

### **3.06. SPECIAL DEVELOPMENT & PERFORMANCE STANDARDS – SPECIFIC DEVELOPMENT TYPES**

#### **Sections:**

- 3.06.010 Accessory Dwelling Units**
- 3.06.020 Adult Entertainment Uses**
- 3.06.030 Airports**
- 3.06.040 Cluster Development**
- 3.06.050 RESERVED**
- 3.06.060 Nonconforming Uses and Structures**
- 3.06.070 Temporary Uses**
- 3.06.080 Wireless Communication Facilities**

#### **3.06.010 Accessory Dwelling Units.**

A. Purpose: Accessory dwelling units are intended to encourage the provision of affordable and independent housing for a variety of households. To accomplish this purpose, accessory dwelling units shall be permitted in the Residential, Rural Area, Rural Agriculture, Agriculture, Forest, and MPR zoning classifications subject to the criteria in this section.

#### **B. Criteria:**

1. Only one accessory dwelling unit, attached or detached, shall be allowed per parcel. Provided that a detached unit shall not be permitted within the R, CR, and RC zoning classification;
2. The owner of the property shall reside in the primary residence or the accessory dwelling unit;
3. The accessory dwelling unit shall not exceed 1000 square feet;
4. If detached, the accessory unit shall be located within 200 feet of the primary residence or shall be the permitted conversion of an existing detached structure;
5. Setback requirements for the applicable zoning classification shall apply;
6. The accessory dwelling unit shall meet all applicable standards for water and sewage disposal;
7. Accessory units shall use the same vehicle access as the primary residence;
8. Recreational vehicles shall not be used as accessory dwelling units;
9. An Accessory dwelling unit shall not be allowed on parcels under one acre in size.
10. Detached Accessory Dwelling Units shall count towards the maximum allowable density of a parcel. (Ord 2008-03 – effective 8-7-08)

C. Review Process: Please refer to the use tables in Chapter 3.03.

#### **3.06.020 Adult Entertainment Uses.**

Adult entertainment uses shall be prohibited within one thousand (1,000) feet of any property zoned RA, R-1, R-2 or UR, or containing any of the following uses: a public or private school, pre-school, or educational institution, licensed daycare center, public park or playground, community center, library, or church or other religious facility. In addition, adult entertainment uses shall not be located closer than one thousand (1000) feet to any other adult entertainment use, or to any establishment selling alcoholic beverages for consumption on the premises. These distances shall be measured in a straight line from the nearest point of the property line of the

parcel(s) proposed to contain an adult entertainment use to the nearest point of the property line of the aforementioned zones or activities.

**3.06.030 Airports.**

A. Location/Siting. New public-use airports shall be sited as essential public facilities consistent with the requirements, standards and procedures of Chapters 3.20.010 and 3.20.050 of this Title.

B. Airports may be permitted or conditionally permitted in appropriate zoning classifications indicated in Chapter 3.03.080 of this Title.

C. Activities permitted within airports may include, but are not limited to, the following:

1. Uses necessary to airport operation such as runways, hangars, fuel storage facilities, control towers and similar facilities;
2. Repair, service and storage of aircraft;
3. Helicopter pads;
4. Restaurants;
5. Air transportation businesses;
6. Air pilot training schools;
7. Air cargo warehousing and distribution facilities;
8. Taxi, bus and truck terminals; and
9. Aircraft Manufacturing

D. Safety Zone. Land uses within one thousand (1,000) feet of a new airport which has been approved pursuant to this Chapter shall be limited so as to minimize land use incompatibilities and prevent risks to aviation and to public safety. The following new uses and activities shall be prohibited within this safety zone:

1. Uses (not to include single family residences) which involve release of airborne substances, such as steam, dust and smoke which may interfere with aircraft operations;
2. Uses (not to include single family residences) which emit direct or indirect light or glare which may interfere with a pilot's vision or make it difficult to distinguish airport lighting;
3. Uses which emit electric currents which may interfere with navigational signals or radio communication;
4. Uses which involve bulk storage of flammable or hazardous materials or substances;
5. uses which may attract concentrations of birds or waterfowl which may present a hazard to aviation, including large bodies of standing water, solid waste landfill or transfer facilities; and
6. Schools, playfields, hospitals and medical facilities, nursing homes, churches and places of public assembly.

E. Setbacks. When an airport abuts a rural or residential zone, the end of any runway shall be setback a minimum of one thousand (1,000) feet from the boundary of the residential zone.

F. Height. Buildings shall be limited to 45 feet with the exception of hangars and control towers.

G. Flammable and Combustible Material. Aircraft fuel and other flammable or combustible materials shall be stored consistent with applicable state regulations and county building code and fire code. Airport facilities subject to such regulations shall include above-ground and underground storage tanks, fuel dispensers, piping, valves and fittings, and electrical equipment.

### **3.06.040 Cluster Development.**

A. Purpose. Provide an incentive for development of rural residential property which clusters lots on a portion of the property and which retains substantial open space. Additional purposes of this section are to:

1. Produce a development pattern that is consistent with rural character;
2. Permit flexibility that will result in a more creative approach to the development of rural land;
3. Encourage the retention of open space;
4. Protect natural features of the rural landscape;
5. Minimize adverse impacts to environmentally sensitive areas and to resource lands and resource land activities;
6. To support provision of more affordable housing in rural areas.

