Spring 2009
Proposed
Bi-Annual Code Amendments
Planning Commission Hearing
April 16, 2009

The following proposed code changes are categorized into four general types as follows:

- ***Board-directed amendments****;*
- ***Minor policy amendments*** which change, rather than interpret the existing code;
- ***Code interpretation and minor process amendments*** which provide clarification where the code is vague, or when a minor change to a current process is proposed to improve efficiency;
- ***Scrivener's errors and language clarifications*** which correct obvious typographical errors and enhance the understanding of the code without changing the content of it; and,

The proposed text changes are followed by a **Rationale** section to summarize the purpose of the proposed changes; however, staff has also inserted explanatory comments immediately adjacent to some text that are in ***bold, italicized font.***

BOARD-DIRECTED AMENDMENTS

1. 40.220.040 Lot calculations in the rural area

Clarify that state or federal limited access highway right-of-way can not be included in lot area.

Lot area	"Lot area" is the computed area contained within the lot lines. In the urban area, except for the UH zones, lot area excludes street and alley rights-of-way, street easements, and street tracts. In the urban reserve (UR-10, UR-20 and UR-40), urban holding (UH-10, UH-20 and UH-40), rural (R-5, R-10 and R-20), agricultural (AG-20 and AW) and forest resource (FR-40 and FR-80) districts, road easements are included in lot area, plus one-half width of all abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways, up to a maximum width of thirty

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	(30) feet for each right-of-way, shall be included in the calculation of the lot sizes. Private driveway easements are included in lot area in all districts.

40.200.040 Minimum and Maximum Calculations

C. Lot Area Calculations.

1. Lot area is the computed area contained within the lot lines excluding street or alley rights-of-way; except in urban reserve (UR-10, UR-20 and UR-40), urban holding (UH-10, UH-20 and UH-40), rural (R-5, R-10 and R-20), agricultural (AG-20 and AW) and forest resource (FR-40 and FR-80) districts. In those districts, one-half width of all public rights-of-way for perimeter streets, excluding limited access state or interstate highways, up to a maximum width of thirty (30) feet for each right-of-way, shall be included in the calculation of the lot sizes.

Rationale: Currently the definition of lot area allows up to 30 feet of right of way of public streets in the rural area to count as lot area. This is to accommodate the fact that many legal descriptions of land in the rural area were deeded to the center line of what were, or became public county roads.

This provision was not intended to apply to parcels that were paid by the state for right of way long ago. This change would eliminate ambiguity.

MINOR POLICY AMENDMENTS

2. 10.10.010 Truck parking

Consider trucks under 10,000 lbs gross vehicle weight to be non-commercial vehicles, consistent with state and federal regulations, for the purposes of parking on public streets.

(1) Except where allowed pursuant to a neighborhood parking plan adopted under Section 40.430.030(A) no person shall park or leave standing on any street of any residential area of the County, any of the following:

(a) A truck with a gross weight capacity in excess of ~~nine thousand (9,000)~~ ten thousand-one (10,001) pounds;

(b) A trailer in excess of twenty (20) feet in length.

(2) The provisions of this section shall not apply to any vehicle which is parked or left standing expressly for the purpose of loading or unloading, providing vision of traffic is not obstructed. For the purposes of this section, a

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reasonable amount of time on any day or successive days shall be allowed for loading and unloading, the amount of which time is to be determined according to the nature and extent of the loading and unloading operation.

Rationale: State and federal regulations consider trucks under 10,001 lbs to be non-commercial vehicles. Current county code prohibits trucks over 9,000 lbs from overnight parking on county roads.

Further research will be needed to evaluate the intent of the current 9,000 lb. limit, and potential ramifications of raising the limit to the commercial definition of 10,001 pounds.

