



proud past, promising future

**PUBLIC WORKS  
DEVELOPMENT ENGINEERING PROGRAM**

**AGENDA  
DEVELOPMENT and ENGINEERING ADVISORY BOARD**

Thursday, December 3, 2015

2:30 – 4:30 p.m.  
Public Service Center  
6<sup>th</sup> Floor, Training Room

<u>ITEM</u>	<u>TIME</u>		<u>FACILITATOR</u>
	<u>Start</u>	<u>Duration</u>	
1. Administrative Actions <ul style="list-style-type: none"><li>• Introductions</li><li>• DEAB meeting is being recorded and the audio will be posted on the DEAB's website</li><li>• Review/Adopt minutes</li><li>• Review upcoming events</li><li>• DEAB member announcements</li></ul>	2:30	15 min	Gunther
2. Shoreline Exemption Application and Process	2:45	30 min	Snell/Hardy
3. Retaining Walls & Set-backs/Code Updates	3:15	30 min	Snell/Bazala
4. Review 2015 Annual Report/Preview 2016-2017 Work Plan	3:45	30 min	Gunther
5. Public Comment	4:15	15 min	All

**Next DEAB Meeting:**

**Thursday, January 7, 2015**  
2:30 – 4:30 p.m.  
Public Service Center  
6th Floor, Training Room

**Agenda:**

Election of 2016 Officers - Gunther  
Review 2015 Annual Report/Preview 2016-2017 Work Plan - Gunther



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CLARK COUNTY  
WASHINGTON

**PUBLIC WORKS  
DEVELOPMENT ENGINEERING PROGRAM**

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**County Manager Briefing and BOCC Hearing**

County Manager Briefing – every Wednesday at 10 a.m. \*

BOCC Hearing – every Tuesday at 10 a.m. \*\*

BOCC Hearing – Continuance of Shoreline Master Program from October 13 – Limited Amendment – Tuesday, December 15, 10:00 a.m.

BOCC Hearing – Continuance of Fee Waiver Discussion – Tuesday, December 22, 10:00 a.m.

**PC Work Sessions and Hearings**

PC Hearing – Designation of a Rural Industrial Land Bank – Thursday, Moved from November 19 to December 17, 6:30 p.m.

*Note: Work sessions are frequently rescheduled. Check with the BOCC's office to confirm date/time of scheduled meetings.*

*PC – Planning Commission*

*BOCC – Board of Clark County Commissioners*

\* Unless cancelled, which some are if there are no topics

\*\* Except first Tuesday when the hearing is typically in the evening

**Development and Engineering Advisory Board Meeting**  
**November 5, 2015**  
**2:30 p.m.-4:30 p.m.**  
**Public Service Center**

Board members in attendance: Steve Bacon, Don Hardy, Ott Gaither, Eric Golemo, Andrew Gunther, James Howsley, Mike Odren, and Terry Wollam.

Board members not in attendance: Jeff Wriston

County staff: Kevin Tyler, Greg Shafer, Jan Bazala, Marty Snell, Don Benton, Ali Safayi, Brent Davis, Peter Silliman, and Leslie Ernesti

Public: Mara McGrath, Joyce Madriz, Jim Barnes, and Mark Person

**Administrative Actions**

- DEAB meeting is recorded and posted to the county's website.
- Review/Adopt Minutes: Minutes from October 2015 were adopted.
- Reviewed Upcoming Events:
  - County Manager Briefing – every Wednesday at 10 a.m. (Unless cancelled if there are no topics)
  - BOCC Hearing – every Tuesday at 10 a.m. (Except first Tuesday the hearing is typically at 6 p.m.)
  - BOCC Hearing – Continuance of Shoreline Master program rescheduled for Tuesday, December 15, 2015
  - BOCC Hearing – Road Vacation – Tuesday, November 3, 10 a.m.
  - BOCC Work Session – 2016 Comprehensive Plan Update – Wednesday, November 4, 9 a.m.
  - BOCC Hearing – 2015 Amended Annual Construction Program, six year Transportation Improvement Program, 2016 Annual Construction Program – Tuesday, November 10, 10 a.m.
  - PC Work Session – Designation of a Rural Industrial Land Bank – Thursday, November 5, 5:30 p.m.
  - PC Hearing – Follow Up of designation of a Rural Industrial Land bank – Thursday, November 19, 6:30 p.m.
  - Final Adoption for BOCC Storm Water Update – Tuesday, November 24
  - Board Work Session Comp Plan Update - November 9, 1:30 p.m.
- DEAB member announcements: None

Gunther requested a change in Agenda order due to attending public's interest in Biodiversity Habitat Mapping. No opposition.

