

An ordinance amending Clallam County Code 33.03, Definitions to include cemetery, commercial storage, financial institution, gas station, marijuana processor, marijuana producer, marijuana retail, mini-storage/self-storage, restaurant, and veterinary clinic

BE IT ORDAINED BY THE BOARD OF CLALLAM COUNTY COMMISSIONERS:

Section 1. Section .010, Definitions is amended to read as follows:

For the purpose of this title, certain terms or words herein shall be interpreted as specifically defined in this chapter. All other words in this title shall carry the meanings as specified in the latest edition of Webster's New Collegiate Dictionary.

(1) "Accessory apartment" means an accessory housing unit located above the first floor of a multistoried commercial or limited industrial use building.

(2) "Accessory dwelling unit" or "ADU" means a separate dwelling unit within a single-family dwelling or a separate structure associated with a single-family dwelling which is incidental and subordinate to the primary residential use of the property. Accessory dwelling units are further defined as follows:

(a) Detached. Those accessory dwelling units that are lawfully constructed within existing outbuildings, or stand alone, where the ADU does not share a common wall with the primary residential dwelling unit. ADUs that are connected to a primary residential structure only by a covered breezeway or similar appurtenant structure shall be considered detached.

(b) Attached. Those accessory dwelling units that share a common wall or floor/ceiling with the primary dwelling unit and do not meet the definition of detached accessory dwelling unit.

(3) "Accessory housing" means an accessory single-family housing unit, the residential use of which remains a clearly incidental and subordinate use to a legally constructed primary single-family dwelling, commercial, or industrial use. "Accessory housing" includes accessory dwelling units, accessory apartments, caretaker apartments, and temporary medical hardship dwellings.

(4) "Accessory use or improvement" means a use or improvement which is necessary for the full use and enjoyment of the main use of the property, is typically associated with the main use, and is subordinate to or incidental to the main use of a parcel and which includes the utilities necessary to serve the accessory use. Accessory uses and improvements are allowed in all zoning districts.

(5) "Administrator" means the Director of the Department of Community Development of Clallam County or his/her designee.

(6) "Affected party" means those parties with standing to bring action on appeals of decisions rendered pursuant to this title and is limited to the following parties:

(a) The applicant or owner of property on which the development is proposed;
(b) Any person entitled to notice of the application pursuant to CCC [33.37.010](#); or
(c) Any person who deems themselves aggrieved by a decision and who will suffer direct and substantial impacts from the proposal.

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

(8) "Airport, general aviation" means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. General aviation airports are designated by the

Federal Aviation Administration (FAA) and may include ancillary structures and facilities that support the public and/or commercial use of the airport, including boarding terminals, air traffic control towers, cargo decks, baggage and ticketing terminals, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(9) “Airport, private use” means an area of land or water that is used or intended to be used for the landing and taking off of aircraft. Private use airports are not designated by the Federal Aviation Administration (FAA) as general aviation airports and may include ancillary structures and facilities that support the private, noncommercial recreational use of the airport, including air traffic control towers, parking areas, fueling facilities, aircraft storage (hangars), and aircraft servicing and repair facilities.

(10) “Allowed use” means an activity or structure which is allowed outright by this chapter in one or more zones without issuance of a conditional use permit.

(11) “Antenna” means any system of wires, poles, rods, reflecting discs, or similar devices used for the transmission or reception of electromagnetic waves external to or attached to the exterior of any building.

(12) “Asphalt plant” means a permanent (longer than three months) installation of an asphalt plant; provided, that the facility complies with all applicable water quality, air quality, and other environmental regulations.

(13) “Bed and breakfast inns” means a single-family dwelling on property occupied by the owner or manager which is constructed or converted partially or entirely into an overnight, short-term boarding house which does not detract from the residential appearance of the structure, and has five or fewer rooms for overnight accommodations.

(14) “Business park” means a commercial or industrial development supporting low-intensity activities compatible with adjoining residential land uses when properly landscaped.

(15) “Caretaker apartment” means an accessory housing unit that is permitted in association with a commercial or industrial use where no residential dwelling exists, and the expressed purpose of the accessory housing unit is to provide housing for an on-site security or operations personnel.

