

1 2018 Biannual code amendments Attachment "A"

2 DEAB review 10/4/2018

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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 changes to Titles 6 and 40 are proposed to be made.

8 **1. Add Rural ADU's into Resource tables**

9 *(TABLES NOT SHOWN FOR BRVEITY)*

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

14 **2. Section 5.5.1 of the Highway 99 overlay standards – Correct / Clarify that Highway**
15 **99 Overlay residential developments must meet the parking requirements in Title 40**
16

17 **5.5.1 Parking**

18 (1) Parking shall comply with the provisions in Chapter 40.340, with the exception
19 that Nnon-residential developments are exempt from complying with the minimum
20 parking space provisions in CCG Section 40.340.010.B. ~~The following are encouraged~~
21 ~~to comply with the following, and may qualify for limited fee reductions:~~

- 22
- 23 ~~(a) Multifamily dwelling studio unit: 1 space/dwelling unit.~~
- 24 ~~(b) Senior housing: 1 space/dwelling unit.~~
- 25 ~~(c) Tandem parking (one car behind the other) may be used for all housing types,~~
26 ~~provided the spaces are identified for the exclusive use of a designated dwelling~~
27 ~~unit.~~
- 28 ~~(d) On-street parking spaces directly fronting the applicable use shall count in the~~
29 ~~calculations for off-street parking requirements.~~
- 30 ~~(e) Innovative, sustainable amenities including, but not limited to electric power~~
31 ~~connections, Smart car parking spaces, carpool, and bicycle parking shall count in~~
32 ~~the calculations for parking requirements.~~
- 33

34 ~~(2) Shared parking between and among uses is encouraged.~~

35
36 **Rationale:** In 2017, this section of code was amended to require that residential
37 developments meet the minimum number of parking spaces as found in Chapter

1 40.340, but the text change was incomplete. As currently written in Section 5.5.1 of the
 2 Highway 99 standards, it appears that non-residential developments are only
 3 *encouraged* to meet the minimum standards found in the same section, namely items
 4 “a” through “e”.

5
 6 The text as proposed should eliminate the apparent contradiction. Subsections “a”
 7 through “e” will be removed since they either conflict with Chapter 340, or are in-
 8 applicable to non-residential development.
 9

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

11		Reinspections—Each ¹	
		\$	162
12	Fire Code Annual Inspections	Square Foot	Cost
A	For the purpose of performing inspections and related activities for the issuance of required operational permits as outlined in Section 15.12.105.6. Must be paid before operational permit(s) can be issued		
		1—29,999 sq. ft.	\$150 plus \$50 per operational permit
		30,000—69,999 sq. ft.	\$200 plus \$50 per operational permit
		70,000—99,999 sq. ft.	\$250 plus \$50 per operational permit
		100,000 sq. ft. or more	\$300 plus \$50 per operational permit
B	For the purpose of performing inspections and related activities for occupancies referenced in Section 15.12.106.2		
		1—29,999 sq. ft.	\$150
		30,000—69,999 sq. ft.	\$200
		70,000—99,999 sq. ft.	\$250
		100,000 sq. ft. or more	\$300
C	<u>Reinspections</u> ²		

		<u>Each reinspection taking up to 1 hour</u>	<u>\$162</u>
		<u>Each additional 15 minutes or portion thereof</u>	<u>\$40</u>
<u>D</u> <u>G</u>	Unless alternatives have been agreed upon between the county and responsible party for the inspected premises, failure to pay fees for the inspections referenced above shall result in the following penalties:		
I	More than 105 days past due	12% annual interest added	

1 Notes:

2 1 This fee applies where no progress has been made toward correction of noted violation(s) related to
3 work on an existing permit. This fee does not apply to re-inspections required under subsection 12.

4 2 This fee may be applied when more than one re-inspection has been required to verify corrections
5 of noted violations related to Fire and Life Safety Inspections.

6 **Rationale:** The Fire Marshal has requested an amendment to Section 12.C of Table
7 6.120.040 to enable the office to collect an additional fee for failed re-inspections of
8 operational permits. The current proposal is for a \$162 fee for re-inspections taking up
9 to one hour, with an additional \$40 per 15 minute time increment or portion thereof.

10 **4. Table 6.110A.010 Add an intake fee for Type 1 applications**

Table 6.110A.010—Preliminary/Final Planning Review Fees			
Section	Activity	Fee	Issuance Fee
AJ	Application Submittal Fee ⁴⁰		\$590 \$94
	<u>Type I</u>		<u>\$250</u>
	<u>Type II and III</u>		<u>\$590</u>

11

12 40 Applies to Type II or III applications.

