

Title 40: Clark County, Washington, Unified Development Code

Ecology Review Draft

Completed November 2024

This Ecology review draft contains only updates mandated by Washington Department of Ecology in relation to stormwater management on development and redevelopment sites.

This limited review draft contains only those subtitles, chapters, or sections which are subject to proposed changes.

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SUBTITLE 40.1 INTRODUCTION AND ADMINISTRATION

40.100 GENERAL PROVISIONS

40.100.070 Definitions

Unless the context clearly requires otherwise, the definitions in this section shall apply to terms in this title. In addition to definitions provided below, there are chapter-specific or section-specific definitions in the following sections:

- Section 40.240.040, Columbia River Gorge National Scenic Area Districts;
- Section 40.250.010, Airport Environs Overlay Districts (AE-1, AE-2);
- Section 40.250.030, Historic Preservation;
- Section 40.260.050, Bed and Breakfast Establishments;
- Section 40.260.100, Home Businesses;
- Section 40.260.250, Wireless Communications Facilities;
- Section 40.310.010, Sign Standards;
- Section 40.386.010, Stormwater and Erosion Control;
- Section 40.410.010, Critical Aquifer Recharge Areas (CARAs);
- Section 40.420.010, Flood Hazard Areas;
- Section 40.430.010, Geologic Hazard Areas;
- Chapter 40.460, Shoreline Master Program;
- Section 40.560.030, Amendments Docket;
- Chapter 40.570, State Environmental Policy Act (SEPA); and
- Section 40.610.020, Development Impact Fees.

(Amended: Ord. 2009-06-01; Ord. 2012-07-16; Ord. 2015-11-24; Ord. 2017-07-04; Ord. 2018-01-09; Ord. 2018-01-17; Ord. 2019-05-07; Ord. 2019-07-01; Ord. 2023-03-01; Ord. 2024-03-01)

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| Aboveground storage tanks | “Aboveground storage tank” means any one (1) or combination of tanks (including underground pipes connected thereto) that is used to contain an accumulation of regulated substances, and the volume of which is ninety percent (90%) or more above the surface of the ground. |
| Abutting | “Abutting” means sharing a common boundary line; except that where two (2) or more lots share a common boundary line only at a corner or corners, they shall not be considered as abutting unless the common boundary line between the two (2) parcels measures not less than eight (8) feet in a single direction. |
| Access | “Access” means the place, means, or way by which pedestrians or vehicles shall have safe, adequate and usable ingress and egress to a property or use, as required by this title. Residential lots shall be provided a minimum of twenty (20) feet of access to a public or private street. Nonresidential uses shall be provided access according to Chapters 40.340 and 40.350. (Amended: Ord. 2018-01-09) |

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| Accessway | “Accessway” means a public facility shared by pedestrians and bicyclists. |
| Access roads | “Access roads” means any of the urban or rural access roads as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate access roads from arterials, collectors, and commercial/industrial roads. (Amended: Ord. 2012-05-14) |
| Accessory use or structure | “Accessory use” or “accessory structure” means one which is subordinate to the principal use of a building on the lot serving a purpose customarily incidental to the use of the principal building. |
| Adjacent | “Adjacent” means near, close; for example, an industrial district across the street or highway from a commercial district shall be considered as “adjacent.” |
| Adjoining | “Adjoining” means sharing a common boundary line, including across a public or private right-of-way or easement from the property in question. |
| Administrative manual | “Administrative manual,” when referring to transportation concurrency, means the written documentation adopted by the Public Works Director pursuant to Section 40.350.020. |
| ADT | “ADT” stands for average daily trips. |
| Adult family home | “Adult family home” means a single-family dwelling or duplex licensed as such by the state of Washington, housing a maximum of six (6) adult residents, except when up to two (2) additional residents are authorized pursuant to RCW 70.128.066, where staff assumes the responsibility for the safety and well-being of the residents due to their age or condition. Care is provided by staff and may include provision of meals, laundry, and assistance with activities of daily living, and may include nursing care. Staff may or may not reside in the same dwelling. (Amended: Ord. 2010-08-06; Ord. 2012-02-08) |
| Affected transportation corridor | “Affected transportation corridor” means any transportation corridor which is reasonably projected to be affected by the transportation related impacts of a proposed development. |
| Agricultural market | “Agricultural market” means a permanent building or accessory structure used for the year-round sale of agricultural products grown on site or on other farms in the local agricultural area, and may include incidental retail sale of items or fee-based activities, both as accessory to the primary on-site products, to promote the sale of farm crops. An agricultural market is distinguished from a roadside farm stand by a larger scale of activity and a greater range of products offered. This definition does not include a winery. (Added: Ord. 2012-06-02) |
| Agriculture, agriculture uses or agricultural activities | “Agriculture,” “agriculture uses” or “agricultural activities” means the use of the land for agricultural purposes, including, but not limited to, farming, dairying, pasturage, agriculture, horticulture, floriculture, viticulture and wineries, apiaries, and animal and poultry husbandry, and the necessary accessory uses and structures; provided, however, that the construction and operation of any such accessory use or structure shall be incidental to that of normal agricultural activities; and provided further, that the above uses shall not include slaughterhouses and meat packing or commercial feeding of animals. Marijuana production and processing do not, for the purposes of this zoning title, meet the definition of agriculture, agricultural uses or agricultural activities, and may only occur in accordance with Chapter 314-55 WAC and Section 40.260.115. (Amended: Ord. 2006-07-09; Ord. 2006-08-03; Ord. 2014-05-07) |
| Alley, private | “Private alley” means an easement or tract not over thirty (30) feet wide which affords, generally, a secondary means of vehicular access to abutting lots, and is not intended for general use. |
| Alley, public | “Public alley” means a right-of-way not over thirty (30) feet wide which affords a secondary means of vehicular access to abutting lots and is not intended for general use. |
| All-weather driving surface | “All-weather driving surface” means any road or driveway surface that when reasonably maintained will provide all-weather driving capabilities for fire and other emergency vehicle apparatus. |
| Alteration, structural | “Structural alteration” means any change or repair which would tend to prolong the life of the supporting members of a building or structure. Any change in the external dimensions of the building is a structural alteration. |
| Altered | “Altered,” when referring to wetlands, means a wetland of which at least fifty percent (50%) has been graded, drained, devegetated, or replanted with nonwetland plants. |

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| Ambulance dispatch facility | “Ambulance dispatch facility” means a public or private structure used to house a crew and ambulance to be dispatched from a central ambulance service facility located elsewhere. The structure is selected based on its location to serve a specific area of the county with a quick response time. |
| Ambulance service facility | “Ambulance service facility” means a public or private structure used to house ambulance service administrative personnel, equipment and supply storage, and repair and radio dispatch equipment. This facility may also include an ambulance dispatch facility. |
| Amusement center | “Amusement center” means a permanent development containing a single or multiple indoor or outdoor amusements such as batting cages, video arcades, go-cart tracks, bumper cars or amusement rides. Traveling carnivals and circuses shall not be considered amusement centers. |
| Anadromous | “Anadromous” means fish that migrate up rivers and streams from the ocean to breed in fresh water. |
| Animal boarding facility | “Animal boarding facility” means any premises used to conduct a business that involves overnight boarding of domestic animals for any purpose, but not to include animal hospitals, veterinary clinics, or kennels. (Amended: Ord. 2011-03-09; Ord. 2012-02-03) |
| Animal day use facility | “Animal day use facility” means any premises used to conduct a daytime-only business with hours of operation from 6:00 a.m. to 10:00 p.m. that involves domestic animals as defined in Section 8.01.020, including but not limited to breeding, training, grooming, and day care. (Amended: Ord. 2010-12-12; Ord. 2011-03-09; Ord. 2012-02-03) |
| Animal hospital or veterinary clinic | “Animal hospital” or “veterinary clinic” means a place where animals or pets are given medical or surgical treatment, and are cared for during the time of such treatment. |
| Animal husbandry | “Animal husbandry” means the care and raising of domesticated animals, such as cattle, horses, sheep, llamas, and poultry, but not including household pets, such as dogs and cats. (Amended: Ord. 2006-07-09; Ord. 2006-08-03) |
| Applicant | “Applicant” means the person, party, firm, corporation, legal entity, or agent thereof who submits an application for an activity regulated by this title. |
| Aquifer | “Aquifer” means a groundwater-bearing geologic formation or formations that contain enough saturated permeable material to yield significant quantities of water to wells or springs (source: Chapter 173-100 WAC). |
| Archaeological site | “Archaeological site” means a site containing significant physical evidence or ruins of human occupation or activity that are located on or below the surface of the ground and are at least one hundred (100) years old. Archaeological resources on these sites include, but are not limited to, the remains of houses, villages, camp and fishing sites, and cave shelters; rock art such as petroglyphs and pictographs; artifacts such as arrowheads, utensils, tools, fragments of tools and utensils, obsidian flakes or other material byproducts from tool and utensil-making activities; and graves, human remains, and associated artifacts. |
| Area of special flood hazard, or flood hazard area | “Area of special flood hazard” or “flood hazard area” means the land in the floodplain subject to the base flood. |
| Arterial | “Arterial” means any urban parkway arterial, urban principal arterial, or urban minor arterial, as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate arterials from collectors, commercial/industrial, and access roads. (Amended: Ord. 2012-05-14) |
| Arterial Atlas | “Arterial Atlas” means the current Clark County Arterial Atlas as adopted by Council, or hereafter amended. (Amended: Ord. 2019-05-07) |
| Assisted living facility | “Assisted living facility” means a residential use, licensed by the state of Washington as a boarding home, where staff assumes responsibility for the safety and well-being of the adult residents. Housing, meals, laundry, supervision and varying levels of assistance with daily activities are provided by staff and may include nursing care. An assisted living facility contains seven (7) or more assisted living units. (Added: Ord. 2010-08-06) |
| Athletic, health and racket clubs | “Athletic, health and racket clubs” means a place of business where clients are charged to engage in physical activities including aerobics, racket sports, weightlifting, swimming, etc. |

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| | (Amended: Ord. 2007-11-13) |
| Base zone | “Base zone” means the primary district applicable to a parcel of property irrespective of any overlay district. |
| Basin | “Basin” means a watershed. |
| Bed and breakfast establishment | “Bed and breakfast establishment” means a residence where an individual or family resides and rents up to six (6) bedrooms to guests and provides breakfast to those guests. (Added: Ord. 2010-08-06) |
| Best management practices (BMPs) | “Best management practices” or “BMPs” means those physical, structural and managerial practices, and prohibitions of practices, that, when used singly or in combination: <ul style="list-style-type: none"> • Prevent or reduce erosion, or • Control stormwater runoff peak flow rates and volumes, and • Prevent or reduce pollution of surface water or groundwater. |
| Bike lane | “Bike lane” means the bicycle-only portion of a public street or road. |
| Binding site plan | “Binding site plan” means a site plan which provides an alternative means of dividing land for the sale or lease of commercially or industrially zoned property; and placement of manufactured homes or mobile homes on leased sites. |
| Bioretention facility | “Bioretention facilities” are <u>engineered</u> shallow landscaped depressions, with a designed soil mix and plants adapted to the local climate and soil moisture conditions, that receive stormwater from a contributing area. (Per Department of Ecology <u>2024 2012</u> Stormwater Management Manual for Western Washington, as Amended in December 2014 (The <u>2024 2014</u> SWMMWW).) (Added: Ord. 2015-11-24) |
| Block | “Block” means an area of land whose boundaries are defined by public or private streets, excluding alleys. |
| Block length | “Block length” means the distance between intersections with other public or private roads as measured along the nearside right-of-way line. |
| Block perimeter | “Block perimeter” means the perimeter of a block as measured along the nearside right-of-way lines of public streets or accessway easements but exclusive of driveways. |
| Boarding house | “Boarding house” means a building other than a hotel with furnished rooms with no cooking facilities, where, for compensation, meals or lodging and meals are provided for four (4) or more persons. |
| Branch bank | “Branch bank” means a service outlet providing primarily personal banking and related financial services to the general public. |
| Bridge | “Bridge” means a structure including supports erected over a depression or an obstruction, such as water, highway, or railway, and characterized by the following: <ul style="list-style-type: none"> • A track or passageway for carrying traffic or other moving loads; and • An opening measured along the center of the roadway of: <ul style="list-style-type: none"> o Single-span steel or concrete with spans of six (6) feet or greater; o Steel corrugated pipes with spans of eight (8) feet or greater; o Timber with spans of four (4) feet or greater; o Multiple pipes with spans of ten (10) feet or greater with multiple spans of eight (8) feet or greater between undercopings of abutments or spring lines of arches, or extreme ends of openings for multiple boxes; or o Multiple pipes, where the clear distance between openings is less than half of the smaller contiguous opening. <p>Bridges do not include structures with the depth of fill more than D/2, where D is the maximum span. (Added: Ord. 2012-05-30)</p> |

