

ORDINANCE NO. 11 - 2020

**ORDINANCE REGULATING MARIJUANA PRODUCTION AND PROCESSING  
FACILITIES; AMENDING SJCC 18.20.130, 18.30.030, 18.30.040, 18.30.460; AND  
ADDING NEW SECTIONS**

**BACKGROUND**

- A. In 2012, the voters of the State of Washington passed Initiative 502 (I-502), amending Chapter 69.50 RCW and legalizing recreational marijuana in Washington State.
- B. San Juan County Code (SJCC) does not specifically regulate the siting of licensed marijuana production and processing operations.
- C. Although the State of Washington does not consider marijuana an agricultural crop, the County considers marijuana production a land use similar to agriculture and regulates marijuana growing the same as agriculture.
- D. The County allows marijuana processing in commercial and industrial land use designations and retail sales of marijuana in land use designations that allow retail sales.
- E. Licensed marijuana production and processing operations could have significant impacts on the community.
- F. The lack of specific marijuana production and processing regulations may result in land use conflicts, adverse impacts to rural character, natural resources and the public welfare.
- G. The County Council identified a need to adopt specific regulations to address impacts from marijuana production and processing operations that might affect property values, security, lighting, odors, water use, conversion of prime farmland to other uses, neighborhood compatibility, rural character and the tourism sector of the economy.
- H. The County Council specifically desires to:
1. Adopt specific definitions of marijuana production and processing in the Unified Development Code (UDC), Title 18 SJCC.
  2. Regulate marijuana production and processing as a specific use in the UDC.
  3. Establish performance and siting standards to address potential adverse impacts to the environment, natural resource lands, public safety, rural character and neighborhood compatibility.

- 1 **I.** The County Council provided direction on the development of marijuana production and  
2 processing regulations at their January 31, 2020 retreat.  
3
- 4 **J.** County staff briefed the County Council and Planning Commission about the draft proposal  
5 on March 17, and 20, 2020.  
6
- 7 **K.** County staff completed the environmental and nonproject action checklists for the project  
8 in compliance with the State Environmental Policy Act (SEPA) and determined that the  
9 proposal would be unlikely to create significant adverse environmental impacts.  
10
- 11 **L.** County staff issued a Determination of Non-significance (DNS) on April 1, 2020 and  
12 published it in the Journal of the San Juan Islands and The Island's Sounder. County staff  
13 transmitted the environmental checklist and DNS to federal, state and local agencies in  
14 accordance with SJCC 18.80.050 and WAC 197-11-340.  
15
- 16 **M.** The Washington State Department of Ecology published notice of the SEPA determination  
17 on their SEPA Register under No. 202001780.  
18
- 19 **N.** County staff submitted a sixty-day notice regarding the potential adoption of amendments  
20 to the County's development regulations to the Washington State Department of  
21 Commerce (Commerce) on March 31, 2020 in compliance with RCW 36.70A.106.  
22
- 23 **O.** Commerce acknowledged receipt of the sixty-day notice and identified it as Submittal ID  
24 No. 2020-S-1326 on March 31, 2020.  
25
- 26 **P.** A July 17, 2020 Planning Commission public hearing was advertised in the Journal of the  
27 San Juan Islands and The Island's Sounder on July 1, 2020.  
28
- 29 **Q.** The Planning Commission held a duly advertised public hearing on July 17, 2020,  
30 deliberated and recommended that the County Council should adopt the ordinance with  
31 modifications.  
32
- 33 **R.** County staff briefed the County Council on the Planning Commission's recommendation  
34 regarding the proposal on July 21, 2020.  
35
- 36 **S.** An August 25, 2020 County Council public hearing was advertised in the Journal of the  
37 San Juan islands and the Island's Sounder on July 29, 2020.  
38
- 39 **T.** The County Council was briefed on the Planning Commission's recommendation on  
40 August 11, 2020.  
41
- 42 **U.** The County Council held a duly advertised public hearing on August 25, 2020, and  
43 received public testimony.  
44
- 45 **V.** The County Council deliberated on the ordinance and made the following findings:  
46

- 1 1. It is appropriate to establish specific regulations for marijuana production and  
2 processing operations.  
3  
4 2. It is appropriate to establish specific siting and performance standards for marijuana  
5 production and processing operations to ensure that the County addresses potential land  
6 use compatibility issues and minimizes adverse impacts to rural character, natural  
7 resources and the public welfare.  
8

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

12 **Section 1. SJCC 18.20.130 and Ordinance 11-2019 §7 are each amended to read**  
13 **as follows:**  
14

15 **18.20.130 “M” definitions.**  
16

17 “Maintenance agreement” means a written agreement between parties to physically maintain a  
18 facility for common use in a manner which conforms to standards of adequacy specified in such  
19 an agreement.  
20

21 “Maintenance and Repair, Normal.”  
22

- 23 1. “Normal maintenance” includes those acts to prevent a decline, lapse, or cessation from  
24 a lawfully established condition.  
25  
26 2. “Normal repair” means to restore a development to a state comparable to its original  
27 condition within a reasonable period after decay or partial destruction.  
28

29 Normal maintenance and repair do not include maintenance and repair that cause substantial  
30 adverse effects to shoreline resources or environment (WAC 173-27-040).  
31

32 “Manufacturing” means the mechanical or chemical transformation of materials or substances  
33 into new products, including the assembling of component parts, the creation of products, and  
34 the blending of materials, such as lubricating oils, plastics, resins, or liquors.  
35

36 “Marijuana” or “marihuana” means all parts of the plant Cannabis, whether growing or not, with a  
37 THC concentration greater than 0.3 percent on a dry weight basis; the seeds thereof; the resin  
38 extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture,  
39 or preparation of the plant, its seeds or resin. Marijuana is not an agricultural product. The term  
40 does not include:  
41

- 42 (1) The mature stalks of the plant, fiber produced from the stalks, oil or cake made from the  
43 seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation  
44 of the mature stalks (except the resin extracted therefrom), fiber, oil, or cake, or the sterilized  
45 seed of the plant which is incapable of germination; or  
46

(2) Hemp or industrial hemp as defined in RCW 15.140.020, seeds used for licensed hemp production under chapter 15.140 RCW.

"Marijuana processor" means a person licensed by the Washington State Liquor and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana, and marijuana-infused products, package and label marijuana concentrates, useable marijuana, and marijuana-infused products for sale in retail outlets, and sell marijuana concentrates, useable marijuana, and marijuana-infused products at wholesale to marijuana retailers.

"Marijuana producer" means a person licensed by the Washington State Liquor and Cannabis Board to produce and sell marijuana at wholesale to marijuana processors and other marijuana producers.

"Marina" means a facility that provides wet moorage or dry storage, supplies, and services for pleasure craft and some types of commercial craft. Boat-launching facilities may also be provided at a marina.

"Marine railway" means a set of rails running from the upland area into the water upon which a boat can be launched.

"Market value" means value of land or structures as assessed by the San Juan County assessor's office.

"Marsh" means a soft, wet area periodically or continuously flooded to a shallow depth, usually characterized by a particular subclass (monocotyledons) of grasses, cattails, and other low plants.

"Master planned resort" means a self-contained and fully integrated planned unit development in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor accommodations associated with a range of on-site indoor or outdoor recreational facilities.

"Material change" means a measurable change that has significance for existing or proposed development or for the existing environment.

"Mean higher high water" or "MHHW" means the tidal elevation obtained by averaging each day's highest tide at a particular location over a period of 19 years. It is measured from the MLLW equals 0.0 tidal elevation.

"Mean lower low water" or "MLLW" means the 0.0 tidal flat elevation. It is determined by averaging each day's lowest tide at a particular location over a period of 19 years. It is the tidal datum for vertical tidal references in the saltwater area.

"Midden" means an area of ancestral human use that consists of an ancient refuse heap.

"Mine hazard" means an area of potential danger to persons or property due to past or present mineral extraction operations.

1  
2 “Mineral extraction” means the removal of naturally occurring materials from the earth for  
3 economic use. Extraction materials include nonmetallic minerals such as sand, gravel, clay, coal,  
4 and various types of stone.  
5

6 “Mineral resource lands” means those lands from which the commercial extraction of minerals  
7 (sand, gravel, rock, and other valuable aggregate or metallic substances) can be anticipated to have  
8 long-term commercial significance.  
9

10 “Mini-storage” means a structure or structures containing separate, individual, and private storage  
11 spaces of varying sizes leased or rented individually for varying periods of time.  
12

13 “Mitigation” means measures prescribed and implemented to avoid, minimize, lessen, or  
14 compensate for adverse impacts.  
15

16 “Mixed-use development” means a development with one or more mixed-use structures.  
17

18 “Mixed-use structure” means a building containing residential and nonresidential uses.  
19

20 “Mobile food vending unit” means a portable food or drink service vehicle.  
21

22 “Mobile home” means a structure that is (1) designed to be transportable in one or more sections;  
23 (2) built on a permanent chassis; (3) designed to be used as a dwelling unit, with or without  
24 permanent foundation; and (4) connected to the required utilities, including plumbing, heating,  
25 septic, and electrical systems (RCW 43.22.340).  
26

27 “Mobile home park” means a development with two or more improved pads or spaces with  
28 required improvements and utilities designed to accommodate mobile homes, according to  
29 RCW 59.20.030(4).  
30

31 “Monopole” means the type of antenna mount that is self-supporting with a single shaft, typically  
32 of wood, steel or concrete, and is self-supporting without guy wires.  
33

34 “Moorage” means any over-water facility for securing boats, including docks, piers, and mooring  
35 buoys, but excluding anchorage and dry boat storage.

