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CLARK COUNTY
WASHINGTON

COMMUNITY PLANNING SUMMARY MINUTES

Rural Lands Task Force Meeting #8 – September 8, 2009

Members Present: Ginger Burr, Sharon Bussler, Ingrid Dankmeyer, Dan Dupuis, Russ Grattan, Doug Hagedorn, David Halme, Rocque Merritt, Monty Multanen, Danny Walsh, and Bill Zimmerman
Staff Present: Gordy Euler, Jose Alvarez

The meeting began at 6:05 pm.

Gordy introduced Bruce Prenguber, an agricultural economist with Globalwise. Bruce gave a short presentation on the issues surrounding the preservation of ag land in the county. He talked about the report done on ag as part of the 2007 comprehensive plan update. The report showed that big ag in the county is gone, that overall revenues are down, and that the number of smaller producing parcels is on the rise.

The question of an ‘agricultural production district’ is where it or they might be. Bill Zimmerman stated that everything outside of rural centers and urban growth areas should qualify. The issue is more of ‘preserving the farmers’ than preserving the farmland. Bruce made the observation that there are lots of big production opportunities to the north, south, and east of us. It might be best to concentrate on small acreages and not change the zoning. An ag production district could be designated and the development rights transferred. Good quality soil and water rights are needed. Conservation Futures funds could be used for ag land as well. What size the district should be is hard to answer. Political will is needed to make something work; another issue is that the county does not have ag experts on staff.

The task force once again talked about clustering as perhaps the best way to protect ag land and open space.

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Public comment time was after the break. Paul and Kate Bruce have five acres near NE 219th Street and 29th Avenue. They were interested in what is going to happen in the area, especially when 219th (SR502) is widened.

The task force reviewed the recommendation on clustering, included below:

Recommendation:

Allow clustering on agricultural land to provide an economic opportunity and to preserve open space and agricultural land. Allow two one-or two-acre lots plus a buildable remainder parcel. Consider a bonus lot as an incentive to keeping the land in agricultural production.

Danny asked about what a TDR program does. Bruce explained the concept of a sending area (where development rights are transferred from) and a receiving area (where the rights are transferred to). There needs to be enough of an incentive in terms of extra density allowed for a developer to want to take advantage of a TDR program. The county currently does not have a program, but one could be developed.

The task force talked further about the remainder lot in a cluster:

Recommendation:

Have the remainder lot be designated for ag, forest, open space, or parkland into perpetuity (so that it couldn't be further subdivided if brought into an urban growth area).

The task force expressed interest in seeing the county's urban reserve policies. These will be sent to everybody before the topic is discussed. The task force also wanted to see the language in the current code with regard to clustering on Rural lands. **(Note: this code section (CCC Section 40.210.020(D)) is attached at the end of these minutes).**

The task force began looking at the county's agriculture policies. The recommendation was to change the stated Goal:

Recommendation:

GOAL: To ~~protect maintain~~ and enhance productive agricultural lands, ~~and minimize incompatibilities with adjacent uses.~~

Next on the agenda will be a continued review of the county's agriculture and forest policies.

The meeting adjourned at 9:00 p.m.

NOTE: The next meeting will be Tuesday, September 22, 2009 at the Dollars Corner Fire Station, 21609 NE 72nd Avenue in Battle Ground, beginning at 6 p.m. Subsequent meetings are scheduled for October 13 and October 27.