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3. 40.100.070 Clarify what qualifies as a "common wall"

Dwelling, single-family	"Single-family dwelling" means a building designed or used for residence purposes by not more than one (1) family, and containing one (1) dwelling unit only. "Attached" means sharing a common wall or walls that separate interior occupant space or attached garage space on separate lots. At least 50% of the overall dimension of the attached side or end, as applicable, of each unit shall share a common wall. "Detached" means physically separated

Rationale: What constitutes a "common wall" is not defined in county code. Legal arguments have been made asserting that a common wall can be as minimal as a guardrail-height deck screening wall connecting two units. This resulted in what are essentially single family detached dwellings on townhome-approved subdivisions. Since townhome units are assessed lower trip generation rates for concurrency purposes, reduced school, park, and traffic impact fees, and have only one required parking space per unit, it is important to ensure that what are essentially single family detached units are not approved as townhouse units.

Staff's review of approved townhome site plans found that the average percentage of common walls between units in past townhouse approvals is approximately 90%. Having a 50% minimum common wall length is proposed to allow considerable flexibility in laying out townhomes while ensuring that the units are still reasonably attached.

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4. 40.200.070 Special setbacks

Clarify under what circumstances reduced setbacks are allowed for substandard lots

~~C. Building setback lines which do not meet the requirements of this title but which were legally established prior to June 11, 1980, shall be considered the building line for alterations, remodels, and accessory structures on the lot, providing that no structure or portion of such addition may further project beyond the established building line~~. ***(This section allows the non-conforming setback of any structure on a site to reduce the setbacks for all structures (including new structures) on a site. This conflicts with 40.530.060 (see back of this page), which limits the extent of nonconformity for building alterations)***

~~D.~~C. ~~For the purpose of establishing setbacks from the property lines, a~~Any residential lot of record as defined in Section 40.100.070 in the Rural (R-5, R-10 and R-20), Resource (FR-80, FR-40, AG-20 and AG-WL), Urban Reserve (UR-10 and UR-20) and Urban Holding (UH-10, UH-20, UH-40) districts~~, which has a smaller width, lot depth and/or lot area than that required by this title, may use that residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record, for the purpose of establishing setbacks from the property lines.~~ that does not meet the minimum lot width or lot depth may use the setback applicable to the residential zoning classification which most closely corresponds to the dimension or dimensions of the lot of record. Reduced setbacks:

1. Shall apply only to the applicable deficient dimension(s) of the lot;

2. Shall not apply to buildings used for agricultural purposes; and,

3. Shall not be subject to fifty (50) foot setbacks to lands zoned for resource or surface mining uses, provided that a copy of a recorded covenant acknowledging the abutting resource or mining use is submitted to the county prior to the issuance of a building permit.

Rationale: The current code says that rural lots that have "a smaller width, lot depth and/or lot area" can use (reduced) setbacks applicable to smaller residential lots. Two problems arise:

(1) Does one qualifier (smaller lot area OR smaller lot width) allow reduced setbacks to all lot lines, even if a lot meets one of the minimum dimensions? Staff believes it should not.

(2) Rural lots have no depth requirement; therefore its unclear when a lot is not "deep enough" to require the standard front and rear setback for the zone.

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40.530.060 Legal Nonconforming Structures and Signs (this is a reference for item 4, and not a proposed code change item)

A. Legal nonconforming structures may be altered, expanded or replaced only if such alteration, expansion or replacement is fully consistent with current applicable requirements, except as to those standards related to the legally established nonconformity of the structure, and if one (1) of the following is met:

1. Such alteration, expansion or replacement does not increase the extent of structural nonconformity; or

2. Such alteration, expansion or replacement is necessary and required to make the structure safe for occupancy as required by building, health, fire, or other applicable standards.

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5. Establish minimum lot depths of 150 feet for all Resource, Rural, Urban Reserve and Urban Holding parcels or lots.

This will establish when the provisions for using reduced front or rear setbacks in item number 4 (above) should apply.

