

**Title 40: Clark County, Washington, Unified Development Code**

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**40.100.070 Definitions**

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in the following sections:

- Section 40.240.040, Columbia River Gorge National Scenic Area Districts;
- Section 40.250.010, Airport Environs Overlay Districts (AE-1, AE-2);
- Section 40.250.030, Historic Preservation;
- Section 40.260.050, Bed and Breakfast Establishments;
- Section 40.260.100, Home Businesses;
- Section 40.260.157, Parks;
- Section 40.260.250, Wireless Communications Facilities;
- Section 40.310.010, Sign Standards;
- Section 40.386.010, Stormwater and Erosion Control;
- Section 40.410.010, Critical Aquifer Recharge Areas (CARAs);
- Section 40.420.010, Flood Hazard Areas;
- Section 40.430.010, Geologic Hazard Areas;
- Chapter 40.460, Shoreline Master Program;
- Section 40.560.030, Amendments Docket;
- Chapter 40.570, State Environmental Policy Act (SEPA); and
- Section 40.610.020, Development Impact Fees.

(Amended: Ord. 2009-06-01; Ord. 2012-07-16; Ord. 2015-11-24)

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**40.100 GENERAL PROVISIONS**

Carport	“Carport” means a roof projecting from one (1) side of a building designed to cover, but not enclose, automobile parking spaces.
Church	“Church” means a permanently located building primarily used for religious worship.
Circulation drive	“Circulation drive” means a place, means or way by which pedestrians and vehicles shall have safe, adequate and usable access to and throughout nonresidential development sites. Circulation drives may have the look, feel and function of a street and may also connect to either public or private streets.
Classes of forest practices	“Classes of forest practices” means the four (4) classifications of forest practice activities described in WAC 222-16-050. The class of forest practice is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning), its scale, the affected environment, and future use of the site.
Clearing	“Clearing” means the act of removing or destroying trees, brush, groundcover or other vegetation, snags or downed logs, or talus features by manual, mechanical, chemical or any other means.
Clearing permit	“Clearing permit” means a permit required for nonexempt clearing of vegetation when no other land use permit specifically authorizes the proposed clearing activity.
Clinic, outpatient	“Clinic, outpatient” means a building or portion of a building containing offices for providing medical, dental, immediate care clinics or psychiatric services not involving overnight housing of patients.
Club	“Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit.
Collective garden	“Collective garden” means a facility established by qualifying marijuana patients sharing responsibility for acquiring and supplying the resources required to produce, process, transport, or deliver cannabis for medical use, in accordance with RCW 69.51A.085. (Amended: Ord. 2013-07-08; Ord. 2014-11-02)

Collector	“Collector” means any urban or rural collector as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate collectors from arterials, commercial/industrial, and access roads. (Amended: Ord. 2012-05-14)
Commercial access	“Commercial access” means an on-site road providing access to properties zoned for business, commercial, manufacturing or industrial uses.
Commercial/industrial road	“Commercial/Industrial road” as defined in Tables 40.350.030-2 and 40.350.030-3 means a road that serves to distribute traffic from arterials and provide direct access to abutting commercial or industrial properties. (Added: Ord. 2012-05-14)
Commercial off-street parking facilities	“Commercial off-street parking facilities” means a parking area for autos and light trucks not associated or dedicated to any specific use other than parking. Does not include long-term storage of vehicles.
Community Development Director	“Community Development Director” means the director of the Clark County Community Development Department or the director’s authorized designee. (Amended: Ord. 2006-05-01)
Land-disturbing activity	“Land-disturbing activity” means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction is also considered a land-disturbing activity. Vegetation maintenance practices are not considered land-disturbing activity. (Amended: Ord. 2012-05-14)
Landfill	“Landfill” means a disposal facility or part of a facility at which solid and demolition waste is permanently placed in or on the land that is not a land-spreading disposal facility (Chapter 173-304 WAC). In addition, “landfill” means all continuous land and structures and other improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.
Landscaping	“Landscaping” means not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, but excluding artificial plants, shrubs, bushes, flowers, and materials in movable containers.
Landslide	“Landslide” means down-slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, and earth flows.
Landslide protection areas	“Landslide protection areas” means those areas which are to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement or road construction of any kind is allowed except for activities exempted in Section 40.430.030(B).
Large quantity generators	“Large quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two thousand two hundred (2,200) pounds of dangerous waste per month. They accumulate more than two thousand two hundred (2,200) pounds of dangerous waste at any time. They generate and accumulate more than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.
Level of service (LOS) standard	“Level of service standard” or “LOS standard,” when referring to transportation facilities, means a quantitative standard for the performance of a transportation corridor or intersection of regional significance.
Local agricultural area	“Local agricultural area” includes Washington and Oregon. (Added: Ord. 2012-06-02)

Locally important habitat	“Locally important habitat” means those areas so designated by Clark County by virtue of containing unusual or unique habitat warranting protection because of qualitative species diversity or habitat system health indicators.
Lot	“Lot” means a designated parcel, tract or area of land established by short plat, subdivision, or as otherwise permitted by this title, to be separately owned, leased, used, developed, or built upon.
Lot area, rural	<p>“Lot area, rural” is the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"> <li>• Private driveway easements,</li> <li>• On-site road easements,</li> <li>• 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.</li> </ul> <p>For the purposes of this definition, “rural lot area” applies to urban reserve (UR-10, <del>and</del> UR-20 <del>and</del> UR-40), urban holding (UH-10, UH-20 <del>and</del> UH-40), rural (R-5, R-10 and R-20), agricultural (AG-<del>210</del> and AW) and forest resource (FR-<del>40</del> <u>20</u> and FR-80) districts. (Amended: Ord. 2007-06-05; Ord. 2009-07-01)</p>
Lot area, urban	<p>“Lot area, urban” 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, UH-20 <del>and</del> UH-40). (Amended: Ord. 2007-06-05; Ord. 2009-07-01)</p>
Lot coverage	“Lot coverage” means that percentage of the total lot area covered by structures, including all projections except eaves.
Median	“Median,” when referring to streets and roads, means that portion of a divided roadway separating the traveled way of traffic moving in opposing directions.
Medium quantity generators	“Medium quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two hundred twenty (220) pounds, but less than two thousand two hundred (2,200) pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred (2,200) pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than 2.2 pounds of acutely hazardous waste or toxic extremely hazardous waste.
Minimally necessary	“Minimally necessary” means the amount or extent needed to carry out a particular task, and no more.
Mini-storage warehouse	“Mini-storage warehouse,” “mini-storage” and “mini-warehouse” mean individual storage units located within a totally enclosed structure used for the storage of non-flammable or non-explosive materials.
Mitigation	“Mitigation,” when referring to transportation facilities, means the avoidance or minimization of a proposed development’s impact upon an affected transportation corridor or intersection of regional significance through such means as limiting or altering the proposed uses, intensities, or design of the development, or by compensating for the impact by replacing, enhancing, or providing transportation system improvements which provide additional capacity.
Mitigation	“Mitigation,” when referring to wetlands, means compensating for wetland impacts such that no overall net loss in wetland acreage and functions occurs.
Mobile home	See “Manufactured home.”
Mobile home park	“Mobile home park” means an area designed, equipped, and maintained for the parking of two (2) or more mobile homes being used as living quarters for humans.
Mobile home space	“Mobile home space” means an area of land for placement of a single mobile home, and accessory structures, within a mobile home park.
Modeling	“Modeling,” when referring to transportation facilities, means a computerized projection of future traffic volumes and other traffic characteristics, based on land use designations.
Motel	“Motel” means a place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space.
Motor vehicle dealer	“Motor vehicle dealer” means a retail outlet selling autos, trucks, boats, trailers, recreational vehicles and other equipment used for transportation, except motorcycles, to the general public.
Native	“Native,” when referring to plants or plant communities, means those species or communities which

