

Chapter 18.20

PERFORMANCE AND USE-SPECIFIC STANDARDS

Sections:

- 18.20.010 General provisions.
- 18.20.020 Accessory uses and structures.
- 18.20.030 Agricultural activities and accessory uses.
- 18.20.040 Airports.
- 18.20.050 Airfields and airstrips.
- 18.20.060 Animal kennels, ~~catteries~~ and shelters, ~~commercial~~.
- 18.20.070 Asphalt and concrete batch plants.
- 18.20.080 Assembly facilities.
- 18.20.090 Automotive fuel, service, and repair stations.
- 18.20.100 Automobile wrecking yards and junk (or salvage) yards.
- 18.20.110 Cemeteries.
- 18.20.120 Colleges or technical schools.
- 18.20.130 Commercial communication facilities and sites.
- 18.20.140 Commercial uses – Standards for site development.
- 18.20.150 Convenience stores and car washes.
- 18.20.160 ~~Conversions of land to nonforestry use—Other Class IV General f Forest practices—Conversion of land to nonforestry use—conversion option harvest plans (COHP).~~
- ~~18.20.170~~ Cottage industry.
- 18.20.180 Day care and residential care facilities.
- ~~18.20.180~~ Food and Beverage Stands
- ~~18.20.185~~ Forest Practices – Conversion Option Harvest Plans (COHP)
- 18.20.190 Golf courses.
- 18.20.200 Home businesses.
- 18.20.210 Hospitality establishments.
- 18.20.220 Industrial uses – Standards for site development.
- 18.20.230 Lumber mills (portable and stationary).
- 18.20.240 Mineral extraction, ~~mining, quarrying and reclamation~~ and Processing.
- 18.20.250 Manufactured/mobile home parks.
- 18.20.260 Nonconforming ~~legal structures and uses~~ uses and structures.
- 18.20.270 Outdoor commercial amusement facilities.
- 18.20.280 Outdoor storage yards.
- 18.20.290 Recreational developments.
- 18.20.300 Recycling collection facilities and recycling centers.
- 18.20.310 Residential care facilities and nursing homes.
- 18.20.320 (Mini) storage facilities.
- 18.20.330 Seasonal roadside stands.
- 18.20.340 Sewage sludge and septage.
- 18.20.350 Small-scale recreation and tourist uses.
- 18.20.360 Solid waste handling and disposal facilities.
- 18.20.370 Tank farm facilities ~~(bulk fuel storage)~~ (bulk plant or terminal facility).
- 18.20.380 Temporary outdoor uses.
- 18.20.390 Temporary festivals.

- 18.20.400 Utility developments, minor.
- 18.20.410 Utility developments, major.
- 18.20.420 Veterinary clinics or hospitals.
- 18.20.010 General provisions.

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

Note also that specific proposals for new development may be subject to more than one set of performance standards. For example, a proposal for an RV park would be subject to the performance standards for all commercial uses in JCC 18.20.140, for recreational developments in JCC 18.20.290, and for small-scale recreation and tourist uses in JCC 18.20.350. Where the development is subject to the jurisdiction of the Shoreline Master Program, additional regulations and standards may apply, and additional permits may be required.

To illustrate the way that this chapter works in conjunction with the tables of allowable and prohibited rural uses in Chapter 18.15 JCC (Table 3-1) and urban uses in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), if, for example, an application is submitted to develop an RV park, the first question is whether it is an allowable use in the land use district where it is proposed. Table 3-1 identifies allowable and prohibited uses in each land use district. For RV parks, Table 3-1 contains a “C(d)” for all rural residential districts, which means that a proposal to develop an RV park in these districts is a conditional discretionary use and may be allowed if it met the applicable performance standards set forth in this chapter and would be allowed by the administrator only if the impacts were appropriate according to the criteria set forth in Chapter 18.40 JCC for a conditional (discretionary) use permit. Table 3-1 contains a “Yes” for RV parks in rural village centers, which means that a proposal to develop an RV park in a village center is a permitted use and would be allowed subject to meeting the performance standards of this chapter.

The development standards in Chapter 18.30 JCC would also apply to any and all project permit applications that might be brought forth to the county by an applicant. [Ord. 10-04 § 3; Ord. 11-00 § 4.1]

18.20.020 Accessory uses and structures.

Accessory uses are customarily incidental and subordinate to the principal use of a structure or site. They must be:

- Clearly secondary to, supportive of, and compatible ~~with-to~~ the principal ~~or proposed permissably principle~~ principal uses;
- Consistent with the purpose of the land use district; and
- In compliance with the provisions of this code. The land use category of an accessory use shall be the same as that of the principal use(s) listed in Table 3-1 or Chapter 18.18 JCC, unless otherwise specified.

(1) Limitations on Accessory Uses and Structures. Accessory uses and structures are permitted in any district, except as limited or prohibited in this section, in Table 3-1, or in the sections covering the various land use districts in Chapter 18.15 JCC, or in Chapter 18.18 JCC.

(2) Accessory Dwelling Units. One accessory dwelling unit is permitted per legal lot of record as an accessory to an existing single-family dwelling or on a legal lot of record

as an accessory to an existing industrial use in LI or LI/C zones; provided, that the following requirements are met:

(a) Maximum Size. An accessory dwelling unit shall have a maximum size of 1,250 square feet of gross floor area.

(b) Owner Occupied. To obtain an accessory dwelling unit (ADU) designation, the owner of the subject property shall reside on the premises, either in the main or accessory dwelling. An employee of the property owner or tenant business shall occupy an ADU in place of the owner within LI or LI/C zones.

(c) Certificate of Occupancy. A certificate of occupancy is required pursuant to the ~~Uniform~~ International Building Code and shall be obtained from the building official and posted within the ADU. The code inspection and compliance required to obtain a certificate of occupancy in an existing building shall be restricted to the portion of the building to be occupied by an ADU and shall apply only to new construction, rather than existing components.

(d) Outbuildings. Outbuildings may be constructed or expanded to accommodate an ADU within the structure. ADUs established in these outbuildings shall not be larger than 1,250 square feet in floor area. ADUs in LI and LI/C zones are exempt from the special setback requirements for residential uses abutting light industrial uses or zones specified in 18.30 JCC.

(e) Exterior Entrance. In order to preserve the outward appearance of single-family neighborhoods, the front of the house shall have only one exterior entrance. A separate exit doorway to the outside is required for each dwelling unit.

(f) Water and Wastewater Disposal Service. Prior to obtaining a permit to construct or place an ADU, the applicant shall provide proof of an adequate potable water supply as provided in RCW 19.27.097 and applicable regulations and policies established by the Jefferson County board of health or the Jefferson County board of commissioners, and proof of on-site septic system approval from the Jefferson County department of environmental health.

(g) Travel Trailer/Recreational Vehicles. For the purpose of this chapter, accessory dwelling units shall not be travel trailers, recreational vehicles, recreational park trailers, buses, truck storage containers, or similar manufactured units which are not originally intended to be used for residences and built to the ~~Uniform~~ International Building Code adopted by Jefferson County.

(3) Outdoor Residential Storage. This subsection shall apply only to outdoor storage accessory to residential uses in residential districts. Outdoor storage other than accessory uses subordinate to a primary residential use may be permitted only in those districts where specified as a permitted use in Table 3-1 or Chapter 18.18 JCC, and shall meet other applicable requirements of Chapter 18.20.280 relative to outdoor storage yards.

(a) Outdoor residential storage shall be maintained in an orderly manner and shall create no fire, safety, health or sanitary hazard;

(b) Not more than two unlicensed or inoperable vehicles shall be stored on any lot less than one-half acre unless totally screened from view of neighboring dwellings and rights-of-way. Such screening shall meet all applicable performance and development standards specific to the district in which the storage is kept, and shall be in keeping with the character of the area. Screening shall meet the requirements of Chapter 18.30 JCC.

Outdoor storage of 13 or more ~~unlicensed or inoperable~~ junk motor vehicles is prohibited

except in those districts where specified as an automobile wrecking yard or junk (or salvage) yard and allowed as a permitted use in Table 3-1 or Chapter 18.18 JCC, and such storage shall meet the requirements of JCC 18.20.100, Automobile wrecking yards and junk (or salvage) yards. In no case, shall any such ~~unlicensed or inoperable junk motor~~ vehicles be stored in an ~~environmentally sensitive~~critical area.

(4) Junk Yards. Junk yards shall be prohibited, except where permitted as specified in Table 3-1 or Chapter 18.18 JCC and in accordance with the requirements of JCC 18.20.100, Automobile wrecking yards and junk (or salvage) yards.

5) Minor Public Facility Accessory Structures. Minor accessory additions to existing public facilities will be considered as accessory uses not requiring discretionary use review or a conditional use permit. Such minor accessory structures include, for example, a water tower or small shed at a fire station, or construction of a cover over an existing playfield at a school or park, but not, for example, construction of a new wing to a public building or construction of a major new building or structure on the site. [Ord. 10-04 § 3; Ord. 11-00 § 4.2]

18.20.030 Agricultural activities and accessory uses.

(1) Definitions. For the purposes of this section, the following definitions shall apply. Other relevant definitions appear in subsections of this section and in Chapter 18.10 JCC.

(a) Agriculture. The science, art, and business of producing crops, or raising livestock; farming.

(b) Agricultural Activities. Land preparation for agricultural purposes, such as clearing, grading, contouring, ditching, fencing, plowing, tilling, planting, cultivating, fertilizing, weed, pest and disease control, spraying, pruning, trimming, harvesting, processing, packing, sales, and construction of farm and stock ponds, irrigation ditches and systems; livestock management, such as breeding, birthing, feeding and care of animals, birds, honey bees, and fish; the repair maintenance and incidental construction of equipment, structures, or machinery used to perform agricultural or husbandry operations; and the storage of agricultural products and machinery.

(c) Agricultural Product or Commodity. Any plant or part of a plant, or animal, or animal product, produced by a person (including farmers, ranchers, vineyardists, plant propagators, Christmas tree growers, aquaculturists, floriculturists, orchardists, foresters, or other comparable persons) primarily for sale, consumption, propagation, or other use by people or animals.

(d) Accessory Uses. Uses accessory to agriculture that support, promote, or sustain agricultural operations and production, as provided in subsection (3) of this section.

(e) Agricultural Lands. Designated as either prime agricultural land (AP-20) or agricultural land of local importance (AL-20) on the official map of Comprehensive Plan Land Use Designations. Agricultural lands of long-term commercial significance is a category of resource lands under the State Growth Management Act and the Jefferson County Comprehensive Plan.

(f) Open Space Tax Program. County program associated with property taxation. Land being used for agriculture may be enrolled in the tax program through the county assessor. The tax program is independent of land use designation (i.e., zoning) and these development regulations, except in the context of identifying “existing and ongoing

agriculture,” as defined in this code and exempted from standard stream and wetland buffers as described in subsection (2)(b)(ii) of this section.

(g) Existing and Ongoing Agriculture. Any agricultural activities conducted on an ongoing basis on lands enrolled in the open space tax program for agriculture or designated as agricultural lands; provided, that agricultural activities were conducted on those lands at anytime during the five-year period preceding April 28, 2003. Agricultural use ceases when the area on which it is conducted is converted to a nonagricultural use.

(h) New Agriculture. Agricultural activities proposed or conducted after April 28, 2003, and that do not meet the definition of “existing and ongoing agriculture.”

(i) Agricultural Best Management Practices (BMPs). Schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent or reduce pollution of waters or degradation of wetlands and fish and wildlife habitat areas.

(j) Farm Equipment. Includes, but is not limited to, tractors, trailers, combines, tillage implements, balers, and other equipment, including attachments and accessories that are used in the planting, cultivating, irrigation, harvesting, and marketing of agricultural, horticultural, or livestock products.

(2) Agricultural Activities.

(a) Where Allowed. Agricultural Activities, as defined above, are an allowed use under any of the Comprehensive Plan land use designations, subject to the provisions of this subsection, except that “processing,” “packing,” and “sales” are regulated under subsection (3) of this section, Accessory Uses.

(b) When Exempt from Permit Process. Agricultural activities are considered a matter of right and not subject to land use permits or approval from the administrator, subject to the following:

(i) Other Applicable Laws and Rules. This section does not exempt the proponent from acquiring any other required approvals from county, state or federal agencies, including, but not limited to, approvals related to matters of public health, safety, and welfare.

(ii) ~~Environmentally Sensitive Critical~~ Areas. The Growth Management Act, Chapter 36.70A RCW, requires local governments to designate and protect “critical areas,” such as wetlands and fish and wildlife habitat areas. This code contains provisions for the protection of ~~environmentally sensitive areas (i.e., critical areas)~~ at Article VI-D of Chapter 18.15 JCC, et seq. The fish and wildlife habitat areas section is Article VI-H of Chapter 18.15 JCC and includes protections for streams and their buffers. The wetlands section is Article VI-I of Chapter 18.15 JCC and includes protections for wetland buffers. These sections pertain to agricultural activities in the following manner:

(A) New agriculture is required to meet all applicable provisions of Article VI-D of Chapter 18.15 JCC, et seq.

(B) Existing and ongoing agriculture is exempt from standard stream and wetland buffers. Refer to Articles VI-H and VI-I of Chapter 18.15 JCC, respectively. The exemption covers only existing and ongoing activities related to cultivating crops and grazing livestock and the land preparation associated with those agricultural activities. The exemption does not cover new structures, parking areas, or other similar development activities. New development activities related to agriculture are regulated as new agriculture.

(C) In exchange for this exemption from standard stream and wetland buffers, the agricultural communities in each Jefferson County watershed are expected to establish and implement appropriate agricultural best management practices (BMPs) in order to protect wetlands and fish and wildlife habitat areas from adverse impacts related to the practice of agriculture. Refer to subsection (3) regarding agricultural BMPs below.

(D) The exemption from standard stream and wetlands buffers for existing and ongoing agriculture will be revisited during periodic review of the Comprehensive Plan and development regulations, pursuant to RCW 36.70A.130. If the county finds through evaluation of best available science that the voluntary implementation of agricultural BMPs is failing to protect wetlands and fish and wildlife habitat areas from impacts related to agriculture in any given watershed or specific areas within a given watershed, this exemption will be modified or eliminated for that watershed or particular sites within that watershed.

(iii) Agricultural Best Management Practices. Agricultural activities are expected to be conducted in a manner that protects against harm or degradation to the existing functions and values of fish and wildlife habitat in and adjacent to streams and wetlands through the implementation of agricultural best management practices (BMPs).

(A) Agricultural landowners and operators are encouraged to design BMPs through consultation with the following resources:

(I) Section 4 of the USDA Natural Resources Conservation Service (NRCS) "Field Office Technical Guide" (FOTG) contains a nonexclusive list of conservation practices (BMPs) to guide implementation of the expectations of this section.

(II) The Jefferson County conservation district is available to assist in the development of informal farm plans as well as formal plans such as the resource management system (RMS) plan or other type of conservation plan approved through the NRCS.

(B) BMPs should be designed for site-specific conditions and should include pollution prevention and control measures that effectively address the following management areas:

(I) Livestock and Dairy Management. Livestock and dairy operations must be conducted so as not to contribute any wastes or sediments into a natural or modified natural stream in violation of adopted state water quality standards.

(II) Nutrient and Farm Chemical Management. Manure must not be placed in a stream or location where such wastes are likely to be carried into a stream by any means. Farm chemicals shall be applied consistent with all requirements stated on the chemical container labels and all applicable federal and state laws and regulations, such as Chapter 15.58 RCW (Pesticide Control Act), Chapter 17.21 RCW (Pesticide Application Act), and 7 United States Code (USC) 136, et seq., (Federal Insecticide, Fungicide, and Rodenticide Act).

(III) Soil Erosion and Sediment Control Management. Construction of roads used for agricultural purposes, agricultural equipment operation, and ditch construction and maintenance should be undertaken in such a manner as to avoid sediment contribution to streams.

(IV) Operation and Maintenance of Agricultural Drainage Infrastructure. Dredging or removal of accumulated sediments in any ditch or ditched stream should be conducted when there is no or minimal flow in the stream (generally between June 15th and October

31st) and in a manner that minimizes sediment contribution or other impacts to water quality. Excavation spoils should be placed so as not to cause bank failures and so that drainage from such spoils does not contribute sediment to streams. Maintenance of vegetation located within a stream that is part of drainage infrastructure may be conducted at any time; provided, that any cutting or mowing is above the ground surface within the channel and in a manner that does not disturb the soil or sediments and that the cut vegetation does not block water flow. Stream bank vegetation should be preserved or planted as soon as practicable after drainage construction and maintenance are completed in order to stabilize earthen ditch banks.

(V) Riparian Management. Existing riparian vegetation should be managed to continue to provide soil and streambank stability, shade, filtration, and habitat for fish and wildlife. Landowners are encouraged to plant riparian vegetation to improve fish and wildlife habitat by providing shade, cover, organic debris, and control of noxious weeds.

(C) An owner or operator is responsible only for those conditions caused by agricultural activities conducted by the owner or operator and is not responsible for conditions that do not meet the standards of this subsection resulting from actions of others or from natural conditions not related to the on-site agricultural operations. Conditions resulting from unusual weather events (such as storm in excess of a 25-year, 24-hour storm) or other exceptional circumstances that are not the product of obvious neglect are not the responsibility of the owner or operator.

(D) Agricultural activities are expected to meet the objectives and standards of this subsection through voluntary compliance.

(E) Jefferson County, the Jefferson County conservation district, and the Department of Ecology work cooperatively to identify potential violations of state water quality standards and to provide assistance to agricultural owners and operators for preventing or correcting water quality violations. The Department of Ecology maintains ultimate compliance authority for enforcing state water quality standards.

(F) “Existing functions and values” relates to the following categories:

(I) Water quality, as documented in a given watershed by the Jefferson County conservation district or other management agency.

(II) The existence or absence of large woody debris within a stream, as documented in the “Salmon & Steelhead Habitat Limiting Factors” analyses completed by the Washington Department of Fish and Wildlife (WDFW) between 2000 and 2003 for the Water Resource Inventory Areas (WRIAs) 16, 17, 20, and 21, or other relevant studies.

(III) The existing riparian buffer characteristics and width, including, but not limited to, the existing amount of shade provided by the existing riparian buffer, as documented in the “Salmon & Steelhead Habitat Limiting Factors” analyses completed by WDFW between 2000 and 2003 for the Water Resource Inventory Areas (WRIAs) 16, 17, 20, and 21, or other relevant studies.

(IV) The existing channel morphology as documented with year 2000 Department of Natural Resources (DNR) Aerial Photography.

(G) “No harm or degradation” means the following:

(I) Maintaining or improving documented water quality levels, if available.

(II) Meeting, or working towards meeting, the requirements of any total maximum daily load (TMDL) requirements established by the Department of Ecology pursuant to Chapter 90.48 RCW.

(III) Meeting all applicable requirements of Chapter 77.55 RCW and Chapter 220-110 WAC (Hydraulics Code).

(IV) No evidence of degradation to the existing fish and wildlife habitat characteristics of the stream or wetland that can be reasonably attributed to adjacent agricultural activities.

(H) The references above to Chapters 77.55 and 90.48 RCW and Chapters 173-201A and 220-110 WAC shall not be interpreted to replace Department of Ecology and WDFW authority to implement and enforce these state programs.

