Clark County Planning Commission



Karl Johnson, Chair Ron Barca, Vice Chair Rick Torres Steve Morasch Bryan Halbert Matt Swindell

CLARK COUNTY PLANNING COMMISSION MINUTES OF PUBLIC HEARING THURSDAY, JANUARY 16, 2020

Public Service Center Council Hearing Room 1300 Franklin Street, 6th Floor Vancouver, Washington

6:30 p.m.

CALL TO ORDER

JOHNSON: Okay. Gentlemen, I'd like to call this meeting to order for Thursday, January 16, 2020, for the Clark County Planning Commission. I am Planning Commission Chair, Karl Johnson. First, I would like anyone on the Planning Commission to see if they would disclose any conflicts of interest?

Planning Commission Rules of Procedure

Seeing none, the procedures are as follows: We will begin the hearing with a staff report. The Planning Commission members will ask the staff questions if they have any at this point. I will then open the hearing for public testimony.

Members of the audience who wish to testify on a hearing item need to sign in on the sign-in sheets at the back of the room. Members of the public wishing to give oral testimony are to come to the front of the room at the table facing the Planning Commission.

The Chair has the discretion to make the following statement if reasonable and appropriate under the circumstances, the testimony on this matter would be limited to X minutes per person. Your testimony should be related to the applicable standards for the hearing item. The relevant standards are set out in the staff report, copies of which are available on the table in the back of the room.

If you have any exhibits you want us to consider such as a copy of your testimony, photographs, petitions or other documents or physical evidence, please hand it in to the staff. This information will be included in the record for the hearing item, we will consider it as part of our deliberations.

When you testify, you must testify at the front table in front of the microphone so the court reporter can hear your testimony. State your name, address for the record and spell your name for the court reporter. Be relevant and concise and don't repeat yourself or others testifying.

I will then close the public testimony portion of the hearing. The Planning Commission will deliberate and ask staff to answer questions or make rebuttals. The Planning Commission will then take a vote on their decisions. Our recommendation will be forwarded to the Board of County Councilors who have the final decision making authority. With that said, can we get a roll call.

ROLL CALL

SWINDELL:HEREMORASCH:ABSENTHALBERT:HERETORRES:ABSENTBARCA:HEREJOHNSON:HERE

Staff Present: Chris Cook, Chief Deputy Prosecuting Attorney; Jan Bazala, Planner; Ali Safayi, Engineering Manager, Susan Ellinger, Program Manager; Sonja Wiser, Program Assistant; Larisa Sidorov, Office Assistant; and Cindy Holley, Court Reporter.

GENERAL & NEW BUSINESS

A. Approval of Agenda for January 16, 2020

JOHNSON: General and new business, first off, can I have a motion for approval of the agenda for January 16th, 2020.

SWINDELL: So moved.

BARCA: Second it.

JOHNSON: We've heard a motion and seconded. All those in favor say aye?

EVERYBODY: AYE

JOHNSON: All those opposed?

B. Approval of Minutes for November 21, 2019

JOHNSON: Next I'll take a motion on the approval of minutes for November 21st, 2019.

BARCA: I'd like to make a **motion** to approve the minutes of November 21st as written.

SWINDELL: I'll **second** it.

JOHNSON: With a motion and second, all those in favor?

EVERYBODY: AYE

C. Communications from the public

JOHNSON: All those opposed? Motion passes. At this time we would take any communications from the public except for those items that are on our public hearing agenda today. Seeing none, we will move to our first item and that's our Biannual Code Amendments. Jan.

PUBLIC HEARING ITEMS & PLANNING COMMISSION ACTION

A. BIANNUAL CODE AMENDMENTS

BI-ANNUAL CODE CHANGE ITEMS – FALL 2019					
No.	Title/Chapter/Section	Description			
Scrivener's Errors					
1	Section 40.260.115.E.5.(a)	In the Marijuana Facilities sign standards, amend the reference to reflect the correct RCW and indicate the size of signs in square inches instead of square feet to be consistent with the RCW			
Reference Updates					
2	40.100.070 Definitions	Update the County's definition of solid waste to reflect the change from WAC 173-304-100 to WAC 173-350			
3	40.260.155, Figure 50.260.155-3	Update a reference to a changed Standard Details Drawing number in the Narrow Lot Standards			

