

ORDINANCE NO. 2017-07-04

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

WHEREAS, the Board of Clark County Councilors (Board) adopted Ordinance 2016-06-12 on June 28, 2016, completing the required 2016 update of the county's comprehensive plan (2016 Plan Update); and

WHEREAS, Futurewise and Friends of Clark County, and Clark County Citizens United appealed the 2016 Plan Update; and

WHEREAS, the Growth Management Hearings Board (GMHB) held a hearing on the issues on February 8, 2017; and

WHEREAS, the GMHB issued its final decision and order (Order) on March 23, 2017, finding that the County's 2016 Plan Update had complied with the Growth Management Act (GMA) on most issues, but that the 2016 Plan Update had violated GMA on certain issues, which the Order remanded back to the county with direction to come into compliance; and

WHEREAS, the Board has discussed the remanded issues and potential responses to them in public meetings on March 29, 2017, April 25, 2017, June 7, 2017, and June 20, 2017; and

WHEREAS, certain of the noncompliant and remanded portions of the 2016 Plan Update included the following:

1. The 2016 Plan Update established AG-10 and FR-20 districts in place of the AG-20 and FR-40 districts, respectively; and,
2. It eliminated the Rural-20, Rural-10 and Rural-5 Plan designations in favor of a single Rural designation that was implemented by the R-20, R-10, and R-5 zones; and,
3. It established an Urban Reserve overlay, with uses to be governed by its own use list; and
4. It failed to specify a maximum acreage for the Rural Industrial Land Bank; and
5. It expanded the Urban Growth Area of the City of Battle Ground; and

WHEREAS, the Clark County Planning Commission held a duly advertised public hearing on May 18, 2017 at which it addressed proposals to come into compliance with the above areas of noncompliance, and recommended that the Board adopt those proposals; and

WHEREAS, the Planning Commission further recommended that the Board accept a request by the City of Battle Ground to impose the Urban Reserve overlay on any land removed from its Urban Growth Area; and

1
2 WHEREAS, the Board held a duly advertised public hearing on June 20,
3 2017, at which it considered the Planning Commission recommendations and took
4 public testimony and deliberated on them; and

5
6 WHEREAS, the Board finds and concludes that the actions recommended
7 by the Planning Commission and set forth below are in the best public interest for
8 the health, safety and welfare of Clark County;

9
10 Now, Therefore,

11 BE IT ORDERED, RESOLVED AND DECREED BY THE BOARD OF
12 COUNTY COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON, AS
13 FOLLOWS:

14
15 **Section 1. Amendatory.** The 20-Year Clark County Comprehensive
16 Growth Management Plan map for 2015-2035 is amended, as follows:

17
18 Resource Lands. All parcels currently designated as Forest Tier 2 with a zoning
19 of FR-20 are hereby changed to FR-40 zoning. All parcels currently designated
20 as Agriculture (AG) with a zoning of AG10 zoning are hereby changed to AG-20
21 zoning.

22
23 Rural Lands. All parcels with R-20 zoning now have a comprehensive plan
24 designation of R-20. All parcels with R-10 zoning now have a comprehensive plan
25 designation of R-10. All parcels with R-5 zoning now have a comprehensive plan
26 designation of R-5.

27
28 Battle Ground UGA. Tax Lots 228346000, 228286000, 228344000, 228347000,
29 228339000, 228345000, 228348000, 228310000, 228343000, 228341000,
30 228342000, 228273000, 228301000, 228272000, 228340000, 986030989, and
31 228300000 are:

- 32
33 1) hereby removed from the Battle Ground urban growth area; and
34 2) given a comprehensive plan designation and zoning of R-5; and
35 3) given an urban reserve overlay of UR-20.

36
37
38 **Section 2. Amendatory.** The 20-Year Clark County Comprehensive
39 Growth Management Plan text for 2015-2035 is amended, as follows:

40
41 **Land Use Element (Chapter 1)**

42
43 Interpretation of the 20-Year Plan Map (page 31)

1 Table 1.4. Rural Lands Plan Designation to Zone Consistency Chart.
2

Comprehensive Plan	Zoning
Rural 5 (R-5)	Rural 5 (R-5)
Rural 10 (R-10)	Rural 10 (R-10)
Rural 20 (R-20)	Rural 20 (R-20)
Rural (R)	Airport (A)
Rural Center (RC)	Rural Center (RC-1) Rural Center (RC-2.5)
Rural Commercial (CR)	Rural Commercial (CR-1) Rural Commercial (CR-2)
Rural Industrial (RI)	Heavy Industrial (IH) Airport (A)
Public Facility (PF)	Public Facility (PF) Airport (A)
Rural Industrial Land Bank (RILB)	Light Industrial (IL)

3
4
5 Table 1.5. Resource Lands Plan Designation to Zone Consistency Chart.
6

Comprehensive Plan	Zoning
Agriculture (AG)	Agriculture (AG- 40 20)
Agri-Wildlife (AG/WL)	Agri-Wildlife (AG/WL)
Forest Tier II	Forest (FR- 20 40)
Forest Tier I	Forest (FR-80)
Airport (A)	Airport (A)

7
8
9 Rural Lands (pages 36-37)

10
11 The Rural (R-5, R-10, R-20) designations are intended to provide lands for
12 residential living in the rural area. Natural resource activities such as farming and
13 forestry are allowed and encouraged to occur as small scale activities in conjunction
14 with the residential uses in the area. These areas are subject to normal and accepted
15 forestry and farming practices. The Rural 5, 10 and 20 comprehensive plan
16 designations are implemented with corresponding Rural 5, 10, and 20 base zones.
17 ~~implement this designation.~~ A Rural 10 designation is applied within the rural area
18 to prevent premature subdivision of future urban areas where the lands are adjacent
19 to designated Urban Reserves, where the predominant size is equal or greater
20 than 10 acres, to act as a buffer to Natural Resource lands or to protect
21 environmentally critical areas consistent with applicable county ordinance and related
22 regulations. A Rural 20 ~~map~~ designation applies to rural areas where the lands act as
23 a buffer to Natural Resource designated lands, are used for small scale forest or farm
24 production, or contain significant environmentally constrained areas as defined by
25 applicable county code and related regulations.
26

1 Resource Lands (page 37)

2

3 Agriculture Lands (AG)

4

5 These lands have the growing capacity, productivity; soil composition and surrounding
6 land use to have long-term commercial significance for agriculture and associated
7 resource production. This designation is implemented by the Agriculture (AG-20) (~~AG-~~
8 ~~40~~) base zone.

9

10 Agriculture/Wildlife (AG/WL)

11

12 This designation is applied to areas in the Columbia River lowlands which have the
13 characteristics to support long-term commercially-significant agriculture and are
14 valuable seasonal wildlife habitat. The primary uses in this area are commercial
15 agriculture, wildlife habitat management and recreation. This designation is
16 implemented by the Agriculture/Wildlife (AG/WL) base zone.

17

18 Forest Tier I

19

20 This designation is applied to those lands which have the physical characteristics that
21 are capable of management for the long-term production of commercially significant
22 forest products and other natural resources such as minerals. This tier is primarily
23 applied to larger parcels and major industrial forestry landowners. The Forest-80 (FR-
24 80) base zone, implements this designation.

25

26 Forest Tier II

27

28 This designation is applied to those lands which have the physical characteristics that
29 are capable of management for the long-term production of commercially significant
30 forest products and other natural resources, such as minerals. The Forest-40 (FR-40)
31 ~~Forest-20 (FR-20)~~ base zone implements this designation.

32

33

34 **Rural and Natural Resource Element (Chapter 3)**

35

36 Rural Land Distribution (page 82)

37

38 Table 3.1 Acreage Totals Based on 1994, 2007 and 2016 Zoning Categories.

39

40

Zoning	Acre 1994	Acre 2007	Acre 2016
R-5, R-10, R-20	105,102	100,117	102,213
AG-20, AG-40 [†] , AG-WL	39,802	35,760	37,460
FR-40, FR-20 [†] , FR-80	157,516	158,068	158,099

41 [†]Zoning changed from AG-20 and FR-40 in the 2016 plan update.

42

43

44

1 Rural Lands (page 91)

2
3 Policy 3.2.3 Those areas with a Rural Comprehensive Plan designation of Rural 5,
4 Rural 10, and Rural 20 shall have a residential density~~ies~~ of one dwelling
5 unit per 5, 10, and 20 acres (R-5, R-10, and R-20), respectively).

6
7 Forest Lands (page 93)

8
9 Policy 3.4.3 Those areas with Forest Tier I and Forest Tier II Comprehensive Plan
10 designations shall have a residential density~~ies~~ of one dwelling unit per
11 80 and 40 ~~20~~ acres (FR-80 and FR-40 ~~FR-20~~), respectively).

12
13 Agriculture Lands (page 94)

14
15 Policy 3.5.3 Those areas with Agriculture Comprehensive Plan designations shall
16 have a residential density of one dwelling unit per 20~~40~~ acres (AG-20
17 ~~AG-40~~).

18
19 Rural Industrial Land Bank (page 97)

20
21 Policy 3.8.1. Designate a rural industrial land bank that is compatible with surrounding
22 land uses and that creates long term value for both the community and
23 the industrial users. The maximum size of industrial land bank sites shall
24 be 700 acres.

25
26 **Section 3. Amendatory.** Clark County Code (CCC) Title 40 Table of
27 Contents, as amended previously by Ordinance 2016-06-12, is amended, as
28 shown in Exhibit 1.

29
30 **Section 4. Amendatory.** CCC Section 40.100.070, as previously
31 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 2.

32
33 **Section 5. Amendatory.** CCC Section 40.200.020, as previously
34 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 3.

35
36 **Section 6. Amendatory.** CCC Section 40.200.040, as previously
37 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 4.

38
39 **Section 7. Amendatory.** CCC Section 40.210.010, as previously
40 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 5.

41
42 **Section 8. Amendatory.** CCC Section 40.250.100, as previously
43 amended by Ordinance 2016-06-12, is adopted as shown in Exhibit 6.

44
45 **Section 9. Amendatory.** CCC Section 40.260.030, as previously
46 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 7.

47
48 **Section 10. Amendatory.** CCC Section 40.260.050, as previously
49 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 8.

1
2 **Section 11. Amendatory.** CCC Section 40.260.115, as previously
3 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 9.

4
5 **Section 12. Amendatory.** CCC Section 40.260.160, as previously
6 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 10.

7
8 **Section 13. Amendatory.** CCC Section 40.260.170, as previously
9 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 11.

10
11 **Section 14. Amendatory.** CCC Section 40.260.210, as previously
12 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 12.

13
14 **Section 15. Amendatory.** CCC Section 40.260.250, as previously
15 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 13.

16
17 **Section 16. Amendatory.** CCC Section 40.310.010, as previously
18 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 14.

19
20 **Section 17. Amendatory.** CCC Section 40.320.010, as previously
21 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 15.

22
23 **Section 18. Amendatory.** CCC Section 40.510.010, as previously
24 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 16.

25
26 **Section 19. Amendatory.** CCC Section 40.510.020, as previously
27 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 17.

28
29 **Section 20. Amendatory.** CCC Section 40.510.030, as previously
30 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 18.

31
32 **Section 21. Amendatory.** CCC Section 40.530.010, as previously
33 amended by Ordinance 2016-06-12, is amended, as shown in Exhibit 19.

34
35 **Section 22. Amendatory.** CCC Section 40.560.010, as previously
36 amended by Ordinance 2016-06-12, is amended as shown in Exhibit 20.

37
38 **Section 23. Repealer.** Ordinance 2017-04-14 is repealed in its
39 entirety, effective the day following the effective date of this ordinance.

40
41 **Section 24. Severability.** If any section, clause, or phrase of this ordinance
42 should be held invalid or unconstitutional by the Growth Management Hearings Board
43 or a court of competent jurisdiction, such invalidity or unconstitutionality shall not
44 affect the validity or constitutionality of any other section, sentence, clause or phrase
45 of this ordinance.

1 **Section 25. Instructions to the Clerk.** The Clerk of the Board shall:

- 2
- 3 1. Transmit a copy of this ordinance to the Washington Department of
- 4 Commerce within ten days of its adoption, pursuant to RCW 36.70A.106;
- 5 2. Record a copy of this ordinance with the Clark County Auditor;
- 6 3. Cause notice of adoption of this ordinance to be published forthwith pursuant to
- 7 RCW 36.70A.290;
- 8 4. Transmit a copy of this ordinance to Code Publishing, Inc. to update the electronic
- 9 version of the Clark County Code.
- 10 5. Transmit a copy of this ordinance to Clark County Geographic Information
- 11 Systems (Ken Pearrow, GIS Coordinator), Community Planning (Oliver Orjiako,
- 12 Director), Community Development (Marty Snell, Director, and Debra Weber,
- 13 Tidemark Data Manager); and
- 14 6. Transmit a copy of this ordinance to the City of Battle Ground.

15

16 **Section 26. Effective Date.** This ordinance shall go into effect ten (10) days

17 after adoption as provided by law.

18 ADOPTED this 11 day of Sept, 2017.

19

20

21 BOARD OF COUNTY COMMISSIONERS

22 FOR CLARK COUNTY, WASHINGTON



23 Attest:

24

25 Rebecca Felton

26 Clerk to the Board

27 By: Marc Boldt

28 Marc Boldt, Chair

29

30

31 Approved as to Form Only:

32 Anthony F. Golik

33 Prosecuting Attorney

34

35 By: _____

36 Jeanne Stewart, Councilor

37 By: _____

38 Julie Olson, Councilor

39 By: Christine Cook

40 Christine Cook

41 Sr. Deputy Prosecuting Attorney

42 By: _____

43 John Blom, Councilor

44 By: _____

45 Eileen Quiring, Councilor

1 **EXHIBIT 1**

2

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

4

5 **TABLE OF CONTENTS**

6

7 **Chapter 40.210 Resource and Rural Districts**

8 40.210.010 Forest, Agriculture and Agricultural-Wildlife Districts (FR-80, FR-40, ~~FR-~~
9 ~~20~~, AG-20, ~~AG-10~~, AG-WL)

10 40.210.020 Rural Districts (R-20, R-10, R-5)

11 40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)

12 40.210.050 Rural Commercial Districts (CR-1, CR-2)

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14

1 **EXHIBIT 2**

2
3 **40.100 GENERAL PROVISIONS**

4
5 **40.100.070 DEFINITIONS**

6
7 **40.100.070 Definitions**

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

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

26
27 * * * * *

<p>28 29 30 31 32</p> <p>Lot area, rural</p>	<p>"Lot area, rural" means the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"> • Private driveway easements, • On-site road easements, • One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways. <p>For the purposes of this definition, "rural lot area" applies to urban reserve (UR-10 and UR-20), and urban holding overlays (UH-10 and UH-20), and rural (R-5, R-10 and R-20), agricultural (AG-20AG-10 and AG-WL) and forest resource (FR-40FR-20 and FR-80) districts.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2016-06-12)</p>
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1 **EXHIBIT 3**

2

3 **40.200 LAND USE DISTRICTS – GENERAL PROVISIONS**

4

5 **40.200.020 ZONING CLASSIFICATIONS**

6

7 A. Classification of Zoning Districts.

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

10

11

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
RESOURCE AND RURAL DISTRICTS (40.210)				
Forest and Agriculture	FR-80, <u>FR-40</u> , FR-20 , <u>AG-20</u> AG-10		X	40.210.010
Agricultural-Wildlife	AG-WL		X	
Rural	R-20, R-10, R-5		X	40.210.020
Rural center residential	RC-1, RC-2.5		X	40.210.030
Rural Commercial	CR-1, CR-2		X	40.210.050
URBAN AREA RESIDENTIAL DISTRICTS (40.220)				
Single-family residential	R1-20, R1-10, R1-7.5, R1-6, R1-5	X		40.220.010
Residential	R-12, R-18, R-22, R-30, R-43	X		40.220.020
Office residential	OR-15, OR-18, OR-22, OR-30, OR-43	X		
COMMERCIAL, BUSINESS, MIXED USE AND INDUSTRIAL DISTRICTS (40.230)				
Rural commercial	CR-1, CR-2		X	<u>40.210.050</u>
Neighborhood commercial	NC	X		40.230.010
Community commercial	CC	X		
General commercial	GC	X		

Table 40.200.020-1. Zoning Districts.				
Zoning District	Map Symbol	Urban	Rural	Code Section
Mixed use	MX	X		40.230.020
Business park	BP	X		40.230.030
University	U	X		40.230.050
Airport	A	X	X	40.230.060
Light industrial	IL	X		40.230.085
Heavy industrial	IH	X	X	
Public Facilities	PF	X	X	40.230.090
COLUMBIA RIVER GORGE NATIONAL SCENIC AREA DISTRICTS (40.240)				
Gorge Large-Scale Agriculture	GLSA-80, GLSA-40		X	40.240
Gorge Small-Scale Agriculture	GSSA-20		X	
Gorge Small Woodland	GSW-40, GSW-20		X	
Gorge Open Space	GOS		X	
Gorge Residential	GR-5		X	
Gorge Public Recreation	GPR		X	
Gorge SMA Agriculture	GSAG		X	
Gorge SMA Federal Forest	GSFF		X	
Gorge SMA Non-Federal Forest	GSNFF		X	
Gorge SMA Open Space	GSOS		X	
OVERLAY DISTRICTS (40.250 and 40.460)				

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

(Amended: Ord. 2008-12-15; Ord. 2009-06-16; Ord. 2009-12-01; Ord. 2010-12-12; Ord. 2012-12-14; Ord. 2016-06-12)

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1 **EXHIBIT 4**

2
3 **40.200 LAND USE DISTRICTS – GENERAL PROVISIONS**

4
5 **40.200.040 MINIMUM AND MAXIMUM CALCULATIONS**

6
7 A. General Rule.

- 8 1. When determining maximum standards for planning related calculations
9 (including density, parking setbacks, etc.), the final number in any calculation
10 shall be rounded down to the nearest whole unit. However, if two (2) or more
11 amounts must be added to figure a total, applicants shall use numbers
12 accurate to two (2) decimal places (hundredths) when adding the amounts and
13 round off only the total. For example, if the density for a project were
14 determined to be 15.89 units, only fifteen (15) units would be permitted.
- 15 2. When determining minimum standards for planning related calculations
16 (including density, parking setbacks, etc.), the final number in any calculation
17 shall be rounded up to the nearest whole unit. However, if two (2) or more
18 amounts must be added to figure a total, applicants shall use numbers
19 accurate to two (2) decimal places (hundredths) when adding the amounts and
20 round off only the total. For example, if the required parking for a project were
21 determined to be 15.89 spaces, a total of sixteen (16) spaces would be
22 required.
- 23 3. These standards shall not apply for the purposes of engineering related
24 calculations (surveying information, stormwater calculations, road construction
25 information, etc.).

26
27 B. Density Calculations.

- 28 1. For all urban zoning districts with minimum densities except R1-5, R1-6, R1-
29 7.5, R1-10 and R1-20, the following shall apply:
- 30 a. Minimum density or floor area ratio will be based on the developable area of
31 the lot that remains after subtracting:
- 32 (1) Land devoted to public right-of-way or private street easements, public
33 parks and trails, required landscaping and drainageways;
- 34 (2) Land designated by covenant or public dedication to be permanently
35 maintained in an undeveloped state because the land is identified as
36 sensitive due to the presence of steep slopes, unstable land, historical
37 or archaeological sites, wetlands and buffers, or other permanent
38 physical development limitations as may be determined by the
39 responsible official. All other lands shall be considered in the calculation
40 of minimum density including required setbacks, private recreation or
41 common areas.
- 42 b. Maximum density or floor area ratio shall be calculated based upon the
43 gross area of the site, excluding public right-of-way or private street
44 easements.
- 45 2. For the R1-5, R1-6, R1-7.5, R1-10 and R1-20 zoning districts, minimum and
46 maximum densities shall be calculated pursuant to the standards in Chapter
47 40.220.
- 48
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C. Lot Area Calculations.

1. Lot area is the computed area contained within the lot lines.
 - a. In the urban area, except for the UH zones, lot area excludes street and alley rights-of-way, street easements, and street tracts.
 - b. In the urban reserve (UR-10 and UR-20), urban holding (UH-10 and UH-20), rural (R-5, R-10 and R-20), agricultural (~~AG-20~~ ~~AG-10~~ and AG-WL) and forest resource (~~FR-40~~ ~~FR-20~~ and FR-80) districts, lot area includes on-site road easements, and one-half (1/2) the width, or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.
 - c. Driveways are included in lot area in all zones.
2. One lot within a proposed subdivision, short plat or exempt division shall be considered in compliance with the minimum lot area requirements if it is within ten percent (10%) of the required lot area for the zone. To utilize this provision in the R1-5 and R1-6 zones, one lot may be excluded from the average minimum lot calculations and the ten percent (10%) lot area reduction may be applied to the excluded lot. The provisions of this section shall not apply to developments utilizing the following:
 - a. Density transfer (Section 40.220.010(C)(5));
 - b. Rural cluster (Section 40.210.020).

(Amended: Ord. 2005-06-09; Ord. 2006-11-15; Ord. 2007-11-13; Ord. 2009-06-01; Ord. 2009-07-01; Ord. 2016-06-12)

1 **EXHIBIT 5**

2
3 **40.210 RESOURCE AND RURAL DISTRICTS**

4
5 **40.210.010 FOREST, AGRICULTURE AND AGRICULTURAL-WILDLIFE**
6 **DISTRICTS (FR-80, FR-40, FR-20, ~~AG-10~~ AG-20, AG- WL)**
7

8 A. Purpose.

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

31
32 B. Uses.

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

- 35 • "P" – Uses allowed subject to approval of applicable permits.
36 • "R/A" – Uses permitted upon review and approval as set forth in Section
37 40.520.020.
38 • "C" – Conditional uses which may be permitted subject to the approval of a
39 conditional use permit as set forth in Section 40.520.030.
40 • "X" – Uses specifically prohibited.

41
42 Where there are special use standards or restrictions for a listed use, the
43 applicable code section(s) in Chapter 40.260, Special Uses and Standards, or
44 other applicable chapter is noted in the "Special Standards" column.
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46
47
48
49

Table 40.210.010-1. Uses.

	FR-80	FR-4020	AG-2040	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings and accessory buildings	P ¹	P ¹	P ¹	P	40.260.010
b. Guest house	C ²	C ²	C ²	C ²	40.260.010
c. Family day care centers	P	P	P	P	40.260.160
d. Adult family homes	P	P	P	P	40.260.190
e. Home business – Type I	P	P	P	P	40.260.100
f. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. Garage sales	P	P	P	P	40.260.090
j. Temporary dwellings	P	P	P	X	40.260.210
2. Services, Business.					
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	R/A	R/A	R/A	C	
b. Roadside farm stand	P	P	P	P	40.260.025
c. Agricultural market	P	P	P	X	40.260.025
d. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	R/A	X	40.260.110
e. Private kennels	P	P	P	P	40.260.110
f. Animal boarding and day use facilities	P	P	P	X	40.260.040
3. Services, Amusement. ¹⁰					
a. Public recreation, scenic and park use ¹⁰	P	P	P	C ³	
b. Public interpretive/educational uses ¹⁰	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts ¹⁰	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking ¹⁰	P	P	P	P	
e. Regional recreational facilities designed and	P	P	P	P	

Table 40.210.010-1. Uses.					
developed through a public master planning process ¹⁰					
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C ³	
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
4. Services – General.					
a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
5. Services, Membership Organization.					
a. Churches	X	C	C	X	
6. Services, Educational. ¹⁰					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
7. Public Service and Facilities. ¹⁰					
a. Ambulance dispatch facilities ¹⁰	C	C	C	C	40.260.030
b. Government facilities ¹⁰	C ⁴	C ⁴	C ⁴	C ⁵	
c. Public corrections facilities ¹⁰	C	C	C	X	
8. Resource Activities.					
a. Agricultural	P ⁶	P ⁶	P ⁶	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal,	P	P	P	C	Chapter 40.440

Table 40.210.010-1. Uses.					
berries, ferns, greenery, mistletoe, herbs and mushrooms					
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁷	P ⁷	P ⁷	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P ⁸	P ⁸	P ⁸	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105
m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	P	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter 40.310
b. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	P	C	40.260.240
c. Wireless communications facilities	P/C ⁹	P/C ⁹	P/C ⁹	P/C ⁹	40.260.250
d. Dams for flood control and hydroelectric generating facilities	C	C	C	C	
e. Solid waste handling and disposal sites	C	C	C	C	40.260.200
f. Private use landing strips for aircraft	C	C	C	X	40.260.170
g. New cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries;	X	X	X	C	

Table 40.210.010-1. Uses.					
provided, that no crematoria is within two hundred (200) feet of a lot in a residential district					
h. Expansion of existing cemeteries	P	P	P	P	
i. Temporary uses	P	P	P	P	40.260.220
j. Electric vehicle infrastructure	P	P	P	P	40.260.075
k. Marijuana-related facilities	X	X	X	X	

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¹ One (1) single-family dwelling on legal lot or legal nonconforming lot of record.
² One (1) guesthouse in conjunction with a single-family dwelling or mobile home.
³ 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:

- There will be no significant environmental impact, especially as it relates to wildlife, resulting from the proposed use; and
- The subject site cannot be put to any reasonable economic use which is provided for in this section.

