

From: [Susan Ellinger](#)
To: fourcreeksna@gmail.com
Cc: [Marilee McCall](#)
Bcc: [Oliver Orjiako](#)
Subject: RE: Clark County Council Hearing for June 20, 2023
Date: Tuesday, June 20, 2023 4:20:00 PM
Attachments: [PC Recommendation & Ex. A CPZ-2022-00015 - CWPP Amendments.pdf](#)
[PC Recommendation & Ex. A CPZ-2022-00016 - 40.510.pdf](#)
[image001.png](#)
[image002.png](#)
[image003.png](#)
[image004.png](#)

Hi Andrew –

Please find attached the Planning Commission Recommendations for each of the proposals under consideration. Also, below are responses to your questions:

Question 1

- A. The changes proposed as part of CPZ-2022-00015, Countywide Planning Policy Amendment Procedures, will help clearly outline the process for countywide planning policy amendments. As specified in state law, "...a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent..."

The new proposed process is more formalized and outlines that any jurisdiction may initiate an amendment or request an interpretation to the countywide planning policies and specifies an application process for these actions. Adoption through the county council and each jurisdiction is also required. A similar process has been followed for previous amendment to the countywide planning policies, but that process is not clearly outlined in the comprehensive plan.

With the proposed amendment, the procedure for making changes to the countywide planning policies will be clearly outlined in the plan for the Four Creeks Neighborhood Association and the public at large. This is intended to allow the public to better understand the required process and to participate if you have interest in the proposal.

- B. The changes proposed as part of CPZ-2022-00016, include an amendment to the county code that relates to what types of proposals require review by the planning commission. The current code language states, "The legislative process includes a public hearing before the Clark County Council and may include a public hearing before the Planning Commission" for Type IV reviews.

For clarification, Type IV decisions include decisions regarding the following:

- a. *Comprehensive plan map and text, and zoning change consistent with the map change;*
- b. *Development regulations;*

- c. *Arterial atlas; and*
- d. *Shoreline Master Program*

The proposed changes will require review by the planning commission for all Type IV decisions, thereby expanding public input opportunities by including a Planning Commission work session and public hearing. Due to the broad potential impact of Type IV decisions that generally apply to relatively large geographic areas, staff recommend the proposed modifications to make planning commission review of Type IV legislative decisions mandatory for all actions except interim actions, moratoria, and emergency legislation. Similar to CPZ-2022-00015, this is intended to allow the public to better understand the required process and to participate in both the planning commission and council processes if you have interest in the proposal.

Question 2

We encourage participation by the neighborhood associations and the public at large for all of the work we do. We send the email to foster that participation, so we can definitely try to send the email notice as early as possible.

Question 3

Community Planning welcomes an invitation to speak from any functioning neighborhood association and frequently makes presentations to the Neighborhood Associations Council of Clark County. We are happy to coordinate attending a meeting to discuss the comprehensive planning process. Please let us know any additional details of the information you are interested in hearing about and we will schedule staff to attend a future meeting.

I hope that helps answer your questions. Please let me know if I can be of further help. Thank you!



Susan Ellinger
She/her/hers
Planner III
COMMUNITY PLANNING

564.397.4516



From: Andrew Cecka <fourcreeksna@gmail.com>
Sent: Tuesday, June 20, 2023 10:25 AM
To: Susan Ellinger <Susan.Ellinger@clark.wa.gov>; Oliver Orjiako <Oliver.Orjiako@clark.wa.gov>
Subject: Re: Clark County Council Hearing for June 20, 2023

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Hello Sue and Oliver,

Thanks for passing along these notifications. As a new neighborhood association President, I have a few questions about this notice.

1. Can you help me understand how these two proposed amendments impact the residents of the Four Creeks neighborhood? We have residents who reside in the UGA and residents outside of it, but our entire neighborhood is in unincorporated Clark County. Residents of our area were caught off-guard with the middle housing code change because our neighborhood wasn't listed and I want to make sure that doesn't happen again. Most residents don't realize that we are a part of Vancouver's UGA since so many of us have Ridgefield addresses and are a part of that school system.
 - How might these proposed changes impact our ability to provide public testimony, be noticed on code changes that impact our area, and participate with staff in the Comprehensive Planning process?
2. I received a lot of concern from residents in my community about the short timeline of notice by the Four Creeks Neighborhood Association about the middle housing hearing. I noticed that these proposed code amendments were announced on 6/2, but I wasn't sent the email notification until 6/15.
 - This lag time makes it very difficult for me to notify my neighbors about something that they should engage in.
 - Should I be looking for these some place on your website instead of waiting for emails?
 - And is it possible to decrease the lag time between announcement and an email going out, especially as it pertains to code changes that impact residents within the UGA? As I am sure you are aware, the cities have paid staff, but we are all volunteers in unincorporated Clark County so timely delivery of code changes that impact us are critical.

