



CLARK COUNTY STAFF REPORT

DEPARTMENT: Environmental Services, Clean Water Division

DATE: November 24, 2015 Public Hearing

REQUESTED ACTION:

Conduct Public Hearing to receive comments and adopt Ordinance 2015-11-24 that includes creation of new Clark County Code (CCC) 40.386, revisions to CCC 13.26A and stormwater-related language throughout Title 40 and Clark County Stormwater Manual 2015 (Manual), by reference. The adopted documents shall be effective on January 4, 2016.

Consent Hearing County Manager

BACKGROUND

Pursuant to Clark County's Phase I Municipal Stormwater Permit issued under the National Pollution Discharge Elimination System (NPDES) program, the county must update the Manual and stormwater-related code to be equivalent to the *2014 Stormwater Management Manual for Western Washington*. Clark County staff worked for the last two years with internal and external stakeholders to identify issues and considerations to include in the updated documents.

Staff reviewed the updated materials with the Development Engineering Advisory Board and the Planning Commission in the fall 2015. A Planning Commission public hearing on October 15, 2015 included a presentation of the updates, no public comments were received and a recommended approval vote 7-0. The Department of Ecology has provided a conditional equivalency approval on October 15, 2015.

The County Manual will be adopted by reference in the updated stormwater code. Proposed code changes include (1) repeal of Chapter 40.385 CCC and its replacement by new Chapter 40.386 CCC; (2) updates to the Water Quality Code, Chapter 13.26A CCC, to harmonize with the new Manual and remove outdated language; and, (3) updates to Title 40 update to refer to the new Manual and remove barriers to fully utilizing Low Impact Development (LID) techniques. The State Department of Ecology requires that these updates and revisions become effective by January 8, 2015.

COUNCIL POLICY IMPLICATIONS

Clark County is required by the State of Washington Department of Ecology to make updates to our Manual and related codes effective by January 8, 2016. If the materials

are not adopted, the county will be non-compliant with the NPDES Phase I Municipal Stormwater Permit.

ADMINISTRATIVE POLICY IMPLICATIONS

The various county departments affected by the updated Manual and Code will be required to update implementation procedures and policies to effectively serve customers who will need to comply with the regulations.

COMMUNITY OUTREACH

The Clean Water Division utilized two outreach groups for the majority of input, as well as e-mail distribution of materials. A Technical Advisory Committee comprising of local engineers and stormwater experts met ten (10) times to review and discuss code and manual updates. A Stakeholder Advisory Committee met six (6) times to review materials and solicit feedback. E-newsletters were sent to a general e-mail distribution list eight times. All project materials were made available for public information on the website at: www.clark.wa.gov/environment/stormwater/management/code.html. Public reviews of draft Manual and Code language were made available on June 30, 2014, September 17, 2015 and November 10, 2015. Public comments were logged and considered in the final version of the documents. Department of Commerce review of code language was completed on August 17, 2015 with no comments received. A SEPA review completed public review on August 3, 2015 with no comments received. There are no outstanding issues to be clarified.

BUDGET IMPLICATIONS

| YES | NO | |
|-----|----|--|
| X | | Action falls within existing budget capacity. |
| | | Action falls within existing budget capacity but requires a change of purpose within existing appropriation |
| | | Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager. |

BUDGET DETAILS

| | |
|--------------------------|-----|
| Local Fund Dollar Amount | n/a |
| Grant Fund Dollar Amount | n/a |
| Account | n/a |
| Company Name | n/a |

DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>



Dean Boening
Clean Water Division Manager



Don Benton
Director



APPROVED:
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: NOV. 24, 2015

SR# _____

APPROVED: _____
Mark McCauley, Acting County Manager

DATE: _____

Exhibit A – Clark County Code and Stormwater Manual Update binder:

- Department of Ecology Equivalency Letter – October 15, 2015
- Adopting Ordinance – includes all code revisions
- Clark County Stormwater Manual – 1) Introduction; 2) Book 1 – Administration; 3) Book 2 – BMP Design; 4) Book 3 – Source Control; 5) Book 4 – Operations and Maintenance

BUDGET IMPACT ATTACHMENT

Part I: Narrative Explanation

- I. A – Explanation of what the request does that has fiscal impact and the assumptions for developing revenue and costing information.
No financial impact beyond approved budget

Part II: Estimated Revenues

| Fund #/Title | Current Biennium | | Next Biennium | | Second Biennium | |
|--------------|------------------|-------|---------------|-------|-----------------|-------|
| | GF | Total | GF | Total | GF | Total |
| | | | | | | |
| | | | | | | |
| | | | | | | |
| Total | | | | | | |

- II. A – Describe the type of revenue (grant, fees, etc.)
N/A

Part III: Estimated Expenditures

- III. A – Expenditures summed up

| Fund #/Title | FTE's | Current Biennium | | Next Biennium | | Second Biennium | |
|--------------|-------|------------------|-------|---------------|-------|-----------------|-------|
| | | GF | Total | GF | Total | GF | Total |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |
| Total | | | | | | | |

- III. B – Expenditure by object category

| Fund #/Title | Current Biennium | | Next Biennium | | Second Biennium | |
|-----------------|------------------|-------|---------------|-------|-----------------|-------|
| | GF | Total | GF | Total | GF | Total |
| Salary/Benefits | | | | | | |
| Contractual | | | | | | |

| | | | | | | |
|----------------------|--|--|--|--|--|--|
| Supplies | | | | | | |
| Travel | | | | | | |
| Other controllables | | | | | | |
| Capital Outlays | | | | | | |
| Inter-fund Transfers | | | | | | |
| Debt Service | | | | | | |
| Total | | | | | | |

1 ORDINANCE NO. 2015-11-24

2 An ordinance concerning Clark County's municipal stormwater system;
3 adopting and amending portions of the Clark County Code, including a new
4 Chapter 40.386, other amendments to Title 40, Chapter 13.26A, Title 6, and
5 Title 14, and adopting a new Clark County Stormwater Manual.

6 WHEREAS, pursuant to the National Pollution Discharge Elimination System of the Federal
7 Clean Water Act and Chapter 90.48 RCW, the Washington Department of Ecology (Ecology)
8 issued Clark County a Phase I Municipal Stormwater Permit (Permit) on August 1, 2013
9 (amended December 2014). The Permit requires the county to adopt a revised stormwater
10 manual that is equivalent to Ecology's Storm Water Management Manual for Western
11 Washington (SWMMWW) (2012, amended 2014). The Permit also requires revisions and
12 updates to the Clark County Code (CCC), including the removal of barriers to the use of low
13 impact development as the preferred stormwater management tool; and,
14

15 WHEREAS, to update the Clark County Stormwater Manual and associated codes, in August
16 2013 Clark County commenced an outreach program that has continued for approximately two
17 years, and has included: 1) a Technical Advisory Committee consisting of local engineers,
18 design specialists and Phase II permittees, 2) a Stakeholder Advisory Committee consisting of
19 local stakeholders, such as school district representatives, homeowner's association leaders,
20 Clean Water Commissioners.; and, 3) dissemination to interested citizens of project updates via
21 web pages and e-newsletters; and,
22

23 WHEREAS, on June 18, 2015, Clark County Department of Environmental Services submitted
24 the required sixty day notification of intent to adopt these provisions to the State Department of
25 Commerce. The Department of Commerce did not provide any comments to the county by the
26 end of the comment period; and,
27

28 WHEREAS, on July 22 and 29, 2015, Clark County Department of Environmental Services
29 published a SEPA determination of non-significance (DNS), and by the end of the comment
30 period, no person provided comments regarding the DNS to the county; and,
31

32 WHEREAS, on August 19, 2015, the Board of County Councilors (Board) held a work session
33 concerning the Permit update at a public meeting; and,
34

35 WHEREAS, on September 30, 2015, Clark County published legal public notice of the Clark
36 County Planning Commission public hearing to be held October 15, 2015; and,
37

38 WHEREAS, on October 1, 2015, the Clark County Planning Commission held a work session
39 concerning the Permit update at a public meeting, and on October 15, 2015, held a public
40 hearing at which it took public testimony. At that hearing, the Planning Commission deliberated
41 and developed its recommendations to the Board; and,
42

43 WHEREAS, on November 4, 2015, Clark County published legal public notice that the Board
44 would hold a public hearing on November 24, 2015 to consider the code and manual updates
45 required by the Permit; and,
46

47 WHEREAS, on November 24, 2015, the Board held a public hearing at which it took public
48 testimony and considered the Planning Commission's recommendations; and,

1
 2 WHEREAS, the Board finds that it is in the best public interest for the health, safety and welfare
 3 of the citizens of Clark County to adopt the code revisions set forth herein and the Clark County
 4 Stormwater Manual (2015)
 5 [<http://www.clark.wa.gov/environment/stormwater/management/code.html>] as required by the
 6 Permit;

7
 8 BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE BOARD OF COUNTY
 9 COUNCILORS OF CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:

10
 11 **Section 1. Amendatory.** Sec. 3 of Ord. 2001-12-09, most recently amended by Sec. 1 of Ord.
 12 2012-02-03, and codified as CCC Table 6.110A.020, are each hereby amended as follows:

13 **6.110A.020 Development engineering plan review fees.**

14 Fees for those final construction plan review activities included in Table 6.110A.020 shall be
 15 collected prior to processing the application:

Table 6.110A.020—Development Engineering Plan Review Fees⁽¹⁾

| Section | Activity | Fee | Issuance Fee |
|----------|--|---|--------------|
| 1 | Preliminary Engineering Fees | | |
| A | Appeals to Hearing Examiner | 414 | 53 |
| B | Columbia River Gorge⁽²⁾ | Hourly rate; initial deposit \$200 ⁽³⁾ | 53 |
| C | Conditional Use Permit⁽⁴⁾ | | |
| | Engineering review | 1,800 | 53 |
| D | Continuance of Hearing—Applicant Initiated for Engineering Issues (in addition to planning fee) | 912 | n/a |
| E | Critical Aquifer Recharge Area Permit(CARA)—Type 1, 2, and 3 Site Plan Review | 900 | 53 |
| F | Floodplain Inquiry | 291 | 53 |
| G | Geological Hazard | | |
| | Preliminary engineering review | 483 | 53 |
| H | Home Business—All Major and Minor Types⁽²⁾ | Hourly rate; initial deposit \$200 ⁽³⁾ | 53 |
| I | Legal Lot Determination⁽²⁾ | Hourly rate; initial deposit \$200 ⁽³⁾ | 53 |
| J | Master Plan | | |
| | Engineering review for stand alone master plans | Hourly rate; initial | 94 |

| | | | |
|----------|---|---|-----|
| | Maximum fee = \$10,000 | deposit \$200 ⁽³⁾ | |
| K | Plat Alterations⁽²⁾ | Hourly rate; initial deposit \$200 ⁽³⁾ | 53 |
| L | Post Decision Reviews (Type 1, 2, and 3) | | |
| I | Engineering review | 1,250 | 53 |
| II | Major change to technical design | 1/2 regular fee | 53 |
| M | Pre-Application Conference (All Types) | | |
| I | Pre-application conference | 1,405 | 94 |
| II | Pre-application waiver request | 38 | n/a |
| N | Road Modification—Transportation | | |
| I | Technical road modification | 1,200 | 53 |
| II | Major road modification | 1,559 | 53 |
| III | Minor road deviation—Stand alone only ⁽⁵⁾ | 250 | 53 |
| O | Short Plat⁽⁶⁾ | | |
| | Engineering review | 2,108 | 94 |
| P | Site Plan⁽⁶⁾ | | |
| I | Types 1, 2, and 3—Engineering review | 2,743 | 94 |
| II | Unoccupied commercial and utility structures ⁽⁷⁾ | 601 | 94 |
| III | Highway 99 sub-area reviews | Standard preliminary engineering fees plus 25% | n/a |
| Q | Site Plan Review—Fast Lane Permitting | | |
| | Program for reduced time lines for site plan review | Site plan review fee | n/a |
| R | 60-Day Review | Standard preliminary and final engineering fees | n/a |
| S | Subdivision (all sizes)⁽⁶⁾ | | |
| | Engineering review | 3,757 | 94 |
| T | Variance | | |
| I | Stormwater (All variance types) ⁽⁸⁾ | 1,207 | 53 |
| II | Administrative land use (All land use types) ⁽⁹⁾ | 575 | 53 |
| 2 | Final Engineering Fees | | |
| A | Drainage Project | | |

| | | | |
|----------|--|-------|-----|
| | Stormwater plan review ⁽¹⁰⁾ | 828 | 94 |
| B | Final Plat Review | | |
| I | Short plat | 1,733 | 94 |
| II | Subdivision | 2,437 | 94 |
| III | Digital Plat Submissions | | |
| a | County digital plat preparation—Base fee | 165 | n/a |
| b | County digital plat preparation—Per lot | 5 | n/a |
| C | Final Site Plan Review | | |
| I | Type I | 2,000 | 94 |
| II | Types 2 and 3 | 3,071 | 94 |
| D | Floodplain Review | 1,370 | 53 |
| E | Geological Hazard | | |
| | Final Engineering Review | 710 | 53 |
| F | Grading and Drainage—Plan Review | | |
| I | Fee based on earthwork volume and stormwater requirements: | | |
| a | Volume 499 c.y. or less | | |
| | Basic grading only | 365 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 1,193 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 3,293 | 94 |
| b | Volume 500 to 4,999 c.y. | | |
| | Basic grading only | 718 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 1,546 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 3,646 | 94 |
| c | Volume 5,000 to 25,000 c.y. | | |
| | Basic grading only | 1,739 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 2,567 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 4,667 | 94 |
| d | Volume greater than 25,000 c.y. | | |
| | Basic grading only | 2,000 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 2,828 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 4,928 | 94 |

| | | | |
|----------|---|---|-----|
| II | Fee to extend expired approved grading permit ⁽¹¹⁾ | 50% of original fee | 94 |
| G | Post Plan Approval—Plan Revisions | | |
| | Change design after construction plans approval | Hourly rate; initial deposit \$200 ⁽⁹⁾ | 94 |
| H | Single-Family Residence Stormwater Reviews | | |
| I | Roof and crawlspace drainage review ⁽¹³⁾ | 345 | n/a |
| II | Stormwater review (MR No. 1-10) | 1,150 | 94 |
| I | Short Plat | | |
| | Engineering Plan Review. Fee based on stormwater requirements: | | |
| | Basic engineering review | 1,700 | 94 |
| | Basic review and stormwater MR No. 1-5 | 2,444 | 94 |
| | Basic review and stormwater MR No. 1-10 | 3,800 | 94 |
| J | Site Plan | | |
| I | Types 1, 2, and 3—Final Engineering Review. Fee consists of base fee (based on stormwater complexity) plus disturbed area component Maximum fee = \$20,000 | | |
| a | Base fee (based on stormwater complexity): | | |
| | Basic engineering review | 1,000 | 94 |
| | Basic review and stormwater MR No. 1-5 | 4,200 | 94 |
| | Basic review and stormwater MR No. 1-10 | 6,900 | 94 |
| b | Plus fee component for square feet of disturbed area ⁽¹²⁾ | 0.025/s.f. | n/a |
| K | Subdivision (all sizes) | | |
| | Engineering Plan Review. Fee based on stormwater requirements: | | |
| | Basic engineering review | 2,900 | 94 |
| | Basic review and stormwater MR No. 1-5 | 4,845 | 94 |
| | Basic review and stormwater MR No. 1-10 | 6,200 | 94 |
| L | Additional Final Engineering Plan Reviews—Fee Required for Each Review after Third Submittal | 745 | 94 |

1 Notes:

- 1 1 *Cost Recovery. Applicant is required to pay consultant's fees to review specialized designs,*
2 *including but not limited to structural walls and bridges. County will send the consultant's bill to*
3 *the applicant; total amount must be paid before the project is approved or finalized.*
- 4 2 *This fee only applies when development engineering review is requested by community*
5 *development.*
- 6 3 *The hourly rate fee is calculated using a standard annual hourly rate schedule (by job*
7 *classification) multiplied by actual staff hours spent on the project. The hourly rate includes*
8 *salary, benefits, and program overhead. County will send a final itemized billing, less any initial*
9 *deposit, that must be paid before the project is approved or finalized.*
- 10 4 *Fee is in addition to development engineering fees associated with a land division and/or*
11 *site plan.*
- 12 5 *There is no fee for minor road deviations requested at the same time as a related land use*
13 *or engineering application. The minor road deviation stand alone fee applies to applications not*
14 *associated with a land use or engineering permit.*
- 15 6 *For applications with both a development engineering preliminary land division (PLD) and a*
16 *preliminary site plan (PSR) that are submitted and processed together resulting in one land use*
17 *decision, the development engineering fee will equal seventy-five percent (75%) of the*
18 *combined total of the PLD and PSR cases.*
- 19 7 *The unoccupied commercial and utility structures fee category is only for simple reviews.*
20 *Projects that trigger stormwater minimum requirements (MR) No. 1-5 or No. 1-10 are required to*
21 *pay the standard site plan review fee.*
- 22 8 *Fee applies for stormwater variances defined in Section ~~40.385.040(E)(3)~~ 40.386.030(D).*
- 23 9 *Fee applies for land use variances defined in Section 40.550.020, when engineering review*
24 *is required.*
- 25 10 *This fee category is only for drainage projects (including the excavation or construction of*
26 *pipes, culverts, channels, embankments or other flow-altering structures in any stream,*
27 *stormwater facility, or wetland) that have less than fifty (50) c.y. of earthwork. If the earthwork is*
28 *fifty (50) c.y. or greater, then the grading and drainage plan review fee category is required.*
- 29 11 *Approvals for grading and drainage plan reviews expire in one year. Extensions are*
30 *allowed if fees paid before the engineering approval expiration date. Requests to extend*
31 *engineering approvals after the expiration date may be considered; full engineering fees would*
32 *apply.*
- 33 12 *Disturbed area is defined in Section ~~40.385.10(D)~~ 40.386.010.*
- 34 13 *Fee category applies to the review of proposed revisions to a previously approved land*
35 *division that impacts a single-family residence lot drainage.*

36
37 **Section 2. Amendatory.** Sec. 3 of Ord. 2001-12-09, most recently amended by Sec. 1 of Ord.
38 2012-02-03, and codified as CCC Table 6.110A.030, are each hereby amended as follows:

- 1 **6.110A.030 Development inspection fees.**
 2 Fees for those development inspection activities contained in Tables 6.110A.030 and
 3 6.110A.035 shall be collected prior to inspection:
 4

Table 6.110A.030—Development Inspection Fees

| Section | Activity | Fee | Issuance Fee |
|----------|--|-------|--------------|
| | Engineering Inspection Fees | | |
| A | Critical Aquifer Recharge Area Permit (CARA) | | |
| | Category I Only | | |
| | All types site plan inspection | 754 | 53 |
| B | Drainage Project | | |
| | Inspection fee ⁽¹⁾ | 1,400 | 94 |
| C | Grading and Drainage Permit—Inspection | | |
| I | Fee based on earthwork volume and stormwater requirements. | | |
| a | Volume 499 c.y. or less | | |
| | Basic grading only | 700 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 2,100 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 2,600 | 94 |
| b | Volume 500 to 4,999 c.y. | | |
| | Basic grading only | 1,000 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 2,400 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 3,000 | 94 |
| c | Volume 5,000 to 25,000 c.y. | | |
| | Basic grading only | 2,000 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 3,400 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 4,000 | 94 |
| d | Volume greater than 25,000 c.y. | | |
| | Basic grading only | 4,000 | 94 |
| | Basic grading and stormwater MR No. 1-5 | 5,400 | 94 |
| | Basic grading and stormwater MR No. 1-10 | 7,000 | 94 |

| | | | |
|----------|--|---|-------------------|
| D | Grading Permit—Extensions and Penalties | | |
| I | One-year extension for construction inspection ⁽²⁾ | 50% of original fee | 94 |
| II | Work without permit | Double fee | n/a |
| E | Inspection | | |
| | Inspection per hour after normal work hours and any reinspection (regardless of time of day) | Hourly rate ⁽³⁾ | n/a |
| F | Short Plat | | |
| I | Inspection fee | 5,544 | 94 |
| II | Rural driveways | 348 | 53 |
| G | Site Plan | | |
| I | Types 1, 2, and 3—Site work. Fee consists of base fee plus disturbed area component. Maximum fee = \$35,000. | | |
| a | Base fee—All projects | 3,250 | 94 |
| b | Plus: fee per sq. ft. of disturbed area ⁽⁴⁾ | 0.028/s.f. | n/a |
| II | Inspection fee—Frontage along existing public street (arterials and collectors only) | | |
| a | Base fee | 300 | 94 ⁽⁵⁾ |
| b | Per linear foot length of frontage | 0.75/l.f. | n/a |
| III | Unoccupied commercial and utility structures ⁽⁶⁾ | 1,097 | 94 |
| IV | Final Site Plan Inspection | 1,097 | 53 |
| H | Subdivision (all sizes) | | |
| I | Inspection fee—Site work | | |
| a | Base fee | 7,133 | 94 |
| b | Per lot fee | 179 | n/a |
| II | Inspection fee—Frontage along existing public street (arterials and collectors only) | | |
| a | Base fee | 300 | 94 ⁽⁵⁾ |
| b | Per linear foot length of frontage | 0.75/l.f. | n/a |
| I | System Integrity Review | | |
| I | Maintenance warranty | 1,164 | 53 |
| II | Performance bond ⁽⁷⁾ | Hourly rate; initial deposit \$200 ⁽³⁾ | 53 |

1 Notes:

2 1 This fee category is only for drainage projects (including the excavation or construction of
3 pipes, culverts, channels, embankments or other flow-altering structures in any stream,
4 stormwater facility, or wetland) that have less than fifty (50) c.y. of earthwork. If the earthwork is
5 fifty (50) c.y. or greater, then the grading and drainage plan review fee category is required.

