

**ORDINANCE No. 485**

AN ORDINANCE of the Board of Commissioners of Grays Harbor County, Washington, amending the Grays Harbor County Code, to address text amendments to Titles 16, 17 and 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, the text amendments proposed are mostly housekeeping in nature, and to be consistent with State law;

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

WHEREAS, the Grays Harbor County Planning Commission held a public hearing on June 6, 2023, and has recommended approval of the proposed text amendments;

WHEREAS, the Grays Harbor Board of County Commissioners held a public hearing on June 27, 2023; 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 16.08.030 of the Grays Harbor County Code is hereby amended to read as follows:

**16.08.030. Applicability.**

The following rules shall govern questions of the precise applicability of these regulations:

- A. Lots in common ownership separated by a public right-of-way shall not be considered a single lot.
- B. Land divided incidental to separation of common interest or communal ownership as in a partnership shall be considered a lot.

~~((C. Land legally divided by metes and bounds description and transferred in ownership prior to October 17, 1983 shall be treated as a separate and distinct lot that may be sold as originally described without subdivision approval.))~~

(Ord. 167 § 2, 1993; Ord. 111 § 3.30, 1983)

(Ord. No. 387, § 3, 6-7-2010)

**Section 2.** Section 16.20.120 of the Grays Harbor County Code is hereby amended to read as follows:

**16.20.120. Board of county commissioners action.**

- A. Upon receipt of the recommendation and information on any preliminary plat, the board at its next public meeting shall set a date for the ~~((meeting))~~ public hearing

where it may adopt or reject the recommendations of the planning commission. If after considering the matter at a public ~~((meeting))~~ hearing the board deems a change in the planning commission's recommendations approving or disapproving any preliminary plat necessary, the change of the recommendation shall not be made until the board has conducted its own public hearing and thereupon adopted its own findings and thereafter approved or disapproved the preliminary plat.

B. The ~~((secretary))~~ clerk of the board shall keep records of the public meetings and public hearings set and held by the board ~~((which shall be made available for public inspection))~~.

C. The board shall inquire into the public use and interest proposed to be served by the establishment of the long subdivision and dedication. The board shall determine if appropriate provisions are made for, but not limited to, the public health, safety, and general welfare, for open spaces, drainage systems, streets, alleys, other public ways, water supplies, energy conservation, sanitary wastes, parks, playgrounds, sites for schools and schoolgrounds, and shall consider whether the proposed long subdivision is compatible with the established development patterns of the area, and all other relevant facts and determine whether the public interest will be served by the subdivision and dedication. In evaluating the subdivision the board shall use the criteria in Section 16.20.100. If the board finds that the proposed long plat makes such appropriate provisions and that public use and interest will be served by the platting of such long subdivision, then it shall be approved. If the board finds that the proposed long plat does not make such appropriate provisions or that public use and interest will not be served, then the board may disapprove the proposed subdivision.

Every decision approving or disapproving a preliminary plat shall be made in writing and shall include written findings of fact and conclusions to support the decision. No plat may be approved unless the board makes a formal written finding of fact that the proposed long subdivision is in conformity with Title 17 and all other applicable land use controls.

~~((D. The planning division shall notify the applicant of the board's action by mailing a notice to the applicant within thirty (30) days of the decision. Such notification shall specify any conditions imposed, or in the event of denial, the reasons the proposed long subdivision was disapproved.))~~

D. The planning division shall notify the applicant of the board's action within 30 calendar days of the decision. Such notification shall specify any conditions imposed, or in the event of denial, the reasons the proposed long subdivision was disapproved.

E. The board's approval of the preliminary plat and supporting submissions shall furnish a firm basis upon which the applicant may proceed with development of the long subdivision and preparation of the final plat in compliance with these regulations and in accordance with any conditions of approval imposed by the board.

(Ord. 111 § 6.112, 1983)

(Ord. No. 388, § 23, 6-7-2010)

**Section 3.** Section 16.20.170 of the Grays Harbor County Code is hereby amended to read as follows:

**16.20.170. Lot and block design.**

A. Lots.

1. The lot design shall to the extent possible provide for lots of adequate area, width, depth and shape to provide for open area, to eliminate overcrowding,

to conserve significant environmental values or to avoid environmental hazards, and be appropriate for the type of development contemplated.

2. Residential densities and lot dimensions shall comply with the minimum standards of the comprehensive plan, zoning ordinance, shorelines management regulations (if applicable), and the ~~((State Department of Social and Health Services'))~~ environmental health division's minimum lot size requirements. The setbacks may be varied where appropriate to provide for solar access.
  3. All lots shall have safe, convenient street or road access and shall front on a street or road.
  4. Creativity in lot layout and configuration is encouraged. Cluster subdivision design is encouraged for property containing critical protection areas.
  5. Lots shall not, in general, derive access exclusively from a ~~((major or minor collector arterial))~~ public right-of-way. Where driveway access from a ~~((major or minor collector arterial))~~ public right-of-way may be necessary for several adjoining lots, the public works division and/or the planning commission may require that such lots be served by a combined access ~~((drive))~~ road in order to limit possible traffic hazards on such ~~((streets))~~ public rights-of-way. Where possible, driveways should be designed and arranged so as to avoid requiring vehicles to back into traffic on ~~((major or minor collector arterials))~~ public rights-of-way. The public works division may vary this requirement where necessary to provide for efficient access.
  - ~~((6. Double frontage and reversed frontage lots shall be avoided except where necessary to provide for separation of residential development from collector arterials or to overcome specific disadvantages of topography and orientation.))~~
    6. Double frontage and reversed frontage lots shall be avoided except where necessary to provide for separation of residential development from public rights-of-way or to overcome specific disadvantages of topography and orientation.
    7. If the proposed long subdivision is located in an area that is a designated urban service area of a city ~~((or town))~~ or is planned for urban use by the county comprehensive plan, the subdivision shall be platted and lots designed so that future resubdivision to urban densities may be accomplished in an efficient and orderly manner. Building should be encouraged on sites which will occupy lots at the final density. Access to future urban services such as water and sewer services, shall be insured by providing for appropriate easements in the subdivision design.
    8. In the case of subdivisions with lot sizes greater than the minimum permitted in the zone in which the subdivision occurs, the subdivision design and lot layout shall insure efficient and orderly resubdivision.
- B. Blocks.
1. Block dimensions shall reflect due regard for convenient access, public safety, the limitations and opportunities of topography, economics of land use, and drainage system and road maintenance, and the provision of suitable sites for the intended land uses.
  2. Block design shall normally provide for vehicular circulation at not more than one-fourth mile intervals and pedestrian circulation at one-eighth mile intervals.

(Ord. 111 § 6.201, 1983)

(Ord. No. 388, § 26, 6-7-2010)

**Section 4.** Section 16.20.220 of the Grays Harbor County Code is hereby amended to read as follows:

**16.20.220. Water supply.**

- A. A community water system may be required when groundwater availability is limited or other factors exist that reduce the practicality of individual wells. No long subdivision shall be approved if the long subdivision would negatively impact the water supply of adjacent water users. Where a water system is required, it shall conform to the rules and regulations of the State Department of ~~((Social and))~~ Health ~~((Services))~~ and the environmental health division with respect to source, source protection, facilities for withdrawal, treatment, storage, transmission, and distribution.
- B. A year-round water supply capable of supplying firefighting machinery in an emergency shall be provided in all long subdivisions in which a community water system will be provided. The water supply shall be reviewed and, if acceptable, approved by the county fire marshal in accordance with Chapter 13.04 and be reviewed with a recommendation forwarded to the fire marshal by the fire district or department in which the proposed subdivision is to be located. Where the water system which serves the proposed subdivision requires their installation, fire hydrants shall be required as a condition of plat approval. Fire hydrants shall be located as required by Chapter 13.04. To eliminate future street openings, all underground utilities for fire hydrants, together with the fire hydrants themselves and all other water supply improvements shall be installed before any final surfacing of a street shown on the long ~~((subdivision))~~ plat.

(Ord. 333 (part), 2005; Ord. 111 § 6.206, 1983)

(Ord. No. 388, § 29, 6-7-2010)

**Section 5.** Section 16.20.230 of the Grays Harbor County Code is hereby amended to read as follows:

**16.20.230. Sewage disposal.**

- A. Installation of sewage disposal systems within long subdivisions shall be in compliance with regulations and standards of the State Department of ~~((Social and))~~ Health ~~((Services))~~, the State Department of Ecology, and the county environmental health division.

~~((B. If a public sanitary sewer is accessible and a sanitary sewer is placed within two hundred (200) feet of the long subdivision, the subdivision shall be required to connect to the sewer for the purpose of disposing of waste.))~~

B. If a public sanitary sewer is accessible and a sanitary sewer is placed within 200 feet of the long subdivision, the subdivision shall be required to connect to the sewer for the purpose of disposing of waste.

