

CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Development

DATE: August 31, 2016

REQUEST: Approve the Spring 2016 biannual code amendments on consent

CHECK ONE: Consent CAO

BACKGROUND

Twenty-seven biannual code change items were approved by the Board at a hearing on June 28, 2016. Most are changes to development regulations in Title 40. The 27 items which were approved in the Attachment "A" at the June 28th hearing have been reformatted into 36 items in the final ordinance.

Staff requests that the Board formally approve the final ordinance on consent.

Legal staff noted that a minor addition was needed to #8 of the Attachment "A", which amends a section of the County's enforcement code, Section 32.04.045. This code section currently states that the "department of Public Services" has authority to initiate criminal enforcement. Number 8 of the Attachment "A" changed the outdated "department of Public Services" reference to "Community Development".

Because Public Health and Public Works were once a part of Public Services, but are now separate departments, these two additional departments need to be included in the reference update. Section 6 of the final ordinance now lists Community Development, Public Health and Public Works staff as having criminal prosecution authority. This is not new policy; all three currently have enforcement authority.

COMMUNITY OUTREACH

The required sixty day notification of intent to adopt this set of amendments was received by the State Department of Commerce on March 16, 2016.

A SEPA determination of non-significance was published in the "Columbian" newspaper on March 30, 2016. No SEPA comments were received.

The text of the proposed changes was presented to the Development and Engineering Advisory Board (DEAB). They voted to approve the amendments as proposed at their March 2016 meeting.

A legal notice of the Planning Commission public hearing was published in the "Columbian" newspaper on April 6, 2016.

The Planning Commission held a work session on these items on April 7, 2016.

*mjm
OK*

On March 21, 2016 the Planning Commission held a hearing on 28 proposed amendments. One proposed amendment regarding the height of retaining walls and fences was returned to the Planning Commission and was removed from the biannual code amendment process.

The Board of County Commissioners held a work session on May 11, 2016 and approved all items in the final ordinance, with the exception of the added terms "Public Health and Public Works" in Section 6 as discussed in the Background section of this report.

BUDGET AND POLICY IMPLICATIONS

None

FISCAL IMPACTS

Yes (see attached form) No

ACTION REQUESTED

Approve the final adopting ordinance

DISTRIBUTION

Christine Cook, Deputy Prosecuting Attorney



Name: Susan Ellinger
Title: Land Use Review Manager

(Martin Snell for Susan Ellinger)

Approved: 
CLARK COUNTY
BOARD OF COUNCILORS

Sept. 13, 2016
SR 187-16



ORDINANCE NO. 2016-09 - 04

WHEREAS, periodically, the county "batches" minor amendments to the Clark County Code to correct scrivener's errors, clarify standards and codify interpretations of code language brought about by management decisions, staff suggestions, hearings examiner or Board of Clark County Commissioners actions; and

WHEREAS, the required sixty day notification of intent to adopt this set of "Bi-annual Code Amendments" was received by the State Department of Commerce on March 16, 2016; and

WHEREAS, a SEPA determination of non-significance was published on March 30, 2016, and

WHEREAS, legal notice of the Clark County Planning Commission public hearing was published on April 6, 2016; and

WHEREAS, the Planning Commission took public testimony on April 21, 2016 and developed their recommendation to the Board of County Councilors; and

WHEREAS, a legal notice of the Board of County Councilors' public hearing was published on June 1, 2016; and

WHEREAS, the Board of County Councilors took public testimony on June 28, 2016, on the planning commission recommendation; and

WHEREAS, the Board of County Councilors voted to approve the code amendments as proposed in the Attachment "A"; and

WHEREAS, the Board of County Councilors finds these amendments in the public interest; and

WHEREAS, the code amendments as approved in the Attachment "A" have been reformatted into a final adopting ordinance to provide a better legislative history without change in substance; and

WHEREAS, the reformatted ordinance has been returned to the Board on the consent agenda for final approval; now, therefore

