

Title 17

ZONING*

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* Editor's Note: Ordinance 241 amended Ordinance 38 in its entirety.

Chapter 17.04

INTRODUCTORY PROVISIONS

Sections:

- 17.04.010 Title.
- 17.04.020 Purpose of ordinance.

- 17.04.030 Names of classifications.
- 17.04.040 Establishment of zones by map.
- 17.04.050 Division of zoning map.
- 17.04.060 Changes in boundaries.
- 17.04.070 Application of district regulations.
- 17.04.080 Uncertainty of boundaries.
- 17.04.090 Parcels divided by zoning districts.

17.04.010 Title.

This title shall be known and may be cited as the “Grays Harbor County comprehensive zoning ordinance.” (Ord. 241 § 13.01.010, 1998)

17.04.020 Purpose of ordinance.

The purpose of this title is to promote the public health, safety and general welfare, and to facilitate the adoption and enforcement of the coordinated plans which are either developed or being designed to encourage the most appropriate use of land throughout Grays Harbor County; to group as nearly as possible those uses which are mutually compatible, and to protect each such group of uses from the intrusion of incompatible uses which would destroy the security and stability of land and improvements and which would also prevent the greatest practical convenience and service to citizens of Grays Harbor County; to promote traffic safety; to provide safety from fire and other elements; to provide adequate light and air; to prevent overcrowding of real estate; to promote a wholesome home environment; to prevent housing development in unsuitable areas; and to provide an adequate street system; to promote the coordinated development of unbuilt areas; to encourage the formation of community units; to provide an allotment of land area in new developments sufficient for all the requirements of community life; to conserve natural resources; to protect and enhance the quality of the natural environment; and to provide for adequate public services. (Ord. 241 § 13.01.020, 1998)

17.04.030 Names of classifications.

In order to accomplish the purpose of this title, twelve (12) primary use classifications and combining or overlay use classifications are established, in each of which regulations are prescribed concerning permissible uses, the height and bulk of buildings, the areas of yards and other open spaces around buildings, and determining the density of population, such classifications to be known as follows:

Primary Districts

Description	Symbol	Minimum Subdivision
General Development 5	G-5	5 acres
General Development 1	G-1	1 acre
Agricultural 1	A-1	10 acres
Agricultural 2	A-2	40/20 acres
Rural Residential	RR	1 acre

Description	Symbol	Minimum Subdivision
Residential (Restricted)	R-1	15,000 sq. ft.
Residential (General)	R-2	10,000 sq. ft.
Residential (Resort)	R-3	7,200 sq. ft.
Residential (Lake Quinault)	LQ	2 acres
Commercial (General)	C-2	NA
Industrial Park	I-1	10 acres
Industrial	I-2	NA

Combining Districts

Description	Symbol	Minimum Subdivision
Flood Plain	-FP	Primary district
Shoreline Environment Overlay	see Shoreline	Master Program
Critical Areas	None	See Sec. 13.07.180

(Ord. 265, 1999; Ord. 264, 1999; Ord. 241 § 13.01.030, 1998)

17.04.040 Establishment of zones by map.

The location and boundaries of the various zones are such as shown and delineated on the Zoning Map of Grays Harbor County adopted under this title. (Ord. 241 § 13.01.040, 1998)

17.04.050 Division of zoning map.

The zoning map may for convenience, be divided into parts and each such part may, for purposes of more readily identifying locations within such zoning map, be subdivided into units, and such parts and units may be separately employed for identification purposes when adopting or amending the zoning map or for any official reference to the zoning map. (Ord. 241 § 13.01.050, 1998)

17.04.060 Changes in boundaries.

Changes in the boundaries of the zones shall be made by ordinance adopting an amended zoning map, or part of the map, or unit of a part of said zoning map, which the amended maps, or parts of units or parts, when so adopted shall be published in the manner prescribed by law and become a part of this title. (Ord. 241 § 13.01.060, 1998)

17.04.070 Application of district regulations.

The regulations set by this title within each district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, and particularly, except as hereinafter provided:

A. No building, structure, or land shall hereafter be used or occupied, and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved, or structurally al-

tered except in conformity with all the regulations herein specified for the district in which it is located.

B. No building or other structure shall hereafter be erected or altered: (1) to exceed the height or bulk; (2) to accommodate or house a greater number of families; (3) to occupy a greater percentage of lot area; (4) to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required; or in any other manner contrary to the provisions of this title.

C. The zoning districts and their schedule of regulations do not affect uses and related activities on streets and their rights-of-way, rail tracts and their rights-of-way and utility conduits and their rights-of-way. The zoning districts and their schedule of regulations do not affect uses and activities on navigable water surfaces.

D. No lot existing at the time of passage of the ordinance codified in this title shall be reduced in dimension or area below the minimum requirements set forth herein. Lots created after the effective date of said ordinance shall meet at least the minimum requirements established by this title. (Ord. 241 § 13.01.070, 1998)

17.04.080 Uncertainty of boundaries.

Where uncertainty exists as to the boundaries of any zone shown upon the zoning map or any part or unit thereof, the following rules shall apply:

A. Where such boundaries are indicated as approximately following street or alley lines or lot lines, such lines shall be construed to be such boundaries.

B. In unsubdivided property, the district boundary lines on the Map shall be determined by use of the scale contained on such map. Scaled distances indicated as approximately following Governmental Section Subdivision lines shall be construed as following such Governmental Section Subdivision lines.

C. Where a public street, alley or railroad right-of-way is officially vacated or abandoned, the area comprising such vacated street, alley or railroad right-of-way shall be the classification of the abutting property to the centerline of the right-of-way.

D. The district boundaries shall extend to mean higher high tide when adjacent to any tidal water body unless otherwise specified.

E. Where physical or cultural features existing on the ground are at variance with those shown on the official zoning map, or in other circumstances not covered by A through D of this section, the planning commission shall interpret the district boundaries. (Ord. 241 § 13.01.080, 1998)

17.04.090 Parcels divided by zoning districts.

When a parcel is divided by two or more zoning districts on the same side of a public right-of-way, the zoning district which occupies the largest portion of the parcel shall have jurisdiction. If a parcel is divided into two or more equal portions by zoning districts, the total area of the bisected parcel shall acquire the same zone-classification as that portion abutting the front property-line. (Ord. 333 (part), 2005)

DEFINITIONS

Sections:

17.08.010 Definitions.

17.08.010 Definitions.

For the purpose of this title certain terms and words are defined in this chapter. When not inconsistent with the content, words used in the present tense shall include the future, and the future the present; the singular number shall include the plural, and the plural the singular; the word “shall” is always mandatory and the word “may” denotes a use of discretion in making a decision. The words “used” or “occupied,” unless the context otherwise requires, shall be considered as though followed by the words “or intended, arranged or designed to be used or occupied.” Words used in this title but not defined herein shall be given the meaning defined in Webster’s Third New International Dictionary.

“Accessory use, structure, or building” means a use or structure on the same lot with, and a nature customarily incidental and subordinate to, the principal use or structure.

“Agriculture” means the tilling of the soil, raising of crops, horticulture, viticulture, floriculture, small livestock farming, dairying, animal husbandry, including all uses customarily incidental thereto, but not including slaughter house, fertilizer works, bone yard or plant for the reduction of animal matter.

“Amendment” means a change in the wording, context or substance of this title or a change in the zone boundaries upon the zoning maps adopted hereunder.

“Apartment” means a room, or suite of two or more rooms, occupied or suitable for occupancy as a dwelling unit for one family.

“Automobile wrecking” means any dismantling or wrecking of used motor vehicles or trailers, or the storage, sale or dumping of dismantled or wrecked vehicles or their parts.

“Bed and breakfast” means a dwelling-unit occupied by the owner, in which not more than five guest rooms are devoted to accommodating and where meals are provided for compensation for not more than ten (10) persons other than the family. The facility is designed or primarily used, for the accommodation of short-term occupancy rentals up to thirty (30) consecutive days.

“Block” means all property abutting upon one side of a street between intersecting and intercepting streets, or between a street and railroad right-of-way, waterway, terminus of dead-end street, or city boundary line. An intercepting street shall determine only the boundary of the block on the side of the street, which it intercepts.

“Boarding house” means a dwelling unit in which not more than five guest rooms are devoted to accommodating not more than ten (10) persons. The facility is designed or primarily used for the accommodation of long-term occupancy rentals of at least thirty (30) consecutive days. Boarding house shall not include rest home or convalescent home.

“Building” means a structure having a roof supported by columns or by walls and intended for the shelter, housing or enclosure of any person, animal or chattel. When any portion thereof is completely separated from every other portion thereof by a masonry division or firewall without any win-

dow, door or other opening therein, which will extend from the ground to the upper surface of the roof at every point, then each such portion shall be deemed to be a separate building.

“Building height” means the vertical distance from the grade to the highest point of the coping of a flat roof, or to the deck line of a mansard roof, or to the average height of the highest gable of a pitch or hip roof. See the term “grade.”

“Building, main” “Main building” means the principal building or other structure on a lot or site used to accommodate the primary use to which the premises are devoted.

“Commercial” means the purchase, sale, offering for sale, or other transaction involving the handling or disposition of any article, service, substance or commodity for livelihood or profit, or the management or occupancy of an office building, offices, recreational or amusement enterprises; or the maintenance and the use of building, offices, structures or premises by professions or trades offering services.

“Child day care center” means a facility providing regularly scheduled care for a group of children one month of age through twelve (12) years of age for periods less than twenty-four (24) hours; except, a program meeting the definition of a “home day care.”

“Church” means an establishment for the principal purpose of religious worship and for which the main building or other structure contains the sanctuary or principal place of worship, and including accessory uses in the main building or in separate buildings or structures, including Sunday School rooms and religious education class rooms, assembly rooms, kitchen, library or reading room, recreation hall, a one-family dwelling unit and residences on-site for nuns and clergy, but excluding day care nurseries and facilities for training of religious orders.

“Clinic” means a building or portion thereof containing offices for the provision of services for the practice of the healing arts, for out-patients only.

“Classification” means a use category in the broad list of land uses in which certain uses, either individually or as to type, are identified as possessing similar characteristics or performance standards and are permitted as compatible uses in the same zone or classifications. A classification, as the term is employed in this title, includes provisions, conditions and requirements related to the location of permitted uses.

“Clustering” means a development design technique that concentrates buildings in specific areas on the site to allow the remaining land to be used for recreation, common open space, and protection of natural features. This is accomplished through the reduction of area, height, and bulk requirements while maintaining the density within the development required by the zoning district. Clustering, unless authorized by a planned unit development, shall only be allowed within zoning districts in which it is specifically authorized as a permitted or conditional use. The term clustering does not apply to the construction of more than one permitted building on one lot where the area, height, bulk and other district requirements are fully met and the lot and building remain in a single ownership.

“Commission” means the Grays Harbor County planning commission.

“Conditional use” means a use listed among those classified in any given zone but permitted to locate only after review by the board of adjustment and the granting of a conditional use permit imposing such performance standards as are contained in this title to make the conditional use compatible with other permitted uses in the same vicinity and zone.

“Conditional use permit” means the documented evidence of authority granted by the board of adjustment to locate a conditional use at a particular location. 17.08.010

“Density” means the number of dwelling units per acre including all land within the boundaries of the designated site.

“Dwelling” means a building designed exclusively for residential purposes, including single-family, two-family, and multiple families.

Dwelling, Types of.

1. “Dwelling, single,” “Single dwelling” means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

2. “Dwelling, two-family,” “Two-family dwelling” means a building designed exclusively for occupancy by two families, living separate from each other, and containing two dwelling units.

3. “Dwelling, multiple,” “Multiple dwelling” means a building designed exclusively for occupancy by three or more families living separately from each other, and containing three or more dwelling units.

“Dwelling unit” means any building or portion thereof that contains living facilities, including provisions for sleeping, eating, cooking and sanitation, as required by this code, for not more than one family, or a congregate residence for ten (10) or less persons.

“Enlargement.”

1. As applied to uses, “enlargement” means the expansion of or addition to the use by increasing the amount of equipment or building area which is devoted to the use.

2. As applied to structures, “enlargement” means any action which increases the exterior dimensions of the structure and results in an increase in the useful floor area of the structure.

“Family” means an individual, or two or more persons related by blood or marriage, or a group of not more than five persons who are not related by blood or marriage, excluding servants, living together in a dwelling unit.

“Floor area” means the total area included within the surrounding walls of a building on a lot or building site exclusive of that area devoted to vents, shafts and courts.

“Grade” means the average of the finished ground level at the center of all walls of a building. Where walls are parallel to and within five feet of a sidewalk, the above ground level shall be measured at the sidewalks.

“Health department” means the Grays Harbor County environmental health division of the department of public services or its successor.

“Home day care.” A facility in the family residence of the childcare licensee providing regularly scheduled care for twelve (12) or fewer children, with ages ranging from birth through eleven (11) years of age, for periods less than twenty-four (24) hours. The licensed capacity of a home day care shall include the children with ages ranging from birth through eleven (11) years of age who reside at the home.

“Home occupation” means a commercial use conducted within a home environment and which is conducted entirely within the dwelling and which is clearly secondary to the use of the dwelling for dwelling purposes.

“Industrial” means those intensive commercial and industrial activities, such as shipping terminals, contractor’s yards, warehousing, utility facilities, outdoor material and equipment storage,

manufacturing, processing, assembly, fabrication, commercial and industrial equipment rental and repair, retail and wholesale sales.

“Intensification” means any action which results in an increase in the level of use or activity within a defined area of land or within a structure or portion of a structure.

“Kennel” means a building or structure or premises where four or more dogs or cats or combination thereof, at least four months of age, are kept by owners of the dogs and cats or by persons providing facilities and care, and whether or not compensation is paid.

“Light-duty truck” means a truck with an empty-scale weight of six thousand (6,000) pounds or less. It includes vehicles such as pickup trucks, vans and utility vehicles.

“Light industrial” means those commercial and industrial activities, such as warehousing, transportation-related services, industrial sales, processing, assembly, fabrication, equipment rental and servicing, retail and wholesale sales, entirely conducted and contained within a building.

“Loading space” means an off-street or off-alley space or berth for the temporary parking of a commercial vehicle while loading or unloading materials or merchandise.

“Lot,” “parcel” or “tract” means an area of land, the boundaries of which have been established by some legal instrument such as a recorded deed, description, document or map.

“Lot depth” means the shortest horizontal distance between the front lot line and a line drawn perpendicular to the front lot line through the midpoint of the rear lot line. For lots with front lot lines containing curves or angles, the measurement shall be taken from a line drawn parallel to a base line joining the front corners of the lot and lying midway between the base line and a line drawn parallel to the base line tangent to the curve or through the angle point.

“Lot width” means the distance between side lot lines measured at right angles to the lot depth at its midpoint.

“Mini-storage building” means a storage building rated as a B-2 occupancy under the Uniform Building Code divided into individual storage rooms, having a maximum building height of eighteen (18) feet exclusive of architectural features and not exceeding a maximum building length of one hundred (100) feet; provided, that buildings may exceed the maximum building length where architectural features are incorporated and approved by the zoning administrator.

“Mobile home” is defined by RCW 46.04.302.

“Mobile home park” means any tract or tracts of land under one ownership or unified management developed or used for locating three or more mobile homes, excluding the sales lot of a licensed mobile home dealer, where not more than one mobile home is used as the owners’ or care taker’s residence. This definition for mobile home park shall supersede conflicting definitions found in other county ordinances.

“Motel” means a building or group of buildings containing guest rooms or apartments, which facility is designed or primarily used for the accommodation of short term occupancy rentals up to thirty (30) consecutive days.

“Nightly rental” means a building constructed as a single-family or two-family residence and used for the accommodation of short-term occupancy rentals on a daily or weekly basis.

“Nonconforming” means a use, structure or lot which does not conform to any one or more of the requirements applicable to it under the terms of this title.

“Off-street parking space.” See Section 17.68.020.

“Outdoor advertising display” means any card, paper, cloth, metal, glass, wooden or other display or device of any kind or characteristic whatsoever placed or painted for outdoor advertising purposes on the ground or on any tree, wall, fence, rock, structure or thing whatsoever.

“Outdoor advertising structure” means a structure of any kind or character erected or maintained for outdoor advertising purposes upon which any outdoor display is, or can be placed.

“Reclassification of property” means a change in zone boundaries upon a zoning map, which map is a part of this title when adopted in the manner prescribed by law.

“Recorded,” unless otherwise stated, means filed for purpose of record with the auditor of Grays Harbor County.

“Recreational vehicle” means a vehicle designed for short term occupancy during travel, recreation, and/or vacation purposes, including the following types:

1. “Travel trailer” means a portable structure built on a chassis, having a body width not exceeding eight feet and a body length not exceeding thirty-two (32) feet.
2. “Truck camper (pick-up coach)” means a portable structure designed to be loaded onto, or mounted on, the bed or chassis of a truck, having a body width not exceeding eight feet and a body length not exceeding thirty-two (32) feet.
3. “Motor home” means a portable dwelling constructed as an integral part of a self-propelled vehicle.
4. “Camping trailer (tent trailer)” means a portable, collapsible structure mounted on wheels and constructed of fabric, plastic, or other pliable material which folds for towing by another vehicle and unfolds at the campsite.

“Recreational vehicle park and campground” means any tract of land divided into lots or spaces, under the ownership or management of one person, firm or corporation for the purpose of locating three or more recreational vehicles for transient dwelling purposes.

“Rest home,” “convalescent home,” “guest home” or “home for the aged” means a home operated similarly to a boarding house but not restricted to any number of guests or guest rooms the operator of which is licensed by the state or county to give special care and supervision to his or her charges, and in which nursing, dietary and other personal services are furnished to convalescents, invalids and aged persons, and in which homes are performed no surgery, maternity or other primary treatments such as are customarily provided in sanitariums or hospitals.

“Short-term occupancy” means the occupancy of recreational vehicles for living purposes for a temporary duration of not more than fourteen (14) consecutive days within a two-month period.

“Sign” means any outdoor advertising display or outdoor advertising structure or indoor advertising display or structure designed and placed so as to be readable principally from the outside.

“Spot rezone” means a circumstance in which a request to rezone a parcel of land, from a less intensive use zone classification to a more intensive use zone classification, that is inconsistent with the surrounding uses and the comprehensive land use plan. A request to rezone a parcel of land, from a more intensive use zone classification to a less intensive use zone classification, that is consistent with the surrounding uses and the comprehensive land use plan shall not be found to constitute a spot rezone.

“Stand” means a structure for the display and sale of products with no space for customers within the structure itself.

“Street” means a public or recorded private thoroughfare which affords the primary means of access to abutting property.

“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.

“Structural alteration” means any change in the supporting members of a building or structure, such as foundations, bearing walls, columns, beams, floor or roof joists, girders or rafters, or changes in the exterior dimensions of the building or structure, or increase in floor space.

“Use” means the nature of the occupancy, the type of activity, or the character and form of improvements to which land is devoted or may be devoted.

“Variance” means an adjustment in the application of the specific regulations of this title to a particular piece of property which property, because of special circumstances applicable to it, is deprived of privileges commonly enjoyed by other properties in the same vicinity and zone and which adjustment remedies disparity in privileges.

“Yard” means an open space, other than a court, unoccupied and unobstructed from the ground upward except for certain exceptions specified in this title.

“Zone” means an area accurately defined as to boundaries and location, and classified by this title as available for certain types of uses and within which other types of uses are excluded. (Ord. 333 (part), 2005; Ord. 306 (part), 2003; Ord. 299 § 1, 2002; Ord. 291 § 1, 2001; Ord. 242 (part), 1998; Ord. 241 §§ 13.02.010 -- 13.02.980, 1998)

Chapter 17.12

A-1 AGRICULTURAL USE DISTRICT

Sections:

- 17.12.010 Purpose.
- 17.12.020 Permitted uses and structures.
- 17.12.030 Conditional uses.
- 17.12.040 Standards for granting a conditional use in the A-1 district.
- 17.12.050 Minimum lot and yard requirements.

17.12.010 Purpose.

The purpose of this district is to conserve and protect agricultural land and to reserve areas for use by small to moderate scale farming activities. The establishment of this district recognizes the diversity of the agricultural industry in Grays Harbor County and provides protection for those soils and areas most suitable for many aspects of agricultural activities. (Ord. 241 § 13.03.200, 1998)

17.12.020 Permitted uses and structures.

- A. Commercial agriculture, horticulture and aquaculture;
- B. Farm buildings;
- C. Farm drainage and irrigation;

- D. The growing and harvesting of forest products;
 - E. The sale of agricultural and horticultural products on the premises where such products are grown;
 - F. Single-family farm dwellings;
 - G. Home occupations pursuant to the provisions of Section 13.08.060;
 - H. Emergency medical and emergency fire equipment storage facilities;
 - I. Home day cares;
 - J. Riding academies.
- (Ord. 333 (part), 2005; Ord. 242 (part), 1998; Ord. 241 § 13.03.210, 1998)

17.12.030 Conditional uses.

- A. Outdoor recreation areas, not including recreational vehicle parks;
- B. Public meeting halls, churches (see Section 17.60.040), cemeteries, airfields, public ly owned facilities for maintenance of roads and highways and educational and recreational buildings accessory to the farm, provided the following conditions can be met: (1) the use will only convert the least suitable agricultural lands in the area; and (2) the use will not negatively impact, directly or indirectly, adjacent agricultural activities;
- C. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis including but not limited to hay baling and threshing, sorting, grading, and packing fruits and vegetables for the grower, agricultural produce milling and processing; horticultural services, crop dusting, land grading, farm equipment service and repair, and veterinary services;
- D. Forest products processing plants provided the following conditions are met: (1) the use will only convert the least suitable agricultural land in the area; (2) the use will not negatively impact, directly or indirectly, adjacent agricultural activities; (3) the property is currently occupied by a residence, and (4) the use is owned by the residential occupant of the property;
- E. Secondary uses of accessory structures pursuant to Section 17.60.060. In considering an application pursuant to this section, the board of adjustment may impose such other conditions as are deemed necessary to insure the compatibility of the proposed use with agricultural activities and as are necessary to insure that the use remains secondary to the residential and agricultural use;
- F. On any legal parcel a second temporary dwelling unit for care giving purposes may be authorized provided that the following conditions are met:
 1. No division of the property is authorized,
 2. The temporary dwelling shall be removed or converted to a conforming use when the use authorized by the permit is discontinued,
 3. The parcel shall comply with the minimum lot-requirements of the health department for each unit. (Ord. 262 (part), 1998; Ord. 241 § 13.03.220, 1998)

17.12.040 Standards for granting a conditional use in the A-1 district.

No conditional use permit shall be issued by the board of adjustment unless, following review and written findings, it determines that the proposed use satisfies the following conditions and the conditions set by Section 17.80.040:

A. The use shall not be one to which the noise, order, dust or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass;

B. All agricultural service establishments shall be located at least two hundred (200) feet from any driveway affecting access to a farm dwelling or field and at least three hundred (300) feet from any single-family dwelling;

C. An agricultural service establishment shall be incidental and necessary to the conduct of agriculture within the district; and

D. Public utility and service structures shall be located and constructed at such places and in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access to fields or the effectiveness and efficiency of the farmer and farm equipment including crop spraying aircraft. (Ord. 333 (part), 2005; Ord. 241 § 13.03.230, 1998)

17.12.050 Minimum lot and yard requirements.

A. Minimum Lot Size. All uses shall be located on a parcel meeting one of the following criteria: (1) the parcel was legally created prior to the effective date of the ordinance codified in this chapter; or (2) the parcel is ten (10) acres or one-sixty-fourth (1/64) of a section if describable as a fraction of a section, or more.

