

1 INTERIM ORDINANCE NO. 2019-09-13

2 **An interim ordinance amending a portion of Clark County Code related to the**  
3 **Columbia River Gorge National Scenic Area Districts to correct a scrivener's error**  
4 **in CCC 40.240.440(H) regarding the review procedures for development and**  
5 **production of mineral and geothermal resources.**

6 WHEREAS, Clark County adopted Ordinance No 1996-04-30, which contains a  
7 reference to Title 18 subsection 18.334.200, Review Uses with Additional Approval Criteria –  
8 Large-Scale or Small-Scale Agricultural Designations; and

9 WHEREAS, in Ord. 1996-04-30, Clark County Code (CCC) Section 18.334.200(G)  
10 states that "Development and production of mineral and geothermal resources, as defined by  
11 Section 18.334.040, subject to Section 18.334.520 of this ordinance, and all other applicable  
12 federal, state and county standards, including those of Chapter 18.329 - Surface Mining Overlay  
13 Zoning District. Type III review procedures specified under CCC 18.600.080 shall be required"  
14 (Exhibit 1. Excerpt of Ord 1996-04-30); and

15 WHEREAS, Clark County adopted Ordinance 2003-11-01 which repealed Title 18 and  
16 replaced it with Title 40, and Chapter 18.334 Columbia River Gorge National Scenic Area  
17 became Chapter 40.240 Columbia River Gorge National Scenic Area; and

18 WHEREAS, the proposed code changes in Ord. 2003-11-01 are generally indicated with  
19 underline and strikethrough, and that ordinance changed the Type III process to become a Type  
20 IV process in CCC 40.240.240(G) - Review Uses with Additional Approval Criteria, Large-Scale  
21 or Small-Scale Agriculture Designation, but no underline/strikethrough was used to indicate this  
22 change (Exhibit 2. Excerpt of Ord. 2003-11-01); and

23 WHEREAS, on November 12, 2003, county staff sent a letter to the Columbia Gorge  
24 Commission with proposed changes to Chapter 40.240, stating that "there was nothing of  
25 substance changed or added, except where current practice was codified" (Exhibit 3); and

26 WHEREAS, CCC 40.240.520, which applies to development and production of mineral  
27 and geothermal resources in forest land, reflects the same Type III process as was in place in  
28 Chapter 18.334; and

29 WHEREAS, Clark County staff believes this change from a Type III process to a Type IV  
30 process in CCC 40.240.440(G), which is applicable to agricultural land, to have been a  
31 scrivener's error; and

32 WHEREAS, Clark County adopted Ordinance 2006-05-04 which repealed and replaced  
33 Ord. 2003-11-01 and CCC 40.240.240(G) was renumbered to be CCC 40.240.440(H) - Review  
34 Uses with Additional Approval Criteria, Large-Scale or Small-Scale Agriculture Designation; and

35 WHEREAS, Council finds and concludes that this interim ordinance would further the  
36 public health, safety, and welfare, and is necessary for the immediate support of the County  
37 government and its existing public institutions; now, therefore,

1 **BE IT HEREBY ORDERED, RESOLVED, AND DECREED BY THE CLARK COUNTY**  
2 **COUNCIL, CLARK COUNTY, STATE OF WASHINGTON, AS FOLLOWS:**

3 **Section 1. Findings.** RCW 35.63.200 and RCW 36.70A.390 authorize adoption of interim  
4 zoning measures with certain limitations. In compliance with the requirements of these statutes,  
5 the Clark County Council adopts as findings the pronouncements contained in the above recital  
6 provisions.

7 **Section 2. Amendatory.** Sec. 1 (Attachment F) of 1996-04-30, and amended as Sec. 1 (Ex. A)  
8 of Ord. 2003-11-01, and codified as CCC 40.240.440, and most recently amended as Ord.  
9 2018-03-04, is hereby amended as follows:

10 **40.240 Columbia River Gorge National Scenic Area Districts**

11 \*\*\*

12 Section 40.240.440 - Review Uses with Additional Approval Criteria, Large-Scale or Small-Scale  
13 Agricultural Designations

14 The following uses may be allowed on lands zoned Gorge Large-Scale or Small-Scale  
15 Agriculture, subject to compliance with Sections 40.240.800 through 40.240.900, consistent with  
16 Section 40.240.460:

17 A. Utility facilities and railroads necessary for public service upon a showing that:

18 1. There is no practicable alternative location with less adverse effect on agricultural or  
19 forest lands; and

20 2. The size is the minimum necessary to provide the service.