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

Section 1. Amendatory. Sec. 3 of Ord. 1990-08-03 and codified as CCC 5.45.020 are each hereby amended as follows:

5.45.020 Definitions.

As used in this chapter:

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

Section 2. Amendatory. Sec. 3 of Ord. 1990-08-03 and codified as CCC 5.45.040 are each hereby amended as follows:

5.45.040 License applications—When and where to apply.

Applications for a license, whether original, transfer or renewal, must be made to the planning manager by the intended operator of the adult entertainment enterprise. Applications shall be made by hand delivery to the permit center of the Clark County ~~department of public services~~ Community Development Department during regular business hours, Monday through Friday, excluding holidays. Applications for licenses shall be made on a form to be furnished by the department. The application shall be accompanied by an application for site plan review pursuant to Section 40.520.040 of this code.

Section 3. Amendatory. Sec. 3 of Ord. 1990-08-03 and codified as CCC 5.45.090 are each hereby amended as follows:

5.45.090 License—Term and renewal—Transferability.

- (1) Term and Renewal. Each adult entertainment license shall be valid for a period of one (1) year and shall expire on the anniversary of the date of issuance of the license, unless sooner revoked, or surrendered. Each adult entertainment license shall be subject to renewal as of its expiration date by the filing of a permit and license renewal application with the Planning Manager. Renewal applications must be filed at least twenty (20) days prior to the expiration date of the permit that is to be renewed.
- (2) Transferability.
- (a) An adult entertainment license is personal to the operator and owner or owners designated in the application, but may be transferred pursuant to this section. A transfer application must be filed within twenty (20) days prior to any change in owners or operators designated in the application. A transfer application shall be made by hand delivery to the permit center of the Clark County ~~Department of Public Services~~ Community Development Department during regular business hours, Monday through Friday, excluding holidays. Applications for transfers shall be made on a form or forms to be furnished by the Department.

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

Section 4. Amendatory. Sec. 9 of Ord. 1991-07-13 and codified as CCC 10.08A.090 are each hereby amended as follows:

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

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

Section 5. Amendatory. Sec. 4 (Exh. C) of Ord. 2004-06-04; as most recently amended by Sec. 1 of Ord. 2010-06-15 and codified as CCC 14.06.105.2 are each hereby amended as follows:

CCC 14.06.105.2 Work exempt from permit.

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

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

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

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

Section 6. Amendatory. Sec. 2 of Ord. 1989-10-30 as most recently amended by Sec. 3 of Ord. 1991-11-09 and codified as CCC 32.04.045 are each hereby amended as follows:

32.04.045 Misdemeanor penalty.

- (1) Unless a different criminal penalty is otherwise prescribed, the violation of any land use, public health or nuisance ordinance, including Section 9.24.010, shall constitute a misdemeanor punishable as provided for in Section 1.02.210.
- (2) ~~Staff for the department of public services~~ Community Development, Public Health, or Public Works staff may initiate criminal prosecution in lieu of or in addition to the civil penalty provided for hereinafter when, after consultation with the Prosecuting Attorney, they are of the opinion that the civil penalty has or will not be effective, timely, or when the violation is a second or subsequent violation.

Section 7. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. of Ord. 2008-06-02 and codified as CCC 40.100.070 (Lot Line, front) are each hereby amended as follows:

Lot line, front "Front lot line" means that portion of the property line abutting a street right-of-way, street easement, street tract, or private driveway easement.

• For corner lots, the front lot line is that which provides vehicular access. In the case where vehicular access is provided on more than one street, one (1) front lot line and one (1) street side lot line shall be designated, ~~except that~~ Within a street side setback, entrances to garages, carports, or similar vehicular shelters shall maintain a front yard minimum eighteen (18) foot setback from the property line, street easement, street tract or inside edge of any pedestrian easement, whichever is greater when the street side setback for the applicable zoning district is less than eighteen (18) feet. If access is provided to a corner lot by an alley, the front lot line is that which is most opposite the alley.