6 2 Grading and drainage permit inspections are valid for one year. The one year starts on the
7 date of the preconstruction conference. If no preconstruction conference is held, the permit year
8 begins when fees are paid. Extensions are allowed if fees are paid before the expiration date.
9 Requests to extend inspection after the expiration date may be considered; full inspection fees
10 would apply.

11 3 The hourly rate fee is calculated using a standard annual hourly rate schedule (by job
12 classification) multiplied by actual staff hours spent on the project. The hourly rate includes
13 salary, benefits, and program overhead. Inspection time outside normal work hours is calculated
14 at one and one-half (1.5) times the standard hourly rate. County will send a final itemized billing,
15 less any initial deposit, that must be paid before the project is approved or finalized.

16 4 Disturbed area is defined in Section ~~40.385.010(D)~~40.386.010.

17 5 When a project includes both on-site and frontage inspection at the same time, only one
18 issuance fee is required.

19 6 The unoccupied commercial and utility structures fee category is only for simple inspections.
20 Projects that trigger stormwater minimum requirements No. 1-5 or No. 1-10 are required to pay
21 the standard site plan inspection fee.

22 7 Fee applies to requests to use a performance bond (or similar legal instrument) to delay
23 constructing public facilities or landscaping. The fee also applies when obtaining traffic impact
24 fee credits, under certain circumstances. Fee is for staff costs for activities including, but not
25 limited to, negotiating the terms of the bond, reviewing cost estimates and legal documents, and
26 releasing the bond when completed. Field inspection time is not included in this fee.

27
28 **Section 3. Amendatory.** Sec. 1 of Ord. 2012-02-03, most recently amended by Sec. 1 of Ord.
29 2015-01-07, and codified as CCC Table 6.110A.035, are each hereby amended as follows:

30 **6.110A.035 NPDES erosion control inspection fees.**
31

Table 6.110A.035—NPDES Erosion Control Inspection Fees⁽¹⁾

| Section | Activity | Fee | Issuance Fee |
|----------|--|-----|--------------|
| 1 | Annual Erosion Control Inspection Fee— First Year⁽²⁾ | | |
| A | Fee consists of base fee plus disturbed area component ^(3,4) | | |

| | | | |
|-----|---|-------------------------------|-----|
| I | Base fee | 350 | 94 |
| II | Additional fee for disturbed area up to and including 1 acre | 1,000/acre | n/a |
| III | Additional fee for disturbed area over 1 acre to 5 acres | 350/acre | n/a |
| IV | Additional fee for disturbed area over 5 acres to 100 acres | 100/acre | n/a |
| V | Additional fee for disturbed area over 100 acres | 50/acre | n/a |
| 2 | Erosion Control Inspection Fee During Maintenance Bond Period (2-year fee) | 600 | 94 |
| 3 | Annual Extensions⁽⁵⁾ | 80% of initial inspection fee | 94 |

1 Notes:

2 1 NPDES erosion control inspection fees are in addition to development inspection fees in
3 Table 6.110A.030.

4 2 The inspection permit year for erosion control begins on the date of the preconstruction
5 conference. If no preconstruction conference is held, the permit year begins when fees are paid.

6 3 The disturbed area fee calculation adds the fee component from each applicable area
7 range. The fee formula calculates the area in acres using two (2) significant figures after the
8 decimal point. For example, the fee for a project with two hundred (200) acres of disturbed area
9 is seventeen thousand three hundred forty-four dollars (\$17,344) ($350 + 94 + 1,000 +$
10 $1,400 + 9,500 + 5,000$).

11 4 Disturbed area is defined in Section ~~40.385.010 (D)~~ 40.386.010.

12 5 Erosion control inspections are initially valid for one (1) year. Extensions at a reduced rate
13 are allowed if fees are paid before the expiration date. Projects with expired annual erosion
14 control inspection permits shall pay the full fee and may be subject to code enforcement action.

15 **Section 4. Amendatory.** Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 3
16 of Ord. 2009-01-01, and codified as CCC 13.26A.005, are each hereby amended as follows:

17 **13.26A.005 Purpose and applicability Introduction**

18 A. Purpose. The purpose of this chapter is to protect the county's surface and groundwater
19 quality by providing minimum requirements for reducing and controlling the discharge of
20 contaminants and stormwater flows. The ~~Board of County Councilors~~ finds this chapter
21 is necessary to protect the health, safety and welfare of the residents of Clark County and
22 the integrity of the county's resources for the benefit of all, recognizes that water quality
23 degradation can result either directly from one (1) discharge or through the collective
24 impact of many small discharges.

25 B. Applicability.

1 1. This chapter applies to the discharge of contaminants to surface water, stormwater and
2 groundwater as set forth in Section 13.26A.025 and requires certain sites and activities to
3 utilize best management practices as set forth in Section 13.26A.035 and stormwater facility
4 maintenance practices set forth in Section 13.26A.040.

5 G. 2. The ~~b~~Board of e~~County e~~Commissioners~~Councilors~~ also recognizes that the implementation
6 of successful pollution control practices is most likely through a pollution prevention (water
7 resources) education effort for business owners and the general public. In implementing this
8 chapter, the county will primarily rely on education and technical assistance to show
9 individuals how to implement pollution control practices. Enforcement actions will normally
10 be implemented when education and technical assistance measures are unsuccessful at
11 protecting the public interest or when a persons willfully contaminates the water resources
12 of Clark County. ~~Further it is not the intent of this chapter to have the county pursue~~
13 ~~enforcement actions against persons whose actions or activities result in the discharge of~~
14 ~~de minimis amounts of contaminants into the water resources of Clark County.~~

15 D. 3. ~~The b~~Board of e~~County e~~Commissioners~~Councilors~~ ~~finds this chapter is necessary to protect~~
16 ~~the health, safety and welfare of the residents of Clark County and the integrity of the~~
17 ~~county's resources for the benefit of all by: minimizing or eliminating water quality~~
18 ~~degradation; preserving and enhancing the suitability of waters for recreation, fishing,~~
19 ~~wildlife habitat, aquatic life and other beneficial uses; and preserving and enhancing the~~
20 ~~aesthetic quality and biotic integrity of the water. The board of county commissioners~~
21 ~~recognizes that implementation of this chapter is required under the federal Clean Water~~
22 ~~Act, 33 U.S.C. 1251 et seq. In meeting the intent of the Clean Water Act the b~~Board of
23 e~~County e~~Commissioners~~Councilors~~ also recognizes the importance of maintaining
24 economic viability while providing necessary environmental protection and believes this
25 chapter helps achieve both goals.

26 4. The county's Clean Water Division manages the requirements of the Washington
27 Department of Ecology's Phase I NPDES Municipal Stormwater Permit that became
28 effective August 1, 2013 (amended December 2014) and is due to expire July 31, 2018
29 for Clark County.

30
31 C. Definitions.

32 The following definitions shall apply in the interpretation and enforcement of this chapter:

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| <u>AKART</u> | <u>"AKART" means "all known, available, and reasonable methods of prevention, control, and treatment." AKART represents the most current methodology that can reasonably be required for preventing, controlling or abating the pollutants associated with a discharge. The concept of AKART applies to both point and nonpoint sources of pollution.</u> |
| <u>Best management practices or BMPs</u> | <u>"Best management practices (BMPs)" are the schedules of activities, prohibitions of practices, maintenance procedures, and structural and/or managerial practices, or structural features approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.</u> |
| <u>Chapter</u> | <u>"Chapter" means this chapter and any administrative rules and</u> |

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| | <u>regulations adopted to implement this chapter.</u> |
| <u>Clean Water Act</u> | <u>"Clean Water Act" means 33 U.S.C. 1251 et seq., as amended.</u> |
| <u>Contaminants</u> | <p><u>"Contaminants" include, but are not limited to, the following:</u></p> <ol style="list-style-type: none"> <u>1. Trash or debris;</u> <u>2. Construction materials;</u> <u>3. Petroleum products including but not limited to oil, gasoline, grease, fuel oil or heating oil;</u> <u>4. Antifreeze and other automotive products;</u> <u>5. Metals in either particulate or dissolved form;</u> <u>6. Flammable or explosive materials;</u> <u>7. Radioactive material;</u> <u>8. Batteries;</u> <u>9. Acids, alkalis, or bases;</u> <u>10. Paints, stains, resins, lacquers or varnishes;</u> <u>11. Degreasers and/or solvents;</u> <u>12. Drain cleaners;</u> <u>13. Pesticides, herbicides or fertilizers;</u> <u>14. Steam cleaning wastes;</u> <u>15. Soaps, detergents, or ammonia;</u> <u>16. Swimming pool backwash;</u> <u>17. Chlorine, bromine, and other disinfectants;</u> <u>18. Heated water;</u> <u>19. Domestic animal wastes;</u> <u>20. Sewage;</u> <u>21. Recreational vehicle waste;</u> <u>22. Animal carcasses, excluding salmonids;</u> <u>23. Food wastes;</u> <u>24. Bark and other fibrous materials;</u> <u>25. Collected lawn clippings, leaves or branches;</u> <u>26. Silt, sediment, or gravel;</u> <u>27. Dyes (except as stated in Section 13.26A.025(C)(1));</u> <u>28. Chemicals not normally found in uncontaminated water;</u> <u>29. Swimming pool water;</u> <u>30. Water discharged during water well disinfection;</u> <u>31. Potable water;</u> <u>32. Potable water line flushing; and</u> <u>33. Any hazardous material or waste not listed above.</u> |
| <u>Clark County Stormwater Manual</u> | <u>"Clark County Stormwater Manual" means the stormwater manual adopted by Ordinance 2015-xx-xx</u> |
| <u>County</u> | <u>"County" means the municipality of Clark County, Washington.</u> |
| <u>Discharge</u> | <u>"Discharge" means to throw, drain, release, dump, spill, empty, emit</u> |

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| | <u>or pour forth any matter or to cause or allow matter to flow, run or seep from land or be thrown, drained, released, dumped, spilled, emptied, emitted or poured into water.</u> |
| <u>Forest practices</u> | <u>"Forest practices" means any activity conducted on or directly pertaining to forest land and relating to growing, harvesting or processing timber, as defined in Chapter 222-16 WAC.</u> |
| <u>Groundwater</u> | <u>"Groundwater" means water in a saturated zone or stratum beneath the surface of land or below a surface water body (WAC 173-200-020).</u> |
| <u>NPDES (National Pollutant Discharge Elimination System) permit</u> | <u>"NPDES (National Pollutant Discharge Elimination System) permit" means an authorization, license, or equivalent control document issued by the Environmental Protection Agency or the Washington Department of Ecology to implement the requirements of the NPDES program under the Clean Water Act.</u> |
| <u>Person</u> | <u>"Person" means an individual, or their agents or assigns; a municipality; political subdivision; government agency; partnership; corporation; business; or any other entity.</u> |
| <u>Responsible official</u> | <u>"Responsible official" means the Clark County Manager or his/her appointed designee for the purposes of this chapter.</u> |
| <u>Source control BMP</u> | <u>"Source control BMP" means a structure or operation that is intended to prevent pollutants from coming into contact with stormwater through physical separation of areas or careful management of activities that are sources of pollutants. This manual separates source control BMPs into two types. Structural Source Control BMPs are physical, structural, or mechanical devices or facilities that are intended to prevent pollutants from entering stormwater. Operational BMPs are non-structural practices that prevent or reduce pollutants from entering stormwater.</u> |
| <u>State waste discharge permit</u> | <u>"State waste discharge permit" means an authorization, license, or equivalent control document issued by the Washington Department of Ecology in accordance with Washington Administrative Code.</u> |
| <u>Surface water and Stormwater</u> | <u>Water originating from rainfall and other precipitation that is found in drainage facilities, rivers, streams, springs, seeps, ponds, lakes, and wetlands, as well as shallow groundwater.</u> |

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| <u>Treatment BMP</u> | <u>Treatment BMP" means a BMP intended to remove contaminants once they are already contained in stormwater.</u> |
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Section 5. Repealer. Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 1 (Att. A § 2) of Ord. 2011-08-08, and codified as CCC 13.26A.015, are each repealed in their entirety.

Section 6. Amendatory. Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 1 (Att. A § 2) of Ord. 2011-08-08, and codified as CCC 13.26A.025, are each hereby amended as follows:

13.26A.025 Discharges into Clark County Waters

- A. Prohibited Discharges
 - 1. It is unlawful for any person to discharge any contaminants, as defined in Section 13.26A.0045.C, into the municipal separate storm sewer system (MS4), surface water, stormwater, or groundwater.
 - 2. Illicit Connections. Any connection that could convey anything not composed entirely of surface and stormwater, directly to surface water, and stormwater, or groundwater or into the county's municipal separate storm sewer system is considered an illicit connection and is prohibited with the following exceptions:
 - a. Connections conveying allowable discharges; or
 - b. Connections conveying discharges pursuant to an NPDES permit or a state waste discharge permit; and
 - c. ~~Connections conveying effluent from on-site sewage disposal systems to subsurface soils.~~
- B. Allowable Discharges. The following types of discharges shall not be considered prohibited discharges for the purpose of this chapter unless the director responsible official determines that the type of discharge, whether singly or in combination with others, is causing significant contamination of surface and stormwater or groundwater:
 - 1. Uncontaminated water from crawl space pumps or footing drains;
 - 2. Lawn watering;
 - 3. Street and sidewalk wash water, water used to control dust, and building washdown that does not included detergents or pollutants;
 - 4. Swimming pool water if dechlorinated to a concentration of 0.1 parts per million or less, pH adjusted and controlled to prevent erosion and sediment transport. Water temperature shall be controlled to minimize impact to receiving waters. Wastewater and filter backwash are not allowable;
 - 5. Materials placed as part of an approved habitat restoration or bank stabilization project;
 - 6. Air conditioning condensate;
 - 7. Flows from riparian habitats and wetlands;
 - 8. Springs;
 - 9. Diverted stream flows;
 - 10. Rising ground waters;
 - 11. Uncontaminated ground water infiltration (as defined at CFR 35.2005(20));
 - 12. Uncontaminated pumped groundwater;
 - 13. Foundation drains;
 - 14. Footing drains;

- 1 ~~152. Irrigation water from agricultural sources that is commingled with urban stormwater;~~
 2 ~~13. The following discharges from boats: engine exhaust, cooling waters, effluent from~~
 3 ~~sinks, showers and laundry facilities and treated sewage from Type I and Type II~~
 4 ~~marine sanitation devices; and~~
 5 ~~14. Common practices for water well disinfection if dechlorinated to a concentration of 0.1~~
 6 ~~parts per million or less, pH adjusted and controlled to prevent erosion and sediment~~
 7 ~~transport.~~
 8 16. Potable water sources if dechlorinated to a concentration of 0.1 parts per million or less,
 9 pH adjusted and controlled to prevent erosion and sediment transport;
 10 17. Discharges from emergency fire-fighting activities; and
 11 18. Non-stormwater discharges authorized by another NPDES permit or State Waste
 12 Discharge Permit.

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 14 C. Exceptions

- 15 1. Dye testing is allowable but requires ~~verbal~~ notification to the director responsible official
 16 at least one (1) day prior to the date of test. ~~The Clark County environmental services~~
 17 ~~department, Clark County public health, or a sewer service purveyor is exempt from this~~
 18 ~~requirement.~~
 19 2. If a person has properly designed, constructed, implemented and is properly maintaining
 20 BMPs, and is carrying out AKART as required by this chapter or through another federal
 21 or state regulatory or resource management program, and contaminants continue to
 22 enter surface and stormwater or groundwater, then that person shall not be in violation
 23 of Section 13.26A.025(A).
 24 3. If a person can demonstrate that there are no additional contaminants being discharged
 25 from the site above the background conditions of the water entering the site, then that
 26 person shall not be in violation of Section 13.26A.025(A).
 27 4. Emergency response activities or other actions that must be undertaken immediately or
 28 within a time too short to allow full compliance with this chapter, to avoid an imminent
 29 threat to public health or safety, shall be exempt from this section. The ~~director~~
 30 responsible official may specify actions that qualify for this exception in county
 31 procedures. The person responsible for emergency response activities should take steps
 32 to ensure that the discharges resulting from such activities are minimized to the greatest
 33 extent possible. In addition, this person shall evaluate BMPs and the site plan, where
 34 applicable, to restrict recurrence.
 35

36 **Section 7. Amendatory.** Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 3
 37 (Exh. 2) of Ord. 2009-01-01, and codified as CCC 13.26A.035, are each hereby amended as follows:

38 **13.26A.035 Best Management Practices Requirements**

39
 40 A. Best Management Practices.

