



Clark County Planning Commission

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Steve Morasch
Eldon Wogen
Jack Harroun
Jeremy Baker
Mark Bergthold

CLARK COUNTY PLANNING COMMISSION THURSDAY, NOVEMBER 21, 2024 MINUTES OF PUBLIC HEARING

Public Service Center
Council Hearing Room, 6th Floor
1300 Franklin Street
Vancouver, WA
6:30 p.m.

CALL TO ORDER

Planning Commission Rules of Procedure

HALBERT: I'd like to call this meeting to order for the Planning Commission hearing of Thursday, November 21st, 2024. Good evening, Planning Commissioners, members of public and staff members. I would like to call this hybrid public hearing to order for Thursday, which I already just said, November 21st, 2024. My name is Bryan Halbert, Vice Chair of the Clark County Planning Commission.

The role of the Planning Commission is to review, analyze comprehensive plan amendments, zoning changes and other land use related issues. We follow a public process including holding hearings during which the public has an opportunity to provide additional perspectives and information.

In legislative matters, the role of the Planning Commission is advisory. The County Council will hold separate hearings, consider our recommendations and make a final determination.

Jeff, I seem to be getting some feedback here. Is it this microphone here, the speaker? Testing. No, it's still, I don't think it's the speaker here. Testing. That's better. Thanks, Jeff.

Planning Commission rules and procedures. So, the Planning Commission will conduct a public hearing tonight and take testimony. All public comments received before tonight's hearing have been sent to the Planning Commission members and entered into the public record. And I'm still getting feedback, Jeff, or it echoes.

County staff will present first and then Planning Commission will ask questions. Next, we will invite the applicant to speak, if there is one, then members of the public who wish to provide testimony.

When we get to the public comment portions of our agenda, we will provide more information - done -

we will provide more information on how to participate both virtually and in person. However, if you are in person tonight and wish to provide a comment on hearing agenda items, please sign up by way of the sign-up sheets in the back of the room.

Yeah, should I switch mics? How am I doing now, Jeff? I think it sounds better. Can you guys hear me out there? Okay. Okay.

During public testimony you will have three minutes to speak, and remarks should be directed to the Planning Commission only. Please do not repeat testimony that has already been provided.

At the conclusion of public testimony, staff and the applicant may respond to comments and the public portion of the hearing will be closed. The Planning Commission will then deliberate and make a recommendation to County Council.

For both the virtual and in-person members of the Planning Commission and staff, please ensure that your microphones are muted unless you are speaking. Planning Commission members, when you make a motion or second a motion, please state your name for the court reporter.

So, at this time do any members of the Planning Commission have any conflict with tonight's hearing items at all? Okay. Hearing no conflicts. Jeff, will you call the roll.

ROLL CALL VOTE

HALBERT: AYE
BERGTHOLD: HERE
MORASCH: ABSENT
WOGEN: HERE
HARROUN: ABSENT
BAKER: HERE
JOHNSON: ABSENT

Staff Present: Alishia Topper, Clark County Treasurer; Christine Cook, Senior Deputy Prosecuting Attorney; Jose Alvarez, Program Manager II; Bart Catching, Planner III (Virtual); Susan Ellinger, Planner III; Jeffrey Delapena, Program Assistant; and Cindy Holley, Court Reporter (Virtual).

GENERAL & NEW BUSINESS

A. Approval of Agenda for November 21, 2024

HALBERT: Okay. We have a quorum so we will continue to proceed. Approval of our agenda for November 21st, 2024. I'd like to have a motion to approve tonight's agenda.

WOGEN: This is Eldon. I **move** that we approve the agenda for tonight November 21st.

BAKER: This is Jeremy Baker. I **second** that motion.

HALBERT: Jeff, we have a motion and seconded, can you roll call for a vote.

ROLL CALL VOTE

HALBERT: AYE

BERGTHOLD: AYE

WOGEN: AYE

BAKER: AYE

DELAPENA: 4/0.

Communications from the Public

HALBERT: Great. Agenda passes. And we'll move on. Communications from the public. So, the Planning Commission welcomes written comments and testimony from the public on items not listed on tonight's agenda.

Your comments should be directed to the Planning Commission, so these are for any comments that aren't on tonight's agenda. Jeff, will you give them instructions.

DELAPENA: For attendees using their computer or Webex application, if you would like to speak, please use the raised-hand icon. For attendees using the telephone, audio only option, press star 3 on your phone's number panel to raise your hand.

For those in person that would like to provide comment please raise your hand. Once acknowledged you may come to the microphone towards the front of the room. Public comments are limited to three minutes per person in order to accommodate all speakers.

Again, this portion of tonight's hearing is only for items not listed on tonight's agenda. We will begin with those in the hearing room who would like to make a general comment. Please raise your hand and the Chair will call on you to come up to the front of the micro- -- come to the front to the microphone. Please provide your first and last names for the court reporter. There are no raised hands in the hearing room.

We will now call on those people on Webex or the phone that have raised their hands. We have no raised hands on Webex.

PUBLIC HEARING ITEM

Affordable housing code amendments: Proposal to amend Clark County Code sections 40.230.010-Commercial Districts and 40.230.020-Mixed Use District. These proposed code amendments address short-term implementation strategy AH-1 detailed in the adopted Housing Options Study and Action Plan (HOSAP) to allow eligible affordable multi-family housing with no commercial component within the unincorporated Vancouver Urban Growth Area in the commercial and mixed-use zones.