Section 8. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 2 of Ord. 2014-11-02 and codified as CCC Table 40.210.010-1 are each hereby amended as follows:

| Table 40.210.010-1. Uses | | | | | |
|---|-------|-----------|-------|-------|-------------------|
| | FR-80 | FR-40 | AG-20 | AG-WL | Special Standards |
| ***** | | | | | |
| 8. Resource Activities. | | | | | |
| ***** | | | | | |
| p. Heliports, helipads and helispots used in conjunction with the resource activity | P | <u>PC</u> | C | X | 40.260.170 |
| 9. Other. | | | | | |
| ***** | | | | | |

Section 9. Amendatory. Ord. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 3 of Ord. 2012-07-03 and codified as CCC Table 40.210.020-3 are each hereby amended as follows:

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

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

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

³ Residential buildings only.

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

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

Section 10. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec.1 (#13 of Attachment A) of Ord.2008-06-02 and codified as CCC Table 40.210.030-3 are each hereby amended as follows:

| Table 40.210.030-3. Setbacks, Lot Coverage and Building Height | | | | | | |
|--|-------------------------------|----------------------------|------------------------------|--------------------------|----------------------|--------------------------------|
| Zoning District | Minimum Setbacks ⁴ | | | | Maximum Lot Coverage | Maximum Building Height (feet) |
| | Front ⁵ (feet) | Side | | Rear (feet) ² | | |
| | | Street ⁵ (feet) | Interior (feet) ¹ | | | |
| RC-2.5 | 25 | 25 | 10, 50 ⁴ | 10, 50 ² | N/A | 35 ³ |
| RC-1 | 25 | 25 | 10, 50 ¹ | 10, 50 ² | N/A | 35 ³ |

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

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

³ For all structures.

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

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

Section 11. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 5 (Exh. 4) of Ord. 2004-09-02 and codified as CCC Table 40.210.040-3 are each hereby amended as follows:

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

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

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

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

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

Section 12. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 25 of Ord. 2010-08-06 and codified as CCC Table 40.230.070-3 are each hereby amended as follows:

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

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

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

³ Residential buildings only.

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

Section 13. Amendatory. Sec. 22 of Ord. 2014-01-08 as most recently amended by Sec. 27 of Ord. 2015-11-24 and codified as CCC 40.260.055.C are each hereby amended as follows:

40.260.055

C. Development Standards.

- 12. Frontage improvements are not required.
- 13. Developments approved under this section are not subject to traffic impact fees.

Section 14. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 8 of Ord. 2012-05-14 and codified as CCC Table 40.350.030-1 are each hereby amended as follows:

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

Section 15. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 31 of Ord. 2014-01-08 and codified as CCC Table 40.350.030-3 are each hereby amended as follows:

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

¹ May be steeper for short distances where permitted by AASHTO Guidelines.

² Intersection of two (2) different street classifications shall use the larger intersection radius.

³ Must meet state standards if intersecting state roads.

⁴ Storefront streets may require curb extensions at intersections subject to Section 9.1.2 of the Highway 99 Overlay Standards, or for Mixed Use developments.

⁵ Except for where the curve is between eighty (80) to one hundred ten (110) degrees, a minimum thirty-five (35) foot radius may be used.

⁶ Design speed for rural private road may be reduced to twenty (20) miles per hour without road modification, if topography imposes severe restriction and has approval from the County Engineer.

⁷ Forty-five (45) foot radius will be required on roads where truck/transit will use, and there is only one (1) lane of traffic.

