

ORDINANCE No. 469

AN ORDINANCE of the Board of Commissioners of Grays Harbor County, Washington, amending Titles 17 and 18 of the Grays Harbor County Code, to address text amendments to Title 17 including short term rental standards, and minor amendments to Title 18.

WHEREAS, the Grays Harbor Board of County Commissioners finds that the provisions of this Ordinance are in the best interest of and protect the health, safety and welfare of the citizens of the county;

WHEREAS, staff has completed their review of the proposed amendments;

WHEREAS, the Grays Harbor County Planning Commission held public hearings on February 1, 2022, February 15, 2022 and March 1, 2022, and has recommended approval of the proposed text amendments;

WHEREAS, the Grays Harbor Board of County Commissioners held a public hearing on March 22, 2022; and,

WHEREAS, the Grays Harbor Board of County Commissioners concur with the proposed code amendments.

NOW, THEREFORE, THE BOARD OF COMMISSIONERS OF GRAYS HARBOR COUNTY, STATE OF WASHINGTON, DOES ORDAIN AS FOLLOWS:

Section 1. Section 17.08.010 of the Grays Harbor County Code is hereby 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 word "shall" is always mandatory and the word "may" denotes 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 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 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 consecutive days.

"Bedroom" means a room or space designed to be used for sleeping purposes with means of egress and emergency escape and rescue openings meeting the requirements of the currently adopted International Residential Code (IRC) or its successor. Spaces such as dining rooms, kitchens, bathrooms, toilet rooms, closets, hallways, storage or utility rooms and similar uses are not considered a bedroom.

(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 persons. The facility is designed or primarily used for the accommodation of long-term occupancy rentals of at least thirty 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 years of age for periods less than twenty-four hours, but not including a "home day care" as defined in (30) below.

(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.

(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. "Dwelling, single-family," "Single-family dwelling" means a detached building designed exclusively for occupancy by one family and containing one dwelling unit.
- b. "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. "Dwelling, multiple-family," "Multiple-family 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 persons.

(25)—"Enlargement."

- a. 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. 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 or fewer children, with ages ranging from birth through eleven years of age, for periods less than twenty-four hours. The licensed capacity of a home day care shall include the children with ages ranging from birth through eleven 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 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 and 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 feet exclusive of architectural features and not exceeding a maximum building length of one hundred 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 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 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 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, 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. "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 feet.
- b. "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 feet.
- c. "Motor home" means a portable dwelling constructed as an integral part of a self-propelled vehicle.
- d. "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 consecutive days within a two-month period.

"Short term rental" means rental of a single-family or two-family dwelling unit for dwelling, lodging or sleeping purposes to one group with duration of occupancy of less than thirty consecutive days. Other land uses such as motels and multiple-family dwellings that are explicitly defined and regulated in this code separately from short term rentals are not considered to be short term rentals.

(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.

(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); (Ord. No. 410, § 2, 3-17-2014)

Section 2. Section 17.20.020 of the Grays Harbor County Code is hereby amended to read as follows:

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 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.
- G. Short term rentals (see Section 17.60.020).

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

Section 3. Section 17.24.020 of the Grays Harbor County Code is hereby amended to read as follows:

17.24.020 - Permitted uses and structures.

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.
- M. Short term rentals (see Section 17.60.020).

(Ord. 299 § 2, 2002; Ord. 291 § 2, 2001; Ord 242 (part), 1998; Ord. 241 § 17.24.510, 1998);
 (Ord. No. 410, § 6, 3-17-2014)

Section 4. Section 17.32.020 of the Grays Harbor County Code is hereby amended to read as follows:

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.
- E. Short term rentals (see Section 17.60.020).

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

Section 5. Section 17.36.020 of the Grays Harbor County Code is hereby amended to read as follows:

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.
- G. Short term rentals (see Section 17.60.020).

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

Section 6. Section 17.36.030 of the Grays Harbor County Code is hereby amended to read as follows:

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 geologically 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~~**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)

Section 7. Section 17.40.020 of the Grays Harbor County Code is hereby amended to read as follows:

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.
- F. Short term rentals (see Section 17.60.020).

