

ORDINANCE NO. 2014 -04-13

WHEREAS, periodically, the county makes minor amendments to the Clark County Code to correct scrivener's errors, clarify standards, update county codes for consistency with other county, state and federal codes, and to codify interpretations of code language brought about by management decisions, staff suggestions, and hearings examiner or Board of Clark County Commissioners actions; and

WHEREAS, the required sixty day notification of intent to adopt this amendments was received by the State Department of Commerce on January 8, 2014; and

WHEREAS, a SEPA determination of non-significance was published on February 6, 2014, and

WHEREAS, legal notice of the Clark County Planning Commission public hearing was published on February 6, 2014; and

WHEREAS, the Planning Commission took public testimony on February 20, 2014 and developed their recommendation to the Board of County Commissioners; and

WHEREAS, a legal notice of the Board of County Commissioner's public hearing was published on April 7, 2014; and

WHEREAS, the Board of County Commissioners took public testimony on April 29, 2014, on the planning commission recommendation; and

WHEREAS, the Board of County Commissioners voted to approve the code amendments proposed in Attachment "A"; and

WHEREAS, the Board of County Commissioners finds these amendments in the public interest; and

BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY COMMISSIONERS, CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

Section 1. Amendatory. Sec. 1,(Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 5 (Ex. 4) of Ord. 2004-09-02 and codified as CCC40.210.040 Urban Reserve is amended as shown in Exhibit 1.

Section 2. Effective Date.

This ordinance shall take effect at midnight on the date of its adoption.



* 6 9 4 5 2 1 *

Section 3. Instructions to Clerk.

The Clerk of the board shall:

- 1) Transmit a copy of this ordinance to the Washington State Department of Commerce within ten (10) days of its adoption, pursuant to RCW 36.70A.106;
- 2) Record a copy of this Ordinance with the Clark County Auditor;
- 3) Cause notice of adoption of this ordinance to be published forthwith, pursuant to RCW 36.70A.290; and
- 4) Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.

ADOPTED this 29th day of April, 2014.

Attest:

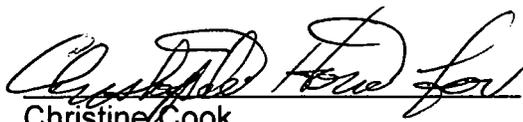

Clerk to the Board

BOARD OF COMMISSIONERS
FOR CLARK COUNTY

By: 
Tom Mielke, Chair

Approved as to form only:
ANTHONY F. GOLIK,
Prosecuting Attorney

By: _____
David Madore, Commissioner


Christine Cook,
Deputy Prosecuting Attorney

By: _____

EXHIBIT 1

1 **40.210.040 Urban Reserve Districts (UR-40, UR-20, UR-10)**

2 A. Purpose.

- 3 1. Urban Reserve-20. The urban reserve-20 zone is to protect rural land identified as
4 industrial reserve on the fringe of urban growth boundaries from premature land division
5 and development that would preclude efficient transition to large-scale industrial
6 development.
- 7 2. Urban Reserve-10. The urban reserve-10 zone is to protect land identified on the fringe of
8 urban growth boundaries from premature land division and development that would
9 preclude efficient transition to urban development. These areas are identified as being
10 future additions to the urban growth areas which will be added to the urban area as
11 needed, through amendments to the comprehensive plan.
- 12 3. Urban Reserve-40. The urban reserve-40 zone is to protect land identified for urban
13 reserve that is characterized by larger parcels of eighty (80) acres and larger outside of
14 urban growth boundaries to protect the land from premature land division and
15 development that would preclude efficient transition to large-scale industrial, or urban
16 business park development.

17 *(Amended: Ord. 2004-09-02; Ord. 2009-12-01; Ord. 2012-12-14)*

18 B. Uses.

19 The uses set out in Table 40.210.040-1 are examples of uses allowable in urban reserve zone
20 districts. The appropriate review authority is mandatory.

