STATE OF WASHINGTON
DEPARTMENT OF COMMERCE
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DRAFT

Public Comments

10-1-2026

Hector Hinojosa
1914 E. 29th St. 98663

* Lawsuits lost by the county is paid by tax payers not the developers.
** See underlined sections.

September 9, 2026

The Honorable Sue Marshall
c/o Oliver Orjiako, Community Planning Director
Clark County
1300 Franklin Street
Vancouver, WA 98666

Sent Via Electronic Mail: oliver.orjiako@clark.wa.gov

Re: 2026-S-14100 and 2026-S-14101 60-day Notice of Intent to Adopt - Periodic Update to Clark County's Comprehensive Plan and Development Regulations.

Dear Chair Marshall:

Thank you for the opportunity to review and comment on the Clark County's (county's) draft comprehensive plan and development regulations. We appreciate the ongoing coordination with our agency as you work to achieve the community's vision consistent with the goals and requirements of the Growth Management Act (GMA). Growth Management Services received the proposed amendment on July 24, 2026, and processed them with material identification numbers 2026-S-14100 and 2026-S-14101.

Your submission represents a great deal of work towards the 2025 periodic update of your comprehensive plan and implementing development regulations, which were due December 31, 2025.

We have reviewed your submittal using Commerce's Periodic Update Checklist and Expanded Housing Checklist. We encourage you and your community to consider the following as you finalize your drafts prior to adoption:

Comprehensive Plan

1. Land Capacity Analysis

In our review, we did not find the city's land capacity analysis, required by RCW

36.70A.070(2)(c). To demonstrate sufficient land capacity for projected housing needs at

each income level, including emergency and permanent supportive housing, we recommend including a summary of this analysis in the housing element and the full analysis in an appendix. The analysis should include an estimate of how many housing units at each income level may be accommodated under existing or planned zoning compared to housing needs. We recommend including a complete land capacity analysis in your comprehensive plan prior to final adoption.

2. Urban Growth Area Expansions

a. In our review, we did not find sufficient analysis supporting the proposed expansion of various urban growth areas outside of Vancouver to meet future population and growth targets. WAC 365.196.310(1)(e) outlines that, "The combined urban growth area may not exceed the areas necessary to accommodate the growth management planning projections, plus a reasonable land market supply factor, or market factor." From our understanding of the county's Vacant Buildable Lands Model (2023), it appears the current urban growth area boundaries are sufficient for the projected population increases expected within Clark County (HAPT compared to Alternative 1).

b. Additionally, we did not find any discussion or analysis documenting whether other zoning strategies have been utilized before concluding expansion of the various urban growth areas were necessary. The County's Land capacity analysis is the appropriate place to document and justify the need to expand the urban growth areas proposed in the draft comprehensive plan. As mentioned above, we did not find the city's land capacity analysis documenting such need.

c. Finally, in our review we did not find documentation indicating how the County expects urban levels of service will be provided to the expanded areas over the 20-year planning horizon.

3. De-designation of Resource Lands

a. In our review of the draft comprehensive plan and agricultural lands study, we did not find any discussion clearly demonstrating that the lands proposed for de-designation no longer meet the designation criteria. WAC 365.190.040(10)(c) outlines that amendments to resource land designations should be based on consistency with either:

- a change in circumstance related to the designation criteria,
- a change in circumstance to the subject property that is related to the designation criteria,
- an error in designation, or
- new information related to designation criteria.

b. Further, de-designations of agricultural lands based solely or primarily on proximity to urban growth that otherwise meet the definition of agricultural lands, historically has not been found to be defensible by the Growth Management Hearings Board[1].

As land capacity, UGA expansion, and de-designation of resource lands are inherently intertwined, we recommend re-evaluating each of these together. For consistency with WAC 365.190.040, RCW 36.70A.110 and RCW 36.70A.050, we recommend either: i. Removing the areas proposed to be de-designated from the various urban growth

[1] *Clark County Natural Resources Council and Futurewise v. Clark County, Final Decision and Order, Case No. 09-2-0002*

area expansion proposals after the documentation that the land capacity analysis demonstrates adequate capacity, or

ii. Including additional justification and analysis, consistent with RCW, that demonstrates the need for expansion of the various urban growth areas and for the de-designation of the associated resource lands.

Additional resources to assist in this work can be found using the links below:

- Commerce's Guidance for Updating Your Housing Element (Chapter 3). - Commerce's Urban Growth Area Guidebook.
- Commerce's Natural Resource Lands website.

Department of Commerce staff are willing to meet to discuss and provide support to help address these specific components of the draft comprehensive plan, if desired.

4. Transfer of Development Rights (TDR) Program

In our review, we found Policy 1.1.24 potentially inconsistent with state statue. While the stated goal of resource land preservation is aligned with RCW 43.362.005, TDR programs are not intended to be used as a mechanism to expand UGA Boundaries. When designated resource lands are already within a UGA, TDR programs provide a valuable mechanism to ensure those lands do not face development pressure (WAC 365.196.310(5)(e)(v)). We recommend separating the establishment of the TDR program from components of UGA expansion. Please see Commerce's Transfer of Development Rights website for more information.