13 **Rationale:** Type II applications currently have intake fees that help cover the staff costs
14 of the County's "Fully Complete" review, which ensures that the application materials
15 meet certain minimum standards. Type I applications have no such intake fees to help
16 cover the cost of the land use planner's Fully Complete review of the application. In
17 addition, the implementation of the County's new permit tracking software will also
18 require an intake fee. The proposed fee is \$250.

1 **5. 40.540.030 E. Amend Short Plat Approval Criteria for Tracts for Non-**
2 **Building Purposes.**

3 1. Tracts established for the purpose of providing utilities, access or stormwater
4 facilities shall not apply to the maximum number of lots permitted through the
5 short plat process. A covenant(s), or a note(s) on the plat, shall be recorded to
6 ensure tracts will be used only for the intended non-building use. ~~If at some time,~~
7 ~~a non-building tract is able to be developed under the provisions of county code,~~
8 ~~completion of a separate platting process shall be required to establish the tract~~
9 ~~as a legal building lot.~~

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

13 **6. 40.540.040 Amend Subdivision Plat Approval Criteria to include tracts for**
14 **Non-Building Purposes**

15 D. Approval Criteria for a Preliminary Plat Application.

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

- 20 1. The preliminary plat is in the public interest;
- 21 2. The following facilities are adequate to serve the proposed subdivision before or
22 concurrent with development of the preliminary plat:
 - 23 a. Public and private streets and roads,
 - 24 b. Open spaces, parks and recreation,
 - 25 c. Drainage,
 - 26 d. Access to mass transit where there is or will be such transit,
 - 27 e. Potable water supplies,
 - 28 f. Sanitary waste collection and treatment,
 - 29 g. Schools and educational services (if residential),
 - 30 h. Pedestrian facilities (if residential), particularly for students who only walk to
31 and from school, and
 - 32 i. Fire prevention services;

- 1 3. The proposal complies with all applicable standards in this code or variations
2 therefrom permitted by law, including:
- 3 a. Subtitle 40.1, Introduction and Administration;
 - 4 b. Subtitle 40.2, Land Use Districts;
 - 5 c. Subtitle 40.3, Design Standards;
 - 6 d. Subtitle 40.4, Critical Areas;
 - 7 e. Subtitle 40.5, Procedures;
 - 8 f. Subtitle 40.6, Impact Fees; and
 - 9 g. Title 15, Fire Prevention.
- 10 4. If a phasing plan is proposed, then the applicant also shall show:
- 11 a. The phasing plan includes all land within the preliminary plat;
 - 12 b. Each phase is an independent planning unit with safe and convenient
13 circulation and with facilities and utilities coordinated with requirements
14 established for the entire subdivision; and
 - 15 c. All road improvement requirements are assured.

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

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

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

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

27 **Rationale (# 5 and #6):** A hearing examiner decision determined that two subdivision
28 tracts of already recorded plats could be determined legal lots of record even though
29 they were not designed, nor approved as such. Language in the short plat ordinance
30 currently addresses such tracts, but no such language exists in the subdivision
31 ordinance.

1 The language in the short plat provisions are proposed to be clarified and added to the
2 subdivision provisions to eliminate further interpretations that would allow unintended
3 conversion of tracts to buildable lots.

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

5 E. Permits.

6 1. The responsible official may approve permits for temporary uses and structures,
7 with conditions to mitigate negative impacts. Uses may be allowed for a period
8 of not more than eighteen (18) months, or less as may be specified by the
9 responsible official.

10 2. ~~Prior to granting a temporary permit under this section, other than Section~~
11 ~~40.260.220(C)(2)(b), the responsible official shall require that the applicant~~
12 ~~provide a cash or surety bond of not less than two thousand five hundred~~
13 ~~dollars (\$2,500), payable to the county treasurer. Upon the expiration of the~~
14 ~~temporary use permit, the applicant shall immediately discontinue the~~
15 ~~temporary use. Within thirty (30) days of the expiration of the temporary permit,~~
16 ~~the applicant shall remove any temporary structures associated with the~~
17 ~~temporary use. If at the end of this time period such temporary use or structure~~
18 ~~is not removed or discontinued, said cash or surety bond shall be forfeited. the~~
19 ~~County shall begin enforcement proceedings which may include penalties and~~
20 ~~liens subject to Title 32.~~

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

26 **8. Amend Section 40.350.030 in regards to stopping sight distance, sight**
27 **distance triangles, yield controlled intersections, barricades, supplemental**
28 **publication references, passing sight distance, and school zone traffic**
29 **control**

30 **40.350.030.A.6.c**

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

32 a. Rural Arterial. "Rural arterial" roads are rural extensions of urban principal
33 arterials and some urban minor arterials. They provide adequate right-of-way
34 for future urban arterial routes. The provision of land access remains
35 subordinate to providing for traffic movement. Parking is not allowed.

36 b. Collectors.