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| Buffer | “Buffer,” when referring to wetlands, means an area that surrounds and protects a wetland from adverse impacts to the functions of a wetland. |
| Buffer | “Buffer,” when referring to geologic hazard areas, means an area surrounding a geologic hazard consisting of naturally occurring or reestablished vegetation and having a width adequate to protect the geologic hazard area. |
| Building | “Building” means a combination of materials to form a structure that is adapted to a permanent or continued occupancy. It is a structure having a roof supported by columns or walls for the housing or enclosure of persons, animals, or chattel. |
| Building front | “Building front” means the street-facing elevation(s) of a building. |
| Building permit | “Building permit” means the permit issued by the county to an applicant for building a structure. |
| Building, main | “Main building” means a building within which is conducted the principal use permitted on the lot, as provided in the UDC. |
| Capacity | “Capacity,” when referring to vehicular traffic, means a measurement expressed as the maximum number of peak hour vehicle trips that an individual development may generate as defined in Section 40.350.020. |
| Carport | “Carport” means a roof projecting from one (1) side of a building designed to cover, but not enclose, automobile parking spaces. |
| Church | “Church” means a permanently located building primarily used for religious worship. |
| Circulation drive | “Circulation drive” means a place, means or way by which pedestrians and vehicles shall have safe, adequate and usable access to and throughout nonresidential development sites. Circulation drives may have the look, feel and function of a street and may also connect to either public or private streets. |
| Clark County Council | “Clark County Council” means “Clark County Council of Clark County, Washington,” “County Council,” “county council,” “Council,” or “council.” (Added: Ord. 2019-05-07) |
| Classes of forest practices | “Classes of forest practices” means the four (4) classifications of forest practice activities described in WAC 222-16-050. The class of forest practice is determined by considering several factors including but not limited to the type of activity proposed (e.g., harvesting, thinning), its scale, the affected environment, and future use of the site. |
| Clearing | “Clearing” means the act of removing or destroying trees, brush, groundcover or other vegetation, snags or downed logs, or talus features by manual, mechanical, chemical or any other means. |
| Clearing permit | “Clearing permit” means a permit required for nonexempt clearing of vegetation when no other land use permit specifically authorizes the proposed clearing activity. |
| Clinic, outpatient | “Clinic, outpatient” means a building or portion of a building containing offices for providing medical, dental, immediate care clinics or psychiatric services not involving overnight housing of patients. |
| Club | “Club” means an association of persons (whether or not incorporated), religious or otherwise, for a common purpose, but not including groups which are organized primarily to render a service carried on as a business for profit. (Amended: Ord. 2019-07-01) |
| Collector | “Collector” means any urban or rural collector as defined in Tables 40.350.030-2 and 40.350.030-3. This term is used to differentiate collectors from arterials, commercial/industrial, and access roads. (Amended: Ord. 2012-05-14; Ord. 2019-07-01) |
| Commercial access | “Commercial access” means an on-site road providing access to properties zoned for business, commercial, manufacturing or industrial uses. |
| Commercial/industrial road | “Commercial/industrial road” as defined in Tables 40.350.030-2 and 40.350.030-3 means a road that serves to distribute traffic from arterials and provide direct access to abutting commercial or industrial properties. (Added: Ord. 2012-05-14) |
| Commercial off-street parking facilities | “Commercial off-street parking facilities” means a parking area for autos and light trucks not associated or dedicated to any specific use other than parking. Does not include long-term storage of vehicles. |

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| Community Development Director | “Community Development Director” means the Director of the Clark County Community Development Department or the Director’s authorized designee. (Amended: Ord. 2006-05-01) |
| Comprehensive plan | “Comprehensive plan” means the current comprehensive plan for Clark County. |
| Congregate care facility | “Congregate care facility” means any home or private facility maintained and operated for the care, boarding, housing, and training of six (6) or more handicapped persons who require assistance in taking responsibility for themselves and guidance as necessary in activities of daily living, social and recreational activities and opportunities. A congregate care facility does not provide medical, nursing or social casework services. |
| Conservation covenant | “Conservation covenant” means a signed and recorded agreement between a property owner and Clark County running with the land and stipulating that certain areas of the property be maintained in a natural state without disturbance to vegetation or other features unless otherwise approved by the county. |
| Construction | “Construction” means any site-altering activity, including but not limited to grading, utility construction and building construction. |
| Contiguous lots | “Contiguous lots” means an area of land comprised of two (2) or more abutting lots or parcels. |
| Contributing drainage area | “Contributing drainage area” means the subject property together with the watershed contributing water runoff to the subject property. |
| Conversion option harvest plan (COHP) | “Conversion option harvest plan (COHP)” means a voluntary plan approved by Clark County indicating the limits of harvest areas, road locations, and open space. (Amended: Ord. 2012-02-03) |
| Cottage housing | “Cottage housing” means a grouping of small dwellings clustered around a common open space and developed with a coherent plan for the entire site. (Added: Ord. 2012-02-03; Amended: Ord. 2024-03-02) |
| Country inn of historical significance | “Country inn of historical significance” means a structure under ten thousand (10,000) square feet in size, located in a rural center or rural district with facilities for weddings, meetings, banquets, small conferences, educational seminars, retreats and other similar events, and where short-term lodging rooms are provided for compensation, and which is listed on the Clark County Heritage Register under Section 40.250.030(E). (Amended: Ord. 2003-12-15) |
| County | “County” means Clark County, Washington. |
| County Engineer | “County Engineer” means the person designated as the County Engineer as prescribed in Chapter 36.80 RCW. |
| County road | “County road” means a road opened to and maintained for public travel by Clark County. |
| Critical aquifer recharge areas (CARAs) | “Critical aquifer recharge areas” or “CARAs” means: Category I is the highest priority critical aquifer recharge area. Category I is the one (1) year time of travel for Group A water wells shown on the map adopted by reference. Category II is the primary critical aquifer recharge area. This area consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer. (Amended: Ord. 2007-11-13) |
| Critical areas | “Critical areas” means flood hazard areas, wetlands, habitat conservation areas, critical aquifer recharge areas, and geologic hazard areas as regulated under this title. |
| Crown cover | “Crown cover” means the area within the drip line or perimeter of the foliage of a tree. |
| Dangerous waste | “Dangerous waste” means solid waste designated in WAC 173-303-070 through 173-303-130 as dangerous or extremely hazardous waste. The words “dangerous waste” will refer to the full universe of wastes regulated by Chapter 173-303 WAC (including dangerous and extremely hazardous waste). |
| Day care center, commercial | “Commercial day care center” means a building and premises in and on which more than twelve (12) individuals are cared for during some portion of a twenty-four (24) hour period. In no case shall these individuals be housed in the building or on the premises. |

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| Day care center, family | “Family day care center” means a dwelling and premises in and on which not more than twelve (12) individuals, not residing in the dwelling nor related to the care provider, are cared for during some portion of a twenty-four (24) hour period in the residence of the person or persons under whose direct care the individuals are placed. |
| Dedication | “Dedication” means the deliberate appropriation of land by the owner for any general and public uses, reserving to himself no other rights than such as one compatible with the full exercise and enjoyment of the public uses to which the property has been devoted. |
| Demolition waste | “Demolition waste” means largely inert waste, resulting from the demolition or razing of buildings, roads, and other manmade structures. Demolition waste consists of, but is not limited to, concrete, brick, bituminous concrete, wood, masonry, composition roofing and roofing paper, steel, and minor amounts of other metals like copper. Plaster (sheet rock or plaster board) or any other material, other than wood, that is likely to produce gases or a leachate during the decomposition process, and asbestos wastes, are not considered to be demolition waste to this regulation (source: Chapter 173-304 WAC). |
| Density | “Density,” when referring to residential development, means a ratio comparing the number of dwelling units with land area, and is expressed as the number of residential dwelling units per acre of land in a residential development, including, but not limited to, one (1) house on one (1) lot. |
| Department | “Department” means any division, subdivision or organizational unit of the county established by ordinance, rule, or order. For the purposes of the UDC, department refers to the Clark County Community Development Department unless otherwise noted. (Amended: Ord. 2006-05-01) |
| Design storm | “Design storm” means the rainfall from a storm of twenty-four (24) hour duration. For example, two (2) year storm means the two (2) year, twenty-four (24) hour storm. |
| Developer | “Developer” means the person, party, firm, corporation, legal entity, or agent thereof who undertakes an activity regulated by this title. |
| Developer Covenants to Clark County | “Developer Covenants to Clark County” is a recorded legal document limiting or prohibiting certain uses of property. The Developer Covenants to Clark County may also impose affirmative obligation such as payment of a fee or be used to disseminate information which the county deems is in the public interest. (Amended: Ord. 2005-04-12) |
| Development | “Development” means any manmade change to improved or unimproved real estate, including but not limited to: <ul style="list-style-type: none"> • Construction, reconstruction, installation or modification of a structure; • Site-altering activities including mining, dredging, filling, grading, construction of earthen berms, vegetative clearing, paving, excavation, or drilling operations and improvements for use such as parking; • Commencement of a new use, or the change in existing use of real estate or a structure thereon; or • Land divisions, subdivisions, short plats, site plans, conditional use permits, access to public roads, the establishment or termination of rights of access, and any related activities. |
| Development application | “Development application” means any application for approval of a development to which the provisions of this title apply. |
| Development site | “Development site” means the property or portion thereof on which a development activity or redevelopment is proposed. |
| Diseased tree | “Diseased tree” means a tree that in the opinion of the responsible official or an assigned expert approved by Clark County (such as, but not limited to, a professional forester or landscape architect), has a strong likelihood of infecting other trees or brush in the area or becoming a hazard as a result of the disease. |
| Distribution facilities | “Distribution facilities” means facilities where goods are warehoused, sorted and shipped to other locations. |
| Domestic animal | “Domestic animal” means any animal other than livestock that lives and breeds in a tame condition. This generally refers to dogs, cats and some birds. (Added: Ord. 2011-03-09) |
| Drive-in restaurant | “Drive-in restaurant” means a restaurant with facilities allowing take-out foods and beverages without leaving a vehicle. It generally also has the characteristics of a high turnover restaurant. |

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| Driveway | “Driveway” means a privately maintained access to residential, commercial or industrial properties. |
| Dwelling | “Dwelling” means any building, or portion thereof, designed or used as the residence or sleeping place of one (1) or more persons. (Amended: Ord. 2018-01-17; Ord. 2024-03-02) |
| Dwelling, duplex | “Duplex dwelling” means a building, on a single lot, designed or used for residence purposes containing two (2) dwelling units. (Amended: Ord. 2018-01-17; Ord. 2024-03-02) |
| Dwelling, multiple-family, or multifamily | “Multiple-family dwelling” means a building or portion thereof designed or used as a residence, and containing five (5) or more dwelling units. (Amended: Ord. 2018-01-17; Ord. 2024-03-02) |
| Dwelling, quadplex | “Quadplex dwelling” means a building, on a single lot, designed or used for residence purposes containing four (4) dwelling units. (Added: Ord. 2024-03-02) |
| Dwelling, single-family attached (townhouse) | “Single-family attached (townhouse) dwelling” means a building, on a single lot, designed or used for residence purposes containing one (1) dwelling unit only, where two (2) or more dwelling units share one (1) or more common walls with other dwelling units, and with each dwelling occupying an individually owned parcel of land. At least fifty percent (50%) of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall. (Amended: Ord. 2018-01-17; Ord. 2024-03-02) |
| Dwelling, single-family detached | “Single-family detached dwelling” means a building, on a single lot, designed or used for residence purposes containing one (1) dwelling unit only, including modular and manufactured homes. <ul style="list-style-type: none"> • “Tiny house” means a detached single-family dwelling unit of not less than one hundred fifty (150) square feet that is constructed or mounted on a foundation and is connected to utilities. A small dwelling unit built on a chassis is considered a recreational vehicle. (Amended: Ord. 2009-07-01; Ord. 2018-01-17; Ord. 2018-10-02; Ord. 2019-05-07; Ord. 2024-03-02) |
| Dwelling, triplex | “Triplex dwelling” means a building, on a single lot, designed or used for residence purposes containing three (3) dwelling units. (Added: Ord. 2024-03-02) |
| Dwelling unit | “Dwelling unit” means one (1) or more rooms, designed for or used by one (1) family or housekeeping unit for living and sleeping purposes, and having only one (1) kitchen or kitchenette. (Amended: Ord. 2018-01-17; Ord. 2024-03-02) |
| Dwelling unit, accessory (ADU) | “Accessory dwelling unit” (ADU) is an additional, smaller, subordinate dwelling unit on a lot with, or in, an existing or new house. A house with an ADU is different from a duplex because the intensity of use is less due to the limitations of size. <ul style="list-style-type: none"> • “Urban ADU” means an attached or detached dwelling unit that provides for a greater range of housing types in single-family and multifamily residential districts while protecting the character of the residential neighborhood. • “Rural ADU” (RADU) means an attached dwelling unit that provides for a greater range of housing types in rural and resource lands while maintaining rural community character and ensuring the conservation, enhancement and protection of resource lands. (Amended: Ord. 2010-08-06; Ord. 2018-01-17; Ord. 2024-03-02) |
| Early notice | “Early notice,” when referring to SEPA, means the county’s response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant’s proposal (determination of nonsignificance (DNS) procedures). |
| Easement | “Easement” means an interest in land owned by another that entitles its holder to a specific limited use or enjoyment. |