Rationale: Since the front setback for resource and rural-zoned lots is 50 feet, and since rear setbacks to resource-zoned lands are also 50 feet, a 150 foot depth leaves the middle 50 feet of the lot for a building envelope.

Establishing a higher minimum depth would, in effect, create more substandard depth parcels that would qualify to use the reduced setback provisions in item #4, above.

Setting a lower minimum depth than 150 feet allows the creation of new lots with less than a 50 foot deep bulilding envelope.

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6. 40.260.145 Revise section heading and process for issuance of building permits for model homes

Reformat section into two parts. Part A deals with the issuance of building permits before the final plat is recorded. Part B deals with issuance of permits prior to completion of all improvements, as long as the final plat is recorded.

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40.260.145 Building Permits for Model Homes ~~Prior to Recordation of Final Plat~~

A. Residential building permits may be approved on the sites of preliminary land divisions prior to the recordation of the final plat under the following circumstances:

1. Only one home is allowed per each existing lot of record within the boundaries of the preliminary land division.

2. Single family attached dwelling units are not allowed under this subsection. ***(Until a final plat is recorded, certain attached dwelling unit (townhome) review conditions may not, and may never be completed if the final plat is never recorded)***

3. A survey and certificate stamped by the surveyor is required to verify that the placement of homes meet the platting and zoning requirements of the existing lot of record, either as originally configured or as modified under this title, as well as the approved preliminary plat. ***("as modified under this title" recognizes that boundary line adjustments may be made to the original lot of record even after a preliminary plat has been approved)***

4. Impact fees will be calculated at the current rate at the time of building permit application.

~~A. Only one (1) model home is allowed per each twenty (20) lots within the plat. No model homes will be allowed for plats with less than twenty (20) lots.~~

~~B. Engineering services must authorize the release of the building permit.~~

~~C. The applicant shall submit a copy of the second redline review completed by engineering services.~~

~~D. A certificate from the surveyor indicating that the home is being placed consistent with the final plat boundary, lot lines, building setbacks, and all other relevant requirements of the plat.~~

~~E. A plot plan is submitted that clearly indicates the placement of the model home to be consistent with building setbacks to the final plat lot lines.~~

~~F. Impact fees will be calculated at the current rate at the time of building permit application~~

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B. Residential building permits for homes may be issued on lots within recorded final plats prior to the construction of all required public improvements subject to the following conditions:

1. Performance bonds or financial guarantees required under Section 40.540.080.B have been accepted and approved for those public improvements which have not been constructed.

2. Only one (1) home is allowed per each twenty (20) lots within the plat.

3. Engineering services must authorize the issuance of the building permit to ensure that adequate provisions exist for necessary services and facilities.

Rationale: In the spring of 2007 a new special use section, 40.260.145 was created to replace a management decision regarding the issuance of building permits for "model homes" prior to the recordation of a final plat.

A subsequent legal interpretation of this section has found that the county should not issue building permits for preliminarily-approved additional lots prior to the recordation of a final plat. Therefore, this section has been broken down into two sections.

Section "A" allows a building permit to be issued only for each legal "parent parcel" that makes up a preliminary plat site (some larger plat sites may include more than one existing legal lot of record), since until a final plat is approved, the legal parent parcel is entitled to a building permit. Without restrictions on the building's location under these circumstances (see Subsection A.2), a residence might be placed so that is does not meet setbacks or other restrictions of the future final plat.

Section "B" allows building permits to be issued for newly-platted lots before all final improvements are completed provided that the final plat is recorded and financial guarantees are in place to ensure that final improvements will be completed.

While it appears wholesale changes are being proposed, the majority of the new text accomplishes the same intent as the old language, albeit under two different circumstances.

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7. 40.510.020 Eliminate need for a pre-applications for administrative variance applications

40.510.020 Type II Process – Administrative Decisions

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A. Pre-Application Review.

