

1 **ORDINANCE NO. 2016-06-12**

2
3 **An ordinance relating to land use; adopting an updated Growth**
4 **Management Comprehensive Land Use Plan, zoning maps and zoning**
5 **ordinances; providing for severability; providing an effective date; and requiring**
6 **notice.**

7
8 THE COUNTY COUNCIL OF CLARK COUNTY, STATE OF WASHINGTON,
9 does hereby ordain as follows.

10
11 **1. RECITALS AND FINDINGS**

12
13 1.1 Clark County is required to review and, if needed, revise its comprehensive plan, in
14 accordance with the goals and requirements of RCW 36.70A (the Growth Management Act,
15 or GMA) by June 30, 2016. The County's comprehensive plan is required to include maps
16 and descriptive text covering the objectives, principles and standards used to develop the
17 essential elements of the plan. GMA directs counties to adopt urban growth areas (areas
18 within which urban growth is encouraged and outside of which only non-urban growth can
19 occur) and to address these areas in the countywide planning policies. GMA mandates the
20 county's identification and designation of critical areas and agricultural, forest, and mineral
21 resources lands, together with the adoption of protective regulations. GMA further mandates
22 that there be early and continuous public involvement, and the County adopted the Clark
23 County Public Participation Plan by Resolution 2014-01-10.

24
25 1.2 Consistent with the State Environmental Policy Act (SEPA) at Chapter 43.21C
26 RCW, the County issued on April 27, 2016 its Final Supplemental Environmental Impact Statement
27 (EIS) on the Clark County 2016 Comprehensive Growth Management Plan Update (2016 Plan
28 Update). The EIS was preceded by a Draft Supplemental Environmental Impact Statement
29 (DSEIS) analyzing four alternatives (August 2015). A joint public hearing on the DSEIS was
30 held on September 3 and 10, 2015 by the County Council and the Planning Commission.
31 The Planning Commission deliberated and made a recommendation on a preferred alternative
32 on September 17, 2015. After Alternative 4 was modified, the Planning Commission held a
33 second hearing at the Council's request on November 19, 2015. The Council at a hearing on
34 February 23, 2016 decided on a preferred alternative.

35
36 1.3 Pursuant to RCW 36.70A.110, the County adopted population projections based on
37 the range of estimates provided by the State Office of Financial Management (Resolutions
38 2014-01-09, 2014-06-17, 2015-04-05, and 2016-03-01); 2); and, examined its Urban Growth
39 Areas (UGAs) to ensure a 20-year land supply (out to 2035) to accommodate population and
40 job growth (Resolution 2014-04-01). The 2016 Plan Update reflects principles and values
41 adopted at the outset of the update process (Resolution 2014-06-17).

42
43 1.4 Pursuant to RCW 36.70A.215, the County submitted the 2015 Buildable Lands Report
44 on June 11, 2015 to Washington State Department of Commerce (Commerce), satisfying the
45 GMA requirement to review and evaluate the adequacy of suitable residential, commercial
46 and industrial lands inside the Urban Growth Area for accommodating projected 2035
47 population and employment growth during the 20 year GMA planning horizon.

1 1.5 Copies of the County's draft 2016 Plan update were submitted to the state more
2 than sixty days (60) prior to final adoption.

3
4 1.6 The County Council and the Planning Commission held a duly advertised joint
5 public hearing on the comprehensive plan update on May 19 and 24, 2016. The Planning
6 Commission held a duly-advertised public meeting on June 2, 2016 to deliberate and
7 make its recommendation to the County Council. The Council held a duly-advertised
8 public hearing on June 21, 2016 to consider the Planning Commission recommendation
9 and to deliberate.

10
11 1.7 The County Council finds that all GMA prerequisites for the revisions in the 2016 Plan
12 Update have been met and that the 2016 Plan Update adopted herein achieves the goals and
13 satisfies the requirements of the GMA, as follows:

14
15 1.7.1 Compliance with the Required Elements of the Comprehensive Plan. The 2016
16 Plan Update includes all of the following required elements: Land Use, Housing, Capital
17 Facilities and Utilities, Rural and Natural Resources, Transportation, Economic
18 Development, Parks and Open Space, and Shoreline Policies. In addition, the 2016 Plan
19 Update also contains the following optional elements: Environment, Historic Preservation,
20 Schools, Community Design, Annexation, and Procedural Guidelines.

21
22 1.7.2 Compliance with Resource and Critical Areas Designations and Regulation.
23 The County designated agriculture and forest land on the comprehensive plan and zoning
24 maps, and has provisions in Clark County Code (CCC) Chapter 40.210, Resource and Rural
25 Districts, to adequately protect resource lands. The 2016 Plan Update includes a change in
26 the minimum parcel size for resource lands, as follows:

27 A. The minimum parcel size on lands zoned for agriculture (AG-20) is reduced
28 from 20 acres to 10 acres (AG-10).

29 B. The minimum parcel size on lands zoned for forest (FR-40) is reduced from 40
30 acres to 20 acres (FR-20).

31
32 The County has considered a number of resources, including Agricultural Preservation
33 Strategies Report, 2010, Rural Lands Study: Assessment of Agriculture and Forestry in Clark
34 County, BERK 2012, and the 2016 update of the Clark County Agriculture and Forest Land
35 Inventory and Analysis (2016, BERK). Clark County has the second highest percentage of
36 very small farms in the State. Family farming is critical to the continued viability of the
37 agricultural community in the County. The authorization for 10-acre lot size will facilitate more
38 affordable family farms including through occupants on the land. This continues to reflect the
39 unique structure of farming in Clark County. The BERK Reports further documents support for
40 the Forest Land lot size.

41
42 To implement this change, property owners may use the innovative zoning technique of
43 clustering as allowed by RCW 36.70A.177(2)(b).

44
45 1.7.3 Public Participation. The public participation requirements of the GMA at RCW
46 36.70A.140 have been met through an extensive public involvement process that included the
47 following:

- 48 • Technical Advisory Committee comprised of planners from the cities, who
49 met monthly to discuss planning issues of a technical nature.

- Three rounds of public meetings (August 2014 (scoping); October 2014 (alternatives); and March/April 2015 (revised alternatives)) on the supplemental environmental impact statement.
- 19 work sessions with and five public hearings before the Planning Commission throughout the update process.
- 23 work sessions with the Council throughout the update process.
- 14 public hearings before the Council to discuss/adopt population and jobs targets, planning assumptions, the vacant and buildable lands model, principles and values, and EIS alternatives.
- Extensive publication on the Clark County Community Planning website, <https://www.clark.wa.gov/community-planning/2016-plan-update>, that included information on the GMA; an outline of the comprehensive plan update process; notices of meetings and hearings; maps of alternatives considered in the SEIS process; meeting summaries and issue discussions; the DSEIS; and the EIS. Also included was a dedicated email address to comment on the 2016 Plan Update as well as an electronic comment form.
- Periodic email announcements sent to a GMA e-mail list of over 1700 addressees, and press releases on the status of the update process.
- Outreach to neighborhood associations and community groups; Several *Clark County Close-up* segments on the 2016 Plan Update process on CTV; use of a web-based public involvement tool called Engage Clark County to gather comments on comp plan-related topics; and televised public hearings held by the Planning Commission and Council.

1.7.4 Monitoring and Amendment. The 2016 Plan Update provides adequate monitoring and amendment procedures; a procedure to monitor internal and inter-jurisdictional consistency; provisions governing amendments, including that amendments will not be considered more than once each year except as otherwise authorized by law; and, an automatic comprehensive review of urban growth areas at least once every eight years.

1.7.5 Record of Process. The County Council and the Planning Commission conducted a duly advertised joint public hearing on the 2016 Plan Update on May 19 and 24, 2016. The Planning Commission conducted a duly-advertised public meeting concerning recommendations for adoption of the Comprehensive Plan on June 2, 2016. The Council conducted a duly-advertised public hearing on the Planning Commission recommendation and adoption of the Comprehensive Plan on June 21, 2016. All public hearings before the Planning Commission and the Board included opportunities for public comment; and, were transcribed, tape-recorded, and televised locally on cable television. Written transcripts and video and audio tapes are on file, as well as all newsletters, articles, and other publications and all written correspondence received by the County.

1.7.6 Internal Consistency. The 2016 Plan Update is internally consistent. The policies within and among elements are complementary, not contradictory. Both separately and together, they further the goals of the GMA. The land use map represents a detailed analysis carried out in cooperation with individual cities and the business and environmental communities. The analysis and draft land use maps were subject to public scrutiny for

1 several months as the analysis progressed. The Comprehensive Plan contains policies,
2 implementation measures, and procedures which provide for its review and adjustment if
3 internal conflicts are discovered.

4
5 1.7.7 Individual Site Specific Requests. The County did not consider individual
6 site specific requests for a change in designation and/or zoning as part of the 2016 Plan
7 Update.

8
9 1.7.8 Concurrency. The 2016 Plan Update meets the concurrency requirement of the
10 GMA. The 2016 Plan Update requires direct concurrency for transportation (implemented by
11 the concurrency ordinance which specifies levels of service for identified corridors), for water
12 and for sewer, and the plan includes six and twenty-year project lists for these. The plan also
13 includes project lists for indirect concurrency elements (schools, parks, and stormwater).

14
15 1.7.9 Inter-jurisdictional Coordination. The 2016 Plan Update was accomplished in
16 coordination with the cities of Battle Ground, Camas, La Center, Ridgefield, Vancouver,
17 Woodland, and Washougal, and the Town of Yacolt. The County formed a coordinating
18 committee that included each city planning director; that group met monthly throughout the
19 entire update process. The 2016 Plan Update is consistent with adopted countywide
20 planning policies. Countywide planning policies and the Community Framework Plan are
21 included with each plan element.

22
23 1.7.10 Coordination with Other Plans and Agencies. The 2016 Plan Update is
24 coordinated with those of neighboring jurisdictions. Capital facilities plans were produced in
25 cooperation with cities, C-Tran, service providers, public safety agencies, school districts, and
26 metropolitan area planning agencies. An updated parks, recreation and open space plan was
27 adopted by the County in 2015 for the unincorporated portion of the Vancouver UGA. The
28 2016 Plan Update meets the Southwest Washington Regional Transportation Council (RTC)
29 coordination certification process, requiring RTC indication that the County's Transportation
30 Element has demonstrated consistency with the Regional Transportation Plan for Clark
31 County (RTP, December 2014); and reflects the guidelines and principles under RCW
32 47.80.026, and satisfy the requirements of RCW 36.70A.070(6).

33
34 1.7.11 Analysis of Cumulative Effects. The EIS adopted the environmental impact
35 statement = prepared on the 2007 comprehensive plan update. An analysis of cumulative
36 effects was included in the EIS.

37
38 1.7.12 GMA Goals. The 2016 Plan Update addresses the goals of the GMA through
39 its policies and implementation measures. The 2016 Plan Update also complies with more
40 specific provisions within the GMA. Plan goals and policies which achieve compliance with
41 the GMA in its entirety are also not limited to those cited below in association with the
42 GMA's 13 basic goals.

- 43
44 • **Urban Growth:** *Encourage development in urban areas where adequate*
45 *public facilities exist or can be provided in an efficient manner.* The
46 Community Framework Plan contains policies that direct growth within the
47 region to existing urban areas. The 2016 Plan Update addresses this
48 objective most directly through the goals and policies in the Land Use
49 Element, as well as the adoption of new urban growth boundaries surrounding

1 local cities. Supporting policies and implementation measures are contained
2 throughout the 2016 Plan Update.

- 3
4 • **Reduce Sprawl:** *Reduce the inappropriate conversion of undeveloped land*
5 *into sprawling, low-density development.* The 2016 Plan Update addresses
6 this objective directly through the goals and policies in the Land Use Element,
7 as well as the adoption of new urban growth boundaries surrounding local
8 cities.
- 9
10 • **Transportation:** *Encourage efficient multi-modal transportation systems that*
11 *are based on regional priorities and coordinated with county and city*
12 *comprehensive plans.* The 2016 Plan Update addresses this most directly
13 through the goals and policies in the Transportation Element.
- 14
15 • **Housing:** *Encourage the availability of affordable housing to all economic*
16 *segments of the population, promote a variety of residential densities and*
17 *housing types, and encourage preservation of the existing housing stock.* The
18 2016 Plan Update addresses this most directly through the goals and policies
19 in the Housing Element, as well as the variety of residential designations
20 contained in the Comprehensive Plan map.
- 21
22 • **Economic Development:** *Encourage economic development throughout*
23 *the state that is consistent with adopted comprehensive plans, promote*
24 *economic opportunity for all citizens of the state, especially for unemployed*
25 *and for disadvantaged persons, and encourage growth in areas*
26 *experiencing insufficient economic growth, all within the capacities of the*
27 *state's natural resources, public services and public facilities.* The 2016
28 Plan Update addresses this most directly through the goals and policies in the
29 Economic Development Element, and through the designation of industrial
30 and commercial lands on the Comprehensive Plan map.
- 31
32 • **Property Rights:** *Private property shall not be taken for public use without*
33 *just compensation having been made. The property rights of landowners*
34 *shall be protected from arbitrary and discriminatory actions.* Clark County's
35 intent in administering the comprehensive plan is to ensure that regulatory
36 actions affecting private property are not arbitrary or discriminatory in any
37 way. The rights of private property owners and the avoidance of any taking of
38 private property without just compensation have been given due consideration
39 in the development of the 2016 Plan Update policies and implementation
40 measures.
- 41
42 • **Permits:** *Applications for both state and local permits should be processed in*
43 *a timely and fair manner to ensure predictability.* The Comprehensive Plan
44 addresses this most directly through the goals and policies in the Housing
45 Element, Rural and Resource Element and the Economic Development
46 Element, and through development regulations that outline specific
47 standardized processes for permit issuance.
- 48

- 1 • **Natural Resource Industries:** *Maintain and enhance natural resource-based*
2 *industries, including productive timber, agricultural and fisheries industries.*
3 *Encourage the conservation of productive forest lands and productive*
4 *agricultural lands, and discourage incompatible uses.* The 2016 Plan Update
5 addresses this most directly through the goals and policies in the Rural and
6 Resource Element and the Economic Development Element, and through
7 specific identification and designation of agricultural, forest, and mineral
8 resource lands. The County's surface mining overlay policies and code were
9 updated in 2014, pursuant to RCW 36.70A.170.
- 10
11 • **Open Space and Recreation:** *Encourage the retention of open space and*
12 *development of recreational opportunities, conserve fish and wildlife*
13 *habitat, increase access to natural resource lands and water, and develop*
14 *parks.* The 2016 Plan Update addresses this most directly through the goals
15 and policies in the Environmental Element and the Parks, Recreation, and
16 Open Space Element. An updated parks, recreation and open space plan
17 was adopted by the county in 2015 for the unincorporated portion of the
18 Vancouver UGA.
- 19
20 • **Environment:** *Protect the Environment and enhance the state's high quality of*
21 *life including air and water quality and availability of water.* The 2016 Plan
22 Update addresses this most directly through the goals and policies in the
23 Environmental Element and the Parks, Recreation, and Open Space
24 Element, and development regulations relating to protection of critical areas
25 and shorelines. The County's critical areas ordinances previously have been
26 updated based on best available science pursuant RCW 36.70A.172.
- 27
28 • **Citizen Participation and Coordination:** *Encourage the involvement of*
29 *citizens in the planning process and ensure coordination between*
30 *communities and jurisdictions to reconcile conflicts.* Throughout the plan
31 update process Clark County has provided extensive opportunities for citizen
32 involvement and coordination, ranging from community- wide open houses to
33 surveys to formal hearing testimony. The Community Involvement Process is
34 detailed in the Introduction to the 2016 Plan Update, and within this ordinance.
- 35
36 • **Public Facilities and Services:** *Ensure that those public facilities and*
37 *services necessary to support development shall be adequate to serve the*
38 *development at the time the development is available for occupancy and*
39 *use without decreasing current service levels below locally-established*
40 *minimum standards.* The Comprehensive Plan addresses this most directly
41 through the goals and policies in the Capital Facilities and Utilities Element
42 and the Schools Element, and the county's transportation concurrency
43 ordinance.
- 44
45 • **Historic Preservation:** *Identify and encourage the preservation of lands,*
46 *sites, and structures that have historical or archaeological significance.* The
47 2016 Plan Update addresses this most directly through the goals and policies
48 in the Historic, Archaeological and Cultural Preservation Element.

