

**CLARK COUNTY
STAFF REPORT**

DEPARTMENT: Community Development
DATE: February 6, 2014
REQUEST: Approve on consent the Fall 2013 biannual code amendments

CHECK ONE: X Consent CAO

BACKGROUND

Thirty-five biannual code change items were approved by the Board at a hearing on January 14, 2014. Most are changes to development regulations in Title 40. Staff required a number of weeks to prepare the final ordinance, thus the need to formally approve the final ordinance on consent at a later date. The 35 items which were approved in the Attachment "A" at the January 14th hearing have been reformatted into 40 items in the final ordinance.

At the January 14th hearing, the Board amended Table 40.260.250-1 as presented in the Attachment "A" (regarding the typing of new wireless communication facilities that are installed on existing support structures). The final ordinance reflects those changes.

COMMUNITY OUTREACH

The Board of County Commissioners held a work session on October 16, 2013, and directed staff to proceed with the formal review process for these code changes.

The Planning Commission held a work session on November 21, 2013, and a hearing on December 5, 2013.

A SEPA determination of non-significance was published in the "Columbian" newspaper on November 6, 2013.

In addition, the proposed changes were sent and presented to the Development Engineering Advisory Board (DEAB), and sent to a number of other public and private entities as part of the SEPA notification process.

The DEAB did not forward a formal recommendation letter, but they did endorse all changes.

A legal notice of the BOCC public hearing was published in the "Columbian" newspaper on December 30, 2013.

BUDGET AND POLICY IMPLICATIONS

None

FISCAL IMPACTS

Yes (see attached form) No

ACTION REQUESTED

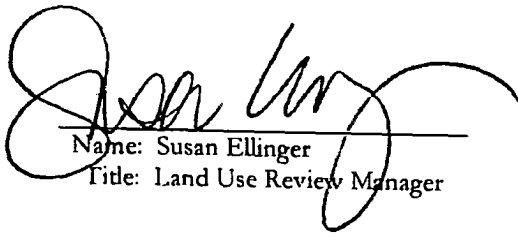
Approve the final adopting ordinance

DISTRIBUTION

Christine Cook, Deputy Prosecuting Attorney



* 6 8 9 9 6 4 *


Name: Susan Ellinger
Title: Land Use Review Manager

Approved: February 11, 2014
CLARK COUNTY
BOARD OF COMMISSIONERS
SR 28-14

46 competitive bids, as provided by Chapter 36.32.250 of the Revised Code of
47 Washington as amended by the laws of Washington, Chapter 267 First
48 Extraordinary Session, ~~1977~~ 2007, provided:

- 49 (1) That bids be solicited from as many suppliers as practicable;
- 50 (2) That a record be kept of all bids and made available for public inspection
51 ~~and be made available to the public by telephone, email or fax;~~
- 52 ~~(3) That a notice of intention to let contracts or enter into leases or to make~~
53 ~~purchases involving more than \$1,000.00 but less than \$3,500.00 be posted~~
54 ~~on a bulletin board in the office of the County Commissioners not less than~~
55 ~~three (3) days prior to entering into such contract, lease or purchase;~~

56
57 **Section 2. Amendatory.**

58 Sec. 9 of Ord. 1977-06-2 as most recently amended by Sec. 5 of Ord. 2006-04-
59 07 and codified as CCC 5.28.090 are each hereby amended as follows:

60 **5.28.090 Terms and conditions for issuance of retail sale permit.**

61 A permit for retail sale of common fireworks shall be issued only upon the
62 following terms and conditions:

- 63 (1) The applicant shall have a valid license issued by the state of Washington
64 authorizing the holder thereof to engage in the retail sale of fireworks. In
65 addition, neither the applicant nor the responsible party for the permit shall
66 have been convicted of a felony unless the conviction was discharged
67 pursuant to RCW 9.94A.637 or 13.50.050; or a fire/fireworks-related
68 misdemeanor within the last three (3) years.
- 69 (2) In addition to the other requirements of Chapter 70.77 RCW, the applicant
70 shall procure and maintain a policy or policies of public general liability,
71 bodily injury and property damage insurance in a company or companies
72 approved by the county in the minimum amount of one million dollars
73 (\$1,000,000) single limit; Clark County shall be named as an additional
74 insured. Certificates of coverage shall be filed with the county fire marshal
75 upon application for a retail sales permit.
- 76 (3) The applicant's location or place of business shall be only in those areas or
77 zones within the county wherein commercial or industrial activities are
78 authorized under the applicable zoning laws of the county; provided, that
79 no fireworks shall be sold in any residential area where a commercial
80 enterprise does not exist.
- 81 ~~(4) The applicant for a retail sales permit shall post either a five hundred dollar~~
82 ~~(\$500) cash deposit, or other equivalent security as reasonably required by~~
83 ~~the fire marshal, conditioned upon the prompt removal of the temporary~~

84 ~~stand and the cleaning up of all debris from the site. If the applicant~~
85 ~~removes such temporary stand and cleans up all debris no later than 11:59~~
86 ~~p.m., July 15th, he shall be entitled to the return of his deposit.~~

87 If the stand is not removed and debris cleaned up, the five hundred dollar
88 (\$500) deposit will be forfeited and placed in the Clark County general
89 fund. by 11:59 p.m., July 15th, the applicant will be subject to a fine not to
90 exceed \$500.

91 (5) Such permit shall be issued or denied by the county fire marshal and
92 subject to the same appeal procedure and standard as an appeal of a Type
93 I procedure under Sections 40.100.050(A) and 40.500.010(A).

94
95 **Section 3. Amendatory.** Ordinance 1974-04-03, as most recently amended
96 by Sec. 1 of Ord. 1995-02-09, and codified as CCC 7.04.020, are each amended
97 to read as follows:

98
99 **7.04.020 Purpose.**

100 The purpose of the Clark County weed control code is to activate the Clark
101 County noxious weed control board ~~so that it may eradicate noxious weeds in~~
102 ~~Clark County in the manner authorized by pursuant to~~ Chapter 17.10 RCW.
103

104 **Section 4. Amendatory.** Ordinance 1974-04-03, as most recently amended
105 by Section 3 of Ordinance 2009-10-18, and codified as CCC 7.12.010, are each
106 amended to read as follows:

107
108 **7.12.010 Need – Activation.**

109 The board determines there is a need, due to a damaging infestation of
110 noxious weeds in Clark County, to activate the Clark County noxious weed
111 control management board, ~~whose short title shall be the Clark County~~
112 ~~vegetation management department, and the same is activated.~~
113

114 **Section 5. Amendatory.** Section 5 of Ordinance 1995-02-09, as most
115 recently amended by Section 1 of Ordinance 2009-10-18, and codified as CCC
116 7.12.025, are each amended to read as follows:

117
118 **7.12.025 Weed board authority.**

119 The ~~Clark County vegetation management department~~ weed board shall
120 function under the provision of Chapter 17.10 RCW and shall have the duties and
121 powers prescribed therein.
122

123 **Section 6. Amendatory.** Ordinance 1988-05-33, and codified as CCC
124 7.12.027, are each amended to read as follows:

125
126 **7.12.027 Terms of Office.**
127

128 Terms of office for ~~noxious weed control~~ board members appointed from
129 Sections 1, 3 and 5 shall initially expire on ~~September 30, 1992~~ December 31,
130 2016. Terms of office for board members appointed from Sections 2 and 4 shall
131 initially expire on ~~September 30, 1990~~ December 21, 2014. Thereafter, weed
132 board members shall be appointed to serve four (4) year terms of office.

133
134 **Section 7. Amendatory.** Section 7 of Ordinance 1995-02-09, as most
135 recently amended by Section 3 of Ordinance 2009-10-18, and codified as CCC
136 7.12.045, are each amended to read as follows:

137
138 **7.12.045 Rules.**

139
140 Rules and regulations of the ~~Clark County vegetation management~~
141 ~~department~~ weed board adopted pursuant to Chapter 17.10 RCW shall be
142 codified as Chapter 7.14 of the Clark County Code. A certified copy of such rules
143 and regulations or amendments thereto shall be presented to the board of county
144 commissioners for transmittal to the code reviser.

145
146 **Section 8. Amendatory.** Resolution dated March 6, 1995, as most recently
147 amended by Section 3 of Ordinance 2009-10-18, and codified as Chapter 7.14 of
148 the Clark County Code, are each amended to read as follows:

149
150 **7.14.010 Short title.**

151 The short title of this chapter shall be the "rules and regulations of the
152 Clark County ~~vegetation management department~~ noxious weed control board,"
153 and shall hereinafter be referred to as the "regulations."

154
155 **7.14.020 Purpose.**

156
157 It is the purpose of these regulations to provide for the control of noxious
158 weeds (as hereinafter more particularly defined) within the boundaries of Clark
159 County, Washington by the ~~Clark County vegetation management department~~
160 weed board as empowered and authorized by Chapter 17.10 RCW and pursuant
161 to ordinance adopted by the board of county commissioners of Clark County,
162 Washington.

163
164 **7.14.030 Officers.**

165
166 Pursuant to RCW 17.10.050(3), the ~~Clark County vegetation management~~
167 ~~department~~ weed board shall annually elect from its members, at its regular
168 October meeting, a chairperson, a vice-chairperson, and a secretary. The
169 secretary shall be responsible for maintaining the minutes and other records of
170 the ~~Clark County vegetation management department~~ weed board.

171
172 **7.14.040 Meetings.**

173
174 Regular meetings of the Clark County vegetation management
175 department weed board shall be held on the first Monday of each month,
176 commencing at 6:00 P.M., Building C, at 11104 NE 149th Street, Brush Prairie,
177 Washington; PROVIDED, that if any regular meeting falls on a holiday, such
178 regular meeting shall be held on the next Monday occur pursuant to RCW
179 17.10.050 and 17.10.060. There shall be no meetings in January, November,
180 and December of each calendar year. Special meetings of the weed board may
181 be called pursuant to RCW 42.30.080.

182
183 **7.14.050 — Classification of land.**

184
185 Pursuant to RCW 17.10.150, the Clark County vegetation management
186 department elects to classify land according to use. A copy of the land
187 classifications is adopted hereto and by this reference incorporated herein as
188 Exhibit A, and is on file with the Clark County board of commissioners and the
189 vegetation management department.

