

2018

BIANNUAL CODE AMENDMENTS

**CLARK COUNTY
PLANNING COMMISSION**

HEARING DATE: NOVEMBER 15, 2018

**STAFF REPORT
INDEX OF PROPOSED AMENDMENTS
PROPOSED TEXT CHANGES**

STAFF REPORT AND RECOMMENDATION TO THE CLARK COUNTY PLANNING COMMISSION

TO: Clark County Planning Commission

FROM: Jan Bazala, Planner II

PREPARED BY: Jan Bazala, extension 4499

SUBJECT: Bi-Annual Code Changes – Fall, 2018

PC HEARING

DATE: November 15, 2018

**REPORT
PREPARATION**

DATE: October 29, 2018

I. SUMMARY

Proposed are 11 main items in the Fall 2018 Biannual code amendments, which will amend 13 different Title 40 Sections (included in the index are also two fee table changes that are not development regulations and do not require Planning Commission review). The 13 items are presented in Attachment "A" for the Planning Commission's consideration and recommendation to the Board of County Councilors.

II. BACKGROUND

Periodically staff "batch" minor amendments to the Clark County Code to correct scrivener's errors, update references, clarify standards and codify interpretations of code language brought about by management decisions, hearings examiner or Board of Clark County Commissioners actions.

III. PROCESS

Some of the code changes have been identified by staff in the course of review of various permit applications. Others are "clean ups" of prior code amendments, and some have been requested by the development community and by the Board of County Councilors.

IV. ANALYSIS

Should the code changes be approved, several sections of Title 40 and the Highway 99 Overlay standards will be revised.

Included within Attachment "A" are the entire text of the changes, along with a "rationale" section which explains why the change is proposed. The changes are divided into four sections:

- **Scrivener's errors**, which correct obvious mistakes;
- **Clarifications**, which are intended to make existing code language more clear; and
- **Minor policy changes**, which may have impacts to existing county policy.

V. COMMUNITY OUTREACH

The proposed changes were reviewed by the Development and Engineering Advisory Board (DEAB) at their September and October monthly meetings. The DEAB supports the amendments as proposed.

The Planning Commission held a work session on November 1, 2018.

A SEPA determination of non-significance was published in the "Columbian" newspaper on October 29, 2018.

A legal notice of the Planning Commission public hearing was published in the "Columbian" and "Reflector" newspapers on October 31, 2018.

VI. RECOMMENDATION

Staff recommends the Planning Commission favorably consider this proposal and forward a recommendation of APPROVAL to the Board of County Councilors.

Enclosures:

- Bi-Annual Code Index – Fall 2018
- Attachment "A" – text of code changes

BI-ANNUAL CODE CHANGE ITEMS – FALL 2018			
No.	Title/Chapter/Section	Description	
Scrivener's Errors			
1	Tables 40.210.010-1, 40.210.020-1, and 40.210.030-1	Add Accessory Dwelling units as allowable uses in the Rural district use tables	
2	Section 5.5.1 of the Highway 99 overlay standards	Correct / Clarify that Highway 99 Overlay residential developments must meet the parking requirements in Title 40	
Fee Updates			
3	Table 6.120.040	(Placeholder-Not subject to Planning Commission review)	
4	Table 6.110A.010	(Placeholder-Not subject to Planning Commission review)	
Clarifications			
5	40.540.030.E	Provide additional clarification that tracts created in short plats are not buildable unless subsequently approved through the platting process	
6	40.540.040.E	Add clarifications that tracts created in subdivisions are not buildable unless subsequently approved through the platting process	
7	40.520.010.E.1.b(5) and 40.540.020.B.4.d	Clarify circumstances under which the County will recognize exemptions to platting	
Minor Policy Changes			
8	40.260.220.E	Remove requirement to post a bond for temporary uses	
9	40.350.030	Several changes including stopping sight distance reductions, addition of a section on yield controlled intersections, barricades, passing sight distance reductions, and school zone traffic control	
10	40.450.030.E and 40.450.040.C&D	Update wetland code to enable reduced wetland buffers in areas of low habitat function	
11	40.260.073.B and Appendix F, Section 7.6	Remove separate cottage housing standards from the Highway 99 overlay; instead defer to the standards in Section 40.260.073	

1 2018 Fall Biannual code amendments Attachment "A"

2 Planning Commission review

3
4 Periodically staff "batch" minor amendments to the Clark County Code to correct scrivener's
5 errors, update references, clarify standards, and to make some minor policy changes. These
6 batches of code changes are commonly known as "Biannual Code Amendments". The following
7 changes to Title 40 are proposed to be made.

8 Language proposed to be deleted is ~~struck through~~. Language proposed to be added is double-
9 underlined.

10 **SCRIVENER'S ERRORS**

11
12 **1. Add Rural ADU's into Resource, Rural and Rural Center use tables**

Table 40.210:010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
1. Residential.					
a. Single-family dwellings and accessory buildings	P ¹	P ¹	P ¹	P	40.260.010
b. <u>Rural Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>40.260.022</u>
b. c. Guest house	C ²	C ²	C ²	C ²	40.260.010
e. d. Family day care centers	P	P	P	P	40.260.160
d. e. Adult family homes	P	P	P	P	40.260.190
e. f. Home business – Type I	P	P	P	P	40.260.100
f. g. Home business – Type II	R/A	R/A	R/A	R/A	40.260.100
g. h. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	R/A	40.260.050
h. i. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	C	40.260.050
i. j. Garage sales	P	P	P	P	40.260.090
j. k. Temporary dwellings	P	P	P	X	40.260.210

13 ¹ One (1) single-family dwelling on legal lot or legal nonconforming lot of record.

14 ² One (1) guesthouse in conjunction with a single-family dwelling or mobile home.