⁴ Government facilities necessary to serve the area outside urban growth boundaries, including fire stations, ambulance dispatch facilities and storage yards, warehouses, or similar uses.
⁵ Limited to fire stations only.
⁶ 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.
⁷ Additional surface mining and associated activities subject to zone change to add the surface mining overlay district, Section 40.250.020.
⁸ 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.
⁹ See Table 40.260.250-1.
¹⁰ Once a property has been developed as a public facility, a docket is required to change the comprehensive plan designation from the current zone to the Public Facility zone.

(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)

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.

Table 40.210.010-2. Lot Requirements.

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

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

- 1 a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells,
 2 watershed intake facilities, gas and water transmission lines and telecommunication facilities.
 3 b. Dams for flood control and hydroelectric generating facilities.
 4 ² Minimum lot width – One hundred forty (140) feet for legal lots created under Section 40.210.010(D).
 5 (Amended: Ord. 2006-05-01; Ord. 2007-11-13)
 6

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

- 7
 8 ¹ See Section 40.530.010(D)(2) for nonconforming lots.
 9 ² From public road right-of-way or private road easement.
 10 ³ All structures.
 11 ⁴ Residential buildings only.
 12

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

- 14
 15 2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
 16 3. Previous Land Divisions.
 17 a. Within the FR-80, FR-~~40~~ 20 and AG-~~20~~ 40 districts, until the affected
 18 property is included within an urban growth boundary, no remainder lot of a
 19 previously approved agriculture or forest district "cluster" land division or lot
 20 reconfiguration shall be:
 21 (1) Further subdivided or reduced in size below seventy percent (70%) of
 22 the total developable area of the original parent parcel constituting the
 23 cluster subdivision; or
 24 (2) Reduced by a total of more than one (1) acre.
 25 b. Applications for reduction in remainder lot size consistent with this provision
 26 shall be processed as a plat alteration pursuant to Section 40.540.120.
 27 c. Exceptions to Subsections (C)(3)(a) and (b) of this section. A remainder lot
 28 with an existing residence may be short platted further to contain the
 29 residence on its own lot, subject to the following:
 30 (1) Process. Creation of the new lot is subject to the requirements of
 31 Section 40.540.030.
 32 (2) Lot Size. The new lot shall be sized to require the minimum reduction in
 33 the remainder lot, but still meet minimum requirements of this section
 34 and for on-site sewage disposal as required by the Clark County Public
 35 Health.
 36 (3) The new lot may not include critical areas unless no other alternative
 37 exists. If no alternative is available, encroachment into these areas shall
 38 be limited to the least amount possible consistent with applicable critical

1 areas ordinances.

- 2 (4) A building envelope containing the existing residence and accessory
3 buildings shall be established within the new lot, subject to the following:
4 (a) A minimum one hundred (100) foot setback between the envelope
5 and the remainder parcel is maintained, unless it can be shown that
6 a lesser setback with existing or proposed landscaping or existing
7 vegetation will provide the same or greater buffering. In no case shall
8 a setback less than fifty (50) feet be approved.
9 (b) A minimum twenty (20) foot setback between the envelope and other
10 cluster lots is maintained.
11 (5) A note shall be placed on the plat stating the following:

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

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

- 38 4. Nonconforming lots may be reconfigured pursuant to Section 40.530.020(B).

39
40 *(Amended: Ord. 2005-04-12; Ord. 2011-08-08; Ord. 2014-01-08)*

41
42 **D. Nonconforming Lots – Lot Reconfiguration Standards.**

- 43 1. Purpose. It is in the public interest to encourage the protection of sensitive
44 lands, expand the amount of commercially viable resource land under single
45 ownership, reduce the amount of road and utility construction and, within the
46 FR-80, FR-~~40~~ 20 and AG-~~20~~ 40 districts, to protect and buffer designated
47 resource lands.
48 2. Lot Reconfiguration. Except for previously approved agricultural or forest zoned
49 clusters or rural residential planned unit developments, these substandard lots

1 may be modified where consistent with the following criteria. Parcels which
2 meet all of the following criteria are eligible for reconfiguration and reduction in
3 size subject to a Type II review:

4 a. Existing parcel(s) is:

- 5 (1) smaller than the minimum lot size established for new lots in the
6 applicable zoning district. Parcels which meet the minimum lot size may
7 be adjusted as a part of this process, but may not be decreased below
8 the established minimum lot size.
9 (2) determined to be legally created, and be reasonably buildable. Within
10 the FR-80, FR-~~40 20~~ and AG-~~20 40~~ districts, this section authorizes lot
11 reconfiguration only where existing divisions are determined to have a
12 reasonable probability of developing. For the purposes of this section
13 the review authority shall determine whether the existing lots are
14 reasonably buildable by considering the following: road access, septic
15 suitability, topography, costs of providing infrastructure and the presence
16 of sensitive land.

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

- 18 (1) No additional parcels;
19 (2) Have septic suitability approval;
20 (3) Have adequate potable water at the time of occupancy, subject to
21 Section 40.370.020;
22 (4) Each resulting legal nonconforming parcel shall be at least one (1) acre
23 in size with a minimum width of at least one hundred forty (140) feet;
24 and
25 (5) In addition, within the FR-80, FR-~~40 20~~ and AG-~~20 40~~ districts:
26 (a) The location of the resulting reconfigured lots shall have the least
27 impact on sensitive and resource lands;
28 (b) Access to reconfigured lots shall meet the minimum standards
29 necessary to obtain a building permit;
30 (c) The remainder lot shall not be further subdivided or reduced in size
31 unless the affected property is included within an urban growth
32 boundary;
33 (d) Reconfigured lots shall not be further adjusted by boundary line
34 adjustment without approval under this section.

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

- 37 3. Lot Requirements. The setback, dimensional, use and height standards for
38 these lots shall be as established for the Rural-5 (R-5) district except that
39 reductions in side and rear setbacks shall be granted where necessary to
40 permit construction of a dwelling on the parcel; providing, when the parcel is
41 abutting, or surrounded by, property zoned for resource uses, the minimum
42 setback from those property lines shall be fifty (50) feet for all structures.
43 4. The review authority may impose conditions on the lot reconfiguration to further
44 the purposes of this section.
45 5. Lot reconfigurations shall be finalized upon the filing of a record of survey or
46 covenant.
47
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1 E. Land Divisions in the AG-~~20~~ 40-and FR-~~40~~ 20 Zones.

2 1. Applicability.

3 a. The provisions of this subsection shall apply to all land divisions in the AG-
4 ~~20~~ 40-and FR-~~40~~ 20-zoning districts after July 1, 2016.

5 b. Available options for land division are authorized:

6 (1) Pursuant to Chapter 40.540; or

7 (2) Pursuant to Chapter 40.540 and by using the cluster provisions in
8 Section 40.210.010(E)(3).

9 c. In the AG-~~20~~ 40 zoning district:

10 (1) Land divisions that result in parcels twenty (20) acres (or lots capable
11 of being described as one-thirty-second (1/32) of a section) in size or
12 larger are allowed under the exemption provisions of Section
13 40.540.020(B)(4)(b).

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

17 d. In the FR-~~40~~ 20 zoning district, land divisions that result in parcels less than
18 forty (40) acres in size must be platted and meet the additional
19 requirements of this chapter.

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

22
23 2. Definitions. For the purposes of this subsection, the following definitions shall
24 apply:
25

Critical lands	"Critical lands" mean those lands classified by Subtitle 40.4. Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
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.

26
27 3. Development Standards for Subdivisions or Short Plats. Subdivisions and short
28 plats are allowed pursuant to Chapter 40.540. The density shall be based on
29 one hundred percent (100%) of the gross area of the site.

30 4. Development Standards for Clustering.

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

35 b. Cluster lots shall be created, as follows:

36 (1) To minimize conflicts between housing and agricultural or forest uses;

37 (2) Along parent property boundary lines, adjacent to existing roads, and to
38 minimize the need for new roads and driveways;

39 (3) To have building envelopes that avoid critical areas;

40 (4) On parcels with an existing house, one (1) of the cluster lots has to

- 1 include the existing house;
- 2 (5) To be adjacent to each other and to any preexisting residence, unless
- 3 the location of the existing residence would preclude compliance with
- 4 the other provisions of this subsection;
- 5 (6) If located on agriculturally zoned land, ~~and to the extent not precluded~~
- 6 ~~by other provisions of this subsection~~, to be limited to lands with poor
- 7 soils or soils otherwise unsuitable for agricultural purposes; and
- 8 (7) Each cluster lot shall contain a buffer from abutting resource uses.
- 9 c. Remainder Parcel.
- 10 (1) The remainder parcel shall be contiguous. Fragmentation of the parcel
- 11 by public or private road easements and/or building sites shall not occur
- 12 unless no other reasonable alternative exists. Remainder parcels shall
- 13 also be located adjacent to other bordering remainder parcels or public
- 14 parks and open space, if practical.
- 15 (2) The remainder parcel shall be nonbuildable and used for the agriculture
- 16 and forestry uses as listed in Table 40.210.010-1(8)(a), (b) and (d), or as
- 17 open space.
- 18 (3) A farm or forest management plan is required for the remainder parcel.
- 19 The plan shall be submitted and approved with the preliminary
- 20 application. The plan shall:
- 21 (a) Identify permitted uses and management of the parcel so that it
- 22 maintains designated agricultural or forest functions and provides for
- 23 the protection of all critical areas;
- 24 (b) Identify the responsibility for maintaining agriculture or forest uses on
- 25 the parcels; and
- 26 (c) Include any construction activities (for example, fencing or
- 27 agricultural buildings) and vegetation clearing that may occur on site.
- 28
- 29 If in current use, the plan submitted for the current use taxation program shall
- 30 suffice for meeting this requirement.
- 31
- 32 (4) A note shall be placed on the plat that the remainder parcel shall not be
- 33 further subdivided or reduced in size unless brought into an urban
- 34 growth area. In addition, a restrictive covenant shall be recorded that
- 35 clearly states that only the above uses are permitted on the parcel. The
- 36 note and covenant shall also incorporate the management plan, as
- 37 described above.
- 38 d. Lot Requirements. New lots and structures and additions to structures
- 39 subject to this section shall comply with the applicable standards for lots
- 40 and building height, and setbacks in Tables 40.210.010-4 and 40.210.010-
- 41 5, subject to the provisions of Chapter 40.200 and Section 40.550.020.
- 42

Table 40.210.010-4. Lot Requirements – FR-40 20 and AG- 20 10 Cluster Developments			
Lot Type	Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	1 acre ¹	140	140

Table 40.210.010-4. Lot Requirements – FR-40 20 and AG- 20 40 Cluster Developments

Lot Type	Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Remainder Lot	85% or greater of the parent parcel ²	None	None

1 ¹ Unless a larger size is required by Clark County Public Health. In no case shall a cluster lot exceed
 2 one-and-one-half (1.5) acres in size. Cluster lots can use right-of-way to meet the minimum lot size as
 3 permitted by Section 40.200.040(C)(1).
 4 ² The minimum standard for remainder parcels controls the maximum size of cluster lots.
 5
 6

Table 40.210.010-5. Setbacks, Lot Coverage and Building Height – FR-40-20 and AG-20 40 Cluster Developments

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

7 ¹ Except in cases where it can be shown that requiring the normal setback will result in the location of
 8 the building sites within inappropriate areas such as areas containing good agricultural soils, wildlife
 9 habitat or wetlands, or the dimensions of the development site render it unbuildable.
 10 ² Residential buildings only.
 11
 12

- 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

1 the Clark County plant list (see the Standard Details Manual). A
2 combination of trees and shrubs must be used.
3 (2) All landscaping shall be installed prior to final plat unless financial
4 guarantees are made for its installation prior to any building permit activity.
5 Any required landscaping materials that fail to survive within the first two (2)
6 years shall be promptly replaced.

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

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

18
19 *(Amended: Ord. 2016-06-12)*

1 **EXHIBIT 6**

2
3 **40.250 OVERLAY DISTRICTS**

4
5 **40.250.100 URBAN RESERVE OVERLAY (UR-10, UR-20)**

6
7 A. Purpose.

8 Urban reserve These lands are identified as being possible future additions to
9 Urban Growth Areas and may only be changed ~~added to the urban area as~~
10 ~~necessary through amendments to~~ during the Comprehensive Plan update
11 process. These lands are outside of but adjacent to ~~on the fringe of~~ Urban Growth
12 Boundaries. The purpose of the Urban Reserve Overlay is to protect areas from
13 premature land division and development that would preclude efficient transition to
14 urban development. The Urban Reserve Overlay is implemented by Urban
15 Reserve-10 (UR-10) ~~for future residential development~~ and Urban Reserve-20
16 (UR-20). ~~for all other types of future urban development.~~

- 17 1. Urban Reserve-10 (UR-10). The urban reserve-10 overlay protects identified
18 land adjacent to ~~identified on the fringe of~~ urban growth boundaries from
19 premature land division and development that would preclude efficient
20 transition to urban development.
- 21 2. Urban Reserve-20 (UR-20). The urban reserve-20 overlay protects identified
22 rural land adjacent to ~~on the fringe of~~ urban growth boundaries from premature
23 land division and development that would preclude efficient transition to large-
24 scale non-residential development.

25
26 B. Uses.

- 27 1. The uses allowed in the underlying district ~~set out in Table 40.250.100-4~~ are
28 examples of uses allowed in the urban reserve overlay district.
- 29 2. ~~The appropriate review authority is mandatory.~~
- 30 • ~~“P” — Uses allowed subject to approval of applicable permits.~~
 - 31 • ~~“R/A” — Uses permitted upon review and approval as set forth in Section~~
32 ~~40.520.020.~~
 - 33 • ~~“C” — Conditional uses which may be permitted subject to the approval~~
34 ~~of a conditional use permit as set forth in Section 40.520.030.~~
 - 35 • ~~“X” — Uses specifically prohibited.~~
- 36 2. ~~3.~~ In addition to the criteria in Section 40.520.030, in order to be approved, the
37 following criteria shall be met by all conditional uses:
- 38 a. Permanent structures or facilities shall be designed and located to provide
39 for the orderly extension of public roads, water and sewer to the site and
40 surrounding urban reserve properties.
 - 41 b. All necessary road, drainage and other rights-of-way or easements
42 necessary to ensure that future urban development will occur in an orderly
43 manner shall be identified and approved by the county engineer and
44 dedicated or otherwise protected.
 - 45 c. The property owner shall submit with the conditional use application a
46 signed agreement(s) between the property owner and the service
47 provider(s) that obliges the property owner to connect to public sewer and
48 water when each becomes available within three hundred (300) feet of the
49 site. The agreements must be consistent with Section 40.370.010.

- 1 3. 4. In addition to the criteria in Section 40.520.030, in order to be approved, the
2 following criteria shall be met by all schools:
3 a. The proponent shall demonstrate that the proposed site is more suitable
4 than specific alternative sites within the existing urban growth area. The
5 proponent shall address suitability criteria, which includes property size,
6 topography, zoning, surrounding land uses, transportation (including
7 adequacy of roads and transit services), environmental concerns and
8 location within the area to be served.
9 b. Schools shall be located within one-quarter (1/4) mile of the urban growth
10 boundary unless the applicant demonstrates no suitable property is
11 available.
12 5. ~~Where there are special use standards or restrictions for a listed use, the~~
13 ~~applicable code section(s) in Chapter 40.260, Special Uses and Standards, or~~
14 ~~other applicable chapter is noted in the "Special Standards" column.~~
15
16

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

Table 40.250.100-1. Uses.			
	UR-20	UR-10	Special Standards
parcels 5 acres or more			
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
3. Services, Amusement. ³			
a. Publicly owned recreational facilities, services, parks and playgrounds ³	P	P	40.260.157
b. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club ³	G	G	
c. Golf courses	G	G	
d. Equestrian facility on parcels less than 5 acres	G	G	40.260.040
e. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
f. Equestrian events center	G	G	40.260.040
g. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32
4. Services, Membership Organization.			
a. Churches	G	G	
5. Services, Educational. ³			
a. Public or private schools, but not including business, dancing or technical schools ³	G	G	40.260.160
6. Public Service and Facilities. ³			
a. Ambulance dispatch facilities ³	G	G	40.260.030
b. Government facilities ³	G ¹	G ¹	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
c. Housing for temporary workers	P	P	40.260.105
8. Other.			

Table 40.250.100-1. Uses.			
	UR-20	UR-10	Special Standards
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	G	G	40.260.200
c. Wireless communications facilities	P/G ²	P/G ²	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	G	G	
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	

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

² See Table 40.260.250-1.

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

C. Development Standards.

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

Table 40.250.100-2. Lot Requirements.			
	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
UR-20	20 ^{1,3}	350 ²	None
UR-10	10 ^{1,3}	350 ²	None

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

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

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

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

	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet)		
		Street (feet)	Interior (feet)			
UR-20	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³
UR-10	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³

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

3
4
5
6 ² ~~Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for natural resource or surface mining uses.~~

7
8 ³ ~~Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.~~

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

10
11 2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

12 3. Off-Street Parking. Off-street parking shall be provided as required in Chapter
13 40.340.

14 (Amended: Ord. 2016-06-12; Ord. 2016-09-04)

15
16 * * * * *

1 **EXHIBIT 7**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.030 AMBULANCE DISPATCH FACILITY**

6
7 A. In the R1-5, R1-6, R1-7.5, R1-10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-
8 15, OR-18, OR-22, OR-30, OR-43, R-5, R-10, R-20, FR-80, FR-40 ~~FR-20~~, AG-
9 20 ~~AG-10~~, and AG-WL districts, an ambulance dispatch facility may be
10 permitted upon issuance of a conditional use permit; provided, that the site has
11 a minimum lot size of ten thousand (10,000) square feet in the urban area and
12 should be on a street designated as an arterial on the county's comprehensive
13 plan.

14
15 B. Properties will develop per the standards of the current zone.

16
17 C. Once a property has been developed as a public facility, a docket is required to
18 change the comprehensive plan designation from the current zone to the Public
19 Facility zone.

20
21 *(Amended: Ord. 2016-06-12)*

22
23 * * * * *

1 **EXHIBIT 8**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.050 BED AND BREAKFAST ESTABLISHMENTS**

6
7 A. Purpose.

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

16
17 B. Use-Related Regulations.

- 18 1. A bed and breakfast establishment must be accessory to a household living on
19 the site. This means that an individual or family who operates the
20 establishment must own and occupy the house as their primary residence. The
21 house must have been used as a residence for at least a total of five (5) years
22 prior to filing the application for a bed and breakfast establishment.
- 23 2. Banquets, parties, weddings or meetings for guests or other non-family
24 members are prohibited. Services may only be provided to overnight patrons of
25 the facility.
- 26 3. Establishments containing three (3) to six (6) bedrooms for guests must meet
27 the Department of Social and Health Services (DSHS) bed and breakfast
28 guidelines administered by DSHS.
- 29 4. Bed and breakfast establishments are only allowed on resource lands (FR-80,
30 ~~FR-40,20~~, ~~AG-20,40~~ and AG-WL) when they do not diminish the primary use
31 of the land for long-term commercial production of agriculture or forest products
32 and other natural resources.

33
34 *(Amended: Ord. 2010-08-06; Ord. 2011-03-09; Ord. 2012-12-14)*

35
36 * * * * *

1 **EXHIBIT 9**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.115 MARIJUANA FACILITIES**

6
7 **A. Purpose.**

8 The purpose of this section is to implement Chapter 69.50 RCW, the Washington
9 Uniform Controlled Substances Act, and Chapter 314-55 WAC, which address the
10 producing, processing, and retailing of marijuana. This section addresses the
11 facilities for such uses by establishing criteria to adequately separate such facilities
12 from schools, community centers, parks, licensed daycare facilities, and other
13 such facilities, and to establish minimum performance standards to address public
14 health and safety impacts from such facilities.

15
16 **B. Applicability.**

- 17 1. This section shall apply to all unincorporated areas of the county.
18 2. The location restrictions and special standards in this section apply to any
19 facility that:
20 a. Is a producer of marijuana as defined in WAC 314-55-075;
21 b. Is a processor of marijuana as defined in WAC 314-55-077; or
22 c. Is a retailer of marijuana as defined in WAC 314-55-079.
23 3. This section does not pertain in any respect to medical marijuana collective
24 gardens.
25 4. Recreational marijuana-related permits will not be approved until such time that
26 marijuana is no longer listed as a federally controlled substance in accordance
27 with 21 U.S.C 812(c).

28
29 **C. Definitions.**

30 For purposes of this section, the following definitions shall apply:
31

Marijuana processor	"Marijuana processor" means a facility licensed by the Washington Liquor Control Board to transform marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers. Processors are classified as follows: <ul style="list-style-type: none">• Processor I: a facility limited to drying, curing, trimming, and packaging; and• Processor II: a facility that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging.
Marijuana producer	"Marijuana producer" means a facility licensed by the Washington Liquor Control Board for the growing and sale at wholesale of marijuana to marijuana processors and other marijuana producers.
Marijuana retailer	"Marijuana retailer" means a facility licensed by the Washington Liquor Control Board for the sale to consumers of usable marijuana and marijuana-infused products.

1 D. Location Standards.

- 2 1. Subject to Section 40.260.115(D)(1)(d), marijuana facilities as defined in Section
3 40.260.115(C) may be sited as follows:
4 a. Marijuana production facilities may be allowed on legal parcels of at least
5 ten (10) acres in size zoned AG-20 ~~AG-10~~ and FR-40, ~~FR-20~~, and on legal
6 conforming parcels zoned IL, IH, and IR.
7 b. Marijuana processing facilities may be allowed on legal parcels as follows:
8 (1) Processor I facilities, on legal conforming parcels zoned IL, IH, IR, and
9 BP;
10 (2) Processor I facilities, on parcels of at least ten (10) acres in size zoned
11 AG-20 ~~AG-10~~ and FR-40, ~~FR-20~~, but only as accessory to licensed
12 production facilities; and
13 (3) Processor II facilities, on parcels zoned IH, IL, IR, and BP.
14 c. Marijuana retailing facilities may be allowed on legal conforming parcels
15 zoned GC, CC, and CR-2.
16 d. No facilities are allowed within one thousand (1,000) feet of the perimeter of
17 the grounds of the following entities. The distance shall be measured as the
18 shortest straight line distance from the property line of the proposed
19 building/business location to the property line of the entities listed below:
20 (1) Elementary or secondary school;
21 (2) Public playground;
22 (3) Recreation center or facility, including the Clark County Events Center;
23 (4) Child care center;
24 (5) Public park;
25 (6) Public transit center;
26 (7) Library;
27 (8) Any game arcade where admission is not restricted to persons aged
28 twenty-one (21) or older; or
29 (9) Churches and religious facilities.
30 2. Where allowed, production and processing facilities may co-locate on the same
31 parcel, if they otherwise meet the requirements of Chapter 314-55 WAC and
32 this section.

