

ORDINANCE NO. 2016 - 03-11

An ordinance relating to land use; amending Clark County Code 40.210.030 to conditionally allow residential care facilities on larger parcels in rural centers.

1 WHEREAS, pursuant to RCW 35.63.200 and RCW 36.70A.390, the Clark County Board
2 of County Counselors (BOCC) adopted Resolution 2015-11-12 as an interim amendment of
3 Clark County Code (CCC) 40.210.030, Table 40.210.030-1, Uses; and

4 WHEREAS, Resolution 2015-11-12 added residential care facilities on parcels 5 acres or
5 greater as conditional uses in the Rural Center 1 (RC-1) and Rural Center 2.5 (RC-2.5) districts;
6 and

7 WHEREAS, as an interim adoption, the code amendment approved as Resolution 2015-
8 11-12, was effective for a maximum of 60 days without a public hearing and adoption of
9 findings by the BOCC; and

10 WHEREAS, the Clark County Planning Commission (PC) held a public work session on
11 February 4, 2016, and a duly advertised public hearing on February 18, 2016, at which the PC
12 considered a proposal to amend CCC 40.210.030 to revise the code consistent with Resolution
13 2015-11-12, through standard Title 40 amendment procedures; and

14 WHEREAS, the PC recommended that the proposed code amendment be forwarded to
15 the BOCC with a recommendation to reduce the minimum parcel size for the use to 2.5 acres,
16 and otherwise to adopt the ordinance as proposed; and

17 WHEREAS, the BOCC held a duly advertised public hearing on the PC recommendation
18 on March 8, 2016, at which a staff report was presented, the public testified, and the BOCC
19 deliberated and voted on the proposal; and



20 WHEREAS, testimony in the record demonstrates that underserved populations in
21 unincorporated Clark County need local care facilities to accommodate 11 or more persons
22 receiving supervision and treatment; and

23 WHEREAS, in response to public testimony, the councilors expressed concerns about the
24 potential community impacts of a residential care facility in a rural center, but noted that as a
25 conditional use, each application would be subject to a hearing where the public could be heard,
26 and each approval would be subject to conditions pursuant to CCC 40.260.180 to address the
27 circumstances and impacts related to the specific application; and

28 WHEREAS, the BOCC has determined that approval of this ordinance, as recommended
29 by the PC, would further the public health, safety and welfare; now, therefore

30 BE IT ORDERED, RESOLVED AND DECREED by the Board of County Councilors of
31 Clark County, State of Washington, as follows:

32 **Section 1. Findings.** The BOCC adopts the recitals above as findings in support of this
33 ordinance.

34 **Section 2. Amendatory.** Ordinance 2003-12-15, as most recently amended by
35 Ordinance 2014-11-02, and codified as CCC 40.210.030, Table 40.210.030-1, are each amended
36 to read as follows:

37 **40.210.030 Rural Center Residential Districts (RC-2.5, RC-1)**

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A. Purpose.

41 The rural center residential zones are to provide lands for residential living in the
42 rural centers at densities consistent with the comprehensive plan. These districts are only
43 permitted in the designated rural centers. Natural resource activities such as farming and forestry
44 are allowed to occur as small-scale activities in conjunction with the residential uses in the area.
45 These areas are subject to normal and accepted forestry and farming practices.

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B. Location Criteria.

49 These zoning districts are only permitted within the designated rural centers
 50 adopted as part of the Clark County comprehensive plan in areas with a comprehensive plan
 51 designation of rural center residential.

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 53 C. Uses.

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 55 The uses set out in Table 40.210.030-1 are examples of uses allowable in rural
 56 center residential zone districts. The appropriate review authority is mandatory.

- 57 • “P” – Uses allowed subject to approval of applicable permits.
- 58 • “R/A” – Uses permitted upon review and approval as set forth in Section 40.520.020.
- 59 • “C” – Conditional uses which may be permitted subject to the approval of a
 60 conditional use permit as set forth in Section 40.520.030.
- 61 • “X” – Uses specifically prohibited.

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 63 Where there are special use standards or restrictions for a listed use, the applicable code
 64 section(s) in Chapter 40.260, Special Uses and Standards, or other applicable chapter is noted in
 65 the “Special Standards” column.

