

# CLARK COUNTY STAFF REPORT

**DEPARTMENT:** Community Planning

**DATE:** October 9, 2018

**REQUESTED ACTION:**

Approve the adopting ordinance for CPZ 2018-0005 Manufactured Housing

Consent  Hearing  County Manager

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**BACKGROUND**

Staff is recommending that you approve the adopting ordinance attached to this report. The County Council unanimously approved the changes to the Clark County Code at their duly noticed hearing on September 18, 2018.

**COUNCIL POLICY IMPLICATIONS**

The adopting ordinance will implement the update of the Clark County Code to update the sections related to manufactured housing.

**ADMINISTRATIVE POLICY IMPLICATIONS**

The change is in the Clark County Code which implements the County Council's policy. They directed staff this year to update the development code related to manufactured housing to provide affordable housing options.

**COMMUNITY OUTREACH**

Staff held an open house to present the proposed changes to the public on June 7, 2018 at the 78<sup>th</sup> Street Operations Center.

Council work sessions on the proposed changes to the Clark County Code were held on May 30, 2018 and August 8, 2018. The Planning Commission held work sessions on the proposed changes on August 2, 2018. Staff presented the proposed changes to the Development Engineering Advisory Board (DEAB) at both their June 7, 2018 and their July 12, 2018 meetings. DEAB unanimously recommended that the Council adopt staff's recommended changes to the Clark County Code with regard to the manufactured housing. The Department of Commerce received a copy of the proposed Clark County Code changes on July 9, 2018 and had no comment. A SEPA was published on July 16, 2018 and no comments were received. Planning Commission held a duly noticed hearing on August 16, 2018 where they unanimously recommended that the Council approve staff's recommended changes. The Council unanimously approval of Planning Commission's recommended changes at a duly noticed hearing on September 18, 2018.

**BUDGET IMPLICATIONS**

YES	NO	
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X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

**BUDGET DETAILS**

Local Fund Dollar Amount	Not applicable
Grant Fund Dollar Amount	Not applicable
Account	General fund; Road fund
Company Name	

**DISTRIBUTION:**

Council staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>

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**APPROVED:** \_\_\_\_\_  
**CLARK COUNTY, WASHINGTON**  
**BOARD OF COUNTY COUNCILORS**

DATE: \_\_\_\_\_

SR# \_\_\_\_\_

**APPROVED:** \_\_\_\_\_  
**Shawn Hennessee, County Manager**

DATE: \_\_\_\_\_

# BUDGET IMPACT ATTACHMENT

## Part I: Narrative Explanation

I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information

It is a change to the Clark County Code and therefore it has no budget implications so this section is not applicable.

## Part II: Estimated Revenues

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
<b>Total</b>						

II. A – Describe the type of revenue (grant, fees, etc.)

## Part III: Estimated Expenditures

III. A – Expenditures summed up

Fund #/Title	FTE's	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
		GF	Total	GF	Total	GF	Total
<b>Total</b>							

III. B – Expenditure by object category

Fund #/Title	2017-2018 Biennium		2019 Annual Budget		2020 Annual Budget	
	GF	Total	GF	Total	GF	Total
Salary/Benefits						
Contractual						
Supplies						
Travel						
Other controllables						
Capital Outlays						
Inter-fund Transfers						
Debt Service						
<b>Total</b>						

**ORDINANCE NO. 2018-10-02**

An ordinance relating to land use; adopting amendments to the Clark County Code to amend Title 6 fees; Title 14.32A Manufactured Home Placement; Section 40.100.070 Definitions; Section 40.210 Resource and Rural Districts; Section 40.220.010 Single-Family Residential Districts; Section 40.220.020 Residential and Office Residential Districts; Repeal Section 40.260.130 Mobile Homes on Individual Lots; Section 260.140.A. Manufactured Home Parks; Section 260.140.B. Manufactured Home Parks; Section 260.140.C. Manufactured Home Parks; Section 260.140.D. Manufactured Home Parks; Section 260.140.E. Manufactured Home Parks; Section 260.140.F. Manufactured Home Parks; Section 40.260.210 Temporary Dwellings; Section 40.440.020 Standards and Nonregulatory Measures; Section 40.510.050 Application Submittal Requirements; Section 40.520.020 Uses Subject to Review and Approval (R/A); Section 610.040.E. Imposition of Impact Fee; Section 620.030.A.5. Calculation of Development Impact Fees.

WHEREAS, the Clark County Council (Council) held three duly noticed, public work sessions on May 30, 2018 and August 9, 2018 to discuss the County's needs for a diversity of housing choices, an increased variety of housing types for smaller households, and affordable housing; and to update the manufactured housing code to comply with changes in state and federal law; and

WHEREAS, the Council directed staff to draft code amendments to address the needs raised in the work sessions outlined above; and

WHEREAS, the County provided the required sixty day notifications of intent to adopt this set of amendments to the State Department of Commerce, which received the notification on July 9, 2018; and

WHEREAS, the County caused SEPA determinations of non-significance were published on July 16, 2018 and no comments were received; and

WHEREAS, Clark County Community Planning Department staff held a duly noticed public open house with the public interested in updates to the manufactured housing development code at the 78<sup>th</sup> Street Operations Center on June 18, 2018; and

WHEREAS, the Clark County Planning Commission held a duly noticed public work session on August 2, 2018 to review the staff recommendation on the proposed code amendments; and

WHEREAS, the Planning Commission held a duly noticed public hearing on August 16, 2018 at which it considered and deliberated on the staff proposals for these code amendments, and unanimously adopted a recommendation to the Council that it adopt the proposed amendments; and

WHEREAS, the Council at its duly noticed public hearing on September 18, 2018, took public testimony considered all comments presented to the Council and the recommendations of the Planning Commission and staff; and deliberated on the proposal; and

WHEREAS, the Council finds that adoption of these code amendments will further the public health, safety and welfare; now, therefore,

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY COUNCIL, CLARK COUNTY, STATE OF WASHINGTON, as follows:

**Section 1. Findings.** The recitals above are incorporated into this ordinance as findings.

**Section 2. Amendatory.** Sec. 30 of Ord. 1997-12-46 and codified as Chapter 6.140, and most recently amended by Sec. 5 of Ord. 2016-09-03, are each hereby amended as follows:

**6.140.030 Fees.**

Fees for building activities are set forth pursuant to Table 6.140.030-1:

**Table 6.140.030-1 Building Fees**

Section	Activity	Fee
<b>1</b>	<b>Commercial Permits</b>	
A	Commercial plan review	65% of permit fee
B	Commercial manufactured home placement – Application <sup>3</sup>	\$533
C	Commercial manufactured mobile home placement – Permit <sup>3</sup>	\$467
D	Phased plan review approval	\$974
E	Deferred plan review submittals <sup>5</sup>	\$361
F	Re-roof	\$387
G	Re-siding	\$443
H	Business change only – Certificate of occupancy	\$98.50
I	Business move-in only	\$436.50
<b>2</b>	<b>Commercial Permits – Total Valuation<sup>1</sup></b>	
A	Issuance of permit	\$94
B	\$0 to \$5,000	\$150
C	\$5,000.01 to \$10,000.00	\$250
D	\$10,000.01 to \$25,000.00	\$250.00 for the first \$10,000.00 plus \$16.67 for each additional \$1,000.00, or fraction thereof, to and including \$25,000.00
E	\$25,000.01 to \$50,000.00	\$500.00 for the first \$25,000.00 plus \$13.00 for each additional \$1,000.00, or fraction thereof, to and including \$50,000.00
F	\$50,000.01 to \$100,000.00	\$825.00 for the first \$50,000.00 plus \$8.00 for each additional \$1,000.00, or fraction thereof, to and including \$100,000.00
G	\$100,000.01 to \$500,000.00	\$1,225.00 for the first \$100,000.00 plus \$6.00 for each additional \$1,000.00, or fraction thereof, to and including \$500,000.00
H	\$500,000.01 to \$1,000,000.00	\$3,625.00 for the first \$500,000.00 plus \$5.00 for each additional \$1,000.00, or fraction thereof, to and including \$1,000,000.00
I	\$1,000,000.01 to \$5,000,000.00	\$6,125.00 for the first \$1,000,000.00 plus \$4.00 for each additional \$1,000.00 or fraction thereof
J	>\$5,000,000.00	\$22,125.00 for the first \$5,000,000.00 plus \$2.00 for each additional \$1,000.00 or fraction thereof
<b>3</b>	<b>Residential Permits – Total Valuation<sup>1,9</sup></b>	
A	Issuance of permit	\$94

Section	Activity	Fee
B	\$0 to \$2,000.00	\$75
C	\$2,000.01 to \$5,000.00	\$100
D	\$5,000.01 to \$10,000.00	\$250
E	\$10,000.01 to \$25,000.00	\$250.00 for the first \$10,000.00 plus \$16.67 for each additional \$1,000.00 or fraction thereof to and including \$25,000.00
F	\$25,000.01 to \$50,000.00	\$500.00 for the first \$25,000.00 plus \$6.00 for each additional \$1,000.00 or fraction thereof to and including \$50,000.00
G	\$50,000.01 to \$200,000.00	\$650.00 for the first \$50,000.00 plus \$3.85 for each additional \$1,000.00 or fraction thereof to and including \$200,000.00
H	\$200,000.01 to \$500,000.00	\$1,227.50 for the first \$200,000.00 plus \$1.30 for each additional \$1,000.00 or fraction thereof to and including \$500,000.00
I	\$500,000.01 to \$1,000,000.00	\$1,617.50 for the first \$500,000.00 plus \$1.20 for each additional \$1,000.00 or fraction thereof to and including \$1,000,000.00
J	>\$1,000,000.00	\$2,217.50 for the first \$1,000,000.00 plus \$1.10 for each additional \$1,000.00 or fraction thereof
K	COMBO SFR (mech, plb, radon, etc.)	Fee is an additional 40% of base SFR permit fee (the additional 40% is not subject to plan review fees)
L	Adult family home conversion	Conversion is calculated at 30% of an SFR base rate (includes permit and plan review)
M	Phased plan review approval	\$976.08 per phase
N	Simple garage, carport, patio cover or deck	\$350.50 (includes issuance and state fee)
<b>4</b>	<b>Other Activities</b>	
A	Issuance of permit	\$94
B	Residential plan review	65% of permit fee
C	Manufactured home placement – Application	\$158
D	Manufactured home placement – Issuance	\$361
E	Lot setback revision	\$108
F	Re-roof (other than commercial)	\$220
G	Re-siding (other than commercial)	\$220
H	Roofing, siding, window contractor combination	\$89
I	Sign permit for one freestanding sign	\$250
J	Sign permit for a single fascia (wall) sign	\$150
K	Sign permit for multiple signs (any combination of freestanding and/or fascia) <sup>7</sup>	\$250
L	Removal permit for manufactured home	\$135
M	Title elimination for manufactured home	\$105

Section	Activity	Fee
N	State Building Code issuance fee	\$4.50
O	Approaches, driveways, sidewalks or curbs <sup>4</sup>	\$136
P	Replacement approaches, driveways, sidewalks or curbs <sup>4</sup>	\$68
Q	Moved buildings	\$539
R	Demolition	\$164
S	Erosion and stormwater review and inspection	\$270
<b>5</b>	<b>Other Inspections and Activities</b>	
A	Inspections outside of normal business hours (minimum charge of 2 hours overtime rate)	\$148 per hour (minimum \$296.00)
B	Reinspection fees assessed under provisions of Section 305(g)	\$148 per hour
C	Inspections for which no fee is specially indicated	\$148 per hour
D	Additional plan review required by changes, additions or revisions to plans or research related to structure or occupancy (minimum charge of one-half hour)	\$148 per hour
<b>6</b>	<b>Mechanical Fees</b>	
A	Issuance of permit	\$94
B	Issuance of each supplemental permit to an existing permit	\$53
C	Installation or relocation of each forced-air or gravity-type furnace or burner	\$29
D	Installation or relocation of each suspended heater, recessed wall heater or floor-mounted heater	\$29
E	Installation, relocation or replacement of each appliance vent installed and not included in an appliance permit	\$29
F	Repair, alteration, and addition to each heating appliance, refrigeration, cooling, adsorption unit, or each heating, cooling, absorption or evaporative cooling system	\$29
G	Installation or relocation of each boiler or commercial compressor	\$89
H	Each air-handling unit	\$29
I	Each evaporative cooler other than portable type	\$29
J	Each ventilation fan connected to a single duct	\$29
K	Each ventilation system which is not a portion of any heating or air-conditioning system authorized by a permit	\$29
L	Installation of each hood which is served by mechanical exhaust, including the ducts for such hood	\$29
M	Installation or relocation of each domestic-type incinerator	\$29
N	Installation or relocation of each commercial industrial-type incinerator	\$89
O	Each appliance or piece of equipment by this code but not classed in other appliance categories, or for which no other fee is listed in this code	\$29
P	Fuel-gas piping system of 1 to 5 outlets	\$89
Q	Each additional gas-piping system outlet per outlet	\$29

Section	Activity	Fee
R	Radon <sup>6</sup> mitigation system	\$89
S	Woodstoves, inserts, and freestanding stoves	\$89
T	Each water heater and/or vent	\$29
U	Limited trade permit <sup>8</sup>	\$67
<b>7</b>	<b>Plumbing Fees</b>	
A	Issuance of permit	\$94
B	Issuance of each supplemental permit to an existing permit	\$53
C I	Plumbing fixtures – Up to 5	\$192
II	Each additional plumbing fixture	\$35
III	Homeowner water heater replacement	\$66
D	Each building sewer connection and each manufactured home park sewer connection	\$122
E	Each private sewage disposal system	\$122
F	Each industrial waste pretreatment interceptor including its trap and vent, excepting kitchen-type grease interceptors functioning as fixture traps	\$122
G	Each installation, alteration or repair of water piping and/or water treating equipment	\$122
H	Each repair or alteration of drainage or vent piping, each fixture	\$122
I	Each lawn sprinkler system on any one meter including backflow protection devices	\$122
J	Atmospheric-type vacuum breakers not included in item L: 1 to 5	\$178
K	Atmospheric-type vacuum breakers not included in item L: Over 5, each	\$35
L	Each backflow protective device other than atmospheric-type vacuum breakers: 2-inch diameter and smaller	\$122
M	Each backflow protective device other than atmospheric-type vacuum breakers: Over 2-inch diameter	\$122
N	Limited trade permit <sup>8</sup>	\$67

Notes

- 1 Valuation shall be determined by the building official pursuant to Section 6.140.020(2).
- 2 Reserved for future use.
- 3 Permits for any modular requiring construction at the site shall be assessed based on value as set forth in Section 2 of this table.
- 4 Fees shown for sidewalks, curbs and driveway approaches are for separate permits. If any combination of these is installed in one (1) operation, only one (1) permit is required.
- 5 Items requiring separate permits, such as fire sprinkler systems, are not charged additionally. The value of the items must be in the building valuation and then a separate permit and plan review fee is assessed. This separate permit fee constitutes the deferred fee for such items.
- 6 All new single-family homes and residential additions require radon inspections.



7 Applied for, issued, installed and inspected for one (1) tenant under one (1) permit, with a maximum of three (3) inspections.

8 Limited trade permits are only available for push/pull or removal/replacement of a furnace, air conditioner, water heater, or heat pump.

(Sec. 30 of Ord. 1997-12-46; amended by Sec. 1 (Exh. A) of Ord. 2001-12-11; amended by Sec. 1 (Exh. A) of Ord. 2002-11-07; amended by Sec. 1 (Exh. A) of Ord. 2002-02-09; amended by Ord. 2004-12-02; amended by Ord. 2005-12-01; amended by Sec. 1 (Exh. A) of Ord. 2006-05-01; amended by Sec. 1 of Ord. 2007-04-17; amended by Sec. 1 of Ord. 2008-02-01; amended by Sec. 1 of Ord. 2008-07-05; amended by Sec. 1 (Exh. A) of Ord. 2009-06-08; amended by Sec. 6 (Exh. F) of Ord. 2011-07-03; amended by Sec. 1 (Exh. 3) of Ord. 2012-02-03; amended by Sec. 1 of Ord. 2012-07-03; amended by Sec. 1 (Exh. A) of Ord. 2012-09-14; amended by Sec. 1 of Ord. 2013-06-03; amended by Sec. 5 of Ord. 2016-09-03

**Section 3. Amendatory.** Sec. 2(Exh.A) of Ord. 2003-10-18 and codified as Chapter 14.32A.110, and most recently amended by Sec. 14 of Ord. 2016-07-02, are each hereby amended as follows:

**Title 14.32A**

**MOBILE AND MANUFACTURED HOME PLACEMENT AND STANDARDS**

**Article I. General Provisions**

**14.32A.110 Purpose.**

The Clark County Council ~~board of county councilors~~ finds it necessary to establish standards and procedures for installing manufactured homes in the county for the following purposes:

1. To preserve the life, safety, health and welfare of the general public, which shall not be construed to protect or benefit any specific person or class of persons;
2. To ensure that the appropriate water and sewage disposal systems are available prior to issuance of a manufactured home placement permit, and that they are properly installed prior to human occupancy of a manufactured home;
3. To provide a reasonable degree of protection for manufactured homes and mobile homes placed in the unincorporated areas of Clark County, when damage from winds, earth movements, flooding and other such disasters could cause them to overturn or become a safety hazard; and
4. To make county codes consistent with other national, state, and local regulations. (Sec. 2 (Exh. A) of Ord. 2003-10-13; amended by Sec. 14 of Ord. 2016-07-02)

**Section 4. Amendatory.** Sec. 2(Exh.A) of Ord. 2003-10-13 and codified as Chapter 14.32A.120, and most recently amended by Sec. 15 of Ord. 2016-07-02, are each hereby amended as follows:

**14.32A.120 Definitions.**

The following definitions shall apply for interpretation, administration and enforcement of this chapter.

“Applicant(s)” means a manufactured home owner, manufactured home occupant, and/or landowner of the lot or space where the manufactured home is to be placed.

“Approved access” means issuance of a road approach permit and construction of such access in conformance with state, city or county road standards.

“Available water or sewers” means ready, convenient and obtainable connection to water and/or sewage disposal systems, whether public, community or private on-site systems.

~~“Building official” means the officer or other designated authority charged with the administration and enforcement of this chapter, or the building official’s duly authorized representative.~~

~~“Council Board” means the Clark County Council board of county councilors of Clark County.~~

~~“Building official” means the officer or other designated authority charged with the administration and enforcement of this chapter, or the building official’s duly authorized representative.~~

“Department” means the Clark County department of community development.

“Director” means the director of the department community development or the director’s designee.

“Insignia” means a label, stamp or tag issued by the Washington State Department of Labor and Industries (DLI) indicating the structure, alteration, or component bearing the insignia complies with Washington Administrative Code 296-150M, or a label, stamp or tag issued by the U.S. Department of Housing and Urban Development (HUD) indicating compliance with 42 U.S.C., § 5401, et seq. and any related C.F.R.’s, as now enacted or hereafter amended.

“Installer” means a person who is in the business of installing manufactured homes who has been issued a certificate by the state of Washington under Washington Administrative Code 296-150M, as hereafter amended.

~~“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. means a parcel of land, the boundaries of which are described in the records of the Clark County auditor.~~

~~“Manufactured home” means a single family dwelling built after June 15, 1976, in accordance with the U.S. Department of Housing and Urban Development (HUD) Manufactured Home Construction and Safety Standards Act, as hereafter amended, which bears the appropriate insignia indicating such compliance. For the purposes of this chapter, the term “manufactured home” shall also include “mobile home.”~~

~~“Mobile home” means a single family residence transportable in one (1) or more sections which, in traveling mode, are eight (8) feet or more in width or thirty two (32) feet or more in length, or, when erected on site, is three hundred twenty (320) or more square feet, and built on a permanent chassis, designed to be used as a dwelling with or without permanent foundation when connected to required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, and constructed before June 15, 1976. For the purposes of installation and placement standards as required by this chapter, the term “manufactured home” shall include “mobile home.”~~

~~“Manufactured home” means a single-family home constructed and labeled after June 15, 1976, in accordance with state and federal requirements for manufactured homes. The manufactured home must conform to federal Manufactured Home Construction and Safety Standards (HUD Code – Red Label) rather than to the Building Code (Gold Label) requirements.~~

“Mobile Manufactured home park” means a lot with two (2) or more spaces for lease or rent for manufactured homes.

“Mobile home” means a structure constructed before June 15, 1976, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. A mobile home is not a recreational vehicle.

“Occupancy” means any human use of a manufactured home, whether permanent or incidental.

“Permanent installation” means all on-site work necessary for the placement and installation of a manufactured home, and requires approved connections to all appropriate utilities, including but not limited to plumbing, heating, air conditioning and electrical systems.

“Person” means any individual, association, firm, partnership, corporation or other entity.

“Placement permit” means a permit issued by the department for permanent installation of a manufactured home in the unincorporated areas of Clark County.

“Recreational park trailer” shall have the same meaning as that term is defined in Washington Administrative Code 296-150P, as hereafter amended. For the purposes of this chapter, any reference to the term “recreational vehicle” shall include the term “recreational park trailer.”

“Recreational vehicle” shall have the same meaning as that term is defined in Washington Administrative Code 296-150R, as hereafter amended. For the purposes of this chapter, the term shall include travel trailers, folding camping trailers, truck campers, motor homes, multi-use vehicles designed for temporary occupancy as herein defined, and park trailers.

“Recreational vehicle park” means a lot with two (2) or more sites for lease or rent, to the extent such lot has been approved in conformance with applicable sections under Title 40, as now enacted or as hereafter amended.

“Road” means a dedicated or publicly maintained road or road right-of-way, or a private road right-of-way or easement providing access to three (3) or more lots or dwellings.

“Sewage disposal system” means the service and connection lines of a sanitary sewer system, or an on-site (septic) sewage disposal system approved pursuant to Washington Administrative Code 246-272, including septic tank, septic drainfield, drainfield replacement area, and any components thereof.

“Space” means the area identified for placement and permanent installation of a manufactured home within an approved mobile manufactured home park.

