Chapter 20.110

INTENT AND PURPOSE

Sections:

20.110.010 Intent and Purpose

Section 20.110.010 Intent and Purpose

A. Overall purpose. The purpose of this Development Code is to provide a vehicle to implement the City's Comprehensive Plan, and by reference, the requirements of the Washington State Growth Management Act (GMA).

B. Community goals. The Development Code contains regulations to manage the community's growth in a manner that ensures efficient use of land, preserves natural resources, and encourages good design. Specifically, the code is designed to implement adopted policies including:

1. Support the creation of a responsive, open government that operates in partnership with all citizens for the purpose of maximizing participation, as well as with city employees to ensure that they are empowered to effectively meet citizens' needs.

2. Celebrate the city's cultural diversity and heritage.

3. Provide diverse employment opportunities within the community, maintaining a healthy business climate that also ensures that the city's residents will be provided a full range of goods and services.

4. Commit to responsible stewardship of the city's natural resources including airsheds and watersheds, wildlife habitats and open space, with special attention paid to protecting the Columbia River, with its contribution to the city's visual character, history, and economic base.

5. Provide the city's residents with quality urban services while at the same time preserving the character of existing neighborhoods and enhancing the livability of the area.

6. Integrate land use and transportation planning to ensure the efficient use of land, promote use of alternative modes of transportation, and reduce congestion and air pollution.

C. Revision of the Development Code. A major revision of the Development Code was completed in January 2004, which accomplished the following:

1. Consolidate into Title 20 all regulations affecting development within the Vancouver Municipal Code (VMC). These include appropriate regulations from: Trees/ Vegetation (Title 12); Planning (Title 18); Land Divisions (Title 19); and Environmental Review (Title 21). The revision also includes Growth Management Act (GMA) requirements by reference.

2. Condense and reorganize Title 20 to improve accessibility of information and reduce redundant and conflicting provisions.

3. Refine permit procedures to ensure certainty, efficiency, and equity of application.

4. Implement the city's goals for mixed-use and infill development in a manner that protects the character of existing neighborhoods.

5. Add provisions as necessary to improve clarity, comply with state statute and/or incorporate best planning practices.
(M-3643, Added, 01/26/2004)

Chapter 20.120

LEGAL PROVISIONS

Sections:

20.120.010 Title
20.120.020 Conflicting Regulations
20.120.030 Severability and Validity

Section 20.120.010 Title

A. Name. This title shall be and may be cited as the Development Code of the City of Vancouver, and shall be codified in Title 20 of the Vancouver Municipal Code. The Vancouver Municipal Code may be cited by the abbreviation VMC.

B. Law of the City. The contents of this Development Code shall be prima facie the law of a general and permanent nature of the City of Vancouver, State of Washington, and as such shall be entitled to recognition by all administrative bodies and tribunals of the city, the state or any of the political subdivisions or municipal corporations of the state, and by any court. Copies of the Development Code shall be received as the law of the city without further proof in all courts and administrative tribunals of the county and state.

C. Official documents. In case of any omissions or any inconsistency between any of the provisions of the Development Code as supplemented or modified from time to time and the official documents passed by the City Council of the City of Vancouver, Washington, the official documents shall control.
(M-3643, Added, 01/26/2004)

Section 20.120.020 Conflicting Regulations

Conflicting regulations. Wherever any provision of this Development Code imposes a restriction on the use of land greater than is provided by another ordinance, then this Development Code shall prevail.
(M-3643, Added, 01/26/2004)

Section 20.120.030 Severability and Validity

Validity of code. If any section, subsection, sentence, clause, or phrase of this Development Code is for any reason held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Development Code. The City Council of the City of Vancouver hereby declares that should any section, paragraph, sentence, or word of this Development Code be declared for any reason to be void or unconstitutional, on its face or as applied, it is hereby provided that all other parts of the same which are not expressly held to be void or unconstitutional shall continue in full force and effect.
(M-3643, Added, 01/26/2004)

Chapter 20.130

ZONING MAP ADMINISTRATION

Sections:

20.130.010 Classification of Zoning Districts
20.130.020 Establishment of Map and Text
20.130.030 Maintenance of the Map
20.130.040 Amendments to Map and Text
20.130.050 Interpretation of the Zoning Map

Section 20.130.010 Classification of Zoning Districts

Classification of zoning districts**.** The City of Vancouver is hereby divided into zoning districts, as named and described in this title. The boundaries of the zoning districts are hereby established as shown on the maps established in Section 20.130.020 VMC. Said zoning districts may be changed, as set forth in Section 20.130.040 VMC. Each lot, tract and parcel of land or portion thereof within the zoning district boundaries as designated and marked on the zoning map, is classified, zoned and limited to the uses as hereinafter specified and defined for the applicable zoning district.
(M-3643, Added, 01/26/2004)

Section 20.130.020 Establishment of Map and Text

Establishment of map and text. To accomplish the above goals and purposes, this Development Code includes both a map, by which the City of Vancouver is divided into various zones, and a text, by which the uses, development standards, and other regulations for each zoning district are set forth. Said map and text are hereby found to provide proper zoning for the city and to meet all criteria of this Development Code. The location and boundaries of all zoning districts designated in this title are as shown on the map entitled Zoning Map of the City of Vancouver, dated with the effective date of adoption of new development code and signed by the mayor and the clerk of the city, and as amended, is hereinafter referred to as the Zoning Map.
(M-3643, Added, 01/26/2004)

Section 20.130.030 Maintenance of the Map

Maintenance of map**.** The original signed copy of the Zoning Map containing the zoning districts designated at the time of adoption of this title shall be filed in the office of the city clerk pursuant to RCW 35.63.100 and a duplicate shall be filed in the office of the planning official to keep the maps up to date at all times. Copies of all zoning maps and amendments shall be dated with the effective date of the document adopting the map and amendments and shall be maintained without change, together with the adopting documents, on file in the Community and Economic Development Department.
(M-3643, Added, 01/26/2004)

Section 20.130.040 Amendments to Map and Text

A. Amendments. Amendments may be proposed by City Council on its own motion or may be proposed by the Planning Commission on its own motion, or such an amendment may be proposed by an applicant or city staff pursuant to Chapter 20.210 VMC, Decision Making Procedures. A correct copy of each amendment to the text or to the map established by this title shall be maintained on file in the offices of the city clerk and the planning official.

B. Timing and responsibility for updating official Zoning Map. All amendments hereafter made to the Zoning Map by ordinance shall be shown on such map(s) and it shall be the responsibility of the planning official to keep the maps up to date at all times. Any amendments to the zoning map shall be made in accordance with the Comprehensive Plan Map, as amended.

Table 20.130.040-1 is intended to identify base zoning districts that are consistent with comprehensive plan designations. Those zoning districts that are not included within a given plan designation are inconsistent with the Comprehensive Plan Map and are not permitted within that designation.

TABLE 20.130.040-1
COMPREHENSIVE PLAN AND CORRESPONDING ZONING DISTRICT DESIGNATIONS

Comprehensive Plan Designation	Corresponding Zoning Districts
Urban Lower Density	R-2 (2 du/ac)[2] R-4 (4 du/ac)[2] R-6 (6 du/ac) R-9 (9 du/ac)
Urban Higher Density	R-18 (18 du/ac) R-22 (22 du/ac) R-30 (30 du/ac) R-35 (35 du/ac) MX Mixed Use
Commercial and Mixed Use	CN Neighborhood Commercial CC Community Commercial CG General Commercial CX City Center WX Waterfront Mixed Use CPX Vancouver Central Park RGX Riverview Gateway (1) MX Mixed Use
Industrial	OCI Office Commercial Industrial ECX - Employment Center Mixed-Use IL Light Industrial IH Heavy Industrial A Airport
Open Space	GW Greenway NA Natural Area P Park
Public Facility	All Zones

[1] RGX Riverview Gateway is also consistent with Low Density and High Density Residential, and Industrial Comprehensive Plan designations.

[2] In accordance with VMC 20.410.025.B.5, No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC 20.230.030.

(M-3946, Amended, 02/01/2010, Sec 4 - Effective 03/03/2010; M-3930, Amended, 10/05/2009, Sec 8; M-3911, Amended, 02/02/2009, Sec 7 - Effective 03/04/2009; M-3730, Amended, 12/19/2005, Sec 2; M-3698, Amended, 04/03/2005, Sec 3; M-3643, Added, 01/26/2004)

Section 20.130.050 Interpretation of the Zoning Map

Interpretations. Where, due to the scale, lack of detail or illegibility of the zoning map, there is uncertainty, contradiction or conflict as to the intended location of any zoning district boundary as shown thereon, the planning official shall make an interpretation in writing of said map upon request of any person pursuant to Chapter 20.255 VMC Interpretations and Minor Adjustments. Any person aggrieved by any such interpretation may appeal such interpretation to the hearings examiner under Section 20.255.130 VMC. The planning official, in interpreting the zoning map or the Hearings Examiner in deciding any appeal, shall apply the following standards:

A. General rules for drawing boundaries. Zoning district boundary lines are intended to follow lot lines or be parallel or perpendicular thereto, or along the centerline of alleys, streets, rights-of-way or watercourses, unless such boundary lines are fixed by dimensions shown on the zoning map. Boundaries indicated as approximately following river, stream and/or drainage channels shall be construed as following river, stream and/or drainage channels. If a zoning district boundary divides a lot into two or more zoning districts, the location of the boundary, unless indicated by dimensions shown on the zoning map, shall be determined by the use of the map scale shown thereon.

B. When rights of way are vacated. When zoning districts are separated by a public street, alley or other public way, the boundary between the districts shall be construed as being the centerline of the right of way. Whenever any street, alley, or other public way is vacated in the manner authorized by law, the zoning district adjoining each side of such street, alley or public way shall extend to the center of the former street, alley or public way.

(M-3840, Amended, 08/06/2007, Sec 2; M-3643, Added, 01/26/2004)

Chapter 20.140

ENFORCEMENT

Sections:

20.140.010 Compliance
20.140.020 Certificates of Occupancy
20.140.030 Enforcement

Section 20.140.010 Compliance

A. General. Except as specifically set forth elsewhere in this title, no building or other structure shall be constructed, improved, altered, enlarged or moved, nor shall any use or occupancy of premises within the city be commenced or changed; nor shall any condition of or upon real property be caused or maintained, after the effective date of this title, except in conformity with conditions prescribed for each of the several zones established hereunder and with all applicable local, state and federal laws and regulations. It shall be unlawful for any person, firm or corporation to erect, construct, establish, move into, alter, enlarge, use or cause to be used, any buildings, structures or improvement or use of premises located in any zone described in this title contrary to the provisions of this title.

B.B. Obligation of successor. The requirements of this title apply to the property owner of record and/or the person undertaking the development or the use of structures or land and to that person's successors in interest.

C.C. Legality of pre-existing approvals. Any use of a structure or of land approved by the city prior to the effective date of this title, or by the county in annexed areas prior to annexation, may continue if consistent with such approvals.
(M-3643, Added, 01/26/2004)

Section 20.140.020 Certificates of Occupancy

A.A. Purpose. The purpose of this section is to ensure that each new or expanded use of a structure or of a site without a structure, and each new structure or alteration of an existing structure complies with all applicable provisions of this title. Certificates of Occupancy also provide the city with a record of each new or expanded use of a structure or site.

B. Application of Certificates of Occupancy.

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21. For use of new or expanded buildings. No buildings hereafter erected or enlarged shall be occupied, used or changed in use until a Certificate of Occupancy shall have been issued. Such certificates shall be applied for concurrently with the application for a building permit. A Certificate of Occupancy shall be issued only after such building or enlargement has been completed in conformity with the provisions of this title, with an approved site plan, if required, and when the proposed use conforms to this title and to any and all other required conditions. Any use legally occupying an existing building at the time this title becomes effective may be continued but shall not be changed, unless a Certificate of Occupancy for the new use shall have been issued by the city, if required by Subsection (B)(2), after finding that such use conforms to this title and required conditions.

3

42. For use of existing buildings. In the event a change shall be made in the classification of occupancies or use of any existing building which would place the building in a different division of the same group of occupancy or in a different group of occupancies, such building shall be made to comply

with the requirements of the City Adopted Building Code, and such change in occupancy classification shall require a Certificate of Occupancy. A Certificate of Occupancy shall not be required solely for changes in use within the same division of the same group of occupancy defined by the Uniform Building Code, as adopted by the city.

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63. Record. A record of all Certificates of Occupancy shall be kept on file with the Community and Economic Development Department.

(M-3643, Added, 01/26/2004)

Section 20.140.030 Enforcement

The applicable department director or designee has authority to enforce the requirements of this title. Enforcement of VMC Title 20 shall proceed under the provisions of VMC Title 22 except for VMC Chapter 20.770, Tree Conservation, which utilize separate enforcement mechanisms. Any approval, permit, certificate, or license issued in conflict with the provisions of this title, intentionally or otherwise, may be suspended or revoked by the planning official. The Planning Official and the City Attorney or designee may negotiate a settlement, compromise or otherwise dispose of an action when to do so would be in the best interest of the city.

(M-3959, Amended, 07/19/2010, Sec 2-Effective 8/19/2010; M-3663, Amended, 08/02/2004, Sec 26; M-3643, Added, 01/26/2004)

Chapter 20.150

DEFINITIONS

Sections:

20.150.010 Meaning of Words Generally
20.150.020 Meaning of Common Words.
20.150.030 Common Acronyms
20.150.040A Meanings of Specific Words and Terms A through D
20.150.040B Meanings of Specific Words and Terms E through H
20.150.040C Meanings of Specific Words and Terms I through L
20.150.040D Meanings of Specific Words and Terms M through P
20.150.040E Meanings of Specific Words and Terms Q through T
20.150.040F Meanings of Specific Words and Terms U through Z

Section 20.150.010 Meaning of Words Generally

General. All of the terms in this title have their commonly accepted dictionary meaning unless they are specifically defined in this chapter, or the context in which they are used clearly indicates to the contrary.
(M-3692, Amended, 02/28/2005, Sec 8; M-3643, Added, 01/26/2004)

Section 20.150.020 Meaning of Common Words.

A. Tense. All words used in the present tense include the future tense.

B. Singular/plural. All words used in the plural include the singular, and all words used in the singular include the plural unless the context indicates to the contrary.

C. Gender. All words used in the masculine gender include the feminine gender.

D. Use of shall, should, will and may. The words shall and will are mandatory, the word should is directory, and the word may is permissive.

E. Use of building and structure. The word building includes the word structure.

F. Use of 'used for'. The phrase *used for* includes the phrases *arranged for, designed for, intended for, maintained for* and *occupied for*.

G. Use of land and property. The words *land* and *property* are used interchangeably unless the context clearly indicates to the contrary.

H. Use of occupied. The word occupied shall included premises designed or intended to be occupied.

I. Use of person. The word *person* shall include *persons, association, firm, partnership* or *corporation,* as well as the *individual.*
(M-3891, Amended, 11/03/2008, Sec 3 - Effective 12/3/08; M-3692, Amended, 02/28/2005, Sec 8; M-3643, Added, 01/26/2004)

Section 20.150.030 Common Acronyms

ADA The Americans with Disability Act

ADA Also, Average Daily Attendance

ADT Average Daily Traffic

ADU Accessory Dwelling Unit

BAS Best Available Science

BFE Base Flood Elevation

BMPs Best Management Practices

CAP Critical Areas Permit

CAR Critical Areas Report

CED Community and Economic Development

CFR Code of Federal Regulations

CMZ Channel Migration Zone

CUP Conditional use permit

DBH Diameter at Breast Height

DFIRM Digital Flood Insurance Rate Map

DNS Determination of Non-Significance

DNR Washington State Department of Natural Resources

DOE or Ecology Washington State Department of Ecology

DS Determination of Significance

EIS Environmental Impact Statement

ESA The Federal Endangered Species Act

FAA Federal Aviation Administration

FAR Floor Area Ratio

FBFM Flood Boundary-Floodway Maps

FCC Federal Communications Commission

FEMA Federal Emergency Management Agency

FIRM Flood Insurance Rate Map

FIS Flood Insurance Study

FTE Full-time Equivalent

GLA Gross Leaseable Area

GMA The Washington State Growth Management Act of 1990

gsf Gross Square Feet

HGM Hydrogeomorphic

LOS Level of service

MDNS Mitigated Determination of Non-Significance

NAICS The North American Industrial Classification System

NFIP National Flood Insurance Program

OAHP The State Office of Archaeology and Historic Preservation

OHWM Ordinary High Water Mark

PUD Planned Unit Development

RCW Revised Code of Washington

SEPA State Environmental Policy Act

SF Square Feet. Also **s.f**. and **sq.ft.**

SRO Single-Room Occupancy

SWCCA Southwest Washington Clean Air Agency (formerly SWAPCA)

TDL Total Developable Land

USC United States Code

VMC Vancouver Municipal Code

WAC Washington Administrative Code

WDFW Washington Department of Fish and Wildlife

(M-4017, Amended, 07/16/2012, Sec 10-Effective 09/05/2012; M-3692, Amended, 02/28/2005, Sec 8; M-3643, Added, 01/26/2004)

Section 20.150.040A Meanings of Specific Words and Terms A through D

Abutting. Contiguous or adjoining with a common boundary line, except that where two or more lots adjoin only at a corner or corners, they shall not be considered as "abutting" unless the common property line between the two parcels measures 8 feet or more in a single direction. It shall include the terms *adjacent, adjoining* and *contiguous*.

Accept. To receive as complete and in compliance with all submittal requirements.

Access or Access Way. The place, means or the way by which pedestrians and vehicles shall have safe, adequate and usable ingress and egress to a property or use as required by this title.

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance.

Accessory Equipment Structure. An unstaffed structure that is subordinate and clearly incidental to the principal use or structure on the lot and may be used to house and protect the equipment necessary for processing wireless communications signals. Associated equipment may include air conditioning and emergency generators.

Accessory Structure. A building or structure, no larger than 800 square feet, which is clearly incidental to the primary structure on the same lot.

Accessory Use. A use of land or portion there of which is clearly incidental and subordinate to the principle use of the land located on the same lot or premises.

Acre. A measure of land area containing 43,560 square feet.

Actual Construction. The actual placing of building materials in their permanent position, fastened in a permanent manner, including any excavation.

Addition. Means the same as enlargement.

Adjacent. Abutting or located directly across a street right-of-way.

Adjoin. Means the same as abutting.

Adult Bookstore. Any premises from which minors are excluded and in which the retail sale of books, magazines, newspapers, movie films, devices, slides or other photographic or written reproductions distinguished or characterized by their emphasis on matter depicting, describing or relating to specified sexual activities or specified anatomical areas is conducted as a principal use of the premise; or as an adjunct to some other business activity, but which constitutes the primary or a major attraction to the premises.

Adult Entertainment Shows. Any premises from which minors are excluded and in which live entertainment is provided, or any device is provided in which the subject matter is distinguished or characterized by the emphasis on matter depicting, describing or relating to specified sexual activities or displaying specified anatomical areas as the principal use of the premises or is shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and

wherein fees of any kind are charged.

Adult Motion Picture Theater. Any establishment from which minors are excluded in which motion pictures, slides or similar photographic reproductions are shown depicting adult entertainment as the principal use of the premises, or are shown as an adjunct to some other business activity which is conducted on the premises and constitutes a major attraction; and wherein fees of any kind are charged; and wherein such movies are shown on a regular basis, and not to include a theater showing adult movies less than 5% of the total showing time of the theater.

Agent. Any person authorized in writing to act on behalf of the legal owner.

Agriculture, Existing and Ongoing. Those activities conducted on lands defined in RCW 84.34.020(2), and those activities involved in the production of crops or livestock, for example, the operation and maintenance of farm and stock ponds or drainage ditches; the operation and maintenance of ditches, irrigation systems (including irrigation laterals, canals, or irrigation drainage ditches); changes between agricultural activities; and normal maintenance, repair, or operation of existing serviceable structures, facilities, or improved areas. Activities that bring an area into agricultural use are not part of an ongoing operation. An operation ceases to be ongoing when the area on which it is conducted is converted to a nonagricultural use or has lain idle for more than five years, unless the idle land is registered in a federal or state soils conservation program, or unless the activity is maintenance of irrigation ditches, laterals, canals, or drainage ditches related to an existing and ongoing agricultural activity. Forest practices are not included in this definition.

Airport Approach Surface. The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface. An approach surface is applied to each end of the runway based upon the type of approach procedure permitted. Because landings under instrument flight rules, using the Portland International Airport Localizer Directional Aid, are an approved procedure at Pearson Field, the following approach surface dimensions have been applied:
Width of approach surface: 500' at inner end, 4,000' at outer end (inner end begins at end of primary surface)
Length of approach surface: 10,000 feet
Slope of approach surface: 34:1 (one foot vertically for every 34 feet horizontally)

Airport Conical Surface. The conical surface is an inclined plane beginning at the edge of the horizontal surface and extending outward at a 20:1 slope for a distance of 4,000 feet.

Airport Horizontal Surface. The horizontal plane 150 feet above the established airport elevation. The shape of the plane is determined by striking arcs from the end of each primary surface. The radius of each arch is connected by lines tangent to the arcs. For Pearson Field, the radius of these arcs is 5,000 feet for runways 08 and 26.

Airport Transitional Surface. The transitional surface is an inclined plane extending outward from the primary and approach surfaces at a 7:1 slope. From the primary surface and approach surface, the transitional surface slopes upward to the horizontal surface. The transitional surface extends outward from the approach surface a distance of 5,000 feet.

Aisle. The corridor by which vehicles enter into and depart from parking spaces.

Alley. A public right-of-way or private easement not over 30 feet wide which provides a secondary means of access to abutting lots, not intended by the city for general traffic circulation.

Alteration, Structural. Any change in a supporting member of a building, such as a bearing wall, column, beam or girder, floor or ceiling joist, roof rafts, roof diaphragms, foundations, piles, or retaining wall or similar components.

Altered. Structurally changed.

Alternative Mode. Refers to any means of commute transportation other than that in which the single-occupant vehicle is the dominant mode.

Alternative Work Schedules. Programs such as compressed work weeks that eliminate commuting trips for affected employees. For the purposes of this chapter, changing the time of when an affected employee begins his work shift shall not be considered an alternative work schedule if it only moves trips out of the peak period and does not eliminate trips.

Amateur or Ham Radio. Radio facilities operated for non-commercial purposes by individuals licensed by the FCC with an interest in construction and operation of radio equipment, usually as a hobby or avocation.

Amendment. A change in the wording, context or substance of this title or the comprehensive plan, or a change in the boundaries of a district upon the zoning district map or the boundaries of a designation on the comprehensive plan map.

Amenity. A natural or created feature that enhances the aesthetic and functional quality or makes more attractive or satisfying a particular property, place or area.

Americans with Disabilities Act (ADA). A 1990 federal law designed to bring disabled americans into the economic mainstream by providing them equal access to jobs, transportation, public facilities and services. The ADA contains requirements for most developments including accessible parking stalls, entrances and exits, pathways, and public facilities such as restrooms.

Anadromous. Fish that migrate up rivers and streams from the ocean to breed in fresh water.

Annexation. The incorporation of a land area into the City of Vancouver with a resulting change in the boundaries of the city.

Annual Average Day/Night Sound Level (Ldn). Calculated in decibels, the Ldn is the 24-hour logarithmic average sound level from midnight to midnight, obtained after adding 10 decibels to sound levels in the night from midnight to 7 a.m., and from 10 p.m. to midnight (0000 to 0700, and 2200 to 2400 hours), and then logarithmically average day-to-day over a 12-month period.

Antenna. A device used to transmit and/or receive radio or electromagnetic waves between land- and/or satellite-based structures; any device commonly consisting of poles, panels, rods, reflecting discs or similar device use for the transmission or reception of radio frequency signals, typically mounted on a supporting tower, pole, mast or building.

Apartment. A dwelling unit in a multiple-family building.

Apartment House. Means the same as Dwelling, Multiple-Family.

Appeal. A request for an impartial review of a land use decision or interpretation of land use-related

codes rendered by Community and Economic Development, its employees or any review body of the City of Vancouver.

Applicable Pretreatment Standards. For any specified pollutant, city prohibitive standards, city specific pretreatment standards (local limits), State of Washington pretreatment standards, or EPA's Categorical Pretreatment Standards, whichever standard is most appropriate or most stringent.

Applicant. A person submitting an application for development.

Approach Surface. The surface which is longitudinally centered on an airport's extended runway centerline, extending outward and upward from the end of the primary surface at a slope of 20 feet horizontally for each foot vertically. In plan, the perimeter of the approach surface coincides with the perimeter of the approach zone.

Approach Zone. An area at the end of an airport's runway which is 250 feet wide and expands outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet. The centerline of the zone is a continuation of the centerline of the runway.

Approved Plan. A plan that has been granted final approval by the appropriate approval authority.

Archaeological Interest. Capable of providing scientific or humanistic understandings of past human behavior, cultural adaptation, and related topics through the application of scientific or scholarly techniques such as controlled observation, contextual measurement, controlled collection, analysis, interpretation, and explanation [WAC 25-48-020(12)].

Archaeological Object. An object that comprises the physical evidence of an indigenous and subsequent culture including material remains of past human life including monuments, symbols, tools, facilities, and technological by-products [WAC 25-48-020(8)].

Archaeological Resources. Any material remains of human life or activities that are of archaeological interest. This shall include all sites, objects, structures, artifacts, implements, and locations of prehistoric or archaeological interest, whether previously recorded or still unrecognized, including, but not limited to, those pertaining to prehistoric and historic American Indian or aboriginal burials, campsites, dwellings, and their habitation sites, including rock shelters and caves, their artifacts and implements of culture such as projectile points, arrowheads, skeletal remains, grave goods, basketry, pestles, mauls, and grinding stones, knives, scrapers, rock carvings and paintings, and other implements and artifacts of any material [WAC 25-48-020(10)]. This shall also include any material remains of human life or activities from historic periods which are located at least partially below the ground surface necessitating the use of archaeological methods for study or recovery.

Archaeological Resource Survey. A procedure by which an archaeologist makes a determination of the actual existence (presence or absence) of an archaeological site in a disturbance area, a preliminary assessment of the site’s potential significance, and a recommendation for further evaluation, avoidance, mitigation, or recovery of resources in compliance with the provisions of this chapter.

Archaeological Site. Land or water areas that show evidence of artifacts of human, plant or animal activity, usually dating from periods of which only vestiges remain.

Archaeological Site, Known, Recorded. An archaeological site that has been recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP) or its successor.

Archaeological Site, Potentially Significant. An archaeological site which:

1. contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or
2. includes at least one feature; or
3. includes at least one relatively uncommon archaeological object; or
4. contains skeletal remains; or
5. is otherwise considered potentially significant by the archaeologist.

Archaeologist, Professional. "Professional archaeologist" means a person with qualifications meeting the federal secretary of the interior's standards for a professional archaeologist. Archaeologists not meeting this standard may be conditionally employed by working under the supervision of a professional archaeologist for a period of four years provided the employee is pursuing qualifications necessary to meet the federal secretary of the interior's standards for a professional archaeologist. During this four-year period, the professional archaeologist is responsible for all findings. The four-year period is not subject to renewal. RCW 27.53.030(8).

Areas of Special Flood Hazards. Lands in the flood plain subject to a 1% or greater chance of flooding in any given year. Designations on Flood Insurance Rate Maps always include the letter A. Also referred to as "Frequently Flooded Areas."

Arterial. Any principal arterial, minor arterial, or collector arterial streets.

Assessed Value. The value at which property is appraised for tax purposes.

Attached Antenna. An antenna is that affixed to an existing structure other than a wireless communication support structure.

Attached Sidewalks. Those sidewalks abutting the back of a curb.

Automobile Wrecking. The dismantling or disassembling of motor vehicles, or the storage, sale, or dumping of dismantled, partially dismantled, obsolete, or wrecked vehicles or their parts. Three or more dismantled, obsolete or inoperable motor vehicles on one lot shall constitute a wrecking yard.

Average. The arithmetic mean.

Average Daily Attendance (ADA). Regarding School Impact Fees, the average number of students attending an elementary or secondary school and used for the design of the facility.

Awning. A hood or cover which projects from the wall of a building, of a type which may be retracted, folded or collapsed against the face of a supporting building.

Banner. An on-site sign such as those used to announce an open house or a grand opening, or to make a special announcement. Normally, it is constructed of fabric and is without a rigid frame.

Base Flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "100-year flood." Designated on Flood Insurance Rate Maps by the letter A.

Base Flood Elevation. The elevation that the base flood is expected to reach. Also referred to as the "100-year flood elevation."

Basement. A portion of a building included between a floor, with its level 2 feet or more below the level from which the height of the building is measured, and the ceiling next above said floor. For the purposes of VMC 20.740.120, Frequently Flooded Areas, basement means any area of a building having its floor subgrade (below ground level) on all sides.

Base zone. The zoning designation applicable to a parcel of property irrespective of an Overlay District as reflected on the Vancouver Zoning Map.

Beach Nourishment. With respect to bank erosion hazard areas, beach nourishment is the placement of sand or soil to fill an eroding bank.

Berm. A mound of earth, typically linear in form and generally used as a buffer between uses or properties.

Best Management Practices. Systems of practices and management measures that:

1. control soil loss and reduce water quality degradation caused by nutrients, animal waste, toxics, and sediment; and

2. minimize adverse impacts to surface water and groundwater flow, circulation patterns, and to the chemical, physical, and biological characteristics of fish and wildlife habitat conservation areas, wetlands and buffers.

Bike Lane. Lanes on an improved street which are designated for use by cyclists and separated from vehicular traffic either by striping or small concrete barrier.

Bikeway. A pathway, paved and separated from streets and sidewalks, designed to be used by cyclists.

Binding Site Plan. A type of land division that segregates a portion of a legal lot created for the sale or lease of commercially- or industrially-zoned property; placement of manufactured homes or travel trailers on leased sites; and creation of condominiums pursuant to 58.17.040 RCW.

Bioengineering Techniques. Techniques that apply the principles of the biological, ecological, and soils sciences and structural engineering to build structures which, using live plant materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as "soft armoring techniques."

Biomass Generation. A major utility facility that provides for the production or collection of organic materials such as wood and agricultural residues and municipal solid waste that are primarily organic materials and the conversion or use of that material for the production of heat, electricity, or substitute fuels through several processes including, but not limited to, burning, pyrolysis, or anaerobic digestion.

Block. A group of lots, tracts or parcels within well defined and fixed boundaries.

Bog. A type of wetland where (1) organic (peat or muck) soil layers comprise at least 16 of the first 32 inches of the soil profile; or (2) there is more than 70% cover of mosses at ground level and more than 30% of the total shrub and herbaceous cover consists of species listed in Table 3 – Characteristic Bog Species in Washington State found in Hruby, 2004, Washington State Wetlands Rating System for Western Washington, Ecology publication #04-06-025, or as revised by Ecology. Many bogs have soils classified as peat or muck, are nutrient poor, have a low pH (acidic), and are fed largely by rainfall rather than streams or groundwater.

Boundary Adjustment. The minor alteration of the boundary between two lots or tracts which does not result in the creation of any additional lot(s); also known as boundary line adjustment.

Breezeway. A structure for the principal purpose of connecting the main building or buildings on a property with other main buildings or accessory buildings.

Buffer. An area that is contiguous to and protects a critical area and which is required for the continued maintenance, functioning, and/or structural stability of a critical area.

Building. Any structure having a roof and walls, used or built for the shelter or enclosure of persons, animals or property of any kind.

Building Envelope. That portion of a legal lot exclusive of the areas required for front, side, and rear yards and other required open spaces and which is available for siting and constructing a building or buildings.

Building Height. The vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173.27.030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Airport definitions and Sections 20.570 and 20.630.050 VMC.

Building, Main. A building within which is conducted the principal use permitted on the lot, as provided in this title.

Building Permit. The permit required for new construction and additions pursuant to Title 17 of the Vancouver Municipal Code (VMC).

Business Complex. Any building containing more than one business, or any group of buildings in close proximity to one another sharing parking, ownership, and ingress or egress.

Caliper. The diameter of a tree trunk measured at 6 feet above the ground for up to and including 4 inches caliper size, and one foot above the ground for larger trees.

Canopy. A permanent roofed structure attached to and supported by the building.

Canopy, Auto Dealership Plan District. A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75% or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

Capital Facilities Plan. The City of Vancouver Capital Facilities Plan element of the Comprehensive Plan adopted pursuant to Chapter 36.70A RCW and RCW 82.02.050, and as such plan is amended.

Caretaker Residence. A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation (same as Dwelling).

Central Business District. This area is the section of Vancouver defined as the commercial business district bounded by 4th Plain Boulevard to the north, Columbia River to the south, I-5 to the east, and

Lincoln Avenue to the west. This can apply to other areas as developed in the city, with similar zoning.

Certificate of Concurrency. A document issued by the transportation manager pursuant to Section 20.980.120 VMC indicating: the location or other description of the property on which a development is proposed; the type of development application for which the certificate of concurrency is issued; an identification of any affected transportation corridor and TMZ; the specific uses, densities, intensities, and any transportation system improvements, strategies, or other mitigation measures that were considered in the determination to issue the certificate, and which are authorized or required for development of the property; the amount of capacity within the affected transportation corridor or TMZ that is reserved for the development described in the certificate, and a statement that the reservation of capacity is non-transferable to other development(s); any conditions required pursuant to Section 20.980.120 VMC; and an effective date.

Change of Use. Any use that differs from the previous use as defined in Chapter 20.160, Use Classifications.

Citizens Band Radio. Two-way radio facilities operated for a short-range personal and business communications, without necessity of a federal license, pursuant to 47 CFR Part 95.

City. The City of Vancouver, Washington.

City Council or Council. The City Council of the City of Vancouver, Washington.

City Standards. Shall mean standard specifications, technical drawings, detail drawings and other information the city has adopted as minimum standards.

Clark County Cultural Resources Inventory. The comprehensive inventory of historic resources within the boundaries of Clark County including resources identified in the Clark County cultural resources inventory and other inventories by local jurisdictions within Clark County.

Clearing. The destruction or removal of vegetation from a site by physical, mechanical, chemical or other means. This does not include landscape maintenance or pruning consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, which does not impair the health or survival of the trees or native vegetation.

Closed Record Approval Hearing. An administrative hearing to approve or deny a project permit that is on the record to the City Council following an open record predecision hearing as defined by WAC 197-11-775 before the planning commission or hearings examiner.

Co-location. The use of a single wireless communications support structure or the use of a site by more than one wireless communications provider.

Commercial Nursery, or Tree Farm. A licensed plant or tree nursery or farm in relation to those trees planted and growing on the premises of the licensee, which are planted and grown for sale through retail or wholesale channels in the ordinary course of the licensee's business.

Commission or Planning Commission. Means the Planning Commission of the City of Vancouver, Washington.

Compatible. The capability of being able to function in a consistent and harmonious manner with others and surroundings.

Compatible Design. A building and/or site design which blends with the surrounding area. This might include a pitched roof of a similar pitch to surrounding roofs, trim, shutters or other architectural window detail; horizontal siding and/or brick exterior; and similar unit size or scale.

Comprehensive Plan. A long-range plan intended to guide the growth and development of a community or region that typically includes inventory and analytic sections leading to recommendations for the community's future economic development, housing, recreation and open space, transportation, community facilities and land use, all related to the community's goals and objectives for these elements.

Concurrent. Means that the existing capacity of an affected transportation corridor or transportation management zone is sufficient to accommodate the projected transportation impacts of a proposed development; or that transportation system improvements, strategies, or other mitigation measures which will achieve or maintain an operating level at or above the applicable level of service for the affected transportation corridor or management zone: and are planned, reasonably funded, and scheduled for completion no later than six years after development approval as reflected in the most recent version of the Six-Year Street Plan; and will be available and complete no later than six years after development approval, as provided by a voluntary financial commitment (where appropriate) by the applicant that is in place at the time development is approved by the Development Review Authority.

Conditional Use. An activity specified by this title as a principal or an accessory use, permitted when authorized by the appropriate approval authority and subject to certain conditions.

Contiguous. Means the same as abutting.

Contributing. A property which dates to the historic period and retains sufficient physical integrity so as to convey its historic character.

Contributing Area. When referring to wetlands, the land and/or water area adjacent to a wetland that drains into that wetland.

Conversion Option Harvest. A timber harvest as established in Washington State Department of Natural Resources Forest Practices Regulations and Chapter 20.770 VMC, Tree Conservation, whereby a property owner is allowed to harvest a limited amount of timber from their property within the City of Vancouver, while still maintaining the rights to convert their property to a use inconsistent with growing timber.

Conveyance. A mechanism for transporting water or other liquids from one point to another, including pipes, ditches, and channels.

Co-tenant. A person who resides with the applicant for the deferral and who has an ownership interest in the residence.

Court. An open, uncovered, and unoccupied space within an allotted property line.

Court Height. A measurement from the floor level of the lowest story in the building in which there are windows from rooms served by the court, to the highest point of the enclosing walls of the court.

Critical Aquifer Recharge Areas. Areas with a critical recharging effect on aquifers used for potable water as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC 14.26.

Critical Areas. Critical areas include fish and wildlife habitat conservation areas, wetlands, frequently flooded areas, critical aquifer recharge areas, and geologic hazard areas as defined by the Washington State Growth Management Act. Critical aquifer recharge areas are regulated under VMC 14.26. The others are regulated under VMC 20.740.

Critical Facility. Facilities that serve vulnerable populations, house emergency services, meet the definition of a Class I or Class II Operation under VMC 14.26, or perform other functions that would pose significant safety issues in even a slight landslide, flooding, erosion, seismic, or other natural hazard event. Critical facilities include, but are not limited to: schools, nursing homes, hospitals, police, fire, and emergency response installations, installations which produce, use, or store hazardous materials.

Critical Root Zone. The area where the tree's roots are located. This root zone is generally the area surrounding a tree trunk at a distance equal to one foot for every inch of tree diameter at breast height (dbh). This area is described as the radius of a circle around the tree.

Crown. The area of a tree containing leaf- or needle-bearing branches.

Crown Cover. The area within the drip line or perimeter of the foliage of a tree.

Cul-de-Sac. The circular turnaround at the end of a dead-end street.

Cultural Resources. The historic or prehistoric or archeological sites and standing structures, cemeteries, burial grounds and funerary objects and distributions of cultural remains and artifacts.

Decibels (dB). The measure of noise loudness on a scale weighted to approximate human ability to perceive sound (A). Each decibel is a measure of the difference in energy of a sound compared to another sound which is used as a reference. The reference sound is barely audible to the human ear, and each interval of 10 decibels indicates sound energy ten times greater than before. The A-weighted scale generally places zero dB at the threshold of hearing and 135 dB at the threshold of pain.

Dedication. The limited grant by a property owner allowing the use of property by the public for specified purposes by means of a deed or transfer to the city.

Dedication, Fee In Lieu Of. Payments in cash as an alternative to dedication of land or construction of improvements.

Deed. A legal document conveying ownership of real property.

Demolish. To raze, destroy, dismantle, deface or in any other manner cause partial or total ruin of a structure or other improvement.

Density. A measurement of ratio comparing the number of dwelling units with land area in relationship to a specified amount of land, expressed as the number of residential dwelling units per acre of land or the amount of land area expressed in the square feet of land assignable to each dwelling unit in a residential development.

Density, Net. The development density derived by dividing the net buildable area of the subject property (gross area less the total aggregate area required by the city for public or private streets, schools or other public facilities, not including parks and public or private recreation facilities dedicated or created as an integral part of the development) by the applicable lot size or area per unit.

Density, Gross. The development density derived by dividing the gross area of the subject property by the applicable minimum lot size. Gross density is used to determine the maximum number of lots that may be achieved on a parcel being developed.

Department. The Development Review Services Department, Long Range Planning Department, Public Works Department, or any division, subdivision, or organizational unit of the city established by ordinance, rule or order.

Detached Sidewalks. A sidewalk separated from the back of curb by a uniform width planting strip.

Developer. Any person, firm or corporation undertaking the development of any parcel of land.

Development. Any humanmade change to improved or unimproved real estate including but not limited to: mining, dredging, filling, drilling, grading, paving, or excavation, storage of equipment or materials; any subdivision or short platting of land; the construction or re-construction of residential, commercial, industrial, public or any other building or building space, and the placement of all types of manufactured homes defined herein. Development also includes the change in use of a building or land if approval is required pursuant to the Vancouver Municipal Code, Title 17 (Building Code). As related to the Tree Conservation Ordinance, development shall mean the division of a parcel of land into two or more parcels; the construction, reconstruction, conversion, structural alteration, relocation, or enlargement of any structure; any mining, excavation, landfill, clearing or land disturbance.

Development Application. Any application (including supporting materials) for approval of a development to which the provisions of Title 20 VMC apply.

Development Review Authority. The planning official, the City Hearings Examiner, the Planning Commission, or City Council, each having authority to approve a development application pursuant to Title 20 VMC.

Diameter at Breast Height (DBH). A tree's diameter in inches at 4 ½ feet above the ground. On multi-stemmed or -trunk trees, the diameter shall be the diameter equivalent to the sum of trunk areas measured at 4 ½ foot above the ground.

Direct-to-Home Satellite Service. The distribution or broadcasting of programming or services by satellite directly to the subscriber's premises without use of ground-receiving or distribution equipment, except at the subscriber's premises or in the uplink process to the satellite.

Disturbance Area. Regarding archaeological resource protection, the geographical area in which archaeological resources could potentially be adversely impacted by a proposed ground-disturbing action or activity. It includes equipment or material staging areas; utility installation areas; temporary roads or haul routes; or other areas outside of the proposed building footprint(s) that could be disturbed during construction. The disturbance area shall not be smaller, and will generally be larger than the area of the property proposed for development. In no case shall the disturbance area be smaller than one acre or the area of the parcel(s) upon which the property proposed for development is located, whichever is less.

Dog Day Care. A facility where dogs may be groomed, trained, exercised, and socialized, but not kept or bred, sold, or let for hire.

Domestic Animal. Any animal other than livestock that lives and breeds in a tame condition including, but not limited to: dogs, cats, small birds and other animals kept as pets.

Doorway Identification Nameplates. A non-electric sign that is limited to the name, address, and number of the building, institution or person and is limited to the activity carried on in the building or institution or to the occupancy of the person.

Downed Woody Vegetation. Shrubs, trees, or their branches that have fallen and are on the ground or in, across, or dangling above streams, rivers, lakes, or ponds; also known as *large woody debris.*

Drive-Through Facility. A facility or structure that is designed and intended to allow drivers to remain in their vehicles before and during participation in an activity on the site.

Driveway. A private way providing ingress and egress from one or two lot parcels or tracts to a public or private street.

Dwelling. A single unit providing a complete independent living space for one or more persons, including permanent facilities for living, sleeping, eating, cooking and sanitation.

Dwelling, Efficiency Living Unit. Any room having cooking facilities, and used for combination living, dining, and sleeping purposes for not more than two persons, and designed as a separate apartment, not merely rooming accommodations. Each efficiency living unit shall be provided with a separate bathroom meeting the requirements of the Building Code.

Dwelling, Houseboat Moorage. A facility that provides moorings for houseboats.

Dwelling, Multiple-Family. A building or portion thereof designed or used as a residence by three or more households and containing three or more dwelling units.

Dwelling, Single-Family. A building designed or used for residence purposes by not more than one household and containing one dwelling unit only. Such dwelling units may be either detached (i.e., free-standing) or attached (i.e., sharing) common walls with other such units.

Dwelling, Single-Room Occupancy Housing (SRO). A building wherein furnished rooms without cooking facilities are rented for compensation to three or more non-transient persons not included in the family unit of the owner or tenant of the premises.

Dwelling, Two-Family, or Duplex. A building designed or used for residence purposes by not more than two households and containing two dwelling units.
(M-4034, Amended, 12/03/2012, Sec 2-Effective 01/03/2013; M-4024, Amended, 09/10/2012, Sec 4-Effective 09/30/2012; M-4024, Amended, 09/10/2012, Sec 3-Effective 9/30/2012; M-4017, Amended, 07/16/2012, Sec 11-Effective 09/05/2012; M-4002, Amended, 12/05/2011, Sec 2-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 3-Effective 8/19/2010; M-3922, Amended, 07/06/2009, Sec 2; M-3868, Amended, 02/25/2008, Sec 2; M-3844, Amended, 10/01/2007, Sec 3; M-3840, Amended, 08/06/2007, Sec 3; M-3832, Amended, 06/18/2007, Sec 1; M-3733, Amended, 01/23/2006, Sec 2; M-3709, Amended, 06/20/2005, Sec 2; M-3701, Amended, 05/02/2005, Sec 2; M-3692, Amended, 02/28/2005, Sec 8; M-3667, Amended, 09/13/2004, Sec 2; M-3663, Amended, 08/02/2004, Sec 2; M-3643, Added, 01/26/2004)

Section 20.150.040B Meanings of Specific Words and Terms E through H

Early Notice. The city's response to an applicant stating whether it considers issuance of a determination of significance likely for the applicant's proposal.

Easement. A grant of one or more of the property rights by the property owner to and/or for use by the public, a corporation or another person or entity.

Ecology. The Washington State Department of Ecology.

Egress. An exit from a building or site.

Electric Vehicle. Any on-road vehicle that operates, either partially or exclusively, on electrical energy from the grid, or an off-board source, that is stored on-board for locomotive purpose. "Electric vehicle" includes: 1) a battery electric vehicle; 2) a plug-in hybrid electric vehicle; 3) a neighborhood electric vehicle; 4) a medium-speed electric vehicle; and/or (5) a battery-powered scooter.

