ORDINANCE NO. 178
ZONING

AN ORDINANCE WHICH IMPLEMENTS LAND USE/ZONING REGULATIONS COUNTYWIDE AND WHICH REPEALS ORDINANCE NOS. 153, ORDINANCE NOS. 153A THROUGH 153F, ORDINANCE 162, AND ORDINANCE 162A

WHEREAS, the Board of Pacific County Commissioners adopted the 2010 Pacific County Comprehensive Plan on October 26, 2010 following a lengthy update process;

WHEREAS, Pacific County is required to update its existing development regulations to ensure consistency with the 2010 Pacific County Comprehensive Plan;

WHEREAS, Ordinance No. 178 constitutes one of the development regulations that needs to be enacted under the Pacific County Comprehensive Plan and the GMA;

WHEREAS, Ordinance No. 178 will effectuate the intent of the Pacific County Comprehensive Plan and the Washington State Growth Management Act, Chapter 36.70A RCW, regarding divisions of land;

WHEREAS, Ordinance No. 153 was originally adopted by the Board of Commissioners on March 8, 2004, and amended by Ordinance No. 153A on April 26, 2005, Ordinance No. 153B on October 25, 2005, Ordinance No. 153C on February 27, 2007, Ordinance No. 153D on July 31, 2007, Ordinance No. 153E on November 9, 2010, Ordinance No. 153F on March 8, 2011, Ordinance 162 on December 20, 2012, and Ordinance 162A on March 13, 2014;

WHEREAS, Ordinance No. 178 will integrate land use regulations and make them more orderly;

WHEREAS, Ordinance No. 178 protects the environment without being unduly burdensome on land owners and developers; and

WHEREAS, the findings of fact and conclusions of law which are attached to this Ordinance amply demonstrate the need for a new Land Use/Zoning Ordinance; and

WHEREAS, the findings of fact and conclusions of law which are attached to this ordinance justify the enactment of this Zoning Ordinance;

IN ACCORDANCE WITH CHAPTER 36.32 RCW, CHAPTER 36.70 RCW, AND CHAPTER 36.70A RCW, IT IS HEREBY ORDAINED BY THE BOARD OF COMMISSIONERS, PACIFIC COUNTY, WASHINGTON, AS FOLLOWS:

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SECTION 1 – PURPOSE, APPLICABILITY, ADMINISTRATION, AND ENFORCEMENT

A. STATUTORY AUTHORITY

This Ordinance is adopted pursuant to the provisions of Chapter 36.70 RCW and Chapter 36.70A RCW, which empower a county to enact a zoning ordinance and to provide for its administration, enforcement, and amendment.

B. STATEMENT OF PURPOSE

The purpose of this Ordinance is to effectuate the intent of the Pacific County Comprehensive Plan. This Ordinance seeks to promote the health, safety and general welfare of the residents of the unincorporated portions of Pacific County by encouraging the preservation and enhancement of property values, by regulating land uses and development with a flexible land use system, by encouraging land use decision making in accordance with the public interest, protection of private property rights and the public good, and by facilitating the orderly development of a more wholesome, serviceable and attractive County resulting from an orderly, planned use of resources.

C. TITLE

This Ordinance shall be known as the Zoning Ordinance of Pacific County, Washington.

D. APPLICATION

This Ordinance shall be applicable within the non-incorporated area of Pacific County.

E. INTERPRETATION AND CONFLICT

In interpreting and applying the provisions of this Ordinance, these provisions shall be held to be the minimum requirements for land activities uses, and development. In the event that uncertainty is deemed to exist on either the Official Zoning Atlas or the Pacific County Comprehensive Plan Maps, district boundaries shall be determined as listed in subsection 3.D. of this Ordinance. If districts are overlain by Shoreline Management Program designation(s) or Critical Areas and Resource lands designation(s), the most restrictive regulations of the Pacific County Shoreline Master Program, the Critical Areas and Resource Lands Ordinance No. 147, or any amendments thereto, or the Pacific County Zoning Ordinance shall apply.

G. COMPLIANCE WITH OTHER APPLICABLE REGULATIONS

Any development, use, or activity regulated herein must also comply with all other Pacific County Ordinances and of all applicable laws and regulations administered and enforced by other jurisdictions.

H. CATEGORIES OF USES

All uses in a given district are permitted, permitted conditionally as either a Special Use or a Conditional Use, or prohibited:

1. Permitted uses are those uses that are allowed as a matter of law in a given district. Permitted uses are reviewed as a Type I process according to Pacific County Ordinance 177, or any amendment thereto;

2. Special uses are those uses that require special review in order to ensure compatibility with permitted uses in the same district. A special use permit is reviewed as a Type II process according to Pacific County Ordinance 177, or any amendments thereto. A Type II process requires that the application be reviewed by a Hearings Examiner and generally involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest. A special use permit is required before a special use may be established;

3. Conditional uses are those uses that require special review in order to ensure compatibility with permitted uses in the same district. A conditional use is reviewed as a Type III process according to Pacific County Ordinance 177, or any amendments thereto. A Type III process requires that the application be reviewed by the Hearing Examiner and generally involves an application subject to standards that require the exercise of substantial discretion with potentially broad public interest. A conditional use permit is required before a conditional use may be established;

4. Prohibited uses are those uses that are not allowed in a given district. Any use not allowed by this Ordinance in a given district is prohibited. A use may be prohibited in one district, a special or conditional use in a second district, and permitted outright in a third district.

5. Uses which are incidental to a permitted, special or conditional use may be placed on lots in conjunction with the permitted, special or conditional use.

I. SPECIFIC VS. GENERAL

Wherever a use is both specifically listed and generally implied, the more specific regulations shall supersede the general regulations.

J. ADMINISTRATION

1. The Director of the Pacific County Department of Community Development or his or her designee(s) shall be Administrator of this Ordinance and shall be responsible for administering the provisions and requirements of this Ordinance.

2. The Administrator is hereby authorized to formulate administrative rules, which are consistent with and effectuate the purpose of this Ordinance. Any such rules must be approved by resolution of the Board. Any activity pertaining to land use shall conform to any such administrative rules that are formulated by the Administrator and approved by the Board.

3. The Administrator is hereby authorized to develop a fee schedule to cover all of the activities delineated in this Ordinance. Any proposed fees shall not become effective until approved by resolution of the Pacific County Board of Commissioners. Pacific County shall not accept for review any material supplied by an applicant, nor issue any permit, nor in any manner take any official action, until the appropriate fees are paid.

4. Any proposed use regulated by this Ordinance, whether it be listed as a Permitted Use, an Accessory Use, a Special Use or a Conditional Use, is subject to the issuance of a zoning/planning permit.

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5. Applications for a zoning/planning permit shall be made to the Administrator by the property owner of the land in question, by a lessee, by another person entitled to possession of the property, or by an authorized agent of the entities listed above. The Administrator may deny the processing of an application if the property owner is opposed to the application.

6. The Administrator shall prescribe the information that an applicant must submit for development or uses subject to this Ordinance. No application shall be accepted unless it substantially contains the necessary information as determined by the Administrator and the applicant verifies the correctness of the information supplied.

K. APPEALS

If a proposed use is not specifically mentioned in this Ordinance, the Administrator shall determine whether the nature, scope, and impact of the proposed use is similar to another listed use. If the Administrator determines that the proposed use is similar to a use specified in this Ordinance, the proposed use shall be processed as though it were the specified use. Any use determined to be dissimilar to a specified use shall not be permitted. Such determinations shall be considered a Type I administrative decision under Pacific County Ordinance No. 177, or any amendments thereto.

1. The provisions of this Ordinance shall be administered according to a Type I procedure under Ordinance No. 177, or any amendments thereto, unless a different review process is mandated by this Ordinance or Ordinance No. 177, or any amendments thereto.

2. Any decision of the Administrator or other County official in the administration of this Ordinance may be appealed according to the provisions of Ordinance No. 177, or any amendments thereto. However, any citation which is issued under this Ordinance is subject to the requirements of Ordinance No. 165, or any amendments thereto.

L. PENALTIES AND ENFORCEMENT

1. A person who violates the provisions of this Ordinance or who fails to comply with any of its requirements shall be subject to the procedures and sanctions set forth in Ordinance No. 165, or any amendments thereto.

2. In addition to the civil penalty provisions provided in Ordinance No. 165 or any amendments thereto, any person who violates any of the provisions of this Ordinance is guilty of a misdemeanor, and each day or portion thereof during which a violation is committed, continued, or not permitted shall constitute a separate offense. The penalty for each violation is a fine of not more than one thousand dollars ($1,000) or imprisonment for not more than ninety (90) days or both. The principles of liability contained in Chapter 9A.08 RCW, including, but not limited to, liability for conduct of another shall apply to the enforcement of this Ordinance as shall all judicial interpretations thereof.

3. When a Court determines that a person has committed a civil infraction under this Ordinance and Ordinance No. 165, or any amendments thereto, Pacific County may collect penalties, assessments, costs, and/or fines by any procedure established for the collection of debts that are owed to the County.

4. Any disposition of a violation pursuant to this Ordinance and Ordinance No. 165, or any amendments thereto, shall not absolve a person from correcting or abating a violation

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and shall not prevent the prosecuting authority from pursuing criminal prosecution, other civil action including, but not limited to, injunctive relief, license revocation, and abatement, or all of the above. If Pacific County prevails in a separate civil action, the Court may award the County reasonable costs including, but not limited to, the costs of the responsible officials' time, witness fees, attorney fees, court costs, and the costs to the County of abatement or of enforcement of an injunction, or both.

5. Any or all of the remedies articulated in Subsection 1.K. PENALTIES AND ENFORCEMENT may be used by the County to enforce this Ordinance. Nothing contained in this Ordinance shall prevent the County from taking such other lawful action as is necessary to prevent or remedy any violation.

M. SAVINGS AND SEVERABILITY

If any provision, or portion thereof, contained in this Ordinance is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of this Ordinance shall not be affected and shall remain in full force and effect.

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SECTION 2 – DEFINITIONS

A. GENERAL

Whenever the following words and phrases appear in this Ordinance, they shall be given the meaning attributed to them by this section. When not inconsistent with the context, words used in the present tense include the future; the singular shall include the plural, and plural the singular; the word "shall" is always mandatory, and the word "may" indicates a use of discretion in making decisions. The words "used"/"occupied" include the words intended, designed, or arranged to be used/occupied.

1. Abandon – "Abandon" means to terminate or remove a structure or use by an affirmative act, such as changing to a new use, or to cease, terminate, or vacate a use or structure through non-action.

2. Accessory Dwelling Unit – "Accessory Dwelling Unit" means a detached or attached accessory structure secondary to the principal single-family residential unit designed and most commonly used for irregular residential occupancy by family members and guests.

3. Accessory Use – See "Use, Accessory."

4. Acre – "Acre" means a unit of measure of land which consists of 43,560 square feet.

5. Administrator – "Administrator" means the Director of the Pacific County Department of Community Development or his or her designee(s).

6. Adult Care Center – See "Day Care Center"

7. Agriculture – "Agriculture" means improvements and activities associated with the raising and harvesting of crops and livestock. Agriculture includes ancillary activities, including equipment and materials storage and repair, seasonal employee housing, and temporary on-site retail stands for the sale of agricultural goods.

8. Agriculture theme facility – means a location within a processing facility, ancillary to the primary use consisting of retail sales and/or food and beverage service sales (i.e. kitchen, seating, etc.) whose square footage is less than 20% of the building's area.

9. Alterations, Structural – "Alterations, Structural" means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.

10. Alternative Energy Resource – "Alternative Energy Resource" means energy derived from alternative sources such as wind, solar, geothermal, landfill gas, wave or tidal action or biomass sources of fuel such as wood, forest, field residues or dedicated energy crops.

11. Amendment – "Amendment" means a change in the wording, context, or substance of this Ordinance, adoption of maps hereunder, or a change in the boundaries of maps adopted hereunder.

12. Antenna – "Antenna" means the surface from which wireless radio signals are sent from and received by a wireless communication facility.

13. Apartment – "Apartment" means a building or portions of a building arranged or designed to be occupied by families or persons living independently of each other.

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14. Applicant – "Applicant" means any person who files a permit application with the County and is either the property owner of the land in question, a lessee, another person entitled to possession of the property, or an authorized agent of the entities listed above.

15. Aquacultural theme facility – means a location within a processing facility, ancillary to the primary use, consisting of retail sales and/or food and beverage service sales (i.e. kitchen, seating, etc.) whose square footage is less than 20% of the building's area.

16. Aquaculture – "Aquaculture" means the science or art of cultivating fish, shellfish, or other aquatic animals or plants.

17. Area – "Area" means the size of a parcel of land, as expressed in square feet or acres to two decimal places, excluding any public right-of-way immediately adjacent to the parcel under consideration.

18. Automobile Service Station and Repair – "Automobile Service Station and Repair" means any building, land area, or other premises used for the retail dispensing or sales of vehicular fuels and the servicing or repair of automobiles.

19. Automobile Wrecking Yards – "Automobile Wrecking Yards" means premises used for the storage and/or sale of used automobile parts or for the storage, dismantling, or abandonment of junk, automobiles, trailers, machinery or parts thereof.

20. Battery Charging Station – "Battery Charging Station" means an electrical component assembly or cluster of component assemblies designed specifically to charge batteries within electric vehicles which meet or exceed any standards, codes, and regulations set forth by chapter 19.27 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

21. Battery Exchange Station – "Battery Exchange Station" means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW, as amended, and consistent with rules adopted under RCW 19.27.540, as amended.

22. Bed and Breakfast Facility – "Bed and Breakfast Facility" means a private home or inn offering lodging on a temporary basis to transient guests, such as travelers and tourists, and which may provide food services.

23. Billboard – "Billboard" means any sign located off-premise used as an outdoor display for the purpose of making anything known, for the use of which a charge is made for advertising thereon.

24. Biosolid Waste – "Bio-Solid Waste" means municipal sewage sludge that is a primarily organic, semisolid product resulting from the wastewater treatment process that can be beneficially recycled (See WAC 16-200-695 or amendments).

25. Block – "Block" means all property abutting upon one side of a street between intersection and intercepting streets, or between a street and a railroad right-of-way, water-way, or dead-end street.

26. Board – "Board" means the Board of Pacific County Commissioners.

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27. Building – "Building" means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.

28. Building, Accessory – "Accessory Building" means a building or structure in which is conducted a use normally considered to be secondary or ancillary to the principally permitted use or building.

29. Building Area – "Building Area" means the total allowable ground coverage of a building or structure which provides shelter.

30. Building Frontage – "Building Frontage" means the length of the building wall which is parallel to an abutting street or the length of the projection of the wall of a building facing obliquely toward an abutting street when such projections made perpendicular to the centerline of the street.

31. Building Height – See "Height, Building".

32. Building, Principal – See "Principal Building".

33. Building Site – "Building Site" means a parcel of land assigned to a use or to a building including all yard and open spaces required by this Ordinance, whether the area so devoted is comprised of one lot, a combination of lots, or combination of lots and fraction of lots.

34. Business; Business Use – "Business; Business Use" means an activity with the intention of earning a profit and which generally relates to commercial and industrial engagements.

35. Cannabis – "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

36. Car Wash – "Car Wash" means a structure, or portion thereof, containing facilities for washing motor vehicles, using production-line, automated or semi-automated methods for washing, whether or not employing a chain conveyor, blower, steam cleaning or similar mechanical devises.

37. Caretaker – "Caretaker" means a person engaged to look after or maintain property and who may reside on the subject property.

38. Carrier – "Carrier" means an entity that provides wireless communication services.

39. Centerline – 'Centerline" means a line lying midway between the side or fog lines of a street right-of-way.

40. Charging Levels – "Charging Levels" means the electrical force, or voltage, at which an electric vehicle's battery is recharged. Levels 1, 2 and 3 are the most common electric vehicle charging levels, and include the following specification:

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a. Level 1 is considered slow charging requiring a 15 or 20 amp breaker on a 120-volt AC circuit and standard outlet.

b. Level 2 is considered medium charging requiring a 40 amp to 100 amp breaker on a 240-volt circuit.

c. Level 3 is considered fast charging requiring a 60 amp or higher dedicated breaker on a 480-volt or higher three-phase circuit with special grounding equipment. Level 3 charging uses an off-board charger to provide the AC to DC conversion, delivering DC directly to the car battery.

41. Church – "Church" means a building or buildings intended for religious worship including ancillary activity and improvements such as religious education, assembly rooms, kitchen, reading room, recreation hall, daycare areas, and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

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

43. Clearing – "Clearing" means the destruction of vegetation by manual, mechanical, burning, or chemical methods resulting in exposed soils.

44. Clinic – "Clinic" means a building designed and used for the medical and surgical diagnosis and treatment of outpatients under the care of health care providers.

45. Cluster Development – "Cluster Development" means the massing of development on one or more parts of a property.

46. Co-applicant – "Co-applicant" means all persons and/or entities joining with an applicant in an application for a land development /use permit, including the owners of the subject property and any tenants proposing to conduct a development or activity subject to a development permit.

47. Collective Garden – "Collective Garden means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for property construction, plumbing, wiring, and ventilation of a garden of cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions:

a. No more than ten qualifying patients may participate in a single collective garden at any one time;

b. A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;

c. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis;

d. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (nor or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

e. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

48. Co-location – "Co-location" means the use of a single mount and/or site by more than one licensed wireless communication carrier. "Co-location" also means the use by one or more carriers of an existing structure as a telecommunications antenna mount, such as a water tank, fire station, electrical substation, utility pole, tower, etc.

49. Commercial Wind Energy System (CWES) – "Commercial Wind Energy System" means a wind energy conversion consisting of wind turbine(s), tower(s), and associated control or conversion electronics, anchors, which has a rated capacity of more than 100 kW and which is intended to produce electricity for commercial purposes.

50. Commercial Use – "Commercial Use" means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

51. Commission – "Commission" means the Pacific County Planning Commission.

52. Community Recycling Centers – "Community Recycling Centers" means a principal use of land, devoted to a facility and operation which receives, stores, and redistributes pre-sorted recyclable material, including white goods. Community recycling centers shall be considered a commercial land-use. Operation of the community recycling center shall be restricted to the collection or redemption of recycling material, which may be packaged for shipment and temporarily stored until transported to a separate processing facility. Community recycling centers are intended to be compatible with surrounding commercial land uses and not include on-site processing.

53. Comprehensive Plan – "Comprehensive Plan" means the official document or elements thereof, adopted by the Pacific County Board of Commissioners pursuant to RCW 36.70A, and intended to guide the physical development of the County or a portion thereof.

54. Comprehensive Plan Districts – "Comprehensive Plan Districts" means the official land use districts of the Pacific County Comprehensive Plan as adopted by the Pacific County Board of Commissioners pursuant to RCW 36.70A.

55. Concealment Technology – "Concealment Technology" means the use of technology through which a wireless communications facility is designed to resemble an object which is not a wireless communications facility and which is already present in the natural environment, or designed to resemble or placed within, an existing or proposed structure.

56. Concurrency – "Concurrency" means a condition in which an adequate capacity of capital and transportation facilities and services are available, or soon to be available, to support development at the time that the impacts of development occur.

57. Conditional Use – See "Use, Conditional"

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58. Contractor – "Contractor" means any person, firm, or corporation who or which, in the pursuit of an independent business undertakes to, or offers to undertake, or submits a bid to, construct, alter, repair, add to, subtract from, improve, move, wreck or demolish, for another, any building, highway, road, railroad, excavation or other structure, project, development, or improvement attached to real estate or to do any part thereof; or, who, to do similar work upon his or her own property, employs or subcontracts members of more than one trade upon a single job or project or under a single building permit except as otherwise provided herein. "Contractor" includes any person, firm, corporation, or other entity covered by this subsection.

59. Contractor Storage Yard – "Contractors Storage Yard" means a site used for the storage of tools, equipment, materials, vehicles, sand, rock, gravel, vegetation, debris and other materials ancillary to work being performed off-site, for another, by a Contractor engaged in such work. This definition of a Contractor Storage Yard excludes private landowners and their personal equipment solely engaged in forestry or agricultural activities on their own personal property pursuant to this subsection.

60. Corner Lot – "Corner Lot" means a lot abutting on and at the intersection of two or more streets.

61. Cottage Industry – "Cottage Industry" means a commercial or manufacturing activity conducted in whole or in part in either the resident's single-family dwelling or in an accessory building, but is of a scale larger than a home occupation.

62. County – "County" means Pacific County, Washington.

63. Coverage – "Coverage" means that percentage of the plot or lot area covered by the building area.

64. Day Care Center – "Day Care Center means an agency, organization or individual which regularly provides care for a group of eight (8) or more children or adults for periods of less than twenty-four (24) hours.

65. Day Care, Family or Home – "Day Care, Family or Home" means a person regularly providing care for a group of eight (8) or fewer children or adults for periods of less than twenty-four (24) hours, of which use generally occurs in the family abode of the person or persons under whose direct care the children are placed.

66. Density – "Density" means the intensity of activity occurring per unit of land area, ordinarily expressed as the number of families or dwelling units per acre.

67. Department of Community Development – "Department of Community Development" means the Pacific County department responsible for administering the provisions of this Ordinance.

68. Development – "Development" means any physical man-made change to improved or unimproved property, site or parcel including, but not limited to, construction, placement and/or the manipulation of buildings or other structures, clearing, dredging, filling, grading, paving, mining, excavation or drilling operations.

69. Directional Sign – "Directional Sign" means a sign without advertising that directs people to a location. Such signs may include a logo or other business or site identification.

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70. District – "District" means an area accurately defined as to boundaries and location on the Official Land Use Atlas or on the Pacific County Comprehensive Plan Map. Each District is subject to all the regulations applicable to that District which are contained within this Ordinance.

71. Driveway – "Driveway" means that space or area of a lot that is primarily intended for the movement of motor vehicles within the lot or from the lot to a public street.

72. Dwelling – "Dwelling" means a building designed exclusively for residential purpose including one-family, mobile/manufactured home, and multiple-family dwellings.

73. Dwelling Unit – "Dwelling Unit" means a building or portion thereof designed exclusively for residential purposes and providing complete housekeeping service for one family.

74. Easement – "Easement" means a grant by a property owner of the use of his land by another party for a specific purpose.

75. Electric Vehicle - "Electric Vehicle" means any vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for motive purpose. "Electric vehicle" includes: (1) a battery electric vehicle (BEV); (2) a plug-in hybrid electric vehicle (PHEV); (3) a neighborhood electric vehicle; and (4) medium-speed electric vehicle.

76. Electric Vehicle Charging Station – "Electric Vehicle Charging Station" means a public or private parking space located together with a battery charging station which permits the transfer of electric energy (by conductive or inductive means) to a battery or other storage device in an electric vehicle.

77. Electric Vehicle Infrastructure – "Electric Vehicle Infrastructure" means structures, machinery, and equipment necessary and integral to support an electric vehicle, including battery charging stations, rapid charging stations, and battery exchange stations.

78. Equipment Cabinet – "Equipment Cabinet" means an enclosed structure at the base of the mount, within which are housed batteries and electrical equipment necessary for the operation of a WCF. This equipment is connected to the antenna by cable.

79. FAA – "FAA" means the Federal Aviation Administration.

80. Family – "Family" means one or more persons occupying a single dwelling unit. No family shall contain more than five persons, unless the persons are related by blood, marriage, or adoption, or the State of Washington or a Court has authorized the individuals to live together.

81. FCC – "FCC" means Federal Communications Commission.

82. Flood – "Flood" means a temporary rise in stream, lake, or tidal water level that results in inundation of areas not ordinarily covered by water.

83. Floodplain – "Floodplain" means area that would be inundated by a flood of such magnitude that it would occur theoretically at least once in one hundred years.

84. Floor Area, Gross – "Floor Area, Gross" means the sum expressed in square footage of the gross horizontal area of the floor or floors of the building, measured from the exterior faces

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of the exterior walls, including elevator shafts and stairwells on each floor and areas having a ceiling height of seven feet or more, but excluding roofed areas open on two or more sides, areas having a ceiling height of less than seven feet and areas used exclusively for storage or housing of mechanical or central heating/cooling equipment.

85. Forest Management Activities – "Forest Management Activities" means administration of timber lands including, but not limited to, research, storage of equipment, environmental education, timber inventory, database management, mapping, and the preparation of permits and contracts.

86. Forest Practice Activities – "Forest Practice Activities" means any activity conducted on or directly pertaining to forest land and relating to growing or harvesting of timber, or the processing of timber on a harvest site, including but not limited to; road and trail construction and maintenance; harvest, both final and intermediate; pre-commercial thinning; reforestation; fertilization; prevention and suppression of diseases and insects; salvage of trees and logs; and brush control.

87. Foster Family Home – "Foster Family Home" means a dwelling unit in which foster care is provided for children or adults as part of the family and the dwelling unit is governed by the state foster care home licensing provisions and conducted in accordance with state requirements.

88. Funeral Home – "Funeral Home" means a building or part thereof used for human funeral services. Such building may contain space and facilities for (a) embalming and the performance of other services used in the preparation of the dead for burial; (b) the performance of autopsies and other surgical procedures; (c) the storage of caskets, funeral urns and other related funeral supplies; (d) the storage of funeral vehicles; and (e) facilities for cremation. For the purpose of this title, where a funeral home is permitted, a funeral chapel shall also be permitted.

89. Garage – "Garage" means an accessory building or part of a principal building used primarily for the storage of passenger vehicles.

90. Garage or Yard Sales – "Garage or Yard Sales" means sales of personal household items conducted on the premises of a residential dwelling and occurring no more frequently than a total of fifteen (15) days in any one calendar year.

91. Gas Station – "Gas Station" means building and premises for dispensing motor vehicle fuels, oil, grease and related supplies, and which may provide automobile servicing and repair.

92. Gross Area – "Gross Area" means all land, excluding tidelands, within the exterior boundaries of the development, including but not limited to land allocated for open space and land to be dedicated for streets or roads.

93. Gross Floor Area – See "Floor Area, Gross."

94. Guyed Tower – "Guyed Tower" means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

95. Hazardous Waste – "Hazardous Waste" means all dangerous and extremely hazardous waste, including but not limited to, substances composed of radioactive and hazardous components.

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96. Health & Social Rehabilitation Centers – "Health & Social Rehabilitation Centers" means a nursing home, hospice care facility, home health care agency, hospice agency, boarding home, group home, or other entity for the delivery of health care or long-term care services.

97. Hearings Examiner – "Hearings Examiner" means an individual appointed by the Board of County Commissioner to hear and decide applications for special use permits as established in Pacific County Ordinance 150, or any amendments thereto.

98. Height – "Height" means, when referring to a WCF (Wireless Communication Facility), the distance measured from ground level to the highest point on the WCF even if the highest point is an antenna.

99. Height, Building – "Building height" means the vertical distance from the average ground level of the site as measured ten (10) feet away from the foundation of the building and around the entire building, to the high point of the structure. The calculation of building height excludes normal appurtenance devices such as antennas, chimneys, cupolas, ventilation devices, weathervanes, or other devices usually required to be placed above the roof level and not intended for human occupancy.

100. Home Occupation – "Home Occupation" means any commercial activity carried out by a resident of a single-family dwelling and conducted as an incidental and accessory use of the residence, or any building accessory to the dwelling.

101. Hospital – "Hospital" means any institution, place, building or agency which provides accommodations, facilities and services over a continuous period of twenty-four hours or more for observation, diagnosis or care of two or more individuals not related to the operator who are suffering from illness, injury, deformity or abnormality, or from any other condition for which obstetrical, medical or surgical services would be appropriate for care or diagnosis. It does not include hotels or similar places furnishing only food and lodging, or simply domiciliary care; nor does it include clinics or physicians' offices where patients are not regularly kept as bed patients for twenty-four hours or more; nor does it include nursing homes, maternity homes, psychiatric hospitals nor any other hospital or institution specifically intended for use in the diagnosis and care of those suffering from mental illness, mental retardation, convulsive disorders or other abnormal mental condition.

102. Industrial Use – "Industrial Use" means facilities for the processing, manufacture, fabrication, assembly, treatment, packing, storage, sales and/or distribution of raw, partially finished or finished materials.

103. Industrial Use, Light – "Light Industrial Use" means a use involving basic processing and manufacturing of materials or products predominantly from previously prepared materials or finished products or parts, including processing, fabrication, assembly, treatment, packaging, incidental storage, sales, and distribution of such products.

104. Jail – "Jail" means a public facility for the incarceration of people under warrant, awaiting trial on felony or misdemeanor charges, convicted but not yet sentenced, or serving a sentence of one year or less. This definition does not include facilities for programs providing alternatives to imprisonment such as prerelease, work release, or probation.