“Square feet” means a calculation based on the structure’s exterior dimensions, measured at the largest horizontal projections when erected on site, including all expandable rooms and other projections containing interior space.

“Structural addition” means any appurtenance or structural modification to a manufactured home that was not part of the original factory built component(s).

“Temporary occupancy” means human habitation of a structure not to be used for such purpose upon a single site for more than thirty (30) consecutive days, or sixty (60) total days in a calendar year, whichever is less.

“Water system” means service and connection lines of a public or community potable water system, or an on-site well that conforms to the requirements of Washington Administrative Code 246-290, or the Washington State Department of Health Guidelines for Determining Water Availability for New Buildings, as now enacted or as hereafter amended. (Sec. 2 (Exh. A) of Ord. 2003-10-13; amended by Sec. 15 of Ord. 2016-07-02)

**Section 5. Amendatory.** Sec. 2(Exh.A) of Ord. 2003-10-13 and codified as Chapter 14.32A.130, and most recently amended by Sec. 2(Exh.A) of Ord. 2003-10-13, are each hereby amended as follows:

**14.32A.130 Applicability.**

1. Washington Administrative Code, Section 296-150M, as now or hereafter amended, and the accompanying referenced CFR's and RCW's are incorporated by reference into this chapter.
2. Regardless of the provisions herein, the Clark County Dangerous Building Code, codified at CCC Chapter 14.14A, as now enacted or hereafter amended, shall apply to all structures, additions, and alterations governed by this chapter.
3. This chapter is not retroactive. All manufactured and mobile homes installed in Clark County before the effective date of ordinance codified in this chapter which do not comply with the requirements set forth in this chapter are deemed to be nonconforming. Nonconforming manufactured and mobile homes will be allowed to remain at their existing locations without complying with the placement standards enumerated herein, subject to the provisions of subsection 4 below.
4. Each person proposing to move a manufactured home, including a nonconforming manufactured home, to a new location, including a new location on the same lot, if site footing locations will be different than the original location, must first obtain a placement permit. All such manufactured homes shall be made to comply with all requirements of this chapter prior to their establishment, occupancy, or use on the new site. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.140 Exemptions.**

The following are exempt from the requirements of this chapter:

1. Manufactured homes placed on sales lots exclusively for the purposes of sale, provided the unit remains unoccupied and the sales activity is consistent with applicable ordinances and codes;
2. Recreational vehicles, when used as temporary dwellings pursuant to CCC Chapter 40.260, provided that any such recreational vehicles are connected to an available and approved sewage disposal and water system;
3. Recreational vehicles and recreational park trailers, when placed in an approved recreational vehicle park that is in conformance with CCC Title 40, as now enacted or as hereafter amended; and
4. Manufactured homes legally installed, placed, or existing prior to the effective date of this chapter, as described in Section 14.32A.130(3), above. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.150 Special requirements.**

1. The underside of manufactured homes, located in those areas designated as wildland urban interface/intermix under CCC Chapter 15.13, shall be entirely enclosed with nonporous skirting consisting of metal, a minimum of one-half (1/2) inch plywood, or other pre-approved material.
2. Any placement permit shall be processed in accordance with the requirements of CCC Chapter 40.420, as may be amended, if application requests placement within a floodplain district. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.160 Severability.**

If any section, subsection or other portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such section, subsection or portion thereof shall be deemed a separate provision of this chapter and such holding shall not affect the validity of the remaining portions of this chapter. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.170 Hardships.**

1. Any person may be exempt from the placement standards set forth herein where a manufactured home is to be used as a temporary dwelling and the person submits an application and receives an exemption as provided in Clark County Code Chapter 40.260.210, as now enacted or hereafter amended.

2. Regardless of any exemption allowed, any structure exempt from placement standards shall nonetheless comply with all applicable state laws, and shall be subject to enforcement under the provisions of the Clark County Dangerous Building Code, CCC Chapter 14.14A, as now enacted and hereafter amended. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**Section 6. Amendatory.** Sec. 2 (Exh. A) of Ord. 2003-10-13 and codified as Chapter 14.32A.200, and most recently amended by Sec. 2(Exh.A) of Ord. 2003-10-13, are each hereby amended as follows:

## **Article II. Placement Standards**

### **14.32A.200 Application.**

Any person seeking to place a manufactured home shall submit an application to the department. Each application shall include the following:

1. Name, address and daytime telephone number of the applicant;
2. Name, address and daytime telephone number of the property owner, if different from the applicant;
3. Project development site address;
4. Assessor's parcel number and location of the project site by section, township, range, donation land claim, subdivision name, lot and block, or by mobile manufactured home park and space number;
5. Description of the manufactured home (e.g., manufacturer, size, number of bedrooms, year of manufacture, serial number and make of unit);
6. Vicinity sketch showing site location in relation to the road system;
7. Site plan, either drawn to scale or showing the dimensions of each item herein specified, indicating the location of lot boundaries, mobile home park space perimeters, community or public sewage disposal system, sewer lines, or all components of the on-site sewage disposal system, drainfield and drainfield replacement area, the location of the proposed manufactured home, and any accessory buildings, driveways, fences and other improvements existing or proposed for the site;
8. Proof of any available water and sewage disposal system(s), or approval for connection to a sanitary sewer service from the purveyor of such service;
9. Proof that potable water is available on or to the property;
10. For mobile homes constructed prior to June 15, 1976, proof of a current insignia for an approved fire and life safety inspection approval from the Washington State Department of Labor and Industries, or U.S. Department of Housing and Urban Development;
11. The name, registration number and telephone number of the certified manufactured home installer. The installer's registration card must be presented to the department before permit issuance;
12. Proof of driveway access approval, or, if access is from a private road, proof that such road conforms to the requirements of the Clark County Code in effect at the time of application; and
13. Signature of the applicant. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**Section 7. Amendatory.** Sec. 2 (Exh. A) of Ord. 2003-10-13 and codified as Chapter 14.32A.210, and most recently amended by Sec. 2(Exh.A) of Ord. 2003-10-13, are each hereby amended as follows:

**14.32A.210 Administration—Application approval.**

1. The ~~d~~Director or designee shall administer the provisions of this chapter.
2. A complete application shall be submitted to the department on such forms supplied by the department and forms as may be required by the director.
3. Each application shall be reviewed by the department to determine that placement of a manufactured home is consistent with applicable health, safety and other regulations. If the proposed placement is consistent, the placement permit shall be issued following payment of all applicable fees. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.220 Standards.**

Each manufactured home placed in unincorporated Clark County after the effective date of the ordinance codified in this chapter shall comply with the following standards:

1. Only one (1) manufactured home shall be allowed on a lot or space, except as provided in Chapter 40.260.
2. Each manufactured home shall have an insignia of approval from the Washington State Department of Labor and Industries.
3. Installation and placement of each manufactured home shall comply with the requirements of Chapter 296-150M WAC as applicable, this Clark County Code chapter, and any other applicable regulations, provided that to the extent this chapter and the Washington Administrative Code may be or become in conflict, this chapter shall control.
4. Each manufactured home shall connect to an available, approved and operable potable water system prior to occupancy, and shall remain connected and operable as long as occupied.
5. Any driveway shall be subject to verified access approval from the Washington State Department of Transportation, Clark County public works department, and/or the Vancouver and Clark County fire marshal/fire life safety coordinator, as applicable under existing laws and codes.
6. Prior to occupancy or any other use, a manufactured home shall receive final inspection approval from the department. (Sec. 2 (Exh. A) of Ord. 2003-10-13)



**Section 8. Amendatory.** Sec. 1 of Ord. 2006-09-13 and codified as Chapter 14.32A.230, and most recently amended by Sec. 2 (Exh. A) of Ord. 2003-10-13, are each hereby amended as follows:

**14.32A.230 Additions, alterations, and modifications.**

Additions, alterations, modifications, and repairs to a manufactured home shall be in accordance with the following criteria:

1. Any proposed structural addition or alteration to a manufactured home requires building permit approval from either or both the Washington State Department of Labor and Industries and the department prior to construction of the addition or alteration. Construction plans shall be submitted in conformance with Title 14 of this code and Chapter 296-150M WAC. Any addition or alteration shall comply with all permit requirements, and must receive final inspection approval prior to occupancy. Final inspection shall not be granted until alteration insignias are affixed by the Washington Department of Labor and Industries, to the extent required by existing state law.
2. Any proposed addition not structurally attached to a manufactured home, including but not limited to decks, stairs, ramps, carports, and walkways, shall be treated in all respects as activities governed by Chapter 14.05, and the applicable sections of the International Building Code. Construction shall not commence until the appropriate permits are obtained and applicants must receive final inspection approval prior to occupancy or use of that unattached structure, if otherwise required under the Clark County Code. (Sec. 2 (Exh. A) of Ord. 2003-10-13; amended by Sec. 1 of Ord. 2006-09-13)

**14.32A.240 Fees.**

Fees for manufactured home placement permits shall be as established from time to time by resolution by the board in Section 6.140.030. Fees for permits for additions shall be as established under Title 14. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.250 Appeals.**

Any person aggrieved by the issuance or denial of a permit or application for exemption under this chapter may appeal such action to the hearing examiner appointed pursuant to Chapter 2.51 as may be amended, in conformance with the procedures established in Sections 32.08.040 through 32.08.080. In addition, each notice of appeal must clearly and succinctly state the basis or reason for appeal. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.260 Violations and penalties.**

It is a civil infraction for any person to violate this chapter or assist in the violation of this chapter, and could be deemed a criminal violation under the existing provisions of Title 32. All violations are subject to the provisions of Title 32, and is hereby deemed a public nuisance. Each day a violation continues to exist is a separate violation. Payment of any penalty imposed for a violation, or a voluntary waiver of penalty by the director, does not relieve the person violating a provision herein from the duty to comply with this chapter. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**14.32A.270 Revocation.**

In addition to any fines or penalties proscribed herein, the building official may, in writing, revoke any permit or hardship exemption issued hereunder, wherever such was issued upon false, misleading, omitted, or incorrect information supplied by the applicant, or whenever issued in violation of state or local laws. (Sec. 2 (Exh. A) of Ord. 2003-10-13)

**Section 9. Amendatory.** Ord. 2004-06-04 and codified as Section 40.100.070, and most recently amended by Sec. 2 of Ord. 2018-01-17, are each hereby amended as follows:

**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 40.260.250, 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; Ord. 2017-07-04; Ord. 2018-01-09)

Aboveground storage tanks	“Aboveground storage tank” means any one (1) or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which is which is ninety percent (90%) or more above the surface of the ground.
Abutting	“Abutting” means sharing a common boundary line; except that where two (2) or more lots share a common boundary line only at a corner or corners, they shall not be considered as abutting unless the common boundary line between the two (2) parcels measures not less than eight (8) feet in a single direction.
Access	“Access” means the place, means, or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property or use, as required by this title. Residential lots shall be provided a minimum of twenty (20) feet of access to a public or private street. Nonresidential uses shall be provided access according to Chapters 40.340 and 40.350. (Amended: Ord. 2018-01-09)
Accessway	“Accessway” means a public facility shared by pedestrians and bicyclists.
Access roads	“Access roads” means any of the urban or rural access roads as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate access roads from arterials, collectors, and commercial/industrial roads. (Amended: Ord. 2012-05-14)
Accessory use or structure	“Accessory use” or “accessory structure” means one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building.
Adjacent	“Adjacent” means near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent.”
Adjoining	“Adjoining” means sharing a common boundary line, including across a public or private right-of-way or easement from the property in question.
Administrative manual	“Administrative manual,” when referring to transportation concurrency, means the written documentation adopted by the Public Works director pursuant to Section 40.350.020.
ADT	“ADT” stands for average daily trips.

Adult family home*	<p>“Adult family home” means a single-family dwelling or duplex licensed as such by the state of Washington, housing a maximum of six (6) adult residents where staff assumes the responsibility for the safety and well-being of the residents due to their age or condition. Care is provided by staff and may include provision of meals, laundry, and assistance with activities of daily living, and may include nursing care. Staff may or may not reside in the same dwelling. (Amended: Ord. 2010-08-06; Ord. 2012-02-08)</p> <p>* Code reviser’s note: Ordinance 2012-02-08, Section 7, states: “The definition of “Adult Family Home” in Section one of this Ordinance is intended to clarify the pre-existing code and shall be given retroactive effect to all pending applications and existing uses commenced after the above definitions were first adopted.”</p>
Affected transportation corridor	<p>“Affected transportation corridor” means any transportation corridor which is reasonably projected to be affected by the transportation related impacts of a proposed development.</p>
Agricultural market	<p>“Agricultural market” means a permanent building or accessory structure used for the year-round sale of agricultural products grown on site or on other farms in the local agricultural area, and may include incidental retail sale of items or fee based activities, both as accessory to the primary on-site products, to promote the sale of farm crops. An agricultural market is distinguished from a roadside farm stand by a larger scale of activity and a greater range of products offered. This definition does not include a winery. (Added: Ord. 2012-06-02)</p>
Agriculture, agriculture uses or agricultural activities	<p>“Agriculture,” “agriculture uses” or “agricultural activities” means the use of the land for agricultural purposes, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses and structures; provided, however, that the construction and operation of any such accessory use or structure shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals. Marijuana production and processing do not, for the purposes of this zoning title, meet the definition of agriculture, agricultural uses or agricultural activities, and may only occur in accordance with Chapter 314-55 WAC and Section 40.260.115. (Amended: Ord. 2006-07-09; Ord. 2006-08-03; Ord. 2014-05-07)</p>
Alley	<p>“Alley” means a right-of-way not over thirty (30) feet wide which affords, generally, a secondary means of vehicular access to abutting lots, and is not intended for general use.</p>
All-weather driving surface	<p>“All-weather driving surface” means any road or driveway surface that when reasonably maintained will provide all-weather driving capabilities for fire and other emergency vehicle apparatus.</p>
Alteration, structural	<p>“Structural alteration” means any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration.</p>
Altered	<p>“Altered,” when referring to wetlands, means a wetland of which at least fifty percent (50%) has been graded, drained, devegetated, or replanted with non-wetland plants.</p>
Ambulance dispatch facility	<p>“Ambulance dispatch facility” means a public or private structure used to house a crew and ambulance to be dispatched from a central ambulance service facility located elsewhere. The structure is selected based on its location to serve a specific area of the county with a quick response time.</p>
Ambulance service facility	<p>“Ambulance service facility” means a public or private structure used to house ambulance service administrative personnel, equipment and supply storage, and repair and radio dispatch equipment. This facility may also include an ambulance dispatch facility.</p>
Amusement center	<p>“Amusement center” means a permanent development containing a single or multiple indoor or outdoor amusements such as batting cages, video arcades, go-cart tracks, bumper cars or amusement rides. Traveling carnivals and circuses shall not be considered amusement centers.</p>
Anadromous	<p>“Anadromous” means fish that migrate up rivers and streams from the ocean to breed in fresh water.</p>
Animal boarding facility	<p>“Animal boarding facility” means any premises used to conduct a business that involves overnight boarding of domestic animals for any purpose, but not to include animal hospitals, veterinary clinics, or kennels. (Amended: Ord. 2011-03-09; Ord. 2012-02-03)</p>
Animal day use facility	<p>“Animal day use facility” means any premises used to conduct a daytime-only business with hours of operation from 6:00 a.m. to 10:00 p.m. that involves domestic animals as defined in Section 8.01.020, including but not limited to breeding, training, grooming, and day care.</p>

	(Amended: Ord. 2010-12-12; Ord. 2011-03-09; Ord. 2012-02-03)
Animal hospital or veterinary clinic	"Animal hospital" or "veterinary clinic" means a place where animals or pets are given medical or surgical treatment, and are cared for during the time of such treatment.
Animal husbandry	"Animal husbandry" means the care and raising of domesticated animals, such as cattle, horses, sheep, llamas, and poultry, but not including household pets, such as dogs and cats. (Amended: Ord. 2006-07-09; Ord. 2006-08-03)
Applicant	"Applicant" means the person, party, firm, corporation, legal entity, or agent thereof who submits an application for an activity regulated by this title.
Aquifer	"Aquifer" means a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs (source: Chapter 173-100 WAC).
Archaeological site	"Archaeological site" means a site containing significant physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least one hundred (100) years old. Archaeological resources on these sites include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts.
Area of special flood hazard, or flood hazard area	"Area of special flood hazard" or "flood hazard area" means the land in the floodplain subject to the base flood.
Arterial	"Arterial" means any urban parkway arterial, urban principal arterial, or urban minor arterial, as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate arterials from collectors, commercial/industrial, and access roads. (Amended: Ord. 2012-05-14)
Arterial atlas	"Arterial atlas" means the current Clark County Arterial Atlas as adopted by the board, or hereafter amended.
Assisted living facility	"Assisted living facility" means a residential use, licensed by the state of Washington as a boarding home, where staff assumes responsibility for the safety and well-being of the adult residents. Housing, meals, laundry, supervision and varying levels of assistance with daily activities are provided by staff and may include nursing care. An assisted living facility contains seven (7) or more assisted living units. (Added: Ord. 2010-08-06)
Athletic, health and racket clubs	"Athletic, health and racket clubs" means a place of business where clients are charged to engage in physical activities including aerobics, racket sports, weightlifting, swimming, etc. (Amended: Ord. 2007-11-13)
Base zone	"Base zone" means the primary district applicable to a parcel of property irrespective of any overlay district.
Basin	"Basin" means a watershed.
Bed and breakfast establishment	"Bed and breakfast establishment" means a residence where an individual or family resides and rents up to six (6) bedrooms to guests and provides breakfast to those guests. (Added: Ord. 2010-08-06)
Best management practices (BMPs)	"Best management practices" or "BMPs" means those physical, structural and managerial practices, and prohibitions of practices, that, when used singly or in combination: <ul style="list-style-type: none"> <li>• Prevent or reduce erosion, or</li> <li>• Control stormwater runoff peak flow rates and volumes, and</li> <li>• Prevent or reduce pollution of surface water or groundwater.</li> </ul>
Bike lane	"Bike lane" means the bicycle-only portion of a public street or road.
Binding site plan	"Binding site plan" means a site plan which provides an alternative means of dividing land for the sale or lease of commercially or industrially zoned property; and placement of manufactured homes or mobile homes on leased sites.

Bioretention facility	“Bioretention facilities” are shallow landscaped depressions, with a designed soil mix and plants adapted to the local climate and soil moisture conditions, that receive stormwater from a contributing area. (Per Department of Ecology 2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 (The 2014 SWMMWW).) (Added: Ord. 2015-11-24)
Block	“Block” means an area of land whose boundaries are defined by public or private streets, excluding alleys.
Block length	“Block length” means the distance between intersections with other public or private roads as measured along the nearside right-of-way line.
Block perimeter	“Block perimeter” means the perimeter of a block as measured along the nearside right-of-way lines of public streets or accessway easements, but exclusive of driveways.
Board	“Board” means Board of County Councilors of Clark County, Washington. (Amended: Ord. 2015-11-24)
Boarding house	“Boarding house” means a building other than a hotel with furnished rooms with no cooking facilities, where for compensation, meals or lodging and meals are provided for four (4) or more persons.
Branch bank	“Branch bank” means a service outlet providing primarily personal banking and related financial services to the general public.
Bridge	“Bridge” means a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and characterized by the following: <ul style="list-style-type: none"> <li>• a track or passageway for carrying traffic or other moving loads; and</li> <li>• an opening measured along the center of the roadway of: <ul style="list-style-type: none"> <li>o single span steel or concrete with spans of six (6) feet or greater;</li> <li>o steel corrugated pipes with spans of eight (8) feet or greater;</li> <li>o timber with spans of four (4) feet or greater;</li> <li>o multiple pipes with spans of ten (10) feet or greater with multiple spans of eight (8) feet or greater between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; or</li> <li>o multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening.</li> </ul> </li> </ul> <p>Bridges do not include structures with the depth of fill more than D/2, where D is the maximum span. (Added: Ord. 2012-05-30)</p>
Buffer	“Buffer,” when referring to wetlands, means an area that surrounds and protects a wetland from adverse impacts to the functions of a wetland.
Buffer	“Buffer,” when referring to geologic hazard areas, means an area surrounding a geologic hazard consisting of naturally occurring or reestablished vegetation and having a width adequate to protect the geologic hazard area.
Building	“Building” means a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel.
Building front	“Building front” means the street-facing elevation(s) of a building.
Building permit	“Building permit” means the permit issued by the county to an applicant for building a structure.
Building, main	“Main building” means a building within which is conducted the principal use permitted on the lot, as provided in the UDC.
Capacity	“Capacity,” when referring to vehicular traffic, means a measurement expressed as the maximum number of peak hour vehicle trips that an individual development may generate as defined in Section 40.350.020.
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)
Comprehensive plan	“Comprehensive plan” means the current comprehensive plan for Clark County.
Congregate care facility	“Congregate care facility” means any home or private facility maintained and operated for the care, boarding, housing, and training of six (6) or more handicapped persons who require assistance in taking responsibility for themselves and guidance as necessary in activities of daily living, social and recreational activities and opportunities. A congregate care facility does not provide medical, nursing or social casework services.
Conservation covenant	“Conservation covenant” means a signed and recorded agreement between a property owner and Clark County running with the land and stipulating that certain areas of the property be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the county.
Construction	“Construction” means any site-altering activity, including but not limited to grading, utility construction and building construction.
Contiguous lots	“Contiguous lots” means an area of land comprised of two (2) or more abutting lots or parcels.
Contributing drainage area	“Contributing drainage area” means the subject property together with the watershed contributing water runoff to the subject property.
Conversion option harvest plan (COHP)	“Conversion option harvest plan (COHP)” means a voluntary plan approved by Clark County indicating the limits of harvest areas, road locations, and open space. (Amended: Ord. 2012-02-03)
Cottage housing	“Cottage housing” means a grouping of small single-family detached dwellings clustered around a common area and developed with a coherent plan for the entire site.