- 41 1. Existing development, current activities, and new development activities not covered
 42 by the Clark County stormwater and erosion control ordinance (Chapter 40.3856) that
 43 are not listed in the exemptions of this subsection are required to apply stormwater
 44 quality BMPs listed in the ~~Stormwater Pollution Control Manual—Best Management~~
 45 ~~Practices for Businesses and Government Agencies, or the SMMWAW~~ Clark County
 46 Stormwater Manual. A BMP not included in these this manuals may be approved by
 47 the director responsible official if the proponent it is demonstrates d to that it provides
 48 equivalent effectiveness for applying AKART. An exemption from the requirement to
 49 use BMPs does not provide an exemption allowing prohibited discharges.

1 2. In applying the ~~BMP manual~~ Clark County Stormwater Manual for existing
2 development, the ~~director~~ responsible official shall first require the implementation of
3 nonstructural source control BMPs. If these are not sufficient to prevent contaminants
4 from entering surface and stormwater or groundwater, the ~~director~~ responsible official
5 may require implementation of structural source control BMPs or treatment BMPs,
6 using AKART.

7 B. Exemptions. The following persons or entities are exempt from the provisions of this
8 section unless the ~~director~~ responsible official determines the alternative BMPs to be
9 ineffective at reducing the discharge of contaminants or activities are causing a prohibited
10 discharge:

11 1. Persons implementing BMPs through another federal or state regulatory or resource
12 management program; provided the ~~director~~ responsible official may perform
13 inspections to ensure compliance with this chapter. If the other program requires the
14 development of a best management practices plan, the person shall make ~~that~~ their plan
15 available to Clark County upon request;

16 2. Persons engaged in the production of crops or livestock for commercial trade; provided,
17 that such persons shall comply with the requirements of Chapter 40.440;

18 3. Persons engaged in forest practices regulated under WAC Title 222, except for Class
19 IV general forest practices as defined under Chapter 222-16 WAC; and

20 4. Persons conducting normal residential activities at property containing a single-family
21 detached dwelling, duplex or triplex and modifications to it on a lot approved for such
22 use, unless the ~~director~~ responsible official determines that these activities pose a
23 hazard to public health, safety or welfare; endanger any property; or adversely affect
24 the safety and operation of county right-of-way, utilities, and/or other property owned or
25 maintained by the county.

26
27 **Section 8. Amendatory.** Sec. 3 of Ord. 2000-07-34, most recently amended by Sec. 1 (Att. A § 2)
28 of Ord. 2011-08-08, and codified as CCC 13.26A.040, are each hereby amended as follows:

29 **13.26A.040 MAINTENANCE OF STORMWATER FACILITIES.**
30

31 A. Maintenance and Inspection Required. All public and private drainage facilities shall be
32 inspected and maintained by the owner in accordance with the ~~Stormwater Facility~~
33 ~~Maintenance Manual~~ Clark County Stormwater Manual. The intent is to ensure proper
34 maintenance of pollution control and quantity control facilities to protect surface water and
35 groundwater. The ~~director~~ responsible official may require the owner to conduct more
36 frequent inspection and/or maintenance when necessary to assure that facilities function
37 as designed for pollutant control and quantity control. The ~~Stormwater Facility~~
38 ~~Maintenance Manual~~ Clark County Stormwater Manual shall be filed with and available at
39 the ~~department of environmental services~~ County.

40 B. Alternative Maintenance Practices. The responsible official shall approve a ~~An alternative~~
41 ~~maintenance practice for a stormwater facility not included to those in the Stormwater~~
42 ~~Facility Maintenance Manual~~ Clark County Stormwater Manual ~~or maintenance practices~~
43 ~~for a stormwater facility not included in the Stormwater Facility Maintenance Manual~~ may
44 ~~be approved by the director~~ if the proponent demonstrated to ~~that the proposed~~
45 maintenance practice provides pollutant controls equivalent to maintenance standards of
46 the Stormwater Management Manual for Western Washington 2012. The ~~director~~
47 responsible official shall update the ~~Stormwater Facility Maintenance Manual~~ Clark County
48 Stormwater Manual to include alternative maintenance practices or maintenance practices
49 for facilities not included in the manual before such practices are allowed for general use.

- 1 C. Disposal of Waste from Maintenance Activities. Disposal of waste from maintenance of
2 drainage facilities shall be conducted in accordance with federal, state, and local
3 regulations, including the Minimum Functional Standards for Solid Waste Handling,
4 Chapter 173-304 WAC; guidelines for disposal of waste materials; and, where appropriate,
5 Dangerous Waste Regulations, Chapter 173-303 WAC.
- 6 D. Exceptions. The ~~director~~ responsible official may grant an exception for maintenance
7 requirements that conflict with federal, state, or local environmental regulations such as a
8 Washington Department of Fish and Wildlife Hydrologic Project Approval, a wetland
9 permit, geologically hazardous area requirements, or habitat conservation requirements.
- 10 E. County Maintenance Projects. The ~~director~~ responsible official shall prepare a list of
11 stormwater facilities for major maintenance or repair. The list will be updated annually and
12 prioritize projects based on the needs to protect water bodies, protect public safety,
13 prevent catastrophic infrastructure failure, prevent flooding, and protect infrastructure.
- 14 F. Private Maintenance Projects. The responsible official may require that the operator of a
15 Privately operated and maintained facilities with deferred maintenance may require
16 complete construction projects to bring them facility into compliance with maintenance
17 standards. The ~~director~~ responsible official may approve a work schedule to bring these
18 facilities into compliance with the ~~Stormwater Facility Maintenance Manual~~ Clark County
19 Stormwater Manual. This does not relieve the operator from performing routine
20 maintenance and enforcement under provisions of this chapter.

21
22 **Section 9. Amendatory.** Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 3
23 (Exh. 2) of Ord. 2009-01-01, and codified as CCC 13.26A.045, are each hereby amended as follows:
24

25 **13.26A.045 Administration.**

26
27 The ~~director~~ responsible official is authorized to implement the provisions of this chapter, and will
28 coordinate the implementation and enforcement of this chapter with other Clark County departments.
29

30
31 **Section 10. Amendatory.** Sec. 1 (Exh. A) of Ord. 1998-11-17, most recently amended by Sec. 3
32 (Exh. 2) of Ord. 2009-01-01, and codified as CCC 13.26A.050, are each hereby amended as follows:

33 **13.26A.050 Enforcement.**

- 34
35 A. The ~~director~~ responsible official is authorized to carry out enforcement actions pursuant to the
36 enforcement and penalty provisions of Title 32.
- 37 B. The ~~director~~ responsible official is authorized to make such inspections and take such actions
38 as may be necessary ~~required~~ to enforce the provisions of this chapter. Such inspections shall
39 be made in accordance with Title 32.
- 40 1. The ~~director~~ responsible official may enter and inspect property to observe best
41 management practices and maintenance practices, or examine or sample surface and
42 stormwater or groundwater as often as may be necessary to determine compliance with
43 this chapter. Whenever an inspection of a property is made, the findings shall be recorded
44 and a copy of the inspection findings shall be furnished to the owner or the person in
45 charge of the property after the conclusion of the investigation and completion of the
46 inspection findings after the conclusion of the investigation and completion of the
47 inspection findings.
- 48 2. When the ~~director~~ responsible official has made a determination under subsection (B)(1) of
49 this section that any person is violating this chapter, the ~~director~~ responsible official may
50 require the violator to sample and analyze any discharge, surface and stormwater,

1 groundwater and/or sediment, in accordance with sampling and analytical procedures or
2 requirements determined by the ~~director~~ responsible official. If the violator is required to
3 complete this sampling and analysis, a copy of the analysis shall be provided to the
4 ~~director~~ responsible official.

- 5 C. In addition to any other penalty or method of enforcement, the prosecuting attorney may bring
6 actions for injunctive or other relief to enforce this chapter.
7

8 **Section 11. Amendatory.** Sec. 1 (Exh. A) of Ord. 1998-11-17; most recently amended by Sec. 3
9 (Exh. 2) of Ord. 2009-01-01, and codified as CCC 13.26A.060, are each hereby amended as follows:
10

11 **13.26A.060 Hazards**

12
13 A. Whenever the ~~director~~ responsible official determines that any violation of this chapter
14 poses a hazard to public health, safety or welfare; endangers any property; or adversely
15 affects the safety and operation of county right-of-way, utilities and/or other property owned
16 or maintained by the county; the person holding title to the subject property, and/or other
17 person or agent in control of such property, upon receipt of notice in writing from the
18 ~~director~~ responsible official, shall within the period specified therein address the cause of
19 the hazardous situation in conformance with the requirements of this chapter.

20 B. Notwithstanding any other provisions of this chapter, whenever it appears to the ~~director~~
21 responsible official that conditions covered by this chapter exist and necessitate requiring
22 immediate action to protect the public health and/or safety, the ~~director~~ responsible official
23 is authorized to enter such property, as provided by Chapter 32.04, for the purpose of
24 inspecting and investigating such emergency conditions. The ~~director~~ responsible official
25 may without prior notice order the immediate discontinuance of any activity leading to the
26 emergency condition. Failure to comply with such order shall constitute a misdemeanor as
27 specified in Title 32.
28

29 **Section 12. Amendatory.** Sec. 4 (Exh. C) of Ord. 2004-06-04, most recently amended by Sec.
30 4 of Ord. 2013-07-07, and codified as CCC 14.06.20, are each hereby amended as follows:
31

32 **14.06.020 Publication.**

33 One complete copy of the Clark County Residential Code, together with a complete copy of the
34 International Residential Code, ~~2012~~ 2015 Edition, including any adopted appendices, shall be
35 kept on file in the Department of Community Development, and shall be made available during
36 regular business hours for viewing and inspection by the general public.
37

38 **Section 13. Amendatory.** Sec. 4 (Exh. C) of Ord. 2004-06-04, amended by Sec. 18 of Ord.
39 2007-06-19, and codified as CCC 14.06.904.5, are each hereby amended as follows:
40

41 **14.06.904.5 Roof assemblies—Materials.**

42 Section R904 (Roof Assemblies—Materials) of the IRC shall be amended by the addition of the
43 following new section:

44 904.5 Special Conditions. In those areas designated as Wildland Urban Interface/Intermix by
Clark County Code 15.13.030:

1 (1) Roofing materials for new construction or replacement of existing roofs shall be limited to
2 those types which are noncombustible or have a class C or greater rating as defined in IBC
3 Section 1505.

4 (2) Roofs with slopes of less than 3:12 shall have a noncombustible covering.

5 904.5 Special Conditions. For green or vegetated roof design:

6 Follow the International Green Construction Code (IgCC) for all design considerations. Note that
7 specific information can be found in section 403 for stormwater and 408 for vegetative roofs.
8 The IgCC follows the International Code Council recommendations for building codes (as
9 adopted by the State of Washington), <https://fortress.wa.gov/ga/apps/sbcc/page.aspx?nid=4>

10 **Section 14. Amendatory.** Sec. 1 of Ord. 2007-06-05; most recently amended by Sec. 10 of
11 Ord. 2012-05-14, and codified as CCC 14.07.030, are each hereby amended as follows:

12 **14.07.030 Definitions.**

13 For the purposes of this chapter, the following definitions apply:

14 "Bench" means a relatively level step excavated into earth material on which fill is to be placed.

15 "Compaction" means the densification of a fill by mechanical means.

16 Cut. See "Excavation."

17 "Downdrain" means a device for collecting water from a swale or ditch located on or above a
18 slope, and safely delivering it to an approved drainage facility.

19 "Earth materials" means naturally occurring material consisting of minerals, rocks, and soil.
20 Earth materials can be a mixture or combination of such materials. For the purposes of this
21 chapter, earth materials do not include organic soil amendment materials, such as compost
22 or bark, unless such materials are used or accumulated in such a quantity or manner that
23 they act as fill in changing grade or drainage.

24 "Erosion" means the wearing away of the ground surface as a result of the movement of wind,
25 water or ice.

26 "Excavation" means the removal of earth material by artificial means, also referred to as a "cut."

27 "Fill" means placing of earth materials by artificial means.

28 "Grade" means the vertical location of the ground surface contour.

29 "Grade, existing" means the surface contour of a site that exists immediately prior to any land-
30 disturbing activity.

31 "Grade, finished" means the surface contour of the site at the conclusion of all land-disturbing
32 activities.

33 "Grading" means an excavation, fill, stockpile, or combination thereof.

1 "Key" means a compacted fill placed in a trench excavated in earth material beneath the toe of a
2 slope.

3 "Land-disturbing activity" means any activity that results in ~~movement of earth~~, or a change in
4 the existing soil cover (both vegetative and nonvegetative) and/or the existing soil
5 topography. Land-disturbing activities include, but are not limited to, clearing, grading,
6 filling, and excavation. Compaction that is associated with stabilization of structures and
7 road construction is also considered a land-disturbing activity. Vegetation maintenance
8 practices, including landscape maintenance and gardening, are not considered land-
9 disturbing activity. Stormwater facility maintenance is not considered land disturbing activity
10 if conducted according to established standards and procedures.

11 "Site" means the area within the legal boundaries of a parcel or parcels of land that is (are)
12 subject to new development or redevelopment. For road projects, the length of the project
13 site and the right-of-way boundaries define the site.

14 "Slope" means an inclined surface, the inclination of which is expressed as a ratio of horizontal
15 distance to vertical distance.

16 "Stockpile" means the temporary storage of earth materials on a site, usually with the intent to
17 use the material on the same property in a later stage of construction.

18 "Terrace" means a relatively level step constructed in the face of a graded slope for drainage
19 and maintenance purposes.

20 **Section 15. Amendatory.** Sec. 1 of Ord. 2007-06-05, most recently amended by Sec. 11 of
21 Ord. 2014-01-08, and codified as CCC 14.07.040, are each hereby amended as follows:

22 **14.07.040 Permits required.**

23

24 (6) Stormwater. Grading activity must be consistent with Chapter 40.3856. All projects
25 conducting land disturbing activity, as defined in sections 14.07.030 and 40.100.070 and
26 40.386.010, are subject to stormwater and erosion control requirements of Chapter 40.386.
27 Grading for a stormwater management plan that includes preservation of native vegetation
28 must follow guidelines to adequately protect the future viability of vegetation.

29 **Section 16. Amendatory.** Sec. 1 of Ord. 2007-06-05, most recently amended by Sec. 10 of
30 Ord. 2012-05-14, and codified as CCC 14.07.050, are each hereby amended as follows:

31 **14.07.050 Submittal requirements.**

32 (1) To obtain a grading permit, the applicant must first file for application with Clark County. All
33 submitted applications and plan sets must contain the required information detailed in the
34 grading permit application packet.

35 (2) A stormwater site plan and an erosion control plan are required for compliance with
36 Chapter 40.386.

1 **Section 17. Amendatory.** Sec. 1 of Ord. 2007-06-05, most recently amended by Sec. 10 of
2 Ord. 2012-05-14, and codified as CCC 14.07.070, are each hereby amended as follows:

3 **14.07.070 Inspections.**

4 (1) Inspections shall be governed by Section 109 of the IBC. The special inspection
5 requirements of IBC Section 1704.7 shall apply to work performed under a grading permit
6 where required by the building official.

7 (2) All completed projects must include stormwater code inspections for any grading activity, in
8 accordance with the requirements of Chapter 40.386.
9

10 **Section 18. Amendatory.** Sec.1 (Exh. A) of Ord. 2003-11-01, as most recently amended by
11 Sec. 2 (Exh. 2) of Ord. 2012-07-15, and codified as CCC 40.100.070, are each hereby
12 amended as follows:

13 **40.100.070 Definitions**

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

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

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| <u>Bioretention Facility</u> | <u>Bioretention areas are shallow landscaped depressions, with a designed soil mix and plants adapted to the local climate and soil moisture conditions, that receive stormwater from a contributing area. (Per Department of Ecology 2012 Stormwater Management Manual for Western Washington, as Amended in December 2014 (The 2014 SWMMWW))</u> |
| <p style="text-align: center;">***</p> | |
| Board | "Board" means Board of Commissioners County <u>Councilors</u> of Clark County, Washington. |
| <p style="text-align: center;">***</p> | |
| <u>Hard surface</u> | <u>"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.</u> |
| <p style="text-align: center;">***</p> | |
| Land-disturbing activity | "Land-disturbing activity" means any activity that results in movement of earth, or a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land-disturbing activities include, but are not limited to, clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction is also considered a land-disturbing activity. Vegetation maintenance practices, <u>including landscape maintenance and gardening,</u> are not considered land-disturbing activity. <u>Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.</u> (Amended: Ord. 2012-05-14) |
| Landscaping | "Landscaping" means not only trees, grass, bushes, shrubs, flowers and garden areas, but also the arrangement of fountains, patios, decks, street furniture, and ornamental concrete or stonework areas and artificial turf or carpeting, <u>if those areas are permeable and allow stormwater infiltration in accordance with 40.386.010.</u> but excluding a Artificial plants, shrubs, bushes, flowers, and materials in movable containers <u>are not considered landscaping.</u> |

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| *** | |
| <u>MS4</u> | <u>"MS4" means Municipal Separated Stormwater Sewer System</u> |
| *** | |
| <u>Pavement or paved surface</u> | <u>"Pavement or paved surface" means an uncovered, hard-surfaced area or an area covered with a perforated hard surface (such as "Grasscrete") that is able to withstand vehicular traffic or other heavy impact uses. Paved areas include both permeable and impermeable hard surfaces. Graveled areas are not paved areas.</u> |
| *** | |
| <u>Permeable pavement</u> | <u>"Permeable pavement" means pervious concrete, porous asphalt, permeable pavers or other forms of pervious or porous paving material intended to allow passage of water through the pavement section. It often includes an aggregate base that provides structural support and acts as a stormwater reservoir.</u> |
| *** | |
| Stormwater facility | "Stormwater facility" means the natural or constructed components of a stormwater drainage system, designed and constructed to perform a particular function, or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, open channels, culverts, <u>street gutters,</u> storage basins, <u>detention ponds, retention ponds, constructed wetlands,</u> infiltration devices, catch-basins, manholes, dry wells, oil/water separators, and sediment basins <u>biofiltration swales.</u> |

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Section 19. Amendatory. Sec.1 (Exh. A) of Ord. 2003-11-01, most recently amended by Sec. 1 (Att. A § 6) of Ord. 2011-08-08, and codified as CCC 40.200.090, are each hereby amended as follows:

40.200.090 Sustainable Communities Pilot Program

E. Approval Process.

1 1. In order to qualify for the Sustainable Communities Pilot Program, the applicant shall
 2 submit a building permit that is consistent with all conditions of the land use permit
 3 process. The applicant shall also submit a plan demonstrating how their project meets
 4 the requirements of this section, including an overall design concept, proposed
 5 energy balance, proposed water balance, and descriptions of innovative systems. In
 6 addition, an applicant shall include a description of how the project serves as a model
 7 for testing code improvements to stimulate and encourage living buildings in the
 8 county.

9 2. Departures from the requirements of this title for pilot program projects may be
 10 allowed if the applicant demonstrates that the departure would result in a
 11 development that better meets the goals of the Living Building Challenge or the
 12 sustainability benchmarks in Section 40.200.090(D)(1). In making recommendations
 13 for departures, the responsible official shall consider the extent to which the
 14 anticipated environmental performance of the building would be substantially
 15 compromised without the departures.