21 B. Home occupations in existing residential or accessory structures, subject to  
22 Section 40.240.240.

23 C. Fruit and produce stands, upon a showing that sales will be limited to agricultural products  
24 raised on the subject farm and other farms in the local region.

25 D. Wineries, in conjunction with on-site viticulture, upon a showing that processing and sales of  
26 wine is from grapes grown on the subject farm or in the local region.

27 E. Wine tasting rooms, in conjunction with an on-site winery.

28 F. Agricultural product processing and packaging, upon a showing that the processing will be  
29 limited to products grown primarily on the subject farm and sized to the subject operation.

30 G. Exploration of mineral and geothermal resources subject to Section 40.240.800.

31 H. Development and production of mineral and geothermal resources, as defined by  
32 Section 40.240.040, and pursuant to Section 40.240.800 and all other applicable federal,  
33 state and county standards, including those of Section 40.250.022. Type ~~IV~~ III review  
34 procedures specified under Section ~~40.510.040~~ 40.510.030 shall be required.

1 \*\*\*

2 **Section 3. Severability.** If any section, sentence, clause, or phrase of this ordinance is held  
3 invalid or unconstitutional by a court of competent jurisdiction or the Growth Management  
4 Hearings Board, such invalidity or unconstitutionality shall not affect the validity or  
5 unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

6 **Section 4. Effective Date.** The interim ordinance will take effect immediately upon adoption by  
7 the affirmative votes of at least 4 (four) members of the County Council, or in 10 (ten) days if  
8 adopted by the affirmative votes of only 3 (three) Councilors, and will expire upon adoption of a  
9 new ordinance following consideration of this matter in a public hearing by the County Council,  
10 or 60 days from adoption, whichever is earlier.

11 **Section 5. Instructions to the Clerk.**

12 The Clerk of the County Council shall:

- 13 1. Record a copy of this ordinance with the Clark County Auditor.
  - 14 2. Transmit a copy of this ordinance to the Washington State Department of Commerce  
15 within ten days of its adoption pursuant to RCW 36.70A.106.
  - 16 3. Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW  
17 36.70A.290, and Clark County Code 1.02.140, and transmit a copy to Community  
18 Planning.
  - 19 4. Transmit a copy of the adopted ordinance to the Community Development Department  
20 Director and Permit Manager.
  - 21 5. This ordinance is temporary in nature and is not to be codified.
- 22

23 **Section 6. Roll Call Vote.** The following persons voted in favor of the above ordinance  
24 [amendments]:

25 Temple Lertz, Julie Olson, Gary Medvigy, and  
26 Eileen Quiring.

27


28 ADOPTED this 25<sup>th</sup> of Sep. 2019.

29 CLARK COUNTY COUNCIL


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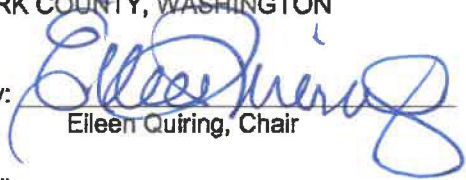
Attest:

  
\_\_\_\_\_  
Clerk to the Council

Approved as to Form Only:  
Anthony F. Golik  
Prosecuting Attorney

By:   
\_\_\_\_\_  
Taylor Hallvik  
Deputy Prosecuting Attorney

FOR CLARK COUNTY, WASHINGTON

By:   
\_\_\_\_\_  
Eileen Quiring, Chair

By: \_\_\_\_\_  
Temple Lentz, Councilor

By: \_\_\_\_\_  
Julie Olson, Councilor

By: \_\_\_\_\_  
John Blom, Councilor

By: \_\_\_\_\_  
Gary Medvigy, Councilor





Exhibit 1. Excerpt of Ord 1996-04-30

ORDINANCE NO. 1996-04-30

An ORDINANCE relating to lands in unincorporated Clark County within the Columbia River Gorge National Scenic Area (CRGNSA), amending Clark County Code Chapter 18.334.

WHEREAS, adoption of a local ordinance to allow for local administration of County jurisdictional lands within the CRGNSA is in the public interest, and is required by the Columbia River Gorge National Scenic Area Act; and

WHEREAS, CCC 18.334 was adopted by the County Board of Commissioners on January 30, 1996, and submitted for formal review and approval to the Columbia River Gorge Commission to determine consistency with the Scenic Area Management Plan; and

WHEREAS, the staff of the Columbia River Gorge Commission has reviewed CCC 18.334 and has provided Clark County with a listing of citations in the ordinance which they advise are inconsistencies with the Management Plan; and

WHEREAS, the Board of County Commissioners finds that amendments to CCC 18.334, as indicated in Attachment F adopted with this resolution are necessary to achieve consistency with the Management Plan, and therefore necessary to receive approval from the Columbia River Gorge Commission; and