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Table 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	40.260.010
b. Family day care centers	P	P	40.260.160
c. Adult family homes	P	P	40.260.190
d. Home business – Type I	P	P	40.260.100
e. Home business – Type II	R/A	R/A	40.260.100
f. Bed and breakfast establishments (up to 2 guest bedrooms)	P	P	40.260.050
g. Bed and breakfast establishments (3 or more guest bedrooms)	P	P	40.260.050
h. Country inns of historic significance	C	C	
i. Garage sales	P	P	40.260.090
j. Residential care homes	C	C	40.260.180
k. Temporary dwellings	P	P	40.260.210
l. Staffed residential homes	C	C	40.260.205
m. Residential care facilities (on parcels 2.5 acres or greater)	<u>C</u>	<u>C</u>	<u>40.260.180</u>

2. Services, Business.			
a. Commercial nurseries predominantly marketing locally produced plants and associated landscaping materials	P	P	
b. Roadside farm stand	P	P	40.260.025
c. Agricultural market	P	P	40.260.025
d. Veterinary clinics	C	C	
e. Commercial kennels on a parcel or parcels 5 acres or more	R/A	R/A	40.260.110
f. Private kennels	P	P	40.260.110
g. Animal boarding and day use facilities	P	P	40.260.040
h. Dental and medical offices	C	C	
3. Services, Amusement.			
a. Publicly owned recreational facilities, services, parks and playgrounds	P	P	
b. Neighborhood parks	P	P	40.260.157
c. Private recreation facilities, such as country clubs and golf courses, including such intensive commercial recreational uses as golf driving range, race track, amusement park, paintball facilities, or gun club	C	C	
d. Golf courses	X	X	
e. Equestrian facility on parcels less than 5 acres	C	C	40.260.040
f. Equestrian facility on parcels 5 acres or greater	P	P	40.260.040
g. Equestrian events center	C	C	40.260.040
h. Outdoor public entertainments, amusements and assemblies	R/A	R/A	Chapter 5.32
4. Services, Membership Organization.			
a. Churches	C	C	
5. Services, Educational.			
a. Public or private schools, but not including business, dancing or technical schools	C	C	40.260.160
6. Public Service and Facilities.			
a. Ambulance dispatch facilities	C	C	40.260.030
b. Government facilities	C ¹	C ¹	
7. Resource Activities.			
a. Agricultural and forestry, including any accessory buildings and activities	P	P	40.260.080
b. Silviculture	P	P	40.260.080
8. Other.			

a. Utilities, structures and uses including but not limited to utility substations, pump stations, wells, watershed intake facilities, gas and water transmission lines	P	P	40.260.240
b. Solid waste handling and disposal sites	C	C	40.260.200
c. Wireless communications facilities	P/C ²	P/C ²	40.260.250
d. Cemeteries and mausoleums, crematoria, columbaria, and mortuaries within cemeteries; provided, that no crematoria is within two hundred (200) feet of a lot in a residential district	X	X	
e. Temporary uses	P	P	40.260.220
f. Electric vehicle infrastructure	P	P	40.260.075
g. Medical marijuana collective gardens	X	X	
h. Marijuana-related facilities	X	X	

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

74 ²See Table 40.260.250-1.

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Section 3. Instructions to Clerk. The Clerk of the Board shall:

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A. Transmit a copy of this ordinance to the Washington State Department of
78 Commerce within 10 (ten) days of its adoption, pursuant to RCW
79 36.70A.106;

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B. Record a copy of this Ordinance with the Clark County Auditor; and

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C. Cause notice of adoption of this ordinance be published forthwith,
82 pursuant to RCW 36.70A.290.

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ADOPTED this 22nd day of MARCH, 2016.

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BOARD OF COUNTY COUNCILORS
CLARK COUNTY, WASHINGTON

85 Attest:

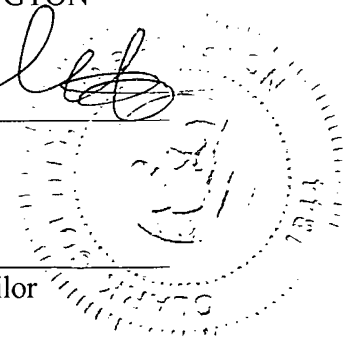
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87 Rebecca Jitta
88 Clerk to the Board

By: Marc Boldt
89 Marc Boldt, Chair

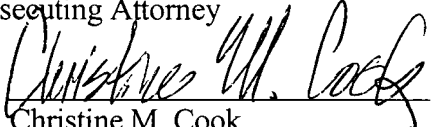
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By: _____
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92 Jeanne E. Stewart, Councilor
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Approved as to Form Only:
ANTHONY F. GOLIK
Prosecuting Attorney

By: 
Christine M. Cook
Senior Deputy Prosecuting Attorney

By: _____
Julie Olson, Councilor

By: _____
David Madore, Councilor

By: _____
Tom Mielke, Councilor