

1 2018 Biannual code amendments Attachment A

2 9/6/18

3  
4 Periodically staff “batch” minor amendments to the Clark County Code to correct  
5 scrivener’s errors, update references, clarify standards, and to make some minor policy  
6 changes. These batches of code changes are commonly known as “Biannual Code  
7 Amendments”. The following are items that staff intends to present to the County  
8 Council for their direction on whether to proceed.

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

11 *(TABLES NOT SHOWN FOR BRVEITY)*

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

16 **2. Table 6.110A.010 Add an intake fee for Type 1 applications**

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

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

24 **Rationale:** The Fire Marshal has requested an amendment to Section 12.C of Table  
25 6.120.040 to enable the office to collect an additional fee for failed re-inspections.

26 **4. 40.540.030 E. Amend Short Plat Approval Criteria for Tracts for Non-**  
27 **Building Purposes.**

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

1 ~~completion of a separate platting process shall be required to establish the tract~~  
2 ~~as a legal building lot.~~

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

6 **5. 40.540.040 Amend Subdivision Plat Approval Criteria to include tracts for**  
7 **Non-Building Purposes**

8 D. Approval Criteria for a Preliminary Plat Application.

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

- 13 1. The preliminary plat is in the public interest;
- 14 2. The following facilities are adequate to serve the proposed subdivision before or  
15 concurrent with development of the preliminary plat:
  - 16 a. Public and private streets and roads,
  - 17 b. Open spaces, parks and recreation,
  - 18 c. Drainage,
  - 19 d. Access to mass transit where there is or will be such transit,
  - 20 e. Potable water supplies,
  - 21 f. Sanitary waste collection and treatment,
  - 22 g. Schools and educational services (if residential),
  - 23 h. Pedestrian facilities (if residential), particularly for students who only walk to  
24 and from school, and
  - 25 i. Fire prevention services;
- 26 3. The proposal complies with all applicable standards in this code or variations  
27 therefrom permitted by law, including:
  - 28 a. Subtitle 40.1, Introduction and Administration;
  - 29 b. Subtitle 40.2, Land Use Districts;
  - 30 c. Subtitle 40.3, Design Standards;

- 1 d. Subtitle 40.4, Critical Areas;
  - 2 e. Subtitle 40.5, Procedures;
  - 3 f. Subtitle 40.6, Impact Fees; and
  - 4 g. Title 15, Fire Prevention.
- 5 4. If a phasing plan is proposed, then the applicant also shall show:
- 6 a. The phasing plan includes all land within the preliminary plat;
  - 7 b. Each phase is an independent planning unit with safe and convenient
  - 8 circulation and with facilities and utilities coordinated with requirements
  - 9 established for the entire subdivision; and
  - 10 c. All road improvement requirements are assured.

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

- 12 1. Tracts established for the purpose of providing utilities, access or stormwater
- 13 facilities shall not apply to the maximum number of lots permitted through the
- 14 short plat process. A covenant(s), or a note(s) on the plat, shall be recorded to
- 15 ensure tracts will be used only for the intended non-building use.
- 16 2. A tract established through platting, whether or not designated as a non-building
- 17 tract, shall not be considered a legal lot of record. A separate platting process
- 18 shall be required to convert a previously platted tract to a legal lot of record.

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

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

22 **Rationale (# 4 and #5):** A hearing examiner decision determined that two subdivision  
23 tracts could be determined legal lots of record even though they were not designed as  
24 such. Language in the short plat ordinance currently addresses such tracts, but no  
25 such language exists in the subdivision ordinance. The proposed language is being  
26 clarified in the short plat provisions and added to the subdivision provisions to eliminate  
27 further interpretations that would allow unintended conversion of tracts to buildable lots.

28 **6. Revise Figures 40.430.020-1 through 3 to accurately reflect the text in**  
29 **Section 40.430.020.D**

30 *Note: No changes to Section 40.430.020.D (shown below) are proposed; this text is*  
31 *included to indicate what the figures are intended to reflect.*

1 D. Steep Slope Hazard Areas.

2 1. Except for mineral extraction practices, development activity on or within one  
3 hundred (100) feet of slopes steeper than forty percent (40%) that do not have  
4 a mapped or designated landslide hazard shall comply with the requirements  
5 of this section.