(Ord. 111 § 6.207, 1983)

(Ord. No. 388, § 30, 6-7-2010)

**Section 6.** Section 16.24.060 of the Grays Harbor County Code is hereby amended to read as follows:

**16.24.060. Notice of hearing.**

Notice of public hearing shall be given as follows:

~~((A.— The planning division shall post at least three copies of a notice of the public hearing at least ten (10) days prior to the public hearing, not including the day of posting or the day of the hearing. The notices shall be placed in conspicuous locations on or near the property and shall be removed after the hearing. The notices shall be easily visible.~~

~~B.— The planning division shall arrange for at least one publication of the notice to appear in a newspaper of general circulation within the county and in a newspaper of general circulation within the area where the property for which the application was filed is located at least ten (10) days before the hearing. Payment of the initial publication fee shall be the responsibility of the county. Costs of additional notices will be the responsibility of the applicant where there is cancellation, postponement, or alteration of the hearing date as a result of action by the applicant.~~

~~C.— The planning division shall send a notice of the hearing by mail to all owners of property within three hundred (300) feet of the proposed mobile home park or land owned by the applicant(s) if adjacent to the proposed park in accordance with the current records of the Grays Harbor County assessor.))~~

A. The planning division shall post a notice of the public hearing, at least 10 calendar days prior to the public hearing, on the county website.

B. The planning division shall arrange for at least one publication of the notice to appear in a newspaper of general circulation within the county or area where the property for which the application was filed is located, at least 10 calendar days prior to the hearing. Payment of the initial publication fee shall be the responsibility of the county. Costs of additional notices will be the responsibility of the applicant where there is cancellation, postponement or alteration of the hearing date as a result of action by the applicant.

C. The planning division shall send a notice of the hearing by mail, to all owners of property within 300 feet of the proposed mobile home park and land owned by the applicant if adjacent to the proposed park in accordance with the current records of the Grays Harbor County assessor.

D. The planning division shall give additional notice in accordance with RCW 58.17 or its successor, and as the administrator otherwise deems advisable.

E. All hearing notices shall include ~~((a legal description of the proposed site plan and))~~ either a vicinity location sketch or a written description other than a legal description of the property, and a project description.

(Ord. 111 § 7.106, 1983)

**Section 7.** Section 16.38.060 of the Grays Harbor County Code is hereby amended to read as follows:

**16.38.060. Boundary line adjustment approval criteria.**

A. The total number of lots is not increased.

B. The boundary line adjustment shall be reviewed by the environmental health division to certify that all resulting lots meet minimum standards for lot sizes as related to sewage disposal and water supply.

C. The boundary line adjustment shall be approved by the planning division only if the resulting lots satisfy minimum lot size and width requirements including density for the applicable zone district, and subject to the environmental health division review.

D. If any existing lots are ~~((noneonforming))~~ non-conforming, the boundary line adjustment shall not create any lots smaller than the smallest existing lot.

E. All new lots resulting from a boundary line adjustment shall be on the same side of a public right-of-way.

- F. A survey showing the proposed lots shall be filed with the county auditor, with the existing lot lines shown as dashed lines.
  - G. If the preliminary boundary line adjustment is approved subject to the satisfaction of conditions including corrections of the preliminary survey, the applicant shall have two years from the date of approval to comply with the conditions of approval. Boundary line adjustments for which preliminary approval with conditions has expired shall comply with the regulations and standards in effect at the time that a new complete application is submitted.
  - H. A boundary line adjustment is required to implement the result of any property-line dispute settled by a court.
- (Ord. No. 474, § 35, 6-28-2022)

**Section 8.** Section 17.04.030 of the Grays Harbor County Code is hereby deleted as follows:

~~**(17.04.030. Names of classifications.**~~

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

**Primary Districts**

Description	Symbol	Minimum Subdivision
General Development 5	G-5	5 acres
General Development 1	G-1	1 acre
Agricultural 1	A-1	10 acres
Agricultural 2	A-2	40/20 acres
Rural Residential	RR	1 acre
Residential (Restricted)	R-1	15,000 sq. ft.
Residential (General)	R-2	10,000 sq. ft.
Residential (Resort)	R-3	7,200 sq. ft.
Residential (Lake Quinault)	LQ	2 acres
Commercial (General)	C-2	NA
Industrial Park	I-1	10 acres
Industrial	I-2	NA

**Combining Districts**

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

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

**Section 9.** Section 17.16.050 of the Grays Harbor County Code is hereby amended to read as follows:

**17.16.050. Minimum lot and yard requirements.**

- A. Minimum lot size: ~~((Forty))~~ 40 acres or one-sixteenth of a section if describable as a fraction of a ~~((section, or more;))~~ section; except the creation of lots for residential purposes which are less than the minimum lot-size of this zone, provided:  
~~((1) The parcel shall be created exclusively for the purpose of transfer or sale to a member of the immediate family of the land owner. The immediate family shall mean the grandchildren, children, brothers, sisters, parents or grandparents of the land owner of record;~~  
~~(2) The parcel shall not be less than twenty acres;~~  
~~(3) In no instance shall the residual parcel be less than twenty acres.))~~
1. The parcel shall be created exclusively for the purpose of transfer or sale to a member of the immediate family of the land owner. The immediate family shall mean the grandchildren, children, brothers, sisters, parents or grandparents of the land owner of record.
  2. The parcel shall be not less than 20 acres.
  3. The residual parcel shall be not less than 20 acres.
- B. Minimum Yard Requirements:
1. Front yard: ~~((Twenty five feet;))~~ 25 feet.
  2. Side yard: ~~((Ten feet;))~~ 10 feet.
  3. Rear yard: ~~((Thirty))~~ 30 feet.
- C. Maximum density: One dwelling-unit per ~~((twenty))~~ 20 acres or one-thirty-second of a section if describable as a fraction of a section.  
(Ord. 333 (part), 2005; Ord. 241 § 13.03.340, 1998)

**Section 10.** 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))~~ and structures are permitted:

~~((A. Single family dwellings and accessory buildings and uses.))~~

A. Single- and two-family dwellings, and accessory buildings and uses.

B. Public and semi-public uses including schools, parks and churches, and cemeteries.

C. Agricultural, silvicultural uses, the growing and harvesting of forest products and associated uses of a rural nature.

D. Commercial uses which serve the surrounding local markets as evidenced by a gross floor area of less than ~~((five thousand))~~ 5,000 square feet, such as retail stores and shops, offices, service stations, personal service offices, eating and drinking establishments, and feed and seed stores when ~~((each))~~ all 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.))~~

1. The site is adjacent to an existing commercial use.

2. The site fronts on a public right-of-way.

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))~~ dwelling 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)  
(Ord. No. 469 , § 2, 3-22-2022)

**Section 11.** Section 17.20.050 of the Grays Harbor County Code is hereby amended to read as follows:

**17.20.050. Building site.**

- A. Minimum lot size: one acre or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.
- B. Maximum Density: one dwelling unit per acre or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.
- C. Minimum Yard Requirements.
  - 1. Residential uses:
    - a. Front yard: ~~((Twenty five))~~ 25 feet if the lot fronts on ~~((an access road))~~ a private lane. or ~~((thirty five))~~ 35 feet if the lot fronts on a ~~((major collector, minor collector, urban collector, state or federal highway))~~ public right-of-way.
    - b. Side yard: ~~((Twenty))~~ 20 feet ~~((if an interior lot or thirty five feet if the corner lot is on a minor collector, major collector, state or federal highway)).~~
    - c. Rear yard: ~~((Twenty five))~~ 25 feet.
  - 2. Commercial and industrial uses:
    - ~~((a. Front yard: The setback shall equal the height of each building(s) or thirty five feet whichever is greater.))~~
    - a. Front yard: Height of the building, or 35 feet, whichever is greater.
    - b. Side and rear yards: Height ~~((The setback shall equal the height))~~ of ~~((each))~~ the building or ~~((twenty five))~~ 25 feet whichever is greater. Any side or rear lot lines adjacent to residential uses or lots of less than one acre shall be landscaped and maintained with living evergreens at least four feet in ~~((height; provided, that the sight distances required in Chapter 17.64 are maintained. This requirement shall be exempt from Chapter 17.64))~~ height.
- D. Minimum lot width: ~~((Seventy))~~ 70 feet.
- E. Maximum lot coverage by structures: ~~((Thirty three))~~ 33 percent of the total lot area.  
(Ord. 333 (part), 2005; Ord. 241 § 13.03.440, 1998)

**Section 12.** Section 17.24.050 of the Grays Harbor County Code is hereby amended to read as follows:

**17.24.050. Building site.**

- A. Minimum lot size: five acres, or one-one-hundred-twenty-eighth of a section if describable as a fraction of the section.
- B. Maximum Density: one dwelling unit per five acres, or one-one-hundred-twenty-eighth of a section.
- C. Minimum yard requirements.
  - 1. Residential:
    - a. Front yard: ~~((Twenty five))~~ 25 feet if the lot fronts on ~~((an access road))~~ a private lane. or ~~((thirty five))~~ 35 feet if the lot fronts on a ~~((major collector, minor collector, urban collector, state or federal highway;))~~ public right-of-way.



- b. Side yard: ~~((Twenty feet if an interior lot or adjacent to an access road. Thirty five feet if the corner lot is on a minor collector, major collector, state or federal highway;))~~ 20 feet.
- c. Rear yard: ~~((Twenty five))~~ 25 feet.

~~((2. Commercial and Industrial Uses — Front yard. The setback shall equal the height of the building(s) or thirty five feet whichever is greater.))~~

- 2. Commercial and Industrial Uses: Front yard: Height of the building, or 35 feet, whichever is greater.