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

Section 8. Section 17.42.020 of the Grays Harbor County Code is hereby amended to read as follows:

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 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;
- O. Mini-storage building(s) including covered RV and boat storage when each of the following criteria is met:
 - 1. The site must conform to minimum lot size;
 - 2. The site fronts on a minor collector, major collector, state or federal highway;
 - 3. Any light, glare, and signage shall be directed away from adjacent properties;
 - 4. An adequate stormwater drainage system will be developed.
- P. Short term rentals (see Section 17.60.020).

(Ord. 265, 1999; Ord. 264, 1999); (Ord. No. 426, § 1, 2-8-2016)

Section 9. Section 17.44.020 of the Grays Harbor County Code is hereby amended to read as follows:

17.44.020 - Permitted uses and structures.

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 production, processing and retailing;
- D. Churches;
- E. A single-family residence that is accessory to a permitted commercial use;
- F. Mini-storage building(s);
- G. Motels.
- H. Short term rentals (see Section 17.60.020).

(Ord. 241 § 13.05.090, 1998); (Ord. No. 410, § 9, 3-17-2014; Ord. No. 415, § 1, 2-9-2015)

Section 10. Section 17.56.190 of the Grays Harbor County Code is hereby amended to read as follows:

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~~ The PUD will allow allows 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-2, R-3, RR, C-2, LQ, SD, I-1 and I-2 zones; provided that planned unit development approval is obtained as provided in this section.~~

B. Authorization. Planned unit developments may be allowed within the G-1, G-5, R-2, R-3, RR, C-2, LQ, SD, 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.
- 3. The permitting requirements for short term rentals within an approved PUD may be modified or eliminated provided:
 - a. The PUD is entirely located within the R-3 zone district.
 - b. The PUD includes a Development Agreement under RCW 36.70B.170 or its successor, and recorded with the Grays Harbor County Auditor, incorporating the following minimum conditions:
 - i. The short term rentals within the PUD are centrally marketed and managed by a single property management company.

ii. The property management company is fully responsible for adopting and enforcing operational standards for short term rentals within the PUD.

iii. The Development Agreement terminates automatically at such time as central property management for short term rentals within the PUD is discontinued. Upon termination of the Development Agreement, Grays Harbor County permitting requirements will apply to short term rentals within the PUD.

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;
 - l. 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 planning 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~~ Site plan 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 planning 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 planning 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) days to Superior Court.

3. Review of Final Development Plan.

- a. A final development plan containing the information required shall be submitted to the planning division. All drawings pertaining to the final development plan shall be prepared on the same sized sheets 24" × 36", 36" × 42", or 30" × 40" in dimension. Written material shall be submitted unbound, typed and on eight and one-half by eleven inch (8½" × 11") paper. The information provided shall reflect the planned unit development as approved by the board of county commissioners;
- b. The planning division shall review the final development plan for compliance with the approved preliminary development plan, including any required conditions. The planning 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 planning division and placed on file with the Grays Harbor County auditor. Any aggrieved person may appeal the planning 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 planning 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 planning division;
- e. The planning 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 planning division's decision is filed, the planning 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 planning 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 planning 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 preliminary development plan~~ shall expire.
2. If the planning 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 planning division within two hundred forty (240) days or the planning 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 planning 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 has no duty to enforce 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); (Ord. No. 391, § 9, 6-7-2010)

Section 11. Section 17.60.020 of the Grays Harbor County Code is hereby amended to read as follows:

17.60.020 – Junk.

~~In no district will there be permitted abandoned, unlicensed vehicles or junk 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 serap within the front yard and in no district will there be permitted a collection of junk or serap in excess of one hundred (100) square feet in the rear or side yards. Enforcement of this section as it applies to unlicensed or junk vehicles shall utilize the procedures specified in chapter 8.04 of this code.~~

17.60.020. Short-term Rentals.

A. Use:

1. Except as provided in A.2 below, short term rentals are a permitted use only in the General Development One (G-1), General Development Five (G-5), General Residential (R-2), Resort Residential (R-3), Rural Residential (RR), Lake Quinault (LQ) and General Commercial (C-2) zone districts, and only pursuant to a valid Short Term Rental Permit issued in accordance with this section by the Planning Director or their designee.
2. Short term rentals approved with a Conditional Use Permit or as part of a Planned Unit Development under this title prior to the effective date of this section do not require a Short Term Rental Permit.

