

1 **DRAFT Fall 2024 Biannual Code Amendments**

2 **Community Development**

3 **August 30, 2024**

4 Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s
5 errors, update references, clarify standards, and to make some minor policy changes. These
6 batches of code changes are commonly known as “Biannual Code Amendments”.

7 Changes are highlighted in yellow. Language proposed to be deleted is struck-through. Language
8 proposed to be added is double-underlined.

9 Note that Title 40 Updates are required to be heard by the Planning Commission for
10 recommendation to the Council and are subject to 60-day notification to the Department of
11 Commerce prior to adoption.

12 **SCRIVENER’S ERRORS AND MINOR CHANGES**

13
14 **1. Remove gender references and update reference to the Board of County Commissioners**

15
16 **Title 32**

17
18 Refer to Attachment A

19
20 **Rationale:** References to the County Hearing Examiner and responsible official in several
21 sections use male pronouns. Also references within the title to legislative authority have not
22 been updated to be consistent with the County Charter.

23 **2. Increase Time Limit to use Revenue from Impact Fees as Allowed by State Statute**

24
25 **40.630.100. Expenditures**

26
27 Impact fees for system improvements shall be expended only in conformance with the
28 capital facilities plan. Impact fees shall be expended or encumbered for a permissible use
29 within ~~six (6)~~ ten (10) years of receipt, unless there exists an extraordinary and compelling
30 reason for fees to be held longer than ~~six (6)~~ ten (10) years. Such extraordinary or
31 compelling reasons shall be identified in written findings by Council.

32
33 **Rationale:** RCW 82.02.070 was amended in 2011 to allow for 10 years to expend impact fee
34 revenue.

35 **REFERENCE UPDATES AND “CLEAN-UPS” FROM OTHER CODE CHANGES**

36
37 None

CLARIFICATIONS

1. Clarify Townhouse limitations in Single Family Districts

Table 40.220.010-1, Footnote 1

¹A maximum of four attached single-family dwelling units per structure is permitted outright. A greater number of attached single-family dwelling units per structure is allowed in PUD developments only.

Rationale: as currently written, this standard allows no more than 4 attached single-family dwelling (townhome) units per development. The intent was to limit the number of townhomes to 4 units per structure and allow the density and lot dimension standard dictate the maximum number of town home units in a development. This standard ensures that the townhomes built in the single family districts will be similar in mass and scale to the detached homes and or multiplex dwellings allowed.

2. Clarify Urban ADU width limit

40.260.020.C.1.e

e. A separate detached structure containing one or two dwelling units on the same lot as the primary dwelling unit when the structure is located behind the front building plane of the primary dwelling. However, detached accessory units may be placed forward of the front building plane on lots with a front yard setback of 40 feet or greater, provided the width of the front façade of the ADUs does not exceed visually obscure more than 50% of the width of the primary dwelling's front street facing façade or are otherwise made visually subordinate to the primary dwelling from the front lot line.

Rationale: The code does not have a definition of "front façade," which can be difficult to interpret given the variability in existing home configurations. As written, the standard could be interpreted contrary to the intent to have ADUs forward of the front plane of the primary dwelling (as defined by the front lot line) be visually subordinate to the primary dwelling.

MINOR POLICY ITEMS

1. Development Engineering Ad-Hoc Hourly Fee

Section 6.110A.020

Proposed hourly rate to be used for cost recovery based fees for concurrent associated plan reviews, rate to be determined.

Rationale: Development Engineering has historically adjusted fees when concurrent related reviews are added to an application such as early grading approval before site development engineering plans are approved. Adopted fees for the related reviews assume

1 that the review is a stand-alone application and is generally higher than what is required for
2 cost recovery when the reviews are concurrent. The proposed fee provides an hourly rate
3 the manager can use to ensure fee adjustments are applied consistently based on the
4 estimated hours required for the request.

5 **2. Fire Marshal Fees**

6 **Section 6.120.040**

7
8
9 Add a late fee for past due inspection invoices. Amounts and past due threshold to be
10 determined.

11
12 **Rationale:** The Financial; Services Division of County Auditor's Office has recommended
13 that a late fee be applied to past due invoices for fire safety inspections. Currently 12%
14 interest is charged for fees more than 105 days past due.

15 **3. Light and Glare Standards for New Development in the Resource and Rural Districts**

16 **40.210.010.C. Development Standards**

17
18
19 5. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be
20 directed downward and shielded to minimize potential glare to motorists and off-site
21 residents. No exterior light with a direct source visible from a neighboring property
22 shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to
23 reduce glare and provide general ambient light. Holiday lighting is exempt from these
24 requirements.

25 **40.210.020.C. Development Standards**

26
27
28 5. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be
29 directed downward and shielded to minimize potential glare to motorists and off-site
30 residents. No exterior light with a direct source visible from a neighboring property
31 shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to
32 reduce glare and provide general ambient light. Holiday lighting is exempt from these
33 requirements.

34 **40.210.030.D. Development Standards**

35
36
37 5. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be
38 directed downward and shielded to minimize potential glare to motorists and off-site
39 residents. No exterior light with a direct source visible from a neighboring property
40 shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to
41 reduce glare and provide general ambient light. Holiday lighting is exempt from these
42 requirements.

43 **40.210.050.C. Development Standards**

1 5. Light and Glare. Outdoor lighting, including street and parking lot lighting, shall be
 2 directed downward and shielded to minimize potential glare to motorists and off-site
 3 residents. No exterior light with a direct source visible from a neighboring property
 4 shall be installed. Indirect sources and horizontal cut-off fixtures are recommended to
 5 reduce glare and provide general ambient light. Holiday lighting is exempt from these
 6 requirements.

7
 8 6. Site Plan Review Standards. In addition to the site plan approval criteria contained in
 9 Section 40.520.040(E), the following shall apply to all development within the
 10 commercial district unless expressly exempted. The responsible official may modify
 11 these standards for the expansion of existing uses for site-specific issues:
 12

- 13 a. Primary pedestrian circulation routes connecting the street(s) to the primary
 14 building entry or entries shall be a minimum of eleven (11) feet (eight (8) feet of
 15 sidewalk/walkway with a minimum of three (3) feet of landscaping on one (1) side
 16 of the pedestrian route). The minimum three (3) foot landscaped area shall contain
 17 suitable tree species planted every twenty-four (24) feet to provide for a
 18 continuous tree canopy. The required landscape area should function as a buffer
 19 between auto drives and the pedestrian routes. Where the pedestrian circulation
 20 route crosses vehicular accessways the landscape area is not required.
 21
 22 b. Landscaping is required along the side of all buildings where the primary
 23 pedestrian access is provided. Minimum requirements shall be trees, of a suitable
 24 species according to Section 40.320.010, provided every thirty (30) feet on center
 25 planted in a landscaped strip or tree wells along the length of the building.
 26
 27 c. Landscape buffers required by Section 40.320.010 shall not apply between pad
 28 development sites and the remainder of the development site.
 29
 30 d. Landscaping required between commercial developments may be altered where
 31 parking lots are adjoining as follows: a single, shared five (5) foot buffer instead of
 32 five (5) feet for each development; provided, that joint access is provided between
 33 parcels for auto and pedestrian access and trees are planted every twenty (20) feet
 34 on center along the length of the buffer.
 35

36 **Rationale:** Council has expresses interest in addressing impacts that lighting can have in the
 37 Rural Area. The proposed language is adapted from another jurisdiction.

