

2017

BIANNUAL CODE AMENDMENTS

**CLARK COUNTY
BOARD OF COUNTY COUNCILORS WORK SESSION**

WEDNESDAY, JULY 19, 2017

**INDEX OF PROPOSED AMENDMENTS
&
DRAFT TEXT CHANGES**

BI-ANNUAL CODE CHANGE ITEMS – 2017			
No.	Page	Title/Chapter/Section	Description
Scrivener's Errors			
1		40.210.010.C. 4	Fix incorrect reference to Lot reconfiguration standards in the Resource zoning section
2		Table 40.210.030-3	Correct side setback footnote
3		40.220.020.C	Fix duplicate numbering in 40.220.020.C 5
4		40.240.050(A)(4)(g)(2)(i)	Correct mis-spelling of "Sight distance"
5		40.260.157.E.2.a	Correct the reference to the type of park amenities that do not require additional site plan review
6		40.410.040	Correct the reference to a deleted CARA subsection
7		Table 40.510.050-1, line 9.c.(2)(j) -	Correct mis-spelling of "Sight distance"
8		40.530.010.D.3	Correct the reference to the Urban Holding overlay in the non-conforming uses section
Reference Updates			
9		12.08.010 -	Update RCW reference that authorizes the board to adopt standards for access to county roads
10		Chapters 5, 6, 7, 13, and 24	Miscellaneous updates to reflect the Dissolution of Environmental Services as a separate department
11		14.05.105.2 -	Remove the current building permit exemption for floating homes
12		32.08.050 –	Update the reference to RCW36.70.C regarding deadlines to file an appeal of an enforcement order
13		40.260.250.G.2.b.2.h.iii -	Update the reference to a Washington Department of Fish and Wildlife Priority Species Area in the County's wireless code
14		40.500.010.B.4	- Remove extinct reference to timeline extensions
15		40.570.090.E	Update references to SEPA WAC exemptions

Clarifications			
16		40.100.070 -	Amend the definition of Access to state that all residential lots must have at least 20 feet of access
17		40.100.070 -	Remove the unnecessary and inaccurate definition of Building Setback Line
18		40.100.070 -	Amend the definition of Lot Depth to include "Average Minimum Lot Depth"
19.		40.100.070 -	Create a separate definition for "Urban Holding Lot Area" and amend the Rural and Urban Lot Area definitions
20		40.230.085.D.3	- Clarify fence standards in the Business Park zone
21		40.250.110 Urban Holding Overlay (UH-10, UH-20)	Correct and clarify the purposes of Lot Reconfigurations in the Urban Holding Overlay
22		40.260.175.C and 40.350.030.C.4.j -	relocate the allowance to issue certificates of occupancy from the transportation standards to the special uses section
23		Sections 4.3 and 4.3 of the Highway 99 Overlay standards -	Clarify that Conditional uses are Permitted uses in the Highway 99 overlay only if allowed by the "regular" zoning of the site.
Minor Policy Items			
24		Table 6.140.030-1 -	Establish fees for certain "aging in place" projects.
25		40.100.070 -	Amend the definition of Lot Depth to allow more flexibility in the design of flaglots
26		Table 40.210.050-1 -	Consider allowing contractor's offices, storage buildings, and yards in the CR-1 and CR-2 zones
27		Table 40.250.100-1 -	Allow wineries in the UR overlay
28		40.260	Add RV park standards in the Special Uses section
29		TBD	Require removal of vacant buildings within 6 months of a preliminary land use decision
30		40.340.010.A.8 -	Allow existing gravel parking lots in the Rural area to remain in use under some circumstances.

31		40.350.030.B.4 –	Reduce required driveway distances for corner lots and allow shared driveways to exceed individual width requirements
32		40.350.030(4)(B)(e) -	Remove County requirements for road access onto State Routes
33		40.350.030.B.5.c.	Defer certain frontage improvements in Rural Centers via a non-remonstrance agreement
34		40.430.010.B.3.b -	Require geohazard review for replacement structures that do not meet setbacks to geohazard areas
35		Section 5.5.1 of the Highway 99 overlay standards -	Require that residential developments meet parking requirements in the Highway 99 Overlay
36		Sections 4.3 and Table 2.3 of the Highway 99 overlay standards -	Increase height limits from 2 to 4 stories in Transitional Areas, and from 3 to 4 stories in the Activity Centers of Minnehaha Gateway and Parks Commons
37		Chapter 310 and Mixed Use Design Guidelines	Resolve conflicts between sign code in 40.310 and the Mixed Use Design Guidelines

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**2017
Proposed
Bi-Annual Code Amendments**

July 19, 2017 Board work session

Periodically staff “batch” minor amendments to the Clark County Code to correct scrivener’s errors, update references, clarify standards, and to make some minor policy changes. These batches of code changes are commonly known as “Biannual Code Amendments”.

Prior to further work on these amendments, Community Development staff requests direction from the Council on whether to pursue the proposed changes.

Below are a total of 37 proposed items, along with a “rationale” section which explains why the change is proposed. The amendments are divided into four sections:

- **Scrivener’s errors**, which correct obvious mistakes;
- **Reference updates**, which update references to other changed codes or agency processes;
- **Clarifications**, which are intended to make existing code language more clear,
- **Minor policy changes**, which may have minor impacts to existing county policy.

Language proposed to be deleted is ~~struck through~~. Language proposed to be added is double-underlined. Note that some items have only a limited amount of provided code text, as further work still remains. Some items have a large amount of unchanged text in order to provide context for the change.

SCRIVENER’S ERRORS

1. 40.210.010.C.4 Fix incorrect reference to the Lot Reconfiguration standards in the Resource zoning section

40.210.010.C. 4

4. Nonconforming lots may be reconfigured pursuant to Section ~~40.530.010(D)~~ 40.210.010.D.

Rationale: 40.530.010 is the non-conforming uses section, which merely directs the reader back to the correct section 40.210.010.D.

1 **2. Table 40.210.030-3 Correct side setback footnote**

2

Table 40.210.030-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks ⁴				Maximum Lot Coverage	Maximum Building Height (feet)
	Front (feet) ⁵	Side		Rear (feet) ²		
		Street (feet) ⁵	Interior (feet) ¹			
RC-2.5	25	25	10, 50	10, 50	N/A	35 ³
RC-1	25	25	10, 50	10, 50	N/A	35 ³

3 ¹ Side Setback. Minimum side setback on each side of the residential dwelling
 4 and incidental buildings shall be ~~twenty (20)~~ ten (10) feet unless fire regulations
 5 require a greater setback, and fifty (50) feet for accessory buildings used for
 6 agricultural purposes. Side setbacks from abutting property zoned agricultural or
 7 forestry shall be a minimum of fifty (50) feet for all structures. Side setbacks from
 8 abutting property zoned for surface mining uses shall be one hundred fifty (150)
 9 feet, unless a lesser setback is approved per Section 40.250.022(D)(2)(b).

10 **Rationale:** A cut and paste error occurred in ORD2016-09-04 when updating this
 11 footnote regarding additional fire regulation setbacks.

12 **3. 40.220.020.C Fix duplicate numbering in 40.220.020.C.5**

13

14 5. Replacement single-family detached structures and additions to existing
 15 single-family structures in the R30, OR30, R40 and OR40 zones shall
 16 use the setbacks for multifamily dwellings in Table 40.220.020-3.

17

18 *****

19 ~~5.~~ 6. Minimum and Maximum Densities within the R-12, R-18, R-22, R-30, R-43
 20 and All OR Districts.