	<i>(Added: Ord. 2012-02-03)</i>
Country inn of historical significance	“Country inn of historical significance” means a structure under ten thousand (10,000) square feet in size, located in a rural center or rural district with facilities for weddings, meetings, banquets, small conferences, educational seminars, retreats and other similar events, and where short-term lodging rooms are provided for compensation, and which is listed on the Clark County Heritage Register under Section 40.250.030(F). <i>(Amended: Ord. 2003-12-15)</i>
County	“County” means Clark County, Washington.
County Engineer	“County Engineer” means the person designated as the County Engineer as prescribed in Chapter 36.80 RCW.

County road	“County road” means a road opened to and maintained for public travel by Clark County.
Critical aquifer recharge areas (CARAs)	“Critical aquifer recharge areas” or “CARAs” means: Category I is the highest priority critical aquifer recharge area. Category I is the one (1) year time of travel for Group A water wells shown on the map adopted by reference. Category II is the primary critical aquifer recharge area. This area consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer. <i>(Amended: Ord. 2007-11-13)</i>
Critical areas	“Critical areas” means flood hazard areas, wetlands, habitat conservation areas, critical aquifer recharge areas, and geologic hazard areas as regulated under this title.
Crown cover	“Crown cover” means the area within the drip line or perimeter of the foliage of a tree.
Dangerous waste	“Dangerous waste” means solid waste designated in WAC 173-303-070 through 173-303-130 as dangerous or extremely hazardous waste. The words “dangerous waste” will refer to the full universe of wastes regulated by Chapter 173-303 WAC (including dangerous and extremely hazardous waste).
Day care center, commercial	“Commercial day care center” means a building and premises in and on which more than twelve (12) individuals are cared for during some portion of a twenty-four (24) hour period. In no case shall these individuals be housed in the building or on the premises.
Day care center, family	“Family day care center” means a dwelling and premises in and on which not more than twelve (12) individuals, not residing in the dwelling nor related to the care provider, are cared for during some portion of a twenty-four (24) hour period in the residence of the person or persons under whose direct care the individuals are placed.
Dedication	“Dedication” means the deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted.
Demolition waste	“Demolition waste” means largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood, masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process, and asbestos wastes are not considered to be demolition waste to this regulation (source: Chapter 173-304 WAC).
Density	“Density,” when referring to residential development, means a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one (1) house on one (1) lot.
Department	“Department” means any division, subdivision or organizational unit of the county established by ordinance, rule, or order. For the purposes of the UDC, department refers to the Clark County Community Development Department unless otherwise noted. <i>(Amended: Ord. 2006-05-01)</i>
Design storm	“Design storm” means the rainfall from a storm of twenty-four (24) hour duration. For example, two (2) year storm means the two (2) year, twenty-four (24) hour storm.
Developer	“Developer” means the person, party, firm, corporation, legal entity, or agent thereof who undertakes an activity regulated by this title.
Developer Covenants to Clark County	“Developer Covenants to Clark County” is a recorded legal document limiting or prohibiting certain uses of property. The Developer Covenants to Clark County may also impose affirmative obligation such as payment of a fee or be used to disseminate information to which the county deems is in the public interest. <i>(Amended: Ord. 2005-04-12)</i>

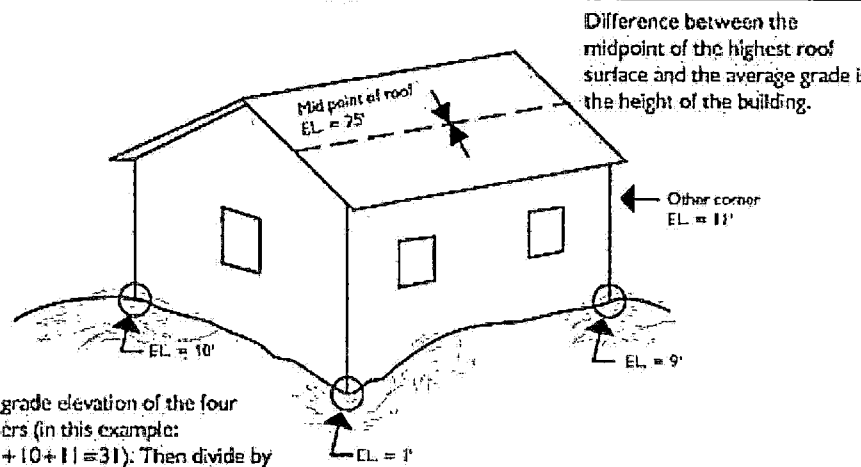
Development	<p>“Development” means any manmade change to improved or unimproved real estate, including but not limited to:</p> <ul style="list-style-type: none"> <li>• Construction, reconstruction, installation or modification of a structure;</li> <li>• Site altering activities including mining, dredging, filling, grading, construction of earthen berms, vegetative clearing, paving, excavation, or drilling operations and improvements for use such as parking;</li> <li>• Commencement of a new use, or the change in existing use of real estate or a structure thereon; or</li> <li>• Land divisions, subdivisions, short plats, site plans, conditional use permits, access to public roads, the establishment or termination of rights of access, and any related activities.</li> </ul>
Development application	“Development application” means any application for approval of a development to which the provisions of this title apply.
Development site	“Development site” means the property or portion thereof on which a development activity or redevelopment is proposed.
Diseased tree	“Diseased tree” means a tree that in the opinion of the responsible official or an assigned expert approved by Clark County (such as but not limited to, a professional forester or landscape architect), has a strong likelihood of infecting other trees or brush in the area or becoming a hazard as a result of the disease.
Distribution facilities	“Distribution facilities” means facilities where goods are warehoused, sorted and shipped to other locations.
Domestic animal	<p>“Domestic animal” means any animal other than livestock that lives and breeds in a tame condition. This generally refers to dogs, cats and some birds.</p> <p>(Added: Ord. 2011-03-09)</p>
Drive-in restaurant	“Drive-in restaurant” means a restaurant with facilities allowing take-out foods and beverages without leaving a vehicle. It generally also has the characteristics of a high turnover restaurant.
Driveway	“Driveway” means a privately maintained access to residential, commercial or industrial properties.
Dwelling	“Dwelling” means any building or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons.
Dwelling unit	“Dwelling unit” means one (1) room or a suite of two (2) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having only one (1) kitchen or kitchenette.
Dwelling unit, accessory (ADU)	<p>“Accessory dwelling unit” is an additional, smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. ADUs are limited to no more than one bedroom. A house with an ADU is different from a duplex because the intensity of use is less due to the limitations of size and number of bedrooms, and it has the appearance of a single-family structure.</p> <p>(Amended: Ord. 2010-08-06)</p>
Dwelling, duplex	“Duplex dwelling” means a building, on a single lot, designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units.
Dwelling, multiple-family, or multifamily	“Multiple-family dwelling” means a building or portion thereof designed or used as a residence by three (3) or more families, and containing three (3) or more dwelling units.
Dwelling, single-family	<p>“Single-family dwelling” means a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only, <del>this includes modular and manufactured homes.</del></p> <ul style="list-style-type: none"> <li>• “Attached” means sharing a common wall or walls that separate interior occupant space or attached garage space on separate lots. At least fifty percent (50%) of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall.</li> <li>• “Detached” means physically separated.</li> </ul> <p>(Amended: Ord. 2009-07-01)</p>
Dwelling, townhouse	“Townhouse dwelling” means a form of attached single-family housing where two (2) or more dwelling units share one (1) or more common walls with other dwelling units, and with each dwelling occupying an individually owned parcel of land.
Early notice	“Early notice,” when referring to SEPA, means the county’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (determination of nonsignificance (DNS) procedures).



Easement	“Easement” means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment.
Electric vehicle infrastructure	“Electric vehicle infrastructure” or “EVI” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including electric vehicle charging stations, rapid charging stations, and battery exchange stations. (Added: Ord. 2011-06-14)
Emergent wetland	“Emergent wetland” means a wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.
Employees	“Employees” means all persons, including proprietors, working on the premises during the largest shift at peak season.
Engineer	“Engineer” means an individual licensed by the state of Washington to practice professional engineering who has been retained by the county or others to design roadway, utility or similar improvements.
Enhancement	“Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality.
Equestrian events center	“Equestrian events center” means an equestrian facility that is intended to host local, regional, and national equestrian events and that has public seating for at least one hundred (100) spectators. (Added: Ord. 2011-03-09)
Equestrian facility	“Equestrian facility” means a facility or facilities used by the general public, and for which a fee is charged, for the boarding, feeding, and/or pasturing of at least six (6) horses, including training arenas, corrals, and exercise tracks, and any activities associated with the use of such facilities. (Amended: Ord. 2009-10-04; Ord. 2011-03-09)
Erosion hazard area	“Erosion hazard area” means those areas where slopes are greater than fifteen percent (15%).
Event facilities	“Event facilities” means a use that provides facilities for rent for individual events such as weddings, meetings and other similar events.
Exotic	“Exotic,” when referring to plants and animals, means any species of plants or animals that are not native to the watershed.
Extremely hazardous waste	“Extremely hazardous waste” means dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous.
Eyebrow	“Eyebrow,” when referring to streets and roads, means a partial bulb located adjacent to the serving road that provides access to parcels and can serve as a vehicle turnaround.
Facultative plants	“Facultative plants” means plants that are equally likely (thirty-four percent (34%) – sixty-six percent (66%) probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual.
Facultative wet plants	“Facultative wet plants” means plants that usually (sixty-seven percent (67%) – ninety-nine percent (99%) probability) occur in wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual.
Family	“Family” means individuals customarily living together as a single housekeeping unit and using common cooking facilities related by genetics, adoption, or marriage, or a group of not more than six (6) unrelated individuals.
Filling station	“Filling station” means a building or lot having pumps and storage tanks where fuel, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only.
Finished product retailer	“Finished product retailer” means a retail outlet primarily for the sale to the general public of products that involve limited fabrication or assembly on-site within an entirely enclosed building.
Floor area ratio	“Floor area ratio (FAR)” means the gross floor area of all buildings on a lot divided by the lot area. For example, a FAR of two to one (2:1) means two (2) square feet of floor area for every one (1) square foot of site area.
Floor area, gross	“Gross floor area” means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, and elevator shafts at each floor level.
Forest land	“Forest land” as defined in the Washington State Forest Practice Act means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing.
Forest practices	“Forest practices” means any activity conducted on or directly pertaining to forest land and relating to

	growing, harvesting or processing timber, as defined in Chapter 222-16 WAC.
Forest practices application or notification	"Forest practices application or notification" means the application or notification required to be submitted to the Washington Department of Natural Resources for the conduct of forest practices or to Clark County for forest conversions, generally, and, within urban growth areas, the harvesting of timber and road building.
Forested wetland	"Forested wetland" means a wetland with at least thirty percent (30%) of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than twenty (20) feet in height.
Frontage	"Frontage" means that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the county. Frontage can include courtyards, plazas and other pedestrian areas which accommodate pedestrian activity and limit motorized vehicles.
Frontage road	"Frontage road" means a public or private road providing vehicular access to the boundary of a parcel of real property proposed for development.
Fully complete	"Fully complete" means that a development review application meets the submittal requirements of Subtitle 40.5 of the UDC.
Functional classification system	"Functional classification system" means the adopted hierarchy of roadway use as it relates to volume, speed, regional, area-wide and local characteristics.
Functions	"Functions," when referring to wetlands, means the beneficial roles served by wetlands including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of groundwater, and provision of significant habitat areas for fish and wildlife.
Garage, detached	"Detached garage" means an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants.
Garden shed	A "garden shed" is a structure no more than two hundred (200) square feet in floor area, designed to house garden tools or other horticultural products. A garden shed shall not be a place of human habitation, nor shall it be supplied with utilities such as plumbing or electrical service. (Amended: Ord. 2006-09-13)
General retailer	"General retailer" means a retail outlet selling a variety of merchandise, including durable, household, variety and perishable and nonperishable foodstuffs to the general public.
Geologic hazard areas	"Geologic hazard areas" means areas having steep slopes; potential, active or previous landslides; or extreme seismic hazard that are defined and regulated by this title.
Geologist	"Geologist" means a professional geologist licensed in the state of Washington under Chapter 18.22 RCW.
Geotechnical engineer	"Geotechnical engineer" means a professional engineer licensed in the state of Washington, experienced and knowledgeable in the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.
Grade	"Grade" means the finished ground level adjoining the building at all exterior walls. (Amended: Ord. 2007-06-05)
Grade plane	"Grade plane" means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building between the structure and a point six (6) feet from the building. (Amended: Ord. 2007-06-05)
Grading permit	"Grading permit" means the permit required under Chapter 14.07 of the Clark County Code. (Amended: Ord. 2006-09-13; Ord. 2007-06-05)
Groundwater	"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body (WAC 173-200-020).
Guesthouse	"Guesthouse" means an accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities.
Habitable floor	"Habitable floor" means any floor usable for living purposes including working, sleeping, eating, cooking or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a "habitable floor."

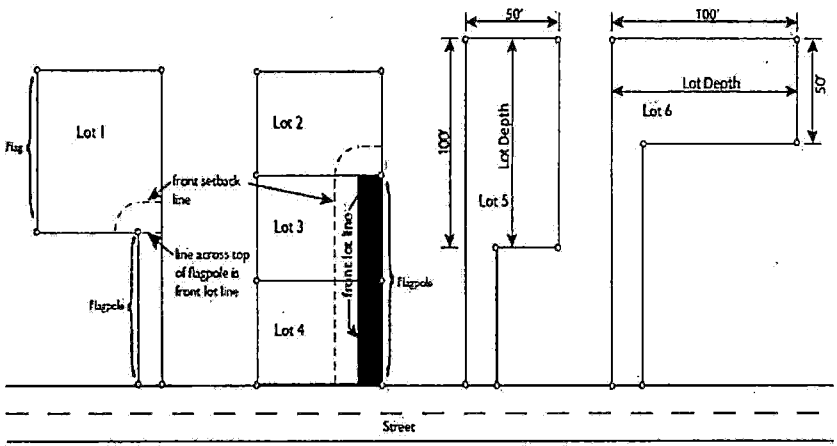
Habitat areas	“Habitat areas” shall include the priority habitats and species (PHS) sites, and locally important habitat (LIH) sites as defined by the UDC.
Half road/partial road	“Half road” or “partial road” means any public or private road right-of-way or easement which is less than the full required width specified in this title, and which is established so as to permit additional right-of-way or easement to be provided at a later date to complete the full-width roadway.
Hard surface	“Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof. <i>(Added: Ord. 2015-11-24)</i>
Hardscape	“Hardscape” means an approved, decorative hard or impervious surface, such as textured concrete, brick, or pavers for use by pedestrians, which may be used to widen sidewalks. Asphalt or plain finished concrete is not an approved hardscape finish.
Hazard tree	“Hazard tree” means any tree which, in the opinion of the responsible official, an expert approved by Clark County (such as, but not limited to, a professional forester or landscape architect), or a similar expert employed by another public agency or utility, has a strong likelihood of causing a hazard to life or property. <i>(Amended: Ord. 2006-06-09)</i>
Hazardous substances	“Hazardous materials” or “hazardous substances” means such material as flammable solids; corrosive liquids; radioactive material; oxidizing material, highly toxic material; poisonous gases; reactive material; unstable material; hyperbolic material; pyrophoric material as defined in Chapter 2 of the International Fire Code; and substances, or mixture of substances, that are an irritant or strong sensitizer or which generate pressure through exposure to heat, decomposition, or other means. Hazardous substances shall also mean hazardous waste as designated in Chapter 173-303 WAC as dangerous or extremely hazardous waste. Hazardous substances also means any dangerous waste or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely hazardous waste as designated by rule under Chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under Chapter 70.105 RCW; and any substance that, on the effective date of the ordinance codified in this section, is a hazardous substance under Section 101(14) of the Federal Cleanup Law, 42 U.S.C., Section 9601(14); petroleum products; and any substance or category of substances including solid waste decomposition products, determined by the Washington Department of Ecology’s director to present a threat to human health or the environment if released into the environment. The term “hazardous substances” does not include any of the following when contained in an underground storage tank from which there is not a release of crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local laws. <i>(Amended: Ord. 2006-09-13)</i>
Hazardous waste	“Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010.
Hazardous waste storage	“Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC.
Hazardous waste treatment	“Hazardous waste treatment” means the physical, chemical or biological processing of dangerous waste to make such wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material recovery, amenable for storage, or reduced in volume.
Hazardous waste treatment and storage facility, off-site	“Hazardous waste treatment and storage facility, off-site” means facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located.
Hazardous waste treatment and storage facility, on-site	“Hazardous waste treatment and storage facility, on-site” means facilities that treat and store waste generated on the same geographically contiguous or bordering property.
Headwaters	“Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream.
Health officer	“Health officer” means the Clark County Health Department officer or the officer’s authorized designee.
Hearing examiner or examiner	“Hearing examiner” or “examiner” means the Clark County hearing examiner as established by Chapter 2.51.
Height, building	“Building height” means the vertical distance from grade plane to the average height of the highest roof surface, excluding overhanging eaves. <i>(See also definition of “grade plane.”)</i> <b>Figure 40.100.070-1 – Building height</b>

	 <p>Difference between the midpoint of the highest roof surface and the average grade is the height of the building.</p> <p>Mid point of roof EL = 25'</p> <p>Other corner EL = 11'</p> <p>EL = 10'</p> <p>EL = 9'</p> <p>EL = 1'</p> <p>Add grade elevation of the four corners (in this example: 1+9+10+11=31). Then divide by four (in this example: 31/4=7.75) to get the average grade.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2007-11-13)</p>
High intensity land use	<p>“High intensity land use,” when referring to the regulation of wetlands, means the following uses of land: roadways, commercial, industrial, and multifamily exceeding four (4) units per parcel.</p>
High-impact use	<p>“High-impact use,” when referring to critical aquifer recharge areas, means a business establishment that is regulated due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses possess certain characteristics posing a substantial potential threat or risk to the quality of groundwater and surface waters within Category I CARAs. High-impact uses shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> <li>• Landfills;</li> <li>• Class V injection wells: <ul style="list-style-type: none"> <li>o Agricultural drainage wells,</li> <li>o Untreated sewage waste disposal wells,</li> <li>o Cesspools,</li> <li>o Industrial process water and disposal wells, and</li> <li>o Radioactive waste disposal;</li> </ul> </li> <li>• Radioactive disposal sites; and</li> <li>• Activities in Section 40.410.020(C) that are not connected to public sewer.</li> </ul>
Home business	<p>“Home business” means a business in conjunction with a residential use which results in financial remuneration from a product or service and is conducted by at least one (1) resident occupying the dwelling on the subject property.</p> <p>(Amended: Ord. 2005-04-12)</p>
Home occupation	<p>In the Columbia River Gorge National Scenic Area Districts only a “home occupation” shall mean the same as a “home business.”</p> <p>(Amended: Ord. 2005-04-12)</p>
Homeowners association	<p>“Homeowners association” means a nonprofit organization operating under recorded land agreements through which the following take place:</p> <ul style="list-style-type: none"> <li>• Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase.</li> <li>• Each lot is automatically subject to a charge for a proportionate share of the expenses for the</li> </ul>

	<p>organization's activities, such as maintaining a common property.</p> <ul style="list-style-type: none"> <li>• Construction and maintenance responsibilities for any undivided property are identified and assigned.</li> </ul>
Hospital	<p>"Hospital" means any institution, place, building or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period.</p>
Hotel	<p>"Hotel" means a place of lodging that provide sleeping accommodations, restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and other retail and service shops.</p>
Hydric soil	<p>"Hydric soil" means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual.</p>
Hydroperiod	<p>"Hydroperiod" means a seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation.</p>
Hydrophytic vegetation	<p>"Hydrophytic vegetation" means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual.</p>
Intermittent stream	<p>"Intermittent stream" means surface streams with no measurable flow during thirty (30) consecutive days in a normal water year.</p>
International Building Code	<p>"International Building Code" means the published International Building Code as adopted by Clark County.</p>
Intersection of regional significance	<p>"Intersection of regional significance" means an intersection at which at least three (3) approaches have a comprehensive plan functional classification of collector or higher.</p>
Isolated wetlands	<p>"Isolated wetlands" means those wetlands which are outside of and not contiguous to any one hundred (100) year floodplain of a lake, river (other than the Columbia River), or stream, and are separated from other wetlands by a distance greater than the largest wetland buffers required under Section 40.450.030(E) for all adjacent wetlands. (Amended: Ord. 2006-05-27)</p>
Kennel, commercial	<p>"Kennel, commercial" means any of the following:</p> <ul style="list-style-type: none"> <li>• Any premises used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of dogs;</li> <li>• Any premises at which ten (10) or more adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians;</li> <li>• Any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for research or experimental purposes;</li> <li>• Any premises where offspring from three (3) or more litters per twelve (12) month period are sold or traded, exchanged or bartered for a valuable consideration or joint ownership purpose; or</li> <li>• Any premises used as the location for the training of dogs for obedience, hunting, protection, etc. (if the address is different from the office address), or the premises are used as a combination office/training location, except if the training site is property belonging to a recognized school district, municipal body or not-for-profit organization.</li> </ul> <p>(Amended: Ord. 2010-12-12; Ord. 2011-03-09; Ord. 2012-02-03)</p>
Kennel, private	<p>"Kennel, private" means any premises where:</p> <ul style="list-style-type: none"> <li>• Between five (5) and nine (9) dogs over six (6) months of age are kept; and</li> <li>• Where boarding, training and shows are not allowed; and</li> <li>• There are two (2) or fewer litters in any twelve (12) month period.</li> </ul> <p>(Amended: Ord. 2011-03-09; Ord. 2012-02-03)</p>