36 “Mooring buoy” means a buoy used for vessel moorage that meets federal and state standards, is  
37 located waterward of the OHWM, and is permanently anchored to the sea or lake bed.  
38

39 “Mooring float” means a standalone float used for vessel moorage that meets federal and state  
40 standards, is located waterward of the OHWM, and is permanently secured to the sea or lake bed.  
41 Motel. See “hotel.”  
42

43 “Motor home” means a motor vehicle originally designed, reconstructed, or permanently altered  
44 to provide facilities for human habitation, which include lodging, cooking, and sewage disposal,  
45 and enclosed within a solid body shell with the vehicle, but excluding a camper or similar unit  
46 constructed separately and affixed to a motor vehicle (RCW 46.04.305).

Section 2. SJCC 18.30.030 and Ordinance 25-2012 §7 are each amended to read as follows:

18.30.030 Land use table – Activity center land use designations.

<p><b>How to Use This Table</b></p> <p>Table 18.30.030 displays the classification of uses for activity center land use designations. The allowability and classification of uses as represented in the tables are further modified by the following:</p> <ul style="list-style-type: none"><li>• The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations but allowable uses may differ substantially between the uplands and shorelines designations. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.</li><li>• All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.</li></ul> <p>Categories of uses:</p> <p>Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.</p> <p>P = Provisional use (a project permit) subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.</p> <p>P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.</p> <p>C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.</p> <p>P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.</p> <p>N = Prohibited use.</p> <p>Basic activity center land use designations:</p> <p>VC = Village Commercial    HC = Hamlet Commercial</p> <p>IC = Island Center    VI = Village Industrial</p>
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HI = Hamlet Industrial    MPR = Master Planned Resort

VR = Village Residential    HR = Hamlet Residential

Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

Also see designations and associated regulations for Eastsound, Olga Hamlet, Orcas Village, Deer Harbor and Country Corner Island Center (LAMIRD).

**Table 18.30.030. Allowable and Prohibited Uses in Activity Center Land Use Designations<sup>(1, 2, 3, 4)</sup>**

Land Uses	Classification of Uses by Land Use Designation							
	Village			Hamlet <sup>15</sup>			Island	Master Planned Resort
	VC	VI	VR	HC	HI	HR	IC	MPR <sup>(5,6)</sup>
<b>Commercial Uses</b>								
Animal shelters and kennels	P	C	N	C	C	N	C	P.A.
Automotive fuel, service, and repair stations	P	P	N	P	P	N	P	P.A.
Bed and breakfast inn	P	N	C	P	N	C	N	P/C
Bed and breakfast residence	P	N	P	P	N	P	P	P
Camping facilities	P	N	N	C	N	N	N	P.A.
Day care with 1 – 6 children	P	P	P	P	P	P	P	P
Day care with 7+ children	P	C	P	P	C	P	P	P/C
Drinking establishment	Y	N	N	Y	N	N	N	P/C
Eating establishment	Y	N	N	Y	N	N	N	P/C
Hotel/Motel	Y	N	N	C	N	N	N	P.A.
Indoor entertainment facility	Y	P/C	N	C	C	N	N	P/C
Nursing homes	P	N	N	N	N	N	N	P.A.
Personal and professional services	Y	N	N	Y	N	N	N	P/C
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P	C <sup>(10)</sup>	P	P	C <sup>(10)</sup>	P	P.A. (P/C where allowed)

Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities camouflaged or disguised as an allowable exemption to the height standard	P	P	C	P	P	C	P	P.A. (P/C where allowed)
Personal wireless service facilities, other	C	C	N	C	C	N	C	P.A. (C where allowed)
Residential care facilities with up to 8 persons	P	N	P	P	N	P	P	P.A.
Residential care facilities with 9 – 15 persons	P	N	C	P	N	C	P	P.A.
Resorts and camps, new	P	N	N	C	N	N	N	See Note 5
<b>Commercial Uses</b>								
Existing resorts and camps, expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	See Note 5
Existing resorts and camps, increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	See Note 5
Retail sales and services	P	P/C	N	P	N	N	P	P/C
Warehouse, mini-storage, and moving storage facilities	N	P	N	N	P/C	N	P	P.A.
Unnamed commercial uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
<b>Industrial Uses</b>								
Bulk fuel storage facilities	N	C	N	N	C	N	P/C	P.A.
Concrete and concrete batch plants	N	C	N	N	N	N	N	P.A.
Construction yards	N	P	N	N	P/C	N	P	P.A.
Feedlots	N	N	N	N	N	N	N	P.A.
Garbage and solid waste transfer stations	N	P	N	N	C	N	P/C	P.A.
Heavy equipment rental services	N	C	N	N	N	N	P	P.A.
Heavy industrial	N	C	N	N	N	N	N	P.A.
Light industrial	N	P	N	N	P/C	N	P/C	P.A.
Light manufacturing	C	P	N	N	P/C	N	P/C	P.A.
Lumber mills, stationary	N	N	N	N	N	N	C	P.A.
<u>Marijuana production and processing, Tiers 1 and 2<sup>13, 14</sup></u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>N</u>	<u>C</u>	<u>N</u>	<u>C</u>	<u>N</u>



Marijuana production and processing, Tier 3	N	N	N	N	N	N	N	N
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Outdoor storage yards	N	P	N	N	P/C	N	P	P.A.
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P.A.
Recycling collection/processing	P/C	P/C	N	P/C	P/C	N	P/C	P.A.
Recycling collection	P	P	P/C	P	P	P/C	P	Y
Resource processing accessory to extraction operations	N	N	N	N	N	N	N	P.A.
Mining and mineral extraction activities	N	C	N	N	N	N	N	P.A.
Wholesale distribution outlet	N	Y	N	N	P/C	N	P/C	P.A.
Wrecking and salvage yards	N	C	N	N	N	N	N	P.A.
Storage and treatment of sewerage, sludge and septage – lagoon systems	N	N	N	N	N	N	N	P.A.
Unnamed industrial uses	P/C	P/C	N	P/C	N	N	P/C	P.A.
Institutional Uses								
College or technical school/adult education facility	P	P/C	N	P/C	P/C	N	N	P.A.
Community club or community organization assembly facility	P	N	P/C	P	N	P/C	N	P/C
Emergency services	Y	P/C	N	Y	Y	N	Y	P/C
Government offices	Y	N	N	N	N	N	N	P.A.
Institutional camps	N	N	N	N	N	N	N	P.A.
Library	Y	N	Y	Y	N	Y	N	P/C
Museum	Y	N	N	Y	N	N	N	P/C
Post office	Y	N	N	Y	N	N	N	P/C
Religious assembly facility	P	C	C	P/C	C	C	P	P.A.
School, primary and secondary	Y	N	C	Y	N	C	Y	P.A.
Unnamed institutional uses	C	C	C	C	C	C	C	P.A.
Recreational Uses								

Camping facilities in public parks	P	N	N	C	N	N	N	P.A.
Indoor recreation facilities	Y	P/C	N	P/C	P/C	N	P/C	P/C
Outdoor recreation developments	P	P/C	C	P/C	P/C	N	P/C	P/C
Parks	P	N	C	P	P	C	P	P/C
Playing fields	P	N	P	P	P	P	P	P/C
Recreational vehicle parks	P/C	P/C	N	P/C	N	N	N	P.A.
Outdoor shooting ranges	N	N	N	N	N	N	N	P.A.
Unnamed recreational uses	C	C	C	C	C	C	C	P.A.
Residential Uses								
Cottage enterprise	P	P	P	P	P	P	P	P.A. <sup>(6)</sup>
Farm worker accommodations	P	N	P	Y	N	P	P	P.A. <sup>(6)</sup>
Farm stay	P	N	P	P	N	P	N	P.A. <sup>(6)</sup>
Home occupation	Y	Y	Y	Y	Y	Y	Y	P.A. <sup>(6)</sup>
Mobile home parks <sup>(7)</sup>	N	N	P	N	N	P	N	P.A. <sup>(6)</sup>
Multifamily residential units (3+ units)	P	P/C	Y	Y	N	Y	N	P.A. <sup>(6)</sup>
Single-family residential (1 unit only) or accessory apartment (1 unit only) accessory to an allowable nonresidential use	Y	Y	Y	Y	Y	Y	Y <sup>(9)</sup>	P.A. <sup>(6)</sup>
Residential Uses								
Single-family residential unit	Y	P/C	Y	Y	Y	Y	N	P.A. <sup>(6)</sup>
Two-family residential (duplex)	Y	P/C	Y	Y	P/C	Y	N	P.A. <sup>(6)</sup>
Rural residential cluster development	N	N	P/C	N	N	P/C	N	N
Unnamed residential uses	C	C	C	C	C	C	N	P.A. <sup>(6)</sup>
Vacation rental of residence or accessory dwelling unit	P	P	C	P	P	C	P	P.A. <sup>(6)</sup>
Transportation Uses								
Airfields	N	C	N	N	N	N	N	P.A.
Airports	N	C	N	N	N	N	N	P.A.