40.210.020 RURAL DISTRICTS (R-20, R-10, R-5)

D. Rural Cluster Development.

1. Purpose. The purpose of this section is to provide for small lot residential development in the rural zoning districts (R-5, R-10 and R-20) which maintains rural character, maintains and conserves larger remainder parcels, protects and/or enhances sensitive environmental and wildlife habitat areas, and minimizes impacts to necessary public services. These goals are achieved by allowing the placement of homes on a small portion of the property while maintaining the majority of the site in a remainder parcel. This is consistent with the goals and policies of the Growth Management Act, especially the provisions for innovative development techniques to conserve open space and resource lands.
2. Definitions. For the purposes of this section, the following definitions shall apply:
 - a. "Building envelope" shall mean that buildable portion of a lot or parcel (the area outside of setbacks and easements) which is designated on the final plat for the location of a structure.
 - b. "Critical lands," for the purposes of this section, shall mean those lands classified by Chapter 40.440 as habitat areas, by Chapter 40.450 as any wetland category and associated buffers, by Chapter 40.430 as landslide hazard areas, all lands subject to Shoreline Management Act jurisdiction by Chapter 40.460, and all lands within a designated one hundred (100) year floodplain or floodway by Chapter 40.420.
 - c. "Remainder parcel" shall mean the remainder parcel of the cluster provision that contains the majority of the land within the development and is devoted to open space, resource or other authorized use.
3. Development Standards.
 - a. Maximum Density. Cluster developments are allowed a maximum density equivalent to that which would be permitted by applying the otherwise applicable minimum lot size requirements of this section. The density shall be based on one hundred ten percent (110%) of the gross area of the site.
 - b. Cluster Lots.
 - (1) Cluster lots shall be sited to minimize conflicts between housing and adjacent agricultural or forest zoned property.
 - (2) Cluster lots and building envelopes may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.
 - c. Remainder Parcel.
 - (1) The remainder parcel shall be contiguous. Fragmentation of the parcel by public or private road easements and/or building sites shall not occur unless no other reasonable alternative exists. The remainder parcel shall provide a buffer for the cluster lots from adjacent lands in a resource zoning district. Remainder parcels shall also be located adjacent to other bordering remainder parcels or public parks and open space. To the maximum extent possible, all critical areas and any associated buffers existing on property proposed for cluster development shall be located within the remainder parcel. In order to retain the rural character the remainder parcel should contain to the maximum extent possible forested areas, prominent hillsides, meadows and ridges.
 - (2) There are two (2) ways of utilizing the maximum density allowed within a cluster development, as follows:
 - (a) The creation of cluster lots equal to no more than the maximum allowed density, with a remainder parcel that can be used only for the agriculture and forestry uses as listed in Table 40.210.010-1(7)(a), (b) and (d) or as open space. An example of this would be a twenty (20) acre parcel in the R-5 district, where four (4) cluster lots and one (1) remainder are created. All of

the allowed density is used on the cluster lots, and the remainder parcel can only be used as open space or for agriculture or forestry uses.

- (i) If this option is used, an open space, farm or forest management plan is required for the remainder parcel. The plan shall be submitted and approved with the preliminary application. The plan shall identify permitted uses and management of the parcel so that it maintains its open space or other designated functions and provides for the protection of all critical areas. The management plan shall identify the responsibility for maintaining the remainder parcel. The plan shall also include any construction activities (trails, fencing, agricultural buildings) and vegetation clearing that may occur on-site. All subsequent activities must be conducted in conformance with the approved management plan. Management plans may be modified through a Type II process.
 - (ii) A note shall be placed on the plat and a restrictive covenant shall be recorded that clearly states that only the above uses are permitted on the parcel. The note and covenant shall also incorporate the management plan, as described above.
- (b) The creation of cluster lots equal to no more than one (1) less than the maximum allowed density with a remainder parcel that can also be developed. If this option is used, the remainder parcel may contain the uses listed in Table 40.210.020-1. An example of this would be a twenty (20) acre parcel in the R-5 district, where three (3) cluster lots and one (1) remainder are created. The allowed density, less one (1), is used on the cluster lots. This permits the remainder parcel to be developed with any of the uses normally allowed in the rural districts. If the remainder parcel is to be residentially developed, a building envelope shall be delineated on the final plat. This building envelope must be located outside of any critical areas including fish and wildlife habitat areas, riparian corridors, geologic hazard areas, areas of significant natural vegetation, wetlands, prominent hillsides, meadows, ridges and any buffers associated with the above areas. This requirement shall not apply to pre-existing residences located on the remainder lot.