1. The purposes of pre-application review are:

a. To acquaint county staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant accordingly;

b. To acquaint the applicant with the applicable requirements of this code and other law. However, the conference is not intended to provide an exhaustive review of all the potential issues that a given application could raise. The pre-application review does not prevent the county from applying all relevant laws to the application; and

c. To provide an opportunity for other agency staff and the public to be acquainted with the proposed application and applicable law. Although members of the public can attend a pre-application conference, it is not a public hearing, and there is no obligation to receive public testimony or evidence.

2. Pre-application review is required for applications, with the following exceptions:

a. The application is for one (1) of the following use classifications:

(1) Section 40.210.010, Forest and Agriculture districts;

(2) Section 40.520.020, Planning Director reviews and similar use determinations;

(3) Chapter 40.260, special uses (unless specified as a Type III review);

(4) Section 40.260.220, temporary permits;

(5) Section 40.530.050, change in nonconforming use;

(6) Section 40.260.210, temporary dwelling permit;

(7) Section 40.520.060, post-decision reviews;

(8) Section 40.450.040, preliminary (stand-alone) wetland permit;

(9) SEPA review for projects that are not otherwise Type II reviews (e.g., grading);

(10) Section 40.500.010, Interpretations; ~~or~~

(11) Section 40.550.020, administrative variances; or

b. The applicant applies for and is granted a pre-application waiver from the responsible official. The form shall state that waiver of pre-application review increases the risk the application will be rejected or processing will be delayed. Pre-application review generally should be waived by the responsible official only if the application is relatively simple. The decision regarding a pre-application waiver can be appealed as a Type I decision.

Rationale: Type I (10% or less variance of a standard) and Type II (25% or less variance of a standard) administrative variances have the same, relatively simple criteria to establish and review. In addition, these applications have minimal submittal requirements. Therefore, the effort and expense of a preapplication review usually outweighs its benefit to the applicant.

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CODE INTERPRETATIONS AND MINOR PROCESS AMENDMENTS

8. 40.100.050 Change authority to interpret sewer and water provisions in Title 40 from the Public Works Director to the Community Development Director

40.100.050 Authority

A. Designation of Responsible Official.

1. Unless otherwise noted, the director of the Community Development Department ("director") or the director's designee shall be the responsible official and shall interpret and apply the provisions of the UDC.
2. Where noted in the UDC, the County Engineer shall interpret and apply the provisions of the UDC relating to transportation and circulation facilities.
3. ~~Where noted in the UDC, the County Public Works director shall interpret and apply the provisions of the UDC relating to water and sewer facilities.~~
4. 3. The Clark County Building Official shall interpret and apply the provisions of Title 14.

Rationale: While public works does review how sewer and water construction details relate to other public infrastructure, the Community Development Department administers Chapter 40.370, which dictates when public water and sewer must be provided. This will not result in any change in practice.

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9. 40.350.030.B.4.b(4)(a) Clarify secondary access road requirements

40.350.030.B.4.b(4)(a)

(4) Maximum Dwelling Units Served by Access Roads.

(a) No road may serve more than one hundred (100) lots or dwelling units unless that road is connected by a second vehicle access road to the same "feeder" road at a different location, or to another "feeder" road that functions at a level equal to at least an urban local residential access road or a rural local access road. The second vehicle access road may be a county emergency-only access road ~~only~~, if it serves less than two hundred (200) lots or dwelling units.

The second access may be satisfied through the use of an existing roadway network in the existing adjacent neighborhood if:

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(i) An existing road was previously stubbed indicating intent for future access; or

(ii) An easement has been dedicated specifically for such purpose, and a roadway has been built to county standards or will be constructed with the development to county standards.

In either case, the increase in traffic volume on the existing roadway network must not cause the traffic volume to exceed the design volume of the existing roadway network.

Rationale: The main change is to clarify that 100 dwelling units (as in a multifamily development) have the same emergency access requirements as 100 single family lots. This will not result in a change of practice.