5. Future Land Use Map

In our review, we could not find a future land use map included in the comprehensive plan. We only found the proposed zoning map. When the zoning map is also used as the future land use map, any process that rezone parcels must also be accompanied by a comprehensive plan amendment, which is allowed to occur only once per year consistent with RCW 36.70A.130. We recommend developing a separate and distinct future land use map that outlines wider categories of land use and allowing the zoning map to be used to apply Clark County Code specific development regulations.

6. Non-ag Accessory Uses on Ag Designated Lands

In our review we could not find policies associated with designated agricultural lands that limit non-agricultural uses to lands with poor soils or policies that limit the range of allowable accessory uses. We recommend updating the proposed policies and regulations for consistency with RCW 36.70A.177.

7. Adequate Provisions

As required in RCW 36.70A.070(2)(d)(ii), the housing element must include documentation of programs and actions needed to achieve housing availability including gaps in local funding, barriers such as development regulations, and other limitations. a. Although the housing element includes a description of barriers and the HOSAP (2022) includes a policy and code review with recommended actions, we could not find specific actions or policies that address the identified barriers.

b. We recommend adding to the housing element a list of barriers to affordable housing

need and local actions needed to remove those barriers to align with statute. Guidance on completing this requirement can be found in chapter 4 of Guidance for Updating Your Housing Element (pg. 54-76).

c. In consideration of recent Growth Management Hearings Board cases[2], we also recommend identifying the number of units that are likely to require subsidies and/or incentives to be affordable at the designated income levels, the amount of funding and/or incentives needed for these units, and potential local funding sources and incentives for housing needs. Guidance on completing this requirement can be found in chapter 4 of Guidance for Updating Your Housing Element (pg. 63-65) and Appendix B: Adequate provisions checklist.

8. Racially Disparate Impacts

a. In our review, we did not find identification of policies and regulations that result in racially disparate impacts, displacement, and exclusion in housing, as required by RCW 36.70A.070(2)(e). For guidance on completing this requirement, please see Guidance to Address Racially Disparate Impacts, particularly steps 3, 4 and 5 (pg. 33-48).

b. In our review, we did find a few policies and regulations that address and begin to undo racially disparate impacts, displacement, and exclusion in housing caused by local policies, plans, and actions. To be more consistent with RCW 36.70A.070(2)(f), we recommend including policies or actions informed by the findings of the policy evaluation (see comment above).

9. Displacement Risk

While we did find polices that address displacement and risk of displacement, we recommend strengthening the policies proposed in the comprehensive plan. Commerce has collected this matrix of anti-displacement policies and strategies as an additional resource.

Zoning Code

10. Density Bonus for Religious Institutions

In our review, we did not find provisions that allow an increased density bonus within UGAs on real property owned or controlled by a religious organization. Consistent with RCW 36.70A.545, we recommend including that density bonus option within the County's development regulations.

11. Parking

In our review of the parking standards in Clark County Code 40.340, we did not find amendments to residential parking regulations that are consistent with RCW 36.70A.622. For consistency with statue, we recommend incorporating the provisions outlined in RCW 36.70A.622.

12. Construction Flexibility

In our review, we found that the height and setback standards outlined in Clark County Code did not include provisions that would allow for the following flexibility:

[2] *Futurewise et al. v. City of Mercer Island, Final Decision and Order, Case No. 25-3-0003*

- Allow for new construction or retrofits of existing buildings for residential housing to project into required setbacks and exceed height limits by up to eight inches to accommodate the addition of necessary insulation.
- Allow for buildings that meet passive house requirements to project into required setbacks and exceed height limits by up to eight inches to accommodate the addition of necessary insulation.
- Measure gross floor area from the interior face of the exterior wall.
- Allow a building to exceed maximum roof heigh limits by at least 48 inches to accommodate a roof-mounted solar energy system.

For consistency with RCW 36.70A.810, .812, and .813, we recommend incorporating the ability to exceed height and setback standards in the above cases.

13. Façade Modulation

In our review, we found that the form-based standards in Title 40 Appendix F did not include provisions consistent with RCW 36.70A.815. We recommend including provisions in the Clark County Code that explicitly state that Clark County regulations do not require façade modulation or upper-level setbacks as a condition of permitting the following types of construction:

- Affordable housing,
- New construction or retrofit of existing buildings meeting passive house requirements,
- Conversion of existing buildings to housing or mixed-use development that includes housing, modular construction, or mass timber construction.

Finally, as a friendly reminder, copies of adopted plans and development regulations must be submitted to Commerce within ten days after final adoption (RCW 36.70A.106(2)).

Again, we appreciate the work your proposed amendments represent, and we wish you success in meeting the goals of the Growth Management Act. We are available for technical assistance. If you wish to discuss these comments, you may reach me at joshua.engelbrecht@commerce.wa.gov or 360-725-3046.

Sincerely,

Joshua Engelbrecht, AICP
Senior Planner
Growth Management Services

cc: David Andersen, FAICP, Managing Director, Growth Management Services Ben Serr, AICP, Eastern Regional Manager, Growth Management Services Carol Holman, MUP, Western Regional Manager, Growth Management Services Anne Fritzel, AICP, Housing Section Manager, Growth Management Services Laura Hodgson, Housing Planning and Data Manager, Growth Management Services