4	40.310.010.B	Amend the sign code section to refer to Highway 99,
		marijuana, and mixed use code sections that have unique
		requirements
5	40.500.010.B.3	Remove an outdated reference to the hearing examiner as the
		delegated authority to conduct developer agreement hearings
6	40.560.020.E	In the Concomitant Rezone Agreements section, remove an
		outdated redundant process requirement
		Clarifications
7	40.100.070, Definitions	Add a definition of "garage sale"
8	40.200.070.A	Amend the Exceptions to Setback Requirements section to
		allow building projections outside of building and development envelopes subject to limitations
9	40.260.155.C.1.h	Amend the Narrow Lot Standards to clarify that building
		envelopes should reflect building setbacks, not all projections
10	40.510.040.E & G	In the Type IV process section regarding public notice, include
		the "manner of making comments" within the published notice
	M	inor Policy Changes
11	14.05, 14.06, 14.08, 14.12, and	Amend Chapters 14.05, 14.06, 14.08, 14.12, and 15.12 to
	15.12 (Building and Fire codes)	remove references to separate Building, Plumbing and Fire
		Boards of Appeals. Instead, create one board to hear appeals of all three disciplines
12	40.260.020.C.6	In the Urban Accessory Dwelling Unit provisions, remove the
		R1-10 and R1-20 zoning requirement to allow larger size ADU's
		on larger lots, regardless of zoning
13	40.260.155.C.6.e	Specify that Narrow Lot alleys less than 20 feet wide shall be
		private, not public
14	40.410.010, 020, and 030	Provide a number of clarifications and modifications to the
		Critical Aquifer Recharge Area code
15	40.540.120	Allow a reduced process, and establish criteria for minor plat
		alteration

16	Section 4.2, Activity Centers,	Allow commercial uses on a select few Residentially-zoned
	of Appendix F, the Highway 99	parcels within Activity Centers
	Overlay District Standards	

Staff Contact: Jan Bazala, 397-2375, Ext. 4499 Email: jan.bazala@clark.wa.gov

BAZALA: Good evening. My name's Jan Bazala with Community Development.

Periodically staff batch minor amendments to the Clark County Code, this is to correct scrivener errors, update references, clarify standards and to make some minor policy changes. Batches of code changes are commonly known as the Biannual Code Amendments.

Tonight we have 16 main items which will amend 23 different individual sections in Titles 14, 15 and 40. The changes are proposed and presented in Attachment A. These proposed changes were reviewed by the Development & Engineering Advisory Board at their December and January meetings. Today we received a formal recommendation letter from the DEAB and I believe you have that in your possession now.

So I'll provide a brief description of the code changes and the reason it's being proposed. I'll start out, I'll go through Items Number 1 through 6 which are the Scrivener's Errors and the Reference Updates and then I'll stop and let you deliberate on those items and then move on to the next sections.

The first item is a Scrivener's Error in the marijuana special use section dealing with signs to correct a reference to the RCWs that apply to marijuana signs and to change the allowable area of the sign to square inches instead of square feet as is currently listed.

So the code currently references the wrong RCW and also mentions or references the allowable sign area in square feet and not square inches and we're going to change it to be consistent with the RCW.

Number 2 is the, it's the first Reference Update is to update the County's definition of solid waste to reflect the change in the WAC from WAC 173-304 to WAC 173-350 which occurred in 1999. This outdated reference was brought to our attention by Public Health staff, they are fully on board with it, they have their own definition of solid waste is consistent with the WAC as we're going to amend or update to.

Number 3 is to update the reference to a Standard Details Manual drawing in the narrow lot standards and to clarify that only the pavement structural specifications of an urban alley apply to the narrow lot alley detail. There's a figure in the narrow lot standards which describes a 16-foot-wide alley and it cites an outdated standard details drawing number. In addition to getting rid of the outdated reference in the Standard Details Manual, we're proposing to clarify

that only the structural pavement sections of a standard urban alley in the Standard Details Manual will apply to this narrow lot alley section.

