

CLARK COUNTY STAFF REPORT

DEPARTMENT: Community Development

DATE: February 26, 2020

REQUESTED ACTION:

Approve the Fall 2019 biannual code amendments on consent

Consent Hearing County Manager

BACKGROUND

Seventeen biannual code change items were approved by the Board at a hearing on February 18, 2020. Most of the items are changes to development regulations in Title 40; other items include changes to Titles 14 (the Clark County Building Code) and 15 (the Clark County Fire Code), and one new fee for minor plat alterations in Title 6.

The items were presented in an Attachment "A" at the hearing, with the understanding that the items in the Attachment "A" would be reformatted into a final ordinance at a later date.

The final ordinance reflects the Attachment "A" as presented at the hearing without any changes.

It should be noted that all items in the ordinance are numerically ordered by code section. Some items that were grouped together for discussion purposes in the Attachment "A" have been separated out into their own Section in the ordinance.

Staff requests that the Board formally approve the final ordinance on consent.

For questions on any of these items, contact Susan Ellinger, at Ext. 5122.

COUNCIL POLICY IMPLICATIONS

None expected.

ADMINISTRATIVE POLICY IMPLICATIONS

Some of the items have minor administrative policy implications which were discussed at the work session prior to the hearing.

COMMUNITY OUTREACH

The required sixty day notification of intent to adopt the development regulation items were received by the State Department of Commerce on December 19, 2019. Fee updates are not development regulations and are not required to be sent to Commerce.

A SEPA determination of non-significance was published in the "Columbian" newspaper on December 23, 2019. No SEPA comments were received on any of the items.

The text of the proposed changes was presented to, and reviewed by the Development and Engineering Advisory Board (DEAB). The DEAB supports the amendments.

The Planning Commission held a work session on these items on January 2, 2020; the Planning Commission hearing was held on January 16, 2020.

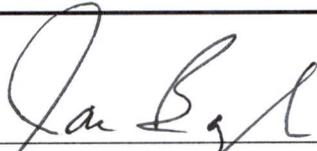
A legal notice of the County Council's public hearing was published in the "Columbian" on January 31, 2020.

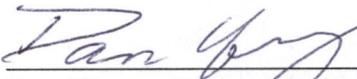
BUDGET IMPLICATIONS

YES	NO	
X		Action falls within existing budget capacity.
	X	Action falls within existing budget capacity but requires a change of purpose within existing appropriation
	X	Additional budget capacity is necessary and will be requested at the next supplemental. If YES, please complete the budget impact statement. If YES, this action will be referred to the county council with a recommendation from the county manager.

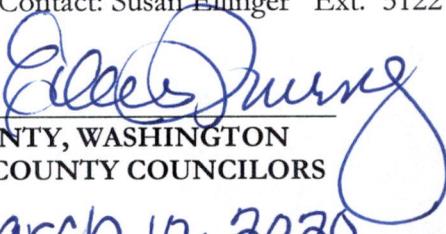
DISTRIBUTION:

Board staff will post all staff reports to The Grid. <http://www.clark.wa.gov/thegrid/>


Jan Bazala, Planner II


Dan Young, Community Development Director

Primary Staff Contact: Susan Ellinger Ext. 5122

APPROVED: 
CLARK COUNTY, WASHINGTON
BOARD OF COUNTY COUNCILORS

DATE: March 10, 2020

SR# 040-20



ORDINANCE NO. 2020-03-01

1
2
3 WHEREAS, periodically, the county “batches” minor amendments to the Clark County
4 Code to correct scrivener’s errors, clarify standards and codify interpretations of code
5 language brought about by management decisions, staff suggestions, hearings
6 examiner or Board of Clark County Commissioners actions; and
7

8 WHEREAS, the required sixty day notification of intent to adopt this set of “Bi-annual
9 Code Amendments” was received by the State Department of Commerce on December
10 19, 2019; and
11

12 WHEREAS, a SEPA determination of non-significance was published on December 23,
13 2019; and
14

15 WHEREAS, the Planning Commission held a duly noticed public hearing on January 16,
16 2020, at which it considered and deliberated on the staff proposals for these code
17 amendments, and adopted a recommendation to the Board of County Councilors
18 regarding the proposed amendments; and
19

20 WHEREAS, a legal notice of the Board of County Councilors’ public hearing was
21 published on January 31, 2020; and
22

23 WHEREAS, the Board of County Councilors took public testimony at its public hearing
24 on February 18, 2020 regarding the Planning Commission’s recommendation; and
25

26 WHEREAS, the Board of County Councilors voted to approve the code amendments as
27 proposed in Attachment “A”; and
28

29 WHEREAS, the Board of County Councilors finds that adoption of these amendments
30 furthers the public interest; and
31

32 WHEREAS, the code amendments contained in the Attachment “A” have been
33 reformatted into a final adopting ordinance to provide a better legislative history without
34 a change in substance; now, therefore
35

36 BE IT HEREBY ORDERED, RESOLVED AND DECREED BY THE CLARK COUNTY
37 COUNCIL, CLARK COUNTY, STATE OF WASHINGTON AS FOLLOWS:
38

39 **Section 1. Amendatory.** Sec. 3 (Exh. A) of Ord. 2001-12-09 as most recently
40 amended by Sec. 1 of Ord. 2016-09-03 and codified as CCC 6.110A.010 are each
41 hereby amended as follows:
42

43 6.110A.010 Preliminary/final planning review fees.
44 Fees for review activities included in Table 6.110A.010 shall be collected prior to
45 processing the application:

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
	PRELIMINARY REVIEW		
1	Appeals		
A	Appeals to Hearings Examiner		
	Planning portion only—See engineering and environmental fees for additional charges	\$1,166	\$94
B	Reconsideration by Hearings Examiner		
		Reimburse county at hourly rate of examiner	\$94
2	Planning Fees 8, 9		
A	Address Change		
		\$105	N/A
B	Applicant Initiated Hold/Open Record for Hearing		
		\$174	N/A
C	Annual Reviews Initiated by Property Owners		
	Fee includes rezones in conjunction with annual review	\$8,113	\$94
D	Boundary Line Adjustments 1		
I	Base fee	\$355	\$53
II	Fee per adjustment over two	\$124	N/A
E	Columbia River Gorge		
	Expedited Gorge review	\$2,663	\$94
	Gorge review	\$4,393	\$94
F	Conditional Use Permit 2		
I	Conditional use permit	\$5,678	\$53
II	Conditional use permit submitted concurrently with site plan review application	\$2,839	\$53
III	Additional fee charged to applicant if hearing is requested for conditional use pursuant to Section 40.510.025(C)(5)	\$1,490	N/A
G	Continuance of Hearing 3		
	For any hearing postponed or continued, as requested by the applicant after legal notice has been given; PROVIDED, that this requirement shall	\$1,305	N/A

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
	not apply (1) where the request is based upon new information presented at the hearing other than from the applicant or (2) when renoticing of the hearing is requested and approved. 3		
H	Covenant Release—Full and Partial		
		\$1,266	\$94
I	Design Standards Review—Mixed Use/Performance Based Zoning Including Hwy 99		
I	Highway 99 sub-area Level I review	\$279	\$53
II	Highway 99 sub-area Level II review	\$785	\$53
III	Highway 99 sub-area Level III review/mixed use design review	Site plan review fee plus 100% increase	\$53
J	Home Business 4—Planning Portion Only—See Engineering Fees for Additional Charges		
I	Urban and rural Type I review	\$125	\$53
II	Urban and rural Type II review	\$1,200	\$53
K	Kennel, Commercial in Rural Areas without private road access (base fee)	\$2,696	\$53
I	Plus: private road access	\$532	N/A
L	Land Use Compliance Fact Sheet		
		\$53	N/A
M	Legal Lot Determination		
I a	Type I base fee for one lot	\$350	\$53
b	Fee per lot each additional lot	\$150	N/A
II a	Type II base fee (includes innocent purchaser)	\$883	\$53
b	Fee per lot over two lots	\$150	N/A
III	Public interest exception	\$3,628	\$53
N	Lot Reconfiguration		
I	Base fee	\$838	\$53
II	Fee per adjustment over two	\$124	N/A
O	Mining 7, 9, 12		
		Cost recovery 7	\$94

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
P	Planned Unit Development or Master Plan 2		
I	Planned unit development	\$3,142	\$53
II	Planned unit development submitted concurrently with site plan review or subdivision application	\$1,571	\$53
III	Additional fee charged to applicant if hearing is requested for conditional use pursuant to Section 40.510.025(C)(4)	\$1,490	N/A
Q	Planning Director Review		
I	Type I (including code interpretation) 5	\$500	\$53
II	Type II nonconforming use determination	\$2,000	\$53
III	All other Type II	\$1,000	\$53
R	Plat Alterations—Planning Portion Only—See Engineering Fees for Additional Charges		
I	Plat alteration	\$3,331	\$94
II	Additional fee charged to applicant if hearing is requested for plat alteration pursuant to Section 40.540.120(B)	\$1,882	N/A
III	Plat declaration	\$1,471	\$94
IV	<u>Minor plat alteration process with concurrent declaration review</u>	<u>\$1,655</u>	<u>\$94</u>
S	Post Decision Review		
I	Post decision review/Type I (includes deadline extension requests for phased developments)	\$1,180	\$94
II	Post decision review/Type II	\$3,162	\$94
III	Post decision review/Type III	\$5,691	\$94
T	Pre-Application Conference—Planning Portion Only—See Engineering and Environmental Fees for Additional Charges		
I	Pre-application conference	\$805	\$94
II	Pre-application waiver request 6	\$205	N/A
U	Renoticing 3		
I	Base fee	\$184	N/A
V	Reporting—Application and Permit Information 7		
	Cost recovery—Applicant will be required to sign an agreement that they will pay billable hourly rate of	Cost recovery 7	N/A

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
	the program. The applicant will be sent an itemized billing.		
W	SEPA Review		
I	Project reviews—Any type with associated land use cases	\$1,222	\$53
II	Non-projects (includes annual review applications)	\$1,987	\$53
III	EIS Review 7	Cost recovery 7	\$53
X	Sewer Waiver		
		\$222	\$53
Y	Shoreline Permit		
I	Shoreline permit	\$2,899	\$53
II	Shoreline conditional use permit	\$3,431	\$53
III	Shoreline permit when considered with a variance request	\$3,431	\$53
IV	Shoreline exemption determination	\$421	\$53
Z	Short Plat		
		\$4,117	\$94
AA	Sign		
I	Sign	\$210	\$53
AB	Site Plan Review—All Types—Planning Portion Only—See Engineering Fees for Additional Charges		
I	Site plan review base fee for up to 20 units or up to 10,000 square feet		
a	Type I	\$1,621	\$94
b	Type II	\$4,033	\$94
c	Residential fee per unit for 21 units and greater	\$30	N/A
d	Commercial/industrial, etc.—fee per building square foot for 10,001 square feet to 50,000 square feet	\$0.10	N/A
e	Commercial/industrial, etc.—fee per building square foot for 50,001 square feet and greater	\$0.05	N/A
II	Unoccupied commercial and utility structures	\$2,429	\$94
III	Binding site plan review—Stand alone	\$3,379	\$94
IV	Binding site plan review—Combined with PSR	\$1,621	\$94
V	60-day/concurrent review (in addition to site plan	\$800	N/A

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
	review fee in Section AB.I above)		
AC	Special Study Review 7, 9		
		Cost recovery 7	N/A
AD	Special Valuation—Historic Preservation		
		\$303	N/A
AE	Subdivision		
I	Base fee up to 30 lots	\$7,679	\$94
II	Fee per lot: 31 to 100 lots	\$125	N/A
III	Fee per lot: for the 101st lot and greater	\$50	N/A
AF	Temporary Use		
		\$1,584	\$53
AG	Variance—Planning Portion Only—See Engineering Fees for Additional Charges		
I	Administrative variance/Type I	\$1,014	\$53
II	Administrative variance/Type I—When considered with a development application	\$499	\$53
III	Administrative variance/Type II	\$1,780	\$53
IV	Administrative variance/Type II—When considered with a development application	\$731	\$53
V	Type III	\$4,859	\$53
VI	Type III—When considered with a development application	\$2,928	\$53
AH	Zone Change		
		\$5,129	\$94
AI	Wineries/Agricultural Markets		
	Winery tasting room/events and agricultural markets permit, Type I	\$228	\$53
	Winery tasting room/events and agricultural markets permit, Type II	\$2,284	\$53
AJ	Application Submittal Fee 10	\$590	\$94
	FINAL REVIEW FEES		
I	Final plat		
a	Short plat	\$1,733	\$94
b	Subdivision	\$2,437	\$94

Table 6.110A.010—Preliminary/Final Planning Review Fees

Section	Activity	Fee	Issuance Fee
c	Digital plat submissions		
(1)	County digital plat preparation—base fee	\$165	N/A
(2)	County digital plat preparation—per lot	\$5	N/A
II	Final site plan review		
a	Type I	\$2,000	\$94
b	Types II and III	\$3,071	\$94
c	Final site plan inspection by planner	\$1,097	\$53

Notes:

- 1 Boundary line adjustment does not include legal lot determination fee.
- 2 Conditional use permit fee reduced by fifty percent (50%) when submitted
- 3 concurrently with a site plan review application. Planned unit development fee reduced
- 4 by fifty percent (50%) when submitted concurrently with a site plan review and/or
- 5 subdivision application. Covenant alteration fee reduced by fifty percent (50%) when
- 6 submitted concurrently with another application of the same or greater type as the
- 7 covenant alteration.
- 8
- 9 3 Written request for rescheduling and renoticing of the hearing will be accepted by
- 10 the applicant if filed within fourteen (14) days of the original public hearing notice
- 11 mailing. After this fourteen (14) day period only requests for a hearing continuance will
- 12 be accepted.
- 13 4 No sign fee required.
- 14 5 Review and approval fee not required for single-family homes in multifamily zones, if
- 15 submitted with land division application.
- 16 6 If accepted, paid at time of application for preliminary review. If denied, included with
- 17 and paid at time of pre-application.
- 18 7 Cost Recovery. Applicant will be required to sign an agreement that they will pay
- 19 salary, benefits and overhead for staff or consultant's fees required to complete the
- 20 work. The applicant will be sent an itemized billing.
- 21 8 For review of projects authorized for overtime, an additional fifty percent (50%) will
- 22 be added to the permit fees, as applicable.
- 23 9 Where a special study is required and the county lacks the expertise to review and
- 24 comment on the study, the applicant shall pay for an independent consultant with the
- 25 required expertise. The county shall contract with the independent consultant and
- 26 require them to review the special study and make recommendation to the county as
- 27 part of the preliminary plan review process.
- 28 10 Applies to Type II or III applications.

(Sec. 3 (Exh. A) of Ord. 2001-12-09; amended by Sec. 1 (Exh. A) of Ord. 2002-03-12; amended by Sec. 1 (Exh. A) of Ord. 2002-11-07; amended by Sec. 6 of Ord. 2003-02-16; amended by Sec. 1 (Exh. A) of Ord. 2004-02-09; amended by Secs. 2 and 24 of

1 Ord. 2004-06-11; amended by Ord. 2004-12-02; amended by Ord. 2005-12-01;
2 amended by Sec. 2 of Ord. 2006-05-27; amended by Sec. 2 of Ord. 2006-06-09;
3 amended by Sec. 1 of Ord. 2006-09-13; amended by Sec. 1 of Ord. 2006-11-07;
4 amended by Sec. 1 of Ord. 2007-04-17; amended by Sec. 1 of Ord. 2007-11-13;
5 amended by Sec. 1 of Ord. 2008-02-01; amended by Sec. 1 of Ord. 2008-06-02;
6 amended by Sec. 1 (Att. A) of Ord. 2009-03-02; amended by Sec. 1 (Exh. A) of Ord.
7 2009-06-08; amended by Sec. 11 of Ord. 2009-10-19; amended by Sec. 1 (Att. A § 2) of
8 Ord. 2009-12-01; amended by Sec. 6 of Ord. 2010-10-02; amended by Sec. 1 (Exh. A)
9 of Ord. 2011-07-03; amended by Sec. 1 (Att. A and Exh. 2) of Ord. 2012-02-03;
10 amended by Sec. 1 of Ord. 2012-06-15; amended by Sec. 1 of Ord. 2016-09-03

11
12 **Section 2. Repealer.** That portion of Sec. 3 (Exh. B) of Ord. 2004-06-04 codified as
13 CCC Section 14.05.112.3 are each hereby repealed.