38 **4. Updates to the Forest Practices and Conversion code**

39 **40.260.080 Forest Practices**

40 Refer to Attachment B

41
 42 **Rationale:** This code section has not been updated since its adoption in 2000, proposed
 43 amendments clarify how forest practices applications delegated to the County interface
 44 with Land Use, Critical Area, and Building Permit applications and review procedures.
 45
 46

1 **5. Expand Allowance for Temporary Hardship to be in a Permanent Structure**

2
3 **40.260.210.B.1.c.**

4
5 c. The temporary dwelling shall be a temporary structure such as a manufactured or
6 modular home designed, constructed and maintained in a manner which will facilitate
7 its removal at such time as the justifying hardship or need no longer exists; provided,
8 that **either**

9
10 (1) **the** additional dwelling authorized by Section 40.260.210(A)(4)(b) need not be a
11 temporary structure if the declaration required by Section 40.260.210(C)(1)(e)
12 includes a covenant obligating purchaser or successors to remove **or otherwise**
13 **decommission** the existing dwelling upon the death or permanent change in
14 residency of the seller retaining a life estate; **or**

15
16 **(2) The applicant is constructing a new dwelling and converting the existing dwelling**
17 **to temporary use for the requested hardship and records a covenant obligating the**
18 **owner or successors to remove or otherwise decommission the converted dwelling**
19 **upon cessation of the hardship.**

20
21 **Rationale:** the current allowance is limited to sellers who have created a life estate to
22 occupy the existing permanent dwelling on the site. Staff periodically receives requests to
23 convert an existing dwelling that is being replaced with a new dwelling to a temporary
24 hardship. The proposed amendment would allow this conversion for any qualifying hardship
25 with a covenant requiring decommissioning or demolishing the converted dwelling when
26 the hardship has ended.

27 **6. Prohibit Off-street Parking from Crossing Sidewalks**

28
29 **40.350.015.B.1. Urban Areas. Sidewalks shall be constructed as provided below.**

30
31 **i Sidewalks shall not be located between a travel lane of a public or private road and off**
32 **street parking that is not accessed by a driveway or otherwise physically separated from**
33 **the road.**

34
35 **Rationale:** New middle housing code for Single Family Residential Districts requires guest
36 parking in certain cases that is not within proposed lots. In some cases, parking has been
37 proposed to be immediately adjacent to a street (head in or angled) with sidewalks proposed
38 between the parking spaces and the street, placing pedestrians in the path of vehicles
39 maneuvering in or out of parking spaces.

1 **DRAFT Fall 2024 Biannual Code Amendments**
2 **Attachment A**

3
4 **Title 32 Amendments**
5

6 **32.04.010 Definitions.**

- 7 (1) "Commercial/noncommercial ventures" as used in this title shall have the following
8 meanings: Any person engaged in the development, management, sale, rental or use of
9 property solely for the purpose of residential occupancy by such person or such person's
10 immediate family shall be deemed to be engaged in a noncommercial venture. All other
11 persons shall be deemed to be engaged in commercial ventures.
- 12 (2) "Director" as used in this title shall mean the director of public works, director of community
13 development, or director of public health, or such other person as the county council shall by
14 ordinance authorize to utilize the provisions of this title and shall also include any duly
15 authorized representative of such director. "Director" shall also mean the "local health
16 officer" as that term is used in Chapter 70.05 RCW.
- 17 (3) "Hearing examiner" as used in this title shall mean the person or tribunal appointed by ~~the~~
18 board of county commissioners council to hear appeals or any appeal under this title or ~~a~~
19 his duly authorized representative.
- 20 (4) "Land disturbing activity" as used in this title shall mean any activity that results in a change
21 to the existing soil cover, both vegetative and nonvegetative, or existing soil topography.
22 Land disturbing activities include, but are not limited to: demolition, construction, clearing,
23 grading, filling or excavation.
- 24 (5) "Land use ordinance" as used in this title shall include this title and any other existing or
25 future ordinance or resolution of the county which regulates the use and development of
26 land, including but not limited to zoning regulations, subdivision regulations, short
27 subdivision regulations, signing regulations, land disturbing activity, erosion control and
28 water quality regulations and all building, fire and construction codes. "Land use ordinance"
29 shall also include any existing or future law of the State Legislature which regulates the use
30 of and development of land, including but not limited to: the State Subdivision Law, Chapter
31 58.17 RCW; the Shorelines Management Act, Chapter 43.51 RCW; and the Solid Waste
32 Management Act, Chapter 70.95 RCW. This title shall be construed as, and is intended to
33 be enacted as, a regulation adopted pursuant to any such state law and pursuant to Art. II,
34 Sec. 11, Washington State Constitution.
- 35 (6) "Nuisance" as used in this title is defined as the commission of any unlawful act or the failure
36 to perform a duty, which act or omission either annoys, injures or endangers the comfort,
37 repose, health or safety of others, offends decency, or unlawfully interferes with, obstructs,
38 or tends to obstruct, or renders dangerous for passage, any lake or navigable river, bay,
39 stream, canal or basin, or any public park, square, street or highway; or in any way renders
40 other persons insecure in life or in the use of property.
- 41 (7) "Person" as used in this title shall include any natural person, organization, corporation or
42 partnership and their agents or assigns.
- 43 (8) "Public nuisance" as used in this title is defined as a nuisance which affects the rights of an
44 entire community or neighborhood, although the extent of the nuisance may be unequal.

1 (9) "Public health ordinance" as used in this title shall include this ordinance and any other
2 existing or future ordinance or resolution of the county and rules and regulations of the
3 board of health or the county commissioners council which regulate the public health, which
4 may be enforced by the local health officer or by the director where applicable, such as
5 health and sanitation regulations, solid waste regulations, rabies control regulations, water
6 and sewer systems regulations, uniform regulations required pursuant to Chapter 19.27
7 RCW and board of health rules and regulations pertaining to food service establishments
8 and on-site sewage disposal systems. The term shall also include state laws of a similar
9 nature, and this title shall be construed as, and is intended to be enacted as, a regulation
10 adopted pursuant to said laws of Art. II, Sec. 11, Washington State Constitution. (Sec. 1 of
11 Ord. 1977-12-51; amended by Sec. 1 of Ord. 1982-03-07; amended by Sec. 10 of Ord.
12 1990-02-23; amended by Sec. 2 of Ord. 1993-03-17; amended by Sec. 17 of Ord. 2009-10-
13 19; amended by Sec. 1 (Att. A § 2) of Ord. 2011-08-08; amended by Sec. 15 of Ord. 2018-
14 01-09)

15 **32.04.055 Citation.**

16 (1) Generally. In addition or as an alternative to any other judicial or administrative remedy
17 provided herein or by law, a director or designee may, after investigation of the violation and
18 consultation with the code enforcement supervisor or designee, issue a citation imposing a
19 penalty upon any person who creates or maintains a nuisance, violates any land use or
20 public health ordinance, or rules and regulations adopted thereunder, or by each act,
21 commission or omission procures, aids, or abets such a violation. All persons authorized to
22 issue citations shall be authorized by the director and a list of those authorized maintained
23 by the office of the director, with copies provided to the county ~~board of~~
24 commissioners council.

25 All civil penalties assessed will be enforced and collected in accordance with the lien,
26 personal obligation, and other procedures specified in this title or authorized by law.

27 (2) Requirements of Citation.

28 (a) A citation conforming to the requirements of this section may be used for all ordinance
29 violations which occur in the unincorporated areas of Clark County.

30 (b) The citation shall contain the following information or blanks in which such information is
31 entered:

32 (i) File number citation number;

33 (ii) Name of the person cited;

34 (iii) Name of the property owner;

35 (iv) Section of the ordinance or code violated;

36 (v) A brief description of the violation of which the person is charged in such manner as
37 can be readily understood by a person making a reasonable effort to do so;

38 (vi) The date and place at which the violation occurred and the date on which the citation
39 was issued;

40 (vii) The place where the person cited can appeal to a hearings examiner and the time
41 within which such appeal must be filed;

- 1 (viii) The penalty fixed for the violation by schedule;
- 2 (ix) The citation shall contain a certification to the effect that he/she certifies that he/she
- 3 has reasonable grounds to believe, and does believe, that the person cited
- 4 committed a violation of a Clark County ordinance.
- 5 (c) In addition, the citation shall contain a notice to the person that the citation will be filed
- 6 with the prosecuting attorney’s office.
- 7 (d) The reverse side of the citation shall contain the following in a form substantially as
- 8 follows:

READ CAREFULLY

10 You have been cited for a violation of a Clark County ordinance. You MUST do
11 ONE of the following:

- 12 1. Mail to Clark County, Code Enforcement Office, PO Box 9810, Vancouver,
- 13 Washington 98668-9810, this citation, together with a check or money order
- 14 in the amount of the penalty shown on this citation. THIS CITATION AND
- 15 THE PAYMENT OF PENALTY MUST REACH THE CODE ENFORCEMENT
- 16 OFFICE WITHIN THIRTY (30) DAYS OF THE DATE OF ISSUANCE OF
- 17 THIS CITATION.

