

**ORDINANCE NO. 2003-11-01**

**AN ORDINANCE relating to land use: regulating the development of lands within Clark County.**

**WHEREAS, Clark County has not undertaken a systematic review of its development regulations since 1980; and**

**WHEREAS, Clark County land development regulations have grown both in number and complexity; and,**

**WHEREAS, Clark County land development regulations are located in five different titles of the Clark County Code (CCC); and**

**WHEREAS, the Board expressed a desire to restructure the CCC as it relates to land development to address inconsistencies in the code, and to make the code easier to use; and**

**WHEREAS, County staff have prepared a draft of proposed CCC Title 40 Unified Development Code; and**

**WHEREAS, the Planning Commission following a duly advertised public hearing has recommended adoption of proposed Title 40; and**

**WHEREAS, following its own duly advertised public hearing the board concludes that adoption of Title 40 contained in this ordinance is in the public interest; now, therefore,**

**BE IT ORDERED AND RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF CLARK COUNTY, STATE OF WASHINGTON, as follows:**

**Section 1. New. A new Title of the Clark County Code, Title 40 Unified Development Code, as shown in Exhibit "A" is hereby adopted.**

**Section 2. Repealer.** The following chapters in CCC Title 12 Streets and Roads are hereby repealed:

Chapter 12.05A Transportation Standards  
Chapter 12.06 Neighborhood Parking Plan  
Chapter 12.41 Transportation Concurrency Management System

**Section 3. Repealer.** The following chapters in CCC Title 13 Public Works are hereby repealed:

Chapter 13.04 Flood Control District  
Chapter 13.08A Sewerage Regulations  
Chapter 13.29 Stormwater and Erosion Control  
Chapter 13.36 Wetland Protection Ordinance  
Chapter 13.40A Water Supply  
Chapter 13.51 Habitat Conservation Ordinance  
Chapter 13.55 Forest Practices  
Chapter 13.60 Geologic Hazard Areas Regulation  
Chapter 13.70 Critical Aquifer Recharge Areas

**Section 4. Repealer.** The following chapters in CCC Title 17 Land Division Ordinance are hereby repealed:

Chapter 17.101 Purpose  
Chapter 17.102 Definitions  
Chapter 17.103 Applicability  
Chapter 17.105 Legal Lot Determinations  
Chapter 17.201 Short Plat and Large Lot Short Plat Provisions  
Chapter 17.301 Subdivision and Large Lot Subdivision Provisions  
Chapter 17.401 Reservations—Park Sites  
Chapter 17.501 Monumentation  
Chapter 17.502 Survey Standards  
Chapter 17.503 Drafting Standards  
Chapter 17.601 Subdivisions of Properties Zoned Commercial and Industrial  
Chapter 17.801 Recording Land Surveys

**Section 5. Repealer.** The following chapters in CCC Title 18 Zoning are hereby repealed:

Chapter 18.65 Impact Fees  
Chapter 18.100 Preliminary  
Chapter 18.104 Definitions  
Chapter 18.200 Establishment of Zone Districts and Maps  
Chapter 18.300 Agricultural-Wildlife District (AG-WL)  
Chapter 18.302 Forest and Agriculture Districts (FR-80, FR-40, AG-20, AF-20)  
Chapter 18.303A Rural District (R)  
Chapter 18.303B Rural Cluster Development  
Chapter 18.304 Rural Center Residential District (RC-1, RC-2.5)

**Chapter 18.305 Urban Reserve Districts (UR-10, UR-20)**  
**Chapter 18.306 Urban Holding Districts (UH-5, UH-10, UH-20)**  
**Chapter 18.307 Single Family Residential Districts (R1-7.5, R1-10, R1-20)**  
**Chapter 18.308 Single Family Residential Districts (R1-6, R1-5)**  
**Chapter 18.311 Residential Districts (R-12, R-18, R-22, R-30, R-43)**  
**Chapter 18.312 Office Residential (OR-15, OR-18, OR-22, OR-30, OR-43)**  
**Chapter 18.313 Commercial Districts (CR1, CR2, C2, C3, CL, CH)**  
**Chapter 18.314A Office Campus (OC)**  
**Chapter 18.315 Business Park (BP)**  
**Chapter 18.317A Industrial Districts (MH, ML)**  
**Chapter 18.318 Airport District (A)**  
**Chapter 18.319 University District (U)**  
**Chapter 18.320 Mixed Use (MX)**  
**Chapter 18.325 Environmental Combining District (E)**  
**Chapter 18.326 Airport Environs Overlay Districts (AE-1, AE-2)**  
**Chapter 18.326A Existing Resort Overlay District**  
**Chapter 18.327 Floodplain Combining District (FP)**  
**Chapter 18.328A Historic Preservation**  
**Chapter 18.329 Surface Mining Combining District (S)**  
**Chapter 18.330 Shoreline Combining District (SL)**  
**Chapter 18.402A Site Plan Review**  
**Chapter 18.403 Uses Permitted Subject to Review and Approval by the Planning Director**  
**Chapter 18.404 Conditional Use Permits**  
**Chapter 18.405 Planned Unit Development Approval**  
**Chapter 18.406 Provisions Applying to Special Uses**  
**Chapter 18.408 Special Setback Lines**  
**Chapter 18.409 Signs**  
**Chapter 18.410 Solid Waste Zoning Permits**  
**Chapter 18.411 Interpretations and Exceptions**  
**Chapter 18.412A Nonconforming Uses, Structures and Lots**  
**Chapter 18.413 Temporary Dwelling Permits**  
**Chapter 18.414 Master Plan Ordinance**  
**Chapter 18.415 Wireless Communications Facilities**  
**Chapter 18.501 Variances**  
**Chapter 18.503 Changes to Districts, Amendments and Alterations**  
**Chapter 18.505 Appeals**  
**Chapter 18.506 Zoning Certificates**  
**Chapter 18.507 Revocation of Permits or Variances**  
**Chapter 18.508 Conditions to be Met Prior to Issuance of a Building Permit**  
**Chapter 18.509 Enforcement and Penalties**  
**Chapter 18.510 Severability and Repealer**  
**Chapter 18.600 Procedures**  
**Chapter 18.610 Plan Amendment Procedural Ordinance**  
**Chapter 18.620 Amendment Dockets**