We had Community Development join a recent neighborhood association meeting and it was very helpful for our members. Would Community Planning be willing to join our next meeting? And if going neighborhood by neighborhood isn't possible given that you are in the Comprehensive Planning process, I might recommend convening all the neighborhood associations that are within the UGA and hosting a virtual session about how Comprehensive Planning impacts us. Residents within the UGA need additional support from County staff because we are facing urban levels of development, but without the governance structure in place that helps inform, protect, and advocate for residents in the cities of Clark County.

Thank you,

Andrew Cecka

Four Creeks Neighborhood Association

FourCreeksNA.org

[Four Creeks Facebook](#)

[Neighborhood Map](#)

On Thu, Jun 15, 2023 at 11:36 AM Sonja Wiser <Sonja.Wiser@clark.wa.gov> wrote:

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

Greetings,

The Clark County Council will conduct a public hearing on **Tuesday, June 20, 2023 at 6:00 p.m.** in the Councilors Hearing Room, sixth floor, Public Service Center, 1300 Franklin St., Vancouver, Wash. to consider the following:

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

Project webpage: <https://clark.wa.gov/community-planning/cpz-2022-00015>

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

Project webpage: <https://clark.wa.gov/community-planning/cpz-2022-00016>

The hearing will be held in a hybrid format with options to attend remotely or in-person. Please see the attached notice for details on how to participate. A copy of the draft amendment proposals, Planning Commission recommendation, SEPA determination, and other project materials are available on each of the project webpages.

Thanks!



Susan Ellinger
She/her/hers
Planner III
COMMUNITY PLANNING

564.397.4516





Planning Commission Recommendation

TO: Clark County Council
FROM: Karl Johnson, Planning Commission Chair
PREPARED BY: Susan Ellinger, Planner III, Community Planning
DATE: June 20, 2023
SUBJECT: CPZ-2022-00015 Countywide planning policy amendment procedures

PLANNING COMMISSION RECOMMENDATION

On April 20, 2023, the Planning Commission voted 4 to 0 to recommend to the County Council that it approve the update to the Countywide planning policy amendment procedures.

PROPOSED ACTION

Clark County Planning Commission recommends Council approve an amendment to the comprehensive plan to clearly outline the process for countywide planning policy amendments and to better implement the Revised Code of Washington (RCW) 36.70A.215(2)(c) and the Washington Administrative Code (WAC) 365-196-305(5). Please see Exhibit A for the proposed text amendment.

BACKGROUND

The Growth Management Act (GMA) requires counties and cities to collaboratively develop countywide planning policies (CWPP) to govern the development of comprehensive plans. This requirement is found in RCW 36.70A.210, which also explains,

“...a "countywide planning policy" is a written policy statement or statements used solely for establishing a countywide framework from which county and city comprehensive plans are developed and adopted pursuant to this chapter. This framework shall ensure that city and county comprehensive plans are consistent...”

In response to the requirements in state law, CWPP for Clark County were adopted in 1992 through a process involving all of the jurisdictions within Clark County. The existing CWPP are located throughout the Clark County Comprehensive Growth Management Plan 2015-2035 (comprehensive plan) within each of the elements such as Land Use, Housing, Rural Land, etc.

The existing CWPP do not clearly address RCW 36.70A.215(2)(c) and WAC 365-196-305(5), and therefore, staff is recommending the amendment included in Exhibit A to outline the process for countywide planning policy amendments and interpretations to more definitively meet these state statutes.

The proposal includes modification of CWPP 1.1.12 and the addition of a new policy 1.1.13. It outlines that any jurisdiction may initiate an amendment or request an interpretation to the CWPP and delineates an application process for these actions. The process requires review through the staff-level Technical Advisory Committee (recommended to be called Technical Coordination Committee in the proposal), which includes representatives from the county, each municipality and tribal government and the Regional Transportation Council (RTC). The proposed process also requires review and adoption by the County Council and each jurisdiction.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

A draft of the proposed amendments to the Comprehensive Growth Management Plan 2015-2035, was collaboratively reviewed through the Technical Advisory Committee on January 12, February 2 and March 2, 2023 under WAC 365-196-305. A draft of the proposed amendments was sent to the state Department of Commerce on March 14, 2023 under RCW 36.70A.106.

A Notice of Determination of Non-Significance under SEPA was published in The Columbian newspaper on April 3, 2023. A legal notice was published for the Planning Commission hearing on April 5, 2023. The Planning Commission held a work session on April 6, 2023 and a hearing on April 20, concluding with a recommendation for approval.

On April 5, 2023, the County Council held a work session on the 2022 Annual Reviews and Dockets, which included the countywide planning policy amendment procedures.

On June 2, 2023, legal notice for the County Council Hearing, scheduled for June 20, 2023, was published in the Columbian newspaper. Any public comments received 24 hours in advance are included in the County Council hearing package.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

CRITERIA FOR COMPREHENSIVE PLAN POLICY OR TEXT AMENDMENTS

As outlined in CCC 40.560.010(K)(2) the county may approve a plan text or policy change only when the amendment complies and is consistent with all the applicable requirements of the GMA and WAC, and the comprehensive plan, including without limitation countywide planning policies (CWPP), the community framework plan, and the capital facilities plan.