Section 16. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 31 of Ord. 2014-01-08 and codified as CCC 40.350.030.B.4 are each hereby amended as follows:

4. Access Management.
 - a. Applicability. As noted in Section 40.350.030(A)(2), this subsection also applies to applications for building permits and applications for access to public roads.
 - b. Access to Local Access Roads.
 - (1) Driveway Spacing.
 - (a) Excepting the bulbs of cul-de-sacs, driveways providing access onto nonarterial streets serving single-family or duplex residential structures shall be located a minimum of five (5) feet from the property lines furthest from the intersection. Where two (2) driveways are permitted, a minimum separation of fifty (50) feet shall be required between the driveways, measured from near edge to near edge.
 - (b) Corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines, as measured to the nearest edge of the driveway, or in the case where this is impractical, the driveway may be limited to twenty (20) feet in width and located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line. Where a residential corner lot is located at the intersection of a nonarterial street with an arterial street, the corner clearance requirements of Section 40.350.030(B)(4)(c)(2)(f) shall apply to the nonarterial street.
 - (c) Flag lots and joint driveways serving ~~two (2) or three (3)~~ up to four (4) lots are exempt from the requirements of this subsection.
 - (d) Nonresidential driveways are prohibited from taking access from an urban access road as defined in Table 40.350.030-2 unless no access exists or can be provided to a collector.
- *****
- d. Access to Arterials. In order to limit the number of residential roads intersecting with arterials while providing adequate neighborhood circulation, residential roads intersecting with urban arterials shall be classified and constructed to standards applicable to local residential access or collector roads unless the

review authority finds that a lesser classification adequately provides for the circulation needs of the surrounding area. In those cases in which an urban access street is less than thirty-six (36) feet wide, such street shall have a minimum width of thirty-six (36) feet at the intersection with the arterial and shall be tapered as shown on the standard plans according to accepted engineering practices and supplemental standards in Section 40.350.030.C.1.(b) as determined by the Public Works Director. Road approach permits not associated with development shall be reviewed using a Type I process.

Section 17. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 40 of Ord. 2015-11-24 and codified as CCC 40.500.010.B are each hereby amended as follows:

B. Development Approvals Timeline – General.

1. Basic Rule. Preliminary approval of land divisions (Chapter 40.540), site plan approval (Section 40.520.040), uses subject to review and approval (R/A) (Section 40.520.020), approval of conditional use permits (Section 40.520.030), approval of planned unit developments (Section 40.520.080), approval of mixed use developments (Section 40.230.020), approval of master plans (Section 40.520.070), and approval of variances (Section 40.550.020) shall be valid for a period of seven (7) years after approval. The right to develop an approved land division, site plan, use permitted subject to review and approval (R/A), conditional use permit, planned unit development or variance or part thereof expires seven (7) years after the effective date of the decision approving such development, unless:
 - a. For land divisions – A fully complete application for a final plat has been submitted.
 - b. For use approvals that do not require a building permit – The permitted use has legally commenced on the premises.
 - c. For all other approvals – A building permit for the approved development has been issued and remains in effect, or a final occupancy permit has been issued.
2. Extensions – Phased Developments.
 - a. Those applications specifically approved for phased development may receive an unlimited number of subsequent two (2) year extensions in accordance with the following:

- (1) At least one (1) phase has met the general development approvals timeline basic rule described in Section 40.500.010(B)(1);
- (2) The request for the extension has been submitted in writing to the responsible official at least thirty (30) days prior to the ~~five (5)~~ seven (7) year deadline, or, in the case of a subsequent extension request, at least thirty (30) days prior to the expiration of the approval period;
- (3) The applicant has demonstrated an active effort in pursuing the next phase of the application; and
- (4) The applicant has demonstrated that there are no significant changes in conditions which would render approval of the application contrary to the public health, safety or general welfare.