B. Minimum Yard Requirements.

1. Front yard: twenty-five (25) feet.

2. Side yard: ten (10) feet.

3. Rear yard: thirty (30) feet.

C. Maximum density: one dwelling-unit per ten (10) acres or one-sixty-fourth (1/64) of a section, except as provided in Section 17.12.030(F). (Ord. 268, 2000: Ord. 241 § 13.03.240, 1998)

Chapter 17.16

A-2 LONG TERM AGRICULTURAL USE DISTRICT

Sections:

17.16.010 Purpose.

17.16.020 Permitted uses and structures.

17.16.030 Conditional uses.

17.16.040 Standards for granting conditional uses in the A-2 district.

17.16.050 Minimum lot and yard requirements.

17.16.070 Reclassification of certain lands.

17.16.010 Purpose.

The primary purpose of this district is to encourage the conservation and protection of agricultural lands and to reserve areas for use by large commercial farms. The establishment of this district recognizes the importance of the agricultural industry in Grays Harbor County and provides protec-

tion for those soils and areas most suitable for commercial agriculture. (Ord. 333 (part), 2005:Ord. 241 § 13.03.300, 1998)

17.16.020 Permitted uses and structures.

- A. Commercial agriculture, horticulture and aquaculture;
- B. Farm buildings;
- C. Farm drainage and irrigation systems;
- D. The growing and harvesting of forest products;
- E. The sale of agricultural and horticultural products on the premises where such products are grown;
- F. Single-family dwellings;
- G. Home occupations pursuant to the provisions of Section 17.60.050;
- H. Riding academies;
- I. Emergency medical and emergency fire equipment storage facilities;
- J. Home day cares.

(Ord. 333 (part), 2005:Ord. 242(part), 2001: Ord. 241 § 13.03.310, 1998)

17.16.030 Conditional uses.

The following conditional uses or actions may be approved by the board of adjustment provided that the provisions and requirements of Sections 17.16.040 and 17.80.040 are fulfilled:

A. Cemeteries, publicly owned facilities for maintenance of roads and highways (see Sections 17.60.030 and 17.60.040);

B. Agricultural service establishments primarily engaged in performing agricultural, animal husbandry, or horticultural services on a fee or contract basis including but not limited to hay baling and threshing, sorting, grading, and packing fruits and vegetables for the grower, agricultural produce milling and processing; horticultural services, crop dusting, land grading, farm equipment service and repair, and veterinary services;

C. Forest products processing plants provided the following conditions are met: (1) the use will only convert the least suitable agricultural land in the area; (2) the use will not negatively impact directly or indirectly adjacent agricultural activities; (3) the property is currently occupied by a residence; and (4) the use is owned by the residential occupant of the property;

D. Secondary uses as provided in Section 17.60.060. In considering an application for a conditional use permit pursuant to this section, the board of adjustment may impose such other conditions as are deemed necessary to insure the compatibility of the proposed use with agricultural activities and as are necessary to insure that the use remains secondary to the residential use;

E. On any legal parcel a second temporary dwelling unit for care giving purposes may be authorized provided that the following conditions are met:

1. No division of the property is authorized,
2. The temporary dwelling shall be removed or converted to a conforming use when the use authorized by the permit is discontinued,

3. The parcel shall comply with the minimum lot-requirements of the health department for each unit. (Ord. 336 (part), 2005; Ord. 333 (part), 2005; Ord 262 (part), 2001; Ord. 241 § 17.12.320, 1998)

17.16.040 Standards for granting conditional uses in the A-2 district.

No conditional use permit shall be issued by the board of adjustment unless following review and written findings it determines that the proposed use satisfies the following conditions and the conditions set by Section 17.80.040: (a) The use shall not be one to which the noise, odor, dust or chemical residues of commercial agriculture or horticulture might result in creation or establishment of a nuisance or trespass; (b) all agricultural service establishments shall be located at least two hundred (200) feet from any driveway affecting access to a farm dwelling or field and at least three hundred (300) feet from any single-family dwelling; (c) an agricultural service establishment shall be incidental and necessary to the conduct of agriculture within the district; and (d) public utility and service structures shall be located and constructed at such places and in such manner that they will not segment land of any one farm and will not interfere with the conduct of agriculture by limiting or interfering with the access of fields or the effectiveness and efficiency of the farmer and farm equipment including crop spraying aircraft. (See Section 17.60.080.) (Ord. 333 (part), 2005; Ord. 241 § 13.03.330, 1998)

17.16.050 Minimum lot and yard requirements.

A. Minimum lot size: forty (40) acres or one-sixteenth (1/16) of a section if describable as a fraction of a section, or more; except the creation of lots for residential purposes which are less than the minimum lot-size of this zone, provided: (1) the parcel shall be created exclusively for the purpose of transfer or sale to a member of the immediate family of the land owner. The immediate family shall mean the grandchildren, children, brothers, sisters, parents or grandparents of the land owner of record; (2) the parcel shall not be less than twenty (20) acres; (3) in no instance shall the sedial parcel be less than twenty (20) acres.

B. Minimum Yard Requirements:

1. Front yard: twenty-five (25) feet;
2. Side yard: ten (10) feet;
3. Rear yard: thirty (30) feet.

C. Maximum density: one dwelling-unit per twenty (20) acres or one-thirty-second (1/32) of a section if describable as a fraction of a section.

(Ord. 333 (part), 2005; Ord. 241 § 13.03.340, 1998)

17.16.070 Reclassification of certain lands.

The agricultural-1 and agricultural-2 districts created by this amendment are applied as shown on the maps identified as the agricultural zoning designation map which is adopted as a part of this chapter. All lands identified on this map are hereby rezoned to the designation indicated on these maps. (Ord. 241 § 13.03.370, 1998)

Chapter 17.20

G-1 GENERAL DEVELOPMENT ONE DISTRICT

Sections:

- 17.20.010 Purpose.
- 17.20.020 Permitted uses and structures.
- 17.20.030 Conditional uses.
- 17.20.040 Special uses.
- 17.20.050 Building site.
- 17.20.060 Off-street parking.

17.20.010 Purpose.

The general development 1 district is a zone classification designed to encourage, strengthen and revitalize rural development centers as identified in the comprehensive plan. The district permits a wide variety of uses with provisions intended to ensure the compatibility of uses within the rural centers and their continued attractiveness for development. (Ord. 241 § 13.03.400, 1998)

17.20.020 Permitted uses and structures.

The following uses or activities are permitted:

- A. Single family dwellings and accessory buildings and uses.
- B. Public and semi-public uses including schools, parks and churches, and cemeteries.
- C. Agricultural, silvicultural uses, the growing and harvesting of forest products and associated uses of a rural nature.
- D. Commercial uses which serve the surrounding local markets as evidenced by a gross floor area of less than five thousand (5,000) square feet, such as retail stores and shops, offices, service stations, personal service offices, eating and drinking establishments, and feed and seed stores when each of the following criteria are met: (1) the site is adjacent to an existing commercial use; (2) the site fronts on a minor collector, major collector, state or federal highway; (3) any light, glare, and signs shall be directed away from neighboring residential areas.
- E. Parking, repairing and maintaining one heavy truck as an accessory use to a residence where the person operating the truck resides on the property where the truck is to be parked.
- F. Home day cares.

(Ord. 242 (part), 1998; Ord. 241 § 13.03.410, 1998)

17.20.030 Conditional uses.

The following uses or activities may be approved by the board of adjustment provided the board finds that all of the following criteria which apply to the proposed use are fulfilled:

- A. Mobile home parks.
- B. Recreational vehicle parks and campgrounds.

C. Multi-family dwellings; provided adequate waste disposal methods and water supplies can be provided.

D. Public and private recreational facilities, including country clubs, golf courses, swimming clubs, riding stables, and tennis clubs, but not including such intensive commercial recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.

E. Commercial uses which serve the surrounding local markets as evidenced by a gross floor area of less than five thousand (5,000) square feet provided that all of the following criteria are met: (1) the site and area meet the locational criteria in the rural lands element of the county comprehensive plan and other applicable provisions of the plan; (2) the characteristics of the proposed use and its location will not introduce an incompatible or hazardous condition to the immediate area; (3) the location of the proposed use is such as to warrant the future zoning of a commercial district or is the logical extension of an existing commercial district or area.

F. Forest product processing plants appurtenant to a residential use provided all of the following criteria are met: (1) the property is currently occupied by a residence; (2) the use is owned by the resident occupant of the property.

G. Agricultural and forest products processing plants and associated uses (except those permitted in subsection F of this section), and the storage, repair and maintenance of more than one truck provided all of the following criteria are met: (1) the site has a minimum size of five acres; (2) the use will not generate any noxious fumes or odors; (3) an adequate stormwater drainage system will be developed; (4) the site fronts on and has direct access to a major collector, state or federal highway; (5) access to the site is designed to minimize truck traffic through residential area; (6) all outdoor storage areas adjacent to residential or commercial uses shall be set back at least fifty (50) feet from the property line(s) abutting a residential or commercial use and a six-foot sight obscuring fence or open six-foot fence screened with sight obscuring living evergreen plants six feet in height shall be constructed, planted and maintained for the duration of the use on said set back line(s); (7) all of the negative impacts determined through SEPA review of the proposal have been mitigated; (8) the characteristics of the proposed use and its location will not introduce an incompatible or hazardous condition to the immediate area.

H. Child day care centers subject to the following conditions:

1. Child day care centers shall comply with the standards and requirements of the Grays Harbor environmental health division;

2. Child day care centers shall comply with the licensing standards and requirements of the Washington State Department of Social and Health Services;

3. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Fire Code and its successor;

4. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Building Code and its successor;

5. Child day care centers shall not be established on lands designated pursuant to RCW 36.70A.70 as geologically hazardous areas, frequently flooded areas, or wetlands. (Ord. 242 (part), 1998; Ord. 241 § 13.03.420, 1998)

17.20.040 Special uses.

The following uses or activities may be approved by the planning commission, provided the commission finds that the provisions and requirements of the zoning ordinance are fulfilled:

A. The clustering of dwelling units including the reduction of side yard setbacks, and common wall construction practices provided the commission finds all of the following criteria are met: (1) the overall density of one unit per acre is maintained within the development and permanently guaranteed by legally binding and enforceable provisions; (2) the physical characteristics of the land will permit adequate water supplies and sewage disposal without adversely affecting neighboring water supplies and sewage disposal systems. (Ord. 241 § 13.03.430, 1998)

17.20.050 Building site.

A. Minimum lot size: one acre or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.

B. Density: one dwelling unit per acre.

C. Minimum Yard Requirements.

1. Residential uses:

a. Front yard: twenty-five (25) feet if the lot fronts on an access road or thirty-five (35) feet if the lot fronts on a major collector, minor collector, urban collector, state or federal highway.

b. Side yard: twenty (20) feet if an interior lot or thirty-five (35) feet if the corner lot is on a minor collector, major collector, state or federal highway.

c. Rear yard: twenty-five (25) feet.

2. Commercial and industrial uses:

a. Front yard: the setback shall equal the height of each building(s) or thirty-five (35) feet whichever is greater.

b. Side and rear yards: the setback shall equal the height of each building or twenty-five (25) feet whichever is greater. Any side or rear lot lines adjacent to residential uses or lots of less than one acre shall be landscaped and maintained with living evergreens at least four feet in height; provided, that the sight distances required in Chapter 17.64 are maintained. This requirement shall be exempt from Chapter 17.64.

D. Minimum lot width: seventy (70) feet.

E. Maximum lot coverage: thirty-three (33) percent of the total lot area.

(Ord. 333 (part), 2005; Ord. 241 § 13.03.440, 1998)

17.20.060 Off-street parking.

Off-street parking shall be provided as required in Chapter 17.68. (Ord. 241 § 13.03.460, 1998)

Chapter 17.24

G-5 GENERAL DEVELOPMENT FIVE DISTRICT

Sections:

17.24.010 Purpose.

- 17.24.020 Permitted uses and structures.
- 17.24.030 Conditional uses.
- 17.24.040 Special uses.
- 17.24.050 Building site.
- 17.24.060 Off-street parking.

17.24.010 Purpose.

The general development district is a zone classification permitting a wide range of uses appropriate for rural areas at densities consistent with the level of available public facilities, public services and the physical characteristics of the areas included within the district. The district includes provisions to encourage compatibility between neighboring land uses. (Ord. 241 § 13.03.500, 1998)

17.24.020 Permitted uses and structures.

The following uses or activities are permitted:

- A. Agricultural uses and associated uses of a rural nature including road-side stands for the sale of agricultural products, the majority of which are locally grown;
- B. Single-family dwellings and accessory buildings and uses;
- C. Public and semi-public uses, including schools, churches, museums and cemeteries;
- D. The growing and harvesting of forest products, silvicultural uses and associated uses of a rural nature. Surface excavations regulated under Sections 17.60.090 through 17.60.180;
- E. Dams, electric power plants, flowage areas, transmission lines and stations together with necessary accessory buildings;
- F. Game and fish rearing and management;
- G. Riding academies;
- H. Parking, repairing, maintaining one heavy truck as an accessory use to a residence where the person operating the truck resides on the property where the truck is to be parked;
- I. Temporary fireworks stands regulated under Chapter 70.77 RCW and WAC 122-17;
- J. Home day cares;
- K. Public and semi-public parks, including sports fields.

(Ord. 299 § 2, 2002; Ord. 291 § 2, 2001; Ord 242 (part), 1998; Ord. 241 § 17.24.510, 1998)

17.24.030 Conditional uses.

The following uses and activities may be approved by the board of adjustment provided the board finds that all of the following criteria which apply to proposed use are fulfilled:

- A. Recreational vehicle parks and campgrounds;
- B. Sanitary fill sites;
- C. Commercial uses which serve the surrounding regional markets as evidenced by a gross floor area of less than five thousand (5,000) square feet may be permitted; provided, that all of the following criteria are met: (1) the site is served by public facilities and services adequate for the proposed use, including waste disposal, water supply and fire protection; or the applicant can adequately provide the needed services; (2) the site is located within the vicinity of an existing intersection along major circulation routes. Major circulation routes are defined as designated arterials, primary state

highways and freeways; (3) the characteristics of the proposed use and its locations will not introduce an incompatible or hazardous condition on the immediate area;

D. Agricultural and forest products processing plants, and associated uses and structures, trucking terminals, truck storage, repairs, and maintenance provided all of the following criteria are satisfied: (1) the proposed use is compatible with the character of area in which it is to locate and any existing or planned land uses within the area; (2) access to the site is designed to minimize truck traffic through residential areas and the traffic generated by the use will not adversely impact residential areas; (3) the characteristics of the proposed use and its location will not introduce an incompatible or hazardous condition to the immediate area;

E. Motor vehicle sports and recreation facilities including race tracks, race course, and motor cross tracks;

F. On any legal parcel which is less than ten (10) acres, a second temporary dwelling unit may be authorized provided that the following conditions are met: (1) the accessory unit is for use by a member of the family of the occupants of the principal residence on the property. For the purposes of this section, "member of the family" means related by blood, marriage or law; (2) no division of the property is authorized; (3) the unit shall be removed or converted to a conforming use when the use authorized by the permit is discontinued; (4) the parcel shall comply with the minimum lot requirements of the health department for each unit; (5) The board of adjustment shall establish either a final expiration date or annual renewal by the administrator upon showing by the applicant that the approved use is continuing;

G. Airports.

Additionally, the board shall have the authority to require such other conditions as deemed necessary to assure that the proposal is compatible with surrounding uses and in keeping with the purpose of the district. (Ord. 336 (part), 2005; Ord. 241 § 13.03.520, 1998)

17.24.040 Special uses.

The following uses or activities may be approved by the planning commission provided the commission finds that the provisions and requirements of the zoning ordinance are fulfilled:

A. The clustering of dwelling units including the reduction of side yard setbacks, and common wall construction practices provided the commission finds all of the following criteria are met: (1) the overall density of one unit per five acres is maintained within the development and permanently guaranteed by legally binding and enforceable provisions; (2) the physical characteristics of the land will permit adequate water supplies and sewage disposal without adversely affecting neighboring water supplies and sewage disposal systems. (Ord. 241 § 13.03.530, 1998)

17.24.050 Building site.

A. Minimum lot size: five acres, or one-one-hundred-twenty-eighth (1/128th) of a section if describable as a fraction of the section.

B. Density: one dwelling unit per five acres, or one-one-hundred-twenty-eighth (1/128th) of a section.

C. Minimum yard requirements.

1. Residential:

- a. Front yard: twenty-five (25) feet if the lot fronts on an access road or thirty-five (35) feet if the lot fronts on a major collector, minor collector, urban collector, state or federal highway;
 - b. Side yard: twenty (20) feet if an interior lot or adjacent to an access road. Thirty-five (35) feet if the corner lot is on a minor collector, major collector, state or federal highway;
 - c. Rear yard: twenty-five (25) feet.
2. Commercial and Industrial Uses -- Front yard. The setback shall equal the height of the building(s) or thirty-five (35) feet whichever is greater.
- D. Minimum lot width: one hundred (100) feet.
 - E. Maximum lot coverage: thirty-three (33) percent of the total lot area.
- (Ord. 241 § 13.03.540, 1998)

17.24.060 Off-street parking.

Off-street parking shall be provided as required in Chapter 17.68.
(Ord. 241 § 13.03.560, 1998)

Chapter 17.28

R-1 RESTRICTED RESIDENTIAL DISTRICT

Sections:

- 17.28.010 Purpose.
- 17.28.020 Permitted uses and structures.
- 17.28.030 Conditional uses.
- 17.28.040 Building site.
- 17.28.050 Prohibited uses and structures.

17.28.010 Purpose.

This district is designed for single-family dwellings, combining a low population density with a high degree of protection against objectionable influences, building congestion, lack of light, air and privacy. (Ord. 241 § 13.04.010, 1998)

17.28.020 Permitted uses and structures.

- A. Single-family dwellings;
- B. Parks;
- C. Golf courses;
- D. Home day cares.

(Ord. 242 (part), 1998; Ord. 241 § 13.04.020, 1998)

17.28.030 Conditional uses.

- A. Schools (see Section 17.60.030);

- B. Churches (see Section 17.60.040);
 - C. Home occupations (see Section 17.60.050).
- (Ord. 241 § 13.04.030, 1998)

17.28.040 Building site.

A. Minimum lot size: fifteen thousand (15,000) square feet or the greater area required by health regulations for the intended method of sewage disposal and water system.

B. Minimum Yard Requirements:

1. Front yard: twenty-five (25) feet.
2. Side yard: fifteen (15) feet.
3. Rear yard: twenty-five (25) feet.

C. Maximum lot coverage: thirty-three (33) percent of total lot area.

(Ord. 241 § 13.04.040, 1998)

17.28.050 Prohibited uses and structures.

- A. All commercial uses;
- B. All industrial uses;
- C. Two-family and multiple-family dwellings;
- D. Mobile home parks;
- E. Recreational vehicle parks and campgrounds.

(Ord. 241 § 13.04.050, 1998)

Chapter 17.32

R-2 GENERAL RESIDENTIAL DISTRICT

Sections:

- 17.32.010 Purpose.
- 17.32.020 Permitted uses and structures.
- 17.32.030 Conditional uses.
- 17.32.040 Building site.
- 17.32.050 Prohibited uses and structures.

17.32.010 Purpose.

This is a district designed for residential use with protection from objectionable influences.
(Ord. 241 § 13.04.070, 1998)

17.32.020 Permitted uses and structures.

- A. Single- and two-family dwellings;
- B. Parks;

- C. Home occupations (see Section 17.60.050);
- D. Home day cares.

(Ord. 242 (part), 1998; Ord. 241 § 13.04.080, 1998)

17.32.030 Conditional uses.

- A. Schools (see Section 17.60.030);
- B. Churches (see Section 17.60.040);
- C. Mobile home parks;
- D. Multiple-family dwellings.

(Ord. 241 § 13.04.090, 1998)

17.32.040 Building site.

A. Minimum lot size: ten thousand (10,000) square feet for first unit, one thousand five hundred (1,500) square feet for each additional unit or the larger lot area required by health regulations for the intended method of sewage disposal and water system.

B. Minimum yard requirements:

1. Front yard: twenty-five (25) feet.

2. Side yard: Multiple-family dwellings: equal to the height of the building. Single-family dwellings: ten (10) feet or ten (10) percent of the width of the lot at the front set back line but not less than five feet.

3. Rear Yard: Single-family dwellings: twenty-five (25) feet or ten (10) percent of the lot depth (as defined) but not less than ten (10) feet. Multiple-family dwellings: equal to the height of the building plus ten (10) feet.

4. Maximum lot coverage: thirty-three (33) percent of total lot area.

(Ord. 241 § 13.04.010, 1998)

17.32.050 Prohibited uses and structures.

- A. All commercial uses;
- B. All industrial uses;
- C. Recreational vehicle parks and campgrounds.

(Ord. 241 § 13.04.110, 1998)

Chapter 17.36

R-3 RESORT RESIDENTIAL DISTRICT

Sections:

17.36.010 Purpose.

17.36.020 Permitted uses and structures.

17.36.030 Conditional uses.

- 17.36.040 Building site.
- 17.36.050 Prohibited uses and structures.