Elevation, Architectural. A scale drawing of the side, front or rear of a structure.

Emergency Repair. The work necessary to prevent destruction or dilapidations to real property or structural appurtenances thereto immediately threatened or damaged by fire, flood, earthquake or other disaster.

Emergent wetland. A wetland with at least 30% of the surface area covered by erect, rooted, herbaceous vegetation as the uppermost vegetative strata.

Employees. Refers to all persons, including proprietors, working on the premises.

Employer. A sole proprietorship, partnership, corporation, unincorporated association, cooperative, joint venture, agency, department, district or other individual or entity, whether public, nonprofit or private, that employs workers.

Endangered and Threatened Species, Federally Designated. Fish and wildlife species identified by the U.S. Fish and Wildlife Service or NOAA Fisheries as threatened or endangered under the Endangered Species Act, 16 USC Section 1531, *et seq.*

Endangered, Threatened and Sensitive Species, State Designated. Fish and wildlife species native to the State of Washington and identified by the Washington Department of Fish and Wildlife as sensitive, threatened, or endangered species.

Energy-Efficient Construction. A structure designed and built which encourages the efficient use of energy. Construction standards qualifying for this shall be as specified by the State Energy Code. Design or construction methods that can be proven to provide equivalent or better energy conservation performance may be allowed as an alternative.

Engineer. An individual licensed by the State of Washington to practice civil engineering.

Enhancement. Actions performed to improve the condition of an existing degraded critical area or buffer so that the functions provided are of a higher quality. See also Wetland Enhancement.

Enlargement. An increase in size of an existing structure or use, affecting the physical size of the property, building, parking, and other improvements.

Entertainment. Regarding Adult Businesses, any exhibition or dance of any type, pantomime, modeling or any other performance.

Entertainer. Regarding Adult Businesses, means any person who provides sexually-oriented adult entertainment within a public place of amusement whether or not a fee is charged or accepted for such

entertainment.

Equity Value. The amount by which the fair market value of a residence as determined from the records of the county assessor exceeds the total amount of any liens or other obligations against the property.

Erect. To build, construct, attach, hang, place, inscribe, suspend or affix any sign or to paint any wall sign.

Erosion Control. The design and installation of measures to control erosion and sedimentation during and after construction and to permanently stabilize soil exposed during and after construction using a combination of structural control measures, cover measure, and construction practices.

Essential Public Facilities. Public facilities and privately-owned or operated facilities serving a public purpose that are typically difficult to site. They include but are not limited to: airports, state education facilities, state or regional transportation facilities, prisons, jails, other correctional facilities, and solid waste handling facilities. These facilities are of state-wide and regional significance, as opposed to facilities which only serve Clark County. Therefore, local transit service is not considered an essential public facility. Essential public facilities will be allowed in locations appropriate for the services provided and the people served.

Exception. Permission to depart from a specific design standard in this title.

Exotic. Any species of plants or animals that are not native to the area.

Extraordinary hardship. Extraordinary hardship occurs when strict application of the provisions of 20.775 VMC Wetlands and Water Bodies Protection would prevent all reasonable economic use of the subject parcel.

Façade. Any exterior building face, from corner to corner and finished floor to eave, exclusive of any roof area.

Face. To front upon.

Facility. In Chapter 20.990 VMC, Water and Sewer Facilities, the City of Vancouver's industrial wastewater collection system and industrial wastewater pretreatment facility constructed in 1979, and sometimes known as the pretreatment lagoon.

Family. See **Household**.

Feature. An artifact or set of artifacts which, due to its size and complexity, loses its integrity when moved, and therefore, cannot be transported as a unit to a laboratory or museum for study or display (e.g., a hearth, an ash lens, a storage pit, a cache of related artifacts, or a house floor).

Fence, Sight-Obscuring. A fence or evergreen planting constructed or arranged in such a way as to obstruct vision.

Findings. A written statement of the facts determined to be relevant by the approval authority as the basis for making its decision. The approval authority applies the relevant facts to the approval criteria or standards to reach its decision.

Fish and Wildlife Habitat Conservation Areas. Fish and Wildlife Habitat Conservation Areas include

habitat for Endangered, Threatened and Sensitive species; Priority Habitats and areas associated with Priority Species; Riparian Management Areas; Habitats of Local Importance, and water bodies.

Fish Habitat. Habitat which is used by any fish at any life stage at any time of the year, including potential habitat likely to be used by fish which could be recovered by restoration or management and includes off-channel habitat.(WAC 222-16-030)

Flood or Flooding. A general and temporary condition of partial or complete inundation of normally dry land area from the overflow of inland or tidal waters and/or the unusual and rapid accumulation or runoff of surface waters from any source.

Flood Insurance Rate Map (FIRM). The official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

Flood Insurance Study. The official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Maps and the water surface elevation of the base flood.

Floodplain. The relatively flat area or lowlands adjoining the channel of a river, stream, watercourse, or other similar body of water that has been or may be susceptible to being inundated by floodwater. The floodplain includes the areas of special flood hazards (frequently flooded areas).

Flood-Proofing. A combination of structural and nonstructural additions, changes or adjustments to properties and structures which are subject to flooding, primarily for the reduction or elimination of flood damage to properties, water, sanitary facilities, structures, and contents of buildings in the flood hazard area.

Floodway. The channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot.

Floor Area. The area of all floors, finish wall-to-finish wall, included in surrounding walls of a building.

Floor Area, Gross. The total enclosed area of all floors of a building measured to the outside face of the structural members in exterior walls and including halls, stairways, elevator shafts at each floor level, service mechanical equipment rooms, habitable basement or attic areas, and structured (not surface) areas for vehicle parking and loading.

Floor Area Ratio (FAR). A mathematical expression determined by dividing the total floor area of a building by the total area of the lot. It is determined by dividing the total gross floor area of all the buildings on a lot by the area of that lot, excluding public easements and right-of-ways, landscaped areas required under the requirements of this chapter and Chapter 20.740, Wetlands and Drainage Areas. For example, a floor area ratio of 2 to 1 (or 2:1) means that there are 2 square feet of gross floor area for every 1 square foot of lot area.

Frequently Flooded Areas. Areas of special flood hazards.

Front. Each side of a lot abutting a public street except state or federally designated highways.

Frontage. That portion of a parcel of property that abuts a dedicated public street, highway or approved

private street, from property line to property line.

Fronting Street. Shall mean a public or private road providing for vehicular access to the boundary of a parcel of real property being proposed for development.

Full-time Employee. A person other than an independent contractor scheduled to be employed on a continuous basis for fifty-two weeks a year for an average of thirty-five hours or more per week.

Full-time Equivalent (FTE). The equivalent number of full-time students attending a post secondary school such as a trade school, college or university.

Fully Complete. Regarding land use applications, the determination by the Review Authority that the application and associated documentation contain sufficient information and detail to reach a final decision; such determination shall not be interpreted to mean that the application meets applicable standards.

Functionally Disabled. With respect to a person who has a physical or mental impairment which substantially limits one or more of such person's major life activities; has a record of having such an impairment, or being regarded as having such an impairment. Such term does not include current, illegal use of or addiction to a controlled substance.

Functions or Functions and Values of Fish and Wildlife Habitat Conservation Areas. Functions or functions and values are the beneficial roles served by Fish and Wildlife Habitat Conservation Areas. Fish and Wildlife Habitat Conservation Areas provide habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering. Fish and Wildlife Habitat Conservation Areas affect the quality of habitat by providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.

Functions or Functions and Values of Wetlands. Functions or functions and values are the beneficial roles served by wetlands. Wetlands improve water quality, maintain watershed hydrology (for example, by providing base stream flow during dry periods and controlling flooding), and provide habitat.

Garage, Private. A paved, covered, and enclosed motor vehicle parking space with a locking door, either attached or detached from the living unit. An accessory building or an enclosed accessory portion of the main building designed and/or used for shelter or storage of vehicles, boats and/or other vehicles owned or operated by the occupants of the main building.

Garage, Public. A structure or portion thereof other than a private or community garage used for the storage of self-propelled vehicles or trailers. Any garage, other than a private garage, open to use by members of the public.

Geographic Barrier. A natural or constructed land form or feature such as, but not limited to: a promontory, a ravine, a large or fast-moving body of water or a dike.

Geologic Hazard Areas. Geologic hazard areas include landslide, seismic, and erosion hazard areas designated pursuant to VMC 20.740.130(A).

Grab Sample. Regarding solid waste regulations, a single sample which is taken from a waste stream without regard to the flow in the waste stream and without consideration of time.

Grade. As defined in the City Adopted Building Code(s).

Grading. Any excavation, filling or combination thereof.

Grading Permit. The permit required under Chapter 70 of the City Adopted Building Code(s).

Gross Floor Area. Means the same as floor area.

Gross Leasable Area (GLA). The total floor area designed for both tenant occupancy and exclusive use. This includes both owned and leased areas.

Ground-disturbing Action or Activity. Any development, construction, or related operation which could alter the site, including but not limited to: tree or tree stump removal, road or building construction or grading.

Group Living. Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment or residents

Guest House Dwelling. A detached accessory building designed, constructed and used for the purpose of providing temporary living accommodations for guest, or for members of the same household as that occupying the main structure, and containing no kitchen or kitchen facilities.

Guyed Tower. Any wireless communication support, using guy wires which are permanently anchored.

Habitable Floor Area. The total heated floor area in a structure devoted to living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces, and other similar areas are not counted as habitable floor area.

Habitats of Local Importance. Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the Washington Department of Fish and Wildlife but are designated as locally significant by the city.

Hazardous Material. Any product, substance, commodity or waste in liquid, solid or gaseous form that exhibits a characteristic that presents a risk to water resources. Risk may be due to ignitability, toxicity, reactivity, instability, corrosivity, or persistence. This definition extends to all “dangerous wastes” and “hazardous substances” that are defined in WAC 173-303 (State Dangerous Waste Regulations). It also includes the chemicals and/or substances that are defined in the Federal Emergency Planning and Community Right to Know Act (EPCRA) and/or the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA).

Hazardous Waste. Means all dangerous and extremely hazardous waste as defined in RCW 70.105.010 except for moderate risk waste.

Hazardous Waste Storage. The holding of dangerous waste for a temporary period as regulated by State Dangerous Waste Regulations, Chapter 173-303 WAC.

Hazardous Waste Treatment. The physical, chemical or biological processing of dangerous waste to make wastes non-dangerous or less dangerous, safer for transport, amenable for energy or material resource recovery, amenable for storage, or reduced in volume.

Hazardous Waste Treatment and Storage Facility, Off-Site. The treatment and storage facilities that treat and store wastes from generators on properties other than those on which the off-site facilities are located.

Hazardous Waste Treatment and Storage Facility, On-Site. The treatment and storage facilities that treat and store wastes generated on the same geographically contiguous or bordering property.

Headwaters. Springs, lakes, ponds or wetlands that provide significant sources of water to a stream.

Heritage Tree. A tree or group of trees designated as such by the city in Chapter 20.770 VMC, Tree Conservation.

High-Intensity Land Use. Land uses which are associated with high levels of human activity or substantial habitat impacts including Residential, Commercial, and Industrial zoning districts.

Historic District. A geographically definable area possessing a significant concentration, linkage or continuity of sites, buildings, structures or objects united by past events or aesthetically by plan or physical development.

Home Occupation. A use conducted entirely within a residential building, which use is clearly incidental and secondary to the use of the dwelling for dwelling purposes, and complies with the criteria established by 20.860 VMC Home Occupations.

Homeowners Association. A non-profit corporation or association operating under a recorded land agreement through which:

1. Each person owning or purchasing a lot in a planned unit or other described land area is automatically by such ownership or purchase a member; and

2. Each lot is automatically subject to a charge for a proportionate share of the expenses for the organization's activities, such as maintaining a common area and improvements.

Household. An individual, two or more persons related by blood or marriage, a group of two or more disabled residents protected under the Federal Fair Housing Amendment Act of 1988, adult family homes as defined under Washington State law, or a group living arrangement where six or fewer residents receive supportive services such as counseling, foster care, or medical supervision at the dwelling unit by resident or non-resident staff. Up to six residents not related by blood or marriage who live together in a single-family dwelling or in conjunction with any of the above individuals or groups, shall also be considered a household. For purposes of this definition, minors living with parent or legal guardian shall not be counted as part of the maximum number of residents.

Hydric Soil. Soil that is saturated, flooded or ponded long enough during the growing season to develop anaerobic conditions in the upper part. The presence of hydric soil shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter.

Hydrogeomorhpic (HGM) Classification. System used to classify wetlands based on the position of the wetland in the landscape (geomorphic setting), the water source for the wetland, and the flow and fluctuation of the water once in the wetland.

Hydrophytic Vegetation. Macrophytic plant life growing in water or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content. The presence of hydrophytic

vegetation shall be determined following the methods described in the Wetlands Delineation Manual defined in this chapter.
(M-4034, Amended, 12/03/2012, Sec 2-Effective 01/03/2013)

Section 20.150.040C Meanings of Specific Words and Terms I through L

Impact. The effect of an activity on designated critical areas, their buffers or sensitive resources.

Impact Fee. The fee levied as a condition of issuance of a building permit or development approval to support necessary public improvements affected by the development such as the transportation system, park acquisition and development, and schools.

Impact, Indirect. Impacts resulting from activities in the environs of a designated critical area, its buffer or a sensitive resource. Indirect impacts can result from construction activities nearby (e.g., producing sediment that enters a wetland or noise that disturbs a species listed under the Endangered Species Act). Other examples of indirect impacts include: changing the hydrology of an area such that it reduces water flow to a wetland or water body; introducing a barrier to wildlife movement through an area (such as a road or facility with bright night lighting); or reducing the size of a resource such that it can no longer perform the functions at its former level. The relationship of a designated critical area, buffer or sensitive resource to its surroundings must be considered in evaluating indirect impacts.

Impact, Permanent. Impacts that result in the permanent loss of a designated critical area, its buffer or a sensitive resource.

Impact, Temporal. The long-term effects of an activity or development where functions can be replaced eventually but cannot and do not achieve a similar functionality in a short period of time. For example, replacing the functions of song bird habitat in a tree canopy provided by a 50 year-old palustrine forested wetland, may take over 20 years to develop at the impact site.

Impact, Temporary. Short-term effects lasting for a limited time and where functions can be replaced in a relatively short period of time (about one year). For example, replacing the functions of habitat for small mammals or water quality for palustrine emergent (PEM) wetlands (those principally vegetated with grasses and forbs) may be done in one growing season if the disturbance is not severe.

Impervious Surface. A hard surface area which either prevents or retards the entry of water into the soil. Examples include, but are not limited to, structures, walkways, patios, driveways, carports, parking lots or storage areas, concrete or asphalt paving, gravel roads, packed earthen materials, haul roads and soil surface areas compacted by construction operations, and oiled or macadam surfaces.

Improvement. Any permanent structure including building, paving, or infrastructure that becomes part of, placed upon, or is affixed to property.

Infill Development. Development that occurs on underutilized or challenged parcels.

Infill Development Plan. A plan that is required to be submitted with infill development which identifies the existing and proposed lot characteristics, including applicable standards and incentives.

Infill Land Division. The division of an infill parent parcel using some or all of the standards contained in the Infill Development Ordinance.

Infill Parcels. Parcels that meet the eligibility criteria of this chapter or those parcels created by the land

division of an infill parent parcel through the application of the standards in the Infill Ordinance.

Infill Parent Parcel. Regarding Infill Development, the larger parcel of land from which infill parcels are divided.

Ingress. Access or entry.

Inordinate Light Source. Lighting source that is exceptionally bright or outside normal industry standards as found by the planning official.

Integrated Pest Management. A sustainable approach to managing pests by combining biological, cultural, physical, and chemical tools in a way that minimizes economic, health, and environmental risks.

Intermittent stream. Surface streams with no observable flow during 30 consecutive calendar days in a normal water year.

Junkyard/Salvage Yard. A place where waste, discarded, or salvaged materials are bought, sold, exchanged, baled, packed, disassembled, or handled, including auto wrecking yards, house wrecking yards, used lumber yards, and places where such uses are conducted entirely within a completely enclosed building, but not including pawn shops or establishments for the sale, purchase, or storage of used furniture and household equipment, used cars in operable condition, or salvaged materials incidental to manufacturing operations.

Kennel. Shall mean any premises on which four or more dogs older than 5 months are kept, excluding veterinary clinics, animal hospitals, and dog daycare facilities.

Kitchen. Any room or rooms, or portion thereof, used or intended to be used for cooking or the preparation of food.

Land-disturbing activity. Regarding erosion control regulations, any activity that results in a change in the existing soil cover (both vegetative and non-vegetative) or existing soil topography. Land-disturbing activities include, but are not limited to, demolition, reconstruction, construction, clearing, grading, filling, and excavation.

Land Form Alteration. Any man-made change to improved or unimproved property including, but not limited to, the addition of buildings or other structures; mining; quarrying; dredging; filling; grading; earthwork construction; stockpiling of rock, sand, dirt or gravel or other earth material; paving; excavation or drilling operations located within the area of special flood hazard.

Landscaping. To beautify or improve a section of ground by contouring the land and planting flowers, shrubs or trees. Landscaping may also include non-vegetative improvements such as courtyards, fountains, pedestrian walkways, plazas, and medians.

Lattice Tower. A wireless communications support structure, which consists of a network of vertical and horizontal supports and crossed metal braces, forming a tower that is usually triangular or square in cross-section.

Ldn. Annual Average Day/Night Sound Level. The "Ldn, Day/Night Sound Level," in decibels, is the 24-hour logarithmic average sound level, from midnight to midnight, obtained after adding 10 decibels to sound levels in the night from midnight to 7:00 a.m., and from 10:00 p.m. to midnight (0000 to 0700, and 2200 to 2400 hours), and then logarithmically averaged day-to-day over a 12-month period.

Legal Owner. The owner of record, as shown by the records of Clark County.

Livestock. Any horse, beef or dairy cattle, sheep, goat, llama, alpaca, mule, jack, jenney, burro, domesticated hare, rabbit, emu, ostrich, poultry or similar animal.

Load Space or Loading Area. An off-street space or berth on the same lot or parcel with a building or use, or contiguous to a group of buildings or uses, for the temporary parking of a vehicle which is loading or unloading, merchandise or materials.

Local Public Facility. A land use designed to serve the needs of the local neighborhood or community affected by the impact(s) of development. Local Public Facilities include, but are not limited to: elementary, middle, and high schools; fire stations; police stations; parks; and transit facilities. Local Public Facilities shall not include land use(s) of regional or community-wide significance, such as airports, colleges, hospitals, regional parks or community centers.

Logo. A group of letters, typically stylized, or symbols that represent a word, group of words or business name.

Lot Area. The computed area contained within the lot lines; said area to be exclusive of street or alley rights-of-way or access easements, Bonneville Power Administration (BPA) easements, water detention/retention ponds, wetlands and wetland buffers which are delineated and recorded on plats and short plats.

Lot, Corner. A lot abutting upon two or more streets at their intersection, or upon two parts of the same street; such street or parts of the same street forming an interior angle of less than 135° within the lot lines.

Lot Coverage. That percentage of the total lot area covered by structures, including all projections except eaves, balconies, bay windows, or uncovered deck 42 inches or less above grade.

Lot Depth. The average distance measured from the front lot line to the rear lot line. In the case of a corner lot, the depth shall be the length of its longest side lot line.

Lot, **Estate**. A lot in a subdivision that contains a house and outbuildings constructed prior to the subdivision. The estate lot cannot be larger than one acre in area, and is exempt from the minimum density requirements of any residential district.

Lot, Flag. A lot generally in the shape of a flag where access is typically by a narrow, private right-of-way or driveway.

Lot, Interior. A lot or parcels of land other than a corner lot.

Lot, Legal. A parcel of land used or which is capable of being used under the regulations of this title, lawfully created as such in accordance with the subdivision laws or ordinances in effect at the time of its creation.

Lot Line. Any line bounding a lot as herein defined.

Lot Line, Front. The property line abutting a street or the edge of a private street, or primary access. For corner lots the front line is that with the narrowest frontage. When the lot line abutting a street is

curved, the front lot line is the chord or straight line connecting the ends of the curve. For a flag lot, the front lot line is the shortest lot line adjoining the pole portion of the lot, excluding the unbuildable portion of the pole.

Lot Line, Rear. A lot line not abutting a street that is opposite and most distant from the front lot line.

Lot Line, Side. Any lot line that is not a front or a rear lot line.

Lot of Record. A lot shown on the records of the County Auditor at the time of the passage of an ordinance or regulation establishing the zoning district in which the lot is located.

Lot Size, Minimum. The area determined to be the minimum average lot size for each underlying zoning district prior to application of any lot size reduction allowed.

Lot, Through. Lot having front and rear frontage on two streets and/or highways. Lots with rear alley frontage shall not be considered through lots.

Lot Width. The horizontal distance between the side lot lines measured within the lot boundaries or the average horizontal distance measured halfway between the front and rear setback lines.

Lowest Floor. The lowest floor of the lowest enclosed area (including basement). An unfinished or flood resistant enclosed area below the base flood elevation, usable solely for parking of vehicles, building access or storage, in an area other than a basement area, is not considered a building's lowest floor, provided that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of VMC 20.740.120(C)(8)(c), (10)(d), or (11)(e).

Low-Income Housing. A single-family or multi-family rental housing development, the construction of which is either undertaken by a housing authority operating pursuant to Chapter 35.82 RCW or financially assisted pursuant to a federal, state or local governmental low-income housing program; provided, that the term shall apply only to the number of units within such housing development as are required to be rented to low-income tenants.

Low-Intensity Land Use. Land uses which are associated with low levels of human activity or low habitat impacts, including Open Space Greenway: Lettuce Fields and Vancouver Lake Lowlands and Open Space Natural zoning districts.

Low Noise Impact. Interior noise levels of Ldn 45 or less, considered for the purposes of Chapter 20.520 VMC, Noise Impact Overlay District, as acceptable for residential purposes.
(M-4034, Added, 12/03/2012, Sec 2-Effective 01/03/2013)

Section 20.150.040D Meanings of Specific Words and Terms M through P

Main. See Water Main.

Maintain. To allow to continue in existence. When the context indicates, the word shall mean to preserve and care for a structure, or to improve in condition an area to such an extent that it remains attractive, safe, and presentable and carries out the purpose for which it was installed, constructed or required.

Major Thoroughfare. The principal, minor, collector arterials, and State highways, as shown on the Arterial Street Plan adopted in compliance with Chapter 35.77 RCW.

Management Plan. A plan detailing how operations and maintenance activities subject to the provisions of VMC 20.740 will be performed.

Manufacture. Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or components.

Manufactured Home, Designated – means a manufactured home constructed after June 15, 1976, in accordance with state and federal requirements for manufactured homes. Conforms to federal Manufactured Home Construction and Safety Standards (HUD Code – "Red Label") rather than to the Building Code ("Gold Label") requirements.

Manufactured Home, Mobile – Means a structure transportable in one or more sections, which is built on a permanent chassis, and is designed for use with or without a permanent foundation when attached to the required utilities. (Generally built before June 15, 1976). "Mobile manufactured homes" are not "recreational vehicles".

Manufactured Home, Modular – Means any home built in modules at a factory. Modular homes conform to all state and local building codes. Modules are transported on truck beds, and then joined together at the site. They are inspected by local officials. (Regulated under the IBC standards – State Building Code).

Manufactured Home, New – means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a "used mobile home" as defined in RCW 82.45.032. (Regulated under the HUD construction and safety standards).

Manufactured Home Development. An existing site containing spaces with required improvements and utilities that are leased for the long-term placement of manufactured homes. This term shall also include "mobile home parks" as that term is used in other titled of the Vancouver Municipal Code (VMC).

Manufactured Home Subdivision. An existing subdivision created for the placement of manufactured homes on individual lots.

Marquee. A roofed structure attached to and supported by the building and projecting over public property.

Master Plan. A comprehensive, long-range site plan for a development project. The project may be located on a single parcel or on several contiguous parcels which are owned by one or more parties working cooperatively and collectively, and is usually implemented in phases.

Meandering Sidewalks. Those sidewalks separated by a non-uniform planting strip from the back of the curb.

Micro Facility. Regarding wireless communication facilities, a single antenna, or group of antennae, co-located on an existing tower, building or other appurtenance that is small in size and visually unobtrusive.

Mitigation. Mitigation is a six-step sequencing process used to reduce the severity of effects from activities that potentially affect sensitive resources:

a. Avoiding the impact altogether by not taking a certain action or parts of an action;

b. Minimizing impacts by limiting the degree or magnitude of the action and its implementation, by using appropriate technology or by taking affirmative steps to avoid or reduce impacts;

c. Rectifying the impact by repairing, rehabilitating or restoring the affected environment;

d. Reducing or eliminating the impact over time by preservation, and maintenance operations during the life of the action;

e. Compensating for the impact by replacing, enhancing or providing substitute resources or environments; and/or

f. Monitoring the impact and taking appropriate corrective measures.

Mitigation, Compensatory. Compensation for potential impacts to functions and values of critical areas (including fish and wildlife habitat, frequently flooded areas, geologic hazard areas, and wetlands) and their buffers.

Mixed-Use Development. The development of a tract of land, building or structure with a variety of complementary and integrated uses, such as, but not limited to, residential, office, manufacturing, retail, public or entertainment, in a compact urban form.

Mixed-Use Structure. A single structure containing at least two complementary, integrated, or mutually-supporting uses (such as housing, offices, manufacturing, retail, public service, or entertainment). The structure must achieve physical and functional integration within itself.

Moderate-Intensity Land Use. Land uses which are associated with moderate levels of human activity or substantial habitat impacts including Open Space Parks and Open Space Greenways: General zoning districts.

Mode. Refers to the means of transportation used by employees, including single-occupant vehicle, carpool, vanpool, transit, bicycle, and walking.

Monopole Tower. A wireless communications support structure, consisting of a single pole to support antennae and connecting appurtenances.

National Register of Historic Places. The national listing of properties significant to the nation's cultural history because of their documented importance to history, architectural history, engineering or cultural heritage.

Naturally occurring ponds. Ponds less than twenty acres and their submerged aquatic beds that provide fish or wildlife habitat, including those artificial ponds intentionally created from dry areas in order to mitigate impacts to ponds. Naturally occurring ponds do not include ponds deliberately designed and created from dry sites, such as canals, detention facilities, wastewater treatment facilities, farm ponds, temporary construction ponds, and landscape amenities, unless such artificial ponds were intentionally created for mitigation.

Native. Native plants are those species on the City of Vancouver's Native Plant Species list (available from the Planning Official).

New Construction. For the purposes of VMC 20.740.120, Frequently Flooded Areas, "new construction" means structures for which the "start of construction" commenced on or after September 5, 2012.

Noise Contour. The graphic depiction of the spatial extent to which an average noise level affects the area surrounding a source of noise. The contour is a line depicting equal points of impact.

Noise Contour, 65 Ldn. The most current 65 Ldn Noise Contour, as annually updated by the Port of Portland for the Portland International Airport using the criteria and methodology adopted by the Federal Aviation Administration for the purpose of establishing noise contours as a part of airport planning, or as provided by other objective sources for noise generations other than the Portland International Airport.

Noise, Environmental. Shall mean the intensity, duration, and character of sounds from any land use, measured at the property line of the receiving property.

Noise Impact. The extent to which a level of noise interferes with the full utilization of land.

Nonconforming, Legal. A use of land, building, structure or use which lawfully existed at the time of the adoption of this title or of any amendment thereto, but which does not conform with the use or development regulations imposed by this title or such amendment thereto.

Noncontributing. A property which either does not date to the historic period or has not retained sufficient physical integrity so as to convey its historic character.

Normal water year. A twelve-month period (October 1-September 30) with average precipitation based upon data from the past 50 years.

Noxious weeds. Non-native plants which are destructive, competitive, and difficult to control as defined by the Washington State Noxious Weed Control Board.

Nudity. Regarding Adult Businesses, the showing of the human male or female genitals or pubic area, the showing of the female breast, with less than a fully opaque covering of any part of the nipple, or the showing of the covered male genitals in a discernibly turgid state.

OAHP. The Washington State Office of Archaeology and Historic Preservation.

Obligate, **facultative wet**, **and facultative.** Groupings of plants according to their frequency of occurrence in wetlands. Obligate wetland plants almost always (99% probability) occur in wetlands under natural conditions. Facultative wetland plants usually (67%-99% probability) occur in wetlands. Facultative plants are equally likely (34%-66% probability) to occur in wetlands or non-wetlands. Such groupings are more fully defined in the Wetlands Delineation Manual defined in this chapter.

Obstruction. Any dam, wall, embankment, levee, dike, pile, abutment, projection, excavation, channel modification, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure or matter which is in, along, across or projecting into any channel, watercourse or regulatory flood hazard area; and which may impede, retard or change the direction of the flow of water, either in itself or by catching or collecting debris carried by such water or which is placed where the flow of water might carry the same downstream to the damage of life or property.

Occupant. Any individual living or sleeping in a building or having possession of a building or space therein. Unless otherwise stated, occupant is synonymous with tenant.

Occupancy Certificate. A city certificate allowing the use of a building or structure after it has been determined that all the requirements of applicable ordinances have been met.

Off-Site Impact. A condition that creates, imposes, aggravates or leads to inadequate, impractical, unsafe or unhealthy conditions on a site proposed for development or on off-site property or facilities. This includes, but is not limited to, noise, glare, and odor.

Off-Site Improvement. Improvements required to be made off-site to address impacts identified from an application for development and including, but not limited to, road widening and upgrading, storm water facilities, and traffic system improvements.

100-Year Flood. The flood having a 1% chance of being equaled or exceeded in any given year. Also referred to as the "base flood."

100-Year Flood Elevation. The elevation that the 100-year flood is expected to reach. Also referred to as the "base flood elevation."

Open Record Predecision Hearing. An open record hearing as defined by 197-11-775 WAC, which is held before the Planning Commission or Hearings Examiner prior to the closed record approval hearing before the City Council.

Ordinary high water mark. That mark which is found by examining the bed and banks of a water body and ascertaining where the presence and action of waters are so common and usual, and so long continued in all ordinary years that the soils and vegetation have a character distinct from that of the abutting upland area. Where the ordinary high water mark cannot be found, it shall be the line of mean high water in areas adjoining fresh water. [WAC 173-22-030(11)]

Ordinary Repair and Maintenance. The work for which a permit issued by the City of Vancouver is not required by law, and where the purpose and effect of such work is to correct any deterioration or decay of or damage to the real property or structure appurtenance therein and to restore the same, as nearly as may be practicable, to the condition prior to the occurrence of such deterioration, decay or damage.

Original Parcel. A lot, parcel or tract created in compliance with all regulations in effect at the time it was initially conveyed, that constitutes the basis for considering the appropriate provisions of this title for platting or short platting; provided, that any lot, parcel or tract conveyed in its present configuration prior to December 18, 1978 (the passage of the short plat ordinance, M-1930) which complies with current zoning requirements, shall be conclusively presumed to have been lawfully created.

Overlay Area. A special geographic area designated in a capital facilities plan to be served by a system improvement, which area is not generally contiguous with an established service area. An overlay area may be local (i.e., covering only a portion of a single service area), regional (i.e., covering portions or all of several service areas), or county wide (i.e., covering both incorporated and unincorporated areas).

Overlay Zone or District. A designated area within a base zoning district for which specific land use regulations apply, in addition to the base zoning requirements.

Owner. The owner of record of real property as shown on the tax rolls of the County, or a person purchasing a piece of property under contract. For the purpose of this title, in terms of violations and binding agreements between the city and the owner, the owner shall also mean a leaseholder, tenant, or

other person in possession or control of the premises or property at the time of agreement, violation of agreement, or the provisions of this title.

Ownership Interest. A property interest in an existing single-family residence under a recorded deed or under a contract of purchase, recorded mortgage, recorded deed of trust or recorded lease by which the applicant is responsible under penalty of forfeiture, foreclosure or default for payment of real property taxes and/or local improvement district assessments. The term shall also include a share ownership in a cooperative housing association, corporation or partnership if the applicant can establish that his or her share represents the specific unit or portion of such structure in which he or she resides.

Painted Wall or Wall Graphic. An advertisement painted directly on the wall of a building.

Parking Area, Public. An open area other than a street or other public way, used for the parking of automobiles and available to the public whether for a fee, free of charge or as an accommodation for clients or customers.

Parking Space. A permanently surfaced and marked area not less than that specified in Chapter 20.945 VMC Parking and Loading, excluding paved area necessary for access, for the parking of a motor vehicle.

Parking Storage. A location where vehicles are placed or left for maintenance, repair, sale, rental or future use.

Partition. See subdivision.

Party of Record. A person or group who makes an appearance in a proceeding through the submission of either written or verbal evidence. Groups shall designate one person as a representative or contact.

Pedestrian Area. Any sidewalk, walking trail, courtyard, plaza or other area intended primarily for use by pedestrians.

Perimeter. The boundaries or borders of a lot, tract or parcel of land.

Permitted Use. Those uses allowed as a matter of right within certain zoning districts provided that such use is in accordance with requirements of the particular district and general conditions stated elsewhere in this title.

Permittee. The person who is proposing to use or who is using the land pursuant to any permit required herein.

Person. Any individual, partnership, co-partnership, firm, company, corporation, association, joint stock company, trust, estate, governmental entity, or any other legal entity; or their legal representatives, agents, or assigns. This definition includes all federal, state or local governmental entities.

Person with Functional Disabilities. A person who, because of a recognized chronic physical, mental condition or disease, is functionally disabled to the extent of:

1. needing care, supervision or monitoring to perform activities of daily living or instrumental activities of daily living;

2. needing supports to ameliorate or compensate for the effects of the functional disability so as to lead as independent a life as possible;

3. having a physical or mental impairment which substantially limits one or more of such person's major life activities;

4. having a record of having such an impairment;

5. being regarded as having such an impairment, but such term does not include current, illegal use of or active addiction to a controlled substance.

Planned Action Ordinance. The applicable city ordinance establishing the geographic boundaries, impact thresholds, and mitigation measures for the particular planned action subarea in which a planned action project is located.

Planned Action Project or Development Application. A project or application for a project which meets the criteria for designation as a planned action under the provisions of Section 43.21.031 RCW, Section 197-11-164 WAC, Section 20.790.630, and the particular planned action ordinance for the planned action subarea in which the project is located.

Planned Action Subarea. A specific geographic area, less extensive than the city's jurisdictional boundaries, for which a subarea plan under Chapter 36.70A RCW and an EIS under Chapter 43.21C RCW have been prepared and adopted to provide for prospective environmental review and comprehensive planning for future development.

Planning Commission. The Planning Commission of the City of Vancouver, Washington.

Planning Official. The city official within the Community and Economic Development Department charged with administratively approving land use permits or her/his designate.

Planting strip. The area from the back of curb and the front of sidewalk or the area in the raised median used for grass or approved landscaping plants.

Plat. A final map, diagram or written document containing all the descriptions, specifications, and provisions concerning a subdivision of land.

Plat, Final. The final drawing of the subdivision or short subdivision and dedication prepared for filing for record with the Clark County Auditor and containing all elements and requirements set forth in this title and in state law.

Plat, Preliminary. An orderly and approximate drawing to scale of either a proposed subdivision or short subdivision showing the general layout of streets and alleys, lots and blocks, and other required submittals which shall furnish a basis for the approval or disapproval.

Poultry. Domesticated fowl such as chickens, ducks, geese and similar, and all game birds which are legally held in captivity.

Predetermination, Archaeological. A procedure by which an archaeologist makes a determination of the probable existence (presence or absence) of an archaeological site in a disturbance area and a recommendation to proceed or not to proceed with an archaeological resource survey in compliance with the provisions of this chapter.

Predominant. Regarding Infill Development, the most frequently occurring residential design

characteristic along both sides of the road frontage from intersection to intersection (or block face).

Predictive Model. The Predictive Model for Archaeological Resources developed in 1994 by Archaeological Investigations Northwest, Inc., (David V. Ellis and Douglas Wilson) for Clark County and the Heritage Trust of Clark County, including both its database and map and any subsequent revisions or amendments.

Predictive Model Probability Level A. Regarding archaeological preservation, those areas depicted as such on the Predictive Model map.

Predictive Model Probability Level B. Regarding archaeological preservation, those areas depicted as such on the Predictive Model map.

Premises. A lot or number of lots on which is situated a building or group of buildings designed as a unit, or on which a building or group of buildings are to be constructed.

Preserved. Leaving in the present condition.

Primary. The largest or most substantial use or element on the property, as in "primary" activity, residence, entrance, etc. All other similar elements are secondary in size or importance.

Priority Habitats and Species. Priority Habitats and Species are important fish and wildlife species and habitats as determined by the Washington State Department of Fish and Wildlife. Priority Habitats include habitats of state and federal listed species as well as other important species.

Private Open Space. The space included within a development for recreational use.

Process Type. Shall mean the process by which a land use decision is rendered.

Process Type, Legislative. A legislative action or decision is the making of law, as opposed to the application of existing law to a particular use, such as the adoption of or amendment to a comprehensive plan or development regulation.

Process Type, Quasi-Judicial. Refers to an action or decision that requires substantial discretion or judgment in applying the standards or criteria of this title, and usually involves a public hearing.

Prohibited Use. A use that is not permitted in a base zoning, overlay or plan district. Any use that is not specifically enumerated in this title as a permitted or conditional use or has not been determined by the planning official to be a legal non-conforming use.

Project Area. The portion of a site where development activity will take place.

Project Improvements. Project improvements shall mean site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project, and are not system improvements. No improvement or facility included in the capital facilities plan shall be considered a project improvement.

Project Permit. Any land use or environmental permit or approval for a proposed action which is subject to the procedural provisions of Chapter 20.210 VMC.

Protected Area, Tree Root. All land within and surrounding the critical root zone of those trees to be

preserved.

Public Facilities. Regarding the Public Facilities Master Plan Ordinance:

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; public streets; parks, open space and recreational facilities; and water, sewer; and storm water treatment facilities;

2. Public transit facilities including airports, train stations and transit centers;

3. Publicly and privately-owned medical centers;

4. Public and private elementary, middle and high schools;

5. Public and private colleges and universities; and

6. Religious institutions.

Public Improvement Plans. The technical drawings of the design and proposed construction of such items as streets, water and sewer systems, drainage and erosion control systems, meeting the requirements established by the City of Vancouver, Washington.

Public Place of Amusement, Public Amusement/Entertainment, and Public Entertainment. An amusement, diversion, entertainment, show, performance, exhibition, display or like activity, for the use or benefit of a member or members of the public, or advertised for the use or benefit of a member or members of the public, held, conducted, operated or maintained for a profit, either direct or indirect.
(M-4034, Added, 12/03/2012, Sec 2-Effective 01/03/2013)

Section 20.150.040E Meanings of Specific Words and Terms Q through T

Qualified Professional. A person with experience and training in the pertinent scientific discipline, and who is a qualified scientific expert with expertise appropriate for the relevant critical area subject in accordance with WAC 365-195-905(4).

A. Urban Forestry. Qualified professionals in urban forestry must have academic and field experience that makes them competent in urban forestry. This may include arborists certified by the International Society of Arboriculture or foresters certified by the Society of American Foresters. Qualified professionals in urban forestry must possess the ability to evaluate the health and hazard potential of existing trees, and the ability to prescribe appropriate measures necessary for the preservation of trees during land development.

B. Critical Areas. Qualified professionals in critical areas must have obtained a BS or BA or equivalent degree in biology, engineering, environmental studies, fisheries, geomorphology or a related field, and two years of related work experience. In addition:

1. A qualified professional for frequently flooded areas or a geologic hazard must be a registered professional engineer, geologist, engineering geologist or hydrogeologist licensed in the State of Washington with experience in the analyses required for the relevant hazard(s). For frequently flooded areas, a qualified professional may also be an architect where provided by state or federal law.

2. A qualified professional for wetlands must have a minimum of five years experience in

wetland science including experience preparing wetland reports for review by regulatory agencies.

Reasonably Funded. A mitigation measure or other transportation system improvement scheduled for completion and designated as funded upon adoption of the most recent version of the Six-Year Street Plan.

Recreational Vehicle. A vehicle which is built on a single chassis, 400 square feet or less when measured at the largest horizontal projection, designed to be self-propelled or permanently towable by a light-duty truck, and designed primarily not for use as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

Regional Industry. An industrial or commercial land use which provides significant community-wide or regional economic benefit through the creation of new economic growth and employment opportunity.

Regional Public Facility. A land use which is designed to serve the needs of the community or region affected by the impact(s) of development. Regional Public Facilities include: airports, colleges, hospitals, regional parks or community centers.

Regulatory Flood. The flood used to define the outer boundary lines of the Flood Fringe. The 100-year flood will be the regulatory flood for the purposes of regulations contained in this title, but a lesser or greater flood limit may be set in any ordinance applying FF (Flood Fringe) or FW (Floodway) zoning to any land. The regulatory flood shall be based upon Flood Insurance Rate Maps (FIRMs) provided by the Federal Insurance Administration (FIA).

Remodel. An internal or external modification to an existing building or structure that does not increase the site coverage.

Remove or Removal. The act of removing a tree by digging up, cutting down or any act which causes a tree to die within a period of three years including but not limited to, damage inflicted on the root system by machinery, storage of material or soil compaction, changing the ground level in the area of the tree's root system, damage inflicted on the tree permitting infections or infestation, excessive pruning, paving with concrete, asphalt or other impervious material within the drip-line or any other action deemed harmful to the tree.

Residential Care Home. Any state or federally approved dwelling used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care homes shall provide care for six or fewer residents.

Residential Care Center. Any state or federally approved facility, other than a clinic, used as a residence for the care or rehabilitation of dependent children, the elderly, and the physically and/or mentally handicapped. Residential care centers shall provide care to seven or more residents.

Restoration. Measures taken to restore an altered or damaged natural feature including:

A. Active steps taken to restore damaged critical areas or their buffers to the functioning condition that existed prior to an unauthorized alteration; and

B. Actions performed to reestablish structural and functional characteristics of the critical area that have been lost by alteration, past management activities, or catastrophic events. See also wetland creation, re-establishment, and rehabilitation.

Right-of-Way, Public. The property held by the city or other governmental jurisdiction for existing and/or future public access including land occupied or intended to be occupied by a street, crosswalk, pedestrian and bike paths, railroad, road, electric transmission line, oil or gas pipeline, water main, sanitary or storm sewer main, street trees or other special use. The usage of the term right-of-way for land division purposes shall mean that every right-of-way hereafter established and shown on a plat or map is to be separate and distinct from the lots or parcels adjoining such right-of-way and not included within the dimensions or areas of such lots or parcels.

Riparian area. The area adjacent to aquatic systems with flowing water (e.g., rivers, perennial or intermittent streams, seeps, springs) that contains elements of both aquatic and terrestrial ecosystems which mutually influence each other. Riparian areas are defined differently in and for the purposes of the Vancouver Shoreline Management Master Program.

Riparian Management Area and Riparian Buffer. The regulated areas that include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area. See Figure 20.740-1 at VMC 20.740.110(A) or Figure 20.170.030-6 at VMC 20.170.030(I).

Road. Means the same as street.

Roof. The exterior surface and its supporting structure on the top of a building.

Roof Line. The uppermost line of the roof of a building or, in the case of an extended facade, the uppermost height of said facade.

Runway. A defined area at an airport designed and constructed to accommodate the landing and takeoff of aircraft along its length.

Satellite Earth Station. The facilities used for reception and processing of programming services from a satellite prior to transfer to terrestrial distribution systems or for processing of programming and services from a terrestrial source before transmission via satellite.

School. An institution primarily engaged in academic instruction for all or part of the K through 12 educational program, public, parochial or private, and recognized or approved as such by the state. A school may also include the following uses: common accessory uses such as associated meeting rooms, auditoriums, athletic facilities and support facilities related to school district operations (e.g., offices, kitchens, counseling centers, head start, childcare, adult education, and family support centers) except for transportation, warehouse/storage, and maintenance facilities.

School, Pre. An institution primarily in child training and academic instruction prior to the mandatory first grade.

School, Specialized Instructional. An institution providing instruction and training in a specific service, art, dance, driving, and music. Includes vocation or trade such as business, real estate, travel, auto machinery repair, welding, and skill center.

Search Ring. Regarding wireless communications facilities, a geographic area identified by the communications service provider as necessary within which to locate a wireless facility or to enhance or expand its service.

Secure Community Transition Facility. A residential facility for persons civilly committed and conditionally released from a total confinement facility, operated by the Secretary of Washington Social and Health Services or under contract with the secretary pursuant to RCW 71.09.020(10) as described in RCW 71.09.250 or as amended.

Sensitive Areas. For the purposes of Chapter 20.770 VMC Tree Conservation, this includes streams, geologically hazardous areas, fish and wildlife habitat areas, wetlands, and their associated buffers.

Sensitive Resources. Any of the following types of sensitive areas and resources or cultural resources, when properly identified, designated or recorded as such by the applicable local, state or federal regulations:

1. Known archaeological and historical sites (to be recorded with the state);

2. Fish and Wildlife Habitat Conservation Areas (as identified in VMC 20.740.110);

3. Frequently Flooded Areas (as identified in VMC 20.740.120);

4. Geological Hazard Areas (as identified in VMC 20.740.130);

5. Wetlands (as identified in VMC 20.740.140); and

6. Tree tracts, set aside for the preservation of tree groves, as defined in VMC 20.770 and approved by the city's Urban Forester; and

7. Riparian areas, as identified in the Vancouver Shoreline Management Master Program.

SEPA. State Environmental Policy Act, as amended.