21 For uses other than mobile home parks, the review authority shall find that
 22 the established minimum densities will be achieved by all proposed land
 23 divisions or site plans. The applicant shall demonstrate that all required
 24 densities will be achieved. The review authority shall establish
 25 appropriate conditions to ensure density is achieved. Demonstration
 26 that the established minimum densities will be achieved shall be
 27 provided by the applicant as follows:

- 28 a. Where single-family or duplex developments at densities below the
 29 minimum density are proposed for a portion of the project. The
 30 minimum density to be transferred to a higher density multifamily
 31 development elsewhere on the site may be approved; provided, that:
 32 (1) The application shall provide for a fully integrated design; or
 33 (2) The development shall provide for phasing in which each
 34 phase meets the minimum density; or

1 (3) The development shall provide a site plan for preliminary
2 approval of the remainder of the site, which shall be binding on
3 the land owner and all future land owners. The binding document
4 shall be a deed covenant, approved by the county. The covenant
5 shall require that the approved site plan for the multifamily
6 development will be constructed at the densities approved.
7 Where any portion of the project exceeds either the density of the
8 zoning district or twenty-one (21) units per acre, a market
9 analysis shall be provided demonstrating that such a project is
10 economically feasible in the county. Where a difference in density
11 of over three (3) units per acre is proposed between
12 developments in the site plan, the applicant shall provide deed
13 covenants which notify the future owners of the lower density
14 developments of the type and density of the adjoining
15 development.

16 b. For all other projects including multifamily and detached single-family
17 structures the density of the project for each individual phase and at
18 total project buildout shall meet the minimum density. In order to
19 reduce impacts to and from adjacent properties, multifamily
20 developments adjacent to industrial uses should include the following
21 design standards:

22 (1) Aspects of the development that will not be utilized for
23 residential purposes should be located adjoining to the
24 industrially zoned property where possible. Examples of such
25 uses include parking, garages, access roads, required open
26 space, carports and stormwater facilities.

27 (2) If residential buildings must be placed adjoining to the
28 industrially zoned property, single-story buildings should be used.
29 If multiple-story structures are proposed building openings above
30 the first floor should face away from the adjoining property in
31 order to limit views and exposure to the adjacent use.

32 c. Minimum density will be based on the developable area of the lot that
33 remains after subtracting:

34 (1) Land devoted to public or private roads or alleys, common
35 parking areas and required sight distance triangles required for
36 narrow lots under Section 40.260.155, public parks and trails,
37 required landscaping and drainageways;

38 (2) Land designated by covenant or public dedication to be
39 permanently maintained in an undeveloped state because the
40 land is identified as sensitive due to the presence of steep
41 slopes, unstable land, historical or archaeological sites, wetlands
42 and buffers, or other permanent physical development limitations
43 as may be determined by the responsible official. All other lands
44 shall be considered in the calculation of minimum density or floor
45 area ratio including required setbacks, private recreation or
46 common areas.

- 1 d. Maximum density shall be calculated based upon the gross area of
- 2 the site, excluding public right-of-way or street easements.
- 3 ~~6.~~ 7. Signs. Signs shall be permitted according to the provisions of Chapter
- 4 40.310.
- 5 ~~7.~~ 8. Off-Street Parking. Off-street parking shall be provided as required in
- 6 Chapter 40.340 and Section 40.260.155 as applicable.
- 7 ~~8.~~ 9. Landscaping. Within the R-12, R-18, R-22, R-30 and R-43 and all Office
- 8 Residential districts, a minimum of twenty percent (20%) of the site shall
- 9 be landscaped to an L1 standard as described in Section 40.320.010.
- 10 Additional setbacks and/or landscape requirements may apply,
- 11 particularly adjoining residential uses or zones pursuant to Section
- 12 40.520.040 and Chapter 40.320.
- 13 ~~9.~~ 10. Recreation Space. Recreation space shall be provided as required in
- 14 Section 40.260.150.
- 15 ~~10.~~ 11. Safe pedestrian routes, including sidewalks and other planning features,
- 16 shall be provided for students who only walk to and from school.
- 17 ~~11.~~ 12. Townhouses shall be assessed school and park impact fees at the
- 18 multifamily rate. Traffic impact fees for townhouses are assessed at
- 19 their own rate.
- 20

21 **4. CCC 40.240.050(A)(4)(g)(2)(i) - Correct mis-spelling of "Sight**
 22 **distance"**

- 24 4. An application for permit review within the Columbia River National Scenic
- 25 Area shall submit eight (8) individually bound copies of the following materials
- 26 unless a lesser number is specified:
- 27 g. Proposed Improvements.
- 28 (2) Land Use and Transportation.
- 29 (i) Site Sight distance triangles where site sight distance standards cannot be
- 30 met;
- 31

32 **5. 40.260.157.E.2.a - Correct the reference to the type of park amenities**
 33 **that can be added to a park that do not require additional site plan review**

34 *(NOTE: Sections C and D are provided as a reference for the proposed change*
 35 *in Section E, which follows)*

- 36 C. Amenities.
- 37 Parks typically include, but are not limited to, the amenities shown in Table
- 38 40.260.157-1:
- 39 • "P" – Amenities allowed subject to approval of applicable permits.
- 40 • "X" – Uses specifically prohibited.
- 41
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Table 40.260.157-1. Amenities.			
Amenity	Neighborhood Park	Community Park	Regional Park
1. Non-Site Plan Applicable Amenities.			
a. Open lawn areas for informal recreational areas	P	P	P
b. Backstops (for informal baseball play)	P	P	P
c. Playgrounds	P	P	P
d. Walking/jogging/biking pathways (paved, crushed rock or natural)	P	P	P
e. Bicycle racks	P	P	P
f. Benches	P	P	P
g. Paved plazas	P	P	P
h. Picnic areas	P	P	P
i. Small shelters (picnic or gazebo type)	P	P	P
j. Built-in game (e.g., chess/checkers) tables	P	P	P
k. Drinking fountains	P	P	P
l. Trash receptacles	P	P	P
m. Exterior fencing	P	P	P
n. Community gardens	P	P	P
o. Rain gardens	P	P	P
p. Landscaped beds	P	P	P
q. Canopy/shade trees	P	P	P
r. Natural areas	P	P	P
2. Site Plan Applicable Amenities.			
a. Restrooms	P	P	P
b. Parking	P	P	P
c. Archery, rifle, and shooting ranges	X	X	P
d. Sport courts, sports fields, practice fields, and skate spots	P	P	P
e. Sports fields, disc golf facilities	X	P	P
f. Off-leash dog areas	X	P	P
g. Mountain biking trails, mountain biking facilities, BMX facilities and their supporting facilities	X	P	P
h. Camping areas, RV camping, facilities, and including day camp	X	P	P

Table 40.260.157-1. Amenities.			
Amenity	Neighborhood Park	Community Park	Regional Park
facilities, and retreats			
i. Equestrian facilities and their supporting uses	X	P	P
j. Sports complexes, and other recreation facilities	X	P	P

- 1 D. Development Standards.
- 2 1. Parking Requirements.
- 3 a. For community and regional parks, the minimum number of on-site
- 4 parking spaces shall be calculated by using peak rate of trips
- 5 generated as established by a submitted traffic study. On-site parking
- 6 shall meet the requirements of Section 40.340.010.
- 7 b. For neighborhood parks, parking spaces are not required, as they are
- 8 intended to serve residents who can walk to the facility.
- 9 2. Accessibility requirements, as adopted by reference in Section
- 10 14.01.010, shall be reviewed and approved by the Chief Building Official
- 11 and shall apply to all structures and facilities; accessible routes thereto,
- 12 including parking, public ways, and public services; and their
- 13 surrounding areas serving the structures and facilities within a
- 14 neighborhood park. Areas outside of these, such as trails and
- 15 secondary entrances, are not subject to approval under Section
- 16 14.01.010, but shall be in compliance with Washington State Building
- 17 Code, 2004 ADA-ABA, or other applicable state and national standard
- 18 and any subsequent revisions.
- 19 3. Transportation impact fees (TIF) for community and regional parks shall
- 20 be calculated in accordance with Chapter 40.620.