Airstrips	N	N	N	N	N	N	N	P.A.
Hangars	N	P/C	P/C	N	N	N	N	P/C
Helipads	N	N	N	N	N	N	N	P.A.
Ferry terminal	C	C	N	C	C	N	N	P.A.
Parking lots, commercial	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Parking structures	P/C	P/C	N	N	N	N	N	P/C
Streets, public	Y	Y	Y	Y	Y	Y	Y	Y
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	Y
Unnamed transportation uses	P/C	P/C	N	P/C	P/C	N	P/C	P/C
<b>Utilities Uses</b>								
Commercial communication facilities <sup>(10)</sup>	C	C	N	C	C	N	C	P.A. (C where allowed)
Commercial power-generation facilities	C	C	C	C	C	C	C	P.A.
Community sewerage treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Category “A” joint use wireless facility <sup>(12)</sup>	Y	Y	Y	Y	Y	Y	Y	Y
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage – systems other than lagoons	C	C	C	C	C	C	C	P.A.
Utility distribution lines	Y	Y	Y	Y	Y	Y	Y	Y
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
<b>Utilities Uses</b>								
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
<b>Agricultural and Forestry Uses</b>								

Agricultural activities <sup>(11)</sup>	Y	Y	Y <sup>(11)</sup>	Y	Y	Y <sup>(11)</sup>	Y	Y
Forest practices, <sup>(8)</sup> no processing	Y	Y	Y	Y	Y	Y	Y	Y
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	Y
Nurseries	Y	N	N	Y	S	N	Y	P/C
Small-scale slaughterhouses	N	Y	N	N	Y	N	P	P.A.
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	P.A.

Notes:

- All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.
- A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.
- Overlay districts provide policies and regulations in addition to those of the underlying land use designations for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district shall prevail over any conflicting provisions of the UDC.
- Activity center and subarea plans provide alternative and more specific policies and regulations for some areas. In case of conflict, the regulations of the activity center or subarea plan shall prevail.
- Special provisions for uses within master planned resort activity centers are described in SJCC 18.30.060; see also SJCC 18.60.190 and 18.90.060.
- An MPR includes short-term visitor accommodations that are associated with the recreational facilities of the resort. An MPR may also include other permanent residential uses, conference facilities, and commercial activities supporting the resort, but only if these other uses are integrated into and consistent with the on-site recreational nature of the resort. It is incumbent on the master plan or plan amendment proponent to provide the information supportive of such a determination. Also see SJCC 18.30.060, 18.60.190, and 18.90.060.
- This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the allowable uses would be indicated by the row "Single-Family Residential Unit."
- Forest practices (including timber harvesting), except for Class IV General (see SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
- One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.

10. To minimize commercial developments in residential neighborhoods, in lands designated HR and VR, wireless facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure and cannot be the primary land use.

11. Agricultural activities are allowed except for “agricultural processing, retail and visitor serving facilities for products” in VR and HR.

12. Though a project permit is not required, facilities are subject to the requirements for joint use wireless facilities found in Chapter 18.40 SJCC.

13. Marijuana production and processing must be conducted in fully enclosed and secure structures such as a stick built building or an opaque greenhouse with rigid walls, a roof, and doors.

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

Tier 1: Less than two thousand square feet;

Tier 2: Two thousand square feet up to ten thousand square feet; and

Tier 3: Ten thousand square feet up to thirty thousand square feet.

15. Applies to the Deer Harbor Hamlet HI-A and HI-B designations. Marijuana production and processing facilities are prohibited in Olga Hamlet designations.

**Section 3. SJCC 18.30.040 and Ordinance 25-2012 §8 are each amended to read as follows:**

**18.30.040 Land use table – Rural, resource, and special land use designations.**

<p><b>How to Use This Table</b></p> <p>Table 18.30.040 displays the classification of uses for rural, resource, and special land use designations.</p> <p>The allowability and classification of uses as represented in the tables are further modified by the following:</p> <ul style="list-style-type: none"><li>• The location may have a multiple designation; this would be true if the Shoreline Master Program, a subarea plan, or an overlay district applied to the location. Note that designations within the shorelines jurisdiction use some of the same names as the uplands land use designations, but allowable uses may differ substantially between the uplands and shorelines. The Shoreline Master Program (SMP) should be consulted if the location of interest is subject to the SMP jurisdiction. See also notes 1 – 3 to this table.</li><li>• All regulations in this code apply to the uses in these tables. To determine whether a particular use or activity can occur in a particular land use designation and location, all relevant regulations must also be consulted in addition to this table.</li></ul> <p>Categories of uses:</p>
--

Y = Uses allowed outright (i.e., without a project permit), subject to the applicable development standards (Chapter 18.60 SJCC); if a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070.
P = Provisional use (a project permit) subject to administrative consistency review for compliance with Chapter 18.60 SJCC, Development Standards, and Chapter 18.40 SJCC, Performance and Use-Specific Standards; see SJCC 18.80.080.
P/C = After review of SJCC 18.80.090 and Table 8.2, the administrator will determine whether a provisional or conditional use permit will be required.
C = Conditional use, subject to public notice and permit hearing procedure; see SJCC 18.80.100.
P.A. = Plan Amendment. The use requires an amendment to an adopted master plan; see SJCC 18.30.060 and 18.90.060.
N = Prohibited use.
Rural, resource, and special land use designations:
RGU = Rural General Use    RI = Rural Industrial    FOR = Forest Resource Lands
RR = Rural Residential    RC = Rural Commercial    C = Conservancy
RFF = Rural Farm-Forest    AG = Agricultural Resource Lands    N = Natural
Residential Activity Center = Rural Residential, Table 18.30.040 (SJCC 18.30.220(C)(2))

**Table 18.30.040. Allowable and Prohibited Uses in Rural, Resource, and Special Land Use Designation<sup>(1, 2, 3)</sup>**

Land Uses	Classification of Uses by Land Use Designation								
	Rural Designations					Resource Lands		Special Lands <sup>(4)</sup>	
	RGU	RR	RFF	RI	RC	AG	FOR	C	N
<b>Commercial Uses</b>									
Animal shelters and kennels	C	N	C	N	C	N	N	N	N
Automotive fuel, service, and repair stations	C	N	N	P	P	N	N	N	N
Bed and breakfast inn	C	N	C	N	P	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N (C if historic) <sup>(5)</sup>	N
Bed and breakfast residence	P	N	P	N	P	P	P	N (C if historic) <sup>(5)</sup>	N

Camping facilities	C	N	N (C if historic) <sup>(5)</sup>	N	N	N	N	N	N
Day care with 1 – 6 children	P	P	P	P	P	P	P	N	N
Day care with 7+ children	C	C	C	C	P	N	N	N	N
Drinking establishment	N	N	N	N	N	N	N	N	N
Eating establishment	C	N	N	N	C	N	N	N	N
Hotel/Motel	N	N	N	N	N	N	N	N	N
Indoor entertainment facility	C	N	N	N	N	N	N	N	N
Nursing homes	N	N	N	N	N	N	N	N	N
Personal and professional services	P/C	N	N	N	N	N	N	N	N
Personal wireless service facilities, co-located on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P/C <sup>(13)</sup>	P/C <sup>(13)</sup>	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities disguised or camouflaged as an allowable exemption to the height standard	P	P/C	P/C	P	P	P/C	P/C	N (Except Y at Mt. Constitution Sites)	N
Personal wireless service facilities, other	P/C	N	C <sup>(13)</sup>	P/C	P/C	C <sup>(14)</sup>	C	N (P at Mt. Constitution Sites)	N
Residential care facilities with up to 8 persons	P	P	P	N	P	P	P	N	N
Commercial Uses									
Vet clinic	C	N	C	N	P/C	N	N	N	N
Residential care facilities with 9 – 15 persons	P	C	C	N	C	N	N	N	N

Resorts and camps, new	C	N	N (C if historic) <sup>(5)</sup>	N	N (P/C if historic) <sup>(5)</sup>	N	N	N	N
Resorts and camps, existing: expansion of existing uses without increase to scope or scale	P	P	P	P	P	P	P	P	P
Resorts and camps, existing: increase in scope or scale of facilities or services	P/C	P/C	P/C	P/C	P/C	P/C	P/C	N	N
Retail sales and services	C	N	N	N	P	N	N	N	N
Warehouse, mini-storage, and moving storage facilities	C	N	N	N	N	N	N	N	N
Unnamed commercial uses	P/C	N	P/C	P/C	P/C	N	N	N	N
<b>Industrial Uses</b>									
Bulk fuel storage facilities	C	N	N	C	C	N	N	N	N
Commercial composting	P/C	N	N	P/C	P/C	N	P/C	N	N
Concrete and concrete batch plants	C	N	N	C	N	N	N	N	N
Construction yards	C	N	N	P/C	P/C	N	N	N	N
Feedlots	N	N	N	N	N	N	N	N	N
Garbage and solid waste transfer stations	C	N	N	P/C	P/C	N	N	N	N
Heavy equipment rental services	C	N	N	P	P	N	N	N	N
Heavy industrial	C	N	N	C	N	N	N	N	N
Light industrial	C	N	N	P/C	C	N	N	N	N
Light manufacturing	C	N	N	P/C	C	N	N	N	N
Lumber mills, stationary	C	N	P	P	P/C	P/C	P/C	N	N



