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**Spring 2016
Proposed
Bi-Annual Code Amendments**

May 11, 2016 Board work session

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I. BACKGROUND

Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s errors, update references, clarify standards, and to make some minor policy changes. These batches of code changes are commonly known as “Biannual Code Amendments”.

On March 21, 2016 the Planning Commission held a hearing on 28 proposed amendments; one proposed amendment regarding the height of retaining walls and fences was requested to be re-heard by the Planning Commission and has been pulled out of the biannual process.

Prior to the Planning Commission hearing, the text of the proposed changes was presented to the Development Engineering Advisory Board (DEAB). They voted to approve the amendments as proposed at their March 2016 meeting.

SEPA notice of the proposed amendments was sent to applicable agencies. No comments were received.

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II. ANALYSIS

Should the code changes be approved, several sections of Clark County Codes will be revised to include:

- Title 40, including the Highway 99 overlay standards in Appendix F
- Title 14, Buildings and Structures (fence height)
- Titles 5, 10, and 32 (Updated references to Community Development only)

Attachment “A” (below) includes the entire text of the changes, along with a “rationale” section which explains why the change is proposed. Attachment “A” is divided into four sections:

- **Scrivener’s errors**, which correct obvious mistakes;
- **Reference updates**, which update references to other changed codes or agency processes;
- **Clarifications**, which are intended to make existing code language more clear,
- **Minor policy changes**, which may have impacts to existing county policy.

1 Language proposed to be deleted is ~~struck-through~~. Language proposed to be
2 added is double-underlined.

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5 **Spring 2016**
6 **Proposed**
7 **Bi-Annual Code Amendments**
8 **Attachment "A"**
9

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11 **SCRIVENER'S ERRORS**

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13 **1. Correct footnote referring to minimum centerline radii in Table**
14 **40.350.030-3**

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16 (see next page)
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Roadway Type		Design Speed (MPH)	Maximum Grade (%) Flat ¹	Maximum Grade (%) Rolling ¹	Maximum Grade (%) Mountainous ¹	Minimum Centerline Radius (ft.) Flat	Minimum Centerline Radius (ft.) Rolling	Minimum Centerline Radius (ft.) Mountainous	Design Volume (ADT)	Minimum Full Access Intersection Spacing (ft.)	Minimum Full Access Intersection Curb Return Radii (ft.) ^{2,3}	Minimum R/W Radius Chords
	Storefront	25	7	9	10	200	200	200	12,000	275	35 ⁴	35 ⁴
Access	Neighborhood Circulator	25	15	15	15	150	150	150	3,000	150	25	NA
	Urban Local	25	15	15	15	70 ^{4 5}	70 ^{4 5}	70 ^{4 5}	1,500	100	25	NA
	Short Cul-de-sac	25	18	18	18	70 ^{4 5}	70 ^{4 5}	70 ^{4 5}	180	100	20	NA
	Private Road	25	18	18	18	70 ^{4 5}	70 ^{4 5}	70 ^{4 5}	1,000	100	See Dwg F16 or F17	NA
	Private Road	25	18	18	18	70 ^{4 5}	70 ^{4 5}	70 ^{4 5}	1,000	100	See Dwg F16 or F17	NA
Access	Rural Local	30	15	15	15	150	150	150	2,000	150f	25	NA
	Private Road	25 ⁶	18	18	18	60	60	60	500	100f	25	NA

- 1 ¹ *May be steeper for short distances where permitted by AASHTO Guidelines.*
- 2 ² *Intersection of two (2) different street classifications shall use the larger intersection radius.*
- 3 ³ *Must meet state standards if intersecting state roads.*
- 4 ⁴ *Storefront streets may require curb extensions at intersections subject to Section 9.1.2 of the Highway 99 Overlay*
- 5 *Standards, or for Mixed Use developments.*
- 6 ⁵ *Except for where the curve is between eighty (80) to one hundred ten (110) degrees, a minimum thirty-five (35) foot*
- 7 *radius may be used.*
- 8 ⁶ *Design speed for rural private road may be reduced to twenty (20) miles per hour without road modification, if*
- 9 *topography imposes severe restriction and has approval from the County Engineer.*
- 10 ⁷ *Forty-five (45) foot radius will be required on roads where truck/transit will use, and there is only one (1) lane of traffic.*
- 11

1 **Rationale:** Footnote 4 in the “Minimum Centerline Radius” columns should be labeled
 2 footnote 5. Footnote 4 refers to situations where a curb extension can affect the curb
 3 radius of a road intersection, whereas the intended footnote 5 correctly refers to the
 4 centerline radii of roads not located at intersections.

5
 6 **2. Table 40.210.010-1-Fix table to state that heliports are a conditional use in**
 7 **the FR-40 zone**
 8

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
8. Resource Activities.					
a. Agricultural	P ⁶	P ⁶	P ⁶	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁷	P ⁷	P ⁷	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P ⁸	P ⁸	P ⁸	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105

m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
	FR-80	FR-40	AG-20	AG-WL	Special Standards
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	PC	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter

1

2 **Rationale:** CCC 40.260.170, the special uses standards for Private Use Landing Strips
3 for Aircraft and Heliports states the following:

- 4 A. Private landing strips and heliports may be permitted upon **approval of a**
5 **conditional use permit** only in the R-5, R-10, R-20, AG-20, **FR-40**, IL and
6 IH zoning districts.
- 7 B. **Heliports, helipads and helispots are permitted outright only in the FR-**
8 **80 district.**
- 9 C. Private use heliports may also be permitted upon approval of a conditional
10 use permit in the C-3, CL, GC and OR districts.

11 In cases where the code has an internal conflict, the more specific provision rules.
12 Since the special use standards specifically require a conditional use permit in the FR-
13 40 zone, the table must be corrected for consistency.

14 **3. 40.540.020.B.4.e, Land Divisions-Correct reference to binding site plan**
15 **requirements**

16
17 40.540.020 Land Division – Introduction

18 B. Applicability.

19 *****

- 20 4. Exemptions. The provisions of this chapter shall not apply to the following:
21 a. Cemeteries and burial plots while used for that purpose.

- b. Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.
- c. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.
- d. Divisions of land made by testamentary provisions, or the laws of descent.
- e. Divisions of land into lots or tracts classified for industrial or commercial use, when the responsible official has approved a "binding site plan" for use of the land in accordance with Section ~~40.520.040(B)~~. 40.520.040(C).

Rationale: Subsection B.4 lists a number of land division methods that are exempt from state and county platting requirements. One method is the "binding site plan" process, which can be used only for commercial or industrial sites. The incorrect reference (40.520.040.B) refers to site plan review applicability section; 40.520.040.C correctly refers to the binding site plan section.

4. 40.570.090.E.5, Non-applicable SEPA exemptions-Fix loophole which currently allows utility lines between 8 and 12 inches to be exempt from SEPA in critical areas, while requiring SEPA review for lines less than 8 inches

E. Non-Applicable Exemptions to Critical Areas.

Clark County selects the following categorical exemptions to be inapplicable within certain critical areas as specified below:

- 5. Utility-related exemptions under WAC 197-11-800(23) do not apply as follows:
 - a. Communication lines in WAC 197-11-800(23)(a) are not exempt in shoreline management areas;
 - b. ~~Eight (8) inch or less diameter water,~~ Water, sewer and stormwater facilities in WAC 197-11-800(23)(b) are not exempt in any critical area;
 - c. Electric facilities in WAC 197-11-800(23)(c) are not exempt in shoreline management areas;
 - d. Natural gas distribution facilities in WAC 197-11-800(23)(d) are not exempt in shoreline areas; and

1 e. Right-of-way clearing in WAC 197-11-800(23)(f) is not exempt in
2 shoreline areas.