33
34 *(Amended: Ord. 2016-06-12)*

35
36 * * * * *

1 **EXHIBIT 10**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.160 NURSERY SCHOOLS, PRESCHOOLS, KINDERGARTENS,**
6 **COMMERCIAL DAY CARE CENTERS, AND FAMILY DAY CARE**
7

8 A. Nursery schools, preschools, kindergartens and commercial day care centers shall
9 comply with the following criteria:

- 10 1. Minimum site size shall be ten thousand (10,000) square feet, except, when a
11 preschool, kindergarten or commercial day care center is designed as a part of
12 an integrated industrial, commercial or multifamily development, in which case
13 the minimum lot size may be reduced by the review authority, provided all other
14 applicable code requirements are met.
- 15 2. Provide and maintain outdoor play areas with a minimum area of one hundred
16 (100) square feet per individual based upon total capacity.
- 17 a. The outdoor play area requirement shall not apply to strictly "drop-in
18 facilities" where the individuals cared for are not on the premises for more
19 than three (3) hours in a twenty-four (24) hour period; provided, that the
20 requirements of the Washington Administrative Code are met.
- 21 b. Facilities with a capacity of forty (40) individuals or more, under the licensing
22 authority of the state Department of Social and Health Services (DSHS),
23 and with an approved "shifting schedule" for the use of outdoor play area by
24 DSHS, may calculate the outdoor play area based on one hundred (100)
25 square feet per individual using the outdoor area at any one (1) time;
26 however, a minimum of four thousand (4,000) square feet of outdoor play
27 area must be provided.
- 28 c. Facilities with a capacity of thirty-nine (39) or less, or which do not qualify
29 with a "shifting" schedule as stated above, may count up to fifty (50) square
30 feet of dedicated indoor play area per individual of capacity toward the
31 outdoor play area requirements.
- 32 3. The play area shall be abutting the indoor facility.
- 33 4. A sight-obscuring fence of at least four (4) feet, but not more than six (6) feet in
34 height, shall be provided around the outdoor play area.
- 35 5. Adequate off-street parking and loading space shall be provided pursuant to
36 Chapter 40.340.

37
38 *(Amended: Ord. 2008-06-02)*
39

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

- 41 1. When located in a resource, rural or residential zone (R1-5, R1-6, R1-7.5, R1-
42 10, R1-20, R-12, R-18, R-22, R-30, R-43, OR-15, OR-18, OR-22, OR-30, OR-
43 43, R-5, R-10, R-20, FR-80, FR-40, FR-20, AG-20, AG-10, and AG-WL
44 districts), no exterior structural or decorative alteration which will alter the
45 residential character of a residence is permitted.
- 46 2. Adequate off-street parking and loading space shall be provided pursuant to
47 Chapter 40.340.
- 48 3. Two (2) nonresident or non-family member employees are permitted if located
49 within a resource, rural or residential zone.
- 50 4. Signage shall be limited to one (1) sign, not to exceed two (2) square feet in

- 1 area, for identification purposes only.
- 2
- 3 (*Amended: Ord. 2016-06-12*)

1 **EXHIBIT 11**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.170 PRIVATE USE LANDING STRIPS FOR AIRCRAFT AND HELIPORTS**

6
7 All landing strips for aircraft or heliports shall be so designed and the runways and
8 facilities so oriented that the incidence of aircraft passing directly over dwellings
9 during their landing or taking off patterns is minimized. They shall be located so that
10 traffic shall not constitute a nuisance to neighboring uses. The proponents shall show
11 that adequate controls or measures will be taken to prevent offensive noise,
12 vibrations, dust or bright lights.

13
14 A. Private landing strips and heliports may be permitted upon approval of a
15 conditional use permit only in the R-5, R-10, R-20, AG-20, AG-10, FR-40, FR-20,
16 IL and IH zoning districts.

17
18 *(Amended: Ord. 2012-12-14)*

19
20 B. Heliports, helipads and helispots are permitted outright only in the FR-80 district.

21
22 C. Private use heliports may also be permitted upon approval of a conditional use
23 permit in the CC, CL, GC and OR districts.

24
25 *(Amended: Ord. 2016-06-12)*

1 **EXHIBIT 12**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.210 TEMPORARY DWELLINGS**

6
7 **A. Authorized – Hardship.**

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

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

28
29 **B. Conditions.**

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

- 32 1. The lot, tract or parcel shall be of such size and configuration, and the
33 temporary dwelling shall be located in such a manner as to enable compliance
34 with such zoning and subdivision regulations as would be applicable but for the
35 authorization of this section; provided, that:
 - 36 a. One (1) temporary dwelling may be approved for each authorized permanent
37 dwelling, if the tract or parcel of which it is a part is either:
 - 38 (1) One (1) acre or larger in size; or
 - 39 (2) Able to comply with the residential density standards for the applicable
40 zoning district with the addition of the temporary dwelling(s). For
41 example, the addition of one (1) temporary dwelling on a ten thousand
42 (10,000) square foot lot in the R1-5 zoning district with one (1) existing
43 dwelling.
 - 44 b. Within the agriculture and forest districts (FR-80, FR-40, FR-20, AG-20-AG-
45 40):
 - 46 (1) The additional dwelling(s) private well and septic system shall be located
47 where they will minimize adverse impacts on resource land;
 - 48 (2) If practical, the temporary dwelling shall be located within two hundred
49 (200) feet of the principal dwelling.

- 1 c. The temporary dwelling shall be a temporary structure such as a mobile
2 home designed, constructed and maintained in a manner which will
3 facilitate its removal at such time as the justifying hardship or need no
4 longer exists; provided, that the additional dwelling authorized by Section
5 40.260.210(A)(4)(b) need not be a temporary structure if the declaration
6 required by Section 40.260.210(C)(1)(e) includes a covenant obligating the
7 purchaser or successors to remove the existing dwelling upon the death or
8 permanent change in residency of the seller retaining a life estate.
- 9 2. A current vehicular license plate, if applicable, shall be maintained on the
10 temporary dwelling.
- 11 3. No more than one (1) temporary dwelling shall be authorized under this chapter
12 if the primary dwelling is a mobile home.
- 13 4. Upon cessation of the hardship or need justifying the temporary dwelling
14 permit, either such dwelling shall be removed or the owner of the lot, tract or
15 parcel shall comply with all applicable zoning subdivision requirements.

16
17 *(Amended: Ord. 2016-06-12)*

18 * * * * *

19

1 **EXHIBIT 13**

2
3 **40.260 SPECIAL USES AND STANDARDS**

4
5 **40.260.250 WIRELESS COMMUNICATION FACILITIES**

6
7 A. Purpose.

8 The purpose of this section is to protect visual and aesthetic features of Clark
9 County while providing continuing opportunities for effective wireless
10 communications services throughout the county. The following specific goals are
11 intended to protect the safety and welfare of the citizens of Clark County, and to
12 provide for planned development consistent with the comprehensive plan:

- 13 1. Promote maximum utilization and encourage collocation of new and existing
14 wireless communications antennas to minimize the total number of support
15 structures and towers throughout the county;
- 16 2. Encourage careful consideration of topography and location to ensure sites
17 have minimal impact on views;
- 18 3. Encourage the location of support towers and antenna arrays in nonresidential
19 areas; and
- 20 4. Encourage siting of new support towers that minimizes wildlife impacts.

21
22 B. Applicability and Exemptions.

23 1. Applicability. All wireless communications facilities (WCFs) that are not exempt
24 pursuant to this section shall conform to the standards specified in this section.
25 All WCFs in the Columbia River Gorge National Scenic Area shall additionally
26 comply with the requirements of Chapter 40.240.

27 2. Exemptions. The following are exempt from the provisions of this section and
28 shall be allowed in all zoning districts:

- 29 a. Wireless communications facilities that were legally established prior to the
30 effective date of the ordinance codified in this section;
- 31 b. Temporary facilities used on the same property for seven (7) days or less;
- 32 c. Temporary facilities that are used solely for emergency communications in
33 the event of a disaster, emergency preparedness, or public health or safety
34 purposes;
- 35 d. Two-way communication transmitters used for (1) emergency services
36 including, but not limited to fire, police, and ambulance services, and (2)
37 essential public utility services, including but not limited to electric, water
38 and wastewater;
- 39 e. Licensed amateur (ham) radio stations and citizen band stations;
- 40 f. Any maintenance, repair, replacement, or upgrade of previously approved
41 wireless communications facilities, support structures, and support towers;
42 provided:
 - 43 (1) Such activities do not increase the overall height of the facility by more
44 than ten percent (10%) or twenty (20) feet, whichever is greater, and any
45 additional height meets the allowable height requirements in Section
46 40.260.250(F);
 - 47 (2) None of the activities causes a light to be required where none was
48 previously approved;
 - 49 (3) Expansion or replacement of support structures may be subject to site

- 1 plan review under Section 40.520.040;
- 2 (4) An existing wireless carrier may add antennas to its facility, but the co-
- 3 location of an additional wireless carrier is not exempt from review under
- 4 this title;
- 5 (5) Replacements and upgrades under this subsection shall require building
- 6 safety review; and
- 7 (6) The addition of generators that were not previously approved are not
- 8 exempt activities.
- 9 g. Roof-mounted dish antennas used for residential purposes, and VHF and
- 10 UHF receive-only television antennas, provided they are fifteen (15) feet or
- 11 less above the existing or proposed roof of the associated residential
- 12 structures; and
- 13 h. The installation and use of an antenna or antennas smaller than one (1)
- 14 meter in diameter for use by a private dwelling occupant for personal, home
- 15 business, utility metering or private telecommunications purposes.
- 16 *(Amended: Ord. 2005-04-12; Ord. 2014-01-08)*

17

18 C. Definitions.

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

20

21

Amateur radio station	"Amateur radio station" means a personal radio station licensed by the FCC, governed by Part 97 of the FCC's rules and regulations, and operated by a duly authorized person interested solely with a personal aim and without pecuniary interest.
Antenna	"Antenna" means any pole, panel, rod, reflection disc or similar device used for the transmission or reception of radio frequency signals, including, but not limited to omni-directional antenna (whip), directional antenna (panel), microcell, and parabolic antenna (dish). The antenna does not include the support structure or tower.
Array	"Antenna array" means any system of poles, panels, rods, discs or similar devices used for the transmission or reception of radio frequency signals. An antenna array can be made up of one (1) or more antennas including but not limited to the following: (A) Directional antennas (also known as panel antenna) which transmit signals in a directional pattern of less than three hundred sixty (360) degrees; (B) Omni-directional antennas (also known as a whip antenna) which transmit signals in a three hundred sixty (360) degree pattern; or (C) Parabolic antennas (also known as a dish antenna) which are bowl shaped devices that receive and transmit signals in a specific directional pattern (e.g., point to point). <i>(Amended: Ord. 2004-06-11)</i>

Auxiliary support equipment	“Auxiliary support equipment” means all equipment necessary to process wireless communication signals and data, including but not limited to, electronic processing devices, air conditioning, emergency generators, and cabling interface devices. For the purposes of this section, auxiliary equipment shall also include the shelter, cabinets, and other structural facilities used to house and shelter necessary equipment. Auxiliary equipment does not include support towers or structures.
Collocation	“Collocation” means use of a common wireless communications support structure or tower for two (2) or more antenna arrays.
Federal Aviation Administration	“Federal Aviation Administration (FAA)” is the federal regulatory agency responsible for the safety of the nation’s air traffic control system, including airspace impacted by wireless communications support structures and towers.
Federal Communications Commission	“Federal Communications Commission (FCC)” is the federal regulatory agency charged with regulating interstate and international communications by radio, television, wire, satellite, and cable.
Height	“Height,” when referring to a wireless communications facility, means the distance measured from the original grade at the base of the support tower or structure to the highest point on the support tower or structure, including the antenna(s) and lightning rods.
Infrastructure provider	“Infrastructure provider” means an applicant whose proposal includes only the construction of new support towers or auxiliary structures to be subsequently utilized by service providers.
Monopole	“Monopole” means a support tower composed of a single pole used to support one (1) or more antenna(s) or arrays.
Radiofrequency energy	“Radiofrequency energy (RF)” is the energy used by cellular telephones, telecommunications facilities, and other wireless communications devices to transmit and receive voice, video and other data information.
Residential district	“Residential district” means any zoning district which has as its primary purpose single or multifamily residences, to include R and OR districts in urban areas and R and RC districts in non-urban areas.
Setback	“Setback” means the required distance from any structural part of a wireless communications facility (including support wires, support attachments, auxiliary support equipment and security fencing) to either the property line of the parent parcel on which the wireless communications facility is located or to the nearest dwelling, depending on location.

Support structure	"Support structure" means an existing building or other structure to which an antenna is or will be attached, including, but not limited to, buildings, steeples, water towers, and signs. Support structures do not include support towers or any building or structure used for residential purposes.
Support tower	"Support tower" means a structure designed and constructed exclusively to support a wireless communications facility or an antenna array, including monopoles, self-supporting towers, guy-wire support towers, and other similar structures, excluding existing utility poles in any dedicated right-of-way.
Temporary facility	"Temporary facility" means any wireless communications facility which is not deployed in a permanent manner, and which does not have a permanent foundation.
Utility pole placement/replacement	"Utility pole placement/replacement" means the placement of antennas or antenna arrays on existing or replaced structures such as utility poles, light standards, and light poles for streets and parking lots.
Wireless communications	"Wireless communications" mean any personal wireless services as defined by the Federal Telecommunications Act of 1996, including but not limited to cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging, and similar FCC licensed commercial wireless telecommunications services that currently exist or that may in the future be developed.
Wireless communications facility	"Wireless communications facility (WCF)" means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications.

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

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

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

- (1) Rural Industrial outside rural centers (IH), to include UR-20 and UR-40;
- (2) Forest Tier I (FR-80) and Tier II (~~FR-40~~ FR-20);
- (3) Rural Industrial inside rural centers (IH);

- 1 (4) Agriculture (AG-20-AG-10);
- 2 (5) Rural (R-20);
- 3 (6) Rural (R-10; R-5), to include UR-10;
- 4 (7) Rural Commercial outside rural centers (CR-1);
- 5 (8) Rural Commercial inside rural centers (CR-2);
- 6 (9) Rural Center Residential (RC-2.5; RC-1).

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

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

14 4. Lease Areas.

- 15 a. Except as otherwise required in this section, lease areas for new support
- 16 towers shall be exempt from all lot standards of the zone in which they are
- 17 permitted.
- 18 b. Approval of a tower site under this section shall not be construed as
- 19 creating a separate building lot for any other purpose unless it is created
- 20 through platting or binding site plan approval.

21 *(Amended: Ord. 2005-04-12; Ord. 2010-12-12; Ord. 2012-12-14; Ord. 2014-01-08; Ord.*

22 *2016-06-12)*

23

24 E. Development Standards.

- 25 1. Collocation. Wireless communications facilities shall be collocated to the
- 26 greatest extent possible to minimize the total number of support towers
- 27 throughout the county. To this end, the following requirements shall apply:
- 28 a. The county shall deny an application for a new support tower if the applicant
- 29 does not demonstrate a good faith effort to collocate on an existing facility.
- 30 Applicants for new support towers shall demonstrate to the responsible
- 31 official that collocation is infeasible by showing that at least one (1) of the
- 32 following conditions exists:
- 33 (1) No existing towers or structures are located within the applicant's
- 34 projected or planned service area for their facility; or
- 35 (2) According to a qualified RF specialist, existing towers or structures
- 36 cannot be reconfigured or modified to achieve sufficient height; or
- 37 (3) According to a qualified RF specialist, collocation would result in
- 38 electronic, electromagnetic, obstruction or other radio frequency
- 39 interference with existing or proposed installations; or
- 40 (4) According to a structural engineer, existing towers or structures do not
- 41 meet minimum structural specifications or structural integrity for
- 42 adequate and effective operations to meet service objectives; or
- 43 (5) Collocation would cause a nonconformance situation (e.g., exceeding
- 44 height restrictions); or
- 45 (6) A reasonable financial arrangement between the applicant and the
- 46 owner(s) of existing facilities could not be reached.
- 47 b. Carriers who collocate on existing towers or structures shall be allowed to
- 48 construct or install accessory equipment and shelters as necessary for
- 49 facility operation. Such development shall be subject to regulations under

- 1 the International Building Code (IBC), applicable development standards of
2 the underlying zone, and applicable development standards pursuant to this
3 section (e.g., lighting, security, signage).
- 4 c. Collocated WCFs within one (1) mile of any public safety building such as
5 police or fire station shall be reviewed with Clark Regional Emergency
6 Services Agency for possible interference with public safety
7 communications.
- 8 2. New Support Towers. The following standards shall apply to new support
9 towers:
- 10 a. New support towers allowed under this section shall be designed to
11 accommodate collocation. The following provisions shall apply:
12 (1) All new support towers shall accommodate collocation opportunities for
13 a minimum total of two (2) antenna arrays. A height bonus of up to
14 twenty (20) percent of the maximum tower height allowed in Section
15 40.260.250(F)(1)(b)(1) is allowed with one (1) or more additionally
16 proposed antenna arrays if the screening requirements of Section
17 40.260.250(F)(1)(b)(2) are met.
18 (2) A support tower owner approved under this section shall not deny a
19 wireless provider the ability to collocate on their facility at a fair market
20 rate or at another cost basis agreed to by the affected parties.
- 21 b. New support tower installations shall be a minimum of one thousand (1,000)
22 feet from the county portions of NE Lucia Falls Road and SE Evergreen
23 Highway, designated by the State as scenic highways.
- 24 c. Unless the State Historic Preservation Officer determines there is no
25 material impact, new support towers shall be a minimum of one thousand
26 (1,000) feet from all sites listed on either the National Register of Historic
27 Places or the Clark County Heritage Register.
- 28 d. New support towers within three (3) miles of a national wildlife refuge or
29 within a thousand (1,000) feet of those features or areas identified in
30 Section 40.260.250(G)(2)(b)(2)(h)(iii) shall be reviewed for possible impacts
31 to wildlife.
- 32 e. New support towers within one (1) mile of any public safety building such as
33 a police or fire station shall be reviewed with Clark Regional Emergency
34 Services Agency for possible interference with public safety
35 communications.
- 36 f. New support towers shall comply with all FAA and state aeronautics
37 requirements and regulations. Upon request, the applicant must provide
38 evidence or certification of such compliance.
- 39 g. Building permits for support towers shall not be issued to infrastructure
40 providers until one (1) or more wireless communications service providers
41 that will use the support tower are identified.
- 42 3. Signage. Support towers and antenna(s) shall not be used for signage,
43 symbols, banners, or other devices or objects attached to or painted on any
44 portion of a WCF. Any emergency information, public safety warnings, or
45 additional signage required by a governmental agency shall be displayed in an
46 appropriate manner.
- 47 4. Noise. Wireless communications facilities shall not generate noise levels in
48 excess of maximum standards set forth in Chapter 173-60 WAC. Generators
49 may be operated only for emergency purposes. If air conditioning or other

1 noise-generating equipment is proposed, the applicant shall provide
2 information detailing the expected noise level and any proposed abatement
3 measures. This may require noise attenuation devices or other mitigation
4 measures to minimize impacts.

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6 *(Amended: Ord. 2006-05-01; Ord. 2009-03-02)*

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8 F. Design Standards.

9 1. Height.

10 a. Support Structures. Attached WCFs shall not add more than twenty (20)
11 feet in height to the support structure (including utility pole replacements) to
12 which they are attached.

13 b. New Support Towers.

14 (1) Subject to height bonus allowances in Sections 40.260.250(E)(2)(a) and
15 (F)(1)(b)(2), new support tower heights including all attachments are
16 limited to the following:

17 (a) Rural areas: one hundred sixty-five (165) feet.

18 (b) Urban nonresidential districts: one hundred twenty (120) feet, except
19 as provided for in Section 40.260.250(F)(1)(b)(1)(c).

20 (c) Urban nonresidential districts: one hundred fifty (150) feet when the
21 tower setback is greater than twice the total tower height or the
22 parcel is completely surrounded by industrial parcels.

23 (d) Urban residential districts: one hundred (100) feet.

24 (2) Tower height may be increased if eighty percent (80%) of the final
25 proposed tower is screened.

26 2. Setbacks.

27 a. All new support towers in rural areas shall maintain a setback as described
28 below, whichever is greater:

29 (1) A minimum fifty (50) foot setback from the property line of the parent
30 parcel or from a right-of-way line; or

31 (2) A distance equal to or greater than the total tower height from the
32 nearest residence located on another parcel.

33 b. Setbacks for all new support towers in urban nonresidential areas shall be
34 those of the underlying district.

35 c. All new support towers in urban residential areas shall maintain a setback
36 equal to or greater than the tower height from the nearest residence on
37 another parcel, or otherwise comply with the setbacks of the underlying
38 district.

39 d. Setbacks for auxiliary support equipment shall be those of the underlying
40 zoning district.

41 e. An exception may be granted for a location within the setback which is
42 clearly preferable based on a review by the responsible official and provided
43 such location has written approval from the property owners adjacent to the
44 affected setback line.

45 f. Setbacks shall not apply to easements established solely for the purpose of
46 access to the WCF.

47 3. Landscaping and Screening.

48 a. A landscaping and screening plan shall be submitted with all new support
49 tower applications.

- 1 b. Screening. Screening of new towers with existing tower-obscuring
2 vegetation or buildings is preferred. If this requirement cannot be met, new
3 support towers shall be screened with vegetation appropriate to the site,
4 unless incompatible with the general surroundings and environment in the
5 area. Such vegetation shall consist of a mix of native tree species that will
6 reach a height of thirty (30) feet or more and be eighty percent (80%)
7 opaque year-round. Planted evergreen species shall be fully branched and
8 a minimum of six (6) feet high when planted. The required screening shall
9 be permanently maintained in accordance with the provisions of Section
10 40.320.010.
- 11 c. Landscaping. All new support towers and associated structures shall be fully
12 enclosed within a minimum six (6) foot high gated and locked security
13 fence. A minimum five (5) foot landscape buffer shall be established
14 surrounding the enclosure, containing landscape plantings meeting the L3
15 standard as described in Section 40.320.010. A wall or fence may be
16 substituted for the required shrubs where compatible with the general
17 surroundings and environment of the area. Fencing, and landscaping, and
18 screening are not required on any side of the site made up by existing
19 buildings. The required landscaping shall be permanently maintained in
20 accordance with the provisions of Section 40.320.010. The responsible
21 official may waive all or portions of this requirement subject to the following
22 findings:
- 23 (1) The electrical equipment control box is fully enclosed and secured from
24 access by the public.
- 25 (2) The waiver will encourage support tower design that is more compatible
26 with the site setting and surrounding uses.
- 27 d. Owner Assurances. To assure continued compliance with landscaping and
28 screening requirements, a covenant or other appropriate instrument may be
29 required from the property owner.
- 30 4. Color. For all new wireless communications facilities, the following criteria shall
31 apply:
- 32 a. Unless otherwise required by the FAA, all support towers and antennas
33 shall have a non-glare finish and blend with the natural background.
- 34 b. Attached WCFs shall be of a color that matches the color of the supporting
35 structure to the greatest extent to minimize visual impacts.
- 36 5. Lighting. Except as required by the FAA, artificial lighting of wireless
37 communications towers shall be prohibited. Security lighting for equipment
38 shelters or cabinets and other on-the-ground auxiliary equipment is allowed;
39 provided, that lighting shielded to keep direct light within the site boundaries.
40 Strobe lighting is prohibited unless required by the FAA.
- 41 6. Variances. Any applicant may request a variance from the standards of this
42 section. Requests for variance shall be made in accordance with the
43 procedures and criteria specified in Section 40.550.020. In addition to the
44 requirements of Section 40.550.020, the applicant shall demonstrate the
45 following:
- 46 a. Strict adherence to the provisions of this section will result in an inability of
47 the applicant to provide adequate WCF services within Clark County; and
48 b. The granting of the variance will not adversely affect views from designated
49 scenic highways or areas of historic or cultural significance.