Land-disturbing activity	<p>“Land-disturbing activity” means any activity that results in 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, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land-disturbing activity if conducted according to established standards and procedures.</p> <p>(Amended: Ord. 2012-05-14; Ord. 2015-11-24)</p>
Landfill	<p>“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.</p>
Landscaping	<p>“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, if those areas are permeable and allow stormwater infiltration in accordance with Section 40.386.010. Artificial plants, shrubs, bushes, flowers, and materials in movable containers are not considered landscaping.</p> <p>(Amended: Ord. 2015-11-24)</p>
Landslide	<p>“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.</p>
Landslide protection areas	<p>“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).</p>
Large quantity generators	<p>“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.</p>
Level of service (LOS) standard	<p>“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.</p>
Local agricultural area	<p>“Local agricultural area” includes Washington and Oregon.</p> <p>(Added: Ord. 2012-06-02)</p>
Locally important habitat	<p>“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.</p>
Lot	<p>“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.</p>
Lot area, rural	<p>“Lot area, rural” means 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 and UR-20) and rural (R-5, R-10 and R-20), agricultural (AG-20 and AG-WL) and forest resource (FR-40 and FR-80) districts.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2016-06-12; Ord. 2017-07-04; Ord. 2018-01-09)</p>
Lot area, urban	<p>“Lot area, urban” means 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>

	(Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2016-06-12; Ord. 2018-01-09)
Lot area, urban holding	<p>“Lot area, urban holding” means 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>(Added: Ord. 2018-01-09)</p>
Lot coverage	“Lot coverage” means that percentage of the total lot area covered by structures, including all projections except caves.
Lot depth	<p>“Lot depth” means the horizontal distance between the midpoint of the front and opposite, usually the rear lot line. Average lot depth shall be the average of the side lot lines. In the case of a corner lot, the depth shall be the average length of the longer dimension of the lot. In the case of flaglots, lot depth shall be the average length of the longer dimension of the main body of the lot. See Figure 40.100.070-2.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2018-01-09)</p>
Lot line	“Lot line” means any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the responsible official.
Lot line, front	<p>“Front lot line” means that portion of the property line abutting a street right-of-way, street easement, street tract, or private driveway easement.</p> <ul style="list-style-type: none"> <li>• For corner lots, the front lot line is that which provides vehicular access. In the case where vehicular access is provided on more than one street, one (1) front lot line and one (1) street side lot line shall be designated. Within a street side setback, entrances to garages, carports, or similar vehicular shelters shall maintain a minimum eighteen (18) foot setback from the property line, street easement, street tract or inside edge of any pedestrian easement, when the street side setback for the applicable zoning district is less than eighteen (18) feet. If access is provided to a corner lot by an alley, the front lot line is that which is most opposite the alley.</li> <li>• For a flag lot, the front lot line is the juncture between the pole and the flag. (See Figure 40.100.070-2.)</li> <li>• For through lots, all lot lines abutting a street or approved private road or easement, except for alleys, shall be front lot lines unless vehicular access is prohibited, in which case they shall be considered rear lot lines.</li> </ul> <p>(Amended: Ord. 2007-06-05; Ord. 2007-11-13; Ord. 2008-06-02; Ord. 2016-09-04)</p>
Lot line, rear	“Rear lot line” means a lot line not abutting a street which is opposite and most distant from the front lot line.
Lot line, side	<p>“Side lot line” means any lot line which is not a front lot line or a rear lot line. In the case of flaglots, all lot lines other than the front lot line are considered side lot lines.</p> <p>(Amended: Ord. 2007-06-05)</p>
Lot line, street side	<p>“Street side lot line” means a side property line abutting a public right-of-way or private street easement or tract, exclusive of driveway easements.</p> <p>(Amended: Ord. 2007-06-05)</p>
Lot of record	<p>“Lot of record” means a parcel which was in compliance with both the platting, if applicable, and zoning laws in existence when the parcel was originally created or segregated, or which is otherwise determined to be consistent with the criteria of the UDC. Owners of such lots shall be eligible to apply for building permit or other county development review, pursuant to the county code. Parcels segregated for tax purposes are not lots of record unless they comply with both platting and zoning laws in existence at the time that an application for segregation is received by the county assessor, or are otherwise determined to be consistent with the criteria of the UDC.</p>
Lot width	<p>“Lot width” means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines. For a corner lot, the lot width shall be the average distance of the narrower dimension of the lot.</p> <p>(Amended: Ord. 2007-06-05)</p>

<p>Lot, corner</p>	<p>“Lot, corner” means a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street; such street or parts of the same street forming an interior angle of less than one hundred thirty (130) degrees within the lot lines. For the purposes of this definition, driveway easements or driveway tracts do not qualify as streets in urban areas. (Amended: Ord. 2007-06-05)</p>
<p>Lot, flag</p>	<p>“Flag lot” means a lot or parcel that has access to a road, street or easement, by means of a narrow strip of lot or easement.</p> <p style="text-align: center;"><b>Figure 40.100.070-2 – Flaglots</b></p>  <p style="text-align: center;"><b>Flaglots</b></p> <p>Lot 1 is a flaglot whose flagpole is part of the lot.</p> <p>Lots 2, 3 and 4 are also flaglots because they obtain access via a narrow strip of easement that is part of Lots 3 and 4.</p> <p>The area within the driveway easement is included in the lot area calculations for Lots 3 and 4.</p> <p>Lots 5 and 6 illustrate that the flag can be parallel, or perpendicular, to the easement or flagpole.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2018-01-09)</p>
<p>Lot, interior</p>	<p>“Lot, interior” means a lot or parcel of land other than a corner lot.</p>
<p>Lot, through</p>	<p>“Through lot” means an interior lot having a frontage on two (2) streets and/or highways, excluding alleys. (Amended: Ord. 2007-06-05)</p>
<p>Low impact development</p>	<p>“Low impact development” means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated into engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions. (Amended: Ord. 2006-06-09)</p>
<p>Maintain</p>	<p>“Maintain” means to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed or required.</p>
<p>Manufactured or mobile home</p>	<p>“Manufactured or mobile home” means a single family dwelling fabricated on a permanent chassis that is transportable in one (1) or more sections; is designed to be used with or without a permanent foundation when connected to the required facilities; has sleeping, cooking, and plumbing facilities, or any combination thereof; and is intended for permanent human occupancy or is being used for residential purposes. Although Washington Administrative Code (WAC) separately defines and distinguishes between “manufactured home” and “mobile home” according to federal or state construction codes for such dwellings, the term “mobile home” shall include “manufactured home” for regulatory purposes under this title. The term shall not include “recreation vehicle,” “commercial coach,” “camping vehicle,” “travel trailer,” “park trailer,” “tip-out,” and any other similar vehicle which is not designed and constructed for residential purposes for use as a single family dwelling and is not otherwise labeled as a manufactured or mobile home under any federal or state law.</p>



	For floodplain management purposes, the term "manufactured home" also includes park trailers, travel trailers, and other similar vehicles placed on a site for greater than one hundred eighty (180) consecutive days. For insurance purposes the term "manufactured home" does not include park trailers, travel trailers, and other similar vehicles.
<u>Manufactured home</u>	<u>"Manufactured home" means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. The manufactured home must conform to federal Manufactured Home Construction and Safety Standards (HUD Code – Red Label) rather than to the Building Code (Gold Label) requirements.</u>
<u>Manufactured home park</u>	<u>"Manufactured home park" means an area designed, equipped, and maintained for the parking of two (2) or more manufactured homes being used as living quarters for humans.</u>
<u>Manufactured home space</u>	<u>"Manufactured home space" means an area of land for placement of a single mobile manufactured home, and accessory structures, within a mobile manufactured home park.</u>
Market analysis	"Market analysis" means a study that assesses the commercial market conditions within a primary trade area as designated in the twenty (20) year plan designations and location criteria over a five (5) year horizon, and within the context of the twenty (20) year plan. The analysis shall contain location and income characteristics, and sales figures of competitive centers/areas in the trade area; space availability, absorption, and sales trends by category in trade area; review of vacant land; overall economic trends, employment trends, projections of economic activity, and growth patterns; population, household, and employment growth trends and projections for each trade area, as well as household characteristics such as household type (families, singles, etc.), age, including trends and projections. (Amended: Ord. 2007-09-13; Ord. 2008-12-15)
Master plan	"Master plan" means a comprehensive, long-range site and/or building plan for a development project. The project may be located on a single parcel or on abutting parcels which are owned by one (1) or more parties and may be implemented in phases. (Amended: Ord. 2006-04-18)
May	"May," as used in the UDC, is permissive.
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.
<u>Mobile home</u>	See "Manufactured home." <u>"Mobile home" means a structure constructed before June 15, 1976, transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. A mobile home is not a recreational vehicle.</u>
<u>Mobile home park</u>	<u>"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.</u>
<u>Mobile home space</u>	<u>"Mobile home space" means an area of land for placement of a single mobile home, and accessory structures, within a mobile home park.</u>
Modeling	"Modeling," when referring to transportation facilities, means a computerized projection of future traffic volumes and other traffic characteristics, based on land use designations.
<u>Modular home</u>	<u>"Modular home" means any home built in modules at a factory. Modular homes must conform to all applicable state and local building codes. Modules are transported on truck beds, and then joined</u>

	<u>together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).</u>
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.
MS4	“MS4” means municipal separated stormwater sewer system. (Added: Ord. 2015-11-24)
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.
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.
Park, community	"Community park" means a public park that provides a focal point and gathering place for broad groups of users. Community parks are used by all segments of the population and generally serve residents from a one (1) to three (3) mile service area. Community parks often include recreation facilities for organized activities such as sports fields, skate parks, and play courts. (Added: Ord. 2016-06-12)
Park, neighborhood	"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. (Added: Ord. 2016-06-12)
Park, regional	"Regional park" means a public recreational area that serves residents throughout Clark County, as well as outside the county. Facilities may include sports fields, extensive trail systems, or large 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. (Added: Ord. 2016-06-12)
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.

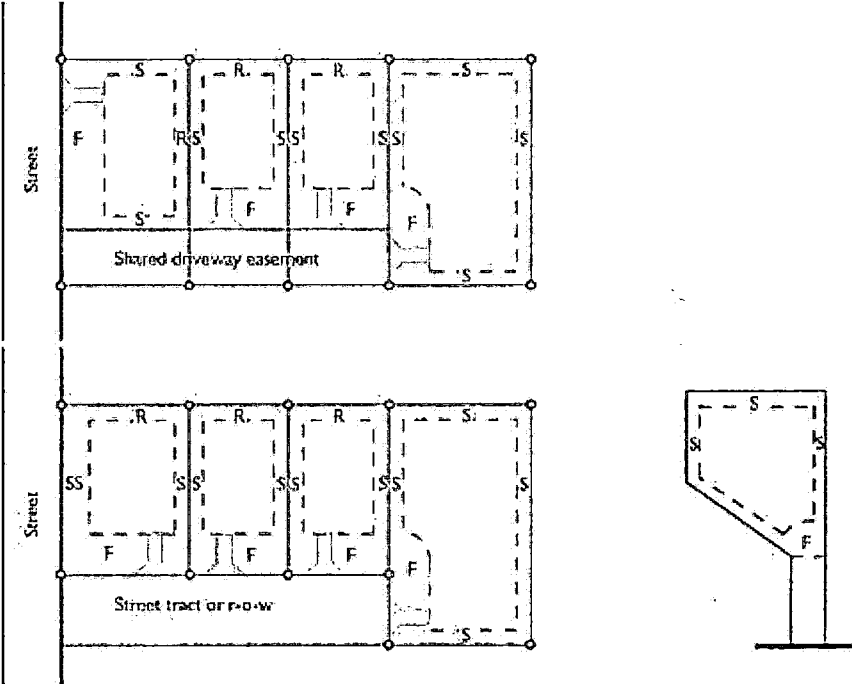
Pavement or paved surface	“Pavement or paved surface” means an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy impact uses. Paved areas include both permeable and impermeable hard surfaces. Graveled areas are not paved areas. (Added: Ord. 2015-11-24)
Peak hour	“Peak hour,” when referring to transportation facilities, means the consecutive sixty (60) minute period during a twenty-four (24) hour period which experiences the highest sum of traffic volumes, as determined by the Public Works director.
Pedestrian area	“Pedestrian area” means any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

Pedestrian plaza	“Pedestrian plaza” means an area devoted solely to pedestrians that is a minimum of ten (10) feet in depth and width with a minimum size of six hundred fifty (650) square feet that is at least fifty percent (50%) paved with colored, textured concrete, brick pavers or other suitable surface and includes sitting areas and other pedestrian amenities.
Permeable pavement	“Permeable pavement” means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir. (Added: Ord. 2015-11-24)
Permittee	“Permittee” shall be the person who is proposing to use or who is using the land pursuant to any permit required herein.
Planning commission	“Planning commission” means the Planning Commission of Clark County, Washington.
Plans, construction or improvement	“Construction plans” or “improvement plans” means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems.
Plat	“Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications.
Plat, final	“Final plat” means the final drawing of the subdivision or short subdivision and dedication, prepared for filing for record with the county auditor and containing all elements and requirements set forth in the UDC and in state law.
Plat, preliminary	“Preliminary plat” means a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision or short subdivision, and other elements of a plat, subdivision, short plat, or short subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision.
Plat, short	“Short plat” means a division or redivision of land within an urban growth boundary into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. The maximum number of lots allowed under a short plat in the rural areas of the county is limited to four (4). (Amended: Ord. 2006-05-01; Ord. 2007-06-05)
Platting	“Platting” means the review process conducted by Clark County on applications for short plat or subdivision approval. All lots created through the platting process are lots of record as specified in this title.
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. This does not refer to the Public Facilities district, which has its own definitions per Section 40.230.090. (Amended: Ord. 2016-06-12)
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>
Recyclable materials facility	“Recyclable materials facility” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; but not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.
Recyclable materials facility – automotive	“Recyclable materials facility – automotive” means the dismantling or disassembling of motor vehicles or mobile homes, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Three (3) or more dismantled, obsolete, or inoperable motor vehicles on one (1) lot shall constitute an automotive recyclable materials facility.
Registered soil scientist	“Registered soil scientist” means a professional soil scientist registered with the American Registry of

	Certified Professionals in Agronomy, Crops and Soils, experienced and knowledgeable in the practice of pedology related to soil survey, who is responsible for design and preparation of soils maps, related soil groups, and identifying soil factors for construction engineering.
Renewable energy resource	<p>“Renewable energy resource” means:</p> <ul style="list-style-type: none"> <li>• Water;</li> <li>• Wind;</li> <li>• Solar energy;</li> <li>• Landfill gas;</li> <li>• Gas from sewage treatment facilities;</li> <li>• Biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and</li> <li>• Biomass energy.</li> </ul> <p><i>(Added: Ord. 2011-03-09)</i></p>
Reserved capacity	“Reserved capacity,” when referring to transportation facilities, means the capacity of a transportation corridor or intersection of regional significance used to accommodate approved but unbuilt developments.
Residential care facility	<p>“Residential care facility” means an establishment operated with twenty-four (24) hour supervision for the purpose of serving eleven (11) or more persons of any age who, by reason of their circumstances or conditions, require care; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include assisted living facilities, prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. “Care” is defined as room and board and the provision of a planned treatment program; “planned treatment” means a previously determined program of counseling, therapy or other rehabilitative social service.</p> <p><i>(Amended: Ord. 2010-08-06)</i></p>
Residential care home	<p>“Residential care home” means an establishment operated with twenty-four (24) hour supervision for the purpose of serving not more than ten (10) persons of any age who, by reason of their circumstances or conditions, require care while living as a single housekeeping unit in a dwelling unit; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. This definition and corresponding requirements under county code shall not apply to adult family homes as defined in Chapter 70.128 RCW.</p> <p>“Care” is defined as room and board and the provision of a planned treatment program; “planned treatment” means a previously determined program of counseling, therapy or other rehabilitative social service.</p> <p><i>(Amended: Ord. 2005-04-12)</i></p>
Responsible official	“Responsible official” means the employee of Clark County responsible for the implementation and enforcement of this title pursuant to Section 40.100.050.
Restoration	“Restoration,” when referring to habitat areas, means the activities undertaken to re-establish the natural structure or function of habitat area or portion thereof, such as replanting of adequate and appropriate vegetation, soil amendment, or reconstruction of stream banks.
Retirement community	<p>“Retirement community” means independent living housing exclusively for adults (typically fifty-five (55) and over). A retirement community may take the form of a residential subdivision, cottage development, an apartment building or complex, a mobile home park, or a planned unit development. The retirement community is approved through the applicable process for whichever form it takes.</p> <p><i>(Added: Ord. 2010-08-06)</i></p>
Review authority	“Review authority” means the County Engineer, the Public Works director, the responsible official, the county’s hearing examiner, the planning commission, or the board, whoever is authorized to approve an application.
Right-of-way	“Right-of-way” means a general term denoting public land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.

Riparian zone	<p>“Riparian zone” means areas encompassing riparian priority habitat, a subset of priority habitat and as defined by the Washington Department of Fish and Wildlife (WDFW), extending outward from the ordinary high water mark of waters to the one hundred (100) year floodplain or the following distances if greater: Definitions of the Types S, F, Np and Ns waters are found in WAC 222-16-030 (Forest Practices Rules).</p> <p>Type S water, two hundred fifty (250) feet;  Type F water, two hundred (200) feet;  Type Np water, one hundred (100) feet;  Type Ns water, seventy-five (75) feet.</p> <p>Not included are erosion gullies or rills, and irrigation ditches, canals, stormwater run-off devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.</p> <p><i>(Amended: Ord. 2006-06-09)</i></p>
Road maintenance	<p>“Road maintenance” means repair and maintenance activities that are conducted on currently serviceable structures, facilities, and equipment; involve no expansion of or change in use of such structures, facilities and equipment beyond those that previously existed; and do not result in a significant negative habitat or wetlands impact.</p> <p><i>(Amended: Ord. 2005-04-15)</i></p>
Road or street	<p>“Road” or “street” means all roads, streets, highways, freeways, private street easements, private street tracts, and public rights-of-way used for or designed for vehicular access or use.</p> <p><i>(Amended: Ord. 2007-06-05)</i></p>
Road, private	<p>“Private road” means a road not maintained for public use by Clark County, the Washington Department of Transportation, or other governmental jurisdiction.</p>
Road, rural	<p>“Rural road” means a road located within the rural area of Clark County.</p>
Road, urban	<p>“Urban road” means a road located within an urban area of Clark County.</p>
Roadside farm stand	<p>“Roadside farm stand” means an accessory structure or area located within fifty (50) feet of a public right-of-way which is used to display and sell agricultural products, including value-added products, from the local agricultural area.</p> <p><i>(Added: Ord. 2012-06-02)</i></p>
Roadway	<p>“Roadway” means the improved portion of an easement or right-of-way, excluding curbs, sidewalks, ditches, multi-use pathways and walkways.</p>
Rural or rural area	<p>“Rural” or “rural area” means land not located within an urban area as designated in the Clark County comprehensive plan.</p>
Rural center	<p>“Rural center” means an area identified as such on the rural and natural resources lands map, as amended, such as Amboy, Brush Prairie, Chelatchie Prairie, Dollars Corner, Fargher Lake, Hockinson, and Meadow Glade.</p>
School modular or portable	<p>“School modular or portable” means a factory-built structure that is used for educational purposes or to support educational activities.</p>
Scrub-shrub wetland	<p>“Scrub-shrub wetland” means a wetland with at least thirty percent (30%) of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost strata.</p>
Segregation	<p>“Segregation,” when referring to the division of land, means any division of land undertaken by the County Assessor for taxation purposes.</p>
SEPA Rules	<p>“SEPA Rules” means Chapter 197-11 WAC adopted by the Washington Department of Ecology.</p>
Servants’ quarters	<p>“Servants’ quarters” means a secondary dwelling or apartment without kitchen facilities designed for and used only by persons or the families of persons regularly employed on the property.</p>
Setback	<p>“Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way or property line, to the nearest point of a foundation or supporting post or pillar of any applicable structure. (See Section 40.200.070 for exceptions to setback requirements.)</p> <p><i>(Amended: Ord. 2007-06-05)</i></p>
Setback, front	<p>“Front setback” means any required open space between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. (See Figures 40.100.070-2 and 40.100.070-3.)</p> <p><i>(Amended: Ord. 2007-06-05)</i></p>

Setback, rear	<p>“Rear setback” means any required open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.</p>
Setback, side	<p>“Side setback” means any required open space extending from the front setback to the rear setback between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title.</p> <p style="text-align: center;"><b>Figure 40.100.070-3 – Setbacks</b></p>  <p style="text-align: center;"><b>Lot lines and access</b></p> <p style="text-align: right;"><b>Flag lot</b></p> <p style="text-align: center;">(Amended: Ord. 2007-06-05)</p>
Shall	<p>“Shall” is mandatory.</p>
Shorelands	<p>“Shorelands” means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; the full extent of floodplains; and all wetlands and river deltas associated with the streams and lakes and tidal waters that are subject to the provisions of the Shoreline Master Program; the same to be designated as to location by Ecology.</p> <p><i>(Amended: Ord. 2012-07-16)</i></p>
Sidewalk	<p>“Sidewalk” means a pedestrian-only facility within a public right-of-way, public easement containing a street or abutting a private road.</p>
Sight-obscuring, fence or hedge	<p>“Sight-obscuring, fence or hedge” means a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision.</p>
Silviculture	<p>“Silviculture” means the use of land for producing and caring for a forest, including the harvesting of timber.</p>
Single purpose/specialty retailer	<p>“Single purpose/specialty retailer” means a retail outlet selling a single category of goods, such as sporting, clothing, shoes, etc., to the general public.</p>
Site	<p>“Site” means that portion of property which is directly subject to development. For the purposes of determining public notice, site means the lot proposed for development and all contiguous lots that are owned by the same person, partnership, association or corporation as the lot, including lots that are in common ownership, but are separated by a public or private right-of-way or easement.</p>
Site plan	<p>“Site plan” means a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land.</p>



Slope	“Slope” means an inclined ground surface, the inclination of which is expressed as a percent ratio of vertical distance to horizontal distance (v/h).
Snags	“Snags” means dead, dying or defective trees serving as an important structural element of wildlife habitat.
Solid waste	“Solid waste” means all putrescible and non-putrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction waste, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semi-solid materials that are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants and seepage, septic tanks, wood waste, dangerous waste, and problem wastes (WAC 173-304-100).
Special provisions	“Special provisions,” when referring to transportation facilities, means road construction requirements peculiar to a specific project and which are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications. <i>(Amended: Ord. 2012-02-08)</i>
Staffed residential home	“Staffed residential home” means a residence licensed as such by the state of Washington providing twenty-four (24) hour care for six (6) or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence. <i>(Added: Ord. 2012-02-08)</i>
Standard Details Manual	“Standard Details Manual” or “Clark County Standard Details Manual” means the manual that provides standard details to be used in the design of all projects within Clark County. The manual contains Clark County’s transportation drawings of typical roadway sections for urban, industrial, and rural development, roadway landscape planting materials tables and planting details. The manual also includes typical engineering standard details for erosion control measures and storm drainage design. <i>(Amended: Ord. 2012-02-08)</i>
Standard plans	“Standard plans,” when referring to transportation facilities, means those typical sections and details adopted for road construction in Section 40.350.030(C)(3).
Standard specifications	“Standard specifications,” when referring to transportation facilities, means those specifications adopted for road construction in Section 40.350.030(C)(4).
Start of construction	“Start of construction” includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or other erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure.
State Environmental Policy Act (SEPA)	“SEPA” means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and Chapter 40.570 of the UDC.
State highway of regional significance	“State-highway of regional significance” means a state of Washington owned and maintained roadway or intersection not designated by the state as a highway of statewide significance.
Stormwater facility	“Stormwater facility” means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch-basins, oil/water separators, and biofiltration swales. <i>(Amended: Ord. 2015-11-24)</i>
Story	“Story,” when referring to structures, means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under-floor space shall be considered as a story.
Stream or streams	“Stream” or “streams” means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year-round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey

	streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development.
Stream bank stabilization	“Stream bank stabilization” means those approved bioengineered projects. The projects can include both passive and active types of methods for stabilizing the stream bank.
Street	See “Road.”
Street tree	“Street tree” shall be defined as a single-stem deciduous tree with a central leader that can be used as a landscape element for buffering/screening along front, side, and rear setbacks. Unique site features shall determine the most appropriate street tree to use. A street tree shall be broad-branched and characteristically have lower branches that are able to be removed to meet clearance standards.
Structure	“Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
Structure, principal	“Principal structure” means the main building on a lot to which all other buildings are accessory.
Structure, residential	“Residential structure” means a structure designed, built or inhabited under circumstances meeting the classification of Group R or similar residential occupancy under the International Building Code as adopted under Title 14 of the Clark County Code.
Subdivision	“Subdivision” means the division or redivision of land within an urban growth boundary into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. In the rural area, five (5) or more lots define a subdivision. (Amended: Ord. 2007-06-05)
Subject property	“Subject property” means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed.