Number 4 is to amend the main sign code which is in Chapter 40.310 to refer to separate sign standards in the Highway 99 code, in the marijuana special uses section and in the mixed use code section. These are all different than those in the sign standards in Chapter 310. Now that the marijuana facilities are allowed in the county, Community Planning staff suggested that we add language in the regular main sign code to reference these other standards to direct the reader to those other standards that are generally different than those in 40.310.

Number 5 in the development timeline section, delete a reference in the developer agreement subsection which makes or which names the hearing examiner as the delegated authority to make recommendations on developer agreements. In the November, I believe it was a new section of code dealing with development agreement procedures was approved that created a procedure for the application, review, consideration and conditioning of certain development projects. The second sentence in the code now is moot as only the County Council is involved in developer agreements, not the hearing examiner so therefore the second sentence in that code should be eliminated.

Number 6 in the section dealing with the release of concomitant rezone agreements, delete the sentence that again has become moot. Recently this section of code was amended to have the County Council modify or release all concomitant rezone agreements whether or not the property has been developed. Prior to that code change, the hearing examiner was the delegated authority to hear concomitant rezone agreements that -- on property that had already been developed, but the County Council approves all releases of all rezone agreements now whether the site's developed or not. So that concludes the first two sections, so...

JOHNSON: Any questions?

HALBERT: None.

Return to Planning Commission

JOHNSON: Seeing no questions, I'll bring it back to the Commission. Any discussion or I would take a motion.

BARCA: So if there is no discussion amongst the Commission, I'd be interested in adding the one Scrivener's Error to the Reference Updates and voting on them as a block if there's no objection to that.

JOHNSON: So you're saying all six, the first six?

BARCA: Yes.

HALBERT: 1 through 6.

BARCA: 1 through 6, the ones we have heard staff report on. If there's anybody that wishes to break any of them out, then I'm certainly open to separating them. Okay. Not seeing anybody interested. I'm going to make a **motion** that we take Item Numbers 1 through 6 and approve as staff has recommended.

SWINDELL: I'll **second** it.

JOHNSON: Motion's been heard and seconded on the first six Biannual Code Amendments. Sonja, roll call.

ROLL CALL VOTE

SWINDELL:	AYE
HALBERT:	YES
BARCA:	AYE
JOHNSON:	AYE

JOHNSON: Hearing those six pass. I also suggest going forward that we put 7 through 16 together. If there's any problem with that, we can vote on those next, the last ones.

SWINDELL: Sounds good.

JOHNSON: Jan, back to you.

BAZALA: All right. Number 7 is to amend Section 40.200.070.A.7 which are exceptions to setback requirements, clarify what can and what cannot project outside of a building or development envelope. This code section outlines what structures and parts of structures can intrude into a required setback. Setbacks apply to all properties in the county whether the lot has been platted or not.

During the platting or site plan review process, building or envelope, building or development envelopes are sometimes established on final plats and final site plans to reflect setbacks, easements and/or critical areas in order to provide future clarity on issues related to setbacks and other no build areas.

So this Section 40.200.070.A.7 currently does not allow the exceptions to setbacks that are noted in Section A.1 through A.6 for development envelopes. So it says all these exceptions that you can, all these projections that are allowed outside of setbacks you can't use them

when they apply to development envelopes so, but in many cases the envelopes are established using the setbacks, not always, but some of the envelope lines can be determined using the setbacks.

So the proposed amendments allow these projections to occur to apply to building or development envelopes except when an envelope line is defined by an easement or critical area or if other information exists on the plat or site plan that expressly states that projections are not allowed past the line.

So it also restates the existing limitations on projections in the landscape buffers, so hopefully this will fix a lot of confusion and the need for some plat alterations that we've had to do to deal with this.

Number 8 is to amend the narrow lot standards in Section 40.260.155.C.1.h to clarify that building envelope should reflect the building setbacks, not all projections. This is a related issue to that one I just talked about. The idea is that the envelope would reflect just the setbacks and not the eaves and all that other stuff.

Number 9 is a definition for garage sale. Currently County Code has no definition of garage sale and this definition was requested by Code Enforcement staff to clarify the types of activities that are regulated under the garage sale special use section.

The lack of a definition has hindered Code Enforcement staff cases where someone is selling used goods but they're not technically inside of a garage so they've claimed, well, I'm not a garage sale because I'm not inside, so apparently situations have occurred where people have claimed to have an estate sale, an outdoor estate sale going on for weeks and months, so this definition is intended to give Code Enforcement staff some leverage on capturing sales that are not inside of a garage.