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

G. Permit Process.

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

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

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

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

¹ Adding WCFs such as antennas to previously approved WCFs.

² Adding WCFs to structures where none were previously approved.

³ Type 1s become Type 2s if the facility is not categorically exempt under WAC 197-11-800(25).

⁴ 2; 3 = Type 2, unless tower location is within five hundred (500) feet of a parcel where a Type 3 review would be required.

The preferred district locations for WCFs in rural and urban areas are in order from top to bottom.

The preferred WCF types are in order from left to right.

(Amended: Ord. 2012-12-14; Ord. 2014-01-08; Ord. 2016-06-12)

2. Application Submittal. Applications for the location and development of wireless communications facilities shall include the following:

a. For wireless collocation applications:

(1) A written narrative that addresses the following:

- (a) How the application meets or exceeds each of the applicable approval criteria and standards;
- (b) How the proposed plan meets the minimum area and dimensions of the base zone;
- (c) A comprehensive description of the existing or proposed facility including the technical reasons for the design and configuration of the facility, design and dimensional information, anticipated coverage of the facility, and the ability to accommodate future collocation opportunities;
- (d) If camouflage technology is proposed, the applicant shall provide a complete description of the suggested camouflage, including style

- 1 and materials to be used, a photographic depiction of the proposed
2 facility, and a maintenance plan detailing provisions for the continued
3 effectiveness of the suggested camouflage for the life of the facility;
4 (e) The frequency of vehicular trips the proposal could be expected to
5 generate.
- 6 (2) A site plan that is drawn to a minimum engineer's scale of one (1) inch
7 equals two hundred (200) feet on a sheet no larger than twenty-four (24)
8 inches by thirty-six (36) inches. The following information shall be clearly
9 depicted:
- 10 (a) Applicant's name, mailing address and phone number;
11 (b) Owner's name and mailing address;
12 (c) Contact person's name, mailing address, and phone number;
13 (d) North arrow (orientated to the top, left or right of page) scale and
14 date;
15 (e) Proposed name of project;
16 (f) Vicinity map covering one-quarter mile radius from the development
17 site (not required for rural area plans); and
18 (g) Area of the site in acres or square feet.
19 (h) Existing Conditions on the Site. A copy of the previously approved
20 site plan and elevation drawings for the existing facility, or a site plan
21 depicting:
- 22 (i) the entire parcel, drawn to scale, with property lines, north arrow
23 (orientated to the top, left or right of page), footprint of existing
24 structures and driveways, parking spaces, abutting streets (name,
25 centerline, curb and sidewalk), and existing fire hydrants;
26 (ii) Elevation drawings of existing site and facility, including the tower,
27 equipment structures, antennas, mounts and, if applicable,
28 existing structures. Other applicable features, including but not
29 limited to security fencing and screening, shall be included.
- 30 (i) Proposed Improvements.
31 (i) Show the location of all proposed structures, driveways and
32 roads, easements, number and layout of proposed parking
33 spaces (as applicable) and proposed location of fire hydrants;
34 (ii) Landscape plan if landscaping is proposed;
35 (iii) Elevation drawings of the proposed site and facility changes.
- 36 (3) Documentation that establishes the applicant's right to use the site shall
37 be provided at the time of application by a copy of the proposed lease
38 agreement, easement agreement, license agreement or letter of
39 authorization to use the facility from the owner of the support structure.
- 40 (4) Submit an original letter, signed and stamped by an engineer licensed in
41 the state of Washington, certifying that the existing cell tower or support
42 structure is of sufficient structural capacity to support the addition of the
43 proposed co-location based on Telecommunications Industry
44 Association standard TIA/EIA-222.
- 45 b. For new support tower applications:
- 46 (1) A written narrative that addresses the following:
- 47 (a) How the application meets or exceeds each of the applicable
48 approval criteria and standards;
49 (b) How the proposed plan meets the minimum area and dimensions of

- 1 the base zone;
- 2 (c) How the issues identified in the pre-application conference have
- 3 been addressed, and generally, how services will be provided to the
- 4 site;
- 5 (d) A comprehensive description of the existing or proposed facility
- 6 including the technical reasons for the design and configuration of
- 7 the facility, design and dimensional information, anticipated coverage
- 8 of the facility and the ability to accommodate future collocation
- 9 opportunities.
- 10 (e) If camouflage technology is proposed, the applicant shall provide a
- 11 complete description of the suggested camouflage, including style
- 12 and materials to be used, a photographic depiction of the proposed
- 13 facility, and a maintenance plan detailing provisions for the continued
- 14 effectiveness of the suggested camouflage for the life of the facility.
- 15 (f) An analysis of the proposal area and discussion of factors influencing
- 16 the decision to target the proposed location. Such analysis shall
- 17 include the good faith efforts and measures taken to secure a higher
- 18 priority location; how and why such efforts were unsuccessful; and
- 19 how and why the proposed site is essential to meet service demands
- 20 for the geographic service area.
- 21 (g) An analysis of existing WCFs within the intended service area,
- 22 describing the status of collocation opportunities at these sites.
- 23 (h) The proposed frequency of trips the proposal could be expected to
- 24 generate.
- 25 (2) A site plan is drawn to a minimum engineer's scale of one (1) inch
- 26 equals two hundred (200) feet on a sheet no larger than twenty-four (24)
- 27 inches by thirty-six (36) inches. The following information shall be clearly
- 28 depicted:
- 29 (a) Applicant's name, mailing address and phone number;
- 30 (b) Owner's name and mailing address;
- 31 (c) Contact person's name, mailing address, and phone number;
- 32 (d) North arrow (orientated to the top, left or right of page) scale and
- 33 date;
- 34 (e) Proposed name of project;
- 35 (f) Vicinity map covering one-quarter mile radius from the development
- 36 site (not required for rural area plans); and
- 37 (g) Area of the site in acres or square feet.
- 38 (h) An aerial photograph, which clearly indicates the location of the
- 39 proposed facility in relation to:
- 40 (i) Significant features within one thousand three hundred twenty
- 41 (1,320) feet including, but not limited to, existing and/or proposed
- 42 site structures, public rights-of-way, residential developments,
- 43 adjacent land uses, and properties used for public purposes;
- 44 (ii) Governmental jurisdictional boundaries within five hundred (500)
- 45 feet of the proposal boundaries; and
- 46 (iii) Cliffs, snags, talus, Oregon white oak woodlands, urban natural
- 47 open space, waterfowl habitat and bald eagle foraging areas
- 48 within one thousand (1,000) feet as defined by the Washington
- 49 Department of Fish and Wildlife as Priority Habitats and Species

- 1 areas subject to Chapter 40.440.
- 2 (iv) A photographic analysis of the proposed site, including a
- 3 representation of existing conditions and photographic
- 4 simulations depicting views of any new support structures or
- 5 towers.
- 6 (v) Elevation drawings of the proposed site and facility, including the
- 7 tower, equipment structures, antennas, mounts and, if applicable,
- 8 any existing structures. Other applicable features, including but
- 9 not limited to security fencing and screening, shall be included.
- 10 (vi) A detailed landscaping and screening plan, including existing and
- 11 proposed vegetation, installation procedures, and
- 12 landscaping/screening maintenance plans in accordance with
- 13 Section 40.320.030.
- 14 (vii) Any additional applicable information the responsible official
- 15 deems necessary to adequately review the proposal.
- 16 (3) Documentation that establishes the applicant's right to use the site shall
- 17 be provided at the time of application by a copy of the proposed lease
- 18 agreement, easement agreement, or license agreement.
- 19 (4) Evidence that a neighborhood meeting has been held in compliance with
- 20 the neighborhood meeting requirements set forth in Section
- 21 40.260.250(G)(3).
- 22 (5) The application materials shall include a report stamped, dated and
- 23 signed by a licensed professional engineer registered in the state of
- 24 Washington demonstrating the following:
- 25 (a) The facility complies with all requirements of the International
- 26 Building Code;
- 27 (b) The structural capability of the facility will support collocated
- 28 antennas (if applicable);
- 29 (c) The facility complies with all applicable standards of the FAA and
- 30 FCC, including RF energy standards.
- 31 (d) The basis for the calculation of capacities.
- 32 (6) The location of new support towers in relation to any national wildlife
- 33 refuge.
- 34 (7) Applicants shall provide evidence of compliance with FAA requirements
- 35 at the time of application.
- 36 3. Neighborhood Meeting.
- 37 a. The applicant shall hold a neighborhood meeting no more than ninety (90)
- 38 days prior to the submission of a Type III application for a new support
- 39 tower. The sole purpose of the neighborhood meeting is to exchange
- 40 information on the siting and design of the new support tower, and should
- 41 be scheduled to allow maximum flexibility for review of issues and
- 42 alternatives prior to the application. The neighborhood meeting shall be held
- 43 at a location within a reasonable distance of the proposed development site
- 44 on a weekday evening at a reasonable time. A pre-application conference is
- 45 not a substitute for the required neighborhood meeting.
- 46 b. Requirements.
- 47 (1) The applicant shall send a notice of the meeting at least fifteen (15) days
- 48 prior to the scheduled meeting to:
- 49 (a) The Chair of the Neighborhood Associations Council of Clark County

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(NACCC);

(b) The county-recognized official representative of the Neighborhood Association, if one exists, that includes the proposed site;

(c) The county staff representative responsible for neighborhood relations; and

(d) All landowners within the notification radius of the proposed site as specified in Section 40.260.250(G)(4). The mailing list used for notification shall be based on the most recent property tax assessment rolls within thirty (30) days of mailing of the Clark County Assessor. At the request of the applicant, and upon payment of an applicable fee, the County will provide the required mailing list.

(2) Coincidental with the notification mailing, the applicant shall post the meeting notification in the neighborhood news section of the local press, and shall post a sign with the neighborhood notification in a conspicuous location near the edge of the property containing the proposed development.

(3) The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

(4) A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting, shall be submitted with the application.

4. Notification. Notification procedures of Chapter 40.510 shall apply, except that for new support towers, the notification radius shall be one thousand three hundred twenty (1,320) feet (1/4 mile) in rural areas and six hundred sixty (660) feet (1/8 mile) in urban areas.

5. Third Party Review. The review authority may require a technical review by a third party of the applicant's justification under Section 40.260.250(E)(1) for a new tower location as part of the Type III permit review process. The first two thousand dollars (\$2,000) of cost of the technical review shall be borne by the applicant, and such cost will be adjusted annually based on the implicit price deflator as determined by the Clark County Budget Office.

(Amended: Ord. 2005-04-12; Ord. 2006-09-13; Ord. 2006-11-07; Ord. 2008-06-02; Ord. 2011-08-08; Ord. 2014-01-08)

1 **EXHIBIT 14**

2
3 **40.310 SIGNS**

4
5 **40.310.010 SIGN STANDARDS**

6
7 **A. Purpose.**

8 The purpose of this section is to add sign requirements common to the several
9 zoning districts for the preservation of the character of the areas, structures, and
10 uses; the needs of residential, commercial, industrial and agricultural potential; the
11 need for healthful, safe, and convenient use of all lands, and the conservation and
12 promulgation of values and resources. These requirements include, but are not
13 limited to, standards relating to the number, size, placement and physical
14 characteristics of signs. In addition, the purpose of this section is to provide an
15 effective administrative process for the review and enforcement of these standards
16 to protect and improve the aesthetic quality of the community.

17
18 **B. Scope.**

19 The signage covered under this section includes, but is not limited to: all
20 commercial signs, and wall graphics; professional and business signs; home
21 business signs; banners, balloons, flags and other temporary signage. It is not
22 intended to regulate traffic signs or other governmental street signs, doorway
23 identification nameplates, holiday decorations, informational signs pursuant to
24 Chapter 13.20, temporary interior window signage or memorial signs. Also, it is not
25 intended to regulate signage which is not visible from adjacent properties or from
26 public rights-of-way. Further, it is not intended to regulate the display of the
27 national or state flag.

28
29 *(Amended: Ord. 2005-04-12)*

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31 **C. Definitions.**

32 The following definitions and terms shall be used in the interpretation of this
33 section:

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Banner	"Banner" means an on-site sign such as those used to announce an open house, a grand opening, or to make a special announcement. Normally, it is constructed of cloth, canvas, or similar material and is without a rigid frame. It will be considered either as a fascia or freestanding sign, depending on the method of attachments, and will have to comply with the normal zone requirements.
Billboard	"Billboard" shall mean the same as "off-premises sign." See definition of "off-premises sign."
Business complex	"Business complex" means two (2) or more commercial businesses on a lot or abutting lots with common access and parking.

Business complex sign	"Business complex sign" means a sign which is designed to identify a business complex where no single business identification and/or advertisement occupies more than fifty percent (50%) of the sign area.
Directional sign	"Directional sign" means any sign which is designed and erected solely for the purpose of traffic or pedestrian direction, and which is placed on the property to which the public is directed. See also "off-premises directional sign."
Doorway identification sign	"Doorway identification sign" means a non-illuminated sign which is limited to the name, address, and number of the building, institution, or person and to the activity carried on in the building or institution, or the occupancy of the person; provided, that the lettering, excluding numbers, of each sign shall not exceed two (2) square feet.
Electronic message center	"Electronic message center" means a sign on which the copy changes automatically on a lampbank or through mechanical means, such as electrical or electronic time and temperature units.
Fascia sign	"Fascia sign" means a flat sign which projects one and one-half (1 1/2) feet or less horizontally from the vertical face of the wall of a building, or vertical face of a canopy awning or parapet upon which it is affixed, painted, or attached, running parallel for its whole length to the face or wall of the building and which does not extend beyond the horizontal width of such wall, awning or parapet.
Freestanding sign	"Freestanding sign" means a sign not attached to or forming a part of a building.
Height of sign	"Height of sign" means the vertical distance measured from grade at the point of support, or average grade for multiple supports and monument signs, to the highest point on the sign and sign structure.
Industrial complex	"Industrial complex" means two (2) or more industrial businesses on a lot or abutting lots with common access and parking.
Industrial complex sign	"Industrial complex sign" means a sign which is designed to identify an industrial complex where no single business identification and advertisement occupies more than fifty percent (50%) of the sign.
Monument sign	"Monument sign" means a sign and supporting structure which has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous, non-hollow, unbroken, unfenestrated mass. Further, similar top and bottom dimensions shall mean dimensions which are within ten percent (10%) of each other.
Nonconforming sign	"Nonconforming sign" means a sign which was erected legally but which does not comply with currently applicable sign

	restrictions and regulations; provided, a sign which does not conform to the currently applicable sign code requirements, but for which a variance or conditional use permit was issued, shall not be considered a nonconforming sign.
Off-premises sign	“Off-premises sign” means a sign that advertises products, services or facilities or directs persons to a premises different from where the sign is installed.
Off-premises directional sign	“Off-premises directional sign” means a sign which directs persons to a premises different from where the sign is located. These signs typically include an address or street name or direction such as “two blocks north on the right.”
On-premises sign	“On-premises sign” means a sign which carries only advertisements strictly related to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises. “On-premises sign” also means a sign which contains religious, political, social and other noncommercial messages.
Portable sign	“Portable sign” means any sign designed to move or be moved by trailer or vehicle to advertise at different locations. Further, these signs include any sign which is not firmly fastened to a building or the ground.
Premises	<p>“Premises” for the purposes of this section, means one (1) of the following:</p> <ul style="list-style-type: none"> a. A legal lot; or b. A combination of contiguous legal lots under one (1) ownership; or c. A group of legal lots with common access, parking and signage. <p>If more than one (1) definition of “premises” can be applied to a group of lots, the choice of which definition applies shall be the owner(s) of the lots or the applicant for a sign permit representing the owner(s); provided, only one (1) definition may be applied at one (1) time to a group of lots; and provided further, all signs within the premises or subsequent revision to the premises, shall comply with the provisions of the sign code.</p>
Projecting sign	“Projecting sign” means a sign which projects more than one and one-half (1 1/2) feet horizontally from the vertical face of a building, awning, canopy or parapet.
Rooftop sign	“Rooftop sign” means a sign erected upon the roof of a building or canopy, or a sign attached to a building which projects vertically above the roof, eave, awning or parapet; however, this does not include signs attached to the vertical face of a parapet, awning or canopy; provided, the sign does not project above the vertical face of the parapet, awning or canopy to which it is

	attached.
Rotating sign	"Rotating sign" means a sign in which the sign itself or any portion of the sign moves in a revolving or similar manner.
Sign	"Sign" means a display or device affixed to the ground, attached to a building, or other structure using graphics, symbols, and/or written copy designed specifically for the display of a commercial or other advertisement to the public.
Sign area	<p><u>"Sign area" means:</u></p> <p>a. The area of a freestanding sign or structure not using an integral part of the building for its background means the largest cross-sectional area of the sign measured to a line encompassing all portions of the sign structure, including tubing used in lighting such sign or structure, but excluding posts without attached lighting. Further, the base on which a monument-type sign is set may be excluded; provided, there is no attached lighting.</p> <p>b. The area of a double-faced sign (i.e., a sign painted on two (2) sides, or signs which are erected in a "V" configuration with an angle between the two (2) faces not exceeding thirty (30) degrees), shall be the largest area on one (1) side of the sign. Further, these types of signs shall be considered one (1) sign for the purpose of determining the number of signs allowed.</p> <p>c. The area of any sign or structure using an integral part of the building or awning as a background means the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure; provided, that for illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.</p>
Street frontage	"Street frontage" means the linear frontage of a parcel of property abutting a single public street.
Temporary sign	"Temporary sign" means any sign which is not permanently installed or affixed to any sign structure or building, and not displayed for longer than thirty (30) days. In case of construction project signs, they may be maintained for the duration of the construction. Temporary signs shall also include balloons attached to buildings or property.

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D. Signs Prohibited.

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

1. Signs which bear or contain statements, words or pictures of an obscene nature;
2. Signs advertising activities that are illegal under state or federal laws or regulations in effect at the location of such signs or at the locations of such activities;

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

27
28 **E. Sign Permits Required.**

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

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

35
36 **F. Requirements for Signs – General and by Zoning Districts.**

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

39 *(Amended: Ord. 2016-06-12)*

- 40
41 2. The standards for signs unrestricted by zoning district are located in Table
42 40.310.010-1.

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Table 40.310.010-1. General Sign Standards for All Zoning Districts			
Sign Type	Number of Signs Allowed on Premises	Maximum Area	Maximum Height
Temporary Real Estate¹	1 sign at each	32 square feet	None

Table 40.310.010-1. General Sign Standards for All Zoning Districts			
Sign Type	Number of Signs Allowed on Premises	Maximum Area	Maximum Height
	entrance of officially recorded plat	per sign	
Permanent Gate or Entrance Structure Sign²	2 signs	32 square feet per sign	None
Restricting Use of Property³	Unlimited along boundary	2 square feet per sign	None
	1 sign at tract entrance	16 square feet for entrance sign	
Institutional⁴	No maximum number, but signs must identify the type of institution or related buildings	128 square feet per sign	None
	1 bulletin board	32 square feet	
Entrance/Exit/Parking/Traffic Identifying⁵	Unrestricted	8 square feet	8 feet
Temporary General (must get temporary permit)⁶	Unrestricted	32 square feet	None
Off-Premises Directional (by conditional use)⁷	Unrestricted	32 square feet	None
Construction Site Temporary⁸	1 sign	32 square feet	None
On-Premises Directional⁹	Unrestricted	32 square feet	8 feet

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¹ For the purpose of advertising a real estate subdivision.

² For the purpose of advertising a subdivision, range, estate, or farm.

³ For the purpose of restricting the use of property.

⁴ For the purpose of identifying, or giving information pertaining to, a public or semipublic institution.

⁵ For the purpose of identifying the entrance, exit, traffic direction, and parking facilities of public or private property in premises.

⁶ For the purpose of endorsing political candidates and ballot propositions, and advertising fairs, rodeos, or similar temporary activities. Such signs shall be removed by the permittee within fifteen (15) days following cessation of the activities for which the application was made.

⁷ For the purpose of giving directions, off-premises signs may be permitted subject to a conditional use permit specifying size, location and design.

⁸ For the purpose of identifying the architect, engineer or contractor of work under construction.

⁹ For the purpose of informing and directing traffic.

(Amended: Ord. 2005-04-12; Ord. 2006-09-13; Ord. 2010-12-12)

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

a. Single-Family Residential Districts. Additional standards for signs in single-

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family residential districts are located in Table 40.310.010-2. These standards apply to the following land use districts: R1-5, R1-6, R1-7.5, R1-10, and R1-20.

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

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

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

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

(Amended: Ord. 2012-12-14; Ord. 2016-06-12)

Table 40.310.010-2. Additional Sign Standards for Single-Family Residential Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Home Business,¹ Temporary Tract Office, or Model Home	1 per home business	2 square feet per sign	Maximum 6 feet	Not allowed
On-Premises Freestanding²	1 per street frontage, with 50 square feet minimum spacing between signs	32 square feet total	15 feet	Allowed, with restrictions ³
Fascia²	1 per building side	32 square feet total	None	
Business Complex Freestanding²	1 per frontage	32 square feet total and limited to 2 square feet per tenant and 16 square feet for complex identification	20 feet	

Table 40.310.010-2. Additional Sign Standards for Single-Family Residential Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Real Estate Signs⁴	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None allowed
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
High School Electronic Message Center	1 per high school	25 square feet	Maximum 20 feet	Review and approval
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			

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¹ No additional permit is needed if the sign is part of the home business application.
² Applies to conditional uses only. However, legal nonconforming commercial uses in these residential zones are allowed to erect freestanding signs via approval of a sign permit (conditional use permit not required) provided no other business-related signs are currently erected on the property, and the signs meet the standards delineated in this table.
³ No direct or exposed lighting, such as neon tubes. Internally illuminated sign must have a translucent background and the illuminated portion may not exceed fifty percent (50%) of sign face area. For business complex signs, only the portion identifying the complex may be illuminated.
⁴ Real estate signs are for the purpose of advertising a particular lot, building or premises for sale, lease or hire. All real estate signs are temporary.

(Amended: Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2010-12-12; Ord. 2012-06-02)

Table 40.310.010-3. Additional Sign Standards for Multifamily Residential, Office Residential Districts, Mixed Use, Business Park and University Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting ³
On-Premises Freestanding	1 per street frontage ¹	16 square feet ²	Maximum 15 feet	No additional restrictions
On-Premises Fascia	1 per side of building	32 square feet	No height restrictions	No additional restrictions
Business Complex – Freestanding⁴	1 per street frontage	2 square feet/business or professional tenant, for tenant identification, and 16 SF for business complex identification. Total maximum cumulative sign area, 32 square feet	Maximum 20 feet	Only that portion of the sign identifying the complex shall be illuminated
High School Electronic Message Center	1 per high school	25 square feet	Maximum 20 feet	Review and approval
Real Estate Signs⁵	Building street frontage < 120 lineal feet, 1 sign	6 square feet per sign	None	None
	Building street frontage 120 – 1,320 lineal feet, 1 sign	(.05 feet) * (lineal frontage) or a maximum of 32 square feet		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
Allowed Combination of Sign Types	<ul style="list-style-type: none"> • There shall be no combinations of permanent sign types on a single street frontage, e.g., a fascia sign facing the street will preclude the use of a freestanding sign on that street. • The use of a business complex sign shall prohibit the use of any other type of freestanding sign, i.e., for a corner lot a business 			

Table 40.310.010-3. Additional Sign Standards for Multifamily Residential, Office Residential Districts, Mixed Use, Business Park and University Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting ³
	complex sign on one (1) street will require the sign on the other street to also be a business complex sign.			
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			

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¹ Provided, that the minimum spacing between signs shall be fifty (50) feet.