- 21 • "P" – Uses allowed subject to approval of applicable permits.
- 22 • "R/A" – Uses permitted upon review and approval as set forth in Section 40.520.020.
- 23 • "C" – Conditional uses which may be permitted subject to the approval of a conditional use permit
24 as set forth in Section 40.520.030.

25 In addition to the criteria in Section 40.520.030, in order to be approved, the following criteria shall be
26 met by all conditional uses:

- 27 1. Permanent structures or facilities shall be designed and located to provide for the orderly
28 extension of public roads, water and sewer to the site and surrounding urban reserve
29 properties.
- 30 2. All necessary road, drainage and other rights-of-way or easements necessary to ensure
31 that future urban development will occur in an orderly manner shall be identified and
32 approved by the county engineer and dedicated or otherwise protected.
- 33 3. Signed agreements between the property owner and the service provider(s) to connect to
34 public sewer and water when they become available within three hundred (300) feet of
35 the site shall be provided prior to commencing the authorized use; provided, such
36 extension or connection does not require pump stations or capital facilities, such as
37 larger pipes, to increase the capacity of the system.

1 4. In addition to the criteria in Section 40.520.030, in order to be approved, the following
 2 criteria shall be met by all schools:

3 a. The proponent shall demonstrate that the proposed site is more suitable than specific
 4 alternative sites within the existing urban growth area. The proponent shall address
 5 suitability criteria, which includes property size, topography, zoning, surrounding land
 6 uses, transportation (including adequacy of roads and transit services), environmental
 7 concerns and location within the area to be served.

8 b. Schools shall be located within one-quarter (1/4) mile of the urban growth boundary
 9 unless the applicant demonstrates no suitable property is available.

10 • "X" – Uses specifically prohibited.

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

14

Table 40:210.040-1. Uses			
	UR-20 & UR-40	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)	C	C	40.260.050
h. Garage sales	P	P	40.260.090
i. Residential care homes	C	C	40.260.180
j. Temporary dwellings	P	P	40.260.210
2. Services, Business.			
a. Commercial nurseries predominantly marketing locally	R/A	R/A	

produced plants and associated landscaping materials			
b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
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	C	C	
c. Golf courses	C	C	
d. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
e. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
f. Equestrian events center	C	C	40.260.040
g. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter <u>5.32</u>
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C'	C'	
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.			
a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communication facilities	P/C ²	P/C ²	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	C	C	
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075

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

3 ² See Table 40.260.250-1.

4 (Amended: Ord. 2004-09-02; Ord. 2005-04-12; Ord. 2007-06-05; Ord. 2011-03-09; Ord. 2011-06-14;
5 Ord. 2011-08-08; Ord. 2011-12-09; Ord. 2012-02-03; Ord. 2012-06-02)

6 C. Development Standards.

7 1. New lots and structures and additions to structures subject to this section shall comply
8 with the applicable standards for lots and building height, and setbacks in Tables
9 40.210.040-2 and 40.210.040-3, subject to the provisions of Chapter 40.200 and
10 Section 40.550.020.

11

Zoning District	Minimum Lot Area (acres)	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
UR-20	20 ^{1,2}	350 ²	None
UR-10	10 ^{1,2}	350 ²	None
UR-40	40 ^{1,2}	350 ²	None

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

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

1 ³ Legal non-conforming lots are eligible for boundary line adjustments if each lot meets the minimum
 2 parcel size of the underlying zone and the lots are contiguous.

3 (Amended: Ord. 2004-09-02)

Table 40.210.040-3. Setbacks, Lot Coverage and Building Height						
Zoning District	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
UR-40	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³

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

8 ² *Rear Setback. Minimum rear setback shall be fifty (50) feet when abutting property zoned for*
 9 *natural resource or surface mining uses.*

10 ³ *Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.*

11 ⁴ *Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).*

12 (Amended: Ord. 2005-04-12; Ord. 2010-08-06)

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

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

15 (Amended: Ord. 2004-09-02)

16