	are indigenous to the watershed, including extirpated species.
Natural location	“Natural location,” when referring to surface water, means the location and elevation of those channels, swales, and other non-manmade conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs.
Neighborhood association	“Neighborhood association” means an organized group of citizens from a geographical area of the county forming an association recognized by the county as meeting the administrative guidelines established by the board.
Neighborhood park	<del>“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.</del> (Added: Ord. 2011-12-09)
Nonconforming use	“Nonconforming use” means a use of land, building, or structure which use does not conform with the use regulations imposed by this title or such amendment thereto.
Non-conversion	“Non-conversion,” when referring to forest practices, means any Class II, Class III, or Class IV special forest practice as defined by WAC 222-16-050 where land is not being converted to a non-forestry use. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production.
Non-development clearing	“Non-development clearing” means, for the purposes of the habitat protection standards, proposed activities which do not require county land division, building, grading or other review but involve the clearing or alteration of vegetation within designated habitat areas.
Nonexempt tree or vegetation	“Nonexempt tree or vegetation” means vegetation that does not meet the definition of exempt tree or vegetation.
Non-forestry use	“Non-forestry use” means an active use of land which is incompatible with timber growing.
Normal water year	“Normal water year” means a twelve (12) month period (October 1st – September 30th) with average precipitation based upon data from the past fifty (50) years.
NPDES	“NPDES” means the National Pollutant Discharge Elimination System.
Nuisance	“Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW. Any violation of this title shall constitute a nuisance, per se.
Nuisance vegetation	“Nuisance vegetation” means noxious weeds such as tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, non-native blackberries, or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices. (Amended: Ord. 2006-05-01)
Nursing home or convalescent home	“Nursing home” or “convalescent home” means a facility licensed by the state of Washington providing twenty-four (24) hour supervised nursing care, personal care, therapy, nutrition management, organized activities, social services, room, board, and laundry for persons requiring regular medical attention by reason of chronic illness or infirmity, but excluding surgical or emergency medical services. This definition excludes hospitals and sanitariums. (Amended: Ord. 2010-08-06)
Obligate plants	“Obligate plants” mean plants that almost always (ninety-nine percent (99%) probability) occur in wetlands under natural conditions. Such groupings are more fully defined in the Wetlands Delineation Manual.
Official controls	“Official controls” means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances, all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.
Open space/commons	“Open space/commons,” when referring to density transfer, means an area left open and undeveloped, for use by the public but is not a formal park or recreation area managed or owned by the county. The land shall be identified as a separate tract and shall be managed and maintained in perpetuity for the intended use of the homeowners of the relevant development.
Open space, usable	“Usable open space” means an open area that is not covered in impervious surface and that exceeds four hundred (400) square feet with all dimensions a minimum of twenty (20) feet.

Open water	“Open water,” when referring to wetlands and when not specifically defined by the wetland rating criteria, means a proportion of open water to vegetative cover equal to twenty-five percent (25%) to seventy-five percent (75%) of the total wetland area during a majority of a normal water year.
Operating level	“Operating level,” when referring to transportation facilities, means the performance of a transportation corridor or intersection of regional significance, pursuant to Section 40.350.020(F).
Ordinance	“Ordinance” means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.
Ordinary high water mark	“Ordinary high water mark” means the point on the sides of streams or lakes which is historically or normally at water’s edge, as identified by a visible change in vegetation and/or soil.
Owner	“Owner” means any person having property rights as a fee owner or contract purchaser, or one duly authorized by the power of attorney to represent the owner. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval. Where property is proposed to be developed pursuant to an easement right, “owner” means the person who is the holder of the easement.
<u>Park, Community</u>	<u>Community Parks provide 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>
<u>Neighborhood Park, Neighborhood</u>	<u>“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.</u> <u>(Added: Ord. 2011-12-09)</u>
<u>Park, Regional</u>	<u>Regional parks are recreational areas that serve residents throughout Clark County, as well as outside the county. Facilities may include sports fields, extensive trail systems, or large 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>
Parking area, public	“Public parking area” means an open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers.
Parking space	“Parking space” shall be a permanently surfaced and marked area for the parking of a motor vehicle, excluding paved area necessary for access.
Party of record	“Party of record” means all persons, agencies or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or requested in writing to be a “party of record.” In the case of Type I decisions, the party of record shall include the applicant and any person who files a written request prior to the issuance of the decision. In the case of Type II decisions, the party of record shall include the applicant, and any person submitting to the responsible official written testimony, or a written request to be a “party of record,” that is specific to a particular application prior to the issuance of the decision. In the case of Type III decisions, the party of record shall include the applicant and persons submitting written testimony before, during, or prior to the close of a public hearing; providing oral testimony at a public hearing; signing the sign-in sheet noting the person’s name, address and the subject matter in which they are interested; or by submitting a written request to the responsible official to be a “party of record,” that is specific to a particular application prior to the close of the subject public hearing. Notwithstanding any of the foregoing, no person shall be a party of record who has not furnished an accurate post office mailing address.
Pavement or paved surface	“Pavement or paved surface” means an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy impact uses. Paved areas include both permeable and impermeable hard surfaces. Graveled areas are not paved areas. <i>(Added: Ord. 2015-11-24)</i>
Potential number of lots	“Potential number of lots,” when referring to a transportation facility, means the maximum number of lots allowed by current or proposed zoning which may be served by a road or driveway or extension thereof.

