



proud past, promising future

**PUBLIC WORKS
DEVELOPMENT ENGINEERING PROGRAM**

**AGENDA
DEVELOPMENT and ENGINEERING ADVISORY BOARD**

Thursday, March 3, 2016

2:30 – 4:30 p.m.
Public Service Center
6th 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"> • Introductions • DEAB meeting is being recorded and the audio will be posted on the DEAB’s website • Review/Adopt minutes • Review upcoming events • DEAB member announcements 	2:30	15 min	Hardy
2. Retaining Walls and Set-backs	2:45	30 min	Bazala
3. Comp Plan Update	3:15	30 min	Orjiako/Euler
4. BOCC Work Session/2016-2017 work Plan Priorities Update	3:45	30 min	Hardy
5. Public Comment	4:15	15 min	All

Next DEAB Meeting:

Thursday, April 14, 2015
2:30 – 4:30 p.m.
Public Service Center
6th Floor, Training Room

Agenda:

Fee Adjustments & Updates - Snell
Tidemark Replacement/Phase I Roll-out - Snell



proud past, promising future

CLARK COUNTY
WASHINGTON

**PUBLIC WORKS
DEVELOPMENT ENGINEERING PROGRAM**

BOCC Work Sessions and Hearings

BOCC Work Session – every Wednesday at 9 a.m. *

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

BOCC Hearing – Residential Care Facility – Tuesday, March 8, 10:00 a.m.

BOCC Work Session – Fire and Life Safety Inspection Program for Business Occupancy –
Wednesday, March 9, 10:30 a.m.

BOCC Work Session – DEAB Work Plan – Wednesday, March 30, 10:00 a.m.

PC Work Sessions and Hearings

PC Work Session – Capital Facilities Plan – Thursday, March 3, 5:30 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
February 4, 2016
2:30 p.m.-4:30 p.m.
Public Service Center**

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

Board members not in attendance: Andrew Gunther

County staff: Kevin Tyler, Greg Shafer, Jan Bazala, Marty Snell, Brent Davis, Susan Ellinger, Steve Hansen and Leslie Ernesti

Public: None

Administrative Actions

- DEAB meeting is recorded and posted to the county's website.
- Review/Adopt Minutes: Minutes from January 2016 were adopted with minor corrections requested by Hardy.
- Reviewed Upcoming Events by Shafer:
 - BOCC Work Session – every Wednesday at 9 a.m. (Unless cancelled, which some are if there are no topics)
 - BOCC Hearing – every Tuesday at 10 a.m. (Except first Tuesday when the hearing is typically at 6 p.m.)
 - BOCC Work Session – Annual Report for Clean Water and Presentation RTC due - Wednesday, February 10, 9:00 a.m.
 - BOCC Hearing – 2016 Comp Plan Update – Tuesday, February 16, 10 a.m.
 - BOCC Hearing – Rural Industrial Land Bank - Tuesday, March 1, 6:00 p.m.
 - PC Work Session – Clark County Code 40.210.030 to Allow Residential Care Facilities on larger parcels in the rural center, residential districts and 2016 Comp Plan Update - Thursday, February 4, 5:30 p.m.
 - PC Hearing – Amending Clark County Code 40.210.030 to conditionally allow Residential Care Facilities on larger parcels - Thursday, February 18, 6:30 p.m.
- Odren asked if Work Session regarding residential facility is typically looked at or if it is a housekeeping item. Snell replied it's a new code amendment that would add a staff residential facility as conditional use. There is a service provider looking at buying the Slavic church in Brush Prairie to repurpose it for a treatment facility. In November the board adopted an emergency interim ordinance. Staff residential homes with ten beds or fewer are allowed for treatment. This facility is greater than ten beds and is not allowed. It is allowed in other zoning districts by way of conditional use permits.
- Hardy asked Snell what the 2/16/16 Comp Plan BOCC hearing is in the context of what the BOCC has already adopted.
 - Marty suggested Oliver Orjiako would be more suited to answer the question; they're looking at alternatives.
 - Howsley restates they will review the alternatives and are using the Planning Commission recommendations.

DEAB member announcements

- Howsley – Court of Appeals on the Stormwater case; the court has ordered Ecology to modify Phase I and Phase II.
 - Question was raised if the ruling applies only to the parties that appealed it; Howsley replied no, it is a binding ruling by the court.
 - Golemo mentioned a discussion regarding Stormwater meeting on the new code and how it is being applied. Site plans are not covered right now, some short plats/building permits might have different criteria.
 - Howsley explained there is a larger, legislative discussion going on. They are trying to resolve these issues.
- Shafer announced the 2015 annual report and 2016-2017 work plan are scheduled for Wednesday, March 30th 10:00 a.m.
- Snell stated they are looking at a more traditional biannual code amendment round, targeting April for the Planning Commission. The list is compiled and Jan, Susan and he have reviewed it. They will put something together by the first part of March for the Board.
 - Odren asks if there is still time to add to this list; Snell requests only minor adjustments be submitted, not introducing significant policies.

Shoreline Exemption Process

Ellinger met in December with Hardy, Tyler, and Snell regarding Shoreline Exemptions. A Shoreline Working Group was formed to help answer Planner's and staff's questions when reviewing Shoreline and related applications. Tyler gives a biological perspective and a Public Works staff person helps with flood plain issues. They are now better equipped to deal with and analyze potential issues. They continue to look at ways to improve the exemption process, such as:

- Removing at least one submittal requirement; lot determinations will no longer be required for Shorelines
- Archeological - change the interpretation to reduce the number of predeterminations that are required. Proposals with no ground disturbance, low impact, or normal maintenance and repair won't need predeterminations.

Tyler spoke on Wetland and Habitat requirements. Typically Shoreline Review requires Habitat Review. When a project has no habitat impacts they will waive the need for a Habitat Review. They are also looking at waiving additional fees when separate permits are required outside of Shoreline. A habitat review goes with the Shoreline, and they were also requiring a habitat review for outside of Shoreline. Now there will be a single review. Additionally they are considering only requiring ordinary high determination when absolutely necessary. If it clearly meets the setback requirements, they are hoping to not require another determination and site visit.

They are working with BOE to streamline the associated wetland determination process; Shoreline requires that wetlands associated with Shoreline are part of the Shoreline. To make it simpler, staff reports have been modified to be more streamlined, reducing their size.

Ellinger reviewed the Form and Process Improvements they are working on:

- Creating a new form to help with which criteria have to be addressed. They will possibly use that as the staff report to reduce and simplify review time.

- Limiting the criteria being reviewed and requiring applicants to respond to; requiring a very limited submittal first. Everyone would have a short form, and some applications could be approved from that information alone.
 - Would like feedback; it requires two submittals but gets everyone upfront with one quick submittal. DES has worked on their staff reports.
 - Odren asked for clarification regarding DES Staff Reports – would this combine two staff reports into one?
 - Tyler replied they always do a staff report to provide comments for the case.
 - Ellinger added they used to attach them to planning staff report but now they incorporate them. It will end up being one staff report.
- Ellinger noted it doesn't say exemptions are limited to these criteria, and it doesn't limit exemptions. They are trying to make the submittal process the same for everyone. If there are additional items needed they would ask for them. One current issue is consistency on projects among planners, specifically for Shorelines. They are working on making it more consistent.
- Snell commented that he and Ellinger have discussed this concept. The hope is to get enough information initially, OR, determine there are other conditions or additional information needed. The idea would be to have no more than two submittals. Ellinger has done some research and found some jurisdictions do approve projects by email.
- Hardy asked how the different level of reviews among the Planners was discovered and Ellinger replied she personally reviews all staff reports. She also discovers differences just by talking to people/applicants and getting feedback on specific situations.
- Gaither asked what triggers the jump from wetland to shoreline
 - Tyler replied it's a different set of state and federal regulations. Shoreline is a planning focus looking at the uses that can be allowed, whereas Wetlands ordinances are about regulation/maintaining same amount – quantity and quality - of wetlands that you currently have.
 - Snell added Shoreline regulations come from one statute from the 70's, and critical areas are regulated from another set of statutes adopted in 90's. They are two different statutes that deal with a similar landscape.

Hardy addressed the group stating they are headed in the right direction and the next step is continued updates. They will be doing pilots with the new process. Call Ellinger with issues, thoughts and feedback.

- Golemo asked about the code linking wetland and Shoreline permits. He questioned if that be changed or if they have to be linked. Tyler replied they had talked about changing it but aren't sure how. Getting Ecology on board will be a challenge but they will take a closer look.

Retaining Walls and Setbacks Update

Bazala reviewed all potential language changes to code 40.320.010; setbacks for retaining walls and fences. This code was discussed in December and the requested changes have been integrated. There are some changes to the version that was emailed earlier in the week that were also covered.

- F1B – the first paragraph infers height and setback requirements for walls and fences get a blanket exception from the Public Works Director when approving a fence or wall in a right-of-way. Construction of private retaining walls or fences within public rights-of-way is prohibited. Exceptions require approval from the Public Works Director.
- Gaither questions the need for the additional wording in code. Bazala will take under consideration and discuss with Snell.

