

1 2018 Biannual code amendments Attachment "A"

2 10/3/18 Council Work Session

3
4 Periodically staff "batch" minor amendments to the Clark County Code to correct
5 scrivener's errors, update references, clarify standards, and to make some minor policy
6 changes. These batches of code changes are commonly known as "Biannual Code
7 Amendments". The following changes to Titles 6 and 40 are proposed to be made.
8 Staff requests Council confirmation to proceed on the following items:

9
10 **1. Add Rural ADU's into Resource tables**

11 (TABLES NOT SHOWN FOR BRVEITY)

12 **Rationale:** Ordinance 2018-01-17 enabled accessory dwelling units to be legally placed
13 in all non-commercial zones in the County. While the new special use section
14 40.260.022 indicates where Rural ADU's can be located, the use tables were not
15 updated.

16 **2. Section 5.5.1 of the Highway 99 overlay standards – Correct / Clarify that Highway**
17 **99 Overlay residential developments must meet the parking requirements in Title 40**
18

19 **5.5.1 Parking**

20 (1) Parking shall comply with the provisions in Chapter 40.340, with the exception
21 that Nnon-residential developments are exempt from complying with the minimum
22 parking space provisions in GCG Section 40.340.010.B. ~~The following are encouraged~~
23 ~~to comply with the following, and may qualify for limited fee reductions:~~

- 24
- 25 ~~(a) Multifamily dwelling studio unit: 1 space/dwelling unit.~~
- 26 ~~(b) Senior housing: 1 space/dwelling unit.~~
- 27 ~~(c) Tandem parking (one car behind the other) may be used for all housing types,~~
28 ~~provided the spaces are identified for the exclusive use of a designated dwelling~~
29 ~~unit.~~
- 30 ~~(d) On-street parking spaces directly fronting the applicable use shall count in the~~
31 ~~calculations for off-street parking requirements.~~
- 32 ~~(e) Innovative, sustainable amenities including, but not limited to electric power~~
33 ~~connections, Smart car parking spaces, carpool, and bicycle parking shall count in~~
34 ~~the calculations for parking requirements.~~

35
36 ~~(2) Shared parking between and among uses is encouraged.~~

1 **Rationale:** In 2017, this section of code was amended to require that residential
2 developments meet the minimum number of parking spaces as found in Chapter
3 40.340, but the text change was incomplete. As currently written in Section 5.5.1 of the
4 Highway 99 standards, it appears that non-residential developments are only
5 *encouraged* to meet the minimum standards found in the same section, namely items
6 “a” through “e”.
7

8 The text as proposed should eliminate the apparent contradiction. Subsections “a”
9 through “e” will be removed since they either conflict with Chapter 340, or are in-
10 applicable to non-residential development.
11

12 **3. Table 6.120.040 Add a re-inspection fee for failed fire inspections**

13 **Rationale:** The Fire Marshal has requested an amendment to Section 12.C of Table
14 6.120.040 to enable the office to collect an additional fee for failed re-inspections. The
15 current proposal is for a \$162 fee for re-inspections taking up to one hour, with an
16 additional \$40 per 15 minute time increment or portion thereof.

17 **4. Table 6.110A.010 Add an intake fee for Type 1 applications**

18 **Rationale:** Type II applications currently have intake fees that help cover the staff costs
19 of the County’s “Fully Complete” review, which ensures that the application materials
20 meet certain minimum standards. Type I applications have no such intake fees to help
21 cover the cost of the land use planner’s Fully Complete review of the application. In
22 addition, the implementation of the County’s new permit tracking software will also
23 require an intake fee. The proposed fee is \$250.

24 **5. 40.540.030 E. Amend Short Plat Approval Criteria for Tracts for Non-**
25 **Building Purposes.**

26 1. Tracts established for the purpose of providing utilities, access or stormwater
27 facilities shall not apply to the maximum number of lots permitted through the
28 short plat process. A covenant(s), or a note(s) on the plat, shall be recorded to
29 ensure tracts will be used only for the intended non-building use. ~~If at some time,~~
30 ~~a non-building tract is able to be developed under the provisions of county code,~~
31 ~~completion of a separate platting process shall be required to establish the tract~~
32 ~~as a legal building lot.~~

33 2. A tract established through platting, whether or not designated as a non-building
34 tract, shall not be considered a legal lot of record. A separate platting process
35 shall be required to convert a previously platted tract to a legal lot of record.

36 **6. 40.540.040 Amend Subdivision Plat Approval Criteria to include tracts for**
37 **Non-Building Purposes**

38 D. Approval Criteria for a Preliminary Plat Application.

1 The review authority shall approve a preliminary plat if he or she finds the applicant
2 has sustained the burden of proving that the application complies with the following
3 approval criteria or that the application can comply with those criteria by complying
4 with conditions of approval:

- 5 1. The preliminary plat is in the public interest;
- 6 2. The following facilities are adequate to serve the proposed subdivision before or
7 concurrent with development of the preliminary plat:
 - 8 a. Public and private streets and roads,
 - 9 b. Open spaces, parks and recreation,
 - 10 c. Drainage,
 - 11 d. Access to mass transit where there is or will be such transit,
 - 12 e. Potable water supplies,
 - 13 f. Sanitary waste collection and treatment,
 - 14 g. Schools and educational services (if residential),
 - 15 h. Pedestrian facilities (if residential), particularly for students who only walk to
16 and from school, and
 - 17 i. Fire prevention services;
- 18 3. The proposal complies with all applicable standards in this code or variations
19 therefrom permitted by law, including:
 - 20 a. Subtitle 40.1, Introduction and Administration;
 - 21 b. Subtitle 40.2, Land Use Districts;
 - 22 c. Subtitle 40.3, Design Standards;
 - 23 d. Subtitle 40.4, Critical Areas;
 - 24 e. Subtitle 40.5, Procedures;
 - 25 f. Subtitle 40.6, Impact Fees; and
 - 26 g. Title 15, Fire Prevention.
- 27 4. If a phasing plan is proposed, then the applicant also shall show:
 - 28 a. The phasing plan includes all land within the preliminary plat;

1 b. Each phase is an independent planning unit with safe and convenient
2 circulation and with facilities and utilities coordinated with requirements
3 established for the entire subdivision; and

4 c. All road improvement requirements are assured.

