

ORDINANCE NO. 410

AN ORDINANCE amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.42, 17.44, 17.48, 17.52, 17.57 of the Grays Harbor County Code, and Ordinances 241, 242, 252, 264, 265, 291, 293, 299, 306, 333, 336, and 373, pertaining to use of land for the production, processing, or dispensing of cannabis or cannabis products within Grays Harbor County and making text corrections.

WHEREAS, RCW 69.51A.130 allows local jurisdictions to adopt zoning, health and safety requirements on the production, processing or dispensing of cannabis or cannabis products, hereinafter referred to as marijuana or marijuana products; and

WHEREAS, the County adopted Ordinance 404, imposing a moratorium on marijuana collective gardens and other establishments involved in the sale, manufacturing, distribution or use of marijuana pending issuance of Washington State Liquor Control Board regulations and an appropriate county staff analysis and development of Grays Harbor County Planning Commission recommendations; and

WHEREAS, inasmuch as the Washington State Liquor Control Board has adopted WAC chapter 315-55 regulating its application process, the qualifications and requirements to obtain and maintain a marijuana license and the reporting requirements for a marijuana licensee, the Board of Commissioners allowed Ordinance 404 to expire; and

WHEREAS, the SEPA Responsible Official issued a threshold decision for this draft ordinance on January 23, 2014, which was not appealed; and

WHEREAS, on February 4, 2014, the Planning Commission held a public hearing on the draft ordinance amending Chapters 17.04, 17.08, 17.12, 17.16, 17.20, 17.24, 17.42, 17.44, 17.48, 17.52, 17.57 of the Grays Harbor County Code, and Ordinances 241, 242, 252, 264, 265, 291, 293, 299, 306, 333, 336, and 373, pertaining to use of land for the production, processing, or dispensing of cannabis or cannabis products regulated under Initiative 502 and Chapter 314-55 of the Washington Administrative Code within Grays Harbor County, and making other text changes; and

WHEREAS, the Planning Commission recommended approval of the draft zoning ordinance to the Board of Commissioners,

NOW THEREFORE, the Board of Commissioners of Grays Harbor County do ordain as follows:

Section 1. Section 17.04.010, Title (Ordinance 241, § 13.01.020, 1998), is amended to read as follows:

17.04.010 Title.

These regulations~~((This ordinance))~~ shall be known and may be cited as the "Grays Harbor County comprehensive zoning code~~((ordinance))~~.

Section 2. Section 17.08.010, Definitions (Ordinance 241, §§ 13.02.010-13.02.980, 1998; Ordinance 242 (part), 1998; Ordinance 291 § 1, 2001; Ordinance 299, § 1, 2002; Ordinance 306 (part), 2003; Ordinance 333 (part), 2005) is amended to read as follows:

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~~((; 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 in this section~~((herein))~~ shall be given the meaning defined in the current edition of Webster's Third New International Dictionary.

(1) "Accessory use, structure, or building" means a use or structure on the same lot with, and having a nature customarily incidental and subordinate to, the principal use or structure.

(2) "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.

(3) "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.

(4) "Apartment" means a room, or suite of two or more rooms, occupied or suitable for occupancy as a dwelling unit for one family.

(5) "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.

(6) "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 ~~((40))~~ persons other than the family

of the owner. The facility is designed or primarily used, for the accommodation of short-term occupancy rentals up to thirty (~~((30))~~) consecutive days.

(7) "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.

(8) "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.

(9) "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 window, 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.

(10) "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."

(11) "Building, main" or "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.

(12) "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.

(13) "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, but not including a "home day care" as defined in (30) below. (~~(; except a program meeting the definition of a "home day care.")~~)

(14) "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.

(15) "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.

(16) "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.

(17) "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.

(18) "Commission" means the Grays Harbor County planning commission.

(19) "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.

(20) "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~~)

(21) "Density" means the number of dwelling units per acre including all land within the boundaries of the designated site.

(22) "Dwelling" means a building designed exclusively for residential purposes, including single-family, two-family, and multiple families.

(23) Dwelling, Types of.

a(4). "Dwelling, single," "Single dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.

b((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.

c((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.

(24) "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 or fewer~~((10) or less))~~ persons.

