



COUNCIL AGENDA ACTION SHEET

Meeting Date: _____		
Subject: _____		
Presenter: _____		
Type of Agenda Item:	Type of Action Needed: <i>(Multiple boxes can be checked, if necessary)</i>	
<input type="checkbox"/> Consent Agenda	<input type="checkbox"/> Discussion Only	<input type="checkbox"/> Pass Motion
<input type="checkbox"/> Public Hearing	<input type="checkbox"/> Decision / Direction	<input type="checkbox"/> Pass Resolution
<input type="checkbox"/> Scheduled Business	<input type="checkbox"/> Sign Letter / Document	<input type="checkbox"/> Pass Ordinance
	<input type="checkbox"/> Set Public Hearing	<input type="checkbox"/> Execute Contract

Summary / Background Information *(Please be as concise and clear as possible – no more than 200 words)*

Fiscal Impact

Recommendation

Suggested Motion



MEMORANDUM

REPORT DATE: March 10, 2023

TO: San Juan County Council

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

SUBJECT: Code Amendments Resulting from the 2036 Comprehensive Plan Update
County Council Public Hearing

HEARING DATE: March 21, 2023

ATTACHMENTS: A. Draft Planning Commission Findings and Recommendations, Feb. 17, 2023
B. Draft Ordinance, March 10, 2023

PURPOSE

To provide the County Council with the draft *Ordinance Updating the San Juan County Code (SJCC) Title 18 Unified Development Code to Align with the Adopted the 2036 Comprehensive Plan Update* for review prior to the March 21, 2023, public hearing.

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 March 20 at 12pm will be provided to the County Council prior to the March 21 hearing. Please focus comments on the proposed code amendments discussed in this memo.

BACKGROUND

San Juan County adopted the 2036 Comprehensive Plan (*Plan*) Update on November 30, 2022. The *Plan* update included several policy changes that correspond directly with San Juan County Code (SJCC) Title 18 Unified Development Code (UDC). Table 1 below summarizes *Plan* policies amended during the update that require UDC changes. The Planning Commission held a public hearing and recommended a draft of the ordinance to the County Council on February 17, 2023 (Attachment A). Staff briefed the County Council on the Planning Commission’s recommendation February 28, 2023. The UDC must be amended to align with the *Plan* before the *Plan* update goes into effect on April 1, 2023.

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

Topic	Plan 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 residential development standards	Element 2, Section 2.5.2, Policy 1.c	18.30.230

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

The draft ordinance is provided in Attachment B. Proposed amendments are shown in legislative format (strikeout/underline). The following past staff reports provide additional background information on the proposed changes:

- January 20, 2023, Planning Commission briefing: <https://www.sanjuanco.com/DocumentCenter/View/27508/>
- February 17, 2023, Planning Commission Public Hearing: <https://www.sanjuanco.com/DocumentCenter/View/27661/>
- February 28, 2023, County Council briefing on the Planning Commission recommendation: <https://www.sanjuanco.com/DocumentCenter/View/27809/>

EDITS SINCE FEBRUARY 28 BRIEFING

Staff has made several non-substantive edits to the draft ordinance since the February 28 Council briefing. The edits are highlighted in the draft ordinance in blue and are summarized below.

- Page 3: added draft findings for the Council to consider;
- Page 22: edited draft amendment to SJCC 18.35.015(A)(1) for clarity;
- Page 25: edited draft amendment to SJCC 18.60.230(C)(3)(c) for clarity;
- Page 25: edited draft amendment to SJCC 18.60.230(C)(7) for clarity and adjusted numbering; and
- Page 29: removed redundant affordable housing definition reference in SJCC 18.60.260(B). Affordable housing is already defined in SJCC 18.20.010 "A" Definitions.

DRAFT FINDINGS

When adopting the ordinance, the Council will make findings. The purpose of findings is to show how and why the Council came to their decision. The Council can consider the draft findings below in addition to any other information they wish to communicate in the ordinance. The draft findings have been added to the draft ordinance in Attachment B on page 3.

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

On March 21, the Council will hold a public hearing to hear public testimony regarding the draft ordinance. After the County Council adopts the ordinance, the UDC will be updated to reflect the adopted amendments. The UDC should be amended to align with the Comprehensive Plan before the Comprehensive Plan goes into effect April 1, 2023.



San Juan County Planning Commission

DRAFT

FINDINGS AND RECOMMENDATIONS

HEARING DATE: February 17, 2023

SUBJECT: Draft Comprehensive Plan Unified Development Code (U.D.C.)
Amendments Ordinance

APPLICANT: San Juan County

LOCATION: San Juan County

**COMMISSION MEMBERS
PARTICIPATING:** Sheila Gaquin, Steve Smith, Nick Knoellinger, Matt Ellingson, Peter
Kilpatrick, and Rick Hoffman.

COMMUNITY DEVELOPMENT AND PLANNING

RECOMMENDATION: Approval

PLANNING COMMISSION

RECOMMENDATION: Approval

FINDINGS AND CONCLUSIONS:

- 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);
 - 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 non-project 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 February 2, 2023 and published it in the Journal of the San Juan Islands and The Island's Sounder on February 15, 2023. 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. 202300507.
 - 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.

RECOMMENDATION

1. The Planning Commission recommends the draft 2036 Comprehensive Plan Unified Development Code (U.D.C.) amendments ordinance as presented and modified.

RECOMMENDED this 17th day of February 2023, which constitutes the dates of the Planning Commission's action, per State law.

SAN JUAN COUNTY PLANNING COMMISSION

Chair or Vice-Chair Date

Co-signor Date

Attachment A – Draft Comprehensive Plan U.D.C. Amendments Ordinance

**ATTACHMENT A - Draft Comprehensive Plan
U.D.C. Amendments Ordinance**

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:

5
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.

14
15 Accessory Apartment, Accessory Dwelling Unit. See “internal accessory dwelling unit
16 (IADU).”

17
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.

21
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.

24
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.

27
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.

32
33 “Activity centers” in San Juan County include villages, hamlets, residential activity
34 centers, island centers, and master planned resorts.

35
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.

40
41 “Adequate” means acceptable but not excessive.

42
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.”)

4
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.

8
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.

18
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.

25
26 “Agricultural activities” means agricultural uses and practices defined in RCW
27 90.58.065.

28
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.

35
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.

44
45 “Agricultural equipment and facilities” means equipment and facilities defined in RCW
46 90.58.065(2).

1
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.
5

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.
24

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.
38

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.
41

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.

3
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.

10
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.

14
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).

30
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.

3
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.

7
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.

10
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.

15
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).

20
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.

30
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.

34
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.

41
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).

1
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.

7
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.

26
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.

