



proud past, promising future

**PUBLIC WORKS  
DEVELOPMENT ENGINEERING PROGRAM**

**AGENDA  
DEVELOPMENT and ENGINEERING ADVISORY BOARD**

Thursday, October 6, 2016

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

<u>ITEM</u>	<u>TIME</u>		<u>FACILITATOR</u>
	<u>Start</u>	<u>Duration</u>	
1. Administrative Actions <ul style="list-style-type: none"> <li>• Introductions</li> <li>• DEAB meeting is being recorded and the audio will be posted on the DEAB's website</li> <li>• Review/Adopt minutes</li> <li>• Review upcoming events</li> <li>• DEAB member announcements</li> </ul>	2:30	15 min	Wriston
2. Model Homes/Code/Building Permits	2:45	30 min	Ellinger
3. Concurrency/Emergency Ordinance	3:15	30 min	Howsley
4. Public Comment	3:45	30 min	All

**Next DEAB Meeting:**

**Thursday, November 3, 2016**  
2:30 – 4:30 p.m.  
Public Service Center  
6th Floor, Training Room

**Agenda:**  
DEAB Annual Report & Work Plan/Prep for 2017 Report



proud past, promising future

CLARK COUNTY  
WASHINGTON

**PUBLIC WORKS  
DEVELOPMENT ENGINEERING PROGRAM**

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**BOCC Work Sessions and Hearings**

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

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

BOCC Hearing – 1. Transportation; 2. 2016 Amended Construction Plans; 3. Extension of the Preliminary Approval – Tuesday, October 18, 10:00 a.m.

**PC Work Sessions and Hearings**

PC Work Session – Clark County Stormwater Manual Errata & Minor Revisions – Thursday, October 6, 5:30 p.m.

PC Hearing – The Planning Commission will consider staff recommendations to amend CCC 40.610 to provide an option for deferral of collection of impact fees for single family housing units and Clark County Stormwater Manual Errata & Minor Revisions – Thursday, October 20, 6:30 p.m.

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

*PC – Planning Commission*

*BOCC – Board of Clark County Commissioners*

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

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

**Development and Engineering Advisory Board Meeting**  
**September 1, 2016**  
**2:30 p.m.-4:30 p.m.**  
**Public Service Center**

Board members in attendance: Mike Nieto, Don Hardy, Eric Golemo, Greg Shafer, Andrew Gunther, James Howsley, Mike Odren, Jeff Wriston, Ott Gaither, Terry Wollam

Board members not in attendance: Steve Bacon

County staff: Jose Alvarez, Leslie Ernesti, Janette Chumley, Jim Muir, Rod Swanson, David Bottamini, Marc Boldt, Julie Olson, Marty Snell, Dean Shadix, Dean Boening, Jeremy Bashaw, Ali Safayi, Shari Harer, Susan Williams, Michael Derleth

Public: Steve Madsen, Jose Ruelas, Pat Jeffries, Steven Jeffries, Kelly Shinnars, Jason Weeks, Jon Girod, Bob Clements, Susan Clements, Rep. Linda Wilson, Scott Jeffries, Page Rotschy

Welcome Mike Nieto, new Board member, owner Catworks Construction

**Administrative Actions**

- DEAB meeting is recorded and posted to the county's website.
- Minutes from July 2016 adopted (no August meeting).
- Reviewed Upcoming Events:

**BOCC Work Sessions and Hearings**

BOCC Work Session – every Wednesday at 9 a.m. Work sessions are frequently rescheduled; check with the BOCC's office to confirm date/time of scheduled meetings.

BOCC Hearing – every Tuesday at 10 a.m. Except first Tuesday when the hearing is typically at 6pm.

BOCC Hearing – Community Development Preliminary, Final Review, Building fees and Extending Land Use Approval – Tuesday, September 6, 6:30 p.m.

BOCC Work Session – Road Vacation, Lower River Road Approval – Wednesday, September 7, 11:00 a.m.

BOCC Work Session – Park Impact Fees – Tuesday, September 13, 2:00 p.m.

BOCC Hearing – Community Development Preliminary, Final Review, Building fees and Extending Land Use Approval – Tuesday, September 20, 10:00 a.m.