(iv) Stormwater Management. Jefferson County stormwater management regulations and procedures are described in JCC 18.30.060, Grading and excavation standards, and JCC 18.30.070, Stormwater management standards, of this code. These sections pertain to agricultural activities in the following manner:

(A) Commercial agriculture is exempt from stormwater management minimum standards pursuant to JCC 18.30.070(2) and the referenced Department of Ecology Stormwater Management Manual for Western Washington (manual).

(B) According to the manual, “commercial agriculture” is defined as:

Those activities conducted on lands defined in RCW 84.34.020(2), and activities involved in the production of crops or livestock for wholesale trade. An activity ceases to be considered commercial agriculture when the area on which it is conducted is proposed for conversion to a nonagricultural use or has lain idle for more than five (5) years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity.

(C) Accordingly, agricultural activities such as land preparation for the cultivation of crops or the grazing of livestock and the maintenance of agricultural irrigation infrastructure are exempt from meeting the minimum requirements for stormwater management and from obtaining a stormwater management permit.

(D) This exemption does not apply to new development that is secondarily related to agriculture and that involves the construction of new structures, such as buildings for agricultural processing and retail sales, and the addition of impervious surfaces, such as compacted areas designed to accommodate parking.

(E) This exemption does not apply to the initial clearing of forested land. Conversion of forested land to some other use incompatible with commercial forestry, as defined in the Forest Practices Act, Chapter 76.09 RCW, requires review under JCC 18.20.160, 18.30.060 and 18.30.070. The State Department of Natural Resources may also require a Class IV general forest practices application.

(v) Farm Ponds and Irrigation Infrastructure.

(A) Construction or expansion of farm and stock ponds and irrigation ditches and infrastructure in association with commercial agriculture as defined above is exempt from meeting stormwater management minimum standards and from obtaining approval; provided, that said activities are not conducted in environmentally sensitive areas and their buffers as defined in Article VI-D of Chapter 18.15 JCC. Landowners are encouraged to document the creation of new exempt ponds through photographs (before, during, and after construction) in order to facilitate any future development review on the property.

(B) Construction or expansion of ponds or irrigation ditches and infrastructure in wetlands and their buffers is subject to the provisions of Article VI-I of Chapter 18.15 JCC.

(I) Maintenance of existing farm and stock ponds and agricultural irrigation ditches and infrastructure is allowed without having to meet the protection standards pursuant to the exemption for “existing and ongoing agriculture” at JCC 18.15.355(1)(e), if the activities are not prohibited by any other law.

(II) Construction of new ponds or expansion of existing ponds and drainage-related activities that would introduce new impacts is regulated under Article VI-I of Chapter 18.15 JCC. Activities within wetlands and their buffers require review and approval of a mitigation or enhancement plan pursuant to that article.

(C) Generally, pursuant to JCC 18.30.060(5)(b), drainage improvements constructed in accordance with JCC 18.30.060(2) and 18.30.070 and construction of a pond of one-half acre or less which is not in a regulated wetland are exempt from the stormwater management permit requirement outlined in JCC 18.30.070(6).

(vi) Livestock Management.

(A) On designated agricultural lands, livestock management is allowed as a matter of right, except:

(I) Any operation that meets the state or federal definition for an animal feeding operation (AFO) requires a consistency review land use permit (i.e., “Yes” or Type I).

(II) Any activity that meets the state or federal definition for a custom slaughtering establishment, custom meat facility, or medium concentrated animal feeding operation (medium CAFO) requires a conditional administrative (C(a)) land use permit.

(III) Any operation that meets the state or federal definition for a large concentrated animal feeding operation (CAFO), certified feed lot, public livestock market, stockyard, warehouse, or grain elevator, requires a conditional use (C) land use permit.

(B) On lands that are not designated agricultural lands, livestock management is allowed as a matter of right, except:

(I) The slaughter and preparation of between 100 and 1,000 chickens or other fowl in a calendar year by the agricultural producer of the chickens for the sale of whole raw chickens by the producer directly to the ultimate consumer at the producer’s farm requires a conditional administrative (C(a)) land use permit; over 1,000 shall be prohibited.

(II) Any operation that meets the state or federal definition for an animal feeding operation (AFO) requires a conditional administrative land use permit (C(a)).

(III) Any operation that meets the state or federal definition for a custom slaughtering establishment, custom meat facility, certified feed lot, public livestock market, stockyard, warehouse, grain elevator, or medium or large concentrated animal feeding operation (CAFO) shall be prohibited, except in the heavy industrial land use designation, where a conditional use (C) land use permit shall be required.

(C) Facilities for breeding and maintaining working dogs raised for livestock management purposes are exempt from performance of JCC 18.20.060(3), Animal kennels and shelters, in order to allow livestock guardian dogs to work during nighttime hours. Facilities for breeding and raising dogs for show or sale must be incidental and accessory to the principal farm activities and meet all of the performance standards for animal kennels and shelters at JCC 18.20.060(3).

(vii) Structures. According to JCC 15.05.040(1), certain types of agricultural structures do not require a building permit from the department of community development.

(A) No county building permit is required for buildings or structures erected exclusively for the storage of livestock, feed, and/or farm implements, provided said structures are: freestanding, located at least 10 feet from the nearest structure and not attached to any structure, unless attached to another agricultural building; do not contain plumbing, except as necessary to maintain farm animals; do not contain a heat source, such as a wood stove or electric heat, unless specifically permitted.

(B) Agricultural buildings that contain plumbing other than that as authorized above must obtain a plumbing installation permit and health department approval.

(C) Agricultural buildings that contain a heat source for an agricultural purpose must obtain a wood stove permit or an electrical permit as appropriate.

(D) Agricultural buildings used for the storage of private automobiles, trucks, etc., which are not licensed as farm equipment, are considered garages or carports and must obtain a building permit.

(E) Agricultural buildings used for the purpose of hosting members of the public for the purpose of retail sales of agricultural products or machinery constructed on-site shall require a building permit to ensure life safety and structural integrity. If an older agricultural building constructed under the building permit exemption for agricultural buildings is proposed for hosting members of the public, the building shall be brought into compliance with the building code, as determined by the building official.

(F) The building official shall judge whether a proposed structure, a structure under construction, or a completed structure violates this building permit exemption. A structure determined to be in violation will be considered a structure subject to the building code.

(G) Temporary growing structures used solely for the commercial production of horticultural plants including ornamental plants, flowers, vegetables, and fruits are not considered structures subject to the State Building Code, Chapter 19.27 RCW, pursuant to RCW 19.27.065.

(3) Accessory Uses.

(a) General Provisions. Pursuant to RCW 36.70A.177:

(i) Accessory uses that support, promote, or sustain agricultural operations and production shall comply with the following:

(A) Accessory uses shall be located, designed, and operated so as not to interfere with natural resource land uses and shall be accessory to the growing of crops or raising of animals;

(B) Accessory commercial or retail uses shall predominantly produce, store, or sell regionally produced agricultural products from one or more producers, products derived from regional agricultural production, agriculturally related experiences, or products produced on-site. Accessory commercial and retail uses shall offer for sale predominantly products or services produced on-site; and

(C) Accessory uses may operate out of existing or new buildings with parking and other supportive uses consistent with the size and scale of existing agricultural buildings on the site but shall not otherwise convert agricultural land to nonagricultural uses.

(ii) Accessory uses may include compatible commercial or retail uses including, but not limited to:

- (A) Storage and refrigeration of regional agricultural products;
 - (B) Production, sales, and marketing of value-added agricultural products derived from regional sources;
 - (C) Supplemental sources of on-farm income that support and sustain on-farm agricultural operations and production;
 - (D) Support services that facilitate the production, marketing, and distribution of agricultural products; and
 - (E) Off-farm and on-farm sales and marketing of predominantly regional agricultural products and experiences, locally made art and arts and crafts, and ancillary retail sales or service activities.
- (b) Where Allowed. Accessory uses to agriculture are allowed exclusively in agricultural lands.
 - (c) Where Prohibited. Accessory uses to agriculture, as defined and regulated in this section, are prohibited in all land use districts except agricultural lands. Proposals that would be classified accessory uses in agricultural lands, such as processing, packing, and sales of agricultural products, may be considered and approved in other land use districts under different and appropriate land use classifications, such as commercial use, light industrial use, home business, cottage industry, or small-scale recreation and tourist use, subject to allowed and prohibited uses per land use district and the associated permit processes and approval criteria.
 - (d) When Exempt from Permit Process. Accessory uses on agricultural lands are considered a matter of right and not subject to land use permits or approval from the administrator, subject to the following limitations and provisions in association with these various use categories:
 - (i) General. All accessory uses, when exempted from a permit or approval process, shall be conducted in such a manner that:
 - (A) Parking for all visitors or suppliers is fully accommodated on-site in a location and manner that does not encroach upon or negatively impact environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.
 - (B) New structures are constructed or existing structures are expanded in a location and manner that does not encroach upon or negatively impact environmentally sensitive areas and their protection buffers and that converts as little prime agricultural soil as practicable into nonagricultural use.
 - (ii) Composting and recycling must be nonhazardous and biodegradable.
 - (iii) Processing and packing agricultural products if at least 50 percent of the product was raised or produced on the site or on other Jefferson County parcels, including but not limited to, prepared foods, cheese, wine, beer, decorative materials, compost, etc., including cooperative processing and packing involving more than one local farmer.
 - (iv) Retail and wholesale sales of agricultural products from existing or new farm stands and farm buildings, including cooperative sales involving more than one local farmer, subject to the following provisions:
 - (A) At least 50 percent of the square footage of the undercover, retail display area is comprised of products from the farm on which the stand is located or from land owned by the owner of the stand.

(B) If less than 50 percent of the products sold come from the farm on which the sale occurs, all the products sold must primarily supply local agricultural activities and the sales must be accessory to the prime function of the land as a farm. Examples are sale of hay, specialized livestock materials, farm equipment, livestock fencing, horticultural supplies, etc.

(v) Farm Equipment. Commercial repair and maintenance of farm equipment and sales of equipment, structures, or machinery manufactured on-site for use in agricultural operations subject to the following provisions:

(A) The activity must be accessory to the main function of the property as a farm.

(B) The activity shall comply with JCC 18.20.220(1)(a), (c), and (d), Industrial uses – Standards for site development.

(C) Storage of vehicles, equipment, materials or products not related to agriculture must meet the requirements of JCC 18.20.280, Outdoor storage yards.

(vi) Agritourism. Agriculturally related activities designed to bring the public to the farm on a temporary or continuous basis, such as U-Pick farm sales, retail sales of farm products, farm mazes, pumpkin patch sales, farm animal viewing and petting, wagon rides, farm tours, horticultural nurseries and associated display gardens, cider pressing, wine or cheese tasting, etc., subject to the following provisions:

(A) All activities must be closely related to normal agricultural activities. Activities which simply adopt an agricultural theme or setting but which are not otherwise a normal extension of agricultural activities are not permitted as a matter of right; however, they may be considered under JCC 18.20.350, Small-scale recreation and tourist uses. The following list of uses not permitted as a matter of right is illustrative but not exhaustive: mechanical rides such as Ferris wheels and carousels, arcade type games and activities, dance halls, stage performances, drinking establishments that serve alcohol which is not wine produced on-site, fireworks, sporting events, caged wild animals, exhibits, etc.

(B) Temporary events that are not related to agriculture are regulated by JCC 18.20.380, Temporary outdoor uses.

(vii) Classes. Subject to the following provisions:

(A) Classes are clearly accessory to the primary function of the farm.

(B) Classes must not exceed four weeks in length for any single course of instruction. Schools with classes that exceed four weeks must meet the provisions of subsection (3)(e)(ii)(B) of this section, addressing agricultural schools.

(C) If students are regularly housed on-site for the class, the provisions of JCC 18.20.210, Hospitality establishments, shall apply.

(viii) Lumber Mills and Associated Forestry Processing Activities and Uses.

Harvesting, sawing, processing, assembling and selling lumber is limited to timber from the designated agricultural lands property on which the activity is located and is subject to the regulations of JCC 18.20.230, Lumber mills (portable and stationary).

(e) When Permit Process is Required.

(i) Proposal Exceeds Terms or Limitations. Accessory uses on agricultural lands that are best described as one of the uses listed in subsection (3)(d) of this section and yet exceed or lie outside of the terms and limitations set forth in subsection (3)(d) of this section are considered discretionary uses (i.e., “D” uses), as defined at JCC 18.15.020(1)(b), and subject to a Type II administrative review as specified in Chapter 18.40 JCC. The administrator may classify the proposed use as an allowed “yes” use,

conditional administrative use, conditional use, or prohibited use. The permit process is subsequently conducted pursuant to Chapter 18.40 JCC according to the use classification.

(ii) Other Accessory Uses. The following accessory uses may be permitted on designated agricultural lands subject to a discretionary determination by the administrator (i.e., a Type II administrative review process for a “D” use), provided they are located, designed and operated so as not to interfere with natural resource land uses and subject to the following provisions in association with these various use categories:

(A) Permanent and/or seasonal farm worker housing, in addition to an accessory dwelling unit; provided, that:

(I) The housing is used exclusively for agricultural workers on the farm and their families or members of the family of the farm owner with at least one member of each household actively working on the farm.

(II) The housing for farm labor is not sold, leased or rented to the general public unless the owner applies for and receives a permit for an agriculture-related recreational or tourist use as specified in JCC 18.20.350.

(III) The farm worker housing units are constructed in such a manner that they meet all applicable regulations for dwelling units for agricultural worker housing.

(IV) A covenant is recorded with the title of the parcel on which the housing is located in a form satisfactory to the county that specifies that the units are exclusively for use by farm laborers and their families employed on the property by the owner. The use of the farm labor dwelling units may be converted to nonagricultural uses and the covenant removed subject to approval by the administrator and issuance of any required land use permits.

(V) The accommodations shall not require the extension of public sewer services.

(B) Agricultural schools which offer a program that lasts for more than 30 days per year per student and which may be the primary function of the land, subject to the following provisions:

(I) The predominant focus of the curriculum and activities of the school is closely tied to and dependent upon agricultural activities and facilities on the farm. If the school has a conventional curriculum and is merely utilizing an agrarian setting, it does not qualify for location on designated agricultural land.

(II) Agricultural schools under this section which also house students and/or faculty for the duration of the course of study must meet the requirements of JCC 18.40.080 for a conditional use permit.

(III) Buildings and parking facilities used for the school avoid location on prime agricultural soils, whenever practicable.

(C) Veterinary clinics or hospitals which have at least a portion of their business serving large domestic animals necessitating holding pens, paddocks, etc., subject to the provisions of JCC 18.20.420(1)(a) and (b). Veterinary clinics and hospitals that do not include an on-site, large animal practice are not permitted on land designated agricultural land.

(D) Farm restaurant when it is a component of the agritourism activities of a farm subject to the restrictions set forth in JCC 18.20.350(1).

(E) Farm campground for fishing or hunting on or near farm property subject to the regulations in JCC 18.20.350(6)(a)(1) through (9).

- (F) Guide services associated with livestock used for trail riding, packing, etc.
 - (G) Rural recreational tourist lodging subject to the provisions of JCC 18.20.350.
 - (H) Commercial display gardens subject to the requirements of JCC 18.20.350(3).
- [Ord. 06-04 § 2; Ord. 11-00 § 4.3]

18.20.040 Airports.

Reserved. [Ord. 11-00 § 4.4]

18.20.050 Airfields and airstrips.

Reserved. [Ord. 11-00 § 4.5]

18.20.060 Animal kennels, ~~catteries,~~ and shelters, ~~commercial.~~

(1) Purpose: Animal kennels, catteries and shelters are establishments or businesses that boards, breeds, or provides temporary, permanent, or semi-temporary care to dogs, cats or a combination thereof.

(2) Commercial animal kennels, catteries and shelters, in addition to applicable requirements of of the Jefferson County Animal Responsibility Ordinance [JCC 6.05] animal responsibility ordinance, are subject to the following standards:

(3) Animals shall be sheltered in suitable, clean structures. Structures and animal runs associated with a commercial kennel, shelter or cattery shall be located at least 100 feet from any property line. Hobby kennels shall be sited at least 50 feet from any property line.

(4) Kennels, catteries or shelters located adjacent to or within rural village centers or rural residential (RR1:5) districts shall be indoor facilities only.

(5) Animals being kept on the premises shall be allowed outside only between the hours of 7:00 a.m. and 10:00 p.m., except when accompanied by an attendant.

(6) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. [Ord. 11-00 § 4.6]

18.20.070 Asphalt and concrete batch plants.

(1) Both permanent and temporary asphalt and concrete batch plants shall meet the requirements of JCC 18.20.220, Industrial uses – Standards for site development; JCC 18.20.240, ~~Mineral extraction, mining, quarrying and reclamation~~ Mineral extraction and processing; and Article VI-E of Chapter 18.15 JCC and JCC 18.30.170 relating to the operation and siting of such facilities in critical aquifer recharge areas.

(2) If necessary to meet the requirements specified in JCC 18.20.220 and 18.20.240, all receiving, mixing, and preparation activities related to asphalt and concrete batch plants shall occur in an enclosed space that includes an air filtration exhaust system. [Ord. 11-00 § 4.7]

18.20.080 Assembly facilities.

The following standards apply to all assembly facilities:

(1) Operators of assembly facilities such as meeting halls, community centers, churches, etc., if served by a shared private, nonpaved road must mitigate the dust and road maintenance problems associated with the increased road use.