14 ~~**14.05.112.3 Board of appeals.**~~

15 ~~Section 112.3 (Qualifications) of the IBC shall be replaced with the following:~~

16 ~~Qualifications. The seven member Board of Appeals shall consist of one person from~~
17 ~~each of the following backgrounds: (1) Agriculture; (2) Architecture; (3) Engineering; (4)~~
18 ~~General Construction; (5) Residential Construction; (6) and two others chosen at large.~~

19 ~~(Sec. 3 (Exh. B) of Ord. 2004-06-04)~~

20
21 **Section 3 Repealer.** That portion of Sec. 4 (Exh.C) of Ord. 2004-06-04 codified as
22 CCC Section 14.06.112.3 are each hereby repealed.

23 ~~**14.06.112.3 Board of appeals.**~~

24 ~~Section R112.3 (Qualifications) of the IRC shall be replaced with the following:~~

25 ~~Qualifications. The seven member Board of Appeals shall consist of one person from~~
26 ~~each of the following backgrounds: (1) Agriculture; (2) Architecture; (3) Engineering; (4)~~
27 ~~General Construction; (5) Residential Construction; (6) and two others chosen at large.~~

28 ~~(Sec. 4 (Exh. C) of Ord. 2004-06-04)~~

29
30 **Section 4. Repealer.** Ord. 1974-07-51 as most recently amended by Sec. 7 of Ord.
31 2016-07-02 and codified as Section 14.08.221 are each hereby repealed.

32 ~~**14.08.221 Plumbing board of appeals.**~~

33 ~~In order to determine the suitability of alternate materials and methods of construction~~
34 ~~and to provide for reasonable interpretations of the provisions of this code, there is~~
35 ~~created a board of appeals, to be known as the Clark County plumbing and mechanical~~
36 ~~board of appeals, consisting of seven (7) members who are qualified by experience and~~
37 ~~training to pass upon matters pertaining to plumbing construction. The administrative~~
38 ~~authority shall be an ex officio member and shall act as secretary of the board. The~~
39 ~~board of appeals shall be appointed by the board of county councilors and shall hold~~

1 office at its pleasure. The board of appeals shall adopt reasonable rules and regulations
2 for conducting its investigations, and shall render all decisions and findings in writing to
3 the administrative authority with a duplicate copy to the appellant and may recommend
4 to the board of county councilors such new legislation as is consistent therewith.

5 The board of appeals shall schedule a regular meeting date of each month. (Ord 1974-
6 07-51 (part), 1974; recodified by Sec. 9 of Ord. 1979-11-100; amended by Sec. 6 (Exh.
7 D) of Ord. 2004-06-04; amended by Sec. 7 of Ord. 2016-07-02)

8 **Section 5. Repealer.** Ord. 1974-07-51 as most recently amended by Sec. 6 (Exh.
9 D) of Ord. 2004-06-04 and codified as Section 14.08.231 are each hereby repealed.

10 **~~14.08.231 Appeals.~~**

11 Appeals shall be presented in writing to the secretary of the board of appeals who shall
12 notify the chairman or acting chairman of the board of the pending appeal. When a
13 special meeting is requested the chairman or acting chairman, or the secretary acting at
14 the chairman's direction, shall poll the members of the board and arrange for the
15 earliest possible meeting time at which a majority of the board can be present. The
16 board shall have the duty of expediting the appeal procedure with particular attention to
17 the matters brought before it at any special meeting. (Ord. 1974-07-51 (part), 1974;
18 recodified by Sec. 10 of Ord. 1979-11-100; amended by Sec. 19 of Ord. 1985-05-28;
19 amended by Sec. 6 (Exh. D) of Ord. 2004-06-04)

20 **Section 6. Amendatory.** Ord. 1974-07-52 as most recently amended by Sec. 11 of
21 Ord. 2016-07-02 and codified as Section 14.12.090 are each hereby amended as
22 follows:

23 **14.12.090 Amendment of Section 109 IMC.**

24 Section 109 IMC is amended to read:

25 **BOARD OF APPEAL**

26 ~~Sec. 109 Board created.~~

27 Sections 109.2, 109.3, 109.5, and 109.6 (Means of Appeal) of the IMC are replaced with
28 the following:

29 (a) In order to determine the suitability of alternate materials and methods of
30 construction and to provide for reasonable interpretations of the provisions of this code,
31 there shall be and is hereby created a Board of Appeals, to be known as the Clark
32 County Plumbing and Mechanical Board of Appeals, consisting of seven members who
33 are qualified by experience and training to pass upon matters pertaining to Mechanical
34 Code construction. The Clark County Plumbing and Mechanical Code Board of Appeals
35 shall consist of the same membership as, and shall be the same Board as the Clark
36 County Plumbing Board of Appeals as established in Section 14.08.221. The Building
37 Official shall be an ex-officio member and shall be appointed by the Board of County

1 ~~Councilors and shall act as secretary of the board. The board of appeals shall be~~
2 ~~appointed by the board of councilors and shall hold office at its pleasure. The Board of~~
3 ~~Appeals shall adopt reasonable rules and regulations for conducting its investigations~~
4 ~~and shall render all decisions and findings in writing to the Building Official with a~~
5 ~~duplicate copy to the appellant and may recommend to the board of county councilors~~
6 ~~such new legislation as is consistent therewith.~~

7 ~~The Board of Appeals shall schedule a regular meeting date for each month.~~

8 ~~(b) Appeals. Appeals shall be presented in writing to the secretary of the board of~~
9 ~~appeals who shall forthwith notify the chairman or acting chairman of the board of the~~
10 ~~pending appeal. When a special meeting is requested, the chairman or acting chairman,~~
11 ~~or the secretary acting at the chairman's direction, shall forthwith poll the members of~~
12 ~~the board and arrange for the earliest possible meeting time at which a majority of the~~
13 ~~board can be present. The board shall have the duty of expediting the appeal procedure~~
14 ~~with particular attention to the matters brought before it at any special meeting. appeals~~
15 ~~may be made to the same body and under the same processes used to hear appeals of~~
16 ~~building and fire protection decisions.~~

17
18 ~~(Ord. 1974-07-52 (part), 1974; amended by Sec. 26 of Ord. 1985-05-28; amended by~~
19 ~~Sec. 36 of Ord. 1995-11-39; amended by Sec. 5 (Exh. E) of Ord. 2004-06-04; amended~~
20 ~~by Sec. 11 of Ord. 2016-07-02)~~

21
22 **Section 7. Repealer.** Ord. PW 1976-09-2 (part) as most recently amended by Sec.
23 20 of Ord. 2016-07-02 and codified as Section 15.12.108.1 are each hereby repealed.

24 **~~15.12.108.1 Amendment of Section 108.1.~~**

25 ~~Section 108.1 of the International Fire Code shall be amended to read as follows:~~

26 **~~108.1 Board of appeals established.~~** ~~In order to determine the suitability of alternate~~
27 ~~materials and type of construction to provide for reasonable interpretations of the~~
28 ~~provisions of this code,~~

29 ~~there shall be and hereby is created a Board of Appeals, consisting of five members~~
30 ~~who are qualified by experience and training to pass upon pertinent matters. The Fire~~
31 ~~Marshal shall be an ex-officio member and shall act as Secretary of the Board. The~~
32 ~~Board of Appeals shall be appointed by the Board of County Councilors and shall hold~~
33 ~~office at their pleasure. The Board of Appeals shall consist of one member of the Fire~~
34 ~~Service, one member of the Insurance Industry, one member of the Architects~~
35 ~~Association, one member of the Mechanical Engineers Association and one member of~~
36 ~~the Building Code Board of Appeals. The Board shall adopt reasonable rules and~~
37 ~~regulations for conducting its investigations and shall render all decisions and findings in~~
38 ~~writing to the Fire Marshal with a duplicate copy to the appellant and may recommend to~~
39 ~~the Board of County Councilors such new legislation as is consistent therewith.~~

1 Appeals shall be presented in writing to the Secretary of the Board of Appeals who shall
2 forthwith notify the chairman or acting chairman of the Board of the pending appeal.
3 When a meeting is requested, the chairman or acting chairman, or the secretary acting
4 at the chairman's direction, shall forthwith poll the members of the Board and arrange
5 for the earliest possible meeting time, not to exceed ten (10) days from the date of the
6 filing of the appeal at which a majority of the Board can be present.

7 *(Ord. PW 1976-09-2 (part); amended by Sec. 51 of Ord. 1985-05-28; amended by Sec.*
8 *25 of Ord. 1990-02-01; amended by Sec. 3 of Ord. 1996-02-02; amended by Sec. 1*
9 *(Exh. A) of Ord. 2004-06-05; amended by Sec. 20 of Ord. 2016-07-02)*

10
11 **Section 8. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
12 amended by Sec. 3 of Ord. 2019-07-01 and codified as CCC 40.100.070 are each
13 hereby amended as follows:

14 **40.100.070 Definitions**

15 Unless the context clearly requires otherwise, the definitions in this section shall apply
16 to terms in this title. In addition to definitions provided below, there are chapter-specific
17 or section-specific definitions in the following sections:

18 *****

19

<u>Garage sale</u>	<u>"Garage sale" means a sale of used household or personal articles such as furniture, tools, or clothing, held on the seller's own premises. This includes yard sales, estate sales, moving sales, and similar.</u>
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20 *****

21
22

<u>Solid waste</u>	<u>"Solid waste" means all putrescible and non-putrescible solid and semi-solid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, demolition and construction waste, abandoned vehicles or parts thereof, and discarded commodities. This includes all liquid, solid and semi-solid materials that are not the primary products of public, private, industrial, commercial, mining, and agricultural operations. Solid waste includes, but is not limited to, sludge from wastewater treatment plants and seepage, septic tanks, wood waste, dangerous waste, and problem wastes WAC 173-304-100).</u> <u>"Solid waste," "waste materials," or "wastes" means all putrescible and nonputrescible solid and semisolid wastes including, but not limited to, garbage, rubbish, ashes, industrial wastes, swill, sewage sludge, demolition and construction wastes, abandoned vehicles or parts thereof, contaminated soils and contaminated dredged material, and recyclable materials. See WAC 173-350-021 to determine if a material is solid waste.</u>
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1 *****

2 **Section 9. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
3 amended by Sec. 1 (Att. A) of Ord. 2012-02-03 and codified as CCC 40.200.070 are
4 each hereby amended as follows:

5 **40.200.070 Exceptions to Setback Requirements**

6 A. Projections into Required Setbacks. (~~See also Section 40.320.010(C)(9).~~) Also see
7 Sections 40.200.070.A.7, 40.200.070.A.8, and 40.320.010(C)(9) for limitations).

8 Certain architectural features and structures may project into required setbacks,
9 subject to applicable building and fire codes as follows:

10 1. Front Setback.

- 11 a. Fire escapes, porches, balconies, decks, landing places, or outside stairways
12 over thirty (30) inches in height may project not more than six (6) feet into
13 the required front setback, provided such features are open-sided and are
14 uncovered.
- 15 b. Projections including bay windows, overhanging breakfast nooks, cornices,
16 canopies, eaves, belt courses, sills or other similar architectural features and
17 fireplaces may extend up to two (2) feet into the required setback.
- 18 c. Porches, decks, landings or stairways not more than thirty (30) inches in
19 height above finished grade are allowed to within eighteen (18) inches of the
20 front property line, provided such features are open-sided and uncovered.

21 2. Rear Setback.

- 22 a. Projections such as bay windows and overhanging breakfast nooks may
23 extend up to two (2) feet into the required setback, provided such features
24 are limited to ten (10) horizontal feet per projection and limited to thirty
25 percent (30%) of the linear dimension of the rear building elevation.
- 26 b. Cornices, canopies, eaves, belt courses, sills or other similar architectural
27 features and fireplaces may extend up to two (2) feet into the required
28 setback.
- 29 c. Porches, decks, landings or stairways not more than thirty (30) inches in
30 height above finished grade are allowed to within eighteen (18) inches of the
31 rear property line, provided such features are open-sided, and uncovered.

32 3. Side Setback.

- 1 a. The following features and structures may project into the required side
2 setback not more than two (2) feet; provided, that no portion of the structure
3 may be less than three (3) feet to the property line:
- 4 (1) In the R1-5 and R1-6 zones only, projections such as bay windows
5 and overhanging breakfast nooks may extend up to two (2) feet into the
6 required setback, provided such features are limited to ten (10)
7 horizontal feet per projection and limited to thirty percent (30%) of the
8 linear dimension of the side building elevation;
- 9 (2) Cornices, canopies, eaves, belt courses, sills or other similar
10 architectural features; and
- 11 (3) Fireplaces.
- 12 b. Porches, decks, landings or stairways not more than thirty (30) inches in
13 height above finished grade are allowed to within eighteen (18) inches of the
14 side property line, provided such features are open-sided, and uncovered.
- 15 4. Garden Sheds, Gazebos and Play Houses. One (1) garden shed, or one (1)
16 gazebo or one (1) play house meeting all of the following requirements may be
17 located in either the side or rear setback of single-family residential districts
18 (R1-5, R1-6, R1-7.5, R1-10 and R1-20):
- 19 a. The structure contains no more than two hundred (200) square feet of floor
20 area, with overhangs that do not exceed sixteen (16) inches;
- 21 b. The structure is set back from property lines a minimum of two (2) feet;
- 22 c. The floor elevation is eighteen (18) inches or less in height;
- 23 d. The structure is less than twelve (12) feet in height;
- 24 e. Roof drainage is contained on site; and
- 25 f. No utilities are connected to the structure.
- 26 g. If the structure is located within a utility easement, the property owner must
27 obtain a waiver letter from all applicable utilities.
- 28 5. Aboveground rainwater cisterns in all urban residential districts are allowed
29 reduced setbacks subject to the following:
- 30 a. Cisterns six (6) feet in height or less are allowed a setback of three (3) feet to
31 an interior side, or rear property line;

- 1 b. Other reductions from standard setbacks shall be limited to the height of the
2 cistern. For example, a cistern eight (8) feet high is allowed a setback of no
3 less than eight (8) feet to a rear property line in the R1-20 zone; provided,
4 that the maximum height of any cistern under this provision shall not exceed
5 twelve (12) feet;
- 6 c. If the cistern is located within a utility easement, the property owner must
7 obtain a waiver letter from all applicable utilities;
- 8 d. Appropriate design and support to ensure the cistern does not affect on-site
9 or off-site foundations, retaining walls, or other structures, are required;
- 10 e. All other applicable building and plumbing codes shall apply.

11 6. Aboveground utilities.

12 ~~7. The above exceptions do not apply to development envelopes or landscape~~
13 ~~buffers. (See Section 40.320.010(C)(9) and Chapter 40.450.)~~

14 7. The allowed projections noted above may not apply to landscape buffers. (See
15 Section 40.320.010(C)(9).

16 8. The allowed projections noted above apply to building and development
17 envelopes except when limited by the following:

- 18 a. The applicable envelope line reflects a critical area or an easement;
19
20 b. The applicable envelope line reflects a landscape buffer, except as allowed
21 by Section 40.320.010.C.9; and,
22
23 c. Information on a site plan or plat specifically prohibits such projections.

24
25 *(Amended: Ord. 2004-06-11; Ord. 2006-05-01; Ord. 2006-09-13; Ord. 2007-06-05; Ord.*
26 *2009-03-02; Ord. 2011-08-08; Ord. 2012-02-03)*

27
28 **Section 10. Amendatory.** Sec. 2 of Ord. 2014-05-07 as most recently amended by
29 Sec. 11 (Exh. 9) of Ord. 2017-07-04 and codified as CCC 40.260.115 are each hereby
30 amended as follows:

31 **40.260.115 Marijuana Facilities**

32 A. Purpose.

33 The purpose of this section is to implement Chapter 69.50 RCW, the Washington
34 Uniform Controlled Substances Act, and Chapter 314-55 WAC, which address the
35 producing, processing, and retailing of marijuana. This section addresses the facilities
36 for such uses by establishing criteria to adequately separate such facilities from

1 schools, community centers, parks, licensed daycare facilities, and other such
2 facilities, and to establish minimum performance standards to address public health
3 and safety impacts from such facilities.

4 *(Amended: Ord. 2017-07-04)*

5 B. Applicability.

- 6 1. This section shall apply to all unincorporated areas of the county.
- 7 2. The location restrictions and special standards in this section apply to any
8 facility that:
 - 9 a. Is a producer of marijuana as defined in WAC 314-55-075;
 - 10 b. Is a processor of marijuana as defined in WAC 314-55-077; or
 - 11 c. Is a retailer of marijuana as defined in WAC 314-55-079.
- 12 3. This section does not pertain in any respect to medical marijuana collective
13 gardens.
- 14 4. Recreational marijuana-related permits will not be approved until such time that
15 marijuana is no longer listed as a federally controlled substance in accordance
16 with 21 U.S.C 812(c).