B. Standards:

Short term rentals shall be subject to the following general requirements:

1. The short term rentals shall meet all applicable state and local health, safety and building codes regulations, as well as the provisions of WAC 458-20-166 and RCW 64.37 or their successors.
2. Short term rental dwellings shall:
 - a. Have working smoke and carbon monoxide detectors per the IRC or its successor;
 - b. Have a properly maintained and charged fire extinguisher;
 - c. Maintain a properly functioning permitted septic system or sewer connection; and
 - d. Maintain weekly solid waste collection during all months.
3. Number of Occupants: The overnight sleeping occupancy of a short term rental unit shall not exceed the following:

For a unit served by an on-site sewage disposal system (septic/drainfield system), two persons per bedroom plus two additional persons or the number of persons accommodated by the system as determined by the Environmental Health Division, whichever number of persons is less.

4. Signage. No exterior signage shall be permitted.
5. Parking. A minimum of one on-site parking space per bedroom shall be provided.
6. Limitations. Short term rentals shall not be operated outdoors, in an accessory structure, in a recreational vehicle, or any non-residential structure.
7. Liability insurance. The short term rental shall have current, valid liability insurance of one-million dollars or more that covers the use of the short term rental unit as required by RCW 64.37.050 or its successor.
8. Advertising. All advertising for any short term rental, including electronic advertising, shall include the number of the Short Term Rental Permit granted to the permit-holder.

C. Property Management:

1. Use of the short term rental is not allowed for commercial events where adequate parking cannot be provided on-site.
2. A sign shall be posted conspicuously inside the dwelling with:
 - a. The short term rental's permit number and maximum occupancy, if applicable;
 - b. Floor plan indicating fire exits and escape routes;
 - c. Contact information for the permit-holder or designated local contact person who shall be available twenty-four hours a day to accept telephone calls, and respond physically to the short term rental within three hours if necessary;
 - d. Local emergency numbers;
 - e. Location of all safety equipment such as fire extinguishers and exit signage;
 - f. Tsunami evacuation routes, if applicable;
 - g. Designated on-site parking areas;
 - h. Waste pickup schedule;

- i. Quiet times; and
- j. Pet management.
3. All short term rental permit-holders shall comply with the provisions of any local, state or federal disaster or emergency order.

D. Taxes and Records:

1. The permit-holder shall timely remit all applicable local, state and federal taxes and County fees owed in connection with the short term rental.
2. The permit-holder shall maintain records of all short term rental activity, including number of guests, booking dates, rental income, and taxes remitted, for the most recent three consecutive years, and shall be provided to the County upon request.

E. Permit issuance:

1. Upon satisfactory submission of the required attestations and requested documentation herein, a Short Term Rental Permit issued by the Planning Director or their designee, shall contain:
 - a. The site address of the short term rental;
 - b. The permit-holder's name;
 - c. The permit number, and rental limitations, including guest occupancy limit;
 - d. Contact information (name, mobile phone number and email address) of the permit-holder or local contact person who shall be available twenty-four hours a day to accept telephone calls, and respond physically within three hours if necessary; and
 - e. Dates the permit is valid.
2. On issuance, the permit-holder shall mail the information in subsection E.1 above to property owners within three-hundred feet and provide an affidavit of mailing to the County.
3. Any permit issued pursuant to this section is non-transferable.
4. All permits issued pursuant to this section shall be valid for one year from the date of issuance, and shall be reapplied for and renewed annually at least thirty calendar days prior to the expiration date.
5. Permit renewals shall also require:

- a. A new attestation of all information as outlined in subsection E.1 above; and
- b. Proof of payment of all applicable taxes for the previous year to the Washington State Department of Revenue for the subject property.

F. Permit Fees:

The fee for the initial issuance and renewal thereof shall be per the County's current fee schedule at the time of a complete application.

G. Violations:

1. Any violation of this section and the correlating provisions in this section may subject a violator to any remedy, legal or equitable, available to the County.
2. Permit violations include but are not limited to:
 - a. Advertisement or rental of a short term rental without a valid Short Term Rental Permit;
 - b. Failure to include the permit number of a short term rental in any advertisement;
 - c. Advertising a short term rental outside the permitted scope of a Short Term Rental Permit; and
 - d. Failure to remit all applicable taxes.
3. Operation violations include but are not limited to:
 - a. Failure to maintain required records; and
 - b. Failure of local contact person to satisfactorily respond to or resolve complaints.
4. The following penalties shall apply to notices of violation:
 - a. For Permit Violations:
 - i. First notice of violation: written warning;
 - ii. Second notice of violation: Penalty of one-thousand dollars, and immediate revocation of the short term rental permit.
 - b. For Operation Violations:
 - i. First notice of violation: written warning;

ii. Second notice of violation: Penalty of five-hundred dollars, or revocation of permit;

iii. Third notice of violation: Penalty of one-thousand dollars, or revocation of permit;

iv. Fourth notice of violation: revocation of permit.