- Hansen added that this is one avenue to pursue if the Director made an exception to the rule. Federal law doesn't allow a fence or wall in county right-of-way.
- Discussion regarding changes to line F2, regarding fences and retaining walls within public easements, continued with clarification of heights and exceptions.
 - Bacon noted fences aren't typically an issue when digging up a line. Fences are expected, but retaining walls are more of a hassle and more expensive.
 - Swanson stated that some retaining walls are done after the fact and questioned if they would have to get approval.
 - Gaither expressed concern that easements confer a legal right and it should be the obligation of the person coming to the county to get permission from the easement holder.
 - Snell said we don't require permits on fences under 7' and Bazala suggested the simplest change would be to increase the maximum height of fences from 6' to 7'. Bazala will work on the wording and omit additional language.
- Revised F3A clarifies fence arrangements on top of walls. Bazala will put a diagram in the code that clarifies it.
 - Swanson asked if a fence can go on a property line. Bazala said yes, a fence can go on top of a lower retaining wall and on the property line if it's not sight obscuring.
- F3F has an added section that allows an exception if permission is granted from the abutting property owner.

It was suggested that setbacks be changed from 30' to 50' setbacks. Swanson voiced concerns with potentially taking away property rights. Snell stated he would be more comfortable with setbacks of 50' from the primary structure. Bazala said the Board will make the final decision and that DEAB will be notified when the hearing is to be held.

- F4 allows for the ability of the planning director to approve variations to the provisions and to make interpretations for unusual circumstances.
- Hardy asked if a motion is needed. The decision was no motion, will wait to see the final changes and look at it again next month. Bazala will come back in March to finalize.

2015 Annual Report and 2016-2017 Work Plan

- March 30th, 10 a.m. – 11 a.m. meeting with Board. Hardy getting together with Andrew Gunther and they will be spearheading that discussion. Review of topics that are key issues, what has been accomplished, focus on work plan suggestions.
- Odren said to anticipate being asked by the Board what's next on the list; suggested being more proactive and think about what is the next priority to address.
- The new board of County Councilors will be looking for policy suggestions.
- Snell added they may eventually be considering rural land issues.
- Hardy also mentioned aging readiness and affordable housing are big items in the community right now.
- Snell noted the Board discussed a request for a work session on the fee waiver program and are having a scheduled work session 4/13.
- Odren stated they will have someone attend and suggested it be an item for March's agenda
- James suggested that Oliver Orjiako might give a quick comp plan update in March
- Snell is requesting a work session with the Board mid-March on a cost of service study and fees being charged since 2009. They hired consultant Paul Lewis to help analyze the cost of service

and fee revenue. He is doing stakeholder interviews, and will be presenting to the Board the findings and recommendations for changes to the fee. They are looking at reducing some fees. Phase I roll out is planned for late May.

- Swanson commented on the Ridgefield school impact fees being significantly less than originally proposed.
- Odren suggests looking at the Action List's ongoing items by the next DEAB meeting; specifically:
 1. SEPA Thresholds and Exemptions
 2. Engineering/Stormwater reviews/requirements for SFRs
 3. Grading Permits process improvements

Public comment

There was no public comment

Meeting adjourned 4:27 pm

Meeting minutes prepared by: Leslie Ernesti

Reviewed by: Greg Shafer



BOCC Preferred Alternative

February 23, 2016

The Preferred Alternative starts with a foundation of Alternative 1 that is then progressively modified by the following elements with the last element taking priority and precedent over prior (lower number) elements.

Alternative	Option Description	Planning Commission Recommendation	Preferred Alternative 2/23/16
Alt. 1	NO ACTION ALTERNATIVE		
1	The 'No Action' alternative. This option re-adopts the current plan, planning assumptions and moves the planning horizon out to 2035.	Motion to Approve: AYE – 6 ; NAY – 0 Motion Passed	Yes
Alt. 2	COUNTY-INITIATED ALTERNATIVE		
	RURAL LANDS		
2.a	Rural Lands. Change the comp plan map legend from three comp plan designations to one Rural designation to be consistent with current comp plan-to-zoning matrix table.	Motion to Approve: AYE – 6; NAY – 0 Motion Passed	Yes
2.b	Agriculture Lands. Change the minimum lot size for parcels zoned AG-20 from 20 acres to 10 acres (AG-10).	Motion to Deny : AYE – 4; NAY – 2 Motion Passed	Yes
2.c	Forest Lands. Change the minimum lot size for parcels zoned FR-40 from 40 acres to 20 acres (FR-20).	Motion to Approve: AYE – 2; NAY – 4 Motion Failed	Yes
2.d	Rural Lands. For parcels zoned R-20, from 20 acres to 10 acres, in some areas.	No Vote Taken	Yes
2.e	Rural Centers. Combine rural center commercial (CR-2) and rural commercial (CR-1) into a single comp plan designation of 'rural commercial'.	Motion to Approve: AYE – 5; NAY – 1 Motion Passed	Yes
2.f	Urban Reserve. Urban reserve (UR) becomes a true overlay. Zoning defaults to underlying zone; some parcels given R-5 zoning. UR code moved to the overlay chapter of Title 40. No change in allowable land uses.	Motion to Approve: AYE – 5; NAY – 1 Motion Passed	Yes



BOCC Preferred Alternative February 23, 2016

Alternative	Option Description	Planning Commission Recommendation	Preferred Alternative 2/23/16
URBAN LANDS			
2.g	Commercial Lands. Combine the three commercial zones (C-2, C-3 and GC) into a single comp plan (C) designation.	Motion to Approve AYE – 5; NAY – 1 Motion Passed	Yes
2.h	Public Facilities. Creation of public facilities zone.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.i	Urban Holding. Urban holding (UH) becomes a true overlay. Zoning defaults to underlying zone. UH code moved to the overlay chapter of Title 40. No change in allowable land uses.	Motion to Approve AYE - 5; NAY – 1 Motion Passed	Yes
2.j	Battle Ground UGA. Changes comp plan and zoning designations to better reflect surrounding land uses.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.k	Ridgefield UGA. Add the Tri-Mountain Golf Course to the Ridgefield UGA retaining Parks and Open Space (P/OS) zoning and adding an Urban Holding UH-20 overlay.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	No
2.l	Vancouver UGA. Remove reference to the Three Creeks Special Planning Area.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.m	Vancouver UGA. Approve the Discovery/Fairgrounds subarea comp plan map and zoning changes.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.n	Vancouver UGA. Approve the Salmon Creek subarea comp plan map and zoning changes.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes



**BOCC Preferred Alternative
February 23, 2016**

Alternative	Option Description	Planning Commission Recommendation	Preferred Alternative 2/23/16
2.o	Vancouver UGA. Change some parcels that have a mixed use comp plan designation to a comp plan designation that matches current zoning.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.p	Vancouver UGA. Remove UR adjacent to the Vancouver UGA and replace it with R-5 and AG-20 zoning.	Motion to Approve AYE – 5; NAY – 1 Motion Passed	Yes
2.q	Vancouver UGA. Remove UH in the Fisher Swale area between Vancouver and Camas.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
2.r	Washougal UGA. Correct mapping error on parcels with city zoning inside the UGA but outside city limits.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
Alt. 3	CITY-REQUESTED UGA EXPANSIONS		
3.a	Battle Ground. Add 80 acres, now designated R-5, to the UGA for jobs.	Motion to Approve AYE – 6; NAY - 0 Motion Passed	Yes
3.b	La Center. Add 17 acres, now designated R-5, for a school site.	Motion to Approve AYE – 6; NAY – 0 Motion Passed	Yes
3.c	La Center. Add 56 acres, now designated AG-20, for jobs.	Motion to Approve AYE – 3; NAY – 3 – TIE VOTE – No Recommendation	Yes , provided that if challenged, La Center will provide for the defense instead of Clark County.
3.d	Ridgefield. Add 111 acres, now designated AG-20, for residential.	Motion to Deny AYE – 5; NAY -1 Motion Passed	Yes , provided that if challenged, Ridgefield will provide for the defense instead of Clark County.



BOCC Preferred Alternative

February 23, 2016

Alternative	Option Description	Planning Commission Recommendation	Preferred Alternative 2/23/16
3.e	Washougal. Add 41 acres, now designated R-5, for residential.	Motion to Approve AYE – 2; NAY – 3 ABSTENTION – 1 Motion Failed	No
RURAL, AGRICULTURE, AND FOREST LANDS CHANGES			
4.a	Rural Lands. Eliminate R-10 and R-20 zones unless publicly owned property. Create R-1 and R-2.5 zones. Maintain R-5 zone.	Motion to Deny AYE – 5; NAY – 1 Motion Passed	Motion to Approve: No
4.b	Agriculture Lands. Eliminate AG-20 zone unless publicly owned property. Create AG-5 and AG-10 zones.	Motion to Deny AYE – 4; NAY – 2 Motion Passed	Motion to Deny: Yes
4.c	Forest Lands. Add FR-10 and FR-20 zones to existing FR-40 and FR-80 zones.	Motion to Approve AYE – 2; NAY – 4 Motion Failed	Motion to Deny: Yes
4.abc	Cluster Options		Motion to Approve: No
OTHER RECOMMENDATIONS			
	A Motion was made for the councilor's to allow for a process for flexibility and opportunity for land owners who continuously owned property prior to the 1994 plan to possibly divide their property. The vote was 5-1 to approve. There was discussion as to whether the effort, discussion of the process will come to the PC work session, meetings, etc.	Motion to Approve AYE – 5; NAY 1 Motion Passed	Motion to Approve: No



proud past, promising future

COMMUNITY PLANNING

SUPPLEMENTAL STAFF REPORT

TO: Clark County Board of Councilors

FROM: Oliver Orjiako, Director

DATE: February 23, 2016

SUBJECT: Public Hearing: Regarding selection of a "preferred alternative" and of planning assumptions; corrections of mapping errors, if necessary; and a path forward.