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| Electric vehicle infrastructure | “Electric vehicle infrastructure” or “EVI” means structures, machinery, and equipment necessary and integral to support an electric vehicle, including electric vehicle charging stations, rapid charging stations, and battery exchange stations. (Added: Ord. 2011-06-14) |
| Emergent wetland | “Emergent wetland” means a wetland with at least thirty percent (30%) of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata. |
| Employees | “Employees” means all persons, including proprietors, working on the premises during the largest shift at peak season. |
| Engineer | “Engineer” means an individual licensed by the state of Washington to practice professional engineering who has been retained by the county or others to design roadway, utility or similar improvements. |
| Enhancement | “Enhancement” means actions performed to improve the condition of an existing degraded wetland or buffer so that the functions provided are of a higher quality. |
| Equestrian events center | “Equestrian events center” means an equestrian facility that is intended to host local, regional, and national equestrian events and that has public seating for at least one hundred (100) spectators. (Added: Ord. 2011-03-09) |
| Equestrian facility | “Equestrian facility” means a facility or facilities used by the general public, and for which a fee is charged, for the boarding, feeding, and/or pasturing of at least six (6) horses, including training arenas, corrals, and exercise tracks, and any activities associated with the use of such facilities. (Amended: Ord. 2009-10-04; Ord. 2011-03-09) |
| Erosion hazard area | “Erosion hazard area” means those areas where slopes are greater than fifteen percent (15%). |
| Essential public facilities | “Essential public facilities” include those facilities that are typically difficult to site, such as airports, state education facilities and state or regional transportation facilities as defined in RCW 47.06.140, regional transit authority facilities as defined in RCW 81.112.020, state and local correctional facilities, solid waste handling facilities, and inpatient facilities including substance abuse facilities, mental health facilities, group homes, community facilities as defined in RCW 72.05.020, and secure community transition facilities as defined in RCW 71.09.020. (Added: Ord. 2023-11-28) |
| Event facilities | “Event facilities” means a use that provides facilities for rent for individual events such as weddings, meetings and other similar events. |
| Exotic | “Exotic,” when referring to plants and animals, means any species of plants or animals that are not native to the watershed. |
| Extremely hazardous waste | “Extremely hazardous waste” means dangerous wastes designated in WAC 173-303-070 through 173-303-103 as extremely hazardous. |
| Eyebrow | “Eyebrow,” when referring to streets and roads, means a partial bulb located adjacent to the serving road that provides access to parcels and can serve as a vehicle turnaround. |
| Facultative plants | “Facultative plants” means plants that are equally likely (thirty-four percent (34%) to sixty-six percent (66%) probability) to occur in wetlands or nonwetlands. Such groupings are more fully defined in the Wetlands Delineation Manual. |
| Facultative wet plants | “Facultative wet plants” means plants that usually (sixty-seven percent (67%) to ninety-nine percent (99%) probability) occur in wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual. |
| Family | “Family” means individuals customarily living together as a single housekeeping unit and using common cooking facilities whether related by genetics, adoption, or marriage, or unrelated. (Amended: 2024-03-02) |
| Filling station | “Filling station” means a building or lot having pumps and storage tanks where fuel, oils or accessories for motor vehicles are dispensed, sold or offered for sale at retail only. |
| Finished product retailer | “Finished product retailer” means a retail outlet primarily for the sale to the general public of products that involve limited fabrication or assembly on site within an entirely enclosed building. |
| Floor area ratio | “Floor area ratio (FAR)” means the gross floor area of all buildings on a lot divided by the lot area. For example, a FAR of two to one (2:1) means two (2) square feet of floor area for every one (1) square foot of site area. |

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| Floor area, gross | “Gross floor area” means the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, and elevator shafts at each floor level. |
| Forest land | “Forest land” as defined in the Washington State Forest Practice Act means all land which is capable of supporting a merchantable stand of timber and is not actively used for a use which is incompatible with timber growing. |
| Forest practices | “Forest practices” means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, as defined in Chapter 222-16 WAC. |
| Forest practices application or notification | “Forest practices application or notification” means the application or notification required to be submitted to the Washington Department of Natural Resources for the conduct of forest practices or to Clark County for forest conversions, generally, and, within urban growth areas, the harvesting of timber and road building. |
| Forested wetland | “Forested wetland” means a wetland with at least thirty percent (30%) of the surface area covered by a canopy of woody obligate, facultative wet, or facultative plants greater than twenty (20) feet in height. |
| Frontage | “Frontage” means that portion of a parcel of property which abuts a dedicated public street or highway, or private road or driveway approved by the county. Frontage can include courtyards, plazas and other pedestrian areas which accommodate pedestrian activity and limit motorized vehicles. |
| Frontage road | “Frontage road” means a public or private road providing vehicular access to the boundary of a parcel of real property proposed for development. |
| Fully complete | “Fully complete” means that a development review application meets the submittal requirements of Subtitle 40.5 of the UDC. |
| Functional classification system | “Functional classification system” means the adopted hierarchy of roadway use as it relates to volume, speed, regional, area-wide and local characteristics. |
| Functions | “Functions,” when referring to wetlands, means the beneficial roles served by wetlands including the control of flood waters, maintenance of summer stream flows, filtration of pollutants, recharge of groundwater, and provision of significant habitat areas for fish and wildlife. |
| Garage, detached | “Detached garage” means an accessory building intended and primarily used for the storage of motor vehicles, which is separate from and secondary to the main structure of the occupants. |
| Garage sale | “Garage sale” means a sale of used household or personal articles such as furniture, tools, or clothing, held on the seller’s own premises. This includes yard sales, estate sales, moving sales, and similar. (Added: Ord. 2020-03-01) |
| Garden shed | A “garden shed” is a structure no more than two hundred (200) square feet in floor area, designed to house garden tools or other horticultural products. A garden shed shall not be a place of human habitation, nor shall it be supplied with utilities such as plumbing or electrical service. (Amended: Ord. 2006-09-13) |
| General retailer | “General retailer” means a retail outlet selling a variety of merchandise, including durable, household, variety and perishable and nonperishable foodstuffs to the general public. |
| Geologic hazard areas | “Geologic hazard areas” means areas having steep slopes; potential, active or previous landslides; or extreme seismic hazard that are defined and regulated by this title. |
| Geologist | “Geologist” means a professional geologist licensed in the state of Washington under Chapter 18.22 RCW. |
| Geotechnical engineer | “Geotechnical engineer” means a professional engineer licensed in the state of Washington, experienced and knowledgeable in the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof. |
| Grade | “Grade” means the finished ground level adjoining the building at all exterior walls. (Amended: Ord. 2007-06-05) |
| Grade plane | “Grade plane” means a reference plane representing the average of the finished ground level adjoining the building at all exterior walls. Where the finished ground level slopes away from the exterior walls, the reference plane shall be established by the lowest points within the area between the building and the lot line or, where the lot line is more than six (6) feet from the building between the structure and a point six (6) feet from the building. (Amended: Ord. 2007-06-05) |

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| Grading permit | “Grading permit” means the permit required under Chapter 14.07. (Amended: Ord. 2006-09-13; Ord. 2007-06-05) |
| Groundwater | “Groundwater” means water in a saturated zone or stratum beneath the surface of land or below a surface water body (WAC 173-200-020). |
| Guesthouse | “Guesthouse” means an accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guests, or for members of the same family as that occupying the main structure, and containing no kitchen facilities. |
| Habitable floor | “Habitable floor” means any floor usable for living purposes including working, sleeping, eating, cooking or recreating uses, or any combination of these uses. A floor used only for storage purposes is not a “habitable floor.” |
| Habitat areas | “Habitat areas” shall include the priority habitats and species (PHS) sites, and locally important habitat (LIH) sites as defined by the UDC. |
| Half road/partial road | “Half road” or “partial road” means any public or private road right-of-way or easement which is less than the full required width specified in this title, and which is established so as to permit additional right-of-way or easement to be provided at a later date to complete the full-width roadway. |
| Hard surface | “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof. (Added: Ord. 2015-11-24) |
| Hardscape | “Hardscape” means an approved, decorative hard or impervious surface, such as textured concrete, brick, or pavers for use by pedestrians, which may be used to widen sidewalks. Asphalt or plain finished concrete is not an approved hardscape finish. |
| Hazard tree | “Hazard tree” means any tree which, in the opinion of the responsible official, an expert approved by Clark County (such as, but not limited to, a professional forester or landscape architect), or a similar expert employed by another public agency or utility, has a strong likelihood of causing a hazard to life or property. (Amended: Ord. 2006-06-09) |
| Hazardous substances | “Hazardous materials” or “hazardous substances” means such material as flammable solids; corrosive liquids; radioactive material; oxidizing material; highly toxic material; poisonous gases; reactive material; unstable material; hyperbolic material; pyrophoric material as defined in Chapter 2 of the International Fire Code; and substances, or mixture of substances, that are an irritant or strong sensitizer or which generate pressure through exposure to heat, decomposition, or other means. Hazardous substances shall also mean hazardous waste as designated in Chapter 173-303 WAC as dangerous or extremely hazardous waste. “Hazardous substances” also means any dangerous waste or extremely hazardous waste as defined in RCW 70.105.010(5) and (6), or any dangerous or extremely hazardous waste as designated by rule under Chapter 70.105 RCW; any hazardous substance as defined in RCW 70.105.010(14) or any hazardous substance as defined by rule under Chapter 70.105 RCW; and any substance that, on the effective date of the ordinance codified in this section, is a hazardous substance under Section 101(14) of the Federal Cleanup Law, 42 U.S.C., Section 9601(14); petroleum products; and any substance or category of substances including solid waste decomposition products, determined by the Washington Department of Ecology’s director to present a threat to human health or the environment if released into the environment. The term “hazardous substances” does not include any of the following when contained in an underground storage tank from which there is not a release of crude oil or any fraction thereof or petroleum, if the tank is in compliance with all applicable federal, state, and local laws. (Amended: Ord. 2006-09-13) |
| Hazardous waste | “Hazardous waste” means all dangerous and extremely hazardous waste as defined in RCW 70.105.010. |
| Hazardous waste storage | “Hazardous waste storage” means the holding of dangerous waste for a temporary period as regulated by the State Dangerous Waste Regulations, Chapter 173-303 WAC. |
| Hazardous waste treatment | “Hazardous waste treatment” means the physical, chemical or biological processing of dangerous waste to make such wastes nondangerous or less dangerous, safer for transport, amenable for energy or material recovery, amenable for storage, or reduced in volume. |
| Hazardous waste treatment and storage facility, off-site | “Hazardous waste treatment and storage facility, off-site” means facilities that treat and store waste from generators on properties other than those on which the off-site facilities are located. |
| Hazardous waste treatment and storage facility, on-site | “Hazardous waste treatment and storage facility, on-site” means facilities that treat and store waste generated on the same geographically contiguous or bordering property. |

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| Headwaters | “Headwaters” means springs, lakes, ponds, or wetlands providing significant sources of water to a stream. |
| Health officer | “Health officer” means the Clark County Health Department officer or the officer’s authorized designee. |
| Hearing examiner or examiner | “Hearing examiner” or “examiner” means the Clark County hearing examiner as established by Chapter 2.51. |
| Height, building | <p>“Building height” means the vertical distance from grade plane to the average height of the highest roof surface, excluding overhanging eaves. (See also definition of “grade plane.”)</p> <p style="text-align: center;">Figure 40.100.070-1 – Building height</p> <p>(Amended: Ord. 2007-06-05; Ord. 2007-11-13)</p> |
| High intensity land use | “High intensity land use,” when referring to the regulation of wetlands, means the following uses of land: roadways, commercial, industrial, and multifamily exceeding four (4) units per parcel. |
| High-impact use | <p>“High-impact use,” when referring to critical aquifer recharge areas, means a business establishment that is regulated due to the probability and/or magnitude of its effects on the environment. For purposes of this chapter, these uses possess certain characteristics posing a substantial potential threat or risk to the quality of groundwater and surface waters within Category I CARAs. High-impact uses shall include, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Landfills; • Class V injection wells: <ul style="list-style-type: none"> o Agricultural drainage wells, o Untreated sewage waste disposal wells, o Cesspools, o Industrial process water and disposal wells, and o Radioactive waste disposal; • Radioactive disposal sites; and • Activities in Section 40.410.020(C) that are not connected to public sewer. |
| Home business | <p>“Home business” means a business in conjunction with a residential use which results in financial remuneration from a product or service and is conducted by at least one (1) resident occupying the dwelling on the subject property.</p> <p>(Amended: Ord. 2005-04-12)</p> |

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| Home occupation | In the Columbia River Gorge National Scenic Area Districts only a “home occupation” shall mean the same as a “home business.” (Amended: Ord. 2005-04-12) |
| Homeowners association | <p>“Homeowners association” means a nonprofit organization operating under recorded land agreements through which the following take place:</p> <ul style="list-style-type: none"> • Each person owning or purchasing a lot in a planned unit or other described land area is automatically a member by such ownership or purchase. • Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization’s activities, such as maintaining a common property. • Construction and maintenance responsibilities for any undivided property are identified and assigned. |
| Hospital | “Hospital” means any institution, place, building or agency which maintains and operates organized facilities for twenty (20) or more persons for the diagnosis, care and treatment of human illness, including convalescence and also including care during and after pregnancy; or which maintains and operates organized facilities for any such purpose, and to which persons may be admitted for overnight stay or for a longer period. |
| Hotel | “Hotel” means a place of lodging that provides sleeping accommodations, restaurants, cocktail lounges, meeting and banquet rooms or convention facilities, and other retail and service shops. |
| Hydric soil | “Hydric soil” means a soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual. |
| Hydroperiod | “Hydroperiod” means a seasonal occurrence of flooding and/or soil saturation; it encompasses depth, frequency, duration, and seasonal pattern of inundation. |
| Hydrophytic vegetation | “Hydrophytic vegetation” means macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic vegetation shall be determined following the methods described in the Wetlands Delineation Manual. |
| Intermittent stream | “Intermittent stream” means surface streams with no measurable flow during thirty (30) consecutive days in a normal water year. |
| International Building Code | “International Building Code” means the published International Building Code as adopted by Clark County. |
| Intersection of regional significance | “Intersection of regional significance” means an intersection at which at least three (3) approaches have a comprehensive plan functional classification of collector or higher. |
| Isolated wetlands | <p>“Isolated wetlands” means those wetlands which are not within or contiguous with a fish and wildlife habitat conservation area as defined in Section 40.445.020(C) or shoreline jurisdiction as defined in Section 40.460.210(A) and are separated from other wetlands by a distance greater than the largest wetland buffers required under Section 40.445.020(B)(5) for all adjacent wetlands.</p> <p>(Amended: Ord. 2006-05-27; Ord. 2023-03-01)</p> |
| Kennel, commercial | <p>“Kennel, commercial” means any of the following:</p> <ul style="list-style-type: none"> • Any premises used to conduct a commercial business involving the buying, selling, breeding for sale, letting for hire, boarding or training of dogs; • Any premises at which ten (10) or more adult dogs are kept for any purpose, including animal shelters, but excluding animal hospitals or clinics where animals are kept only for treatment by licensed veterinarians; • Any premises where offspring puppies or adult dogs are sold to commercial outlets or are sold for research or experimental purposes; • Any premises where offspring from three (3) or more litters per twelve (12) month period are sold or traded, exchanged or bartered for a valuable consideration or joint ownership purpose; or • Any premises used as the location for the training of dogs for obedience, hunting, protection, etc. (if the address is different from the office address), or the premises are used as a combination |