1
2 In addition, the County's shoreline policies, the GMA's 14th goal, are included in the **Shoreline**
3 **Policies Element** of the comprehensive plan.
4

5 1.7.13 Compliance with countywide planning policies. As required by the GMA,
6 Clark County participated in discussions with cities within the county to revise urban
7 growth area boundaries, and adopted such boundaries for each city consistent with
8 the countywide planning policies. Further, the county provided notification to
9 surrounding jurisdictions of its 2016 Plan Update development process. The County
10 has achieved consistency with adopted countywide planning policies.
11

12 1.8 The draft 2016 Plan Update was filed with Commerce within the required time
13 frame. Commerce received notice of the county's intent to adopt a comprehensive plan under
14 the GMA on April 29, 2016. Comments were received from Commerce on June 20, 2016.
15 Commerce's comments were considered in the 2016 Plan Update.
16

17 1.9 The County has adequate development regulations in place through Clark
18 County Code Title 40, the Unified Development Code. Adoption of updates to zoning
19 ordinances and other measures necessary to implement the Comprehensive Plan are
20 adopted as part of this ordinance.
21

22 1.10 Capital facilities plans for service providers (including school districts, public
23 safety, parks, water, sewer, and transportation) satisfy GMA requirements, and
24 incorporated into the 2016 Plan Update.
25
26

27 **2. COMPREHENSIVE PLAN ADOPTION**

28

29 2.1 **Adoption of the updated Clark County Comprehensive Plan.** The 2016
30 Plan Update is hereby adopted as the County's current 20-year land use plan and the GMA
31 Comprehensive Plan for Clark County.
32

33 2.2 **Plan Components.** The County Comprehensive Land Use Plan, through the
34 2016 Plan Update, consists of the following:
35

36 2.2.1 The 2016 Plan Update document and all text and policies contained
37 therein (Exhibit 1), including: Capital Facilities Plan for school districts; transportation;
38 parks, recreation and open space services; water; sewer; sheriff; fire; and stormwater
39 (Appendix E); Clark County Capital Facilities Financial Plan 2015-35 (Appendix G);
40 and, County transportation analysis (Appendix A).
41

42 2.2.2 An updated map showing plan designations for unincorporated rural and
43 resource lands as well as lands within urban growth boundaries in Clark County
44 (Exhibit 2).
45

46 2.2.3 An updated map showing the corresponding zoning that implements the
47 plan designations (Exhibit 3).
48

49 2.2.4 An updated map showing arterial classifications and cross-sections for

1 roadways within the county's land-use jurisdiction (Exhibit 4).

2
3 2.2.5 The following are incorporated by reference:

- 4 • Vacant and Buildable Lands Analyses for urban growth areas;
- 5 • Traffic impact fee technical memorandum; and
- 6 • Park impact fee technical memorandum.

7
8
9 **3. CHANGES TO DEVELOPMENT REGULATIONS**

10
11
12 3.1. Amendatory Clark County Code Section Table of Contents is amended
13 (Exhibit 5).

14 3.2. Amendatory Clark County Code Section 40.100.070 is amended
15 (Exhibit 6).

16 3.3. Amendatory Clark County Code Section 40.200.020 is amended
17 (Exhibit 7).

18 3.4. Amendatory Clark County Code Section 40.200.040 is amended
19 (Exhibit 8).

20 3.5. Amendatory Clark County Code Section 40.210.010 is amended
21 (Exhibit 9).

22 3.6. Amendatory Clark County Code Section 40.210.020 is amended
23 (Exhibit 10).

24 3.7. Amendatory Clark County Code Section 40.210.030 is amended
25 (Exhibit 11).

26 3.8. Repealer Clark County Code Section 40.210.040 Urban Reserve
27 Districts is repealed.

28 3.9. Amendatory Clark County Code Section 40.210.050 is amended
29 (Exhibit 12).

30 3.10. Amendatory Clark County Code Section 40.220.010 is amended
31 (Exhibit 13).

32 3.11. Amendatory Clark County Code Section 40.220.020 is amended
33 (Exhibit 14).

34 3.12. Amendatory Clark County Code Section 40.230.010 is amended
35 (Exhibit 15).

36 3.13. Amendatory Clark County Code Section 40.230.020 is amended
37 (Exhibit 16).

38 3.14. Amendatory Clark County Code Section 40.230.050 is amended
39 (Exhibit 17).

40 3.15. Amendatory Clark County Code Section 40.230.060 is amended
41 (Exhibit 18).

42 3.16. Repealer Clark County Code Section 40.230.070 Urban Holding
43 Districts is repealed.

44 3.17. Amendatory Clark County Code Section 40.230.085 is amended
45 (Exhibit 19).

46 3.18. New A new Clark County Code Section 40.230.090 Public Facilities
47 Zoning District is adopted (Exhibit 20).

48 3.19. Amendatory Clark County Code Chapter 40.250.040 Existing Resort
49 Overlay is amended (Exhibit 21).

- 1 3.20. Amendatory Clark County Code Chapter 40.250.090 Equestrian
2 Overlay is amended as shown in Exhibit 22.
- 3 3.21. New A new Clark County Code Chapter 40.250.100 Urban Reserve
4 Overlay is adopted (Exhibit 23).
- 5 3.22. New A new Clark County Code Chapter 40.250.110 Urban Holding
6 Overlay is adopted as shown in Exhibit 24.
- 7 3.23. Amendatory Clark County Code Section 40.260.030 is amended
8 (Exhibit 25).
- 9 3.24. Amendatory Clark County Code Section 40.260.050 is amended
10 (Exhibit 26).
- 11 3.25. Amendatory Clark County Code Section 40.260.075 is amended
12 (Exhibit 27).
- 13 3.26. Amendatory Clark County Code Section 40.260.115 is amended
14 (Exhibit 28).
- 15 3.27. Repealer Clark County Code Section 40.260.157 Neighborhood
16 Parks is repealed.
- 17 3.28. New A new Clark County Code Section 40.260.157 Parks is adopted
18 (Exhibit 29).
- 19 3.29. Amendatory Clark County Code Section 40. 260.160 is amended
20 (Exhibit 30).
- 21 3.30. Amendatory Clark County Code Section 40. 260.170 is amended
22 (Exhibit 31).
- 23 3.31. Amendatory Clark County Code Section 40. 260.210 is amended
24 (Exhibit 32).
- 25 3.32. Amendatory Clark County Code Section 40.260.250 is amended
26 (Exhibit 33).
- 27 3.33. Amendatory Clark County Code Section 40.310.010 is amended
28 (Exhibit 34).
- 29 3.34. Amendatory Clark County Code Section 40.320.010 is amended
30 (Exhibit 35).
- 31 3.35. Amendatory Clark County Code Section 40.510.010 is amended
32 (Exhibit 36).
- 33 3.36. Amendatory Clark County Code Section 40.510.020 is amended
34 (Exhibit 37).
- 35 3.37. Amendatory Clark County Code Section 40.510.030 is amended
36 (Exhibit 38).
- 37 3.38. Amendatory Clark County Code Section 40.530.010 is amended
38 (Exhibit 39).
- 39 3.39. Amendatory Clark County Code Section 40.540.020 is amended
40 (Exhibit 40).
- 41 3.40. Amendatory Clark County Code Section 40.560.010 is amended
42 (Exhibit 41).
- 43 3.41. Amendatory Clark County Code Section 40.610.040 is amended
44 (Exhibit 42).
- 45 3.42. Amendatory Clark County Code Section 40.620.010 is amended
46 (Exhibit 43).
- 47 3.43. Amendatory Clark County Code Section 40.630.010 is amended
48 (Exhibit 44).
- 49

1 **4. DOCKETS**

2
3 4.1 School Impact Fees. The findings and analysis contained in the Clark County
4 Planning Commission's memorandum dated October 15, 2015, relating to the
5 2015 Comprehensive Plan Amendments-Dockets is hereby adopted and incorporated
6 herein by reference.
7
8

9 The table below shows proposed school impact fees (SIF):
10

School District	CPZ Number ¹	Ordinance ²	Single Family ³	Multi-Family ³
Battle Ground	CPZ-2015-00003	Ord. 2011-12-22	\$6,397	\$2,285
Camas	CPZ-2015-00004	Ord. 2011-12-22	5,371	5,371
Evergreen	CPZ-2015-00005	Ord. 2011-12-22	6,100	7,641
Green Mountain	CPZ-2015-00006	Ord. 2007-09-13	3,387	0
Hockinson	CPZ-2015-00007	Ord. 2009-12-21	6,080	2,781
La Center	CPZ-2015-00011	Ord. 2009-12-21	4,111	5,095
Ridgefield	CPZ-2015-00008	Ord. 2011-12-22	6,530	6,530
Vancouver	CPZ-2015-00009	Ord. 2011-12-22	2,880.75	2,381.93
Washougal	CPZ-2015-00010	Ord. 2011-12-22	5,600	5,800
Woodland	CPZ-2016-00003	Ord. 2005-12-23	5,000	2,500

11 ¹The case number for purposes of Tidemark.

12 ²The ordinance containing the last update of the fees.

13 ³The proposed 'single family' and 'multi-family' fees per dwelling unit, respectively.
14
15
16

17 4.2 Parks Impact Fees. Clark County parks impact fees were last updated in 2002
18 by Ordinance 2002-10-16. The findings and analysis contained in the Clark
19 County Planning Commission's memorandum dated April 16, 2016, are
20 hereby adopted and incorporated herein by reference.
21

22 The table below shows proposed parks impact fees (PIF):
23
24

PIF District	Single-Family PIF Rates			Multi-Family PIF Rates		
	Year 1 80%	Year 2 90%	Year 3 100%	Year 1 75%	Year 2 90%	Year 3 100%
1 ¹	N/A	N/A	N/A	N/A	N/A	N/A
2 ¹	N/A	N/A	N/A	N/A	N/A	N/A
3 ¹	N/A	N/A	N/A	N/A	N/A	N/A
4 ¹	N/A	N/A	N/A	N/A	N/A	N/A
5	\$3,482	\$3,918	\$4,353	\$2,520	\$3,023	\$3,359
6	\$4,458	\$5,015	\$5,572	\$3,225	\$3,870	\$4,300

7	\$3,402	\$3,827	\$4,252	\$2,461	\$2,953	\$3,282
8	\$3,167	\$3,563	\$3,959	\$2,291	\$2,750	\$3,055
9	\$4,400	\$4,950	\$5,500	\$3,183	\$3,820	\$4,244
10	\$3,082	\$3,467	\$3,852	\$2,229	\$2,675	\$2,973

¹These park districts are either wholly or predominately within the Vancouver city limits, which is why Clark County Parks Advisory Board voted unanimously to take references to these four districts out of the Draft Park Impact Fee technical document.

4.3 Traffic Impact Fees. The findings and analysis contained in the Clark County Planning Commission's memorandum dated July 16, 2015, are hereby adopted and incorporated herein by reference.

The table below shows proposed traffic impact fees (TIF):

Existing Districts	Existing Rates	Proposed Rates	Proposed Districts
Hazel Dell	\$375	\$338	Hazel Dell
Mount Vista	\$613	\$536	Mount Vista
North Orchards	\$553	\$313	Orchards
South Orchards	\$389		
Rural 1	\$315	\$264	Rural
Rural 2	\$52		

5. MISCELLANEOUS

5.1 Severability. If any section, clause, or phrase of this ordinance should be held invalid or unconstitutional by the Growth Management Hearings Board or a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this ordinance.

5.2 Instructions to the Clerk. The Clerk of the Board shall:

5.2.1 Transmit a copy of this ordinance to the Washington Department of Commerce within ten days of its adoption, pursuant to RCW 36.70A.106;

5.2.2 Record a copy of this ordinance with the Clark County Auditor;

5.2.3 Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

5.2.4 Transmit a copy of this ordinance to the School District Consortium (Marnie Allen).

5.2.5 Transmit a copy of this ordinance to Clark County Geographic Information Systems (Ken Pearrow, GIS Coordinator), to Community Planning (Oliver Orjiako, Director), to Community Development (Debra Weber, Tidemark

1 Data Manager and Marty Snell, Director) and to Public Works (Heath
2 Henderson, Director and Carolyn Heniges, Manager)
3

4 5.2.6 Transmit a copy of this ordinance to the Cities of Battle Ground, Camas, La
5 Center, Ridgefield, Washougal, Woodland, and Vancouver, and the Town of
6 Yacolt.
7

8 5.2.7 Transmit a copy of this ordinance to the Ports of Camas/Washougal,
9 Ridgefield, Vancouver and Woodland.
10

11 5.2.8 Transmit a copy of this ordinance to the Columbia River Economic
12 Development Council (Mike Bomar, President).
13

14
15 **5.3 Effective Date.** This ordinance shall go into effect ten (10) days after
16 adoption as provided by law, except for school, parks, and traffic impact fees,
17 which will take effect on January 1, 2017.
18

19 ADOPTED this 28th day of June, 2016.
20

21 BOARD OF COUNTY COUNCILORS
22 FOR CLARK COUNTY, WASHINGTON

23 Attest:
24

25
26 _____
27 Clerk to the Board
28

29 By: _____
30 Marc Boldt, Chair
31

32 Approved as to Form Only:
33 Anthony F. Golik
34 Prosecuting Attorney
35

36 By: _____
37 Jeanne Stewart, Councilor
38

39 By: _____
40 Julie Olson, Councilor
41

42 By: _____
43 P. Stephen DiJulio
Special Deputy Prosecuting Attorney

44 By: _____
45 David Madore, Councilor
46

47 By: _____
48 Tom Mielke, Councilor
49

1 **EXHIBIT 5**
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3
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1 **EXHIBIT 6**
 2 40.100.070 DEFINITIONS
 3

Lot area, rural	<p>“Lot area, rural” <u>means</u> is the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"> • Private driveway easements, • On-site road easements, • One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways. <p>For the purposes of this definition, “rural lot area” applies to urban reserve (UR-10 <u>and</u> UR-20 and UR-40), urban holding (UH-10 and UH-20 and UH-40), rural (R-5, R-10 and R-20), agricultural (AG-1020 and <u>AG-WLAW</u>) and forest resource (FR-2040 and FR-80) districts.</p>
Lot area, urban	<p>“Lot area, urban” <u>means</u> is the computed area contained within the lot lines in urban districts, to include private driveway easements, and excluding street and alley rights-of-way, street easements, and street tracts.</p> <p>For the purposes of this definition, “urban lot area” does not apply to the urban holding zones (UH-10 and UH-20 and UH-40).</p>
Neighborhood park	<p>“Neighborhood park” means a public park designed to provide nonorganized recreational opportunities for residents living within a one-half (1/2) mile radius, and are located such that they are within walking and bicycling distance of most users. These parks generally contain three (3) to five (5) acres but may vary in size depending upon unique site characteristics, opportunities and land availability.</p>
<u>Park, Community</u>	<p><u>“Community Park” means a public park that provides a focal point and gathering place for broad groups of users. Community Parks are used by all segments of the population and generally serve residents from a one to three-mile service area. Community Parks often include recreation facilities for organized activities such as sports fields, skate parks, and play courts.</u></p>
<u>Park, Neighborhood</u>	<p><u>“Neighborhood park” means a public park designed to provide non-organized recreational opportunities for residents living within a one-half (1/2) mile radius, and are located such that they are within walking and bicycling distance of most users. These parks generally contain three (3) to five (5) acres but may vary in size depending upon unique site characteristics, opportunities and land availability.</u></p>
<u>Park, Regional</u>	<p><u>“Regional park” means a public recreational area that serves residents throughout Clark County, as well as outside the county. Facilities may include sports fields, extensive trail systems, or large</u></p>