3 6. The natural resources management exemptions under WAC 197-11-
4 800(24) do not apply as follows:

5 a. Issuance of leases for school sites in WAC 197-11-800(24)(e) is not
6 exempt in any critical area; and

7 b. Development of recreational sites in WAC 197-11-800(24)(g) is not
8 exempt in any critical area.

9 7. Personal wireless service facilities in WAC 197-11-800(25) are not
10 exempt in any critical area.

11 **Rationale:** Under WAC 197-11-800(23)(b), utility lines less than 12 inches in diameter
12 are exempt from SEPA review unless the development is located in a critical area. This
13 section currently states that lines 8 inches or less are not SEPA exempt if located in a
14 critical area, but as written, it still exempts lines between 8.01 and 12 inches in diameter
15 even if in a critical area. The exemption in WAC 197-11-800(23)(b) used to apply to
16 utility lines 8 inches and above, but was raised to 12 inches in 2014; however, this
17 section was never updated to correspond to the larger exemption.
18

19 **5. Appendix A page 20, Mixed Use Design Standards- Correct reference to**
20 **garage standards**

21 **Townhouses**

22 With increasing land costs, townhouses are becoming the “single-family home” for the
23 new generation of first time home-buyers in the Pacific Northwest.

24 Townhouses have also proven to be popular with empty nesters seeking smaller
25 spaces and no yard work. The mixed-use development examples herein show how
26 townhouses can successfully be integrated into a pedestrian-oriented
27 mixed-use environment.
28

29 **Key Applicable Standards**

- 30 Larger development site must meet mixed-use requirement
31 Larger residential development must be within density range of 18-43
32 dwelling units per acre
33 Open space requirements per Section A.1
34 Building use, location, and orientation requirements per Section A.2
35 Parking garage standards per Section B.5.4
36 Building design standards per Chapter D
37

38 **Rationale:** There is no section B.5. Garage and parking standards are found in B.4.
39
40
41

1 **REFERENCE UPDATES**

2
3 **6. Chapter 5.45, Adult Entertainment Enterprises-Update Department of Public**
4 **Services references to Community Development**

5 **5.45.020 Definitions.**

6 As used in this chapter:

7 *****

- 8 (11) "Department" means the ~~office of planning and development review of the~~
9 ~~Clark County department of public services.~~ Community Development
10 Department.

11 *****

12 **5.45.040 License applications—When and where to apply.**

13 Applications for a license, whether original, transfer or renewal, must be made to the
14 planning manager by the intended operator of the adult entertainment enterprise.
15 Applications shall be made by hand delivery to the permit center of the Clark County
16 ~~department of public services~~ Community Development Department. during regular
17 business hours, Monday through Friday, excluding holidays. Applications for licenses
18 shall be made on a form to be furnished by the department. The application shall be
19 accompanied by an application for site plan review pursuant to Section 40.520.040 of
20 this code. (Sec. 3 of Ord. 1990-08-03)

21 **5.45.090 License—Term and renewal—Transferability.**

- 22 (1) Term and Renewal. Each adult entertainment license shall be valid for a period of
23 one (1) year and shall expire on the anniversary of the date of issuance of the
24 license, unless sooner revoked, or surrendered. Each adult entertainment license
25 shall be subject to renewal as of its expiration date by the filing of a permit and
26 license renewal application with the Planning Manager. Renewal applications must
27 be filed at least twenty (20) days prior to the expiration date of the permit that is to
28 be renewed.

- 29 (2) Transferability.

- 30 (a) An adult entertainment license is personal to the operator and owner or
31 owners designated in the application, but may be transferred pursuant to this
32 section. A transfer application must be filed within twenty (20) days prior to any
33 change in owners or operators designated in the application. A transfer
34 application shall be made by hand delivery to the permit center of the Clark
35 County ~~Department of Public Services~~ Community Development Department
36 during regular business hours, Monday through Friday, excluding holidays.
37 Applications for transfers shall be made on a form or forms to be furnished by
38 the Department.

- 1 (b) The form of application for transfer shall include a statement under oath that
2 the original application remains correct as previously submitted in all respects
3 except those that are amended by an application. The transfer application shall
4 contain a statement under oath that the individual signing the transfer
5 application has personal knowledge of the information contained therein, that
6 the information is true and correct, and that the person signing the application
7 has read this chapter.
- 8 (c) No transfer application shall be accepted for filing unless accompanied by
9 payment of one-half (1/2) the fee prescribed in Section 5.45.060.
- 10 (d) Transfer approval shall be valid for the remaining term of the original license.
- 11 (e) In the event that a transfer application is not timely filed, then the license shall
12 be invalid for any purpose relating to the operation of the adult entertainment
13 enterprise and any transfer shall thereafter be treated as an original
14 application. (Sec. 3 of Ord. 1990-08-03)

15
16 **7. Chapter 10.08A, Vehicle Load Limits-Update Department of Public Services**
17 **references to Community Development**

18 **10.08A.090 Municipal transit vehicles, school buses, emergency vehicles, and**
19 **trucks transporting perishables.**

- 20 (1) Municipal transit vehicles, school buses, emergency vehicles, and trucks with
21 loads fifty percent (50%) or more of which is perishables with a shelf life of twenty-
22 one (21) days or less, shall be exempt from the restrictions set out in Section
23 10.08A.040.
- 24 (2) Municipal transit vehicles, school buses, emergency vehicles and trucks with loads
25 fifty percent (50%) or more of which is perishable commodities with a shelf life of
26 twenty-one (21) days or less, trucks with loads necessary for agriculture, or
27 commodities necessary for the health and welfare of local residents shall be
28 allowed to operate under such modified weight and speed restrictions as deemed
29 necessary by the director of public services to protect county roads from undue
30 damage where road use is restricted pursuant to Section 10.08A.070. An
31 emergency closure trip permit must be secured from the ~~office of the department of~~
32 ~~public services~~ Community Development Department prior to the operation of any
33 vehicle under the modified restrictions referred to above. (Sec. 9 of Ord. 1991-07-
34 13)

35
36
37 **8. 32.04.045, Enforcement Code- Update Department of Public Services**
38 **reference to Community Development**

39 **32.04.045 Misdemeanor penalty.**

- 40 (1) Unless a different criminal penalty is otherwise prescribed, the violation of any land
41 use, public health or nuisance ordinance, including Section 9.24.010, shall
42 constitute a misdemeanor punishable as provided for in Section 1.02.210.

1 (2) ~~Staff for the department of public services~~ Community Development staff may
2 initiate criminal prosecution in lieu of or in addition to the civil penalty provided for
3 hereinafter when, after consultation with the Prosecuting Attorney, they are of the
4 opinion that the civil penalty has or will not be effective, timely, or when the violation
5 is a second or subsequent violation. (Sec. 2 of Ord. 1989-10-30; amended by Sec.
6 3 of Ord. 1991-11-09)
7

8 **Rationale:** The Department of Public Services changed its name to Community
9 Development during the 1990's.

