

**ORDINANCE NO. 162A
ZONING**

AN ORDINANCE PERTAINING TO LAND USE REGULATIONS CONCERNING
THE PRODUCTION, PROCESSING, AND RETAIL SALES OF MARIJUANA
AND REPEALING ORDINANCE NO. 172.

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. 162 which pertains to land use, needs to be amended to include regulations concerning the production, processing, and retail sales of marijuana;

WHEREAS, Ordinance No. 162A will effectuate the intent of the Pacific County Comprehensive Plan and the Washington State Growth Management Act, Chapter 36.70A RCW;

WHEREAS, the Board of Pacific County Commissioners has determined that the proposed amendment to Pacific County Ordinance No. 162, Zoning, does not have a probable significant adverse impact on the environment that a Determination of Non-Significance is appropriate under the State Environmental Policy Act (SEPA); and

WHEREAS, upon the adoption of Ordinance No. 162A, Ordinance No. 172 an interim Ordinance establishing a temporary emergency moratorium pertaining to producing, processing, and selling marijuana, needs to be repealed; and

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

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, THAT ORDINANCE NO. 162 IS AMENDED BY ORDINANCE NO. 162A AS FOLLOWS:

1. Section 2 of Pacific County Ordinance No 162 is amended to read as follows:

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. Alterations, Structural – “Alterations, Structural” means any change in the supporting members of a building, such as bearing walls, columns, beams or girders.
9. 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.
10. 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.
11. Antenna – “Antenna” means the surface from which wireless radio signals are sent from and received by a wireless communication facility.

12. 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.
13. 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.
14. Aquaculture – “Aquaculture” means the science or art of cultivating fish, shellfish, or other aquatic animals or plants.
15. 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.
16. 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.
17. 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.
18. 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.
19. 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 Chapter 19.27.540 RCW, as amended.
20. 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.
21. 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.

22. Bio-solid 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).
23. 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.
24. Board – “Board” means the Board of Pacific County Commissioners.
25. Board of Adjustment – “Board of Adjustment” means the Pacific County Board of Adjustment which consists of five members appointed by the Board of County Commissioners to serve for terms of three years, and whose purpose is to hear and decide applications for variances and applications for conditional use permits.
26. Building – “Building” means any structure built for the support, shelter or enclosure of persons, animals, chattels, or property of any kind.
27. 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.
28. Building Area – “Building Area” means the total allowable ground coverage of a building or structure which provides shelter.
29. 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.
30. Building Height – See “Height, Building”.
31. Building, Principal – See “Principal Building”.
32. 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.
33. 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.

34. 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.
35. 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 devices.
36. Caretaker – “Caretaker” means a person engaged to look after or maintain property and who may reside on the subject property.
37. Carrier – “Carrier” means an entity that provides wireless communication services.
38. Centerline – “Centerline” means a line lying midway between the side or fog lines of a street right-of-way.
39. 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:
- 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.
40. 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.

41. 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.
42. Clearing – “Clearing” means the destruction of vegetation by manual, mechanical, burning, or chemical methods resulting in exposed soils.
43. 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.
44. Cluster Development – “Cluster Development” means the massing of development on one or more parts of a property.
45. 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.
46. 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:
 - (1) No more than ten qualifying patients may participate in a single collective garden at any one time;
 - (2) A collective garden may contain no more than fifteen plants per patient up to a total of forty-five plants;
 - (3) 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;
 - (4) 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

- (5) No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.
47. 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.
48. Commercial Wind Energy System (CMES) – “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.
49. 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.
50. Commission – “Commission” means the Pacific County Planning Commission.
51. 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.
52. 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.
53. 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.
54. 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.

55. 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.
56. Conditional Use – See “Use, Conditional”
57. 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 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.
58. 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.
59. Corner Lot – “Corner Lot” means a lot abutting on and at the intersection of two or more streets.
60. 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.
61. County – “County” means Pacific County, Washington.
62. Coverage – “Coverage” means that percentage of the plot or lot area covered by the building area.
63. 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.

64. Day Care, Family or Home – “Day Care, Family or Home” means a person regularly providing care for a group of eight (8) or less 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.
65. 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.
66. Department of Community Development – “Department of Community Development” means the Pacific County department responsible for administering the provisions of this Ordinance.
67. 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.
68. 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.
69. 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.
70. 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.
71. Dwelling – “Dwelling” means a building designed exclusively for residential purpose including one-family, mobile/manufactured home, and multiple-family dwellings.
72. Dwelling Unit – “Dwelling Unit” means a building or portion thereof designed exclusively for residential purposes and providing complete housekeeping service for one family.
73. Easement – “Easement” means a grant by a property owner of the use of his land by another party for a specific purpose.