	<u>picnic areas. Because of their large size and broad service area, regional parks typically require more support facilities, such as parking and restrooms. These parks are designed to accommodate large numbers of people.</u>
Public facilities	<u>“Public facilities” means facilities which are owned, operated, and maintained by a public agency. This does not refer to the Public Facilities district, which has its own definitions per Section 40.230.090.</u>
<u>Trail</u>	<u>“Trail” means any path, route, way, right-of-way, or corridor posted, signed, or designated as open for non-motorized travel or passage by the general public. Five trail types are identified in the Regional Trails and Bikeways System Plan (2006) and include regional, multi-use trails, local trails, rustic trails, semi-primitive trails, and bike lanes and pedestrian walkways.</u>

1

1 **EXHIBIT 7**

2
3 40.200 LAND USE DISTRICTS – GENERAL PROVISIONS
4 40.200.020 ZONING CLASSIFICATIONS

5 A. Classification of Zoning Districts.

6 For the purposes of this title, the county is divided into zoning districts designated as
7 shown in Table 40.200.020-1.
8

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
RESOURCE AND RURAL DISTRICTS (40.210)				
Forest and Agriculture	FR-80, FR-40, FR-20, AG-20, AG-10		X	40.210.010
Agricultural-Wildlife	AG-WL		X	
Rural	R-20, R-10, R-5		X	40.210.020
Rural center residential	RC-1, RC-2.5		X	40.210.030
Urban reserve	UR-40, UR-20, UR-10		X	40.210.040
URBAN AREA RESIDENTIAL DISTRICTS (40.220)				
Single-family residential	R1-20, R1-10, R1-7.5, R1-6, R1-5	X		40.220.010
Residential	R-12, R-18, R-22, R-30, R-43	X		40.220.020
Office residential	OR-15, OR-18, OR-22, OR-30, OR-43	X		
COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS (40.230)				
Rural commercial	CR-1, CR-2		X	40.230.010
Neighborhood commercial	NC-2	X		
Community commercial	CC-3	X		

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
General commercial	GC	X		
Mixed use	MX	X		40.230.020
Business park	BP	X		40.230.030
University	U	X		40.230.050
Airport	A	X	X	40.230.060
Urban holding	UH-40, UH-20, UH-10	X		40.230.070
Light industrial	IL	X		40.230.085
Heavy industrial	IH	X	X	
<u>Public Facilities</u>	<u>PF</u>	<u>X</u>	<u>X</u>	<u>40.230.090</u>
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICTS (40.240)				
Gorge Large-Scale Agriculture	GLSA-80, GLSA-40		X	40.240
Gorge Small-Scale Agriculture	GSSA-20		X	
Gorge Small Woodland	GSW-40, GSW-20		X	
Gorge Open Space	GOS		X	
Gorge Residential	GR-5		X	
Gorge Public Recreation	GPR		X	
Gorge SMA Agriculture	GSAG		X	
Gorge SMA Federal Forest	GSFF		X	
Gorge SMA Non-Federal Forest	GSNFF		X	
Gorge SMA	GSOS		X	

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
Open Space				
OVERLAY DISTRICTS (40.250 and 40.460)				
Airport Environs	AE-1, AE-2	X	X	40.250.010
Surface mining	S	X	X	40.250.022
Historic Preservation		X	X	40.250.030
Shoreline	SL	X	X	40.460
Highway 99	TC-1	X		40.250.050
Mill Creek	MC	X		40.250.060
<u>Equestrian</u>	<u>EQ</u>	<u>X</u>	<u>X</u>	<u>40.250.090</u>
<u>Urban reserve</u>	<u>UR-20, UR-10</u>		<u>X</u>	<u>40.250.100</u>
<u>Urban holding</u>	<u>UH-20, UH-10</u>	<u>X</u>		<u>40.250.110</u>

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1 **EXHIBIT 8**

2 40.200 LAND USE DISTRICTS – GENERAL PROVISIONS

3
4 40.200.040 MINIMUM AND MAXIMUM CALCULATIONS

5
6 *****

7 C. Lot Area Calculations.

8 1. Lot area is the computed area contained within the lot lines.

9 a.4. In the urban area, except for the UH zones, lot area excludes street and alley rights-
10 of-way, street easements, and street tracts.

11 b. In the urban reserve (UR-10 and UR-20 and UR-40), urban holding (UH-10, UH-20
12 and UH-40), rural (R-5, R-10 and R-20), agricultural (~~AG-20~~ AG-10 and AG-WL AW) and
13 forest resource (~~FR-40~~ FR-20 and FR-80) districts, lot area includes on-site road
14 easements, and one-half (1/2) the width, or thirty (30) feet, whichever is less, of abutting
15 public rights-of-way for perimeter streets, excluding limited access state or interstate
16 highways.

17 c. Driveways are included in lot area in all zones.

18 2. One lot within a proposed subdivision, short plat or exempt division shall be
19 considered in compliance with the minimum lot area requirements if it is within ten percent
20 (10%) of the required lot area for the zone. To utilize this provision in the R1-5 and R1-6
21 zones, one lot may be excluded from the average minimum lot calculations and the ten
22 percent (10%) lot area reduction may be applied to the excluded lot. The provisions of this
23 section shall not apply to developments utilizing the following:

24 a. Density transfer (Section 40.220.010(C)(5));

25 b. Rural cluster (Section 40.210.020).

1 **EXHIBIT 9**

2 40.210 RESOURCE AND RURAL DISTRICTS

3 40.210.010 FOREST, AGRICULTURE AND AGRICULTURAL-WILDLIFE DISTRICTS
4 (FR-80, ~~FR-40~~ FR-20, ~~AG-20~~ AG-10, AG- WL)

5 A. Purpose.

6 1. Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance
7 resource-based industries, encourage the conservation of productive forest lands and
8 discourage incompatible uses consistent with the Forest I policies of the comprehensive
9 plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1
10 on the comprehensive plan. Nothing in this chapter shall be construed in a manner
11 inconsistent with the Washington Forest Practices Act.

12 2. Forest ~~4020~~ District. The purpose of the Forest ~~4020~~ district is to encourage the
13 conservation of lands which have the physical characteristics that are capable of
14 management for the long-term production of commercially significant forest products and
15 other natural resources, such as minerals.

16 3. Agriculture ~~2010~~ District. The purpose of the Agriculture ~~2010~~ district is to
17 encourage the conservation of lands which have the growing capacity, productivity, soil
18 composition, and surrounding land use to have long-term commercial significance for
19 agriculture and associated resource production.

20 4. Agricultural-Wildlife. The purpose of the AG-WL district is to encourage the
21 preservation of agricultural and wildlife use on land which is suited for agricultural
22 production, and to protect agricultural areas that are highly valuable seasonal wildlife
23 habitat from incompatible uses. The district provides for activities which can be
24 considered accessory only to agricultural, game, or wildlife habitat management, or
25 recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural
26 practices.

27 B. Uses.

28 The uses set out in Table 40.210.010-1 are examples of uses allowable in the various
29 resource zone districts. The appropriate review authority is mandatory.

- 30 • “P” – Uses allowed subject to approval of applicable permits.
- 31 • “R/A” – Uses permitted upon review and approval as set forth in Section [40.520.020](#).
- 32 • “C” – Conditional uses which may be permitted subject to the approval of a conditional
33 use permit as set forth in Section [40.520.030](#).
- 34 • “X” – Uses specifically prohibited.

35
36 Where there are special use standards or restrictions for a listed use, the applicable code
37 section(s) in Chapter [40.260](#), Special Uses and Standards, or other applicable chapter is
38 noted in the “Special Standards” column.
39

Table 40.210.010-1. Uses.					
	FR-80	FR- 4020	AG- 2010	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings and accessory buildings	P ¹	P ¹	P ¹	P	40.260.010

Table 40.210.010-1. Uses.					
b. Guest house	C ²	C ²	C ²	C ²	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Adult family homes	P	P	P	P	40.260.190
e. Home business – Type I	P	P	P	P	40.260.100
f. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. Garage sales	P	P	P	P	40.260.090
j. Temporary dwellings	P	P	P	X	40.260.210
2. Services, Business.					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside farm stand	P	P	P	P	40.260.025
c. Agricultural market	P	P	P	X	40.260.025
d. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	X	40.260.110
e. Private kennels	P	P	P	P	40.260.110
f. Animal boarding and day use facilities	P	P	P	X	40.260.040
3. Services, Amusement. ¹⁰					
a. Public recreation, scenic and park use ¹⁰	P	P	P	C ³	
b. Public interpretive/educational uses ¹⁰	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts ¹⁰	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking ¹⁰	P	P	P	P	
e. Regional recreational facilities designed and developed through a public master planning process ¹⁰	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country	C	C	C	C ³	

Table 40.210.010-1. Uses.					
clubs and golf courses					
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
4. Services – General.					
a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
5. Services, Membership Organization.					
a. Churches	X	C	C	X	
6. Services, Educational. ¹⁰					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
7. Public Service and Facilities. ¹⁰					
a. Ambulance dispatch facilities ¹⁰	C	C	C	C	40.260.030
b. Government facilities ¹⁰	C ⁴	C ⁴	C ⁴	C ⁵	
c. Public corrections facilities ¹⁰	C	C	C	X	
8. Resource Activities.					
a. Agricultural	P ⁶	P ⁶	P ⁶	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440

Table 40.210.010-1. Uses.					
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁷	P ⁷	P ⁷	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P ⁸	P ⁸	P ⁸	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105
m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	P	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	P	C	40.260.240
c. Wireless communications facilities	P/C ⁹	P/C ⁹	P/C ⁹	P/C ⁹	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200
f. Private use landing strips for aircraft	C	C	C	X	40.260.170
g. New cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two	X	X	X	C	

Table 40.210.010-1. Uses.					
hundred (200) feet of a lot in a residential district					
h. Expansion of existing cemeteries	P	P	P	P	
i. Temporary uses	P	P	P	P	40.260.220
j. Electric vehicle infrastructure	P	P	P	P	40.260.075
k. Marijuana-related facilities	X	X	X	X	

- 1
2 ¹ One (1) single-family dwelling on legal lot or legal nonconforming lot of record.
3 ² One (1) guesthouse in conjunction with a single-family dwelling or mobile home.
4 ³ Public, where no public master planning process has been completed or private outdoor
5 recreational facilities requiring limited physical improvements which are oriented to the
6 appreciation, protection, study or enjoyment of the fragile resources of this area. In
7 addition to those findings as specified by Section [40.520.030](#) (Conditional Use Permits),
8 such uses shall be approved only upon the applicant establishing both of the following:
9 • There will be no significant environmental impact, especially as it relates to wildlife,
10 resulting from the proposed use; and
11 • The subject site cannot be put to any reasonable economic use which is provided
12 for in this section.
13 ⁴ Government facilities necessary to serve the area outside urban growth boundaries,
14 including fire stations, ambulance dispatch facilities and storage yards, warehouses, or
15 similar uses.
16 ⁵ Limited to fire stations only.
17 ⁶ Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding
18 and sale or production of poultry, livestock, furbearing animals, and honeybees including
19 feedlot operations, animal sales yards, Christmas trees, nursery stock and floral
20 vegetation and other agricultural activities and structures accessory to farming or animal
21 husbandry.
22 ⁷ Additional surface mining and associated activities subject to zone change to add the
23 surface mining overlay district, Section [40.250.020](#).
24 ⁸ Commercial uses supporting resource uses, such as packing, first stage processing and
25 processing which provides value added to resource products. Chippers, pole yards, log
26 sorting and storage, temporary structures for debarking, accessory uses including but not
27 limited to scaling and weigh operations, temporary crew quarters, storage and
28 maintenance facilities, disposal areas, saw mills producing ten thousand (10,000) board
29 feet per day or less, and other uses involved in the harvesting of forest products.
30 ⁹ See Table 40.260.250-1.
31 ¹⁰Once a property has been developed as a public facility, a docket is required to change
32 the comprehensive plan designation from the current zone to the Public Facility zone.

33
34 C. Development Standards.
35 1. New lots and structures and additions to structures subject to this section shall
36 comply with the applicable standards for lots and building height, and setbacks in Tables
37 40.210.010-2 and 40.210.010-3, subject to the provisions of Chapter [40.200](#) and Section
38 [40.550.020](#).

Table 40.210.010-2. Lot Requirements.				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 ¹ or legally described as one-eighth (1/8) of a section	660 ²	None
FR-4020	All Uses	20 ¹ 40 ¹ or legally described as one- thirty - <u>second</u> (1/32) sixteenth (1/16) of a section	660 ²	None
AG-2010	All Uses	10 ¹ 20 ¹ or legally described as one- sixth - <u>fourth</u> (1/64) thirty-second (1/32) of a section	660 ²	None
AG-WL	Agricultural	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Wildlife game management	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160 or legally described as one-fourth (1/4) of a section	None	None
	Plant nurseries	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Silviculture	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

2

3

4

¹ The following uses may be permitted on newly approved lots of less than the minimum parcel size:

- 1 a. Utilities, structures and uses including but not limited to utility substations, pump
 2 stations, wells, watershed intake facilities, gas and water transmission lines and
 3 telecommunication facilities.
 4 b. Dams for flood control and hydroelectric generating facilities.
 5 ² Minimum lot width – One hundred forty (140) feet for legal lots created under Section
 6 [40.210.010\(D\)](#).
 7

Table 40.210.010-3. Setbacks, Lot Coverage and Building Height.						
Zoning District	Minimum Setbacks ¹				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
FR-80	50 ²	25	50 ³	50 ³	N/A	35 ⁴
FR-40 <u>20</u>	50 ²	25	50 ³	50 ³	N/A	35 ⁴
AG-20 <u>10</u>	50 ²	25	50 ³	50 ³	N/A	35 ⁴
AG-WL	None	None	None	None	N/A	None

- 8 ¹ See Section [40.530.010\(D\)\(2\)](#) for nonconforming lots.
 9 ² From public road right-of-way or private road easement.
 10 ³ All structures.
 11 ⁴ Residential buildings only.
 12

- 13 2. Signs. Signs shall be permitted according to the provisions of Chapter [40.310](#).
 14 3. Previous Land Divisions.
 15 a. Within the FR-80, FR-4020 and AG-2010 districts, until the affected property is
 16 included within an urban growth boundary, no remainder lot of a previously approved
 17 agriculture or forest district “cluster” land division or lot reconfiguration shall be:
 18 (1) a. Further subdivided or reduced in size below seventy percent (70%) of the total
 19 developable area of the original parent parcel constituting the cluster subdivision; or
 20 (2) b. Reduced by a total of more than one (1) acre.
 21 c. Applications for reduction in remainder lot size consistent with this provision shall
 22 be processed as a plat alteration pursuant to Section [40.540.120](#).
 23 b. d. Exceptions to Subsections (C)(3)(a) and (b) of This Section. A remainder lot with an
 24 existing residence may be short platted further to contain the residence on its own lot,
 25 subject to the following:
 26 (1) Process. Creation of the new lot is subject to the requirements of Section [40.540.030](#).
 27 (2) Lot Size. The new lot shall be sized to require the minimum reduction in the remainder
 28 lot, but still meet minimum requirements of this section and for on-site sewage disposal as
 29 required by the Clark County Public Health Department.
 30 (3) The new lot may not include critical areas unless no other alternative exists. If no
 31 alternative is available, encroachment into these areas shall be limited to the least amount
 32 possible consistent with applicable critical areas ordinances.
 33 (4) A building envelope containing the existing residence and accessory buildings shall be
 34 established within the new lot, subject to the following:

1 (a) A minimum one hundred (100) foot setback between the envelope and the remainder
2 parcel is maintained, unless it can be shown that a lesser setback with existing or
3 proposed landscaping or existing vegetation will provide the same or greater buffering. In
4 no case shall a setback less than fifty (50) feet be approved.

