

Development and Engineering Advisory Board Meeting
September 7, 2023
2:30pm – 4:30pm
Public Service Center
Meeting held by Microsoft Teams

Board members in attendance: Dan Wisner, Jeff Wriston, James Howsley, Terry Wollam, Ryan Wilson, Eric Golemo, Andrew Gunther, Sherrie Jones

Board members not in attendance: Nick Flagg, Mike Odren, Seth Halling

County Staff: Shannon Nashif, Nichole Piesik, Bart Catching, Jenna Kay, Susan Ellinger, Jennifer Reynolds, Amy Wooten, Glen Yung, Melissa Tracy, Rod Swanson, Kylah Bergen, Oliver Orjiako, Max Booth, Brent Davis, April Furth

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

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:
 - September 21st @ 6:30pm – Planning Commission CPZ2023-00001 Fire Districts Impact Fees
 - September 26th @ 10:00am – 2023 Clark County Aging Readiness Plan
 - COUNTY COUNCIL Work Sessions:
 - September 13th @ 9:00am - Clark County Aging Readiness Plan Update
 - September 20th @ 9:00am – Planning Assumptions and Population Allocation
 - September 27th @ 8:30am – Legacy Lands Program
 - COUNTY COUNCIL Meetings:
 - September 19th @ 6:00pm – Unnamed Road, Road Vacation: County Road #16
 - October 3rd @ 10:00am – Road Vacation NW 9th Avenue
 - PLANNING COMMISSION Work Sessions:
 - September 7th @ 5:30pm – CPZ2023-00001 Fire Districts Impact Fees
 - DEAB MEETING:
 - October 5, 2023 @ 2:30pm
- DEAB member announcements:
 - None at this time.

Biannual Code Update

Presenter: Davis

- Changes to the definition section of Title 40 regarding adult family home:

- Current code says it is for up to 6 residents while state law says up to 8 residents; we want to ensure definitions are consistent.
- Isolated Wetlands definition:
 - Department of Ecology (ECY) provided a comment on the adopted shoreline amendments which incorporated the Critical Areas Ordinance (CAO) that the Council adopted at the same time.
 - We were unaware, (and ECY missed it) during the review process for those amendments and updates, that they have a different expectation in shoreline versus critical areas outside of shoreline for very small wetlands.
 - In our CAO, we're exempting those wetlands from buffer requirements and from mitigation sequencing, so you don't have to justify why you're filling those small wetlands. ECY's policy is that they do not want those exemptions to apply in shoreline.
 - Before our shoreline amendment and CAO can be put into effect, the isolated wetlands definition needs to change for consistency.
 - We can expect that our CAO update will not become effective until after we adopt this correction through the biannual code process.
 - ECY will go through their final approval process after that.
 - We have buy-off from ECY to make the change in this way as opposed to reopening the shoreline amendment.
- Wireless Communication Facilities:
 - Amendments are needed to ensure consistency with federal rules that prohibit local government from denying certain types of modifications to existing facilities.
 - For example, with co-locates, there are certain criteria that (if met) prohibit local government from denying them, according to federal rules.
- Street and Road Standards:
 - Scrivener's errors
 - Clarification for deferral of frontage improvements
 - Correction for some code changes from the last biannual that were incorrect
 - Please route questions regarding these items to Jennifer Reynolds.
- Critical Areas Ordinance:
 - Scrivener's errors were found in the CAO adopted last March. We will correct those now, before that goes into effect.
- Public Notice Radius:
 - Changing the radius from 300 feet to 500 feet in urban areas, and from 500 feet to 1,000 feet in rural areas.
 - This will be applied to Type II, III and IV processes.
- Changes to Type II Procedure:
 - We want to require pre-applications for major home businesses.