5 E. Approval Criteria for Tracts for Non-Building Purposes.

6 1. Tracts established for the purpose of providing utilities, access or stormwater
7 facilities shall not apply to the maximum number of lots permitted through the
8 short plat process. A covenant(s), or a note(s) on the plat, shall be recorded to
9 ensure tracts will be used only for the intended non-building use.

10 2. A tract established through platting, whether or not designated as a non-building
11 tract, shall not be considered a legal lot of record. A separate platting process
12 shall be required to convert a previously platted tract to a legal lot of record.

13 E.F. Expiration and Extensions of Preliminary Plat Approval.

14 The expiration and extension of preliminary plat approvals are determined pursuant
15 to Section 40.500.010(B).

16 **Rationale (# 5 and #6):** A hearing examiner decision determined that two subdivision
17 tracts of already recorded plats could be determined legal lots of record even though
18 they were not designed, nor approved as such. Language in the short plat ordinance
19 currently addresses such tracts, but no such language exists in the subdivision
20 ordinance.

21 The language in the short plat provisions are proposed to be clarified and added to the
22 subdivision provisions to eliminate further interpretations that would allow unintended
23 conversion of tracts to buildable lots.

24 **7. Temporary uses-get rid of surety bond requirement.**

25 E. Permits.

26 1. The responsible official may approve permits for temporary uses and structures,
27 with conditions to mitigate negative impacts. Uses may be allowed for a period
28 of not more than eighteen (18) months, or less as may be specified by the
29 responsible official.

30 2. ~~Prior to granting a temporary permit under this section, other than Section~~
31 ~~40.260.220(C)(2)(b), the responsible official shall require that the applicant~~
32 ~~provide a cash or surety bond of not less than two thousand five hundred~~
33 ~~dollars (\$2,500), payable to the county treasurer. Upon the expiration of the~~
34 ~~temporary use permit, the applicant shall immediately discontinue the~~
35 ~~temporary use. Within thirty (30) days of the expiration of the temporary permit,~~

1 the applicant shall remove any temporary structures associated with the
2 temporary use. If at the end of this time period such temporary use or structure
3 is not removed or discontinued, ~~said cash or surety bond shall be forfeited.~~ the
4 County shall begin enforcement proceedings which may include penalties and
5 liens subject to Title 32.

6 **Rationale:** Other than the bonding requirements for certain public improvement for final
7 plats and final site plan, no other land use process requires the County's retention of a
8 bond. The current process for keeping and returning these temporary bonds is
9 cumbersome, and there is an established process in place through the code
10 enforcement process to obtain compliance.

11 **8. Amend Section 40.350.030 in regards to stopping sight distance, sight**
12 **distance triangles, yield controlled intersections, barricades, supplemental**
13 **publication references, passing sight distance, and school zone traffic**
14 **control**

15 **40.350.030.A.6.c**

16 6. Functional Classifications – Rural Roads. Rural roads are classified as follows:

17 a. Rural Arterial. "Rural arterial" roads are rural extensions of urban principal
18 arterials and some urban minor arterials. They provide adequate right-of-way
19 for future urban arterial routes. The provision of land access remains
20 subordinate to providing for traffic movement. Parking is not allowed.

21 b. Collectors.

22 (1) Rural Major Collector. "Rural major collector" roads are rural
23 extensions of urban minor arterials and some urban collectors. Their
24 primary purpose is to link rural centers with nearby towns and cities and
25 with state arterial routes. The provision of land access remains
26 subordinate to providing for traffic movement. Parking is not allowed.

27 (2) Rural Minor Collector. "Rural minor collector" roads connect local
28 traffic to rural major collectors and state arterial routes and may be rural
29 extensions of urban minor arterials or urban collectors. They are spaced
30 so as to be accessible to all developed areas within the county. The
31 provision of land access

32 is given the same priority as the provision of traffic movement. Parking is
33 not allowed.

34 c. Access Roads.

35 (1) Rural Local Access. "Local access" roads provide access from
36 parcels to the rural collector system. Parking is not allowed.

1 7. Scenic Routes.

2 *****

3 **40.350.030.B.8 & 9**

4 8. Sight Distances. As noted in Section 40.350.030(A)(2), this subsection also
5 applies to applications for building permits and applications for access to public
6 roads. Unless modified pursuant to Section 40.550.010, public and private
7 roads shall comply with the following sight distance requirements:

8 a. Stopping Sight Distance.

9 Intersection sight distance and stopping sight distance values are based on the
10 default assumption of level grades, normally intersecting roadways, and with
11 passenger cars as the design vehicle. When deviating from the default
12 assumptions, the engineer shall take the roadway grades, intersection skew,
13 and design vehicle classification into consideration when calculating the
14 required intersection sight distance and/or stopping sight distance.