BACKGROUND

The Board of County Councilors took public testimony at their February 16, 2016 public hearing regarding the Preferred Alternative to be studied in the Final Supplemental Environmental Impact Statement (FSEIS). This supplemental staff report addresses the following issues the board raised at the close of public testimony.

SITE-SPECIFIC REQUESTS

There have been several site specific requests made for plan changes that would apply only to one or a few specific properties. These requests have been included in the record. Many of the requests would involve de-designation of resource lands, expansions of urban growth areas, or reduction of lot sizes in resource and rural lands. Alternatives 2 and 4 both incorporate area-wide reviews of the county's resource and rural zones, and therefore include consideration of the issues that govern many of these requests. Because these area-wide alternatives are analyzed in the DSEIS, as well as recommendations involving the urban areas in Alternatives 2 and 3, the site specific requests have not been studied in the DSEIS. Further, the Board adopted Resolution 2014-06-16 on June 24, 2014 suspending annual reviews and dockets for 2015 and 2016, unless an emergency exists. Given that resolution, the consideration of non-urban lands by Alternatives 2 and 4, and the fact that site specific requests were not specifically considered in the DSEIS, no further consideration has been given to them in this plan update. Property owners who contacted Planning with site specific requests have been informed that their requested actions would not be part of this update.

1994 AGRI-FOREST DESIGNATIONS

As a result of the Poyfair remand in 1997, the county undertook a process to re-designate the 35,000 acres that had been designated Agri-Forest. The Agri-Forest zone had a 20-acre minimum. All but 200 acres were re-designated to R-5, R-10 and R-20. The R-10 and R-20 zones were created at the same time as the Agri-Forest re-designation, since Rural Estate 5 - acre minimum was the only non-resource designation when the 1994 comprehensive plan was adopted. Currently, there are 26,600 acres that have R-10 or R-20 zoning (7,306 acres of R-20 and 19,338 acres of R-10). It can be inferred that the remaining 8,400 acres are in R-5 zoning.

We have a GIS map layer that we can be displayed at the hearing that shows the Agri-Forest land as adopted in 1994.

ACCESSORY DWELLING UNITS IN THE RURAL AREA

Staff is working with the Prosecuting Attorney's office regarding the potential for allowing accessory dwelling units (ADU) in the rural area. There is some recent litigation that needs to be reviewed prior to drafting an ordinance. This could be done as an implementation tool subsequent to adoption of the comprehensive plan.

CLARIFICATION OF COLUMN A INACCURACIES

"Proposed Changes to Planning Assumptions" (version 1.09) was introduced on November 18, 2015. Table 1 of that document contains two sets of rural vacant buildable lands model (VBLM) assumptions. Column A is an interpretation of the assumptions and methodology used by GIS staff in estimating the potential number of lots that are buildable in the rural area. The attached Exhibit 1 is the documented methodology used by staff to arrive at the lot estimates used in the Draft Supplemental Environmental Impact Statement (DSEIS). Column A erroneously states that Forest lands are included in the count of potential new lots. Exhibit 1 document clearly states on page 1 under Excluded – Forest zoned lands in the Current Use program (Timber or Designated Forest Land (DFL)). Column B of this document was the focus of the Thorpe report.

PROPOSED GMA CHANGES

Staff is not aware of any changes that will affect the implementation of the GMA.

NEXT STEPS

Subsequent to adoption of the Preferred Alternative the next steps would be as follows:

- Analysis work: Final SEIS; Update VBLM for the urban area; Capital Facilities Plan (CFP); Capital Facilities Financial Plan (CFFP); Comprehensive Plan text; and CCC Title 40 changes to reflect Preferred Alternative
- Issue FSEIS
- Commerce 60-day review
- Planning Commission (PC): Work Sessions on: FSEIS, Comp plan text, title 40, CFP, CFFP
- Joint PC/BOCC Hearings
- Planning Commission adoption of recommendation to BOCC
- BOCC Hearings/Deliberations/Decision

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20

**Spring 2016
Proposed
Bi-Annual Code Amendments
Attachment "A"**

Proposed changes are shown by ~~strikeouts~~ and double underlines.

The proposed text changes are followed by a **Rationale** section to provide background to the proposed changes.

SCRIVENER'S ERRORS

1. Correct footnote referring to minimum centerline radii in Table 40.350.030-3

(see next page)

1

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

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

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

4 ³ Must meet state standards if intersecting state roads.

5 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.

7 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.

8 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.

10 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.

11

1 **Rationale:** Footnote 4 in the “Minimum Centerline Radius” columns is supposed
 2 to be footnote 5. Footnote 4 refers to situations where a curb extension can
 3 affect the curb radius of a road intersection, whereas the intended footnote 5
 4 correctly refers to the centerline radii of roads not located at intersections.

5
 6 **2. Table 40.210.010-1-Fix table to state that heliports are a conditional**
 7 **use in the FR-40 zone**
 8

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
8. Resource Activities.					
a. Agricultural	P ⁶	P ⁶	P ⁶	P	
b. The growing, harvesting and transport of timber, forest products and associated management activities in accordance with the Washington Forest Practices Act of 1974 as amended, and regulations adopted pursuant thereto	P	P	P	X	
c. Wildlife game management	P	P	P	P	
d. Plant nurseries	P	P	P	P	
e. Removal, harvesting, wholesaling and retailing of vegetation from forest lands including but not limited to fuel wood, Christmas trees, salal, berries, ferns, greenery, mistletoe, herbs and mushrooms	P	P	P	C	Chapter 40.440
f. Silviculture	P	P	P	C	40.260.080
g. Aggregate extraction and processing for the purposes of construction and maintenance of a timber or agricultural management road system	P ⁷	P ⁷	P ⁷	X	40.260.120
h. Exploration for rock, gravel, oil, gas, mineral and geothermal resources	P	P	P	X	40.260.120
i. Extraction of oil, gas and geothermal resources, in accordance with all applicable local, state and federal regulations	R/A	R/A	R/A	X	40.260.120
j. Commercial uses supporting resource uses	P ⁸	P ⁸	P ⁸	X	
k. Accessory buildings	P	P	P	P	40.260.010
l. Housing for temporary workers	P	P	P	P	40.260.105

m. Sawmills greater than ten thousand (10,000) board feet per day, and other products from wood residues, drying kilns and equipment	C	C	C	X	
	FR-80	FR-40	AG-20	AG-WL	Special Standards
n. Forestry, environmental and natural resource research and facilities	P	P	P	C	
o. The processing of oil, gas and geothermal resources	C	C	C	X	
p. Heliports, helipads and helispots used in conjunction with the resource activity	P	PC	C	X	40.260.170
9. Other.					
a. Signs	P	P	P	P	Chapter

1

2 **Rationale:** CCC 40.260.170, the special uses standards for Private Use Landing
3 Strips for Aircraft and Heliports states the following:

4 A. Private landing strips and heliports may be permitted upon **approval**
5 **of a conditional use permit** only in the R-5, R-10, R-20, AG-20, **FR-**
6 **40**, IL and IH zoning districts.

7 B. **Heliports, helipads and helispots are permitted outright only in**
8 **the FR-80 district.**

9 C. Private use heliports may also be permitted upon approval of a
10 conditional use permit in the C-3, CL, GC and OR districts.

11 In cases where the code has an internal conflict, the more specific provision
12 rules. Since the special use standards specifically require a conditional use
13 permit in the FR-40 zone, the table must be corrected for consistency.

14 **3. 40.540.020.B.4.e, Land Divisions-Correct reference to binding site**
15 **plan requirements**

16
17 40.540.020 Land Division – Introduction

18 B. Applicability.

19 *****

20 4. Exemptions. The provisions of this chapter shall not apply to the
21 following:

22 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).

Rationale: Subsection B.4 lists a number of land division methods that are exempt from state and county platting requirements. One method is the "binding site plan" process, which can be used for commercial or industrial sites. The incorrect reference (40.520.040.B) refers to site plan review applicability; 40.520.040.C correctly refers to the binding site plan section.

4. 40.570.090.E.5, Non-applicable SEPA exemptions-Fix loophole which currently allows utility lines between 8 and 12 inches to be exempt from SEPA in critical areas, while requiring SEPA review for lines less than 8 inches

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, sewer~~ 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;

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

13 **Rationale:** Under WAC 197-11-800(23)(b) utility lines less than 12 inches in
14 diameter are exempt from SEPA review, unless the development is located in a
15 critical area. This section currently states that lines 8 inches or less are not
16 SEPA exempt if located in a critical area, but as written, it still exempts lines
17 between 8.01 and 12 inches in diameter even if in a critical area. It's believed
18 that WAC 197-11-800(23)(b) used to be only for utility lines 8 inches and above,
19 and was raised to 12 inches, and that this section was never updated to
20 correspond.