WHEREAS, the Board further finds that recommended amendments to CCC 18.334 shall have no impact on existing landowners, who are already subject to regulations of the Management Plan as administered by the Columbia River Gorge Commission; and

WHEREAS, the Board finds that in order to achieve consistency with the Management Plan, CCC 18.334 as originally adopted and as maintained through the recommended amendments excludes the Washougal Urban Growth Area (UGA) boundary from the county portion of the Scenic Area. The Board further finds that changes to relocate the Scenic Area jurisdictional boundary require amendment to the federal Scenic Area Act. The Board hereby reaffirms its support for the ongoing efforts of the City of Washougal to seek such changes and corresponding amendments to the Management Plan, such that the Scenic Area no longer includes the originally designated UGA area under dispute; and

WHEREAS, the Board finds further that in the event of such future amendment to the Scenic Area jurisdictional boundary and Management Plan, it is the intent of Clark County to in a timely manner consider changes to the County Comprehensive Plan map to relocate the Urban Growth Area boundary to include the area in dispute, or to designate the area as Urban Reserve; and

WHEREAS, the Board has considered the recommended amendments, include with this resolution, at a duly advertised public hearing held on April 23, 1996; and

ORDINANCE - 1  
REQUIRES CODIFICATION

**RECEIVED**

MAY 06 1996

**CLARK COUNTY**  
Plan & Dev. Review

WHEREAS, the Board finds that upon adoption, amended Chapter 18.334 will be presented for review and approval to the Columbia River Gorge Commission, and that until such review and approval have been completed, the Columbia River Gorge Commission will continue to administer land use regulations in the Clark County portion of the scenic area through the Scenic Area Management Plan; and

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

Section 1. New Chapter Attachment F, Amended Clark County Code Chapter 18.334 is hereby adopted, and existing Chapter 18.334 is repealed.

Section 2. Severability. If any section, sentence, clause, or phrase of this ordinance should be held invalid or unconstitutional by a court of competent jurisdiction or the Growth Management Hearings Board, such invalidity or unconstitutionality shall not affect the validity or unconstitutionality of any other section, sentence, clause, or phrase of this ordinance.

Section 3. Effective Date The amended ordinance shall go into effect upon signature of this resolution.

Section 4. Instructions to Clerk. The Clerk to the Board shall:

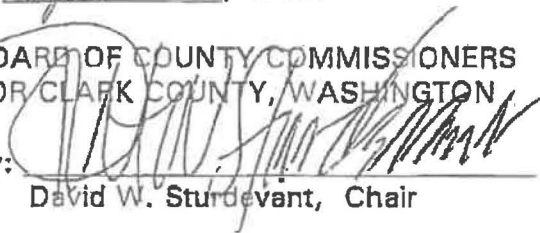
- (1) Transmit a copy of this ordinance as amended to the Washington State Department of Community Trade and Economic Development within ten days of its adoption pursuant to RCW 36.70A.106.
- (2) Record a copy of this ordinance with the Clark County Auditor.
- (3) Cause notice of adoption of this ordinance to be published forthwith pursuant to RCW 37.70A.290.

ADOPTED this 30 day of April, 1996.

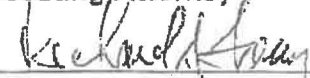
Attest:

  
Clerk to the Board

BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

By:   
David W. Sturdevant, Chair

Approved as to Form Only  
ARTHUR D. CURTIS  
Prosecuting Attorney

By:   
Richard S. Lowry  
Deputy Prosecuting Attorney

By: \_\_\_\_\_  
Mel Gordon, Commissioner

By: \_\_\_\_\_  
John C. Magnano, Commissioner

ORDINANCE - 2  
REQUIRES CODIFICATION

(NOTE: Previously adopted changes to 350-90, the ordinance used by the Columbia River Gorge Commission, are indicated by underline and strikeout. Changes presently recommended by staff to adopted CCC 18.334 are indicated by double underline and redline.)

## Chapter 18.334

### CLARK COUNTY IMPLEMENTING LAND USE REGULATIONS FOR THE COLUMBIA RIVER GORGE NATIONAL SCENIC AREA

#### 18.334.010                    Purpose and Authority

The purposes of the Clark County Implementing Regulations for the Columbia River Gorge National Scenic Area (CRGNSA) are to protect and provide for the enhancement of the scenic, cultural, recreational, and natural resources of the Columbia River Gorge, and to protect and support the economy of the Columbia River Gorge by allowing future economic development in a manner that enhances the scenic, cultural, recreational, and natural resources of the Gorge. These regulations contained within the Clark County Implementing Land Use Regulations for the Columbia River Gorge are intended to be consistent with and implement the Management Plan for the CRGNSA as adopted and amended by the Columbia River Gorge Commission. The full Chapter 18.334 will be incorporated into Title 18 of Clark County Code, and will be available at the Clark County Department of Community Development.

