
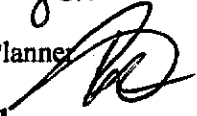


**JEFFERSON COUNTY
BOARD OF COUNTY COMMISSIONERS**

AGENDA REQUEST

TO: Board of County Commissioners (BoCC)
Philip Morley, County Administrator

THROUGH: Al Scaff, Director of Community Development
Stacie Hoskins, Planning Manager 

FROM: David Wayne Johnson, Associate Planner 

DATE: Agenda request for **March 21, 2011**

SUBJECT: Request for BoCC determination on acceptance of a Planning Commission (PC)
Recommendation for MLA08-00257 – A Jefferson County Planning Agency initiated
UDC Text Amendment for Sexually Oriented Businesses (SOBs)

STATEMENT OF ISSUE: The Planning Commission hereby presents their recommendation dated February 2, 2011, regarding Sexually Oriented Business regulations for the Board's consideration and possible acceptance.

BACKGROUND: The Planning Agency and Board of County Commissioners have determined a need for Adult (Sexually Oriented) Business regulations. On February 16, 2005, the Planning Commission unanimously agreed to request the Board of County Commissioners pass moratoria prohibiting the issuance of permits and approvals pertaining to adult businesses until the appropriate planning could be conducted and regulations could be adopted. On March 14, 2005 the BoCC passed the first of seven such moratoria pursuant to RCW 36.70A.390. The PC subcommittee prepared a report and draft adult business ordinance language to further the progress on ultimate adoption of development regulations addressing adult businesses. DCD Staff completed a Staff Report incorporating the PC Report with suggested UDC amended text, and presented it to the PC on April 21, 2010. The Planning Commission held a public hearing on the proposed amendment on Wednesday, May 19, 2010, deliberated and voted on the issue June 2, 2010. Their findings, conclusions and recommendation to *approve* the suggested amendment MLA08-00257, including creation of new Chapter 5.10 to license Sexually Oriented Business, is outlined in the *Planning Commission Recommendation for MLA08-00257* dated June 2, 2010 and signed June 17, 2010. Staff presented the PC recommendation to the BoCC on June 28, 2010 and at that time, instructed staff to do more research on the issue of licensing. On November 8, 2010, Staff presented findings on the BoCC request for more information, requested an additional moratorium, and that the recommendation be remanded back to the PC for further review and possible revision. The BoCC approved both requests.

ANALYSIS: At the PC meeting of February 2, 2011, the issue was reviewed, debated and resulted in a vote to revise the recommendation. Their findings, conclusions and recommendation to *approve* the

suggested amendment MLA08-00257, deleting the creation of new Chapter 5.10 to license Sexually Oriented Business, is outlined in the attached *Planning Commission Recommendation for MLA08-00257* dated February 2, 2011 and signed March 2, 2011.

ALTERNATIVES: The BoCC may accept the Planning Commission's recommendation to approve MLA08-00257 as indicated, or they may decide to not accept the recommendation and hold a public hearing before making a final decision to either approve, approve with conditions or deny the amendment.

FISCAL IMPACT/COST BENEFIT ANALYSIS: Should the BoCC adopt the Planning Commission Recommendation, a Conditional "C" Use permit review and approval would be required for the siting of SOBs, with the associated fees collected.

RECOMMENDATION: Staff recommends the BoCC accept the revised PC recommendation of February 2, 2011 as presented and instruct staff to draft the appropriate ordinance to enact the new regulations.

REVIEWED BY:

 3/16/11
Philip Morley, County Administrator



**JEFFERSON COUNTY
PLANNING COMMISSION**

621 Sheridan Street
Port Townsend, WA 98368
(360) 379-4450

**Planning Commission Recommendation for MLA08-00257
UDC Text Amendment
For
Sexually Oriented Businesses:**

Revised Recommendation with Findings and Conclusions

To: Board of County Commissioners, Chair John Austin;
Department of Community Development, Director Al Scalf; and
Interested public of Jefferson County