Growth Management Act (GMA)

[RCW 36.70A.210, WAC 365-196-305 and RCW 36.70A.215](#)

As indicated above, RCW 36.70A.210 establishes the requirement for counties planning under GMA to adopt countywide planning policies (CWPP). In meeting this statute, WAC 365-196-305 outlines both policies that are required to be addressed within countywide planning policies and additional policies that are recommended to be addressed. The existing CWPP address all of the policies that are required to be addressed but do not clearly address the recommended policies, as follows:

(5) Recommended policies. County-wide planning policies should also include policies addressing the following:

(a) Procedures by which the county-wide planning policies will be reviewed and amended; and

(b) A process for resolving disputes regarding interpretation of county-wide planning policies or disputes regarding implementation of the county-wide planning policies.

The proposal in Exhibit A includes language to rectify this issue by building on the process used previously to update the CWPPs when they were amended in the 2004, 2007 and 2016 periodic review processes. During these updates, jurisdiction staff brought concerns and questions regarding the CWPP to the staff-level Technical Advisory Committee (recommended to be called Technical Coordination Committee in the proposal). Following this staff coordination, CWPP modifications were reviewed through the county and city councils.

The new proposed process is more formalized and outlines that any jurisdiction may initiate an amendment or request an interpretation to the CWPP and specifies an application process for these actions. Adoption through the county council and each jurisdiction is also required.

The proposed amendment will also allow the comprehensive plan to more clearly meet RCW 36.70A.215 which in part requires the adoption of a review and evaluation program to ensure that different provisions within the GMA are met. The majority of the provisions in this RCW identify requirements that are addressed through the county's buildable lands report. Although, RCW 36.70A.215(2)(c), requires that the review and evaluation program shall, "*Provide for methods to resolve disputes among jurisdictions relating to the countywide planning policies required by this section...*". The proposed amendments outline how any jurisdiction can apply for an amendment to or interpretation of the CWPP, thereby providing a formal method to resolve disputes among jurisdictions.

Finding: With the new proposed process in CWPP 1.1.12 and 1.1.13 included in Exhibit A, the process for any jurisdiction to apply for an amendment to or interpretation of the CWPP, and thus resolve any disputes among jurisdictions relating to the CWPP, will be clearly documented in the comprehensive plan. This meets the recommended policies in WAC 365-196-305 (5) and requirements in RCW 36.70A.215(2)(c).

The amendment also supports RCW 36.70A.140 which requires early and continuous public participation in the development and amendment of comprehensive land use plans. The proposed process will provide opportunities for public input through the adoption processes of the county and city councils. It will also help prepare the county and its jurisdictions for the

current and future periodic reviews of the comprehensive plan by providing a clear process for updating and interpreting the CWPP.

Finding: By clearly outlining a process for amendments and interpretations of the CWPP, and including an application process that involves a public review and hearing process, the proposed amendments address the requirements in RCW 36.70A.140.

RCW 36.70A.020 Planning goals.

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA includes fourteen overall goals. The goals are not listed in order of priority. Goals applicable to the proposed action include:

- Goal 11 – Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. RCW 36.70A.020(11).

The new procedures outlined in Exhibit A more clearly document how to process amendments to and interpretations of the CWPP and contain procedures for public involvement, staff coordination and adoption by all of the jurisdictions within the county. These provisions will permit overall better coordination among jurisdictions thereby supporting GMA Goal 11.

Finding: Based on the above discussion, the proposed amendment, which includes procedures for public involvement, staff coordination and adoption by all of the jurisdictions within the county, supports GMA Goal 11.

Comprehensive Growth Management Plan 2015-2035 and countywide planning policies (CWPP)

The 20-year Comprehensive Growth Management Plan contains many policies that support collaboration and coordination between Clark County and its cities. The comprehensive plan describes the CWPP by stating, “*The following policies are to coordinate the efforts of Clark County and cities in designating land uses, densities and intensities to achieve the pattern described above in their respective Comprehensive Growth Management Plans.*” This collaborative process is mentioned in CWPP 1.1.1, 1.1.2, 1.1.12, 1.1.13, 1.1.14, and 1.1.19 through 1.1.22.

This type of coordination is supported through the proposed amendment with a requirement for all CWPP modifications to be reviewed by the staff Technical Coordinating Committee through a consensus-based process and through the adoption process of each jurisdiction.

Finding: The proposed modifications and additions in Exhibit A include a collaborative procedure for future proposed amendments or interpretations of the CWPP that is similar to and promoted by the existing CWPP and other elements of the comprehensive plan.

RECOMMENDATION AND CONCLUSIONS

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

The following table lists the applicable criterion and summarizes the findings of the report for CPZ-2022-00015.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criterion for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
Consistency with GMA	Yes	Yes
Community Framework Plan	NA	NA
Countywide Planning Policies	Yes	Yes
20-Year Comprehensive Plan	Yes	Yes
Capital Facilities Plan	NA	NA
Recommendation:	Yes	Yes

ATTACHMENT(S)

Exhibit A, countywide planning policies amendment proposal



Exhibit A

CPZ-2023-00015, Countywide Planning Policies
Amendment Proposal

Proposed modifications are shown in **green highlight**.