10
11 **9. 40.570.080.C.3.c, SEPA and County Decisions-Update references to sewer**
12 **regulations**
13

14 c. Water. It is the county's policy to conserve and protect the quality, quantity and
15 functional value of surface waters, wetlands, floodplains, and groundwater by enforcing
16 the following code provisions and resolutions and through the imposition of other
17 reasonable measures, including monitoring and hydrologic studies of surface and
18 groundwaters, to mitigate water-related impacts; provided, that minor new construction
19 including the construction, reconstruction or expansion of single-family residences or
20 accessory residential structures on pre-existing lots containing wetlands shall only be
21 subject to State Environmental Policy Act mitigation measures where clearly necessary
22 to prevent or lessen identified and significant environmental degradation:
23

- 24 (1) Chapter 40.386, Stormwater and Erosion Control;
25
26 (2) Chapter 40.450, Wetland Protection;
27
28 (3) Chapter 40.410, Critical Aquifer Recharge Areas;
29
30 (4) Chapter 40.420, Flood Hazard Areas;
31
32 (5) Section 40.250.022, Surface Mining Overlay District;
33
34 (6) Chapter 40.460, Shoreline Overlay District;
35
36 (7) Chapter ~~24.04, Sewage Regulations~~ 40.370 Sewer and Water;
37
38 (8) Chapter ~~24.05, Individual Sewage Disposal System Requirements~~ 24.17 On-site
39 Sewage Systems Rules and Regulations;
40
41 (9) Chapter 24.12, Solid Waste Management;
42
43 (10) Resolution No. 1991-07-35, coordinated water system plan;
44
45 (11) Resolution No. 1994-03-16, groundwater management plan.
46

1 **Rationale:** Chapters 24.04 and 24.05 were repealed in 2007 and replaced with updated
2 sewage regulations.

3
4 **10. 40.350.030.B.4.b.(1)(c), Road Standards-Update subsection regarding the**
5 **number of lots that can obtain access from a shared driveway**
6

7 4. Access Management.

8 a. Applicability. As noted in Section 40.350.030(A)(2), this subsection
9 also applies to applications for building permits and applications for
10 access to public roads.

11 b. Access to Local Access Roads.

12 (1) Driveway Spacing.

13 (a) Excepting the bulbs of cul-de-sacs, driveways providing
14 access onto nonarterial streets serving single-family or
15 duplex residential structures shall be located a minimum of
16 five (5) feet from the property lines furthest from the
17 intersection. Where two (2) driveways are permitted, a
18 minimum separation of fifty (50) feet shall be required
19 between the driveways, measured from near edge to near
20 edge.

21 (b) Corner lot driveways shall be a minimum of fifty (50) feet
22 from the intersecting property lines, as measured to the
23 nearest edge of the driveway, or in the case where this is
24 impractical, the driveway may be limited to twenty (20) feet
25 in width and located five (5) feet from the property line away
26 from the intersection or as a joint use driveway at this
27 property line. Where a residential corner lot is located at the
28 intersection of a nonarterial street with an arterial street, the
29 corner clearance requirements of Section
30 40.350.030(B)(4)(c)(2)(f) shall apply to the nonarterial street.

31 (c) Flag lots and joint driveways serving ~~two (2) or three (3)~~ up
32 to four (4) lots are exempt from the requirements of this
33 subsection.

34 (d) Nonresidential driveways are prohibited from taking access
35 from an urban access road as defined in Table 40.350.030-2
36 unless no access exists or can be provided to a collector.

37 **Rationale:** In 2014, the number of lots that can be accessed by a joint driveway under
38 40.350.030.B.11 was changed from three to four. This is an update for consistency with
39 that section.
40

1 **11. 40.500.010, Summary of Procedures and Processes-Update 5 year deadline**
2 **reference to 7 years for extensions of final plat phases**

3 *****

4 B. Development Approvals Timeline – General.

5 1. Basic Rule. Preliminary approval of land divisions (Chapter 40.540), site
6 plan approval (Section 40.520.040), uses subject to review and
7 approval (R/A) (Section 40.520.020), approval of conditional use
8 permits (Section 40.520.030), approval of planned unit developments
9 (Section 40.520.080), approval of mixed use developments (Section
10 40.230.020), approval of master plans (Section 40.520.070), and
11 approval of variances (Section 40.550.020) shall be valid for a period of
12 seven (7) years after approval. The right to develop an approved land
13 division, site plan, use permitted subject to review and approval (R/A),
14 conditional use permit, planned unit development or variance or part
15 thereof expires seven (7) years after the effective date of the decision
16 approving such development, unless:

- 17 a. For land divisions – A fully complete application for a final plat has
18 been submitted.
- 19 b. For use approvals that do not require a building permit – The permitted
20 use has legally commenced on the premises.
- 21 c. For all other approvals – A building permit for the approved
22 development has been issued and remains in effect, or a final
23 occupancy permit has been issued.

24 2. Extensions – Phased Developments.

25 a. Those applications specifically approved for phased development may
26 receive an unlimited number of subsequent two (2) year extensions in
27 accordance with the following:

28 (1) At least one (1) phase has met the general development
29 approvals timeline basic rule described in Section
30 40.500.010(B)(1);

31 (2) The request for the extension has been submitted in writing to
32 the responsible official at least thirty (30) days prior to the ~~five (5)~~
33 seven (7) year deadline, or, in the case of a subsequent
34 extension request, at least thirty (30) days prior to the expiration
35 of the approval period;

36 (3) The applicant has demonstrated an active effort in pursuing
37 the next phase of the application; and

1 (4) The applicant has demonstrated that there are no significant
2 changes in conditions which would render approval of the
3 application contrary to the public health, safety or general
4 welfare.

5 **Rationale:** In 2011, the Board extended the time that developers have to complete final
6 land use processes from 5 years to 7 years. The reference above should have been
7 updated with that code change.

8
9 **12. 40.520.020.D.8, Uses Subject to Review and Approval (R/A) – Update**
10 **reference to special use section that applies to townhomes**

11 D. Approval Criteria – Special Uses.

12 When the following uses are allowed subject to review and approval (R/A) the
13 responsible official shall review them subject to the applicable standards and criteria in
14 Chapter 40.260:

- 15 1. Accessory dwelling units (Section 40.260.020);
- 16 2. Bed and breakfast establishments (Section 40.260.050);
- 17 3. Home businesses – Type II (Section 40.260.100);
- 18 4. Kennels (Section 40.260.110);
- 19 5. Mobile homes on individual lots (Section 40.260.130);
- 20 6. Mobile home parks (Section 40.260.140);
- 21 7. Opiate substitution treatment facilities (Section 40.260.165);
- 22 8. Townhouse developments (Section 40.260.230 ~~155~~);
- 23 9. Wireless communications facilities (Section 40.260.250);
- 24 10. Zero lot line development (Section 40.260.260).

25 **Rationale:** The townhome special use section 40.260.230 was repealed and replaced
26 with the addition of the narrow lot standards section 40.260.155 in 2011.

27 **13. 40.540.120, Alteration and Vacation of Final Plats-Update approval timeline**
28 **between preliminary and final approval for plat alterations**

1 40.540.120

2 *****

3 B. Process.

4 *****

5 3. Final Approval. Within ~~five (5)~~ seven (7) years of the date of preliminary approval
6 of the vacation or alteration, the applicant shall submit for final plat approval
7 through the final plat process of Section 40.540.070. If the nature of the plat
8 alteration is minor, the review authority may set appropriate conditions and
9 processes for final review and recording of the alteration at the time of
10 preliminary approval.