Premises	“Premises” means a tract or parcel of land with or without habitable buildings.
Priority habitat and species (PHS)	“Priority habitat and species” (PHS) means the official definitions and all area classifications by that name used by the Washington Department of Fish and Wildlife (WDFW). Known local categories of priority habitat as defined by WDFW include riparian habitat, oak woodlands, old growth/mature forest, urban natural open space, talus rock, and caves.
Priority species sites	“Priority species sites” include all areas within one thousand (1,000) feet of state listed endangered, threatened, sensitive or candidate species.
Professional forester	“Professional forester” means a person with academic and field experience in forestry or urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters (SAF) accredited forestry school, member of the Washington Association of Consulting Foresters, or urban foresters with a degree in urban forestry.
Professional offices	“Professional offices” means businesses normally conducted in an office environment such as accounting, architecture, law, and other such uses with no retail sales to the public.
Project	“Project” means the proposed action of a permit application or an approval which requires a drainage review.
Public facilities	“Public facilities” means facilities which are owned, operated, and maintained by a public agency. <u>This does not refer to the Public Facilities District, which has its own definitions per Section 40.230.090.</u>
Public road	“Public road” means a road maintained by Clark County, the Washington Department of Transportation, or other governmental jurisdiction.
Public sewer	“Public sewer” means extension of a public sewer system operated by a public entity or, where such extension is impractical, connection to an alternative public sewer system operated by the designated public sewer purveyor.
Public Works director	“Public Works director” means the director of the Clark County Department of Public Works or the director’s authorized designee.
Qualified groundwater professional	<p>“Qualified groundwater professional” means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria:</p> <ul style="list-style-type: none"> <li>• Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and</li> <li>• Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability.</li> </ul>
Quick vehicle servicing	“Quick vehicle servicing” means a service outlet selling and installing minor motor vehicle requirements such as lube-oil-filter changes, tire changes, quick tune-ups and other services that require less than one (1) hour to complete, are generally performed with owner remaining in vehicle and involving no overnight storage of vehicles.
Reasonably funded	“Reasonably funded,” when referring to transportation facilities, means a mitigation measure or other transportation system improvement that is designated as reasonably funded in the most recent recently adopted version of the county’s transportation improvement program, or is designated by the board as being reasonably funded.
Recreation space	“Recreation space” means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas.
Recreational vehicle	<p>“Recreational vehicle” means a vehicle that is:</p> <ul style="list-style-type: none"> <li>• Built on a single chassis;</li> <li>• Four hundred (400) square feet or less when measured at the largest horizontal projection;</li> <li>• Designed to be self-propelled or permanently towable by a light duty vehicle; and</li> <li>• Designed primarily not for use as a permanent dwelling but as temporary living quarter for recreation, camping, travel or seasonal use.</li> </ul>

**40.200 LAND USE DISTRICTS – GENERAL PROVISIONS**

**40.200.010 Purpose**

The land use regulations and zoning maps of the UDC constitute the zoning ordinance and regulations for the unincorporated area of the county. It is the purpose of this title to classify, designate and regulate the development of land for agriculture, forest, residential, commercial, industrial and public land uses as a means of implementing the Clark County comprehensive plan text and map; to provide adequate open spaces for light, air and the prevention of fires; to provide the economic and social advantages which result from an orderly, planned use of land resources; to facilitate energy conservation and the use of renewable energy resources to enhance the livability and quality providing a basis for wise decisions with respect to such development; to provide for desirable, appropriately located living areas in a variety of dwelling types and at a suitable range of population densities; to provide for the preservation of adequate space for industrial, commercial and other activities necessary for a healthy economy; to lessen congestion of streets; to seek alternative transportation options in conformance with the adopted county transportation plan; to stabilize expectations regarding future development, thereby, timely and reasonable administration respecting the due process set forth in this title and other applicable laws; and to protect and promote the public health, safety and general welfare.

**40.200.020 Zoning Classifications**

A. Classification of Zoning Districts.

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

Table 40.200.020-1. Zoning Districts				
Zoning District	Map Symbol	Urban	Rural	Code Section
<b>RESOURCE AND RURAL DISTRICTS (40.210)</b>				
Forest and Agriculture	FR-80, FR-40 <del>20</del> , AG-20 <del>10</del>		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
<b>URBAN AREA RESIDENTIAL DISTRICTS (40.220)</b>				
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		
<b>COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS (40.230)</b>				
Rural commercial	CR-1, CR-2		X	40.230.010
Neighborhood commercial	<del>C-2</del> NC	X		

Table 40.200.020-1. Zoning Districts				
Zoning District	Map Symbol	Urban	Rural	Code Section
Community commercial	<del>C-3</del> <u>CC</u>	X		
General commercial	GC	X		
Mixed use	MX	X		40.230.020
<u>Public Facilities</u>	<u>PF</u>	<u>X</u>	<u>X</u>	<u>40.230.090</u>

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Business park	BP	X		40.230.030
University	U	X		40.230.050
Airport	A	X	X	40.230.060
Urban holding	<del>UH-40, UH-20, UH-10</del>	<del>X</del>		40.230.070
Light industrial	IL	X		40.230.085
Heavy industrial	IH	X	X	
<b>COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICTS (40.240)</b>				
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 Open Space	GSOS		X	
<b>OVERLAY DISTRICTS (40.250 and 40.460)</b>				
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>EQ</u>	<u>EQ</u>	<u>40.250.090</u>

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<u>Urban reserve</u>	<del>UR</del> 40, UR-20, UR-10		X	<u>40.250.100</u>
<u>Urban holding</u>	<del>UH</del> 40, UH-20, UH-10	X		<u>40.250.110</u>

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(Amended: Ord. 2008-12-15; Ord. 2009-06-16; Ord. 2009-12-01; Ord. 2010-12-12; Ord. 2012-12-14)

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**40.200 LAND USE DISTRICTS – GENERAL PROVISIONS**

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a. Minimum density or floor area ratio will be based on the developable area of the lot that remains after subtracting:

(1) Land devoted to public right-of-way or private street easements, public parks and trails, required landscaping and drainageways;

(2) Land designated by covenant or public dedication to be permanently maintained in an undeveloped state because the land is identified as sensitive due to the presence of steep slopes, unstable land, historical or archaeological sites, wetlands and buffers, or other permanent physical development limitations as may be determined by the responsible official. All other lands shall be considered in the calculation of minimum density including required setbacks, private recreation or common areas.

b. Maximum density or floor area ratio shall be calculated based upon the gross area of the site, excluding public right-of-way or private street easements.

2. For the R1-5, R1-6, R1-7.5, R1-10 and R1-20 zoning districts, minimum and maximum densities shall be calculated pursuant to the standards in Chapter 40.220.

(Amended: Ord. 2009-03-02)

C. Lot Area Calculations. Lot area is the computed area contained within the lot lines.

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

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

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

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

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

b. Rural cluster (Section 40.210.020).

(Amended: Ord. 2005-06-09; Ord. 2006-11-15; Ord. 2007-11-13; Ord. 2009-06-01; Ord. 2009-07-01)

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**40.210 RESOURCE AND RURAL DISTRICTS**

Table 40.210.010-1. Uses				
	R-20	R-10	R-5	Special Standards
1. Residential.				
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	P	40.260.010
b. Family day care centers	P	P	P	40.260.160
c. Adult family homes	P	P	P	40.260.190
d. Home business – Type I	P	P	P	40.260.100
e. Home business – Type II	R/A	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	40.260.050
3. Services, Amusement.				
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	P	<u>40.260.157</u>