ADMISSION

19 I, the undersigned, do hereby ACCEPT RESPONSIBILITY for said violation as
20 cited, WAIVE my right to an APPEAL HEARING and agree to pay the penalty
21 prescribed for my violation.

22 _____

23 (Defendant’s Name)

- 24 2. File an appeal by signing the REQUEST FOR APPEAL and returning it to the
- 25 Clark County Code Enforcement Office, 1300 Franklin, 3rd Floor, PO Box
- 26 9810, Vancouver, WA 98668-9810 to request a hearing within ten days from
- 27 the date of this citation. The Code Enforcement Office will then set a time for
- 28 a hearing.

REQUEST FOR APPEAL

30 I, the undersigned, do hereby request an appeal hearing for the violation charged
31 on the other side of this citation. I am requesting an appeal because I do not
32 believe I am in violation of the cited ordinance for the following reason(s).

33 _____

34 (Appellant’s Name)

35 IF YOU FAIL TO COMPLY WITH THESE INSTRUCTIONS, A FINDING OF
36 VIOLATION WILL BE ENTERED AND THE PENALTY MAY BE COLLECTED
37 THROUGH THE LIEN PROCEDURE (CCC 32.16).

1 IF YOU BELIEVE THE CITATION WAS WRITTEN IN ERROR AND WISH TO
2 CONTACT SOMEONE IMMEDIATELY CALL (360) 397-2375 Ext. 4184 AND
3 LEAVE A MESSAGE FOR THE CODE ENFORCEMENT OFFICE WHO WILL
4 CONTACT YOU WITHIN 24 HOURS AND PROVIDE INFORMATION
5 REGARDING THE VIOLATION OR APPEAL. Regardless of whether you call,
6 you must still timely pay the penalty or appeal.

7 (3) Procedures Governing Hearing.

8 (a) Amendment. A citation may be amended at any time prior to a final ruling by the
9 hearings examiner. A continuance shall be granted if the appellant satisfies the hearings
10 examiner that additional time is needed to respond to the amended citation.

11 (b) Hearing Dates. If the person cited requests an appeal hearing, pursuant to subsection
12 (2)(b)(vii) of this section, the code enforcement office shall fix a date and time for hearing
13 within sixty (60) days, and, unless notice is waived, shall notify the appellant at least
14 twenty (20) days in advance of the hearing by certified mail or hand delivery, a notice of
15 the date and time so fixed. The notice shall set forth a warning that, in the event that the
16 appellant fails to appear, the hearings examiner will issue a finding of violation against
17 the appellant.

18 (c) Penalties. At the discretion of the director of community development or **an** his authorized
19 personnel, any penalty(ies) not paid within thirty (30) days from the date of issuance of
20 the citation may be placed as a lien against the property on which the violation has
21 occurred pursuant to law.

22 (4) Settlement and Disposition of Penalties. The director or its designee is authorized to enter
23 into negotiations with the parties, or their legal representatives named in an enforcement
24 action involving any provision of this title for the collection of penalties, to negotiate a
25 settlement, compromise or suspension, when to do so will be in the best interests of the
26 county; provided; that a report shall be submitted to the board and the director of community
27 development in any instance where a compromise settlement is negotiated. (Sec. 2 of Ord.
28 1995-04-22; amended by Sec. 1 (Ex. B) of Ord. 1999-11-08; amended by Sec. 1 of Ord.
29 2006-09-13)

30 **32.08.010 Commencement of proceedings.**

31 (1) Whenever a director has reason to believe that a use or condition exists in violation of any
32 land use or public health ordinance, or rules and regulations adopted thereunder, he/she is
33 authorized to initiate enforcement action pursuant to Section 32.04.050 and/or, at **an** his
34 option, he/she may commence an administrative notice and order proceeding under this
35 chapter to cause the enforcement and correction of each violation.

36 (2) Pending commencement and completion of the notice and order procedure provided for in
37 this chapter, a director may cause a "stop work order" to be posted on the subject property
38 or served on persons engaged in any work or activity in violation of a land use or public
39 health ordinance. The effect of such a "stop work order" shall be to require the immediate
40 cessation of such work or activity until authorized by a director to proceed, and any person
41 who fails or refuses to comply with the requirements of the stop work order shall, by each
42 act, be subject to a civil penalty as provided in Table 32.04.050. All civil penalties assessed
43 may be enforced and collected in accordance with the lien, personal obligation, and other

1 procedures specified in this title or as authorized by law. (Sec. 8 of Ord. No. 1977-12-51;
2 amended by Sec. 3 of Ord. 1995-04-22; amended by Sec. 4 of Ord. 2002-09-05)

3 **32.08.020 Notice and order.**

4 Whenever the director has reason to believe that a nuisance, a violation of a land use or public
5 health ordinance or rules and regulations adopted thereunder will be most promptly and
6 equitably terminated by an administrative notice and order proceeding, the director may issue a
7 written notice and order directed either to the owner or operator of the source of the violation,
8 the person in possession of the property where the violation originates, or the person otherwise
9 causing or responsible for the violation. The notice and order should be issued first against the
10 violator where the violator is not the property owner e.g., tenant, unless the seriousness of
11 violation demands filing against property owner. Such notice and order may be issued by any
12 director alone or, where violations of more than one county ordinance, rule or regulation exists,
13 in conjunction with a notice and order issued by another director. The notice and order may be
14 posted on the property and shall contain:

- 15 (1) The street address when available and a legal description of real property and/or description
16 of personal property sufficient for identification of where the violation occurred or is located;
- 17 (2) A statement that a director has found the person to be in violation of a land use or public
18 health ordinance or that a nuisance exists on the property, with a brief and concise
19 description of the conditions found to be in violation;
- 20 (3) A statement of the corrective action required to be taken. If a director has determined that
21 corrective action is required, the order shall require that all required permits be secured and
22 the work physically commence within such time and be completed within such time as a
23 director shall determine is reasonable under the circumstances;
- 24 (4) A statement specifying the amount of any civil penalty assessed on account of the violation
25 or nuisance and, if applicable, the conditions on which assessment of such civil penalty is
26 contingent;
- 27 (5) Statements advising that (i) if any required work is not commenced or completed within the
28 time specified above, a director may proceed to abate the violation as authorized by Section
29 32.04.060 and cause the work to be done and charge the costs thereof as a lien against the
30 property and as a joint and separate personal obligation of any person in violation or
31 responsible person who has failed to abate the nuisance; and (ii) if any assessed civil
32 penalty is not paid, a director will charge the amount of the penalty, and any costs of
33 abatement undertaken pursuant to Section 32.04.060, as a lien against the property and as
34 a joint and separate personal obligation of any person in violation or failing to abate a
35 nuisance; and
- 36 (6) A statement advising that the order shall become final unless, no later than ten (10) days
37 after the notice and order are served, any person aggrieved by the order requests in writing
38 an appeal before the hearing examiner. (Sec. 9 of Ord. 1977-12-51; amended by Sec. 7 of
39 Ord. 1993-03-17; amended by Sec. 4 of Ord. 1995-04-22)

40 **32.08.040 Appeals.**

- 41 (1) Any person aggrieved by the order of a director may request in writing within ten (10) days
42 of the service of the notice and order an appeal hearing before the Clark County hearing
43 examiner. The request shall cite the notice and order appealed from and contain a brief
44 statement of the reasons for seeking the appeal hearing. The method of appeal as provided