1 (1) Rural Major Collector. "Rural major collector" roads are rural
2 extensions of urban minor arterials and some urban collectors. Their
3 primary purpose is to link rural centers with nearby towns and cities and
4 with state arterial routes. The provision of land access remains
5 subordinate to providing for traffic movement. Parking is not allowed.

6 (2) Rural Minor Collector. "Rural minor collector" roads connect local
7 traffic to rural major collectors and state arterial routes and may be rural
8 extensions of urban minor arterials or urban collectors. They are spaced
9 so as to be accessible to all developed areas within the county. The
10 provision of land access

11 is given the same priority as the provision of traffic movement. Parking is
12 not allowed.

13 c. Access Roads.

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

16 7. Scenic Routes.

17 *****

18 **40.350.030.B.8 & 9**

19 8. Sight Distances. As noted in Section 40.350.030(A)(2), this subsection also
20 applies to applications for building permits and applications for access to public
21 roads. Unless modified pursuant to Section 40.550.010, public and private
22 roads shall comply with the following sight distance requirements:

23 a. Stopping Sight Distance.

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

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

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

3

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

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

5

6 b. Controlled Intersection and Driveway Sight Distance Triangle.

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

21

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

Table 40.350.030-8. Controlled Intersection, Public Road and Driveway Sight Distance	
50	500

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

2
3 c. Yield Controlled Intersections.

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

10 e. d. Uncontrolled Intersections.

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

19 d. e. New urban and rural residential driveways.

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

22 9. Street Extensions.

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

- 28 (1) Connection with Adjacent Areas. All residences, buildings or
29 structures shall be constructed in such a position on the property that
30 they will not interfere with the extension or widening of the roadway to
31 adjacent areas and shall be so situated that such extension will make
32 orderly and planned development for additional road installations to
33 meet the reasonable minimum requirements of good and safe traffic
34 circulation, consistent with applicable zoning setbacks.

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

5 b. Urban Developments.

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

12 (2) Use of Temporary Turnaround. If a road serving more than eighteen
13 (18) dwelling units or more than one hundred fifty (150) feet in length
14 temporarily terminates at a property boundary, a temporary turnaround
15 cul-de-sac bulb consistent with this standard shall be constructed near
16 the plat boundary. The bulb shall be paved and shall be eighty (80) feet
17 in diameter, which may include the width of the roadway with sidewalks,
18 where required, terminating at the point where the bulb radius begins.
19 Removal of the temporary turnaround and extension of the sidewalk
20 shall be the responsibility of the developer who extends the road (see
21 the Standard Details Manual). The easement for a temporary
22 turnaround may be extinguished without county approval after the
23 temporary turnaround is determined to be no longer necessary by the
24 county.

25 (3) Barricades. ~~Barricades. A barricade shall be placed at the end of all~~
26 ~~stub streets, whether or not a temporary turnaround is constructed.~~ For
27 placement of temporary and permanent barricades, see Section
28 40.350.030(C)(4)(f).

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

34 10. Private Roads.

35 *****

36 **40.350.030.C.1.b(5)**

37 C. Specifications for Design and Construction.

38 1. Transportation Standard Specifications.

- 1 a. Transportation Standards.
- 2 The standards for Clark County roads and bridges, and all other construction
3 within publicly owned rights-of-way, shall consist of:
- 4 (1) The current published edition of the Standard Specifications for
5 Road, Bridge and Municipal Construction as published by the
6 Washington Department of Transportation (WSDOT) and the American
7 Public Works Association (APWA) referred as Standard Specifications;
- 8 (2) The current Standard Plans for Road and Bridge Construction as
9 published by WSDOT and APWA (referred as standard plans); and
- 10 (3) The Standard Details Manual as defined in Section 40.100.070, and
11 issued by the County Engineer, containing typical drawings to
12 implement transportation, erosion control, drainage, and other
13 engineering standards adopted in the Clark County Code.
- 14 b. Supplemental Standards. To implement the above standards, the following
15 publications and their subsequent revisions are adopted and shall apply:
- 16 (1) The WSDOT Design Manual;
- 17 (2) The WSDOT Construction Manual;
- 18 (3) The WSDOT Hydraulics Manual;
- 19 (4) A Policy on Geometric Design of Highways and Streets prepared by
20 the American Association of State Highway and Transportation Officials
21 (AASHTO);
- 22 (5) The Washington State adopted Manual on Uniform Traffic Control
23 Devices (MUTCD) prepared by the U.S. Department of Transportation,
24 Federal Highway Administration;
- 25 (6) Chapter 40.386, Stormwater and Erosion Control;
- 26 (7) Chapter 51-304 WAC, state of Washington adoption of the
27 Americans with Disabilities Act into the International Building Code; and
- 28 (8) The AASHTO LRFD Bridge Design Specifications, U.S. Customary
29 Units, including its commentary (refer to Section 40.350.040, Private
30 Bridges, for exceptions to this manual).
- 31 c. Conflict of Standards. In the event of conflict with any of the specifications, the
32 County Engineer shall specify which of the supplemental specifications will
33 apply.