Table 40.210.020-1. Uses				
	R-20	R-10	R-5	Special Standards
1. Residential.				
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	P	40.260.010
b. <u>Rural Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>40.260.022</u>
c. <u>Guest house</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>40.260.010</u>
b. d. Family day care centers	P	P	P	40.260.160
e. e. Adult family homes	P	P	P	40.260.190
d. f. Home business – Type I	P	P	P	40.260.100
e. g. Home business – Type II	R/A	R/A	R/A	40.260.100
f. h. Bed and breakfast establishments (up to 2 guest bedrooms)	R/A	R/A	R/A	40.260.050
g. i. Bed and breakfast establishments (3 or more guest bedrooms)	C	C	C	40.260.050
h. j. Country inns of historic significance	C	C	C	
i. k. Garage sales	P	P	P	40.260.090
j. l. Residential care homes	C	C	C	40.260.180
k. m. Temporary dwellings	P	P	P	40.260.210
l. n. Staffed residential homes	C	C	C	40.260.205

1

Table 40.210.030-1. Uses			
	RC-1	RC-2.5	Special Standards
1. Residential.			
a. Single-family dwellings and accessory buildings, including 1 guest house	P	P	40.260.010
b. <u>Rural Accessory Dwelling Unit</u>	<u>P</u>	<u>P</u>	<u>40.260.022</u>
c. <u>Guest house</u>	<u>P</u>	<u>P</u>	<u>40.260.010</u>
b. d. Family day care centers	P	P	40.260.160
e. e. Adult family homes	P	P	40.260.190
d. f. Home business – Type I	P	P	40.260.100
e. g. Home business – Type II	R/A	R/A	40.260.100
f. h. Bed and breakfast establishments (up to 2 guest bedrooms)	P	P	40.260.050
g. i. Bed and breakfast establishments (3 or more guest bedrooms)	P	P	40.260.050
h. j. Country inns of historic significance	C	C	
i. k. Garage sales	P	P	40.260.090
j. l. Residential care homes	C	C	40.260.180
k. m. Temporary dwellings	P	P	40.260.210
l. n. Staffed residential homes	C	C	40.260.205
m. o. Residential care facilities (on parcels 2.5 acres or greater)	C	C	40.260.180

2

1 **Rationale:** Ordinance 2018-01-17 enabled accessory dwelling units to be legally placed in all
2 non-commercial zones in the County. While the new special use section 40.260.022 indicates
3 what zones in which Rural ADU's can be located, the Resource, Rural and Rural Residential use
4 tables were not updated.

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

7
8 **5.5 Parking Standards**

9 **INTENT**

- 10 • To provide flexibility in how developments accommodate
11 parking.
12 • To physically and visually integrate parking garages with other
13 uses.
14 • To reduce the overall impact of parking garages when they are located
15 in proximity to the designated pedestrian environment.

16
17 **5.5.1 Parking**

18 (1) Parking shall comply with the provisions in Chapter 40.340, with the exception that Non-
19 residential developments are exempt from complying with the minimum parking space provisions
20 in GCG Section 40.340.010.B. ~~The following are encouraged to comply with the following, and~~
21 ~~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, provided~~
26 ~~the spaces are identified for the exclusive use of a designated dwelling unit.~~
27 ~~(d) On-street parking spaces directly fronting the applicable use shall count in the calculations~~
28 ~~for off-street parking requirements.~~
29 ~~(e) Innovative, sustainable amenities including, but not limited to electric power connections,~~
30 ~~Smart car parking spaces, carpool, and bicycle parking shall count in the calculations for~~
31 ~~parking requirements.~~

32
33 ~~(2) Shared parking between and among uses is encouraged.~~

34
35 **Rationale:** In 2017, this section of code was amended to require that residential developments
36 meet the minimum number of parking spaces as found in Chapter 40.340, but the text change
37 was incomplete. As currently written in Section 5.5.1 of the Highway 99 standards, it appears
38 that non-residential developments are only *encouraged* to meet the minimum standards found in
39 the same section, namely items “a” through “e”.

40
41 The text as proposed should eliminate the apparent contradiction. Subsections “a” through “e”
42 will be removed since they either conflict with Chapter 340, or are in-applicable to non-residential
43 development.
44

FEE TABLE UPDATES

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

No Planning Commission review needed for this fee change item.

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

No Planning Commission review needed for this fee change item.

CLARIFICATIONS

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

**40.540.030 Short Plats

D. Approval Criteria for a Preliminary Short Plat.

The responsible official shall approve a preliminary short plat if the applicant has sustained the burden of proving that the application complies with the approval criteria in Section 40.540.040(D) or that the application can comply with those criteria by complying with conditions of approval, and those conditions are adopted.

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

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

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

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

40.540.040 Subdivisions

D. Approval Criteria for a Preliminary Plat Application.

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

- 5 1. The preliminary plat is in the public interest;
- 6 2. The following facilities are adequate to serve the proposed subdivision before or
7 concurrent with development of the preliminary plat:
 - 8 a. Public and private streets and roads,
 - 9 b. Open spaces, parks and recreation,
 - 10 c. Drainage,
 - 11 d. Access to mass transit where there is or will be such transit,
 - 12 e. Potable water supplies,
 - 13 f. Sanitary waste collection and treatment,
 - 14 g. Schools and educational services (if residential),
 - 15 h. Pedestrian facilities (if residential), particularly for students who only walk to and from
16 school, and
 - 17 i. Fire prevention services;
- 18 3. The proposal complies with all applicable standards in this code or variations therefrom
19 permitted by law, including:
 - 20 a. Subtitle 40.1, Introduction and Administration;
 - 21 b. Subtitle 40.2, Land Use Districts;
 - 22 c. Subtitle 40.3, Design Standards;
 - 23 d. Subtitle 40.4, Critical Areas;
 - 24 e. Subtitle 40.5, Procedures;
 - 25 f. Subtitle 40.6, Impact Fees; and
 - 26 g. Title 15, Fire Prevention.
- 27 4. If a phasing plan is proposed, then the applicant also shall show:
 - 28 a. The phasing plan includes all land within the preliminary plat;

1 b. Each phase is an independent planning unit with safe and convenient circulation and
2 with facilities and utilities coordinated with requirements established for the entire
3 subdivision; and

4 c. All road improvement requirements are assured.