17.36.010 Purpose.

This is a district designed to permit recreational type residential as well as conventional residential. (Ord. 241 § 13.04.130, 1998)

17.36.020 Permitted uses and structures.

- A. Single-family dwellings;
- B. Parks;
- C. Two-family dwellings;
- D. Home occupations (see Section 17.60.050);
- E. Temporary fireworks stands regulated under RCW 70.77 and WAC 122-17;
- F. Home day cares.

(Ord. 242 (part), 1998; Ord. 241 § 13.04.140, 1998)

17.36.030 Conditional uses.

- A. Multiple-family units;
- B. Motels, bed and breakfast inns, nightly rentals, boarding houses;
- C. Mobile home parks;
- D. Schools (see 17.60.030);
- E. Churches (see Section 17.60.040);
- F. Recreational vehicle parks and campgrounds;
- G. Retail sales of arts and crafts;
- H. Restaurants;
- I. Child day care centers subject to the following conditions:
 - 1. Child day care centers shall comply with the standards and requirements of the Grays Harbor environmental health division;
 - 2. Child day care centers shall comply with the licensing standards and requirements of the Washington State Department of Social and Health Services;
 - 3. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Fire Code and its successor;
 - 4. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Building Code and its successor;
 - 5. Child day care centers shall not be established on lands designated pursuant to RCW 36.70A.170 as geologic ally hazardous areas, frequently flooded areas, or wetlands.
- J. Convenience stores, subject to the following conditions:
 - 1. Floor area not to exceed five thousand (5,000) square feet;
 - 2. The convenience store shall only occur on parcels with frontage on a major arterial, a state highway, or other major road. Site access shall only be from such arterial, highway, or major road;

3. Landscape buffers shall be provided between the convenience store and any property zoned or used for residential use, such that light and glare is substantially prevented from reaching the residential property;

4. The convenience store, its signs, or other appurtenances shall not project light and glare onto adjacent residential properties;

5. Hours of operation shall be limited to seven a.m. until eight p.m.;

6. Adequate on-site parking shall be provided per county requirements;

7. If gasoline, natural gas, or other petroleum products are sold, all relevant spill containment, fire code and other related regulations from local, state and federal laws shall be strictly adhered to;

8. Best management practices and all formal regulations related to storm water shall be employed and/or met.

k. Motorcycle, all-terrain vehicle, automobile, light-duty truck, boat, motor home and recreational-vehicle repair, but not including repair of heavy trucks or larger vehicles; subject to, but not limited to the following conditions:

1. The property shall not have any frontage on a private lane.

2. The property shall be at least one acre in size. (Ord. 333 (part), 2005; Ord. 297 (part), 2002; Ord. 294, 2002; Ord. 242 (part), 1998; Ord. 241 § 13.04.150, 1998)

17.36.040 Building site.

A. Minimum lot size: seven-thousand-two-hundred (7,200) square feet for single-family, eight-thousand-four-hundred (8,400) square feet for two-family dwellings and seven-thousand-two-hundred (7,200) square feet for the first unit and one-thousand (1,000) square feet for each additional unit in an apartment or condominium, or the larger lot area required by health regulations for the intended method of sewage disposal and water system.

B. Minimum Yard Requirements:

1. Front yard: twenty-five (25) feet.

2. Side yard: Multiple-family dwellings: equal to the height of the building. Single-family dwellings: ten (10) feet or ten (10) percent of the width of the lot at the front set back line but not less than five feet.

3. Rear yard: Single-family dwellings: twenty-five (25) feet or ten (10) percent of the lot depth (as defined) but not less than ten (10) feet. Multiple-family dwellings: equal to the height of the building plus ten (10) feet. (Ord. 241 § 13.04.160, 1998)

17.36.050 Prohibited uses and structures.

All industrial uses. (Ord. 336 (part), 2005; Ord. 297 (part), 2002; Ord. 241 § 13.04.170, 1998)

Chapter 17.40

RR RURAL RESIDENTIAL DISTRICT

Sections:

- 17.40.010 Purpose.
- 17.40.020 Permitted uses and structures.
- 17.40.030 Conditional uses.
- 17.40.040 Special uses.
- 17.40.050 Building site.
- 17.40.060 Off-street parking.

17.40.010 Purpose.

The rural residential district is a zone classification permitting rural residential uses in areas suited for such development at densities consistent with the level of available public facilities, public services and land capability. Provisions are included to protect the rural residential uses from objectionable influences. (Ord. 241 § 13.04.600, 1998)

17.40.020 Permitted uses and structures.

The following uses or activities are permitted:

- A. Single-family dwellings and accessory buildings and uses;
- B. The growing and harvesting of forest products;
- C. The growing and harvesting of agricultural products and animal husbandry, and the sale of agricultural products on the premises where such products are grown;
- D. Parking, repairing, maintaining one heavy truck as an accessory to a residence where the person operating the truck resides on the property where the truck is to be parked;
- E. Home day cares.

(Ord. 242 (part), 1998; Ord. 241 § 13.04.610, 1998)

17.40.030 Conditional uses.

The following uses or activities may be approved by the board of adjustment provided the board finds that the provisions and requirements of the zoning ordinance are fulfilled:

- A. Schools;
- B. Churches;
- C. Mobile home parks;
- D. Kennels;
- E. Veterinary clinics;
- F. Riding stables;
- G. Cemeteries and mausoleums, crematories and mortuaries within cemeteries provided that no mortuary or crematorium is within one hundred (100) feet of a street bordering the cemetery, or where no streets border the cemetery, within two hundred (200) feet of a residential lot;
- H. Public and private recreational facilities, including country clubs, golf courses, swimming clubs, and tennis clubs, but not including such intensive commercial recreational uses as golf driving ranges (unless within a golf course), race track, amusement park, or gun club;
- I. Roadside stands for the sale of agricultural products the majority of which are locally grown;

J. Government structures, including fire stations, libraries and museums; but not including storage or repair yards, warehouses or similar uses;

K. County fairgrounds, along with accessory uses deemed appropriate by the board of adjustment.

L. Recreational-vehicle parks and campgrounds:

1. The property shall not have any frontage on a private lane,

2. The property shall be at least one acre in size. (Ord. 306 (part), 2003; Ord. 241 § 13.04.620, 1998)

17.40.040 Special uses.

The following uses or activities may be approved by the planning commission provided the commission finds that the provisions and requirements of the zoning ordinance are fulfilled:

The clustering of dwelling units including the reduction of side yard setbacks, and common wall construction practices provided the commission finds the following criteria are met: (1) the overall density of one unit per acre is maintained within the development and permanently guaranteed by legally binding and enforceable provisions; (2) the physical characteristics of the land will permit adequate water supplies and sewage disposal without adversely affecting neighboring water supplies and sewage disposal systems. (Ord. 241 § 13.04.630, 1998)

17.40.050 Building site.

A. Minimum lot size: one acre or the larger lot area required by health regulations for the intended method of sewage disposal and water system.

B. Density: one dwelling unit per acre.

C. Minimum yard requirements:

1. Front yard: twenty-five (25) feet if the lot fronts on an access road or thirty-five (35) feet if the lot fronts on a major collector, minor collector, urban collector, state or federal highway;

2. Side yard: twenty (20) feet if an interior lot or thirty-five (35) feet if the corner lot is on a minor collector, major collector, state or federal highway;

3. Rear yard: twenty-five (25) feet;

D. Minimum lot width: seventy (70) feet.

E. Maximum lot coverage: thirty-three (33) percent of the total lot area.
(Ord. 241 § 13.04.640, 1998)

17.40.060 Off-street parking.

Off-street parking shall be provided as required in Chapter 17.68.
(Ord. 241 § 13.04.660, 1998)

Chapter 17.42

LQ LAKE QUINAULT DISTRICT

Sections:

- 17.42.010 Purpose.
- 17.42.020 Permitted uses and structures.
- 17.42.030 Conditional uses and structures.
- 17.42.040 Building site.
- 17.42.050 Definitions.

17.42.010 Purpose.

The purpose of the Lake Quinault district is to support residential and economic diversity and growth in the communities of Lake Quinault and Neilton as provided in the Lake Quinault sub-area comprehensive land use development plan. (Ord. 265, 1999; Ord. 264, 1999)

17.42.020 Permitted uses and structures.

The following are uses or activities permitted in the district:

- A. Single family and two-family dwellings;
 - B. One attached accessory dwelling for each single-family dwelling;
 - C. Accessory structures and uses;
 - D. Home occupations;
 - E. Bed and breakfast inns;
 - F. Public and semi-public uses and structures;
 - G. Agriculture;
 - H. The growing and harvesting of forest products;
 - I. Parking, repairing, and maintaining one heavy truck as an accessory use to a residence;
 - J. Home day cares;
 - K. Adult family homes;
 - L. Utilities and utility structures under thirty-five feet (35') in height, provided all transmission lines are underground;
 - M. Temporary fireworks stands regulated under RCW 70.77 and WAC 122 17;
 - N. Game and fish rearing and management.
- (Ord. 265, 1999; Ord. 264, 1999)

17.42.030 Conditional uses and structures.

A. The board of adjustment may approve the following uses and structures if it finds that the uses or structures meet all minimum county ordinances and will not create an incompatible or hazardous condition:

- 1. Multi-family dwellings with three to fifteen (15) dwellings;
- 2. An accessory dwelling not attached to a single family, two-family, or mobile home dwelling; provided that:
 - a. The accessory unit is for use by a member of the family of the occupants of the principal residence on the property. For the purposes of this section, member of the family shall mean related by blood, marriage or law;

b. The dwelling unit meets all county requirements for a potable water supply and sewage disposal; and

c. The unit shall be removed or converted to a conforming use when the use authorized by the permit is discontinued.

3. Retail, tourist, or wholesale commercial uses and activities;
4. Manufacturing activities and/or structures;
5. Residential care facilities;
6. Rest homes, convalescent homes, guest homes, and homes for the aged;
7. Motels;
8. Recreational vehicle parks and campgrounds;
9. Mobile home parks;
10. Utilities and utility structures over thirty-five (35) feet in height.

B. The board of adjustment may require buffers to reduce impacts created by light, glare, and noise on adjacent and area properties.

1. The width of buffers may be adjusted to account for natural features, volumes, proposed setbacks in design or other factors. The general rule is that the more intensive the proposed use and its potential for adverse impacts on adjacent or nearby properties, the larger the buffer will be necessary.

2. The height of all buffers shall be sufficient to ensure that the impacts of the proposed use are mitigated. (Ord. 265, 1999; Ord. 264, 1999)

17.42.040 Building site.

A. The minimum lot size is two acres.

B. The following maximum density requirements for dwellings shall apply to lots throughout the district:

1. Single-family dwellings or mobile homes: one dwelling per two acres
2. Two-family dwellings: two dwelling units per two acres;
3. Apartments: fifteen (15) dwellings per two acres;
4. Accessory dwellings and temporary unattached accessory dwellings are not included when calculating the density requirements for subsections (B)(1) through (B)(4).

C. Minimum yard requirements:

1. Front yard: twenty-five feet (25');
2. Side yard: twenty feet (20');
3. Rear yard: twenty-five feet (25');

D. Minimum lot width: one hundred feet (100').

E. Maximum lot-coverage by structures: Thirty-three percent (33%) of the total lot area. (Ord. 265, 1999; Ord. 264, 1999)

17.42.050 Definitions.

“Accessory dwelling unit” means a second, subordinate dwelling unit for use as a complete, independent dwelling with permanent provisions for living, sleeping, eating, cooking, and sanitation.

“Adult family home” means the regular family abode of a person or persons who are providing care, room and board to more than one, but not more than four, adults who are not related by blood or marriage to the person or persons providing that service; except that a maximum of six adults may be permitted if the Washington State Department of Social and Health Services determines that the home and provider are capable of meeting standards and qualifications provided by Chapter 70.128.010 RCW.

“Attached accessory dwelling unit” means an accessory dwelling unit located within or attached to a single family residence. To be attached, the roof and wall of the accessory dwelling unit must be an extension of the roof and wall of the existing single -family residence. In no case shall the attachment be made through an unenclosed structure.

“Buffer” means a horizontal distance, measured perpendicularly from a property line, intended to provide spaces to reduce the impacts of proposed uses on adjacent property or natural features.

“Manufacturing” means any process devoted to the production and/or assembly of a product.

“Public and semi-public uses and structures” means uses and structures associated with schools, churches, government, community meeting halls, charitable organizations, and cemeteries.

“Residential care facility” means a facility licensed by the state of Washington that cares for at least five and no more than fifteen (15) people with functional disabilities and is not an “adult family home.” (Ord. 265, 1999; Ord. 264, 1999)

Chapter 17.44

C-2 GENERAL COMMERCIAL DISTRICT

Sections:

- 17.44.010 Purpose.
- 17.44.020 Permitted uses and structures.
- 17.44.030 Conditional uses.
- 17.44.040 Building site.
- 17.44.050 Prohibited uses and structures.
- 17.44.060 Off-street parking.

17.44.010 Purpose.

This is a district designed to provide for the wide range of uses commonly found in a retail business area. (Ord. 241 § 13.05.080, 1998)

17.44.020 Permitted uses and structures.

A. All retail business uses and services commonly found in an area providing conveniences and comparison goods shopping;

B. Automobile service stations, provided that only routine maintenance and auto product sales are carried on the premises;

- C. Churches;
- D. A single-family residence that is accessory to a permitted commercial use;
- E. Mini-storage building(s);
- F. Motels.

(Ord. 241 § 13.05.090, 1998)

17.44.030 Conditional uses.

- A. Child day care centers subject to the following conditions:

1. Child day care centers shall comply with the standards and requirements of the Grays Harbor environmental health division;
2. Child day care centers shall comply with the licensing standards and requirements of the Washington State Department of Social and Health Services;
3. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Building Code and its successor;
4. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Fire Code and its successor;
5. Child day care centers shall not be established on lands designated pursuant to RCW 36.70A.170 as geologically hazardous areas, frequently flooded areas, or wetlands.

B. Light industrial uses, provided that the property shall not have any frontage on a private lane. (Ord. 336 (part), 2005; Ord. 242 (part), 1998; Ord. 241 § 13.05.100, 1998)

17.44.040 Building site.

- A. Minimum lot-size: none.
- B. Minimum Yard Requirements:

1. Front yard: as required by the building code; provided, that mini-storage buildings shall observe a thirty (30) foot setback;
2. Side yard: equal to the height of the building provided that mini-storage buildings shall observe a minimum setback of twenty-five (25) feet;
3. Rear Yard: equal to the height of the building provided that mini-storage buildings shall observe a minimum setback of twenty-five (25) feet. (Ord. 241 § 13.05.110, 1998)

17.44.050 Prohibited uses and structures.

- A. All industrial uses;
- B. Schools;
- C. Residential.

(Ord. 241 § 13.05.120, 1998)

17.44.060 Off-street parking.

Off-street parking shall be provided in accordance with Chapter 17.68.

(Ord. 241 § 13.05.140, 1998)

Chapter 17.48

I-1 LIGHT INDUSTRIAL DISTRICT

Sections:

- 17.48.010 Purpose.
- 17.48.020 Permitted uses and structures.
- 17.48.030 Conditional uses.
- 17.48.040 Building site.
- 17.48.060 Off-street parking.

17.48.010 Purpose.

This district is designed to provide for the establishing of industries distinguished from major fabrication, in which uses are largely devoid of nuisance factors, hazards or exceptional demands upon public facilities and services, and to establish a land use pattern advantageous to the specialized needs of the uses permitted in this district. (Ord. 333 (part), 2005:Ord. 241 § 13.06.010, 1998)

17.48.020 Permitted uses and structures.

- A. Light Industrial uses;
- B. Caretaker or owner occupied residence that is accessory to a permitted industrial use. (Ord. 333 (part), 2005: Ord. 241 § 13.06.020, 1998)

17.48.030 Conditional uses.

- A. Single-family dwelling;
- B. Child day care centers subject to the following conditions:
 1. Child day care centers shall comply with the standards and requirements of the Grays Harbor environmental health division;
 2. Child day care centers shall comply with the licensing standards and requirements of the Washington State Department of Social and Health Services;
 3. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Fire Code and its successor;
 4. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Building Code and its successor;
 5. Child day care centers shall not be established on lands designated pursuant to RCW 36.70A.170 as geologically hazardous areas, frequently flooded areas, or wetlands. (Ord. 242 (part), 1998: Ord. 241 § 13.06.030, 1998)

17.48.040 Building site.

- A. Minimum lot size: ten (10) acres.
- B. Minimum Yard Requirements:
 1. Front yard: The front yard shall be established by measuring back forty (40) feet from the right-of-way.

2. Side yard and rear yard: thirty-five (35) feet.
(Ord. 241 § 13.06.040, 1998)

17.48.060 Off-street parking.

Off-street parking shall be provided in accordance with Chapter 17.68.
(Ord. 241 § 13.06.070, 1998)

Chapter 17.52

I-2 INDUSTRIAL DISTRICT

Sections:

- 17.52.010 Purpose.
- 17.52.020 Permitted uses and structures.
- 17.52.030 Conditional uses.
- 17.52.040 Building site.
- 17.52.140 Off-street parking.

17.52.010 Purpose.

The purpose and intent of the industrial district is to provide areas where industrial activities and uses involving the processing, fabrication and storage of products may be located. The district also allows such commercial uses that serve primarily the industrial district. The standards in this chapter are intended to protect the industrial area from uses which may interfere with efficient industrial operations. (Ord. 333 (part), 2005; Ord. 241 § 13.06.080, 1998)

17.52.020 Permitted uses and structures.

A. Industrial uses and industrial development facilities as defined under RCW 39.84.020 Part 6, or its successor;

B. A caretaker or owner-occupied residence that is accessory to a permitted industrial use is allowed;

C. Research and development laboratories, technical and vocational schools and facilities including accessory housing facilities for researchers and students;

D. Transportation and utility facilities serving all permitted uses and activities.

E. Light industrial uses. (Ord. 333 (part), 2005; Ord. 293, 2002; Ord. 252 § 1, 1998; Ord. 241 § 13.06.090, 1998)

17.52.030 Conditional uses.

A. Automobile wrecking;

B. Child day-care centers subject to the following conditions:

1. Child day care centers shall comply with the standards and requirements of the Grays Harbor environmental health division;

2. Child day care centers shall comply with the licensing standards and requirements of the Washington State Department of Social and Health Services;

3. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Fire Code and its successor;

4. Child day care centers shall comply with the standards and requirements of the 1994 Uniform Building Code and its successor; and

5. Child day care centers shall not be established on lands designated pursuant to RCW 36.70A.170 as geologically hazardous areas, frequently flooded areas, or wetlands. (Ord. 252 § 2, 1998; Ord. 241 § 13.06.100, 1998)

17.52.040 Building site.

A. Minimum lot size: none.

B. Minimum Yard Requirements:

1. Front yard: Same as I-1 district;

2. Side yard: as required by building code;

3. Rear yard: as required by building code.

(Ord. 241 § 13.06.110, 1998)

17.52.140 Off-street parking.

Off-street parking shall be provided in accordance with Chapter 17.68.

(Ord. 241 § 13.06.140, 1998)

Chapter 17.56

COMBINING DISTRICTS

Sections:

17.56.010 Conflict of provisions.

17.56.020 Definitions.

17.56.030 Flood plain district, FP.

17.56.040 Lands to which this district applies.

17.56.050 Warning and disclaimer of liability.

17.56.060 Permits required for all development within the flood plain district.

17.56.070 Administration.

17.56.080 Provisions for flood hazard reduction.

17.56.090 Provisions for flood hazard reduction in floodways.

17.56.100 Provisions for flood hazard reduction in coastal high hazard areas.

17.56.110 Variances and appeals -- Authority.

17.56.120 Criteria for granting flood plain variances.

17.56.130 Variance record requirements.

17.56.140 Amendments.

- 17.56.150 Violations -- Penalties.
- 17.56.160 Appeals of civil penalties.
- 17.56.170 Shoreline environment overlay.
- 17.56.180 Critical area overlay.
- 17.56.190 Planned unit developments.

17.56.010 Conflict of provisions.

Whenever any of the following combining districts are combined with any primary district, the regulations of the combining district or districts shall be in addition to those specified for the primary district, and, in the case of conflict, the more restrictive provisions shall apply. (Ord. 241 § 13.07.010, 1998)

17.56.020 Definitions.

For the purposes of this district, certain words and phrases have a special meaning and are defined in this section. Other terms of more general applicability are defined in Chapter 17.08. The definitions contained in this section shall only apply to the flood plain district.

“Accessory structure” means a detached subordinate building, the use of which is necessary and incidental to that of a main building on the same lot, and which does not change or alter the character of the premises. All accessory structures constructed in the flood plain district must obtain a building permit prior to construction.

“Area of special flood hazard” means the land in the flood plain within the county subject to a one percent or greater chance of flooding in any given year. The designation of an area of special flood hazard on FIRMs always includes the letters “A” or “V.”

“Base flood” means the flood having a one percent chance of being equaled or exceeded in any given year. Also referred to as the one-hundred (100) year flood. The designation of an area of special flood hazard on FIRMs always includes the letters “A” or “V.”

“Breakaway walls” mean any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic, or any other suitable building material which are so designed as to breakaway under abnormally high tides or wave action, without damage to the structural integrity of the building on which they are used or any building to which they might be carried by flood waters.

“Coastal high hazard area” means the area subject to high velocity waters, including but not limited to storm surges. The area is designated on a FIRM as Zone V or Zones V1--V30.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation, or drilling operations located within the area of special flood hazard.

“Flood” or “flooding” means a general and temporary condition of partial or complete inundation of normally dry land areas from: (a) the overflow of inland or tidal waters and/or (b) the unusual and rapid accumulation of runoff or surface waters from any source.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

“Lowest floor” means the lowest floor of the lowest enclosed area (including a basement). An unfinished or flood resistant enclosure, usable solely for parking vehicles, building access or storage, in an area other than a basement area, is not considered a building’s lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable no elevation design requirements of this chapter.

“Mobile home” means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when connected to the required utilities. For flood plain management purposes the term “mobile home” also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one-hundred-eighty (180) consecutive days. For insurance purposes the term “mobile home” does not include park trailers, travel trailers, and other similar vehicles. The term “mobile home” means manufactured home.

“Mobile home park or subdivision” means a parcel or contiguous parcels of land divided into two or more mobile home lots or mobile home spaces for rent, lease, or sale.