- D. Minimum lot width: ~~((One hundred))~~ 100 feet.
- E. Maximum lot coverage by structures: ~~((Thirty three))~~ 33 percent of the total lot area. (Ord. 241 § 13.03.540, 1998)

**Section 13.** Section 17.28.040 of the Grays Harbor County Code is hereby amended to read as follows:

**17.28.040. Building site.**

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

- A. Minimum lot size: 15,000 square feet, or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.

- B. Minimum Yard Requirements:

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

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

- 1. Front yard: 25 feet.
- 2. Side yard: 15 feet.
- 3. Rear yard: 25 feet.

C. Maximum lot coverage by structures: 33 percent of total lot-area.

D. Maximum density: one dwelling unit per 15,000 square feet or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.

(Ord. 241 § 13.04.040, 1998)

**Section 14.** Section 17.32.040 of the Grays Harbor County Code is hereby amended to read as follows:

**17.32.040. Building site.**

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

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

- B. Minimum yard requirements:

- ~~((1. Front yard: twenty five (25) feet.~~
- ~~2. Side yard: Multiple family dwellings: equal to the height of the building. Single-family dwellings: ten (10) feet or ten (10) percent of the width of the lot at the front set back line but not less than five feet.~~

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

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

~~1. Front yard: 25 feet.~~

~~2. Side yard: Multiple-family dwellings: Height of the building. Single- and two-family dwellings: 10 feet, or 10 percent of the width of the lot at the front setback line, but not less than five feet.~~

~~3. Rear Yard: Single- and two-family dwellings: 25 feet, or 10 percent of the lot-depth, but not less than 10 feet. Multiple-family dwellings: Height of the building, plus 10 feet.~~

C. Maximum lot coverage by structures: 33 percent of total lot-area.

(Ord. 241 § 13.04.010, 1998)

**Section 15.** Section 17.36.040 of the Grays Harbor County Code is hereby amended to read as follows:

**17.36.040. Building site.**

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

A. Minimum lot size: 7,200 square feet for single-family dwellings, 8,400 square feet for two-family dwellings, and 7,200 square feet for the first unit plus 1,000 square feet for each additional unit in a multiple-family dwelling, or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.

B. Minimum Yard Requirements:

~~((1. — Front yard: twenty five (25) feet.~~

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

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

~~1. Front yard: 25 feet.~~

~~2. Side yard: Multiple-family dwellings: Height of the building. Single- and two-family dwellings: 10 feet, or 10 percent of the width of the lot at the front setback line, but not less than five feet.~~

~~3. Rear yard: Single- and two-family dwellings: 25 feet, or 10 percent of the lot-depth, but not less than 10 feet. Multiple-family dwellings: Height of the building, plus 10 feet.~~

(Ord. 241 § 13.04.160, 1998)

**Section 16.** 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~~) and structures are permitted:

- A. Single-family ~~((dwellings))~~ dwellings, and ~~((accessory buildings))~~ secondary structures and ~~((uses;))~~ uses if accessory to a dwelling.
  - B. The growing and harvesting of forest ~~((products;))~~ 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;))~~ grown.
  - D. Parking, repairing, maintaining one heavy truck as an accessory to a ~~((residence))~~ dwelling where the person operating the truck resides on the property where the truck is to be ~~((parked;))~~ parked.
  - E. Home day cares.
  - F. Short-term rentals (see Section 17.60.020).
- (Ord. 242 (part), 1998; Ord. 241 § 13.04.610, 1998)  
 (Ord. No. 469 , § 7, 3-22-2022)

**Section 17.** Section 17.40.050 of the Grays Harbor County Code is hereby amended to read as follows:

**17.40.050. Building site.**

- A. Minimum lot size: one acre or the larger lot area required by health regulations for the intended method of sewage disposal and water system.
  - B. Maximum Density: one dwelling unit per acre or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.
  - C. Minimum yard requirements:
    - ~~((1. Front yard: twenty five (25) feet if the lot fronts on an access road or thirty five (35) feet if the lot fronts on a major collector, minor collector, urban collector, state or federal highway;~~
    - ~~2. Side yard: twenty (20) feet if an interior lot or thirty five (35) feet if the corner lot is on a minor collector, major collector, state or federal highway;~~
    - ~~3. Rear yard: twenty five (25) feet;~~
  - ~~D. Minimum lot width: seventy (70) feet.~~
  - ~~E. Maximum lot coverage: thirty three (33) percent of the total lot area.)~~
    - 1. Front yard: 25 feet if the lot fronts on a private lane, or 35 feet if the lot fronts on a public right-of-way.
    - 2. Side yard: 20 feet.
    - 3. Rear yard: 25 feet.
  - ~~D. Minimum lot width: 70 feet.~~
  - E. Maximum lot coverage by structures: 33 percent of total lot-area.
- (Ord. 241 § 13.04.640, 1998)

**Section 18.** 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))~~ and structures permitted in the district:

- A. ~~((Single family and two family dwellings;))~~ Single-family dwellings.
- B. ~~((One attached accessory dwelling for each single family dwelling;))~~ Two-family dwellings.
- C. Accessory structures and ~~((uses;))~~ uses.
- D. Home ~~((occupations;))~~ occupations.
- E. Bed and breakfast ~~((inns;))~~ inns.
- F. Public and semi-public uses and ~~((structures;))~~ structures.

- G. ~~((Agriculture;))~~ Agriculture.
- H. The growing and harvesting of forest ~~((products;))~~ products.
- I. Parking, repairing, and maintaining one heavy truck as an accessory use to a ~~((residence;))~~ dwelling.
- J. Home day ~~((cares;))~~ cares.
- K. Adult family ~~((homes;))~~ homes.
- L. Utilities and utility structures under ~~((thirty five))~~ 35 feet in height, provided all transmission lines are ~~((underground;))~~ underground.
- M. Temporary fireworks stands regulated under RCW 70.77 ~~((and WAC 122-17;))~~ or its successor.
- N. Game and fish rearing and ~~((management;))~~ 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;))~~ lot-size.
  - 2. The site fronts on a ~~((minor collector, major collector, state or federal highway;))~~ public right-of-way.
  - 3. Any light, glare, and signage shall be directed away from adjacent ~~((properties;))~~ properties.
  - 4. An adequate stormwater drainage system ~~((will be))~~ is developed.
- P. Short-term rentals (see Section 17.60.020).  
(Ord. 265, 1999; Ord. 264, 1999)  
(Ord. No. 426, § 1, 2-8-2016; Ord. No. 469 , § 8, 3-22-2022)

**Section 19.** Section 17.42.030 of the Grays Harbor County Code is hereby amended to read as follows:

**17.42.030. Conditional uses and structures.**

- A. The board of adjustment may approve the following uses and structures if it finds that the uses ~~((or))~~ and structures meet all minimum county ordinances and will not create an incompatible or hazardous condition:
  - 1. ~~((Multi-family))~~ Multiple-family dwellings with three to ~~((fifteen dwellings;))~~ 15 dwellings.
  - 2. ~~((An accessory))~~ On any legal parcel which is less than four acres in size, a second temporary dwelling ~~((not attached to a single family, two family, or mobile home dwelling))~~ may be authorized, provided that:
    - a. The accessory unit is for use by a member of the family of the occupants of the principal ~~((residence))~~ dwelling 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))~~ tourist and wholesale commercial uses and ~~((activities;))~~ structures.
  - 4. Manufacturing ~~((activities))~~ uses and/or ~~((structures;))~~ structures.
  - 5. Utilities and utility structures more than ~~((thirty five))~~ 35 feet in ~~((height;))~~ height.
  - 6. ~~((Residential care facilities;))~~ Assisted living facilities, pursuant to RCW 18.20 or its successor.

7. Rest homes, convalescent homes, guest homes, and homes for the ~~((aged;))~~ aged.
  8. ~~((Motels;))~~ Motels.
  9. Recreational vehicle parks and ~~((campgrounds;))~~ campgrounds.
  10. Mobile home parks.
- 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))~~ vegetation shall be sufficient to ensure that the impacts of the proposed use are mitigated.
- (Ord. 265, 1999; Ord. 264, 1999)  
 (Ord. No. 410, § 8, 3-17-2014; Ord. No. 482 , § 9, 3-14-2023)

**Section 20.** Section 17.42.040 of the Grays Harbor County Code is hereby amended to read as follows:

**17.42.040. Building site.**

- A. The minimum lot size is two acres.
  - B. The following maximum density requirements for dwellings shall apply to lots throughout the district:
    1. Single-family dwellings ~~((or mobile homes))~~: One dwelling unit per two ~~((acres;))~~ acres.
    2. Two-family dwellings: Two dwelling units per two ~~((acres;))~~ acres or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.
    3. ~~((Apartments))~~ Multiple-family dwellings: ~~((Fifteen dwellings))~~ 15 dwelling units per two ~~((acres;))~~ acres or the larger lot-area required by health regulations for the intended method of sewage disposal and water system.

