San Juan County Code Title 18 UDC;
2. The UDC should be amended to align with the updated Comprehensive Plan; and
3. The following amendments shown in Sections 1-6 of this ordinance will bring the UDC into alignment with the updated Comprehensive Plan.

NEXT STEPS

Table 2, below shows the tentative timeline for this code amendment process.

Table 2. Tentative Calendar for Code Updates Resulting from the 2036 Comp Plan Update

Step	Date (2023)
Planning Commission public hearing	February 17
County Council Briefing on Planning Commission recommendation	February 28
County Council public hearing	March 14
Comprehensive Plan update effective date	April 1

ORDINANCE NO. ____ - 2023

**ORDINANCE UPDATING THE SAN JUAN COUNTY CODE (SJCC) TITLE 18
UNIFIED DEVELOPMENT CODE (UDC) TO ALIGN WITH THE ADOPTED 2036
COMPREHENSIVE PLAN UPDATE; AMENDING SJCC 18.20.010, 18.30.040, 18.30.230,
18.35.015, 18.60.230, and 18.60.260.**

BACKGROUND

- A. On November 30, 2022 the San Juan County Council adopted the 2036 Comprehensive Plan Update.
- B. The Comprehensive Plan Update effective date is April 4, 2023;
- C. The Comprehensive Plan Update included policy amendments to:
1. Allow the County to determine whether land has commercial significance for mineral resources when considering Mineral Resource Land Overlay designation applications;
 2. Allow new housing units accessory to institutional uses in the Island Center LAMIRD land use designation and to allow the housing units to be detached;
 3. Allow more flexibility for Rural Residential Cluster Developments by:
 - a. Increasing the allowed number of units in a development from 8 to 12 units,
 - b. Allowing any developer able to follow the development standards in SJCC 18.60.230 to develop cluster developments,
 - c. Clarifying that the 1,500 square feet per dwelling unit limitation is calculated as an average across the entire development, with a maximum of 2,000 square feet for any single dwelling including its accessory structures;
 4. Align the definition of affordable housing with the definition in San Juan County Code (SJCC) 2.27 Affordable Housing Program;
 5. Allow up to 50% of dwelling units counted as affordable housing for the purpose of obtaining affordable housing privileges to be for moderate income households;
 6. Allow existing schools outright in the Rural Farm Forest and Natural land use designations.
- D. The above policies are directly related to the SJCC Title 18 Unified Development Code (UDC);

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- E.** San Juan County is amending the UDC to align with the above Comprehensive Plan policy topics before the Comprehensive Plan Update is effective;
- F.** County staff briefed the County Council and Planning Commission about the draft UDC amendments on January 19, 2023.
- G.** County staff completed the environmental and nonproject action checklists for the project in compliance with the State Environmental Policy Act (SEPA) and determined that the proposal would be unlikely to create significant adverse environmental impacts.
- H.** County staff issued a Determination of Non-significance (DNS) on XX and published it in the Journal of the San Juan Islands and The Island’s Sounder. County staff transmitted the environmental checklist and DNS to federal, state and local agencies in accordance with SJCC 18.80.050 and WAC 197-11-340.
- I.** The Washington State Department of Ecology published notice of the SEPA determination on their SEPA Register under No. XX.
- J.** County staff submitted a sixty-day notice regarding the potential adoption of amendments to the County’s development regulations to the Washington State Department of Commerce (Commerce) on January 24, 2023 in compliance with RCW 36.70A.106.
- K.** Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID No. 2023-S-4734 on January 24, 2023.
- L.** A February 17, 2023 Planning Commission public hearing was advertised in the Journal of the San Juan Islands and The Islands’ Sounder on February 1, 2023.
- M.** The Planning Commission held a duly advertised public hearing on February 17, 2023, deliberated and recommended that the County Council should adopt the ordinance with modifications.
- N.** County staff briefed the County Council on the Planning Commission’s recommendation regarding the proposal on February X, 2023.
- O.** A March X, 2023 County Council public hearing was advertised in the Journal of the San Juan Islands and the Islands’ Sounder on XX.
- P.** The County Council held a duly advertised public hearing on March X, 2023, and received public testimony.
- Q.** The County Council deliberated on the ordinance and made the following findings:
 1. [PLACEHOLDER]

1 2. [PLACEHOLDER]
2

3 **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County,
4 State of Washington, as follows:
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6 **Section 1. SJCC 18.20.010 and Ordinance 11-2019 §4 are each amended to**
7 **read as follows:**
8

9 “Abandon” means to terminate or remove a structure by an affirmative act, such as
10 changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction.
11

12 “Abutting” means adjoining as defined herein, but will often have the added component
13 of joining end to end, or sharing an end border.
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15 Accessory Apartment, Accessory Dwelling Unit. See “internal accessory dwelling unit
16 (IADU).”
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18 “Accessory dwelling unit (ADU)” means a living area that is accessory to the principal
19 residence, located on the same lot, and that provides for sleeping quarters, kitchen, and sanitation
20 facilities. An ADU may be internal, attached or detached.
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22 “Accessory structure” means a structure detached from a principal building located on the
23 same lot and which is incidental and secondary to the principal building.
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25 “Accessory use” means use of land or of a building or portion thereof incidental and
26 subordinate to the principal use or building and located on the same lot with the principal use.
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28 “Acoustical engineer” means a professional engineer, licensed in Washington, with a
29 degree in mechanical engineering and membership in the Acoustical Society of America; or a
30 professional engineer with demonstrated education, accreditation and experience to perform and
31 certify noise measurements, as determined by the director.
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33 “Activity centers” in San Juan County include villages, hamlets, residential activity
34 centers, island centers, and master planned resorts.
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36 “Adaptive management” means a style of management which relies upon the best
37 available information to make decisions, but implements decisions with a strategy to obtain
38 additional information. The decisions, or their implementation, are then adapted, if necessary,
39 based on the new information.
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41 “Adequate” means acceptable but not excessive.
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43 “Adequate capacity (adequate capital facilities)” means capital facilities and services that
44 have the capacity available to serve development at the time of occupancy or use without
45 decreasing levels of service (LOS) below the standards set forth in the Comprehensive Plan.
46 “Adequate capacity” also includes a financial commitment that is in place to complete the

1 improvements, or noncapital strategies, necessary to provide a specific level of service within six
2 years. (See also “available capital facilities (available capacity),” “concurrency,” “level of
3 service (LOS),” and “noncapital alternative strategies.”)
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5 “Adjoining” means being in physical contact, touching at some point or along a line,
6 having a common point or border, sharing a common boundary, being so joined or united to each
7 other that no third object intervenes.
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9 “Administrator,” “planning director,” and “director” each mean the San Juan County
10 community development and planning department director or a designated representative.
11