### **WDFW Biodiversity Habitat Mapping**

Kevin Tyler with Environmental Services provided a PowerPoint presentation regarding Priority Habitats and Species and the definition of biodiversity areas and corridors. Following is an overview of the presentation and discussions:

- Code requires consultation with WDFW prior to issuance of a development permit when dealing with non-riparian habitats. The county defers to WDFW for mapping of these habitats.
- Biodiversity areas and corridors are one of the 11 terrestrial habitats on the 2008 Priority Habitats and Species List
  - All non-riparian habitats areas are mapped by WDFW. The 100 foot buffer comes on the outside of that map area, and acts as a trigger to take a closer look.
- Biodiversity Areas and Corridors, previously known as Urban and Rural Natural Open Spaces, were reclassified in 2008.
- Biodiversity Areas are:
  - A. Identified as biologically diverse;
  - B. Or, the area is within a city or UGA and contains valuable habitat mostly comprised of native vegetation;
  - C. Relative to other vegetated areas in the same UGA, is:
    - Horizontally diverse
    - Vertically diverse
    - Supports diverse species
- Biodiversity Corridors are:
  - Relatively undisturbed tracts of native vegetation that connect fish and wildlife areas, priority habitats, biologically diverse areas, or valuable habitats in a UGA.
- WDFW has identified Old Growth forests habitat as priority. If a rural or urban area meets all 5 Old Growth criteria but is smaller than the state required 7.5 acres it should be evaluated as a biodiversity area. This applies to both public and private property.
- County habitat ordinance suggests on-the-ground mapping definitions prevail over aerial photos.
  - The state developed PHS and revamped the list in 2008. 2008-2010 was an “evaluate and remap” stage and since 2010 all mapping and data has been available. The WDFW website has all priority habitat species mapping and shows what is on the property.
  - WDFW doesn’t have the regulatory authority for these issues; the County does, but is required to consult with WDFW when issuing permits.
- What people seeking permits might expect when dealing with biodiversity areas
  - Recommend applicants go through a predetermination process before the pre-application conference.
    - For mapped biodiversity areas and corridors:
      1. Site visit with WDFW is scheduled to evaluate mapped area against PHS definition, boundary is determined on site
      2. Development activities discouraged within biodiversity areas and corridors because of difficulty in meeting criteria

3. Impacts to biodiversity areas and corridors mitigated at a 4:1 ratio but WDFW suggests 5:1 ratio
  4. DES currently working on a habitat mitigating policy but understand that canopy loss for these habitat areas is generally only approvable in a reasonable use/public interest scenario
    - *For unmapped areas and corridors county staff generally follows these same steps*
- Ways to make exception
    - Used 4-1 ratio for mature forest canopy. WDFW suggested a 5:1 ratio
      - DES is working on an internal guides document for applying mitigation.
    - Canopy loss in habitat areas is generally only approvable in reasonable use/public interest scenarios.
      - Riparian corridors and biodiversity areas provide different habitat functions and values.
      - Code says to consult with WDFW and follow their suggestion.
      - County biologists contact WDFW and it is part of public record.
      - Tyler stated they are trying to develop a ratio formula that would apply in most situations but it is a case by case basis. Burden of proof is on the applicant.
  - Code has reasonable use assurances/public interest exceptions:
    - Code can't be used to deny the placement of a single family residence on a legally buildable lot
    - Can't restrict reasonable economic use of the property provided habitat alteration is the minimum necessary for that use. (County Code)
      - Snell commented that these habitat or wetland areas are part of the critical area ordinances all counties have to adopt. They identify, designate and protect critical areas in the county and state, then consult with resource agencies and build codes accordingly.
      - Timber production zones are the only exception. There are exemptions in the code as long as it's not a conversion.
      - The County manages the conversion forestry permits and Class I Forest Practices. A biodiversity area that gets logged under a state permit, then a subdivision application comes in for same property, is a conversion. By state law, a six year moratorium is automatically applied to the property.
      - There is a potential loophole; if someone logs a site, six years later they could come back and would be able to submit a development plan for it.
      - There are exceptions for harvest within a certain percentage of the canopy, within a certain distance of a stream, if the property is under a certain size.
      - Only flood plains and wetlands would become an extension of the Shoreline.
      - Every GMA county is required to have a fish and wildlife ordinance.