Number 10, the Type IV comprehensive plan amendment process section regarding public notice include a manner of making comments within the published notice. In various other sections of the County Code that deal with public notice requirements the manner of making public comments is a requirement that is to be stated in the public notice that's published in the newspaper, this gives the reader information on how to provide public comments whether that be via e-mail, fax, mail, that kind of thing. So currently this section of code doesn't have any provisions for the manner of making comments, so this will make it consistent with other code notice requirements and GMA requirements as well.

Number 11 is to amend Chapters 14.05, 14.06, 14.08, 14.12 and 15.12, these are all building and fire codes to remove references to separate Building, Plumbing and Fire Boards of Appeals instead defer to the provisions in the adopted national codes regarding appeals.

So the Clark County Building and Fire Codes mostly adopt National Building and Fire Codes, those parts of those codes that the County wishes to not adopt and have their own special code provisions are in the exemptions to these various codes in these sections that I just noted.

The particular code sections that are proposed to be mostly removed are the exceptions to the standard appeals provisions in the International Building Code, International Residential Code, International Mechanical Code, Unified Plumbing Code and the International Fire Code.

Right now the County exceptions currently dictate three separate building, plumbing and fire appeals boards. Each of the different appeal boards have different membership requirements, and in practice these boards don't exist, they've never been filled because it's hard to find that many people to serve on boards. So by eliminating the current exemptions, the County would adopt by default the appeal procedures in these other codes.

These other provisions are more general in nature and they allow flexibility in establishing one unified appeals board with members having experience in the various disciplines. There are some partial exceptions that are proposed to remain, that's in the Mechanical Code because some of these particular sections in the International Mechanical Code are rather specific regarding membership requirements and the County does not want to adopt those.

So some exceptions are still going to remain in the County Code, but generally speaking we'll just default to the National Codes, which like I said, it's a rather general appeals processes. The National Codes do say that the applicable governing authority appoints the board and in this case it would be the County Council.

Let's see, Number 12, in the urban accessory dwelling unit provisions allow larger ADU sizes on larger single-family lots regardless of zoning if the lots meet certain minimum lot sizes. Currently urban ADUs are limited to 40 percent of the main dwelling area or 800-square feet whichever is less.

Right now if you're in the R1-10 or the R1-20 zone you can exceed that 800-square foot limit up to 1,000-square feet in the R1-10 and up to 1500-square feet in the R1-20 if the house is big enough so that you're not exceeding the 40 percent limit, but there seems to be little reason why the zoning matters. So we're proposing to allow larger ADUs as noted regardless of the zoning if the lot is 10,000-square feet or 20,000-square feet and the house is sufficiently large to accommodate that.

Number 13, back in the narrow lot standards. Specify that alleys that are less than 20-feet wide should be privately maintained, not public. So under the narrow lot standards, the alleys can be as narrow as 16 feet, I referenced that in the prior item, they can be that narrow because they're not the primary means of access and the situation is though that when alleys get that narrow, they can be more expensive to maintain for snowplowing and things like that.

So therefore we're proposing that these narrower lots or narrower alleys be privately maintained and we've added some additional references to this code section to maintain that the standard vertical fire access height of 13 and a half feet should be maintained within that 24-foot clear zone and also to prohibit all structures not just fences in that clear zone.

Number 14, these are revisions to the critical aquifer recharge area commonly known as CARA, Sections 410.010, 020 and 030, so there's a number of revisions to this code that are sprinkled throughout the code. The Development & Engineering Advisory Board and County staff had a subcommittee over several months to address some unclear and outdated and redundant code requirements contained in the CARA code.

The main, there's a few sections that are of note in this, in these changes. One of the first ones is to eliminate the need for a CARA permit for stormwater infiltration facilities. Basically requiring a CARA permit is redundant due to the fact that these types of facilities already have to meet the County stormwater requirements.

Since the CARA Code was created, our stormwater requirements weren't as stringent as they are now, and now that they're more stringent, you're basically getting a CARA Code for little reason because you're already meeting those, you have to meet those requirements under the stormwater requirements.