“New construction” means the construction, erection, and/or placement of any structure, including a mobile home, where the specific structure did not previously exist on the specific location where the structure will be constructed, erected, or placed. The replacement of an existing mobile home with a new mobile home is new construction. The reconstruction of an existing structure, the construction of an addition to an existing structure, or the construction of attached decks, attached porches, attached carports, attached garages, or similar attached structures which are attached to an existing structure are not new construction; however, they may qualify as “substantial improvements.” See the definition of “substantial improvements.”

“Planned unit development (PUD)” means one or a group of specified uses, such as residential, resort, commercial, or industrial, to be planned and constructed as a unit. Zoning or subdivision regulations with respect to lot size, building bulk, etc., may be varied to allow design innovations and special features in exchange for additional and/or superior site amenities or community benefits.

“Planning director” means the director of the Grays Harbor County planning and building division or the director or head of the department’s successor or the designee of the director or head.

“Pole building” means a building which is supported by poles placed vertically into the ground.

“Start of construction” means the date the building permit was issued to construct or substantially improve a building or structure, provided the actual start of construction, repair, reconstruction, placement, or other improvement was within one-hundred-eighty (180) days of the date the permit was issued. The “actual start” means the first placement of permanent construction of a structure on a site, such as the pouring of slabs or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a mobile home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or the erection of temporary forms; nor does it include the installation

on the property of accessory buildings such as garages or sheds, not occupied as dwelling units or not part of the main structure.

“Structure” means a walled and roofed building including a gas or liquid storage tank that is principally above ground.

“Substantial improvement” means any repair, reconstruction, improvement of a structure the cost of which equals or exceeds fifty (50) percent of the appraised market value of the structure either: (a) before the improvement or repair is started; or (b) if the structure has been damaged and is being restored before the damage occurred. For the purposes of this definition substantial improvement is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. When the total of all repairs, reconstructions, and improvements, except subdivisions (a), (b), and (c) below, made or to be made to a structure since the effective date of this district equals or exceeds fifty (50) percent of the value of the structure the later repair, reconstruction, or improvement shall be considered a substantial improvement under the terms of this district. For the purpose of this definition the following shall not be considered substantial improvements: (a) routine maintenance of a structure including reroofing, repair of electrical systems, repair of: utility systems, repainting, repair of windows, siding, and other maintenance; (b) any project for the improvement of a structure to comply with existing state or local health, sanitary, or safety ordinance specifications which are solely necessary to assure safe living conditions; and (c) any alteration of a structure listed on the National Register of Historic Places or State Inventory of Historic Places.

“Wet floodproofing” means any combination of materials and techniques used to construct a structure to allow the entry and exit of flood waters in a way which will cause minimal structural damage. (Ord. 310 § 2, 2003; Ord. 241 § 13.07.030, 1998)

17.56.030 Flood plain district, FP.

The flood plain combining district classification is designed to carry out the mandate contained in the National Flood Insurance Program 42 U.S.C. 4001-4128. (Ord. 241 § 13.07.020, 1998)

17.56.040 Lands to which this district applies.

This district shall apply to all areas of special flood hazard within the jurisdiction of Grays Harbor County identified by the Federal Emergency Management Agency on its Flood Insurance Rate Maps (FIRMs).

No land, wetlands, or waterways shall be altered; no building or structure shall be erected, reconstructed, located, extended, expanded, converted, altered or intensified; and no land, building, or structures shall be used for any purpose except as herein after allowed in the same zone in which such building, structure, and land is located. (Ord. 241 § 13.07.040, 1998)

17.56.050 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply, on the part of the county of Grays Harbor, any officer or employee thereof, or the Federal

Insurance Administration for any flood damages that result from reliance on this chapter or any administrative, quasi-judicial, or legislative decision lawfully made thereunder that land outside the flood plain district or uses permitted within such areas will be free from flooding. (Ord. 241 § 13.07.050, 1998)

17.56.060 Permits required for all development within the flood plain district.

A permit shall be obtained before construction or development begins on any area within the flood plain district. The permit shall be required for all development as set forth in the definition of “development” in Section 17.56.030 including all structures, buildings, mobile homes, and fill. In addition to the information required for all permits, applications for permits for development within the flood plain district shall include:

A. The elevation in relation to mean sea level, of the lowest habitable floor (including basement) of all structures and whether or not the structure contains a basement. (See Section 17.56.080(B));

B. The elevation in relation to mean sea level to which any structure has been flood proofed;

C. Certification by a registered professional engineer or architect that the floodproofing methods for any nonresidential structure meet the floodproofing criteria in Section 17.56.080(F) and a certification upon completion that the structure was built in accordance with the criteria. These certifications shall be provided before a certificate of occupancy is issued;

D. A description of the extent to which any watercourse will be altered or relocated as a result of proposed development;

E. A listing of the necessary permits and clearances from those governmental agencies from which approval is required by Federal or State law, including but not limited to Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 USC 1334, and the Washington State Shorelines Management Act;

F. Evidence the permits listed in subsection E of this section have been received;

G. Base flood elevation data for all subdivision proposals and other proposed new development greater than ten (10) lots or five acres, whichever is the lesser.

H. Any other information which may be reasonably required by the planning director in order to administer this district.

The applicant shall be responsible for the costs of providing the required information, including the costs associated with determining and setting elevations at the development site where required by this district. (Ord. 241 § 13.07.060, 1998)

17.56.070 Administration.

The duties of the planning director shall include, but not be limited to:

A. Permit Review.

1. Review all permits requested for areas within the flood plain district to determine that the permit requirements and development standards of this district have been satisfied. The planning director may require that development proposals be reviewed by the county engineer to assure the accuracy of data and that the provisions of this district will be met;

2. Review all permits requested for areas within the flood plain district to determine that all necessary permits have been obtained from those federal, state, or local governmental agencies from which prior approval is required; including Section 404 of the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1334, and the state of Washington Shorelines Management Act.

3. For areas where a regulatory floodway has been designated, review all permits to determine if the proposed development is located in the floodway. If located in the floodway, assure that the encroachment provisions of Section 17.56.090(A) are met;

4. For areas where a regulatory floodway has not been designated but may be designated in the future, review all permits in the area of special flood hazard except in the coastal high-hazard area to determine if the proposed development adversely affects the flood carrying capacity of the area of special flood hazard. For the purpose of this ordinance, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water-surface elevation of the base flood more than one foot at any point.

B. Obtaining base flood data: to obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source in order to administer this chapter.

C. Obtaining and maintaining the following information:

1. Where base flood elevation data is provided through the Flood Insurance Study or from some other sources as provided by Section 17.56.070(B), obtain and record the actual elevation (in relation to mean sea level) of the lowest habitable floor (including basement) of all new or substantially improved structures, and whether or not the structure contains a basement;

2. For all new or substantially improved floodproofed structures: (a) verify and record the actual elevation (in relation to mean sea level); and (b) maintain the floodproofing certifications required in Section 17.56.060(C);

3. For all new construction and substantially improved structures within coastal high hazard areas, certification shall be obtained from a registered professional engineer or architect that the structure is securely anchored to adequately anchored pilings or columns in order to withstand velocity waters;

4. Maintain for public inspection all records pertaining to the provisions of this chapter.

D. Regulation of Alteration of Watercourses.

1. Notify adjacent communities and the Washington State Department of Ecology prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration;

2. Assure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained.

E. Interpretation of FHBM boundaries: make interpretations where needed as to the exact location of the boundaries of the areas of special flood hazards (for example, where there appears to be a conflict between a mapped boundary and actual field conditions). (Ord. 241 § 13.07.070, 1998)

17.56.080 Provisions for flood hazard reduction.

In all areas within the flood plain district the planning director or his or her designee shall assure the following standards are met.

A. General Development (Including Subdivisions) Review Standards.

1. All development proposals shall be consistent with the need to minimize flood damage;
2. All public utilities and facilities, such as sewer, gas, electrical, and water systems proposed for construction within all development proposals shall be located and constructed to minimize or eliminate flood damage.
3. All development proposals shall provide adequate drainage to reduce exposure to flood hazards.
4. Where base flood elevation data has not been provided or is not available from another authoritative source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty (50) lots or five acres (whichever is less).

B. Permit Review Where Elevation Data is Not Available. Where elevation data is not available either through a Flood Insurance Study or another authoritative source, applications for permits shall be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgement and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate the lowest floor at least two feet above grade may result in higher insurance rates.

C. Anchoring Standards.

1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure.
2. All new mobile home placements shall be anchored to resist flotation, collapse, or lateral movements and shall be installed using methods and practices that minimize flood damage.

D. Construction Materials and Method Standards.

1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
3. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed, elevated, or located to prevent water from entering or accumulating within components during floods.

E. Elevation Standards for Residential Structures.

1. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to the base flood elevation.
2. All mobile homes to be placed or substantially improved within Zones A, A1 through A30, AH, and AE shall be elevated on a permanent foundation so that the lowest floor is at or above the base flood elevation and is securely anchored to an adequately anchored foundation system in compliance with Section 17.56.080(C)(2).
3. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria: (a) a minimum of two openings having a total net area of not less than one square inch for each one square foot of enclosed area subject to flooding shall be provided; (b) the bottom of all openings shall be no higher than one foot above finished grade; (c) the openings may be equipped with screens, lou-

vers, or other coverings or devices provided that they permit the automatic entry and exit of flood water.

F. Elevation and Floodproofing Standards for Nonresidential Structures. New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall either:

1. Have the lowest floor, including basement, elevated to the level of the base flood elevation;

or

2. Have the structure together with attendant utility and sanitary facilities floodproofed in compliance with the following requirements:

a. Be floodproofed so that below the base flood level the structure is watertight with walls substantially impermeable to the passage of water,

b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy,

c. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of this subsection based on their development or review of the structural design, specifications and plans. Such certifications shall be provided to the planning director in accordance with Section 17.56.060(C).

d. The floodproofing standards contained in the U.S. Army Corps of Engineers publication, Floodproofing Regulations, EP116F-2.314, July 1972 shall be used as a reference and standard where floodproofing is required;

3. Applicants floodproofing nonresidential structures shall be notified that flood insurance premiums will be based on rates that are one foot below the floodproofed level. That is, a building floodproofed to the base flood level will be rated as one foot below that level for insurance purposes;

4. Nonresidential structures that are elevated, not floodproofed, must meet the requirements for space below the lowest floor found in Section 17.56.080(E)(3).

G. Utility System Standards.

1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

H. Review of Encroachments in Areas Where Floodways Have Not Been Determined. In areas where floodways have not been determined and the Federal Emergency Management Agency has not determined that a floodway cannot be designated in the area, the cumulative effect of any proposed development, when combined with all other existing and anticipated development, shall not increase the water surface elevation of the base flood more than one foot at any point. (Ord. 241 § 13.07.080, 1998)

17.56.090 Provisions for flood hazard reduction in floodways.

In addition to the standards contained in Section 17.56.080, the following standards shall be required for developments sited within established regulatory "floodways to lessen the special haz-

ards resulting from the velocity of flood waters which carry debris, potential projectiles, and have a high erosion potential.” The planning director or his or her designee shall review each development proposal within a floodway prior to issuing a building permit to assure that the following standards are met:

A. Encroachments including fill, new construction, substantial improvements and other development shall be prohibited except: (1) repairs, reconstruction, or improvements to a structure which do not increase the ground floor area; and (2) repairs, reconstruction, or improvements to a structure the cost of which does not exceed fifty (50) percent of the market value of the structure either: (a) before the repair, reconstruction, or repair is started, or (b) if the structure has been damaged, and is being restored, before the damage occurred. Work done on structures to comply with existing health, sanitary, or safety ordinances or to structures identified as historic places shall not be included in the fifty (50) percent determination.

B. The construction, reconstruction, replacement, and improvements to residential structures, including mobile homes, shall be prohibited in floodways except as provided in Section 17.56.090(A)(1) and (2). (Ord. 241 § 13.07.090, 1998)

17.56.100 Provisions for flood hazard reduction in coastal high hazard areas.

In addition to the standards contained in Section 17.56.080, the following standards shall be required for developments sited within coastal high hazard areas (V zones) to lessen the special hazards associated with high velocity waters from tidal surges. The planning director or his or her designee shall review each development proposal within a coastal high hazard area prior to issuing a permit to assure that the following standards are met:

A. All new construction, including buildings or structures shall be located landward of the reach of mean high tide.

B. All new construction and substantial improvements in Zones V, VI-V30 and VE shall be elevated on pilings and columns so that: (1) the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level; and (2) the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Wind and water loading values shall each have a one percent chance of being equaled or exceeded in any given year one-hundred (100) year mean recurrence interval. A registered professional engineer or architect shall develop or review the structural design, specifications, and plans for the construction and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for meeting the provisions of subdivisions (1) and (2) of this subsection.

C. The applicant shall have a registered surveyor, architect, or engineer provide the elevation (in relation to mean sea level) of the bottom of the lowest structural member of the lowest floor (excluding piling and columns) of all new and substantially improved structures in Zones V, VI-V30 and whether or not such structures contain a basement to the planning director or his or her designee. The planning director shall maintain a record of all such information.

D. All new construction and substantial improvements shall have the space below the lowest floor either free of obstruction or constructed with nonsupporting breakaway walls, open wood la-

tice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purpose of this subsection, a breakaway wall shall have a design safe loading resistance of not less than ten (10) and no more than twenty (20) pounds per square foot. Use of breakaway walls which exceed a design safe loading resistance of twenty (20) pounds per square foot (either by design or when required by local or state ordinances) may be allowed only if a registered professional engineer or architect certifies that the designs proposed meet the following conditions: (1) breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and (2) the elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all building components (structural and nonstructural). Maximum wind and water loading values to be used in this determination shall each have a one percent chance of being equaled or exceeded in any given year one-hundred (100) year mean recurrence interval).

E. If breakaway walls are utilized such enclosed space shall be used solely for the parking of vehicles, building access, or storage. Such space shall not be used for human habitation.

F. Fill shall not be used for the structural support of buildings.

G. There shall be no manmade alteration of sand dunes which would increase potential flood damage. (Ord. 241 § 13.07.100, 1998)

17.56.110 Variances and appeals -- Authority.

The board of adjustment shall hear and decide all applications for variances from the requirements of this district and appeals from the administration of this district as provided in Chapter 17.80; further provided, that the requirements and criteria set forth in Sections 17.56.120 and 17.80 must be met before a variance is granted.

In considering appeals from administrative decisions, the board of adjustment shall consider all technical evaluations, all relevant factors, and the criteria in Section 17.56.120(D)(3)(a)--(k). (Ord. 241 § 13.07.110, 1998)

17.56.120 Criteria for granting flood plain variances.

The purpose of the variance procedure is to permit the construction and substantial improvement of structures within existing neighborhoods and areas where the structures are in close proximity, where full compliance with the provisions of this chapter would cause an exceptional hardship, and where granting of a variance would not result in additional threats to the public safety. Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half (1/2) acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level provided the criteria in this section have been met. Because the opportunities to meet the requirements of this district increase and the potential negative impacts on adjacent property decrease as the size of the lot increases beyond one-half (1/2) acre, the technical justification required for issuing a variance increases when the lot is over one-half (1/2) acre in size. Upon consideration of the criteria contained in this section and in Section 17.80.020, the board of adjustment shall grant those variances found to be justified. The board shall make written findings of

fact as to the justification for the variance and may attach such conditions to the granting of variances as it deems necessary to further the purposes of this district.

A. Variances may be issued for the reconstruction, rehabilitation or restoration of structures listed on the National Register of Historical Places or the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this section and Section 17.80.020.

B. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.

C. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.

D. Variances shall only be issued upon: (1) a showing of good and sufficient cause; (2) a determination that, failure to grant the variance would result in exceptional hardship to the applicant; and (3) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud or victimization of the public as identified in the criteria below, or conflict with local laws or ordinances. In deciding variances and appeals from administrative decisions the following factors shall be considered: (a) the danger that materials may be swept onto other land to the injury of others; (b) the danger to life and property due to flooding or erosion damage; (c) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner; (d) the importance of the services provided by the proposed facility to the community; (e) the necessity to the facility of a waterfront location, where applicable; (f) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage; (g) the compatibility of the proposed use with existing and anticipated development; (h) the relationship of the proposed use to the comprehensive plan and flood plain management program for that area; (i) the safety of access to the property in times of flood for ordinary and emergency vehicles; (j) the expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and (k) the costs of providing governmental service, during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems, and streets and bridges.

E. Variances under the National Flood Insurance Program are based on the general zoning principle that the variance pertains to a physical piece of property; the variance is not personal in nature; and the variance does not pertain to the structure or its inhabitant's economic or financial circumstances. As such, variances from the elevation requirements should be quite rare.

F. Each applicant to whom a variance to construct a structure below the flood level is granted shall be notified in writing that the structure will be permitted to be built with a lowest floor below the base flood elevation and that the cost of flood insurance will be commensurate with increased risk resulting from the reduced lowest floor elevation. Such notification shall be maintained with a record of all variance actions as required by Section 17.56.130. (Ord. 310 § 3, 2003; Ord. 241 § 13.07.120, 1998)

17.56.130 Variance record requirements.

The county shall comply with the following record requirements: (A) the planning director shall maintain a record of all variance actions, including the justification for their issuance and the board's

findings of fact; (B) the county shall report the variances from the requirements of this district granted in its periodic report submitted to the federal insurance administrator. (Ord. 241 § 13.07.130, 1998)

17.56.140 Amendments.

A. All amendments to the text and requirements of this district shall be submitted to the Department of Ecology for review and approval.

B. Amendments shall become effective thirty (30) days after the State of Washington Department of Ecology has received them unless they are disapproved by the Department of Ecology within that thirty (30) day period. (Ord. 310 § 4, 2003; Ord. 241 § 13.07.140, 1998)

17.56.150 Violations -- Penalties.

A. Injunctive Relief. As provided by Section 17.96.030, Grays Harbor County may institute any appropriate action to require compliance or enjoin violation of this chapter.

B. Criminal Penalty. As provided by Section 17.96.020, violation of this chapter is a misdemeanor. Each day the violation occurs is a separate and separately punishable offense.

C. Civil Penalty. Any person who fails to comply with the provisions of this chapter shall also be subject to a civil penalty not to exceed one thousand dollars (\$1,000.00) for each violation. Each violation or each day a violation continues shall be a separate and separately punishable violation.

D. Form of the Civil Penalty. The civil penalty provided for in subsection C of this section shall be imposed by notice in writing, either by certified mail with return receipt requested or by personal service to the person incurring the violation, from the planning director or his or her designee. The written notice shall include the following: (1) a description of the violation with reasonable particularity; (2) a legal description of the property on which the violation occurred or is occurring; (3) the amount of the penalty; (4) a statement that the penalty and order can only be appealed within thirty (30) days of the date the notice is received and how to appeal the penalty and order; (5) an order that the violation or violations shall cease and desist or, in appropriate cases, require necessary corrective action to be taken within a specific and reasonable time. (Ord. 241 § 13.07.150, 1998)

17.56.160 Appeals of civil penalties.

A. Any civil penalties imposed under Section 17.56.150(C) solely by the planning director or his or her designee shall be reviewable by the board of county commissioners for Grays Harbor County. Only the person on whom the penalty is imposed may appeal the civil penalty.

B. Any civil penalties imposed jointly by the planning director or his or her designee and the state of Washington Department of Ecology shall be reviewable by the state of Washington Pollution Control Board.

C. Appeal Submittal Requirements. A person appealing the civil penalty shall submit a brief written statement to the planning director or his or her designee containing the following information.

1. The statement must identify date of the order being appealed.
2. The statement must identify explicit exceptions and objections to the civil penalty being appealed or identify specific errors in fact or conclusion.
3. The statement must set forth the relief sought.

D. Time Within Which an Appeal Must be Filed. A written statement appealing the civil penalty must be filed with planning director or his or her designee no more than thirty (30) days from the date the civil penalty is received.

E. Appeal Stays All Enforcement of Order and Penalty Appealed. The filing of an appeal stays all actions by the planning director or his or her designee or other county official seeking enforcement or compliance with the order or payment of the penalty being appealed. The stay is lifted after the decision of the board of county commissioners.

F. Procedure for Appeals of Civil Penalties.

1. The person appealing the decision, the appellant, shall submit the statement required by subsection C of this section to the planning director or his or her designee.

2. After the request for review is filed, the planning director or his or her designee shall request that the board of county commissioners schedule a public hearing on the appeal. The request shall be filed with the secretary of the board within twenty-one (21) days of the date the appeal is filed with the planning director or his or her designee.

3. After the board of county commissioners set the hearing, the secretary of the board of commissioners shall provide notice of the hearing as follows: (a) publishing notice of the public hearing in the newspaper designated by the county for the publication of county legal notices; (b) mailing notice of the public hearing to the appellant and the owner of the property on which the violation for which the penalty was imposed, if different from the appellant, at least twelve (12) days before the hearing; (c) the notice shall include the following information: (i) the name of the appellant and, if applicable, the project name; (ii) a description in nonlegal terms sufficient to identify the location of the property for which the civil penalty was imposed; (iii) a brief description of the reason the civil penalty was imposed; (iv) a brief description of the error as stated in the appeal; (v) the date, time, and place of the public hearing; (vi) a statement of the right of any person to participate in the public hearing and the ways they may participate; (vii) a statement that appeals of the Board of County Commissioner's decision may only be made within thirty (30) days of the date of the board of county commissioners decision on days of the date of the board of county commissioners decision on the appeal as provided in subsection (F)(7)(a) of this section.

4. The planning director or his or her designee shall prepare a written report on the order and penalty being appealed setting forth the facts and conclusions on which the order and penalty are based. The planning director or his or her designee shall mail the written report to the appellant at least twelve (12) days before the hearing date.

5. The planning director or his or her designee shall provide copies of the appellant's written statement and the planning director or his or her designee's written report to the board of commissioner at least four days before the hearing date.

6. The board of county commissioners shall conduct the public hearing. At the hearing, members of the board of county commissioners may request such additional information as is reasonably necessary to evaluate the appeal. Any person may participate in the public hearing by submitting written comments to the secretary of the board of county commissioners before the public hearing or by submitting written comments or making oral statements to the board of county commissioners at the public hearing. The secretary shall transmit all written comments received before the public hearing to the board of county commissioners no later than the public hearing.