Helpful link: [wdfw.wa.gov/conservation/phs/list/](http://wdfw.wa.gov/conservation/phs/list/) and [wdfw.wa.gov/mapping/phs](http://wdfw.wa.gov/mapping/phs)

Shafer asks if any environmental consultants have questions or concerns:

- McGrath: Establish better dialogue with Fish and Wildlife early on so as not to be blindsided.
- Golemo referred to a parcel next to Whipple Creek that is zoned R1-10, but is likely all biodiversity. When the property was purchased it had development potential, not zoned rural, mapping has changed. At 12.29 acres it can now only have one single family residence on it. Discussion followed on problems with changes in mapping.

- **RETAINING WALLS AND SET-BACKS**

- Revisiting from couple months ago to look at some offending examples. Issues to discuss:
  - Should there be a total height limit, even beyond setbacks?
  - Should fill be allowed expressly to elevate homes to obtain better views at the expense of neighbors' views?
  - Should use of large keyed concrete blocks be allowed?
- Marty refers to Jan's sketch (attached).
  - Retaining walls have a 4' max, a 4' set-back then another 4' max for a total height of 8 feet. Fences on top of retaining walls currently have a 6' height limit but is going to be 7' with building code change. If you have separation of grade and you have a 3-4' wall then 7.5' would be max height with a fence that is sight-obscuring.
  - Walls will require permits if over 4' tall.
  - Discussion regarding if having neighbor's consent would be acceptable, should that be a part of code, also if one developer owns all the lots.
  - Concern was raised that an agreement between neighbors doesn't always take in to account the social consideration for what the county should look like.
  - Landscaping between walls was suggested along with long-term maintenance benefitting from HOA involvement.
  - Golemo requested a Motion to encourage staff to continue work on the language for the retaining walls and return within next month or two. Motion was seconded.
  - Snell will come back December 3<sup>rd</sup> for discussion purposes and will have the language for next month providing clarity on greater than 30 feet from neighbor's home, getting neighbor's approval and clarity on total height of 8'.
  - Vote all in favor, no opposed or abstentions.
- **Public Comment**
- Gunther commented Mark McCauley would like to meet in January re: upcoming work-plan, include Heath Henderson and Marty Snell. Group to start looking at work-plan next month, put on December's Agenda.
- Snell and Hardy will schedule time to talk prior to the meeting. Snell will be able to provide status report on new permit system project for meeting with McCauley. Decided on different approach recently that will work much better and be more successful for customers.

Meeting adjourned at 4:07  
Meeting minutes prepared by: Leslie Ernesti  
Reviewed by: Greg Shafer

Additional Potential Changes to Proposed Retaining Wall Code

12/3/2015

Currently Exempt Right of way walls

Total height of exempt walls and solid fences (under F.3.d) shall not exceed 12 feet.

General applicability to all walls :

Use of plain-faced pre-cast blocks over 1 foot in height are prohibited for all walls over 4' high.

Add exemption:

These provisions do not apply to fences required by state law to enclose public utilities, or to chain link fences enclosing school grounds or public recreation areas.

Variance procedure:

Variance to height, setback, and large block facing requirements may be approved through a Type II Variance procedure. The decision to approve or disapprove the requested variation shall be based on factors of topography, traffic visibility, visual impacts, and location and extent of adjoining public and private structures and uses.