(2) The storage of buses or vans over 10,000 pounds gross vehicle weight is permitted on-site only, subject to the following requirements:

(a) The location of the parking areas for these vehicles is as indicated on an approved site plan;

- (b) No more than two large vehicles may be stored on-site at a given period of time unless screened from view of adjacent property meeting the Type A screening requirements of JCC 18.30.130 for such uses in rural districts and, in urban districts, subject to the screening requirements of Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), except as otherwise provided for in this chapter; and
- (c) Vehicles and vehicle parking shall not intrude into public rights-of-way or obstruct sight visibility from any driveway.
- (3) Dwelling Units. Any dwelling in conjunction with assembly facilities shall comply with the provisions governing residential uses for the district designation in which they are located.
- (4) Screening. There shall be Type-C (JCC 18.30.130) screening along the perimeter of any parking lot that is adjacent to or across a road from residential land uses in rural districts. Screening requirements in urban districts shall be as required in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), except as otherwise provided for in this chapter.
- (5) Associated Uses. Uses sponsored by a community club or organization such as day schools, auditoriums used for social and sports activities, health centers, convents, preschool facilities, or convalescent homes, shall be considered separate uses subject to the provisions of this code for the district designation in which they are located. (See also JCC 18.20.180, which provides for child care centers as accessory uses.)
- (6) On Agricultural Lands. Assembly facilities on designated agricultural lands must be for uses related to the practice of agriculture, such as classes and programs on raising crops, animals, husbandry, etc. [Ord. 10-04 § 3; Ord. 06-04 § 2; Ord. 11-00 § 4.8]
- 18.20.090 Automotive fuel, service, and repair stations.
Automobile fuel, service, and repair stations must conform to the following restrictions and standards:
- (1) Ingress and egress must be by means of driveways approved by the county engineer and WSDOT, where applicable;
 - (2) All driveways must be at least 35 feet from street intersections;
 - (3) Driveways must be not less than 40 feet apart and not less than 15 feet from interior property lines;
 - (4) Parking and storage areas must be paved in accordance with specifications of Chapter 18.30 JCC;
 - (5) Service stations shall have a minimum of 150 feet of frontage on at least one street from which there is access;
 - (6) Outdoor storage shall be located in the rear yard and be completely screened from view if located next to a residential district;
 - (7) Automobile service station lighting must be adequate to permit safe nighttime operation, but must be of direct cutoff design, shielded, or placed to avoid glare or nuisance to nearby residential property and passing street traffic;
 - (8) Any vehicle stored for more than 30 days must be screened by a Type-A landscaping screen (see JCC 18.30.130);
 - (9) A Type-C landscaping screen (see JCC 18.30.130) must be provided along all road frontages in rural districts. Screening requirements in urban districts shall be as required in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), except as otherwise provided for in this chapter; and

(10) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property. [Ord. 10-04 § 3; Ord. 11-00 § 4.9]

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

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

- (1) Total use area shall not exceed three acres.
- (2) Minimum street frontage shall be 100 feet.
- (3) Minimum lot depth shall be 125 feet.
- (4) Minimum building setback distance from property lines shall be 30 feet on all sides.
- (5) A Type A landscaping screen (JCC 18.30.130) shall be used to enclose the auto wrecking yard or junk yard.
- (6) All outdoor storage shall be within the screened area.
- (7) At no time shall any items be piled higher than the screening.
- (8) Scrap tires shall not be stored outside for a period exceeding 30 days.
- (9) Notwithstanding the above regulations, all auto wrecking yards and junk yards must comply with all state regulations pertaining to this type of use.
- (10) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property. [Ord. 11-00 § 4.10]

18.20.110 Cemeteries.

The following standards shall apply to all new private and public cemeteries permitted under this code:

- (1) Minimum lot area shall be two acres;
- (2) Points of ingress and egress shall be approved in writing by the county engineer;
- (3) A protective fence and landscaped strip of trees and shrubs at least 10 feet in width shall be installed on all common property boundary lines;
- (4) A cemetery shall be located a minimum of 500 feet from any existing dwelling other than the dwelling of the owner or caretaker;
- (5) No structure shall be located on the cemetery within 50 feet from any property line; provided, however, that accessory buildings may be located within 10 feet of the side and rear property line;
- (6) Graves shall be located a minimum of 15 feet from any property line. [Ord. 11-00 § 4.11]

18.20.120 Colleges or technical schools.

Colleges or technical schools are subject to the following standards:

- (1) Colleges or technical schools must comply with the site standards for industrial uses in JCC 18.20.220.
- (2) Schools on designated agricultural lands must also meet the requirements set forth in JCC 18.20.030, Agricultural activities and accessory uses. [Ord. 06-04 § 2; Ord. 11-00 § 4.12]

18.20.130 Commercial communication facilities and sites.

Commercial communication and personal wireless facilities are regulated under Chapter 18.42 JCC. [Ord. 11-00 § 4.13]

18.20.140 Commercial uses – Standards for site development.

(1) All Commercial Uses. The following standards apply to all commercial uses as listed in Table 3-1, all commercial uses identified in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), and to any use determined by the administrator to be a commercial use.

- (a) Water supplies and sewage disposal facilities adequate to serve the proposed use shall be provided. Occupancy shall not be permitted before water supplies and sewage disposal facilities are approved and installed.
 - (b) Use of a county, state, or private road for access to new commercial development shall be permitted only if the applicant demonstrates that public health, safety, and welfare will be protected, and if traffic and maintenance impacts to the private road are minimized by conditions on the permit. In all cases, the use must have controlled access along the entire frontage of the lot; and be limited to one curb cut unless otherwise authorized by the county engineer for public safety purposes.
 - (c) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property.
 - (d) In cases where two or more commercial lots are adjacent to one another, internal and external shared access is encouraged.
 - (e) Rural commercial uses shall require landscaping or screening subject to the provisions of JCC 18.30.130; urban commercial uses shall require landscaping or screening subject to the provisions of Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), except as otherwise provided in this chapter.
- (2) Commercial Development in Rural Designations. The following standards apply to all commercial uses located in the rural land use designations listed in Table 3-1, as determined by the administrator.

The proposed use will result in minimal additional demands on services and utilities available in rural areas and will not result in more than a minimal and manageable increase in demand on community water supplies, sewage disposal systems, or roads. [Ord. 10-04 § 3; Ord. 11-00 § 4.14]

18.20.150 Convenience stores and car washes.

Convenience stores of general merchandise and car washes shall be subject to the following standards:

- (1) Access, traffic turning movement, off-street parking, and public service needs shall be provided in a safe, convenient and efficient manner.
- (2) Accessory fuel dispensing service may be provided, but not motor vehicle repair or services.
- (3) Car washes not connected to public sewers shall treat and dispose of wastewater in a manner consistent with rules, policies and guidelines established by the Washington Department of Ecology. [Ord. 11-00 § 4.15]

18.20.160 ~~Forest practices -~~ Conversions of land to nonforestry use ~~–Other Class IV General Forest practices–~~ Conversion option harvest plans (COHP) ~~–~~.

- (1) Forest ~~Management~~ Practices – General Regulations for Forest Management.
- (a) Forest ~~management~~ practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title 222 –, applicable provisions of the Jefferson County Shoreline Master Program, and this code as

~~established in this section. applicable Washington Department of Fish and Wildlife regulations, Class IV General regulations to be adopted approved by Jefferson County, and applicable provisions of the Shoreline Master Program. However, thinning for views and the taking of timber for personal domestic purposes shall not be subject to any permits associated with this code.~~

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

(i) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and
(ii) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application. (RCW 76.09.060(7); WAC 222-20-070.)

(c) Harvesting without a Permit. When harvesting takes place without a permit, ~~(except as provided in subsection (1)(b) of this section),~~ the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted harvesting was discovered by the WDNR or the county. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of sections (6)(a)(ii) and (6)(a)(iii) of this section. (RCW 76.09.060(3)(b)(i)(C) and (iii).)

(d) Logging roads shall be subject to provisions of this section and the Jefferson County Shoreline Master Program, when applicable.

(2) Regulations by Designation. General regulations in this section shall apply to all land use districts.

(3) Class IV General Forest Practices and Jurisdictions.

(a) Purpose.

(i) Class IV General forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in a designated urban growth area.

~~(ii) — Class IV General is not intended to serve as a growth control per se, but rather for the management and mitigation of growth and development. The environmental review and conditioning of Class IV General forest practice applications are intended to be at a higher level than for continuance of forestry use, in recognition of the higher impacts associated with conversion of the land to developed uses.~~

(ii) Recognizing the potential for higher impacts related to a conversion, Class IV General forest practices applications are subject to approval conditions pursuant to environmental, critical areas, and stormwater review.

(b) Applicability. Applications involving any of the following circumstances are Class IV General:

(i) Lands that have been or are being converted to nonforestry use;

(ii) Forest practices (other than those in Class I) on lands platted after January 1, 1960;

~~(iii) Lands with a likelihood of future conversion to urban development within the next 10 years; and~~

~~(iv) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 and 222-34-050).~~

(iv) All Class I, Class II (including timber harvest and road construction) and Class III forest practice applications in any designated unincorporated urban growth area.

(c) Exceptions to the Requirement for a Class IV General Permit. Exceptions to the requirement for a Class IV General forest practices application are determined by WDNR through application of the pertinent WAC under the Forest Practices Act. Proposals that do not require a Class IV General from WDNR may still require a stormwater management permit or other review by Jefferson County.

~~(i) Forest practices involving a single landowner where contiguous ownership is less than two acres in size (WAC 222-16-050). This exception does not apply if:~~

~~(A) Any of the limiting conditions in WAC 222-16-050(3)(r) are present. In this case, an application for Class II, III, or IV must be made, depending on the forest practices proposed. If these conditions are present and a conversion is proposed, a Class IV General application is required;~~

~~(B) The forest practices are Class IV special; that is, they have the potential for substantial impacts to the environment as provided in WAC 222-16-050(1), 222-16-070, or 222-16-080;~~

~~(C) The land already has a six-year moratorium applied to it as part of the forest practice permit in subsection (5) of this section or as a result of enforcement actions as per subsection (6) of this section. In this case, a Class IV General application is required for a conversion to any nonforestry use.~~

~~(ii) Applications involving any of the following circumstances are not Class IV General:~~

~~(A) The landowner submits a signed statement of intent to retain the land in forestry use as in subsection (5)(a) of this section;~~

~~(B) The landowner submits a county approved conversion option harvest plan (see subsection (7) of this section) as part of an application for a Class II, III, or IV special forest practices permit;~~

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

(d) Jurisdiction for Class IV General Permit Review and Approval. Until such time as the local government entity assumes sole jurisdiction over Class IV General forest practices through procedures outlined in the Forest Practices Act, WDNR maintains permit authority over Class IV General applications. However, activities proposed in conjunction with a Class IV General forest practices application require a companion stormwater management review by Jefferson County. In accordance with WAC 222-20-010(8), a local government clearing and/or grading permit is necessary information for a complete Class IV General forest practices application to the WDNR. The equivalent

Formatted: Bullets and Numbering

~~approval in Jefferson County is a stormwater management permit, which shall be obtained prior to conducting land disturbing activity (JCC 18.30.070). Unlike other forest practices, the county exercises additional review and approval authorities for Class IV General forest practices. These authorities were clarified and extended by SSB 5714, enacted by the 55th Legislature, 1997:~~

~~(i) — Before December 31, 2001. The county may adopt an ordinance to regulate Class IV General forest practices, and request the transfer of jurisdiction for review and approval of these permits within the county. The WDNR and Washington Department of Ecology will review the county's proposed regulations, and approve the transfer of jurisdiction. In the absence of such a transfer, the WDNR will continue to exercise approval authority to the end of 2001 with input from the county;~~

~~(ii) — After December 31, 2001. The county must have adopted an ordinance and assumed jurisdiction over these permits by this date. Thereafter, the county regulates and enforces all Class IV General applications within the county.~~

(4) Regulations Governing Class IV General Forest Practice Permits, and Conversion of Forested Land to Nonforestry Use.

(a) SEPA Review Required. Class IV General forest practices are reviewed under SEPA, and the preparation of a checklist (see Chapter 18.40 JCC) is required. (However, Class I forest practices in urban growth areas, when processed as Class IV General forest practices are not subject to environmental review under SEPA.)

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

~~(i) If Class IV General is still within WDNR Jurisdiction. The county shall forward to the WDNR its consent or objections to the permit. The county response shall be based on compliance with provisions of the Comprehensive Plan and applicable subarea plans. The county shall not consent to forest practice permit approval if the operations proposed will preclude compliance with applicable county regulations. The WDNR will not approve the portions to which the county objects unless it receives a favorable ruling on appeal to the forest practices appeals board; The county is lead agency for environmental review of Class IV General forest practices under the State Environmental Policy Act. This review shall be conducted in association with a stormwater management permit application submitted to the county for the proposed activities that also require a Class IV General forest practices application with WDNR.~~

~~(ii) Once the County has Jurisdiction. The Any proposal which encompasses a conversion from forestry to non-forestry use shall require a stormwater management permit from Jefferson County and be reviewed by the County for compliance administrator shall approve, approve with conditions, or deny the application based on the criteria above, the results of the environmental review, and administrative review of compliance with the requirements and standards of this code, including (such as shorelines, environmentally-critical sensitive areas, road design, stormwater management, and grading and drainage excavation), and other applicable codes and regulations; or~~

~~(iii) — The property owner shall submit to the administrator a signed statement of the proposed use, and a plot plan that identifies the land area to be devoted to it. The administrator shall impose any conditions necessary to ensure compliance with applicable county regulations and shall notify the property owner (and WDNR, if applicable) of~~

~~county requirements. The administrator may also provide recommendations to the property owner for site development in accordance with applicable county policies. The property owner shall sign a statement of compliance with county regulations provided by the administrator.~~

Formatted: Not Highlight

(5) Regulations Governing Continuance of Forestry Use.

(a) Landowner's Intention Not to Convert.

(i) If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV General permit and accompanying county stormwater management permit will not be required, and a mandatory development moratorium shall be applied (see subsection (5)(b) of this section).

(ii) Recording of Intent. The WDNR will submit to the county a copy of the statement of a forest landowner's intention not to convert. The county shall file this statement with the county auditor, who shall record this statement together with a legal description of the property affected as provided in Chapter 65.04 RCW. WDNR will collect a recording fee from the applicant and reimburse the county for the cost of recording the application. (RCW 76.09.060.3(b)(i)(A) and (B).)

(b) Mandatory Six-Year Development Moratorium. For six years after the date of the application the county shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to or for nonforestry uses of land subject to the application. (RCW 76.09.060(3)(b)(i),(ii), and (iii).)

(c) Release of Moratorium ~~for a Single Family Home.~~

(i) A property owner can wait until the required time period expires or apply to have the development moratorium released or apply to the county for a "release" from the moratorium for the construction of a single-family residence on the subject parcel or for a "full release" from the moratorium for the full extent of the area covered by the moratorium.

(ii) The administrator may "release" the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site through a Type II approval process.

~~(iii)~~ A "full release" from a moratorium shall be subject to a Type III quasi-judicial process.

~~(iii)~~ A release of development moratorium is subject to the following findings:

(A) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, as evidenced by a transfer of property;

(B) ~~Environmentally sensitive-Critical~~ areas and their buffers, and shoreline area as set forth in this code and the Shoreline Master Program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and

(C) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section.

(iv) At least 10 days prior to taking action on a request for release, and following a Type II or III procedure, the administrator shall solicit comments from the following:

(A) Property owners of record within 300 feet of the subject property within an urban growth area, or within 500 feet of the subject property if outside of an urban growth area;

- (B) Appropriate state departments such as Ecology, Natural Resources and Fish and Wildlife;
- (C) Appropriate tribal governments; and
- (D) Other interested parties requesting such permit information.
- (v) The administrator or hearings examiner may authorize, conditionally authorize, or deny a release application.
- (vi) Upon request of the property owner, the moratorium may be rescinded by the administrator if an approved forest practices application has been either withdrawn or expired, and no harvest in reliance upon such approval has taken place.
- (d) Continuing Forestry in Urban Growth Areas. Forest practices within a designated UGA require a Class IV General permit ~~(see subsections (3)(b)(iii), (3)(b)(iv) and (3)(b)(v) of this section)~~, unless:
 - (i) The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (5)(a) of this section, with an application, accompanied by either a written forest management plan acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection (5)(b) of this section); or
 - (ii) A COHP is submitted to the WDNR as part of an application.
- (6) Illegal Conversions, and Enforcement.
 - (a) Conversion without a Class IV General Permit or COHP.
 - (i) If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV General or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended. (RCW 76.09.060(3)(b)(iii).)
 - (ii) The county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted conversion was discovered by the WDNR or the county. (RCW 76.09.060(3)(b)(i)(C).)
 - (iii) Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The county may also enforce its regulations as provided in subsection (6)(a)(i) of this section, using the procedures in Chapter 18.50 JCC.
 - (b) Failure to Comply with Reforestation Requirements. This constitutes a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes. (RCW 76.09.060(3)(b)(ii).)
- (7) Conversion Option Harvest Plan (COHP) – General Regulations.
 - (a) A COHP is a voluntary plan developed by the landowner and approved by the county that indicates the limits and types of harvest areas, road locations, and open space. This approved plan is submitted to the WDNR as part of a Class II, Class III, or Class IV special forest practice application, and is attached to and becomes part of the conditions of the permit approved by the WDNR.

If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner’s option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on

future development (see subsection (5)(b) of this section) without having to file a Class IV General application. (WAC 222-20-050(2).)

Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection (7)(f) of this section.

(b) All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHP will be processed and reviewed in the same manner as a Type II permit review process for compliance with development and performance standards of this code. The application shall include:

- (i) The application checklist, including a legal description of the property;
- (ii) The COHP agreement form;
- (iii) The application fee;
- (iv) Maps and drawings of the property detailing the following:
 - (A) Location of existing and proposed roads, yarding areas, and access points;
 - (B) Location and types of vegetation, old growth trees (all trees over 125 years old), and snags;
 - (C) Location and type of soils;
 - (D) Location and type of water bodies, drainage ways, or wetlands;
 - (E) Location and type of critical habitat areas and other environmentally sensitive areas (see Article VI-D et seq. of Chapter 18.15 JCC);
 - (F) Comprehensive Plan designation for the property;
 - (G) Intended use(s), if known;
 - (H) Approximate limits of conversion option harvest area;
 - (I) Specific plans to modify or conduct forest practice activity for future conversion options;
 - (J) Location and approximate dimensions of all clearcut areas; and
 - (K) Parcel boundaries and dimensions;
- (v) Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads;
- (vi) An erosion control plan consistent with the requirements of JCC 18.30.070.

(c) All COHPs ~~shall meet~~ing the following minimum standards ~~stipulated below~~ will shall be subject to the Type II review process. Proposals meeting the COHP criteria will shall not be subject to review under the State Environmental Policy Act.:

- (i) No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the county (see Chapter 18.40 JCC).
- (ii) A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer; provided, that no portion of the buffer shall be clearcut.

(iii) A COHP shall preserve a 50-foot-wide buffer along all public and private road rights-of-way adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer provided that no portion of the buffer shall be clearcut.

(iv) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.30 JCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

(v) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.

(vi) A COHP shall contain written authorization from the property owner agreeing to Jefferson County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.

(vii) All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.

(viii) Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.

(ix) Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.

(x) All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.

(xi) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.

(xii) Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.

(xiii) All required buffers shall be flagged and approved prior to harvesting.

(d) Any COHP which exceeds the minimum requirements of subsection (7)(c) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (i) a site inspection by the county to evaluate the potential impacts of the COHP; and (ii) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the “potential for substantial impact on the environment.” If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently mitigated for an MDNS (see Chapter 18.40 JCC).

The thresholds for review are:

(i) The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district;

(ii) The COHP includes harvest on slopes exceeding 40 percent;

(iii) The COHP includes any clearcut areas exceeding two acres;

- (iv) The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife;
- (v) The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional;
- (vi) The COHP has potential for substantial adverse impacts on Class 1 or Class 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.
- (e) The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP plan being approved as submitted.
- (f) Failure to Comply with the Terms of a COHP.
- (i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the WDNR.
- (ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the application for the permit was given final approval by the WDNR or by the county (if approval jurisdiction had been transferred to the county). (RCW 76.09.060(3)(b)(i)(F).)
- (iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections (6)(a)(ii) and (6)(a)(iii) of this section.
- (g) Improvements Subject to this Code. If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county. ~~Ord. 11-00 §4.16~~

18.20.170 Cottage industry.

- (1) Purpose. To provide for small-scale economic development activities on residential parcels, subordinate to the primary residential use, if the administrator finds that such activities can be conducted without substantial adverse impact on the residential environment and rural character in the vicinity. The scale and intensity of cottage industries are typically greater than could be accommodated as a home business, but less than would require a land use district designation of commercial or industrial.
- (2) The following list of uses allowable as cottage industries include, but are not necessarily limited to:
 - (a) Sales of antiques and collectibles;
 - (b) Art or photography studios;
 - (c) Computer software development;
 - (d) Handicrafts;
 - (e) Ironworking or blacksmith shop;
 - (f) Construction office;
 - (g) Furniture repair or refinishing;
 - (h) Pottery shop;

- (i) Real estate sales office;
- (j) Small equipment repair;
- (k) Woodworking shop;
- (l) Excavating contractors; and
- (m) Small engine and boat repair.
- (n) Auto & truck repair and service (excludes auto & truck sales, fuel stations and heavy equipment repair).