SEPA Rules. Chapter 197-11 WAC, as adopted, revised, and amended by Ecology.

Service Area. A geographic area described in the city capital facilities plan in which a defined set of public facilities provides service to development within the area, provided, that the service area for schools shall be the applicable school district. Service areas may be separately described for each type of public facility.

Serviceable. For the purposes of 20.775 VMC, Wetland and Water Bodies Protection, *serviceable* means presently usable.

Setback. The minimum allowable horizontal distance from a given point or line of reference, such as a property line, to the nearest vertical wall or other element of a building or structure or edge of vehicle parking area as defined herein. Where a sidewalk or private roadway is placed in an easement, the setback shall be measured from the back of sidewalk or edge of easement if there is no sidewalk.

Sexually-Oriented Adult Arcade and Sexually Oriented Adult Arcade Premises. Any premises on which any sexually-oriented adult arcade device is located and to which patrons, customers, and/or members of the public are admitted.

Sexually-Oriented Adult Arcade Device. Also known as panorama, preview, picture arcade, or peep show, any device which, for payment of a fee, membership fee or other charge, is used to exhibit or display a picture, view, film, videotape or videodisc, live show or other graphic display of specified

anatomical areas. All such devices are denominated under this ordinance by the term *sexually-oriented adult arcade device*.

Sexually-Oriented Adult Entertainment. Any entertainment conducted in a public place of amusement where such entertainment involves a person appearing or performing in a state of nudity, as defined herein.

Sexually-Oriented Adult Entertainment Premises. Any premises to which the public, patrons or members are invited or admitted and wherein an entertainer provides sexually-oriented adult entertainment on a regular basis and as a substantial part of the business operation.

Shorelines of the State. Shorelines as defined in the Shoreline Management Master Program.

Short Plat. A map or representation of a short subdivision.

Sidewalk. A facility made of concrete or other approved material for the conveyance of pedestrians usually adjacent to a street or between streets.

Sign. Any structure, device, advertisement, advertising device or visual representation intended to advertise, identify or communicate information to attract the attention of the public for any reason.

Sign Area. Means the entire area of a sign on which graphics, letters, figures, symbols, trademarks and/or text is to be placed, excluding sign structure, architectural embellishments and framework. Sign area is calculated by measuring the perimeter enclosing the extreme limits of the module or sign face containing the graphics, letters, figures, symbols, trademarks, and/or text; provided, however, the area of any sign using individual letters, numbers or symbols with a canopy, awning or wall as the background, without added decoration or change in the canopy, awning or wall, shall be the area within the shortest line drawn to include all letters, design and tubing which are a part of the sign or structure. For illuminated awnings the area shall be limited to the area within the shortest line drawn to include all copy and graphics, excluding illuminated areas outside of these lines.

Sign, Awning. A sign attached to or incorporated into an awning.

Sign, Billboard. An outdoor advertising structure, 12 foot by 25 foot or larger, designed and constructed to carry posters.

Sign, Business Complex. A sign which is typically free-standing and is designed to identify multiple businesses in a business complex.

Sign, Canopy. A sign attached to or incorporated into a canopy.

Sign, Commercial. Any sign that advertises a product, service, entertainment or commodity sold or offered on the premises where it is located.

Sign, Complex. (Auto Dealership Plan District). A sign with the purpose of identifying the area and/or containing more than one manufacturers brand.

Sign, Construction. A temporary sign giving the name or names of principal contractors, architects, lending institutions, or other persons or firms responsible for construction on the site where the sign is located, together with other related information.

Sign, Directional. A sign designed and erected solely for the purpose of traffic or pedestrian direction, and which is placed on the property to which or on which the public is directed.

Sign, Electronic Message Center (EMC). Electronic message center (EMC) means an electrically activated sign whose message content, either in whole or in part, may be changed by means of electronic programming.

Sign, Elevation. Regarding sign regulations, the portion of any building exterior enclosing the applicant's place of business, measured horizontally by width of occupancy and vertically by height of occupancy on the street building frontage. In the case of a single-story building, vertical height of occupancy is measured to the eave or parapet line. For partial occupancy in a multi-story building, vertical height of occupancy is measured from floor line to floor line.

Sign Face. Means the portion of the sign on which the graphics, letters, figures, symbols, trademark or text is placed.

Sign, Fascia. A flat sign which projects less than one foot from the face or wall of the building, including parapet, upon which it is affixed, painted or attached, running parallel for its whole length to the face or wall of the building, and which does not extend beyond the horizontal width of such building.

Sign, Flashing. Any sign which contains an intermittent or flashing light source or which includes the illusion of intermittent or flashing light by means of animation or an externally-mounted intermittent light source. Time and temperature signs are excluded from this definition. For the purpose of this Title, EMC's (consistent with the standards of VMC Section 20.960.060 I and Section 20.960.070 I) shall not be considered flashing signs.

Sign, Franchise. (Auto Dealership Plan District). A sign that identifies the manufacturers brand and/or name.

Sign, Free Standing. (Pole Signs and Monument Signs). A sign that is not attached to a building and is erected on a frame connected to the ground. Pole signs and monument signs are specific types of freestanding signs. A freestanding sign does not include a portable sign.

Sign Height. The vertical distance measured from grade at the point of support to the top of the sign or the sign's structure.

Sign Maintenance. The repair or refurbishment of a sign, sign structure or any part of each.

Sign, Marquee. A sign attached to or incorporated into a marquee.

Sign, Messages Without a Cabinet, Area of. The area of any single geometric shape which encompasses all lettering and/or graphic message.

Sign, Monument. Means a sign and supporting structure which is attached to the ground and has similar top and bottom dimensions and is constructed as a solid structure or one which gives the appearance of a continuous and unbroken mass, with no separations between the sign and the base.

Sign, Multi-faced. A sign with more than one face. These types of signs shall be considered one (1) sign for the purpose of determining the number of signs allowed.

Sign, NIT. A measurement of brightness used to rate luminous displays. NIT is expressed in "candelas

per square meter".

Sign, Official. Means the same as Public-Sector Sign.

Sign, Off-Premises. A third-party sign that advertises goods, products, services or facilities or directs persons to a location different from where the sign is installed.

Sign, On-Premises. A sign which carries only advertisement strictly incidental to a lawful use of the premises on which it is located, including signs or sign devices indicating the business transacted, services rendered, goods sold or produced on the premises, name of the business, and name of the person, firm or corporation occupying the premises.

Sign, Pole. A sign that is supported permanently upon the ground by poles or braces and not attached to any building.

Sign, Political Campaign. Any temporary sign which displays the name and/or picture of an individual seeking election or appointment to a public office or which pertains to a forthcoming public election or referendum or which advocates political views or policies.

Sign, Portable – Permanent. Permanent portable signs shall be defined as "onsite" signs placed in the right of way along the business frontage and on the same side of the street of the building or establishment which it advertises. Permanent portable signs shall be meant for continuous display during the hours the business is open and shall have the primary purpose of identifying the business.

Sign, Portable – Temporary. Temporary portable signs shall be defined as "off-site" signs placed in the right of way advertising an approved business or use. Temporary portable signs shall be displayed during the hours the business is open and shall have the sole purpose of identifying the business or providing directions.

Sign, Private Non-Commercial. Any sign under 6 square feet that does not advertise a product, service, entertainment, or commodity sold or offered on the premises where it is located.

Sign, Projecting. Shall mean any sign other than a wall sign, which is attached to or projects 12 inches or more from a structure or building face or wall.

Sign, Public-Sector. Any sign erected by any federal, state, county or city governmental agency or at the direction of any such governmental agency or court**.**

Sign, Public Service Information. A sign that provides general public service information to the public such as time, date, temperature, weather or directional information.

Sign, Reader Board. A sign constructed for the placing of advertising messages, which messages are changeable by use of manually removable or electrically changeable letters.

Sign, Rooftop. A sign erected upon the roof of a building, the entire face of which is situated above the roof line of the building to which it is attached, and which is wholly or partially supported by said building.

Sign, Rotating. A sign, any portion of which moves or is movable by any mechanical manner.

Sign, Secondary. A second free-standing sign on a given frontage in excess of 300 linear feet.

Sign, Sidewalk. A portable sign, typically in the shape of an inverted V, with two sign boards attached to each other at the top of the sign; also known as a sandwich board or A-frame sign. Each board shall be considered a separate sign face for purposes of determining allowable area of sign.

Sign, Temporary. Any sign that is not permanently installed or affixed to any sign structure or building, and not displayed for longer than 30 consecutive calendar days. In the case of construction project signs, they may be maintained for the duration of construction.

Sign, Time and Temperature. Means the same as Public Service Information Sign.

Sign, Vehicle. Any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation, but excluding signs relating to the sale, lease, or rental of the vehicle or trailer and excluding signs which identify a firm or its product on a vehicle operated during the normal course of business.

Sign, Video. A sign providing information in both a horizontal and vertical format (as opposed to linear), through use of pixel and sub-pixel technology having the capacity to create continuously changing sign copy in a full spectrum of colors and light intensities.

Sign, Wall. Means the same as Painted Wall or Wall Graphic.

Sign, Window. Any sign affixed to (or painted on) the inside or outside of a window and intended to be viewed from the exterior of the structure.

Single Impact. An individual incidence of noise, actually measured in decibels, which may be heard on a property and which may be greater or lesser than the Ldn value, which is derived from the logarithmic averaging of single impacts within a period of time.

Significance. A quality of a property which helps one understand the history of the local area, state or nation by illuminating the local, statewide or nationwide impact of the events or persons associated with the property or its architectural type or style in information potential. The local area may be as large as Clark County or Southwest Washington or as small as a neighborhood. Local significance may apply to a property that illustrates a theme that is important to one or more localities; state significance to a theme important to the history of the state; and national significance to property of exceptional value in representing or illustrating an important theme in the history of the nation.

Single Room Occupancy (SRO). Occupancy by a single individual of a unit that contains no sanitary facilities or food preparation facilities or contains either but not both types of facilities.

Site. Any plot or parcel of land or combination of contiguous lots or parcels of land.

Six-Year Street Plan. That portion of the city's Capital Facilities Plan which inventories planned street and road construction and improvement, and which designates such construction projects and improvements as funded or non-funded.

Slope. The deviation of a surface from horizontal, usually expressed in percent or degrees.

SMA. The State Shoreline Management Act of 1971, as amended.

Soft Armoring Techniques. Techniques that apply the principles of the biological, ecological, and soils

sciences and structural engineering to build structures which, using live plant materials as a main structural component, stabilize the soil against erosion, sedimentation, and flooding. Also referred to as "bioengineering techniques."

Sound Transmission Reduction. Reduction of sound or noise from unit to unit utilizing the standards of the City Adopted Building Code(s).

Special Provisions. Street construction requirements peculiar to a special project that are not otherwise thoroughly or satisfactorily detailed and set forth in the standard specifications or standard plans.

Special Valuation Tax Incentive Program. The local option program that makes available to property owners a special tax valuation for rehabilitation of historic register properties under which the assessed value of an eligible historic property is determined at a rate that excludes, for up to ten years, the actual cost of the rehabilitation.

Specified Anatomical Areas. Regarding Adult Businesses, less than completely and opaquely covered: human genitals, pubic region, buttock and female breast below a point immediately above the top of the areola; and human male genitals in a discernibly turgid state even if completely and opaquely covered.

Specified Sexual Activities. Regarding Adult Businesses, human genitals in a state of sexual stimulation or arousal; acts of human masturbation, sexual intercourse or sodomy; and fondling or other erotic touching of human genitals, pubic region, buttock or female breast.

Standard Industrial Classification (SIC). A classification pursuant to the Standard Industrial Classification Manual issued by the United States Office of Management and Budget. This system was replaced by the North American Industrial Classification System (NAICS).

Start of Construction. The start of permanent construction or substantial improvement activity on a site within 180 days of the issuance of a building permit. Permanent construction activities include the pouring of slab or footings, the installation of pilings, construction of columns or any work beyond site preparation, excavation, setting of temporary forms or the placement of accessory buildings; or the placement of a manufactured home on a foundation. For a substantial improvement, the actual start of construction means the first alteration of any wall, ceiling, floor, or other structural part of the building, whether or not that alteration affects the external dimensions of the building.

Stealth Design. A wireless communications facility's support structure, antennae or accessory equipment structure that is designed to blend in with the existing physical environment, and reduce visual impacts to the extent possible.

Storage, Open. Storage of property outside of a fully enclosed building.

Storage Space. Sufficient space, either in individual dwelling units or common storage rooms, to provide adequate, secure, and convenient storage for items owned by building tenants.

Stormwater Conveyance. Parts of a stormwater facility (such as pipes, culverts, swales, etc.) that are constructed specifically to transport water from one point to another. See Stormwater Facility.

Stormwater Facility. A constructed component of a stormwater drainage system, designed or constructed to perform a particular function or multiple functions. Stormwater facilities include, but are not limited to, pipes, swales, ditches, culverts, street gutters, detention ponds, retention ponds, constructed wetlands, infiltration devices, catch basins, oil/water separators, and biofiltration swales.

Story. That portion of a building between the surface of any floor and the surface of the next floor above it; or, if there is no floor above it, the space between such floor and ceiling.

Stream. Water contained within a channel, either perennial or intermittent, and classified according to WAC 222-16-030 or WAC 222-16-031. Streams also include natural watercourses modified by humans. Streams do not include drainage ditches which are not modifications of natural watercourses.

Street. A private or public way designed primarily for vehicular traffic. It includes the terms *road, highway, avenue, boulevard, thoroughfare*, or other traffic way, and usually includes improvements, including curbs, sidewalks, and street pavement within the right-of-way.

Street Frontage. The linear frontage of a parcel of property abutting a single public street.

Street Functional Classification System. The adopted hierarchy of street use as it relates to volume, speed, regional, area-wide, and local characteristics.

Street, Private. A thoroughfare that is privately owned providing a means of access to a property or properties.

Street, Public. A thoroughfare or right-of-way dedicated, deeded, condemned or otherwise acquired by the public for use as such, other than an alley, which affords the principal means of access to abutting property including avenue, place, way, drive, lane, boulevard, highway, road, and any other thoroughfare.

Structure. Anything constructed or built, any edifice, building of any kind or any piece of work artificially built-up or composed of parts joined together in some definite manner, which requires location on the ground or is attached to something having a location on the ground, including swimming pools, wading pools and covered patios, excepting outdoor areas such as paved areas, walks, tennis courts and similar recreation areas. For the purposes of VMC 20.740.120, Frequently Flooded Areas, a structure is a walled and roofed building , or a gas or liquid storage tank that is principally above ground.

Subdivision. The division or re-division of land into ten or more lots for the purpose of sale, lease or transfer of ownership. The term subdivision also applies to an area or tract of land that has been subdivided.

Subdivision, Short. The division, re-division or partition of land into nine or fewer lots, tracts, parcels, sites or divisions for the purpose of sale, lease or transfer of ownership.

Substantial Damage. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its pre-damaged condition would equal or exceed 50% of the market value of the structure before the damage occurred.

Substantial Disturbance. Disturbance such that little or no useful archaeological data could be obtained.

Substantial Improvement. Any repair, reconstruction, or improvement of a structure, the cost of which equals or exceeds 50% of the market value of the structure either:

1. Before the improvement or repair is started; or

2. If the structure has been damaged and is being restored, before the damage occurred.

“Substantial improvement” is considered to occur at the start of construction. “Substantial improvement” does not include either:

1. Any project for improvement of a structure to correct existing violations of state or local health, sanitary or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or

2. Any alteration of a structure listed on the National Register of Historic Places or a State Inventory of Historic Places.

Substantial Noise Impact. Exterior noise levels greater than Ldn 65, which impact necessitates special sound insulation to produce noise levels of 45 Ldn or less within the interior of a residential structure.

Survey, Archaeological. Regarding archaeological resource protection, a procedure by which an archaeologist makes a determination of the presence or absence of an archaeological site in a disturbance area, a preliminary assessment of the site’s potential significance, and a recommendation for further evaluation, avoidance, mitigation or recovery of resources in compliance with the provisions of 20.710 VMC.

System Development Charge (SDC). The connection fee charged so that the property upon which it is imposed will pay its equitable share of the costs of water-sewer system facilities which are system-wide in nature and are not site-specific needs, including such property’s equitable share of the amount required to upgrade such system to meet the demands imposed by the development.

System Improvements. Public facilities that are included in the capital facilities plan and are designed to provide service areas within the community at large, in contrast to project improvements.

Telecommuting. The use of telephones, computers or other similar technology to permit an affected employee to work at home or at a location closer to home than the affected employer's principal worksite.

Temporary. A period not to exceed one year except as otherwise provided in this title.

Tenant Improvements. Construction improvements typically made to the interior of a non-residential building to fit the building to a particular tenant's needs, or to create separate tenant spaces. Typically it involves such things as adding or removing walls, ceilings and doors; re-wiring for electrical outlets and lighting; and providing plumbing, sprinklers, counters and walk-in coolers, often as part of a separate lease space in a building.

Through-Ventilation. The encouragement of natural cross-ventilation.

Total Developable Land (TDL). That portion of the subject property remaining once sensitive areas are subtracted from the total acreage of a property or collection of properties proposed for development.

Tract. A piece of land set aside in a separate area for dedication to the public, a homeowner’s association, or other entity, (e.g., open space, recreational facilities, and tree preservation) wetland or other sensitive lands.

Traffic Study. A study of traffic behavior by a licensed engineer.

Transit. A multiple-occupant vehicle operated on a for-hire, shared-ride basis, including bus, ferry, rail,

shared-ride taxi, shuttle bus or vanpool.

Transit Facility. A development provided by a public transportation provider, which is designed to aid or encourage community use or multi-modal public transportation system, such as bus and van/carpools.

Transitional Surfaces. An area extending outward at 90 degree angles to an airport's runway centerline at a slope of seven feet horizontally for each foot vertically.

Transitional Zone. The areas beneath the transitional surfaces.

Transplant. The relocation of a tree from one place to another on the same property.

Tree. Any self-supporting perennial woody plant that matures at a height greater than 26 feet and is generally referred to in the nursery and landscape industry as a tree.

Tree Farm. See Commercial Nursery.

Tree, Hazard. Any tree with a combination of structural defect and/or disease and a proximity to persons or property which makes it subject to a high probability of failure, as recommended by a qualified arborist.

Tree, Mitigation. A tree planted and retained to achieve the required tree density for a parcel or to replace a tree removed in violation of city ordinance.

Tree, Nuisance. A tree that is causing physical damage to property or has been damaged by past maintenance practices, and for which horticultural practices cannot correct the problem.

Tree Plan. A plan that contains specific information pertaining to the protection, preservation, and planting of trees pursuant to Chapter 20.770 VMC, Tree Conservation.

Tree Preservation. The retention of a tree or trees during and after construction.

Tree, Specimen. A tree that has been given greater than standard tree density value by the planning official through the evaluation process.

Tree, Street. A tree located within a street right-of-way or street tree easement, adjacent to public or private streets, including undeveloped areas.

Tree Tract. A separate deeded tract of land, specifically set aside for the preservation and/or planting of trees. Stormwater retention/detention facilities, sensitive areas, and other common areas may be considered tree tracts if they currently support the growth of trees.

Tree Unit. A unit of measurement based upon the size of the tree as set forth in Chapter 20.770 VMC, Tree Conservation.

Tribe or **Tribes.** Regarding Archaeological Preservation, any federally-recognized or other local Native American government organization which may consider the site to be of historic or cultural significance.

Truck, Heavy. Trucks, including truck tractors and similar vehicles, with two or more rear axles.

Truck, Light. Trucks and similar vehicles with single rear axles and single rear wheels.

Truck, Medium. Trucks and similar vehicles other than truck tractors with single rear axles and dual rear wheels. Truck tractors are in the Heavy Truck category.
(M-4034, Added, 12/03/2012, Sec 2-Effective 01/03/2013)

Section 20.150.040F Meanings of Specific Words and Terms U through Z

Undevelopable Area. An area that cannot be used practicably for a habitable structure because of natural conditions, such as slopes exceeding 20%; severe topographic relief; water bodies; or conditions that isolate one portion of a property under another portion so that access is not practicable to the unbuildable portion. Undevelopable area also includes man-made conditions such as existing development restrictions that prohibit development of a given area of a lot by law or private agreement; or existence or absence of easements or access rights that prevent development of a given area.

Undeveloped. Regarding the Tree Conservation Ordinance, a parcel of land on which no buildings or other facilities are located and which is to remain without improvements for a period of six years.

Uniform Plumbing Code. The current version of the Uniform Plumbing Code as adopted by the City of Vancouver at the time construction commences.

Urban Area. For the purposes of 20.775 VMC, Wetlands and Water Bodies Protection, urban area means the area within the Vancouver urban growth boundary.

Urban Forestry. The art and science of planning, managing, and protecting natural and planted vegetation in urban areas.

Urban Growth Boundary. The boundary of an urban growth area designated in the Clark County Comprehensive Land Use Plan.

Use. An activity or purpose for which land or premises or a building thereon is designed, arranged or intended, or for which it is occupied or maintained, let or leased.

Utility Facilities. All physical facilities necessary for the provision of the following services:

1. Sewer;
2. Water;
3. Electricity;
4. Natural gas;
5. Telephone;
6. Cable television;
7. Storm drainage; and
8. Transportation.

Utility Facilities, Essential. Those facilities which are necessary to support principal development and

involve only minor structures such as:

1. Overhead lines and poles;

2. Underground lines and pipes;

3. Transformers and regulator stations; and

4. Private, on-site facilities such as septic tanks and wells.

Utility Facilities, Major. Those facilities which have a substantial public impact, including but not limited to:

1. Administrative offices and operation centers;

2. Sewage treatment plants and lagoons;

3. Electric generation facilities including biomass and coal energy generating facilities; and

4. Essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

Utility Facilities, Minor. Those facilities which have a local impact on surrounding properties and are necessary to provide essential services such as:

1. Transmission and distribution substations;

2. Pump stations;

3. Water towers and reservoirs;

4. Public wells;

5. Outfalls;

6. Telephone switching facilities;

7. Cable television receiver and transmission facilities, excluding wireless communications facilities as defined in Chapter 20.890 VMC Wireless Communications Facilities;

8. Catch basins, retention ponds and related facilities; and

9. Water treatment facilities.

Variance. An administrative or quasi-judicial decision to lessen or otherwise modify the requirements of the development code.

Vehicle, Accessory Recreational. A vehicle with or without motive power, which is designed for sport or recreational use or which is designed for human occupancy on an intermittent basis such as vacation trailers and fifth-wheel trailers. A camper is considered an accessory recreation vehicle when it is standing alone. A recreational vehicle also includes vehicles designed for off-road use:

1. Off-road vehicles;

2. Dune buggies; and

3. Recreational boats.

Vehicle, Commercial. Any vehicle the principal use of which is the transportation of commodities, merchandise, produce, freight, animals, or passengers for hire. (Per RCW 46.04.140)

Vehicle, Featured Display (Auto Dealership Plan District). Featured Vehicle Display is the "showcasing" of motor vehicles outdoors within the plan district.

Vehicle, Motor. Vehicles that have their own motive power and are used for the transportation of people or goods on streets. Motor vehicle includes motorcycles, passenger vehicles, trucks, and recreational vehicles with motive power.

Vehicle, Passenger. A motor vehicle designed to carry ten persons or fewer including the driver. Passenger vehicle also includes motor vehicles designed to carry ten persons or fewer that are constructed on a truck chassis or with special features for occasional use. Passenger vehicles include cars, minivans, passenger vans, and jeeps. Passenger vehicle is intended to cover the vehicles identified as passenger cars and multi-purpose passenger vehicles by the National Highway Traffic Safety Administration in Title 49 of the Code of Federal Regulations, Chapter V, Section 571.3. See also Recreational Vehicle and Truck.

Vesting. A legal right of applicants to have their development application reviewed under the regulations in effect as of a certain date when the application has met certain timing and completeness requirements. For example, an application determined by the Review Authority to be fully complete is vested under the regulations in effect at the time of such determination, regardless of subsequent changes to development regulations.

Vesting, Contingent. A legal right of applicants to have their fully complete development application, when submitted within 180 days of the pre-application conference, reviewed under the development regulations, not including fees, in effect at the time of the pre-application conference.

Vision Clearance Triangle. An area, typically triangular in shape adjacent to a driveway or at a property corner where two streets (or an alley and street) intersect, that must be maintained clear of visual obstructions to provide visibility to motorists and pedestrians.

Visual Obstruction. An obstruction of vision through landscaping, structure or device in those areas near intersections of roadways and motor vehicle access points where a clear field of vision is necessary for traffic safety.

Walkway. A facility for pedestrian use to or through a parcel for the general public which may or may not be adjacent to the street. Walkways may differ from sidewalks in standards, alignment, shape, location, construction materials, and overall installation.

Washington Heritage Register. The state listing of properties that are significant to the community, state or nation, but which do not meet the criteria of the National Register of Historic Places [Ord. 3243, 2 (part), 1996].

Water-dependent. A use or portion of a use that requires direct contact with the water and cannot exist at a non-water location due to the intrinsic nature of its operations. Also see the Vancouver Shoreline

Management Master Program.

Water-enjoyment. A use or activity which facilitates or provides public access to the shoreline, and through its location, design, and operation assures the public's ability to enjoy the physical and aesthetic qualities of the shoreline. A water-enjoyment use or activity must be open to the general public, and space within it must be devoted to fostering public enjoyment of the shoreline. Parks, piers, restaurants, trails, promenades, museums, aquariums, reserves, and resorts are examples of water-enjoyment uses and activities. Also see the Vancouver Shoreline Management Master Program.

Water-related. A use or activity which must be located close to the land/water interface to support a water-dependent use or activity either by its own operation or by the provision of the services it houses. The economic viability of a water-related use or activity is dependent on a location near the waterfront. Warehousing of goods transported by water, seafood processing plants, hydroelectric generating plants, and log storage are examples of water-related uses or activities. Also see the Vancouver Shoreline Management Master Program.

Watershed. A topographically delineated area draining to a single surface water system as identified and mapped by Clark County Public Works.

Weekday. Any day of the week except Saturday, Sunday, and legal holidays.

Wetland. An area that is inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds, and landscape amenities or those wetlands created after July 1990 that were unintentionally created as a result of the construction of a road, street or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

Wetland Buffer. An area that surrounds and protects a wetland from adverse impacts to the functions and values of a regulated wetland.

Wetland Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

Wetland Enhancement. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

Wetland Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in

wetland acres and functions.

Wetland Rehabilitation. The manipulation of the physical, chemical or biological characteristics of a site with the goal of repairing natural or historic functions, and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

Wetland, Scrub-shrub. A wetland with at least 30 percent of its surface area covered by woody vegetation less than 20 feet in height as the uppermost strata.

Wetlands Delineation Manual. The Washington State Wetland Identification and Delineation Manual (1997, or as revised by Ecology).

Wind-firm. A tree which has a high probability of withstanding windstorms.

Wireless Communications Facilities. The site, wireless communications support structures, antennae, accessory equipment structures, and appurtenances used to transmit, receive, distribute, provide or offer wireless telecommunications services. Wireless communications facilities include, but are not limited to, antennae, poles, towers, cables, wires, conduits, ducts, pedestals, vaults, buildings, electronic, and switching equipment.

Wireless Communications Support Structures. A structure erected to support wireless communications antennas and connecting appurtenances. Wireless communications support structures may include, but are not limited to lattice tower, monopoles, and guyed towers.

Wireless Communications Systems. The sending and receiving of radio frequency transmissions and the connection and/or relaying of these signals to land lines and other sending and receiving stations (cell sites), and including, but not limited to cellular radiotelephone, personal communications services (PCS), enhanced/specialized mobile radio (ESMR), commercial paging services, and any other technology which provides similar services.

Writing, Written or In Writing. These terms refer to original signed and dated documents. Facsimile (fax) transmissions are a temporary notice of action that must be followed via mail or delivery of the original and dated document.

Yard. Any open space on the same lot with a building or a dwelling group, which open space is unoccupied and unobstructed by any structure from the ground upward to the sky. Required setback areas shall be considered yards as defined herein.

Yard, Front. An open space defined by setbacks extending the full width of the lot between a setback line and the front lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Rear. An open space defined by setbacks extending the full width of the lot between a setback line and the rear lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Side. An open space defined by setbacks extending from the front yard to the rear yard between a setback line and the nearest side lot line, unoccupied, and unobstructed from the ground upward, except as specified elsewhere in this title.

Yard, Street Side. On corner lots where two streets intersect, an open space defined by setbacks extending from the front lot line to the rear lot line, along the side of the lot which fronts on a street and between the setback line and side street lot line, unoccupied, and unobstructed from the ground upward, except as specified in this title.

Zoning District. A geographic area which corresponds to a comprehensive plan designation and which specifies allowed and conditionally allowed uses and applicable standards for development within the district. Also referred to as Zone or District.
(M-4034, Added, 12/03/2012, Sec 2-Effective 01/03/2013)

Chapter 20.160

USE CLASSIFICATIONS

Sections:

20.160.010 Purpose.
20.160.020 Listing of Use Classifications.
20.160.030 Unlisted Use: Authorization of Similar Use.

Section 20.160.010 Purpose.

Purpose. The purpose of this chapter is to classify uses into a limited number of use types on the basis of common functional, product or compatibility characteristics, thereby providing a basis for the regulation of uses in accordance with criteria that are directly relevant to the public interest.
(M-3643, Added, 01/26/2004)

Section 20.160.020 Listing of Use Classifications.

A. Residential use types

1. Household Living. Living facilities for small groups (households) of people who are related or unrelated, featuring self-contained units including facilities for cooking, eating, sleeping, and hygiene. Tenancy is longer than 30 calendar days. Household structures include single-family detached and attached dwellings; duplexes; multi-family dwellings; and modular and manufactured housing units. Most types of senior housing, (e.g., congregate care or assisted living) are considered to be household living if residents live in self-contained units, even if there are also shared facilities within the building. The maximum number of people who may reside in any given dwelling unit shall be determined by the City Adopted Building Code.

2. Group Living. Living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents. Larger group living facilities may also be characterized by shared facilities for eating, hygiene and/or recreation. Examples include nursing/convalescent homes, residential care homes or centers; single-room occupancy (SROs) facilities; sororities/fraternities and convents/monasteries. Tenancy is typically 30 days or more. Excludes detention and post-detention facilities (see 20.160.020(E)(5) VMC, Detention Facilities).

3. Transitional Housing. Public or non-profit living facilities for groups of unrelated individuals that include at least one person residing on the site who is responsible for supervising, managing, monitoring and/or providing care, training or treatment of residents where tenancy is typically less than 30 days. Examples include: homeless shelters and drug/alcohol treatment facilities. Can include associated soup kitchens or other on-site food preparation and service. These uses are subject to the standards and review criteria of VMC 20.870, Human Service Facilities. Excludes private, for-profit-short-term housing (see 20.160.020(C)(1) VMC, Commercial Lodging); and detention and post-detention facilities (see 20.160.020(E)(5) VMC, Detention Facilities).

4. Home Occupation. Commercial, office or other economic activity wholly contained within the residence or accessory building within which it is located, and is clearly subordinate to the primary residential use.

B. Civic use types

1. Basic Utilities. Unstaffed community infrastructure, including but not limited to water tanks, sewer pump stations, telephone exchanges, and electric power substations. Excludes facilities that include offices, service centers and/or material storage (See 20.160.020(C)(6) VMC, Office, and 20.160.020 (D)(1) VMC, Industrial Services).

2. Colleges. Institutions of higher education. Accessory uses may include classrooms, laboratories, theaters, auditoriums, libraries, dormitories, eating facilities, bookstores, other small-scale retail, general offices, and parking. Excludes private, profit-making trade, and vocational schools (see 20.160.020(C)(4)(b) VMC, Personal Services). Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

3. Community Recreation. Public, private, and non-profit recreational, social and multi-purpose facilities that are open to the public for free or fee (including membership fees). Examples include: community centers; senior centers; health/fitness clubs; indoor or outdoor tennis/racquetball and soccer clubs and other sports fields; indoor/outdoor swimming pools; boat launches; golf courses, and shooting ranges. Accessory uses include clubhouses, pro shops, offices, locker rooms, restaurants/delis/concession stands, child care facilities, rest rooms, maintenance facilities, and parking. Excludes such facilities when collocated in a public park (see 20.160.020(B)(9) VMC, Parks/Open Space); and certain types of indoor recreational facilities (see 20.160.020(C)(3)(b) VMC, Indoor Entertainment.)

4. Cultural Institutions. Public or non-profit cultural facilities including libraries, museums, historic sites, and galleries.

5. Day Care

a. Child Care. As defined by the Revised Code of Washington (RCW) State Statute:

1. Family Child Day Care Home. A facility where a person regularly providing care during part of the twenty-four-hour day to twelve or fewer children in the family abode of the person or persons under whose direct care the children are placed.

2. Child Care Center. A person or agency that provides care for thirteen or more children during part of the twenty-four hour day.

b. Adult Day Care. Provision of daytime services, including respite, recreational, social and therapeutic activities, to disabled and/or elderly adults in a group setting. Categories include:

1. Residential Adult Day Care. Provision of adult day care services for six or fewer handicapped and/or elderly adults, with or without compensation, in the home of the provider.

2. Institutional Adult Day Care. Provision of adult day care services for seven or more handicapped and/or elderly adults either in a residential or institutional, e.g., nursing home, setting.

6. Emergency Services. Public safety facilities including police and fire stations, and emergency communications, but not including ambulance services.

7. Human Service Facilities. Any office, store, assembly place or facility, the general purpose of which is to provide human need services directly and at no or reduced cost to individuals who do not have the means, ability or opportunity to obtain such services themselves. Offices or clinics where medical, dental, psychological or other such essential human services are provided shall not be considered human service

facilities unless low or no cost services are provided to more than 50% of patients or clients. Human Service Facilities that provide on-site food, shelter and/or sleeping accommodations or beds are contained in 20.160.020(A)(3) VMC Transitional Housing.

8. Medical Centers. Facilities providing inpatient, outpatient, emergency, and related ancillary services to the sick and infirm. Usually developed in campus setting. Accessory uses may include diagnostic and treatment facilities; laboratories; surgical suites; kitchen/food service facilities; laundry; housekeeping and maintenance facilities; administrative offices; and parking. Medical centers may also include free-standing offices for hospital-based and/or private-practice physicians and other allied health care professionals; these medical office buildings are regulated as offices. (see 20.160.020(C)(6)(b) VMC) Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

9. Parks/Open Space. Lands that are maintained in a natural state and/or developed that are designed for public active and passive recreation. Examples include parks, public squares, recreational trails and nature preserves. Does not include areas in active cultivation (see 20.160.020(E)(1), Agriculture/Horticulture); or cemeteries (20.160.020(E)(2) VMC, Cemeteries).

a. Neighborhood parks. Small parks usually no greater than five acres designed to serve the immediate neighborhood. Access is on foot or bicycle with little or no on-site parking provided. Accessory uses may include low-impact outdoor playing/practice fields (without associated parking), playgrounds, sports courts, picnic areas, educational/interpretive facilities, walking/jogging paths, rest rooms, and seating areas. May collocate with schools.

b. Community parks. Larger parks typically 15 acres or larger designed to serve a larger geographic area than a neighborhood park. Access is on foot and by bicycle, transit, and vehicle. May contain one or more Community Recreation uses as defined in 20.160.020(B)(3) VMC. Other accessory uses may include walking/jogging trails; picnic shelters; outdoor performance facilities; off-leash dog, bicycle, and skateboard parks; sports courts, community gardens; bicycle, pedestrian, and transit amenities; educational/interpretive facilities; viewpoints; concessions; rest rooms; caretaker and maintenance facilities; and parking. May collocate with schools.

c. Regional parks. Any park greater than 100 acres designed to serve regional needs. Accessory uses include any of the facilities found in neighborhood and community parks.

d. Trails. Publicly accessible walking, jogging or bike trails that extend beyond the boundaries of a single subdivision or development project. Accessory uses may include signage/maps; interpretive centers; viewpoints; and trailhead facility, restrooms, and parking. Does not include trails or portions of trails created as part of Neighborhood, Community and Regional Parks.

10. Postal Service. Refers to postal services and processing as traditionally operated by the U.S. Postal Service. Such facilities include customer sales, mail sorting, and fleet truck storage. Excludes profit-making parcel post or mail services (see 20.160.020(C)(4)(b) VMC, General Retail, Personal Services).

11. Religious Institutions. Permanent places of religious worship that may include related accessory uses that are clearly incidental and secondary to religious worship, congregation, and teaching such as administrative offices; child care centers/pre-schools; classrooms for religious instruction; auditoriums; social halls; rectories; and gymnasiums, playgrounds and other recreational facilities.

12. Schools. Public and private pre-school, kindergarten, elementary, middle, and high schools. Accessory uses include administrative offices; classrooms and laboratories; kitchen/cafeterias; auditoriums;

gymnasium, swimming pools; playing fields and related indoor and outdoor physical education facilities; and storage and maintenance facilities. The programs and activities of other public and non-profit organizations including those associated with adult education, after-school care, recreation and social services may collocate in a school facility. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

13. Social/Fraternal and Clubs/Lodges. Non-profit organizations with social, philanthropic and/or recreational functions and activities.

14. Transportation Facilities. Bus, trolley, street car; light and heavy rail transit stops and stations; water taxi and ferry stations; and accessory bicycle parking. Excludes airports (see 20.160.020(E)(2) VMC, Airports/Airparks); public streets and sidewalks; and heavy and light rail maintenance/switching yards (see 20.160.020(D)(3) VMC, Railroad Yards); and heliports (see 20.160.020(E)(7) VMC, Heliports). Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

15. Park & Ride Facilities. Park & Ride facilities means parking facilities that serve motorists transferring to or from urban public transportation vehicles or private car-pool vehicles.

C. Commercial use types

1. Commercial Lodging. Residential facilities such as hotels, motels, rooming houses and bed-and-breakfast establishments where tenancy is typically less than one month. May include accessory meeting, convention facilities, and restaurants/bars.

2. Eating and Drinking Establishments. Establishments that sell prepared food and beverages for consumption on site or take-away including restaurants, delicatessens, bars, taverns, brew pubs, and espresso bars.

3. Entertainment-Oriented

a. Adult Entertainment. Facilities including adult motion picture theaters; adult video/book stores; and topless, bottomless, and nude dance halls which include materials and activities characterized or distinguished by an emphasis on matters depicting specified sexual activities or anatomical areas.

b. Indoor Entertainment. Commercial indoor facilities such as skating rinks, bowling alleys, arcades, shooting ranges, movie, and live performance theaters.

c. Major Event Entertainment. Facilities such as auditoriums, stadiums, arenas, amphitheaters, convention centers, and race tracks which provide athletic, cultural or entertainment events and exhibits for large groups generally exceeding 1,000 spectators.

4. General Retail

a. Sales-Oriented. Establishments which provide consumer-oriented sales, leasing and rental of consumer, home and business goods including art; art supplies; bicycles; clothing; dry goods; electronic equipment; fabric; gifts; groceries; hardware; household products; jewelry; pets and pet products; pharmaceuticals; plant; printed materials; stationery; and videos. Excludes large-scale consumer products (see 20.160.020(C)(4)(d) VMC, Bulk Sales); and those sold primarily outdoors (see 20.160.020(C)(4)(e) VMC, Outdoor Sales).

b. Personal Services. Establishments which provide consumer services such as banks and credit unions; barber and beauty shops; automated teller machines (ATMs) and related automated vending facilities; pet grooming; laundromats and dry cleaners; copy centers; photographic studios; specialized instructional schools; trade/vocational schools; massage therapy; acupuncture; and mortuaries.

c. Repair-Oriented. Establishments which engage in the repair of consumer and business goods including television and radios; bicycles; clocks; jewelry; guns; small appliances and office equipment; tailors and seamstresses; shoe repair; locksmiths; and upholsterers.

d. Bulk Sales. Establishments which engage in the sales, leasing and rental of bulky items requiring extensive interior space for display including furniture, large appliances, and home improvement sales.

e. Outdoor Sales. Establishments that engage in sales requiring outdoor display and/or storage including lumberyards and nurseries.

5. Motor Vehicle Related

a. Motor Vehicle Sales/Rental. Includes car, light and heavy truck, mobile home, boat and recreational vehicle sales, rental and service.

b. Motor Vehicle Servicing/Repair. Free-standing vehicle servicing and repair establishments including quick and general vehicle service, car washes and body shops not an accessory to new vehicle sales.

c. Vehicle Fuel Sales. Establishments engaging in the sale of gasoline, diesel fuel, and oil products for cars, trucks, recreational vehicles, and boats.

d. Electric Vehicle (EV) Basic Charging Station. A slow to medium level charging station for electric vehicles that is typically accessory to another use, such as single family residences, apartments, and businesses. Level 1 (120 volt AC) is considered slow charging. Level 2 (208 or 240 volt AC) is considered medium charging.

e. Electric Vehicle (EV) Rapid Charging Station. An industrial grade electrical outlet that allows for faster charging of electric vehicle batteries through higher power levels and that meets or exceeds any standards, codes, and regulations set forth by chapter 19.28 RCW and consistent with rules adopted under RCW 19.27.540. Such stations are also known as Level 3 facilities and are considered fast or rapid charging (480-volt AC), and are generally available to the public.

f. Electric Vehicle (EV) Battery Exchange Station. A facility that will enable an electric vehicle with a swappable battery to enter a drive lane and exchange the depleted battery with a fully-charged battery. Such exchange stations may use a fully automated process, which meets or exceeds any standards, codes, and regulations set forth by chapter 19.27 RCW.

6. Office

a. General Office. Government, business and professional offices that operate during typical weekday hours. Examples include local, regional, state, and federal offices and agencies; veterinary clinics; medical and dental laboratories; blood collection centers; offices for attorneys, architects, accountants, engineers, stockbrokers, real estate agents, mortgage bankers, insurance brokers, and other consultants; headquarters offices; sales offices; radio, and television studios. Also includes painting, landscaping,

building and janitorial contractors where the indoor storage of materials and equipment are incidental to the office use. If this storage exceeds 50% of occupied space, such uses are classified as Industrial Services [see 20.160.020(D)(1) VMC]. Offices that are part of and are located within a firm in another use category are considered accessory to the firm's primary activity. Also excludes medical office and related facilities [see 20.160.020(C)(6)(b) VMC].

b. Medical Office. Offices for physicians, dentists, chiropractors, and allied health care professionals; free-standing outpatient health care facilities; urgency clinics; naturopathic, and homeopathic facilities; and home health organizations that provide on-site services to patients and that generally operate during typical peak weekday hours.

c. Extended Office. Offices that operate during non-traditional hours including evenings, nights, and weekends. Examples include taxis and other vehicles for hire, funeral homes and accessory crematoria, telemarketing/service centers and internet communication centers. Accessory uses may include fleet vehicle parking, communication switching and other equipment and limited storage of goods.

7. Non-Accessory Parking. Any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a primary use. Includes public and private parking structures and lots; and free-standing fleet vehicle parking lots.

8. Self-Service Storage. Commercial operations that provide rental of storage space to the public. The storage areas are designed to allow private access by the tenant for storing or removing personal property. These facilities do not include moving and storage companies where there is no individual storage or where employees are primary movers of the goods to be stored [see 20.160.020(D)(5) VMC, Warehouse/Freight Movement].

9. Marina. A facility that provides secure moorings for recreational or commercial boats.

10. Artisan and Specialty Goods Production. Small scale businesses that manufacture artisan goods or specialty foods. Small manufacturing production aims at direct sales rather than the wholesale market. This small-scale manufacturing use is intended to be allowed where compatible with the commercial and residential fabric of the City Center. An allowance for public viewing or customer service space is required with artisan and specialty goods production. This use category includes the following uses: Sugar and confectionary, fruit and vegetable preserving and specialty foods, bakeries and tortilla manufacturing; artisan leather, glass, cutlery, hand tools, wood, paper, ceramic, textile and yarn products; microbreweries, microdistilleries, and wineries. Refer to Commercial Use Table 20.430.1 and Special Limitations 20.430.050.

D. <u>Industrial use types</u>

1. Industrial Services. Includes the repair and servicing of industrial and business machinery, equipment and/or products. Examples include welding shops; machine shops; sales, repair, storage, salvage or wrecking of heavy machinery, metal and building materials; towing and vehicle storage; auto and truck salvage and wrecking; heavy truck servicing and repair; tire recapping and retreading; truck stops; building, heating, plumbing or electrical contractors; exterminators; janitorial and building maintenance contractors where the indoor storage of materials is more than incidental to the office use [see 20.160.020(C)(6)(a) VMC]; fuel oil distributions; solid fuel yards; laundry, dry-cleaning and carpet cleaning plants; and photo-finishing laboratories.

2. Manufacturing and Production. Includes production, processing, assembling, packaging or treatment of semi-finished or finished products from raw materials or previously prepared materials or

components. Manufacturing production is intended for the wholesale market rather than for direct sales. For specific list of activities in this category, see NAICS assignment adopted by reference to this title, Table 20.440-2 and/or Commercial Use Table 20.430-1.

3. Railroad Yards. A terminus of several light or heavy railroad lines where the loading, unloading, transshipment, switching, maintenance, and storage of rail cars is undertaken.