15 Public roads shall have minimum stopping sight distance, as measured from a
16 height of three and one-half (3.5) feet to a target on the roadway nominally
17 two (2) feet in height, in accordance with Table 40.350.030-7. The effect of
18 grades on stopping sight distance shall be calculated using the most current
19 version of the Washington State Department of Transportation’s “Design
20 Manual.”

21 For unposted roadways, the legal maximum speed limit shall be fifty (50) mph
22 per the “Basic rule” under RCW 46.61.400.

23

Table 40.350.030-7. Stopping Sight Distance	
Speed (mph)	Minimum Stopping Distance (feet)
25	150 <u>155</u>
30	200
35	250
40	325 <u>305</u>
45	400 <u>360</u>
50	475 <u>425</u>

24 (Amended: Ord. 2012-05-14; Ord. 2014-01-08)

25

26 b. Controlled Intersection and Driveway Sight Distance Triangle.

27 Traffic entering an uncontrolled public road from stop controlled public roads, or
28 from private roads or private driveways, shall have minimum intersection

sight distances, as shown in Table 40.350.030-8. Sight distance shall be measured from an eye height of three and one-half (3.5) feet above the controlled road pavement surface and fifteen (15) feet from the edge of the vehicle ~~travel lane~~ travelled way of the uncontrolled public road. The object height on the uncontrolled public road shall be three and one-half (3.5) feet above the pavement surface located four (4) feet to the right of the striped or assumed centerline of the roadway. For multilane highways, the object on the uncontrolled roadway shall be located on the approach lane closest to the controlled side street. Sight distance triangles shall be clear of all obstructions, including, but not limited to, landscaping, fences, structures and earth berms between the heights of three (3) and ~~seven (7)~~ eight and one-half (8.5) feet, as measured from the pavement surface.

Table 40.350.030-8. Controlled Intersection, Public Road and Driveway Sight Distance	
Speed, Uncontrolled Road (mph)	Minimum Corner Sight Distance (feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500

(Amended: Ord. 2012-05-14; Ord. 2014-01-08)

c. Yield Controlled Intersections.

For roads with a posted speed of twenty-five (25) mph or less, traffic entering an uncontrolled public road from a yield controlled public road shall have minimum intersection sight distance of 250 feet. The intersection sight distance shall be measured at 130 feet back on the yield controlled approach from the line that is four (4) feet from the uncontrolled roadway center, in drivers' direction, for both approaches.

e. d. Uncontrolled Intersections.

Uncontrolled intersections for access roads in urban and rural areas with a posted speed limit of twenty-five (25) mph or less shall have an unobstructed intersection sight distance triangle per Section 40.350.030(B)(8)(b) of one hundred (100) feet on both approaches. This requirement may be reduced to eighty (80) feet for intersections abutting corner lots in an urban residential subdivision. The intersection sight distance shall be measured along the

1 lines four (4) feet from the roadway center, in drivers' direction, for both
2 approaches.

3 d- e. New urban and rural residential driveways.

4 New urban and rural residential driveways accessing roads with a speed limit of
5 over twenty-five (25) mph are subject to Table 40.350.030-8.

6 9. Street Extensions.

7 a. General Requirements. Where a public or private road has been constructed,
8 created or stubbed in such a manner as to be able to be extended or
9 widened in accordance with the Clark County Arterial Atlas, other
10 requirements of this section, or prior approved development, the following
11 shall apply:

12 (1) Connection with Adjacent Areas. All residences, buildings or
13 structures shall be constructed in such a position on the property that
14 they will not interfere with the extension or widening of the roadway to
15 adjacent areas and shall be so situated that such extension will make
16 orderly and planned development for additional road installations to
17 meet the reasonable minimum requirements of good and safe traffic
18 circulation, consistent with applicable zoning setbacks.

19 (2) Right-of-Way for Street Extensions. Right-of-way or private
20 easements necessary to such extension or widening and falling within
21 parcels being developed shall be granted or created as a condition of
22 development approval.

23 b. Urban Developments.

24 (1) Provisions for Future Extensions. Any street within the urban area for
25 which an extension in the future is planned shall be extended to the
26 edge of the property being developed through the plat, short plat or site
27 plan approval process, unless otherwise approved by the review
28 authority. The street stub shall be a full street section, including
29 sidewalks.

30 (2) Use of Temporary Turnaround. If a road serving more than eighteen
31 (18) dwelling units or more than one hundred fifty (150) feet in length
32 temporarily terminates at a property boundary, a temporary turnaround
33 cul-de-sac bulb consistent with this standard shall be constructed near
34 the plat boundary. The bulb shall be paved and shall be eighty (80) feet
35 in diameter, which may include the width of the roadway with sidewalks,
36 where required, terminating at the point where the bulb radius begins.
37 Removal of the temporary turnaround and extension of the sidewalk
38 shall be the responsibility of the developer who extends the road (see
39 the Standard Details Manual). The easement for a temporary

1 turnaround may be extinguished without county approval after the
2 temporary turnaround is determined to be no longer necessary by the
3 county.

4 (3) Barricades. ~~Barricades. A barricade shall be placed at the end of all~~
5 ~~stub streets, whether or not a temporary turnaround is constructed.~~ For
6 placement of temporary and permanent barricades, see Section
7 40.350.030(C)(4)(f).

8 c. Rural Developments. For any road in the rural area for which an extension is
9 planned, the right-of-way falling within parcels being developed shall be
10 dedicated where the existing platting pattern, the development under review
11 and the potential for development of adjacent lots demonstrates a need for
12 the dedication.

13 10. Private Roads.