Date: February 2, 2011

Attached: 1) Guidance to Create Findings for MLA08-00257 – Sexually Oriented Businesses (SOBs)
2) Proposed Text for JCC Chapter 18.10 Definitions
3) Proposed Text for JCC Chapter 18.15 Allowed and Prohibited Uses
4) Proposed Text for JCC Chapter 18.20 Performance Standards
5) Proposed Text for JCC Chapter 18.18 Irondale/Port Hadlock Allowed and Prohibited Uses

The Planning Commission is pleased to submit our *UDC Text Amendment* recommendation to the Board of County Commissioners for review. The Planning Commission has worked diligently to review and deliberate the application for an amendment to the Unified Development Code (UDC) Chapters 18.10 Definitions, 18.15 Allowed and Prohibited Uses, 18.20 Performance Standards, 18.18 Irondale/Port Hadlock Allowed and Prohibited Uses in an effort to provide guidance to the Board on this effort to amend the UDC.

We recognize the hard work of DCD Staff in preparing the application and the Staff Report, and we support their proposal for amendments to the Unified Development Code. In an earlier version of this recommendation dated June 2, 2010, The Planning Commission also recommended creation of a new section to JCC Title 5 Licenses, Regulations and Taxes, to be titled Chapter 5.10 Licensing and Operation of Sexually Oriented Business Facilities. The creation of Chapter 5.10 was meant to complement the UDC amendments by requiring a license for operation of, and employment at Sexually Oriented Businesses. The Planning

Commission has reconsidered that recommendation as being problematic in light of the fact that Jefferson County does not currently issued business licenses. Therefore, the Planning Commission would encourage the Board of County Commissioners to revisit the business license provisions at such time as a uniform business license requirement is established, or when a Sexually Oriented Business is established within Jefferson County.

In preparing our recommendation, we have considered the growth management indicators and other general guidance on required findings, and therefore do hereby declare the following findings and conclusions in support of our decision:

A. Required findings as per Jefferson County Code (JCC) Title 18.45.080(1)(b)(i-iii):

1. The circumstances related to the proposed amendment and/or the area in which it is located have substantially changed since the adoption of the Jefferson County Comprehensive Plan. For example, the Planning Commission initiated an investigation in 2005 and requested a moratorium on SOBs until UDC regulations could be fully researched and adopted.
2. The assumptions upon which the Jefferson County Comprehensive Plan is based are still valid, however, consideration of assumptions that lead to the adoption of the Comp Plan are not applicable to this proposal since it is for amendment of the development code and not the Comp Plan.
3. The proposed amendment reflects current, widely held values of the residents of Jefferson County. For example, the City of Port Townsend has similar regulations.

B. Additional required findings as per Jefferson County Code (JCC) Title 18.45.080(1)(c)(i-viii):

1. The proposed site-specific amendment meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
2. The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson County Comprehensive Plan. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
3. The proposed site-specific amendment will not result in probable significant adverse impacts that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities. Does not apply since this is not a site-specific amendment, but an amendment to the development code.

4. The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including planned surrounding land uses. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
5. The proposed site-specific amendment will not create a pressure to change the land use designation of other properties, unless the change is in the long-term best interests of the county as a whole. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
6. The proposed site-specific amendment does not materially affect the land use and population growth projections that are the basis of the Comprehensive Plan. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
7. Within an Urban Growth Area, the proposed site-specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA. N/A. Does not apply since this is not a site-specific amendment, but an amendment to the development code.
8. The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the County-Wide planning Policies for Jefferson County, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws. Yes, the amendment is consistent with all of the above.

C. Inquiry to the growth management indicators as per Jefferson County Code (JCC) Title

18.45.050(4)(b)(i-vii):

1. Growth and development as envisioned in the Comprehensive Plan is occurring slower than anticipated due to economic conditions.
2. The capacity of the county to provide adequate services has diminished due to a decrease in tax revenue.
3. There is sufficient urban land, as designated and zoned to meet projected demand and need. Does not apply since this is not a Comp Plan amendment, but an amendment to the development code. Anticipated need is not likely to be more than currently designated for commercial use.
4. Are any assumptions upon which the Comprehensive Plan is based no longer found to be valid? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.
5. Are there changes in county-wide attitudes which necessitate amendments to the goals of the Comprehensive Plan and the basic values embodied within the Comprehensive Plan Vision Statement? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.