Marijuana production and processing, Tiers 1 and 2 <sup>15, 16, 18</sup>	<u>C</u>	<u>N</u>	<u>C<sup>17</sup></u>	<u>C</u>	<u>N</u>	<u>C<sup>17</sup></u>	<u>N</u>	<u>N</u>	<u>N</u>
Marijuana production and processing, Tier 3	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>	<u>N</u>
Outdoor storage yards	C	N	N	P	N	N	N	N	N
Reclamation of mineral extraction sites	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Recycling collection/processing	C	N	N <sup>(12)</sup>	C	C	N	N	N	N
Recycling collection	P	N	N	Y	Y	N	N	N	N
Resource processing accessory to extraction operations	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N
Industrial Uses									
Mining and mineral extraction activities	C	N	N	N (C if existing) <sup>(6)</sup>	N	N	N	N	N
Wholesale distribution outlet	C	N	N	N	N	N	N	N	N
Wrecking and salvage yards	C	N	N	P/C	N	N	N	N	N
Storage and treatment of sewerage, sludge and septage – lagoon systems	C	N	N	P	N	N	N	N	N
Unnamed industrial uses	C	N	N	C	N	N	N	N	N
Institutional Uses									
College or technical school/adult education facility	C	N	N	C	C	N	N	N (P/C at UW FHL)	N

Community club or community organization assembly facility	C	C	N	N	P/C	N (P/C at Port Stanley School) <sup>(11)</sup>	N	N	N
Emergency services	Y	C	C	Y	Y	C	C	C	N
Government offices	N	N	N	N	N	N	N	N	N
Institutional camps	N	N	N (P/C if historic) <sup>(5)</sup>	N	N	N	N (P/C if historic) <sup>(5)</sup>	N	N
Library	C	C	N	N	N	N	N	N	N
Museum	C	C	N	N	C	N (C at Port Stanley School) <sup>(11)</sup>	N	N	N
Post office	N	N	N	N	N	N	N	N	N
Religious assembly facility	P/C	P/C	P/C	P/C	P/C	C	C	N	N
School, primary and secondary	C	N	N	N	C	N	N	N	N
Unnamed institutional uses	C	N	N	C	C	N	N	N	N
Recreational Uses									
Camping facilities in public parks	C	N	N	N	N	N	N	C	N
Indoor recreation facilities	C	N	N	N	C	N	N	N	N
Indoor swimming pool	C	N	C	N	C	N	N	N	N
Outdoor recreation developments	C	C	C	C	C	N	N	P/C	C
Parks	C	C	C	C	C	N	C	P/C	C
Playing fields	C	C	C	C	C	N	N	C	N
Recreational Uses									
Recreational vehicle parks	N	N	N	N	N	N	N	N	N
Outdoor shooting ranges	C	N	N	C	N	N	N	N	N
Unnamed recreational uses	C	C	C	C	C	C	C	N	N

Residential Uses									
Cottage enterprise	P	N	P	P	P	P	P	P	N
Farm worker accommodations	P	N	P	P	P	P	P	N	N
Farm stay	P	N	P	N	N	P	P	N	N
Home occupation	Y	Y	Y	Y	Y	Y	Y	Y	Y
Mobile home parks <sup>(7)</sup>	N	N	N	N	N	N	N	N	N
Multifamily residential units (3+ units)	N	N	P/C	N	N	N	N	N	N
Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	P	N	P	P <sup>(9)</sup>	P <sup>(9)</sup>	P	P	N	N
Single-family residential unit	Y	Y	Y	N	N	Y	Y	Y	Y
Two-family residential (duplex)	N	N	Y	N	N	Y	Y	N	N
Rural residential cluster development	N	P/C	P/C	N	N	N	N	N	N
Unnamed residential uses	C	C	C	N	N	C	C	N	N
Vacation rental of residence or accessory dwelling unit	P	C	P	P	P	N	N	N	N
Transportation Uses									
Airfields	C	N	N	N	N	N	N	N	N
Airports	C	N	N	N	N	N	N	N	N
Airstrips	C	N	N	N	N	N	N	N	N
Hangars	P	P	P	N	N	N	N	N	N
Helipads	N	N	N	N	N	N	N	N	N
Ferry terminal	C	N	N	C	C	N	N	N	N

Parking lots, commercial	N	N	N	N	N	N	N	N	N
Parking structures	N	N	N	N	N	N	N	N	N
Streets, public	Y	Y	Y	Y	Y	Y	Y	C	C
Trails and paths, public	Y	Y	Y	Y	Y	Y	Y	C	C
Unnamed transportation uses	P/C	P/C	P/C	P/C	P/C	C	C	C	C
<b>Utilities Uses</b>									
Commercial communication facilities	N	N	N	P	N	N	N	N (C at Mt. Constitution Sites)	N
Commercial power-generation facilities	C	N	N	P/C	P/C	C	C	N	N
Community sewerage treatment facilities	N	N	N	N	N	N	N	N	N
Category “A” joint use wireless facility <sup>(10)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	Y
Category “B” joint use wireless facility	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Storage and treatment of sewerage, sludge and septage systems other than lagoons	C	C	C	C	C	C	C	N	N
Utility distribution lines	P	P	P	P	P	P/C	P/C	P/C	P/C
Utility facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility substations	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Utility transmission lines	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C
Water storage tanks, community	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Water treatment facilities	P/C	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C
Unnamed utility uses	P/C	P/C	P/C	P/C	P/C	P/C	P/C	C	C
<b>Agricultural and Forestry Uses</b>									

Agricultural activities	Y	Y	Y	Y	Y	Y	Y	Y	N
Forest practices, no processing <sup>(8)</sup>	Y	Y	Y	Y	Y	Y	Y	Y	N
Lumber mills, portable	Y	Y	Y	Y	Y	Y	Y	P/C	N
Nurseries	Y	N	Y	Y	Y	Y	Y	N	N
Small-scale slaughterhouses	P	N	P	Y	Y	P	P	N	N
Unnamed agricultural and forestry uses	C	C	C	C	C	C	C	N	N

- Notes:
1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur; cf. the Land Use Element of the Comprehensive Plan. All land uses in all designations must meet the general regulations in SJCC 18.30.050 through 18.30.055 unless otherwise stated therein.
2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and of Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.
3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district shall prevail over any conflicting provisions of the UDC.
4. Special provisions for uses within conservancy and natural land designations are described in SJCC 18.30.070.
5. "Historic": In several isolated cases an existing use that would be made nonconforming by this UDC is considered desirable to allow to continue and possibly to expand. Because this might be difficult or prohibited if the use were to become nonconforming, the use is labeled "historic," and the allowable use designation is indicated. See also the definitions in Chapter 18.20 SJCC.
6. Restriction of mining and mineral extraction and related resource processing in RI shall not preclude consideration of an application for redesignation as a mineral resource lands overlay district. "Existing" means operating at the time of the adoption of this code.
7. This row is to be used solely in the instance where a mobile home park will use additional density allotted to it through a transfer-of-development-rights (TDR) program. Otherwise, a mobile home park must proceed through and meet the requirements of the subdivision regulations of Chapter 18.70 SJCC: for a platted mobile home park the allowable uses would be indicated by the row "Single-Family Residential Unit."
8. Forest practices (including timber harvesting), except for Class IV General (see SJCC 18.40.120 through 18.40.180), are regulated by the Washington Department of Natural Resources.
9. One dwelling unit per parcel is allowed which must be an accessory to a commercial or industrial use and located within or attached and subordinate to the commercial or industrial structure. The unit may not include an accessory dwelling unit in addition to the main residence.

10. Though a project permit is not required, these facilities are subject to the requirements for joint use wireless facilities found in Chapter 18.40 SJCC.
11. The use of the Port Stanley School for artistic, scientific, historic, museum or educational purposes or community gatherings or meetings (as provided by RCW 84.36.060) is allowed by permit.
12. Properties with existing conditional use permits for recycling centers may apply for a new conditional use permit to expand the allowable uses to include recycling collection and/or processing.
13. To minimize commercial developments in residential neighborhoods, in lands designated RR and RFF with lots of less than five acres in size, wireless facilities other than joint use wireless facilities must be permitted by the use table and accessory to a legal conforming or nonconforming structure and cannot be the primary land use.
14. In AG resource designations wireless facilities shall be located, designed and operated so as to minimize interference with agricultural uses and the open, uninterrupted, pastoral views.
15. Marijuana production is allowed in:
- a. Fully enclosed and secure structures such as stick built buildings or opaque greenhouses with rigid walls, a roof and doors,
  - b. Nonrigid translucent greenhouses or other structures, or
  - c. In ground in an area fully enclosed by a physical barrier.
16. The maximum square footage used for marijuana production cannot exceed the amount licensed by the Washington State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and amount of square footage of plant canopy on land use and building permit application plans. The marijuana production tiers and canopy limits are:
- d. Tier 1: Less than two thousand square feet;
  - e. Tier 2: Two thousand square feet up to ten thousand square feet; and
  - f. Tier 3: Ten thousand square feet up to thirty thousand square feet.
17. Marijuana processing is only allowed on a parcel designated RFF or AG resources if it supports a marijuana production operation on the same parcel.
18. The following minimum lot sizes apply to marijuana production and processing operations:
- a. Tier 1: One acre in the RGU and RI and three acres in the RFF and AG resource designations, and
  - b. Tier 2: Five acres in the RGU and RI and ten acres in the RFF and AG resource designations.