46

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.

5
6 “Aquifer” means a body of permeable saturated rock material or soil capable of
7 conducting ground water.

8
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.

11
12 “Archaeological” means having to do with the scientific study of material remains of past
13 human life and activities.

14
15 “Archaeological site” means an area of ancestral human use such as middens, burial
16 grounds, and earthworks.

17
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.

35
36 “Area of natural terrain obstruction” means an area where the natural land surface
37 penetrates the FAA imaginary surface.

38
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).

42
43 “Artisan” means a skilled craftsperson, small-scale manufacturer, or artist who practices
44 a trade or handicraft and who creates artisanal products in limited quantities for sale.

45
46 “Artisan activities” means the creation and sales of artisan products.

1
2 “Artisanal product” means art, food, and other retail goods created by an artisan on a
3 small-scale or batch basis. Artisanal products are often made using traditional craft methods,
4 tools and skills, or are manufactured on a small scale.
5

6 “Assembly facility” means a facility designed and used for the gathering of people, or in
7 which they may come together in a body, such as a meeting hall, community club or center,
8 church, etc. (See also “community club or facility” and “religious assembly facility.”)
9

10 “Assessor’s parcel number” means a geocoding number assigned by the assessor’s office
11 for property tax assessment purposes only.
12

13 “Associated wetland” means those wetlands that are in proximity to and either influence
14 or are influenced by tidal waters or a lake or stream that is subject to the Shoreline Management
15 Act.
16

17 “At grade” means at ground level.
18

19 “Attached accessory dwelling unit (AADU)” means an ADU which is internal to or
20 attached to the principal residence by (1) a common wall, or (2) a continuous roof and exterior
21 wall enclosures, or (3) a continuous roof no less than six feet in width, the area of which is
22 included in the living area of the ADU.
23

24 “Automobile wrecking and junk (or salvage) yards” means an outdoor area used for the
25 wrecking, storage, and recycling/salvage of wrecked or abandoned vehicles for scrap metal
26 and/or parts. (See “junk yard or salvage facility.”)
27

28 “Automotive fuel station” means any building, land area, or other premises used for the
29 retail dispensing or sales of vehicular fuels, but at which there is no servicing or repair of
30 automobiles.
31

32 “Automotive repair station” means any building, land area, or other premises used for the
33 retail servicing or repair of automobiles, but at which there is no dispensing or sales of vehicular
34 fuels.
35

36 “Automotive service station” means any building, land area, or other premises used for
37 the retail dispensing or sales of vehicular fuels and the servicing or repair of automobiles.
38

39 “Available capital facilities (available capacity)” means capital facilities or services that
40 are in place (“existing capacity”), or for which a financial commitment is in place to provide the
41 facilities or services within a specified time (“planned capacity”). “Available capacity” consists
42 of existing plus planned capacity. (See also “adequate capacity (adequate capital facilities),”
43 “concurrency,” and “level of service (LOS).”)
44

45 “Average grade level” means the average or the natural or existing topography of the
46 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: (Note, change highlighted in yellow for attention)**
 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	RFF	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;

- 1 b. Nonrigid translucent greenhouses or other structures; or
2 c. In ground in an area fully enclosed by a physical barrier.
- 3 16. The maximum square footage used for marijuana production cannot exceed the amount
4 licensed by the Washington State Liquor and Cannabis Control Board. Applicants must designate the
5 proposed production tier and amount of square footage of plant canopy on land use and building
6 permit application plans. The marijuana production tiers and canopy limits are:
7 a. Tier 1: Less than 2,000 square feet;
8 b. Tier 2: Two thousand square feet up to 10,000 square feet; and
9 c. Tier 3: Ten thousand square feet up to 30,000 square feet.
- 10 17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it
11 supports a marijuana production operation on the same parcel.
- 12 18. The following minimum lot sizes apply to marijuana production and processing operations:
13 a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations;
14 and
15 b. Tier 2: Five acres in the RGU and RI and 10 acres in the RFF and AG resource designations.
- 16 19. Use allowed by right when in conjunction with a preexisting use.

17
18 **Section 3. SJCC 18.30.230 and Ordinance 25-2012 §23 are each amended to read as**
19 **follows:**

20
21 A. Purpose. To protect the limited rural areas available for commercial and industrial
22 development from the location of incompatible residential development.

23
24 B. Applicability. This section shall apply to island center activity centers, rural industrial,
25 and rural commercial land use designations.

26
27 C. Residential Development Standard.

28
29 1. One dwelling unit per parcel is allowed.

30
31 a. The unit must be an accessory to a commercial, institutional, or industrial use, and must
32 be ~~located within or attached and~~ subordinate to the commercial, institutional, or industrial
33 structure. The dwelling unit shall not be constructed prior to the establishment of the
34 primary commercial, institutional, or industrial use, but may be constructed concurrently.

35
36 b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit
37 may not include an accessory dwelling unit in addition to the main residence.

38
39 2. All other new residential development is prohibited

40
41 **Section 4. SJCC 18.35.015 and Ordinance 25-2012 §14 are each amended to read as**
42 **follows:**

43
44 **18.35.015 Mineral resource lands district.**

45
46 A. Designation Procedures. A mineral resource land overlay district may be
47 applied based upon the following criteria, ~~only upon acceptance by the County of a~~
48 ~~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, or is legal non-
10 conforming, and the County Council adopts findings that the land has commercial
11 significance for mineral 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.

1
2 a. The project site shall consist of the entirety of one or more legal lots of record,
3 and shall be in a single ownership ~~by a public agency, or by a business or nonprofit~~
4 ~~corporation in the business of providing affordable housing.~~ Any portion of the site
5 not sold for affordable housing shall remain in such ownership as part of the rural
6 residential cluster development for the duration of the use.

7
8 b. Individual residential units may be rented, leased or sold, consistent with the
9 purpose of this section.

10
11 c. Further subdivision of the parcel or parcels shall be consistent with the purpose
12 of this section.

13
14 3. Affordable Housing.

15
16 a. All residential units within a rural residential cluster must be affordable housing
17 meeting the standards of SJCC 18.60.260.

18
19 b. Prior to issuance of any building permit for the project, the applicant shall grant
20 a restrictive use easement for the site to San Juan County for the purpose of
21 affordable housing development, subject to such conditions and limitations as the
22 County may require.

23
24 c. The applicant shall submit a long-term stewardship plan for monitoring resales
25 subject to approval by the director.

26
27 4. Site Design.

28
29 a. The site design of the rural residential cluster development shall comply with the
30 site design guidelines of subsection (G) of this section.

31
32 b. The site design of the project as a whole shall comply with the applicable
33 dimensional standards of Table 6.1 or 6.2 in SJCC 18.60.050 with respect to
34 adjacent properties.