- 1 in this resolution shall be sole and exclusive, and no appeal shall be had to the Clark County
2 board of adjustment from any determination rendered under the authority of this resolution.
3 (Sec. 3, Res. 1978-07-83)
- 4 (2) The appeal hearing shall be conducted on the record and the hearing examiner shall have
5 such rulemaking and other powers as were available to the director originally. Such appeal
6 hearing shall be conducted within a reasonable time after receipt of the request for appeal.
7 Written notice of the time and place of the hearing shall be given at least ten (10) days prior
8 to the date of the hearing to each appealing party, to the director whose order is being
9 appealed, and to other interested persons who have requested in writing that they be so
10 notified.
- 11 (3) All appeals shall be conducted in accordance with Washington Administrative Code Chapter
12 1-08, "Uniform Procedural Rules"; PROVIDED, however, that Sections 1-08-005 through 1-
13 08-007 and Sections 1-08-540 through 1-08-590 shall be excluded. Should any conflict arise
14 between the provisions of this ordinance and the applicable sections of Chapter 1-08 WAC,
15 the provisions of this ordinance shall prevail.
- 16 For the purposes of this chapter, all references in the WAC to "agency" shall mean "hearing
17 examiner." In addition, the hearing examiner may promulgate and adopt such additional
18 rules as are necessary for the conduct of a hearing.
- 19 (4) Each party shall have the following rights, among others:
- 20 (i) To call and examine witnesses on any matter relevant to the issues of the hearing;
- 21 (ii) To introduce documentary and physical evidence;
- 22 (iii) To cross-examine opposing witnesses on any matter relevant to the issues of the
23 hearing;
- 24 (iv) To impeach any witness regardless of which party first called him to testify;
- 25 (v) To rebut evidence against him;
- 26 (vi) To represent ~~the~~himself or to be represented by anyone of ~~theirs~~ choice who is lawfully
27 permitted to do so.
- 28 (5) Following review of the evidence submitted, the hearing examiner shall make written
29 findings and conclusions, and shall affirm or modify the order previously issued if he finds
30 that a violation has occurred. The written decision of the hearing examiner shall be mailed
31 by certified mail, postage prepaid, return receipt requested, to all the parties.
- 32 (6) The appeal hearing before the Clark County hearing examiner shall occur within sixty (60)
33 days following receipt of the written notice of appeal, unless the matter is continued at the
34 discretion of the hearing examiner after receiving consent of all parties to the proceeding.
35 (Sec. 4, Res. 1978-07-83)
- 36 (7) Whenever possible, the appeal from a director's order shall be combined with any other
37 appeal from county enforcement actions relating to the same subject matter and falling
38 within the jurisdiction of the hearing examiner. (Sec. 11 of Ord. 1977-12-51)

1 **32.12.010 Suspension of permits.**

2 (1) A director may temporarily suspend any permit issued under a land use or health ordinance
3 for (i) failure of the holder to comply with the requirements of any land use or public health
4 ordinance or rules or regulations promulgated thereunder, or (ii) failure to comply with any
5 notice and order issued pursuant to this title.

6 (2) Such permit suspension shall be carried out through the notice and order provisions of this
7 title, and the suspension shall be effective upon service of the notice and order upon the
8 holder or operator. The holder or operator may appeal such suspension as provided by this
9 title.

10 (3) Notwithstanding any other provision of this title, whenever a director finds that a violation of
11 any land use or public health ordinance or rules and regulations has created or is creating
12 an unsanitary, dangerous or other condition which, in **theirs** judgment, constitutes an
13 immediate and irreparable hazard, he may, without service of a written notice and order,
14 suspend and terminate operations under the permit immediately. (Sec. 15 of Ord. 1977-12-
15 51)

16 **32.12.020 Revocation of permits.**

17 (1) A director may permanently revoke any permit issued by the county for (i) failure of the
18 holder to comply with the requirements of any land use or public health ordinance or rules or
19 regulations promulgated thereunder, or (ii) failure of the holder to comply with any notice
20 and order issued pursuant to this title, or (iii) interference with a director in the performance
21 of **theirs** duties, or (iv) discovery of a director that a permit was issued in error or on the
22 basis of incorrect information supplied to the county.

23 (2) Such permit revocation shall be carried out through the notice and order provisions of this
24 title and the revocation shall be effective upon service of the notice and order upon the
25 holder or operator. The holder or operator may appeal such revocation, as provided by this
26 title.

27 (3) A permit may be suspended pending its revocation or a hearing relative thereto. (Sec. 16 of
28 Ord. 1977-12-51)

29 **32.16.050 Claim of lien—General.**

30 (1) A Director shall cause a claim for lien to be filed for record in the Auditor’s Recording
31 Department within ninety (90) days from the date the civil penalty is due or within ninety (90)
32 days from the date of completion of the work or abatement performed pursuant to this title.

33 (2) Contents The claim of lien shall contain the following:

34 (i) The authority for imposing a civil penalty or proceeding to abate the violation, or both;

35 (ii) A brief description of the civil penalty imposed or the abatement work done, or both,
36 including the violations charged and the duration thereof, including the time the work is
37 commenced and completed and the name of the persons or organizations performing
38 the work;

39 (iii) A description of the property to charged with the lien;

40 (iv) The name of the known owner or reputed owner, and if not known the fact shall be
41 alleged; and

- 1 (v) The amount, including lawful and reasonable costs, for which the lien is claimed.
- 2 (3) Verification. A Director or an authorized representative shall sign and verify the claim by
3 oath to the effect that the affiant believes the claim is just.
- 4 (4) The claim of lien may be amended in case of action brought to foreclose same, by order of
5 the court, insofar as the interests of third parties shall not be detrimentally affected by
6 amendment. (Sec. 21, Ord. No. 1977-12-51.)

1 **DRAFT Fall 2024 Biannual Code Amendments**
2 **Attachment B**

3
4 **Sections 40.260.080 and 6.110A.045 Amendments**

5
6 **40.260.080 Forest Practices**

7 A. General Provisions.

8 1. Purpose. This section is established pursuant to Chapter 76.09 RCW and Chapter 222-
9 20 WAC. It shall be officially cited as Section 40.260.080, Forest Practices, and may be
10 commonly referred to as the Clark County forest practice code. This section sets forth
11 procedures and review criteria for approval of Class IV conversion forest practices,
12 conversion option harvest plans (COHPs), and certain Class I forest practices, and
13 establishes a process for implementing development moratoria on properties which have
14 been harvested in violation of forest practice requirements.

15 2. Description of Forest Practice Classes. The description ~~of the classes~~ of forest practice
16 ~~paraphrased below are intended to summarize the~~ classifications ~~and do not supersede~~
17 ~~the specific definitions~~are described in Chapter 222-16 WAC and Chapter 76.09 RCW:

18 a. ~~Class I are those minor forest practices, occurring outside the Columbia River Gorge~~
19 ~~National Scenic Area (CRGNSA) Special Management Area (SMA), that have no~~
20 ~~direct potential for damaging a public resource. Examples of Class I forest practices~~
21 ~~include timber harvests on parcels where contiguous ownership is less than two (2)~~
22 ~~acres in size that are not within a shoreline designation or UGA, and none of the~~
23 ~~operation takes place within the riparian management zone of a Type 2 or 3 Water,~~
24 ~~or within the bankfull width/channel migration zone of a Type 4 Water or flowing Type~~
25 ~~5 Water; the culture and harvest of Christmas trees and seedlings; tree planting and~~
26 ~~seeding; and cutting and/or removal of less than five thousand (5,000) board feet of~~
27 ~~timber for personal use (e.g., firewood, fence post) in any consecutive twelve (12)~~
28 ~~month period.~~

29 b. ~~Class II are those forest practices which have less than an ordinary potential for~~
30 ~~damaging a public resource. Examples of Class II forest practices include the~~
31 ~~construction of advance fire trails; timber harvests of less than forty (40) acres; and~~
32 ~~the "partial cutting" of forty percent (40%) or less of the live timber volume on a site.~~
33 ~~Class II forest practices require notification to the DNR prior to being conducted.~~
34 ~~Property logged pursuant to a Class II permit must be reforested and is intended to~~
35 ~~remain in timber production. Class II shall not include forest practices:~~

36 ~~(1) On lands platted after January 1, 1960, as provided in Chapter 58.17 RCW or on~~
37 ~~lands that have or are being converted to another use;~~

38 ~~(2) Which require approvals under the provisions of the Hydraulics Act, RCW~~
39 ~~75.20.100;~~

40 ~~(3) Within "shorelines of the state" as defined in RCW 90.58.030;~~

41 ~~(4) Excluded from Class II by the State Forestry Practices Board; or~~

42 ~~(5) Which involve timber harvesting or road construction within "urban growth areas,"~~
43 ~~designated pursuant to Chapter 36.70A RCW, which are processed as Class IV.~~

1 ~~e. Class III are those forest practices not listed under Class I, II, and IV. Class III forest~~
 2 ~~practices require permit approval by the DNR. Property logged pursuant to a Class III~~
 3 ~~permit must be reforested and is intended to remain in timber production.~~