7. After the public hearing has concluded, the board of county commissioners shall decide the appeal.

a. The decision may be made at the same public meeting as the public hearing or at another public meeting. The board of county commissioners shall vote on the appeal within thirty (30) days of the initial public hearing date.

b. Decisions on appeals shall be based on the decision criteria in subsection (F)(10) of this section.

c. The board of county commissioners may reverse or affirm (wholly or partly or may modify the order and/or civil penalty).

d. The board of county commissioners shall adopt findings of fact and conclusions which support the decision on the appeal and any required conditions.

e. The board of county commissioners may continue the hearing until a subsequent meeting and may keep the hearing open to take additional information up to the time the decision is made. No further notice of a continued hearing need be given.

8. The decision of the board of county commissioners and the findings of fact and conclusions shall be reduced to writing and mailed to the appellant by the secretary to the board of county commissioners within seven days of the date of the decision.

9. The decision of the board of county commissioners on the appeal is the final decision of the county. The decision of the board of county commissioners on the appeal may be appealed to the superior court within thirty (30) calendar days or forever be barred. This bar on appeals shall not limit the right of the person on whom the civil penalty is imposed to challenge the validity of the penalty or order during any action for enforcement or collection.

10. Appeal Decision Criteria. In deciding appeals of civil penalties, the board of county commissioners shall consider the following criteria:

a. Whether the evidence presented at the hearing demonstrates that a violation of this chapter has or is occurring;

b. Whether the imposition of the civil penalty was done in the required manner;

c. Whether the amount of the civil penalty was proper given the type, potential effects, and number of the violation(s).

11. Limitations on Refiling Appeals. After a final decision on an appeal, the planning director or his or her designee shall not accept any further appeals of the civil penalty which was appealed. (Ord. 241 § 13.07.160, 1998)

17.56.170 Shoreline environment overlay.

The Grays Harbor County shoreline master program designates shoreline environments and imposes additional shoreline regulations. The shoreline master program is published separately. (Ord. 2999 § 3, 2002; Ord. 291 § 3, 2001; Ord. 241 § 13.07.170, 1998)

17.56.180 Critical area overlay.

Critical areas designated under authority of RCW 36.70A.060(2) shall comply with the following additional regulations:

A. Land filling within frequently flooded areas shall be a conditional use in all zones and the minimum mitigation shall include replacement of flood storage capacity.

B. Except for activities allowed by a Washington State Department of Natural Resources Class III Forest Practices Permit I earth changing on and/or within forty (40) feet of landslide hazard areas shall follow the requirements for engineered grading requirements in the Uniform Building Code regardless of grading volume.

C. Subdivision for residential construction is prohibited within critical aquifer recharge areas.

D. Wetlands in all districts are declared critical areas for purposes of State Environmental Policy Act Review. The words used in this section shall carry the meaning given by RCW 36.70A and Grays Harbor County Resolution 192-39 as amended. (Ord. 310 § 5, 2003; Ord. 299 § 4, 2002; Ord. 291 § 4, 2001; Ord. 241 § 13.07.180, 1998)

17.56.190 Planned unit development.

The planned unit development (PUD) combining district provides an alternative method of development that adheres to the general intent of the underlying code while allowing variation from specific standards regarding lot sizes and dimensions, setbacks, access, and parking. This PUD will allow commercial businesses and community buildings as accessory uses that serve the residential neighborhoods within the development. Commonly owned open space areas will protect critical areas, provide passive recreational areas, buffer adjacent properties, and contain neighborhood utility facilities that serve the development.

A. Purpose. This section establishes procedures and regulations for flexibility in both the subdivision of property and the design of developments. Planned unit developments provide opportunities for decreased lot size, a greater mixture of residential and commercial types, and the creation of open space. The PUD promotes the concept of environmental, social, and economic sustainability. Unique design elements in a PUD include the preservation of critical areas in common ownership tracts, reduced impervious areas through dense clustering of development and narrow streets, dedicated trail systems for improved pedestrian circulation and passive recreation, reduced vehicular traffic via mixed neighborhood commercial use within walkable residential areas, and an improved sense of community with planned community buildings. The section also seeks to ensure that proposed developments under this section are compatible with the surrounding community.

B. Authorization. Planned unit developments may be allowed within the G-1, G-5, R-3, C-2, I-1 and I-2 zones; provided, that planned unit development approval is obtained as provided in this section.

C. Permitted Uses.

1. Uses outright permitted in a planned unit development shall include permitted, accessory and conditional uses allowed in the underlying zone district(s).

2. In addition to the uses allowed in the underlying zone, the following uses shall be allowed outright provided that they serve the development as well as the larger community, and where all other applicable standards are met:

a. Community facilities,

b. Indoor recreation facilities such as athletic clubs or fitness centers, racquetball courts, swimming pools, tennis courts, or other similar uses,

- c. Outdoor recreation facilities such as swimming pools, tennis courts, or similar uses,
 - d. Community-oriented retail (only in projects in excess of one hundred (100) acres in size) consistent with the size of the PUD, and
 - e. Limited neighborhood uses.
 - i. In addition to the uses allowed in the underlying zone, the following uses shall be allowed outright where they are only serving the development, and where all other applicable standards are met:
 - (A) Recreation vehicle storage area, and
 - (B) Household storage areas.
 - ii. In order to expand uses allowed in the development, the applicant shall demonstrate that:
 - (A) The proposed use is consistent with those uses allowed by the underlying zone district, and
 - (B) The expanded uses will benefit and serve the residents or employees of the proposed development.
- D. Open Space Requirements. To compensate for any decrease in lot size, the development shall set aside common open space. The amount of open space to be provided shall be determined by:
- 1. Subtracting the required square footage requirement set forth in the underlying zoning district from the amount of each lot that is smaller than required, and then
 - 2. Adding together the results obtained in subsection (D)(1) of this section for each lot.
 - 3. Maintenance of common open space shall be assured by covenants or other permanent legal mechanisms acceptable to the county prosecuting attorney. Such covenants shall determine maintenance responsibilities and a financial plan for their payment.
 - 4. Developments that exceed design features, open space requirements and recreational facilities for the underlying zone, or utilizes alternative energy conservation measures, may request an increase in allowed residential density of five percent or less.
- E. Authority to Modify Zoning District Development Standards.
- 1. The following development standards of the underlying zoning district(s) may be modified or eliminated in a planned unit development: minimum lot size; minimum lot width; the front, rear and side yard setbacks; and building height.
 - 2. The setback from shoreline and recreational requirements of the underlying zoning district(s) may be modified or eliminated subject to obtaining the required permit(s) pursuant to the shoreline master program.
- F. Planned Unit Development Design and Development Standards.
- 1. Minimum acreage required for PUD: one acre.
 - 2. Common open space requirements shall be as follows:
 - a. Common open space may consist of either natural vegetation, water, landscaping or improved recreational facilities. However, no greater than fifty (50) percent of the required density shall be in water, natural vegetation or slopes greater than thirty (30) percent. A permanent legally enforceable provision for the retention and maintenance of the open space shall be provided.
 - b. Common open space and recreation areas shall be provided in such a manner that they are accessible to all residents of the development or to the public when deeded to the county.
 - 3. Boundary setbacks: Separation from the uses adjacent to the planned unit development shall include:

a. The boundary of a planned unit development shall be designed to provide a transition between the planned unit development and adjacent uses. To lessen any impacts on the surrounding neighborhood, landscaping may be required.

b. A permanent open space area at least twenty-five (25) feet in width shall border a planned unit development when abutting a residential zone. The permanent open space shall be maintained in landscaping.

c. Boundary setbacks and landscaping along the perimeter of a planned unit development shall be considered as required open space.

4. Access meeting county standards shall be provided to all uses within a planned unit development.

5. All utilities, including electrical, telephone, and TV cables, shall be placed underground.

6. Standards for recreational and commercial uses within planned unit developments:

a. No intensive recreational or commercial use shall be allowed within one hundred fifty (150) feet of the boundary to any adjacent residential zoning district.

b. Planned unit developments in residential districts shall be designed to minimize the impacts of recreational and commercial uses on adjacent residences.

c. Commercial uses in a planned unit development located in a residential zone shall be located adjacent to a collector or an arterial street.

7. All planned unit developments shall comply with Title 17 parking and subdivision road standard requirements, unless specifically approved as part of the planned unit development process.

G. Application Procedures.

1. All applications for planned unit developments must be complete before the permit issuing authority is required to consider the application. An application is complete when it contains all of the information that is necessary for the permit issuing authority to evaluate a project. The appropriate fee shall accompany a completed application.

2. A complete preliminary development plan shall provide the following information:

a. The boundaries of the site;

b. All existing and proposed public and private streets and ways within and adjacent to the site. Private streets and ways shall be labeled as private lanes, provided that the county planning and building division director, subject to final approval by the board of commissioners, may authorize deviation from strict compliance with the requirement to label a private street or way as a "lane" in the E-911 Addressing System in circumstances where physical, geographic, demographic, or social conditions make such deviation necessary to the success, integrity, and spirit of the system;

c. The location and design of parking facilities, including points of ingress and egress;

d. The proposed location, vertical height and envelope of all proposed buildings;

e. The location, vertical height and envelope of all existing buildings;

f. All proposed and existing lot lines;

g. The number of proposed residential units and location of proposed commercial or industrial spaces in each building;

h. The development plan or a separate document shall include a typical elevation of all buildings proposed for the planned unit development, including single-family dwellings and duplexes;

i. All open space and recreational areas;

j. Information on existing and proposed topography shall be shown with contour intervals of no greater than five feet;

k. A general plan of the proposed landscaping and the location and composition of the landscaping;

1. All existing and proposed bodies of water, drainage ways and the proposed drainage improvements;

m. The location of all existing and proposed utilities;

n. Any areas, facilities or ways to be dedicated to the public shall be clearly marked on the development plan;

o. The proposed treatment of the exterior boundary of the site;

p. A vicinity map;

q. Quantitative data for the following: total site area, public open space, private open space, total number of dwelling units, number of dwelling units by type, acreage of commercial or industrial developments, and the acreage used for roads and vehicle access ways.

3. The application shall be submitted to the division. The planning commission and/or board of county commissioners may request additional information necessary for review of the application.

H. Review Procedure.

1. Pre-application review: Prior to formally submitting an application, applicants are encouraged to contact the county for information regarding development requirements.

2. Review of the preliminary development plan:

a. An application containing the information required in subsection (G)(2) of this section shall be submitted to the division;

b. Review of the preliminary application shall be completed within one hundred twenty-one (121) days after all requirements under the state Environmental Policy Act have been satisfied;

c. The division shall schedule the application for a public hearing before the first available planning commission meeting which satisfies public hearing notice requirements. Notice of the hearing shall be as provided in Section 17.84.030;

d. At such hearing, the planning commission shall determine whether the proposed planned unit development is in compliance with the review criteria for planned unit developments and other county regulations. After its review, the planning commission shall issue a recommendation to the board of county commissioners as to whether the planned unit development should be approved, approved with conditions, or denied. The recommendation of the planning commission shall be forwarded to the board of county commissioners within one hundred twenty-one (121) days from the conclusion of the public hearing;

e. After receiving the recommendation of the planning commission, the board of county commissioners shall schedule a public hearing on the application. Notice of the hearing shall be as provided in Section 17.84.030;

f. At the hearing, the board of county commissioners shall determine whether the proposed planned unit development is in compliance with all county codes and policies. The board of county commissioners may approve, approve with conditions, or deny the application. Approval shall be in the form of an ordinance. Any required conditions shall be included in the ordinance and the preliminary development plan shall be referenced by the ordinance;

g. The decision of the board of county commissioners may be appealed within twenty-one (21) calendar days to Superior Court.

3. Review of Final Development Plan.

a. A final development plan containing the information required shall be submitted to the division. All drawings pertaining to the final development plan shall be prepared on the same sized sheets 24" x 36", 36" x 42", or 30" x 40" in dimension. Written material shall be submitted unbound, typed and on eight and one-half by eleven inch (8½" x 11") paper. The information provided shall reflect the planned unit development as approved by the board of county commissioners;

b. The division shall review the final development plan for compliance with the approved preliminary development plan, including any required conditions. The division may approve minor adjustments, provided the adjustments do not increase the density of the development or reduce the amount of open space. Minor adjustments may affect the precise dimensions or location of buildings and accesses, and lot dimensions;

c. A final development plan meeting all requirements shall be signed by the division and placed on file with the Grays Harbor County auditor. Any aggrieved person may appeal the division's decision of the PUD's compliance, with the board of county commissioners' preliminary approval within twenty-one (21) days of the decision. No development shall occur on the subject property until the appeal period has expired;

d. If the division determines the final development plan is not in compliance with the approved preliminary development plan, the applicant shall either resubmit the final development plan, appeal the determination to the board of county commissioners, or withdraw from the planned unit development review process. All appeals shall be made within twenty-one (21) days of the decision of the division;

e. The division's review of the final development plan shall be completed within one hundred twenty (120) days of submittal. If no determination to accept or reject the final development plan is made within the one hundred twenty (120) day period, the plan shall be automatically approved as presented;

f. If an appeal of the division's decision is filed, the division shall schedule the appeal for a public hearing before the first available board of county commissioners meeting that satisfies public hearing notice requirements. Notice of the hearing shall be as provided in Section 17.84.030. At such public hearing, the board of county commissioners shall determine whether the final development plan is in compliance with the approved preliminary development plan. If the board of county commissioners determines that compliance has been met, then the division shall be directed to approve the final development plan in accordance with subsection H of this section. If the final development plan is determined by the board of county commissioners not to comply with the commissioners' approved preliminary development plan, then the final development plan shall be corrected accordingly by the applicant and resubmitted to the division.

4. Following approval of the final development plan, the division shall amend the zoning map of Grays Harbor County to reflect the addition of the planning unit development combining district to the underlying zoning district. The division shall also indicate on the zoning map the number of the ordinance adopting the change.

I. Review Criteria for Planned Unit Developments. Planned unit developments shall be evaluated in accordance with the following criteria:

1. Compliance with the policies of the comprehensive land use plan and the requirements of this section;
2. Compatibility of the proposed planned unit development with other allowed uses within the vicinity.

The planning commission may recommend and/or the board of county commissioners may require such conditions and improvements as are necessary to ensure the review criteria are satisfied.

J. Time Limits.

1. If a final development plan is not submitted for approval within three years of the effective date of the ordinance approving the preliminary development plan, the ordinance authorizing the development shall expire.

2. If the division returns a final development plan for correction or revision, the preliminary development plan shall expire if a revised final development plan is not resubmitted to the division within two hundred forty (240) calendar days or the division's decision is not appealed within twenty-one (21) days.

3. If a complete building permit application has not been submitted for approval within three years of the date the final development plan was approved, the final development plan and the planned unit development combining district shall expire and the property shall revert to the zoning classification in effect upon the date of application for the preliminary development plan.

K. Administration. Upon approval of the final development plan, the division may approve minor adjustments; provided the adjustments do not affect the basic character or arrangements of buildings, density of the development or minimum requirements for total open space. Minor adjustments may affect the precise dimensions or location of buildings and accesses, provided the adjustments do not vary by more than ten (10) percent from the preliminary development plan.

L. Required Maintenance Provisions. Agreements and/or plans for the permanent maintenance of all common areas or improvements within or serving a planned unit development which are not dedicated to and accepted by a public agency shall be provided within the final development plan. Such agreements shall clearly delineate maintenance responsibilities and financial arrangements. Maintenance agreements and plans must be approved by the county prosecuting attorney prior to recording the final plat. The county shall maintain no responsibility for enforcement of any maintenance provisions.

M. Compliance with Approved Final Plan. Any development or action failing to conform to the final development plan as approved constitutes a violation of this section. (Ord. 337 § 2, 2005; Ord. 324, 2004; Ord. 310 § 6, 2003)

Chapter 17.57

SD SATSOP DEVELOPMENT DISTRICT

Sections :

- 17.57.010 Purpose.
- 17.57.020 Permitted uses and structures.
- 17.57.030 Conditional uses and structures.
- 17.57.040 Prohibited uses.
- 17.57.050 Building site.
- 17.57.060 Off-street parking and loading standards and requirements.
- 17.57.070 Signage.

17.57.010 Purpose.

The purpose of the Satsop Development District (SD) is to promote economic development through the support of unique and specialized industries. The SD is only intended to apply to the areas of the Satsop Development Park designated for more intensive development in the adopted Satsop Development Park Master Plan. (Ord. 373 § 1 (part), 2008)

17.57.020 Permitted uses and structures.

The following uses or activities are permitted in the district:

- A. Light industrial uses as defined in Section 17.08.010 of this code and including, but not limited to:
 - 1. Forest products industries,
 - 2. Printings publishing and allied products,
 - 3. Apparel and other textile products,
 - 4. Miscellaneous manufacturing industries;
- B. Industrial uses as defined in Section 17.08.010 of this code;
- C. Research and development facilities;
- D. University, college, technical, vocational, and U.S. military training schools and facilities including accessory housing facilities for researchers and students;
- E. Transportation and utility facilities serving all permitted uses and activities;
- F. A caretaker or owner-occupied residence that is accessory to a permitted use;
- G. Recycling operations, including, but not limited to:
 - 1. Automobiles,
 - 2. Metal, plastics, glass, paper and other products made of such materials,
 - 3. Biomass sorting and processing;
- H. Energy generation facilities and activities, including, but not limited to:
 - 1. Biofuel,
 - 2. Natural gas,
 - 3. Biomass;
- I. Communication facilities, including, but not limited to:
 - 1. Data centers,
 - 2. Cell phone towers,
 - 3. Radio towers,
 - 4. Call centers,
 - 5. Government offices,

- 6. Professional offices,
- 7. Co-location space;
- K. Convenience retail commercial uses, including, but not limited to:
 - 1. Deli,
 - 2. Gas station,
 - 3. Convenience store,
 - 4. Financial services;
- L. Emergency operations and response facilities;
- M. Conference and retreat centers including overnight accommodations as an accessory use;
- N. Child day care center;
- O. Recreation center;
- P. Public and private cultural institutions;
- Q. Visitor center;
- R. Helipad;
- S. Outdoor storage;
- T. Other uses approved by the Grays Harbor public development authority (PDA) and certified by it as being consistent with the goals and policies of the adopted Satsop Development Park Master Plan. (Ord. 373 § 1 (part), 2008)

17.57.030 Conditional uses and structures.

No conditional uses or structures are allowed in this district.
(Ord. 373 § 1 (part), 2008)

17.57.040 Prohibited uses.

- A. Dwellings (as defined in Section 17.08.010 of this code);
 - B. Smelters, except when accessory to a permitted use;
 - C. Nuclear power plants.
- (Ord. 373 § 1 (part), 2008)

17.57.050 Building site.

- A. Minimum lot or lease area size: none.
- B. Minimum yard requirements:
 - 1. Front yard: twenty (20) feet from right-of-way edge for buildings with frontage along Olympic View Drive, Tower Boulevard and Lambert Road between Tower Boulevard and Olympic View Drive. No minimum yard requirements for development occurring along other roadways.
 - 2. Rear yard: as required by building code.
 - 3. Side yard: twenty (20) feet from right-of-way edge for buildings with sides on Olympic View Drive, Tower Boulevard and Lambert Road between Tower Boulevard and Olympic View Drive. No minimum yard requirements for development occurring along other roadways.
 - 4. Minimum building separation: as required by building code.
- C. Landscaping:

1. Minimum of ten (10) feet wide along Olympic View Drive, Tower Boulevard and Lambert Road between Tower Boulevard and Olympic View Drive. See Satsop Development Park Design Guidelines.

D. Service areas:

1. Buildings located along Olympic View Drive, Tower Boulevard and Lambert Road between Tower Boulevard and Olympic View Drive shall locate service areas, such as garbage, recycling collection, and loading docks on the side or back of buildings or along service roads and shall screen these areas with fences and/or vegetation per the Satsop Development Park Design Guidelines.

2. Auxiliary spaces such as storage areas or maintenance facilities shall be integrated into overall building and site design to minimize visual prominence of these spaces per the Satsop Development Park Design Guidelines. (Ord. 373 § 1 (part), 2008)

17.57.060 Off-street parking and loading standards and requirements.

Off-street parking shall be provided in accordance with Chapter 17.68 of this title except as otherwise provided below:

A. Required Parking Ratios. The minimum required off-street parking spaces for the respective uses shall be as follows:

1. Offices, business, professional call centers: one space for each three hundred fifty (350) square feet of gross floor area.

2. Industrial: one space for every one thousand (1,000) square feet of gross floor area.

3. Flex-tech: one space for every three hundred (300) square feet of gross floor area office space plus one space for every one thousand (1,000) square feet of gross floor area of industrial space. If building use is not defined, then assume that twenty (20) percent of building is office use.

4. Wholesale stores, warehouses, storage buildings, motor vehicle or machinery sales: one space for each employee on the largest shift with a minimum of four spaces.

5. Food stores, markets, delis: one space for each three hundred (300) square feet of gross floor area, a minimum of five spaces shall be provided.

6. Daycare center: one space for each three people of licensed capacity.

7. Conference and retreat centers: one space for each four persons in permitted capacity, with one additional space per guest room.

8. Visitor center: one space per three hundred (300) square feet of gross floor area.

9. Trailheads: a minimum of four spaces.

10. Other uses: for other uses not included above, but permitted under Section 17.57.020, the minimum required off-street parking shall be based on the expected number of employees for the proposed use.

B. Joint-Use Parking Facilities. A use or development wishing to take advantage of joint use of required parking spaces must present satisfactory written evidence that the use or development has the permission of the owner or the person in charge of the parking spaces to use such spaces. The evidence must specify the number of spaces the use or development is allowed to use. The principal of the use or development must sign an acknowledgement that the continuing validity of the permit depends on the continuing ability to provide the required number of spaces.

C. Landscaping. See Satsop Development Park Design Guidelines.

1. A minimum ten (10) foot width along Olympic View Drive, Tower Boulevard and Lambert Road between Olympic View Drive and Tower Boulevard. (Ord. 373 § 1 (part), 2008)

17.57.070 Signage.

Signage shall be provided in accordance with Section 17.60.070, except as otherwise noted below:

A. Signage Types. The following signs shall be permitted outright, subject to PDA approval: wall signs, pole signs, monument signs, and murals. Roof signs and neon signs are not permitted.

B. Signage Illumination. If illuminated, all signs shall be externally illuminated, with illumination directed only at the sign. Internal illumination is allowed subject to PDA approval.

C. Outdoor Advertising.

1. Signage content shall be restricted to the corporate or company name or logo, identification or type of business, hours of operation, products and services or directional information.