21
22 **5. Appendix A page 20, Mixed Use Design Standards- Correct reference**
23 **to garage standards**
24

25 **Townhouses**

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

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

32
33 **Key Applicable Standards**

- 34 Larger development site must meet mixed-use requirement
- 35 Larger residential development must be within density range of 18-43
36 dwelling units per acre
- 37 Open space requirements per Section A.1
- 38 Building use, location, and orientation requirements per Section A.2
- 39 Parking garage standards per Section B.5.4
- 40 Building design standards per Chapter D
- 41

1 **Rationale:** There is no section B.5. Garage and parking standards are found in
2 B.4.
3

4 **REFERENCE UPDATES**

5
6 **6. Chapter 5.45, Adult Entertainment Enterprises-Update Department of**
7 **Public Services references to Community Development**

8 **5.45.020 Definitions.**

9 As used in this chapter:

10 *****

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

14 *****

15 **5.45.040 License applications—When and where to apply.**

16 Applications for a license, whether original, transfer or renewal, must be made to
17 the planning manager by the intended operator of the adult entertainment
18 enterprise. Applications shall be made by hand delivery to the permit center of
19 the Clark County ~~department of public services~~ Community Development
20 Department. during regular business hours, Monday through Friday, excluding
21 holidays. Applications for licenses shall be made on a form to be furnished by the
22 department. The application shall be accompanied by an application for site plan
23 review pursuant to Section 40.520.040 of this code. (Sec. 3 of Ord. 1990-08-03)

24 **5.45.090 License—Term and renewal—Transferability.**

- 25 (1) Term and Renewal. Each adult entertainment license shall be valid for a
26 period of one (1) year and shall expire on the anniversary of the date of
27 issuance of the license, unless sooner revoked, or surrendered. Each adult
28 entertainment license shall be subject to renewal as of its expiration date by
29 the filing of a permit and license renewal application with the Planning
30 Manager. Renewal applications must be filed at least twenty (20) days prior
31 to the expiration date of the permit that is to be renewed.

- 32 (2) Transferability.

- 33 (a) An adult entertainment license is personal to the operator and owner or
34 owners designated in the application, but may be transferred pursuant
35 to this section. A transfer application must be filed within twenty (20)
36 days prior to any change in owners or operators designated in the
37 application. A transfer application shall be made by hand delivery to the
38 permit center of the Clark County ~~Department of Public Services~~

1 Community Development Department during regular business hours,
2 Monday through Friday, excluding holidays. Applications for transfers
3 shall be made on a form or forms to be furnished by the Department.

4 (b) The form of application for transfer shall include a statement under oath
5 that the original application remains correct as previously submitted in
6 all respects except those that are amended by an application. The
7 transfer application shall contain a statement under oath that the
8 individual signing the transfer application has personal knowledge of the
9 information contained therein, that the information is true and correct,
10 and that the person signing the application has read this chapter.

11 (c) No transfer application shall be accepted for filing unless accompanied
12 by payment of one-half (1/2) the fee prescribed in Section 5.45.060.

13 (d) Transfer approval shall be valid for the remaining term of the original
14 license.

15 (e) In the event that a transfer application is not timely filed, then the
16 license shall be invalid for any purpose relating to the operation of the
17 adult entertainment enterprise and any transfer shall thereafter be
18 treated as an original application. (Sec. 3 of Ord. 1990-08-03)

19
20 **7. Chapter 10.08A, Vehicle Load Limits-Update Department of Public**
21 **Services references to Community Development**

22 **10.08A.090 Municipal transit vehicles, school buses, emergency vehicles,**
23 **and trucks transporting perishables.**

24 (1) Municipal transit vehicles, school buses, emergency vehicles, and trucks
25 with loads fifty percent (50%) or more of which is perishables with a shelf life
26 of twenty-one (21) days or less, shall be exempt from the restrictions set out
27 in Section 10.08A.040.

28 (2) Municipal transit vehicles, school buses, emergency vehicles and trucks
29 with loads fifty percent (50%) or more of which is perishable commodities
30 with a shelf life of twenty-one (21) days or less, trucks with loads necessary
31 for agriculture, or commodities necessary for the health and welfare of local
32 residents shall be allowed to operate under such modified weight and speed
33 restrictions as deemed necessary by the director of public services to protect
34 county roads from undue damage where road use is restricted pursuant to
35 Section 10.08A.070. An emergency closure trip permit must be secured from
36 the ~~office of the department of public services~~ Community Development
37 Department prior to the operation of any vehicle under the modified
38 restrictions referred to above. (Sec. 9 of Ord. 1991-07-13)

39
40
41 **8. 32.04.045, Enforcement Code- Update Department of Public Services**
42 **reference to Community Development**

43 *32.04.045 Misdemeanor penalty.*

1 (1) *Unless a different criminal penalty is otherwise prescribed, the violation of*
2 *any land use, public health or nuisance ordinance, including Section*
3 *9.24.010, shall constitute a misdemeanor punishable as provided for in*
4 *Section 1.02.210.*

5 (2) ~~*Staff for the department of public services*~~ *Community Development staff*
6 *may initiate criminal prosecution in lieu of or in addition to the civil penalty*
7 *provided for hereinafter when, after consultation with the Prosecuting*
8 *Attorney, they are of the opinion that the civil penalty has or will not be*
9 *effective, timely, or when the violation is a second or subsequent violation.*
10 *(Sec. 2 of Ord. 1989-10-30; amended by Sec. 3 of Ord. 1991-11-09)*

11
12 **Rationale:** The Department of Public Services changed its name to Community
13 Development during the 1990's.

14
15 **9. 40.570.080.C.3.c, SEPA and County Decisions-Update references to**
16 **sewer regulations**

17
18 c. Water. It is the county's policy to conserve and protect the quality, quantity
19 and functional value of surface waters, wetlands, floodplains, and groundwater
20 by enforcing the following code provisions and resolutions and through the
21 imposition of other reasonable measures, including monitoring and hydrologic
22 studies of surface and groundwaters, to mitigate water-related impacts; provided,
23 that minor new construction including the construction, reconstruction or
24 expansion of single-family residences or accessory residential structures on pre-
25 existing lots containing wetlands shall only be subject to State Environmental
26 Policy Act mitigation measures where clearly necessary to prevent or lessen
27 identified and significant environmental degradation:

- 28
29 (1) Chapter 40.386, Stormwater and Erosion Control;
30
31 (2) Chapter 40.450, Wetland Protection;
32
33 (3) Chapter 40.410, Critical Aquifer Recharge Areas;
34
35 (4) Chapter 40.420, Flood Hazard Areas;
36
37 (5) Section 40.250.022, Surface Mining Overlay District;
38
39 (6) Chapter 40.460, Shoreline Overlay District;
40
41 (7) Chapter ~~24.04, Sewage Regulations~~ 40.370 Sewer and Water;
42
43 (8) ~~Chapter 24.05, Individual Sewage Disposal System Requirements~~ 24.17
44 On-site Sewage Systems Rules and Regulations;
45
46 (9) Chapter 24.12, Solid Waste Management;

1
2 (10) Resolution No. 1991-07-35, coordinated water system plan;

3
4 (11) Resolution No. 1994-03-16, groundwater management plan.

5
6 **Rationale:** Chapters 24.04 and 24.05 were repealed in 2007 and replaced with
7 updated sewage regulations.

8
9 **10. 40.350.030.B.4.b.(1)(c), Road Standards-Update subsection regarding**
10 **the number of lots that can obtain access from a shared driveway**

11
12 4. Access Management.

13 a. Applicability. As noted in Section 40.350.030(A)(2), this
14 subsection also applies to applications for building permits and
15 applications for access to public roads.

16 b. Access to Local Access Roads.

17 (1) Driveway Spacing.

18 (a) Excepting the bulbs of cul-de-sacs, driveways
19 providing access onto nonarterial streets serving
20 single-family or duplex residential structures shall be
21 located a minimum of five (5) feet from the property
22 lines furthest from the intersection. Where two (2)
23 driveways are permitted, a minimum separation of fifty
24 (50) feet shall be required between the driveways,
25 measured from near edge to near edge.

26 (b) Corner lot driveways shall be a minimum of fifty (50)
27 feet from the intersecting property lines, as measured
28 to the nearest edge of the driveway, or in the case
29 where this is impractical, the driveway may be limited
30 to twenty (20) feet in width and located five (5) feet
31 from the property line away from the intersection or as
32 a joint use driveway at this property line. Where a
33 residential corner lot is located at the intersection of a
34 nonarterial street with an arterial street, the corner
35 clearance requirements of Section
36 40.350.030(B)(4)(c)(2)(f) shall apply to the nonarterial
37 street.

38 (c) Flag lots and joint driveways serving ~~two (2) or three~~
39 ~~(3)~~ up to four (4) lots are exempt from the
40 requirements of this subsection.

1 (d) Nonresidential driveways are prohibited from taking
2 access from an urban access road as defined in
3 Table 40.350.030-2 unless no access exists or can be
4 provided to a collector.