Staff Contact: Susan Ellinger, susan.ellinger@clark.wa.gov, (564) 397-4516

HALBERT: Thanks, Jeff. We'll close this portion of the hearing and move on to Affordable Housing Code Amendments. So, if tonight you are providing testimony in person, please sign up on the sign-in sheet in the back of the room. If you are joining remotely instructions will be provided at the appropriate time by staff.

So tonight, we will be hearing Affordable Housing Code Amendments presented by Susan Ellinger, Alisha Topper, and Alisha Topper, sorry. Thank you. I'm going to turn it over to you, Susan.

ELLINGER: Thank you. For the record my name is Susan Ellinger and I'm a Planner with Community Planning, and I'm honored to be joined today by the County Treasurer, Alisha Topper.

TOPPER: Thank you. Good evening. I'm Alisha Topper for the record, Clark County Treasurer and I'm here this evening as affordable housing advocate.

ELLINGER: So, we're here today to discuss implementation of Strategy AH-1 from the Housing Option Study and Action Plan, and we're joined by Program Manager Jose Alvarez and interim Chief Civil Prosecuting Attorney, Chris Cook. Is it not on?

So, our agenda for today is to provide a short overview and background of how we got to this point - and I'm sorry, Jeff, could you go to the next slide. Thank you. - how we got to this point with the housing project, outline the code modifications that we are recommending and discuss our findings and recommendations. Next slide, please.

The Clark County Housing Option Study and Action Plan or HOSAP was adopted in May of 2022. The HOSAP identifies housing challenges and opportunities to encourage development of housing that is affordable to a variety of household incomes.

The HOSAP applies to the unincorporated Vancouver urban growth area, sorry, which is shown on this slide. The area of the county has urban services to support various types of housing. And following adoption of the HOSAP the County Council directed staff to begin working on modifications to the code to implement the plan.

The first phase of implementa- -- I'm having trouble tonight, I'm sorry. The first phase of

implementation included code changes applicable to middle housing and small single-family developments. Code changes to implement Phase 1 were adopted on March 5th, 2024.

The second phase of the project focuses on multi-family and regulated affordable housing and is currently in process. The projects we are here to discuss with you today pulls a single strategy from the Phase 2 work for implementation now. Next slide, please.

The project focuses on HOSAP strategy AH-1. This strategy aims to expand potential development options for affordable housing projects by allowing them to be located in the commercial and mixed-use zones.

The strategy suggests that allowed residential uses should meet certain affordability criteria. So based on the strategy language we worked on draft code language. Next slide, please.

In the draft code changes, we are proposing to add language to the commercial and mixed use zones that would allow affordable housing projects with no associated required commercial use if certain criteria are met.

Those include location within the Vancouver urban growth area and having the applicant provide evidence prior to certificate of occupancy of an executed long-term restrictive covenant that meet certain area median income or AMI requirements.

As outlined in the HOSAP, AMI is the midpoint of a region's income distribution. Half of the families in a region are in more than the median and half are in less than the median. These income levels are a way to assess housing affordability. Requiring this type of covenant ensures that units will remain affordable for a certain number of years, in this case we're suggesting 30 or more years. Next slide, please.

So based on feedback and comments that were made by the Planning Commission in the work session on November 7th, staff has included edits to the proposed code language.

As shown on the slide, the language presented on November 7th required a restrictive covenant of 30 years that met any of the federal low-income housing tax credit area median income requirements. There was no percentage of the number of units that had to meet this criterion.

Planning Commission members expressed concerns regarding how this might impact the supply of commercial land. Based on those comments staff is now proposing the language shown in red on this slide.

The "Covenant must cover a period of at least 30 years and require 100% of the units at an average of 60% of Area Median Income or less." As you may recall, the proposed code language was initially very similar to the language that the City of Vancouver adopted in 2019 but was expanded to allow more projects to qualify for the exemption.

As I mentioned, after the work session on November 7th, staff modified the language to address some of the concerns raised by the Planning Commission. We believe these changes will limit the number of projects that can use the exemption so that lands for jobs are not significantly impacted while still providing more potential sites for projects serving residents with lower area median incomes.

The modifications to the proposed code changes are included in the hardcopies that we provided this evening. Next slide, please.

In addition, staff worked with the County GIS Department to put together data regarding the number of acres and units developed with multi-family projects with no associated commercial use in the commercial and mixed-use zones. We only looked at projects that are within the Highway 99 subarea because this is the only place within the county jurisdiction where this is currently permitted.

The table on the slide shows that within the Highway 99 subarea there are a total of 458 total acres zoned commercial and mixed use. 111 acres are vacant, 111 acres of those 458 acres are vacant or underutilized and 4.45 acres and 73 units have been developed with no associated commercial use. This equates to about 4 percent of the vacant and underutilized land.

There are other multi-family projects in the county on commercial and mixed-use parcels including a Vancouver Housing Authority project, but all have some sort of commercial component. Next slide, please.

This slide shows a list of multi-family projects on commercial and mixed-use zoned parcels with no associated commercial use in the City of Vancouver that was provided by city staff.

The five projects listed on the screen include a total of about 10 acres and 326 units. As you can see similar to the county there are relatively low number of projects and acres that have been developed using this City exemption since its adoption in 2019.

In addition to the review of projects, staff discussed the work that is being completed for the Comprehensive Plan update. As a part of the vacant buildable land work that has been done in the past few years, it was recognized that we are beginning to see commercial land being developed with multi-family units because things like the City of Vancouver's code exemption that was approved in 2019, the allowance of multi-family uses as permitted uses in areas like Highway 99 and the City CX zone, and as a part of integrated mixed use developments.