Section 18. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 41 of Ord. 2015-11-24 and codified as CCC Table 40.510.050-1 are each hereby amended as follows:

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

Section 19. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 1 (Ex. A) of Ord. 2012-02-03 and codified as CCC 40.520.020.D are each hereby amended as follows:

D. Approval Criteria – Special Uses.

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

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

Section 20. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 34 of Ord. 2014-01-08 and codified as CCC 40.520.030.1 are each hereby amended as follows:

I. Expansions.

- ~~1. Subject to Section 40.520.030(G)(2), an existing permitted or lawfully nonconforming conditional use may be expanded or modified following site plan approval pursuant to Section 40.520.040 if the expansion or modification complies with other applicable regulations and is not expressly prohibited by either:
 - ~~a. An applicable prior land use decision if the original use is lawfully nonconforming because it was commenced prior to a conditional use permit being required; or~~
 - ~~b. The conditional use permit issued for such use.~~
 - ~~c. A lawful, but nonconforming conditional use must first obtain a conditional use permit and the necessary site plan review approval subject to the standards in Sections 40.520.030(G)(2) and 40.520.040 prior to expanding or modifying that use on the site.~~~~

I. Expansions.

1. Subject to Section 40.520.030(G)(2), a conditional use may be expanded or modified as follows:
 - a. An existing permitted conditional use may be expanded or modified by site plan approval pursuant to Section 40.520.040 if the expansion or modification complies with other applicable regulations and is not expressly prohibited by the approved conditional use permit for the site.
 - b. A lawful, but nonconforming conditional use that was commenced prior to a conditional use permit being required may be expanded or modified by site plan approval if the expansion or modification:
 - (1) Complies with other applicable regulations;
 - (2) Does not add a new conditional use other than that already existing on the site; and,
 - (3) Qualifies as a Type I site plan review pursuant to Section 40.520.040.
 - c. A lawful, but nonconforming conditional use that was commenced prior to a conditional use permit being required must first obtain a conditional use permit and the necessary site plan review approval subject to the standards in Sections 40.520.030(G)(2) and 40.520.040 if the expansion or modification qualifies as a Type II site plan review pursuant to Section 40.520.040, or includes a new conditional use not already existing on the site.

Section 21. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 and codified as CCC 40.540.020.B are each hereby amended as follows:

40.540.020 Land Division – Introduction

B. Applicability.

4. Exemptions. The provisions of this chapter shall not apply to the following:
 - a. Cemeteries and burial plots while used for that purpose.
 - b. Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of a section of land or larger, or twenty (20) acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.

- c. Divisions of land which are the result of the actions of governmental agencies, such as condemnation for road construction purposes.
- d. Divisions of land made by testamentary provisions, or the laws of descent.
- e. Divisions of land into lots or tracts classified for industrial or commercial use, when the responsible official has approved a "binding site plan" for use of the land in accordance with Section ~~40.520.040(B)~~. 40.520.040(C).

Section 22. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec.1 (#20 of Attachment A) of Ord. 2007-11-13 and codified as CCC 40.540.120.B are each hereby amended as follows:

40.540.120

B. Process.

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

Section 23. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 7 (Exh. 8) of Ord. 2007-9-13 and codified as CCC 40.560.010.C are each hereby amended as follows:

C. Applicability.

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

- 1. Countywide comprehensive plan map changes involving urban growth area (UGA) boundary changes and rural lands uses on a rotational basis;
- 2. Comprehensive plan map changes not involving a change to UGA boundaries;
- 3. Comprehensive plan policy or text changes;
- 4. Arterial Atlas amendments;
- 5. Changes to other plan documents (such as capital facilities, and the shoreline master program); and

6. Out-of-cycle amendments limited to the following:

Section 24. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Ord. 2010-12-12 and codified as CCC 40.560.010.P are each hereby amended as follows:

P. Other Plan Amendment Categories.

1. Capital facilities plan and updates shall be reviewed at a minimum every four (4) years in Type IV public hearings conducted by the planning commission and board for those facilities subject to county jurisdiction. School capital facility plan and updates shall be reviewed at minimum two (2) year intervals.
2. The Clark County parks, recreation and open space plan shall be reviewed annually by the Clark County parks advisory board and the board. Any amendments thereto which necessitate changes to the comprehensive plan shall be reviewed in public hearings by the planning commission and the board.
3. In updating capital facilities plans, policies and procedures, the county must determine that these updates are consistent with applicable policies and implementation measures of the comprehensive plan, and in conformance with the purposes and intent of the applicable interjurisdictional agreements.
4. Changes to the Shoreline Master Program (SMP) shall be limited to once a year, following the plan map procedures schedule in Section 40.560.010.D. Any amendments thereto shall be viewed as a limited amendment consistent with WAC 173-26-201 (1)(c), and shall be processed as a Type IV application pursuant to Section 40.510.040.