2. All attached signs shall be placed parallel and attached to the building facade and shall not protrude above the top elevation of the structure it is attached to.

3. Attached signs shall be permitted on principal structures and shall not exceed one hundred fifty (150) square feet in total sign area or fifteen (15) percent of the first floor facade area, whichever is less.

4. Awnings, including the use of print and backlighting, shall not be used as primary signage. (Ord. 373 § 1 (part), 2008)

Chapter 17.58

SM SATSOP MULTI-USE DISTRICT

Sections:

17.58.010 Purpose.

17.58.020 Permitted uses and structures.

17.58.030 Prohibited uses, activities and structures.

17.58.010 Purpose.

The purpose of the Satsop Multi-Use District (SM) is to promote learning, on-site recreation, habitat preservation, access to utilities, and economic development through sustainable stewardship. The SM is only intended to apply to the areas of the Satsop Development Park designated as multi-use in the adopted Satsop Development Park Master Plan. The SM allows for a variety of uses and activities that are limited in their intensity to minimize impacts on sensitive areas or that are directly dependent on being in close proximity to a particular facility, resource or amenity. (Ord. 373 § 2 (part), 2008)

17.58.020 Permitted uses and structures.

The following are uses or activities permitted in the district:

- A. Trails, boardwalks, docks, or decks for recreational access;
- B. Interpretative facilities;
- C. Wildlife viewing facilities;
- D. Management of forestlands, including but not limited to:
 - 1. Habitat enhancement,
 - 2. Mitigation banks,
 - 3. Harvesting of timber and vegetation;
- E. Constructed storm ponds;
- F. Wetland mitigation banks;
- G. Research, education, and training facilities and activities;
- H. Day use camping unless otherwise posted;
- I. Infrastructure related to the operation of Satsop Development Park, and supporting the activities of the permitted uses in the SD district, including but not limited to:
 - 1. Wells,
 - 2. Utilities and related facilities,
 - 3. Access and maintenance roads,
 - 4. Transportation and loading facilities, such as the barge slip;
- J. Other uses approved by the Grays Harbor public development authority and certified by them in writing as being consistent with the goals and policies of the adopted Satsop Development Park Master Plan. (Ord. 373 § 2 (part), 2008)

17.58.030 Prohibited uses, activities and structures.

- A. Overnight camping;
 - B. Dwellings as defined in Section 17.08.010;
 - C. Unauthorized off-highway (OHV) use.
- (Ord. 373 § 2 (part), 2008)

Chapter 17.60

SPECIAL PROVISIONS AND CONDITIONS

Article I

Special Use Regulations

Sections:

- 17.60.010 Purpose.
- 17.60.020 Junk.
- 17.60.030 Schools.
- 17.60.040 Churches, clubs, semi-public or public buildings.
- 17.60.050 Home occupations.
- 17.60.060 Secondary uses of accessory structures to a residential use.
- 17.60.070 Signs.

17.60.080 Height restrictions.

Article II

Surface Excavation Control

- 17.60.090 Purpose.
- 17.60.100 Definitions.
- 17.60.110 Applicability.
- 17.60.120 Permit applications.
- 17.60.130 Review procedure.
- 17.60.140 Approval of application.
- 17.60.150 Issuance of surface excavation permits.
- 17.60.160 Amendments and variations.
- 17.60.170 Standards.
- 17.60.180 Administration and enforcement.
- 17.60.190 Public utility facilities.
- 17.60.200 Access to lots.

Article I

Special Use Regulations

17.60.010 Purpose.

This article contains specific regulations providing for the location of certain special and accessory uses throughout the use districts of the county and provides supplementary controls for the protection of the essential uses of these districts. (Ord. 241 § 13.08.010, 1998)

17.60.020 Junk.

In no district will there be permitted abandoned or unlicensed vehicles, nor abandoned sheds or buildings which are a menace to the health, safety, and general welfare of the neighborhood except where specific provisions are made concerning such items in a specific use district. In no residential district will there be permitted a collection of junk or scrap within the front yard and in no district will there be permitted a collection of junk or scrap in excess of one hundred (100) square feet in the rear or side yards. (Ord. 241 § 13.08.220, 1998)

17.60.030 Schools.

School sites shall be as follows:

- A. Elementary schools: a minimum of five acres plus an additional acre for each one hundred (100) pupils of predicted ultimate maximum enrollment.
- B. Junior high schools: a minimum of ten (10) acres plus an additional acre for each one hundred (100) pupils of predicted ultimate maximum enrollment.
- C. High schools: a minimum of ten (10) acres plus an additional acre for each one hundred (100) pupils of predicted ultimate maximum enrollment. (Ord. 241 § 13.08.030, 1998)

17.60.040 Churches, clubs, semi-public or public buildings.

A. Churches, institutions, clubs, and similar semi-public use buildings in residential districts shall cover not more than thirty-five (35) percent of their lot area. Front, side and rear yards shall be a minimum of thirty-five (35) feet each. Minimum lot area shall be twenty thousand (20,000) square feet or the larger lot area required by health regulations for the intended method of sewage disposal and water system.

B. Artificial lighting of off-street parking areas shall be oriented away from adjacent residential properties. (Ord. 241 § 13.08.050, 1998)

17.60.050 Home occupations.

A. In any residential zone a home occupation may be permitted; provided, that the use meets the following criteria:

1. The occupation is secondary to the use of the dwelling for dwelling purposes.
2. Not more than one person not a resident of the property may be employed in the occupation on the property.
3. There is no external display of merchandise.
4. The occupation does not employ the use of any one piece of equipment with greater than five horsepower.
5. The use does not involve more than one-fourth (1/4) the total square footage of the dwelling.
6. The home occupation shall in no way affect the appearance of the building as a residence, provided that signs in connection with the use may be permitted provided that the sign is unlighted, not more than four square feet and either attached flat to the main building or if free standing is less than three and one-half feet tall from ground level. Not more than one sign is permitted.

B. In any general development or agricultural zone a home occupation may be permitted provided that the use meets the following criteria:

1. The occupation is secondary to the use of the dwelling for dwelling purposes.
2. There is no external display of merchandise.
3. The use does not involve more than one-fourth the total square footage of the dwelling.
4. The home occupation shall in no way affect the appearance of the building as a residence; provided, that signs in connection with the use may be permitted; provided, that the sign is unlighted, not more than eight square feet, and either attached flat to the main or accessory building or if free standing, is less than three and one-half feet tall from ground level. (Ord. 241 § 13.08.060, 1998)

17.60.060 Secondary uses of accessory structures to a residential use.

In a General Development-5 and any agricultural zone accessory structures commonly associated with a permitted use (such as barns, garages and sheds) may be used for commercial or industrial related purposes; provided, that a conditional land use permit is approved for the use and the following conditions are met: (a) the property is currently occupied by the owner; (b) the use of the accessory structures is related to a business owned and operated by the owner of the property; (c) the use shall be confined to an accessory structure and no storage or accumulation of equipment, material, junk or debris associated with the use shall be permitted outside the structure; (d) signs in connection

with the use shall be permitted, provided that: the signs shall be unlighted and either attached flat to the main building or if freestanding, be less than three and one-half feet tall from ground level. In a General Development-5 or agricultural zone the signs shall not exceed eight square feet and not more than two shall be erected; (e) the use of the property shall cause no noise to emanate from the property between the hours of 10:00 p.m. to 7:00 a.m.

In considering an application for a conditional land use permit pursuant to this section, the board of adjustment may impose such other conditions as are deemed necessary to insure that the use remains secondary to the residential use and remains compatible with surrounding uses. (Ord. 241 § 13.08.070, 1998)

17.60.070 Signs.

Unless modified by the regulations of a specific district, signs shall be erected only in accordance with the following requirements:

A. Residential nameplate bearing the name of the occupant and not exceeding two square feet in area.

B. Identifying sign and/or bulletin board for a church, school, or other public or semi-public institution, not exceeding thirty (30) square feet in area and located on the same lot with the use to which the sign refers, provided that no portion thereof shall be closer than ten (10) feet from any right-of-way line.

C. Outdoor advertising signs and structures but only on a building in which is conducted a use permitted in the district or on the immediate premises thereof, and pertaining only to a use conducted or a product sold, on the immediate premises.

D. Signs advertising a subdivision or housing development located on the premises thereof, non-illuminated and not exceeding thirty (30) square feet in area;

5. Signs when not exceeding a total area of six square feet nor two in number and pertaining only to the prospective sale or lease of the land or building upon which such signs are displayed; provided, that nothing in this section shall prohibit display of signs, out-of-doors on real property relating to the nomination or election of any individual for a public political office or advocating any measure to be voted on at any special or general election; and provided further, that all such political signs must be installed pursuant to the permission of the property owner and that nothing herein shall permit placement of signs on real property or structures owned by the county, or any other governmental entity. (Ord. 299 § 5, 2002; Ord. 291 § 5, 2001; Ord. 241 § 13.08.090, 1998)

17.60.080 Height restrictions.

A. Towers, gables, scenery lofts, cupolas, water tanks, similar structures and mechanical appurtenances may be erected on a building to a height greater than the limit established in any district.

1. No such exception shall cover more than fifteen (15) percent of the area of the lot.
2. No such exception shall be used for other than a use incidental or accessory to the main use.

B. Chimneys, water tanks, civil defense siren, church spire, flag pole, monument, radio or television antenna or necessary government or public utility structure may be erected to a height greater than the limit established in any district provided: (1) No such exception shall cover more than ten (10) percent of the site; (2) On any lot, with an average slope greater than one foot vertical in seven

feet of horizontal distance, one story in addition to the number permitted in the district in which lot is situated shall be permitted on the downhill side of any building erected on the lot; provided the height of the building shall not otherwise be increased above the limit specified for the district.

C. In any district with a height limit of thirty-five (35) feet or less, public and semi-public buildings, schools, churches, hospitals, and other institutions permitted in such districts, may be erected to a height not exceeding fifty (50) feet, provided the front, rear and side yards shall be increased one foot for each one foot by which the building exceeds the height limit herein before established for such district. (Ord. 241 § 13.08.100, 1998)

Article II

Surface Excavation Control

17.60.090 Purpose.

The provision of rules and procedures for regulating the establishment, operation, and reclamation of major surface excavations is deemed to be in the public interest in order to insure that the excavations are compatible with surrounding uses and in keeping with the comprehensive plan and other relevant goals and policies of the county. (Ord. 241 § 13.08.110, 1998)

17.60.100 Definitions.

As used in this article:

“Administrator” means the county planning director or the director’s designee.

“Minerals” mean coal, clay, stone, sandy gravel, metallic ore, rock, soil or similar material existing in natural deposits on or in the earth.

“Property owner of record” means a property owner as shown on the records of the Grays Harbor County assessor’s office.

“Reclamation” means the reasonable long term protection of all resources subject to disruption from surface excavation and rehabilitation.

“Surface excavation” means all or any part of the process involved in removing minerals by the removing of overburden and removal of the minerals thereby exposed or the removal of minerals naturally exposed at the earth’s surface where such minerals are to be used for commercial, industrial, or construction purposes. The term “surface mining” shall have the same meaning.

“Threshold determination” means the decision made pursuant to the requirements of the State Environmental Policy Act, Chapter 43.21C RCW, whether or not an Environmental Impact Statement is required for a proposal.

“Verified property owner” shall mean the actual owner of the real property.
(Ord. 241 § 13.08.120, 1998)

17.60.110 Applicability.

This article shall apply to all surface excavations conducted within the unincorporated area of Grays Harbor County; provided, that the following shall be exempt from the requirements of this article:

A. Surface excavations by an owner of property for materials to be used exclusively for improvements to property under the same ownership;

B. Surface excavations approved pursuant to the Shoreline Management Act which involve removal of sand or gravel only from the surface of naturally occurring deposits in or adjacent to a body of water subject to the Shoreline Management Act;

C. Surface excavations conducted on lands classified as forest lands pursuant to RCW 84.33 or on lands owned by a state, county, or municipal agency and dedicated to timber production and use, subject to the following limitations:

1. Material excavated pursuant to this section shall be used exclusively for projects directly associated with commercial forest operation.

2. Excavations pursuant to this section shall be located not less than one-half mile from any land not so classified or dedicated.

3. Excavation pursuant to this section shall be subject to the requirements of this article for proper reclamation.

4. The provisions of this section shall not apply on lands zoned as agricultural or residential.

Except as provided herein, no person shall establish or conduct a surface excavation unless and until a permit pursuant to this article has been approved and issued. (Ord. 241 § 13.08.130, 1998)

17.60.120 Permit applications.

Applications for a permit to conduct surface excavations pursuant to this article shall be made to the Grays Harbor County planning division on forms provided for that purpose and shall, at minimum, include the information required below and such other information as the administrator deems necessary to insure proper review. Incomplete applications shall be returned to the applicant for completion and shall be withheld from the review process pending receipt of the necessary information. Applications shall be made in the name of, and be signed by the verified property owner of the property to be excavated. The signatures shall be notarized. All applications shall contain the following information:

A. Surface excavation plan. The plan shall: (1) explain the proposed method(s) of excavation and operation; (2) establish a timetable for completion of the excavation; (3) explain the methods and measures to be taken to prevent pollution of air and water; (4) explain the methods and measures to be taken to screen the view of the operation from public highways, roads, public parks, reserves and residential uses in the vicinity; (5) establish the accessory uses (such as crushers, sorters, batch or mixing plants, scales) if any, which are proposed for inclusion in the operation; and (6) provide any other information, not included elsewhere which is necessary to fully understand the proposed operation.

B. Reclamation plan. This plan shall provide that reclamation activities, particularly those relating to control of erosion, shall to the extent feasible, be conducted simultaneously with surface excavation and, in any case, shall be initiated at the earliest possible time after completion or abandonment of excavation of any segment of the permit area. The plan shall provide that reclamation activities shall be completed not more than two years after completion or abandonment of surface excavation on each segment of the area for which a permit is requested. The plan shall include, but is not limited to: (1) statement of the proposed subsequent use of the land; (2) proposed practices to protect

adjacent surface resources; (3) specifications for surface gradient restoration to a surface suitable for the proposed subsequent use of the land after reclamation is completed, and the proposed method of accomplishment; (4) manner and type of revegetation or other surface treatment of the disturbed areas; (5) method of prevention or elimination of conditions that will create a public nuisance and endanger public safety, damage property, or be hazardous to vegetative, animal, fish, or human life in or adjacent to the area; (6) method of diverting surface waters around the disturbed areas; (7) method of control of contaminants and disposal of surface mining refuse; (8) method of restoration of stream channels and stream banks to a condition minimizing erosion and siltation and other pollution; (9) such maps and other supporting documents as reasonably required by the administrator; (10) a time schedule for reclamation. (Reclamation shall be completed within two years after completion or abandonment of surface mining on each segment of the area.)

C. Drawings.

1. Vicinity map showing boundaries of the area which will be affected, topographic detail, location and names of all streams and other bodies of water, roads, railroads, and utility lines on or immediately adjacent to the area, location of proposed access roads to be built in conjunction with the excavation operation, and the names of the surface and mineral owners of all lands within the surface excavation area. Map shall have the following standards unless variation is approved by the administrator:

Site Size	Scale
Less than 10 acres	Not less than 1" = 100'
10 acres or more	Not less than 1" = 200'

Contour intervals shall not be more than five feet. The center line of all natural and/or manmade drainages shall be indicated. These shall include but are not limited to streams, ditches, canals, sloughs;

2. Typical cross-sections of the land showing slopes and depths at the following stages of the project:

- a. Before excavation,
- b. Completion of excavation,
- c. Completion of reclamation,

Additional maps and details may be required by the administrator as deemed necessary.

D. Environmental checklist, per the requirements of the State Environmental Policy Act, Chapter 43.21C RCW.

E. Hauling plan. A plan specifying the county or state roads or other methods by which the excavated material will be removed from the site. (Ord. 241 § 13.08.140, 1998)

17.60.130 Review procedure.

Upon receipt of a complete application, the administrator shall review the application for the purpose of making a preliminary threshold determination pursuant to the State Environmental Policy Act.

A. If the threshold determination is negative, the administrator shall prepare a proposed negative declaration and circulate the proposal as required by 197-10 WAC (State Environmental Policy Act Administrative Guidelines). In addition, the application shall be circulated to the county department of public works and other agencies or departments with interest in the proposal. Upon completion of the environmental and technical review, the applicant shall be given the opportunity to amend the application to mitigate identified adverse environmental effects or technical defects. Subsequent to completion of review and modifications, the administrator shall schedule the application for the next possible hearing date and give notice of the hearing pursuant to subsection C of this section.

B. If the threshold determination is positive, the administrator shall inform the applicant, in writing, of the requirement to prepare an Environmental Impact Statement (EIS). The EIS shall be prepared at the applicant's expense under the supervision of the administrator and shall conform to the requirements of the State Environmental Policy Act Guidelines. The administrator shall notify those property owners to whom notice of the hearing is required to be sent pursuant to subsection (C)(2) of this section. The notice shall inform them of the application and of the availability of the Draft E.I.S. Upon publication of the Final EIS, the administrator shall schedule the application for the next possible hearing date and give notice of the hearing pursuant to subsection C of this section.

C. For all hearings required pursuant to this section, the administrator shall give notice by: (1) publishing in the official county newspaper at least ten (10) days prior to the hearing; and (2) mailing to all property owners of record within three hundred (300) feet of the exterior boundaries of the subject parcel, a written notice of the pendency of the application and the date of hearing not less than twelve (12) days prior to the hearing. In both cases the notice shall contain: a brief description of the application; a description of the location of the proposal; a legal description of the parcel involved; and a statement of where the application may be reviewed. In the case of a proposed negative threshold determination, the notice shall state: (1) that a preliminary determination has been made concluding that this proposal will not have a significant adverse environmental effect; and (2) where the information, on which this decision is based, is available. (Ord. 241 § 13.08.150, 1998)

17.60.140 Approval of application.

The board of adjustment shall decide on applications made pursuant to this article only after conducting a public hearing and making findings of fact on which the decision is based. Any proposed use subject to this article shall be permitted to locate only if the board finds that the proposed use, as limited by any conditions imposed upon it, will:

- A. Be compatible with other permitted uses in the same vicinity and zoning classification;
- B. Not impose excessive demands upon public utilities, public roads, and public services;
- C. Not become a nuisance or hazard to persons or property;
- D. Be compatible with adopted policies relating to conservation or resources and environmental quality;
- E. Comply with the standard set forth in Section 17.60.170. If a proposed negative threshold determination was issued on the project, the board shall make a final threshold determination prior to taking action on the application. If it is determined that an EIS shall be prepared and circulated pursuant to the State Environmental Policy Act, no decision on the project shall be made by the board until another public hearing has been held and notice thereof given pursuant to Section 17.60.130.

The board shall have the authority to impose conditions on the approval that are reasonably necessary to reduce or eliminate adverse effects on the environment that would otherwise be caused by the proposal. Approval of the application by the board shall authorize the administrator to issue a permit for the operation pursuant to Section 17.60.150. The board of adjustment may authorize, in conjunction with surface excavation operations, additional accessory uses such as concrete batching plants or asphalt mixing plants, when such uses are located and conducted in such a manner as to be compatible with surrounding property and the uses made thereof. In no case shall an asphalt mixing plant be permitted nearer than two thousand (2,000) feet to any residential use. Sand and gravel for such additional uses may be imported only to the extent authorized in the permit. (Ord. 241 § 13.08.160, 1998)

17.60.150 Issuance of surface excavation permits.

The administrator shall notify the applicant, in writing, of the decision of the board of adjustment, the notice shall set forth the additional requirements or conditions that were attached to the approval. If the conditions imposed require further action by the applicant prior to delivery of the permit, the applicant shall be so notified, and the administrator shall not issue the permit until such conditions have been met. Upon completion of all prerequisites, the administrator shall issue the permit. The permit shall authorize operation and reclamation of site approval and the terms of this article. (Ord. 241 § 13.08.170, 1998)

17.60.160 Amendments and variations.

The administrator is authorized to approve variations from or amendments to the approved plans which do not result in a change that would substantially affect surrounding properties, the natural environment, or materially change the scope of the project. Any other variations from or amendments to the approved plans shall be applied for, processed and reviewed pursuant to the requirements for initial approval. (Ord. 241 § 13.08.180, 1998)

17.60.170 Standards.

All surface excavations shall be conducted in accordance with the following standards:

A. The operation shall comply with the requirements of Chapter 70 1-7 RCW, the Noise Control Act of 1974.

B. The operation shall be conducted in such a manner as to control dust. The operator shall maintain haulage roads in a dust-free condition.

C. To insure the compatibility of authorized uses with surrounding properties, the following terms and conditions, in addition to those set forth above, shall apply: (1) when the excavation is complete to the extent allowed in the permit, or is abandoned, all operations authorized by the permit shall cease; (2) after operations have ceased, all unreclaimed areas shall be restored in conformance with the rehabilitation plan approved by the board and within the time limit specified in the permit.

D. The reclamation plan shall provide that reclamation activities, particularly those relating to control of erosion, shall to the extent feasible, be conducted simultaneously with the surface mining and in any case shall be initiated at the earliest possible time after completion or abandonment of mining on any segment of the permit area for which a permit is requested.

E. Excavation made to a depth of two feet or more below the low groundwater mark, which will result in the establishment of a lake, shall be reclaimed in the following manner: (1) all banks in soil, sand, gravel, and other unconsolidated materials shall be sloped to four feet below the seasonal low water line at a slope no steeper than three feet horizontal to one foot vertical; (2) portions of solid rock banks shall be stepped or other measures to be taken to permit a person to escape from the water.

F. In all other excavations in soil, sand, gravel, and other unconsolidated materials, the side slopes between successive benches shall be no steeper than one and one-half feet horizontal to one foot vertical for their entire length.

G. The slopes of walls in rock or other consolidated materials shall have no prescribed angle of slope, but where a hazardous condition is created that is not indigenous to the immediate area, quarry shall be either graded or backfilled to a slope of one foot horizontal, to one foot vertical or other precautions must be taken to provide adequate safety.

H. The peaks and depression of all spoil banks, berms, or dikes shall be reduced to a gently rolling topography which will minimize erosion and which will be in substantial conformity with the immediately surrounding land area.

I. In no event shall any provision of this section be construed to allow stagnant water to collect or remain on the surface excavation area. Suitable drainage systems shall be constructed or installed to avoid such conditions if natural drainage is not possible.