(3) The following occupations are prohibited as cottage industries, except in the West End Planning Area – Remote Rural (WEPA RR) overlay district (Article VI-L of Chapter 18.15 JCC) and when located on parcels with direct access to a principal arterial (i.e., Highway 101) in the Brinnon Planning Area – Remote Rural (BRPA RR) overlay district:

- (a) ~~Auto, truck, or h~~Heavy equipment repair shop;
- (b) Autobody work or paint shop; and
- (c) Large-scale furniture stripping.
- (4) All cottage industries shall be subject to the following standards, except as provided for in the West End Planning Area and Brinnon Planning Area – Remote Rural overlay districts as specified in Article VI-L of Chapter 18.15 JCC, Remote Rural Overlay Districts for the West End Planning Area and the Brinnon Planning Area.
 - (a) The cottage industry shall be operated by at least one full-time, bona fide resident in a single-family residence of the parcel on which the proposed use is being requested.
 - (b) The cottage industry may not employ more than four ~~persons-employees~~ on the site ~~at any one time~~ who reside off the subject property. Auto & truck repair shall only employ two (2) persons on the site who reside off the subject property.
 - (c) Only those buildings or areas as specifically approved by the county may be utilized in the conduct of business.
 - (d) Any business requiring customers to visit the site shall provide adequate on-site parking spaces, in addition to one for each full-time equivalent employee who resides off the subject property, and two for the owners of the property. All parking spaces shall meet the standards of JCC 18.30.100.
 - (e) All structures and outside activities shall be so located or screened from adjacent properties to avoid disturbances through glare, noise, dirt or other nuisances or hazards.
 - (f) All activity related to the conduct of the business or industry, except for activities related to the growing and storing of plants, shall be conducted within an enclosed structure or be sufficiently screened from view of adjacent residences.
 - (g) All cottage industry activities shall be sufficiently screened from view of adjacent residences, using site location, topography, landscaping, fencing, the retention of native vegetation, or a combination thereof necessary to meet the Type A screening requirements of JCC 18.30.130.
 - (h) Traffic generated by the cottage industry shall not exceed the level of service adopted for the public roadway which accesses the use, nor generate significant traffic in excess of that normally generated by typical uses found within the particular district.
 - (i) No business may provide drive-through service.
 - (j) Cottage industries shall be limited in their hours of operation. No business on-site customer service shall be conducted before 8:00 a.m. or after 8:00 p.m., Monday through Friday, and before 9:00 a.m. or after 6:00 p.m., Saturday and Sunday.

- (k) The administrator may attach additional conditions or requirements, or may make modifications to the site plan where necessary to protect the health, safety and welfare of the public.
 - (l) The granting of the proposed cottage industry use shall not constitute a rezone. No expansions of approved cottage industries are permitted, except as specified in Article VI-L of chapter 18.15 JCC, Remote Rural Overlay Districts for the West End Planning Area and the Brinnon Planning Area, concerning the rural remote overlay districts.
 - (m) No exterior display of goods for sale shall be allowed.
 - (n) The cottage enterprise is an accessory use to the residential use of a dwelling unit, and the residential function of the buildings and property shall be maintained.
 - (o) Any new structure constructed to accommodate the cottage industry shall be limited in scale so that it is in character with neighboring properties. In no case shall more than 5,000 square feet of total building area on the property be devoted to the cottage industry.
 - (p) No more than one sign is allowed, consistent with the sign standards in JCC 18.30.150.
 - (q) No on-site direct retail sales of products not produced on-site are allowed, except for items collected, traded and occasionally sold by hobbyists, such as coins, stamps and antiques, and their accessories.
 - (r) Minimum parcel size shall be one acre gross site area.
 - (s) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining and surrounding property. Any after-hours business activities shall not have noise impacts discernible beyond the property boundaries.
 - (t) Not more than one cottage industry shall be allowed in or on the same premises.
 - (u) The proposed cottage industry shall comply with the standards and requirements of the Jefferson County Environmental Health Department.
 - (4) Auto repair and service proposals are subject to the following additional requirements:
 - (i) The proposal shall submit a detailed operating plan in compliance with the latest addition of the Washington State Department of Ecology's *Guide for Automotive Repair Shops* identified as publication No. 92-BR-16.
 - (ii) The proposal shall include an operating plan which complies with the Department of Ecology's SMM. The submittal shall include a stormwater management plan in compliance with 18.30 of the JCC and include supplemental information which addresses and complies with Volume IV-2.1 & 2.2 of the SMM.
 - (iii) The operation shall be limited to two (2) stalls or bays for repair and servicing.
 - (iv) The cottage industry shall not store more than three (3) vehicles at any one time awaiting or departing for or from servicing or repair. This excludes the vehicles being actively serviced in the facility.
 - (v) A fifty (50) foot buffer shall be maintained from the structure housing the auto repair and service to all adjacent property lines.
- [Ord. 11-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 4.17]
 18.20.180 Day care and residential care facilities.

← - - - - Formatted: Bullets and Numbering

- (1) Child Day Care Facilities. The following standards apply to all child day care facilities:
 - (a) All day care facilities shall demonstrate compliance with state licensing requirements.
 - (b) Prior to initiating child care services, each child care provider must file a child care registration form with the administrator. The provider shall identify the classification of the day care facility as specified in state law, and must demonstrate compliance with the applicable requirements of this code as listed on the registration form.
 - (c) Equipment used in the day care operations shall comply with all building setback requirements for the land use district in which the facility is located.
 - (d) Day Care Facilities – Accessory Use.
 - (i) A child day care center shall be considered an accessory use if it is sited on the premises of a community service use, such as a private or public school, grange, community center, library, or similar adult gathering place, and is operated in association with that activity.
 - (ii) Child care facilities for the exclusive use of employees of a business or public facility shall also be allowed as an accessory use of the business or facility. Prior to initiating operation of an accessory use child day care center, the operator must register with the county as specified in this section.
 - (e) No structural or decorative alteration is allowed which would alter the residential character of an existing residential structure used as a child day care center.
 - (f) An off-street area shall be provided for vehicles to drop off and pick up children.
- (2) Residential Care Facilities and Nursing Homes. The following standards apply to all residential care facilities and nursing homes:
 - (a) The provider shall demonstrate compliance with state licensing requirements;
 - (b) Prior to operation, each provider must file a facility registration form with the administrator. The provider shall identify the classification of the care facility as specified in state law and must demonstrate compliance with the applicable requirements of this code as listed on the registration form. [Ord. 11-00 § 4.18]

18.20.182 Food and Beverage Stands

- (1) Food and beverage stands are divided into three (3) separate classifications. A food and beverage stand must meet the specific standards for either a mobile, temporary, or permanent unit as well as the general requirements in this section. Each shall be required to adhere to the applicable requirements of the Jefferson County Health Department.
- (2) Mobile Food Units are defined as readily movable food service establishment. Readily movable means that the unit can be easily moved within an hour without major modification. Mobile units may be walk-up or drive-through units and include carts that can be rolled around by hand, self-propelled vehicles, or built on a mobile trailer unit frame. Mobile units are allowed without a permit provided that they meet all of the applicable criteria listed in this section.
 - (a) Mobile units that fit the criteria listed in WAC 296-150V-0020 for conversion vendor units require certification by Washington State L&I and must have their insignia posted on the unit. Mobile units that are moved by hand do not require an insignia from L&I.

← - - - - Formatted: Bullets and Numbering

(b) The operator of a mobile unit must submit a planned itinerary of operating locations, approved servicing area(s), and written permission from the property owners along with their application to the Health Department. Mobile units must meet the requirements of the zoning designation including associated setbacks, adequate vehicle stacking, parking, and restroom facilities at locations where they operate. Mobile units are not allowed to operate in a right of way. Mobile units may operate at commercial and industrial zones, construction sites, festivals, outdoor markets, schools, community centers, parks, and churches.

(c) Mobile units are not permitted to remain at the operating location while the unit is not in service, unless there is an approved wastewater disposal facility on site and an approved source of water for food service.

(d) Mobile units shall also take reasonable precaution, such as tie downs or wheel locks, so that the unit does not move unexpectedly during operation as a food service establishment.

(e) Subject to review and approval by applicable departments, mobile units may be allowed to hook up to sewer, water, and electricity, provided that the connections can be removed quickly and the unit remains readily movable. Mobile units sited within a sewer service area shall not be required to hook up to the sewer system.

(f) Skirting and decks, or similar modifications that limit the movability of the mobile unit are not allowed. Accessory structures, such as picnic tables, seating, and storage sheds, are not allowed at locations where the mobile unit is in operation. Accessory buildings for storage may be allowed at the approved servicing area for use while the mobile unit is not in operation.

(3) Temporary Food and Beverage Stands - Temporary stands are allowed for entrepreneurs to test the market before making an investment in a permanent structure. Mobile units that list only one location on their planned itinerary **must** operate in a commercial zone and require a Temporary Outdoor Use Permit (Type I) valid for six months. If the applicant requests an extension, DCD shall review the permit for complaints, problems, and adverse impacts. Identified problems and adverse impacts shall be corrected before an extension is granted.

If the mobile unit operates at one site, only one extension may be granted per site. A new Temporary Outdoor Use permit may be granted if there has been a period of two years without a mobile unit operating at the site. For the purposes of this section a site shall be defined as a lot or parcel, or lots and parcels in contiguous ownership.

Carts that are moved by hand are exempt from a Temporary Outdoor Use permit provided that they do not remain at the operating location while the unit is not in service as well as meet the rest of the requirements of this section.

Temporary Food and Beverage Stands must remain readily movable as defined in this section while the Temporary Use Permit is in effect.

(4) Permanent Stands- Permanent food and beverage stands are built upon a permanent foundation system in accordance with any and all applicable codes. In addition the stand shall not exceed 200 sq. ft. The stand shall be connected to both water

and septic/sewerage. Permanent stands shall be required to meet all appropriate development standards.

(5) Parking – A minimum of two (2) parking spaces shall be provided for employees. Food and beverage stands providing a drive-up window shall provide at least six (6) vehicle stacking spaces, equal to 15 linear feet per stacking space. Mobile units that locate in an existing parking lot may not use more than 25% of the required parking, including stacking lanes. Mobile units that operate in multiple locations may request that the employee parking requirement be waived by the administrator in the case if the mobile unit serves as transportation for the employees to a specific location.

(6) Trash Receptacles – All food and beverage stands shall provide trash receptacles. If the stand has drive up windows the receptacles shall be usable by drivers from within their cars. Under no circumstance shall a dumpster be allowed to meet this requirement.

(7) Location – Food and beverage stands shall be located in the following manner:

(a) The stand and service area shall not block designated sidewalks, right- of-ways, emergency exists or fire lanes.

(b) The stand and service area shall not encroach into vehicle travel lanes.

(c) The stand shall not be located within any required landscaping areas.

(8) Signage- Permanent food and beverage stands may install a permanent sign on-site. Signs shall comply with Section 18.30.150 of the JCC. Mobile units may utilize temporary signs, such as sandwich boards or signs affixed to the mobile unit.

(9) Restroom Facilities-

a. Consistent with WAC 246-215-160 approved restroom facilities for employees must be readily accessible within 200 feet of the mobile food unit or stand during times of operation.

b. The restroom will also include handwashing facilities with potable, warm, running water.

← - - - - **Formatted:** Bullets and Numbering

← - - - - **Formatted:** Bullets and Numbering

18.20.160 Forest practices - Conversions of land to nonforestry use – F– Conversion option harvest plans (COHP)- .

(1) Forest Practices – General Regulations for Forest Management. (a) Forest practices (those practices pertaining to protecting, producing, and harvesting timber for economic use) shall be subject to Chapter 76.09 RCW, the Washington State Forest Practices Act, its implementing regulations at WAC Title 222, applicable provisions of the Jefferson County Shoreline Master Program, and this code as established in this section. (b) Emergency Conditions. No prior notification or application shall be required for emergency forest practices necessitated by and commenced during or immediately after fire, windstorm, earthquake, structural failure or other catastrophic event. Within 48 hours after commencement of such practice the operator shall submit an application or notification to the WDNR with an explanation why emergency action was necessary so that the WDNR may evaluate the appropriateness of the “emergency” and of the actions taken. Such emergency forest practices are subject to Chapter 76.09 RCW, WAC Title 222, and county authorities derived from them (including the requirements of this code); provided, that the operator:

(i) May take any reasonable action to minimize damage to forest lands, timber or public resources from the direct or indirect effects of the catastrophic event; and
(ii) Shall comply with any requirements of a notice to comply or stop work order as if the operations were conducted pursuant to an approved application. (RCW 76.09.060(7); WAC 222-20-070.)

(c) Harvesting without a Permit. When harvesting takes place without a permit, (except as provided in subsection (1)(b) of this section), the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted harvesting was discovered by the WDNR or the county. If the land is converted to nonforestry use, this also constitutes an illegal conversion that is subject to the enforcement provisions of sections (6)(a)(ii) and (6)(a)(iii) of this section. (RCW 76.09.060(3)(b)(i)(C) and (iii).)

(d) Logging roads shall be subject to provisions of this section and the Jefferson County Shoreline Master Program, when applicable.

(2) Regulations by Designation. General regulations in this section shall apply to all land use districts. (3) Class IV General Forest Practices and Jurisdictions.

(a) Purpose.

(i) Class IV General forest practices involve the conversion of forested lands to nonforestry uses, or forest operations being conducted on lands with a high likelihood for conversion to nonforestry use, such as in a designated urban growth area.

(ii) Recognizing the potential for higher impacts related to a conversion, Class IV General applications are subject to approval conditions pursuant to environmental, critical areas, and stormwater review.

(b) Applicability. Applications involving any of the following circumstances are Class IV General:

(i) Lands that have been or are being converted to nonforestry use;

(ii) Forest practices (other than those in Class I) on lands platted after January 1, 1960;

(v) Lands with a likelihood of future conversion to urban development within the next 10 years; and

Formatted: Bullets and Numbering

- (vi) Forest practices which would otherwise be Class III, but which are taking place on lands which are not to be reforested because of the likelihood of future conversion to urban development (WAC 222-16-060 and 222-34-050).
- (iv) All Class I, Class II (including timber harvest and road construction) and Class III forest practice applications in any designated unincorporated urban growth area.
- (c) Exceptions to the Requirement for a Class IV General Permit. Exceptions to the requirement for a Class IV General forest practices application are determined by WDNR through application of the pertinent WAC under the Forest Practices Act. Proposals that do not require a Class IV General from WDNR may still require a stormwater management permit or other review by Jefferson County.
- (d) Jurisdiction for Class IV General Permit Review and Approval. Until such time as the local government entity assumes sole jurisdiction over Class IV General forest practices through procedures outlined in the Forest Practices Act, WDNR maintains permit authority over Class IV General applications. However, activities proposed in conjunction with a Class IV General forest practices application require a companion stormwater management review by Jefferson County. In accordance with WAC 222-20-010(8), a local government clearing and/or grading permit is necessary information for a complete Class IV General forest practices application to the WDNR. The equivalent approval in Jefferson County is a stormwater management permit, which shall be obtained prior to conducting land disturbing activity (JCC 18.30.070).

(4) Regulations Governing Class IV General Forest Practice Permits, and Conversion of Forested Land to Nonforestry Use.
- (a) SEPA Review Required. Class IV General forest practices are reviewed under SEPA, and the preparation of a checklist (see Chapter 18.40 JCC) is required. (However, Class I forest practices in urban growth areas when processed as Class IV General forest practices are not subject to environmental review under SEPA.)
- (b) Procedures for Conversion to Nonforestry Use. If a forest practice permit application indicates the intention by the property owner to convert to a nonforestry use, or if forest practices are proposed to occur on land platted after January 1, 1960:
 - (i) The county is lead agency for environmental review of Class IV General forest practices under the State Environmental Policy Act. This review shall be conducted in association with a stormwater management permit application submitted to the county for the proposed activities that also require a Class IV General forest practices application with WDNR.
 - (ii) Any proposal which encompasses a conversion from forestry to non-forestry use shall require a stormwater management permit from Jefferson County and be reviewed by the County for compliance with the requirements and standards of this code, including such as shorelines, critical areas, road design, stormwater management, and grading and excavation), and other applicable codes and regulations.
- (5) Regulations Governing Continuance of Forestry Use.
 - (a) Landowner's Intention Not to Convert.
 - (i) If the landowner submits a signed statement to the WDNR, as part of a forest practices application, that the land will be retained in forestry use and will not be converted to uses other than commercial forest product operations within 10 years after approval of the application, then a Class IV General permit and accompanying county

stormwater management permit will not be required, and a mandatory development moratorium shall be applied (see subsection (5)(b) of this section).

(ii) Recording of Intent. The WDNR will submit to the county a copy of the statement of a forest landowner's intention not to convert. The county shall file this statement with the county auditor, who shall record this statement together with a legal description of the property affected as provided in Chapter 65.04 RCW. WDNR will collect a recording fee from the applicant and reimburse the county for the cost of recording the application.

(RCW 76.09.060.3(b)(i)(A) and (B).)

(b) Mandatory Six-Year Development Moratorium. For six years after the date of the application the county shall deny any and all applications for permits or approvals, including building permits and subdivision approvals, relating to or for nonforestry uses of land subject to the application. (RCW 76.09.060(3)(b)(i),(ii), and (iii).)

(c) Release of Moratorium.

(i) A property owner can wait until the required time period expires or apply to have the development moratorium released or apply to the county for a "release" from the moratorium for the construction of a single-family residence on the subject parcel or for a "full release" from the moratorium for the full extent of the area covered by the moratorium.

(ii) The administrator may "release" the development moratorium for the construction of one single-family residence and related accessory buildings on a legal lot and building site through a Type II approval process.

(iii) A "full release" from a moratorium shall be subject to a Type III quasi-judicial process.

(iv) A release of development moratorium is subject to the following findings:

(A) The person requesting the release did not attempt to avoid the county review or restrictions of a conversion forest practices application, as evidenced by a transfer of property;

(B) Critical areas and their buffers, and shoreline area as set forth in this code and the Shoreline Master Program were not damaged in the forest practice operation, or that any such damage is repairable with restoration; and

(C) Corrective action can be undertaken to provide for compliance with applicable conversion standards established by this section.

(iv) At least 10 days prior to taking action on a request for release, and following a Type II or III procedure, the administrator shall solicit comments from the following:

(A) Property owners of record within 300 feet of the subject property within an urban growth area, or within 500 feet of the subject property if outside of an urban growth area;

(B) Appropriate state departments such as Ecology, Natural Resources and Fish and Wildlife;

(C) Appropriate tribal governments; and

(D) Other interested parties requesting such permit information.

(v) The administrator or hearings examiner may authorize, conditionally authorize, or deny a release application.

(vi) Upon request of the property owner, the moratorium may be rescinded by the administrator if an approved forest practices application has been either withdrawn or expired, and no harvest in reliance upon such approval has taken place.

(d) Continuing Forestry in Urban Growth Areas. Forest practices within a designated UGA require a Class IV General permit, unless:

(i) The landowner submits a signed statement of intent not to convert for 10 years, as per subsection (5)(a) of this section, with an application, accompanied by either a written forest management plan acceptable to the WDNR or documentation that the land is enrolled under the provisions of Chapter 84.33 RCW (i.e., proof of forest tax class status). A mandatory development moratorium shall be applied (see subsection (5)(b) of this section); or

(ii) A COHP is submitted to the WDNR as part of an application.