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

6 1. Tracts established for the purpose of providing utilities, access or stormwater facilities shall
7 not apply to the maximum number of lots permitted through the short plat process. A
8 covenant(s), or a note(s) on the plat, shall be recorded to ensure tracts will be used only
9 for the intended non-building use.

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

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

14 The expiration and extension of preliminary plat approvals are determined pursuant to Section
15 40.500.010(B).

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

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

23 **7. 40.520.010.E.1.b(5) and 40.540.020.B.4.d - Clarify circumstances under which the**
24 **County will recognize lots created through exemptions to platting**

25
26 **40.520.010 Legal Lot Determination**

27 **A. Purpose and Summary.**

28 1. The purpose of this section is to provide a process and criteria for determining whether
29 parcels are lots of record consistent with applicable state and local law, and to include a
30 listing of potential remedial measures available to owners of property which do not meet
31 the criteria.

32 2. In summary, parcels are lots of record if they were in compliance with applicable laws
33 regarding zoning and platting at the time of their creation. Zoning laws pertain primarily
34 to the minimum lot size and dimensions of the property. Platting laws pertain primarily to
35 the review process used in the creation of the lots. Specific provisions are listed herein.

36 *****

1 E. Approval Criteria.

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

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

6 b. Platting.

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

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

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

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

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

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

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

19 (5) The parcel was created ~~through court order, will and testament, or other by a~~
20 process listed as exempt from platting requirements by RCW 58.17.035,
21 58.17.040, or Section 40.540.010(A), or through an exemption from platting
22 regulations provided by law at the time of creation of the parcel;

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

25 **40.540.020 Land Division – Introduction**

26 A. Purpose. In addition to those purposes set forth in RCW 58.17.010, the following purposes
27 are also essential to the regulation of the subdivision of land within the unincorporated areas
28 of the county:

29 1. To promote the effective utilization of land;

30 2. To make adequate provision for the housing, commercial, and industrial needs of the
31 county;

32 3. To prescribe procedures for the subdivision of land in accordance with officially adopted
33 plans, policies, and standards, including the provisions of any adopted zoning
34 ordinance; and

1 4. To provide for the efficient processing of subdivision applications without undue delay.

2 B. Applicability.

3 *****

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

- 5 a. Cemeteries and burial plots while used for that purpose.
- 6 b. Divisions of land into lots or tracts, each of which is one thirty-second (1/32) of a
7 section of land or larger, or twenty (20) acres or larger, if the land is not capable of
8 description as a fraction of a section of land. For purposes of computing the size of
9 any lot under this item which borders on a street or road, excluding limited-access
10 streets or roads, the lot size shall be expanded to include that area which would be
11 bounded by the centerline of the road or street, and the side lot lines of the lot running
12 perpendicular to such centerline.
- 13 c. Divisions of land which are the result of the actions of governmental agencies, such as
14 condemnation for road construction purposes.
- 15 d. Divisions of land made by testamentary provisions, or the laws of descent.
- 16 e. Divisions of land into lots or tracts classified for industrial or commercial use, when the
17 responsible official has approved a "binding site plan" for use of the land in
18 accordance with Section 40.520.040(C).
- 19 f. Divisions of land made for the purpose of lease when no residential structure other than
20 mobile homes or travel trailers are permitted to be placed upon the land, when the
21 responsible official has approved a "binding site plan" for the use of land in
22 accordance with Section 40.520.040.
- 23 g. Divisions of land made by subjecting a portion of a parcel or tract of land to Chapter
24 64.32 RCW.
- 25 h. Divisions of land made by court order through a process listed as exempt from platting
26 requirements by RCW 58.17.035, 58.17.040, or Section 40.540.010(A); provided that the
27 parcel meets all other provisions of the UDC, including, but not limited to, applicable
28 zoning and dimensional requirements. ~~provided, the divisions shall comply with all~~
29 ~~other provisions of the UDC.~~
- 30 i. A boundary line adjustment pursuant to Section 40.540.010.
- 31 j. A division for the purpose of leasing land for facilities providing personal wireless
32 services while used for that purpose. "Personal wireless services" means any
33 federally licensed personal wireless service. "Facilities" means unstaffed facilities that
34 are used for the transmission or reception, or both, of wireless communication
35 services including, but not necessarily limited to, antenna arrays, transmission cables,
36 equipment shelters, and support structures.

37

1 **Rationale:** A potential loophole was recently discovered in these two sections of code which
2 could be interpreted to mean that court orders that divide land may not need to be consistent
3 with exemptions from platting found in the RCWs. The presence of a comma between "court
4 order" and "will and testament" and the absence of any limiting language in 40.520.010.E.1.b.(5)
5 could support the argument that *any* court order partitioning or dividing property qualifies for an
6 exemption to platting, regardless of the circumstances or the number of lots created. The legal
7 lot determination approval criteria contained similar ambiguity. The proposed clarification would
8 eliminate the "court order" language in favor of the exemptions that are recognized by RCW
9 58.17.