(16) “Cemetery” means land used or intended to be used for the burial of the dead and dedicated for cemetery purposes, including columbariums and mausoleums.

~~(167)~~ “Child daycare center” means a person or agency that regularly provides care for a group of children for periods of less than 24 hours (RCW [74.15.020](#)).

~~(178)~~ “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 and may include a residence for church staff. This definition does not include schools devoted primarily to nonreligious education.

~~(189)~~ “Commercial greenhouse or nursery” means a structure (greenhouse) or land (nursery) devoted to the cultivation and wholesale or retail of plants.

~~(1920)~~ “Commercial horse facility” means a facility greater than 2,000 square feet for the commercial boarding, care, training or riding of horses.

(21) “Commercial storage” means a structure, or part thereof, or area used principally for the storage of goods and merchandise. Commercial storage is not a self-service storage facility.

~~(202)~~ “Commercial use” means any premises devoted primarily to the wholesaling or retailing of a product or service for the purpose of generating an income.

~~(213)~~ “Commercial use, neighborhood” means commercial uses whose primary function is to serve a limited geographic market area intending to enhance a neighborhood or limited residential market.

(224) “Commission” means the Clallam County Planning Commission appointed by the Board of Commissioners.

(235) “Communication relay facilities” means telephone, telegraph, television, radio, cables, microwave stations, retransmission improvements, substations and any other communication conveyance. This definition includes commercial broadcast stations, accessory control buildings, and security fencing.

(246) “Comprehensive Plan” means the Clallam County Comprehensive Plan, CCC Title 31.

(257) “Conditional use” means an activity or structure which is permitted in a zoning district through a special permitting process with public input and a determination that the proposed use is consistent with applicable land use regulations and the character of the neighborhood.

(268) “Corner lot” means a lot abutting on and at the intersection of two or more streets.

(279) “County” means Clallam County.

(2830) “Density” means the number of dwelling units per gross acre of land, which includes road rights-of-way to the centerline of fronting streets, tidelands, and dedicated open space areas.

(2931) “Development right” is defined as the difference between the existing use of a parcel and its potential use as permitted by existing law, i.e., a development right is equal to the unused development potential of a parcel of land. In simplest form, a single development right usually represents the potential to build one dwelling unit.

(302) “Development standards” means a set of requirements establishing parameters to be followed in site and/or building design and development.

(313) “Duplex” means two dwelling units having a common roof.

(324) “Dwelling unit” means any building or any portion thereof which is intended or designed to be used, rented, leased, let or hired out to be occupied for living purposes having independent living facilities for one family including permanent provisions for living, sleeping, eating, cooking, sanitation and including accessory structures and improvements.

(335) “Easement” means a grant of one or more property rights by the property owner to and/or for a specific or general use by a person or public.

(346) “Family daycare provider” means a child daycare provider who regularly provides child daycare for not more than 12 children in the provider’s home in the family living quarters for periods of less than 24 hours (RCW 74.15.020).

(37) “Financial institution” means a building, property or activity, the principal use or purpose of which is the provision of financial services, including but not limited to: banks, facilities for automated teller machines (ATMs), credit unions, savings and loan institutions, stock brokerages and mortgage companies.

(38) “Gas station” means a principal building site and structures for the sale and dispensing of motor fuels or other petroleum products and the sale of convenience retail.

(359) “Grocery store” means a structure devoted primarily to the sale of staple foodstuffs and household commodities.

(3640) “Gross floor area,” for structures used for commercial or industrial purposes, shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls or from the centerline of a wall separating two commercial uses but not including interior parking spaces, storage spaces, loading spaces and basements which are not used for human habitation or service to the public. For structures used for residential purposes, “gross floor area” shall include the sum of the horizontal areas of one or more floors of a building measured from the exterior face of exterior walls but not including garages or exterior storage spaces.

(3741) “Group home” means a facility licensed by the State which is located in a single building utilized for the full-time shelter and care of a group of unrelated people. A group home is considered to be a multiple-family dwelling when it is occupied by 17 or more clients. A group home is considered to be a home enterprise when occupied by 16 or fewer clients and when consistent with the standards for a home enterprise.