105. Junk – "Junk" means old iron, steel, brass, copper, tin, lead or other base metals; old cordage, ropes, rags, fibers or fabrics; old rubber; old tires; old bottles or other glass; bones; waste paper, plastic and other waste or discarded material which might be prepared

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to be used again in some form; any or all of the foregoing; and motor vehicles, no longer used as such, to be used for scrap metal or stripping of parts. "Junk" shall not include materials or objects accumulated by a person as by-products, waste or scraps from the operation of his own business or materials or objects held and used by a manufacturer as an integral part of his own manufacturing processes.

106. Kennel – "Kennel" means any place where dogs and their young up to six months old are kept for any commercial purpose. A kennel shall not be interpreted to include a pet shop or grooming shop.

107. Land Use District – "Land Use District" means a District located on the Official Land Use Atlas.

108. Land Use Map – "Land Use Map" means a map which identifies the parcel specific boundaries of the various districts listed in this Ordinance.

109. Lattice Tower – "Lattice Tower" means a type of mount that is either self-supporting with multiple legs and cross bracing of structural steel or additionally supported with diagonal cables.

110. Licensed Carrier – "Licensed Carrier" means a company authorized by the FCC to build and operate a commercial mobile radio service system.

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

112. Livestock – "Livestock" means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, poultry, fowl, and other similar animals.

113. Location – "Location" means the subject property where a use or development is located or proposed to be located.

114. Lot – "Lot" means land held as a unit regardless of whether platted or unplatted, and regardless of whether described on plats or in documents of title.

115. Lot Coverage – "Lot Coverage" means that portion of a lot which, when viewed directly from above, would be covered by a building, or any part of a building.

116. Lot Frontage – "Lot Frontage" means the front of a lot shall be construed to be the portion nearest the street. For the purposes of determining yard requirements on corner lots and through lots, all sides of a lot adjacent to the street shall be considered frontage, and yards shall be provided as indicated under YARDS in this Section.

117. Lot Line, Front – "Lot Line, Front" means, in the case of an interior lot, a line separating the lot from the street; in the case of a corner lot and reverse corner lot, the lot front line shall be the line separating the narrowest street frontage of the lot from the street. In the case of corner lots or reverse corner lots having equal street frontage, that property line the prolongation of which creates the front property line for the greatest number of interior lots in the same block, shall be considered as the lot front line of such corner or reverse corner lots.

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118. Lot Line, Rear – "Lot Line, Rear" means a line which is opposite and most distant from the front lot line, and in the case of an irregular triangular shaped lot, a line within a lot ten feet in length, parallel to and at the maximum distance from the front lot line.

119. Lot Line, Side – "Lot Line, Side" means any lot line other than the front or rear lot lines.

120. Lot of Record – "Lot of Record" means a lot or parcel described by metes and bounds or a lot which is part of a plat or subdivision and recorded as required by Washington State Law.

121. Maintenance – "Maintenance" means routine or emergency repairs, reconstruction of previously approved facilities, or replacement of components of previously approved structures, uses, buildings or facilities and which does not create a significant change in, or increase of, the overall use(s) of the structure, use, building or facility.

122. Manufacture – "Manufacture" means the transforming/fashioning of raw materials into a change of form for use.

123. Manufactured Home – "Manufactured Home" means a single family dwelling built according to the Department of Housing and Urban Development Manufactured Home Construction and Safety Standards Act, which is a national, preemptive Building Code. A manufactured home also includes the following:

    a. Plumbing, heating, air conditioning and electrical systems;

    b. Is built on a permanent chassis; and

    c. Can be transported in one or more sections with each section at least eight feet wide and forty feet long when transported.

    Exception: A structure that meets the requirements of a manufactured home as set out in 24 CFR 3282.7(u), except for the size requirements, is considered a manufactured home, if the manufacturer files with the secretary of HUD a certificate noted in CFR 3282.13.

124. Marijuana – "Marijuana", see "cannabis".

125. Marijuana Processing – "Marijuana Processing" means converting marijuana into useable marijuana and marijuana-infused products and is owned by a person or entity that holds a marijuana processing license approved by the Washington State Liquor and Cannabis Board under WAC 314-55-077.

126. Marijuana Production – "Marijuana Production" means the indoor or outdoor growing and wholesaling of marijuana by a person or entity that holds a license approved by the Washington State Liquor and Cannabis Board under WAC 314-55-075.

127. Marijuana Retailer – "Marijuana Retailer" means a retail outlet that sells useable marijuana, marijuana infused products, and marijuana paraphernalia and is owned by a person or entity that holds a marijuana retailer license approved by the Washington State Liquor and Cannabis Board under WAC 314-55-079.

128. Master Planned Resort (MPR) – "Master Planned Resort" means a self-contained and fully integrated planned unit development(s), in a setting of significant natural amenities, with primary focus on destination resort facilities consisting of short-term visitor

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accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.

129. Mean Higher High Tide Line – "Mean Higher High Tide Line" means the Ordinary High Water Mark as established by RCW 90.58.030.

130. Medical Marijuana – "Medical Marijuana" i.e., medical cannabis, means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

131. Meteorological Tower (MET) – "Meteorological Tower" means a structure designed to support the gathering of wind energy resource data, and includes the tower, base plate, anchors, guy cables and hardware, anemometers (wind speed indicators), wind direction vanes, booms to hold equipment anemometers and vanes, data logger, instrument wiring, and any telemetry devices that are used to monitor or transmit wind speed and wind flow characteristics over a period of time for either instantaneous wind information or to characterize the wind resource at a given location.

132. Mini-Storage Facility – "Mini-Storage Facility" means a building or group of buildings containing separate, individual, private and self contained units for the storage of household or business goods, provided no hazardous substances or conditions are maintained within the facility. A "Mini-Storage Facility" also include outdoor storage areas suitable for the storage of licensed automobiles, Recreational Vehicles, boats, commercial vessels, etc.

133. Mobile Home – "Mobile home" means a factory-built dwelling built prior to June 15, 1976, to standards other than the HUD Code, and acceptable under applicable State Codes in effect at the time of construction or introduction of the home into the County of Pacific. Mobile homes have not been built since the introduction of the HUD Manufactured Home Construction and Safety Standards Act. For the purposes of this Ordinance, references to manufactured homes include mobile homes.

134. Mobile/Manufactured Home Park – "Mobile/Manufactured Home Park" means an area of land on which ground space is made available for the location of two or more mobile or manufactured homes. Such mobile or manufactured homes are generally owned by the occupants who pay a fee for the use of the ground space. The mobile or manufactured homes remain essentially portable and may be moved from time to time.

135. Modification – "Modification" means the changing of any portion of a structure/use/activity from its description in a previously approved permit.

136. Monopole – "Monopole" means the type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

137. Mount – "Mount" means the structure or surface upon which antennas are placed including, but not limited to:

    a. Roof-mounted. Mounted on the roof of a building.

    b. Side mounted. Mounted on the side of a structure including a tower.

    c. Ground mounted. Mounted on the ground.

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138. Nonconforming Structure– "Nonconforming Structure" means a structure, or portion thereof, which was lawfully erected or altered and maintained but which no longer meets the requirements of this Ordinance.

139. Nonconforming Use – "Nonconforming Use" means a use which was lawfully established and maintained, but which no longer meets the requirements of this Ordinance.

140. Nurseries or Greenhouses, Retail – "Nurseries or Greenhouses, Retail" means establishments conducting retail sales of plants and related items.

141. Nursing Home – "Nursing Home" means any dwelling place or institution which operates or maintains facilities providing convalescent or chronic care, or both, for a period in excess of twenty-four consecutive hours for three or more patients not related by blood or marriage to the operator, who by reason of illness or infirmity are unable to care for themselves.

142. Occupancy – "Occupancy" means using or residing in a structure, dwelling, or Recreational Vehicle, whether temporary or permanently.

143. Off-Site – "Off Site" means any area outside the boundary of a lot.

144. Office, Business or Professional – "Office, Business or Professional" means any room, studio, suite or building used primarily for the conduct of a business such as accounting, correspondence, research, editing, administration or analysis; or the conduct of a business by salesmen, sales representatives or manufacturer's representatives.

145. On-Site – "On-Site" means that area which is within the boundary of a lot.

146. On-Site Sewage Disposal System – "On-Site Sewage Disposal System" means an integrated arrangement of components for a residence, building, industrial establishment or other places not connected to a public sewer system which:

   a. Convey, store, treat, and/or provide subsurface soil treatment and disposal on the property where it originates, upon adjacent or nearby property; and

   b. Includes piping, treatment devices, other accessories, and soil underlying the disposal component of the initial and reserve areas.

147. On-Site Treatment and Storage Facility – "On-Site Treatment and Storage Facility" means a facility that treats or stores hazardous wastes or special incinerator ash generated on the same property.

148. Open Space – "Open Space" means any land so designed for preservation, according to criteria established in Chapter 84.34 RCW.

149. Ordinary High Water Mark – See the definition of Ordinary High Water Mark in RCW 90.58.030 or as amended.

150. Owner – See "Property Owner"

151. Parking Lot – "Parking Lot" means an area, not within a building or other structure, where motor vehicles may be stored for the purpose of temporary, daily or overnight off-street

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parking. For the purpose of this title, a "parking lot" includes a motor vehicle display lot, and a commercial parking lot.

152. Park Model – "Park model" means a park trailer as defined in the American National Standards Institute A119.5 standard for park trailers. Recreational Park Trailers are recreational vehicles primarily designed and intended to provide temporary living quarters for recreation, camping or seasonal use. They are built on a single chassis, mounted on wheels with a gross trailer area not to exceed 400 square feet when set up. Two different types of Recreational Park Trailers are typically commercially available. One is less than 8'6" in width and is designed for frequent travel on highways while the other, is wider than 8'6" (usually 12' in width), and must be transported with special movement permits issued by the state Department of Transportation. The 8'6" unit is expandable when it reaches its destination utilizing slide-outs or tip-outs. The wider, less mobile units are usually sited in RV Parks for extended terms.

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

    a. For purposes of rough computation, an off-street parking space and necessary access and maneuvering room may be estimated at 300 square feet, but off-street parking requirements will be considered to be met only when actual spaces meeting the requirements above are provided and maintained, improved in a manner appropriate to the circumstances of the case, and in accordance with all ordinances and regulations of the County.

154. Permitted Use – "Permitted Use" means any authorized use allowed alone or in conjunction with other uses in a specified district and subject to the limitations of the regulations of such district. Nothing in this definition shall be construed to relieve any person of the obligation to obtain other permits required by other applicable regulations or laws.

155. Person – "Person" means an individual, a partnership (including partners and managers), a corporation (including board members, officers, and managers), or any other entity of any kind. "Person" also includes an applicant, a re-applicant, a permit holder, an authorized agent of any entity or any third party action on behalf of any entity.

156. Principal Building – "Principal Building" means a building in which the primary use of the lot on which the building is located is conducted.

157. Principal Use – See "Use, Principal."

158. Prison – "Prison" means a public facility for the incarceration of persons convicted of felony crimes serving a court imposed sentence of one year or more.

159. Private – "Private" means belonging to or concerning an individual person, company or interest, and is restricted to the individual person, or arising independently of others.

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160. Procedural Review Type – "Procedural Review Type" means the specific type of review process an application is reviewed under as determined by the review authority, and is divided into four specific procedural types of review:

a. Type I Process - A Type I process involves an application that is exempt from SEPA review and is subject to clear, objective and non-discretionary standards, or standards that require the exercise of professional judgment about technical issues.

b. Type II Process – A Type II process involves an application that is subject to objective and subjective standards that require the exercise of limited discretion about non-technical issues and about which there may be a limited public interest.

c. Type III Process – A Type III process involves an application for relatively few parcels and ownerships. It is subject to standards that require the exercise of substantial discretion. Such applications may implicate broad public interests.

d. Type IV Process – A Type IV process involves the creation, implementation, or amendment of policy or law by ordinance. In contrast to the other three procedural types, the subject of a Type IV process applies to a relatively large geographic area containing many property owners. An application subject to a Type IV process can be filed only by the County.

161. Property Owner – "Property Owner" means the party or parties having the fee interest in land, except that where land is subject to real estate contract "owner" shall mean the contract vendee.

162. Prosecuting Authority – "Prosecuting Authority" means the Pacific County Prosecuting Attorney, his or her deputies and assistants or such other persons as may be designated by statute.

163. Public Facilities – "Public Facilities" means buildings or uses of land, whether owned or leased, operated by a public entity for such purposes as providing places for public assembly and recreation, operating services of benefit to the public, or for the administration of public affairs.

164. Public Use – "Public Use" means any area, building or structure held, used, or controlled exclusively for public purposes by any department or branch of any government, without reference to the ownership of the building or structure or of the land upon which it is situated.

165. Public Utility – "Public Utility" means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services shall include, but are not limited to, water supply, wastewater treatment, electric power, gas, and transportation of persons or freight.

166. Public Utilities, Normal – "Normal Public Utilities" means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services are sized to serve the immediate parcel, neighborhood or geographic area, and shall include, but are not limited to, communication and electrical power substations, water reservoirs,

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distribution lines, pumping service facilities, communication relay stations, and wireless communication facilities.

167. Public Utilities, Major – "Major Public Utilities" means a private business or organization such as a public service corporation, performing some public service and subject to special governmental regulations, or a governmental agency performing similar public services, the services by either of which are paid for directly by the recipients thereof. Such services are sized to serve regional needs beyond the immediate parcel, neighborhood or geographic area, and shall include, but are not limited to, overhead transmission lines, power generation plants and underground pipelines.

168. Readily Transportable (Park Model Trailers) -- When referring to Park Model Trailers, readily transportable shall mean that the unit shall remain on its original axle(s) and tires. The trailer tongue, if removed, shall be stored under the unit and shall be able to be re-attached within 2 hours. Skirting, if installed, shall be temporary in nature and easily removed within a 4 hour time frame. Utility connections shall be temporary quick disconnect type such as cord and plug, hose, as traditionally provided in RV parks. Fixed pipe connections for water/sewage or direct wiring into the unit for electrical power is not allowed. The unit shall be transportable within four (4) hours if able to be towed by a light duty truck, or within 48 hours if a vehicle trip permit is required from the WSDOT and towed by a heavy duty truck or semi.

169. Readily Transportable (Recreational Vehicles) – Recreational vehicles: shall not have skirting around the perimeter of the unit; shall remain on their tires and internal jacking and leveling system; the trailer tongue/hitch shall be left attached and ready for use; and utility connections, when made, shall be temporary quick disconnect type such as cord and plug, hose, as traditionally provided in RV parks. The unit shall be transportable within four (4) hours either on its own motive power or towed by a light duty truck.

170. Recreational Vehicle (RV) – "Recreational Vehicle" (RV) means a vehicular type unit primarily designed for recreational camping or travel use that has its own motive power or is mounted on or towed by another vehicle. The units include travel trailers, fifth-wheel trailers, folding camping trailers, truck campers, and motor homes (RCW 43.22.335(7) or as amended).

171. Recreational Vehicle Park – "Recreational Vehicle Park" (RV Park) means a plot of ground upon which two or more recreational vehicles are located, established, or maintained for occupancy by recreational vehicles of the general public as temporary living quarters for recreation, education, or vacation purposes.

172. Recycling Accessory Drop-Boxes – "Recycling Accessory Drop-Boxes" means a temporary device, container, receptacle, or station used only for collecting recyclable materials. Recycling accessory drop-boxes shall be considered incidental and accessory to a primary principal use. Recycling accessory drop-boxes shall include: donation boxes, vending machines, collection drops and bins.

173. Recycling Process Plant – "Recycling Process Plant" means an enclosed building and associated grounds devoted to the receipt, separation, storage, conversion, baling and/or processing of bulk recyclable material and white goods. "Recycling Process Plant" also includes composting facilities established to accommodate organic materials where they will be composted, either mechanically or by-hand, and then redistributed. Recycling process plants shall be considered an industrial land-use which utilize specific processing machinery and equipment, other than for collection.

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174. Regulation – "Regulation" means a statute, an administrative rule, or an adjudicatory decision.

175. Residential Development – "Residential Development" means any development designed and intended for residential use regardless of the type of building in which such residence is located; i.e., conventional single-family dwellings, single-family attached, townhouses, duplexes, fourplexes or apartment houses.

176. Retail Sales – "Retail Sales" means the sale and/or rental of goods, merchandise and commodities for use or consumption by the immediate purchaser. "Retail sales" includes the selling of goods and services which may include: convenience goods, such as food and drugs; personal services, such as tailoring, shoe repairing and barbershops; and general merchandise, such as apparel, furniture and home furnishings. The term "store" as used in this Ordinance is included in this definition.

177. Review Authority – "Review Authority" means the entity, whether it be a Hearings Examiner, Board or Commission, charged with reviewing a permit application and rendering a decision.

178. Schools, Academic – "School, Academic" means any publicly financed or private or parochial school or facility used for the purpose of school instruction, from pre-school through twelfth grade, and college, except commercial, business or trade schools. This definition does not include a private residence in which parents teach their own natural or legally adopted children.

179. Setback – "Setback" means the distance that buildings or uses must be removed from their lot lines, except that eave overhangs and ornamental overhangs may extend into required yard areas up to three feet.

180. Sewer, Public/Sewage Treatment Facility – "Public Sewer or a Sewage Treatment Facility" means the management, storage, collection, transportation, treatment, utilization, and processing of sewage from a municipal or community sewage treatment plant, not including community drainfields.

181. Shellfish Processing Facility – means a facility that adds value to or processes raw aquacultural goods, including but not limited to washing, sorting, shucking, packaging, and shipping of products.

182. Short Term Vacation Rentals – "Short Term Vacation Rental" means a single-family residential dwelling unit or accessory residential dwelling unit used for short-term transient occupancy (for periods less than 30 days).

183. Sign – "Sign" means any object, device, display or structure, or part thereof, situated outdoors or indoors, which is used to advertise, identify, display, direct or attract attention to an object, person, institution, organization, business, product, service, event, location by any means, including words, letters, figures, design, symbols, fixtures, colors, illumination or projected images. The definition of "Sign" excludes such things as murals, public art, etc., unless they include some sort of commercial advertising in the design.

184. Sign, Area – "Sign, Area" means the size of the surface of a sign as expressed in square feet.

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185. Sign, Ground – "Sign, Ground" means a sign which is five feet or less in height above the ground and is supported by one or more poles, columns, or supports anchored in the ground.

186. Sign, Height – "Sign, Height" means the vertical distance from the ground at the sign base to the highest point of the sign, including its supporting structure.

187. Sign, Off-Premise – "Sign, Off-Premise" means a sign which advertises a product, service, or company not located on the property where the sign is situated.

188. Site – "Site" means a portion of a subject property.

189. Siting – "Siting" means the method and form of placement of a use or development on a specific area of a subject property.

190. Small Wind Energy Systems (SWES) – "Small Wind Energy System" means a wind energy conversion system consisting of wind turbine(s), tower(s), and associated control or conversion electronics, which has a rated capacity of not more than 100kW., and which is intended to primarily reduce on-site consumption of utility power.

191. Solid Waste – "Solid Waste" means all putrescible and non-putrescible solid and semi-solid wastes, except wastes identified in WAC 173-304-015, including but not limited to junk vehicles, garbage, rubbish, ashes, industrial wastes, abandoned vehicles or parts thereof, and discarded commodities, but excluding agricultural wastes and crop residues returned to the soil at agronomic rates. This includes all liquid, solid, and semi-solid materials, which are not the primary products of public, private, industrial, commercial, mining, forestry, and agricultural operations. Solid waste includes, but is not limited to, sludge from waste water treatment plants, septage from septic tanks, wood waste, dangerous waste, and problem wastes. Unrecovered residues from recycling operations shall be considered solid waste.

192. Speculation ("Spec") Tower – "Speculation ('Spec') Tower" means a tower designed for the purpose of providing location mounts for wireless communication facilities without a binding commitment or option to lease a location upon the tower by a service provider at time of initial application.

193. Statute – "Statute" means any state law or regulation, or any County ordinance or resolution.

194. Store – See "Retail Sales."

195. Story – "Story" means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above.

196. Street – "Street" means a public or recorded private thoroughfare which affords primary means of access to abutting property.

197. Street Line – "Street Line" means the boundary line between a street and the abutting property otherwise referred to as the street right-of-way line.

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198. Street, Public – "Street, Public" means a street, for the use of the general public, upon which every person has the right to pass and to use it at all times, for all purposes of travel, transportation or parking to which it is adapted and devoted.

199. Structure – "Structure" means anything constructed, erected, or located on the ground or water, or attached to the ground or to an existing structure, including but not limited to residences, apartments, barns, stores, offices, factories, sheds, cabins, mobile and floating homes, and other buildings.

200. Subdivision – "Subdivision" means land subdivided as defined in Pacific County Ordinance No. 163, or any amendments thereto.

201. Temporary Use – "Temporary Use" means a use established for a specified period of time, with the intent to discontinue the use at the end of the designated time period.

202. Terminal or Debilitating Medical Condition – "Terminal or debilitating medical condition" means; as defined by RCW 69.51A or as amended:

    a. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

    b. Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or

    c. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

    d. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

    e. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

    f. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard treatments or medications; or

    g. Any other medical condition duly approved by the Washington State Medical Quality Assurance Commission in consultation with the Board of Osteopathic Medicine and Surgery.

203. Tower – "Tower" means a mast, pole, or monopole, guyed or free standing lattice tower designed and primarily used to support antennas associated with wireless communication service. A speculation tower may consist of any one of these tower types. As part of the service, the term tower includes, but is not limited to, microwave towers, common carrier towers, personal communication service (PCS), and cellular telephone towers.

    a. In regards to Wind Energy Systems, the term "tower" shall mean the monopole, guyed monopole or lattice structure that supports a wind generator.

204. Tower Height – "Tower height" means the distance from grade level of the tower foundation/base to the highest point of the turbine rotator plane.

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205. Transient Lodging – "Transient Lodging" means any facility such as a hotel, motel, condominium, or any other facility offering three or more lodging units to guests for periods of less than thirty days and may include food service operations.

206. Transportation Terminal – "Transportation Terminal" means a facility which serves primarily as a transfer point for changing from one mode of transportation to another, or for transferring shipped materials from one vehicle to another, with associated storage area.

207. Unit Volume of Sewage - "Unit Volume of Sewage" means: Flow from a single family residence; Flow from a mobile home site in a mobile home park; or Four Hundred Fifty (450) gallons of sewage per day where the proposed development is neither a single family residence nor a mobile home park.

208. Use – "Use" means a purpose for which a parcel of land, its premises, or a building thereon is designed, arranged, occupied, maintained, or utilized. "Use" also encompasses the terms "activity", "land development", and "structure".

209. Use, Accessory – "Use, Accessory" means a use or structure on the same lot with, and of a nature customarily incidental and subordinate to, the principal use or structure.

210. Use, Conditional – "Use, Conditional" means a use permitted in one or more Land Use Districts, as defined by this Ordinance, but because of certain characteristics peculiar to it or because of size, technological processes or type of equipment, or because of exact location with reference to surrounding streets and existing improvements or demands upon public facilities, requires a special degree of control to make the use consistent with, and compatible to, other existing or permissible uses, and to ensure that the use is not detrimental to the public interest.

211. Use, Principal – "Use, Principal" means that the primary or principal use is the main use as distinguished from a subordinate accessory use, or the use for which a structure is specifically designed or actually employed.

212. Use, Special – "Use, Special" means a use permitted in one or more Land Use Districts, as defined by this Ordinance, that because of certain characteristics peculiar to it requires the exercise of limited discretion by the review authority to ensure the use is compatible with other permitted uses and is consistent with the overall public interest.

213. Variance – "Variance" means the granting of a special permit to allow a structure/use/activity that ordinarily would be prohibited. The variance process gives the County some flexibility in responding to special conditions and circumstances.

214. Veterinary Clinic or Hospital – "Veterinary Clinic or Hospital" means a facility rendering surgical and medical treatment to animals, and having overnight accommodations for small animals such as, but not limited to, dogs, cats and rabbits.

215. Vision Clearance Area – "Vision Clearance Area" means a triangular area of a corner lot at the intersection of two front lot lines, and through which it is necessary to retain vision clearance in the interest of public safety.

216. Water, Public – "Water, Public" means a Group A public water system regulated under Chapter 246-290 WAC, or any amendments thereto, or Group B public water system regulated under Chapter 246-291 WAC, or any amendments thereto.

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217. Water, Private On-Site – "Water, Private On-Site" means a water system (including a water system installed for a single user) not regulated under Chapter 246-290 WAC, or any amendments thereto, or Chapter 246-291 WAC.

218. Wetland – "Wetland" means those areas that are inundated or saturated by surface water or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from nonwetland areas to mitigate conversion of wetlands.

219. Wind Turbine – "Wind Turbine" means blades and associated mechanical and electrical conversion components mounted on top of the tower whose purpose is to convert kinetic energy of the wind into rotational energy used to generate electricity.

220. Wireless Communication Facility (WCF) – "Wireless Communication Facility" means an unstaffed facility for the transmission or reception of radio frequency (RF) signals, usually consisting of an equipment cabinet or other enclosed structure contained electronic equipment, a support structure, antennas, or other transmission and reception devices.

221. Visually Compatible – "Visually Compatible" means the relative visibility of a wireless communication facility, where that facility does not noticeably contrast with the surrounding landscape. Visibly compatible facilities may be partially visible, but not visually dominant in relation to their surroundings.

222. Yard – "Yard" means the unoccupied space, open to the sky, on the same lot with a building or structure.

223. Yard, Front – "Yard, Front" means the total area between the front line of the building and the front property line facing the street side, the depth of which is measured as the least horizontal distance between the street line and the exterior wall of the building.

224. Yard, Rear – "Yard, Rear" means the total area between the rear line of the building and the rear property line which is directly opposite the front property line, the depth of which is measured as the least horizontal distance between the exterior wall of the building and the rear property line, except in the case of corner building sites when the rear yard shall extend from the interior side property line to the opposite side yard.

225. Yard, Required – "Yard, Required" means the minimum open space as specified in this title for front, side and rear yards, as distinguished from any area in excess of the minimum required.

226. Yard, Side – "Yard, Side" means a yard extending from the front yard to the rear yard, except in the case of corner building sites, where the side yard on the flanking street shall extend to the rear property line.

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SECTION 3 – REQUIREMENTS, CLASSIFICATIONS, MAPS AND BOUNDARIES

A. CONFORMANCE WITH ORDINANCE PROVISIONS

No person shall use, erect, move, or alter any structure or engage in any activity, land use or development unless in conformity with this Ordinance. No license or permit in conflict with the provisions of this Ordinance shall be issued, and if issued, any such license or permit shall be null and void.

B. DESIGNATION OF DISTRICTS

For the purpose of furthering the goals and policies of the Comprehensive Plan and to carry out the provisions of this Ordinance, Pacific County is hereby divided into Land Use Districts and Comprehensive Plan Districts.

The Zoning Districts are:

	LAND USE DISTRICT	SYMBOL
NATURAL RESOURCE	COMMERCIAL FORESTRY	FC
	TRANSITIONAL FORESTRY	FT
	CONSERVATION	CD
	AGRICULTURAL	AG
	AQUACULTURAL	AQ
RESIDENTIAL	REMOTE RURAL	RR-1
	RURAL LANDS	RL
	RURAL RESIDENTIAL	RR
	RESTRICTED RESIDENTIAL	R-1
	GENERAL RESIDENTIAL	R-2
MIXED USE	RESORT DISTRICT	R-3
	MIXED USE	MU
	MIXED USE – TOKELAND	MU-T
COMMERCIAL	COMMUNITY COMMERCIAL	CC
INDUSTRIAL	INDUSTRIAL	I

The Comprehensive Plan Districts are:

FOREST LAND OF LONG-TERM COMMERCIAL SIGNIFICANCE	CP-FLLT
TRANSITIONAL FOREST LAND	CP-TFL
REMOTE RURAL	CP-RR
INDUSTRIAL	CP-I
RURAL AGRICULTURAL	CP-RA
GENERAL RURAL	CP-GR
RURAL VILLAGE	CP-RV
RURAL ACTIVITY CENTER	CP-RAC
COMMUNITY CROSSROADS	CP-CC
SHORELINE DEVELOPMENT	CP-SD
URBAN GROWTH AREA	CP-UGA
PUBLIC PRESERVE	CP-PP
MILITARY RESERVATION	CP-MR

Note: The Land Use Districts and the Comprehensive Plan Districts overlap in many instances.

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C. DISTRICT MAPS AS PART OF ORDINANCE

The Land Use Districts listed above are shown on the Official Land Use Atlas while the Comprehensive Plan Districts are shown on the Pacific County Comprehensive Plan Map. These maps, together with all explanatory matter thereon, are hereby adopted by reference and declared to be a part of this Ordinance. See Appendices A and B.