**Section 4. SJCC 18.30.460 and Ordinance 21-2015 §2 are each amended to read as follows:**

**18.30.460 Eastsound subarea land use regulations.**

A. The following land use districts are based on existing land use patterns, natural features, and land capabilities, coordination with the Shoreline Master Program, and the needs and desires of the Orcas community as expressed in the goals and policies of the subarea plan. The districts are:

1. Village commercial‡ (minimum four – maximum 40 units/acre);
2. Village residential/institutional‡ (minimum four – maximum 12 units/acre);
3. Service and light industrial‡;
4. Eastsound residential‡:
  - One unit/acre P\*;
  - Two units/acre;
  - Two units/acre P\*;
  - Four units/acre P\*;
  - Minimum four – maximum 12 units/acre;
5. Service park;
6. Marina (maximum six – eight units/acre);
7. Eastsound airport‡;
8. Country corner commercial;
9. Eastsound rural residential‡:
  - One unit/five acres;
  - One unit/two acres;
10. Eastsound rural (maximum one unit/five acres);
11. Natural; and
12. Conservancy overlay.

Some areas within land use districts marked by an “‡” are also subject to the airport overlay requirements in SJCC 18.40.031 and 18.40.032.

Residential density designations with a “P\*” indicate those locations where site planning is required under SJCC 18.60.240. This planning is necessary to ensure that development at less than four units per acre density will not preclude possible future development at urban-level densities (four units per acre or higher). New residential development in such areas is subject to approval by the director for this purpose.

1  
2 Retail sales, laundries and laundromats, equipment rentals, restaurants, and post offices are  
3 prohibited in the portion of the village commercial district described as follows: between High  
4 School and Rose Streets and east of Pine Street and all areas east of Madrona Street.  
5  
6 Uses that are prohibited in the land use table may be allowed as a cottage industry or home  
7 occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and  
8 SJCC 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use  
9 instead of a specific type of use.  
10  
11 The following tables which show allowed and prohibited uses are followed by the development  
12 standards and specific development conditions that apply to each land use district.  
13



**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/ Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Veterinarian Office Small animals only	YES	YES	YES	NO	YES	NO	NO	CUP	NO	NO	NO
Animal Shelters/Hospitals and Kennels	NO	NO	YES (Must be enclosed or screened)	NO	YES	NO	NO	CUP	NO	NO	NO
Automotive Fuel, Service and Repair Stations	NO	NO	YES	NO	YES	NO	YES Airplane service and repair	PROV	NO	NO	NO
Bed and Breakfast Inn (2 – 5 Rooms)	YES	PROV	NO	PROV	NO	CUP	NO	P/C	PROV	PROV	NO
Bed and Breakfast Residence (1 – 2 Rooms)	YES	PROV	NO	YES	YES	YES	NO	NO	YES	PROV	NO
Day Care with 1 – 6 Children	YES	YES	NO	YES	YES	CUP	NO	CUP	YES	YES	NO
Day Care with 7+ Children	YES	YES	NO	YES	YES	CUP	NO	P/C	YES	CUP	NO

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/ Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Drinking Establishment	YES	NO	NO	NO	NO	YES	NO	CUP	NO	NO	NO
Eating Establishment	YES <sup>2</sup>	NO	NO	NO	NO	YES	YES	CUP	NO	NO	NO
Hotel/Motel	YES	NO	NO	NO	YES (5 rooms max.)	YES	NO	NO	NO	NO	NO
Indoor Entertainment Facility inc. Theater	YES	YES	NO	NO	NO	YES	CUP	PROV	NO	NO	NO
Food Vending Trailer	YES	NO	NO	NO	NO	YES	YES	YES	NO	NO	NO
Kiosk	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO
Nursing Homes	YES	YES	NO	CUP	NO	YES	NO	NO	CUP	NO	NO
Personal and Professional Services	YES	YES	YES	NO	YES	YES	YES	YES	NO	NO	NO
Personal Wireless Communications Service Facilities at Potentially Suitable Locations	YES	YES	YES	NO	YES	YES	YES	CUP	NO	YES	NO

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Residential Care Facilities with up to 8 Persons	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
Residential Care Facilities with 9 – 15 Persons	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
Resorts and Camps, New	NO	CUP	NO	NO	NO	YES	NO	NO	NO	NO	NO
Equipment Rental Services	YES <sup>2</sup>	NO	YES	NO	YES	YES	YES	PROV	NO	NO	NO
Construction Related Businesses – No Outdoor Storage Unless Screened	YES	NO	YES	NO	YES	YES	YES	YES	NO	NO	NO
Retail Sales and Services	YES <sup>2</sup>	NO	YES (only if related to other allowed uses or business requiring	NO	YES (only if related to other allowed	PROV	YES (planes and related	YES/CUP	NO	NO	NO

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/ Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
			substantial storage or products manufactured in same facility)		uses or business requiring substantial storage or products manufactured in same facility)		products only)				
Artisan Activities	YES	NO	CUP	NO	CUP	NO	NO	NO	NO	NO	NO

**Table 1 – Allowed Commercial Uses by Eastsound Land Use District**

Commercial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre P* 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Marina and Related Retail, Repair and Rentals	YES	NO	YES	NO	YES	YES	NO	NO	NO	NO	NO
Laundry/Laundromat	YES <sup>2</sup>	NO	YES	NO	NO	YES	YES	CUP	NO	NO	NO
Warehouse, Mini-storage, and Moving Storage Facilities	NO	NO	YES	NO	YES	NO	YES	CUP	NO	NO	NO
Landscaping, Lawn and Garden Centers, Nurseries and Retail Plant Sales	YES	NO	YES	NO	YES	NO	NO	P/C	NO	NO	NO
Car Wash	NO	NO	YES	NO	YES	YES	CUP	NO	NO	NO	NO
Unnamed Commercial Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

<sup>1</sup> Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
<sup>2</sup> SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use. This use prohibited within that  
<sup>3</sup> portion of the village commercial district described as follows: between High School and Rose Streets and east of Pine Street, and all areas east of Madrona Street.

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

<b>Industrial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Bulk Fuel Storage Facilities	NO	NO	CUP	NO	CUP	CUP	CUP	NO	NO	NO	NO
Concrete and Concrete Batch Plants	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Construction Yards	NO	NO	YES	NO	YES	NO	YES	CUP	NO	NO	NO
Feedlots	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Garbage and Solid Waste Transfer Stations	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

<b>Industrial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Heavy Equipment Rental Services	NO	NO	YES	NO	YES	NO (yes as accessory to marina)	NO	NO	NO	NO	NO
Heavy Industrial	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Light Manufacturing	NO	NO	YES (Enclosed by building – outside storage to be screened)	NO	YES (Enclosed by building – outside storage to be screened)	NO	YES	CUP	NO	NO	NO
Lumber Mills, Stationary	NO	NO	CUP	NO	CUP	NO	NO	NO	NO	NO	NO

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
<u>Marijuana Production and Processing, Tiers 1 and 2<sup>2</sup></u>	<u>CUP</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>NO</u>	<u>CUP</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>
<u>Marijuana Production and Processing, Tier 3</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>	<u>NO</u>



**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Outdoor Storage Yards	NO	NO	YES	NO	YES	YES	YES	NO	NO	NO	NO
Recycling Center	NO	NO	YES	NO	CUP	CUP	NO	NO	NO	NO	NO
Recycling Collection Point	NO	YES	YES	NO	YES	YES	NO	YES	NO	NO	NO
Resource Processing Accessory to Extraction Operations	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

<b>Industrial Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial<sup>‡</sup> (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional<sup>‡</sup> (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial<sup>‡</sup></b>	<b>Eastsound Residential<sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina<sup>‡</sup> (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport<sup>‡</sup></b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Mining and Mineral Extraction Activities	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Reclamation of Mineral Extraction Sites	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Wholesale Distribution Outlet	NO	NO	YES	NO	YES	NO	YES	NO	NO	NO	NO
Wrecking and Salvage Yards	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO

**Table 2 – Allowed Industrial Uses by Eastsound Land Use District**

Industrial Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential (max. 1 unit/5 acres, 1 unit/2 acres)	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Storage and Treatment of Sewerage, Sludge and Septage – Lagoon Systems	NO	NO	YES	NO	NO	NO	NO	NO	NO	NO	NO
Unnamed Industrial Uses	NO	NO	CUP	NO	NO	NO	CUP	NO	NO	NO	NO

<sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

<sup>2</sup>In the Eastsound Urban Growth Area and Subarea, marijuana production is allowed in fully enclosed and secure structures such as stick built buildings or opaque greenhouses with rigid walls, a roof and doors. The maximum amount of space for marijuana production cannot exceed the amount licensed by the State Liquor and Cannabis Control Board. Applicants must designate the proposed production tier and amount of square footage of plant canopy on land use and building permit application plans. The marijuana production tiers and canopy limits are:

- (a) Tier 1: Less than two thousand square feet;  
(b) Tier 2: Two thousand square feet up to ten thousand square feet; and  
(c) Tier 3: Ten thousand square feet up to thirty thousand square feet.

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

<b>Institutional Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
College or Technical School/Adult Education Facility	YES	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Community Club or Community Organization Assembly Facility	YES	YES	NO	YES	NO	CUP	NO (YES if related to aviation)	YES	YES	NO	NO

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

<b>Institutional Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Cultural Facility	YES	YES	NO	NO	NO	NO (YES if nautical)	NO (YES if related to aviation)	NO	NO	NO	YES
Emergency Services	YES	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Government Offices	YES	YES	YES	NO	YES	YES	YES	NO	NO	NO	NO
Institutional Camps	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Library	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Museum	YES	NO	NO	NO	NO	YES	YES	NO	NO	NO	NO (YES if directly related to site)

**Table 3 – Allowed Institutional Uses by Eastsound Land Use District**

<b>Institutional Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Post Office	YES <sup>2</sup>	NO	NO	NO	NO	NO	NO	NO	NO	NO	NO
Religious Assembly Facility	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
School, Primary and Secondary	YES	YES	NO	NO	NO	NO	NO	NO	NO	NO	NO
Unnamed Institutional Uses	CUP	CUP	NO	NO	CUP	CUP	CUP	NO	NO	NO	NO

- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

- 1 <sup>2</sup>This use prohibited within that portion of the village commercial district described as follows: between High School and Rose Streets and east of Pine Street, and all areas east  
2 of Madrona Street.