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f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	40.260.050
h. Country inns of historic significance	C	C	C	
i. Garage sales	P	P	P	40.260.090
j. Residential care homes	C	C	C	40.260.180
k. Temporary dwellings	P	P	P	40.260.210
l. Staffed residential homes	C	C	C	40.260.205
2. Services, Business.				
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	
b. Roadside farm stand	P	P	P	40.260.025
c. Agricultural market	P	P	P	40.260.025
d. Veterinary clinics	C	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	40.260.110
f. Private kennels	P	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	P	40.260.040
3. Services, Amusement.				
a. Publicly owned recreational facilities, services, parks and playgrounds	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 range, race track, amusement park, paintball facilities, or gun club	C	C	C	

c. Golf courses	C	C	C	
d. Equestrian facility on parcels less than 5 acres	C	C	C	40.260.040
e. Equestrian facility on parcels 5 acres or greater	P	P	P	40.260.040
f. Equestrian events center	C	C	C	40.260.040
g. Outdoor public entertainments, amusements and assemblies	R/A	R/A	R/A	Chapter 5.32
h. Tasting room and event facilities in conjunction with a winery	P	P	P	40.260.245
4. Services, Membership Organization.				
a. Churches	C	C	C	
5. Services, Educational.				
a. Public or private schools, but not including business, dancing or technical schools	C	C	C	40.260.160
6. Public Service and Facilities.				<del>40.235.010</del> <u>40.230.090</u>
a. Ambulance dispatch facilities	C	C	C	40.260.030
b. Government facilities	C <sup>1</sup>	C <sup>1</sup>	C <sup>1</sup>	
7. Resource Activities.				
a. Agricultural and forestry, including any accessory buildings and activities	P	P	P	40.260.080
b. Silviculture	P	P	P	40.260.080
c. Commercial uses supporting agricultural and forestry resource uses	P <sup>2</sup>	P <sup>2</sup>	P <sup>2</sup>	
d. Housing for temporary workers	P	P	P	40.260.105

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**40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)**

Table 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	<u>40.260.157</u>
b. Neighborhood parks	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	
d. Golf courses	X	X	
e. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
f. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
g. Equestrian events center	C	C	40.260.040
h. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C <sup>1</sup>	C <sup>1</sup>	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080

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**40.210.040 Urban Reserve Districts (~~UR-40~~, UR-20, UR-10)**

Table 40.210.040-1. Uses			
	UR-20 & <del>UR-40</del>	UR-10	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	40.260.010
b. Family day care centers	P	P	40.260.160
c. Adult family homes	P	P	40.260.190
d. Home business – Type I	P	P	40.260.100
e. Home business – Type II	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	40.260.050
h. Garage sales	P	P	40.260.090
i. Residential care homes	C	C	40.260.180
j. Temporary dwellings	P	P	40.260.210
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	
b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	<u>40.260.157</u>

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f. Equestrian events center	C	C	40.260.040
g. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			<del>40.235.010-40.230.090</del>
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C <sup>1</sup>	C <sup>1</sup>	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
c. Housing for temporary workers	P	P	40.260.105
8. Other.			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C <sup>2</sup>	P/C <sup>2</sup>	40.260.250
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	C	C	
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075

**40.210.050 Rural Commercial Districts (CR-1, CR-2)**

**Table 40.210.050-1. Uses**

	CR-1	CR-2	Special Standards
14. Services – Educational.			
i. Public parks, parkways, recreation facilities, trails and related facilities	P	P	
j. Neighborhood parks	P	P	<u>40.260.157</u>
k. Public/private educational institutions	C <sup>1</sup>	C <sup>1</sup>	
l. Outdoor team sports fields	P	X	
15. Services – Membership Organizations.			
a. Business, professional and religious (not including churches)	X	X	
b. Civic, social, fraternal, charitable, labor and political (< 5,000 square feet)	P	P	
c. Civic, social, fraternal, charitable, labor and political (> 5,000 square feet)	C <sup>1</sup>	C <sup>1</sup>	
d. Churches	C <sup>1</sup>	C <sup>1</sup>	
16. Distribution Facilities. (In conjunction with a permitted use, all activities, except vehicle storage, located entirely within an enclosed building)			
a. Distribution facilities of less than 25,000 square feet gross floor area	X	X	
b. Distribution facilities of between 25,000 and 50,000 square feet gross floor area	X	X	
17. Public Services and Facilities.			
a. Buildings entirely dedicated to public services, such as City Hall, police and fire substations	C <sup>1</sup>	C <sup>1</sup>	

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**40.220 URBAN RESIDENTIAL DISTRICTS**

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
d. Agricultural market	P	P	P	P	P	40.260.025
3. Services, Amusement.						
a. Private recreation facilities	C <sup>3</sup>					
b. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	R/A	
4. Services, Membership Organization.						
a. Churches	C	C	C	C	C	40.260.070
5. Services, Educational.						
a. Commercial day care centers	C	C	C	C	C	40.260.160
b. Grade K – 5 public and private schools, including preschools	P	P	P	P	P	40.260.160
c. Grade 6 – 12 public and private schools	C	C	C	C	C	
d. Business, dancing and technical schools	X	X	X	X	X	
e. Public park and public recreational facilities	P	P	P	P	P	<u>40.260.157</u>
f. Neighborhood Parks	P	P	P	P	P	<u>40.260.157</u>
6. Public Service and Facilities.						<u>40.230.090</u>
a. Ambulance dispatch facilities	C	C	C	C	C	40.260.030

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2 **40.220.020 Residential and Office Residential Districts (R, OR)**

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Table 40.220.010-1. Uses											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
b. Clubs, lodges and charitable institutions	C	C	C	C	C	C	C	C	C	C	40.260.070
8. Services, Educational.											
a. Commercial day care centers	C	C	C	C	C	C	C	C	C	C	40.260.160
b. Grade K through 5 public or private schools, including preschools	P	P	P	P	P	P	P	P	P	P	
c. Grade 6 through college, public or private schools	C	C	C	C	C	C	C	C	C	C	
d. Public park and public recreational facilities	P	P	P	P	P	P	P	P	P	P	<u>40.260.157</u>
e. Neighborhood Parks	P	P	P	P	P	P	P	P	P	P	<u>40.260.157</u>
f. Business, dancing and technical schools	X	X	X	X	X	P	P	P	P	P	
9. Public Service and Facilities.											<u>40.230.090</u>
a. Ambulance dispatch facilities	C	C	C	C	C	C	C	C	C	C	40.260.030
b. Governmental structures including fire stations, post offices, etc.	C	C	C	C	C	C	C	C	C	C	
10. Resource Activities.											
a. Agricultural	P	P	P	P	P	P	P	P	P	P	40.260.040
b. Silviculture	P	P	P	P	P	P	P	P	P	P	40.260.080
11. Other.											

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2 **40.230 COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS**

Table 40.230.010-1. Uses				
	C-2	C-3	GC	Special Standards
e. Automobile driving schools (greater than 5,001 square feet)	X	P	P	
f. Automobile driving schools (less than or equal to 5,000 square feet)	P	P	P	
g. Artistic studios and schools including but not limited to dance, music and martial arts (greater than 5,001 square feet)	X	P	P	
h. Artistic studios and schools including but not limited to dance, music and martial arts (less than or equal to 5,000 square feet)	P	P	P	
i. Public parks, parkways, recreation facilities, trails and related facilities	P	P	P	<u>40.260.157</u>
j. Neighborhood Parks	P	P	P	<u>40.260.157</u>
k. Public/private educational institutions	C	C	C	
l. Outdoor team sports fields	C	P	P	
15. Services – Membership Organizations.				
a. Business, professional and religious (not including churches) greater than 5,001 square feet	X	P	P	
b. Business, professional and religious (not including churches) less than or equal to 5,000 square feet	P	P	P	

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**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.	P	
b. Teaching facilities, including but not limited to classrooms, lecture halls, seminar rooms, teaching laboratories, and related support facilities.	P	
c. Offices for administration, faculty, staff, graduate students, student government, and clerical purposes with related support facilities.	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.	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.	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.	P	<u>40.260.157</u>
g. Facilities for spectator, cultural and sporting events including but not limited to performing arts centers, museums and	P	<u>40.260.157</u>