17 *(Amended: Ord. 2017-07-04)*

18 C. Definitions. For purposes of this section, the following definitions shall apply:

Marijuana processor	“Marijuana processor” means a facility licensed by the Washington Liquor Control Board to transform marijuana into usable marijuana and marijuana-infused products, package and label usable marijuana and marijuana-infused products for sale in retail outlets, and sell usable marijuana and marijuana-infused products at wholesale to marijuana retailers. Processors are classified as follows: <ul style="list-style-type: none">• Processor I: a facility limited to drying, curing, trimming, and packaging; and• Processor II: a facility that extracts concentrates, infuses products, or involves mechanical and/or chemical processing in addition to drying, curing, trimming, and packaging.
Marijuana producer	“Marijuana producer” means a facility licensed by the Washington Liquor Control Board for the growing and sale at wholesale of marijuana to marijuana processors and other marijuana producers.
Marijuana retailer	“Marijuana retailer” means a facility licensed by the Washington Liquor Control Board for the sale to consumers of usable marijuana and

marijuana-infused products.

(Amended: Ord. 2017-07-04)

D. Location Standards.

1. Subject to Section 40.260.115(D)(1)(d), marijuana facilities as defined in Section 40.260.115(C) may be sited as follows:

a. Marijuana production facilities may be allowed on legal parcels of at least ten (10) acres in size zoned AG-20 and FR-40, and on legal conforming parcels zoned IL, IH, and IR.

b. Marijuana processing facilities may be allowed on legal parcels as follows:

(1) Processor I facilities, on legal conforming parcels zoned IL, IH, IR, and BP;

(2) Processor I facilities, on parcels of at least ten (10) acres in size zoned AG-20 and FR-40, but only as accessory to licensed production facilities; and

(3) Processor II facilities, on parcels zoned IH, IL, IR, and BP.

c. Marijuana retailing facilities may be allowed on legal conforming parcels zoned GC, CC, and CR-2.

d. No facilities are allowed within one thousand (1,000) feet of the perimeter of the grounds of the following entities. The distance shall be measured as the shortest straight line distance from the property line of the proposed building/business location to the property line of the entities listed below:

(1) Elementary or secondary school;

(2) Public playground;

(3) Recreation center or facility, including the Clark County Events Center;

(4) Child care center;

(5) Public park;

(6) Public transit center;

(7) Library;

1 (8) Any game arcade where admission is not restricted to persons aged
2 twenty-one (21) or older; or

3 (9) Churches and religious facilities.

4 2. Where allowed, production and processing facilities may co-locate on the same
5 parcel, if they otherwise meet the requirements of Chapter 314-55 WAC and
6 this section.

7 *(Amended: Ord. 2016-06-12; Ord. 2017-07-04)*

8 E. Development Standards.

9 1. The requirements of Chapter 314-55 WAC are considered minimum standards
10 for the purposes of this section.

11 2. Any facilities as described in Section 40.260.115(B)(2) shall be located entirely
12 within an enclosed and secure structure with an engineered foundation, and
13 shall be constructed in compliance with Titles 14 (Buildings and Structures), 15
14 (Fire Prevention), and 24 (Public Health).

15 3. There shall be no on-site display or sale of paraphernalia used for the
16 consumption of cannabis.

17 4. Cannabis plants shall not be visible from the public right-of-way or any public
18 place.

19 5. Signs.

20 a. In accordance with RCW ~~69.50.357(3)~~ 69.50.369(2), licensed marijuana
21 retailers shall not display any signage in a window, on a door, or on the
22 outside of the premises of a retail outlet that is visible to the general public
23 from a public right-of-way, other than a single sign no larger than ~~twelve (12)~~
24 square feet one thousand six hundred square inches identifying the retail
25 outlet by the licensee's business or trade name.

26 b. No signs for production and processing facilities are allowed.

27 6. Hours of operation for retailing facilities shall be between 8:00 a.m. and 8:00
28 p.m.

29 7. Measures shall be implemented to prevent adverse health and safety effects to
30 nearby residents from odors, noise, noxious gases, light, smoke and security.

31 a. Odors. Facilities shall not create odors or smoke that is objectionable to
32 residents or employees of adjacent properties.

- 1 b. Lighting. All lights used for security shall be shielded or positioned to prevent
2 glare impacts to nearby properties.
- 3 c. Noise. Maximum noise levels of WAC 173-60-040 shall not be exceeded.
- 4 d. Security. Security measures shall include, at a minimum, the requirements of
5 WAC 314-55-083 and Title 14.
- 6 e. Waste Disposal. Waste materials generated from any facility must be
7 disposed of in accordance with the plan filed as part of the license
8 application.

9 *****

10 **Section 11. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
11 amended by Sec. 4 of Ord. 2018-01-17 and codified as CCC 40.260.020 are each
12 hereby amended as follows:

13 **40.260.020 Accessory Dwelling Units – Urban**

14 A. Purpose.

15 The purpose of this section is to:

- 16 1. Provide an additional smaller, subordinate dwelling unit on a lot with, or in, an
17 existing or new house.
- 18 2. Provide for a greater range of choices of housing types in single-family and
19 multifamily residential districts while protecting the character of the residential
20 neighborhood.

21 B. Applicability.

- 22 1. Accessory dwelling units may be allowed in the R1-20, R1-10, R1-7.5, R1-6,
23 R1-5 zones or on any multifamily-zoned (Residential (R) or Office Residential
24 (OR)) lot developed with an existing single-family dwelling, subject to the
25 requirements of this section.
- 26 2. A lot of record lawfully occupied by two (2) or more single-family residences per
27 Section 40.200.050 does not qualify for an ADU, unless the lot is short platted
28 under Chapter 40.540. If a short plat is approved, an ADU for each dwelling
29 unit is permitted only if all dimensional standards of the underlying zone and all
30 other provisions of this section are met.
- 31 3. An ADU shall not be located in a dwelling or on a lot where a Type II home
32 business is operating.

1 C. Development Standards.

- 2 1. No more than one (1) ADU per legal lot is permitted and it must be accessory to
3 a single-family residence.
- 4 2. ADUs require building permits to ensure compliance with applicable fire, health,
5 and safety codes.
- 6 3. An ADU may be created through:
- 7 a. Internal conversion within an existing dwelling;
- 8 b. The addition of new square footage to the existing house or to a garage;
- 9 c. Conversion of an existing garage;
- 10 d. Inclusion in the development plans for, or as part of, the construction of a new
11 single-family detached dwelling unit; or
- 12 e. A separate detached dwelling unit on the same lot as the primary dwelling unit
13 when the accessory unit is located at least ten (10) feet behind the most
14 distant back or side wall or other structural element of the primary dwelling
15 unit structure.
- 16 f. Subject to the requirements of this section, a manufactured or modular home
17 can be considered an ADU for the purposes of this subsection.
- 18 4. An ADU shall conform to the standards of the zone, including but not limited to
19 lot coverage and setbacks.
- 20 5. Building height is limited to twenty-five (25) feet for a detached ADU. Additions
21 to existing dwellings shall meet the height requirements of the zone.
- 22 6. Allowable Size.

23 The total gross floor area of an ADU shall not exceed eight hundred (800) square
24 feet or forty percent (40%) of the area of the primary dwelling's living area,
25 whichever is less, with the following exceptions for large lots with large primary
26 dwellings or primary dwellings with basements:

- 27 a. On lots zoned ~~R1-10~~ that are at least ten thousand (10,000) square feet, the
28 maximum square footage of an ADU is one thousand (1,000) square feet, or
29 forty percent (40%) of the area of the primary dwelling's living area,
30 whichever is less; and
- 31 b. On lots zoned ~~R1-20~~ that are at least twenty thousand (20,000) square feet,
32 the maximum square footage of an ADU is fifteen hundred (1,500) square

1 feet, or forty percent (40%) of the area of the primary dwelling's living area,
2 whichever is less.

- 3 c. The total floor area of a basement of the primary dwelling may be used as the
4 ADU; provided, that there is a separate exterior entrance and the basement
5 area does not exceed the size of the primary dwelling unit.
- 6 d. The living area of the primary dwelling unit excludes uninhabitable floor area,
7 garage and other outbuilding square footage whether attached or detached.
8 If the primary dwelling unit is smaller than seven hundred fifty (750) square
9 feet, the ADU may be up to three hundred (300) square feet even though
10 this exceeds forty percent (40%) of the primary dwelling unit's living area.
11 The minimum area of an ADU shall be one hundred fifty (150) square feet.

12 7. Parking.

13 One (1) parking space shall be provided for the ADU. Parking may be provided by
14 the following methods:

- 15 a. On site;
- 16 b. On-street parking; provided, that the parking space is legally available and
17 along the ADU lot's street frontage. Posted-time or day-restricted parking
18 spaces do not qualify as legally available for the purposes of this section; or
- 19 c. If no parking space is available on site or on-street, a joint agreement for off-
20 site parking may be used subject to Section 40.340.010(A)(5).

21 8. An ADU shall connect to public sewer and water unless a sewer waiver is
22 obtained under Section 40.370.010.

23 9. ADUs shall be subject to a seventy-five percent (75%) reduction in school,
24 transportation and park impact fees from the rate imposed for multifamily
25 dwelling units.

26 *(Amended: Ord. 2005-04-12)*

27 *****
28

29
30 **Section 12. Amendatory.** Sec. 3 (Exh. 2) of Ord. 2011-03-09 as most recently
31 amended by Sec. 26 of Ord. 2018-01-09 and codified as CCC 40.260.155 are each
32 hereby amended as follows:

33 **40.260.155 Narrow Lot Development Standards**

34 A. Purpose.

1 The purpose of this section is to guide development and alleviate conflicts that can
2 arise from the platting of residential lots of less than forty (40) feet in width.

3 *(Amended: Ord. 2018-01-09)*

4 B. Applicability.

5 1. This section shall apply to newly platted residential land divisions having lots
6 less than forty (40) feet wide as measured at the front building setback line,
7 with the following exception:

8 a. Land divisions with fewer than twenty-five percent (25%) of the lots being less
9 than forty (40) feet wide need not be subject to this section, provided the
10 following:

11 (1) All required sidewalks along street frontage in the development shall
12 be detached; and

13 (2) No corner lot shall be less than forty (40) feet wide.

14 2. The standards of this section apply only to those lots in the land division that are
15 less than forty (40) feet in width.

16 *(Amended: Ord. 2018-01-09)*

17 C. Narrow Lot Development Standards.

18 1. A site plan is required that demonstrates that utilities, driveways, street trees,
19 and other features have been located and designed to minimize conflicts with
20 one another. The site plan shall be submitted with the preliminary land division
21 application and shall be incorporated into the final construction plan set. The
22 site plan shall show, at a minimum, all of the following features:

23 a. Location and width of streets, sidewalks and landscape buffers, when
24 applicable;

25 b. Location, species, and size of required street trees, to include the mature
26 height and crown width;

27 c. Parking spaces, as required by Section 40.260.155(C)(3);

28 d. Stormwater facilities, including roof infiltration systems, if proposed;

29 e. Location of other infrastructure including solid waste and recycling areas if
30 required by Section 40.260.155(C)(5)(a), light poles (if proposed by
31 applicant), fire hydrants, community mailboxes and existing overhead lines;

- 1 f. Location and width of driveways, if proposed, and not exempted by Section
2 40.260.155(C)(8);
- 3 g. Location and dimensions of ADA sidewalk ramps and landings for attached
4 sidewalks at driveway crossings, and ADA sidewalk ramps and landings at
5 street intersections, whether using attached or detached sidewalks;
- 6 h. Building envelopes which ~~encompass all projections. The envelopes shall~~
7 reflect the final setbacks for each lot; and
- 8 i. Intersection sight distance or applicable traffic control measures proposed at
9 intersections and the impact on the developable area of corner lots.
- 10 2. Corner Lots. The minimum lot dimensions in Tables 40.220.020-4 and
11 40.220.020-5 shall not apply to corner lots.
- 12 a. Development on corner lots shall meet minimum sight distance requirements
13 of Section 40.350.030(B)(8).
- 14 b. Corner lot driveways shall meet the requirements in Section
15 40.350.030(B)(4)(b)(1)(b).
- 16 3. Parking Standards. Two and one-half (2.5) parking spaces for every narrow lot
17 in the development shall be provided.
- 18 a. Spaces may be located on the residential lot, on local access streets or in
19 common off-street parking areas. Parking requirements shall be met on a
20 per lot basis; extra parking provided on one (1) residential lot shall not count
21 towards meeting the minimum requirement on a different residential lot.
- 22 b. Common off-street parking areas shall meet the following:
- 23 (1) Parking and maneuvering areas shall meet the applicable
24 requirements in Chapter 40.340 and screening requirements in Section
25 40.320.010(E).
- 26 (2) Such spaces may be designed to allow backing movements directly
27 into local access streets other than collectors or arterials.
- 28 (3) Parking areas shall be owned and maintained by a homeowners
29 association or a maintenance agreement shall be recorded with the plat.
- 30 c. On-street parking shall meet the following:
- 31 (1) Single on-street parallel parking spaces between driveways shall be
32 at least seventeen (17) feet in length, measured from the top of the
33 slope of the driveway wing. Two (2) or more consecutive on-street

1 parallel parking spaces shall require two (2) additional feet between
2 each space.

3 (2) Angled or head in parking "bulb outs" may be provided on local
4 access streets provided:

5 (a) Such parking shall be within the street right-of-way or street tract;
6 and

7 (b) Backing over sidewalks is prohibited.

8 4. Street Trees.

9 a. Unless the requirements of Chapter 40.320 require a higher level of
10 landscaping, a minimum of one (1) tree shall be provided along the street
11 frontage of each narrow lot; provided, that sight distance triangles are not
12 obstructed. Trees that are appropriate to the size of the space may be
13 provided either within the street frontage right-of-way or on the lot. Street
14 trees located in the right-of-way shall comply with the Standard Details
15 Manual requirements. In the event that no feasible location exists along a
16 lot's frontage due to required utilities or other features, the responsible
17 official may approve grouping of trees or other landscaping options that
18 provide variety to the streetscape.

19 5. Solid Waste and Recycling Collection.

20 a. Where collection is not feasible on each lot, such as when lots are accessed
21 by a shared driveway with no turnaround, a designated common collection
22 point, located no further than one hundred fifty (150) feet from any lot it
23 serves, shall be provided. Common collection points shall be shown on the
24 site plan, and sized to provide at least two (2) feet of clearance space
25 between individual garbage, yard debris, and recycling containers for each
26 dwelling unit.

27 b. Designated collection points shall be located adjacent to alleys or streets, but
28 shall not obstruct sidewalks, bike lanes, or vision clearance triangles.

29 6. Alleys and Lots with Alley Access.

30 a. Where provided, alleys shall meet the minimum dimensional requirements of
31 Figure 40.260.155-3. A minimum of twenty-four (24) feet of clear area
32 (unobstructed by fences or other structures) with an unobstructed vertical
33 clearance of not less than 13.5 feet shall be provided. Alleys with a paved
34 width of less than 20 feet wide shall be privately owned and maintained.

35 b. When garbage and recycling collection is proposed to be from an alley, the
36 ability of collection vehicles to maneuver safely to all points of collection shall

- 1 be demonstrated, based on a thirty-five (35) foot long by ten (10) foot wide
2 vehicle.
- 3 c. All lots adjacent to an alley shall provide access to the garage or parking
4 space from the alley, not from an adjacent street.
- 5 d. Residences with access from alleys shall be oriented to face the public or
6 private street, not the alley.
- 7 e. Alleys serving narrow lots under this section shall connect with a public or
8 private street at both ends, unless otherwise approved by the public works
9 director.
- 10 f. Maintenance of private alleys shall be the responsibility of the homeowners
11 association, or a maintenance agreement shall be recorded with the plat.
- 12 7. Shared Driveways. The following shared driveway provisions apply only to
13 narrow lots qualifying under this section:
- 14 a. Shared driveways may be used to provide access to a maximum of four (4)
15 lots.
- 16 b. Shared driveway approaches for two (2) abutting lots sharing one (1) curb cut
17 shall meet the specifications in Figure 40.260.155-4 or 40.260.155-5.
- 18 c. Shared driveways which provide access to more than two (2) lots shall be at
19 least twelve (12) feet wide, and shall be within an easement at least twenty
20 (20) feet wide.
- 21 8. Driveway Requirements in Single-Family Detached Developments. In order to
22 provide flexibility in site design, driveway locations for non-corner lots in single-
23 family detached developments are not required on the site plan, provided:
- 24 a. Detached sidewalks that meet ADA requirements are provided; and
- 25 b. Parking requirements for the development are shown to be met, by one (1) or
26 more of the following methods:
- 27 (1) Designated on-street parking areas that will not be subject to future
28 driveway placement;
- 29 (2) Provision of off-street parking areas; or
- 30 (3) A plat note shall be placed on the final plat requiring each unit to
31 provide a two (2) car garage.