Chapter 1 Land Use Element

1.1 Countywide Planning Policies

1.1.1 Clark County, municipalities and special districts will work together to establish urban growth areas within which urban growth shall be encouraged and outside of which growth may occur only if it is not urban in nature. Each municipality within Clark County shall be included within an urban growth area. An urban growth area may include territory located outside of a city if such territory is characterized by urban growth or is adjacent to areas characterized by urban growth.

1.1.2 The County and relevant jurisdictions will consult with the Cowlitz Indian Tribe where urban growth areas are adjacent to the boundary of the Cowlitz Indian Reservation in order to assure that policies developed in compliance with Chapter 36.70A accommodate the Tribe's and relevant jurisdictions' future growth needs. "Relevant jurisdictions" are defined as those adjacent to and/or affected by the Cowlitz Indian Tribe Reservation.

1.1.3 Urban growth areas shall include areas and densities sufficient to permit the urban growth that is projected to occur in Clark County for the succeeding 20-year period.

1.1.4 Urban growth shall be located primarily in areas already characterized by urban growth that have existing public facility and service capacities to adequately serve such development and second in areas already characterized by urban growth that will be served by a combination of both existing public facilities and services that are provided by either public or private sources. Urban governmental services shall be provided in urban areas. These services may also be provided in rural areas, but only at levels appropriate to serve rural development. Urban governmental services include those services historically and typically delivered by cities or special districts and include storm and sanitary sewer systems, domestic water systems, street cleaning services, fire and police protection, public transit services and other public utilities not normally associated with non-urban areas.

1.1.5 An urban growth area may include more than a single city.

1.1.6 Urban growth is defined as growth that makes intensive use of land for the location of buildings, structures and impermeable surfaces to such a degree as to be incompatible with the primary use of such land for the production of food, other agricultural products, fiber, or the extraction of mineral resources.

1.1.7 Clark County and cities shall review their designated urban growth area or areas in compliance with Chapter 36.70A. The purpose of the review and evaluation program shall be to determine whether Clark County and its cities are achieving urban densities

1 within Urban Growth Areas. This shall be accomplished by comparing the growth and
2 development assumptions, targets and objectives contained in these policies (and in
3 county and city comprehensive plans) with actual growth and development that has
4 occurred.

5 1.1.8 Each municipality within Clark County shall annually provide to Clark County parcel
6 specific information on land developed or permitted for building and development in three
7 categories: residential, commercial and industrial. Clark County and municipalities shall
8 follow the guidelines specified in the Plan Monitoring Procedures Report for the
9 collection, monitoring and analysis of development activity and potential
10 residential/employment capacity.

11 1.1.9 Clark County, in cooperation with the municipalities, shall prepare a Buildable Lands
12 Capacity Report consistent with Chapter 36.70A. The report will detail growth,
13 development, capacity, needs and consistency between comprehensive plan goals and
14 actual densities for Clark County and the municipalities within it.

15 1.1.10 Clark County and municipalities shall use the results of the Buildable Lands Capacity
16 Report to determine the most appropriate means to address inconsistencies between
17 land capacity and needs. In addressing these inconsistencies, Clark County and
18 municipalities shall identify reasonable measures, other than adjusting urban growth
19 areas that will be taken to comply with the requirements of Chapter 36.70A.

20 1.1.11 Population projections used for designating urban growth areas will be based upon
21 information provided by the Office of Financial Management and appropriate bi-
22 state/regional sources.

23 1.1.12 Interagency Cooperation. Clark County and each municipality will work together to:

- 24 • ~~E~~ Establish a Technical ~~Coordinating Advisory~~ Committee (~~TCC~~) to develop an
25 ongoing coordination program within the urban growth area; ~~Each jurisdiction, the~~
26 ~~Cowlitz Indian Tribe and the Southwest Regional Transportation Council may~~
27 ~~designate one staff representative and an alternate to the TCC.~~
- 28 • ~~I~~ Include the Cowlitz Indian Tribe as a member of the Technical ~~Advisory~~
29 ~~Coordinating~~ Committee in order to facilitate interagency planning efforts and
30 intergovernmental coordination;
- 31 • ~~P~~ Provide opportunities for each jurisdiction to participate, review and comment on
32 the proposed plans and implementing regulations of the other;
- 33 • ~~C~~ Coordinate activities as they relate to the urban growth area;
- 34 • ~~C~~ Coordinate activities with all special districts;
- 35 • ~~S~~ Seek opportunities for joint efforts, or the combining of operations, to achieve
36 greater efficiency and effectiveness in service provision; and,
- 37 • ~~C~~ Conduct joint hearings within the urban growth areas to consider adoption of
38 Comprehensive Plans.