4. Research and Development. Facility featuring a mix of uses including office, research laboratories, and prototype manufacturing. If the use contains no on-site manufacturing component, then it is considered General Office (see 20.160.020(C)(6)(a) VMC).

5. Warehouse/Freight Movement. Uses involved in the storage and movement of large quantities of materials or products indoors and/or outdoors; associated with significant truck and/or rail traffic. Examples include free-standing warehouses associated with retail furniture or appliance outlets; household moving and general freight storage; cold storage plants/frozen food lockers; weapon and ammunition storage; major wholesale distribution centers; truck, marine and air freight terminals and dispatch centers; bus barns; grain terminals; and stockpiling of sand, gravel, bark dust or other aggregate and landscaping materials.

6. Waste-Related. Uses that receive solid or liquid wastes from others for disposal on the site or for transfer to another location, uses that collect sanitary wastes or uses that manufacture or produce goods or energy from the composting of organic material. Examples include: recycling/garbage transfer stations; landfills; composting, energy recovery and sewage treatment plants; and hazardous waste handling and transfer facilities that do not treat or dispose of hazardous waste, as that term is defined in the Code of Federal Regulations, Title 40, Part 261. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act. Hazardous waste or disposal facilities are not included in this classification and are therefore not permitted in the City of Vancouver.

7. Wholesale Sales. Involves sales, leasing or rental of equipment or products primarily intended for industrial, institutional or commercial businesses. Businesses may or may not be open to the general public, but sales to the general public are limited. Examples include the sale or rental of machinery, equipment, building materials, special trade tools, welding supplies, machine parts, electrical supplies, janitorial supplies, restaurant equipment, and store fixtures; mail order houses; and wholesalers of food, clothing, auto parts, and building hardware.

8. Major Utility Facilities. Those facilities which have a substantial public impact, including but not limited to: sewage treatment plants and lagoons; electric generation facilities including biomass and coal energy generating facilities; and essential public facilities as defined in Chapter 20.855 VMC, Essential Public Facilities.

E. <u>Other use types</u>

1. Agriculture/Horticulture. Open areas devoted to the raising of fruits, vegetable, nuts, nursery stock and/or flowers, including community gardens; may include on-site sales of products grown on the site. Excludes nurseries (see 20.160.020(C)(4)(e) VMC, Outdoor Sales).

2. Airports/Airparks. Includes aircraft runways, landing strips and uses supporting airport operations such as control towers, hangars, and fuel storage facilities. Also includes uses incidental to airports such as aerial mapping; air cargo warehousing and distribution, airport pilot training schools; aircraft sales and repair; aviation clubs and museums; and public transportation transfer areas. Such a facility that has

"regional" or "state-wide" significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

3. Animal Kennel/Shelters. Animal kennel and shelter facilities for the overnight boarding of dogs, cats and other domestic pets. Excludes dog day care (see 20.160.020(E)(6) VMC, Dog Day Care); and veterinary clinics (see 20.160.020(C)(6)(a) VMC, General Offices).

4. Cemeteries. Facilities for storing human remains. Accessory uses may include chapels, mortuaries, crematoria, mausoleums, administrative offices, maintenance facilities, and parking.

5. Detention and Post-Detention Facilities. Uses which have the characteristics of Group Living but are devoted to the housing, training and supervision of those under judicial detention. Examples include prisons; jails; probation centers; juvenile detention homes; and related post-incarceration and half-way houses. Such a facility that has regional or state-wide significance is classified as an Essential Public Facility by the provisions of the Growth Management Act.

6. Dog Day Care. Dog Day Care shall mean any premises containing four or more dogs, which are five months or older, where these domestic animals are dropped off and picked up daily for temporary care on site and where they may be groomed, trained, exercised, and socialized, but are not kept or boarded overnight, bred, sold or let for hire. Excludes Animal Kennel/Shelters (See 20.160(E)(3) VMC, Animal Kennel/Shelters).

7. Heliports. Public or private facilities designed for the landing, departure, storage, and fueling of helicopters.

8. Mining. Uses that mine or extract mineral or aggregate resources from the ground for off-site use. Accessory uses may include storage, rock crushing, sorting, and transfer facilities.

9. Rail Lines/Utility Corridors. The regional corridors in public or private ownership dedicated for use by rail lines; above-grade or underground power or communication lines; water, sewer and storm sewer lines or similar services.

10. Temporary Uses.

11. Wireless Communication Facilities. Includes publicly- and privately-owned towers and related transmitting equipment for television; FM/AM radio; cellular and two-way radio and microwave transmission; and related ancillary equipment buildings. Does not include radio/television transmission facilities that are part of the public safety network (see 20.160.020(B)(6) VMC, Emergency Services). Does not include amateur (ham) radio antennas or towers.

(M-4024, Amended, 09/10/2012, Sec 5-Effective 09/30/2012; M-4002, Amended, 12/05/2011, Sec 4-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 4-Effective 8/19/2010; M-3931, Amended, 11/19/2009; M-3931, Amended, 11/02/2009, Sec 1-Effective 12/2/2009; M-3922, Amended, 07/06/2009, Sec 3; M-3847, Amended, 11/19/2007, Sec 2; M-3832, Amended, 06/18/2007, Sec 2; M-3701, Amended, 05/02/2005, Sec 3; M-3663, Amended, 08/02/2004, Sec 3; M-3643, Added, 01/26/2004)

Section 20.160.030 Unlisted Use: Authorization of Similar Use.

A. Purpose. It is not possible to contemplate all of the various uses that will be compatible within a zoning district. Therefore, unintentional omissions occur. The purpose of these provisions is to establish a procedure for determining whether certain specific uses would have been permitted in a zoning district had they been contemplated and whether such unlisted uses are compatible with the listed uses.

B. Process. The planning official shall render an interpretation by means of a Type I permit, as governed by chapter 20.255 VMC, Interpretations.

C. Approval standards. The planning official shall use the following criteria to determine the appropriate category for an unlisted use as follows:

1. Approval or denial of an unlisted use application by the planning official shall be based on findings that:

   a. The use is consistent with the intent and purpose of the applicable zoning district;

   b. The use is similar to and of the same general type as the typical uses listed in the zoning district;

   c. The use has similar intensity, density, and off-site impacts as the typical uses listed in the zoning district; and

   d. The use has similar impacts on the community facilities as the typical listed uses. Community facilities include streets, schools, libraries, hospitals, parks, police and fire stations, water, sanitary sewer, and storm drainage systems.

D. Maintaining list. The planning official shall maintain a list by zoning district of approved unlisted uses and the list shall have the same effect as an amendment to the use provisions of the applicable zone.
(M-4034, Amended, 12/03/2012, Sec 3-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Chapter 20.170

MEASUREMENTS

Sections:

20.170.010 Purpose.
20.170.020 Measuring Number of Items Required.
20.170.030 Measuring Distances.
20.170.040 Measuring Distances on Maps.
20.170.050 Measuring Height.
20.170.060 Determining the Area of the Facade of a Building.
20.170.070 Measuring Lot Widths and Depths.
20.170.080 Setback Averaging.
20.170.090 Measuring Tree Diameter.
20.170.100 Measuring the Root Protection Zone.

Section 20.170.010 Purpose.

The purpose of this chapter is to set the standards for calculating measurements required in the development code.
(M-3643, Added, 01/26/2004)

Section 20.170.020 Measuring Number of Items Required.

A. When any measurement technique for determining the number of items required or allowed, including but not limited to parking or bicycle spaces, dwelling units or required trees or shrubs, results in a fractional number, the number shall be rounded as follows:

1. Minimum requirements. When a regulation is expressed in terms of a minimum requirement, any fractional result will be rounded up to the next consecutive whole number. For example, if a minimum requirement of one tree for every 30 feet is applied to a 50 foot strip, the resulting fraction of 1.67 is rounded up to two required trees.

2. Maximum limits. When a regulation is expressed in terms of maximum limits, any fractional result will be rounded down to the next lower whole number.
(M-3643, Added, 01/26/2004)

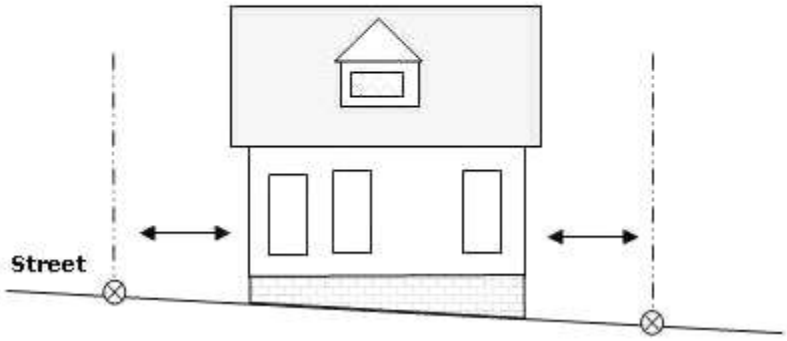
Section 20.170.030 Measuring Distances.

A. When any measurement technique for determining required minimum or allowed maximum dimensions, including but not limited to height, yards, setbacks, lot coverage, opens space, parking stall size or street width, results in a fractional number, the dimension shall be measured to the nearest inch. Any fraction less than one-half of an inch shall be disregarded and fractions of one-half-inch or larger shall be included in the measurement. Note: Where illustrations conflict with the text of this section, the text shall control.

B. Distances are measured horizontally. When determining distances for setbacks, structure dimensions, and buffers, all distances are measured along a horizontal plane from the appropriate property line, critical area boundary, edge of building, structure, storage area, parking area or other object. These distances are not measured by following the topography of the land. See Figure 20.170.030-1.

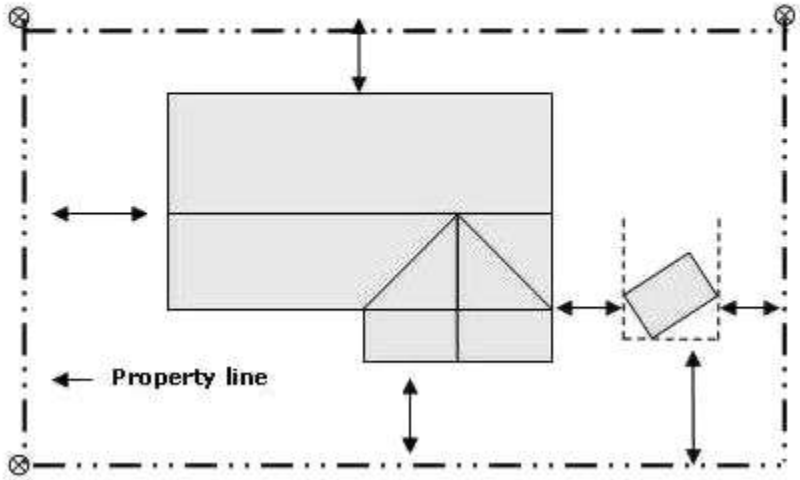
Figure 20.170-030-1

Horizontal Measurement



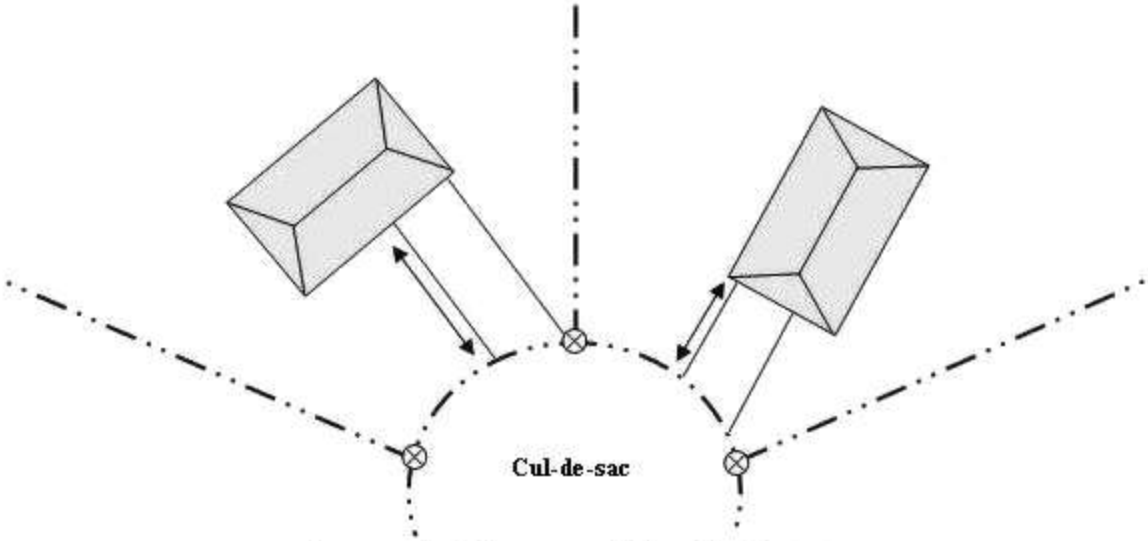
C. Measurements are shortest distance. When measuring a required distance, such as the minimum distance between a structure and a lot line, the measurement is made at the shortest distance between the two objects, and perpendicular to the lot line. See Figure 20.170.030-2. For the purposes of VMC 20.740, Critical Areas Protection, the measurement is made at the shortest distance between two objects or boundaries without respect to the lot line. Other exceptions are stated in Subsection D, E, and F.

Figure 20.170.030–2
Closest Distance



D. Measurements of vehicle travel areas. Minimum vehicle travel area for garage entrance setbacks is measured along the shortest side of the vehicle travel area. See Figure 20.170.030-3.

Table 20.170.030–3
Measuring Vehicle Travel Area

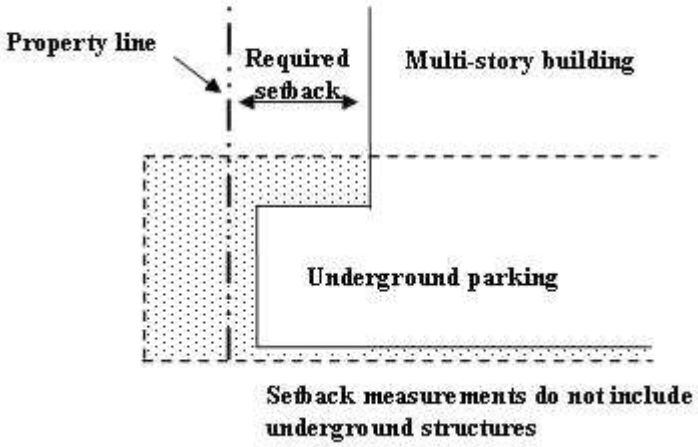


Garage setback is measured along the shortest side of the vehicle travel area.

E. Measurements involving a structure. Measurements involving a structure are made to the closest wall of the structure. Chimneys, eaves, and bay windows up to 12 feet in length, are not included in the measurement. Other items, such as covered porches, and entrances are included in the measurement. See Figure 20.170-2 above.

F. Underground structures. Structures or portions of structures that are entirely underground are not included in measuring required distances. However, this shall not be interpreted to mean that underground construction is allowed to encroach under public rights-of-way, easements or other property without a street use permit. See Figure 20.170-4. For the purposes of 20.740, Critical Areas Protection, structures or portions of structures that are entirely underground are included in measuring required distances.

Figure 20.170.030–4
Underground Structures

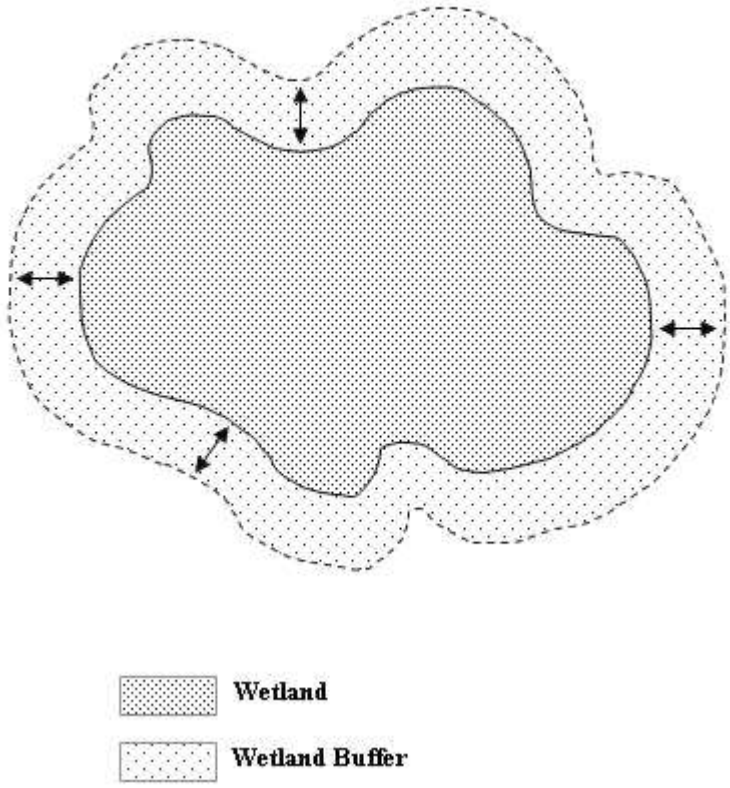


G. Landscaping. Measurements of the dimensions of a landscaped area include only the area that is actually landscaped and not any other elements such as protect curbs.

H. Wetland Buffer. See VMC 20.740.140(C)(1)(b).

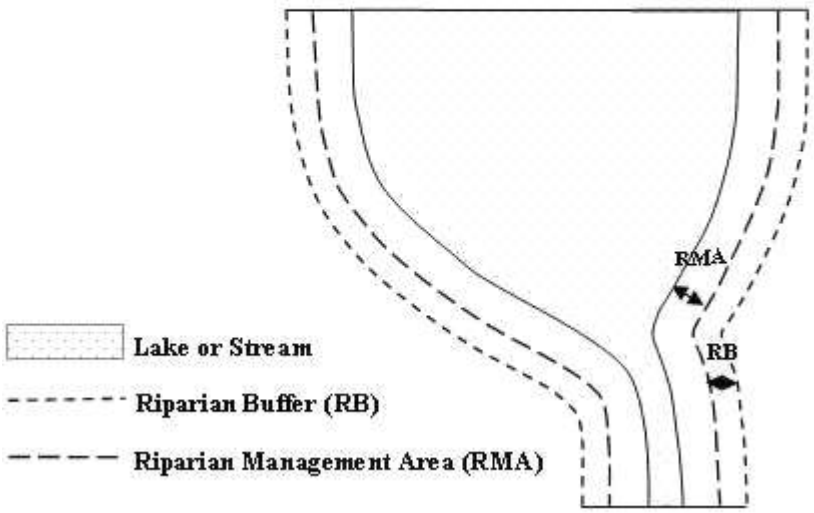
Figure 20.170.030-5

Wetland Buffer



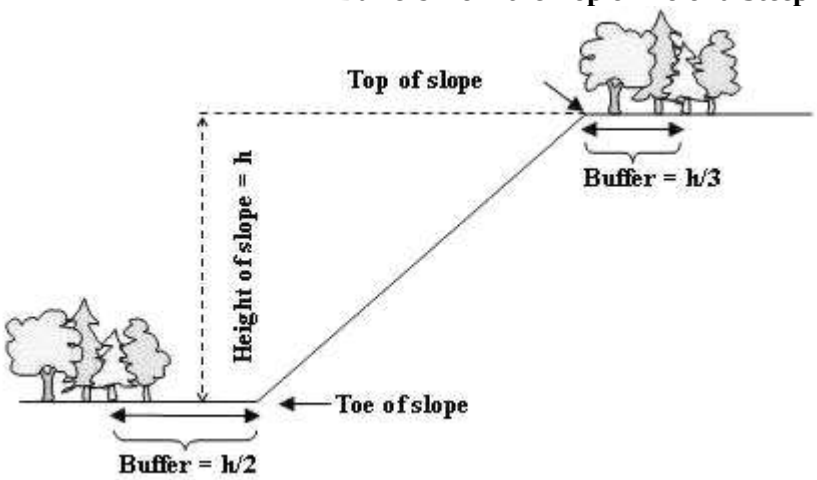
I. Riparian Management Area and Riparian Buffer. See VMC 20.740.110 (A)(1).

Figure 20.170.030-6
Riparian Management Area and Riparian Buffer



J. Buffers from the Top or Toe of a Steep Slope. See VMC 20.740.130 (C)(1)(j)(4).

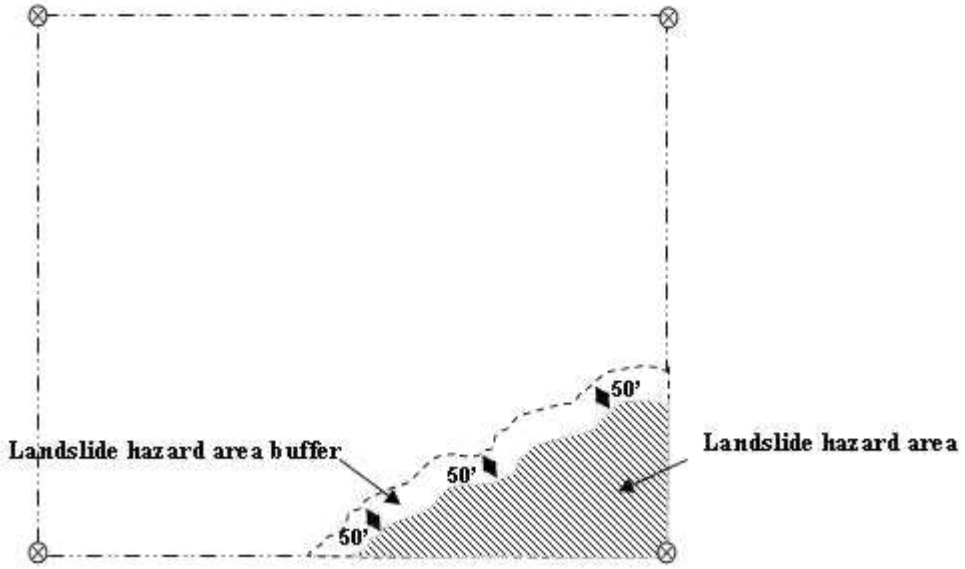
Figure 20.170.030-7
Buffers from the Top or To of a Steep Slope



K. Buffer from All Edges of a Landslide Hazard Area. See VMC 20.740.130(C)(1)(j)(4).

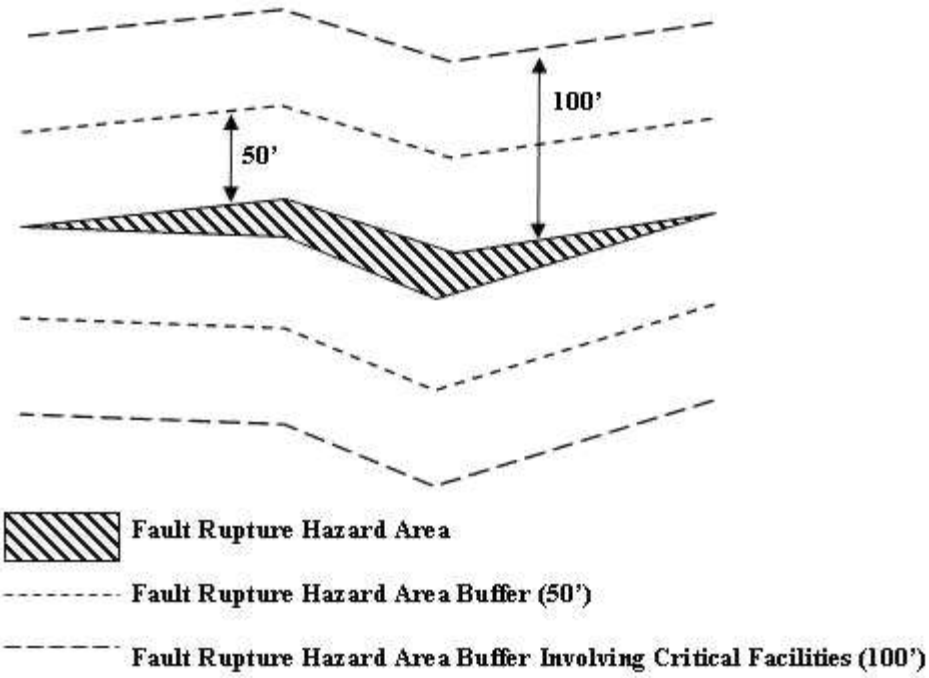
Figure 20.170.030-8

Buffer from All Edges of a Landslide Hazard Area



L. Fault Rupture Hazard Areas Buffer. See VMC 20.740.130 (C)(2)(c)(3).

Figure 20.170.030–9
Fault Rupture Hazard Areas Buffer



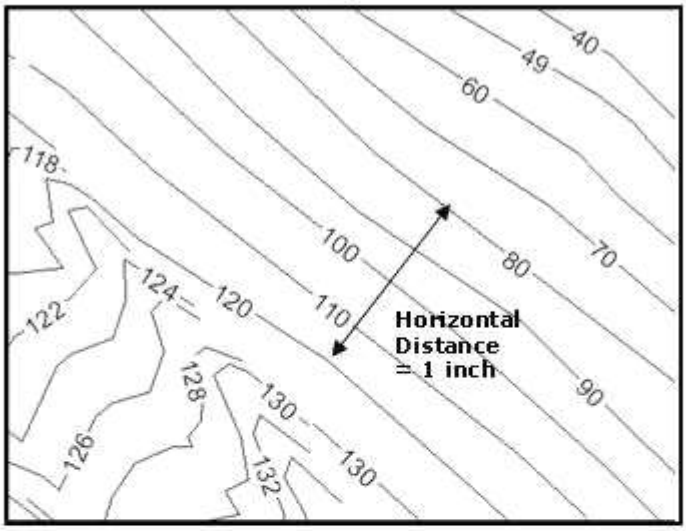
(M-3922, Amended, 07/06/2009, Sec 4; M-3692, Amended, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.170.040 Measuring Distances on Maps.

A. Zone boundaries. Zone boundaries that are shown crossing lots are usually based on a topographic feature or a set measurement from a property line or topographic feature, such as the top of slope or stream bank or middle of a stream. When zone boundaries are shown crossing properties with no clear indication of the basis for the line, exact distances are to be determined by scaling the distances from the Official Zoning Maps, using the center of the zoning line.

B. Calculating Slope from a Topographic Map. See VMC 20.740.130.

Figure 20.170.040–1
Calculating Slope from a Topographic Map



1 inch = 50 feet

Percent Slope = Rise/Run x 100, where
Rise = Vertical distance read from contour lines, and
Run = Horizontal distance measured between contour lines.

Rise = Vertical distance read from contour lines = 120 – 80 = 40 feet

Run = Horizontal distance measured between contour lines = 1 inch.
Scale indicates 1 inch = 50 feet.

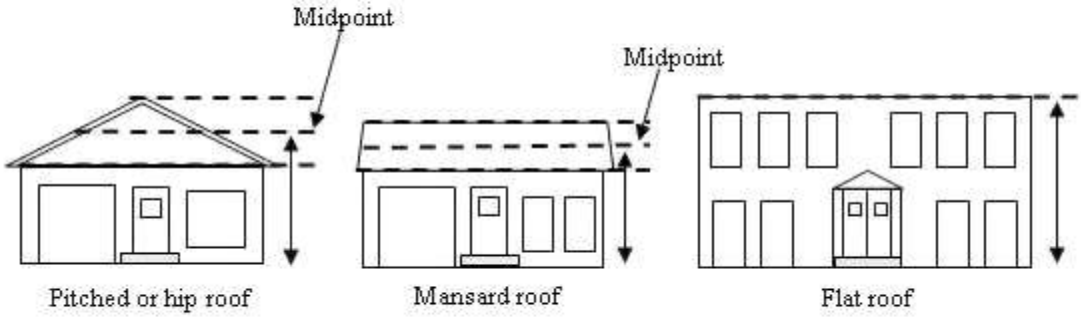
Percent Slope = Rise/Run x 100 = 40 feet/50 feet x 100 = 80%

(M-3692, Amended, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.170.050 Measuring Height.

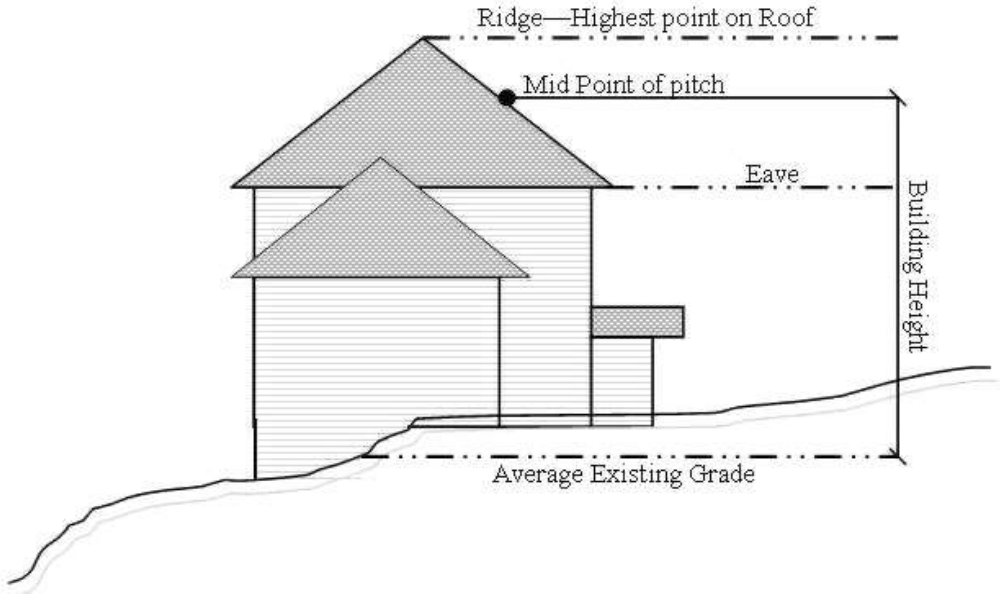
A. Measuring building height. Height of buildings is measured from the vertical distance from the average grade to the average height of the roof peak of the building, except in a shoreline jurisdictional area, in which case the height shall be measured from average existing grade (prior to development) to the highest point of a structure (see also WAC 173.27.030). For exceptions subject to airport height limits located within the approach, transitional and horizontal surfaces refer to Sections 20.570 and 20.630.050 VMC.

Figure 20.170.050–1
Measuring Building Heights



Building height is measured at midpoint between eaves and peak of roof.

Figure 20.170.050-2
Measuring Building Height with Variations in Grade



B. Measuring height of other structures. The height of other structures such as flag poles and fences is the vertical distance from the ground level immediately under the structure to the top of a structure, excluding exempted portions. When chimneys and other objects are allowed to exceed the base height of

the zone by a set amount, that set amount is measured to the top of these objects. Special measurement provisions are also provided below.

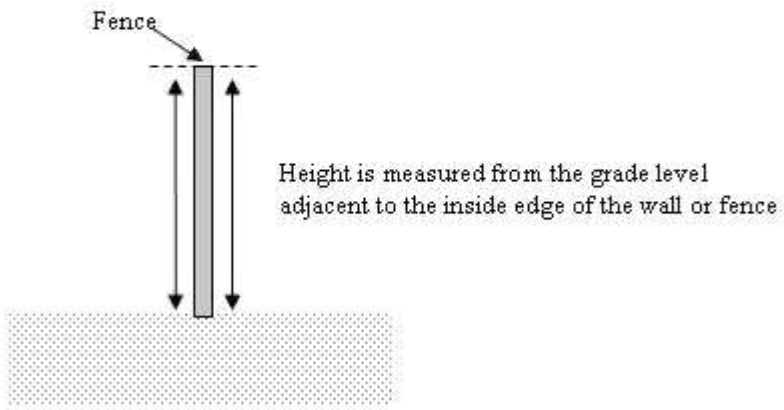
1.

2.1. Height is measured from the grade level adjacent to the inside edge of the wall or fence.

3.

Figure 20.170.050-3

Measuring Height of Non-building Structures



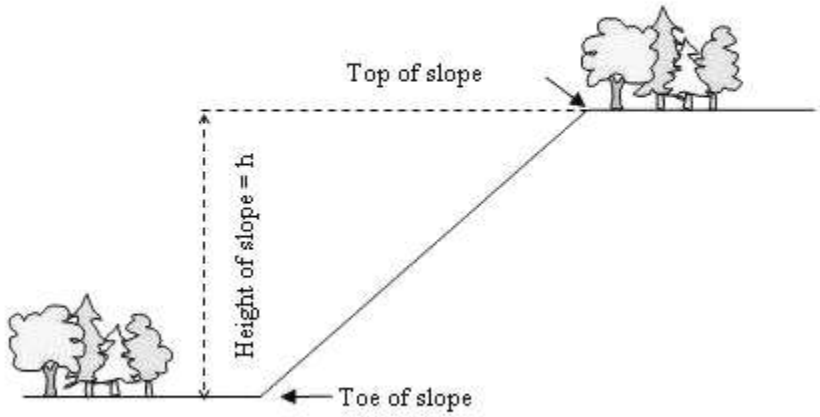
4.

5.

6.2. Measuring height of decks. Deck height is determined by measuring from the ground to the top of the floor of the deck if there is no rail or if the rail walls are more than 50% open, and from the ground to the top of the rails for all other situations.

C. <u>Measuring Height of a Slope.</u> See VMC 20.740.130.

Figure 20.170.050-4
Measuring Height of a Slope

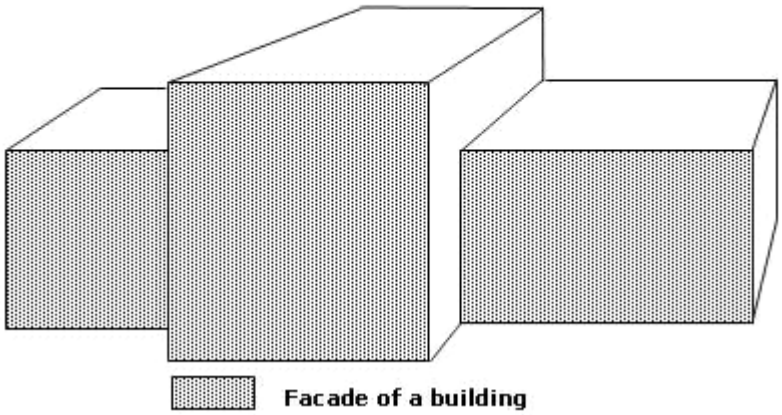


(M-3840, Amended, 08/06/2007, Sec 4; M-3832, Amended, 06/18/2007, Sec 3; M-3692, Added, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.170.060 Determining the Area of the Facade of a Building.

A. Criteria for determining the area of the façade of a building. The area of a specific facade of a building is determined by adding the square footage of surface area of each section of wall visible from that perspective. For buildings with more than one wall along one façade, for example, rooms jutting out from the main building or a building where each floor is set back from the floor below, all of the walls are included in the total area. The total area does not include any roof area. See Figure 20.170.060–1.

Figure 20.170.060–1
Calculating Facade of a Building



(M-3692, Added, 02/28/2005, Sec 9)

Section 20.170.070 Measuring Lot Widths and Depths.

A. Criteria for measuring lot widths and depths. Lot widths and depths are measured from the midpoints of opposite lot lines. See Figure 20.170.070-1 and Figure 20.170.070-2.

Figure 20.170.070.070–1
Measuring lot width

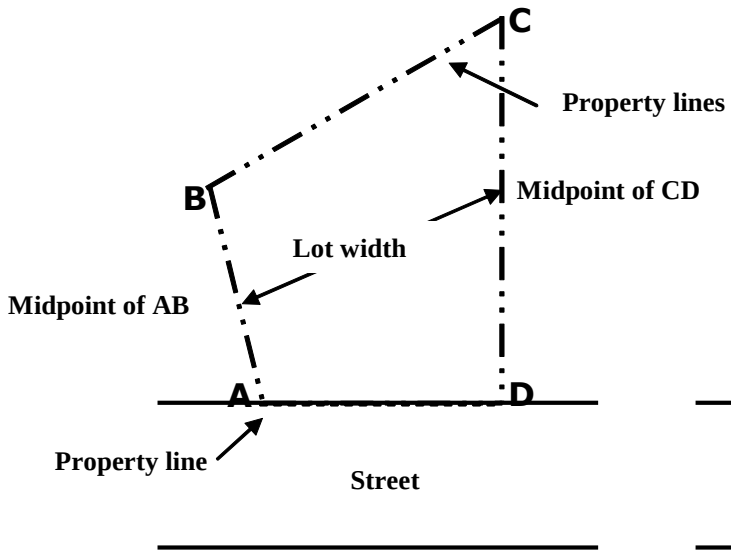
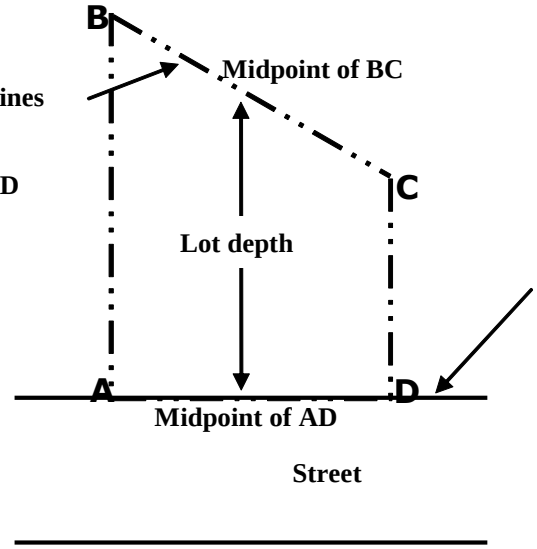


Figure 20.170.070.070–2
Measuring lot depth



(M-3692, Amended, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.170.080 Setback Averaging.

A.A. Specific setback regulations. Certain regulations allow for setbacks to be averaged. In these situations the required setback may be reduced to the average of the existing setbacks of the lots that are on both sides of the site. See Figure 20.170–10. The following rules apply in calculating the average:

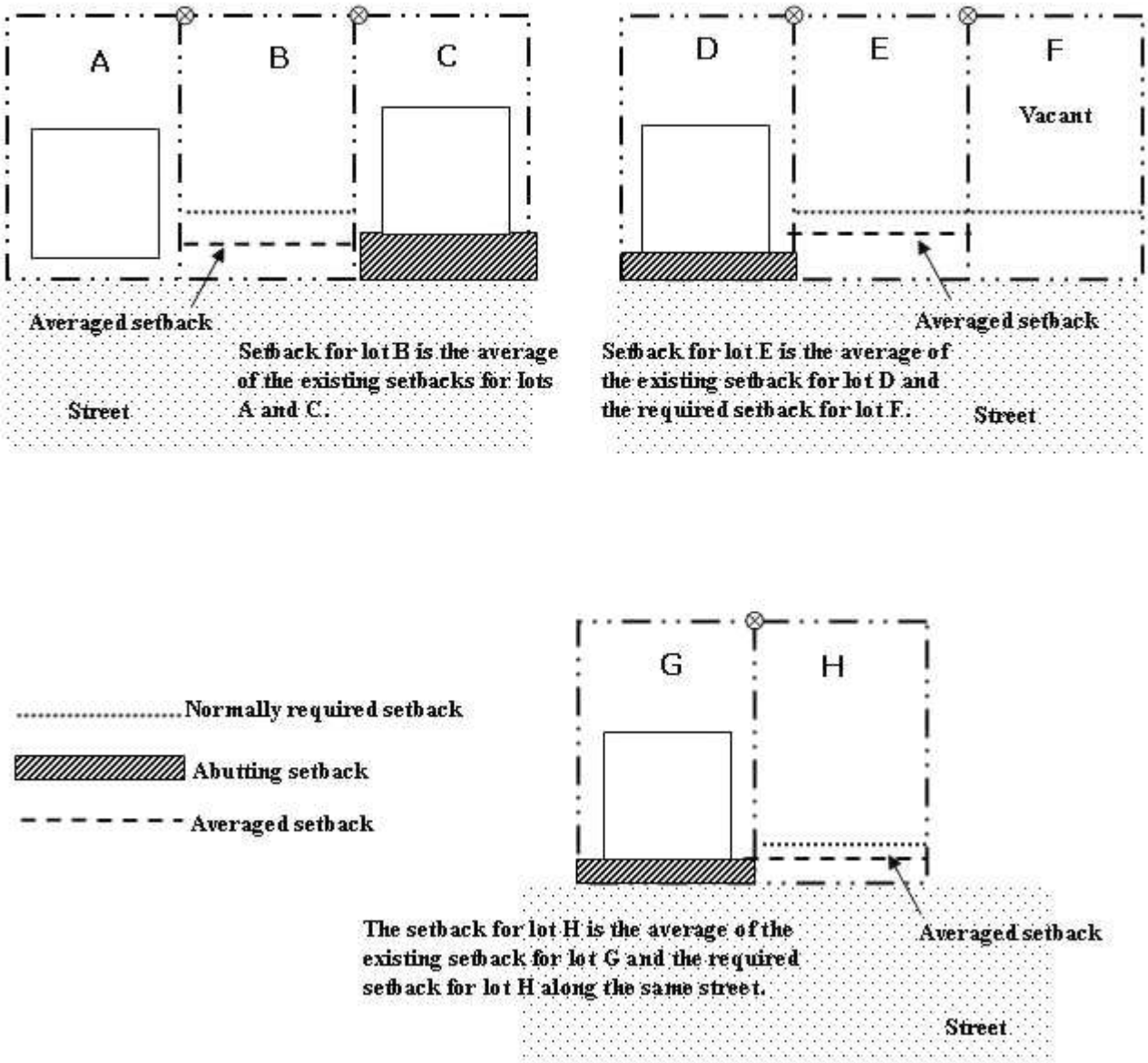
1. Setback type consistency. The setbacks used for the calculations must be the same type of setback that is being averaged. For example, only front yard setbacks can be used to average a front yard setback;

2. Setbacks that abut the site. Only the setbacks on the lots that abut each side of the site and are on the same street may be used. Setbacks across the street or along a different street may not be used; and

3. Setbacks and lot orientation. When one abutting lot is vacant or if the lot is a corner lot, then the average is of the setback of the non-vacant lot and the required setback for the zone.