14 *****

15 **40.350.030.C.1.b(5)**

16 C. Specifications for Design and Construction.

17 1. Transportation Standard Specifications.

18 a. Transportation Standards.

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

21 (1) The current published edition of the Standard Specifications for
22 Road, Bridge and Municipal Construction as published by the
23 Washington Department of Transportation (WSDOT) and the American
24 Public Works Association (APWA) referred as Standard Specifications;

25 (2) The current Standard Plans for Road and Bridge Construction as
26 published by WSDOT and APWA (referred as standard plans); and

27 (3) The Standard Details Manual as defined in Section 40.100.070, and
28 issued by the County Engineer, containing typical drawings to
29 implement transportation, erosion control, drainage, and other
30 engineering standards adopted in the Clark County Code.

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

33 (1) The WSDOT Design Manual;

- 1 (2) The WSDOT Construction Manual;
- 2 (3) The WSDOT Hydraulics Manual;
- 3 (4) A Policy on Geometric Design of Highways and Streets prepared by
- 4 the American Association of State Highway and Transportation Officials
- 5 (AASHTO);
- 6 (5) The Washington State adopted Manual on Uniform Traffic Control
- 7 Devices (MUTCD) prepared by the U.S. Department of Transportation,
- 8 Federal Highway Administration;
- 9 (6) Chapter 40.386, Stormwater and Erosion Control;
- 10 (7) Chapter 51-304 WAC, state of Washington adoption of the
- 11 Americans with Disabilities Act into the International Building Code; and
- 12 (8) The AASHTO LRFD Bridge Design Specifications, U.S. Customary
- 13 Units, including its commentary (refer to Section 40.350.040, Private
- 14 Bridges, for exceptions to this manual).

15 c. Conflict of Standards. In the event of conflict with any of the specifications, the

16 County Engineer shall specify which of the supplemental specifications will

17 apply.

18 *****

20 **40.350.030.C.3 & 4**

21 3. Transportation Design Specifications. The design criteria set out Tables

22 40.350.030-2 and 40.350.030-3 are adopted as a portion of the Clark County

23 Standard Specifications. Such criteria are applicable to roads located within

24 and adjacent to a development. These criteria are intended for normal

25 conditions. The responsible official may require higher standards for unusual

26 site conditions.

27 *****

28 g. Passing Sight Distance. ~~Arterial roads~~ County roadways with centerline

29 striping shall have minimum passing sight distance, as measured from a

30 height of three and one-half (3.5) feet to an object of ~~four and one-quarter~~

31 ~~(4.25)~~ three and one-half (3.5) feet in height, in accordance with Table

32 40.350.030-9. ~~The effect of grades on the sight distances shall be governed~~

33 ~~by the criteria stated in the American Association of State Highway and~~

34 ~~Transportation Officials' (AASHTO) reference "A Policy on Geometric Design~~

35 ~~of Rural Highways (1990)."~~ The passing sight distance shall be based on the

1 most current version of the American Association of State Highway and
2 Transportation Officials (AASHTO) “A Policy on Geometric Design of
3 Highways and Streets.”

4

5

Table 40.350.030-9. Passing Sight Distance	
Posted Speed (mph)	Minimum Passing Distance (feet)
<u>25</u>	<u>450</u>
30	<u>1,100</u> <u>500</u>
35	<u>1,300</u> <u>550</u>
40	<u>1,500</u> <u>600</u>
45	<u>1,650</u> <u>700</u>
50	<u>1,800</u> 800

6 (Amended: Ord. 2012-05-14)

7

8 h. Signing.

9 ~~(1) General Requirement. The developer shall reimburse the county~~
10 ~~for the installation of all necessary street name signs, warning signs~~
11 ~~and regulatory signs. The cost of all signs, barricades, and pavement~~
12 ~~markings will be determined on a time and materials basis.~~

13 ~~(2) Private Road Signs. Private road signs with street designations shall~~
14 ~~be provided by the developer at the intersection of private roads with~~
15 ~~private and public roads. Such signs shall meet the specifications~~
16 ~~shown on the typical drawing and, in the case of intersections with~~
17 ~~public roads, shall either be located within the public right-of-way or~~
18 ~~within a separate maintenance easement. Road signs shall be included~~
19 ~~in the private road maintenance agreement.~~

20 h. School Zone Traffic Control.

21 School zone traffic control shall be updated when impacted by a project, in
22 accordance with the “Clark County School Zone Traffic Control Policy”.

23 i. Pedestrian Crossing Treatment.

24 Appropriate pedestrian crossing treatments shall be evaluated and provided in
25 accordance with the “Clark County Pedestrian Crossing Treatment Policy”.

26 j. Traffic Control Devices.

1 (1) Reimbursable. The developer shall reimburse the county for the
2 installation and/or modification of all necessary traffic control devices
3 including but not limited to street name signs, warning and regulatory
4 signs, pavement markings and traffic signals within County right-of-way.
5 The cost of all the traffic control devices will be determined on a time
6 and materials basis.

7 (2) Road Name Signs (private road to private road). Private road name
8 signs shall be provided, installed, and maintained by the developer.

9 (3) Road Name Signs (private road to public road). Private road name
10 signs shall be provided, installed, and maintained in County right-of-way
11 by the County.

12 (4) Exceptions. Except for traffic signal related items, all other traffic
13 control devices related to private roads shall be provided, installed and
14 maintained by the developer outside County right-of-way. In some
15 unusual circumstances, traffic control devices for private roads, such as
16 stop control, may be installed and maintained by the developer within
17 County right-of-way under a licensing agreement.

18 4. Transportation Construction Specification.