16 Specifically, departures from the following code sections may be applicable:

| | |
|--|--------------------------------|
| Section <u>24.17.010(2)</u> | On-Site Septic Systems |
| Section <u>40.210.020(D)</u> | Rural Cluster Development |
| Tables <u>40.210.010-3</u> , <u>40.210.020-3</u> , <u>40.210.030-3</u> , <u>40.210.040-3</u> , <u>40.210.050-3</u> , <u>40.220.010-3</u> , <u>40.220.020-3</u> , <u>40.230.010-3</u> , <u>40.230.030-3</u> , <u>40.230.050-3</u> , <u>40.230.060-3</u> , <u>40.230.070-3</u> , <u>40.230.080-2</u> , Appendix A (Mixed Use Design Standards), and Appendix F (Highway 99 Overlay District Standards) | Minimum Setbacks |
| Section <u>40.340.010(A)(4)(a)</u> | Location of Parking Facilities |
| Section <u>40.350.030(B)(4)(b)(2)</u> | Driveways |
| Section <u>40.350.030(B)(12)(b)</u> | Turnaround Design |
| Section <u>40.370.010(C)</u> | Connection to Public Sewer |
| Section <u>40.370.010(C)(1) through (3)</u> | Sewer Waiver Requirements |
| Section <u>40.370.020(C)(2)</u> | Connection to Public Water |
| Section <u>40.370.020(C)(2)(a) through (c)</u> | Conditions Required for Not |

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|---|---|
| | Connecting to Water |
| Section Chapter 40.385.020 <u>40.836</u> | Standards— Stormwater Control <u>Stormwater and Erosion Control</u> |

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Section 20. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 1 (Exh. 1) of Ord. 2011-03-09, and codified as CCC 40.210.050, are each hereby amended as follows:

40.210.050 Rural Commercial Districts (CR-1, CR-2)

C. Development Standards.

1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots, building height, and setbacks in Tables 40.210.050-2 and 40.210.050-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

| Table 40.210.050-2. Lot Requirements | | | |
|--|---|--------------------------|--------------------------|
| Zoning District | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
| CR-1 | None | None | None |
| CR-2 | None | None | None |
| Table 40.210.050-3. Setbacks, Lot Coverage and Building Height | | | |
| CR-1, CR-2 | | | |
| Minimum setbacks | Pursuant to buffering and screening standards contained in Chapter <u>40.320</u> , Table 40.320.010-1. | | |
| Minimum setbacks adjacent to residential district | Pursuant to the screening and buffering standards contained in Chapter <u>40.320</u> , Table 40.320.010-1, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped. | | |
| Maximum lot coverage | Maximum determined by compliance with screening and buffering standards contained in Chapter <u>40.320</u> , Table 40.320.010-1, the Stormwater | | |

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| | and Erosion Control Ordinance (Chapter 40.385 <u>40.386</u>), and all other applicable standards. |
| Maximum building height | None |

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Section 21. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 4.7 (Exh. 14b) of Ord. 2010-12-12, and codified as CCC 40.230.010, are each hereby amended as follows:

5

6

40.230.010 Commercial Districts (C-2,C-3, GC)

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D. Development Standards.

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1. New lots and structures and additions to structures subject to this section shall comply with the applicable standards for lots, building height, and setbacks in Tables 40.230.010-2 and 40.230.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040).

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| Table 40.230.010-2. Lot Requirements | | | |
|--------------------------------------|--------------------------------|--------------------------|--------------------------|
| Zoning District | Minimum Lot Area (square feet) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
| C-2 | None | None | None |
| C-3 | None | None | None |
| GC | None | None | None |

| Table 40.230.010-3. Setbacks, Lot Coverage and Building Height | | | |
|--|---|-----|----|
| | C-2 | C-3 | GC |
| Minimum setbacks | Pursuant to buffering and screening standards contained in Chapter <u>40.320</u> , Table 40.320.010-1. | | |
| Minimum setbacks adjacent to residential district | Pursuant to the screening and buffering standards contained in Chapter <u>40.320</u> , Table 40.320.010-1, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped. | | |
| Maximum lot coverage | Maximum determined by compliance with screening and buffering standards contained in Chapter <u>40.320</u> , Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter <u>40.385</u>), and all other applicable standards. | | |

| | |
|-------------------------|------|
| Maximum building height | None |
|-------------------------|------|

2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.
3. Off-Street Parking and Loading. Off-street parking and loading shall be provided as required in Chapter 40.340.
4. Landscaping. Not less than fifteen percent (15%) of the total lot area shall be landscaped. Pedestrian plazas, ~~sidewalks over the minimum width and other pedestrian amenities, and low impact development stormwater management facilities~~ may be used to meet the required landscaping at a one to one (1:1) ratio.

Section 22. Amendatory. Sec. 1 (Exh. A) Ord. 2003-11-1, most recently amended by Sec. 1 (Att. A § 31) of Ord. 2006-09-13, and codified as CCC 40.230.050, are each hereby amended as follows:

40.230.050 University District (U)

C. Development Standards.

1. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for lots, building height, setbacks and building separation in Tables 40.230.050-2 and 40.230.050-3, subject to the provisions of Chapter 40.200 and Section 40.550.020. Site plan review is required for all new development and modifications to existing permitted development unless expressly exempted by this title (see Section 40.520.040)

Table 40.230.050-2. Lot Requirements

| Zoning District | Minimum Lot Area (sq. ft.) | Minimum Lot Width (feet) | Minimum Lot Depth (feet) |
|-----------------|----------------------------|--------------------------|--------------------------|
| University | None | None | None |

Table 40.230.050-3. Setbacks, Lot Coverage and Building Height

| Zoning District | Minimum Setbacks | | | Maximum Lot Coverage | Maximum Building Height (feet) |
|-----------------|------------------|-------------|-------------|----------------------|--------------------------------|
| | Front (feet) | Side (feet) | Rear (feet) | | |
| University | 20 | 10, 20' | 10, 20' | 50% | 72' |

¹ Setback shall be ten (10) feet unless the site is adjoins a residential district in which case the minimum setback shall be twenty (20) feet.

1 ² No building or structure shall be hereafter erected, enlarged, or structurally altered to exceed
2 seventy-two (72) feet in height unless a conditional use permit is granted. Uninhabitable
3 portions of a building, such as a spire, dome, lantern, clock tower, shall be allowed to exceed
4 the height limit as provided for in Section 40.200.060.

5 2. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

6 3. Off-Street Parking and Loading.

7 a. Off-street parking shall be provided as required in Chapter 40.340. No off-street
8 parking or loading area shall be allowed within twenty-five (25) feet of a property
9 line, unless the responsible official finds that a buffer will exist that effectively
10 screens the parking from an adjoining residential zone, in which case no off-street
11 parking or loading area shall be allowed within ten (10) feet of an adjoining
12 residential zone or public right-of-way or access easement.

13 b. All motor vehicle parking, maneuvering, and loading areas shall be paved. Other
14 surfaces may be used for fire lanes as approved by the fire marshal and
15 responsible official; provided, the alternative surface will accommodate emergency
16 vehicle loads.

17 c. Bicycle and pedestrian paths shall be provided in accordance with the approved
18 master plan. Such paths are allowed within the required setback areas.

19 4. Site Plan Approval. New development shall be subject to Section 40.520.040, Site
20 Plan Approval, prior to issuance of a building permit. In addition to the requirements of
21 Section 40.520.040, the following requirements shall apply to properties located within
22 the U district:

23 a. Buildings and structures shall be sited to minimize to the extent possible the
24 interruption of views from adjacent residential areas to any identified significant
25 geographic feature, such as the Cascade Range.

26 b. Landscaping shall be provided that, at maturity, will adequately screen parking lots
27 and vehicle loading and maneuvering areas from surrounding residences while not
28 significantly obscuring views of identified significant geographic features, such as
29 the Cascade Range.

30 c. Landscaping shall be of a type that has growth characteristics given conditions on
31 the site to be effective at screening from the intended view shed within two (2)
32 years of planting, although complete effectiveness may not occur for additional
33 years. Minimum size for shrubs shall be six (6) feet within two (2) years of
34 installation; minimum size for trees shall be twelve (12) feet within two (2) years of
35 installation.

36 d. All required landscaping shall be installed prior to issuance of a certificate of
37 occupancy, unless otherwise approved by the responsible official pursuant to
38 Section 40.320.010(G). Landscaping shall be designated in phases in a reasonable
39 manner to coincide with the phasing of the overall construction which may occur.

- 1 e. Areas which are to be preserved and maintained in their natural setting shall be so
 2 designated on a landscape plan, and subject to the review and approval of the
 3 responsible official. Preserving native vegetation can be used to meet stormwater
 4 requirements as designated in 40.386.
- 5 f. Any mature trees which are lost as a result of new building construction shall be
 6 replaced with new plantings of equivalent long-term quality, and value based on the
 7 International Society of Arboriculture guidelines.
- 8 g. All mechanical heating and ventilating equipment shall be visually screened as
 9 required in Section 40.320.010(D)(2), as approved in the site plan review process.
- 10 h. Exterior lighting shall be installed to avoid disruption to abutting properties and to
 11 avoid traffic safety hazards as required in Section 40.570.080(C)(3)(i), as approved
 12 in the site plan review process.

13 ***

14 **Section 23. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 4
 15 of Ord. 2012-12-14, and codified as CCC 40.230.085, are each hereby amended as follows:

16 **40.230.085 Employment Districts (IL, IH, IR, BP)**

17 ***

19 D. Development Standards. Development standards for employment zoning districts are as
 20 follows:

- 21 1. All districts.
- 22 a. New lots, structures and additions to structures subject to this section shall comply
 23 with the applicable standards for lots, building height, setbacks and landscaping in
 24 Table 40.230.085-2, subject to the provisions of Chapter 40.200 and
 25 Section 40.550.020. Site plan review is required for all new development and
 26 modifications to existing permitted development unless expressly exempted by this
 27 title (see Section 40.520.040).

28

| Table 40.230.085-2. Lot Standards, Setbacks, Lot Coverage and Building Height Requirements | | | | |
|---|-------------|-----------|-----------|----------------------|
| Subject | Zone | | | |
| | IL | IH | IR | BP |
| Minimum area of new zoning district | None | None | None | 5 acres ⁴ |
| Maximum area of new zoning district | None | None | None | None |
| Minimum lot area | None | None | None | 5 acres ⁴ |

| | | | | |
|---|---|-----------------------|-------------------------|------------------------|
| Minimum lot width | None | None | None | None |
| Maximum building height ⁶ | 100 feet ² | 100 feet ² | 100 feet ^{2,3} | 100 feet ² |
| Minimum building setback | | | | |
| Front/street side | 20 feet | 20 feet | 20 feet | 20 feet |
| Side (interior) | 0 feet | 0 feet | 0 feet | 0/20 feet ⁵ |
| Rear | 0 feet | 0 feet | 0 feet | 0/20 feet ⁵ |
| Maximum lot coverage | Maximum determined by compliance with screening and buffering standards contained in Chapter <u>40.320</u> , Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter <u>40.385</u>), and all other applicable standards. | | | |
| Minimum site landscaped area ¹ | 10 percent | 0 percent | 0 percent | 15 percent |

1 ¹ Additional setbacks and/or landscape requirements may apply, particularly abutting residential uses or zones. See Sections 40.230.085(E) and (F) and 40.320.010.

3 ² Excluding unique architectural features such as towers, cupolas and peaked roofs. No height limitation for accessory towers.

5 ³ Building height is limited to sixty (60) feet for parcels on the perimeter of the district or on parcels adjacent to residential districts. Buildings on perimeter parcels may be up to one hundred (100) feet in height if the setback is increased to the building height.

8 ⁴ New parcels smaller than five (5) acres are not permitted unless consistent with a site plan approval.

10 ⁵ Twenty (20) feet when abutting residentially zoned property.

11 ⁶ For buildings exceeding thirty-six (36) feet in height, the building setback shall be equal to the height of the building, up to a maximum setback of fifty (50) feet.

13 (Amended: Ord. 2014-01-08)

14 b. Site plan review pursuant to Section 40.520.040 is required for all new development
15 and modifications to existing permitted development unless expressly exempted by
16 this title.

17 c. Freestanding commercial retail buildings are permitted with the exception of drive-
18 through retail businesses. Freestanding commercial retail buildings shall not exceed
19 ten thousand (10,000) square feet. Where commercial retail uses are approved, a
20 note shall be placed on the final site plan indicating the cumulative amount of the
21 commercial retail areas that have been approved and the residual amount that
22 remains available for use.

23 d. Signs. Signs shall be permitted according to the provisions of Chapter 40.310.

- 1 e. Off-Street Parking and Loading. Off-street parking and loading shall be provided as
2 required in Chapter 40.340.
- 3 f. Landscaping. Landscaping and buffers shall be provided as required in Table
4 40.230.085-2 and Chapter 40.320.
- 5 2. Additional Development Standards for the Railroad Industrial District.
- 6 a. The perimeter around railroad industrial parks shall be landscaped to an L5 or L3
7 standard except along the rail line. In determining which standard applies, the
8 responsible official will consider the potential impacts, such as noise and visual
9 impacts to neighboring properties. Generally, greater impacts trigger the L5
10 standard and lesser impacts trigger the L3 standard.
- 11 b. The performance standards of Section 40.230.085(E) shall be met at the park
12 perimeter.
- 13 c. No tracks are allowed in public roadways except at at-grade crossings.
- 14 d. At-grade crossings shall be minimized to the greatest extent practicable.
- 15 e. Applicants for development in this zoning district shall submit a rail use plan
16 showing where they could build a spur track that will connect with the main line. A
17 rail use plan does not apply if an applicant can show there is an existing track or
18 spur. Development shall not preclude the extension of any spur track.
- 19 3. Additional Development Standards for the Business Park District.
- 20 a. Uses in Setbacks. No service road, spur track, hard stand, or outside storage area
21 shall be permitted within required setbacks adjoining residential districts.
- 22 b. Setbacks. No minimum setback is required where side or rear lot lines abut a
23 railroad right-of-way or spur track.
- 24 c. Fences. Fencing is permitted outside of a boundary line where it is necessary to
25 protect property of the industry or the business concerned. No sight-obscuring
26 fence shall be constructed abutting a major arterial or other public right-of-way in
27 excess of four (4) feet in height within the perimeter setbacks. Any chain link or
28 other wire fencing must be screened with green growing plant materials or contain
29 slats.
- 30 d. Site Landscaping and Design Plan. In addition to site plan requirements, the
31 following requirements shall apply:
- 32 (1) Blank walls are discouraged next to residential zones. If a blank wall is
33 adjacent to residential zones, the applicant shall provide and maintain a
34 vegetative buffer at least eleven (11) feet high that creates a varied
35 appearance to the blank wall. Other features such as false or display windows,
36 artwork, and varied building materials are acceptable.

- 1 (2) Parking areas adjacent to rights-of-way shall be physically separated from the
2 rights-of-way by landscaping or other features to a height of three (3) feet. A
3 combination of walls, berms and landscape materials is preferred. Sidewalks
4 may be placed within this landscaping if the street is defined as a collector or
5 arterial with a speed limit of thirty-five (35) mph or above, in order to separate
6 the pedestrian from heavy or high speed traffic on adjacent roads. The
7 creation of a perimeter feature shall not interfere with the implementation of
8 low impact development stormwater management features on site.
- 9 (3) If a development is located within two hundred fifty (250) feet of an existing or
10 proposed transit stop, the applicant shall work with the transit agency in
11 locating a transit stop and shelter as close as possible to the main building
12 entrance.
- 13 (4) Parking island locations may be designed to facilitate on-site truck
14 maneuvering.
- 15 (5) Required setback areas adjacent to streets and abutting a residential district
16 shall be continuously maintained in lawn or live groundcover. Allowed uses in
17 these areas are bikeways, pedestrian paths and stormwater facilities.
- 18 (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated
19 stormwater ~~treatment~~ facilities and pedestrian plazas may be used to satisfy
20 this requirement. To qualify as a pedestrian plaza, the plaza must:
- 21 (a) Have a minimum width and depth of ten (10) feet and a minimum size of
22 six hundred fifty (650) square feet; and
- 23 (b) Have a minimum of eighty percent (80%) of the area paved in a
24 decorative paver or textured, colored concrete. Asphalt is prohibited as a
25 paver in pedestrian plazas.
- 26 (7) Structures should be clustered on site to maximize open space within the
27 development.
- 28 (8) When security fencing is required it shall be a combination of solid wall,
29 wrought iron, dense hedges or other similar treatment. Long expanses of
30 fences or walls shall be interspersed with trees or hedges at least every fifty
31 (50) feet for a distance of at least five (5) feet to break up the appearance of
32 the wall.
- 33 e. Pedestrian Access Plan. An on-site pedestrian circulation system must be provided
34 which connects the street to the public entrances of the structure(s) on site.
- 35 (1) The circulation system shall be hard surfaced and be at least five (5) feet
36 wide.
- 37 (2) Where the system crosses driveways, parking, and/or loading areas, the
38 system must be clearly identifiable through the use of elevation changes,
39 speed bumps, varied paving materials or other similar methods approved by

- 1 the reviewing authority and in compliance with the Americans with Disabilities
2 Act (ADA).
- 3 (3) The pedestrian circulation system and parking areas must be adequately
4 lighted so that parking areas can be used safely when natural light is not
5 present.
- 6 (4) The pedestrian system must connect the site to adjacent streets and transit
7 stops. The pedestrian system must also connect on-site public open space or
8 parks, commercial, office and institutional developments to adjacent like uses
9 and developments for all buildings set back forty-five (45) feet or farther from
10 the street lot line when existing development does not preclude such
11 connection. Development patterns must not preclude eventual site-to-site
12 connections, even if an adjoining site is not planned for development at the
13 time of the applicant's development.
- 14 f. Commercial Retail Bonus. Additional floor area beyond ten percent (10%) of the
15 total may be devoted to commercial uses if the following conditions are met.
16 Commercial and service bonuses are expressed as a percentage of total floor area
17 of the development or building, up to a maximum of twenty percent (20%).
- 18 (1) All required parking is contained within the building or parking structure
19 associated with the development: two and one-half percent (2.5%) bonus for
20 each building served by the qualifying parking structure.
- 21 (2) The building is oriented such that access to a transit stop is available within
22 one-half mile: two and one-half percent (2.5%) bonus.
- 23 (3) Child care facilities are provided within the development: two and one-half
24 percent (2.5%) bonus.
- 25 (4) Any six (6) of the following enhanced pedestrian spaces and amenities are
26 provided: plazas, arcades, galleries, courtyards, outdoor cafes, widened
27 sidewalks (more than six (6) feet wide outside of public right-of-way), benches,
28 shelters, street furniture, public art or kiosks: two and one-half percent (2.5%)
29 bonus.
- 30 E. Performance Standards. No land or structure shall be used or occupied within employment
31 districts unless there is continuing compliance with the following minimum performance
32 standards:
- 33 1. Maximum permissible noise levels shall be as determined by Chapter 173-60 WAC, as
34 amended, and applicable provisions of Subtitle 40.3.
- 35 2. Venting Standards. The venting of odors, vapors, smoke, cinders, dust, gas, and
36 fumes shall be directed away from residential uses within fifty (50) feet of the vent.
- 37 3. Major Odor Sources.
- 38 a. When an application is made for a use which is determined to be a major odor
39 source, the applicant shall demonstrate that:

- 1 (1) The odor abatement for the project shall comply with the best available control
2 technology for odor control; and
- 3 (2) The emissions will not exceed SWCAA General Regulations.
- 4 b. Uses which involve the following odor-emitting processes or activities shall be
5 considered major odor sources:
- 6 (1) Lithographic, rotogravure or flexographic printing;
- 7 (2) Film burning;
- 8 (3) Fiberglassing;
- 9 (4) Selling of gasoline and/or storage of gasoline in tanks larger than two hundred
10 sixty (260) gallons;
- 11 (5) Handling of heated tars and asphalts;
- 12 (6) Incinerating (commercial);
- 13 (7) Metal plating;
- 14 (8) Tire buffing;
- 15 (9) Vapor degreasing;
- 16 (10) Wire reclamation;
- 17 (11) Use of boilers (greater than one hundred six (106) British Thermal Units per
18 hour, ten thousand (10,000) pounds steam per hour, or thirty (30) boiler
19 horsepower);
- 20 (12) Other uses creating similar odor impacts;
- 21 (13) Uses which employ the following processes shall be considered major odor
22 sources, except when the entire activity is conducted as part of a retail sales
23 and service use:
- 24 (a) Cooking of grains;
- 25 (b) Smoking of food or food products;
- 26 (c) Fish or fishmeal processing;
- 27 (d) Coffee or nut roasting;
- 28 (e) Deep-fat frying;
- 29 (f) Dry cleaning;
- 30 (g) Animal food processing;

1 (h) Other uses creating odors offensive to a person of ordinary sensitivity at
2 any point along a boundary line of the property on which a use or
3 structure is located.