- Currently, these are not a requirement, and a lot of major home businesses are coming to us through code enforcement.
- What land owners are doing on their property is far beyond what we can approve with home businesses.
- Pre-applications are a way to have conversation about limitations early on.
- Revisions in the Site Plan Review code:
 - There is a SEPA reference that is inconsistent with the WAC for storage tanks that needs correction.
 - Clarification is needed to remedy the confusion regarding how the site plan exemption applies to duplexes and triplexes.
 - Signature requirements for the final site plan/construction plan approval:
 - Code requires certain staff to sign them, and we are currently doing that digitally, by indicating via email or ProjectDox system that we approve them for signature.
 - We want to change the code to ensure consistency.
- Changes to the road modification section:
 - Making corrections to some errors from the last biannual code update.
- Title 40:
 - To clarify, in the provision that allows for deferral of impact fees, that the responsibility for payment of the recorded documents falls on the applicant.
- Outside of Title 40, proposing a change to the building code:
 - To remove the exception for agricultural structures to be consistent with the State Building Council.
 - Amendment to the fire code, to clarify requirements for security key boxes that have not been enforced for a number of years.
- Question: Mr. Davis, is there any draft language yet?
 - Answer: Yes, we have some draft language and will be coming back to the complete package. After this, I intend to schedule a work session with Council and to have the code drafted by that time in order to present it. We will then bring it back to you before we go to the Planning Commission.
- Question: Mr. Booth, are ag (agricultural) buildings held to the same code standards as regular structures?
 - Answer: The State building code has provisions for buildings that have a lower risk category than regular buildings, and ag buildings would fall into that lowest risk category. They don't have a special lane for only ag structures. It is fundamentally different than a regular building. It becomes an unheated accessory structure type, which is as simple as it gets. The lower risk category, which as a design criterion isn't as stringent.
 - Typically, ag buildings are on residential lots, such as a barn next to one's residence, in which you could utilize the IRC.

- In that scenario, yes, it would be an accessory to the residence which would be built on the IRC provided it is less than three stories, etc. The IRC is always an option, but most people default to the IRC.
- There have been structures like those built with the IRC to make use of a provision that doesn't exist in the residential code.
- Question: Mr. Booth, does the county have a process for when there is an ag building that was built without permits and the use later changes, for one to avoid going through the very difficult retroactive permitting process?
 - Answer: There is nothing formalized, but some things are taken into consideration such as the age of the building, the use of the building, and then 'to what degree must we unravel or unwind it?' If this happens and the exemption for ag structures does come out, there would not be an automatic blanket to achieve this. Legally established buildings are still legally established buildings, even if the code changed years later. There is a difference between an occupied home built without permits and how that is brought up to current standards compared to a patio cover or an old barn, depending on what it is being converted to.
 - Mr. Wilson is currently working on a project for a Tulip farm, now a marijuana processor, which involves converting an ag building into a commercial building. In CC, marijuana facilities are industrial and exempt from ag exemptions.
- Question: Mr. Davis, do you have a schedule on the adoption of these changes?
 - Answer: After this meeting, I will submit a work session request in October. That will drive the process forward. If Council is completely receptive, we will take it forward as quickly as possible and get it to the Planning Commission as quickly as possible. We will probably be looking towards the end of the year, which could be challenging with scheduling and the number of hearings that the Planning Commission is holding in that time frame. If all goes well, it will be in early 2024.

Community Planning Updates

Presenter: Orjiako

- Vacant Buildable Lands Model (VBLM) Overview
 - The work session for this item was held with Council on August 30th and went very well.
 - This provided an overview of how the VBLM works, how it is used as a planning tool, and what is new in terms of how we will run the model going forward.
 - Some may be familiar with the House Bill 1220 which requires counties and cities to review land that is available for development, particularly on the residential side, and show was the potential is based on zoning.