12 “Adverse” means contrary to one’s interest or welfare; harmful or unfavorable
13 circumstances.
14

15 “Adverse impacts” means a condition that creates, imposes, aggravates, or leads to
16 inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or an
17 off-site property or facilities.
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19 “Affordable housing” means housing where the occupants pay no more than 30 percent
20 of gross ~~monthly household income for total housing costs, including the cost of property taxes~~
21 ~~and insurance for homeowners and monthly utilities for owners and renters on housing costs.~~
22 Housing costs for renters are considered to include rent and utilities, or, for owners, to include
23 the principal and interest on the mortgage plus property taxes and insurance (PITI). Utility costs
24 include water, sewage disposal, electricity and/or gas for lighting, heating and cooking.
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26 “Agricultural activities” means agricultural uses and practices defined in RCW
27 90.58.065.
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29 “Agricultural commodity” means sheep, cattle, horses, goats, pigs, llamas, alpacas, or any
30 other animal or any distinctive type of agricultural, horticultural, viticultural, floricultural,
31 vegetable, or animal product, such as products qualifying as organic food products under Chapter
32 15.86 RCW and private sector cultured aquatic products as defined in RCW 19.85.020 and other
33 fish and fish products, either in their natural or processed state, including bees and honey and
34 Christmas trees but not including timber or timber products.
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36 “Agricultural composting” means composting of agricultural waste as an integral
37 component of a system designed to improve soil health and recycling agricultural wastes.
38 Agricultural composting is conducted on lands used for farming and is an agricultural activity.
39 Agricultural composting can include the collection of off-site yard, landscape, or agricultural
40 waste and other compostable materials to be processed into compost, including sales or delivery
41 of finished composted product. Such operation shall be accessory to the primary agricultural
42 activities of the farm operation and shall not generate traffic and/or noise uncommon to a farm
43 operation.
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45 “Agricultural equipment and facilities” means equipment and facilities defined in RCW
46 90.58.065(2).

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2 “Agricultural processing, retail, and visitor-serving facilities for products” means the
3 commercial processing (preparing for market, packing, and sales) of agricultural commodities,
4 and the on-site facilities for retail display and sale of such agricultural commodity products.
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6 “Agricultural products” includes but is not limited to horticultural, viticultural,
7 floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products;
8 feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees
9 grown as crops and harvested within 20 years of planting; and livestock including both the
10 animals themselves and animal products such as meat, upland finfish, poultry and poultry
11 products, and dairy products (see RCW 90.58.065(2)).
12

13 “Agricultural resource lands” means lands that are primarily devoted to the commercial
14 production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products
15 or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise
16 tax imposed by RCW 84.33.100 through 84.33.140, and have long-term commercial significance
17 for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use
18 designation (AG) in the Comprehensive Plan.
19

20 “Agricultural sales” means the sales of agricultural products grown, raised or harvested in
21 San Juan County, including processed products whose defining ingredients are produced or
22 harvested in the County. Agricultural sales can include the sale of agricultural promotional
23 materials which shall be accessory to the sale of the primary agricultural products.
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25 “Agricultural soils” means lands with USDA-San Juan County Soil Survey Class II, III,
26 and IV soils or other soil classes where the land is suitable for a particular agricultural use.
27

28 “Agricultural wastes” means wastes on farms resulting from the raising or growing of
29 plants and animals such as crop residue, manure and animal bedding, and carcasses of dead
30 animals weighing each or collectively in excess of 15 pounds.
31

32 “Agriculture, existing and ongoing” means any agricultural activity conducted on lands
33 defined in RCW 84.34.020(2); agricultural use ceases when the area on which it is conducted is
34 converted to a nonagricultural use.
35

36 “Agritourism” means recreational, educational or agricultural-related activities that are
37 accessory to the agricultural activities of the farm operation.
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39 “Aid to navigation” means any visual or electronic device airborne or on the surface
40 which provides point-to-point guidance information or position data to aircraft in flight.
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42 “Aircraft accident safety zone” means an area of land that is designated in order to meet
43 the land use compatibility direction in RCW 36.70A.510 and 36.70.547 for general aviation
44 airports and to implement the health and safety and land use purposes of an airport overlay
45 district, and is shown on the official maps of the overlay district. Guidance for the delineation of
46 these safety zones is provided by the Washington State Department of Transportation, which can

1 be modified in order to address local circumstances as part of the adoption of individual airport
2 overlay districts.

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4 1. “Safety zone 1: Runway protection zone” is an area that has the same dimensions as
5 the FAA runway protection zone. It is a trapezoidally shaped area that extends from the outer
6 boundaries of the primary surface along the extended runway centerline. Where only a portion of
7 the runway is declared as usable (the remainder of the pavement being part of a paved
8 “stopway”), as is the case at Orcas Island airport, the measurements for the zone begin at the
9 threshold line on the pavement which marks the end of the declared usable runway surface.

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11 2. “Safety zone 2: Inner safety zone” is an area that underlies the main
12 departure/approach path. It begins at the end of the runway protection zone (zone 1) and extends
13 out along the extension of the runway centerline.

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15 3. “Safety zone 3: Inner turning zone” is an area where aircraft turn into the direct
16 approach path, or turn out of the departure path. The zone begins at the primary surface and
17 extends out at 30 degrees from both sides of the runway centerline. It connects to the centerline
18 of the inner safety zone (zone 2) with sweeping arcs.

19
20 4. “Safety zone 4: Outer safety zone” is an area that underlies the main
21 departure/approach path, after the inner turning zone (zone 3). It extends out from both sides of
22 the extended runway centerline, beginning at the outer edge of the inner turning zone (zone 3)
23 and extending to the outer boundary of zone 6 (or to outer boundary of the horizontal zone if
24 zone 6 is not designated).

25
26 5. “Safety zone 5: Sideline safety zone/airport development zone” is an area that is
27 immediately adjacent to the airport and runway area. The standard zone begins at the primary
28 surface, extending out from the extended runway centerline and connecting at its ends to the
29 inner turning zone (zone 3).

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31 6. “Safety zone 6: Traffic pattern zone” is an area that encircles the other five safety
32 zones. The standard area consists of a long oval that is centered longitudinally on the runway,
33 and which envelops the other safety zones. The perimeter is constructed by swinging arcs from a
34 point along the extended runway centerline that is 500 feet from the edge of the primary surface.
35 The arcs are connected by line segments that are extended from the edge of safety zone 5. Zone 6
36 may or may not be designated for a given airport overlay district.

37
38 “Airfield” means a privately owned area of land open to general or limited public use for
39 aircraft operations. An airfield may include related noncommercial services, aircraft
40 maintenance, or fueling facilities.

41
42 “Airport” means an area of land or facility publicly owned and open to general public use
43 for aircraft operations, except any airfield or airstrip as defined herein. An airport may include
44 related services and facilities.