4 ~~d. Class IV forest practices are divided into two (2) categories as follows:~~

5 ~~(1) Class IV general, as defined by WAC 222-16-050(2) in effect on March 20, 2000,~~
 6 ~~are those forest practices occurring on lands within UGAs; lands platted after~~
 7 ~~January 1, 1960, or on lands which are being converted to a use other than~~
 8 ~~commercial timber production. Examples of Class IV general forest practices~~
 9 ~~include harvest of timber and conversion of land to agricultural, residential or~~
 10 ~~commercial uses, and forest practices which would otherwise be Class III, but~~
 11 ~~which are taking place on lands which are not to be reforested because of the~~
 12 ~~likelihood of future conversion to urban development. Reforestation is not~~
 13 ~~required under a Class IV general forest practices permit as the property subject~~
 14 ~~to the permit is being converted to a non-forestry use.~~

15 ~~(2) Class IV special, as defined by WAC 222-16-050(1) in effect on March 20, 2000,~~
 16 ~~are those forest practices which have the potential to result in a substantial~~
 17 ~~impact to the environment. Examples of Class IV special forest practices include~~
 18 ~~forest practices conducted on lands designated as critical wildlife habitat for~~
 19 ~~threatened or endangered wildlife species; timber harvest in national, state, or~~
 20 ~~local parks; and forest practices involving potentially unstable slopes or~~
 21 ~~landforms.~~

22 3. Applicability. The provisions of this section comprise the standards necessary for the
 23 review of Class IV conversion forest practices, COHPs, and certain non-exempt Class I
 24 forest practices. The provisions of this chapter also provide the criteria for the
 25 establishment or removal of development moratoria and exceptions for single-family
 26 dwellings located on lands subject to a development moratorium. All forest practice
 27 approvals and associated development moratoria issued by Clark County shall comply
 28 with this section.

29 a. The following forest practice activities are subject to review under this section:

30 (1) All Class IV conversion forest practices;

31 (2) A COHP in which a Class II, III, or IV special forest practice is applied for;

32 (3) All Class I forest practices; within urban growth areas (UGAs) that involve timber
 33 harvesting or road construction;

34 (a) Within urban growth areas (UGAs) that involve timber harvesting or road
 35 construction;

36 (b) Outside UGAs which are associated with forestlands that are being converted
 37 to another use;

38 (c) Hazard Tree Removal Determinations

39 (4) Class I forest practices outside UGAs which are associated with lands platted
 40 after January 1, 1960, or lands being converted to a non-forestry use.

41 (b)

42 4. Exemptions. The following forest practices are exempt from the provisions of this
 43 chapter:

1 a. Forest practices are exempt from this chapter on lands in a UGA where the
 2 landowner submits a ten (10) year statement of non-conversion to the Department of
 3 Natural Resources (reforestation agreement) together with either an acceptable ten
 4 (10) year forest management plan or proof that the land is currently enrolled in
 5 current use assessment — timber lands, under the provisions of Chapter 84.33 or
 6 84.34 RCW.

7 b. Class I Forest Practices ~~Within UGAs. For those Class I forest practices not exempt~~
 8 ~~from this section pursuant to Sections 40.260.080(A)(3)(a)(3) and (A)(3)(a)(4), a~~
 9 ~~forest practice permit shall not be required if the forest practices result~~ resulting in
 10 the removal of less than five thousand (5,000) board feet of timber for either personal
 11 use or the abatement of an emergency (e.g., removal of diseased or hazard trees) in
 12 any twelve (12) month period. Although a forest practice permit is not required, Class
 13 I forest practices proposed within a wetland, stream, landslide hazard area, habitat
 14 conservation area, or other critical area or its buffer shall comply with all applicable
 15 requirements of Section 40.260.080(A)(56)(b)(1).

16 c. Commercial nurseries and Christmas tree farms. The removal of trees which have
 17 been grown to be sold as Christmas trees or as landscaping.

18 d. Landscape maintenance. Landscape maintenance, pruning, or other tree
 19 management practices which do not impair the health or survival of trees required to
 20 be retained or planted under the authority of this chapter.

21 e. Street trees. Removal of street trees with the written approval of the Director of
 22 Public Works and when recommended by a Certified Arborist, Professional Forester,
 23 or Landscape Architect.

24 54. Administration.

25 a. Approvals Required. An approval pursuant to this chapter must be obtained from
 26 Clark County for the following:

27 (1) Forest Practice Approvals.

28 (a) Class IV General Forest Practices. An approved forest practices permit shall
 29 be obtained from Clark County prior to conducting any forest practices
 30 defined as Class IV general pursuant to Section 40.260.080(A)(2)(d).

31 (b) Class IV Special Forest Practices. Class IV general forest practice which is
 32 reclassified to Class IV special and is a conversion, Clark County will be lead
 33 agent for SEPA action, and the Department of Natural Resources would act
 34 as lead on the approval of the FPA.

35 (c) Class I Forest Practices. Class I forest practices not exempt from this chapter
 36 pursuant to Section 40.260.080(A)(3)(a)(3) ~~(A)(3)(a)(4)~~ shall require a forest
 37 practice permit from Clark County if the forest practice results in abatement of
 38 an emergency within a twelve (12) month period, the removal of any volume
 39 for commercial sale, or road building or removal of timber on lands platted
 40 after January 1, 1960. These forest practices shall be reviewed using the
 41 procedures set forth in Section 40.260.080(B)(4), except that these forest
 42 practices shall not be subject to environmental review under Chapter 43.21C
 43 RCW (State Environmental Policy Act).

- 1 (d) Conversion Option Harvest Plan. A COHP approval from Clark County shall
2 be required for all Class II, III, and IV special non-conversion forest practices
3 outside UGAs where the land owner desires to avoid the imposition of a six
4 (6) year development moratorium.
- 5 (2) Request for Removal of Development Moratorium. An approved request for
6 removal of development moratorium shall be required prior to the approval of any
7 development permits by Clark County for land which is subject to a development
8 moratorium except for the construction of one (1) single-family residence,
9 pursuant to Section 40.260.080(D).
- 10 (3) Request for Single-Family Dwelling Waiver. An approved request for single-
11 family dwelling waiver shall be required prior to the construction of a single-family
12 residence or related improvements on land which is subject to a development
13 moratorium.
- 14 b. Application Requirements for Class I and Class IV General Permits.
- 15 (1) Preliminary Review. The provisions for conducting a pre-application review of
16 any Class I and Class IV-G application filed pursuant to this chapter are set forth
17 in Subtitle 40.5. Pre-application review is voluntary for applications filed under
18 this section.
- 19 (2) Application Filing. Applications filed pursuant to this chapter shall be reviewed to
20 determine full completeness in accordance with submittal standards herein and
21 pursuant to Subtitle 40.5.
- 22 (3) Application Site Plan. All pre-applications and applications shall include a site
23 plan of the proposal that includes the following, if applicable:
- 24 (a) Drafted at a scale no smaller than one (1) inch to two hundred (200) feet;
25 (b) With the scale being shown in legend on the drawing;
26 (c) Harvest boundaries and tree retention areas;
27 (d) North arrow;
28 (e) The approximate location of any existing structures;
29 (f) The location of all existing and proposed streets, rights-of-way, easements,
30 skid roads, haul roads, and landings within the proposal;
31 (g) The location of future land development including stormwater management
32 facilities, and vegetation to be retained for site landscaping, open space,
33 wildlife habitat, screening, and/or buffers;
34 (h) Site topography at a contour interval of twenty (20) feet, ten (10) feet if
35 available from a public source;
36 (i) Critical areas and critical area buffers;
37 (j) Drainageways and culverts;
38 (k) Site area targeted for further harvest including proposed timing; and
39 (l) A vicinity map that includes all abutting ownership.