35
36 5. Maximum Allowable Residential Density and Number of Dwelling Units.

37
38 a. A rural residential cluster development shall not be subject to the density
39 requirements of the land use district in which it is located, except for such
40 requirements in which rural residential development is regulated by name.

41
42 b. A rural residential cluster development shall have a maximum density of two
43 units per acre and a maximum of ~~eight~~ twelve dwelling units.

44
45 6. Allowed and Accessory Uses, and Accessory Structures. Only residential uses
46 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.

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

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

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

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

b. In any calendar decade:

i. Not more than 100 dwelling units; and

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

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

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

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

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

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 ~~MiddleModerate~~-Income Housing. No more than
42 2550 percent of the dwelling units counted as affordable housing or permanently affordable
43 housing for the purpose of obtaining a density bonus, use permit, or other special privilege
44 reserved for affordable housing in any project may be for ~~middle Moderate~~-income households.

45

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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

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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 1, 2023;
- C. The Comprehensive Plan Update includes 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.

- 1 **D.** The above policies are directly related to the SJCC Title 18 Unified Development Code
2 (UDC);
3
- 4 **E.** San Juan County is amending the UDC to align with the above Comprehensive Plan policy
5 topics before the Comprehensive Plan Update is effective;
6
- 7 **F.** County staff briefed the County Council and Planning Commission about the draft UDC
8 amendments on January 19, 2023.
9
- 10 **G.** County staff completed the environmental and nonproject action checklists for the project
11 in compliance with the State Environmental Policy Act (SEPA) and determined that the
12 proposal would be unlikely to create significant adverse environmental impacts.
13
- 14 **H.** County staff issued a Determination of Non-significance (DNS) on February 2, 2023 and
15 published it in the Journal of the San Juan Islands and The Island's Sounder on February
16 15, 2023. County staff transmitted the environmental checklist and DNS to federal, state
17 and local agencies in accordance with SJCC 18.80.050 and WAC 197-11-340.
18
- 19 **I.** The Washington State Department of Ecology published notice of the SEPA determination
20 on their SEPA Register under No. 202300507.
21
- 22 **J.** County staff submitted a sixty-day notice regarding the potential adoption of amendments
23 to the County's development regulations to the Washington State Department of
24 Commerce (Commerce) on January 24, 2023 in compliance with RCW 36.70A.106.
25
- 26 **K.** Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID
27 No. 2023-S-4734 on January 24, 2023.
28
- 29 **L.** A February 17, 2023 Planning Commission public hearing was advertised in the Journal
30 of the San Juan Islands and The Islands' Sounder on February 1, 2023.
31
- 32 **M.** The Planning Commission held a duly advertised public hearing on February 17, 2023,
33 deliberated and recommended that the County Council should adopt the ordinance with
34 modifications.
35
- 36 **N.** County staff briefed the County Council on the Planning Commission's recommendation
37 regarding the proposal on February 28, 2023.
38
- 39 **O.** A March 21, 2023 County Council public hearing was advertised in the Journal of the San
40 Juan Islands and the Islands' Sounder on March 8, 2023.
41
- 42 **P.** The County Council held a duly advertised public hearing on March 21, 2023 and received
43 public testimony.
44

1 **Q.** The County Council deliberated on the ordinance and made the following findings:

2
3 **1. Background items C.1-6 of the ordinance were identified as 2036 Comprehensive Plan**
4 **Update policy amendments corresponding directly with San Juan County Code Title**
5 **18 UDC;**

6 **2. The UDC should be amended to align with the updated Comprehensive Plan; and**

7 **3. The following amendments shown in Sections 1-6 of this ordinance will bring the**
8 **UDC into alignment with the updated Comprehensive Plan.**

9
10 **NOW, THEREFORE, BE IT ORDAINED** by the County Council of San Juan County,
11 State of Washington, as follows:

12
13 **Section 1. SJCC 18.20.010 and Ordinance 11-2019 §4 are each amended to**
14 **read as follows:**

15
16 “Abandon” means to terminate or remove a structure by an affirmative act, such as
17 changing to a new use; or to cease, terminate, or vacate a use or structure through nonaction.

18
19 “Abutting” means adjoining as defined herein, but will often have the added component
20 of joining end to end, or sharing an end border.

21
22 Accessory Apartment, Accessory Dwelling Unit. See “internal accessory dwelling unit
23 (IADU).”

24
25 “Accessory dwelling unit (ADU)” means a living area that is accessory to the principal
26 residence, located on the same lot, and that provides for sleeping quarters, kitchen, and sanitation
27 facilities. An ADU may be internal, attached or detached.

28
29 “Accessory structure” means a structure detached from a principal building located on the
30 same lot and which is incidental and secondary to the principal building.

31
32 “Accessory use” means use of land or of a building or portion thereof incidental and
33 subordinate to the principal use or building and located on the same lot with the principal use.

34
35 “Acoustical engineer” means a professional engineer, licensed in Washington, with a
36 degree in mechanical engineering and membership in the Acoustical Society of America; or a
37 professional engineer with demonstrated education, accreditation and experience to perform and
38 certify noise measurements, as determined by the director.

39
40 “Activity centers” in San Juan County include villages, hamlets, residential activity
41 centers, island centers, and master planned resorts.

42

1 “Adaptive management” means a style of management which relies upon the best
2 available information to make decisions, but implements decisions with a strategy to obtain
3 additional information. The decisions, or their implementation, are then adapted, if necessary,
4 based on the new information.

5
6 “Adequate” means acceptable but not excessive.

7
8 “Adequate capacity (adequate capital facilities)” means capital facilities and services that
9 have the capacity available to serve development at the time of occupancy or use without
10 decreasing levels of service (LOS) below the standards set forth in the Comprehensive Plan.
11 “Adequate capacity” also includes a financial commitment that is in place to complete the
12 improvements, or noncapital strategies, necessary to provide a specific level of service within six
13 years. (See also “available capital facilities (available capacity),” “concurrency,” “level of
14 service (LOS),” and “noncapital alternative strategies.”)

15
16 “Adjoining” means being in physical contact, touching at some point or along a line,
17 having a common point or border, sharing a common boundary, being so joined or united to each
18 other that no third object intervenes.

19
20 “Administrator,” “planning director,” and “director” each mean the San Juan County
21 community development and planning department director or a designated representative.

22
23 “Adverse” means contrary to one’s interest or welfare; harmful or unfavorable
24 circumstances.

25
26 “Adverse impacts” means a condition that creates, imposes, aggravates, or leads to
27 inadequate, impractical, unsafe, or unhealthy conditions on a site proposed for development or an
28 off-site property or facilities.