No changes of any nature shall be made in the Official Land Use Atlas, the Pacific County Comprehensive Plan Map or information shown thereon except in conformity with the procedures set forth in Ordinance No. 177, or any amendments thereto. Any unauthorized change of whatever kind by any person shall be considered a violation of this Ordinance and punishable as provided under Subsection 1.K. and Ordinance No. 165, or any amendments thereto.

D. BOUNDARIES OF DISTRICTS

The Administrator shall be responsible for making district boundary determinations. Such determinations shall be subject to a Type I review process under Pacific County Ordinance No. 177, or any amendments thereto. Where uncertainty exists with respect to the boundaries of the various districts as shown on the official Land Use Atlas, the following rules shall apply:

1. The district boundaries shall be on section lines, lot lines, the center lines of highways, streets, alleys, railroad rights of way or such lines extended, municipal corporation lines, or natural boundary lines such as topography or streams.

2. Where the district boundaries are not otherwise indicated and where the property has been, or may hereafter be, divided into blocks and lots, the district boundaries shall be construed to be the lot lines, and where the districts designated on the Maps are bounded approximately by lot lines, said lot lines shall be construed to be the boundary of such district.

3. Where a district line purposely divides a land parcel, such parcel shall be subject to the procedures and requirements of the respective districts as applied.

4. The district boundaries shall extend to the Mean High Water Mark when adjacent to any water body unless otherwise specified.

5. Where physical or cultural features existing on the ground are at variance with those shown on the Official Land Use Atlas or the Pacific County Comprehensive Plan Map, or in other circumstances not covered by Subsections 3.D.1 through 3.D.4 above, the Administrator shall determine the district boundaries.

E. GIS MAPPING

The official Land Use Atlas is a representation of the land use information contained in the Pacific County Geographic Information System (GIS) database administered by the Pacific County Department of Public Works. Where features existing on the ground are at variance with those shown on the Official Land Use Atlas, the Administrator, who is responsible for making district boundary determinations, may review the land use information contained in the GIS for accuracy and comparison purposes. Such determinations shall be subject to a Type I review process under Pacific County Ordinance No. 177, or any amendments thereto.

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F. BUILDING SETBACKS – OCEAN COAST

1. Building setback lines must be determined by a licensed surveyor.

2. The building setback lines shall be located easterly of the protective strip and shall be determined as follows:

   a. From North Head to the southern boundary of the Town of Long Beach – 200 feet easterly from the Seashore Conservation Line, as surveyed by the State of Washington in 1968 or, where said line was not surveyed, 200 feet landward from the ordinary high water mark.

   b. From the northern boundary of the Town of Long Beach to a line 800 feet south of the boundary between the townships 12N and 13N (the northern edge of Surfside Estates) – 100 feet from the 1993 Grassline Survey (former SMP Protective Strip) then one-fourth (1/4) of the distance from that point to the so-called "western boundary of upland ownership" line; except, that wherever the "western boundary of upland ownership" lies within the 100 foot setback from the 1993 Grassline, the "western boundary of upland ownership" shall be the building setback line.

   c. From the northern boundary of Surfside Estates, to the southern boundary of federal ownership, the building setback line shall be the western boundary of upland ownership.

   d. Ocean coast north of the mouth of the Willapa Bay – 300 feet, except on state owned land. (Based on the 1977 Grassline)

3. Protective strip widths and other environmental designations are described in the Shoreline Master Program.

G. CONFLICTING RULES

Where two rules are found to conflict, the more specific rule shall supersede the general rule or regulation.

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SECTION 4 – COMMERCIAL FORESTRY DISTRICT (FC)

A. INTENT

The intent of the Commercial Forest District is to provide for and encourage the long-term productivity, commercial management, and sustained use of forest resources. The Commercial Forestry district provides for uses that are compatible with forestry activities while maintaining water quality and soil productivity. This district is characterized by lands which are relatively remote from residential areas, have a very limited infrastructure base or limited access to public infrastructure, and have a history of being used for the production of timber or other natural resource development and extraction.

B. PERMITTED USES

1. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

2. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

3. The operation of sawmills, chippers, shake and shingle mills, scaling stations; log dumps, sorting and storage areas; forest industry equipment maintenance buildings and storage yards; and forest industry residue dumps and other uses involved in the harvesting and primary processing of timber.

4. The management and propagation of fish and wildlife.

5. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

6. Quarrying and mining of minerals or materials including, but not limited to, surface mining of sand, gravel, and rock and the primary reduction, treatment, and processing of minerals or materials together with the necessary buildings, structures, apparatus, and appurtenances including rock crushing, washing, sorting and asphalt mixing, subject to the following conditions:

    a. Dust, dirt, or other airborne solids from any source shall not be emitted in quantities as to adversely affect adjacent property.

    b. Mining and quarrying operations shall be constructed in a manner which will prevent pooling of water on excavated areas.

    c. Drainage facilities and construction methods shall be used which will minimize erosion of excavated areas and water-suspended silts and soil shall not be permitted to enter streams.

    d. The Department of Community Development shall be notified of planned mining operations prior to beginning development. Such notifications must include starting dates, expected duration of operation, the amount of material to be removed, pit reclamation procedures, etc.

7. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping facilities, communication relay stations, and wireless communication facilities.

8. Livestock grazing.

9. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least 30 feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. No on premise sales of materials are allowed;

   d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, access, etc.

10. A permanent residential dwelling subordinate to forest management purposes and which is occupied only by persons, including their immediate family members, employed in that management and on the same premises being managed. The applicants for this use shall submit a forest management plan demonstrating how the residential dwelling is necessary for, and subordinate to, the commercial forestry activities being undertaken on the property.

11. Nature parks and interpretive centers including buildings, trails, parking areas, interpretive areas, and signs describing natural history, cultural history, and/or natural habitat.

12. Any use which is similar in nature, usage, and impacts to a listed permitted use.

C. ACCESSORY USES

1. Buildings, structures, or uses incidental to the permitted uses listed above.

2. Uses incidental to a permitted conditional use including, but not limited to, garages, storage buildings, ponds, etc.

3. Temporary use of recreation vehicles (less than six months each year) as living quarters for trail crews, fire crews, nursery crews, logging crews, maintenance crews, and watchmen.

4. Level 1, 2 and 3 electric vehicle charging stations.

5. Any use which is similar in nature, usage, and impacts to a listed accessory use.

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D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Bio-solid waste application provided such application is conducted in accordance with local and state health permitting requirements.

2. Any use which is similar in nature, usage, and impacts to a listed special use.

3. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Construction and operation of water diversion structures, impoundment dams, and hydroelectric generating facilities.

2. Operation of dispersed, primitive recreational facilities including campgrounds, game reserves, developed trail heads, but excluding uses such as community centers, riding academies, off-road vehicle parks, marinas, camping clubs, and recreational vehicle parks.

3. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines, all of which are designed to serve regional needs beyond the local community.

4. Inert waste/wood waste landfills and solid waste transfer facilities.

5. Rock crushing activities located within one thousand (1,000) feet of the following land use districts: Agricultural (A), Rural Residential (RR), Rural Lands (RL), Restricted Residential (R-1), General Residential (R-2), Resort (R-3) and Mixed Use (MU).

6. Any use which is similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks,

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minimum standards for water provision, and the minimum area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. Building Setbacks. All structures shall maintain a minimum setback from all property lines of twenty-five (25) feet as measured from the edge of the property line to the structure.

6. Building Height:

    a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

    b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 5 – TRANSITIONAL FOREST LAND DISTRICT (FT)

A. INTENT

The intent of the Transitional Forest Land District is to protect important resource based land areas located adjacent to the rural shorelines of the Willapa Bay and Columbia River estuaries while also regulating land use activities with a potential to impact the water quality of either estuary. This district provides for small-scale farming and forestry activities intermixed with low-density residential uses and open space areas. The Transitional Forest Land district recognizes the significance of continued forestry, agricultural, aquacultural, and mineral activities while also recognizing the importance of, and providing for, limited home based occupations and small cottage industries.

B. PERMITTED USES

1. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

2. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

3. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation, and the processing of agricultural products.

4. The management and propagation of fish and wildlife.

5. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

6. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping facilities, communication relay stations, and wireless communication facilities.

7. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

8. All aquacultural farming activities including the storage of commercial fishing gear, construction/placement of gear sheds, and the storage of commercial fishing vessels.

9. Commercial processing of aquacultural products consistent with the minimum development standards of this Ordinance and conducted in accordance with local and state health requirements.

10. Nature parks and interpretive centers including buildings, trails, parking areas, interpretive areas, and signs describing natural history, cultural history, and/or natural habitat.

11. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

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12. Any use which is similar in nature, usage, and impacts to a listed permitted use.

C. ACCESSORY USES

1. Buildings, structures, or uses incidental to the permitted uses listed above.

2. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, etc.

3. Uses incidental to the primary permitted agricultural use including, but not limited to, barns, storage buildings, loafing sheds, ponds, corrals, etc.

4. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

5. Home occupation that meet the standards contained in Subsection 21.K., Home Occupations.

6. Level 1, 2 and 3 electric vehicle charging stations.

7. Any use which is similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Cottage industries that meet the standards contained in Subsection 21.L, Cottage Industries.

2. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

3. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least 30 feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public rights-of-way;

   c. No on premise sales of materials are allowed;

   d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, access, etc.

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4. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Construction and operation of water diversion structures, impoundment dams, hydroelectric generating facilities, and other types of electrical generation facilities.

2. Operation of dispersed, primitive recreational facilities including primitive campgrounds, game reserves, developed trail heads, but excluding uses such as community centers, riding academies, off-road vehicle parks, marinas, camping clubs, and recreational vehicle parks.

3. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants, and underground pipelines which are designed to serve regional needs.

4. Quarrying and mining of minerals or materials including, but not limited to, surface mining of sand, gravel, and rock and the primary reduction, treatment, and processing of minerals or materials together with the necessary buildings, structures, apparatus, and appurtenances including rock crushing, washing, sorting and asphalt mixing; subject to the following conditions:

   a. Dust, dirt or other airborne solids from any source shall not be emitted in quantities as to adversely affect adjacent property.

   b. Mining and quarrying operations shall be constructed in a manner which will prevent pooling of water on excavated areas.

   c. Drainage facilities and construction methods shall be used which will minimize erosion of excavated areas and water-suspended silts and soil shall not be permitted to enter streams.

   d. The Department of Community Development shall be notified of planned mining operations prior to beginning development. Such notifications must include starting dates, expected duration of operation, the amount of material to be removed, pit reclamation procedures, etc.

5. Any use which is similar in nature, usage, and impacts to a listed conditional or special use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

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G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. Building Setbacks:

   a. Single-family dwellings and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   b. Other uses and buildings – twenty (20) feet from all property lines.

   c. Agricultural Buildings, barns, structures – twenty (20) feet from the front, side and rear property lines. Dairies, milking parlors or animal feed lots shall be setback fifty (50) feet from all property lines.

   d. New manure lagoons shall observe a minimum setback of one hundred fifty (150) feet from all adjoining residential dwellings. New residential construction shall observe a minimum setback of one hundred fifty (150) feet from all existing manure lagoons.

6. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 6 – CONSERVATION DISTRICT (CD)

A. INTENT

The Conservation District is established to protect and conserve the environmental values of certain areas including the ocean beaches, State and Federal parks, wildlife refuges, freshwater lakes, and other important natural landscapes by recognizing that these areas provide a variety of important benefits for both the general public and wildlife. This land use district recognizes that some activities such as certain agricultural practices, e.g., livestock grazing, are on-going, historical functions that may be used as a management tool, while other activities such as general public services, facilities, and utilities are necessary and important for the overall function and/or operation of the underlying purpose of the refuge or park. The Conservation District is also applied to unique areas such as the U.S. Coast Guard Station located at Cape Disappointment. The Conservation District generally encompasses those lands waterward of the Ordinary High Water Mark on all freshwater lakes found throughout the County.

B. PERMITTED USES

1. Maintenance of wildlife preserves.

2. Nature parks and interpretive centers including buildings, trails, parking areas, interpretive areas, and signs describing natural history, cultural history, and/or natural habitat.

3. Ground water supply components such as well points, pumps, pressure tanks, elevated water storage reservoirs, transmission lines and distribution lines.

4. Public water control structures.

5. All U.S. Government Facilities relating to navigation, safety and/or park services, including the U.S. Coast Guard Station. All Washington State facilities relating to park services including, but not limited to, campgrounds, restrooms, historical/cultural centers, interpretive centers, administrative buildings, living quarters, trails, and those uses typically incidental to a State Park facility.

6. The management and propagation of fish and wildlife.

7. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

8. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, communication relay stations, and wireless communication facilities.

9. Livestock grazing.

10. Any use which is similar in nature, usage, and impacts to a listed permitted use.

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C. ACCESSORY USES

1. Piers and docks.

2. Elevated viewing platforms.

3. Interpretive signage, panels and kiosks.

4. Public restrooms, self-contained chemical toilets.

5. Public park facility service buildings and normal utilities necessary or ancillary to the permitted use.

6. Parking areas ancillary to a permitted use consistent with the parking standards contained in Subsection 21.H, Parking and Loading, and provided further that all parking areas shall be setback two hundred (200) feet from the Ordinary High Water Mark of any water body.

7. Uses incidental to normal or routine forestry and/or agricultural practices.

8. A permanent residential dwelling subordinate to one of the principally permitted uses and which is occupied only by persons, including their immediate family members, employed in the management or operation of the same use on the premises being managed.

9. Uses incidental to the overall purpose and function of the U.S. Coast Guard Station including, but not limited to, housing, utilities, docks, fueling areas, administrative offices, etc.

10. Level 1, 2 and 3 electric vehicle charging stations.

11. Any use which is similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Public and private roads and bridges.

2. Any use which is similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below is requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Construction and operation of water diversion structures, impoundment dams, hydroelectric generating facilities, and other types of electrical generation facilities.

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2. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, maximum lot coverage standards, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Building Setbacks. The minimum front, side and rear yard building setbacks shall be twenty (20) feet as measured from the edge of the property line to the structure.

5. Building Height. The maximum building height for all structures is thirty-five (35) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 7 – AGRICULTURAL DISTRICT (AG)

A. INTENT

The Agricultural District is established to promote the economic viability of the various agriculture lands of long term commercial significance by protecting such lands from development pressures and incompatible land uses, by preserving important open space areas and by protecting environmental conditions conducive to a healthy agricultural economy. Generally, the agricultural lands of long-term commercial significance include cranberry growing areas, aquacultural and shellfish areas, and some limited livestock grazing areas.

B. PERMITTED USES

1. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation, wholesale nurseries, and the processing of agricultural products.

2. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

3. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

4. All aquacultural farming activities, including the storage of commercial fishing gear and the sales of aquacultural products.

5. Commercial processing of aquacultural products consistent with the minimum development standards of this Ordinance and conducted in accordance with local and state health requirements.

6. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

7. The management and propagation of fish and wildlife.

8. Normal public services, facilities and utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

9. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

10. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

11. Any use or activity similar in nature, usage and impacts to a listed permitted use.

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C. ACCESSORY USES

1. Uses incidental to the primary permitted forestry, agricultural and aquacultural uses.

2. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, etc.

3. Uses incidental to the primary permitted agricultural use including, but not limited to, barns, storage buildings, loafing sheds, animal confinement lots, ponds, corrals, temporary worker housing, etc.

4. Home occupation uses according to the standards contained in Subsection 21.K, Home Occupations.

5. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

6. Retail sales of agriculture and horticulture products provided they are produced on the premises upon which such products are being sold. This accessory use specifically excludes the retail sales of products grown or produced off-site and imported specifically for the purpose of retail sales.

7. Retail and wholesale sales of aquacultural products, i.e., fish, shellfish, etc., produced or caught off-site but processed on-site.

8. Level 1, 2 and 3 electric vehicle charging stations.

9. Agricultural and Aquaculture Theme Facilities

    a. Food service associated with a use or activity allowed pursuant to this section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural and aquacultural products grown on the applicant's farm and may include sales of ancillary foods and/or beverages that are prepared on the premises for on and off-site consumption.

    b. Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events, shall be prohibited.

    c. The retail sales facility (i.e. kitchen seating, etc.) shall be no more than 20% of the primary use's floor space and less than or equal to 1500 square feet. Any facility over 1500 square feet will be considered under a conditional use permit.

10. Any use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Commercial horse arenas, riding farms, and stables.

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2. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.

3. Cottage industries according to the standards contained in Subsection 21.L, Cottage Industries.

4. Grain stores, feed stores, seed stores, farm implement and hardware stores, or similar retail stores specializing in agricultural, horticultural, aquacultural, landscaping, home & garden products and materials, or other related merchandise.

5. The sales and storage of landscaping materials including, but not limited to, bark, chips, rock, brick, block, railroad ties, fencing, plants, seasonal materials, etc.

6. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. No on premise sales of materials are allowed;

   d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, access, etc.

7. Cluster developments according to the standards contained in Subsection 21.Q, Cluster Developments.

8. Bio-solid waste application provided such application is conducted in accordance with local and state health requirements.

9. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

10. Any use or activity similar in nature, usage, and impacts to a listed accessory use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Private and public airports.

2. Inert waste/wood waste landfills, solid waste transfer stations, recycling centers.

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3. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

4. Agricultural and Aquaculture Theme Facilities

   a. In addition to the Conditional Use criteria outlined in Subsection 27.F, proposed Agricultural and Aquaculture Theme Facilities must also comply with all of the following requirements:

      i. Food service associated with a use or activity allowed pursuant to this section are those services which are incidental or accessory to a permitted use or value-added food items produced from agricultural and aquacultural products grown on the applicant's farm and may include sales of ancillary foods and/or beverages that are prepared on the premises for on and off-site consumption

      ii. Ancillary entertainment/special events, including weddings/receptions, catered functions and musical events, shall be prohibited.

      iii. A retail sales facility (i.e. kitchen, seating, etc.) greater than 1500 square feet will be considered under a conditional use permit and shall be no more than 20% of the primary use's floor space.

5. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

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5. Building and Use Setbacks:

   a. Agricultural Activity – None.

   b. Agricultural Buildings, barns, structures – Twenty (20) feet from all property lines. Buildings used for machinery repair, metal fabrications, welding, etc., shall be setback fifty (50) feet from all property lines.

   c. Residential Uses and other uses, structures or buildings – Twenty (20) feet from the front, side and rear property lines.

   d. New residential construction shall observe a seventy-five (75) foot setback from active cranberry bogs. Cranberry bog expansion shall observe a seventy-five (75) foot setback from existing residential dwellings.

6. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 8 – AQUACULTURE DISTRICT (AQ)

A. INTENT

The Aquaculture District is established to promote the economic viability of the shellfish and fishing industries by protecting saltwater marshes and tidelands from development pressures and urban encroachment. The Aquaculture District is divided into two distinct sub-districts, the Aquaculture Sub-district and the Marine Sub-district. The Aquaculture Sub-district generally encompasses those lands found in Willapa Bay lying easterly of the line separating Sections 8 & 9, T13N, R11W at Leadbetter Point and the line separating Sections 5 & 6, T15N, R11W at North Cove. The Marine Sub-district generally encompasses those lands found within the Columbia River Estuary and the Pacific Ocean. While Mean Higher High Tide Line is used to establish the Aquatic District boundaries due to its ease of mapping, no building setbacks are established by, nor referenced to, this specific boundary. The Aquatic District recognizes the need to protect the water quality while allowing for limited development ancillary to the traditional industries uniquely located because of their relationship with the aquatic environment. The variety of uses, structures and activities permitted either outright or as an accessory or conditional use, explicitly implies that all construction or establishment of uses will comply with other local, State and Federal regulatory requirements, including the State of Washington's Bush and Callow Acts, especially as they relate to lands devoted to shellfish production.

B. PERMITTED USES – AQUACULTURE SUB-DISTRICT

1. Marine-life raising activities, including all fish/shellfish receiving and harvesting practices incidental to aquacultural activities.

2. Marine research and laboratory facilities provided that the research and laboratory facilities are used exclusively for activities related to marine-life farming and enhancement.

3. Wildlife or marine-life sanctuary or preserve, including recreational activities compatible with this use, such as regulated fishing, clam digging, hunting, boating, hiking and tent camping.

4. Public port facilities, including docks, boat launches, offices, storage buildings, outdoor equipment and boat storage areas.

5. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

6. Any water dependent use which is similar in nature, usage, and impacts to a listed permitted use.

C. PERMITTED USES – MARINE SUB-DISTRICT

1. Marine-life raising activities, including all fish/shellfish receiving and harvesting practices incidental to aquacultural activities.

2. Marine research and laboratory facilities provided that the research and laboratory facilities are used exclusively for activities related to marine-life farming and enhancement.

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3. Wildlife or marine-life sanctuary or preserve, including recreational activities compatible with this use, such as regulated fishing, clam digging, hunting, boating, hiking and tent camping.

4. Public port facilities, including docks, boat launches, offices, storage buildings, outdoor equipment and boat storage areas.

5. Charter Offices.

6. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

7. Any water dependent use which is similar in nature, usage, and impacts to a listed permitted use.

D. ACCESSORY USES – AQUACULTURE SUB-DISTRICT

1. Harvesting and storage of seafood prior to processing and marketing.

2. Seafood processing facilities normally associated with aquacultural activities.

3. Storage of commercial fishing gear provided such storage is in an upland location above the Mean Higher High Tide Line, or on a dock or pier.

4. Retail and wholesale seafood sales.

5. Maintenance facilities, storage buildings, and marine repair facilities in conjunction with a permitted aquaculture use.

6. Level 1, 2 and 3 electric vehicle charging stations.

7. Any water dependent use which is similar in nature, usage, and impacts to a listed accessory use.

E. ACCESSORY USES – MARINE SUB-DISTRICT

1. Harvesting and storage of seafood prior to processing and marketing.

2. Seafood processing facilities normally associated with aquacultural activities.

3. Storage of commercial fishing gear provided such storage is in an upland location above the Mean Higher High Tide Line, or on a dock or pier.

4. Retail and wholesale seafood sales.

5. Maintenance facilities, storage buildings, and marine repair facilities in conjunction with a permitted aquaculture use.

6. Any water dependent use which is similar in nature, usage, and impacts to a listed accessory use.

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F. CONDITIONAL USES – AQUACULTURE SUB-DISTRICT

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance177, or any amendments thereto.

1. All low intensity, water dependent park and recreational development not permitted under Subsection 8.B.

2. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

3. Open construction docks, such as pilings or similar construction, where not in conflict with navigation.

4. Charter offices.

5. Any water dependent use which is similar in nature, usage, and impacts to a listed conditional use.

G. CONDITIONAL USES – MARINE SUB-DISTRICT

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Exploratory drilling for natural mineral resources.

2. All park and recreational development not permitted under Subsection 8.C.

3. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

4. Open construction docks, such as pilings or similar construction, where not in conflict with navigation.

5. Any water dependent use which is similar in nature, usage, and impacts to a listed conditional use.

H. PROHIBITED USES

All other uses not listed as permitted, accessory, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

I. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable

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regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Building Setbacks. The minimum front, side, and rear yard building setbacks shall be twenty (20) feet as measured from the edge of the property line to the structure.

5. Building Height. The maximum building height for all structures is thirty-five (35) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 9 – REMOTE RURAL DISTRICT (RR-1)

A. INTENT

The Remote Rural District is established to protect the rural aspects of the County, especially for those lands which serve to buffer environmentally sensitive areas and resource management areas from incompatible activities. The intent is to promote a flexible land use system to encourage the continuation of the predominant land uses found within this District, namely agricultural, forestry, mineral extraction, and low density residential. The Remote Rural District generally encompasses those Remote Rural lands contained in the Pacific County Comprehensive Plan Maps.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation, and the processing of agricultural products.

3. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

4. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

5. All aquacultural farming activities including the storage of commercial fishing gear.

6. The management and propagation of fish and wildlife.

7. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

8. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, communication relay stations, and wireless communication facilities.

9. Public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

10. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

11. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, horse barns, animal pens, etc.

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2. Uses incidental to a primary permitted forestry or agricultural use including, but not limited to, storage buildings, equipment storage areas, barns, ponds, animal pens, etc.

3. The growing, harvesting and seasonal sales of garden and agricultural crops grown on premise.

4. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment as determined by the Administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least 25 feet from all adjoining property lines.

5. Home occupation uses according to the standards contained in Subsection 21.K, Home Occupations.

6. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

7. Level 1, 2 and 3 electric vehicle charging stations.

8. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Cottage industries that meet the standards contained in Subsection 21.L, Cottage Industries.

2. Commercial horse arenas, riding farms and stables.

3. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

4. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

5. Bio-solid waste application provided such application is conducted in accordance with local and state health requirements.

6. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, provided that the following requirements are met:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

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b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

c. No on premise sales of materials shall be allowed;

d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

7. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Construction and operation of water diversion structures, impoundment dams, hydroelectric generating facilities, and other types of electrical generation facilities.

2. Operation of dispersed recreational facilities including campgrounds, game reserves, developed trail heads, off-road vehicle parks, shooting ranges, marinas, camping clubs, golf courses, and recreational vehicle parks.

3. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

4. Quarrying and mining of minerals or materials, including, but not limited to, surface mining of sand, gravel, and rock and the primary reduction, treatment, and processing of minerals or materials together with the necessary buildings, structures, apparatus, and appurtenances including rock crushing, washing, sorting and asphalt mixing, subject to the following conditions:

a. Dust, dirt or other airborne solids from any source shall not be emitted in quantities as to adversely affect adjacent property.

b. Mining and quarrying operations shall be constructed in a manner which will prevent pooling of water on excavated areas.

c. Drainage facilities and construction methods shall be used which will minimize erosion of excavated areas and water-suspended silts and soil shall not be permitted to enter streams.

d. The Department of Community Development shall be notified of planned mining operations prior to beginning development. Such notifications must include starting dates, expected duration of operation, the amount of material to be removed, pit reclamation procedures, etc.

5. Private and public airports, landing strips, hanger facilities.

6. Inert waste/wood waste landfills, solid waste transfer stations, recycling centers.

7. Any use which is similar in nature, usage, and impacts to a listed conditional or special use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. Building Setbacks:

   a. Residential uses, including accessory buildings – twenty (20) feet from all property lines.

   b. Other uses and buildings – twenty (20) feet from all property lines.

   c. Agricultural Buildings, barns, structures – twenty (20) feet from the front, side and rear property lines. Dairies, milking parlors or animal feed lots shall be setback fifty (50) feet from all property lines.

   d. New manure lagoons shall observe a minimum setback of one hundred fifty (150) feet from all adjoining residential dwellings. New residential construction shall observe a minimum setback of one hundred fifty (150) feet from all existing manure lagoons.

6. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

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b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 10 – RURAL LANDS DISTRICT (RL)

A. INTENT

The Rural Lands District is established to promote and protect the County's existing rural areas consisting of low-density residential neighborhoods, active farming practices, active forestry practices, and home based commercial activities that exist in harmony with each other and the natural environment. It is the intent of the District to continue promoting a flexible land use system in the rural areas which fosters a diverse, rural economy, while recognizing a rural lifestyle dependent upon the protection of both property rights and environmental values. The Rural Lands District encompasses lands labeled as General Rural on the Pacific County Comprehensive Plan Maps.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.

3. Churches, community centers, schools, daycare centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

4. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

5. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation, commercial greenhouses, botanical nurseries and horticultural uses.

6. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

7. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

8. All aquacultural farming activities including storage of commercial fishing gear, processing of seafood/shellfish products and retail/wholesale sales of seafood/shellfish products.

9. The management and propagation of fish and wildlife.

10. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

11. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, communication relay stations, and wireless communication facilities.

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12. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

13. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, small horse barns, animal pens, etc.

2. Uses incidental to the primary permitted forestry uses including, but not limited to, garages, storage buildings, equipment storage areas, log storage and sorting areas, etc.

3. Uses incidental to the primary permitted agricultural use including, but not limited to, barns, storage buildings, loafing sheds, animal confinement lots, ponds, corrals, temporary worker housing, etc.

4. The growing, harvesting, and seasonal sales of garden and agricultural crops grown on premise.

5. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment as determined by the administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least 25 feet from all adjoining property lines.

6. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

7. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

8. In-home family or child day care.

9. Level 1, 2 and 3 electric vehicle charging stations.

10. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Commercial horse arenas, riding farms and stables.

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2. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.

3. Bed & Breakfast establishments subject to the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

4. Vacation Rentals subject to the standards contained in Subsection 21.N, Vacation Rentals.

5. Seasonal retail fireworks stands.

6. Cottage industries that meet the standards contained in Subsection 21.L, Cottage Industries.

7. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Development.

8. All Washington State facilities relating to park services including, but not limited to, campgrounds, restrooms, historical/cultural centers, interpretive centers, administrative buildings, living quarters, trails, and those uses typically incidental to a State Park facility.

9. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. No on premise sales of materials are allowed unless approved by the Administrator;

   d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

10. Any use or activity similar in nature, usage, and impacts to a listed accessory use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Operation of recreational facilities including campgrounds, game reserves, developed trailheads, off-road vehicle parks, marinas, camping clubs, golf courses, shooting ranges, and recreational vehicle parks.

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2. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

3. Quarrying and mining of minerals or materials, including, but not limited to, surface mining of sand, gravel, and rock and the primary reduction, treatment, and processing of minerals or materials together with the necessary buildings, structures, apparatus, and appurtenances including rock crushing, washing, sorting and asphalt mixing, subject to the following conditions:

   a. Dust, dirt or other airborne solids from any source shall not be emitted in quantities as to adversely affect adjacent property.

   b. Mining and quarrying operations shall be constructed in a manner which will prevent pooling of water on excavated areas.

   c. Drainage facilities and construction methods shall be used which will minimize erosion of excavated areas and water-suspended silts and soil shall not be permitted to enter streams.

   d. The Department of Community Development shall be notified of planned mining operations prior to beginning development. Such notifications must include starting dates, expected duration of operation, the amount of material to be removed, pit reclamation procedures, etc.

4. Private and public airports, landing strips, hanger facilities.

5. Inert waste/wood waste landfills, solid waste transfer stations, recycling centers.

6. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

7. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.

8. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles, and commercial fishing vessels, provided that the facility and its outdoor storage areas are adequately screened with either fencing or landscaping.

9. Retirement, boarding and convalescent homes; social and health rehabilitation centers; adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

10. Cottage industries employing no more than five (5) people and conducted in a structure(s) other than the dwelling unit engaged in the limited manufacturing of products, services and/or goods for sale at another location, provided that all of the following requirements are met:

    a. The Hearing Examiner may place limitations on the square footage of an existing or new structure used for a cottage industry, while construction of new buildings to house said activity shall not, in any case, exceed ten thousand (10,000) square feet of total floor area;

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b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

c. Traffic generation shall not exceed that normally expected in a rural neighborhood;

d. All buildings housing the proposed activity must be setback at least one hundred fifty (150) feet from all adjoining residential dwellings on adjoining lots, unless the Hearing Examiner finds extraordinary reasons for a modification to reduce this setback;

e. Signage consistent with Subsection 21.R, Signage;

f. On-site retail sales are prohibited unless the Hearing Examiner determines the potential impacts from such retail sales are minimal and can be mitigated; and

g. The operation of the business must comply with all local and/or state noise, air quality, sewage, water, and solid waste management requirements.

11. Light industrial activities, including fabrication and assembly, subject to the following requirements:

a. Individual buildings shall be limited to a total square footage of four thousand (4,000) square feet of floor area;

b. All work shall be conducted within a building; however, limited activities may occur outside provided they are consistent with the adjacent land uses on adjoining parcels;

c. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

d. The proposed activity shall be located at least two hundred (200) feet from all adjoining residential dwellings on adjoining lots, unless the Hearing Examiner determines that the level of noise, odor, dust, fumes, or any other potentially objectionable aspects of the activity dictates a different standard of separation from adjoining residential dwellings. The minimum separation from adjoining residential dwellings does not apply to any dwelling located on the same parcel as the proposed light industrial activity; and,

e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

12. Any use which is similar in nature, usage, and impacts to a listed conditional or special use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

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G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot size for residential development within Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. Building Setbacks:

   a. Single-family dwellings and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   b. Other uses and buildings – twenty (20) feet from all property lines.

   c. Agricultural Buildings, barns, structures – twenty (20) feet from the front, side and rear property lines. Dairies, milking parlors or animal feed lots shall be setback fifty (50) feet from all property lines.

   d. New manure lagoons shall observe a minimum setback of one hundred fifty (150) feet from all adjoining residential dwellings. New residential construction shall observe a minimum setback of one hundred fifty (150) feet from all existing manure lagoons.

7. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 11 – RURAL RESIDENTIAL DISTRICT (R-R)

A. INTENT

The Rural Residential District is established to promote and protect low-density residential neighborhoods that exist in harmony with the natural environment. It is the intent of the District to promote a rural residential lifestyle by protecting environmental values, limiting population density to one dwelling unit per acre, permitting a variety of housing choices including both mobile/manufactured housing and stick built/site built housing, and permitting a variety of accessory activities, including limited recreational vehicle use and personal agricultural usage. These areas are typically served by on-site sewage disposal systems and individual domestic wells. Generally, many of the uses, activities and densities found on the Long Beach Peninsula are indicative of the Rural Residential Land Use District.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.

3. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

4. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

5. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

6. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

7. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

8. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

9. Watershed management practices, including erosion control measures, drainage control structures, vegetation management to improve run-off characteristics, weather stations, stream gauging stations, and watershed research facilities.

10. Any use which is similar in nature, usage, and impacts to a listed permitted use.

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C. ACCESSORY USES.

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, small horse barns, animal pens, etc.

2. The growing, harvesting, and seasonal sales of garden and agricultural crops grown on premise.

3. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment as determined by the administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least 25 feet from all adjoining property lines.

4. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

5. In-home family or child day care.

6. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

7. The storage of commercial fishing gear, provided such storage is in an upland location above the Ordinary High Water Mark and is adequately screened from neighboring properties with either fencing or vegetation.

8. Level 1, 2 and 3 electric vehicle charging stations.

9. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. All commercial agricultural uses, including animal husbandry, horticulture, viticulture, floriculture beekeeping and crop cultivation.

2. Signage consistent with Subsection 21.R, Signs.

3. Short Term Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

4. Bed & Breakfast establishments, subject to the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

5. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

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6. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Cottage industries that meet the standards contained in Subsection 21.L, Cottage Industries.

2. Private and public airports, landing strips, hanger facilities.

3. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

4. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. No on premise sales of materials are allowed;

   d. Burning of brush, limbs and other organic debris originating off-site is prohibited; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, access, etc.

5. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

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3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. Multi-family dwellings – twenty (20) feet from all property lines.

   c. Other uses and buildings – twenty (20) feet from all property lines.

8. Building Height. The maximum building height for all structures is thirty-five (35) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 12 – RESTRICTED RESIDENTIAL DISTRICT (R-1)

A. INTENT

The Restricted Residential District is established to promote and protect the single-family character of selected developed or developing neighborhoods. It is the intent of the District to protect and stabilize property values by restricting the type of housing and limiting the range of current use patterns in order to provide for a wholesome home environment free of traffic congestion, noise and incompatible land uses. The Restricted Residential District encompasses the higher value lands along the Pacific Ocean and Willapa Bay where stick built/site built housing is the housing style of choice. This District also includes areas of smaller residential lots in conventional subdivisions where a variety of housing options are available, and which are served primarily by on-site sewage disposal systems and community water systems.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

3. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

4. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, decks, non-commercial greenhouses, smokehouses, pools, saunas, tennis courts, etc.

2. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

3. Level 1, 2 and 3 electric vehicle charging stations.

    1. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

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D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

2. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

3. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

4. In-home family or child day care.

5. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

6. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals and subject to Subsection 12.F.3.

7. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

2. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

3. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES:

1. All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

2. New Bed and Breakfast facilities are specifically prohibited in the Restricted Residential (R-1) land use district within the Seaview Urban Growth Area as delineated in the Pacific County Comprehensive Plan. NOTE: All existing and permitted Bed and Breakfast facilities operating as of March 8, 2011 within the Restricted Residential (R-1) land use

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district in the Seaview Urban Growth Area, are considered "grandfathered non-conforming uses" and are subject to the non-conforming use provisions contained within Section 23.

3. New Vacation Rentals are specifically prohibited in the Restricted Residential (R-1) land use district within the Seaview Urban Growth Area as delineated in the Pacific County Comprehensive Plan. NOTE: All existing and permitted Bed and Breakfast facilities operating as of March 8, 2011 within the Restricted Residential (R-1) land use district in the Seaview Urban Growth Area, are considered "grandfathered non-conforming uses" and are subject to the non-conforming use provisions contained within Section 23.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. Other uses and buildings – twenty (20) feet from all property lines.

8. Building Height. The maximum building height for all structures is thirty-five (35) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 13 – GENERAL RESIDENTIAL DISTRICT (R-2)

A. INTENT

The General Residential District is established to provide a diversity of residential living arrangements to promote compact areas containing densities which support efficient utilization of present and future public infrastructure while serving as a buffer area between rural residential areas and commercial centers. The General Residential District allows for a variety of housing options including mobile/manufactured housing, stick built/site built housing as well as for some limited multi-family housing.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.

3. Multi-family dwellings containing up to four dwelling units per lot of record.

4. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

5. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

6. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, decks, non-commercial greenhouses, smokehouses, pools, saunas, spas, tennis courts, etc.

2. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

3. In home family or child day care.

4. Level 1, 2 and 3 electric vehicle charging stations.

    2. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

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D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

2. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

3. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

4. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

5. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

6. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

7. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

2. Hospitals, medical clinics, and professional medical centers.

3. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

4. Mobile Home Parks that meet the standards contained in Subsection 21.Q, Mobile Home Parks.

5. Multi-family dwellings containing up to sixteen (16) dwelling units per lot of record.

3. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

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F. PROHIBITED USES.

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. Other permitted uses and buildings – twenty (20) feet from all property lines.

8. Building Height. The maximum building height for all structures is thirty-five (35) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 14 – RESORT DISTRICT (R-3)

A. INTENT

The Resort District is established to promote recreation and tourism while ensuring consistency with the Comprehensive Plan. The district functions as a multiple use area as it seeks to blend existing and new residential and commercial land uses in existing and new recreational and tourist areas of the County. The Resort District is indicative of many existing and developing areas on the Long Beach Peninsula.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. Multi-family dwellings containing up to sixteen (16) dwelling units per lot of record.

3. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

4. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

5. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

6. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.

7. Commercial service, retail, eating and drinking establishments within a building footprint of less than five thousand (5,000) square feet.

8. Motels, hotels, condominiums with a maximum room count of twenty-five (25).

9. Theaters, auditoriums, exhibition halls, convention halls, museums.

10. Indoor and outdoor recreation facilities, including bowling alleys, miniature golf courses, golf courses, skating rinks, ball fields, basketball courts, and parks.

11. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

12. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles and commercial fishing vessels, provided the facility and its outdoor storage areas, are adequately screened with either fencing or landscaping.

13. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

14. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and

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communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

15. Level 1, 2 and 3 electric vehicle charging stations.

16. Battery exchange stations for electric vehicles.

17. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, decks, non-commercial greenhouses, smokehouses, pools, spas, saunas, tennis courts, etc.

2. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

3. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

4. In home family and child day care.

5. Normal and customary uses incidental to a permitted use including off-street parking areas, loading areas, outdoor seating, landscaping, signage, pools, storage buildings, etc.

6. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

2. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

3. Hospitals, medical clinics, and professional medical centers.

4. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

5. Any use or activity similar in nature, usage and impacts to a listed special use.

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E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Multi-family dwellings containing over sixteen dwelling units per lot of record.

2. Commercial service, retail, eating and drinking establishments within a building footprint of greater than five thousand (5,000) square feet.

3. Motels, hotels, condominiums with a room count exceeding twenty-five.

4. Automobile, truck and recreational vehicle service stations.

5. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

b. Multi-family dwellings (three residential dwelling units or more) – twenty (20) feet from all property lines.

c. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.

d. All commercial uses adjoining residentially zoned properties – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

e. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a commercially zoned property, and provided that the requirements of all other local ordinances are met.

8. Building Height:

a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 15 – MIXED USE DISTRICT (MU)

A. INTENT

The intent of the Mixed Use District is to provide for a broad range of residential, agricultural, commercial, and some limited industrial uses reflective of the existing and historical land use patterns found in many communities. The District boundaries shall allow for a variety of residential development commensurate with available public services, physical limitations, and neighborhood compatibility. A secondary purpose of this designation is to allow for the continuation of a flexible land use system recognizing the importance of both agricultural uses and small, home based, business/commercial uses.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.

3. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation and the processing of agricultural products.

4. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

5. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

6. All aquacultural farming activities including storage of commercial fishing gear, processing of seafood/shellfish products and retail/wholesale sales of seafood/shellfish products.

7. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

8. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, and wireless communication facilities.

9. Hospitals, medical clinics, and professional medical centers.

10. Temporary Recreational Vehicle use that meet the standards in Subsection 21.I, Recreational Vehicle Usage, Occupancy and Storage.

11. Level 1, 2 and 3 electric vehicle charging stations.

12. Battery exchange stations for electric vehicles.

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13. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, small horse barns, animal pens, pools, spas, saunas, tennis courts, etc.

2. The growing, harvesting and seasonal sales of garden and agricultural crops grown on premise.

3. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment objected to by the Administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least 25 feet from all adjoining property lines.

4. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

5. In home family or child day care.

6. A detached accessory living quarter for the sole use by the owner, his temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

7. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Commercial horse arenas, riding farms and stables provided all structures housing animals are located at least fifty (50) feet from any adjoining property boundary.

2. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.

3. Service and Retail establishments with less than two thousand five hundred (2,500) square feet of floor area, provided that all other minimum land use standards are met.

4. Cottage industries that meet the standards contained in Subsection 21.L, Cottage Industries.

5. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

6. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

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7. Bed & Breakfast establishments that meet the standards contained in Section 21.M, Bed and Breakfast Facilities.

8. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles and commercial fishing vessels, provided the facility and its outdoor storage areas, are adequately screened with either fencing or landscaping as determined by the Administrator.

9. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Private and public airports, landing strips, and hanger facilities.

2. Multi-family dwellings containing up to sixteen (16) dwelling units per lot of record.

3. Commercial and service establishments with more than two thousand five hundred (2,500) square feet of floor area.

4. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

5. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.

6. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the District.

7. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. On-site retail sales are prohibited unless the Hearing Examiner determines the potential impacts from such retail sales are minimal and can be mitigated;

   d. Burning of brush, limbs and other organic debris originating off-site is prohibited; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

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8. Light industrial activities, including fabrication and assembly, subject to the following requirements:

   a. Individual buildings shall be limited to a total square footage of four thousand (4,000) square feet of floor area;

   b. All work shall be conducted within a building; however, limited activities may occur outside provided they are consistent with the adjacent land uses on adjoining parcels;

   c. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   d. The proposed activity shall be located at least two hundred (200) feet from all adjoining residential dwellings on adjoining lots, unless the Hearing Examiner determines that the level of noise, odor, dust, fumes, or any other potentially objectionable aspects of the activity dictates a different standard of separation from adjoining residential dwellings. The minimum separation from adjoining residential dwellings does not apply to any dwelling located on the same parcel as the proposed light industrial activity; and

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

9. Solid waste transfer stations, and recycling centers.

10. Indoor and outdoor commercial recreational facilities including, but not limited to, bowling alleys, movie theatres, arcades, golf courses, etc.

11. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES.

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

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4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. Multi-family dwellings (three residential dwelling units or more) – twenty (20) feet from all property lines.

   c. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.

   d. All commercial uses adjoining residentially zoned properties or pre-existing residences – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   e. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a commercially zoned property, and provided that the requirements of all other local ordinances are met.

8. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 16 – COMMUNITY COMMERCIAL DISTRICT (C-C)

A. INTENT

The intent of the Community Commercial District is to provide for a broad range of commercial and limited industrial uses serving the various communities found throughout Pacific County. The boundaries of the district shall recognize the historical and existing development patterns of commercial development. The district boundaries shall allow for small-scale infill development and redevelopment commensurate with available public services, physical limitations, neighborhood compatibility, and the anticipated demand for the siting of new development. An additional purpose of the district is to provide areas of employment opportunities for residents in rural communities consistent with the rural character of each community.

B. PERMITTED USES

1. Eating and drinking establishments, including restaurants and taverns.

2. Service establishments including, but not limited to, banks, professional offices, laundries, dry cleaners, barber and beauty shops, real estate offices, funeral parlors, veterinaries, furniture repair shops, frozen food lockers, auction houses, fraternal organizations, galleries, theaters, arts and crafts centers, interpretive centers, and food cooperatives.

3. Retail establishments including, but not limited to, bakeries, liquor, drug, variety, clothing, shoes, florist, optical, sporting goods, art galleries, appliances, music, and pet stores.

4. Tool and equipment rental, nurseries, hardware and building material/supply stores. Outdoor storage and display areas are permitted as an accessory use provided that the outdoor storage areas are located within an enclosed fence.

5. Grocery stores.

6. Motorized vehicles and equipment, motorcycle, marine, farm implement, light and heavy equipment, and recreational vehicle service, repair, washing facilities, commercial storage and/or sales, provided that:

    a. All repair services, except for minor repairs and servicing, shall be conducted within an enclosed building;

    b. Adequate water supply and wastewater disposal for washing facilities shall be demonstrated by the applicant;

    c. Such a facility and associated activities shall not occupy more than four acres of a parcel;

    d. With the exception of temporary display items and/or merchandise sales, all outdoor storage shall be within a fenced area; and

    e. Lighting shall be designed to avoid glare onto neighboring properties or adjacent public roadways.

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7. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles, and commercial fishing vessels, provided that the facility and its outdoor storage areas are adequately screened with either fencing or landscaping as determined by the Administrator.

8. Automobile service stations, car washes, public garages, printing and publishing establishments, and wireless communication facilities consistent with Section 22, Wireless Communication Facilities.

9. Hotels, motels and other types of transitory lodging.

10. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

11. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

12. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

13. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.

14. Multi-family dwellings containing up to sixteen dwelling units per lot of record.

15. Level 1, 2 and 3 electric vehicle charging stations.

16. Battery exchange stations for electric vehicles.

17. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to the primary permitted use such as parking and loading areas, outdoor seating, signage, lighting, etc.

2. Home Occupation uses that meet the standards contain in Subsection 21.K, Home Occupations.

3. Assembly or manufacturing of items of a type related directly to the character of a permitted use and sold at retail on the premises.

4. A living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses, and that is clearly ancillary to the commercial activity on the property.

5. Any use or activity similar in nature, usage, and impacts to a listed special use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

2. Hospitals, medical clinics, and professional medical centers.

3. Public and community facilities including police and fire stations, libraries, community centers, museums, public parks and recreational facilities, tourist information offices, and other similar noncommercial uses.

4. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below is required to obtain a Conditional Use Permit from the Hearing Examiner prior to initiating operation and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Light industrial activities, including fabrication and assembly.

2. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs, and other materials incidental to the performance of normal or typical construction activities conducted off-site. Such activities shall be subject to the following requirements:

   a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

   b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

   c. On-premise sales of materials are permitted;

   d. Burning of brush, limbs and other organic debris originating off-site is prohibited; and,

   e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

3. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

4. Multi-family dwellings containing more than sixteen (16) dwelling units per lot of record.

5. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.

6. Indoor and outdoor commercial recreational facilities including, but not limited to, bowling alleys, movie theatres, arcades, golf courses, etc.

7. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

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F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   b. Multi-family dwellings (three residential dwelling units or more) – twenty (20) feet from all property lines.

   c. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.

   d. All commercial uses adjoining residentially zoned properties or pre-existing residences – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

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e. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a commercially zoned property, and provided that the requirements of all other local ordinances are met.

8. Building Height:

a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 17 – INDUSTRIAL DISTRICT (I)

A. INTENT

The intent of the Industrial Land Use District is to group light and heavy industrial uses and activities together in locations with convenient access to important public infrastructure. The distinction between light and heavy industrial uses is the degree to which the industrial use transforms bulk raw materials into a finished or semi finished state. Heavy industrial uses typically involve the processing of raw materials into a more refined state, while light industrial uses typically involve the manufacturing of parts or products from those refined materials for assembly into a finished product. This District recognizes that impacts from many industrial uses are inherently difficult to control or minimize, therefore, their locations shall be chosen to ensure impacts to residential areas are minimal. The District also recognizes that many types of industrial activities can be placed near agricultural, residential or commercial areas with little, if any, impact to those properties.

B. PERMITTED USES

1. Research and development laboratories.

2. Light assembly and manufacturing plants.

3. Food processing plants and canneries.

4. Recycling process plants, Community recycling centers.

5. Wrecking yards, junkyards, storage of wrecked automobiles, and sales of salvaged auto parts.

6. Welding, sheet metal, and machine shops.

7. Truck terminals.

8. Commercial warehouses, commercial storage lots and mini-storage facilities used for the storage of household goods, recreational equipment and commercial fishing vessels.

9. Motorized vehicles and equipment, motorcycle, marine, farm implement, light and heavy equipment, and recreational vehicle service, repair, washing facilities, commercial storage and/or sales.

10. Tool and equipment rental, nurseries, hardware stores, building supplies, and lumberyards.

11. Automobile service stations, car washes, and public garages.

12. Level 1, 2 and 3 electric vehicle charging stations.

13. Battery exchange stations for electric vehicles.

14. Normal public utilities including, but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, communication relay stations, and wireless communication facilities.

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15. Major utility and communication facilities including, but not limited to, overhead transmission lines, power generation plants and underground pipelines which are designed to serve regional needs.

16. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site. Such activities shall be subject to the following requirements:

    a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

    b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

    c. On premise sales of materials are permitted;

    d. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

    e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

C. ACCESSORY USES

1. Uses incidental to the primary permitted use such as parking and loading areas, outdoor seating, signage, lighting, etc.

2. Outdoor storage and display areas provided they are located within an enclosed fence and screened from public view.

3. A living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses, and that is clearly ancillary to the commercial activity on the property.

4. Any use or activity similar in nature, usage, and impacts to a listed special use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Service, retail, eating and drinking establishments with less than two thousand five hundred (2,500) square feet of floor area, provided that all other minimum land use standards are met.

2. Artist studios and galleries.

3. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

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4. Churches, community centers, schools, daycare centers, pre-school centers and public parks.

5. Public and community facilities including police and fire stations, libraries, community centers, museums, public parks, recreational facilities, and tourist information offices.

6. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Concrete plants, rock crushing facilities; and the quarrying, mining, excavation, and removal of sand, gravel, dirt, or other earth products.

2. Sawmill and log storage facilities.

3. Boat manufacturing and repair facilities.

4. Storage, processing, transportation, and distribution of fuels and chemicals.

5. Establishments involved in the refining, rendering, or smelting of animals, vegetable, or mineral products and relying on heat or chemicals as substantial part of the manufacturing process.

6. Adult entertainment facilities, including bookstores, lounges, nude/topless bars.

7. Private and public airports, landing strips, and hanger facilities.

8. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum

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lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. The minimum lot sizes for residential development within the Urban Growth Areas is 11,000 square feet, unless the relevant City has delineated an alternative minimum lot size.

6. The minimum lot sizes for residential development within the Seaview Urban Growth Area is 7,200 square feet.

7. Building Setbacks:

   a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.

   c. All commercial uses adjoining residentially zoned properties or pre-existing residences – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   d. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a commercially zoned property, and provided that the requirements of all other local ordinances are met.

8. All industrial uses listed as a permitted, accessory, special or conditional use, shall meet the following standards:

   a. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways; and

   b. Lighting shall be designed to avoid excessive glare onto neighboring properties and the adjoining public right-of-ways.

9. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 18 – MIXED USE DISTRICT – (MU) – TOKELAND

A. INTENT

The intent of the Mixed Use District for the Tokeland Rural Activity Center is to provide for a broad range of residential, agricultural, commercial, recreational and limited industrial uses reflective of the existing and historical land use patterns found in the developed areas of Tokeland. The development patterns found within the District's boundaries are a mixture of uses that have co-existed for many decades. The purpose of this District is to provide for a variety of development commensurate with available public services, physical limitations, and neighborhood compatibility while continuing with a flexible land use system recognizing ease and simplicity of use.

B. PERMITTED USES

1. One single-family residential dwelling per lot of record that meets the applicable standards in either Subsection 21.D, Residential Housing Standards, or Subsection 21.E, Mobile/Manufactured Housing Standards.

2. One two-family dwelling (Duplex), or two single-family residential dwellings per lot of record.

3. Multi-family dwellings containing up to sixteen (16) dwelling units per lot of record.

4. All agricultural uses, including animal husbandry, horticulture, viticulture, floriculture, beekeeping, crop cultivation and the processing of agricultural products.

5. All aquacultural farming activities including the storage of commercial fishing gear and commercial fishing vessels, all marine-life raising activities, including all fish/shellfish receiving and harvesting practices incidental to aquacultural activities, seafood processing facilities, and the commercial sales of aquacultural products.

6. The cultivation, harvest, and production of forest products or any forest crop, in accordance with Chapter 76.09 RCW and any relevant provisions of the Washington Administrative Code.

7. The cultivation, harvest, and production of ferns, moss, boughs, bark, berries, nuts, tree fruits, tree seeds, nursery stock, and Christmas trees.

8. Vacation Rentals that meet the standards contained in Subsection 21.N, Short Term Vacation Rentals.

9. Bed & Breakfast establishments that meet the standards contained in Subsection 21.M, Bed and Breakfast Facilities.

10. Recreational Vehicle Parks that meet the standards contained in Subsection 21.P, Recreational Vehicle Parks.

11. Mobile Home Parks that meet the standards contained in Subsection 21.O, Mobile Home Parks.

12. Commercial service, retail, eating and drinking establishments within a building footprint of less than five thousand (5,000) square feet.

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13. Motels, hotels, condominiums with a maximum room count of twenty-five (25).

14. Churches, community centers, schools, day care centers, pre-school centers, public parks, church affiliated campgrounds, campgrounds operated by a non-profit organization, and youth camps.

15. Theaters, auditoriums, exhibition halls, convention halls, museums.

16. Indoor and outdoor recreation facilities, including bowling alleys, miniature golf courses, golf courses, skating rinks, ball fields, basketball courts, and parks.

17. Hospitals, medical clinics, and professional medical centers.

18. Normal public services, facilities and utilities, including but not limited to, communication and electrical power substations, water reservoirs, transmission lines, pumping service facilities, satellite fire stations, sheriff substations, communication relay stations, port facilities, and wireless communication facilities.

19. Normal uses, services, facilities and utilities typically provided by a Homeowners Association for use by its members, including but not limited to, utility and communication facilities, office buildings, restrooms, meeting rooms, maintenance buildings and yards, Recreational Vehicle storage areas, playgrounds, recreational areas, trails, roads, and other uses indicative of a Homeowners or Landowners Association.

20. Level 1, 2 and 3 electric vehicle charging stations.

21. Any use which is similar in nature, usage, and impact to a listed permitted use.

C. ACCESSORY USES

1. Uses incidental to a primary permitted residential use including, but not limited to, garages, storage buildings, ponds, accessory residential dwellings, small horse barns, animal pens, pools, spas, saunas, tennis courts, etc.

2. Uses incidental to a primary permitted commercial or recreational use including, but not limited to, garages, storage buildings, off-street parking areas, loading areas, outdoor seating, landscaping, signage, pools, ponds, etc.

3. The growing, harvesting and seasonal sales of garden and agricultural crops.

4. The keeping and raising of domestic livestock and fowl for personal use provided that they are fenced, the animals and their feed do not create objectionable odors, unsanitary conditions or inhumane treatment objected to by the Administrator or the Pacific County Health Officer, and all stalls, feeding areas, confinement areas, poultry houses, horse barns, etc., are located at least twenty-five (25) feet from all adjoining property lines.

5. Home occupation uses that meet the standards contained in Subsection 21.K, Home Occupations.

6. In home family or child day care.

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7. A detached accessory living quarter for the sole use by the owner, his or her temporary guest(s) or employee(s) that meets the standards contained in Subsection 21.F, Accessory Structures/Uses.

8. Any accessory use or activity similar in nature, usage, and impacts to a listed accessory use.

D. SPECIAL USES

Any use listed below requires a Special Use Permit from the Hearings Examiner and is subject to a Type II Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Commercial horse arenas, riding farms and stables provided all structures housing animals are located at least fifty (50) feet from any adjoining property boundary.

2. Veterinary clinics and/or kennels provided that all outdoor dog runs are located at least two hundred (200) feet from any adjoining property lines.

3. Retirement, boarding homes and convalescent homes; social and health rehabilitation centers; children and adult care centers in a building not used as a residence; and other health related services consistent with the purpose of the district.

4. Cluster developments that meet the standards contained in Subsection 21.Q, Cluster Developments.

5. Mini-Storage Facilities used for the storage of household goods, recreational equipment, Recreational Vehicles and commercial fishing vessels, provided that the facility and its outdoor storage areas are adequately screened with either fencing or landscaping as determined by the Hearing Examiner.

6. Any use or activity similar in nature, usage, and impacts to a listed special use.

E. CONDITIONAL USES

Any use listed below requires a Conditional Use Permit from the Hearing Examiner and is subject to a Type III Administrative Process according to Pacific County Ordinance 177, or any amendments thereto.