- 1 (4) Field Marking of Site Features. At the time of submittal of any application
2 required pursuant to this chapter, the following features shall be clearly marked
3 at the site with flagging or colored paint by the applicant:
- 4 (a) Critical areas and critical area buffers;
5 (b) Centerline of all proposed roads;
6 (c) Landing areas;
7 (d) Tree retention areas and leave trees; and
8 (e) Cutting boundaries.
- 9 c. Review.
- 10 (1) Initial Review. The department shall conduct an initial review of any application in
11 accordance with the provisions outlined in Subtitle 40.5, Procedures.
- 12 (2) Review Responsibilities.
- 13 (a) The responsible official is responsible for administration, circulation, and
14 review of an application filed for Class I and Class IV general permits,
15 COHPs, requests for lifting of development moratoria, and single-family
16 dwelling waivers.
- 17 (b) The hearing examiner shall be the decision authority for requests to remove a
18 development moratorium and administrative appeals.
- 19 (c) Other county departments and state agencies, as determined by the
20 department, may review an application and forward their respective
21 recommendations to the responsible official or examiner as appropriate.
- 22 65. Standards.
- 23 a. General. Forest practices subject to this chapter shall be subject to the standards of
24 WAC Title 222 except as modified or supplemented by county critical area
25 ordinances as specified below. In the event of inconsistency between applicable
26 federal, state and local regulations, provisions which afford the greatest critical area
27 protection shall apply.
- 28 b. Specific. In addition to the general provisions of Section 40.260.080(A)(56)(a), the
29 following critical area ordinance provisions apply depending upon the class of the
30 forest practice:
- 31 (1) Class I and Class IV-G Forest Practice.
- 32 (a) Wetlands and Fish and Wildlife Habitat Conservation Areas regulations in
33 Chapter 40.4450;
- 34 (b) Habitat regulations in Chapter 40.440;
- 35 (c) Landslide hazard provisions in the gGeologic Hazard Areas regulations in
36 Chapter 40.430.
- 37 (c) Shoreline Master Program regulations in Chapter 40.460.
- 38 (2) Conversion Option Harvest Plans.

(a) The forested wetland provisions of the county wetland protection ordinance such that:

(i) Harvest is prohibited within the forested wetland; and

(ii) No forested wetland buffer applies, but reforestation may be required pursuant to Section 40.260.080(B)(3)(e).

(b) Review of proposed post-harvest activities subject to Chapter 40.44⁵⁹, Wetlands And Fish And Wildlife Habitat Conservation Areas, shall assume pre-harvest conditions.

c. Time Limitations.

(1) Expiration of Approval.

(a) A Class I and Class IV general permit shall be valid for two (2) consecutive years following the date of issuance unless a different time limit has been established through an associated development permit approval. Expiration of the Class I and Class IV general permit shall be the same as the expiration date of the approved development permit.

(b) A COHP shall be valid for a period of ~~ten (10)~~ two (2) years from the date of county approval.

(2) Time Period for Final Decision. The provisions for issuing a notice of final decision on any application filed pursuant to this chapter are set forth in Subtitle 40.5, Procedures.

d. Development Applications. Development applications submitted with or subsequent to a forest practice application are subject to the development standards of this title.

⁷⁶. Fees. Fees for applications and/or review of reports or studies filed pursuant to this section are set forth in Title 6.

B. Forest Practice Approvals.

1. Purpose.

(a) This section provides tree farmers with options to encourage continued use of the land for tree farming and establishes a Type I review process pursuant to Clark County Code, Subtitle 40.5, Procedures, with review criteria, and necessary findings for certain Class I forest practice permits.

(b) In addition. ~~This~~ This section provides the general requirements, establishes a Type II review process pursuant to Subtitle 40.5, Procedures, with review criteria, and necessary findings for Class IV general forest practice permits and COHPs. Compliance with an approved Class IV general permit or COHP releases the landowner from the six (6) year moratorium.

2. Class IV General Forest Practice Permits. An approved Class IV general permit provides the landowner the ability to harvest timber and to convert a site to a use other than commercial forest production.

a. General Requirements.

(1) A Class IV general permit shall be submitted prior to conducting forest practices on the project site;

- 1 (2) All Class IV general permit applications shall describe the harvest method,
2 including type of equipment to be used and the expected dates of
3 commencement and completion of all harvest activity;
- 4 (3) All Class IV general permit applications shall declare the type, extent, and
5 schedule of future development plans;
- 6 (4) Land that is to be converted to non-forestry uses shall be withdrawn from
7 current use designation under the provisions of Chapters 84.33 and 84.34 RCW
8 or Chapter 3.08 prior to issuance of final county land use approvals for non-
9 forestry uses;
- 10 (5) Pasture conversions must be consistent with a farm management plan approved
11 for the property by the Natural Resource Conservation Service or the Clark
12 County conservation district. Those forest practices involving conversion of
13 forest lands to pasture shall be required to meet the same buffer requirements
14 as set forth in Section 40.260.080(A)(~~56~~)(b)(1).
- 15 b. Review Criteria.
- 16 (1) Class IV general permits shall comply with Section 40.260.080(A)(~~56~~).
- 17 (2) Class IV general permits shall comply with the conditions of approval established
18 through the associated development permit, forest practice permit or approved
19 COHP.
- 20 c. Approval Authority.
- 21 (1) The responsible official shall review all requests for approvals, any comments
22 received, and applicable regulations or policies and shall inspect the property
23 prior to rendering a decision.
- 24 (2) The responsible official may approve an application for a Class IV general permit,
25 approve the application with conditions, require modification of the proposal to
26 comply with specified requirements or local conditions, or deny the application if
27 it fails to comply with requirements of this section.
- 28 d. Required Written Findings and Determinations. A Class IV general permit shall be
29 approved by the responsible official if the application is consistent with Section
30 40.260.080(A)(~~56~~).
- 31 3. Conversion Option Harvest Plans (COHP). An approved COHP provides the landowner
32 the ability to manage and harvest timber prior to application for a development permit
33 while maintaining an option to convert lands to a non-forestry use. A six (6) year
34 moratorium shall not be imposed on a site that meets the conditions of an approved
35 COHP.
- 36 a. General Requirements.
- 37 (1) A COHP shall be submitted to the responsible official pursuant to WAC 222-20-
38 050 and shall also contain the requirements described in this section.
- 39 (2) A COHP shall include:
- 40 (a) A narrative description of the objectives of the timber harvest, relationship of
41 the harvest to future development of the site, built and natural features
42 present at the site, measures to be taken to preserve and protect critical

- 1 areas, harvest method including type of equipment to be used, and the
2 expected dates of commencement and completion of all harvest activity;
- 3 (b) A conceptual layout of a probable future site development, drawn to scale,
4 based on the existing zoning and physical limitations of the property,
5 including likely building areas, roads, driveways, septic system areas and lot
6 lines. The conceptual layout shall meet all applicable land use requirements
7 of Title 40 of this code to be considered for vesting.
- 8 (3) The COHP shall be submitted prior to application for development and/or
9 conducting forest practices on the project site.
- 10 (4) The approved COHP shall be recorded with the County Auditor by the county
11 upon approval. The recorded COHP shall contain an expiration date which is
12 the same as the expiration date of the COHP.
- 13 (5) The COHP shall be approved by the responsible official prior to application or
14 notification to the DNR for the required Class II, Class III, or Class IV special
15 forest practice.
- 16 (6) The approval of a COHP shall not release a landowner from the requirement
17 to reforest a site pursuant to Chapter 222-34 WAC.
- 18 b. Review Criteria.
- 19 (1) It shall be recognized that varying levels of management may occur in the
20 riparian area depending on distance from the stream and functions to be
21 provided. This shall be accomplished through approved alternate plans, which
22 meet or exceed the current riparian function. Forest practices which utilize
23 proven silvicultural techniques may also provide a continual source of solid wood
24 fiber production, when executed through multiple entry limited harvests. The
25 intended long-term benefits include an incentive through utilization, to reforest
26 riparian areas which are currently understocked or non-stocked, to discourage
27 overharvesting outside of the riparian areas and habitat fragmentation, and to
28 create an older age class of the seral species and multi-structured canopies
29 within the riparian areas.
- 30 (2) Long-term silvicultural plans identifying current and projected biometrics which
31 support the function and structure of riparian habitat shall be submitted for
32 approval by the county for harvest within those areas which are identified as
33 riparian habitat by the Washington Department of Fish and Wildlife. Any partial
34 harvest activities allowed in any part of the riparian areas shall be consistent with
35 riparian management areas rules per Chapter 222-30 WAC.
- 36 (3) COHP approvals shall comply with Clark County Code as set forth in Section
37 40.260.080(A)(~~56~~) and all applicable sections of Title 40 of this code, except as
38 otherwise provided by this section.
- 39 (4) All forested wetland and buffer boundaries shall be flagged on site and verified
40 by the department.
- 41 (5) Those parcels subject to the small forest landowner exemption (RCW 76.13.130)
42 shall be subject to the riparian management zone rules found in WAC 222-30-
43 023 following no harvest buffers rather than the table in WAC 222-20-023.
44 Should RCW 76.13.130 be repealed, with the intent of applying more stringent

