



Clark County Planning Commission

Karl Johnson, Chair
Matt Swindell, Vice Chair
Bryant Enge
Steve Morasch
Bryan Halbert
Eldon Wogen
Jack Harroun

CLARK COUNTY PLANNING COMMISSION THURSDAY, APRIL 20, 2023 MINUTES OF PUBLIC HEARING

Public Service Center
Council Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, WA\6:30 p.m.

CALL TO ORDER

Planning Commission Rules of Procedure

SWINDELL: Okay, we'll call this meeting to order tonight. Good evening, Planning Commissioners, members of the public and staff members. I will call this public hybrid hearing to order on Thursday, April 20th, 2023. My name is Matt Swindell, and I'm the Vice Chair of the Clark County Planning Commission.

The role of the Planning Commission is to review and analyze comprehensive plan amendments, zoning changes, and other land use related issues. We follow a public process including holding hearings during which the public has an opportunity to provide additional perspectives and information.

In legislative matters, the role of the Planning Commission is advisory. The County Council will hold separate hearings, consider our recommendations, and make a final determination.

The Planning Commission will conduct a public hearing tonight and take testimony. If any public comments were received before tonight's hearing, they have been sent to the PC members and entered into the public record. County staff will present first, then Planning Commission can ask questions. Next, we will invite the applicant to speak, if there is one, then members of the public who wish to provide testimony.

When we get to the public comment portions of our agenda, we will provide information on how to participate both virtually and in person. However, if you are in person tonight and wish to provide public comment on hearing agenda items, please sign up via the sign-in sheet in the back of the room.

During public testimony you will have three minutes to speak and remarks should be directed to the Planning Commission only. Please do not repeat testimony that has already been provided.

At the conclusion of public testimony, staff and the applicant may respond to comments and the public portion of the hearing will then be closed. The Planning Commission will then deliberate and make recommendations to the County Council.

For both the virtual and in-person members of the Planning Commission and staff, please ensure that your microphones are muted unless you are speaking. Planning Commission members, when you make a motion and/or a second to a motion, please state your name for the court reporter.

Does any member of the Planning Commission have any conflicts related to the hearing items tonight? Hearing and seeing none, we will take the roll call.

ROLL CALL VOTE

ENGE: HERE
HALBERT: ABSENT
MORASCH: ABSENT
WOGEN: HERE
SWINDELL: HERE
HARROUN: HERE
JOHNSON: ABSENT

Staff Present: Oliver Orjiako, Community Planning Director; Jacqui Kamp, Deputy Director; Christine Cook, Senior Deputy Prosecuting Attorney; Stephen Archer, Deputy Prosecuting Attorney; Susan Ellinger, Planner III; Jose Alvarez, Planner III; Sonja Wiser, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

Other: Elizabeth Decker, Consultant; and Steve Fauster, Consultant.

GENERAL & NEW BUSINESS

A. Approval of Agenda for April 20, 2023

SWINDELL: Okay. With that, I would like to see if I can get a motion to approve our agenda for tonight.

WOGEN: This is Eldon. I make a **Motion** that we approve the agenda for April 20th, 2023.

ENGE: **Second** that motion. Bryant Enge.

SWINDELL: We have a motion and a second. Sonja, roll call.

ROLL CALL VOTE

WOGEN: YES

HARROUN: YES

ENGE: YES

SWINDELL: YES

B. Approval of Minutes for March 16, 2022

SWINDELL: Okay. With that, I'll look for a motion to approve the minutes from March 16th, 2022, or 2023, sorry.

ENGE: Bryant Enge. I make a **Motion** to approve the minutes from March 16th.

HARROUN: Jack Harroun. I'll **second** it.

SWINDELL: It's been moved and seconded. Roll call.

ROLL CALL VOTE

WOGEN: AYE

SWINDELL: AYE

HARROUN: AYE

ENGE: AYE

C. Communications from the Public

SWINDELL: Okay. Sonja, do we have anyone virtually? Did you want to do that now?

WISER: This is the time where we'll be taking communications from the public, and this is for items that are not listed on tonight's agenda. Larisa, is there anybody on the screen waiting to provide comment on items not related to the agenda?

SIDOROV: I do not see any hands raised.

WISER: Okay. Thank you. And there are no in-person commenters tonight, so we can go on to the public hearing items.