H. Complaint Procedure:

1. Any person having a complaint regarding any violation(s) regarding a short term rental shall first direct the complaint to the permit-holder or contact person listed on the Short Term Rental Permit.

2. If the complainant feels that the permit-holder or contact person fails to satisfactorily resolve a complaint, the complainant shall notify the Grays Harbor County Planning Division in writing. The Planning Division will investigate the complaint, and if deemed accurate, issue a notice of violation to the permit-holder.

3. Any person may appeal a decision by the Planning Director or their designee pursuant to this section to the Grays Harbor County Board of Adjustment.

I. Inception:

Operation of a short term rental six months after the date of the adoption of this section shall be subject to all relevant sections of this code.

(Ord. 241 § 13.08.220, 1998); (Ord. No. 380, § 10, 4-27-2009)

Section 12. Section 18.06.130 of the Grays Harbor County Code is hereby amended to read as follows:

18.06.130 - Exemptions.

A. The following developments, activities, and associated uses shall be exempt from the provisions of this chapter provided that they are otherwise consistent with the provisions of other local, state and federal laws and requirements:

1. Emergencies.

a. Emergency activities are those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of damage to private property, and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of these provisions.

b. An emergency response shall utilize reasonable methods to address the emergency considering the applicable critical area(s): in addition, they must have the least possible impact to the critical area or its

management zone. The person or agency undertaking such action shall notify the county within four days following commencement of the emergency activity. If the administrator determines that the action taken, or any part of the action taken, was beyond the scope of an allowed emergency action, then enforcement will commence;

- c. After the emergency, the person or agency undertaking the action shall fully restore and/or mitigate any impacts to the critical area and management zones resulting from the emergency action in accordance with an approved critical area report and mitigation plan. Restoration and/or mitigation activities must be initiated within one year of the date of the emergency, and completed in a timely manner; and
 - d. Any emergency structures deemed necessary within the jurisdiction of the Shoreline Master Program shall be removed following the emergency or else obtain the appropriate shoreline permit;
2. Operation, maintenance or repair. Operation, maintenance or repair of existing structures, infrastructure improvements, utilities, public or private roads, dikes, levees or drainage systems that do not further alter or increase the impact to, or encroach further within, the critical area or management;
3. Passive outdoor activities. Recreation, education, and scientific research activities that do not degrade the critical area, including fishing, hiking, and bird watching. Trails must be constructed pursuant to subsection 18.06.150D.4.; and
4. Forest practices. Forest practices regulated and conducted in accordance with the provisions of Chapter 76.09 RCW and forest practices regulations, Title 222 WAC, and those that are exempt from county jurisdiction, provided that forest practice conversions are not exempt.
5. Agricultural activities.
 - a. Agricultural activities in place prior to [date VSP approved].
 - b. New agricultural activities sponsored by the Voluntary Stewardship Program (VSP) technical provider as part of an Individual Stewardship Plan.
 - c. For the purpose of this exemption, agricultural activities shall mean those uses and activities listed in RCW 90.58.065(2)(a).
 - d. The proposal shall comply with all applicable requirements of Article V—Frequently Flooded Areas.
6. New agricultural facilities and flood refuge pads. The director or designee may issue an administrative exemption for a new agricultural facility or farm refuge pad provided that the proposal meets all of the following criteria:

- a. The project is sponsored by the VSP technical provider.
- b. ~~Pre-development~~ Site plan review is required pursuant to Section 18.06.160.
- c. The administrator may require a critical area report pursuant to Section 18.06.180.
- d. The project is a minor alteration of a critical area buffer. Flood refuge pads up to three thousand square feet shall be considered minor.
- e. The agricultural facility avoids critical areas and critical area buffers to the greatest extent practicable and can demonstrate no-net-loss of the buffer function or is balanced through VSP buffer enhancements.
- f. For the purpose of this exemption, agricultural facilities shall mean those facilities listed in RCW 90.58.065(2)(c) except farm residences.
- g. The proposal shall comply with all applicable requirements of Article V—Frequently Flooded Areas.