1 “Airport overlay district” means an overlay district which governs use of land in the
2 vicinity and environs of an airport and protects public safety in the area.
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4 “Airstrip” means a privately owned area of land, closed to the public, and restricted to
5 use by the owner for noncommercial aircraft operations and, on an occasional basis, invited
6 guests of the owner.
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8 “Aliquot part” means a parcel of unplatted land which is described by record legal
9 description as a fractional portion of a section, excluding government lots.
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11 “Allowable uses” means the land uses that are allowed under this title, divided into five
12 categories, as identified in SJCC 18.30.050 through 18.30.055 and Tables 18.30.030 and
13 18.30.040. These are uses allowed outright (“Yes”), provisional (“Prov” or “P”), “P/C” (formerly
14 referred to as discretionary (“D”)), conditional (“C”), and plan amendment (“P.A.”) uses.
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16 “Allowed outright use (“Yes” use)” means a use that is allowed outright within a land use
17 designation, and which does not require a project permit, and is identified in Tables 18.30.030
18 and 18.30.040 by the symbol “Yes.” All “Yes” uses are subject to and must comply with all
19 applicable development standards of this title (see Chapter 18.60 SJCC and SJCC 18.80.070).
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21 “Alteration, nonconforming structures” means any change or rearrangement in the
22 supporting members of existing buildings, such as bearing walls, columns, beams, girders, or
23 interior partitions, as well as any changes in doors, windows, means of egress or ingress or any
24 enlargement to or diminution of a building or structure, horizontally or vertically, or the moving
25 of a building from one location to another. This definition excludes normal repair and
26 maintenance, such as painting or roof replacement, but includes more substantial changes.
27

28 “Alteration, nonconforming use” means the expansion, modification or intensification of
29 a use that does not conform to the land use regulations of the UDC.
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31 “Animal shelter (kennel)” means a commercial or nonprofit establishment in which
32 animals other than livestock are temporarily housed or boarded, groomed, bred, trained, treated,
33 or sold.
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35 “Antenna” means any apparatus designed for transmitting and/or receiving
36 electromagnetic waves by converting those waves from and to electrical current.
37

38 “Antenna array” means one or more antennas and their associated mounting hardware,
39 feed lines, or other appurtenances which share a common attachment device, such as a mounting
40 frame or support structure.
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42 “Appeal, closed-record” means an administrative appeal on the record to the board of
43 County commissioners, following an open-record hearing on a project permit application. A
44 closed-record appeal is on the record made before the decision maker with no or limited new
45 evidence or information allowed to be submitted and only appeal argument allowed (RCW
46 36.70B.020).

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2 “Appeal, open-record” means a hearing, conducted by the hearing examiner, that creates
3 the County’s record through testimony and submittal of evidence and information, under
4 procedures prescribed by the County by ordinance or resolution when a timely appeal of the
5 director’s decision on a project permit application or a timely appeal of an administrative
6 determination is filed.

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8 “Applicant” means any person who files a permit application with the County and who is
9 either the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the
10 land on which the proposed activity would be located.

11
12 “Approach surface” means the FAA imaginary surface that is the lower boundary of an
13 airspace which begins at the ends of the primary surface and extends upward and outward along
14 the extended runway centerline. The initial width of the surface coincides with the width of the
15 primary surface, and expands outward uniformly from the primary surface.

16
17 “Approach, transitional, horizontal, and conical surfaces” means the imaginary surfaces
18 that relate to an airport or airfield runway as defined in Federal Aviation Administration (FAA)
19 regulations, 14 CFR Part 77, “Objects Affecting Navigable Airspace,” as amended, and as shown
20 on the approach and clear zone plan for an airport or airfield. They are so-called “imaginary”
21 surfaces because, with the exception of the runway, they cannot be seen.

22
23 “Approach, transitional, horizontal, and conical zones” means the zones which apply to
24 the ground areas immediately under a runway approach; transitional, horizontal, and conical
25 surfaces as projected along a vertical axis.

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27 “Aquacultural equipment and facilities” includes, but is not limited to: (1) the following
28 used in aquacultural operations: equipment; machinery; constructed shelters, buildings, and
29 ponds; water storage facilities; water diversion, withdrawal, conveyance, and use equipment and
30 facilities such as pumps, pipes, canals, ditches, and drains; (2) farm residences and associated
31 equipment, lands, and facilities; and (3) roadside stands and on-farm markets for products (see
32 RCW 90.58.065(2)).

33
34 “Aquacultural products” includes fish, shellfish, or other aquatic animals or plants.

35
36 “Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and
37 animals. Aquaculture does not include the harvest of wild geoduck associated with the state
38 managed wildstock geoduck fishery (see WAC 173-26-020(6)).

39
40 “Aquaculture, noncommercial” means harvesting fish, shellfish or other aquatic animals
41 and plants for subsistence, recreational and personal consumption, scientific research or
42 restoration activities.

43
44 “Aquaculture processing” means the commercial preparation of fish, shellfish or other
45 aquatic animals and plants for market including packaging and transportation.

1 “Aquatic designation” means all water bodies under the jurisdiction of the Shoreline
2 Management Act of 1971 and within the boundaries of San Juan County, including the water
3 surface together with the underlying lands and the water column such as to bays, straits, harbors,
4 coves, estuaries, tidelands, shorelands, and lakes.

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6 “Aquifer” means a body of permeable saturated rock material or soil capable of
7 conducting ground water.

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9 “Aquifer recharge areas” means lands through which precipitation and surface water
10 infiltrate the soil and are transmitted through rocks and soil to create ground water storage.

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12 “Archaeological” means having to do with the scientific study of material remains of past
13 human life and activities.

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15 “Archaeological site” means an area of ancestral human use such as middens, burial
16 grounds, and earthworks.

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18 “Area” means the size of a parcel of land, as expressed in square feet or acres to two
19 decimal places. When a public road right-of-way lies within a tract of land otherwise in
20 contiguous ownership, area within the right-of-way may be included in gross area for the
21 purpose of calculating maximum allowable density. When public road right-of-way abuts a tract
22 of land, area to the centerline may be included in the gross area of the parcel for this purpose.

23
24 “Area, nominal” means the approximate area of a parcel of land, such as the aliquot part
25 or the land area in the assessor’s records.

26
27 “Area of more intensive rural development (AMIRD)” means a class of rural lands that
28 includes village and hamlet activity centers, residential activity centers, and island centers.
29 AMIRDS were identified and delineated according to the criteria in RCW 36.70A.070(5)(d).
30 They consist of commercial, industrial, residential, or mixed-use areas in which the kinds,
31 intensities, or densities of use, or the capital facilities and services available, exceed the levels
32 normally associated with rural development. Thus, these areas recognize and provide for existing
33 compact rural development and uses, and allow for infill in the areas to the level of existing
34 patterns.