**Section 6. Repealer.** Chapter 18.334A, Clark County Implementing Land Use Regulations for the Columbia River Gorge National Scenic Area is hereby repealed.

**Section 7. Repealer.** The following chapters in CCC Title 20 Clark County Environmental Policy Ordinance are hereby repealed:

Chapter 20.01 Authority and Contents  
Chapter 20.02 General Requirements  
Chapter 20.06 Threshold Determination  
Chapter 20.10 Environmental Impact Statements (EIS)  
Chapter 20.30 Notification and Commenting  
Chapter 20.40 Use of Existing Environmental Documents  
Chapter 20.50 SEPA and County Decisions  
Chapter 20.60 Definitions  
Chapter 20.70 Categorical Exemption  
Chapter 20.80 Agency Compliance  
Chapter 20.90 Forms

**Section 8. Effective date.** This ordinance shall go into effect at midnight on January 1, 2004, except that the provisions hereof related to the Columbia River Gorge National Scenic Area (Chapter 40.240 CCC adopted by Section 1 and the repeal of Chapter 18.334A by Section 6) shall go into effect at midnight on January 1, 2004 or upon the date these enactments are approved by both the Columbia River Gorge Commission and the U.S. Forest Service, National Scenic Area Office, whichever occurs later..

**Section 9. Instructions to Clerk.** The Clerk of the board shall:

- (1) Transmit a copy of this ordinance to the state within ten days of its adoption pursuant to RCW 36.70A.106;
- (2) Record a copy of this ordinance with the Clark County Auditor; and
- (3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 36.70A.290.

ADOPTED this 4 day of November, 2003

Attest:


  
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

By   
Craig Pridemore, Chair

Approved as to Form Only  
ARTHUR D. CURTIS  
Prosecuting Attorney

By \_\_\_\_\_  
Judie Stanton, Commissioner

By   
Richard S. Lowry  
Chief Civil Deputy Prosecuting Attorney

By \_\_\_\_\_  
Betty Sue Morris, Commissioner



CLARK COUNTY  
CODE RESTRUCTURE PROJECT

TITLE 40:  
UNIFIED DEVELOPMENT CODE

PUBLIC REVIEW DRAFT  
JUNE 23, 2003

PREPARED BY



- practices from conflicting uses.
6. Bed and breakfast inns subject to Section ~~40.240.190(F), 18.334.150(56)~~. The use or development shall be compatible with agricultural use. Buffer zones should be considered to agricultural practices from conflicting uses.
  7. Fruit stands and produce stands upon a showing that sales will be limited to products raised on the property and other agriculture properties in the local region
  8. Aquaculture.
  9. Exploration, development, and production of sand, gravel, and crushed as defined by Section ~~40.240.060, 18.334.040~~, for the construction, maintenance, or reconstruct roads used to manage or harvest commercial forest products on lands with Special Management Area, subject to ~~CCC 18.329~~, Sections ~~40.250.020 and 40.240.490, 18.334.520~~, and all applicable Federal, State and County standards.
  10. Utility facilities necessary for public service upon a showing that:
    - a. There is no alternative location with less adverse effect on Agriculture lands.
    - b. The size is the minimum necessary to provide the service.
  11. Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
  12. Signs as specified in Section ~~40.240.200(B), 18.334.160(2)~~.
  13. Community facilities and non-profit facilities related to agricultural resource management.
  14. Expansion of existing non-profit group camps, retreats, and conference or education centers for the successful operation on the dedicated site. Expansion beyond the dedicated site is prohibited.
  15. Recreation, interpretive and educational developments and uses consistent with Section ~~40.240.590, 18.334.620~~.
  16. Road and railroad construction and reconstruction.
  17. Agricultural product processing and packaging, upon demonstration that the processing will be limited to products produced primarily on or adjacent to the property. "Primarily" means a clear majority of the product as measured by volume, weight, or value.
  18. Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.
  19. Placement of structures necessary for continued public safety and the protection of private property and essential public services damaged during an emergency/disaster event. This includes the replacement of temporary structures erected during such events with permanent structures performing an identical or related function. Land use proposals shall be submitted within 12 months following an emergency/disaster event. \*\*\*

**40.240.240 REVIEW USES WITH ADDITIONAL APPROVAL CRITERIA LARGE-SCALE OR SMALL-SCALE AGRICULTURE DESIGNATIONS**

18.334.200.

