

Development and Engineering Advisory Board Meeting
June 1, 2023
2:30pm - 4:30pm
Public Service Center
Meeting held by Microsoft Teams

Board members in attendance: Sherrie Jones, Mike Odren, Ryan Wilson, Seth Halling, Eric Golemo, Andrew Gunther, Terry Wollam, James Howsley, Dan Wisner

Board members not in attendance: Nick Flagg, Jeff Wriston

County Staff: Megan Fletcher, Mikaela Rankin, Nichole Piesik, Max Booth, Glen Yung, Jose Alvarez, April Furth, Jennifer Reynolds, Oliver Orjiako, Kathleen Otto, Brent Davis, Dianna Nutt, Kylah Bergen, Maureen Patronaggio, Rod Swanson, Victoria Abram, Shannon Nashif, Diana Schotanus

Public: Houston Aho, Justin Wood, Noelle Lovern, Teresa Hardy, Jackie Lane

Call to Order: 2:30 pm

- **Administrative Actions:**
- Introductions
- DEAB meeting is being recorded and the audio will be posted on the DEAB website.
- Review/adopt last month's minutes (adopted)
- Review upcoming events:
 - Public Hearings:
 - COUNTY COUNCIL Work Sessions:
 - COUNTY COUNCIL Meetings:
 - June 6th @ 10:00am - Annual reviews, Comcast franchise agreement extension, DEAB seat appointments
 - June 20th - Annual reviews, mid-year supplemental budget
 - PLANNING COMMISSION Work Sessions:
 - June 1st @ 5:30pm - Code amendments, Budget supplemental
 - June 6th @ 1:00pm - Technical Housing Code Forum
 - June 15th @ 6:30pm - Proposed housing code amendments, changes for Title 40
 - DEAB MEETING:
 - July 6th @ 2:30pm
- DEAB member announcements:
 - Mr. Wollam will reach back out to a potential DEAB applicant, Les from CRWD.
 - Mr. Odren is currently working on a project that cannot meet the requirements for separate 20% landscaping and the shared outdoor recreation space in an R-30 zone with maximum density.
 - Hopefully this can be resolved before something (for example a lawsuit) takes place.
 - Mr. Wilson's current project with the Housing Authority would be able to fit in a lot more units without this requirement.
 - Mr. Halling has been following bills passed in legislature related to buildings:

- House Bill 1042 involves converting existing commercial buildings to housing.
- Senate Bill 5491 would allow buildings up to 5 stories with only a single exit.
- These were written to open doors for local jurisdictions to do things.
- Both are targeted towards the building department in coordination with the fire marshal's office.
- Mr. Odren suggests having a building official come to a DEAB meeting and explain changes such as these bills to lay people like himself to ensure a thorough understanding of said changes.
- These allow local jurisdictions to adopt variations to the code.
- DEAB wants to have a presentation on this information.

Wetland and Habitat Bi-Annual Code Update

Presenter: Davis

- Concerning the Critical Areas Ordinance:
 - It is tied to the Shoreline Master Program amendment, which is why the implementation has been delayed.
 - Dept. of Ecology's comment period closes today.
 - We're looking at sometime in July, because once we get the final letter on the SMP amendments from Ecology, that and the CAO will become effective 14 days later.
 - If you are starting projects and want to get vested as far as predeterminations for riparian habitat, get the application in before the effective date.
 - This would include currently exempt wetlands.
- Bi-Annual Code Update:
 - We are finalizing the list of items we will bring forward.
 - Staff has until the end-of-day tomorrow to submit any additional items.
 - We anticipate coming back to DEAB in August with the list of amendments and draft language.
 - DEAB will have an opportunity to provide written comment that would be presented at the first work session with Council.
 - Some scriveners' errors were found in the CAO update, and they will be brought forward by staff.
 - Mrs. Furth has been working on the public notice radius and requirements.
- Question: Mr. Davis, in terms of wetlands, will the recent Supreme Court ruling regarding the jurisdictional wetlands change anything?
 - Answer: It will have very little impact for you and your constituents because of state law and Ecology's interpretation of the Water Pollution Control Act. What will likely change is how you interact with Ecology. They will likely require more process where normally they just do a section 401 certification for the core, since the core will have a lot less jurisdiction. Any

wetlands that don't have a direct surface connection (that is relatively permanent) to a flowing water body will not be subject to federal jurisdiction. If you get a jurisdictional determination from the core stating we don't have jurisdiction, we still have to look at it under state law and county code. If the court confirms your wetland boundaries, we can still accept that as part of our determination process.

- We expect to see more violations, because people will take what they hear in the media and assume there is no more regulation.