So some areas are therefore included -- some areas therefore include an assumption that 25 percent of commercial land will be developed with noncommercial uses. And as we have already begun doing those assumptions will be monitored and updated to reflect development that actually occurs.

So why are we proposing that this change go forward now? There's a few answers to that question. The first is that Phase 1 code changes required additional revisions and were delayed past the original

expected implementation date. Because of that, work on Phase 2 was paused while Phase 1 was completed. We are currently working on Phase 2 but we're unsure of when it will go through the review process.

Depending on specific provisions which may include Comprehensive Plan changes we may decide to couple the Phase 2 housing code changes with 2025 Comprehensive Plan periodic -- with the Comprehensive Plan update and the anticipated completion of that is December 2025. I'm now going to have Alisha discuss some additional reasons for the timing of this code change.

TOPPER: Thank you, Susan. So, the code amendment in front of you today would have an immediate impact on addressing our affordability crisis here in Clark County.

The unincorporated Vancouver urban growth area as you read in the study shows that most of the housing types in the Vancouver urban growth area are single-family owner occupied, and for those that do rent nearly half pay more than 30 percent of their rent or 30 percent of their income towards rent. The sitting County Council acknowledges this gap in housing types, and they are ready to adopt an amendment this year.

Well, as we all know to make multi-family affordable housing possible it takes time and that means years, from identifying and purchasing land, applying for and receiving public funding or tax credits and securing private financing.

So, by you recommending this amendment this year with Council's approval an affordable housing developer can find land zoned properly now and not wait and they can start by adding that needed affordable housing. And the big thing is that they won't have to apply for the exemption which will save them both time and money, so truly the time is now, and the Council has indicated that they are ready for this amendment.

ELLINGER: So, keep going.

TOPPER: Next slide. I missed my cue.

ELLINGER: Keep going. Sorry, we got it off on the slides a little bit, my apologies on that. Keep going. One more. There we go. Okay. So, I wanted to note, I also wanted to note that there's another strategy in the HOSAP that considers allowing residential development for all income levels in the commercial and mixed use zones.

Strategy HO-21 will remain as a part of Phase 2 and be considered with future code updates. It includes concepts such as reducing the ground floor commercial requirements, allowing for active ground floor uses like community spaces or plazas to meet the commercial requirements and permitting alternative configurations of commercial and residential spaces. Next slide, please.

So now I'm going to discuss some of the review process for these proposed amendments. Public

involvement for this item includes submitting to the Department of Commerce for 60-day review on October 30th, issuing a SEPA Determination of Non-Significance and publishing it in the Columbian Newspaper on November 6, and publishing a Legal Notice for the Planning Commission hearing on November 6th.

In addition, the Technical Housing Code Forum is a group of industry professionals made up of participants of the original Project Advisory Group for the HOSAP, the Development and Engineering Advisory Board and the Planning Commission.

The forum holds public meetings and gives feedback regarding the housing code implementation. The forum has discussed all of the strategies in Phase 2 which included Strategy AH-1 until it was recently identified for separate implementation. Next slide, please.

The Clark County Unified Development Code, Title 40, consolidates all development 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 the code may respond to a substantial change in policy, better implement applicable comprehensive plan policies or reflect changes in federal or state law.

In the staff report there's a finding that the proposed changes better implement State law including RCW 36.70A.020 and the Comprehensive Plan Framework Plan Policies, Countywide Planning Policies, Housing Element Goals and Policies and the Clark County Code to plan for and accommodate housing affordable to all economic segments of the population. Next slide, please.

Regarding the review process and next steps, this project was discussed at Council Time on October 30th. We are holding the Planning Commission hearing, and the Planning Commission work session was on November 7th, and the County Council hearing is planned for December 6th. Next slide, please. So that concludes our formal presentation and we're happy to answer any questions you might have.

Questions from the Planning Commission

HALBERT: Thank you, Susan, that's great. Go down the list and see if there are any questions. Do you want to start, Jeremy?

BAKER: Sure. So, could you illustrate a little bit more, you had in the slides where Vancouver's projects, there's like 10 acres, 9.97 acres that has been utilized in this, do we have a total amount of acres?

Like so we're assuming the 111 acres are available in our Clark County urban growth area, so I was just trying to get a comparison on what's being used, utilized in this program.

ELLINGER: So we did not look at an overall amount of city property that is zoned commercial and mixed use and the main reason was because the City's provisions require the property to be within a certain distance from high capacity transit and so getting the list of projects that meet those criteria is difficult and would have taken quite a bit of time, so we do not have that number.

BAKER: That's fine. And then how did we come up with the 25 percent utilization rate?

ALVAREZ: When we were updating the buildable - this is Jose Alvarez with Community Planning - when we were updating the Vacant Buildable Lands Model as part of the buildable lands report it was an assumption that was derived from the City based on the amount of development in their pipeline and what they were experiencing.

BAKER: And so, this assumption is built into our land use?

ALVAREZ: Correct, currently.

BAKER: So, for commercial jobs like employment jobs that, is there an offset basically is what I'm asking, is there --

ALVAREZ: Yes. So it started with the City of Vancouver and when we were updating the model what we found is that other jurisdictions are also doing that and so when we changed the model to be based on zoning we were able to make that adjustment for other jurisdictions and as part of the Comp Plan update you'll see a lot of the jurisdictions have a zoning that's sort of like mixed, a mixed zoning so we have a split, so we don't account for, there's a reduction for employment for that portion that could be developed.