10
11 Section 40.520.020.B.4.h is one of the listed exemptions from platting and does not mention any
12 limitations on court orders, and thus needs to be amended in conjunction with the amendment to
13 40.520.010.E.
14

15 **MINOR POLICY ITEMS**
16

17 **8. Temporary uses-eliminate the need for surety bonds for temporary uses**

18 **40.260.220 Temporary Uses and Structures**

19 A. Purpose.

20 This section provides for the establishment of temporary uses and structures. Temporary uses
21 and the use of temporary structures shall be limited to those uses allowed in the respective zone.
22 *****

23 E. Permits.

- 24 1. The responsible official may approve permits for temporary uses and structures, with
25 conditions to mitigate negative impacts. Uses may be allowed for a period of not more
26 than eighteen (18) months, or less as may be specified by the responsible official.
- 27 2. ~~Prior to granting a temporary permit under this section, other than Section~~
28 ~~40.260.220(C)(2)(b), the responsible official shall require that the applicant provide a~~
29 ~~cash or surety bond of not less than two thousand five hundred dollars (\$2,500),~~
30 ~~payable to the county treasurer. Upon the expiration of the temporary use permit, the~~
31 ~~applicant shall immediately discontinue the temporary use. Within thirty (30) days of the~~
32 ~~expiration of the temporary permit, the applicant shall remove any temporary structures~~
33 ~~associated with the temporary use. If at the end of this time period such temporary use~~
34 ~~or structure is not removed or discontinued, said cash or surety bond shall be forfeited.~~
35 the County shall begin enforcement proceedings which may include penalties and liens
36 subject to Title 32.

37 *****

38 **Rationale:** Other than the bonding requirements for certain public improvement for final plats
39 and final site plan, no other land use process requires the County's retention of a bond. The

1 current process for keeping and returning these temporary bonds is cumbersome, and there is
2 an established process in place through the code enforcement process to obtain compliance.

3 **9. Amend Section 40.350.030 in regards to stopping sight distance, sight distance**
4 **triangles, yield controlled intersections, barricades, supplemental publication**
5 **references, passing sight distance, and school zone traffic control**

6 **40.350.030 Street and Road Standards**

7 A. Overview.

- 8 1. Purpose. It is the purpose of this section to establish minimum standards for public and
9 private transportation facilities for vehicles, public transit, pedestrians, and bicycles,
10 hereinafter constructed or improved as a condition of county approval of a development,
11 or a transportation project constructed by the county. These standards are intended to
12 preserve the community's quality of life and to minimize total costs over the life of the
13 transportation facility.

14 *****

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

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

20 b. Collectors.

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

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

30 is given the same priority as the provision of traffic movement. Parking is not
31 allowed.

32 c. Access Roads.

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

35 7. Scenic Routes.

36 *****

37 **40.350.030.B.8 & 9**

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

5 a. Stopping Sight Distance.

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

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

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

19

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>

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

21
22 b. Controlled Intersection and Driveway Sight Distance Triangle.

23 Traffic entering an uncontrolled public road from stop controlled public roads, or from
24 private roads or private driveways, shall have minimum intersection sight distances,
25 as shown in Table 40.350.030-8. Sight distance shall be measured from an eye
26 height of three and one-half (3.5) feet above the controlled road pavement surface
27 and fifteen (15) feet from the edge of the vehicle ~~travel lane~~ travelled way of the
28 uncontrolled public road. The object height on the uncontrolled public road shall be
29 three and one-half (3.5) feet above the pavement surface located four (4) feet to the
30 right of the striped or assumed centerline of the roadway. For multilane highways, the
31 object on the uncontrolled roadway shall be located on the approach lane closest to
32 the controlled side street. Sight distance triangles shall be clear of all obstructions,
33 including, but not limited to, landscaping, fences, structures and earth berms between

1 the heights of three (3) and ~~seven (7)~~ eight and one-half (8.5) feet, as measured from
2 the pavement surface.

Speed, Uncontrolled Road (mph)	Minimum Corner Sight Distance (feet)
20	200
25	250
30	300
35	350
40	400
45	450
50	500

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

5
6 c. Yield Controlled Intersections.

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

13 e. d. Uncontrolled Intersections.

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

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

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

24 9. Street Extensions.

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

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

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

10 b. Urban Developments.

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

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

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

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

39 a. Transportation Standards.

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

- 3 (1) The current published edition of the Standard Specifications for Road, Bridge
4 and Municipal Construction as published by the Washington Department of
5 Transportation (WSDOT) and the American Public Works Association (APWA)
6 referred as Standard Specifications;
- 7 (2) The current Standard Plans for Road and Bridge Construction as published by
8 WSDOT and APWA (referred as standard plans); and
- 9 (3) The Standard Details Manual as defined in Section 40.100.070, and issued by
10 the County Engineer, containing typical drawings to implement transportation,
11 erosion control, drainage, and other engineering standards adopted in the Clark
12 County Code.

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

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

29 c. Conflict of Standards. In the event of conflict with any of the specifications, the County
30 Engineer shall specify which of the supplemental specifications will apply.

31 *****

32 **40.350.030.C.3 & 4**

- 33 3. Transportation Design Specifications. The design criteria set out Tables 40.350.030-2
34 and 40.350.030-3 are adopted as a portion of the Clark County Standard Specifications.
35 Such criteria are applicable to roads located within and adjacent to a development.

1 These criteria are intended for normal conditions. The responsible official may require
2 higher standards for unusual site conditions.

3 *****

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

14

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

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

16
17 h. ~~Signing.~~

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

22 ~~(2) Private Road Signs. Private road signs with street designations shall be~~
23 ~~provided by the developer at the intersection of private roads with private and~~
24 ~~public roads. Such signs shall meet the specifications shown on the typical~~
25 ~~drawing and, in the case of intersections with public roads, shall either be~~
26 ~~located within the public right-of-way or within a separate maintenance~~
27 ~~easement. Road signs shall be included in the private road maintenance~~
28 ~~agreement.~~

29 h. School Zone Traffic Control.

30 School zone traffic control shall be updated when impacted by a project, in accordance with
31 the "Clark County School Zone Traffic Control Policy".