190 * * * * *

191
192
193 **7.14.070 Adoption of noxious weed list.**

194
195 Pursuant to RCW 17.10.090 and based on the list of noxious weeds
196 provided in WAC 16-750-011 and 16-750-015, as amended, the Clark County
197 vegetation management department weed board annually adopts the attached
198 state noxious weed list as Exhibit B, which is on file with the Clark County board
199 of commissioners and vegetation management department the weed board.

200
201 **7.14.080 Presence of noxious weeds – Liability of owner for failure to**
202 **control.**

203
204 Pursuant to RCW 17.10.160 and RCW17.10.170 a property owner may be
205 liable for the cost of controlling noxious weeds found on its property when proper
206 notice to the property owner fails to result in control of noxious weeds.

207
208 **7.14.090 Right to a hearing – Notice – Hearing procedures.**

209 (1) Notice. Upon request, any owner shall be entitled to a hearing
210 before the weed board on any charge or cost, including the cost of controlling
211 noxious weeds and civil penalties resulting from civil infractions issued pursuant
212 to RCW 17.10.170. The weed board shall send notice by certified mail to each
213 owner at the owner's last known address as to the cost or charge and a right to
214 hearing. The request for appeal must occur within thirty (30) days of notice;
215 failure to request a hearing within thirty (30) days shall be considered a waiver of
216 the right to a hearing.

217 (2) Hearing Procedure. The ~~Clark County vegetation management~~
218 ~~department~~ weed board shall, upon timely request for the same, hold a hearing
219 as to any charge or cost challenged by the owner. The hearing shall be held
220 within forty-five (45) days of the request. ~~The hearing over which the Clark~~
221 ~~County weed management department may preside will follow the same process~~
222 ~~as set forth in Clark County Code 32.08.040.~~

223 (3) Decision. Within fifteen (15) days following the close of the
224 hearing, the ~~Clark County vegetation management department~~ weed board shall
225 enter its written decision and mail a copy thereof by certified mail to the
226 appealing landowner. Such decision shall contain findings and conclusions.

227 (4) Appeal. Any appeal of the decision of the ~~Clark County vegetation~~
228 ~~management department~~ weed board shall be to superior court by writ of
229 certiorari filed within fifteen (15) days of the date the decision was entered.
230

231 **7.14.100 Establishment of a Clark County vegetation management**
232 **department director position.**
233

234 Pursuant to RCW 17.10.060, a the Director of Clark County vegetation
235 management department director Environmental Services shall be employed by
236 the board and will be assigned duties by the board a vegetation management
237 department, including a weed coordinator and staff necessary for administration
238 of the County's noxious weed control program, pursuant to RCW 17.10,
239 including, but not limited to:

241 (1) Management of the annual program of work which includes the
242 following duties and responsibilities:

244 (a) Supervision of the inspection of land to determine the presence of noxious
245 weeds;

247 (b) Preparation of the annual program and preliminary budget for approval by
248 the board of county commissioners for Clark County;

~~250 (c) Management of the Clark County vegetation management department's~~
251 ~~annual program of work which includes four elements: the weed control program;~~
252 ~~the education program; the enforcement and regulation program; and the~~
253 ~~monitoring program.~~

255 (2) ~~The director shall function as a program manager and shall be~~
256 ~~provided with the necessary authority to perform the duties of the position in an~~
257 ~~efficient and economical manner. The director will be authorized to employ help~~
258 ~~when necessary to select volunteers to help in program management and to~~
259 ~~make necessary purchases. The director will be reimbursed for services at an~~
260 ~~hourly rate of pay that is commensurate with the duties and responsibilities of the~~
261 ~~job.~~

	<u>1st Offense within 5 years</u>	<u>750</u>
	<u>2nd and any subsequent offense</u>	<u>1,000</u>
<u>Any Class B designate noxious weed in the noxious weed control region in which the land lies:</u>		
	<u>1st Offense within 5 years</u>	<u>500</u>
	<u>2nd offense</u>	<u>750</u>
	<u>3rd and any subsequent offense</u>	<u>1,000</u>
<u>Any Class B nondesignate noxious weed in the noxious weed control region in which the land lies; or any Class C noxious weed:</u>		
	<u>1st Offense within 5 years</u>	<u>250</u>
	<u>2nd offense</u>	<u>500</u>
	<u>3rd offense</u>	<u>750</u>
	<u>4th and any subsequent offense</u>	<u>1,000</u>

298

299

300

Section 10. Amendatory. Sec. 2 of Ord. 1978-07-24 and codified as CCC 13.20.020, are each hereby amended as follows:

301

13.20.020 Fee.

302

Clark County Public Works will install upon written request ~~at a cost of \$25.00 per sign~~ the following information signs for:

303

304

(a) Churches

305

(b) Governmental facilities

306

(c) Granges

307

(d) Historical sites

308

(e) Lodges

309

(f) Parks and recreational sites

310

(g) Schools

311

(h) Unincorporated communities.

312

The cost of signs will be determined on a time and materials basis.

313

314

315 **Section 11. Amendatory.** Sec. 1 of Ord. 2007-06-05, as most recently
 316 amended by Sec. 4 of Ord. 2013-06-15 and codified as CCC 14.07.040, are each
 317 hereby amended as follows:

318

319 14.07.040 Permits required.

320 *****

321

322 (5) SEPA Requirements. Grading in a critical area, or grading over ~~five hundred~~
 323 ~~(500)~~ one thousand (1000) cubic yards outside a critical area, may be subject to
 324 the requirements in Chapter 40.570, State Environmental Policy Act (SEPA).

325

326

327 **Section 12. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
 328 amended by Sec. 1 of Ord. 2012-12-23 and codified as CCC Table 40.210.010-1
 329 are each hereby amended as follows:

330

331

332

Table 40.210.010-1. Uses					
	FR-80	FR-40	AG-20	AG-WL	Special Standards
a. Public recreation, scenic and park use	P	P	P	C ⁴³	
b. Public interpretive/educational uses	P	P	P	P	
c. Dispersed recreation and recreational facilities such as primitive campsites, trails, trailheads, snowparks and warming huts	P	P	P	X	
d. Public recreation accessways, trails, viewpoints, and associated parking	P	P	P	P	
e. Regional recreational facilities designed and developed through a public master planning process	P	P	P	P	
f. Private recreation facilities, including retreats, but excluding such intensive uses as country clubs and golf courses	C	C	C	C ⁴³	
g. Country club and golf courses	X	X	C	X	
h. Equestrian facility	P	P	P	X	40.260.040
i. Equestrian events center	C	C	C	X	
j. Circuses, carnivals or amusement rides	R/A	R/A	R/A	R/A	
4. Services – General.					

a. Event facilities < 5,000 sq. ft.	X	C	C	X	
b. Tasting room and event facilities in conjunction with a winery	P	P	P	X	40.260.245
5. Services, Membership Organization.					
a. Churches	X	C	C	X	
6. Services, Educational.					
a. Public and private elementary and middle schools serving a student population primarily outside of urban growth boundaries	C	C	C	X	40.260.160
7. Public Service and Facilities.					
a. Ambulance dispatch facilities	C	C	C	C	40.260.030
b. Government facilities	C ⁴	C ⁴	C ⁴	C ⁵	
c. Public corrections facilities	C	C	C	X	

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

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

335 ³ Public, where no public master planning process has been completed or private
336 outdoor recreational facilities requiring limited physical improvements which are
337 oriented to the appreciation, protection, study or enjoyment of the fragile
338 resources of this area. In addition to those findings as specified by Section
339 40.520.030 (Conditional Use Permits), such uses shall be approved only upon
340 the applicant establishing both of the following:

341 o There will be no significant environmental impact, especially as it relates to
342 wildlife, resulting from the proposed use; and

343 o The subject site cannot be put to any reasonable economic use which is
344 provided for in this section.

345 ⁴ Government facilities necessary to serve the area outside urban growth
346 boundaries, including fire stations, ambulance dispatch facilities and storage
347 yards, warehouses, or similar uses.

348
349 **Section 13. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
350 amended by # 8 Sec 1 (Att. A) of Ord. 2011-08-08 and codified as CCC
351 40.210.010.C are each hereby amended as follows:

352
353

354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393

394

40.210.010.C

3. Previous Land Divisions. Within the FR-80, FR-40 and AG-20 districts, until the affected property is included within an urban growth boundary, no remainder lot of a previously approved agriculture or forest district "cluster" land division or lot reconfiguration shall be:
- a. Further subdivided or reduced in size below seventy percent (70%) of the total developable area of the original parent parcel constituting the cluster subdivision; or
 - b. Reduced by a total of more than one (1) acre.
 - c. Applications for reduction in remainder lot size consistent with this provision shall be processed as a plat alteration pursuant to Section 40.540.120.
 - d. Exceptions to a, and b above. A remainder lot with an existing residence may be short platted further to contain the residence on its own lot, subject to the following:
 - (1) Process. Creation of the new lot is subject to the requirements of Section 40.540.030.
 - (2) Lot Size. The new lot shall be sized to require the minimum reduction in the remainder lot, but still meet minimum requirements of this section and for on-site sewage disposal as required by the Clark County Health Department.
 - (3) The new lot may not include critical areas unless no other alternative exists. If no alternative is available, encroachment into these areas shall be limited to the least amount possible consistent with applicable critical areas ordinances.
 - (4) A building envelope containing the existing residence and accessory buildings shall be established within the new lot, subject to the following:
 - (a) A minimum one hundred (100) foot setback between the envelope and the remainder parcel is maintained, unless it can be shown that a lesser setback with existing or proposed landscaping or existing vegetation will provide the same or greater buffering. In no case shall a setback less than fifty (50) feet be approved.
 - (b) A minimum twenty (20) foot setback between the envelope and other cluster lots is maintained.
 - (5) A note shall be placed on the plat stating the following:

Section 14. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by # 8 Sec 1 (Att. A) of Ord. 2011-08-08 and codified as CCC 40.210.020.C are each hereby amended as follows:

398

399 C. Development Standards.

400 *****

- 401 2. Previous Land Divisions. Until the affected property is included within an
402 urban growth boundary, no remainder lot of a previously approved
403 cluster land division or lot reconfiguration shall be:
404 a. Further subdivided or reduced in size below seventy percent (70%) of
405 the total developable area of the original parent parcel constituting the
406 cluster subdivision; or
407 b. Reduced by a total of more than one (1) acre.
408 c. Applications for reduction in remainder lot size consistent with this
409 provision shall be processed as a plat alteration pursuant to Section
410 40.540.120.
411 d. An exception to Sections 40.210.020(C)(2)(a) and (b) may be allowed
412 as follows:
413 (1) A remainder lot with an existing residence may be short
414 platted further to contain the residence on its own cluster lot,
415 subject to the following:
416 (a) Process. Creation of the new cluster lot is subject to the
417 requirements of Section 40.540.030;
418 (b) Lot Size. The new cluster lot shall not be greater than one
419 acre in size, unless a greater size is required by Clark
420 County Public Health.
421 (c) The new cluster lot and remainder must meet the
422 requirements of Section 40.210.020.D.3.b and the lot
423 dimension and setback requirements of Tables 40.210.020-4
424 and 40.210.020.-5;
425 (d) The reduced remainder shall not be further divided and
426 shall be subject to the requirements in Sections
427 40.210.020.D.3.c (2) (a) (i) and (ii)
428 3. Signs. Signs shall be permitted according to the provisions of Chapter
429 40.310.
430 4. Off-Street Parking. Off-street parking shall be provided as required in
431 Chapter 40.340.
432

433 **Section 15. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
434 amended by Sec 4 of Ord. 2012-12-20 and codified as CCC 40.210.020.D are
435 each hereby amended as follows:
436

437 D. Rural Cluster Development.

438 *****

439 3. Development Standards.

440 *****

441 c. Remainder Parcel.

442 (1) The remainder parcel shall be contiguous. Fragmentation of
 443 the parcel by public or private road easements and/or building
 444 sites shall not occur unless no other reasonable alternative
 445 exists. The remainder parcel shall provide a buffer for the cluster
 446 lots from adjacent lands in a resource zoning district. Remainder
 447 parcels shall also be located adjacent to other bordering
 448 remainder parcels or public parks and open space. To the
 449 maximum extent possible, all critical areas and any associated
 450 buffers existing on property proposed for cluster development
 451 shall be located within the remainder parcel. In order to retain the
 452 rural character the remainder parcel should contain to the
 453 maximum extent possible forested areas, prominent hillsides,
 454 meadows and ridges.

455 (2) There are two (2) ways of utilizing the maximum density
 456 allowed within a cluster development, as follows:

457 (a) The creation of cluster lots equal to no more than the
 458 maximum allowed density, with a remainder parcel that can
 459 be used only for the agriculture and forestry uses as listed in
 460 Table ~~40.210.010-4~~ 40.210.020-1(7)(a), (b) and (d) or as
 461 open space. An example of this would be a twenty (20) acre
 462 parcel in the R-5 district, where four (4) cluster lots and one
 463 (1) remainder are created. All of the allowed density is used
 464 on the cluster lots, and the remainder parcel can only be
 465 used as open space or for agriculture or forestry uses.

466 *****

467
 468 **Section 16. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
 469 amended by Sec. 5 of Ord. 2012-12-23 and codified as CCC Table 40.210.010-3
 470 are each hereby amended as follows:
 471

Table 40.220.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks				Maximum Lot Coverage	Maximum Building Height (feet)
	Front ³ (feet)	Side ^{4,5,10,11}		Rear ^{4,5,10,11} (feet)		
		Street (feet)	Interior (feet)			
R1-20	10 ⁸	10	10 ⁹	20	50% ¹	35 ⁷
R1-10	10 ⁸	10	7 ⁹	15	50% ¹	35 ⁷

R1-7.5	10 ⁸	10	5	10	50% ¹	35 ⁷
R1-6	10 ⁸	10	5	10	50% ²	35 ⁷
R1-5	10 ⁸	10	5	10	50% ²	35 ⁷

472 ¹ Carports and solar energy systems are excluded from this provision; provided,
473 that the total lot coverage limitation is not exceeded by more than ten percent
474 (10%) as a result of these exceptions.

475 ² Solar energy systems are excluded from this provision; provided, that the total
476 lot coverage limitation is not exceeded by more than ten percent (10%) as a
477 result of this exception.

478 ³ Front setbacks shall be measured from the edge of any street right-of-way,
479 street tract, street easement, or driveway easement that provides access to the
480 lot, including any separate pedestrian easement that may exist between a street
481 and the front setback line.

482 ⁴ Setbacks to driveway and pedestrian easements that do not provide access to a
483 subject lot shall be a minimum of five (5) feet.

484 ⁵ Setbacks from alleys to all structures including entrances to garages shall be a
485 minimum of five (5) feet.

486 ⁶ Reserved.

487 ⁷ Accessory buildings shall meet the height requirements of Section
488 40.260.010(D).

489 ⁸ Front setbacks for garages fronts in these zones shall be a minimum of
490 eighteen (18) feet. Sides and rear of garages that have no driveway access may
491 use the 10 foot living space setback.

492 ⁹ The minimum setbacks for interior side yards on pie-shaped lots shall be five (5)
493 feet.

494 ¹⁰ Side and rear setbacks from abutting property zoned for natural resource or
495 surface mining uses shall be a minimum of fifty (50) feet for all structures.

496 ¹¹ Increased setbacks apply for structures housing large urban livestock. See
497 Section 40.260.235.

498
499 **Section 17. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
500 amended by Sec. 6 of Ord. 2012-07-03 and codified as CCC Table 40.230.010-1
501 are each hereby amended as follows:
502

Table 40.230.010-1. Uses				
	C-2	C-3	GC	Special Standards
<p>1. Residential Uses.</p> <p>Residential uses are only permitted above the ground floor in commercial zones except for an accessory caretaker, security or manager, or owner residence. The residential uses must be constructed following or in conjunction with the commercial aspects of the proposal. For the purposes of subsection (1)(a) of this table, "commercial uses" are those uses listed in subsections (2), (3), (4), (7), (8), (9), (11), (12), (14), (15) and (18) of this table.</p>				
a. Residential (integrated multifamily/commercial or mixed use structure.)	P	P	P	40.260.150
b. Existing residences without any increase in density, <u>including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to time limits regarding the replacement</u>	P	P	P	<u>40.260.010</u>

20. Accessory Uses and Activities.				
a. On-site hazardous waste treatment and storage facilities, subject to state siting criteria (RCW 70.105.210).	P	P	P	
b. Drive-through, drive-in or drive-up facilities <u>over 200 square feet</u>	X	P	P	40.320.010(E), 40.340.020(A)(4)
c. <u>Coffee and food stands 200 square feet or less</u>	<u>P</u>	<u>P</u>	<u>P</u>	<u>40.260.055</u>

503
504
505
506
507

Section 18. Amendatory. Sec. 2 (Ex. A) of Ord. 2006-04-18 as most recently amended by Sec. 10 of Ord. 2012-06-02 and codified as CCC Table 40.230.020-1 are each hereby amended as follows:

Table 40.230.020-1. Uses ¹		
	MX	Special Standards
1. Residential Uses.		
a. Existing residences without any increase in density, <u>including accessory uses and structures normal to a residential environment. Replacement of such structures requires</u>	P	<u>40.260.010</u>

<u>county approval prior to the removal of the existing structure(s) and is subject to time limits regarding the replacement</u>		
b. Single-family dwelling, attached and detached	P ²	
c. Accessory dwelling unit	P ³	
d. Adult family homes	P ²	40.260.190
e. Duplex dwelling	P	
f. Townhouse dwelling	P	
g. Multifamily dwelling	P	
h. Home businesses	R/A	40.260.100
i. Bed and breakfast establishments	P	40.260.050
j. Assisted living facility	P	40.260.190
k. Cottage housing	P ⁴	Appendix A

11. Services – Medical and Health.		
a. Outpatient clinics	P	
b. Medical laboratories	C	
c. Convalescent and nursing homes	C	40.260.190
d. Orthopedic equipment and supplies, rental, sales and services	P	
e. Animal hospitals and veterinary clinics		
(1) Outside animal activities	X	
(2) Inside animal activities only	P	
(3) Animal day care <u>use facility</u>	C	

508
509
510
511
512

Section 19. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 6 of Ord. 2012-12-23 and codified as CCC Table 40.230.070-1 are each hereby amended as follows:

Table 40.230.070-1. Uses				
	UH-10	UH-20	UH-40	Special Standards
3. Services, Amusement				
d. Golf courses	C	C	C	

e. Riding stables <u>Equestrian Facilities</u>	C	C	C	40.260.040
f. Outdoor public entertainments, amusements and assemblies	R/A	R/A	R/A	Chapter 5.32

8. Other.				

g. Commercial storage of boats, vehicles, and RVs	X	P ^{4,5}	P ^{4,5}	
h. Storage yard for building materials, contractors' equipment and vehicles, house mover, delivery vehicles, transit storage, used equipment in operable condition and related materials	X	P ^{4,5}	P ^{4,5}	
i. <u>Coffee and food stands 200 square feet or less</u>				<u>40.260.055</u>

513 *****

514 ⁵ Outdoor storage will be subject to the provisions of Section ~~40.230.080(D)(5)~~.
515 40.230.085(E)(5).