39
40 1.1.13 Any local jurisdiction, including the county, may initiate an amendment to or request an
41 interpretation of any Countywide Planning Policy, as follows:
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- 1 • The local jurisdiction shall submit the proposed amendment or proposed interpretation
2 to the County Manager or their designee (County Manager), and shall include the
3 following in the proposal:
4 o In the case of an interpretation request, identification of the policy and the exact
5 language of the proposed interpretation; or
6 o In the case of a proposed amendment,
7 ▪ The exact language of the proposed amendment (shown in "strike out" for
8 deletions and "underline" for additions); and
9 ▪ An explanation of the need for the proposed amendment, including the factors,
10 data, or analyses that have changed since the adoption of the Countywide
11 Planning Policies and/or the experiences with the existing Countywide
12 Planning Policies that have prompted the proposed amendment; and
13 ▪ An analysis of how the proposal meets the criteria in 40.560.010.F through K,
14 or city code, as applicable.
- 15 • The county shall initially refer a proposed amendment to or interpretation request
16 regarding the Countywide Planning Policies to the Technical Coordinating Committee
17 (TCC), (see also in Policy 1.1.12), which shall review the proposal and develop a
18 consensus-based recommendation, as follows:
19 o TCC Members shall endeavor to reach agreement on a mutually acceptable
20 course of action regarding a proposed amendment or interpretation request, with
21 decisions made by agreement rather than by majority vote where TCC members
22 agree to support, accept, live with, or agree not to oppose the decision. The TCC
23 can only make recommendations when a majority of members are present. The
24 TCC can only revisit a previous decision if a majority of the TCC agrees.
- 25 • If consensus regarding a proposed amendment or proposed interpretation is not
26 reached, the group will explore whether modifications to that proposal can help achieve
27 consensus. If the TCC still cannot reach consensus, the proposed amendment or
28 interpretation will be forwarded through the remainder of the process along with a
29 summary of the meeting discussion in place of a recommendation.
- 30 • Once the TCC makes a recommendation, or cannot reach consensus, on a proposed
31 amendment, the process continues as follows:
32 o The county shall review the proposed amendment utilizing the Type IV docket code
33 amendment procedures as outlined in CCC 40.510.040, 40.560.010 and
34 40.560.030 for review of the proposal.
35 o If approved by the County Council, staff from each jurisdiction shall bring the
36 proposal through their respective jurisdiction's adoption or approval process.
37 o Each jurisdiction shall notify the County Manager of the results of its adoption
38 process.
39 o If the amendment is considered outside of the periodic review process, each
40 jurisdiction shall consider the amendment in its next annual comprehensive plan
41 update.
42 o If the amendment is considered as part of a periodic review process, the timing of
43 the request must reasonably coincide with the overall schedule of the periodic
44 review, or the request will be considered as part of the next amendments docket as
45 outlined in 40.560.030.

47 1.1.134 Coordination of land use planning and development:

- 48 • Clark County and each municipality shall cooperatively prepare land use and
49 transportation plans and consistent development guidelines for the urban area.

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- Comprehensive Plans must be coordinated. The comprehensive plan of each county or city shall be coordinated with and consistent with, the comprehensive plans adopted by other counties or cities with which Clark County or city has, in part, common borders or related regional issues. The city and Clark County shall play partnership roles in the production of plans which provide the opportunity for public and mutual participation, review and comment.
- Conversion of industrial or employment lands to non-industrial or non-employment center districts may occur within the following parameter:
 - Protect and preserve lands zoned heavy industrial for heavy industrial uses.
 - Protect employment center lands from conversion to residential.
 - Consider rezoning of employment center lands to non-retail commercial or business park if the proponent can show that (a) the zone change would accommodate unforeseen and rapidly changing commercial development needs and (b) the proposed designation is more suitable than the current designation given the land’s site-specific characteristics and (c) the proposed zone change will generate jobs at a higher density than the current comprehensive plan zone allocation.
- Urban development shall be limited to areas designated by the urban growth boundary. Clark County and each local jurisdiction urban areas would have a higher average density than currently exists, approximately 4, 6 to 8, units per net residential acre depending on the specific urban area. No more than 75 percent of the new housing stock would be of a single product type (e.g., single-family detached residential or attached multi-family). This would not apply to the Yacolt urban growth area due to wastewater management issues.

- 1.1.145 Urban Growth Area Centers (UGA) have a full range of urban levels of services and can be divided into three main categories in the following density tiers:
- **Vancouver Urban Growth Area** is now or will be a major urban area activity centers with a full range of residential, commercial and industrial uses, high-capacity transit corridors, schools, major cultural and public facilities. Major urban areas centers, have or will have, urban densities of development of at least 8 units per net residential acre (6 gross units per acre) as an overall average. Areas along high capacity transit corridors and priority public transit corridors may have higher than average densities while other areas would have lower densities (e.g. established neighborhoods and neighborhoods on the fringes of the urban area). Regional institutions and services (government, museums, etc.) should be located in the urban core.
 - **Urban Growth Areas of Battle Ground, Camas, Ridgefield and Washougal**, will have a full range of residential, commercial and industrial uses, schools, neighborhood, community and regional parks and are within walking distance to HCT corridors or public transit. These areas will have employment opportunities and lower densities than a major urban area centers, averaging at least 6 units per net residential acre (4.5 gross units per acre). Higher densities occur along transit corridors and in the community center, with lower densities in established neighborhoods and on the outskirts of the community. These urban growth areas centers should have a center focus that combines commercial, civic, cultural and recreational uses.
 - **Urban Growth Areas of La Center and Woodland** will have predominantly residential uses with at least 4 housing units per net residential acre (3 gross units

1 per acre) and includes pedestrian-oriented commercial uses, schools and small
2 parks.