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| | <p>office/training location, except if the training site is property belonging to a recognized school district, municipal body or not-for-profit organization.</p> <p>(Amended: Ord. 2010-12-12; Ord. 2011-03-09; Ord. 2012-02-03)</p> |
| Kennel, private | <p>“Kennel, private” means any premises where:</p> <ul style="list-style-type: none"> • Between five (5) and nine (9) dogs over six (6) months of age are kept; and • Where boarding, training and shows are not allowed; and • There are two (2) or fewer litters in any twelve (12) month period. <p>(Amended: Ord. 2011-03-09; Ord. 2012-02-03)</p> |
| Land-disturbing activity | <p>“Land-disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction is also considered a land-disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land-disturbing activity if conducted according to established standards and procedures.</p> <p>(Amended: Ord. 2012-05-14; Ord. 2015-11-24)</p> |
| Landfill | <p>“Landfill” means a disposal facility or part of a facility at which solid and demolition waste is permanently placed in or on the land that is not a land-spreading disposal facility (Chapter 173-304 WAC). In addition, “landfill” means all continuous land and structures and other improvements on the land used for the disposal of solid waste, pursuant to Chapter 173-351 WAC.</p> |
| Landscaping | <p>“Landscaping” means not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, if those areas are permeable and allow stormwater infiltration in accordance with Section 40.386.010. Artificial plants, shrubs, bushes, flowers, and materials in movable containers are not considered landscaping.</p> <p>(Amended: Ord. 2015-11-24)</p> |
| Landslide | <p>“Landslide” means down-slope movement of a mass of soil, or rock, including, but not limited to, rock falls, slumps, mud flows, debris flows, torrents, and earth flows.</p> |
| Landslide protection areas | <p>“Landslide protection areas” means those areas which are to be left permanently undisturbed in a substantially natural state and in which no clearing, grading, filling, building construction or placement or road construction of any kind is allowed except for activities exempted in Section 40.430.030(B).</p> |
| Large quantity generators | <p>“Large quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two thousand two hundred (2,200) pounds of dangerous waste per month. They accumulate more than two thousand two hundred (2,200) pounds of dangerous waste at any time. They generate and accumulate more than two and two-tenths pounds of acutely hazardous waste or toxic extremely hazardous waste.</p> |
| Level of service (LOS) standard | <p>“Level of service standard” or “LOS standard,” when referring to transportation facilities, means a quantitative standard for the performance of a transportation corridor or intersection of regional significance.</p> |
| Local agricultural area | <p>“Local agricultural area” includes Washington and Oregon.</p> <p>(Added: Ord. 2012-06-02)</p> |
| Locally important habitat | <p>“Locally important habitat” means those areas so designated by Clark County by virtue of containing unusual or unique habitats warranting protection because of qualitative species diversity or habitat system health indicators.</p> |
| Lot | <p>“Lot” means a designated parcel, tract or area of land established by short plat, subdivision, or as otherwise permitted by this title, to be separately owned, leased, used, developed, or built upon.</p> |
| Lot area, rural | <p>“Lot area, rural” means the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"> • Private driveway easements, • On-site road easements, |

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| | <ul style="list-style-type: none"> One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways. <p>For the purposes of this definition, “rural lot area” applies to urban reserve (UR-10 and UR-20) and rural (R-5, R-10 and R-20), agricultural (AG-20 and AG-WL) and forest resource (FR-40 and FR-80) districts. (Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2016-06-12; Ord. 2017-07-04; Ord. 2018-01-09)</p> |
| Lot area, urban | <p>“Lot area, urban” means the computed area contained within the lot lines in urban districts, to include private driveway easements, and excluding street and alley rights-of-way, street easements, and street tracts. (Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2016-06-12; Ord. 2018-01-09)</p> |
| Lot area, urban holding | <p>“Lot area, urban holding” means the computed area contained within the lot lines to include:</p> <ul style="list-style-type: none"> Private driveway easements, On-site road easements, One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways. <p>(Added: Ord. 2018-01-09)</p> |
| Lot coverage | <p>“Lot coverage” means that percentage of the total lot area covered by structures, including all projections except eaves.</p> |
| Lot depth | <p>“Lot depth” means the horizontal distance between the midpoint of the front and opposite, usually the rear lot line. Average lot depth shall be the average of the side lot lines. In the case of a corner lot, the depth shall be the average length of the longer dimension of the lot. In the case of flag lots, lot depth shall be the average length of the longer dimension of the main body of the lot. See Figure 40.100.070-2. (Amended: Ord. 2007-06-05; Ord. 2018-01-09)</p> |
| Lot line | <p>“Lot line” means any line bounding a lot as herein defined. Lot lines for unusual lot configurations may be determined by the responsible official.</p> |
| Lot line, front | <p>“Front lot line” means that portion of the property line abutting a street right-of-way, street easement, street tract, or private driveway easement.</p> <ul style="list-style-type: none"> For corner lots, the front lot line is that which provides vehicular access. In the case where vehicular access is provided on more than one (1) street, one (1) front lot line and one (1) street side lot line shall be designated. Within a street side setback, entrances to garages, carports, or similar vehicular shelters shall maintain a minimum eighteen (18) foot setback from the property line, street easement, street tract or inside edge of any pedestrian easement, when the street side setback for the applicable zoning district is less than eighteen (18) feet. If access is provided to a corner lot by an alley, the front lot line is that which is most opposite the alley. For a flag lot, the front lot line is the juncture between the pole and the flag. (See Figure 40.100.070-2.) For through lots, all lot lines abutting a street or approved private road or easement, except for alleys, shall be front lot lines unless vehicular access is prohibited, in which case they shall be considered rear lot lines. <p>(Amended: Ord. 2007-06-05; Ord. 2007-11-13; Ord. 2008-06-02; Ord. 2016-09-04)</p> |
| Lot line, rear | <p>“Rear lot line” means a lot line not abutting a street which is opposite and most distant from the front lot line.</p> |
| Lot line, side | <p>“Side lot line” means any lot line which is not a front lot line or a rear lot line. In the case of flag lots, all lot lines other than the front lot line are considered side lot lines. (Amended: Ord. 2007-06-05)</p> |

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| Lot line, street side | <p>“Street side lot line” means a side property line abutting a public right-of-way or private street easement or tract, exclusive of driveway easements. (Amended: Ord. 2007-06-05)</p> |
| Lot of record | <p>“Lot of record” means a parcel which was in compliance with both the platting, if applicable, and zoning laws in existence when the parcel was originally created or segregated, or which is otherwise determined to be consistent with the criteria of the UDC. Owners of such lots shall be eligible to apply for building permit or other county development review, pursuant to the county code. Parcels segregated for tax purposes are not lots of record unless they comply with both platting and zoning laws in existence at the time that an application for segregation is received by the county assessor, or are otherwise determined to be consistent with the criteria of the UDC.</p> |
| Lot width | <p>“Lot width” means the horizontal distance measured at the building setback line between the two (2) opposite side lot lines. Average lot width shall be the average of the front and rear lot lines. For a corner lot, the lot width shall be the average distance of the narrower dimension of the lot. (Amended: Ord. 2007-06-05)</p> |
| Lot, corner | <p>“Lot, corner” means a lot abutting upon two (2) or more streets at their intersection, or upon two (2) parts of the same street, such street or parts of the same street forming an interior angle of less than one hundred thirty (130) degrees within the lot lines. For the purposes of this definition, driveway easements or driveway tracts do not qualify as streets in urban areas. (Amended: Ord. 2007-06-05)</p> |
| Lot, flag | <p>“Flag lot” means a lot or parcel that has access to a road, street or easement by means of a narrow strip of lot or easement.</p> <p style="text-align: center;">Figure 40.100.070-2 – Flag lots</p> <p style="text-align: center;">Flaglots</p> <p>Lot 1 is a flaglot whose flagpole is part of the lot.</p> <p>Lots 2, 3 and 4 are also flaglots because they obtain access via a narrow strip of easement that is part of Lots 3 and 4.</p> <p>The area within the driveway easement is included in the lot area calculations for Lots 3 and 4.</p> <p>Lots 5 and 6 illustrate that the flag can be parallel, or perpendicular, to the easement or flagpole.</p> <p>(Amended: Ord. 2007-06-05; Ord. 2018-01-09)</p> |
| Lot, interior | <p>“Lot, interior” means a lot or parcel of land other than a corner lot.</p> |
| Lot, through | <p>“Through lot” means an interior lot having a frontage on two (2) streets and/or highways, excluding alleys. (Amended: Ord. 2007-06-05)</p> |

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| Low impact development | <p>“Low impact development” means a stormwater management and land development strategy applied at the parcel and subdivision scale that emphasizes conservation and use of on-site natural features integrated into engineered, small-scale hydrologic controls to more closely mimic predevelopment hydrologic functions.</p> <p>(Amended: Ord. 2006-06-09)</p> |
| Maintain | <p>“Maintain” means to cause or allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure; improve or condition an area to such an extent that it remains attractive, safe, presentable, and carries out the purpose for which it was installed, constructed or required.</p> |
| Manufactured home | <p>“Manufactured home” means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. The manufactured home must conform to federal Manufactured Home Construction and Safety Standards (HUD Code – Red Label) rather than to the Building Code (Gold Label) requirements.</p> <p>(Added: Ord. 2018-10-02)</p> |
| Manufactured home park | <p>“Manufactured home park” means an area designed, equipped, and maintained for the parking of two (2) or more manufactured homes being used as living quarters for humans.</p> <p>(Added: Ord. 2018-10-02)</p> |
| Manufactured home space | <p>“Manufactured home space” means an area of land for placement of a single manufactured home, and accessory structures, within a manufactured home park.</p> <p>(Added: Ord. 2018-10-02)</p> |
| Market analysis | <p>“Market analysis” means a study that assesses the commercial market conditions within a primary trade area as designated in the twenty (20) year plan designations and location criteria over a five (5) year horizon, and within the context of the twenty (20) year plan. The analysis shall contain location and income characteristics, and sales figures of competitive centers/areas in the trade area; space availability, absorption, and sales trends by category in trade area; review of vacant land; overall economic trends, employment trends, projections of economic activity, and growth patterns; population, household, and employment growth trends and projections for each trade area, as well as household characteristics such as household type (families, singles, etc.), age, including trends and projections.</p> <p>(Amended: Ord. 2007-09-13; Ord. 2008-12-15)</p> |
| Master plan | <p>“Master plan” means a comprehensive, long-range site and/or building plan for a development project. The project may be located on a single parcel or on abutting parcels which are owned by one (1) or more parties and may be implemented in phases.</p> <p>(Amended: Ord. 2006-04-18)</p> |
| May | <p>“May,” as used in the UDC, is permissive.</p> |
| Median | <p>“Median,” when referring to streets and roads, means that portion of a divided roadway separating the traveled way of traffic moving in opposing directions.</p> |
| Medium quantity generators | <p>“Medium quantity generators,” when referring to critical aquifer recharge areas, means those businesses that generate more than two hundred twenty (220) pounds, but less than two thousand two hundred (2,200) pounds of dangerous waste per month. They are limited to the accumulation of less than two thousand two hundred (2,200) pounds of dangerous waste at any time. They are limited to the generation of, and accumulation of, less than two and two-tenths (2.2) pounds of acutely hazardous waste or toxic extremely hazardous waste.</p> |
| Middle housing | <p>“Middle housing” means duplexes, triplexes, quadplexes, and single-family attached dwellings (townhouses).</p> <p>(Added: Ord. 2024-03-02)</p> |
| Minimally necessary | <p>“Minimally necessary” means the amount or extent needed to carry out a particular task, and no more.</p> |
| Mini-storage warehouse | <p>“Mini-storage warehouse,” “mini-storage” and “mini-warehouse” mean individual storage units located within a totally enclosed structure used for the storage of nonflammable or nonexplosive materials.</p> |
| Mitigation | <p>“Mitigation,” when referring to transportation facilities, means the avoidance or minimization of a proposed development’s impact upon an affected transportation corridor or intersection of regional significance through such means as limiting or altering the proposed uses, intensities, or design of the</p> |