516
517 **Section 20. Amendatory.** Sec. 4 of Ord. 2012-12-14 and codified as CCC Table
518 40.210.010-1 are each hereby amended as follows:
519

Table 40.230.085-1. 2012 North American Industrial Classification System (NAICS)		Uses			
		IL	IH	IR	BP
A. Resource Uses.					
11 Agriculture, Forestry, Fishing and Hunting					
111	Crop production	P	P	P	P
112	Animal production	P	P	P	P
113	Forestry and logging	P	P	P	P
114	Fishing, hunting and trapping	P	P	P	P
115	Support activities for agriculture and forestry	P	P	P	P

G. Other uses not listed as NAICS codes					

4. Other Uses					

b. Existing residences without any increase in density, <u>including accessory uses and structures normal to a residential environment. Replacement of such structures requires county approval prior to the removal of the existing structure(s) and is subject to time limits regarding the replacement.</u>	P	P	P	P

f. <u>Coffee and food stands 200 square feet or less</u>	<u>P⁸</u>	<u>P⁸</u>	<u>P⁸</u>	<u>P⁸</u>
g. <u>Agricultural stands and markets</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>	<u>P⁹</u>

520
521
522
523
524
525
526
527

⁸ Subject to the provisions of Section 40.260.055
⁹ Subject to the provisions in Section 40.260.025

Section 21. Amendatory. Sec. 4 of Ord. 2012-12-14 and codified as CCC Table 40.230.085-2 are each hereby amended as follows:

Subject	Zone			
	IL	IH	IR	BP
Minimum area of new zoning district	None	None	None	5 acres ⁴
Maximum area of new zoning district	None	None	None	None
Minimum lot area	None	None	None	5 acres ⁴
Minimum lot width	None	None	None	None
Maximum building height ⁶	100 feet ²	100 feet ²	100 feet ^{2,3}	100 feet ²
Minimum building setback				
Front/street side	20 feet	20 feet	20 feet	20 feet
Side(interior)	0 feet	0 feet	0 feet	0/20 feet ⁵
Rear	0 feet	0 feet	0 feet	0/20 feet ⁵
Maximum lot coverage	100 percent	100 percent	100 percent	100 percent

<u>Maximum lot coverage</u>	<u>Maximum determined by compliance with screening and buffering standards contained in Chapter 40.320, Table 40.320.010-1, the Stormwater and Erosion Control Ordinance (Chapter 40.385), and all other applicable standards</u>			
Minimum site landscaped area ¹	10 percent	0 percent	0 percent	15 percent

528

529 **Section 22. New.** A new CCC Section 40.260.055 Coffee and Food Stands is
530 hereby adopted as follows:

531 **40.260.055 Coffee and Food Stands**

532 **A. Purpose.**

533 The purpose of this section is to provide for small coffee and food stands, which
534 are often a transitional use on underdeveloped sites, or additions to sites that are
535 already developed, but have available space.

536 **B. Applicability and exemptions**

537 1. Coffee and food stands that are either parked or placed on a semi-
538 permanent basis may be allowed in all commercial, urban holding, and
539 employment zones, subject to the following:

540 a. Each stand is limited to two-hundred (200) square feet;

541 b. A maximum of six (6) coffee and / or food stands are allowed per
542 these standards per development site;

543 c. Only one (1) stand is allowed to have drive-through facilities;

544 d. When located in an employment zone, such facilities may be
545 stand-alone uses and are not subject to Section
546 40.230.085.D.1.c.

547 2. Mobile food trucks and carts that are removed from a site at the end of
548 each day or weekend are exempt from the provisions of this section.

549 **C. Development Standards.**

550 1. Sites with on-site parking and/or drive up facilities will require an
551 approved driveway approach with adequate sight distance per Section
552 40.350.030.B.8.

- 553 2. Drive up stacking. Stands with drive-up windows require three (3),
554 eighteen (18) foot-long queuing spaces per window. Fewer spaces
555 may be approved by the responsible official provided that a plan is
556 submitted that shows the site has sufficient overflow areas so that
557 traffic will not block streets, sidewalks, or parking lot circulation aisles.
- 558 3. Parking. Parking shall meet minimum ADA requirements. One (1)
559 parking space per employee per shift shall be provided. Additional
560 parking for walk up patrons on undeveloped sites shall be provided at
561 a rate of one space per outdoor seating table. Parking may be
562 provided by the following methods:
- 563 a. On site;
- 564 b. On-street parking; provided, that the parking space is legally
565 available and along the site's street frontage. Posted-time or day-
566 restricted parking spaces do not qualify as legally available for the
567 purposes of this section; or
- 568 c. If no parking space is available on-site or on-street, a joint
569 agreement for off-site parking may be used subject to Section
570 40.340.010(A)(5).
- 571 4. Paving. Gravel parking and maneuvering areas may be approved, if it
572 provides an adequate all-weather surface. Dust shall not become a
573 nuisance, and gravel shall not be allowed to track onto sidewalks or
574 streets. The creation of additional impervious surface may be subject
575 to the stormwater requirements of Chapter 40.385.
- 576 5. Building permits. The stand and any structures associated with the
577 stand, such as add-on canopies, stairs, and decks shall comply with
578 building codes. Trailer-type stands that are raised off wheels shall
579 require building permits for adequate tie-downs.
- 580 6. Landscaping. Landscaping is not required unless headlight glare
581 associated with drive-up queuing areas will affect abutting residential
582 uses. In those cases, the responsible official may require screening in
583 the form of shrubs or fencing.
- 584 7. Public Health approval. All coffee and food stands shall comply with
585 county and state health department regulations, including the
586 provision of restroom and hand washing facilities for employees and
587 patrons.
- 588 8. Stands approved under this Section are not considered "new
589 structures" for the purposes of Section 40.370.010.C.

590 9. Signage. Permanent signs are allowed subject to Chapter 40.310.
591 One (1) portable sign is allowed per street frontage without obtaining a
592 permit under Section 40.310.010.D.10. Portable signs shall not
593 exceed six (6) square feet per side, shall be removed at the end of
594 each business day, and shall not obstruct vehicular sight distance.

595 10. Accessibility. Outdoor seating areas and restroom facilities shall
596 comply with ADA requirements.

597 11. Setbacks. All stands and accessory structures shall be setback per the
598 requirements of Table 40.320.010; however, the setback area need
599 not be landscaped. Structures, signs, and parking and maneuvering
600 areas shall not obstruct sight distance per Section 40.350.030.B.8.

601 12. Frontage improvements are not required.

602 D. Performance standards. Failure to mitigate the effect of unpaved parking
603 lots, reduced queuing and landscaping standards, portable signs, or on-
604 street parking may result in the revocation of a permit.

605 E. Process. Coffee and food stands require Type I site plan review under
606 Section 40.510.010. Building permits may be submitted at the same time
607 as the site plan review.

608 F. Application submittal requirements:

609 1. Application form;

610 2. Application fee;

611 3. Narrative that describes the existing conditions and proposed project
612 in detail, including hours of operation, types of food and beverages to
613 be prepared and served, whether outdoor seating is proposed, and
614 the provision of:

615 a. Restroom facilities;

616 b. Water and wastewater;

617 c. Off-site parking, if proposed;

618 d. Plan to mitigate the effects of dust, gravel, glare and queuing
619 overflow as applicable;

620 e. Cooking and/or barista facilities; and

621 f. Outdoor seating areas, if proposed;

- 622 4. Site plan (11" X 17" minimum size) drawn to a legible scale to
623 adequately show:
- 624 a. Dimensions of property and right-of-way lines;
- 625 b. The abutting street name, centerline, curb and sidewalk;
- 626 c. The locations, width, and surface materials of driveways, queuing
627 and parking spaces;
- 628 d. The locations and dimensions of the stand(s), outdoor seating
629 areas and restroom facilities;
- 630 e. Proposed location of signs (both permanent and/or temporary);
- 631 f. Scale of plan, and north arrow;
- 632 g. If the parcel is large, the detailed plan can show only the part of the
633 parcel proposed for the stands; provided that an insert of the entire
634 parcel is also shown with the area of detail shown on the insert; and
- 635 h. Location of any easements;
- 636 5. Copy of current deed to verify property dimensions and check
637 whether any easements exist;
- 638 6. Water utility review letter; and
- 639 7. Associated applications as applicable, such as floodplain, habitat,
640 shoreline, wetlands must be submitted prior to, or with the application.

641 **Section 23. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
642 amended by Sec. 36 of Ord. 2005-04-12, and codified as CCC 40.260.250.B are
643 each hereby amended as follows:

644 **40.260.250 Wireless Communications Facilities**

645 *****

646 **B. Applicability and Exemptions.**

- 647 1. Applicability. All wireless communications facilities (WCFs) that are not
648 exempt pursuant to this section shall conform to the standards specified
649 in this section. All WCFs in the Columbia River Gorge National Scenic
650 Area shall additionally comply with the requirements of Chapter 40.240.
- 651 2. Exemptions. The following are exempt from the provisions of this section
652 and shall be allowed in all zoning districts:

- 653 a. Wireless communications facilities that were legally established prior to
654 the effective date of the ordinance codified in this section;
655 b. Temporary facilities used on the same property for seven (7) days or
656 less;
657 c. Temporary facilities that are used solely for emergency
658 communications in the event of a disaster, emergency preparedness,
659 or public health or safety purposes;
660 d. Two-way communication transmitters used for (1) emergency services
661 including, but not limited to fire, police, and ambulance services, and
662 (2) essential public utility services, including but not limited to electric,
663 water and wastewater;
664 e. Licensed amateur (ham) radio stations and citizen band stations;
665 f. ~~Any maintenance or repair of previously approved wireless~~
666 ~~communications facilities; provided, that such activity does not~~
667 ~~increase height, width, or mass of the facility;~~
668 Any maintenance, repair, replacement, or upgrade of previously
669 approved wireless communications facilities, support structures, and
670 support towers; provided:
671 (1) Such activities do not increase the overall height of the facility by
672 more than ten percent (10%) or twenty (20) feet, whichever is
673 greater, and any additional height meets the allowable height
674 requirements in Section 40.260.250.F;
675 (2) None of the activities causes a light to be required where none
676 was previously approved;
677 (3) Expansion or replacement of support structures may be subject to
678 site plan review under Section 40.520.040;
679 (4) An existing wireless carrier may add antennas to its facility, but the
680 co-location of an additional wireless carrier is not exempt from
681 review under this title;
682 (5) Replacements and upgrades under this subsection shall require
683 building safety review; and,
684 (6) The addition of generators that were not previously approved are
685 not exempt activities.

686
687 *****

688 **Section 24. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
689 amended by Sec. 12 of Ord. 2012-12-14 and codified as CCC 40.260.250.D are
690 each hereby amended as follows:

691 D. Site Location of Wireless Communications Facilities. Wireless communications
692 facilities are permitted in any zone in the unincorporated county subject to
693 the following preferences and the limitations in Section 40.260.250(E)(2).
694 New wireless communications facilities shall be in conformance with all
695 applicable standards as provided by this section.

696 1. Facility Priorities. The county's preferences for WCFs are listed below in
697 descending order with the highest preference first.