BAKER: So, this gives, basically gives our county more flexibility in developing in the next without necessarily losing the availability of employment land?

ALVAREZ: Yeah. It's the flexibility and then also accounting for that loss.

BAKER: Okay.

ALVAREZ: So that they know that you're not going to get the full development unless you have integrated mixed use.

BAKER: Okay. Thank you. That's all the questions I had, Bryan. Thank you.

HALBERT: Yeah, thanks, Jeremy. Eldon.

WOGEN: I have a couple. On the City of Vancouver examples that were brought up, did those meet the covenant of the at least for 30 years and require a 100 percent of the units at an average of 60 percent of area median? No?

ELLINGER: So, they have a slightly different standard, it's 40 percent of the units have to be at 60 percent AMI, and they also have to be within a certain distance of transit and so these projects met those criteria.

WOGEN: So why are we coming up with something that's different?

ELLINGER: Sure. We met with some housing developers and with staff from the Washington State Housing Finance Commission and had a discussion about the concerns that the Planning Commission had of balancing lands for jobs with the need for affordable housing and came up with this proposal. And Alisha might have more to add to that I'm not sure.

TOPPER: Yeah. No, that's accurate. It's the best way to achieve our affordability goals while limiting the number of developments that we may see come in. And the other piece is I do believe that the City of Vancouver's code also requires the 30-year covenant which is consistent with what we're proposing here at the County.

WOGEN: Okay. Then just a follow-up. Then we're also looking at some other change, Strategy HO-21 where it can actually have different zones of income in a noncommercial use areas, right, do you know when that's going to go forward?

ELLINGER: Yeah. So that is part of Phase 2 of the HOSAP and we're working on Phase 2 currently but there's not language to implement that or any of the other strategies within the HOSAP yet, but that will come forward, it will either come forward earlier in 2025 or it may be combined with the code changes for the Comprehensive Plan update, the periodic review, and we'll be doing hearings for that over a lot of 2025 with it ending in December of 2025.

WOGEN: Okay. So, if a developer signs, you know, goes, agrees with the covenant to develop, is there any out on that? I mean, this is 30 years, what if the economy changes, what if they want to find out that it's more, it's better to have more of an HO-21 strategy on some of them and they want to remodel some of the units and get higher rent or is it just 30 years and that's it?

ELLINGER: It is a recorded covenant and so there isn't an out and that is why it's mostly public agencies that do that type of covenant because I think they have the expectation that they will be providing that housing for 30 years where others may not.

TOPPER: And many times, it's a requirement of their funding. So, if you aren't following the covenant you likely would have to repay and that would be incredibly expensive.

WOGEN: Okay. All right. Thank you.

HALBERT: Thanks. Thanks, Eldon. Mark, are you out there and do you have any questions?

BERGTHOLD: I am. Thank you, Bryan. No, I don't have any questions so far. Actually, Jeremy and Eldon have asked some really good ones, it sounds good.

HALBERT: Thanks, Mark. And I just want to say thanks for answering some of the questions that we had a few weeks ago. I like that you went back to look at the Highway 99 as a study area and it makes a lot of sense and it just seems like out of the 111 acres that could be developed it's unlikely that all of it's going to be developed, so there's going to be a lot of commercial land left, but it certainly gives our county opportunities to have another tool in there, in the zoning process or the code process, so thanks for that.

PUBLIC TESTIMONY

DELAPENA: Yes, I do. But please note -- I'm sorry, I'm going to share my screen. Please note to be a party of record you must submit written testimony before, during, or prior to the close of tonight's hearing, or provide oral testimony at the public hearing, or request in writing to be a party of record.

If written comments were received prior to November 21st, 2024, they were submitted to the PC members and posted on the Planning Commission website. Tonight's hearing is being transcribed by a court reporter, so please spell your first and last name and speak slowly. Public comment time is limited to three minutes.

We will now begin with those participants that have joined remotely via computer or telephone. Please raise your virtual hand or press star 3 on your phone to let us know you would like to provide comment. Andy Silver, I have requested to unmute you. You have three minutes.

SILVER: A-n-d-y, S-i-l-v-e-r, and I'm the CEO of the Vancouver Housing Authority. We are the largest developer, operator and owner of affordable housing in Southwest Washington, and I wanted to speak in favor of this change this evening. We are very excited about this potential opportunity.

From an affordable housing developer perspective what we would do if this were to move forward is we'd look for what I would call second tier commercial land. So, one thing I want to definitely stress is that really prime commercial land is quite expensive and would not be a good fit for affordable housing with what we're looking for.

So really what we would be targeting with this is land, in fact in the City of Vancouver we were able to get a parcel that had been on the market for over a decade, it wasn't a great fit in the commercial corridor it was on, and that allowed us to get per door affordable housing much cheaper than we could get residential land which is a big deal.

An incentive, a zoning incentive like this also gives affordable housing developers a leg up on for-profit developers who usually are more competitive for land because their rents aren't restricted so they're able to pay more, so that's another important component.

The other thing I'd like to stress is that with a lot of funding sources we use for affordable housing, they don't mesh well with a commercial component. So to put a commercial component in our housing is very complicated, we have to raise different types of dollars for it and oftentimes the populations we're serving and the locations of the parcels mean that we're really providing -- if we're doing a commercial component it's not really productive commercial, so we're putting in some office space, some community rooms, it's nothing that's going to produce jobs, et cetera.

So, I see this potential change as really a win/win. It gives more access to lead to more affordable housing but without really losing any real sales tax or job producing commercial land in any meaningful way. So, thank you very much.