The second one is to remove the requirement for quarterly monitoring reports for Level 2 site evaluations. Again, with all the other protections afforded by the upgraded water quality provisions in the stormwater code, it seems like it's sort of a, there's not a lot of benefit to requiring those evaluations and frankly it takes staff time and we don't get paid for monitoring them anyway, so it seems to be little, if any, benefit to that requirement.

I was just notified that apparently there was another section of the CARA Code which is not in your packet but Section 40.410.040 which is the section on incentives, education and technical assistance, apparently that was proposed to be completely eliminated. Do I understand that correctly, Ali? Ali Safayi with Development Engineering.

SAFAYI: Good evening. Ali Safayi, Development Engineering. After I talked to Susan and Susan talked to Mr. Bazala, I think repeated that that this code section was eliminated in the 2018 biannual code revision, so it has been already taken care of, but there is a copy that we previewed and that had that section and I thought maybe it was omitted and should have been here and stricken.

But anyway, just to let you know that section had to do with the code was adopted in 1998 and there weren't a lot of availability of that Internet and web pages from DOE or the County so we had to keep a library of the needed information like the, you know, manuals that actually

explained how you do treatment of the, you know, the facilities and how to contain contaminant.

Right now there are enough information out there that and already is really accessible, so the County doesn't feel that we have to have an education process with this type of system that are permitted by through CARA. Any question for me?

BARCA: I do have a question. So I'm trying to clarify. Did we think we had more that needed to get modified here but it turned out that it didn't need to be modified? So you brought forward an idea of something that's already been taken care of and we don't have to do anything different?

SAFAYI: Yes, sir. Yeah. 2018 was the ordinance that removed that section. Again, we had a copy from DEAB that was reviewed that section, it seems that it was an outdated and when I compared with the code that Jan is discussing and didn't see that section, I related to Susan Ellinger, I think that was my mistake.

BARCA: Okay. So what we have in the original staff report is all we're genuinely dealing with and the commentary from DEAB which in essence used old reference material, that does not change the outcome or the input from the staff report?

SAFAYI: Correct.

BARCA: Thank you.

SAFAYI: You're welcome.

BAZALA: In other words never mind.

SAFAYI: Sorry about that.

BAZALA: Shall I continue?

BARCA: Yeah, keep going.

JOHNSON: Yes, continue, Jan.

BAZALA: All right. We're on to Number 15 is to amend the section of code dealing with plat alterations to allow for a minor plat alteration process. Current process for any change in a plat requires a preliminary review step which includes public notice according to State law and then a final review and you have applicable fees for each review and timelines for each review.

Staff believes that some plat alterations are minor enough that they should qualify for a shortened less expensive process and that would be for those that are a result of a scrivener error or also those that are needed to allow something like a use or setback whose standard has changed since the plat was recorded.

So we're proposing a new subsection and that would be on Lines 25 through 32 of Page 22 of the Attachment A where it's proposed that plats with clear errors and outdated code restrictions can qualify for a minor plat alteration process. It still has to be a Type II process so we still have to do public notice on even these minor plat alterations, but the idea is that one will be able to submit the preliminary and final process at the same time and it would be for just a little bit more than the final process currently costs.

Also, we're proposing to change the time that somebody can request a hearing for all plat alterations, that would be from the current 21 days down to 15 days and that will be consistent with all our other notice comment time frames, and so that line item, that change occurs on Line 33 on Page 19. It was pointed out that the text in your Attachment A, that line should be fixed to spell out fifteen, f-i-f-t-e-e-n, instead of fourteen right next to the number 14.

And then another revision that should be made to this code revision is at the end of Line 30 on Page 22 and we should add a word "or" at the end of Line 30 so that would read as follows: so "The alteration consists of correcting a scrivener's error which is clearly inconsistent with the intent of the preliminary review, and, in the judgment of the responsible official, does not affect the public interest, or; b. The alteration will provide consistency with current code requirements," so that amendment should be made which is not currently in the Attachment A.

Number 16 is to amend the allowed uses and activity centers in the Highway 99 overlay district standards to allow commercial uses on a few select residentially zoned parcels that are within the activity centers.