- Historically, we have run the VBLM based on the general land use plan or the comprehensive plan designation.
- Running that, going from gross to net, and applying our target densities:
 - 8 for Vancouver
 - 6 for the smaller cities
 - None for the town of Yacolt
 - 4 units an acre overall for the city of LaCenter
- We are going to shift to running the model based on zoning in addition to what House Bill 1110 requires.
 - For example, based on zoning, Vancouver, Camas, and Washougal should now be able to allow fourplexes and up to six-plexes in their single-family zones.
- Next time we run the model it will be based on zoning and what the planned densities will be now that legislation has passed for single-family districts to allow for other housing types.
- Outcome of 8/1 Council hearing 2045 employment forecast
 - Community Planning (CP) received the employment or projection from Scott Bailey in the Employment Security department.
 - We don't receive employment projections from the state like we do with population numbers.
 - Based on the population numbers that the county has already made decisions on, Scott Bailey used that population to provide us with his best estimated employment forecast from 2025 to 2045. This was based on a very aspirational jump to housing ratio of 1 to 1.
 - This was approved by Council in either July or August of this year.
 - We will be coordinating with our local jurisdictions to come up with what the planned densities will be, given the fact that the County and some cities must comply with House Bill 1220.
 - House Bill 1110 is more specific to cities, however not all cities in the county are subject to it. As their population increases, they will be subject to the requirements of 1110.
 - Mr. Orjiako encourages everyone to read through and become familiar with House Bill 1110.
 - CP is making sure the planning update complies with all the new housing bills that legislature passed.
 - We are also required to plan to provide for housing in various income bands.
 - Sometime in October, we will have the new model run, and will then provide that to our cities, as well as make it available to the public. We can agree on what the capacity is before we consider how to deal with the need.
 - Some may be familiar with the spreadsheet or guideline that the Department of Commerce is providing to counties and cities, that we must

- use in processing the allocation of housing units to see these within the same income band.
- We are having conversation with the Department of Commerce to ensure consistency with the guidelines provided by them.
- Additionally, we are beginning to engage in work relating to the climate bill, passed by legislature, which has two sub-elements:
 - Reduction in greenhouse gas emissions
 - Looking at vehicle miles traveled
 - Resilience plan
- Jenna Kay is the lead staff member for the climate bill work.
- There is a very short timeline to complete that work.
- Aging Readiness Plan
 - This update was revamped, and another chapter was added to the current plan, which went to the Planning Commission (PC).
 - The work was done with a consultant and CP is very pleased with the work.
 - The PC recommended approval unanimously and will have a work session with Council and schedule a hearing afterwards where Council will review that and approve.
 - ECY is still providing some comment on our shoreline and CAO. We will make the necessary changes and hopefully that will go into effect as soon as we have ECY's approval.
- Fire Impact Fees
 - CP is working on amending the code.
- Housing Options Study and Action Plan Phase I
 - CP went to Council following the PC recommendation.
 - During the hearing, many issues were raised from the development community and Council wants CP to respond to the concerns raised.
 - Cp has compiled the questions as received from Council and will meet with a consultant and restart the conversation through a focus group.
 - DEAB will be receiving an invite when the focus group reconvenes to address their concerns.

Draft of 2023 Aging Readiness Plan

Presenter: Ellinger & Kay

- Clark County (CC) is anticipating a surge in the number of residents that are 60 or better.
- By 2035, 1 in 4 CC residents will be 60 or older.
- In 2012, the board of County Commissioners approved the aging readiness plan and appointed a 9-member volunteer Commission on Aging.
- The existing Aging Readiness Plan has 5 chapters that include strategies to improve the community for older adults in each of these areas.