Section 25. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 21 of Ord. 2012-12-14 and codified as CCC 40.570.080.C are each hereby amended as follows:

C. SEPA Policies.

3. The county designates the following policies applicable to the major elements and selected subelements of the environment as defined by WAC 197-11-444, and incorporates by reference the policies in the cited county codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action:

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

- (1) Chapter 40.386, Stormwater and Erosion Control;
- (2) Chapter 40.450, Wetland Protection;
- (3) Chapter 40.410, Critical Aquifer Recharge Areas;
- (4) Chapter 40.420, Flood Hazard Areas;
- (5) Section 40.250.022, Surface Mining Overlay District;
- (6) Chapter 40.460, Shoreline Overlay District;
- (7) Chapter ~~24.04, Sewage Regulations~~ 40.370 Sewer and Water;
- (8) Chapter ~~24.05, Individual Sewage Disposal System Requirements~~ 24.17, On-site Sewage Systems Rules and Regulations;
- (9) Chapter 24.12, Solid Waste Management;
- (10) Resolution No. 1991-07-35, coordinated water system plan;
- (11) Resolution No. 1994-03-16, groundwater management plan.

Section 26. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 1 of Ord. 2013-06-15 and codified as CCC 40.570.090.D are each hereby amended as follows:

D. Critical Areas.

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

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

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

Section 27. Amendatory. Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently amended by Sec. 1 of Ord. 2013-06-15 and codified as CCC 40.570.090.E are each hereby amended as follows:

E. Non-Applicable Exemptions to Critical Areas.

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

- 5. Utility-related exemptions under WAC 197-11-800(23) do not apply as follows:
 - a. Communication lines in WAC 197-11-800(23)(a) are not exempt in shoreline management areas;

 - b. ~~Eight (8) inch or less diameter water,~~ Water, sewer and stormwater facilities in WAC 197-11-800(23)(b) are not exempt in any critical area;

- c. Electric facilities in WAC 197-11-800(23)(c) are not exempt in shoreline management areas;
 - d. Natural gas distribution facilities in WAC 197-11-800(23)(d) are not exempt in shoreline areas; and
 - e. Right-of-way clearing in WAC 197-11-800(23)(f) is not exempt in shoreline areas.
6. The natural resources management exemptions under WAC 197-11-800(24) do not apply as follows:
 - a. Issuance of leases for school sites in WAC 197-11-800(24)(e) is not exempt in any critical area; and
 - b. Development of recreational sites in WAC 197-11-800(24)(g) is not exempt in any critical area.
 7. Personal wireless service facilities in WAC 197-11-800(25) are not exempt in any critical area.

Section 28. Amendatory. Sec. 5 (Exh. C) of Ord. 2006-04-18 as most recently amended by Sec. 1 (#9 of Attachment A) of Ord. 2007-06-05 and codified as CCC Appendix A to Title 40, page 20 are each hereby amended as follows:

Townhouses

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

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

Key Applicable Standards

- Larger development site must meet mixed-use requirement
- Larger residential development must be within density range of 18-43 dwelling units per acre
- Open space requirements per Section A.1
- Building use, location, and orientation requirements per Section A.2
- Parking garage standards per Section B.5 4
- Building design standards per Chapter D

Section 29. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 4.2 of Appendix F to Title 40 are each hereby amended as follows:

4.2 Activity Center

Permitted Uses

Additional uses permitted:

- All housing types shown in Table 4.1.