(3842) “Hazardous waste” means:

(a) Any discarded, useless, unwanted, or abandoned nonradioactive substances, including but not limited to certain pesticides or any residues or containers of such substances which are disposed of in such quantities or concentration as to pose a substantial present or potential hazard to human health, wildlife, or the environment because such wastes or constituents or combinations of such wastes have short-lived toxic properties which may cause death, injury, or illness or have mutagenic, teratogenic or carcinogenic properties; or are corrosive, explosive, flammable, or may generate pressure through decomposition or other means.

(b) Any waste described in subsection (38)(a) of this section which will persist in a hazardous form for several years or more at a disposal site and which in its persistent form presents a significant hazard and may be concentrated by living organisms through a food chain or may affect the genetic makeup of man or wildlife and is highly toxic to man or wildlife; or if disposed of at a disposal site in such quantities as would present an extreme hazard to man or the environment.

(3943) “Hazardous waste treatment and storage facility” means a site or facility used to store or treat hazardous waste as defined in subsection (38) of this section.

(404) “Home-based industry” means a revenue generating enterprise which is located on a residential parcel and which generates or involves outdoor activity and/or outdoor storage of equipment or supplies.

(415) “Home enterprise” means a revenue generating enterprise which is conducted entirely within a dwelling and/or inside other legally existing buildings on a residential property and is subordinate to and incidental to the residential use of the dwelling.

(426) “Indoor shooting range” means a facility, commercial, public or private, which provides for recreational shooting and hunter education within a fully enclosed and soundproof structure which is clearly subordinate to the residential use, if applicable, of the property.

(437) “Industrial use” means any premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage milling and sorting.

(448) “Kennel” means an establishment which is designed to accommodate the temporary boarding of six or more household pets owned by persons other than the owner of the premises.

(459) “Land use” means an activity on land serving man in some manner.

(4650) “Limited industrial use” means those industrial uses which generate minimal amounts of noise, odor, glare, traffic, and other nuisance characteristics.

(4751) “Lodges” means any structure accommodating an organization which is operated not-for-profit where entrance to the premises is contingent upon the payment of a monthly or yearly fee.

(4852) “Lot coverage” means the total ground coverage of all buildings or structures on a site measured from the outside of external or supporting walls, but not to include: at-grade, off-street parking lots; deck areas; terraces; swimming pools; pool deck areas; walkways; and roadways; and driveways.

(4539) “Lot depth” means the horizontal length of a straight line drawn from the midpoint of the front property line of the lot to the midpoint of the rear property line.

(504) “Lot line, front” means the boundary of a lot which is common to a public or private road or access easement. Where the lot abuts two or more roads the lot owner may designate one of the lot lines common to one of the roads as the front lot line at the time the lot is developed.

(515) “Lot line, rear” means the property line of a lot that is most opposite or most distant from the designated front lot line and that does not intersect any front lot line. In the case of a triangular lot, it means a line 10 feet in length within the lot parallel to and at the maximum distance from the front lot line. In the event that the front property is a curved line, then the rear property line shall be assumed to be a line parallel to a line tangent to the front property line at its midpoint. In the case of waterfront property, the rear lot line is that which adjoins the ordinary high water line, unless otherwise designated by the Zoning Administrator.

(526) “Lot line, side” means any lot line that is not a front or rear lot line, or any lot line that intersects a front lot line.

(537) “Lot, parcel, tract” means an ownership of land in which the boundary is defined by a deed recorded in the County Auditor’s Office and assigned a tax parcel number by the County Assessor; or a lot which has been defined by a survey recorded pursuant to Washington State surveying or platting laws and is assigned a tax parcel number by the County Assessor; or parcels recognized by resolution of the Board of County Commissioners adopted prior to the effective date of this title.

(548) “Lot width” means the horizontal distance between side lot lines measured at right angles to the lot depth line at a point midway between the front and rear property line. If the side property lines are not parallel, the width of the lot shall be the length of a line at right angles to the depth line of the lot at a distance midway from the front and rear lines required for the district in which the lot is located.