- In 2022, the plan celebrated its 10-year anniversary, and commissioners felt it needed an update to reflect changes since its adoption.
 - The update includes the addition of a new health and safety chapter focusing on emergency preparedness, a topic not currently covered.
 - Additional details about implementation of the plan are also included so progress can be monitored more easily.
 - The update refreshes the data and maps in the document and ensures new technologies and services are incorporated.
- Major milestones:
 - Included significant public outreach that involved a community survey, meetings and focus groups with local experts, agency professionals and interested individuals, community workshops and online input options.
 - We received feedback from over 500 people who provided a combination of 425 survey responses and around 270 written comments.
 - 74 people participated on 6 focus groups and 3 community workshops.
- The updated plan has 5 chapters covering 5 topics:
 - Healthy Communities
 - Housing
 - Mobility
 - Civic Involvement
 - Emergency Preparedness
- Previously, there was a chapter that covered supportive services, but that information was broken up throughout the plan.
- Each chapter has goals and strategies meant to improve the community for older adults in each area.
 - The goals and strategies are aspirational and do not include details of how they will be met.
 - As the Commission on Aging works to implement those strategies, the details will be worked out.
 - Most strategies contain things like programs to educate and provide information on resources, or work with service providers that serve older adults like the area agency on aging.
 - For those related to development:
 - If they include anything related to Title 40, code changes would be proposed before those could be implemented as a part of the process.
 - We met with the Building Industry Association (BIA) and one of their members to incorporate their feedback on some of the strategies that are included in the plan after the release of the Public Review draft.
 - All their suggestions were incorporated into the PC version of the plan.

- Development related goals and strategies:
 - Included in the Healthy Communities Chapter and addresses parks.
 - These strategies focus on making parks accessible for older adults and everyone in the community.
 - This includes things like building parks to universal design standards and increasing the tree canopy.
 - Housing Chapter:
 - The first goal relates to providing a range of housing, including multigenerational options.
 - Some strategies include ideas such as allowing assisted living facilities in the low-density residential zones, educating on multigenerational housing through events like the BIA home shows, and removing barriers to the development of smaller dwellings such as ADUs.
 - The second goal addresses aging in place for those that want to stay in their homes but need retrofits or other assistance to do so. Strategies include:
 - Incorporating universal design guidelines into the building code and providing incentives for building to those standards, such as the incentive program that exists in the city of Ridgefield.
 - Increasing the number of certified aging in place specialists that can perform retrofits.
 - Educating and distributing informational resources regarding universal design standards and aging in place.
 - The third goal addresses affordable housing.
 - Strategies support concepts like higher density and mixed-use projects on underused properties.
 - Allowing small to medium, multi-family and retail uses within the low-density zones.
 - Density bonuses near transit, healthcare, and retail locations.
 - Mobility Chapter:
 - First goal
 - Supports the design of transit options to comfortably serve everyone in our community.
 - This includes infrastructure improvements and transit solutions designed for older adults and those with disabilities, such as adding shelters, benches, lighting, and other amenities to transit stops.
 - Second goal

- Addresses increasing alternative transportation options for those that are not well-served by transit, including rural areas of the county.
 - This includes things like completing sidewalk and bike lane connections and developing ride sharing and scheduling programs.
- Third goal
 - Supports the design of facilities to support safe walking and rolling options for all users and abilities to destinations like grocery stores, parks, and other important community resource areas.
 - This incorporates strategies such as expanding complete streets, shortening block length, and filling sidewalks and ADA facility gaps.
- Fourth goal
 - Promotes design standards that encourage walking, rolling, and transit use strategies.
 - This includes increasing pedestrian and bicycle infrastructure in new developments, especially along public transit corridors, and having entrances for commercial, medical, and recreational buildings close to the street.
- Next steps:
 - We are nearing the end of the project.
 - The update was considered in a public hearing by the PC on August 17th and recommended for approval.
 - There is a work session with Council on September 13th and a hearing with Council on September 26th.
 - Goals and strategies in the Aging Readiness Plan are high level ideas and do not include specific information about implementation.
 - Those related to development would necessitate code changes to Title 40.
 - If they were going to promote or possibly make any requirements for a development project, those code updates would go through the regular adoption process, which would include future coordination with DEAB.
- Question: 2.9 says incentivizing “visitable housing”, what does that phrase mean?
 - Answer: Visitable housing is meant to allow anyone in the community to visit your house. This includes no-step entries, first floor bathrooms, and generally promotes ADA accessibility. The idea is not only that anyone could get into the home and visit, but also to set you up for the point in your life where going up stairs could present a challenge. You could convert your first floor into a livable place because you could access the bathroom and have wide enough doorways to get in and out, etc.