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	A	Special Standards
1. Retail Sales – Restaurants, Drinking Places.		
a. Restaurants in urban growth areas	C	
2. Services, Business.		
a. Auto rental agencies in urban growth areas	C	
b. Business activities which utilize air travel and transportation in their daily business activities in urban growth areas	C	
3. Services – Amusement.		
a. Outdoor public entertainments, amusements and assemblies	R/A	Chapter 5.32
4. Services, Membership Organization.		
a. Aviation clubs	C	
5. Services – Educational.		
a. Air pilot training schools	C	
6. Transportation and Distribution Facilities.		
a. Aerial mapping and surveying	P	
b. Air cargo warehousing and distribution facilities	C	
c. Helicopter pads	P	
d. Repair, service and storage of aircraft	P	
e. Service to commuter airlines	C	
f. Taxi and bus terminals	C	
g. Truck terminals in urban growth areas	C	
h. Uses necessary for airport operation such as runways, hangars, fuel storage facilities, control towers, etc.	P	
7. Public Services and Facilities.		<del>40.235.010</del> <u>40.230.090</u>
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	P	
8. Resource Activities.		
a. Agricultural activities	P	
b. Roadside farm stand	P	40.260.025
c. Agricultural market	P	40.260.025
9. Accessory Uses and Activities.		
a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210)	P	
10. Other.		
a. Buildings or structures which exceed thirty-five (35) feet in height	C	
b. Utilities, other than wireless communications facilities	P	40.260.240

	A	Special Standards
c. Wireless communications facilities	P/C <sup>1</sup>	40.260.250

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**40.230.070 Urban Holding Districts (UH-10, UH-20, UH-40)**

Table 40.230.070-1. Uses				
	UH-10	UH-20	UH-40	Special Standards
g. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	40.260.050
h. Garage sales	P	P	P	40.260.090
i. Residential care homes	C	C	C	40.260.180
j. Temporary dwellings	P	P	P	40.260.210
2. Services, Business.				
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials.	R/A	R/A	R/A	
b. Roadside farm stand	P	P	P	40.260.025
c. Agricultural market	P	P	P	40.260.025
d. Veterinary clinics	C	C	C	
e. Kennels	C	C	C	40.260.040
3. Services, Amusement.				
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	P	<u>40.260.157</u>
b. Neighborhood Parks	P	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 or gun club	C	C	C	

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- (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; 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.  
(Amended: Ord. 2004-09-02; Ord. 2007-09-13)

**40.230.085 Employment Districts (IL, IH, IR, BP)**

A. Purpose. The purpose of this section is to provide for a wide range of noncommercial economic development and employment opportunities that limit residential, institutional, commercial, office and other nonindustrial uses to those necessary for the convenience and support of such development and opportunities.

B. Applicability. The regulations in this section shall be applicable in the following zoning districts:

- 1. Industrial (I) Districts.
  - a. Light Industrial District (IL). The light industrial district is intended to provide for those less-intensive industrial uses which produce little noise, odor and pollution. It also provides for resource-based uses and service uses that are deemed compatible with light industrial uses.
  - b. Business Park (BP) District. The Business Park district provides for the development of uses including limited light manufacturing and wholesale trade, light warehousing, business and professional services, research, business, and corporate offices, and other similar compatible or supporting enterprises not oriented to the general public.
  - ~~c. Railroad Industrial District (IR). The railroad industrial district is intended to provide for those industrial uses that are most suited for and can take advantage of locations along the county's rail line.~~

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Table 40.230.085-1. Uses 2012 North American Industrial Classification System (NAICS)				IL	IH	IR	BP
A. Resource Uses.							
11 Agriculture, Forestry, Fishing and Hunting							
111	Crop production			P	P	P	P
112	Animal production			P	P	P	P
113	Forestry and logging			P	P	P	P
114	Fishing, hunting and trapping			P	P	P	P
115	Support activities for agriculture and forestry			P	P	P	P
21 Mining							
211	Oil and gas extraction			X	C <sup>4</sup>	E <sup>4</sup>	X
212	Mining (except oil and gas)			X	C <sup>4</sup>	E <sup>4</sup>	X
	2123	Nonmetallic mineral mining and quarrying		X	P <sup>4</sup>	P <sup>4</sup>	X
213	Support activities for mining			X	C <sup>4</sup>	E <sup>4</sup>	X
22 Utilities							
221	Utilities						
		22111	Electric Power Generation	P	P	P	C

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Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements				
Subject	Zone			
	IL	IH	IR	BP
Minimum area of new zoning district	None	None	None	5 acres <sup>4</sup>
Maximum area of new zoning district	None	None	None	None
Minimum lot area	None	None	None	5 acres <sup>4</sup>
Minimum lot width	None	None	None	None
Maximum building height <sup>6</sup>	100 feet <sup>2</sup>	100 feet <sup>2</sup>	100 feet <sup>2+3</sup>	100 feet <sup>2</sup>
Minimum building setback				
Front/street side	20 feet	20 feet	20 feet	20 feet
Side (interior)	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>
Rear	0 feet	0 feet	0 feet	0/20 feet <sup>5</sup>
Maximum lot coverage	Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.385), and all other applicable standards.			
Minimum site landscaped area <sup>1</sup>	10 percent	0 percent	0 percent	15 percent

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**40.260 SPECIAL USES AND STANDARDS**

**40.260.030 Ambulance Dispatch Facility**

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.

**40.260.040 Animal Feed Yards, Animal Sales Yards, Animal Boarding Facilities, Animal Day Use Facilities, and Equestrian Facilities**

A. Where permitted, animal feed yards, animal sales yards, animal boarding facilities, animal day use facilities, and equestrian facilities shall meet the following requirements:

- 1. Such facilities shall comply with site plan review requirements;
- 2. Structures for animal feed yards and animal sales yards shall be located not less than two hundred (200) feet from any property line; and
- 3. Odor, dust, noise and drainage shall not constitute a nuisance, hazard or health problem to abutting property or uses.

Animal boarding facilities shall comply with the noise standards in Chapter 173-60 WAC. All animals are to be housed within an enclosed soundproof structure between the hours of 10:00 p.m. and 7:00 a.m.

B. Animal day use facilities shall comply with the noise standards in Chapter 173-60 WAC.

(Amended: Ord. 2007-06-05; Ord. 2011-03-09; Ord. 2012-02-03)

**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.

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g. Different siding color.

(Added: Ord. 2012-02-03)

\* Code reviser’s note: Ordinance 2012-02-03 adds this section as Section 40.260.075. It has been editorially renumbered to avoid duplication of numbering.

**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, C-3, GC, IL, IH, BP, U, A, UH-10, UH-20 and UH 40.
  - c. Battery exchange stations in C-3, GC, IL and IH.