(6) Illegal Conversions, and Enforcement.

(a) Conversion without a Class IV General Permit or COHP.

(i) If land is converted to a use other than commercial forest product operations within six years after approval of a forest practices permit application that was not a Class IV General or did not have a COHP attached, the conversion constitutes a violation of each of the local and regional authorities to which the forest practice operations would have been subject if the application had stated that conversion was intended. (RCW 76.09.060(3)(b)(iii).)

(ii) The county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the unpermitted conversion was discovered by the WDNR or the county. (RCW 76.09.060(3)(b)(i)(C).)

(iii) Violations may be subject to civil or criminal penalties, as per Chapter 222-46 WAC. The county may also enforce its regulations as provided in subsection (6)(a)(i) of this section, using the procedures in Chapter 18.50 JCC.

(b) Failure to Comply with Reforestation Requirements. This constitutes a removal of forest tax designation and a change of use, and shall subject the lands to the payments and/or penalties resulting from such removals or changes. (RCW 76.09.060(3)(b)(ii).)

(7) Conversion Option Harvest Plan (COHP) – General Regulations.

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

If the requirements of the COHP are continuously met by the landowner, the COHP maintains the landowner's option to convert to a use other than commercial forest product production; that is, it releases the landowner from the six-year moratorium on future development (see subsection (5)(b) of this section) without having to file a Class IV General application. (WAC 222-20-050(2).)

Failure to meet the requirements of the COHP requires the imposition of the six-year moratorium, and conversions under such circumstances are illegal conversions; see subsection (7)(f) of this section.

(b) All applications for a COHP shall be submitted to the administrator in a form to be determined by the administrator. COHP will be processed and reviewed in the same manner as a Type II permit review process for compliance with development and performance standards of this code. The application shall include:

(i) The application checklist, including a legal description of the property;

(ii) The COHP agreement form;

- (iii) The application fee;
- (iv) Maps and drawings of the property detailing the following:
 - (A) Location of existing and proposed roads, yarding areas, and access points;
 - (B) Location and types of vegetation, old growth trees (all trees over 125 years old), and snags;
 - (C) Location and type of soils;
 - (D) Location and type of water bodies, drainage ways, or wetlands;
 - (E) Location and type of critical habitat areas and other environmentally sensitive areas (see Article VI-D et seq. of Chapter 18.15 JCC);
 - (F) Comprehensive Plan designation for the property;
 - (G) Intended use(s), if known;
 - (H) Approximate limits of conversion option harvest area;
 - (I) Specific plans to modify or conduct forest practice activity for future conversion options;
 - (J) Location and approximate dimensions of all clearcut areas; and
 - (K) Parcel boundaries and dimensions;
- (v) Maps sufficient to describe any and all off-site improvements or access roads, together with evidence that all property owners of record, and all easement holders, for the off-site areas and access roads have signed an agreement to the use of the off-site area(s) and access roads;
- (vi) An erosion control plan consistent with the requirements of JCC 18.30.070.
- (c) All COHPs meeting the following minimum standards stipulated below will be subject to the Type II review process. Proposals meeting the COHP criteria will not be subject to review under the State Environmental Policy Act.:
 - (i) No more than 40 percent of the number of standing merchantable trees and trees 12 inches diameter-at-breast-height (dbh) or greater may be harvested under a COHP. All stumps and understory shall remain undisturbed as much as possible. No brush raking is permitted. Additional harvesting within six years from the date the COHP harvest is completed will require submittal of a State Environmental Policy Act (SEPA) checklist and SEPA review by the county (see Chapter 18.40 JCC).
 - (ii) A COHP shall preserve a 50-foot-wide buffer along the perimeter of the site. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer, provided, that no portion of the buffer shall be clearcut.
 - (iii) A COHP shall preserve a 50-foot-wide buffer along all public and private road rights-of-way adjoining or abutting the subject property. A 15-foot-wide buffer shall be preserved along roads within the subject property. With the exception of approved road access points, no more than 30 percent of the total number of standing merchantable trees and trees 12 inches dbh or greater may be removed within the buffer provided that no portion of the buffer shall be clearcut.
 - (iv) All roads in a COHP shall be designed to accommodate the potential for future development and subdivision of the property. Roads and skid trails shall minimize total road length. All roads in a COHP shall meet the design and construction standards specified in Chapter 18.30 JCC. All roads which propose to cross a stream shall be required to obtain an hydraulic project approval (HPA) permit, as determined by the Washington Department of Fish and Wildlife, prior to submittal of the COHP.

- (v) A COHP shall minimize the number and size of clearcut areas. No individual clearcut areas may exceed 10 percent of the total acreage, up to a maximum of two acres.
- (vi) A COHP shall contain written authorization from the property owner agreeing to Jefferson County enforcement of nonforestry-related conditions of the COHP permit issued by the WDNR.
- (vii) All COHP harvest activities shall be completed within two years from the date the COHP forest practice permit is issued by the WDNR.
- (viii) Where evidence of unstable soils (as defined by the WDNR) exists, no trees or other vegetation will be removed on slopes exceeding 30 percent. On slopes of 15 percent to 30 percent, no undergrowth shall be removed and tree removal shall not exceed 25 percent of the total number of trees.
- (ix) Where soils are documented as stable, tree removal shall not exceed 30 percent of the total number of trees on slopes between 20 percent and 40 percent. Tree removal and removal of vegetative cover is not permitted on slopes exceeding 40 percent.
- (x) All trees over 125 years old shall be retained where practical. Snags shall be retained where they do not pose a safety hazard.
- (xi) Trees remaining on the site after the harvest will represent all species and size classes existing on the site before harvest.
- (xii) Trees remaining on the site will be of sufficient quality (good crown cover, deep root system, and healthy condition) to survive after the harvest is complete.
- (xiii) All required buffers shall be flagged and approved prior to harvesting.
- (d) Any COHP which exceeds the minimum requirements of subsection (7)(c) of this section, or exceeds thresholds listed below, shall be submitted in the same manner described above but will also require (i) a site inspection by the county to evaluate the potential impacts of the COHP; and (ii) the preparation of a SEPA checklist. Note: the standard for the preparation of a checklist for forest practices is the “potential for substantial impact on the environment.” If the site inspection and checklist indicate that there will be probable significant impacts, a determination of significance shall be issued unless the impacts can be sufficiently mitigated for an MDNS (see Chapter 18.40 JCC).
 - The thresholds for review are:
 - (i) The total property included in the COHP is greater than 20 acres, or any portion is classified as designated forest land or is located within a forest resource land use district;
 - (ii) The COHP includes harvest on slopes exceeding 40 percent;
 - (iii) The COHP includes any clearcut areas exceeding two acres;
 - (iv) The COHP has potential for substantial adverse impacts on wildlife, as determined by the Washington Department of Fish and Wildlife;
 - (v) The COHP has potential for substantial adverse impacts on archaeological resources, as determined by the Washington Office of Archaeology and Historic Preservation or a qualified professional;
 - (vi) The COHP has potential for substantial adverse impacts on Class 1 or Class 2 regulated wetlands, includes fill in wetlands, or is located where no natural wetland buffering vegetation is present.
- (e) The WDNR shall review and take action on all permit applications that have approved COHPs attached within 30 days from the date of a complete application. Failure of the WDNR to take action within 30 days shall result in the COHP plan being approved as submitted.

(f) Failure to Comply with the Terms of a COHP.

(i) An approved COHP may not be altered or revoked by the permittee without written agreement by the administrator, or by the county without agreement by the permittee, and in either case must be approved by the WDNR.

(ii) If a landowner fails to comply with the requirements of the conversion option harvest plan, the county shall impose the six-year moratorium of subsection (5)(b) of this section from the date the application for the permit was given final approval by the WDNR or by the county (if approval jurisdiction had been transferred to the county). (RCW 76.09.060(3)(b)(i)(F).)

(iii) If a landowner fails to comply with the requirements of the conversion option harvest plan, any conversion that occurs constitutes an illegal conversion that is subject to the enforcement provisions of subsections (6)(a)(ii) and (6)(a)(iii) of this section.

(g) Improvements Subject to this Code. If any off-site or on-site improvements are subject to development or performance standards or permit requirements of this code, such requirements shall be met before a COHP approval is granted by the county.

18.20.190 Golf courses.

(1) Applications for a golf course must be accompanied by a design plan and best management practices plan. The design plan shall minimize the use of pesticides, herbicides, fertilizers, and groundwater by the type and placement of appropriate vegetative materials and other means. The use of pesticides, herbicides, or fertilizers that are known to leach into groundwater are prohibited. The design plan shall also demonstrate that an adequate water supply shall be provided without diminishing the level of service for system users or others dependent upon the resource. The best management practices plan shall include monitoring procedures and an integrated management plan. Once approved by the county, the management plan shall be a condition of project approval and failure to comply with the approved plan shall be grounds for revocation of the permit.

(2) Accessory uses to golf courses shall be limited to those either necessary for the operation and maintenance of the course, or those which provide goods or services customarily provided to golfers at a golf course. Accessory uses may include parking, maintenance facilities, cart storage and repair, clubhouse, restrooms, lockers and showers, food or beverage service, pro shop, and practice or driving range, swimming pools, tennis courts, weight rooms, or similar uses oriented to persons other than golf course patrons.

(3) Accessory uses which provide commercial services, such as food and beverage service and pro shop, shall not exceed a total of 5,000 square feet of gross floor area.

(4) No occupied building accessory to a golf course shall be located within 100 feet of any property line.

(5) No off-street parking or loading area shall be permitted within 50 feet of a side and rear property. [Ord. 11-00 § 4.19]

18.20.200 Home businesses.

Home businesses are accessory to the primary residential use and are permitted in any dwelling unit or accessory structure. All home businesses shall be reviewed as Type I permit decisions, except as exempted under subsection (3) of this section.

(1) The following list of uses is not intended to be exhaustive, but rather is intended to be illustrative of the types of uses:

- (a) Artists, photographers, and sculptors;
 - (b) Authors and composers;
 - (c) Dressmakers, seamstresses, and tailors;
 - (d) Home day care;
 - (e) Home crafts such as model making, rug weaving, lapidary work, woodworking, and ceramics;
 - (f) Office facility of a minister, rabbi, priest or other similar person associated with a religious organization;
 - (g) Business office facility of a salesman, sales representative or manufacturer's representative, architect, artist, broker, dentist, physician, public relations practitioner, engineer, planner, instructor in music, arts and crafts, insurance agent, land surveyor, lawyer, musician, real estate agent, or typist;
 - (h) Classes of specialized instruction;
 - (i) Barbershops and beauty parlors; and
 - (j) Bed and breakfast residences.
- (2) Permitted home businesses do not include the following:
- (a) Funeral chapel or funeral home;
 - (b) Medical or dental clinic or hospital;
 - (c) Veterinary clinic or hospital.
- (3) Home businesses operating under the following circumstances are permitted as a matter of right (that is, they are exempt from an approval process), provided all of the other standards of this chapter are met:
- (a) No employees;
 - (b) No sign;
 - (c) All work is done inside the dwelling, not in any accessory buildings;
 - (d) No materials or equipment used in the home occupation are stored, altered or repaired outdoors; and
 - (e) State-licensed home day care providers who provide child care for 12 or fewer children.
- (4) A home business shall meet the requirements of this code and the following standards:
- (a) Is clearly incidental and secondary to the use of the property for residential purposes;
 - (b) May be conducted in the principal dwelling unit or accessory structure, except for outdoor activities related to the growing and storing of plants or other incidental outdoor activity related to the home business;
 - (c) The area devoted to the home business does not exceed 50 percent of the gross floor area of the dwelling unit, or 1,200 square feet, whichever is greater. The home business may be located in an attached or detached structure, but in no case shall be allowed to expand beyond the size permitted by this section; except as allowed by Article VI-L of Chapter 18.15 JCC, Remote Rural Overlay Districts for the West End Planning Area and the Brinnon Planning Area;
 - (d) More than one home business may be authorized on a single parcel; provided, that the total gross square footage and number of employees are not exceeded;

- (e) A home business will not be allowed if there is already a cottage industry permitted on the parcel, except for those home businesses specified in subsection (3) of this section;
 - (f) The business must be owned and operated only by full-time residents of the parcel on which the proposed use is being requested. The home business may not employ on-site, or report to work on-site, more than two full-time persons other than those of the immediate resident family, except for licensed family home day care providers;
 - (g) Has neither outside storage nor other exterior indication of the home business or variation from the residential character of the property, except for home day care facilities providing child care for 12 or fewer children;
 - (h) Retail sales are limited to products and services produced on the subject premises or items accessory to a service (i.e., hair care products for beauty salon);
 - (i) No more than one sign is allowed, consistent with the sign standards in JCC 18.30.150;
 - (j) Home-based businesses shall be limited in their hours of operation. No home business, except for bed and breakfast operations and licensed family home day care providers, shall be conducted before 8:00 a.m. or after 8:00 p.m., Monday through Friday, and before 9:00 a.m. or after 6:00 p.m., Saturday and Sunday;
 - (k) For nonfarm home businesses, no outdoor storage of goods or materials shall be permitted;
 - (l) The proposed use shall not generate significant traffic in excess of that normally generated by typical uses found within the particular district;
 - (m) Home businesses shall not be unreasonably disruptive to the use of adjacent properties. No equipment or process shall be used in a home-based business which creates excessive noise, vibration, glare, fumes, odors, or electrical interference to the detriment of the quiet use and enjoyment of adjacent and surrounding property;
 - (n) For any home business, the county shall impose such reasonable conditions as may be found necessary to ensure that the activity or use does not disrupt adjacent permitted uses. [Ord. 11-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 4.20]
- 18.20.210 Hospitality establishments.
- (1) Bed and Breakfast Inns. The following standards apply to all bed and breakfast inns:
 - (a) No more than six guest sleeping rooms shall be accommodated in any bed and breakfast inn.
 - (b) If a building is on a federal, state, or local register of historic structures, then the owner may apply for a bed and breakfast inn for up to 10 rooms. A conditional use permit may be granted if the historic character and fabric of the building are preserved, if there are no new structures or additions to the existing structure(s), and if all other bed and breakfast inn standards and restrictions are met.
 - (c) Meals may only be served to overnight guests.
 - (d) Kitchen facilities are prohibited in guest rooms.
 - (e) Bed and breakfast inns shall be restricted to proprietor-occupied, single-family residences.
 - (f) Guest occupancies shall be limited to no more than 30 consecutive days.
 - (g) The exterior of the building shall retain a residential appearance.

- (h) Bed and breakfast inns shall be operated in a way that will prevent unreasonable disturbance to area residents.
 - (i) One off-street parking space shall be provided for each guest room in addition to parking required for the residence. All parking spaces shall meet the standards of Chapter 18.30 JCC.
 - (j) Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
 - (k) No more than one sign is allowed, consistent with the sign standards in JCC 18.30.150.
 - (l) All bed and breakfast inns are subject to the applicable water and food service sanitation requirements established by the Washington State Board of Health and the Jefferson County board of health.
 - (2) Bed and Breakfast Residence. The following standards apply to all bed and breakfast residences:
 - (a) Bed and breakfast residences shall be restricted to owner-occupied single-family residences.
 - (b) No more than three guest sleeping rooms shall be available for the accommodation of bed and breakfast residence guests.
 - (c) Guest occupancies shall be limited to no more than 30 consecutive days.
 - (d) Meals may only be served to overnight guests.
 - (e) The bed and breakfast residence shall be operated in a way that will prevent unreasonable disturbance to area residents.
 - (f) One off-street parking space shall be provided for each guest room in addition to parking required for the residence.
 - (g) Approval shall be conditional upon compliance with all applicable building code requirements, state liquor laws, and state sanitation requirements.
 - (h) No more than one sign is allowed, consistent with sign standards in JCC 18.30.150.
 - (3) Transient Residence or Transient Guest House (Accessory Dwelling Unit). The following standards apply to all short-term (less than 30 days) transient rentals of single-family residential units and guest houses (ADUs) or portions thereof:
 - (a) The transient residence or guest house shall be operated in a way that will prevent unreasonable disturbances to area residents.
 - (b) At least one additional off-street parking space shall be provided for the transient use in addition to the parking required for the residence or guest house.
 - (c) If any food service is to be provided the requirements for a bed and breakfast residence must be met.
 - (d) No outdoor advertising signs are allowed.
 - (e) The owner or lessee may rent the principal residence or the guest house on a short-term basis, but not both.
 - (f) Where there are both a principal residence and a guest house (i.e., an accessory dwelling unit), the owner or lessee must reside on the premises.
 - (g) Transient accommodations must meet all local and state regulations, including those pertaining to business licenses and taxes. [Ord. 11-00 § 4.21]
- 18.20.220 Industrial uses – Standards for site development.

(1) All Industrial Uses. The following standards apply to all industrial uses as listed in Table 3-1, all industrial uses identified in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations), and to those other uses determined by the administrator to be industrial uses:

(a) The use of chemicals, industrial solvents, or other noxious or hazardous substances shall comply with all federal, state, and county safety, fire, structural, storage, and disposal standards.

(b) Water supplies, wastewater, and sewage disposal facilities adequate to serve the proposed use shall be provided. Industrial wastewaters shall not be discharged into an on-site septic system and are subject to waste discharge permit requirements established by the water quality program of the Washington Department of Ecology.

(c) Retail sales and services incidental to a principally permitted use are allowable, provided:

(i) The operations are contained within the main structure which houses the primary use;

(ii) Retail sales occupy no more than 15 percent of the total building square footage;

(iii) No retail sales or display of merchandise occurs outside the structure; and

(iv) All products offered for retail sales on the site are manufactured, warehoused, or assembled on the premises (except for products sold at colleges or technical schools).

(d) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, heat, glare, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property.

(e) Use of a county access road or private road for access to new industrial development shall be permitted only if the applicant demonstrates that public health, safety and welfare will be protected, and if traffic and maintenance impacts to the private road are minimized by conditions on the permit.

(f) Development standards, including parking, visual screening and landscaping requirements, shall be as specified in Chapter 18.30 JCC, Development standards, for rural industrial uses and as specified in Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations) for urban industrial uses, except as otherwise provided for in this chapter.

(2) Light Industrial Uses – Additional Standards. All operations other than loading and unloading shall be conducted within a fully enclosed building, except for concrete batch plants located in an urban district subject to the requirements of this chapter. [Ord. 10-04 § 3; Ord. 11-00 § 4.22]

18.20.230 Lumber mills (portable and stationary).

(1) The hours of operation of all lumber mills – new, existing, or portable – are limited to 7:00 a.m. to 7:00 p.m.

(2) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property. [Ord. 11-00 § 4.23]

18.20.240 ~~Mineral extraction, mining, quarrying and reclamation~~ [Mineral extraction and processing.](#)

(1) In addition to meeting all other applicable requirements of this code, including this section [and Table 3-1 in JCC 18.15](#), all ~~new~~ mineral extraction and mineral processing activities located outside of an approved mineral resource land (MRL) overlay

district designation (as specified in Article VI-C of Chapter 18.15 JCC) shall be subject to the following standards:

(a) ~~New mineral extraction and mineral processing activities in rural residential districts shall require a conditional use permit subject to a Type III permit approval process.~~

~~(b)~~—The total disturbed area of mineral extraction, mining and quarrying sites (excluding access roads) and any associated mineral processing activities shall not exceed 10 acres. Any proposed mineral extraction which would create disturbed areas in excess of 10 gross acres shall require an MRL designation in accordance with Article VI-C of Chapter 18.15 JCC.