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

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

- Event facilities in excess of 50,000 square feet
- Hospitals
- Outdoor paintball facilities
- Drive-in theaters
- Stadium arena facilities
- Zoos
- Solid waste handling and disposal sites
- Type III wireless communication facilities

Section 30. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 4.3 of Appendix F to Title 40 are each hereby amended as follows:

4.3 Transitional Overlay

Permitted Uses

See CCG Chapters 40.220 and 40.230 for permitted uses for the underlying zoning. Overlay exceptions:

- Additional uses permitted:

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

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

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

- Event facilities in excess of 50,000 square feet
- Hospitals
- Outdoor paintball facilities
- Drive-in theaters

- Stadium arena facilities
- Zoos
- Solid waste handling and disposal sites
- Type III wireless communication facilities

Section 31. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 4.4 of Appendix F to Title 40 are each hereby amended as follows:

4.4 Multifamily Overlay

Permitted Uses

See CGG Chapter 40.220 for permitted uses for the underlying zoning. Overlay exceptions:

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

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

- Mini-storage warehouse
- Clubs, Lodges & Charitable institutions
- Solid waste handling and disposal sites
- Type III wireless communication facilities

Section 32. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 4.5 of Appendix F to Title 40 are each hereby amended as follows:

4.5 Mixed Residential Overlay

Permitted Uses

See CGG Chapter 40.220 for permitted uses for the underlying zoning. Overlay exceptions:

- See Permitted Housing Types below

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

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

- Hospitals

- Mini-storage warehouse
- Clubs, Lodges & Charitable institutions
- Solid waste handling and disposal sites
- Type III wireless communication facilities

Section 33. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 as most recently amended by Sec. of Ord. 2014-01-08 and codified as CCC Section 4.2 of Appendix F to Title 40 are each hereby amended as follows:

4.6 Single Family Overlay

Permitted Uses

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

- See Permitted Housing Types below
- All the uses shown as Review and Approval are permitted and are not subject to the Review and Approval procedures or requirements. All uses shown as conditional in CCC Chapter 40.220, except for those listed below, are permitted, and are not subject to the conditional use requirements of ~~CCC 50.520.030.~~ Section 40.520.030.

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

- Solid waste handling and disposal sites
- Type III wireless communication facilities

Section 34. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 7.4 of Appendix F to Title 40 are each hereby amended as follows:

7.4 Garden Apartment

- (1) Windows on the street and/or courtyard. All dwelling units adjacent to courtyard gardens must provide transparent windows and/or doors on at least 15 percent of the facade (this includes any upper levels, if applicable).
- (2) Building design. Garden apartments ~~should~~ gardens must comply with the applicable multifamily building design provisions set forth in Chapter 6.

Section 35. Amendatory. Sec. 4 (Exh. 2) of Ord. 2009-12-16 and codified as CCC Section 7.5 of Appendix F to Title 40 are each hereby amended as follows:

7.5 Townhouses

Townhouse Configuration and Orientation

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

Section 36. Amendatory. Sec. 4 (Ex. 2) of Ord. 2009-12-16 and codified as CCC Section 9.3 of Appendix F to Title 40 are each hereby amended as follows:

9.3 Trails Plan

9.3.2 Trail Implementation

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

- Individual single family homes and duplexes

Section 37. Effective Date.

This ordinance shall take effect on midnight of the date of its adoption;

Section 38. Instructions to Clerk.

The Clerk of the board shall:

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

ADOPTED this 6th day of September, 2016.

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Attest:

Rebecca J. Hator
Clerk to the Board

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

Christine Cook
Christine Cook,
Senior Deputy Prosecuting Attorney



BOARD OF COUNCILORS
FOR CLARK COUNTY

By: Marc Boldt
Marc Boldt, Chair

By: _____
David Madore, Councilor

By: _____
Tom Mielke, Councilor

By: _____
Jeanne Stewart, Councilor

By: _____
Julie Olson, Councilor