74. 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.
75. 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.
76. 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.
77. 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.
78. FAA – “FAA” means the Federal Aviation Administration.
79. 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.
80. FCC – “FCC” means Federal Communications Commission.
81. Flood – “Flood” means a temporary rise in stream, lake, or tidal water level that results in inundation of areas not ordinarily covered by water.
82. 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.
83. 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 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.

84. 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.
85. 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.
86. 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.
87. 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.
88. Garage – “Garage” means an accessory building or part of a principal building used primarily for the storage of passenger vehicles.
89. 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.
90. 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.
91. 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.
92. Gross Floor Area – See "Floor Area, Gross."
93. Guyed Tower – “Guyed Tower” means a monopole or lattice tower that is tied to the ground or other surface by diagonal cables.

94. Hazardous Waste – “Hazardous Waste” means all dangerous and extremely hazardous waste, including but not limited to, substances composed of radioactive and hazardous components.
95. 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.
96. 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.
97. 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.
98. 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.
99. 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.
100. 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.

101. 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.
102. 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.
103. 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.
104. 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 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.
105. 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.
106. Land Use District – “Land Use District” means a District located on the Official Land Use Atlas.
107. Land Use Map – “Land Use Map” means a map which identifies the parcel specific boundaries of the various districts listed in this Ordinance.
108. 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.
109. Licensed Carrier – “Licensed Carrier” means a company authorized by the FCC to build and operate a commercial mobile radio service system.
110. 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.

111. Livestock – “Livestock” means horses, bovine animals, sheep, goats, swine, reindeer, donkeys, mules, llamas, poultry, fowl, and other similar animals.
112. Location – “Location” means the subject property where a use or development is located or proposed to be located.
113. 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.
114. 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.
115. 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.
116. 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.
117. 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.
118. Lot Line, Side – “Lot Line, Side” means any lot line other than the front or rear lot lines.
119. 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.
120. 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.
121. Manufacture – “Manufacture” means the transforming/fashioning of raw materials into a change of form for use.

122. 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.
123. Marijuana – “Marijuana”, see “cannabis”.
124. Marijuana Processing – “Marijuana Processing” means converting marijuana into usable 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 Control Board under WAC 314-55-077.
125. 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 Control Board under WAC 314-55-075.
126. Marijuana Retailer – “Marijuana Retailer” means a retail outlet that sells useable marijuana, marijuana infused products, and 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 Control Board under WAC 314-55-079.
124. 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 accommodations associated with a range of developed on-site indoor or outdoor recreation facilities.
125. Mean Higher High Tide Line – “Mean Higher High Tide Line” means the Ordinary High Water Mark as established by RCW 90.58.030.

126. 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.
127. 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.
128. 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 includes outdoor storage areas suitable for the storage of licensed automobiles, Recreational Vehicles, boats, commercial vessels, etc.
129. 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. .
130. 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.
131. Modification – “Modification” means the changing of any portion of a structure/use/activity from its description in a previously approved permit.
132. Monopole – “Monopole” means the type of mount that is self-supporting with a single shaft, typically of wood, steel or concrete.

133. 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.
134. 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.
135. Nonconforming Use – “Nonconforming Use” means a use which was lawfully established and maintained, but which no longer meets the requirements of this Ordinance.
136. Nurseries or Greenhouses, Retail – “Nurseries or Greenhouses, Retail” means establishments conducting retail sales of plants and related items.
137. 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.
138. Occupancy – “Occupancy” means using or residing in a structure, dwelling, or Recreational Vehicle, whether temporary or permanently.
139. Off-Site – “Off Site” means any area outside the boundary of a lot.
140. 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.
141. On-Site – “On-Site” means that area which is within the boundary of a lot.

142. 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.
143. 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.
144. Open Space – “Open Space” means any land so designed for preservation, according to criteria established in Chapter 84.34 RCW.
145. Ordinary High Water Mark – See the definition of Ordinary High Water Mark in RCW 90.58.030.
146. Owner – See “Property Owner”
147. 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 parking. For the purpose of this title, a "parking lot" includes a motor vehicle display lot, and a commercial parking lot.
148. 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.

149. 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.

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.

150. 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.
151. 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.
152. Principal Building – “Principal Building” means a building in which the primary use of the lot on which the building is located is conducted.
153. Principal Use – See “Use, Principal.”
154. Prison – “Prison” means a public facility for the incarceration of persons convicted of felony crimes serving a court imposed sentence.
155. 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.

156. 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.
157. 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.
158. 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.
159. 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.
160. 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.

161. 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.
162. 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, transmission lines, pumping service facilities, communication relay stations, and wireless communication facilities.
163. 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.
164. 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.
165. 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, 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.

166. 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).
167. 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.
168. Recycling Accessory Drop-Boxes – “Recycling Accessory Drop-Boxes” means a temporary device, container, receptacle, or station used for only 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.
169. 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.
170. Regulation – “Regulation” means a statute, an administrative rule, or an adjudicatory decision.
171. 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.
172. 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.
173. 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.