Figure 20.170.080-1
Setback Averaging

Figure 20.170.080-1
Setback Averaging



B. <u>Buffer Modification.</u>

1. Riparian Buffer Modification. See VMC 20.740.110 (C)(2)(c).

Figure 20.170.080–2
Standard Riparian Management Area and Buffer

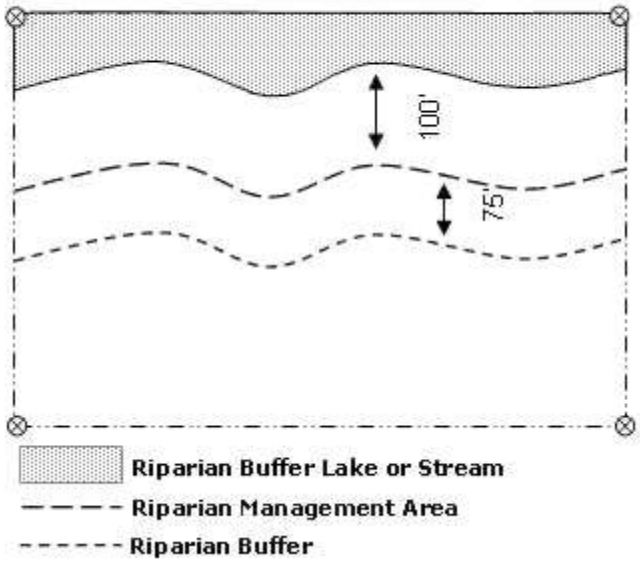
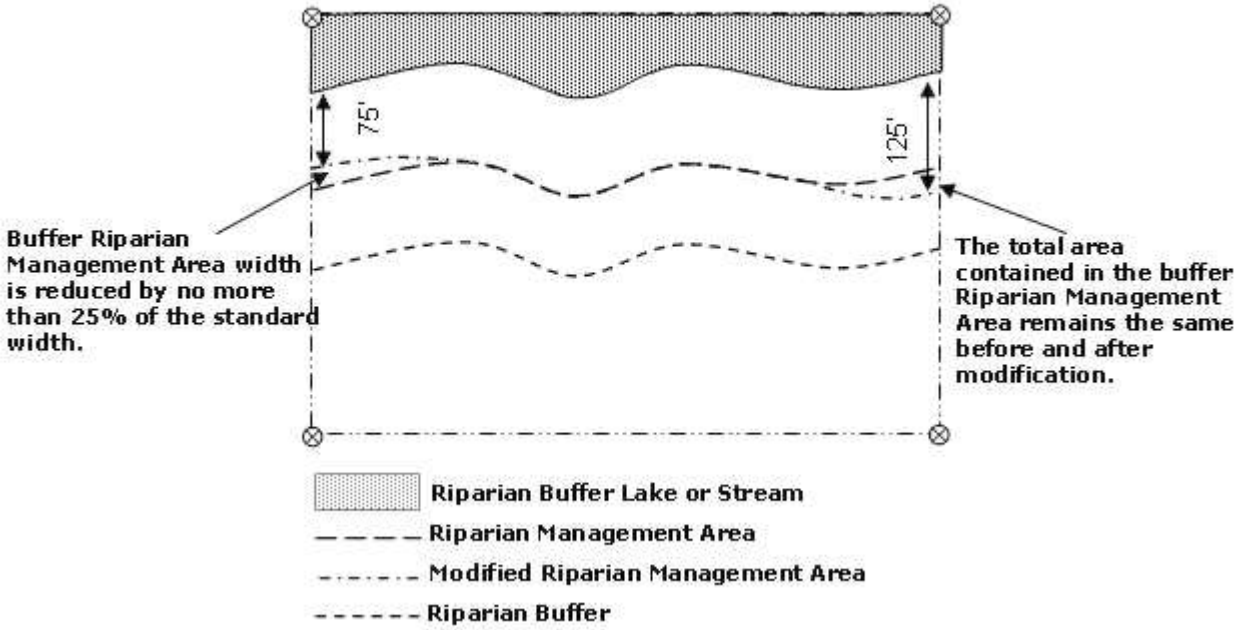
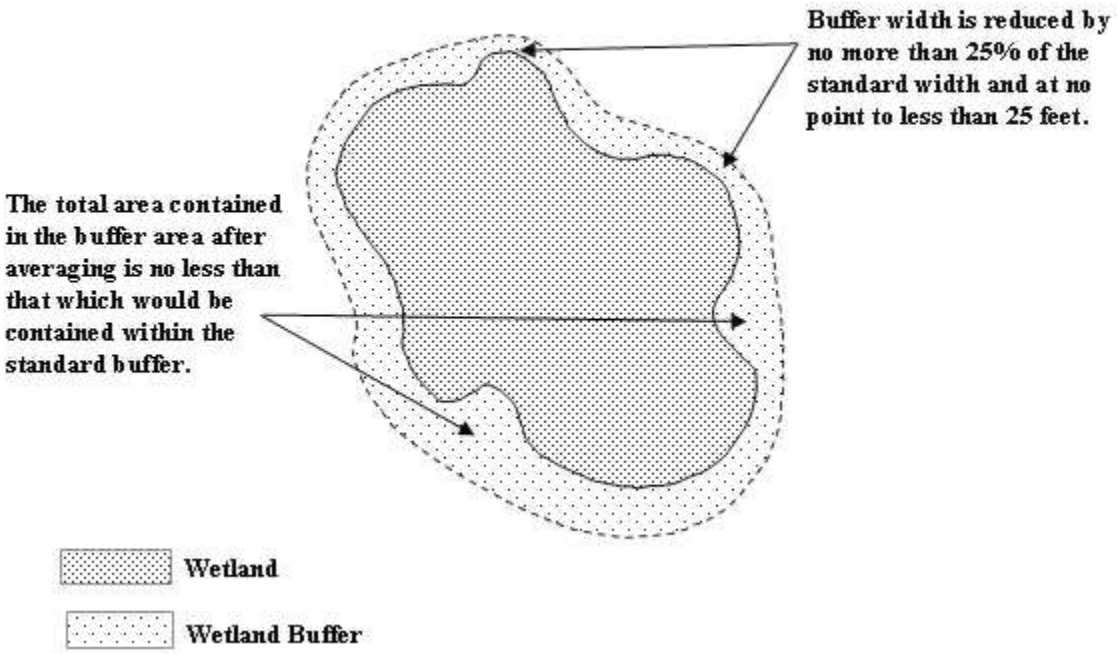


Figure 20.170.080–3
One Example of an Modified Riparian Management Area and Buffer



2. Wetland Buffer Averaging. See VMC 20.740.140 (C)(1)(b)(2).

Figure 20.170.080–4
Wetland Buffer Averaging



(M-3692, Amended, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.170.090 Measuring Tree Diameter.

A.A. Existing trees. Existing trees are measured at a height of 4 ½ feet above the ground. Trees on slopes are measured from the ground level on the lower side of the tree. If the tree splits into multiple trunks below 4 ½ feet , the trunk is measured at its most narrow point below the split.

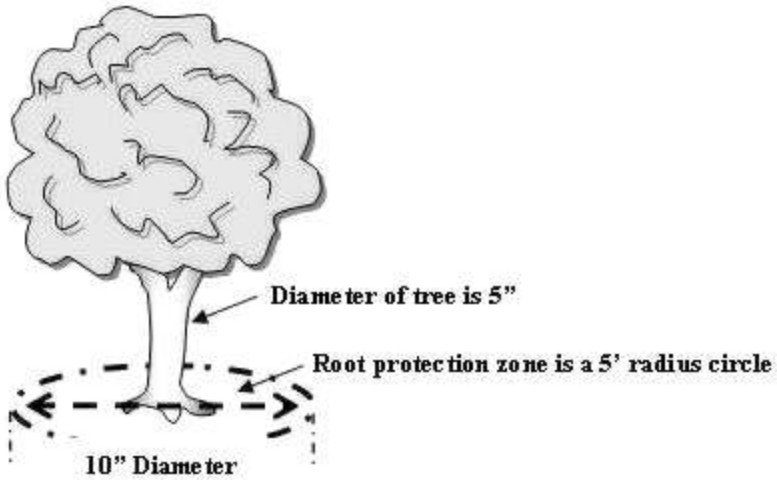
B.B. New trees. New trees are measured in caliper inch, which is the diameter of the trunk 6 inches above the ground for up to and including 4 inches caliper size and 12 inches above the ground for larger trees.

C. Tree Diameter. Tree diameter is measured by taking the circumference of the tree at the height, described in Items A and B above, and dividing the result by 3.14.
(M-3701, Amended, 05/02/2005, Sec 4; M-3643, Added, 01/26/2004)

Section 20.170.100 Measuring the Root Protection Zone.

A. Root protection zone. The root protection zone is a circular area around a tree that is based on the diameter of the tree. Each 1 inch diameter of tree equals 1foot radius for the root protection zone, as illustrated in Figure 20.170.100–11.

Figure 20.170.100-11
Measuring the Root Protection Zone



(M-3692, Amended, 02/28/2005, Sec 9; M-3643, Added, 01/26/2004)

Chapter 20.180

FEES

Sections:

20.180.010 Purpose.
20.180.020 Application and Service Fee Policy.
20.180.030 Fees Payable.
20.180.040 Refunds.
20.180.050 Revisions.
20.180.060 Planning Fees.
20.180.070 Development Engineering Fees.
20.180.080 Fire Review Fees.

Section 20.180.010 Purpose.

A. Requirements of the uniform codes and ordinances. The uniform codes and ordinances adopted by the City of Vancouver concerning land use, development, and building require the Community and Economic Development Department to perform certain reviews, approvals, and inspections to support land development, new construction, issue permits, periodically inspect existing occupancies to assure compliance with the codes, and ordinances. Appropriate fees will be collected for these reviews, approvals, and inspections. Any applicant desiring or being required to obtain review, approval, permit issuance or inspections pursuant to the uniform codes, standards, and ordinances adopted by the City of Vancouver shall pay the applicable fees.

B. Procedures and standard fee provisions. This section establishes the procedures and standard provisions for fees set forth in the following sections:

1. 20.180.060 VMC, Planning Fees

2. 20.180.070 VMC, Development Engineering Fees

3. 20.180.080 VMC, Fire Review Fees

(M-3643, Added, 01/26/2004)

Section 20.180.020 Application and Service Fee Policy.

Fee policy. It is the general policy of the City of Vancouver that the Community and Economic Development Department adopt application and service fees at a level sufficient to cover the costs or a substantial portion of the costs, associated with conducting reviews, and providing services. Fees for applications or services should generally be collected by the city at the time or as close as possible to the time that costs are incurred. General fund support for certain activities will be provided where necessary.
(M-3643, Added, 01/26/2004)

Section 20.180.030 Fees Payable.

A. Complete payment with submittal. All fees shall be payable at the time of submittal of an application for processing, unless specifically stated otherwise.

B. Payment to include all applicable fees. Unless specifically stated otherwise, all application fees are in addition to other city fees that may be applicable.

C. Updated fee policy. Fees shall be those fees that are in effect at the time an application is submitted and determined to be "counter complete" as defined in 20.00.425 VMC.
(M-3643, Added, 01/26/2004)

Section 20.180.040 Refunds.

Types of refunds. A full or partial refund may be approved by the planning official or other appropriate department head when an application is withdrawn prior to the expenditure of staffing resources.
(M-3643, Added, 01/26/2004)

Section 20.180.050 Revisions.

Development review fees. Effective January 1, 2010, and January 1st of each year thereafter, development review fees shall be adjusted by an amount equal to the percentage change in the Consumer Price Index for the Portland-Salem, Oregon-Washington Metropolitan Area for Wage Earners and Clerical Workers (CPI-W) for the preceding year ending on June 30 prepared by the Department of Labor, Bureau of Labor Statistics or a replacement index applicable to the City of Vancouver. Each such newly adjusted fee shall be rounded to the next higher whole dollar.
(M-3895, Amended, 11/17/2008, Sec 2-Effective 01/16/2009; M-3643, Added, 01/26/2004)

Section 20.180.060 Planning Fees.

Required planning fees. Fees for planning related applications, permits, and services are set forth in Table 20.180.060.

Table 20.180.060		
Section	**Activity**	**Fee**
1.	**Address Changes**	$305.06
2.	**Airport height combining district**	$433.16
3.	**Appeals (to Hearing Examiner, Planning Commission, or City Council)**	
A.	Filed by a recognized city neighborhood association	$91.51
B.	Involving an individual single-family or duplex lot	$427.07
C.	All other (see SEPA fees for SEPA procedural appeal fee)	$1,220.20
4.	**Archaeological Review**	
A.	Pre-Determinations	
1.	Base Fee	$396.57
2.	Plus fee per acre for each acre more than 5	$67.11
B.	Surveys and other special studies	Cost Recovery[1]

Table 20.180.060		
Section	**Activity**	**Fee**
5.	**Binding site plan**	
A.	Conceptual – Requiring subsequent site plan review	
1.	Same as comparable short subdivision or subdivision	See short subdivision or subdivision
B.	Detailed – Not requiring subsequent site plan review	
1.	Same as comparable short subdivision or subdivision	See short subdivision or subdivision
2.	Plus one half (1/2) comparable site plan review	See site plan review
6.	**Boundary Line Adjustments**	
	Base fee	$640.61
	Plus fee per lot for each additional lot more than two	$207.44
7.	**Comprehensive Plan Amendments (includes rezone in conjunction with plan amendment)**	$8,419.38
8.	**Conditional Use Permit**	
A	Initial	$5,155.34
B.	Major Modification, Type III	$915.15
C.	Minor Modification, Type I	207.44
9.	**Continuance of Public Hearing**	
A.	Initiated by applicant after public notice is mailed	$1,220.20
B.	Resulting from inadequate information provided by the applicant. Does not apply in cases where new information is presented at the hearing by staff or other parties.	$1,220.20
C.	Hearing Examiner Reconsideration Request	$1,220.20
10.	**Covenant Release - Full and Partial**	$5,429.89
11.	**Critical Areas Permit**	
A.	Single-family and duplex lots (Fee per Applicable Critical Area)	
1.	Fish and Wildlife Habitat Areas	$915.15
2.	Frequently Flooded Areas	$183.04
3.	Geologic Hazard Areas	$183.04
4.	Wetland Areas	$915.15
B.	All Others (Fee per Applicable Critical Area)	

Table 20.180.060		
Section	**Activity**	**Fee**
1.	Fish and Wildlife Habitat Areas	$1,830.31
2.	Frequently Flooded Areas	$420.96
3.	Geologic Hazard Areas	$420.96
4.	Wetland Areas	$1,830.31
C.	Minor Exception Request	
1.	Single-family and duplex lots	$420.96
2.	All others	$439.27
D.	Reasonable Use Request	
1.	Single-family and duplex lots	$2,685.40
2.	All others	$5,339.59
E.	Digitizing Critical Areas Geographic Information	Cost Recovery[1]
12.	**Design Review (Downtown)**	
A.	Minor exterior reviews only	$366.07
B.	All others, including new buildings	$1,220.20
13.	**Development Agreement**	Cost Recovery[1]
14.	**Extension of Preliminary Approval**	$427.07
15.	**Grading and Erosion Control Permit (includes plan check and inspection)**	
A.	50 cubic yards or less and less than 1 foot in depth	No fee
B.	51 to 100 c.y. or greater than 1 foot in depth	$79.92
C.	101 to 500 c.y.	
1.	Base fee	$159.84
2.	Plus fee per 100 c.y. (or fraction thereof) above 500 c.y. (Note: Maximum total grading and erosion control fee shall be $250.00)	$10.66
D.	Fees resulting from work in progress without a permit	2 x regular fee
16.	**Home Occupation**	
A.	General	$122.02
B.	Penalty - When application is received after code enforcement action has been initiated.	2 x regular fee
17.	**Human Service Facility Siting Request**	$427.07
18.	**Joint use parking agreement**	$685.75

Table 20.180.060		
Section	**Activity**	**Fee**
19.	**Land Use Permit** (Single family and duplex residential; sheds; decks; driveways, etc.)	$30.51
20.	**Lot Determination**	
A.	Base fee (1-2 lots)	$1,336.11
B.	Plus per lot fee over 2	$427.07
21.	**Master Plan**[2]	
A.	Conceptual (requiring subsequent site plan review)	$4,744.14
B.	Detailed (not requiring subsequent site plan review)	$4,744.14 plus ½ applicable site plan review fee
C.	Hybrid (conceptual approval for overall site, plus partial detailed approval)	$4,744.14 plus 1/2 applicable site plan review fee for area for which detailed approval is sought
22.	**Planned Development**	
A.	Residential	
1.	Base fee	$1,482.54
2.	Plus fee per unit	$67.11
3.	Minimum: $2,121.40; maximum: $9,590.98 Subdivision fee reduced by ½ when filed simultaneously.	
B.	Non-Residential	
1.	Base fee	$1,464.23
2.	Plus fee per sq. ft. – ground floor	$0.37
3.	Plus fee per sq. ft. – upper floors	$0.17
4.	Minimum: $2,178.59; maximum: $14,337.08	
C.	Mixed	
1.	Base fee	$1,464.23
2.	Plus fee per sq. ft. – ground floor	$0.37
3.	Plus fee per sq. ft. – upper floors	$0.17
4.	Minimum: $2,178.59; maximum: $14,438.14 No rezone fee.	

Table 20.180.060		
Section	**Activity**	**Fee**
	Subdivision reduced by ½ when filed simultaneously.	
23.	**Planning Official Review**	
A.	Temporary Use	
1.	Seasonal or special event	$58.57
2.	Temporary sales office, model home, or unforeseen emergency	$179.37
3.	Temporary Use in a Commercial or Industrial District	$840.72
B.	Similar Use Determination or Other	$840.72
24.	**Plat Alteration**	$3,941.25
25.	**Post-Decision Reviews**	
A.	Post-decision review – Type I	$207.44
B.	Post-decision review – Type II	$585.69
C.	Post-decision review – Type III	$915.15
26.	**Pre-Application Conference Process**	
A.	Pre-application conference request - Single-family and duplex lots	$183.04
B.	Pre-application conference request - all others	$610.09
C.	Pre-application waiver request	$91.51
27.	**Zoning Verification Letter (authorizes replacement of destroyed structure)**	$140.33
28.	**Reporting (misc. application and permit information)**	Cost Recovery[1]
29.	**SEPA Checklist (Environmental Review)**	
A.	Grading Permit	
1.	Single-family and duplex lots	$80.53
2.	All other	
	a. Base fee	$597.89
	b. Plus fee per acre of land disturbed by the project	$9.76
B.	Subdivision or Planned Development	
	a. Base fee	$488.07
	b. Plus fee per acre of land disturbed by the project	$6.11
C.	Site Plan Review – Residential	

Table 20.180.060		
Section	**Activity**	**Fee**
	a. Base fee per unit up to 5 units	$122.02
	b. Plus fee per unit more than 5	$12.20
D.	Non-Projects (including rezone and annual review applications)	$1,342.21
E.	All other reviews	
	a. Base fee	$976.16
	b. Plus fee per acre of land disturbed by the project	$31.72
F.	SEPA Procedural Appeal (See "Appeals - All others" for substantive SEPA appeal fee)	$79.32
G.	Environmental Impact Statement (EIS) Review	Cost Recovery[1]
30.	**Sewer Connection Waiver Request**	$234.28
31.	**Shoreline Permits**	
A.	Shoreline Substantial Development Permit	$4,270.70
B.	Shoreline Conditional Use Permit	$4,697.77
C.	Shoreline Variance Request	$4,697.77
32.	**Short Subdivisions**	
A.	Preliminary (9 lots or fewer) Plats	$4,148.68
B.	Final Plat Check	$1,409.32
33.	**Signs - all except sandwich board signs**	$207.44
34.	**Site Plan Review (Type I)**	
A.	Residential	$179.37
B.	Non Residential	$840.72
C.	Qualifying Planned Action	Same as Type II Site Plan Review Fees
35.	**Site Plan Review (Type II) – Residential**	
A.	Base fee	$1,055.47
B.	Plus fee per unit	$73.23
C.	Maximum fee:	$14,877.89
36.	**Site Plan Review (Type II) - Non Residential**	
A.	General Case	
1.	Base fee	$2,867.47
2.	Plus fee per sq. ft. – ground floor	$0.11

Table 20.180.060		
Section	**Activity**	**Fee**
3.	Plus fee per sq. ft. – upper floors	$0.06
B.	Commercial pad within a previously approved site plan that was not originally reviewed for the proposed specific use or structure	$1,958.42
C.	Land-extensive uses such as a golf course	$2,361.10
D.	Unoccupied commercial and utility structures	$1,085.98
37.	**Special Valuation – Historic Preservation**	$308.72
38.	**Subdivisions – Preliminary**	
A.	2-9 Lots (not qualifying as a short subdivision)	$4,387.84
B.	10-22 Lots	$6,345.04
C.	23+ Lots	
1.	Base fee (for first 23 lots)	$6,345.04
2.	Plus fee per lot (each lot more than 23)	$158.62
D.	In conjunction with a planned development	1/2 regular fee
39.	**Subdivisions – Final Plat Check**	$3,355.57
40.	**Tenant improvement (if exempt from site plan review)**	$58.57
41.	**Tree plan review**	
A.	Levels 1, 2, 4, 5	$201.33
B.	Levels 3, 6, 7	$67.11
42.	**Variance (full fee for 1st variance; 1/2 cost for 2nd; $0 for 3rd or more)**	
A.	Type I	
1.	Single-family and duplex lots	$420.96
2.	All other	$439.27
B.	Type II	
1.	Single-family and duplex lots	$1,324.60
2.	All other	$3,193.40
43.	**Zoning Certificates**	$457.56
44.	**Zoning Map or Text Change (not involving comprehensive plan amendment)**	$5,500.66

[1] Cost Recovery. Applicants or persons requesting reports will be required to sign an agreement that they will pay the actual cost of the work being performed. Actual costs will be calculated based on the salary and benefits of the employees performing work plus overhead at a rate of 30%.

[2] Projects with approved master plans, which include preliminary stormwater and transportation plans, shall be entitled to a 30% reduction in the fee for stormwater and transportation plan review.

(CPI Increase, Amended, 01/01/2014, Effective 01/01/2014; M-4034, Amended, 12/03/2012, Sec 4-Effective 01/03/2013; Admin Memo-CPI Increase, Amended, 01/04/2012, Effective 1/1/2012; Admin Memo - CPI Increase, Amended, 01/25/2011, Effective 1/1/2011; M-3959, Amended, 07/19/2010, Sec 5-Effective 8/19/2010; M-3932, Amended, 11/16/2009, Sec 2 & 3 -Effective 01/01/2010; M-3922, Amended, 07/06/2009, Sec 5; M-3895, Amended, 11/17/2008, Sec 3-Effective 01/16/2009; M-3844, Amended, 10/01/2007, Sec 4; M-3840, Amended, 08/06/2007, Sec 5; M-3701, Amended, 05/02/2005, Sec 5; M-3692, Amended, 02/28/2005, Sec 10; M-3663, Amended, 08/02/2004, Sec 4; M-3643, Added, 01/26/2004)

Section 20.180.070 Development Engineering Fees.

Fees for development engineering. Fees for development engineering related applications, permits, and services are set forth in Table 20.180.070 VMC:

Table 20.180.070 – Development Engineering Fees		
Section	**Engineering Activity**	**Fee**
1.	**Binding Site Plan (in addition to underlying site plan review fee)**	
A.	Conceptual – Requiring subsequent site plan review	
1.	Same as comparable short plat or subdivision	See short plat or subdivision
B.	Detailed – Not requiring subsequent site plan review	
1.	Same as comparable short plat or subdivision	See short plat or subdivision
2.	Plus same as comparable site plan review	See site plan
2.	**Conditional Use Permit**	
A.	Stormwater plan review	$817.54
B.	Transportation plan review	$1,098.18
3.	**Continuance of Public Hearing (Applicant initiated)**	$465.89
4.	**Drainage Projects (special)**	
A.	Plan review fee	$413.75
B.	Construction inspection fee	$424.85
C.	Fees resulting from working without a permit	2 x Regular Fee
5.	**Escrow Review and Administration**	

Table 20.180.070 – Development Engineering Fees		
Section	**Engineering Activity**	**Fee**
A.	$0 to $10,000 (Final city approved escrow amount)	
1.	Base fee	$277.32
2.	Plus percentage of final city approved escrow amount	1.5%
B.	$10,001 to $100,000 (Final city approved escrow amount)	
1.	Base fee	$554.64
2.	Plus percentage of final city approved escrow amount	1.0%
C.	Greater than $100,000 (Final city approved escrow amount)	
1.	Base fee	$1,109.26
2.	Plus percentage of final city approved escrow amount	1.0%
6.	**Inspection Fees – Additional**	
A.	Construction inspection after normal work hours [1]	Cost recovery[2]
B.	Construction re-inspection during normal work hours	Cost recovery[2]
7.	**Plan Review, Final Engineering -- Additional**	
A.	Each additional review (beyond 3) for either stormwater or transportation	$430.40
8.	**Post Decision Review – Specifications**	
A.	Change specifications prior to submittal	No fee
B.	Change specifications after first review	1/2 regular fee
C.	Change specifications after final approval	Full regular fee
9.	**Right-of-way Permits**	
A.	City of Vancouver	
1.	Base fee	$110.92
2.	Plus fee per lineal foot of improvement (includes all frontage improvements and trenching in right-of-way)	$2.00
B.	Clark County	Amount per Clark County Code (CCC) 13.12A, as amended
C.	WSDOT	$277.32
10.	**Site Plans**	

Table 20.180.070 – Development Engineering Fees		
Section	**Engineering Activity**	**Fee**
A.	Stormwater plan review (includes preliminary and final) [3]	
1.	General Case:	
	a. Base fee:	$1,232.39
	Plus cumulative charge per square foot of impervious area as follows (including roof area):	
	b. First 1.0 acre	$0.04
	c. Next Over 1 to 5 acres	$0.02
	d. Over 5 acres	$0.004
2.	Unoccupied commercial and utility structures	$398.23
3.	Tenant Improvements	$83.20
B.	Transportation plan review (includes preliminary and final) [3]	
1.	General case	$3,144.53
2.	Unoccupied commercial and utility structures	$1,306.73
3.	Tenant Improvements	$115.36
C.	Construction inspection fees (stormwater and transportation)	
1.	Small projects (less than 1 acre of impervious surface)	
	a. Base Fee	$787.59
	b. Plus charge per square foot of impervious surface	$0.01
2.	Medium projects (1.0 to 5.0 acres of impervious surface)	
	a. Base Fee	$1,575.17
	b. Plus charge per square foot of impervious surface	$0.005
3.	Large projects (over 5 acres of impervious surface) -- $10,000 maximum.	
	a. Base Fee	$3,150.33
	b. Plus charge per square foot of impervious surface	$0.002
4.	Unoccupied commercial and utility structures	$262.90
5.	Tenant Improvements	$83.20
11.	**Short Subdivisions (2-9 lots)**	

Table 20.180.070 – Development Engineering Fees		
Section	**Engineering Activity**	**Fee**
A.	Plan review fee (includes preliminary and final)	
1.	Stormwater	$1,231.29
2.	Transportation	$1,709.40
B.	Construction Inspection Fee	
1.	Stormwater	$1,072.67
2.	Transportation	$1,072.67
12.	**Subdivision** **(2-9 lots, not qualifying as short subdivision)**	Same as Subdivision
13.	**Subdivision**	
A.	Plan review fees	
1.	Stormwater	
	a. Base fee	$1,109.26
	b. Plus per lot fee	
	1. less than 23 lots	$46.58
	2. 23 or more lots	$41.04
2.	Transportation	
	a. Base fee	$2,461.48
	b. Plus per lot fee	$58.78
B.	Construction inspection fees	
1.	Stormwater	
	a. Base fee	$731.02
	b. Plus per lot fee	$72.12
2.	Transportation	
	a. Base fee	$2,302.85
	b. Plus per lot fee	$21.08
14.	**Street Modification – Transportation**	
A.	Prior to public hearing or administrative decision	
1.	Minor deviation	$154.19
2.	Technical street modification	$1,128.14
3.	Major modification	$2,239.63
B.	After public hearing or administrative decision	

Table 20.180.070 – Development Engineering Fees		
Section	**Engineering Activity**	**Fee**
1.	Minor deviation	$154.19
2.	Technical street modification	$1,414.32
3.	Major modification	$2,533.58
C.	Appeal to Hearing Examiner	$1,128.14
15.	**Traffic Signal Plan Review and Inspection**	
A.	Plan review fee	$3,692.77
B.	Civil construction inspection fee	$2,218.56
16.	**Transportation Concurrency Review**	
A.	Concurrency review	$154.19
B.	Traffic study review	$307.27
C.	Concurrency monitoring fee per trip (peak hour); $1,500 maximum.	$46.58
17.	**Variance (all cases)**	
A.	Stormwater	$615.66
B.	Transportation	$854.14
18.	**Right-of-Way Use Permit Fees**	
A.	Application Fee	$25.48
B.	Permit Fee	$0.00
C.	Use Fee	$0.00

[1] Costs for construction inspection services scheduled after normal business hours solely for the convenience of the contractor (i.e., not resulting from delays caused by the city) shall be reimbursed to the city on a cost recovery basis (see Note 2).

[2] Cost recovery. Contractor will be required to sign an agreement that they will pay actual costs of the inspection. Actual costs will be salary and benefits for employees performing work plus overhead at the rate of 30%. The contractor will be sent an itemized billing.

[3] Projects with approved master plans, which include preliminary stormwater and transportation plans, shall be entitled to a 30% reduction in the fee for stormwater and transportation plan review.

(CPI Increase, Amended, 01/04/2014, Effective 01/01/2014; M-4034, Amended, 12/03/2012, Sec 5-Effective 01/03/2013; M-4016, Amended, 07/02/2012, Sec 3-Effective 08/02/2012; Admin Memo-CPI Increase, Amended, 01/04/2012, Effective 1/1/2012; Admin Memo - CPI Increase, Amended, 01/01/2011; M-3959, Amended, 07/19/2010, Sec 6-Effective 8/19/2010; M-3932, Amended, 11/16/2009, Sec 4-Effective 01/01/2010; M-3922, Amended, 07/06/2009, Sec 6; M-3895, Amended, 11/17/2008, Sec 4-Effective 01/16/2009; M-3769, Amended, 11/13/2006, Sec 1-Effective 01/01/2007; M-3643, Added, 01/26/2004)

Section 20.180.080 Fire Review Fees.

A. Fees payable for fire review. Fees for reviewing and inspecting land development applications and building plans for compliance with the requirements of the International Fire Code are set forth in Table 20.180.080 VMC:

Table 20.180.080 - Fire Review Fees		
Section	**Activity**	**Fee**
1.	**Planning and Development Review**	
A.	Site Plan Review	
1.	Type I	$255.13
2.	Type II	$709.94
3.	All other site plan reviews (e.g., post decision review)	$255.13
B.	Land Divisions	
1.	Short Subdivision (9 lots or less)	$709.94
2.	Subdivision (10 lots or more)	
a.	Base Fee for first 23 lots	$1,064.89
b.	Plus Fee per lot over 23	$39.95
C.	Planned Development	
a.	Base Fee for up to 23 lots	$1,064.89
b.	Plus fees for lot over 23	$47.70
D.	Fire Official Review	$221.85
E.	All Other Land Use applications	$177.48

(CPI Increase, Amended, 01/01/2014, Effective 01/01/2014; Admin Memo-CPI Increase, Amended, 01/04/2012, Effective 1/1/2012; M-3932, Amended, 11/16/2009, Sec 5-Effective 01/01/2010; M-3922, Amended, 07/06/2009, Sec 7; M-3895, Amended, 11/17/2008, Sec 5-Effective 01/17/2008; M-3883, Amended, 06/16/2008, Sec 2; M-3883, Amended, 06/16/2008, Sec 2 - Effective 7/16/2008 - Codification Error-Didn't Delete Footnote; M-3643, Added, 01/26/2004)

Chapter 11.90

CONSTRUCTION IN RIGHT OF WAY

Sections:

11.90.010 Short title.
11.90.020 Purpose and applicability.
11.90.030 Exemptions.
11.90.040 Application.
11.90.041 Completeness review.
11.90.042 Approval criteria.
11.90.043 Revisions.
11.90.044 Expiration, renewal, and extension.
11.90.050 Minimum standards.
11.90.051 Insurance.
11.90.052 Bonding.
11.90.053 Hold harmless and indemnification.
11.90.054 Notice.
11.90.055 Inspection.
11.90.060 Closeout.
11.90.070 Fees.
11.90.080 Appeal.
11.90.090 Enforcement.

Section 11.90.010 Short title.

This chapter is known as the construction in the right-of-way code.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.020 Purpose and applicability.

This chapter establishes the requirements for obtaining a permit to undertake construction in the public right of way within the City. Unless specifically exempted by this chapter, all construction activities in the right of way require a permit. The chapter is intended to set appropriate technical and practical standards for any construction in the public right of way; to fix standards and procedures for traffic safety and operations during construction; to provide for bonding and indemnification of the City before any work begins in the public right of way; and to ensure that the completed work is inspected after construction.

Construction activities include, but are not limited to, the following:

Cutting, opening, excavating, or other development in the right of way, including any street, alley, sidewalk, curb, or other structure thereon; or

Constructing, altering, repairing, or applying any substance to the surface of any street, alley, sidewalk, curb, or driveway; or

Any other development activity in the right of way, including utility work in City-held easements.

When emergency repair activities are necessary to prevent an immediate threat to public health, safety, or welfare, or imminent property damage, and the timeframe is too short to obtain a permit in compliance

with this chapter, remedial or preventive actions are exempt from the need to obtain a permit provided that:

The action taken is the minimum necessary to abate the emergency safely; and

The property owner, person, or agency undertaking the action notifies the City immediately, or as soon as reasonably practicable, but in no case more than 24 hours from the time of taking the action, of the emergency condition and the action taken; and

A permit is obtained immediately after notifying the City as stipulated in subsection 2 above.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.030 Exemptions.

The following construction activities are exempt and do not require a permit under this chapter but may require compliance with other provisions. These provisions include, but are not limited to, Chapter 11.40, Traffic Control Code, and Title 9, Traffic:

Utility work that occurs above, and does not disturb the surface of, the ground of the right of way.

Installation, alteration, or repair of water mains, sewers, storm drains, traffic signals, streets, sidewalks, or other civil improvements being constructed under contract with the City.

Maintenance of landscaping, excluding street trees as defined in Section 12.04.020.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.040 Application.

A. Anyone intending to conduct a non-exempt construction activity in the right of way must apply for a permit.

B. Every application must include:

1. A complete and signed application on a form to be provided by the City for a construction in the right of way permit;

2. Plans, consisting of:

a. A description of the work to be covered by the permit; and

b. A description of the location where work is to be done by street, lot, block, or address; and

c. A scale drawing of the proposed work, if appropriate for the type of work proposed.

3. The estimated valuation of the proposed work;

4. Proof of liability insurance and a bond adequate to cover the work proposed as required by Section 11.60.170;

5. If available, any preliminary planning and/or engineering approval granted by the City;

6. A traffic control plan as required by Chapter 11.30, if required;

7. A City business license; and

8. Other relevant information as may be required by the City.

The Director may reduce the application requirements for a homeowner submitting an application for a sidewalk repair to be constructed by the homeowner and not by a contractor hired by the homeowner.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.041 Completeness review.

Before accepting the application, the City will determine that the application is complete. The review for completeness does not include an evaluation of the substantive adequacy of the information in the application.

The City will accept the application if it determines the application is complete.

The City will reject the application if it determines the application is incomplete and accompany the rejection with an explanation of the reason for it.
(M-4026, Added, 10/15/2012, Sec 11-11/15/2012)

Section 11.90.042 Approval criteria.

The City will approve, approve with conditions, or disapprove the application as necessary to protect City infrastructure and the health, safety, and general welfare of the users of the right of way. The following review criteria will apply to the application for the permit:

a. The financial and technical ability and legal capacity of the applicant to complete the proposed construction activity;

b. The capacity of the right of way for safe accommodation of the applicant's proposed construction activity, including the need for additional utility or telecommunications facilities;

c. The extent of damage to or disruption of any public or private facilities, improvements, services, travel, or landscaping and any plans by the applicant to mitigate or repair such damages;

d. The availability or unavailability of alternate routes or sites to those proposed by the applicant;

e. Whether the proposed construction activity interferes with any existing utilities, unless the applicant is granted written consent from the Public Works Director and the utility company or person owning the utility;

f. Compliance with traffic control and safety as required by this title and the City Traffic Engineer;

g. If the proposed construction activity is associated with improvements to or development of private property, whether that improvement or development has been permitted as required under titles 20 and 17;

h. If the right of way in which the work is proposed is subject to a 5-year street cut prohibition moratorium pursuant to 11.80.100; and

i. If the applicant has participated in a pre-construction meeting if one is required for the proposed project.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.043 Revisions.

After the plans described in subsection 11.90.041 have been approved, they can be changed only if the permittee submits revised plans showing the proposed changes and the Director approves the revised plans in writing.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.044 Expiration, renewal, and extension.

A permit issued pursuant to this chapter will expire and become null and void if the work it authorizes has not begun within 90 days from the date of the permit. The City may grant a single extension of 90 days for work that has not yet begun. The City will not extend an expired permit. Upon beginning the permitted construction activity, the permittee must complete the work in a timely fashion. Once a permitted activity has begun, if it is not completed within 90 days, the permit will expire if the permittee does not request an extension prior to the expiration of the permit.

After permitted work has commenced but prior to the expiration of the permit, the Director may grant an extension for the period reasonably required to complete the permitted work.

If a permit has expired, a permit renewal may be granted by the Director within 90 days of the date of expiration. The permit renewal fee will be one-half the amount required for a new permit for such work, provided no changes have been made, or will be made, to the original plans as described in subsection 11.90.041.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.050 Minimum standards.

All work to be performed in accordance with this chapter must conform to the minimum requirements of the most current WSDOT Standard Specifications for Road, Bridge and Municipal Construction; City municipal construction codes; City standard plans and details; APWA Standard Specifications; and specifications contained herein.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.051 Insurance.

A. Prior to the commencement of the permitted work, the permittee must provide the City with satisfactory written evidence that the permittee has in force, and will maintain in force throughout the construction activity, commercial general liability insurance satisfactory in form and substance to the City, duly issued by an insurance company authorized to do business in Washington. The policy will:

1. Name the City of Vancouver as an additional insured;

2. Apply as primary insurance, regardless of any insurance the City may carry;

3. Include:

a. A “cross-liability” (severability of interest) clause;

b. A provision that the City will be notified not less than 30 days prior to cancellation of the policy, except in the case of nonpayment when not less than 10 days prior notice is required.

c. A $1 million comprehensive general liability insurance for bodily injury or death to any one person;

d. A $2 million comprehensive liability insurance for bodily injury or death resulting from one accident; and

e. A $1 million comprehensive general liability insurance for property damage resulting from any one accident.

B. The Director may require submittal of proof of liability insurance for any vehicles to be used to complete the permitted work.

C. Notwithstanding subsection 1 of this section, the Director may reduce the dollar value of insurance requirements where he determines that:

1. The risk profile of the permitted activity is low because of

a. The length of time needed to complete the work; and

b. The nature and location of the work; and

c. Its low potential of injury to a person or damage to public or private property; and

d. A limited scope of permitted work that is low in value.

2. The permittee’s prior performance has been satisfactory and not in violation of any requirement under any other applicable law or regulation.

D. Notwithstanding the insurance requirements in subsections 1 and 2 of this section, a homeowner applying to personally install or repair the homeowner’s sidewalk will be required to provide the City with only a written indemnification and hold harmless agreement where:

1. The permitted work is only for a sidewalk and does not affect any other on-site or off-site infrastructure, such as a driveway or driveway approach;

2. The permitted work does not exceed 100 lineal feet of sidewalk;

3. The permitted work is not on a designated City arterial roadway; and

4. The work is completed by the homeowner without the assistance of a hired contractor.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.052 Bonding.

A. Before a permit is issued, the applicant must deposit with the City a surety bond in the amount of one and one-half times the estimated cost of the construction activity, payable to the City. The required surety bond must be:

1. With a good and sufficient surety;

2. By a surety company authorized to transact business in Washington;

3. Satisfactory to the City in form and substance; and

4. Conditioned upon the permittee's compliance with this chapter and further conditioned to fill up, restore, and place in good and safe condition as near as may be to its original condition, and to the satisfaction of the Director, all openings and excavations made in streets, and to maintain any street where excavation is made in as good condition for the period of 24 months after the work has been done, usual wear and tear excepted, as it was in before the work had been done.

B. If the permittee intends to conduct more than one permitted activity at the same time, the amount of the surety bond must be increased to the greater of:

1. The value of the three highest valued permitted activities; or

2. One and one-half times the estimated cost of the two highest valued permitted activities.

C. A permittee may keep a single bond of sufficient surety value, as required in this section, on file with the City for an extended period to satisfy the requirement of this section.

D. The Director may waive the bond requirement for a homeowner making sidewalk repairs as provided for in subsection 11.60.051D.

E. The Director may waive the bond requirement for public agencies acting within the scope of their authority or for work done under contract for the City of Vancouver.

F. In the event of any suit or claim against the City by reason of the negligence or default of the permittee, upon the City's giving written notice to the permittee of such suit or claim, any final judgment against the City requiring it to pay for such damage will be conclusive upon the permittee and his surety.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.053 Hold harmless and indemnification.

As a condition to the issuance of any permit under this chapter, the permittee must agree to defend, indemnify, and hold harmless the City, its officers, employees and agents, for any and all suits, claims, or liabilities caused by, or arising out of, any activity authorized by any such permit.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.054 Notice.

Commencement of work. The applicant or the applicant's agent must notify the Department of Public Works construction inspection office not less than 48 hours prior to commencing the work authorized by the right of way permit.

Commencement of concrete or asphalt paving. The applicant or the applicant's agent must notify the Department of Public Works construction inspection office not less than 48 hours in advance of the application of any type of concrete or asphalt paving. The Director may stop or delay paving operations when the weather or other conditions indicate that suitable results cannot be obtained.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.055 Inspection.

A. All work done under a permit issued pursuant to this chapter is subject to inspection by the City; the work will not be deemed complete until the inspector accepts it as satisfactory.

B. Inspection approval may not be construed to be an approval of a violation of the provisions of this code or of other ordinances. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances are not valid.

C. The permittee must cause the work to be accessible and exposed for inspection. If inspection requires the removal or replacement of material, the City is not liable for the expense of the removal or replacement.

D. Inspection requests. The permittee or the permittee's authorized agent or contractor must notify the City that the work is ready for inspection within 48 hours of the beginning of the permitted work.

1. The City may require that every subsequent request for inspection be filed at least one working day before inspection is desired.

2. The request must be made by the method provided by the City for requesting and scheduling inspections for work within the right of way.

3. The permittee or the permittee's authorized agent or contractor and/or the person requesting an inspection must provide the City with access to the premises and the means to inspect the permitted work.

E. Approval required. Work must not proceed beyond the point indicated in each successive inspection without first obtaining the approval of the City.

1. The City inspector, upon notification, will make the required inspections and 1) indicate that the portion of the construction is satisfactory as completed, or 2) notify the permittee of conditions that are not in compliance with project requirements.

2. The notification of conditions that are not in compliance with project requirements will be in writing in the form of a correction notice and will specify the work that is not in conformance, identify the section of the project requirements that the work does not comply with, and set a period for its correction and a request for reinspection. Failure to correct the noncompliant condition and request reinspection within the period noted in the correction notice is a violation of this chapter.

3. Any portion of construction that is not in compliance with project requirements must be corrected and cannot be covered or concealed without City authorization.

F. Final inspection. After all the work that is required and/or is authorized by the permit has been completed, the City will perform a final inspection.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.060 Closeout.

If required by the City, after all the work and the final inspection, the permittee must submit a reproducible set of plans in hard copy and an approved electronic format for all improvements showing all construction changes, such as location of culverts, alignment and grade changes, added and deleted items, location of utilities, water valves, sewer connection, etc. The as-built plans may be required to be prepared and stamped by a licensed engineer and submitted prior to final acceptance of all improvements. Failure to file as-built plans when required is a violation of the permit.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.070 Fees.

Fees for Construction in the Right of Way Permits will be assessed as established in Table 20.180.070 of Development Engineering Fees in Section 20.180.070.

No permit will be issued until:

A. The applicant has paid the fees required by this section as identified in the City's adopted engineering fee schedule; and

B. The applicant has paid all other applicable City fees; and

C. The applicant has posted the appropriate bond as required by this or any other ordinance; and

D. The applicant has demonstrated sufficient insurance as required by this chapter.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.080 Appeal.

Under VMC 20.210.130, the applicant can appeal any action taken by the City under this chapter.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Section 11.90.090 Enforcement.

It is unlawful to violate the provisions of this chapter; Title 22 governs its enforcement.
(M-4026, Added, 10/15/2012, Sec 11-Effective 11/15/2012)

Chapter 20.210

DECISION MAKING PROCEDURES

Sections:

20.210.010 Purpose and Applicability.
20.210.020 Types of Development Applications.
20.210.030 Exempt Activities.
20.210.040 Type I Applications.
20.210.050 Type II Applications.
20.210.060 Type III Applications.
20.210.070 Type IV Applications.
20.210.080 Pre-application Conference.
20.210.090 Review For Counter-Complete Status.
20.210.100 Review For Fully Complete Status.
20.210.110 Vesting of Applications.
20.210.120 Public Hearing Procedures.
20.210.130 Appeals.
20.210.140 Post Decision Review.

Section 20.210.010 Purpose and Applicability.

A. Purpose. The purpose of this chapter is to establish standardized decision-making procedures for reviewing development applications within the City of Vancouver enabling the city, the applicant, and all interested parties to reasonably review applications, and participate in the local decision-making process in a timely and effective way. More specifically, this chapter is intended to:

1. Assure prompt review of development applications through the application of clear and specific standards;

2. Provide for public review and comment on development applications that may have an impact on the community;

3. Establish procedures to ensure that the development application, if approved, is consistent with applicable standards; and

4. Ensure adverse impacts on surrounding land uses are minimized, while encouraging flexibility and innovation in the design and layout of site improvements and buildings.

B. Applicability. The provisions of this chapter apply to all development applications that are subject to review under the following chapters of the Vancouver Municipal Code except as otherwise exempt under Section 20.210.030 VMC:

C. Consistency with applicable codes. Where applicable, this chapter is intended to establish the procedures for determining whether development applications are, or can be approved or conditionally approved to be consistent with applicable codes, policies, and standards.
(M-3643, Added, 01/26/2004)

Section 20.210.020 Types of Development Applications.

A. General. All development applications shall be decided by using one of the following procedure types. The procedure type assigned to each action governs the decision-making procedure for that application, except to the extent otherwise required by applicable state or federal law.

B. Types defined. There are four types of decision-making procedures, as follows:

1. Type I procedure. Type I procedures apply to ministerial permits. Type I applications are decided by the planning official without public notice prior to the decision and without a public hearing. If any party with standing appeals a planning official's Type I decision, the appeal of such decision will be heard by the Hearings Examiner, with further appeal to the Superior Court pursuant to applicable law.

2. Type II procedure. Type II procedures apply to quasi-judicial permits and actions that contain some discretionary criteria. Type II applications are decided by the planning official with public notice and an opportunity for comment. If any party with standing appeals a planning official's Type II decision, the appeal of such decision will be heard by the Hearings Examiner, with further appeal to the Superior Court pursuant to Section 20.210.130 VMC.

3. Type III procedure. Type III procedures apply to quasi-judicial permits and actions that predominantly contain discretionary approval criteria. Type III applications are decided by the Hearings Examiner or Planning Commission, depending on the permit. If any party with standing appeals a Hearings Examiner's or Planning Commission's Type III decision, the appeal of such decision will be heard by City Council pursuant to Section 20.210.130 VMC, with further appeal to Superior Court.

4. Type IV procedure. Type IV procedures apply to legislative matters, planned unit developments, and rezones. Legislative matters involve the creation, revision or large-scale implementation of public policy. Type IV applications are considered initially by the Planning Commission or Hearings Examiner with final decisions made by the City Council, automatically or on appeal.

C. Summary of permits by type of decision-making procedure. Table 20.210.020 – 1 VMC summarizes the various development applications by the type of decision-making procedure.