- 21 E. Review Process.
- 22 1. Parks are subject to the review requirements pursuant to Chapter
- 23 40.510 and the site plan review requirements pursuant to Section
- 24 40.520.040. Table 40.260.157-2 shows required levels of review.

Table 40.260.157-2. Park Site Plan Review.			
	Neighborhood Park	Community Park	Regional Park
Site Plan Review	Type I	Type IIA	Type III – conditional use hearings examiner

- 25 2. Alteration to Approved Plan. Changes or additions to an approved parks
- 26 plan may occur at any time without further site plan review, provided:
- 27 a. The alteration replaces or proposes addition of any amenity identified
- 28 in Table 40.260.157-1 with another amenity, ~~other than those in~~
- 29 Section 1. These uses The uses in Section 2 require a modified site

- 1 plan and a Type I review to ensure compatibility with the surrounding
2 neighborhood.
- 3 b. Any change or alteration does not expand onto an abutting property
4 which was not considered in the original site plan review application.
- 5 c. There is no change in compliance with building, fire, health, life
6 safety, accessibility, critical areas, or other development requirements
7 of the code.
- 8 d. The changes do not trigger Minimum Requirement No. 1 pursuant to
9 Chapter 40.386.

10 **Rationale:** Section 1 in Table 40.260.157-1 lists amenities that are expected to
11 have fewer potential impacts to neighbors.

12 **6. 40.410.040 – Correct the reference to a deleted CARA subsection**

13

14 40.410.030

15 B. Level 1 Site Evaluation Report/Approval Criteria.

- 16 1. For all proposed activities to be located in a critical aquifer
17 recharge area, the site evaluation report shall include a
18 Level 1 hydrogeological assessment. The site evaluation
19 report and assessment shall be done by, or under the
20 direction of, and signed by a qualified groundwater
21 professional who is a hydrogeologist, geologist or
22 engineer, who is licensed in the state of Washington and
23 who has experience in preparing hydrogeologic
24 assessments. The report will identify appropriate BMPs
25 and show how they will prevent degradation of
26 groundwater. Examples of BMPs are described in the
27 ~~guidance documents in Section 40.410.040(A)(4).~~
28 40.410.040.A.1.

29 *(40.410.040.A.1 is shown below for reference, but is not intended to be*
30 *changed)*

31 **40.410.040 Incentives, Education, and Technical Assistance**

32 A. Incentives.

- 33 1. Best Management Practices (BMPs). Individuals who
34 implement BMPs to safeguard groundwater may not be
35 required to provide additional geologic and hydrologic
36 characteristics of the subject property, pursuant to
37 Sections 40.410.030(B) and (C). Individuals shall
38 implement the Washington Department of Ecology's
39 Stormwater, Water Quality, Hazardous Waste, Wetland,

1 and Solid Waste Programs BMPs; Chapter 13.26A; and
 2 BMPs from the Washington Departments of Health,
 3 Agriculture, Transportation, and State Conservation
 4 District Office.

5 2. Maintain Open Spaces. An individual may receive a tax
 6 reduction for not creating impervious surface within
 7 Category I. Open space may allow recharge to replenish
 8 the groundwater supply.

9 3. Land Exchange. The purpose of land exchange is to locate
 10 high-use impacts outside Category I. State agencies and
 11 local government may convey, sell, lease, or trade existing
 12 public lands in order to obtain public ownership over all or
 13 part of a CARA. Such exchanges may occur only upon
 14 agreement between the recorded landowner and state and
 15 local agencies authorized to exchange the subject land.

16 **Rationale:** ORD 2009-03-02 removed subsection 4 of 40.410.040.A which listed
 17 many outdated BMP references. Current Ecology Best Management Practices
 18 are available on line, so there was little point in codifying a list that is always
 19 subject to change. This reference in 410.030.B.1 to the removed subsection 4
 20 was recently discovered.

21
 22 **7. Table 40.510.050-1, line 9.c.(2)(j) - Correct mis-spelling of "Sight**
 23 **distance"**
 24

Table 40.510.050-1. Application Submittal Requirements for Type I, Type II and Type III Reviews		
Submittal Item	Required for Pre-Application	Required for Application
1. Application Form. The application form shall be completed and original signed in ink by the applicant.	X	X
9. Proposed Development Plan. The proposed plan shall be drawn to a minimum engineer's scale of one (1) inch equals two hundred (200) feet (1" = 200') on a sheet no larger than twenty-four (24) inches by thirty-six (36) inches (24" x 36"). The following information shall be clearly depicted on the proposed development plan:	X	X
c. Proposed Improvements.	X	X
(2) Land Use and Transportation.	X	X
(j) Location and width of proposed driveways for corner lots and driveways where site <u>sight</u> distance standards cannot be met;		X

1 **8. 40.530.010.D.3 - Correct the reference to the Urban Holding overlay in**
2 **the non-conforming uses section**

3 40.530.010.D. Legal Nonconforming Lots.

4 A legal lot of record, as defined in Section 40.100.070 and created as a
5 building site, which does not conform to minimum lot area, width or depth
6 requirements of the zoning district in which it is currently situated may be
7 developed, subject to the following:

- 8 1. A permitted use or structure shall meet all existing development
9 standards of the zoning district within which it is located including, but
10 not limited to, required yards/setbacks, lot coverage, density, parking,
11 landscaping, storm drainage, signage, and road standards.
- 12 2. For the purpose of establishing setbacks from property lines, any
13 residential lot of record in the rural (R-5, R-10 and R-20), resource (FR-
14 80 and FR-20, AG-10, and AG-WL), urban reserve (UR-10 and UR 20)
15 and urban holding (UH-10 and UH-20) districts which has a smaller lot
16 area, width and/or depth than that required by the zone in which it is
17 located may use that residential zoning classification which most closely
18 corresponds to the area or dimensions of the lot of record.
- 19 3. A legal nonconforming lot shall not be further diminished in size or
20 dimension unless approved through a lot reconfiguration under Section
21 40.210.010(D) or Section ~~40.230.070(C)(2)~~. 40.250.110.C.2

22
23 **Rationale:** Section 40.230.070 was changed from a district to an overlay in June
24 of 2016, and with the change the code number reference also changed; however,
25 the reference to 230 was not updated.
26

27 **UPDATES**

28
29 **9. 12.08.010 (Road Approaches)- Update the RCW reference that**
30 **authorizes the board to adopt standards for access to county roads**

31
32 12.08.010 Permits.

33 * For statutory provisions authorizing the board of ~~commissioners~~ councilors to
34 adopt standards for accesses, see RCW ~~36.75.140~~. 36.75.130.

35 **12.08.010 Permits.**

36 Permits for the construction of approaches to county roads may be granted upon
37 due and proper application for and on behalf of the board of county
38 ~~commissioners~~ councilors by the Clark County road engineer, whose
39 determination shall be final unless a timely appeal is filed pursuant to Section
40 40.510.020(H).