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| | development, or by compensating for the impact by replacing, enhancing, or providing transportation system improvements which provide additional capacity. |
| Mitigation | “Mitigation,” when referring to wetlands, means compensating for wetland impacts such that no overall net loss in wetland acreage and functions occurs. |
| Mobile home | “Mobile home” means a structure constructed before June 15, 1976, transportable in one (1) or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. A mobile home is not a recreational vehicle. (Amended: Ord. 2018-10-02) |
| Modeling | “Modeling,” when referring to transportation facilities, means a computerized projection of future traffic volumes and other traffic characteristics, based on land use designations. |
| Modular home | “Modular home” means any home built in modules at a factory. Modular homes must conform to all applicable state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code.) (Added: Ord. 2018-10-02) |
| Motel | “Motel” means a place of lodging that provides sleeping accommodations and often a restaurant. Motels generally offer free on-site parking and provide little or no meeting space. |
| Motor vehicle dealer | “Motor vehicle dealer” means a retail outlet selling autos, trucks, boats, trailers, recreational vehicles and other equipment used for transportation, except motorcycles, to the general public. |
| MS4 | “MS4” means municipal separated stormwater sewer system. (Added: Ord. 2015-11-24) |
| Native | “Native,” when referring to plants or plant communities, means those species or communities which are indigenous to the watershed, including extirpated species. |
| Natural location | “Natural location,” when referring to surface water, means the location and elevation of those channels, swales, and other nonmanmade conveyance systems as defined by the first documented topographic contours existing for the development site, either from maps or photographs. |
| Neighborhood association | “Neighborhood association” means an organized group of citizens from a geographical area of the county forming an association recognized by the county as meeting the administrative guidelines established by Council. (Amended: Ord. 2019-05-07) |
| Nonconforming use | “Nonconforming use” means a use of land, building, or structure which use does not conform with the use regulations imposed by this title or such amendment thereto. |
| Nonconversion | “Nonconversion,” when referring to forest practices, means any Class II, Class III, or Class IV special forest practice as defined by WAC 222-16-050 where land is not being converted to a nonforestry use. Examples include but are not limited to the cutting and removal of trees and the replanting for commercial forest production. |
| Nondevelopment clearing | “Nondevelopment clearing” means, for the purposes of the habitat protection standards, proposed activities which do not require county land division, building, grading or other review but involve the clearing or alteration of vegetation within designated habitat areas. |
| Nonexempt tree or vegetation | “Nonexempt tree or vegetation” means vegetation that does not meet the definition of exempt tree or vegetation. |
| Nonforestry use | “Nonforestry use” means an active use of land which is incompatible with timber growing. |
| Normal water year | “Normal water year” means a twelve (12) month period (October 1st – September 30th) with average precipitation based upon data from the past fifty (50) years. |
| NPDES | “NPDES” means the National Pollutant Discharge Elimination System. |
| Nuisance | “Nuisance” shall include those definitions contained in Chapters 7.48 and 9.66 RCW. Any violation of this title shall constitute a nuisance, per se. |
| Nuisance vegetation | “Nuisance vegetation” means noxious weeds such as tansy ragwort, purple loosestrife, poison hemlock, Eurasian milfoil, nonnative blackberries, or other plants listed as noxious by the county pursuant to Section 7.14.070 or any plant which when established is highly destructive, competitive or difficult to control by manual, mechanical or chemical practices. |

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| | (Amended: Ord. 2006-05-01) |
| Nursing home or convalescent home | <p>“Nursing home” or “convalescent home” means a facility licensed by the state of Washington providing twenty-four (24) hour supervised nursing care, personal care, therapy, nutrition management, organized activities, social services, room, board, and laundry for persons requiring regular medical attention by reason of chronic illness or infirmity, but excluding surgical or emergency medical services. This definition excludes hospitals and sanitariums.</p> <p>(Amended: Ord. 2010-08-06)</p> |
| Obligate plants | <p>“Obligate plants” mean plants that almost always (ninety-nine percent (99%) probability) occur in wetlands under natural conditions. Such groupings are more fully defined in the Wetlands Delineation Manual.</p> |
| Official controls | <p>“Official controls” means legislatively defined and enacted policies, standards, precise detailed maps, and other criteria, all of which control the physical development of the county, and are the means of translating into regulations and ordinances all or any part of the general objectives of the comprehensive plan. Such official controls may include, but are not limited to, ordinances establishing zoning, subdivision control, platting, and adoption of detailed maps.</p> |
| Open space/commons | <p>“Open space/commons,” when referring to density transfer, means an area left open and undeveloped, for use by the public, but is not a formal park or recreation area managed or owned by the county. The land shall be identified as a separate tract and shall be managed and maintained in perpetuity for the intended use of the homeowners of the relevant development.</p> |
| Open space, usable | <p>“Usable open space” means an open area that is not covered in impervious surface and that exceeds four hundred (400) square feet with all dimensions a minimum of twenty (20) feet.</p> |
| Open water | <p>“Open water,” when referring to wetlands and when not specifically defined by the wetland rating criteria, means a proportion of open water to vegetative cover equal to twenty-five percent (25%) to seventy-five percent (75%) of the total wetland area during a majority of a normal water year.</p> |
| Operating level | <p>“Operating level,” when referring to transportation facilities, means the performance of a transportation corridor or intersection of regional significance, pursuant to Section 40.350.020(F).</p> |
| Ordinance | <p>“Ordinance” means the ordinance, resolution, or other procedure used by the county to adopt regulatory requirements.</p> |
| Ordinary high water mark | <p>“Ordinary high water mark” means the point on the sides of streams or lakes which is historically or normally at water’s edge, as identified by a visible change in vegetation and/or soil.</p> |
| Owner | <p>“Owner” means any person having property rights as a fee owner or contract purchaser, or one duly authorized by the power of attorney to represent the owner. For the purposes of this title, in terms of violations and binding agreements between the county and the owner, “owner” shall also mean a leaseholder, tenant, or person in possession or control of the premises or property at the time of agreement, violations of agreement, or the provisions of this title. For the purpose of processing an application for a land use approval or permit under this title, where such application or permit must be filed by an owner, the term “owner” also includes a governmental entity contemplating acquisition of a parcel for a use which would require such permit or approval. Where property is proposed to be developed pursuant to an easement right, “owner” means the person who is the holder of the easement.</p> |
| Park, community | <p>“Community park” means a public park that provides a focal point and gathering place for broad groups of users. Community parks are used by all segments of the population and generally serve residents from a one (1) to three (3) mile service area. Community parks often include recreation facilities for organized activities such as sports fields, skate parks, and play courts.</p> <p>(Added: Ord. 2016-06-12)</p> |
| Park, neighborhood | <p>“Neighborhood park” means a public park designed to provide nonorganized recreational opportunities for residents living within a one-half (1/2) mile radius, and are located such that they are within walking and bicycling distance of most users. These parks generally contain three (3) to five (5) acres but may vary in size depending upon unique site characteristics, opportunities and land availability.</p> <p>(Added: Ord. 2016-06-12)</p> |
| Park, regional | <p>“Regional park” means a public recreational area that serves residents throughout Clark County, as well as outside the county. Facilities may include sports fields, extensive trail systems, or large picnic areas. Because of their large size and broad service area, regional parks typically require more support facilities, such as parking and restrooms. These parks are designed to accommodate large numbers of people.</p> <p>(Added: Ord. 2016-06-12)</p> |

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| Parking area, public | “Public parking area” means an open area other than a street or other public way used for the parking of automobiles and available to the public whether for a fee, free of charge, or as an accommodation for clients or customers. |
| Parking space | “Parking space” shall be a permanently surfaced and marked area for the parking of a motor vehicle, excluding paved area necessary for access. |
| Party of record | “Party of record” means all persons, agencies or organizations who have submitted written comments in response to a notice of application, made oral comments in a formal public hearing conducted on the application, or requested in writing to be a “party of record.” In the case of Type I decisions, the party of record shall include the applicant and any person who files a written request prior to the issuance of the decision. In the case of Type II decisions, the party of record shall include the applicant, and any person submitting to the responsible official written testimony, or a written request to be a “party of record,” that is specific to a particular application prior to the issuance of the decision. In the case of Type III decisions, the party of record shall include the applicant and persons submitting written testimony before, during, or prior to the close of a public hearing; providing oral testimony at a public hearing; signing the sign-in sheet noting the person’s name, address and the subject matter in which they are interested; or by submitting a written request to the responsible official to be a “party of record” that is specific to a particular application prior to the close of the subject public hearing. Notwithstanding any of the foregoing, no person shall be a party of record who has not furnished an accurate post office mailing address. |
| Pavement or paved surface | “Pavement” or “paved surface” means an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as “Grasscrete”) that is able to withstand vehicular traffic or other heavy impact uses. Paved areas include both permeable and impermeable hard surfaces. Graveled areas are not paved areas. (Added: Ord. 2015-11-24) |
| Peak hour | “Peak hour,” when referring to transportation facilities, means the consecutive sixty (60) minute period during a twenty-four (24) hour period which experiences the highest sum of traffic volumes, as determined by the Public Works Director. |
| Pedestrian area | “Pedestrian area” means any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians. |
| Pedestrian plaza | “Pedestrian plaza” means an area devoted solely to pedestrians that is a minimum of ten (10) feet in depth and width with a minimum size of six hundred fifty (650) square feet that is at least fifty percent (50%) paved with colored, textured concrete, brick pavers or other suitable surface and includes sitting areas and other pedestrian amenities. |
| Permeable pavement | “Permeable pavement” means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir. (Added: Ord. 2015-11-24) |
| Permittee | “Permittee” shall be the person who is proposing to use or who is using the land pursuant to any permit required herein. |
| Planning Commission | “Planning Commission” means the Planning Commission of Clark County, Washington. |
| Plans, construction or improvement | “Construction plans” or “improvement plans” means the technical drawings of the design and proposed construction of such items as streets, water and sewer systems, and drainage detention systems. |
| Plat | “Plat” means a map or representation of a subdivision, showing thereon the division of a tract or parcel of land into lots, blocks, streets, and alleys, or other divisions and dedications. |
| Plat, final | “Final plat” means the final drawing of the subdivision or short subdivision and dedication, prepared for filing for record with the County Auditor and containing all elements and requirements set forth in the UDC and in state law. |
| Plat, preliminary | “Preliminary plat” means a neat and approximate drawing of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots, blocks, and restrictive covenants to be applicable to the subdivision or short subdivision, and other elements of a plat, subdivision, short plat, or short subdivision which shall furnish a basis for the approval or disapproval of the general layout of a subdivision. |
| Plat, short | “Short plat” means a division or redivision of land within an urban growth boundary into nine (9) or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. The maximum number of lots allowed under a short plat in the rural areas of the county is limited to four (4). (Amended: Ord. 2006-05-01; Ord. 2007-06-05) |

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| Platting | “Platting” means the review process conducted by Clark County on applications for short plat or subdivision approval. All lots created through the platting process are lots of record as specified in this title. |
| Potential number of lots | “Potential number of lots,” when referring to a transportation facility, means the maximum number of lots allowed by current or proposed zoning which may be served by a road or driveway or extension thereof. |
| Premises | “Premises” means a tract or parcel of land with or without habitable buildings. |
| Priority habitat and species (PHS) | “Priority habitat and species” (PHS) means the official definitions and all area classifications by that name used by the Washington Department of Fish and Wildlife (WDFW). Known local categories of priority habitat as defined by WDFW include riparian habitat, oak woodlands, old growth/mature forest, urban natural open space, talus rock, and caves. |
| Priority species sites | “Priority species sites” include all areas within one thousand (1,000) feet of state listed endangered, threatened, sensitive or candidate species. |
| Professional forester | “Professional forester” means a person with academic and field experience in forestry or urban forestry. This may include arborists certified by the International Society of Arboriculture, foresters with a degree in forestry from a Society of American Foresters (SAF) accredited forestry school, member of the Washington Association of Consulting Foresters, or urban foresters with a degree in urban forestry. |
| Professional offices | “Professional offices” means businesses normally conducted in an office environment such as accounting, architecture, law, and other such uses with no retail sales to the public. |
| Project | “Project” means the proposed action of a permit application or an approval which requires a drainage review. For the purposes of drainage review, see the definition in Chapter 40.386. |
| Public facilities | “Public facilities” means facilities which are owned, operated, and maintained by a public agency. This does not refer to the Public Facilities District, which has its own definitions per Section 40.230.090. (Amended: Ord. 2016-06-12) |
| Public road | “Public road” means a road maintained by Clark County, the Washington Department of Transportation, or other governmental jurisdiction. |
| Public sewer | “Public sewer” means extension of a public sewer system operated by a public entity or, where such extension is impractical, connection to an alternative public sewer system operated by the designated public sewer purveyor. |
| Public Works Director | “Public Works Director” means the Director of the Clark County Department of Public Works or the Director’s authorized designee. |
| Qualified groundwater professional | “Qualified groundwater professional” means a hydrogeologist, geologist, engineer, or other scientist who meets all the following criteria: <ul style="list-style-type: none"> • Has received a baccalaureate or post-graduate degree in the natural sciences or engineering; and • Has sufficient training and experience in groundwater hydrology and related fields as may be demonstrated by state registration, profession certifications, or completion of accredited university programs that enable that individual to make sound professional judgments regarding groundwater vulnerability. |
| Quick vehicle servicing | “Quick vehicle servicing” means a service outlet selling and installing minor motor vehicle requirements such as lube-oil-filter changes, tire changes, quick tune-ups and other services that require less than one (1) hour to complete, are generally performed with owner remaining in vehicle and involving no overnight storage of vehicles. |
| Reasonably funded | “Reasonably funded,” when referring to transportation facilities, means a mitigation measure or other transportation system improvement that is designated as reasonably funded in the most recently adopted version of the county’s transportation improvement program, or is designated by Council as being reasonably funded. (Amended: Ord. 2019-05-07) |
| Recreation space | “Recreation space” means an area that shall be improved and maintained for its intended use. Exterior as well as interior areas can constitute recreation space. Examples of usable recreation space include swimming pools, community buildings, interior gyms, picnic areas, tennis courts, community gardens, improved playgrounds, paths and passive seating areas. |