11
12 **Rationale:** In 2013 the preliminary approval “shelf life” of most land use approvals was
13 extended from 5 years to 7 years. This reference was overlooked with the code was
14 changed.

15
16 **14. Appendix F, Highway 99 Overlay standards Section 7.5.2 – Update**
17 **reference to townhouse standards**

18
19 Townhouse Configuration and Orientation

20
21 (1) Code applicability. Townhouses shall be exempt from development criteria set forth
22 in Table ~~40.260.230-1, CCC 40.260.230, 40.220.020-4~~ except for minimum density (all
23 overlays) and maximum density (Single Family Overlay only).

24
25 **Rationale:** The special use standards for townhouses in 40.260 were integrated into the
26 “multifamily” zoning district, and are now in Table 40.220.020-4.

27
28
29 **CLARIFICATIONS**

30
31
32 **15. Appendix F, Highway 99 Overlay standards Section 9.3.2 Trail**
33 **Implementation – Clarify that Level II addition and remodel projects are not**
34 **subject to trail requirements**

35
36 9.3.2 Trail Implementation

37 Proposed trails shall be constructed by the developer/applicant in conjunction with new
38 development **and Level II Remodels** as set forth in Chapter 1. Trails shall be provided in
39 perpetual easements granting public access unless otherwise agreed upon by the
40 county and the project applicant. Limited fee reductions and exemptions may be
41 available. New developments exempt from trail implementation:

- 42 • Individual single family homes and duplexes

43

1 **Rationale:** Under the Highway 99 code, there are three different levels of project
2 review, depending on the scope of the project, with 3 different corresponding levels of
3 adherence with the Highway 99 code. The middle level of review applies to “Additions
4 and Remodels” of existing buildings.

5
6 Under this section, trails are required with “Additions and Remodels” as set forth in
7 Chapter 1 as well as new projects; however Chapter 1, Section 1.2 does not list trails as
8 a requirement, and the Pedestrian Access and Connectivity section 5.3.1(3)(c)(iv)
9 requires trails only for completely new development projects.

10
11 Community Planning staff that remembered the Highway 99 code adoption process
12 noted that the requirement for trails for additions and remodels was proposed in early
13 drafts of the highway 99 code, but eliminated from the final approved code.

14
15 **16. 40.100.070, Definitions-Clarify corner lot street side setback requirements**
16

Lot line, front	“Front lot line” means that portion of the property line abutting a street right-of-way, street easement, street tract, or private driveway easement. • 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 street, one (1) front lot line and one (1) street side lot line shall be designated, except that <u>Within a street side setback,</u> entrances to garages, carports, or similar vehicular shelters shall maintain a front yard <u>minimum eighteen (18) foot</u> setback from the property line, street easement, street tract or inside edge of any pedestrian easement, whichever is greater <u>when the street side setback for the applicable zoning district is less than eighteen (18) feet.</u> If access is provided to a corner lot by an alley, the front lot line is that which is most opposite the alley.
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17
18 **Rationale:** This item applies to corner lots that have driveway access on two street
19 frontages. Such corner lots are designated a front yard setback, and a street side
20 setback. When a garage is proposed on both the front and street sides, the code
21 currently requires a front yard setback for garages on both the front and street sides.
22 Requiring a front yard setback makes sense for lots in zones that have 18 foot front
23 setbacks. This ensures that cars parked in front of garages don’t block sidewalks.
24 However, many rural lots require front yard setbacks of 50 feet, and the code as written
25 requires a 50’ setback to both the front and street sides for garages, when other
26 structures are allowed to use a 25’ street side setback.

27
28 The proposed language will allow garage fronts to use the normal street side setbacks
29 as long as the street side setback is at least 18’; it will still require a minimum 18’ foot
30 garage setback for lots that have normal street side setbacks of less than 18 feet.

1
2 **17. Tables 40.210.020-3, 40.210.030-3, 40.210.040-3, and 40.230.070-3 - Clarify**
3 **that fire regulations may require side and rear setbacks greater than 10 or 20 feet**
4

Table 40.210.020-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet) ²		
		Street (feet)	Interior <u>1</u> (feet)			
R-20	50 ⁵	25	20, 50 ⁴	20, 50 ²	N/A	35 ³
R-10	50 ⁵	25	20, 50 ⁴	20, 50 ²	N/A	35 ³
R-5	50 ⁵	25	20, 50 ⁴	20, 50 ²	N/A	35 ³

5 ¹ *Side Setback. Minimum side setback on each side of the residential dwelling and*
6 *incidental buildings shall be twenty (20) feet unless fire regulations require a greater*
7 *setback, and fifty (50) feet for accessory buildings used for agricultural purposes. Side*
8 *setbacks from abutting property zoned for natural resource Agricultural or Forestry or*
9 *surface mining uses shall be a minimum of fifty (50) feet for all structures. Side setbacks*
10 *from abutting property zoned for surface mining uses shall be one hundred-fifty (150)*
11 *feet, unless a lesser setback is approved per Section 40.250.022.D.2.b.*

12 ² *Rear Setback. Minimum rear setback for all structures when the abutting property is*
13 *not zoned for natural resource or surface mining uses is twenty (20) feet unless fire*
14 *regulations require a greater setback. Minimum rear setback for all structures shall be*
15 *fifty (50) feet when abutting property is zoned for natural resource uses. Rear setbacks*
16 *from abutting property zoned for surface mining uses shall be a minimum of one*
17 *hundred-fifty (150) feet for all structures, unless a lesser setback is approved per*
18 *Section 40.250.022.D.2.b.*

19 ³ *Residential buildings only.*

20 ⁴ *Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).*

21 ⁵ *From public road right-of-way, private road easement or tract, or private driveway*
22 *easement that provides access to the lot.*

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front ⁵ (feet)	Side		Rear (feet) ²		
		Street ⁵ (feet)	Interior (feet) ¹			

RC-2.5	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³
RC-1	25	25	10, 50 ¹	10, 50 ²	N/A	35 ³

1 ¹ Side Setback. Minimum side setback on each side of the residential dwelling and
2 incidental buildings shall be twenty (20) feet unless fire regulations require a greater
3 setback, and fifty (50) feet for accessory buildings used for agricultural purposes. Side
4 setbacks from abutting property zoned for ~~natural resource~~ Agricultural or Forestry or
5 surface mining uses shall be a minimum of fifty (50) feet for all structures. Side setbacks
6 from abutting property zoned for surface mining uses shall be one hundred-fifty (150)
7 feet, unless a lesser setback is approved per Section 40.250.022.D.2.b.

8 ² Rear Setback. Minimum rear setback for all structures when the abutting property is
9 not zoned for natural resource or surface mining uses is twenty (20) feet unless fire
10 regulations require a greater setback. Minimum rear setback for all structures shall be
11 fifty (50) feet when abutting property is zoned for natural resource uses. Rear setbacks
12 from abutting property zoned for surface mining uses shall be a minimum of one
13 hundred-fifty (150) feet for all structures, unless a lesser setback is approved per
14 Section 40.250.022.D.2.b.

15 ³ For all structures.