41 **Rationale:** 36.75.140 was repealed in 2004 and replaced with 36.75.130.
42

1 **10. Miscellaneous updates to reflect the Dissolution of Environmental**
 2 **Services as a separate department**
 3

Code Section	Description	Importance	Notes
6.110A.040	Remove any reference to Environmental Services and change table to read Environmental review fees or separate out Forestry fees.	Moderate	Community Development will be overhauling wetland and habitat fees starting in 1 st quarter of 2017.
7.14.100	Remove any reference to Environmental Services or the director, and include changes requested by the prosecuting attorney's office to clarify the handling of enforcement situations and issuance of civil infractions.	Moderate	Working with Prosecuting Attorney's office on code changes.
13.30A.110	Private property owners can appeal their clean water fees.		Public Works Director or Responsible Official (or designee?)
13.30A.050	Schools can appeal for a reduction in their clean water fees & environmental services shall prepare a study to evaluate the current methodology of applying the clean water fee.		Change to Public Works Director (or designee?) and Department of Public Works? Responsible official?
13.26A.010	Educational and technical assistance provided by environmental services	Low	Strike Environmental Services and leave it as Clark County.
5.50.040	Environmental Services identified as responsible agency for implementation of the commute trip reduction ordinance and plan	Low	Change to Human Resources
24.12.350	Notices of all subsequent hearings shall be mailed to any person who shall have a written request on file with the	Moderate	Strike the department of environmental services and

	department of environmental services of Clark County for any such notice.		leave as just clark county
24.12.090	Health officer shall send copies of permit applications to environmental services	Moderate	Change to environmental public health?
24.12.110	Reference to an environmental services report in relation to review and approval of an application to the health officer	Moderate	Change to environmental public health?
24.16.050	Staff of SWAC under control and supervision of director of environmental services	Moderate	Change to public health?
32.04.010	Definition of director includes reference to environmental services	Low	Delete. Also need to fix County Commissioners to County Manager?

1 **Rationale:** Environmental Services no longer exists as a separate department,
2 thus these references need to be updated.

3
4 **11. 14.05.105.2 - Remove the current building permit exemption for**
5 **floating homes**

6 **14.06.105.2 Work exempt from permit.**

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

9 105.2 Work Exempt from Permit. Exemptions from permit requirements of this
10 code shall not be deemed to grant authorization for any work to be done in any
11 manner in violation of the provisions of this code or any other laws or ordinances
12 of this jurisdiction. Unless otherwise exempted, separate plumbing, electrical and
13 mechanical permits may be required for any of the following exempted items.
14 Permits shall not be required for the following:

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

17 2. Reserved.

18 3. Retaining walls which do not support more than 4 feet of unbalanced fill or a
19 surcharge. Retaining walls may be subject to setbacks under Section
20 40.320.010.F.

- 1 4. Water tanks supported directly on grade if the capacity does not exceed 5,000
2 gallons (18,925 L) and the ratio of height to diameter or width does not exceed 2
3 to 1.
- 4 5. Sidewalks and driveways not more than 30 inches (762 mm) above grade and
5 not over any basement or story below.
- 6 6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish
7 work.
- 8 7. Prefabricated swimming pools that are less than 24 inches (610 mm) deep.
- 9 8. Swings and other playground equipment accessory to a one- or two-family
10 dwelling.
- 11 9. Window awnings supported by an exterior wall which do not project more than
12 54 inches (1,372 mm) from the exterior wall and do not require additional
13 support.
- 14 10. Minor construction and alteration activities for which the total valuation as
15 determined in Section 108.3 does not exceed fifteen hundred dollars; provided,
16 that the construction and/or alteration activity does not affect any structural
17 components, or reduce existing egress, light, air, and ventilation conditions. The
18 permit exemption does not include electrical, plumbing, or mechanical activities
19 which will require separate permit(s).
- 20 11. Floating structures and floating bridges, other than replacements or remodels
21 of existing floating homes which are also subject to the limitations and
22 requirements in Sections 40.460.250.B, 40.460.630.K. 11 and 40.460.630.K.12.
- 23 12. Window awnings supported by an exterior wall which does not project more
24 than 54 inches (1,372 mm) from the wall.
- 25 13. Signs less than or equal to eight feet in height above grade.
- 26 14. Decks not exceeding 200 square feet in area, that are not more than 18
27 inches above grade at any point, are not attached to a dwelling and do not serve
28 the exit door required by Section R311.4 of the IRC.
- 29 **Rationale:** Three floating homes burned in 2016, which raised the question
30 about whether building permits would be needed to replace them. Until recently,
31 it was understood that the County didn't have building permit jurisdiction over
32 floating homes, but it now appears that no other jurisdiction has either. The
33 County does prohibit new floating homes, but replacements and remodeling is
34 allowed, subject to the Shorelines code.

35

1 **12. 32.08.050 (Enforcement)– update the reference to RCW36.70.C**
2 **regarding the deadlines to file an appeal of an enforcement order**

3 **32.08.050 Final order.**

4 (1) Any order duly issued by a director pursuant to the procedures contained in
5 this title shall become final ten (10) days after service of the notice and order
6 unless a written request for hearing is received by the hearing examiner
7 within the ten (10) day period.

8 (2) An order which is subjected to the appeal procedure shall become final
9 ~~twenty (20)~~ twenty-one (21) days after a mailing of the hearing examiner's
10 decision unless within that time period an aggrieved person initiates review
11 ~~by writ of certiorari~~ pursuant to RCW36.70C.010 et. seq. in Clark County
12 superior court.

13 **Rationale:** RCW36.70.C was updated in XXXXX? from 20 days to 21 days.

14
15 **13. 40.260.250.G.2.b.2.h.iii - Update the reference to a Washington**
16 **Department of Fish and Wildlife Priority Species Area in the County's**
17 **wireless code**

- 18
19 (h) An aerial photograph, which clearly indicates the location of
20 the proposed facility in relation to:
21 (i) Significant features within one thousand three hundred
22 twenty (1,320) feet including, but not limited to, existing
23 and/or proposed site structures, public rights-of-way,
24 residential developments, adjacent land uses, and
25 properties used for public purposes;
26 (ii) Governmental jurisdictional boundaries within five
27 hundred (500) feet of the proposal boundaries; and
28 (iii) Cliffs, snags, talus, Oregon white oak woodlands,
29 ~~urban natural open space~~, Biodiversity Areas and
30 Corridors waterfowl habitat and bald eagle foraging
31 areas within one thousand (1,000) feet as defined by the
32 Washington Department of Fish and Wildlife as Priority
33 Habitats and Species areas subject to Chapter 40.440.

34 **Rationale:** Urban Natural Open Space (UNOS) is a retired WDFW Priority
35 Species Area, The habitat type has been redefined as Biodiversity Areas and
36 Corridors (BAC) and all previously mapped UNOS areas are now mapped
37 BAC The locations of mapped BAC are found on WDFW's "PHS on the Web"
38 website.

39
40
41

1 **14. 40.500.010.B.4 - Remove an extinct reference to timeline extensions**

2
3 ~~4. Six Month Extension.*~~

- 4 ~~a. Preliminary approvals of land divisions (Chapter 40.540), site plan~~
5 ~~approval (Section 40.520.040), uses subject to review and approval~~
6 ~~(R/A) (Section 40.520.020), approval of conditional use permits~~
7 ~~(Section 40.520.030), approval of planned unit developments (Section~~
8 ~~40.520.080), approval of mixed use developments (Section~~
9 ~~40.230.020), approval of master plans (Section 40.520.070), and~~
10 ~~approval of variances (Section 40.550.020), that were approved on or~~
11 ~~between June 1, 2004, and June 1, 2005, are hereby granted a six (6)~~
12 ~~month extension of the expiration of their five (5) year periods of~~
13 ~~validity under Section 40.500.010(B)(1).~~
14 ~~b. An extension granted under Section 40.500.010(B)(4)(a) shall not~~
15 ~~modify or excuse compliance with any of the conditions of approval~~
16 ~~provided for in these approvals.~~

- 17
18 ~~5. 4. Special Stormwater Rules. All permits issued pursuant to the~~
19 ~~regulations contained in Chapter 40.385 or earlier stormwater code and~~
20 ~~the 2009 or earlier version of the Clark County Stormwater Manual will~~
21 ~~expire on January 8, 2021, unless approved construction has begun on~~
22 ~~site before January 8, 2021. "Construction has begun" means, at a~~
23 ~~minimum, that site work associated with and directly related to the~~
24 ~~approved project has begun, for example, grading the project site to~~
25 ~~final grade, or the installation of utilities. Simply clearing the project site~~
26 ~~does not constitute the beginning of construction.~~

27
28 **Rationale:** The proposed language contains the language from the first six
29 month timeline extension which has since been amended and is no longer
30 relevant.