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| Recreational facilities | <p>“Recreational facilities” means a facility that provides indoor and/or outdoor activities for physical, nonphysical, and/or cultural activities. Examples of recreational facilities include parks, trails, golf courses, camps, sport fields, public open space, gardens, and natural areas.</p> <p>(Added: Ord. 2019-02-04)</p> |
| Recreational vehicle | <p>“Recreational vehicle” means a vehicle that is:</p> <ul style="list-style-type: none"> • Built on a single chassis; • Four hundred (400) square feet or less when measured at the largest horizontal projection; • Designed to be self-propelled or permanently towable by a light duty vehicle; and • Designed primarily not for use as a permanent dwelling but as temporary living quarter for recreation, camping, travel or seasonal use. |
| Recyclable materials facility | <p>“Recyclable materials facility” means a place where waste, discarded or salvaged materials are bought, sold, exchanged, baled, packed, disassembled or handled, including house wrecking yards, used lumber yards, and places or yards for storage of salvaged house wrecking and structural steel materials and equipment; but not including such places where such uses are conducted entirely within a completely enclosed building; but not including pawn shops and establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operative conditions, or salvaged materials incidental to manufacturing operations.</p> |
| Recyclable materials facility – automotive | <p>“Recyclable materials facility – automotive” means the dismantling or disassembling of motor vehicles or mobile homes, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete or wrecked vehicles or their parts. Three (3) or more dismantled, obsolete, or inoperable motor vehicles on one (1) lot shall constitute an automotive recyclable materials facility.</p> |
| Registered soil scientist | <p>“Registered soil scientist” means a professional soil scientist registered with the American Registry of Certified Professionals in Agronomy, Crops and Soils, experienced and knowledgeable in the practice of pedology related to soil survey, who is responsible for design and preparation of soils maps, related soil groups, and identifying soil factors for construction engineering.</p> |
| Renewable energy resource | <p>“Renewable energy resource” means:</p> <ul style="list-style-type: none"> • Water; • Wind; • Solar energy; • Landfill gas; • Gas from sewage treatment facilities; • Biodiesel fuel as defined in RCW 82.29A.135 that is not derived from crops raised on land cleared from old growth or first-growth forests where the clearing occurred after December 7, 2006; and • Biomass energy. <p>(Added: Ord. 2011-03-09)</p> |
| Reserved capacity | <p>“Reserved capacity,” when referring to transportation facilities, means the capacity of a transportation corridor or intersection of regional significance used to accommodate approved but unbuilt developments.</p> |
| Residential care facility | <p>“Residential care facility” means an establishment operated with twenty-four (24) hour supervision for the purpose of serving eleven (11) or more persons of any age who, by reason of their circumstances or conditions, require care; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include assisted living facilities, prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. “Care” is defined as room and board and the provision of a planned treatment program; “planned treatment” means a previously determined program of counseling, therapy or other rehabilitative social service.</p> <p>(Amended: Ord. 2010-08-06)</p> |
| Residential care home | <p>“Residential care home” means an establishment operated with twenty-four (24) hour supervision for the purpose of serving not more than ten (10) persons of any age who, by reason of their circumstances</p> |

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| | <p>or conditions, require care while living as a single housekeeping unit in a dwelling unit; for example, work release programs, alcoholic treatment programs, drug rehabilitation centers, mental health programs, etc. This definition does not include prisons or conventional correctional institutions involving twenty-four (24) hour locked incarceration with little or no freedom of movement. This definition and corresponding requirements under county code shall not apply to adult family homes as defined in Chapter 70.128 RCW.</p> <p>“Care” is defined as room and board and the provision of a planned treatment program; “planned treatment” means a previously determined program of counseling, therapy or other rehabilitative social service.</p> <p>(Amended: Ord. 2005-04-12)</p> |
| Responsible official | <p>“Responsible official” means the employee of Clark County responsible for the implementation and enforcement of this title pursuant to Section 40.100.050.</p> |
| Restoration | <p>“Restoration,” when referring to habitat areas, means the activities undertaken to reestablish the natural structure or function of habitat area or portion thereof, such as replanting of adequate and appropriate vegetation, soil amendment, or reconstruction of stream banks.</p> |
| Retirement community | <p>“Retirement community” means independent living housing exclusively for adults (typically fifty-five (55) and over). A retirement community may take the form of a residential subdivision, cottage development, an apartment building or complex, a mobile home park, or a planned unit development. The retirement community is approved through the applicable process for whichever form it takes.</p> <p>(Added: Ord. 2010-08-06)</p> |
| Review authority | <p>“Review authority” means the County Engineer, the Public Works Director, the responsible official, the county’s Hearing Examiner, the Planning Commission, or Council, whoever is authorized to approve an application.</p> <p>(Amended: Ord. 2019-05-07)</p> |
| Right-of-way | <p>“Right-of-way” means a general term denoting public land, property or interest therein, usually in a strip, acquired for or devoted to transportation purposes.</p> |
| Riparian zone | <p>“Riparian zone” means areas encompassing riparian priority habitat, a subset of priority habitat and as defined by the Washington Department of Fish and Wildlife (WDFW), extending outward from the ordinary high water mark of waters to the one hundred (100) year floodplain or the following distances if greater: Definitions of the Types S, F, Np and Ns waters are found in WAC 222-16-030 (Forest Practices Rules).</p> <p>Type S water, two hundred fifty (250) feet; Type F water, two hundred (200) feet; Type Np water, one hundred (100) feet; Type Ns water, seventy-five (75) feet.</p> <p>Not included are erosion gullies or rills, and irrigation ditches, canals, stormwater runoff devices, or other entirely artificial watercourses, except where they exist in a natural watercourse which has been altered by humans.</p> <p>(Amended: Ord. 2006-06-09)</p> |
| Road maintenance | <p>“Road maintenance” means repair and maintenance activities that are conducted on currently serviceable structures, facilities, and equipment; involve no expansion of or change in use of such structures, facilities and equipment beyond those that previously existed; and do not result in a significant negative habitat or wetlands impact.</p> <p>(Amended: Ord. 2005-04-15)</p> |
| Road or street | <p>“Road” or “street” means all roads, streets, highways, freeways, private street easements, private street tracts, and public rights-of-way used for or designed for vehicular access or use.</p> <p>(Amended: Ord. 2007-06-05)</p> |
| Road, private | <p>“Private road” means a road not maintained for public use by Clark County, the Washington Department of Transportation, or other governmental jurisdiction.</p> |
| Road, rural | <p>“Rural road” means a road located within the rural area of Clark County.</p> |
| Road, urban | <p>“Urban road” means a road located within an urban area of Clark County.</p> |
| Roadside farm stand | <p>“Roadside farm stand” means an accessory structure or area located within fifty (50) feet of a public right-of-way which is used to display and sell agricultural products, including value-added products, from the local agricultural area.</p> |

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| | (Added: Ord. 2012-06-02) |
| Roadway | “Roadway” means the improved portion of an easement or right-of-way, excluding curbs, sidewalks, ditches, multi-use pathways and walkways. |
| Rural or rural area | “Rural” or “rural area” means land not located within an urban area as designated in the Clark County comprehensive plan. |
| Rural center | “Rural center” means an area identified as such on the rural and natural resources lands map, as amended, such as Amboy, Brush Prairie, Chelatchie Prairie, Dollars Corner, Fargher Lake, Hockinson, and Meadow Glade. |
| School modular or portable | “School modular or portable” means a factory-built structure that is used for educational purposes or to support educational activities. |
| Scrub-shrub wetland | “Scrub-shrub wetland” means a wetland with at least thirty percent (30%) of its surface area covered by woody vegetation less than twenty (20) feet in height as the uppermost strata. |
| Segregation | “Segregation,” when referring to the division of land, means any division of land undertaken by the County Assessor for taxation purposes. |
| SEPA Rules | “SEPA Rules” means Chapter 197-11 WAC adopted by the Washington Department of Ecology. |
| Setback | “Setback” means the minimum allowable horizontal distance from a given point or line of reference, such as a street right-of-way or property line, to the nearest point of a foundation or supporting post or pillar of any applicable structure. (See Section 40.200.070 for exceptions to setback requirements.) (Amended: Ord. 2007-06-05) |
| Setback, front | “Front setback” means any required open space between a building and the front lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. (See Figures 40.100.070-2 and 40.100.070-3.) (Amended: Ord. 2007-06-05) |
| Setback, rear | “Rear setback” means any required open space extending the full width of the lot between a building and the rear lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. |
| Setback, side | “Side setback” means any required open space extending from the front setback to the rear setback between a building and the nearest side lot line, unoccupied and unobstructed from the ground upward, except as specified elsewhere in this title. |

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| | <p style="text-align: center;">Figure 40.100.070-3 – Setbacks</p> <p style="text-align: center;">Lot lines and access</p> <p style="text-align: center;">Flag lot</p> <p style="text-align: center;">(Amended: Ord. 2007-06-05)</p> |
| Shall | “Shall” is mandatory. |
| Shorelands | <p>“Shorelands” means those lands extending landward for two hundred (200) feet in all directions as measured on a horizontal plane from the OHWM; floodways and contiguous floodplain areas landward two hundred (200) feet from such floodways; the full extent of floodplains; and all wetlands and river deltas associated with the streams and lakes and tidal waters that are subject to the provisions of the Shoreline Master Program; the same to be designated as to location by Ecology.</p> <p style="text-align: center;">(Amended: Ord. 2012-07-16)</p> |
| Sidewalk | “Sidewalk” means a pedestrian-only facility within a public right-of-way, public easement containing a street or abutting a private road. |
| Sight-obscuring fence or hedge | “Sight-obscuring fence or hedge” means a fence or evergreen planting, or combination of fence and planting arranged in such a way as to obstruct vision. |
| Silviculture | “Silviculture” means the use of land for producing and caring for a forest, including the harvesting of timber. |
| Single purpose/specialty retailer | “Single purpose/specialty retailer” means a retail outlet selling a single category of goods, such as sporting, clothing, shoes, etc., to the general public. |
| Site | <p>“Site” means that portion of property which is directly subject to <u>development or redevelopment</u>. <u>The site is the area defined by the legal boundaries of a parcel or parcels of land that is (are) subject to new development and redevelopment</u>. For the purposes of determining public notice, “site” means the lot proposed for development and all contiguous lots that are owned by the same person, partnership, association or corporation as the lot, including lots that are in common ownership, but are separated by a public or private right-of-way or easement. <u>For road projects, the length of the project site and the right-of-way boundaries define the site. A site may include multiple parcels and/or sections of right-of-way, if multiple parcels and/or sections of right-of-way are subject to the new development or redevelopment project.</u></p> |
| Site plan | “Site plan” means a plan prepared to scale, showing accurately and with complete dimensions, all proposed and existing buildings, landscaping, open space, structures and features on abutting properties, and parking proposed for a specific parcel of land. |

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| Slope | “Slope” means an inclined ground surface, the inclination of which is expressed as a percent ratio of vertical distance to horizontal distance (v/h). |
| Snags | “Snags” means dead, dying or defective trees serving as an important structural element of wildlife habitat. |
| Solid waste | “Solid waste,” “waste materials,” or “wastes” means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials. See WAC 173-350-021 to determine if a material is solid waste. (Amended: Ord. 2020-03-01) |
| Special provisions | “Special provisions,” when referring to transportation facilities, means road construction requirements peculiar to a specific project and which are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications. (Amended: Ord. 2012-02-08) |
| Staffed residential home | “Staffed residential home” means a residence licensed as such by the state of Washington providing twenty-four (24) hour care for six (6) or fewer children or expectant mothers. The home may employ staff to care for children or expectant mothers. It may or may not be a family residence. (Added: Ord. 2012-02-08) |
| Standard Details Manual | “Standard Details Manual” or “Clark County Standard Details Manual” means the manual that provides standard details to be used in the design of all projects within Clark County. The manual contains Clark County’s transportation drawings of typical roadway sections for urban, industrial, and rural development, roadway landscape planting materials tables and planting details. The manual also includes typical engineering standard details for erosion control measures and storm drainage design. (Amended: Ord. 2012-02-08) |
| Standard plans | “Standard plans,” when referring to transportation facilities, means those typical sections and details adopted for road construction in Section 40.350.030(C)(3). |
| Standard specifications | “Standard specifications,” when referring to transportation facilities, means those specifications adopted for road construction in Section 40.350.030(C)(4). |
| Start of construction | “Start of construction” includes substantial improvement, and means the date the building permit was issued; provided, the actual start of construction, repair, reconstruction, placement or other improvement was within one hundred eighty (180) days of the permit date. The actual start means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundation or other erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. |
| State Environmental Policy Act (SEPA) | “SEPA” means the State Environmental Policy Act (Chapter 43.21C RCW), its implementing rules (Chapter 197-11 WAC), and Chapter 40.570 UDC. |
| State highway of regional significance | “State highway of regional significance” means a state of Washington owned and maintained roadway or intersection not designated by the state as a highway of statewide significance. |
| Stormwater facility | “Stormwater facility” means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch-basins, oil/water separators, and biofiltration swales. (Amended: Ord. 2015-11-24) |
| Story | “Story,” when referring to structures, means that portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement or unused under-floor space is more than six (6) feet above grade for more than fifty percent (50%) of the total perimeter or is more than twelve (12) feet above grade at any point, such basement or unused under-floor space shall be considered as a story. |