² Signs for conditional uses such as churches, mini-storage, medical offices, private schools, day care, and residential care facilities; however, excluding conditional uses for multifamily dwellings over two (2) stories and thirty-five (35) feet in height, shall have an allowable area of thirty-two (32) square feet for both freestanding and fascia signs; provided, that all other applicable requirements for height, number of signs, type, combinations, and lighting in this subsection shall be met.

³ No direct lighting such as exposed lighting or exposed neon tubes shall be used as a light source. For internally illuminated signs, the background shall be translucent, and the illuminated portion of the sign face must not exceed fifty percent (50%) of the sign face area.

⁴ Only monument type freestanding business complex signs shall be allowed.

⁵ Real estate signs are for the purpose of advertising a particular lot, building or premises for sale, lease or hire. All real estate signs are temporary.

(Amended: Ord. 2006-05-01; Ord. 2012-06-02; Ord. 2012-12-14)

Table 40.310.010-4. Additional Sign Standards for Commercial Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
On-Premises Freestanding	1 per street frontage	1 square foot per 1 lineal foot of street frontage up to a 250 square foot sign ²	Maximum 25 feet	No additional restrictions
On-Premises Fascia and Projecting¹	No maximum number	1 square foot per 1 lineal foot of building elevation measured horizontally up to a 250 square foot sign ³	Minimum 8 feet above grade	No additional restrictions
Business	1 per street	1.5 square feet	Maximum 30	No additional

Table 40.310.010-4. Additional Sign Standards for Commercial Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Complex (Freestanding)	frontage. 1 additional sign allowed if any frontage exceeds 660 lineal feet ⁵	per 1 lineal foot of street frontage up to a 350 square foot sign ⁴	feet	restrictions
Real Estate Signs⁶	Building street frontage < 660 lineal feet, 1 sign	32 square feet	No requirement	No additional restrictions
	Building street frontage 660 – 1,320 lineal feet, 1 sign, or 2 signs if total sign area does not exceed 0.05 of street frontage	32 square feet If more than 1 sign, there must be minimum of 500 lineal feet spacing between signs		
	Building street frontage > 1,320 lineal feet, 1 sign per 660 lineal feet of street frontage	32 square feet with minimum of 500 lineal feet spacing between signs		
Electronic Message Center	If proposed with any of the sign types, the area of the electronic message center shall not exceed 50% of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and area information.			
Allowed Combination of Sign Types	On any premises only these combinations of sign types are allowable: <ul style="list-style-type: none"> • On-premises fascia signs, projecting signs and a freestanding sign; or • On-premises fascia signs, projecting signs and business complex signs. 			
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			

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¹ Projecting signs shall not project horizontally more than eight (8) feet from the wall of a building

- 1 and shall not project vertically more than six (6) inches above the eave or parapet and shall not
 2 project over a roof or canopy. Further, projecting signs shall be prohibited within the front setback.
 3 ² Provided, that a premises with less than thirty-two (32) LF of street frontage shall be allowed a
 4 maximum thirty-two (32) SF sign.
 5 ³ Provided, that a building elevation with less than thirty-two (32) LF of horizontal length shall be
 6 allowed a maximum thirty-two (32) SF sign.
 7 ⁴ Provided, that a premises with less than forty-three (43) LF of street frontage shall be allowed a
 8 maximum sixty-four (64) SF sign.
 9 ⁵ Provided, that the minimum spacing between signs is five hundred (500) feet.
 10 ⁶ Real estate signs are for the purpose of advertising a particular lot, building or premises for sale,
 11 lease or hire. All real estate signs are temporary.
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13 (Amended: Ord. 2005-04-12; Ord. 2012-06-02)
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Table 40.310.010-5. Additional Sign Standards for Industrial Districts				
Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
On-Premises Freestanding	1 per street frontage	1 square foot per 1 lineal foot of street frontage up to a 250 square foot sign ¹	Maximum 25 feet	No additional restrictions
On-Premises Fascia and Projecting²	No maximum number	1 square foot per 1 lineal foot of building elevation measured horizontally up to a 250 square foot sign ³	Minimum 8 feet above grade	No additional restrictions
Industrial Complex (Freestanding)	1 per street frontage. 1 additional sign is allowed of any single frontage > 660 lineal feet ⁵	1.5 square foot per 1 lineal foot of street frontage up to a 350 square foot sign ⁴	Maximum 30 feet	No additional restrictions
Real Estate Signs⁵	See additional standards for signs in General Commercial, Other Commercial, Business Park, and Airport Districts			None allowed
Electronic Message Center	If proposed with any of the sign types, the area of the electronic message center shall not exceed 50% of the area of the sign, provided the area limitation shall not apply if the sign is solely limited to time and area information.			
Allowed Combination of	On any street frontage only these combinations of sign types are allowable:			

Table 40.310.010-5. Additional Sign Standards for Industrial Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Sign Types	<ul style="list-style-type: none"> On-premises fascia signs, projecting signs and a freestanding sign; or On-premises fascia signs, projecting signs and industrial complex signs. 			
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			

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- 2 ¹ Provided, that a premises with less than thirty-two (32) LF of street frontage shall be allowed a
- 3 maximum thirty-two (32) SF sign.
- 4 ² Projecting signs shall not project horizontally more than eight (8) feet from the wall of a building
- 5 and shall not project vertically more than six (6) inches above the eave or parapet and shall not
- 6 project over a roof or canopy. Further, projecting signs shall be prohibited within the front setback.
- 7 ³ Provided, that a building elevation with less than thirty-two (32) LF of horizontal length shall be
- 8 allowed a maximum thirty-two (32) SF sign.
- 9 ⁴ Provided, that a premises with less than forty-three (43) LF of street frontage shall be allowed a
- 10 maximum sixty-four (64) SF sign.
- 11 ⁵ Real estate signs are for the purpose of advertising a particular lot, building or premises for sale,
- 12 lease or hire. All real estate signs are temporary.

(Amended: Ord. 2005-04-12; Ord. 2010-12-12; Ord. 2012-06-02)

Table 40.310.010-6. Additional Sign Standards for Rural and Resource Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Agricultural Signs¹	1 per 660 linear feet of road frontage on any one property under the same ownership	32 square feet per sign	Maximum 20 feet	None allowed
Roadside Farm Stands, Agricultural Markets	See standards in Section 40.260.025			
Home Businesses	1 per home business	6 square feet	Maximum 8 feet	None allowed
High School Electronic Message Center	1 per high school	25 square feet	Maximum 20 feet	Review and approval

Table 40.310.010-6. Additional Sign Standards for Rural and Resource Districts

Sign Type/Use	Number of Signs Allowed on Premises	Maximum Area	Height	Lighting
Commercial and Industrial	See additional standards for signs in Commercial Districts			None allowed
Conditional Uses	See additional standards for Conditional Use signs in Single-Family Residential Districts			None allowed
Real Estate Signs²	See additional standards for Real Estate signs in Single-Family Districts			None allowed

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¹ Agricultural signs are for the purpose of advertising handicraft and farm products produced on the premises.

² Real estate signs are for the purpose of advertising a particular lot, building or premises for sale, lease or hire. All real estate signs are temporary.

(Amended: Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2012-06-02)

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1 **EXHIBIT 15**

2
3 **40.320 LANDSCAPING AND SCREENING**

4
5 **40.320.010 LANDSCAPING AND SCREENING ON PRIVATE PROPERTY**

6
7 A. Applicability.

8 The following standards apply to landscaping and screening on private property.
9 Landscaping and screening within public rights-of-way shall comply with the
10 applicable provisions in Section 40.320.020.

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12 B. Landscaping and Screening Design Standards.

13 1. L1, General Landscaping.

- 14 a. Intent. The L1 standard is for open areas. It is intended to be used where
15 distance is the principal means of separating uses or development, and
16 landscaping enhances the area between them. The L1 standard consists
17 principally of groundcover plants, trees, and shrubs.
- 18 b. Required Materials. There are two (2) ways to provide trees and shrubs to
19 comply with an L1 standard. Shrubs and trees may be grouped.
20 Groundcover plants, grass lawn or approved flowers must fully cover the
21 landscaped area not in shrubs and trees. See Figure 40.320.010-1 for
22 conventional and LID cross-sections that comply with the L1 standard.
23 (1) Where the area to be landscaped is less than ten (10) feet deep, one (1)
24 tree shall be provided per thirty (30) linear feet of landscaped area.
25 (2) Where the area is ten (10) feet deep or greater, one (1) tree shall be
26 provided per eight hundred (800) square feet and either two (2) high
27 shrubs or three (3) low shrubs shall be provided per four hundred (400)
28 square feet of landscaped area.
- 29 c. Within the commercial districts where a building is to be placed at the buffer
30 line for a front setback, permeable pavement may be used in place of the
31 required groundcover for the length of the building for the front setback only;
32 provided, the required trees are still supplied, the paved area is connected
33 to the public sidewalk, and pedestrian amenities are provided such as
34 benches or pedestrian plazas. The building need not be placed at the
35 required buffer line to utilize this section if the area between the buffer line
36 and the building is devoted entirely to pedestrian only areas.

37 2. L2, Low Screen.

- 38 a. Intent. The L2 standard uses a combination of distance and low-level
39 screening to separate uses or development. The standard is applied where
40 a low level of screening sufficiently reduces the impact of a use or
41 development, or where visibility between areas is more important than a
42 greater visual screen.
- 43 b. Required Materials. The L2 standard requires enough low shrubs to form a
44 continuous screen three (3) feet high and ninety-five percent (95%) opaque
45 year-round. In addition, one (1) tree is required per thirty (30) lineal feet of
46 landscaped area or as appropriate to provide a tree canopy over the
47 landscaped area. Groundcover plants must fully cover the remainder of the
48 landscaped area with the exception of energy dissipation points at the
49 locations of stormwater inlets. LID bioretention facility plantings may be

1 used in combination with perimeter shrubs, provided a continuous screen
2 three (3) feet high and ninety-five percent (95%) opaque year-round can be
3 achieved within two (2) years of planting. A three (3) foot high masonry wall
4 or fence at an F2 standard or a berm may be substituted for shrubs, but the
5 trees and groundcover plants are still required. When applied along street
6 lot lines, the screen or wall is to be placed along the interior side of the
7 landscaped area. See Figure 40.320.010-2.

8 3. L3, High Screen.

9 a. Intent. The L3 standard provides physical and visual separation between
10 uses or development principally using screening. It is used where such
11 separation is warranted by a proposed development, notwithstanding loss
12 of direct views.

13 b. Required Materials. The L3 standard requires enough high shrubs to form a
14 screen six (6) feet high and ninety-five percent (95%) opaque year-round. In
15 addition, one (1) tree is required per thirty (30) lineal feet of landscaped
16 area or as appropriate to provide a tree canopy over the landscaped area.
17 Groundcover plants must fully cover the remainder of the landscaped area
18 with the exception of energy dissipation points at the locations of
19 stormwater inlets. LID bioretention facility plantings may be used in
20 combination with perimeter shrubs, provided a continuous screen six (6)
21 feet high and ninety-five percent (95%) opaque year-round can be achieved
22 within two (2) years of planting. A six (6) foot high wall or fence that
23 complies with the F2 standard (Figure 40.320.010-7) with or without a berm
24 may be substituted for shrubs, but the trees and groundcover plants are still
25 required. When applied along street lot lines, the screen or wall is to be
26 placed along the interior side of the landscaped area. See Figure
27 40.320.010-3.

28 4. L4, High Wall.

29 a. Intent. The L4 standard is used where extensive screening of visual and
30 noise impacts is needed to protect abutting sensitive uses and/or there is
31 little space for separation between uses.

32 b. Required Materials. The L4 standard requires a six (6) foot high wall that
33 complies with the F2 standard (Figure 40.320.010-7). When abutting
34 another property, the wall shall abut the property line. When abutting a
35 street or road right-of-way, the wall shall be on the interior side of the
36 landscaped area. One (1) tree is required per thirty (30) lineal feet of wall or
37 as appropriate to provide a tree canopy over the landscaped area with the
38 exception of energy dissipation points at the locations of stormwater inlets.
39 LID bioretention facility plantings may be used, and are encouraged, to
40 satisfy plant requirements. In addition, four (4) high shrubs are required per
41 thirty (30) lineal feet of wall. Groundcover plants must fully cover the
42 remainder of the landscaped area. See Figure 40.320.010-4.

43 5. L5, High Berm.

44 a. Intent. The L5 standard can be used instead of the L4 standard where
45 extensive screening is warranted and more space is available for separation
46 between uses.

47 b. Required Materials. The L5 standard requires a berm four (4) to six (6) feet
48 high. If the berm is less than six (6) feet high, low shrubs that comply with
49 the L2 standard must be planted on top of the berm so that the overall

1 screen height is six (6) feet. In addition, one (1) tree is required per thirty
2 (30) lineal feet of berm or as appropriate to provide a tree canopy over the
3 landscaped area. Groundcover plants must fully cover the remainder of the
4 landscaped area. See Figure 40.320.010-5.

5 6. F1, Partially Sight-Obscuring Fence.

6 a. Intent. The F1 fence standard provides partial visual separation. The
7 standard is applied where a proposed use or development has little impact,
8 or where visibility between areas is more important than a total visual
9 screen and the installation of fencing will not interfere with the
10 implementation of LID stormwater management on the site.

11 b. Required Materials. A fence or wall that complies with the F1 standard shall
12 be six (6) feet high and at least fifty percent (50%) sight-obscuring. Fences
13 may be made of wood, metal, chain link with slats, bricks, masonry or other
14 permanent materials. See Figure 40.320.010-6.

15 7. F2, Fully Sight-Obscuring Fence.

16 a. Intent. The F2 fence standard provides visual separation where complete
17 screening is needed to protect abutting uses, and landscaping alone cannot
18 provide that separation.

19 b. Required Materials. A fence or wall that complies with the F2 standard shall
20 be six (6) feet high and one hundred percent (100%) sight-obscuring.
21 Fences may be made of wood, metal, bricks, masonry or other permanent
22 materials. This shall not include chain link fences with slats or similar
23 construction. See Figure 40.320.010-7.

24
25 *(Amended: Ord. 2008-06-02; Ord. 2015-11-24)*

26
27 C. Landscaping and Screening Approval Standards – General.

28 1. A landscape plan shall contain landscaping and screening consistent with the
29 applicable design standards, based on Table 40.320.010-1 and other
30 applicable provisions of this section.

31 2. The applicant may provide landscaping and screening that exceeds the
32 standards in this section; provided:

33 a. A fence or wall (or a combination of a berm and fence or wall) may not
34 exceed a height of six (6) feet above the finished grade at the base of the
35 fence or wall (or at the base of a berm, if combined with one) unless the
36 review authority finds additional height is necessary to mitigate potential
37 adverse effects of the proposed use or other uses in the vicinity; and

38 b. Landscaping and screening shall not obstruct sight distance at intersections
39 as provided in Section 40.350.030 of the UDC.

40 3. The responsible official may approve use of existing vegetation to fulfill
41 landscaping and screening requirements of this section if that existing
42 landscaping provides at least an equivalent level of screening as the standard
43 required for the development in question.

44 4. As a condition of approval of a conditional use or the expansion or alteration of
45 an existing conditional use or planned unit development, the county may
46 require an applicant to provide landscaping and screening that differs from the
47 standards in Table 40.320.010-1 and Section 40.320.010(C)(2) where
48 necessary to comply with the other applicable approval standards for the use or
49 development.

- 1 5. Landscaped areas required for stormwater management purposes may be
2 used to satisfy the landscaping area requirements of this section even though
3 those areas may be inundated by surface water. All stormwater facility designs
4 shall meet the standards as defined in Chapter 40.386.
- 5 6. Required landscaping and screening shall be located on the perimeter of a lot
6 or parcel. Required landscaping and screening shall not be located on a public
7 right-of-way or private street easement, unless authorized under Section
8 40.320.020.
- 9 7. The responsible official may approve and condition an alternative landscape
10 design and buffer standard that is compatible with existing, abutting
11 landscaping that still meets the intent of the required buffer type, such as
12 shared buffers between users.
- 13 8. Required landscaping buffers shall not apply between buildings in common wall
14 construction situations.
- 15 9. The exception to setback allowances under Section 40.200.070 shall not apply
16 to landscape buffers except as follows:
 - 17 a. Eaves that are sixteen (16) feet or more above grade may project twenty
18 percent (20%) of the width of the buffer, up to a maximum of two (2) feet.
 - 19 b. Eaves seven (7) feet or more above grade may project ten percent (10%) of
20 the width of the buffer, up to a maximum of two (2) feet.
- 21

Figure 40.320.010-1
L1 – General Landscaping

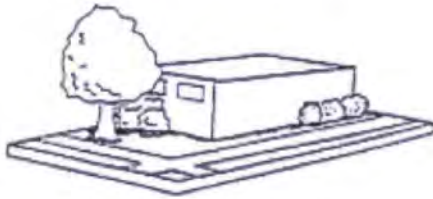


Figure 40.320.010-2
L2 – Low Screen Landscaping



Figure 40.320.010-3
L3 – High Screen Landscaping

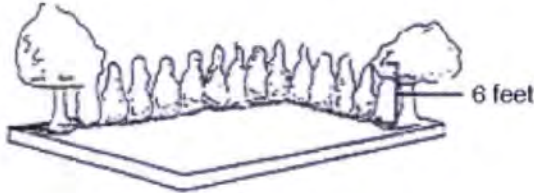


Figure 40.320.010-4
L4 – High Wall Landscaping



Figure 40.320.010-5
L5 – High Berm Landscaping



Figure 40.320.010-6
F1 – Partially Sight-Obscuring Fence

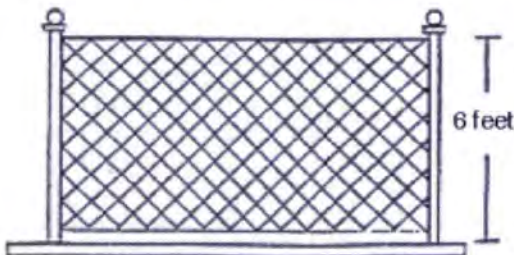


Figure 40.320.010-7
F2 – Totally Sight-Obscuring Fence



(Amended: Ord. 2007-06-05; Ord. 2010-08-06; Ord. 2015-11-24)

D. Landscape and Screening Standards for Storage and Equipment Areas.

1. Storage and equipment areas shall be screened from property used or zoned for residential purposes or a public road right-of-way to at least an F2 or L3 standard if within one hundred (100) feet of the property or right-of-way and to at least an F1 standard if equal to or more than one hundred (100) feet from the property or right-of-way. Storage areas include storage of solid waste and recyclables from the site and, where permitted, storage of goods, materials or equipment.
2. Rooftop and ground-level exterior equipment shall be screened from abutting property used or zoned for residential purposes or from an abutting public road right-of-way to at least an F2 or L3 standard if visible at grade from the property

1 or right-of-way.

2
3 E. Landscaping and Screening Standards for Parking, Loading, and Drive-Through
4 Areas.

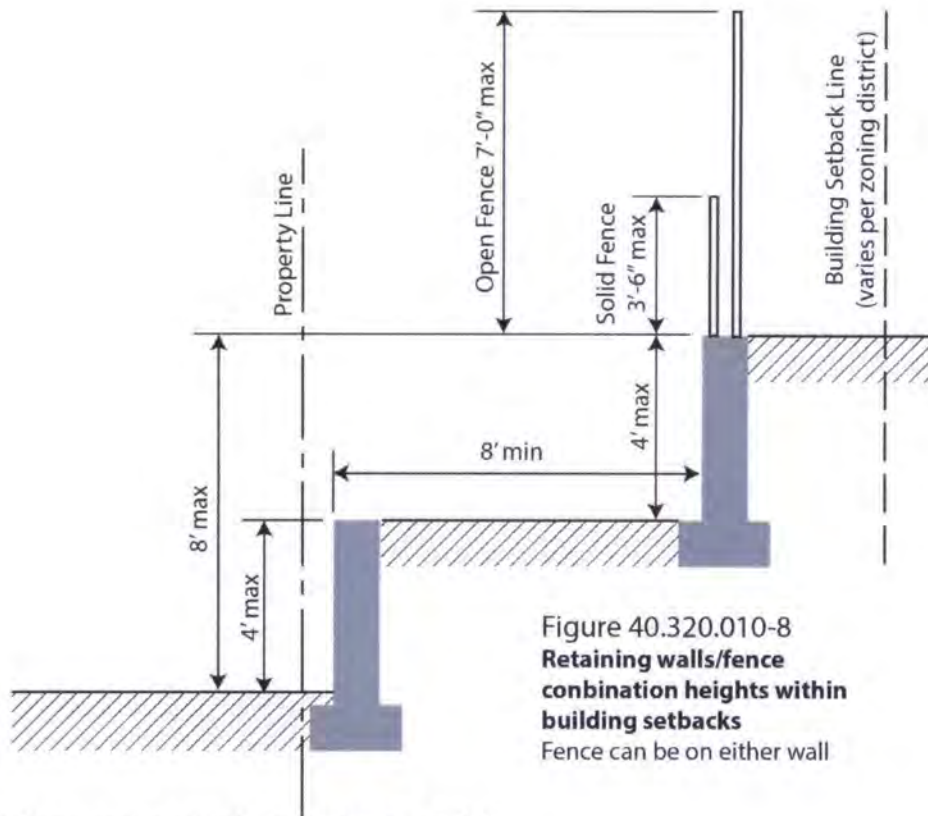
- 5 1. A minimum five (5) foot wide strip landscaped to at least an L2 standard shall
6 be provided where vehicle parking, loading, or drive-through facilities abut a
7 public road right-of-way.
8 2. Where a vehicle parking or loading area abuts a property with zoning or land
9 uses other than the proposed land use, the area shall be landscaped and
10 screened as provided in Table 40.320.010-1 abutting the other property.
11 3. Parking areas that contain at least seven (7) spaces shall contain landscape
12 islands equally distributed at a ratio of one (1) island for every seven (7)
13 parking spaces. A landscape island shall contain at least twenty-five (25)
14 square feet, shall be at least four (4) feet wide, and shall prevent vehicles from
15 damaging trees, such as by using a wheel stop or curb. Islands may include
16 stormwater facility design components, such as bioretention features.
17 4. At least one (1) tree shall be planted in each landscape island. Trees in
18 landscape islands shall reach a mature height of thirty (30) feet or more, cast
19 moderate to dense shade in the summer, live at least sixty (60) years, require
20 little maintenance (such as by being insect-, disease- and drought-resistant and
21 not producing fruit), and be suited for use in the proposed location (such as by
22 being tolerant of pollution and direct and reflected heat).

23 *(Amended: Ord. 2009-12-01; Ord. 2010-12-12; Ord. 2015-11-24)*

24
25 F. Establishing Setback Standards for Retaining Walls and Fences.