31
32 **15. 40.570.090.E - Update references to SEPA WAC exemptions**

33 **E. Non-Applicable Exemptions to Critical Areas.**

34 Clark County selects the following categorical exemptions to be inapplicable
35 within certain critical areas as specified below:

- 36 1. The minor new construction exemptions under Section 40.570.090(C)
37 do not apply within any critical area, except that agricultural structures in
38 Section 40.570.090(C)(3) are exempt in shoreline and unstable slope
39 areas, and on slopes of forty percent (40%) or greater.
40 2. Other minor new construction exemptions under WAC 197-11-800(2) do
41 not apply as follows:
42 a. Bus shelters and other transit facilities in WAC 197-11-800(2)(a) (b)
43 are not exempt in any critical area; CONTINUE with bump....
44 b. Commercial and public signs in WAC 197-11-800(2)~~(b)~~(c) are not
45 exempt in shoreline management areas;

- 1 c. Minor road and street improvements in WAC 197-11-800(2)(~~e~~)(d) are
- 2 not exempt in any critical area;
- 3 d. Grading, septic tank installation, and other activities in WAC 197-11-
- 4 800(2)(~~d~~) e) are not exempt in any critical area;
- 5 e. Building additions and modifications in WAC 197-11-800(2) (~~e~~) f) are
- 6 not exempt in any critical area;
- 7 f. Demolition of structures in WAC 197-11-800(2) (~~f~~) g) is not exempt in
- 8 shoreline management areas;
- 9 g. Underground storage tanks in WAC 197-11-800(2) (~~g~~) h) are not
- 10 exempt in any critical area; and
- 11 h. Street or road vacations in WAC 197-11-800(2) (~~h~~) i) are not exempt
- 12 in shoreline management areas.

13
 14 **Rationale:** The WACs were amended, requiring these references to be
 15 “bumped ahead” in the numbering.

CLARIFICATIONS

16
 17
 18
 19 **16. 40.100.070 - Amend the definition of “Access” to state that all**
 20 **residential lots must have at least 20 feet of access.**

21
 22 “Access” means the place, means, or way by which pedestrians or vehicles shall
 23 have safe, adequate and usable ingress and egress to a property or use, as
 24 required by this title. Residential lots shall be provided a minimum of twenty (20)
 25 feet of access to a public or private street. Non-residential uses shall be provided
 26 access according to Chapters 40.350 and 40.340.

27
 28 **Rationale:** The requirement for 20 feet of access for all residential lots is a
 29 longstanding requirement; 40.200.050.B which allows the short platting of parcels
 30 that have two legal residences states that “All lots shall have a minimum of
 31 twenty (20) feet of access to a public or private street.” Also, 40.350.030.B.4.b.2
 32 states “For a joint-use driveway, a minimum of a twenty (20) foot wide easement
 33 is required.” Oddly, those are the only code sections where the access
 34 requirement is codified. Addition of the requirement to the definition of “Access”
 35 will make the requirement more visible.

36
 37 **17. 40.100.070 - Remove the unnecessary and inaccurate definition of**
 38 **“Building Setback Line”**

Building setback line	“Building setback line” means a line parallel to the front lot line and passing through the most forward point or plane of the building closest to the front lot line.
-----------------------	--

39
 40
 41 **Rationale:** This definition is unnecessary and incomplete; there are other
 42 definitions for Setback, Setback, Front, Setback, Side, and Setback, Rear; this
 43 definition only really defines the front setback.

1
2 **18. 40.100.070 - Amend the definition of “Lot Depth” to include “Average**
3 **Minimum Lot Depth”**

4
5 “Lot depth” means the horizontal distance between the midpoint of the front and
6 opposite, usually the rear lot line. Average lot depth shall be the average of the
7 side lot lines. In the case of a corner lot, the depth shall be the average length of
8 the longer dimension of the lot.

9
10 **Rationale:** Single family lots are oftentimes not equal-sided rectangles. There is
11 already a definition of Average Lot Width, but no definition of Average Lot Depth,
12 although staff routinely reviews lots in the manner described in the proposed
13 amendment.

14
15 **19. 40.100.070 – Create a separate definition for “Urban Holding Lot**
16 **Area” and amend the Rural and Urban Lot Area definitions**

17
18 “Lot area, rural” means the computed area contained within the lot lines to
19 include:

- 20 • Private driveway easements,
21 • On-site road easements,
22 • One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public
23 rights-of-way for perimeter streets, excluding limited access state or interstate
24 highways.

25 For the purposes of this definition, “rural lot area” applies to urban reserve (UR-
26 10 and UR-20) ~~and urban holding overlays (UH-10 and UH-20)~~, and rural (R-5,
27 R-10 and R-20), agricultural (AG-10 and AG-WL) and forest resource (FR-20 and
28 FR-80) districts.

29
30 “Lot area, urban” means the computed area contained within the lot lines in
31 urban districts, to include private driveway easements, and excluding street and
32 alley rights-of-way, street easements, and street tracts.

33 ~~For the purposes of this definition, “urban lot area” does not apply to the urban~~
34 ~~holding overlays (UH-10 and UH-20).~~

35
36 “Lot area, Urban Holding” means the computed area contained within the lot lines
37 to include:

- 38 • Private driveway easements,
39 • On-site road easements.

- One-half (1/2) width or thirty (30) feet, whichever is less, of abutting public rights-of-way for perimeter streets, excluding limited access state or interstate highways.

Rationale: Urban Holding is often misunderstood as a Rural area designation, when it is in fact an Urban designation. The definition is currently lumped together with the rural lot definition, which adds to the confusion. This separate new definition will not change what is counted towards lot area for Urban Holding lots.

20. 40.230.085.D.3 - Clarify fence standards in the Business Park zone

3. Additional Development Standards for the Business Park District.

- a. Uses in Setbacks. No service road, spur track, hard stand, or outside storage area shall be permitted within required setbacks adjoining residential districts.
- b. Setbacks. No minimum setback is required where side or rear lot lines abut a railroad right-of-way or spur track.

~~c. Fences. Fencing is permitted outside of a boundary line where it is necessary to protect property of the industry or the business concerned. No sight obscuring fence shall be constructed abutting a major arterial or other public right-of-way in excess of four (4) feet in height within the perimeter setbacks. Any chain link or other wire fencing must be screened with green growing plant materials or contain slate.~~

c. Fences. Fences shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges at least every fifty (50) feet for a distance of at least five (5) feet to break up the appearance of the wall. Sight obscuring fences over 4 feet in height that abut a public right of way must meet building setbacks.

d. Site Landscaping and Design Plan. In addition to site plan requirements, the following requirements shall apply:

- (1) Blank walls are discouraged next to residential zones. If a blank wall is adjacent to residential zones, the applicant shall provide and maintain a vegetative buffer at least eleven (11) feet high that creates a varied appearance to the blank wall. Other features such as false or display windows, artwork, and varied building materials are acceptable.
- (2) Parking areas adjacent to rights-of-way shall be physically separated from the rights-of-way by landscaping or other features to a height of three (3) feet. A combination of walls, berms and landscape materials is preferred. Sidewalks may be placed within this landscaping if the street is defined as a collector or arterial with a speed limit of thirty-five (35) mph or above, in order to separate the pedestrian from heavy or high speed traffic on adjacent roads. The creation of a perimeter feature shall not