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36 “Area of natural terrain obstruction” means an area where the natural land surface
37 penetrates the FAA imaginary surface.

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39 “Area of special flood hazard” means the land in the floodplain within a community
40 subject to a one percent or greater chance of flooding in any given year, as indicated on the flood
41 insurance rate maps (FIRMs).

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43 “Artisan” means a skilled craftsman, small-scale manufacturer, or artist who practices
44 a trade or handicraft and who creates artisanal products in limited quantities for sale.

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46 “Artisan activities” means the creation and sales of artisan products.

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“Artisanal product” means art, food, and other retail goods created by an artisan on a small-scale or batch basis. Artisanal products are often made using traditional craft methods, tools and skills, or are manufactured on a small scale.

“Assembly facility” means a facility designed and used for the gathering of people, or in which they may come together in a body, such as a meeting hall, community club or center, church, etc. (See also “community club or facility” and “religious assembly facility.”)

“Assessor’s parcel number” means a geocoding number assigned by the assessor’s office for property tax assessment purposes only.

“Associated wetland” means those wetlands that are in proximity to and either influence or are influenced by tidal waters or a lake or stream that is subject to the Shoreline Management Act.

“At grade” means at ground level.

“Attached accessory dwelling unit (AADU)” means an ADU which is internal to or attached to the principal residence by (1) a common wall, or (2) a continuous roof and exterior wall enclosures, or (3) a continuous roof no less than six feet in width, the area of which is included in the living area of the ADU.

“Automobile wrecking and junk (or salvage) yards” means an outdoor area used for the wrecking, storage, and recycling/salvage of wrecked or abandoned vehicles for scrap metal and/or parts. (See “junk yard or salvage facility.”)

“Automotive fuel station” means any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels, but at which there is no servicing or repair of automobiles.

“Automotive repair station” means any building, land area, or other premises used for the retail servicing or repair of automobiles, but at which there is no dispensing or sales of vehicular fuels.

“Automotive service station” means any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels and the servicing or repair of automobiles.

“Available capital facilities (available capacity)” means capital facilities or services that are in place (“existing capacity”), or for which a financial commitment is in place to provide the facilities or services within a specified time (“planned capacity”). “Available capacity” consists of existing plus planned capacity. (See also “adequate capacity (adequate capital facilities),” “concurrency,” and “level of service (LOS).”)

“Average grade level” means the average or the natural or existing topography of the portion of the lot, parcel, or tract of real property which will be directly under the proposed

1 building or structure. Calculation of the average grade level is made by averaging the ground
 2 elevations at the midpoint of all exterior walls of the proposed building or structure. In cases of
 3 structures to be built over the water, average grade level is the elevation of the ordinary high
 4 water mark.

5
 6 “Average tree height” means the mean height of existing trees within a 150-foot radius of
 7 the facility site.

8
 9 “Average vehicular trips” means the average number of all vehicles entering or leaving a
 10 site during a defined period.

11
 12 **Section 2. SJCC 18.30.040 and Ordinance 7-2022 §1 are each amended to read as**
 13 **follows:**

