



Staff Report

TO: Clark County Planning Commission
FROM: Ahmad Qayoumi, PE, Public Works Director/County Engineer
PREPARED BY: Matt Hermen, Planner III
DATE: October 15, 2020
SUBJECT: CPZ2020-00013 CLARK COUNTY UNIFIED DEVELOPMENT CODE AMENDMENT PEDESTRIAN ACCESSWAYS (TITLE 40)

PROPOSED ACTION

Clark County Public Works is requesting an amendment to Clark County Unified Development Code Title 40 as follows:

No.	Title/Chapter/Section	Description
1	40.350.015	Amend CCC 40.350.015 to require pedestrian infrastructure when development is near major roads.
2	40.220.010	Amend Chapter 40.220 to allow reduced setback and lot coverage standards when pedestrian accessways are required in the single family residential zoning districts.

The proposed amendments are attached in Exhibit 1.

BACKGROUND

Clark County’s current development code provides an option to the county review authority that “may require an off-street accessway be constructed to provide direct routes for pedestrians and bicyclists not otherwise provided by the street system to mitigate the impact of development.” (CCC 40.350.015.E) This code provision is utilized when transit stops are nearby, and the county can demonstrate that the accessway will provide better connection between transit and the proposed development. However, future transit routes are planned after neighborhoods are established. Therefore, the neighborhood access to transit may be precluded when neighborhoods are fully built. The proposed code attempts to require accessways for improved pedestrian circulation to transit and services along major roads at the time of initial neighborhood development prior to the presence of transit and commercial services.

In 2018 the Clark County Commission on Aging (COA) focused their annual speaker series on transportation. The COA concluded the transportation focus with recommendations to the Clark County Council. This included the recommendation to, “Promote pedestrian and bicycle supportive development by ensuring new urban development is walkable, accessible to all users, and allows easy access to transit, services and recreation.” An example of the implementation of this recommendation would be to minimize the development of dead-end streets and require subdivisions to have multiple pedestrian connections to adjacent collectors, principal arterials, and minor arterials.

On July 22, 2020, the Clark County Council unanimously directed staff to proceed with the formal process for amending the Clark County Code. This process includes presenting the code to the Development Engineering Advisory Board (DEAB) and the Planning Commission.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

The process of taking the proposed Title 40 amendments through the Type IV legislative process encouraged public participation by: 1) posting the proposed amendments on the county website early in the process; 2) circulating the proposed amendments to the Department of Commerce; 3) posting legal notice of the SEPA checklist and planning commission public hearing in the paper of record; 4) holding one planning commission work session, and one work session with the Development Engineering and Advisory Board; and 5) holding two public hearings (one with the Planning Commission and one with the Clark County Council).

On July 23, 2020 the Washington State Department of Commerce was notified that Clark County intends to amend its development regulations to require pedestrian accessways when a development is located adjacent to collector- and arterial-classified roadways. On September 2, 2020, legal notice for the Planning Commission hearing was published in the Columbian newspaper, the county's newspaper of record. A Notice of Determination of Non-Significance was published on August 19, 2020 in the Columbian newspaper. The SEPA Environmental Checklist was sent to interested and affected parties for a 14-day review and comment. On August 19, 2020, the proposed amendments were posted on the Clark County website. The proposed amendments were reviewed by the Development Engineering Advisory Board on September 17, 2020. The council will hold a council hearing in November, 2020 to consider an adopting ordinance on the proposed amendments.

Public comments are included in the Planning Commission Hearing binder.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

The Clark County Unified Development Code, Title 40 (CCC), consolidates all development-related regulations, land use zoning, critical areas, and environmental protection.

CCC is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implements applicable comprehensive plan policies, or reflect changes in federal/state law. The proposed amendments are provided in Exhibits 1.

Growth Management Act (GMA)

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA lists thirteen overall goals in RCW 36.70A.020 plus the shoreline goal added in RCW 36.70A.480(1). The goals are not listed in order of priority. The GMA goal that applies to the proposed action is Goal 3.

Goal 3: Transportation. Encourage efficient multimodal transportation systems that are based on regional priorities and coordinated with county and city comprehensive plans.

Finding: The proposed code changes requires multimodal transportation corridors to efficiently connect neighborhoods with transit and commercial services. The proposed changes allow for reduced setbacks and lot-coverage standards in order to provide pedestrian accessways and offset impacts to the proposed development. The proposed changes ensure consistency and compliance with RCWs and WACs, and updates made to the 2016 Comprehensive Growth Management Plan. The proposed changes better implement the GMA goal.

NEXT STEPS

The Clark County Council will hold a public hearing in November to discuss the proposed changes to Title 40.

RECOMMENDATION AND CONCLUSIONS

Based on the information presented in this report, staff recommends that the Planning Commission forward a recommendation of **APPROVAL** to Clark County Councilors.

Exhibit 1

DEAB recommendation shown in red.

CCC 40.350.015.E. Accessways.