PUBLIC HEARING ITEMS

- 1. CPZ-2022-00015 Countywide Planning Policy Amendment Procedures** A proposal to amend the Comprehensive Plan policies to clearly outline the process for Countywide Planning Policy amendments and to better implement RCW 36.70A.215(2)(c) and WAC 365-196-305(5).
Staff Contact: Susan Ellinger, susan.ellinger@clark.wa.gov, 564-397-4516

SWINDELL: Okay. We'll move on to CPZ2022-00015, Countywide Planning Policy Amendment Procedures, and the presenter is Susan Ellinger. Susan.

ELLINGER: Thank you. Good evening, for the record, my name is Susan Ellinger and I'm a Planner with Community Planning. I'm going to be discussing docket item CPZ2022-00015 that proposes addition of a process to amend the Countywide Planning Policies within the Comprehensive Plan. Next slide, please.

I will be going through the background of why this change is needed to give you some details about what exactly is being requested and outline the public outreach that occurred. And then I will outline the staff findings and how the change complies with state and local regulations, review the staff recommendation and outline the review process and next steps. Next slide, please.

I will start with some background. The creation of the Countywide Planning Policies or CWPP for short is required as part of the Growth Management Act. In this legislation, Countywide Planning Policies are defined as statements used for establishing a countywide framework from which county and city comprehensive plans are developed and to ensure that city and county comprehensive plans are consistent.

The Clark County CWPP were developed in 1992 in a process that included all of the jurisdictions within the county, but the existing CWPP do not clearly include a process for how they can be amended or interpreted; therefore, staff initiated an amendment to clarify this procedure. Next slide, please.

The proposed changes are included in Exhibit A and they involve the addition of a new Countywide Planning Policy, CWPP 1.1.13, and that outlines the application process and submittal requirements for amendment or interpretation of the CWPP.

This new policy also specifies how the review process for these requests would work. The process is based on what has been done in previous periodic comprehensive plan reviews in 2004, 2007 and 2016 and the CWPP were updated successfully as a part of those projects.

The process first involves a review by the Technical Coordinating Committee or TCC with staff from the town, city and county jurisdictions, the Cowlitz Indian Tribe and the Regional Transportation Council. The proposed language specifies that the TCC use a consensus-based process to develop a recommendation to the County Council.

If the group cannot agree on a recommendation, then the proposal will be forwarded through the remainder of the process along with a summary of the TCC discussion. And after that, the TCC, the proposal is forwarded to the County Council. If it's approved by the County Council, then staff from each jurisdiction bring the proposal to their respective jurisdictions approval process. Next slide, please.

Public involvement for this item include, involved inclusion in the Community Planning work program by County Council in December of 2021. The Technical Coordinating Committee or TCC that I discussed earlier reviewed the proposal at the January, February and March 2023 meetings.

The item was submitted to the Department of Commerce for 60-day review on March 14th. A SEPA determination of nonsignificance was published on April 3rd, and a legal notice for the Planning Commission hearing was published on April 5th, 2023. Next slide, please.

I'm now going to summarize the staff findings and recommendation from the staff report. As outlined in the Clark County Code, the county may approve a plan text change only when the amendment is consistent with all of the applicable requirements of the GMA and WAC and the Comprehensive Plan including the Countywide Planning Policies, Community Framework Plan and the Capital Facilities Plan.

Approval of the proposal will allow compliance with WAC 365-196-305 which includes recommended procedures for review and amendment of Countywide Planning Policies. It will also allow the Comprehensive Plan to more clearly meet RCW 36.70A.215, which requires provision of methods to resolve disputes among jurisdictions related to the Countywide Planning Policies.

The amendment also supports RCW 36.70A.140 and GMA Goal 11 which addresses, which both address public participation in the development and amendment of comprehensive plans.

Finally, the amendment supports many policies within the existing Comprehensive Plan that support collaboration and coordination between Clark County and its cities and town. Based on these findings, staff is recommending approval of the proposal. Next slide, please.

Regarding the review process and next steps. There was a work session with County Council on April 5th and a Planning Commission work session on April 6th. The Planning Commission hearing is this evening April 20th and the Council hearing is planned for June 20th, 2023. Next slide, please. That concludes my presentation, and I'm happy to answer any questions. Thanks.

Questions of Planning Commission

SWINDELL: Thank you very much. Planning Commission, do we have any questions? We'll start with you, Bryant.

ENGE: None at this time.

SWINDELL: Steve. Steve's not with us, is he?

WISER: Steve Morasch, he's absent.

SWINDELL: That's right. I'm sorry, he's absent. Sorry. Eldon.

WOGEN: No questions.

SWINDELL: Jack.

HARROUN: Just a quick question. From what I understand from reading the staff report and looking at this, it's really just kind of a clarification of policy that we've already mostly been following; is that correct?