**Table 4 – Allowed Recreational Uses by Eastsound Land Use District**

<b>Recreational Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial<sup>‡</sup> (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional<sup>‡</sup> (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial<sup>‡</sup></b>	<b>Eastsound Residential<sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina<sup>‡</sup> (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport<sup>‡</sup></b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Camping Facilities in Public Parks	NO	NO	NA	NO	NA	NO	NA	NO	NO	NO	NO
Indoor Recreation Facilities	YES	YES	YES	NO	YES	YES	NO	CUP	NO	NO	NO
Outdoor Recreation Developments	YES	CUP	NO	NO	YES	YES	YES	CUP	NO	YES	YES
Parks	YES	YES	YES	PROV	NO	YES	NO	PROV	PROV	YES	YES (no camping)

**Table 4 – Allowed Recreational Uses by Eastsound Land Use District**

Recreational Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
											or playing fields)
Playing Fields	YES	YES	YES	PROV	NO	YES	NO	CUP	PROV	YES	NO
Recreational Vehicle Parks	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Outdoor Shooting Ranges	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO
Unnamed Recreational Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP



- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

Residential Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Cottage Enterprise	YES	PROV	NO	YES	YES	YES	NO	P/C	YES	YES	NO
Farm Labor Accommodations for Persons Employed in Agricultural Production on the Premises	NO	YES	NO	YES	NO	NO	NO	CUP	YES	YES	NO
Farm Stay	NO	YES	NO	YES	NO	NO	NO	NO	YES	CUP	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

<b>Residential Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Home Occupation	YES	YES	YES	YES	YES	YES	NO	YES	YES	YES	NO
Mobile Home Parks	NO	CUP	NO	CUP	NO	NO	NO	NO	CUP	CUP	NO
Multifamily Residential Units (3+ Units)	YES	YES	NO	YES	NO	YES	NO	NO	YES	CUP	NO
Single-Family Residential Unit	YES	YES	NO	YES	NO	YES	NO	YES	YES	YES	NO
Accessory Dwelling Unit (1 Unit per Lot;	YES	YES	YES (only 1 per lot and only within the	YES	YES	YES	NO	YES	YES	YES	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

Residential Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Accessory to an Allowable Use)			commercial structure)								
Two-Family Residential (Duplex)	YES	YES	NO	YES	NO	YES	NO	NO	YES	NO	NO
Group Housing	YES	YES	NO	CUP	NO	NO	NO	NO	CUP	CUP	NO
Vacation Rental of Residence or Accessory Dwelling Unit	YES	PROV	NO	PROV	NO	PROV	NO	NO	PROV	PROV	NO
Rural Residential Cluster Development	NO	NO	NO	NO	NO	NO	NO	NO	YES in Eastsound rural	YES	NO

**Table 5 – Allowed Residential Uses by Eastsound Land Use District**

Residential Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
									residential 1 unit per 5 acres. No in ERR 1 unit per 2 acres		
Unnamed Residential Uses	CUP	CUP	CUP	CUP	CUP	CUP	NO	CUP	CUP	CUP	CUP

- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Airfields	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
Airports	NO	NO	NO	NO	NO	NO	YES	NO	NO	NO	NO
Airport Related Uses	NO	NO	YES	NO	NO	YES (Except sales and repair of planes)	YES (including parking and tie down areas)	NO	NO	NO	NO
Airstrips	NO	NO	NO	NO	NO	N/A	YES	NO	NO	NO	NO
Hangars	NO	NO	YES	NO (YES on property adjacent to	NO	NO (YES on property adjacent	YES	NO	NO	NO	NO

Table 6 – Allowed Transportation Uses by Eastsound Land Use District

Transportation Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
				existing runway and/or have deeded access)		to existing runway and/or have deeded access)					
Helipads	NO	NO	CUP	NO	NO	NO	YES	NO	NO	NO	NO
Helipads, Emergency Services	NO	NO	YES	NO	YES	YES	YES	NO	NO	NO	NO
Ferry Terminal	CUP	NO	CUP	NO	NO	YES	YES	N/A	NO	NO	NO

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Parking Off- Site	YES	YES	YES	NO	YES	YES	YES	N/A	NO	NO	NO
Parking On- Site	YES	YES	YES	YES	YES	YES	YES	NO	YES	YES	NO
Parking Lots, Commercial	YES	CUP	YES	NO	YES	YES	YES	CUP	NO	NO	NO
Parking Structures	CUP	NO	YES	NO	YES	CUP	CUP	CUP	NO	NO	NO
Streets, Public and Private	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES
Trails and Paths, Public	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES

**Table 6 – Allowed Transportation Uses by Eastsound Land Use District**

Transportation Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Unnamed Transportation Uses	CUP	CUP	CUP	CUP	CUP	CUP	YES	CUP	CUP	CUP	CUP

- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in
- 2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.



**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Commercial Communication Facilities	CUP	NO	YES	NO	NO	NO	YES	NO	NO	NO	NO
Commercial Power-Generation Facilities	NO	NO	NO	NO	YES	NO	YES	NO	NO	NO	NO
Solar Panels	YES	YES	YES	YES	YES	YES	YES	YES	YES	YES	NO
Community Sewerage Treatment Facilities	NO	NO	YES	YES	NO	NO	YES	NO	NO	NO	NO

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ P* 1 unit/acre 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Storage and Treatment of Sewerage, Sludge and Septage – Systems Other Than Lagoons	NO	NO	YES	YES	NO	NO	YES	NO	YES	NO	NO
Utility Distribution Lines Water, Stormwater, Power, Cable TV, Data Transmission,	YES	YES	YES	YES	YES	YES	YES	YES	YES (NO sewer)	YES (NO sewer)	YES

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial <sup>‡</sup> (min. 4 – max. 40 units/acre)	Village Residential/Institutional <sup>‡</sup> (min. 4 – max. 12 units/acre)	Service and Light Industrial <sup>‡</sup>	Eastsound Residential <sup>‡</sup> 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina <sup>‡</sup> (max. 6 – 8 units/acre)	Eastsound Airport <sup>‡</sup>	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Personal Wireless Facilities, Telephone, and Sewer											
Utility Facilities Including Storage, Maintenance, Service, Operations and Other Support Offices	CUP	YES	YES	NO offices YES storage and utility support buildings	YES	YES	YES	CUP	NO offices YES storage and utility support buildings	YES = up to 400 square feet (NO office or storage buildings)	YES (NO office or storage buildings)
Utility Substations	NO	NO	YES	YES	YES	YES	YES	NO	YES	YES	NO

**Table 7 – Allowed Utilities Uses by Eastsound Land Use District**

Utilities Uses by Eastsound Land Use District <sup>1</sup>	Village Commercial‡ (min. 4 – max. 40 units/acre)	Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)	Service and Light Industrial‡	Eastsound Residential‡ P* 1 unit/acre 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre	Service Park	Marina‡ (max. 6 – 8 units/acre)	Eastsound Airport‡	Country Corner Commercial	Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres	Eastsound Rural (max. 1 unit/5 acres)	Eastsound Natural
Water Storage Tanks, Community	YES	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Water Treatment Facilities	NO	YES	YES	YES	YES	YES	YES	P/C	YES	YES	NO
Unnamed Utility Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in
- 2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/ Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre P* 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Agricultural Processing, Retail, and Visitor-Serving Facilities for Products	YES	YES	YES	CUP	YES	YES	NO	YES/CUP	CUP	YES	NO
Agricultural Uses and Activities	YES	YES	NO	YES	YES	YES	NO	P/C	YES	YES	NO

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Forest Practices, No Processing	NO	NO	NO	NO	NO	NO	NO	NO	NO	YES	NO
Lumber Mills, Portable	NO	NO	YES	NO	CUP	NO	NO	NO	NO	YES	NO
Nurseries	YES	CUP	YES	NO	YES	NO	YES	NO	NO	YES	NO
Agricultural Sales	YES	YES	YES	YES	YES	NO	YES	YES	YES	YES	NO
Small-Scale Slaughterhouses	NO	NO	CUP	NO	NO	NO	NO	NO	NO	NO	NO

**Table 8 – Allowed Agricultural Uses by Eastsound Land Use District**

<b>Agricultural and Forestry Uses by Eastsound Land Use District<sup>1</sup></b>	<b>Village Commercial‡ (min. 4 – max. 40 units/acre)</b>	<b>Village Residential/Institutional‡ (min. 4 – max. 12 units/acre)</b>	<b>Service and Light Industrial‡</b>	<b>Eastsound Residential‡ 1 unit/acre P* 2 unit/acre 2 unit/acre P* 4 unit/acre P* min. 4 – max. 12 units/acre</b>	<b>Service Park</b>	<b>Marina‡ (max. 6 – 8 units/acre)</b>	<b>Eastsound Airport‡</b>	<b>Country Corner Commercial</b>	<b>Eastsound Rural Residential 1 unit/5 acres, 1 unit/2 acres</b>	<b>Eastsound Rural (max. 1 unit/5 acres)</b>	<b>Eastsound Natural</b>
Unnamed Agricultural and Forestry Uses	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP	CUP

- 1 <sup>1</sup>Uses that are prohibited in the land use table may be allowed as a cottage industry or home occupation; provided, that the use meets the requirements set forth in  
2 SJCC 18.40.190 and 18.60.180. “Cottage enterprise” and “home occupation” describe the intensity of a use instead of a specific type of use.