B. Applicability. Clustering is allowed and encouraged in subdivisions and short subdivisions developed in all rural and resource zones. Provided that the density bonus in paragraph C is limited to specified zoning districts.

C. Bonus Density/Limitation. A density bonus is available for clustered development which conserves open space within the following rural and resource zoning districts: Rural Area-10, Rural Area-20 acre, Rural Agriculture-10, and Agriculture. Open space must be protected pursuant to the standards of this section.

1. The bonus shall be calculated as follows: one additional unit per 10-acre parcel in the Rural Area-10, or Rural Agriculture-10, and one or two additional units per 20-acre parcel in the Rural Area-20, and Agriculture zones.
2. Where permitted, application of the bonus shall not result in an average net density that is greater than one unit per five (5) acres for the parcel considered as a whole, and a cluster shall contain at least two but no more than eight lots.
3. In the Agriculture zone, clustering shall not be permitted on any portions of the site containing Class I or Class II soils.

D. Design Standards and Criteria.

1. Open space shall be preserved through execution of a conservation easement or through placement of the open space in an open space tract. The open space may be used for buffering, protection for critical areas identified pursuant to SCC Title 13, resource activities, active or passive recreational uses, conservation or recreation, or maintenance of rural character.
2. Where possible, preserved open space shall be located adjacent to preserved open space on adjacent properties.
3. Lot clusters shall be separated by no less than 300 feet.
4. If resource activities are expected to occur on a portion of the site, the clustered units are encouraged to be set back and buffered from such activities.
5. The Open Space parcel shall not be counted as a parcel when calculating density.
6. The Open Space parcel shall be contiguous.
7. The Open Space area is that land which is remaining after the cluster subdivision lots and internal roads are deducted.
8. In addition to the criteria listed in 1-8 and additional minimum Open space requirements, the following standards and criteria shall be met in order to receive a 200% density bonus in the RA-20 zone:

a. Clustered parcels shall not be located within 300 feet of designated resource lands. The Open space tract shall be used as a buffer.

Lot Size and Bonus Table

	Minimum Total Acres	Density Bonus	Minimum Open Space	Minimum Lot Size
RA-5	10 acres	0%	40%	1 acre
RA-10	10 acres	100%	60%	1 acre
RA-20	20 acres	100%	60%	1 acre
	20 acres	200%	60%	1 acre
AR-10	10 acres	100%	60%	1 acre
UR	10 acres	100%	60%	1 acre
A	20 acres	100%	60%	1 acre
F	20 acres	0%	40%	1 acre

E. Review Procedures. Clustering and bonus density proposals shall be considered pursuant to the same review process and standards as a subdivision or short subdivision.

**3.06.050 RESERVED**

**3.06.060 Nonconforming Uses and Structures.**

A. A use or structure lawfully established or permitted on or before the effective date of this Title or amendments thereto, which does not conform to the use regulations or the dimensional standards for the zone in which it is located shall be deemed to be a legal non-conforming use. Such legally established non-conforming uses or structures may be continued subject to the provisions of this Chapter.

**B. Nonconforming Uses.**

1. Abandonment. If a nonconforming use is discontinued or abandoned for a period of 12 consecutive months or more, the non-conforming status of the use is terminated, and any future use of the land or structures shall be in conformity with the provisions of this Title. An extension, not to exceed 12 months, may be granted on a case-by-case basis by providing documentation that demonstrates extenuating circumstances. The mere presence of a structure, equipment or material shall not be deemed to constitute the continuation of a nonconforming use if not actually being occupied or employed in maintaining the use.

2. Expansion. A nonconforming use may be modified or expanded upon approval of an administrative conditional use permit subject to the following criteria:

- a. The area proposed for expansion is contiguous to the nonconforming use;
- b. The area of the expansion is held under the same ownership as the land with the nonconforming use;
- c. The expansion shall not increase the land area devoted to the nonconforming use by more than twenty (20) percent cumulatively for the land area, size of the structure, or impervious surface;

- d. The expansion shall not significantly increase the intensity of use of the nonconforming use; and
- e. The expansion shall not create a new non-conformance.

C. Minor expansions to non-conforming structures (250 square feet or under) may be reviewed and permitted by the administrator pursuant to SCC 3.30.040.

**3.06.070 Temporary Uses.**

A. A temporary use permit shall be required for a use which is not permitted in the underlying zoning classification and which is proposed to occur for a limited duration of time.

B. The following temporary uses may be granted by the Director for the periods of time indicated:

<b>Temporary Use</b>	<b>Duration</b>
Temporary construction building (for storage or office use) on an approved building lot	1 year. May be extended on a yearly basis by approval of the administrator
Temporary construction residence (manufactured home) on an approved building lot	1 year. May be extended on a yearly basis by approval of the administrator
Temporary school facilities, during new school construction or remodeling	Period of active construction
Temporary manufactured home for medical hardship	12 months; see paragraph F.