6. Are there changes in circumstances which dictate a need for amendment to the Comprehensive Plan? Does not apply since this is not a Comp Plan amendment, but an amendment to the development code.
7. There are no inconsistencies between the Comprehensive Plan and the GMA or the Comprehensive Plan and the Countywide Planning Policies for Jefferson County.

D. The Record

In addition to the guidance provided by GMA, the Countywide Planning Policies, the Jefferson County Code, and the Comprehensive Plan, the Planning Commission finds:

1. The record also contains evidence with respect the Planning Commission's Committee Report on "Secondary Effects Study of Sexually Oriented Businesses."
2. Assertions in the record can be confirmed by information from other sources, namely similar jurisdictions with similar regulations.
3. This *2011 UDC Text Amendment* recommendation is based on the record.
4. This *2011 UDC Text Amendment* recommendation satisfies legal criteria.
5. This *2011UDC Text Amendment* recommendation is specific to the application to amend the UDC Chapters 18.10 Definitions, 18.15 Allowed and Prohibited Uses, 15.20 Performance Standards, 18.18 Irondale/Port Hadlock Allowed and Prohibited Uses (MLA08-00257).
6. This *2011 UDC Text Amendment* recommendation removes proposed code for creation of new JCC Chapter 5.10 Licensing and Operation of Sexually Oriented Business Facilities, originally proposed in the June 2, 2010 recommendation.

E. Additional Findings and Conclusions

There are no additional findings of fact or conclusions of law pertinent to this decision.

We recognize that our recommendation will be reviewed and considered by the Board of County Commissioners, who will then take formal action to either approve, approve with conditions, or deny this UDC Text Amendment MLA08-00257.

On February 2, 2010, The Jefferson County Planning Commission voted 6 to approve, and 1 to deny, MLA08-00257 and recommend that the BoCC approve the Planning Agency's request to amend the UDC proposed under MLA08-00257 as indicated in attachments 2 – 5, suggested text.

 Peter Downey, Planning Commission Chair

Peter Downey, Planning Commission Chair

 2 MARCH 2011

Date



**JEFFERSON COUNTY
DEPARTMENT OF COMMUNITY DEVELOPMENT**

621 Sheridan Street, Port Townsend, WA 98368
(360) 379-4450

Guidance to Create Findings for MLA08-00257

UDC Text Amendment

For

Sexually Oriented Businesses

Proposed Amendment to:

Jefferson County

Unified Development Code, Title 18

June 2, 2010

&

February 2, 2011

'HOW TO DECIDE' Supplement for Planning Commission
For MLA08-00257: SOB Text Amendment

1. Make a motion, second, discussion?

Recommendation (one of the following):

- 1) Approve X (five in favor – June 2, 2010)(five in favor, one opposed – February 2, 2010)
- 2) Deny
- 3) Approve with conditions or modifications

PC Motion: Amend the code as indicated

2. Deliberations—discussion of proposal and entering findings & conclusions

"For all proposed amendments, the planning commission shall develop findings and conclusions and a recommendation which consider the growth management indicators set forth in JCC 18.45.050 (4)(b)(i) through (4)(b)(vii), as well as the following:"

[NOTE: text from JCC 18.45.080 (1)(b). The indicators mentioned in .050 will be introduced and addressed later in this worksheet.]

a) Required findings; adapted from JCC 18.45.080 (1)(b)(i-iii) :

- (i) Have circumstances related to the proposed amendment and/or the area in which it is located substantially changed since the adoption of the Jefferson County Comprehensive Plan? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, The Planning Commission in 2005 voted to investigate the issue and requested a moratorium of SOBs.

(ii) Are the assumptions upon which the Jefferson County Comprehensive Plan is based no longer valid; or is new information available which was not considered during the adoption process or any annual amendments of the Jefferson County Comprehensive Plan? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, see above

(iii) Does the proposed amendment reflect current, widely held values of the residents of Jefferson County? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, since these regulations are consistent with the City.