ELLINGER: Yes. We have been following this process with the Technical Coordinating Committee and coordination between the cities and counties with actually the most recent change was in to the CWPP was in 2020 and that process was followed after, after the TCC, its adoption by the county and cities, and also in the periodic reviews for 2004, 2007 and 2016.

HARROUN: All right. Thank you.

ELLINGER: Thanks.

SWINDELL: Okay. With that, need to open up a public hearing.

Public Testimony

WISER: Larisa, can you share the comment instructions on the overhead screen. Good evening members of the public. To be a party of record you must submit written testimony before, during, or prior to the close of tonight's hearing, or provide oral testimony at the public hearing, or request in writing to be a party of record.

If written comments were received prior to April 20th, '23, they were submitted to the PC members and posted on the Planning Commission website. Tonight's hearing is being transcribed by a court reporter, please spell your last name and speak slowly and public comment is limited to three minutes.

So we will start with the Webex callers first. We'll start with those participants that have joined remotely via computer or telephone. Please raise your virtual hand or press star 3 on your phone to let us know you would like to provide comment. Is there anyone wishing to provide comment?

SIDOROV: I do not see any raised hands.

WISER: Okay. Thank you. There are no in-person comments, so we will return it to the Planning Commission.

Return to Planning Commission

SWINDELL: Okay. With that, we will close the public test- -- or public hearing. And I will look for a motion to accept the proposal as presented.

WOGEN: This is Eldon. I **Move** that we accept the proposal CPZ2022-00015.

ENGE: This is Bryant Enge. I **second** that motion.

SWINDELL: It's been moved and seconded. Sonja, roll call.

ROLL CALL VOTE

WOGEN: AYE

ENGE: AYE

HARROUN: AYE

SWINDELL: AYE

WISER: 4 to 0.

SWINDELL: All right With that, the motion passes.

SWINDELL: We'll move on to our next agenda item, CPZ2022-00016, Amendment to CCC 40.510.040. Susan.

PUBLIC HEARING ITEMS, continued

2. **CPZ-2022-00016 Amendment to CCC40.510.040** A proposal to clarify that all proposed amendments to the comprehensive plan and development regulations require review before the Clark County Planning Commission.

Staff Contact: Susan Ellinger, susan.ellinger@clark.wa.gov, 564-397-4516

ELLINGER: Great. Thank you. For the record again my name is Susan Ellinger, and I'm a Planner with Community Planning. I'm going to be discussing the docket item CPZ2022-16 that proposes modification of Clark County Code 40.510.040 to clarify that all proposed amendments to the Comprehensive Plan and Development Regulations require review before the Planning Commission. Next slide, please.

I'll be going through the background of why this change is needed and give you some details about what exactly is being requested and outline the public outreach that occurred. Then I'll outline the staff findings and how the change complies with state and local regulations. Then review the staff recommendations and outline the review process and next steps. Next slide, please.

Tonight we'll be discussing the review process that is required for Type IV legislative decisions. These include comprehensive plan and text amendments with associated zone changes, and modifications to the development regulations, the arterial atlas, and the Shoreline Master Program.

With a code change that was completed in 1996, Planning Commission review of Type IV decisions changed from being required to being optional. The 1996 staff report did not address why the original change was made, but staff presumed that it was added to exempt certain types of reviews that need immediate consideration by County Council.

An exception from Planning Commission review for some legislative decisions was added in May of 2019. The exception includes those reviews that need immediate consideration by County Council such as interim actions, moratoria, and emergency legislation, although the code is unclear if these are the only types of applications that are exempted. Next slide, please.

To help clarify this issue, staff is recommending the proposed changes outlined in Exhibit A that will require review by the Planning Commission for all Type IV decisions other than those that are specifically exempted from review.

This will provide for a consistent procedure for all amendments to the comprehensive plan and development regulations and allow for additional public participation options by including a Planning Commission work session and public hearing. Next slide, please.

Public involvement for this item involved inclusion in the Community Planning work program by County Council in December of 2021. The proposal was submitted to the Department of Commerce for 60-day review on March 14th. A SEPA determination of nonsignificance was published on April 3rd. And a legal notice for the Planning Commission hearing was published on April 5th, 2023. Next slide, please.

I'll now summarize the findings and recommendations from the staff report. The Clark County Unified Development Code or Title 40 consolidates all development related regulations, land use, zoning, critical areas and environmental protection code provisions. Title 40 is required to be consistent with the 20-year Comprehensive Growth Management Plan.