6 2. Buffer and Setback Distances.

7 a. Activities at the base of ascending slopes (building at the bottom of a steep  
8 slope):

9 (1) For slopes greater than or equal to forty percent (40%) and less than  
10 one hundred percent (100%), buffers shall extend a distance away from  
11 the toe of the slope that is equal to the vertical height of the slope  
12 divided by two, but not to exceed fifteen (15) feet (**Figure 40.430.020-**  
13 **1**). For slopes less than one hundred percent (100%), the toe of the  
14 slope is defined as a distinct break in slope at the base of a steep slope.

15 (2) For slopes greater than one hundred percent (100%), the buffer shall  
16 extend a distance back from the toe of the slope equal to the height of  
17 the slope divided by two, not to exceed fifteen (15) feet. The buffer shall  
18 be measured horizontally from a plane, drawn tangent to the top of the  
19 slope at an angle of forty-five (45) degrees to the proposed structure  
20 (**Figure 40.430.020-3**).

21 (3) **The setback shall be eight (8) feet beyond the buffer.**

22 b. Activities at the tops of descending slopes (building at the top of a steep  
23 slope):

24 (1) For slopes greater than or equal to forty percent (40%) and less than  
25 one hundred percent (100%), buffers shall extend a distance back from  
26 the top of the slope equal to the vertical height of the slope divided by  
27 three (3), but not to exceed forty (40) feet. The top of the slope is  
28 defined as a distinct break in slope at the top of a steep slope (**Figure**  
29 **40.430.020-1**).

30 (2) For slopes greater than one hundred percent (100%), the buffer shall  
31 extend a distance back from the top of the slope equal to the height of  
32 the slope divided by three (3), but not to exceed forty (40) feet. The  
33 buffer shall be measured horizontally from a plain drawn at forty-five  
34 (45) degrees (one hundred percent (100%) slope) from the toe of the  
35 slope to the proposed structure (**Figure 40.430.020-2**).

36 (3) **The setback shall be eight (8) feet beyond the buffer.**

- 1 c. For projects not required to have a landslide protection area under Section  
2 40.430.030(B), the setback from the steep slope shall be equal to the buffer  
3 distance set in this subsection.
- 4 3. The responsible official may approve buffers and setbacks which differ from  
5 those required by Section 40.430.020(D)(1) if the applicant submits a geologic  
6 hazard area study described in Section 40.430.030(C), which technically  
7 demonstrates and illustrates that the alternative buffer provides protection  
8 which is greater than or equal to that provided by the buffer required in Section  
9 40.430.020(D)(1).
- 10 4. The responsible official may increase buffers or setbacks where necessary to  
11 meet requirements of the International Building Code.
- 12 5. All portions of steep slope hazard areas and steep slope buffers on the site  
13 which are planned to be undisturbed by permitted development activities shall  
14 be designated as landslide protection areas in accordance with Section  
15 40.430.030(B).
- 16 6. Other than for exemptions listed in Sections 40.430.010(B)(3) and  
17 40.430.030(B), vegetation removal is not allowed on slopes over forty percent  
18 (40%) without an approved geologic hazard area study described in Section  
19 40.430.030(C)(5).
- 20 7. Buffers, landslide protection areas and setbacks for steep slopes on projects  
21 having approved grading shall be based on regulated steep slopes that remain  
22 after that grading.

23 **SEE PROPOSED REVISIONS TO FIGURES ON SEPARATE HANDOUTS**

24 **Rationale:** The figures show the structures (or footings) built up against what is  
25 described as the buffer, and the 8' setback is not shown on the figures. The figures  
26 imply that the buffer is all that's required. There are other discrepancies in the diagrams  
27 as well.