4 4. Light and Glare Standards.

5 a. Except for exterior lighting, operations producing heat and glare shall be conducted
6 entirely within an enclosed building.

7 b. Exterior lighting shall be shielded and directed away from lots in adjacent uses.

8 c. Interior lighting in parking structures shall be shielded, to minimize nighttime glare
9 affecting lots in adjacent uses.

10 d. When nonconforming exterior lighting is replaced, new lighting shall conform to the
11 requirements of this section.

12 e. Glare diagrams which clearly identify potential adverse glare impacts on any
13 residential zone and on arterials shall be required when:

14 (1) Any structure is proposed to have facades of reflective coated glass or other
15 highly reflective material, and/or a new structure or expansion of an existing
16 structure greater than sixty-five (65) feet in height is proposed to have more
17 than thirty percent (30%) of the facades comprised of clear or tinted glass;

18 (2) The facade(s) surfaced or comprised of such materials either:

19 (a) Are oriented towards and are less than two hundred (200) feet from any
20 residential zone; and/or

21 (b) Are oriented towards and are less than four hundred (400) feet from a
22 major arterial with more than fifteen thousand (15,000) vehicle trips per
23 day.

24 f. When glare diagrams are required, the responsible official may require modification
25 of the plans to mitigate adverse impacts, using methods including but not limited to
26 the following:

27 (1) Minimizing the percentage of exterior facade that is composed of glass;

28 (2) Using exterior glass of low reflectance;

29 (3) Tilting glass areas to prevent glare which could affect arterials, pedestrians or
30 surrounding structures;

31 (4) Alternating glass and nonglass materials on the exterior facade; and

32 (5) Changing the orientation of the structure.

33 5. Outdoor Storage Standards.

- 1 a. All storage areas (including but not limited to areas used to store raw materials,
2 finished and partially finished products and wastes) shall be screened from public
3 rights-of-way to the L3 standard.
- 4 b. Outdoor storage is prohibited:
- 5 (1) In floodways;
- 6 (2) On slopes greater than fifteen percent (15%);
- 7 (3) In parking stalls required by Chapter 40.340;
- 8 (4) In areas where outdoor storage or display causes traffic or pedestrian
9 circulation problems as determined by the responsible official or where a
10 minimum five (5) foot wide walkway does not remain clear and free of
11 obstructions;
- 12 (5) If any materials would likely attract animals, birds or vermin; ~~and~~
- 13 (6) In fire lanes; and
- 14 (7) In areas where outdoor storage may have the potential to create polluted
15 stormwater runoff without proper containment or treatment prior to collection in
16 the designated stormwater facility.
- 17 c. The applicant shall demonstrate that both outdoor storage and the screening for
18 outdoor storage are in the appropriate locations on the site to minimize impacts,
19 given the operational practices of the facility.

20 ***

21 **Section 24. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 6
22 of Ord. 2009-01-01, and codified as CCC 40.240.050, are each hereby amended as follows:
23

24 **40.240.050 Applications and procedures**

25 A. Application for Review and Approval.

- 26 1. Applications received under this chapter shall be reviewed as Type II procedures
27 specified in Section 40.510.020, except where specified otherwise herein.
- 28 2. Prior to initiating any use or development which requires review and approval by the
29 responsible official, an application shall be completed pursuant to this section. The
30 responsible official shall accept and review the application pursuant to
31 Sections 40.240.050(C) through 40.240.400 for consistency with the appropriate
32 guidelines of this rule. Review of a proposed use or development shall commence
33 upon the acceptance of an application by the responsible official. The responsible
34 official will charge a fee for review of applications.
- 35 3. Standard application forms shall be available at Clark County and Columbia River
36 Gorge Commission offices.

- 1 4. An application for permit review within the Columbia River National Scenic Area shall
2 submit eight (8) individually bound copies of the following materials unless a lesser
3 number is specified.

4 ***

- 5 h. A preliminary stormwater plan pursuant to Section ~~40.385.040~~ 40.386.030;

6 ***

7
8 **Section 25. Amendatory.** Sec. 1 (Exh. A) Ord. 2003-11-1, most recently amended by Sec. 22
9 of Ord. 2014-12-06, and codified as CCC 40.255.022, are each hereby amended as follows:

10 **40.250.022 Surface Mining Overlay District**

11
12 ***

13 D. Standards.

- 14 1. Site Area. When the activity includes both extraction and any one of the other uses
15 listed in Section 40.250.022(C)(2), the total site area shall be a minimum of twenty
16 (20) acres. Activities which are limited to extraction only shall not have a minimum
17 site size.
- 18 2. Setbacks.
- 19 a. Mineral uses on designated mineral resource land shall be set back at least two
20 hundred (200) feet from abutting parcels with existing lawfully established
21 residential structures or adjacent rural (R) zoning. The setback area shall be used
22 only for roads, berms, landscaping, signs, fencing and reclamation activities. The
23 setback may be reduced by the responsible official if the purposes of this chapter
24 can be met with the reduced setback.
- 25 b. Structures on properties adjacent to designated mineral resource land shall be set
26 back at least one hundred fifty (150) feet from such land. The setback may be
27 reduced by the responsible official if the purposes of this chapter can be met with
28 the reduced setback or if it is not feasible to meet the setback due to site
29 constraints. Setbacks shall not apply to existing structures.
- 30 3. Access. Roads into the site shall be gated and the site or mining area shall be fenced
31 and posted "No Trespassing."
- 32 4. Noise. Maximum permissible noise levels must be in accordance with the provisions
33 of Chapter 173-60 WAC or as identified in the SEPA document.
- 34 5. Hours and Days of Operation.
- 35 a. No operations shall take place on Sundays or on the following holidays: New Year's
36 Day, Memorial Day, July 4th, Labor Day, Thanksgiving Day, Easter, MLK Day,
37 Veterans Day, and Christmas Day.

- 1 b. Operator of roadside farm stand must obtain permission from owner of the property
2 upon which the stand will be located.
- 3 c. Compliance with Chapter ~~40.385~~ 40.386 (Stormwater and Erosion Control) and
4 Chapter 13.26A; Subtitle 40.4 (Critical Areas and Shorelines); and
5 Titles 14 (Buildings and Structures), 15 (Fire Prevention), and 24 (Public Health)
6 is required, if applicable. No building permit is required.
- 7 d. One farm stand is allowed for each legal lot of record owned or leased by the stand
8 operator. A maximum of three (3) stands may be combined at one central location
9 provided the cumulative requirements in Sections 40.260.025(C)(2), (4) and (6)
10 are met.
- 11 2. Parking.
- 12 a. Off-street parking for at least two (2) vehicles shall be provided on the parcel upon
13 which the farm stand is located. Compliance with Chapter 40.340 is not required.
- 14 b. On-street parking is allowed only when the adjacent road, street or highway
15 includes a parking lane.
- 16 3. Access. Ingress and egress to roadside farm stands obtaining access from a public
17 road must be from an existing driveway unless a road approach permit is obtained.
- 18 4. Size. The maximum display and sales area allowed for roadside farm stands is one
19 thousand (1,000) square feet.
- 20 5. Setbacks. Minimum setbacks for structures or sales display areas shall be twenty (20)
21 feet from any property line, public right-of-way or private access easement, if
22 applicable.
- 23 6. Signage.
- 24 a. Off-premises signs are allowed provided permission is obtained from owner of the
25 property upon which the sign will be located;
- 26 b. Signs associated with roadside stands shall not be illuminated or create a hazard to
27 traffic;
- 28 c. Any sign associated with a roadside farm stand shall not exceed eight (8) feet in
29 height unless a building permit is obtained; and
- 30 d. Sign permits are not required for signs associated with roadside farm stands.
- 31 7. Sales.
- 32 a. The sale of incidental retail items shall be supplemental but subordinate to the
33 principal use of the stand in support of ongoing commercial agricultural
34 operations.
- 35 b. Food service is permitted subject to the requirements of Section 40.260.245(D)(6).

1 D. Agricultural markets are allowed subject to the following standards:

2 1. General Requirements.

3 a. The market shall be operated by owner(s) or lessee of property upon which the
4 market is located.

5 b. The parcel upon which the market is located shall be actively managed for
6 agricultural production, or the parcel owner owns or leases other local parcels
7 currently in agricultural production.

8 c. Compliance with Chapter ~~40.385~~ 40.386 (Stormwater and Erosion Control) and
9 Chapter 13.26A; Subtitle 40.4 (Critical Areas and Shorelines); and
10 Titles 14 (Buildings and Structures), 15 (Fire Prevention) and 24 (Public Health) is
11 required.

12 d. An agricultural market shall cease operation when the parcel upon which it is located
13 is developed, is no longer in agricultural production, or the parcel owner no longer
14 owns or leases other local parcels that are in agricultural production.

15 ***

16
17 **Section 27. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
18 22 of Ord. 2014-01-08, and codified as CCC 40.260.055, are each hereby amended as follows:

19
20 **40.260.055 Coffee and Food Stands**

21 ***

22 C. Development Standards.

23 1. Sites with on-site parking and/or drive up facilities will require an approved driveway
24 approach with adequate sight distance per Section 40.350.030(B)(8).

25 2. Drive up stacking. Stands with drive-up windows require three (3), eighteen (18) foot-
26 long queuing spaces per window. Fewer spaces may be approved by the responsible
27 official provided that a plan is submitted that shows the site has sufficient overflow
28 areas so that traffic will not block streets, sidewalks, or parking lot circulation aisles.

29 3. Parking. Parking shall meet minimum ADA requirements. One (1) parking space per
30 employee per shift shall be provided. Additional parking for walk up patrons on
31 undeveloped sites shall be provided at a rate of one (1) space per outdoor seating
32 table. Parking may be provided by the following methods:

33 a. On site;

34 b. On-street parking; provided, that the parking space is legally available and along
35 the site's street frontage. Posted-time or day-restricted parking spaces do not
36 qualify as legally available for the purposes of this section; or

37 c. If no parking space is available on-site or on-street, a joint agreement for off-site
38 parking may be used subject to Section 40.340.010(A)(5).

- 1 4. Paving. Gravel parking and maneuvering areas may be approved, if it provides an
2 adequate all-weather surface. Dust shall not become a nuisance, and gravel shall not
3 be allowed to track onto sidewalks or streets. The creation of additional impervious
4 surface may be subject to the stormwater requirements of Chapter 40.38540.386.

5 ***

6
7 **Section 28. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
8 27 of Ord. 2014-01-08, and codified as CCC 40.320.010, are each hereby amended as follows:

9 **40.320.010 Landscaping and Screening on Private Property**

10 ***

11 B. Landscaping and Screening Design Standards.

12 1. L1, General Landscaping.

13 a. Intent. The L1 standard is for open areas. It is intended to be used where distance
14 is the principal means of separating uses or development, and landscaping
15 enhances the area between them. The L1 standard consists principally of
16 groundcover plants; trees, and ~~high and low shrubs also are required.~~

17 b. Required Materials. There are two (2) ways to provide trees and shrubs to comply
18 with an L1 standard. Shrubs and trees may be grouped. Groundcover plants, grass
19 lawn or approved flowers must fully cover the landscaped area not in shrubs and
20 trees. See Figure 40.320.010-1 for conventional and LID cross-sections that comply
21 with the L1 standard.

22 (1) Where the area to be landscaped is less than ten (10) feet deep, one (1) tree
23 shall be provided per thirty (30) linear feet of landscaped area.

24 (2) Where the area is ten (10) feet deep or greater, one (1) tree shall be provided
25 per eight hundred (800) square feet and either two (2) high shrubs or three (3)
26 low shrubs shall be provided per four hundred (400) square feet of landscaped
27 area.

28 c. Within the commercial districts where a building is to be placed at the buffer line for
29 a front setback, ~~concrete or brick pavers~~ permeable pavement may be used in
30 place of the required groundcover for the length of the building for the front setback
31 only; provided, the required trees are still supplied, the paved area is connected to
32 the public sidewalk, and pedestrian amenities are provided such as benches or
33 pedestrian plazas. The bBuilding need not be placed at the required buffer line to
34 utilize this section if the area between the buffer line and the building is devoted
35 entirely to pedestrian only areas.

36 2. L2, Low Screen.

37 a. Intent. The L2 standard uses a combination of distance and low-level screening to
38 separate uses or development. The standard is applied where a low level of

1 screening sufficiently reduces the impact of a use or development, or where
2 visibility between areas is more important than a greater visual screen.

- 3 b. Required Materials. The L2 standard requires enough low shrubs to form a
4 continuous screen three (3) feet high and ninety-five percent (95%) opaque year-
5 round. In addition, one (1) tree is required per thirty (30) lineal feet of landscaped
6 area or as appropriate to provide a tree canopy over the landscaped area.
7 Groundcover plants must fully cover the remainder of the landscaped area with the
8 exception of energy dissipation points at the locations of stormwater inlets. LID
9 bioretention facility plantings may be used in combination with perimeter shrubs,
10 provided a continuous screen three (3) feet high and ninety-five (95) percent
11 opaque year-round can be achieved within two (2) years of planting. A three (3) foot
12 high masonry wall or fence at an F2 standard or a berm may be substituted for
13 shrubs, but the trees and groundcover plants are still required. When applied along
14 street lot lines, the screen or wall is to be placed along the interior side of the
15 landscaped area. See Figure 40.320.010-2.

16 3. L3, High Screen.

- 17 a. Intent. The L3 standard provides physical and visual separation between uses or
18 development principally using screening. It is used where such separation is
19 warranted by a proposed development, notwithstanding loss of direct views.
- 20 b. Required Materials. The L3 standard requires enough high shrubs to form a screen
21 six (6) feet high and ninety-five percent (95%) opaque year-round. In addition, one
22 (1) tree is required per thirty (30) lineal feet of landscaped area or as appropriate to
23 provide a tree canopy over the landscaped area. Groundcover plants must fully
24 cover the remainder of the landscaped area with the exception of energy dissipation
25 points at the locations of stormwater inlets. LID bioretention facility plantings may
26 be used in combination with perimeter shrubs, provided a continuous screen six (6)
27 feet high and ninety-five (95) percent opaque year-round can be achieved within
28 two (2) years of planting. A six (6) foot high wall or fence that complies with the F2
29 standard (Figure 40.320.010-7) with or without a berm may be substituted for
30 shrubs, but the trees and groundcover plants are still required. When applied along
31 street lot lines, the screen or wall is to be placed along the interior side of the
32 landscaped area. See Figure 40.320.010-3.

33 4. L4, High Wall.

- 34 a. Intent. The L4 standard is used where extensive screening of visual and noise
35 impacts is needed to protect abutting sensitive uses and/or there is little space for
36 separation between uses.
- 37 b. Required Materials. The L4 standard requires a six (6) foot high wall that complies
38 with the F2 standard (Figure 40.320.010-7). When abutting another property, the
39 wall shall abut the property line. When abutting a street or road right-of-way, the
40 wall shall be on the interior side of the landscaped area. One (1) tree is required per
41 thirty (30) lineal feet of wall or as appropriate to provide a tree canopy over the
42 landscaped area with the exception of energy dissipation points at the locations of
43 stormwater inlets. LID bioretention facility plantings may be used, and are
44 encouraged, to satisfy plant requirements. In addition, four (4) high shrubs are

1 required per thirty (30) lineal feet of wall. Groundcover plants must fully cover the
2 remainder of the landscaped area. See Figure 40.320.010-4.

3 5. L5, High Berm.

4 a. Intent. The L5 standard can be used instead of the L4 standard where extensive
5 screening is warranted and more space is available for separation between uses.

6 b. Required Materials. The L5 standard requires a berm four (4) to six (6) feet high. If
7 the berm is less than six (6) feet high, low shrubs that comply with the L2 standard
8 must be planted on top of the berm so that the overall screen height is six (6) feet.
9 In addition, one (1) tree is required per thirty (30) lineal feet of berm or as
10 appropriate to provide a tree canopy over the landscaped area. Groundcover plants
11 must fully cover the remainder of the landscaped area. See Figure 40.320.010-5.

12 6. F1, Partially Sight-Obscuring Fence.

13 a. Intent. The F1 fence standard provides partial visual separation. The standard is
14 applied where a proposed use or development has little impact, or where visibility
15 between areas is more important than a total visual screen- and the installation of
16 fencing will not interfere with the implementation of LID stormwater management on
17 the site.

18 b. Required Materials. A fence or wall that complies with the F1 standard shall be six
19 (6) feet high and at least fifty percent (50%) sight-obscuring. Fences may be made
20 of wood, metal, chain link with slats, bricks, masonry or other permanent materials.
21 See Figure 40.320.010-6.

22 7. F2, Fully Sight-Obscuring Fence.

23 a. Intent. The F2 fence standard provides visual separation where complete screening
24 is needed to protect abutting uses, and landscaping alone cannot provide that
25 separation.

26 b. Required Materials. A fence or wall that complies with the F2 standard shall be six
27 (6) feet high and one hundred percent (100%) sight-obscuring. Fences may be
28 made of wood, metal, bricks, masonry or other permanent materials. This shall not
29 include chain link fences with slats or similar construction. See Figure 40.320.010-
30 7.

31 C. Landscaping and Screening Approval Standards – General.

32 1. A landscape plan shall contain landscaping and screening consistent with the
33 applicable design standards, based on Table 40.320.010-1 and other applicable
34 provisions of this section.

35 2. The applicant may provide landscaping and screening that exceeds the standards in
36 this section; provided:

37 a. A fence or wall (or a combination of a berm and fence or wall) may not exceed a
38 height of six (6) feet above the finished grade at the base of the fence or wall (or at

1 the base of a berm, if combined with one) unless the review authority finds
2 additional height is necessary to mitigate potential adverse effects of the proposed
3 use or other uses in the vicinity; and

4 b. Landscaping and screening shall not obstruct sight distance at intersections as
5 provided in Section 40.350.030 of the UDC.