Subregional facility	“Subregional facility,” when referring to stormwater, means a facility designed to treat and control stormwater runoff from more than one (1) development in a contributing drainage area of less than forty (40) acres.
Substantial completion	“Substantial completion,” when referring to transportation facilities, means that all public or private facilities are constructed, functional and operational, even though they may not be fully completed nor provisionally accepted, including sewer and water systems, storm drainage facilities and street improvements (including construction of the initial lift of asphalt or other approved surfacing), but not necessarily including sidewalks, or electrical, gas, telephone or cable services; and that the project is in full compliance with the erosion control ordinance.
Surface mining operations	“Surface mining operations” means mining of rock, stone, gravel, sand, earth and minerals.
Temporary worker	“Temporary worker” means a person intermittently employed in agriculture and not residing year-round at the same site. (Added: Ord. 2011-12-09)
Traffic calming devices	“Traffic calming devices” means physical devices within the roadway designed to manage traffic speeds or which disperse traffic such as speed bumps/humps and traffic circles.
Traffic calming measures	“Traffic calming measures” means street design features intended to manage traffic speeds or which disperse traffic such as “T” intersection, street trees, curvilinear streets, or entry treatments.
Trail	“Trail” means any path, route, way, right-of-way, or corridor posted, signed, or designated as open for nonmotorized travel or passage by the general public. Five (5) trail types are identified in the Regional Trails and Bikeways System Plan (2006) and include regional, multi-use trails, local trails, rustic trails, semi-primitive trails, and bike lanes and pedestrian walkways. (Added: Ord. 2016-06-12)
Transportation analysis	“Transportation analysis” means a study done by a licensed engineer that compares a build-out scenario under the existing and proposed designations for a twenty (20) year horizon. (Amended: Ord. 2007-09-13)
Transportation corridor	“Transportation corridor” or “corridor” means an identified system of road(s) and street(s), which are consistently utilized by vehicular traffic for travel along an identified circulation pattern.

Transportation impact study	“Transportation impact study” means a study done by a licensed engineer in accordance with Section 40.350.020.
Transportation improvement program	“Transportation improvement program” means the current six (6) year financing plan for roads adopted by the county pursuant to RCW 36.81.121, or similar plan adopted by the Washington Department of Transportation or cities for their highway and street facilities.
Transportation terminal	“Transportation terminal” means a facility for the transfer, pickup or discharge of people or goods without the long-term storage of such items.
Travel trailer	“Travel trailer” means any transportable trailer available for recreational use, forty (40) feet or less in length or eight (8) feet or less in width, built on a chassis and equipped with wheels.
Underground storage tank (UST)	<p>“Underground storage tank” or “UST” means:</p> <ul style="list-style-type: none"> <li>• An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW; or means any one (1) or combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. This term does not include any of the exempt UST systems specified in WAC 173-360-110(2), or any piping connected thereto.</li> <li>• Exemptions. The following UST systems, including any piping connected thereto, are exempt from the requirement of this chapter: <ul style="list-style-type: none"> <li>o Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances;</li> <li>o Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act;</li> <li>o Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks;</li> <li>o Any UST system whose capacity is one hundred ten (110) gallons or less;</li> <li>o Any UST system that contains a de minimis concentration of regulated substances;</li> <li>o Any emergency spill or overflow containment UST system that is expeditiously emptied after use;</li> <li>o Farm or residential UST systems of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale);</li> <li>o UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to the release reporting requirements of WAC 173-360-372;</li> </ul> </li> </ul>
	<ul style="list-style-type: none"> <li>o Septic tanks;</li> <li>o Any pipeline facility (including gathering lines) regulated under: <ul style="list-style-type: none"> <li>• The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671, et seq.), or</li> <li>• The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001, et seq.), or</li> <li>• Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in this definition;</li> </ul> </li> <li>o Surface impoundments, pits, ponds, or lagoons;</li> <li>o Stormwater or wastewater collection systems;</li> <li>o Flow-through process tanks;</li> <li>o Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or</li> <li>o Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift,</li> </ul>

	shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor.
Urban or urban area	“Urban” or “urban area” means land located within an urban area or growth boundary as designated in the comprehensive plan.
Urban growth area (UGA)	“UGA” means an urban growth area designated in the comprehensive plan.
Use	“Use” means an activity or purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased.
Use, conditional	“Conditional use” means a use specified by this title, which is permitted when authorized by the review authority and subject to certain conditions.
Use, permitted	“Permitted use” means a use allowed as a matter of right within certain land use districts; provided, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this title, and other applicable provisions of the county code.
Use, prohibited	“Prohibited use” means any use which is not specifically enumerated or interpreted as allowable in that zoning district or which is specifically listed as prohibited.
Utilities	“Utilities” means facilities operated by public or private entities to supply water, electricity, gas, sewer, transportation, or other similar services to the public. <i>(Amended: Ord. 2006-06-09)</i>
Utility substation facilities	“Utility substation facilities” means a subsidiary or branch facility utilizing aboveground structures which is necessary to provide or facilitate distribution, transmission or metering of water, gas, sewage, radio signals and/or electric energy. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to the following: <ul style="list-style-type: none"> <li>• Water, gas and electrical distribution or metering sites;</li> <li>• Water or sewage pumping stations;</li> <li>• Water towers and reservoirs;</li> <li>• Public wells and any accessory treatment facilities;</li> <li>• Transmission towers and accessory equipment to provide radio and television service; and</li> <li>• Telephone switching facilities.</li> </ul>
Vegetation	“Vegetation” means any and all plant life.
Vehicle repair	“Vehicle repair” means upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines, motor vehicles, or trailers; and overall painting or paint shop.
Vehicle towing and storage services	“Vehicle towing and storage services” means a service outlet providing vehicle towing and/or storage.
Visual obstruction	“Visual obstruction” means any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half (3 1/2) feet in height above the elevation of the top of the curb, as determined by the responsible official; and so located at a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches to a minimum height of at least six (6) feet.
Walkway	“Walkway” means a facility dedicated to the county for pedestrian use to or through a parcel for the use of the general public which is not generally adjacent to the roadway.
Water-dependent	“Water-dependent” means a use or a portion of a use which requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations.
Watershed	“Watershed” means an area draining to a single surface water system as shown on the Clark County wetland watershed map adopted hereby.
Wetland classes and subclasses	“Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin, et al. 1978).
Wetlands	“Wetland” or “wetlands” means areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from non-wetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a

	result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from non-wetland areas created to mitigate conversion of wetlands. (Amended: Ord. 2006-05-27)
Wetlands Delineation Manual	“Wetlands Delineation Manual” means the wetland delineation procedure described in WAC 173-22-035 (as amended). (Amended: Ord. 2006-05-27; Ord. 2011-01-01)
Wildland urban interface/intermix (WUI)	“Wildland urban interface/intermix (WUI)” means those geographic areas of the county shown as “wildland urban interface/intermix” areas on a map adopted by Section 15.13.030 and as hereafter amended.
Window	“Window,” when referring to utility installation, means a rectangular opening cut in the pavement to allow potholing.
Winery	“Winery” means a licensed facility designed for the crushing, fermentation, and/or barrel aging of wine, and which may include barrel rooms, bottling rooms, tank rooms, laboratories, case goods storage, and offices. In rural zoning and urban holding districts a winery may include a tasting room and/or events. “Licensed” for the purposes of this title means a facility that has met the requirements of RCW 66.24.170 and 27 CFR Chapter 1, Subchapter A, Part 1. (Amended: Ord. 2010-10-02; Ord. 2011-08-08; Ord. 2013-08-11)
Wireless communications facility	“Wireless communications facility” means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications as defined in Section 40.260.250.
Zone, zone district or zoning district	“Zone,” “zone district” or “zoning district” means a section or sections of Clark County within which the standards governing the use of land, buildings, and premises are uniform, as provided in this title.

(Amended: Ord. 2009-01-01; Ord. 2012-07-15)

**Section 10. Amendatory.** By Sec. 1 (Exh. A) of Ord. 2003-11-01 and codified as Section 40.210.010, and most recently amended by Sec. 18 of Ord. 2018-01-09, are each hereby amended as follows:

**40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, AG-20, AG-WL)**

**A. Purpose.**

1. Forest 80 District. The purpose of the Forest 80 district is to maintain and enhance resource-based industries, encourage the conservation of productive forest lands and discourage incompatible uses consistent with the Forest I policies of the comprehensive plan. The Forest 80 district applies to lands which have been designated as Forest Tier 1 on the comprehensive plan. Nothing in this chapter shall be construed in a manner inconsistent with the Washington Forest Practices Act.
2. Forest 40 District. The purpose of the Forest 40 district is to encourage the conservation of lands which have the physical characteristics that are capable of management for the long-term production of commercially significant forest products and other natural resources, such as minerals.
3. Agriculture 20 District. The purpose of the Agriculture 20 district is to encourage the conservation of lands which have the growing capacity, productivity, soil composition, and surrounding land use to have long-term commercial significance for agriculture and associated resource production.
4. Agricultural-Wildlife. The purpose of the AG-WL district is to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect agricultural areas that are highly valuable seasonal wildlife habitat from incompatible uses. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

(Amended: Ord. 2018-01-09)

**B. Uses.**

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

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

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

<b>Table 40.210.010-1. Uses</b>					
	<b>FR-80</b>	<b>FR-40</b>	<b>AG-20</b>	<b>AG-WL</b>	<b>Special Standards</b>
1. Residential.					
a. Single-family dwellings and accessory buildings	P <sup>1</sup>	P <sup>1</sup>	P <sup>1</sup>	P	40.260.010
b. Guest house	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	C <sup>2</sup>	40.260.010
c. Family day care	P	P	P	P	40.260.160

**Table 40.210.010-1. Uses**

	<b>FR-80</b>	<b>FR-40</b>	<b>AG-20</b>	<b>AG-WL</b>	<b>Special Standards</b>
centers					
d. Adult family homes	P	P	P	P	40.260.190
e. Home business – Type I	P	P	P	P	40.260.100
f. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. Garage sales	P	P	P	P	40.260.090
j. Temporary dwellings	P	P	P	X	40.260.210
<b>2. Services, Business.</b>					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside farm stand	P	P	P	P	40.260.025
c. Agricultural market	P	P	P	X	40.260.025
d. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	X	40.260.110
e. Private kennels	P	P	P	P	40.260.110
f. Animal boarding and day use facilities	P	P	P	X	40.260.040
<b>3. Services, Amusement.<sup>10</sup></b>					
a. Public recreation, scenic and park use <sup>10</sup>	P	P	P	C <sup>3</sup>	
b. Public interpretive/educational uses <sup>10</sup>	P	P	P	P	
c. Dispersed	P	P	P	X	

**Table 40.210.010-1. Uses**

	<b>FR-80</b>	<b>FR-40</b>	<b>AG-20</b>	<b>AG-WL</b>	<b>Special Standards</b>
recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts <sup>10</sup>					
d. Public recreation accessways, trails, viewpoints, and associated parking <sup>10</sup>	P	P	P	P	
e. Regional recreational facilities designed and developed through a public master planning process <sup>10</sup>	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C <sup>3</sup>	
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
<b>4. Services, General.</b>					
a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
<b>5. Services, Membership Organization.</b>					
a. Churches	X	C	C	X	
<b>6. Services, Educational.<sup>10</sup></b>					
a. Public and private elementary and middle schools serving a	C	C	C	X	40.260.160



Table 40.210.010-1. Uses

	FR-80	FR-40	AG-20	AG-WL	Special Standards
student population primarily outside of urban growth boundaries					
7. Public Service and Facilities. <sup>10</sup>					
a. Ambulance dispatch facilities <sup>10</sup>	C	C	C	C	40.260.030
b. Government facilities <sup>10</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>5</sup>	
c. Public corrections facilities <sup>10</sup>	C	C	C	X	
8. Resource Activities.					
a. Agricultural	P <sup>6</sup>	P <sup>6</sup>	P <sup>6</sup>	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a	P <sup>7</sup>	P <sup>7</sup>	P <sup>7</sup>	X	40.250.022

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
timber or agricultural management road system					
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.250.022
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.250.022
j. Commercial uses supporting resource uses	P <sup>8</sup>	P <sup>8</sup>	P <sup>8</sup>	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105
m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	C	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells,	P	P	P	C	40.260.240

(Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
watershed intake facilities, gas and water transmission lines					
c. Wireless communications facilities	P/C <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	P/C <sup>9</sup>	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200
f. Private use landing strips for aircraft	C	C	C	X	40.260.170
g. New cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	X	X	X	C	
h. Expansion of existing cemeteries	P	P	P	P	
i. Temporary uses	P	P	P	P	40.260.220
j. Electric vehicle infrastructure	P	P	P	P	40.260.075
k. Medical marijuana collective gardens	X	X	X	X	
l. Marijuana-related facilities	X	X	X	X	

<sup>1</sup> One (1) single-family dwelling on legal lot or legal nonconforming lot of record.

<sup>2</sup> One (1) guesthouse in conjunction with a single-family dwelling or ~~mobile~~ home.

<sup>3</sup> Public, where no public master planning process has been completed, or private outdoor recreational facilities requiring limited physical improvements which are oriented to the appreciation, protection, study or enjoyment of the fragile resources of this area. In addition to those findings as specified by Section 40.520.030 (Conditional Use Permits), such uses shall be approved only upon the applicant establishing both of the following:

o There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and

o The subject site cannot be put to any reasonable economic use which is provided for in this section.

<sup>4</sup> Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.

<sup>5</sup> Limited to fire stations only.

<sup>6</sup> Agriculture including: floriculture, horticulture, general farming, dairy, the raising, feeding and sale or production of poultry, livestock, furbearing animals, and honeybees including feedlot operations, animal sales yards, Christmas trees, nursery stock and floral vegetation and other agricultural activities and structures accessory to farming or animal husbandry.

<sup>7</sup> Additional surface mining and associated activities subject to zone change to add the surface mining overlay district, Section 40.250.022.

<sup>8</sup> Commercial uses supporting resource uses, such as packing, first stage processing and processing which provides value added to resource products. Chippers, pole yards, log sorting and storage, temporary structures for debarking, accessory uses including but not limited to scaling and weigh operations, temporary crew quarters, storage and maintenance facilities, disposal areas, saw mills producing ten thousand (10,000) board feet per day or less, and other uses involved in the harvesting of forest products.

<sup>9</sup> See Table 40.260.250-1.

<sup>10</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2004-06-10; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2006-09-13; Ord. 2008-12-15; Ord. 2009-12-01; Ord. 2009-12-15; Ord. 2010-10-02; Ord. 2011-03-09; Ord. 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-06-02; Ord. 2012-07-03; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-01-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-09-04; Ord. 2018-01-09)

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-2 and 40.210.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

<b>Table 40.210.010-2. Lot Requirements</b>				
Zoning District	Use/Activity	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
FR-80	All Uses	80 <sup>1</sup> or legally described as one-eighth (1/8) of a section	660 <sup>2</sup>	None
FR-40	All Uses	40 <sup>1</sup> or legally described as one-sixteenth (1/16) of a section	660 <sup>2</sup>	None

AG-20	All Uses	20 <sup>1</sup> or legally described as one-thirty-second (1/32) of a section	660 <sup>2</sup>	None
AG-WL	Agricultural	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Wildlife game management	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public interpretive/educational uses	N/A	None	None
	Single-family dwellings	160 or legally described as one-fourth (1/4) of a section	None	None
	Plant nurseries	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Silviculture	20 or legally described as one-thirty-second (1/32) of a section	None	None
	Public recreation accessways and associated parking and trails	N/A	None	None

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

- a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines and telecommunication facilities.
- b. Dams for flood control and hydroelectric generating facilities.

<sup>2</sup> Minimum lot width – One hundred forty (140) feet for legal lots created under Section 40.210.010(D).

(Amended: Ord. 2006-05-01; Ord. 2007-11-13)

Zoning District	Minimum Setbacks <sup>1</sup>			Maximum Lot Coverage	Maximum Building
	Front	Side	Rear		

	(feet)	Street (feet)	Interior (feet)	(feet)		Height (feet)
FR-80	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
FR-40	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-20	50 <sup>2</sup>	25	50 <sup>3</sup>	50 <sup>3</sup>	N/A	35 <sup>4</sup>
AG-WL	None	None	None	None	N/A	None

<sup>1</sup> See Section 40.530.010(D)(2) for nonconforming lots.

<sup>2</sup> From public road right-of-way or private road easement.

<sup>3</sup> All structures.

<sup>4</sup> Residential buildings only.

(Amended: Ord. 2005-05-20; Ord. 2010-08-06)

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

3. Previous Land Divisions.

a. Within the FR-80, FR-40 and AG-20 districts, until the affected property is included within an urban growth boundary, no remainder lot of a previously approved agriculture or forest district “cluster” land division or lot reconfiguration shall be:

- (1) Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or
- (2) Reduced by a total of more than one (1) acre.

b. Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.

c. Exceptions to Subsections (C)(3)(a) and (b) of This Section. A remainder lot with an existing residence may be short platted further to contain the residence on its own lot, subject to the following:

- (1) Process. Creation of the new lot is subject to the requirements of Section 40.540.030.
- (2) Lot Size. The new lot shall be sized to require the minimum reduction in the remainder lot, but still meet minimum requirements of this section and for on-site sewage disposal as required by the Clark County Public Health.
- (3) The new lot may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.
- (4) A building envelope containing the existing residence and accessory buildings shall be established within the new lot, subject to the following:

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

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

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

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

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

4: Nonconforming lots may be reconfigured pursuant to Section 40.210.010(D).

(Amended: Ord. 2005-04-12; Ord. 2011-08-08; Ord. 2014-01-08; Ord. 2018-01-09)

#### D. Nonconforming Lots – Lot Reconfiguration Standards.

1. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership, reduce the amount of road and utility construction and, within the FR-80, FR-40 and AG-20 districts, to protect and buffer designated resource lands.

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

a. Existing parcel(s) is:

(1) 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.

(2) Determined to be legally created, and be reasonably buildable. Within the FR-80, FR-40 and AG-20 districts, this section authorizes lot reconfiguration only where existing divisions are determined to have a reasonable probability of developing. For the purposes of this section the review authority shall determine whether the existing lots are reasonably buildable by considering the following: road access, septic suitability, topography, costs of providing infrastructure and the presence of sensitive land.

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

(1) No additional parcels;

(2) Have septic suitability approval;

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

(4) 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; and

(5) In addition, within the FR-80, FR-40 and AG-20 districts:

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

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

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

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

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

3. Lot Requirements. The setback, dimensional, use and height standards for these lots shall be as established for the Rural-5 (R-5) district except that reductions in side and rear setbacks shall be granted where necessary to permit construction of a dwelling on the parcel; providing, 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.

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

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

E. Land Divisions in the AG-20 and FR-40 Zones.

1. Applicability.

a. The provisions of this subsection shall apply to all land divisions in the AG-20 and FR-40 zoning districts after July 1, 2016.

b. Available options for land division are authorized:

(1) Pursuant to Chapter 40.540; or

(2) Pursuant to Chapter 40.540 and by using the cluster provisions in Section 40.210.010(E)(4).

c. In the AG-20 zoning district:

(1) Land divisions that result in parcels twenty (20) acres (or lots capable of being described as one-thirty-second (1/32) of a section) in size or larger are allowed under the exemption provisions of Section 40.540.020(B)(4)(b).

(2) Land divisions that result in parcels less than twenty (20) acres in size must be platted and meet the additional requirements of this chapter.

d. In the FR-40 zoning district, land divisions that result in parcels less than forty (40) acres in size must be platted and meet the additional requirements of this chapter.

e. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.