19 a. General. No construction shall begin until plans have been approved by the
20 county, except that rough grading operations may proceed before the plans
21 are approved under the following conditions:

22 (1) The grading plan is submitted separately along with an application
23 for a grading permit, if required;

24 (2) The grading plan is in conformance with the approved preliminary
25 plat or other development approval;

26 (3) The grading plan will not be in conflict with the street and drainage
27 plans; and

28 (4) Any required grading permit is issued. No utility installation is allowed
29 under grading permits.

30 The responsible official shall be notified not less than forty-eight (48) hours prior
31 to the start of any phase of construction.

32 b. Subgrade. The subgrade must be inspected and approved by the responsible
33 official prior to application of the crushed surfacing material.

34 c. Crushed Surfacing Materials. The standard specifications shall apply to all
35 materials and workmanship. Compaction of subgrade and surfacing
36 materials shall be in accordance with the WSDOT Standard Specifications.

1 The subgrade and crushed surfacing materials shall be compacted to ninety-
2 five percent (95%) of the maximum density for the material. The base course
3 shall be approved prior to application of top course, and top course shall be
4 approved prior to placement of pavement. Approval shall be by the
5 responsible official.

6 d. Paving. The standard specifications shall apply to all materials and
7 workmanship. The department shall be notified not less than forty-eight (48)
8 hours in advance of the application of any type of paving and, in accordance
9 with the standard specifications, the responsible official may stop or delay
10 paving operations when the weather or other conditions indicate that suitable
11 results may not be obtained.

12 e. Trench Backfill.

13 (1) Trench Backfill for Construction. All trench backfill within the county
14 right-of-way and the road improvement area shall be imported gravel
15 backfill meeting the material specification of the WSDOT Standard
16 Specifications Section 9-03.19. Native soils may be utilized upon the
17 responsible official's approval if testing shows the material is classified
18 as A-1 or A-3 by AASHTO. Trench backfill shall be compacted within
19 the roadway prism to ninety-five percent (95%) of maximum density as
20 determined by AASHTO T-99. Areas within the right-of-way and outside
21 the roadway prism may be compacted to ninety percent (90%) of
22 AASHTO T-99. The trench backfill shall be placed in conformance with
23 the Standard Specification Section 7-08.3(3).

24 (2) Trench Backfill for Utility. Application of this specification is required
25 on principal and minor arterials, urban collectors, rural major and minor
26 collectors, and any roadway that has been reconstructed or overlaid
27 within two (2) years.

28 Utility trenches in existing roadways and which run transverse to the direction of
29 vehicle travel shall be constructed in accordance with the requirements of
30 the utility cut permit, issued from Clark County's operations division. In
31 addition to the requirements listed in Section 40.350.030(C)(4)(e)(1),
32 transverse utility cuts will be required to have the top three (3) feet of trench
33 backfill constructed with controlled density fill meeting the requirements of
34 the Standard Specification Section 2-09.3.(1)E. Refer to the Standard
35 Details Manual for examples.

36 f. Temporary and Permanent Barricades. Temporary and permanent barricades
37 shall conform to the standards described in ~~Section 6C-8 of the current~~
38 adopted version of the Manual on Uniform Traffic Control Devices (MUTCD).
39 For street extensions, including subtitle connection with adjacent areas,
40 right-of-way for street extension, provision for future extension, and use of
41 temporary turnaround, see Section 40.350.030(B)(9).

- 1 (1) Type I or Type II barricades may be used when traffic is maintained
2 through the ~~area being constructed/reconstructed~~ temporary traffic
3 control zone.
- 4 (2) Type III barricades may be used when roadways and/or proposed
5 future roadways are closed to traffic. Type III barricades may extend
6 completely across roadway (as a fence) or from curb to curb. Where
7 provision must be made for access of equipment and authorized
8 vehicles, the Type III barricades may be provided with movable sections
9 that can be closed when work is not in progress, or with indirect
10 openings that will discourage public entry. When job site access is
11 provided through the Type I barricades, the developer/contractor shall
12 assure proper closure at the end of each working day.
- 13 (3) In the general case, Type III permanent barricades shall be installed
14 to close arterials or other through streets ~~hazardous~~ to traffic. They shall
15 also be used to close off lanes where tapers and/or delineations are not
16 ~~sufficiently delineated~~ sufficient.
- 17 (4) Type III barricades or Type 4 (end-of-roadway) object markers shall
18 be used at the end of a local access street terminating abruptly without
19 cul-de-sac bulb or on temporarily stubbed off streets. ~~Each such~~
20 ~~barricade shall be used together with an end-of-road marker.~~ Such
21 Type III barricades can be supplemented with a Type 4 object marker.
- 22 (5) ~~Barricades on dead-end streets which may be extended in the future~~
23 ~~will have a sign placed upon them, as approved by the responsible~~
24 ~~official, which gives notice that the road will be extended in the future,~~
25 ~~and will give a telephone number for interested persons to call to~~
26 ~~receive more information.~~ Dead-end streets which may be extended in
27 the future, shall have a Type III barricade and a sign placed giving
28 notice that the road will be extended in the future and an informational
29 telephone number.

30 g. Private Road Maintenance Agreement.

31 *****

32 **9. Update the wetland code to enable reduced wetland buffers in areas of low**
33 **habitat function**

34
35 **40.450.030.E**

36
37 E. Buffers. Wetland buffer widths shall be determined by the responsible official in
38 accordance with the standards below:

- 1 1. All buffers shall be measured horizontally outward from the delineated wetland
- 2 boundary or, in the case of a stream with no adjacent wetlands, the ordinary high
- 3 water mark as surveyed in the field.
- 4 2. Buffer widths are established by comparing the wetland rating category and the
- 5 intensity of land uses proposed on development sites per Tables 40.450.030-2,
- 6 40.450.030-3, 40.450.030-4 and 40.450.030-5. For Category IV wetlands, the
- 7 required water quality buffers, per Table 40.450.030-2, are adequate to protect
- 8 habitat functions.