**PC Work Sessions and Hearings**

PC Work Session – Amend CCC 40.610 to provide an option for deferral of collection of impact fees for single family housing units – Thursday, September 1, 5:30 p.m.

PC Hearing – The Planning Commission will consider staff recommendations to amend CCC 40.610 to provide an option for deferral of collection of impact fees for single family housing units – Thursday, September 15, 6:30 p.m.

- DEAB member announcements:
  - Golemo leaving after agenda item 2
  - Howsley re: FR20 and AG10 issue; will add to the agenda items after Susan Wilson's presentation.
  - Wriston will cover DEAB for Hardy in October
  - Hardy acknowledged the large group and noted there will be time for public comment at the end of the meeting.

**Stormwater Code/SFR1-9**

Shafer summarized; Clean Water Group responded to the Department of Ecology code additions and revisions. There's a significant area of concern particularly with SFR code requirements 1-9. Many departments are getting calls and concerns on it including CommDev, Engineering, Clean Water and the BOCC. This led to a meeting with an applicant and Councilor Olson. As a result the topic was brought to DEAB to discuss the concerns of applicants and see what can be done to provide help and clarifications in our practices or procedures. Shafer concluded by opening it up for discussion and asking if DEAB wanted to form a subcommittee to take recommendations from today's discussion. Below is an overview of the discussion that followed:

- Golemo stated the immediate topic is the soil amendment requirement that caught builders by surprise. DEAB was put together as a constructive way to help address concerns in the community and to try to find solutions that work for everyone. A lot comes from the Department of Ecology and there is only so much County can do.
- Howsley echoed Golemo's concern. He has heard from homebuilders and talked to the BIA about the soil amendment issue. While it has been on the books for a while and was forced by Ecology, the County's implementation caught people off guard and was perceived as sudden. Howsley is concerned that vested projects and vested rights still be recognized. BIA was instrumental in winning a case in a court of appeals regarding Stormwater vesting.
- Wriston commented he was one builder that offered some lots as a test. There was concern as to whether standards can be met; can soil amendments be done in winter? Is it economical? It is an experimental project and a pilot program might make sense as well as satisfy risk management.
- Snell stated the last time the County worked with DOE on a stipulated agreement there was an appeal, and Ecology did a 180. He cautioned to be mindful of working with Ecology in good faith about piloting a standard they have imposed on the county. There are legal and risk management issues.
- Wriston added that landscapers are looking at how they can make this work. There is possibly a type of bio-soil that might meet the standards.
- Gaither asked if the issue could be explained.
- Safayi explained that code requires soil amendment 8" over the entire area that has been disturbed and needs to be done prior to occupancy. This reduces runoff and offers some relief from peak flows by slowing it down.
- Boening stated they cannot go about construction in traditional manner. Some developments develop a process that will work well for the individual site. It's a totally different approach and an overall change in how they do work.
- Golemo agreed and stressed they can provide some relief and phase it in. This only applies to projects under 40.386, not to existing developments. Those impacted the most by this are those who didn't have an approved Stormwater plan. This is required by the state not the county and staff need to interpret it correctly.
- Odren asked if Wriston or others could speak to the associated costs. Is it a specialty mix?
- Wriston estimated approximately \$ 4000-\$6000.

- Odren suggested material costs would be approximately \$3000 and adding labor would double that.
- Muir explained the plan for the inspection process. Chumley was hired specifically for Stormwater inspections although all inspectors will also work on them. They need to make sure lots meet Stormwater code requirements, need to educate themselves and others and want to be as reasonable and effective as possible. They are learning with everyone else and trying to help as much as they can.
- Shafer recognized an urgent and needed concern and offered to lead a subcommittee on this.
- Pat Jeffries asked for clarification of which guidelines they go by for projects already underway but without occupancy and stated his concern about wasted money.
- Bob Clements suggested site inspections be an option to verify Stormwater is contained.
- Golemo asked that the 385-386 issue be addressed
- Snell stated he will follow-up and ensure they do not run afoul of legal risk.
- Hardy asked for names of those who will be on the subcommittee: Golemo, Wriston, Chumley, Steve Madsen, Jon Gerard, Gunther, Muir, Swanson, and Pat Jeffries.
- Snell informed the group there is a planning commission work session tonight and a hearing next week to address the fee impact deferral ordinance. Additionally, there is a Board hearing on Tuesday evening at 6pm regarding a proposal to change building and land use review fees.