1 c. Driveway locations shall be shown for all corner lots, regardless of the other
2 provisions of this subsection.

3 9. Density Calculations. Additional lot area needed for sight distance triangles on
4 corner lots and common parking areas may be deducted from the gross
5 acreage when determining minimum density requirements. Additional lot area
6 shall include the area of the sight distance triangle that is in excess of the
7 setback requirements, along with any additional area in excess of the setback
8 requirements that is required. Such calculations shall be shown on the site
9 plan.

10 *(Amended: Ord. 2018-01-09)*

11 D. Incentives for Providing Alleys.

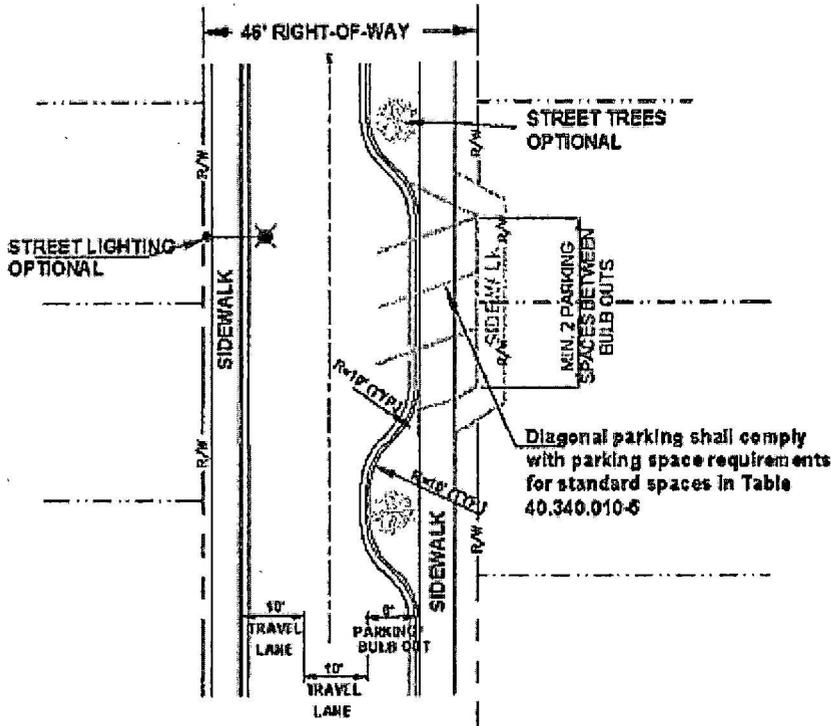
12 Any narrow lot that is provided with alley access shall qualify for the following
13 modifications to development standards:

- 14 1. Minimum lot area, dimensions and setbacks that differ from those required of
15 the underlying zone may be approved; provided, that the applicant
16 demonstrate the following as applicable:
 - 17 a. Privacy between the proposed residential units and the street is not
18 compromised. Alternate methods of providing privacy such as elevated first
19 floors or raised landscape planters may be approved by the responsible
20 official.
 - 21 b. Alternate setbacks do not violate building or fire codes.
 - 22 c. A minimum building separation of eight (8) feet is maintained.
 - 23 d. Side and rear setbacks around the perimeter of the development site shall not
24 be reduced.
- 25 2. The maximum lot coverage may be increased by ten percent (10%) over that
26 allowed in the zoning district.
- 27 3. The area of an alley easement or tract may be included in the minimum required
28 lot area and counted when calculating maximum lot coverage.

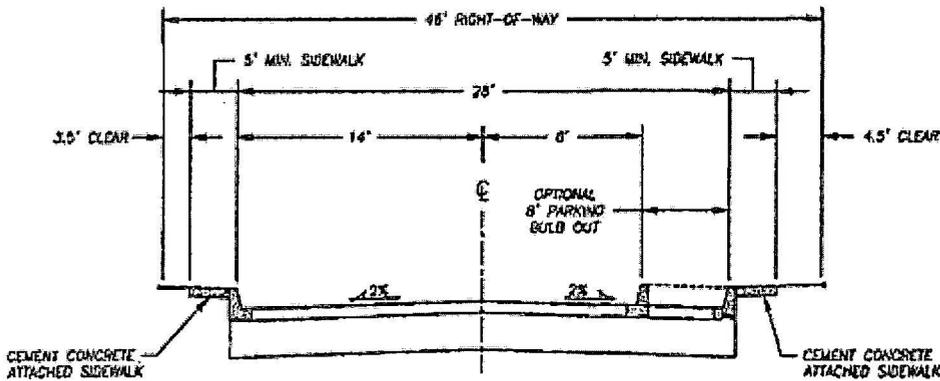
29 E. Narrow Lot Special Street and Driveway Details.

30 The following narrow lot street, alley and driveway details provide options to the other
31 standards in Section 40.350.030, and may be used only in association with narrow
32 lots as defined in this section. Deviations from the street and alley standards and
33 details in this section require approval of a road modification under Section

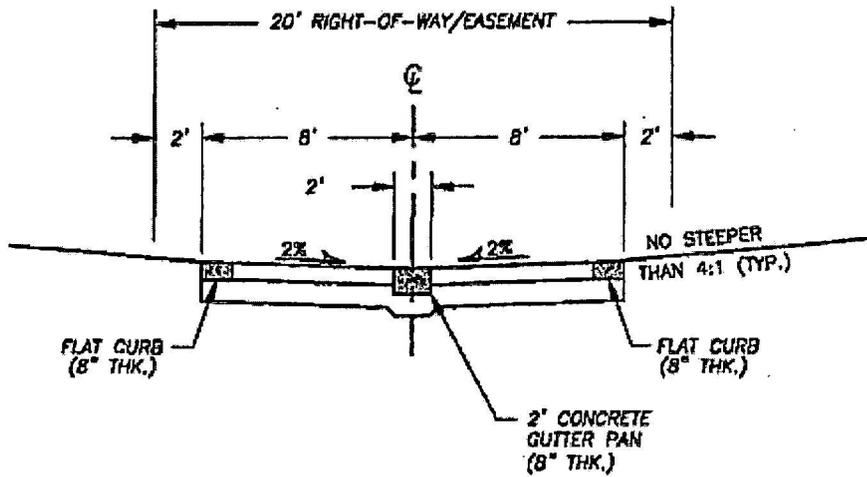
- 1 40.550.010. Deviations from the shared driveway details shown in Figure 40.260.155-
- 2 4 or 40.260.155-5 requires a variance under Section 40.550.020.



- 3
- 4 **Figure 40.260.155-1 Narrow Lot Street**



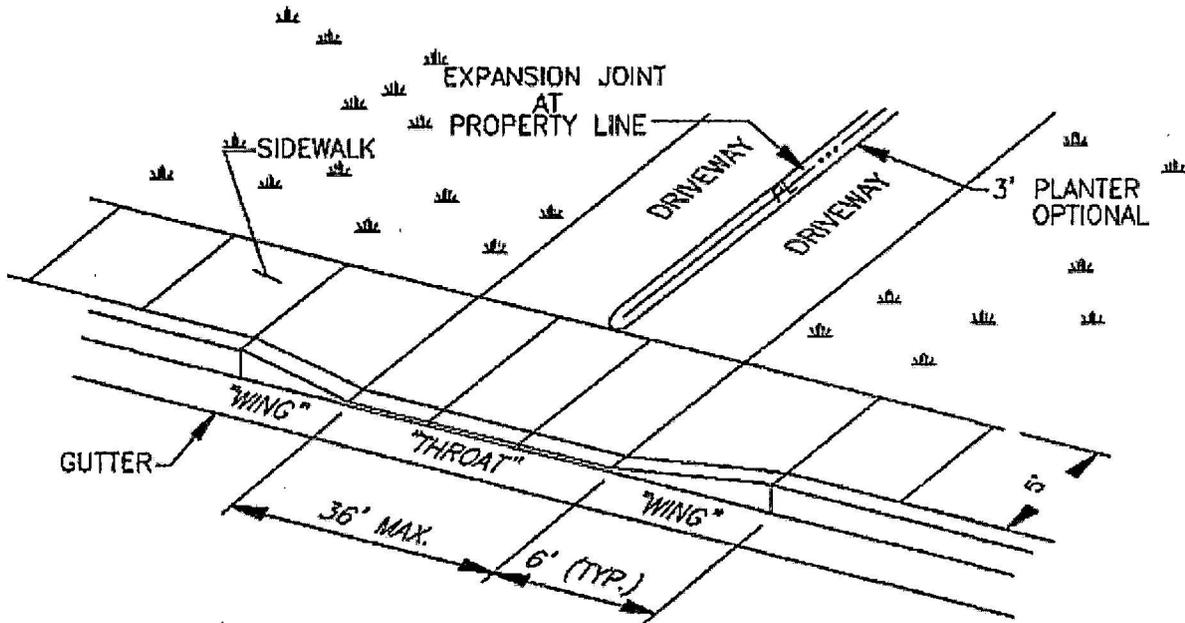
- 5
- 6 **Figure 40.260.155-2 Narrow Lot Street Cross-Section**



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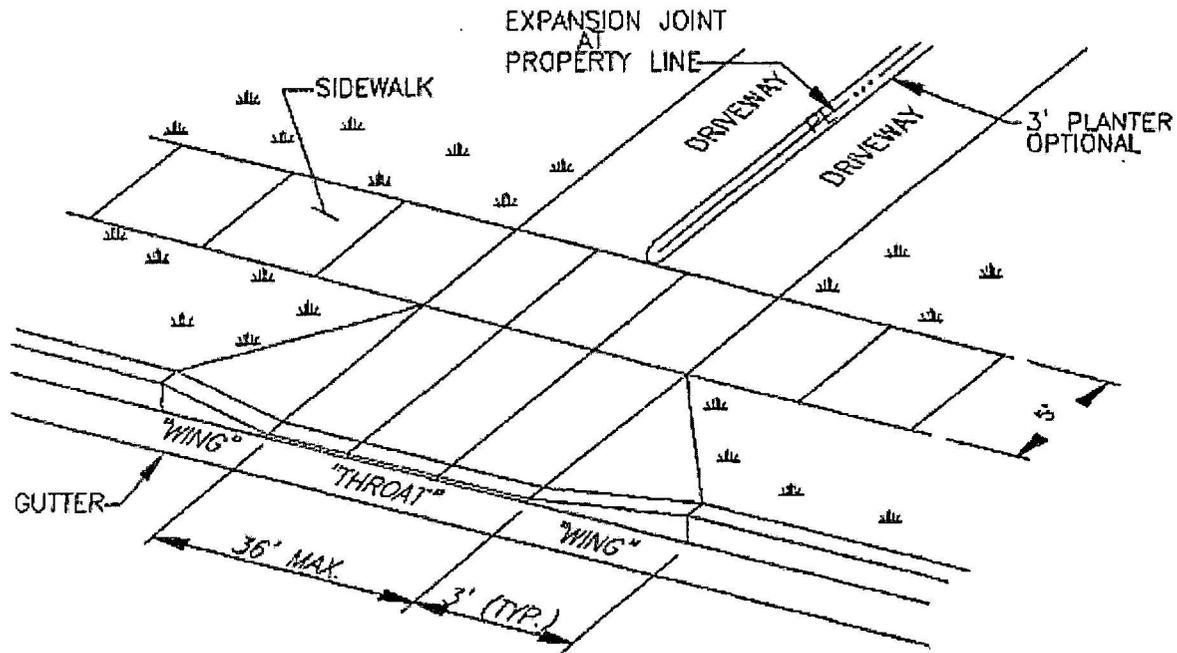
Figure 40.260.155-3 Narrow Lot Alley Cross-Section

Cross-slope details and concrete curb and pan shown are optional. Alternate cross-slope details may be approved; provided, the minimum pavement width and right-of-way is provided. Construction details shall meet the minimum requirements of Drawing 19 of the Standard Details Manual. Structural pavement sections shall meet the minimum requirements for an Urban Alley drawing in the Standard Details Manual.



9
10

Figure 40.260.155-4 Narrow Lot Shared Driveway Detail with Attached Sidewalk



1
2 **Figure 40.260.155-5 Narrow Lot Shared Driveway Detail with Detached Sidewalk**

3 *(Added: Ord. 2011-03-09)*

4
5 **Section 13. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
6 amended by Sec. 30 of Ord. 2018-01-09 and codified as CCC 40.310.010 are each
7 hereby amended as follows:

8
9 **40.310.010 Sign Standards**

10 **A. Purpose.**

11 The purpose of this section is to add sign requirements common to the several
12 zoning districts for the preservation of the character of the areas, structures,
13 and uses; the needs of residential, commercial, industrial and agricultural
14 potential; the need for healthful, safe, and convenient use of all lands, and the
15 conservation and promulgation of values and resources. These requirements
16 include, but are not limited to, standards relating to the number, size,
17 placement and physical characteristics of signs. In addition, the purpose of this
18 section is to provide an effective administrative process for the review and
19 enforcement of these standards to protect and improve the aesthetic quality of
20 the community.

21 **B. Scope.**

1 The signage covered under this section includes, but is not limited to: all
2 commercial signs, and wall graphics; professional and business signs; home
3 business signs; banners, balloons, flags and other temporary signage. It is not
4 intended to regulate traffic signs or other governmental street signs, doorway
5 identification nameplates, holiday decorations, informational signs pursuant to
6 Chapter 13.20, temporary interior window signage or memorial signs. Also, it is
7 not intended to regulate signage which is not visible from adjacent properties
8 or from public rights-of-way. Further, it is not intended to regulate the display of
9 the national or state flag.

10 Three other sections of Clark County Code contain additional requirements for
11 sign codes, namely: 1) CCC 40.260.115(E)(5), which pertains to marijuana
12 facilities, 2) Appendix A (F), which pertains to sign standards for mixed use
13 development, and 3) Appendix F, Chapter 8.4, which pertains to sign standards
14 for development in the Highway 99 Overlay District.

15 *****

16
17 **Section 14. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
18 amended by Sec. 2 of Ord. 2018-01-03 and codified as CCC 40.410.010 are each
19 hereby amended as follows:

20 **40.410.010 Introduction**

21 A. Purpose.

22 This chapter is intended to protect public health, safety, and welfare by preventing
23 degradation, and where possible, enhance the quality and quantity of groundwater
24 which will be, or might likely be, used in the future for drinking water or business
25 purposes. This will be accomplished by limiting potential contaminants within
26 designated critical aquifer recharge areas (CARAs). The requirements of this chapter
27 are intended to fulfill obligations of state law under the Growth Management Act,
28 Chapter 36.70A RCW; the Public Water Systems Penalties and Compliance, Chapter
29 70.119A RCW; the Washington State Wellhead Protection Program and the Public
30 Water Supplies, Chapter 246-290 WAC; the Dangerous Waste Regulations, Chapter
31 173-303 WAC; the Water Quality Standards for Groundwater of the State of
32 Washington, Chapter 173-200 WAC; the Underground Injection Control Program,
33 Chapter 173-218 WAC; and the Regulation of Public Ground Waters, Chapter 90.48
34 RCW.

35 B. Applicability and Exemptions.

- 36 1. **Applicability.** This chapter applies to all critical aquifer recharge areas as
37 defined in Section 40.410.010(C). Parcels that are partly within Category I
38 and Category II shall be subject to the Category I provisions in this chapter.
39 Parcels that are partly inside Category II, but outside Category I, shall be

1 subject to the Category II provisions in this chapter. Where pre-applications
2 are required for projects, applicants are encouraged to use the pre-application
3 process for pre-screening CARA exemptions.

4 2. Exempt Activities and uses. The following activities and uses do not require a
5 CARA permit:

- 6 a. Existing activities that currently and legally existed on July 31, 1997;
- 7 b. All residential uses other than those having activities covered by Section
8 40.410.020(A);
- 9 c. Group A public water system source development and associated
10 infrastructure;
- 11 d. Public water supply aquifer storage and recovery (ASR) facilities;
- 12 e. Public water pipelines;
- 13 f. Public water supply storage structures;
- 14 g. Other uses not listed in Sections 40.410.020(A), (B) or (C); and
- 15 h. Activities already permitted and regulated by the state and or the Clark
16 County Health Department to incorporate best management practices.
- 17 i. Any uses where containment is provided and approved by the Clark County
18 building and fire departments.