Amendments to the Clark County Code may respond to a substantial change in policy, better implement applicable comprehensive plan policies, or reflect changes in federal or state law. As mentioned earlier, making the proposed change will provide for a consistent procedure for all amendments to the comprehensive plan and development regulations and provide additional public participation options.

As shown on this slide, there are several requirements in state law the comprehensive plan and county code that broad support -- that broad support -- that broadly support public outreach. Adoption of the proposal would help better implement those provisions. Based on these findings, staff is recommending approval of the proposal. Next slide, please.

Regarding the review process and next steps, there was a work session with County Council on April 5th and a Planning Commission work session on April 6th. The Planning Commission hearing is this evening April 20th. And the Council hearing is planned for June 20th, 2023. Next slide, please. That concludes my presentation and I'm happy to answer any questions that you might have.

SWINDELL: Great. Thank you, Susan. Okay, we'll bring it back to the Planning Commission here.

Questions of Planning Commission

Bryant, do you have any questions?

ENGE: None.

SWINDELL: Eldon, do you have any questions?

WOGEN: Nope.

SWINDELL: Jack.

HARROUN: No.

SWINDELL: All right. And I don't have any questions. With that, I guess we'll open up the public testimony portion of this.

Public Testimony

WISER: So we'll now open the hearing for public testimony. Larisa, can you provide the instructions on the screen for people to comment. Please note to be a party of record you must submit written testimony before, during, or prior to the close of tonight's hearing, or provide oral testimony at the public hearing, or request to be a party of record.

If written comments were received prior to April 20th, '23, they were submitted to the PC members and posted on the Planning Commission website. Tonight's hearing is being transcribed by a court reporter, so please spell your last name and speak slowly. Public comment is limited to three minutes. Larisa, are there any people wishing to raise their hand?

SIDOROV: I do not see any raised hands.

WISER: Okay. And there are no in-person comments, so we will return it to the Planning Commission.

Return to Planning Commission

SWINDELL: Okay. With no testimony, we will close the public testimony portion and bring it back to

the Planning Commission. Would anybody like to make a motion?

ENGE: This is Bryant Enge. I make a **Motion** to approve CPZ2022-00016, Amendment to CCC40.510.410.

HARROUN: This is Jack Harroun. I **second** it.

SWINDELL: It's been moved and seconded. Roll call.

ROLL CALL VOTE

WOGEN: AYE

ENGE: AYE

HARROUN: AYE

SWINDELL: AYE

WISER: 4/0.

SWINDELL: Okay. Motion passes. With that, that brings us to the conclusion.

OLD BUSINESS

SWINDELL: Do we have any old business? None.

NEW BUSINESS

SWINDELL: Any new business? None.

COMMENTS FROM STAFF

ORJIAKO: Good evening, Planning Commission members. This is Oliver Orjiako, Community Planning Director. I just want to do an FYI to the Planning Commission that we will start Council hearing on all of the annual reviews and dockets that the Planning Commission reviewed last year. So, the Council hearing will begin May 2nd through August 15th of 2023, and given the action of the Council we will report back to the Planning Commission on how the Council responded to all your recommendations. That's all I wanted to add.

SWINDELL: All right. Thank you. Oh, go ahead.

COOK: This is Chris Cook, Senior Deputy Prosecuting Attorney. And I'd just like to let you know that today my office filed an appeal of the Growth Management Hearing's Board decision in the Chelatchie Bluff case, so that's been filed with Superior Court. To my knowledge no other party has appealed yet. The deadline's tomorrow so we may find that the applicant files an appeal but we won't know until we know.

SWINDELL: Okay. Thank you for the update.

COOK: You're welcome.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

SWINDELL: Okay. With that, do we have any comments from the members of the Planning Commission?

WOGEN: I only have one. What happened to the Housing Code Amendment? We reviewed that two weeks ago, is that still being worked on by staff, and we'll be looking at that later?

ORJIAKO: Yes, staff is working very hard with our consultant. Again, this is Oliver Orjiako, Community Planning Director. That proposed code changes will be coming to the Planning Commission hopefully in June.

WOGEN: Thank you.

ORJIAKO: You're welcome, sir.

SWINDELL: Okay. With that, we're adjourned.

ADJOURNMENT

The record of tonight's hearing, as well as the supporting documents and presentations can be viewed on the Clark County Web Page at:

<https://clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Television proceedings can be viewed on CVTV on the following Web Page at:

<https://www.cvtv.org/program/clark-county-planning-commission>

Minutes Transcribed by:

Cindy Holley, Court Reporter – Rider & Associates Court Reporting

Sonja Wiser, Program Assistant – Clark County Community Planning