6 3. The responsible official may approve use of existing vegetation to fulfill landscaping
7 and screening requirements of this section if that existing landscaping provides at least
8 an equivalent level of screening as the standard required for the development in
9 question.

10 4. As a condition of approval of a conditional use or the expansion or alteration of an
11 existing conditional use or planned unit development, the county may require an
12 applicant to provide landscaping and screening that differs from the standards in Table
13 40.320.010-1 and Section 40.320.010(C)(2) where necessary to comply with the other
14 applicable approval standards for the use or development.

15 5. Landscaped areas required for stormwater management purposes may be used to
16 satisfy the landscaping area requirements of this section even though those areas may
17 be inundated by surface water. All stormwater facility designs shall meet the standards
18 as defined in Chapter 40.386.

19 ***

20 E. Landscaping and Screening Standards for Parking, Loading, and Drive-Through Areas.

21 1. A minimum five (5) foot wide strip landscaped to at least an L2 standard shall be
22 provided where vehicle parking, loading, or drive-through facilities abut a public road
23 right-of-way.

24 2. Where a vehicle parking or loading area abuts a property with zoning or land uses
25 other than the proposed land use, the area shall be landscaped and screened as
26 provided in Table 40.320.010-1 abutting the other property.

27 3. Parking areas that contain at least seven (7) spaces shall contain landscape islands
28 equally distributed at a ratio of one (1) island for every seven (7) parking spaces. A
29 landscape island shall contain at least twenty-five (25) square feet, shall be at least
30 four (4) feet wide, and shall prevent vehicles from damaging trees, such as by using a
31 wheel stop or curb. Islands may include stormwater facility design components, such
32 as bioretention features.

33 4. At least one (1) tree shall be planted in each landscape island. Trees in landscape
34 islands shall reach a mature height of thirty (30) feet or more, cast moderate to dense
35 shade in the summer, live at least sixty (60) years, require little maintenance (such as
36 by being insect-, disease- and drought-resistant and not producing fruit), and be
37 suited for use in the proposed location (such as by being tolerant of pollution and
38 direct and reflected heat).

39 ***

1 **Section 29. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
2 28 Ord. 2014-01-08, and codified as CCC 40.320.020, are each hereby amended as follows:

3 **40.320.020 Landscaping in Public Rights-of-Way**

4 ***

5 C. Critical Locations.

- 6 1. Trees with a mature height greater than twenty-five (25) feet shall not be sited under or
7 adjacent to utility lines or overhead structures.
- 8 2. Landscaping used shall not compromise sight distance requirements as defined in
9 Section 40.350.030.
- 10 3. ~~Hardscape~~ Hard surface, including permeable pavement, may be allowed for a portion
11 of the area to be landscaped per Table 40.350.010-1.

12 ***

13 **Section 30. Amendatory.** Sec 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
14 29 of Ord. 2014-01-08, and codified as CCC 40.340.010, are each hereby amended as follows:

15 **40.340.010 Parking and Loading Standards**

16 A. General.

- 17 1. Applicability. Except as otherwise provided by the UDC, required off-street parking and
18 loading spaces shall be improved and maintained as set forth in this section for all
19 uses in all zoning districts.
- 20 2. Timing. Parking and loading spaces required for a given use or development shall be
21 provided consistent with the approved site plan before the county issues an
22 occupancy permit or final inspection for the use or development in question.
- 23 3. Availability.
- 24 a. Parking spaces required for a given use or development shall be available for the
25 parking of operable passenger automobiles of residents, customers, patrons and
26 employees only, and shall not be used for the storage of vehicles or materials, or
27 for the parking of trucks used in conducting the business or use.
- 28 b. Loading spaces required for a given use or development shall be available for
29 loading and unloading of trucks and similar vehicles.
- 30 c. Required off-street parking spaces may not be used for loading or unloading unless
31 the responsible official finds that loading and unloading in those spaces will occur
32 during hours of the day when the spaces are not needed for parking.
- 33 4. Location of Parking and Loading Facilities.

- 1 a. Off-street parking spaces for dwellings shall be located on the same lot as the
2 dwelling.
- 3 b. Off-street parking spaces for other uses shall be located on the same lot as the use
4 or on another lot not more than three hundred (300) feet from the building or use
5 they are intended to serve, measured in a straight line from the building; provided,
6 where required parking for a use or development will be located on a lot other than
7 the lot on which the use it serves is located, then, before the county issues a
8 building permit for the use or development, the applicant shall submit an agreement
9 executed by the owner of the lot where the off-site parking is proposed authorizing
10 use of the lot for the proposed parking spaces for the use in question.
- 11 c. Loading spaces for a given use shall be situated on the same lot as the use it
12 serves, except as provided for joint use of facilities.
- 13 d. Parking and loading spaces shall not be located in a required front setback, except
14 in the case of single-family or duplex dwellings. Access drives and maneuvering
15 areas for parking and loading spaces shall not be located in a required front
16 setback, except to the minimum extent practicable for access to the site.
- 17 5. Joint Use of Facilities. The responsible official may authorize use of given off-street
18 parking and/or loading spaces by two (2) or more uses if:
- 19 a. The responsible official finds the applicant has shown that the uses that share the
20 parking and/or loading do not require that parking and/or loading at the same time;
21 and
- 22 b. Where shared parking or loading for a use or development will be located on a lot
23 other than the lot on which the use it serves is located, then, before the county
24 issues a building permit for the uses or developments on one (1) lot that will be
25 served by the shared parking and/or loading on another lot, the applicant shall
26 submit an agreement executed by the owner of the off-site lot where parking and/or
27 loading is proposed authorizing use of the lot for the proposed parking and/or
28 loading spaces for the use or development in question subject to terms and
29 conditions that assure parking and/or loading will be available for each use it serves
30 as provided in Section 40.340.010(A)(5)(a).
- 31 6. Change or Expansion of a Use. A site plan that changes the use of an existing
32 structure or lot shall provide off-street parking and loading for the new use as required
33 by this section. A site plan that enlarges an existing structure or use shall provide for
34 additional parking and loading based only on the parking and loading requirements of
35 the expansion, except as otherwise provided in Chapter 40.530.
- 36 7. Lighting. Light fixtures in parking or loading areas shall be consistent with
37 RCW 47.36.180 on public roadways and not cast significant light or glare off-site on
38 adjacent properties.
- 39 8. Surfacing. All parking and loading spaces and related access drives, maneuvering,
40 and vehicle storage areas shall be paved to standards, including the use of permeable
41 pavements, as approved by the responsible official except as follows:

- 1 a. Driveways leading to parking and maneuvering areas for unoccupied utility and
- 2 wireless communication facilities need not be paved, except as required by
- 3 Section 40.350.030(B)(7)(c) (this still requires the first twenty (20) to twenty-five
- 4 (25) feet of driveway to be paved so gravel does not enter the paved road);
- 5 b. Three (3) or fewer parking spaces serving unoccupied utility and wireless
- 6 communication facilities need not be paved;
- 7 c. Transitional uses such as coffee and food stands approved under
- 8 Section 40.260.055;
- 9 d. Driveways used only for fire access purposes;
- 10 e. Parking areas for uses that receive access from unpaved roads; and
- 11 f. Other uses as approved by the responsible official.
- 12 9. Drainage. Stormwater drainage facilities for parking and loading spaces and related
- 13 access drives and maneuvering areas shall comply with Chapter ~~40.385~~40.386.
- 14 10. Wheel Stops and Curbs.
- 15 a. Parking and/or loading spaces on the perimeter of a parking lot or abutting interior
- 16 landscaped areas or sidewalks shall include a wheel stop or curb at least four (4)
- 17 inches high located three (3) feet back from the front of the parking and/or loading
- 18 space. Include breaks in curbs, as necessary, to allow flow of stormwater to LID
- 19 stormwater facilities.
- 20 b. The front three (3) feet of a parking space may be improved with a low-growing
- 21 vegetated LID feature groundcover landscape material, instead of asphalt or
- 22 concrete pavement.; ~~provided, that~~ However, this area shall not be counted toward
- 23 landscape or open space area requirements unless it is part of a LID stormwater
- 24 feature.
- 25 c. The perimeter of a parking or loading area and access and maneuvering drives
- 26 associated with them shall be improved with a curb, rail or equivalent so that
- 27 vehicles do not extend over a property line, sidewalk or public or private street.
- 28 Breaks must be provided along the perimeter feature to allow stormwater
- 29 movement to LID stormwater features.

31 **Section 31. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
 32 30 of Ord. 2014-01-08, and codified as CCC 40.340.020, are each hereby amended as follows:

33 **40.340.020 Access and Circulation Standards**

34 A. Access and Circulation Standards.

1 1. Applicability. This section applies to new development that includes parking or loading
2 areas or vehicle, bicycle or pedestrian circulation, including changes to access and
3 circulation of existing development.

4 2. Vehicle Access and Circulation Generally.

5 a. Availability. Access and circulation required for a proposed use or development
6 shall be improved to the standards in this section before the county issues an
7 occupancy permit or final inspection for the use or development in question.

8 b. Joint Access. The responsible official may authorize joint access by two (2) or more
9 uses if:

10 (1) The responsible official finds the access will comply with other applicable
11 access and circulation standards of the UDC; and

12 (2) Before the county issues a building permit for the use or development on one
13 (1) lot that will be served by the shared access on another lot, the applicant
14 shall submit to the county cross-easements or equivalent agreements
15 executed by the owners of the affected properties and filed permanently in
16 county records with deeds to the properties authorizing use of the properties
17 for the proposed shared access.

18 c. Access and circulation drives shall comply with the applicable locational standards
19 of Chapter 40.340, and shall be wide enough to safely accommodate the traffic that
20 will use it consistent with standards approved by the Public Works director. Each
21 parking and loading space shall have access from a street by means of such a
22 drive.

23 d. Except for single-family and duplex dwellings, it shall be practicable for a typical
24 driver to enter and exit all loading spaces and to enter and exit all groups of more
25 than two (2) parking spaces without backing or maneuvering in a public street other
26 than an alley.

27 3. Pedestrian Circulation. Pedestrian circulation shall be provided consistent with the
28 following:

29 a. Required pedestrian circulation routes shall be paved or improved with asphalt,
30 concrete, permeable pavement or other approved all-weather surface; provided,
31 pedestrian circulation routes through recreational or open space areas may be
32 improved with a material consistent with their purpose and the characteristics of
33 their location.

34 ***

35 **Section 32. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.
36 31 Ord. 2014-01-08, and codified as CCC 40.350.030, are each hereby amended as follows:

37 **40.350.030 Street and Road Standards**

38 ***

1 C. Specifications for Design and Construction.

2 1. Transportation Standard Specifications.

3 a. Transportation Standards.

4 The standards for Clark County roads and bridges, and all other construction within
5 publicly owned rights-of-way, shall consist of:

- 6 (1) The current published edition of the Standard Specifications for Road,
7 Bridge and Municipal Construction as published by the Washington
8 Department of Transportation (WSDOT) and the American Public Works
9 Association (APWA) referred as Standard Specifications;
- 10 (2) The current Standard Plans for Road and Bridge Construction as
11 published by WSDOT and APWA (referred as Standard Plans); and
- 12 (3) The Standard Details Manual as defined in Section 40.100.070, and
13 issued by the County Engineer, containing typical drawings to implement
14 transportation, erosion control, drainage, and other engineering standards
15 adopted in the Clark County Code.

16 b. Supplemental Standards. To implement the above standards, the following
17 publications and their subsequent revisions are adopted and shall apply:

- 18 (1) The WSDOT Design Manual;
- 19 (2) The WSDOT Construction Manual;
- 20 (3) The WSDOT Hydraulics Manual;
- 21 (4) A Policy on Geometric Design of Highways and Streets prepared by the
22 American Association of State Highway and Transportation Officials
23 (AASHTO);
- 24 (5) The Manual on Uniform Traffic Control Devices (MUTCD) prepared by the
25 U.S. Department of Transportation, Federal Highway Administration;
- 26 (6) Chapter ~~40.385~~40.386, Stormwater and Erosion Control;
- 27 (7) Chapter 51-304 WAC, State of Washington adoption of the Americans
28 with Disabilities Act into the International Building Code; and
- 29 (8) The AASHTO LRFD Bridge Design Specifications, U.S. Customary Units,
30 including its commentary (refer to Section 40.350.040, Private Bridges, for
31 exceptions to this manual).

32 ***

33 **Section 33. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1 and codified as CCC 40.360.030
34 is hereby amended as follows:

1 **40.360.030 Location, Design and Access Standards**

2 ***

3 B. Design Standards.

- 4 1. The dimensions of the storage area shall accommodate containers consistent with
5 current methods of local collection.
- 6 2. Storage containers shall meet International Fire Code standards and be made of and
7 covered with waterproof materials or situated in a covered area.
- 8 3. Design of exterior storage areas shall comply with standards outlined in Chapter
9 40.386, Stormwater and Erosion Control, including roof cover, paving, and runoff
10 containment, to prevent non-stormwater discharges prohibited by Chapter 13.26A
11 Water Quality from entering the stormwater drainage system.
- 12 34. Exterior storage areas shall be enclosed by a screen to at least an F2 standard. A
13 gate(s) through the fence shall allow access to users and haulers. The gate(s) for
14 haulers shall be capable of being secured in a closed and open position.
- 15 45. Storage containers shall be clearly labeled to indicate the type of materials accepted.

16 ***

17 **Section 34. Repealer.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 1 of
18 Ord. 2013-08-01, and codified as Chapter 40.385 CCC, are each hereby repealed in its entirety.

19 **Section 35. New.** A new Chapter 40.386 (Stormwater and Erosion Control) of the Clark
20 County Code is hereby adopted as follows:

21 **40.386 STORMWATER AND EROSION CONTROL**

22 **40.386.010 Introduction**

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

27 B. Applicability.

- 28 1. The provisions of this chapter shall apply to all new development, redevelopment, land
29 disturbing activities, and drainage projects, consistent with the Clark County Stormwater
30 Manual.
- 31 2. Meeting the requirements of this chapter is the joint and severable responsibility of both
32 the owner(s) of the site on which land-disturbing activity occurs and the person(s)
33 undertaking such activity, including the project applicant. In addition, if the land-
34 disturbing activity involves a county-issued permit per other Clark County code
35 requirements, the applicant is also responsible for meeting the requirements of this
36 chapter.

1 3. The responsible official is authorized to enforce the provisions of this chapter using the
2 remedies and procedures in Title 32.

3
4 C. Exemptions from the Requirements of this Chapter.

5 Exemption from the requirements of this chapter shall be granted for the following activities:

6 1. Forest practices regulated under Title 222 WAC, except Class IV general forest
7 practices that are conversions from timber land to other uses.

8 2. Construction of agricultural buildings or other hard surfaces for carrying out agricultural
9 activities; provided, that no stormwater is released from the site directly or indirectly to
10 the county's stormwater conveyance system.

11 3. Agricultural practices involving working the land for production, but not including
12 converting forested land to agriculture.

13 4. Landscape maintenance activities and gardening.

14 5. Oil and gas field activities or operations including construction of drilling sites, waste
15 management pits, and access roads, as well as construction of transportation and
16 treatment infrastructure such as pipelines, natural gas treatment plants, natural gas
17 pipeline compressor stations, and crude oil pumping stations. Operators are encouraged
18 to implement BMPs to minimize erosion and to control sediment during and after
19 construction activities to help ensure protection of surface water quality during storm
20 events.

21 6. The following pavement maintenance practices:

22 a. Pothole and square cut patching;

23 b. Overlaying existing asphalt or concrete pavement without expanding the area of
24 coverage;

25 c. Shoulder grading;

26 d. Regrading/reshaping drainage systems;

27 e. Crack sealing;

28 f. Resurfacing with in-kind material without expanding the road prism;

29 g. Pavement preservation, without expanding the road prism; and,

30 h. Vegetation management.

31
32 D. Permit (Construction) Time Limit.

33 All permits issued pursuant to the regulations contained in Chapter 40.385 CCC, or earlier
34 stormwater code and the 2009, or earlier version of the Clark County Stormwater Manual
35 expire on January 8, 2021, except if approved construction has begun on site before
36 January 8, 2021. Beginning construction means at a minimum, the site work associated with
37 and directly related to the approved project has begun. For example: grading the project site
38 to final grade, or the installation of utilities. Simply clearing the project site does not
39 constitute the beginning of construction.

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

| | |
|---|---|
| <u>Best management practices (BMPs)</u> | <u>"Best management practices (BMPs)" means schedules of activities, prohibitions of practices, maintenance procedures, managerial practices, and/or structural features approved by Ecology that, when used singly or in combination, prevent or reduce the release of pollutants and other adverse impacts to waters of Washington State.</u> |
| <u>Clark County Stormwater Manual</u> | <u>"Clark County Stormwater Manual" means the stormwater manual adopted by Ordinance 2015-12-01.</u> |

| | |
|---------------------------------|---|
| <u>Drainage project</u> | <u>"Drainage project" means the excavation or construction of pipes, culverts, channels, embankments or other flow-altering structures in any stream, stormwater facility or wetland in Clark County.</u> |
| <u>Ecology</u> | <u>"Ecology" means the Washington Department of Ecology.</u> |
| <u>Engineer</u> | <u>"Engineer" means a professional who is licensed in the state of Washington as an engineer.</u> |
| <u>Hard surface</u> | <u>"Hard surface" means an impervious surface, a permeable pavement, or a vegetated roof.</u> |
| <u>Impervious surface</u> | <u>"Impervious surface" means a non-vegetated surface area which either prevents or retards the entry of water into the soil mantle as under natural conditions prior to development. A non-vegetated surface area which causes water to run off the surface in greater quantities or at an increased rate of flow from the flow present under natural conditions prior to development. Common impervious surfaces include, but are not limited to, roof tops, walkways, patios, driveways, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, and oiled, macadam or other surfaces which similarly impede the natural infiltration of stormwater. Open, uncovered retention/detention facilities shall not be considered as impervious surfaces for the purposes of determining whether the thresholds for application of minimum requirements are exceeded. Open, uncovered retention/detention facilities shall be considered impervious surfaces for purposes of runoff modeling.</u> |
| <u>Land-disturbing activity</u> | <u>"Land-disturbing activity" means any activity that results in a change in the existing soil cover (both vegetative and nonvegetative) and/or the existing soil topography. Land disturbing activities include, but are not limited to clearing, grading, filling, and excavation. Compaction that is associated with stabilization of structures and road construction shall also be considered a land disturbing activity. Vegetation maintenance practices, including landscape maintenance and gardening, are not considered land-disturbing activity. Stormwater facility maintenance is not considered land disturbing activity if conducted according to established standards and procedures.</u> |
| <u>Low impact development</u> | <u>"Low impact development" means a stormwater and land use management strategy that strives to mimic pre-disturbance hydrologic processes of infiltration, filtration, storage, evaporation and transpiration by emphasizing conservation, use of on-site natural features, site planning, and distributed stormwater management practices that are integrated into a project design.</u> |
| <u>Maintenance</u> | <u>"Maintenance" means repair and upkeep activities conducted on currently serviceable structures, facilities, and equipment that involve no expansion or use beyond that previously existing and result in no significant adverse hydrologic impact. It includes those usual activities taken to prevent a decline, lapse, or cessation in the use of structures and systems. Those usual activities may include replacement of dysfunctional facilities, including cases where environmental permits require replacing an existing structure with a different type structure, as long as the functioning characteristics of the original structure are not changed.</u> |
| <u>Minimum requirements</u> | <u>"Minimum requirements" means the nine (9) sets of requirements that are part of the SMMWW, as follows:</u> <ul style="list-style-type: none"> • <u>Minimum requirement No. 1: Preparation of stormwater site plans;</u> • <u>Minimum requirement No. 2: Construction stormwater pollution prevention;</u> |

| | |
|-------------------------------------|---|
| | <ul style="list-style-type: none"> • <u>Minimum requirement No. 3: Source control of pollution;</u> • <u>Minimum requirement No. 4: Preservation of natural drainage systems and outfalls;</u> • <u>Minimum requirement No. 5: On-site stormwater management;</u> • <u>Minimum requirement No. 6: Runoff treatment;</u> • <u>Minimum requirement No. 7: Flow control;</u> • <u>Minimum requirement No. 8: Wetlands protection; and,</u> • <u>Minimum requirement No. 9: Operation and maintenance.</u> |
| <u>Native vegetation</u> | <u>"Native vegetation" means plant species, other than noxious weeds, that are indigenous to the coastal region of the Pacific Northwest and which reasonably could have been expected to naturally occur on the site.</u> |
| <u>New development</u> | <u>"New development" means:</u> <ul style="list-style-type: none"> • <u>Land disturbing activities</u> • <u>Class IV general forest practices that are conversions from timber land to other uses;</u> • <u>Construction or installation of a building or other structure;</u> • <u>Creation of impervious surfaces; and</u> • <u>Subdivisions, short subdivisions, and binding site plans, as defined and applied in Chapter 58.17 RCW.</u> <u>Projects meeting the definition of redevelopment shall not be considered new development.</u> |
| <u>Redevelopment</u> | <u>"Redevelopment" means on a site that is already substantially developed (i.e., has thirty-five percent (35%) or more of existing hard surface coverage):</u> <ul style="list-style-type: none"> • <u>The creation or addition of hard surfaces;</u> • <u>The expansion of a building footprint or addition or replacement of a structure;</u> • <u>Construction, installation or expansion of a building or other structure;</u> • <u>Replacement of impervious surface that is not part of a routine maintenance activity; or</u> • <u>Land-disturbing activities.</u> |
| <u>Responsible official</u> | <u>"Responsible official" means the Clark County Manager or his/her designee for the purposes of this chapter.</u> |
| <u>Regional stormwater facility</u> | <u>"Regional stormwater facility" means a stormwater facility that captures runoff from more than one development or redevelopment project.</u> |
| <u>Site</u> | <u>"Site" means the area within the legal boundaries of a parcel or parcels of land that is (are) subject to new development or redevelopment. For road projects, the length of the project site and the right-of-way boundaries define the site.</u> |

