



proud past, promising future

**PUBLIC WORKS
DEVELOPMENT ENGINEERING PROGRAM**

**AGENDA
DEVELOPMENT and ENGINEERING ADVISORY BOARD**

Thursday, May 5, 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. Tidemark Replacement/Phase I Roll-out	2:45	30 min	Snell
3. Corner Lots/Drwy Spacing and Sight Distance	3:15	30 min	Golemo/Safayi
4. Biannuals/ Retaining Walls Updates	3:45	20 min	Bazala/Muir
5. Public Comment	4:05	20 min	All

Next DEAB Meeting:

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

Agenda:
TBD



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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 – Community Service Housing Urban Development Action Plans – Tuesday, May 10, 10:00 a.m.

BOCC Work Session – Bi-Annual Code – Wednesday, May 11, 9:00 a.m.

BOCC Work Session – 2015 International Codes – Wednesday, May 25, 10:30 a.m.

PC Work Sessions and Hearings

PC Work Session – Comp Plan Update and Park Impact Fees – Thursday, May 5, 5:30 p.m.

Joint Public Hearing BOCC and PC - Comprehensive Plan Updates - Thursday, May 19, 6:00 p.m.

2nd Joint Public Hearing BOCC and PC - Comprehensive Plan Updates - Thursday, May 24, 6:00 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
April 14, 2016
2:30 p.m.-4:30 p.m.
Public Service Center

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

Board members not in attendance: None

County staff: Bill Bjerke, Brent Davis, Susan Ellinger, Rosie Hsiao, Laurie Lebowsky, Jeff Mize, Dianna Nutt, Oliver Orjiako, Greg Shafer, Marty Snell, Rod Swanson, Kevin Tyler

Public: Steve Madsen, Jon Girod

Administrative Actions

- DEAB meeting is recorded and posted to the county's website.
- Review/Adopt Minutes: Minutes from March 2016 were adopted except one minor change. On page 3, second paragraph, Hardy corrected it was Oliver that said there is some conversation for the major elements being discussed at policy level...
- Reviewed Upcoming Events by Shafer:
 - BOCC Work Session – every Wednesday at 9:00 a.m. (Unless cancelled, which some are if there are no topics)
 - BOCC Hearing – every Tuesday at 10:00 a.m. (Except first Tuesday when the hearing is typically at 6:00 p.m.)
 - BOCC Hearing – Amendment to the Charter Limited Property Tax, Public Service Center Limited Use Policy, Easement for Corrina Crest – Tuesday, April 19, 10:00 a.m.
 - BOCC Work Session – Quarterly Financial Report – Wednesday, April 20, 9:30 a.m.
 - BOCC Hearing – Community Service Housing Urban Development Action Plans – Tuesday, April 26, 10:00 a.m.
 - BOCC Work Session – Comp Plan Reviewing – Wednesday, April 27 and May 4, 9:30 a.m.
 - PC Work Session – Comp Plan Update – Thursday, April 21, 5:30 p.m.
 - PC Hearing – Open Space and Timberland Applications and Biannual Code Amendments – Thursday, April 21, 6:30 p.m.

DEAB member announcements

Tidemark Replacement/Phase I Roll-out discussion will be moved to the next DEAB meeting.

SEPA Process & Exceptions

Odren brought up the clarification for grading permits which trigger SEPA is tied to land use approval. He submitted a few previous documents to DEAB for discussion. These documents include: County Code 40.570.090 Categorical exemptions, DEAB Draft Exempt Levels for Minor New Construction, DEAB SEPA Recommendations to Planning Commission on April 4, 2013, DES SEPA PowerPoint Presentation to DEAB, Email from BIA to Ecology DEAB, and WAC 197-11-900 Categorical Exemptions.

Tyler presented the email response and memo from City of Edmond regarding the SEPA Exemption Guidance. He said grading up to the 1000 cubic yards threshold shall be exempt from SEPA for stand along permits. However, PA's understanding is that grading triggers SEPA. The argument on the PA side is one is exempt and other is not, the whole is not exempt. Golemo mentioned that grading always triggers SEAPA, so Ecology tried to delete the grading trigger SEPA section. Snell suggested getting some examples, talking to Ecology and hearing their feedback, then deciding what to do. Odren will provide examples and Howsley will follow up and contact Ecology.

Fee Adjustments and Update

Snell introduced Paul Lewis who was hired to work for Community Development, for building and land use review, cost of service, and fee study since last August. They presented it to BOCC in March and got some feedback from them.

Lewis gave the PowerPoint presentation to DEAB to review objectives and assumptions, overall cost recovery, permits fee comparison, stakeholder feedback and proposed permit fee changes. He said the RCW allows reasonable fees from an application to cover the cost of processing, and provide the review and inspection services, but fees collected cannot be used for other, non-development purposes. County code mentions general fund support for key activities like fee waiver. He explained the County overall cost recovery revenue from 2005 to 2015 and Permit fee comparisons to other jurisdictions. Some fees are higher like Pre-app and SEPA, but some fees are lower like Subdivision review. So there are some modest fee changes proposed after hearing the feedback from the stakeholders.

Following included discussion on:

- Adjust staffing levels to meet review times. Snell said he has budget to hire people.
- Pay small service fees up front for fully complete and pay later when the review has been approved.
- Staff work on fee changes with DEAB, create a subcommittee. Howsley and Odren are volunteering to work with the sub group.
- Lower fees for Site Plan Review, Pre-application, SEPA, Post Decision Review and commercial permits
- Establish appropriate cash reserve levels for business down-cycles
- Gaither suggested no cap or stop for big projects over \$1,000,000; lump them up with other permits.
- Wriston questioned why Land Use subdivision fees are going up after 80 lots.
- Wollam expressed concern with big subdivision lot charges.
- Snell will check and reconsider whether to scale down the lot charges for the large subdivision.
- Empower planners to be the project manager for site plan review and subdivisions

Due to the current Tidemark system and new system, POSSE, Snell said implementation timeline is not settled yet. He will work with staff on the proposed fee adjustments, and then decide. Building fee changes will be in November this year and Land Use will be next Feb with appropriate phase of permit system implementation.

Park Impact Fees

Bjerke provided the history of Clark County Parks Division and presented to DEAB the new Park Impact Fees (PIF). Lebowsky said The Clark County Parks Division contracted with the consultant to update the

PIF. The consultant prepared the draft PIF Technical document with detailed description of the formula calculation, including formula inputs. Per the Draft PIF Technical document, PIF rates would increase an average 200% after excluding the City of Vancouver.

Wriston raised concerns with PIF rates increasing an average of 200% from 2002.

Lebowsky explained the fees has not been updated for 13 years and land values and developments costs have increased significantly from when the PIF rates were last calculated in 2002. Now GIS sales data is used in PIF formula calculations.