(59) “Marijuana processor” means a person licensed by the State Liquor and Cannabis Board to process marijuana into marijuana concentrates, useable marijuana and marijuana-infused products, and package them for sale in retail outlets and at wholesale to marijuana retailers.

(60) “Marijuana producer” means a person licensed by the State Liquor and Cannabis Board to produce and sell marijuana at wholesale to processors and other producers.

(61) “Marijuana retail” means a person licensed by the State Liquor and Cannabis Board to sell marijuana concentrates, useable marijuana, and marijuana-infused products in a retail outlet.

(5562) “Master planned resort” means a self-contained and fully integrated planned unit development, 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.

(5663) “Medical hardship” means a physical or mental incapacitation requiring daily care by an on-site caregiver and is attested to, in writing, by a licensed practicing physician in the State of Washington.

(5764) “Medical hardship dwelling” means a mobile home or manufactured home, as defined by WAC [296-150M-0020](#), allowed to provide temporary housing in cases of documented medical hardship.

(5865) “Medical service facility” means a licensed medical physician’s clinic or outpatient care clinic where overnight accommodations are not provided.

(5966) “Mineral extraction” means activities involved in the extraction and processing of minerals from the earth for industrial, commercial, or construction uses, excluding water. For the purpose of this chapter, removal of solid materials from the earth is not deemed mineral extraction until the activity collectively results in more than three acres of land being disturbed or that results in

pit walls more than 30 feet high and steeper than one horizontal to one vertical. This definition does not include disturbances greater than three acres of land during any time period if the cumulative area that has not been rehabilitated according to the State's reclamation requirements outlined in Chapter [78.44](#) RCW is less than three acres. Farming, road construction, mineral exploration testing and site preparation for construction shall not be deemed mineral extraction activities.

(607) "Minimum lot size" means the smallest parcel size upon which a dwelling may be placed or constructed; provided, that roads and open spaces which are dedicated to the public and tidelands shall be excluded when calculating lot size; provided, that lots in the Rural (R1) zoning district may include roads dedicated to the public as part of a land division in the minimum lot size calculation.

~~(68) "Mini-storage/self-storage" means any real property designed and used for the purpose of renting or leasing individual storage space to occupants for the purpose of storing and removing personal property. A self-service storage facility is not a public warehouse.~~

(649) "Mixed-use" means development that combines two or more different land uses on the same lot or contiguous lots in the same zone, such as retail uses and residential uses.

(6270) "Mobile home park" means a lot or parcel of land occupied by two or more mobile homes on a rent or lease basis, and approved by Clallam County pursuant to County regulations.

(6371) "Motel/hotel" means a structure which provides overnight, short-term boarding to transient guests and not defined as a bed and breakfast inn facility.

(6472) "Multiple-family dwelling" means a building containing three or more dwelling units.

(6573) "Nonconforming use or structure" means a lawful structure or use existing at the time this title or any amendment thereto becomes effective, which does not conform to the requirements of the zone in which it is located.

(6674) "Off-street parking" means any space specifically allocated to the parking of motor vehicles that is not located within a public right-of-way, travel lane, service drive, or any easement for public use.

(6775) "Outdoor-oriented recreation facilities" means buildings, land alterations, or other facilities which are intended to provide for recreational activity including, but not limited to, campgrounds, boat launching facilities, golf courses and ball fields.

~~(6876) "Outdoor shooting range" means a facility, commercial, public or private, and use, part of which occurs outdoors, which is established for the purpose of recreational shooting and hunter education/training. An "outdoor shooting range" includes the discharge of firearms for any lawful purposes. Accessory uses which directly relate to the use of the site as an outdoor shooting range such as campgrounds and indoor retailing of shooting supplies are included.~~

(6977) "Parking space" means an area set aside for the parking of one motor vehicle.

(708) "Performance standards" means criteria that are established and must be met before a particular use will be permitted. These measures are designed to guide development of property and include, but are not limited to, open space requirements, water and wastewater requirements, buffer zones, screening, size and height limits for buildings, noise, vibration, glare, heat, air or water contaminants, and traffic.

(749) "Permitted use" means an activity or structure which is either allowed in a zone pursuant to this chapter without conditions or formal action by the County, or is identified as a conditional use.