4. Lot Requirements. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots and building height, and setbacks in Table 40.210.020-4 and 40.210.020-5, subject to the provisions of Chapter 40.200 and the Section 40.550.020.

Table 40.210.020-4. Lot Requirements – Rural Cluster Development

Lot Type	Zoning District	Minimum Lot Area	Maximum Lot Size	Minimum Lot Width (feet)	Minimum Lot Depth (feet)
Cluster Lot	R-20, R-10, R-5	1 acre ¹	None ²	100 ³	140
Remainder Lot	R-5	65% of site	None ²	None	None
	R-20, R-10	75% of site	None ²	None	None

¹ Unless a larger size is required by the Clark County Health Department. Cluster lots can use right-of-way to meet the minimum lot size as permitted by Section 40.200.040(C)(1).

² The minimum standard for remainder parcels controls the maximum size of cluster lots.

³ Unless a greater width shall be required by the Clark County fire code.

Table 40.210.020-5. Setbacks, Lot Coverage and Building Height – Rural Cluster Development

Zoning District and Lot Type	Location or Structure Type	Minimum Setbacks			Maximum Lot Coverage	Maximum Building Height (feet)
		Front (feet)	Side (feet)	Rear (feet)		
R-20, R-10, and R-5 – Cluster Lots and Remainder Lots	Abutting a cluster lot	20	20	20		
	Abutting a resource district	200 ¹	200 ¹	200 ¹		
	Agricultural structures	50	50	50	N/A	35 ²
	Vehicle entry gates or garage door openings	20	20	20		
	All other situations	50	20	50		

¹ Except in cases where it can be shown that a lesser setback will provide the same or greater buffering or where requiring the normal setback will result in the location of the building sites within inappropriate areas such as wildlife habitat or wetland areas or the dimensions of the development site render it unbuildable.

² Residential buildings only.

5. Design Requirements. The design requirements for cluster developments are listed below. These requirements shall be recorded on the plat.
 - a. No entryway treatments, monument or other permanent development signs are permitted. This shall not be construed to prohibit landscaping.
 - b. Sight-obscuring fences of any height are not permitted within fifty (50) feet of the public right-of-way, nor along cluster lot lines adjacent to the remainder lot. Sight-obscuring fences are at least fifty percent (50%) opaque.
 - c. To the maximum practicable extent, existing historic rural features shall be preserved as part of the cluster development. These features include but are not limited to rock walls, fences, functional and structurally safe farm buildings, monuments and landscape features.
6. Landscaping Standards. Cluster developments shall be landscaped within the developed portion of cluster lots, so as to reduce views of the development from the public right(s)-of-way so that a filtered view is provided of the cluster and the cluster does not dominate the landscape.
 - a. At a minimum, proposed or existing landscaping and vegetation shall be of sufficient size and type to provide a buffer of vegetation six (6) feet in height and fifty percent (50%) opaque year round within three (3) years of planting. New landscaping materials shall consist of native vegetation as provided on the Clark County plant list (see the Standard Details Manual). A combination of trees and shrubs must be used.
 - b. All landscaping shall be installed prior to final plat unless financial guarantees are made for its installation prior to any building permit activity. Any required landscaping materials that fail to survive within the first two (2) years shall be promptly replaced.
7. Previously Approved Cluster and Lot Reconfiguration Remainder Lots. Previously approved cluster or lot reconfiguration remainder lots are not eligible to use the provisions of this section.
8. Procedures. Cluster land divisions shall be processed in accordance with the established procedures for land divisions under Chapter [40.540](#).
9. Notice of Resource Activities. Where otherwise undevelopable cluster remainder parcels are designated for commercial timber or agricultural activities the following notice shall

be recorded as part of the Developer Covenants to Clark County for each parcel within the cluster:

The subject property is adjacent to commercial agricultural or forest lands on which a variety of commercial activities may occur that are not compatible with residential development. Potential discomforts or inconvenience may include, but are not limited to: Noise, odors, fumes, dust, smoke, insects, operation of machinery (including aircraft) during any twenty-four (24) hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.