1. Private and public airports, landing strips, and hanger facilities.

2. Multi-family dwellings containing more than sixteen (16) dwelling units per lot of record.

3. Commercial service, retail, eating and drinking establishments within a building footprint of greater than five thousand (5,000) square feet

4. Motels, hotels, condominiums with a room count exceeding twenty-five (25).

5. Automobile, truck and recreational vehicle service stations

6. Contractor storage yards, including the storage of equipment, sand, rock, gravel, logs and other materials incidental to the performance of normal or typical construction activities conducted off-site, shall be subject to the following requirements:

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a. All buildings used for the repair of machinery and equipment shall be located at least thirty (30) feet from all property lines;

b. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

c. Burning of brush, limbs and other organic debris originating off-site is permitted provided a burning permit is secured; and,

d. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

7. Light industrial activities, including fabrication and assembly, subject to the following requirements:

a. Individual buildings shall be limited to a total square footage of four thousand (4,000) square feet of floor area;

b. All work shall be conducted within a building; however, limited activities may occur outside provided they are consistent with the adjacent land uses on adjoining parcels;

c. Outdoor storage areas shall be within a fenced area and screened from the view of surrounding properties and the adjoining public right-of-ways;

d. The proposed activity shall be located at least two hundred (200) feet from all adjoining residential dwellings on adjoining lots, unless the Hearing Examiner determines that the level of noise, odor, dust, fumes, or any other potentially objectionable aspects of the activity dictates a different standard of separation from adjoining residential dwellings. The minimum separation from adjoining residential dwellings does not apply to any dwelling located on the same parcel as the proposed light industrial activity; and,

e. The use shall adhere to all other minimum standards, including signage, parking, lighting, etc.

8. Solid waste transfer stations, and recycling centers.

9. Any use or activity similar in nature, usage, and impacts to a listed conditional use.

F. PROHIBITED USES.

All other uses not listed as permitted, accessory, special, or conditional uses, or those uses not similar in nature, scale, and scope to the varying categories of uses listed above, are prohibited.

G. MINIMUM DEVELOPMENT STANDARDS.

1. The minimum allowable density for all new short subdivisions and subdivisions is subject to the requirements of Pacific County Ordinance No. 163, or any amendments thereto.

2. The minimum lot size shall be sufficient to ensure the proposed development meets minimum development standards contained within this Ordinance and other applicable

regulations, including minimum parking requirements, minimum building setbacks, minimum standards for water provision, and the minimum land area required for the use of on-site sewage disposal systems. See Section 21.Y.

3. New lots created after the enactment of this Ordinance shall be consistent with the minimum lot sizes prescribed in Pacific County Ordinance 163, or any amendments thereto. Existing lots, legally created prior to the enactment of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, or any amendments thereto.

4. Cluster Development. Projects utilizing clustering may reduce the minimum lot size down provided the overall density of the underlying Land Use District, as established on the Pacific County Comprehensive Plan Map, remains the same, and provided the standards contained in Subsection 21.Q, Cluster Development, are met.

5. Building Setbacks:

   a. Single-family dwellings, two family dwellings (duplex) and residential accessory buildings – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street

   b. Multi-family dwellings (three residential dwelling units or more) – twenty (20) feet from all property lines.

   c. All commercial uses or activities adjoining other commercial uses or commercially zoned property – zero (0) feet from all property lines, and provided that the requirements of all other local ordinances are met.

   d. All commercial uses adjoining residentially zoned properties or pre-existing residences – twenty (20) feet from the front property line, ten (10) feet from the rear property line, and five (5) feet from the side property line. The side-yard on a corner lot shall be increased to ten (10) feet along the side street.

   e. All other uses – twenty (20) feet from all property lines, with the exception that the Administrator may allow a reduction in the minimum side and rear yard setbacks if the proposed use or activities is immediately adjacent to an existing commercial use or a commercially zoned property, and provided that the requirements of all other local ordinances are met.

6. Building Height:

   a. The maximum building height for all residential and accessory structures is thirty-five (35) feet.

   b. The maximum height for all other structures is fifty (50) feet, unless Section 19, Wind Energy Systems, or Section 22, Wireless Communication Facilities, applies.

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SECTION 19 – WIND ENERGY SYSTEMS (WES)

A. INTENT

The intent of this Section is to provide standards and regulations enabling the construction or expansion of Wind Energy Systems (WES) for both small scale use (SWES) as well as commercial wind production facilities (CWES). Pacific County is committed to developing an alternative energy strategy to help residents take advantage of renewable energy technologies, while protecting the public health, safety and general welfare as well as visual and aesthetic considerations. These regulations are established:

1. To direct the location of wind energy systems to areas which will allow for minimal impacts within the County;

2. To protect residential areas and land uses from potential adverse impacts of wind energy systems;

3. To accommodate and encourage the growing need for wind energy systems;

4. To avoid or minimize potential damage to adjacent properties from tower failure through engineering and careful siting of wind energy systems;

5. To provide a process and uniform comprehensive standards for the development and regulation of wind energy systems;

6. To protect the County's natural and historical resources by minimizing adverse visual and aesthetic impacts of wind energy systems through careful design, siting, landscape screening and innovative aesthetic mitigation.

B. APPLICABILITY

All wind energy systems (WES) located within Pacific County, whether upon private or public lands, shall be subject to the requirements of this Section.

C. GENERAL REQUIREMENTS.

1. No WES shall be constructed or operated within Pacific County until all necessary approvals and permits have been secured.

2. A Development Permit Application approval shall be required for the construction and operation of any WES.

3. Subsection 19.D. of this Ordinance and Pacific County Ordinance No. 177, or any amendments thereto, shall govern the review process.

4. A new Development Permit Application approval shall be required for all modifications, not constituting maintenance, to an approved WES permit.

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5. All approvals for a WES shall become null, void, and non-renewable if the facility is not constructed and placed into service within two (2) years of the date of final approval from Pacific County, or superseding administrative or court decision.

6. Any WES must comply with all applicable Pacific County regulations and the permit conditions authorizing the WES. Violators shall be subjected to the sanctions listed in Subsection 1.C. and Pacific County Ordinance No. 165, or any amendments thereto.

7. No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WES site.

D. REGULATORY FRAMEWORK

Meteorological towers (MET), small wind energy systems (SWES) and commercial wind energy systems (CWES) are permitted as follows:

Table 19 – 1

District	MET	SWES	CWES	# of Towers (per tax parcel)	Output Limitations	Maximum Height	Setbacks	*Review Process (Type)
FC	Yes	Yes	Yes	Unlimited	Unlimited	Unlimited	1.2 x height	MET/ SWES – 1 CWES - 3
FT	Yes	Yes	Yes	Unlimited	100 – 300 kW	150’	1.2 x height	MET/SWES – 1 CWES - 3
CD	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES – 1
AG	Yes	Yes	Yes	10	100 – 300 kW	150’	1.2 x height	MET/SWES – 1 CWES - 3
AQ**	No	No	Yes	Unlimited	100 kW– 500kW	100’	N/A	CWES - 3
RR-1	Yes	Yes	Yes	10	100 – 300 kW	150’	1.2 x height	MET/SWES – 1 CWES - 3
RL	Yes	Yes	No	3	100 kW	100’	1.2 x height	MET/SWES - 2
RR	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2
R-1	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2
R-2	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2
R-3	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2
MU	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2
C-C	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 1
I	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 1
MU-T	Yes	Yes	No	1	100 kW	100’	1.2 x height	MET/SWES - 2

*Review Process: Type 1 – Administrative Review
Type 2 – Special Use Permit
Type 3 – Conditional Use Permit

**Aquatic District – Marine Sub-district, not Aquaculture Sub-district

E. GENERAL STANDARDS FOR WIND ENERGY SYSTEMS

1. Private small wind energy systems (SWES) shall only be allowed as an accessory structure/use in conjunction with a single-family residence and shall only supply electrical power solely for the on-site owner’s use, except that when a parcel on which the system is installed also receives electrical power supplied by a utility company, the utility

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company may use excess electrical power generated and not presently needed for on-site use. Power shall not be used for commercial generation purposes.

2. Meteorological towers (MET) shall not remain on a tax lot or parcel for longer than 60 months.

3. Private SWES may be permitted on parcels with a minimum of 21,780 square feet (.50 acres) or greater.

4. Only one (1) SWES, including related support structures and other associated improvements, per tax lot or parcel except where tax lots or parcels are five acres or greater and are located within the following zoning districts: Commercial Forestry, Transitional Forestry, Agricultural, Remote Rural and Rural Lands.

5. Rooftop MET's or SWES's are prohibited.

6. Setbacks:

   a. Setbacks shall be measured horizontally from the property lines to the outer edge of the base of the MET/SWES/WES structure. Guy cables and other accessory support structures may be located within setback areas.

   b. Each tower shall be setback from the nearest property line a distance as specified in Table 19 -1. This distance may be reduced if an appropriate easement or wavier is secured from the adjacent property owner and filed with the Pacific County Auditor.

   c. No part of the overall system, including the tower, turbine and guy wire anchors, shall be closer than twenty (20) to any property boundary.

7. Tower Height as listed in Table 19 -1. Tower height means the distance from grade level of the tower foundation/base to the highest point of the turbine rotator plane.

8. Safety:

   a. The blade tip of any Wind Turbine shall, at its lowest point, have ground clearance of no less than twenty (20) feet, as measured at the lowest point of the arc of the blades.

   b. The tower shall be designed and installed so as not to provide accessibility to the public for a minimum height of 15 feet above the ground.

   c. All ground mounted electrical and control equipment shall be labeled and secured to prevent unauthorized access.

   d. Appropriate warning signage (e.g. electrical hazards) shall be placed on or near all wind electrical systems.

   e. All wind electric systems shall be equipped with overspeed controls to limit rotation of blades to a speed below the designed limits of the system. No changes or alterations from the certified design shall be permitted unless accompanied by a licensed professional engineer's statement of certification.

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f. Any wind electrical system found to be unsafe by the Administrator shall be repaired by the landowner to meet minimum federal, state and local safety standards or removed within 90 days.

9. Sound Level: Noise generated from a wind energy system must comply with WAC 173-60 Maximum Environmental Noise Levels, except during short term events such as severe windstorms.

10. Signs: All signs including flags, streamers and decorative items, both temporary and permanent, are prohibited on any of the wind energy systems and its associated structures, except for manufacturer identification or appropriate warning signs.

11. Visual Requirements:

a. The wind generator and tower shall remain painted or finished in the color or finish that was originally applied by the manufacturer, unless otherwise approved in the building permit.

b. The wind generator and tower shall not be lit with artificial lighting unless required by the Federal Aviation Administration (FAA). If lighting is required, the applicant shall provide a copy of the FAA determination to establish the required markings and/or lights.

12. FAA Regulations: The MET/SWES/WES shall be built to comply with all applicable Federal Aviation Administration regulations including but not limited to 14 C.F.R. part 77, subpart B regarding installation close to airports.

13. Compliance with International Building Codes: All wind energy systems shall comply with the Washington State Building Code and adopted International Building Code.

14. Compliance with National Electrical Code: All wind energy systems shall comply with requirements per the Washington State Department of Labor & Industries (L&I) and the current adopted edition of the National Electric Code (NEC).

15. All wind energy systems that are connected to the utility grid shall comply with the requirements of Chapter 80.60, Revised Code of Washington, Net Metering of Electricity.

16. Abandonment: At such time that a wind energy system is scheduled to be abandoned or discontinued, the applicant will notify the Director in writing of the proposed date of abandonment or discontinuation of operations. Upon abandonment or discontinuation of use, the owner shall physically remove the wind energy system within 90 days from the date of abandonment or discontinuation of use. Failure to comply with this abandonment requirement shall cause the violator to be subject to enforcement procedures under Ordinance No. 165, or any amendments thereto.

F. REVIEW PROCEDURES

1. An application for a Wind Energy System shall be reviewed by the Administrator using a Type I process under Pacific County Ordinance No. 177, or any amendments thereto. The specific review process for either a Meteorological Tower (MET), a Small Wind Energy System (SWES) or a Commercial Wind Energy System (CWES) is identified in Table 19 -1. The review process shall be conducted as specified in Pacific County Ordinance No. 177, or any amendments thereto.

G. EXCLUSIONS. The following uses and activities shall be exempt from the regulations contained in Section 19:

1. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, turbines, blades, tower components, electrical components, etc.

H. APPLICATION SUBMITTAL REQUIREMENTS.

1. For an application subject to a Type I or Type II Review process, the following information is required:

a. A Development Permit Application Form and other applicable forms provided by the Department;

b. Site Plan and supporting maps/documents detailing:

(1) Vicinity Map;

(2) Property lines and physical dimensions of the applicant's property;

(3) Location, dimensions, and types of existing structures on the property, all property points of access, easement of record, utilities (water, sewer, power, gas, phone, cable) etc.;

(4) Location of the proposed wind energy system, foundations, guy anchors and associated equipment;

(5) Wind energy system setbacks to property lines, structures on-site, structures off-site, wells, roads, driveways, etc.;

(6) If proposed location is less than the system height setback as per this Section, provide location, dimensions, and types of existing structures on the neighboring properties affected and the proposed setback of the WES to those structures;

(7) Public or private right-of-ways that are contiguous with the property; and

(8) Locations of any underground or overhead utility lines.

c. An engineering analysis, including drawings, of the tower, turbine and all components, showing compliance with the State Building Code and the International Building Codes. A professional engineer licensed in the State of Washington shall certify all standard drawings and engineering analysis;

d. Documentation that the small wind energy system is certified by a national safety certification program recognized by the Washington State Department of Labor & Industries;

e. Copy of electrical application and permitting from the Washington State Department Labor & Industries;

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f. Wind energy systems specifications including manufacturer, model, rotor diameter, tower height, tower type and nameplate generation capacity;

g. Manufacturer's installation manual;

h. Evidence from the electric utility service provider that serves the proposed site that they have been informed of the applicant's intent to install an interconnected customer-owned electricity generator, unless the applicant does not plan to connect the small wind energy system to the electricity grid;

i. Copy of the sound level analysis prepared by the wind generator manufacturer or qualified engineer;

j. Evidence that the wind energy system complies with all applicable federal aviation administration (FAA) requirements, including any necessary approvals for installation close to airports; and

k. Copy of notarized and record easements or waivers from affected property owners (if applicable).

2. For an application subject to a Type III Review process, in addition to the information required in Section H.1., the following information is also required:

a. SEPA Checklist;

b. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower(s), and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Pacific County Department of Community Development at a pre-application conference under Section 3 of Pacific County Ordinance No. 177, or any amendments thereto, to ensure that various potential views are represented;

c. Site specific studies for impacts to habitat/wildlife (including avian and bat species), cultural resources, and a grading and stormwater management plan complying with applicable local or state best management practices and stormwater quality standards; and

d. Analysis demonstrating compliance and consistency with the Washington State Department of Fish and Wildlife Power Guidelines.

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SECTION 20 – OYSTERVILLE HISTORIC DISTRICT AND DESIGN REVIEW

A. INTENT. The Comprehensive Plan recognizes the historic value and distinctiveness of the Oysterville community. It is the intent of this Section to preserve and enhance the heritage of Oysterville through regulatory controls which will ensure that development is consistent and harmonious with the existing architectural style and historic significance of Oysterville.

B. GUIDELINES. The Oysterville design review guidelines shall be utilized as a regulatory document to determine the suitability of development within the authority of this Section. The Oysterville design review guidelines are contained as Appendix C to this Ordinance.

C. BOUNDARIES. The jurisdiction and boundaries of the Oysterville historic district are delineated on the Official Land Use Atlas. Section 20 applies only to those lands within the Oysterville historic district and is not applicable to any other part of unincorporated Pacific County.

D. SUBMITTAL REQUIREMENTS. All plans, documents, material samples, or any other information necessary for review by Pacific County as required by the design review guidelines shall be submitted to the Department of Community Development by the applicant along with the ODR application.

E. OYSTERVILLE DESIGN REVIEW (ODR) – ACTIONS. All applications requiring approval by the Hearings Examiner, except for when administrative approval is granted, shall be reviewed using a Type III process as delineated in Pacific County Ordinance No. 177, or any amendments thereto. The Administrator is authorized to make an administrative approval using a Type I process under Pacific County Ordinance No. 177, or any amendments thereto, as long as the request is consistent with the design review guidelines and complies with the design review guidelines and complies with the intent of this Section.

F. DEVELOPMENT REQUIRING CONSIDERATION BY THE ODR. The following activities require a public hearing:

1. Major construction which generally includes all new construction and rehabilitation including, but not limited to:

    a. All significant exterior construction or improvements determined by the coordinating agency requiring a building permit from Pacific County.

    b. All additions, edifices, appendages, or other “structures” as defined in this Section.

    c. All new construction or additions; and

2. Minor construction (which changes the existing appearance of structures);

    a. Maintenance or renovation of structural systems.

    b. Reroofing, except when emergency patch repair is necessary to immediately protect human health, safety and welfare.

    c. New siding on either principal structures or accessory structures.

    d. Alteration of windows, doors or any exterior elements or features of any historic buildings.

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3. Administrative approval. The Administrator may grant administrative approval with or without conditions for the following:

a. Tree removal, involving the removal of tree(s) greater than eight inches in diameter.

b. Sign(s), either public or private sign installation, except for incidental residential identification sign(s).

c. Lighting, public or private street lighting installations, except for incidental residential exterior lighting.

d. Satellite dishes, ham radio antennas, and roof aerials.

e. Fencing, and significant changes to existing fencing.

f. Exterior repainting, if the coloring is different than what currently exists on the structure.

g. Demolition of any existing structures except in cases when field review determines the structure is or may be of historic significance, in which case application shall be made to the ODR for a public hearing in accordance with the design review guidelines.

h. Construction, improvement and repair to the infrastructure system of the district including but not limited to roads, drainage, power, telephone, water and sewer projects, if the proposal will change existing appearance in the district.

i. Tree trimming by county, state, or public utility districts.

j. Emergency repairs or modifications to roads, utilities, vegetation and structures are allowable to protect the public health and safety, provided that the Pacific County Department of Community Development is notified within forty-eight (48) hours of commencing said repairs or modifications. All uses and structures nearly identical to the uses and structures listed in this Subsection.

G. REVIEW CONSIDERATIONS. The Hearings Examiner, in considering the appropriateness of any development activity, shall base all decisions on this Section and the design review guidelines. The Hearings Examiner shall consider the historical and architectural value and significance, architectural style, general design, arrangement, texture, material, and color of the structure in question or its appurtenant fixtures including signs, the relationship of such features to similar features of other buildings within Oysterville, and the position of such buildings.

H. REVIEW – CERTIFICATES OF APPROVAL. If, after consideration of the foregoing criteria, the Hearings Examiner determines that the proposed development is consistent with this chapter and the design review guidelines, he or she shall issue a decision of approval, and may specify changes, modifications and deletions.

1. The decision shall be submitted to Pacific County before further review of the application is considered by the County.

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I. APPEALS. Any appeal of an administrative decision or a decision of the Hearings Examiner shall comply with the requirements of Pacific County Ordinance No. 177, or any amendments thereto.

J. PROPOSALS – CONTENT. An applicant proposing a project within the Oysterville Historic District shall submit as part of their application packet:

1. An ODR application as determined by the Department of Community Development.

2. Minimum documentation including architectural renderings, drawings, building plans, site plans, etc., as prepared by a registered architect defining all major construction under review by the Hearings Examiner. All submitted plans shall conform to the requirements of the design guidelines.

3. In addition to the required application for all work defined as minor construction and other construction, the applicant shall submit necessary plans and samples as required in the design guidelines.

K. APPLICABILITY OF OTHER ORDINANCES. All construction activities in Oysterville shall be done in accordance with all applicable ordinances of Pacific County. Compliance with this Section shall not in itself constitute compliance with any other code or ordinance to which a building may be subject, nor shall compliance with such other applicable codes or ordinances constitute compliance with this Section.

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SECTION 21 – SUPPLEMENTARY DISTRICT REGULATIONS

A. LOTS WITHIN TWO OR MORE DISTRICTS LISTED ON THE OFFICIAL LAND USE ATLAS. A lot located partly within a Residential District and partly within the Conservation District, the Forest Resource District and/or the Agriculture District may incorporate the land area within the foregoing resource districts as part of the minimum lot area required for residential construction, provided that the residential dwelling is confined to the area within the Residential District.

B. ERECTION OF MORE THAN ONE PRINCIPAL STRUCTURE ON A LOT. In any district, more than one structure, which is a permitted or permissible principal use, may be erected on a single lot, provided that the requirements of all County Ordinances are met.

C. SUPPLEMENTAL YARD REGULATIONS

1. In residential areas where existing construction exhibits non-conforming yard standards, the front yard may be established as the average setback exhibited by existing construction, provided that in no case shall new construction be placed closer than ten (10) feet from the street right-of-way line.

2. Fireplace structures not wider than eight feet measured in the general direction of the wall of which it is a part, cornices, canopies, eves, stairs, decks located on-grade, or similar architectural features, may project into any existing yard a maximum of three (3) feet.

3. Properties shall be maintained in a sanitary condition. The collection and storage of junk shall be prohibited in the R-R, R-L, R-1, R-2, R-3 and M-U Districts unless the materials are stored within an enclosed structure conforming to County ordinances. The parking and storage of unlicensed vehicles, including but not limited to, RV's, trailers, automobiles, trucks, etc., is prohibited unless such storage is within an enclosed building or carport, or such storage is in a location on the property adequately screened from the view of the neighboring properties or the public right of way.

4. The use and permanent storage of commercial shipping containers and tractor truck/trailers on residential properties shall be prohibited in the R-R, R-L, R-1, R-2, R-3 and M-U Districts.

5. All land uses and occupancies shall adhere to all nuisance law requirements pertaining to noise, dust, litter, garbage, junk accumulation, burning, campfires, etc.;

6. The yard setback limitations delineated elsewhere in this Ordinance in Sections 6 through 20 do not apply to development in the approved plats of Surfside Estates. All development in the approved plats of Surfside Estates shall conform to the minimum yard setbacks contained in the Surfside Estates Restrictive Covenants dated November 16, 2002, and as contained in Appendix D.

D. RESIDENTIAL HOUSING STANDARDS. All proposed residential structures shall contain not less than four hundred ten (410) square feet of living area. Living area excludes garages, carports, decks, porches, etc.

E. MOBILE/MANUFACTURED HOUSING STANDARDS

1. All mobile/manufactured homes shall be installed in accordance with Pacific County Ordinance No. 151, or any amendments thereto.

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2. All mobile/manufactured home installations, with the exception of those mobile/manufactured homes installed in an approved mobile/manufactured home park, shall comply with the following:

   a. All running gear including road lights, towing tongue, axle, wheels, etc. shall be removed from the unit and from exterior view.

   b. The mobile/manufactured home shall be no more than five years old as determined by the date of manufacture.

   c. The mobile/manufactured home shall be skirted with a concrete stem wall, a concrete/masonry block wall, a concrete/masonry board matching the appearance of concrete, or another type of material approved for installation by the manufacturer.

   d. Title elimination, whereby the mobile/manufactured home is transferred from personal property to real property, shall occur within one year of installation.

3. The lot size for a mobile/manufactured home shall conform to the lot size requirements contained in this Ordinance and Pacific County Ordinance No. 163, or any amendments thereto.

4. Pacific County may issue a waiver to Subsection 21.E.2.b if the applicant can demonstrate all of the following:

   a. The proposed mobile/manufactured home has been evaluated and approved by the Washington State Department of Labor & Industries (L&I) for compliance with minimum State and Federal HUD standards.

   b. The proposed mobile/manufactured home is compatible with surrounding land uses and housing types.

   c. The proposed mobile/manufactured home is replacing a similar and older mobile/manufactured home.

   d. The proposed mobile/manufactured home is in better physical and aesthetic condition than the unit being replaced as demonstrated by the applicant and validated by Pacific County.

   e. The site is located within one of the following Land Use District: Commercial Forest, Transitional Forest, Remote Rural, Rural Lands, Mixed Use, and Mixed Use – Tokeland.

   f. The existing on-site sewage system and source of potable water are compliant with minimum health codes or upon evaluation, can be modified or upgraded to meet minimum health codes. All minimum upgrades necessary for bringing the on-site sewage system and source of potable water into compliance with minimum health codes shall be done prior to the issuance of a permit for the mobile/manufactured home replacement.

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g. The applicant has submitted a plan for disposing of the existing mobile/manufactured home. The existing mobile/manufactured home shall be legally disposed of.

h. A Conditional Use Permit is secured from the Hearing Examiner pursuant to Subsection 24.F of this Ordinance prior to placement of the proposed mobile home.

F. ACCESSORY STRUCTURES/USES. A building, structure or use which is customarily accessory to and incidental to a lawfully permitted use, special use or conditional use, and is appropriate, incidental, and subordinate to any such building, structure, or use, shall be considered accessory when located on the same lot.

1. In the R-1, R-2, R-3 and R-R Land Use Districts, the principal structure or use shall be established on the property prior to the construction, placement, or approval of an accessory structure/use, unless Subsection 21.F.4 applies.

2. Accessory buildings or structures larger than one hundred twenty (120) square feet shall meet the minimum setbacks of the Land Use District within which the use is located and are subject to a Type I review process as delineated in Pacific County Ordinance 177, or any amendments thereto.

3. All accessory structures shall be separated from the primary building by at least five (5) feet. This standard may be reduced by the Administrator if the applicant can demonstrate that the proposed accessory building or structure is to be physically attached to the primary building or dwelling, alternative means of emergency access to the sides and rear of the property are readily available, and the proposed structure meets all other applicable requirements.

4. One accessory storage building less than one hundred twenty (120) square feet may be allowed without the primary building or structure being first established on the lot and without a building permit being issued, if all of the following standards are met:

a. The storage building is less than one hundred twenty (120) square feet in size and less than ten (10) feet in height;

b. The storage building is temporary in nature in that it contains a floor constructed of wood or any other similar material, is placed on a temporary type of foundation such as pier blocks or skids, and is readily movable;

c. The storage building shall be placed in the side or rear portions of the property and may be placed to within five (5) feet of the rear and side property lines; and

d. The storage building is not to be used as sleeping quarters, nor shall it contain any plumbing.

5. A maximum of three (3) accessory storage buildings less than one hundred twenty (120) square feet may be allowed without a building permit being issued when placed on a lot containing a primary building or structure, provided all of the following standards are met:

a. The storage building is less than one hundred twenty (120) square feet in size and less than ten (10) feet in height;

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b. The storage building is temporary in nature in that it contains a floor constructed of wood or any other similar material, is placed on a temporary type of foundation such as pier blocks or skids, and is readily movable;

c. The storage building shall be placed in the side or rear portions of the property, five (5) feet from any other structure, and may be placed to within five (5) feet of the rear and side property lines; and

d. The storage building is not to be used as sleeping quarters, nor shall it contain any plumbing.

6. An accessory building functioning as a well/pump house for a residential (domestic) well may be placed on a concrete foundation without a building permit provided that the structure is less than one hundred twenty (120) square feet in size, less than ten (10) feet in height, and meets all of the minimum setback requirements of the Land Use District within which the structure will be placed.

7. Accessory residential dwellings (living quarters) shall meet the minimum setbacks and height limitations as established in the Land Use District within which it will be placed, are subject to a Type I review process as delineated in Pacific County Ordinance 177, or any amendments thereto, and shall meet the following minimum requirements:

a. There shall be no more than one accessory residential dwelling per lot of record;

b. The accessory dwelling shall meet all current local and State health code standards for potable water and wastewater disposal;

c. Accessory dwellings shall be clearly a subordinate part of an existing residence;

d. The accessory dwelling is limited in size to no more than one thousand two hundred (1,200) square feet; and

e. The accessory dwelling, and the land which it is located on, cannot be sold separately from the primary residential dwelling.

G. EXCEPTIONS TO HEIGHT REGULATIONS. The height limitations delineated elsewhere in this Ordinance in Sections 6 through 20 do not apply to spires, belfries, cupolas, water tanks, ventilators, chimneys, amateur radio antennas or other appurtenances usually required to be placed above the roof level and not intended for human occupancy. Height restrictions for WCFs are subject to the requirements of Section 22.

H. PARKING AND LOADING STANDARDS

1. General Parking Requirements:

a. No building or structure shall be erected, substantially altered, or its use changed, unless permanently maintained off-street parking and loading spaces have been provided in accordance with the provisions of this Ordinance.

b. The provisions of this Subsection shall not apply to any existing building, structure or use in existence prior to the effective date of this Ordinance.