19 3. The following underground storage tank (UST) systems and facilities, including
20 any piping connected thereto, are exempt from the requirements of this
21 chapter:

- 22 a. Any UST system holding hazardous wastes subject to Subtitle C of the
23 Federal Solid Waste Disposal Act, or a mixture of such hazardous waste and
24 other regulated substances;
- 25 b. Any wastewater treatment tank system that is part of a wastewater treatment
26 facility regulated under Section 402 or 307(b) of the Clean Water Act;
- 27 c. Equipment or machinery that contains regulated substances for operational
28 purposes such as hydraulic lift tanks and electrical equipment tanks;
- 29 d. Any UST system whose capacity is one hundred ten (110) gallons or less;
- 30 e. Any UST system that contains a de minimis concentration of regulated
31 substances;

- 1 f. Any emergency spill or overflow containment UST system that is expeditiously
2 emptied after use;
- 3 g. Farm or residential UST systems of one thousand one hundred (1,100)
4 gallons or less capacity used for storing motor fuel for noncommercial
5 purposes (i.e., not for resale);
- 6 h. UST systems used for storing heating oil for consumptive use on the
7 premises where stored; except that such systems which store in excess of
8 one thousand one hundred (1,100) gallons are subject to the release
9 reporting requirements of WAC 173-360-372;
- 10 i. Septic tanks;
- 11 j. Any pipeline facility (including gathering lines) regulated under:
- 12 (1) The Natural Gas Pipeline Safety Act of 1968 (49 U.S.C. App. 1671,
13 et seq.), or
- 14 (2) The Hazardous Liquid Pipeline Safety Act of 1979 (49 U.S.C. App.
15 2001, et seq.), or
- 16 (3) Which is an ~~intrastate~~ a pipeline facility regulated under state laws
17 comparable to the provisions of the law referred to in Section
18 40.410.010(B)(3)(j)(1) or (2) of this definition;
- 19 k. Surface impoundments, pits, ponds, or lagoons;
- 20 l. Stormwater or wastewater collection systems;
- 21 m. Class V injection wells for stormwater infiltration meeting current stormwater
22 code requirements, subject to Clark County review and approval;
- 23 ~~m.~~ n. Flow-through process tanks;
- 24 ~~n.~~ o. Liquid traps or associated gathering lines directly related to oil or gas
25 production and gathering operations; or
- 26 ~~o.~~ p. Storage tanks situated in an underground area (such as a basement, cellar,
27 vault, mineworking drift, shaft, or tunnel) if the storage tank is situated upon
28 or above the surface of the floor.

29 C. Definitions.

30 For the purposes of this chapter, the following definitions shall apply:

Category I	"Category I CARA" means the highest priority critical aquifer recharge
------------	--

CARA	area, represented by the one-year time-of-travel for Group A water wells.
Category II CARA	“Category II CARA: means the primary critical aquifer recharge area, represented by the ten (10) year time-of-travel for Group A water wells. This area also consists of the unconsolidated sedimentary aquifer and the Troutdale gravel aquifer.

1 D. Map.

2 The map entitled Clark County, Washington Critical Aquifer Recharge Areas is
3 adopted in the twenty (20) year Clark County Comprehensive Growth Management
4 Plan as best available science. If a conflict exists between the map and on-site
5 conditions, the on-site conditions shall supersede the map. The county will update the
6 CARA map as warranted by new information. GIS Map Store produces maps for free
7 in the following link: Critical Areas Ordinances Maps.

8 **Section 15. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
9 amended by Sec. 3 of Ord. 2018-01-03 and codified as CCC 40.410.020 are each
10 hereby amended as follows:

11 **40.410.020 Standards**

12 A. Activities requiring a CARA permit in Categories I and II include the following:

- 13 1. Above- and below-ground storage tanks (tanks and pipes used to contain an
14 accumulation of regulated substances (~~see Section 40.400.070~~); unless
15 containment is approved by the Clark County Building Department and the Fire
16 Marshal;
- 17 2. Facilities that conduct biological research;
- 18 3. Boat repair shops;
- 19 4. Chemical research facilities;
- 20 5. Dry cleaners;
- 21 6. Gasoline service stations;
- 22 7. Pipelines not otherwise exempted from this chapter;
- 23 8. Printing and publishing shops (that use printing liquids);
- 24 9. Below-ground transformers and capacitors;
- 25 10. Sawmills (producing over ten thousand (10,000) board feet per day);
- 26 11. Solid waste handling and processing;

- 1 12. Vehicle repair, recycling, and recyclable materials – automotive;
- 2 13. Funeral services;
- 3 14. Furniture stripping;
- 4 15. Motor vehicle service garages (both private and government);
- 5 16. Photographic processing;
- 6 17. Chemical manufacture and reprocessing;
- 7 18. Creosote and asphalt manufacture and treatment;
- 8 19. Petroleum and petroleum products refining, including reprocessing;
- 9 20. Wood products preserving;
- 10 21. Golf course;
- 11 22. Regulated waste treatment, storage, disposal facilities that handle hazardous
- 12 material;
- 13 23. ~~Medium quantity generators~~ (Uses that generate a medium or large quantity of
- 14 dangerous, acutely hazardous, and toxic extremely hazardous waste); and as
- 15 defined by WAC Chapter 173;
- 16 24. ~~Large quantity generators (dangerous, acutely hazardous, and toxic extremely~~
- 17 ~~hazardous waste)~~.

18 B. Prohibited Activities in Category I.

19 The following activities are considered high-impact uses due to the probability and/or

20 potential magnitude of their adverse effects on groundwater. These activities are

21 prohibited in Category I, and require a permit for Category II:

- 22 1. Landfills;
- 23 2. Class V injection wells with the exception of wells for stormwater infiltration
- 24 meeting current stormwater requirements, subject to Clark County review and
- 25 approval;
- 26 3. Agricultural drainage wells;
- 27 4. Untreated sewage waste disposal wells;
- 28 5. Cesspools;

- 1 6. Industrial process water and disposal wells;
- 2 7. Radioactive waste disposal;
- 3 8. Radioactive disposal sites;
- 4 9. Surface mining operations; and
- 5 10. Electroplating activities.

6 C. Additional Standards.

7 The following additional standards apply in all CARAs:

- 8 1. Pesticides, herbicides and fertilizers shall be applied in accordance with federal
9 law.
- 10 2. Vehicle repair and servicing.
 - 11 a. Vehicle repair and servicing must be conducted over impermeable pads and
12 within a covered structure capable of withstanding normally expected
13 weather conditions. Chemicals used in the process of vehicle repair and
14 servicing must be stored in a manner that protects them from weather and
15 provides containment if leaks occur.
 - 16 b. No ~~dry~~ Class V stormwater infiltration wells shall be are allowed in CARAs on
17 sites for vehicle repair and servicing unless oil water separators are
18 installed. Dry wells on the site prior to the facility establishment must be
19 abandoned using techniques approved by the Department of Ecology or an
20 oil water separator will need to be installed prior to commencement of the
21 proposed facility.

22 **Section 16. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
23 amended by Sec. 4a of Ord. 2018-01-03 and codified as CCC 40.410.030 are each
24 hereby amended as follows:
25

26 **40.410.030 Administration**

27 A. Permit Requirements.

- 28 1. To receive a CARA permit required by Section 40.410.020, the applicant must
29 demonstrate, through a Level 1 site evaluation report, how they will integrate
30 necessary and appropriate best management practices (BMPs) to prevent
31 degradation of groundwater. The applicant must also meet existing local, state,
32 and federal laws and regulations.

1 2. If an applicant wants to avoid implementation of the standard, they must submit
2 a Level 2 site evaluation report and develop and implement a monitoring
3 program that:

4 a. ~~Demonstrates~~ that demonstrates how the applicant will prevent degradation to
5 groundwater. The applicant must also meet existing local, state and federal
6 laws and regulation; and

7 ~~b. Includes quarterly reporting to the department. The department will evaluate~~
8 ~~the monitoring program and may require periodic changes based on the~~
9 ~~monitoring results, new technology, and/or BMPs.~~

10 3. Applicants that agree to implement all relevant BMPs are exempt from preparing
11 a site evaluation report. Applicants will demonstrate how the implementation of
12 BMPs will be used to prevent degradation to groundwater and will submit
13 quarterly monitoring reports to the department.

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

15 1. For all proposed activities to be located in a critical aquifer recharge area, the
16 site evaluation report shall include a Level 1 assessment by an engineer as
17 defined in Section 40.386.010. The report will identify appropriate BMPs and
18 show how they will prevent degradation of groundwater. Examples of pollution
19 source controls are described in the Building Code, Fire Code, Clark County
20 Stormwater Manual and Chapter 173-218 WAC, Underground Injection Control
21 Program.

22 2. The report will identify how the applicant will follow the requirements of Chapter
23 90.48 RCW (Water Pollution Control), Chapter 70.105D RCW (Model Toxics
24 Control Act), Chapter 173-340 WAC, and the Dangerous Waste Regulations,
25 Chapter 173-303 WAC, in the event hazardous material is released onto the
26 ground or into groundwater.

27 3. The report will be reviewed by the department, in consultation with the Clark
28 County Health Department and the local water purveyor, in conjunction with
29 the same process as the primary development permit. If approved, the
30 applicant will receive a CARA permit allowing the activity on the subject
31 property.

32 C. Level 2 Site Evaluation Report/Approval Criteria.

33 1. A qualified groundwater professional as defined in Section 40.100.070 will
34 determine whether the proposed activity will have any adverse impacts on
35 groundwater in CARAs. This determination must be based upon the
36 requirements of the Safe Drinking Water Act and the Wellhead Protection Area
37 Program, Public Water Supplies, Chapter 246-290 WAC; Groundwater Quality

1 Standards for the State of Washington, Chapter 173-200 WAC; and
2 Dangerous Waste Regulations, Chapter 173-303 WAC. By this reference,
3 Chapters 173-200, 173-218, 173-303, and 246-290 WAC, as written and
4 hereafter updated, will be part of this chapter.

5 2. The Level 2 site evaluation report will include the following:

- 6 a. Identification of the proposed development plan, along with potential impacts
7 (e.g., on-site septic systems and other on-site activities) that may adversely
8 impact groundwater quality underlying or down gradient of the project or
9 project area;
- 10 b. Site plans or diagrams at an appropriate scale (1:2,400 or one (1) inch to two
11 hundred (200) feet) showing the location of abandoned and active wells,
12 springs, and surface water bodies within one thousand (1,000) feet of the
13 project or project area; and
- 14 c. A description of the geologic and hydrologic characteristics of the subject
15 property including the following:
- 16 (1) Lithologic characteristics and stratigraphic relationships;
- 17 (2) Aquifer characteristics including recharge and discharge areas,
18 depth to and static water-flow patterns, and an estimate of groundwater-
19 flow velocity;
- 20 (3) Contaminant fate and transport including probable migration
21 pathways and travel time of a potential contaminant release from the
22 site through the unsaturated zone to the aquifer(s) and through the
23 aquifer(s), and how the contaminant(s) may be attenuated within the
24 unsaturated zone and the aquifer(s);
- 25 (4) Appropriate hydrogeologic cross-sections which depict lithology,
26 stratigraphy, aquifer, units, potential or probable contaminant pathways
27 from a chemical release, and rate of groundwater flow; and
- 28 (5) Existing groundwater quality; and
- 29 ~~(6) A proposal for quarterly monitoring of groundwater quality to detect~~
30 ~~changes and a description of corrective actions that will be taken if~~
31 ~~monitoring results indicate contaminants from the site have entered the~~
32 ~~underlying aquifer(s).~~

33 3. The report will be reviewed by the department, in consultation with the Clark
34 County Health Department and the local water purveyor, in conjunction with
35 the same process as the primary development permit. If approved, the

1 applicant will receive a CARA permit allowing the activity on the subject
2 property.

3 D. Appeals.

4 Appeals of county decisions under this chapter may be filed under the provisions of
5 Chapter 40.510.

6 E. Penalties.

7 Any person, firm, or corporation who violates, disobeys, omits, neglects, or refuses to
8 comply with any of the provisions of this chapter shall be subject to penalties as
9 defined in Chapter 70.119A RCW; Chapters 173-200 and 246-290 WAC; Title 32 of
10 this code; and other local, state, and federal laws.

11 **Section 17. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
12 amended by Sec. 20 of Ord. 2019-05-07 and codified as CCC 40.500.010 are each
13 hereby amended as follows:
14

15 **40.500.010 Summary of Procedures and Processes**

16 A. Purpose and Applicability.

- 17 1. This chapter describes how the county will process applications for development
18 subject to review under the UDC and Title 14 of this code, and is intended to
19 identify the procedure for determining whether development proposals are, or
20 can be conditioned or mitigated to be, consistent with applicable policies and
21 standards. Consistency is determined by consideration of substantial evidence
22 in the record that is relevant to these policies and standards.
- 23 2. Interpretations and Authority. Upon request, the responsible official shall issue a
24 formal written interpretation of a development regulation. A formal written
25 interpretation shall be a Type I action and shall be subject to the appeal
26 provisions of Section 40.510.010(E). If an application for an interpretation is
27 associated with another application(s) subject to this title, then the application
28 for the interpretation shall be combined with the associated application(s) and
29 is subject to the same procedure type as the applications with which it is
30 combined.
- 31 3. Authorization for Similar Uses. The responsible official may determine that a
32 use, not specifically named in the allowed uses of a district, may be included
33 among the allowed uses; provided, however, that a use already allowed in any
34 other zoning district, except the industrial zoning districts, may not be
35 permitted. The responsible official must find that the proposed use is similar in
36 nature and has impacts on adjacent land uses and property similar to uses

1 already allowed in the district. When this determination is made in conjunction
2 with another application it shall be considered as the same type and subject to
3 the same appeals process, pursuant to Chapter 40.500, as the associated
4 application. When this determination is made without any associated
5 application, but for a specific lot, it shall be considered a Type II process. If this
6 determination is made without any associated application, and without a
7 specific lot identified, it shall be considered as a Type I process. This
8 determination may be appealed at this stage or when the determination is used
9 in a subsequent application for development.

10 *(Amended: Ord. 2005-04-12; Ord. 2006-04-18; Ord. 2018-01-09)*

11 B. Development Approvals Timeline – General.

12 1. Basic Rule. Preliminary approval of land divisions (Chapter 40.540), site plan
13 approval (Section 40.520.040), uses subject to review and approval (R/A)
14 (Section 40.520.020), approval of conditional use permits (Section
15 40.520.030), approval of planned unit developments (Section 40.520.080),
16 approval of mixed use developments (Section 40.230.020), approval of master
17 plans (Section 40.520.070), and approval of variances (Section 40.550.020)
18 shall be valid for a period of seven (7) years after approval. The right to
19 develop an approved land division, site plan, use permitted subject to review
20 and approval (R/A), conditional use permit, planned unit development or
21 variance or part thereof expires seven (7) years after the effective date of the
22 decision approving such development, unless:

- 23 a. For land divisions – A fully complete application for a final plat has been
24 submitted.
- 25 b. For use approvals that do not require a building permit – The permitted use
26 has legally commenced on the premises.
- 27 c. For all other approvals – A building permit for the approved development has
28 been issued and remains in effect, or a final occupancy permit has been
29 issued.

30 2. Extensions – Phased Developments.

31 a. Those applications specifically approved for phased development may
32 receive an unlimited number of subsequent two (2) year extensions in
33 accordance with the following:

- 34 (1) At least one (1) phase has met the general development approvals
35 timeline basic rule described in Section 40.500.010(B)(1);

1 (2) The request for the extension has been submitted in writing to the
2 responsible official at least thirty (30) days prior to the seven (7) year
3 deadline, or, in the case of a subsequent extension request, at least
4 thirty (30) days prior to the expiration of the approval period;

5 (3) The applicant has demonstrated an active effort in pursuing the next
6 phase of the application; and

7 (4) The applicant has demonstrated that there are no significant
8 changes in conditions which would render approval of the application
9 contrary to the public health, safety or general welfare.

10 b. The responsible official shall take one (1) of the following actions upon receipt
11 of a timely extension request:

12 (1) Approve the extension request if no significant issues are presented
13 under the criteria set forth in this section;

14 (2) Conditionally approve the application if any significant issues
15 presented are substantially mitigated by minor revisions to the original
16 approval;

17 (3) Deny the extension request if any significant issues presented
18 cannot be substantially mitigated by minor revisions to the approved
19 plan.

20 c. A request for extension approval shall be processed as a Type I action.
21 Appeal and post-decision review of a Type I action is permitted as provided
22 in this title.