16 ⁴ Setbacks for nonconforming lots shall be those as set forth for conforming lots except
17 in cases where the standard setbacks will result in the buildable area of the lot being
18 reduced to less than ten thousand (10,000) square feet. In these cases setbacks may
19 be reduced to achieve a building envelope of at least ten thousand (10,000) square feet,
20 however in no case may they be reduced to less than twenty (20) feet for the front
21 setback and five (5) feet for the side and rear setbacks.

22 ⁵ Setbacks in rural centers are measured from right-of-way, and not from public
23 sidewalk easements; provided, that setbacks to garage and carport entrances shall
24 maintain a minimum eighteen (18) foot setback from sidewalk easements.

Table 40.210.040-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet) <u>2</u>		
		Street (feet)	Interior (feet) <u>1</u>			
UR-20	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³
UR-10	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³
UR-40	50	20, 50 ¹	20, 50 ¹	20, 50 ²	N/A	35, 50 ³

25 ¹ Side Setback. Minimum side setback on each side of the residential dwelling and
26 incidental buildings shall be twenty (20) feet unless fire regulations require a greater
27 setback, and fifty (50) feet for accessory buildings used for agricultural purposes. Side

1 setbacks from abutting property zoned for ~~natural resource~~ Agricultural or Forestry or
 2 surface mining uses shall be a minimum of fifty (50) feet for all structures. Side setbacks
 3 from abutting property zoned for surface mining uses shall be one hundred-fifty (150)
 4 feet, unless a lesser setback is approved per Section 40.250.022.D.2.b.

5 ² Rear Setback. Minimum rear setback for all structures when the abutting property is
 6 not zoned for natural resource or surface mining uses is twenty (20) feet unless fire
 7 regulations require a greater setback. Minimum rear setback for all structures shall be
 8 fifty (50) feet when abutting property is zoned for natural resource uses. Rear setbacks
 9 from abutting property zoned for surface mining uses shall be a minimum of one
 10 hundred-fifty (150) feet for all structures, unless a lesser setback is approved per
 11 Section 40.250.022.D.2.b.

12 ³ Thirty-five (35) feet for residential structures, fifty (50) feet for nonresidential structures.

13 ⁴ Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).

14

Table 40.230.070-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet)	Side		Rear (feet) ²		
		Street (feet)	Interior (feet) ¹			
UH-10	50	25	20, 50 ¹	20, 50 ²	N/A	35 ³
UH-20	50	25	20, 50 ¹	20, 50 ²	N/A	35 ³
UH-40	50	25	20, 50 ¹	20, 50 ²	N/A	35 ³

15 ¹ Side Setback. Minimum side setback on each side of the residential dwelling and
 16 incidental buildings shall be twenty (20) feet unless fire regulations require a greater
 17 setback, and fifty (50) feet for accessory buildings used for agricultural purposes. Side
 18 setbacks from abutting property zoned for ~~natural resource~~ Agricultural or Forestry or
 19 surface mining uses shall be a minimum of fifty (50) feet for all structures. Side setbacks
 20 from abutting property zoned for surface mining uses shall be one hundred-fifty (150)
 21 feet, unless a lesser setback is approved per Section 40.250.022.D.2.b.

22 ² Rear Setback. Minimum rear setback for all structures when the abutting property is
 23 not zoned for natural resource or surface mining uses is twenty (20) feet unless fire
 24 regulations require a greater setback. Minimum rear setback for all structures shall be
 25 fifty (50) feet when abutting property is zoned for natural resource uses. Rear setbacks
 26 from abutting property zoned for surface mining uses shall be a minimum of one
 27 hundred-fifty (150) feet for all structures, unless a lesser setback is approved per
 28 Section 40.250.022.D.2.b.

29 ³ Residential buildings only.

1 ⁴ *Nonconforming lots subject to the provisions of Section 40.530.010(D)(2).*

2 **Rationale:** In these tables, two main options for side and rear setbacks are listed which
3 apply to the majority of properties. Fifty foot setbacks apply to agricultural buildings, or
4 when an abutting property is zoned Ag or Forest. A 10 or 20 foot setback (depending on
5 the zoning district) applies to non-agricultural buildings that don't abut Ag or Forest
6 property. But when a property is located within a Wildland Urban Interface/Intermix
7 area, or when fire flow is inadequate, the 10 or 20 foot side and rear setbacks may not
8 be sufficient to meet fire code requirements.

9
10 This clarification of the potential for larger setbacks under these circumstances is not
11 new; this addition is proposed only to alert the reader that a 10 or twenty foot setback
12 may not be adequate in all cases.

13
14 An additional update is proposed in regards to the setbacks to surface mining uses. In
15 2014, the surface mining overlay code was substantially revised to require 150 foot
16 setbacks on lands adjacent to surface mining uses. The change from 50 feet to 150
17 feet will be consistent with the new surface mining code requirement. The 50 foot
18 setback to ag and forest lands will remain the same.

19
20 Note that the 150 foot setback to surface mining uses "may be reduced by the
21 responsible official if the purposes of this chapter can be met with the reduced setback
22 or if it is not feasible to meet the setback due to site constraints. Setbacks shall not
23 apply to existing structures."

24
25
26 **18. 40.260.055, Coffee and Food Stands — Clarify that small coffee and food**
27 **stands are exempt from traffic impact fees**

28
29 40.260.055

30 *****

31 C. Development Standards.

- 32 1. Sites with on-site parking and/or drive-up facilities will require an approved
33 driveway approach with adequate sight distance per Section 40.350.030(B)(8).
34 2. Drive-up stacking. Stands with drive-up windows require three (3), eighteen
35 (18) foot-long queuing spaces per window. Fewer spaces may be approved by
36 the responsible official; provided, that a plan is submitted that shows the site
37 has sufficient overflow areas so that traffic will not block streets, sidewalks, or
38 parking lot circulation aisles.
39 3. Parking. Parking shall meet minimum ADA requirements. One (1) parking
40 space per employee per shift shall be provided. Additional parking for walk-up
41 patrons on undeveloped sites shall be provided at a rate of one (1) space per
42 outdoor seating table. Parking may be provided by the following methods:
43 a. On site;

- 1 b. On-street parking; provided, that the parking space is legally available and
2 along the site's street frontage. Posted-time or day-restricted parking spaces
3 do not qualify as legally available for the purposes of this section; or
4 c. If no parking space is available on-site or on-street, a joint agreement for off-
5 site parking may be used subject to Section 40.340.010(A)(5).
6 4. Paving. Gravel parking and maneuvering areas may be approved, if it provides
7 an adequate all-weather surface. Dust shall not become a nuisance, and
8 gravel shall not be allowed to track onto sidewalks or streets. The creation of
9 additional impervious surface may be subject to the stormwater requirements
10 of Chapter 40.386.
11 5. Building Permits. The stand and any structures associated with the stand, such
12 as add-on canopies, stairs, and decks shall comply with building codes.
13 Trailer-type stands that are raised off wheels shall require building permits for
14 adequate tie-downs.
15 6. Landscaping. Landscaping is not required unless headlight glare associated
16 with drive-up queuing areas will affect abutting residential uses. In those
17 cases, the responsible official may require screening in the form of shrubs or
18 fencing.
19 7. Public Health Approval. All coffee and food stands shall comply with county
20 and state health department regulations, including the provision of restroom
21 and hand washing facilities for employees and patrons.
22 8. Stands approved under this section are not considered "new structures" for the
23 purposes of Section 40.370.010(C).
24 9. Signage. Permanent signs are allowed subject to Chapter 40.310. One (1)
25 portable sign is allowed per street frontage without obtaining a permit under
26 Section 40.310.010(D)(10). Portable signs shall not exceed six (6) square feet
27 per side, shall be removed at the end of each business day, and shall not
28 obstruct vehicular sight distance.
29 10. Accessibility. Outdoor seating areas and restroom facilities shall comply with
30 ADA requirements.
31 11. Setbacks. All stands and accessory structures shall be set back per the
32 requirements of Table 40.320.010; however, the setback area need not be
33 landscaped. Structures, signs, and parking and maneuvering areas shall not
34 obstruct sight distance per Section 40.350.030(B)(8).
35 12. Frontage improvements are not required.
36 13. Developments approved under this section are not subject to traffic impact
37 fees.
38