### **TIP Update**

Susan Wilson, Michael Derleth, and Shari Harer from Public Works gave a presentation on the Transportation Improvement Program (TIP) Update. Following is the information presented:

- Guiding Principles and Legal Requirements of the TIP
  - Safety
  - Preservation
  - Debt Service Payment
  - Capital Projects
- How does a project get onto the TIP
  - Comprehensive Plan to CFP to TIP
  - Clark County Comprehensive Plan
  - 6-year TIP
  - Annual Construction Program (ACP)
  - Capital Road Projects (CRP)
- Ranking/Evaluation System
  - Safety 33%
  - Economic Development 29%
  - Mobility 24%
  - Other 14%
- Ongoing Programs
  - Advanced Right-of-Way Program
  - Bridge Repair/Rehabilitation Program
  - Road Preservation Program
  - Rural Road Program
  - Sidewalks/ADA Program
  - Transportation Safety Program
  - Urban Development Program
- Project Cost Breakdown
  - Construction 81%

- Land Acquisition 11%
- Design/Permitting 8%
- Typical Revenues Received by Funding Sources
  - County Road Fund 52%
  - Federal Grants 22%
  - State Grants 10%
  - TIF 7%
  - Public Works Trust Fund Loans 6%
  - County Arterial Preservation Program 2%
  - Partnerships 1%
- Challenges
  - Immediate funding is needed in 2017/2018 for 10th Avenue and possibly 119th Streets (\$3-6.7M).
  - Revenues are not keeping up with increased expenses.
- Major Changes from the 2016 Adopted TIP
  - NE 10th Avenue Construction Challenge
    - (funding loss- PWTF loan, \$3-4M funding gap -anticipated grant not be awarded in 2017 for construction)
  - Salmon Creek Slide (east of 50th Avenue)
    - \$863K
  - Davis Bridge (Davis/NE 197th Avenue off Ward Road)
    - \$1M-1.3M to replace.
  - 7 year gap in funding for 179th Street Area Improvements
    - Working with Councilors and Legislators to advance funds
    - Working with WSDOT on Interagency Agreement
- Road Fund Background - 2007 to 2016 and beyond
- Options for Board of County Councilors to Consider
  - Delay or Shelve Projects (No Changes)
  - Significantly Reduce Ongoing Programs
  - Increase Revenue
  - Reinstate 1% Property Tax
  - Reduce Law Enforcement Diversion
  - Eliminate TIF Fee Waiver
  - Bonding
  - Transportation Benefit District (TBD) – RCW 36.73
  - Combination of Approaches
- Project Construction Schedule
- Next Steps
  - July 20<sup>th</sup> BOCC work session problem
  - August 17<sup>th</sup> BOCC work session guidance/Options
  - August/September
    - County Engineer, Programming, Capital Management Review
    - Refine numbers based upon contracts and construction
  - September prepare TIP and documents for public hearing request
  - September 27<sup>th</sup> notice of public hearing
  - October 18<sup>th</sup> public hearings (3)-2017 ACP-2017-2022 TIP-2016 ACP Amendment
  - Early December budget adoption

Current Guiding Principles

1. Safety
2. Preservation
3. Debt Service Payment
4. Capital Projects

### **AG10/FR20 Zoning**

- Howsley sent an email stating he and Golemo were made aware on Friday of some code amendments regarding AG10 and FR20 that were adopted concurrently with no recollection of DEAB looking at those specific zoning districts. He stated uncertainty as to where the code provisions came from and wanted to bring it to the Board's attention for discussion.
- Hardy commented it looked like an error and asked if that is the county's position and Howsley replied he does not know.
- Wriston responded that the county's prosecuting office considers segregations a loop hole and that Chris Horne is looking at them. Odren asked if exempt provisions can be done on FR20 and Howsley replied he thought there would be a code conflict, citing 40.210.