- 698 a. Collocation with legally existing WCFs on support structures or support
- 699 towers in nonresidential districts;
- 700 b. Collocation with legally existing WCFs on support structures or support
- 701 towers in residential districts;
- 702 c. New attached WCFs on support structures in nonresidential districts;
- 703 d. New attached WCFs on support structures in residential zones;
- 704 e. New support towers.
- 705 2. Utility Pole Placement/Replacement. Placement of antennas or antenna
- 706 arrays on existing structures such as utility poles, light standards, and
- 707 light poles for street and parking lots is preferred over new towers. Utility
- 708 poles may be replaced for purposes of adding WCFs. Such
- 709 replacements shall not be considered new support towers, and parcel
- 710 size, setback, landscaping, and screening requirements of this section
- 711 shall not apply. Unless SEPA review is required, utility pole
- 712 placements/replacements require a Type I review and are subject to the
- 713 following:
- 714 a. The existing pole may be replaced with a similar pole not exceeding
- 715 ~~fifteen (15)~~ twenty (20) additional feet in height. Such increase in
- 716 height shall only be allowed for the first replacement of the pole.
- 717 b. A pole extension may not exceed the diameter of the pole at the
- 718 mounting point for the antennas.
- 719 c. For placement or replacement in public rights-of-way, auxiliary support
- 720 equipment shall be mounted on the pole or placed underground. No
- 721 at-grade support equipment in the right-of-way is permitted.
- 722 d. Replacements in public rights-of-way are subject to Chapters 12.20A
- 723 and 13.12A.

724 *****

725 **Section 25. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
 726 amended by #44 Sec. 1 (Att. A) of Ord. 2007-06-05, and codified as CCC
 727 40.260.250.F are each hereby amended as follows:

728 F. Design Standards.

729 1. Height.

- 730 a. Support Structures. Attached WCFs shall not add more than ~~fifteen (15)~~
- 731 twenty (20) feet in height to the support structure (including utility pole
- 732 replacements) to which they are attached.
- 733 b. New Support Towers.
- 734 (1) Subject to height bonus allowances in Sections
- 735 40.260.250(E)(2)(a) and (F)(1)(b)(2), new support tower heights
- 736 including all attachments are limited to the following:
- 737 (a) Rural areas: one hundred sixty-five (165) feet.
- 738 (b) Urban nonresidential districts: one hundred twenty (120) feet,
- 739 except as provided for in Section 40.260.250(F)(1)(b)(1)(c).
- 740 (c) Urban nonresidential districts: one hundred fifty (150) feet
- 741 when the tower setback is greater than twice the total tower

742 height or the parcel is completely surrounded by industrial
743 parcels.
744 (d) Urban residential districts: one hundred (100) feet.
745 (2) Tower height may be increased if eighty percent (80%) of the
746 final proposed tower is screened.

747
748 *****

749 **Section 26. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
750 amended by Sec. 12 of Ord. 2012-12-14, and codified as CCC 40.260.250.G are
751 each hereby amended as follows:
752
753

754 G. Permit Process.

755 1. Process Review. Table 40.260.250-1 shows required levels of WCF
756 application review in terms of district location. Each type is subject to
757 Section 40.520.040, Site Plan Review, and Chapter 40.510, Type I, II
758 and III Processes. Proposals requiring Type III review shall necessitate
759 approval of a conditional use permit. Facilities exempt from threshold
760 determination and EIS requirements under SEPA are listed in WAC
761 197-11-800(25).

762
763 ***(Table on next page)***
764

Table 40.260.250-1. Processing Requirements for Wireless Communications Facilities

	Collocation ¹ on Existing Support Towers or Support Structures	New ² Attached WCFs on Existing Support Structures	New Support Towers
WCFs in Rural Areas (outside UGBs)	Review Type ³		
Industrial outside rural centers (IH)	I	I	II; III ⁴
Forest Tier I (FR-80) and Tier II (FR-40)	I	I	II; III ⁴
Industrial inside rural centers (IH)	I	I	II; III ⁴
Agriculture (AG-20)	I	I	III
Rural (R-20)	II	II	III
Rural (R-20; R-10; R-5)	II I	II I	III
Rural Commercial outside rural centers (CR-1)	II I	II I	III
Rural Commercial inside rural centers (CR-2)	II I	II I	III
Rural Center Residential (RC-2.5; RC-1)	II I	II I	III
Urban Reserve (UR)	II I	II I	III
WCFs in Urban Areas (inside UGBs outside city limits)			
Urban Holding (UH)	II I	II I	III
Heavy Industrial (IH) Employment zones (IL, IH, IR, BP)	I	I	II; III ⁴
Light Industrial (IL)	I	I	II; III
General Commercial (GC)	I	I; II	III
Limited Commercial (CL)	I	I; II	III
Other Commercial (C2, C3 and GC)	I	I; II	III
Residential	II I	II I	III

Temporary Use (not to exceed 60 days)			
All districts			

- 767 ¹ Adding WCFs such as antennas to previously approved WCFs.
- 768 ² Adding WCF's to structures where none were previously approved.
- 769 NOTE: ³ Type 1s become Type 2s if the facility is not categorically exempt under
770 WAC 197-11-800(25).
- 771 NOTE: ~~In UH and UR districts, collocates and attached WCFs are Type 2s and~~
772 ~~new towers are Type 3s.~~
- 773 ~~1; 2 = Type 1 without a residence on an adjacent parcel; Type 2 with a residence~~
774 ~~on an adjacent parcel.~~
- 775 ⁴ 2; 3 = Type 2, unless tower location is within five hundred (500) feet
776 of a parcel where a Type 3 review would be required.
- 777 The preferred district locations for WCFs in rural and urban areas are in order
778 from top to bottom.
- 779 The preferred WCF types are in order from left to right.
- 780 2. Application Submittal. Applications for the location and development of
781 wireless communications facilities shall include the following:
- 782 a. For wireless collocation applications:
- 783 (1) A written narrative that addresses the following:
- 784 (a) How the application meets or exceeds each of the
785 applicable approval criteria and standards;
- 786 (b) How the proposed plan meets the minimum area and
787 dimensions of the base zone;
- 788 ~~(c) How the issues identified in the pre-application conference~~
789 ~~have been addressed, and generally, how services will be~~
790 ~~provided to the site.~~
- 791 ~~(d)~~ (c) A comprehensive description of the existing or proposed
792 facility including the technical reasons for the design and
793 configuration of the facility, design and dimensional
794 information, anticipated coverage of the facility, and the
795 ability to accommodate future collocation opportunities.

796 (e) ~~(d)~~ If camouflage technology is proposed, the applicant shall
797 provide a complete description of the suggested
798 camouflage, including style and materials to be used, a
799 photographic depiction of the proposed facility, and a
800 maintenance plan detailing provisions for the continued
801 effectiveness of the suggested camouflage for the life of
802 the facility.

803 (f) ~~An analysis of the proposal area and discussion of factors~~
804 ~~influencing the decision to target the proposed location.~~
805 ~~Such analysis shall include the good faith efforts and~~
806 ~~measures taken to secure a higher priority location; how~~
807 ~~and why such efforts were unsuccessful; and how and why~~
808 ~~the proposed site is essential to meet service demands for~~
809 ~~the geographic service area.~~

810 (g) ~~(e)~~ The frequency of vehicular trips the proposal could be
811 expected to generate.

812 (2) A site plan that is drawn to a minimum engineer's scale of one
813 (1) inch equals two hundred (200) feet on a sheet no larger
814 than twenty-four (24) inches by thirty-six (36) inches. The
815 following information shall be clearly depicted:

816 (a) Applicant's name, mailing address and phone number;

817 (b) Owner's name and mailing address;

818 (c) Contact person's name, mailing address, and phone
819 number;

820 (d) North arrow (orientated to the top, left or right of page) scale
821 and date;

822 (e) Proposed name of project;

823 (f) Vicinity map covering one-quarter mile radius from the
824 development site (not required for rural area plans); and

825 (g) Area of the site in acres or square feet.

826 (h) Existing Conditions on the Site. A copy of the previously-
827 approved site plan and elevation drawings for the existing
828 facility, or a site plan depicting;

829 (i) The entire parcel, drawn to scale, with property lines,
830 north arrow (orientated to the top, left or right of page),
831 footprint of existing structures and driveways, parking

- 832 spaces, abutting streets (name, centerline, curb and
833 sidewalk), and existing fire hydrants;
- 834 ~~(ii) The location of existing wells and septic systems;~~
- 835 ~~(iii) Location and full width of existing easements for~~
836 ~~access, drainage, utilities, etc.;~~
- 837 ~~(iv) The locations of any existing environmentally sensitive~~
838 ~~areas (e.g., wetlands, water bodies, steep slopes, etc.)~~
839 ~~on the site, as indicated in the GIS materials;~~
- 840 ~~(v) Indicate the existing surfacing and features on all~~
841 ~~portions of the site, such as asphalt, landscaping,~~
842 ~~lawn, gravel, stormwater swale, etc. (as applicable);~~
843 ~~and~~
- 844 ~~(vi) (ii) Elevation drawings of existing site and facility,~~
845 ~~including the tower, equipment structures, antennas,~~
846 ~~mounts and, if applicable, existing structures. Other~~
847 ~~applicable features, including but not limited to security~~
848 ~~fencing and screening, shall be included.~~
- 849 (i) Proposed Improvements.
- 850 (i) Show the location of all proposed structures, driveways
851 and roads, easements, number and layout of
852 proposed parking spaces (as applicable) and
853 proposed location of fire hydrants;
- 854 (ii) Landscape plan if landscaping is proposed;
- 855 (iii) Elevation drawings of the proposed site and facility
856 changes.
- 857 (3) Documentation that establishes the applicant's right to use the
858 site shall be provided at the time of application by a copy of the
859 proposed lease agreement, easement agreement, license
860 agreement or letter of authorization to use the facility from the
861 owner of the support structure.
- 862 (4) Submit an original letter, signed and stamped by an engineer
863 licensed in the state of Washington, certifying that the existing
864 cell tower or support structure is of sufficient structural capacity
865 to support the addition of the proposed co-location based on
866 Telecommunications Industry Association standard TIA/EIA-
867 222.