Gaither questioned inflation and affordability since 2002 and how PAB approved and voted the PIF.

Lebowsky said PIF districts #1-4 are predominantly or wholly located within the City of Vancouver. The Parks Advisory Board recommended these districts not be included in the PIF report. Also the PIF will increase over a three-year period: 80% of the recommended increase the first year; 90% the second year; and 100% the third.

Lebowsky told DEAB they will bring the PIF update to the PC work session on April 21 and a BOCC Work Session on May 4 to discuss. There is the website that provides the details for PIF calculation, etc.

Public comment

Odren mentioned DEAB submitted formal documents to the PC showing the concerns of significant increase of SIF (School Impact Fees). He is willing to do the similar for PIF. Howsley suggested someone from DEAB will attend the PC meeting to represent DEAB. Bacon is concerned the formula used for subdivisions includes large acre parks.

Wollam brought up the issues of staff workload and waiting time for reviews. Snell said he will continue to make improvements.

Madsen shared his PUD project issues with DEAB. Snell said PUD code needs to change and be revisited. DEAB agreed.

Meeting adjourned 4: 45pm

Meeting minutes prepared by: Rosie Hsiao

Reviewed by: Greg Shafer



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DEVELOPMENT and ENGINEERING ADVISORY BOARD

DEAB Response to the Clark County Parks Advisory Board For May 4, 2016 Work Session

The Development and Engineering Advisory Board (DEAB) applauds the Parks Advisory Board (PAB) for addressing the concerns of both the DEAB and the Building Industry of America (BIA) in their recent presentations to both boards regarding proposed Park Impact Fee (PIF) increases. Please find below the DEAB's formal response to the Park Impact Fee Technical Document, dated April 16, 2016, and Park Impact Fee Rate Recommendations, dated April 20, 2016.

DEAB has concerns over the significant increase in PIFs across Park Impact Fee Districts 5-10 (those districts located within Clark County jurisdiction) of approximately 162% for single-family residences and 177% for multi-family residences over the current PIF rates. Of particular concern are the assumptions used to calculate the PIFs, predominantly with regard to the Parks Division's proposed per acre cost of acquisition. While the PAB did revisit these costs following their presentation to the DEAB at our April 14, 2016 meeting, DEAB continues to feel that the per acre acquisition cost the PAB lists in their Land Value Changes Since 2002 chart as found on page 7 of the PIF Technical Document, dated April 16, 2016, particularly in Park Districts 6 and 9, do not reflect current per acre land prices of undeveloped land. This 135% increase in per acre land value does not appear commensurate with what developers are observing in the open marketplace from 2002 to 2016. Developers are experiencing current per acre land values (without improvements) between \$130,000 and \$170,000.

It appears that the PAB will be implementing the PIF increase in a 3-year phased process. DEAB feels that a more modest increase should be utilized over a longer period of time to further reduce the immediate impacts to housing affordability by allowing a slower integration of costs over a longer period of time.

DEAB encourages the Clark County Parks Division to look at other solutions/options for park acquisition and development, possibly in concert with a much slower phased approach and a more moderate PIF increase corresponding more closely with current land values.

Regarding the Park Impact Fee Technical Document, dated April 16, 2016, it is DEAB's request that the PAB remove any reference to land values and acquisition rates in Park Districts 1-4, as those values and rates are not germane to the PAB's purview of looking at Park Districts within Clark County jurisdiction.