- interfere with the implementation of low impact development stormwater management features on site.
- (3) If a development is located within two hundred fifty (250) feet of an existing or proposed transit stop, the applicant shall work with the transit agency in locating a transit stop and shelter as close as possible to the main building entrance.
 - (4) Parking island locations may be designed to facilitate on-site truck maneuvering.
 - (5) Required setback areas adjacent to streets and abutting a residential district shall be continuously maintained in lawn or live groundcover. Allowed uses in these areas are bikeways, pedestrian paths and stormwater facilities.
 - (6) A minimum fifteen percent (15%) of the site shall be landscaped. Vegetated stormwater facilities and pedestrian plazas may be used to satisfy this requirement. To qualify as a pedestrian plaza, the plaza must:
 - (a) Have a minimum width and depth of ten (10) feet and a minimum size of six hundred fifty (650) square feet; and
 - (b) Have a minimum of eighty percent (80%) of the area paved in a decorative paver or textured, colored concrete. Asphalt is prohibited as a paver in pedestrian plazas.
 - (7) Structures should be clustered on site to maximize open space within the development.
 - ~~(8) When security fencing is required it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges at least every fifty (50) feet for a distance of at least five (5) feet to break up the appearance of the wall.~~

Rationale: There are two subsections in the Business Park development standards that address fencing. Subsection C.3 appears to allow fencing in a right of way, and allows chain link; Subsection D.8 infers that fences should be of a higher standard. The business park zone allows research, professional and corporate offices, and has higher design standards than the light industrial zone.

21. 40.250.110.C.2 Urban Holding Overlay (UH-10, UH-20) - Correct and clarify the purposes of Lot Reconfigurations in the Urban Holding Overlay

2. Nonconforming Lots – Lot Reconfiguration Standards.

- a. Purpose. It is in the public interest to encourage the protection of sensitive lands, expand the amount of commercially viable resource land under single ownership and reduce the amount of road and utility construction allow a greater degree of flexibility in the adjustment of lots to enable a more efficient transition to greater urban density or large scale development.

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b. Lot Reconfiguration. ~~Except for previously approved agricultural or forest zoned clusters or rural residential planned unit developments, these substandard~~ Substandard lots may be modified where consistent with the following criteria. Parcels which meet all of the following criteria are eligible for reconfiguration and reduction in size subject to a Type II review if:

- (1) Existing parcel(s) are:
 - (a) Smaller than the minimum lot size established for new lots in the applicable zoning district. Parcels which meet the minimum lot size may be adjusted as a part of this process, but may not be decreased below the established minimum lot size;
 - (b) Determined to be legally created, have lawful access, and be buildable.
- (2) Proposed parcel(s) result in the following:
 - (a) No additional parcels;
 - (b) Have septic suitability approval;
 - (c) Have adequate public or private potable water at the time of occupancy;
 - (d) Each resulting legal nonconforming parcel shall be at least one (1) acre in size with a minimum width of at least one hundred forty (140) feet;
 - (e) ~~Result in achieving one (1) or more of the identified public interest issues in subsection (C)(2)(b)(1) (a) of this section.~~ Meets the intent of subsection C.2.a of this section.

Rationale: Under the regular boundary line adjustment (BLA) provisions in CCC 40.540.010, substandard non-conforming lots (lots that do not meet the minimum lot area for the zone) cannot be made more non-conforming. *Lot reconfigurations*, however, can allow substandard lots to get smaller, provided the overall result of the boundary adjustment results in better utilization of land given the zoning of the site. Lot configurations were originally allowed only in the Resource zones, but under ORD2016-06-12, reconfiguration provisions were extended to lots with the Urban Holding overlay. The rationale behind this is that minimum lot areas with the Urban Holding overlay are either 10 or 20 acres, and not allowing such large parcels any leeway in reduction of area was found to be unnecessarily restrictive in many cases. In any event, the proposed change will

1 correct a cut and paste error which resulted from “borrowing” the existing lot
2 reconfiguration text from the Resource zones.

3
4 **22. 40.260.175.C and 40.350.030.C.4.i - Relocate the allowance to issue**
5 **certificates of occupancy prior to the completion of all public**
6 **improvements from the transportation standards to the special uses**
7 **section**

8
9 40.260.175 Residential Building Permits on Unfinished Plats

10 A. Residential building permits for individual residences, additions to existing
11 residences, or “model” homes may be approved on the sites of preliminary
12 land divisions prior to the recordation of the final plat under the following
13 circumstances:

- 14 1. Only one (1) home is allowed per each existing lot of record within the
15 boundaries of the preliminary land division.
- 16 2. Single-family attached dwelling units are not allowed under this
17 subsection.
- 18 3. A survey and certificate stamped by the surveyor is required to verify
19 that the placement of homes meets the platting and zoning
20 requirements of the existing lot of record, either as originally configured
21 or as modified under this title, as well as the approved preliminary plat.
- 22 4. Impact fees will be calculated at the current rate at the time of building
23 permit application.

24 B. Residential building permits for “model” homes may be issued on lots within
25 recorded final plats prior to the construction of all required public
26 improvements subject to the following conditions:

- 27 1. Performance bonds or financial guarantees required under Section
28 40.540.080(B) have been accepted and approved for those public
29 improvements which have not been constructed.
- 30 2. Only one (1) home is allowed per each twenty (20) lots within the plat.
31 Plats with fewer than twenty (20) lots do not qualify under this
32 subsection.
- 33 3. Engineering services must authorize the issuance of the building permit
34 to ensure that adequate provisions exist for necessary services and
35 facilities.

36
37 **C. Issuance of Building Permits. Building permits and certificates of occupancy**
38 **may be issued once the public improvements are substantially completed. In**
39 **order for a model home/temporary sales office to be constructed, a building**
40 **permit for one (1) dwelling unit may be issued prior to substantial completion**
41 **of the public improvements.**

42
43
44 40.350.030.C

45 C. Specifications for Design and Construction

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4. Transportation Construction Specification.

~~j. Issuance of Building Permits. Building permits and certificates of occupancy may be issued once the public improvements are substantially completed. In order for a model home/temporary sales office to be constructed, a building permit for one (1) dwelling unit may be issued prior to substantial completion of the public improvements.~~

k. j. Record Drawing. The applicant shall submit a reproducible set of plans for all public improvements showing all construction changes, such as location of culverts, alignment and grade changes, added and deleted items, location of utilities, water valves, stormwater facilities, sewer connections, etc. The record drawings shall be prepared and stamped by a licensed engineer or surveyor, and submitted prior to acceptance of any improvements for provisional maintenance by the county.

l. k. Acceptance by County. Roads, drainage, landscaping, irrigation, and any other required right-of-way construction may be accepted for provisional maintenance by the county upon receipt of a workmanship and materials bond (or other secure method) in the amount of ten percent (10%) of the construction cost and the recommendation of the responsible official. Final acceptance will not be made for two (2) years from the date of provisional acceptance and the developer must repair any failure within the two (2) year period. The applicant may request inspection of the constructed facilities for release of the said workmanship and materials bond (or other secure method) at the end of the two (2) year provisional maintenance period.

m. l. Construction Revisions and Modifications to Construction Specifications. Revisions made during construction drawing review or during actual construction which do not conflict with conditions of development approval or the road standards may be authorized by the responsible official. Written consent between the responsible official and the developer is required. The developer will be responsible for informing the construction contractor of all approved changes. In unique circumstances the responsible official will consider requests for variation from the above listed construction specifications. It shall be the developer's responsibility to furnish supporting documentation as required by the responsible official to substantiate the requested variation.