868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913

- 3. Neighborhood Meeting.
 - a. The applicant shall hold a neighborhood meeting no more than ninety (90) days prior to the submission of a Type III application for a new support tower. The sole purpose of the neighborhood meeting is to exchange information on the siting and design of the new support tower, and should be scheduled to allow maximum flexibility for review of issues and alternatives prior to the application. The neighborhood meeting shall be held at a location within a reasonable distance of the proposed development site on a weekday evening at a reasonable time. A pre-application conference is not a substitute for the required neighborhood meeting.
 - b. Requirements.
 - (1) The applicant shall send a notice of the meeting at least fifteen (15) days prior to the scheduled meeting to:
 - (a) The Chair of the Neighborhood Associations Council of Clark County (NACCC);
 - (b) The county-recognized official representative of the Neighborhood Association, if one exists, that includes the proposed site;
 - (c) The county staff representative responsible for neighborhood relations; and
 - (d) All landowners within the notification radius of the proposed site as specified in Section 40.260.250(G)(4). The mailing list used for notification shall be based on the most recent property tax assessment rolls within thirty (30) days of mailing of the Clark County Assessor. At the request of the applicant, and upon payment of an applicable fee, the County will provide the required mailing list.
 - (2) Coincidental with the notification mailing, the applicant shall post the meeting notification in the neighborhood news section of the local press, and shall post a sign with the neighborhood notification in a conspicuous location near the edge of the property containing the proposed development.
 - (3) The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.
 - (4) A copy of the notice, mailing list and the proposed development plan as presented at the meeting, as well as minutes and the sign-in sheet from the meeting, shall be submitted with the application.
- 4. Notification. Notification procedures of Chapter 40.510 shall apply, except that for new support towers and ~~support structures supporting WCF antennas for the first time~~ the notification radius shall be one thousand three hundred twenty (1,320) feet (1/4 mile) in rural areas and six hundred sixty (660) feet (1/8 mile) in urban areas.
- 5. Third Party Review. The review authority may require a technical review by a third party of the applicant's justification under Section

914 40.260.250(E)(1) for a new tower location as part of the Type III permit
915 review process. The first two thousand dollars (\$2,000) of cost of the
916 technical review shall be borne by the applicant, and such cost will be
917 adjusted annually based on the implicit price deflator as determined by
918 the Clark County Budget Office.

919 *****

920 **Section 27. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 and codified as
921 CCC Section 40.320.010.F are each hereby amended as follows:
922

923 F. Establishing Setback Standards for Retaining Walls and Fences.

924 1. Construction of private retaining walls or fences within public rights-of-
925 way is prohibited. Exceptions to this prohibition shall require approval
926 of the Public Works director.

927 2. The construction of retaining walls four (4) feet or less in height and
928 fences six (6) feet or less in height may be constructed within public
929 easements. Exceptions may be granted when written approval has
930 been obtained from the easement holder.

931 3. The construction of retaining walls in excess of four (4) feet in height
932 and fences in excess of six (6) feet in height shall meet the setback
933 requirements of the underlying zone. Exceptions to this provision are
934 as follows:

935 a. This does not apply w~~When~~ an exception under (1) and (2)
936 above has been granted;

937 b. -and The exposed faces of retaining walls over four (4) feet in
938 height are directed toward the interior of the lot;

939 c. The retaining walls are constructed as part of the site
940 improvements prior to a final plat, and located between lots
941 within the development. Retaining walls on the perimeter of the
942 plat may not use this exception, except as allowed under
943 40.320.010.F.3.d below;

944 d. Retaining walls abutting a road right-of-way or road easement,
945 provided that the wall does not block required sight distance.

946 e. The retaining wall is constructed between lots under the same
947 ownership.

948 4. Building codes for retaining walls may require setbacks that are
949 greater than those required by this section.

950 **Section 28. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 and codified as
951 CCC Section 40.320.020.C are each hereby amended as follows:

952 C. Critical Locations.

- 953 1. Trees with a mature height greater than twenty-five (25) feet shall not be
954 sited under or adjacent to utility lines or overhead structures.
955 2. Landscaping used shall not compromise sight distance requirements as
956 defined in Section ~~40.320.030~~ 40.350.030.
957 3. Hardscape may be allowed for a portion of the area to be landscaped
958 per Table 40.350.010-1.
959

960 **Section 29. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
961 amended by Sec. 6 of Ord. 2009-01-01, and codified as CCC 40.340.010.A are
962 each hereby amended as follows:
963

964 **40.340.010 Parking and Loading Standards**

965 A. General.

966 *****

- 967 8. Surfacing. All parking and loading spaces and related access drives,
968 maneuvering, and vehicle storage areas shall be paved to standards
969 approved by the responsible official except as follows:
970 a. Driveways leading to parking and maneuvering areas for unoccupied
971 utility and wireless communication facilities need not be paved,
972 except as required by Section 40.350.030(B)(7)(c) (this still requires
973 the first twenty (20) to twenty-five (25) feet of driveway to be paved so
974 gravel does not enter the paved road);
975 b. Three (3) or fewer parking spaces serving unoccupied utility and
976 wireless communication facilities need not be paved;
977 c. Transitional uses such as coffee and food stands approved under
978 Section 40.260.055;
979 d. Driveways used only for fire access purposes;
980 e. Parking areas for uses that receive access from unpaved roads; and,
981 e. Other uses as approved by the responsible official.
982
983

984 **Section 30. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 and codified as
985 CCC Table 40.340.020-1 are each hereby amended as follows:
986
987
988
989
990

Table 40.340.020-1. Minimum Queuing Spaces for Drive-Up, Drive-In and Drive-Through Services

Use	Requirement
<u>Drive-through coffee or food stands over 200 square feet without indoor seating</u>	<u>6 per window, or as determined at the time of site plan review</u>
Drive-in <u>through</u> banks	5 spaces/service terminal
Drive-in <u>through as part of a restaurant or coffee shop with indoor seating</u>	10 spaces/service window
Gasoline service stations	3 spaces/pump
Mechanical car washes	3 spaces/washing unit
Parking facilities:	
Free-flow entry	1 space/entry driveway
Ticket dispense entry	2 spaces/entry driveway
Manual ticket dispensing	8 spaces/entry driveway
Attendant parking	10% of the parking capacity served by the driveway
Other facilities	To be set in site plan or conditional use review

991

992 **Section 31. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
 993 amended by Sec. 9 of Ord. 2012-12-23, and codified as CCC 40.350.010.B are
 994 each hereby amended as follows:

995 **40.350.010 Pedestrian/Bicycle Circulation Standards**

996 *****

997 B. Pedestrian Circulation/Sidewalks.

998 For sidewalk construction standards, construction timing, construction bond
 999 and procedure, see Section 40.350.030(C)(4)(h). For sidewalks specifications,
 1000 see the Standard Details Manual. For reference materials, see pedestrian
 1001 facilities guidebook-incorporating pedestrians into Washington's transportation
 1002 system, sponsored by WSDOT.

1003 1. Urban Areas. Sidewalks shall be constructed as provided below.

1004 *****

1005 c. Width. Sidewalks shall be constructed to the minimum width listed in
 1006 Table 40.350.010-1; provided:

- 1007 (1) In instances where a minimum width less than five (5) feet is
- 1008 approved, there shall be Americans with Disabilities Act
- 1009 compliant five (5) foot by five (5) foot landings every two hundred
- 1010 (200) feet.
- 1011 (2) The remaining area between the curb and edge of right-of-
- 1012 way may be hardscaped if approved by the review authority.
- 1013 d. Obstructions. Fixed objects such as trees, tree wells, mailboxes, fire
- 1014 hydrants, utility or telephone poles, or benches may be placed on the
- 1015 sidewalk; provided, a minimum unobstructed width of ~~thirty-six (36)~~
- 1016 forty-eight (48) inches is provided.
- 1017
- 1018

1019 **Section 32. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently
 1020 amended by Sec. 10 of Ord. 2012-12-23, and codified as CCC 40.350.030.B are
 1021 each hereby amended as follows:

1022 **40.350.030 Street and Road Standards**

1023 *****

1024 B. Standards for Development Review.

1025 *****

- 1026 3. Transportation Design Criteria. The design criteria set out in Tables
- 1027 40.350.030-2 and 40.350.030-3 are adopted as a portion of the Clark
- 1028 County standard specifications. Such criteria are applicable to roads
- 1029 located within and adjacent to a development. These criteria are
- 1030 intended for normal conditions. The responsible official may require
- 1031 higher standards for unusual site conditions.
- 1032 All urban roads except alleys consist of a core road section and a flex
- 1033 zone section.
- 1034 a. The core road consists of the traveled way portion of the road, as well
- 1035 as medians and turning lanes on higher classification roads. Core
- 1036 road features as shown on the Standard Detail Drawings allow little, if
- 1037 any, variation unless a road modification request is approved.
- 1038 (1) Travel and turning lanes require impervious pavement on all
- 1039 rural roads, and urban arterials, collectors, industrial/commercial,
- 1040 and neighborhood circulator roads.
- 1041 (2) Permanent median areas may utilize stormwater low impact
- 1042 development features including, but not limited to, bioretention
- 1043 swales and permeable pavement. Such features shall be subject
- 1044 to approval by the Public Works Director and shall be designed to
- 1045 ensure adequate public safety.
- 1046 b. The flex zone consists of that portion of the roadway outside of the
- 1047 core road. Flex zone features can include stormwater best
- 1048 management practice features, parking and bike lanes, sidewalks,
- 1049 and planter and utility strips, depending on the road classification.

1050 These features may be designed with considerable flexibility subject
1051 to engineering approval by the county; however, all features
1052 applicable to the road classification shall be provided. Some flex zone
1053 features may require more right-of-way than is noted in Table
1054 40.350.030-2.

1055 (1) Stormwater Features. Stormwater low impact development
1056 features as found in the Clark County Stormwater Manual are
1057 allowed with approval from the Public Works Director.
1058 Stormwater features shall be designed and constructed to ensure
1059 adequate public safety. Right-of-way in excess of that required in
1060 Table 40.350.030-2 may be needed to accommodate stormwater
1061 features.

1062 (a) Permeable Pavement. Permeable pavement may be used
1063 for the following:

1064 (i) ~~Permanent median areas,~~ Sidewalks, and separated
1065 bike lanes on all road classifications;

1066 (ii) Parking and nonseparated bike lanes of all urban
1067 access roads, including neighborhood circulators; and

1068 (iii) Travel lanes of all urban access roads except
1069 neighborhood circulators.