C. Definitions.

For the purposes of this section, the following definitions shall apply:

Battery exchange station	“Battery exchange station” means a fully automated facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully charged battery through a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by Chapter 19.27 RCW and consistent with rules adopted under RCW 19.27.540.
Charging levels	<p>“Charging levels” means the standardized indicators of electric force, or voltage, at which an electric vehicle’s battery is recharged. The terms 1, 2, and 3 are the most common electric vehicle charging levels, and include the following specifications.</p> <ul style="list-style-type: none"> <li>• Level 1 is considered slow charging (120-volt AC).</li> <li>• Level 2 is considered medium charging (208- or 240-volt AC).</li> <li>• Level 3 is considered fast or rapid charging (480-volt AC).</li> </ul>



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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-40, 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, C-3, and CR-2.

d. No facilities are allowed within one thousand (1,000) feet of the perimeter of the grounds of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

(1) Elementary or secondary school;

(2) Public playground;

(3) Recreation center or facility, including the Clark County Events Center;

(4) Child care center;

(5) Public park;

(6) Public transit center;

(7) Library;

(8) Any game arcade where admission is not restricted to persons aged twenty-one (21) or older; or

(9) Churches and religious facilities.

2. Where allowed, production and processing facilities may co-locate on the same parcel, if they otherwise meet the requirements of Chapter 314-55 WAC and this section.

E. Development Standards.

1. The requirements of Chapter 314-55 WAC are considered minimum standards for the purposes of this section.

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c. Facilities with a capacity of thirty-nine (39) or less, or which do not qualify with a “shifting” schedule as stated above, may count up to fifty (50) square feet of dedicated indoor play area per individual of capacity toward the outdoor play area requirements.

- 3. The play area shall be abutting the indoor facility.
- 4. A sight-obscuring fence of at least four (4) feet, but not more than six (6) feet in height, shall be provided around the outdoor play area.
- 5. Adequate off-street parking and loading space shall be provided pursuant to Chapter 40.340.

(Amended: Ord. 2008-06-02)

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.

**40.260.165 Opiate Substitution Treatment Facilities**

The purpose of this section is to establish regulations describing the siting criteria for opiate substitution treatment facilities.

The Growth Management Act (RCW 36.70A.200) defines opiate substitution treatment facilities as essential public facilities and, as such, no local government regulations may preclude the siting of such facilities.

- A. Opiate substitution treatment facilities, where permitted, shall be Type II uses per the requirements of Section 40.520.020, and shall be subject to the requirements contained in subsections B and C of this section.
- B. No opiate substitution treatment facility shall be sited within one thousand (1,000) feet of the following:
  - 1. Public and private schools and their associated grounds;
  - 2. Public parks;
  - 3. Public libraries;
  - 4. Other opiate substitution treatment facilities.
- C. The proposed project shall comply with all applicable provisions of this title, all other provisions of the county code, SEPA, and other federal, state, and local statutes, codes and ordinances.

(Added: Ord. 2009-01-05)

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**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.

(Amended: Ord. 2012-12-14)

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.

**40.260.175 Residential Building Permits on Unfinished Plats**

A. Residential building permits for individual residences, additions to existing residences, or “model” homes may be approved on the sites of preliminary land divisions prior to the recordation of the final plat under the following circumstances:

- 1. Only one (1) home is allowed per each existing lot of record within the boundaries of the preliminary land division.
- 2. Single-family attached dwelling units are not allowed under this subsection.
- 3. A survey and certificate stamped by the surveyor is required to verify that the placement of homes meets the platting and zoning requirements of the existing lot of record, either as originally configured or as modified under this title, as well as the approved preliminary plat.
- 4. Impact fees will be calculated at the current rate at the time of building permit application.

B. Residential building permits for “model” homes may be issued on lots within recorded final plats prior to the construction of all required public improvements subject to the following conditions:

- 1. Performance bonds or financial guarantees required under Section 40.540.080(B) have been accepted and approved for those public improvements which have not been constructed.
- 2. Only one (1) home is allowed per each twenty (20) lots within the plat. Plats with fewer than twenty (20) lots do not qualify under this subsection.
- 3. Engineering services must authorize the issuance of the building permit to ensure that adequate provisions exist for necessary services and facilities.

(Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2011-08-08. Formerly 40.260.145)

**40.260.180 Residential Care Facilities and Homes**

Residential care facilities and homes, where permitted as a conditional use, shall be subject to the following:

A. Prior to approval, the review authority shall find that:

- 1. Construction or remodeling of structures necessary to accommodate the proposed use is compatible with the surrounding neighborhood. No sign indicating its use shall be permitted;

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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.

c. The temporary dwelling shall be a temporary structure such as a mobile home designed, constructed and maintained in a manner which will facilitate its removal at such time as the justifying hardship or need no longer exists; provided, that the additional dwelling authorized by Section 40.260.210(A)(4)(b) need not be a temporary structure if the declaration required by Section 40.260.210(C)(1)(e) includes a covenant obligating the purchaser or successors to remove the existing dwelling upon the death or permanent change in residency of the seller retaining a life estate.

- 2. A current vehicular license plate, if applicable, shall be maintained on the temporary dwelling.
- 3. No more than one (1) temporary dwelling shall be authorized under this chapter if the primary dwelling is a mobile home.
- 4. Upon cessation of the hardship or need justifying the temporary dwelling permit, either such dwelling shall be removed or the owner of the lot, tract or parcel shall comply with all applicable zoning subdivision requirements.

C. Permits.

1. Applications for a single temporary dwelling permit shall be subject to a Type I review process pursuant to Section 40.510.010. Applications shall be accompanied by a processing fee established for mobile home placement permit, and shall include:

- a. A site plan showing the size and boundaries of the lot, tract or parcel; the location of all existing buildings; and the proposed location of the temporary dwelling;
- b. A description of the proposed temporary dwelling;
- c. Documentation of approval of water supply and sewage disposal system by the appropriate governmental agency;
- d. Statement signed by the applicant describing the hardship or need; provided, that if the applicant is relying upon Section 40.260.210(A)(1), a letter from a medical doctor verifying the need for continuous care and assistance shall also be submitted;

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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).

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Utility Pole Placement/Replacement. Placement of antennas or antenna arrays on existing structures such as utility poles, light standards, and light poles for street and parking lots is preferred over new towers. Utility poles may be replaced for purposes of adding WCFs. Such replacements shall not be considered new support towers, and parcel size, setback, landscaping, and screening requirements of this section shall not apply. Unless SEPA review is required, utility pole placements/replacements require a Type I review and are subject to the following:

- a. The existing pole may be replaced with a similar pole not exceeding twenty (20) additional feet in height. Such increase in height shall only be allowed for the first replacement of the pole.
- b. A pole extension may not exceed the diameter of the pole at the mounting point for the antennas.
- c. For placement or replacement in public rights-of-way, auxiliary support equipment shall be mounted on the pole or placed underground. No at-grade support equipment in the right-of-way is permitted.
- d. Replacements in public rights-of-way are subject to Chapters 12.20A and 13.12A.

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.

4. Lease Areas.

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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);
- (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.