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40.350.030.C.3 & 4

3. Transportation Design Specifications. The design criteria set out Tables 40.350.030-2 and 40.350.030-3 are adopted as a portion of the Clark County Standard Specifications. Such criteria are applicable to roads located within and adjacent to a development. These criteria are intended for normal conditions. The responsible official may require higher standards for unusual site conditions.

g. Passing Sight Distance. ~~Arterial roads~~ County roadways with centerline striping shall have minimum passing sight distance, as measured from a height of three and one-half (3.5) feet to an object of ~~four and one-quarter (4.25)~~ three and one-half (3.5) feet in height, in accordance with Table 40.350.030-9. ~~The effect of grades on the sight distances shall be governed by the criteria stated in the American Association of State Highway and Transportation Officials' (AASHTO) reference "A Policy on Geometric Design of Rural Highways (1990)." The passing sight distance shall be based on the most current version of the American Association of State Highway and Transportation Officials (AASHTO) "A Policy on Geometric Design of Highways and Streets."~~

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

(Amended: Ord. 2012-05-14)

h. ~~Signing.~~

(1) ~~General Requirement. The developer shall reimburse the county for the installation of all necessary street name signs, warning signs~~

1 and regulatory signs. The cost of all signs, barricades, and pavement
2 markings will be determined on a time and materials basis.

3 ~~(2) Private Road Signs. Private road signs with street designations shall~~
4 ~~be provided by the developer at the intersection of private roads with~~
5 ~~private and public roads. Such signs shall meet the specifications~~
6 ~~shown on the typical drawing and, in the case of intersections with~~
7 ~~public roads, shall either be located within the public right-of-way or~~
8 ~~within a separate maintenance easement. Road signs shall be included~~
9 ~~in the private road maintenance agreement.~~

10 h. School Zone Traffic Control.

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

13 i. Pedestrian Crossing Treatment.

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

16 j. Traffic Control Devices.

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

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

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

28 (4) Exceptions. Except for traffic signal related items, all other traffic
29 control devices related to private roads shall be provided, installed and
30 maintained by the developer outside County right-of-way. In some
31 unusual circumstances, traffic control devices for private roads, such as
32 stop control, may be installed and maintained by the developer within
33 County right-of-way under a licensing agreement.

34 4. Transportation Construction Specification.

- 1 a. General. No construction shall begin until plans have been approved by the
2 county, except that rough grading operations may proceed before the plans
3 are approved under the following conditions:
- 4 (1) The grading plan is submitted separately along with an application
5 for a grading permit, if required;
- 6 (2) The grading plan is in conformance with the approved preliminary
7 plat or other development approval;
- 8 (3) The grading plan will not be in conflict with the street and drainage
9 plans; and
- 10 (4) Any required grading permit is issued. No utility installation is allowed
11 under grading permits.

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

- 14 b. Subgrade. The subgrade must be inspected and approved by the responsible
15 official prior to application of the crushed surfacing material.
- 16 c. Crushed Surfacing Materials. The standard specifications shall apply to all
17 materials and workmanship. Compaction of subgrade and surfacing
18 materials shall be in accordance with the WSDOT Standard Specifications.
19 The subgrade and crushed surfacing materials shall be compacted to ninety-
20 five percent (95%) of the maximum density for the material. The base course
21 shall be approved prior to application of top course, and top course shall be
22 approved prior to placement of pavement. Approval shall be by the
23 responsible official.
- 24 d. Paving. The standard specifications shall apply to all materials and
25 workmanship. The department shall be notified not less than forty-eight (48)
26 hours in advance of the application of any type of paving and, in accordance
27 with the standard specifications, the responsible official may stop or delay
28 paving operations when the weather or other conditions indicate that suitable
29 results may not be obtained.
- 30 e. Trench Backfill.
- 31 (1) Trench Backfill for Construction. All trench backfill within the county
32 right-of-way and the road improvement area shall be imported gravel
33 backfill meeting the material specification of the WSDOT Standard
34 Specifications Section 9-03.19. Native soils may be utilized upon the
35 responsible official's approval if testing shows the material is classified
36 as A-1 or A-3 by AASHTO. Trench backfill shall be compacted within
37 the roadway prism to ninety-five percent (95%) of maximum density as
38 determined by AASHTO T-99. Areas within the right-of-way and outside

1 the roadway prism may be compacted to ninety percent (90%) of
2 AASHTO T-99. The trench backfill shall be placed in conformance with
3 the Standard Specification Section 7-08.3(3).