HALBERT: Thank you, Andy.

DELAPENA: Austin Hicks, I have requested to unmute you. You have three minutes.

HICKS: Great. Thank you. Austin Hicks, A-u-s-t-i-n, H-i-c-k-s, I'm here on behalf of Southport Financial Services which is a developer of affordable housing with recently opened a 124-unit community called Columbia Gardens off Mill Plain Boulevard.

All of Southport's developments operate under the 30-year deed restricted covenant that guarantees affordability, and in fact, in their, in the 30 years of development that Southport has led they've never had a project fallout of affordability.

Here also to speak in support of this and express appreciation for the Planning Commission to consider this and for the presenters to bring it forward. Would echo much of what Andy said in terms of the efficiencies that this would bring.

Oftentimes when developers are looking for land, you know, if it is -- it can be challenging to find viable sites with consistent zoning already. When you find a viable site that is, that doesn't have allowable zoning, you have to hope that that, the seller of that land would be willing to go under option while you, you know, do something like consider pursuing a comp plan amendment, which is just a really lengthy process and it's difficult to, you know, find sellers that are interested in going down that road when they could just sell it to, you know, the next bidder who can move faster and, you know, get through the process quicker. So that's one piece of the immediacy of the solution that, that it will bring, so I wanted to add that to the perspective.

And, again, you know, echo a lot of, a lot of what Andy said and really do see this as a solution that will not only bring State resources to the region, it will do it quickly and it will, you know, bring housing online, so thank you.

HALBERT: Thank you for the comments, Austin.

DELAPENA: We have no more raised hands online. We will now begin with participants in the hearing

room. When we call your name on the sign-up sheet, please come up to the front and provide your first and last name for the court reporter. If you do not wish to provide public testimony, please say so. Brian McCarl.

MCCARL: Good evening. My -- can you hear me? My name is Brian McCarl, B-r-i-a-n, M-c-C-a-r-l. I'm the Executive Director of Specialized Housing, Inc. We specialize in affordable housing for the past 43 years. I've personally been developing it for 30 years.

We're currently engaged in the construction of 65 units of affordable housing at 12314 N.W. 36th Avenue in Felida and it's taken us three years to assemble land, gain entitlements, complete design and finance the project with low-income housing tax credits.

Our land is zoned community commercial and as the code is currently written our project would not be permitted had it not been for creative intervention on the part of the planning commission staff and the land director to take us through a planned unit development process. It allowed us to build residential density affordable.

We're going to serve seniors that are at 0 to 30 percent and up to 50 percent of the area median income. The current zoning would have required ground floor commercial in the community commercial zone, but affordable housing really requires residential density at all levels of the building. There's multiple reasons for that, balancing land cost and indirect cost with the total number of units, so maximizing density is important.

Another important issue is if you do not build housing, housing wants to stack as a structure, so the most efficient way to build it typically out of wood is to stack it from the ground all the way up.

If you are required to build what is in effect a commercial structure at the ground floor, gets very expensive because you're into transfer beams and a bunch of other design costs which aren't really accretive to the bottom line or the economic viability of the project.

And so, I would say that the issue of using low income housing tax credits was cited in the documentation as an important tool for these goals, there is a prohibition though which makes it very difficult to build more than 10 percent of an affordable project using tax credits for commercial purposes.

And, as Andy Silver remarked, there isn't a great relationship between commercial parts of a project and affordable housing. I would say that as the addition of additional levels to affordable housing is accretive to the bottom line that allowing residential density at the ground floor is very positive.

So, if the goal of the Planning Commission is to facilitate more affordable multi-family housing in Clark County, then I would encourage you to adopt the interim code amendment the way that it is written and the language that was submitted today.

HALBERT: Great. Thank you very much. Thanks, Brian.

DELAPENA: David Forland. Teresa Hardy.

HARDY: Good evening. Can you hear me? Good evening. My name is Teresa Hardy. Good evening, my name is Teresa Hardy. I'm here more from --

HALBERT: Can you go ahead and spell your last name.

HARDY: H-a-r-d-y. H-a-r-d-y. I'm here not really representing one group but been involved in several groups that are looking at the housing options and we were all excited with the first phase which was to produce, you know, change the code for single-family housing.

And just before that was approved, Karen, Council Member Bowerman asked Elizabeth Decker if any of those code changes were going to lead to affordability and she wrote a four page statement to Council around affordability issues and one of the things that came out of that was that small single-family and middle housing types supported by the proposed code changes will not lead to affordable or low income workers.

So that was disappointing in Phase 1 when I think some people were hoping for that and now, we're looking at Phase 2 to provide this affordable housing. And we're really in support of affordable housing.

It's the 60 percent I guess that's questionable because under Housing Option Study and Action Plan once again we hear aim to support creation of affordable housing and if you look at the AMI for 2023 and 2024, in 2023 at 60 percent you had to be making for a household of one, \$47,400, and now in 2024 you have to be making over \$48,000 and if you're making, if you need to make \$48,000 you need to be making about \$30 an hour. If you're making \$25 an hour you won't gross 48,000.

So, when we put this 60 percent as affordable, how many people are we really addressing that need housing, you know, a lot of people aren't making \$25 an hour. So, as we move forward with this, which is really important, how many of these developers are going to be providing it at less than 60 percent. That covenant says an average of 60 percent or less, but an average means it could be higher or lower, so do they come in at 70 and some at 50.

It's the affordability piece of this that as we move forward and these units really get developed would they, how many people will they really be addressing. Are they going to be the 30 to 40 percent? Are they going to be 50 percent? How much money do people need to be making to do that, to get in these units? That's just a question. Those are questions. Thank you.