1 standards, ~~Table 40.260.080-1 shall be deemed automatically repealed and~~
 2 ~~replaced with the standards as found in Chapter 222-30 WAC.~~

Table 40.260.080-1. Small Landowner Buffers for Exempt 20-Acre Parcels	
Water Type/Average Width	No Harvest Buffer Width (feet)
1 & 2 Water/75' & over	115
1 & 2 Water/under 75'	100
3 Water/5' and over	75
3 Water/under 5'	50
4 Water	50
5 Water	25

- 3 c. Approval Authority.
- 4 (1) The responsible official shall review all requests for approvals, any comments
 5 received, and applicable county regulations or policies and shall inspect the
 6 property prior to rendering a decision.
- 7 (2) The responsible official may approve an application for a COHP, approve the
 8 application with conditions, require modification of the proposal to comply with
 9 specified requirements or local conditions, or deny the application if it fails to
 10 comply with requirements of this section.
- 11 d. Required Written Findings and Determinations. A COHP shall be approved by the
 12 responsible official if the application is consistent with standards referenced in
 13 Section 40.260.080(A)(56).
- 14 e. Reforestation. All COHPs that are converted must have forested wetland buffers
 15 reforested within the following two (2) planting seasons after harvest in accordance
 16 with standards in Chapter 222-34 WAC.
- 17 f. Conversions. Conversion of property subject to an approved COHP is prohibited for
 18 two (2) years following date of county approval unless a significant hardship is
 19 demonstrated, through a Type I process pursuant to Section 40.510.010, relating to
 20 the death or disability of the landowner.
- 21 g. Vesting. Residential plat applications submitted **within ten (10) years** following COHP
 22 approval shall be subject to local land development codes in effect on the date of
 23 COHP approval **as defined by contingent vesting requirements as outlined in**
 24 **Chapter 40.510 of this code.** except that subsequently enacted critical area
 25 ordinance amendments related to recovery of threatened or endangered fish shall
 26 apply.

1 h. Recorded Covenant. A declaration shall be recorded giving notice of the conversion
2 option harvest plan and approval conditions with the protective measures relating to
3 the conversion. This covenant shall be binding upon the landowner and successors
4 in interest for a period of ~~ten (10)~~six (6) years from the date of timber harvest.

5 4. Class I Forest Practice Permits. An approved Class I permit provides the landowner the
6 ability to carry out minor forest practices not otherwise exempted pursuant to Section
7 40.260.080(A)(4).

8 a. General Requirements.

9 (1) An application for a Class I permit shall be submitted prior to conducting forest
10 practices on the project site;

11 (2) All Class I permit applications shall describe the harvest method, including type
12 of equipment to be used and the expected dates of commencement and
13 completion of all harvest activity;

14 (3) All Class I permit applications shall declare the type, extent, and schedule of
15 future development plans;

16 (4) Land that is to be converted to a non-forestry use shall be withdrawn from
17 current use designation under the provisions of RCW Chapters 84.33 and 84.34
18 or Clark County Code Chapter 3.08 prior to issuance of county land use
19 approvals for non-forestry uses;

20 (5) Pasture conversions must be consistent with a farm management plan
21 approved for the property by the Natural Resources Conservation Service or the
22 Clark Conservation District. Those forest practices not involving conversion of
23 forest lands to pasture shall be required to meet the same buffer standards as
24 set forth in Section 40.260.080(A)(6)(b)(1).

25 b. Review Criteria.

26 (1) Class I permits shall comply with Section 40.260.080(A)(6)(b)(1).

27 (2) Class I permittees shall comply with the conditions of approval established
28 through the forest practice permit and any associated development permits.

29 c. Approval Authority.

30 (1) The responsible official shall review all requests for approvals, any comments
31 received, and applicable regulations or policies and shall inspect the property
32 prior to rendering a decision.

33 (2) The responsible official may approve an application for a Class I permit,
34 approve the application with conditions, require modification of the proposal to
35 comply with specified requirements or local conditions, or deny the application if
36 it fails to comply with requirements of this code.

37 d. Required Written Findings and Determinations. A Class I permit shall be approved by
38 the responsible official if the application is consistent with this code.

39 5. Class I Hazard Tree Removal Determinations. An approved Class I Hazard Tree
40 Removal Determination allows the landowner to remove Hazard and/or Diseased trees
41 located within a horizontal distance of one and a half (1 ½) tree lengths of the Hazard
42 and/or Diseased tree from permanent buildings (such as a house, barn, shop, or

1 pumphouse). This is not to be confused with the removal of healthy trees around
2 permanent buildings, to which a Class 1 permit is the appropriate permit for such
3 situations not otherwise exempted pursuant to Section 40.260.080(A)(4).

4 a. General Requirements.

5 (1) A Class I Hazard Tree Determinations shall be submitted prior to conducting
6 forest practices on the project site;

7 (2) All Class I Hazard Tree Determinations shall describe the harvest method,
8 including type of equipment to be used and the expected dates of
9 commencement and completion of all harvest activity;

10 (3) All Class I Hazard Tree Determinations shall include an Certified
11 Arborist/Professional Forester/Landscape Architect Report. The purpose of this
12 report is to adequately document the rationale supporting a determination that a
13 tree(s) is a hazard, dangerous and/or diseased and that abatement and/or tree
14 removal is necessary. This report should include the following items.

15 (i). General description of proposal;

16 (ii) Final plat notes applicable to proposal (if applicable);

17 (iii) A description of the property(ies) subject to the danger/hazard;

18 (iv) A description of the forest stand/greenbelt, including approximate stand age
19 and tree species;

20 (v) A site plan indicating the location of the Hazard/Dangerous and/or Diseased
21 trees and associated structures;

22 (vi) A description of the Hazard/Dangerous and/or Diseased tree(s) including age,
23 species, defect, disease, and/or structural integrity;

24 (vii) A description of the Recommended Abatement treatment for each tree (e.g.,
25 removal, habitat cut, thinning and restructuring) and anticipated timeline;

26 (viii) A detailed replanting plan and/or mitigation plan. Include anticipated
27 schedule of installation. Replanting should be completed within 60 days of the
28 tree abatement;

29 (ix) A description regarding the fate of the tree(s) to be cut (i.e., will the tree(s) be
30 removed, decked, or left in place); and

31 (x) Documentation that the report was prepared by a certified arborist, licensed
32 landscape architect or professional forester or other expert approved by Clark
33 County.

34 b. Review Criteria.

35 (1) Class I Hazard Tree Determinations shall comply with Section 40.260.080(A)(6).

36 (2) Class I Hazard Tree Determinations shall comply with the conditions of approval
37 established through the forest practice permit.

38 c. Approval Authority.

1 (1) The responsible official shall review all requests for approvals, any comments
2 received, and applicable regulations or policies and shall inspect the property
3 prior to rendering a decision.

4 (2) The responsible official may approve an application for a Class I Hazard Tree
5 Determination, approve the application with conditions, require modification of
6 the proposal to comply with specified requirements or local conditions, or deny
7 the application if it fails to comply with requirements of this code.

8 d. Required Written Findings and Determinations. A Class I Hazard Tree Determination
9 shall be approved by the responsible official if the application is consistent with this
10 code.

11 C. Development Moratoria.

12 1. Purpose. This subsection provides the criteria for establishing development moratoria.
13 The subsection also provides standards for the hearing examiner to remove a six (6)
14 year development moratorium and for the responsible official to approve single-family
15 dwelling moratoria waivers.

16 2. Development Moratoria.

17 a. General Requirements. All development moratoria established pursuant to this
18 section shall be mandatory. Development applications and project construction for
19 any development activity shall be prohibited for a term of six (6) years on a site
20 subject to a moratorium.