- 4 (2) Trench Backfill for Utility. Application of this specification is required
5 on principal and minor arterials, urban collectors, rural major and minor
6 collectors, and any roadway that has been reconstructed or overlaid
7 within two (2) years.

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

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

22 (1) Type I or Type II barricades may be used when traffic is maintained
23 through the ~~area being constructed/reconstructed~~ temporary traffic
24 control zone.

25 (2) Type III barricades may be used when roadways and/or proposed
26 future roadways are closed to traffic. Type III barricades may extend
27 completely across roadway (as a fence) or from curb to curb. Where
28 provision must be made for access of equipment and authorized
29 vehicles, the Type III barricades may be provided with movable sections
30 that can be closed when work is not in progress, or with indirect
31 openings that will discourage public entry. When job site access is
32 provided through the Type I barricades, the developer/contractor shall
33 assure proper closure at the end of each working day.

34 (3) In the general case, Type III permanent barricades shall be installed
35 to close arterials or other through streets hazardous to traffic. They shall
36 also be used to close off lanes where tapers and/or delineations are not
37 sufficiently delineated sufficient.

38 (4) Type III barricades or Type 4 (end-of-roadway) object markers shall
39 be used at the end of a local access street terminating abruptly without
40 cul-de-sac bulb or on temporarily stubbed off streets. ~~Each such~~

1 barricade shall be used together with an end-of-road marker. Such
2 Type III barricades can be supplemented with a Type 4 object marker.

3 (5) ~~Barricades on dead-end streets which may be extended in the future~~
4 ~~will have a sign placed upon them, as approved by the responsible~~
5 ~~official, which gives notice that the road will be extended in the future,~~
6 ~~and will give a telephone number for interested persons to call to~~
7 ~~receive more information. Dead-end streets which may be extended in~~
8 ~~the future, shall have a Type III barricade and a sign placed giving~~
9 ~~notice that the road will be extended in the future and an informational~~
10 ~~telephone number.~~

11 g. Private Road Maintenance Agreement.

12 *****

13 **Rationale:** The proposed changes are intended to bring the County's code in line with
14 other state and federal traffic guidelines.

15 **9. Update the wetland code to enable reduced wetland buffers in areas of low**
16 **habitat function**

17
18 **40.450.030.E**

19
20 E. Buffers. Wetland buffer widths shall be determined by the responsible official in
21 accordance with the standards below:

- 22 1. All buffers shall be measured horizontally outward from the delineated wetland
23 boundary or, in the case of a stream with no adjacent wetlands, the ordinary high
24 water mark as surveyed in the field.
- 25 2. Buffer widths are established by comparing the wetland rating category and the
26 intensity of land uses proposed on development sites per Tables 40.450.030-2,
27 40.450.030-3, 40.450.030-4 and 40.450.030-5. For Category IV wetlands, the
28 required water quality buffers, per Table 40.450.030-2, are adequate to protect
29 habitat functions.

30

Table 40.450.030-2. Buffers Required to Protect Water Quality Functions			
Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
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.

31

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

1

Table 40.450.030 4. Buffers Required to Protect Habitat Functions in Category III Wetlands			
Habitat Score in the Rating Form	Low Intensity Use	Moderate Intensity Use	High Intensity Use
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.

2

Table 40.450.030-5. Land Use Intensity Matrix ¹						
	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial/Industrial	Residential ²
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 ¹ The responsible official shall determine the intensity categories applicable to proposals
2 should characteristics not be specifically listed in Table 40.450.030-5.

3 ² 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
11 wetland buffers; provided, that all the requirements of Section 40.450.030(F)
12 are met.

13 4. Adjusted Buffer Width.

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

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

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

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

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

- (b) The area supports less than five (5) native plant species and does not contain special habitat features listed in Section H1.5 of the rating form;
- (c) The area of reduced habitat function has low or no interspersion of habitats as defined in Section H1.4 of the rating form;
- (d) The area does not meet any WDFW priority habitat or species criteria; and
- (e) The required habitat function buffer is provided for all portions of the wetland that do not have reduced habitat function.