Prepared by DEAB
May 3, 2016



Pony Express

Development and Engineering Advisory Board Update

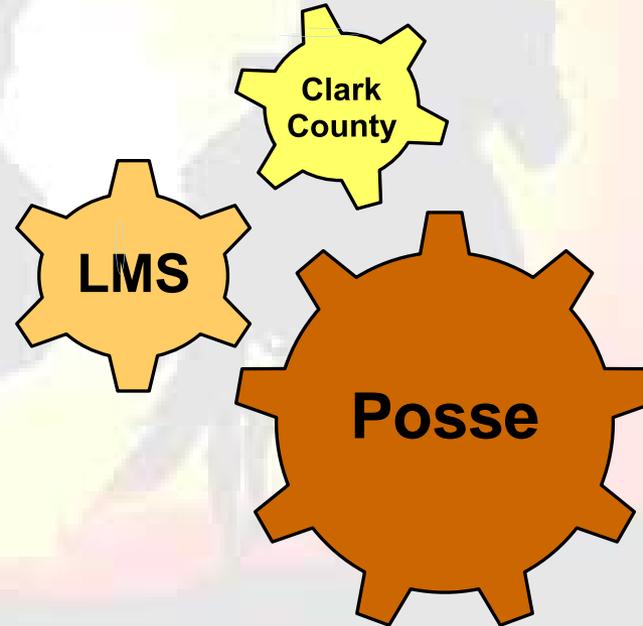


Topics

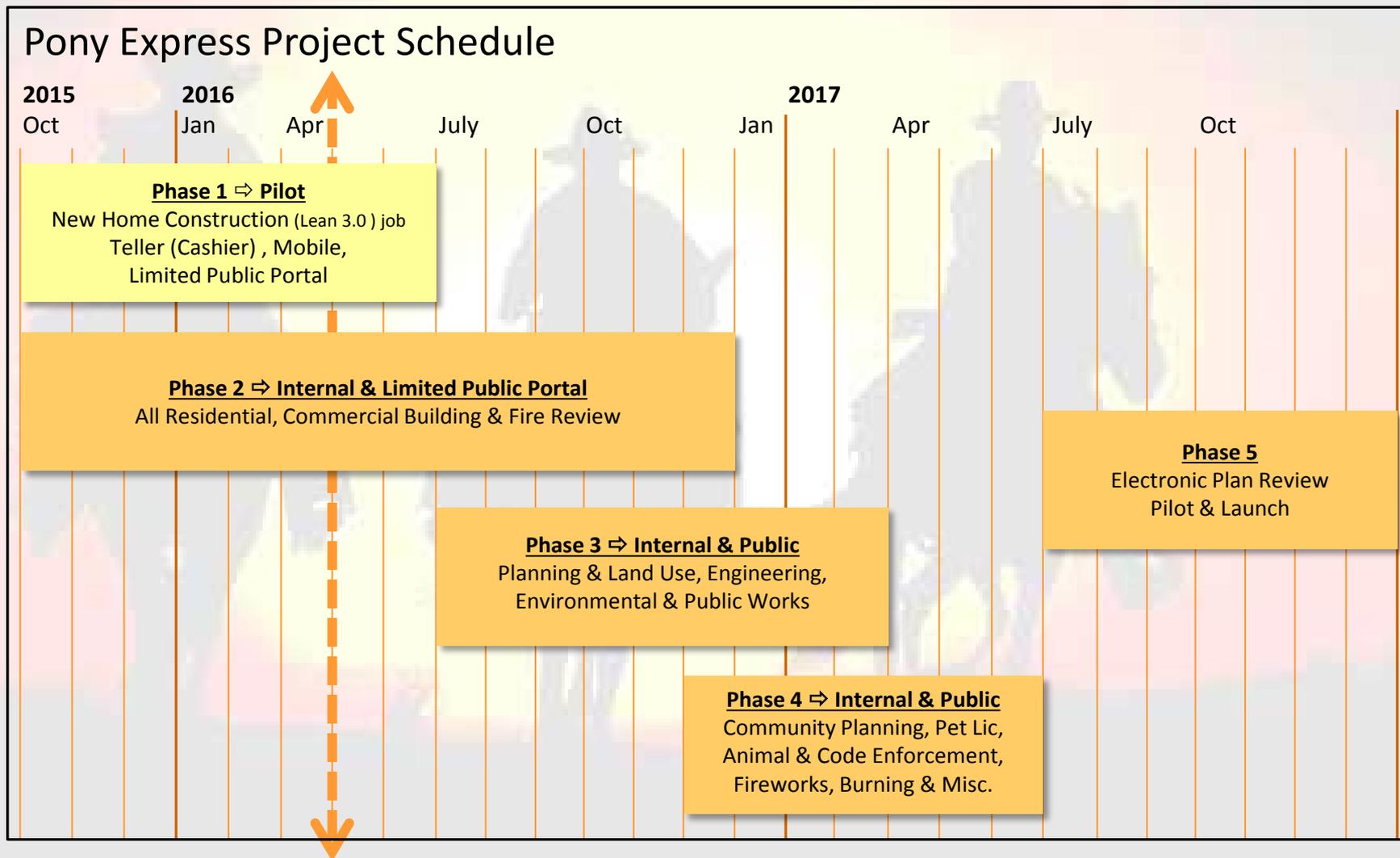
- Brief look back
- Project overview
- Where we are today
 - Phase 1
 - Pilot project
 - Challenges
 - Training
- Acknowledgments & recap
 - Public portal demonstration
- Questions

Brief look back ...

- Tidemark – 16 +
- RFP – time for a new system
- Kick-off February 2015
- Our solution & partner
 - Computronix
 - COTS product



Project Overview



Where we are today...

Phase 1

- Familiarity, transition, confidence
- Foundation interfaces:
 - PACs, SITUS, L&I, GIS, G/L

Pilot Project

- Controlled - Soft roll-out
 - Lean 3.0
 - Targeted inspection areas
 - Hand selected partners
 - 2- 5 local/national to start...
- Bat phone

Challenges

- Parallel system
- No IVR – use public portal!
- Paper submittals req.

Familiarization & Training

- May 31st - Launch
- One-on-One training
go-live week

Acknowledgments & Recap

- Outstanding team & leadership
 - Training & UAT Lab
-

⇒ Phase 1 is a Pilot – *in most every way*

⇒ Focus on Learning

⇒ Go Live May 31st

PUBLIC PORTAL DEMO!

The background of the slide features three dark silhouettes of riders on horseback, moving from left to right. They are set against a bright, glowing yellow and orange light source, likely a sun or moon, which creates a strong backlighting effect. The overall scene is set against a soft, pastel-colored sky.

Questions?

DEAB Subcommittee Corner Lot Driveway / Sight Distance Code and Policy Revision Suggestions (DRAFT 5-4-2016)

40.350.030 (B)(4) Street and Road Standards / Access Management

4. Access Management.

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

b. Access to Local Access Roads.

(1) Driveway Spacing.

(a) Excepting the bulbs of cul-de-sacs, driveways providing access onto nonarterial streets serving single-family or duplex residential structures shall be located a minimum of five (5) feet from the property lines furthest from the intersection or zero (0) feet as a shared driveway approach. Where two (2) driveways are permitted, a minimum separation of fifty (50) feet shall be required between the driveways, measured from near edge to near edge.

(b) Corner lot driveways shall be a minimum of fifty ~~forty~~ (50) feet from the projected intersecting ~~property lines~~ curb line or edge of pavement, as measured to the nearest edge of the driveway as long as the structure and parked cars in the driveway are outside of the sight distance triangle, or in the case where this is impractical, the driveway may be limited to twenty (20) feet in width and located five (5) feet from the property line away from the intersection or as a joint use twenty-five (25) foot wide shared driveway at the ~~is~~ property line. Where a residential corner lot is located at the intersection of a nonarterial street with an arterial street, the corner clearance requirements of Section 40.350.030(B)(4)(c)(2)(f) shall apply to the nonarterial street.

(c) Flag lots and joint driveways serving two (2) or three (3) lots are exempt from the requirements of this subsection.

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

40.350.030 (B)(8)(C) Street and Road Standards / Sight Distance Triangle for Uncontrolled Intersections

c. Uncontrolled Intersections.

Uncontrolled intersections for access roads in urban and rural areas with a posted speed limit of twenty-five (25) mph or less shall have an unobstructed intersection sight distance triangle per Section 40.350.030(B)(8)(b) of one hundred (100) feet on both approaches. This requirement may be reduced to eighty (80) feet for intersections abutting corner lots in an urban residential subdivision and sixty (60) feet for intersections of roads utilizing traffic control measures. The intersection sight distance shall be measured along the lines four (4) feet from the roadway center, in drivers' direction, for both approaches.

Stop Sign Policy Recommended Changes:

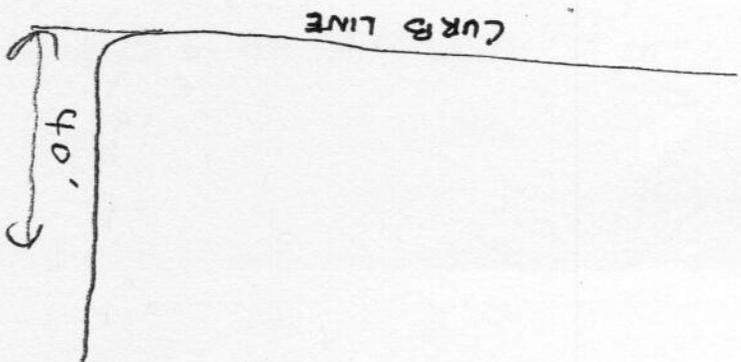
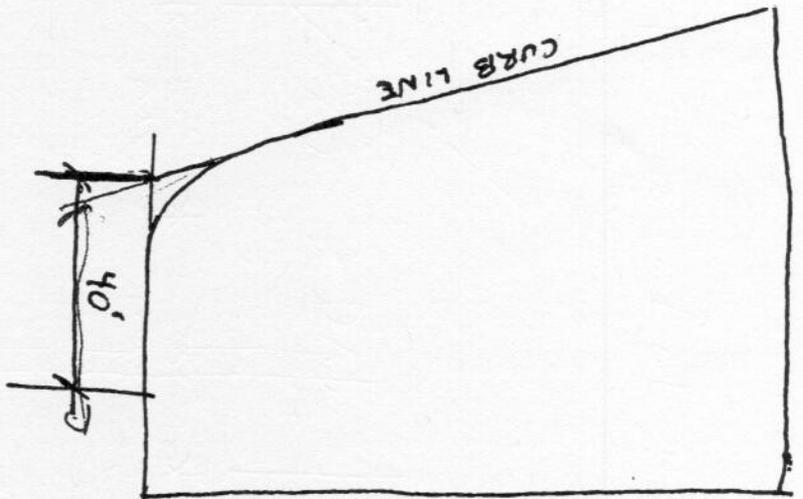
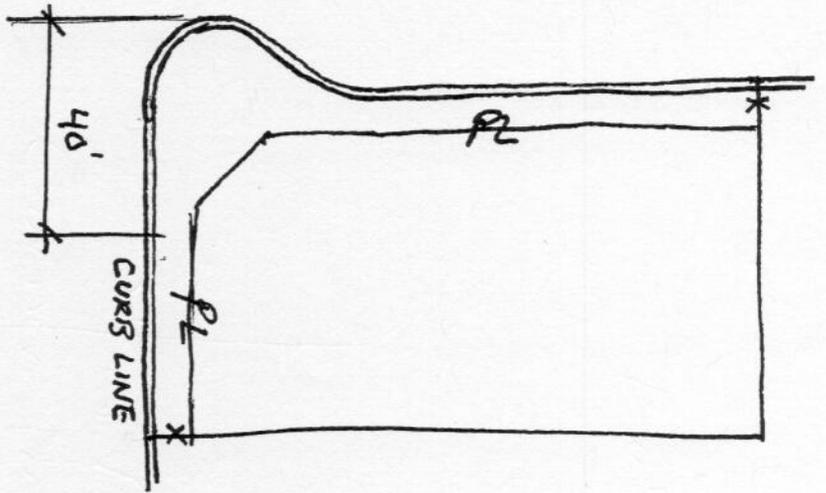
In addition to the volume and capacity warrants in the MUTC guidance document, the County Stop Sign policy should be amended to provide additional safety warrants and to limit the impact of excessive approach sight distance triangles that do not correlate to the operating function of the intersection. We understand that additional stop signs may be a driver inconvenience but the committee believes that safety should trump convenience. This also limits the County's liability in maintaining these excessive sight distance triangles and risk associated with litigation associated with maintaining these areas. In some situations, partially stop controlled intersections will be easier to maintain and safer intersections.

The Policy should allow the use of Stop Signs on lower volume legs and/or to help mark and establish through streets at 4-way intersections.

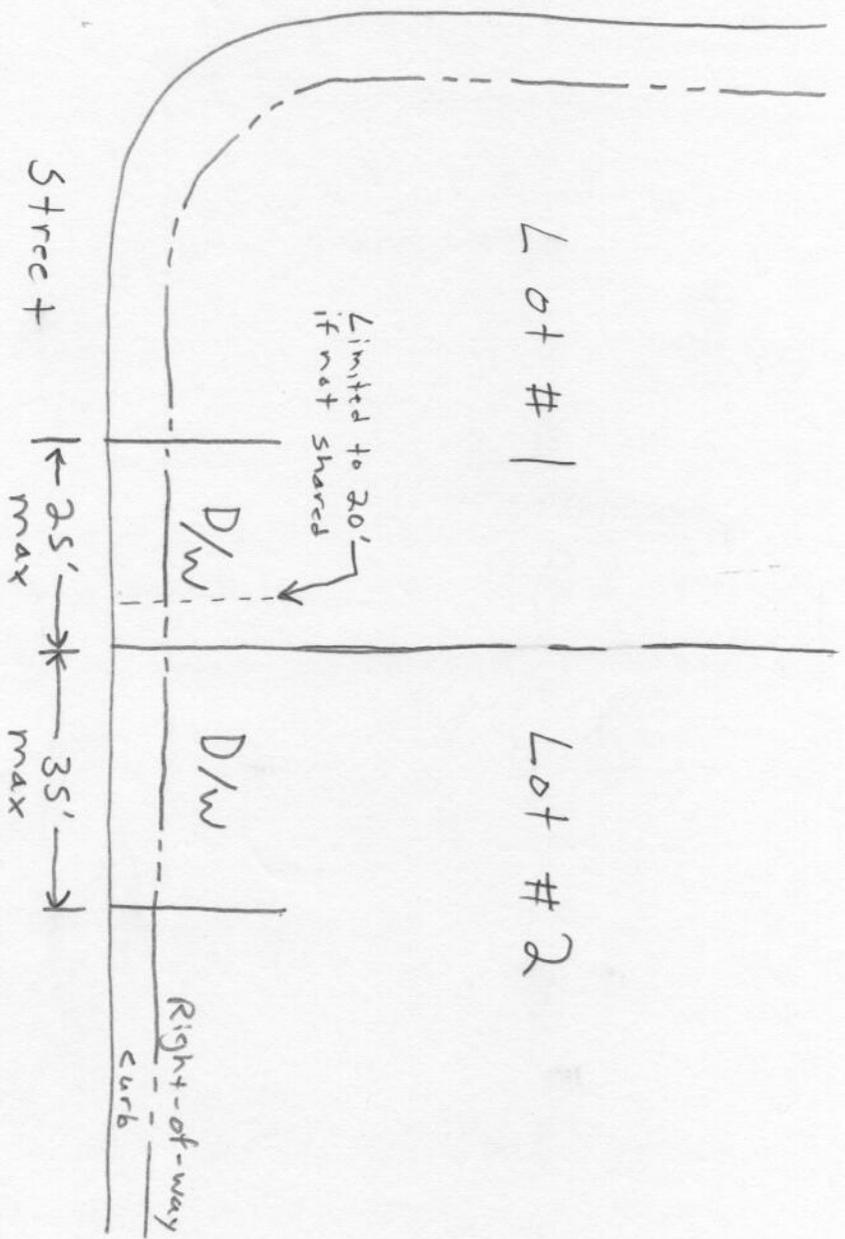
Stop signs should also be allowed at "T" intersections on the offset leg. (We may need to add some diagrams in a guidance document)

Stop signs should also be considered on side legs of an intersections with equal volume legs but in an area where the majority of the side streets have stop control and where the driver expectation is that the side streets stop.