- 3 • There are no standards for the **Yacolt Urban Growth** area due to lack of public
4 sewer. A mix of residential uses and densities are or will be permitted.
5 Neighborhoods are to have a focus around parks, schools, or common areas.

6 1.1.1⁵⁶ Rural Centers are outside of urban growth areas centers and urban reserve areas and
7 provide public facilities (e.g., fire stations, post offices, schools) and commercial facilities
8 to support rural lifestyles. Rural centers have residential densities consistent with the
9 surrounding rural minimum lot sizes and do not have a full range of urban levels of
10 services

- 11 1.1.1⁶⁷ Establish consistent regional criteria to determine the size of urban growth areas for the
12 20-year comprehensive plans that:
- 13 • Assume the need for residential market factor lands added to the amount called for in
14 the population forecast to build in flexibility.
 - 15 • include a household size of 2.66 people per household
 - 16 • conserve designated agriculture, forest or mineral resource lands;
 - 17 • ensure an adequate supply of buildable land;
 - 18 • have the anticipated financial capability to provide infrastructure/services needed for
19 the 20-year growth management population projections; and,
 - 20 • balance industrial, commercial and residential lands.

- 21 1.1.1⁷⁸ Establish consistent regional criteria for urban growth area boundaries for the 20-year
22 comprehensive plans that consider the following:
- 23 • geographic, topographic, man-made and natural features (such as drainages, steep
24 slopes, riparian corridors, wetland areas, etc.);
 - 25 • public facility and service availability, limits and extensions;
 - 26 • jurisdictional and special district boundaries;
 - 27 • location of designated natural resource lands and critical areas; and,
 - 28 • minimize split designations of parcels.

29 **La Center UGA**

- 30 1.1.1⁸⁹ There shall be no net material increase in cardroom capacity within the La Center Urban
31 Growth Area.

32 **Cowlitz Indian Tribe**

33 To adequately plan for growth and implement the policies of the Growth Management Act, the
34 county, municipalities, and special districts will consult with the Tribe to create continuous and on-
35 going mechanisms that coordinate regional and local planning as follows:

36
37 1.1.1⁹²⁰ Meaningful and substantial opportunities for early and continuous tribal government
38 participation in planning.

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40 1.1.2⁹¹ Local jurisdictions will work with the tribe to develop agreements that provide for
41 discussion on comprehensive planning issues among governments. The parties will
42 jointly determine the appropriate contents of agreements and a schedule for completing
43 them.

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1.1.2⁴² The tribe, county, municipalities and special districts are encouraged to coordinate plans among and between governments and agencies to address substantive areas of mutual interest and promote complementary and cooperative efforts.

1.1.2²³ The county, municipalities, special districts, and tribe are encouraged to keep one another informed about matters of local and regional interest by mutually agreeable means and schedule.



Planning Commission Recommendation

TO: Clark County Council
FROM: Karl Johnson, Planning Commission Chair
PREPARED BY: Susan Ellinger, Planner III, Community Planning
DATE: June 20, 2023
SUBJECT: CPZ-2022-00016 Amendment to CCC 40.510.040

PLANNING COMMISSION RECOMMENDATION

On April 20, 2023, the Planning Commission voted 4 to 0 to recommend to the County Council to approve a modification to 40.510.040.

PROPOSED ACTION

Clark County Planning Commission recommends Council approve a modification to 40.510.040 to clarify that all proposed amendments to the comprehensive plan and development regulations require review before the Clark County Planning Commission. Please see Exhibit A for the proposed text amendment.

BACKGROUND

In March 1996, Clark County Ordinance 1996-04-28 was adopted and included many code changes to comply with new state law that required improvements to the permitting process, streamlining land use appeals and integration of the SEPA and development review processes. The ordinance included language to make the review of Type IV legislative decisions by the planning commission optional and similar language remains in CCC 40.510.040 today.

The 1996 staff report for the ordinance amendments did not address why the original change was made. Staff presume that it was added to exempt certain types of reviews like emergency actions that need swift consideration by county council.

An exception from planning commission review for some legislative decisions was added in May 2019, in Ordinance 2019-05-07, with the addition of 40.510.040.C.2, which states, "*Planning Commission review is not required for interim actions, moratoria, and emergency legislation...*" The current code is unclear if these are the only types of applications that are excepted from planning commission review.

For reference, 40.500.010.D.3.c outlines that, “A *Type IV process involves the creation, implementation or amendment of policy or law by ordinance. In contrast to the other three (3) procedure types, the subject of a Type IV process generally applies to a relatively large geographic area containing many property owners*”.