29
30 “Affordable housing” means housing where the occupants pay no more than 30 percent
31 of gross ~~monthly household income for total housing costs, including the cost of property taxes~~
32 ~~and insurance for homeowners and monthly utilities for owners and renters on housing costs.~~
33 Housing costs for renters are considered to include rent and utilities, or, for owners, to include
34 the principal and interest on the mortgage plus property taxes and insurance (PITI). Utility costs
35 include water, sewage disposal, electricity and/or gas for lighting, heating and cooking.

36
37 “Agricultural activities” means agricultural uses and practices defined in RCW
38 90.58.065.

39
40 “Agricultural commodity” means sheep, cattle, horses, goats, pigs, llamas, alpacas, or any
41 other animal or any distinctive type of agricultural, horticultural, viticultural, floricultural,
42 vegetable, or animal product, such as products qualifying as organic food products under Chapter
43 15.86 RCW and private sector cultured aquatic products as defined in RCW 19.85.020 and other

1 fish and fish products, either in their natural or processed state, including bees and honey and
2 Christmas trees but not including timber or timber products.

3
4 “Agricultural composting” means composting of agricultural waste as an integral
5 component of a system designed to improve soil health and recycling agricultural wastes.
6 Agricultural composting is conducted on lands used for farming and is an agricultural activity.
7 Agricultural composting can include the collection of off-site yard, landscape, or agricultural
8 waste and other compostable materials to be processed into compost, including sales or delivery
9 of finished composted product. Such operation shall be accessory to the primary agricultural
10 activities of the farm operation and shall not generate traffic and/or noise uncommon to a farm
11 operation.

12
13 “Agricultural equipment and facilities” means equipment and facilities defined in RCW
14 90.58.065(2).

15
16 “Agricultural processing, retail, and visitor-serving facilities for products” means the
17 commercial processing (preparing for market, packing, and sales) of agricultural commodities,
18 and the on-site facilities for retail display and sale of such agricultural commodity products.

19
20 “Agricultural products” includes but is not limited to horticultural, viticultural,
21 floricultural, vegetable, fruit, berry, grain, hops, hay, straw, turf, sod, seed, and apiary products;
22 feed or forage for livestock; Christmas trees; hybrid cottonwood and similar hardwood trees
23 grown as crops and harvested within 20 years of planting; and livestock including both the
24 animals themselves and animal products such as meat, upland finfish, poultry and poultry
25 products, and dairy products (see RCW 90.58.065(2)).

26
27 “Agricultural resource lands” means lands that are primarily devoted to the commercial
28 production of horticultural, viticultural, floricultural, dairy, apiary, vegetable, or animal products
29 or of berries, grain, hay, straw, turf, seed, livestock, or Christmas trees not subject to the excise
30 tax imposed by RCW 84.33.100 through 84.33.140, and have long-term commercial significance
31 for agricultural production (RCW 36.70A.030(2)). Agricultural resource lands is also a land use
32 designation (AG) in the Comprehensive Plan.

33
34 “Agricultural sales” means the sales of agricultural products grown, raised or harvested in
35 San Juan County, including processed products whose defining ingredients are produced or
36 harvested in the County. Agricultural sales can include the sale of agricultural promotional
37 materials which shall be accessory to the sale of the primary agricultural products.

38
39 “Agricultural soils” means lands with USDA-San Juan County Soil Survey Class II, III,
40 and IV soils or other soil classes where the land is suitable for a particular agricultural use.

41
42 “Agricultural wastes” means wastes on farms resulting from the raising or growing of
43 plants and animals such as crop residue, manure and animal bedding, and carcasses of dead
44 animals weighing each or collectively in excess of 15 pounds.

1
2 “Agriculture, existing and ongoing” means any agricultural activity conducted on lands
3 defined in RCW 84.34.020(2); agricultural use ceases when the area on which it is conducted is
4 converted to a nonagricultural use.

5
6 “Agritourism” means recreational, educational or agricultural-related activities that are
7 accessory to the agricultural activities of the farm operation.

8
9 “Aid to navigation” means any visual or electronic device airborne or on the surface
10 which provides point-to-point guidance information or position data to aircraft in flight.

11
12 “Aircraft accident safety zone” means an area of land that is designated in order to meet
13 the land use compatibility direction in RCW 36.70A.510 and 36.70.547 for general aviation
14 airports and to implement the health and safety and land use purposes of an airport overlay
15 district, and is shown on the official maps of the overlay district. Guidance for the delineation of
16 these safety zones is provided by the Washington State Department of Transportation, which can
17 be modified in order to address local circumstances as part of the adoption of individual airport
18 overlay districts.

19
20 1. “Safety zone 1: Runway protection zone” is an area that has the same dimensions as
21 the FAA runway protection zone. It is a trapezoidally shaped area that extends from the outer
22 boundaries of the primary surface along the extended runway centerline. Where only a portion of
23 the runway is declared as usable (the remainder of the pavement being part of a paved
24 “stopway”), as is the case at Orcas Island airport, the measurements for the zone begin at the
25 threshold line on the pavement which marks the end of the declared usable runway surface.

26
27 2. “Safety zone 2: Inner safety zone” is an area that underlies the main
28 departure/approach path. It begins at the end of the runway protection zone (zone 1) and extends
29 out along the extension of the runway centerline.

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

35
36 4. “Safety zone 4: Outer safety zone” is an area that underlies the main
37 departure/approach path, after the inner turning zone (zone 3). It extends out from both sides of
38 the extended runway centerline, beginning at the outer edge of the inner turning zone (zone 3)
39 and extending to the outer boundary of zone 6 (or to outer boundary of the horizontal zone if
40 zone 6 is not designated).