Corner Lot Driveway Location Exhibit



Street



Lot #1

Lot #2

Street

25' max

35' max

Right-of-way curb

Limited to 20' if not shared

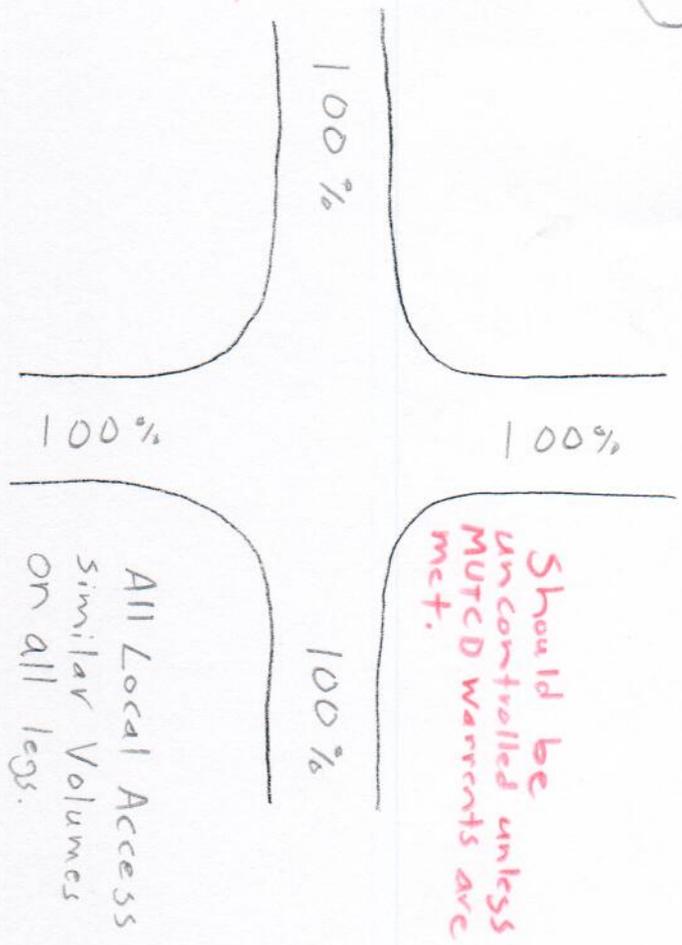
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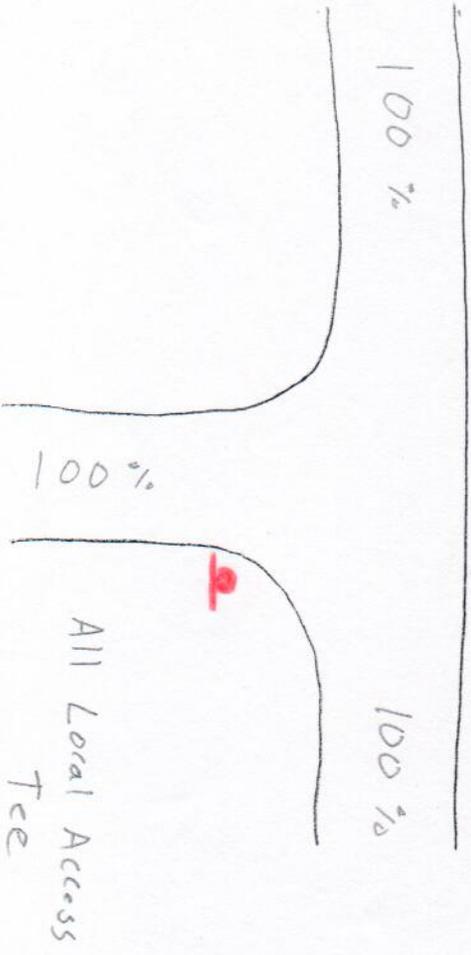
Corner Lot Shared Driveway Exhibit

Corner Lot Shared Driveway Exhibit

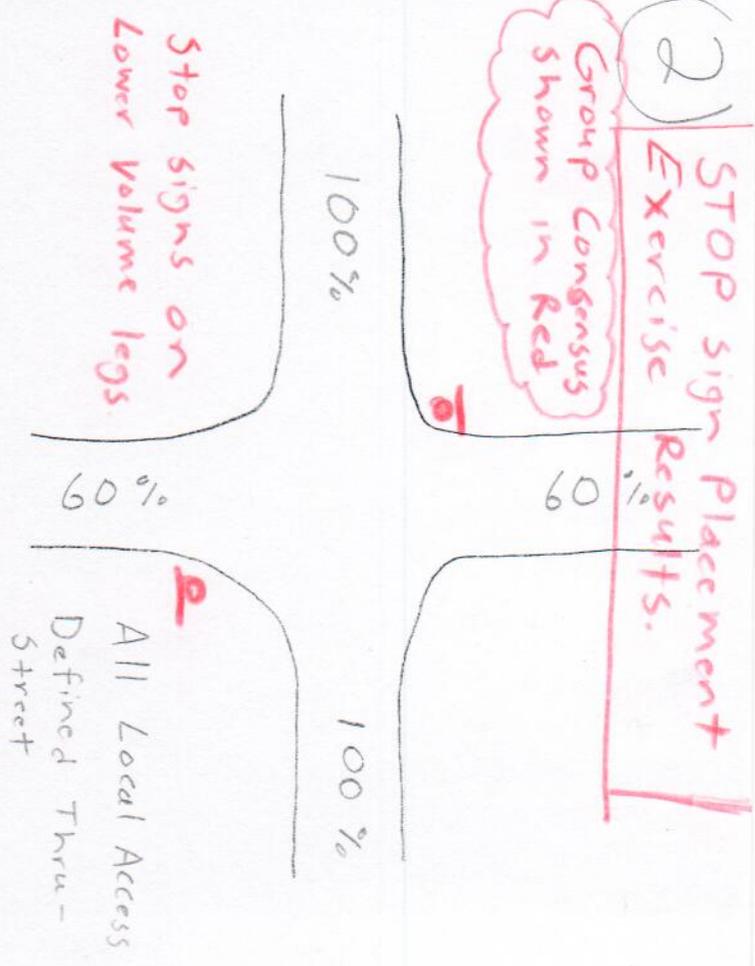
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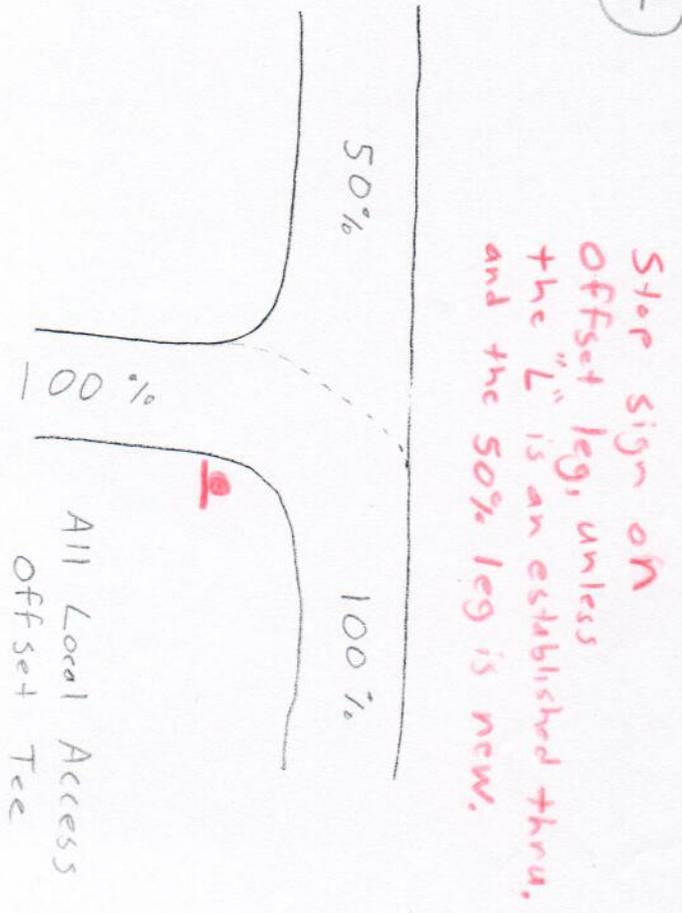
3