14

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands ⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Commercial Uses									
Animal shelters and kennels	C	N	C	N	C	N	N	N	N
Automotive fuel, service, and repair stations	C	N	N	P	P	N	N	N	N
Bed and breakfast inn	C	N	C	N	P	N (C if historic) ⁽⁵⁾	N (C if historic) ⁽⁵⁾	N (C if historic) ⁽⁵⁾	N
Bed and breakfast residence	P	N	P	N	P	P	P	N (C if historic) ⁽⁵⁾	N
Camping facilities	C	N	N (C if historic) ⁽⁵⁾	N	N	N	N	N	N
Day care with 1 – 6 children	P	P	P	P	P	P	P	N	N
Day care with 7+ children	C	C	C	C	P	N	N	N	N
Drinking establishment	N	N	N	N	N	N	N	N	N
Eating establishment	C	N	N	N	C	N	N	N	N
Hotel/Motel	N	N	N	N	N	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Indoor entertainment facility	C	N	N	N	N	N	N	N	N
Nursing homes	N	N	N	N	N	N	N	N	N
Personal and professional services	P/C	N	N	N	N	N	N	N	N
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P/C ⁽¹³⁾	P/C ⁽¹³⁾	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities disguised or camouflaged as an allowable exemption to the height standard	P	P/C	P/C	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities, other	P/C	N	C ⁽¹³⁾	P/C	P/C	C ⁽¹⁴⁾	C	N (P at Mt. Constitution Sites)	N
Residential care facilities with up to 8 persons	P	P	P	N	P	P	P	N	N
Commercial Uses									
Vet clinic	C	N	C	N	P/C	N	N	N	N
Residential care facilities with 9 – 15 persons	P	C	C	N	C	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Resorts and camps, new	C	N	N (C if historic) ⁽⁵⁾	N	N (P/C if historic) ⁽⁵⁾	N	N	N	N
Resorts and camps, existing: expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	P	P
Resorts and camps, existing: increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	N
Retail sales and services	C	N	N	N	P	N	N	N	N
Warehouse, mini-storage, and moving storage facilities	C	N	N	N	N	N	N	N	N
Unnamed commercial uses	P/C	N	P/C	P/C	P/C	N	N	N	N
Industrial Uses									
Bulk fuel storage facilities	C	N	N	C	C	N	N	N	N
Commercial composting	P/C	N	N	P/C	P/C	N	P/C	N	N
Concrete and concrete batch plants	C	N	N	C	N	N	N	N	N
Construction yards	C	N	N	P/C	P/C	N	N	N	N
Feedlots	N	N	N	N	N	N	N	N	N
Garbage and solid waste transfer stations	C	N	N	P/C	P/C	N	N	N	N
Heavy equipment rental services	C	N	N	P	P	N	N	N	N
Heavy industrial	C	N	N	C	N	N	N	N	N
Light industrial	C	N	N	P/C	C	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Light manufacturing	C	N	N	P/C	C	N	N	N	N
Lumber mills, stationary	C	N	P	P	P/C	P/C	P/C	N	N
Marijuana production and processing, Tiers 1 and 2 ^(15, 16, 18)	C	N	C ⁽¹⁷⁾	C	N	C ⁽¹⁷⁾	N	N	N
Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N	N
Outdoor storage yards	C	N	N	P	N	N	N	N	N
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Recycling collection/processing	C	N	N ⁽¹²⁾	C	C	N	N	N	N
Recycling collection	P	N	N	Y	Y	N	N	N	N
Industrial Uses									
Resource processing accessory to extraction operations	C	N	N	N (C if existing) ⁽⁶⁾	N	N	N	N	N
Mining and mineral extraction activities	C	N	N	N (C if existing) ⁽⁶⁾	N	N	N	N	N
Wholesale distribution outlet	C	N	N	N	N	N	N	N	N
Wrecking and salvage yards	C	N	N	P/C	N	N	N	N	N
Storage and treatment of sewerage, sludge and septage – lagoon systems	C	N	N	P	N	N	N	N	N
Unnamed industrial uses	C	N	N	C	N	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands ⁽⁴⁾	
	RGU	RR	RF	RI	RC	AG	FOR	C	N
Institutional Uses									
College or technical school/adult education facility	C	N	N	C	C	N	N	N (P/C at UW FHL)	N
Community club or community organization assembly facility	C	C	N	N	P/C	N (P/C at Port Stanley School) ⁽¹¹⁾	N	N	N
Emergency services	Y	C	C	Y	Y	C	C	C	N
Government offices	Y ⁽¹⁹⁾ /C	C	C	Y ⁽¹⁹⁾ /C	Y ⁽¹⁹⁾ /C	C	C	C	N
Institutional camps	N	N	N (P/C if historic) ⁽⁵⁾	N	N	N	N	N (P/C if historic) ⁽⁵⁾	N
Library	C	C	N	N	N	N	N	N	N
Museum	C	C	N	N	C	N (C at Port Stanley School) ⁽¹¹⁾	N	N	N
Post office	N	N	N	N	N	N	N	N	N
Religious assembly facility	P/C	P/C	P/C	P/C	P/C	C	C	N	N
School, primary and secondary	C	N	N	N	C	N	N	N	N
<u>Existing School, primary and secondary</u>	<u>N</u>	<u>N</u>	<u>Y</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>Y</u>
Unnamed institutional uses	C	N	N	C	C	N	N	N	N
Recreational Uses									
Camping facilities in public parks	C	N	N	N	N	N	N	C	N
Indoor recreation facilities	C	N	N	N	C	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Indoor swimming pool	C	N	C	N	C	N	N	N	N
Recreational Uses									
Outdoor recreation developments	C	C	C	C	C	N	N	P/C	C
Parks	C	C	C	C	C	N	C	P/C	C
Playing fields	C	C	C	C	C	N	N	C	N
Recreational vehicle parks	N	N	N	N	N	N	N	N	N
Outdoor shooting ranges	C	N	N	C	N	N	N	N	N
Unnamed recreational uses	C	C	C	C	C	C	C	N	N
Residential Uses									
Cottage enterprise	P	N	P	P	P	P	P	P	N
Farm worker accommodations	P	N	P	P	P	P	P	N	N
Farm stay	P	N	P	N	N	P	P	N	N
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mobile home parks ⁽⁷⁾	N	N	N	N	N	N	N	N	N
Multifamily residential units (3+ units)	N	N	P/C	N	N	N	N	N	N
Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	P	N	P	P ⁽⁹⁾	P ⁽⁹⁾	P	P	N	N
Single-family residential unit	Y	Y	Y	N	N	Y	Y	Y	Y
Two-family residential (duplex)	N	N	Y	N	N	Y	Y	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Rural residential cluster development	N	P/C	P/C	N	N	N	N	N	N
Unnamed residential uses	C	C	C	N	N	C	C	N	N
Vacation rental of residence or accessory dwelling unit	P	C	P	P	P	N	N	N	N
Transportation Uses									
Airfields	C	N	N	N	N	N	N	N	N
Airports	C	N	N	N	N	N	N	N	N
Airstrips	C	N	N	N	N	N	N	N	N
Hangars	P	P	P	N	N	N	N	N	N
Helipads	N	N	N	N	N	N	N	N	N
Ferry terminal	C	N	N	C	C	N	N	N	N
Parking lots, commercial	N	N	N	N	N	N	N	N	N
Parking structures	N	N	N	N	N	N	N	N	N
Streets, public	Y	Y	Y	Y	Y	Y	Y	C	C
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	C	C
Unnamed transportation uses	P/C	P/C	P/C	P/C	P/C	C	C	C	C
Utilities Uses									
Commercial communication facilities	N	N	N	P	N	N	N	N (C at Mt. Constitution Sites)	N
Commercial power-generation facilities	C	N	N	P/C	P/C	C	C	N	N
Community sewerage treatment facilities	N	N	N	N	N	N	N	N	N

Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designations (1, 2, 3)									
Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands⁽⁴⁾	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
Category “A” joint use wireless facility ⁽¹⁰⁾	Y	Y	Y	Y	Y	Y	Y	Y	Y
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage systems other than lagoons	C	C	C	C	C	C	C	N	N
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	C
Agricultural and Forestry Uses									
Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	N
Forest practices, no processing ⁽⁸⁾	Y	Y	Y	Y	Y	Y	Y	Y	N
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	P/C	N
Nurseries	Y	N	Y	Y	Y	Y	Y	N	N
Small-scale slaughterhouses	P	N	P	Y	Y	P	P	N	N
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	N	N

1 Notes:

1 1. All uses must be consistent with the goals and policies of the land use designation in which
2 they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all
3 designations must meet the general regulations in SJCC [18.30.050](#) through [18.30.055](#) unless
4 otherwise stated therein.

5 2. A land use or development proposed to be located entirely or partly within 200 feet of the
6 ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master
7 Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of
8 Chapter [18.50](#) SJCC, as well as the applicable provisions and permit requirements indicated in this
9 table. Please refer to Chapter [18.50](#) SJCC for specific use regulations and regulations by shoreline
10 environment; see also SJCC [18.80.110](#) for shoreline permit requirements.

11 3. Overlay districts provide policies and regulations in addition to those of the underlying land
12 use designations for certain land areas and for uses that warrant specific recognition and
13 management. For any land use or development proposed to be located entirely or partly within an
14 overlay district, the applicable provisions of the overlay district shall prevail over any conflicting
15 provisions of the UDC.

16 4. Special provisions for uses within conservancy and natural land designations are described in
17 SJCC [18.30.070](#).

18 5. "Historic": In several isolated cases, an existing use that would be made nonconforming by
19 this UDC is considered desirable to allow to continue and possibly to expand. Because this might be
20 difficult or prohibited if the use were to become nonconforming, the use is labeled "historic," and the
21 allowable use designation is indicated. See also the definitions in Chapter [18.20](#) SJCC.

22 6. Restriction of mining and mineral extraction and related resource processing in RI shall not
23 preclude consideration of an application for redesignation as a mineral resource lands overlay district.
24 "Existing" means operating at the time of the adoption of this code.

25 7. This row is to be used solely in the instance where a mobile home park will use additional
26 density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile
27 home park must proceed through and meet the requirements of the subdivision regulations of
28 Chapter [18.70](#) SJCC; for a platted mobile home park the allowable uses would be indicated by the
29 row "Single-family residential unit."