SCRIVENER'S ERRORS AND LANGUAGE CLARIFICATIONS

10. Table 6.110A.010 Clarify conservation covenant change fees

Section				Activity	Fee
2				Planning Fees	
	I			Habitat Conservation	
		XII		Habitat conservation covenant alteration	
			a	Type I with any other review	205
			b	Type I "stand alone"	507
			c	Type II with any other Type II or higher review	507
			d	Type II "stand alone" or with associated Type I review	2,094
			e	Type III with any other Type III review	507
			f	Type III "stand alone", or with other Type I or Type II	2,094
	AD			Wetland Protection[9]	
		XII		Wetland protection covenant alteration	
			a	Type I with any other review	205
			b	Type I "stand alone"	507
			~~c~~	~~Type II or III with any other review~~	~~507~~
			~~d~~	~~Type II or III "stand alone"~~	~~2,094~~
			c	Type II with any other Type II or higher review	507
			d	Type II "stand alone" or with associated Type I review	2,094
			e	Type III with any other Type III review	507
			f	Type III "stand alone", or with other Type I or Type II	2,094

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Rationale: Recently the code was changed to allow certain habitat and wetland conservation covenants to be changed through a Type I, II or III process, instead of by the Board. The fees established with that code change were intended to reflect the costs to the county of each Type process.

However, it has become apparent that Type II and Type III conservation changes can, and do occur with other lower Type processes that may not cover notice and or hearings examiner costs. Currently, if a Type III wetland or habitat conservation alteration is submitted with a Type II application (for which no public hearing is required), the $507 fee (as can be currently charged) does not cover the costs to provide the public hearing required for the Type III covenant change.

These fees are not new; these changes only correct un-intended interpretations as to how the fees are applied.

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11. 13.30A.050.B.5 Codify the correct Clean Water assessment fee rate for state highways

13.30A.050 Rate structure.

A. The service charges shall be based upon the relative contribution to increased surface and stormwater runoff from developed parcels and based upon the land use of the parcel. The service charge shall be imposed on all developed parcels within the unincorporated areas of the county with improvements having a value of ten thousand dollars ($10,000) or more. Land uses are categorized as single-family residential lots, single-family residential large lots, multifamily residential lots, commercial, industrial and other nonresidential lots, and undeveloped lots. A base unit is used to calculate the service charge for each commercial, industrial or other nonresidential lot. The service charge for single-family residential ~~lost~~ lots of 0.5 acres or less be calculated as a single base unit. Larger single-family residential lots shall be charged an amount less than the full annual service charge as set forth in this section. The annual service charge rate for multifamily residential lots shall be thirty-three dollars ($33.00) multiplied times the number of residential units located on the lot. The base unit is three thousand five hundred (3,500) square feet of impervious surface area that is the average impervious surface area for single-family residential lots within the urban growth area of the county. The annual service charge imposed for each base unit of impervious surface area is thirty-three dollars ($33.00).

B. Land Use Category	Annual Service Charge Rate

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No. 1 Single-family residential detached	$33.00/single-family residence
No. 2 Single-family residential large lots:	
More than 0.5 acre to 1 acre	$29.70
More than 1 acre to 5 acres	$26.40
More than 5 acres to 20 acres	$23.10
More than 20 acres	$19.80
No. 3 Multi-Family Residential Lots	$33.00 X number of residential units
No. 4 Retail, commercial, offices, churches, hospitals, airports, public or private utility installations, public or private schools, golf courses, government structures, other public facilities, subject to RCW 90.03.525, industrial, manufacturing and railroad right-of-way, county road and street right-of-way	$33.00 X number of base units or portion thereof
No. **5** State highway	~~$10.89~~ $9.90 X number of base units or portion thereof subject to RCW 90.03.525

Rationale: The "base" clean water rate for real property in the county to fund the Clean Water Program is $33 per 3,500 square feet of impervious surface. State law (see RCW90.03.525, below) allows the county to assess state highways up to 30% of this base clean water rate of $33 for each 3,500 square feet of state highway impervious surface area. Thirty percent of $33 equals $9.90, not $10.89.