(25) "Enlargement."

a((4)). 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.

b((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.

(26) "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.

(27) "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.

(28) "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.

(29) "Health department" means the Grays Harbor County environmental health division of the department of public services or its successor.

(30) "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.

(31) "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.

(32) "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.

(33) "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.

(34) "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.

(35) "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.

(36) "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.

(37) "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.

(38) "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.

(39) "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.

(40) "Lot width" means the distance between side lot lines measured at right angles to the lot depth at its midpoint.

(41) "Marijuana processing" means converting harvested marijuana into useable marijuana and marijuana-infused products by any person or entity that holds a valid marijuana processor license issued by the Washington State Liquor Control Board under WAC 314-55-077 as now in effect or hereafter amended.

(42) "Marijuana production" means the indoor or outdoor growing and wholesaling of marijuana by any person or entity that holds a valid license issued by the

Washington State Liquor Control Board under WAC 314-55-075 as now in effect or hereafter amended.

(43) "Marijuana retailer" means a retail outlet that sells useable marijuana, marijuana-infused products, and marijuana paraphernalia and is owned by any person or entity that holds a valid marijuana retailer license issued by the Washington State Liquor Control Board under WAC 314-55-079 as now in effect or hereafter amended.

(44) "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.

(45) "Mobile home" is defined as set forth in~~((is defined by))~~ RCW 46.04.302.

(46) "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.

(47) "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.

(48) "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.

(49) "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.

(50) "Off-street parking space~~((-))~~" shall be as defined in~~((See))~~ Section 17.68.020.

(51) "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.

(52) "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.

(53) "Permitted use" means a use by right which is specifically authorized in a particular zoning district.

(54) "Prohibited use" means a use which is specifically prohibited in a particular zoning district or a use which is not specifically authorized as a permitted or conditional use.

(55) "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.

(56) "Recorded," unless otherwise expressly defined in this title(~~(stated)~~), means filed for purpose of record with the auditor of Grays Harbor County.

(57) "Recreational vehicle" means a vehicle designed for short term occupancy during travel, recreation, and/or vacation purposes, including the following types:

- a(~~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.
- b(~~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.
- c(~~3~~). "Motor home" means a portable dwelling constructed as an integral part of a self-propelled vehicle.
- d(~~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.

(58) "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.

(59) "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.

(60) "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.

(61) "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.

(62) "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.

(63) "Stand" means a structure for the display and sale of products with no space for customers within the structure itself.

(64) "Street" means a public or recorded private thoroughfare which affords the primary means of access to abutting property.

(65) "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.

(66) "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.

(67) "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.

(68) "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.

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

(70) "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.

Section 3. Section 17.12.020, Permitted uses and structures (Ordinance 241 §13.03.210, 1998; Ordinance 242 (part), 1998; Ordinance 333 (part), 2005), is amended to read as follows:

The following uses or activities are permitted in the district:

- 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. Marijuana processing and production;
- ~~G~~(F). Single-family farm dwellings;
- ~~H~~(G). Home occupations pursuant to the provisions of Section 13.08.060;
- ~~I~~(H). Emergency medical and emergency fire equipment storage facilities;
- ~~J~~(I). Home day cares;
- ~~K~~(J). Riding academies.

Section 4. Section 17.16.020, Permitted uses and structures (Ordinance 241 §13.03.310, 1998; Ordinance 242 (part), 1998; Ordinance 333 (part), 2005), is amended to read as follows:

The following uses or activities are permitted in the district:

- 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. Marijuana processing and production;
- ~~G~~(F). Single-family dwellings;
- ~~H~~(G). Home occupations pursuant to the provisions of Section 17.60.050;
- ~~I~~(H). Riding academies;
- ~~J~~(I). Emergency medical and emergency fire equipment storage facilities;
- ~~K~~(J). Home day cares.

Section 5. Section 17.20.030, Conditional uses (Ordinance 241 §13.03.420, 1998; Ordinance 242 (part), 1998), is amended to read as follows:

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 and marijuana retailing uses which serve the surrounding regional~~(local)~~ 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~~((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 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~~((characteristics of the proposed use and its location will not introduce an incompatible or hazardous condition to the immediate area))~~; (3) the characteristics of the proposed use and its location will not introduce an incompatible or hazardous condition on the immediate area~~((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 building and fire codes as adopted in chapter 15.04 of this code~~((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));~~

4~~((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.