1 **Rationale:** Members of the development community and Public Works were
2 engaged in discussions about possibly expanding the opportunities for bonding
3 improvements to allow earlier occupancy of buildings. During the course of the
4 discussions, it was determined that options were already available under the
5 existing code, but legal staff suggested that the location of the authority to issue
6 building permits should be changed from the transportation standards to the land
7 use standards.

8
9 **23. Sections 4.3 and 4.3 of the Highway 99 Overlay standards - Clarify**
10 **that Conditional uses are Permitted uses in the Highway 99 overlay only if**
11 **allowed by the “regular” zoning of the site.**

12
13 4.2 Activity Center

14
15 Permitted Uses

16
17 Additional uses permitted:

- 18 • All housing types shown in Table 4.1.
- 19 • All the uses shown as Review and Approval are permitted and are not subject
- 20 to the Review and Approval procedures or requirements. ~~All uses shown as~~
- 21 ~~conditional in Chapters 40.220 and 40.230, All conditional uses, as allowed by~~
- 22 the applicable zoning district except for those listed below, are permitted, and are
- 23 not subject to the conditional use requirements of Section 40.520.030.

24
25 The following uses are still subject to conditional use review and requirements:

- 26 • Event facilities in excess of 50,000 square feet
- 27 • Hospitals
- 28 • Outdoor paintball facilities
- 29 • Drive-in theaters
- 30 • Stadium arena facilities
- 31 • Zoos
- 32 • Solid waste handling and disposal sites
- 33 • Type III wireless communication facilities

34
35
36 4.3 Transitional Overlay

37
38 Permitted Uses

39
40 • Additional uses permitted:

41 All housing types except for single family are only permitted when part of a
42 mixed-use development (vertical or horizontal mixed-use, as defined in Chapter
43 10)

- 44
- 45 • All the uses shown as Review and Approval are permitted and are not subject
- 46 to the Review and Approval procedures or requirements. ~~All uses shown as~~

1 conditional in CCC Chapters 40.220 and 40.230, All conditional uses, as allowed
2 by the applicable zoning district except for those listed below, are permitted, and
3 are not subject to the conditional use requirements of CCC 50.520.030. Section
4 40.520.030.

5
6 The following uses are still subject to conditional use review and requirements:

- 7 • Event facilities in excess of 50,000 square feet
- 8 • Hospitals
- 9 • Outdoor paintball facilities
- 10 • Drive-in theaters
- 11 • Stadium arena facilities
- 12 • Zoos
- 13 • Solid waste handling and disposal sites
- 14 • Type III wireless communication facilities

15
16 **Rationale:** A recent code change to clarify that more than one zoning may occur
17 in an Activity Area or Transitional Area inadvertently appears to allow all
18 conditional uses in either the multifamily or commercial districts in these specific
19 overlay areas, regardless of the site's "regular" zoning. That was not the intent of
20 the prior code change, and this amendment corrects the potential confusion.

21
22 **MINOR POLICY ITEMS**

23
24 **24. Table 6.140.030-1 - Establish fees for certain "aging in place"**
25 **projects.**

26
27 **Rationale:** As part of Community Planning's work on aging, reduced building
28 permit fees are proposed for various "age-friendly" home improvements. Fees
29 are still being considered, and should be ready prior to a Board hearing.

30
31 **25. 40.100.070 - Amend the definition of "Lot Depth" to allow more**
32 **flexibility in the design of flaglots**

33
34 "Lot depth" means the horizontal distance between the midpoint of the front and
35 opposite, usually the rear lot line. In the case of a corner lot, the depth shall be
36 the average length of the longer dimension of the lot. In the case of flaglots, lot
37 depth shall be the average length of the longer dimension of the main body of the
38 lot.

39 **Rationale:** The definitions of "flag lot", "front lot line" and "lot depth" technically
40 results in flag lots that are supposed to have the long dimension of the main body
41 of the lot parallel with the driveway easement. This can result in unnecessary
42 manipulation of the easement such that the lot depth will meet the technical code
43 requirement. This change would allow greater flexibility and avoid unnecessary
44 easement contortions.

1 **26. Table 40.210.050-1 – Consider allowing contractor's storage offices,**
 2 **storage buildings, and yards in the CR-1 and CR-2 zones**
 3

Table 40.210.050-1. Uses			
	CR-1	CR-2	Special Standards
20. Other Uses.			
a. Temporary uses	P	P	40.260.220
b. Private use heliports	X	X	40.260.170
c. Solid waste handling and disposal sites	C ¹	C ¹	40.260.200
d. Medical marijuana collective gardens	X	X	
e. Marijuana-related facilities	X	X	
f. <u>Contractors offices, storage buildings, and storage yards</u>	<u>P</u>	<u>P</u>	<u>40.320.010.D</u>

4
 5 **Rationale:** Contractor's warehouses and storage yards are not permitted in
 6 either urban or rural commercial zones. It is not uncommon that requests and
 7 assumptions are made for such uses in the rural center areas.
 8

9 **27. Table 40.250.100-1 - Allow wineries in the UR overlay**

10
 11 **Rationale:** Wineries are allowed in the rural areas primarily, and they are also
 12 allowed in the Urban Holding overlay; however, they are not listed as an allowed
 13 use in the UR overlays. It's staff's belief their omission from Urban Reserve was
 14 un-intentional, as the Urban Reserve Overlay is still rural, and if it makes sense
 15 to allow wineries in large lot Urban Holding areas, it certainly seems to makes
 16 sense that parcels that are not even included in the urban area should be
 17 afforded that option.
 18

19 **28. Add RV park standards in the Special Uses standards**

20
 21 **Rationale:** Currently there are no standards for RV parks, making it difficult to
 22 determine what level of internal and external landscaping, pedestrian circulation,
 23 solid waste, minimum area for the RV spaces, and recreational open space to
 24 apply.
 25

26 **29. Require removal of vacant buildings within 6 months of a preliminary**
 27 **land use decision**

28
 29 *(Note: The exact code section to amend is undetermined at this time)*

30
 31 **Essence of proposed text:**

32 Any vacant building or structure located on lands proposed for development, not
 33 intended for use in the development, shall be demolished within six (6) months of

1 preliminary approval, unless under supervision of a resident of the property, a
2 resident care taker or regularly monitored by bonded security
3

4 **Rationale:** County code allows buildings to be vacant and/or abandoned as long
5 as they are not open and accessible. Despite complaints about unsightliness,
6 possible vagrancy, rodents, etc, the structure is allowed to remain standing if the
7 property owner is making efforts to curtail the building being used without their
8 permission.
9

10 Because of numerous cases requiring continual monitoring by Code Enforcement
11 staff as structures are illegally occupied, and cases where vagrants damage or
12 destroy property, staff is recommending any building located on land proposed
13 for development where the building is not intended for use, that the building be
14 demolished within six (6) months of preliminary approval.
15

16 **30. 40.340.010.A.8 – Allow existing gravel parking lots in the Rural area**
17 **to remain in use under some circumstances.**
18

- 19 8. Surfacing. All parking and loading spaces and related access drives,
20 maneuvering, and vehicle storage areas shall be paved to standards,
21 including the use of permeable pavements, as approved by the
22 responsible official except as follows:
23 a. Driveways leading to parking and maneuvering areas for unoccupied
24 utility and wireless communication facilities need not be paved,
25 except as required by Section 40.350.030(B)(7)(c) (this still requires
26 the first twenty (20) to twenty-five (25) feet of driveway to be paved so
27 gravel does not enter the paved road);
28 b. Three (3) or fewer parking spaces serving unoccupied utility and
29 wireless communication facilities need not be paved;
30 c. Transitional uses such as coffee and food stands approved under
31 Section 40.260.055;
32 d. Driveways used only for fire access purposes;
33 e. Parking areas for uses that receive access from unpaved roads; and
34 f. Re-use of existing parking areas in the Rural area of the county
35 provided:
36 (1) No new parking spaces are added;
37 (2) The existing spaces can meet stormwater requirements; and
38 (2) Required ADA parking spaces and ADA accessways are paved;
39 f. g. Other uses as approved by the responsible official.
40

41 **Rationale:** This is being proposed as a means of reducing pavement
42 requirements for re-development projects where maintenance of gravel parking
43 lots may be acceptable.
44

1 **31. 40.350.030.B.4 – Reduce the required distance from intersections for**
2 **residential corner driveways, and allow shared driveways to exceed**
3 **individual width requirements**

4
5 40.350.030 (B)(4) Street and Road Standards / Access Management

6
7 4. Access Management.