~~(b)~~ The alteration, intensification, and expansion of existing gravel pits and surface mining operations outside of MRL designations is allowed subject to reasonable performance standards to ensure that alteration, intensification, and expansion of such uses have minimal adverse impacts on surrounding areas and uses, and; provided, that:

~~(i)~~ If increased off-site impacts (noise, vibration, dust, traffic) would result in a determination of significance (DS) from expansion, intensification, or modification, a Type III conditional use permit shall be required.

~~(c)~~ Mineral extraction and all associated activities shall occur at least 10 feet above the highest seasonal groundwater level.

~~(d)~~ Mineral extraction activities that are greater than 7000 sq. ft. and remove more than 500 cubic yards of material shall obtain a stormwater management permit.

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

(a) All surface extraction shall be performed in full compliance with the Washington State Surface Mining Act (Chapter 78.44 RCW). Other extraction must conform with all applicable Washington State laws. A mineral extraction permit is required for any mining operation with more than three acres of disturbed area, or more than one out of eight acres disturbed for the purpose of exploration or prospecting.

(b) Applications for ~~development permits for extraction~~mineral extraction permits shall be accompanied by a report prepared by a professional geologist which shall include at least the following information:

(i) Types of materials present on the site;

(ii) Quantity and quality of each material;

(iii) Lateral extent of deposit(s);

(iv) Depth of deposit(s);

(v) Depth of overburden; ~~and~~

(vi) Method of extraction; ~~and~~

~~(vii) Hydrogeologic characteristics-~~

(c) All ~~extraction, surface mining, and reclamation operations~~mineral extraction and processing activities must, to the extent possible, employ best management practices (see Chapter 18.30 JCC) for drainage and erosion and sedimentation control, buffer zones, and other precautionary measures as appropriate to protect adjoining lands, surface and groundwater quality and quantity, natural drainage systems, ~~environmentally sensitive~~critical areas, wildlife habitat, and scenic resources from adverse impacts resulting from the extraction operations and to meet the standards of this code and other applicable county, state, and federal codes and regulations.

(d) ~~Topsoil or other overburden having value for agriculture or other beneficial uses shall not be removed or disposed of in a manner which will reduce its value or prevent its future use needed for reclamation of the site for the approved subsequent use shall not be removed from the site.~~

(e) ~~Spoils-Topsoil and other overburden~~ shall be placed outside of ~~environmentally sensitive/critical~~ areas and shoreline areas. Final slope angle shall be no steeper than 1.5:1. Best management practices shall be employed for drainage and other controls so that: (i) ~~Topsoil and other overburden/spoils~~ are properly drained and do not cause ponding; (ii) runoff water meets the requirements and standards of this code and other applicable county, state and federal codes and regulations; and (iii) mass soil movement is prevented.

(f) All ~~mineral extraction, processing, and reclamation-related~~ activities that ~~create a noise disturbance must~~ take place between 7:00 a.m. and 7:00 p.m. on weekdays ~~shall not exceed the limitations of WAC 173-60-040(2)(a), noise associated with mineral extraction and processing outside of this specified time period shall be reduced by 10 dBA for residential receiving properties~~ unless extended hours of operation are authorized for emergency purposes by the administrator. No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, electrical interference to the detriment of adjoining property or the persons having the quiet use and enjoyment of that adjoining property.

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

(i) ~~Modification of a non-conforming use to include a new use or operation (e.g., a rock crusher) shall require a conditional use permit subject to a Type III permit approval process.~~

~~If increased off-site impacts (noise, vibration, dust, traffic) would result from expansion, intensification, or modification, a conditional use permit shall be required.~~

(ii) ~~If increased off-site impacts (noise, vibration, dust, traffic) would result in a determination of significance (DS) from expansion, intensification, or modification, a Type III conditional use permit shall be required.~~

~~Modification to include a new use or operation (e.g., a rock crusher) shall require a conditional use permit subject to a Type III permit approval process.~~

(h) ~~The following performance standards are required for mining, quarrying and asphalt/concrete batch operations located within a designated susceptible aquifer recharge area or special aquifer recharge protection area.~~ Mining, quarrying and asphalt/concrete batch operations in such areas must also comply with the best management practices identified in JCC 18.30.170 for those activities ~~located within a designated susceptible aquifer recharge area or special aquifer recharge protection area. A Sand and Gravel permit for the department of ecology may satisfy some or all of the following performance standards.~~ Asphalt batch plants are prohibited in special aquifer recharge areas (JCC 18.15.250(1)(b)).

(i) ~~Mineral extraction and processing operations Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plants located within a designated critical aquifer recharge area~~ shall, prior to approval and operation, submit a site evaluation report to

Jefferson County for review and approval. Prior to preparation of a site evaluation report, the applicant shall prepare and submit a scope of work for the report to Jefferson County for review and approval.

(ii) At a minimum, the site evaluation report shall contain the following elements: (A) permeability of the unsaturated zone, (B) location of nearby sensitive areas (wellhead protection areas, special protection areas, etc.), (C) seasonal groundwater depths and flow direction, (D) location, construction, and use of existing wells within one-quarter mile of the subject site, (E) site map at one inch to 2,000 feet scale, (F) activity characterization, (G) proposed best management practices, and (H) a contingency plan. In addition, the following detailed information about the hydrogeologic characteristics of the site and a prediction of the behavior of a contaminant may be required: (A) background water quality compiled over at least a one-year period, (B) contaminant transport modeling based on potential releases to groundwater, (C) modeling of groundwater withdrawal effects, (D) geologic and hydrogeologic characteristics including, but not limited to, surface water on site and with the subbasin or watershed that may have interactions with groundwater or surface contaminants, and (E) groundwater monitoring plan provisions.

(iii) Mineral extraction and all associated activities shall occur at least 10 feet above the seasonal high groundwater level. If more than one aquifer is present, the highest aquifer elevation shall be used.

(iv) Mineral extraction activities that are greater than 7000 sq. ft. and remove more than 500 cubic yards of material shall obtain a stormwater management permit.

(v) ~~Gravel mining and rock quarrying~~ Mineral extraction and processing operations located within a designated critical aquifer recharge area shall, prior to approval and operation, obtain a National Pollutant Discharge Elimination System and State Waste Discharge Individual General Permit (NPDES) for process water, stormwater, and mine dewatering water discharges from the Washington State Department of Ecology, Water Quality Program.

(~~iv~~) Cement concrete batch plants, and asphalt concrete batch plants located within a designated critical aquifer recharge area shall, prior to approval and operation, obtain a National Pollutant Discharge Elimination System and State Waste Discharge Individual Permit from the Washington State Department of Ecology, Water Quality Program.

(vii) Mineral extraction and processing operations ~~Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plants~~ located within a designated critical aquifer recharge area shall demonstrate that the proposed activities shall not cause degradation of the groundwater quality below the standards described in Chapter 173-200 WAC (Water Quality Standards for Ground Water of the State of Washington).

(viii) Mineral extraction and processing operations ~~Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plants~~ located within a designated critical aquifer recharge area, shall, pursuant to JCC 18.30.170(1), implement the Washington State Department of Ecology's Storm Water, Water Quality, Hazardous Waste, Wetland, and Solid Waste Program BMPs and relevant BMPs from the Departments of Health, Agriculture, Transportation, and State Conservation District Office or demonstrate through a best management practices report pursuant to JCC 18.30.170(2), how they will integrate other necessary and appropriate mitigating measures on the design, installation, and management of the proposed facility or use.

(ixvii) Provide a written agreement to the county providing that all employees at mining, quarrying, cement concrete batch plants, or an asphalt batch plant site, will be notified that the operation lies above an aquifer recharge area and providing annual training regarding all measures set forth by the BMPs established in JCC 18.30.170 (1).

(xviii) ~~Mineral extraction and processing Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plants~~ located within a designated critical recharge area shall at all times comply with Olympic Air Pollution Control Authority permit requirements.

(ixi) ~~Mineral extraction and processing Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plant~~ operations located within a designated critical area aquifer recharge area shall engage a third party, selection of which is approved in advance by the county, to monitor compliance with regulations and conditions pertaining to their NPDES/state waste discharge permit. Reports shall be prepared and distributed as required in the NPDES/state permit with copies to the county each month unless the permit requires quarterly reporting, in which case copies will be provided to the county quarterly.

(xii) ~~Mineral extraction and processing Mining, quarrying, cement concrete batch plants, and asphalt concrete batch plant~~ operations located within a designated critical area aquifer recharge area shall submit an annual report to the county evaluating implementation of the Department of Natural Resources approved reclamation plan. A qualified, independent consultant approved by the county shall prepare the report. The report shall identify how restoration of the site compares to the approved reclamation plan and whether any corrective action is contemplated by the applicant or required by the Department of Natural Resources. [Ord. 9-02 § 1; Ord. 4-02 § 2; Ord. 11-00 § 4.24] 18.20.250 Manufactured/mobile home parks.

The following standards apply to all non-transient manufactured and mobile home parks:

- (1) All new manufactured/mobile home-parks in rural districts shall be subject to the planned rural residential development overlay district.
- (2) At least 50 percent of the site shall be maintained in open space.
- (3) Dwelling units shall be separated by a minimum of 15 feet.
- (4) To enhance appearance and provide open space, a 30-foot landscaped area shall be provided on all sides and rear yards surrounding the development.
- (5) A common storage area shall be provided at a ratio of 50 square feet per dwelling unit.
- (6) Units shall be oriented in a manner that avoids repetitive siting, encourages privacy, and is compatible with the site layout and topography.
- (7) Units shall have skirting or permanent decks installed to obscure chassis prior to occupancy.
- (8) A mobile home park may include a storage area for recreational vehicles owned by residents of the park; provided, that the storage area contains no utility hook-ups and that no RV within the storage area shall be used as living quarters.
- (9) A carport or garage may be attached to a mobile home as an accessory use.
- (10) Accessory structures shall be located no closer than 10 feet to mobile homes on adjacent spaces.

(11) The interior road network shall meet county standards. [Ord. 10-04 § 3; Ord. 11-00 § 4.25]

~~18.20.260~~

~~18.20.260 Nonconforming Uses and Structures.~~

A legal nonconforming use, structure, is one that conformed to all applicable codes in effect on the date of its creation, but no longer complies due to subsequent changes in the code. Nonconformity is different than and is not to be confused with illegality (see the definitions of “Nonconforming,” Nonconforming Use,” and “Illegal Use” in Chapter 18.10 JCC. Legal nonconforming uses and structures are commonly referred to as “grandfathered.”

(1) Nonconforming uses of land are uses which currently exist and were lawfully established prior to the enactment of this Code. Legally established uses may continue as long as they remain otherwise lawful, provided:

(a) The nonconforming use of land is not discontinued or abandoned for a period more than two (2) years. A property owner may be allowed three (3) years if they demonstrate a bona fide intention to sell or lease the property. For purposes of calculating this time period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

Formatted: Bullets and Numbering

(i.) On the date when the land was physically vacated;

(ii.) On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

Formatted: Bullets and Numbering

(iii.) On the date of termination of any lease or contract under which the nonconforming use has occupied the land.

(b) A legal existing nonconforming use can be expanded up to 10% subject to a Type I permit approval process.

(c) A nonconforming use may be expanded beyond 10% through the approval of a Type II C(d) discretionary conditional use permit process. In addition to meeting the criteria set forth through the conditional use permit process, the department shall determine the expansion proposal has met the following:

(i) The proposed area for expansion is contiguous to the nonconforming use;

(ii) The area for expansion of the use complies with all applicable bulk and dimensional standards, performance provisions, and environmental and shoreline (WAC 173-27-080) regulations;

(iii) The area for expansion shall not increase the land area devoted to the nonconforming use by more than 100% of that use at the effective date of the nonconformance.

(iv) The expansion shall not be granted if it would result in a significant increase in the intensity of the use of the nonconformity (e.g., hours of operation, traffic).

(d) A nonconforming use of land may be changed to another nonconforming use, provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. Such change shall not be more intensive

Formatted: Bullets and Numbering

or have greater impacts than the existing use. The proposed change shall be required to undergo a **Type III Conditional Use approval process**. If the proposal encompasses structural or use expansion, refer to Sections 18.20.260(2) & (3) below.

(2) Nonconforming **structures** are those that are out of compliance with the development standards set forth through this Code or other applicable federal, state or local regulation.

(a) Any legally established nonconforming structure is permitted to remain in the form and location in which it existed on the effective date of the nonconformance.

(b) Nonconforming structures may be structurally altered or enlarged only if all applicable environmental and development standards are met.

(c) Repairs to existing nonconforming structures including ordinary maintenance or replacement of walls, fixtures, or plumbing shall be permissible so long as the exterior dimensions of the structure are not increased.

(d) Nonconforming structures under the jurisdiction of the Shoreline Master Program shall be subject to the nonconforming provisions stipulated through WAC 173-27-080.

(e) A legal existing nonconforming structure **damaged or destroyed** by fire, earthquake, explosion, wind, flood, or other calamity may be completely restored or reconstructed. A structure shall be considered destroyed for purposes of this section if the restoration costs exceed 75 percent of the assessed value of record when the damage occurred. A structure can be completely restored or reconstructed if all the following criteria are met:

(i) The restoration and reconstruction shall not serve to extend or increase the nonconformance of the original structure or use with existing regulations; and

(ii) The reconstruction or restoration shall, to the extent reasonably possible, retain the same general architectural style as the original destroyed structure, or an architectural style that more closely reflects the character of the surrounding area; and

(iii) Permits shall be applied for within one (1) year of damage, [an extension for permit application may be requested from the Administrator](#). Restoration or reconstruction must be substantially completed within two (2) years of permit issuance; and

(iv) Any modifications shall comply with all current regulations and codes (other than use restrictions) including, but not limited to lot coverage, yard, height, open space, density provisions, or parking requirements unless waived by the appropriate County official through the granting of a variance.

(f) A legal existing nonconforming structure can be expanded up to 10% subject to a **Type I permit approval process**.

(g) A legal existing nonconforming structure may be **expanded** beyond 10% through the approval of a Type II C(d) discretionary conditional use permit. The expansion shall not increase the structure by more than 100% of total square footage calculated from the effective date of the nonconformance. Proposals for

← - - - Formatted: Bullets and Numbering

expanding structures which house or contain a nonconforming use are subject to 18.20.260(3) below.

(3) **Nonconforming uses of structures** apply to structures, whether conforming or nonconforming, that house or contain nonconforming uses;

(a) A structure which houses or contains a nonconforming use **cannot be expanded or enlarged** if the structure (in its enlarged or expanded state) does not meet all applicable performance and use standards, or environmentally sensitive area requirements for the land use district in which it is located.

(b) A structures housing an existing legal nonconforming uses can be expanded up to 10% or 200 square feet, whichever is greater, subject to a Type I permit approval process.

(c) Substantial expansions which exceed either 10% or 200 square feet shall be subject to a **Type III conditional use permit approval process**. The expansion cannot increase the structural portion of the nonconforming use by more than **3,999 square feet**. The expansion is calculated from the effective date of the nonconformance.

(d) A legal existing structure containing a nonconforming use may be repaired or maintained subject to all applicable building and health codes.

(e) A nonconforming use contained within a nonconforming structure which is damaged or destroyed by fire, earthquake, explosion, wind, flood, or other calamity may be reestablished pursuant to Section 18.20.260(2)(e) of this code.

(f) Nonconforming uses contained or housed in a structure cease to retain their legal nonconforming status if the use is **discontinued or abandoned** for any reason for a period more than two (2) years. **A property owner may be allowed three (3) years if they demonstrate a bona fide intention to sell or lease the property.** For purposes of calculating this time period, a use is discontinued or abandoned upon the occurrence of the first of any of the following events:

(i) On the date when the use was physically vacated;

(ii) On the date the use or activity ceases to be actively involved in the sale of merchandise or the provision of services; or

(iii) On the date of termination of any lease or contract under which the nonconforming use has occupied the structure.

Formatted: Bullets and Numbering

(4) A nonconforming use of a structure may be **changed** to another nonconforming use, provided that the proposed use is equally or more appropriate to the district than the existing nonconforming use. Such change shall not be more intensive or have greater impacts than the existing use. The proposed change shall be required to undergo **Type III conditional use permit approval process**.

Nonconforming legal structures and uses:

— A nonconforming legal use, structure, site, or lot is one that did conform to the applicable codes which were in effect on the date of its creation, but no longer complies because of subsequent changes in code requirements. Nonconformity is different than and is not to be confused with illegality (see the definitions of “nonconforming.”