23 3. Developer Agreements. Notwithstanding the foregoing, Council may approve a
24 developer agreement under RCW 36.70B.170 through 36.70B.240 providing
25 for a longer approval duration per Section 40.550.030. ~~The hearing examiner is~~
26 ~~delegated authority to conduct hearings and make recommendations for~~
27 ~~developer agreements, but final approval thereof is reserved to Council.~~

28 4. Special Stormwater Rules. All permits issued pursuant to the regulations
29 contained in Chapter 40.386 or earlier stormwater code and the 2009 or earlier
30 version of the Clark County Stormwater Manual will expire on January 8, 2021,
31 unless approved construction has begun on site before January 8, 2021.
32 "Construction has begun" means, at a minimum, that site work associated with
33 and directly related to the approved project has begun, for example, grading
34 the project site to final grade, or the installation of utilities. Simply clearing the
35 project site does not constitute the beginning of construction.

1 (Amended: Ord. 2005-04-12; Ord. 2006-04-18; Ord. 2011-08-08; Ord. 2012-12-23; Ord.
2 2015-11-24; Ord. 2016-09-04; Ord. 2018-01-09; Ord. 2019-05-07)

3
4 *****

5 **Section 18. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
6 amended by Sec. 19 (Exh.17) of Ord. 2017-07-04 and codified as CCC 40.510.020 are
7 each hereby amended as follows:
8

9 **40.510.020 Type II Process – Administrative Decisions**

10 A. Pre-Application Review.

11 1. The purposes of pre-application review are:

- 12 a. To acquaint county staff with a sufficient level of detail about the proposed
13 development to enable staff to advise the applicant accordingly;
- 14 b. To acquaint the applicant with the applicable requirements of this code and
15 other law. However, the conference is not intended to provide an exhaustive
16 review of all the potential issues that a given application could raise. The
17 pre-application review does not prevent the county from applying all relevant
18 laws to the application; and
- 19 c. To provide an opportunity for other agency staff and the public to be
20 acquainted with the proposed application and applicable law. Although
21 members of the public can attend a pre-application conference, it is not a
22 public hearing, and there is no obligation to receive public testimony or
23 evidence.

24 2. Pre-application review is required for applications, with the following exceptions:

- 25 a. The application is for one (1) of the following use classifications:
- 26 (1) Section 40.210.010, Forest and Agriculture districts;
- 27 (2) Section 40.520.020, Planning Director reviews and similar use
28 determinations;
- 29 (3) Chapter 40.260, special uses (unless specified as a Type III review);
- 30 (4) Section 40.260.220, temporary permits;
- 31 (5) Section 40.530.010(F)(6), change in nonconforming use;
- 32 (6) Section 40.260.210, temporary dwelling permit;

- 1 (7) Section 40.520.060, post-decision reviews;
- 2 (8) Section 40.450.040, preliminary (stand-alone) wetland permit;
- 3 (9) SEPA review for projects that are not otherwise Type II reviews (e.g.,
- 4 grading);
- 5 (10) Section 40.500.010, interpretations;
- 6 (11) Section 40.550.020, administrative variances; or
- 7 (12) Section 40.540.120.E.3, minor plat alterations; or,

8 b. The applicant applies for and is granted a pre-application waiver from the
9 responsible official. The form shall state that waiver of pre-application review
10 increases the risk the application will be rejected or processing will be
11 delayed. Pre-application review generally should be waived by the
12 responsible official only if the application is relatively simple. The decision
13 regarding a pre-application waiver can be appealed as a Type I decision.

- 14 3. To initiate pre-application review, an applicant shall submit a completed form
15 provided by the responsible official for that purpose, the required fee, and all
16 information required by the relevant section(s) of this code. The applicant shall
17 provide the required number of copies of all information as determined by the
18 responsible official.
- 19 4. Information not provided on the form shall be provided on the face of the
20 preliminary plat, in an environmental checklist or on other attachments. The
21 responsible official may modify requirements for pre-application materials and
22 may conduct a pre-application review with less than all of the required
23 information. However, failure to provide all of the required information may
24 prevent the responsible official from identifying all applicable issues or
25 providing the most effective pre-application review and will preclude contingent
26 vesting under Section 40.510.020(G). Review for completeness will not be
27 conducted by staff at the time of submittal and it is the responsibility of the
28 applicant.
- 29 5. Within fifteen (15) calendar days after receipt of an application for pre-
30 application review, the responsible official shall mail written notice to the
31 applicant and to other interested agencies and parties, including the
32 neighborhood association in whose area the property in question is situated.
33 The notice shall state the date, time and location of the pre-application
34 conference, the purposes of pre-application review, and the nature of the
35 proposal.

- 1 6. The responsible official shall coordinate the involvement of agency staff
2 responsible for planning, development review, roads, drainage, parks and
3 other subjects, as appropriate, in the pre-application review process. Relevant
4 staff shall attend the pre-application conference or shall take other steps to
5 fulfill the purposes of pre-application review.

- 6 7. The pre-application conference shall be scheduled at least five (5) calendar
7 days after the notice is mailed but not more than twenty-eight (28) calendar
8 days after the responsible official accepts the application for pre-application
9 review. The responsible official shall reschedule the conference and give new
10 notice if the applicant or applicant's representative cannot or does not attend
11 the conference when scheduled.

- 12 8. Within seven (7) calendar days after the date of the pre-application conference,
13 the responsible official shall mail to the applicant and to other parties who sign
14 a register provided for such purpose at the pre-application conference or who
15 otherwise request it in writing, a written summary of the pre-application review.
16 The summary may be e-mailed instead of mailed to the applicant and other
17 parties should they consent to this method. The written summary generally
18 shall do the following to the extent possible given the information provided by
19 the applicant:
 - 20 a. Summarize the proposed application(s);
 - 21 b. Identify the relevant approval criteria and development standards in this code
22 or other applicable law and exceptions, adjustments or other variations from
23 applicable criteria or standards that may be necessary;
 - 24 c. Evaluate information the applicant offered to comply with the relevant criteria
25 and standards, and identify specific additional information that is needed to
26 respond to the relevant criteria and standards or is recommended to respond
27 to other issues;
 - 28 d. Identify applicable application fees in effect at the time, with a disclaimer that
29 fees may change;
 - 30 e. Identify information relevant to the application that may be in the possession
31 of the county or other agencies of which the county is aware, such as:
 - 32 (1) Comprehensive plan map designation and zoning on and in the
33 vicinity of the property subject to the application;
 - 34 (2) Physical development limitations, such as steep or unstable slopes,
35 wetlands, well head protection areas, water bodies, or special flood
36 hazard areas, that exist on and in the vicinity of the property subject to
37 the application;

1 (3) Those public facilities that will serve the property subject to the
2 application, including fire services, roads, storm drainage, and, if
3 residential, parks and schools, and relevant service considerations,
4 such as minimum access and fire flow requirements or other minimum
5 service levels and impact fees; and

6 (4) Other applications that have been approved or are being considered
7 for land in the vicinity of the property subject to the proposed application
8 that may affect or be affected by the proposed application.

9 f. Where applicable, indicate whether the pre-application submittal was complete
10 so as to trigger contingent vesting under Section 40.510.020(G).

11 9. An applicant may submit a written request for a second pre-application
12 conference within one (1) calendar year after an initial pre-application
13 conference. There is no additional fee for a second conference if the proposed
14 development is substantially similar to the one reviewed in the first pre-
15 application conference or if it reflects changes based on information received
16 at the first pre-application conference. A request for a second pre-application
17 conference shall be subject to the same procedure as the request for the initial
18 pre-application conference.

19 10. A new request for or waiver of a pre-application review for a given
20 development shall be filed unless the applicant submits a fully complete
21 application that the responsible official finds is substantially similar to the
22 subject of a pre-application review within one (1) calendar year after the last
23 pre-application conference or after approval of waiver of pre-application
24 review.

25 *(Amended: Ord. 2005-04-12; Ord. 2006-05-01; Ord. 2007-06-05; Ord. 2007-11-13; Ord.*
26 *2009-03-02; Ord. 2009-07-01; Ord. 2010-08-06; Ord. 2017-07-04)*

27
28 *****

29
30 **Section 19. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
31 amended by Sec. 2 of Ord. 2019-05-07 and codified as CCC 40.510.040 are each
32 hereby amended as follows:
33

34 **40.510.040 Type IV Process – Legislative Decisions**

35 A. Decision.

36 1. The provisions of this section apply to all Type IV legislative decisions, which
37 include and are limited to adoption or amendment, pursuant to the Growth
38 Management Act (GMA), Chapter 36.70A RCW, and Chapter 40.560, of the
39 following:

- 1 a. Comprehensive plan map and text, and zoning change consistent with the
2 map change;
 - 3 b. Development regulations;
 - 4 c. Arterial atlas; and
 - 5 d. Shoreline Master Program (SMP) pursuant to the Shoreline Management Act,
6 Chapter 90.58 RCW, and Chapter 40.460.
- 7 2. This section is intended to supplement, and not to limit, county authority and
8 procedures for adopting legislation.
 - 9 3. When revisions to the comprehensive plan are made through the periodic
10 update pursuant to RCW 36.70A.130(5), the procedures in this chapter are to
11 be used as a guide, with the exception that public noticing per Section
12 40.510.040(E)(1)(b)(4) is not required.

13 B. Process.

- 14 1. Adoption or amendment of the comprehensive plan and development
15 regulations is a legislative decision, rather than a project-specific decision. The
16 legislative process includes a public hearing before the Clark County Council
17 and may include a public hearing before the Planning Commission. It is
18 designed to solicit a broad range of public input at all levels pursuant to RCW
19 36.70A.035.
- 20 2. A Type IV decision shall be final and conclusive unless an appeal is timely filed
21 to the Growth Management Hearings Board in accordance with RCW
22 36.70A.280 and 36.70A.290, except as otherwise provided by law.
- 23 3. Council legislative action on other matters is governed by the Clark County
24 Home Rule Charter and other applicable law, and is not subject to this section.

25 C. Procedure.

- 26 1. A Type IV procedure may include one (1) or more public hearings before the
27 Planning Commission and includes one (1) or more public hearings before
28 Council.
- 29 2. Planning Commission review is not required for interim actions, moratoria, and
30 emergency legislation authorized by RCW 35.63.200, 36.70A.130(2)(b), or
31 36.70A.390 as described in Section 40.510.040(H).

32 D. Staff Report to the Planning Commission.

1 1. At least fifteen (15) calendar days before the date of the first Planning
2 Commission hearing, the responsible official shall:

- 3 a. Issue a written staff report and State Environmental Policy Act (SEPA) official
4 determination regarding the application(s) pursuant to Chapter 40.570;
- 5 b. Post the staff report and SEPA official determination to the Clark County
6 website; and
- 7 c. Provide a copy of the staff report at reasonable charge to any member of the
8 public who requests it.

9 E. Public Notice.

10 1. For a site-specific application or a county initiated site-specific request under
11 Chapter 40.560, at least fifteen (15) calendar days before the date of the first
12 Planning Commission hearing, the responsible official shall:

13 a. Prepare a notice of application that includes the following information:

- 14 (1) The case file number(s);
- 15 (2) A description and map(s) of the area that will be affected by the
16 application, if approved, which is reasonably sufficient to inform the
17 reader of its location;
- 18 (3) A summary of the proposed application(s);
- 19 (4) The date, time, and place where information about the application
20 may be examined and the name and contact information for the county
21 representative to contact about the application;
- 22 (5) A statement that the notice is intended to inform potentially interested
23 parties about the hearing and to invite interested parties to appear orally
24 or by written statement at the hearing;
- 25 (6) The date, time, and place of the Planning Commission hearing, and
26 a statement that the hearing will be conducted in accordance with the
27 rules of procedure adopted by the Planning Commission;
- 28 (7) A statement that a staff report and, whenever possible, a SEPA
29 review document, will be available for inspection at no cost at least
30 fifteen (15) calendar days before the hearing and will be provided at
31 reasonable cost; and
- 32 (8) A general explanation of the process for submitting testimony and
33 the conduct of the hearing.

- 1 b. Send written notice prepared under Section 40.510.040(E)(1)(a) to:
- 2 (1) The applicant and the applicant's representative;
- 3 (2) Any person who has submitted a written request for notice of such
- 4 matters;
- 5 (3) The neighborhood association in whose area the subject property is
- 6 situated, based on the list of county recognized neighborhood
- 7 associations kept by the responsible official; and
- 8 (4) Owners of record of property and residents within three hundred
- 9 (300) feet of the subject property if the subject property is inside the
- 10 urban growth boundary, or to owners of property and residents within
- 11 five hundred (500) feet of the subject property if the subject property is
- 12 outside the urban growth boundary.
- 13 (a) The records of the County Assessor shall be used for determining
- 14 property owners of record. The failure of a property owner to
- 15 receive notice shall not affect the validity of the decision if the
- 16 notice was sent. A Clark County ship request form and a copy of
- 17 the mailing labels executed by the person who did the mailing shall
- 18 be evidence that notice was mailed to parties listed or referenced in
- 19 the certificate; and
- 20 (b) If the applicant owns property adjoining the property that is the
- 21 subject of the application, then notice shall be mailed to owners of
- 22 property within five hundred (500) feet of the boundary of the
- 23 property owned by the applicant adjoining or contiguous to the
- 24 subject property; and
- 25 (5) Agencies with jurisdiction.
- 26 c. Publish in a newspaper of general circulation ~~a summary of the notice,~~
- 27 including the date, time, and place of the hearing, manner of making
- 28 comments, staff contact information, and a summary of the subject of the
- 29 Type IV process.
- 30 d. Provide other notice deemed appropriate and necessary by the responsible
- 31 official based on the subject of the Type IV process.
- 32 2. For comprehensive plan amendments or development regulations implementing
- 33 the comprehensive plan under Chapter 40.560, at least fifteen (15) calendar
- 34 days before the date of the first Planning Commission hearing, the responsible
- 35 official shall:

1 a. Publish in a newspaper of general circulation ~~a summary of the notice,~~
2 including the date, time, and place of the hearing, manner of making
3 comments, staff contact information, and a summary of the subject of the
4 Type IV process pursuant to Section 40.510.040(E)(1)(a).
5

6 b. Provide other notice deemed appropriate and necessary by the responsible
7 official based on the subject of the Type IV process pursuant to RCW
8 36.70A.035 and 36.70A.140.
9

10 F. Planning Commission Hearings.

11 1. Planning Commission hearings shall be conducted in accordance with the rules
12 of procedure adopted by the Planning Commission; provided, that the Planning
13 Commission Chair shall preside over the meeting and may modify the
14 procedural rules as necessary and reasonable. A public hearing shall be
15 recorded electronically.

16 2. At the conclusion of a Planning Commission hearing, the Planning Commission
17 shall announce one (1) of the following actions:

18 a. That the Planning Commission recommends against or in favor of approval of
19 the proposal, with or without amendment, or that the Planning Commission
20 will recommend neither against nor for approval of the application(s),
21 together with a brief summary of the basis for the recommendation and
22 posted to the website within three (3) business days following the hearing.

23 b. The Planning Commission recommendation shall be by the affirmative vote of
24 the majority of the quorum present.

25 c. A hearing may be continued if it extends past 10:00 p.m. on any evening. If
26 the hearing is continued to a place, date, and time certain, then additional
27 notice of the continued hearing need not be mailed, published or posted. If
28 the hearing is not continued to a place, date, and time certain, the county
29 shall provide notice of the continued hearing as though it was the initial
30 hearing before the Planning Commission.

31 G. Council Hearings.

32 1. Council hearings shall be conducted in accordance with the rules of procedure
33 adopted by the Council; provided, that the Council Chair shall preside over the
34 meeting and may modify the procedural rules as necessary and reasonable. A
35 public hearing shall be recorded electronically.

36 2. At least 60 days before the council hearing, the responsible official shall issue a
37 notification to the Department of Commerce pursuant to WAC 365-196-630 of

1 its intent to propose adoption or amendment of a comprehensive plan or
2 development regulation.

3 3. At least fifteen (15) calendar days before the date of the first Council hearing,
4 the responsible official shall:

5 a. Provide a written copy of the Planning Commission's recommendation to the
6 Council;

7 b. Prepare a notice that includes the information listed in Section 40.510.040(E)
8 of this section except the notice shall be modified as needed:

9 (1) To reflect any changes made in the application(s) during the
10 Planning Commission review;

11 (2) To reflect that Council will conduct the hearing, and date, time, and
12 place of the Council hearing; and

13 (3) To state that the Planning Commission recommendation and SEPA
14 determination are available for inspection at no cost and copies will be
15 provided at reasonable cost;

16 c. Provide a written copy of that notice to the parties identified in Section
17 40.510.040(E);

18 d. Publish in a newspaper of general circulation ~~a summary of the notice,~~
19 ~~including the date, time, and place of the hearing, manner of making~~
20 ~~comments, staff contact information, and a summary of the subject of the~~
21 ~~Type IV process pursuant to Section 40.510.040(E)(1)(a); and~~

22 e. Provide other notice deemed appropriate and necessary by the responsible
23 official based on the subject of the Type IV process.