HALBERT: Thank you, Teresa. Any other comments or any other public testimony?

DELAPENA: We have no one else signed up to speak.

Return to Planning Commission

HALBERT: So at this time I'll close the portion of the public testimony and ask staff if there's any responses they have or would like to comment on what they've heard.

TOPPER: Most of the comments this evening in my opinion with affordable housing are accurate and our last testimony it rings true to the need here in our community and we need deeply subsidized housing to meet the needs of those on Social Security Disability income who are on fixed incomes from retirement. This will make an impact.

There will be likely income averaging in some of the developments that come to us which will be deeply subsidized and maybe some more towards market rent, but in general it will build more housing, and it will help.

HALBERT: Thank you, Alisha. Okay. At this time, I'd like to ask the Planning Commissioners if there's any other comments. So I'm closing the public testimony and bringing it back to us as a PC board and for discussion and comments. Jeremy, do you want to go ahead and start.

BAKER: Sure. Thank you, Bryan. This is Jeremy Baker again. Yeah, I'm a father of four sons and I know that this issue is going to be a big issue for them. I focus a lot on employment in my questions but affordable housing is near and dear to my heart and I appreciate the time that was spent in putting this together and I'm overall pleased with the trajectory that this is going, it's going in the right direction and then obviously we can make adjustments if we aren't meeting the needs of the whole community later on.

HALBERT: Thanks, Jeremy. Eldon.

WOGEN: Well, I think Jeremy summed it up pretty well. I think, Alisha, you summed it up pretty well too that this is going to help, it's a step in the right direction and I see that too, so thank you.

HALBERT: Thanks, Eldon. Mark, are you still with us?

BERGTHOLD: I am and, yes, Eldon and Jeremy are right up there. I too am thankful that that our comments and our questions were listened to and that staff responded and I'm pleased from what I'm hearing tonight and what I read prior that on how that was laid out.

I'm particularly grateful for Alisha's being the treasurer, her take on that I think that's being a finance person, yeah, when you see that response from the County Treasurer that's a big plus, so I appreciate that.

HALBERT: Thanks, Mark. And my only other comment would be I really appreciate what, you know, Andy, Austin and Brian as representing their organizations had to say about this. It just -- it to me it

reenforces we're going the right direction and the hard work that staff has put in to get to this point is going to be well received by the community that will actually implement these projects, so thanks very much. Okay. Any other comments? If not, can I get a motion from one of you guys.

BAKER: Yeah, this is Jeremy Baker. And I would like to make a **motion** that we approve the amendment as proposed for the Clark County Code Sections 40.230.010 and 40.230.020 for the mixed-use districts.

BERGTHOLD: I'll **second** that.

HALBERT: Well, thank you, Mark. So, we have a motion and a second for the proposed action tonight. And, Jeff, can you give a roll call.

ROLL CALL VOTE

HALBERT: AYE

BERGTHOLD: AYE

WOGEN: AYE

BAKER: AYE

DELAPENA: 4/0.

HALBERT: That's great. Thank you. Motion passes.

PUBLIC HEARING ITEM

CPZ-2024-00002 Resource and Rural Districts amendment: Proposal to amend Clark County Code section 40.210.010 Forest, Agriculture and Agriculture-Wildlife Districts to allow new cemeteries as a conditional use accessory to an existing church in the AG-20 zone.

Staff Contact: Bart Catching, bart.catching@clark.wa.gov, (564) 397-4909

HALBERT: We will close this portion of our testimony or hearing and let's move on to CPZ-2024-00002, Resource and Rural Districts amendment and a staff presentation by Jose, or, no, Bart. Is Bart online? Okay. Bart, are you with us?

CATCHING: I am.

HALBERT: Thank you.

CATCHING: This is Bart Catching for the record. B-a-r-t, C-a-t-c-h-i-n-g. Clark County Community Planning. I apologize that I'm not there with you in person tonight, I have a bit of a head cold and didn't want to get anybody sick right before Thanksgiving, so... Thank you very much. Please let me

know if you're having any issues hearing me and all the usual.

Without further ado I'll summarize the staff report and then be open for any questions you all have. This is the same topic that we brought before you two weeks ago for work session. There are no substantive changes so we're just going to go through the same way we did before. Next slide, please, Jeff.

In sum, what we're requesting tonight is recommendation, a recommendation of approval from this Commission to the County Council for a proposed amendment to allow cemeteries as a conditional use in the AG-20, the AG-20 resource zone in the unincorporated portions of the county on parcels that had have or had an existing church as of January 1st of this year.

This amendment, in particular, would satisfy a request from the Old Apostolic Lutheran Church of Battle Ground to allow a cemetery to be built in conjunction with their newer church down southeast of Battle Ground. This would affect a very limited number of sites in the county as written and would preserve agricultural lands that are not affected by church sites.

As you can see on this slide in front of you that the highlight, the high-level summary points to keep in mind are, number one, cemeteries are currently not allowed at all in the AG-20 zone not even as a conditional use. This is being prompted as a response to a request from the community from a church congregation and so we are bringing it forward as a docket item but it's responding to a community need.

State GMA, the Growth Management Act, allows this use, there are other jurisdictions that have this in rural zones so we're not an outlier in that respect. Like I said, this based on our GIS runs this would only affect four sites in the county with churches on them on AG-20 lands.

So, the flip side of that is that it would conserve agricultural land and so again we recommend that you recommend approval of this proposal. Next slide, please.