5 **Rationale:** In 2014, the number of lots that can be accessed by a joint driveway
6 under 40.350.030.B.11 was changed from three to four. This is an update for
7 consistency with that section.
8

9 **11. 40.500.010, Summary of Procedures and Processes-Update 5 year**
10 **deadline reference to 7 years for extensions of final plat phases**

11 *****

12 B. Development Approvals Timeline – General.

13 1. Basic Rule. Preliminary approval of land divisions (Chapter
14 40.540), site plan approval (Section 40.520.040), uses subject to
15 review and approval (R/A) (Section 40.520.020), approval of
16 conditional use permits (Section 40.520.030), approval of
17 planned unit developments (Section 40.520.080), approval of
18 mixed use developments (Section 40.230.020), approval of
19 master plans (Section 40.520.070), and approval of variances
20 (Section 40.550.020) shall be valid for a period of seven (7) years
21 after approval. The right to develop an approved land division,
22 site plan, use permitted subject to review and approval (R/A),
23 conditional use permit, planned unit development or variance or
24 part thereof expires seven (7) years after the effective date of the
25 decision approving such development, unless:

26 a. For land divisions – A fully complete application for a final plat
27 has been submitted.

28 b. For use approvals that do not require a building permit – The
29 permitted use has legally commenced on the premises.

30 c. For all other approvals – A building permit for the approved
31 development has been issued and remains in effect, or a final
32 occupancy permit has been issued.

33 2. Extensions – Phased Developments.

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

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

15 **Rationale:** In 2011, the Board extended the time that developers have to
16 complete final land use processes from 5 years to 7 years. The reference above
17 should have been updated with that code change.

18
19 **12. 40.520.020.D.8, Uses Subject to Review and Approval (R/A) – Remove**
20 **specific references to Special Use standards in the Review and Approval**
21 **criteria section**

22 D. Approval Criteria – Special Uses.

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

- 26 ~~1. Accessory dwelling units (Section 40.260.020);~~
27 ~~2. Bed and breakfast establishments (Section 40.260.050);~~
28 ~~3. Home businesses – Type II (Section 40.260.100);~~
29 ~~4. Kennels (Section 40.260.110);~~
30 ~~5. Mobile homes on individual lots (Section 40.260.130);~~
31 ~~6. Mobile home parks (Section 40.260.140);~~
32 ~~7. Opiate substitution treatment facilities (Section 40.260.165);~~
33 ~~8. Townhouse developments (Section 40.260.230);~~

1 ~~9. Wireless communications facilities (Section 40.260.250);~~

2 ~~40. Zero lot line development (Section 40.260.260).~~

3 **Rationale:** There are 36 separate special use chapter sections, not just 10.
4 Keeping the list current in this section for all the specific special uses in this
5 section serves little purpose. Eliminating the list in this section does not affect
6 the county’s ability to apply the special standards to all uses in the special use
7 standards section or listed as Review in Approval in the use tables.

8 **13. 40.540.120, Alteration and Vacation of Final Plats-Update approval**
9 **timeline between preliminary and final approval for plat alterations**

10 40.540.120

11 *****

12 B. Process.

13 *****

14 3. Final Approval. Within ~~five (5)~~ seven (7) years of the date of preliminary
15 approval of the vacation or alteration, the applicant shall submit for final
16 plat approval through the final plat process of Section 40.540.070. If the
17 nature of the plat alteration is minor, the review authority may set
18 appropriate conditions and processes for final review and recording of
19 the alteration at the time of preliminary approval.
20

21 **Rationale:** In 2013 the preliminary approval “shelf life” of most land use
22 approvals was extended from 5 years to 7 years. This reference was overlooked
23 with the code was changed.

24
25 **14. Appendix F, Highway 99 Overlay standards Section 7.5.2 – Update**
26 **reference to townhouse standards**

27
28 Townhouse Configuration and Orientation

29
30 (1) Code applicability. Townhouses shall be exempt from development criteria
31 set forth in Table ~~40.260.230-1, CGC 40.260.230, 40.220.020-4~~ except for
32 minimum density (all overlays) and maximum density (Single Family Overlay
33 only).
34

35 **Rationale:** The special use standards for townhouses in 40.260 were integrated
36 into the “multifamily” zoning district, and are now in Table 40.220.020-4.
37

38 **15. Appendix F, Highway 99 Overlay standards Section 9.3.2 Trail**
39 **Implementation – Clarify that Level II addition and remodel projects are not**
40 **subject to trail requirements**

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

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

Rationale: Chapter 1, Section 1.2 (b) of the Highway 99 code states the requirements for “Level II additions and remodels”. That section does not require trails be provided. Further, the Pedestrian Access and Connectivity Section 5.3.1(3)(c)(iv) states that only that “*new developments on sites showing proposed trails on applicable regulatory maps in Chapter 2 shall comply with the trail provisions in Section 9.3*”.

Community Planning staff noted that during the adoption process for the Highway 99 code the requirement for Level II projects to provide trail connections was eliminated; however the reference to trail requirements in Section 9.3.2 was not removed from the earlier draft of code.

CLARIFICATIONS

16. 40.100.070, Definitions-Clarify corner lot street side setback requirements

Lot line, front	<p>“Front lot line” means that portion of the property line abutting a street right-of-way, street easement, street tract, or private driveway easement.</p> <ul style="list-style-type: none"> • 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 <u>Within a street side setback</u>, entrances to garages, carports, or similar vehicular shelters shall maintain a front yard <u>minimum 18 foot</u> setback from the property line, street easement, street tract or inside edge of any pedestrian easement, whichever is greater <u>when the street side setback for the applicable zoning district is less than 18 feet</u>. If access is provided to a corner lot by an alley, the front lot line is that which is most opposite the alley.
-----------------	--

Rationale: This code section appears to have been aimed mostly at small urban lots which have a 10 foot street side setback and an 18 foot front yard setback. The existing text requires a front setback for garages off of street side setbacks

1 with the intention of requiring a presumably 18 foot setback to keep vehicles from
 2 parking across sidewalks.

3
 4 However, this provision applies to all zones, including Rural and Resource lots
 5 with much larger front setback requirements; implementation of the existing text
 6 in those zones requires a 50 foot setback to both a front and a street side,
 7 effectively negating an allowed 25 foot street side setback in the Rural and
 8 Resource districts.

9
 10 The proposed changes require garages along street sides to be set back at least
 11 18 feet, or the standard street side setback, whichever is greater.

12
 13 **17. Tables 40.210.020-3, 40.210.030-3, 40.210.040-3, and 40.230.070-3 -**
 14 **Clarify that fire regulations may require side and rear setbacks greater than**
 15 **10 or 20 feet**

16

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 ¹	20, 50 ²	N/A	35 ³
R-10	50 ⁵	25	20, 50 ¹	20, 50 ²	N/A	35 ³
R-5	50 ⁵	25	20, 50 ¹	20, 50 ²	N/A	35 ³

17 ¹ *Side Setback. Minimum side setback on each side of the residential dwelling
 18 and incidental buildings shall be twenty (20) feet unless fire regulations require a
 19 greater setback, and fifty (50) feet for accessory buildings used for agricultural
 20 purposes. Side setbacks from abutting property zoned for natural resource or
 21 surface mining uses shall be a minimum of fifty (50) feet for all structures.*

22 ² *Rear Setback. Minimum rear setback for all structures when the abutting
 23 property is not zoned for natural resource or surface mining uses is twenty (20)
 24 feet unless fire regulations require a greater setback. Minimum rear setback
 25 shall be fifty (50) feet when abutting property zoned for natural resource or
 26 surface mining uses.*

27 ³ *Residential buildings only.*

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

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

1

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 ⁴	10, 50 ²	N/A	35 ³

2 ¹ Side Setbacks. Minimum side setback on each side of the residential dwelling
3 and incidental buildings shall be ten (10) feet unless fire regulations require a
4 greater setback,, and fifty (50) feet for accessory buildings used for agricultural
5 purposes. Side setbacks from abutting property zoned for natural resource or
6 surface mining uses shall be a minimum of fifty (50) feet for all structures.

7 ² Rear Setbacks. Minimum rear setback for all structures when the abutting
8 property is not zoned for natural resource or surface mining uses is ten (10) feet
9 unless fire regulations require a greater setback. Minimum rear setback shall be
10 fifty (50) feet when abutting property zoned for natural resource or surface mining
11 uses.

12 ³ For all structures.

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

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

23
24
25
26
27
28
29
30
31

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) <u>2</u>		
		Street (feet)	Interior (feet) <u>1</u>			
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 ¹ Side Setback. Minimum side setback on each side of the residential dwelling
2 and incidental buildings shall be twenty (20) feet unless fire regulations require a
3 greater setback, and fifty (50) feet for accessory buildings used for agricultural
4 purposes. Side setbacks from abutting property zoned for natural resource or
5 surface mining uses shall be a minimum of fifty (50) feet for all structures.

6 ² Rear Setback. Minimum rear setback for all structures when the abutting
7 property is not zoned for natural resource or surface mining uses is twenty (20)
8 feet unless fire regulations require a greater setback. Minimum rear setback
9 shall be fifty (50) feet when abutting property zoned for natural resource or
10 surface mining uses.

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

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

14

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) <u>2</u>		
		Street (feet)	Interior (feet) <u>1</u>			
UH-10	50	25	20, 50 ⁴	20, 50 ²	N/A	35 ³
UH-20	50	25	20, 50 ⁴	20, 50 ²	N/A	35 ³
UH-40	50	25	20, 50 ¹	20, 50 ²	N/A	35 ³

15 ¹ Side Setback. Minimum side setback on each side of the residential dwelling
16 and incidental buildings shall be twenty (20) feet unless fire regulations require a
17 greater setback, and fifty (50) feet for accessory buildings used for agricultural
18 purposes. Side setbacks from abutting property zoned for natural resource or
19 surface mining uses shall be a minimum of fifty (50) feet for all structures.