24 4. At the conclusion of its initial hearing, Council may continue the hearing or may
25 adopt, modify or give no further consideration to the application or
26 recommendations. If the hearing is continued to a place, date, and time
27 certain, then additional notice of the continued hearing is not required to be
28 provided. If the hearing is not continued to a place, date and time certain, then
29 notice of the continued hearing shall be given as though it was the initial
30 hearing before the Council.

31 *****
32

33 **Section 20. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
34 amended by Sec. 22 of Ord. 2016-09-04 and codified as CCC 40.540.120 are each
35 hereby amended as follows:

1 **40.540.120 Alteration and Vacation of Final Plats**

2 A. Purpose.

3 The purpose of this section is to provide procedures and criteria for the
4 alteration and vacation of recorded plats and short plats consistent with state
5 law (RCW 58.17.215, 58.17.217). No recorded short plat or subdivision shall
6 be changed in any respect, except as processed and approved through this
7 section unless exempt from this chapter as indicated in Section
8 40.540.020(B)(4). This process cannot be used to create additional lots, tracts
9 or parcels.

10 B. Process.

11 1. Pre-Application Review. Pre-application review is required for all plat
12 alteration or vacation applications in accordance to Section
13 40.510.020(A) except for minor plat alterations submitted under Section
14 40.540.120.E.3.

15 2. Preliminary Approval. Preliminary approval of a plat alteration shall be
16 considered a Type II application pursuant to Section 40.510.020
17 provided the following:

18 a. A public hearing shall be required for alteration proposals if a hearing is
19 requested by any person within ~~twenty-one (21)~~ fifteen (15) days from
20 the date the public comment period began or if the department
21 determines that the public hearing is within the public interest. Where
22 a public hearing is requested or required, the department shall
23 consider the application a Type III process and refer the application to
24 the hearing examiner for consideration. Notices required pursuant to
25 Section 40.510.030(E) shall include language notifying the public of
26 the alterative hearing process provided for by this section; however,
27 the four (4) foot by eight (8) foot notice sign as specified in Section
28 40.510.030(E)(3)(d) shall not be required.

29 b. If a public hearing is not requested for a proposed alteration, the
30 responsible official is delegated the authority to review and approve,
31 approve with conditions or deny the application for preliminary
32 approval. The final revised drawing or other alteration, if approved,
33 shall be signed by the legislative body, without a public hearing.

34 c. All applications for vacation of a recorded plat shall be considered Type
35 III applications and are not eligible for the alternative hearing process.

36 d. In addition to the notice requirements of Section 40.510.030(E), notice
37 of the proposed alteration or vacation shall include all property

1 owners holding an interest in the entire subdivision to be altered,
2 including all phases.

- 3 3. Final Approval. Within seven (7) years of the date of preliminary approval
4 of the vacation or alteration, the applicant shall submit for final plat
5 approval through the final plat process of Section 40.540.070. If the
6 nature of the plat alteration is minor, the review authority may set
7 appropriate conditions and processes for final review and recording of
8 the alteration at the time of preliminary approval.

9 C. Pre-Application Submittal Requirements for a Plat Alteration or Plat Vacation.

10 An applicant for a pre-application review of a proposed plat alteration or plat
11 vacation shall submit an original and the number of individually bound copies
12 as established by the responsible official of the following materials:

- 13 1. A completed original application form provided by the responsible official
14 and signed by the applicant;
- 15 2. The requisite fees as specified in Title 6 of Clark County Code;
- 16 3. A copy of the recorded plat including eleven (11) inch by seventeen (17)
17 inch (11" x 17") reductions of any oversized materials;
- 18 4. Restrictive covenants (if any);
- 19 5. The proposed revised plat map;
- 20 6. A narrative describing the nature, purpose, and desired effect of the
21 proposed alteration or vacation; and
- 22 7. The following maps (as available from the Community Development
23 Department through the "developer's GIS packet"):
- 24 a. General location map;
- 25 b. Elevation contours map;
- 26 c. Aerial photography map (most recent year currently available through
27 the Community Development Department);
- 28 d. Aerial photography with contours;
- 29 e. Current zoning map;
- 30 f. Current comprehensive plan map;

- 1 g. Map of C-Tran bus routes, park and trails;
- 2 h. Water, sewer, and storm systems map;
- 3 i. Soil type map;
- 4 j. Environmental constraints map; and
- 5 k. Quarter section map.

6 D. Application Submittal Requirements for a Plat Alteration or Plat Vacation.

7 An applicant for a plat alteration or vacation shall submit the number of
8 individually bound copies as established by the responsible official of the
9 following materials:

- 10 1. A completed original application form provided by the responsible official
11 signed by the majority of those persons having an ownership interest of
12 lots, tracts, parcels, sites or divisions in the subject plat or portion
13 thereof to be altered. Applications for the vacation of plats shall include
14 signatures of all property owners having an ownership interest;
- 15 2. The requisite fees as specified in Title 6 of Clark County Code;
- 16 3. A copy of the recorded plat including eleven (11) inch by seventeen (17)
17 inch (11" x 17") reductions of any oversized materials;
- 18 4. Current recorded deeds or real estate contracts for each lot to be altered;
- 19 5. Restrictive covenants;
- 20 6. The proposed revised plat map;
- 21 7. A narrative explaining how the proposed alteration or vacation meets or
22 exceeds the applicable approval criteria and standards and any issues
23 raised during the pre-application process;
- 24 8. Documentation from any person, utility, company or other entity having a
25 vested interest in any easement proposed to be altered or vacated that
26 they agree to the alteration or vacation;
- 27 9. The following maps (as available from the Community Development
28 Department through the "developer's GIS packet"):
 - 29 a. General location map;
 - 30 b. Elevation contours map;

- 1 c. Aerial photography map (most recent year currently available through
2 the Community Development Department);
- 3 d. Aerial photography with contours;
- 4 e. Current zoning map;
- 5 f. Current comprehensive plan map;
- 6 g. Map of C-Tran bus routes, park and trails;
- 7 h. Water, sewer, and storm systems map;
- 8 i. Soil type map;
- 9 j. Environmental constraints map; and
- 10 k. Quarter section map.
- 11 10. Pre-application conference summary; and
- 12 11. Existing conditions map including all of the following within fifty (50) feet
13 of the proposed alteration:
 - 14 a. Streets;
 - 15 b. Location(s) of any existing building(s);
 - 16 c. Location and width of existing easements for access, drainage, utilities,
17 etc., if not already on the plat;
 - 18 d. Name, location and width of existing rights-of-way, if not already on the
19 plat;
 - 20 e. Location and width of existing driveways; and
 - 21 f. Other items that are relevant to the approval standards for the alteration
22 or vacation.
- 23 E. Approval Criteria for Plat Alterations and Vacations.
 - 24 1. The review authority may approve plat alteration requests if the following
25 criteria is met:
 - 26 a. The plat alteration is within the public interest; and
 - 27 b. The approval criteria in Section 40.540.040(D), as applicable to the
28 proposed plat alteration, is met; and

1 c. The approval of the plat alteration will not result in the violation of any
2 requirements of the original approval unless conditions necessitating
3 such requirements have changed since the original plat was
4 recorded.

5 2. The review authority may approve the vacation of a plat if it is in the
6 public interest.

7 3. Minor plat alterations may be processed with reduced submittal
8 requirements as determined by the responsible official. The criteria of
9 what constitutes a minor plat alteration are as follows:

10 a. The alteration consists of correcting a scrivener's error which is clearly
11 inconsistent with the intent of the preliminary review, and, in the
12 judgment of the responsible official, does not affect the public interest;
13 or,

14 b. The alteration will provide consistency with current code
15 requirements, and, in the judgment of the responsible official, does
16 not affect the public interest.

17 F. Limitations.

18 1. If the plat or portions of the plat contain restrictive covenants which were
19 filed with the plat and the proposed alteration will result in the violation
20 of a covenant, the application shall contain an agreement signed by all
21 parties to the covenant providing that all parties agree to alter or revoke
22 the covenants specified in the application.

23 2. Vacations of county roads may be approved through this process only
24 when the road vacation is proposed with the vacation of a subdivision or
25 portions thereof. Vacations of roads may not be made that are
26 prohibited under RCW 36.87.130 and Chapter 12.28.

27 3. If any land within the alteration contains a dedication to the general use
28 of the persons residing within the subdivision, such land may be altered
29 and divided equitably between the adjacent properties.

30 4. Blanket utility easements existing along the lot lines, but not specifically
31 required as a condition of development approval, may be moved during
32 a boundary line adjustment; provided, there is compliance with RCW
33 64.04.175 and the easement is not occupied by a utility. If the easement
34 is occupied, the provisions of this section and RCW 64.04.175 shall
35 apply.

1 **Section 21. Amendatory.** Sec. 1 (Exh. A) of Ord. 2003-11-01 as most recently
2 amended by Sec. 4 of Ord. 2019-05-07 and codified as CCC 40.560.020 are each
3 hereby amended as follows:

4 **40.560.020 Changes to Zoning Districts and code Amendments**

5 A. Procedure, General. The county may amend zoning districts and the Clark County
6 Unified Development Code (Title 40) as follows:

- 7 1. A zone change must occur through the Type III process (rezone) where the
8 proposed zoning is consistent with the current comprehensive plan map
9 designation;
- 10 2. A comprehensive plan map and zone change must occur through a Type IV
11 process pursuant to Section 40.560.010;
- 12 3. A code amendment must occur through a Type IV process that includes
13 Planning Commission review.

14 *(Amended: Ord. 2007-09-13; Ord. 2019-05-07)*

15 B. Application. Type III Map Amendments. Type III map amendments must follow the
16 Type III application procedures described in Section 40.510.030.

17 *(Amended: Ord. 2007-09-13; Ord. 2019-05-07)*

18 C. Public Hearings.

19 1. Type III Map Amendments. Type III map amendments must follow the Type III
20 public hearing procedures described in Section 40.510.030.

21 2. Type IV Text Amendments.

22 a. Before taking final action on a proposed amendment, the Planning
23 Commission shall hold a public hearing thereon. After receipt of the report
24 on the amendment from the Planning Commission, Council shall hold a
25 public hearing on the amendment. The Planning Commission shall hold
26 public hearings in accordance with the provisions of Section 40.510.040.

27 b. Resubmittal. In a case where a request for an amendment is denied by
28 Council, the request shall not be eligible for resubmittal for one (1) year from
29 the effective date of denial.

30 *(Amended: Ord. 2007-09-13; Ord. 2019-05-07)*

31 D. Record of Amendments.

1 The responsible official shall maintain on file a signed copy of each amendment to
2 the text of the comprehensive plan and code and to the comprehensive plan and
3 zoning maps.

4 *(Amended: Ord. 2007-09-13; Ord. 2019-05-07)*

5 E. Release of Concomitant Rezone Agreements.

6 1. Upon petition by the property owner, a concomitant rezone covenant may be
7 fully or partially released, or modified, by the County Council following a public
8 hearing with notice as prescribed by Section 40.510.040(E) and in accordance
9 with the criteria set forth in this section; ~~provided, that if no development has~~
10 ~~occurred pursuant to a covenant entered into prior to January 1, 1995, such~~
11 ~~covenant may be fully released and the property subjected to all applicable~~
12 ~~standards and provisions of the current zoning ordinance by the County Council~~
13 ~~at a public meeting if it appears that no substantive issues are raised under the~~
14 ~~following criteria.~~

15 2. In considering requests for release or modification of concomitant rezone
16 covenants, the review authority shall consider the following:

17 a. In the case of full covenant release, whether development of the site would be
18 consistent with current zoning regulations and comprehensive plan
19 recommendations; and

20 b. In the case of either full or partial covenant release or covenant modification,
21 whether adequate public/private services are available to support
22 development of the site; and

23 c. In the case of either full or partial covenant release or covenant modification,
24 whether the requested action would unreasonably impact development
25 undertaken on nearby properties in reliance upon the covenant
26 commitments; and

27 d. In the case of partial covenant release or covenant modifications, whether
28 future development under current zoning will be consistent with existing and
29 planned development.

30 *(Amended: Ord. 2007-09-13; Ord. 2019-05-07)*

31 *****

32
33 **Section 22. Amendatory.** Sec. 3 (Exh. 1) of Ord. 2010-07-07 as most recently
34 amended by Sec. 41 of Ord. 2018-01-09 and codified as CCC Section 4.2 of Appendix
35 F to Title 40 are each hereby amended as shown in Exhibit 1.

36
37 **Section 23. Effective Date.**

1 This ordinance shall go into effect ten (10) days after adoption as provided by law.

2
3 **Section 24. Instructions to Clerk.**

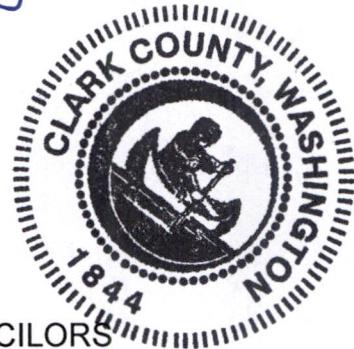
4 The Clerk of the Council shall:

- 5 1) Transmit a copy of this ordinance to the Washington State Department of
- 6 Commerce within ten (10) days of its adoption, pursuant to RCW
- 7 36.70A.106;
- 8 2) Record a copy of this Ordinance with the Clark County Auditor;
- 9 3. Transmit a copy of the adopted ordinance to the Community Development
- 10 Director and Community Planning Director;
- 11 4) Cause notice of adoption of this ordinance to be published forthwith,
- 12 pursuant to RCW 36.70A.290; and
- 13 5) Transmit a copy of the adopted ordinance to Code Publishing, Inc. forthwith
- 14 to update the electronic version of the Clark County Code.

15
16 **Section 2. Roll Call Vote.** The following persons voted in favor of the above
17 ordinance [amendments]:

18 Temple Lentz; Julie Olson, John Blom,
19 Gary Medvigy, Eileen Quring.
20
21

22
23
24 ADOPTED this 10th day of March, 2020.



25
26
27
28
29
30 BOARD OF COUNCILORS
FOR CLARK COUNTY

31 Attest:

32 [Signature]
33
34 Clerk to the Council

35 By: [Signature]
36 Eileen Quring, Chair

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

40 By: _____
41 Temple Lentz, Councilor

42 By: [Signature]
43 Taylor Hallvik,
44 Deputy Prosecuting Attorney

45 By: _____
John Blom, Councilor

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By: _____
Julie Olsen, Councilor

By: _____
Gary Medvigy, Councilor

4 Overlay Standards

4.0 Introduction

This chapter provides key site design standards and land use provisions that are specific to the different Overlays and the 78th Street Heritage Farm Master Plan site delineated in the Chapter 2 Regulatory Maps. Sections 4.1 through 4.5 herein provide standards and guidance on building placement (setbacks), internal access, internal open space, parking, maximum building height, permitted uses, and density for each type of Overlay.

4.0.1 Elements of the Overlay Standards

The sketch below notes the types of site design and land use provisions addressed in this chapter. On the following two pages are clarification as to how these provisions are applied and references to any other applicable code sections herein.