"In addition to the required findings set for in [the subsection above], in order to recommend approval of a formal site-specific proposal to amend the comprehensive Plan, the planning commission must also make the following findings:"

[NOTE: JCC 18.45.080 (4)(c)(i) through (4)(c)(viii)]

b) Additional required findings, adapted from JCC 18.45.080 (4)(c)(i) through (4)(c)(viii)

(i) The proposed site-specific amendment meets concurrency requirements for transportation and does not adversely affect adopted level of service standards for other public facilities and services. *[Answer 'yes', 'no', or 'not applicable' and describe why]*

PC Response: N/A – not site specific.

(ii) The proposed site-specific amendment is consistent with the goals, policies and implementation strategies of the various elements of the Jefferson

County Comprehensive Plan. *[Answer 'yes', 'no', or 'not applicable' and describe why]*

PC Response: N/A

(iii) The proposed site-specific amendment will not result in probable significant adverse impacts that cannot be mitigated, and will not place uncompensated burdens upon existing or planned service capabilities. *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

(iv) The subject parcels are physically suitable for the requested land use designation and the anticipated land use development, including planned surrounding land uses. *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

(v) The proposed site-specific amendment will not create a pressure to change in the land use designation of other properties, unless the change is in the long-term best interests of the county as a whole. *[Answer 'yes', 'no', or 'not applicable' and describe why]*

PC Response: N/A

(vi) The proposed site-specific amendment does not materially affect the land use and population growth projections that are the bases of the Comprehensive Plan. *[Answer 'yes', 'no', or 'not applicable' and describe why]*

PC Response: N/A

(vii) Within an Urban Growth Area, the proposed site-specific amendment does not materially affect the adequacy or availability of urban facilities and services to the immediate area and the overall UGA. *[Answer 'yes', 'no', or 'not applicable' and describe why]*

PC Response: N/A

(viii) The proposed amendment is consistent with the Growth Management Act (Chapter 36.70A RCW), the County-Wide planning Policies for Jefferson County, any other applicable inter-jurisdictional policies or agreements, and any other local, state or federal laws. *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, Federal and local law.

c) JCC 18.45.050(4)(b)(i) through (4)(b)(vii)

Inquiry into the Growth Management Indicators:

i) Is growth and development as envisioned in the Comprehensive Plan occurring faster or slower than anticipated, or is it failing to materialize? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, slower than anticipated.

ii) Has the capacity of the county to provide adequate services diminished or increased? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, diminished

iii) Is there sufficient urban land, as designated and zoned to meet projected demand and need? *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

iv) Are any of the assumptions upon which the plan is based no longer found to be valid? *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

v) Are there changes in the county-wide attitudes? Do they necessitate amendments to the goals of the Comprehensive Plan and the basic values embodied within the Comprehensive Plan Vision Statement? *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

vi) Are there changes in circumstances which dictate a need for amendment to the Comprehensive Plan? *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

vii) Do inconsistencies exist between the Comprehensive Plan and the GMA or the Comprehensive Plan and the Countywide Planning Policies for Jefferson County? *[Answer 'yes' or 'no' and describe why]*

PC Response: N/A

d) The Record

- 1) In addition to the guidance provided by GMA, the County-Wide Planning Policies, the Jefferson County Code, and the Comprehensive Plan, what else is in the record with respect to this proposal? *[Answer 'yes' or 'no' and describe why]*

PC Response: PC SOB Committee Report (attachment 1 of Staff Report)

- 2) Can assertions in the record be confirmed by information from other sources? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes, from other codes

- 3) Is the decision we are about to make based on the record? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes

- 4) Does the decision we are about to make, as far as we know, satisfy legal criteria? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes

- 5) Is the decision we are about to make limited to the specific request at hand? *[Answer 'yes' or 'no' and describe why]*

PC Response: Yes

Are there any additional findings of fact or conclusions of law pertinent to this decision?

PC Response: No

3. Repeat motion and vote (one of the following):

- a. In favor – Yea (five to zero – June 2, 2010)(five in favor – February 2, 2011)
- b. Opposed – Nay (one opposed – February 2, 2011)
- c. Abstain - I

18.10.190 S definitions.

"Sale" means the conveyance for consideration of legal or beneficial ownership.

"Salt water intrusion" means the underground flow of salt water into wells and aquifers.