1 ² Rear Setback. Minimum rear setback for all structures when the abutting
2 property is not zoned for natural resource or surface mining uses is twenty (20)
3 feet unless fire regulations require a greater setback. Minimum rear setback
4 shall be fifty (50) feet when abutting property zoned for natural resource or
5 surface mining uses.

6 ³ Residential buildings only.

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

8 **Rationale:** When a property is located within a Wildland Urban Interface, or
9 when fire flow is inadequate, increased side and rear setbacks (typically 30 foot
10 minimum) may apply. The requirement for larger setbacks under these
11 circumstances is not new; this is proposed only to alert the reader that a 10 or
12 twenty foot setback may not be adequate in all cases.

13
14
15 **18. 40.260.055, Coffee and Food Stands — Clarify that small coffee and**
16 **food stands are exempt from traffic impact fees**

17
18 40.260.055

19 *****

20 C. Development Standards.

- 21 1. Sites with on-site parking and/or drive-up facilities will require an
22 approved driveway approach with adequate sight distance per Section
23 40.350.030(B)(8).
- 24 2. Drive-up stacking. Stands with drive-up windows require three (3),
25 eighteen (18) foot-long queuing spaces per window. Fewer spaces may
26 be approved by the responsible official; provided, that a plan is
27 submitted that shows the site has sufficient overflow areas so that traffic
28 will not block streets, sidewalks, or parking lot circulation aisles.
- 29 3. Parking. Parking shall meet minimum ADA requirements. One (1)
30 parking space per employee per shift shall be provided. Additional
31 parking for walk-up patrons on undeveloped sites shall be provided at a
32 rate of one (1) space per outdoor seating table. Parking may be
33 provided by the following methods:
- 34 a. On site;
- 35 b. On-street parking; provided, that the parking space is legally available
36 and along the site's street frontage. Posted-time or day-restricted
37 parking spaces do not qualify as legally available for the purposes of
38 this section; or
- 39 c. If no parking space is available on-site or on-street, a joint agreement
40 for off-site parking may be used subject to Section 40.340.010(A)(5).
- 41 4. Paving. Gravel parking and maneuvering areas may be approved, if it
42 provides an adequate all-weather surface. Dust shall not become a
43 nuisance, and gravel shall not be allowed to track onto sidewalks or

1 streets. The creation of additional impervious surface may be subject to
2 the stormwater requirements of Chapter 40.386.

- 3 5. Building Permits. The stand and any structures associated with the
4 stand, such as add-on canopies, stairs, and decks shall comply with
5 building codes. Trailer-type stands that are raised off wheels shall
6 require building permits for adequate tie-downs.
- 7 6. Landscaping. Landscaping is not required unless headlight glare
8 associated with drive-up queuing areas will affect abutting residential
9 uses. In those cases, the responsible official may require screening in
10 the form of shrubs or fencing.
- 11 7. Public Health Approval. All coffee and food stands shall comply with
12 county and state health department regulations, including the provision
13 of restroom and hand washing facilities for employees and patrons.
- 14 8. Stands approved under this section are not considered “new structures”
15 for the purposes of Section 40.370.010(C).
- 16 9. Signage. Permanent signs are allowed subject to Chapter 40.310. One
17 (1) portable sign is allowed per street frontage without obtaining a
18 permit under Section 40.310.010(D)(10). Portable signs shall not
19 exceed six (6) square feet per side, shall be removed at the end of each
20 business day, and shall not obstruct vehicular sight distance.
- 21 10. Accessibility. Outdoor seating areas and restroom facilities shall comply
22 with ADA requirements.
- 23 11. Setbacks. All stands and accessory structures shall be set back per the
24 requirements of Table 40.320.010; however, the setback area need not
25 be landscaped. Structures, signs, and parking and maneuvering areas
26 shall not obstruct sight distance per Section 40.350.030(B)(8).
- 27 12. Frontage improvements are not required.
- 28 13. Developments approved under this section are not subject to traffic
29 impact fees.

30
31 **Rationale:** When the Board adopted the coffee cart code provisions, their intent
32 was to subject these types of developments to limited requirements. In addition,
33 these developments mostly depend on pass-by trips which generate little in the
34 way of fees anyway. Addition of this text removes any ambiguity.

35
36 **19. 40.350.030.B.4.d –Clarify that road taper specifications are not**
37 **included in the County’s standard plans**

- 38
39 d. Access to Arterials. In order to limit the number of residential roads
40 intersecting with arterials while providing adequate neighborhood
41 circulation, residential roads intersecting with urban arterials shall be
42 classified and constructed to standards applicable to local residential
43 access or collector roads unless the review authority finds that a lesser
44 classification adequately provides for the circulation needs of the
45 surrounding area. In those cases in which an urban access street is less
46 than thirty-six (36) feet wide, such street shall have a minimum width of

1 thirty-six (36) feet at the intersection with the arterial and shall be tapered
 2 ~~as shown on the standard plans per County standards.~~ Road approach
 3 permits not associated with development shall be reviewed using a Type I
 4 process.

5
 6 **Rationale:** The County does not have “standard plans” for tapers. Tapers are
 7 based on the speed, road width, etc. and may be different for different conditions.
 8 Changing to “per the county standards” clarifies that there is no off-the-shelf
 9 standard plan, avoiding fruitless searches in the Standard Details Manual.

10
 11 **20. Table 40.510.050-1, application submittal requirements-Clarify that**
 12 **proof of submittal to DAHP includes a DAHP response of receipt of an**
 13 **archaeological pre-determination**
 14

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

15
 16 **Rationale:** Archaeological pre-determinations (a preliminary archaeological
 17 investigation of a site) are often required prior to issuance of a preliminary land
 18 use decision. The state Department of Archaeology and Historic Preservation
 19 reviews these studies and may require further archaeological studies and / or
 20 work prior to development. A final “approval” letter from DAHP is not required
 21 with the application submittal, but it’s important to know that DAHP has
 22 acknowledged receipt of the pre-determination so that it can be anticipated that
 23 DAHP can issue a letter prior to the County’s preliminary land use decision. The
 24 existing language uses both “submitted to” and “received” and thus can be
 25 misleading.

26
 27 **21. 40.520.030.I, Conditional Uses – Clarify the process to expand a**
 28 **conditional use**

29 I. Expansions.

1 ~~1. Subject to Section 40.520.030(G)(2), an existing permitted or lawfully~~
2 ~~nonconforming conditional use may be expanded or modified following~~
3 ~~site plan approval pursuant to Section 40.520.040 if the expansion or~~
4 ~~modification complies with other applicable regulations and is not~~
5 ~~expressly prohibited by either:~~

6
7 ~~a. An applicable prior land use decision if the original use is lawfully~~
8 ~~nonconforming because it was commenced prior to a conditional use~~
9 ~~permit being required; or~~

10 ~~b. The conditional use permit issued for such use.~~

11 ~~c. A lawful, but nonconforming conditional use must first obtain a~~
12 ~~conditional use permit and the necessary site plan review approval~~
13 ~~subject to the standards in Sections 40.520.030(G)(2) and 40.520.040~~
14 ~~prior to expanding or modifying that use on the site.~~

15 I. Expansions.

16
17 1. Subject to Section 40.520.030(G)(2), a conditional use may be expanded
18 or modified as follows:

19
20 a. An existing permitted conditional use may be expanded or modified
21 by site plan approval pursuant to Section 40.520.040 if the
22 expansion or modification complies with other applicable regulations
23 and is not expressly prohibited by the approved conditional use
24 permit for the site.

25
26 b. A lawful, but nonconforming conditional use which was commenced
27 prior to a conditional use permit being required must first obtain a
28 conditional use permit and the necessary site plan review approval
29 subject to the standards in Sections 40.520.030(G)(2) and
30 40.520.040 prior to expanding or modifying that use on the site.

31
32 **Rationale:** Section I.1.a of the current (struck text) states that a “lawfully
33 nonconforming” (i.e. a use that wasn’t subject to a CUP when it commenced but
34 is now subject to a CUP) can be expanded using only a site plan review process
35 if a prior land use decision did not prohibit such an expansion; however, in
36 subsection c, it states that expansion for a lawfully nonconforming conditional
37 use must obtain a CUP in addition to site plan review.

38
39 This proposed change eliminates the conflicting text and clarifies that a
40 conditional use permit must be obtained when a “grandfathered” conditional use
41 wishes to expand.
42

1 **22. Appendix F, Highway 99 Overlay standards Section 7.4.4 – Clarify**
2 **that garden apartments are subject to multifamily design requirements**
3

4 (1) Windows on the street and/or courtyard. All dwelling units adjacent to
5 courtyard gardens must provide transparent windows and/or doors on at least 15
6 percent of the facade (this includes any upper levels, if applicable).

7 (2) Building design. Garden apartments ~~should gardens must comply~~ with the
8 applicable multifamily building design provisions set forth in Chapter 6.
9

10 **Rationale:** Garden Apartments are one of several multifamily housing types. All
11 other types such as Low Rise, Mid Rise, and Walkups are required to comply
12 with building design provisions in Chapter 6, thus staff believes that this
13 conflicting text typo should read as noted.
14

15 **MINOR POLICY ITEMS**

16
17 **23. 14.06.105.2, Clark County Residential Code – Adopt the International**
18 **Residential Code standard to allow fences up to seven feet high without**
19 **building permits**
20

21 14.06.105.2 Work exempt from permit.