1 i. Pedestrian Crossing Treatment.

2 Appropriate pedestrian crossing treatments shall be evaluated and provided in accordance
3 with the "Clark County Pedestrian Crossing Treatment Policy".

4 j. Traffic Control Devices.

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

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

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

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

20 4. Transportation Construction Specification.

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

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

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

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

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

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

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

35 c. Crushed Surfacing Materials. The standard specifications shall apply to all materials
36 and workmanship. Compaction of subgrade and surfacing materials shall be in

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

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

11 e. Trench Backfill.

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

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

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

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

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

40 (2) Type III barricades may be used when roadways and/or proposed future
41 roadways are closed to traffic. Type III barricades may extend completely across
42 roadway (as a fence) or from curb to curb. Where provision must be made for

1 access of equipment and authorized vehicles, the Type III barricades may be
2 provided with movable sections that can be closed when work is not in progress,
3 or with indirect openings that will discourage public entry. When job site access
4 is provided through the Type I barricades, the developer/contractor shall assure
5 proper closure at the end of each working day.

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

10 (4) Type III barricades or Type 4 (end-of-roadway) object markers shall be used
11 at the end of a local access street terminating abruptly without cul-de-sac bulb or
12 on temporarily stubbed off streets. ~~Each such barricade shall be used together~~
13 ~~with an end-of-road marker.~~ Such Type III barricades can be supplemented with
14 a Type 4 object marker.

15 (5) ~~Barricades on dead-end streets which may be extended in the future will have~~
16 ~~a sign placed upon them, as approved by the responsible official, which gives~~
17 ~~notice that the road will be extended in the future, and will give a telephone~~
18 ~~number for interested persons to call to receive more information.~~ Dead-end
19 streets which may be extended in the future, shall have a Type III barricade and
20 a sign placed giving notice that the road will be extended in the future and an
21 informational telephone number.

22 g. Private Road Maintenance Agreement.

23 *****

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

26 **10. Update the wetland code to enable reduced wetland buffers in areas of low habitat**
27 **function**

28
29 **40.450.030. Standards**

30
31 A. General. The standards apply whenever a nonexempt project (see Section 40.450.010(B))
32 is proposed on a parcel of real property containing a nonexempt wetland or wetland buffer
33 (see Section 40.450.010(C)). The standard provisions shall be implemented in conjunction
34 with the processing of the development permits listed in Section 40.450.010(B).

35
36 *****

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

- 40 1. All buffers shall be measured horizontally outward from the delineated wetland boundary
41 or, in the case of a stream with no adjacent wetlands, the ordinary high water mark as
42 surveyed in the field.

- 1 2. Buffer widths are established by comparing the wetland rating category and the intensity
 2 of land uses proposed on development sites per Tables 40.450.030-2, 40.450.030-3,
 3 40.450.030-4 and 40.450.030-5. For Category IV wetlands, the required water quality
 4 buffers, per Table 40.450.030-2, are adequate to protect habitat functions.
 5

6

Wetland Rating	Low Intensity Use	Moderate Intensity Use	High Intensity Use
Category I or 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.

7

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
<u>5</u> 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.
<u>7</u> 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 <u>Wetlands of High Conservation Value with a Habitat Score of 7 points or less</u>	150 <u>125</u> ft.	225 <u>190</u> ft.	300 <u>250</u> ft.

8

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.

	Parks and Recreation	Streets and Roads	Stormwater Facilities	Utilities	Commercial/Industrial	Residential ²
Low	Natural fields and grass	NA	Outfalls, spreaders, constructed	Underground and overhead	NA	Density at or lower than 1 unit

	areas, viewing areas, split rail fencing		wetlands, bioswales, vegetated detention basins, overflows	utility lines, manholes, power poles (without footings)		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 The responsible official shall determine the intensity categories applicable to proposals should characteristics not be specifically listed in Table 40.450.030-5.

² Measured as density averaged over a site, not individual lot sizes.

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

- a. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or
- b. The responsible official determines a tract is impractical.
- c. Where the responsible official determines the exceptions in Section 40.450.030(E)(3)(a) or (b) apply, residential lots may extend into wetlands and wetland buffers; provided, that all the requirements of Section 40.450.030(F) are met.

4. Adjusted Buffer Width.

- a. Adjustments Authorized by Wetland Permits. Adjustments to the required buffer width are authorized by Section 40.450.040(D) upon issuance of a wetland permit.
- b. Functionally Isolated Buffer Areas. Areas which are functionally separated from a wetland and do not protect the wetland from adverse impacts shall be treated as follows:

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

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

- 5 (a) The area of reduced habitat function is at least one (1) acre in size;
- 6 (b) The area supports less than five (5) native plant species and does not
7 contain special habitat features listed in Section H1.5 of the rating form;
- 8 (c) The area of reduced habitat function has low or no interspersions of habitats
9 as defined in Section H1.4 of the rating form;
- 10 (d) The area does not meet any WDFW priority habitat or species criteria; and
- 11 (e) The required habitat function buffer is provided for all portions of the wetland
12 that do not have reduced habitat function.

13 c. Maximum Buffer Area. Except for streams, buffers shall be reduced as necessary so
14 that total buffer area (on- and off-site) does not exceed two (2) times the total wetland
15 area (on- and off-site); provided, the minimum buffer width at any point shall not be less
16 than the water quality buffer widths for low intensity uses contained in Table 40.450.030-
17 2.

18 19 **40.450.040 Wetland Permits**

20 **A. General.**

- 21 1. A wetland permit is required for any development activity that is not exempt pursuant to
22 Section 40.450.010(C) within wetlands and wetland buffers.