39 **Rationale:** When the Board adopted the coffee cart code provisions, their intent was to
40 subject these types of developments to limited requirements. In addition, these
41 developments mostly depend on pass-by trips which generate little in the way of traffic
42 impact fees anyway. Addition of this text removes any ambiguity.
43
44
45

1 **19. 40.350.030.B.4.d –Clarify that road taper specifications are not included in**
2 **the County’s standard plans**
3

4 d. Access to Arterials. In order to limit the number of residential roads intersecting
5 with arterials while providing adequate neighborhood circulation, residential
6 roads intersecting with urban arterials shall be classified and constructed to
7 standards applicable to local residential access or collector roads unless the
8 review authority finds that a lesser classification adequately provides for the
9 circulation needs of the surrounding area. In those cases in which an urban
10 access street is less than thirty-six (36) feet wide, such street shall have a
11 minimum width of thirty-six (36) feet at the intersection with the arterial and shall
12 be tapered ~~as shown on the standard plans~~ according to accepted engineering
13 practices and supplemental standards in Section 40.350.030.C.1.(b) as
14 determined by the Public Works Director. Road approach permits not associated
15 with development shall be reviewed using a Type I process.
16

17 **Rationale:** This code section applies to situations when roads less less than 36 feet
18 wide intersect with arterials. The narrower road needs to widen to 36 feet at the
19 intersection with the arterial for safety’s sake. The county has no standard plan detail,
20 and instead uses a number of engineering manuals and guidelines in the design of the
21 rate and distance of taper.
22

23 Changing to “accepted engineering practices and supplemental standards” clarifies that
24 there is no “standard plan”, avoiding fruitless searches in the Standard Details Manual;
25 instead, supplemental standards such as AASHTO and the MUTCD, which the County
26 has adopted by reference, are used.
27

28 Note that definition of *Public Works Director* as defined in CCC 40.100.070 also
29 includes authorized designees of the director, so this text does not require the actual
30 public works director to be involved in each design.
31
32
33
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45

1 **20. Table 40.510.050-1, application submittal requirements-Clarify that proof of**
 2 **submittal to DAHP includes a DAHP response of receipt of an archaeological pre-**
 3 **determination**
 4

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
24. Archaeological Information. If an archaeological review is required, proof that the archaeological predetermination or archaeological survey was submitted to <u>received by</u> the State Department of Archaeology and Historic Preservation for review must be submitted prior to, or concurrent with, the application. (Proof can be via an e-mail confirmation or other conclusive method of proof that DAHP has received the site-specific document for review.)		X

5
 6 **Rationale:** Archaeological pre-determinations (a preliminary archaeological
 7 investigation of a site) are often required prior to issuance of a preliminary land use
 8 decision. The state Department of Archaeology and Historic Preservation reviews these
 9 studies and must issue an “approval” letter prior to a land use decision is issued.
 10 Therefore, it’s important to know that DAHP has acknowledged receipt of the pre-
 11 determination so that it can be anticipated that DAHP can issue a letter in a timely
 12 fashion prior to the County’s preliminary land use decision. The existing language uses
 13 both “submitted to” and “received” and thus can be misleading.
 14

15 The Planning Commission voted no (4-2) on this item, citing concerns that if DAHP fails
 16 to respond to the submission it could hold up the process.

17
 18 **21. 40.520.030.I, Conditional Uses – Clarify the process to expand a**
 19 **conditional use**

20 I. Expansions.

21 ~~1. Subject to Section 40.520.030(G)(2), an existing permitted or lawfully~~
 22 ~~nonconforming conditional use may be expanded or modified following site plan~~
 23 ~~approval pursuant to Section 40.520.040 if the expansion or modification~~
 24 ~~complies with other applicable regulations and is not expressly prohibited by~~
 25 ~~either:~~

26 ~~a. An applicable prior land use decision if the original use is lawfully~~
 27 ~~nonconforming because it was commenced prior to a conditional use permit~~
 28 ~~being required; or~~

1 ~~b. The conditional use permit issued for such use.~~

2 ~~c. A lawful, but nonconforming conditional use must first obtain a conditional use~~
3 ~~permit and the necessary site plan review approval subject to the standards in~~
4 ~~Sections 40.520.030(G)(2) and 40.520.040 prior to expanding or modifying that~~
5 ~~use on the site.~~

6 I. Expansions.

7
8 1. Subject to Section 40.520.030(G)(2), a conditional use may be expanded or
9 modified as follows:

10
11 a. An existing permitted conditional use may be expanded or modified by site plan
12 approval pursuant to Section 40.520.040 if the expansion or modification
13 complies with other applicable regulations and is not expressly prohibited by
14 the approved conditional use permit for the site.

15
16 b. A lawful, but nonconforming conditional use that was commenced prior to a
17 conditional use permit being required may be expanded or modified by site plan
18 approval if the expansion or modification:

19
20 (1) Complies with other applicable regulations;

21 (2) Does not add a new conditional use other than that already existing on the
22 site; and,

23 (3) Qualifies as a Type I site plan review pursuant to Section 40.520.040.

24
25
26 c. A lawful, but nonconforming conditional use that was commenced prior to a
27 conditional use permit being required must first obtain a conditional use permit
28 and the necessary site plan review approval subject to the standards in
29 Sections 40.520.030(G)(2) and 40.520.040 if the expansion or modification
30 qualifies as a Type II site plan review pursuant to Section 40.520.040, or
31 includes a new conditional use not already existing on the site.

32
33
34 **Rationale:** Section I.1.a of the current code states that a “lawfully nonconforming”
35 conditional use (that is, a “grandfathered” use that wasn’t subject to a CUP when it
36 commenced but is now subject to a conditional use permit) can be expanded using just
37 the site plan review process; however, in subsection c, it states that expansion of such
38 uses must obtain a CUP in addition to site plan review.

39
40 This proposed change eliminates the conflicting text and clarifies that a conditional use
41 permit must be obtained when a “grandfathered” conditional use wishes to expand if the
42 scope of improvements triggers Type II site plan review.

43
44 Lesser expansions or modifications that fall below the Type II site plan review threshold
45 would only need site plan review.

1
2 **22. Appendix F, Highway 99 Overlay standards Section 7.4.4 – Clarify that**
3 **garden apartments are subject to multifamily design requirements**
4

5 (1) Windows on the street and/or courtyard. All dwelling units adjacent to courtyard
6 gardens must provide transparent windows and/or doors on at least 15 percent of the
7 facade (this includes any upper levels, if applicable).