30 8. Forest practices (including timber harvesting), except for Class IV General (see
31 SJCC [18.40.120](#) through [18.40.180](#)), are regulated by the Washington Department of Natural
32 Resources.

33 9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or
34 industrial use and located within or attached and subordinate to the commercial or industrial
35 structure. The unit may not include an accessory dwelling unit in addition to the main residence.

36 10. Though a project permit is not required, these facilities are subject to the requirements for
37 joint use wireless facilities found in Chapter [18.40](#) SJCC.

38 11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational
39 purposes or community gatherings or meetings (as provided by RCW [84.36.060](#)) is allowed by
40 permit.

41 12. Properties with existing conditional use permits for recycling centers may apply for a new
42 conditional use permit to expand the allowable uses to include recycling collection and/or processing.

43 13. To minimize commercial developments in residential neighborhoods, in lands designated RR
44 and RFF with lots of less than five acres in size, wireless facilities other than joint use wireless
45 facilities must be permitted by the use table and accessory to a legal conforming or nonconforming
46 structure and cannot be the primary land use.

47 14. In AG resource designations wireless facilities shall be located, designed and operated so as
48 to minimize interference with agricultural uses and the open, uninterrupted, pastoral viewscapes.

49 15. Marijuana production is allowed in:

50 a. Fully enclosed and secure structures such as stick-built buildings or opaque greenhouses with
51 rigid walls, a roof and doors;

- b. Nonrigid translucent greenhouses or other structures; or
- c. In ground in an area fully enclosed by a physical barrier.

16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and amount of square footage of plant canopy on land use and building permit application plans. The marijuana production tiers and canopy limits are:

- a. Tier 1: Less than 2,000 square feet;
- b. Tier 2: Two thousand square feet up to 10,000 square feet; and
- c. Tier 3: Ten thousand square feet up to 30,000 square feet.

17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it supports a marijuana production operation on the same parcel.

18. The following minimum lot sizes apply to marijuana production and processing operations:

- a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations; and
- b. Tier 2: Five acres in the RGU and RI and 10 acres in the RFF and AG resource designations.

19. Use allowed by right when in conjunction with a preexisting use.

Section 3. SJCC 18.30.230 and Ordinance 25-2012 §23 are each amended to read as follows:

A. Purpose. To protect the limited rural areas available for commercial and industrial development from the location of incompatible residential development.

B. Applicability. This section shall apply to island center activity centers, rural industrial, and rural commercial land use designations.

C. Residential Development Standard.

1. One dwelling unit per parcel is allowed.

a. The unit must be an accessory to a commercial, institutional, or industrial use, and must be ~~located within or attached and subordinate to the commercial, institutional, or industrial structure.~~ The dwelling unit shall not be constructed prior to the establishment of the primary commercial, institutional, or industrial use.

b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit may not include an accessory dwelling unit in addition to the main residence.

2. All other new residential development is prohibited

Section 4. SJCC 18.35.015 and Ordinance 25-2012 §14 are each amended to read as follows:

18.35.015 Mineral resource lands district.

A. Designation Procedures. A mineral resource land overlay district may be applied based upon the following criteria, ~~only upon acceptance by the County of a complete application from a property owner and~~ upon approval of a redesignation

1 in accordance with SJCC 18.90.030. Mineral resource lands of long-term
2 commercial significance are those lands from which the commercial extraction of
3 minerals (sand, gravel, rock, and other valuable aggregate or metallic substances)
4 can be anticipated within 20 years and which are characterized by all of the
5 following:

6
7 1. Have a known or potential extractable resource in commercial quantities
8 verified by submittal of a geologic and economic report prepared by a qualified
9 professional or the land has a legally established mining operation, and the County
10 Council adopts findings that the land has commercial significance for mineral
11 resources;

12
13 2. Current or future land use will not exceed a residential density of one dwelling
14 unit per 10 acres;

15
16 3. Are not within an activity center, rural residential, natural or conservancy
17 designation or any shoreline designation;

18
19 4. Are not within a regulated wetland or fish and wildlife habitat conservation area
20 pursuant to SJCC 18.35.085 through 18.35.140.

21
22 B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral
23 resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for
24 the underlying designation. All uses must comply with any applicable performance
25 standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60
26 SJCC), unless otherwise specified in this code.

27
28 C. Nuisance and Disclosure Provisions.

29
30 1. Nuisance. The following shall not be considered a nuisance: mineral resource
31 extraction and processing activities, operations (except between 7:00 p.m. and 7:00
32 a.m. and on weekends), facilities or appurtenances thereof, conducted or
33 maintained for commercial mineral resource extraction and processing purposes on
34 land designated as mineral resource land, regardless of past or future changes in
35 the surrounding area land use or land use designation.

36
37 2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall
38 be used under the following circumstances and in the following manner:

39
40 a. Approval of any land division, land use, building, or development of lands
41 adjacent to or within 500 feet of lands designated as mineral resource land shall be
42 conditioned on the execution by the applicant of a statement of acknowledgment
43 containing the disclosure statement on forms provided by the department. The
44 executed form shall be recorded by the County auditor in the same manner as a
45 deed. However, if a disclosure conforming to the provisions of this subsection has
46 been recorded for a prior permit, subsequent disclosures shall not be required.

1
2 b. The required disclosure statement is as follows:
3

4 If your real property is within five hundred (500) feet of real property within an
5 area designated as Mineral Resource Land you may be subject to inconveniences
6 or discomforts arising from such operations, including but not limited to noise, tree
7 removal, odors, fumes, dust, smoke, the operation of machinery, and the storage
8 and disposal of aggregate products. One or more of the inconveniences described
9 may occur as a result of extraction and processing operations which are in
10 conformance with existing laws and regulations. San Juan County has determined
11 that the use of certain real properties for mineral resource extraction and
12 processing activities is necessary to ensure resource availability in the County. The
13 County will not consider to be a nuisance those inconveniences or discomforts
14 arising from extraction and processing operations, if such operations are consistent
15 with commonly accepted best management practices and comply with local, state,
16 and federal laws.
17

18 **Section 5. SJCC 18.60.230 and Ordinance 7-2005 §18 are each amended to read as**
19 **follows:**
20

21 A. Purpose. A rural residential cluster development is a small cluster of residences
22 and related structures intended to provide opportunities for affordable housing and
23 small scale agriculture in rural areas. The standards and procedures provided
24 below are intended to ensure that such developments remain compatible with the
25 rural, agricultural and natural character of rural and resource lands; prohibit
26 suburban sprawl; and do not require urban-level services.
27

28 B. Applicability. An applicant intending to develop a rural residential cluster must
29 file a use permit application, subdivision or binding site plan application
30 appropriate to the project as provided in SJCC 18.80.180.
31

32 C. Minimum Standards.
33

34 1. Land Use Districts.
35

36 a. The rural residential cluster may be located within any of the following land use
37 districts: village residential, hamlet residential, rural residential, or rural farm
38 forest.
39

40 b. A rural residential cluster shall not be located in an urban growth area nor in any
41 of the following land use districts: rural general use, island center, master planned
42 resort, agricultural resource, forest resource, conservancy, natural, or any industrial
43 or commercial district. The developed portion of a rural residential cluster shall not
44 be located in lands subject to the Shoreline Management Act.
45

46 2. Project Site and Unit Ownership.