1

2 **40.386.020 Standards – Stormwater Control**

3

4 A. The Clark County Stormwater Manual is adopted by reference, and the requirements
5 contained therein will be the minimum standards for this chapter except as modified in this
6 chapter.

7 B. Where provisions of this chapter conflict with other Title 40 requirements, the more
8 stringent shall apply.

1 C. Publicly-funded linear transportation projects may follow the minimum design requirements
2 and BMPs of the 2014 version of the Washington Department of Transportation's *Highway*
3 *Runoff Manual* (HRM), except use of the infeasibility criteria used for LID selection in the
4 HRM (both the general criteria in Section 4-5 and the BMP specific criteria in Section 5) is
5 not allowed. Instead, LID infeasibility criteria in this manual must be used for LID selection.

6 D. Approvals and permits granted based on compliance with this chapter and any policies
7 and procedures promulgated hereunder do not constitute waivers of the requirements of
8 any other laws or regulations nor do they indicate compliance with any other laws or
9 regulations. Compliance with all applicable federal, state and local laws and regulations is
10 required.

11 40.386.030 Administration

12 A. General.

- 13 1. An applicant proposing any new development, redevelopment, land-disturbing activity
14 or drainage project governed by this chapter shall submit to Clark County the plans,
15 studies, and information described in the Clark County Stormwater Manual. The
16 purpose of the stormwater plan is to determine whether a proposal can meet the
17 requirements set forth in this chapter.
- 18 2. All plans, studies, and reports submitted pursuant to this chapter must be stamped,
19 signed and dated by an engineer, and other licensed professionals if appropriate,
20 responsible for their preparation.
- 21 3. Stormwater site plans are exempt from the requirement to be prepared by an engineer
22 for projects that only apply minimum requirements No. 1 through No. 5 for construction
23 of agricultural or residential buildings and their appurtenances on an existing lot.
24 Alterations to an existing site plan prepared by a licensed engineer are not exempt.

25 B. Preliminary Stormwater Plan.

- 26 1. As part of a land-use application, the applicant shall submit a preliminary stormwater
27 plan meeting the requirements of the Clark County Stormwater Manual for all new
28 development, redevelopment, land-disturbing activities or drainage projects not
29 exempted by Section 40.386.010(C).
- 30 2. A preliminary stormwater plan submittal shall consist of a preliminary development
31 plan and a preliminary technical information report (TIR). The engineer shall include a
32 statement that all required information is included and that the proposed stormwater
33 facilities are feasible.

34 C. Final Stormwater Plan.

- 35 1. The applicant shall submit a final stormwater plan and shall obtain approval of the
36 final stormwater plan from the responsible official prior to beginning construction
37 related to any new development, redevelopment, land-disturbing activity or drainage
38 project not exempted by section 40.386.010(C). The final stormwater plan provides
39 final engineering design and construction drawings in accordance with the Clark
40 County Stormwater Manual.
- 41 2. The final stormwater plan must include a construction stormwater pollution prevention
42 plan (SWPPP) prepared in accordance with the Clark County Stormwater Manual for
43 any new development, redevelopment, land-disturbing activity or drainage project not
44 exempted by Section 40.386.010(C).
45

1 3. If a Final Stormwater Plan differs from the approved Preliminary Stormwater Plan in a
2 manner that, in the opinion of the Responsible Official, raises significant water quality
3 or quantity control issues, it shall require another SEPA determination (if subject to the
4 State Environmental Policy Act [SEPA]) and a post-decision review, in accordance
5 with CCC Section 40.520.060.
6

7 D. Plan Review Process.

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

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

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

20
21 These variances are limited to changes to design and construction of stormwater
22 infrastructure and must meet the following criteria:

23 (1) All Minimum Requirements of the Clark County Stormwater Manual are fully
24 met;

25 (2) The change does not result in a decrease in materials grade or quality; and,

26 (3) The change must be approved by the responsible official as acceptable for
27 maintenance access and repairs.

28
29 b. Type III Variances. The Hearings Examiner may grant a variance from the
30 requirements of this chapter using a Type III process pursuant to
31 Section 40.510.030 prior to permit approval and construction; provided, that the
32 provisions of this chapter are met. Written findings of fact are required that address
33 the following:

34 (1) The application of the Minimum Requirements would impose a severe and
35 unexpected hardship;

36 (2) The variance would provide for equivalent environmental protection and is in
37 the overriding public interest; and that the objectives of safety, function,
38 environmental protection and facility maintenance, based upon sound
39 engineering, would be fully met;

40 (3) There are special physical circumstances or conditions affecting the property
41 such that the strict application of these provisions would deprive the developer
42 of all reasonable use of the property of land in question, and all feasible efforts
43 to meet the intent of the requirements have been made, considering the
44 following:

45 (a) The current (pre-project) use of the site;

46 (b) How the application of the minimum requirements would restrict the
47 proposed use of the site compared to the restrictions that existed prior to
48 the adoption of the minimum requirements;

49 (c) The possible remaining uses of the site if the variance were not granted;

50 (d) The uses of the site that would have been allowed prior to the adoption of
51 the minimum requirements;

1 (e) A comparison of the estimated percentage of value loss as a result of the
2 minimum requirements versus the estimated amount and percentage of
3 value loss of requirements that existed prior to adoption of the minimum
4 requirements; and

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

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

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

12 E. Inspection.

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

16 1. The project applicant must schedule a pre-construction conference and pre-construction
17 inspection to ensure that stormwater and erosion control BMPs are in place and access
18 to public right-of-way is properly installed.

19 2. The project applicant shall obtain approval on all inspections necessary to manage the
20 project and comply with the Clark County Stormwater Manual.

21 3. The project applicant shall inspect all temporary erosion and sedimentation BMPs
22 throughout construction to verify proper installation and maintenance of required soil
23 erosion and sediment controls.

24 4. The responsible official shall inspect new development, redevelopment and drainage
25 projects sites upon completion of construction and before final approval/occupancy to
26 verify proper installation of permanent erosion controls, stormwater facilities, and BMPs
27 and compliance with Chapter 40.386 CCC and the Clark County Stormwater Manual.

28 F. Acceptance.

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

31 G. Record Drawings.

32 1. Upon completion of the construction of conveyance systems, stormwater treatment
33 facilities, flow control facilities and structural source control BMPs (excluding the
34 construction of on-site stormwater management BMPs) and prior to final inspection
35 approval, the applicant shall submit to Clark County record drawings of the full
36 stormwater plan prepared and stamped by a licensed engineer.

37 2. The drawings must accurately represent the project as constructed. They must depict
38 the actual vertical and horizontal locations of roads and drainage facilities constructed on
39 and off site as part of the development, redevelopment, land disturbing activity or
40 drainage project. Record drawings must be stamped, signed and dated by an engineer
41 and must meet the standards contained in the Clark County Stormwater Manual.

42
43 **Section 36. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec 6
44 of Ord. 2012-07-16, and codified as CCC 40.430.030, are each amended as follows:

1 **40.430.030 Administration**

2 ***

3 C. Submittal Requirements.

- 4 1. For development activity regulated by this chapter, submittal requirements will vary
5 depending on the type of project and the type of hazard mitigations that are
6 proposed. Pursuant to Section 40.500.010, a review of a geologic hazard area will
7 be conducted in conjunction with the primary development application. Projects are
8 required to submit a basic site description sufficient to verify that the location of
9 proposed building and access road improvements comply with buffers, setbacks,
10 and vegetation preservation required by Sections 40.430.020(D) and (E). If a
11 regulated activity is proposed within a geologic hazard area, additional information in
12 the form of a geologic hazard area study must be provided to assure the project is
13 feasible and will not cause an increased geologic hazard. The information required
14 for a site description is included in Section 40.430.030(C)(4). The requirements for a
15 geologic hazard area study for projects wishing to build in a geologic hazard area
16 are included in Section 40.430.030(C)(5). To avoid duplication, the information
17 required by this section shall be coordinated by the county with the assessments
18 and requirements for other associated permits.
- 19 2. Shoreline Master Program. Within shoreline jurisdiction, development may be allowed
20 for those uses in the Shoreline Master Program either through a statement of
21 exemption pursuant to Section 40.460.230(C) or through an application for a
22 shoreline permit (substantial development, conditional use, or variance) to include a
23 geohazard review pursuant to Section 40.460.530(E) and
24 Sections 40.430.020 and 40.430.030(C).
- 25 3. The responsible official shall waive parts of the submittal requirements if it is
26 determined that they are not applicable to the proposed activity.
- 27 4. Site Description. As part of the development permit application, the following
28 information describing the subject property and areas within twenty-five (25) feet of
29 the property lines or smaller area of concern as deemed appropriate by the
30 responsible official, drawn to an engineering scale no larger than one (1) inch equals
31 twenty (20) feet (1" = 20') and no smaller than one (1) inch equals one hundred
32 (100) feet (1" = 100') as deemed appropriate by the responsible official:
- 33 a. The site boundary lines;
- 34 b. The topography at contour interval of no greater than five (5) feet;
- 35 c. The location and size of all existing and proposed site improvements including
36 structures, wells, drainfields, drainfield reserve areas, public and private right-of-
37 way easements, and utilities;
- 38 d. The location of all drainage-flow characteristics, streams, groundwater seeps,
39 springs, and evidence of seasonal surface water runoff or groundwater;

- 1 e. The location and extent of all existing and proposed grading activities and existing
2 natural or artificial drainage control facilities and systems;
- 3 f. The location and description of all geologic hazards located on the site and
4 observed on properties within one hundred (100) feet of site boundaries;
- 5 g. The general location of all vegetation and the general location, number and
6 description of all trees over six (6) inch diameter measured three (3) feet above
7 the ground; and
- 8 h. The location of all proposed buffers and setbacks.
- 9 5. Geologic Hazard Area Study. A geologic hazard area study is required if the proposed
10 development does not comply with requirements of Sections 40.430.020(D) and (E).
11 Geologic investigation may also be required in some cases to meet International
12 Building Code requirements for foundations and for seismic design. Geologic hazard
13 area studies shall be prepared, stamped and signed by a registered geotechnical
14 engineer or geologist who meets the requirements defined in Section 40.100.070.
15 Based on the site characteristics and the information submitted by the applicant, the
16 responsible official may require all or part of the following information to be included
17 in a geotechnical report:
- 18 a. The requirements for the site description listed above in Section 40.430.030(C)(4);
- 19 b. Site geology information:
- 20 (1) Topographic contours at two (2) foot intervals or as specified by the
21 responsible official;
- 22 (2) Subsurface data that includes the exploration method, location of soil
23 borings, borings, logs, soil and rock stratigraphy and groundwater levels
24 including seasonal changes;
- 25 (3) The location of landslides, or down-slope soil movement, faults, and
26 geologic contacts on the subject property and adjacent properties;
- 27 (4) A site history that describes any prior grading, soil instability or slope
28 failure; and
- 29 (5) A description of the site vulnerability to seismic events;
- 30 c. Geotechnical Information and Plan Requirements.
- 31 (1) A slope stability study and opinion of slope stability on the subject
32 property and adjacent properties;
- 33 (2) Grading plan;
- 34 (3) Structural foundation requirements and estimated foundation settlements;
- 35 (4) Soil compaction criteria;

- 1 (5) Allowable soil-bearing pressure for foundations, minimum footing widths,
2 piling recommendations for foundations, and design pressure for retaining
3 walls;
- 4 (6) Laboratory data and soil index properties for soil samples;
- 5 (7) Suitability for fill;
- 6 (8) Lateral earth pressures;
- 7 (9) Description of erosion vulnerability and an erosion control plan as
8 required in Chapter ~~40.385~~ 40.386;
- 9 (10) An evaluation of proposed surface and subsurface drainage in a
10 stormwater control plan as required in Chapter ~~40.385~~ 40.386;
- 11 (11) Building limitations; and
- 12 (12) A vegetation management and restoration plan or other means for
13 maintaining long-term stability of slopes;

14 ***

15 **Section 37. Amendatory.** Sec 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 6
16 of Ord. 2009-01-01, and codified as CCC 40.430.020, are each hereby amended as follows:

17 **40.430.020 Standards**

18 ***

19 B. Erosion Requirements.

20 All activities on hillsides subject to severe erosion hazard must minimize erosion by
21 following management practices prescribed by the stormwater and erosion control
22 standards of Chapter ~~40.385~~ 40.386.

23 **Section 38. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 5
24 of Ord. 2014-12-05, and codified as CCC 40.450.040, are each hereby amended as follows:

25 **40.450.040 Wetland Permits**

26 ***

27 B. Standards – General.

28 Wetland permit applications shall be based upon a mitigation plan and shall satisfy the
29 following general requirements:

- 30 1. The proposed activity shall not cause significant degradation of wetland functions;

1 2. The proposed activity shall comply with all state, local and federal laws, including
2 those related to sediment control, pollution control, floodplain restrictions, Chapter
3 40.386 Stormwater and Erosion Control, and on-site wastewater disposal.

4 C. Buffer Standards and Authorized Activities. The following additional standards apply for
5 regulated activities in a wetland buffer:

6 1. Reduced Width Based on Modification of Land Use Intensity. The required buffer width
7 shall be decreased if design techniques are used that reduce the land use intensity
8 category delineated in Table 40.450.030-5. Eligible design measures include the
9 following:

10 a. General Site Design Measures. High intensity buffers may be reduced to moderate
11 intensity buffers if all of the following mitigation measures are applied to the
12 greatest extent practicable:

13 (1) Buffer Enhancement. Improve the function of the buffer such that buffer areas
14 with reduced function can function properly. This could include the removal
15 and management of noxious weeds and/or invasive vegetation or specific
16 measures to improve hydrologic or habitat function.

17 (2) Shielding of High Intensity Uses.

18 (a) Lights. Direct all lights away from wetlands;

19 (b) Noise. Locate activity that generates noise away from wetlands;

20 (c) Pets and Human Disturbance. Use privacy fencing; plant dense
21 vegetation to delineate buffer edge and to discourage disturbance using
22 vegetation appropriate for the eco-region; place wetland and its buffer in a
23 separate tract.

24 (3) Surface Water Management.

25 (a) Existing Runoff. Retrofit stormwater detention and treatment for roads
26 and existing development to the extent determined proportional by the
27 responsible official, and disperse direct discharge of channelized flows
28 from lawns and landscaping;

29 (b) Change in Water Regime. Infiltrate and/or disperse stormwater runoff
30 from impervious surfaces and drainage from lawns and landscaping
31 treated in accordance with Chapter ~~40.385~~ 40.386 into the buffer at
32 multiple locations.

33 b. Low Impact Development Design. High intensity buffers may be reduced to
34 moderate or low intensity buffers under the following circumstances:

35 (1) Limiting stormwater runoff volumes to avoid impacts to receiving waters and
36 wetlands adjacent to the site.

37 (a) Reduction to moderate intensity buffers, by:

- 1 (i) Meeting the standards for full dispersion in
2 Chapter ~~40.385~~ 40.386 over seventy-five percent (75%) of the site;
3 or
- 4 (ii) Infiltration of fifty percent (50%) of the stormwater runoff from the
5 site; or
- 6 (iii) Using low impact development BMPs pursuant to
7 Chapter ~~40.385~~ 40.386 to reduce stormwater runoff volume
8 generated from the site to ~~at least~~ no more than fifty percent (50%)
9 the runoff volume generated by using standard collection and
10 treatment BMPs.
- 11 (b) Reduction to low intensity buffers, by:
- 12 (i) Meeting the standards for full dispersion in
13 Chapter ~~40.385~~ 40.386 for the entire site; or
- 14 (ii) Infiltration of all stormwater runoff from the site; or
- 15 (iii) Using low impact development BMPs pursuant to
16 Chapter ~~40.385~~ 40.386 to match the pre-development stormwater
17 runoff volume from the site.
- 18 (2) Enhanced Stormwater Management. Reduction of high land use intensity
19 buffer to moderate land use intensity buffer for implementation of stormwater
20 treatment measures that exceed the standards of Chapter ~~40.385~~ 40.386. This
21 could include measures such as pre-treatment or tertiary treatment of runoff
22 and limiting discharge from the site to pre-development runoff flow and
23 volume.
- 24 c. Habitat Corridors. Establishment of a minimum one hundred (100) foot wide
25 functioning or enhanced vegetated corridor between the wetland and any other
26 priority habitat areas as defined by the Washington State Department of Fish and
27 Wildlife reduces a high land use intensity buffer to a moderate land use intensity
28 buffer provided both of the following conditions are met:
- 29 (1) Applies only to wetlands with habitat function scores higher than four (4) on
30 the rating system form;
- 31 (2) The habitat corridor must be protected for the entire distance between the
32 wetland and the priority habitat area by some type of permanent legal
33 protection such as a covenant or easement.
- 34 d. The responsible official may determine that proposed measures, other than those
35 specifically listed in Section 40.450.040(C)(1)(a) through (c), will effectively reduce
36 land use intensity and protect or enhance and values of wetlands and, therefore,
37 allow buffer modifications where appropriate.
- 38 2. Minimum Buffer. In the case of buffer averaging and buffer reduction via
39 Section 40.450.040(C)(1), the minimum buffer width at its narrowest point shall not be

1 less than the low intensity land use water quality buffer widths contained in Table
2 40.450.030-2.