22 Section R105.2 (Work Exempt from Permit) of the IRC is amended and replaced
23 with the following:
24

25 105.2 Work Exempt from Permit. Exemptions from permit requirements of this
26 code shall not be deemed to grant authorization for any work to be done in any
27 manner in violation of the provisions of this code or any other laws or ordinances
28 of this jurisdiction. Unless otherwise exempted, separate plumbing, electrical and
29 mechanical permits may be required for any of the following exempted items.
30 Permits shall not be required for the following:
31

32 1. One-story detached accessory structures not used for human habitation,
33 provided the floor area does not exceed 200 square feet (18.58 m2).
34

35 2. ~~Fences not over 6 feet (1,829 mm) high.~~ Reserved
36

37 3. Retaining walls which do not support more than 4 feet of unbalanced fill or a
38 surcharge.
39

40 **Rationale:** The County has adopted the 2012 International Residential Code
41 (IRC) for One and Two-Family Dwellings. County building code section CCC
42 14.06.105.2 contains the County's exceptions to the IRC. The 2012 IRC
43 exempts fences not over 7 feet high from the need to obtain building permits, but
44 the limit of 6 feet still exists in this county code. Staff proposes that the County
45 conform to the IRC building permit exemption allowance and raise the limit to 7
46 feet.

1 **24. Table 40.230.085-1, Employment Districts Use Table- Prohibit**
 2 **wrecking yards and tire wholesalers in the Business Park zone**

North American Industrial Classification System (NAICS)	IL	IH	IR	BP
C. Wholesale Trade				
Wholesale trade, durable goods (retail sales prohibited)	P	P	P	P
<u>423130 Tire and Tube Merchant Wholesalers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>423140 Motor Vehicle Parts (Used) Merchant Wholesalers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
<u>423930 Recyclable Material Merchant Wholesalers</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>X</u>
Wholesale trade, nondurable goods (retail sales prohibited)	P	P	P	P
Wholesale electronic markets and agents and brokers	P	P	P	P

4
 5 **Rationale:** The Business Park (BP) zone generally allows less intensive uses
 6 than those allowed in the light and heavy industrial zones; further, there are
 7 certain additional development standards in the BP zone to reflect a somewhat
 8 higher design standard than other industrial uses. It's been brought to staff's
 9 attention that that currently, all uses under the 423 of the NAICS classification
 10 are allowed in the BP zone, and this includes wrecking yards and new and used
 11 tire sales.

12
 13 See the NAICS descriptions for the following below:

14 **423130 Tire and Tube Merchant Wholesalers**

15 This industry comprises establishments primarily engaged in the merchant
 16 wholesale distribution of new and/or used tires and tubes for passenger
 17 and commercial vehicles.
 18

19 **423140 Motor Vehicle Parts (Used) Merchant Wholesalers**

20 This industry comprises establishments primarily engaged in the merchant
 21 wholesale distribution of used motor vehicle parts (except used tires and
 22 tubes) and establishments primarily engaged in dismantling motor
 23 vehicles for the purpose of selling the parts.
 24

25 Cross-References. Establishments primarily engaged in--

- 26 • Dismantling motor vehicles for the purpose of selling scrap--are classified
- 27 in Industry 423930, Recyclable Material Merchant Wholesalers; and
- 28 • Merchant wholesale distribution of new and/or used tires and tubes--are
- 29 classified in Industry 423130, Tire and Tube Merchant Wholesalers.

30 **423930 Recyclable Material Merchant Wholesalers**

1 This industry comprises establishments primarily engaged in the merchant
2 wholesale distribution of automotive scrap, industrial scrap, and other
3 recyclable materials. Included in this industry are auto wreckers primarily
4 engaged in dismantling motor vehicles for the purpose of wholesaling
5 scrap.

6 Staff suggests that the above uses be specifically excluded from the BP zone.

7 **25. 40.320.010.F,- Amend fence height and setback requirements for**
8 **retaining walls and fences**

9 F. Establishing Setback Standards for Retaining Walls and Fences.

- 10 1. Construction of private retaining walls or fences within public rights-of-way
11 is prohibited. Exceptions to this prohibition shall require approval of the
12 Public Works director. The Public Works Director may apply the
13 exceptions to height and setbacks for walls and fences in 40.320.010.F
14 3.a through h as applicable.
- 15 2. ~~The construction of retaining walls four (4) feet or less in height and~~
16 ~~Fences six (6) seven (7) feet or less in height may be constructed within~~
17 ~~public easements. Exceptions to these height limits may be granted~~
18 ~~when written approval has been obtained from the easement holder.~~
- 19 3. The construction of retaining walls in excess of four (4) feet in height and
20 fences in excess of ~~six (6) seven (7)~~ feet in height shall meet the
21 setback requirements of the underlying zone. The height of a fence on
22 top of retaining walls shall be measured to the grade at the bottom of
23 the wall. Exceptions to this provision are as follows:
24 a. ~~When an exception under subsection (F)(1) of this section has~~
25 ~~been granted;~~
26 a. Retaining walls taller than four feet may be placed within setbacks
27 by using a series of retaining walls four feet high or less that are
28 separated a minimum of four feet, provided the area between
29 walls is maintained in ground cover or shrubs. The total height of
30 a series of walls within the building setback shall not exceed eight
31 (8) feet. Landscaping shall be maintained consistent with
32 CCC40.320.010.G.6. Fences are allowed on top of such walls
33 consistent with Section 40.320.010.F.3.h;
34 b. The exposed faces of retaining walls over four (4) feet in height
35 are directed toward the interior of the lot;
36 c. The retaining walls and / or fences are constructed as part of the
37 site improvements prior to a final plat, and located between lots
38 within the development. Retaining walls on the perimeter of the
39 plat may not use this exception, except as allowed under
40 subsection (F)(3)(d) of this section;
41 d. Retaining walls and / or fences abutting a road right-of-way or
42 road easement; ~~provided,~~ subject to the following:
43 (1) the wall or fence does not block required sight distance;

- 1 (2) walls over 12 feet in height will be reviewed for potential
 2 shading and visual impacts beyond the right of way or
 3 easement. The Community Development Director may
 4 impose conditions on the design and setbacks of such walls
 5 if needed to mitigate impacts;
 6 e. The retaining wall and / or fence is constructed between lots
 7 under the same ownership;
 8 f. The retaining wall and / or fence is at least fifty (50) feet from a
 9 dwelling on an abutting residential property;
 10 g. Permission to exceed the height limits within the setback is
 11 granted in writing from the abutting property owner;
 12 h. The retaining wall and / or fence is abutting commercial or
 13 industrial zoned property or legally permitted non-residential uses;
 14 i. Non-sight-obscuring fences such as chain link or wrought iron
 15 seven (7) feet high or less, and sight-obscuring fences forty-two
 16 (42) inches high on top of retaining walls no greater than four feet
 17 tall are allowed within setbacks;
 18 4. The planning director may approve variations to height and setback
 19 requirements for unusual circumstances not anticipated under Section
 20 40.320.010.F.3. The decision to approve or disapprove the requested
 21 variation should be based on factors of topography, traffic visibility,
 22 visual impacts, and location and nature of adjoining public and private
 23 structures and uses.
 24 4. 5. Building codes for retaining walls may require setbacks that are greater
 25 than those required by this section 40.320.010.F.3.
 26 6. These provisions do not apply to fences required by state law to
 27 enclose public utilities, or to chain link fences enclosing school grounds
 28 or public recreation areas.

30 **Rationale:** This code section is intended to alleviate the impacts of tall retaining
 31 walls and fences immediately abutting a neighboring property line. It requires
 32 retaining walls over 4 feet in height and fences over 6 feet in height to be set
 33 back from a property line the standard building setback distance. While not
 34 currently codified, the past interpretation is that the height of fence on top of a
 35 retaining wall is measured from the top of the fence to the bottom of the wall.

37 The development community has noted a number of issues with the current
 38 code. One of the main issues is that when a wall/fence must be set back from a
 39 property line, it results in a “no-man’s land” that is often either maintained by the
 40 abutting property owner, or not at all. Also, side and rear setbacks can be as
 41 much as 20 feet, even in the urban area. The proposal allows for a number of
 42 exceptions including the stepping of walls, obtaining permission from an abutting
 43 landowner, situations where a residence is at least 50 feet away from the
 44 property line, and exceptions for non-residential property.

45

1 **26. Table 40.350.030-1, Rural/Urban Classification table - Add C-2b**
 2 **("Urban Collector with Bike Lanes") classification to the Rural to Urban**
 3 **Classification Conversion Table**
 4

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

5
 6 **Rationale:** When land is brought into an urban growth boundary the road
 7 classification must be updated to an Urban standard. In addition, some
 8 conditional use developments in the rural area are required to construct frontage
 9 improvements to an urban standard. This table is used to determine which urban
 10 street classifications should be applied when urban development takes place.