5 (b) A minimum twenty (20) foot setback between the envelope and other cluster lots is
6 maintained.

7 (5) A note shall be placed on the plat stating the following:
8

9 The residential property is adjacent to agricultural or forest lands on which a variety of
10 resource-related activities may occur that are not compatible with residential
11 development. Potential discomforts or inconvenience may include, but are not limited to:
12 Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft)
13 during any twenty-four (24) hour period, storage and disposal of manure, and the
14 application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides
15 and pesticides.
16

17 (6) An open space, farm or forest management plan is required for the remainder parcel,
18 which shall prohibit additional residential development. The plan shall be submitted and
19 approved with the preliminary application. The plan shall identify permitted uses and
20 management of the parcel so that it maintains its open space or other designated
21 functions and provides for the protection of all critical areas. The management plan shall
22 identify the responsibility for maintaining the remainder parcel. The plan shall also include
23 any construction activities (trails, fencing, agricultural buildings) and vegetation clearing
24 that may occur on site. All subsequent activities must be conducted in conformance with
25 the approved management plan. Management plans may be modified through a Type II
26 process. A note shall be placed on the plat and a restrictive covenant shall be recorded
27 that clearly states that only the above uses are permitted on the remainder parcel. The
28 note and covenant shall also incorporate the management plan, as described above.

29 4. Nonconforming lots may be reconfigured pursuant to Section 40.530.020(B).
30

31 D. Nonconforming Lots – Lot Reconfiguration Standards

32 1. Purpose. It is in the public interest to encourage the protection of sensitive lands,
33 expand the amount of commercially viable resource land under single ownership, reduce
34 the amount of road and utility construction and, within the FR-80, FR-~~4020~~ and AG-~~1020~~
35 districts, to protect and buffer designated resource lands.

36 2. Lot Reconfiguration. Except for previously approved agricultural or forest zoned
37 clusters or rural residential planned unit developments, these substandard lots may be
38 modified where consistent with the following criteria. Parcels which meet all of the
39 following criteria are eligible for reconfiguration and reduction in size subject to a Type II
40 review:

41 a. Existing parcel(s) is:

42 (1) smaller than the minimum lot size established for new lots in the applicable zoning
43 district. Parcels which meet the minimum lot size may be adjusted as a part of this
44 process, but may not be decreased below the established minimum lot size

45 (2) determined to be legally created, and be reasonably buildable. Within the FR-80,
46 FR-~~2040~~ and AG-~~1020~~ districts, this section authorizes lot reconfiguration only where
47 existing divisions are determined to have a reasonable probability of developing. For the

1 purposes of this section the review authority shall determine whether the existing lots are
2 reasonably buildable by considering the following: road access, septic suitability,
3 topography, costs of providing infrastructure and the presence of sensitive land

4 b. Proposed parcel(s) results in the following:

5 (1) No additional parcels;

6 (2) Have septic suitability approval;

7 (3) Have adequate potable water at the time of occupancy, subject to Section [40.370.020](#);

8 (4) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a
9 minimum width of at least one hundred forty (140) feet; and

10 (5) In addition, within the FR-80, FR-~~2040~~ and AG-~~1020~~ districts:

11 (a) The location of the resulting reconfigured lots shall have the least impact on
12 sensitive and resource lands;

13 (b) Access to reconfigured lots shall meet the minimum standards necessary to obtain
14 a building permit;

15 (c) The remainder lot shall not be further subdivided or reduced in size unless the
16 affected property is included within an urban growth boundary;

17 (d) Reconfigured lots shall not be further adjusted by boundary line adjustment without
18 approval under this section.

19 c. Reconfigured lots shall result in achieving one (1) or more of the identified public
20 interest issues in Section [40.210.010](#)(D)(1).

21 3. Lot Requirements. The setback, dimensional, use and height standards for these
22 lots shall be as established for the Rural-5 (R-5) district except that reductions in side and
23 rear setbacks shall be granted where necessary to permit construction of a dwelling on
24 the parcel; providing, when the parcel is abutting, or surrounded by, property zoned for
25 resource uses, the minimum setback from those property lines shall be fifty (50) feet for all
26 structures.

27 4. The review authority may impose conditions on the lot reconfiguration to further the
28 purposes of this section.

29 5. Lot reconfigurations shall be finalized upon the filing of a record of survey or
30 covenant.

31 32 E. Land Divisions in the AG-10 and FR-20 Zones.

33 1. Purpose.

34 a. The purpose of subsection 40.210.010(E) is to provide for smaller lot residential
35 development in the resource zoning districts (AG-10 and FR-20) which maintains and
36 conserves larger remainder parcels or open space for agricultural and forest uses,
37 protects and/or enhances sensitive environmental and wildlife habitat areas, and
38 minimizes impacts to necessary public services. These goals are achieved by allowing the
39 placement of homes on a small portion of the property while maintaining the majority of
40 the site for agricultural and forestry uses. This is consistent with the goals and policies of
41 the Growth Management Act, especially the provisions for innovative development
42 techniques to conserve resource lands.

43 b. The provisions of this subsection shall apply to all land divisions in the AG-10 and
44 FR-20 zoning districts after July 1, 2016.

45 c. Available options for land division are authorized:

46 (1) Pursuant to Chapter 40.540 and Section 40.210.010(E)(3); or

47 (2) Pursuant to Chapter 40.540 and by using the cluster provisions in Section

- 1 40.210.010(E)(4).
2 d. In the AG-10 zoning district:
3 (1) Land divisions that result in parcels twenty (20) acres (or lots capable of being
4 described as 1/32 of a section) in size or larger are allowed under the exemption
5 provisions of Section 40.540.020(B)(4)(b).
6 (2) Land divisions that result in parcels less than (20) acres in size must be platted and
7 meet the additional requirements of this chapter.
8 e. In the FR-20 zoning district, land divisions that result in parcels less than (40) acres
9 in size must be platted and meet the additional requirements of this chapter.
10 f. Previously approved cluster or lot reconfiguration remainder lots are not eligible to
11 use the provisions of this section.
12
13

1 2. Definitions. For the purposes of this subsection, the following definitions shall apply:

2

<u>Building envelope</u>	<u>“Building envelope” means that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure and utilities.</u>
<u>Critical lands</u>	<u>“Critical lands” mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.</u>
<u>Remainder parcel</u>	<u>“Remainder parcel” means the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to resource or open space use.</u>

3

4 3. Development standards for subdivisions or short plats.

5 a. A subdivision or short subdivision is allowed at a maximum density equivalent to
6 that which would be permitted by applying the otherwise applicable minimum lot size
7 requirements of this section. The density shall be based on one hundred percent (100%)
8 of the gross area of the site.

9 b. Building envelopes shall be shown on the plat and shall be located, as follows:

10 (1) to include the dwelling, utilities, and all non-agricultural and non-forest structures;

11 (2) be limited to one (1) acre in size, unless a larger size is required by Clark County
12 Public Health. In no case shall building envelopes exceed one-and-a-half (1.5) acres in
13 size;

14 (3) to minimize conflicts between housing and agricultural or forest uses;

15 (4) as close as possible along parent property boundary lines and existing roads, to
16 minimize the need for new roads and driveways;

17 (5) to avoid critical areas, including fish and wildlife habitat areas, riparian corridors,
18 geologic hazard areas, areas of significant natural vegetation, wetlands, prominent
19 hillsides, meadows, ridges, and any buffers associated with the above areas;

20 (6) if located on agriculturally zoned land, and to the extent not precluded by other
21 provisions of this subsection, to be limited to lands with poor soils or soils otherwise
22 unsuitable for agriculture purposes; and

23 (7) to allow for a buffer from abutting resource uses.

24 c. Remainder parcel.

25 (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or
26 private road easements and/or building sites shall not occur unless no other reasonable
27 alternative exists. Remainder parcels shall also be located adjacent to other bordering
28 remainder parcels or public parks and open space, if practical.

1 (2) The remainder parcel shall be non-buildable and used for the agriculture and
 2 forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as open space.
 3 (3) A farm or forest management plan is required for the remainder parcel. The plan
 4 shall be submitted and approved with the preliminary application. The plan shall:
 5 (a) identify permitted uses and management of the parcel so that it maintains
 6 designated agricultural or forest functions and provides for the protection of all critical
 7 areas:
 8 (b) identify the responsibility for maintaining agriculture or forest uses on the parcels:
 9 and
 10 (c) include any construction activities (for example, fencing or agricultural buildings)
 11 and vegetation clearing that may occur on-site.
 12 If in current use, the plan submitted for the current use taxation program shall suffice for
 13 meeting this requirement.
 14 (4) A note shall be placed on the plat that the remainder parcel shall not be further
 15 subdivided or reduced in size unless brought into an urban growth area. In addition, a
 16 restrictive covenant shall be recorded that clearly state that only the above uses are
 17 permitted on the parcel. The note and covenant shall also incorporate the management
 18 plan, as described above
 19 d. Lot Requirements. New lots and structures and additions to structures subject to
 20 this section shall comply with the applicable standards for lots and building height, and
 21 setbacks in Tables 40.210.010-4 and 40.210.010-5, subject to the provisions of Chapter
 22 40.200 and Section [40.550.020](#).
 23

Table 40.210.010-4. Lot Requirements -- FR-20 and AG-10 Cluster Developments

<u>Lot Type</u>	<u>Lot Size</u>	<u>Minimum Lot Width (feet)</u>	<u>Minimum Lot Depth (feet)</u>
<u>Cluster Lot</u>	<u>1 acre¹</u>	<u>140</u>	<u>140</u>
<u>Remainder Lot</u>	<u>85% or greater of the parent parcel²</u>	<u>None</u>	<u>None</u>

24
 25 ¹ Unless a larger size is required by Clark County Public Health. In no case shall a cluster
 26 lot exceed one-and-a-half (1.5) acres in size. Cluster lots can use right-of-way to meet the
 27 minimum lot size as permitted by Section [40.200.040\(C\)\(1\)](#).
 28 ² The minimum standard for remainder parcels controls the maximum size of cluster lots.
 29

Table 40.210.010-5. Setbacks, Lot Coverage and Building Height -- FR-20 and AG-10 Cluster Development

<u>Zoning District and Lot Type</u>	<u>Location or Structure Type</u>	<u>Minimum Setbacks</u>			<u>Maximum Lot Coverage</u>	<u>Maximum Building Height (feet)</u>
		<u>Front (feet)</u>	<u>Side (feet)</u>	<u>Rear (feet)</u>		
<u>FR-20 and</u>	<u>Residential or agricultural</u>	<u>20</u>	<u>20</u>	<u>20</u>	<u>N/A</u>	<u>35²</u>

<u>AG-10 Cluster Lots</u>	<u>structures abutting a cluster lot</u>				
	<u>Residential structures abutting a resource district</u>	<u>50¹</u>	<u>50¹</u>	<u>50¹</u>	
	<u>Agricultural structures</u>	<u>20</u>	<u>20</u>	<u>20</u>	
	<u>Vehicle entry gates</u>	<u>20</u>	<u>20</u>	<u>20</u>	
	<u>All other situations</u>	<u>50</u>	<u>20</u>	<u>50</u>	

¹Except in cases where it can be shown that requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

²Residential buildings only.

e. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.

(1) No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.

(2) To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.

f. Landscaping Standards. Cluster developments shall be landscaped within the cluster lots to reduce views of the development from public right(s)-of-way, so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.

(1) At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and shrubs must be used.

(2) All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.

g. Notice of Resource Activities. For any areas abutting property zoned for agricultural or forestry uses, the following notice shall be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

“The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft)

1 during any twenty-four (24) hour period, storage and disposal of manure, and the
2 application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides
3 and pesticides.”
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1 **EXHIBIT 10**
 2 40.210 RESOURCE AND RURAL DISTRICTS
 3 40.210.020 RURAL DISTRICTS
 4

Table 40.210.020-1. Uses.				
	R-20	R-10	R-5	Special Standards
3. Services, Amusement.				
a. Publicly owned recreational facilities, services, parks and playgrounds ⁴	P	P	P	<u>40.260.157</u>
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving ranges, race track, amusement park, paintball facilities, or gun club.	C	C	C	
5. Services, Educational. ⁴				
a. Public or private schools, but not including business, dancing or technical schools ⁴	C	C	C	40.260.160
6. Public Service and Facilities. ⁴				
a. Ambulance dispatch facilities ⁴	C	C	C	40.260.030
b. Government facilities ⁴				

5 ⁴Once a property has been developed as a public facility, a docket is required to change
 6 the comprehensive plan designation from the current zone to the Public Facility zone.
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1 **EXHIBIT 11**

2
3 40.210 RESOURCE AND RURAL DISTRICTS

4 40.210.030 RURAL CENTER RESIDENTIAL DISTRICTS (RC-2.5, RC-1)

5

Table 40.210.030-1. Uses.			
	RC-1	RC-2.5	Special Standards
3. Services, Amusement			
a. Publicly owned recreational facilities, services, parks and playgrounds ³	P	P	<u>40.260.157</u>
b. Neighborhood pParks ³	P	P	<u>40.260.157</u>
c. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club	C	C	
5. Services, Educational. ³			
a. Public or private schools, but not including business, dancing or technical schools ^{1(a)}	C	C	40.260.160
6. Public Service and Facilities. ³			
a. Ambulance dispatch facilities ³	C	C	40.260.030
b. Government facilities ³	C ¹	C ¹	

6 ³Once a property has been developed as a public facility, a docket is required to change
7 the comprehensive plan designation from the current zone to the Public Facility zone.
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1 **EXHIBIT 12**

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3 40.210 RESOURCE AND RURAL DISTRICTS

4 40.210.050 RURAL COMMERCIAL DISTRICTS (CR-1, CR-2)

5

Table 40.210.050-1. Uses.			
	CR-1	CR-2	Special Standards
11. Services-- Mental and Health			
g. Ambulance services ⁷	P	P	
14. Services – Educational. ⁷			
c. Libraries (< 2,500 square feet gross floor area) ⁷	P	P	
d. Libraries (> 2,500 square feet gross floor area) ⁷	X	C	
i. Public parks, parkways, recreation facilities, trails and related facilities ⁷	P	P	
j. Neighborhood p <u>P</u> arks ⁷	P	P	<u>40.260.157</u>
k. Public/private educational institutions ⁷	C ¹	C ¹	
17. Public Services and Facilities. ⁷			
a. Buildings entirely dedicated to public services, such as City Hall, police and fire substations ⁷	C1	C1	
e. U.S. Post Offices ⁷	P	P	
f. Public transit facilities including park and ride facilities ⁷	P	P	

6 ⁷Once a property has been developed as a public facility, a docket is required to change
 7 the comprehensive plan designation from the current zone to the Public Facility zone.
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1 **EXHIBIT 13**
 2
 3 40.220 URBAN RESIDENTIAL DISTRICTS
 4 40.220.010 SINGLE-FAMILY RESIDENTIAL DISTRICTS
 5

Table 40.220.010-1. Uses.						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
5. Services, Educational. ⁸						
a. Commercial day care centers ⁸	C	C	C	C	C	40.260.160
b. Grade K – 5 public and private schools, including preschools ⁸	P	P	P	P	P	40.260.160
c. Grade 6 – 12 public and private schools ⁸	C	C	C	C	C	
d. Business, dancing and technical schools ⁸	X	X	X	X	X	
e. Public park and public recreational facilities ⁸	P	P	P	P	P	<u>40.260.157</u>
f. Neighborhood Parks ⁸	P	P	P	P	P	<u>40.260.157</u>
6. Public Service and Facilities. ⁸						<u>40.230.090</u>
a. Ambulance dispatch facilities ⁸	C	C	C	C	C	40.260.030
b. Government facilities ⁸	C ¹	C ¹	C	C	C	