41
42 5. “Safety zone 5: Sideline safety zone/airport development zone” is an area that is
43 immediately adjacent to the airport and runway area. The standard zone begins at the primary

1 surface, extending out from the extended runway centerline and connecting at its ends to the
2 inner turning zone (zone 3).
3

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

10
11 “Airfield” means a privately owned area of land open to general or limited public use for
12 aircraft operations. An airfield may include related noncommercial services, aircraft
13 maintenance, or fueling facilities.
14

15 “Airport” means an area of land or facility publicly owned and open to general public use
16 for aircraft operations, except any airfield or airstrip as defined herein. An airport may include
17 related services and facilities.
18

19 “Airport overlay district” means an overlay district which governs use of land in the
20 vicinity and environs of an airport and protects public safety in the area.
21

22 “Airstrip” means a privately owned area of land, closed to the public, and restricted to
23 use by the owner for noncommercial aircraft operations and, on an occasional basis, invited
24 guests of the owner.
25

26 “Aliquot part” means a parcel of unplatted land which is described by record legal
27 description as a fractional portion of a section, excluding government lots.
28

29 “Allowable uses” means the land uses that are allowed under this title, divided into five
30 categories, as identified in SJCC 18.30.050 through 18.30.055 and Tables 18.30.030 and
31 18.30.040. These are uses allowed outright (“Yes”), provisional (“Prov” or “P”), “P/C” (formerly
32 referred to as discretionary (“D”)), conditional (“C”), and plan amendment (“P.A.”) uses.
33

34 “Allowed outright use (“Yes” use)” means a use that is allowed outright within a land use
35 designation, and which does not require a project permit, and is identified in Tables 18.30.030
36 and 18.30.040 by the symbol “Yes.” All “Yes” uses are subject to and must comply with all
37 applicable development standards of this title (see Chapter 18.60 SJCC and SJCC 18.80.070).
38

39 “Alteration, nonconforming structures” means any change or rearrangement in the
40 supporting members of existing buildings, such as bearing walls, columns, beams, girders, or
41 interior partitions, as well as any changes in doors, windows, means of egress or ingress or any
42 enlargement to or diminution of a building or structure, horizontally or vertically, or the moving
43 of a building from one location to another. This definition excludes normal repair and
44 maintenance, such as painting or roof replacement, but includes more substantial changes.

1
2 “Alteration, nonconforming use” means the expansion, modification or intensification of
3 a use that does not conform to the land use regulations of the UDC.
4

5 “Animal shelter (kennel)” means a commercial or nonprofit establishment in which
6 animals other than livestock are temporarily housed or boarded, groomed, bred, trained, treated,
7 or sold.
8

9 “Antenna” means any apparatus designed for transmitting and/or receiving
10 electromagnetic waves by converting those waves from and to electrical current.
11

12 “Antenna array” means one or more antennas and their associated mounting hardware,
13 feed lines, or other appurtenances which share a common attachment device, such as a mounting
14 frame or support structure.
15

16 “Appeal, closed-record” means an administrative appeal on the record to the board of
17 County commissioners, following an open-record hearing on a project permit application. A
18 closed-record appeal is on the record made before the decision maker with no or limited new
19 evidence or information allowed to be submitted and only appeal argument allowed (RCW
20 36.70B.020).
21

22 “Appeal, open-record” means a hearing, conducted by the hearing examiner, that creates
23 the County’s record through testimony and submittal of evidence and information, under
24 procedures prescribed by the County by ordinance or resolution when a timely appeal of the
25 director’s decision on a project permit application or a timely appeal of an administrative
26 determination is filed.
27

28 “Applicant” means any person who files a permit application with the County and who is
29 either the owner, beneficial owner, contract purchaser, or authorized agent of such owner of the
30 land on which the proposed activity would be located.
31

32 “Approach surface” means the FAA imaginary surface that is the lower boundary of an
33 airspace which begins at the ends of the primary surface and extends upward and outward along
34 the extended runway centerline. The initial width of the surface coincides with the width of the
35 primary surface, and expands outward uniformly from the primary surface.
36

37 “Approach, transitional, horizontal, and conical surfaces” means the imaginary surfaces
38 that relate to an airport or airfield runway as defined in Federal Aviation Administration (FAA)
39 regulations, 14 CFR Part 77, “Objects Affecting Navigable Airspace,” as amended, and as shown
40 on the approach and clear zone plan for an airport or airfield. They are so-called “imaginary”
41 surfaces because, with the exception of the runway, they cannot be seen.
42

1 “Approach, transitional, horizontal, and conical zones” means the zones which apply to
2 the ground areas immediately under a runway approach; transitional, horizontal, and conical
3 surfaces as projected along a vertical axis.
4

5 “Aquacultural equipment and facilities” includes, but is not limited to: (1) the following
6 used in aquacultural operations: equipment; machinery; constructed shelters, buildings, and
7 ponds; water storage facilities; water diversion, withdrawal, conveyance, and use equipment and
8 facilities such as pumps, pipes, canals, ditches, and drains; (2) farm residences and associated
9 equipment, lands, and facilities; and (3) roadside stands and on-farm markets for products (see
10 RCW 90.58.065(2)).
11

12 “Aquacultural products” includes fish, shellfish, or other aquatic animals or plants.
13

14 “Aquaculture” means the culture or farming of fish, shellfish, or other aquatic plants and
15 animals. Aquaculture does not include the harvest of wild geoduck associated with the state
16 managed wildstock geoduck fishery (see WAC 173-26-020(6)).
17

18 “Aquaculture, noncommercial” means harvesting fish, shellfish or other aquatic animals
19 and plants for subsistence, recreational and personal consumption, scientific research or
20 restoration activities.
21

22 “Aquaculture processing” means the commercial preparation of fish, shellfish or other
23 aquatic animals and plants for market including packaging and transportation.
24

25 “Aquatic designation” means all water bodies under the jurisdiction of the Shoreline
26 Management Act of 1971 and within the boundaries of San Juan County, including the water
27 surface together with the underlying lands and the water column such as to bays, straits, harbors,
28 coves, estuaries, tidelands, shorelands, and lakes.
29

30 “Aquifer” means a body of permeable saturated rock material or soil capable of
31 conducting ground water.
32

33 “Aquifer recharge areas” means lands through which precipitation and surface water
34 infiltrate the soil and are transmitted through rocks and soil to create ground water storage.
35

36 “Archaeological” means having to do with the scientific study of material remains of past
37 human life and activities.
38

39 “Archaeological site” means an area of ancestral human use such as middens, burial
40 grounds, and earthworks.
41

42 “Area” means the size of a parcel of land, as expressed in square feet or acres to two
43 decimal places. When a public road right-of-way lies within a tract of land otherwise in
44 contiguous ownership, area within the right-of-way may be included in gross area for the

1 purpose of calculating maximum allowable density. When public road right-of-way abuts a tract
2 of land, area to the centerline may be included in the gross area of the parcel for this purpose.

3
4 “Area, nominal” means the approximate area of a parcel of land, such as the aliquot part
5 or the land area in the assessor’s records.

6
7 “Area of more intensive rural development (AMIRD)” means a class of rural lands that
8 includes village and hamlet activity centers, residential activity centers, and island centers.
9 AMIRDs were identified and delineated according to the criteria in RCW 36.70A.070(5)(d).
10 They consist of commercial, industrial, residential, or mixed-use areas in which the kinds,
11 intensities, or densities of use, or the capital facilities and services available, exceed the levels
12 normally associated with rural development. Thus, these areas recognize and provide for existing
13 compact rural development and uses, and allow for infill in the areas to the level of existing
14 patterns.