The discussion continued regarding the intention and interpretation of the code and the need for consistency. Howsley is taking the issue to the BOCC next week.

### **Public comments**

Steve Madsen tracked the ratio of SFR permits to new lot creations for about six months. Around 750 SFR permits were issued in the first half of the year and slightly over 400 new lots were created. He asked the Board if only the first phase of a development is approved in a 3-4 phase development, do subsequent phases have to be engineered? Or does vesting occur at the subdivision application? Snell stated, to his knowledge, it does not.

The discussion continued concerning model homes and the process of building subdivisions. Hardy suggested model homes be a topic for next month.

Jon Girod commented that builders have homes in different stages of permitting and there's confusion regarding soil amendment. Hardy suggested simple vesting on what topics are off the table versus those that need further discussion. The topic of soil amendment continued and the need for a committee was decided to be unnecessary.

Hardy asked for topics for next month's DEAB meeting.

1. Model homes
2. Emergency ordinance on transportation and legal issues; will be led by Howsley.

Meeting adjourned at 4:42pm

Meeting minutes prepared by: Leslie Ernesti

Reviewed by: Greg Shafer

RCW

**RCW 58.17.130**

**Bond in lieu of actual construction of improvements prior to approval of final plat—Bond or security to assure successful operation of improvements.**

Local regulations shall provide that in lieu of the completion of the actual construction of any required improvements prior to the approval of a final plat, the city, town, or county legislative body may accept a bond, in an amount and with surety and conditions satisfactory to it, or other secure method, providing for and securing to the municipality the actual construction and installation of such improvements within a period specified by the city, town, or county legislative body and expressed in the bonds. In addition, local regulations may provide for methods of security, including the posting of a bond securing to the municipality the successful operation of improvements for an appropriate period of time up to two years after final approval. The municipality is hereby granted the power to enforce bonds authorized under this section by all appropriate legal and equitable remedies. Such local regulations may provide that the improvements such as structures, sewers, and water systems shall be designed and certified by or under the supervision of a registered civil engineer prior to the acceptance of such improvements.

[ 1974 ex.s. c 134 § 7; 1969 ex.s. c 271 § 13.]

King County Code

**19A.08.160 Minimum improvements before final recording of plat or short plan - exceptions – post of financial guarantee.**

A. Except as otherwise provided in subsection B. of this section, before final recording of a plat or short plat, the following minimum improvements shall be constructed consistent with the approved plans;

1. Drainage facilities and erosion control measures consistent with K.C.C. 9.04.090;
2. Water mains and hydrant installed and fire flow available, sewer mains, laterals and sewer manholes installed, if required;
3. Roadways meeting the approved engineering plan's layout drainage, geometric and road width requirements and finished with an asphalt treated base. The final surfacing on the roadways may be bonded;
4. Pedestrian facilities complying with the Americans with Disabilities Act; including but not limited to, curb ramps, sidewalks and shoulders, where required;
5. Specific site improvements required by the preliminary plat approval ordinance or preliminary short plat approval decision, if the decision requires completion before plat recording;
6. Delineation of sensitive areas that are to remain undeveloped;
7. Temporary control monuments set by a land surveyor, located in conformance with this title, and in place at final inspection. Permanent monuments and control points shall be set and verified by a land surveyor within ninety days of the final lift of asphalt;
8. Improvements without which the director determines a safety hazard would exist; and
9. All private improvements outside of the right-of-way or road easement and access tracts.

B. The director, in consultation with the department of natural resources and parks, department of transportation, the prosecuting attorney, and other affected agencies, may allow the applicant to post a financial guarantee for any identified noncritical required improvements, as determined on a project by project basis, if:

1. The expiration of the plat or short plat is imminent or other extraordinary circumstances prevent the construction of the improvements before the final recording;

2. The inability to construct the improvements is due to unavoidable circumstances that in no way resulted from the actions or inaction of the applicant;

3. The applicant submits a detailed construction completion timeline and the department determines the applicant will be able to complete the work or improvements to be covered by the financial guarantee within a reasonable amount of time; and

4. Approval of the final plat or short plat before completion of the work or improvement will not be materially detrimental to existing county infrastructure or private properties in the vicinity of the subject property.