As outlined currently in 40.510.040.A, Type IV applications include review of the following types of amendments:

- a. Comprehensive plan map and text, and zoning change consistent with the map change;
- b. Development regulations;
- c. Arterial atlas; and
- d. Shoreline Master Program (SMP)

The proposed changes outlined in Exhibit A will require review by the planning commission for all Type IV decisions and expand public input opportunities by including a work session and public hearing. Due to the broad potential impact of Type IV decisions that generally apply to relatively large geographic areas, staff recommend the proposed modifications to make planning commission review of Type IV legislative decisions mandatory except those outlined in 40.510.040.C.2.

SUMMARY OF PUBLIC INVOLVEMENT PROCESS

A draft of the proposed amendments was sent to the state Department of Commerce on March 14, 2023 under RCW 36.70A.106. A Notice of Determination of Non-Significance was published in The Columbian newspaper on April 3, 2023.

A legal notice was published for the Planning Commission hearing on April 5, 2023. The Planning Commission held a work session on April 6, 2023 and a hearing on April 20, concluding with a recommendation for approval.

On April 5, 2023, the County Council held a work session on the 2022 Annual Reviews and Dockets, which included the proposed modification to 40.510.040.

On June 2, 2023, legal notice for the County Council Hearing, scheduled for June 20, 2023, was published in the Columbian newspaper. Any public comments received 24 hours in advance are included in the County Council hearing package.

APPLICABLE CRITERIA, EVALUATION AND FINDINGS

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

protection code provisions. Title 40 is required to be consistent with the 20-year Comprehensive Growth Management Plan. Amendments to CCC respond to a substantial change in policy, better implement applicable comprehensive plan policies, or reflect changes in federal/state law. The proposed amendments are provided in Exhibit A.

Growth Management Act (GMA)

RCW 36.70A.020 Planning goals.

The GMA goals set the general direction for the county in adopting its framework plan and comprehensive plan policies. The GMA includes fourteen overall goals. The goals are not listed in order of priority. Goals applicable to the proposed action include:

- Goal 11 – Citizen participation and coordination. Encourage the involvement of citizens in the planning process and ensure coordination between communities and jurisdictions to reconcile conflicts. RCW 36.70A.020(11).

Finding: The new procedures outlined in Exhibit A will expand public input opportunities by including a work session and public hearing with the planning commission for all Type IV decisions. These changes support the citizen participation and coordination outlined in GMA Goal 11.

RCW 36.70A.035, RCW 36.70A.140 and WAC 365-196-600

Reasonable notice provisions for public participation are outlined in RCW 36.70A.035 and RCW 36.70A.140 identifies procedures for public participation. Specifically, RCW 36.70A.140 states,

“Each county and city that is required or chooses to plan under RCW 36.70A.040 shall establish and broadly disseminate to the public a public participation program identifying procedures providing for early and continuous public participation in the development and amendment of comprehensive land use plans and development regulations implementing such plans. The procedures shall provide for broad dissemination of proposals and alternatives, opportunity for written comments, public meetings after effective notice, provision for open discussion, communication programs, information services, and consideration of and response to public comments.”

The proposed code changes outlined in Exhibit A will expand public input opportunities with the addition of planning commission review of all Type IV decisions. This directly responds to the requirements of these state statutes. WAC 365-196-600 contains provisions related to public participation and includes language similar to RCW 36.70A.140. It also includes the following:

“(4) Each county or city should try to involve a broad cross-section of the community, so groups not previously involved in planning become involved.

- (5) *Counties and cities should take a broad view of public participation. The act contains no requirements or qualifications that an individual must meet in order to participate in the public process. If an individual or organization chooses to participate, it is an interested party for purposes of public participation.*”

As outlined, the county is directed to support and implement broad public participation opportunities in the development and amendment of comprehensive plans and development regulations. Requiring a planning commission hearing for all Type IV decisions will ensure additional public participation opportunities and develop a consistent county procedure. This will also establish a process that is easier for the public to participate within, thereby supporting these state laws.

Specifically for planning commissions, WAC 365-196-600 outlines that in meeting the public participation requirements, jurisdictions should clearly describe the role of the planning commission and ensure consistency with requirements of Chapter 36.70, 35.63, or 35A.63 RCW. Similarly, Clark County Code 2.06.030 details the powers and duties of the planning commission and refers to the same statute by stating, *“The planning commission shall have such powers and perform such duties as are prescribed by Chapter 35.63 RCW, other applicable state law, and the Clark County Code.”*

In outlining provisions for planning commissions, RCW 35.63.060 states, *“Powers of commissions. The commission may act as the research and fact-finding agency of the municipality.”* Requiring a hearing before the planning commission supports this fact-finding role by allowing the members to ask questions, consider the impacts of amendments to the comprehensive plan and development regulations and make a recommendation to the county council.

RCW 35.63.100 outlines provisions related to comprehensive plans and states,

The commission may recommend to its council or board the plan prepared by it as a whole, or may recommend parts of the plan by successive recommendations; the parts corresponding with geographic or political sections, division or subdivisions of the municipality, or with functional subdivisions of the subject matter of the plan, or in the case of counties, with suburban settlement or arterial highway area. It may also prepare and recommend any amendment or extension thereof or addition thereto.