21 b. Actions That Result in a Development Moratorium. The following actions shall result
22 in a six (6) year development moratorium being imposed:

23 (1) The approval or notification by the Department of Natural Resources of a Class
24 II, III, or IV special forest practices permit that does not have an associated
25 COHP approval;

26 (2) The violation of a COHP or Class IV general forest practice permit;

27 (3) Activity that meets the definition of a Class II, III, or IV forest practices on a parcel
28 without an approved forest practices application or notification;

29 (4) No development action shall occur within an approved COHP unless granted
30 relief under Section 40.260.080(C)(3), unless authorized by the COHP.

31 c. Consequences of a Development Moratorium.

32 (1) Clark County shall terminate review of any application for development of land
33 which is, or becomes, subject to a six (6) year development moratorium. A new
34 application shall be required for development of the site after the six (6) year
35 moratorium expires.

36 (2) Clark County shall not accept applications for any development of land which is
37 subject to a six (6) year moratorium, during the moratorium period.

38 (3) All development moratoria recorded by Clark County shall extend to the harvest
39 area indicated in the forest practices permit or COHP. If no forest practice permit
40 or COHP was issued, the moratorium shall apply to the entire parcel.

41 (4) Prior to any development permit application, the property owner shall be required
42 to submit a Class IV general permit application on land that was cleared without

- 1 a required forest practice application or notification, without an approved COHP,
2 or in violation of a Class II, Class III, or Class IV special permit.
- 3 (5) Clark County shall notify the appropriate state agency if a forest practice activity
4 that meets the definition of a Class II, III, or IV special forest practices has been
5 initiated on a parcel without an approved forest practices application or
6 notification.
- 7 d. Effective Date of a Moratorium.
- 8 (1) The six (6) year development moratorium shall be imposed from the effective
9 date of a Class II, Class III, and Class IV special forest practice permit.
- 10 (2) If a forest practice occurs on a site without the appropriate permit, a six (6) year
11 development moratorium shall be recorded from the date the unpermitted forest
12 practices were documented by Clark County or the Department of Natural
13 Resources.
- 14 (3) Where a site is subject to an approved Class II, III, or IV special forest practices
15 permit with or without a COHP, forest practices occurring at the site which are
16 outside the scope of the approved permit shall be considered unpermitted forest
17 practices for moratorium purposes. In these cases, a six (6) year development
18 moratorium shall be imposed from the date the unpermitted forest practices were
19 documented by Clark County or the Department of Natural Resources.
- 20 (4) If a condition of a COHP approval is significantly violated, a six (6) year
21 development moratorium shall be recorded from the date the associated forest
22 practice approval became effective.
- 23 3. Request for Lifting of Development Moratorium. Any development moratorium
24 established pursuant to Section 40.260.080(C)(2) may be lifted by the hearing examiner
25 when the following requirements are met:
- 26 a. Public Hearing Required.
- 27 (1) The responsible official shall set a date for public hearing before the hearing
28 examiner after all the requests for additional information or plan correction have
29 been satisfied.
- 30 (2) The public hearing shall follow the procedures set forth in Subtitle 40.5,
31 Procedures.
- 32 b. Review Criteria. The hearing examiner shall consider the lifting of a development
33 moratorium established pursuant to this section when the following criteria are met:
- 34 (1) The forest practices conducted on the site meet the standards set forth in Section
35 40.260.080(A)(5).
- 36 (2) Corrective actions are implemented which would bring the forest practices into
37 compliance with this section.
- 38 (3) If critical areas or critical area buffers have been damaged, the hearing examiner
39 may impose increased critical area buffer standards together with additional
40 requirements to mitigate the damage, the cost of which shall equal at least twice
41 the value of the timber harvested within a critical area and buffer.
- 42 c. Approval.

- 1 (1) The hearing examiner shall review all requests for removal of a development
 2 moratorium, any comments received, and applicable county regulations or
 3 policies and may inspect the property prior to rendering a decision.
- 4 (2) The hearing examiner may approve an application for a request to remove a
 5 development moratorium, approve the application with conditions, require
 6 modification of the proposal to comply with specified requirements or local
 7 conditions, or deny the application if it fails to comply with requirements of this
 8 section.
- 9 d. Required Written Findings and Determinations. Removal of a development
 10 moratorium shall be approved by the hearing examiner if the application meets the
 11 review and approval criteria in Sections 40.260.080(C)(3)(b) and (C)(3)(c).
- 12 D. Single-Family Dwelling Moratoria Waiver.
- 13 1. Purpose. To authorize the construction of one (1) single-family dwelling unit on a site
 14 that is subject to a six (6) year development moratorium.
- 15 2. Request for Single-Family Dwelling Moratoria Waiver. The responsible official, through a
 16 Type I procedure, shall waive the six (6) year moratorium solely for construction of one
 17 (1) single-family residence and related accessory buildings on a building site outside of
 18 urban growth boundaries, under the following conditions:
- 19 **a. General Requirements.**
- 20 **(1)a.** The parcel is a legal lot of record;
- 21 **(2)b.** The building site area intended as developed property shall not exceed
 22 two (2) acres in size;
- 23 **(3)c.** The construction activity is consistent with Chapters 40.450 (Wetland
 24 Protection), 40.440 (Habitat Conservation), 40.430 (Geologic Hazard Areas), and
 25 40.460 (Shoreline Overlay District) including the shoreline management master
 26 program;
- 27 **b. Review Criteria. The responsible official shall consider the lifting of a development**
 28 **moratorium established pursuant to this subsection when the following criteria are**
 29 **met:**
- 30 **(1)d.** The harvest was conducted under, and consistent with, an approved
 31 forest practices permit in compliance with the State Forest Practices Act;
- 32 **(2) Corrective actions are implemented which would bring the forest practices into**
 33 **compliance with the requirements of subsection 40.260.080(D)(2)(a).**
- 34 **c. Approval Authority.**
- 35 **(1) The responsible official shall review all sites that are subject to a six (6) year**
 36 **development moratorium and may inspect the property prior to rendering a**
 37 **decision.**
- 38 **(2)e.** A binding written commitment submitted to, and approved by, the county,
 39 and recorded by the applicant with the County Auditor, so as to run with the land,
 40 which:
- 41 **(a4)** Contains a site plan depicting the building site area, any critical areas
 42 within the building site area, and access roads,

1 (b2) Commits the applicant to complete the reforestation in accordance with
2 applicable forest practice reforestation requirements for areas other than the
3 building site area;

4 (3)f. The development moratorium shall remain in effect for all other non-
5 forestry uses of the site that are subject to county approval.

6 d. Required Written Findings and Determinations. Request for single-family dwelling
7 moratoria waiver shall be approved by the responsible official if the application meets
8 the review and approval criteria of this code.

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

10

1 **6.110A.045 Forestry review fees.**

2 Fees for review activities included in Table 6.110A.045 shall be collected prior to processing the
 3 application.

Table 6.110A.045 Forestry Review Fees			
Section	Activity	Fee	Issuance Fee
1	Forest Practices¹		
A	Conversion option harvest plan (COHP) with approved current use timber management plan	\$542	\$94
B	COHP without approved current use timber management plan	\$1,030	\$94
C	Class IV G	\$1,882	\$94
D	Class I Hazard tree removal determination; standalone	\$ 135 425	\$94
E	Non-exempt Class I forest practices	\$425	\$94
F	Site inspection²	\$230	
GF	Type I, single-family dwelling moratorium waiver	\$624	\$94
HG	Type III moratorium waivers	\$4,090	\$94
2	Open Space/Current Use Taxation	\$1,882	
3	Procedural Activities (Appeal, Hold, Continuance, Etc.)		
	Refer to activities in Table 6.110A.010 as applicable		

4 *Notes:*

5 *1 Where on-site work (including but not limited to grading, excavating, cutting or construction) is*
 6 *started prior to the issuance of county permits, the application fee shall be doubled. If work is*
 7 *commenced while the application is being processed, permits will not be issued until an*
 8 *additional application fee is paid. This provision is in addition to the enforcement measures*
 9 *contained in Title 32.*

10 *2 One (1) site inspection fee is required to accompany each application for a forest practice*
 11 *permit.*

12 *(Sec. 2 of Ord. 2017-06-08)*