15
16 “Area of natural terrain obstruction” means an area where the natural land surface
17 penetrates the FAA imaginary surface.

18
19 “Area of special flood hazard” means the land in the floodplain within a community
20 subject to a one percent or greater chance of flooding in any given year, as indicated on the flood
21 insurance rate maps (FIRMs).

22
23 “Artisan” means a skilled craftsperson, small-scale manufacturer, or artist who practices
24 a trade or handicraft and who creates artisanal products in limited quantities for sale.

25
26 “Artisan activities” means the creation and sales of artisan products.

27
28 “Artisanal product” means art, food, and other retail goods created by an artisan on a
29 small-scale or batch basis. Artisanal products are often made using traditional craft methods,
30 tools and skills, or are manufactured on a small scale.

31
32 “Assembly facility” means a facility designed and used for the gathering of people, or in
33 which they may come together in a body, such as a meeting hall, community club or center,
34 church, etc. (See also “community club or facility” and “religious assembly facility.”)

35
36 “Assessor’s parcel number” means a geocoding number assigned by the assessor’s office
37 for property tax assessment purposes only.

38
39 “Associated wetland” means those wetlands that are in proximity to and either influence
40 or are influenced by tidal waters or a lake or stream that is subject to the Shoreline Management
41 Act.

42
43 “At grade” means at ground level.

44

1 “Attached accessory dwelling unit (AADU)” means an ADU which is internal to or
2 attached to the principal residence by (1) a common wall, or (2) a continuous roof and exterior
3 wall enclosures, or (3) a continuous roof no less than six feet in width, the area of which is
4 included in the living area of the ADU.
5

6 “Automobile wrecking and junk (or salvage) yards” means an outdoor area used for the
7 wrecking, storage, and recycling/salvage of wrecked or abandoned vehicles for scrap metal
8 and/or parts. (See “junk yard or salvage facility.”)
9

10 “Automotive fuel station” means any building, land area, or other premises used for the
11 retail dispensing or sales of vehicular fuels, but at which there is no servicing or repair of
12 automobiles.
13

14 “Automotive repair station” means any building, land area, or other premises used for the
15 retail servicing or repair of automobiles, but at which there is no dispensing or sales of vehicular
16 fuels.
17

18 “Automotive service station” means any building, land area, or other premises used for
19 the retail dispensing or sales of vehicular fuels and the servicing or repair of automobiles.
20

21 “Available capital facilities (available capacity)” means capital facilities or services that
22 are in place (“existing capacity”), or for which a financial commitment is in place to provide the
23 facilities or services within a specified time (“planned capacity”). “Available capacity” consists
24 of existing plus planned capacity. (See also “adequate capacity (adequate capital facilities),”
25 “concurrency,” and “level of service (LOS).”)
26

27 “Average grade level” means the average or the natural or existing topography of the
28 portion of the lot, parcel, or tract of real property which will be directly under the proposed
29 building or structure. Calculation of the average grade level is made by averaging the ground
30 elevations at the midpoint of all exterior walls of the proposed building or structure. In cases of
31 structures to be built over the water, average grade level is the elevation of the ordinary high
32 water mark.
33

34 “Average tree height” means the mean height of existing trees within a 150-foot radius of
35 the facility site.
36

37 “Average vehicular trips” means the average number of all vehicles entering or leaving a
38 site during a defined period.
39

40 **Section 2. SJCC 18.30.040 and Ordinance 7-2022 §1 are each amended to read as**
41 **follows: (Note, change highlighted in yellow for attention)**
42

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
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	P	P/C ⁽¹³⁾	P/C ⁽¹³⁾	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	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
surface of an existing structure									
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
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	P/C	P/C	P/C	P/C	P/C	P/C	P/C	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
scope or scale of facilities or services									
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
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

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
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
Institutional Uses									
College or technical school/adult education facility	C	N	N	C	C	N	N	N (P/C at UW FHL)	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
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 (P/C if historic) ⁽⁵⁾	N	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>	N	N	Y	N	N	N	N	N	Y
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
Indoor swimming pool	C	N	C	N	C	N	N	N	N
Recreational Uses									

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
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

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
Community sewerage treatment facilities	N	N	N	N	N	N	N	N	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

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
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

Notes:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

14 15. Marijuana production is allowed in:

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

17 b. Nonrigid translucent greenhouses or other structures; or

18 c. In ground in an area fully enclosed by a physical barrier.

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

23 a. Tier 1: Less than 2,000 square feet;

24 b. Tier 2: Two thousand square feet up to 10,000 square feet; and

25 c. Tier 3: Ten thousand square feet up to 30,000 square feet.

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

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

29 a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations;
30 and

31 b. Tier 2: Five acres in the RGU and RI and 10 acres in the RFF and AG resource designations.

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

33
34 **Section 3. SJCC 18.30.230 and Ordinance 25-2012 §23 are each amended to read as**
35 **follows:**

36
37 A. Purpose. To protect the limited rural areas available for commercial and industrial
38 development from the location of incompatible residential development.

39
40 B. Applicability. This section shall apply to island center activity centers, rural industrial,
41 and rural commercial land use designations.

42
43 C. Residential Development Standard.

44
45 1. One dwelling unit per parcel is allowed.
46

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

5
6 b. Notwithstanding the definition of “dwelling unit” in SJCC 18.20.040, the dwelling unit
7 may not include an accessory dwelling unit in addition to the main residence.

8
9 2. All other new residential development is prohibited

10
11 **Section 4. SJCC 18.35.015 and Ordinance 25-2012 §14 are each amended to read as**
12 **follows:**

13
14 **18.35.015 Mineral resource lands district.**

15
16 A. Designation Procedures. A mineral resource land overlay district may be
17 applied based upon the following criteria, ~~only upon acceptance by the County of a~~
18 ~~complete application from a property owner and~~ upon approval of a redesignation
19 in accordance with SJCC 18.90.030. Mineral resource lands of long-term
20 commercial significance are those lands from which the commercial extraction of
21 minerals (sand, gravel, rock, and other valuable aggregate or metallic substances)
22 can be anticipated within 20 years and which are characterized by all of the
23 following:

24
25 1. Have a known or potential extractable resource in commercial quantities
26 verified by submittal of a geologic and economic report prepared by a qualified
27 professional or the land has a legally established or legal non-conforming mining
28 operation, and the County Council adopts findings that the land has commercial
29 significance for mineral resources;

30
31 2. Current or future land use will not exceed a residential density of one dwelling
32 unit per 10 acres;

33
34 3. Are not within an activity center, rural residential, natural or conservancy
35 designation or any shoreline designation;

36
37 4. Are not within a regulated wetland or fish and wildlife habitat conservation area
38 pursuant to SJCC 18.35.085 through 18.35.140.