~~((4.— Accessory dwellings and temporary unattached accessory dwellings are not included when calculating the density requirements for subsections (B)(1) through (B)(4).))~~
  - C. Minimum yard requirements:
    1. Front yard: ~~((Twenty five feet;))~~ 25 feet.
    2. Side yard: ~~((Twenty feet;))~~ 20 feet.
    3. Rear yard: ~~((Twenty five feet;))~~ 25 feet.
  - D. Minimum lot width: ~~((One hundred))~~ 100 feet.
  - E. Maximum lot-coverage by structures: ~~((Thirty three))~~ 33 percent of the total lot area.
- (Ord. 265, 1999; Ord. 264, 1999)

**Section 21.** Section 17.84.060 of the Grays Harbor County Code is hereby amended to read as follows:

**17.84.060. Board to hold public hearing.**

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

(Ord. 241 § 13.14.06, 1998)

**Section 22.** Section 17.84.080 of the Grays Harbor County Code is hereby amended to read as follows:

**17.84.080. Actions of commission may be appealed — Time limit.**

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

Action of the commission may be appealed by an applicant or any aggrieved person provided such appeal is filed within 21 calendar days from the date of the commission's action. Such appeal shall be addressed to the board but filed with the planning division.

(Ord. 241 § 13.14.08, 1998)

**Section 23.** Section 17.84.090 of the Grays Harbor County Code is hereby amended to read as follows:

**17.84.090. Report appeal to the board.**

The planning division shall advise the board of the filing of the appeal and shall prior to the consideration of such appeal by the board file with the board a report containing the findings and ~~((recommendations))~~ conclusions upon which the planning ~~((agency's))~~ commission's action was based.

(Ord. 241 § 13.14.09, 1998)

**Section 24.** Section 18.04.120 of the Grays Harbor County Code is hereby amended to read as follows:

**18.04.120. Mitigated determination of nonsignificance (MDNS).**

A. As provided in this section and in WAC 197-11-350, the responsible official may issue a DNS based on conditions attached to the proposal by the responsible official or on changes to, or clarifications of, the proposal made by the applicant.

B. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a ~~((nonexempt))~~ non-exempt proposal for which the ~~((department))~~ county is lead agency; and
2. Precede the county's actual threshold determination for the proposal.

~~((C. The responsible official should respond to the request for early notice within ten (10) working days. The response shall:))~~

C. The responsible official should respond to the request for early notice within 14 calendar days. The response shall:

1. Be written;
2. State whether the county currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the county to consider a DS; and
3. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

D. As much as possible, the county should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

~~((E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the county shall base its threshold determination on the~~

changed or clarified proposal and should make the determination within fifteen (15) days of receiving the changed or clarified proposal;

~~1. If the county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate a DNS under WAC 197-11-340(2).)~~

E. When an applicant submits a changed or clarified proposal, along with a revised or amended environmental checklist, the county shall base its threshold determination on the changed or clarified proposal and should make the determination within 15 calendar days of receiving the changed or clarified proposal:

1. If the county indicated specific mitigation measures in its response to the request for early notice, and the applicant changed or clarified the proposal to include those specific mitigation measures, the county shall issue and circulate a DNS under WAC 197-11-350.
2. If the county indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the county shall make the threshold determination, issuing a DNS or DS as appropriate.
3. The applicant's proposed mitigation measures (clarifications, changes, or conditions) must be in writing and must be specific. For example, proposals to control noise or prevent stormwater runoff are inadequate.
4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies, or other documents.

~~((F. A mitigated DNS is issued under WAC 197-11-340(2), requiring a fifteen (15) day comment period and public notice.))~~

F. A mitigated DNS is issued under WAC 197-11-350, requiring a minimum 14-day comment period and public notice.

G. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner specifically prescribed by the county.

H. If the county's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the county should evaluate the threshold determination to assure consistency with WAC 197-11-340(3)(a) (withdrawal of DNS).

I. The county's written response under subsection ~~((B of this section))~~ 18.04.120.C shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for early notice, shall not bind the county to consider the clarifications or changes in this threshold determination.

(Ord. 224 § 14.08.050, 1996)

**Section 25.** Section 18.04.160 of the Grays Harbor County Code is hereby amended to read as follows:

**18.04.160. Public notice.**

~~((A. Whenever Grays Harbor County issues a DNS under WAC 197-11-340(2) or a DS under WAC 197-11-360(3), the county shall give public notice as follows:))~~

A. Whenever Grays Harbor County issues a DNS, MDNS or DS, the county shall state when comments are due and give public notice as follows:

1. ~~((If a public notice is required for a nonexempt license, the notice shall state whether a DS or DNS has been issued and when comments are due))~~  
Publishing notice in a newspaper of general circulation in the county or general area where the proposal is located.
  2. ~~((If no public notice is required for the permit or approval, the county shall give notice of the DNS or DS by:))~~ Posting a notice on the county website.  
~~((a. Publishing notice in a newspaper of general circulation in the county, or general area where the proposal is located;~~  
~~b. Posting a notice at the county courthouse.))~~
  3. Whenever the county issues a DS under WAC 197-11-360(3), the county shall state the scoping procedure for the proposal in the DS as required in WAC 197-11-408 and in the public notice.
- B. Whenever Grays Harbor County issues a DEIS under WAC 197-11-455(5) or a SEIS under WAC 197-11-620, notice of the availability of those documents shall be given by:
1. Indicating the availability of the DEIS in any public notice required for a ~~((nonexempt))~~ non-exempt license;
  2. Publishing notice in a newspaper of general circulation in the county, or general area where the proposal is located; and
  3. Posting a notice ~~((at))~~ on the county ~~((courthouse))~~ website.
- C. Whenever possible, the county shall integrate the public notice required under this section with existing notice procedures for the county's ~~((nonexempt))~~ non-exempt permit(s) or approval(s) required for a proposal.
- D. The county may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.
- (Ord. 234 § 14.12.020, 1997)

**Section 26.** Section 18.06.070 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.070. Relationship to other regulations.**

~~((A. These critical areas))~~ The regulations in this chapter shall apply as an overlay and in addition to the following permit-related procedures:

1. State Environmental Policy Act ~~((review;))~~ review.
2. Commercial building permit or residential building ~~((permit;))~~ permit.
3. Binding site ~~((plan;))~~ plan.
4. Flood development ~~((permit;))~~ permit.
5. Grading permit, including clearing in excess of one acre, or any clearing within a critical area or ~~((buffer;))~~ buffer.
6. Planned unit ~~((development;))~~ development.
7. Road access ~~((permit;))~~ permit.
8. All shoreline ~~((permits;))~~ permits.
9. Short subdivision; large lot subdivision, long ~~((subdivision;))~~ subdivision.
10. Special use ~~((permit;))~~ permit.
11. ~~((Zoning variance;))~~ All zoning permits including variance, conditional use permit, and short-term rental permit.
12. ~~((Zoning conditional use permit;))~~ All critical area permits.
13. Washington State Forest Practices conversion and moratorium rescission activities over which the county has ~~((jurisdiction; and/or))~~ jurisdiction.
14. Zone reclassification and text amendment.



(Ord. No. 448, § 2, 9-3-2019)

**Section 27.** 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;))~~ 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))~~ manner.
    - 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;))~~ 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;))~~ area.
  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))~~ 18.06.150.D.4.
  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. 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~~) 3,000 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~~) dwellings.
  - 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; Ord. No. 469 , § 12, 3-22-2022)

**Section 28.** Section 18.06.270 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.270. Critical area tracts or easements and setback area.**

- A. Critical area tracts or easements shall be used in development proposals for subdivisions, (~~short subdivisions,~~) planned unit developments, and binding site plans to delineate and protect those contiguous critical areas and buffers listed below that total (~~five thousand~~) 5,000 or more square feet:
  - 1. All landslide hazard areas and (~~buffers,;~~) buffers.
  - 2. All wetlands and (~~buffers,;~~) buffers.
  - 3. All habitat conservation (~~areas, and~~) areas.
  - 4. All other lands to be protected from alterations as conditioned by project approval.
- B. Critical area tracts or easements shall be recorded on all documents of title of record for all affected lots.

- C. Critical area tracts or easements shall be designated on the face of the plat or recorded drawing in a format approved by the county prosecuting attorney's office. The designation shall include the following restriction:
1. An assurance that native vegetation will be preserved to prevent harm to property and the environment, including, but not limited to, controlling surface water runoff and erosion, maintaining slope stability, buffering, and protecting plants, fish, and animal habitat; and
  2. The right of the county to enforce the terms of the restriction.
- D. The county may require that any critical area tract be dedicated to the county, held in an undivided interest by each owner of a building lot within the development with the ownership interest passing with the ownership of the lot, or held by an incorporated homeowner's association or other legal entity, such as a land trust, which ensures the ownership, maintenance, and protection of the tract.
- (Ord. No. 448, § 2, 9-3-2019)

**Section 29.** Section 18.06.280 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.280. Notice on title.**

- A. The proponent of any new development proposal that involves a critical area or management zone shall be required to file a notice on title with the county auditor. The notice shall state the presence of the critical area or management zone on the property, of the application of these provisions to the property, and the fact that limitations on actions in or affecting the critical area or management zone may exist. Only one such notice is required to be recorded on any individual property or lot. The notice shall run with the land.
- ~~((1.—))~~ The notice shall be as set forth below:  
 "Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. ~~((The site was the subject of a development proposal for [application number] filed on [date].))~~ Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting ~~((regulation. Review of such application provides information on the location of the critical protection area and the restrictions on the site. A copy of the application site map showing the critical protection area is attached hereto.))~~ regulation."
- B. For all proposed subdivision proposals within critical protection areas identified in this chapter, the applicant shall include a note on the face of the plat.
- ~~((1.—))~~ The note shall be as set forth below:  
 "Notice: This site lies within a critical protection area as identified in Grays Harbor County Code Chapter 18.06. ~~((The site was the subject of a development proposal for [application number], filed on [date].))~~ Restrictions on use or alteration of the site may exist due to natural conditions of the site and resulting regulation."  
~~((2.— The note shall be recorded as part of final plat approval for any subdivision.))~~
- C. This notice on title shall not be required for a development proposal by a public agency, or public or private utility:
1. Within a recorded easement or right-of-way;
  2. Where the agency or utility has been adjudicated the right to an easement or right-of-way; or
  3. On the site of a permanent public facility.
- D. The applicant shall submit proof that the notice has been filed for public record before the county approves any development proposal for the property or, in the case

of subdivisions, (~~short subdivisions,~~) planned unit developments, and binding site plans, at or before recording.  
(Ord. No. 448, § 2, 9-3-2019)