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c. Whenever a building or structure, existing prior to the effective date of this Ordinance, is enlarged to the extent of fifty percent (50%) or more in floor area, number of housing units, seating capacity, or otherwise, the entire building, structure, or use shall comply with the full parking requirements set forth herein.

d. Whenever a building or structure constructed after the effective date of this Ordinance is changed or enlarged in floor area, number of housing units, seating capacity, or the building or structure is otherwise enlarged thereby creating a need for an increase in the number of existing parking spaces, additional parking spaces shall be provided on the basis of the enlargement or change.

e. The minimum number of off-street parking spaces shall not be located more than five hundred (500) feet from the building they are required to serve. For multi-family residences, at least fifty percent (50%) of the minimum parking spaces shall be located within one hundred (100) feet of the building(s) they are required to serve.

f. Off-street parking and access for physically handicapped persons shall be provided in accordance with Chapter 19.27 RCW, State Building Code, and Chapter 70.92 RCW, Public Buildings-Provisions for Aged and Handicapped.

g. Required off-street parking areas containing three (3) or more spaces shall meet the following:

1. Individual spaces shall be marked;

2. The parking area shall be designed, maintained, and regulated so that no parking or maneuvering incidental to parking shall be on any public street, walk, or alley;

3. The parking area shall be designed so that any automobile may be parked and unparked without moving another.

h. Surfacing & Drainage. Off-street parking lots containing three (3) or more parking spaces shall be surfaced with asphalt, or other suitable surfacing material, and properly constructed to ensure that drainage is contained on-site and not discharged to any adjacent properties, County roadways, or public sidewalks. The Administrator may waive the paving requirement if the applicant demonstrates that paving the parking area will be detrimental to specific stormwater retention functions of the project site.

i. Lighting. All parking areas intended to be used during non-daylight hours shall be properly illuminated. Any lighting used for illuminating a parking lot shall be arranged as to direct the light away from adjoining properties and public roadways.

j. Access. All parking areas shall be designed in such a manner that any vehicle leaving or entering the parking area from or into a public or private street shall be traveling in a forward motion. Driveway accesses for parking or loading areas shall be located in such a way that any vehicle entering or leaving such lot shall be clearly visible to any pedestrian or motorist approaching the driveway from a public or private street, alleyway, or sidewalk.

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k. On-Street Parking Credit. On-street parking spaces may be substituted at a one to one basis for the minimum required off-street parking spaces, if the following conditions are met:

1. For those uses or structures containing street frontages on public right-of-ways measuring one hundred (100) feet or greater in width and having one (1) on-street parking space (nose in parking) per ten (10) feet of lineal street frontage, or for those uses or structures containing street frontages on public right-of-ways measuring less than one hundred (100) feet in width and having one (1) on-street parking space (parallel parking) per twenty four (24) feet of lineal street frontage; and,

2. If sidewalks are not currently present on the subject property, the project includes the construction of new sidewalks extending the full length of the subject property's street frontage where the parking credit is to be taken. All new sidewalk construction immediately adjacent to a Pacific County right-of-way shall be in accordance with the Pacific County Road Standards, or any amendments thereto. If the site is adjacent to a State Highway, then all sidewalk construction shall comply with minimum Washington State Department of Transportation standards.

l. Number of Employees. For the purpose of calculating the minimum number of required off-street parking spaces based on the number of employees or volunteers, the number of employees being referenced would be the total number of employees working at any given time during the busiest shift indicative of that type of business, and not the total number of individuals actually employed by the business. For example, if a business employed six (6) individuals per shift during their regular business hours but actually had a total of fifteen (15) employees, the minimum parking requirements would be based on the six (6) employees and not the total number of fifteen (15) employees.

2. Parking Space Dimensions:

a. Parking space dimensions. A parking space shall have minimum rectangular dimensions of not less than ten (10) feet in width and 20 feet in length; provided, however, that for any parking area of twelve (12) or more spaces, thirty-five percent (35%) of all parking spaces may have minimum rectangular dimensions of not less than eight (8) feet in width and fifteen (15) feet in length and labeled for compact parking. All dimensions shall be exclusive of driveways, aisles, and other circulation areas; and

b. Alternative parking designs may be permitted by the Administrator provided the minimum parking requirements contained in Subsection 21.H.3 are met.

3. Off-street Parking Space Requirements:

a. Residential (all) – Two (2) off-street parking spaces per dwelling unit;

b. Schools, day care centers – One (1) off-street parking space per two employees plus one (1) space per 15 children;

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c. Transient lodging, hotels, motels – one (1) off-street parking space per unit, plus two (2) additional spaces;

d. Church, theaters, community centers, lodges, libraries, private clubs – one (1) off-street parking space per ten (10) seats;

e. Art gallery, museum – one (1) off-street parking space per 800 square feet of gross floor area, plus two (2) additional spaces;

f. Industrial uses – one (1) off-street parking space per one thousand (1000) square feet of gross floor area, plus one (1) space per two employees;

g. Personal care facilities, nursing home, congregate care facility, convalescent home – one (1) off-street parking space per five (5) beds, plus one (1) space per two employees;

h. Police and Fire Station – one (1) off-street parking space per six hundred (600) square feet of gross floor area;

i. Personal and professional services and offices (banks, medical clinics, offices, etc) - one (1) off-street parking space per six hundred (600) square feet of gross floor area, plus one (1) space per two employees;

j. General retail uses - one (1) off-street parking space per six hundred (600) square feet of gross floor area, plus one (1) space per two employees;

k. Restaurants, drinking establishments, eating establishments – one (1) off-street parking space per five hundred (500) square feet of gross floor area, plus one (1) space per two employees.

4. Off-street Loading Requirements. Non-residential buildings used for retail, wholesale, manufacturing, recreational activities, schools and commercial storage buildings, excluding self-service storage facilities, shall provide off-street loading spaces in accordance with the standards listed below:

a. One loading space shall be required for each building containing four thousand (4,000) or more square feet of gross floor area; and

b. Each loading space must be a minimum of fourteen (14) feet wide, twenty-five (25) feet long, have an unobstructed vertical clearance of fifteen (15) feet, and be surfaced, improved, and maintained as required by this Subsection. Loading areas must be located so that trucks do not obstruct pedestrian or vehicle traffic movement or project into any public right-of-way.

I. RECREATIONAL VEHICLE USE, OCCUPANCY AND STORAGE. Recreational Vehicle (RV) use, occupancy and storage outside of approved RV Parks shall meet the following requirements:

1. Licensing/portability: All Recreational Vehicles shall maintain current license plates and registration, shall be readily transportable at all times, shall not be permanently affixed to the ground, and shall not be used as a permanent dwelling unit;

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2. One (1) Recreational Vehicle may be temporarily occupied or stored on a parcel at any given time. This standard may be waived for periods of time not exceeding seven (7) consecutive days, provided that the total number of Recreational Vehicles temporarily occupied on a parcel does not exceed more than one Recreational Vehicles per two thousand five hundred (2,500) square feet of lot area, up to a maximum of four (4) Recreational Vehicles per parcel, for those parcels that exceed 10,000 square feet.

3. All RV usage and parking shall occur outside of the County right-of-way;

4. All RV usage, including storage, shall adhere to the minimum setbacks for the District within which the RV is being temporarily occupied;

5. In the R-1, R-2, R-3 and R-R districts, no structures including decks, RV covers, lean-to's, garages, shops, carports, etc., shall be allowed in conjunction with the recreational vehicle usage; however, one storage building, not exceeding one hundred twenty (120) square feet in size, being temporary in nature and placed on a temporary or portable foundation, may be permitted;

6. Recreational vehicle occupancy shall meet all minimum Pacific County and State of Washington Health standards for sewage disposal, waste management and water availability. RV occupancy for periods exceeding seven (7) consecutive days or thirty (30) days in a calendar year requires connection to either a municipal sewer service or an approved and permitted on-site sewage disposal system. This requirement may be waived by the Administrator if proof of service such as a written contract or receipts of service by a licensed septic pumper, or receipts of disposal at an approved RV dump station, are provided upon request;

7. Long Term Recreational Vehicle Occupancy. A Recreational Vehicle may be temporarily occupied for a period not exceeding one year with specific approval granted by the Administrator, if the applicant can demonstrate the following:

   a. The property on which the RV is to be located has a current and active building permit, and measurable progress is being made on the project. At the conclusion of the sooner of: i) one year, at the end of which the RV shall be immediately unhooked from utilities and stored on the lot according to the storage standards contained in Subsection 21.I.6; or ii) removed from the site within 30 days after the building permit is voided, closed out, or finalized by the County Building Official; or

   b. The RV is to be used as a temporary dwelling in the case of caring for a sick family member. At the conclusion of one year, the need shall be re-evaluated by the Administrator, or his/her designees, and approval for another year of temporary usage may be granted. When this specific use is no longer needed, the RV shall either be removed from the site or disconnected from all utilities and stored on the site according to Subsection 21.I.6; and,

8. Use and storage of Recreational Vehicles differing in circumstances than those enumerated in subsection 1 through 7, may be considered by the County only upon the issuance of a Special Use Permit. The applicant shall demonstrate a specific need indicating why compliance with these Subsections is not attainable as well as meeting the Special Use Permit criteria established in Section 25.F.

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9. All Recreational Vehicle use, occupancy and storage within the approved plats of Surfside Estates shall conform to the minimum Recreational Vehicle standards contained in the Surfside Estates Restrictive Covenants dated November 16, 2002, and as contained in Appendix D.

J. TENT CAMPING. Tent camping is specifically prohibited on all vacant lots in the R-1, R-2, R-3, R-R, MU and C-C land use districts. Tent camping may be permitted in these land use districts when done in conjunction with an existing residential dwelling, temporary RV use, an approved recreational facility or an approved Recreational Vehicle park. Tent camping is permitted on vacant parcels in all other land use districts subject to meeting local health ordinances.

K. HOME OCCUPATIONS. Home Occupations are allowed as specified in each individual land use district. The following standards apply to all home occupations:

1. Permitted uses. The following types of Home Occupation uses are not intended to be an exhaustive list, but rather intended to be illustrative of the types of uses indicative of Home Occupations and include such things as artist, photographer, sculptor, ceramic and crafter studios, dressmakers and tailors, woodworking shops, consulting and counseling services, one or two stall barber or beauty salons, in home child care involving fewer than 5 children, classes of specialized instruction such as music lessons or tutoring, and the home based business offices involving minimal direct public contact at the residence;

2. Prohibited Uses. The following types of uses are not intended to be an exhaustive list, but rather intended to be illustrative of the types of uses not appropriate as Home Occupations because of their potential to generate excessive amounts of traffic, noise, dust, etc., and because of their incompatibility with adjoining residential uses. These include such uses as automobile, truck or heavy equipment repair or storage, auto body shops, building material storage, metal fabrication, welding shops, medical clinics, business activities involving retail sales, and animal kennels or veterinary clinics;

3. Exceptions to the list of permitted or prohibited uses may be made by the appropriate Review Authority, subject to the Home Occupation review process enumerated in the specific land use district applicable to the site and as listed in Pacific County Ordinance 177, or any amendments thereto, and based on any unique circumstances associated with the applicant's property, the proximity to adjoining residential dwellings, access to public services, and provided the applicant can demonstrate that any potential Home Occupation Use would not have a negative impact on neighboring properties;

4. The temporary parking and storage of trucks, automobiles, vans, log trucks, etc., used as the primary means of transportation for work off-site are allowed;

5. The home occupation must be clearly incidental and secondary to the use of the property for residential purposes;

6. The home occupation may be conducted in the principal residential dwelling unit or a permitted accessory structure(s);

7. The area devoted to the home occupation shall not exceed more than fifty percent (50%) of the gross floor area of the dwelling unit, or one thousand five hundred (1,500) square feet, whichever is less. Attached or detached structures may be used to house home occupations, but in no case shall the maximum size limitation of the primary dwelling be exceeded;

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8. The home occupation shall employ no more than the equivalent of one full time person other than the residents of the dwelling;

9. External alteration inconsistent with the residential character of the structure and accessory structures is prohibited;

10. No indication of the home occupation shall be evident from outside the boundaries of the property;

11. One sign measuring no more than four (4) square feet in size and constructed according to the signage standards contained in Subsection 21.R. is permitted on the premise;

12. More than one home occupation may be authorized on a single parcel provided that the total gross square footage and the number of employees are not exceeded;

13. Manufacturing shall be limited to the small-scale assembly of already manufactured parts but does not preclude production of small, individually handcrafted items, furniture, or other items as long as the use meets the other requirements of this Ordinance;

14. Retail sales are specifically prohibited, with the exception of the limited retail sales of products ancillary to the service being provided or produced on the subject premises (e.g., hair care products for a beauty salon);

15. Home occupations shall be limited in their hours of operation. No home occupation, except for licensed family day care providers, shall be conducted before 8:00 a.m. or after 8:00 p.m., Monday through Friday, and before 9:00 a.m. or after 6:00 p.m., Saturday and Sunday;

16. The use shall not generate significant traffic in excess of that normally generated by typical uses found within that particular Land Use District. All parking shall be fully contained on-site and shall include, in addition to the parking requirements for the residential use, at least two (2) additional off-street parking spaces (one (1) for the non-resident employee and one (1) for customer traffic);

17. The home occupation or activity shall not create any noticeable glare, noise, odor, vibration, dust or heat at or beyond the property lines;

18. Use of electrical or mechanical equipment creating visible or audible interference in radio or television receivers or fluctuations in line voltage at, or beyond the property line, is prohibited;

19. The use shall meet all applicable health, safety and building codes, including minimum State Business licensing requirements. The business owner shall provide proof that the Home Occupation use is registered with the State of Washington as a business and that a State Business License and a Unified Business identifier (UBI) number have been obtained. Where the home occupation is a home office for a larger business entity based elsewhere, then this Subsection would not apply; and

20. For any home occupation, the Administrator may impose such reasonable conditions as are found necessary to ensure that the use does not disrupt adjacent permitted uses.

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L. COTTAGE INDUSTRIES. Cottage Industries are larger-scale home occupations undertaken on private property in conjunction with an existing single family dwelling and are permitted as specified in each individual land use district, subject to the following standards:

1. Cottage industries shall employ no more than two (2) people outside the immediate family residing in the residential dwelling located on the same property as the proposed cottage industry;

2. Cottage industries may be conducted in a structure(s) other than the dwelling unit, and consist primarily of the limited manufacturing of products, services and/or goods for sale at another location, although the review authority may consider other types of uses or activities consistent with the intent of this Section;

3. The review authority reviewing the proposed cottage industry may place limitations on the maximum size of existing or new structures dedicated to the proposed use or activity;

4. All outdoor storage shall be screened by a combination of fencing and/or landscaping so that the material is not visible from any public road. A screening and landscaping plan shall be submitted with the application for the Cottage Industry and shall include installation and maintenance schedules;

5. The use shall not generate significant traffic in excess of that normally generated by typical uses found within that particular Land Use District. All parking shall be fully contained on-site and shall include, in addition to the parking requirements for the residential use, at least three (3) additional off-street parking spaces (two (2) for the non-resident employees and one (1) for customer traffic);

6. All buildings housing the proposed activity shall be setback at least one hundred fifty (150) feet from all residential dwellings on adjoining properties;

7. One sign measuring no more than four (4) square feet and constructed according to the signage standards contained in Subsection 21.R. is permitted on the premise;

8. On-site retail sales are prohibited unless the review authority determines that limited on-site retail sales would not be detrimental to neighboring properties;

9. Cottage industries shall be limited in their hours of operation and may only operate between 8:00 a.m. to 8:00 p.m., Monday through Friday, and 9:00 a.m. to 6:00 p.m., Saturday and Sunday;

10. The operation of the business must comply with all County and/or State noise, air quality, sewage, water, and solid waste management requirements;

11. The cottage industry or activity shall not create any noticeable glare, noise, odor, vibration, dust or heat at or beyond the property lines;

12. Use of electrical or mechanical equipment creating visible or audible interference in radios and televisions or fluctuations in line voltage at, or beyond the property line, is prohibited;

13. The use shall meet all applicable health, safety and building codes, including minimum State Business licensing requirements. The owner of record shall demonstrate that the

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Cottage Industry use is registered with the State of Washington as a business and a State Business License and a Unified Business identifier (UBI) number have been obtained; and

14. The review authority may impose other conditions, such as additional parking, improved access, landscaping or screening, to ensure the proposed facility is compatible with the surrounding area.

M. BED AND BREAKFAST FACILITIES. Bed & Breakfast Facilities are permitted as specified for each of the different Land Use Districts, subject to the following regulations:

1. Bed and breakfast facilities shall meet all applicable State and local health, safety and building codes, including minimum State Business licensing requirements.

2. The exterior of the building shall retain a residential appearance while the facility shall be operated in a way that will prevent unreasonable disturbance to area residents;

3. In addition to the minimum off-street parking requirements for the residential dwelling listed in Subsection 21.H., one additional off-street parking space shall be provided for each guest room;

4. One sign, bearing only the name of the facility and/or operator, measuring no more than four (4) square feet and constructed according to the signage standards contained in Section 21.R. is permitted on the premise;

5. The road access to the bed and breakfast facility shall be constructed to meet minimum Pacific County Road standards; and,

6. The Administrator may impose other conditions such as additional parking, improved access, landscaping or minimum screening to ensure the proposed facility is compatible with the surrounding area.

N. SHORT TERM VACATION RENTALS. Vacation Rentals are permitted as specified for each of the different Land Use Districts, subject to the following regulations:

1. License Requirement. In addition to the underlying Land Use District permitting and process requirements, an owner shall obtain a revocable vacation rental annual license from Pacific County whenever a dwelling unit is to be used for vacation rental purposes and shall comply with the following:

a. A vacation rental license shall be obtained from Pacific County prior to using the dwelling unit as a short-term vacation rental;

b. The vacation rental license shall be renewed annually;

c. The vacation rental license is non-transferable. If the property is sold, the new owner will need to re-apply for both the vacation rental license and the underlying vacation rental permit;

d. At the time of initial vacation rental license application, the owner of record shall demonstrate that the vacation rental is registered as a business with the State of Washington and that a State Business License and Unified Business Identifier (UBI) number have been issued for the vacation rental. The owner shall also certify that all applicable lodging taxes will be paid and shall provide

proof of general liability insurance for use of the residential structure as a vacation rental;

e. Satisfactory completion of a life/safety inspection performed by the Pacific County Building Division prior to the issuance of the initial license and/or permit;

f. Satisfactory completion of an Operations & Maintenance (O&M) inspection of any existing on-site sewage disposal system (septic) prior to the initial vacation rental license issuance and every three years thereafter, or more frequently as determined by the Pacific County Health Officer;

g. The Pacific County vacation rental license shall be prominently and permanently displayed inside the unit near the front entrance of the vacation rental and shall list the following:

1. The name, address and phone numbers of the property owner or the designated local contact;

2. The maximum occupancy for the vacation rental;

3. Identification and location of parking spaces available;

4. A statement regarding how the parking standards are to be met;

5. A statement that occupants are to respect adjoining property owners by adhering to quiet hours from 10 p.m. to 8 a.m., and refrain from trespassing, littering or parking on adjoining properties;

6. A statement regarding how garbage removal is to be conducted;

7. A statement identifying emergency procedures the occupants are to follow in case of an emergency;

8. A statement that occupants, owners and managers of this vacation rental are subject to civil penalties for violating this Ordinance; and

9. A statement that the license to operate this vacation rental may be revoked for violations of these rules.

h. If the terms of the vacation rental license are not met, the license may be revoked and the property owner may be subject to penalties per Pacific County Ordinance No. 165, or any amendments thereto.

2. Occupancy Limits. No more than two overnight occupants per bedroom, plus two additional overnight occupants, shall be accommodated at any one time, e.g., a one bedroom cabin would be allowed four overnight occupants while a two bedroom cabin would be allowed six total overnight occupants. The total number of occupants temporarily residing in a vacation rental shall not exceed 10 at any one time and includes all occupants over the age of two (2).

3. Appearance. The exterior of the building(s) shall retain a residential appearance with house numbers maintained on the front of the building and visible from the street or

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road. No junk or garbage shall be allowed to accumulate in any yards and all vehicles shall park in designated parking areas.

4. The vacation rental shall be operated in a way that will prevent disturbances to neighboring properties not typical of a residential neighborhood, including, but not limited to, loud music, loud noises, excessive traffic, loud and uncontrolled parties, junk/debris/garbage accumulation in the yards, trespassing, barking dogs, or excess vehicles, boats or recreational vehicles parked in the streets in front of the unit.

5. Garbage. Provisions shall be made for garbage removal during rental periods and said provisions shall be documented in the property management plan. Proof of said service shall be provided on request by Pacific County. Any complaints regarding littering or garbage shall be resolved immediately.

6. Pets. Pets shall be secured at all times while on the property. Nuisance barking by pets is prohibited.

7. Phone Service. The vacation rental shall have a "land line" with local phone service. The phone number servicing the vacation rental shall be included in the property management plan.

8. Parking. The vacation rental shall have one off-street parking space per each bedroom unit with a minimum of two off-street parking spaces required.

9. Signage. One sign either attached to the dwelling or placed in front of the dwelling and containing no more than four square feet, is permitted. No off-premise signage or advertising is permitted.

10. On properties containing both a residential dwelling and an accessory residential dwelling, only one residential structure may be rented out as a vacation rental, but not both.

11. Access. The road access to the vacation rental shall be constructed to meet minimum Pacific County Road Standards and shall be adequately maintained and remain clear of obstructions, including illegally parked cars, recreational vehicles, boats, trailers, junk, etc., to ensure the unimpeded passage of emergency vehicles and other vehicular traffic.

12. Property Management. A property management plan demonstrating how the vacation rental will be managed and how impacts to neighboring properties will be minimized shall be submitted for review and approval as part of the permitting & licensing process. The property management plan shall include local points of contact available to respond immediately to complaints, clean up garbage, manage unruly tenants, etc., shall be mailed to all adjoining property owners within 300' as a condition of license approval, and shall be posted in a visible location within the vacation rental.

13. The vacation rental shall meet all applicable State and local health, safety and building codes.

14. Complaints. All complaints shall proceed as follows:

    a. The complaining party shall first attempt to communicate with the local contact person designated on the permit and property management plan, describe the problem and leave a contact phone number for call back information;

b. The contact person shall respond promptly to the complaint, regardless of time of day, and make reasonable efforts to remedy any situation that is out of compliance with the Section; and

c. If the response is not satisfactory to the complaining party, then the complaining party may next provide a written complaint to the Pacific County Community Development Director, which complaint shall identify and be signed by the complaining party. The complaint shall include a description of the informal attempts to resolve the complaint. A copy of the written complaint shall be provided to the owner and contact person by the County. The Director of Community Development shall attempt to resolve the complaint. If so required, the owner or local contact person shall provide a written response to the complaint with the anticipated corrective action within 10 days. A copy of the complaint will be filed with the vacation rental license file.

15. Compliance and Revocation.

a. Owners of vacation rentals shall obey all applicable Laws and Ordinances of the County and shall be subject to permit revocation procedures and appeals processes outlined in this Section and in Pacific County Ordinance 177, or any amendments thereto;

b. If there have been three (3) or more violations of this Ordinance related to the same vacation rental within one (1) calendar year, or if there have been three (3) or more violations of other County Ordinances related to the same vacation rental within one (1) calendar year, the Administrator shall revoke the vacation rental license and underlying vacation rental permit, and the property owner shall be prohibited from obtaining a new vacation rental permit & license for at least one year from the revocation;

c. The property owner may appeal the revocation of the vacation rental license & permit pursuant to the appeals procedures outlined in Pacific County Ordinance 177, or any amendment thereto; and

d. Nothing in this subsection precludes Pacific County from proceeding with formal enforcement action against a property owner and/or occupants for violations of this Ordinance as authorized under Pacific County Ordinance 165, or any amendments thereto, or for violations to Board of Health Ordinance No. 2 (Solid Waste/Littering), or any amendments thereto, or Board of Health Ordinance No. 4 (Nuisance), or any amendments thereto.

16. The Administrator may impose other conditions, such as additional parking, improved access, fencing, landscaping, or minimum screening to ensure the proposed use is compatible with the surrounding residential character.

17. All existing and permitted vacation rentals shall meet the modified licensing/permitting standards contained in Section 21.N effective January 1, 2012.

O. MOBILE/MANUFACTURED HOME PARKS. Mobile/Manufactured Home Parks are permitted as specified for each of the different Land Use Districts, subject to the following regulations:

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1. Every park shall contain direct access to a public street or road having a right of way width of at least fifty (50) feet;

2. The maximum density of the park shall be limited to fourteen (14) homes per acre. The minimum home site (space) shall not be less than two thousand four hundred (2,400) square feet;

3. Mobile home parks less than ten (10) acres size shall develop at least ten percent (10%) of the total land area for recreation or open space purposes. Mobile home parks greater than ten (10) acres in size, shall be required to develop up to twenty percent (20%) of the total land area for recreation or open space purposes;

4. Two parking spaces shall be provided for each home site and shall not be part of the minimum pavement width for internal circulation;

5. The minimum width for internal access roads shall be twenty (20) feet. An additional six (6) feet shall be provided on each side of the internal roadway if parking is permitted. The internal access road shall be paved with asphalt or some similar material. The internal circulation shall be approved after review and recommendations from the County Engineer;

6. At least ten (10) feet of separation shall be maintained between mobile homes. All accessory structures shall maintain a five (5) foot separation from the mobile home unless it is permanently attached, and shall be setback at least five (5) feet from all lot lines of the specific space within which it is placed.

7. The mobile home park shall be adequately screened from the view of adjoining properties and the public roadway with either fencing or landscaping; and,

8. The review authority may impose other conditions, such as additional parking, improved access, landscaping or minimum screening to ensure the proposed use is compatible with the surrounding character.

P. RECREATIONAL VEHICLE PARKS. Recreational Vehicle Parks are permitted as specified for each of the different Land Use Districts, subject to the following regulations:

1. Every recreational vehicle park shall contain direct access to a public street or road having a right of way width of at least fifty (50) feet;

2. The recreational vehicle park shall be consistent with the minimum density and development standards contained in Pacific County Board of Health Ordinance Nos. 3E and 5, or any amendments thereto;

3. Recreational Vehicle parks less than ten (10) acres size shall develop at least ten percent (10%) of the total land area for recreation or open space purposes. Recreational Vehicle parks greater than ten (10) acres in size, shall be required to develop up to twenty percent (20%) of the total land area for recreation or open space purposes;

4. One parking space shall be provided for each RV site and shall not be part of the minimum pavement width for internal circulation;

5. The minimum width for internal access roads shall be twenty (20) feet. An additional six (6) feet of width shall be provided on each side of the internal roadway if roadside

parking is permitted. The internal access road shall be paved if it is determined to be necessary by the County Engineer;

6. The recreational vehicle park shall be adequately screened from the view of adjoining properties and the public roadway with a combination of fencing, landscaping or other devices;

7. All signage shall be consistent with Subsection 21.R., Signs;

8. The review authority may impose other conditions, such as additional parking, improved access, paving, landscaping or minimum screening to ensure the proposed use is compatible with the surrounding character.

Q. CLUSTER DEVELOPMENT. New short subdivisions or subdivisions may choose to utilize the clustering of proposed lots as a method of development, provided the proposed cluster development is consistent with the specific development standards listed for the specific land use district which the project is within, and further provided the following standards are met:

1. The overall gross density of the project does not exceed the minimum allowable density as established by the Pacific County Comprehensive Plan Map;

2. The proposed cluster development will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area;

3. It is demonstrated that the purpose of utilizing clustering is to protect or preserve large tracts of productive agricultural or forest lands, or to protect environmentally sensitive areas;

4. The land contains variations in sensitivity due to existing physical characteristics;

5. A deed restriction is filed with the Pacific County Auditor on the remaining large acreage parcel stating that the parcel is not eligible for any future divisions;

6. Minimum health standards for the use of on-site sewage disposal systems and the provision of potable water are met;

7. The proposed cluster development is consistent with the existing land use development and density patterns of the neighboring properties; and

R. SIGNAGE. The following general provisions are applicable to the use and installation of signage in all Land Use Districts unless otherwise noted.

1. No sign or any portion of a sign shall be located on or over public property, such as road right-of-ways, easements, transmission line corridors or utility easements. Any sign or portion of a sign proposed for placement on or over any public property identified above, may be considered by the County only upon the issuance of a Special Use Permit. The applicant shall demonstrate a specific need indicating why compliance with this Subsection is not attainable as well as meeting the Special Use Permit criteria established in Section 24.H.

2. Unless provided elsewhere in this Ordinance, all signs shall comply with standard building height restrictions and setbacks established for each Land Use District.

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3. Signs which are misleading or distracting due to size, location, movement, content, wording, coloring or manner of illumination shall not be permitted in any area.

4. Any sign projecting beyond six (6) inches from a perpendicular wall shall be at least eight (8) feet above the nearest adjoining grade to prevent hazards to pedestrian traffic.