39
40 B. Allowable and Prohibited Uses. Allowable and prohibited uses within mineral
41 resource lands overlay districts are specified in Tables 18.30.030 and 18.30.040 for
42 the underlying designation. All uses must comply with any applicable performance
43 standards (Chapter 18.40 SJCC) and development standards (Chapter 18.60
44 SJCC), unless otherwise specified in this code.

1
2 C. Nuisance and Disclosure Provisions.

3
4 1. Nuisance. The following shall not be considered a nuisance: mineral resource
5 extraction and processing activities, operations (except between 7:00 p.m. and 7:00
6 a.m. and on weekends), facilities or appurtenances thereof, conducted or
7 maintained for commercial mineral resource extraction and processing purposes on
8 land designated as mineral resource land, regardless of past or future changes in
9 the surrounding area land use or land use designation.

10
11 2. Disclosure. The disclosure statement in subsection (C)(2)(b) of this section shall
12 be used under the following circumstances and in the following manner:

13
14 a. Approval of any land division, land use, building, or development of lands
15 adjacent to or within 500 feet of lands designated as mineral resource land shall be
16 conditioned on the execution by the applicant of a statement of acknowledgment
17 containing the disclosure statement on forms provided by the department. The
18 executed form shall be recorded by the County auditor in the same manner as a
19 deed. However, if a disclosure conforming to the provisions of this subsection has
20 been recorded for a prior permit, subsequent disclosures shall not be required.

21
22 b. The required disclosure statement is as follows:

23
24 If your real property is within five hundred (500) feet of real property within an
25 area designated as Mineral Resource Land you may be subject to inconveniences
26 or discomforts arising from such operations, including but not limited to noise, tree
27 removal, odors, fumes, dust, smoke, the operation of machinery, and the storage
28 and disposal of aggregate products. One or more of the inconveniences described
29 may occur as a result of extraction and processing operations which are in
30 conformance with existing laws and regulations. San Juan County has determined
31 that the use of certain real properties for mineral resource extraction and
32 processing activities is necessary to ensure resource availability in the County. The
33 County will not consider to be a nuisance those inconveniences or discomforts
34 arising from extraction and processing operations, if such operations are consistent
35 with commonly accepted best management practices and comply with local, state,
36 and federal laws.

37
38 **Section 5. SJCC 18.60.230 and Ordinance 7-2005 §18 are each amended to read as**
39 **follows:**

40
41 A. Purpose. A rural residential cluster development is a small cluster of residences
42 and related structures intended to provide opportunities for affordable housing and
43 small scale agriculture in rural areas. The standards and procedures provided
44 below are intended to ensure that such developments remain compatible with the

1 rural, agricultural and natural character of rural and resource lands; prohibit
2 suburban sprawl; and do not require urban-level services.

3
4 B. Applicability. An applicant intending to develop a rural residential cluster must
5 file a use permit application, subdivision or binding site plan application
6 appropriate to the project as provided in SJCC 18.80.180.

7
8 C. Minimum Standards.

9
10 1. Land Use Districts.

11
12 a. The rural residential cluster may be located within any of the following land use
13 districts: village residential, hamlet residential, rural residential, or rural farm
14 forest.

15
16 b. A rural residential cluster shall not be located in an urban growth area nor in any
17 of the following land use districts: rural general use, island center, master planned
18 resort, agricultural resource, forest resource, conservancy, natural, or any industrial
19 or commercial district. The developed portion of a rural residential cluster shall not
20 be located in lands subject to the Shoreline Management Act.

21
22 2. Project Site and Unit Ownership.

23
24 a. The project site shall consist of the entirety of one or more legal lots of record,
25 and shall be in a single ownership ~~by a public agency, or by a business or nonprofit~~
26 ~~corporation in the business of providing affordable housing.~~ Any portion of the site
27 not sold for affordable housing shall remain in such ownership as part of the rural
28 residential cluster development for the duration of the use.

29
30 b. Individual residential units may be rented, leased or sold, consistent with the
31 purpose of this section.

32
33 c. Further subdivision of the parcel or parcels shall be consistent with the purpose
34 of this section.

35
36 3. Affordable Housing.

37
38 a. All residential units within a rural residential cluster must be affordable housing
39 meeting the standards of SJCC 18.60.260.

40
41 b. Prior to issuance of any building permit for the project, the applicant shall grant
42 a restrictive use easement for the site to San Juan County for the purpose of
43 affordable housing development, subject to such conditions and limitations as the
44 County may require.

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c. A long-term stewardship plan for monitoring resales must be submitted to and approved 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. Accessory uses shall be limited to those appropriate and necessary to residential and agricultural use, including the following:

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

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

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

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

7. Square Footage Limitations for Dwelling Units and Accessory Structures

a. The ~~total~~ mean enclosed floor area of all structures including dwelling units and accessory structures for the project shall not exceed 1,500 square feet per dwelling unit.

1
2 **b.** No **individual** dwelling unit **or** accessory structure shall exceed 2,000 square feet.

3
4 **78.** Access to Shorelines – Common Easements. A rural residential cluster adjacent
5 to water and subject to the jurisdiction of the Shoreline Master Program shall
6 dedicate a common area for residents’ access to the shoreline area.

7
8 **89.** Water Quality. Meet the requirements specified in SJCC 18.60.020,
9 18.60.060(B) and 18.60.070.

10
11 **910.** Water Quantity. Demonstrate adequate and available water to serve the
12 development (see also SJCC 18.60.020).

13
14 **1011.** Stormwater Management. Meet the requirements and standards of SJCC
15 18.60.060(B) and (C) and 18.60.070.

16
17 **1112.** Open space and landscaped areas shall be designed as an integrated part of
18 the rural residential cluster rather than as an isolated element. A landscaping plan
19 shall be prepared consistent with the requirements of and incorporating the
20 development standards in SJCC 18.60.160. Landscape screening shall be
21 established along the perimeter, appropriate to the project and its surrounding
22 environment, if required by the administrator. All existing trees greater than six
23 inches in diameter at breast height within the project area and its buffer areas shall
24 be retained whenever feasible.

25
26 **1213.** Roads, streets, and access drives within and adjacent to the rural residential
27 cluster shall meet the requirements specified in SJCC 18.60.080 through 18.60.180
28 and Table 6.3 in SJCC 18.60.100.

29
30 **1314.** Parking shall be screened from view from public rights-of-way.