The county has been assessing at the correct $9.90 rate; therefore, correcting this typo will not change the amount of money being collected.

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RCW 90.03.525

Storm water control facilities — Imposition of rates and charges with respect to state highway rights-of-way — Annual plan for expenditure of charges.

(1) The rate charged by a local government utility to the department of transportation with respect to state highway right-of-way or any section of state highway right-of-way for the construction, operation, and maintenance of storm water control facilities under chapters 35.67, 35.92, 36.89, 36.94, 57.08, and 86.15 RCW, shall be thirty percent of the rate for comparable real property, except as otherwise provided in this section. The rate charged to the department with respect to state highway right-of-way or any section of state highway right-of-way within a local government utility's jurisdiction shall not, however, exceed the rate charged for comparable city street or county road right-of-way within the same jurisdiction. The legislature finds that the aforesaid rates are presumptively fair and equitable because of the traditional and continuing expenditures of the department of transportation for the construction, operation, and maintenance of storm water control facilities designed to control surface water or storm water runoff from state highway rights-of-way.

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12. 40.250.030 Update historic preservation section to be consistent with recent state law changes

40.250.030 Historic Preservation

C. Definitions.

For the purposes of this section, the following definitions shall apply, unless a different meaning clearly appears from the context:

~~Qualified~~ Professional archaeologist	"~~Qualified~~ Professional archaeologist" means a person ~~who has had formal training and/or experience in archaeology over a period of at least three (3) years, and has been certified in writing to be a qualified archaeologist by two (2) professional archaeologists~~ with qualifications meeting the federal Secretary of the Interior's standards for a professional archaeologist, as defined in RCW 27.53.030.

D. Clark County Historic Preservation Commission.

1. Creation and Size. There is established a Clark County Historic Preservation Commission (the commission), consisting of a minimum of five (5) members, as provided in Section 40.250.030(B). Members of the commission shall be appointed by the board and shall be residents of the county, except as provided in Section 40.250.030(D)(2)(b).

7. Commission Staff. Staff assistance shall be provided by the Community ~~Development~~ Planning Department with additional assistance and information to be provided by other county or city departments as may be necessary to aid the commission in carrying out its duties and responsibilities under this section.

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8. Interlocal Agreement Required. Prior to review by the commission of nominations or certificates of approval for properties within incorporated cities, an interlocal agreement shall be established.

E. National Register of Historic Places.

1. Nominations to the National Register of Historic Places shall be reviewed as established in the Code of Federal Regulations (36 CFR 60).
2. Review. The commission shall hold a duly advertised public hearing at a regularly scheduled meeting at which the applicable criteria are reviewed and a recommendation forwarded to the State ~~Office~~ Department of Archaeology and Historic Preservation (~~O~~DAHP) within sixty (60) days of the date of application. The ~~O~~DAHP shall complete the designation process and notify the applicant of the designation decision.

G. Review of Changes to CCHR Property(ies) – Design Review.

1. To achieve the comprehensive plan and historic preservation goals and to safeguard the heritage of Clark County, a two (2) part evaluation system is necessary:
   a. The identification of those materials, features and combinations of features that gives significance to property(ies) or districts on the CCHR; and
   b. Assessing the potential impact of rehabilitation work necessary for efficient contemporary utilization of the property.
2. The historic character of a property or district is defined by many features: materials, style, composition and decorative features; the presence of architectural metals; window number, arrangements and styles (fenestration); entrances and porches, storefronts on commercial buildings, internal arrangement and detailing; and the historic relationship between buildings, landscape features and open space, as well as many other materials and features can all contribute to a property's character.
3. After identifying the distinguishing historic characteristics of a property subject to the design review process, retention and preservation of those features and materials are the primary goals of the design review effort. This is accomplished through the review process individual to each property. However, there are preferred options, specified by the Secretary of the Interior, common to each property. These are, in descending order of preferability:
   a. Protecting and maintaining;
   b. Repairing;
   c. Replacing;
   d. Design for missing features; and
   e. Alterations and additions to historic buildings. The guidelines for the above are listed in the "rules and procedures" adopted herewith.