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

40.450.040 Wetland Permits

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

4. Stormwater Facilities.

- a. Dispersion Facilities. Stormwater dispersion facilities that comply with the standards of Chapter 40.386 shall be allowed in all wetland buffers. Stormwater outfalls for dispersion facilities shall comply with the standards in subsection (C)(4)(b) of this section. Enhancement of wetland buffer vegetation to meet dispersion requirements may also be considered as buffer enhancement for the purpose of meeting the buffer averaging or buffer reduction standards in this section.
- b. Other stormwater facilities are only allowed in buffers of wetlands with low habitat function (less than ~~six five~~ 6 5 points on the habitat section of the rating system form); provided, the facilities shall be built on the outer edge of the buffer and not degrade the existing buffer function and are designed to blend with the natural landscape. Unless determined otherwise by the responsible official, the following activities shall be considered to degrade a wetland buffer when they are associated with the construction of a stormwater facility:
 - (1) Removal of trees greater than four (4) inches diameter at four and one-half (4-1/2) feet above the ground or greater than twenty (20) feet in height;
 - (2) Disturbance of plant species that are listed as rare, threatened or endangered by the county or any state or federal management agency;

- 1 (3) The construction of concrete structures other than manholes, inlets,
- 2 and outlets that are exposed above the normal water surface elevation
- 3 of the facility;
- 4 (4) The construction of maintenance and access roads;
- 5 (5) Slope grading steeper than four to one (4:1) horizontal to vertical
- 6 above the normal water surface elevation of the stormwater facility;
- 7 (6) The construction of pre-treatment facilities such as fore bays, sediment
- 8 traps, and pollution control manholes;
- 9 (7) The construction of trench drain collection and conveyance facilities;
- 10 (8) The placement of fencing; and
- 11 (9) The placement of rock and/or riprap, except for the construction of flow
- 12 spreaders, or the protection of pipe outfalls and overflow spillways;
- 13 provided, that buffer functions for areas covered in rock and/or riprap
- 14 are replaced.

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

17 *****

18
 19 4. Wetland Mitigation Ratios.

20 a. Standard Wetland Mitigation Ratios. The following mitigation ratios for each of
 21 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:

e 40.450.040-2. Wetland Preservation Ratios for Category I and II Wetlands (In Area)				
Habitat Function of Wetland to Be Replaced	In Addition to Standard Mitigation		As the Only Means of Mitigation	
	Intact and Functioning Buffer	Reduced and/or Degraded Buffer	Intact and Functioning Buffer	Reduced and/or Degraded Buffer
Low (<6.5 points)				
Moderate (6.5 – 7 points)				
High (>7 points)				

- 13 c. The responsible official has the authority to reduce wetland mitigation ratios
 14 under the following circumstances:
- 15 (1) Documentation by a qualified wetland specialist demonstrates that the
 16 proposed mitigation actions have a very high likelihood of success
 17 based on prior experience;
- 18 (2) Documentation by a qualified wetland specialist demonstrates that the
 19 proposed actions for compensation will provide functions and values
 20 that are significantly greater than the wetland being affected;
- 21 (3) The proposed actions for compensation are conducted in advance of
 22 the impact and are shown to be successful;
- 23 (4) In wetlands where several HGM classifications are found within one (1)
 24 delineated wetland boundary, the areas of the wetlands within each
 25 HGM classification can be scored and rated separately and the
 26 mitigation ratios adjusted accordingly, if all the following apply:
- 27 (a) The wetland does not meet any of the criteria for wetlands with “Special
 28 Characteristics,” as defined in the rating system;

- 1 (b) The rating and score for the entire wetland is provided as well as the scores and
2 ratings for each area with a different HGM classification;
- 3 (c) Impacts to the wetland are all within an area that has a different HGM classification
4 from the one used to establish the initial category; and
- 5 (d) The proponents provide adequate hydrologic and geomorphic data to establish that
6 the boundary between HGM classifications lies at least fifty (50) feet outside of the
7 footprint of the impacts.

8 *****

- 9 8. Stormwater Facilities. Stormwater facilities are allowed in wetlands with habitat
10 scores less than six five (6 5) points on the rating form, in compliance with the
11 following requirements:
 - 12 a. Stormwater detention and retention necessary to maintain wetland hydrology is
13 authorized; provided, that the responsible official determines that wetland
14 functions will not be degraded; and
 - 15 b. Stormwater runoff is treated for water quality in accordance with the
16 requirements of Chapter 40.386 prior to discharge into the wetland.

17
18 **Rationale:** Ecology recently made the changes to wetland buffer guidelines based on
19 public feedback and review of the reference wetland data used to calibrate the wetland
20 rating system. Ecology's preference is to maintain similar distributions between the
21 2004 and 2014 versions of the Washington State Wetland Rating System.

22
23 In Ecology's previous wetland buffer tables, low habitat function was represented by a
24 score of 3 or 4 points and moderate habitat function by a score of 5 to 7 points.
25 However, after Ecology conducted a detailed analysis of habitat scores for the 211
26 reference wetlands used to calibrate the rating system, Ecology found that wetlands
27 scoring 3, 4, or 5 points for habitat are more similarly distributed to those scoring ≤ 19
28 points in the 2004 version.