5. Mobile/Manufactured Home Parks and Recreational Vehicle Parks located in the Commercial, Industrial, Resort and Mixed Use – Tokeland land use districts shall comply with the commercial sign standards contained in Subsection S.11. Mobile/Manufactured Home Parks and Recreational Vehicle Parks located in other land use districts may have one (1) identification sign per entrance with a maximum sign area of sixty four (64) square feet and a maximum sign height of sixteen (16) feet.

6. Multi-Family Dwellings, Offices, Clinics, Schools, Churches and Other Public and/or Semi-Public Buildings located in the Commercial, Industrial, Resort and Mixed Use – Tokeland land use districts shall comply with the commercial sign standards contained in Subsection S.11. Multi-Family Dwellings, Offices, Clinics, Schools, Churches and Other Public and/or Semi-Public Buildings located in other land use districts may have one wall sign per frontage with a maximum sign area of sixty-four (64) square feet, and one identification sign per entrance with a maximum sign area of thirty-two (32) square feet and a maximum sign height of sixteen (16) feet. In the case of multiple tenants, each tenant may have one wall sign with a maximum sign area of twenty-four (24) square feet.

7. Farms, ranches, commercial forests and golf courses may have up to two signs each with a maximum size of thirty-two (32) square feet and a maximum height of ten (10) feet.

8. Two off-premise signs with a maximum size of thirty-two (32) square feet each and a maximum height of 10 feet may be allowed for each commercial enterprise operating in Pacific County provided all other provisions of this section are adhered to and subject to a Type I review process as delineated in Pacific County Ordinance 177, or any amendments thereto. Off-premise advertising and signage is prohibited in the F-C, F-T, AG, AQ, CD, RR-1, R-R, R-1, R-2 and R-L land use districts.

9. The following types of signs are permitted in all Land Use Districts and are exempt from the general requirements of this section:

   a. Temporary Construction Signs no larger than thirty-two (32) square feet in size for a period not to exceed twelve (12) consecutive months, after which it must be removed.

   b. Real estate signs advertising the sale, lease or rental of the premises or part of the premise on which the signs are displayed, up to a total area of twelve (12) square feet. Such signs shall be removed within fourteen (14) days after the sale or lease.

   c. Subdivision signs less than thirty-two (32) square feet in size and less than eight (8) feet in total height.

   d. Addresses, family names, cottage names, or similar signs less than twelve (12) square feet in size and less than four (4) feet in total height.

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e. Signs not exceeding three (3) square feet in area, attached flat against the building, stationary and non-illuminated, announcing only the names and occupation of building tenant, including home occupations or cottage industries.

f. Public, governmental or official notices or signs, flags, emblems or insignia.

g. Political signs provided they are removed within thirty (30) days following the date of the election for which the sign is intended.

h. Directional signs and entrance/exit signs up to eight (8) square feet in size.

i. Names of buildings, monumental citations, commemorative tablets and the like when carved into stone, concrete or similar material or made of bronze, aluminum, or other permanent type construction and made an integral part of the structure provided the overall size of the sign does not exceed thirty-two (32) square feet in size.

j. Signs posted to warn against hunting, fishing, trespassing, dogs, hazards and similar special warning signs.

k. Temporary roadside stands or temporary uses such as fruit stands, seasonal markets, fireworks stands, etc., may have one sign, or a combination of multiple signs, with a maximum area of sixteen (16) square feet.

10. Any existing legal nonconforming sign shall be permitted to remain in its current location after the enactment of this Ordinance. Furthermore, routine maintenance and repair of such signage shall be permitted, while any modification to an existing legal nonconforming sign shall be conducted in accordance with the provisions of this section.

11. The following types of signs shall be permitted within the Commercial, Industrial, Resort and Mixed Use - Tokeland Land Use Districts subject to a Type I review process and shall be permitted within the Mixed Use Land Use District subject to a Type II review process, of which both processes are delineated in Pacific County Ordinance 177, or any amendments thereto as specified.

a. An individual commercial business may have up to three wall signs mounted or painted on the face of its building with a maximum sign area of two (2) square feet per lineal foot of street frontage, not to exceed 15% of the total area of the building face. For individual businesses with frontage on two or more streets, each frontage may be computed as a separate frontage subject to the standard enumerated above.

b. A commercial building housing multiple tenants may have, in addition to the sign area enumerated in Subsection 12.a., one wall sign mounted on the face of its building not exceeding twenty-four (24) square feet in size per business tenant.

c. A commercial or industrial business may have one freestanding sign containing at no more than one (1) square feet of total sign area per lineal foot of street frontage, or one freestanding sign containing no more than sixty-four (64) square feet of sign area. The maximum height of all freestanding signs shall not exceed thirty (30) feet in height as measured to the top of the sign from the

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adjoining grade. A freestanding monument sign shall be placed no closer than 10 (10) feet to the front property line and shall not exceed five (5) feet in height.

d. All commercial signs shall be illuminated in such a fashion to avoid impacting neighboring properties and vehicular or pedestrian traffic on adjoining public right-of-ways. All external sources of lighting shall be adequately screened so they are not ordinarily visible to vehicular or pedestrian traffic.

e. Temporary commercial signage. A commercial use may utilize the following types of temporary signage:

1. Sandwich Boards may be used provided such use is limited to normal business hours, such signage is non illuminated and does not exceed thirty-six (36) inches in height nor thirty (30) inches in width, and the placement of such signage does not pose a hazard to vehicular or pedestrian traffic;

2. Temporary wall signage may be used by commercial uses advertising short term sales, products, etc., provided such use of signage is limited in duration to no longer than thirty (30) days per sign, and such use does not constitute a nuisance;

3. Temporary event signage including, but not limited to, balloons, streamers, banners, lighting, etc., may be used provided such use does not exceed fourteen (14) days in any thirty (30) day period of time;

S. TEMPORARY EVENTS. Temporary events including, but not limited to, art, antiques, automobile and animal shows, carnivals, concerts, seafood events, food festivals, kite festivals, etc., are allowed in all land use districts provided the specific event does not last longer than seven (7) consecutive days and the event promoters comply with all other applicable regulations and permits as required by Pacific County or any other applicable jurisdiction, and the event has been an active and on-going event during the calendar year preceding the adoption date of this Ordinance. New temporary events, not in existence in the calendar year prior to the adoption date of this Ordinance, are required to be reviewed and permitted as a Special Use Permit through the Type II process enumerated in Pacific County Ordinance 177.

T. PRIVATE RESTRICTIVE COVENANTS. Development contemplated in areas or subdivisions with Restrictive Covenants, Homeowners Associations, or Property Owners Associations, shall reference any specific private covenants associated with such associations, to ensure their development plans are consistent with said covenants. Pacific County is not responsible for the enforcement of such private restrictive covenants.

U. RECYCLING FACILITIES. All proposed recycling facilities shall meet the minimum standards applicable to the specific use being proposed:

1. Recycling Drop-Boxes:

a. Recycling drop-boxes shall be located so not to interfere with pedestrian and/or vehicular traffic circulation on private or public parking lots. They shall not be located on public road right-of-ways.

b. Recycling drop-boxes shall not be allowed in a required off-street parking space.

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c. Recycling drop-boxes shall remain customarily incidental and subordinate to the principal commercial use or structure.

d. It will be the responsibility of the property owner, tenant, manager and/or agent to insure the surrounding area around the drop-boxes is kept neat, orderly and free of debris accumulation. Furthermore, it is the responsibility of the property owner, tenant, manager and/or agent to insure the recycling drop box is maintained in a good working condition.

2. Community Recycling Centers:

a. Community recycling centers shall be screened on all sides by a total view-obscuring fence of no less than six (6) feet in height, or contained in an enclosed building or structure.

b. Community recycling centers and associated grounds shall be designed and sufficiently surfaced to control all on-site generated water runoff.

c. All storage of recyclable material shall comply with the Pacific County Health Department requirements for solid waste storage.

d. Owner/operators of community recycling centers shall prevent or eliminate any nuisances created by dust, odors, blowing material, litter, ponding water, noise or other obtrusive activities incompatible with a commercial and/or industrial area.

e. Community recycling centers located in the non-industrial Land Use Districts shall not include the following uses or activities: automobile wrecking and scraping, junkyards, heavy metal salvage, storage of used tires, batteries and machinery, and landfilling.

f. The review authority may impose other conditions such as additional parking, improved access, landscaping, minimum screening, restricting hours of operation or requiring other site improvements necessary to ensure land-use compatibility, especially when adjacent to residential or agricultural properties.

3. Recycling Process Plants:

a. All storage of recyclable material shall comply with minimum State and local standards for solid waste storage.

b. Owner/operators of recycling process plants shall prevent or eliminate any nuisances created by dust, odors, blowing material, litter, ponding water, noise or other obtrusive activities incompatible with an industrial area.

c. Recycling process plants located in the non-industrial land use districts shall not include the following uses or activities: automobile wrecking and scraping, junkyards, heavy metal salvage, landfilling, or the storage or processing of used tires, batteries and used machinery.

d. Recycling process plants may also include composting facilities that process, either mechanically or by hand, organic materials, including manures, grass, wood chips, vegetation, etc., for composting and eventual redistribution.

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e. The review authority may impose other conditions such as additional parking, improved access, landscaping, minimum screening, restricting hours of operation or requiring other site improvements necessary to ensure land-use compatibility, especially when adjacent to residential properties.

V. FIREWORKS STANDS: Temporary fireworks stands in conjunction with a recognized U.S. holiday and eligible for a retail fireworks license from the State of Washington shall be allowed in all zoning districts except Commercial Forest (FC), Transitional Forest (FT) and Aquaculture (AQ – Both Sub-districts), without the issuance of a building or planning permit provided the following are met:

a. A retail firework sales permit is issued from Pacific County and all necessary inspections are obtained;

b. Compliance with setbacks and regulations contained within WAC 212-17; and

c. The stand shall not be setup more than 7 days prior to, and 7 days after, the recognized holiday.

W. CONCURRENCY

1. Purpose.

Adequate public facilities and services should be available in a timely fashion. A concurrency determination shall be required of all projects that are not exempt from threshold review pursuant to Chapter 43.21C RCW, Chapter 197-11 WAC, and Pacific County Ordinance No. 166, or any amendments thereto.

2. Development Standards.

a. Water.

1. Water must be available as required by Chapter 36.70A RCW and RCW 19.27.097.

2. There must be a water quantity sufficient to meet proposed demand.

3. Water availability must be sufficient to meet applicable fire suppression requirements, if any.

4. Where a water district is present, the water district must have the ability to serve the proposed use with existing facilities or with facilities planned by the district.

b. Waste Water. A proposed use that involves the discharge of waste water must comply with all applicable health regulations.

c. Fire Suppression/Emergency Services. Fire suppression and emergency service providers must be able to serve the proposed use in a manner consistent with adopted standards, including local fire codes.

d. Schools.

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1. For residential uses, the relevant public school district must be able to reasonably accommodate the school population anticipated from the new development with existing facilities, together with state or federal funds expected as a result of growth or changes within the district.

2. For commercial or industrial uses, the traffic or other impact to the relevant public school district must not interfere with reasonable school operations or safety.

e. Transportation.

1. Roads constructed for the proposed use must meet applicable County road standards.

2. The traffic accessing the proposed use must be able to move through affected corridors at a "C" level of service as determined consistent with the Institute of Traffic Engineers, Highways Standards Manual, 6th ed., as it may be amended from time to time. A corridor is defined as including the principal routes and affected intersections, together with associated routes and intersections that provide reasonable alternatives for the expected trips. For purposes of concurrency, an affected corridor is determined as any road link or intersection on which the proposed use may generate ten (10) new "peak time" trips or turning movements. The "peak time" shall include the highest trip commute hour and the next highest trip hour adjacent to the highest trip commute hour. Concurrency is based on average of all affected intersections or links, and a single failing intersection will not defeat concurrency for purposes of RCW 36.70A.070(6)(b) where intersections reasonably available to the proposed use still function at an acceptable level.

3. An applicant proposing a use which impacts a failing intersection may be permitted to pay a fair share of the cost to upgrade the facility to an acceptable level of service but such share shall not exceed the total project traffic expected to use the facility as proportion of total capacity. Transportation facilities must be either in place or planned and funded to be in place within six (6) years of any development, to assure that the County maintains concurrency between planned growth and needed facilities.

4. State route use and access on state routes must comply with Washington Department of Transportation regulations.

f. Solid Waste. A proposed use shall not adversely affect the ability of the local and/or regional solid waste authorities from accomplishing the goals and objectives of the adopted County solid waste plan.

X. URBAN GROWTH PROHIBITED

In the portions of the County that are not designated as an Urban Growth Area or Local Area of More Intense Rural Development under the Pacific County Comprehensive Plan, the Administrator

shall not approve any development/use that constitutes urban growth as defined in RCW 36.70A.030, unless appropriate conditions can be placed on the development/use to ensure that there will not be a need or demand for urban levels of public facilities and services.

Y. MINIMUM LOT SIZES

Parcels of land (lots) that were created legally, prior to the adoption of this Ordinance, are considered to be legal lots of record and are exempt from having to meet the minimum lot size requirements prescribed in Pacific County Ordinance 163, Land Division, or any amendments thereto. Lots created after the adoption of this ordinance shall be consistent with the densities prescribed in Pacific County Ordinance 163, Land Division, or any amendments thereto and Pacific County Board of Health Ordinance No. 3E, or any amendments thereto.

In general, the average density (i.e., number of lots that may be legally created) is dependent upon the Comprehensive Plan designation in which the property is located. For instance, land that is located within an area designated as General Rural, shall be allowed to legally be divided into new parcels, each of which is at least 5 acres in size, "on average". This means that a 15 acre parcel may be divided into a maximum of 3 new parcels, provided the minimum lot size for each newly created parcel, is consistent with Pacific County Board of Health Ordinance No. 3E, or any amendments thereto.

The following table is meant to serve as a reference guide as to the minimum size a newly created lot can be in a particular zoning district. The table does not guarantee density (i.e., number of lots that can be created), nor does it take the place of the requirements and regulations contained within Section 17.5, Table V, of Pacific County Board of Health Ordinance No. 3E, or any amendments thereto.

TABLE: 21.A

Zoning District:*	Residential: Private Well & Septic	Residential: Public Water & Septic	Public or Private Water & Community Sewage System	Non-Residential Use (per unit volume of sewage)	Public Water & Public Sewer
R-1 (Restricted Residential)	1 Acre	18,000 s.f.	12,500 s.f.	N/A	7,200 s.f.
R-2 (General Residential)	1 Acre	18,000 s.f.	12,500 s.f.	N/A	7,200 s.f.
R-3 (Resort)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	7,200 s.f.
R-R (Rural Residential)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	7,200 s.f.
R-L (Rural Lands)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A
RR-1 (Remote Rural)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A
F-T (Transitional Forest)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A

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F-C (Commercial Forest)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A
MU-T (Mixed Use Tokeland)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	N/A
MU (Mixed Use: Long Beach Peninsula & Chinook)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	7,200 s.f.
MU (Mixed Use: Bay Center, Naselle, Eklund Park, East Raymond, Menlo, Lebam & Frances)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A
AG (Agricultural)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	N/A
C-C (Community Commercial)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	7,200 s.f.
I (Industrial: Long Beach Peninsula, Chinook & Tokeland)	1 Acre	18,000 s.f.	12,500 s.f.	18,000 s.f.	7,200 s.f.
I (Industrial: Naselle, Baleville & Lebam)	2 Acres	20,000 s.f.	12,500 s.f.	20,000 s.f.	N/A
AQ (Aquaculture)	N/A	N/A	N/A	N/A	N/A
C (Conservation)	Minimum lot size not determined, land can only be divided through issuance of a land division variance.	Minimum lot size not determined, land can only be divided through issuance of a land division variance.	Minimum lot size not determined, land can only be divided through issuance of a land division variance.	Minimum lot size not determined, land can only be divided through issuance of a land division variance.	Minimum lot size not determined, land can only be divided through issuance of a land division variance.
*Maximum density is subject to Pacific County Ord. 163 or any amendments					

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SECTION 22 – WIRELESS COMMUNICATION FACILITIES (WCF)

A. INTENT

The intent of this Section is to provide for the regulation of the initial construction or expansion of wireless communication facilities (WCF). Pacific County desires to accommodate the increasing communication needs of Pacific County residents, businesses, and visitors, while protecting the public health, safety and general welfare as well as visual and aesthetic considerations. These regulations are established:

1. To direct the location of wireless communication facilities to areas which will allow for minimal impacts within the County;

2. To protect residential areas and land uses from potential adverse impacts of wireless communication facilities;

3. To accommodate the growing need for wireless communication facilities;

4. To promote and encourage shared use/co-location of wireless communication facilities as the preferred option;

5. To avoid or minimize potential damage to adjacent properties from tower failure through engineering and careful siting of wireless communication facilities;

6. To provide a process and uniform comprehensive standards for the development and regulation of personal wireless communication facilities';

7. To enhance the ability to provide communications services to the County's residents, businesses and visitor's; and

8. To protect the County's natural resources, and historical resources by minimizing adverse visual and aesthetic impacts of wireless communication facilities through careful design, siting, landscape screening and innovative aesthetic mitigation.

B. CONSISTENCY STATEMENT

These regulations pertaining to wireless communication facilities shall be construed to be consistent with any federal or state standards regulating wireless service facilities which preempt or take precedence over the regulations herein. In the event that either the federal or state government adopt regulations pertaining to wireless communication facilities more stringent than those described herein, the most stringent regulations shall govern.

C. APPLICABILITY

All wireless communication facilities located within Pacific County, whether upon private, public, or County owned lands, shall be subject to this Ordinance, unless exempted under Subsection 22.E.

D. REVIEW PROCEDURES DISTINGUISHED

1. An application for an existing tower or structure shall be reviewed by the Administrator using a Type I process under Pacific County Ordinance No. 177, or any amendments thereto.

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2. An application for a new or expanded WCF shall be reviewed by the Hearing Examiner using a Type III process under Pacific County Ordinance No. 177, or any amendments thereto.

E. EXCLUSIONS. The following uses and activities shall be exempt from the regulations contained in Section 22:

1. Emergency or routine repairs, reconstruction, or routine maintenance of previously approved facilities, or replacement of transmitters, antennas, or other components of previously approved facilities which do not create a significant change in visual impact or an increase in radio frequency emissions;

2. Ham radio, amateur sole source emitters, citizen band transmitters and accessory structures including antennas;

3. Two-way communication transmitters used on a temporary basis by "911" emergency services, including fire, police, and emergency aid or ambulance services;

4. Radio transceivers normally hand-held or installed in moving vehicles, such as automobiles, trucks, watercraft, or aircraft. This includes cellular phones;

5. Military and civilian radar, operating within the regulated frequency ranges, for the purpose of defense or aircraft safety;

6. Machines and equipment that are designed and marketed as consumer products such as TV satellite dishes, microwave ovens, and remote control toys; and

7. Two-way broadband antenna(s) smaller than one (1) meter in any dimension operating at less than seven (7) watts effective radiated power (ERP) for use by a dwelling unit occupant for personal use or home occupation.

F. GENERAL REQUIREMENTS.

1. No WCF shall be constructed or operated within Pacific County until all necessary approvals and permits have been secured.

2. An application for a WCF shall include both the licensed carrier and the landowner of the subject property.

3. A Development Permit Application approval shall be required for the construction and operation of all WCFs.

4. Subsection 22.D. of this Ordinance and Pacific County Ordinance No. 177, or any amendments thereto, shall govern the review process.

5. A new Development Permit Application approval shall be required for all modifications, not constituting maintenance, to an approved WCF permit.

6. If co-location or concealment technology is not feasible, the applicant shall demonstrate that such locations or concealment technology designs are unworkable for the carrier's coverage plan.

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7. All approvals for a WCF shall become null, void, and non-renewable if the facility is not constructed and placed into service within two (2) years of the date of final approval from Pacific County, or superseding administrative or court decision unless otherwise authorized via permit approval from the governing body.

8. The applicant, co-applicant, or tenant shall notify the Administrator of all changes in applicant and/or co-applicants or tenants of a previously permitted WCF permitted under this section within ninety (90) days of the change. Failure to provide appropriate notice shall constitute a violation of the original permit approval.

9. All WCFs must comply with all applicable Pacific County regulations and the permit conditions authorizing the WCF. Violators shall be subjected to the sanctions listed in Subsection 1.C. and Pacific County Ordinance No. 165, or any amendments thereto.

10. No on-premises storage of material or equipment shall be allowed other than that used in the operation and maintenance of the WCF site.

11. Speculation towers are not permitted.

12. The Administrator may require independent verification of the analysis provided by the applicant at the applicant's expense.

G. REGISTRATION OF WIRELESS COMMUNICATION CARRIERS AND PROVIDERS

Upon the request of the Administrator all wireless communication carriers and providers that offer or provide to the public any wireless communication services for a fee within Pacific County, shall register each WCF with the Pacific County Department of Community Development.

H. APPLICATION SUBMITTAL REQUIREMENTS.

1. For an application subject to a Type I Review process (co-location), the following information is required:

   a. An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna.

   b. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communication Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radio frequency performance standards.

   c. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

   d. Documents demonstrating that any necessary easements have been obtained.

   e. A Notarized Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.

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f. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Subsection I.1.c.

g. A map of the County showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the County, or extending within the County from a distant location, and any existing detached WCF of another provider within one (1) mile of the proposed site.

h. Documentation demonstrating that the FAA and Washington State Aeronautics Commission have reviewed and approved the proposal, or determined that such review and approval is not required. The administrator shall notify the Washington State Department of Transportation of all such documentation received.

2. For an application subject to a Type III Review process, the following information is required:

a. An accurate and to-scale site plan showing the location of the tower, guy anchors (if any), antennas, equipment cabinet and other uses accessory to the communication tower or antenna. The site plan shall include a description of the proposed tower including use of concealment technology if applicable;

b. A visual study containing, at a minimum, a graphic simulation showing the appearance of the proposed tower antennas, and ancillary facilities from at least five points within a five mile radius. Such points shall include views from public places including but not limited to parks, rights-of-way, and waterways and chosen by the Pacific County Department of Community Development at a pre-application conference under Section 3 of Pacific County Ordinance No. 177, or any amendments thereto, to ensure that various potential views are represented.

c. The distance from the nearest WCF and nearest potential co-location site.

d. A report/analysis from a Washington State licensed professional engineer documenting the following:

(1) The reason(s) why co-location is not feasible;

(2) How the application meets the requirements of Subsections I.2.e and I.2.f;

(3) The reason why the WCF must be constructed at the proposed height;

(4) Tower height and design, including technical, engineering, economic, and other pertinent factors governing selection of the proposed design such as, but not limited to, an explanation of the failure to employ concealment technology;

(5) Total anticipated capacity of the structure, including number and types of antennas which can be accommodated;

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(6) Evidence of structural integrity of the tower structure as required by the Building Official under Pacific County Ordinance No. 151, or any amendments thereto;

(7) Failure characteristics of the tower; and

(8) Ice hazards and mitigation measures which can be employed.

e. Documentation demonstrating compliance with non-ionizing electromagnetic radiation (NIER) emissions standards set forth by the Federal Communication Commission as outlined in A Local Government Official's Guide to Transmitting Antenna RF Emission Safety: Rules, Procedures, and Practical Guidance or a subsequent FCC publication delineating required radio frequency performance standards.

f. A signed agreement, stating that the applicant will allow co-location with other users, provided all safety, structural, and technological requirements are met. This agreement shall also state that all future owners or operators will allow co-location on the tower.

g. A statement documenting any binding commitment to lease or option to lease an antenna mount upon the proposed tower by a service provider.

h. A landscape plan drawn to scale showing the proposed and existing landscaping, including type, spacing, and size.

i. Plans showing the connection to utilities/right-of-way cuts required, ownership of utilities and easements required.

j. Documents demonstrating that any necessary easements have been obtained.

k. Plans showing how vehicle access will be provided.

l. Signature of the property owner(s) on the application form or a statement from the property owner(s) granting authorization to proceed with building permit and land use processes.

m. Documentation that the ancillary facilities will not produce sound levels in excess of those standards specified in Subsection I.1.c.

n. A map of the County showing the approximate geographic limits of the "cell" to be created by the facility. This map shall include the same information for all other facilities owned or operated by the applicant within the County, or extending within the County from a distant location, and any existing detached WCF of another provider within five (5) miles of the proposed site.

o. Documentation demonstrating that the FAA and Washington State Aeronautics Commission has reviewed and approved the proposal, or determined that such review and approval is not required. The administrator shall notify the Washington State Department of Transportation of such documentation received.

p. Full response to Section 22 approval criteria as applicable.

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I. APPROVAL CRITERIA. To be approved all applications for a wireless communication facility (WCF) shall demonstrate compliance with the following:

1. General and Operating Requirements.

a. The service provider of the WCF and its successors and assigns shall agree to:

(1) Respond in a timely, comprehensive manner to a request for information from a potential co-location applicant, in exchange for a reasonable fee not in excess of the actual cost of preparing a response;

(2) Negotiate in good faith for shared use of the WCF by third parties; and

(3) Allow shared use of the WCF if an applicant agrees in writing to pay reasonable charges for co-location.

b. Radio Frequency Standards. The applicant shall comply with all applicable FCC RF emissions standards (FCC Guidelines).

c. Noise. Noise levels shall not exceed five (5) dBA above ambient levels or fifty-five (55) dBA Sound Pressure Level (SPL), whichever is greater, on adjacent properties. Operation of a back-up generator in the event of power failure or the testing of a back-up generator between 8 am and 8 pm are exempt from this standard. No testing of back-up power generators shall occur between the hours of 8 pm and 8 am.

d. Environmental Resource Protection. All wireless communication facilities shall be sited so as to minimize the effect on environmental resources. To that end, the following measures shall be implemented for all WCFs:

(1) The facility shall comply with the Pacific County Critical Areas and Resources Lands Ordinance No. 147, or any amendments thereto;

(2) The facility shall comply with Flood Control Zone District No.1 Ordinances, when applicable; and

(3) Alteration or disturbance of native vegetation and topography shall be minimized.

e. A WCF shall make available un-utilized space for co-location of other telecommunication facilities; including space for these entitles providing similar competing services.

2. Siting Requirements.

a. A proposal for a new wireless communication service tower shall not be approved unless the Review Authority finds that the wireless communication equipment for the proposed tower cannot be accommodated on an existing or approved tower or structure due to one or more of the following four reasons:

(1) The wireless communications equipment would exceed the structural capacity of the existing or approved tower or structure, as documented by a Washington State licensed professional engineer, and the existing

or approved tower/structure cannot be reinforced, modified, or replaced to accommodate planned or equivalent equipment at a reasonable cost;

(2) The planned equipment would cause interference materially impacting the usability of other existing or planned equipment at the tower or structure as documented by a Washington State licensed professional engineer and the interference cannot be prevented at a reasonable cost;

(3) Existing or approved towers and structures within the applicant's search radius cannot accommodate the planned equipment at a height necessary to function reasonably as documented by a licensed professional engineer; and

(4) The radio frequency coverage objective cannot be adequately met.

Additionally, the Review Authority may choose to waive this co-location requirement if clear and convincing evidence is presented which shows that the amortized cost of constructing the proposed WCF (using a reasonable interest rate and a reasonably projected useful life of the proposed WCF) is at least ten percent less than the projected amortized cost (using a reasonable interest rate) of renting space on an existing WCF for the reasonably projected useful life of the proposed WCF.

b. All co-located and multiple-user WCFs shall be designed to promote facility and site sharing.

c. Existing sites for potential co-location may include but are not limited to buildings, water towers, existing WCFs, utility poles and towers, and related facilities provided that such installation preserves the character and integrity of those sites. In particular, applicants are urged to consider use of existing telephone and electrical utility structures as sites for their WCF.

d. No WCF operating at an effective radiated power (ERP) of more than seven (7) watts shall be located on any residential structure, including accessory buildings.

e. If co-location is not feasible, the preferred order for locating new WCFs shall be based on the following zoning districts (1 is most preferred, 9 is least preferred):

(1) Commercial Forest (FC);

(2) Remote Rural (RR-1);

(3) Transitional Forest Land (FT);

(4) Industrial (I);

(5) Rural Lands (R-L);

(6) Agricultural (AG);

(7) Rural Residential (R-R);

(8) Mixed Use and Mixed Use Tokeland (MU & MU-T);

(9) Community Commercial (C-C);

The Review Authority shall not allow a new WCF to be sited unless the applicant demonstrates with clear and convincing evidence that the applicant's objectives cannot be met by placing the project in an area with a higher preference [e.g., before a WCF can be placed in an Industrial area, the applicant must show that his/her objectives cannot be met by placing the project in an area designated as Commercial Forest (F-C), Remote Rural (RR-1), or Transitional Forest Land (F-T).

f. Visual Compatibility.