#### 18.334.015                    Adoption

The guidelines, standards, and regulations set forth in the Clark County Implementing Land Use Regulations for the Columbia River Gorge are hereby adopted and incorporated herein by this reference pursuant to the authority given to the County under the Columbia River Gorge National Scenic Area Act, and Chapter 43.97 RCW; the Management Plan adopted by the Columbia River Gorge Commission on October 15, 1991, as may be amended, and shall be considered part of this Chapter as is set forth in full.

Unless otherwise specified in the Clark County Implementing Land Use Regulations for the Columbia River Gorge, applicable Clark County land division, zoning, and other ordinances shall apply to all CRGNSA lands within ~~unincorporated~~ Clark County. If conflicts arise between Chapter 18.334 and other County ordinances, Chapter 18.334 shall prevail as to lands within the National Scenic Area.

#### 18.334.020                    Area Affected

Chapter 18.334 shall apply to all lands ~~under the jurisdiction of~~ in Clark County which lie within the Columbia River Gorge National Scenic Area as designated by the Columbia River Gorge National Scenic Area Act, as may be amended.

Chapter 18.334  
 Clark County Implementing Regulations for the Columbia River  
 Gorge National Scenic Area (CRGNSA)

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- (g) Fruit stands and produce stands upon a showing that sales will be limited to agricultural products raised on the property and other agriculture properties in the local region.
- (h) Aquaculture.
- (i) Exploration, development, and production of sand, gravel, and crushed rock, as defined by Section 18.334.040, for the construction, maintenance, or reconstruction of roads used to manage or harvest commercial forest products on lands within the Special Management Area, subject to CCC 18.329, Section 18.334.520, and all other applicable Federal, State and County standards.
- (j) 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.
- (k) Temporary asphalt/batch plant operations related to public road projects, not to exceed six months.
- (l) Signs as specified in Section 18.334.160(2).
- (m) Community facilities and non-profit facilities related to agricultural resource management.
- (n) 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.
- (o) Recreation, interpretive and educational developments and uses consistent with Section 18.334.620.
- (p) Road and railroad construction and reconstruction.
- (q) 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.
- (r) Structures and vegetation management activities for the purpose of wildlife, fisheries, or plant habitat enhancement projects.

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**18.334.200. Review Uses with Additional Approval Criteria -- Large-Scale or Small-Scale Agriculture Designations.**

(1) 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 (Section 18.334.520 through 620, and 220).

- (a) Utility facilities and railroads necessary for public service upon a showing that:
  - (A) There is no practicable alternative location with less adverse effect on agricultural or forest lands, and
  - (B) The size is the minimum necessary to provide the service.

- (b) Home occupations ~~or cottage industries~~ in existing residential or accessory structures, subject to Section 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 18.334.520 of this ordinance.
- (fg) Development and production of mineral and geothermal resources, as defined by Section 18.334.040, subject to Section 18.334.520 of this ordinance, and all other applicable Federal, State and County standards, including those of CCC 18.329, Surface Mining Overlay Zoning District. Type III review procedures specified under CCC 18.600.080 shall be required.
- (gh) 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.
- (hi) Aquaculture.
- (ij) Recreation development, subject to Section 18.334.610 and the Recreation Development Plan (Management Plan, Part III, Chapter 1).
- (jk) Boarding of horses.
- (kl) Temporary portable asphalt/batch plants related to public road projects, not to exceed six months.
- (lm) Bed and breakfast inns in single-family dwellings, subject to Section 18.334.150(56) and provided that the residence:
  - (A) Is included in the National Register of Historic Places; or
  - (B) ~~In Washington,~~ Is listed on the Washington State Register of Historic Places maintained by the Washington Office of Archaeology and Historic Preservation.