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4. Color. For all new wireless communications facilities, the following criteria shall apply:
  - a. Unless otherwise required by the FAA, all support towers and antennas shall have a non-glare finish and blend with the natural background.
  - b. Attached WCFs shall be of a color that matches the color of the supporting structure to the greatest extent to minimize visual impacts.
5. Lighting. Except as required by the FAA, artificial lighting of wireless communications towers shall be prohibited. Security lighting for equipment shelters or cabinets and other on-the-ground auxiliary equipment is allowed; provided, that lighting shielded to keep direct light within the site boundaries. Strobe lighting is prohibited unless required by the FAA.
6. Variances. Any applicant may request a variance from the standards of this section. Requests for variance shall be made in accordance with the procedures and criteria specified in Section 40.550.020. In addition to the requirements of Section 40.550.020, the applicant shall demonstrate the following:
  - a. Strict adherence to the provisions of this section will result in an inability of the applicant to provide adequate WCF services within Clark County; and
  - b. The granting of the variance will not adversely affect views from designated scenic highways or areas of historic or cultural significance.

(Amended: Ord. 2006-09-13; Ord. 2006-11-07; Ord. 2007-06-05; Ord. 2014-01-08)

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 <sup>1</sup> on Existing Support Towers or Support Structures	New <sup>2</sup> Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)	<b>Review Type<sup>3</sup></b>		
Industrial outside rural centers (IH)	I	I	II; III <sup>4</sup>
Forest Tier I (FR-80) and Tier II (FR-40 <del>FR-20</del> )	I	I	II; III <sup>4</sup>
Industrial inside rural centers (IH)	I	I	II; III <sup>4</sup>
Agriculture (AG-20 <del>AG-10</del> )	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
Urban Reserve (UR)	I	I	III

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities			
	Collocation <sup>1</sup> on Existing Support Towers or Support Structures	New <sup>2</sup> Attached WCFs on Existing Support Structures	New Support Towers
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 <sup>4</sup>
Commercial (C2, NC, C3, CC and GC)	I	I	III
Residential	I	I	III
Temporary Use (not to exceed 60 days)			
All districts	I	I	I

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40.310 SIGNS

40.310.010 Sign Standards

D. Signs Prohibited.

Erection or maintenance of signs having any of the following characteristics is prohibited in Clark County:

- 1. Signs which bear or contain statements, words or pictures of an obscene nature;
- 2. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the locations of such activities;
- 3. A sign which does not bear the names of the owner or person responsible for the maintenance of the advertising sign;
- 4. Signs artificially illuminated which are of such intensity or placed in such manner as to interfere with, or impair the vision of the driver of a motor vehicle, or otherwise interfere with any driver's operation of a motor vehicle;
- 5. Signs which attempt or appear to attempt to direct the movement of traffic by interfering with, imitating or resembling any official traffic sign, signal or device;
- 6. Signs which prevent the driver of a vehicle from having a clear and unobstructed view of official signs and approaching or merging traffic as defined in Section 40.350.030(B)(8);
- 7. Signs which exceed a height of thirty-five (35) feet, except as authorized under Section 40.310.010(G). Signs authorized by the district standards under Section 40.310.010(F)(3) and Tables 40.310.010-2 through 40.310.010-6 shall comply with the height restrictions contained therein;
- 8. Signs located or projecting within the county right-of-way unless a written street use permit has been obtained;
- 9. Rooftop and rotating signs;
- 10. Portable signs, temporary signs, flags and banners unless a temporary sign permit has been approved by the responsible official;
- 11. Signs containing strobe lights which are visible from beyond the property line;
- 12. Any sign not specifically permitted by this section, excluding those signs identified in the scope of this chapter;
- 13. Signs which contain flashing lights which exceed more than ten percent (10%) of the area of the sign;
- 14. Off-premises signs (billboards), except for off-premises directional signs as allowed under Table 40.310.010-1 of this section.

E. Sign Permits Required.

Sign permits pursuant to Section 40.520.050 are required for all signs which are authorized under Sections 40.310.010(F)(3), (G) and (I) except those provided in Table 40.310.010-1 and provisions for real estate signs and agricultural signs in Table 40.310.010-3 through Table 40.310.010-6.

(Amended: Ord. 2006-05-01; Ord. 2012-06-02)

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-20~~ AG-10, ~~FR-40~~ FR-20, FR-80, AG-WL, R-5, R-10, R-20, RC-1, and RC-2.5.

(Amended: Ord. 2012-12-14)

Table 40.310.010-2. Additional Sign Standards for Single-Family Residential Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Home Business, <sup>1</sup> Temporary Tract Office, or Model Home	1 per home business	2 square feet per sign	Maximum 6 feet	Not allowed
On-Premises Freestanding <sup>2</sup>	1 per street frontage, with 50 square feet minimum spacing between signs	32 square feet total	15 feet	Allowed, with restrictions <sup>3</sup>
Fascia <sup>2</sup>	1 per building side	32 square feet total	None	
Business Complex Freestanding <sup>2</sup>	1 per frontage	32 square feet total and limited to 2 square feet per tenant and 16 square feet for complex identification	20 feet	
Real Estate Signs <sup>4</sup>	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None allowed
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
High School Electronic Message Center	1 per high school	25 square feet	Maximum 20 feet	Review and approval
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			

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Table 40.320.010-1 Landscaping Standards													
Zoning of Proposed Development													
Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport					
R1, R, RC, UH and UR zones		R-12 through R-43		OR, BP and U zones		All C zones, MX		IL, A		IH/AR			
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 <sup>5</sup> , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft <sup>11</sup>	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft <sup>8,9,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 <sup>1</sup> 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft <sup>8,9,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 <sup>7</sup> 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 <sup>1</sup> 10-ft	L3 5-ft	L2 10-ft	L3 5-ft <sup>8,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
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 <sup>1</sup> 10-ft	L1 <sup>2</sup> 0 – 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial and Airport	IL, A, UR-20, <del>UR-40</del> , UH-20, <del>UH-40</del> <sup>5</sup>	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 5-ft	L1 <sup>7</sup> 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None
	IH/AR	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 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, <del>FR-40</del> , <del>FR-20</del> , AG-20, <del>AG10</del> , 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

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<sup>1</sup> If building wall is to be built within ten (10) feet of a public right-of-way the required buffer shall be L1 five (5) feet for that portion of the site. The front setback for a commercial building may be reduced to zero (0) feet if the

Table 40.320.010-1 Landscaping Standards													
Zoning of Proposed Development													
Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport					
R1, R, RC, UH and UR zones		R-12 through R-43		OR, BP and U zones		All C zones, MX		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 <sup>5</sup> , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft <sup>11</sup>	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft <sup>8,9,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 <sup>1</sup> 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft <sup>8,9,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 <sup>7</sup> 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 <sup>1</sup> 10-ft	L3 5-ft	L2 10-ft	L3 5-ft <sup>8,11</sup>	L3 <sup>10</sup> 10-ft	L3 10-ft <sup>8,9,11</sup>
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 <sup>1</sup> 10-ft	L1 <sup>2</sup> 0 – 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial and Airport	IL, A, UR-20, UR-40, UH-20, UH-40 <sup>8</sup>	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 5-ft	L1 <sup>7</sup> 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None
	IH/IR	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 10-ft	L3 <sup>6</sup> 10-ft	L1 <sup>7</sup> 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 <sup>20</sup>			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

Table 40.320.010-1 Landscaping Standards													
Zoning of Proposed Development													
		Single-family <sup>3,4</sup>		Multifamily <sup>4</sup>		Office Residential <sup>4</sup> , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, R, RC, UH and UR zones		R-12 through R-43		OR, BP and U zones		All C zones, MX		IL, A		IH/IR	
Zoning of land abutting development site		Separat ed from site by a street	Not separat ed by a street	Separat ed from site by a street	Not separat ed by a street	Separat ed from site by a street	Not separat ed by a street	Separat ed from site by a street	Not separat ed by a street	Separat ed from site by a street	Not separat ed by a street	Separat ed from site by a street	Not separat ed by a street
	AG- <del>2010</del> , AG-WL												

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Third Review. The third review shall be completed within seven (7) calendar days of the submittal of corrected plans. Upon completion of the third review, the responsible official shall issue a decision pursuant to Section 40.510.010(C)(2)(d).

d. Within five (5) calendar days of the completion of the county’s review, the responsible official shall approve or deny the application; provided:

- (1) An applicant may request additional reviews (fourth review, etc.). Such a request shall be made in writing and shall be accompanied by the fees required for such additional reviews.
- (2) An applicant may request in writing to extend the time in which the responsible official shall issue a decision. The responsible official may consider new evidence the applicant introduces with or after such a written request.