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

29 E. Permits.

- 30 1. The responsible official may approve permits for temporary uses and structures,  
31 with conditions to mitigate negative impacts. Uses may be allowed for a period  
32 of not more than eighteen (18) months, or less as may be specified by the  
33 responsible official.
- 34 2. ~~Prior to granting a temporary permit under this section, other than Section~~  
35 ~~40.260.220(C)(2)(b), the responsible official shall require that the applicant~~  
36 ~~provide a cash or surety bond of not less than two thousand five hundred~~

1           dollars ~~(\$2,500), payable to the county treasurer.~~ Upon the expiration of the  
2 temporary use permit, the applicant shall immediately discontinue the  
3 temporary use. Within thirty (30) days of the expiration of the temporary permit,  
4 the applicant shall remove any temporary structures associated with the  
5 temporary use. If at the end of this time period such temporary use or structure  
6 is not removed or discontinued, ~~said cash or surety bond shall be forfeited.~~ the  
7 County shall begin enforcement proceedings which may include penalties and  
8 liens subject to Title 32.

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

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

18     **40.350.030.A.6.c**

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

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

24           b. Collectors.

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

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

35                   is given the same priority as the provision of traffic movement. Parking is  
36                   not allowed.

37           c. Access Roads.

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

7. Scenic Routes.

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**40.350.030.B.8 & 9**

8. Sight Distances. 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. Unless modified pursuant to Section 40.550.010, public and private roads shall comply with the following sight distance requirements:

a. Stopping Sight Distance.

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

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

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

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

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

b. Controlled Intersection and Driveway Sight Distance Triangle.

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

15

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

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

17

18 c. Yield Controlled Intersections.

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

25 e. d. Uncontrolled Intersections.

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

1 subdivision. The intersection sight distance shall be measured along the  
2 lines four (4) feet from the roadway center, in drivers' direction, for both  
3 approaches.

4 ~~d.~~ e. New urban and rural residential driveways.

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

7 9. Street Extensions.

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

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

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

24 b. Urban Developments.

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

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

1 the Standard Details Manual). The easement for a temporary  
2 turnaround may be extinguished without county approval after the  
3 temporary turnaround is determined to be no longer necessary by the  
4 county.

5 (3) Barricades. ~~Barricades. A barricade shall be placed at the end of all~~  
6 ~~stub streets, whether or not a temporary turnaround is constructed.~~ For  
7 placement of temporary and permanent barricades, see Section  
8 40.350.030(C)(4)(f).

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

14 10. Private Roads.

15 \*\*\*\*\*

16 **40.350.030.C.1.b(5)**

17 C. Specifications for Design and Construction.

18 1. Transportation Standard Specifications.

19 a. Transportation Standards.

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

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

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

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

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

34 (1) The WSDOT Design Manual;

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

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

16 County Engineer shall specify which of the supplemental specifications will

17 apply.

18 \*\*\*\*\*

19

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

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

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

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

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

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

26 site conditions.

27 \*\*\*\*\*

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

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

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

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

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

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

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

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

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

4

5

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

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

7

8 h. Signing.

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

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

20 h. School Zone Traffic Control.

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

23 i. Pedestrian Crossing Treatment.

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

26 j. Traffic Control Devices.

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

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

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

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

18           4.   Transportation Construction Specification.

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

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

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

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

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

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

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

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

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

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

12 e. Trench Backfill.

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

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

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

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

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

30 g. Private Road Maintenance Agreement.

31 \*\*\*\*\*

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

34  
 35 **40.450.030.E**

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

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

9

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

10

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

11

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

12

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

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

3 <sup>2</sup> Measured as density averaged over a site, not individual lot sizes.

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

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

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

9 c. Where the responsible official determines the exceptions in Section

10 40.450.030(E)(3)(a) or (b) apply, residential lots may extend into wetlands and

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

3 4. Adjusted Buffer Width.

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

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

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

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

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

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

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

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

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

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

32  
33 **40.450.040 Wetland Permits**

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

37 \*\*\*\*\*

38 4. Stormwater Facilities.

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

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

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

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

36 \*\*\*\*\*

37  
38 4. Wetland Mitigation Ratios.