**Section 30.** Section 18.06.360 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.360. Exemptions and allowed uses in wetlands.**

A. The following wetlands may be exempt from the requirement to avoid impacts and they may be filled if the impacts are fully mitigated (~~(based on the remaining actions in Chapter XX.070.A.2 through 6)~~). If available, impacts should be mitigated through the purchase of credits from an in-lieu fee program or mitigation bank, consistent with the terms and conditions of the program or bank. In order to verify the following conditions, a critical area report for wetlands meeting the requirements in (~~Chapter XX.060~~) Section 18.06.180 must be (~~submitted~~) submitted:

1. All isolated category IV wetlands less than (~~four thousand~~) 4,000 square feet that:
  - a. Are not associated with riparian areas or their buffers;
  - b. Are not associated with shorelines of the state or their associated buffers;
  - c. Are not part of a wetland mosaic;
  - d. Do not score six or more points for habitat function based on the (~~2014 update to the~~) Washington State Wetland Rating System for Western Washington: 2014 Update (Ecology Publication #14-06-029, or as revised and approved by Ecology); and
  - e. Do not contain a priority habitat or a priority area for a priority species identified by the state department of fish and wildlife, (~~do not contain~~) federally listed species or their critical habitat, or species of local importance identified in Section 18.06.610.
2. Wetlands less than (~~one thousand~~) 1,000 square feet that meet the above criteria and do not contain federally listed species or their critical habitat are exempt from the buffer provisions contained in this chapter.

B. Activities allowed in wetlands. The activities listed below are allowed in wetlands. These activities do not require submission of a critical area report, except where such activities result in a loss of the functions and values of a wetland or wetland buffer. These activities include:

1. The county has chosen to participate in the voluntary stewardship program. So long as the county participates in the voluntary stewardship program, this chapter shall not apply to agricultural activities.
2. Those activities and uses conducted pursuant to the Washington State Forest Practices Act and its rules and regulations, WAC 222-12-030, where state law specifically exempts local authority, except those developments requiring local approval for Class 4—General Forest Practice Permits (conversions) as defined in RCW 76.09 and WAC 222-12.
3. Conservation or preservation of soil, water, vegetation, fish, shellfish, and/or other wildlife that does not entail changing the structure or functions of the existing wetland.
4. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops and provided the harvesting does not require

- tilling of soil, planting of crops, chemical applications, or alteration of the wetland by changing existing topography, water conditions, or water sources.
5. Drilling for utilities/utility corridors under a wetland, with entrance/exit portals located completely outside of the wetland buffer, provided that the drilling does not interrupt the ground water connection to the wetland or percolation of surface water down through the soil column. Specific studies by a hydrologist are necessary to determine whether the ground water connection to the wetland or percolation of surface water down through the soil column will be disturbed.
  6. Enhancement of a wetland through the removal of non-native invasive plant species. Removal of invasive plant species shall be restricted to hand removal unless permits from the appropriate regulatory agencies have been obtained for approved biological or chemical treatments. All removed plant material shall be taken away from the site and appropriately disposed of. Plants that appear on the state noxious weed control board list of noxious weeds must be handled and disposed of according to a noxious weed control plan appropriate to that species. Re-vegetation with appropriate native species at natural densities is allowed in conjunction with removal of invasive plant species.
  7. Educational and scientific research activities.
  8. Normal and routine maintenance and repair of existing public or private facilities and improvements within an existing right-of-way, provided that the maintenance or repair does not expand the footprint of the facility or right-of-way.
  9. Stormwater management facilities. A wetland or its buffer can be physically or hydrologically altered to meet the requirements of an LID, runoff treatment or flow control BMP if all of the following criteria are met:
    - a. The wetland is classified as a category IV or a category III wetland with a habitat score of three to five (~~((points;))~~) points.
    - b. There will be "no net loss" of functions and values of the (~~((wetland;))~~) wetland.
    - c. The wetland does not contain a breeding population of any native amphibian (~~((species;))~~) species.

~~((d. — The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach," (available here~~

    - d. The hydrologic functions of the wetland can be improved as outlined in questions 3, 4, 5 of Chart 4 and questions 2, 3, 4 of Chart 5 in the "Guide for Selecting Mitigation Sites Using a Watershed Approach" (may be available on Washington State Department of Ecology's website); or the wetland is part of a priority restoration plan that achieves restoration goals identified in a shoreline master program or other local or regional watershed plan.
    - e. The wetland lies in the natural routing of the runoff, and the discharge follows the natural (~~((routing;))~~) routing.
    - f. All regulations regarding stormwater and wetland management are followed, including but not limited to local and state wetland and stormwater codes, manuals, and (~~((permits; and))~~) permits.

- g. Modifications that alter the structure of a wetland or its soils will require permits. Existing functions and values that are lost shall be compensated/replaced.
- 10. Stormwater LID BMPs required as part of new and redevelopment projects can be considered within wetlands and their buffers. However, these areas may contain features that render LID BMPs infeasible. A site-specific characterization is required to determine if an LID BMP is feasible at the project site.

(Ord. No. 448, § 2, 9-3-2019)

**Section 31.** Section 18.06.500 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.500. Provisions for flood hazard reduction.**

A. In all areas of special flood hazards, the following standards are required:

~~(1. General development standards:~~

~~a. All development proposals shall be consistent with the need to minimize flood damage.~~

~~b. All public utilities and facilities, such as sewer, gas, electrical, and water systems proposed for construction within all development proposals shall be located and constructed to minimize or eliminate flood damage.~~

~~e. All development proposals shall provide adequate drainage to reduce exposure to flood damage.~~

~~d. All subdivision proposals and other proposed development(s) shall comply with the following:~~

~~(1) All subdivision proposals shall be consistent with the need to minimize flood damage.~~

~~(2) All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical, and water systems located and installed to minimize or eliminate flood damage.~~

~~(3) All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.~~

~~(4) Where base flood elevation data has not been provided or is not available from another authorized source, it shall be generated for subdivision proposals and other proposed developments which contain at least fifty lots or five acres (whichever is less).~~

~~e. All recreational vehicle use in frequently flooded areas shall comply with Chapter 8.20 requirements, and are required to either:~~

~~(1) Be on the site for fewer than one hundred eighty days; or~~

~~(2) Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or~~

~~(3) Meet the requirements of Section 18.06.120(D)(2).~~

~~f. All development proposals in shallow flooding areas shall comply with the standards contained in this subsection.)~~

1. All development proposals shall be consistent with the need to minimize flood damage.

2. All public utilities and facilities, such as sewer, gas, electrical and water systems proposed for construction within all development proposals shall be located and constructed to minimize or eliminate flood damage.

3. All development proposals shall provide adequate drainage to reduce exposure to flood damage.

4. All subdivision proposals and other proposed developments shall comply with the following:
  - a. All subdivision proposals shall be consistent with the need to minimize flood damage.
  - b. All subdivision proposals shall have public utilities and facilities, such as sewer, gas, electrical and water systems located and installed to minimize or eliminate flood damage.
  - c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage.
5. All recreational vehicle use in frequently flooded areas shall comply with Chapter 8.20 requirements, and are required to either:
  - a. Be on the site for less than 180 calendar days;
  - b. Be fully licensed and ready for highway use, on wheels or jacking system, attached to the site only by quick disconnect type utilities and security devices, and have no permanently attached additions; or
  - c. Meet the requirements of subsection 18.06.500.D.2.
6. All development proposals in shallow flooding areas shall comply with the standards contained in this subsection.

- B. Shallow flooding areas appear on a FIRM as AO zones with depth designations. The base flood depths in these zones range from one foot to three feet above ground where a clearly defined channel does not exist, or where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is usually characterized as sheet flow. In these areas, the following provisions shall apply:
1. New construction and substantial improvements of residential structures and manufactured homes within AO zones shall have the lowest floor, including basement, elevated above the highest adjacent grade to the structure, one foot or more above the BFE depth number specified in feet on the community's FIRM or at least ~~((two))~~ three feet above the highest adjacent grade to the structure if no depth number is specified.
  2. New construction and substantial improvements of non-residential structures within AO zones shall either:
    - a. Have the lowest floor, including basement, elevated above the highest adjacent grade of the building site, one foot or more above the depth number specified on the FIRM or at least ~~((two))~~ three feet above highest adjacent grade if no depth number is specified. This improvement shall be noted on a current elevation certificate (~~((Form FF81-31,))~~) with Section E (~~((completed, and the form recorded;))~~) completed; or
    - b. Together with attendant utility and sanitary facilities, be completely flood proofed to or above that level so that any space below that level is watertight with walls substantially impermeable to the passage of water and with structural components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy. If this method is used, compliance shall be certified by a registered professional engineer (~~((or architect))~~).
    - c. Require adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.
  3. Recreational vehicles placed on sites within AO Zones on the community's FIRM must comply with all provisions of Chapter 8.20 of this code.