1. Applicability. The review authority may require an off-street accessway be constructed to provide direct routes for pedestrians and bicyclists not otherwise provided by the street system to mitigate the impact of development.
2. Collector and Arterial Roadways. Off-street accessways shall be required of development that has frontage, access, or abuts a collector or arterial classified roadway and if any lot within the proposed subdivision's pedestrian circulation is further than one quarter mile from the collector or arterial roadway, and the pedestrian has to travel out of direction to access the collector or arterial classified roadway.
23. Design. Accessways shall consist of a ten (10) foot minimum public easement or tract and may be entirely hardscaped. All surfaces shall be designed to drain stormwater run-off to the side or sides of the accessway. Accessways shall comply with Americans with Disabilities Act standards.
34. Visibility. Accessways shall be constructed so that the entirety of the accessway is visible from one (1) or more adjacent public streets. On-street parking shall be prohibited within fifteen (15) feet of the intersection of an accessway and a public street to preserve safe sight distances. A vertical clearance of eight (8) feet is required.
45. No Vehicular Access. Accessways shall be designed to prohibit motorized traffic. Curbs, bollards or branching the accessway into two (2) narrower one-way paths before it reaches the roadway are suggested design considerations.
56. Stairways. Stairways may be provided only in addition to the accessway. Accessways must not exceed a 1:12 slope. If a 1:12 slope cannot be constructed due to physical topographic constraints, stairs will be required. Accessways that are compliant with the American Disability Act standards are the preferred design to accommodate all users. A design memorandum shall be submitted for review and approval demonstrating that all American Disability Act standards were incorporated to the maximum extent feasible and documenting any infeasibility to comply. Stairways shall be at least five (5) feet wide with a center handrail, and flat sloped surfaces along the outside on which bicycles may be walked.
67. Off-site Improvements. Developments shall not be required to provide public easements for accessways off-site to meet this requirement. If a public easement or public right-of-way is otherwise available off-site, the developer may be required to construct an accessway off-site up to one hundred and fifty (150) feet long to mitigate the impact of development.

CCC 40.220.010.C. Development Standards.

1. New lots and structures and additions to structures subject to this chapter shall comply with the applicable standards for lots, building height and setbacks in Tables 40.220.010-2 and 40.220.010-3, subject to the provisions of Chapter 40.200 and Section 40.550.020.

2. An exception to the maximum average lot size may be granted for a short plat creating lot(s) for an existing legal residence(s) and one (1) remainder lot subject to the following:
 - a. For a two (2) lot short plat with one (1) existing residence, neither the lot with the residence nor the remainder lot must meet the maximum average lot area.
 - b. When three (3) or more lots are created, only those lots with existing residences are exempted from maximum lot area average calculations.
 - c. The resulting plat shall contain a plat note specifying that this exception may not be used for any further divisions of the subject lots.
3. Lots created for drainage facilities, parks, open space, wetlands and buffers or utilities shall not be subject to maximum lot size requirements.
4. Where permitted, townhouses shall be subject to the requirements in Sections 40.220.020(C)(4) and 40.260.155.

(Amended: Ord. 2004-06-11; Ord. 2007-06-05; Ord. 2009-03-02; Ord. 2009-06-01; Ord. 2011-03-09)

Table 40.220.010-2. Lot Requirements					
Zoning District	Residential Density for PUDs (d.u./acre)¹	Minimum Lot Area (sq. ft.)	Maximum Average Lot Area (sq. ft.)	Average²⁻¹⁴ Minimum Lot Width (feet)	Average²⁻¹⁴ Minimum Lot Depth (feet)
R1-20	2.2 – 1.4	20,000	30,000	100	100
R1-10	4.4 – 2.9	10,000	15,000	80	90
R1-7.5	5.8 – 4.1	7,500	10,500	50	90
R1-6	7.3 – 5.1	Average 6,000; 5,000 per duplex unit	8,500	50	90
R1-5	8.7 – 6.2	Average 5,000; 4,000 per duplex unit	7,000	45	65

¹ The maximum and minimum density is for the purpose of calculating densities for planned unit developments. Densities shall be calculated based on the gross area of the site minus any public rights-of-way, private road easements, or street tracts.

² Average for each individual lot.

(Amended: Ord. 2007-06-05; Ord. 2009-03-02; Ord. 2009-06-01; Ord. 2010-08-06)

Table 40.220.010-3. Setbacks, Lot Coverage and Building Height						
Zoning District	Minimum Setbacks				Maximum Lot Coverage¹³	Maximum Building Height (feet)
	Front³ (feet)	Side^{4,5,10,11,12}		Rear^{4,5,10,11} (feet)		
		Street (feet)	Interior (feet)			

Table 40.220.010-3. Setbacks, Lot Coverage and Building Height						
R1-20	10 ⁸	10	10 ⁹	20	50% ¹	35 ⁷
R1-10	10 ⁸	10	7 ⁹	15	50% ¹	35 ⁷
R1-7.5	10 ⁸	10	5	10	50% ¹	35 ⁷
R1-6	10 ⁸	10	5	10	50% ²	35 ⁷
R1-5	10 ⁸	10	5	10	50% ²	35 ⁷

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

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

³ 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 Setbacks to driveway and pedestrian easements that do not provide access to a subject lot shall be a minimum of five (5) feet.

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

⁶ Reserved.

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

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

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

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

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

¹² Interior side setbacks for lots that abut pedestrian accessways in a tract may be reduced by fifty percent (50%) when pedestrian accessways are required per Section 40.350.015(E)

¹³ Lot coverage for lots that abut pedestrian accessways may be increased by ten percent (10%) when pedestrian accessway in a tract or easement are required per Section 40.350.015(E)

¹⁴ The average minimum lot width and depth should be calculated for lots that abut pedestrian accessways to include one half of the pedestrian accessway in a tract when the pedestrian accessway is required per Section 40.350.015(E).

(Amended: Ord. 2007-06-05; Ord. 2010-08-06; Ord. 2011-08-08; Ord. 2012-12-23; Ord. 2014-01-08)