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

Critical lands	“Critical lands” mean those lands classified by Subtitle 40.4.
Remainder parcel	“Remainder parcel” means the remainder parcel of the cluster subdivision that contains the majority of the land within the development and is devoted to resource or open space use.

3. Development Standards for Subdivisions or Short Plats. Subdivisions and short plats are allowed pursuant to Chapter 40.540. The density shall be based on one hundred percent (100%) of the gross area of the site.

4. Development Standards for Clustering.

a. Cluster developments are allowed at a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred percent (100%) of the gross area of the site.

b. Cluster lots shall be created, as follows:

- (1) To minimize conflicts between housing and agricultural or forest uses;
- (2) Along parent property boundary lines, adjacent to existing roads, and to minimize the need for new roads and driveways;
- (3) To have building envelopes that avoid critical areas;
- (4) On parcels with an existing house, one (1) of the cluster lots has to include the existing house;
- (5) To be adjacent to each other and to any preexisting residence, unless the location of the existing residence would preclude compliance with the other provisions of this subsection;
- (6) If located on agriculturally zoned land, to be limited to lands with poor soils or soils otherwise unsuitable for agricultural purposes; and
- (7) Each cluster lot shall contain a buffer from abutting resource uses.

c. Remainder Parcel.

- (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space, if practical.
- (2) The remainder parcel shall be nonbuildable and used for the agriculture and forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as open space.
- (3) A farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall:
  - (a) Identify permitted uses and management of the parcel so that it maintains designated agricultural or forest functions and provides for the protection of all critical areas;
  - (b) Identify the responsibility for maintaining agriculture or forest uses on the parcels; and
  - (c) Include any construction activities (for example, fencing or agricultural buildings) and vegetation clearing that may occur on site.

If in current use, the plan submitted for the current use taxation program shall suffice for meeting this requirement.

(4) A note shall be placed on the plat that the remainder parcel shall not be further subdivided or reduced in size unless brought into an urban growth area. In addition, a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.

d. Lot Requirements. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Tables 40.210.010-4 and 40.210.010-5, subject to the provisions of Chapter 40.200 and Section 40.550.020.

<b>Table 40.210.010-4. Lot Requirements – FR-40 and AG-20 Cluster Developments</b>			
<b>Lot Type</b>	<b>Lot Size</b>	<b>Minimum Lot Width (feet)</b>	<b>Minimum Lot Depth (feet)</b>
Cluster Lot	1 acre <sup>1</sup>	140	140
Remainder Lot	85% or greater of the parent parcel <sup>2</sup>	None	None

<sup>1</sup> Unless a larger size is required by Clark County Public Health. In no case shall a cluster lot exceed one-and-one-half (1.5) acres in size. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

<sup>2</sup> The minimum standard for remainder parcels controls the maximum size of cluster lots.

<b>Table 40.210.010-5. Setbacks, Lot Coverage and Building Height – FR-40 and AG-20 Cluster Developments</b>						
<b>Zoning District and Lot Type</b>	<b>Location or Structure Type</b>	<b>Minimum Setbacks</b>			<b>Maximum Lot Coverage</b>	<b>Maximum Building Height (feet)</b>
		<b>Front (feet)</b>	<b>Side (feet)</b>	<b>Rear (feet)</b>		
FR-40 and AG-20 Cluster Lots	Residential or agricultural structures abutting a cluster lot	20	20	20	N/A	35 <sup>2</sup>
	Residential structures abutting a resource district	50 <sup>1</sup>	50 <sup>1</sup>	50 <sup>1</sup>		
	Agricultural structures	20	20	20		
	Vehicle entry gates	20	20	20		
	All other situations	50	20	50		

<sup>1</sup> Except in cases where it can be shown that requiring the normal setback will result in the location of the building sites within inappropriate areas such as areas containing good agricultural soils, wildlife habitat or wetlands, or the dimensions of the development site render it unbuildable.

<sup>2</sup> Residential buildings only.

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

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

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

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

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

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

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

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

(Amended: Ord. 2016-06-12; Ord. 2017-07-04)

**Section 11. Amendatory.** By Sec. 6 of Ord. 2004-06-11 and codified as Section 40.220.010, and most recently amended by Sec. 3 of Ord. 2016-06-12, are each hereby amended as follows:

**40.220.010 Single-Family Residential Districts (R1-20, R1-10, R1-7.5, R1-6 and R1-5)**

**A. Purpose.**

1. The R1-20, R1-10 and R1-7.5 districts are intended to:
  - a. Recognize, maintain and protect established low-density residential areas.
  - b. Establish higher densities where a full range of community services and facilities are present or will be present at the time of development.
  - c. Provide for additional related uses such as schools, parks and utility uses necessary to serve immediate residential areas.
2. The R1-6 and R1-5 districts are intended to provide for higher single and duplex densities where a full range of community services and facilities are present or will be present at the time of development.

**B. Uses.**

The uses set out in Table 40.220.010-1 are examples of uses allowable in single-family residential zone districts. The appropriate review authority is mandatory.

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

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

<b>Table 40.220.010-1. Uses</b>						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
1. Residential.						
a. Single-family detached dwellings	P	P	P	P	P	
b. Accessory uses and structures normal to a residential environment	P	P	P	P	P	40.260.010
c. Accessory dwelling units	R/A	R/A	R/A	R/A	R/A	40.260.020
d. Duplex dwellings	X	X	X	P <sup>1</sup>	P <sup>1</sup>	

**Table 40.220.010-1. Uses**

	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
e. Family day care centers	P	P	P	P	P	40.260.160
f. Adult family homes	P	P	P	P	P	40.260.190
g. Home business – Type I	P	P	P	P	P	40.260.100
h. Home business – Type II	R/A	R/A	R/A	R/A	R/A	40.260.100
i. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	R/A	40.260.050
j. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	C	40.260.050
k. Garage sales	P	P	P	P	P	40.260.090
l. Mobile <u>Manufactured</u> home parks	X	X	X	X	X	
m. Mobile homes on <u>individual lots</u>	<del>R/A<sup>7</sup></del>	<del>R/A<sup>7</sup></del>	<del>R/A<sup>7</sup></del>	<del>R/A<sup>7</sup></del>	<del>R/A<sup>7</sup></del>	<del>40.260.130</del>
n. Residential P.U.D.	R/A	R/A	R/A	R/A	R/A	40.520.080
o. Single-family attached dwelling units (townhouses)	R/A <sup>2</sup>	R/A <sup>2</sup>	R/A <sup>2</sup>	R/A <sup>2</sup>	R/A <sup>2</sup>	40.260.155 40.520.080
p. Zero lot-line developments	X	X	R/A	R/A	R/A	40.260.260
q. Residential care homes and facilities	C	C	C	C	C	40.260.180
r. Temporary dwellings	P	P	P	P	P	40.260.210
s. Cottage housing	X	X	P	P	P	40.260.073

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
t. Staffed residential homes	C	C	C	C	C	40.260.205
2. Services, Business.						
a. Temporary modular tract sales and construction offices	P	P	P	P	P	
b. Model homes	P	P	P	P	P	40.260.175
c. Roadside farm stand	P	P	P	P	P	40.260.025
d. Agricultural market	P	P	P	P	P	40.260.025
3. Services, Amusement.						
a. Private recreation facilities	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	C <sup>3</sup>	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. <sup>87</sup>						
a. Commercial day care centers <sup>87</sup>	C	C	C	C	C	40.260.160
b. Grade K – 5 public and private schools, including preschools <sup>87</sup>	P	P	P	P	P	40.260.160
c. Grade 6 – 12 public and private	C	C	C	C	C	

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
schools <sup>87</sup>						
d. Business, dancing and technical schools <sup>87</sup>	X	X	X	X	X	
e. Public park and public recreational facilities <sup>87</sup>	P	P	P	P	P	40.260.157
f. Parks <sup>87</sup>	P	P	P	P	P	40.260.157
6. Public Service and Facilities. <sup>87</sup>						40.230.090
a. Ambulance dispatch facilities <sup>87</sup>	C	C	C	C	C	40.260.030
b. Government facilities <sup>87</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	C <sup>4</sup>	
7. Resource Activities.						
a. Agricultural	P	P	P	P	P	40.260.040
b. Silviculture	P	P	P	P	P	40.260.080
8. Other.						
a. Cemeteries and mausoleums	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	C <sup>5</sup>	
b. Utilities, other than wireless communications facilities	P	P	P	P	P	40.260.240
c. Solid waste handling and disposal sites	C	C	C	C	C	40.260.200
d. Wireless communications facilities	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	P/C <sup>6</sup>	40.260.250
e. Temporary uses	P	P	P	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	P	P	P	40.260.075

Table 40.220.010-1. Uses						
	R1-20	R1-10	R1-7.5	R1-6	R1-5	Special Standards
g. Medical marijuana collective gardens	X	X	X	X	X	
h. Marijuana-related facilities	X	X	X	X	X	

<sup>1</sup>Duplexes permitted on corner lots.

<sup>2</sup>Attached single-family dwellings allowed in PUD development only.

<sup>3</sup>Including golf courses and country clubs, but not including such intensive recreation uses as a golf driving range (unless within a golf course), race track, amusement park or gun club.

<sup>4</sup>Not including storage or repair yards, warehouses, or similar uses.

<sup>5</sup>Including crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematorium is within two hundred (200) feet of a lot in a residential district.

<sup>6</sup>See Table 40.260.250-1.

<sup>7</sup>~~Some plats prohibit mobile homes; see Section 40.260.130 for additional information on possible restrictions.~~

<sup>87</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2004-06-11; Ord. 2004-09-02; Ord. 2005-04-12; Ord. 2007-06-05; Ord. 2009-06-01; Ord. 2010-08-06; Ord. 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-02-08; Ord. 2012-06-02; Ord. 2012-12-23; Ord. 2013-07-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-06-12)



**Section 12. Amendatory.** By Sec. 5 of Ord. 2004-06-11 and codified as Sec. 40.220.020, and most recently amended by Sec. 22 of Ord. 2018-01-09, are each hereby amended as follows:

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

**A. Purpose.**

1. The residential (R-12, R-18, R-22, R-30 and R-43) districts are intended to provide for medium and higher density residential development based upon consistency with the comprehensive plan and compatibility with surrounding land uses. The following factors will be considered in the application of one (1) of these districts to a particular site:

- a. Properties designated urban medium density residential on the comprehensive plan should not exceed a density of R-22. Urban high density residential areas are appropriate for densities in the R-30 and R-43 districts.
- b. Proximity to major streets and the available capacity of these streets, adequacy of public water and sewer, vehicular and pedestrian traffic circulation in the area, proximity to commercial services and proximity to public open space and recreation opportunities. Development within these districts will be reviewed to ensure compatibility with adjacent uses including such considerations as privacy, noise, lighting and design.

2. The office residential (OR-15, OR-18, OR-22, OR-30, OR-43) districts are intended to provide for residential and professional office development based upon consistency with the comprehensive plan and compatibility with adjacent land uses. It is intended that office developments within these districts will be of a higher standard in recognition of their residential setting. The following factors will be considered in the application of one (1) of these districts to a particular site:

- a. Proximity to major streets and the available capacity of these streets;
- b. Availability of public water and sewer;
- c. Vehicular and pedestrian traffic circulation in the area;
- d. Proximity to commercial services; and
- e. Proximity to public open space and recreation opportunities.

Development within these districts will be reviewed to ensure compatibility with adjacent uses, including such considerations as privacy, noise, lighting and design.

(Amended: Ord. 2018-01-09)

**B. Uses.**

The uses set out in Table 40.220.020-1 are examples of uses allowable in residential and office residential zone districts. The appropriate review authority is mandatory.

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

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

Table 40.220.020-1. Uses

	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
1. Residential.											
a. Accessory uses and structures normal to a residential environment	P	P	P	P	P	P	P	P	P	P	40.260.010
b. Accessory dwelling units	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	R/A <sup>1</sup>	40.260.020
c. Boarding houses	R/A	R/A	P	P	P	P	P	P	P	P	
d. Duplex dwellings	P	P	P	P	P	P	P	P	P	P	
e. Multifamily dwellings	P	P	P	P	P	P	P	P	P	P	40.260.150
f. Existing residential use	P	P	P	P	P	P	P	P	P	P	
g. Family day care centers	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	p <sup>2</sup>	40.260.160
h. Adult family homes	P	P	P	P	P	P	P	P	P	P	40.260.190
i. Home business – Type I	P	P	P	P	P	P	P	P	P	P	40.260.100
j. Home business – Type II	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.100
k. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.050
l. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	C	C	C	C	C	C	40.260.050
m. Garage sales	P	P	P	P	P	P	P	P	P	P	40.260.090
n. Mobile <u>Manufactured</u> home parks	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.140
o. <del>Mobile homes on individual lots</del>	<del>R/A<sup>4</sup></del>	<del>R/A<sup>4</sup></del>	<del>R/A<sup>4</sup></del>	<del>X</del>	<del>X</del>	<del>R/A<sup>4</sup></del>	<del>R/A<sup>4</sup></del>	<del>R/A<sup>4</sup></del>	<del>X</del>	<del>X</del>	<del>40.260.130</del> <del>40.520.020</del>
po. Residential P.U.D.	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.520.020 40.520.080
qp. Assisted living facilities	P	P	P	P	P	P	P	P	P	P	40.260.190
rq. Single-family attached dwelling units (townhouses)	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	40.260.155
sr. Single-family detached dwellings	R/A	R/A	R/A	X	X	R/A	R/A	R/A	X	X	40.260.155
ts. Residential care homes and facilities	C	C	C	C	C	C	C	C	C	C	40.260.180
ut. Cottage housing	P	P	P	X	X	P	P	P	X	X	40.260.073
vii. Staffed	C	C	C	C	C	C	C	C	C	C	40.260.205

Table 40.220.020-1. Uses

	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
residential homes											
2. Retail Sales – Restaurants, Drinking Places.											
a. Restaurants within a residential or office complex	X	X	X	X	X	C	C	C	P	P	
3. Service, Business.											
a. Mini-storage warehouse	X	X	X	X	X	C	C	C	C	C	
i. Accessory caretaker, security or manager residence when incorporated as an integral part of the mini-storage warehouse	X	X	X	X	X	C	C	C	C	C	
b. Temporary modular tract sales and construction offices	P	P	P	P	P	P	P	P	P	P	
c. Model homes	P	P	P	P	P	P	P	P	P	P	40.260.175
d. Roadside farm stand	P	P	P	P	P	P	P	P	P	P	40.260.025
e. Agricultural market	P	P	P	P	P	P	P	P	P	P	40.260.025
4. Services, Medical and Health.											
a. Congregate care facilities	C	C	C	C	C	C	C	C	C	C	
b. Nursing or convalescent homes	C	C	C	C	C	C	C	C	C	C	40.260.190
c. Hospitals	X	X	X	X	X	X	X	X	C	C	
d. Veterinary clinics	X	X	X	X	X	X	X	C	P	P	
5. Services, Professional Office.											
a. Business/Professional offices	X	X	X	X	X	P	P	P	P	P	
b. Medical/Dental clinics	X	X	X	X	X	P	P	P	P	P	
6. Services, Amusement.											
a. Private recreation facilities	C	C	C	C	C	C	C	C	C	C	
b. Circuses, carnivals, or	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	R/A	

Table 40.220.020-1. Uses											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
amusement rides											
7. Services, Membership Organization.											
a. Churches	C	C	C	C	C	C	C	C	C	C	40.260.070
b. Clubs, lodges and charitable institutions	C	C	C	C	C	C	C	C	C	C	40.260.070
8. <sup>45</sup> Services, Educational.											
a. Commercial day care centers <sup>45</sup>	C	C	C	C	C	C	C	C	C	C	40.260.160
b. Grade K through 5 public or private schools, including preschools <sup>45</sup>	P	P	P	P	P	P	P	P	P	P	
c. Grade 6 through college, public or private schools <sup>45</sup>	C	C	C	C	C	C	C	C	C	C	
d. Public park and public recreational facilities <sup>45</sup>	P	P	P	P	P	P	P	P	P	P	40.260.157
e. Parks <sup>45</sup>	P	P	P	P	P	P	P	P	P	P	40.260.157
f. Business, dancing and technical schools <sup>45</sup>	X	X	X	X	X	P	P	P	P	P	
9. Public Service and Facilities. <sup>45</sup>											40.230.090
a. Ambulance dispatch facilities <sup>45</sup>	C	C	C	C	C	C	C	C	C	C	40.260.030
b. Governmental structures including fire stations, post offices, etc. <sup>45</sup>	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.											
a. Cemeteries and mausoleums	C	C	C	C	C	C	C	C	C	C	
b. Private use heliports	X	X	X	X	X	C	C	C	C	C	40.260.170
c. Utilities, other than wireless communications facilities	P	P	P	P	P	P	P	P	P	P	40.260.240
d. Solid waste handling and disposal sites	C	C	C	C	C	C	C	C	C	C	40.260.200

Table 40.220.020-1. Uses											
	R-12	R-18	R-22	R-30	R-43	OR-15	OR-18	OR-22	OR-30	OR-43	Special Standards
e. Wireless communications facilities	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	P/C <sup>3</sup>	40.260.250
f. Temporary uses	P	P	P	P	P	P	P	P	P	P	40.260.220
g. Electric vehicle infrastructure	P	P	P	P	P	P	P	P	P	P	40.260.075
h. Medical marijuana collective gardens	X	X	X	X	X	X	X	X	X	X	
i. Marijuana-related facilities	X	X	X	X	X	X	X	X	X	X	

<sup>1</sup> An accessory dwelling unit may be allowed on any multifamily zoned lot developed with an existing single-family dwelling, except as noted in Section 40.260.020. Type I site plan review is required.

<sup>2</sup> Only in single-family residences.

<sup>3</sup> See Table 40.260.250-1.

<sup>4</sup> ~~Some plats prohibit mobile homes; see Section 40.260.130 for additional information on possible restrictions.~~

<sup>45</sup> Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facilities zone.

(Amended: Ord. 2004-06-11; Ord. 2004-09-02; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2007-11-13; Ord. 2010-08-06; Ord. 2011-06-14; Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-02-08; Ord. 2012-06-02; Ord. 2013-07-08; Ord. 2014-05-07; Ord. 2014-11-02; Ord. 2016-06-12; Ord. 2018-01-09)

**Section 13. REPEALER codified as Sec. 40.260.130**

**(REPEALED) 40.260.130 ————— Mobile Homes on Individual Lots — Standards and Requirements**

**A. Use.**

1. ~~Applicability. In the R1-20, R1-10, R1-7.5, R1-6, R1-5, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, and OR-43 districts, mobile homes are prohibited on individual lots in residential land divisions submitted to Clark County after November 19, 1997, unless those land divisions are approved consistent with the standards in this subsection. Developments subject to this subsection shall meet established minimum densities.~~

2. ~~Exemptions. The special use standards of this section do not apply to the following:~~

a. ~~Residential lots in the rural area;~~

b. ~~In the urban area, all legal residential lots created prior to May 5, 1998.~~

3. ~~Land divisions in urban growth areas approved after November 19, 1997, which were not originally designated for mobile homes on the final plat, may subsequently be reviewed for placement of mobile homes following a Type III plat alteration review pursuant to Section 40.540.120, subject to the standards in this subsection.~~

~~(Amended: Ord. 2011-08-08)~~

**B. Preliminary Plat Requirements.**

~~The preliminary plat shall contain the following information:~~

1. ~~Identify the location, dimensions and square footage of the buildable area and all required setbacks on each lot.~~

2. ~~A note indicating that mobile homes are permitted.~~

3. ~~A scale drawing of a representative sampling of the smallest and unusually configured proposed lots to demonstrate that a mobile home and any planned and required accessory structure can be accommodated within the building envelopes of the lots.~~

**C. Final Plat Requirements.**

~~The final plat shall contain the following information:~~

1. ~~Identify the location, dimensions and square footage of the buildable area and all required setbacks on each lot.~~

2. ~~A note indicating that mobile homes are permitted.~~

**D. Mobile homes on lots approved pursuant to this subsection shall meet the following requirements:**

1. ~~Minimum Size. Two (2) fully enclosed parallel sections of not less than eight hundred sixty-four (864) square feet or a multi-story structure with equivalent square footage.~~

2. ~~Minimum Dimensions. Twenty-four (24) feet by thirty-six (36) or eight hundred sixty-four (864) square feet.~~

3. ~~Minimum Roof Pitch and Materials. Roof pitch shall not be less than a 2.85 foot rise for each twelve (12) feet of horizontal run. Roof original construction shall be with composition or wood shake or shingle, nonreflective coated metal, or similar material.~~

~~4. Skirting and Siding. Except where the foundation base of the mobile home is flush to ground level, each mobile home shall install skirting material which is of similar material, color and pattern as the siding of the home; or a masonry foundation. Exterior siding shall be similar in appearance to siding materials commonly used on conventional site-built International Building Code single-family residences.~~

~~5. Age of Mobile Home. The mobile home shall bear an insignia of approval from the U.S. Department of Housing and Urban Development, and be constructed to state and federal requirements after June 15, 1976.~~

~~6. Storage or Garage. Each mobile home shall have a minimum of two (2) off-street parking spaces pursuant to Table 40.340.010-4. In addition, each mobile home shall provide:~~

~~a. In the R1-20, R1-10, R1-7.5 zones, a minimum of an enclosed single-car garage of not less than two hundred eighty-eight (288) square feet.~~

~~b. In the R1-6, R1-5, R12, R18 and OR-18 zones, a minimum of a storage building containing a floor area of at least one hundred (100) square feet.~~

~~c. Where required, each garage or storage building shall be constructed of the same exterior material which is similar in color and pattern as the siding of the home.~~

~~7. Where the owner of the mobile home is not the sole owner of the lot upon which the mobile home is to be located, both the property owner and the mobile home owner shall jointly apply for the mobile home placement permit. Due to the applicability of the Mobile Home/Landlord-Tenant Act, the mobile home owner shall not be responsible for paying impact fees, sewer connection fees or other entrance fees pursuant to RCW 59.20.060(2)(e).~~

**Section 14. Amendatory.** By Sec. 1. (Exh. A) Ord. 2009-03-02 and codified as Sec. 40.260.140.A. are each hereby amended as follows:

**Section 40.260.140.A**

A. Use.

A mobile manufactured home park may be placed or located on any parcel of land in any multifamily (R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30 and OR-43) district upon approval of the responsible official, and provided such mobile manufactured home park is for residential use only. A recreational vehicle (camper, camp trailer, recreational coach, park models, and similar uses) may be placed in a manufactured home park provided the unit has an applicable Washington State Department of Labor & Industries (L&I) tag for the use. Normal accessories for mobile manufactured homes, such as awnings, patios, carports, ramadas, cabanas, or storage buildings shall be allowed.