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4. Review Required. No person shall construct any new building or structure, or reconstruct, alter, restore, remodel, repair, move, demolish or make any material change affecting significant historic features as listed in the designation form(s) to any existing property on the CCHR or within a historic district on the CCHR without review by the commission and without receipt of a certificate of appropriateness, or in the case of demolition, a waiver of certificate of appropriateness, as a result of the review. The review shall apply to all features of the property, interior and exterior, that contribute to its designation and are listed on the designation. This requirement shall apply whether or not the proposed alteration also requires a building or other permit, except as noted under Section 40.250.030(G)(5). Information required by the commission to review the proposed changes is established in rules and procedures. A pre-application conference is recommended but is at the request of the applicant.
5. Exemptions. The following activities do not require a certificate of appropriateness or review by the commission:
   a. Ordinary repair and maintenance which do not effect significant historic features including:
      (1) Painting or emergency measures as defined in Section 40.250.030(C).
      (2) Ordinary repairs and maintenance which do not alter the appearance of a significant feature and do not utilize substitute materials do not require a certificate of appropriateness.
      (3) ~~If there are not interior features of significance,~~ R~~r~~epairs to, or replacement, of utility systems.

H. Relationship to Zoning.
2. The responsible official is responsible for review of impacts to potential or existing historic resources. All applications for approval, permits, environmental assessments or impact statements, and other similar documents pertaining to property(ies) on the Clark County cultural resource inventory or adjacent property(ies) shall be reviewed by appropriate staff or a qualified consultant. Comments shall be forwarded to the responsible staff for the application under consideration. If a property is on the National Register of Historic Places, CCHR or a historic district on either register, the commission staff shall contact the property owner or agent in writing and advise them of the register status and applicable requirements. Cultural resources which are archaeological resources reviewed pursuant to the State Environmental Policy Act (SEPA) shall be reviewed by a ~~qualified~~ professional archaeologist and comments shall be forwarded to the responsible staff for the application under consideration.

I. Review and Monitoring of Property(ies) for Special Property Tax Valuation.
This section implements the local option special valuation tax incentive program as established in Chapter 84.26 RCW. “Special valuation tax

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incentive program" or "special valuation" means the local option program which makes available to property owners a special tax valuation for rehabilitation of historic property(ies) under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten (10) years, the actual cost of the rehabilitation.

1. Timelines.
   a. Applications must be filed with the County Assessor's office and shall be forwarded to the commission by the assessor within ten (10) days of filing.
   b. For applications filed at least thirty (30) days prior to the next regularly scheduled meeting of the commission, the case may be put on the agenda for that meeting. If there are not thirty (30) days, the case will be scheduled for the next regularly scheduled meeting of the commission.
   c. Applications shall be reviewed by the commission before December 31st of the calendar year in which the application is made.
   d. Commission decisions regarding the applications shall be certified in writing and filed with the assessor within ten (10) days of the decision.
2. Procedure.
   a. The applicant files an application for special valuation with the County Assessor's office no later than October 1st preceding the tax assessment year in which they wish to apply. A fee is required as established in Title 6 and is payable to the Community ~~Development~~ Planning Department.