2



4



5

0

100%

100%

Stop on side legs

5

100%

All Local Access Defined Thru-Street.

20%

0

7

0

Local Access

Stop on Lower Classification

Circulator

Circulator

Local Access

0

Change in Classification

6

0

100%

100%

Stop on Side legs. But no clear consensus.

6

80%

All Local Access No Defined Thru-Street

20%

0

8

Circulator

Likely 4-Way Stop. Based on Traffic Volume Warrents.

Circulator

Circulator

Circulator

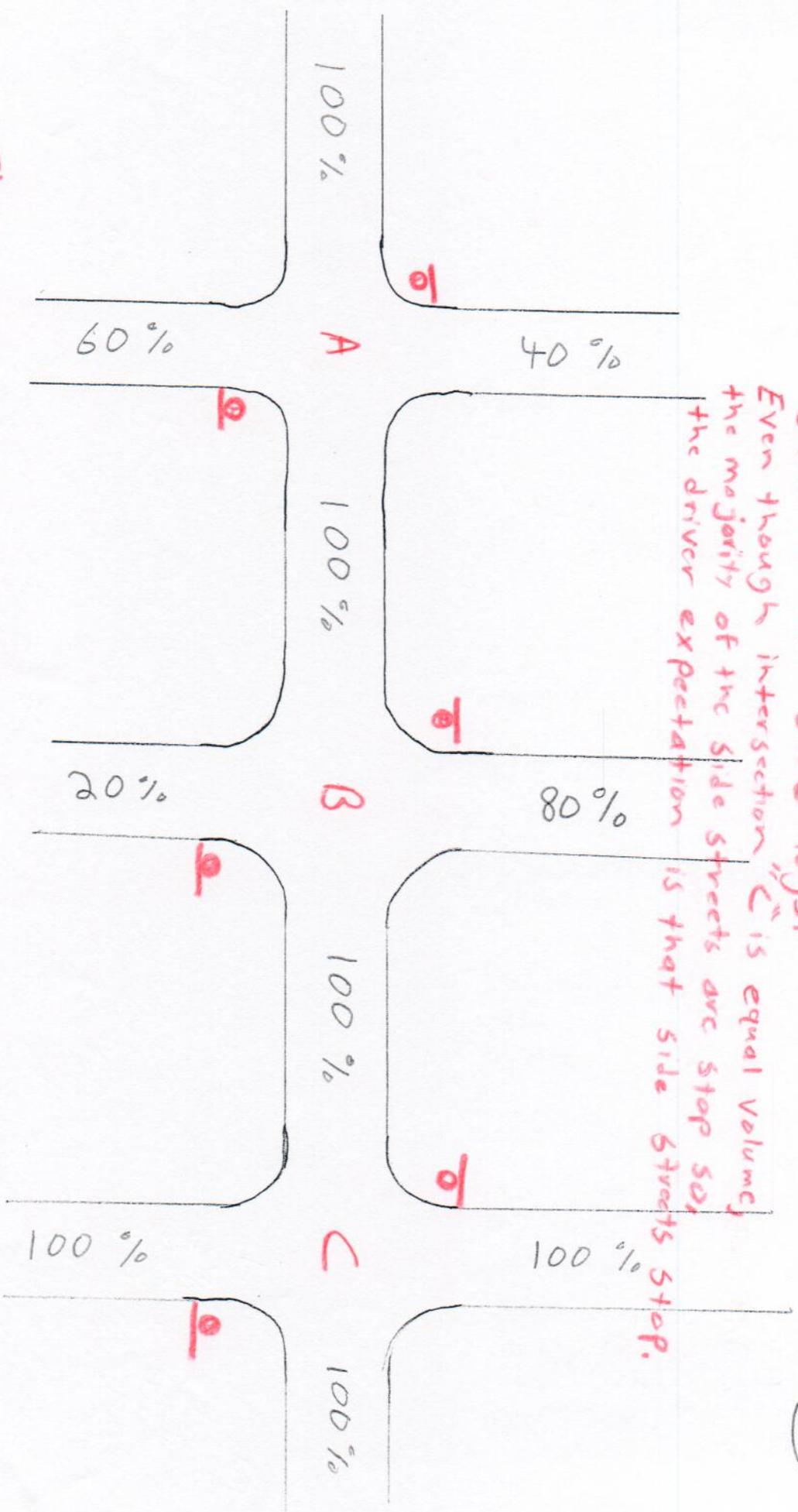
Higher Volume

9

Stop on all side legs.

Even though intersection "C" is equal volume, the majority of the side streets are stop so the driver expectation is that side streets stop.

9



There was some dissent that they could all be uncontrolled. We also discussed that stop signs on the Thru street should not be used to control speed. But other measures should be considered.

Local Access Streets in an area bounded by thru-streets where the majority of intersections are stop controlled.

Code amendment hearing

April 21, 2016

Testimony of Kevin Brown:

Section 25 Amend fence height and setback requirements for retaining walls and fences.

Amending the current code removes significant protections for owners of abutting properties. The development community, in requesting these amendments, is the benefactor at the expense of the owners of abutting properties.

40.320.010.F.3.a

Stepped walls in excess of four (4) feet tall should not be permitted unless the second step meets the setback requirement of the underlying zoning.

This helps mitigate the visual impact of a tall retaining structure.

Management of stormwater runoff is facilitated by a larger distance between steps.

In walls constructed using mechanically stabilized fill (Geogrid) having a stepped wall creates a situation where the second wall is constructed upon, and supported by, a component of the base wall. In this case the upper wall can not be considered a separate structure and is in fact an extension of the base wall. Allowing this may set a precedent that may have implications to other code sections.