**40.260.140.B.**

B. Criteria for Locating a Mobile Manufactured Home Park.

The following criteria must be taken into consideration in the establishment of mobile manufactured home parks:

1. Adequate buffering or screening may be required in order to make the mobile manufactured home park compatible with adjacent surrounding residential uses. Buffering and screening shall be required when such parks abut commercial and industrial zones.
2. Mobile Manufactured home parks should not be located within areas less than five (5) acres nor more than fifty (50) acres in area, unless it is demonstrated to the responsible official that lesser or greater concentration of the use would be compatible with the surrounding property and its use, and that such variation is in the interest of the public health, safety and general welfare.
3. The park must have its primary direct access to a county or public road, which shall have a minimum right-of-way of sixty (60) feet, as shown on the master plan.

**40.260.140.C.**

C. Mobile Manufactured Home Space Requirements.

1. Coverage. A mobile manufactured home and all accessory structures shall not occupy more than fifty percent (50%) of the area of the mobile manufactured home space.
2. Density. Mobile Manufactured homes shall not exceed the density of the zoning district. Density shall be calculated on the gross area of the park.
3. Setbacks. No mobile manufactured home or accessory thereto shall be located any closer than twenty-five (25) feet from a park property line abutting on a public street or road, five (5) feet from all other park property lines and five (5) feet from any such areas as a park street, a common parking area, or a common walkway.
4. Spacing. A mobile manufactured home shall be separated from an adjacent mobile manufactured home by a minimum of ten (10) feet.
5. Overnight Spaces. Not more than five percent (5%) of the total mobile manufactured home park area may be used to accommodate persons wishing to park their mobile manufactured home or camping vehicles overnight.
6. Parking. Two (2) off-street parking spaces shall be provided for each mobile manufactured home space, either on the space or within one hundred (100) feet thereof, in the mobile manufactured home park. Each parking space shall not be less than nine (9) by twenty (20) feet in size.



40.260.140.D.

D. Mobile Manufactured Home Park Requirements.

1. Park Streets and Walkways.

- a. Park Streets. A park street shall connect each mobile manufactured home space to a public road. The park street shall be a minimum of thirty (30) feet in width, with a paved surface width of at least twenty-four (24) feet.
- b. Walkways. Walkways of not less than forty-four (44) inches in width shall be provided from each mobile manufactured home space to any service building, recreation area, and parking area.
- c. Paving. Park streets shall be paved with crushed rock base asphalt or concrete surfacing.

2. Buffering or Screening. Buffering or screening, if required to make the mobile manufactured home park compatible with its adjacent surrounding uses, shall be a sight-obscuring fence, wall, evergreen, or other suitable planting. Where walls or fences are required along boundaries or public roads, the walls or fences shall be set back from the property lines to conform with setbacks for structures in the basic zone. Evergreen planting shall not be less than five (5) feet in height, and shall be maintained in a healthy living condition for the life of the mobile manufactured home park. All walls and fences shall be a minimum of five (5) feet in height and shall be approved by the responsible official.

3. Landscaping. There shall be landscaping provided within the front and side setback areas and all open areas in the mobile manufactured home park not otherwise used.

4. Signs. Signs shall comply with the provisions of Chapter 40.310, specifically Section 40.310.010(I).

5. Recreational Area. A recreational area shall be a contiguous, improved area, and be suitably maintained for recreational purposes. Such land shall be determined on a gross area basis. The amount of land to be established as recreational shall be determined by dividing the number of dwelling units into the gross development area. The following minimum areas shall be required:

Dwelling Units per Gross Acre	Recreational Area Required
5 to 6	0%
7 to 9	3%
10 to 11	5%
12 and over	8%

6. Accessories. Structures located on a mobile manufactured home space, in addition to the mobile manufactured home, shall be limited to the normal accessories, as set forth under Section 40.260.140(A). No other structural additions shall be built onto or become part of any mobile manufactured home, and no mobile manufactured home shall support any building in any manner.

7. Mobile Manufactured Home Pads. Pads, stands, strips or rails adequate for the support of the mobile manufactured home shall be installed.

8. Mobile Manufactured Home Skirting. All mobile manufactured homes within the mobile manufactured home park shall be skirted on their lower perimeter by fire-resistant siding, if occupied for a period of more than ninety (90) days.

(Amended: Ord. 2009-03-02)

40.260.140.E.

E. Mobile Manufactured Home Park Approval Criteria – Responsible Official Approval.

Mobile Manufactured home parks may be permitted in any multifamily district upon site plan approval by the responsible official. The responsible official shall find that the internal design proposed shall separate traffic pattern from outdoor living or recreational areas, and will group the service facilities (such as the laundry and service buildings). Further, such approval shall be in the best interest of the public health, safety and general welfare. No mobile manufactured home park shall be constructed without first obtaining site plan approval from the responsible official.

**40.260.140.F.**

F. Mobile Manufactured Home Park Site Plan Submittal Requirements. In addition to the submittal requirements for site plan review, an application for a new mobile manufactured home park shall include a plot plan of the proposed park.

**Section 15. Amendatory.** By Sec. 3.31 (Exhibit 32) of Ord. 2016-06-12 and codified as Sec. 40.260.210.B., and most recently amended by Sec. 14 (Exhibit 12) of Ord. 2017-07-04, are each hereby amended as follows:

**40.260.210 Temporary Dwellings**

A. Authorized – Hardship. Subject to the conditions and upon the issuance of the permit provided for herein, one (1) or more temporary dwellings may be established and maintained on a lot, tract, or parcel if the parcel is already occupied by one (1) or more principal dwellings, for use by one (1) of the following:

1. A person who is to receive from or administer to a resident of the principal dwelling, continuous care and assistance necessitated by advanced age or infirmity, the need for which is documented by a physician’s medical statement; or
2. A caretaker, hired-hand or other similar full-time employee working on the lot, tract or parcel in connection with an agricultural or related use of the premises; or
3. Relatives over sixty-two (62) years of age with an adjusted household gross income, as defined on IRS Form 1040 or its equivalent, which is at or below fifty percent (50%) of the median family income for Clark County (as adjusted), who are related by blood or marriage to a resident of the principal dwelling;
4. Within the forest and agricultural districts (Section 40.210.010) only:
  - a. Relatives; or
  - b. A purchaser of the lot, tract, or parcel if a seller who is at least sixty (60) years of age has retained a life estate to occupy the principal dwelling as a primary residence.

(Amended: Ord. 2017-07-04)

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

1. The lot, tract or parcel shall be of such size and configuration, and the temporary dwelling shall be located in such a manner as to enable compliance with such zoning and subdivision regulations as would be applicable but for the authorization of this section; provided, that:
  - a. One (1) temporary dwelling may be approved for each authorized permanent dwelling, if the tract or parcel of which it is a part is either:
    - (1) One (1) acre or larger in size; or
    - (2) Able to comply with the residential density standards for the applicable zoning district with the addition of the temporary dwelling(s). For example, the addition of one (1) temporary dwelling on a ten thousand (10,000) square foot lot in the R1-5 zoning district with one (1) existing dwelling.
  - b. Within the agriculture and forest districts (FR-80, FR-40, AG-20):
    - (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 manufactured or modular 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 manufactured or modular 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.

(Amended: Ord. 2016-06-12; Ord. 2017-07-04)

#### 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 manufactured or modular 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;
- e. A declaration to be filed with the County Auditor upon approval of the application setting forth the temporary nature of the dwelling.

2. Applications seeking approval for two (2) or more temporary dwellings on the same lot, tract or parcel are subject to conditional use permit approval as set forth in Section 40.520.030.

3. A temporary dwelling permit shall be valid for two (2) years, and may be renewed by the issuing body for successive two (2) year periods upon written substantiation by the applicant to the continuing hardship or need justification. Upon the expiration of the two (2) year period, or at the end of each successive two (2) year period(s), if granted, the applicant shall notify the responsible official in writing that the temporary dwelling has been removed and, further, said notice shall include a request for an inspection to determine that the temporary dwelling has, in fact, been removed in compliance with the permit.

#### D. Revocation.

In addition to any other remedies provided for by law, violation of permit conditions, standards of this chapter, or other applicable land use requirements, including the provisions of Chapter 9.24 of the Clark County Code, shall constitute grounds for revocation of a temporary dwelling permit. Such revocation may be ordered following a public hearing by the Hearing Examiner, whose decision shall be final unless a timely appeal is filed with the Superior Court.

(Amended: Ord. 2009-10-19)

**Section 16. Amendatory.** By Sec. 4 of Ord. 2005-04-15 and codified as Sec. 40.440.020. and most recently amended by Sec. 8 of Ord. 2012-07-16 as follows:

**40.440.020 Standards and Nonregulatory Measures**

**A. Approval Criteria.**

Approval shall be granted for all proposals demonstrating compliance with the following criteria. Approval shall be required prior to clearing or development.

1. Intent. Designated habitats are to be protected through avoidance or reduction of the impacts of activities. This section provides standards for the review of proposed nonexempt activities within designated habitat areas.
2. Basic Criteria. Applicants proposing activities subject to this chapter shall demonstrate that the activity:
  - a. Substantially maintains the level of habitat functions and values as characterized and documented using best available science; and
  - b. Minimizes habitat disruption or alteration beyond the extent required to undertake the proposal.
3. Mitigation Measures.
  - a. Mitigation measures may be established pursuant to the above basic criteria.
  - b. Disrupted functions and values shall be mitigated on-site as a first priority, and off-site thereafter.
  - c. An up-to-date science-based guide such as the "Clark County Guide to Best Management Practices for Permitted Development in Habitat Areas" should be used to guide on-site mitigation. Off-site mitigation should be guided by applicable watershed, fish recovery, sub-basin or other science-based plans. Any science used to guide mitigation actions, whether on-site or off-site, must meet the criteria and characteristics of best available science listed in WAC 365-195-905 (Criteria for determining which information is the "best available science"), or the state standards in effect at the time of application.
  - d. Subject to individual circumstances, potential mitigation measures may include, but are not limited to, the following:
    - (1) Avoiding the impact all together by not taking a certain action or parts of an action;
    - (2) Exploring alternative on-site locations to avoid or reduce impacts of activities;
    - (3) Preserving important vegetation and natural habitat features by establishing buffers or by limiting clearing or alteration;
    - (4) Replacing invasive exotic plants with native species (refer to the Clark County Native Plant Communities Guide or other relevant publication for guidance);
    - (5) Prohibiting introduction of invasive plant species in habitat areas;
    - (6) Enhancing, restoring or replacing vegetation or other habitat features and functions. In riparian areas, this may include riparian zone averaging as specified in Section 40.440.020(C)(3);
    - (7) Using native plants where appropriate when planting within habitat areas (refer to the Clark County Native Plant Communities Guide or other relevant publication for guidance);
    - (8) Managing access to habitat areas, including exclusionary fencing for livestock if needed;

- (9) Stream crossings:
- (a) Using existing stream crossings whenever a review of suitability, capacity, access and location, habitat impacts of alternatives, maintenance, liability and economics indicate the existing crossing is feasible;
  - (b) Constructing new stream crossings, when necessary, in conformance to the water crossing structure standards in WAC 220-110-070 (Hydraulic Code Rules), which are incorporated by reference;
- (10) Seasonally restricting construction activities;
- (11) Implementing best management practices and integrated management practices;
- (12) Monitoring or review of impacts and assurance of stabilization of the area;
- (13) Establishing performance measures or bonding;
- (14) Establishing conservation covenants and other mechanisms to ensure long-term preservation or maintenance of mitigation actions;
- (15) Utilizing low impact development techniques;
- (16) Promoting water quality by limiting the use of lawn and garden chemicals in habitat areas; and/or
- (17) Avoiding topsoil removal and minimizing topsoil compaction;
- (18) Providing off-site mitigation, subject to the following conditions:
- (a) When the combination of on-site and off-site mitigation fails to substantially maintain functions and values within the stream system, the application shall be denied;
  - (b) All reasonable on-site mitigation alternatives have been exhausted;
  - (c) Off-site mitigation is functionally equivalent to the impacts;
  - (d) Off-site mitigation is appropriate in size and scale to the impacts that are not fully mitigated on the original site;
  - (e) Proposed off-site mitigation is reviewed by the county on a case-by-case basis with input from WDFW;
  - (f) Off-site mitigation may be in the form of:
    - i. The purchase of credits from a permitted habitat bank, or
    - ii. A voluntary contribution to the established Cumulative Effects Fund for the watershed within which the project is located, or
    - iii. A specific mitigation project:
      - [a] Specific off-site mitigation projects for riparian habitat areas must be located within the same watershed as the original site,
      - [b] Specific off-site mitigation projects for all other habitat areas must be in an unincorporated area as close as possible to the original site,

[c] Public regional development activities that are reviewed and approved by federal and state agencies are exempt from these geographic restrictions;

(g) Adequate enforcement authority must be delegated to the county, as approved by the Prosecuting Attorney;

4. The responsible official shall approve, approve with conditions or deny proposals based on compliance with the criteria and the adequacy of proposed mitigation measures to ensure compliance, and applicable reasonable use assurances of Section 40.440.020(B).

5. The responsible official shall retain final authority for such determinations, which shall be issued consistent with the review timelines of Chapter 40.510 (Type I, II, III and IV Processes), and shall be based on best scientific information and analysis available within those timelines.

6. Modifications to conservation covenants established under Section 40.440.020(A)(3)(d)(14) shall be consistent with the standards of this chapter and will be processed subject to the following:

a. Modification to a covenant approved by a Type I decision shall be subject to a Type I review process.

b. Modification to a covenant approved by a Type II decision shall be subject to a Type I review process if the responsible official finds the requested change:

(1) Does not increase the potential adverse impact to habitat; and

(2) Does not involve an issue of broad public interest, based on the record of the decision; and

(3) Does not require further SEPA review.

c. Modification to a covenant approved by a Type II decision shall be subject to a Type II review process if it is not subject to Type I review.

d. Modification to a covenant approved by a Type III decision shall be subject to a Type I review process if the responsible official finds the modification:

(1) Provides an increased benefit to habitat; and

(2) Does not involve an issue of broad public interest, based on the record of the decision; and

(3) Does not require further SEPA review.

e. Modification to a covenant approved by a Type III decision shall be subject to a Type II review process if the responsible official finds the requested change in the decision:

(1) Does not increase the potential adverse impact to habitat allowed by the covenant or SEPA determination; and

(2) Does not involve an issue of broad public interest, based on the record of the decision.

f. Modification to a covenant approved by a Type III decision shall be subject to a Type III review process if it is not subject to Type I or II review.

g. Modification requests submitted with other applications will be processed as specified in Section 40.500.010(D)(2).

7. Removal of conservation covenants shall be approved by the Board of County Commissioners.

8. The responsible official shall consult with and substantially follow the resulting recommendations of WDFW, unless alternative determinations are supported by scientific analysis.

(Amended: Ord. 2008-06-02; Ord. 2009-12-01)

B. Reasonable Use Assurances.

The county assures property owners of the following, as long as impacts are mitigated to the maximum extent practicable, permit conditions limiting locations and requiring mitigations may be imposed, and erosion control measures required:

1. This chapter shall not be used to prohibit:
  - a. Placement of a single-family residence and residential accessory structures on an otherwise legally buildable lot of record;
  - b. Expansion of a home existing prior to 1997, not to exceed twenty-five percent (25%) of the 1997 footprint;
  - c. ~~Replacement of a single-wide mobile or manufactured home with another dwelling, not to exceed twice the footprint of the original mobile home;~~ or
  - d. Fire hazard clearing recommended by the fire marshal, or consistent with written fire marshal or fire chief guidelines.
2. This chapter shall not be used to deny all reasonable economic use of private property. These criteria must be met in order to verify denial of all reasonable economic use:
  - a. The application of this chapter would deny all reasonable economic use of the property;
  - b. No other reasonable economic use of the property has less impact on the habitat area;
  - c. Any habitat alteration is the minimum necessary to allow for reasonable economic use of the property; and
  - d. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after May 30, 1997.
3. This chapter shall not be used to deny or reduce the number of lots of a proposed rural land division allowed under applicable zoning density.
4. This chapter shall not be used to deny a development proposal from a public agency or public utility, if:
  - a. There is no practical alternative to the proposed project with less impact on the habitat area;
  - b. The ability of the public agency or utility to provide services to the public would be unreasonably restricted; and
  - c. The application is approved through a Type III process pursuant to Section 40.510.030, (Type III Processes). Fees are subject to the Type III Variance fee schedule in Section 6.110A.010 (Development Fees).
5. The reasonable use assurances in this chapter do not apply to habitat conservation areas within shoreline jurisdiction. In such cases, reasonable use requests shall be subject to the shoreline variance process pursuant to Section 40.460.260.

C. The following regulatory alternatives or incentives shall apply in implementing the standards of this chapter:

1. Proposed land divisions involving critical areas may transfer density as follows:



- a. Rural area land divisions may utilize the cluster provisions of Section 40.210.020(D) (Rural Cluster Development).
  - b. Urban area land divisions may utilize density transfer provisions of Section 40.220.010(C)(5) (Density Transfer).
2. Existing abutting nonconforming lots under common ownership may be reconfigured under the standards of Section 40.210.010(D) (Nonconforming Lots – Lot Reconfiguration Standards).
  3. Required riparian zone widths on clearing proposals on existing lots may be varied through the use of internal riparian zone averaging. Subject to review under this chapter, for clearing proposals on existing lots, portions of the riparian zone can be reduced up to fifty percent (50%) from the normal standards of this chapter if riparian zone widths are correspondingly increased elsewhere within the applicant parcel, such that the overall size and function and values of the riparian zone are maintained in the parcel. Riparian zone averaging proposals must clearly identify the existing riparian functions and values on the parcel and any impacts that the proposed averaging may have upon them.
  4. In evaluating forest practice conversion applications under this chapter, the county may allow for modest levels of short-term degradation of habitat function if it is offset by long-term benefits provided by a conservation covenant or other permanent protective measure. Such allowances shall only be made following the recommendation of WDFW.

D. Individual Stewardship Plans.

1. To encourage educational and voluntary conservation measures, the county shall notify property owners potentially impacted by wildlife habitat area regulations, and shall assist any owners interested in developing individual stewardship plans which will establish parameters and guidelines for future on-site activities in designated habitat areas. In addition, property owners may consult with WDFW and other agencies or private groups or individuals to develop the scientific information for their stewardship plans.
2. The county shall provide information on best management practices and other educational and explanatory materials to property owners. The county shall coordinate with WDFW and other agencies or private groups with expertise in wildlife or land management in the development and distribution of these materials.
3. The county shall work cooperatively with interested property owners to establish and record a notice of stewardship plan. Stewardship plans should at a minimum include the following:
  - a. Mapping of existing structures, roads, driveways and known utilities, and property lines;
  - b. Mapping of existing designated habitat areas, water bodies, known wetlands, vegetation and wildlife types, and yards or cultivated areas;
  - c. Identification of functions and values associated with the habitat areas, water bodies, wetlands and vegetation and wildlife;
  - d. Mapping and written description of future activities on the site including time frame; and
  - e. Mapping and description of the protective and mitigative measures for the identified functions and values to be undertaken as part of plan.
4. Notice of stewardship plans shall be recorded and shall run with the land unless and until a request for revocation or modification has been submitted by the property owner and approved by the county. The county shall approve all such requests unless there are any uncompleted mitigation measures which were agreed to in the stewardship plan as necessary to compensate for clearing of habitat areas undertaken pursuant to the plan. Revocation may trigger the tax penalties associated with withdrawal from an open space taxation program, if applicable.

5. Property owners with approved stewardship plans are exempt from regulation under this chapter for non-development proposals which are consistent with the stewardship plan and do not otherwise require county building, grading, or other review.
6. Stewardship plans shall be approved under criteria in Section 40.440.020(A).
7. Appeals may be filed under the provisions of Chapter 40.510 (Type I, II, III and IV Processes).

E. Nonregulatory Implementation Measures.

As part of the implementation of this chapter and related efforts towards wildlife conservation, the county will undertake the following additional nonregulatory measures:

1. Education and Outreach Measures.
  - a. Notify property owners within critical areas;
  - b. Develop clear and understandable manuals explaining recommended best management practices for typical rural and urban land owner activities;
  - c. Provide seminars and presentations for interested owners and groups;
  - d. Coordinate efforts with existing conservation, stewardship or small resource user groups with expertise in wildlife or habitat area land management issues;
  - e. Expand local wildlife inventory information through baseline survey of local habitats and species;
  - f. Provide cooperative outreach to individual property owners in critical areas who wish to develop stewardship plans to establish parameters for future activities involving clearing on their property.
2. Incentive Measures.
  - a. Create and/or expand incentives through the current use taxation program;
  - b. Develop and/or expand land acquisition programs;
  - c. Develop nonmonetary incentives for project proponents to exceed mitigation requirements.

F. Specific Activities.

Special procedures and standards apply to certain specific activities as provided for in Section 40.440.040.