C. The director shall have right of entry onto any lot, tract, easement or parcel that is part of the final plat or short plat to ensure compliance with the minimum subdivision improvements required in subsection A. of this section. (Ord. 17539 § 12, 2013: Ord. 16267 § 10, 2008: Ord. 13694 § 51, 1999).

## City of Sultan

### **19.10.070 Completion of improvements – Surety.**

As provided in RCW 58.17.130, required improvements not completed prior to council approval of the final plat shall be secured to the city by a surety in an amount acceptable to the city subject to the following provisions:

A. *Completion of Basic Infrastructure Required.* Surety shall not be allowed to stand in for completion of basic infrastructure necessary to make the development safe for construction of residences, operation of public utilities and delivery of emergency services. Infrastructure systems that must be complete prior to application for final plat are:

1. Water mains;
2. Sewer mains;
3. Street section except for the final asphalt lift;
4. Curb and gutter;
5. Sidewalk;
6. Native growth protection structures.

B. *Infrastructure Available for Surety.* The following may be proposed for deferred construction under surety according to this section at the time of application for final plat approval:

1. The final lift of asphalt;
2. Internal park and recreation amenities;
3. Pedestrian connections;
4. Similar features not required for essential operation of the development and delivery of emergency services.

C. *Street Trees.* For street tree installation as specified in Chapter 19.42 SMC, the developer agreement with accompanying surety shall include that the developer will install all remaining street trees following the sale of 50 percent of the lots or three years from the date of final plat approval, whichever comes first. (Ord. 1144-12 § 2 (Exh. A))

## City of Kent

### **12.04.205 Installation of improvements or bonding in lieu of improvements.**

A. The following tangible improvements shall be required before a final plat or final short plat is recorded:

1. Construction and subsequent acceptance by the city of all public and private improvements as required by the conditions of approval;
2. All improvements are to be made pursuant to specifications and standards of city code, approved by the public works department and in accordance with the current edition of the design and construction standards of the city.

B. The public works department shall be responsible for the supervision, inspection, and acceptance of all subdivision improvements and shall charge the subdivider a fee that has been assessed in accordance with KCC 6.03.010 as enacted, subsequently amended, or replaced.

C. Prior to proceeding with subdivision or short subdivision improvements, the subdivider shall make application for such permits from the city as are required. The applicant is also responsible for complying with all permit requirements of other federal, state, and local agencies.

D. No plat or short plat shall be recorded until all improvements are constructed in a satisfactory manner and approved by the responsible departments or a bond approved by the city has been posted for deferred improvements. If a developer wishes to defer certain improvements, written application shall be made to the public works department and planning services stating the reasons why such delay is necessary. If the deferment is approved, the developer shall furnish a bond or assignment of funds to the city in an amount equal to a minimum of one hundred fifty (150) percent of the estimated cost of all required public and private improvements remaining to be constructed. The decision of the public works director and planning manager, or respective designees, as to the amount of such bond shall be final. Such bond shall list the work that shall be performed by the developer and shall specify that all of the deferred improvements be completed within one (1) year after recording of the subdivision or short subdivision. The bond shall be held by the public works department. The developer may substitute a certified or cashier's check or assignment of funds in lieu of a bond. Such check or assignment shall be made payable to the city of Kent and shall be in the same amount as the bond it is substituting. At the discretion of the public works director, an assignment of funds may be required for all or a portion of the bond amount.

E. The city reserves the right, in addition to all other remedies available to it by law, to proceed against such bond or other payment in lieu thereof. In case of any suit or action to enforce any provisions of this chapter, the developer shall pay the city all costs incidental to such litigation including reasonable attorney's fees. The applicant shall enter into an agreement with the city requiring payment of such attorney's fees. The requirement of the posting of any performance bond or other security shall be binding on the applicant, his heirs, successors, and assigns.