"Screening" means a method of visually shielding or obscuring a structure or use from view by fencing, walls, trees, or densely planted vegetation.

"Seaward" means to or toward the sea.

Seawater Intrusion. (See "Salt water intrusion.")

"Seawater intrusion protection zone (SIPZ)" means aquifers and land overlying aquifers with some degree of vulnerability to seawater intrusion.

"Sedimentation" means the process by which material is transported and deposited by water or wind.

"Seismic hazard areas" means areas subject to severe risk of damage as a result of earthquake-induced ground shaking, slope failure, settlement, or soil liquefaction.

"Sensitive areas" associated with JCC 18.20.345 Sexually Oriented Businesses included: Schools, Day Care Facilities, Libraries, Off-road public trails & paths, Public indoor recreational facilities, Hospitals, Parks & Playgrounds, Places of worship (ie, churches), Community Centers, Senior Citizen Centers, Cemeteries, Residential neighborhoods, Master Planned Resorts.

"Sensitive species" means species that could become threatened as classified by the State of Washington Department of Fish and Wildlife, Nongame Program, and the Department of Natural Resources, Washington Natural Heritage Plan.

"Service area" means a geographic area defined by a county or intergovernmental agreement in which a defined set of public facilities provides service to development within the area (e.g., an area identified by a public water system that includes the ability to provide a water tap).

"Setback" means the distance a structure is placed behind a specified line or topographic feature.

"Sewerage treatment facilities" means the management, storage, collection, transportation, treatment, utilization, and processing of sewage from a municipal or community sewage treatment plant, not including community drain fields.

"Sexually Oriented Business" means 1. Any exhibition, performance or dance conducted in an Sexually Oriented Business facility where such exhibition, performance or dance is distinguished or characterized by a predominant emphasis on matters depicting, describing, or simulating any specified sexual activities or any specified anatomical areas; or

2. Any exhibition, performance or dance intended to sexually stimulate any patron and conducted in a Sexually Oriented Business facility where such exhibition, performance or dance is performed for, arranged with, or engaged in with fewer than all patrons in the Sexually Oriented Business facility at that time, with separate consideration paid, either directly or indirectly, for such performance, exhibition or dance. For purposes of example and not limitation, such exhibitions, performances or dances are commonly referred to as table dancing, couch dancing, taxi dancing, lap dancing, private dancing or straddle dancing.

3. Sexually Oriented Retail Store meaning an enclosed building, or any portion thereof which, for money or any other form of consideration, devotes a significant or substantial portion of stock in trade to the sale, exchange, rental, loan, trade, transfer or viewing of sexually oriented materials. For purposes of this definition, a retail store devotes a significant or substantial portion of its stock in trade to sexually oriented materials if the sale, exchange, rental, loan, trade, transfer or viewing of such sexually oriented materials is clearly material to the economic viability of the business. It is rebuttably presumed that such sexually oriented materials are clearly material to the viability of the business if sexually oriented materials accounts for:

1. Twenty-five percent or more of the retail dollar value of gross sales over any quarterly period;

2. Twenty-five percent or more of the floor area of the store open to the public;

3. Twenty-five percent or more of the retail dollar value of all merchandise displayed in the store;

4. Twenty-five percent or more of the store's inventory (whether measured by retail dollar value or number of items); or

5. Twenty-five percent or more of the store's stock in trade.

In no event shall a retailer whose transactions only incidentally or marginally relate to sexually oriented materials be considered a sexually oriented retail store.

ATTACHMENT 2

4. Also see JCC 5.10.030 for a more complete list of definitions (contingent upon adoption of Chapter 5.10)

"Shooting range" means a facility specifically designed and used for safe shooting practice with firearms and/or for archery practice, with individual or group firing positions for specific weaponry.

"Shoreline Management Act" means the Shoreline Management Act of 1971 (Chapter 90.58 RCW), as amended.

"Shoreline Master Program (SMP)" means the Jefferson County Shoreline Master Program.