8 (2) Building design. Garden apartments ~~should~~ **garden apartments must comply** with the applicable
9 multifamily building design provisions set forth in Chapter 6.

10
11 **Rationale:** This section addresses the design of Garden Apartments, which are one of
12 several multifamily housing types categorized in the Highway 99 code. It contains a typo
13 that reads that they *should* and *must* comply with other design provisions.

14
15 All other multifamily types such as Low Rise, Mid Rise, and Walkups are required to
16 comply with building design provisions in Chapter 6. Garden Apartments have specific
17 requirements for parking and garden areas, but little that dictate architectural design of
18 the buildings themselves, thus staff believes that this conflicting text typo should read as
19 noted.

20
21 The Planning Commission voted against this amendment.

22
23
24 **MINOR POLICY ITEMS**

25
26 **23. 14.06.105.2, Clark County Residential Code – Adopt the International**
27 **Residential Code standard to allow fences up to seven feet high without building**
28 **permits**

29
30 CCC 14.06.105.2 Work exempt from permit.

31 Section R105.2 (Work Exempt from Permit) of the IRC is amended and replaced with
32 the following:

33
34 105.2 Work Exempt from Permit. Exemptions from permit requirements of this code
35 shall not be deemed to grant authorization for any work to be done in any manner in
36 violation of the provisions of this code or any other laws or ordinances of this
37 jurisdiction. Unless otherwise exempted, separate plumbing, electrical and mechanical
38 permits may be required for any of the following exempted items. Permits shall not be
39 required for the following:

40
41 1. One-story detached accessory structures not used for human habitation, provided the
42 floor area does not exceed 200 square feet (18.58 m2).

43
44 2. ~~Fences not over 6 feet (1,829 mm) high.~~ Reserved
45

1 3. Retaining walls which do not support more than 4 feet of unbalanced fill or a
2 surcharge.

3
4 **Rationale:** The County has adopted the 2012 International Residential Code (IRC) for
5 the most part; the County's building code (Title 14) contains the County's exceptions to
6 the IRC. The IRC exempts fences not over 7 feet high from the need to obtain building
7 permits, but the limit of 6 feet still exists in this county code section. Staff proposes that
8 the County conform to the IRC building permit exemption allowance and raise the limit
9 to 7 feet. By striking the entire reference on line 39, the county will automatically adopt
10 the IRC 7' standard.

11
12 **24. Table 40.230.085-1, Employment Districts Use Table- Prohibit wrecking**
13 **yards and tire wholesalers in the Business Park zone**

14
15 NOTE: This amendment was withdrawn by staff pending further research.

16
17 **25. 40.320.010.F,- Amend fence height and setback requirements for retaining**
18 **walls and fences**

19 NOTE: This item is scheduled to return to the Planning Commission on June 16, and
20 will be separated out from the rest of the biannuals.

21
22 **26. Table 40.350.030-1, Rural/Urban Classification table - Add C-2b ("Urban**
23 **Collector with Bike Lanes") classification to the Rural to Urban Classification**
24 **Conversion Table**

25

Table 40.350.030-1. Rural/Urban Classification Conversion		
Rural Classification	Converts to	Urban Classification
Rural Arterial (RA)	← →	Principal or Minor Arterial
Rural Major Collector (R-2)	← →	Minor Arterial or Collector: two lanes, center turn lane and bike lanes (M-2cb or C-2cb)
Rural Minor Collector (RM-2)	← →	Collector: two lanes (C-2) <u>or C-2b</u>
Rural Local Access	← →	Neighborhood Circulator

26

1 **Rationale:** When land is brought into an urban growth boundary for development,
2 formerly rural road classifications must be updated to Urban standards. This table is
3 used to determine which urban street classifications should be applied when urban
4 development takes place.

5 A C-2 road (already included in the table) includes two travel lanes and parking on both
6 sides; a C-2b requires the same right-of-way width but trades the parking lanes for bike
7 lanes. The addition of the C-2b classification allows staff to require bike lanes when
8 appropriate.

9
10 **27. 40.560.010, Plan Amendment Procedures – Limit amendments to the**
11 **Shorelines Master Program to once a year**

12 C. Applicability.

13 The criteria and requirements of this section shall apply to all applications or proposals
14 for changes to the comprehensive plan text, policies, map designations, zoning map
15 or supporting documents. For the purposes of establishing review procedures,
16 criteria and timelines, amendments shall be distinguished as follows:

- 17 1. Countywide comprehensive plan map changes involving urban growth area
18 (UGA) boundary changes and rural lands uses on a rotational basis;
- 19 2. Comprehensive plan map changes not involving a change to UGA boundaries;
- 20 3. Comprehensive plan policy or text changes;
- 21 4. Arterial Atlas amendments;
- 22 5. Changes to other plan documents (such as capital facilities, and the shoreline
23 master program); and
- 24 6. Out-of-cycle amendments limited to the following:

25 *****

26 P. Other Plan Amendment Categories.

- 27 1. Capital facilities plan and updates shall be reviewed at a minimum every four
28 (4) years in Type IV public hearings conducted by the planning commission
29 and board for those facilities subject to county jurisdiction. School capital
30 facility plan and updates shall be reviewed at minimum two (2) year intervals.
- 31 2. The Clark County parks, recreation and open space plan shall be reviewed
32 annually by the Clark County parks advisory board and the board. Any
33 amendments thereto which necessitate changes to the comprehensive plan
34 shall be reviewed in public hearings by the planning commission and the
35 board.

1 3. In updating capital facilities plans, policies and procedures, the county must
2 determine that these updates are consistent with applicable policies and
3 implementation measures of the comprehensive plan, and in conformance
4 with the purposes and intent of the applicable interjurisdictional agreements.

5 4. Changes to the Shoreline Master Program (SMP) shall be limited to once a
6 year, following the plan map procedures schedule in Section 40.560.010.D.
7 Any amendments thereto shall be viewed as a limited amendment consistent
8 with WAC 173-26-201 (1)(c), and shall be processed as a Type IV application
9 pursuant to Section 40.510.040.

10 **Rationale:** RCW 90.58.090 and WAC 173-26-201 outline the process to prepare a
11 limited amendment to the Shoreline Master Program (SMP). However, those processes
12 do not indicate a timeline or how often they can occur.

13
14 Adding amendment procedures through Section 40.560.010 brings certainty to updating
15 the SMP saving time and money spent on the possibility of multiple limited amendments
16 adopted each year. If limited amendment changes are immediately needed, the
17 Shoreline Administrator has the authority in CCC 40.460.705 (F) to interpret and apply
18 the provisions of the SMP through a Management Decision allowing planning staff to
19 implement immediately needed changes until a limited amendment is approved by
20 DOE.

21
22 The Department of Ecology and staff are in support of streamlining the limited
23 amendment process by adding procedures as described below in Section 40.560.010
24 providing certainty to SMP limited amendments.

