

**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

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**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40.386 CCC; (2) updates to the Water Quality Code, Chapter 13.26A CCC, to harmonize with the new Manual and remove outdated language; and, (3) updates to Title 40 update to refer to the new Manual and remove barriers to fully utilizing Low Impact Development (LID) techniques.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](http://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

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**DISTRIBUTION:**

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

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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
<b>Total</b>						

- 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
<b>Total</b>							

- 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						
<b>Total</b>						

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,

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

II	Fee to extend expired approved grading permit <sup>(11)</sup>	50% of original fee	94
<b>G</b>	<b>Post Plan Approval—Plan Revisions</b>		
	Change design after construction plans approval	Hourly rate; initial deposit \$200 <sup>(3)</sup>	94
<b>H</b>	<b>Single-Family Residence Stormwater Reviews</b>		
I	Roof and crawlspace drainage review <sup>(13)</sup>	345	n/a
II	Stormwater review (MR No. 1-10)	1,150	94
<b>I</b>	<b>Short Plat</b>		
	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
<b>J</b>	<b>Site Plan</b>		
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 <sup>(12)</sup>	0.025/s.f.	n/a
<b>K</b>	<b>Subdivision (all sizes)</b>		
	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
<b>L</b>	<b>Additional Final Engineering Plan Reviews—Fee Required for Each Review after Third Submittal</b>	745	94

1 Notes:

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
	<b>Engineering Inspection Fees</b>		
<b>A</b>	<b>Critical Aquifer Recharge Area Permit (CARA)</b>		
	<b>Category I Only</b>		
	All types site plan inspection	754	53
<b>B</b>	<b>Drainage Project</b>		
	Inspection fee <sup>(1)</sup>	1,400	94
<b>C</b>	<b>Grading and Drainage Permit—Inspection</b>		
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

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<sup>(1)</sup>**

Section	Activity	Fee	Issuance Fee
1  A	Annual Erosion Control Inspection Fee— First Year <sup>(2)</sup>  Fee consists of base fee plus disturbed area component <sup>(3, 4)</sup>		

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 ~~C.~~ 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:  
 33

<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>

	<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>

- 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.

13

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 SMMWV 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~~ it 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 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 facility ~~ies~~ 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 (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 **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.

***	
<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, <del>open channels,</del> culverts, <u>street gutters,</u> <del>storage basins,</del> <u>detention ponds, retention ponds, constructed wetlands,</u> infiltration devices, catch-basins, <del>manholes, dry wells,</del> oil/water separators, and <del>sediment basins</del> <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**

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E. Approval Process.

	Connecting to Water
Section <del>Chapter</del> <u>40.385.020</u> <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).

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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



- 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)**

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18  
 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 <sup>4</sup>
Maximum area of new zoning district	None	None	None	None
Minimum lot area	None	None	None	5 acres <sup>4</sup>

- 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 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 (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 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 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 ~~40.385~~40.386.

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 building 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 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 **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. 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.

30 \*\*\*

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 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 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>