- 26 1. This section regulates the height of retaining walls and fences along the
27 perimeter of sites. Building codes specify the circumstances under which
28 retaining walls and fences require building and grading permits. Changes to
29 stormwater runoff resulting from construction of retaining walls are subject to
30 Chapter 40.386.
31 2. Construction of private retaining walls or fences within public rights-of-way is
32 prohibited. Exceptions to this prohibition require approval of the Public Works
33 Director.
34 3. The construction of retaining walls four (4) feet or less in height and fences
35 seven (7) feet or less in height may be constructed within easements. This
36 subsection does not exempt retaining walls or fences from otherwise applicable
37 easement provisions.
38 4. The construction of retaining walls in excess of four (4) feet in height and
39 fences in excess of seven (7) feet in height shall meet the setback
40 requirements of the underlying zone, except as authorized below. The height of
41 a fence on top of retaining walls shall be measured to the grade at the bottom
42 of the wall. Each of the following is an exception to the height and setback
43 requirements of Section 40.320.010(F)(4):
44 a. Retaining walls taller than four (4) feet may be placed within setbacks by
45 using a series of retaining walls four (4) feet high or less that are separated
46 a minimum of eight (8) feet, provided the area between walls is maintained
47 in ground cover or shrubs. The total height of a series of walls within the
48 building setback shall not exceed eight (8) feet. Landscaping shall be
49 maintained consistent with Section 40.320.010(G)(6). Fences are allowed

- 1 on top of such walls consistent with Section 40.320.010(F)(4)(h) and Figure
2 40.320.010-8;
- 3 b. The exposed faces of retaining walls over four (4) feet in height must be
4 directed toward the interior of the lot;
- 5 c. The retaining walls and/or fences are constructed as part of the site
6 improvements prior to a final plat, and located between lots within the
7 development. Retaining walls on the perimeter of the plat may not use this
8 exception, except as allowed under subsection (F)(4)(d) of this section;
- 9 d. Retaining walls and/or fences abutting a road right-of-way or road
10 easement; subject to the following:
11 (1) The wall or fence does not block required sight distance;
12 (2) Walls and/or fences over twelve (12) feet in height will be reviewed for
13 potential shading and visual impacts beyond the right-of-way or
14 easement. The Community Development Director may impose
15 conditions on the design and setbacks of such walls if needed to
16 mitigate impacts;
- 17 e. The retaining wall and/or fence is constructed between lots under the same
18 ownership;
- 19 f. Permission to exceed the height limits within the setback is granted in
20 writing from the abutting property owner;
- 21 g. The retaining wall and/or fence is abutting commercial or industrial zoned
22 property or legally permitted nonresidential uses;
- 23 h. Non-sight-obscuring fences such as chain link or wrought iron seven (7) feet
24 high or less and sight-obscuring fences forty-two (42) inches high on top of
25 retaining walls no greater than four (4) feet tall are allowed within setbacks
26 per Figure 40.320.010-8.
- 27 5. Building codes for retaining walls may require setbacks that are greater than
28 those required by Section 40.320.010(F)(4).
- 29 6. These height and setback limitations do not apply to fences required by state
30 law to enclose public utilities, or to chain link fences enclosing school grounds
31 or public recreation areas.
32



1
 2 (Amended: Ord. 2014-01-08; Ord. 2016-12-09)
 3

4 G. Timing, Selection, Installation, and Maintenance Standards.

- 5 1. Timing. That applicant shall install landscaping and screening required by this
 6 section consistent with the approved site plan or an approved modification
 7 thereto before the county issues an occupancy permit or final inspection for the
 8 development in question; provided, the responsible official may defer
 9 installation of plant materials for up to six (6) months after the county issues an
 10 occupancy permit or final inspection for the development in question if the
 11 responsible official finds doing so increases the likely survival of plants.
 12 2. Shrubs and Groundcover Selection. All required groundcover plants and shrubs
 13 must be of sufficient size and number to meet the required standards within
 14 three (3) years of planting. Mulch (as a groundcover) must be confined to areas
 15 underneath plants and is not a substitute for living groundcover plants, lawn or
 16 approved flowers.
 17 a. Shrubs shall be supplied in a minimum of three (3) gallon containers or
 18 equivalent burlap balls, with a minimum spread of eighteen (18) inches to
 19 meet the L2 buffer requirement, and minimum of five (5) gallon containers
 20 or equivalent burlap balls with a minimum spread of thirty (30) inches to
 21 meet the L3 buffer requirements. Reduction in the minimum size may be
 22 permitted if certified by a registered landscape architect that the reduction
 23 shall not diminish the intended effect or the likelihood the plants will survive.
 24 b. Groundcover plants shall be placed not more than thirty (30) inches on
 25 center and thirty (30) inches between rows. Rows of plants shall be
 26 staggered for a more effective covering. Groundcover shall be supplied in a
 27 minimum four (4) inch size container or a two and one-quarter (2 1/4) inch
 28 container or equivalent if planted eighteen (18) inches on center. Reduction

- 1 in the minimum size may be permitted if certified by a registered landscape
2 architect that the reduction shall not diminish the intended effect or the
3 likelihood the plants will survive. A lawn or flower bed of flowers approved
4 by the responsible official may be substituted for groundcover plants.
- 5 3. Tree Selection. Trees may be deciduous or evergreen. The required tree height
6 shall be measured from the ground level at final planting to the top of the tree.
7 a. Required trees for parking and loading areas shall be a minimum caliper of
8 two (2) inches and a minimum height of ten (10) feet at the time of planting.
9 b. Required deciduous trees (other than street trees) shall be fully branched,
10 have a minimum caliper of one and one-half (1 1/2) inches, and a minimum
11 height of eight (8) feet at the time of planting.
12 c. Required evergreen trees (other than street trees) shall be fully branched
13 and a minimum of six (6) feet high at the time of planting.
14 d. If the responsible official decides reducing the minimum size of trees will not
15 detract from the desired effect of the trees, the minimum size of trees (other
16 than street trees) may be reduced if the applicant submits a written
17 statement by a landscape architect registered in Washington or expert in
18 the growing of the tree(s) in question certifying that the reduction in size at
19 planting will not decrease the likelihood the trees will survive.
20 e. See Section 40.320.010(E)(4) regarding trees in landscape islands in
21 parking lots.
22 f. See Section 40.320.020 regarding street trees and vegetation in the right-of-
23 way. Such required trees and vegetation may be determined by the
24 responsible official to meet aspects of the landscape buffer requirements of
25 this section.
- 26 4. Selection Generally. Landscape materials should be selected and sited to
27 produce a hardy and drought-resistant landscape area. Selection should
28 include consideration of soil type and depth, the amount of maintenance
29 required, spacing, exposure to sun and wind, the slope and contours of the
30 site, compatibility with existing native vegetation preserved on the site, water
31 conservation where needed, and the impact of landscaping on visibility of the
32 site for purposes of public safety and surveillance. Landscaping materials shall
33 be selected in accordance with a list of plant materials found in the Standard
34 Details Manual.
- 35 5. Installation Standards. The applicant shall show and comply with the following:
36 a. Plant materials will be installed to current nursery industry standards.
37 b. Plant materials shall be properly supported to ensure survival. Support
38 devices such as guy wires or stakes shall not interfere with vehicular or
39 pedestrian movement.
40 c. Existing trees and plant materials to be retained shall be protected during
41 construction, such as by use of chain link or other sturdy fence placed at the
42 dripline of trees to be retained. Grading, topsoil storage, construction
43 material storage, vehicles and equipment shall not be allowed within the
44 dripline of trees to be retained.
- 45 6. Maintenance. Maintenance of landscaped areas is the ongoing responsibility of
46 the property owner. Required landscaping must be continuously maintained in
47 a healthy manner. Plants that die must be replaced with in-kind materials
48 unless otherwise authorized by the responsible official. Vegetation shall be
49 controlled by pruning, trimming or otherwise so that it will not interfere with the

1 maintenance or repair of any public utility, restrict pedestrian or vehicular
 2 access, or obstruct sight distance at intersections as provided in Section
 3 40.320.020.

4
 5 H. Plant List.

6 The county shall maintain a plant list to assist in administration of this chapter (see
 7 the Standard Details Manual).

8
 9 I. Verification of the Installation of Required Landscape.

10 Prior to the issuance of an approval of occupancy for a site plan, the applicant
 11 shall provide verification in accordance with Section 40.320.030(B) that the
 12 required landscape has been installed in accordance with the approved landscape
 13 plan(s).
 14

Table 40.320.010-1 Landscaping Standards

Zoning of land abutting development site		Zoning of Proposed Development											
		Single-family ^{3,4}		Multifamily ⁴		Office Residential ⁵ , Employment and University		Commercial and Mixed Use		Industrial and Airport			
		R1, R, RC, UH and UR zones		R-12 through R-43		OR, BP and U zones		All C zones, MX		IL, A		IH/IR	
		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Single-Family	All R1, R-5, R-10, R-20, UH-10 ⁵ , and RC zones	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft ¹¹	L2 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8, 9, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}
Multifamily	R-12 – R-43	None	L1 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	L3 10-ft	L2 ¹ 10-ft	L4 in 10-ft L5 in 15-ft	L2 10-ft	L3 10-ft ^{8, 9, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}
Office Residential, Employment and University	OR, BP and U zones	L1 5-ft	L1 ⁷ 5-ft	L1 5-ft	L1 5-ft	L2 10-ft	None	L2 ¹ 10-ft	L3 5-ft	L2 10-ft	L3 5-ft ^{8, 11}	L3 ¹⁰ 10-ft	L3 10-ft ^{8, 9, 11}
Commercial and Mixed Use	All C zones, MX, UR-10	L1 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 5-ft	L3 10-ft	L2 ¹ 10-ft	L1 ² 0 – 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial and Airport	IL, A, UR-20, UH-20,	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 5-ft	L1 ⁷ 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L2 5-ft	L2 10-ft	None	L2 10-ft	None
	IH/IR	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L3 ⁶ 10-ft	L1 ⁷ 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	None
Resource	FR-80, FR-40, FR-20, AG-20, AG10, AG-WL			L2 5-ft	L3 50-ft	L2 5-ft	L3 10-ft	L2 10-ft	L2 5-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

15
 16 ¹ If building wall is to be built within ten (10) feet of a public right-of-way the required buffer shall be
 17 L1 five (5) feet for that portion of the site. The front setback for a commercial building may be
 18 reduced to zero (0) feet if the Storefront Design Standards in Section 3.3 of Appendix F are
 19 implemented, subject to obtaining any necessary overhead easements or licenses as required.

20 ² If building is to be built on the property line there is no required buffer for that portion of the site.

1 ³ Applies to land division applications and not single-family building permits on existing parcels.
2 ⁴ See special setback requirements required by Section 40.260.070, Community Buildings, Social
3 Halls, Lodges, Fraternal Organizations, Clubs, Public and Private Schools, Private Recreational
4 Facilities and Churches.
5 ⁵ Some urban holding is an overlay over an underlying base zoning designation. In these cases,
6 landscaping buffers shall be based on the underlying base zone rather than the UH designation.
7 ⁶ L1 if residential parcel has driveway access to the separating street.
8 ⁷ L4-10 if abutting parcel is already developed and has no L4 wall.
9 ⁸ Increase setback to equal building height, up to a maximum of 50 feet.
10 ⁹ L4 without requirement for shrubs.
11 ¹⁰ L2-10 where an office/commercial-type building fronts the street.
12 ¹¹ Responsible official will determine the appropriate landscaping/screening (L4) proposed
13 developments that exceed the maximum permissible environmental noise levels identified in WAC
14 173-60-040.
15

16 (Amended: Ord. 2004-06-11; Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord.
17 2010-08-06; Ord. 2012-07-03; Ord. 2012-12-14; Ord. 2016-06-12)

18 * * * * *

20
21
22
23

1 **EXHIBIT 16**

2
3 **40.510 TYPE I, II, III, AND IV PROCESSES**

4
5 **40.510.010 TYPE I PROCESS – MINISTERIAL DECISIONS**

6
7 **A. Review for Counter Complete Status.**

- 8 1. Before accepting an application for review for fully complete status, and unless
9 otherwise expressly provided by code, the responsible official shall determine
10 the application is counter complete.
11 2. The responsible official shall decide whether an application is counter complete
12 when the application is submitted, typically “over the counter.”
13 3. In order to review the applicable requirements with the applicant and to
14 expedite the review process, a preliminary review meeting is strongly
15 encouraged prior to submittal of an application for final site plan/final
16 construction plan.
17 a. To request a preliminary review meeting, an applicant shall submit a
18 completed form provided by the responsible official for that purpose. The
19 applicant is encouraged to provide in advance or bring to the meeting all
20 available draft application submittal requirements.
21 b. The responsible official shall coordinate the involvement of agency staff.
22 Relevant staff shall attend the preliminary review meeting or shall take other
23 steps to fulfill the purposes of the meeting.
24 c. If feasible, the preliminary review meeting shall be scheduled not more than
25 fourteen (14) calendar days after the responsible official accepts the
26 request for a preliminary review meeting.
27 4. An application is counter complete if the responsible official finds that the
28 application purports and appears to include the information required by Section
29 40.510.010(B); provided, no effort shall be made to evaluate the substantive
30 adequacy of the information in the application in the counter complete review
31 process. Required information which has been waived by the responsible
32 official shall be replaced by a determination from the responsible official
33 granting the waiver.
34 5. If the responsible official decides the application is counter complete, then the
35 application shall be accepted for review for fully complete status; provided, that
36 for final plat applications, submittal requirements may be requested and
37 reviewed in increments established by the responsible official.
38 6. If the responsible official decides the application is not counter complete, then
39 the responsible official shall immediately reject and return the application and
40 identify what is needed to make the application counter complete.

41
42 **B. Review for Fully Complete Status.**

- 43 1. Except as noted below, before accepting an application for processing, the
44 responsible official shall determine that the application is fully complete.
45 a. Final plat applications shall not be deemed fully complete until all of the
46 required materials specified in Section 40.540.070 have been submitted;
47 however, the responsible official may establish application procedures to
48 allow final plat applications to be processed in increments in advance of a
49 fully complete application.

- 1 b. Pursuant to Section 40.510.010(C)(2), applications for approval of final site
2 plan/final construction plan shall be reviewed for completeness and
3 correctness concurrently.
- 4 2. The responsible official shall decide whether an application is fully complete
5 subject to the following:
- 6 a. Within twenty-one (21) calendar days after the responsible official
7 determines the application is counter complete; or
8 b. Within fourteen (14) calendar days after an application has been
9 resubmitted to the county after the application has been returned to the
10 applicant as being incomplete.
- 11 3. An application is fully complete if it includes all the required materials specified
12 in the submittal requirements for the specific development review application
13 being applied for and additional materials specified in the pre-application
14 conference. If submittal requirements are not specified in the applicable code
15 sections the application is fully complete if it includes the following:
- 16 a. A signed statement from the applicant certifying that the application has
17 been made with the consent of the lawful property owner(s) and that all
18 information submitted with the application is complete and correct. False
19 statements, errors, and/or omissions may be sufficient cause for denial of
20 the request. Submittal of the application gives consent to the county to enter
21 the property(ies) subject to the application;
- 22 b. The signature of the property owner or the property owner's authorized
23 representative;
- 24 c. A legal description supplied by the Clark County Survey Records Division, a
25 title company, surveyor licensed in the state of Washington, or other party
26 approved by responsible official, and current County Assessor map(s)
27 showing the property(ies) subject to the application;
- 28 d. The applicable fee(s) adopted by the board for the application(s) in
29 question;
- 30 e. An application shall include all of the information listed as application
31 requirements in the relevant sections of this code.
- 32 (1) The responsible official may waive application requirements that are
33 clearly not necessary to show an application complies with relevant
34 criteria and standards and may modify application requirements based
35 on the nature of the proposed application, development, site or other
36 factors. Requests for waivers shall be reviewed as a Type I process
37 before applications are submitted for counter complete review or the
38 application must contain all the required information;
- 39 (2) The decision about the fully complete status of an application, including
40 any required engineering, traffic or other studies, shall be based on
41 submittal requirements listed in Sections 40.510.050 and other
42 applicable submittal requirements and shall not be based on the quality
43 or technical accuracy of the submittal;
- 44 f. Any applicable SEPA document, typewritten or in ink and signed.
- 45 4. If the responsible official decides an application is not fully complete, then,
46 within the time provided in Section 40.510.010(B)(2), the responsible official
47 shall send the applicant a written statement indicating that the application is
48 incomplete based on a lack of information and listing what is required to make
49 the application fully complete.

- a. The statement shall specify a date by which the required missing information must be provided to restart the fully complete review process pursuant to Section 40.510.010(B)(2)(b). The statement shall state that an applicant can apply to extend the deadline for filing the required information, and explain how to do so.
- b. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, is recommended to address other issues that are or may be relevant to the review.

5. If the required information is not submitted by the date specified and the responsible official has not extended that date, within seven (7) calendar days after that date the responsible official shall take the action in Sections 40.510.010(B)(5)(a), (B)(5)(b) or (B)(5)(c). If the required information is submitted by the date specified, then within fourteen (14) calendar days the responsible official shall decide whether the application is fully complete and, if not, the responsible official shall:

- a. Reject and return the application and scheduled fees and mail to the applicant a written statement which lists the remaining additional information needed to make the application fully complete; or
- b. Issue a decision denying the application, based on a lack of information; or
- c. The responsible official may allow the applicant to restart the fully complete review process a second time by providing the required missing information by a date specified by the responsible official, in which case the responsible official shall retain the application and fee pending expiration of that date or a fully complete review of the application as amended by that date.

If the responsible official decides an application is fully complete, then the responsible official shall begin processing the application pursuant to Section 40.510.010(C).

6. A fully complete determination shall not preclude the county from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposed action occur.

(Amended: Ord. 2006-05-01; Ord. 2012-07-03)

C. Procedure.

1. Except for applications for approval of final site plan/final construction plan, the responsible official shall approve, approve with conditions, or deny the application within twenty-one (21) calendar days after the date the application was accepted as fully complete. An applicant may request in writing to extend the time in which the responsible official shall issue a decision, provided the county receives the request within the twenty-one (21) day period. If the responsible official grants such a request, the responsible official may consider new evidence the applicant introduces with or subsequent to the request.
2. Applications for Approval of Final Site Plan/Final Construction Plan.
 - a. Initial Review. Initial review shall be completed within twenty-one (21) calendar days of a counter-complete submittal. During the initial review, the plans shall be reviewed for completeness and correctness and the responsible official shall identify errors, omissions or inaccuracies in the application. The submittal shall also be reviewed by county staff for

- 1 compliance with additional requirements including, but not limited to,
2 wetland review, required dedications, and approval letters from other
3 agencies. County staff shall notify the applicant or the applicant's
4 representative when the reviewed submittal materials are available to be
5 picked up and, unless waived by the responsible official, shall schedule a
6 meeting with the applicant or the applicant's representative to review county
7 staff's comments.
- 8 (1) If, after the initial review, the responsible official concludes that the
9 application complies with the requirements of the code the responsible
10 official shall issue a decision pursuant to Section 40.510.010(C)(2)(d).
11 (2) If, after the initial review, the responsible official concludes that the
12 application does not comply, the applicant shall amend the application
13 and submit the amended application to the county for a second review.
- 14 b. Second Review. The second review shall be completed within fourteen (14)
15 calendar days of the submittal of corrected plans. County staff shall notify
16 the applicant or the applicant's representative when the reviewed submittal
17 materials are available.
- 18 (1) If, after the second review, the responsible official concludes that the
19 application complies with the requirements of the code, the responsible
20 official shall issue a decision pursuant to Section 40.510.010(C)(2)(d).
21 (2) If, after the second review, the responsible official concludes that the
22 application does not comply, the applicant shall amend the application
23 and submit the amended application to the county for a third review.
- 24 c. Third Review. The third review shall be completed within seven (7) calendar
25 days of the submittal of corrected plans. Upon completion of the third
26 review, the responsible official shall issue a decision pursuant to Section
27 40.510.010(C)(2)(d).
- 28 d. Within five (5) calendar days of the completion of the county's review, the
29 responsible official shall approve or deny the application; provided:
- 30 (1) An applicant may request additional reviews (fourth review, etc.). Such a
31 request shall be made in writing and shall be accompanied by the fees
32 required for such additional reviews.
- 33 (2) An applicant may request in writing to extend the time in which the
34 responsible official shall issue a decision. The responsible official may
35 consider new evidence the applicant introduces with or after such a
36 written request.
- 37 3. Notice of a decision regarding a Type I process shall be mailed to the applicant
38 and applicant's representative within seven (7) days of the issuance of the
39 decision. The applicant may appeal the decision pursuant to Section
40 40.510.010(E) or may apply for post-decision changes pursuant to Section
41 40.520.060.
- 42 4. Notice of agricultural, forest or mineral resource activities.
- 43 a. All plats, building permits or development approvals under this title issued
44 for residential development activities on, or within a radius of five hundred
45 (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-10
46 AG-20), forest (~~FR-40~~ ~~FR-20~~ and FR-80), or surface mining (S), or in
47 current use pursuant to Chapter 84.34 RCW, shall contain or be
48 accompanied by a notice provided by the responsible official. Such notice
49 shall include the following disclosure:

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

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

(Amended: Ord. 2005-04-12; Ord. 2016-06-12)

1 **EXHIBIT 17**

2
3 **40.510 TYPE I, II, III, AND IV PROCESSES**

4
5 **40.510.020 TYPE II PROCESS – ADMINISTRATIVE DECISIONS**

6
7 **A. Pre-Application Review.**

- 8 1. The purposes of pre-application review are:
- 9 a. To acquaint county staff with a sufficient level of detail about the proposed
10 development to enable staff to advise the applicant accordingly;
- 11 b. To acquaint the applicant with the applicable requirements of this code and
12 other law. However, the conference is not intended to provide an exhaustive
13 review of all the potential issues that a given application could raise. The
14 pre-application review does not prevent the county from applying all
15 relevant laws to the application; and
- 16 c. To provide an opportunity for other agency staff and the public to be
17 acquainted with the proposed application and applicable law. Although
18 members of the public can attend a pre-application conference, it is not a
19 public hearing, and there is no obligation to receive public testimony or
20 evidence.
- 21 2. Pre-application review is required for applications, with the following
22 exceptions:
- 23 a. The application is for one (1) of the following use classifications:
- 24 (1) Section 40.210.010, Forest and Agriculture districts;
- 25 (2) Section 40.520.020, Planning Director reviews and similar use
26 determinations;
- 27 (3) Chapter 40.260, special uses (unless specified as a Type III review);
- 28 (4) Section 40.260.220, temporary permits;
- 29 (5) Section 40.530.010(F)(6), change in nonconforming use;
- 30 (6) Section 40.260.210, temporary dwelling permit;
- 31 (7) Section 40.520.060, post-decision reviews;
- 32 (8) Section 40.450.040, preliminary (stand-alone) wetland permit;
- 33 (9) SEPA review for projects that are not otherwise Type II reviews (e.g.,
34 grading);
- 35 (10) Section 40.500.010, interpretations;
- 36 (11) Section 40.550.020, administrative variances; or
- 37 b. The applicant applies for and is granted a pre-application waiver from the
38 responsible official. The form shall state that waiver of pre-application
39 review increases the risk the application will be rejected or processing will
40 be delayed. Pre-application review generally should be waived by the
41 responsible official only if the application is relatively simple. The decision
42 regarding a pre-application waiver can be appealed as a Type I decision.
- 43 3. To initiate pre-application review, an applicant shall submit a completed form
44 provided by the responsible official for that purpose, the required fee, and all
45 information required by the relevant section(s) of this code. The applicant shall
46 provide the required number of copies of all information as determined by the
47 responsible official.
- 48 4. Information not provided on the form shall be provided on the face of the
49 preliminary plat, in an environmental checklist or on other attachments. The

1 responsible official may modify requirements for pre-application materials and
2 may conduct a pre-application review with less than all of the required
3 information. However, failure to provide all of the required information may
4 prevent the responsible official from identifying all applicable issues or
5 providing the most effective pre-application review and will preclude contingent
6 vesting under Section 40.510.020(G). Review for completeness will not be
7 conducted by staff at the time of submittal and it is the responsibility of the
8 applicant.

