

RESOLUTION NO. _____

An interim zoning ordinance relating to land use; amending CCC 40.210.030 to conditionally allow Residential Care Facilities on larger parcels.

WHEREAS, the Council finds that Clark County conditionally authorized Residential Care Facilities but this use has been excluded from the RC zones; and

WHEREAS, there currently exists 16 spaces (hereinafter “beds”) for substance abuse treatment for boys/young men, no beds for those substance abuse of youth with mental health issues, and no beds for girls/young women in the Clark County area; and,

WHEREAS, Counties and Superior Courts struggle to protect youth while waiting for treatment beds to become available; and

WHEREAS, for young women treatment must occur out of the county and generally away from family; and

WHEREAS, the State of Washington has appropriated 1.5 million dollars to fund a facility to meet the above requirements that can be open by 2017; and

WHEREAS, RCW 36.70A.390 and RCW 35.63.200 authorize the Board to adopt an interim zoning ordinance without holding a public hearing; and

Whereas, the Board is considering this emergency ordinance to further the public health, safety, and welfare; it is now, therefore,

ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:

Section 1. Findings.

23 RCW 35.63.200 authorizes adoption of interim zoning measures with certain limitations. In
24 compliance with the requirements of this statute, the Board of County Commissioners adopts as
25 findings the pronouncements contained in the above recital provisions.

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Section 2. Amendatory. Ordinance 2003-12-15 as most recently amended by
Ordinance 2014-11-02 and codified as 40.210.030 are each amended to read:

32 40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)

33 A. Purpose.

34 The rural center residential zones are to provide lands for residential living in the rural centers at
35 densities consistent with the comprehensive plan. These districts are only permitted in the
36 designated rural centers. Natural resource activities such as farming and forestry are allowed to
37 occur as small-scale activities in conjunction with the residential uses in the area. These areas are
38 subject to normal and accepted forestry and farming practices.

39 B. Location Criteria.

40 These zoning districts are only permitted within the designated rural centers adopted as part of
41 the Clark County comprehensive plan in areas with a comprehensive plan designation of rural
42 center residential.

43 C. Uses.

44 The uses set out in Table 40.210.030-1 are examples of uses allowable in rural center residential
45 zone districts. The appropriate review authority is mandatory.

46 • “P” – Uses allowed subject to approval of applicable permits.

47 • “R/A” – Uses permitted upon review and approval as set forth in Section [40.520.020](#).

- 48 • “C” – Conditional uses which may be permitted subject to the approval of a conditional use
 49 permit as set forth in Section [40.520.030](#).
 50 • “X” – Uses specifically prohibited.
 51 Where there are special use standards or restrictions for a listed use, the applicable code
 52 section(s) in Chapter [40.260](#), Special Uses and Standards, or other applicable chapter is noted in
 53 the “Special Standards” column.

Table 40.210.030-1. Uses			
	RC-1	RC-2.5	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)	P	P	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	P	P	40.260.050
h. Country inns of historic significance	C	C	

i. Garage sales	P	P	40.260.090
j. Residential care homes	C	C	40.260.180
k. Temporary dwellings	P	P	40.260.210
l. Staffed residential homes	C	C	40.260.205
m. Residential Care Facilities (on parcels greater than 5 acres)	<u>C</u>	<u>C</u>	<u>40.260.180</u>
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	P	P	
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
h. Dental and medical offices	C	C	
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	

RESOLUTION - 4

b. Neighborhood parks	P	P	40.260.157
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 ¹	C ¹	

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
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 ²	P/C ²	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	X	X	
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075
g. Medical marijuana collective gardens	X	X	
h. Marijuana-related facilities	X	X	

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

56 ² *See Table 40.260.250-1.*

57 (Amended: Ord. 2003-12-15; Ord. 2005-04-12; Ord. 2007-06-05; Ord. 2011-03-09; Ord. 2011-
 58 06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-02-08; Ord. 2012-06-
 59 02; Ord. 2012-07-03; Ord. 2013-07-08; Ord. 2014-05-07; Ord. 2014-11-02)

60 D. Development Standards.

61 1. New lots and structures and additions to structures subject to this section shall comply with the
 62 applicable standards for lots and building height, and setbacks in Tables 40.210.030-2 and
 63 40.210.030-3, subject to the provisions of Chapter [40.200](#) and Sections [40.350.030](#) and
 64 [40.550.020](#).