Code section 40.320.010.F.3.g could easily be utilized by the development community if a wall taller than 4 feet or a stepped wall in excess of four (4) feet tall was desired to be placed within the setback distance.

40.320.010.F.3.f

Distance to a dwelling on the abutting property should not be a criteria in allowing walls taller than 4 feet within the setback distance.

The abutting property owner may suffer diminished enjoyment or value of their property due to a tall wall located along their property line regardless of the distance to a dwelling.

40.320.010.F.3.i

Any fence constructed on top of a retaining wall should not exceed a combined wall and fence height of seven and one half (7.5) feet.

This helps mitigate the visual impact of a tall retaining structure and fence on abutting property owners. Allowing a retaining wall and fence combination as tall as eleven (11) feet adjacent to an abutting property is excessive.

40.320.010.F.4

The community development director should be required to notify owners of abutting properties prior to construction approval if variance to height and setback requirements are requested.

This provides an opportunity for owners of abutting properties to learn about and be heard from regarding the proposed variance.

Code 40.320.010.F.4 should not be able to be employed as an alternative to the development community working with owners of abutting properties as provided for in 40.320.010.F.3.g

Regarding the rationale for amending this code section, the development community's use of the "no mans land" reasoning is poor at best. The potential for an unmaintained "no mans land" is the same regardless of setback distance. If such a situation occurs, the property owner of the setback area can be compelled to maintain the setback area through Home Owner Association rules and Clauses, Covenants, and Restrictions associated with the development. Should the abutting property owner choose to maintain the setback area, that is their choice to make. Both property owners could decide that a wild "buffer strip" works for them. This is an issue for property owners to address, not the development community. If the development community desires to reduce the setback for walls or fences, in a development, Code section 40.320.010.F.3.g provides a method to allow that.

That the DEAB has reviewed and approved the proposed language of these code amendments is not comforting to owners of property abutting land development. All the members of the DEAB have a vested interest in code changes and amendments that ease their jobs, or improve their profit margins on land development.

Sincerely,

Kevin Brown
360-573-7615
kevinb@pacifier.com

1 **SUMMARY OF PC CHANGES TO BIANNUALS**

2
3 **19. 40.350.030.B.4.d –Clarify that road taper specifications are not included in**
4 **the County’s standard plans**

5
6 d. Access to Arterials. In order to limit the number of residential roads intersecting
7 with arterials while providing adequate neighborhood circulation, residential
8 roads intersecting with urban arterials shall be classified and constructed to
9 standards applicable to local residential access or collector roads unless the
10 review authority finds that a lesser classification adequately provides for the
11 circulation needs of the surrounding area. In those cases in which an urban
12 access street is less than thirty-six (36) feet wide, such street shall have a
13 minimum width of thirty-six (36) feet at the intersection with the arterial and shall
14 be tapered as ~~shown on the standard plans~~ according to accepted engineering
15 practices and supplemental standards in Section 40.350.030.C.1.(b) as
16 determined by the Public Works Director. Road approach permits not associated
17 with development shall be reviewed using a Type I process.

18
19 ADDED REFERENCE TO ADOPTED DOCUMENTS

20
21 **20. Table 40.510.050-1, application submittal requirements-Clarify that proof of**
22 **submittal to DAHP includes a DAHP response of receipt of an archaeological pre-**
23 **determination**

24

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

25
26 Voted NO

27
28
29 **21. 40.520.030.I, Conditional Uses – Clarify the process to expand a**
30 **conditional use**

31 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 site plan~~
3 ~~approval pursuant to Section 40.520.040 if the expansion or modification~~
4 ~~complies with other applicable regulations and is not expressly prohibited by~~
5 ~~either:~~

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

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

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

14 I. Expansions.

15
16 1. Subject to Section 40.520.030(G)(2), a conditional use may be expanded or
17 modified as follows:

18
19 a. An existing permitted conditional use may be expanded or modified by site plan
20 approval pursuant to Section 40.520.040 if the expansion or modification
21 complies with other applicable regulations and is not expressly prohibited by
22 the approved conditional use permit for the site.

23
24 b. A lawful, but nonconforming conditional use that was commenced prior to a
25 conditional use permit being required may be expanded or modified by site plan
26 approval if the expansion or modification:

27
28 (1) Complies with other applicable regulations;

29 (2) Does not add a new conditional use other than that already existing on the
30 site; and

31 (3) Qualifies as a Type I site plan review pursuant to Section 40.520.040.

32
33
34 c. A lawful, but nonconforming conditional use that was commenced prior to a
35 conditional use permit being required must first obtain a conditional use permit
36 and the necessary site plan review approval subject to the standards in
37 Sections 40.520.030(G)(2) and 40.520.040 if the expansion or modification
38 qualifies as a Type II site plan review pursuant to Section 40.520.040, or
39 includes a new conditional use not already existing on the site.

40
41 CHANGED TO ALLOW TYPE 1 EXPANSIONS WITHOUT A CUP
42

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

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

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

10 Voted NO

11
12 **25 Retaining Walls**
13

14 PULLED #25, RETAINING WALLS-BACK TO HEARING ON 6/16/16
15
16
17

18 **29. Sections 4.2 though 4.6, Highway 99 Overlay Standards-Process wireless**
19 **communication facilities as Conditional Uses in the Highway 99 Overlay area**
20

21 **4.2 Activity Center**
22

23 **Permitted Uses**

24 Additional uses permitted:

- 25 • All housing types shown in Table

26 4.1.

- 27 • All the uses shown as Review and Approval are permitted and are not subject to the
28 Review and Approval procedures or requirements. All uses shown as conditional
29 in ~~CGC~~ Chapters 40.220 and 40.230, except for those listed below, are permitted, and
30 are not subject to the conditional use requirements of ~~CGC 50.520.030~~ Section
31 40.520.030.
32

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

- 34 • Event facilities in excess of 50,000 square feet
35 • Hospitals
36 • Outdoor paintball facilities
37 • Drive-in theaters
38 • Stadium arena facilities
39 • Zoos
40 • Solid waste handling and disposal sites
41 • Type III wireless communication facilities
42

43
44 **4.3 Transitional Overlay**
45

46 **Permitted Uses**

1 See CCC Chapters 40.220 and 40.230 for permitted uses for the underlying zoning.
2 Overlay exceptions:

3 • Additional uses permitted:

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

6
7 • All the uses shown as Review and Approval are permitted and are not subject to the
8 Review and Approval procedures or requirements. All uses shown as conditional
9 in CCC Chapters 40.220 and 40.230, except for those listed below, are permitted, and
10 are not subject to the conditional use requirements of ~~CCC 50.520.030~~. Section
11 40.520.030.