6 ⁸Once a property has been developed as a public facility, a docket is required to change
 7 the comprehensive plan designation from the current zone to the Public Facility zone.
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1 **EXHIBIT 14**
 2
 3 40.220 URBAN RESIDENTIAL DISTRICTS
 4 40.220.020 RESIDENTIAL AND OFFICE RESIDENTIAL DISTRICTS (R, OR)
 5

Table 40.220.020-1. Uses.											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
8. Services, Educational. ⁵											
a. Commercial day care centers ⁵	C	C	C	C	C	C	C	C	C	C	40.260.160
b. Grade K through 5 public or private schools, including preschools ⁵	P	P	P	P	P	P	P	P	P	P	
c. Grade 6 through college, public or private schools ⁵	C	C	C	C	C	C	C	C	C	C	
d. Public park and public recreational facilities ⁵	P	P	P	P	P	P	P	P	P	P	<u>40.260.157</u>
e. Neighborhood Parks ⁵	P	P	P	P	P	P	P	P	P	P	<u>40.260.157</u>
f. Business, dancing and technical schools ⁵	X	X	X	X	X	P	P	P	P	P	
9. Public Service and Facilities. ⁵											<u>40.230.090</u>
a. Ambulance dispatch facilities ⁵	C	C	C	C	C	C	C	C	C	C	40.260.030
b. Governmental structures including fire stations, post offices, etc. ⁵	C	C	C	C	C	C	C	C	C	C	

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⁵Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

1 **EXHIBIT 15**

2
 3 40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS
 4 40.230.010 COMMERCIAL DISTRICTS (NC C-2, CC C-3, GC)

Table 40.230.010-1. Uses.				
	<u>NC</u> C-2	<u>CC</u> C-3	GC	Special Standards
11. Services –Medical and Health. ^Z				
f. Ambulance Services ^Z	P	P	P	
14. Services – Educational. ^Z				
i. Public parks, parkways, recreation facilities, trails and related facilities ^Z	P	P	P	<u>40.260.157</u>
j. Neighborhood p <u>P</u> arks	P	P	P	<u>40.260.157</u>
k. Public/private educational institutions ^Z	C	C	C	
l. Outdoor team sports fields ^Z	C	P	P	
18. Public Services and Facilities. ^Z				
a. Buildings entirely dedicated to public services, such as City Hall, police and fire substations ^Z	C	C	C	
e. U.S. Post Offices ^Z	P	P	P	
f. Public transit facilities including park and ride facilities ^Z	C	P	P	

5 ^ZOnce a property has been developed as a public facility, a docket is required to change
 6 the comprehensive plan designation from the current zone to the Public Facility zone.

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1 **EXHIBIT 16**

2
3 40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS
4 40.230.020 MIXED USE DISTRICT (MX)
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Table 40.230.020-1. Uses ¹		
	MX	Special Standards
11. Services – Medical and Health.		
f. Ambulance services ¹⁰	P	
14. Services – Educational. ¹⁰		
a. Nursery schools, preschools ¹⁰	P	40.260.160
b. Day care facilities consistent with Chapter 388-73 WAC	P	40.260.160
c. Elementary schools ¹⁰	C	
d. Libraries ¹⁰	P	
e. Vocational schools	C	
f. Artistic studios and schools including but not limited to dance, music and martial arts	P	
g. Public parks, parkways, recreation facilities, trails and related facilities ¹⁰	P	
h. Neighborhood parks ¹⁰	P	40.260.157
16. Public Services and Facilities. ¹⁰		
a. Buildings entirely dedicated to public services, such as City Hall, police and fire substations ¹⁰	C	
e. U.S. Post Offices ¹⁰	P	
f. Public transit facilities including park and ride facilities ¹⁰	P	

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8 ¹⁰Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.
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EXHIBIT 17

40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS
40.230.050 UNIVERSITY DISTRICT (U)

Table 40.230.050-1. Uses.		
	U	Special Standards
1. Services – Educational.		
a. Universities and colleges, including public, parochial and private. ²	P	
b. Teaching facilities, including but not limited to classrooms, lecture halls, seminar rooms, teaching laboratories, and related support facilities. ²	P	
c. Offices for administration, faculty, staff, graduate students, student government, and clerical purposes with related support facilities. ²	P	
d. University information services, including but not limited to libraries, instructional media production, news and information centers, radio and television broadcasting facilities, bookstores, publication and printing services, and related information services. ²	P	
e. Research facilities, including but not limited to agricultural experiment stations, scientific research laboratories, joint public-private research facilities, medical research institutes, and related research activities. Research facilities may also include agricultural uses, normally associated with land grant universities, such as crop research plots, hay and pasture land, facilities for the care of wildlife and/or domestic livestock, and veterinary silence facilities. ²	P	
f. Services for the campus population including but not limited to medical clinics, child care centers, student union buildings, bookstores, counseling services, copy centers, career planning and placement centers, and related services. These services may include, but are not limited to services for the convenience of the campus population such as postal services, barber and beauty shops, food service, banking facilities, travel agencies, and similar establishments normally associated with a campus community. ²	P	
g. Facilities for spectator, cultural and sporting events including but not limited to performing arts centers,	P	

Table 40.230.050-1. Uses.		
	U	Special Standards
museums and outdoor amphitheatres. ²		
h. Recreational facilities for the campus population including but not limited to tennis courts, softball fields, athletic playfields, swimming pools and other indoor and outdoor sports facilities. ²	P	
i. Physical plant facilities for the operations and maintenance of the university. ²	P	

²Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

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1 **EXHIBIT 18**

2
3 40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS
4 40.230.060 AIRPORT DISTRICT (A)
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Table 40.230.060-1. Uses.		
	A	Special Standards
7. Public Services and Facilities. ²		
a. In urban growth areas, government structures, including fire stations, libraries, museums, and post offices; but not including storage or repair yards, warehouses, or similar uses ²	P	<u>40.230.090</u>

6 ²Once a property has been developed as a public facility, a docket is required to change
7 the comprehensive plan designation from the current zone to the Public Facility zone.
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1 **EXHIBIT 19**

2
3 **40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS**
4 **40.230.085 EMPLOYMENT DISTRICTS (IL, IH, IR, BP, IL-RILB)**
5

Table 40.230.085-1. 2012 North American Industrial Classification System (NAICS)		Uses.		IL	IH	IR	BP	IL-RILB Overlay ¹⁰
61 Educational services¹¹								
611	Educational services ¹¹			C	C	X	C	C
	6111	Elementary and secondary schools ¹¹		C	C	X	C	X
	6112	Junior colleges ¹¹		C	C	X	C	C
	6113	Colleges and universities ¹¹		C	C	X	C	C
	6114	Business schools and computer and management training ¹¹		C	C	X	P	C
	6115	Technical and trade schools		P	P	P	P	P
			611519 Truck driving schools	P	P	X	P	P
	6116	Other schools and instruction		C	C	X	P	C
			611692 Automobile driving schools	P	C	X	P	P
	6117	Educational support services ¹¹		C	C	X	P	C
92 Public Administration¹¹				P	X	X	P	P
	92214	Correctional institutions ¹¹		C	C	X	X	X
4. Other Uses								
a. Parks, trails and related uses ¹¹				P ²	P ²	P ²	P ²	P ²
b. Existing residential uses without any increase in density, including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to the limits regarding the replacement.				P	P	P	P	P

6 ¹¹Once a property has been developed as a public facility, a docket is required to change
7 the comprehensive plan designation from the current zone to the Public Facility zone.
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EXHIBIT 20

40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS
40.230.090 PUBLIC FACILITIES DISTRICT

A. Purpose.

The purpose of the Public Facilities District is to provide for already developed publically owned parks, open space, and public facilities that are located permanently in a specific location, such as schools, and other governmental facilities including, but not limited to police buildings, fire stations, municipal administration buildings and wastewater treatment plants.

B. Uses.

The uses set out in Table 40.230.090-1 provide are examples of uses allowed in the Public Facilities district. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to County approval of applicable permits.
- “R/A” – Uses permitted upon review and approval pursuant to Clark County Code 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
- “X” – These uses are specifically prohibited.

For special standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

<u>Table 40.230.090-1. Uses.¹</u>		
	PF	Special Standards
1. Parks		
a. Neighborhood	P	40.260.157
b. Community	P	40.260.157
c. Regional	P	40.260.157
d. Trails, trailheads and greenways	P	40.260.157
2. Governmental structures/facilities		
a. Libraries	P	
b. Administration	P	
c. <u>Public safety facilities, including police and fire stations courthouses</u>	<u>P</u>	
d. <u>Ambulance dispatch</u>	<u>P</u>	<u>40.260.030</u>
d. Jails	C	
e. Maintenance facilities	P	
f. Utilities	P	
3. Transportation facilities		
a. Park-and-ride facilities	C	
b. School bus parking/storage facilities	P	
c. Transit stations	P	
4. Schools		
a. K-5 schools	P	

<u>Table 40.230.090-1. Uses.¹</u>		
b. 6- 12 Secondary schools	C	
c. Colleges/Universities	C	40.230.050
5. Recreation Space		
a. Athletic stadiums, stand-alone sports	C	
b. Events centers	C	
c. Community centers	C	
d. Shooting, rifle and archery ranges	C	

¹ Uses will develop per the standards and processes of the current zone prior to development.

C. Development Standards

1. New uses and additions to uses shall conform to the standards of the current zone prior to development .

2. Signs. Signs shall be permitted according to the provisions of Chapter [40.310](#).

3. Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Chapter [40.340](#).

EXHIBIT 21

40.250.040 EXISTING RESORT OVERLAY DISTRICT

A. Purpose.

A resort is 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 indoor and outdoor recreational facilities (RCW 36.70A.360). A resort may include other housing for full-time or seasonal employees residential uses within its boundaries. but only if the residential uses are integrated into and support the on-site recreational nature of the resort (RCW.36.70A.360) This district is intended to set out provide development guidelines of for historic existing (RCW 36.70A.362) and new (RCW 36.70A.360) resort facilities that complement the natural and cultural attractiveness of the area without significant adverse effects on natural and environmental features. The district provides for recognition of existing, self-contained, indoor and outdoor recreational facilities that are outside of urban growth areas and in a rural or resource area setting of significant natural amenities. This district is intended to identify and protect existing general resort-like facilities.

C. Uses.

The following uses are permitted in the area subject to this overlay district:

1. Lawful existing uses and structures in existence on July 1, 1990.
2. All uses specifically permitted or conditional in the base-zoning district shall continue to be allowed according to the review procedures consistent with this title.
3. Overnight lodging, including lodges, hotels, motels, timeshare units and similar temporary living accommodations only when oriented and sized to serve the recreational uses on the site.
4. Housing may be provided for full-time or seasonal employees.
5. Subject to an approved development plan, the following uses may be permitted when provided as part of, and intended primarily to serve as an accessory part of destination resort. These uses shall be oriented to meet the needs of visitors to the resort and to a scale that ensures a subordinate status to the resort itself:
 - a. Restaurants, lounges and clubs serving the resort.
 - b. Commercial services and specialty shops to provide for the needs of resort guests and employees.
 - c. Kennels as a service for resort guests only.
 - d. Craft and art studios and galleries catering to guests of the resort.
 - e. Indoor and outdoor recreational facilities and uses including, but not limited to, accessory structures and facilities, such as clubhouses, practice facilities, and maintenance facilities, tennis courts, swimming pools, marinas, hiking and nature trails, bicycle paths, equestrian facilities, and other recreational uses deemed to be consistent with the on-site recreational nature of the resort.
 - f. Community sewer, water, security and fire protection may be provided on-site and sized to meet only the needs of the development. Other utilities and services may be provided only to the extent necessary to maintain and operate the resort.
 - g. Temporary and/or permanent structures to serve as sales offices.
 - h. Any other similar uses deemed by the responsible official to be consistent with

the purpose and intent of this chapter, the county comprehensive plan policies and RCW 36.70A.362.

E. Approval.

A new resort overlay may be approved in an area outside of established urban growth boundaries provided it meets the following criteria:

1. is not located in Agricultural or Forest resource land;
2. the location, design, and provision of necessary utilities does not allow for the development of new urban or suburban land uses in the immediate vicinity;
3. the proposed site includes unique natural amenities, such as views, streams, lakes or other features that provides a natural attraction for public use;
4. the proposed development provides public services appropriate for the resort use and is strictly contained within the boundaries of the resort property by design and construction;
5. the proposed site for the master planned resort is sufficient in size and configuration to provide for a full range of resort facilities while maintaining adequate separation from any adjacent rural or resource land uses;
6. residential uses are designed for short-term or seasonal use. Full time residential uses are prohibited, except for employee housing;
7. the major recreational facilities within the master planned resort must be open to the public and the overall facilities and recreational activities should must promote tourism and the recreational goals of the comprehensive plan;
8. each proposal includes a full inventory of critical wildlife habitat, significant wetlands, shorelines and floodplains, and cultural resources;
9. significant natural and cultural features of the site are preserved and enhanced to the greatest degree possible;
10. commercial uses and activities are limited in size to serve the customers within the master planned resort and located within the project; and
11. adequate emergency services are available to the area to ensure the health and safety of people using or likely to use the facility.

EXHIBIT 22

40.250.090 EQUESTRIAN OVERLAY DISTRICT

A. Purpose.

This overlay is intended to promote equestrian activities, by allowing the development of communities with a focus on equestrian facilities, access to trails, and on sustaining the area's rich equestrian tradition.

B. Applicability.

An equestrian overlay (EQ) may only be established on parcels located outside of the Urban Growth Boundary. Ideally, an equestrian overlay will be located on lands primarily adjacent to or in close proximity to existing and future open space and trail systems, in particular, open space and trails which support equestrian uses; and lands adjacent to or in close proximity to rural centers.

This overlay will apply to property owners who voluntarily agree to ensure that equestrian activities may continue on their land through the formation of an association with adopted bylaws, conditions, covenants and restrictions and/or easements running with the land.

C. Uses.

The following uses are permitted in the overlay:

1. All uses specifically permitted or conditional in the base zoning district shall continue to be allowed according to the review procedures consistent with the Unified Development Code.
2. Equines to be housed on a property for the landowner's private use.

D. Process.

Establishing the (EQ) requires a Comprehensive Plan Map Amendment subject to the provisions of Section 40.560.010 (D).

E. Submittal Requirements.

Comprehensive Plan Map Amendment. In addition to the submittal requirements in Section 40.560.010(D)(3) the following are required:

1. Location of all equestrian trails and easements related to the equestrian trails;
2. Location of all land to be dedicated or reserved for shared use with the use indicated;
3. Include location of equestrian community signs, as well as location of those signs at the entrances of the equestrian area;
4. Location of any easements or crossings that may cross any right-of-way;
5. A copy of any by-laws, articles of incorporation of the association, easements, maintenance agreements and any covenants. Prior to recording with the County Auditor, any conditions, covenants and restrictions shall be approved as to form by the Prosecuting Attorney.
6. An equestrian plan that addresses the following:
 - a. Housing and confinement;
 - b. Animal husbandry;
 - c. Manure management; and

d. Odor and noise management.

EXHIBIT 23

40.250.100 URBAN RESERVE OVERLAY (UR-10, UR-20)

A. Purpose.

These lands are identified as being possible future additions to Urban Growth Areas and may be added to the urban area as necessary through amendments to the Comprehensive Plan. These lands are on the fringe of the Urban Growth Boundaries. The purpose of the Urban Reserve Overlay is to protect areas from premature land division and development that would preclude efficient transition to urban development. The Urban Reserve Overlay is implemented by Urban Reserve-10 (UR-10) for future urban residential development and Urban Reserve-20 for all other types of future urban development.

1. Urban Reserve-10 (UR-10). The urban reserve-10 overlay is to protect land identified on the fringe of urban growth boundaries from premature land division and development that would preclude efficient transition to urban development.