Fire District Impact Fees Code Update

Presenter: Catching

- This is the same presentation to be presented to the PC at a work session this evening.
- CP has been tasked by Council to move forward with the initial phases to implement impact fees for fire districts, for their essential public facilities component of their operations.
- As such, this is not adopting any fees themselves, this is the code update work in Title 40 to create the framework for that. There are not specific numbers involved, this is only the legal code aspect to move forward.
- Public facilities in general are eligible for a proportion of their funding to be done through development impact fees.
- Clark County has impact fees for traffic, parks, and schools.
 - Those fees have been in place for decades in one form or another, but not for fire districts, which are also an essential public service with public facilities associated with them.
- The GMA and associated state statutes allow fire districts to use impact fees if they meet the applicable regulations and criteria.
- At this stage, this proposal includes changes to Title 40.6:
 - Add a definition for fire districts to include them as a public facility in the code.
 - Add a new section, presumably behind the school section, where it makes the most sense.
 - Create a procedure for the fire districts to impose their new impact fees, but it is essential to remember that impact fees cannot be adopted until the fire districts have a capital facilities plan, which none have.
 - Add a new section that would house the calculation/formula for the districts once they adopt their capital facilities plan. This will be posted among the PC documents for reference.
 - New section 40.620.060 is what the new number is expected to be.
 - Amend 40.630.030 to include the fire impact fees and some code references there.
 - Amend 40.630.090, because the fire districts will need their own paragraph about the interlocal agreement.
- After the code updates happen, and if a fire district went through the process and adopted a capital facilities plan, then they would need to work out an interlocal agreement with the county.
- The basic compliance necessary to review to make this happen for the initial code update portion, is to make sure that the request complies with the GMA and our comprehensive plan.

- The operative section of the GMA that drives this fundamentally is goal 12, which is public facilities and services.
- It is our responsibility as a GMA planning county to ensure adequate public facilities and services to serve development at minimum service levels.
- This has been implemented in our comp plan, primarily in Chapter 6: Capital Facilities and Utilities, where there are certain policies and strategies.
- If one is interested in reading more details about this, the staff report is accessible in the PC materials posted on the meeting website.
- Three different policies address impact fees directly, and some strategies that guide the work and promote this approach to fees.
- Adopting the development impact fees for fire districts is both allowed and appropriate under the GMA and associated comp plan sections, but this is not the end of it.
 - The real nitty gritty for how this works under state code is in some long, detailed sections of the WAC and RCW.
 - I've included some highlights to illustrate where we're focusing our analysis.
- Washington Administrative Code 365-196-850 is where we have direct authorization to collect impact fees for public facilities and fire is explicitly included in this list.
 - There is a set of criteria to be met.
 - System improvements that would be funded by fees need to be related to the new development.
 - They need to be proportionate.
 - System improvements would need to reasonably benefit the new development that is having the fees imposed on them. This would be verified.
- It was in more detail when a fire district brought in their capital facilities plan, but the initial code updates are mirroring the other, well-established aspects in our code for traffic in schools, etc.
- We are not breaking new ground with our proposed language here, just adding a new category.
- The revised code Washington 80.02.060 has several provisions that local ordinances that impose impact fees need to meet.
 - It talks about the details of what the fee schedule formula needs to look like.
- Since we are using other aspects of fees that are well-established as a model for our language, we are not anticipating any major statutory roadblocks with the language.
- We are going to recommend a finding that the proposed code changes do meet the general criterion standards found in the WAC and RCW for impact fees.