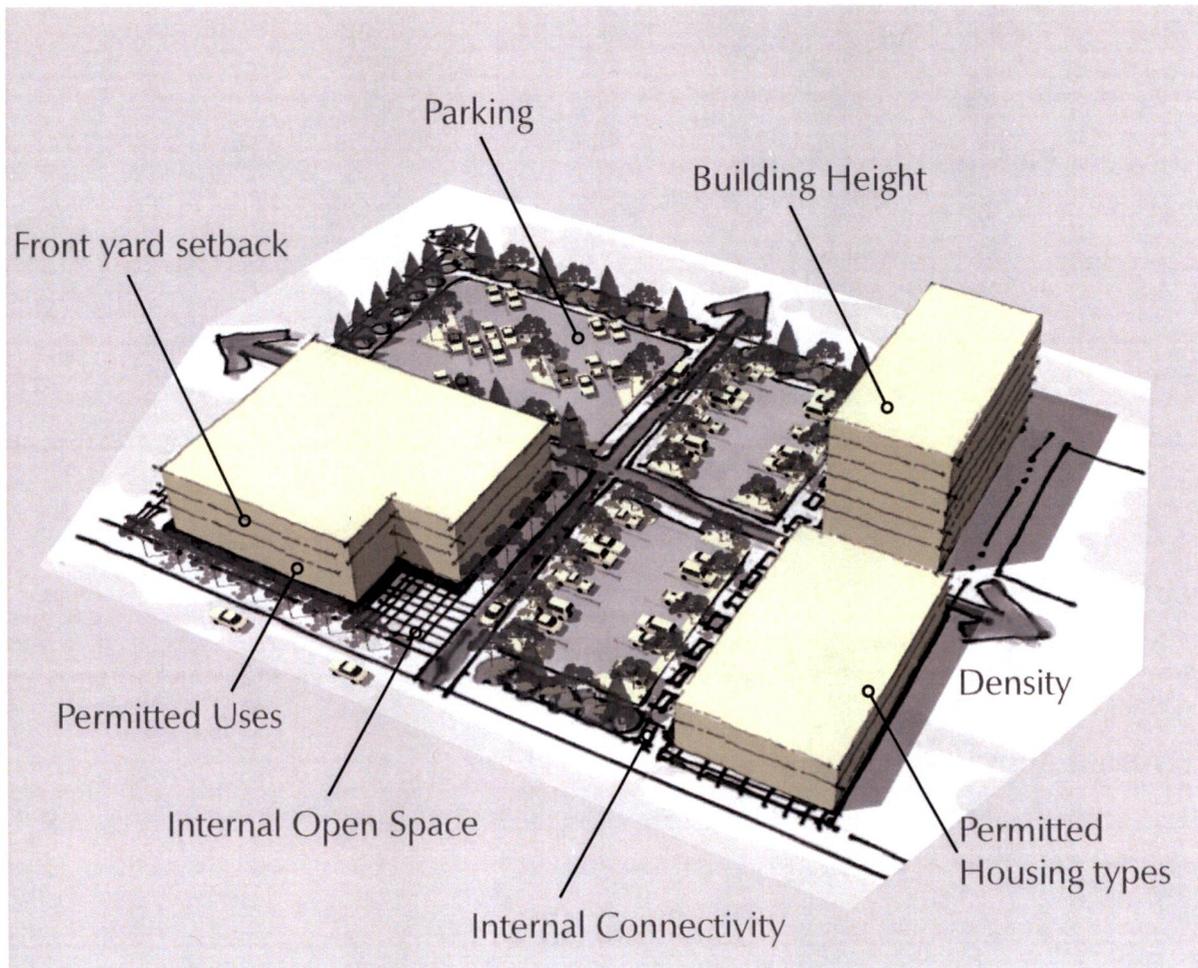


Figure 4-1. An example of design elements addressed in the overlay standards.

4.0.2 About Building Placement

This refers to front, side, and rear setbacks for structures. Some maximum front setbacks are included as well. Front setbacks shall be measured from the edge of any street right-of-way, street tract, street easement, or driveway easement that provides access to the lot, including any separate pedestrian easement that may exist between a street and the front setback line.

4.0.3 About Internal Connectivity

Some regulatory maps for Activity Centers and Transitional Areas contain thick gray lines and arrows, which refer to areas where improved internal pedestrian and vehicular connectivity is required in conjunction with new development activity. Refer to Section 5.3 (Internal Pedestrian Access) and Section 5.4 (Internal Vehicular Access) for guidance on how to achieve the required internal connections.

4.0.4 About Internal Open Space

This refers to internal open space that may be required with new commercial and/or residential development. These internal spaces are private open spaces which may or may not be accessible to the public. Public parks are not specifically addressed in this document (they will be addressed during the preliminary plat process, which will require compliance with the Vancouver-Clark Comprehensive Parks, Recreation, and Open Space Plan. While this Chapter defines the minimum amount of open space required, the design of open spaces are addressed in Section 5.2.

4.0.5 About Parking

This section refers to the location and design of parking areas. Below are descriptions of each:

- Location and maximum frontage: Location refers to areas where the parking shall be located with respect to on site buildings. For example, Side/Rear means that parking shall be placed to the side or rear of buildings and not in front. Maximum Frontage refers to the maximum percentage of the total site frontage that parking and vehicular access areas may occupy. See Section 5.5.2 for clarification and departures to these standards.
- Design: Refers to the considerations for parking lot design. Internal pedestrian access standards within parking lots are provided in Section 5.3.1. Driveway standards are provided in Section 5.4.2. Parking lot landscaping standards are provided in Section 8.3.3.

4.0.6 About Building Height

Maximum building height is measured by the number of stories above grade. A story is the space in a building between the surface of any floor and the surface of the next floor above (or the ceiling if there is no floor above).

4.0.7 About Permitted Uses

The Overlay Standards herein are intended to supplement the use provisions of CCC SubTitle 40.2.

4.0.8 About Density

Density refers to residential density, specifically, the number of dwelling units per acre. This Chapter indicates whether there is a minimum and/or maximum density level for each overlay. Densities shall be calculated based on the gross area of the site minus any existing public rights-of-way, private road easements, or street tracts. In some overlays, the minimum and/or maximum density may be the same as set forth under current zoning designations as noted in CCC Chapter 40.220.020.

4.0.9 About Permitted Housing Types

The standards herein note which housing types are permitted and prohibited in applicable Overlays. A table is included for each overlay zone identifying nine basic housing types. The housing types with a check (✓) are permitted. All other housing types are prohibited except where otherwise noted in this code or per underlying zoning (CCC Title 40). Standards for the design of these housing types are provided and/or referenced in Chapter 7.

4.1 How To Use this Chapter

Step 1: Find the Applicable Overlay Section *(See Chapter 2 for Regulatory Maps)*

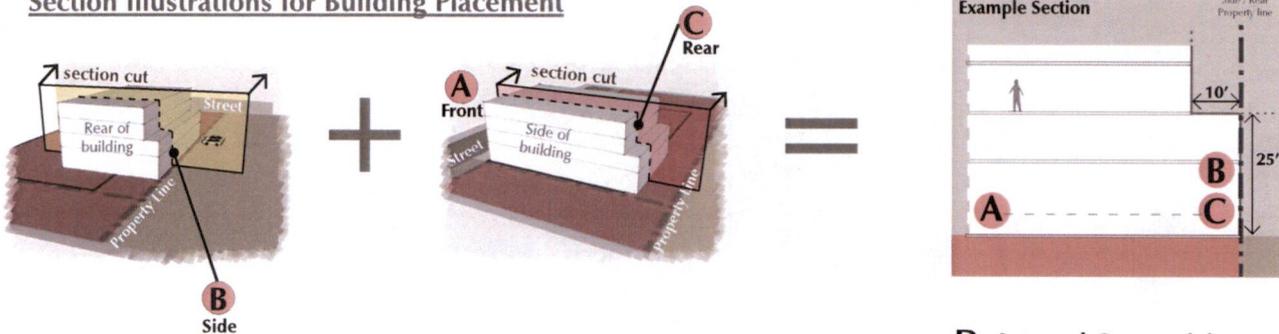
- 4.2** Activity Center
- 4.4** Multifamily Residential
- 4.7** 78th Street Master Plan
- 4.3** Transitional Area
- 4.5** Mixed Residential
- 4.6** Single Family Residential

Step 2: Determine the Overlay Standards

Graphics are provided to help illustrate the standards.

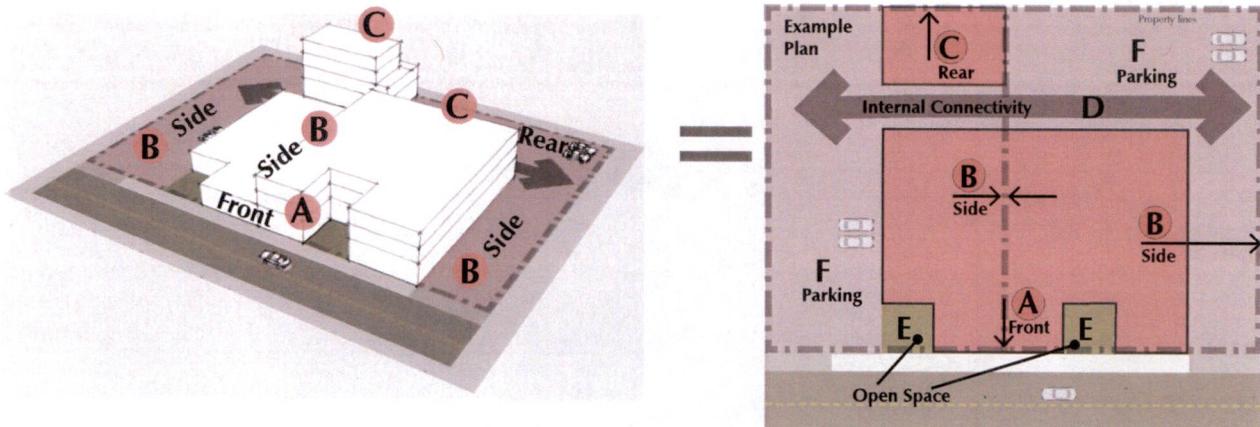
Following are examples:

Section Illustrations for Building Placement



- A** Front Setback
- B** Side Setback
- C** Rear Setback

Plan Illustration for Site Design



- D** Internal Connectivity
- E** Open Space
- F** Parking

4.2 Activity Center Overlay

Emphasizes uses and design that attract pedestrian activity.

Building Placement

A Front Setback Requirements:

See Chapter 3 for setback requirements and departure opportunities related to applicable frontage types.

Side and Rear Setback Requirements:

- B** • Firewall option (no windows) = 0' setback;
- C** • structures above 25' tall = 10' additional setback for non-storefront buildings
- General (side/rear) setback = 10' min.
- Setback between structures = 10' min.
- Rear adjacent to SF zone = 25' min.

See Section 5.1 for further side/rear yard details

D Internal Connectivity

Create internal vehicular and pedestrian access when indicated on regulatory maps.

See Sections 5.3 - 5.4 for further details

E Internal Open Space

Commercial Uses:

- 1 sq ft of pedestrian-oriented space per 1 lineal foot along building frontages;
- Storefront buildings are exempt

See Section 5.2 for design standards for the required open space

Apartments: 10% of livable floor area

See Section 5.2.2 for details

All Other Housing Types:

See Chapter 7 for standards specific to applicable housing types

F Parking

Location and Maximum Frontage:

- Storefront Streets = Side/rear and 33%
- All other streets = Side/rear and 50 %

See Section 5.5.2 for details and departures

Amount and Design:

- See Section 5.5 for parking standards
- See Section 8.3.3 for landscaping standards
- See Sections 5.3.1 & 5.4.2 for walkway and driveway standards, respectively

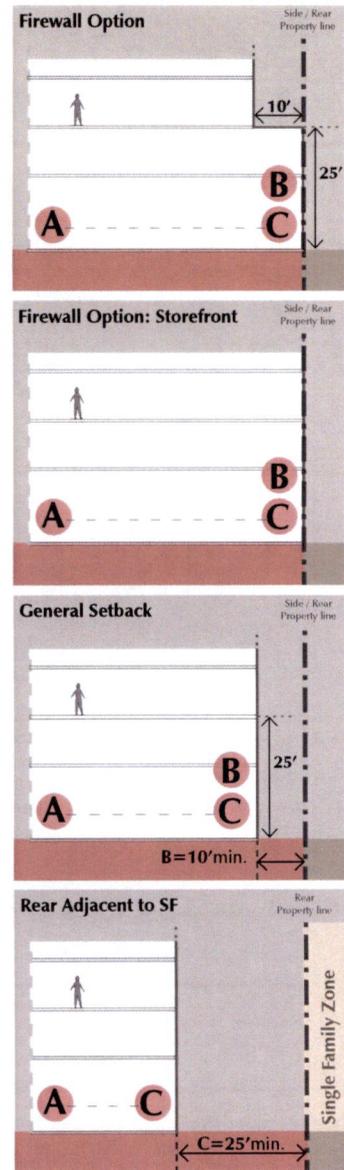


Figure 4-4. Activity Center Overlay building placement standards.

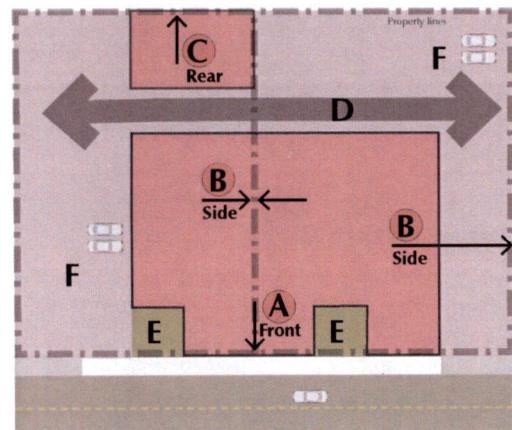


Figure 4-5. Site design elements for the Activity Center Overlay.

Insert as first bullet point: "All uses allowed in the Community Commercial zone"

Building Height

See Activity Center regulatory maps in Chapter 2 for height limits.

Permitted Uses

Additional uses permitted:

- All housing types shown in Table 4.1.
- All the uses shown as Review and Approval are permitted and are not subject to the Review and Approval procedures or requirements. All conditional uses, as allowed by the applicable zoning district, except for those listed below, are permitted, and are not subject to the conditional use requirements of Section 40.520.030. The following uses are still subject to conditional use review and requirements:
 - Event facilities in excess of 50,000 square feet
 - Hospitals
 - Outdoor paintball facilities
 - Drive-in theaters
 - Stadium arena facilities
 - Zoos
 - Solid waste handling and disposal sites
 - Type III wireless communication facilities

Additional uses prohibited:

- RV parks and campgrounds
- Outdoor repair services
- RV storage
- Distribution facilities above 25,000 square feet of ground floor area
- Outdoor storage unless accessory to a permitted use

Density

No minimum or maximum residential density limits, except for single-purpose residential uses: Minimum of 18 dwelling units per acre.

Permitted Housing Types

See Table 4-1 for permitted housing types and Chapter 7 for standards applicable to each housing type.

Activity Center Overlay Site Examples

The site plan examples below illustrate examples of the layout of buildings, parking areas, open space, circulation, and landscape buffers consistent with Activity Center Overlay Standards.

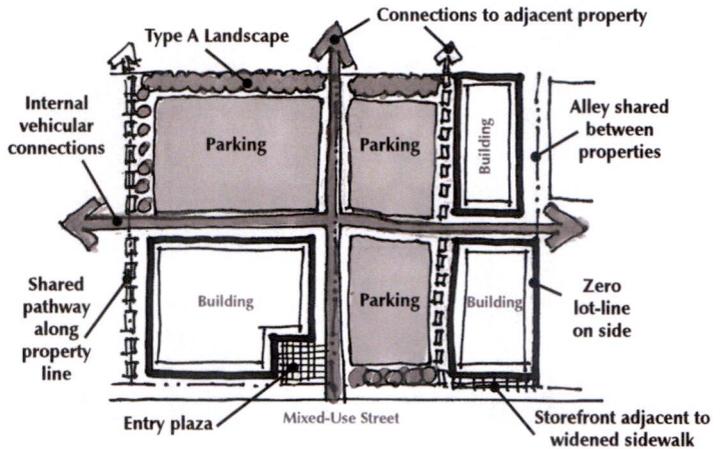


Figure 4-6. Activity Center Overlay site development example.

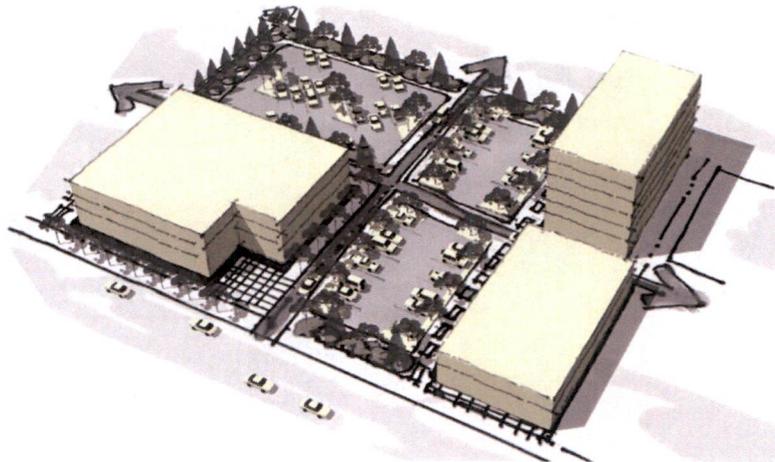


Figure 4-7. Aerial view of Activity Center Overlay site development example.

Mid-Rise Apartment	✓ ¹
Low-Rise Apartment	✓
Walk-Up Apartment	✓
Garden Apartment	✓
Townhomes	✓
Cottage Housing	
Duplex	
Single Family	
Accessory Dwelling	

¹ Mid-Rise Apartments are not allowed in Activity Center Overlay areas where the height limit is 3 stories.

Table 4-1. Permitted housing types for Activity Centers.