G. Habitat Banking. (Reserved).

(Amended: Ord. 2005-04-15; Ord. 2005-05-20; Ord. 2006-06-09; Ord. 2006-07-09; Ord. 2006-08-03)

(Amended: Ord. 2012-07-16)

**Section 17. Amendatory.** By Sec. 3 (Exh. A) of Ord. 2003-11-01 and codified as Sec. 40.510.050, and most recently amended by Sec. 36 of Ord. 2018-09-01, are each hereby amended as follows:

**40.510.050 Application Submittal Requirements**

**A. Applicability.**

Table 40.510.050-1 identifies information to be included with pre-applications and applications for all Type I, Type II and Type III applications, as follows:

1. Type I applications: Submittal items 1 and 2, and any additional materials required by the responsible official.
2. All Type II and Type III applications not listed in Section 40.510.050(A)(3), submittal items 1 through 6.
3. For applications for a conditional use, master plan, planned unit development (PUD), preliminary plat for a short plat, preliminary plat for a subdivision, and/or a site plan: all submittal items as applicable.

(Amended: Ord. 2018-01-09)

**B. Submittal Copies.**

**1. Pre-Applications.**

- a. The following shall be submitted with the pre-application:
  - (1) One (1) copy of the main submittal with original signatures; and
  - (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc.).
- b. Reduced copies (eleven (11) inches by seventeen (17) inches in size) shall be included for all pre-application materials larger than eleven (11) inches by seventeen (17) inches in size.
- c. Failure to provide any of the required information listed in Table 40.510.050-1 precludes contingent vesting pursuant to Section 40.510.020(G) or 40.510.030(G).

**2. Applications.**

- a. The following shall be submitted with the application:
  - (1) One (1) copy of the main submittal with original signatures bound by a jumbo clip or rubber band; and
  - (2) One (1) copy of any special studies (e.g., wetland, floodplain, etc.), and bound separately.
- b. Reduced copies eleven (11) inches by seventeen (17) inches in size shall be included for any application materials larger than eleven (11) inches by seventeen (17) inches in size.
- c. When all required information is submitted with the original application, the applicant will be directed to submit five (5) additional individually bound copies of the main submittal, including copies of the "Developer's GIS Packet."
- d. The applicant will also be directed to submit additional individually bound copies of any special studies as identified below. These copies must contain any revisions or additional information required in the fully complete review:
  - (1) Archaeological predetermination report, one (1) original and three (3) copies;
  - (2) Archaeological study, one (1) original;

- (3) Traffic study and road modification requests, one (1) original and three (3) copies;
- (4) Critical aquifer recharge areas (CARA), floodplain, geo-hazard, habitat, shoreline, stormwater, erosion control plan, and wetland, if necessary, one (1) original and two (2) copies of all other special studies or permits;
- (5) Mining permit applications: a sixth copy of the main submittal package must be submitted for distribution to the Department of Natural Resources.

<b>Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews</b>		
<b>Submittal Item</b>	<b>Required for Pre-Application</b>	<b>Required for Application</b>
1. Application Form. The application form shall be completed and original signed in ink by the applicant.	X	X
2. Application Fee. The requisite fee shall accompany the application. The check is to be made payable to "Clark County Community Development."	X	X
3. Cover Sheet and Table of Contents. Each submittal packet shall contain a cover sheet that contains the project name and applicant's name, address, e-mail address, and phone number. A table of contents, tabs and/or dividers to provide assistance in locating the various requirements shall follow the cover sheet.		X
4. Pre-Application Conference Report. A copy of the "Pre-Application Conference Report" must be submitted.		X
5. Developer's GIS Packet Information. A copy of the "Developer's GIS Packet" shall be submitted with the application submittal. The packet includes the following: General Location Map, Property Information Fact Sheet, Arterial Roadway, C-Tran Bus Routes, Parks and Trails Map, Elevation Contours Map, Photography Map, Photography Map with Contours, Zoning Map, Comprehensive Plan Map, Water, Sewer and Storm Systems Map, Soil Type Map, Environmental Constraints Map, and Quarter Section Map.	X	X
6. Narrative. A written narrative shall be submitted that addresses the following: a. How the application meets or exceeds each of the applicable approval criteria and standards; and b. How the issues identified in the pre-application conference have been addressed, and generally, how services will be provided to the site.		X
7. Legal Lot Determination Information. The preliminary site plan shall encompass the entire area of the legal lot(s) involved in the site plan and designate the proposed use (i.e., lots, tracts, easements, dedications) for all land contained within the plan and any boundary line adjustments to be completed prior to final site plan approval. In order to demonstrate that the subject lot(s) has been created legally, the following must be submitted: a. Current owner's deed if lot determination not required, as specified in the pre-application conference report, or one (1) of the following; b. Prior county short plat, subdivision, lot determination or other written approvals, if any, in which the parcel was formally created or determined to be a legal lot; or c. Sales or transfer deed history dating back to 1969, to include copies of recorded deeds and/or contracts verifying the date of creation of the parcel in chronological order with each deed identified with the assessor's lot number.		X
8. Approved Preliminary Plats and Site Plans. A map shall be submitted that shows all approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final), as listed		X

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
within the pre-application conference summary, that about the site (including across public and private streets from the site). Also include approved preliminary land divisions (that are yet to be recorded) and site plans (that are not final) that are between the site and nearest public or private street providing vehicular access to the site.		
9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer's scale of one (1) inch equals two hundred (200) feet (1" = 200') on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The following information shall be clearly depicted on the proposed development plan:	X	X
a. General Information:	X	X
(1) Applicant's name, mailing address and phone number;	X	X
(2) Owner's name and mailing address;	X	X
(3) Contact person's name, mailing address, and phone number;		X
(4) North arrow (orientated to the top left or right of page) scale and date;	X	X
(5) Proposed name of project (i.e., subdivision or business);		X
(6) Vicinity map covering one-quarter (1/4) mile radius from the development site (not required for rural area plans); and		X
(7) Area of the site in acres or square feet.	X	X
b. Existing Conditions.	X	X
(1) Environmental (on and within one hundred (100) feet of the site. For purposes of being determined fully complete, only those existing conditions that are shown on the GIS map, known by the applicant or are discussed in the pre-application summary must be included on the proposed plan).	X	X
(a) Topography at two (2) foot contour intervals, or other intervals if not available from a public source (see GIS packet);		X
(b) Watercourses (streams, rivers, etc.) (see GIS packet);		X
(c) Center of stream surveyed for all on-site watercourses with professional land surveyor stamp and signature;		X
(d) Areas prone to flooding;		X
(e) FEMA designated floodplains, flood fringe, or floodway (see GIS packet);		X
(f) Designated shoreline areas (see GIS packet);		X
(g) Water bodies and known wetlands (see GIS packet);		X
(h) Wetland delineation (see pre-application report);		X

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
(i) Unstable slopes and landslide hazard areas (see GIS packet);		X
(j) Significant wildlife habitat or vegetation (see GIS packet); and		X
(k) Significant historic sites (see GIS packet and pre-application report).		X
(2) Land Use and Transportation.	X	X
(a) Layout, square footage and dimensions of all parcels;	X	X
(b) Location(s) of any existing building(s) on the site and use;	X	X
(c) Location and full width of existing easements for access, drainage, utilities, etc.;		X
(d) Name, location and full width of existing rights-of-way;		X
(e) Centerline and right-of-way radius of existing roadways that abut the site;		X
(f) Name, location, full width and surfacing materials (e.g., gravel, asphalt or concrete) of roadways and easements (private and public);		X
(g) Location of existing driveways and those driveways across the street to include distance between driveways and roadways (edge to edge);		X
(h) Location and width of existing pedestrian and bicycle facilities on and within one hundred (100) feet of the site; and		X
(i) Transit routes and stops within six hundred (600) feet of the development site (see GIS packet).		X
(3) Water and Sewer.		X
(a) Location and direction to nearest fire hydrant (see GIS packet);		X
(b) Location of existing sewage disposal systems and wells on the site; and		X
(c) Location of existing sewage disposal systems and wells within one hundred (100) feet of the site (as available from the Health Department).		X
c. Proposed Improvements.	X	X
(1) Environmental.	X	X
(a) Wetland, stream, steep bank buffer areas/protected areas; and	X	X
(b) Planned enhancement areas.		X
(2) Land Use and Transportation.	X	X
(a) The configuration and dimensions of the project boundaries, proposed lots and tracts (for binding site plans), mobilemanufactured home spaces (for mobilemanufactured home parks),		X

Table 40.510.050-1, Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
including proposed park, open space, and/or drainage tracts or easements;		
(b) Dimensions of all proposed easements;		X
(c) Location (i.e., dimensions from property lines) of any existing buildings to remain on the site to include approximate square footage. For all structures, include the number of stories, construction type (e.g., metal, wood, concrete block, etc.) and proposed uses;		X
(d) Location and full width of all road rights-of-way;		X
(e) Pedestrian and Transit Facilities. (i) For MX district and Highway 99 Overlay district, site plan shall include layout and architectural drawing of all streetscapes, including landscaping, hardscape, public seating; public artwork and abutting building features;		X
(f) Location and full width of proposed pedestrian and bicycle improvements other than those in standard locations within road rights-of-way;		X
(g) Location, full width (e.g., curb to curb distance) and surface material of all proposed roadways (private and public), provided by drawing or note and typical cross-section (from county road standards);		X
(h) Location of all road segments in excess of fifteen percent (15%) grade that are either on the site or within five hundred (500) feet of the site which are being proposed for site access;		X
(i) Location, width and surface material of off-site roads which will provide access to the site within five hundred (500) feet of the site;		X
(j) Location and width of proposed driveways for corner lots and driveways where sight distance standards cannot be met;		X
(k) Sight distance triangles where sight distance standards cannot be met;		X
(l) Location and width of proposed easements for access, drainage, utilities, etc. (provided by drawing or note);		X
(m) For CU, MP, PUD, MX, Highway 99 Overlay district and site plan: (i) Layout of proposed structures including square feet; (ii) Architectural elevations with dimensions, floor plans and total square footage for each building, types of material, and type of construction per the International Building Code; (iii) Location, dimensions and number of off-street parking and loading areas; (iv) Location and dimensions of recyclables and solid waste storage areas; (v) For MX district and Highway 99 Overlay district, site plan shall include		X

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
elevations showing transition and scaling with abutting buildings;		
(n) For narrow lot developments, a site plan shall show, at a minimum, all of the following features: (i) Location and width of streets, sidewalks and landscape buffers if applicable; (ii) Location, species, and size of required trees, to include the mature height and crown width; (iii) Parking spaces, as required by Section 40.260.155(C)(3); (iv) Stormwater facilities; (v) Location of other infrastructure including solid waste and recycling areas (if applicable), light poles (if proposed), fire hydrants, community mailboxes and existing overhead lines; (vi) Location and dimensions of ADA sidewalk ramps and landings at driveway crossings and street intersections; and		X
(o) Location and height of proposed retaining walls.		X
(3) Landscaping – Landscape plan for urban area arterial and collector roadways and on-site landscaped areas to include:		X
(a) Location, number, species, size at planting, and spacing of proposed plant material;		X
(b) Location, number, species and size of existing landscape material to be removed and/or retained;		X
(c) Location, type (such as sod, groundcover or shrub mass) and area (in terms of square feet and percentage of site) of all soft landscaped areas and buffers;		X
(d) Location, height and materials of fences, buffers, berms, walls and other methods of screening;		X
(e) Surface water management features integrated with landscape, recreation or open space areas;		X
(f) Location, size and construction type of hard landscaping features such as pedestrian plazas;		X
(g) Active and passive recreational or open space features; and		X
(h) Location of all roadway intersection sight distance triangles per Section 40.350.030(B)(8).		X
(4) Signs. For CU, MP, PUD, Highway 99 Overlay district and site plan, a sign plan shall be submitted that includes size, height, and location of all proposed signs.		X
(5) Lighting. For CU, MP, PUD, Highway 99 Overlay district and site plan, an outdoor lighting plan shall be submitted that shows the areas of illumination for each outdoor light.		X
10. Soil Analysis Report.		X



Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
11. Preliminary Stormwater Design Report.		X
12. Proposed Stormwater Plan.	X	X
13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that it is feasible for the proposed stormwater facilities to function as designed and to meet the requirements of Chapter 40.386.		X
14. Proposed Phasing Plan (if proposed). A phasing plan shall be submitted (if applicable) to include transportation and water quality improvements.		X
15. Traffic Study.		X
a. Depending on the impacts associated with the proposal, a traffic study may be required to be undertaken by an engineer licensed to practice within the state of Washington, with special training and experience in traffic engineering. If a traffic study is required, the county will provide a scope of the study at the pre-application conference;		X
b. Traffic study must be stamped, signed, and dated by a professional civil engineer registered in the state of Washington; and		X
c. Road modification application, if applicable.		X
16. State Environmental Review. A State Environmental Policy Act (SEPA) Environmental Checklist must be completed; original signed in ink and submitted. A Highway 99 Overlay district Planned Action Application Form and a SEPA Environmental Checklist are required for a request for a Planned Action.		X
17. Sewer Purveyor Utility Review Letter. A utility review must be submitted from the public sewer purveyor, or one (1) copy of a preliminary soil suitability analysis, or equivalent, for on-site systems from the Clark County Health Department. For existing septic systems, provide a copy of the original approval.		X
18. Water Purveyor Utility Review Letter. A utility review must be submitted from the public water purveyor, noting the ability to meet water pressure and fire flow requirements of the Fire Marshal (as specified within the "Pre-Application Conference Summary Report"). Or, provide current evidence of the availability of suitable groundwater where the water purveyor has determined public water or community water systems cannot be provided.		X
19. Clark County Public Health Development Review Evaluation Letter. A Clark County Public Health Project Review Evaluation Letter must be submitted if the proposed development is planning to use wells and/or septic systems. This evaluation is conducted to identify any on-site water wells or septic systems, and confirm that the use of wells and/or septic systems is feasible.		X
20. Covenants or Restrictions. All existing covenants or restrictions and/or easements that apply to the property must be submitted.		X
21. Associated Applications. Applications associated with the preliminary plan, to the extent applicable (e.g., critical aquifer recharge areas [CARA], floodplain, habitat, shoreline, wetland, variances, etc.), must be submitted prior to or concurrent with the application.		X
22. Preliminary boundary survey of property for proposed land division.		X

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
23. For residential developments within a one (1) mile radius of a public school, a letter from the applicable school district stating if bus transportation will be provided for students. In the event a letter cannot be provided in a timely fashion, a copy of the school district's current walking route map may be submitted until the letter can be provided. If busing will not be provided, the applicant shall provide documentation that safe walking routes can be provided to the applicable school(s).		X
24. Archaeological Information. If an archaeological review is required, proof that the archaeological predetermination or archaeological survey was received by the State Department of Archaeology and Historic Preservation for review must be submitted prior to, or concurrent with, the application. (Proof can be via an e-mail confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.)		X

(Amended: Ord. 2004-12-12; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2007-11-13; Ord. 2009-01-01; Ord. 2009-03-02; Ord. 2010-07-07; Ord. 2011-03-09; Ord. 2015-11-24; Ord. 2016-09-04; Ord. 2016-12-09; Ord. 2018-01-09)

**Section 18. Amendatory.** By Sec. 26 Ord. 2005-04-12 and codified as Section 40.520.020, and most recently amended by Sec. 19 of Ord. 2016-09-04, are each hereby amended as follows:

**40.520.020 Uses Subject to Review and Approval (R/A)**

A. Purpose.

Upon review of the responsible official, uses designated as permitted subject to review and approval (R/A) may be allowed in the various districts; provided, that the responsible official is of the opinion that such uses would be compatible with neighboring land uses.

B. Review Procedures.

Uses subject to review and approval (R/A) shall be reviewed through a Type II process; provided, that the responsible official, at his or her discretion, may refer any proposal to the hearing examiner for review and approval, or denial. Any uses approved under the provisions of this chapter by either the responsible official or the hearing examiner in public hearing, shall be compatible with adopted county land use policies and goals.

C. Approval Criteria – General.

Except for the uses listed in Section 40.520.020(D), in approving a use, the responsible official shall first make a finding that all of the following conditions exist:

1. The site of the proposed use is adequate in size and shape to accommodate the proposed use;
2. All setbacks, spaces, walls and fences, parking, loading, landscaping, and other features required by this title are provided;
3. The proposed use is compatible with neighborhood land use;
4. The site for the proposed use relates to streets and highways adequate in width and pavement type to carry the quantity and kind of traffic generated by the proposed use;
5. The proposed use will have no substantial adverse effect on abutting property or the permitted use thereof; and
6. In the case of residential uses, the housing density of the development is consistent with the existing zoning densities, or the general plan, and that all other aspects of the development are consistent with the public health, safety, and general welfare for the development and for adjacent properties.

D. Approval Criteria – Special Uses.

When the following uses are allowed subject to review and approval (R/A) the responsible official shall review them subject to the applicable standards and criteria in Chapter 40.260:

1. Accessory dwelling units (Section 40.260.020);
2. Bed and breakfast establishments (Section 40.260.050);
3. Home businesses – Type II (Section 40.260.100);
4. Kennels (Section 40.260.110);
- ~~5. Mobile homes on individual lots (Section 40.260.130);~~
- ~~65. Mobile Manufactured home parks (Section 40.260.140);~~
- ~~76. Opiate substitution treatment facilities (Section 40.260.165);~~

87. Townhouse developments (Section 40.260.155);

98. Wireless communications facilities (Section 40.260.250);

109. Zero lot line development (Section 40.260.260).

(Amended: Ord. 2005-04-12; Ord. 2009-01-05; Ord. 2009-03-02; Ord. 2009-06-01; Ord. 2012-02-03; Ord. 2016-09-04)

**Section 19. Amendatory.** By Sec. 53 Ord. 2005-04-12 and codified as Section 40.610.040, and most recently amended by Sec. 3.40 (Exh.41) of Ord. 2016-06-12, are each hereby amended as follows:

**40.610.040 Imposition of Impact Fee**

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

B. Impact fees shall be calculated at the time of building permit issuance.

(Amended: Ord. 2005-04-12)

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

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

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

(Amended: Ord. 2016-06-12)

**Section 20. Amendatory.** By Sec. 7 of Ord. 2010-12-12 and codified as Section 40.620.030 are hereby amended as follows:

**40.620.030 School Impact Fee – Capital Facilities Plan**

Clark County will collect school impact fees on behalf of any school district whose capital facilities plan has been adopted as a portion of the Clark County comprehensive plan in accordance with the provisions of this section.

**A. Plan Submittal.**

A school district requesting impact fees shall submit to the county, and update at least every four (4) years, a capital facilities plan adopted by the school board and consisting of the following elements:

1. A “standard of service” which identifies the program year, class size by grade span, number of classrooms, types of facilities, and other factors identified by the school district;
2. The district’s “capacity” over the next six (6) years based upon an inventory of the district’s facilities either existing or under construction and the district’s standard of service;
3. A forecast of future needs for school facilities based upon the district’s enrollment projections;
4. At least a six (6) year financing plan component, updated as necessary to maintain at least a six (6) year forecast period, for financing needed school facilities within projected funding levels;
5. Application of the formula set out in Section 40.620.040 based upon information contained in the capital facilities plan. Separate fees shall be calculated for single-family and multifamily types of dwelling units, based upon the student generation rates determined by the district for each type of dwelling unit. If insufficient information is available for a district to calculate a multifamily student generation rate, a county-wide average shall be utilized. For purposes of this section, manufactured homes and duplexes shall be treated as single-family dwellings.

**B. Planning Commission Review.**

The planning commission shall review a school district’s capital facilities plan or plan update in accordance with the provisions of this subsection.

1. **Factors.** The planning commission shall consider:
  - a. Whether the district’s forecasting system for enrollment projections appears reasonable and reliable; and
  - b. Whether the anticipated level of state and voter-approved funding appears reasonable and historically reliable; and
  - c. Whether the standard of service set by the district is reasonably consistent with standards set by other school districts in communities of similar socioeconomic profile; and
  - d. Whether the district appropriately applied the formula set out in Section 40.620.040.
2. **Public Hearing.** In the event the district or the planning commission on its own motion proposes to modify the school impact fee, the planning commission shall not make its recommendation until holding a duly advertised public hearing on the proposal.
3. **Recommendation.** The planning commission may request a school district to review and to resubmit its capital facilities plan or update consistent with the provisions of this section. The planning commission shall submit an annual report to the board for each school district for which school impact fees are collected.

**C. Board Action.**

No new or revised school impact fees shall be effective until adopted by the board following a duly advertised public hearing to consider the school district's capital facilities plan or plan update. School impact fees shall not become effective until the school district has entered into interlocal agreement provided for in Section 40.630.090.

(Amended: Ord. 2010-12-12)

**Section 21. Effective Date.**

This ordinance shall go into effect on Nov. 13, thirty (30) days after its adoption.

**Section 22. Instructions to Clerk.**

The Clerk to the Council shall:

1. Transmit a copy of this ordinance to the Washington State Department of Commerce and Washington State Department of Ecology within ten (10) days of its adoption pursuant to RCW 36.70A.106.
2. Transmit a copy of the adopted ordinance to the Clark County Geographic Information Systems (Jesse Manley GIS Coordinator), to the Community Planning Department, and to the Community Development Department - Development Services.
3. Transmit a copy of the adopted ordinance to the Community Development Department Director.
4. Transmit a copy to the Community Planning Department.
5. Record a copy of this ordinance with the Clark County Auditor.
6. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290 and Clark County Code 1.02.140, and transmit a copy to Community Planning.
7. Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.

**Section 23. Roll Call Vote.** The County Council voted as follows regarding this proposed ordinance: Jeanne Stewart (yes), Julie Olson (yes), Marc Boldt (yes), John Blom (yes), Eileen Quiring (yes)

ADOPTED this 2 day of October 2018.

CLARK COUNTY COUNCIL

FOR CLARK COUNTY, WASHINGTON

Attest:



ADOPTED this 9 day of October 2018.

CLARK COUNTY COUNCIL

FOR CLARK COUNTY, WASHINGTON

Attest:

Ina Pedure

Clerk to the Council

By: Marc Boldt

Marc Boldt, Chair

Approved as to Form Only:

Anthony F. Golik

Prosecuting Attorney

By: \_\_\_\_\_

Julie Olson, Councilor

By: Taylor Hallvik

Taylor Hallvik

Deputy Prosecuting Attorney

By: \_\_\_\_\_

Jeanne Stewart, Councilor

By: \_\_\_\_\_

Eileen Quiring, Councilor

By: \_\_\_\_\_

John Blom, Councilor