ATTACHMENT 3

Residential care facilities with 6 to 20 persons	No	No	C	C	C	Yes	No	No	No	No	No	No	No	No	No	See Chapter 18.18 JCC
Nursing/convalescent/assisted living facilities	No	No	C	C	C	Yes	No	Yes	Yes	No	No	No	No	No	No	
Unnamed residential uses	No	No	D	D	D	D	No	D	D	No	No	No	No	No	No	
Accessory Uses																
Home businesses	Yes	Yes	Yes	Yes	Yes	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	
Cottage industry	C(a)	C(a)	C(d)	C(d)	C(d)	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	
Hobby kennel	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	No	No	No	No	
Commercial Uses																
Animal commercial kennels and catteries	See JCC 18.20.030	C(d)	C(d)	C(d)	C(d)	C(d)	No	No	C(d)	No	No	No	No	No	No	
Automotive service and repair	No	No	No	No	No	Yes	No	Yes	Yes	No	Yes	Yes	Yes	No	No	
Automotive service and repair (with subordinate auto sales)	No	No	No	No	No	Yes	No	No	Yes	No	No	No	No	No	No	
Bed and breakfast inn (4 to 6 rooms)	Yes	No	C(a)	C(a)	C(a)	Yes	No	Yes	Yes	No	No	No	No	No	No	
Bed and breakfast residence (1 to 3 rooms)	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes	No	No	No	No	No	No	
Boat storage, commercial (outside of SMP)	No	No	No	No	No	Yes	No	No	Yes	No	Yes	Yes	Yes	No	No	
Boat building and repair, commercial	No	No	No	No	No	C	No	No	No	No	Yes	Yes	Yes	Yes	No	
Clinics (medical, dental, and vision)	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No	
Convenience and video stores	No	No	No	No	No	Yes	Yes	Yes	Yes	No	No	No	No	No	No	
Day care, commercial	C	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No	
Drinking establishment	No	No	No	No	No	Yes	No	Yes	Yes	No	No	No	No	No	No	
Eating establishment	No	No	No	No	No	Yes	Yes	Yes	Yes	No	C	No	No	No	No	

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. 8-06 § 1]

18.20.345 Sexually Oriented Businesses (also see JCC 5.10)

- (1) Sexually Oriented businesses (SOB) shall be located at least 1,000 feet from any sensitive site (see JCC 18.10.190 for definitions).
- (2) SOB with live performances must be located 1,000 feet from the property line of
 - (a) any business selling alcoholic drinks
 - (b) any other SOB
- (3) Shall meet standards under JCC 18.20.140 Commercial uses – Standards for site development

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.

Table 3A-1 Allowable and Prohibited Uses	Irontdale and Port Hadlock Urban Growth Area (UGA) Zoning Districts						
	Commercial		Residential			Industrial	Public
	Urban Commercial	Visitor-Oriented Commercial	Urban Low Density Residential	Urban Moderate Density Residential	Urban High Density Residential	Urban Light Industrial	Public
Specific Land Use	UC	VOC	ULDR	UMDR	UHDR	ULI	P
Commercial Uses							
Entertainment facility, indoor	Yes	Yes	No	No	No	No	Yes
Entertainment facility, outdoor	Yes	Yes	No	No	No	No	Yes
Grocery store	Yes	Yes	No	No	No	No	No
Gift shop	Yes	Yes	No	No	No	No	No
Liquor store	Yes	Yes	No	No	No	No	No
Lodging facilities (incl. motel/hotel) ³	Yes	Yes	No	No	No	No	No
Lumber yard	Yes	No	No	No	No	No	No
Mini-storage facilities	No	No	No	No	No	No	No
Personal and professional services	Yes	Yes	No	No	No	Yes	No
Retail sales and services	Yes	Yes	No	No	No	No	No
Sexually Oriented Business ⁴	<u>C</u>	<u>C</u>	<u>No</u>	<u>No</u>	<u>No</u>	<u>C</u>	<u>No</u>
Unnamed commercial uses	D	D	No	No	No	No	No

1 Home businesses and cottage industries are allowed in existing residential structures within commercial and visitor-oriented commercial zones.
 2 Maximum building size of 800 square feet.
 3 Hotel/motel rooms are not dwelling units and shall not be subject to residential density requirement.
 4 See JCC 18.20.345 for performance standards