Table 20.210.020 – 1

Summary of Development Applications By Type of Decision-Making Procedure

Type	**Development Application**	**Cross Reference**	**Review Body**
I	Accessory Dwelling Units	20.810	Planning Official
	Boundary Adjustments	20.310	Planning Official
	Conditional Use—Minor Modification	20.245	Planning Official
	Critical Areas Permit (Type I)	20.740.040B	Planning Official
	Design Review (without Site Plan Review)	20.255	Planning Official
	Interpretations – Quasi-Judicial	20.255	Planning Official
	Parking/Loading – Reduction of Minimum Ratios, Joint Parking	20.945	Planning Official

Type	Development Application	Cross Reference	Review Body
	Planned Developments – 1 Year Extension	20.260	Planning Official
	Site Plan Review – Minor Projects Below Type II Site Plan Review Thresholds	20.270	Planning Official
	Site Plan Review – Extension/Phasing	20.270	Planning Official
	Shoreline Permit Exemption	20.760	Planning Official
	Subdivision/Short Subdivision – Phasing, 1st Extension	20.320	Planning Official
	Temporary Use	20.885	Planning Official
	Tree Plan/Removal – without Site Plan Review	20.770	Planning Official
	Type I Variance	20.290	Planning Official
II	Adult Entertainment Uses	20.820	Planning Official
	Critical Areas Permit (Type II)	20.740	Planning Official
	Critical Areas Permit - Minor Exception	20.740.070	Planning Official
	Human Services Facilities – Collocation	20.870	Planning Official
	Planned Developments – Detailed Plan, 2-Year Extension	20.260	Planning Official
	Public Facility Master Plans – Concept Plan Subsequent Phases & Extensions	20.268	Planning Official
	Shoreline Substantial Development Permit-Minor	20.760	Planning Official
	Short Subdivision – Preliminary Plat	20.320	Planning Official
	Site Plan Review	20.270	Planning Official
	Subdivision – 2nd Extension	20.320	Planning Official
	Type II Variance	20.290	Planning Official
III	Conditional Uses – Initial, Major Modifications	20.245	Hearings Examiner
	Critical Areas Permit-Reasonable Use Exception	20.740.080	Hearings Examiner
	Human Service Facilities – Initial, Spacing Modification	20.870	Hearings Examiner
	Public Facility Master Plans - Initial Approval	20.268	Hearings Examiner

Type	Development Application	Cross Reference	Review Body
	Shoreline Conditional Use Permit (recommendation to State Department of Ecology)	20.760	Hearings Examiner
	Shoreline Substantial Development Permit - Major	20.760	Hearings Examiner
	Shoreline Variance (recommendation to State Department of Ecology)	20.760	Hearings Examiner
	Subdivisions - Preliminary Plat	20.320	Hearings Examiner
IV	Annexations	20.230	Planning Commission City Council
	Development Agreements	20.250	Planning Commission City Council
	Habitats of Local Importance	20.740	Planning Commission City Council
	Interpretations – Codification	20.255	Planning Commission City Council
	Planned Developments, greater than 25 acres in size	20.260	Planning Commission City Council
	Planned Developments, 25 acres or less	20.260	Hearings Examiner City Council
	Text/Map Amendment - Legislative	20.285	Planning Commission City Council
	Zoning Map Amendments, greater than 25 acres in size	20.285	Planning Commission City Council
	Zoning Map Amendments 25 acres or less	20.285	Hearings Examiner City Council

D. Concurrent review. When the city must approve more than one application for a given development, all applications required for the development pursuant to this chapter may be submitted for review at one time. When more than one application is submitted for a given development, and those applications are subject to different types of procedure, then all of the applications are subject to the highest type of procedure that applies to any of the applications; provided, however that each development application shall only be subject to the relevant criteria applicable to that particular development application. For

example, a development proposal that includes a Type II application and a Type III application shall be wholly subject to the procedures applicable to a Type III application, but the Type II portion of the development proposal shall be decided according to the relevant approval criteria applicable to the Type II application.

E. Assignment of procedure type. Applications shall be processed according to the assigned review type in the above table. If the Vancouver Municipal Code does not expressly provide for review using one of the four types of decision-making procedures, and another specific procedure is not required by law, the planning official shall classify the application in question as one of the four types of decision-making procedure using the following criteria:

1. The act of classifying an application shall be a Type I decision;

2. Questions about what procedure is appropriate shall be resolved in favor of the decision-making procedure providing the greatest opportunity for public notice; and

3. The planning official shall classify the application by determining whether the application is similar in nature and degree to another type of application that has been classified by type as listed in Table 20.210–1 VMC and under the same approval criteria applicable to the type of application most similar in nature and degree to the application.

F. Comprehensive Plan Amendments. New development applications or pre-applications which are inconsistent with the Comprehensive Plan shall not be accepted by the City, until the Planning Commission recommends approval of a Comprehensive Plan amendment or in the event that Planning Commission recommends denial, until the effective date of final action by the City Council approving the Comprehensive Plan amendment on appeal.

(M-3959, Amended, 07/19/2010, Sec 7-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 2-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 8; M-3840, Amended, 08/06/2007, Sec 6; M-3692, Amended, 02/28/2005, Sec 11; M-3663, Amended, 08/02/2004, Sec 5; M-3643, Added, 01/26/2004)

Section 20.210.030 Exempt Activities.

A. Exemptions. Unless specified elsewhere in this title, the following development activities are exempt from the procedural requirements of this chapter:

1. Landscaping or landscape alterations, unless such landscaping or alterations would require a permit or approval pursuant to this title or modify or violate an approved plan, plat or a condition of approval of a prior permit. In such instance of modification, the permit shall be processed as a modification of the prior permit under Section 20.210.140 VMC, a plat alteration or other applicable procedure.

2. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.

3. A change of any legally-established use except if the change of use requires an increase in the number of parking spaces provided, requires a conditional use permit under Chapter 20.245, requires Type I or Type II site plan approval under Chapter 20.270 VMC, Site Plan Review, or is otherwise classified in this title as a Type I, II, III or IV action.

4. Building permits required pursuant to the City Adopted Building Code for construction not requiring a development application under Title 20.

5. On-site utility permits not obtained in conjunction with a specific development application, including but not limited to sewer hook-ups, water hook-ups, right-of-way permits, grading permits, and fire department permits.

6. Home occupation permits.

7. Sign permits.

8. Approval of escrow agreements/accounts.

9. All developments and buildings that are engaged in agriculture as defined in Chapter 20.160 VMC, Use Classifications.

10. Interior remodeling and tenant improvements unless site plan review is triggered under Section 20.270.020(C) or (D).

11. Independent archaeological predeterminations or surveys not associated with a development application.

B. Other regulations apply. Exemptions in (A) above are subject to all other applicable standards and requirements of the Vancouver Municipal Code.
(M-3692, Amended, 02/28/2005, Sec 12; M-3643, Added, 01/26/2004)

Section 20.210.040 Type I Applications.

A. Pre-application conference. A pre-application conference is required for any Type I application, involving land which contains a Critical Area or Buffer, as defined by 20.740 VMC, unless waived pursuant to Section 20.210.080 (B) VMC prior to submittal of an application. A pre-application conference is not required for any other Type I application.

B. Application requirements

1. Application forms. Type I applications shall be made on forms provided by the planning official.

2. Submittal information. Type I applications shall:

   a. Include the information set forth in the chapter of this title governing the permit requested; and

   b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and

   c. Be accompanied by the required fees.

C. Counter-complete determination. At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section 20.210.090 VMC.

D. Fully-complete determination. No later than 21 calendar days after receipt of a counter-complete Type I application, the planning official shall notify the applicant as to the completeness of the application. The city shall make a determination of fully-complete status pursuant to Section 20.210.100

VMC. An application shall not be deemed fully complete until all information required by the code applicable to the permit sought is submitted.

E. Review by Planning Official. Unless accompanied with a SEPA checklist review the planning official shall approve, approve with conditions, or deny a Type I application within 28 calendar days after the date the application was accepted as fully complete; provided, that an applicant may agree in writing to extend the time in which the planning official shall issue a decision. Qualifying Planned Actions and other projects which involve a SEPA Review shall be reviewed within 60 days of a fully complete determination. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city shall not be included in the maximum permitted review period. The planning official may consider new evidence the applicant introduces with or after such a written request for extension. The planning official's decision shall address all of the relevant approval criteria applicable to the development application.

F. Final Decision. The final decision on a Type I application shall be mailed to the applicant, the property owner, and the applicant's representative by regular mail. The final decision on a Type I application shall contain the following information:

1. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;

2. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;

3. The reasons for a conclusion to approve, approve with conditions or deny the application;

4. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law; and

5. The date the final decision is signed and the date the appeal period expires.

G. Appeal of Final Decision. A Type I decision becomes effective on the day after the appeal period expires unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply. The applicant and owner have the right to waive their appeal rights, and in such cases where a waiver is submitted in writing to the planning official, the Type I decision is considered final on the day it is signed by the planning official or on the day the waiver is approved, whichever is later.
(M-3959, Amended, 07/19/2010, Sec 10-Effective 8/19/2010; M-3692, Amended, 02/28/2005, Sec 13; M-3643, Added, 01/26/2004)

Section 20.210.050 Type II Applications.

A. Pre-application conference. A pre-application conference is required for all Type II applications, unless waived under Section 20.210.080(B) VMC before a Type II application is submitted. Pre-application conference requirements and procedures are set forth in Section 20.210.080 VMC.

B. Application requirements.

1. Application forms. Type II applications shall be made on forms provided by the planning official.

2. Submittal information. Type II applications shall:

   a. Include the information set forth in the chapter of this title governing the permit requested;

   b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and

   c. Be accompanied by the required fees.

C. Counter-complete determination. At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section 20.210.090 VMC.

D. Fully-complete determination. No later than 28 calendar days after receipt of a counter-complete Type II application, the planning official shall notify the applicant as to the completeness of the application. Determination of fully-complete status shall be pursuant to Section 20.210.100 VMC. An application shall not be deemed fully complete until all information listed in the code applicable to the action requested and/or in the pre-application conference summary is submitted.

E. Notice of Application. Within 14 calendar days after the date a Type II application is determined fully complete, the planning official shall issue a Notice of Application which shall include all of the following:

1. The case file number(s), the date of application, and the date a fully complete application was filed;

2. A description of the proposed project, and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;

3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter 20.790 VMC, if applicable, or other matters covered by SEPA;

4. The identification of any existing environmental documents that may be used to evaluate the proposed project;

5. A statement of the public comment period, a statement that the public has the right to comment on the application, receive notice of the decision, request a copy of the decision once made, and a notice of any appeal rights;

6. An indication that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;

7. An indication that all evidence relied upon by the planning official to make the decision shall be contained within the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the planning official;

8. The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant, if any;

9. A description of the site, including current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;

10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;

11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;

12. An indication that after the comment period closes, the planning official shall issue a Type II Notice of Decision; and

13. Any additional information determined appropriate by the planning official.

F. Distribution of Notice of Application. The Notice of Application shall be published in a newspaper of local circulation and sent to the following persons by regular mail:

1. The applicant and all owners of the site which is the subject of the application;

2. All owners and residents of record of property as shown on the most recent property tax assessment roll, located within 500 feet of the site;

3. Any city recognized neighborhood association whose boundaries include the site;

4. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;

5. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or which is otherwise entitled to such notice;

6. Any person who requested, in writing, to receive a copy of the Notice of Application.

G. Comment period. The planning official shall allow 14 calendar days after the date of Notice of Application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the Planning official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to the comments of the planning official within 14 calendar days from the date the comments are mailed. The planning official in making his decision shall consider written comments timely received in response to the Notice of Application and timely

written responses to those comments, including e-mail communications, submitted by the applicant.

H. Timeline to make Final Decision. The Final Decision on a Type II application shall be made and mailed pursuant to Section 20.210.050(I) VMC not more than 120 calendar days (90 days for short subdivisions) after the date a fully complete determination is made. This period shall not include:

1. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.

2. Time spent preparing an environmental impact statement.

3. Time between submittal and resolution of an appeal.

4. Any extension of time mutually agreed upon by the applicant and the city in writing.

I. Final Decision. The Final Decision on a Type II application shall contain the following information:

1. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;

2. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;

3. The date the planning official's decision shall become final, unless appealed;

4. A statement that all persons entitled to notice or who have standing under Section 20.210.130(B)(2) VMC may appeal the decision;

5. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;

6. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;

7. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;

8. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;

9. The reasons for a conclusion to approve, approve with conditions or deny the application;

10. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law;

11. The date the Final Decision is mailed; and

12. A copy of the mailing labels showing (1) the persons who were mailed the Final Decision, and (2) the persons who were mailed the Notice of Decision.

J. Distribution of the Final Decision. The planning official shall provide an affidavit of mailing of the Final Decision as part of the file. The Final Decision shall indicate the date the Final Decision was mailed and demonstrate that the required Final Decision was mailed to the necessary parties in a timely manner. A Final Decision shall be sent by regular mail to:

1. The applicant and all owners of the site which is the subject of the application;

2. Any city recognized neighborhood association whose boundaries include the boundaries of the project site;

3. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;

4. Any person who requested, in writing, to receive a copy of the Final Decision of the planning official; and

K. Notice of Decision. A Notice of Decision shall include the information contained in Sections 20.210.050(I)(1)-(6), (10) and (11) VMC above.

L. Distribution of Notice of Decision. The planning official shall provide an affidavit of mailing of the Notice of Decision as part of the file. The Notice of Decision shall indicate the date the notice was mailed and demonstrate that the required notice was mailed to the necessary parties in a timely manner. A Notice of Decision shall be sent on the same day as the Final Decision by regular mail to:

1. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or who is otherwise entitled to such notice;

2. Any person who provided written comments on the application during the public comment period and provided a mailing address.

M. Final Decision and effective date. A Type II decision is subject to the required appeal period when the Final Decision and the Notice of Decision are mailed. A Type II decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply.
(M-3643, Added, 01/26/2004)

Section 20.210.060 Type III Applications.

A. Pre-application conference. A pre-application conference is required for all Type III applications, unless waived under Section 20.210.080(B) VMC before a Type III application is submitted. Pre-application conference requirements and procedures are set forth in Section 20.210.080 VMC.

B. Application requirements.

1. Application forms. Type III applications shall be made on forms provided by the planning official.

2. Required submittals. Type III applications shall:

   a. Include the information set forth in the chapter of this title governing the action requested;

   b. Address the relevant criteria applicable to the action requested in sufficient detail for review and action; and

   c. Be accompanied by the required fees.

C. Counter-complete determination. Section 20.210.050(C) VMC shall apply to Type III applications.

D. Fully-complete determination. Section 20.210.050(D) VMC shall apply to Type III applications.

E. Notice of Application/Hearing. Within 14 calendar days after the date a Type III application is determined fully complete, the planning official shall issue a Notice of Application to a newspaper of local circulation and to the parties listed in Section 20.210.050(F) VMC which shall include:

1. The case file number(s), the date of application, and the date a fully complete application was filed;

2. A description of the proposed project and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;

3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter 20.790 VMC, if applicable, or other matters covered by SEPA;

4. The identification of any existing environmental documents that may be used to evaluate the proposed project;

5. A statement of the public comment period; a statement that the public has the right to comment on the application, receive notice of and participate in any hearings, and request a copy of the decision once made; and a notice of any appeal rights;

6. The date, time, place, and type of hearing, if established at the time of the Notice of Application. If the hearing date has not been established at the time of issuance of the Notice of Application, the notice of hearing procedures of 20.210.120(B)(1) and (2) shall apply;

7. A statement that a consolidated staff report and SEPA review will be available for inspection at no cost at least 10 calendar days before the public hearing and the deadline for submitting written comments;

8. The name of the applicant or applicant's representative and the name, address and telephone number of a contact person for the applicant, if any;

9. A description of the site, including current zoning and nearest road intersections, reasonably sufficient to inform the reader of its location and zoning;

10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;

11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;

12. The designation of the review authority, and a statement that the hearing will be conducted in accordance with the rules of procedure adopted by the review authority;

13. Any additional information determined appropriate by the planning official.

F. Comment period. The planning official shall allow 30 calendar days after the date of Notice of Application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the planning official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to the comments of the planning official within 14 calendar days from the date the comments are mailed. The planning official in making his decision shall consider written comments timely received in response to the Notice of Application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

G. Timeline to Make Final Decision. The Final Decision on a Type III application shall be made and mailed pursuant to Section 20.210.050(H)(1) VMC not more than 120 calendar days (90 days for subdivisions) after the date a fully-complete determination is made. This period shall not include:

1. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.

2. Time spent preparing an environmental impact statement.

3. Time between submittal and resolution of an appeal.

4. Any extension of time mutually agreed upon by the applicant and the city in writing.

H. Hearing Procedures and Final Decision. Section 20.210.120(B)(1)(b)-(d) and (B)(3)-(14) VMC shall govern the hearing procedures and Final Decision for a Type III application.

I. Distribution of Final Decision. Section 20.210.120(B)(11) VMC shall govern distribution of a Final Decision on a Type III application.

J. Distribution of Notice of Decision. Section 20.210.120(B)(13) VMC shall govern distribution of Notice of Decision on a Type III application.

K. Appeal. Section 20.210.130 VMC shall govern an appeal of a Final Decision on a Type III application.

(M-3643, Added, 01/26/2004)

Section 20.210.070 Type IV Applications.

A. Purpose and findings. Type IV applications are legislative land use actions as well as site-specific rezones and planned developments to be reviewed by the Hearings Examiner or Planning Commission and City Council. Specific Type IV applications are subject to the procedures and review criteria set forth in the applicable sections of the code. The full list of Type IV applications is set forth in VMC 20.210.020C, Table 20.210.–1.

B. Initiation of Type IV applications. Type IV applications may be initiated by any of the following if authorized by this code:

1. Property owner(s) or their representatives;

2. Any citizen, agency, neighborhood association or other party; or

3. City staff, Planning Commission or City Council.

C. Exception from consolidated review. Type IV applications, except planned developments, shall be considered exempt from 36.70B.120 RCW requirements which mandate consolidation of all related project permits into a single application review if requested by the applicant. Projects involving a Comprehensive Plan amendment and associated change of zone shall not be processed using concurrent review under VMC 20.210.020D.

1. Type IV Map amendments: Refer to Chapter 20.285 VMC.

2. Type IV Text amendments: Refer to Chapter 20.285 VMC

(M-3922, Amended, 07/06/2009, Sec 9; ACM M-3643, Amended, 05/20/2008, Correction of Title to Table 1 from Table 20.020-1 to read VMC 20.210.020C, Table 20.210-1.; M-3643, Added, 01/26/2004)

Section 20.210.080 Pre-application Conference.

A. Purpose

1. To acquaint city and other agency staff with a sufficient level of detail about the proposed development to enable staff to advise the applicant of applicable approvals and requirements; and

2. To acquaint the applicant with the applicable requirements of the Vancouver Municipal Code and other laws and to identify issues and concerns in advance of a formal application to save the applicant time and expense through the process. However, the conference is not intended to provide an exhaustive review of all the potential issues. The pre-application conference does not prevent the city from applying all relevant laws to the application.

3. To inform applicable city recognized neighborhood associations of potential development activity within their neighborhoods.

B. Pre-application waivers.

1. A pre-application conference is required for all Type II, Type III and applicant-initiated Type IV applications, and certain Type I applications, unless waived by the planning official. Generally, the planning official may waive the pre-application conference only if he determines

that the proposal is relatively simple (e.g., has few, if any, development-related issues), or it involves subsequent phases of an approved development where requirements are known, or an application is substantially similar to a prior proposal affecting substantially the same property, as determined by the planning official. Planning official shall notify affected Neighborhood Associations of proposed development application and copy of pre-application waiver letter. Pre-application conferences shall not be waived for infill developments, pursuant to Chapter 20.920 VMC.

2. To request a waiver of a pre-application conference, the applicant shall submit:

   a. A completed pre-app waiver request form provided by the planning official;

   b. A written narrative justifying the request for pre-application waiver; and

   c. Required fee.

C. Information required for contingent vesting. To qualify for contingent vesting under Section 20.210.110 VMC, the applicant shall submit at a minimum the pre-application items listed in Sections 20.210.080(D)(1)-(6) VMC; provided, that an applicant shall not contingently vest unless the applicant submits all of the information required for the actual application within the timeframe set forth in Section 20.210.110 VMC. The planning official may modify requirements for pre-application materials and may conduct a pre-application conference with less than all of the required information. However, failure to provide all of the required information may prevent the planning official from identifying all applicable issues or providing the most effective pre-application conference and may preclude contingent vesting under Section 20.210.110 VMC. Review for completeness of the pre-application submittal will not be conducted by staff at the time of submittal and completeness is the responsibility of the applicant.

D. Application for a pre-application conference. To request a pre-application conference, an applicant shall submit the required fee, and 12 sets of the following information. The planning official may waive submittal requirements upon request if found to be inapplicable to the proposed development:

1. Completed and signed Pre-application Conference Request form provided by the planning official.

2. Folded and collated plans of the proposed development drawn to-scale, no larger than 24" x 36" and clearly marked with the following: project name; vicinity map; scale; north arrow; date; applicant's name, phone and fax numbers; contact person's name, phone and fax numbers.

3. A GIS packet obtained from Clark County's Department of Assessment and GIS department for all properties covered by the application.

4. A narrative description of the following:

   a. Uses proposed for the site.

b. Hours of operation.

c. Estimated vehicular traffic to and from the site.

5. Preliminary architectural information. A brief narrative description of the following:

a. Gross square footage of each structure and outdoor activity center proposed to be built or retained on site.

b. Proposed and potential uses and occupancy group of each structure proposed to be built or retained on site.

c. Number of floors, building height, and construction type of each structure and outdoor activity area proposed to be built on site.

d. Conceptual plans showing at least the gross square footage of each structure proposed to be built or retained on site.

e. Conceptual elevation drawing of each structure proposed to be built or retained on site.

f. Show the dimensions and area of the project site.

6. Existing and Proposed on-site Structures and Improvements:

a. Identify use(s) of all existing and proposed structures.

b. Location, dimensions, and height of all existing and proposed buildings and structures.

c. Location and dimensions of existing and proposed recreation areas and open space.

d. Location of existing and proposed driveways, off-street parking and loading areas, bicycle parking, and pedestrian and bicycle pathways.

e. Location, dimensions, and screening of proposed solid waste/recyclables storage areas.

f. Existing or conceptual plan showing lighting and landscaping. Landscape plan should include location of driveways and buffering off-street parking and loading areas.

g. Location and dimensions of existing and proposed streets, rights-of-way and public and private access easements on and adjoining the site.

h. Location and dimensions of all existing and proposed above ground and below ground utilities.

7. Preliminary engineering information. Provide a conceptual drawing or sketch showing the following:

a. Approximate location of existing fire hydrants within a one-hundred foot (100’) radius of the site.

b. Proposed method of providing storm-water drainage on the site.

c. Strategy narrative for proposed erosion control measures.

d. Proposed grading activity for the site, indicating areas of proposed cuts and fills.

E. Notice. Within 14 calendar days after receipt of an application for a pre-application conference, the planning official shall mail written notice to the applicant and to other interested agencies and parties, including the neighborhood association in whose area the property in question is situated. The notice shall state the date, time, location, and purpose of the pre-application conference.

F. Planning Official's role. The planning official shall coordinate the involvement of agency staff responsible for planning, development review, roads, drainage, parks and other subjects, as appropriate, in the pre-application conference process. Relevant staff shall attend the pre-application conference or shall take other steps to fulfill the purposes of the pre-application conference.

G. Scheduling. The pre-application conference shall be conducted at least five calendar days after the notice is mailed but not more than 28 calendar days after the planning official accepts the application for pre-application conference. The planning official shall reschedule the conference and give new notice if the applicant or applicant's representative cannot or does not attend the conference when scheduled.

H. Pre-application conference summary. The planning official shall provide to the applicant, other attending parties, and those who request a copy of the pre-application summary report in writing. The written summary generally shall do the following to the extent possible given the information provided by the applicant:

1. Summarize the proposed application(s);

2. Identify the relevant approval criteria and development standards in the Vancouver Municipal Code or other applicable law and exceptions, adjustments or other variations from applicable criteria or standards that may be necessary;

3. Evaluate submitted information the applicant offered to comply with the relevant criteria and standards, and identify specific additional information that is needed to respond to the relevant criteria and standards or is recommended to respond to other issues;

4. Identify applicable application fees in effect at the time, with a disclaimer that fees may change;

5. Identify information relevant to the application that may be in the possession of the city or other agencies of which the city is aware, such as:

a. Comprehensive plan map designation and zoning on and in the vicinity of the property subject to the application;

b. Physical development limitations, such as steep or unable slopes, wetlands, well-head protection areas or water bodies, that may exist on and in the vicinity of the property subject to the application;

c. Those public facilities that will serve the property subject to the application, including fire services, roads, storm drainage, and, if residential, parks and schools, and relevant service considerations, such as minimum access and fire-flow requirements or other minimum service levels and impact fees; and

d. Confirm the application submittal requirements and what submittal information is waived.

e. Where applicable, indicate whether the pre-application submittal was complete so as to trigger contingent vesting under Section 20.210.110 VMC.

I. Request for second conference. An applicant may submit a written request for a second pre-application conference within one calendar year after an initial pre-application conference. There is no additional fee for a second conference if the proposed development is substantially similar to the one reviewed in the first pre-application conference or if it reflects changes based on information received at the first pre-application conference. A request for a second pre-application conference shall be subject to the same procedure as the request for the initial pre-application conference.

J. Expiration. The pre-application comments from the city shall expire one year from the date the pre-application conference is held. A counter-complete application that the planning official finds is substantially similar to the subject of a pre-application conference must be submitted within one calendar year after the last pre-application conference or after approval of waiver of pre-application conference. Once the pre-application comments have expired the applicant must file a new request for a pre-application conference or receive approval of a pre-application waiver request in order to submit a development application.
(M-3692, Amended, 02/28/2005, Sec 14; M-3643, Added, 01/26/2004)

Section 20.210.090 Review For Counter-Complete Status.

A. Prior to acceptance of application. Before accepting Type I, II, or III applications or applicant-initiated Type IV applications Map Amendments, a planning staff member from the city shall determine that the application is counter-complete. Review for counter-complete status does not include an evaluation of the substantive adequacy of the information in the application.

B. Complete application. If the planning staff member decides that the application is counter-complete at the time of application, the application shall be accepted for review for fully-complete status.

C. Incomplete application. If the planning staff member decides the application is not counter-complete, he or she shall immediately reject the application and identify what is needed to make the application counter-complete.

D. Application content. A counter-complete application shall include all of the items listed in the chapter of the code applicable to the type of development proposed, unless waived in writing by the planning official.
(M-3643, Added, 01/26/2004)

Section 20.210.100 Review For Fully Complete Status.

A. Determination. Within 28 calendar days after receiving a counter-complete Type II or III application or applicant-initiated Type IV Map Amendment application, the planning official shall mail or provide in person a written determination to the applicant stating either:

1. That the application is fully complete; or

2. That the application is not fully complete and what is necessary to make the application complete.

B. Application content. An application shall include all of the information listed as application requirements in the application form; provided, that:

1. The planning official may upon written request waive application requirements that are clearly not necessary to show an application complies with relevant criteria and standards and may modify application requirements based on the nature of the proposed application, development, site or other factors. Requests for waivers shall be reviewed before applications are submitted for counter-complete review, or discussed at the pre-application conference, and confirmed in the pre-application conference summary.

2. The decision about the fully-complete status of an application, including any required engineering, traffic or other studies, shall be based on the criteria for completeness and methodology set forth in the Vancouver Municipal Code or in implementing measures adopted in a timely manner by the planning official and shall not be based on differences of opinion as to quality or accuracy.

3. An application's fully-complete and vesting status may be revoked if the planning official determines that the applicant intentionally submitted false information.

C. Incomplete application. If the planning official decides an application is not fully complete, then, within the time provided in Subsection (A) of this section, the planning official shall send the applicant a written statement indicating that the application is incomplete based on a lack of information and listing what is required to make the application fully complete.

1. The statement shall specify a date by which the required missing information must be provided to restart the fully-complete review process. The statement shall state that an applicant can apply to extend the deadline for filing the required information and explain how to do so.

2. The statement also may include recommendations for additional information that, although not necessary to make the application fully complete, will be required to address other issues that are relevant to the review.

3. If the required information is not submitted by the date specified and the planning official has not extended that date, within seven calendar days after that date, the planning official may take the action in subsections 3(a) and 3(b) of this section. If the required information is submitted by the date specified, then within 14 calendar days, the planning official shall decide whether the application is fully complete and, if not, the planning official may:

a. Reject and return the application and an amount up to 80% of the application fees by mail, together with a written statement that lists the remaining additional information needed to make the application fully complete; or

b. Issue a decision denying the application, based on a lack of information. Provided, the planning official may allow the applicant to restart the fully-complete review process a second time by providing the required missing information by a date specified by the planning official, in which case the planning official shall retain the application and fee pending expiration of that date or a fully-complete review of the application as amended by that date.

D. Fully-complete application. If the planning official determines that a Type I, II, or III application or applicant-initiated Type IV Map Amendment application is fully complete, he or she shall:

1. If a Type I application, issue a Notice of Decision within 28 calendar days pursuant to Section 20.210.040(F) VMC;

2. If a Type II application, issue a Notice of Application within 14 calendar days pursuant to Section 20.210.050(E) VMC.

3. If a Type III application, issue a Notice of Application/Hearing within 14 days pursuant to Section 20.210.060(E) VMC.

4. If a Type IV-Map Amendment application, issue a Notice of Application/Hearing within 14 calendar days containing the information in Section 20.210.060(E) VMC.

E. Automatic determination. A Type I, II, or III application and applicant-initiated Type IV-Map Amendment application shall be determined fully complete if a written determination has not been mailed to the applicant within 28 calendar days of the date the counter-complete application is received by the city. An application shall be determined fully complete if a written determination has not been mailed to the applicant within 14 calendar days of the date that the necessary additional information is submitted pursuant to subsection (C).

F. Fully complete date. The date a fully-complete application is filed for purposes of vesting is the date the counter-complete application is originally filed or the date any necessary additional information is submitted pursuant to subsection (C), whichever is later, regardless of whether the application is determined to be fully complete under subsection (A)(1) or automatically determined fully complete under subsection (E).

G. Request for additional information. A fully-complete determination shall not preclude the city from requesting additional information, studies or changes to submitted information or plans if new information is required or substantial changes to the proposal occur.
(M-3840, Amended, 08/06/2007, Sec 7; M-3643, Added, 01/26/2004)

Section 20.210.110 Vesting of Applications.

A. Vested application. Type I, II, or III applications shall be considered under this chapter and the zoning, development and other land use control ordinances contained in the VMC, and any uncodified ordinances modifying the same, in effect on the date a fully complete application is filed with the city. For the purposes of this section, a vested application shall mean that the applicant is entitled to implement the development proposal described in the application, under the zoning, development and land use ordinances applied by the city in its review of the application without being subject to changes in development regulations subsequent to the submittal date except to the extent allowed by the city's police power to protect the public health, safety, and welfare.

Once an application is approved and if the approval contains a detailed description of the uses, including a detailed site plan drawn to scale, specifying the location of all buildings and improvements to be constructed in conjunction with the use(s), and such site plan is consistent with all laws and regulations in effect at the time the original application vested, then all permit applications in connection with the approved use(s) and/or site plan are vested to the laws and regulations in effect at the time of the vesting of the original permit application, until the land use approval expires.

B. Contingent vesting. An application which is subject to a pre-application conference shall contingently vest on the date a complete pre-application is filed, if a fully-complete application for substantially the same proposal is filed within 180 calendar days of the date the review authority issues its written summary of the pre-application conference, and provided the pre-application submittal met the requirements of 20.210.080(C).

C. Subsequent Regulations. An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the planning official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project, and the city while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the city. Planning official shall review and either approve the request or determine if a new application must be submitted.

D. Exception to vesting. Unless expressly authorized elsewhere in this title, vested rights shall apply only to development regulations and shall not be applied to development review fees or impact fees.
(M-3643, Added, 01/26/2004)

Section 20.210.120 Public Hearing Procedures.

A. Assignment of review bodies

1. Proposed land use actions shall be reviewed as indicated in Table 20.210.020 - 1. All listed actions reviewed by the Hearings Examiner, Planning Commission, and City Council shall be conducted

at a public hearing according to the applicable procedures in the Vancouver Municipal Code, and decisions shall be issued based on compliance with applicable standards, pursuant to this title.

2. The planning official shall have the authority to assign the review body in cases in which this chapter and the Vancouver Municipal Code do not clearly identify the appropriate review body. The act of assigning the review body shall be a Type I decision.

B. Hearing requirements. Hearing requirements applicable to the Hearings Examiner and Planning Commission actions (appeals of Type I and II applications and initial review of Type III applications and applicant-initiated Type IV Map Amendment applications).

1. Notice of hearing. Notice of a Type I or II appeal hearing shall be given by the planning official in the following manner (notice of hearing for a Type III application or applicant-initiated Type IV Map Amendment application is governed by Section 20.210.060(E) VMC):

a. At least 10 calendar days prior to the hearing date, notice shall be sent by mail to:

1. The applicant and all owners of the site that is the subject of the application;

2. All parties of record;

3. Any neighborhood or community organization recognized by the City Council and whose boundaries include the site;

4. Any person who has submitted a written request to be notified; and

5. The appellant and all parties to the appeal.

b. The planning official shall cause an affidavit of mailing of notice to be prepared and made a part of the file, which demonstrates the date that the required notice was mailed to the necessary parties.

c. At least 10 calendar days prior to the hearing, notice of the hearing shall be given in a newspaper of general circulation in the city. An affidavit of publication concerning such notice shall be made part of the administrative record.

d. At least 10 calendar days prior to the hearing, notice of the hearing shall be posted on the site, pursuant to subsection (2) below. An affidavit of posting concerning such notice shall be prepared and shall be submitted and made part of the administrative record.

2. Content of notice. Notice of a Type I or II appeal hearing shall contain the following information:

a. Explain the nature of the appeal.

b. List the applicable criteria that apply to the appeal issues.

c. Set forth the street address or other easily understood geographical reference to the subject property.

d. State the date, time, and location of the hearing.

e. State that the failure to raise an issue at the hearing, in person, or by letter, or failure to provide statements or evidence sufficient to afford the decision-maker an opportunity to respond to the issue may preclude further appeal based on that issue.

f. Include the name of a city representative to contact and the telephone number where additional information may be obtained.

g. State that a copy of the appeal and all documents and evidence submitted by or on behalf of the appellant and the applicable criteria are available for inspection at no cost and that copies shall be provided at a reasonable cost.

h. State that a copy of the staff report shall be available for inspection at least 10 calendar days prior to the hearing, and that a copy shall be provided at a reasonable cost.

i. Include a general explanation of the requirements for submission of testimony and the procedure for conducting hearings.

3. Staff report issuance. At least 10 calendar days before the date of the hearing for a Type III application, an applicant-initiated Type IV Map Amendment application or Type I or II appeal hearing, the planning official shall issue a written staff report and recommendation regarding the application(s), shall make available to the public a copy of the staff report for review and inspection, and shall mail a copy of the staff report and recommendation without charge to the applicant and applicant's representative. The planning official shall mail or provide a copy of the staff report at reasonable charge to other parties who request it. If the planning official does not issue the staff report at least 10 days before the date of the hearing, the applicant or appellant shall be entitled to ask for a continuance without penalty.

4. Conduct of the hearing. At the commencement of the hearing, a statement shall be made to those in attendance that:

a. The Hearings Examiner or chair of the Planning Commission, as the case may be, shall:

1. State that testimony and evidence shall be directed toward the relevant criteria described in the staff report or other criteria in the plan or land use regulation that the person testifying believes to apply to the decision;

2. State that failure to raise an issue at the hearing may limit the issues that can be considered at the City Council hearing.

b. Staff shall present a staff report, containing a summary of the proposal or appeal, and recommended findings and conclusions. Conditions of approval for a Type III application may be recommended.

c. The applicant or appellant shall be entitled to present evidence and argument in support of the application(s) or appeal.

d. Any participant may present evidence and argument for or against the proposal or appeal.

e. The applicant or appellant shall have the final opportunity to conclude its case before close of the public hearing.

f. The Hearings Examiner or chair of the Planning Commission shall declare the public hearing closed and may have questions for staff, the applicant/appellant, or any member of the public who testified.

5. Additional evidence. Prior to the conclusion of the initial evidentiary hearing, any participant may request an opportunity to present additional relevant evidence or testimony regarding the application so long as that evidence and testimony is within the scope of the hearing. The Hearings Examiner or the Planning Commission may grant such a request by continuing the public hearing pursuant to Subsection 5 (a) below or by leaving the record open for additional written evidence or testimony pursuant to Subsection 5(b) below.

a. Continuance. If the Hearings Examiner or the Planning Commission grants a continuance, the hearing shall be continued to a date, time, and place certain at least seven calendar days from the date of the initial evidentiary hearing. Further notification is not required in such cases. Continuation of hearings to time or place uncertain is also permitted, provided that new notice is given pursuant to this chapter. If the applicant initiates a hearing continuance after public notice is mailed, or causes a continuance by providing inadequate information, fees as per Section 20.180 VMC shall apply. An opportunity shall be provided at the continued hearing for persons to present and rebut new evidence and testimony. If new written evidence is submitted at the continued hearing, any person may request, prior to the conclusion of the continued hearing, that the record be left open for at least seven calendar days to allow the submittal of written evidence or testimony for the purpose of responding to the new written evidence;

b. Record left open. If the Hearings Examiner or Planning Commission leaves the record open for additional written evidence or testimony, the record shall be left open for at least seven calendar days. The Hearings Examiner or Planning Commission shall state where additional written evidence and testimony can be sent, and shall announce any limits on the nature of the evidence that will be received after the hearing. Any participant may file a written request with the Hearings Examiner or Planning Commission for an opportunity to respond to new evidence submitted during the period the record was left open. If such a request is filed, the Hearings Examiner or Planning Commission shall reopen the record pursuant to this subsection. Unless waived by the applicant, the Hearings Examiner or Planning Commission shall allow the applicant at least seven calendar days after the record is closed to all other parties to submit final written arguments in support of the application period. The applicant's final submittal shall be considered part of the record, but shall not include any new evidence.

6. Content and custody of the record.

a. The record shall contain all testimony and evidence that is submitted and not rejected;

b. The Hearings Examiner or Planning Commission may take official notice of judicially-cognizable facts pursuant to the applicable law. If the Hearings Examiner or Planning Commission takes official notice, the Hearings Examiner or Planning Commission must announce this intention and allow the parties to the hearing to present evidence concerning the fact;

c. The Hearings Examiner or Planning Commission shall retain custody of the record as appropriate, until a final decision is rendered.

7. Impartiality. Parties to a Type III application or applicant-initiated Type IV Map Amendment hearing and Type I or II appeal hearing are entitled to an impartial review authority as free from potential conflicts of interest and pre-hearing ex parte contacts as reasonably possible. It is recognized, however, that the public has a countervailing right of free access to public officials. Therefore:

a. The Hearings Examiner or any member of the Planning Commission shall disclose the substance of any pre-hearing ex parte contacts (excluding de minimis contacts) with regard to the matter at the commencement of the public hearing on the matter. The Hearings Examiner or member of the Planning Commission shall state whether the contact has impaired the impartiality or ability of the examiner to decide, or the Planning Commission member to vote on, the matter and shall participate or abstain accordingly;

b. The Hearings Examiner or member of the Planning Commission shall not participate in any proceeding or action in which any of the following has a direct financial interest excluding de minimis interests: The Hearings Examiner or member of the Planning Commission or said person's spouse, brother, sister, child, parent, father-in-law, mother-in-law, partner, any business in which the member is then serving or has served within the previous two years, or any business with which the member is negotiating for or has an arrangement or understanding concerning prospective partnership or employment. Any actual or potential interest shall be disclosed by the Hearings Examiner or member of the Planning Commission at the hearing where the action is being taken;

c. In cases involving the disqualification or refusal of a Hearings Examiner, the city shall provide a substitute Hearings Examiner in a timely manner subject to the above impartiality rules. In cases involving the disqualification or refusal of a member of a Planning Commission, the remaining members of the Planning Commission shall hear the case.

8. Ex parte communications.

a. The Hearings Examiner or member of the Planning Commission shall not:

1. Communicate, directly or indirectly, with any party or representative of a party in connection with any issue involved in a hearing, except upon giving notice, and an opportunity for all parties to participate.

2. Take notice of any communication, report, or other materials outside the record prepared by the proponents or opponents in connection with the particular case.

b. No decision or action of the Hearings Examiner or Planning Commission shall be invalid due to ex parte contacts or bias resulting from ex parte contacts with the Hearings Examiner or member of the Planning Commission if the Hearings Examiner or member of the Planning Commission:

1. Places on the record the substance of any written or oral ex parte communications concerning the decision or action; and

2. Makes a public announcement of the content of the communication and of the parties' right to rebut the substance of the communication made at the first hearing following the communication where action shall be considered or taken on the subject to which the communication is related.

c. Communication between city staff and the Hearings Examiner or Planning Commission as part of a Type III application or an applicant-initiated Type IV-Map Amendment application or appeal of a Type I or II appeal hearing shall not be considered ex-parte contact.

9. Presenting and receiving evidence.

a. The Hearings Examiner or Planning Commission may set reasonable time limits for oral presentations and may limit or exclude cumulative, repetitious, irrelevant or personally derogatory testimony;

b. No oral testimony shall be accepted after the close of the public hearing. Written testimony may be received after the close of the public hearing, but only pursuant to the schedule and procedure announced by the Hearings Examiner or chair of the Planning Commission prior to the close of the public hearing, or as otherwise provided by this section;

c. The Hearings Examiner or members of the Planning Commission may visit the site and the surrounding area, and may use information obtained during the site visit to support his or her decision, provided the information relied upon is disclosed at the hearing and that an opportunity is provided to rebut such evidence. In the alternative, a site visit may be conducted by the Hearings Examiner or the Planning Commission for the purpose of familiarizing the reviewing body with the site and the surrounding area, but not for the purpose of independently gathering evidence. In such a case, at the commencement of the hearing, the Hearings Examiner or members of the Planning Commission shall disclose the circumstances of the site visit and shall provide the parties with an opportunity to question the Hearings Examiner or members of the Planning Commission concerning the site visit.

10. The decision process.

a. Basis for decision. Approval, conditional approval or denial of a Type III application, an applicant-initiated Type IV Map Amendment application or a Type I or II appeal shall be based on standards and criteria, which shall be set forth in the Vancouver Municipal Code or in uncodified ordinances.

b. Final Decision. The Hearings Examiner or Planning Commission shall issue a final order containing the following information:

1. The nature of the application or appeal in sufficient detail to apprise persons entitled to notice of the decision;

2. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;

3. If the actual decision is not mailed, a statement of where the Final Decision can be obtained;

4. The date the decision shall become final, unless appealed.

5. A statement that all persons entitled to notice or who have standing under Section 20.210.130(B)(2) VMC may appeal the decision;

6. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;

7. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;

8. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;

9. A statement of the facts demonstrating how the application or appeal does or does not comply with applicable approval criteria;

10. The reasons for a conclusion to approve, deny or condition the application or appeal;

11. The decision to approve or deny the application or appeal, and if approved, conditions of approval necessary to ensure the proposed development will comply with the applicable law;

12. The date the Final Decision is mailed; and

13. Copies of the mailing labels showing the persons who were mailed the Notice of Decision.

14. A statement regarding any procedural issues decided in the case, with the reasons to approve or deny said procedural request, if any.

c. Decision-making time limits. A Final Decision for any Type III application, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decisions shall be filed with the planning official within 14 calendar days after the close of the record.

11. Distribution of Final Decision. A Final Decision on a Type III application or, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decision shall be mailed, to the following persons:

a. The applicant and/or appellant;

b. The owner(s) of the property included in the subject application or appeal;

c. Any city-recognized neighborhood group whose boundaries include the site;

d. Anyone who requested in writing a notification of the decision on a particular matter.

e. The planning official shall cause an affidavit of mailing of such Final Decision to be prepared and made a part of the file, which indicates the date the notice was mailed and demonstrates that the required notice was mailed to the necessary parties in a timely manner.

12. Contents of Notice of Decision. A Notice of Decision shall include the information contained in Section 20.210.120(B)(10)(b)(1)-(12) VMC.

13. Distribution of the Notice of Decision. A Notice of Decision of a Type III application, applicant-initiated Type IV Map Amendment application, or Type I or II appeal decision shall be mailed on the same day as the Final Decision to the following persons:

a. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city that includes provision for such notice or which is otherwise entitled to such notice;

b. Anyone who provided oral or written testimony entered into the record at the public hearing.

14. Final Decision and effective date. A Hearings Examiner or Planning Commission decision is final for purposes of appeal when the Final Decision and Notice of Decision is mailed. Such decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section 20.210.130 VMC shall apply.

C. Hearing requirements applicable to City Council hearings

1. Unless otherwise provided in the rules of procedure adopted by the City Council, for both closed-record hearings and open-record hearings:

a. The Mayor or Mayor pro tem shall have the authority to:

1. Regulate the course, sequence, and decorum of the hearing;

2. Dispose of procedural requirements or similar matters; and

3. Impose reasonable time limits for oral presentations.

b. No person shall address the council without:

1. Receiving recognition from the Mayor or Mayor pro tem; and

2. Stating their full name and residence address.

3. Disruptive conduct such as audience demonstrations in the form of applause, cheering or display of signs may be cause for expulsion of a person or persons from the hearing, termination or continuation of the hearing or other appropriate action determined by the Mayor or Mayor pro tem.