Potential changes to 40.320.010, setbacks for  
retaining walls and fences

12/3/15

F. Establishing Setback Standards for Retaining Walls and Fences.

1. Construction of private retaining walls or fences within public rights-of-way is prohibited. Exceptions to this prohibition shall require approval of the Public Works director.
2. The construction of retaining walls four (4) feet or less in height and fences six (6) seven (7) feet or less in height may be constructed within public easements. Exceptions to these height limits may be granted when written approval has been obtained from the easement holder. Construction of retaining walls four feet or less may be allowed within public easements when written approval has been obtained from the easement holder.
3. The construction of retaining walls in excess of four (4) feet in height and fences in excess of ~~six (6)~~ seven (7) feet in height shall meet the setback requirements of the underlying zone. The height of a fence on top of retaining walls shall be measured to the grade at the bottom of the wall. Exceptions to this provision are as follows:
  - a. When an exception under subsection (F)(1) of this section has been granted;
  - b. The exposed faces of retaining walls over four (4) feet in height are directed toward the interior of the lot;
  - c. The retaining walls are constructed as part of the site improvements prior to a final plat, and located between lots within the development. Retaining walls on the perimeter of the plat may not use this exception, except as allowed under subsection (F)(3)(d) of this section;
  - d. Retaining walls abutting a road right-of-way or road easement; provided, that the wall does not block required sight distance;
  - e. The retaining wall is constructed between lots under the same ownership.
  - f. Non-sight-obscuring fences such as chain link or wrought iron that are less than seven (7) feet tall on top of retaining walls of less than four feet tall are allowed within setbacks.

4. Building codes for retaining walls may require setbacks that are greater than those required by this section.

A retaining wall taller than four feet may be placed within setbacks by using a series of retaining walls four feet high or less that are separated a minimum of four feet, provided the area between walls is maintained in ground cover or shrubs. The total height of a series of walls within the building setback shall not exceed eight (8) feet. Landscaping shall be maintained consistent with CCC40.320.010.G.6.



## DEVELOPMENT and ENGINEERING ADVISORY BOARD

### 2014 Annual Report and 2015/2016 Work Plan

The Board of Clark County Commissioners (BOCC) formed the Development and Engineering Advisory Board (DEAB) in late 2006. DEAB works with Community Development, Public Works, and Environmental Services to review process improvements, proposed code changes, and development fee strategies.

Although initially formed to focus on development engineering issues, the BOCC broadened DEAB's responsibilities in 2010 to cover the County's entire development and building activities.

DEAB has nine members: three private sector planners or engineers, one public sector planner or engineer, one construction contractor, one land developer, one Building Industry Association representative, and two at-large members professionally associated with development. Seven members are selected and appointed by the County Manager. The two at-large members are nominated by DEAB, with appointment by the County Manager. The 2014 roster included:

Chair	Mike Odren	Olson Engineering, Inc.
Vice-Chair	Andrew Gunther	PLS Engineering
	Ott Gaither	Gaither Homes, LLC
	Eric Golemo	SGA Engineering, PLLC
	Terry Wollam	RE/MAX
	Jeff Wriston	Moss Wriston
	James Howsley	Jordan Ramis PC
	Don Hardy	BergerABAM
	Steve Bacon	Clark Regional Wastewater District

#### 2014 Accomplishments

The past year was a busy and challenging one for DEAB. The following is a summary of DEAB's accomplishments.

#### Code Revisions

1. DEAB supported revisions to the Concurrency Code and related changes to the CFP.
2. DEAB has been provided regular updates on the Comprehensive Plan updates.
3. DEAB has been provided regular updates and has commented on and has participated in the Stormwater Ordinance updates.
4. Supported changes to details regarding Single Family Residential driveway approaches.
5. DEAB provided suggestions on policy and code changes/improvements.