*Before the recommendation of the initial plan to the municipality the commission **shall** hold at least one public hearing thereon, giving notice of the time and place by one publication in a newspaper of general circulation in the municipality and in the official gazette, if any, of the municipality. (emphasis added)*

This language further supports the requirement for review before the planning commission for Type IV decisions.

Finding: Adding the language in Exhibit A will provide for a consistent procedure for all amendments to the comprehensive plan and development regulations, provide additional public participation options and allow the planning commission to fulfill some of the roles laid out for planning commissions in state law. The proposed changes to 40.510.040 better implement RCW 36.70A.035, RCW 36.70A.140 and WAC 365-196-600 for review of Type IV decisions.

Comprehensive Growth Management Plan 2015-2035, countywide planning policies (CWPP) and Clark County Code

The 20-year Comprehensive Growth Management Plan contains many policies that support collaboration, coordination and public participation. Specifically, policy 1.1.13 supports public participation by stating,

“1.1.13 Coordination of land use planning and development:

- Clark County and each municipality shall cooperatively prepare land use and transportation plans and consistent development guidelines for the urban area.*
- Comprehensive Plans must be coordinated. The comprehensive plan of each county or city shall be coordinated with and consistent with, the comprehensive plans adopted by other counties or cities with which Clark County or city has, in part, common borders or related regional issues. **The city and Clark County shall play partnership roles in the production of plans which provide the opportunity for public and mutual participation, review and comment.**” (emphasis added)*

Adding an additional opportunity for public participation in Type IV legislative decisions is supportive of this policy. The proposed change is also supported by language in Clark County Code 40.510.040.B.1, which states:

*“Adoption or amendment of the comprehensive plan and development regulations is a legislative decision, rather than a project-specific decision. The legislative process includes a public hearing before the Clark County Council and may include a public hearing before the Planning Commission. **It is designed to solicit a broad range of public input at all levels pursuant to RCW 36.70A.035.**” (emphasis added)*

Finding: The proposed modifications and additions in Exhibit A expand the opportunity for input and feedback on Type IV reviews, which is promoted by the policies in the comprehensive plan and Clark County Code provisions.

RECOMMENDATION AND CONCLUSIONS

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

The following table lists the applicable criterion and summarizes the findings of the report for CPZ-2022-00016.

COMPLIANCE WITH APPLICABLE CRITERIA		
Criterion for Policy/Text Amendments	Criteria Met?	
	Staff Report	Planning Commission Findings
Consistency with GMA	Yes	Yes
Community Framework Plan	NA	NA
Countywide Planning Policies	NA	NA
20-Year Comprehensive Plan	Yes	Yes
Capital Facilities Plan	NA	NA
Recommendation:	Yes	Yes

ATTACHMENT(S)

Exhibit A, 40.510.040 Amendment Proposal



Exhibit A

40.510.040 Amendment Proposal

Proposed modifications are shown in **green highlight**.

40.510.040 Type IV Process – Legislative Decisions

A. Decision.

1. The provisions of this section apply to all Type IV legislative decisions, which include and are limited to adoption or amendment, pursuant to the Growth Management Act (GMA), Chapter 36.70A RCW, and Chapter 40.560, of the following:
 - a. Comprehensive plan map and text, and zoning change consistent with the map change;
 - b. Development regulations;
 - c. Arterial atlas; and
 - d. Shoreline Master Program (SMP) pursuant to the Shoreline Management Act, Chapter 90.58 RCW, and Chapter 40.460.
2. This section is intended to supplement, and not to limit, county authority and procedures for adopting legislation.
3. When revisions to the comprehensive plan are made through the periodic update pursuant to RCW 36.70A.130(5), the procedures in this chapter are to be used as a guide, with the exception that public noticing per Section 40.510.040(E)(1)(b)(4) is not required.

(Amended: Ord. 2020-03-01)

B. Process.

1. Adoption or amendment of the comprehensive plan and development regulations is a legislative decision, rather than a project-specific decision. The legislative process includes a public hearing before the Clark County Council and **may include** a public hearing before the Planning Commission. It is designed to solicit a broad range of public input at all levels pursuant to RCW 36.70A.035.
2. A Type IV decision ~~shall be~~ **is** final and conclusive unless an appeal is timely filed to the Growth Management Hearings Board in accordance with RCW 36.70A.280 and 36.70A.290, except as otherwise provided by law.
3. Council legislative action on other matters is governed by the Clark County Home Rule Charter and other applicable law and is not subject to this section.

(Amended: Ord. 2020-03-01)

C. Procedure.

1. **Except as explicitly set forth in this Subsection C, Aa** Type IV procedure ~~may~~ includes one (1) or more public hearings before the Planning Commission and includes one (1) or more public hearings before Council.
2. Planning Commission review is not required for interim actions, moratoria, and emergency legislation authorized by RCW 35.63.200, 36.70A.130(2)(b), or 36.70A.390 as described in Section 40.510.040(H).

(Amended: Ord. 2020-03-01)