Section 6. Section 17.24.020, Permitted uses and structures (Ordinance 241 §17.24.510, 1998; Ordinance 242 (part), 1998; Ordinance 291 § 2, 2001; Ordinance 299 § 2, 2002), is amended to read as follows:

The following uses or activities are permitted in the district:

- 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 are 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;((-))
- L. Marijuana processing and production.

Section 7. Section 17.24.030, Conditional uses (Ordinance 241 §13.03.520, 1998; Ordinance 336 (part), 2005), is amended to read as follows:

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 and marijuana retailing 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 (~~((40))~~) 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.

Section 8. Section 17.42.030, Conditional uses and structures (Ordinance 264, 1999; Ordinance 265, 1999), is amended to read as follows:

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, a member of the family shall mean a person 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. Marijuana retailing;
- 6(~~(5)~~). Residential care facilities;
- 7(~~(6)~~). Rest homes, convalescent homes, guest homes, and homes for the aged;
- 8(~~(7)~~). Motels;
- 9(~~(8)~~). Recreational vehicle parks and campgrounds;
- 10(~~(9)~~). Mobile home parks;
- 11(~~(40)~~). 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.

Section 9. Section 17.44.020, Permitted uses and structures (Ordinance 241 §13.05.090, 1998), is amended to read as follows:

The following uses or activities are permitted in the district:

- 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. Marijuana processing and retailing;
- ~~D((G)). Churches;~~
- ~~E((D)). A single-family residence that is accessory to a permitted commercial use;~~
- ~~F((E)). Mini-storage building(s);~~
- ~~G((F)). Motels.~~

Section 10. Section 17.48.020, Permitted uses and structures (Ordinance 241 §13.06.020, 1998; Ordinance 333 (part), 2005), is amended to read as follows:

The following uses or activities are permitted in the district:

- A. Light Industrial uses;
- B. Caretaker or owner occupied residence that is accessory to a permitted industrial use;((-))
- C. Marijuana processing and production.

Section 11. Section 17.52.020, Permitted uses and structures (Ordinance 241 §13.06.090, 1998; Ordinance 252 § 1, 1998; Ordinance 293, 2002; Ordinance 333 (part), 2005), is amended to read as follows:

The following uses or activities are permitted in the district:

- A. Industrial uses and industrial development facilities as defined under RCW 39.84.020 subsection((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;((-))
- F. Marijuana processing and production.

Section 12. Section 17.57.020, Permitted uses and structures (Ordinance 373 §1 (part), 2008), is amended to read as follows:

The following uses or activities are permitted in the district:

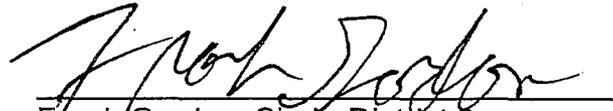
- A. Light industrial uses as defined in Section 17.08.010 of this code and including, but not limited to:
 - 1. Forest products industries,
 - 2. Marijuana processing and production,
 - 3((2)). Printings publishing and allied products,
 - 4((3)). Apparel and other textile products,
 - 5((4)). Miscellaneous 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.

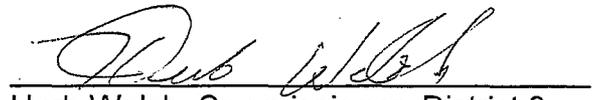
Section 13. Severability. If any section, sentence, clause or phrase of this Ordinance should be held to be unconstitutional or unlawful by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

ADOPTED this 17th day of March, 2014.

BOARD OF COMMISSIONERS
GRAYS HARBOR COUNTY

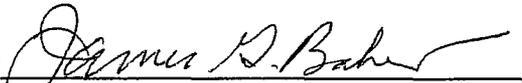

Frank Gordon, Chair, District 2


Wes Cormier, Commissioner, District 1


Herb Welch, Commissioner, District 3

APPROVED AS TO FORM:

ATTEST:

BY: 
James G. Baker
Senior Deputy Prosecuting Attorney


Donna McCallum
Clerk of the Board