11
 12 A C-2 includes two travel lanes and parking on both sides; a C-2b requires the
 13 same right-of-way width but trades the parking lanes for bike lanes. The addition
 14 of the C-2b classification allows staff to require bike lanes when appropriate.
 15

16 **27. 40.560.010, Plan Amendment Procedures – Limit amendments to the**
 17 **Shorelines Master Program to once a year**

18 C. Applicability.

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

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

10 P. Other Plan Amendment Categories.

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

30

31 **Rationale:** RCW 90.58.090 and WAC 173-26-201 outline the process to prepare
32 a limited amendment to the Shoreline Master Program (SMP). However, those
33 processes do not indicate a timeline or how often they can occur.

34

35 Adding amendment procedures through Section 40.560.010 brings certainty to
36 updating the SMP saving time and money spent on the possibility of multiple
37 limited amendments adopted each year. If limited amendment changes are

1 immediately needed, the Shoreline Administrator has the authority in CCC
2 40.460.705 (F) to interpret and apply the provisions of the SMP through a
3 Management Decision allowing planning staff to implement immediately needed
4 changes until a limited amendment is approved by DOE.

5
6 The Department of Ecology and staff are in support of streamlining the limited
7 amendment process by adding procedures as described below in Section
8 40.560.010 providing certainty to SMP limited amendments.
9

10 **28. 40.570.090.D.1.b, SEPA Critical Areas - Eliminate SEPA review**
11 **requirement for Shoreline Exemptions that are located within Flood Hazard**
12 **Areas**

13 D. Critical Areas.

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

16 a. Shoreline Management Areas. Land and water areas under jurisdiction
17 of the Shoreline Management Act are critical areas. These shorelines
18 of the county are mapped in the Clark County Shoreline Master
19 Program, which maps are incorporated in this chapter by reference.
20 All development subject to shorelines substantial development
21 permits, shorelines conditional use permits, and shorelines variance
22 permits are subject to SEPA, except that SEPA review shall not be
23 required for the exempt shoreline developments listed in Section
24 40.460.230(B); provided, that no part of the exempt shoreline
25 development is undertaken on lands covered by water as defined in
26 WAC 197-11-756. In addition, the minor repair or replacement of
27 structures such as pilings, ramps, floats, or mooring buoys, or minor
28 repair, alteration, or maintenance of docks that are specifically
29 exempted within WAC 197-11-800(3) shall also be exempt from
30 SEPA review.
31

32 b. Floodplains. Except for exempt shoreline developments listed in
33 Section 40.570.090.D.1.a that are above the ordinary high water mark
34 or other development outside of shorelines areas that does not
35 require a Flood Hazard Permit under 40.420, all ~~All~~ areas within the
36 one hundred (100) year floodplain boundary ~~Special Flood Hazard~~
37 Areas delineated by the Federal Emergency Management Agency
38 (FEMA) under the Flood Insurance Study for Clark County are critical
39 areas. These ~~one hundred (100) year floodplains~~ Special Flood
40 Hazard Areas are designated on FEMA's Flood Insurance Rate Maps
41 (FIRM), which are incorporated in this chapter by reference.
42

43 **Rationale:** Development within Shorelines areas requires review under the
44 County's Shoreline code. Certain types of development are exempt from
45 obtaining a Shorelines Substantial Development Permit; these projects are

1 referred to as “Shorelines Exemptions” which generally require less exhaustive
2 application and review requirements. Under existing code, Shoreline Exemptions
3 don’t require SEPA review unless they are located within flood hazard areas.

4
5 Staff believes that SEPA serves limited function for these projects, since they
6 already require review under the Shorelines code, as well as the flood hazard
7 code.

8
9 This code amendment would eliminate the SEPA review requirement for
10 Shorelines Exemptions that are located in flood hazard areas. It would not
11 eliminate the need for flood hazard review.

12
13
14 **29. Section 4.2, Highway 99 Overlay Standards-Process wireless**
15 **communication facilities as Conditional Uses in the Highway 99 Overlay**
16 **area**

17
18 **4.2 Activity Center**

19
20 **Permitted Uses**

21 Additional uses permitted:

- 22 • All housing types shown in Table

23 4.1.

- 24 • All the uses shown as Review and Approval are permitted and are not subject
25 to the Review and Approval procedures or requirements. All uses shown as
26 conditional in CCC 40.220 and 40.230, except for those listed below, are
27 permitted, and are not subject to the conditional use requirements of CCC
28 50.520.030.

29
30 The following uses are still subject to conditional use review and requirements:

- 31 • Event facilities in excess of 50,000 square feet
32 • Hospitals
33 • Outdoor paintball facilities
34 • Drive-in theaters
35 • Stadium arena facilities
36 • Zoos
37 • Solid waste handling and disposal sites
38 • Type III wireless communication facilities

39
40 **Rationale:** New wireless communication facilities are conditional uses in all
41 Urban Residential and commercial zones that are outside of the Highway 99
42 Overlay area. This section of the Highway 99 Overlay standards allows many
43 uses that are otherwise listed as conditional uses in their respective zones to be
44 reviewed as Permitted uses, including wireless facilities. Staff believes that
45 wireless communication facilities should be processed as conditional uses which
46 require a public hearing in activity areas.

1
2
3
4
5
6
7
8
9
10
11
12
13
14

Chapter 40.230 (Commercial, Business, Mixed Use and Industrial Districts) was added to the text because Chapter 40.220 (Urban Residential Districts) are not the only zoning found in activity areas. In fact, most of the uses that are still listed as conditional are not allowed in the Urban Residential Districts, thus lending credence to the idea that 40.230 was intended to be included.

BI-ANNUAL CODE CHANGE ITEMS – SPRING 2016			
No.	Page	Title/Chapter/Section	Description
Scrivener's Errors			
1	1	Table 40.350.030-3, Road standards	Correct footnote referring to minimum centerline radii
2	3	Table 40.210.010-1-Resource zones use table	Fix table to state that heliports are a conditional use in the FR-40 zone
3	4	40.540.020.B.4.e, Land Divisions	Correct reference to binding site plan requirements
4	5	40.570.090.E.5, Non-applicable SEPA exemptions	Fix loophole which currently allows utility lines between 8 and 12 inches to be exempt from SEPA in critical areas, while requiring SEPA review for lines less than 8 inches
5	6	Appendix A page 20, Mixed Use Design Standards	Correct reference to garage standards
Reference Updates			
6	7	Chapter 5.45, Adult Entertainment Enterprises-	Update Department of Public Services references to Community Development
7	8	Chapter 10.08A, Vehicle Load Limits	Update Department of Public Services references to Community Development
8	8	32.04.045, Enforcement Code	Update Department of Public Services reference to Community Development
9	9	40.570.080.C.3.c, SEPA and County Decisions-	Update references to sewer regulations
10	10	40.350.030.B.4.b.(1)(c), Road Standards	Update subsection regarding the number of lots that can obtain access from a shared driveway
11	11	40.500.010, Summary of Procedures and Processes	Update 5 year deadline reference to 7 years for extensions of final plat phases
12	12	40.520.020.D.8, Uses Subject to Review and Approval	Remove specific references to Special Use standards in the Review and Approval criteria section

13	13	40.540.120, Alteration and Vacation of Final Plats alterations	Update approval timeline between preliminary and final approval for plat
14	13	Appendix F, Highway 99 Overlay standards Section 7.5.2	Update reference to townhouse standards
15	13	Appendix F, Highway 99 Overlay standards Section 9.3.2 Trail Implementation	Clarify that Level II addition and remodel projects are not subject to trail requirements
Clarifications			
16	14	40.100.070, Corner Lot Definition	Clarify corner lot street side setback requirements
17	15	Tables 40.210.020-3, 40.210.030-3, 40.210.040-3, and 40.230.070-3	Clarify that fire regulations may require side and rear setbacks greater than 10 or 20 feet
18	18	40.260.055, Coffee and Food Stands	Clarify that small coffee and food stands are exempt from traffic impact fees
19	19	40.350.030.B.4.d	Clarify that road taper specifications are not included in the County's standard plans
20	20	Table 40.510.050-1, application submittal requirements	Clarify that proof of submittal to DAHP includes a DAHP response of receipt of an archaeological pre-determination
21	20	40.520.030.I, Conditional Uses	Clarify the process to expand a conditional use
22	22	Appendix F, Highway 99 Overlay standards Section 7.4.4	Clarify that garden apartments are subject to multifamily design requirements
Minor Policy Items			
23	22	14.06.105.2, Clark County Residential Code	Adopt the International Residential Code standard to allow fences up to seven feet high without building permits
24	23	Table 40.230.085-1, Employment Districts Use	Prohibit wrecking yards and tire wholesalers in the Business Park zone

		Table	
25	24	40.320.010.F, Landscaping Standards	Amend fence height and setback requirements for retaining walls and fences
26	26	Table 40.350.030-1, Rural Urban Classification table	Add C-2b (“Urban Collector with Bike Lanes”) classification to the Rural to Urban Classification Conversion Table
27	26	40.560.010, Plan Amendment Procedures	Limit amendments to the Shorelines Master Program to once a year
28	28	40.570.090.D.1.b, SEPA Critical Areas	Eliminate SEPA review requirement for Shoreline Exemptions that are located within Flood Hazard Areas
29	29	Section 4.2, Highway 99 Overlay Standards	Process wireless communication facilities as Conditional Uses in the Highway 99 Overlay area