9

Table 40.450.030-2. Buffers Required to Protect Water Quality Functions			
Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I <u>or</u> II	50 ft.	75 ft.	100 ft.
Category II	50 ft.	75 ft.	100 ft.
Category III	40 ft.	60 ft.	80 ft.
Category IV	25 ft.	40 ft.	50 ft.

10

Table 40.450.030-3. Buffers Required to Protect Habitat Functions in Category I, II and III Wetlands			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
<u>5</u> 4 points or less	See Table 40.450.030-2	See Table 40.450.030-2	See Table 40.450.030-2
5 points	70 ft.	105 ft.	140 ft.
<u>6 or 7</u> points	90 <u>75</u> ft.	135 <u>110</u> ft.	180 <u>150</u> ft.
7 points	110 ft.	165 ft.	220 ft.
<u>8 or 9</u> points	130 <u>150</u> ft.	195 <u>225</u> ft.	260 <u>300</u> ft.
<u>9 points</u> Wetlands of High Conservation Value with a Habitat Score of 7 points or less	150 <u>125</u> ft.	225 <u>190</u> ft.	300 <u>250</u> ft.

11

Table 40.450.030-4. Buffers Required to Protect Habitat Functions in Category III Wetlands			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
4 points or less	See Table 40.450.030-2	See Table 40.450.030-2	See Table 40.450.030-2
5 points	60 ft.	90 ft.	120 ft.
6 points	65 ft.	100 ft.	135 ft.
7 points	75 ft.	110 ft.	150 ft.

12

Table 40.450.030-5. Land Use Intensity Matrix ¹						
	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial/Industrial	Residential ²
Low	Natural fields and grass areas, viewing areas, split rail fencing	NA	Outfalls, spreaders, constructed wetlands, bioswales, vegetated detention basins, overflows	Underground and overhead utility lines, manholes, power poles (without footings)	NA	Density at or lower than 1 unit per 5 acres
Moderate	Impervious trails, engineered fields, fairways	Residential driveways and access roads	Wet ponds	Maintenance access roads	NA	Density between 1 unit per acre and higher than 1 unit per 5 acres
High	Greens, tees, structures, parking, lighting, concrete or gravel pads, security fencing	Public and private streets, security fencing, retaining walls	Maintenance access roads, retaining walls, vaults, infiltration basins, sedimentation fore bays and structures, security fencing	Paved or concrete surfaces, structures, facilities, pump stations, towers, vaults, security fencing, etc.	All site development	Density higher than 1 unit per acre

1 ¹ The responsible official shall determine the intensity categories applicable to proposals
2 should characteristics not be specifically listed in Table 40.450.030-5.

3 ² Measured as density averaged over a site, not individual lot sizes.

4 3. In urban plats and subdivisions, wetlands and wetland buffers shall be placed
5 within a nonbuildable tract with the following exceptions:

6 a. Creation of a nonbuildable tract would result in violation of minimum lot depth
7 standards; or

8 b. The responsible official determines a tract is impractical.

9 c. Where the responsible official determines the exceptions in Section
10 40.450.030(E)(3)(a) or (b) apply, residential lots may extend into wetlands and

1 wetland buffers; provided, that all the requirements of Section 40.450.030(F)
2 are met.

3 4. Adjusted Buffer Width.

4 a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer
5 width are authorized by Section 40.450.040(D) upon issuance of a wetland
6 permit.

7 b. Functionally Isolated Buffer Areas. Areas which are functionally separated from
8 a wetland and do not protect the wetland from adverse impacts shall be treated
9 as follows:

10 (1) Pre-existing roads, structures, or vertical separation shall be excluded
11 from buffers otherwise required by this chapter;

12 (2) Distinct portions of wetlands with reduced habitat functions that are
13 components of wetlands with an overall habitat rating score greater
14 than four (5 4) points shall not be subject to the habitat function buffers
15 designated in Tables 40.450.030-3 and 40.450.030-4 if all of the
16 following criteria are met:

17 (a) The area of reduced habitat function is at least one (1) acre in size;

18 (b) The area supports less than five (5) native plant species and does
19 not contain special habitat features listed in Section H1.5 of the
20 rating form;

21 (c) The area of reduced habitat function has low or no interspersion of
22 habitats as defined in Section H1.4 of the rating form;

23 (d) The area does not meet any WDFW priority habitat or species
24 criteria; and

25 (e) The required habitat function buffer is provided for all portions of
26 the wetland that do not have reduced habitat function.

27 c. Maximum Buffer Area. Except for streams, buffers shall be reduced as
28 necessary so that total buffer area (on- and off-site) does not exceed two (2)
29 times the total wetland area (on- and off-site); provided, the minimum buffer
30 width at any point shall not be less than the water quality buffer widths for low
31 intensity uses contained in Table 40.450.030-2.

32
33 **40.450.040 Wetland Permits**

34
35 C. Buffer Standards and Authorized Activities. The following additional standards apply
36 for regulated activities in a wetland buffer:

37 *****

38 4. Stormwater Facilities.