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| Stream or streams | “Stream” or “streams” means those areas where surface waters flow sufficiently to produce a defined channel or bed. A defined channel or bed is indicated by hydraulically sorted sediments or the removal of vegetative litter or loosely rooted vegetation by the action of moving water. The channel or bed need not contain water year round. This definition is not meant to include irrigation ditches, canals, stormwater runoff devices or other entirely artificial watercourses unless they are used to convey streams naturally occurring prior to construction. Those topographic features that resemble streams but have no defined channels (i.e., swales) shall be considered streams when hydrologic and hydraulic analyses done pursuant to a development proposal predict formation of a defined channel after development. |
| Stream bank stabilization | “Stream bank stabilization” means those approved bioengineered projects. The projects can include both passive and active types of methods for stabilizing the stream bank. |
| Street | See “Road or street.” |
| Street tree | “Street tree” shall be defined as a single-stem deciduous tree with a central leader that can be used as a landscape element for buffering/screening along front, side, and rear setbacks. Unique site features shall determine the most appropriate street tree to use. A street tree shall be broad branched and characteristically have lower branches that are able to be removed to meet clearance standards. |
| Structure | “Structure” means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner. |
| Structure, principal | “Principal structure” means the main building on a lot to which all other buildings are accessory. |
| Structure, residential | “Residential structure” means a structure designed, built or inhabited under circumstances meeting the classification of Group R or similar residential occupancy under the International Building Code as adopted under Title 14. |
| Subdivision | “Subdivision” means the division or redivision of land within an urban growth boundary into ten (10) or more lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership. In the rural area, five (5) or more lots define a subdivision. (Amended: Ord. 2007-06-05) |
| Subject property | “Subject property” means the entire lot or parcel, or contiguous combination thereof, on which a development activity is proposed. |
| Subregional facility | “Subregional facility,” when referring to stormwater, means a facility designed to treat and control stormwater runoff from more than one (1) development in a contributing drainage area of less than forty (40) acres. |
| Substantial completion | “Substantial completion,” when referring to transportation facilities, means that all public or private facilities are constructed, functional and operational, even though they may not be fully completed nor provisionally accepted, including sewer and water systems, storm drainage facilities and street improvements (including construction of the initial lift of asphalt or other approved surfacing), but not necessarily including sidewalks, or electrical, gas, telephone or cable services; and that the project is in full compliance with the erosion control ordinance. |
| Surface mining operations | “Surface mining operations” means mining of rock, stone, gravel, sand, earth and minerals. |
| Temporary worker | “Temporary worker” means a person intermittently employed in agriculture and not residing year round at the same site. (Added: Ord. 2011-12-09) |
| Traffic calming devices | “Traffic calming devices” means physical devices within the roadway designed to manage traffic speeds or which disperse traffic such as speed bumps/humps and traffic circles. |
| Traffic calming measures | “Traffic calming measures” means street design features intended to manage traffic speeds or which disperse traffic such as “T” intersection, street trees, curvilinear streets, or entry treatments. |
| Trail | “Trail” means any path, route, way, right-of-way, or corridor posted, signed, or designated as open for nonmotorized travel or passage by the general public. Five (5) trail types are identified in the Regional Trails and Bikeways System Plan (2006) and include regional, multiuse trails, local trails, rustic trails, semi-primitive trails, and bike lanes and pedestrian walkways. Trails are defined as recreational facilities. (Amended: Ord. 2016-06-12; Ord. 2019-02-04) |
| Transportation analysis | “Transportation analysis” means a study done by a licensed engineer that compares a build-out scenario under the existing and proposed designations analyzing trip generation, modal split and distribution for a current Comprehensive Planning twenty (20) year horizon. |

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| | (Amended: Ord. 2007-09-13; Ord. 2019-05-07) |
| Transportation corridor | “Transportation corridor” or “corridor” means an identified system of road(s) and street(s), which are consistently utilized by vehicular traffic for travel along an identified circulation pattern. |
| Transportation impact study | “Transportation impact study” means a study done by a licensed engineer in accordance with Section 40.350.020. |
| Transportation improvement program | “Transportation improvement program” means the current six (6) year financing plan for roads adopted by the county pursuant to RCW 36.81.121, or similar plan adopted by the Washington Department of Transportation or cities for their highway and street facilities. |
| Transportation terminal | “Transportation terminal” means a facility for the transfer, pickup or discharge of people or goods without the long-term storage of such items. |
| Travel trailer | “Travel trailer” means any transportable trailer available for recreational use, forty (40) feet or less in length or eight (8) feet or less in width, built on a chassis and equipped with wheels. |
| Underground storage tank (UST) | <p>“Underground storage tank” or “UST” means:</p> <ul style="list-style-type: none"> • An underground storage tank and connected underground piping as defined in the rules adopted under Chapter 90.76 RCW; or means any one (1) or combination of tanks (including underground pipes connected thereto) that are used to contain an accumulation of regulated substances, and the volume of which (including the volume of underground pipes connected thereto) is ten percent (10%) or more beneath the surface of the ground. This term does not include any of the exempt UST systems specified in WAC 173-360-110(2), or any piping connected thereto. • Exemptions. The following UST systems, including any piping connected thereto, are exempt from the requirement of this chapter: <ul style="list-style-type: none"> o Any UST system holding hazardous wastes subject to Subtitle C of the Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and other regulated substances; o Any wastewater treatment tank system that is part of a wastewater treatment facility regulated under Section 402 or 307(b) of the Clean Water Act; o Equipment or machinery that contains regulated substances for operational purposes such as hydraulic lift tanks and electrical equipment tanks; o Any UST system whose capacity is one hundred ten (110) gallons or less; o Any UST system that contains a de minimis concentration of regulated substances; o Any emergency spill or overflow containment UST system that is expeditiously emptied after use; o Farm or residential UST systems of one thousand one hundred (1,100) gallons or less capacity used for storing motor fuel for noncommercial purposes (i.e., not for resale); o UST systems used for storing heating oil for consumptive use on the premises where stored; except that such systems which store in excess of one thousand one hundred (1,100) gallons are subject to the release reporting requirements of WAC 173-360-372; o Septic tanks; o Any pipeline facility (including gathering lines) regulated under: <ul style="list-style-type: none"> • The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671 et seq.); or • The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App. 2001 et seq.); or • Which is an intrastate pipeline facility regulated under state laws comparable to the provisions of the law referred to in this definition; o Surface impoundments, pits, ponds, or lagoons; o Stormwater or wastewater collection systems; o Flow-through process tanks; |

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| | <ul style="list-style-type: none"> o Liquid traps or associated gathering lines directly related to oil or gas production and gathering operations; or o Storage tanks situated in an underground area (such as a basement, cellar, vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon or above the surface of the floor. |
| Urban or urban area | “Urban” or “urban area” means land located within an urban area or growth boundary as designated in the comprehensive plan. |
| Urban growth area (UGA) | “UGA” means an urban growth area designated in the comprehensive plan. |
| Use | “Use” means an activity or purpose for which land or premises, or a building thereon is designed, arranged, or intended, or for which it is occupied or maintained, let or leased. |
| Use, conditional | “Conditional use” means a use specified by this title, which is permitted when authorized by the review authority and subject to certain conditions. |
| Use, permitted | “Permitted use” means a use allowed as a matter of right within certain land use districts; provided, that such use is in accordance with the requirements of the particular district and general conditions stated elsewhere in this title, and other applicable provisions of the county code. |
| Use, prohibited | “Prohibited use” means any use which is not specifically enumerated or interpreted as allowable in that zoning district or which is specifically listed as prohibited. |
| Utilities | “Utilities” means facilities operated by public or private entities to supply water, electricity, gas, sewer, transportation, or other similar services to the public. (Amended: Ord. 2006-06-09) |
| Utility substation facilities | <p>“Utility substation facilities” means a subsidiary or branch facility utilizing aboveground structures which is necessary to provide or facilitate distribution, transmission or metering of water, gas, sewage, radio signals and/or electric energy. Such facilities have a local impact on surrounding properties and may consist of, but are not limited to, the following:</p> <ul style="list-style-type: none"> • Water, gas and electrical distribution or metering sites; • Water or sewage pumping stations; • Water towers and reservoirs; • Public wells and any accessory treatment facilities; • Transmission towers and accessory equipment to provide radio and television service; and • Telephone switching facilities. |
| Vegetation | “Vegetation” means any and all plant life. |
| Vehicle repair | “Vehicle repair” means upholstering of; replacement of parts for; motor service; rebuilding or reconditioning of engines, motor vehicles, or trailers; and overall painting or paint shop. |
| Vehicle towing and storage services | “Vehicle towing and storage services” means a service outlet providing vehicle towing and/or storage. |
| Visual obstruction | “Visual obstruction” means any fence, hedge, tree, shrub, device, wall, or structure exceeding three and one-half (3 1/2) feet in height above the elevation of the top of the curb, as determined by the responsible official; and so located at a street or alley intersection as to dangerously limit the visibility of persons in motor vehicles on said streets or alleys. This does not include trees kept trimmed or branches to a minimum height of at least six (6) feet. |
| Walkway | “Walkway” means a facility dedicated to the county for pedestrian use to or through a parcel for the use of the general public which is not generally adjacent to the roadway. |
| Water-dependent | “Water-dependent” means a use or a portion of a use which requires direct contact with the water and cannot exist at a nonwater location due to the intrinsic nature of its operations. |
| Watershed | “Watershed” means an area draining to a single surface water system as shown on the Clark County wetland watershed map adopted hereby. |
| Wetland classes and subclasses | “Wetland classes and subclasses” means descriptive classes of the wetlands taxonomic classification system of the United States Fish and Wildlife Service (Cowardin et al., 1978). |
| Wetlands | “Wetland” or “wetlands” means areas that are inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a |

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| | <p>prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs and similar areas. Wetlands do not include those artificial wetlands intentionally created from nonwetland sites, including, but not limited to, irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities, or those wetlands created after July 1, 1990, that were unintentionally created as a result of the construction of a road, street or highway. Wetlands may include those artificial wetlands intentionally created from nonwetland areas created to mitigate conversion of wetlands.</p> <p>(Amended: Ord. 2006-05-27)</p> |
| Wetlands Delineation Manual | <p>“Wetlands Delineation Manual” means the wetland delineation procedure described in WAC 173-22-035 (as amended).</p> <p>(Amended: Ord. 2006-05-27; Ord. 2011-01-01)</p> |
| Wildland urban interface/intermix (WUI) | <p>“Wildland urban interface/intermix (WUI)” means those geographic areas of the county shown as “wildland urban interface/intermix” areas on a map adopted by Section 15.13.030 and as hereafter amended.</p> |
| Window | <p>“Window,” when referring to utility installation, means a rectangular opening cut in the pavement to allow potholing.</p> |
| Winery | <p>“Winery” means a licensed facility designed for the crushing, fermentation, and/or barrel aging of wine, and which may include barrel rooms, bottling rooms, tank rooms, laboratories, case goods storage, and offices. In rural zoning and urban holding districts a winery may include a tasting room and/or events. “Licensed” for the purposes of this title means a facility that has met the requirements of RCW 66.24.170 and 27 CFR Chapter 1, Subchapter A, Part 1.</p> <p>(Amended: Ord. 2010-10-02; Ord. 2011-08-08; Ord. 2013-08-11)</p> |
| Wireless communications facility | <p>“Wireless communications facility” means any unstaffed facility for the transmission and/or reception of radio frequency (RF) signals for the provision of wireless communications as defined in Section 40.260.250.</p> |
| Zone, zone district or zoning district | <p>“Zone,” “zone district” or “zoning district” means a section or sections of Clark County within which the standards governing the use of land, buildings, and premises are uniform, as provided in this title.</p> |

(Amended: Ord. 2009-01-01; Ord. 2012-07-15; Ord. 2019-05-07; Ord. 2019-07-01; Ord. 2021-12-02; Ord. 2023-01-08; Ord. 2024-03-01)

SUBTITLE 40.3 DESIGN STANDARDS

40.386 STORMWATER AND EROSION CONTROL

40.386.010 Introduction

A. Purpose. The purpose of this chapter is to safeguard public health, safety and welfare by protecting the quality of surface and groundwaters for drinking water supply, recreation, fishing and other beneficial uses through the application of best management practices (BMPs) for stormwater management and erosion control.

B. Applicability.

1. The provisions of this chapter shall apply to all new development, redevelopment, land-disturbing activities, and drainage projects, consistent with the Clark County Stormwater Manual.
2. Meeting the requirements of this chapter is the joint and severable responsibility of both the owner(s) of the site on which land-disturbing activity occurs and the person(s) undertaking such activity, including the project applicant. In addition, if the land-disturbing activity involves a county-issued permit per other Clark County Code requirements, the applicant is also responsible for meeting the requirements of this chapter.
3. The responsible official is authorized to enforce the provisions of this chapter using the remedies and procedures in Title 32.