2. Urban Reserve-20 (UR-20). The urban reserve-20 overlay is to protect rural land on the fringe of urban growth boundaries from premature land division and development that would preclude efficient transition to large-scale non-residential development.

B. Uses.

1. The uses set out in Table 40.250.100-1 are examples of uses allowable in the urban reserve overlay.

2. The appropriate review authority is mandatory.

- “P” – Uses allowed subject to approval of applicable permits.
- “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030.
- “X” – Uses specifically prohibited.

3. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all conditional uses:

- a. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding urban reserve properties.
- b. All necessary road, drainage and other rights-of-way or easements necessary to ensure that future urban development will occur in an orderly manner shall be identified and approved by the county engineer and dedicated or otherwise protected.
- c. The property owner shall submit with the conditional use application a signed agreement(s) between the property owner and the service provider(s) that obliges the property owner to connect to public sewer and water when each becomes available within three hundred (300) feet of the site. The agreements must be consistent with Section 40.370.010.

4. In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be met by all schools:

a. The proponent shall demonstrate that the proposed site is more suitable than specific alternative sites within the existing urban growth area. The proponent shall

address suitability criteria, which includes property size, topography, zoning, surrounding land uses, transportation (including adequacy of roads and transit services), environmental concerns and location within the area to be served.

b. Schools shall be located within one-quarter (1/4) mile of the urban growth boundary unless the applicant demonstrates no suitable property is available.

5. Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

<u>Table 40.250.100-1. Uses.</u>			
	<u>UR-20</u>	<u>UR-10</u>	<u>Special Standards</u>
<u>1. Residential.</u>			
<u>a. Single-family dwellings and accessory buildings, including 1 guest house</u>	<u>P</u>	<u>P</u>	<u>40.260.010</u>
<u>b. Family day care centers</u>	<u>P</u>	<u>P</u>	<u>40.260.160</u>
<u>c. Adult family homes</u>	<u>P</u>	<u>P</u>	<u>40.260.190</u>
<u>d. Home business – Type I</u>	<u>P</u>	<u>P</u>	<u>40.260.100</u>
<u>e. Home business – Type II</u>	<u>R/A</u>	<u>R/A</u>	<u>40.260.100</u>
<u>f. Bed and breakfast establishments (up to 2 guest bedrooms)</u>	<u>R/A</u>	<u>R/A</u>	<u>40.260.050</u>
<u>g. Bed and breakfast establishments (3 or more guest bedrooms)</u>	<u>C</u>	<u>C</u>	<u>40.260.050</u>
<u>h. Garage sales</u>	<u>P</u>	<u>P</u>	<u>40.260.090</u>
<u>i. Residential care homes</u>	<u>C</u>	<u>C</u>	<u>40.260.180</u>
<u>j. Temporary dwellings</u>	<u>P</u>	<u>P</u>	<u>40.260.210</u>
<u>2. Services, Business.</u>			
<u>a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials</u>	<u>R/A</u>	<u>R/A</u>	
<u>b. Roadside farm stand</u>	<u>P</u>	<u>P</u>	<u>40.260.025</u>
<u>c. Agricultural market</u>	<u>P</u>	<u>P</u>	<u>40.260.025</u>
<u>d. Veterinary clinics</u>	<u>C</u>	<u>C</u>	
<u>e. Commercial kennels on a parcel or parcels 5 acres or more</u>	<u>R/A</u>	<u>R/A</u>	<u>40.260.110</u>
<u>f. Private kennels</u>	<u>P</u>	<u>P</u>	<u>40.260.110</u>
<u>g. Animal boarding and day use facilities</u>	<u>P</u>	<u>P</u>	<u>40.260.040</u>
<u>3. Services, Amusement.</u> ³			

<u>Table 40.250.100-1. Uses.</u>			
	<u>UR-20</u>	<u>UR-10</u>	<u>Special Standards</u>
<u>a. Publicly owned recreational facilities, services, parks and playgrounds³</u>	<u>P</u>	<u>P</u>	<u>40.260.157</u>
<u>b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club³</u>	<u>C</u>	<u>C</u>	
<u>c. Golf courses</u>	<u>C</u>	<u>C</u>	
<u>d. Equestrian facility on parcels less than 5 acres</u>	<u>C</u>	<u>C</u>	<u>40.260.040</u>
<u>e. Equestrian facility on parcels 5 acres or greater</u>	<u>P</u>	<u>P</u>	<u>40.260.040</u>
<u>f. Equestrian events center</u>	<u>C</u>	<u>C</u>	<u>40.260.040</u>
<u>g. Outdoor public entertainments, amusements and assemblies</u>	<u>R/A</u>	<u>R/A</u>	<u>Chapter 5.32</u>
<u>4. Services, Membership Organization.</u>			
<u>a. Churches</u>	<u>C</u>	<u>C</u>	
<u>5. Services, Educational.³</u>			
<u>a. Public or private schools, but not including business, dancing or technical schools³</u>	<u>C</u>	<u>C</u>	<u>40.260.160</u>
<u>6. Public Service and Facilities.³</u>			
<u>a. Ambulance dispatch facilities³</u>	<u>C</u>	<u>C</u>	<u>40.260.030</u>
<u>b. Government facilities³</u>	<u>C¹</u>	<u>C¹</u>	
<u>7. Resource Activities.</u>			
<u>a. Agricultural and forestry, including any accessory buildings and activities</u>	<u>P</u>	<u>P</u>	<u>40.260.080</u>
<u>b. Silviculture</u>	<u>P</u>	<u>P</u>	<u>40.260.080</u>
<u>c. Housing for temporary workers</u>	<u>P</u>	<u>P</u>	<u>40.260.105</u>
<u>8. Other.</u>			
<u>a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines</u>	<u>P</u>	<u>P</u>	<u>40.260.240</u>
<u>b. Solid waste handling and disposal sites</u>	<u>C</u>	<u>C</u>	<u>40.260.200</u>

<u>Table 40.250.100-1. Uses.</u>			
	<u>UR-20</u>	<u>UR-10</u>	<u>Special Standards</u>
<u>c. Wireless communications facilities</u>	<u>P/C²</u>	<u>P/C²</u>	<u>40.260.250</u>
<u>d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district</u>	<u>C</u>	<u>C</u>	
<u>e. Temporary uses</u>	<u>P</u>	<u>P</u>	<u>40.260.220</u>
<u>f. Electric vehicle infrastructure</u>	<u>P</u>	<u>P</u>	<u>40.260.075</u>
<u>g. Medical marijuana collective gardens</u>	<u>X</u>	<u>X</u>	
<u>h. Marijuana-related facilities</u>	<u>X</u>	<u>X</u>	

¹ Government facilities necessary to predominantly serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

² See Table 40.260.250-1.

³ Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.250.100-2 and 40.250.100-3 subject to the provisions of Chapter 40.200 and Section 40.550.020.

<u>Table 40.250.100-2. Lot Requirements.</u>			
<u>Overlay</u>	<u>Minimum Lot Area (acres)</u>	<u>Minimum Lot Width (feet)</u>	<u>Minimum Lot Depth (feet)</u>
<u>UR-20</u>	<u>20^{1,3}</u>	<u>350²</u>	<u>None</u>
<u>UR-10</u>	<u>10^{1,3}</u>	<u>350²</u>	<u>None</u>

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

³ Legal nonconforming lots are eligible for boundary line adjustments if each lot meets the minimum parcel size of the underlying zone and the lots are contiguous.

Table 40.250.100-3. Setbacks, Lot Coverage and Building Height.

<u>Overlay</u>	<u>Minimum Setbacks⁴</u>			<u>Rear (feet)</u>	<u>Maximum Lot Coverage</u>	<u>Maximum Building Height (feet)</u>
	<u>Front (feet)</u>	<u>Side</u>				
		<u>Street (feet)</u>	<u>Interior (feet)</u>			
<u>UR-20</u>	<u>50</u>	<u>20, 50¹</u>	<u>20, 50¹</u>	<u>20, 50²</u>	<u>N/A</u>	<u>35, 50³</u>
<u>UR-10</u>	<u>50</u>	<u>20, 50¹</u>	<u>20, 50¹</u>	<u>20, 50²</u>	<u>N/A</u>	<u>35, 50³</u>

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.

⁴ Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

3. Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.

EXHIBIT 24

40.250.110 Urban Holding Overlay (UH-10, UH-20)

A. Purpose.

The Urban Holding Overlay is used to protect areas from premature land division and development that would preclude efficient transition to urban development or large-scale industrial development.

1. The Urban Holding-10 overlay (UH-10) may be applied to protect certain lands identified within urban growth areas from premature development when public policy establishes urbanization criteria such as requiring annexation prior to development. The Urban Holding-10 district is also appropriate where public facilities are inadequate to support development under the urban zoning designation.

2. The Urban Holding-20 overlay (UH-20) has the same purpose as UH-10 except that the area is intended to be developed for industrial or office type nonresidential uses and retention in larger lots will ensure the site is adequate in size to accommodate large industrial or office developments.

B. Uses.

The uses set out in Table 40.250.110-1 are examples of uses allowable in various areas under the urban holding overlay. The appropriate review authority is mandatory.

- “P” – Permitted uses.
- “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- “C” – Conditional uses which may be permitted subject to the approval of a conditional use permit as set forth in Section 40.520.030 and the additional conditional use criteria herein:
 1. Permanent structures or facilities shall be designed and located to provide for the orderly extension of public roads, water and sewer to the site and surrounding properties.
 2. All urban road, drainage and other urban development requirements shall apply to ensure that future urban development will occur in an orderly manner.
 3. The property owner shall submit with the conditional use application a signed agreement(s) between the property owner and the service provider(s) that obliges the property owner to connect to public sewer and water when each becomes available within three hundred (300) feet of the site. The agreements must be consistent with Section 40.370.010.
- “X” – Uses specifically prohibited.

Where there are special use standards or restrictions for a listed use, the applicable code section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in the “Special Standards” column.

<u>Table 40.250.110-1. Uses.</u>			
	<u>UH-10</u>	<u>UH-20</u>	<u>Special Standards</u>
<u>1. Residential.</u>			
<u>a. Single-family dwellings and accessory buildings</u>	<u>P</u>	<u>P</u>	<u>40.260.010</u>
<u>b. Family day care centers</u>	<u>P</u>	<u>P</u>	<u>40.260.160</u>
<u>c. Adult family homes</u>	<u>P</u>	<u>P</u>	<u>40.260.190</u>
<u>d. Home business – Type I</u>	<u>P</u>	<u>P</u>	<u>40.260.100</u>
<u>e. Home business – Type II</u>	<u>R/A</u>	<u>R/A</u>	<u>40.260.100</u>
<u>f. Bed and breakfast establishments (up to 2 guest bedrooms)</u>	<u>R/A</u>	<u>R/A</u>	<u>40.260.050</u>
<u>g. Bed and breakfast establishments (3 or more guest bedrooms)</u>	<u>C</u>	<u>C</u>	<u>40.260.050</u>
<u>h. Garage sales</u>	<u>P</u>	<u>P</u>	<u>40.260.090</u>

<u>Table 40.250.110-1. Uses.</u>			
	<u>UH-10</u>	<u>UH-20</u>	<u>Special Standards</u>
<u>i. Residential care homes</u>	<u>C</u>	<u>C</u>	<u>40.260.180</u>
<u>j. Temporary dwellings</u>	<u>P</u>	<u>P</u>	<u>40.260.210</u>
<u>2. Services, Business.</u>			
<u>a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.</u>	<u>R/A</u>	<u>R/A</u>	
<u>b. Roadside farm stand</u>	<u>P</u>	<u>P</u>	<u>40.260.025</u>
<u>c. Agricultural market</u>	<u>P</u>	<u>P</u>	<u>40.260.025</u>
<u>d. Veterinary clinics</u>	<u>C</u>	<u>C</u>	
<u>e. Kennels</u>	<u>C</u>	<u>C</u>	<u>40.260.040</u>
<u>3. Services, Amusement.⁶</u>			
<u>a. Publicly owned recreational facilities, services, parks and playgrounds⁶</u>	<u>P</u>	<u>P</u>	<u>40.260.157</u>
<u>b. Parks⁶</u>	<u>P</u>	<u>P</u>	<u>40.260.157</u>
<u>c. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park or gun club</u>	<u>C</u>	<u>C</u>	
<u>d. Golf courses</u>	<u>C</u>	<u>C</u>	
<u>e. Equestrian facilities</u>	<u>C</u>	<u>C</u>	<u>40.260.040</u>
<u>f. Outdoor public entertainments, amusements and assemblies</u>	<u>R/A</u>	<u>R/A</u>	<u>Chapter 5.32</u>
<u>g. Tasting rooms and event facilities in conjunction with a winery</u>	<u>P</u>	<u>P</u>	<u>40.260.245</u>
<u>4. Services, Membership Organization.</u>			
<u>a. Churches</u>	<u>C</u>	<u>C</u>	
<u>5. Services, Educational.⁶</u>			
<u>a. Public or private schools, but not including business, dancing or technical schools⁶</u>	<u>C</u>	<u>C</u>	<u>40.260.160</u>
<u>6. Public Service and Facilities.⁶</u>			

<u>Table 40.250.110-1. Uses.</u>			
	<u>UH-10</u>	<u>UH-20</u>	<u>Special Standards</u>
<u>a. Private Ambulance dispatch facilities</u>	<u>C</u>	<u>C</u>	<u>40.260.030</u>
<u>b. Government facilities⁶</u>	<u>C¹</u>	<u>C¹</u>	
<u>7. Resource Activities.</u>			
<u>a. Agricultural and forestry, including any accessory buildings and activities</u>	<u>P</u>	<u>P</u>	<u>40.260.080</u>
<u>b. Silviculture</u>	<u>P</u>	<u>P</u>	<u>40.260.080</u>
<u>c. Commercial uses supporting agricultural and forestry resource uses</u>	<u>P²</u>	<u>P²</u>	
<u>d. Quarters, accommodations, or areas for transient labor, such as labor cabins or camps</u>	<u>P</u>	<u>P</u>	
<u>8. Other.</u>			
<u>a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines</u>	<u>P</u>	<u>P</u>	<u>40.260.240</u>
<u>b. Solid waste handling and disposal sites</u>	<u>C</u>	<u>C</u>	<u>40.260.200</u>
<u>c. Wireless communications facilities</u>	<u>P/C³</u>	<u>P/C³</u>	<u>40.260.250</u>
<u>d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district</u>	<u>C</u>	<u>C</u>	
<u>e. Temporary uses</u>	<u>P</u>	<u>P</u>	<u>40.260.220</u>
<u>f. Electric vehicle infrastructure</u>	<u>P</u>	<u>P</u>	<u>40.260.075</u>
<u>g. Commercial storage of boats, vehicles, and RVs</u>	<u>X</u>	<u>P^{4, 5}</u>	
<u>h. Storage yard for building materials, contractors' equipment and vehicles, house mover, delivery vehicles, transit storage, used equipment in operable condition and related materials</u>	<u>X</u>	<u>P^{4, 5}</u>	

<u>Table 40.250.110-1. Uses.</u>			
	<u>UH-10</u>	<u>UH-20</u>	<u>Special Standards</u>
<u>i. Coffee and food stands two hundred (200) square feet or less</u>	<u>P</u>	<u>P</u>	<u>40.260.055</u>
<u>j. Medical marijuana collective gardens</u>	<u>X</u>	<u>X</u>	
<u>k. Marijuana-related facilities</u>	<u>X</u>	<u>X</u>	

¹ Including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

² Commercial uses supporting agricultural and forestry resource uses, such as packing, first stage processing and processing which provides value added to resource products.

³ See Table 40.260.250-1.

⁴ Allowed only for properties with a base zone of IL.

⁵ Outdoor storage is subject to the provisions of Section 40.230.085(E)(5).