The following uses may be allowed on lands zoned Gorge Large-Scale or Small-Scale Agriculture, subject to compliance with the appropriate scenic, cultural, natural, and recreation resource guidelines (Sections ~~40.240.490 through 40.240.590, 18.334.520 through 620, and 220~~).

- A. Utility facilities and railroads necessary for public service upon a showing that:
  1. There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
  2. The size is the minimum necessary to provide the service.
- B. Home occupations in existing residential or accessory structures, subject to Section ~~40.240.190(E), 18.334.150(45)~~.
- C. Fruit and produce stands, upon a showing that sales will be limited to agricultural products raised on the subject farm and other farms in the local region.
- D. Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of wine is from grapes grown on the subject farm or in the local region.
- E. Agricultural product processing and packaging, upon a showing that the processing will be limited to products grown primarily on the subject farm and sized to the subject operation.
- F. Exploration of mineral and geothermal resources subject to Section ~~40.240.490, 18.334.520 of this ordinance~~.
- G. Development and production of mineral and geothermal resources, as defined by Section 18.334.040,

and subject to Section ~~40.240.490 18.334.520~~ of this ordinance, and all other applicable Federal, State and County standards, including those of Section ~~40.250.020, CCC 18.329, Surface Mining Overlay Zoning District, Type IV review procedures specified under Section 40.510.040 CCC 18.600.080~~ shall be required.

- H. Personal-use airstrips including associated accessory structures such as a hangar. A personal-use airstrip is an airstrip restricted, except for aircraft emergencies, to use by the owner and on an infrequent and occasional basis, by invited guests, and by commercial aviation activities in connection with agricultural operations. No aircraft may be based on a personal use airstrip other than those owned or controlled by the owner of the airstrip.
- I. Agriculture.
- J. Recreation development, subject to Section ~~40.240.580 18.334.610~~ and the Recreation Development Plan (Management Plan, Part M, Chapter 1).
- K. Boarding of horses.
- L. Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- M. Bed and breakfast inns in single-family dwellings, subject to Section ~~40.240.190(F) 18.334.150(-56)~~ and provided that the residence:
  - 1. Is included in the National Register of Historic Places; or
  - 2. Is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation.
- N. Non-profit, environmental learning or research facilities.
- O. Expansion of existing schools or places of worship. \*\*\*

**40.240.250. APPROVAL CRITERIA FOR LIFE ESTATES - GORGE LARGE-SCALE OR SMALL-SCALE AGRICULTURE ZONES**

18.334 210

A landowner who sells or otherwise transfers real property on lands zoned Gorge Large-Scale or Small-Scale Agriculture may retain a life estate in a dwelling and a tract of land surrounding the dwelling. The life estate tract shall not be considered a parcel as defined in Section ~~40.240.060, 18.334.040~~. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Sections ~~40.240.490 through 40.240.590 18.334.520 through 620~~ for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

- A. The proposed dwelling is in conjunction with agricultural use, using guidelines from Section ~~40.240.230(A)(5), 18.334.190(l)(e)~~.
- B. Upon termination of the life estate, the original or second dwelling shall be removed.

18.334 220

**40.240.260. APPROVAL CRITERIA FOR SPECIFIED REVIEW USES ON LANDS ZONED GORGE LARGE-SCALE OR SMALL-SCALE AGRICULTURE**

Uses identified in Section ~~40.240.240 18.334.200(l)~~ may be allowed only if they meet both of the following criteria:

- A. The use is compatible with agricultural uses and would not force a change in or significantly increase the cost of accepted agricultural practices on nearby lands devoted to agricultural use; and
- B. The use will be sited to minimize the loss of land suitable for the production of crops or livestock.

18.334 225

**40.240.270. DIMENSIONAL STANDARDS**

The following dimensional standard provisions shall apply to lands zoned Gorge Large or Small-Scale Agriculture, or Gorge SMA Agriculture unless otherwise noted herein. In the event of conflict with between other Title 40 chapters ~~Clark County ordinances~~ and this chapter, the provisions of this chapter ~~Chapter 18.334, Chapter 18.334~~ shall prevail.

- A. All new land divisions shall comply with Section ~~40.240.190(A)(2) 18.334.150(l)(b)~~, and all applicable County regulations, ordinances. Newly created lots shall comply with the following minimum lot size requirements:
  - 1. Gorge Large-Scale Agriculture 80 (GLSA-80), 80 acres.
  - 2. Gorge Large-Scale Agriculture 40 (GLSA-40), 40 acres.
  - 3. Gorge Small-Scale Agriculture (GSA), 20 acres.
  - 4. Gorge SMA Agriculture (GSA) 40 acres. New land division shall be permitted in the SMA only