C. Exemptions from the Requirements of this Chapter. Exemption from the requirements of this chapter shall be granted for the following activities:

1. Forest practices regulated under WAC Title 222, except Class IV general forest practices that are conversions from timber land to other uses.
2. Construction of agricultural buildings or other hard surfaces for carrying out agricultural activities; provided, that no stormwater is released from the site directly or indirectly to the county's stormwater conveyance system.
3. Agricultural practices involving working the land for production, but not including converting forested land to agriculture.
4. Landscape maintenance activities and gardening.
5. Oil and gas field activities or operations including construction of drilling sites, waste management pits, and access roads, as well as construction of transportation and treatment infrastructure such as pipelines, natural gas treatment plants, natural gas pipeline compressor stations, and crude oil pumping stations. Operators are encouraged to implement BMPs to minimize erosion and to control sediment during and after construction activities to help ensure protection of surface water quality during storm events.

6. Pavement maintenance activities. Pavement maintenance activities include only targeted pavement repairs or maintenance. The limits of the exempt surfaces include only the area that must be disturbed to repair or maintain the pavement. Pavement maintenance activities do not change the change the characteristics of a roadway (e.g. changing a four-way intersection to a roundabout), increase the traffic capacity of a roadway or parking area (e.g. include restriping to add lanes or parking spaces), or expand the area of coverage (i.e. add new hard surfaces). The following pavement maintenance activities are exempt practices:

- a. Pothole patching, and square cut patching or other targeted preservation work;

- b. Overlaying (including grinding and overlaying, so long as base coarse is not exposed) existing asphalt or concrete pavement without expanding the area of coverage. Examples of overlay materials include bituminous surface treatment (BST or “chip seal”), asphalt, or concrete;
- c. Shoulder grading;
- d. Regrading/reshaping drainage systems (including adding curb/gutter and/or wedge curbs);
- e. Crack sealing; and
- f. ~~Resurfacing with in-kind material without expanding the road prism;~~
- g. ~~Pavement preservation, without expanding the road prism; and~~
- h. ~~Vegetation management~~ associated with the road right-of-way.

7. Underground utility activities including installing, maintaining, and/or upgrading an underground utility. The limits of the exempt surfaces include only the area disturbed by the trench work necessary for the underground utility work (including any over excavating necessary for the utility trench). For an underground utility activity to be exempt, it cannot be part of, directly related to, or caused by a new development or redevelopment project. Underground utility activities must replace the ground surface with in-kind material or materials with similar runoff characteristics. Underground utility activities are subject to only Minimum Requirement #2: Construction Stormwater Pollution Prevention Plan (SWPPP).

D. Permit (Construction) Time Limit. All permits issued pursuant to the regulations contained in this chapter or earlier stormwater code before July 1, 2021, expire on July 1, 2026, except if approved construction has begun on site before July 1, 2026. “Beginning construction” means, at a minimum, the site work associated with and directly related to the approved project has begun. For example: grading the project site to final grade, or the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.

For governmental projects performed under the authority of the responsible official, which are subject to public bid laws, “started construction” means the project has been advertised per public bid laws, legislatively approved for construction, awarded to contractor, site work has begun, and the contractor has a schedule for completion.

E. Definitions. For the purposes of this chapter, the following definitions shall apply. Additional definitions can be found in the Department of Ecology Stormwater Management Manual for Western Washington.

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| Best management practices (BMPs) | “Best management practices (BMPs)” means schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, and/or structural features approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State. |
| Clark County Stormwater Manual | “Clark County Stormwater Manual” means the stormwater manual adopted by Ordinance 2021-5-18. |
| Drainage project | “Drainage project” means the excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility or wetland in Clark County. |
| Ecology | “Ecology” means the Washington Department of Ecology. |
| Engineer | “Engineer” means a professional who is licensed in the state of Washington as an engineer. |
| Hard surface | “Hard surface” means an impervious surface, a permeable pavement, or a vegetated roof. |
| Impervious surface | “Impervious surface” means a nonvegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A nonvegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling. For purposes of determining whether the thresholds for application of Minimum Requirements are exceeded. |

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| | <u>open, uncovered retention or detention BMPs shall not be considered as impervious surfaces. Open, uncovered retention or detention BMPs shall be considered impervious surfaces for the purposes of runoff modeling. When an underdrain (not intended to infiltrate) is used below an artificial turf surface, that surface shall be considered (and modeled) as impervious surface.</u> |
| Land-disturbing activity | “Land-disturbing activity” means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land-disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land-disturbing activity if conducted according to established standards and procedures. |
| Low impact development | “Low impact development” means a stormwater and land use management strategy that strives to mimic predisturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design. |
| Maintenance | “Maintenance” means repair and upkeep activities conducted on currently serviceable structures, facilities, and equipment that involve no expansion or use beyond that previously existing and result in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed. |
| Minimum requirements | “Minimum requirements” means the nine (9) sets of requirements that are part of the SMMWW, as follows: <ul style="list-style-type: none"> • Minimum requirement No. 1: Preparation of stormwater site plans; • Minimum requirement No. 2: Construction stormwater pollution prevention; • Minimum requirement No. 3: Source control of pollution; • Minimum requirement No. 4: Preservation of natural drainage systems and outfalls; • Minimum requirement No. 5: On-site stormwater management; • Minimum requirement No. 6: Runoff treatment; • Minimum requirement No. 7: Flow control; • Minimum requirement No. 8: Wetlands protection; and • Minimum requirement No. 9: Operation and maintenance. |
| Native vegetation | “Native vegetation” means plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site. |
| New development | “New development” means: <ul style="list-style-type: none"> • Land-disturbing activities; • Class IV general forest practices that are conversions from timber land to other uses; • Construction or installation of a building or other structure; • Creation of impervious surfaces; and • Subdivisions, short subdivisions, and binding site plans, as defined and applied in Chapter 58.17 RCW. Projects meeting the definition of redevelopment shall not be considered new development. |
| <u>Project</u> | <u>Any proposed action to alter or develop a site; or the proposed action of a permit application or an approval that requires drainage review.</u> |
| Redevelopment | “Redevelopment” means on a site that is already substantially developed (i.e., has thirty-five percent (35%) or more of existing hard surface coverage): <ul style="list-style-type: none"> • The creation or addition of hard surfaces; • The expansion of a building footprint or addition or replacement of a structure; • Construction, installation or expansion of a building or other structure; • Replacement of impervious surface that is not part of a routine maintenance activity; or • Land-disturbing activities. |
| Regional stormwater facility | “Regional stormwater facility” means a stormwater facility that captures runoff from more than one (1) development or redevelopment project. |
| Responsible official | “Responsible official” means the Clark County Manager or his/her designee for the purposes of this chapter. |
| Site | “Site” means the area within the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site. |

(Added: Ord. 2015-11-24; amended: Ord. 2021-06-02)

40.386.020 Standards – Stormwater Control

- A. The Clark County Stormwater Manual is adopted by reference, and the requirements contained therein will be the minimum standards for this chapter except as modified in this chapter.
- B. Where provisions of this chapter conflict with other Title 40 requirements, the more stringent shall apply.
- C. Publicly funded linear transportation projects may follow the minimum design requirements and BMPs of the 2019 version of the Washington Department of Transportation's Highway Runoff Manual (HRM). LID infeasibility criteria in the Clark County Stormwater Manual must be used for LID selection.
- D. Approvals and permits granted based on compliance with this chapter and any policies and procedures promulgated hereunder do not constitute waivers of the requirements of any other laws or regulations nor do they indicate compliance with any other laws or regulations. Compliance with all applicable federal, state and local laws and regulations is required.

(Added: Ord. 2015-11-24; amended: Ord. 2021-06-02)

40.386.030 Administration

- A. General.
 - 1. An applicant proposing any new development, redevelopment, land-disturbing activity or drainage project governed by this chapter shall submit to Clark County the plans, studies, and information described in the Clark County Stormwater Manual. The purpose of the stormwater plan is to determine whether a proposal can meet the requirements set forth in this chapter.
 - 2. All plans, studies, and reports submitted pursuant to this chapter must be stamped, signed and dated by an engineer, and other licensed professionals if appropriate, responsible for their preparation.
 - 3. Stormwater site plans are exempt from the requirement to be prepared by an engineer for projects that only apply minimum requirements No. 1 through No. 5 for construction of agricultural or residential buildings and their appurtenances on an existing lot. Alterations to an existing site plan prepared by a licensed engineer are not exempt.
- B. Preliminary Stormwater Plan.
 - 1. As part of a land use application, the applicant shall submit a preliminary stormwater plan meeting the requirements of the Clark County Stormwater Manual for all new development, redevelopment, land-disturbing activities or drainage projects not exempted by Section 40.386.010(C).
 - 2. A preliminary stormwater plan submittal shall consist of a preliminary development plan and a preliminary technical information report (TIR). The engineer shall include a statement that all required information is included and that the proposed stormwater facilities are feasible.
- C. Final Stormwater Plan.
 - 1. The applicant shall submit a final stormwater plan and shall obtain approval of the final stormwater plan from the responsible official prior to beginning construction related to any new development, redevelopment, land-disturbing activity or drainage project not exempted by Section 40.386.010(C). The final stormwater plan provides final engineering design and construction drawings in accordance with the Clark County Stormwater Manual.
 - 2. The final stormwater plan must include a construction stormwater pollution prevention plan (SWPPP) prepared in accordance with the Clark County Stormwater Manual for any new development, redevelopment, land-disturbing activity or drainage project not exempted by Section 40.386.010(C).
 - 3. If a final stormwater plan differs from the approved preliminary stormwater plan in a manner that, in the opinion of the responsible official, raises significant water quality or quantity control issues, it shall require

another SEPA determination (if subject to the State Environmental Policy Act (SEPA)) and a post-decision review, in accordance with Section 40.520.060.

D. Plan Review Process.

1. For a land use application requiring a public hearing, the Hearings Examiner shall consider the preliminary stormwater plan in accordance with the procedures applicable to the land use application. All other preliminary stormwater plans shall be acted on by the responsible official within the timeline for the preliminary land use decision.

2. Variances. For purposes of this chapter, the following requirements shall apply with regard to variances:

a. Type I and Type II (Administrative) Variances. The responsible official may grant an administrative variance to the standards of this chapter using a Type I or Type II process pursuant to Sections 40.510.010 and 40.510.020 prior to permit approval and construction; provided, that the requested change is due to site specific conditions and the intent of this chapter is met.

These variances are limited to changes to design and construction of stormwater infrastructure and must meet the following criteria:

- (1) All minimum requirements of the Clark County Stormwater Manual are fully met;
- (2) The change does not result in a decrease in materials grade or quality; and
- (3) The change must be approved by the responsible official as acceptable for maintenance access and repairs.

b. Type III Variances. The Hearings Examiner may grant a variance from the requirements of this chapter using a Type III process pursuant to Section 40.510.030 prior to permit approval and construction; provided, that the provisions of this chapter are met. Written findings of fact are required that address the following:

- (1) The application of the minimum requirements would impose a severe and unexpected hardship;
- (2) The variance would provide for equivalent environmental protection and is in the overriding public interest; and that the objectives of safety, function, environmental protection and facility maintenance, based upon sound engineering, would be fully met;
- (3) There are special physical circumstances or conditions affecting the property such that the strict application of these provisions would deprive the developer of all reasonable use of the property of land in question, and all feasible efforts to meet the intent of the requirements have been made, considering the following:
 - (a) The current (preproject) use of the site;
 - (b) How the application of the minimum requirements would restrict the proposed use of the site compared to the restrictions that existed prior to the adoption of the minimum requirements;
 - (c) The possible remaining uses of the site if the variance were not granted;
 - (d) The uses of the site that would have been allowed prior to the adoption of the minimum requirements;
 - (e) A comparison of the estimated percentage of value loss as a result of the minimum requirements versus the estimated amount and percentage of value loss of requirements that existed prior to adoption of the minimum requirements; and

(f) Whether it is feasible for the owner to alter the project to comply with the minimum requirements.

(4) That the granting of the variance will not be detrimental to the public health and welfare, nor injurious to other properties in the vicinity and/or downstream, and to the quality of waters of the state; and

(5) The variance is the least possible variance that could be granted to comply with the intent of this chapter.

E. Inspection. The responsible official shall inspect all new development, redevelopment and drainage projects to ensure compliance with this chapter and the standards of the Clark County Stormwater Manual.

1. The project applicant must schedule a preconstruction conference and preconstruction inspection to ensure that stormwater and erosion control BMPs are in place and access to public right-of-way is properly installed.
2. The project applicant shall obtain approval on all inspections necessary to manage the project and comply with the Clark County Stormwater Manual.
3. The project applicant shall inspect all temporary erosion and sedimentation BMPs throughout construction to verify proper installation and maintenance of required soil erosion and sediment controls.
4. The responsible official shall inspect new development, redevelopment and drainage projects sites upon completion of construction and before final approval/occupancy to verify proper installation of permanent erosion controls, stormwater facilities, and BMPs and compliance with this chapter and the Clark County Stormwater Manual.

F. Acceptance. When the project applicant requests construction acceptance of stormwater facilities the applicant shall follow the procedures set forth in the Clark County Stormwater Manual.

G. Record Drawings.

1. Upon completion of the construction of conveyance systems, stormwater treatment facilities, flow control facilities and structural source control BMPs (excluding the construction of nonengineered on-site stormwater management BMPs) and prior to final inspection approval, the applicant shall submit to Clark County record drawings of the full stormwater plan prepared and stamped by a licensed engineer.
2. The drawings must accurately represent the project as constructed. They must depict the actual vertical and horizontal locations of roads and drainage facilities constructed on and off site as part of the development, redevelopment, land-disturbing activity or drainage project. Record drawings must be stamped, signed and dated by an engineer and must meet the standards contained in the Clark County Stormwater Manual.

(Added: Ord. 2015-11-24; amended: Ord. 2021-06-02)