- The staff report for tonight's discussion with the PC work session states that the adoption of the fire impact fees and code updates would be in line with the impact fees for other public facilities that have been in place for a long time.
- The proposed fire impact fees code updates would comply with the GMA, the comp plan, the WAC, and the RCW, and we recommend approval.
- Next steps:
 - Work session with PC tonight
 - In two weeks, the hearing
 - Later this fall, the Council work session or hearing
- Question: Typically, impact fees are charged at the time that you pick up your building permit, so at what point do we let our clients know there is a new fee?
 - Answer: Our legal counsel requested that we remind everyone: Even if we adopted these Title 40 code changes tomorrow, there will be no assessment of fire fees until a fire district submits a formal critical facilities plan and goes through that entire process, PC, Council, public hearings, public comments, etc. Not only that, but that would also be part of the comp plan which would need to wait until the periodic update goes through. We are not looking at any of these being effective until late 2025 at the very earliest.
- There are 7 districts this would apply to in Clark County.
- Currently the cities of Battleground and Washougal assess fire impact fees.
- Mr. Golemo wants to point out the fact that one thing impact fees do in general is decrease the affordability for new homes.
 - They put more of the burden for these capital facilities and things that the entire community benefits from onto the backs of new development, making it more expensive to increase the supply of housing, which then drives up cost across the board.
 - There are adverse impacts to consider as plans go through for any impact fee.
 - They're balanced with other competing interests like housing affordability, and it is necessary to ensure that the system to fund the fire districts are fair to the entire community, to prevent one group from disproportionately handling the cost of those facilities.
- There is a very detailed set of criteria the capital facilities plan would need to meet before getting approved, and proportionality and the nexus of whether the fees are related to the development is at the top of the list when assessing those fees.
 - Much like a subdivision's driving trips through an intersection, where there is a lot of detailed analysis, these fire fees, even though they would be more broad approach to be plugged into the formula, proportionality for relating a particular fee to a particular development, would be detailed and have a lot of public input for each district before being adopted.

- When you look at the cost of housing, permitting fees, system development charges, water, and sewer, and then impact fees, all have an impact on affordability.
- It will be more of a policy call on the part of decision makers.
 - For example, a school district has a board that has made the decision not to accept the maximum fee they could have under the formula, and made their policy choices on what to assess.
- Bear in mind, in addition to proportionality and nexus, some of the fire districts are beginning to have difficulty passing bonds and levies, and the same is true if you look historically at Battle Ground, and we are now experiencing that in Ridgefield.
 - That is something we must monitor and make a policy call regarding what the fee should be. This is part of the growing pains.
- We don't assess the full impact fee if you build an ADU, for example, that was reduced by 75%.
- Mr. Wollam believes there needs to be a range by type that is within \$500-\$1000 increment, with a minimum 6-month notice that could be provided once the dollar amount is established or arranged, so it allows time for budgeting and financing appropriately.
 - This could avoid undue burden on the builder or developer.
 - He also agrees with Mr. Golemo's prior comment.
 - We must be as vigilant as possible to look for funding mechanisms that will not add cost to housing, which is agreed upon throughout the DEAB members.

Public Comment

- Mr. Wollam:
 - County freeze for processing and recording
 - Could this be adjusted to another time frame:
 - This is a critical time in Clark County, being a weather-sensitive area for development and construction.
 - This time frame will complicate and push projects or homes further into the that window.
 - If possible, it would be better suited to be scheduled in the winter time-frame, when development is slower as it relates to building permits and development projects.
 - Mrs. Furth:
 - Building permits will not be affected as long as the plat has already been recorded during that time.
 - The freeze is dictated to us from the Assessor's office. This request would have to go through that department.

Meeting adjourned: 4:30 pm

Meeting minutes prepared by: Diana Schotanus

Reviewed by: Megan Fletcher