174. 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.
175. 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.
176. 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.
177. 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).
178. 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.
179. Sign, Area – “Sign, Area” means the size of the surface of a sign as expressed in square feet.
180. 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.
181. 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.
182. Sign, Off-Premise – “Sign, Off-Premise” means a sign which advertises a product, service, or company not located on the property on which the sign is situated.
183. Site – “Site” means a portion of a subject property.
184. Siting – “Siting” means the method and form of placement of a use or development on a specific area of a subject property.

185. 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.
186. 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.
187. 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.
188. Statute – “Statute” means any state law or regulation, or any County ordinance or resolution.
189. Store – See “Retail Sales.”
190. 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.
191. Street – “Street” means a public or recorded private thoroughfare which affords primary means of access to abutting property.
192. 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.
193. 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.

194. 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.
195. Subdivision – “Subdivision” means land subdivided as defined in Pacific County Ordinance No. 163 or any amendments thereto.
196. 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.
197. Terminal or Debilitating Medical Condition – “Terminal or debilitating medical condition” means; as defined by RCW 69.51A:
- (1) Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or
 - (2) Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or
 - (3) Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or
 - (4) Crohn’s disease with debilitating symptoms unrelieved by standard treatments or medications; or
 - (5) Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or
 - (6) 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
 - (7) Any other medical condition duly approved by the Washington State Medical Quality Assurance Commission in consultation with the Board of Osteopathic Medicine and Surgery.

198. 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.
- In regards to Wind Energy Systems, the term “tower” shall mean the monopole, guyed monopole or lattice structure that supports a wind generator.
199. Tower Height – “Tower height” means the distance from grade level of the tower foundation/base to the highest point of the turbine rotator plane.
200. 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.
201. 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.
202. 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.
203. 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”.
204. 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.
205. 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.

206. 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.
207. 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.
208. 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.
209. 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.
210. 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.
211. 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.
212. 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.
213. 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.

214. 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.
215. 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.
216. 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.
217. Yard – “Yard” means the required unoccupied space, open to the sky, on the same lot with a building or structure.
218. 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.
219. 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.
220. 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.
221. 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.

2. A new Section 24 is added to Ordinance No. 162 which reads as follows:

Section 24 – Licensed Marijuana Production, Processing, and Retail Businesses

A. Intent

The purpose of this Section is to establish land use controls on the 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 WAC. 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 Control Board. This Section does not affect the acquisition, possession, manufacture, or use of medical cannabis under Chapter 69.51A 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 criteria outlined in Subsection 27.F, proposed Marijuana Production 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.

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 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 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 Retail Facilities shall also comply with all of the following requirements:

1. Retail hours of operation shall be limited to any time between 8:00 a.m. to 8:00 p.m.
2. Businesses must front state highways or a major collector as defined in the current Pacific County Department of Public Works Road Standards.
3. Parking areas must be well lit with no benches, tables, or chairs.
4. The Board of Adjustment shall adopt other parking requirements on a case-by-case basis to limit the impact on surrounding landowners.

E. In addition to the Conditional Use criteria outlined in Subsection 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 Control Board and shall comply with all regulations promulgated by the Liquor Control Board. If a licensee does not comply with the regulations promulgated by the Liquor Control Board, the licensee is subject to sanctions listed in Subsection 1.K and Subsection 27.M of Ordinance No. 162.
2. Marijuana Production, Processing, and Retail Facilities shall not be permitted within 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.
6. Security measures set forth in Chapter 314-55-083 of the Washington Administrative Code must be 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 a permit issued pursuant to this Section, the licensees agrees 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 No. 164.

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 Control 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 Control 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 69.51A 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.
3. The sections of Ordinance No. 162 that are not modified by Ordinance No. 162A remain in full force and effect.
4. If any provision or portions thereof, contained in Ordinance No. 162A is held to be unconstitutional, invalid, or unenforceable, said provisions, or portion(s) thereof, shall be deemed severed and the remainder of the Ordinance shall not be affected and shall remain in full force and effect.
5. Pacific County Ordinance No. 162A shall take effect immediately.
6. Pacific County Ordinance No. 172 is hereby repealed effective immediately.

PASSED by the Board of Pacific County Commissioners in a Special Public Hearing at South Bend, Washington, by the following vote, then signed by its membership and attested to by its Clerk in authorization of passage the 11th day of March, 2014.

3 YEA; 0 NAY; 0 ABSTAIN; 0 ABSENT

APPROVED AS TO FORM

David J. Burke
David J. Burke, Prosecutor

ATTEST:

Marie Guernsey
Marie Guernsey
Clerk of the Board

PACIFIC COUNTY
BOARD OF COMMISSIONERS

Steve Rogers
Steve Rogers, Chairman

Frank Wolfe
Frank Wolfe, Commissioner

Lisa Ayers
Lisa Ayers, Commissioner