4. Recreational vehicles placed on sites within AO Zones must be fully licensed and ready for highway use, on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions.
- C. Where elevation data is not available either through a flood insurance study, FIRM, or from another authoritative source such as provided in subsection ~~((18.06.115B.))~~ 18.06.460.B, applications for permits shall ~~((be reviewed to assure that the proposed construction will be reasonably safe from flooding. The test of reasonableness is a local judgment and includes use of historical data, high water marks, photographs of past flooding, etc., where available. Failure to elevate at least two feet above the highest adjacent grade in these zones may result in higher insurance rates.))~~ include a determination of the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.
- D. Anchoring standards.
1. All new construction and substantial improvements shall be anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.
  2. All manufactured homes to be placed or substantially improved on a site located within a floodplain shall be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated one foot or more above the base flood elevation and be securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement, with the installation using methods and practices that minimize flood damage. Anchoring methods ~~((may include, but are not limited to, use of over the top or frame ties to ground anchors. For more detailed information, refer to guidebook FEMA-85 entitled "Manufactured Home Installation in Flood Hazard Areas."))~~ shall comply with International Residential Code (IRC) Section R322.1.9 or its successor.
- E. Construction materials and methods.
1. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage in accordance with FEMA TB-2.
  2. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.
  3. Electrical, heating, ventilation, plumbing, air-conditioning equipment, and other service facilities shall be designed, and/or otherwise elevated, or located so as to prevent water from entering or accumulating within the components during conditions of flooding in accordance with IRC Section R322.1.6 or its successor.
- F. Elevation standards for residential structures.
1. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained, new construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be ~~((waterproof or))~~ elevated at least one foot



above the BFE or meet the requirements of IRC Section R322.1.6 or its successor.

2. New construction and substantial improvement of any residential structure in an AO zone shall meet the requirements in ~~((GHCC))~~ Section 18.06.500.B.
  3. New construction and substantial improvement of any residential structure in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least ~~((two))~~ three feet above the highest adjacent grade.
  4. New construction and substantial improvement of any residential structure in a ~~((V, V1-30, or VE))~~ V zone shall meet the requirements in ~~((GHCC))~~ Section 18.06.520.
  5. ~~((Fully))~~ Buildings with enclosed areas, including crawl spaces, below the ~~((lowest floor that are subject to flooding are prohibited, or))~~ elevation specified in subsection 18.06.500.F.1 shall meet the requirements of the IRC Section R322.2.2 or its successor and be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters by means of openings meeting the requirements of IRC Section 322.2.2.1 or its successor. ((Designs must meet or exceed the following minimum criteria:
    - a. ~~Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.~~
    - b. ~~The bottom of all openings shall be no higher than one foot above grade.~~
    - e. ~~Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.~~
    - d. ~~A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. Alternatively, a registered engineer or architect may design and certify engineered openings.))~~
  6. All manufactured homes to be placed or substantially improved within zones A, A1 through A30, AH, and AE shall be elevated on a permanent foundation so that the lowest floor is one foot or more above the base flood elevation and is securely anchored to an adequately anchored foundation system, in compliance with subsection ~~((18.06.120C.2,))~~ 18.06.500.D.2. to resist flotation, collapse and lateral movement.
- G. Elevation and flood-proofing standards for non-residential structures. New construction and substantial improvement of any commercial, industrial or other ~~((nonresidential))~~ non-residential structure shall meet the requirements of subsection ~~((1 or 2, below))~~ 18.06.500.G.1 or 18.06.500.G.2.
- ~~((1))~~ New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
- a) ~~In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained:~~  
~~New construction and substantial improvement of any commercial, industrial, or other nonresidential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE, or elevated as required by ASCE 24, whichever is greater. Mechanical equipment and utilities shall be waterproofed or elevated [at] least one foot above the BFE, or as required by ASCE 24, whichever is greater.~~

- b) — If located in an AO zone, the structure shall also meet all relevant requirements in Section 18.06.500.B.
- e) — If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, the structure shall be reasonably safe from flooding, but in all cases the lowest floor shall be at least two feet above the highest adjacent grade.
- d) — If located in a V, V1-30, or VE zone, the structure shall also meet all relevant requirements in Section 18.06.520.
- e) — Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must either be certified by a registered professional engineer or architect or must meet or exceed the following minimum criteria:
- i) — Have a minimum of two openings with a total net area of not less than one square inch for every square foot of enclosed area subject to flooding.
  - ii) — The bottom of all openings shall be no higher than one foot above grade.
  - iii) — Openings may be equipped with screens, louvers, valves, or other coverings or devices provided that they permit the automatic entry and exit of floodwater.
  - iv) — A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry and exit of floodwaters. Alternatively, a registered engineer or architect may design and certify engineered openings.
- 2) — If the requirements of subsection 1 are not met, then new construction and substantial improvement of any commercial, industrial or other nonresidential structure shall meet all of the following requirements:
- a) — Be dry flood proofed so that below one foot or more above the base flood level the structure is watertight with walls substantially impermeable to the passage of water or dry flood proofed to the elevation required one foot above the BFE;
  - b) — Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
  - e) — Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in GHCC 18.06.490.A;
  - d) — Nonresidential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in GHCC 18.06.500.G.1.e.))
1. New construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet all of the following requirements:
    - a. In AE and A1-30 zones or other A zoned areas where the BFE has been determined or can be reasonably obtained: New construction and substantial improvement of any commercial, industrial or other non-residential structure shall have the lowest floor, including basement, elevated one foot or more above the BFE. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.
    - b. If located in an AO zone, the structure shall also meet all relevant requirements in Section 18.06.500.B.

- c. If located in an unnumbered A zone for which a BFE is not available and cannot be reasonably obtained, applications for permits shall include a determination of the design flood elevation in accordance with accepted hydrologic and hydraulic engineering practices used to define special flood hazard areas. Determinations shall be undertaken by a registered design professional who shall document that the technical methods used reflect currently accepted engineering practice. Studies, analyses and computations shall be submitted in sufficient detail to allow thorough review and approval.
  - d. If located in a V zone, the structure shall also meet all relevant requirements in Section 18.06.520.
  - e. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited, or shall be designed in accordance with Section 2.7.2.1 of ASCE 24 to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a registered professional engineer.
2. If the requirements of subsection 18.06.500.G.1 are not met, then new construction and substantial improvement of any commercial, industrial or other non-residential structure shall meet all of the following requirements:
- a. Be dry flood proofed to one foot above the BFE and designed by a registered engineer per ASCE 24.
  - b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy.
  - c. Be certified by a registered professional engineer that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the official as set forth in Section 18.06.490.A.
  - d. Non-residential structures that are elevated, not flood proofed, must meet the same standards for space below the lowest floor as described in Section 18.06.500.G.1.e.
- H. Utility system standards.
- 1. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems.
  - 2. New and replacement sanitary sewer systems shall be designed to minimize or eliminate infiltration of floodwaters into the systems and discharges from the systems into flood waters.
  - 3. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.
  - 4. Water wells shall be located on high ground that is not in the floodway.
- I. AE and A1-30 Zones with base flood elevations but no floodways. In areas with base flood elevations but where a regulatory floodway has not been designated, no new construction, substantial improvements, or other development including fill shall be permitted within zones A1-30 and AE on the county's FIRM, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the

water surface elevation of the base flood more than one foot at any point within the county.

- J. Enclosed area below the lowest floor. If buildings or manufactured homes are constructed or substantially improved with fully enclosed areas below the lowest floor, the areas shall be used solely for parking of vehicles, building access, or storage.

(Ord. No. 448, § 2, 9-3-2019; Ord. No. 456, § 6, 9-18-2020)

**Section 32.** Section 18.06.520 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.520. Provisions for flood hazard reduction in coastal high hazard areas designated as V zones and coastal A zones.**

~~((A.— In addition to standards prescribed in Section 18.06.520, the following standards shall be met for developments sited within coastal high hazard areas (V zones) to lessen the special hazards associated with high velocity waters from tidal surges. The planning director or his or her designee shall review each development proposal with a coastal high hazard area prior to issuing a permit to assure that the following standards are met:~~

~~1.— All new construction, including buildings or structures shall be located landward of the reach of mean high tide.~~

~~2.— Located within areas of special flood hazard are coastal high hazard areas, designated as zone V1 through and including V 30, VE, and/or V. These areas have special flood hazards associated with high velocity waters from surges and, therefore, in addition to meeting all provisions in this chapter, the following provisions shall also apply:~~

~~a.— All new construction and substantial improvements in zone V1 through and including V 30, zone VE, and zone V if base flood elevation data is available on the county's FIRM, shall be elevated on pilings and columns so that:~~

~~(1)— The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated one foot or more above the base flood level; and~~

~~(2)— The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads acting simultaneously on all building components.~~

~~(3)— A registered professional engineer or architect shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with accepted standards of practice for compliance with the provisions of [this article].~~

~~b.— Obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures in zone V1 through and including V 30, zone VE, and zone V on the county's FIRM, and determine whether or not such structures contain a basement. The planning director shall maintain a record of all such information.~~

~~c.— All new construction within zone V1 through and including zone V30, zone VE, and zone V on the county's FIRM shall be located landward of the reach of the mean high tide.~~

~~d.— Provide that all new construction and substantial improvements within zone V1 through and including zone V30, zone VE, and zone V on the county's FIRM have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement, or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less~~

than ten pounds per square foot and no more than twenty pounds per square foot. The use of breakaway walls that exceed a design safe loading resistance of twenty pounds per square foot, either by design or when so required by county or state codes, may be permitted only if a registered professional engineer or architect certifies that the proposed design meets the following criteria:

- (1) — Breakaway wall collapse shall result from water load less than that would occur during the base flood; and
- (2) — The elevated portion of the building and supporting foundation system shall not be subject to collapse, displacement, or other structural damage due to the effects of wind and water loads acting simultaneously on all structural and non-structural building components.