3 3. Buffer Averaging. The boundary of the buffer zone may be modified by averaging
4 buffer widths. If buffer averaging is used, the following conditions must be met:

5 a. A maximum of twenty-five percent (25%) of the total required buffer area on the site
6 (after all reductions are applied) may be averaged; and

7 b. The total area contained in the buffer, after averaging, shall be at least functionally
8 equivalent and equal in size to the area contained within the buffer prior to
9 averaging.

10 4. Stormwater Facilities.

11 a. Dispersion Facilities. Stormwater dispersion facilities that comply with the standards
12 of Chapter ~~40.385~~ 40.386 shall be allowed in all wetland buffers. Stormwater
13 outfalls for dispersion facilities shall comply with the standards in subsection
14 (C)(4)(b) of this section. Enhancement of wetland buffer vegetation to meet
15 dispersion requirements may also be considered as buffer enhancement for the
16 purpose of meeting the buffer averaging or buffer reduction standards in this
17 section.

18 ***

19 **Section 39. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 5
20 of Ord. 2014-12-05, and codified as CCC 40.450.040, are each hereby amended as follows:

21 **40.450.040 Wetland Permits**

22 ***

23 D. Standards – Wetland Activities. The following additional standards apply to the approval of
24 all activities permitted within wetlands under this section:

25 ***

26 5. Indirect Wetland Impacts Due to Loss of Buffer Function or Stormwater Discharges.
27 Wetland mitigation shall be required in accordance with the wetland mitigation
28 standards in this subsection for the following indirect wetland impacts:

29 a. Buffer loss resulting from wetland fills permitted under this section;

30 b. Reduction of wetland buffers beyond the maximum reduction allowed under
31 Section 40.450.040(C)(2); provided, that such reductions are limited as follows:

32 (1) Road and utility crossings in the wetland buffer approved in accordance with
33 Section 40.450.040(C)(5); and

34 (2) The total indirect wetland impact from buffer reductions is less than one-
35 quarter (1/4) acre.

- 1 c. Unavoidable loss of wetland function due to stormwater discharges that do not meet
2 the wetland protections standards in Chapter ~~40.385~~40.386.

3 ***

- 4 8. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat scores
5 less than five (5) on the rating form, in compliance with the following requirements:

6 a. Stormwater detention and retention necessary to maintain wetland hydrology is
7 authorized; provided, that the responsible official determines that wetland functions
8 will not be degraded; and

9 b. Stormwater runoff is treated for water quality in accordance with the requirements
10 of Chapter ~~40.385~~40.386 prior to discharge into the wetland.

11 **Section 40. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec
12 12 of Ord. 2012-12-23, and codified as CCC 40.500.010, are each hereby amended as follows:

13 **40.500.010 Summary of Procedures and Processes**

14 ***

15 **B. Development Approvals Timeline – General.**

16 1. Basic Rule. Preliminary approval of land divisions (Chapter 40.540), site plan approval
17 (Section 40.520.040), uses subject to review and approval (R/A)
18 (Section 40.520.020), approval of conditional use permits (Section 40.520.030),
19 approval of planned unit developments (Section 40.520.080), approval of mixed use
20 developments (Section 40.230.020), approval of master plans (Section 40.520.070),
21 and approval of variances (Section 40.550.020), shall be valid for a period of seven
22 (7) years after approval. The right to develop an approved land division, site plan, use
23 permitted subject to review and approval (R/A), conditional use permit, planned unit
24 development or variance or part thereof expires seven (7) years after the effective
25 date of the decision approving such development, unless:

- 26 a. For land divisions – A fully complete application for a final plat has been submitted.
27 b. For use approvals that do not require a building permit – The permitted use has
28 legally commenced on the premises.
29 c. For all other approvals – A building permit for the approved development has been
30 issued and remains in effect, or a final occupancy permit has been issued.

31 **2. Extensions – Phased Developments.**

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

- 35 (1) At least one (1) phase has met the general development approvals timeline
36 basic rule described in Section 40.500.010(B)(1);

- 1 (2) The request for the extension has been submitted in writing to the responsible
2 official at least thirty (30) days prior to the five (5) year deadline, or, in the case
3 of a subsequent extension request, at least thirty (30) days prior to the
4 expiration of the approval period;
- 5 (3) The applicant has demonstrated an active effort in pursuing the next phase of
6 the application; and
- 7 (4) The applicant has demonstrated that there are no significant changes in
8 conditions which would render approval of the application contrary to the
9 public health, safety or general welfare.
- 10 b. The responsible official shall take one (1) of the following actions upon receipt of a
11 timely extension request:
- 12 (1) Approve the extension request if no significant issues are presented under the
13 criteria set forth in this section,
- 14 (2) Conditionally approve the application if any significant issues presented are
15 substantially mitigated by minor revisions to the original approval,
- 16 (3) Deny the extension request if any significant issues presented cannot be
17 substantially mitigated by minor revisions to the approved plan;
- 18 c. A request for extension approval shall be processed as a Type I action. Appeal and
19 post-decision review of a Type I action is permitted as provided in this subtitle.
- 20 3. Developer Agreements. Notwithstanding the foregoing, the board may approve a
21 developer agreement under RCW 36.70B.170 through 36.70B.240 providing for a
22 longer approval duration. The hearing examiner is delegated authority to conduct
23 hearings and make recommendations for developer agreements, but final approval
24 thereof is reserved to the board.
- 25 4. Six-Month Extension.*
- 26 a. Preliminary approvals of land divisions (Chapter 40.540), site plan approval
27 (Section 40.520.040), uses subject to review and approval (R/A)
28 (Section 40.520.020), approval of conditional use permits (Section 40.520.030),
29 approval of planned unit developments (Section 40.520.080), approval of mixed use
30 developments (Section 40.230.020), approval of master plans
31 (Section 40.520.070), and approval of variances (Section 40.550.020), that were
32 approved on or between June 1, 2004, and June 1, 2005, are hereby granted a six-
33 month extension of the expiration of their five (5) year periods of validity under
34 Section 40.500.010(B)(1).
- 35 b. An extension granted under Section 40.500.010(B)(4)(a) shall not modify or excuse
36 compliance with any of the conditions of approval provided for in those approvals.
- 37 5. Special Stormwater Rules.

All permits issued pursuant to the regulations contained in Chapter 40.385 CCC, or earlier stormwater code and the 2009 or earlier version of the Clark County Stormwater Manual will expire on January 8, 2021, unless approved construction has begun on site before January 8, 2021. "Construction has begun," means at a minimum, that site work associated with and directly related to the approved project has begun, for example, grading the project site to final grade, or the installation of utilities. Simply clearing the project site does not constitute the beginning of construction.

Section 41. Amendatory. Sec 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec 4 (Exh. 3) of Ord. 2011-03-09, and codified as CCC 40.510.050 (Table 40.510.050-1), are each hereby amended as follows:

40.510.050 Application Submittal Requirements

| | | |
|--|--|----------|
| <p>13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that all information required by Chapter 40.385, Stormwater and Erosion Control, is included in the preliminary stormwater plan and that the proposed stormwater facilities are feasible <u>it is feasible for the proposed stormwater facilities to function as designed and to meet the requirements of Chapter 40.386.</u></p> | | <p>X</p> |
|--|--|----------|

Section 42. Amendatory. Sec 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 20 of Ord. 2012-07-03, and codified as CCC 40.520.040, are each hereby amended as follows:

40.520.040 Site Plan Review

E. Approval Criteria.

1. If the responsible official finds that a site plan application does or can comply with the applicable approval and development standards, the responsible official shall approve the site plan, or approve the site plan subject to conditions of approval that ensure the proposed development will comply with the applicable standards.
2. If the responsible official finds that a site plan application does not comply with one (1) or more of the applicable approval or development standards, and that such compliance cannot be achieved by imposing a condition or conditions of approval, the responsible official shall deny the site plan application.
3. If a site plan is subject to a standard(s) over which the responsible official does not have sole jurisdiction, then the responsible official shall not make a final decision regarding the site plan until the related decision(s) regarding the applicable standard(s) has been received.

- 1 4. A change of use on a lawfully developed site with nonconforming landscaping and
2 screening shall be brought into compliance with standards in Section 40.320.010,
3 subject to the following:
- 4 a. An alternate landscaping or screening plan may be approved if:
- 5 (1) Compliance with requirements in Section 40.320.010 is not reasonably
6 possible due to location of existing structures, topography, life safety
7 concerns, etc.; or
- 8 (2) Requirements for on-site parking, including access drive aisles, will not
9 meet standards in Section 40.340.010; or
- 10 (3) The required landscaping improvements exceed ten percent (10%) of the
11 value of construction costs of all building and site improvements, except
12 landscaping, for the change in use; however, the minimum requirements
13 under Section 40.520.040(E)(4)(b) shall be met.
- 14 b. At a minimum, outdoor storage areas shall be screened from adjoining properties or
15 public rights-of-way by a six (6) foot fence or wall meeting the F2 standard.
- 16 5. Site Plan Approval Criteria. In addition to other applicable provisions of this code, a
17 site plan application shall comply with the following standards or modifications or
18 variations to those standards permitted by law:
- 19 a. Use and development standards of the applicable base zones and overlay zones in
20 this title;
- 21 b. Sign standards in Chapter 40.310;
- 22 c. Landscaping and screening design standards in Chapter 40.320;
- 23 d. Crime prevention guidelines in Chapter 40.330;
- 24 e. Parking and loading standards in Chapter 40.340;
- 25 f. Transportation and circulation standards in Chapter 40.350;
- 26 g. Solid waste and recycling standards in Chapter 40.360;
- 27 h. Sewer and water standards in Chapter 40.370;
- 28 i. Stormwater and erosion control standards in Chapter ~~40.385~~40.386;
- 29 j. Critical areas standards in Subtitle 40.4;
- 30 k. Fire safety standards in Chapter 15.12; and
- 31 l. Applicable ADA standards.

32 **Section 43. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec. 6
33 of Ord. 2009-01-01, and codified as CCC 40.520.040, are each hereby amended as follows:

1 **40.520.040 Site Plan Review**

2 ***

3 F. Final Site Plan/Final Construction Plan Review.

4 1. Submittal Requirements. All of the materials listed below must be submitted for a
5 complete application, unless otherwise authorized by the responsible official:

6 a. Completed application form;

7 b. Application fee pursuant to Title 6;

8 c. Construction Plans. Where improvements are required, plans for such
9 improvements shall be submitted to the County Engineer who shall review them
10 for conformance with conditions of preliminary site plan approval and other
11 adopted county standards as of the date of preliminary site plan approval.
12 Approval shall be given by the signature of the County Engineer on the
13 construction plans. Improvements shall be designed by or under the direct
14 supervision of a licensed engineer where required by statute
15 (Chapters 18.08, 18.43, and 18.96 RCW). The licensed engineer shall certify
16 same by seal and signature. All construction plans shall comply with the
17 provisions of the Clark County Code.

18 Unless waived by the County Engineer, the construction plan set shall include the
19 following elements:

20 (1) Final grading plan pursuant to Chapter ~~40.385~~40.386;

21 (2) Final transportation plan pursuant to Chapter 40.350;

22 (3) Final signing and striping plan;

23 (4) Final stormwater plan and Technical Information Report (TIR) pursuant to
24 Chapter ~~40.385~~40.386;

25 (5) Proposed erosion control plan pursuant to Chapter ~~40.385~~40.386;

26 (6) Final landscaping plan;

27 (7) Final wetland and/or habitat mitigation plan;

28 (8) Final water and waste water disposal plan; and

29 (9) Additional information as required by the responsible official consistent
30 with the conditions of the preliminary approval or as otherwise required by
31 the code;

32 d. Proposed Final Site Plan. Unless waived by the responsible official, a proposed
33 final site plan shall be approved prior to the issuance of a building permit for all
34 development subject to site plan review. Where construction plans are required,

- 1 a. Fulfill the responsibilities of each generation as trustee of the environment for
2 succeeding generations;
- 3 b. Assure for all people of Clark County healthful, productive and aesthetically and
4 culturally pleasing surroundings;
- 5 c. Attain the widest range of beneficial uses of the environment without degradation,
6 risk to health or safety, or other undesirable and unintended consequences;
- 7 d. Preserve important historic, cultural and natural aspects of our national heritage;
- 8 e. Maintain, wherever possible, an environment which supports diversity and variety of
9 individual choice;
- 10 f. Achieve a balance between population and resource use which will permit high
11 standards of living and a wide sharing of life's amenities; and
- 12 g. Enhance the quality of renewable resources and approach the maximum attainable
13 recycling of depletable resources.
- 14 2. The county recognizes that each person has a fundamental and inalienable right to a
15 healthy environment, and that each person has a responsibility to contribute to the
16 preservation and enhancement of the environment.
- 17 3. The county designates the following policies applicable to the major elements and
18 selected subelements of the environment as defined by WAC 197-11-444, and
19 incorporates by reference the policies in the cited county codes, ordinances,
20 resolutions and plans, and all amendments to them in effect prior to the date of
21 application of any building permit or preliminary plat, or prior to issuance of a DNS or
22 DEIS for any other action:
- 23 a. Earth. It is the county's policy to avoid or minimize adverse impacts from ground-
24 disturbing activities and land use changes within areas of steep or unstable
25 slopes, areas with severe soil limitations, areas most susceptible to earthquake
26 damage, and areas of erosion potential. The following code provisions offer more
27 specific policies:
- 28 (1) Chapter ~~40.385~~ 40.386, Stormwater and Erosion Control;
- 29 (2) Chapter 40.430, Geologic Hazard Areas Regulations;
- 30 (3) Chapter 14.07, Grading, Excavation, Fill, and Stockpile; and
- 31 (4) Section 40.250.022, Surface Mining Overlay District.
- 32 b. Air. It is the county's policy to maintain and enhance air quality in the community.
33 The county generally defers to the Southwest Clean Air Agency (SWCAA) on
34 matters of stationary sources of air pollution, while supporting the Regional
35 Transportation Council (RTC) in the reduction of mobile sources of air pollution. It
36 is the county's policy to require air quality analyses for proposed developments
37 when recommended by SWCAA or RTC. In addition to compliance with the

1 standards and requirements of the following code provisions, it is also the
2 county's policy to further mitigate the generation of dust and odors from land use
3 activities through the local permitting process:

- 4 (1) Section 40.200.010, Purpose;
- 5 (2) Section 40.230.085(E)(2), (3) and (3)(e), Employment districts;
- 6 (3) Section 40.230.050(D)(5)(c) and (d), University district;
- 7 (4) Section 40.250.022, Surface Mining Overlay District;
- 8 (5) Sections 40.260.040 (Animal Feed Yards, Animal Sales Yards, Animal
9 Boarding Facilities, Animal Day Use Facilities, and Equestrian Facilities)
10 and 40.260.170 (Private Use Landing Strips for Aircraft and Heliports);
- 11 (6) Section 40.340.010, Parking, Loading and Circulation;
- 12 (7) Section 40.260.200(F)(2)(e) and (f), Solid Waste Handling and Disposal
13 Sites.

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
16 enforcing the following code provisions and resolutions and through the imposition
17 of other reasonable measures, including monitoring and hydrologic studies of
18 surface and groundwaters, to mitigate water-related impacts; provided, that minor
19 new construction including the construction, reconstruction or expansion of single-
20 family residences or accessory residential structures on pre-existing lots containing
21 wetlands shall only be subject to State Environmental Policy Act mitigation
22 measures where clearly necessary to prevent or lessen identified and significant
23 environmental degradation:

- 24 (1) Chapter ~~40.385~~ 40.386, Stormwater and Erosion Control;
- 25 (2) Chapter 40.450, Wetland Protection;
- 26 (3) Chapter 40.410, Critical Aquifer Recharge Areas;
- 27 (4) Chapter 40.420, Flood Hazard Areas;
- 28 (5) Section 40.250.022, Surface Mining Overlay District;
- 29 (6) Chapter 40.460, Shoreline Overlay District;
- 30 (7) Chapter 24.04, Sewage Regulations;
- 31 (8) Chapter 24.05, Individual Sewage Disposal System Requirements;
- 32 (9) Chapter 24.12, Solid Waste Management;
- 33 (10) Resolution No. 1991-07-35, coordinated water system plan;

1 (11) Resolution No. 1994-03-16, groundwater management plan.

2 d. Plants and Animals. It is the county's policy to recognize the valuable functions
3 provided by vegetation, and to mitigate impacts resulting from removal or
4 replacement of vegetation. It is also the county's policy to preserve sensitive
5 wildlife habitat areas and to conserve priority habitat areas, while also providing
6 generally for wildlife habitat and corridors in the development review process
7 where practicable. The county recognizes that some disruption of animal habitat
8 and plant species is unavoidable and inevitable. In addition to implementing the
9 following code provisions, it is further the county's policy to provide special
10 protection for rare, threatened and endangered plant species, and for habitat of
11 rare, threatened or endangered species of fish and wildlife:

12 (1) Title 7, Weed Control Code;

13 (2) Title 8, Animals;

14 (3) Chapter ~~40.385~~40.386, Stormwater and Erosion Control;

15 (4) Chapter 40.450, Wetland Protection;

16 (5) Chapter 40.440, Habitat Conservation;

17 (6) Chapter 15.13, Wildland Urban Interface/Intermix Ordinance;

18 (7) Section 40.210.010, Forest, Agriculture and Agriculture/Wildlife District,
19 Section 40.210.010(A);

20 (8) Chapter 40.460, Shoreline Overlay District;

21 (9) Chapter 40.320, Landscaping and Screening.

22 ***

23 **Section 45. Instructions to the Clerk.** The Clerk of the Board shall:

- 24 (1) Transmit a copy of this ordinance to the Washington State Department of Commerce
25 within ten (10) days of its adoption, pursuant to RCW 36.70A.106;
26 (2) Record a copy of this Ordinance with the Clark County Auditor;
27 (3) Cause notification of adoption of this ordinance to be published forthwith, pursuant to
28 RCW 36.70A.290; and,
29 (4) Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith, to update
30 the electronic version of the Clark County Code.

31 **Section 46. Effective Date.** This ordinance shall take effect at midnight January 7, 2016.

1 ADOPTED this 24th day of ~~December~~ November, 2015.

2

BOARD OF COUNTY COUNCILORS

3 ATTEST:

4 Rebecca Gilton
5 Clerk of the Board
6

By: 
David Madore, Chair

7 Approved as to form only:
8 ANTHONY F. GOLIK
9 Prosecuting Attorney,

By: _____
Jeanne E. Stewart, Councilor

10 Christine Cook
11
12
13
14 Christine Cook,
15 Sr. Deputy Prosecuting Attorney

By: _____
Tom Mielke, Councilor

16