23 *****

24 **C. Buffer Standards and Authorized Activities.** The following additional standards apply for 25 regulated activities in a wetland buffer:

26 *****

27 **4. Stormwater Facilities.**

- 28 a. **Dispersion Facilities.** Stormwater dispersion facilities that comply with the standards of
29 Chapter 40.386 shall be allowed in all wetland buffers. Stormwater outfalls for dispersion
30 facilities shall comply with the standards in subsection (C)(4)(b) of this section.
31 Enhancement of wetland buffer vegetation to meet dispersion requirements may also be
32 considered as buffer enhancement for the purpose of meeting the buffer averaging or
33 buffer reduction standards in this section.
- 34 b. Other stormwater facilities are only allowed in buffers of wetlands with low habitat
35 function (less than six five (6 5) points on the habitat section of the rating system form);
36 provided, the facilities shall be built on the outer edge of the buffer and not degrade the
37 existing buffer function and are designed to blend with the natural landscape. Unless
38 determined otherwise by the responsible official, the following activities shall be
39 considered to degrade a wetland buffer when they are associated with the construction of
40 a stormwater facility:

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

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

19 *****

20
21 4. Wetland Mitigation Ratios.

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

24

e 40.450.040-1. Standard Wetland Mitigation Ratios (In Area)					
Wetland to Be Replaced	Restoration or Creation	Rehabilitation	Restoration or Creation and Rehabilitation	Restoration 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			Case-by-Case

e 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
		Natural Heritage Site			

1 b. Preservation. The responsible official has the authority to approve preservation of existing
 2 wetlands as wetland mitigation under the following conditions:

- 3 (1) The wetland area being preserved is a Category I or II wetland or is within a
 4 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 easement that
 7 gives the county clear regulatory and enforcement authority to protect existing
 8 wetland and wetland buffer functions with standards that exceed the protection
 9 standards of this chapter;
- 10 (4) The preservation area is not an existing or proposed wetland mitigation site;
 11 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)				
Wetland Function of Wetland to Be Replaced	In Addition to Standard Mitigation		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 under the
 14 following circumstances:

- 15 (1) Documentation by a qualified wetland specialist demonstrates that the proposed
 16 mitigation actions have a very high likelihood of success based on prior
 17 experience;
- 18 (2) Documentation by a qualified wetland specialist demonstrates that the proposed
 19 actions for compensation will provide functions and values that are significantly
 20 greater than the wetland being affected;
- 21 (3) The proposed actions for compensation are conducted in advance of the impact
 22 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 HGM

1 classification can be scored and rated separately and the mitigation ratios
2 adjusted accordingly, if all the following apply:

- 3 (a) The wetland does not meet any of the criteria for wetlands with "Special Characteristics," as
4 defined in the rating system;
- 5 (b) The rating and score for the entire wetland is provided as well as the scores and ratings for
6 each area with a different HGM classification;
- 7 (c) Impacts to the wetland are all within an area that has a different HGM classification from the
8 one used to establish the initial category; and
- 9 (d) The proponents provide adequate hydrologic and geomorphic data to establish that the
10 boundary between HGM classifications lies at least fifty (50) feet outside of the footprint of the
11 impacts.

12 *****

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

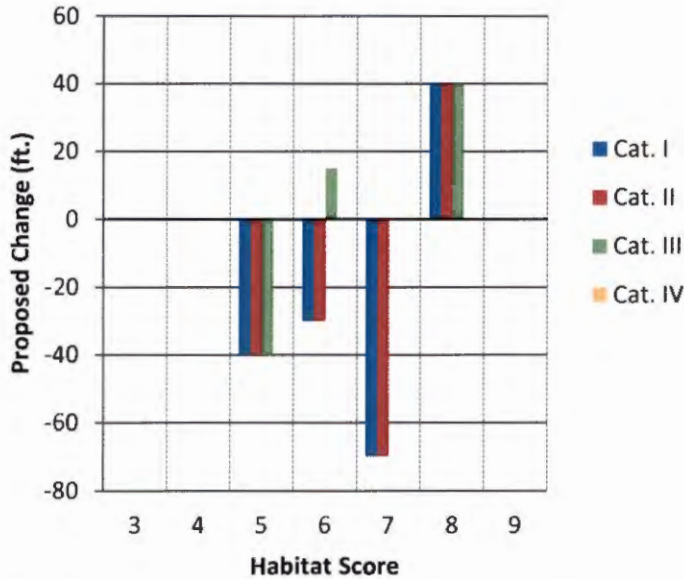
21
22 **Rationale:** Ecology recently made the changes to wetland buffer guidelines based on public
23 feedback and review of the reference wetland data used to calibrate the wetland rating system.
24 Ecology's preference is to maintain similar distributions between the 2004 and 2014 versions of
25 the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

26
27 In Ecology's previous wetland buffer tables, low habitat function was represented by a score of 3
28 or 4 points and moderate habitat function by a score of 5 to 7 points.
29 However, after Ecology conducted a detailed analysis of habitat scores for the 211 reference
30 wetlands used to calibrate the rating system, Ecology found that wetlands scoring 3, 4, or 5
31 points for habitat are more similarly distributed to those scoring ≤ 19 points in the 2004 version.
32

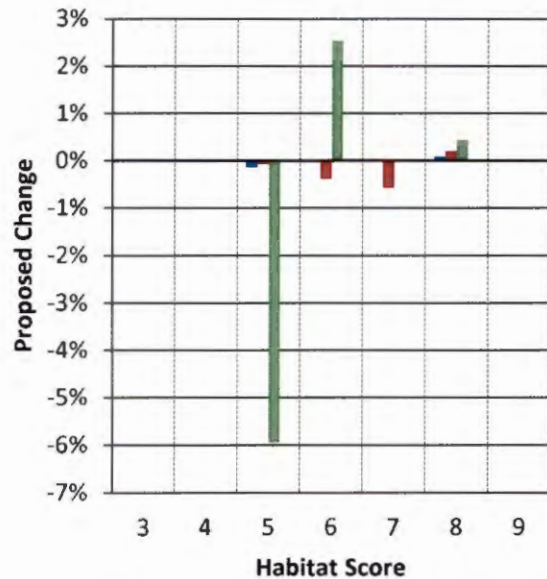
33 This information prompted Ecology to adjust the habitat score break points in the current wetland
34 buffer tables. The modified tables now group habitat scores of 3 to 5 into low habitat function and
35 scores of 6 and 7 into moderate habitat function.