- 9 5. Within fifteen (15) calendar days after receipt of an application for pre-
10 application review, the responsible official shall mail written notice to the
11 applicant and to other interested agencies and parties, including the
12 neighborhood association in whose area the property in question is situated.
13 The notice shall state the date, time and location of the pre-application
14 conference, the purposes of pre-application review, and the nature of the
15 proposal.
- 16 6. The responsible official shall coordinate the involvement of agency staff
17 responsible for planning, development review, roads, drainage, parks and other
18 subjects, as appropriate, in the pre-application review process. Relevant staff
19 shall attend the pre-application conference or shall take other steps to fulfill the
20 purposes of pre-application review.
- 21 7. The pre-application conference shall be scheduled at least five (5) calendar
22 days after the notice is mailed but not more than twenty-eight (28) calendar
23 days after the responsible official accepts the application for pre-application
24 review. The responsible official shall reschedule the conference and give new
25 notice if the applicant or applicant's representative cannot or does not attend
26 the conference when scheduled.
- 27 8. Within seven (7) calendar days after the date of the pre-application conference,
28 the responsible official shall mail to the applicant and to other parties who sign
29 a register provided for such purpose at the pre-application conference or who
30 otherwise request it in writing, a written summary of the pre-application review.
31 The summary may be e-mailed instead of mailed to the applicant and other
32 parties should they consent to this method. The written summary generally
33 shall do the following to the extent possible given the information provided by
34 the applicant:
 - 35 a. Summarize the proposed application(s);
 - 36 b. Identify the relevant approval criteria and development standards in this
37 code or other applicable law and exceptions, adjustments or other
38 variations from applicable criteria or standards that may be necessary;
 - 39 c. Evaluate information the applicant offered to comply with the relevant
40 criteria and standards, and identify specific additional information that is
41 needed to respond to the relevant criteria and standards or is
42 recommended to respond to other issues;
 - 43 d. Identify applicable application fees in effect at the time, with a disclaimer
44 that fees may change;
 - 45 e. Identify information relevant to the application that may be in the possession
46 of the county or other agencies of which the county is aware, such as:
 - 47 (1) Comprehensive plan map designation and zoning on and in the vicinity
48 of the property subject to the application;
 - 49 (2) Physical development limitations, such as steep or unstable slopes,

1 wetlands, well head protection areas, water bodies, or special flood
2 hazard areas, that exist on and in the vicinity of the property subject to
3 the application;

4 (3) Those public facilities that will serve the property subject to the
5 application, including fire services, roads, storm drainage, and, if
6 residential, parks and schools, and relevant service considerations, such
7 as minimum access and fire flow requirements or other minimum service
8 levels and impact fees; and

9 (4) Other applications that have been approved or are being considered for
10 land in the vicinity of the property subject to the proposed application
11 that may affect or be affected by the proposed application.

12 f. Where applicable, indicate whether the pre-application submittal was
13 complete so as to trigger contingent vesting under Section 40.510.020(G).

14 9. An applicant may submit a written request for a second pre-application
15 conference within one (1) calendar year after an initial pre-application
16 conference. There is no additional fee for a second conference if the proposed
17 development is substantially similar to the one reviewed in the first pre-
18 application conference or if it reflects changes based on information received at
19 the first pre-application conference. A request for a second pre-application
20 conference shall be subject to the same procedure as the request for the initial
21 pre-application conference.

22 10. A new request for or waiver of a pre-application review for a given
23 development shall be filed unless the applicant submits a fully complete
24 application that the responsible official finds is substantially similar to the
25 subject of a pre-application review within one (1) calendar year after the last
26 pre-application conference or after approval of waiver of pre-application review.

27 *(Amended: Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2007-11-13; Ord.*
28 *2009-03-02; Ord. 2009-07-01; Ord. 2010-08-06)*

29
30 **B. Review for Counter Complete Status.**

- 31 1. Before accepting an application for review for fully complete status, and unless
32 otherwise expressly provided by code, the responsible official shall determine
33 the application is counter complete.
34 2. The responsible official shall decide whether an application is counter complete
35 when the application is accepted, typically "over the counter."
36 3. An application is counter complete if the responsible official finds that the
37 application purports and appears to include the information required by Section
38 40.510.020(C); provided, no effort shall be made to evaluate the substantive
39 adequacy of the information in the application in the counter complete review
40 process. Required information which has been waived by the responsible
41 official shall be replaced by a determination from the responsible official
42 granting the waiver.
43 4. If the responsible official decides the application is counter complete, then the
44 application shall be accepted for review for fully complete status.
45 5. If the responsible official decides the application is not counter complete, then
46 the responsible official shall immediately reject and return the application and
47 identify what is needed to make the application counter complete.
48
49

1 C. Review for Fully Complete Status.

- 2 1. Before accepting an application for processing, the responsible official shall
3 determine that the application is fully complete.
- 4 2. The responsible official shall decide whether an application is fully complete
5 subject to the following:
6 a. Within twenty-one (21) calendar days after the responsible official
7 determines the application is counter complete; or
8 b. Within fourteen (14) calendar days after an application has been resubmitted
9 to the county after the application has been returned to the applicant as
10 being incomplete.
- 11 3. An application is fully complete if it includes all the required materials specified
12 in the submittal requirements for the specific development review application
13 being applied for and additional materials specified in the pre-application
14 conference. If submittal requirements are not specified in the applicable code
15 sections the application is fully complete if it includes the following:
16 a. A signed statement from the applicant certifying that the application has
17 been made with the consent of the lawful property owner(s) and that all
18 information submitted with the application is complete and correct. False
19 statements, errors, and/or omissions may be sufficient cause for denial of
20 the request. Submittal of the application gives consent to the county to enter
21 the property(ies) subject to the application;
22 b. The signature of the property owner or the property owner's authorized
23 representative;
24 c. A legal description supplied by the Clark County Survey Records Division, a
25 title company, surveyor licensed in the state of Washington, or other party
26 approved by the responsible official, and current County Assessor map(s)
27 showing the property(ies) subject to the application;
28 d. A current County Assessor map(s) showing the property(ies) within a radius
29 of the subject site as required in Section 40.510.020(E);
30 e. Unless the responsible official has waived the pre-application conference or
31 a pre-application conference was not required pursuant to Section
32 40.510.020(A)(2), a copy of the pre-application conference summary, and
33 information required by the pre-application conference summary, unless not
34 timely prepared as required by Section 40.510.020(A)(8);
35 f. The applicable fee(s) adopted by the board for the application(s) in
36 question;
37 g. An application shall include all of the information listed as application
38 requirements in the relevant sections of this code.
39 (1) The responsible official may waive application requirements that are
40 clearly not necessary to show an application complies with relevant
41 criteria and standards and may modify application requirements based
42 on the nature of the proposed application, development, site or other
43 factors. Requests for waivers shall be reviewed as a Type I process
44 before applications are submitted for counter complete review or the
45 application must contain all the required information;
46 (2) The decision about the fully complete status of an application, including
47 any required engineering, traffic or other studies, shall be based on the
48 criteria for completeness as established by the responsible official and
49 shall not be based on differences of opinion as to quality or accuracy;

- 1 h. Any applicable SEPA document, typewritten or in ink and signed.
- 2 4. If the responsible official decides an application is not fully complete, then,
- 3 within the time provided in Section 40.510.020(C)(2), the responsible official
- 4 shall send the applicant a written statement indicating that the application is
- 5 incomplete based on a lack of information and listing what is required to make
- 6 the application fully complete.
- 7 a. The statement shall specify a date by which the required missing
- 8 information must be provided to restart the fully complete review process
- 9 pursuant to Section 40.510.020(C)(2)(b). The statement shall state that an
- 10 applicant can apply to extend the deadline for filing the required information,
- 11 and explain how to do so.
- 12 b. The statement also may include recommendations for additional information
- 13 that, although not necessary to make the application fully complete, is
- 14 recommended to address other issues that are or may be relevant to the
- 15 review.
- 16 5. If the required information is not submitted by the date specified and the
- 17 responsible official has not extended that date, within seven (7) calendar days
- 18 after that date the responsible official shall take the action in Section
- 19 40.510.020(C)(5)(a), (C)(5)(b) or (C)(5)(c). If the required information is
- 20 submitted by the date specified, then within fourteen (14) calendar days the
- 21 responsible official shall decide whether the application is fully complete and, if
- 22 not, the responsible official shall:
- 23 a. Reject and return the application and scheduled fees and mail to the
- 24 applicant a written statement which lists the remaining additional
- 25 information needed to make the application fully complete; or
- 26 b. Issue a decision denying the application, based on a lack of information;
- 27 provided, the responsible official may allow the applicant to restart the fully
- 28 complete review process a second time by providing the required missing
- 29 information by a date specified by the responsible official, in which case the
- 30 responsible official shall retain the application and fee pending expiration of
- 31 that date or a fully complete review of the application as amended by that
- 32 date.
- 33 6. If the responsible official decides an application is fully complete, then the
- 34 responsible official shall, within fourteen (14) calendar days of making this
- 35 determination:
- 36 a. Forward the application to the county staff responsible for processing it;
- 37 b. Send a written notice of receipt of a complete application to the applicant
- 38 acknowledging acceptance, listing the name and telephone number of a
- 39 contact person for the responsible official, and describing the expected
- 40 review schedule;
- 41 c. Prepare a public notice in accordance with Section 40.510.020(E).
- 42 7. An application shall be determined fully complete if a written determination has
- 43 not been mailed to the applicant within twenty-eight (28) calendar days of the
- 44 date the application is submitted. An application shall be determined fully
- 45 complete if a written determination has not been mailed to the applicant within
- 46 fourteen (14) calendar days of the date that the necessary additional
- 47 information is submitted.
- 48 8. A fully complete determination shall not preclude the county from requesting
- 49 additional information, studies or changes to submitted information or plans if

1 new information is required or substantial changes to the proposed action
2 occur.

3 *(Amended: Ord. 2006-05-01; Ord. 2012-07-03)*
4

5 D. Procedure.

- 6 1. Within fourteen (14) calendar days after the date an application is accepted as
7 fully complete, the responsible official for the application shall issue a public
8 notice of the application pending review consistent with the requirements of
9 Section 40.510.020(E).
- 10 2. The responsible official shall mail to the applicant a copy of comments timely
11 received in response to the notice together with a statement that the applicant
12 may respond to the comments within fourteen (14) calendar days from the date
13 the comments are mailed. The responsible official shall consider the comments
14 timely received in response to the notice and timely responses by the applicant
15 to those comments. The responsible official may consider comments and
16 responses received after the deadline for filing.
- 17 3. A decision shall be made within the timelines specified by Section
18 40.510.020(F), and shall include:
 - 19 a. A statement of the applicable criteria and standards in this code and other
20 applicable law;
 - 21 b. A statement of the facts that the responsible official found showed the
22 application does or does not comply with each applicable approval criterion
23 and assurance of compliance with applicable standards;
 - 24 c. The reasons for a conclusion to approve or deny; and
 - 25 d. The decision to deny or approve the application and, if approved, conditions
26 of approval necessary to ensure the proposed development will comply with
27 applicable law.
- 28 4. Within seven (7) calendar days of the decision, the responsible official shall
29 mail a notice of decision to the applicant and applicant's representative, the
30 neighborhood association in whose area the property in question is situated,
31 and all parties of record regarding the application. The mailing shall include a
32 notice which includes the following information:
 - 33 a. A statement that the decision and SEPA determination are final, but may be
34 appealed as provided in Section 40.510.020(H) to the hearing examiner
35 within fourteen (14) calendar days after the notice of decision. The appeal
36 closing date shall be listed in boldface type. The statement shall describe
37 how a party may appeal the decision or SEPA determination or both,
38 including applicable fees and the elements of an appeal statement; and
 - 39 b. A statement that the complete case file, including findings, conclusions and
40 conditions of approval, if any, is available for review. The notice shall list the
41 place, days and times where the case file is available and the name and
42 telephone number of the county representative to contact about reviewing
43 the case file.
- 44 5. Notice of Agricultural, Forest or Mineral Resource Activities.
 - 45 a. All plats, building permits or development approvals under this title issued
46 for residential development activities on, or within a radius of five hundred
47 (500) feet for lands zoned agriculture-wildlife (AG-WL), agriculture (AG-20
48 AG-10), forest (FR-40 ~~FR-20~~ and FR-80), or surface mining (S), or in
49 current use pursuant to Chapter 84.34 RCW, shall contain or be

1 accompanied by a notice provided by the responsible official. Such notice
2 shall include the following disclosure:

3
4 The subject property is within or near designated agricultural land, forest land or
5 mineral resource land (as applicable) on which a variety of commercial activities
6 may occur that are not compatible with residential development for certain periods
7 of limited duration. Potential discomforts or inconveniences may include, but are
8 not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery
9 (including aircraft) during any twenty-four (24) hour period, storage and disposal of
10 manure, and the application by spraying or otherwise of chemical fertilizers, soil
11 amendments, herbicides and pesticides.

12
13 b. In the case of subdivisions or short plats, such notice shall be provided in
14 the Developer Covenants to Clark County; in the case of recorded binding
15 site plans, such notice shall be recorded separately with the County Auditor.

16
17 *(Amended: Ord. 2005-04-12; Ord. 2016-06-12)*

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19

1 **EXHIBIT 18**

2
3 **40.510 TYPE I, II, III, AND IV PROCESSES**

4
5 **40.510.030 TYPE III PROCESS – QUASI-JUDICIAL DECISIONS**

6
7 **A. Pre-Application Review.**

- 8 1. The purposes of pre-application review are:
- 9 a. To acquaint county staff with a sufficient level of detail about the proposed
10 development to enable staff to advise the applicant accordingly;
- 11 b. To acquaint the applicant with the applicable requirements of this code and
12 other law. However, the conference is not intended to provide an exhaustive
13 review of all the potential issues that a given application could raise. The
14 pre-application review does not prevent the county from applying all
15 relevant laws to the application; and
- 16 c. To provide an opportunity for other agency staff and the public to be
17 acquainted with the proposed application and applicable law. Although
18 members of the public can attend a pre-application conference, it is not a
19 public hearing, and there is no obligation to receive public testimony or
20 evidence.
- 21 2. Pre-application review is required for applications, with the following
22 exceptions:
- 23 a. The application is for a post-decision review, as described in Section
24 40.520.060; or
- 25 b. The applicant applies for and is granted a pre-application waiver from the
26 responsible official. The form shall state that waiver of pre-application
27 review increases the risk the application will be rejected or processing will
28 be delayed. Pre-application review generally should be waived by the
29 responsible official only if the application is relatively simple. The decision to
30 waive a pre-application can be appealed as a Type I decision.
- 31 3. To initiate pre-application review, an applicant shall submit a completed form
32 provided by the responsible official for that purpose, the required fee, and all
33 information required by the relevant section(s) of this code. The applicant shall
34 provide the required number of copies of all information as determined by the
35 responsible official.
- 36 4. Information not provided on the form shall be provided on the face of the
37 preliminary plat, in an environmental checklist or on other attachments. The
38 responsible official may modify requirements for pre-application materials and
39 may conduct a pre-application review with less than all of the required
40 information. However, failure to provide all of the required information may
41 prevent the responsible official from identifying all applicable issues or
42 providing the most effective pre-application review and will preclude contingent
43 vesting under Section 40.510.030(G). Review for completeness will not be
44 conducted by staff at the time of submittal and it is the responsibility of the
45 applicant.
- 46 5. Within fifteen (15) calendar days after receipt of an application for pre-
47 application review, the responsible official shall mail written notice to the
48 applicant and to other interested agencies and parties, including the
49 neighborhood association in whose area the property in question is situated.

1 The notice shall state the date, time and location of the pre-application
2 conference, the purposes of pre-application review, and the nature of the
3 conference.

- 4 6. The responsible official shall coordinate the involvement of agency staff
5 responsible for planning, development review, roads, drainage, parks and other
6 subjects, as appropriate, in the pre-application review process. Relevant staff
7 shall attend the pre-application conference or shall take other steps to fulfill the
8 purposes of pre-application review.
- 9 7. The pre-application conference shall be scheduled at least five (5) calendar
10 days after the notice is mailed but not more than twenty-eight (28) calendar
11 days after the responsible official accepts the application for pre-application
12 review. The responsible official shall reschedule the conference and give new
13 notice if the applicant or applicant's representative cannot or does not attend
14 the conference when scheduled.
- 15 8. Within seven (7) calendar days after the date of the pre-application conference,
16 the responsible official shall mail to the applicant and to other parties who sign
17 a register provided for such purpose at the pre-application conference or who
18 otherwise request it in writing, a written summary of the pre-application review.
19 The summary may be e-mailed instead of mailed to the applicant and other
20 parties should they consent to this method. The written summary generally
21 shall do the following to the extent possible given the information provided by
22 the applicant:
 - 23 a. Summarize the proposed application(s);
 - 24 b. Identify the relevant approval criteria and development standards in this
25 code or other applicable law and exceptions, adjustments or other
26 variations from applicable criteria or standards that may be necessary;
 - 27 c. Evaluate information the applicant offered to comply with the relevant
28 criteria and standards, and identify specific additional information that is
29 needed to respond to the relevant criteria and standards or is
30 recommended to respond to other issues;
 - 31 d. Identify applicable application fees in effect at the time, with a disclaimer
32 that fees may change;
 - 33 e. Identify information relevant to the application that may be in the possession
34 of the county or other agencies of which the county is aware, such as:
 - 35 (1) Comprehensive plan map designation and zoning on and in the vicinity
36 of the property subject to the application;
 - 37 (2) Physical development limitations, such as steep or unstable slopes,
38 wetlands, well head protection areas, water bodies, or special flood
39 hazard areas, that exist on and in the vicinity of the property subject to
40 the application;
 - 41 (3) Those public facilities that will serve the property subject to the
42 application, including fire services, roads, storm drainage, and, if
43 residential, parks and schools, and relevant service considerations, such
44 as minimum access and fire flow requirements or other minimum service
45 levels and impact fees; and
 - 46 (4) Other applications that have been approved or are being considered for
47 land in the vicinity of the property subject to the proposed application
48 that may affect or be affected by the proposed application.
 - 49 f. Where applicable, indicate whether the pre-application submittal was

- 1 complete so as to trigger contingent vesting under Section 40.510.030(G).
2 9. An applicant may submit a written request for a second pre-application
3 conference within one (1) calendar year after an initial pre-application
4 conference. There is no additional fee for a second conference if the proposed
5 development is substantially similar to the one reviewed in the first pre-
6 application conference or if it reflects changes based on information received at
7 the first pre-application conference. A request for a second pre-application
8 conference shall be subject to the same procedure as the request for the initial
9 pre-application conference.
10 10. A request for or waiver of a pre-application review for a given development
11 shall be filed unless the applicant submits a fully complete application that the
12 responsible official finds is substantially similar to the subject of a pre-
13 application review within one (1) calendar year after the last pre-application
14 conference or after approval of waiver of pre-application review.
15

16 *(Amended: Ord. 2007-11-13; Ord. 2009-03-02)*
17

18 B. Review for Counter Complete Status.

- 19 1. Before accepting an application for review for fully complete status, and unless
20 otherwise expressly provided by code, the responsible official shall determine
21 the application is counter complete.
22 2. The responsible official shall decide whether an application is counter complete
23 when the application is accepted, typically "over the counter."
24 3. An application is counter complete if the responsible official finds that the
25 application purports and appears to include the information required by Section
26 40.510.030(C)(3); provided, no effort shall be made to evaluate the substantive
27 adequacy of the information in the application in the counter complete review
28 process. Required information which has been waived by the responsible
29 official shall be replaced by a determination from the responsible official
30 granting the waiver.
31 4. If the responsible official decides the application is counter complete, then the
32 application shall be accepted for review for fully complete status.
33 5. If the responsible official decides the application is not counter complete, then
34 the responsible official shall immediately reject and return the application and
35 identify what is needed to make the application counter complete.
36

37 C. Review for Fully Complete Status.

- 38 1. Before accepting an application for processing, the responsible official shall
39 determine that the application is fully complete.
40 2. The responsible official shall decide whether an application is fully complete
41 subject to the following:
42 a. Within twenty-one (21) calendar days after the responsible official
43 determines the application is counter complete; or
44 b. Within fourteen (14) calendar days after an application has been
45 resubmitted to the county after the application has been returned to the
46 applicant as being incomplete.
47 3. An application is fully complete if it includes all the required materials specified
48 in the submittal requirements for the specific development review application
49 being applied for and additional materials specified in the pre-application

- 1 conference. If submittal requirements are not specified in the applicable code
2 sections the application is fully complete if it includes the following:
- 3 a. A signed statement from the applicant certifying that the application has
4 been made with the consent of the lawful property owner(s) and that all
5 information submitted with the application is complete and correct. False
6 statements, errors, and/or omissions may be sufficient cause for denial of
7 the request. Submittal of the application gives consent to the county to enter
8 the property(ies) subject to the application;
 - 9 b. The signature of the property owner or the property owner's authorized
10 representative;
 - 11 c. A written narrative that addresses the following:
12 (1) How the application meets or exceeds each of the applicable approval
13 criteria and standards; and
14 (2) How the issues identified in the pre-application conference have been
15 addressed, and generally, how services will be provided to the site;
 - 16 d. A current County Assessor map(s) showing the property(ies) within a radius
17 of the subject site as required in Sections 40.510.030(E);
 - 18 e. A legal description supplied by the Clark County Survey Records Division, a
19 title company, surveyor licensed in the state of Washington, or other party
20 approved by the responsible official, and current County Assessor map(s)
21 showing the property(ies) subject to the application;
 - 22 f. Unless the responsible official has waived the pre-application conference, a
23 copy of the pre-application conference summary, and information required
24 by the pre-application conference summary, unless not timely prepared as
25 required by Section 40.510.030(A)(7);
 - 26 g. A preliminary site plan or plat that shows existing conditions and proposed
27 improvements;
 - 28 h. The applicable fee(s) adopted by the board for the application(s) in
29 question;
 - 30 i. Any applicable SEPA document, typewritten or in ink and signed.
- 31 4. An application shall include all of the information listed as application
32 requirements in the relevant sections of this code.
- 33 a. The responsible official may waive application requirements that are clearly
34 not necessary to show an application complies with relevant criteria and
35 standards and may modify application requirements based on the nature of
36 the proposed application, development, site or other factors. Requests for
37 waivers shall be reviewed as a Type I process before applications are
38 submitted for counter complete review or the application must contain all
39 the required information;
 - 40 b. The decision about the fully complete status of an application, including any
41 required engineering, traffic or other studies, shall be based on the criteria
42 for completeness and methodology set forth in this code or in implementing
43 measures timely adopted by the responsible official and shall not be based
44 on differences of opinion as to quality or accuracy.
- 45 5. If the responsible official decides an application is not fully complete, then,
46 within the time provided in Section 40.510.030(C)(2), the responsible official
47 shall send the applicant a written statement indicating that the application is
48 incomplete based on a lack of information and listing what is required to make
49 the application fully complete.