3  
4

Section 5. SJCC 18.30.750 and Ordinance 11-2019 § 15 are each amended to read as follows:

18.30.750 Allowed and prohibited uses in Lopez Village urban growth area.

Allowable and prohibited uses in Lopez Village urban growth area are established in Table 18.30.750 below, except as modified by SJCC 18.60.220(D) for planned unit developments.

Table 18.30.750. Land Use Table – Lopez Village Urban Growth Area Land Use Designations

<b>How to Use This Table</b> This table displays Lopez Village urban growth area land use designations and classifies uses allowed and prohibited uses. The information in the table is modified by the table footnotes and the following bullets: <ul style="list-style-type: none"><li>• A location may have a multiple designation; such as when the Shoreline Master Program (SMP) or another overlay district applies to the location. Shoreline jurisdiction designations use some of the same names as the uplands land use designations; however, where allowable uses differ between the uplands and shorelines designations, compliance with the SMP is also required.</li><li>• All regulations in this code apply to the uses and activities listed in these tables. To determine whether a particular use or activity can occur in a land use designation and location, all relevant regulations must be consulted in addition to this table.</li></ul> <b>Lopez Village urban growth area land use designations</b> VC = Village commercial VR = Village residential VI = Village institutional <b>Categories of Uses</b> <b>Y</b> = Uses allowed outright (i.e., without a project permit), subject to applicable development standards. If a building or other construction permit is required, this use is subject to administrative consistency review; see SJCC 18.80.070. <b>P</b> = Provisional use (a project permit) subject to the applicable development standards, public notice, and permit processing procedure. <b>P/C</b> = After review of SJCC 18.80.090 and Table 8.2, the director will determine whether a provisional or conditional use permit will be required. <b>C</b> = Conditional use (a project permit), subject to public notice and permit hearing procedure; see SJCC 18.80.100. <b>N</b> = Uses that are prohibited.
--

Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
<b>Commercial Uses</b>			
Animal shelters and kennels	P	N	N



Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
Artisan activities	Y	N	N
Auto fuel service stations and repair services	Y	N	P
Bed and breakfast inn	Y	N	P/C
Bed and breakfast residence	Y	N	P
Brewery, distillery, wine and mead-making	Y	N	N
Camping facilities	N	N	N
Day care (1 – 6 children)	Y	Y	C
Day care (7 or more children)	P	Y	N
Day care/health, adult (1 – 8 adults)	Y	Y	C
Family daycare provider – up to 12 children in the providers family living quarters	Y	Y	Y
Drinking establishment (No drive through)	Y	N	N
Eating establishment (No drive through)	Y	N	N
Hostel	Y	Y	C
Hotel/Motel	Y	N	N
Indoor entertainment facility <sup>4</sup>	C	C	N
Mobile food vending units	Y	Y	N
Nursing homes	Y	Y	P
Personal and professional services	Y	P	N
Personal wireless service facilities, colocated on an existing, permitted stand-alone tower, or mounted to the surface of an existing structure	P	P	C <sup>8</sup>
Personal wireless service facilities mounted on a building which meets the height standards of the land use designation, or facilities camouflaged or disguised as an allowable exemption to the height standard	P	P	C <sup>8</sup>
Personal wireless service facilities, other	C	P	N
Resorts and camps, new	N	N	N
Retail sales and services	Y	N	N
Farmers market	Y	Y	N
Warehouse, mini-storage, and moving storage facilities	N	N	N
Unnamed commercial uses	C	N	N

Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
Industrial Uses			
Bulk fuel storage facilities	N	N	N
Concrete and concrete batch plants	N	N	N
Construction contractor yards and offices <sup>16</sup>	Y	N	N
Feedlots	N	N	N
Garbage and solid waste transfer stations	N	N	N
Heavy equipment rental services	N	N	N
Heavy industrial	N	N	N
Light industrial	N	N	N
Light manufacturing that has no more impacts from vibrations, noise and odor than general office use	P	N	N
Lumber mills, stationary	N	N	N
<u>Marijuana production and processing, Tiers 1 and 2</u>	<u>N</u>	<u>N</u>	<u>N</u>
<u>Marijuana production and processing, Tier 3</u>	<u>N</u>	<u>N</u>	<u>N</u>
Outdoor storage yards	N	N	N
Reclamation of mineral extraction sites	N	N	N
Recycling collection/processing	N	N	N
Recycling collection	P	N	N
Resource processing accessory to extraction operations	N	N	N
Mining and mineral extraction activities	N	N	N
Wholesale distribution outlet	N	N	N
Wrecking and salvage yards	N	N	N
Unnamed industrial uses note	N	N	N
Institutional Uses			
College or technical school/adult education	P	Y	N
Community club or community organization assembly facility	Y	Y	N

Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
Emergency services	P	P	N
Government offices	Y	Y	N
Institutional camps	N	P/C	N
Library	Y	Y	N
Museum	Y	Y	N
Post office	Y	Y	N
Religious assembly facility	P	Y	N
School, primary and secondary	Y	Y	N
Unnamed institutional uses	C	C	C
Recreational Uses			
Camping facilities in public parks	N	N	N
Indoor recreation facilities	Y	Y	N
Outdoor recreation development, low impact <sup>5</sup>	P	P	C
Parks, low impact <sup>5</sup>	P	P	C
Playing fields, low impact <sup>5</sup>	N	N	N
Recreational vehicle parks	N	N	N
Outdoor shooting ranges	N	N	N
Unnamed recreational uses	C	C	C
Residential Uses <sup>6</sup>			
Cottage enterprise	Y	N	P
Farm worker accommodations	N	N	N
Farm – stay	N	N	N
Home occupation	Y	N	Y
Multifamily residential units (3+ units)	Y	P <sup>14</sup>	Y
Single-family residential unit, stand-alone	N	N	Y
Single-family residential (1 unit only) or accessory apartment (1 unit only), accessory to an allowable nonresidential use	Y	Y	Y

Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
Two-family residential (duplex), stand-alone	N	N	Y
Live-work units <sup>7</sup>	Y	N	N
Unnamed residential uses	C	N	C
Vacation rental of residence or accessory dwelling unit	Y	N	P
Transportation Uses			
Airfields	N	N	N
Airports	N	N	N
Airstrips	N	N	N
Hangars	N	N	N
Helipads associated with a medical clinic	Y	Y	N
Ferry terminal	C	N	N
Parking lots	C	N	N
Parking structures	N	N	N
Streets, public	Y	Y	Y
Trails and paths, public	Y	Y	Y
Unnamed transportation uses	P/C	P/C	N
Utility Uses			
Commercial communication facilities <sup>8</sup>	C	N	N
Commercial power-generation facilities	C	C <sup>15</sup>	N
Community sewerage treatment facilities	P/C	N	N
Category “A” joint use wireless facility <sup>9</sup>	P/C	P/C	P/C
Category “B” joint use wireless facility	P/C	P/C	P/C
Storage and treatment of sewage, sludge and septage systems other than lagoons	C	C	C
Utility distribution lines	Y	Y	Y
Utility facilities	Y	Y	Y
Utility substations	N	N	N
Utility transmission lines	N	N	N

Land Use	Lopez Village <sup>1, 2, 3</sup>		
	VC <sup>13</sup>	VI	VR <sup>12</sup>
Water storage tanks, community	P/C	P/C	P/C
Water treatment facilities	C	C	C
Desalination facilities	C	C	C
Unnamed utility uses	C	C	P/C
<b>Agriculture and Forestry Uses</b>			
Agricultural activities	Y	Y	Y <sup>10</sup>
Forest practices, no processing <sup>11</sup>	N	N	Y
Lumber mills, portable may be temporary	Y	N	P
Nurseries (retail only)	Y	N	N
Small-scale slaughterhouses	N	N	N
Unnamed agricultural and forestry uses	C	N	C

**Notes:**

1. All uses must be consistent with the goals and policies of the land use designation in which they are proposed to occur, the Land Use Element of the Comprehensive Plan, and the Lopez Village subarea plan.
2. A land use or development proposed to be located entirely or partly within 200 feet of the ordinary high water mark of a regulated shoreline is within the jurisdiction of the Shoreline Master Program, and is subject to the applicable provisions of Section 3 of the Comprehensive Plan and Chapter 18.50 SJCC, as well as the applicable provisions and permit requirements indicated in this table. Please refer to Chapter 18.50 SJCC for specific use regulations and regulations by shoreline environment; see also SJCC 18.80.110 for shoreline permit requirements.
3. Overlay districts provide policies and regulations in addition to those of the underlying land use designations for certain land areas and for uses that warrant specific recognition and management. For any land use or development proposed to be located entirely or partly within an overlay district, the applicable provisions of the overlay district must prevail over any conflicting provisions of the UDC.
4. Indoor entertainment facilities may not exceed 6,000 square feet in area.
5. Low impact facilities must not include stadium lighting, permanent goalposts, grandstands, concession stands, or artificial turf.