Table 40.210.030-2. Lot Requirements			
Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
RC-2.5	2.5 ¹	100 ²	140
RC-1	1.0 ¹	100 ²	140

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

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

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height					
Zoning District	Minimum Setbacks ⁴			Maximum Lot	Maximum Building
	Front ⁵ (feet)	Side	Rear (feet)		

		Street ⁵ (feet)	Interior (feet)		Coverage	Height (feet)
RC-2.5	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³
RC-1	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³

69 ¹ Side Setbacks. Minimum side setback on each side of the residential dwelling and incidental
70 buildings shall be ten (10) feet, and fifty (50) feet for accessory buildings used for agricultural
71 purposes. Side setbacks from abutting property zoned for natural resource or surface mining
72 uses shall be a minimum of fifty (50) feet for all structures.

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

75 ³ For all structures.

76 ⁴ Setbacks for nonconforming lots shall be those as set forth for conforming lots except in cases
77 where the standard setbacks will result in the buildable area of the lot being reduced to less than
78 ten thousand (10,000) square feet. In these cases setbacks may be reduced to achieve a building
79 envelope of at least ten thousand (10,000) square feet, however in no case may they be reduced
80 to less than twenty (20) feet for the front setback and five (5) feet for the side and rear setbacks.

81 ⁵ Setbacks in rural centers are measured from right-of-way, and not from public sidewalk
82 easements; provided, that setbacks to garage and carport entrances shall maintain a minimum
83 eighteen (18) foot setback from sidewalk easements.

84 (Amended: Ord. 2008-06-02)

85 2. Previous Land Divisions.

86 The remainder lot of a previously approved agriculture or forest district “cluster” land division or
87 the remainder lot of a reconfigured land division may be further divided only if the total number
88 of lots in the previously approved “cluster” land division is below the density permitted in the
89 existing zone. An example is a previously approved “cluster” short plat of three (3) one (1) acre
90 and one (1) seventeen (17) acre remainder which is now zoned for five (5) acre lots. The original
91 parcel was twenty (20) acres, divided by the current two and one-half (2.5) acre minimum lot
92 size equals eight (8) lots. Since four (4) lots were already created, the remainder parcel can be
93 further divided into not more than four (4) additional lots.

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

95 4. Off-Street Parking. Off-street parking shall be provided as required in Chapter [40.340](#).

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97 Section 3. Effective Date.

98 A. This ordinance shall be effective upon adoption and shall expire upon adoption
99 of a new ordinance following consideration of this matter by the Clark County
100 Planning Commission or on January 17th, 2016 whichever is earlier.

101 Section 4. Instructions to Clerk. The Clerk to the Board shall:

- 102 1. Record a copy of this ordinance with the Clark County Auditor.
- 103 2. Transmit a copy of this ordinance to the state within ten days of its adoption
104 pursuant to RCW 36.70A.106.
- 105 3. Cause notice of adoption of this ordinance to be published forthwith pursuant to
106 RCW 36.70A.290.
- 107 4. This ordinance is temporary in nature and is not to be codified.

ADOPTED this _____ day of November, 2015.

Attest

BOARD OF COUNCILORS
FOR CLARK COUNTY

Clerk to the Board

By: _____
David Madore, Chair

By: _____
Jeanne E. Stewart, Commissioner

By: _____
Tom Mielke, Commissioner

Approved as to form only:

Christopher Horne
Deputy Prosecuting Attorney