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

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

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

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

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

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

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

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

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

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

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

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

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

24 \*\*\*\*\*

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

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

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

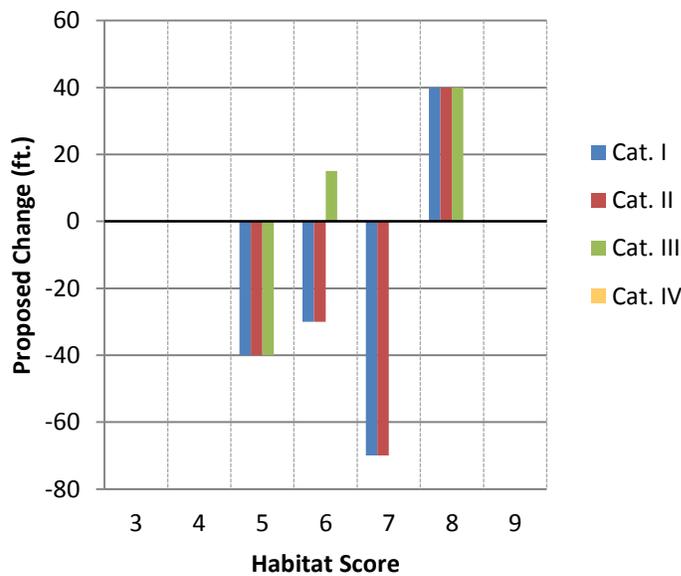
33  
34 **Rationale:** Ecology recently made the changes to wetland buffer guidelines based on  
35 public feedback and review of the reference wetland data used to calibrate the wetland  
36 rating system. Ecology’s preference is to maintain similar distributions between the  
37 2004 and 2014 versions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

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

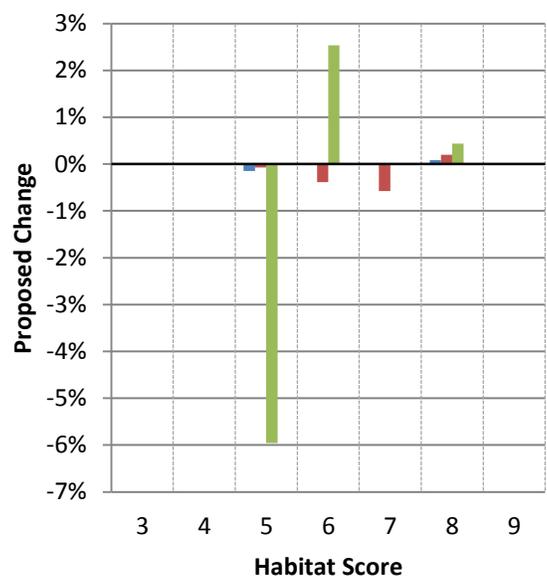
40 However, after Ecology conducted a detailed analysis of habitat scores for the 211  
41 reference wetlands used to calibrate the rating system, Ecology found that wetlands

1 scoring 3, 4, or 5 points for habitat are more similarly distributed to those scoring  $\leq 19$   
 2 points in the 2004 version.  
 3 This information prompted Ecology to adjust the habitat score break points in the  
 4 current wetland buffer tables. The modified tables now group habitat scores of 3 to 5  
 5 into low habitat function and scores of 6 and 7 into moderate habitat function.  
 6 The proposed updates to CCC 40.450 revise the wetland buffer tables and approval  
 7 criteria based on the habitat score on the wetland rating form to align with Ecology's  
 8 revised guidelines. These changes will reduce wetland buffers for any Category I, II, or  
 9 III wetland with a habitat score of 5 points by 33% and allow placement of stormwater  
 10 facilities within more wetland buffers without mitigation.  
 11

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



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



14 While the buffers for wetlands with habitat scores of 5 points will be reduced, adopting  
 15 the new guidelines will *increase* wetland buffers for Category III wetlands with a habitat  
 16 score of 6 points by 15 ft. or 11% (from 135 to 150 ft.). Based on the estimated  
 17 frequency of occurrence (fig. 1b) this represents a more substantial impact than other  
 18 buffer increases. All changes in buffers with habitat scores of 6 points or more are the  
 19 result of the County's prior choice to incrementally increase buffers with habitat scores.  
 20 Overall, however, the proposed update will decrease buffer widths approximately 3.9%.

21