To effectuate this code change it's actually very simple, only two things would need to be changed in Title 40 of the Development Code, this does not require a comprehensive plan text amendment.

The first change would be in the use grid so to speak for the AG-20 zone changing the prohibitive X for churches in AG-20 zone to a C representing conditional use.

And then as was done with the amendment five years ago very similar to this for allowing cemeteries in the forestry zone, this would add a footnote that would be tied to that use table and the footnote would read as you see before you in the quotes there, "A new cemetery, subordinate to a church in existence as of January 1, 2024, may be permitted subject to the approval of a conditional use permit." Next slide, please.

As I mentioned a moment ago and similarly to the discussion that Susan did earlier, code changes need

to comply with the GMA and our Comprehensive Plan. In this case, the two portions of the Comprehensive Plan that are most closely impacted are the Goal 8, Natural Resources section which would cover things like ag, forest, et cetera, and Goal 11, Citizen Participation, and we would do this through strategies that implement this amendment.

So, we have findings in the staff report that go into more detail, but in a nutshell Goal 8 is satisfied because this would only affect as I said a narrow group of properties that are already developed with churches not being used as farms and so it would conserve ag land, it wouldn't be a broad-based code amendment covering a large swath of properties.

And almost more pointedly Goal 11, the citizen involvement is directly implement involved here because the Old Apostolic Lutheran Church of Battle Ground and their associated other groups have come out in strong favor of this and so this is the County trying to be responsive to citizen input.

The combination of analyzing how this code amendment would apply to both those Comp Plan Goals and the fact that the Growth Management Act allows this use in resource zones leads us to the finding that the proposed amendment would satisfy GMA and better implement the Comp Plan Policies. Next slide, please, Jeff.

So, in conclusion, just to reiterate, this only affects a small number of properties associated with existing churches. The GMA and the Comp Plan allow the code change. This would have the reciprocal effect of discouraging incompatible uses on ag zoned lands that are already developed with churches.

You might think of cemeteries as just kind of a supplemental use to a church that makes a lot of sense and so this just allows it to happen in situations where there's enough land so to speak. And so, staff recommends that the Planning Commission recommend approval of the proposed code amendments to the County Council.

As I said we had the work session two weeks ago, having the hearing tonight and pending approval we would take this in the most efficient way forward to County Council early next year and move forward with the code changes.

It could be implemented quickly if they decide to approve it because it is a Title 40 change only and not a Comp Plan amendment.

The only other thing I would add that is an addition or change since the work session is at the time of the work session, we had no public comments. In the interim we, you guys have been provided and we have I believe the count is four public comments in support and they are in the record and there may or may not also be some people in the room or online to have some comments. So, with that I'm happy to answer any questions you have and that concludes my comments. Thank you.

Questions from the Planning Commission

HALBERT: Thank you, Bart. Okay. Bring it back to the Planning Commission for questions. Jeremy.

BAKER: This is Jeremy. I have no questions.

HALBERT: Eldon.

WOGEN: This is Eldon. No questions.

HALBERT: And Mark.

BERGTHOLD: No questions.

HALBERT: Yeah, the same Bryan here. No questions. So, at this time I'm going to open up the hearing for public testimony. And, Jeff, we'll turn that over to you for a moment.

PUBLIC TESTIMONY

DELAPENA: All right. And I'm going to reiterate that again for those in the, that have joined remotely via computer or telephone please raise your virtual hand or press star 3 on your phone to let us know that you would like to provide comment.

We are going to begin with those who have joined online. Please raise your hand now if you'd like to provide comment. Susan, is there anybody who would like to provide comment right now?

ELLINGER: I do not see any raised hands.

DELAPENA: Thank you, Susan. We will now begin with participants in the hearing room. When we call your name on the sign-up sheet, please come up to the front and provide your first and last name for the court reporter. If you do not wish to provide public testimony, please say so. David Forland.

FORLAND: David Forland, D-a-v-i-d, F-o-r-l-a-n-d. I'm the Chairman of the Board of Trustees for OALC Battle Ground and first off I want to say we really appreciate the work that the staff has done to in response to our initial inquiry about how we could construct a cemetery on the remaining parcel of land that we had where our church was constructed and it's similar to the process as Bart mentioned that took place with Forest 40 land in the Yacolt area.

I just wanted to call out the public testimony that is on record from Mr. Rotschy of Yacolt, he quite eloquently talks about the benefits of having a cemetery on the church property. I think he raises an interesting question as well with both the Forest 40 and this proposed AG-20 code amendment.

There's a stipulation of a date that the church has to be constructed by a certain date in order to fit this

amendment and it opens the door for any future church that may be on restricted land that today has an X on the code where a cemetery is not allowed of the church having to go through a similar process and taking up Council's time and the Commissions, Planning Commissions time in order to talk about that.

And so, I think he urged the Planning Commission to broaden the amendment to allow cemeteries associated with churches on any lands that are currently allows churches in that zone with the conditional use permit.

So, as we know churches and cemeteries go hand in hand so we agree a hundred percent with Mr. Rotschy's letter that was submitted and just wanted to make that case. Thank you.

HALBERT: Thank you, David.

DELAPENA: We have no one else signed up to testify.

Return to Planning Commission

HALBERT: Any, Bart, do you have any further comments?

CATCHING: I very much appreciate the testimony that was just given, and I read Mr. Rotschy's letter when it came in and it is not my place as staff to recommend additional changes in policy at this time.