- 1 a. The statement shall specify a date by which the required missing
2 information must be provided to restart the fully complete review process
3 pursuant to Section 40.510.030(C)(2)(b). The statement shall state that an
4 applicant can apply to extend the deadline for filing the required information,
5 and explain how to do so.
- 6 b. The statement also may include recommendations for additional information
7 that, although not necessary to make the application fully complete, is
8 recommended to address other issues that are or may be relevant to the
9 review.
- 10 6. If the required information is not submitted by the date specified and the
11 responsible official has not extended that date, within seven (7) calendar days
12 after that date the responsible official shall take the action in Section
13 40.510.030(C)(6)(a) or (C)(6)(b). If the required information is submitted by the
14 date specified, then within fourteen (14) calendar days the responsible official
15 shall decide whether the application is fully complete and, if not, the
16 responsible official shall:
 - 17 a. Reject and return the application and scheduled fees and mail to the
18 applicant a written statement which lists the remaining additional
19 information needed to make the application fully complete; or
 - 20 b. Issue a decision denying the application, based on a lack of information;
21 provided, the responsible official may allow the applicant to restart the fully
22 complete review process a second time by providing the required missing
23 information by a date specified by the responsible official, in which case the
24 responsible official shall retain the application and fee pending expiration of
25 that date or a fully complete review of the application as amended by that
26 date.
- 27 7. If the responsible official decides an application is fully complete, then the
28 responsible official shall, within fourteen (14) calendar days of making this
29 determination:
 - 30 a. Forward the application to the county staff responsible for processing it, and
31 schedule public hearing;
 - 32 b. Send a written notice of receipt of a complete application to the applicant
33 acknowledging acceptance, listing the name and telephone number of a
34 contact person at the review authority, and describing the expected review
35 schedule, including the date of a hearing for a Type III process;
 - 36 c. Prepare a public notice in accordance with Section 40.510.030(E).
- 37 8. An application shall be determined fully complete if a written determination has
38 not been mailed to the applicant within twenty-eight (28) calendar days of the
39 date the application is submitted. An application shall be determined fully
40 complete if a written determination has not been mailed to the applicant within
41 fourteen (14) calendar days of the date that the necessary additional
42 information is submitted.
- 43 9. A fully complete determination shall not preclude the county from requesting
44 additional information, studies or changes to submitted information or plans if
45 new information is required or substantial changes to the proposed action
46 occur.

47
48 *(Amended: Ord. 2006-05-01; Ord. 2012-07-03)*

49

1 D. Procedure.

- 2 1. At least one (1) public hearing before the hearing examiner is required. The
3 public hearing should be held within seventy-eight (78) calendar days after the
4 date the responsible official issues the determination that the application is fully
5 complete.
- 6 2. At least fifteen (15) calendar days before the date of a hearing, the responsible
7 official shall issue a public notice of the hearing consistent with the
8 requirements in Section 40.510.030(E).
- 9 3. At least fifteen (15) calendar days before the date of the hearing for an
10 application(s), the responsible official shall issue a written staff report and
11 recommendation regarding the application(s), shall make available to the public
12 a copy of the staff report for review and inspection, and shall mail a copy of the
13 staff report and recommendation without charge to the hearing examiner and to
14 the applicant and applicant's representative. The responsible official shall mail
15 or provide a copy of the staff report at reasonable charge to other parties who
16 request it.
- 17 4. Public hearings shall be conducted in accordance with the rules of procedure
18 adopted by the hearing examiner, except to the extent waived by the hearing
19 examiner. A public hearing shall be recorded electronically.
- 20 a. At the beginning of a hearing or agenda of hearings, the hearing examiner
21 shall:
- 22 (1) State that testimony will be received only if it is relevant to the applicable
23 approval criteria and development standards and is not unduly
24 repetitious;
- 25 (2) Identify the applicable approval criteria and development standards;
- 26 (3) State that the hearing examiner will consider any party's request that the
27 hearing be continued or that the record be kept open for a period of time
28 and may grant or deny that request;
- 29 (4) State that the hearing examiner must be impartial and whether the
30 hearing examiner has had any ex parte contact or has any personal or
31 business interest in the application. The hearing examiner shall afford
32 parties an opportunity to challenge the impartiality of the authority;
- 33 (5) State whether the hearing examiner has visited the site;
- 34 (6) State that persons who want to receive notice of the decision may sign a
35 list for that purpose at the hearing and where that list is kept; and
- 36 (7) Summarize the conduct of the hearing.
- 37 b. At the conclusion of the hearing on each application, the hearing examiner
38 shall announce one (1) of the following actions:
- 39 (1) That the hearing is continued. If the hearing is continued to a place, date
40 and time certain, then additional notice of the continued hearing is not
41 required to be mailed, published or posted. If the hearing is not
42 continued to a place, date and time certain, then notice of the continued
43 hearing shall be given as though it was the initial hearing. The hearing
44 examiner shall adopt guidelines for reviewing requests for continuances;
- 45 (2) That the public record is held open to a date and time certain. The
46 hearing examiner shall state where additional written evidence and
47 testimony can be sent, and shall announce any limits on the nature of
48 the evidence that will be received after the hearing. The hearing
49 examiner may adopt guidelines for reviewing requests to hold open the

1 record;

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

4 (4) That the application(s) is/are denied, approved or approved with
5 conditions, together with a brief summary of the basis for the decision,
6 and that a final order will be issued as provided in Section
7 40.510.030(D)(5).

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

13 The decision shall include:

14 a. A statement of the applicable criteria and standards in this code and other
15 applicable law;

16 b. A statement of the facts that the hearing examiner found showed the
17 application does or does not comply with each applicable approval criterion
18 and standards;

19 c. The reasons for a conclusion to approve or deny; and

20 d. The decision to deny or approve the application and, if approved, any
21 conditions of approval necessary to ensure the proposed development will
22 comply with applicable criteria and standards.

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

29 a. A statement that the decision and SEPA determination, if applicable, are
30 final, but may be appealed as provided in Section 40.510.030(H) to the
31 board within fourteen (14) calendar days after the date the notice is mailed.
32 The appeal closing date shall be listed in boldface type. The statement shall
33 describe how a party may appeal the decision or SEPA determination, or
34 both, including applicable fees and the elements of a petition for review;

35 b. A statement that the complete case file is available for review. The
36 statement shall list the place, days and times where the case file is
37 available and the name and telephone number of the county representative
38 to contact for information about the case.

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

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

47
48 The subject property is within or near designated agricultural land, forest land or
49 mineral resource land (as applicable) on which a variety of commercial activities

1 may occur that are not compatible with residential development for certain periods
2 of limited duration. Potential discomforts or inconveniences may include, but are
3 not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery
4 (including aircraft) during any twenty-four (24) hour period, storage and disposal of
5 manure, and the application by spraying or otherwise of chemical fertilizers, soil
6 amendments, herbicides and pesticides.

7
8 b. In the case of subdivisions or short plats, such notice shall be provided in
9 the Developer Covenants to Clark County; in the case of recorded binding
10 site plans, such notice shall be recorded separately with the County Auditor.

11
12 *(Amended: Ord. 2005-04-12; Ord. 2008-06-02; Ord. 2016-06-12)*

13
14 * * * * *

1 **EXHIBIT 19**

2
3 **40.530 NON-CONFORMING USES, STRUCTURES AND LOTS**

4
5 **40.530.010 NON-CONFORMING LOTS, STRUCTURES AND USES**

6
7 **A. Purpose.**

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

16
17 **B. Applicability.**

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

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

26
27 **C. Nonconforming Status.**

- 28 1. Any lot, use, or structure which, in whole or part, is not in conformance with
29 current zoning requirements shall be considered as follows:
 - 30 a. Legal Nonconforming. Lots, uses and structures legally created or
31 established under prior zoning and/or platting regulations. These lots, uses
32 and structures may be maintained or altered subject to provisions of this
33 chapter.
 - 34 b. Illegal Nonconforming. Lots, uses and structures which were not in
35 conformance with applicable zoning and/or platting regulations at the time
36 of creation or establishment. Illegal nonconforming lots, uses and structures
37 shall be discontinued, terminated or brought into compliance with current
38 standards.
- 39 2. It shall be the burden of a property owner or proponent to demonstrate the legal
40 nonconformity of a lot, use, and structure.

41
42 **D. Legal Nonconforming Lots.**

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

- 47 1. A permitted use or structure shall meet all existing development standards of
48 the zoning district within which it is located including, but not limited to, required
49 yards/setbacks, lot coverage, density, parking, landscaping, storm drainage,

- 1 signage, and road standards.
- 2 2. For the purpose of establishing setbacks from property lines, any residential lot
- 3 of record in the rural (R-5, R-10 and R-20), resource (FR-80 and FR-40, FR-20,
- 4 AG-20, AG-10, and AG-WL), urban reserve (UR-10 and UR 20) and urban
- 5 holding (UH-10 and UH-20) districts which has a smaller lot area, width and/or
- 6 depth than that required by the zone in which it is located may use that
- 7 residential zoning classification which most closely corresponds to the area or
- 8 dimensions of the lot of record.
- 9 3. A legal nonconforming lot shall not be further diminished in size or dimension
- 10 unless approved through a lot reconfiguration under Section 40.210.010(D) or
- 11 Section 40.230.070(C)(2).
- 12 4. A legal nonconforming lot may be increased in size to bring it into closer
- 13 conformance with area requirements of the zone in which it is located.
- 14 5. A legal nonconforming lot which is increased in area or dimension such that it is
- 15 brought into compliance with any or all of the lot requirements for the zoning
- 16 district in which it is located shall thereafter remain in compliance.
- 17 6. A legal lot of record that is reduced through governmental action or adverse
- 18 possession below, or further below the required minimum size of the zoning
- 19 district in which it is located shall be deemed a legal nonconforming lot, subject
- 20 to review through a Type I process.

21
22 *(Amended: Ord. 2012-07-03; Ord. 2016-06-12)*

23
24 * * * * *

1 **EXHIBIT 20**

2
3 **40.560 PLAN AND CODE AMENDMENTS**

4
5 **40.560.010 PLAN AMENDMENT PROCEDURES**

6
7 A. Purpose.

8 The purpose of this section is to provide guidance as to how the comprehensive
9 plan will be updated and amended over time. Amendments to the comprehensive
10 plan may involve changes in the written text or policies of the plan, or in the map
11 designations adopted as part of the plan, Arterial Atlas, or to supporting
12 documents, including capital facilities plans. This section states the specific
13 procedures and review criteria necessary to process comprehensive plan
14 amendments. Plan amendments will be reviewed in accordance with the state
15 Growth Management Act (GMA), the countywide planning policies, the community
16 framework plan, the goals and policies of the comprehensive plan, local city
17 comprehensive plans, applicable capital facilities plans, official population growth
18 forecasts and key growth indicators.

19
20 *(Amended: Ord. 2007-09-13)*

21
22 B. Overall Method of Review.

23 Proposed plan amendments that are submitted for review shall be subject to the
24 applicable criteria of this section. The review shall be processed by Type IV
25 procedures in Section 40.510.040. Applications for plan map amendments are
26 generally processed in conjunction with concurrent rezone requests. Zoning map
27 amendments must be to a zone corresponding to the requested comprehensive
28 plan map designation. Concurrent zoning map amendments must meet all the
29 approval criteria of this chapter and zone changes consistent with the
30 comprehensive plan map shall be considered subject to the approval criteria of
31 Section 40.560.020.

32
33 *(Amended: Ord. 2007-09-13)*

34
35 C. Applicability.

36 The criteria and requirements of this section shall apply to all applications or
37 proposals for changes to the comprehensive plan text, policies, map designations,
38 zoning map or supporting documents. For the purposes of establishing review
39 procedures, criteria and timelines, amendments shall be distinguished as follows:

- 40 1. Countywide comprehensive plan map changes involving urban growth area
41 (UGA) boundary changes and rural lands uses on a rotational basis;
- 42 2. Comprehensive plan map changes not involving a change to UGA boundaries;
- 43 3. Comprehensive plan policy or text changes;
- 44 4. Arterial Atlas amendments;
- 45 5. Changes to other plan documents (such as capital facilities and the shoreline
46 master program); and
- 47 6. Out-of-cycle amendments limited to the following:
 - 48 a. Emergency;
 - 49 b. The initial adoption of a subarea plan, only to a plan that does not modify

1 the comprehensive plan policies and designations applicable to the
2 subarea;

- 3 c. The adoption or amendment of a shoreline master program;
- 4 d. To resolve an appeal of a comprehensive plan filed with the Growth
5 Management Hearings Board or from a court of competent jurisdiction; and
- 6 e. Siting of major industrial developments and/or master planned locations
7 outside UGA boundaries consistent with the requirements of state statute;
- 8 f. The amendment of the capital facilities element of a comprehensive plan
9 that occurs concurrently with the adoption of the county budget.

10 Item (1) above may only occur consistent with RCW 36.70A.130. Items (3), (4), (5)
11 and (6) above may only be initiated by the county. Item (2) above may be initiated
12 by either the county or a property owner.

13
14 *(Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2016-09-04)*

15
16 **D. Plan Map Changes – Procedure.**

- 17 1. Applications for all plan amendments shall be considered legislative actions,
18 subject to Type IV procedures of Section 40.510.040.
- 19 2. Site-specific plan map amendments (annual reviews) requested by private
20 parties shall be considered legislative actions, subject to Type IV procedures of
21 Section 40.510.040.
- 22 3. Submittal Requirements and Timelines of the Annual Review. All applications
23 for site-specific plan map amendments not involving a change to UGA
24 boundaries requested by parties other than the county shall be submitted as
25 follows:
 - 26 a. Between October 1st and November 30th, applicants shall submit a pre-
27 application form containing all of the following information:
 - 28 (1) The pre-application fee, as specified in county fee ordinance;
 - 29 (2) Application form signed by the owner(s) of record;
 - 30 (3) Description of request;
 - 31 (4) GIS packet;
 - 32 (5) Related or previous permit activity; and
 - 33 (6) A statement on how the plan/zone change request is consistent with all
34 of the applicable policies and criteria in the comprehensive plan and this
35 chapter.
 - 36 b. Between October 15th and December 31st, county staff and applicants shall
37 complete pre-application meetings.
 - 38 c. Between January 1st and January 31st, applicants shall submit an
39 application form containing all of the following, including the information
40 required by Section 40.510.030(C)(3):
 - 41 (1) The applicable comprehensive plan and rezone application fees;
 - 42 (2) SEPA checklist and applicable fee;
 - 43 (3) Copy of deed, real estate contract or earnest money agreement;
 - 44 (4) A full analysis of how the plan/zone change request is consistent with
45 the applicable policies and criteria in the comprehensive plan and this
46 chapter;
 - 47 (5) A market analysis and a transportation analysis; and
 - 48 (6) Any additional information the applicant believes is necessary to justify
49 the amendment.

- 1 d. Between February 1st and April 1st, initial county staff review shall include
2 the following:
3 (1) Distribution of applications requesting an amendment to an urban
4 growth area boundary or seeking to amend a designation within an
5 urban boundary to the affected city;
6 (2) Completion of county SEPA official determination;
7 (3) Circulation and publication of SEPA determinations to applicant, affected
8 jurisdiction(s), neighborhood associations and agencies; and
9 (4) Preparation of a single staff report and recommendation based on an
10 assessment of cumulative impacts of plan change requests, and any
11 other plan changes initiated by the county.
- 12 e. The above process and timeline is intended as a guideline. Actual
13 processing time may depend upon the number of applications and activity
14 level at the time of formal applications.
- 15 f. If the applicant has not supplied the required information by March 15th, the
16 responsible official shall inform the applicant in writing that no further
17 consideration will be given to the request for this annual review cycle.
- 18 g. Following completion of Sections 40.560.010(D)(3)(a) through (D)(3)(e),
19 county staff shall schedule public hearings before the planning commission.
20 Following the completion of the planning commission public hearings,
21 county staff shall schedule public hearings before the board and forward to
22 the board the planning commission recommendations.
- 23 h. After the public hearing by the board, the board will adopt a single resolution
24 disposing of all cases.
- 25 i. Burden of Proof. The burden of proving consistency with the criteria for plan
26 amendments shall be upon the proponent.
- 27 4. Annual review applications will not be accepted for properties within an urban
28 growth boundary which are in the process of being annexed.
29 (*Amended: Ord. 2007-09-13; Ord. 2007-11-13*)
30

31 E. Governmental Coordination.

- 32 1. The county will coordinate with each city and town, the annual review
33 processes. Annual reviews shall be established to occur within each jurisdiction
34 at least once a year.
- 35 2. These coordinated annual reviews shall be subject to the criteria of this chapter
36 and that of the applicable jurisdiction and include the following:
37 a. Each urban area annual review, including applications initiated by a city,
38 shall assess the cumulative impacts of all potential or requested changes to
39 the comprehensive plan map and policies throughout the specific urban
40 areas as well as, to the countywide plan;
41 b. Proposals that would result in urban development outside of an adopted
42 urban boundary shall not be permitted unless the boundary is amended;
43 and
44 c. Cities, special districts and the county shall cooperate to preserve and
45 protect natural resources, agricultural lands, open space and recreational
46 lands within and near the urban areas.
- 47 3. Individual annual review applications may be submitted once a year to the
48 applicable jurisdiction based on a schedule adopted by that jurisdiction. To the
49 extent possible, the same schedule should be adopted by the county and each

1 city/town for each urban area to facilitate mutual review and assessment of the
2 applicable criteria. The following procedure is recommended for consideration
3 of plan amendments or updates:

- 4 a. After November 30th, distribute copies of pre-application forms submitted by
5 applicant to affected city and agencies;
- 6 b. Between October 15th and December 31st, complete pre-application
7 meetings with county staff, applicants and affected city and agencies in
8 attendance;
- 9 c. Between January 1st and February 28th, distribute fully complete
10 applications with any additional information to affected jurisdictions to
11 facilitate their review process;
- 12 d. In coordinating with the county, the cities shall submit written
13 recommendation or additional information to the county;
- 14 e. The county shall circulate initial review including SEPA determination and
15 other pertinent information to the affected city and agencies; and
- 16 f. The county will schedule public hearings before planning commission
17 followed by public hearings before the board.

18 *(Amended: Ord. 2007-09-13)*

19
20 F. Comprehensive Plan Map Changes – General.

21 All plan map changes shall be accomplished through the following:

- 22 1. Changes approved by the county as a result of a comprehensive periodic
23 review of the plan to be initiated by Clark County at minimum seven (7) year
24 intervals;
- 25 2. Changes approved by the county in response to county, or property owner
26 request not more than once per calendar year;
- 27 3. Out of cycle amendments initiated and approved by the county at any time;
- 28 4. Applications for map changes and urban growth area boundary amendments
29 shall be consistent with the comprehensive plan matrix table or accompanied
30 by concurrent rezone applications;
- 31 5. A county-initiated proposal for siting major industrial facilities and/or master
32 planned locations consistent with RCW 36.70A.365 and 36.70A.367, and
33 processed if accompanied by a current property owner-submitted rezone
34 application;
- 35 6. The county shall assess the cumulative impacts of all plan map changes
36 against the comprehensive plan, plan text, map and relevant implementing
37 measures. Monitoring benchmarks may be used to assess impacts.

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

39
40 G. Criteria for All Map Changes.

41 Map changes may only be approved if all of the following are met:

- 42 1. The proponent shall demonstrate that the proposed amendment is consistent
43 with the Growth Management Act and requirements, the countywide planning
44 policies, the community framework plan, comprehensive plan, city
45 comprehensive plans, applicable capital facilities plans and official population
46 growth forecasts; and
- 47 2. The proponent shall demonstrate that the designation is in conformance with
48 the appropriate locational criteria identified in the plan; and
- 49 3. The map amendment or site is suitable for the proposed designation and there

- 1 is a lack of appropriately designated alternative sites within the vicinity; and
2 4. The plan map amendment either: (a) responds to a substantial change in
3 conditions applicable to the area within which the subject property lies; (b)
4 better implements applicable comprehensive plan policies than the current map
5 designation; or (c) corrects an obvious mapping error; and
6 5. Where applicable, the proponent shall demonstrate that the full range of urban
7 public facilities and services can be adequately provided in an efficient and
8 timely manner to serve the proposed designation. Such services may include
9 water, sewage, storm drainage, transportation, fire protection and schools.
10 Adequacy of services applies only to the specific change site.

11
12 *(Amended: Ord. 2007-09-13)*
13

14 H. Additional Criteria for Commercial Map Changes.

15 Amendments to the plan map for designation of additional commercial land or for
16 changing the zoning from one commercial district to another shall meet the
17 following additional requirements:

- 18 1. A market analysis using the weighted block group centroid retrieval method
19 shall be submitted which verifies the need for the new commercial area or
20 center; and
21 2. A land use analysis of available commercially designated and zoned land in the
22 market area of the proposed site shall be submitted which demonstrates that
23 the existing commercial land is inadequate. The most recent vacant lands
24 model must be used for the land use analysis.

25
26 *(Amended: Ord. 2008-12-15)*
27

28 I. Additional Criteria for Rural Map Changes.

29 1. Amendments to the plan map for (a) changing a natural resource land
30 designation to either a smaller lot size natural resource land designation or to a
31 rural designation, or (b) creating or expanding a rural center, shall demonstrate
32 that the following criteria have been met:

- 33 a. The requested change shall not impact the character of the area to the
34 extent that further plan map amendments will be warranted in future annual
35 reviews; and
36 b. The site does not meet the criteria for the existing resource plan
37 designation; and
38 c. The amendment shall meet the locational criteria for the requested
39 designation.
40 2. a. The creation of, expansion of, or change of land use within a rural center
41 shall be considered and evaluated by the county through the annual review
42 process under Chapter 40.560.
43 b. Before the county considers establishing a new rural center, the
44 proponent(s) shall submit to the county a petition signed by at least sixty
45 percent (60%) of the property owners of the land within the boundaries of
46 the proposed new rural center.

47 3. Changes to the Urban Reserve Overlay will only be considered during a
48 comprehensive plan periodic review and not on an annual basis.

49 *(Amended: Ord. 2007-09-13; Ord. 2008-12-15)*

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2 J. Additional Criteria for Rural Major Industrial Map Changes.

3 This section governs designations outside of UGAs for major industrial
4 developments under RCW 36.70A.365 and major industrial land banks under
5 RCW 36.70A.367.

6 1. Application. Rural industrial development sites pursuant to RCW 36.70A.365 or
7 36.70A.367 require a comprehensive plan and zone change, and shall be
8 processed as a Type IV process pursuant to Section 40.510.040 and this
9 chapter.

10 2. Rural industrial designations shall require a minimum of one hundred (100)
11 acres and a maximum of seven hundred (700) acres in size, and shall be
12 designated as follows:

13 a. Comprehensive Plan.

14 (1) Major industrial developments (light industrial).

15 (2) Major industrial land banks (light industrial).

16 b. Zoning.

17 (1) Major industrial developments (IL).

18 (2) Major industrial land banks (IL).

19 3. Process. Prior to formally proposing a designation under this section, the
20 county shall:

21 a. Undertake an inventory of available urban industrial land;

22 b. Consult with affected city(ies) regarding a proposed designation;

23 c. Make a preliminary assessment that the applicable statutory criteria are met
24 and that the proposed location is superior to other potential rural sites;

25 d. Negotiate an appropriate or statutorily required interlocal agreement with
26 affected city(ies); and

27 e. Complete a master plan for the development site as required pursuant to
28 Section 40.520.075.

29 4. Approval Criteria.

30 a. In addition to the other applicable designation criteria under this chapter,
31 major industrial developments or major industrial land banks may only be
32 approved upon a finding that the requirement and criteria of RCW
33 36.70A.365 or 36.70A.367, respectively, are met.

34 b. Concomitant Rezone Agreement. No designation under this section shall be
35 approved unless accompanied by a concomitant rezone agreement (or
36 development agreement) which at a minimum assures compliance with
37 statutory requirements and criteria, including the limitations on nonindustrial
38 uses in RCW 36.70A.367(2)(k) for a major industrial land bank.

39 5. Adjacent Non-Urban Areas. A designation under this section shall not permit
40 urban growth in adjacent non-urban areas.

41 (Amended: Ord. 2004-09-02; Ord. 2007-09-13; Ord. 2008-12-15; Ord. 2012-12-14;
42 Ord. 2014-12-16)

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