36 The proposed updates to CCC 40.450 revise the wetland buffer tables and approval criteria
37 based on the habitat score on the wetland rating form to align with Ecology's revised guidelines.
38 These changes will reduce wetland buffers for any Category I, II, or III wetland with a habitat
39 score of 5 points by 33% and allow placement of stormwater facilities within more wetland
40 buffers without mitigation.
41

1 **Figure 1a. Changes proposed to wetland buffers**
 2 **wetlands county-wide**



1 **Figure 1b. Average % change relative to all**
 2 **by rating and habitat score**



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

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

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

12 **11. Eliminate special Highway 99 Cottage Housing provisions in Section 7.6 of the**
 13 **Highway 99 Overlay standards in Appendix F, and update the Title 40 cottage housing**
 14 **section accordingly.**

15 **40.260.073 Cottage Housing**

16 **A. Purpose.**

17 The purposes of the cottage housing provisions are:

- 18 1. To promote sustainable development practices through smaller, more efficient housing
 19 and effective use of residential land.
- 20 2. To diversify the county's housing stock by providing a housing type that is affordable and
 21 that responds to changing household sizes and ages, such as retirees, small families,
 22 and single-parent households.
- 23 3. To encourage development in existing residential areas by allowing a density bonus and
 24 design flexibility.
- 25 4. To provide centrally located and functional common open space that fosters a sense of
 26 community and openness within the cottage development.
- 27 5. To provide private areas around the individual dwellings to enable diversity in landscape
 28 design and foster a sense of ownership.

- 1 6. To maintain the character of existing residential neighborhoods and ensure compatibility
- 2 between cottage developments and their neighbors.
- 3 B. Applicability.
- 4 1. This section applies to cottage housing developments as defined in Section 40.100.070.
- 5 2. Except within the Mixed Use (MX) zone and the ~~Highway 99 Overlay District~~ (which
- 6 ~~provide their~~ has its own standards), cottage housing shall comply with the standards,
- 7 requirements, and limitations in Section 40.260.073(C).
- 8 3. The narrow lot development standards in Section 40.260.155 shall not apply to cottage
- 9 housing developments.
- 10

7.6 Cottage Housing

INTENT

- To provide a housing type that responds to changing household sizes and ages (e.g., retirees, small families, single person households).
- To encourage creation of more usable open space for residents of the development through flexibility in density and lot standards.
- To ensure that the overall size, including bulk and mass of cottage structures and cottage housing developments, remain smaller and incur less visual impact than standard sized single family dwellings, particularly given the allowed intensity of cottage dwellings.
- To provide centrally located and functional common open space that fosters a sense of community and a sense of openness in cottage housing developments.
- To provide private area around the individual dwellings to enable diversity in landscape design and foster a sense of ownership.
- To ensure minimal visual impact from vehicular use and storage areas for residents of the cottage housing development as well as adjacent properties, and to maintain a single-family character along public streets.
- To ensure that there is compatibility between an existing single family neighborhood and new development.

Overlays where housing type is permitted					
Activity Center	Transitional Areas	Multi-Family	Mixed	Single Family	78th Street Property
	1				
	9	9	9	9	

¹ Only permitted as part of a vertical or horizontal mixed-use development.

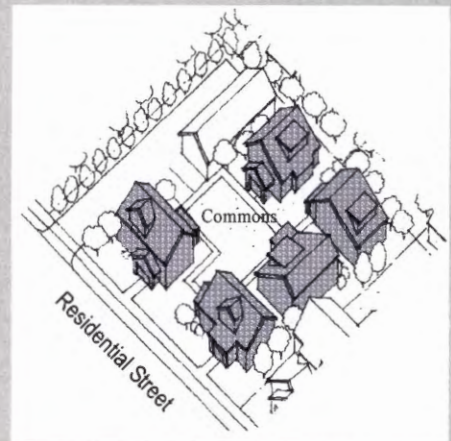


Figure 9-25. Cottage housing example. Note arrangement with central commons, connecting walkways, porches orienting to street and commons, varied roof forms, and parking off to the side.

7.6.1 Cottage Housing Description

Cottages are small detached single family dwellings clustered around a common open space. Cottages may be condominiums or fee simple lots, provided they are subdivided to meet the standards herein. See Chapters 2, 3, and 4 for use provisions, permitted frontages, and overlay district standards.

7.6.2 Cottage Density Bonus

Due to the smaller relative size of cottage units, each cottage shall be counted as one-half a dwelling unit for the purpose of calculating density. For example, six cottages are calculated as three dwelling units.

7.6.3 Cottage Configuration and Orientation

- (1) Units in a cluster. Cottage housing developments shall contain a minimum of four and a maximum of 12 cottages located in a cluster to encourage a sense of community among the residents. A development site may contain more than one cluster.
- (2) Maximum floor area: 1,200 square feet
- (3) Maximum floor area/ground or main floor: 800 square feet



Figure 9-26. Greenwood cottages (Seattle, WA).



Figure 9-27. Example of accessory dwelling units built over garages for cottage development (Issaquah, WA).

Case Study

Danielson Grove
Kirkland, WA

Developed by The Cottage Company and Ross Chapin AIA, each cottage is “built green/energy star” certified and on its own lot. Homes range from 1-, 2-, and 3-bedrooms. The project was developed under Kirkland’s Innovative Housing Demonstrative Program.