C. Adequate parking to support the temporary use shall be provided as determined by SCC 3.07.

D. The permit shall state the date on which the use shall be terminated and removed.

E. A permit shall not be granted for the same temporary use more than once per calendar year, except that a permit may specify multiple events during the approval period.

F. Notwithstanding paragraph E, a temporary manufactured home for medical hardship may be renewed in 12 month increments if the following conditions and procedures area satisfied:

1. The manufactured home meets the setback requirements of the applicable zone;
2. All required permits are obtained before placement;
3. The applicants submit a notarized affidavit demonstrating that:
  - a. The temporary dwelling is necessary to provide ongoing care;
  - b. A physician has certified that a resident of the property requires ongoing care;
  - c. The primary provider of such ongoing care will reside on-site;
  - d. The applicant understands the temporary nature of the use;
  - e. The temporary use will be removed within 90 days of the expiration of the permit, or when ongoing care ceases.

**3.06.080 Wireless Telecommunication Facilities.**

A. The purposes of this Chapter are to

1. Accommodate an increased need for wireless communication facilities to serve County residents;
2. Provide for a wide range of locations and options for wireless communication providers;
3. Minimize visual impacts to surrounding properties and encourage compatibility with adjacent land uses through careful design, siting, screening and;
4. Encourage and facilitate joint use and co-location of new and existing antennas, support structures and related equipment to reduce the total number of towers throughout the county; and
5. Enhance the ability of providers of telecommunication services to provide such services to the community quickly, effectively and efficiently.

B. Exemptions. The following activities and facilities shall be exempt from the requirements of this Chapter:

1. Emergency or routine repairs, reconstruction or routine maintenance of previously approved facilities, or replacement of transmitters, antennas or other components of previously approved facilities, which do not create a significant change in visual impact or an increase in radio frequency emission levels;
2. Military and civilian radar systems, operating within regulated frequencies for the purpose of defense or aircraft safety;
3. Industrial processing equipment and scientific or medical equipment using frequencies regulated by the Federal Communications Commission (FCC);
4. Licensed amateur (Ham) radio stations and citizen band transmitters and antennas;
5. Two-way communication transmitters used for temporary or emergency services communications, including fire, police and emergency aid or ambulance services;
6. Receive-only satellite dish antennas as an accessory use; and
7. Antennas located wholly within another structure; and
8. Machines and equipment that are designed and marketed as consumer products, such as microwave ovens.

C. Application Requirements. An application for wireless communication facilities shall contain the following:

1. A site plan drawn to scale, showing the location of the facility, height and horizontal location of proposed support structures and antenna, guy wire anchors, the color of the facility, existing buildings, on-site land uses and zoning, adjacent and uses and zoning, adjacent roads and rights-of-way, parking areas, access, setbacks from property lines. Proposed method(s) of fencing, camouflage, noise screening and lighting shall be indicated;
2. A report prepared by a licensed professional engineer demonstrating compliance with applicable structural standards of the current building codes, and describing the general structural capacity of any proposed transmission structure(s);
3. A landscape plan, indicating the type and location of plant materials that will be used to screen the facility;
4. Interference certification, certifying that the antenna will not interfere with adjacent or neighboring transmission or reception functions of other communication facilities; and
5. Copies of any Federal Communication Commission (FCC) licenses required under FCC regulations for the provision of service within the County.

D. Development Standards. All wireless transmission facilities shall comply with the following requirements:

1. Permitted Locations & Height.

- a. Wireless communication antenna arrays not exceeding 35 feet in height are allowed in any zone.
- b. Mini and micro antenna arrays are allowed on existing utility poles, electric transmission towers, water tanks, co-located on existing monopoles, and attached to existing buildings, subject to the requirements of this Chapter. Existing poles may be extended in height up to 50 percent to accommodate antennas provided that adequate ground support facilities are constructed.
- c. Height of towers shall be limited to:
  - i. 70 feet in the R-1 and R-2 zones, and in the FCC, RC and CR overlay zones; and
  - ii. 140 feet the I, B, RA, F, A and AR zones.

2. Landscaping. Landscaping of the base of the facility to create a vegetative screen shall be required for sites within or adjacent to any R or B, or MPR or FCC overlay area.

3. Color and Lighting.

- a. Non-reflective colors such as grey, blue or green are preferred to reduce visual impacts; and
- b. When lighting is required by the FAA or other federal or state authority, or for security of the site, it shall be oriented upward and outward, so as not to project onto surrounding property. Strobe lighting is prohibited.

4. Electromagnetic Field (EMF)/Radio Frequency (RF) Emissions. Installation of a wireless communication facility shall conform to EMF and RF standards established by the FCC. The telecommunication service provider shall submit a certification of compliance with applicable standards prepared by a licensed RF engineer.

5. Sharing of Support Structure and Co-Location of Facilities. These regulations encourage minimization of the number of communication support structures and co-location where appropriate. No new wireless communication support structures are permitted within one mile of an existing support structure unless it is demonstrated that the existing support structure is not available for co-location or it does not satisfy the applicant's operational requirements.