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a. The project site shall consist of the entirety of one or more legal lots of record, and shall be in a single ownership ~~by a public agency, or by a business or nonprofit corporation in the business of providing affordable housing.~~ Any portion of the site not sold for affordable housing shall remain in such ownership as part of the rural residential cluster development for the duration of the use.

b. Individual residential units may be rented, leased or sold, consistent with the purpose of this section.

c. Further subdivision of the parcel or parcels shall be consistent with the purpose of this section.

3. Affordable Housing.

a. All residential units within a rural residential cluster must be affordable housing meeting the standards of SJCC 18.60.260.

b. Prior to issuance of any building permit for the project, the applicant shall grant a restrictive use easement for the site to San Juan County for the purpose of affordable housing development, subject to such conditions and limitations as the County may require.

c. The applicant shall submit a long-term stewardship plan for monitoring resales subject to approval by the director.

4. Site Design.

a. The site design of the rural residential cluster development shall comply with the site design guidelines of subsection (G) of this section.

b. The site design of the project as a whole shall comply with the applicable dimensional standards of Table 6.1 or 6.2 in SJCC 18.60.050 with respect to adjacent properties.

5. Maximum Allowable Residential Density and Number of Dwelling Units.

a. A rural residential cluster development shall not be subject to the density requirements of the land use district in which it is located, except for such requirements in which rural residential development is regulated by name.

b. A rural residential cluster development shall have a maximum density of two units per acre and a maximum of ~~eight~~ twelve dwelling units.

6. Allowed and Accessory Uses, and Accessory Structures. Only residential uses are allowed except as provided below. Accessory residential units are prohibited.

1 Accessory uses shall be limited to those appropriate and necessary to residential
2 and agricultural use, including the following:

3
4 a. Agricultural buildings for housing of animals, storage of agricultural equipment
5 or products, maintenance of equipment used on the site, or processing of
6 agricultural products grown on the site, if otherwise permitted in the district in
7 which the project is located;

8
9 b. Structures for the on-site sale of products grown or manufactured on the site, not
10 to exceed 500 square feet of floor area, if otherwise permitted in the district in
11 which the project is located;

12
13 c. Common kitchen, meeting or recreation spaces for residents and their guests;

14
15 d. Offices for a nonprofit housing provider owning or operating the project, not to
16 exceed 500 square feet of floor area.

17
18 The ~~total~~ mean enclosed floor area of structures including dwelling units and accessory
19 structures shall not exceed 1,500 square feet per dwelling unit. No dwelling unit and its
20 accessory structures shall exceed 2,000 square feet.

21
22 7. Access to Shorelines – Common Easements. A rural residential cluster adjacent
23 to water and subject to the jurisdiction of the Shoreline Master Program shall
24 dedicate a common area for residents’ access to the shoreline area.

25
26 8. Water Quality. Meet the requirements specified in SJCC 18.60.020,
27 18.60.060(B) and 18.60.070.

28
29 9. Water Quantity. Demonstrate adequate and available water to serve the
30 development (see also SJCC 18.60.020).

31
32 10. Stormwater Management. Meet the requirements and standards of SJCC
33 18.60.060(B) and (C) and 18.60.070.

34
35 11. Open space and landscaped areas shall be designed as an integrated part of the
36 rural residential cluster rather than as an isolated element. A landscaping plan shall
37 be prepared consistent with the requirements of and incorporating the development
38 standards in SJCC 18.60.160. Landscape screening shall be established along the
39 perimeter, appropriate to the project and its surrounding environment, if required
40 by the administrator. All existing trees greater than six inches in diameter at breast
41 height within the project area and its buffer areas shall be retained whenever
42 feasible.

43
44 12. Roads, streets, and access drives within and adjacent to the rural residential
45 cluster shall meet the requirements specified in SJCC 18.60.080 through 18.60.180
46 and Table 6.3 in SJCC 18.60.100.

1
2 13. Parking shall be screened from view from public rights-of-way.
3

4 D. Limitation on Number of Rural Residential Clusters. The number of rural
5 residential cluster developments shall not exceed the following:
6

7 1. On San Juan, Orcas, Lopez and Shaw Islands combined, outside of village,
8 hamlet or residential activity centers:
9

10 a. Not more than three clusters in any one calendar year;
11

12 b. In any calendar decade:
13

14 i. Not more than 100 dwelling units; and
15

16 ii. Not more than 50 dwelling units on any one island.
17

18 2. On other islands, not more than 10 dwelling units on any one island per calendar
19 decade.
20

21 3. The administrator shall establish procedures for submitting applications for rural
22 residential cluster developments, and may establish criteria for competitive
23 evaluation of such applications if more applications are received than may be
24 approved for a given calendar year period. Such evaluation may consider the
25 location of the proposed clusters in relation to identified housing need; the number
26 of units provided; the availability of units to income groups and household types,
27 including families with children, in greatest need of affordable housing; the current
28 allocation of such clusters among the various islands; the design and location of
29 the clusters for which applications are received; and the demonstrated ability of the
30 applicant to perform based on financial and other factors. In developing such
31 criteria and evaluating competing projects, the administrator shall consult with the
32 housing advisory board.
33

34 E. Timely Development Required. Rural residential cluster developments are
35 intended to meet a portion of the County’s needs for affordable housing, and the
36 expectation that rural residential cluster developments will be constructed
37 promptly following approval is an important consideration in evaluating such
38 projects. Approval of a rural residential cluster may be withdrawn if the applicant
39 does not meet any of the following milestones for development of the proposed
40 project:
41

42 1. Building permits issued for at least 50 percent of the units no later than 18
43 months from final approval of the short subdivision, long subdivision or binding
44 site plan for the rural residential cluster;
45

1 2. Building construction shall commence no later than 36 months from final
2 approval of the short subdivision, long subdivision or binding site plan for the rural
3 residential cluster;

4
5 3. Project constructed and all units available for occupancy no later than 18 months
6 from approval.

7
8 F. Separation. A rural residential cluster development located outside of a village,
9 hamlet or residential activity center shall not be developed in such a way that any
10 habitable structure is located within 1,200 feet of a habitable structure in another
11 rural residential cluster development located outside of a village, hamlet or
12 residential activity center.