12
13 The following uses are still subject to conditional use review and requirements:

- 14 • Event facilities in excess of 50,000 square feet
- 15 • Hospitals
- 16 • Outdoor paintball facilities
- 17 • Drive-in theaters
- 18 • Stadium arena facilities
- 19 • Zoos
- 20 • Solid waste handling and disposal sites
- 21 • Type III wireless communication facilities

22 23 24 **4.4 Multifamily Overlay**

25 26 **Permitted Uses**

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

29
30 • All the uses shown as Review and Approval are permitted and are not subject to the
31 Review and Approval procedures or requirements. All uses shown as conditional
32 in CCC Chapter 40.220, except for those listed below, are permitted, and are not
33 subject to the conditional use requirements of ~~CCC 50.520.030~~. Section 40.520.030.

34
35 The following uses are still subject to conditional use review and requirements:

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

40 41 42 **4.5 Mixed Residential Overlay**

43 44 **Permitted Uses**

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

- 1 • See Permitted Housing Types below
2
3 • All the uses shown as Review and Approval are permitted and are not subject to the
4 Review and Approval procedures or requirements. All uses shown as conditional
5 in CCC Chapter 40.220, except for those listed below, are permitted, and are not
6 subject to the conditional use requirements of ~~CCC 50.520.030~~. Section 40.520.030.

7
8 The following uses are still subject to conditional use review and requirements:

- 9 • Hospitals
10 • Mini-storage warehouse
11 • Clubs, Lodges & Charitable institutions
12 • Solid waste handling and disposal sites
13 • Type III wireless communication facilities
14

15
16 **4.6 Single Family Overlay**

17
18 **Permitted Uses**

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

- 21 • See Permitted Housing Types below
22
23 • All the uses shown as Review and Approval are permitted and are not subject to the
24 Review and Approval procedures or requirements. All uses shown as conditional
25 in CCC Chapter 40.220, except for those listed below, are permitted, and are not
26 subject to the conditional use requirements of ~~CCC 50.520.030~~. Section 40.520.030.

27
28 The following uses are still subject to conditional use review and requirements:

- 29 • Solid waste handling and disposal sites
30 • Type III wireless communication facilities
31
32
33
34

35 Voted NO
36
37
38
39

40 BOCC WILL HEAR BIANNUALS ON 6/19
41

1 **25. 40.320.010.F.- Amend fence height and setback requirements for retaining**
2 **walls and fences**

3 **REVISED 5/5/2016**

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

5 1. This section regulates the height of retaining walls and fences along the
6 perimeter of sites. Building codes regulate under what circumstances
7 retaining walls and fences require building and grading permits and possible
8 engineering. Changes to stormwater runoff resulting from construction of
9 retaining walls are subject to Chapter 40.386.

10 4.2. Construction of private retaining walls or fences within public rights-of-way is
11 prohibited. Exceptions to this prohibition shall require approval of the Public
12 Works director. The Public Works Director may apply the exceptions to height
13 and setbacks for walls and fences in 40.320.010.F 4.a through i as applicable.

14 2.3. The construction of retaining walls four (4) feet or less in height and fences ~~six~~
15 ~~(6)~~ seven (7) feet or less in height may be constructed within public
16 easements. Exceptions to these height limits may be granted when written
17 approval has been obtained from the easement holder.

18 3.4. The construction of retaining walls in excess of four (4) feet in height and
19 fences in excess of ~~six (6)~~ seven (7) feet in height shall meet the setback
20 requirements of the underlying zone. The height of a fence on top of retaining
21 walls shall be measured to the grade at the bottom of the wall. Exceptions to
22 this provision are as follows:

23 a. ~~When an exception under subsection (F)(1) of this section has been~~
24 ~~granted;~~

25 a. Retaining walls taller than four feet may be placed within setbacks by
26 using a series of retaining walls four feet high or less that are separated
27 a minimum of four feet, provided the area between walls is maintained in
28 ground cover or shrubs. The total height of a series of walls within the
29 building setback shall not exceed eight (8) feet. Landscaping shall be
30 maintained consistent with CCC40.320.010.G.6. Fences are allowed on
31 top of such walls consistent with Section 40.320.010.F.3.i;

32 b. The exposed faces of retaining walls over four (4) feet in height are
33 directed toward the interior of the lot;

34 c. The retaining walls and / or fences are constructed as part of the site
35 improvements prior to a final plat, and located between lots within the
36 development. Retaining walls on the perimeter of the plat may not use
37 this exception, except as allowed under subsection (F)(4)(d) of this
38 section;

39 d. Retaining walls and / or fences abutting a road right-of-way or road
40 easement; ~~provided~~, subject to the following:

41 (1) The wall or fence does not block required sight distance;

42 (2) Walls and / or fences over 12 feet in height will be reviewed for
43 potential shading and visual impacts beyond the right of way or

1 easement. The community development director may impose
2 conditions on the design and setbacks of such walls if needed to
3 mitigate impacts:

- 4 e. The retaining wall and / or fence is constructed between lots under the
5 same ownership;
- 6 f. The retaining wall and / or fence is at least fifty (50) feet from a dwelling
7 on an abutting residential property:
- 8 g. Permission to exceed the height limits within the setback is granted in
9 writing from the abutting property owner:
- 10 h. The retaining wall and / or fence is abutting commercial or industrial
11 zoned property or legally permitted non-residential uses:
- 12 i. Non-sight-obscuring fences such as chain link or wrought iron seven (7)
13 feet high or less, and sight-obscuring fences forty-two (42) inches high
14 on top of retaining walls no greater than four feet tall are allowed within
15 setbacks:

16 4.5. The community development director may approve variations to height and
17 setback requirements for unusual circumstances not anticipated under Section
18 40.320.010.F.3. The decision to approve or disapprove the requested variation
19 should be based on factors of topography, traffic visibility, visual impacts, and
20 location and nature of adjoining public and private structures and uses.

21 4. 6. Building codes for retaining walls may require setbacks that are greater than
22 those required by this section 40.320.010.F.4.

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

26
27 **Rationale:** This code section is intended to alleviate the impacts of tall retaining walls
28 and fences immediately abutting a neighboring property line. It requires retaining walls
29 over 4 feet in height and fences over 6 feet in height to maintain the standard building
30 setback for the zone. While not currently codified, the current interpretation is that the
31 height of fence on top of a retaining wall is measured from the top of the fence to the
32 bottom of the wall.

33
34 The development community has noted a number of issues with the current code. One
35 of the main issues is that when a wall/fence must be set back from a property line, it
36 results in a “no-man’s land” that is often either maintained by the abutting property
37 owner, or not at all. Also, side and rear setbacks can be as much as 20 feet, even in
38 the urban area. The proposal allows for a number of exceptions including the stepping
39 of walls, obtaining permission from an abutting landowner, situations where a residence
40 is at least 50 feet away from the property line, and exceptions for non-residential
41 property. The DEAB has reviewed and approved the proposed language.