2. Unless otherwise provided in the rules of procedures adopted by the City Council, the Mayor or Mayor Pro Tem shall conduct the hearing as follows:

a. The hearing shall be opened by a statement from the Mayor and/or City Attorney setting forth the nature of the matter before the body, a general summary of the procedures applicable to the hearing, and a summary of the standards for decision-making;

b. A presentation of the staff report shall be given;

c. For open-record hearings, the public shall be invited to testify;

d. For open-record hearings, the public hearing may be continued to allow additional testimony or it may be closed; and

e. The City Council's deliberation may include questions to the staff, comments from the staff, or inquiries directed to any person present.

(M-3931, Amended, 11/02/2009, Sec 3-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 10; M-3840, Amended, 08/06/2007, Sec 8; M-3701, Amended, 05/04/2005, Sec 6; M-3643, Added, 01/26/2004)

Section 20.210.130 Appeals.

A. Appeal submittal. Any party with standing under Section 20.210.130(B) VMC may submit a written appeal of any Type I, II or III decision to the planning official containing the following items listed below. The appeal must be received no later than 14 calendar days after written notice of the decision is mailed. Receipt of a complete appeal submittal shall stay the original decision until the city reaches a final decision on the appeal, except as provided for by 20.210.040G VMC.

1. The case number designated by the city and the name of the applicant;

2. The name and signature of each petitioner or their authorized representative and a statement showing that each petitioner has standing to file the appeal under this chapter. If multiple parties file a single petition for review, the petition shall designate one party as the contact representative for all contact with the planning official. All contact with the planning official regarding the appeal, including notice, shall be with the contact representative;

3. The specific aspect(s) of the decision or determination being appealed, and the specific reasons why each aspect is in error as a matter of fact or law;

4. A statement demonstrating that the specific issues raised on appeal were raised during the period in which the record was open;

5. The appeal fee as per Chapter 20.180 VMC, Fees. The fee shall be refunded if the appellant requests withdrawal of the appeal in writing at least 14 calendar days before the scheduled appeal hearing date.

B. Standing to appeal

1. Type I decision. Only the applicant and property owner have standing to appeal a Type I decision, unless otherwise specified in this title.

2. Type II decision. The following parties have standing to appeal a Type II decision:

a. The applicant or owner of the subject property;

b. Any party eligible for written notice of a pending Type II administrative decision.

c. Any other party who demonstrates that they participated in the decision process through the submission of written testimony.

3. Type III decision. The following parties have standing to appeal a Type III decision:

a. The applicant or owner of the subject property;

b. Any party who testified verbally or in writing at the public hearing;

c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;

d. Any party who provides a written request for a copy of the notice of decision; and

e. City staff.

4. Type IV Map Amendment Decision. The following parties have standing to appeal a Type IV Map Amendment decision:

a. The applicant or owner of the subject property;

b. Any party who testified verbally or in writing at the public hearing;

c. Any other party, who demonstrates that they participated in the decision process through the submission of written testimony;

d. Any party that provides a written request for a copy of the notice of decision; and

e. City staff.

C. Appeal review process

1. All complete appeals submitted which are eligible as specified in this chapter shall be scheduled for review at a public hearing such that a final decision can be rendered within 60 calendar days for closed-record appeals, and within 90 calendar days for open-record appeals. Further extensions are permitted upon mutual agreement of the appellant, the applicant, and the planning official. If a final decision is not reached within this time, the planning official shall so notify the appellant and shall provide a reason for the delay and an estimated date of final decision issuance.

2. Notice of the appeal hearing shall be mailed to all parties listed in Section 20.210.120(B)(11) and (13) VMC.

3. Appeal hearings shall be open or closed record as indicated in Table 20.210.130 -1 below.

a. An open-record appeal hearing before the Hearings Examiner shall be conducted according to the procedures set forth in Section 20.210.120-B VMC.

b. A closed-record appeal hearing before the City Council shall be limited to argument from the appellant, the applicant and city staff, and deliberation by the City Council. Argument and deliberation shall be limited to the record established at the original open-record hearing. The record shall consist of testimony and deliberation at the original hearing as recorded by an audio/visual tape or transcript certified as accurate and complete, any other materials submitted into the record, and the final order being appealed.

c. Hearing rules shall otherwise be as specified by the review body.

d. Notice of appeal decisions shall be mailed to all parties listed under Section 20.210.130(C)(2) VMC.

4. See Section 20.285 VMC for additional rules applicable to appeals for Type IV decisions.

Table 20.210.130 - 1
Appeal Bodies

Land Use Action	Review Authority if Appealed, and Open (O) or Closed (C) Record Hearing
Type I Applications	Hearings Examiner (O); Further appeal to Superior Court
Type II Applications	Hearings Examiner (O); Further appeal to Superior Court
Type III Applications	City Council (C); Further appeal to Superior Court
Type IV Applications	Superior Court

D. Subsequent appeals.

1. Appeal decisions by any review body may be subsequently appealed to Superior Court within 21 calendar days after the date of decision, subject to compliance with appeal eligibility and notice provisions as specified by Chapter 36.70C RCW.

2. Appeal decisions by the Hearings Examiner or City Council on shoreline substantial development permits, shoreline variance permits, and shoreline conditional use permits may be subsequently appealed to the State Shoreline Hearings Board pursuant to applicable law.
(M-3931, Amended, 11/02/2009, Sec 4-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 11; M-3643, Added, 01/26/2004)

Section 20.210.140 Post Decision Review.

A. Applicability.

1. Except for recorded short subdivision and subdivision plats, planned developments and public facility master plans, post-decision procedures may modify the development without necessarily subjecting the change to the same procedure as the original application. Such changes may be warranted by ambiguities or conflicts in a decision and by new or more detailed information, permits or laws.

2. At any time, a party to a final decision made under this chapter or their successor in interest may file with the planning official an application for post-decision review of a Type I, II or III decision, describing the nature of the proposed change to the decision and the basis for that change, including the applicable facts and law, together with the fee prescribed for that application, as provided in Chapter 20.180 VMC, Fees.

3. An application for post-decision review is not subject to pre-application review. It is subject to counter-complete and fully-complete determinations; provided, that the planning official shall not require an application for post-decision review to contain information that is not relevant and necessary to address the requested change or the facts and law on which it is based.

4. As part of a determination of completeness of an application for post-decision review of a Type I, II or III decision, the planning official shall classify the application as a Type I, II or III

procedure and advise the applicant in writing of that classification. In addition, all Parties of Record from the original decision shall also be notified of the decision in writing. The classifications in the table are recommended, but the classification of each post-decision review shall be based on the circumstances of that decision and the guidelines in subsection (B) of this section. The decision classifying the application shall be subject to appeal as part of the decision on the merits of the post-decision review.

5. Post-decision review cannot substantially change the nature of development proposed pursuant to a given decision. As part of a determination of completeness of an application for post-decision review of a Type I, II or III decision, the planning official may issue a decision that the proposed change in a decision should not be subject to post-decision review; it should be subject to a new application on the merits of the request. That decision may be appealed to the Hearings Examiner pursuant to Section 20.210.130 VMC.

6. An application for post-decision review does not extend the deadline for filing an appeal of the decision being reviewed and does not stay appeal proceedings.

7. Post-decision review can only be conducted in regard to a decision that approves or conditionally approves an application. An application that is denied is not eligible for post-decision review.

B. Exceptions. The provisions in this section do not apply to the following:

1. Recorded subdivision plats. See Section 20.320.080(D) VMC.

2. Planned developments. See Section 20.260.030(B)(3).

3. Public facility master plans. See Section 20.260.040(C).

C. Classification of post-decision review.

1. An application for post-decision review of a Type I decision shall be subject to a Type I review procedure.

2. An application for post-decision review of a Type II decision shall be subject to a Type I review procedure if the review authority finds the requested change in the decision:

a. Does not increase the potential adverse impact of the development authorized by the decision; and

b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and

c. Does not involve an issue of broad public interest, based on the record of the decision; and

d. Does not require additional SEPA review.

3. An application for post-decision review of a Type II decision shall be subject to a Type II review procedure if it is not subject to Type I review.

4. An application for post-decision review of a Type III decision shall be subject to a Type I review procedure if the review authority finds the requested change in the decision:

a. Reduces the potential adverse impact of the development authorized by the decision; and

b. Is consistent with the applicable law or variations permitted by law, including a permit to which the development is subject; and

c. Does not involve an issue of broad public interest, based on the record of the decision.

5. An application for post-decision review of a Type III decision shall be subject to a Type II review procedure if the review authority finds the requested change in the decision:

a. Does not increase the potential adverse impact of the development authorized by the decision or SEPA determination; and

b. Is needed to address a minor change in the facts or the law, including a permit to which the development is subject; and

c. Does not involve an issue of broad public interest, based on the record of the decision.

6. An application for post-decision review of a Type III decision shall be subject to a Type III review procedure if it is not subject to a Type I or II procedure.

7. When a post-decision request for a change involves a condition of approval that was imposed in the original decision to address a specific potential impact of the proposed development, then that condition of approval can be changed only using the same type process as the original decision.

D. Modification. Modification of a decision other than by a timely appeal or post-decision review shall be accomplished by means of new application; provided, that a new application cannot be filed within one calendar year after the date of a decision denying a substantially similar application, unless such earlier decision provided otherwise.

E. Vesting. Applications which qualify for post decision review shall remain vested to the laws in place at the time of the original application vested.
(M-3643, Added, 01/26/2004)

Chapter 20.220

REVIEW BODIES

Sections:

20.220.010 Planning Commission.
20.220.020 Hearings Examiner.
20.220.030 City Council.
20.220.040 Repealed by M-3959
20.220.050 Clark County Historic Preservation Commission.

Section 20.220.010 Planning Commission.

A. Establishment. Pursuant to Article XI, Section 11 of the Washington State Constitution and Section 8.01 of the City Charter, a Vancouver Planning Commission shall be established and maintained consisting of seven residents of the city or Vancouver Urban Growth Area to be appointed by the Mayor with the approval of the City Council.

B. Representative membership. In selecting members for appointment to the Planning Commission, the Mayor and City Council shall seek to provide representation to a wide variety of neighborhoods, businesses and other interests concerned with the land use, development and quality of life in Vancouver. No more than one member of the Planning Commission may represent the unincorporated urban growth area intended to annex and develop as a part of the City of Vancouver.

C. Authority and responsibilities.

1. 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 city code. The Planning Commission shall review and make recommendations to City Council on planned developments greater than 25 acres in size, amendments to the comprehensive land use plan, amendments to the zoning map of 25 acres or greater in size, and implementing standards and regulations that are generally legislative in nature.

2. The Planning Commission is responsible for the following:

a. Formal review of actions listed under Chapter 20.210 VMC, and review of SEPA appeals filed pursuant to such actions.

b. Informal or advisory review of studies, analysis or reports related to land use matters as directed by City Council.

c. Other duties related to land use matters as directed by City Council, provided they are not inconsistent with state law.

D. Terms. Except as provided in this section, the term of office for each member shall be four years, running from January 1st to December 31st. No member may serve more than three consecutive terms. Any vacancy that is not a result of the expiration of a term shall be filled for the un-expired term. Members may be removed by the mayor with the concurrence of City Council, for misconduct or neglect of duties or for three consecutive unexcused absences.

E. Organization.

1. In December of each year, the Planning Commission shall elect a chair, vice-chair and such other officers as the Planning Commission determines it requires. The term of office for each officer shall run until the subsequent election, provided that vacancies caused by resignation or removal shall be filled for the remaining term of office.

2. The Planning Commission shall adopt rules for the transaction of its business.

3. The Planning Commission may appoint standing or special committees to which it may assign specific responsibilities, provided that such committee(s) shall make no recommendations except to the Planning Commission.

F. Meetings. The Planning Commission shall establish regular monthly or twice-monthly meetings dates pursuant to Chapter 42.30 RCW, provided that, if no matters are pending, a regular meeting may be canceled. Special meetings of the Planning Commission may be called pursuant to the provisions of state law.

G. Actions. All actions of the Planning Commission shall be determined by a majority vote in a meeting at which a quorum is present. A majority of total appointed membership of the Planning Commission shall constitute a quorum.
(M-3931, Amended, 11/02/2009, Sec 5-Effective 12/02/2009; M-3840, Amended, 08/06/2007, Sec 9; M-3691, Amended, 02/28/2005, Sec 1)

Section 20.220.020 Hearings Examiner.

This title utilizes a Hearings Examiner, as created and authorized in VMC Chapter 2.51.
(M-3643, Added, 01/26/2004)

Section 20.220.030 City Council.

A. Role of City Council. The role of the City Council in carrying out the provisions of Title 20 VMC is to:

1. Render final decisions on all planned developments, final subdivision plats, and text and map amendments;

2. Adopt new comprehensive land use plans, subarea plans, planned actions and area-wide rezoning;

3. Render decisions on annexations under Chapter 20.220 VMC;

4. Render decisions on development agreements; and

5. Hear and decide appeals of certain land use decisions as set forth in Chapter 20.210 VMC.

B. Additional authority. The City Council shall have the authority to adopt any other land use related plans and ordinances authorized by law.
(M-3643, Added, 01/26/2004)

Section 20.220.050 Clark County Historic Preservation Commission.

A. Authority. The Clark County Historic Preservation Commission shall serve as the review authority on matters of historic preservation as outlined in subsection (c) of this section for properties within the City

of Vancouver.

B. Composition of the commission. Appointments to the commission shall be made by the Clark County Board of Commissioners. All members shall be selected based on the professional or demonstrated expertise criteria (Clark County Code Section 18.328.040(B)), rather than by geographic distribution.

C. Powers and duties. The major responsibilities of the Commission are to identify and actively encourage the conservation of the city and county's historic and cultural resources by initiating and maintaining a register of historic places and reviewing proposed changes to register property(ies); to raise community awareness of the county's historic and cultural resources; and to serve as the county's primary resource in matters of historic preservation. In carrying out these responsibilities, the commission shall engage in the following activities:

1. Maintain a comprehensive inventory of historic and cultural resources within the boundaries of the City of Vancouver to be included in the Clark County Cultural Resource Inventory; publicize, and periodically update inventory results;

2. Maintain the Clark County Heritage Register. This official register shall be comprised of buildings, structures, sites, objects and districts identified by the commission as having historic significance worthy of recognition by the county and encouragement of efforts by owners to maintain, rehabilitate, and preserve properties;

3. Review nominations to the Clark County Heritage Register and National Register of Historic Places according to criteria in Sections 17.39.060 and 17.39.070 of this chapter. Make designations to the Clark County heritage register;

4. Review proposals as required in Chapter 20.520 VMC, Historic Preservation, for historic districts on the Clark County Heritage Register or National Registers;

5. Submit nominations to the Washington State Heritage Register and National Register of Historic Places;

6. Provide for comment by the commission on all applications for approvals, permits, environmental assessments or impact statements, and other similar documents pertaining to identified historic or cultural resources or adjacent property(ies) upon staff request;

7. Provide information, comment, and support to the public and agencies on matters related to historic preservation;

8. Encourage recognition of noteworthy efforts in the rehabilitation or maintenance of historic buildings, structures, sites, and districts, and new construction in historic areas;

9. Serve as the local review board for special valuation pursuant to 84.26 RCW.

D. Rules and officers. The commission shall establish and adopt its rules and procedures not inconsistent with this chapter. The commission shall select from among its membership a chairperson and vice-chair to conduct the commission’s business.

E. Commission staff. Staff for the commission shall be provided by the Clark County Department of Community Development with additional assistance and information to be provided by other county or City of Vancouver departments as may be necessary to aid the commission in carrying out its duties and

responsibilities under this chapter.

F. Inter-jurisdictional agreement required. An inter-jurisdictional agreement shall be established between the City of Vancouver and Clark County implementing the provisions of this chapter.

G. City Review Staff. City Community and Economic Development Department shall provide trained staff with knowledge of the local resources, and the designation and review processes will assist county staff in preparing staff reports, and recommendations, and will attend commission work sessions, and public hearings concerning properties within the Vancouver urban area. Other city staff with specialized knowledge shall provide additional assistance as necessary.

H. Support services. Development Review Services Department staff shall solicit comments and advice from the County Department of Community Development staff and other appropriate city staff on proposals concerning property(ies) within the incorporated area to ensure that the city has adequate opportunity to provide input to the commission.

I. Appeals. Appeals of decisions rendered by the Clark County Historic Preservation Commission pertaining to property(ies) within the City of Vancouver shall be heard by the Vancouver City Council.

J. Education services. City Community and Economic Development Department and the Clark County Community Development Department shall equally share responsibility for providing heritage education services for both the City of Vancouver and Clark County as follows:

1. Quarterly workshops or seminars on the local, state, and national historic registers; Washington State Special Valuation for Historic Properties; Investment Tax Credits for Historic Properties; and/or sensitive rehabilitation treatments;

2. Quarterly workshops or seminars may be targeted toward different audiences, such as homeowners, neighborhoods, business community, professionals or building trades;

3. Fees will be based on actual costs, and will be the same for city and county residents; and

4. An annual training session for the Clark County Historic Preservation Commission on a topic selected by the commission.

(M-3673, Added, 01/26/2004)

Chapter 20.225

SUMMARY OF LAND USE PERMITS

Sections:

20.225.010 Purpose.
20.225.020 Summary.

Section 20.225.010 Purpose.

Purpose. The purpose of this chapter is to provide a summary of all land use permits in this title in alphabetical order to provide the user information about procedure type and approval criteria.
(M-3643, Added, 01/26/2004)

Section 20.225.020 Summary.

Summary. A summary of permits is provided in Table 20.225.020-1 below. All references refer to chapters and sections with the Vancouver Municipal Code (VMC).

TABLE 20.225.020 -1
SUMMARY OF LAND USE PERMITS AND RELATED ACTIONS

KEY

Type I: Ministerial permits

Type II: Quasi-judicial permits/Planning Official (PO) decision

Type III/HE: Quasi-judicial permits/Hearings Examiner (HE) decision

Type III/PC: Quasi-judicial permits/Planning Commission (PC) decision

Type IV: Legislative

PERMIT/ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
Adult Entertainment siting	II	20.210.050	20.820.020	----
Annexation	IV	20.210.070	20.230.020	----
Binding Site Plan	II	20.210.050	20.330.020(B)	----
Boundary Adjustments	I	20.210.040	20.310.040	----
Conditional Use				
-Initial	III/HE	20.210.060	20.245.040	----
-Major Modification	III/HE	20.210.060	20.245.040	----
-Minor Modification	I	20.210.040	20.245.040	----
Critical Areas Permit				

PERMIT/ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
-Statement of Exemption	I	20.210.040	20.740.030	
-Fish and Wildlife Habitat Conservation Areas	I, or same as development	20.210.040	20.740.060; 20.740.110	
-Frequently Flooded Areas	I, or same as development	20.210.040	20.740.060; 20.740.120	
-Geological Hazards	I, or same as development	20.210.040	20.740.060; 20.740.130	
-Wetlands	I, or same as development	20.210.040	20.740.060; 20.740.140	
-Minor Exceptions	II	20.210.050	20.740.060; 20.740.070	
-Reasonable Use Exceptions	III/HE	20.210.060	20.740.060; 20.740.080	
Design Review				
Site Plan Required	I/II	20.210.040, - .050	20.265.040	20.265
-Exempt from Site Plan Review	I	20.210.040	20.265.040	
Development Agreements				
-Concurrent w/ application	Same as development	Same as development	20.250	If applicable, 20.790
-Not concurrent w/ application	City Council	20.250.050	20.250	If applicable, 20.790
Escrow Agreements	I	20.210.040	20.909.020 (C)	----
Essential Public Facilities	III/HE	20.210.060	20.855.020	20.245
Human Services Facilities				
-Initial approval	III/HE Conditional Use	20.210 .060	20.780.040	20.245
-Co-location of services	II Conditional Use	20.210.050	20.870.040	20.245
-Modifications of spacing requirements	III/HE Conditional Use	20.210.060	20.870.040	20.245

PERMIT/ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
Interpretations				
-Only	I	20.210.040	20.255.030	----
-Concurrent with application	Same as development	----	20.255.030	----
-Codification	IV	20.210.070	20.255.020 (C)	----
Manufactured Home Developments	III/HE Conditional Use	20.210.060	20.880.030	20.245
Mixed Use Master Plan				
-Initial concept plan 25 acres or less	III/HE	20.210.060	20.430.060	
-Initial concept plan greater than 25 acres	III/PC	20.210.060	20.430.060	
-Modification -Approved Concept Plan -Approved Detailed Plan	 I, II, III/HE I, II, III/HE	 20.210.040, -.050, - .060	 20.250.030(B) 20.250.030(B)	
Nonconforming Status Confirmation	I	20.210.040	20.930.020	----
Parking and Loading				
-Reductions in minimum ratios	I	20.210.040	20.945.070(F)	----
-Joint Parking	I	20.210.040	20.945.030 (B)	-----
Planned Developments				
-Initial Concept Plan, greater than 25 acres	IV/PC	20.210.070; 20.260.030	20.260.050	----
-Initial Concept Plan, 25 acres or less	IV/HE	20.210.070; 20.260.030	20.260.050	----
-Detailed Plan(s)	II	20.210.050	20.260.050(D)	----
-Modification -Approved Concept Plan -Approved Detailed Plan	 I, II, III/PC I, II, III/PC	 20.210.040, -.050, -.060	 20.260.030(B3) 20.260.030(B3)	----
Public Facility Master Plans				
-Initial approval	III/HE	20.210.060	20.268.040(A)	----

PERMIT/ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
-Subsequent approval -Detailed Master Plan - Concept Master Plan - Hybrid Master Plan	 I II	 20.210.040 20.210.050	 20.268.050(A)	 ---- ---- ----
-Modification -Detailed/Hybrid Master Plan -Concept Master Plan	 I, II, III/HE II, III/HE	 20.210.040, -.050, -.060 20.210.040, -.050	 20.268.050(A) 20.268.050(A)	 ----- -----
Signs	I	20.210.040	20.960	
Site Plan Review				
-New development or redevelopment	I/II	20.210.040 or 20.210.050	20.270.040 or 20.270.050	----
-Modifications not exceeding thresholds for Type II review at 20.270.020(B)(4)	I	20.210.040	20.270.050	----
- Modifications exceeding thresholds for Type II review at 20.270.020(B)(4)	II	20.210.050	20.270.050	
-Extension	I	20.210.040	20.270.030(D)	----
-Phasing Plan approval	I	20.210.040	20.270.030(E)	----
Subdivisions				
-Short Subdivisions	II	20.210.050	20.320.040	----
-Subdivisions	III/HE	20.210.060	20.320.040	----
-Phasing plan approval	I	20.210.040	20.320.020(C)	----
-Extensions				
-One-year	I	20.210.040	20.320.020(D	----
-Two-year	II	20.210.050	20.320.020(D)	----
Temporary Uses				
-Seasonal or special events	I	20.210.040	20.885.050(A)	----
-Unforeseen emergency situations	I	20.210.040	20.885.050(B)	----
-Temporary sales office/model	I	20.210.040	20.885.050(C)	----

PERMIT/ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
home				
-Temporary building in C and I districts	I	20.210.040	20.885.050(D)	----
-Extension	I	20.210.040	20.885.030	----
-For temporary sales/model home	I	20.210.040	20.885.030	----
Text/Map Amendments				
-Legislative	IV	20.210.070	20.285.040	----
Tree Removal Permit (On-site)				
-Tree Plan w/Site Plan Review	II	20.210.050	20.770.060	----
-Tree Plan w/o Site Plan Review	I	20.210.040	20.770.060	----
Variances				
-Type I	I	20.210.040	20.290.040(A)	----
-Type II	II	20.210.050	20.290.040(B)	----
Wireless Communication Facilities				
-Conditional Uses	II, III/HE	20.210.050, -.060	20.890.080	20.245
-Setback reduction	I	20.210.040	20.890.040	----
-Replacement of existing structures	I	20.210.040	20.890.040	----

(M-3959, Amended, 07/19/2010, Sec 9-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 6-Effective 12/02/2009; M-3847, Amended, 11/19/2007, Sec 3; M-3663, Amended, 08/02/2004, Sec 6; M-3643, Added, 01/26/2004)

Chapter 20.230

ANNEXATIONS

Sections:

20.230.010 Purpose.
20.230.020 Approval Process.
20.230.030 Comprehensive Land Use Plan.

Section 20.230.010 Purpose.

Purpose. The purpose of this chapter is to identify the procedures applicable to annexations by the city.
(M-3643, Added, 01/26/2004)

Section 20.230.020 Approval Process.

A. Annexations by election method. An annexation request may be initiated by the City Council or by petition of property owners requesting the matter be put to a vote pursuant to Sections 35.13.015 RCW through 35.13.120 RCW, as may be amended or re-codified from time to time.

B. Annexations by petition method. An annexation request may be initiated by petition method pursuant to Sections 35.13.125 RCW through 35.13.170 RCW, as may be amended or recodified from time to time.

C. Boundary review board review. Annexation actions taken under Chapter 35.13 RCW may be subject to review by the Clark County Boundary Review Board under Chapter 36.93 RCW.

D. Other procedures. All procedures of Chapter 35.13 RCW shall apply to annexations by the city.
(M-3643, Added, 01/26/2004)

Section 20.230.030 Comprehensive Land Use Plan.

A. Assignment of Comprehensive Plan and zoning designations. The city shall convert the County's Comprehensive Plan map and zoning designations to the city designations that are the most similar. The assignment of these designations shall occur automatically and concurrently with the annexation.

B. Conversion table. Table 20.230.030-1 summarizes the conversion of the County's plan and zoning designations to city designations that are most similar.

Table 20.230.030-1

Conversion of County Plan and Zone Designations to City Plan and Zone Designations

Clark County Comprehensive Plan Designation	Clark County Zone	City of Vancouver Zone Designation	City of Vancouver Comprehensive Plan Designation
Urban Low Density	R1-20	R-2 or R-6[1]	

Clark County Comprehensive Plan Designation	Clark County Zone	City of Vancouver Zone Designation	City of Vancouver Comprehensive Plan Designation
Residential	R1-10	R-4 or R-6[1]	Urban Lower Density
	R1-7.5	R-6	
	R1-6	R-9	
	R1-5	R-9	
Urban Medium Density Residential	R-12	R-9 or R-18 [1]	Lower Density Residential or Higher Density Residential
	R-18	R-18	Urban Higher Density
	R-22	R-22	
Urban High Density Residential	R-30	R-30	
	R-43	R-35	
Urban Medium Density Residential	OR-15	R-18 or OCI [1]	Higher Density Residential or Industrial
	OR-18	R-18 or OCI [1]	
	OR-22	R-22 or OCI [1]	
Urban High Density Residential	OR-30	R-30 or OCI [1]	
	OR-43	R-35 or OCI [1]	
Neighborhood Commercial	C2	CN or CC [1]	Commercial and Mixed Use
Community Commercial or General Commercial	C3	CC	
	CL	CC or CG[1]	
General Commercial	CH	CG	
Mixed Use	MX	MX	
Employment Center	OC	OCI	

Clark County Comprehensive Plan Designation	Clark County Zone	City of Vancouver Zone Designation	City of Vancouver Comprehensive Plan Designation
			Industrial; Low Density; Residential, High Density Residential, Commercial Mixed Use, and Industrial designations are consistent with RGX zone
Employment Center	BP	OCI or IL [1]	
Employment Center or Light Industrial	ML	IL or RGX	
Heavy Industrial	MH	IH	
Airport, Light Industrial, Heavy Industrial, or Public Facility	A	A, IL, IH, Or OCI[1]	
All Categories - Except Mixed Use	U(niversity)	Any R zone, CC or CG (by CUP only) [1]	Public Facility
Open Space P/OS	Parks/WL	OS/Park	Open Space (applicable zone based on Development Code definitions and characteristics of property
		OS/Green-Way	
		OS/Natural Area	
Surface Mining Overlay	S	SM	Surface Mining Overlay
Airport Environs Overlay	AE-1, AE-2	Pick from existing designations & zones based on footnote 1 below	
Historic Preservation Overlay	Site Specific		
Interchange Area Overlay District	Plan Based		

[1] Final determination to be based on a comprehensive land use plan meeting the requirements of VMC 20.230.030.C, or written findings that address existing uses, abutting uses, zone purpose, zone location criteria, allowed uses, and identify a zone designation that would allow desired existing uses, approved uses, or in-process development plans to continue as conforming uses.

C. New comprehensive land use plan. The Planning Commission and City Council may prepare a land use plan to become effective upon the annexation of any area which might reasonably be expected to be annexed by the City at any future time pursuant to the Type IV procedures contained in Section 20.285.070 VMC. To the extent deemed reasonably necessary by the City to be in the interest of health, safety, morals and the general welfare, the Review Authority may provide, among other things, for:

1. The regulation and restriction within the area to be annexed of the location and the use of buildings, structures and land for residence, trade, industrial and other purposes; the height, number of stories, size, construction and design of buildings and other structures; the size of yards, courts and other open spaces on the lot or tract; the density of population; the set-back of buildings along highways, parks or public water frontages; and the subdivision and development of land;

2. The division of the area to be annexed into districts or zones of any size or shape, and within such districts or zones regulate and restrict the erection, construction, reconstruction, alteration, repair or use of buildings, structures or land; and

3. The time interval following an annexation during which the ordinance or resolution adopting any such plan or regulations, or any part thereof must remain in effect before it may be amended, supplemented or modified by subsequent ordinance or resolution adopted by the City.

D. Objectives of regulations and restrictions. All such regulations and restrictions shall be designed, among other things, to encourage the most appropriate use of land throughout the area to be annexed; to lessen traffic congestion and accidents; to secure safety from fire; to provide adequate light and air; to prevent overcrowding of land; to avoid undue concentration of population; to promote a coordinated development of the unbuilt areas; to encourage the formation of neighborhood or community units; to secure an appropriate allotment of land area in new developments for all the requirements of community life; to conserve and restore natural beauty and other natural resources; to facilitate the adequate provision of transportation, water, sewerage and other public uses and requirements.

(M-3946, Amended, 02/01/2010, Sec 5 - Effective 03/01/2010; M-3911, Amended, 02/02/2009, Sec 8 - Effective 03/04/2009; M-3787, Amended, 12/18/2006, Sec 2; M-3730, Amended, 12/19/2005, Sec 3; M-3643, Added, 01/26/2004)

Chapter 20.245

CONDITIONAL USE PERMITS

Sections:

20.245.010 Purpose.
20.245.020 Approval Process.
20.245.030 Submission Requirements.
20.245.040 Approval Criteria.
20.245.050 Appeals.
20.245.060 Revocation of Conditional Use Permits.
20.245.070 Limitation on New Applications.

Section 20.245.010 Purpose.

General. In many zones there are uses that may be compatible but because of their size, operating characteristics and/or potential off-site impacts warrant review on a case-by-case basis. The purpose of the conditional use review process is to determine if such a use is appropriate at the proposed location and, if appropriate, to identify any additional conditions of approval necessary to mitigate potentially adverse impacts.
(M-3643, Added, 01/26/2004)

Section 20.245.020 Approval Process.

A. Initial applications. A request for approval for a new conditional use shall be processed as a Type III procedure, using approval criteria contained in Section 20.245.040 VMC and subject to other requirements in this Chapter.

B. Major modification of an approved or existing conditional use

1. The Planning Official shall determine that a major modification(s) has resulted if one or more of the changes listed below have been proposed:

a. A change of any applicable condition of approval;

b. A change in use classification as defined in Chapter 20.160 VMC;

c. An 10% increase in dwelling unit density, providing the proposed density does not exceed the maximum density established in the underlying base zoning district;

d. An increase in the approved floor area proposed for non-residential use by more than 10%, except for schools, which shall have a threshold of 25% increase in floor area;

e. A reduction of more than 10% of the area reserved for common space, recreational facilities and/or landscaped areas;

f. A reduction of approved setbacks by more than 20%;

g. A decrease or increase of parking of more than 10%; and

h. A change in the operational use deemed to be a possible adverse impact to adjacent properties

by the Planning Official.

2. Upon the Planning Official determining that the proposed modification to the conditional use plan is a major modification, the applicant shall submit a new application to be processed as a Type III application, pursuant to Section 20.210.060 VMC.

C. Minor modification of approved or existing conditional use.

1. Any modification that is not within the description of a major modification as provided in Subsection (B)(2) above shall be considered a minor modification.

2. An applicant shall request approval of a minor modification by means of a Type I procedure, Section 20.210.040 VMC, using approval criteria in Subsection (3) below.

3. A minor modification shall be approved, approved with conditions, or denied following the Planning Official's review based on the findings that the proposed development is in compliance with all applicable requirements of this Title.

D. Time Limit of Approval.

1. Time Limit. Authorization of a conditional use permit shall be void after five years, unless a building permit has been issued and substantial construction has taken place.

2. Extension. Upon written request by the applicant and payment of the required fee pursuant to Chapter 20.180 VMC, the Planning Official may extend the authorization for a maximum of one year.

E. Concurrent review. An applicant may request other land use reviews, such as a variance or site plan review, at the same time that a request for conditional use approval is submitted. The applications for multiple reviews may be consolidated. The review procedure for consolidated applications shall be that of the application requiring the highest level of review, under Section 20.210.020 (D) VMC.
(M-3959, Amended, 07/19/2010, Sec 11-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.245.030 Submission Requirements.

A. Submission requirements. An applicant for conditional use permit shall submit an application containing the following information:

1. Narrative describing the proposed uses for the site, hours of operation, hours and the frequency of deliveries, and construction schedule.

2. Drawn to scale site plan, showing accurate representation of the size and shape of the parcel(s), including easements of any kind, all dimensions, and parcel orientation. Include north arrow.

3. Locations, dimensions, and height of all existing and proposed buildings and structures, including garages, carports, decks, patio covers, and other accessory structures. Include dimensions from each other and from all property lines. Show dimensions from each other and from all property lines. Show dimension of eaves projecting beyond a wall or supporting post. Indicate usage of all structures.

4. Location, height, and material of fences, buffers, berms, walls, and other proposed screening. Note the location and dimensions of area of terraces, decks, shelters, and play areas.

5. Lighting plan. This plan shall show all proposed fixtures on-site and within right-of-ways. Show all existing above and underground power lines. (This plan will be routed to Clark County PUD by a City workgroup for comments and compliance with Standards.)

6. Location and detailed layout of vehicle access, site circulation, off-street parking and loading areas, lighting, landscaping, and buffering as required by Chapter 20.925 VMC. Include handicap parking stalls and disembarking areas, accessible route of travel, proposed ramp, and signage, as required by the most current version of the Washington Administrative Code governing accessibility for disabled persons. Include location and screening for proposed solid waste and recyclables storage areas.

7. Summary table which includes parcel zone, total site area, gross floor area by use (e.g., manufacturing, office, retail, storage), itemized number of full size, compact and handicap parking stalls and the collective total number, total lot coverage proposed, and amount of landscaped area.

8. Certified mailing list. Current Clark County Assessor map(s) showing the property(ies) within a 500' radius of the site, pr the requirements in Chapter 20.210.050 and 20.210.060 VMC, Decision-Making Procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500' radius. Such list shall be certified as accurate and complete by the Clark County Assessor, a title company. For non-owner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records (two copies).

9. Floor plan showing the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained. Include a description of the proposed uses of each structure or portions of a structure and each outdoor activity area. Include location of aboveground utilities and typical elevation drawings of each structure.

10. Pre-application conference summary or approved pre-application waiver, as well as additional information required in the summary.

11. One set 8 ½" X 11" plans.

12. One copy of a completed SEPA (State Environmental Policy Act) checklist (as required), on City provided form. Include SEPA processing fee, pursuant to Chapter 20.180 VMC, Fees.

13. Required processing fee for Conditional Use Permit (See Chapter 20.180 VMC).

14. Concurrency letter, addressed to Transportation Manager, with summary of project with projected traffic impacts, 8 ½" X 11" site map with appropriate fee. (See 20.180 VMC).

15. Any information deemed necessary to address mitigation for the specific development circumstances.

(M-3663, Amended, 08/02/2004, Sec 7; M-3643, Added, 01/26/2004)

Section 20.245.040 Approval Criteria.

A. Approval standards. The Hearings Examiner shall approve, approve with conditions, or deny an application for a conditional use or to enlarge or alter a conditional use based on findings of fact with respect to each of the following criteria:

1. The site size and dimensions provide adequate area for the needs of the proposed use;

2. The impacts of the proposed use of the site can be accommodated considering size, shape, location, topography and natural features;

3. All required public facilities have adequate capacity to serve the proposed development;

4. The applicable requirements of the zoning district, and other applicable documents are met except as amended by the conditional use permit or variances requested pursuant to Chapter 20.290 VMC; and

5. Identified impacts on adjacent properties, surrounding uses and public facilities have been adequately mitigated.

B. Conditions of approval. The Hearings Examiner may impose conditions on the approval of a conditional use in addition to or above and beyond those required elsewhere in this Title, which are found necessary to ensure the use is compatible with other uses in the vicinity. These conditions may include, but are not limited to the following:

1. Limiting the hours, days, place and/or manner of operation;

2. Requiring design features which minimize environmental impacts such as noise, vibration, air, pollution, glare, odor and/or dust;

3. Requiring additional setback areas, lot area and/or lot depth or width;

4. Limiting the building height, size or lot coverage, and/or location on the site;

5. Designating the size, number, location and/or design of vehicle access points;

6. Requiring street right-of-way to be dedicated and street(s) to be improved;

7. Requiring additional landscaping, screening, drainage and/or surfacing of parking and loading areas;

8. Limiting the number, size, location, height and/or lighting of signs;

9. Limiting or setting standards for the location and/or intensity of outdoor lighting;

10. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;

11. Requiring and designating the size, height, location and/or materials for fences;

12. Requiring the protection and preservation of existing trees, soils, vegetation, watercourses, habitat areas and/or drainage areas;

13. Requiring the construction of pedestrian/bicycle pathways in accordance with the adopted pedestrian/bicycle pathway plan.

(M-3922, Amended, 07/06/2009, Sec 12; M-3643, Added, 01/26/2004)

Section 20.245.050 Appeals.

The appeal procedures are set forth in Chapter 20.210.130. Parties with standing to appeal per 20.210.130

may appeal a decision of the Hearings Examiner to the City Council.
(M-3643, Added, 01/26/2004)

Section 20.245.060 Revocation of Conditional Use Permits.

It shall be unlawful and punishable for any person to violate any condition imposed by a conditional use permit. The Hearings Examiner may revoke any conditional use permit for noncompliance with conditions imposed in the granting of the permit after first holding a public hearing and giving notice of such hearing as provided in Chapter.20.210.120.
(M-3643, Added, 01/26/2004)

Section 20.245.070 Limitation on New Applications.

In a case where an application is denied by the Hearings Examiner, or denied by the City Council on appeal from the Hearings Examiner, unless specifically stated to be without prejudice, it shall not be eligible to be resubmitted for a period of 1 year from the date of the denial, unless, in the opinion of the Planning Official, new evidence is submitted showing that conditions have changed to an extent that further consideration is warranted. Reconsideration of an application shall be subject to the same fee as a continuance per 20.180 VMC.
(M-3643, Added, 01/26/2004)

Chapter 20.250

DEVELOPMENT AGREEMENTS

Sections:

20.250.010 Development Agreements Authorized.
20.250.020 Purpose.
20.250.030 Pre-existing Agreements.
20.250.040 Effect and Vesting.
20.250.050 Procedure.
20.250.060 Recording.

Section 20.250.010 Development Agreements Authorized.

A. Property within city limits. The City may enter into a development agreement pursuant to this Chapter 20.250 VMC and Sections 36.70B.170 RCW *et seq*., with a person having ownership or control of real property within its jurisdiction.

B. Property outside city limits. The City may enter into a development agreement pursuant to this Chapter 20.250 VMC and Sections 36.70B.170 RCW *et seq*., with a person having ownership or control of real property outside of its boundaries as part of a proposed annexation or service agreement.

C. Nature of City action. The execution of a development agreement in and of itself is an administrative act, as opposed to a quasi-judicial or a legislative act, and is a proper exercise of the City's police power and contract authority.
(M-3643, Added, 01/26/2004)

Section 20.250.020 Purpose.

A. Contents. Development agreements shall set forth the development standards and other provisions that shall apply to and govern and vest the development, use, and mitigation of the development of the real property for the duration specified in the agreement. A development agreement shall be consistent with all applicable development regulations. A development agreement may obligate a party to fund or provide services, infrastructure, or other facilities. For the purposes of this Section, "development standards" include, but are not limited to:

1. Project elements such as permitted uses, residential densities, and nonresidential densities and intensities or building sizes;

2. The amount and payment of impact fees imposed or agreed to in accordance with any applicable provisions of State law, any reimbursement provisions, other financial contributions by the property owner, inspection fees, or dedications;

3. Mitigation measures, development conditions, and other requirements under Chapter 20.790 VMC, SEPA Regulations;

4. Design standards such as maximum heights, setbacks, drainage and water quality requirements, landscaping and other development features;

5. Affordable housing;

6. Parks and open space preservation;

7. Phasing;

8. Review procedures and standards for implementing decisions;

9. A build-out or vesting period for applicable standards; and

10. Any other appropriate development requirement or procedure.

B. Unauthorized fees prohibited. Nothing in this Chapter is intended to authorize the City to impose impact fees, inspection fees, or dedications or to require any other financial contributions or mitigation measures except as expressly authorized by other applicable provisions of law.
(M-3643, Added, 01/26/2004)

Section 20.250.030 Pre-existing Agreements.

General. Nothing in this Chapter affects the validity of a contract rezone, concomitant agreement, annexation agreement, or other agreement in existence on July 23, 1995, or any agreement adopted at any time under separate authority, that includes some or all of the development standards provided in Section 20.250.020 VMC. Nothing in this Chapter affects the applicability of any State or Federal law or regulation.
(M-3643, Added, 01/26/2004)

Section 20.250.040 Effect and Vesting.

A. General. Unless amended or terminated, a development agreement is enforceable during its term by a party to the agreement. A development agreement and the development standards in the agreement govern during the term of the agreement, or for all or that part of the build-out period of the project specified in the agreement, and the project may not be subject to an amendment to a zoning ordinance or development standard or regulation or a new zoning ordinance or development standard or regulation adopted after the effective date of the agreement. A permit or approval issued by the City after the execution of the development agreement must be consistent with the development agreement. A development agreement shall reference by ordinance or code provision the land use regulations under which the project described in the development agreement is vested.

B. Vesting. Under subsection (A), a development agreement provides an alternative to vesting rights provided for under Section 20.210.110 VMC.

C. Concurrency. A development agreement may reserve capacity in the transportation system for the proposed development's trip generation and, in such case, the proposed development shall be deemed to have achieved transportation concurrency under the concurrency rules and regulations in effect on the effective date of the development agreement. The term for the concurrency determination shall be set forth in the development agreement.

D. Modifications. The City shall reserve authority in each development agreement to impose new or different regulations only if necessary, and to the extent necessary, to address a serious threat to public health and safety.
(M-3643, Added, 01/26/2004)

Section 20.250.050 Procedure.

A. Agreement not associated with a land use application. If a development agreement is not proposed in conjunction with a Type II, III or IV land use application under Chapter 20.210 VMC, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution pursuant to the public hearing procedures of Section 20.210.120 VMC.

B. Agreement associated with a Type II, III or IV land use application. If a development agreement is proposed in conjunction with a Type II, III or IV land use application under Chapter 20.210 VMC, Decision-Making Procedures, the development agreement shall be presented to City Council at a public hearing for approval by ordinance or resolution, after approval of the Type II or III application or after Planning Commission action on a Type IV application. The review body for the Type II, III or IV application shall not make a final decision on that portion of the application related to the development agreement but shall make a recommendation of approval or denial of the development agreement to City Council. If no appeal is filed on the underlying land use application, the Planning Official shall send written notice of the public hearing at least 10 days prior to City Council consideration of the development agreement to all parties entitled to a Notice of Decision for the applicable application under Section 20.210.050(I) VMC or 20.210.120(B)(11) VMC.

1. Appeal. As an exception to the appeal procedures of Section 20.210.130 VMC, any appeal of a Type II or III application processed together with a development agreement shall be heard by the City Council in conjunction with Council's consideration of the development agreement. Notice of the appeal hearing shall be sent to all persons entitled to notice of the appeal hearing under Section 20.210.130 VMC.

2. Further appeals. Further appeals after final action by City Council of a Type II or III application processed in conjunction with a development agreement shall be governed by Section 20.210.130(D)(1) VMC. Further appeals, after final action by City Council of a Type IV application processed in conjunction with a development agreement shall be governed by Section 20.210.130(D)(1) VMC.

(M-3643, Added, 01/26/2004)

Section 20.250.060 Recording.

General. Within 30 days after approval by City Council, the City shall ensure that a development agreement is recorded with the real property records office of Clark County.

(M-3643, Added, 01/26/2004)

Chapter 20.255

INTERPRETATIONS AND MINOR ADJUSTMENTS

Sections:

20.255.010 Purpose and Responsibility.
20.255.020 Procedure.
20.255.030 Rules of Construction.
20.255.040 Minor Adjustments.

Section 20.255.010 Purpose and Responsibility.

A. Purpose. The purpose of this Chapter to provide a process for interpreting and applying the provisions of Title 20 VMC.

B. Responsibility. It shall be the responsibility of the Planning Official to review and resolve any questions regarding the proper interpretation or application of the provisions of Title 20 VMC pursuant to the procedures set forth in this Chapter. The Planning Official' s decision shall be in keeping with the spirit and intent of this title and of the Comprehensive Plan. The Planning Official's decision shall be in writing and kept on permanent file.
(M-3643, Added, 01/26/2004)

Section 20.255.020 Procedure.