6. Owners or persons responsible for any horse, sheep, swine, donkey, goat, or other grazing animal must not allow the animal to go at large in any public road or place. Such animals may only be housed on lots that are five acres or larger. Roosters must not be allowed in the Lopez Village urban growth area.
7. When associated with a mixed-use building, the residential unit or units must be located on the second floor to allow commercial development on the bottom floor, except that residences may be placed behind the commercial portion of the building on the first floor. The residential floor area cannot exceed 50 percent of the total floor area of the structure.
8. To minimize commercial developments on lands designated village residential, wireless facilities other than joint use wireless facilities must be accessory to a legal conforming or nonconforming structure and cannot be the primary land use.
9. Facilities are subject to the requirements for joint use wireless facilities in Chapter 18.40 SJCC.
10. Agricultural activities are allowed except for “agricultural processing, retail and visitor serving facilities for products” in the village residential designation.
11. Forest practices including timber harvesting, except for Class IV General, are regulated by the Washington Department of Natural Resources (see SJCC 18.40.120 through 18.40.180).
12. In Lopez Community Land Trust planned developments, small-scale agricultural activities, commercial uses, home occupations, and cottage industries are allowed.
13. Commercial businesses must be operated in a way that will prevent unreasonable disturbance to area residents and that complies with San Juan County Code. No use of the property must be made that produces unreasonable vibration, noise, dust, smoke, odor or electrical interference to the detriment of adjoining properties.
14. Multifamily housing in the village institutional designation is only allowed for affordable housing projects as defined by SJCC 2.27.020(C).
15. Only solar arrays are allowed in the village institutional designation.
16. Parking of service vans and company cars is allowed. Outdoor storage of heavy equipment such as excavators, bulldozers, dump trucks, and road graders is not allowed in the village commercial designation. Outdoor storage areas may not exceed 1,000 square feet and must not be visible from public roads and the shoreline. Screening must be no less than five feet high consisting of fencing, vegetation or other visual screening materials.

**Section 6. NEW SECTION.** A new section is added to SJCC Chapter 18.40 to read as follows:

**Marijuana production and processing - general.**

Marijuana producers and processors must comply with Title 69 RCW and Chapter 314-55 WAC and the general standards below.

A. On parcels located outside of UGAs, only one Washington State Liquor and Cannabis Board (WSLCB) marijuana license may be used.

B. The WSLCB must approve a marijuana license for the subject property prior to issuance of the County's certificate of final occupancy for buildings proposed for marijuana production or processing.

C. For purposes of Title 18 SJCC, marijuana is not an agricultural product. Title 18 SJCC and other County agricultural regulations and programs such as the voluntary stewardship program do not apply to marijuana production, processing, or retail sales.

D. Consistent with WAC 314-55-015, marijuana production and processing shall not take place in a residence or other location where law enforcement access, without notice or cause, is limited.

E. Marijuana production and processing are not allowed as home occupations or cottage industries.

F. Marijuana production and processing operations may not be located in critical areas and their buffers, or in shoreline jurisdiction.

**Section 7. NEW SECTION.** A new section is added to SJCC Chapter 18.40 to read as follows:

**Marijuana production and processing – rural and AG resource land siting standards.**

The following siting standards apply to marijuana production and processing in the rural and AG resources land use designations.

A. In the AG resource designation, indoor marijuana production and processing is only allowed in structures existing or that have complete building permits vested on (effective date of this ordinance). The expansion of existing structures in these designations for the purpose of marijuana production or processing is prohibited.

B. Marijuana production (indoor or outdoor) and processing structures shall be set back three hundred feet from property lines.

C. Marijuana production (indoor or outdoor) and processing structures shall be set back five hundred feet from existing residences located outside of the subject property. An existing residence is one that:

1. Was legally constructed, or

2. Has a building permit application that vested prior to the submittal of the complete conditional use permit application for a marijuana operation.

**Section 8. NEW SECTION.** A new section is added to SJCC Chapter 18.40 to read as follows:

**Marijuana production and processing – performance standards.**

Structures used for marijuana production or processing, and outdoor production operations shall comply with the standards in Title 18 SJCC and this section. Unless specifically provided otherwise, if the provisions of those standards conflict with other applicable state or local policies, subarea plans, or other regulations, the most restrictive regulation controls.

A. Fixtures illuminating production or processing operations shall direct light away from adjoining properties, critical areas, shorelines and public roads consistent with SJCC 18.60.170 and Chapter 18.35 SJCC.

B. The landscaping requirements of SJCC 18.60.160 apply. In addition, a Type A landscaping screen described in SJCC 18.60.160(D)(1) is required to surround indoor production or processing facilities and outdoor production operations. The landscaping screen shall be located outside of the State’s required security fence to provide a visual barrier. Upon submittal of a written request, the director may authorize modifications to the landscaping requirements of this section and may place conditions on a permit as needed to accommodate the modification. When considering the request for a landscape modification the director may consider:

- 1. Physical circumstances or constraints of the property and surrounding area such as site topography and soils;
- 2. Alternative plants and trees that would accomplish the purposes of the required landscaping;
- 3. Flexibility in the size of initial plantings;
- 4. Existing vegetative buffers or physical barriers that meet the intent of the Type A landscaping; and
- 5. The need for the landscaping based on existing uses and development.

C. Producers and processors shall install the security requirements of WAC 314-55-083 prior to issuance of the County’s occupancy permit for a marijuana operation.

D. Producers and processors that will use chemicals, industrial solvents, or other noxious or hazardous substances shall comply with all Federal, State, and County safety, fire, structural, storage, and disposal standards. They shall describe the proposed use of hazardous substances,



1 methods, equipment, solvents, gases, and mediums identified in WAC 314-55-104 on permit  
2 applications and site plans.  
3

4 E. Permit applications shall include documentation of compliance with the water system  
5 requirements of SJCC 18.60.020 and waste disposal regulations in WAC 314-55-097, SJCC  
6 18.60.020 and Chapter 8.14 SJCC.  
7

8 F. Producers and processors shall comply with Chapter 9.06 SJCC. Fan noise from their  
9 operations shall be minimized. A mechanical engineer licensed in the State of Washington shall  
10 design the noise control system using standard industry practices such as installing fans with  
11 components listed by Underwriters Laboratories (UL) and a combination of the following  
12 techniques and components  
13

- 14 1. Short and straight line vent runs;
- 15 2. Silencers and insulated vents, vent sleeves and mufflers;
- 16 3. Acoustic ducting;
- 17 4. Fan speed controllers;
- 18 5. Soundproofing boxes;
- 19 6. Sound muffling casing;
- 20 7. Padded foam cushions under the fans;
- 21 8. Intelligent programming motors and controllers; and
- 22 9. Hanging fans hung from bungee cords from hooks in ceiling.

23  
24 G. Producers and processors shall use filters on exhaust air prior to dispersal.  
25

26 H. Producers and processors shall minimize the odors emitted from structures by using best  
27 management practices and technology. A mechanical engineer licensed in the State of Washington  
28 shall design the odor control system using guidance from the National Air Filtration Association.  
29 The odor control plan must incorporate a combination of the following site design practices, tools,  
30 or other newly improved technologies to mitigate odors:  
31

- 32 1. Placement of operations after consideration of predominant wind directions;
  - 33 2. Installation of additional vegetative buffers around grow areas;
  - 34 3. Reduction of passive odor escapes by tightening and sealing structures;
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4. Use of negative pressure techniques and air locks to reduce odors from escaping when doors open;
  5. Use of chillers that move water around structure and leave air in place instead of air conditioning;
  6. Installation of a carbon filter scrubbers to heating, ventilation and air conditioning systems;
  7. Installation of dry vapor systems;
  8. Installation of ionizers;
  9. Use of mini-vapor screens on the interior, and vapor matic and vapor screens on the exterior of structures;
  10. Installation of a piping system on perimeter fencing that neutralizes malodorous molecules;
  11. Installation of a gas phase filtration system; and
  12. Installation of a fog system to disperse mixed water and odor neutralizing chemicals;
- I. Traffic impacts to public and private roads in the rural and natural resource land use designations shall be limited. Only traffic intensities identified as low level impacts in SJCC 18.80.090 Table 8.2 shall be allowed on private roads. Only traffic intensities identified as having medium level impacts in SJCC 18.80.090 Table 8.2 shall be allowed on public roads. The administrator may consult with the County engineer and recommend permit conditions needed to address public road impacts such as requiring continuing maintenance.

**Section 8. Effective Date.**

This Ordinance is effective on the 10<sup>th</sup> working day after adoption.

**Section 9. Codification.**

Sections 1-7 of this ordinance shall be codified.

SJCC 18.30.460 Tables 1-8 in section 4 of this ordinance shall each be codified as a separate code section.

ADOPTED this 25<sup>TH</sup> day of AUGUST, 2020.

ATTEST: Clerk of the Council

Ingrid Gabriel 8.25.2020  
Ingrid Gabriel, Clerk Date

COUNTY COUNCIL  
SAN JUAN COUNTY, WASHINGTON

C. Hughes  
Rick Hughes, Chair  
District 2

REVIEWED BY COUNTY MANAGER

Michael J. Thomas 8/25/2020  
Michael J. Thomas Date

Bill Watson  
Bill Watson, Vice-Chair  
District 1

RANDALL K. GAYLORD  
APPROVED AS TO FORM ONLY

Jamie Stephens  
Jamie Stephens, Member  
District 3

By: \_\_\_\_\_  
Date