25 **28. 40.570.090.D.1.b, SEPA Critical Areas - Eliminate SEPA review requirement**
26 **for Shoreline Exemptions that are located within Flood Hazard Areas**

27 D. Critical Areas.

28 1. Clark County designates the following as critical areas, in which the exemptions
29 as specified in subsection (E) of this section do not apply:

30 a. Shoreline Management Areas. Land and water areas under jurisdiction of the
31 Shoreline Management Act are critical areas. These shorelines of the county
32 are mapped in the Clark County Shoreline Master Program, which maps are
33 incorporated in this chapter by reference. All development subject to
34 shorelines substantial development permits, shorelines conditional use
35 permits, and shorelines variance permits are subject to SEPA, except that
36 SEPA review shall not be required for the exempt shoreline developments
37 listed in Section 40.460.230(B); provided, that no part of the exempt
38 shoreline development is undertaken on lands covered by water as defined
39 in WAC 197-11-756. In addition, the minor repair or replacement of
40 structures such as pilings, ramps, floats, or mooring buoys, or minor repair,
41 alteration, or maintenance of docks that are specifically exempted within
42 WAC 197-11-800(3) shall also be exempt from SEPA review.
43

1 b. Floodplains. Except for exempt shoreline developments listed in Section
2 40.570.090.D.1.a that are above the ordinary high water mark or other
3 development outside of shorelines areas that does not require a Flood
4 Hazard Permit under 40.420, all All areas within the ~~one hundred (100) year~~
5 ~~floodplain boundary~~ Special Flood Hazard Areas delineated by the Federal
6 Emergency Management Agency (FEMA) under the Flood Insurance Study
7 for Clark County are critical areas. These ~~one hundred (100) year floodplains~~
8 Special Flood Hazard Areas are designated on FEMA's Flood Insurance
9 Rate Maps (FIRM), which are incorporated in this chapter by reference.

10
11 **Rationale:** Development within Shorelines areas requires review under the County's
12 Shoreline code. Certain types of development are exempt from obtaining a Shorelines
13 Substantial Development Permit; these projects are referred to as "Shorelines
14 Exemptions" which generally require less exhaustive application and review
15 requirements. Under existing code, Shoreline Exemptions don't require SEPA review
16 unless they are located within flood hazard areas.

17
18 Staff believes that SEPA serves limited function for these projects, since they already
19 require review under the Shorelines code, as well as the flood hazard code.

20
21 This code amendment would eliminate the SEPA review requirement for Shorelines
22 Exemptions that are located in flood hazard areas. It would not eliminate the need for
23 flood hazard review.

24
25 **29. Sections 4.2 though 4.6, Highway 99 Overlay Standards-Process wireless**
26 **communication facilities as Conditional Uses in the Highway 99 Overlay area**

27
28 **4.2 Activity Center**

29
30 **Permitted Uses**

31 Additional uses permitted:

- 32 • All housing types shown in Table

33 4.1.

- 34 • All the uses shown as Review and Approval are permitted and are not subject to the
35 Review and Approval procedures or requirements. All uses shown as conditional in
36 CCC Chapters 40.220 and 40.230, except for those listed below, are permitted, and are
37 not subject to the conditional use requirements of ~~CCC 50.520.030~~ Section 40.520.030.

38
39 The following uses are still subject to conditional use review and requirements:

- 40 • Event facilities in excess of 50,000 square feet
41 • Hospitals
42 • Outdoor paintball facilities
43 • Drive-in theaters
44 • Stadium arena facilities
45 • Zoos
46 • Solid waste handling and disposal sites

- 1 • Type III wireless communication facilities
2
3

4 4.3 Transitional Overlay 5

6 Permitted Uses

7 See CCC Chapters 40.220 and 40.230 for permitted uses for the underlying zoning.

8 Overlay exceptions:

- 9 • Additional uses permitted:

10 All housing types except for single family are only permitted when part of a mixed-use
11 development (vertical or horizontal mixed-use, as defined in Chapter 10)
12

- 13 • All the uses shown as Review and Approval are permitted and are not subject to the
14 Review and Approval procedures or requirements. All uses shown as conditional in
15 CCC Chapters 40.220 and 40.230, except for those listed below, are permitted, and are
16 not subject to the conditional use requirements of ~~CCC 50.520.030~~. Section 40.520.030.
17

18 The following uses are still subject to conditional use review and requirements:

- 19 • Event facilities in excess of 50,000 square feet
20 • Hospitals
21 • Outdoor paintball facilities
22 • Drive-in theaters
23 • Stadium arena facilities
24 • Zoos
25 • Solid waste handling and disposal sites
26 • Type III wireless communication facilities
27
28

29 4.4 Multifamily Overlay 30

31 Permitted Uses

32 See CCC Chapter 40.220 for permitted uses for the underlying zoning. Overlay
33 exceptions:
34

- 35 • All the uses shown as Review and Approval are permitted and are not subject to the
36 Review and Approval procedures or requirements. All uses shown as conditional in
37 CCC Chapter 40.220, except for those listed below, are permitted, and are not subject
38 to the conditional use requirements of ~~CCC 50.520.030~~. Section 40.520.030.
39

40 The following uses are still subject to conditional use review and requirements:

- 41 • Mini-storage warehouse
42 • Clubs, Lodges & Charitable institutions
43 • Solid waste handling and disposal sites
44 • Type III wireless communication facilities
45
46

1 **4.5 Mixed Residential Overlay**

2
3 **Permitted Uses**

4 See ~~CCG Chapter~~ 40.220 for permitted uses for the underlying zoning. Overlay
5 exceptions:

- 6 • See Permitted Housing Types below
- 7
- 8 • All the uses shown as Review and Approval are permitted and are not subject to the
- 9 Review and Approval procedures or requirements. All uses shown as conditional in
- 10 ~~CCG Chapter~~ 40.220, except for those listed below, are permitted, and are not subject
- 11 to the conditional use requirements of ~~CCG 50.520.030.~~ Section 40.520.030.
- 12

13 The following uses are still subject to conditional use review and requirements:

- 14 • Hospitals
- 15 • Mini-storage warehouse
- 16 • Clubs, Lodges & Charitable institutions
- 17 • Solid waste handling and disposal sites
- 18 • Type III wireless communication facilities
- 19
- 20

21 **4.6 Single Family Overlay**

22
23 **Permitted Uses**

24 See ~~CCG Chapter~~ 40.220 for permitted uses for the underlying zoning. Overlay
25 exceptions:

- 26
- 27 • See Permitted Housing Types below
- 28
- 29 • All the uses shown as Review and Approval are permitted and are not subject to the
- 30 Review and Approval procedures or requirements. All uses shown as conditional in
- 31 ~~CCG Chapter~~ 40.220, except for those listed below, are permitted, and are not subject
- 32 to the conditional use requirements of ~~CCG 50.520.030.~~ Section 40.520.030.
- 33

34 The following uses are still subject to conditional use review and requirements:

- 35 • Solid waste handling and disposal sites
- 36 • Type III wireless communication facilities
- 37
- 38

39 **Rationale:** New wireless communication facilities are conditional uses in all urban
40 residential and commercial zones that are outside of the Highway 99 Overlay area. This
41 section of the Highway 99 Overlay standards allows many uses that are otherwise listed
42 as conditional uses is their respective zones to be reviewed as Permitted uses in
43 Highway 99, including wireless facilities. Staff believes that wireless communication
44 facilities should be processed as conditional uses which require a public hearing in
45 activity areas.

1 Chapter 40.230 (Commercial, Business, Mixed Use and Industrial Districts) was added
2 to the text because Chapter 40.220 (Urban Residential Districts) are not the only zoning
3 found in activity areas. In fact, most of the uses that are still listed as conditional are not
4 allowed in the Urban Residential Districts, thus lending credence to the idea that 40.230
5 was intended to be included.

6

7 The Planning Commission voted against the proposed text change.

8

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