B. All exempted activities shall use reasonable methods to avoid potential impacts to critical areas. To be exempt from these provisions does not give permission to degrade a critical area or ignore risk from natural hazards. Any incidental damage to, or alteration of, a critical area that is not a necessary outcome of the exempted activity shall be restored, rehabilitated, or replaced at the responsible party's expense.

(Ord. No. 448 , § 2, 9-3-2019; Ord. No. 456 , § 2, 9-18-2020)

Section 13. Section 18.06.160 of the Grays Harbor County Code is hereby amended to read as follows:

18.06.160 – ~~Pre-development~~ Site plan review.

- A. Any person preparing to submit an application for permit-related procedures under Section 18.06.070 and allowed activities under Section 18.06.150 shall submit a ~~pre-development-site plan~~ review application.
- B. The result of the ~~pre-development-site plan~~ review is a written summary of the requirements of this chapter. The review will include pertinent critical area maps, scientific information, other source materials, and an outline of permitting procedures and requirements.
- C. The administrator shall make a determination as to whether any critical areas may be affected by the proposal and if a more detailed critical area report shall be submitted with an application for development.
- D. If the administrator determines that there are critical areas within or adjacent to the project area, but that the best available science shows that the proposed activity

is unlikely to degrade the functions or values of the critical area, the administrator may waive the requirement for a critical area report. A decision to waive the critical area report will be based on the substantial evidence that all of the following requirements will be met:

1. There will be no alteration of the critical area or buffer;
 2. The development proposal will not impact the critical area in a manner contrary to the purpose, intent, and requirements of this chapter; and
 3. The proposal is consistent with other applicable regulations and standards.
- E. If the administrator determines that a critical area or areas may be affected by the proposal, then the administrator shall notify the applicant that a critical area report must be submitted prior to further review of the project, and indicate each of the critical area types that should be addressed in the report.
- F. If the administrator determines the absence of one or more critical areas, it is not an expert certification regarding the presence of critical areas and the determination is subject to possible reconsideration and reopening if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.
- G. The following provisions shall apply to the ~~pre-development site plan~~ pre-development site plan review process:
1. The ~~pre-development site plan~~ pre-development site plan review is valid for two years from the date of approval and is advisory only;
 2. Future permit applications will be reviewed to current regulations upon submittal of a complete application;
 3. Minor revisions to the proposal or site plan may be made within the approval period; and
 4. Substantial changes in land conditions or land use may require a new review.

(Ord. No. 448 , § 2, 9-3-2019)

Section 14. Corrections. The codifiers of this ordinance are authorized to make necessary corrections to this ordinance including, but not limited to, the correction of scrivener/clerical errors, references, ordinance numbering, section/subsection numbers, and any references thereto.

Section 15. Ratification. Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

Section 16. Severability. The provisions of this ordinance are declared separate and severable. The invalidity of any clause, sentence, paragraph, subdivision, section, or portion of this ordinance or the invalidity of the application thereof to any person or

circumstance, shall not affect the validity of the remainder of the ordinance, or the validity of its application to other persons or circumstances.

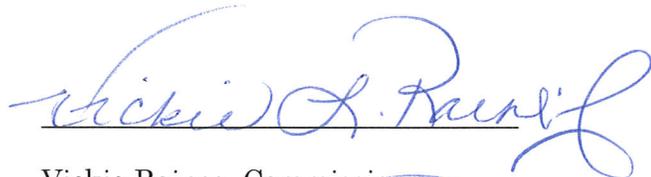
Section 17. Effective Date. This ordinance shall become effective immediately after passage and approval as provided by law.

ADOPTED this 27nd day of March, 2022.

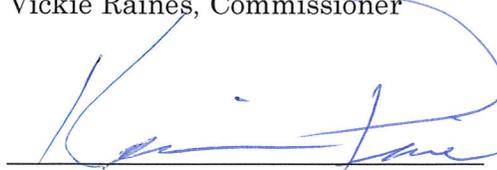
BOARD OF COUNTY COMMISSIONERS
GRAYS HARBOR COUNTY, WASHINGTON



Jill Warne, Chair



Vickie Raines, Commissioner



Kevin Pine, Commissioner

ATTEST:



Clerk of the Board