29
30 This information prompted Ecology to adjust the habitat score break points in the
31 current wetland buffer tables. The modified tables now group habitat scores of 3 to 5
32 into low habitat function and scores of 6 and 7 into moderate habitat function.
33 The proposed updates to CCC 40.450 revise the wetland buffer tables and approval
34 criteria based on the habitat score on the wetland rating form to align with Ecology's
35 revised guidelines. These changes will reduce wetland buffers for any Category I, II, or
36 III wetland with a habitat score of 5 points by 33% and allow placement of stormwater
37 facilities within more wetland buffers without mitigation.

38

1
2

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

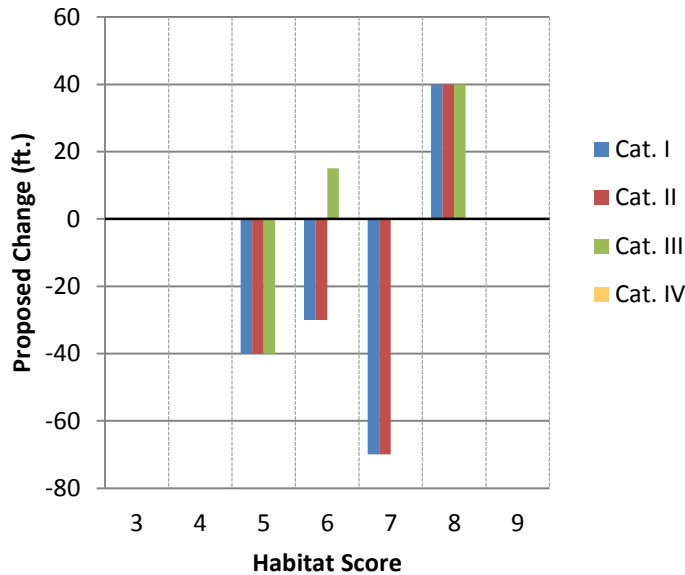
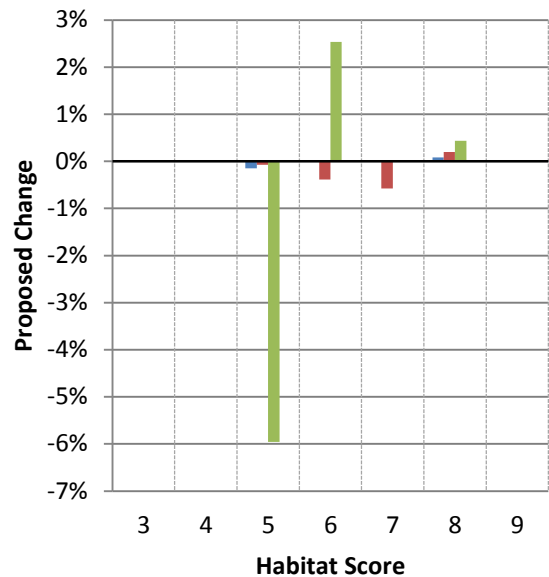


Figure 1b. Average % change by rating and habitat score



3 While the buffers for wetlands with habitat scores of 5 points will be reduced, adopting
4 the new guidelines will *increase* wetland buffers for Category III wetlands with a habitat
5 score of 6 points by 15 ft. or 11% (from 135 to 150 ft.). Based on the estimated
6 frequency of occurrence (fig. 1b) this represents a more substantial impact than other
7 buffer increases. All changes in buffers with habitat scores of 6 points or more are the
8 result of the County’s prior choice to incrementally increase buffers with habitat scores.

9 Overall, however, the proposed update will decrease buffer widths approximately 3.9%.

10
11 If these changes are not adopted now, they will likely be required to be adopted with the
12 County’s next update to our critical areas ordinances in approximately 2020.

13
14

15 **10. Eliminate special Highway 99 Cottage Housing provisions in Section 7.6 of**
16 **the Highway 99 Overlay standards, Appendix F.**

17
18 **Rationale:** The Highway 99 Overlay cottage housing standards are substantially
19 similar to the cottage housing standards in Section 40.260.073, with only a few
20 differences as noted below:

21

	Highway 99	Section 40.260.073
Maximum square footage	1,200	1,600
Orientation of units	Main entry must face open space	No specific orientation to open space required
Minimum common open space dimension	15’ X 20’	None specified

22

1 The proposal to eliminate the separate Highway 99 cottage standards would not
2 eliminate cottage housing as an option in the Highway 99 overlay. Cottage housing will
3 still be an option in the overlay area, but the review criteria in Section 40.260.073 will
4 apply. Having just one set of standards should simplify matters for applicants and
5 reduce the confusion over the relatively minor differences between the two codes.
6

7 According to Community Planning staff, Team 99 (the citizen group that helped develop
8 the Highway 99 overlay standards) supports the change.
9

10 **11. 40.520.010.E.1.b(5) and 40.540.020.B.4.d - Clarify circumstances under**
11 **which the County will recognize court orders as exemptions to platting**

12
13 **40.520.010 Legal Lot Determination**
14

15 E. Approval Criteria.

16 1. Basic Criteria. Parcels which meet both of the following basic criteria are lots of
17 record:

18 a. Zoning. The parcel meets minimum zoning requirements, including lot size,
19 dimensions and frontage width, in effect currently or at the time the parcel
20 was created.