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

e. — Prohibit the use of fill for structural support of buildings within zone V1 through and including V30, zone VE, and zone V on the county's FIRM.

f. — Prohibit manmade alteration of sand dunes within zones V1 through and including V30, zone VE, and zone V on the county FIRM which would increase potential flood damage.

g. — All manufactured homes to be placed or substantially improved within zones V1-30, zone V, and zone VE on the community's FIRM and on sites that are (1) located outside of a manufactured home park or subdivision; or (2) located in a new manufactured home park or subdivision; or (3) located in an expansion to an existing manufactured home park or subdivision; or (4) located in an existing manufactured home park or subdivision on which a manufactured home has incurred "substantial damage" as the result of a flood, shall meet the standards in subsections [2.a. — f., inclusive, of this section] and manufactured homes placed or substantially improved on other sites in an existing manufactured home park or subdivision within zones V1-30, zone V, and VE on the county's FIRM shall meet requirements of subsections [2.b. and c., inclusive of this section].

h. — Recreational vehicles placed on sites within Zone V1 through and including V30, Zone V, and Zone VE on the county's FIRM must:

- (1) — Comply with all provisions of Chapter 8.20 of this Code;
- (2) — Be fully licensed and ready for highway use;
- (3) — Be on its wheels, or jacking system; and
- (4) — Be attached to the site only by quick disconnected type utilities and security devices, and have no permanently attached additions.)

In addition to standards prescribed in Section 18.06.500, the following standards shall be met for developments within coastal high hazard areas designated as V zones and coastal A zones to lessen the special hazards associated with high velocity waters from tidal surges:

A. All new construction, including buildings or structures shall be located landward of the ordinary high water mark.

- B. All new construction and substantial improvements, if base flood elevation data is available on the county's FIRM, shall be elevated on pilings and columns so that:
1. The bottom of the lowest horizontal structural member of the lowest floor, excluding the pilings or columns, is elevated one-foot or more above the base flood level.
  2. Construction documents shall include a statement that the building is designed in accordance with ASCE 24, including that the pile or column foundation and structure attached thereto is anchored to resist flotation, collapse and lateral movement due to the effects of wind and water loads

acting simultaneously on all building components, and other load requirements of International Building Code (IBC) Chapter 16 or its successor.

3. A registered professional engineer shall develop or review the structural design, specifications and plans for the construction, and shall certify that the design and methods of construction to be used are in accordance with ASCE 24.
  4. For breakaway walls designed to have a resistance of more than 20 psf (0.96kN/m<sup>2</sup>) determined using allowable stress design, construction documents shall include a statement that the breakaway wall is designed in accordance with ASCE 24.
  5. For breakaway walls where provisions to allow for the automatic entry and exit of floodwaters do not meet the minimum requirements in Section 2.7.2.1 of ASCE 24, construction documents shall include a statement that the design will provide for equalization of hydrostatic flood forces in accordance with Section 2.7.2.2 of ASCE 24.
- C. Obtain the elevation, in relation to mean sea level, of the bottom of the lowest structural member of the lowest floor, excluding pilings and columns, of all new and substantially improved structures, and determine whether such structures contain a basement.
- D. Provide that all new construction and substantial improvements have the space below the lowest floor either free of obstruction or constructed with non-supporting breakaway walls, open wood lattice-work, or insect screening intended to collapse under wind and water loads without causing collapse, displacement or other structural damage to the elevated portion of the building or supporting foundation system. For the purposes of this subsection, a breakaway wall shall have a design safe loading resistance of not less than 10 pounds per square foot and no more than 20 pounds per square foot. The use of breakaway walls that exceed a design safe loading resistance of 20 pounds per square foot as determined using allowable stress design or when so required by county or state codes, may be permitted only if a registered professional engineer certifies that the proposed design meets IRC Section R322.3.5 or its successor. If breakaway walls are utilized, such enclosed space shall be useable solely for the parking of vehicles, building access, or storage. Such space shall not be used for human habitation.
- E. Prohibit the use of fill for structural support of buildings.
- F. Prohibit any alteration of sand dunes which would increase potential flood damage.
- G. Manufactured homes to be placed or substantially improved shall meet the standards in IRC Section 322.1.9 or its successor.
- H. Recreational vehicles to be placed must:
1. Comply with all provisions of Chapter 8.20 of this Code;
  2. Be fully licensed and ready for highway use;
  3. Be on its wheels, or jacking system; and
  4. Be attached to the site only by quick disconnected type utilities and security devices, and have no permanently attached additions.

(Ord. No. 448 , § 2, 9-3-2019; Ord. No. 456 , § 8, 9-18-2020)

**Section 33.** Section 18.06.580 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.580. Performance standards.**

- A. Alterations of geologically hazardous areas may only occur for activities that will not adversely impact or pose a threat to adjacent properties or critical areas, and are designed so that the hazard to the project is eliminated or mitigated to a level equal to or less than pre-development conditions.
- B. Uses, structures, and activities in erosion hazard areas shall meet the following performance standards:
1. On-site stormwater and drainage development shall meet the requirements of the current edition of the Stormwater Management Manual for Western Washington.
  2. Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.
  3. Incorporate stabilization best management practices, such as temporary and permanent seeding, mulching, geotextiles, sod stabilization, vegetative buffer strips, protection of trees, and preservation of mature vegetation.
  4. Ensure the stabilization of all exposed and disturbed soils by appropriate and timely application of best management practices.
  5. Minimize the removal of existing vegetation and undergrowth.
  6. Design cut and fill slopes to minimize erosion.
  7. Stabilize conveyance outlets and stream banks to prevent erosion.
  8. Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.
  9. Uses, structures, or activities shall be located outside areas likely to be subject to coastal erosion or river and stream bank erosion during the life of the use, structure, and activities.
- C. Uses, structures, or activities in landslide hazard areas shall meet the following performance standards:
- ~~((1. Establish and maintain a forty foot buffer from the top and toe of a slope identified as a landslide hazard area. The administrator may allow the following modifications to the buffer:))~~
1. Establish and maintain a 40-foot-wide buffer from the top and toe of a slope identified as a landslide hazard area. The administrator may allow the following modifications to the buffer:
    - a. Reduce the buffer if a critical area special study prepared by a qualified professional certifies that the reduction will adequately protect the proposed development, adjacent developments, and critical areas.
    - b. Locate on-site sewage disposal systems, including drainfields, within a buffer when a qualified professional certifies that there will be no impact to existing or proposed development.
  2. On-site stormwater and drainage development shall meet the requirements of the current edition of the Stormwater Management Manual for Western Washington.
  3. Locate structures and improvements to avoid landslide areas and other critical areas.
  4. Minimize modification of the natural contour of slopes by conforming to the existing topography of the site.
  5. Minimize the removal of existing vegetation and undergrowth.
  6. Reduce clearing, grading, and impervious surfaces to the minimum amount necessary to accommodate the project permit.

7. Avoid the location of utility improvements in landslide hazard areas except when no other practical alternative exists.
  - ~~((8. Avoid the location of utility improvements in landslide hazard areas except when no other practical alternative exists.~~
  - ~~9. Locate new subdivision access roads outside landslide hazard areas and their buffers.))~~
  8. Locate new subdivision access roads outside landslide hazard areas and their buffers.
- D. Uses, structures, or activities in tsunami hazard areas shall meet the following minimum performance standards:
1. On sites large enough to develop outside a tsunami hazard, development within the tsunami hazard should be prohibited.
  2. If a part of the site has a lower tsunami risk, development should be clustered on that part of the site.
  3. New subdivisions, commercial uses, and recreational uses must prepare and maintain an evacuation plan including evacuation routes and provide for warnings and training for employees, residents, and those who will use the development on when and how to evacuate. These evacuation plans should be reviewed by the county for effectiveness and consistency with community evacuation plans.
- E. Project permits in seismic hazard areas shall meet the requirements of Chapter 15.04 of this code.
- F. Clearing activities that disturb soils in erosion and landslide hazard areas are allowed during the dry season from May 1 to October 1; provided, however, that the county may extend or shorten the dry season on a case-by-case basis or upon recommendation of a qualified professional. The seasonal clearing restrictions associated with timber harvest shall be pursuant to an approved forest practices permit.
- G. Public facilities and essential public facilities shall not be constructed or located in geologically hazardous areas if there is a feasible alternative location outside geologically hazardous areas that would serve the intended service population. If allowed, the design and operation of the critical facility shall minimize the risk and danger to public health and safety to the maximum extent feasible.
- (Ord. No. 448, § 2, 9-3-2019)