~~(C) In Oregon, is identified and protected under local landmark status as approved pursuant to Oregon state land use regulations protecting historic structures.~~

~~(m) Non-profit, environmental learning or research facilities.~~

~~(n) Expansion of existing schools or places of worship.~~

~~(2) The following uses may be allowed on lands designated Agriculture Special subject to compliance with the appropriate scenic, natural, cultural, and recreation resource guidelines (s 520 and 520 through 620):~~

~~(a) New livestock grazing. Any operation that would introduce livestock to land that has not been grazed, or has laid idle, for more than 5 years shall be considered new livestock grazing.~~

~~(b) New fences, livestock watering facilities, and corrals.~~

~~(c) Soil, water, and vegetation conservation uses.~~

~~(d) Replacement or minor expansion of existing and serviceable structures within a dedicated site. Expansion shall be limited to the dedicated site.~~

~~(e) Fish and wildlife management uses, educational activities, and scientific research.~~

~~(f) Land divisions that facilitate livestock grazing or protect and enhance natural areas. No resulting parcel may be smaller than 160 acres, unless it would facilitate the protection of scenic, cultural, natural, or recreation resources.~~

~~(g) Single family dwellings that are not in conjunction with agricultural use, if a landowner demonstrates that (1) the dwelling cannot be constructed on a portion of the parcel that is located outside of the natural area, and (2) the dwelling is sited and designed in a manner that minimizes adverse effects to the natural area. All dwellings shall meet the criteria in Section 18.334.190(1)(a). The buffer guidelines for non agricultural dwellings may be waived if they would prevent the optimum siting of a dwelling.~~

~~(h) Recreation uses, subject to the provisions for recreation intensity classes in Section 18.334.620.~~

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#### **18.334.210. Approval Criteria for Life Estates -- Gorge Large-Scale or Small-Scale Agriculture Zones.**

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 18.334.040. A second dwelling in conjunction with agricultural use may be allowed, subject to compliance with guidelines in Section 18.334.520 through 620 for the protection of scenic, cultural, natural, and recreation resources and upon findings that:

(1) The proposed dwelling is in conjunction with agricultural use, using guidelines from Section 18.334.190(1)(e).

(2) Upon termination of the life estate, the original or second dwelling shall be removed.



Exhibit 2. Excerpt of Ord 2003-11-01

**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, Aki-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**

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**Chapter 18.408 Special Setback Lines**

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**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:

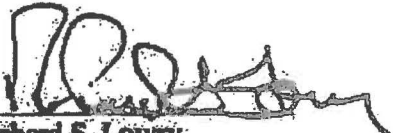
BOARD OF COUNTY COMMISSIONERS  
FOR CLARK COUNTY, WASHINGTON

  
Clerk to the Board

By   
Craig Pedemonte, 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 GGC 18.334, Sections 40.250.020 and 40.240.490, 18.334.620, 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/paich 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), 18.334.620 through 630, and 230).

- 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, 18.334.620 of this ordinance.
- G. Development and production of mineral and geothermal resources, as defined by Section 18.334.040,



and subject to Section 40.240.190-48.334.520 of this ordinance, and all other applicable Federal, State and County standards, including those of Section 40.250.020, CCC-18.320, 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 40.240.580-48.334.640 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(E)-48.334.150(-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, 48.334.040. 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, 48.334.520 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), 48.334.190(A)(c).
- 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 40.240.240-48.334.200(h) 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 40.240, Chapter 48.334 shall prevail.

- A. All new land divisions shall comply with Section 40.240.190(A)(2)-48.334.150(A)(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

Exhibit 3



**DEPARTMENT OF COMMUNITY DEVELOPMENT**

Long Range Planning

November 12, 2003

Ms. Martha Bennett  
Columbia Gorge Commission  
#1 Town and Country Square  
White Salmon, WA 98672

Dear Ms. Bennett:

Clark County recently completed a project to restructure its development regulations. The result of the project was the creation of a Unified Development Code, to be codified as Clark County Code Title 40. The major effort was to re-format the current development code to eliminate inconsistencies and gaps, and to standardize definitions and terminology. There was nothing of substance changed or added except where current practice was codified. The Board of County Commissioners passed Ordinance 2003-11-01 (enclosed) on November 4<sup>th</sup> adopting Title 40, with an effective date of January 1, 2004.

We do not believe there have been any changes to the standards in the Gorge ordinance, but as a result of conversations with Brian Litt of your staff, we are submitting Chapter 40.240 Columbia River Gorge National Scenic Area Districts for your review. To this end we enclose a CD containing current Title 40 files, and a hard copy of the public review draft of Chapter 40.240 that shows (in highlight and ~~strikeout~~) what changes were made. As you'll note in Section 8 of Ordinance 2003-11-01, we acknowledge that Chapter 40.240 takes effect only after approval of the Gorge Commission and the Secretary of Agriculture.

Please contact Gordy Euler at 360-397-2375 ext. 4968 if you have any questions.

Sincerely,

NAME  
CASE / SUBJECT  
DATE Page 2

Patrick Lee  
Long Range Planning Manager

Enclosures

H:\Long Range Planning\Projects\CCC 2001-03 Code Rewrite\Public Review Draft