J. All grading and backfilling shall be made with non-noxious, nonflammable, noncombustible solids unless a permit has been granted for a supervised sanitary fill.

K. In all types of surface excavations in order to prevent water pollution, all acid-forming materials shall be covered with at least two feet of clean fill. The final surface covering shall be graded so that surface water will drain away from the disposal area.

L. Vegetative cover will be required in the reclamation plan as appropriate to the future use of the land.

M. All surface excavations that will disturb streams must comply with the requirements of the state fisheries and other applicable laws and every application for a permit for such operations must have a reclamation plan that shall have been approved by the Department of Fisheries with regard to operations in stream as required by Title 75 RCW.

N. Soils on the site, but not within the active excavation area, which are exposed to erosion shall be immediately protected from erosion to the maximum extent feasible. Methods used should be appropriate to the situation. (Ord. 241 § 13.08.190, 1998)

17.60.180 Administration and enforcement.

A. Administrator. The administrator of this article shall be the planning director.

B. Inspections. The administrator or his or her designees shall be authorized to enter property for the purpose of investigations necessary for the administration and enforcement of this article; provided, that if such property is occupied, the official shall first present proper credentials and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

C. Compliance orders. If an inspection or other valid evidence reveals a violation of the approved plans, conditions of approval or the terms of this article, the administrator shall notify the property owner and permittee, if any, in writing explaining the violation, and ordering compliance within a reasonable fixed time period. If the order is not appealed pursuant to subsection D of this section, the order becomes binding.

D. Appeal of compliance order. A property owner or permittee may appeal a compliance order issued by the administrator by requesting review in writing within ten (10) days of receipt of the order. Upon receipt of an appeal, the administrator shall set the matter for hearing by the board at a regular or special meeting within sixty (60) days. The board shall determine only the validity of the compliance order and shall not amend the permit conditions or approved plans without first holding a public hearing pursuant to 17.60.130. The board may uphold, modify, or reverse the decisions of the administrator.

E. Inspections. Whenever necessary to make an inspection to enforce any of the provisions of this article, for whenever the administrator or his or her designee has reasonable cause to believe that there exists on any property any condition or operation in violation of this article, the administrator or his or her designee may enter onto property at all reasonable times to inspect the same or to perform duty imposed upon the administrator by this article; provided, that if such property is occupied, the administrator shall first present proper credentials and demand entry; and if such property be unoccupied, the administrator shall first make a reasonable effort to locate the owner or other persons having charge or control of the property and demand entry. If such entry is refused, the administrator shall have recourse to every remedy provided by law to secure entry.

F. Revocation of permit. The board of adjustment shall revoke any permit granted under this article if any of the following conditions is found to exist: (1) fraud in obtaining the permit; (2) concealment or misrepresentation of any material fact on the application or made during the course of the hearing of the application or on any subsequent report; (3) the excavation authorized by the permit has been abandoned or suspended for more than one year; (4) the operation is found to be in violation of the approved plans, conditions of approval, or the terms of this article, and the operator has failed to correct the violation after proper notice thereof. A temporary permit revocation order may be issued by the board of adjustment with or without written or oral notice to the permit holder but only if it clearly appears from specific facts shown by affidavit that one of the grounds specified herein for permit revocation exists, and, for revocations without notice: (1) reasonable efforts have been made to notify the permit holder; and (2) notice should not be required. Every temporary permit revocation order granted without notice shall expire within thirty (30) days of issuance unless extended by the board for good cause shown or by consent of the permit holder. In all cases where a temporary permit revocation is issued, the administrator shall expeditiously proceed with a permanent permit revocation application.

G. Existing gravel excavations. Surface excavations which existed at the time of the adoption of this ordinance codified in this article and for which a valid conditional land use permit has been issued pursuant to Chapter 17.80, shall be exempt from the permit requirements of this article; provided, that expansion of such operations beyond the scope of the original permit shall require approval pursuant to this ordinance.

H. Application fees. Fees are set by resolution of the board.

I. Records. The administrator shall keep records of all applications made and proceedings pursuant thereto.

J. Transfer of permit. The permit, and responsibility for compliance with the terms thereof shall not be transferred to other than the verified owner of the property on which the surface excavation is being conducted. No transfer shall be effective until written notice is delivered to the administrator stating the name and address of the new owner and acceptance by the new owner of the permit conditions.

K. Injunctive and other proceedings. Notwithstanding the imposition of any penalties hereunder, the county may institute any appropriate action or proceeding to require compliance with or to enjoin violation of the provisions of this ordinance, or any administrative orders or determinations made pursuant to this article.

L. Bonding. Before a surface excavation permit is issued, the applicant shall file with the administrator a bond executed by applicant and a surety company authorized to do business in the state of Washington in an amount sufficient to insure compliance with the provisions of this article, and the conditions upon which the permit is granted, and fulfillment of the rehabilitation plan. In lieu of such bond, the administrator may accept other security sufficient to insure such compliance. Such bond or other security shall be continuously maintained until the requirements of the permit have been complied with and the rehabilitation plan completed. Proof that such bond or other security remains in force shall annually be furnished to the administrator in a form satisfactory to him or her.

M. Increased bonding. Whenever the administrator determines that because of inflation or other causes the bonding or security is inadequate for the purpose intended, the administrator shall petition for an amendment to the surface excavation permit. Such petition shall be processed and decided in the same manner as permit revocations.

N. Penalties. Any violation of the provisions of this article is a misdemeanor. Each day such violation continues shall be a separate offense. (Ord. 241 § 13.08.200, 1998)

17.60.190 Public utility facilities.

Uses such as telephone relay stations, gas and water pumping and regulation stations, microwave and line of sight transmission stations, electrical substations, sewer pumping stations and other essential facilities of this nature, not including offices, may be allowed in any zone permit subject to the following conditions:

A. There shall be no rotary converters, generating machinery or other equipment that would cause substantial noise, electrical interference or similar disturbances; provided, that such equipment may be provided for emergency use only;

B. The area devoted to the utility facility shall be screened by fencing and landscaping; however, if the facility is entirely enclosed within a building, landscaping may suffice.

The provisions of this section shall not apply to overhead or underground distribution facilities contained within a public right-of-way or utility easement. (Ord. 241 § 13.08.230, 1998)

17.60.200 Access to lots.

Every building hereafter constructed or moved shall be located on a lot, parcel or tract of land which is adjacent to a public road or has direct access over a dedicated private road or access easement providing the minimum fire apparatus access road.

A dedicated private road shall have the meanings understood under RCW 64.04.175.
(Ord. 241 § 13.08.240, 1998)

Chapter 17.64

SUPPLEMENTARY YARD AND AREA REGULATIONS

Sections:

- 17.64.010 Architectural features.
- 17.64.020 Yard requirements.
- 17.64.030 Building setback lines.

17.64.010 Architectural features.

A. Cornices, canopies, eaves, or similar architectural features may project into any existing yard a maximum distance of two feet.

B. Chimneys may project into any required yard a distance not exceeding two feet.

C. Fire escapes and outside stairways which are unroofed and unenclosed above the steps thereof may project into any required front yard a distance not exceeding six feet, into any required side yard a distance not exceeding three feet.

D. Structures not requiring a building permit as defined shall be exempt from the side and rear yard requirements.

E. Platforms exempt from the building code, shall be exempt from the front yard requirements.

G. Fences and retaining walls are exempt from all yard requirements.

(Ord. 241 § 13.09.03)

17.64.020 Yard requirements.

A. Determination of Yards. The yard requirements set forth in the districts and combining districts of this title shall be applied in accordance with the provisions of this section.

1. Front yards shall be maintained along all property lines common to a public street and along lot or easement lines forming a private access lane or easement where such lane or easement provides primary access to the property; provided, that where not more than three lots are served by a private easement or panhandle access strip fifty (50) feet or less in width: the front yard shall be maintained on the lot lines closest to the public street exclusive of the easement or access strip.

2. Side yards shall be maintained along all lot lines which connect to a front lot line at an angle between one degree and one hundred and seventy nine (179) degrees, and along all lines connecting to such lines which form a boundary between lots with frontage on the same street, easement or lane.

3. Rear yards shall be maintained on all remaining lot lines.

4. In situations where the above rules are not readily applicable, the administrator shall: (a) determine the yard locations taking into consideration the above rules and the location of yards on the adjoining properties; and (b) require that all properties have yard requirements which are approximately equal to that of surrounding properties in the same vicinity and zone.

B. Measurement of Yards. The yards established by this provision shall be measured from property line horizontally to a line parallel to the property line at a distance equal to the minimum established by the applicable district. (Ord. 241 § 13.09.05, 1998)

17.64.030 Building setback lines.

In any commercial or industrial district the planning commission shall be empowered to specify, by the adoption and imposition of building setback lines, the general areas on any one lot or series of lots to be utilized for the provision of off-street parking. The purpose of this regulation being to control building and parking locations in such a manner as to produce at ultimate development a unified shopping center. (Ord. 241 § 13.09.06, 1998)

Chapter 17.68

OFF-STREET PARKING AND LOADING

Sections:

- 17.68.010 Off-street parking, loading and unloading.
- 17.68.020 Standards and requirements.
- 17.68.030 Unspecified uses.
- 17.68.040 Mixed occupancies.
- 17.68.050 Joint-use of parking facilities.
- 17.68.060 Joint-use of parking facilities -- Spaces required.
- 17.68.070 Location of parking spaces.
- 17.68.080 Improvement of parking spaces.
- 17.68.090 Layout plan.
- 17.68.100 Loading and unloading.

17.68.010 Off-street parking, loading and unloading.

In all districts, space for the off-street storage and parking of vehicles shall be reserved and improved for use at the time any building or structure is erected, enlarged, or expanded in height or ground coverage, or altered in use.

Accessible -parking shall be reserved and improved according to standards contained in the Uniform Building Code or its successor, as adopted by the state of Washington. (Ord. 263 (part), 1999: Ord. 241 § 13.10.01, 1998)

17.68.020 Standards and requirements.

The minimum required off-street parking spaces for the respective uses shall be as follows; provided, that the regulations of a specific use district may require additional spaces:

- A. Dwellings; single-family, two-family, multiple-family: two spaces for each dwelling unit.
- B. Offices; business, profession: one space for each two hundred (200) square feet of gross floor area.
- C. Church, mortuary, funeral home: one space for each four seats in the chapel or nave.
- D. Bowling alleys: five spaces for each lane.
- E. Dance hall, place of assembly and exhibition halls without fixed seats: one space for each fifty (50) square feet of gross floor area.
- F. Drive-in restaurants, ice cream or soft drink establishments serving auto-borne customers outside the building: one space for each twenty (20) square feet of gross floor area.
- G. Food stores, markets, drug stores, and designed neighborhood shopping centers: one space for each three hundred (300) square feet of gross floor area.
- H. Hotels, motels, resorts: one space for each unit/suite, plus, required spaces for any restaurant, assembly rooms or other associated uses.
- I. Hospitals, sanitariums, convalescent homes, nursing homes and rest homes: one space for every three patient beds, plus one additional space for every three employees.
- J. Medical and dental clinics: one space for each two hundred (200) square feet of gross floor area.
- K. Furniture, appliance, hardware stores, household equipment, personal service, clothing, and other retail stores: one space for each four hundred (400) square feet of gross floor area and a minimum of four spaces.
- L. Restaurants, ice-cream or soft drink shops serving both within and without the building: one space for each fifty (50) square feet of gross floor area.
- M. Rooming and boarding houses: one space for each occupant accommodation.
- N. Skating rinks and other commercial recreation uses: one space for each one hundred (100) square feet of gross floor area.
- O. Wholesale stores, warehouses, storage buildings, motor vehicle or machinery sales: one space for each employee with a minimum of four (4) spaces.
- P. Mobile home parks, recreational vehicle parks: one space for each unit.
- Q. Theaters: one space for each three seats.
- R. Schools, colleges: one space for each five students, plus, one space for each employee.
- S. Industry: one space for each four hundred (400) square-feet of gross floor area.

For the purpose of this title, an off-street parking space shall consist of a space adequate for parking an automobile with room for opening doors on both sides, together with properly related access to a public street or alley and maneuvering room. Required off-street parking areas for three or more automobiles shall have individual spaces marked, and shall be so designed, maintained, and regulated that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley, and so that any automobile may be parked and unparked without moving another. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may

be estimated at three hundred (300) square feet, and in accordance with all ordinances and regulations of the county. (Ord. 263 (part), 1999; Ord. 241 § 13.10.02, 1998)

17.68.030 Unspecified uses.

In the case of a use not specifically mentioned in this section, the requirements for off-street parking facilities shall be the same as the above mentioned use which is most similar. (Ord. 241 § 13.10.03, 1998)

17.68.040 Mixed occupancies.

In the case of mixed uses, the total requirements for off-street parking facilities shall be the sum of the requirements for the various uses computed separately. Off-street parking facilities for one use shall not be considered as providing required facilities for any other use except as hereinafter specified for a joint-use. (Ord. 241 § 13.10.04, 1998)

17.68.050 Joint-use of parking facilities.

Two or more properties may jointly use a common parking facility, provided the facility is jointly owned or otherwise secured by easement or other sufficient legal document that assures continuance of the joint-use of the facility. (Ord. 241 § 13.10.05, 1998)

17.68.060 Joint-use of parking facilities -- Spaces required.

For joint-use of parking facilities, the total number of required spaces may be reduced by no more than ten (10) percent. (Ord. 241 § 13.10.06, 1998)

17.68.070 Location of parking spaces.

Required off-street parking spaces shall be located as follows:

A. For any type of dwelling: on the same lot with the building to be served but not in any required front yard or side yard abutting a street.

B. For any other use except one served by an approved joint-use parking facility: on the same lot with or not more than three hundred (300) feet from the building or use to be served.

C. For a use served by an approved joint-use parking facility on the same lot with, or not more than eight hundred (800) feet from the building or use to be served.

D. For a planned shopping center: in the location or locations contemplated by the general overall layout scheme for said center at ultimate development (e.g., peripheral parking).

E. Orientation of required off-street parking spaces in respect to buildings shall be subject to this code. (Ord. 241 § 13.10.07, 1998)

17.68.080 Improvement of parking spaces.

Any parking facility for five or more vehicles shall be improved in accordance with the following requirements:

A. Off-street parking facilities shall be paved, and shall be graded and drained so as to dispose of surface water to the satisfaction of the county engineer, and shall be maintained in good condition free of weeds, trash, and debris.

B. The location and design of all entrances and exits shall be subject to the approval of the planning director.

C. Any lighting used to illuminate any off-street parking facility shall be so arranged as to reflect light away from adjoining residential premises.

D. Each individual parking space shall have a minimum dimension of nine feet and a minimum area of two hundred (200) square feet. (Ord. 333 (part), 2005;Ord. 241 § 13.10.080, 1998)

17.68.090 Layout plan.

Prior to the issuance of a permit for any commercial, industrial, public or semi-public building or use, a plan showing the proposed and existing building or buildings and the layout, dimension and number of parking spaces shall be submitted to and approved by the planning director. (Ord. 241 § 13.10.09, 1998)

17.68.100 Loading and unloading.

On every lot in a commercial or industrial district, and on every lot in any district on which is conducted any hotel, public or semi-public use, there shall be provided space, either inside or outside a building, for the loading and unloading of goods and materials. Such space shall be not less than ten (10) feet in width, twenty five (25) feet in length or less than fifteen (15) feet in height when covered. Such space shall be provided with access to an alley, or a street. (Ord. 241 § 13.10.10, 1998)

Chapter 17.72

NONCONFORMING USES AND STRUCTURES

Sections:

- 17.72.010 Applicability.
- 17.72.020 Nonconforming use regulations.
- 17.72.030 Nonconforming structure regulations.
- 17.72.040 Conditional uses and variances.
- 17.72.050 Abandonment.
- 17.72.060 Destruction and restoration.
- 17.72.070 Nonconforming lot regulations.

17.72.010 Applicability.

The provisions of this chapter apply to uses of land and structures, parcels of land, and structures which existed prior to the adoption of the ordinance codified in this title, or which were lawfully established under this title, which are not in conformance with the currently applicable requirements of the zoning ordinance. (Ord. 241 § 13.11, 1998)

17.72.020 Nonconforming use regulations.

A. Nonconforming uses of land and structures may continue as legal nonconforming uses and further may be enlarged or intensified, provided the continuation, enlargement or intensification conforms with the following requirements.

B. Continuation or intensification is permitted outright provided that this authorization applies only to the use(s) substantially as it existed and or operated at the time it became nonconforming; and further provided that intensification may occur only within the area of land and/or structure devoted to the use at the time it became nonconforming. Intensification shall not result in an increase in the noise, dust or odor emanating from the property nor result in the creation of a nuisance or a hazard to other uses in the vicinity.

C. Enlargement of a Nonconforming Use. Nonconforming single-family residences may be enlarged or expanded by the addition of space to the main structure or by the addition of accessory buildings common to a single-family residence. All other nonconforming uses may only be enlarged or expanded with the addition of new building or equipment within the footprint of the original nonconforming use upon the approval of a conditional use in accordance with the requirement of Section 17.80.030. (Ord. 241 § 13.11.01, 1998)

17.72.030 Nonconforming structure regulations.

Structures which are nonconforming with regard to yard, area, bulk, height or density may be replaced within one year, may be maintained and repaired and may be enlarged or expanded; provided, that the enlargement does not increase the extent of nonconformity. Structural alterations or enlargements of existing buildings which are nonconforming due to encroachments into the required yard area may enlarge within a required yard space up to the nonconforming setback line.

In residential areas where existing construction exhibits nonconforming yard standards, the front yard may be established as the average setback exhibited by existing nonconforming construction, provided that in no case shall new construction be placed closer than ten (10) feet from the street right-of-way line. The average shall be established between road intersection, or blocks, or one hundred (100) feet in opposing directions of the front property line corners. (Ord. 299 § 6, 2002; Ord. 291 § 6, 2001; Ord. 241 § 13.11.02, 1998)

17.72.040 Conditional uses and variances.

A. Conditional Use. A use which is listed as a conditional use in the zone in which it is located but which existed prior to adoption of the zoning ordinance or any relevant amendment and for which a conditional use permit has not been obtained shall be considered a nonconforming use.

B. Variances. A use or structure for which a variance has been issued shall be considered as a legal nonconforming use or structure and the requirements of this chapter shall apply as they apply to preexisting nonconformities. (Ord. 241 § 13.11.03, 1998)

17.72.050 Abandonment.

A nonconforming use which has been abandoned for a period of twelve (12) months shall not thereafter be returned to use except in conformance with the requirements of this title. A use shall be considered abandoned if the premises have not been maintained to the extent necessary to carry out the use and or in a manner customary for the use, or where applicable, where permits, licenses, or

approvals necessary for the use have been allowed to lapse, regardless of the conditions of the premises. (Ord. 241 § 13.11.04, 1998)

17.72.060 Destruction and restoration.

A nonconforming structure or a structure containing a nonconforming use which is damaged or destroyed by accident, fire, explosion, natural disaster or public enemy may be restored or replaced and used in accordance with the requirements of this section, provided that: (a) the restoration or replacement of the building shall not result in an increase in the degree of nonconformity; (b) a replacement structure may have a different shape than the original but shall not be larger unless authorized under the provisions for enlargement above. (Ord. 241 § 13.11.05, 1998)

17.72.070 Nonconforming lot regulations.

A. A lot, as defined in this title, which was “of record” prior to the effective date of the ordinance and which does not conform to the area and/or dimensional requirements of the ordinance or a lot which was created as a conforming lot under the terms of the zoning ordinance applicable at the time but which as a result of amendments to this zoning ordinance does not conform to the area and/or dimensional requirements currently applicable shall be afforded the same status as a conforming lot and be allowed to develop consistent with the restrictions established by the zone or district, provided that contiguous ownership of nonconforming lots shall be treated as a single lot up to the minimum lot area required for the intended method of sewage disposal and water system. Such combined ownership shall not be reduced once developed.

B. A lot, as defined in this title, not covered above, but which does not conform to the area and/or dimensional requirements of this title shall be afforded the same development right above; provided that the nonconforming status was the result of a court order, condemnation by an entity with the power of eminent domain, or any other action which was not initiated, caused or promoted by the owner at the time that the division occurred or an agent of the owner. (Ord. 241 § 13.11.07, 1998)

Chapter 17.76

ADMINISTRATION AND ENFORCEMENT

Sections:

- 17.76.010 Appointment of official.
- 17.76.020 Administration and enforcement.
- 17.76.030 Interpretation.
- 17.76.040 Complaints regarding violations.
- 17.76.050 Building permits required.
- 17.76.060 Certificates of zoning compliance for nonconforming uses.
- 17.76.070 No conflicting licenses or permits shall be issued.

17.76.080 Provisions not affected by headings.

17.76.090 Constitutionality or invalidity.

17.76.010 Appointment of official.

The board appoints the Grays Harbor County planning director to administer the requirements of this title. (Ord. 241 § 13.12.01, 1998)

17.76.020 Administration and enforcement.

The planning director or his or her duly authorized designee shall be responsible for providing information on the zoning ordinance and related land development procedures; accepting and processing variance, conditional land use, amendment, appeal and other applications and notification, and; doing those tasks necessary for the administration and enforcement of the zoning ordinance which are not assigned to another person herein or hereafter by the board. If the planning director finds that any of the provisions of this title are violated, he or she shall notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it. He or she shall take any action authorized by this title to insure compliance with or prevent violations of its provisions. (Ord. 241 § 13.12.02, 1998)

17.76.030 Interpretation.

In interpreting and applying the provisions of this zoning ordinance and as amended, they shall be held to be the minimum requirements for the promotion of the public health, safety, comfort, convenience and general welfare. Except as specifically herein provided, it is not intended by this title to repeal, abrogate, annul, or in any way to impair or interfere with any existing provision of law, regulations, rule or permit previously adopted or issued, or which shall be adopted or issued pursuant to law, relating to the use of buildings or land or relating to the erection, construction, establishment, moving, alteration or enlargement of any building or improvement; nor is it intended to interfere with or abrogate or annul any easement, covenant, or other agreement between parties; provided, that whenever this title imposes greater restrictions upon the erection, construction, establishment, moving, alteration, or enlargement of buildings, or the use of any building, or of any land in any of the districts, established by this title, that are imposed or required by such existing provisions of law or regulations, rules or permits, or covenants or agreements, then the provisions of this title shall control. (Ord. 241 § 13.12.03, 1998)

17.76.040 Complaints regarding violations.

Whenever a violation of this title occurs, or is alleged to have occurred, any person may file a complaint. Such complaint stating fully the causes and basis thereof shall be filed with the administrative official. He or she shall record properly such complaint, investigate, and take action thereon as provided by this title. (Ord. 241 § 13.12.04, 1998)

17.76.050 Building permits required.

No building or other structure shall be erected, moved, added to, or structurally altered without a building permit issued by the building official or his or her designee. No building permit shall be

issued by the building official except in conformity with the provisions of this title. (Ord. 241 § 13.12.05, 1998)

17.76.060 Certificates of zoning compliance for nonconforming uses.

No nonconforming structure or use shall be maintained, renewed, changed, or extended until a certificate of zoning compliance shall have been issued by the administrative official. The certificate of zoning compliance shall state specifically wherein the nonconforming use differs from the provisions of this title, provided that upon enactment or amendment of this title, owners or occupants of nonconforming uses or structures shall have three months to apply for certificates of zoning compliance. Failure to make such application within three months shall be presumptive evidence that the property was in conforming use at the time of enactment or amendment of this title.