**Section 34.** Section 18.06.630 of the Grays Harbor County Code is hereby amended to read as follows:

**18.06.630. Buffer requirements for fish and wildlife habitat conservation areas.**

- A. Riparian buffers shall be required for type S, F, Np, and Ns waters and shall extend landward perpendicularly from the ordinary high water mark as follows:
1. Type S waters: ~~((one hundred fifty))~~ 150 feet.
  2. Type F waters: ~~((one hundred fifty))~~ 150 feet.
  3. Type Np waters: ~~((sixty))~~ 60 feet.
  4. Type Ns waters: ~~((fifty))~~ 50 feet.
  5. Undifferentiated type N waters shall be considered as type Np waters unless verified otherwise by a qualified professional.
- B. When the ordinary high water mark (OHWM) of any type S, F, Np or Ns waters is located within ~~((seventeen))~~ 17 feet of the bottom of a slope that is greater than ~~((forty percent))~~ 40-percent, the following minimum buffers shall be provided:



1. Where the horizontal length of the slope, including small benches and terraces, extends into the buffer, the required buffer width shall extend an additional ~~((seventeen))~~ 17 feet onto the sloped area.
  2. The county may permit buffer averaging in instances where it will provide additional resource protection, provided that the total area on-site contained in buffer remains the same.
- C. Any restored, relocated, replaced, or enhanced type S, F, Np or Ns waters shall include a buffer in accordance with subsection ~~((A. of this section))~~ 18.06.630.A.
- D. Where any type S, F, Np or Ns waters abut or intersect a critical area that also has a required buffer, ~~((he))~~ the buffer width will be whichever of the two is greater.
- E. Buffers for all other fish and wildlife habitat conservation areas not covered under subsection ~~((A. of this section))~~ 18.06.630.A shall be established to protect the ecological integrity, structure and functions of the resource from development induced impacts. Buffer widths shall reflect the sensitivity of the species or habitat present and the type and intensity of the proposed adjacent human use or activity, consistent with the following guidance.
- F. The administrator may allow a required buffer width to be reduced in accordance with a critical area report if:
1. The width reduction will not reduce stream or habitat functions, including those of ~~((nonfish))~~ non-fish habitat;
  2. The width reduction will not degrade the habitat, including habitat for anadromous fish;
  3. The proposal will provide additional habitat protection;
  4. The total area contained in the riparian habitat area of each stream on the development proposal site is not decreased;
- ~~((5. The recommended riparian habitat area width is not reduced by more than twenty-five percent in any one location;))~~
5. The recommended riparian habitat area width is not reduced by more than 25-percent in any one location;
  6. The width reduction will not be located within another critical area or associated buffer; and
  7. The reduced riparian habitat area width is supported by the best available science.
- ~~((G. The administrator may allow a required buffer width to be reduced by twenty-five percent as compensation for riparian enhancement when a critical area report demonstrates that:))~~
- G. The administrator may allow a required buffer width to be reduced by 25-percent as compensation for riparian enhancement when a critical area report demonstrates that:
1. ~~((Nonnative))~~ Non-native and/or invasive plant species cover more than ~~((forty percent))~~ 40-percent of the buffer area;
  2. Native tree and/or shrub vegetation covers less than ~~((twenty-five percent))~~ 25-percent of the buffer area;
  3. The stream buffer has slopes of less than ~~((twenty-five percent))~~ 25-percent; and
  4. ~~((Includes))~~ It includes an enhancement plan for the reduced ~~((buffer.))~~ buffer that:

- a. Includes planting or appropriate native tree and shrub species at a minimum planting density of ~~((ten))~~ 10 feet on-center for trees and five feet on-center for shrubs;
  - b. Compares how the proposed enhancement will benefit the value and functions of the subject area as opposed to retaining the required buffer without enhancement; and
  - c. Provides a monitoring and maintenance plan for the enhanced buffer for five years from the date of completing the enhancement.
- H. ~~((Subsection G-))~~ Subsections 18.06.630.F and ((H-)) 18.06.630.G ~~((within this section))~~ cannot be used in combination.
- I. The administrator may allow a required buffer to be reduced ~~((in accordance with when the buffer is divided by roads and highways))~~ when:
- 1. An existing private road serving four or more ~~((houses, a county road,))~~ dwellings, or a ~~((state highway))~~ public right-of-way divides a standard buffer;
  - 2. There is no net loss of function or value to the adjacent water body; and
  - 3. The reduction is limited to the area from the road shoulder to the landward standard buffer boundary.
- J. A project permit application for a single-family dwelling unit on a ~~((nonconforming))~~ non-conforming lot that is unable to meet the standard buffer width requirements under this section may request a buffer reduction under the following conditions:
- 1. There is no opportunity to consolidate adjacent lots under common ownership to alleviate the ~~((noneconformity;))~~ non-conformity.
  - 2. The proposed building area, excluding the on-site sewage disposal system and driveway, does not exceed ~~((two thousand five hundred))~~ 2,500 square ~~((feet;))~~ feet.
  - 3. The proposed location of the building area is within the area that has the least impact to the value and function of the habitat adjacent to the water ~~((body; and))~~ body.
  - 4. The proposed building area is as far landward as is possible and not closer than ~~((fifty))~~ 50 feet from the ordinary high water mark.
- K. The county shall not issue a certificate of occupancy for a project until such time that all buffer requirements are satisfied.
- L. Any structure legally existing as of the effective date of these regulations, and is located within a standard buffer width required under this section, may undergo normal maintenance and repair, or replacements; provided, however, that such action does not increase the degree of ~~((noneconformity))~~ non-conformity.
- M. The administrator may approve a project permit application to expand any structure legally existing as of the effective date of these regulations that is located within a standard buffer width required under this section provided that:
- 1. There is no expansion of the structure towards the ordinary high water mark at grade level; and
  - 2. The expansion does not result in a total building area greater than ~~((two thousand five hundred))~~ 2,500 square feet at grade level.

(Ord. No. 448, § 2, 9-3-2019)

**Section 35. 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 36. Ratification.** Any act consistent with the authority and prior to the effective date of this ordinance is hereby ratified and affirmed.

**Section 37. 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 38. Effective Date.** This ordinance shall become effective immediately after passage and approval as provided by law.

ADOPTED this 27th day of June, 2023.

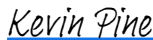
BOARD OF COUNTY COMMISSIONERS  
GRAYS HARBOR COUNTY, WASHINGTON



\_\_\_\_\_  
Jill Warne, Chair

EXCUSED

\_\_\_\_\_  
Vickie Raines, Commissioner



Kevin Pine (Jun 28, 2023 13:34 PDT)

\_\_\_\_\_  
Kevin Pine, Commissioner

ATTEST:



\_\_\_\_\_  
Clerk of the Board

APPROVED AS TO FORM:



Bryan D. Lane (Jun 29, 2023 11:30 PDT)

\_\_\_\_\_  
Deputy Prosecuting Attorney











# Ordinance for Text Amendments to Title 16, 17, and 18

Final Audit Report

2023-06-29

Created:	2023-06-28
By:	Wendy Chatham (wendy.chatham@graysharbor.us)
Status:	Signed
Transaction ID:	CBJCHBCAABAAF2mggsZd2R15dtgXKfBeva79LyrLEWGR

## "Ordinance for Text Amendments to Title 16, 17, and 18" History


-  Document created by Wendy Chatham (wendy.chatham@graysharbor.us)  
2023-06-28 - 7:30:01 PM GMT
-  Document emailed to Jill Warne (jwarne@graysharbor.us) for signature  
2023-06-28 - 7:33:34 PM GMT
-  Email viewed by Jill Warne (jwarne@graysharbor.us)  
2023-06-28 - 8:10:58 PM GMT
-  Document e-signed by Jill Warne (jwarne@graysharbor.us)  
Signature Date: 2023-06-28 - 8:11:11 PM GMT - Time Source: server
-  Document emailed to kpine@graysharbor.us for signature  
2023-06-28 - 8:11:13 PM GMT
-  Email viewed by kpine@graysharbor.us  
2023-06-28 - 8:34:04 PM GMT
-  Signer kpine@graysharbor.us entered name at signing as Kevin Pine  
2023-06-28 - 8:34:30 PM GMT
-  Document e-signed by Kevin Pine (kpine@graysharbor.us)  
Signature Date: 2023-06-28 - 8:34:32 PM GMT - Time Source: server
-  Document emailed to Wendy Chatham (wendy.chatham@graysharbor.us) for signature  
2023-06-28 - 8:34:33 PM GMT
-  Document e-signed by Wendy Chatham (wendy.chatham@graysharbor.us)  
Signature Date: 2023-06-29 - 6:23:20 PM GMT - Time Source: server

 Document emailed to bryan.lane@graysharbor.us for signature


2023-06-29 - 6:23:22 PM GMT

 Email viewed by bryan.lane@graysharbor.us

2023-06-29 - 6:29:44 PM GMT

 Signer bryan.lane@graysharbor.us entered name at signing as Bryan D. Lane

2023-06-29 - 6:30:44 PM GMT

 Document e-signed by Bryan D. Lane (bryan.lane@graysharbor.us)

Signature Date: 2023-06-29 - 6:30:46 PM GMT - Time Source: server

 Agreement completed.

2023-06-29 - 6:30:46 PM GMT