(7280) "Person" means a man, woman, firm, association, partnership, political subdivision, government agency, corporation or any other human entity whatsoever.

(7381) "Primary dwelling unit" means a structure consistent with the definition of "single-family dwelling," as set forth in this section; provided, that this definition applies to those single-

family residential structures on parcels where an accessory dwelling unit, consistent with the standards of Chapter [33.50](#) CCC, is also present.

(7482) “Primitive campground” means a campground for day use and overnight accommodations by tenters only (no recreational vehicles or tent-trailers). A primitive campground is also an outdoor-oriented recreation use, unless specified in each zoning district.

(7583) “Professional office” means a structure accommodating the following professional offices: medical, dental, chiropractic, accounting, consulting, cosmetologist, real estate offices or such other offices of persons required to be licensed by the State of Washington following completion of required training.

(7684) “Public building” means a building or improvement which is used or owned by a governmental agency.

(7785) “Public improvement” means a facility which is used or owned by a governmental agency.

(7886) “Race track” means an area devoted to the racing of motor and non-motorized vehicles or animals, and all improvements normally associated with racing such as off-street parking, patron seating, concessions, and a fixed race track.

(87) “Restaurant” means a business in which food is prepared and sold for consumption.

(7988) “Research facility” means an improvement devoted to or supporting research activities and having minimal nuisance characteristics related to odor, noise, glare and radiation. “Research” is an activity devoted to the obtaining of knowledge and does not include any product retailing or wholesaling activity. Testing for surface and subsurface minerals is not a research activity.

(809) “Retail use” means a land use devoted primarily to the wholesale and retail sale of a product or service to the general public.

(8190) “RV park” means a campground for day use and overnight accommodations by motor homes, travel trailers, truck campers and camping trailers.

(8291) “Satellite dish antenna” means a round, parabolic antenna intended to receive signals from orbiting satellites and other sources. Noncommercial dish antennas are defined as being less than four meters in diameter. Commercial dish antennas are typically those larger than four meters and typically used by broadcasting stations.

(8392) “School” means a building where instruction is given to persons to enhance their knowledge or skills. Buildings where instruction is given primarily on religious matters are not deemed to be schools.

(8493) “Setback” means the minimum distance allowed by this chapter between a lot line or the centerline of a street right-of-way and the foundation of any building on the lot; provided, however, that eaves, decks, porches, bay windows, chimneys or other architectural elements may project no more than two feet in any required yard except in instances where such projection would be over or on an easement, which is not allowed; and provided further, that structures and improvements associated with utilities or roads dependent on location on or near road right-of-way shall be allowed without meeting the setback standards of the Zoning Code.

(8594) “Shooting range” means a facility established for the purpose of recreational shooting, including, but not limited to, target and skeet shooting.

(8695) “Single-family dwelling” means a dwelling unit detached from any other dwelling unit and intended for occupation by one family and including accessory improvements and uses. This definition includes manufactured homes such as mobile homes, modular homes and other homes manufactured in components or as one complete dwelling unit.

(8796) “Storage facility” means a building or fenced open yard used solely for the storage of goods and materials; provided, that automobile wrecking or salvage facilities are excluded from this definition.

(8897) “Street” means any vehicular right-of-way which:

(a) Is an existing State, County or municipal roadway; or

(b) Is a publicly owned easement; or

(c) Is shown upon a plat or short plat or survey approved pursuant to County regulations; or

(d) Is approved by other governmental action. The street shall include all land within the boundaries of the street right-of-way which is improved.

(8998) “Street classifications” means those functional classifications given to streets by the Clallam County Board of Commissioners under the provisions of RCW [36.86.070](#).

(909) “Street right-of-way” means a strip of land acquired by reservation, dedication, forced dedication, prescription or condemnation, and intended to be occupied by a street, as specified by recorded easements, recorded ownership instruments, or dedications accepted by the Board of County Commissioners for public transportation purposes.

(94100) “Tavern” means any establishment with special space and accommodation for sale by the glass and for consumption on the premises of beer and/or wine.