Comments on draft housing options code

Presenters: Golemo

- Mr. Golemo put together a draft with DEAB comments, code references, and draft code overviews by JET Planning.
- The comment regarding the "3 acres" needs to be corrected from minimum to maximum; it is an incentive to develop smaller parcels, like the old infill ordinance (which was 2.5 acres as a maximum).
- The Cottage Ordinance was made to be more restrictive because cottages were being built more like this compact lot development because it's cost effective.
- DEAB will recommend striking the objection to the area threshold, and to recommend adding things like open space and stormwater tracks, any unbuildable areas, etc. to the exceptions listed.
- Section D states compact lot developments may include single-family detached dwellings up to 200%.
 - If you allow that on all developments, you have opened up all developments to be in double density.
- The most restrictive interpretations of the code are to be taken by staff regarding all of Title 40 code.
- The design standards put limits on building affordable and desirable products.
- Even before beginning construction, the cost of the lot and process/permit fees together add up to very steep amounts, which eliminates being able to build affordably.
- Providing more inventory, such as opportunities for move-up buyers, opens up more affordable houses.
- Park impact fees should be waived in PUDs since you are already mitigating for your development on-site.
- Mrs. Jones wants to emphasize the importance of ensuring that the park spaces in developments are done correctly, since although they are more affordable for the developers (waiving impact fees), they can cost the residents a high amount if done incorrectly.
- Mr. Golemo would like to reconvene with the Parks board regarding impact fees and add it to the DEAB agenda.

- Mr. Halling and AKS Engineering noticed some definitions that have been added that are not well-defined, such as adjusted gross area, equivalent lot area, etc. Some clarification among footnotes would be beneficial as well, leaving less up for interpretation.
- DEAB would like clarification for the urban residential districts lot requirements and density calculation formula.
- The density transfer previously referred to single family zone districts and has been changed to detached dwellings, which would exclude duplex, triplex, and quadplex.
 - Duplexes were previously allowed on corner lots, and now states it is only applicable to detached dwellings but should be including attached or simply removing the word 'detached'.
- Regarding the definition of the gross floor area and the 200sqft. porch comment, it applies to exterior walls and there was a mix-up when borrowing a code section from another city, not realizing the definitions conflicted.
- ADUs don't count towards lot density percentage, aside from cottage housing.
- Gross floor area definition: the total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls, including halls, stairways, elevator shafts on each floor level.
- The design standards in the Highway 99 area greatly restrict residential development.
 - These design standards created liability issues by forcing developers into having water intrusion possibilities.
 - The product created with these standards is less marketable and creates issues with ADA accessibility.
 - Home-buyers greatly value garage size, not only for car parking, but for storage.
- DEAB is going to revise their memo, address it to the Planning Commission, and provide it by the end-of-day tomorrow to both the Planning Commission and Councilor Yung.
- Mr. Booth is going to help explain to DEAB, the bill recently passed regarding housing.
- Chief Building Official, Jim Muir, retires at the end of this June.
- Community Development will provide an update on ProjectDox.
- DEAB is going to revisit their park impact discussions.
- The AG land designation comes up every comp plan cycle.
 - When these lands bump into the urban growth boundary, you have to either reclassify them, and move them further out, or leap-frog over them to expand the boundary, extending services and increasing environmental impact and sprawl.
 - DEAB and staff could review this together.

Public Comment

- Justin Wood, Clark County Association of Realtors:
 - To clarify, the gross floor area of an ADU means the interior habitable area, including basements and attics, but not including a garage or accessory structure.
 - Mr. Wood commends CC staff for instituting the requirements of House Bill 1337 in regard to ADUs, changing 800 sqft. to 1000 sqft.
 - Regarding design standards, watching and reviewing what consultants have presented, there was no data backing the 50% façade requirement.
 - JET Planning referenced the “trick-or-treat” test, which was subjective, and with underproduction of housing, is not a viable route to take.
 - Appreciations to DEAB for their contributions.
- Teresa Hardy, Friends of Clark County:
 - Regarding recreation, Camas and the county updated their park plans.
 - They are in a deficit for neighborhood and community parks, in relation to the national park and recreation standards across the country.
 - As we increase density and reduce park impact fees, creating a park within a development may not address the deficit in the surrounding area.
 - Combining parks and recreation and landscape space in multifamily housing, it affects more than one zone.
 - This goes back to July 2022, when the interim ordinance came forward, and Community Development recommended not combining them.
 - There is a strong amount of public interest in this topic, and the public wants more data and analysis.
 - Since there are no members of the public in the tech forum addressing this language, this is not a good plan to move forward with.
 - DEAB has proposed several times, that this go to a Type 4 process, it went to the Planning Commission, and commissioner Brian said this should have gone to policy and not included in the biannual review.

Meeting adjourned: 4:30 pm

Meeting minutes prepared by: Diana Schotanus

Reviewed by: Megan Fletcher