In addition to satisfying the preferred order for location under Subsection I.2.e the applicant also shall demonstrate that the proposed WCF will be visually compatible. To the extent practicable, the applicant shall use concealment technology and/or vegetative, topographically, or structurally screen the WCF to minimize visual impacts. Existing trees or significant vegetation should be retained to the greatest possible degree in order to help conceal a facility or tower. Vegetation of a similar species and a size acceptable to the approval authority shall be planted immediately following the loss of any vegetation used to conceal a facility or tower. Vegetation used to demonstrate visual compatibility shall be under the control of the applicant/co-applicant or tenant.

g. Any proposed commercial wireless telecommunication service tower shall be designed, structurally, electrically, and in all respects, to accommodate both the applicant's antennas and comparable antennas for at least two additional facilities if the tower is over one hundred (100) feet in height or for at least one additional facility if the tower is between sixty (60) and one hundred (100) feet in height. Towers must be designed to allow for future rearrangement of antennas upon the tower and to accept antennas mounted at varying heights.

h. Towers/monopoles shall not be sited in locations where there is no vegetative, structural, or topographic screening available.

i. The review authority may require independent verification of the analysis provided by the applicant at the applicant's expense.

j. Height. Wireless communications facilities shall comply with the following requirements:

(1) Ground mounted WCF's in the following areas shall not exceed the following height restrictions:

(a)	Commercial Forest (FC)	250 ft
(b)	Remote Rural (RR-1) and Transitional Forest (FT)	200 ft or 30 ft above average tree height within 300 ft of the perimeter of the WCF, whichever is greater
(c)	Industrial	180 ft

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(d)	Rural Lands (R-L)	150 ft
(e)	Agricultural (AG)	175 ft
(f)	Rural Residential (R-R)	150 ft
(g)	Mixed Use and Mixed Use-Tokeland	120 ft
(h)	Community Commercial (C-C)	120 ft

(2) WCF attached to existing structures or natural objects shall not exceed the height limitation for the area listed above.

k. WCF shall be prohibited in areas that are zoned Aquaculture and Conservation District. In addition, WCF are prohibited in the area subject to the Oysterville Design Review Board under Pacific County Ordinance No. 131, or any amendments thereto, unless a variance is granted.

l. Setback/Yard Requirements.

Setback requirements shall be measured from the outside edge of a WCF/accessory structure(s).

(1) No existing dwelling on the subject property shall be closer to a ground mounted facility than a distance equal to the greater of the total height of the WCF measured from finished grade or the yard setback requirement of the underlying Land Use District (if applicable).

(2) All ground mounted towers and their accessory structure(s) shall be setback at least 25 feet from any property line.

(3) The Review Authority may increase or decrease the setback requirements in this subsection if clear and convincing evidence is presented which shows that placing the proposed WCF/accessory structure(s) in another location on the property would make the proposal more visually compatible.

(4) The WCF applicant shall obtain a “clear zone easement” from the owner of the subject property and any adjacent property owner whose property is located within a distance equal to the height of the proposed WCF. The “clear zone easement” shall prevent the future construction of any residential structures within a distance equal to the height of the proposed WCF. Clear zone easements shall be recorded at the Pacific County Auditor’s Office and a copy of any required clear zone easement shall be submitted to the Department of Community Development prior to the issuance of a building permit.

The Review Authority may waive the setback requirements in this subsection if clear and convincing evidence is presented which shows that placing the proposed WCF/accessory structure(s) within a setback

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area would make the proposal more visually compatible; however, the requirement for a "clear zone easement" shall not be waived.

m. Storage.

(1) Wireless communications storage facilities (i.e., vaults, equipment rooms, utilities, and equipment cabinets or enclosures) shall be constructed of non-reflective materials (exterior surfaces only). The placement of equipment in underground vaults is encouraged.

(2) Wireless communications storage facilities shall be no taller than one story (fifteen feet) in height and shall be treated to look like a building or facility typically found in the areas.

n. Color and materials. All buildings, poles, towers, antenna supports, antennas, and other components of each wireless communications site shall initially be colored with "flat" muted tones. The color selected shall be one that in the opinion of the approval authority minimizes visibility of the WCF to the greatest extent feasible.

o. Fences.

(1) A sight-obscuring fence shall be installed and maintained around the perimeter of the lease area of a ground mounted facility not employing concealment technology. The sight–obscuring fence shall surround the tower and the equipment shelter.

(2) A ground mounted facility located in a public right-of-way must be exempted from fencing requirements.

(3) Chain link fences shall be painted or coated with a non-reflective color.

p. Security. In the event a fence is required, WCFs shall insure that sufficient anti-climbing measures have been incorporated into the facility, as needed, to reduce potential for trespass and injury.

q. Lighting.

(1) A new WCF shall only be illuminated as necessary to comply with FAA or other applicable state and federal requirements.

(2) No other exterior lighting shall be permitted on premises.

(3) Exterior lighting shall be reflected away from buildings.

r. Signs. The use of any portion of a tower for signs other than warning or equipment information signs is prohibited.

s. Access driveways and parking. All access drives and parking areas shall be no longer or wider than necessary and shall be improved to comply with the requirements of the Pacific County Road Standards (see Pacific County Board of Commissioners Resolution No. 99-089).

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(1) Existing driveways shall be used for access whenever possible.

(2) New parking areas whenever feasible shall be shared with subsequent WCFs and/or other permitted uses.

t. Landscape and Screening. All WCFs shall be improved in such a manner so as to maintain and enhance existing native vegetation and suitable landscaping installed to screen the base of the tower and all accessory equipment, where necessary. To this end, all of the following measures shall be implemented for all ground mounted WCFs including accessory structures.

(1) A landscape plan shall be submitted indicating all existing vegetation, landscaping that is to be retained within the leased area on the site, and any additional vegetation that is needed to satisfactorily screen the facility from adjacent land and public view areas. Planted vegetation shall be of the evergreen variety and placed outside of the fence. All trees, larger than four inches (4") in diameter and four and a half feet high (4 ½') shall be identified in the landscape plan by species type, and whether it is to be retained or removed with project development;

(2) Existing trees and other screening vegetation in the vicinity of the facility and along the access drive and any power/telecommunication line routes involved shall be protected from damage, during the construction period.

(3) For applications within Commercial Forest (FC) or Transitional Forest (FT), the Administrator may waive landscaping and screening requirements if he or she finds that the waiver of these requirements will not engender any significant visual or aesthetic impacts.

J. MAINTENANCE

1. The applicant/co-applicant or tenant shall maintain the WCF. Such maintenance shall include, but shall not be limited to painting, maintaining structural integrity, and landscaping.

2. In the event the applicant/co-applicant or tenant/carrier fails to maintain the facility in accordance with permit conditions regarding visual impacts or public safety, Pacific County may undertake the maintenance at the expense of the applicant or co-applicant landowner.

K. ABANDONMENT

1. At such time that a carrier plans to abandon or discontinue, or is required to discontinue, the operation of a WCF, such carrier will notify the Pacific County Department of Community Development in writing of the proposed date of abandonment or discontinuation of operations. Such notice shall be given no less than thirty (30) days prior to abandonment or discontinuation of operations.

2. In the event that a carrier fails to give such notice, the WCF shall be considered abandoned if the antenna or tower is not operated for a continuous period of twelve (12) months, unless the owner of said tower provides proof of continued maintenance on a quarterly basis.

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3. Upon abandonment or discontinuation of use, the person who constructed the facility, the person who operated the facility, carrier, or the property owner shall physically remove the WCF within ninety (90) days from the date of abandonment or discontinuation of use. "Physically remove" shall include, but not be limited to:

   a. Removal of the antenna(s), mounts, equipment cabinets, security barriers, and foundations down to three (3) feet below ground surface;

   b. Transportation of the antenna(s), mount, equipment cabinets, and security barriers to an appropriate disposal site; and

   c. Restoring the site of the WCF to its pre-construction condition, except any remaining landscaping and grading.

   The owner of the facility shall pay all site reclamation costs deemed necessary and reasonable to return the site to its pre-construction condition.

4. If a party fails to remove a WCF in accordance with Subsection 22.K, Pacific County shall have the authority to enter the subject property and physically remove the facility. Costs for the removal of the WCF shall be charged to the landowner of record in the event Pacific County must remove the facility.

5. If there are two or more carriers/operators of a single tower, then provisions of Subsection 22.K shall not become effective until all carriers/operators cease using the tower.

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SECTION 23 – ELECTRIC VEHICLE INFRASTRUCTURE

A. INTENT

The purpose of this section is to facilitate adequate and convenient electric vehicle infrastructure to serve the needs of the traveling public, provide opportunities for Pacific County residents to have safe and efficient personal electric charging stations located at their place of residence, and to provide the opportunity for commercial and industrial developments to supply electrical vehicle charging station services to their customers and employees.

B. WHERE AUTHORIZED

1. Level 1, 2 and 3 charging stations shall be permitted uses in the Mixed Use, Tokeland Mixed-Use, Resort, Commercial and Industrial districts, and accessory uses in all other districts.

2. Battery exchange stations shall be permitted uses in the Mixed Use, Resort, Commercial and Industrial districts only.

C. REVIEW PROCESS

1. Charging stations. In general, charging stations do not require permits from Pacific County unless their installation involves new construction, additions and/or structural alterations to existing buildings, or if their installation is governed by other requirements of county code. Electrical installations are under the administration of the Washington State Department of Labor and Industries and no aspect of the electrical infrastructure is administered by Pacific County.

2. Battery exchange stations. Installation of a battery exchange station shall be processed in accordance with Pacific County Ordinance No. 177 for full administrative review of applications. Applications shall be reviewed concurrently with other required permit applications.

D. DESIGN CRITERIA

1. Design criteria for electric vehicle charging stations or battery exchange stations within the Mixed Use, Tokeland Mixed-Use, Resort, Commercial and Industrial districts:

   a. Electric vehicle charging stations shall be reserved for parking and charging electric vehicles only.

   b. Each charging station space should be posted with signage indicating the space is only for electric vehicle charging purposes. Signage should include identifying voltage and amperage levels, time of use, fees or safety information.

   c. Installation of wayfinding signs should be conveniently located to effectively guide motorists to the charging station space(s).

   d. Where charging station equipment is provided adjacent to a pedestrian circulation area, such as a sidewalk or accessible route to the building entrance, charging equipment should be located so as to not interfere with accessibility requirements of WAC 51-50-005, or as amended.

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e. Design should be appropriate to the location and use. Facilities should be able to be readily identified by electric car users but blended into the surrounding landscape/architecture for compatibility with the character and use of the site.

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SECTION 24 – LICENSED MARIJUANA PRODUCTION, PROCESSING, AND RETAIL BUSINESSES

.A. INTENT

The purpose of this Section is to establish land use controls on siting and operating of any structure, activity, or use relating to Marijuana production, processing, and retailing associated with recreational Marijuana licensed in accordance with Chapter 314-55 WAC and not otherwise prohibited by RCW 69.50. The production, processing, and sale of Marijuana are highly regulated endeavors under Chapter 314-55 VAC. Therefore, the unique regulatory environment associated with the production, processing, and sale of Marijuana requires an additional level of scrutiny. Pacific County wishes to adequately separate such uses that may be incompatible with adjacent land uses by establishing criteria to address public health and safety impacts from such uses. This Section is in no way intended to allow activities or uses that are not specifically permitted or licensed by the Washington State Liquor and Cannabis Board. This Section does not affect the acquisition, possession, manufacture, or use of medical cannabis under Chapter 69.15A RCW.

B. MARIJUANA PRODUCTION FACILITY

A Marijuana Production Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Lands (R-L), Mixed Use (M-U), and Tokeland Mixed Use (TMU) zoning districts. Marijuana Production Facilities shall be prohibited in all other zoning districts.

In addition to the Conditional Use criterial outlined in Subsection 27.F, proposed Marijuana Production Facilities shall also comply with following requirement:

The proposed facility shall be located at least two hundred (200) feet from the boundary lines of any lot that contains a dwelling.

C. MARIJUANA PROCESSING FACILITY

A Marijuana Processing Facility shall be allowed as a Conditional Use in the following: Industrial (I), Agricultural (A), Rural Lands (R-L), Mixed Use (M-U), and Tokeland Mixed Use (TMU) zoning districts, but prohibited in all other zoning districts.

In addition to the Conditional Use criteria outlined in Subsection 27.F, proposed Marijuana Processing Facilities shall also comply with the following requirement:

The proposed facility shall be located at least two hundred (200) feet from the boundary lines of any lot that contains a dwelling.

D. Marijuana Retail Facility

A Marijuana Retail Facility shall be allowed as a Conditional Use in the following zones: Mixed Use (M-U), Community Commercial (C-C), and Mixed Use (MU)-Tokeland but prohibited in all other zoning districts.

In addition to Conditional Use criteria outlined in Subsection 27.F, proposed Marijuana Retail Facilities shall also comply with all of the following requirements:

Retail hours of operation shall be limited to any time between 8:00 a.m. to 8:00 p.m.

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Businesses must front state highways or a major collector as defined in the current Pacific County Department of Public Works Road Standards.
Parking areas must be well lit with no benches, tables, or chairs.
The Hearings Examiner shall adopt other parking requirements on a case-by-case basis to limit the impact on surrounding landowners.

E. ADDITIONAL REQUIREMENTS.

In addition to the Conditional Use criteria outlined in Section 27.F, proposed recreational marijuana businesses shall also comply with all of the following requirements:

1. Marijuana Production, Processing, and Retail Facilities shall be licensed by the Washington State Liquor and Cannabis Board and shall comply with all regulations promulgated by the Liquor and Cannabis Board. If a licensee does not comply with the regulations promulgated by the Liquor and Cannabis Board, the licensee is subject to sanctions listed in Subsection 1.K and Subsection 27.M of Ordinance 178.

2. Marijuana Production, Processing, and Retail Facilities shall not be permitted within one thousand (1,000) feet of the perimeter grounds of the following entities:

    a. Elementary or secondary schools;
    b. Playground;
    c. Recreation center or facility;
    d. Child-care center;
    e. Public Park;
    f. Public transit center;
    g. Library;
    h. Game arcade (where admission is not restricted to persons age 21 or older);
    i. Churches with licensed day care centers;
    j. Any parcel containing a licensed marijuana retail outlet.

    Pacific County shall rely upon definitions set forth in Chapter 314-55 of the Washington Administrative Code when identifying the entities above.

3. Measures shall be implemented to prevent adverse health and safety effects to persons lawfully present on nearby properties that might be impacted by odors, noise, noxious gases, light, smoke, and security.

4. Production and Processing facilities shall not create odors that travel beyond the walls of the facility.

5. All lights used for security and production shall be shielded or positioned to prevent glare impacts to nearby properties.

7. Security measures set forth in Chapter 314-55-083 of the Washington Administrative Code are met.

F. NO COUNTY LIABILITY - INDEMNIFICATION

1. By accepting a permit issued pursuant to this Section, the licensee waives and releases the County, its officers, elected officials, employees, volunteers, and agents from any liability of any kind that result from any arrest or prosecution of business owners, operators,

employees, clients or customers for a violation of federal, state or local laws and regulations.

2. By accepting an issued permit pursuant to this Section, the licensees agree to indemnify, defend, and hold harmless the County, its officers, elected officials, employees, volunteers, and agents, insurers and self-insurance pool against all liability, claims and demands on account of any injury, loss or damage, including without limitation, claims arising from bodily injury, loss or damage, disease, death, property loss or damage, or any other loss of any kind whatsoever arising out of or in a manner that is subject of the license.

3. Insurance requirements set forth in Chapter 314-55-083 of the Washington Administrative Code shall be met. The licensee must have a separate policy that covers the County to the same extent as the policy that covers the State of Washington. This liability insurance shall be primary to any insurance that the County may possess and this liability insurance policy shall state this requirement.

4. Licenses shall be reviewed annually. If an insurance or license deficiency exists, the County may rescind the permit under Subsection 27.M through a Type I process under Ordinance 177.

G. LIMITATIONS

1. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, an allowance for more activity pertaining to the production, processing, and selling of marijuana than is permitted by State law and the rules and regulations of the Washington State Liquor and Cannabis Board.

2. Nothing in this Ordinance subsection is intended to be, nor should be considered to be, a limitation on the County from protesting the granting of a permit or renewal of a permit by the Liquor and Cannabis Board.

3. Nothing in this Ordinance shall be construed to supersede Washington State Law prohibiting the acquisition, possession, manufacture, sale or use of medical cannabis or recreational marijuana in any manner not authorized by Chapter 69.15A RCW or Chapter 69.50 RCW. Nothing in this ordinance shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or that creates a nuisance.

SECTION 25 – *intentionally left blank/reserved for future use*

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SECTION 26 -- NONCONFORMING USES AND STRUCTURES

A. INTENT

Within the districts delineated in this Ordinance, there exist uses, characteristics of uses, structures and lots which were lawful before this Ordinance was passed or amended, but which are prohibited, regulated, or restricted under the terms of this Ordinance or future amendment to this Ordinance. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed or abandoned. It is further the intent of this Ordinance that nonconformities shall not be enlarged upon, expanded or extended, nor be used as grounds for adding other structures or uses, unless the applicant's proposal conforms to the requirements of this Ordinance.

B. VESTING OF DEVELOPMENT RIGHTS PRIOR TO EFFECTIVE DATE OF ADOPTION

An application for development that meets the definition of technical completeness prior to the effective date of this Ordinance and according to Pacific County Ordinance 177, or any amendment thereto, is considered vested, and nothing in this Ordinance shall require a change in said plans, construction or designated use of any property, building or structure.

C. EFFECT OF REMOVAL OR DESTRUCTION OF NONCONFORMING BUILDINGS OR STRUCTURES

Subject to subsection 24.D, if any nonconforming building or structure is destroyed, or removed, every future use of land on which the building was located shall conform to the provision of this Ordinance.

D. RECONSTRUCTION OF BUILDINGS OR STRUCTURES PARTIALLY DESTROYED OR DAMAGED

1. All structures, except mobile/manufactured homes that cannot be brought up to current requirements, that are destroyed by fire, explosion, other casualty, or act of God, may be reconstructed as they existed prior to its destruction provided that a building permit authorizing the reconstruction is secured within one (1) year after destruction, and all other permit timeframes for completion are adhered to.

E. NONCONFORMING STRUCTURES

1. Unless otherwise specifically provided in this Ordinance, nonconforming buildings or structures may not be enlarged or structurally altered, unless an enlargement or structural alteration makes the building more conforming, or is required by law.

2. Where a building or structure is nonconforming only by reason of substandard building setbacks or height restrictions, structural alterations or enlargement of an existing building or structure may be permitted by the Administrator or his/her designee, provided the alteration or enlargement does not increase the degree of nonconformity while any enlargement shall observe the minimum building setbacks from the adjoining property line as established for the underlying land use district.

3. Structural alterations or enlargements may be permitted if necessary to adapt a nonconforming building or structure to new technologies or equipment pertaining to uses housed in such buildings or structures, and provided the minimum standards contained in Subsection 24.E.2 are met.

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4. Upkeep, repair, and maintenance of nonconforming buildings and structures is permitted.

5. A nonconforming building or structure or part thereof or any nonconforming tract of land which has not been occupied for a period of exceeding twelve (12) consecutive months, shall not be reoccupied except by a conforming use.

6. Alterations or modifications to a nonconforming structure or use different than enumerated in the subsection above may be considered by Pacific County through a Conditional Use Permit or Variance process as delineated in Section 25.

F. NONCONFORMING LOTS. Any preexisting legal nonconforming lot that is located in a Land Use District shall be permitted to develop in a manner consistent with the provisions of the Land Use District in which the lot is located (even though the lot does meet the minimum lot size requirement of the Land Use District), provided that the terms of any minimum yard setback requirements are met and that any other land use and health regulations are satisfied.

G. NONCONFORMING USES AND ACTIVITIES. Any nonconforming use or activity that exists on the effective date of this Ordinance shall be "grandfathered." Any such "grandfathered" use or activity which is abandoned or unused for twelve (12) consecutive months loses its "grandfathered" status, and thereafter the use or activity must conform to the requirements of this Ordinance.

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SECTION 27 – ADMINISTRATIVE DECISIONS

A. HEARINGS EXAMINER. An individual appointed by the Board of County Commissioners to hear and decide applications for special use and conditional use permits. The Hearings Examiner also has the authority to adopt procedural rules governing such actions. The decision of the Hearings Examiner is subject to a Type II (special use) or Type III (conditional use) review process under Pacific County Ordinance No. 177, or any amendments thereto.

B. VARIANCES – PRECONDITION. Before a person may apply for a variance permit, the Administrator must find that the applicant is not able to mitigate adverse impacts associated with the applicant's proposal so that a variance is not needed. The decision of the Administrator is subject to a Type I review process under Pacific County Ordinance No. 177, or any amendments thereto.

C CRITERIA FOR GRANTING A VARIANCE PERMIT. When a determination is made under Subsection 25.C that an applicant cannot eliminate the need for a variance, the applicant may seek a variance permit.

The Hearing Examiner shall deny a variance request, unless the applicant demonstrates with clear and convincing evidence that the requested variance conforms to all of the criteria set forth below:

1. That special conditions and circumstances exist;

2. That literal interpretation of the provisions of this Ordinance would deprive the person seeking the variance of rights commonly enjoyed by other properties conforming to the terms of this Ordinance;

3. That the special conditions and circumstances do not result from the actions of the person seeking the variance;

4. That the granting of the variance requested will not confer on the person seeking the variance any special privilege that is denied by this Ordinance to other lands, structures, or buildings under similar circumstances;

5. That the variance requested is the minimum necessary to afford relief; and

6. That to afford relief the requested variance will not be materially detrimental to the public welfare or contrary to the public interest.

In granting any variance, the Hearing Examiner shall prescribe such conditions and safeguards as are necessary to protect the public interest.

D. CONDITIONAL USES – PRECONDITION. Before a person can apply for a conditional use permit, the Administrator must find that the applicant's proposed use/activity is categorized as a conditional use under this Ordinance. The decision of the Administrator regarding the applicability of a conditional use process is subject to Type I review process under Pacific County Ordinance No. 177, or any amendments thereto.

E. CRITERIA FOR GRANTING A CONDITIONAL USE PERMIT. A conditional use permit shall be denied by the Hearing Examiner unless the applicant demonstrates with clear and convincing evidence that the proposed conditional use conforms to all of the criteria set forth below:

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1. A conditional use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;

2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the conditional use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the conditional use;

3. The conditional use is designed in a manner that is compatible with the physical characteristics of the subject property;

4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

5. The conditional use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;

6. The conditional use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities, and

7. The conditional use is not in conflict with the health and safety of the community, nor detrimental to the public interest.

F. SPECIAL USES – PRECONDITION. Before a person can apply for a special use permit, the Administrator must find that the applicant's proposed use/activity is categorized as a special use under this Ordinance. The decision of the Administrator regarding the applicability of a special use process is subject to Type I review process under Pacific County Ordinance No. 177, or any amendments thereto.

G. CRITERIA FOR GRANTING A SPECIAL USE PERMIT. A special use permit shall be denied by the Hearings Examiner unless the applicant demonstrates with clear and convincing evidence that the proposed special use conforms to all of the criteria set forth below:

1. A special use is designed in a manner which is compatible with the character and appearance of an existing, or proposed development in the vicinity of the subject property;

2. The location, size and height of buildings, structures, walls and fences, and screening vegetation for the special use shall not hinder or discourage the permitted development or use of properties in the immediate vicinity of the special use;

3. The special use is designed in a manner that is compatible with the physical characteristics of the subject property;

4. Requested modifications to standards are limited to those which will mitigate impacts in a manner equal to or greater than the standards of this title;

5. The special use is such that pedestrian and vehicular traffic associated with the use will not be hazardous or conflict with existing and anticipated traffic in the adjacent area;

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6. The special use will be supported by adequate public facilities or services and will not adversely affect public services to the surrounding area or conditions can be established to mitigate adverse impacts on such facilities, and

7. The special use is not in conflict with the health and safety of the community, nor detrimental to the public interest.

H. PROCEDURES FOR PROCESSING APPLICATIONS. Applications for a variance, conditional or special use permits shall be processed according to the requirements of Ordinance No. 177, or any amendments thereto.

I. APPEALS FROM ADMINISTRATIVE DECISIONS – TIME LIMIT. Any person aggrieved by a decision of the Approval Authority may appeal that decision as provided in Pacific County Ordinance No. 177, or any amendments thereto. However, any appeal of the issuance of a notice of infraction is subject to the appeals process listed in Pacific County Ordinance No. 165, or any amendments thereto.

J. EFFECTIVE DATE OF DECISION. No building or other permit shall be issued in any case where a variance, conditional, or special use permit is required until the appeal period specified in Ordinance No. 177, or any amendments thereto, has elapsed.

An appeal to Superior Court of any administrative decision shall automatically stay the issuance of a building or other permit until the Superior Court addresses the appeal.

K. MAINTENANCE OF RECORDS. When a variance, conditional, or special use permit is approved, the Administrator shall make an appropriate record and shall inform the administrative department having jurisdiction over the matter involved of the adjusted status of the property.

L. VARIANCE, SPECIAL USE, CONDITIONAL USE PERMITS MAY BE REVOKED OR MODIFIED. The Review Authority may revoke or modify any variance, special use permit, or conditional use permit. Such revocation or modification shall be based on any one or more of the following grounds:

1. That the approval was obtained by fraud;

2. That the use for which such approval was granted has been abandoned;

3. That the use for which such approval was granted has at any time ceased for one (1) year or more;

4. That the permit granted is being exercised contrary to the terms of conditions of such approval or in violation of any statute or regulation; or

5. That the use for which the approval was granted has been so exercised as to be detrimental to the public health or safety.

M. INITIATION OF REVOCATION OR MODIFICATION PROCEEDINGS. The Review Authority may initiate proceedings to revoke a variance, conditional use permit or special use permit. Individuals who are aggrieved may petition the entity having jurisdiction to initiate revocation or modification proceedings.

N. PUBLIC HEARING REQUIRED. Procedures for revoking or modifying a variance, special use permit or conditional use permit are governed by Ordinance No. 177, or any amendments thereto.

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O. EXPIRATION. Any variance, special use permit, or conditional use permit granted pursuant to this Ordinance becomes null and void if not exercised within the time specified in such permit or, if no date is specified, within one (1) year from the effective date of approval of said permit or variance.

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SECTION 28 – AMENDMENTS AND APPEALS

A. LAND USE ORDINANCE MAY BE AMENDED. Whenever public necessity, convenience, and general welfare require the boundaries of the zones established on maps by this Ordinance, the classification of property uses herein, or other provisions of this Ordinance may be amended as follows:

1. By the adoption of or the amendment of the Comprehensive Plan Map or the Land Use Atlas; or

2. By amending the text of this Ordinance.

B. INITIATION OF AMENDMENTS. Amendments of this Ordinance and the official maps, which are a part hereof, may be initiated by:

1. Any person who submits a request on forms provided by the Department of Community Development; provided that, any proposed amendment of area wide significance must be approved by the Department of Community Development.

2. The adoption of a motion by the Board requesting the Planning Commission to set a matter for hearing and recommendations; or

3. A recommendation by the Department of Community Development to the Planning Commission.

C. AMENDMENT AND APPEAL PROCESS. Amendments to this Ordinance shall be subject to the requirements of Ordinance No. 177, or any amendments thereto. Similarly, appeals of actions taken under this Ordinance (excluding enforcement actions covered under Ordinance No. 165, or any amendments thereto) shall be subject to the requirements of Ordinance No. 177, or any amendments thereto.

D. PLANNING COMMISSION'S ACTION. The recommendation of the Commission, to the Board, shall be advisory only and the final determination shall rest with the Board.

E. EMERGENCY ACTION. Whenever the Board determines that action must be taken under RCW 36.70.790 and 36.70.795, the requirements of this Ordinance and Ordinance No. 177, or any amendments thereto, shall not apply. In lieu thereof, the Board shall comply with the procedural requirements delineated in RCW 36.70.790 and 36.70.795.

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SECTION 29 – EFFECTIVE DATE AND REPEAL OF PRIOR ZONING ORDINANCES.

Pacific County Ordinance No. 178 shall take effect the _____ day of _____, _____ and Ordinance No. 162 is hereby repealed. However, any development permit application that was technically complete on or before the effective date of this Ordinance shall be processed according to the regulations that were in effect when the application became technically complete.

PASSED by the Board of Pacific County Commissioners meeting in regular session at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of such passage the _____ day of _____, _____.

_____AYE; _____NAY; _____ABSTAIN; _____ABSENT

BOARD OF COUNTY COMMISSIONERS
PACIFIC COUNTY, WASHINGTON

_____
Frank Wolfe, Chair

_____
Lisa Ayers, Commissioner

_____
Steve Rogers, Commissioner

ATTEST:

_____
Marie Guernsey
Clerk of the Board

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