⁶ Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.250.110-2 and 40.250.110-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

<u>Table 40.250.110-2. Lot Requirements.</u>			
<u>Zoning District</u>	<u>Minimum Lot Area (acres)¹</u>	<u>Minimum Lot Width (feet)</u>	<u>Minimum Lot Depth (feet)</u>
<u>UH-10</u>	<u>10 acres</u>	<u>140²</u>	<u>None</u>
<u>UH-20</u>	<u>20 acres</u>	<u>330²</u>	<u>None</u>

¹ Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities may be permitted on newly approved lots of less than the minimum parcel size.

² Unless a greater width shall be required by the Clark County fire code.

<u>Table 40.230.110-3. Setbacks, Lot Coverage and Building Height.</u>						
<u>Zoning District</u>	<u>Minimum Setbacks⁴</u>				<u>Maximum Lot Coverage</u>	<u>Maximum Building Height</u>
	<u>Front (feet)</u>	<u>Side</u>		<u>Rear (feet)</u>		
		<u>Street</u>	<u>Interior</u>			

<u>Table 40.230.110-3. Setbacks, Lot Coverage and Building Height.</u>						
		<u>(feet)</u>	<u>(feet)</u>			<u>(feet)</u>
<u>UH-10</u>	<u>50</u>	<u>25</u>	<u>20, 50¹</u>	<u>20, 50²</u>	<u>N/A</u>	<u>35³</u>
<u>UH-20</u>	<u>50</u>	<u>25</u>	<u>20, 50¹</u>	<u>20, 50²</u>	<u>N/A</u>	<u>35³</u>

¹ Side Setback. Minimum side setback on each side of the residential dwelling and incidental buildings shall be twenty (20) feet, and fifty (50) feet for accessory buildings used for agricultural purposes. Side setbacks from abutting property zoned for natural resource or surface mining uses shall be a minimum of fifty (50) feet for all structures.

² Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.

³ Residential buildings only.

⁴ Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

2. Nonconforming Lots – Lot Reconfiguration Standards.

a. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership and reduce the amount of road and utility construction.

b. Lot Reconfiguration. Except for previously approved agricultural or forest zoned clusters or rural residential planned unit developments, these substandard lots may be modified where consistent with the following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction in size subject to a Type II review if:

(1) Existing parcel(s) are:

(a) Smaller than the minimum lot size established for new lots in the applicable zoning district. Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not be decreased below the established minimum lot size;

(b) Determined to be legally created, have lawful access, and be buildable.

(2) Proposed parcel(s) result in the following:

(a) No additional parcels;

(b) Have septic suitability approval;

(c) Have adequate public or private potable water at the time of occupancy;

(d) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum width of at least one hundred forty (140) feet.

(e) Result in achieving one (1) or more of the identified public interest issues in one (1) above.

c. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established for the Rural 5 zone except that reductions in side and rear setbacks shall be granted where necessary to permit construction of a dwelling on the parcel, according to the provisions of Chapter 40.200.070 and 40.530.010 (D)(2); provided, when the parcel is abutting, or surrounded by, property zoned for resource uses, the minimum setback from those property lines shall be fifty (50) feet for all structures.

3. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

4. Off-Street Parking. Off-street parking shall be provided as required in Chapter 40.340.

EXHIBIT 25

40.260.030 AMBULANCE DISPATCH FACILITY

A. In the R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, ~~FR-40~~ ~~FR-20~~, ~~AG-20~~AG-10, and AG-WL districts, an ambulance dispatch facility may be permitted upon issuance of a conditional use permit; provided, that the site has a minimum lot size of ten thousand (10,000) square feet in the urban area and should be on a street designated as an arterial on the county's comprehensive plan.

B. Properties will develop per the standards of the current zone.

C. Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

EXHIBIT 26

40.260 SPECIAL USES AND STANDARDS

40.260.050 BED AND BREAKFAST ESTABLISHMENTS

A. Purpose.

This section provides standards for the establishment of bed and breakfast facilities. The regulations are intended to allow for a more efficient use of large, older houses for a purpose which has been found to be compatible with residential uses. These regulations enable owners to protect and maintain large residential structures in a manner which keeps them primarily in residential uses. The proprietor can take advantage of the scale and often the architectural and historical significance of a residence. The regulations also provide an alternative form of lodging for visitors who prefer a residential setting.

B. Use-Related Regulations.

1. A bed and breakfast establishment must be accessory to a household living on the site. This means that an individual or family who operates the establishment must own and occupy the house as their primary residence. The house must have been used as a residence for at least a total of five (5) years prior to filing the application for a bed and breakfast establishment.

2. Banquets, parties, weddings or meetings for guests or other non-family members are prohibited. Services may only be provided to overnight patrons of the facility.

3. Establishments containing three (3) to six (6) bedrooms for guests must meet the Department of Social and Health Services (DSHS) bed and breakfast guidelines administered by DSHS.

4. Bed and breakfast establishments are only allowed on resource lands (FR-80, ~~FR-40~~ FR-20, ~~AG-20~~ AG-10 and AG-WL) when they do not diminish the primary use of the land for long-term commercial production of forest products and other natural resources.

EXHIBIT 27

40.260.075 ELECTRIC VEHICLE INFRASTRUCTURE

A. Purpose.

This section provides opportunities for electric vehicle infrastructure in all zoning districts in the county. These regulations are intended to:

1. Provide adequate and convenient electric vehicle charging stations to serve the needs of the traveling public;
2. Provide opportunities for Clark County residents to have safe and efficient personal electric vehicle charging stations located at their place of residence; and
3. Provide the opportunity for commercial and industrial projects to supply electric vehicle charging station services to their customers and employees.

B. Applicability.

1. Electric vehicle infrastructure is permitted, as follows:

- a. Electric vehicle charging stations equipped with Level 1 or Level 2 charging equipment as an accessory use in all zoning districts.
- b. Rapid charging stations also known as Level 3 charging in CR-1, CR-2, R-30, R-43, OR-15, PR-18, OR-22, OR-30, OR-43, MX, CC, C-3, GC, IL, IH, BP, U, A, UH-10, and UH-20. ~~and UH-40.~~
- c. Battery exchange stations in CC, C-3, GC, IL and IH.

EXHIBIT 28

40.260.115 MARIJUANA FACILITIES

D. Location Standards.

1. Subject to Section 40.260.115(D)(1)(d), marijuana facilities as defined in Section 40.260.115(C) may be sited as follows:

a. Marijuana production facilities may be allowed on legal parcels of at least ten (10) acres in size zoned ~~AG-20~~ AG-10 and ~~FR-40~~ FR-20, and on legal conforming parcels zoned IL, IH, and IR.

b. Marijuana processing facilities may be allowed on legal parcels as follows:

(1) Processor I facilities, on legal conforming parcels zoned IL, IH, IR, and BP;

(2) Processor I facilities, on parcels of at least ten (10) acres in size zoned ~~AG-20~~ AG-10 and ~~FR-40~~ FR-20, but only as accessory to licensed production facilities; and

(3) Processor II facilities, on parcels zoned IH, IL, IR, and BP.

c. Marijuana retailing facilities may be allowed on legal conforming parcels zoned GC, ~~CC, C-3~~, and CR-2.

EXHIBIT 29

40.260.157 PARKS

A. Purpose. Parks provide access to basic recreation opportunities for residents, enhance community identity, and preserve open space. These provisions are intended to:

1. allow flexibility in the use and development of parks;
2. recognize that demographics and program needs change over time, and that alterations to parks respond to those changes; and
3. maintain compatibility with surrounding properties.

B. Applicability. The provisions of this section apply to development of neighborhood parks as defined in Section 40.100.070.

C. Amenities. Parks typically include, but are not limited to, the amenities shown in Table 40.260.157-1:

- “P”-Amenities allowed subject to approval of applicable permits.
- “X”-Uses specifically prohibited.

<u>Table 40.260.157-1. Amenities.</u>			
<u>Amenity</u>	<u>Neighborhood Park</u>	<u>Community Park</u>	<u>Regional Park</u>
<u>1. Non-site plan applicable amenities</u>			
<u>a.Open lawn areas for informal recreational areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>b.Backstops (for informal baseball play)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>c.Playgrounds</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>d.Walking/jogging/biking pathways (paved, crushed rock or natural)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>e.Bicycle racks</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>f.Benches</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>g.Paved plazas</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>h.Picnic areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>i.Small shelters (picnic or gazebo type)</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>j.Built-in game (e.g., chess/checkers) tables</u>	<u>P</u>	<u>P</u>	<u>P</u>

<u>Table 40.260.157-1. Amenities.</u>			
<u>Amenity</u>	<u>Neighborhood Park</u>	<u>Community Park</u>	<u>Regional Park</u>
<u>k.Drinking fountains</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>l.Trash receptacles</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>m.Exterior fencing</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>n.Community gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>o.Rain gardens</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>p.Landscaped beds</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>q.Canopy/shade trees</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>r.Natural areas</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>2. Site plan applicable amenities</u>			
<u>a. Restrooms</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>b. Parking</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>c.Archery, rifle, and shooting ranges</u>	<u>X</u>	<u>X</u>	<u>P</u>
<u>d.Sport courts, sports fields, practice fields, and skate spots</u>	<u>P</u>	<u>P</u>	<u>P</u>
<u>e. Sports Fields, disc golf facilities</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>f.Off-leash dog areas</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>g.Mountain biking trails, mountain biking facilities, BMX facilities and their supporting facilities</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>h.Camping areas, RV camping, facilities, and including day camp facilities, and retreats</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>i. Equestrian facilities and its supporting uses</u>	<u>X</u>	<u>P</u>	<u>P</u>
<u>j. Sports complexes, and other recreation facilities</u>	<u>X</u>	<u>P</u>	<u>P</u>

D. Development Standards.

1. Parking Requirements.

a. For Community and Regional Parks, the minimum number of on-site parking spaces shall be calculated by using peak rate of trips generated as established by a submitted traffic study. On-site parking shall meet the requirements of Section 40.340.010.

b. For Neighborhood Parks, parking spaces are not required, as they are intended to serve residents who can walk to the facility.

2. Accessibility requirements, as adopted by reference in Section 14.01.010, shall be reviewed and approved by the Chief Building Official and shall apply to all structures and facilities; accessible routes thereto, including parking, public ways, and public services; and their surrounding areas serving the structures and facilities within a neighborhood park. Areas outside of these, such as trails and secondary entrances, are not subject to approval under Section 14.01.010, but shall be in compliance with Washington State Building Code, 2004 ADA-ABA, or other applicable state and national standard and any subsequent revisions.

3. TIF fees for Community and Regional Parks shall be calculated in accordance with Chapter 40.620.

E. Review Process.

1. Parks are subject to the review requirements pursuant to Chapter 40.510 and the site plan review requirements pursuant to Section 40.520.040. Table 40.260.157-2 shows required levels of review.

<u>Table 40.260.157-2. Park Site Plan Review.</u>			
	<u>Neighborhood Park</u>	<u>Community Park</u>	<u>Regional Park</u>
<u>Site Plan Review</u>	<u>Type I</u>	<u>Type IIA</u>	<u>Type III-conditional use hearings examiner</u>

2. Alteration to Approved Plan. Changes or additions to an approved parks plan may occur at any time without further site plan review, provided:

a. The alteration replaces or proposes addition of any amenity identified in Table 40.260.157-1 with another amenity, other than those in Section 1. These uses require a modified site plan and a Type I review to ensure compatibility with the surrounding neighborhood.

b. Any change or alteration does not expand onto an abutting property which was not considered in the original site plan review application.

c. There is no change in compliance with building, fire, health, life safety, accessibility, critical areas, or other development requirements of the code.

d. The changes do not trigger Minimum Requirement #1 pursuant to Chapter 40.386.

EXHIBIT 30

40.260 SPECIAL USES AND STANDARDS

40.260.160 NURSERY SCHOOLS, PRESCHOOLS, KINDERGARTENS,
COMMERCIAL
DAY CARE CENTERS, AND FAMILY DAY CARE

B. Family day care facilities shall comply with the following criteria:

1. When located in a resource, rural or residential zone (R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, ~~FR-40~~ FR-20, ~~AG-20~~ AG-10, and AG-WL districts), no exterior structural or decorative alteration which will alter the residential character of a residence is permitted.
2. Adequate off-street parking and loading space shall be provided pursuant to Chapter 40.340.
3. Two (2) nonresident or non-family member employees are permitted if located within a resource, rural or residential zone.
4. Signage shall be limited to one (1) sign, not to exceed two (2) square feet in area, for identification purposes only.

EXHIBIT 31

40.260 SPECIAL USES AND STANDARDS

40.260.170 PRIVATE USE LANDING STRIPS FOR AIRCRAFT AND HELIPORTS

All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented that the incidence of aircraft passing directly over dwellings during their landing or taking off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust or bright lights.

A. Private landing strips and heliports may be permitted upon approval of a conditional use permit only in the R-5, R-10, R-20, ~~AG-20~~ AG-10, ~~FR-40~~ FR-20, IL and IH zoning districts.

B. Heliports, helipads and helispots are permitted outright only in the FR-80 district.

C. Private use heliports may also be permitted upon approval of a conditional use permit in the C-3, CL, GC and OR districts.

EXHIBIT 32

40.260 SPECIAL USES AND STANDARDS

40.260.210 TEMPORARY DWELLINGS

B. Conditions.

Temporary dwellings authorized herein shall be subject to the following minimum conditions:

1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this section; provided, that:

a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or parcel of which it is a part is either:

(1) One (1) acre or larger in size; or

(2) Able to comply with the residential density standards for the applicable zoning district with the addition of the temporary dwelling(s). For example, the addition of one (1) temporary dwelling on a ten thousand (10,000) square foot lot in the R1-5 zoning district with one (1) existing dwelling.

b. Within the agriculture and forest districts (~~FR-80, FR-40-FR-20, AG-20-AG-10~~):

(1) The additional dwelling(s) private well and septic system shall be located where they will minimize adverse impacts on resource land;

(2) If practical, the temporary dwelling shall be located within two hundred (200) feet

of the principal dwelling.

EXHIBIT 33

40.260.250 WIRELESS COMMUNICATION FACILITIES

D. Site Location of Wireless Communications Facilities. Wireless communications facilities are permitted in any zone in the unincorporated county subject to the following preferences and the limitations in Section [40.260.250\(E\)\(2\)](#). New wireless communications facilities shall be in conformance with all applicable standards as provided by this section.

3. Location Priorities for New Towers. The county's preferences for new support tower locations in rural areas and in urban areas are listed below in descending order with the highest preference first. There is no preference for urban versus rural locations.

a. Order of preference for new support towers in rural areas:

- (1) Rural Industrial outside rural centers (IH), to include UR-20 and UR-40;
- (2) Forest Tier I (FR-80) and Tier II (~~FR-40~~ FR-20);
- (3) Rural Industrial inside rural centers (IH);
- (4) Agriculture (~~AG-20~~ AG-10);
- (5) Rural (R-20);
- (6) Rural (R-10; R-5), to include UR-10;
- (7) Rural Commercial outside rural centers (CR-1);
- (8) Rural Commercial inside rural centers (CR-2);
- (9) Rural Center Residential (RC-2.5; RC-1).

b. Order of preference for new support towers in urban areas:

- (1) Heavy Industrial (IH);
- (2) Light Industrial (IL), to include UH-20; and UH-40;
- (3) General Commercial (GC);
- (4) Other commercial districts, to include UH-10;
- (5) Mixed Use (MX) districts;
- (6) Residential districts.

G. Permit Process.

1. Process Review. Table 40.260.250-1 shows required levels of WCF application review in terms of district location. Each type is subject to Section 40.520.040, Site Plan Review, and Chapter 40.510, Type I, II and III processes. Proposals requiring Type III review shall necessitate approval of a conditional use permit. Facilities exempt from threshold determination and EIS requirements under SEPA are listed in WAC 197-11-800(25).