1 a. Dispersion Facilities. Stormwater dispersion facilities that comply with the
2 standards of Chapter 40.386 shall be allowed in all wetland buffers. Stormwater
3 outfalls for dispersion facilities shall comply with the standards in subsection
4 (C)(4)(b) of this section. Enhancement of wetland buffer vegetation to meet
5 dispersion requirements may also be considered as buffer enhancement for the
6 purpose of meeting the buffer averaging or buffer reduction standards in this
7 section.

8 b. Other stormwater facilities are only allowed in buffers of wetlands with low
9 habitat function (less than ~~six five~~ (6 5) points on the habitat section of the rating
10 system form); provided, the facilities shall be built on the outer edge of the buffer
11 and not degrade the existing buffer function and are designed to blend with the
12 natural landscape. Unless determined otherwise by the responsible official, the
13 following activities shall be considered to degrade a wetland buffer when they
14 are associated with the construction of a stormwater facility:

- 15 (1) Removal of trees greater than four (4) inches diameter at four and one-
16 half (4-1/2) feet above the ground or greater than twenty (20) feet in
17 height;
- 18 (2) Disturbance of plant species that are listed as rare, threatened or
19 endangered by the county or any state or federal management agency;
- 20 (3) The construction of concrete structures other than manholes, inlets,
21 and outlets that are exposed above the normal water surface elevation
22 of the facility;
- 23 (4) The construction of maintenance and access roads;
- 24 (5) Slope grading steeper than four to one (4:1) horizontal to vertical
25 above the normal water surface elevation of the stormwater facility;
- 26 (6) The construction of pre-treatment facilities such as fore bays, sediment
27 traps, and pollution control manholes;
- 28 (7) The construction of trench drain collection and conveyance facilities;
- 29 (8) The placement of fencing; and
- 30 (9) The placement of rock and/or riprap, except for the construction of flow
31 spreaders, or the protection of pipe outfalls and overflow spillways;
32 provided, that buffer functions for areas covered in rock and/or riprap
33 are replaced.

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

36 *****

37
38 4. Wetland Mitigation Ratios.

39 a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of
40 the mitigation types described in Section 40.450.040(D)(3)(a) through (c) apply:

Section 40.450.040-1. Standard Wetland Mitigation Ratios (In Area)					
Wetland to Be Replaced	Establishment or Creation	Rehabilitation	Establishment or Creation and Rehabilitation	Establishment or Creation and Enhancement	Enhancement
Category IV	1:1		R/C and 1:1 RH	R/C and 2:1 E	
Category III			R/C and 2:1 RH	R/C and 4:1 E	
Category II			R/C and 4:1 RH	R/C and 8:1 E	
Category I, Forested			R/C and 10:1 RH	R/C and 20:1 E	
Category I, Based on Score for Functions			R/C and 6:1 RH	R/C and 12:1 E	
Category I, Natural Heritage Site	Considered Possible	Rehabilitate a Natural Heritage Site			Case-by-Case

- 1 b. Preservation. The responsible official has the authority to approve preservation of
2 existing wetlands as wetland mitigation under the following conditions:
- 3 (1) The wetland area being preserved is a Category I or II wetland or is
4 within a WDFW priority habitat or species area;
- 5 (2) The preservation area is at least one (1) acre in size;
- 6 (3) The preservation area is protected in perpetuity by a covenant or
7 easement that gives the county clear regulatory and enforcement
8 authority to protect existing wetland and wetland buffer functions with
9 standards that exceed the protection standards of this chapter;
- 10 (4) The preservation area is not an existing or proposed wetland mitigation
11 site; and
- 12 (5) The following preservation/mitigation ratios apply:

Section 40.450.040-2. Wetland Preservation Ratios for Category I and II Wetlands (In Area)				
Wetland Function of Wetland to Be Replaced	In Addition to Standard Mitigation		When Only Means of Mitigation	
	Intact and Functioning Buffer	Degraded and/or Degraded Buffer	Intact and Functioning Buffer	Degraded and/or Degraded Buffer
Low (<6 points)				
Moderate (6 – 7 points)				
High (>7 points)				

1 c. The responsible official has the authority to reduce wetland mitigation ratios
2 under the following circumstances:

3 (1) Documentation by a qualified wetland specialist demonstrates that the
4 proposed mitigation actions have a very high likelihood of success
5 based on prior experience;

6 (2) Documentation by a qualified wetland specialist demonstrates that the
7 proposed actions for compensation will provide functions and values
8 that are significantly greater than the wetland being affected;

9 (3) The proposed actions for compensation are conducted in advance of
10 the impact and are shown to be successful;

11 (4) In wetlands where several HGM classifications are found within one (1)
12 delineated wetland boundary, the areas of the wetlands within each
13 HGM classification can be scored and rated separately and the
14 mitigation ratios adjusted accordingly, if all the following apply:

15 (a) The wetland does not meet any of the criteria for wetlands with “Special
16 Characteristics,” as defined in the rating system;

17 (b) The rating and score for the entire wetland is provided as well as the scores and
18 ratings for each area with a different HGM classification;

19 (c) Impacts to the wetland are all within an area that has a different HGM classification
20 from the one used to establish the initial category; and

21 (d) The proponents provide adequate hydrologic and geomorphic data to establish that
22 the boundary between HGM classifications lies at least fifty (50) feet outside of the
23 footprint of the impacts.

24 *****

25 8. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat
26 scores less than six five (6 5) points on the rating form, in compliance with the
27 following requirements:

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

31 b. Stormwater runoff is treated for water quality in accordance with the
32 requirements of Chapter 40.386 prior to discharge into the wetland.