Figure 9-28. Danielson Grove Site plan.



Figure 9-29. Central commons area. Note alternate porch designs and semi-private front yard areas.



Figure 9-30. Danielson Grove Cottages in second, northern cluster.

(5) ~~Minimum parking spaces: 1.5 spaces/cottage~~

(6) ~~ADU provision. Up to two accessory dwelling units (ADU's) may be built over detached garages per each cottage cluster provided they do not exceed 600 square feet in floor area and comply with applicable ADU standards set forth in Section 7.9 herein and CCC 40.260.020.~~

7.6.4 Cottage Open Space

(1) ~~Common space. Minimum of 400 square feet/unit. Design criteria:~~

(a) ~~Shall abut at least 50 percent of the cottages in a cottage cluster.~~

(b) ~~Shall have cottages abutting on at least two sides.~~

(c) ~~Cottages shall be oriented around and have the main entry from the common open space.~~

(d) ~~Cottages shall be within 60 feet walking distance of the common open space.~~

(e) ~~Open space shall include at least one courtyard, plaza, garden, or other central open space, with access to all units. The minimum dimensions of this open space are 15 feet by 20 feet.~~

(2) ~~Private open space. Minimum of 200 square feet/unit. Private open space shall be adjacent to each dwelling unit, for the exclusive use of the cottage resident(s). The space shall be usable (not on a steep slope) and oriented toward the common open space as much as possible, with no dimension less than 10 feet.~~

7.6.5 Cottage Building Design

(1) ~~Covered entry. Cottages located adjacent to a public street shall provide a covered entry feature (with a minimum dimension of 6 feet by 6 feet facing the street).~~

(2) ~~Porches. Cottage facades facing the common open space or common pathway shall feature a roofed porch at least 80 square feet in size with a minimum dimension of eight feet on any side.~~

(3) ~~Maximum height. 25 feet for cottages and ADU's built over garages; 18 feet for accessory structures.~~

(4) ~~Pitched roofs. All portions of roofs over 18 feet in height must be pitched with a minimum slope of 6:12.~~

(5) — Character and Diversity. Cottages and accessory buildings within a particular cluster shall be designed within the same “family” of architectural styles. Examples include:

- (a) Similar building/roof form and pitch.
- (b) Similar siding materials.
- (c) Similar porch detailing.
- (d) Similar window trim.

A diversity of cottages can be achieved within a “family” of styles by:

- (e) Alternating porch styles (such as roof forms).
- (f) Alternating siding details on facades and/or roof gables.
- (g) Different siding color.

Case Study

Conover Commons
Redmond, WA

Also developed by The Cottage Company and Ross Chapin AIA, Conover Commons is certified as a 3-star “built green” community. Half of the site is a woodland area designated as a Native Growth Protection Area.



Figure 9-31. Bird's eye view of Conover Commons.



Figure 9-32. Conover Commons Cottages surrounding commons.



Figure 9-33. Commons with “commons room” shared by commons residents.

7.6 Cottage Housing

See Section 40.260.073 for cottage housing standards. Examples noted herein are for illustrative purposes only.

Overlays where housing type is permitted					
Activity Center	Transitional Areas	Multi-Family	Mixed	Single Family	78th Street Property
	¹ 9	9	9	9	

¹ Only permitted as part of a vertical or horizontal mixed-use development.

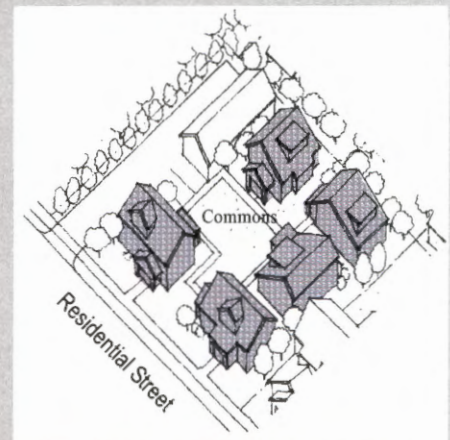


Figure 9-25. Cottage housing example. Note arrangement with central commons, connecting walkways, porches orienting to street and commons, varied roof forms, and parking off to the side.



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Note alternate porch designs and semi-private front yard areas.

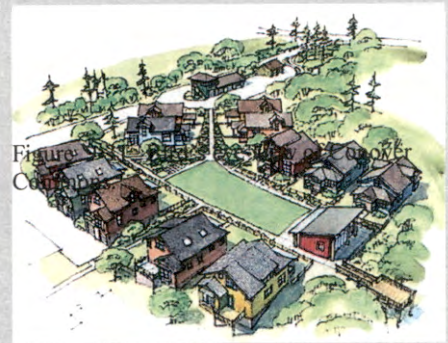


Figure 9-30. Danielson Grove Cottages in second, northern cluster.

Case Study

Conover Commons Redmond, WA

Also developed by The Cottage Company and Ross Chapin AIA, Conover Commons is certified as a 3-star “built green” community. Half of the site is a woodland area designated as a Native Growth Protection Area.



1
2 **Rationale:** The Highway 99 Overlay cottage housing standards are substantially
3 similar to the cottage housing standards in Section 40.260.073, with only a few
4 differences as noted below:
5

	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

6
7 The proposal to eliminate the separate Highway 99 cottage standards would not
8 eliminate cottage housing as an option in the Highway 99 overlay. Cottage housing will
9 still be an option in the overlay area, but the review criteria in Section 40.260.073 will
10 apply. Having just one set of standards should simplify matters for applicants and
11 reduce the confusion over the relatively minor differences between the two codes.
12

13 According to Community Planning staff, Team 99 (the citizen group that helped develop
14 the Highway 99 overlay standards) supports the change.
15