The administrative official shall maintain a record of all certificates of zoning compliance, and a copy shall be furnished upon request to any person.

Failure to obtain a certificate of zoning compliance shall be a violation of this ordinance and punishable under Chapter 17.96. (Ord. 241 § 13.12.060, 1998)

17.76.070 No conflicting licenses or permits shall be issued.

No license or permit in conflict with the provisions of this title shall be issued, and if issued, any such license or permit shall be null and void. (Ord. 241 § 13.12.07, 1998)

17.76.080 Provisions not affected by headings.

Chapter and section headings contained herein shall not be deemed to govern, limit, or modify or in any manner affect the scope, meaning, or intent of any section hereof. (Ord. 241 § 13.12.08, 1998)

17.76.090 Constitutionality or invalidity.

If any section, subsection, clause or phrase of this title is for any reason held to be invalid or unconstitutional, such invalidity or unconstitutionality shall not affect the validity or constitutionality of the remaining portion of this title. It being expressly declared that this title, and each section, subsection, sentence, clause and phrase hereof would have been prepared, proposed, adopted, approved and ratified irrespective of the fact that any one or more section, subsections, sentences, clauses or phrases be declared invalid or unconstitutional. (Ord. 241 § 13.12.09, 1998)

Chapter 17.80

VARIANCES, CONDITIONAL USE PERMITS AND APPEALS

Sections:

17.80.010 Board of adjustment may grant variances.

17.80.020 Required showings for a variance.

- 17.80.030 Board of adjustment may grant conditional use permits.
- 17.80.040 Required showings for a conditional use permit.
- 17.80.050 Notice and hearing on application for variance or conditional use permit.
- 17.80.060 Board of adjustment shall hear and decide appeals from administrative decisions.
- 17.80.070 Appeals from administrative decisions -- Time limit.
- 17.80.080 Appeal -- Notice of time and place.
- 17.80.090 Scope of authority on appeal.
- 17.80.110 Notice of decision of board of adjustment.
- 17.80.120 Effective date of decision -- Time for appeal.
- 17.80.130 Planning department shall correct zoning record.

17.80.010 Board of adjustment may grant variances.

The board of adjustment shall have the authority to grant a variance from the provisions of this title when the conditions as set forth herein have been found to exist, provided, that any variance granted shall be subject to such conditions as will assure that the adjustment thereby authorized shall not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which subject property is situated. (Ord. 241 § 13.13.01, 1998)

17.80.020 Required showings for a variance.

A. Before any variance may be granted, it shall be shown: (a) that because of special circumstances applicable to subject property, including size, shape, topography, location or surroundings, the strict application of the zoning ordinance is found to deprive subject property of rights and privileges enjoyed by other properties in the vicinity and under identical zone classification; (b) that the granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity and zone in which subject property is situated.

B. An application for a lot-size variance shall be submitted with a preliminary survey of the entire existing property. (Ord. 333 (part), 2005; Ord. 241 § 13.13.02, 1998)

17.80.030 Board of adjustment may grant conditional use permits.

Upon application, the board of adjustment may grant conditional use permits for such uses as required them under this title. The board of adjustment may deny an application if the characteristics of the intended use would create an incompatible or hazardous condition. (Ord. 241 § 13.13.03, 1998)

17.80.040 Required showings for a conditional use permit.

The purpose of a conditional use permit shall be:

A. To assure, by means of imposing special conditions and requirements on development, that the compatibility of uses, a purpose of this title, shall be maintained, considering other existing and potential uses within the general area of the proposed use;

B. The conditions imposed shall be those which will reasonably assure that nuisance or hazard to life or property will not develop. The board of adjustment may not use a conditional use permit to reduce the zoning requirements of the zone in which the use is to locate. Such reduction of requirements shall be accomplished through the medium of a variance.

C. A request for a conditional use permit in the A-1 district shall also be subject to the provisions of Section 17.12.040. A request for a conditional use permit in the A-2 district shall also be subject to the provisions of Section 17.16.040. A request for a conditional use permit for a secondary use of an accessory structure in the A-1, A-2 and G-5 districts shall also be subject to Section 17.60.060. (Ord. 333 (part), 2005; Ord. 241 § 13.13.04, 1998)

17.80.050 Notice and hearing on application for variance or conditional use permit.

Upon the filing of an application for a variance or a conditional use permit by a property owner, or by a lessee, which application sets forth fully the grounds for, and the facts deemed to justify the granting of the variance or conditional use permit, the board of adjustment shall give notice of a public hearing to consider the matter. (Ord. 241 § 13.13.05, 1998)

17.80.060 Board of adjustment shall hear and decide appeals from administrative decisions.

The board of adjustment shall have the authority to hear and decide appeals from any order, requirement, permit, decision or determination made by an administrative official in the administration or enforcement of this title. (Ord. 241 § 13.13.06, 1998)

17.80.070 Appeals from administrative decisions -- Time limit.

Appeals from administrative decisions may be taken to the board of adjustment by any person aggrieved, or by any officer, department, board or bureau of the county affected by any decision of an administrative official. Such appeals shall be filed in writing in duplicate with the board of adjustment within twenty (20) days of the date of the action being appealed. (Ord. 241 § 13.13.07, 1998)

17.80.080 Appeal -- Notice of time and place.

Upon the filing with the board of adjustment of an appeal from an administrative decision, the matter shall be set for consideration, and notice given as provided herein. Upon receiving notice of the appeal, the officer from whom the appeal is being taken shall forthwith transmit to the board of adjustment all of the records pertaining to the decision being appealed, together with such additional written report as he/she deems pertinent. (Ord. 241 § 13.13.08, 1998)

17.80.090 Scope of authority on appeal.

The board of adjustment may, in conformity with this title, reverse or affirm, wholly or in part, or may modify the order, requirement, decision or determination as should be made and, to that end, shall have all the powers of the officer from whom the appeal is taken, insofar as the decision on the particular issue is concerned. In making its determination the board of adjustment may hear any pertinent facts bearing on the case. (Ord. 241 § 13.13.09, 1998)

17.80.100 Board of adjustment shall announce findings and decisions.

Not more than thirty (30) days after the termination of the proceedings of the public hearing on a variance or conditional use permit, or not more than thirty (30) days after termination of the proceedings involving an appeal from an administrative decision, the board of adjustment shall announce its findings and decision. If a variance or conditional use permit be granted, the record shall show

such conditions and limitations as the board of adjustment may impose. If an administrative decision is reversed or modified, the record shall show the findings of facts upon which the board made its determination. (Ord. 241 § 13.13.10, 1998)

17.80.110 Notice of decision of board of adjustment.

Following the rendering of a decision on a variance or conditional use permit application, a copy of the written order by the board of adjustment shall be mailed to the applicant at the address shown on the application and filed with the board of adjustment to the administrative officer or department if it be an appeal from an administrative decision, and to any other person who requests a copy. (Ord. 241 § 13.13.11, 1998)

17.80.120 Effective date of decision -- Time for appeal.

The decision of the board of adjustment shall be final and conclusive unless within twenty-one (21) days from the date of the action the original applicant or an adverse party files a petition for review under the Land Use Petition Act, Chapter 36.70C RCW, in superior court. The filing of such appeal within such time limit shall stay the effective date of the order of the board of adjustment until such time as the appeal shall have been adjudicated or dismissed by the superior court. (Ord. 299 § 7, 2002; Ord. 291 § 7, 2001; Ord. 241 § 13.13.12, 1998)

17.80.130 Planning department shall correct zoning record.

When a variance or conditional use permit is approved by the board of adjustment, the planning division shall make an appropriate record and shall inform the administrative department having jurisdiction over the matter involved of the adjusted status of the property. (Ord. 241 § 13.13.13, 1998)

Chapter 17.84

AMENDMENTS AND APPEALS

- 17.84.010 Zoning ordinance may be amended.
- 17.84.020 Initiation of amendment.
- 17.84.030 Public hearings are required.
- 17.84.040 Decision on application -- Time limit.
- 17.84.050 Notice of commission's decision.
- 17.84.060 Board to hold public hearing.
- 17.84.070 Finality of planning commission's action.
- 17.84.080 Actions of commission may be appealed -- Time limit.
- 17.84.090 Report appeal to the board.
- 17.84.100 Decision of board.
- 17.84.110 Special uses -- Authority and criteria for approval.
- 17.84.120 Special uses -- Procedure and notice.

17.84.130 Special uses -- Effective date and time limit for appeal.

17.84.010 Zoning ordinance may be amended.

Whenever public necessity, convenience and general welfare require, the boundaries of the zones established on maps by this title, the classification of property uses herein, or other provisions of this title may be amended as follows:

- A. By the adoption of or the amendment of a zoning map or maps; or
- B. By amending the text of this title.

(Ord. 241 § 13.14.01, 1998)

17.84.020 Initiation of amendment.

Amendments of this title and the maps which are a part hereof may be initiated by:

A. The verified application of one or more owners of property which is proposed to be changed or reclassified; or

B. By the adoption of a motion by the board county commissioners requesting the planning division to set a matter for hearing and recommendation; or

C. By adoption of a motion by the planning commission.

(Ord. 241 § 13.14.02, 1998)

17.84.030 Public hearings are required.

The commission shall hold at least one public hearing before taking action on any amendment to this title or application for a planned unit development and notice of such hearing shall be given as provided in Sections 17.88.080 and 17.88.090. (Ord. 299 § 8, 2002; Ord. 291 § 8, 2001; Ord. 241 § 13.14.03, 1998)

17.84.040 Decision on application -- Time limit.

Conclusive action on application shall be taken by the planning commission within ninety (90) days from the date of the initial hearing upon the matter or the application shall be deemed denied. The matter may be continued for a longer period of time with the written consent of the applicant. (Ord. 241 § 13.14.04, 1998)

17.84.050 Notice of commission's decision.

When the commission's action is to recommend approval or denial of an amendment, the planning division shall within fourteen (14) days from the date of the action on such matter notify the applicant at the address shown on the application. Other persons at the hearing requesting notice of the action shall be notified in the same manner as the applicant. If the action of the commission is to recommend approval of an amendment, a copy of the action together with the findings considered by the commission to be controlling shall be forwarded to the board within fourteen (14) days of the action. (Ord. 241 § 13.14.05, 1998)

17.84.060 Board to hold public hearing.

At the next regular public meeting of the board following the filing of the agency's recommended approval of any amendment, the board shall set the date for a public hearing to consider the recommendations of the planning agency. (Ord. 241 § 13.14.06, 1998)

17.84.070 Finality of planning commission's action.

The action of the planning commission in denying an application for an amendment or unclassified use permit shall be final and conclusive unless an appeal is filed as provided in Section 17.84.080. (Ord. 241 § 13.14.07, 1998)

17.84.080 Actions of commission may be appealed -- Time limit.

Action of the commission may be appealed by an applicant or any aggrieved person provided such appeal is filed within twenty four (24) days from the date of the commission's action. Such appeal shall be on an appeal form provided by the planning agency and shall be addressed to the board but filed with the planning agency. (Ord. 241 § 13.14.08, 1998)

17.84.090 Report appeal to the board.

The planning division shall advise the board of the filing of the appeal and shall prior to the consideration of such appeal by the board file with the board a report containing the findings and recommendations upon which the planning agency's action was based. (Ord. 241 § 13.14.09, 1998)

17.84.100 Decision of board.

Action of the planning commission that is appealed to the board shall be considered on a closed record by the board, which shall be limited to testimony and evidence presented to the commission in making its determination, and the report filed by the planning division as required by Section 17.84.090. Enactment of a resolution by the board approving an amendment shall constitute final action. When the action of the board is to deny a request for an amendment, the adoption of the motion shall constitute final action. Written notice of the action shall be forwarded to the planning division to be attached to the permanent file of the case and the planning division shall notify the applicant in writing of the final action of the board. (Ord. 299 § 9, 2002; Ord. 291 § 9, 2001; Ord. 241 § 13.14.10, 1998)

17.84.110 Special uses -- Authority and criteria for approval.

The planning commission shall have the authority to hear and decide special uses. The planning commission may approve, approve with conditions, or deny applications for special uses to assure compliance with the following criteria:

A. The proposed special use is listed as a special use in district in which the property for which application is made is located and the proposal complies with all applicable requirements of that district and this title.

B. The proposed special use is compatible with other uses in the vicinity.

C. The proposed special use will not create nuisances or hazards to life or property.

(Ord. 241 § 13.14.110, 1998)

17.84.120 Special uses -- Procedure and notice.

The planning commission shall hold at least one public hearing before taking action on any application for a special use. Notice of the hearing shall be given in the same manner as a hearing for a conditional use permit as set out in Sections 17.88.080 and 17.88.090. The planning commission shall decide the application within the time limit provided in Section 17.84.040. The applicant shall be sent written notice of the commission's decision within five days of the commission's action on the application. The notice shall be sent to the applicant at the address listed on the application. The refiling of applications for special use shall be limited in the same manner as conditional use permits in Section 17.88.030. The filing fees for special uses shall be the same as conditional use permits. (Ord. 299 § 10, 2002; Ord. 291 § 10, 2001; Ord. 241 § 13.14.120, 1998)

17.84.130 Special uses -- Effective date and time limit for appeal.

The decision of the planning commission on applications for special uses shall be final and conclusive unless within ten (10) days from the date of the decision the original applicant or an adverse party files an appeal to the superior court. The filing of such appeal within such time limit shall stay the effective date of the order of the commission until such time as the appeal shall have been adjudicated or withdrawn. (Ord. 291 § 10, 2001; Ord. 241 § 13.14.120, 1998)

Chapter 17.88

HEARINGS, NOTICES AND FEES

Sections:

- 17.88.010 Rules for conduct.
- 17.88.020 Forms.
- 17.88.030 Limitations on refiling of applications.
- 17.88.040 Records.
- 17.88.050 Filing fees.
- 17.88.060 Setting of hearings.
- 17.88.070 Continued hearings.
- 17.88.080 Notice of hearings.
- 17.88.090 Required content of notice.

17.88.010 Rules for conduct.

The planning agency and the board of adjustment may establish rules governing the conduct of public hearings and meetings conducted by each on matters within their respective jurisdictions. Modifications shall not become effective until thirty (30) days following the date of the meeting at which such changes or modifications are determined. Copies of the rules shall be made available to the public at the planning division office. (Ord. 241 § 13.15.01, 1998)

17.88.020 Forms.

The planning agency shall prescribe the form in which applications are made for changes in zone boundaries or classifications, and appeals. The board of adjustment shall prescribe the form in which applications are made for variances and conditional use permits. Both may prepare and provide blanks for such purpose and may prescribe the type of information to be provided in the application by the applicant. No application shall be accepted unless it complies with such requirements and is verified under oath as to the correctness of information given by the applicant attesting thereto. (Ord. 241 § 13.15.02, 1998)

17.88.030 Limitations on refileing of applications.

Upon final action as set forth in this title in denying an application for a change of zone, variances, or conditional use permit, the planning division shall not accept further filing of an application for substantially the same property involving substantially the same use within six months from the date of final denial of any application. (Ord. 241 § 13.15.03, 1998)

17.88.040 Records.

The agency shall cause to be kept a public record of its transactions. Such record, applications filed pursuant to this title, the written order or motion showing the action and the reasons therefore and evidence of notice and other material shall become a part of the records of the agency to which application is made. Provisions for custody of such additional records or minutes may be adopted by the agency. (Ord. 241 § 13.15.04, 1998)

17.88.050 Filing fees.

The fees authorized pursuant to this title shall be established by adoption of a resolution of the board of county commissioners which sets forth the required fees for each class or type of permit, amendment, or approval required or authorized by this title. (Ord. 241 § 13.15.05, 1998)

17.88.060 Setting of hearings.

The date of public hearings before the commission or the board of adjustment shall be not less than ten (10) days nor more than sixty (60) days from the time of filing of an application or an appeal from an administrative decision. (Ord. 241 § 13.15.06, 1998)

17.88.070 Continued hearings.

If, for any reason, testimony on any matter set for public hearings, or being heard, cannot be completed on the date set for such hearing, the person presiding at such public hearing or meeting may, before adjournment or recess of such matters under consideration, publicly announce the time and place to, and at which, the hearing or meeting will be continued and no further notice is required. (Ord. 241 § 13.15.07, 1998)

17.88.080 Notice of hearings.

Notice of the time and place of public hearings at which a matter will be considered shall be given in the following manner:

A. On any proposed amendment to this title, notice shall be given at least one publication in a newspaper of general circulation in the county and in the official gazette, if any, of the county not less than ten (10) days before the date of the public hearing.

B. Ten (10) days notice of public hearing to consider a variance, or conditional use permit shall be given in writing to all property owners of record within a radius of three hundred (300) feet of the exterior boundaries of subject property and to any governmental agency requesting such notice. Such notice, if mailed, shall be mailed not less than twelve (12) days prior to the hearing.

C. On appeals from administrative decision, written notice of the time and place of the public meeting at which the matter will be considered by the board of adjustment shall be mailed to the appellant, to the adverse parties of record in the case, and to the officer whose decision is being appealed together with a copy of the notice of appeal. Such notice shall be mailed not less than ten (10) days prior to the date of the meeting. (Ord. 241 § 13.15.08, 1998)

17.88.090 Required content of notice.

Notice of hearing on zone reclassifications, amendments, variances or conditional use permits shall set forth the identification of the property under consideration (not necessarily the legal description), the nature of the proposed change or use and the time and place of the public hearing. (Ord. 241 § 13.15.09, 1998)

Chapter 17.92

PERMIT REVOCATIONS AND EXPIRATIONS

Sections:

- 17.92.010 Permits or variances may be revoked.
- 17.92.020 Initiation of revocation proceedings.
- 17.92.030 Public hearing required.
- 17.92.040 Expiration.
- 17.92.050 Previously granted permits may be continued.

17.92.010 Permits or variances may be revoked.

The board of adjustment may revoke or modify any conditional use permit or variance. Such revocation or modification shall be made on any one or more of the following grounds:

- A. That the approval was obtained by fraud;
- B. That the use for which such approval was granted has been abandoned;
- C. That the use for which such approval was granted has at any time ceased for one year or more;

D. That the permit or variance granted is being exercised contrary to the terms or conditions of such approval or in violation of any statute, resolution, ordinance, law or regulations; or

E. That the use for which the approval was granted was so exercised as to be detrimental to the public health or safety. (Ord. 241 § 13.16.01, 1998)

17.92.020 Initiation of revocation proceedings.

The board of adjustment or planning commission may initiate proceedings to revoke a conditional use permit or variance. Individuals who are aggrieved may petition the body having jurisdiction to initiate revocation proceedings. (Ord. 241 § 13.16.02, 1998)

17.92.030 Public hearing required.

Before a permit or a variance may be revoked or modified, a public hearing shall be held. Procedures concerning notice, reporting and appeals shall be the same as required by this title for the initial consideration thereof. (Ord. 241 § 13.16.03, 1998)

17.92.040 Expiration.

Any permit or variance granted pursuant to this title becomes null and void if not exercised within the time specified in such permit or variance or, if no date is specified, within one year from the effective date of approval of the permit or variance. (Ord. 241 § 13.16.04, 1998)

17.92.050 Previously granted permits may be continued.

Where prior to the effective date of this title, a "land use permit" was granted for the establishment or conducting of a particular use on a particular site, such previous permits are by this section declared to be continued as conforming uses subject to the conditions and for the time specified in the original permit, if any, provided that if the particular use is not otherwise permitted by this title in the zone in which it is located, such established use and improvements incident thereto shall be considered a nonconforming use, and shall be subject to the abatement provisions of this title. (Ord. 241 § 13.16.05, 1998)

Chapter 17.96

PENALTIES

Sections:

17.96.010 Civil penalty.

17.96.020 Criminal penalties.

17.96.030 Other proceedings.

17.96.010 Civil penalty.

Violations of the provisions of this title as amended or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of

variances, conditional use permits or other permits required by this title as amended, shall constitute a civil violation subject to a monetary penalty not to exceed one thousand (\$1,000) dollars. Each day such violation continues shall be considered a separate violation. (Ord. 241 § 13.17.10, 1998)

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, encourages or maintains such violation may each be charged with a separate violation and suffer the penalties provided above. (Ord. 241 § 13.17.10, 1998)

17.96.020 Criminal penalties.

Violations of the provisions of this title as amended or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional use permits or other permits required by this title as amended, shall constitute a misdemeanor. Any person who violates this title or fails to comply with any of its requirements shall upon conviction thereof be fined not more than one thousand (\$1,000) dollars or imprisoned for not more than ninety (90) days, or both, and in addition shall pay all costs and expenses involved in the case. Each day such violation continues shall be considered a separate offense.

The owner or tenant of any building, structure, premises or part thereof, and any architect, builder, contractor, agent or other person who commits, participates in, assists in, encourages or maintains such violation may each be charged with a separate violation and suffer the penalties provided above. (Ord. 241 § 13.17.20, 1998)

17.96.030 Other proceedings.

Violations of the provisions of this title as amended or failure to comply with any of its requirements, including violations of conditions and safeguards established in connection with grants of variances, conditional use permits or other permits required by this title as amended, shall constitute a nuisance and shall be subject to abatement upon filing of a civil action by the prosecuting attorney in either the district or superior court of the state of Washington. Nothing herein contained shall prevent the county from taking such action. (Ord. 241 § 13.17.30, 1998)