1070 (iv) Prior to acceptance of permeable pavement surfaces
1071 by the county, the applicant shall sign a Permeable
1072 Pavement Testing and Acceptance Agreement in a
1073 form acceptable by the Public Works Director.

1074 *****

1075 (6) Curb and gutter, when required, shall be a minimum of
1076 eighteen (18) inches wide. When curbs are required, vertical
1077 curb is required for all roads except for cul-de-sac bulbs.

1078 **Section 30. Amendatory.** Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 1 of Ord. 2012-05-14,
 1079 and codified as CCC Table 40.350.030.-2 are each hereby amended as follows:

1080

Table 40.350.030-2

Roadway Type	Applicable Zoning	Standard Detail #	Right-of-Way	Roadway Width	# Travel Lanes/ Surface ¹	Lane Width	CTL/ Median/ Surface ^{1,2}	Bike Lane or Shoulder (2 Sides)/ Surface	Sidewalk/ Surface	Parking/ Surface ¹	Total Plante LID/Util
Arterial	Parkway (Pa-4b)	1	120'	74' - 80'	4/IMP	12'	10' - 16'	8' shoulders ³ /IMP	12' trail/P	None	28 - 3-
	Principal (Pr-4cb)	4 <u>2</u>	100'	72'	4/IMP	11' & 12'	14'	6' bike lanes	6 ⁴ /P	None	16'
	Minor (M-4cb)	6 <u>3</u>	100'	72'	4/IMP	11' & 12'	14'	6' bike lanes	6 ⁴ /P	None	16'
	Minor (M-2cb)	10 <u>4</u>	72'	48'	2/IMP	12'	12'	6' bike lanes	6 ⁴ /P	None	12'
Collector	Urban (C-2cb)	11 <u>5</u>	70'	46'	2/IMP	11'	12'	6' bike lanes	6 ⁴ /P	None	12'
	Urban (C-2)	12 <u>6</u>	60'	38'	2/IMP	11'	None	None	6 ⁴ /P	8' both sides	10'
	Urban (C-2b)	12A <u>7</u>	60'	34'	2/IMP	11'	None	6' bike lanes	6 ⁴ /P	None	14'
Commercial/Industrial	Local	21 <u>8</u>	60'	42'	2/IMP	14'	14'	None	6 ⁴ /P	None	5'
	Local w/ Bike Lanes	New <u>9</u>	70'	52'	2/IMP	14'	14'	5' bike lanes	6 ⁴ /P	None	5'

	Local w/ Parking	All commercial & industrial zones	22 <u>10</u>	60'	38'	2/IMP	14'	None	None	6 ⁴ /P	10' one side	9'
	Storefront	Mixed use & Hwy 99 overlay	New <u>11</u>	65'	40'	2/IMP	12'	None	None	8'/P	8' both sides	4' tree wells bc sides
	Neighborhood Circulator	All urban residential zones	13 <u>12</u>	54'	36'	2/IMP	10'	None	None	5'/P	8' both sides	8' <u>7</u>
	Urban Local	All urban residential zones	44 <u>13</u>	46'	28'	1/P	12'	None	None	5'/P	8' both sides	8' <u>7</u>
Access	Short Cul-de- sac	All urban residential zones	16 <u>14</u>	44 ⁵ '	26 ⁵ '	1/P	10'	None	None	5'/P	8' both sides	8' <u>7</u>
	Private Road	All urban zones	17A <u>15</u>	26' easement	20'	2/P	10'	None	None	5' one side/P	None	4' <u>0</u>
	Private Road	All urban zones	17A <u>16</u>	30' easement	24'	1/P	16'	None	None	5' one side/P	8' one side	4' <u>0</u>
	Alley	All urban zones	19 <u>17</u>	26'	20 ⁶ '	1/P	16'	None	None	None	None	6'
Arterial	Rural Arterial (RA)	All rural & resource zones	23A <u>18</u>	100'	40'	2/IMP	12'	None	None	None	None	60'
	Major (R-2)	All rural & resource zones	23 <u>19</u>	60 ⁷ '	40'	2/IMP	12'	None	None	None ⁸	None	20'
Collector	Minor (Rm-2)	All rural & resource zones	24 <u>20</u>	60 ⁷ '	40'	2/IMP	12'	None	None	None ⁸	None	20'
	Rural Local	All rural & resource zones	25 <u>21</u>	50 ^{9,10} '	24'	2/IMP	10'	None	None	None ¹¹	None	26'
Access												

Section 31. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 8 of Ord. 2012-05-14, and codified as CCC 40.350.030.B are each hereby amended as follows

40.350.030.B

4. Access Management.

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

b. **Access to Local Access Roads.**

(1) **Driveway Spacing.**

(a) Excepting the bulbs of cul-de-sacs, driveways providing access onto nonarterial streets serving single-family or duplex residential structures shall be located a minimum of five (5) feet from the property lines furthest from the intersection. Where two (2) driveways are permitted, a minimum separation of fifty (50) feet shall be required between the driveways, measured from near edge to near edge.

(b) Corner lot driveways shall be a minimum of fifty (50) feet from the intersecting property lines, as measured to the nearest edge of the driveway, or in the case where this is impractical, the driveway may be limited to twenty (20) feet in width and located five (5) feet from the property line away from the intersection or as a joint use driveway at this property line. Where a residential corner lot is located at the intersection of a nonarterial street with an arterial street, the corner clearance requirements of Section 40.350.030(B)(4)(c)(2)(f) shall apply to the nonarterial street.

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

a. **Stopping Sight Distance.**

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

Public roads shall have minimum stopping sight distance, as measured from a height of three and one-half (3.5) feet to a target on the roadway nominally ~~six (6) inches~~ two (2) feet in height, in accordance with ~~Table 40.350.030-6~~ 40.350.030-7. The effect of grades on stopping sight distance shall be calculated using the most current version of the Washington State Department of Transportation's "Design Manual".

~~"Posted speed," which is statutory (fifty (50) mph as per RCW 46.61.415) or recommended through a speed zone study and adopted by resolution by the board, shall be the legal speed limit generally applicable to such roadway. The advisory speed shown on a yellow advisory speed plate is not a legal speed limit. The county, or the applicant, should conduct a speed study if the actual traffic speeds are significantly different than the posted speed limit.~~

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

Table 40.350.030-7. Stopping Sight Distance	
Posted Speed (mph)	Minimum Stopping Distance (feet)
25	150
30	200
35	250
40	325
45	400
50	475

b. Controlled Intersection and Driveway Sight Distance Triangle.

Traffic entering an uncontrolled public road from stop sign controlled public roads, or from private roads or private driveways, shall have minimum ~~corner intersection~~ sight distances, as shown in the ~~following table Table 40.350.030-8,~~ except as allowed in Section 40.350.030(B)(8)(c). They are Sight distance shall be measured from an eye height of three and one-half (3.5) feet above the controlled road pavement surface at least and fifteen (15) feet from the edge of the vehicle travel lane of the uncontrolled public road. The to an object height of four and one quarter (4.25) feet on the uncontrolled public road shall be three and one-half (3.5) feet above the pavement surface located four feet to the right of the striped or assumed centerline of the roadway, in accordance with Table 40.350.030-8. For multilane highways, the object on the uncontrolled roadway shall be located on the approach lane closest to the controlled side street. Landscaping or fences within sight distance triangles shall not interfere with sight distance requirements. Sight

distance triangles shall be clear of all obstructions, including, but not limited to, landscaping, fences, structures and earth berms between the heights of three (3) and seven (7) feet.

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

c. Uncontrolled Intersections.

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

~~d. Driveways in Urban Residential Areas. Except for corner lot driveways, urban residential driveways shall have an unobstructed sight distance of one hundred (100) feet in both directions. The sight distance is measured along the lines four (4) feet from the centerline, in the drivers' direction, for both directions.~~

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

~~e. Driveways in rural areas are subject to Table 40.350.030-8.~~

~~f. Effect of Grades. The effect of grades on the above stopping and intersection sight distances shall be governed by the criteria stated in the American Association of State Highway and Transportation Officials' (AASHTO) reference "A Policy on Geometric Design of Rural Highways" (1990)~~

11. Joint Driveways. A maximum of ~~three (3)~~ four (4) legal lots may use a joint driveway to access a public or private road.

Section 32. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 2 of Ord. 2012-05-30, and codified as CCC 40.350.030.C are each hereby amended as follows:

C. Specifications for Design and Construction.

3. Transportation Design Specifications.

- d. Alternate Surface Treatment. Alternate surface treatments, other than permeable pavement, may only be used upon approval of the County Engineer. The applicant shall supply the County Engineer with specifications for materials and application rates as part of the approval. Permeable pavement is allowed under Section 40.350.030(B)(3)(b)(1)(a), subject to the specifications in the ~~Standard Details Manual~~ current edition of the LID Technical Guidance Manual.

Section 33. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by #28 Sec. 1 (Att. A) of Ord. 2011-08-08, and codified as CCC 40.510.030.E are each hereby amended as follows

40.510.030

E. Public Notice.

3. Distribution

- e. ~~Except for plat alteration applications that have been elevated to Type III applications, and shorelines permits, the county shall post the notice in a conspicuous place visible to the public in at least three (3) locations on or in the vicinity of the property subject to the application at least fifteen (15) calendar days before the hearing, and the applicant shall remove and properly dispose of the notices within seven (7) calendar days after the hearing.~~

~~(1) The notice shall be posted on a signboard provided by the responsible official for that purpose. The signboard shall state the date, time and place of the hearing; the project name; the case number(s); the nature and location of the proposal and instructions for obtaining further information and, if one is provided, the telephone number where the applicant can be contacted for more information.~~

~~(2) The responsible official shall execute an affidavit certifying where and when the notices were posted.~~

~~d.c.~~ Except for plat alteration applications that have been elevated to Type III applications, and shorelines permits, the applicant shall post one (1) four (4) foot by eight (8) foot sign board on the property subject to the development application as follows:

Section 34. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 14 of Ord. 2012-12-23, and codified as CCC 40.520.030.I are each hereby amended as follows

I. Expansions.

1. ~~Except as provided in Sections 40.520.030(G)(2) and 40.530.050(C), an~~ Subject to Section 40.520.030(G)(2), an existing permitted or lawfully nonconforming conditional use may be expanded or modified following site plan approval pursuant to Section 40.520.040 if the expansion or modification complies with other applicable regulations and is not expressly prohibited by either:
 - a. An applicable prior land use decision if the original use is lawfully nonconforming because it was commenced prior to a conditional use permit being required; or
 - b. The conditional use permit issued for such use.
 - c. A lawful, but nonconforming conditional use must first obtain a conditional use permit and the necessary site plan review approval subject to the standards in Sections 40.520.030(G)(2) and ~~40.530.050(C)~~ 40.520.040 prior to expanding or modifying that use on the site.