I think the farthest I would say right now is that I don't disagree in principle with any of the statements made; however, my understanding of how we got to both the forest zoned amendments a few years ago and then these amendments is that they were designed to be limited for a reason and to not be open ended and that is what Council directed us to work on and that's what we worked on and brought before you and something that is going from a complete prohibition to a conditional use is a step.

And it could be considered a baby step, and if a bigger step seemed appropriate down the line, then we know what process we would follow, but right now this serves the need and it preserves ag land which is also a paramount goal of that portion of the GMA. So, with that I'd, that's all I have on that comment.

HALBERT: Thank you, Bart. And I'm going to bring it back to the Commission and start with you, Jeremy. Any further questions of Bart or comments on the testimonies?

BAKER: No. I think overall I think I'm in favor of the amendment as proposed. I do, I understand the idea that this is taking up valuable time, but I do like the fact that it's limited and we can re-address it if another applicant decides that they too would like a cemetery, I think it's a reasonable baby step.

HALBERT: Thanks, Jeremy. Eldon.

WOGEN: Oh, I think it's a great baby step too. So, I live in that area Battle Ground, which Old Apostolic Church site is it, is it this one at Tukes? Okay. All right. There's plenty of land there. I drive by it all the time. Oh, thank you. No other questions.

HALBERT: Bryan here. Just handing Eldon an aerial photo of the site that is being discussed. Mark, are you with us?

BERGTHOLD: I sure am, Bryan. I don't have a question but a comment here that I was very glad that the churches letter addressed the positive effect that it would have on public safety, yeah.

Having grown up in the Midwest and attended numerous funerals and graveside services on country roads, I can see the validity of avoiding that with having a church parking lot that would really cut down I think on the danger, if you will, effect on public safety that having this cemetery with a church together, I think that's a great idea.

I mean, it was used years ago by our ancestors, it's nice to see us getting back to that.

HALBERT: Thank you, Mark. Yeah, I too appreciated that letter and the positive points it made and the discussion so, yeah, thanks guys for doing that.

But I do have a question for you, Bart, on the date and as part of the amendment, I didn't -- if I understand it correctly that means a church needs to be in existence by today, so any future church that's on an AG-20 land would not qualify for this unless they brought a application in, am I understanding that right?

CATCHING: Yes. Yes. Not as of today but as of the beginning of this year and that was crafted to make sure that it encompassed the OALC southeast of Battle Ground, I apologize for not knowing the exact name, formal name of the church, but not leaving it open ended at this time for new churches to be constructed and qualify, that was the way that the forestry amendment was crafted and as Oliver Orjiako and Chris Cook mentioned in the work session we have not had drama or problems because of how that code change, those code amendments were done and so we're just trying to mimic that but with AG-20.

HALBERT: Yeah. Thanks, Bart. And one other question I had last at the work session, maybe I didn't ask it during the work session, but I see on the Table 40.210.010-1, the uses for cemeteries in the forest zone 40 and the AG-WL are all conditional, so this is consistent with that.

I had asked why does it need to be conditional and I've been studying it a little more and seeing that it's conditional for all the other zones, it makes sense, so overall I'm definitely in support of this too. Okay. If there's no other comments, I'd like to entertain a motion from one of you guys.

BERGTHOLD: I'll make a **motion** that we recommend approval of the proposed amendment to the

Code Section 40.210.010 as brought forth by staff.

HALBERT: Thank you, Mark. Is there a second?

BAKER: This is Jeremy Baker, and I **second** that motion.

HALBERT: We have a motion and a second. Any other questions or comments before we go for a vote? Hearing none, Jeff, will you call roll.

ROLL CALL VOTE

HALBERT: AYE

BERGTHOLD: AYE

WOGEN: AYE

BAKER: AYE

DELAPENA: 4/0.

HALBERT: Motion passes as presented. Thank you, guys.

CATCHING: Thank you all.

HALBERT: So, this will conclude the public hearing portion of our meeting tonight. And is there any old business that we need to discuss, or staff needs to bring up?

OLD BUSINESS

None.

NEW BUSINESS

HALBERT: Maybe new business, Jose.

ALVAREZ: Yes. Yes. New business. As we move forward into the new year I think I was sharing with the Planning Commission earlier this evening that we're going to start bringing some of the comp plan chapters before you so you can see the draft edits that have been made to comply with new regulations, so we'll begin that in our second, the second Thursday in January, third, sorry, our second meeting scheduled which is the third Thursday. Thank you, Eldon.

HALBERT: We're here to keep you inline, Jose.

ALVAREZ: I appreciate that.

HALBERT: Yeah, thanks. So, you're saying we should expect a busy year next year and because of --

ALVAREZ: Yes. Very, very busy.

HALBERT: -- planning sessions and hearings?

ALVAREZ: Yes.

HALBERT: Great. Thanks. And I know we always appreciate getting a heads-up schedule as far in advance as possible and so we can blackout time on our calendars to make sure we're here, so...

ALVAREZ: We'll be working on that.

COMMENTS FROM MEMBERS OF THE PLANNING COMMISSION

HALBERT: Yeah. Thanks, Jose. Any other comments or questions?

WOGEN: I'd just like to thank Jeff for organizing all this, you've done a great job so far.

DELAPENA: Thank you very much.

HALBERT: Okay. Guys, with that or we'll go ahead and adjourn our meeting tonight, so thanks for being here.

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://clark.wa.gov/community-planning/planning-commission-hearings-and-meeting-notes>

Television proceedings can be viewed on CTVV on the following Web Page at:

<https://www.cvtv.org/program/clark-county-planning-commission>

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