### Development Related Issues

1. Expressed continued concern over development review staff's ability to meet timelines and have sufficient staff and resources with the increase in development activity.
2. Reviewed proposed delays in the payment of residential impact fees.
3. Provided input into and facilitated changes to Stormwater Inspection Fee procedures and amounts.
4. Provided comments, and data for substantiation, to Clark County Long Range Planning that the current infrastructure percent deduction for residential development in the Comprehensive Plan does not reflect the actual amount of land set aside for infrastructure (roads and stormwater facilities).
5. Was provided updates on Wetland and Habitat Code changes.
6. Looked into changes to the Shoreline Exemption submittal requirements for low-impact construction (i.e. utility repairs, etc.)
7. Was provided information on the TIF program update.
8. Received updates to the Population Growth-Buildable Lands supply.
9. Received updates to the CRWWD CFP.
10. Was provided a demonstration on how the County models its vacant buildable lands.

### Process Improvements

1. Supported the Lean Process for expediting Single Family Residential permits.
2. Reviewed and provided input into updates to the Final Plat process.
3. Provided input into and requested improvements to the Final Site Plan process.
4. Requested that Community Development update the 60-Day Type II Site Plan Review process to make it a permanent procedure.
5. Provided input into changes to the Plat Alteration process in moving away from a "one size fits all" approach.
6. Supported an all electronic final engineering review process.
7. Received updates on how staff was addressing permit center wait times. Staff recommends setting up an appointment to avoid long wait times.

### Technology

1. Supported updating technology to increase efficiency in Development Engineering.
2. Updates on the replacement of the Tidemark permitting software system.
3. General discussion of technology trends in the development and building construction industries.

### Participation on Special Work Groups

In addition to the regular monthly meetings, DEAB members assisted on several special working groups:

- Stormwater Code Rewrite
- Final Plat Process
- Transportation Impact Fee Stakeholder
- LEAN process for Site Plan Review

### Economic Development

DEAB continues to be an active supporter for economic development in Clark County.

## 2015/2016 DEAB Work Plan Suggestions

DEAB looks forward to continuing to discuss the following proposed top priorities with County Councilors:

1. Economic Development. DEAB could continue to assist with the BOCC's commitment to economic growth.
2. Fee Reforms. Fees include fee holiday programs, impact fees, concurrency, and development and building permit fees. Are fee reforms and current practices successful in generating job growth?
3. Process Improvements. DEAB could continue to provide guidance in the following areas:
  - a. Staffing levels and resource strategies as development activity increases.
  - b. Customer service enhancement.
  - c. Continued LEAN efficiency implementation for other development review processes.
  - d. Early review of proposed policy and code changes, possibly in a work session format to provide an early dialogue with staff.
  - e. Tidemark (permit software) replacement project and other technology.

DEAB is in agreement with the following 2015/2016 work plan:

1. Continuing work on the Final Plat process improvements. The Technical Advisory Group has worked diligently with Staff and has begun implementing proposed procedural changes, with the ultimate goals of shorter timelines for final plat approval and early review of residential building permits.
2. Continuing work on the Final Site Plan process improvements. Staff has agreed to change when certain development Conditions of Approval are required to be completed.
3. Ongoing input into improvements/revisions to the Concurrency Ordinance and its affect on the CFP and TIP.
4. Ongoing updates to and input into the Comprehensive Plan update.
5. Continued input into the Stormwater Ordinance update and presence on a Technical Advisory Committee addressing said updates.
6. Ongoing updates to the Fee Holiday program to establish a "cost per job."
7. Ongoing updates to the Vacant Buildable Lands model.
8. Reducing Permit Center wait times.
9. Ongoing updates to the Tidemark replacement.
10. Continuing encouragement to make the 60-day expedited review codified.
13. Updates and improvements to the Single Family Residential LEAN process.
14. Continued reviews of staffing levels to maintain high levels of service.
15. Encouraging the use of technology where applications can be made, such as inspections, meetings, etc.
16. Streamlining engineering reviews i.e. final engineering submitted with Type I PST's.
17. Reviewing the need for road modifications that are almost, if not always, approved.
18. Archaeological review process

DEAB looks forward to continuing their successful collaboration with Clark County.

Michael Odren, RLA  
2014 DEAB Chair

***SUBMITTED TO THE COUNTY MANAGER AND BOARD OF CLARK COUNTY  
COUNCILORS FOR A WORKSESSION SCHEDULED FOR MAY 20, 2015***