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

11 b. Access to Local Access Roads.

12 (1) Driveway Spacing.

13 (a) Excepting the bulbs of cul-de-sacs, driveways providing
14 access onto non-arterial and non-collector streets serving
15 single-family or duplex residential structures shall be located
16 a minimum of five (5) feet from ~~the property lines furthest~~
17 ~~from the intersection~~ an interior side property line or zero (0)
18 feet as a shared driveway approach. Where two (2)
19 driveways are permitted, a minimum separation of fifty (50)
20 feet shall be required between the driveways, measured
21 from near edge to near edge.

22 (b) Corner lot driveways shall be a minimum of ~~fifty (50)~~ forty
23 (40) feet from the projected intersecting property lines curb
24 line or edge of pavement, as measured to the nearest edge
25 of the driveway as long as the structure and parked cars in
26 the driveway are outside of the sight distance triangle, or in
27 the case where this is impractical, the driveway may be
28 limited to twenty (20) feet in width and located five (5) feet
29 from the property line away from the intersection or as a ~~joint~~
30 ~~use~~ twenty-five (25) foot wide shared driveway at the this
31 property line. Where a residential corner lot is located at the
32 intersection of a non-arterial and non collector street with an
33 arterial street, the corner clearance requirements of Section
34 40.350.030(B)(4)(c)(2)(f) shall apply to the non-arterial or
35 non-collector street.

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

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

41
42 **Rationale:** The DEAB has proposed these changes. Development Engineering
43 and Transportation staff will continue to work with the DEAB on the proposal.
44
45

1 **32. 40.350.030(4)(B)(e) - Remove County requirements for road access**
2 **onto State Routes**

3
4 40.350.030(4)(B)(e) - Access to State Routes. If the access serving a
5 development is onto a state road or highway, required dedication and/or
6 improvements thereto must meet the requirements of the Washington
7 Department of Transportation. ~~In no case may the requirements be less than the~~
8 ~~access requirement to a principal arterial in urban areas or a major collector in~~
9 ~~rural areas.~~

10
11 Rationale: The above code section requires the applicant to meet the access
12 related standards onto state routes as required for the county arterial roads. This
13 requirement puts the county staff in an awkward position when WSDOT
14 approves the access under different standards and we have to require the
15 applicant to go through a separate process again with the county. An example is
16 requiring a road mod for driveway spacing or deficient sight distance for
17 driveways onto state routes. It's questionable whether the County has the
18 authority to close or move a driveway onto state route when WSDOT has already
19 approved it or willing to approve it as proposed. Legal staff has expressed
20 concerns with this code section. Please note that for the developments that abut
21 the city roads, the County conditions the projects to meet their requirements.

22
23 **33. 40.350.030.B.5.c. Defer certain frontage improvements in Rural**
24 **Centers via a non-remonstrance agreement**

25 *(below is the existing code section most likely to amend, shown for reference*
26 *only-no changes are yet)*

27
28 c. Deferral.

29 (1) In the event that required frontage road improvements are
30 included as a portion of a county road project on the county's six
31 (6) year transportation improvement program scheduled to be
32 undertaken within six (6) years, the developer, in lieu of
33 constructing or guaranteeing the construction pursuant to Section
34 40.350.030(C)(4)(i) of such frontage improvements, may be
35 permitted to contribute a proportionate share towards the cost of
36 such county road project by an agreement consistent with the
37 requirements of RCW 82.02.020.

38 (2) The development approval authority may defer frontage road
39 improvements, in whole or in part, where the current
40 development proposal is for lots in the R1-5, R1-6, R1-7.5, R1-10
41 or R1-20 zoning districts larger than one (1) acre and a covenant
42 running with the land is recorded requiring such improvements to
43 be undertaken when redivision is proposed at an urban density.
44

1 **34. 40.430.010.B.3.b - Require geohazard review for replacement**
2 **structures that do not meet setbacks to geohazard areas**

3 **40.430.010 (Geologic Hazard Areas) Introduction**

4 A. Purpose.

5 The purpose of this chapter is to safeguard public health, safety and welfare
6 by placing limitations on development in geologically hazardous areas
7 consistent with the requirements of the Growth Management Act and WAC
8 365-190-080.

9 B. **Applicability and Exemptions.**

10 1. Applicability. This chapter applies to all construction, development, earth
11 movement, clearing, or other site disturbance which requires a permit,
12 approval or authorization from the county in or within one hundred (100)
13 feet of a geologic hazard area except for exempt activities listed in
14 Section 40.430.010(B)(3). Regulated geologic hazards include steep
15 slope hazard areas, landslide hazard areas, seismic hazard areas, and
16 volcanic hazard areas.

17 2. Shoreline Master Program. Within shoreline jurisdiction, development
18 may be allowed for those uses in the Shoreline Master Program
19 (Chapter 40.460) either through a statement of exemption or through an
20 application with a geohazard review as part of the shoreline permit
21 process.

22 3. **Exempt Activities and Uses.** The following activities and uses are
23 exempt from the provisions of this chapter:

24 a. Emergency activities which require immediate action to prevent an
25 imminent threat to health, safety or property. As soon as practical, the
26 responsible party shall provide written notification to the responsible
27 official and obtain all applicable permits;

28 ~~b. The expansion, remodel, reconstruction or replacement of any~~
29 ~~structures which will be set back from the geologic hazard area a~~
30 ~~distance which is greater than or equal to the setback of the original~~
31 ~~structure and which will not increase the building footprint by more~~
32 ~~than one thousand (1,000) square feet inside a steep slope hazard~~
33 ~~area, landslide hazard area or their buffers;~~

34
35 **Rationale:** The existing code allows substantial improvements and even
36 replacement of existing structures without regard of a potential geohazard.
37

38 **35. Section 5.5.1 of the Highway 99 overlay standards - Require that**
39 **residential developments meet parking requirements in the Highway 99**
40 **Overlay**

41 Developments Non-residential developments are exempt from complying with
42 CCC 40.340.010.B. The following are encouraged and may qualify for limited
43 fee reductions:

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Rationale: Currently all developments in the Highway 99 overlay are exempt from complying with parking space minimums. Team 99 members have requested the change for residential developments to reduce overflow parking impacts to adjacent neighborhoods.

36. Sections 4.3 and Table 2.3 of the Highway 99 overlay standards - Increase height limits from 2 to 4 stories in Transitional Areas, and from 3 to 4 stories in the Activity Centers of Minnehaha Gateway and Parks Commons

Rationale: Recent development proposals have questioned the height limits for Transitional Areas and Activity Centers in the Highway 99 Overlays. In some areas, Multifamily Overlays which allow four stories abut Transitional Areas that only allow three stories. Community Planning staff has consulted with Team 99 members and recommend the increases.

37. Resolve conflicts between sign code in 40.310 and the Mixed Use Design Guidelines

Rationale: There are sign code requirements in Chapter 40.310 that conflict with the Mixed Use Design guidelines. Staff will evaluate the conflicts and propose options to consider.