F. The public works department shall notify planning services verifying that the developer has completed the required installations and/or bonding in accordance with the provisions of this chapter and the specifications and standards of the departments. Planning services shall notify the developer advising him to proceed with recordation of the short plat or final plat when the required improvements have been installed and approved or adequate security has been posted as provided in subsection (D) of this section.

(Ord. No. 1840; Ord. No. 3511, § 3, 5-16-00; Ord. No. 3561, § 1, 6-5-01; Ord. No. 3906, § 1, 1-6-09. Formerly § 12.04.410)

**State law reference(s)** – Improvements, RCW 58.17.130.

## **City of Cle Elum**

### 16.30.040 Final plat procedures.

A. Filing Period. An application for final plat containing all of the required items shall be made within five years of the date of preliminary plat approval.

B. Administrative Review. The planning director shall review the proposed final plat for conformance with the preliminary plat approval by the city council. Upon approval, the director shall then forward the plans to the city engineer for review of the final plat and public improvement plans. Upon approval of the city engineer the director may authorize construction of the required improvements prior to final plat approval. Prior to filing the final plat for council action, the planning director shall make a determination that: 1. The final plat meets all approval requirements of the preliminary plat approval, this title, and state law; 2. The proposed final plat contains all of the necessary information; 3. A title insurance report confirms that the title of the land in the proposed subdivision is vested in the name of the owners having a title interest and whose signatures appear on the plat certificate; 4. The necessary public improvements have been installed consistent with the approved engineering plans and meeting

of the city requirements and/or the developer has provided any required surety in a form acceptable to the city in an amount consistent with the required improvements.

C. Bonding. All required public improvements shall be made prior to final plat approval, unless a surety in an amount acceptable to the city is made. As provided by RCW 58.17.130, necessary improvements not completed prior to council approval of the final plat shall post a bond equal to one hundred fifty percent of the estimated cost of completion as approved by the city engineer. Improvements that may be bonded are limited to sidewalks, landscaping, street lighting and final pavement lifts.

D. Council Action. The council shall review the plat within thirty days of receiving an application and determine if the conditions of the preliminary plat approval have been met and that any required bonding is adequate to assure complete of the required improvements that have not been completed and accepted by the city. E. Certification and Recording. Upon approval, the council shall certify its acceptance by authorizing the mayor to sign the plat. The director shall have the final plat recorded with county auditor. (Ord. 1235 § 2 (Exh. B (part)), 2005)

#### 40.260.175 Residential Building Permits on Unfinished Plats

- A. Residential building permits for individual residences, additions to existing residences, or “model” homes may be approved on the sites of preliminary land divisions prior to the recordation of the final plat under the following circumstances:
1. Only one (1) home is allowed per each existing lot of record within the boundaries of the preliminary land division.
  2. Single-family attached dwelling units are not allowed under this subsection.
  3. A survey and certificate stamped by the surveyor is required to verify that the placement of homes meets the platting and zoning requirements of the existing lot of record, either as originally configured or as modified under this title, as well as the approved preliminary plat.
  4. Impact fees will be calculated at the current rate at the time of building permit application.
- B. Residential building permits for “model” homes may be issued on lots within recorded final plats prior to the construction of all required public improvements subject to the following conditions:
1. Performance bonds or financial guarantees required under Section [40.540.080](#) (B) have been accepted and approved for those public improvements which have not been constructed.
  2. Only one (1) home is allowed per each twenty (20) lots within the plat. Plats with fewer than twenty (20) lots do not qualify under this subsection.
  3. Engineering services must authorize the issuance of the building permit to ensure that adequate provisions exist for necessary services and facilities.

*(Amended: Ord. 2007-06-05; Ord. 2009-07-01; Ord. 2011-08-08. Formerly 40.260.145)*

Compile Chapter

**The Clark County Code is current through Ordinance 2016-08-01, passed August 9, 2016.**

Disclaimer: The Clerk of the Board's Office has the official version of the Clark County Code. Users should contact the Clerk of the Board's Office for ordinances passed subsequent to the ordinance cited above.

County Website: <http://www.clark.wa.gov/>  
(<http://www.clark.wa.gov/>)  
County Telephone: (360) 397-2232  
Code Publishing Company  
(<http://www.codepublishing.com/>)