~~“nonconforming use,” and “illegal use” in Chapter 18.10 JCC). Legal nonconforming structures and uses are commonly referred to as “grandfathered.”~~

~~—The following standards apply to all legal nonconforming structures and uses:~~

~~(1) —Alteration or replacement of a nonresidential nonconforming use in rural residential districts is allowable subject to a conditional use permit, provided:~~

~~(a) —The use is compatible with surrounding rural uses;~~

~~(b) —The activity does not require additional urban levels of government service;~~

~~(c) —The proposal shall comply with the standards of this code to maximum extent feasible; and~~

~~(d) —The proposal shall not have an adverse impact on an environmentally sensitive area or the immediate neighborhood.~~

~~(2) —Expansion of structures housing legal existing uses or replacement of structures occupied by legal existing nonconforming uses shall be subject to the following criteria:~~

~~(a) —Where a legal existing nonconforming use of a structure exists, that structure can be replaced provided the original footprint is not relocated or altered except as provided for below:~~

~~(i) —The original footprint does not meet current regulations regarding building setbacks and buffers;~~

~~(ii) —Moving the building footprint positions the new building in a more appropriate location on the site to facilitate pedestrian and vehicular movement and safety;~~

~~(iii) —The movement of the building footprint on the site is necessary to ensure protection of environmentally sensitive areas located on or near the site;~~

~~(iv) —The original building is being rebuilt or enlarged under the provision of this section.~~

~~(b) —A structure housing a legal existing nonconforming use may be enlarged and/or expanded if the structure (in its enlarged or expanded state) would meet all applicable bulk, dimensional and lot coverage requirements for the land use district in which the use is located:~~

~~(i) —Expansion of structures housing legal existing nonconforming uses up to 10 percent of the existing building size, or 200 square feet, whichever is greater, shall be subject to a Type I administrative approval process. More substantial expansions, up to a building cap of 3,999 square feet (measured by the proposed enlargement and expansion), shall be subject to a Type III conditional use approval process to ensure notification of adjacent property owners.~~

~~(ii) —The following standards apply to uses within the Glen Cove light industrial/commercial district (LI/C) and the Glen Cove potential final urban growth area:~~

~~(A) —Outside of the LI/C district, but within the Glen Cove potential final urban growth area, a structure housing an existing business shall be allowed to expand up to a building cap of 20,000 square feet (subject to meeting the bulk and dimensional requirement of the underlying use designation);~~

~~(B) —Any proposed expansion outside of the LI/C district, but within the Glen Cove potential final urban growth area, shall only be approved if the expansion is to accommodate the structure housing the existing business on site. Expansion in this area for speculative purposes or to accommodate a new business shall be prohibited.~~

- ~~(3) — A legal existing nonconforming structure damaged or destroyed by fire, earthquake, explosion, wind, flood, or other calamity may be completely restored or reconstructed if all the following criteria are met:~~
- ~~(a) — The restoration and reconstruction shall not serve to extend or increase the nonconformance of the original structure or use with existing regulations;~~
 - ~~(b) — The reconstruction or restoration shall, to the extent reasonably possible, retain the same general architectural style as the original destroyed structure, or an architectural style that more closely reflects the character of the surrounding rural neighborhood;~~
 - ~~(c) — Permits shall be applied for within one year of damage. Restoration or reconstruction must be substantially completed within two years of permit issuance;~~
 - ~~(d) — Any modifications shall comply with all current regulations and codes (other than use restrictions) including, but not limited to lot coverage, yard, height, open space, density provisions, or parking requirements unless waived by the appropriate county official through the granting of a variance.~~
- ~~(4) — A nonconforming use may be changed to another nonconforming use; provided, that the proposed use is equally or more appropriate to the district than the existing nonconforming use. Such a change of use shall be subject to conditional use permit approval. In no case shall a nonconforming use be changed to another nonconforming use which is more intensive or has greater impacts than the existing use.~~
- ~~(5) — Any nonconforming use or structure may be altered, modified, or remodeled beyond the external dimensions present on the effective date of the ordinance codified in this code for the purpose of providing access required under Chapter 51-20 WAC (American Disabilities Act). The extent of the alteration or modifications shall be limited to the provisions of access necessary to comply with Chapter 51-20 WAC as determined by the administrator.~~
- ~~(6) — Unless specifically provided otherwise, any nonconforming structure or use under the jurisdiction of the Shoreline Master Program shall be subject to the nonconforming use provisions in WAC 173-27-080.~~
- ~~(7) — Nonconforming uses may be relocated on the same parcel where they occur if the degree of nonconformity is not increased, and subject to a discretionary use permit.~~
- ~~(8) — No structures or obstructions of any kind or nature whatsoever constituting a nonconforming use shall be rebuilt, repaired, or replaced where such repairing, rebuilding, or replacement constitutes an airport hazard.~~
- ~~(9) — Should a legal existing nonconforming use of a property or structure be discontinued for more than two years, the use of the property and structure shall be deemed abandoned and shall conform to a use permitted in the land use classification in which it is located, unless the property owner demonstrates through property maintenance a bona fide intention to sell or lease the property. If the property is adequately maintained, the property shall not be deemed abandoned and be allowed to remain vacant for up to three years. [Ord. 7-01 § 2 (Exh. C); Ord. 11-00 § 4.26]~~

18.20.270 Outdoor commercial amusement facilities.

The following standards shall apply to all outdoor commercial amusement facilities:

- (1) There shall be no direct entrance to or exit from such use on any rural major collectors, principal arterials, or state routes, unless determined to be acceptable by the

Washington State Department of Transportation or the County Engineer, as appropriate; and

(2) Access to such uses shall be only from full-width roads, which shall be surfaced in accordance with the county engineer's specifications. [Ord. 11-00 § 4.27]

18.20.280 Outdoor storage yards.

(1) All outdoor storage for vehicles, equipment, materials or products used in production, for sale on premises, awaiting shipment, or otherwise in conjunction with commercial or industrial use, shall be conducted so as to ensure public safety, health, and welfare and to minimize detrimental visual impact upon neighboring property and public rights-of-way.

(2) Every reasonable effort shall be made by persons operating a commercial or industrial business to store vehicles, equipment, materials and products within an enclosed building, except:

(a) Where such enclosed storage is not practical or desirable for reasons related to health, fire or safety requirements;

(b) Where outside storage of merchandise, manufactured products, or raw materials is normal and standard practice, such as in the sale of automotive equipment, farm machinery, lumber, gardening materials, nursery stock, manufactured homes, and similar products, or on the site of construction projects; or

(c) When materials or products are temporarily stored outside incidental to shipping, delivery, loading or unloading thereof.

(3) Materials and products may be stored outside subject to the provisions of these performance standards and applicable development standards, but shall comply with the landscaping and screening requirements of JCC 18.30.130, as applicable. [Ord. 11-00 § 4.28]

18.20.290 Recreational developments.

Recreational developments are campgrounds, parks, playing fields, and facilities for indoor and outdoor sports and recreational facilities, and similar developments, including small-scale recreational tourist uses (JCC 18.20.350).

(1) All Recreational Developments. The following standards apply to all recreational developments:

(a) Recreational areas shall be located so as to protect adjacent properties from adverse impacts. Where the proposed recreational use can reasonably be expected to have adverse impacts on adjacent properties, and where existing ground cover, such as trees or shrubs, will not provide an adequate buffer between the recreational area and adjoining properties, screening or fencing will be required.

(b) Parks and campgrounds in which individual lots or spaces are to be sold in fee simple are prohibited.

(c) Parking areas associated with recreational areas shall be located inland away from the water and beaches and shall be designed to control surface runoff and prevent the pollution of nearby water bodies. Safe access from parking areas to recreation areas shall be provided by means of walkways or other suitable facilities.

(d) Playing fields must meet the following standards:

(i) Any lighting must be of direct cutoff design and not extend beyond the property boundaries.

- (ii) Any trash or garbage receptacles must be screened from view from surrounding properties.
- (iii) Any restroom facilities must be screened from view from surrounding properties and the entrance must be fully visible from the public areas.
- (e) No use shall be made of equipment or material which produces unreasonable vibration, noise, dust, smoke, odor, or electrical interference to the detriment of the quiet use and enjoyment of adjoining property.
- (2) Commercial Recreational Development. Recreational uses which are also commercial enterprises are subject to the site standards for commercial uses, JCC 18.20.140, in addition to the regulations in subsection (1) of this section. [Ord. 11-00 § 4.29]
- 18.20.300 Recycling collection facilities and recycling centers.
 - (1) Recycling Collection Facilities. Recycling collection facilities provide a neighborhood drop-off point for temporary storage of recyclables but without processing thereof. The following standards apply to all recycling collection facilities:
 - (a) Weather protection of recyclable items shall be ensured by using weatherproof containers or by providing a roof over the storage area, where necessary to avoid adverse impacts;
 - (b) Only recyclable materials shall be collected and stored at such collection points. Except for initial sorting and bundling, all other processing of such materials shall be conducted off-site; and
 - (c) All deposited material shall be contained wholly within the recycling box or facility. No litter shall be allowed to accumulate outside the recycling box or facility. The recycling box or facility shall be kept clean and free of odors or pests.
 - (2) Recycling Centers. An area, with or without buildings, upon which used materials and recyclables are separated and processed for shipment. The following standards apply to all recycling centers:
 - (a) Processing operations shall be conducted within a building;
 - (b) The operation shall be effectively screened from view from neighboring properties and rights-of-way;
 - (c) The operation shall meet all federal, state and local requirements for noise and air quality control; and
 - (d) The operation shall obtain, comply with and maintain a solid waste handling permit from the Jefferson County Department of Health. [Ord. 11-00 § 4.30]
- 18.20.310 Residential care facilities and nursing homes.
 - (1) The following apply to all residential care facilities:
 - (a) Residential care facilities housing five or fewer residents, other than staff, are permitted outright in all residential districts. Residential care facilities housing more than five residents in rural residential districts are conditional uses subject to the applicable requirements of this code.
 - (b) Conditional use approval is contingent upon containing and maintaining state licensing for operation of the facility. Conditional use approval terminates when the state license is no longer in effect. Furthermore, any increase in the number or change in the class of residents authorized by the state license terminates approval unless a new conditional use authorization is obtained for the new class or number of residents.

(c) In rural residential districts, the maximum number of residents permitted in a facility is 20, exclusive of staff.

(d) In rural residential districts, the minimum lot size shall be five acres.

(e) Minimum Off-Street Parking. One space shall be required for each vehicle permanently located at the facility or operated on a daily basis in connection with the facility and one for each employee. All parking spaces shall meet the standards of Chapter 18.30 JCC.

(2) The following standards apply to all nursing/convalescent homes and assisted living facilities for the elderly:

(a) The provider shall demonstrate compliance with state licensing requirements.

(b) The maximum number of residents permitted in such a facility in a rural residential district shall be 20, exclusive of staff. Within the rural village center, neighborhood visitor crossroad, and general crossroad commercial designations, where such facilities are allowed, the maximum number of residents allowed shall be 40, exclusive of staff. [Ord. 10-04 § 3; Ord. 11-00 § 4.31]

18.20.320 (Mini) storage facilities.

The following standards apply to all residential (mini) storage facilities:

(1) The site shall be contiguous to a designated arterial or collector road, although access may or may not be directly onto such arterial or collector, as determined through the review process;

(2) All street frontages, other property lines and outdoor storage areas shall be landscaped or screened in accordance with JCC 18.30.130 for such uses in rural districts, and in accordance with the provisions of Chapter 18.18 JCC (Irondale and Port Hadlock UGA Implementing Regulations) in urban districts, except as otherwise provided for in this chapter;

(3) All access, travel surface, loading areas, and building aprons shall be constructed of an all weather surface;

(4) Signing shall be limited to on-premises signage and shall meet the standards of JCC 18.30.150;

(5) Exterior lighting shall meet the standards of JCC 18.30.140;

(6) The approving authority may require exterior modifications of structures, including use of architectural features or details, materials for siding and roofing, reduction of building mass and number of units when necessary to assure compatibility with adjoining residential districts; and

(7) Use of the facility shall be limited to the storage of excess personal property. No commercial business or other similar activities shall be conducted on the premises. [Ord. 10-04 § 3; Ord. 11-00 § 4.32]

18.20.330 Seasonal roadside stands.

The following standards apply to all seasonal roadside stands which are not located on designated agricultural lands:

(1) The stand shall be not more than 1,000 square feet in size;

(2) Sales are limited to agricultural, aquacultural, and silvicultural related products;

(3) Off-street parking shall be required, and shall have a sufficient area to allow automobiles to park safely off the road right-of-way and to re-enter the traffic in a forward direction. All parking spaces shall meet the standards of Chapter 18.30 JCC;

(4) Roadside stands shall be limited to one per legal lot of record;

(5) Roadside stands shall be limited to a maximum of six months' site occupation and operation per legal lot of record in any given year;

(6) Roadside stands shall require a temporary outdoor use permit (Type I) subject to the requirements of JCC 18.20.380(4);

(7) Retail sales on designated agricultural lands is subject to the provisions of JCC 18.20.030, agricultural activities and accessory uses. [Ord. 06-04 § 2; Ord. 11-00 § 4.33]
18.20.340 Sewage sludge and septage.

(1) Storage and treatment of sewage sludge and septage at any facility other than an approved sewerage system plant, and development of storage or treatment facilities, are industrial uses for the purposes of this code and are subject to the site standards for industrial uses in this chapter and to approval by the county health department.

(2) The application of sewage sludge and septage to land for disposal or for fertilization is subject to approval by the Jefferson County board of health, or its designee, and state approval requirements. [Ord. 11-00 § 4.34]

18.20.350 Small-scale recreation and tourist uses.

(1) Small-Scale Recreation and Tourist Uses. Small-scale recreational and tourist uses rely on a rural location and setting and provide opportunities to diversify the economy of rural Jefferson County by utilizing the county's abundant recreational opportunities and scenic and natural amenities in an environmentally sensitive manner consistent with the rural character of the county. Upon approval pursuant to this code, these types of uses may be conducted in the land use districts specified in Table 3-1 in JCC 18.15.040 and as provided for in small-scale recreation and tourist (SRT) overlay districts under JCC 18.15.572. Agritourism on designated agricultural lands is regulated in JCC 18.20.030, agricultural activities and accessory uses. The following list of uses is not intended to be exhaustive, but rather is intended to be illustrative of the types of small-scale recreation or tourist uses:

(a) Aerial recreational activities such as balloon rides, glider and parachute events;

(b) Animal preserves and game farms;

(c) Equestrian centers, on parcels 10 acres or larger in size;

(d) Campgrounds and camping facilities;

(e) Commercial fishing ponds;

(f) Cultural festivals;

(g) Miniature golf, not to exceed a gross use area of one acre;

(h) Model hobby parks and sites on parcels 10 acres or larger in size;

(i) Outdoor recreational equipment rental and/or guide services;

(j) Outdoor shooting and archery ranges;

(k) Private hunting or fishing camps;

(l) Public display gardens;

(m) Recreational off-road vehicle (ORV) and all terrain vehicle (ATV) parks and recreational areas on parcels 20 acres or larger in size;

(n) Recreational, cultural or religious conference center/retreat facilities on parcels 10 acres or larger in size;

(o) Recreational vehicle parks, travel trailer parks, and commercial campgrounds on parcels at least five acres in size;

(p) Rural restaurants, only when associated with a primary recreational or tourist use;
and

- (q) Rural recreational lodging or cabins for overnight rental on parcels 10 acres or larger in size.
- (2) Unnamed Small-Scale Recreation or Tourist Uses. Other uses not specifically named above may be classified as small-scale recreational and tourist uses by the administrator, subject to the provisions of this section, upon documentation by the applicant that the proposed use is dependent upon a particular rural location or setting and is consistent with the intent and application of RCW 36.70A.070(5)(d) and the Jefferson County Comprehensive Plan.
- (3) A small-scale recreation or tourist use shall meet the requirements of this code (except as provided for in SRT overlay districts per JCC 18.15.572), including the provisions of JCC 18.20.290, Recreational developments, JCC 18.20.140, Commercial uses – Standards for site development, and the following standards:
- (a) Small-scale recreation or tourist uses may include limited and commensurately scaled commercial facilities intended to serve those small-scale recreational or tourist uses (e.g., a gift shop, delicatessen, convenience store, or associated retail sales and services); provided, that the applicant can demonstrate the following to the satisfaction of the approving authority that:
- (i) The principal demand for the commercial facilities is derived from the principal recreational or tourist use and not the existing and projected rural population;
- (ii) The associated commercial activities shall be clearly accessory to and dependent upon the primary recreational or tourist uses;
- (iii) The associated commercial activities, in addition to the principal recreational or tourist use, will not have a measurable detrimental traffic, noise, visual or public safety impact on adjacent properties;
- (iv) The use and associated structure is clearly appropriate and compatible in scale, size, design and function with surrounding uses and environment;
- (v) The use will not constitute new urban development in a rural area;
- (vi) The public facilities and services provided are limited to those necessary to serve the associated commercial activities and the principal small-scale recreational or tourist use in a manner that does not permit low-density sprawl; and
- (vii) All other applicable requirements and standards in this UDC are met.
- (b) Unless a larger parcel size is specified, minimum lot size shall be five acres; ~~except smaller existing legally established lots of record with direct access to a state highway or county major collector may also be used for tourist or recreation uses if all other provisions of this section can be met.~~
- (c) Only one small-scale recreational or tourist use shall be allowed per legal lot of record, with the exception of rural restaurants.
- (d) Only those buildings or areas specifically approved by the county may be used in the conduct of the business.
- (e) Parking shall be contained on-site and provided in conformance with this code, including JCC 18.30.100 and 18.30.130.
- (f) All activities shall, at a minimum, be screened from the view of adjacent residential uses subject to the landscaping and screening requirements of JCC 18.30.130 and set back a sufficient distance from all rear and side property lines to protect the character of adjacent and surrounding properties and uses. The approving authority may authorize variations to the setbacks established in Table 6-1 in JCC 18.30.050 in order to

ensure that any small-scale recreation or tourist use or structure, when proposed in or adjacent to a rural residential (RR) district, shall be compatible with and not disruptive to the character of existing and anticipated future uses in the district.

(g) All small-scale recreation or tourist uses shall ~~take primary access, in order of priority, off a county arterial, county collector road or highway, or state highway-utilize local access or minor collector roads for primary access whenever practicable. Access off of state routes, arterials, or major collector roads may be allowed if access improvements or a traffic analysis assures mobility is not degraded.~~

(h) Structures shall comply with the landscape, lighting, site coverage, and design standards set forth in Chapter 18.30 JCC.

(i) Any small-scale recreational or tourist use development allowed under this section that proposes to include permanent occupancy on-site residential development may only be permitted subject to:

(i) The underlying rural residential density;

(ii) A master planned resort (MPR) district designation subject to a legislative action to amend the Comprehensive Plan; or

(iii) That necessary for on-site management (e.g., a caretaker's residence).

(j) For any small-scale recreation or tourist use, the county shall impose such reasonable conditions (e.g., location and size restrictions, design standards, landscape buffers, setbacks etc.) as are found necessary by the approving authority to ensure that the activity or use, due to proximity, location or intensity:

(i) Is compatible with the rural character of adjacent lands and shorelines, including forestry, agriculture, and mineral lands of long-term commercial significance;

(ii) Does not disrupt the character of any surrounding permitted uses;

(iii) Is adequately served by public facilities and services (including roadway level of service and minimum fire flow requirements) without the need to extend those services in a manner that promotes low density sprawl;

(iv) Adequately protects environmentally sensitive areas including surface and groundwater resources; and

(v) Would not cumulatively, in combination with the effects of existing development (or given the probable development of subsequent projects with similar effects) in the vicinity (i.e., within one mile) of the proposed use, create a development pattern that constitutes low density sprawl; require the extension of public facilities or expansion of public services in a manner that promotes low density sprawl; or be otherwise incompatible with or injurious to the rural character of the area.

(vi) For designated agricultural lands, converts as little land with prime agricultural soils as practicable into nonagricultural use.

(k) If the preceding conditions (in subsection (3)(j) of this section) cannot be met to the satisfaction of the approving authority, the use shall be denied.

(4) Expansion of Existing Small-Scale Recreational and Tourist Facilities.

(a) Where alteration, modification, or expansion of existing small-scale recreation and tourism facilities would increase the scope, scale or intensity of the use or facilities (e.g., adding meal service or new recreational facilities, adding new conference or lodging facilities), the proposal shall be subject to a conditional use permit and must demonstrate that the expansion of the existing use or location is reliant upon a rural location and setting.