31
32 **D. Limitation on Number of Rural Residential Clusters.** The number of rural
33 residential cluster developments shall not exceed the following:

34
35 1. On San Juan, Orcas, Lopez and Shaw Islands combined, outside of village,
36 hamlet or residential activity centers:

37
38 a. Not more than three clusters in any one calendar year;

39
40 b. In any calendar decade:

41
42 i. Not more than 100 dwelling units; and

43
44 ii. Not more than 50 dwelling units on any one island.

1
2 2. On other islands, not more than 10 dwelling units on any one island per calendar
3 decade.

4
5 3. The administrator shall establish procedures for submitting applications for rural
6 residential cluster developments, and may establish criteria for competitive
7 evaluation of such applications if more applications are received than may be
8 approved for a given calendar year period. Such evaluation may consider the
9 location of the proposed clusters in relation to identified housing need; the number
10 of units provided; the availability of units to income groups and household types,
11 including families with children, in greatest need of affordable housing; the current
12 allocation of such clusters among the various islands; the design and location of
13 the clusters for which applications are received; and the demonstrated ability of the
14 applicant to perform based on financial and other factors. In developing such
15 criteria and evaluating competing projects, the administrator shall consult with the
16 housing advisory board.

17
18 E. Timely Development Required. Rural residential cluster developments are
19 intended to meet a portion of the County’s needs for affordable housing, and the
20 expectation that rural residential cluster developments will be constructed
21 promptly following approval is an important consideration in evaluating such
22 projects. Approval of a rural residential cluster may be withdrawn if the applicant
23 does not meet any of the following milestones for development of the proposed
24 project:

25
26 1. Building permits issued for at least 50 percent of the units no later than 18
27 months from final approval of the short subdivision, long subdivision or binding
28 site plan for the rural residential cluster;

29
30 2. Building construction shall commence no later than 36 months from final
31 approval of the short subdivision, long subdivision or binding site plan for the rural
32 residential cluster;

33
34 3. Project constructed and all units available for occupancy no later than 18 months
35 from approval.

36
37 F. Separation. A rural residential cluster development located outside of a village,
38 hamlet or residential activity center shall not be developed in such a way that any
39 habitable structure is located within 1,200 feet of a habitable structure in another
40 rural residential cluster development located outside of a village, hamlet or
41 residential activity center.

42
43 G. Design Guidelines. The plot plan (cf. SJCC 18.80.020(C)(11)(c)) and building
44 plans shall demonstrate compliance with the following design guidelines. The

1 application submitted for the project shall specifically indicate how the project
2 addresses each of the following design issues:

3
4 1. Visual Shielding from Surrounding Uses and County Roads.

5
6 a. The project design shall provide for effective use of terrain, landscape screening,
7 natural vegetation, and the layout and design of structures, to minimize the
8 visibility and the visual impact of the project, as seen from existing residences on
9 surrounding properties, and from County roads.

10
11 b. The administrator may require that a visual study including a visual prototype
12 review period be provided. The building prototype shall be a temporary framework
13 sufficiently visible to clearly and accurately show the proposed volume of
14 structures on the site from those locations from which the structures would be
15 visible.

16
17 2. Small-Scale Structures and Articulated Building Surfaces. The visual character
18 of the project shall express the single-family residential character of the project,
19 and shall avoid use of large or bulky structures, large blank surfaces, large
20 retaining walls or other site improvements. In order to minimize the height, bulk
21 and visual impact of the project, the following limitations shall apply:

22
23 a. No structure shall include more than 3,500 square feet of covered floor area.

24
25 b. No structure shall include more than four dwelling units.

26
27 c. No structure shall exceed a building height of two stories or 30 feet.

28
29 d. Any structure incorporating more than one dwelling unit shall provide an
30 obvious exterior expression of each dwelling unit using one or more of the
31 following methods:

32
33 i. A horizontal setback at least six feet deep between units for a distance of at least
34 12 feet;

35
36 ii. Articulated surfaces in which a variation of at least six feet in the setback at
37 least six feet wide occurs at least every 30 feet;

38
39 iii. Articulated surfaces in which the horizontal alignment of the exterior wall of
40 adjacent residential units varies by at least 22.5 degrees;

41
42 iv. A difference of at least 22.5 degrees in the horizontal direction of roof pitch, or
43 a difference in roof elevation of at least two feet in height, for a minimum distance
44 of 12 feet, between units;

v. Other architectural devices approved by the administrator providing at least the visual identification of individual dwelling units provided by subsections (G)(2)(d)(i) through (iv) of this section.

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

Section 6. SJCC 18.60.260 and Ordinance 11-2000 §5 are each amended to read as follows:

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

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

C. To qualify as affordable to a particular income group and family size, housing shall provide long-term affordability as defined below, and shall have an appropriate size and amenities and have a sufficient number of bedrooms to meet the needs for that family size as determined by the administrator, using appropriate information from the building code, the U.S. Department of Housing and Urban Development and the Washington State Office of Community Development.

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

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

1 2. Granting of a restrictive use easement in a form specified by the County for the
2 portions of the site encompassing the affordable units to San Juan County for the purpose of
3 affordable housing development;
4

5 3. In the case of rental housing only, the units are subject to a contract with a housing
6 provider which assures their affordability for a minimum of 20 years; or
7

8 4. Housing which because of its size, location, amenities, restrictions on development or
9 use, or other characteristics, has been specifically determined by resolution of the board of
10 County commissioners to be affordable.
11

12 E. Permanently Affordable Housing. In order to qualify as permanently affordable
13 housing, housing must provide assurance of affordability to applicable income groups for at least
14 99 years by one or more of the following methods:
15

16 1. Ownership of land or land and structures by a public agency or nonprofit housing
17 provider with assurance of affordability for at least 99 years;
18

19 2. Granting of a restrictive use easement in a form specified by the County for the
20 portions of the site encompassing the affordable units to San Juan County for the purpose of
21 affordable housing development.
22

23 3. Housing which because of its size, location, amenities, restrictions on development or
24 use, or other characteristics, has been specifically determined by resolution of the board of
25 County commissioners to be permanently affordable.
26

27 F. Concurrent Development. Affordable housing units must be developed prior to or at
28 the same time as other allowed residential units in any project granted a density bonus for
29 affordable housing.
30

31 G. Limitation on Credit for Affordable ~~Middle~~ Moderate-Income Housing. No more than
32 ~~25~~50 percent of the dwelling units counted as affordable housing or permanently affordable
33 housing for the purpose of obtaining a density bonus, use permit, or other special privilege
34 reserved for affordable housing in any project may be for ~~middle~~ Moderate-income households.
35
36
37

38 **Section 7. Effective Date.**

39 This Ordinance is effective on the 10th working day after adoption.
40
41

42 **Section 8. Codification.**

43 Sections 1-6 of this ordinance shall be codified.
44

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ADOPTED this ____ day of _____, 2023.

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