3. Notice of a decision regarding a Type I process shall be mailed to the applicant and applicant’s representative within seven (7) days of the issuance of the decision. The applicant may appeal the decision pursuant to Section 40.510.010(E) or may apply for post-decision changes pursuant to Section 40.520.060.

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-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.

(Amended: Ord. 2005-04-12)

D. Vesting.

1. Type I applications shall be considered under the land development regulations in effect at the time a fully complete application for preliminary approval is filed; provided, an application which is subject to pre-application review shall earlier contingently vest on the date a complete pre-application is filed, which contingent vesting shall become final if a fully complete application for substantially the same proposal is filed within one hundred eighty (180) calendar days of the date the review authority issues its written summary of pre-application review.

2. Special rules apply to certain nonconforming uses under Section 40.530.050.

3. For concurrency approval requirements, see Section 40.350.020.

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Within fourteen (14) calendar days after the date an application is accepted as fully complete, the responsible official for the application shall issue a public notice of the application pending review consistent with the requirements of Section 40.510.020(E).

2. The responsible official shall mail to the applicant a copy of comments timely received in response to the notice together with a statement that the applicant may respond to the comments within fourteen (14) calendar days from the date the comments are mailed. The responsible official shall consider the comments timely received in response to the notice and timely responses by the applicant to those comments. The responsible official may consider comments and responses received after the deadline for filing.

3. A decision shall be made within the timelines specified by Section 40.510.020(F), and shall include:

- a. A statement of the applicable criteria and standards in this code and other applicable law;
- b. A statement of the facts that the responsible official found showed the application does or does not comply with each applicable approval criterion and assurance of compliance with applicable standards;
- c. The reasons for a conclusion to approve or deny; and
- d. The decision to deny or approve the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law.

4. Within seven (7) calendar days of the decision, the responsible official shall mail a notice of decision to the applicant and applicant’s representative, the neighborhood association in whose area the property in question is situated, and all parties of record regarding the application. The mailing shall include a notice which includes the following information:

- a. A statement that the decision and SEPA determination are final, but may be appealed as provided in Section 40.510.020(H) to the hearing examiner within fourteen (14) calendar days after the notice of decision. The appeal closing date shall be listed in boldface type. The statement shall describe how a party may appeal the decision or SEPA determination or both, including applicable fees and the elements of an appeal statement; and
- b. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the county representative to contact about reviewing the case file.

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, 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.

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(1) That the hearing is continued. If the hearing is continued to a place, date and time certain, then additional notice of the continued hearing is not required to be mailed, published or posted. If the hearing is not continued to a place, date and time certain, then notice of the continued hearing shall be given as though it was the initial hearing. The hearing examiner shall adopt guidelines for reviewing requests for continuances;

(2) That the public record is held open to a date and time certain. The hearing examiner shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. The hearing examiner may adopt guidelines for reviewing requests to hold open the record;

(3) That the application(s) is/are taken under advisement, and a final order will be issued as provided in Section 40.510.030(D)(6); or

(4) That the application(s) is/are denied, approved or approved with conditions, together with a brief summary of the basis for the decision, and that a final order will be issued as provided in Section 40.510.030(D)(5).

5. Unless the applicant agrees to allow more time, within fourteen (14) calendar days after the date the record closes, the hearing examiner shall issue a written decision regarding the application(s); provided, the hearing examiner shall not issue a written decision regarding the application(s) until at least fifteen (15) calendar days after the threshold determination under Chapter 40.570 is made. The decision shall include:

- a. A statement of the applicable criteria and standards in this code and other applicable law;
- b. A statement of the facts that the hearing examiner found showed the application does or does not comply with each applicable approval criterion and standards;
- c. The reasons for a conclusion to approve or deny; and
- d. The decision to deny or approve the application and, if approved, any conditions of approval necessary to ensure the proposed development will comply with applicable criteria and standards.

6. Within seven (7) calendar days from the date of the decision, the responsible official shall mail via regular mail, or by e-mail if the receiving party agrees to this method, the notice of decision to the applicant and applicant’s representative, the neighborhood association in whose area the property in question is situated, and all parties of record. The mailing shall include a notice which includes the following information:

- a. A statement that the decision and SEPA determination, if applicable, are final, but may be appealed as provided in Section 40.510.030(H) to the board within fourteen (14) calendar days after the date the notice is mailed. The appeal closing date shall be listed in boldface type. The statement shall describe how a party may appeal the decision or SEPA determination, or both, including applicable fees and the elements of a petition for review;
- b. A statement that the complete case file is available for review. The statement shall list the place, days and times where the case file is available and the name and telephone number of the county representative to contact for information about the case.

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:

40.530 NONCONFORMING USES, STRUCTURES AND LOTS

40.530.010 Nonconforming Lots, Structures and Uses

A. Purpose.

Lots, uses, and structures exist which were lawful when established but whose establishment would be restricted or prohibited under current zoning regulations. The intent of this chapter is to allow continuation of such nonconforming uses and structures. It is also the intent of this chapter to, under certain circumstances and controls, allow modifications to nonconforming uses and structures consistent with the objectives of maintaining the economic viability of such uses and structures while protecting the rights of surrounding property owners to use and enjoy their properties.

B. Applicability.

All nonconforming lots, uses and structures shall be subject to provisions of this chapter.

- 1. If a lot, use or structure deemed legal nonconforming under past zoning regulations is brought into compliance with current standards, it shall be considered conforming.
2. The provisions in this chapter do not supersede or relieve a property owner from compliance with building, fire, health or other life safety requirements of the code.

C. Nonconforming Status.

1. Any lot, use, or structure which, in whole or part, is not in conformance with current zoning requirements shall be considered as follows:

- a. Legal Nonconforming. Lots, uses and structures legally created or established under prior zoning and/or platting regulations. These lots, uses and structures may be maintained or altered subject to provisions of this chapter.
b. Illegal Nonconforming. Lots, uses and structures which were not in conformance with applicable zoning and/or platting regulations at the time of creation or establishment. Illegal nonconforming lots, uses and structures shall be discontinued, terminated or brought into compliance with current standards.

2. It shall be the burden of a property owner or proponent to demonstrate the legal nonconformity of a lot, use, and structure.

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, 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.