	<ul style="list-style-type: none"> <li>• <u>Minimum requirement No. 3: Source control of pollution;</u></li> <li>• <u>Minimum requirement No. 4: Preservation of natural drainage systems and outfalls;</u></li> <li>• <u>Minimum requirement No. 5: On-site stormwater management;</u></li> <li>• <u>Minimum requirement No. 6: Runoff treatment;</u></li> <li>• <u>Minimum requirement No. 7: Flow control;</u></li> <li>• <u>Minimum requirement No. 8: Wetlands protection; and</u></li> <li>• <u>Minimum requirement No. 9: Operation and maintenance.</u></li> </ul>
<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>	<p><u>"New development" means:</u></p> <ul style="list-style-type: none"> <li>• <u>Land disturbing activities</u></li> <li>• <u>Class IV general forest practices that are conversions from timber land to other uses;</u></li> <li>• <u>Construction or installation of a building or other structure;</u></li> <li>• <u>Creation of impervious surfaces; and</u></li> <li>• <u>Subdivisions, short subdivisions, and binding site plans, as defined and applied in Chapter 58.17 RCW.</u></li> </ul> <p><u>Projects meeting the definition of redevelopment shall not be considered new development.</u></p>
<u>Redevelopment</u>	<p><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></p> <ul style="list-style-type: none"> <li>• <u>The creation or addition of hard surfaces;</u></li> <li>• <u>The expansion of a building footprint or addition or replacement of a structure;</u></li> <li>• <u>Construction, installation or expansion of a building or other structure;</u></li> <li>• <u>Replacement of impervious surface that is not part of a routine maintenance activity; or</u></li> <li>• <u>Land-disturbing activities.</u></li> </ul>
<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 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 **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 (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 (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 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 All permits issued pursuant to the regulations contained in Chapter 40.385 CCC, or earlier  
2 stormwater code and the 2009 or earlier version of the Clark County Stormwater Manual will  
3 expire on January 8, 2021, unless approved construction has begun on site before January  
4 8, 2021. "Construction has begun," means at a minimum, that site work associated with and  
5 directly related to the approved project has begun, for example, grading the project site to  
6 final grade, or the installation of utilities. Simply clearing the project site does not constitute  
7 the beginning of construction.  
8

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

12 **40.510.050 Application Submittal Requirements**  
13

14 \*\*\*

13. Project Engineer Statement of Completeness and Feasibility. The project engineer shall include a statement that <del>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</del> <u>it is feasible for the proposed stormwater facilities to function as designed and to meet the requirements of Chapter 40.386.</u>		X
---	--	---

15 \*\*\*

16 **Section 42. Amendatory.** Sec 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec.  
17 20 of Ord. 2012-07-03, and codified as CCC 40.520.040, are each hereby amended as follows:

18 **40.520.040 Site Plan Review**

19 \*\*\*

20 E. Approval Criteria.

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

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 i. Receipt showing payment of concurrency modeling fees;
- 2 j. Other supporting documents required pursuant to the preliminary site plan decision.
- 3 2. Copies. All plans and materials shall be submitted in the format and number
- 4 established by the responsible official.
- 5 3. Construction Plan and Final Site Plan Review Procedure.
- 6 a. Final site plan/final construction plan applications are subject to a Type I review
- 7 pursuant to Section 40.510.010.
- 8 b. The responsible official shall approve final site plan/final construction plans and
- 9 forward the final site plans to the appropriate department for issuance of a
- 10 building permit if the approval criteria below are met:
  - 11 (1) The construction plans, if required, and final site plan are in proper form
  - 12 as established by the submittal requirements;
  - 13 (2) The construction plans, if required, meet the technical performance
  - 14 requirements of the county. Improvements were designed by or under the
  - 15 direct supervision of a licensed engineer where required by statute
  - 16 (Chapters 18.08, 18.43, and 18.96 RCW) and the licensed engineer has
  - 17 certify same by seal and signature;
  - 18 (3) The construction plans, if required, and final site plan are in conformance
  - 19 with the conditions of the preliminary site plan approval; and
  - 20 (4) The construction plans, if required, and final site plan is in compliance
  - 21 with the requirements of this chapter and all applicable, adopted statutes and
  - 22 local ordinances.
- 23 c. The construction plan approval shall be given by the signature of the County
- 24 Engineer on the improvement plans.

25 **Section 44. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-1, most recently amended by Sec 3  
 26 of Ord. 2013-06-15, and codified as CCC 40.570.080, are each hereby amended as follows:

27 **40.570.080 SEPA and County Decisions**

28 \*\*\*

29 C. SEPA Policies.

30 The county designates the following general policies as the basis for county's exercise of  
 31 authority pursuant to this chapter:

- 32 1. The county shall use all practicable means, consistent with other essential
- 33 considerations of state policy, to improve and coordinate plans, functions, programs
- 34 and resources to the end that the county and its citizens may:

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 ADOPTED this 24<sup>th</sup> day of December, 2015.

2

BOARD OF COUNTY COUNCILORS

3 ATTEST:

4 Rebecca Jilton  
5 Clerk of the Board

By: DM  
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

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