21 b. Platting.

22 (1) The parcel was created through a subdivision or short plat recorded
23 with Clark County; or

24 (2) The parcel is five (5) acres or more in size and was created through
25 any of the following:

26 (a) An exempt division which occurred prior to April 19, 1993,

27 (b) A tax segregation requested prior to April 19, 1993,

28 (c) A survey completed as to boundaries prior to April 19, 1993, and
29 recorded prior to July 19, 1993; or

30 (3) The parcel was created through a division or segregation of four (4)
31 or fewer lots requested prior to July 1, 1976; or

32 (4) The parcel was created through division or segregation and was in
33 existence prior to August 21, 1969; or

34 (5) ~~The parcel was created through court order will and testament, or~~
35 ~~other process listed as exempt from platting requirements by RCW~~
36 ~~58.17.035, 58.17.040, or Section 40.540.010(A), or through an~~

1 exemption from platting regulations provided by law at the time of
2 creation of the parcel;

3 The parcel was created by a court order that divided commonly
4 owned property and did not create more parcels than common owners,
5 or an court order that resolved a boundary line dispute or foreclosure;
6 provided that the parcel meets all other provisions of the UDC, including
7 but not limited to, applicable zoning and dimensional requirements; or

8 (6) The parcel was created through another process listed as exempt from
9 platting requirements by RCW 58.17.035, 58.17.040, or Section
10 40.540.010(A), or through an exemption from platting regulations provided by
11 law at the time the parcel was created; provided that the parcel meets all other
12 provisions of the UDC, including but not limited to, applicable zoning and
13 dimensional requirements; or

14 (6) (7) The parcel was segregated at any time and is twenty (20) acres or
15 more in size.

16 **40.540.020 Land Division**

17 B. Applicability.

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

- 19 a. Cemeteries and burial plots while used for that purpose.
- 20 b. Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of
21 a section of land or larger, or twenty (20) acres or larger, if the land is not
22 capable of description as a fraction of a section of land. For purposes of
23 computing the size of any lot under this item which borders on a street or
24 road, excluding limited-access streets or roads, the lot size shall be
25 expanded to include that area which would be bounded by the centerline of
26 the road or street, and the side lot lines of the lot running perpendicular to
27 such centerline.
- 28 c. Divisions of land which are the result of the actions of governmental agencies,
29 such as condemnation for road construction purposes.
- 30 d. Divisions of land made by testamentary provisions, or the laws of descent.
- 31 e. Divisions of land into lots or tracts classified for industrial or commercial use,
32 when the responsible official has approved a "binding site plan" for use of
33 the land in accordance with Section 40.520.040(C).
- 34 f. Divisions of land made for the purpose of lease when no residential structure
35 other than mobile homes or travel trailers are permitted to be placed upon

1 the land, when the responsible official has approved a “binding site plan” for
2 the use of land in accordance with Section 40.520.040.

3 g. Divisions of land made by subjecting a portion of a parcel or tract of land to
4 Chapter 64.32 RCW.

5 h. Divisions of land made by a court order that divided commonly owned
6 property that did not create more parcels than common owners, or a court
7 order that resolved a boundary line dispute or foreclosure; provided that the
8 parcel meets all other provisions of the UDC, including, but not limited to,
9 applicable zoning and dimensional requirements. ~~provided, the divisions~~
10 ~~shall comply with all other provisions of the UDC.~~

11 i. A boundary line adjustment pursuant to Section 40.540.010.

12 j. A division for the purpose of leasing land for facilities providing personal
13 wireless services while used for that purpose. “Personal wireless services”
14 means any federally licensed personal wireless service. “Facilities” means
15 unstaffed facilities that are used for the transmission or reception, or both, of
16 wireless communication services including, but not necessarily limited to,
17 antenna arrays, transmission cables, equipment shelters, and support
18 structures.

19
20 **Rationale:** A potential loophole was recently discovered in these two sections of code
21 which could be interpreted to mean that court orders to divide land may not need to be
22 consistent with exemptions from platting found in the RCWs. The presence of a comma
23 between “court order” and “will and testament” in 40.520.010.E.1.b.(5) may lend
24 argument to the idea that a court order is not tied to the rest of the sentence and thus
25 may not need to meet the intent of the RCWs.

26
27 Section 40.520.020.B.4.h is one of the listed exemptions from platting and does not
28 mention any limitations on court orders, and thus needs to be amended in conjunction
29 with the amendment to 40.520.010.E.
30