(92101) “Timber harvesting” means improvements and activities associated with the growing and harvesting of trees. Such activity includes land preparation for tree planting, road construction, tree thinning, brush control, log storage and sorting yards, tree nursery facilities, research activity related to timber growing, improvements required for environmental impact mitigation, temporary chipping and barking activity utilizing portable equipment, storage of materials, vehicles and equipment supporting timber growing, harvesting and transportation activities, staging areas and facilities, timber trans-shipment facilities, log scaling facilities, the extraction of gravel and rock necessary to support timber management activity and all other silviculture and associated practices which are recognized by and consistent with the regulations of the Washington State Forest Practices Act of 1974.

(93102) “Timber labor camp” means facilities which are designed to accommodate persons who are employed in timber management activities. Such facilities provide overnight sleeping, waste disposal and one cooking facility to serve the entire facility.

(94103) “Tourist shop” means a facility devoted primarily to the sale of a product or service to the traveling public, including antique or curio shops, crafts, and memorabilia.

(95104) “Transfer of development rights” or “TDR” means an innovative voluntary program in which unused transferable development rights (TDRs) credited by the County to one parcel can be sold and transferred without buying and selling the land. These transferable development rights may be utilized in an urban growth area to increase allowable densities.

(96105) “Unclassified use” means an activity or land use not defined by this title and not listed as an allowed use, a conditional use, or a prohibited use in this title.

(97106) “Urban growth area” means those areas designated by Clallam County pursuant to the policies in the County-wide Planning Policy and the Comprehensive Plan.

(98107) “Urban level of facilities and services” means those services defined as “urban governmental services” with levels of service as defined within the capital facilities element of the Clallam County Comprehensive Plan.

(99108) “Utility” means a fixed, conveyance type improvement serving two or more ownerships. Said improvement conveys power, gas, water, sewage, surface drainage, or

communication signals. This definition does not include inter-county or interstate transmission facilities.

(1009) "Vacation rental" means a legally constructed dwelling intended for occupancy of the entire dwelling (not rental of individual rooms) by any person/group other than the primary owner for periods of 30 days or less and is an allowed use in all zoning districts that allow single-family residences. Uninhabitable structures like garages, barns, or sheds shall not be used as vacation rentals. "Vacation rental" does not include a bed and breakfast permitted and operated in accordance with Clallam County Code.

(1010) "Variance" means an exception from the minimum standards of this chapter allowed by the provisions of Chapter 33.30 CCC.

(1011) "Vehicular repair" means a structure or land use devoted to the repair of motor vehicles and not otherwise defined as a home-based industry.

(112) "Veterinary clinic" means any building or portion thereof designed or used for the medical care or treatment of cats, dogs, or other animals.

(1013) "Wholesale commercial use" means establishments or places of business primarily engaged in selling merchandise or services to retailers, industrial customers, institutional agencies, professional business users or to other wholesalers.

(1014) "Wood manufacturing" means any wood manufacturing premises devoted primarily to the manufacturing of semi-finished products, finished products and the processing of materials. This definition includes accessory facilities such as but not limited to storage facilities, transfer facilities, warehousing, heavy vehicular storage and repair, log storage, milling and sorting.

(1015) "Wood manufacturing (small-scale)" means any wood manufacturing activity meeting the following criteria: cabinet shops and other wood finishing facilities; all activity takes place indoors; and the structure is less than 5,000 square feet.

(1016) "Wrecking yard" or "junk yard" means an open area where scrap materials or motor vehicles are bought, sold, exchanged, recycled, stored, disassembled or handled, but which cannot be used again for the purpose for which it was originally intended.

(1017) "Zone" means a mapped area to which a uniform set of regulations applies. The Clallam County Official Zoning Map describes the extent and boundaries for the zones described within this title.

(1018) "Zoning" means the process by which a county or municipality legally controls the use of property and physical configuration of development upon tracts of land within its jurisdiction.

ADOPTED this _____ day of _____ 2016

BOARD OF CLALLAM COUNTY COMMISSIONERS

Mike Chapman, Chair

ATTEST:

Mark Ozias

Trish Holden, CMC, Clerk of the Board

Bill Peach