

# **STAFF REPORT AND RECOMMENDATION TO THE CLARK COUNTY PLANNING COMMISSION**

**TO:** Clark County Planning Commission

**FROM:** Marty Snell, Community Development Director

**PREPARED BY:** Marty Snell, Ext. 4101

**SUBJECT:** Amendment to the Rural Center Residential Districts (RC-1, RC-2.5)

## **PC HEARING**

**DATE:** February 18, 2016

**REPORT DATE:** February 2, 2016

---

## **I. SUMMARY**

A change is proposed to a use section of Clark County Code (CCC) Title 40 as follows:

- 1) Amend the Rural Center Residential Districts' use section (CCC 40.210.030) to conditionally allow Residential Care Facilities on parcels greater than 5 acres.

## **II. BACKGROUND**

A private non-profit corporation, Daybreak Youth Services (Daybreak), approached the Board of County Councilors (Board) in November of 2015 to share its unique opportunity to open a residential treatment facility in the Brush Prairie area of Clark County. Prepared with facts regarding either the lack or complete absence of space for substance abuse treatment for boys/young men and girls/young women, the non-profit discussed with the Board the idea of amending the Rural Center Residential Districts code to allow the operation of a residential care facility. With a commitment to acquire and re-purpose a newer, abandoned church, Daybreak sought a code change so that they could apply for some kind of approval by the county.

The Board desires a permanent code amendment to the use table in CCC 40.210.030. With caveats that residential treatment facilities require at least five (5) acres and approval of a conditional use permit, the Board addresses the issue that this proposed code amendment will have wide-spread effect. The permanent code amendment would also prevent the possibility that an approved Daybreak operation becomes a legal, non-conforming use.

### III. PROCESS

The Board of County Councilors adopted an interim zoning ordinance (see attached Resolution No. 2015-11-12) on November 18, 2015, amending CCC 40.210.030 to conditionally allow Residential Care Facilities on larger parcels. The Board directed staff to present a permanent code amendment to the Planning Commission in early 2016.

### IV. COMMUNITY OUTREACH

Daybreak held a neighborhood meeting at the former Bethesda Slavic Church in Brush Prairie on November 30, 2015. Notification and letters went out to property owners near the church to discuss the possibility of a residential care facility being allowed in the Brush Prairie Rural Center. A two page meeting summary of that event is attached. County staff did not attend the meeting.

Approval of amended development regulations are subject to SEPA review. As such, a SEPA determination of non-significance was published in the "Reflector" newspaper on Wednesday, February 10, 2016. An environmental checklist with the potential ramifications of these code changes was sent to SEPA agencies, with a SEPA comment period deadline of February 24, 2016.

A legal notice of the February 18, 2016 Planning Commission public hearing was published in the "Reflector" newspaper on Wednesday, February 3, 2016.

### IV. RECOMMENDATION

Staff requests the Planning Commission consider this proposal and forward a recommendation to the Board of County Councilors.

***Note: proposed new text is double underlined; text proposed to be removed is ~~struck through~~***

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

##### A. Purpose.

The rural center residential zones are to provide lands for residential living in the rural centers at densities consistent with the comprehensive plan. These districts are only permitted in the designated rural centers. Natural resource activities such as farming and forestry are allowed to

occur as small-scale activities in conjunction with the residential uses in the area. These areas are subject to normal and accepted forestry and farming practices.

**B. Location Criteria.**

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

**C. Uses.**

The uses set out in Table 40.210.030-1 are examples of uses allowable in rural center 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 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1	P	P	40.260.010

guest house			
b. Family day care centers	P	P	40.260.160
c. Adult family homes	P	P	40.260.190
d. Home business – Type I	P	P	40.260.100
e. Home business – Type II	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	P	P	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	P	P	40.260.050
h. Country inns of historic significance	C	C	
i. Garage sales	P	P	40.260.090
j. Residential care homes	C	C	40.260.180
k. Temporary dwellings	P	P	40.260.210
l. Staffed residential homes	C	C	40.260.205
<u>m. Residential Care Facilities (on parcels greater than 5 acres)</u>	<u>C</u>	<u>C</u>	<u>40.260.180</u>
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	P	P	
b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	

e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
h. Dental and medical offices	C	C	
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
b. Neighborhood parks	P	P	40.260.157
c. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club	C	C	
d. Golf courses	X	X	
e. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
f. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
g. Equestrian events center	C	C	40.260.040
h. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter <a href="#">5.32</a>
4. Services, Membership Organization.			
a. Churches	C	C	

5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C <sup>1</sup>	C <sup>1</sup>	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
8. Other.			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C <sup>2</sup>	P/C <sup>2</sup>	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	X	X	
e. Temporary uses	P	P	40.260.220

f. Electric vehicle infrastructure	P	P	40.260.075
g. Medical marijuana collective gardens	X	X	
h. Marijuana-related facilities	X	X	

<sup>1</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>2</sup> *See Table 40.260.250-1.*

#### D. 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 40.210.030-2 and 40.210.030-3, subject to the provisions of Chapter [40.200](#) and Sections [40.350.030](#) and [40.550.020](#).

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

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

<sup>2</sup> *Unless a greater width shall be required by the Clark County fire code.*

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height

Zoning District	Minimum Setbacks <sup>4</sup>				Maximum Lot Coverage	Maximum Building Height (feet)
	Front <sup>5</sup> (feet)	Side Street <sup>5</sup> (feet)	Interior (feet)	Rear (feet)		
RC-2.5	25	25	10, 50 <sup>1</sup>	10, 50 <sup>2</sup>	N/A	35 <sup>3</sup>
RC-1	25	25	10, 50 <sup>1</sup>	10, 50 <sup>2</sup>	N/A	35 <sup>3</sup>

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

<sup>2</sup> *Rear Setbacks. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.*

<sup>3</sup> *For all structures.*

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

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

## 2. Previous Land Divisions.

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

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

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