33
34 **Rationale:** Ecology recently made the changes to wetland buffer guidelines based on
35 public feedback and review of the reference wetland data used to calibrate the wetland
36 rating system. Ecology’s preference is to maintain similar distributions between the
37 2004 and 2014 versions of the Washington State Wetland Rating System.

38
39 In Ecology’s previous wetland buffer tables, low habitat function was represented by a
40 score of 3 or 4 points and moderate habitat function by a score of 5 to 7 points.

1 However, after Ecology conducted a detailed analysis of habitat scores for the 211
 2 reference wetlands used to calibrate the rating system, Ecology found that wetlands
 3 scoring 3, 4, or 5 points for habitat are more similarly distributed to those scoring ≤ 19
 4 points in the 2004 version.

5
 6 This information prompted Ecology to adjust the habitat score break points in the
 7 current wetland buffer tables. The modified tables now group habitat scores of 3 to 5
 8 into low habitat function and scores of 6 and 7 into moderate habitat function.
 9 The proposed updates to CCC 40.450 revise the wetland buffer tables and approval
 10 criteria based on the habitat score on the wetland rating form to align with Ecology's
 11 revised guidelines. These changes will reduce wetland buffers for any Category I, II, or
 12 III wetland with a habitat score of 5 points by 33% and allow placement of stormwater
 13 facilities within more wetland buffers without mitigation.

15 **Figure 1a. Changes proposed to wetland buffers**
 16 **relative to all wetlands county-wide**

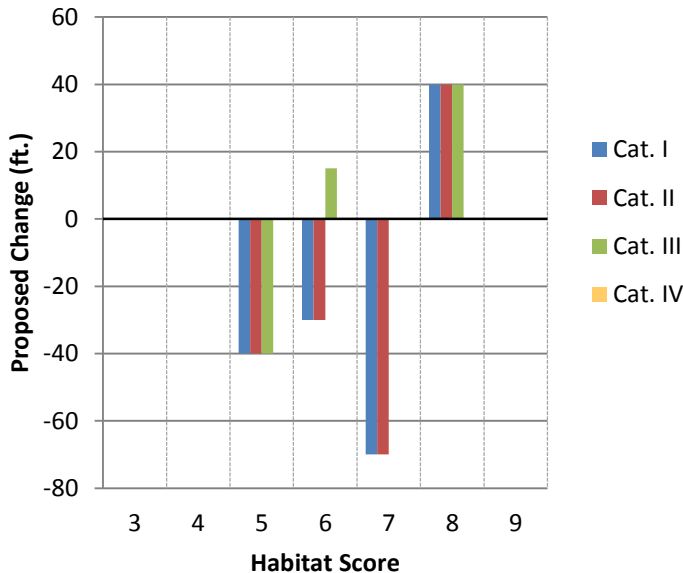
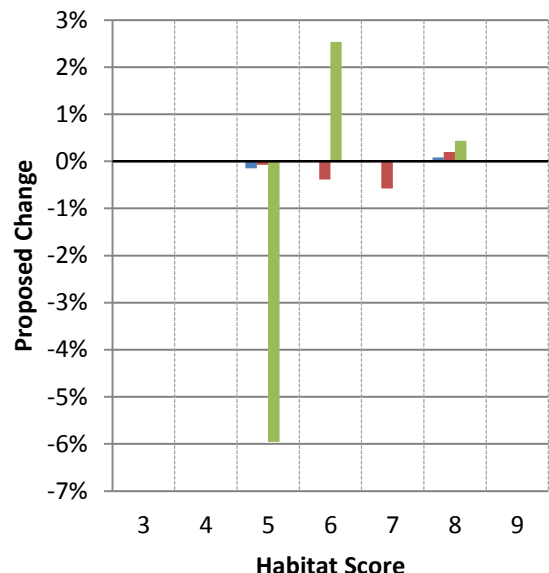


Figure 1b. Average % change
by rating and habitat score



17 While the buffers for wetlands with habitat scores of 5 points will be reduced, adopting
 18 the new guidelines will *increase* wetland buffers for Category III wetlands with a habitat
 19 score of 6 points by 15 ft. or 11% (from 135 to 150 ft.). Based on the estimated
 20 frequency of occurrence (fig. 1b) this represents a more substantial impact than other
 21 buffer increases. All changes in buffers with habitat scores of 6 points or more are the
 22 result of the County's prior choice to incrementally increase buffers with habitat scores.

23 Overall, however, the proposed update will decrease buffer widths approximately 3.9%.

24
 25 If these changes are not adopted now, they will likely be required to be adopted with the
 26 County's next update to our critical areas ordinances in approximately 2020.

27
 28

1 **10. Eliminate special Highway 99 Cottage Housing provisions in Section 7.6 of**
2 **the Highway 99 Overlay standards, Appendix F.**

3
4 **Rationale:** The Highway 99 Overlay cottage housing standards are substantially
5 similar to the cottage housing standards in Section 40.260.073, with only a few
6 differences as noted below:
7

	Highway 99	Section 40.260.073
Maximum square footage	1,200	1,600
Orientation of units	Main entry must face open space	No specific orientation to open space required
Minimum common open space dimension	15' X 20'	None specified

8
9 The proposal to eliminate the separate Highway 99 cottage standards would not
10 eliminate cottage housing as an option in the Highway 99 overlay. Cottage housing will
11 still be an option in the overlay area, but the review criteria in Section 40.260.073 will
12 apply. Having just one set of standards should simplify matters for applicants and
13 reduce the confusion over the relatively minor differences between the two codes.
14

15 According to Community Planning staff, Team 99 (the citizen group that helped develop
16 the Highway 99 overlay standards) supports the change.