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities.			
	Collocation ¹ on Existing Towers or Structures	New ² Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)	Review Type ³		
Industrial outside rural centers (IH)	I	I	II; III ⁴
Forest Tier I (FR-80) and Tier II (FR-40, FR-20)	I	I	II; III ⁴
Industrial inside rural centers (IH)	I	I	II; III ⁴
Agriculture (AG-20, AG-10)	I	I	III
Rural (R-20; R-10; R-5)	I	I	III
Rural Commercial outside rural centers (CR-1)	I	I	III
Rural Commercial inside rural centers (CR-2)	I	I	III
Rural Center Residential (RC-2.5; RC-1)	I	I	III

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities.

	Collocation ¹ on Existing Towers or Structures	New ² Attached WCFs on Existing Support Structures	New Support Towers
Urban Reserve (UR)	I	I	III
WCFs in Urban Areas (inside UGBs outside city limits)			
Urban Holding (UH)	I	I	III
Employment Zones (IL, IH, IR, BP)	I	I	II; III ⁴
Commercial (C2NC , C3-CC and GC)	I	I	III
Residential	I	I	III
Temporary Use (not to exceed 60 days)			
All districts	I	I	I

EXHIBIT 34

40.310 SIGNS

40.310.010 SIGN STANDARDS

F. Requirements for Signs – General and by Zoning Districts.

1. Temporary Signs in Certain Commercial Zones (GC, CR-1, CR-2, ~~C-2~~NC, ~~C-3~~CC, BP, and A Zones).

3. Additional Standards for Signs Restricted by Land Use District.

a. Single-Family Residential Districts. Additional standards for signs in single-family residential districts are located in Table 40.310.010-2. These standards apply to the following land use districts: R1-5, R1-6, R1-7.5, R1-10, and R1-20.

b. Multifamily Residential and Office Residential Zones. Additional standards for signs in multifamily residential and office residential districts are located in Table 40.310.010-3. These standards apply to the following land use districts: R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30 OR-43, MU, U, and BP.

c. Commercial Districts. Additional standards for signs in commercial districts are located in Table 40.310.010-4. These standards apply to the following land use districts: GC, CR-1, CR-2, NC, ~~C-2~~, and CC. ~~C-3~~.

d. Industrial Districts. Additional standards for signs in industrial districts are located in Table 40.310.010-5. These standards apply to the following land use districts: IL and IH.

e. Rural and Resource Districts. Additional standards for signs in rural and resource districts are located in Table 40.310.010-6. These standards apply to the following land use districts: AG-10, AG-20, FR-20, FR-40, FR-80, AG-WL, R-5, R-10, R-20, RC-1, and RC-2.5.

EXHIBIT 35

40.320 LANDSCAPING AND SCREENING

40.320.010 LANDSCAPING AND SCREENING ON PRIVATE PROPERTY

Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development											
		Single-family ^{3,4}		Multifamily ⁴		Office Residential ⁴ , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, RC, and zones	R, UH, UR	R-12 through R-43		OR, and zones	BP, U	All zones, MX	C	IL, A		IH/IR	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-Family	All R1, R-5, R-10, R-20, UH-10 ⁵ , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft ¹¹	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8, 9, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}

Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development													
		Single-family ^{3,4}		Multifamily ⁴		Office Residential ⁴ , Employment and University		Commercial and Mixed Use		Industrial and Airport					
		R1, RC, and zones		R, UH, UR		R-12 through R-43		OR, and zones		BP, U		All zones, MX		IL, A	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street		
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 ¹ 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8, 9, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}		
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 ⁷ 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 ¹ 10-ft	L3 5-ft	L2 10-ft	L3 5-ft ^{8, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}		
Commercial and Mixed Use	All C zones, MX, UR-10	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 ¹ 10-ft	L1 ² 0 – 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft		
Industrial and Airport	IL, A, UR-20,	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 5-ft	L1 ⁷ 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None		

Table 40.320.010-1 Landscaping Standards

		Zoning of Proposed Development											
		Single-family ^{3,4}		Multifamily ⁴		Office Residential ⁴ , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, RC, and zones	R, UH, UR	R-12 through R-43		OR, and zones	BP, U	All zones, MX	C	IL, A		IH/IR	
Zoning of land abutting development site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
	UR-40, UH-20, UH-40 ⁵												
	IH/IR	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	None
Resource	FR-80, FR-40, FR-20, AG-20, AG10, AG-WL			L2 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

EXHIBIT 36

40.510 TYPE I, II, III, AND IV PROCESSES

40.510.010 TYPE I PROCESS – MINISTERIAL DECISIONS

C. Procedure.

4. Notice of agricultural, forest or mineral resource activities.

a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-10 ~~AG-20~~), forest (~~FR-40~~, FR-20 and FR-80), or surface mining (S), or in current use pursuant to Chapter [84.34](#) RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

EXHIBIT 37

40.510 TYPE I, II, III, AND IV PROCESSES

40.510.020 TYPE II PROCESS – ADMINISTRATIVE DECISIONS

D. Procedure.

5. Notice of Agricultural, Forest or Mineral Resource Activities.

a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (~~AG-20~~ AG-10), forest (~~FR-40~~ FR-20 and FR-80), or surface mining (S), or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

EXHIBIT 38

40.510 TYPE I, II, III, AND IV PROCESSES

40.510.030 TYPE III PROCESS – QUASI-JUDICIAL DECISIONS

D. Procedure.

7. Notice of Agricultural, Forest or Mineral Resource Activities.

a. All plats, building permits or development approvals under this title issued for residential development activities on, or within a radius of five hundred (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (~~AG-20~~ AG-10), forest (~~FR-40~~ FR-20, FR-80), or surface mining (S), or in current use pursuant to Chapter 84.34 RCW, shall contain or be accompanied by a notice provided by the responsible official. Such notice shall include the following disclosure:

The subject property is within or near designated agricultural land, forest land or mineral resource land (as applicable) on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of subdivisions or short plats, such notice shall be provided in the Developer Covenants to Clark County; in the case of recorded binding site plans, such notice shall be recorded separately with the County Auditor.

EXHIBIT 39

40.530 NON-CONFORMING USES, STRUCTURES AND LOTS

40.530.010 NON-CONFORMING LOTS, STRUCTURES AND USES

D. Legal Nonconforming Lots.

A legal lot of record, as defined in Section 40.100.070 and created as a building site, which does not conform to minimum lot area, width or depth requirements of the zoning district in which it is currently situated may be developed, subject to the following:

1. A permitted use or structure shall meet all existing development standards of the zoning district within which it is located including, but not limited to, required yards/setbacks, lot coverage, density, parking, landscaping, storm drainage, signage, and road standards.
2. For the purpose of establishing setbacks from property lines, any residential lot of record in the rural (R-5, R-10 and R-20), resource (~~FR-80~~ and FR-40 ~~FR-20~~, ~~AG-20~~ AG-10, and AG-WL), urban reserve (UR-10 and UR 20) and urban holding (UH-10, UH-20 and UH-40) districts which has a smaller lot area, width and/or depth than that required by the zone in which it is located may use that residential zoning classification which most closely corresponds to the area or dimensions of the lot of record.

EXHIBIT 40

40.540.020 LAND DIVISION – INTRODUCTION

B. Applicability.

4. Exemptions. The provisions of this chapter shall not apply to the following:

b. With the exception of parcels in an FR-20 zoning district subject to Section 40.210.010(E)(1). Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of section or larger, or twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.

EXHIBIT 41

40.560 PLAN AND CODE AMENDMENTS

40.560.010 PLAN AMENDMENT PROCEDURES

M. Additional Required Criteria Specific to Urban Growth Area ((GA) Boundary Map Changes.

1. The county shall adopt countywide growth targets and regional sub-allocations, and map corresponding UGA boundaries and designations as follows:

a. Adopt countywide twenty (20) year target population and employment levels consistent with official State of Washington Office of Financial Management population growth forecasts ranges; and

b. Officially sub-allocate the adopted countywide population and employment targets to urban growth areas associated with each incorporated municipality in the county, and to the remaining rural area; and

c. Adopt urban growth area boundaries and comprehensive plan land use designations which are consistent in their sizes and designations with the official sub-allocation for each UGA and the rural area.

2. To allow for a comprehensive review and assessment of cumulative impacts, all UGA boundary review proposals shall be initiated by the county as part of a periodic review and update of the plan.

3. Any expansion to the UGA shall be accompanied by a demonstration that necessary urban services can and will be provided within ten (10) years' time. Such a demonstration shall include a need analysis estimating what urban services will be required, both in the expansion area and elsewhere in the county, and estimates as to when such services will be needed. Written documentation shall be provided from service providers indicating when, how, at what cost, and from which funding sources service will be provided.

4. The extent of a UGA boundary expansion shall be that necessary to provide a minimum ten (10) and a maximum twenty (20) year supply of vacant and buildable lands within the UGA. The calculation of supply shall be based on population growth projections within the UGA, where such projections are consistent with adopted countywide growth targets and regional sub-allocations. If necessary, the county may adjust countywide growth targets and regional sub-allocations; provided, that they are consistent with official OFM forecasts.

5. In evaluating potential changes to a particular UGA boundary, the county shall consider countywide implications for other UGAs and their sub-allocations.

6. The amendment shall address the assumptions, trends, key indicators and performance measures established in the land use element, Chapter 1, of the comprehensive plan.

7. The amendment does not include lands that are designated as natural resource (agricultural, forest, mineral resource) unless such lands are also designated with an urban reserve or industrial urban reserve overlay.

8. The amendment only indicates lands within the urban reserve area.

~~9. The following shall not apply to Sections 40.560.010(M)(1) through (10):~~

~~a. Correction of technical mapping errors involving small area or few properties;~~

~~b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings Board remand.~~

~~9.10.~~ The county shall exercise its best efforts to coordinate UGA boundary change proposals with the affected city(ies), including the preparation of joint staff recommendations where possible. Unless waived by the affected city(ies), such city(ies) shall be given at least sixty (60) days' notice of the proposal prior to a county hearing thereon.

10. Except as provided for in RCW 36.70A.110(8), the expansion of an urban growth area (UGA) is prohibited into the 100-year floodplain of a river segment when the river has a mean annual flow of one thousand (1000) or more cubic feet per second.

11. The following shall not apply to Sections 40.560.010(M)(1) through (10):

a. Correction of technical mapping errors involving a small area or few properties;

b. An order from a court of competent jurisdiction or as a result of a Growth Management Hearings Board remand.

P. Other Plan Amendment Categories.

1. Capital facilities plan and updates shall be reviewed at a minimum every four (4) years in Type IV public hearings ~~conducted by the planning commission and board~~ for those facilities subject to county jurisdiction. ~~School capital facility plan and updates shall be reviewed at minimum two (2) year intervals.~~

2. School capital facility plans and updates shall be reviewed at least every two (2) four (4) years.

~~2.3.~~ The Clark County parks, recreation and open space plan shall be reviewed annually at least every four (4) years by the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the comprehensive plan shall be reviewed in public hearings by the planning commission and the board.

~~3.4.~~ In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable interjurisdictional agreements.

EXHIBIT 42

40.610 DEVELOPMENT IMPACT FEES – GENERAL PROVISIONS

40.610.040 IMPOSITION OF IMPACT FEE

A. No building permit shall be issued for applicable development in a designated service area as defined in this chapter unless the impact fee is calculated and imposed pursuant to this chapter.

~~B. For single-family/duplex residential subdivisions and short subdivisions hereinafter approved, the per lot impact fee shall be calculated at the time of preliminary plat or short plat approval, recorded within the Developer Covenants to Clark County, and imposed on a per lot basis at the time of building permit application. For new multifamily and nonresidential development hereafter approved, the impact fee shall be calculated at the time of site plan approval unless deferred to building permit application because the nature of the development is then not sufficiently defined to permit such calculation, and the impact fee shall be imposed at the time of building permit application. Notwithstanding the foregoing, the fee shall be recalculated for building permit applications filed more than three (3) years following the date of the applicable preliminary plat, preliminary short plat or site plan approval. Impact fees shall be calculated at the time of building permit issuance.~~

C. For applicable development not necessitating or having been previously granted preliminary plat, preliminary short plat or site plan approval, the impact fee shall be calculated and imposed at the time of building permit application.

D. For applicable development not necessitating a building permit, the impact fee shall be calculated and imposed at the time of site plan approval.

E. For mobile home parks, the impact fee shall be calculated and imposed at the time of site plan approval.

EXHIBIT 43

40.620 CALCULATION OF DEVELOPMENT IMPACT FEES

40.620.010 TRAFFIC IMPACT FEE FORMULA

The impact fee component for roads shall be calculated using the following formula:

$$TIF = F \times T \times A$$

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A. "TIF" means the traffic impact component of the total development impact fee.

B. "F" means the traffic impact fee rate per trip in dollar amounts, for each service area. Such rate shall be established in the Traffic Impact Fee Technical Program Document for each service area by estimating the cost of anticipated growth-related roadway projects divided by the projected number of growth-related trips within that service area. Between major program updates, the calculated per trip fee will be adjusted annually to account for inflation using the Engineering News Record Construction Cost Index for Seattle.

C. "T" means the trips generated by a proposed development and calculated according to the Traffic Impact Fee Program Technical Document, incorporated herein by this reference. The calculation of "T" described by the Traffic Impact Fee Program Technical Document includes, for some retail commercial land uses, a "business enhancement factor (BEF)" adjustment, based on policy considerations. In the absence of a land use code precisely fitting the development proposal, the Public Works director or designee shall select the most similar code and may make appropriate adjustments to the trip equation applicable thereto. In selecting the appropriate land use code and in making adjustments thereto, the director shall be guided by the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers.

D. "A" means an adjustment for the portion of anticipated additional tax revenues resulting from 23 a development which is proratable to system improvements contained in the capital facilities plan. Such adjustment for traffic impacts is determined to be fifteen percent (15%), so that "A" equals eighty five percent (85%).

$$TIF = \frac{\text{(Size of development by Unit of Measure/Unit of Measure)} \times \text{(Daily Trips per Unit of Measure)} \times \text{(Pass-by Factor)} \times \text{(BEF)} \times \text{(0.85)} \times \text{(Fee per Daily Trip by District)}}{1}$$

A. "Unit of Measure" means the associated trip generation rates and other factors by land use type that have been adopted in the Traffic Impact Fee Technical Document. These rates are based on the Institute of Transportation Engineers Trip Generation User's Guide.

B. "Pass-by factor" means trips that are made as intermediate stops on the way from an origin to a primary trip destination without a route diversion. The pass-by factor can be obtained in the Institute of Transportation Engineer's Trip Generation Manual.

C. "BEF" means Business Enhancement Factor; a multiplier of 0.70 used to reduce TIF payment for retail and service-related businesses only. Retail and service related businesses have shorter average trip lengths, reducing impacts on the existing transportation infrastructure.

D. Adjustment of 0.85 is applied for the portion of anticipated additional tax revenues resulting from a development which is pro-ratable to system improvements contained in the capital facilities plan.

EXHIBIT 44

40.630 PROCEDURES

40.630.010 IMPACT FEE REVISION

A. ~~Impact fee rates, other than park impact fees,~~ shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and

anticipated growth. Such adjustments shall only become effective upon adoption by the board of a modification to the capital facilities plan; provided, that the capital facilities plan may contain provision for automatic revision of an impact fee rate no more often than annually to reflect the change in a generally recognized and applicable inflation/deflation index.

~~B. Park impact fee rates may be revised using the following process:-~~

~~1. The adopted Park Impact Fee Program Technical Document may be revised periodically by the Board when financial analysis establishes that there is a need for a major program update. Such adjustments shall only become effective upon adoption by the Board.-~~

~~2. Between major program updates, the calculated park impact fee will be adjusted annually to account for inflation/deflation using the indexing methodology described in the adopted Park Impact Fee Technical Document. Such adjustments shall only become effective upon adoption by the Board.-~~