The intent of the activity center overlay in Highway 99 is to emphasize uses and design that attract pedestrian activity and all but five properties in these activity centers have either community commercial or general commercial zoning.

There is a four lot cluster of lots near the intersection of Highway 99 and NE 122nd Street that are zoned R-18 and addition of this language would allow community commercial uses on those properties which was the original intent of including them within the activity centers.

Also, within additional evidence for that is that in the Highway 99 code, the zoning, the map showing that activity center shows it being zoned as limited commercial, so we should also amend that map. Unfortunately, I don't have that map as part of the amendment, but we will change that at the same time, so... And that concludes my presentation.

JOHNSON: Okay. Questions for staff? Seeing no questions, bring it back to the Commission for discussion or a motion.

Return to Planning Commission

BARCA: Based on the work session that we put in on this, I don't see anything that's different or surprising about it. I'm open to the entertainment of Items 7 through 16 being voted on as a block if nobody from the Commission has an objection or wants to bring out any specific item for separate discussion.

SWINDELL: Nope.

HALBERT: I propose that the two minor changes in Item 15 be noted.

JOHNSON: You mean 14?

HALBERT: 15 with the change in the days written out and the or.

SWINDELL: In Item Number 15 --

HALBERT: Yeah.

SWINDELL: -- include that change?

HALBERT: Yeah. So amend the motion too.

BARCA: No motion's been made. So I just made that as a proposal and if everybody's open to that, then, okay.

JOHNSON: So if you want to make it a motion with an amendment go ahead and do that if you want.

HALBERT: Sure. So I would make a <u>Return to Planning Commission</u> that we approve the clarification 7 through 10 and the minor policy changes 11 through 16 with the two minor changes in Item 15 of the spelling and the or, comma or at the end of the, I was going to, at the end of the alteration sentence.

SWINDELL: I'll Return to Planning Commission it.

JOHNSON: Okay. Motion's been made and seconded regarding Items 7 through 16 of the Biannual Code Amendments with an amendment on Number 15. Sonja.

ROLL CALL VOTE

SWINDELL: AYE HALBERT: AYE BARCA: AYE JOHNSON: AYE

JOHNSON: Motion's been passed.

OLD BUSINESS

JOHNSON: With that, we are going to, is there any old business that anybody would like to talk about? I have some new business. Oh, yes, don't steal my thunder.

NEW BUSINESS

COOK: This isn't a Commissioner item, but go for it.

JOHNSON: So, Jan --

BAZALA: Yes.

JOHNSON: -- you know, you've been around before I've been around, probably been around before Ron's been around and that was caveman's times, so I have a formal farewell we'd like to read you, Jan, but mostly thank you from the Chair for educating me and teaching me and helping me and being very patient because I think those are your fortes.

BAZALA: Very well. Thank you for your service.

JOHNSON: Jan has always been our biannual code planner for the Planning Commission many years. He began his employment at Clark County in October of 2005 and will be retiring in March, 15 years, Jan, I used my calculator.

Jan, on behalf of the Planning Commission we would sincerely like to thank you for your expertise and knowledge that you have brought to our meetings and of course your compassion. We will miss you and we wish you great success in your retirement and future endeavors.

With that said, PC members, maybe you'd like to say anything to Jan. Ron.

BARCA: You didn't tell us you were going anywhere. It's kind of a big surprise, you're on TV and this is the first I've heard of it, I'm a little shocked.

BAZALA: Well, Hollywood finally discovered me through this meeting.

JOHNSON: The Jan Bazala way.

BARCA: Well, congratulations on the next steps whatever those might be.

BAZALA: Thank you very much.

HALBERT: Yes, congratulations.

BAZALA: Thank you. And, again, thank you for contributing all your time for all these years, it's not a small thing.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

JOHNSON: Thank you, Jan. With that said, is there any comments from the Planning Commission regarding any other issues? Just a mental note, I heard rumor that there is eight candidates to replace our missing members and so that is hopeful that we will have a full vote here, so that's kind of cool. All right. With that said, we'll adjourn.

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://www.clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes Television proceedings can be viewed on CVTV on the following web page link: http://www.cvtv.org/

Minutes Transcribed by: Cindy Holley, Court Reporter/Rider & Associates, Inc. Sonja Wiser, Program Assistant, Clark County Community Planning