K. Clark County Cultural Resources Inventory.

3. Application to the Inventory.
   a. A property owner may make application to request listing on the inventory by completing an inventory survey form available from the Community ~~Development~~ Planning Department and submitting it to the commission staff.
   b. The county may conduct a historic and cultural resource survey and make application for listing on the inventory without property owner consent.
4. Listing on the Inventory.
   a. New listings of buildings, structures, sites, objects or districts to the inventory are subject to review by the Community ~~Development~~ Planning Department. Consideration of listing shall be based upon development of a comprehensive inventory methodology which determines a rank order.
   b. Property(ies) which are demolished shall be maintained in the inventory records for historical research purposes.

Rationale: The Clark County Historic Preservation Commission recently reviewed the current Historic Preservation ordinance (40.250.030) and

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recommended these updates as part of the Bi-Annual Code Amendment process.

- **40.250.030 C.** Definitions: ***Qualified Archaeologist***: The Revised Code of Washington (RCW 27.53.030) was updated and no longer uses the term *Qualified Archaeologist.* That section of the RCW now refers only to the definition for ***Professional Archaeologist***.
- **40.250.030(D)(7); 40.250.030(I)(2), 40.250.030(K)(3)(a) and 40.250.030(K)(4)(a).** Commission Staff: The Historic Preservation Commission is staffed by the Community **Planning** Department, not the Community **Development** Department.
- **40.250.030(E)(2).** Office of Archaeology and Historic Preservation's name has been changed to **Department** of Archaeology and Historic Preservation. Changes need to be made to section
- **40.250.030(G)(5)(a)(3)** - The Historic Preservation Commission would like to delete, ***"If there are not interior features of significance"*,** because the beginning of subsection 40.250.030 (G)(5)(a) already states exemptions as: ***"Ordinary repair and maintenance which do not effect significant historic features including:"*** The commission finds the beginning statement in G5.a(3) repetitive and unnecessary.

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13. 40.540.010 Boundary Line Adjustments

Remove outdated reference to prohibition on boundary line adjustments made to qualify for Infill provisions

~~D. Boundary line adjustments to parcels that were legally subdivided prior to October 1, 2002, may not be proposed to create eligibility for infill development pursuant to Section 40.260.110~~.

Rationale: Whether or not the infill ordinance is eliminated, this provision will no longer be necessary.

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14. 40.570.090 Clarify that certain SEPA categorical exemptions do not apply when they are undertaken on lands wholly or partly covered by water

40.570.090 Categorical Exemptions

C. Exempt Levels for Minor New Construction.

Clark County establishes the following exempt levels for the minor new construction activities under WAC 197-11-800(1)(b) based on local

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conditions except when undertaken on lands wholly or partly covered by water:

1. For residential structures in WAC 197-11-800(1)(b)(i), up to twenty (20) dwelling units shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, four (4) or less dwelling units shall be exempt.
2. For agricultural structures in WAC 197-11-800(1)(b)(ii), the exempt threshold shall be ten thousand (10,000) square feet.
3. For office, school, commercial, recreational, service or storage buildings (but not including manufacturing buildings) in WAC 197-11-800(1)(b)(iii), up to twelve thousand (12,000) square feet of gross floor area and up to forty (40) associated parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt levels for these facilities shall be four thousand (4,000) square feet or less, and up to twenty (20) parking spaces.
4. For parking lots in WAC 197-11-800(1)(b)(iv), up to forty (40) parking spaces shall be exempt within unincorporated urban areas designated by the comprehensive plan; within designated urban reserve and rural areas, the exempt level shall be twenty (20) parking spaces.
5. For landfills and excavations in WAC 197-11-800(1)(b)(v), up to five hundred (500) cubic yards shall be exempt.
6. Whenever the county establishes new exempt levels under this section, it shall send them to the Washington Department of Ecology, Headquarters Office, Olympia, Washington 98504, under WAC 197-11-800(1)(c).

Rationale: County staff noted that there was wording missing from CCC 40.570.090(C) that is needed to make it truly reflect what WAC 197-11-800 states. The proposed language is consistent with WAC 197-11-800. This will not result in a change of policy or procedure.

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