13
14 G. Design Guidelines. The plot plan (cf. SJCC 18.80.020(C)(11)(c)) and building
15 plans shall demonstrate compliance with the following design guidelines. The
16 application submitted for the project shall specifically indicate how the project
17 addresses each of the following design issues:

18
19 1. Visual Shielding from Surrounding Uses and County Roads.

20
21 a. The project design shall provide for effective use of terrain, landscape screening,
22 natural vegetation, and the layout and design of structures, to minimize the
23 visibility and the visual impact of the project, as seen from existing residences on
24 surrounding properties, and from County roads.

25
26 b. The administrator may require that a visual study including a visual prototype
27 review period be provided. The building prototype shall be a temporary framework
28 sufficiently visible to clearly and accurately show the proposed volume of
29 structures on the site from those locations from which the structures would be
30 visible.

31
32 2. Small-Scale Structures and Articulated Building Surfaces. The visual character
33 of the project shall express the single-family residential character of the project,
34 and shall avoid use of large or bulky structures, large blank surfaces, large
35 retaining walls or other site improvements. In order to minimize the height, bulk
36 and visual impact of the project, the following limitations shall apply:

37
38 a. No structure shall include more than 3,500 square feet of covered floor area.

39
40 b. No structure shall include more than four dwelling units.

41
42 c. No structure shall exceed a building height of two stories or 30 feet.

43
44 d. Any structure incorporating more than one dwelling unit shall provide an
45 obvious exterior expression of each dwelling unit using one or more of the
46 following methods:

- 1
- 2 i. A horizontal setback at least six feet deep between units for a distance of at least
- 3 12 feet;
- 4
- 5 ii. Articulated surfaces in which a variation of at least six feet in the setback at
- 6 least six feet wide occurs at least every 30 feet;
- 7
- 8 iii. Articulated surfaces in which the horizontal alignment of the exterior wall of
- 9 adjacent residential units varies by at least 22.5 degrees;
- 10
- 11 iv. A difference of at least 22.5 degrees in the horizontal direction of roof pitch, or
- 12 a difference in roof elevation of at least two feet in height, for a minimum distance
- 13 of 12 feet, between units;
- 14
- 15 v. Other architectural devices approved by the administrator providing at least the
- 16 visual identification of individual dwelling units provided by subsections
- 17 (G)(2)(d)(i) through (iv) of this section.
- 18

19 3. Conservation Design. All rural residential cluster development, including
 20 development in activity centers, shall be subject to the conservation design
 21 standards of SJCC 18.70.060(B)(10).
 22

23 **Section 6. SJCC 18.60.260 and Ordinance 10-2000 §5 are each amended to read**
 24 **as follows:**

25

26 A. Purpose. The purpose of this section is to set forth the conditions under which housing
 27 may qualify as affordable housing for the purpose of density bonuses or other provisions of the
 28 comprehensive plan or unified development code.
 29

30 B. Affordable housing is housing where the occupants pay no more than 30 percent of
 31 gross ~~monthly household income for total housing costs, including the cost of property taxes and~~
 32 ~~insurance for homeowners and monthly utilities, excluding telephone, for owners and renters. on~~
 33 housing costs. Housing costs for renters are considered to include rent and utilities, or, for
 34 owners, to include the principal and interest on the mortgage plus property taxes and insurance
 35 (PITI). Utility costs include water, sewage disposal, electricity and/or gas for lighting, heating
 36 and cooking. Except where further specified in the Comprehensive Plan and this code,
 37 “affordable housing” refers to such housing serving as the primary residence for very low-, low-,
 38 moderate- and middle-income households. The definition of income groups by household size
 39 shall be as most recently defined by the U.S. Department of Housing and Urban Development
 40 for San Juan County.
 41

42 C. To qualify as affordable to a particular income group and family size, housing shall
 43 provide long-term affordability as defined below, and shall have an appropriate size and
 44 amenities and have a sufficient number of bedrooms to meet the needs for that family size as
 45 determined by the administrator, using appropriate information from the building code, the U.S.

1 Department of Housing and Urban Development and the Washington State Office of Community
2 Development.

3
4 D. Long-Term Affordability. In order to qualify as affordable housing, housing must
5 provide assurance of affordability to applicable income groups for at least 50 years for ownership
6 housing and 20 years for rental housing by one or more of the following methods:

7
8 1. Ownership of land or land and structures by a public agency or nonprofit housing
9 provider;

10
11 2. Granting of a restrictive use easement in a form specified by the County for the
12 portions of the site encompassing the affordable units to San Juan County for the purpose of
13 affordable housing development;

14
15 3. In the case of rental housing only, the units are subject to a contract with a housing
16 provider which assures their affordability for a minimum of 20 years; or

17
18 4. Housing which because of its size, location, amenities, restrictions on development or
19 use, or other characteristics, has been specifically determined by resolution of the board of
20 County commissioners to be affordable.

21
22 E. Permanently Affordable Housing. In order to qualify as permanently affordable
23 housing, housing must provide assurance of affordability to applicable income groups for at least
24 99 years by one or more of the following methods:

25
26 1. Ownership of land or land and structures by a public agency or nonprofit housing
27 provider with assurance of affordability for at least 99 years;

28
29 2. Granting of a restrictive use easement in a form specified by the County for the
30 portions of the site encompassing the affordable units to San Juan County for the purpose of
31 affordable housing development;

32
33 3. Housing which because of its size, location, amenities, restrictions on development or
34 use, or other characteristics, has been specifically determined by resolution of the board of
35 County commissioners to be permanently affordable.

36
37 F. Concurrent Development. Affordable housing units must be developed prior to or at
38 the same time as other allowed residential units in any project granted a density bonus for
39 affordable housing.

40
41 G. Limitation on Credit for Affordable Middle-Income Housing. No more than 2550
42 percent of the dwelling units counted as affordable housing or permanently affordable housing
43 for the purpose of obtaining a density bonus, use permit, or other special privilege reserved for
44 affordable housing in any project may be for middle-income households.

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Section 8. Effective Date.

This Ordinance is effective on the 10th working day after adoption.

Section 9. Codification.

Sections 1-6 of this ordinance shall be codified.



1 ADOPTED this ____ day of _____, 2023.

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ATTEST: Clerk of the Council

**COUNTY COUNCIL
SAN JUAN COUNTY, WASHINGTON**

Sally Rogers, Clerk Date

Cindy Wolf, Chair
District 2

REVIEWED BY COUNTY MANAGER

Michael J. Thomas Date

Christine Minney, Vice-Chair
District 2

AMY S. VIRA
APPROVED AS TO FORM ONLY

By: _____
Date

Jane Fuller, Member
District 3