- (b) The approving authority may attach reasonable performance standards and/or conditions to ensure that alteration and expansion of such uses have minimal adverse impacts on surrounding areas and uses, maintains the rural character of the area; does not constitute low density sprawl, and is in compliance with RCW 36.70A.070(5)(d).
- (c) Any alteration, modification or expansion of an existing small-scale recreation or tourist use shall require site plan approval consistent with the standards and requirements of this code.
- (5) Aerial Recreational Activities. Aerial recreational activities may be approved as a small-scale recreation use provided the following standards are met:
 - (a) No permanent structures or improvements are required to carry out the activity;
 - (b) The proposal will comply with all FAA regulations;
 - (c) For recreational aerial activities on designated agricultural resource land, the proposal will not remove lands from agricultural production or substantially interfere directly or indirectly with the continued agricultural use of the parcel; and
 - (d) Minimum lot size may be increased by the administrator based on the site area required to safely undertake the activity.
- (6) Recreational Vehicle (RV) Park, Travel Trailer Park, or Commercial Campground.
 - (a) The use of any parcel for an RV/campground park and any modifications to an existing RV/campground park shall comply with the following standards and requirements:
 - (i) The minimum parcel area for an RV/trailer park or commercial campground shall be five acres. The maximum area of any parcel devoted to the principal RV/travel trailer or commercial campground use shall not exceed 20 acres;
 - (ii) The maximum density of any RV/travel trailer or commercial campground approved under this code shall not exceed 60 spaces;
 - (iii) No RV shall be located anywhere but in an RV space and only one RV shall be located within any RV space;
 - (iv) All RV, travel trailer, recreational park trailer and campground uses in new RV/travel trailer and commercial campgrounds (approved after the effective date of this UDC) shall be limited to a temporary occupancy not to exceed nine months;
 - (v) The minimum width for a parcel containing an RV park shall be 300 feet, except that portions of the parcel intended only for general vehicular entrances and exits may be as narrow as 50 feet;
 - (vi) No part of any RV/campground park shall be used for the parking or storage of any heavy equipment;
 - (vii) No home occupation or business shall be operated from an RV/campground park except for the resident manager and as allowed in subsection (3)(a) of this section;
 - (viii) A responsible caretaker, owner, or manager shall be placed in charge of any RV/campground park to keep all grounds, facilities and equipment in a clean, orderly, and sanitary condition, and shall be answerable to the owner for any violation of the provisions of this title or any other ordinance;
 - (ix) An on-site caretaker or manager's residence is allowed; and
 - (x) Allowable accessory uses and improvements may include facilities for:
 - (A) Picnicking;
 - (B) Boating;

- (C) Fishing;
 - (D) Swimming;
 - (E) Outdoor games;
 - (F) Miniature golf courses;
 - (G) Mechanical amusements; and
 - (H) Other sports and activities.
- (b) Layout and Design Specifications. The following layout and design specifications shall apply to any RV/campground park:
- (i) A buffer area shall be provided immediately within all boundaries. The required buffer area shall be a minimum of 100 feet in depth within all common property boundaries or public streets. Variable width buffers may be considered based upon topography and design considerations;
 - (ii) No RV or camp site may be located within a buffer area;
 - (iii) No building or structure may be erected or placed within a buffer area, except a sign or fence;
 - (iv) No refuse disposal area shall be located within a buffer area;
 - (v) No plant materials may be deposited or removed within a buffer area except as a part of a recognized landscaping scheme or except for emergency access;
 - (vi) Only roads which cross the buffer, are as close to right angles as practicable, and connect directly with the road system contained within the remainder of the park shall be permitted within a buffer area; no road shall traverse the buffer area and give direct access from any public road to any RV space or camp site;
 - (vii) The road system shall comply with the standards and specifications for roads pursuant to Chapter 18.30 JCC;
 - (viii) Adequate off-street parking spaces shall be provided;
 - (ix) Each RV space shall have sufficient unobstructed access to, or frontage on, an RV park road, so as to permit the movement of RVs;
 - (x) No structural addition to any RV shall be permitted;
 - (xi) All refuse containers shall have an animal-proof lid and shall be maintained in a clean and sanitary condition. Garbage and refuse shall be disposed of in such a manner to control flies, rodents and odors;
 - (xii) All utilities, including electrical power and telephone lines, shall be installed underground;
 - (xiii) All roads, walkways, grouped-bay parking and service areas shall be provided with lighting adequate to ensure the safety of vehicular and pedestrian traffic;
 - (xiv) Central comfort stations and similar central facilities may be permitted;
 - (xv) Adequately sized wastewater disposal facilities shall be required and must be approved by the Jefferson County environmental health department.
- (7) Equestrian Center. Uncovered and covered facilities for commercial boarding, training, teaching, breeding and rental of horses including facilities for shows and competitive events, and riding trails. This does not include stables used solely for breeding or boarding of horses. An equestrian center may be permitted when the following standards are met:
- (a) All setbacks to the stable structure (does not include facilities for riding, training or exercising horses, such as a riding arena) shall be at least 50 feet from any property

line and 100 feet from any existing residence, except the owner's or caretaker's dwelling(s);

(b) Facilities for riding, training or exercising horses shall be at least 25 feet from any property line and at least 100 feet from any existing residence except the owner's or caretaker's dwelling(s);

(c) Riding trails are not considered riding, training or exercising facilities and are not subject to this standard;

(d) The administrator may authorize a reduced setback for equestrian facilities; provided, that the county may impose conditions of approval to mitigate any adverse impacts which may result from granting the reduced setback;

(e) An animal waste management plan shall accompany the application. The plan shall be prepared in consultation with the Natural Resource Conservation Service (NRCS), local conservation district, or similar agency;

(f) Adequate parking, traffic management, and dust management shall be provided for horse shows with stables with more than 20 stalls;

(g) Public address systems using loud speakers shall only be used between 10:00 a.m. and 8:00 p.m.;

(h) A tack shop may be provided when it is only for the use of owners of horses boarded at the stable or event participants;

(i) An on-site caretaker or manager's residence is allowed; and

(j) A parcel size of not less than 10 acres shall be required.

(8) Outdoor Shooting Ranges. Outdoor shooting ranges are subject to the following standards:

(a) They shall be located, designed, constructed and operated to prevent the likelihood of discharge of ammunition beyond the boundaries of the parcel where they occur;

(b) The National Rifle Association's Range Manual shall be consulted and used in the development and operation of ranges; Articles 1, 2, and 3 of the safety recommendations for outdoor shooting ranges shall be used as minimum guidelines in the design and construction of shooting ranges;

(c) Warning and trespass signs advising of the range operation shall be placed on the perimeter of the property at intervals no greater than 50 feet;

(d) The shooting areas shall be surrounded by an eight-foot-high noise barrier in the form of an earth berm or wall, or be located in a minimal eight-foot deep depression;

(e) The minimum lot size for an outdoor rifle, trap, skeet or pistol range used by an organization shall be 10 acres. For an outdoor archery range used by an organization, minimum lot size shall be five acres;

(f) No structure or shooting areas associated with a shooting range shall be located closer than 100 feet to any lot line;

(g) A minimum location of 500 feet is required from any occupied dwelling other than the dwelling of the owner;

(h) All shooting areas must be completely fenced; and

(i) In the consideration of an application for permit, the approval authority shall take into account both safety and noise factors, and may prescribe additional conditions with respect thereto.

(9) Rural Recreational Lodging or Cabins for Overnight Rental and Recreational Cultural or Religious Conference Center/Retreat Facilities. Rural recreational lodging or cabins for overnight rental and conference retreat facilities are subject to the following standards:

- (a) Minimum parcel size is 10 acres;
- (b) Fifteen (15) built cabins or bedrooms for overnight lodging comprising up to 6,000 square feet of gross floor area are allowed for every 10 acres of parcel size, up to a maximum of 30 rooms or cabins comprising no more than 12,000 square feet of total building area over the entire site, excluding a caretaker's or manager's residence;
- (c) Lodging operators may not allow any person to occupy overnight lodging on the premises for more than three months in any year;
- (d) New residential development shall not be permitted. New residential development includes the subdivision or sale of land for year-round or second-home residential housing that is owner-occupied or rented;
- (e) An on-site caretaker or manager's residence is allowed;
- (f) A conditional use permit subject to a Type III approval process, which includes a public hearing, shall be required.

(10) Rural Restaurants. Rural restaurants may be allowed as small-scale recreational and tourist uses, subject to the following standards:

- (a) Only when associated with and subordinate to a primary recreational or tourist use;
- (b) Indoor dining facilities shall not exceed a total of 50 seats, including outdoor seating, unless it can be demonstrated that a larger capacity facility is needed to serve the demand generated by the primary recreational or tourist use;
- (c) The structure shall constitute no greater than 5,000 square feet of gross floor area;
- (d) Drive-through food service is prohibited. This does not include espresso stands. [Ord. 06-04 § 2; Ord. 18-02 § 2 (Exh. D); Ord. 11-00 § 4.35]

18.20.360 Solid waste handling and disposal facilities.

(1) Solid waste handling and disposal facilities include:

- (a) Sanitary landfills;
- (b) Transfer stations; and
- (c) Construction, demolition and land-clearing (CDL) facilities.

(2) Solid waste handling and disposal facilities may be allowed subject to the following conditions in those districts specified in Table 3-1 in JCC 18.15.040 and as specified in JCC 18.15.110:

- (a) Obtaining a special use permit pursuant to the requirements of JCC 18.15.110;
- (b) Obtaining, complying with, and maintaining a solid waste handling permit from the Jefferson County health department and appropriate state agencies;
- (c) Obtaining an access permit from the county engineer;
- (d) The operation shall be effectively screened from view from neighboring properties and rights-of-way; and
- (e) The operation shall meet all federal, state and local requirements for noise and air quality control. [Ord. 11-00 § 4.36]

18.20.370 Tank farm facilities (bulk ~~fuel storage~~ plant or terminal).

The following standards apply to all tank farm facilities:

(1) Water supplies and sewage disposal facilities adequate to serve the proposed use shall be provided. Occupancy shall not be permitted before water supplies and sewage disposal facilities are approved and installed.

(2) All tank farm facilities must meet the site standards for industrial uses (JCC 18.20.220).

(3) Visual screening (JCC 18.30.130) shall be provided.

(4) All tank farm facilities must comply with applicable state and federal standards.

[Ord. 11-00 § 4.37]

18.20.380 Temporary outdoor uses.

(1) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are permitted as a matter of right and are exempt from an approval process; provided, that the requirements below are met:

(a) Garage or yard sales conducted on the premises of a residential dwelling;

(b) Rummage sales, outdoor sales, and other fund-raising activities sponsored by schools, places of worship, or other nonprofit organizations. Such uses shall not occur on a site for more than 30 days in any one calendar year;

(c) Outdoor arts and crafts shows and exhibits on public park and/or school property;

(d) Neighborhood association meetings or picnics on property owned by the association or its members;

(e) One sales office for the purpose of selling lots or homes within a subdivision constructed on the site of a subdivision prior to final plat approval and may operate until all of the lots have been developed and sold;

(f) Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, not more than four times during any one calendar year;

(g) Estate sales held on the property of the deceased;

(h) Christmas tree sales limited to no more than 30 days of site occupation and operation in only a one-year period. Merchandise displays may only occupy parking stalls which are in excess of parking requirements;

(i) Running, walking and biking events associated with charitable or community events;

(j) Hay rides, corn mazes, square dances, pony rides, and harvest social gatherings; and

(k) Similar uses as determined by the administrator.

(2) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are allowed subject to a Type I approval process for a temporary outdoor use permit:

(a) Outdoor art craft shows and exhibits not exceeding three days and not located on public park and/or school property;

(b) Circuses, carnivals and similar transient amusement enterprises, limited to not more than 30 days of site occupation and operation in any one calendar year;

(c) Rummage and other outdoor sales sponsored by schools, places of worship or other nonprofit organizations occurring more than 30 days in any one calendar year;

(d) Charitable or community events, not exceeding seven days in duration and not more than four times in any one calendar year;

- (e) Overflow off-site parking, not exceeding seven days in duration and not more than four times in any one calendar year;
- (f) Auctions, not exceeding three days and not located on public park and/or school property;
- (g) Temporary asphalt or concrete batch plants for public road construction or repaving; provided, that all equipment, including the plant shall be removed within 30 days of project completion and the site shall be restored to its original condition; ~~and~~
- (h) Temporary Food and Beverage Stands may be permitted for a period of six months and may be extended for an additional six months. Once an extension has been granted the site may not be used for a temporary food and beverage stand for two years after the expiration of the permit extension; and
- ~~(h) Temporary Food and Beverage Stands may be permitted for a period of six months and may be extended for an additional six months. Once an extension has been granted the site may not be used for a temporary food and beverage stand for two years after the expiration of the permit extension; and~~
- (i) Similar uses as determined by the administrator.
- (3) The following temporary outdoor uses, unless otherwise regulated by the provisions of Chapter 8.20 JCC, Assemblies, are allowed, subject to an administrative (Type II) conditional use (C(a)) permit:
 - (a) Outdoor art craft shows and exhibits exceeding three days and not located on public park and/or school property;
 - (b) Circuses, carnivals and similar transient amusement enterprises more than 30 days of site occupation and operation in any one calendar year;
 - (c) Charitable or community events exceeding seven days in duration or more than four times per year for any single property;
 - (d) Properties rented or used for personal social events, such as wedding receptions, private parties, or similar activities, more than four times during any one calendar year;
 - (e) Overflow off-site parking exceeding seven days in duration or more than four times in any one calendar year;
 - (f) Auctions exceeding three days or more or held more than four times in any one calendar year on the site of any legally established nonresidential use;
 - (g) Similar uses as determined by the administrator.
- (4) Temporary outdoor uses are subject to the following regulations:
 - (a) No temporary outdoor uses shall be permitted on public rights-of-way, unless a right-of-way obstruction permit is authorized by the county engineer;
 - (b) Approval of temporary outdoor uses is subject to written permission of the property owner on which the use is to be located;
 - (c) The county may apply additional conditions to any permit for a temporary outdoor use in order to:
 - (i) Ensure compliance with the intent of this code;
 - (ii) Ensure that such outdoor use is not detrimental to neighboring properties and the community as a whole; and
 - (iii) Ensure compliance with the ~~Uniform Building Code and Uniform Fire Code~~ International Building Code;
 - (iv) Within three days after termination of any temporary outdoor use permit, such use shall be abated and all structures, signs and evidence of such use removed. The

administrator may require a cash bond be posted by the applicant upon application to defray the cost of cleanup and repair of the property should the applicant fail to do so; and

(v) Temporary outdoor use permits not exercised within 180 days of issuance shall be null and void.

(5) In addition to any other remedy provided by this chapter, at any time when such temporary outdoor use is operated in violation of required conditions of this section, or otherwise found to constitute a nuisance, the county may revoke the temporary outdoor use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the administrator, the violation poses a life, health, or safety threat, the use permit may be revoked immediately, and the permittee shall be given the opportunity to request consideration and/or appeal.

(6) Where any provision of this section on temporary outdoor uses, is in conflict with Chapter 8.20 JCC, Assemblies, the provisions of Chapter 8.20 JCC shall control. [Ord. 11-00 § 4.38]

18.20.390 Temporary festivals.

(1) Temporary Festival. A temporary festival is generally defined as any musical, cultural, or social event conducted in an indoor or outdoor site or facility that is of a duration of more than one month out of any 12-month period, and attracts 250 or more people in any one day. For the purposes of this section, each week during which the temporary festival operates for two or more days shall be considered a full week.

(2) The temporary festivals are allowed, subject to a conditional use permit, unless otherwise regulated by the requirements and provisions of Chapter 8.20 JCC, Assemblies.

(3) Temporary festivals are subject to the following regulations:

(a) Those regulations specified above for temporary outdoor events;

(b) Operators of temporary festivals shall submit a part of the application for conditional use permit written plans of operation describing those means and methods to be employed to minimize impacts to neighboring parcels resulting from the temporary festival, including traffic, litter, trespass, vandalism, property damage, and sanitation.

(c) The provisions of Chapter 8.20 JCC, Assemblies, where applicable.

(4) Violations. In addition to any other remedy provided by this chapter, at any time when such temporary festival is operated in violation of required conditions of this section or a conditional use permit, or otherwise found to constitute a nuisance, the county may revoke the conditional use permit. The permittee shall be given notice of and an opportunity to contest the revocation prior to a final determination. If, in the opinion of the administrator, the violation poses a life, health or safety threat, the use permit may be revoked immediately, and the permittee shall be given the opportunity to request consideration and/or appeal.

(5) Where any provision of this section on temporary festivals, is in conflict with Chapter 8.20 JCC, Assemblies, the provisions of Chapter 8.20 JCC shall control. [Ord. 11-00 § 4.39]

18.20.400 Utility developments, minor.

(1) Minor Utility Development. Minor utility developments include utility developments designed to serve a small local community, are not manned and would be considered normal utility services for the area, including but not limited to:

- (a) Electrical generating facilities less than 10 megawatts in output;
 - (b) Electrical distribution and transmission lines less than 115 kV;
 - (c) Electrical substations;
 - (d) Water and sewer pipelines;
 - (e) Pipelines for petroleum or petroleum products with an inside diameter less than six inches or less than five miles in length;
 - (f) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter less than 12 inches or less than five miles in length.
 - (2) The following standards apply to all minor utility developments:
 - (a) Utility developments shall comply with the goals and policies of the Comprehensive Plan and the requirements of the Shoreline Master Program;
 - (b) New utility distribution lines shall be placed underground wherever reasonable and practical. Undergrounding of existing lines in the course of routine maintenance and replacement is encouraged where practicable, particularly where such undergrounding would enhance recognized scenic and open space areas and resources;
 - (c) Environmental impacts resulting from installation or maintenance of utilities and utility facilities shall be avoided or minimized. Where no feasible alternative to the impact exists, and mitigation is not feasible, appropriate compensating measures should be developed;
 - (d) Utilities and transportation facilities shall be installed in the same rights-of-way when the effect will be to reduce the adverse impacts on the physical environment;
 - (e) Extension of community sewerage lines outside of existing areas shall be allowed only if:
 - (i) The extension is demonstrated to be necessary to remedy existing or potential groundwater contamination problems or to correct existing or impending health hazards, as determined by the county health official; or
 - (ii) The extension is to provide sewage collection and treatment service to a public elementary or secondary school;
 - (f) Routine maintenance and replacement of wired utility transmission and distribution lines and poles within existing rights-of-way, where environmentally sensitive areas are not present and where exempt from SEPA and Shoreline Master Program review, are authorized without further permit application and development approval; provided, that such construction and activities shall comply with applicable performance and development standards of this code; and
 - (g) It shall be the affirmative duty of the applicant who proposes a minor utility development to determine if any state or federal permits or licenses are necessary and then to obtain those permits or licenses at their own expense. [Ord. 11-00 § 4.40]
- 18.20.410 Utility developments, major.
- (1) Major Utility Developments. Major utility developments include utility development designed to serve a broader community or regional area, or are manned, including but not limited to:
 - (a) Electrical generating facilities greater than 10 megawatts in output;
 - (b) Electrical transmission lines exceeding 115 kV;
 - (c) Pipelines for petroleum or petroleum products with an inside diameter of six inches or greater and exceeding five miles in length;

- (d) Pipelines for natural gas, synthetic natural gas, or liquid propane gas with an inside diameter of 12 inches or greater and exceeding five miles in length;
- (e) Other similar utility or energy facilities not meeting the definition of a minor utility development.

(2) The following standards apply to all major utility developments:

- (a) The need for the particular location proposed shall be demonstrated by the applicant to the satisfaction of the approval authority, including a full accounting of alternative locations and sites;
- (b) The physical and economic impacts of such facilities shall be evaluated, and measures to mitigate these impacts provided;
- (c) Development shall comply with the requirements of JCC 18.20.220, Industrial uses – Standards for site development; and
- (d) It shall be the affirmative duty of the applicant who proposes a major utility development to determine if any state or federal permits or licenses are necessary and then to obtain those permits or licenses at their own expense. [Ord. 11-00 § 4.41]

18.20.420 Veterinary clinics or hospitals.

Veterinary clinics or hospitals are subject to the following standards:

- (1) Current construction, maintenance and operation standards of the American Animal Hospital Association shall apply at all times;
- (2) Boarding and grooming of animals, other than that incidental to medical and surgical care, shall be allowed subject to meeting the provisions for commercial animal kennels, catteries and shelters in JCC 18.20.060; and
- (3) Development shall comply with the requirements of JCC 18.20.220, Industrial uses – Standards for site development; including requirements for off-street parking, visual screening, and landscaping. [Ord. 11-00 § 4.42]