Section 35. Amendatory. Sec. 1 (Ex. A) of Ord. 2003-11-01 as most recently amended by Sec. 23 of Ord. 2012-07-03, and codified as CCC 40.550.010.B are each hereby amended as follows:

B. Classification of Modifications.

Modification requests shall be classified as either a minor deviation, technical road modification, or major road modification. Acceptance of a request under one category shall not preclude the county from reclassifying the request upon further review.

1. Minor Deviation. The purpose of a minor deviation is to allow minor modifications that occur routinely and that clearly meet the general approval criteria in Section 40.550.010(C).

a. Minor Deviation Classification Guidelines. In order for a modification to be considered a minor deviation, the modification proposal shall meet all the following:

- (1) Does not require engineering analysis to demonstrate compliance with the approval criteria except as required by Section 40.550.010(B)(1)(c); and
- (2) Does not involve safety or off-site impacts; and
- (3) Involves minimal review to approve and document; and
- (4) Does not involve the public interest.
- (5) Is similar to other approved modifications that have shown to have no adverse impacts.

b. Examples of Minor Deviations. Examples of minor deviations that may be approved include, but are not limited to:

- (1) Reduced cross-sectional requirements, in order to match existing roadway and curb line when there is no expectation to ever change the existing cross-section to the current standard.
- (2) Alternative pavement design, roadway cross-section, roadway geometry or construction material changes for local access roads.
- (3) Minor access spacing changes when no alternative is feasible.
- ~~(4) A minor increase in the maximum number of lots served by driveways.~~
- (4) ~~(5)~~ Access to a higher classification roadway when no feasible alternative exists.
- (5) ~~(6)~~ A minor increase to the length of a cul-de-sac.
- (6) ~~(7)~~ A minor increase to the number of lots accessed from a cul-de-sac.
- (7) ~~(8)~~ A minor increase to the maximum number of lots or dwelling units without a secondary access road.
- (8) ~~(9)~~ Minor deviations may be approved for residential developments which generate no more than twenty (20) new ADT, when the cost of the required improvements per average daily trip generated by the development is shown to be disproportional to the requirements imposed by the county for other approved projects.
- (9) ~~(10)~~ For frontage improvements along roads abutting small residential developments, if the street block face (including the subject parcel) has no frontage improvements or is unlikely to subdivide, the subject development may not be required to provide full frontage improvements. For purposes of exempting frontage improvements, the predominant condition of the street block face shall be defined by considering the existing frontage condition for all parcels fronting the half-street. If less than fifty percent (50%) of the street block face (including the subject parcel) have frontage improvements and are unlikely to subdivide, the

subject development shall not be required to provide full frontage improvements. Where fifty percent (50%) or more have full street frontage improvements, or are likely to subdivide, half-street frontage improvements shall be required. For the purpose of this code section, small residential developments are defined as developments consisting of four (4) lots or less.

Section 36. Amendatory.

Sec. 4 (Ex.2) of Ord. 2009-12-16, as most recently amended by Sec. 26 of Ord. 2012-07-03, and codified as Chapter 4.6. of Appendix F of Title 40, are each hereby amended as follows:

Section 4.6. Single Family Overlay

C.

Rear Setback Requirements:

- General setback = ~~20' min.~~ setbacks of applicable zoning district
- Garage adjacent to alley = 0' min.

Section 37. Amendatory.

Sec. 4 (Ex.2) of Ord. 2009-12-16, as most recently amended by Sec. 26 of Ord. 2012-07-03, and codified as Chapter 5.3 of Appendix F of Title 40, are each hereby amended as follows:

5.3 Internal Pedestrian Access

INTENT

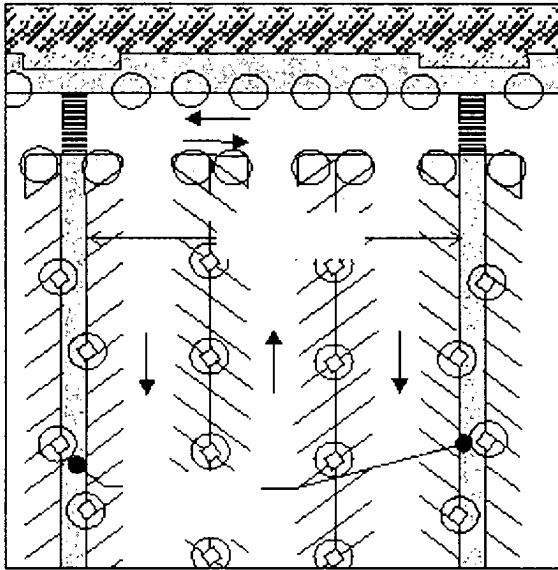
- To provide safe and direct pedestrian access in commercial areas to accommodate pedestrian movement patterns, to minimize conflicts between pedestrians and vehicular traffic, and to provide pedestrian connections to neighborhoods.
- To provide safe routes for the pedestrian and disabled person across parking, to entries, and between buildings.
- To provide attractive internal pedestrian routes that promote walking and enhance the character of the area.
- To provide a network of pedestrian walkways that can be expanded over time.
- To encourage pedestrian amenities along walkways, such as artwork, landscaping elements, and architectural details.

5.3.1 Pedestrian Access and Connectivity

Applicants shall successfully demonstrate how the proposal includes an integrated pedestrian circulation system that connects buildings, open space, and parking areas with the adjacent street sidewalk system and adjacent properties.

(1) Buildings with entries not facing the street should have a clear and obvious pedestrian access way from the street to the entry.

(2) Parking lot walkways: Paved walkways shall be at least 44 8 feet in width.



Trees in grates or planting strips may be integrated with the walkway provided the paved area is no less than 8 5 feet in width. Such access routes through parking areas shall be separated from vehicular parking and travel lanes by use of contrasting paving material, landscaped strips, and/ or by using a raised walkway, provided that it is ADA accessible.

Trees and pedestrian-scaled lighting (maximum 18 feet in height) shall be used to clearly define pedestrian walkways or other pedestrian areas within the parking area.

Section 38. Amendatory. Sec. 4 (Ex.2) of Ord. 2009-12-16, and codified as Chapter 7.7 of Appendix F of Title 40, are each hereby amended as follows:

7.7 Duplexes

7.7.2 Duplex Configuration and Orientation

(1) Garages and driveways:

~~(2) Driveways shall be shared and no greater than 20 feet in width.~~

Section 39. Amendatory. Sec. 4 (Ex.2) of Ord. 2009-12-16, and codified as Chapter 7.8. of Appendix F of Title 40, are each hereby amended as follows:

7.8 Single Family Housing

7.8.1 Single Family Description

7.8.2 Standards for Traditional Single Family Lots

(1) Garages placement:

- ~~(a) Where lots front on a street and where vehicular access is from the street, garages or carports shall be set back at least 5 feet behind the front wall of the house or front edge of an unenclosed porch. On corner lots, this standard shall only apply to the designated front yard.~~
- ~~(b) The garage face shall occupy no more than 50 percent of the ground level façade facing the street.~~
- ~~(c) Where lots abut an alley, the garage or off-street parking area shall take access from the alley, unless precluded by steep topography greater than 15% grade.~~

(2) Driveway standards:

- ~~(a) No more than one driveway per dwelling unit.~~
- ~~(b) Driveways for individual lots 50 feet or wider may be up to 20 feet in width.~~
- ~~(c) Driveways for individual lots less than 50 feet wide may be up to 12 feet in width. Tandem parking configurations may be used to accommodate two-car garages.~~

~~(3) Covered entry. All houses shall provide a covered entry with a minimum dimension of 4 feet by 6 feet. Porches up to 200 square feet may project into the front yard.~~

~~(4) Windows on the street. Transparent windows and/or doors are required on at least 10 percent of the facade (all vertical surfaces facing the street).~~

~~(5) Minimum usable open space. All alley loaded lots shall provide a contiguous open space equivalent to 10 percent of the lot size. Such open space shall not be located within the front yard. The required open space shall feature a minimum dimension of 15 feet on all sides. For example, a 3,000 square foot lot would require a contiguous open~~

~~space of at least 300 square feet, or 15 feet by 20 feet in area. Driveways shall not count in the calculations for usable open space.~~

Section 40. Amendatory. Sec. 4 (Ex.2) of Ord. 2009-12-16, and codified as Chapter 8.3 of Appendix F of Title 40, are each hereby amended as follows:

8.3 Landscaping Standards

8.3.3 Landscaping Typology Standards

(1) Type A Landscaping, p.~~419~~ 131

(2) Type B Landscaping, p.~~420~~ 132

(1) Type C Landscaping, p.~~421~~ 133

(1) Type D Landscaping, p.~~422~~ 134

(1) Type E Landscaping, p.~~423~~ 135

Section 41. Effective Date.

This ordinance shall take effect at midnight on the date of its adoption.

Section 42. Instructions to Clerk.

The Clerk of the board shall:

- 1) Transmit a copy of this ordinance to the Washington State Department of Commerce within ten (10) days of its adoption, pursuant to RCW 36.70A.106;
- 2) Record a copy of this Ordinance with the Clark County Auditor;
- 3) Cause notice of adoption of this ordinance to be published forthwith, pursuant to RCW 36.70A.290; and
- 4) Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith to update the electronic version of the Clark County Code.

ADOPTED this 11th day of February, 2014.

Attest:

Rebecca Litor
Clerk to the Board

Approved as to form only:
ANTHONY F. GOLIK,
Prosecuting Attorney

Christine Cook
Christine Cook,
Deputy Prosecuting Attorney

BOARD OF COMMISSIONERS
FOR CLARK COUNTY

By: Tom Mielke
Tom Mielke, Chair

By: _____
David Madore, Commissioner

By: _____
Steve Stuart, Commissioner