A. Application. Any person may request in writing the Planning Official's interpretation of a code provision of Title 20 VMC when it pertains to a specific property or project by means of a Type I application pursuant to Section 20.210.040 VMC. The Planning Official may independently initiate an interpretation of any conflicting or unclear provisions of this Title.

B. Multiple applications. If an application for an interpretation is associated with any land use application(s) subject to Title 20 VMC, then the application for the interpretation may be combined with the associated application(s) and is subject to the highest level of procedure that applies to any of the applications, Section 20.210.020 (D) VMC.

C. Codification. To ensure that Planning Official interpretations are applied consistently over time, the Planning Official shall on an annual basis initiate a Type IV text amendment to this Code for the purpose of codifying interpretations pursuant to Chapter 20.210 VMC, Text and Map Amendments. The codified interpretations shall be located in Chapter 20.910 VMC, Exceptions and Interpretations, or in the Chapter of the Code governing the subject matter of the interpretation, whichever may be more appropriate.

D. Appeals. Any official interpretation of the provisions of Title 20 VMC may be appealed by any aggrieved party, pursuant to the appeal procedures set forth in Chapter 20.210.130.
(M-3643, Added, 01/26/2004)

Section 20.255.030 Rules of Construction.

Guiding principles. In interpreting Title 20 VMC, either when an application is filed under this Chapter or when any application is filed under Chapter 20.210 VMC, Decision-Making Procedures, the Planning Official shall adhere to the following rules of construction in interpreting and applying the Code:

A. Meaning. All words used in the Code shall have their normal and customary meaning, unless specifically defined in this Code.

B. Tense. Words used in the present tense include the future tense.

C. Plural. The plural includes the singular and vice versa.

D. Mandatory. The words *will* and *shall* are mandatory.

E. Permissive. The word *may* is permissive.

F. Gender. The masculine gender includes the feminine and vice versa.

G. Context. In determining the meaning of a word as used in the Code, regard shall be made for the context in which the word is used.

H. Specification. General terms which follow specific terms are limited to matters similar to those specified.

I. Exclusion. Express mention of one thing implies exclusion of another.

J. Antecedent. A qualifying phrase refers back both grammatically and legally to the last antecedent.

K. Conjunctions. The word *or* is not to be construed as *and*.

L. Superfluous words. No clause or individual words of the Code should be deemed superfluous.

M. Binding case law. Other applicable rules of construction employed by Washington appellate courts in interpreting legislative enactments shall apply.
(M-3643, Added, 01/26/0200)

Section 20.255.040 Minor Adjustments.

A. Purpose. Each area of land is, to some degree, unique as to its suitability for and constraints on development. Development standards and procedures imposed under this zoning code cannot foresee all conceivable situations peculiar to the development of every property at every moment, but are designed as standards applicable to most situations. It is the intent of the adjustment to provide flexibility, adaptability, and reasonableness in the application and administration of this Title where special conditions exist and the strict application of the standard or procedure would not serve a public purpose.

B. Planning Official Authority. In the event the strict application of a development standard or procedural requirement of this Title would result in unforeseen consequences or an excessive burden given the nature of the proposed development, the Planning Official is authorized to make a minor adjustment in said standard or procedure, upon making a written finding that no person of average sensibilities would be negatively impacted by such an adjustment, and that said adjustment would be consistent with the spirit and intent of this title and the Comprehensive Plan. No adjustment shall allow a use not otherwise permitted for the subject property, nor shall a minor adjustment be used in place of a variance procedure, where applicable. The Planning Official shall maintain a record of such decisions and associated findings, and periodically forward them to the Planning Commission for their information.

C. Appeal. Any minor adjustment issued pursuant to this Chapter may be appealed by any aggrieved party, pursuant to the appeal procedures set forth in Chapter 20.210.130.
(M-3643, Added, 01/26/2004)

Chapter 20.260

PLANNED DEVELOPMENTS

Sections:

20.260.010 Purpose.
20.260.020 Applicability.
20.260.030 Approval Process.
20.260.040 Time Limits.
20.260.050 Approval Criteria.
20.260.060 Development Standards.
20.260.070 Concept Development Plan Submission Requirements.
20.260.080 Detailed Development Plan Submission Requirements.
20.260.090 Vesting.
20.260.100 Concurrency.

Section 20.260.010 Purpose.

The purposes of the planned development provisions are:

A. Flexibility. Provide a means for creating planned environments in any base zoning district through the application of flexible standards, i.e., zero-lot lines, narrower streets, and other innovative planning practices that will result well-designed, efficient and functional urban environments.

B. Efficiency. Facilitate the efficient use of land.

C. Economic feasibility. Increase economic feasibility by fostering the efficient arrangement of land use, buildings, circulation systems, open space and utilities.

D. Resource preservation. Preserve to the greatest extent possible the existing landscape features and amenities through the use of a planning procedure that can tailor the type and design of a development to a particular site.

(M-3643, Added, 01/26/2004)

Section 20.260.020 Applicability.

A. Applicable in all zones. The planned development is a development vehicle that may be used in all base zoning districts except in the Park, Greenway and Natural Area districts.

B. Permitted uses. The following uses shall be allowed in various base zoning districts:

1. Lower-Density Residential Zoning Districts. In the R-2, R-4, R-6 and R-9 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the maximum density provisions of the underlying zone, as contained in Chapter 20.410 VMC, plus 5% density bonus per the provisions of 20.260.060 (D) VMC.

a. The following uses are allowed by right within planned developments:

1. Single-family detached residential units with or without accessory dwelling units.

2. Two or more single-family attached residential units.

3. Accessory uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:

a. Community building with indoor and/or outdoor recreation facilities;

b Recreational vehicle storage area;

c. Consolidated mini-storage;

d. Consolidated guest parking facilities.

4. Home occupations, subject to development standards in 20.860.

5. Child care centers of all types including those with 13 or more children, subject to development standards in 20.840.

6. Adult day care.

7. Any other use allowed by right in the base zoning district.

b. A planned development may also include conditional uses as identified on the use tables in the respective base zoning district chapters, provided the applicant pursues a concurrent conditional use review, as governed by 20.245. The following uses also are allowed conditionally within a planned development in the R-2, R-4, R-6, and R-9 districts.

1. Recreation facility, athletic center, fitness club or related facility with indoor and/or outdoor facilities.

2. Retail commercial uses allowed in the CN zone limited to 1,500 gross square feet (gsf) per use to a maximum of 5,000 gsf in planned developments with 150 or more units.

2. Higher-Density Residential Zoning Districts. In the R-18, R-22, R-30, and R-35 zoning districts, an applicant with a planned development approval may develop the site to contain a mixture of uses subject to the minimum and maximum density provisions of the underlying zone, as contained in Chapters 20.420.040 VMC, plus 5% per the density bonus provisions of 20.260.060 (D) VMC.

a. The following uses are permitted by right within planned developments:

1. Single-family detached residential units with or without accessory dwelling units.

2. Two or more single-family attached residential units.

3. Multi-family residential units.

4. Accessory uses directly serving the planned development only and which are customary or associated with, but clearly incidental to, the residential uses permitted in the zone including:

a. Community building with indoor and/or outdoor recreation facilities;

b. Recreational vehicle storage area;

c. Consolidated mini-storage;

d. Consolidated guest parking facilities.

5. Home occupations, subject to development standards in 20.860 VMC.

6. Child care centers of all types including those with 13 or more children, subject to development standards in 20.840 VMC.

7. Adult day care.

8. Commercial retail uses as permitted in the CN zone limited to 1,500 gsf per use to a maximum of 5,000 gsf.

9. Any other use allowed by right in the base zoning district.

b. A planned development may also include conditional uses as identified in the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC. The following uses also are allowed conditionally within the medium- and high-density residential zones within a planned development:

1. Recreation facility, athletic center, fitness club or related facility with indoor and/or outdoor facilities.

2. Commercial uses allowed in the CN zone from 5,001 to a maximum of 10,000 gsf.

3. Commercial Zones

a. In all commercial zones, a planned development may contain all of the uses permitted by right in the underlying zone.

b. A planned development may also include conditional uses as identified in the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC.

4. Industrial Zones

a. In the OCI and IL zoning district, a planned development may contain all of the uses permitted by right in the underlying zone.

b. In the IH zoning district, a planned development shall contain only those uses allowed by right in the underlying zoning district.

c. A planned development may also include conditional uses as identified on the use tables in the respective base zoning district chapters, provided the applicant applies concurrently for conditional use approval, per 20.245 VMC.

C. More than one base zone. When a site contains land that is in more than one zoning district, the allowed and conditional uses at the required minimum and maximum densities, if applicable, shall be proportionate to the land within the development site devoted to each zoning district. The zoning may be

shifted around the site provided that the same proportion acreage of each zoning district is retained. The concept and detailed plans shall explicitly illustrate such physical re--configuration of the site and shall be used as the basis for all subsequent land use reviews.
(M-3840, Amended, 08/06/2007, Sec 10; M-3730, Amended, 12/19/2005, Sec 4; M-3643, Added, 01/26/2004)

Section 20.260.030 Approval Process.

A. Elements of approval process. The two elements of the planned development approval process are:

1. Approval of the planned development concept development plan which contains a substantial level of detail for the whole project; and

2. Approval of the detailed site plan(s) to be constructed in one or more phases that provide all of the additional detail not contained in the concept plan.

B. Decision-making process

1. Initial approval. A new planned development concept plan shall be processed by means of a Type IV review, per 20.210 VMC, using approval criteria contained in 20.260.050 VMC. The Planning Commission shall be the initial review authority for planned developments greater than 25 acres in size and the Hearings Examiner shall be the initial review authority for planned development 25 acres or less in size. The initial reviewer shall issue a recommendation to the City Council. The City Council shall be the final authority for planned developments.

2. Subsequent reviews. The detailed site plan, and phases thereof, shall be reviewed by means of a Site Plan Review under 20.270 VMC, to ensure that it is substantially in compliance with the approved concept development plan, using approval criteria contained in 20.260.050 VMC.

3. Modification of an approved concept plan

a. Type I Review. The following shall be reviewed by means of a Type I review, using procedures contained in Section 20.210.040 VMC, or as part of a subsequent Site Plan Review for a detailed site plan:

1. Modification of the location of an approved building, providing the modification complies with the applicable base zone development and design standards, as modified in the concept plan approval, and all relevant conditions of approval.

2. Removal of building approved in the concept plan approval.

3. A new building of any size in any location that replaces a building approved but not constructed, provided there is no net increase in total building coverage and there is compliance with the applicable base zone design and development standards, as modified in the concept plan approval, and all relevant conditions of approval.

4. New buildings or building additions up to 5,000 gsf not anticipated and, therefore, not contained in the concept plan approval, except in locations within 100 feet of a boundary abutting residentially-zoned property, in which case such new buildings or building additions shall not exceed 2,000 gsf, provided the modification complies with the applicable base zone use, design and development standards, as modified in the concept plan approval.

5. Change in residential density by 5% or less, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to 20.260.060(D) VMC, in which case the modified density shall not exceed the total bonus density.

6. Relocation of open space of up to 25% of required total as long as the total amount is not reduced.

7. Reduction or increase of parking by 5% or less.

b. Type II Review. The following shall be reviewed by means of a Type II review, using procedures contained in Section 20.210.050 VMC, or as part of a Site Plan Review for a detailed site plan:

1. New building or building addition exceeding 5,000 gsf but less than 10,000 gsf, not contained in the concept plan approval, except in locations within 100 feet of a boundary abutting residentially-zoned property, in which case such new buildings or building additions shall not exceed 5,000 gsf, provided the modification complies with the applicable base zone use, design and development standards, as modified in the concept plan approval.

2. Change in residential density by more than 5% but less than 10%, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to 20.260.060(D) VMC, in which case the modified density shall not exceed the total bonus density.

3. Reduction or increase of parking by at least 5% but no more than 10%.

c. Type III Review. The following shall be reviewed by means of a Type III review using procedures contained in Section 20.210.060 VMC.

1. New building or building additions greater than of 10,000 gsf or more, not anticipated and not contained in the concept plan approval, except within 100 feet of a boundary abutting residentially-zoned property where this review shall be required for new buildings or building additions that exceed 5,000 gsf.

2. Change in residential density by more than 10%, provided the project still complies with the minimum and maximum residential density required in the underlying zone, unless a density bonus has been granted, subject to 20.260.060(D) VMC, in which case the modified density shall not exceed the total bonus density.

3. Reduction or increase of parking by more than 10%.

4. Decrease in the amount of open space approved in the concept plan.

5. New uses not included in the concept plan approval.

6. A proposed use or development that was denied in the initial master plan approval.

d. Modification of a detailed development plan.

1. Minor modification of a detailed development plan, as defined in Subsection 3(a) above shall be processed as a Type I review, per 20.210.040 VMC.

2. Moderate modification of a detailed development plan, as defined in Subsection 3(b) above shall be processed as a Type II review, per 20.210.050 VMC.

3. Major modification of a detailed development plan, as defined in Subsection 3(c) shall trigger the need for a review of the concept plan as a Type III Action, per 20.210.060 VMC.

C. Concurrent reviews. An applicant may file two or more related requests concurrently. These concurrent reviews will be reviewed by the procedure type of the higher/highest level, that is, if one review is subject to a Type III process and the other a Type II process, both will be subject to a Type III review process. Examples of concurrent reviews include:

1. Concept development and one or more phases of a detailed site plan.

2. Concept development plan and one or more environmental reviews.

3. Concept development plan and land division.

4. Concept development plan and height variance.

5. Concept development plan and one or more conditional use(s).

6. Detailed site plan and modification of an already-approved concept development plan may be reviewed concurrently by means of a Type II or III process, depending upon the nature of the concept plan modification as defined in Section B(3) above.

7. A concept development plan and any combination of the above.

D. Adjustments. Adjustments to numerical development standards in the underlying zoning district shall meet the criteria contained in Section 20.260.050(B) VMC below in lieu of requirements for variances contained in Chapter 20.290 VMC. The exception to this is a request to exceed the maximum height permitted in the underlying zone, which will require a concurrent variance request per 20.290 VMC.
(M-3931, Amended, 11/02/2009, Sec 7-Effective 12/02/2009; M-3847, Amended, 11/19/2007, Sec 4; M-3663, Amended, 08/02/2004, Sec 8; M-3643, Added, 01/26/2004)

Section 20.260.040 Time Limits.

A. Time limit on filing of detailed development plan. Within two years after the date that the conceptual development plan is approved, the applicant shall prepare and file with the Planning Official a detailed development plan to be reviewed pursuant to 20.260.030(B)(1) VMC. In the case of phased development, as governed by Subsection (C) below, this provision shall apply to the first phase of the development.

B. Extension

1. No less than three months before the expiration of the two-year approval period the applicant may request a one-year extension by means of a Type I process, using procedures contained in Section 20.210.040 VMC, which the Planning Official shall approve upon finding provided that:

a. No changes have been made on the original conceptual development plan as approved by the

Commission.

b. The applicant can show intent of applying for detailed development plan review within the one-year extension period, e.g., by providing evidence of an application for financing.

2. No less than three months before the expiration of the first extension, the applicant may request a second one-year extension by means of a Type I process, using procedures contained in 20.210.040 VMC, which the Planning Official shall approve upon finding that:

a. The applicant has pursued submitting the detailed development plan in good faith; and

b. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes that are inconsistent with the approved concept plan.

C. Phased development

1. The Planning Commission may approve a time schedule for developing a site in phases, but in no case shall the total time period for construction of all phases exceed seven years, as measured from the date of approval of the original concept development plan until the date that building permit(s) for the last phase is(are) obtained.

2. The criteria for approving a phased detail development plan proposal are that:

a. The public facilities shall be constructed in conjunction with or prior to each phase; and

b. The development and occupancy of any phase shall not be dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or special district standard.
(M-3643, Added, 01/26/2004)

Section 20.260.050 Approval Criteria.

A. Concept development plan approval criteria. To receive approval for a planned development, the applicant shall demonstrate compliance with all of the following criteria:

1. Content. The concept plan contains all of the components required in Section 20.260.070. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the Title, except where adjustments are being approved as part of the concept plan application, pursuant to Section 20.260.030 (D)(2).

2. Architectural and site design. The proposed development demonstrates the use of innovative, aesthetic, energy-efficient and environmentally-friendly architectural and site design.

3. Transportation system capacity. There is either sufficient capacity in the transportation system to safely support the development proposed in all future phases or there will be adequate capacity by the time each phase of development is completed.

4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to adequately serve the development proposed in all future phases, or there will be adequate capacity available by the time each phase of development is completed.

5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources are protected in compliance with the standards in this and other Titles of the VMC.

6. Compatibility with adjacent uses. The concept plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the planned development and adjacent uses. If zoning districts are shifted per Section 20.260.020(C) VMC, there shall be a demonstration that the reconfiguration of uses is compatible with surrounding uses by means of appropriate setbacks, design features or other techniques.

7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

B. Adjustment approval criteria. Adjustments to numerical development standards may be processed as part of the request for concept if the applicant can demonstrate compliance with all of the following approval criteria:

1. The adjustment(s) is warranted given site conditions and/or characteristics of the design.

2. The benefits accruing from the implementation of the adjustment outweigh any potential adverse impacts.

3. Any impacts resulting from the adjustment are mitigated to the extent practical.

C. Conditions of approval. The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.

D. Detailed site plan approval criteria. During the site plan review process, the Planning Official shall approve the detailed development plan for one or more phases of the development upon finding that the final plan conforms to the approved conceptual development plan, including all conditions of approval, unless the modification of the concept plan is sought concurrently as described in 20.260.030 (C)(6) VMC.
(M-3643, Added, 01/26/2004)

Section 20.260.060 Development Standards.

A. Minimum development size. There shall be no minimum site size for any type of planned development.

B. Applicability of base zone development standards. The provisions of the base zone are applicable as follows. When the zoning districts within the planned development have been shifted as permitted in Section 20.260.020 (C) VMC, the applicable development standards for the underlying zones shall shift accordingly.

1. Lot dimensional standards: The minimum lot depth and lot width standards shall not apply.

2. Lot coverage: The site coverage provisions of the base zone shall apply.

3. Setbacks

a. Front and rear yard setbacks for structures at the perimeter of the project shall be the same as required by the base zone except when an adjustment is approved, per Section 20.260.030(D).

b. The side yard setback provisions shall not apply except that all detached structures shall meet the City' s adopted building code requirements for type of construction.

c. Front yard and rear yard setback requirements in the base zone setback shall not apply to structures on the interior of the project except that any garage facing a street shall be set back a minimum of 18 feet from the front or side street property line.

d. All other provisions of the base zone shall apply except as modified pursuant to this Chapter, except for maximum height for which a variance shall be sought, as governed by Chapter 20.290 VMC.

4. The Planning Commission or Hearings Examiner can reduce the minimum lot size requirement for attached single family residential uses in planned developments.

C. Common open space. In exchange for the approval of higher residential densities, smaller lots and relaxed development standards, the developer of a planned development is required to provide common open space for the active and passive recreational activities of residents, employees and visitors. Such space will be aggregated wherever feasible and shall consist of a combination of landscaped and paved (hard-scaped) areas. Such common open space shall include some combination of the following: plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.

1. In planned developments, the following requirements shall apply.

a. At least 10% of the gross area of the site must be devoted to such open space. Such space must be fully accessible to the residents, employees, visitors and/or other users of the site. Reduction of this standard in PDs of two acres or more is prohibited. A reduction of this standard in PDs of less than two acres is subject to an adjustment per Section 20.260.030(D) VMC using approval criteria in Section 20.260.050(B) VMC.

b. Fenced yards associated with buildings immediately adjacent to designated open space and landscaping in parking lots shall not count toward the total requirement.

c. Environmentally-constrained land within the planned development, including wetlands, geologically hazardous areas, sensitive wildlife habitats, pursuant to Section 20.740 VMC or stormwater facilities pursuant to Chapter 20.09 VMC; may be used to meet up to 50% of the total requirement specified in Subsection (a) above, provided that these areas are not fenced and are either accessible to pedestrians to the extent practical or are visually accessible from adjacent and adjoining common open space.

2. The common open space designated to meet this requirement shall be permanently maintained by and conveyed to one of the following:

a. A homeowners' or property owners' association as regulated by State law.

b. A public agency that agrees to maintain the common open space and any buildings, structures or improvements placed within it.

3. The applicant may not seek a variance or adjustment to reduce the minimum open space

requirement specified in Subsection (2)(a) above.

4. The open space created under this provision is not subject to the Park Impact Fee (PIF) credit unless so authorized by the Vancouver-Clark Parks Department.

D. Residential density

1. On-site density transfers. An applicant for a planned development may shift allowed residential densities around the site to protect and preserve critical or sensitive areas while providing the overall maximum density permitted by the underlying zoning district.

2. Density bonuses. An applicant for a planned development shall be entitled to an automatic residential density bonus of 5% above the maximum density allowed in the underlying base zone on the portions of the site devoted to housing.

(M-3931, Amended, 11/02/2009, Sec 8-Effective 12/02/2009; M-3840, Amended, 08/06/2007, Sec 11; M-3701, Amended, 05/02/2005, Sec 7; M-3643, Added, 01/26/2004)

Section 20.260.070 Concept Development Plan Submission Requirements.

A. Existing conditions. An application for a planned development shall contain the following information related to existing conditions on the site, presented in narrative, tabular and/or graphic formats:

1. Vicinity map that identifies surrounding uses within 400 feet of the site boundary.

2. Zoning map that identifies base and overlay zoning designations for the site and surrounding properties uses within 400 feet of the site boundary.

3. Site description including the following information provided in narrative, tabular and/or graphic formats:

a. Topography and natural resources including 100-year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees and individual trees with a caliper greater than 6”; significant fish and wildlife habitat, and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils. Exhibit must include a site plan with no greater than five- (5) foot contours for slopes of
0– 10% and no greater than two-(2) feet for slopes greater than 10%.

b. Open space inventory including all natural and landscaped areas.

c. Inventory of cultural, historic and/or archaeological resources on the site, if any.

d. Existing buildings, if any, including use, location, size and date of construction.

e. Existing on-site pedestrian, bicycle and vehicular circulation system, if any.

f. Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities, if any.

g. Location and size of all public and private utilities on the site including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

h. Location of all public and private easements.

i. A description of the type, design and characteristics of surrounding properties.

4. Detailed description of the transportation system within and adjacent to the site including:

a. Street classification of all internal and adjacent streets.

b. Transit service availability.

c. Baseline traffic impact study prepared by a licensed engineer to include information as required by the City's Traffic Engineer.

5. Analysis of existing infrastructure capacity on and in the vicinity of the site.

6. SEPA checklist.

7. Applicable review fees.

B. Planning history. Summary of all previous known land use cases affecting the applicant' s property and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.

C. Proposed development plan.

1. Description of all proposed development within the planned development, presented in narrative, tabular and graphic formats:

a. Underlying zoning district boundaries. If these are shifted around the site as permitted by Section 20.260.020, the existing and proposed configuration of zoning districts shall be illustrated.

b. Description of the mix of uses, including number of units and/or total gross square feet devoted to each, and approximate location on the site.

c. All other site improvements including the approximate size and location of walls, barriers and fences; surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, transit and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.

d. The conceptual location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, stormwater management facilities; and electrical, telephone and data transmission lines. This includes wireless telecommunications facilities.

2. Phasing plan for implementation of the proposed development.

3. Summary of development intensity at full build-out including average floor area ratio and lot coverage.

4. Summary of transportation facilities including:

a. Traffic impact study prepared by a licensed engineer that describes traffic impacts associated

with each phase of development and at full build-out of the project, and a plan for accommodating this traffic in compliance with Title 11. The specific content of the traffic impact study shall be determined by the City' s Traffic Engineer.

b. Parking impact study describing the parking demand associated with each phase of the development and at full build-out of the project, and a mitigation plan for accommodating parking demand on the site.

c. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian impacts, if any, and appropriated measures to mitigate these impacts.

5. Plan for protecting designated environmental, historic/cultural and open space resources.

6. Design standards that will govern the orientation and design of buildings and other improvements include but are not limited to the following. Applicants for planned developments shall be encouraged to use building techniques and materials that result in projects that architecturally attractive, durable and energy-efficient.

a. Architecture, including design standards and building materials board(s), for buildings, fences, walls and other structures.

b. Landscaping, including design standards and standard plant list. Native plant materials are preferred.

c. Pedestrian circulation, including development standards, amenities and materials.

d. Bicycle parking facilities, including specifications.

e. Signs.

f. Lighting.

(M-3643, Added, 01/26/2004)

Section 20.260.080 Detailed Development Plan Submission Requirements.

A. Submission requirements. At the time of construction of a project or phase of development that was approved as part of the concept development plan, the applicant shall submit the following documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval by means of a site plan review, using procedures contained in 20.270 VMC. An application submitted for a detailed development shall include the following:

1. Detailed site plan.

2. Elevations of all buildings.

3. Landscape plan.

4. Erosion control plan.

5. Stormwater management plan.

6. Narrative documenting the following:

a. Compliance with all development and design standards in the base zone, as modified in the initial concept plan approval.

b. Compliance with all relevant conditions of approval.

c. Consistency with traffic, parking and infrastructure plans contained in the initial concept plan approval.
(M-3643, Added, 01/26/2004)

Section 20.260.090 Vesting.

A. Applicability. A planned development shall be reviewed under this Chapter and the zoning, development and other land use control ordinances contained in Titles 11, 12, 14, and 20 of the Vancouver Municipal Code, and any uncodified ordinances modifying the same, in effect on the date a concept plan application has been deemed fully complete by the City. For the purposes of this section, a vested concept plan application shall mean that the applicant is entitled to implement the planned development or any portion of it described in the application under the zoning, development and land use ordinances applied by the City in its review of the planned development application.

B. Subsequent Regulations. An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the Planning Official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the City while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the City. Planning Official shall review and either approve the request or determine if a new application must be submitted.
(M-3643, Added, 01/26/2004)

Section 20.260.100 Concurrency.

A. Applicability. An applicant for a planned development shall be entitled to reserve capacity in the transportation system for the proposed development's trip generation and shall be deemed to have achieved transportation concurrency, under the concurrency rules and regulations in effect at the time that the concept plan application is vested under 20.260.090 VMC above, if (1) the applicant obtains a certificate of concurrency for all or any portion of its proposed development under Chapter Title 11 VMC, Transportation Concurrency; or (2) the applicant and the City enter into a development agreement as regulated by State statute (36.70B.170 *et seq*. RCW), which by its terms reserves capacity in the transportation system and includes a finding of transportation concurrency. The term for the concurrency determination shall be set as the term in the certificate of concurrency or the development agreement.
(M-3643, Added, 01/26/2004)

Chapter 20.265

DESIGN REVIEW

Sections:

20.265.010 Purpose.
20.265.020 Applicability.
20.265.030 Procedure.
20.265.040 Review Criteria.
20.265.050 Limitations.

Section 20.265.010 Purpose.

A. Purpose. The purpose of the design review process is to allow for architectural and design review of new construction and exterior improvements to buildings and developments in the downtown and Vancouver Central Park areas prior to or in conjunction with a formal land use approval. Specifically, this chapter's purpose is to:

1. Preserve the character and quality of the City's cultural, historical and architectural heritage.

2. Protect certain public investments and ensure compatibility between public and private developments.

3. Encourage innovation and flexibility in design of new developments while maintaining standards necessary to protect the public interest.

4. Ensure design compatibility between existing and new development.

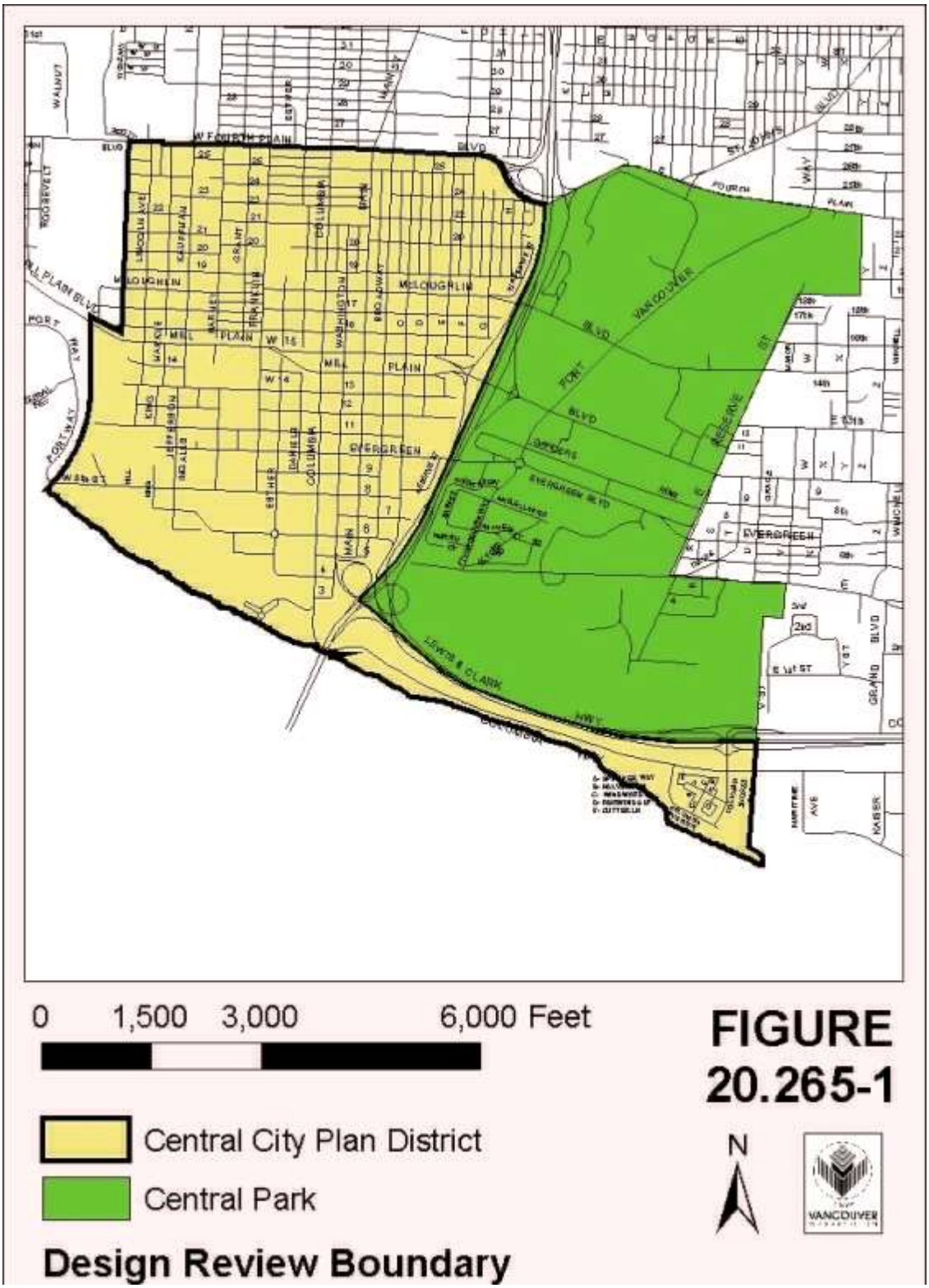
5. Promote qualities in the built environment that enhance the value of the area to the community.

6. Ensure compliance of development projects with adopted City design guidelines and plans.

(M-3959, Amended, 07/19/2010, Sec 11-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.265.020 Applicability.

A. Location. The provisions of this chapter shall apply to projects located in the downtown area, select areas of the Columbia River waterfront and Vancouver Central Park, as illustrated in Figure 20.265-1.



B. Exemptions. The following activities shall be administratively exempt from design review:

1. Exterior work not visible from the public way;

2. Placement of permanent signs, unless a) located within a designated conservation district; b) are inconsistent with adopted design guidelines, such as pole signs; or c) potentially inconsistent with nearby uses;

3. Public art; and

4. Other minor construction such as replacement of doors, windows, awnings, etc., determined by the Planning Official to be exempt.

C. Types of projects. All projects that involve new construction, modification of the exterior of an existing building or parking lot located within the area defined in Subsection (A) shall be subject to approval by the Planning Official pursuant to this Chapter.
(M-3959, Amended, 07/19/2010, Sec 13-Effective 8/19/2010; M-3832, Amended, 06/18/2007, Sec 4; M-3643, Added, 01/26/2004)

Section 20.265.030 Procedure.

A.. Application requirements. Any owner or representative intending to construct any new development or building, modify the exterior of any existing building, or make any improvements not exempt by 20.265.020(B) shall submit preliminary plans, sketches, elevations and concepts prior to, or submit final plans at the time of, application for a building permit or preliminary site plan review, as applicable. The Planning Official's decision regarding approval of the architectural design of the proposed construction shall be based the requirements of this chapter. If the Planning Official identifies design-related issues or impacts resulting from a proposed project, the Planning Official shall inform the applicant in writing so that necessary corrections may be made prior to approval of the preliminary site plan review application, or building permit, if exempt from site plan review.

B. Approval requirements. Approval by Planning Official under Subsection (A) must precede the issuance of a development permit.

C. Coordination with Historic Preservation Commission. Properties that are on the local or national historic register may require review by the Historic Preservation Commission. The following shall apply in these cases:

1. Whenever an application has been made for action by the Clark County Historic Preservation Commission under Chapter 20.510 VMC, Historic Preservation Overlay District, affecting a property or properties within Design Review jurisdiction, the application shall first be reviewed by the Planning Official, whose recommendation shall then be forwarded to the Historic Preservation Commission for their review and approval;

2. The Planning Official shall defer review of matters pertaining to historic features and character to the Historic Preservation Commission;

3. The Planning Official shall attend the Historic Preservation Commission meeting for which the application is scheduled to present a recommendation in regard to project design, and shall then incorporate any decision by the Historic Preservation Commission into the final land use decision or building permit.

D. Appeals. All final decisions of the Planning Official in regard to design review for projects not subject to a Type II site plan review process may be appealed to the City Council by the property owner or his agent only. Appeals of design-related decisions for projects that are subject to a Type II site plan review

process shall be consolidated with an appeal of the site plan review decision pursuant to 20.210.130 VMC.
(M-3959, Amended, 07/19/2010, Sec 14-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.265.040 Review Criteria.

A. Design review criteria. The Planning Official, or the City Council if on appeal, shall base all reviews of the design of any proposed construction, remodeling or development according to the following criteria:

1. The requirements, guidelines, and applicable provisions of this Title that are applicable to the zoning district where the property is located and including all additional zoning regulations which may apply to the use or to its area by provision for overlay district, or made applicable by any conditional use or variance approval;

2. The Downtown Design Guidelines Manual kept on file and available for public inspection at the Community Development Department or VMC 20.640 Vancouver Central Park Plan District, as applicable;

3. The relationship found to exist between existing structures and open space, and between existing structures and other structures in the vicinity, and the expected effect of the proposed construction upon such relationships;

4. The impact of the proposed construction on adjacent uses, including impact of new or revised parking and pedestrian uses; and

5. The protection of neighboring uses from identifiable adverse effects of the design of the proposed construction.

(M-3959, Amended, 07/19/2010, Sec 15-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.265.050 Limitations.

General. In carrying out the authority and duties assigned by this chapter, the Planning Official shall observe the following limitations:

1. Review by the Planning Official shall be restricted to a prompt, reasonable and professional review of the proposal and plans, leaving full responsibility for design and development to the applicant. Required changes to plans must be made by the applicant, not by staff.

2. Individual initiative and innovation are to be encouraged.

3. Only the applicant's failure to comply with design review criteria described in Section 20.265.040 VMC shall justify disapproval of a proposal with regard to design matters.

4. Due account shall be taken of cost considerations, but these shall not be overriding.

5. The Planning Official shall take account of state and local legislation on shorelines and environmental protection; of access for the handicapped; and of all local regulations concerning construction, utilities, streets, and related matters.

(M-4034, Amended, 12/03/2012, Sec 6-Effective 01/03/2013; M-3959, Amended, 07/19/2010, Sec 16-Effective 08/19/2010; M-3643, Added, 01/26/2004)

Chapter 20.268

PUBLIC FACILITIES MASTER PLANS

Sections:

20.268.010 Purpose.
20.268.020 Types of Master Plans.
20.268.030 Applicability.
20.268.040 Approval Process.
20.268.050 Approval Criteria.
20.268.060 Development Standards.
20.268.070 Master Plan Components
20.268.080 Vesting.
20.268.090 Concurrency.
20.268.100 Term.

Section 20.268.010 Purpose.

A. For public facilities. Recognizes the valuable role played by public facilities in serving governmental, medical, educational, cultural and religious needs of the community by facilitating their siting and development over time. Master plan regulations provide the vehicle for large-scale, multi-phased public facilities by obtaining approval of several projects at one time and coordinating future provision of infrastructure capacity.

B. For adjacent property owners and neighborhood associations. Permits local property owners and neighborhood associations to evaluate the cumulative impacts associated with the full build-out of large-scale public facilities and to influence the design and development standards and conditions of operation necessary to minimize these impacts so as to protect the character of the surrounding areas.

C. For the City. Permits the city to ensure a full range of public facilities and services are available throughout the community to meet the governmental, medical, educational, cultural and religious needs of its citizens; to plan the extension of public infrastructure in a timely and efficient manner; and to ensure that the development of public facilities are compatible with community character and values.
(M-3643, Added, 01/26/2004)

Section 20.268.020 Types of Master Plans.

A. Detailed master plan. A detailed master plan is one in which the initial and subsequent phases of development are described in substantial detail including the size, location and use of specific buildings; location of pedestrian/vehicular circulation; size and location of parking facilities; projection of existing and future infrastructure capacity and demand; and architectural and landscaping design standards and materials. If change to an approved project or phase is necessary, additional review is required, the extent of which is to be determined by the magnitude of the change. Therefore, the detailed master plan offers substantial certainty but less flexibility.

B. Concept master plan. A concept master plan is one in which the applicant gets initial approval of the concept of development by identifying a series of "building envelopes." Within each building envelope the range of primary and secondary uses; total gross area of development; total number of vehicular trips and parking space; infrastructure requirements; and other off-site impacts are estimated but without identifying the exact size, location and design of specific buildings. The concept plan also contains overall site design and development standards and architectural/landscaping principles and materials. At

the time a specific building or phase is to be constructed, the applicant must request a land use review to provide the specific information not previously available and to ensure that the proposal is in keeping with the initially approved concept. A concept master plan offers substantial flexibility to alter specific buildings up until the time they are constructed while reducing the amount of information needed at the time since a substantial proportion of the development already has been approved. Thus, this option offers substantial flexibility but less certainty.

C. Hybrid master plan. In the hybrid master plan, the applicant provides a detailed master plan of the initial and one or more subsequent phases of development, so as to get approvals for several projects at once, but requests only conceptual approval for later phases, where there currently is inadequate information to project future applicant needs and mitigation measures. This option offers a balance of certainty and flexibility.
(M-3643, Added, 01/26/2004)

Section 20.268.030 Applicability.

A. Public facilities governed by these regulations

1. Governmental facilities such as civic centers; libraries; auditoriums; police, fire and other public safety facilities; and water, sewer and storm water treatment facilities.

2. Public transit facilities including train stations and transit centers.

3. Publicly- and privately-owned medical centers.

4. Public and private elementary, middle and high schools.

5. Public and private colleges and universities.

6. Religious institutions.

B. When required. The use of this chapter is voluntary except in the Columbia River Shoreline Enhancement Plan District, where master planning is required. See VMC 20.620.030(A). However, when this chapter is used all provisions of the chapter shall be applied.

C. Type of master plan. Public facilities that employ the provisions in this chapter, whether or not on a mandatory or voluntary basis, may select the type of master plan, as described in Section 20.268.020 VMC above, that best reflects its development needs.
(M-3764, Amended, 10/16/2006, Sec 4; M-3643, Added, 01/26/2004)

Section 20.268.040 Approval Process.

A. Initial approval. The initial approval of all public facilities master plans, regardless of type, shall be reviewed by means of a Type III procedure heard before the Hearings Examiner as contained in Section 20.210.060 VMC using the approval criteria contained in Section 20.268.050 VMC.

B. Subsequent phases. The type of development review required for subsequent phases of a master plan for which initial approval has been obtained depends on the type of master plan selected.

1. Detailed master plan. At the time of construction of a project or phase of development that was

approved as part of the initial master plan, the applicant shall submit documentation demonstrating that the proposed project or phase is in substantial compliance with that contained in the original approval at the time the applicant submits the project for a building permit. An application submitted for a public facility master plan shall include the information listed below:

a. Detailed site plan;

b. Elevations of all buildings;

c. Landscape plan;

d. Erosion control plan;

e. Stormwater management plan;

f. Narrative documenting the following. Modification(s) to a project or phase of development shall require further review, dependent upon the extent of the modifications(s) as described in Subsection (C) below, subject to the approval criteria contained in Section 20.268.050 VMC:

1. Compliance with all development and design standards in the base zone, or as modified in the initial master plan approval;

2. Compliance with all conditions of approval; and

3. Consistency with traffic, parking and infrastructure plans contained in the initial master plan approval.

2. Concept master plan. All subsequent projects or phases of development conceptually approved in the initial approval are subject to a Type II review, using the procedures contained in Section 20.210.050 VMC at the time of development. An application submitted for a public facility master plan shall include the information listed below:

a. Detailed site plan;

b. Elevations of all buildings;

c. Landscape plan;

d. Erosion control plan;

e. Stormwater management plan; and

f. Narrative documenting how the project or phase of development complies with the approved concept plan including:

1. Proposed mix of uses; development cap for square footage, floor-to-area ratio (FAR) and lot coverage; design and development standards; and mitigation of off-site impacts;

2. All development and design standards in the base zone, as modified in the initial master approval;

3. All relevant conditions of approval;

4. Approved transportation, parking and infrastructure plans contained in the initial master plan approval.

g. As part of the Type II application, the applicant may introduce any modifications necessary to a specific project or phase of development as specified in Subsections (C)(2) and (C)(3), subject to the approval criteria contained in Section 20.268.050 VMC. Modifications of the intensity contained in Subsection (C)(4) shall require a Type III application per 20.210.060 VMC, subject to the approval criteria contained in Section 20.268.050 VMC.

3. Hybrid master plan. For subsequent projects or phases of development for which detailed approval has been granted as part of the initial master plan approval, the applicant shall use the procedures described in Subsection (B)(1) above. For subsequent projects or phases of development for which conceptual approval has been granted as part of the initial master plan approval, the applicant shall use the procedures described in Subsection (B)(2) above.

C. Modification of approved detailed or hybrid master plans. The type of approval process required to address requested modifications of an approved detailed or detailed phases of a hybrid master plan depends upon the magnitude of the proposed change. Modifications include requests to add, remove or change any aspect of the approved master plan.

1. Allowed without subsequent review. The following do not require subsequent land use review and are allowed upon issuance of a building permit, if required:

a. Interior improvements.

b.b. Exterior improvements associated with existing buildings that do not involve an expansion of floor area, subject to all applicable base zone development and design standards, as modified in the initial plan approval, and relevant conditions of approval.

c.c. Installation of new or modification of existing mechanical or electrical equipment, subject to all applicable base zone development and design standards, as modified in the initial master plan approval, and relevant conditions of approval.

d. Maintenance of existing facilities, when a building permit is required.

2. Type I procedure. The following shall be reviewed by means of a Type I review, using procedures contained in Section 20.210.040 VMC:

a. Modification of the location of an approved building or building addition, providing the modification complies with the applicable base zone development and design standards, as modified in the initial master plan approval, and all relevant conditions of approval.

b. Modification of use or design and development standards including architecture, landscape architecture, pedestrian and bicycle facilities; signs and/or lighting elements approved in the initial plan.

c. A new building of any size in any location that replaces a building approved but not constructed, providing there is: 1) no net increase in total building coverage, and 2) compliance with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.

d. New buildings or building additions up to 10,000 gsf not anticipated and, therefore, not contained in the initial master plan approval, except in locations within 100' of the campus boundary abutting residentially-zoned property, in which case such new buildings or building additions shall not exceed 3,000 gsf, providing the modification complies with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. Under this provision, new construction of such unanticipated buildings or building additions shall not exceed 10,000 gsf in any one year, and shall not exceed 30,000 gsf in any four years. As part of the Type I review, the applicant shall provide information on the amount of floor area built to date for the year in which the application is submitted, and the amount of floor area built within the four-year period preceding the request.

3. Type II review. The following shall be reviewed by means of a Type II review, using procedures contained in Section 20.210.050 VMC.

a. A change in the approved campus boundary resulting in the exchange of properties where the total amount of land in the approved boundary remains the same or is decreased.

b. New building or building addition exceeding 10,000 gsf but less than 50,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located more than 100' from the campus boundary abutting residentially-zoned property. The request must comply with the applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval. For new buildings or building additions exceeding 25,000 gsf under this provision, the applicant shall provide traffic and parking analyses of the proposal as part of the Type II application.

c. New building or building addition exceeding 3,000 gsf but less than 25,000 gsf, not anticipated and, therefore, not contained in the initial master plan approval, located within 100' of the campus boundary abutting residentially-zoned property. The request must comply with all applicable base zone design and development standards, as modified in the initial master plan approval, and all relevant conditions of approval.

d. An increase or decrease of up to 10% in the total number of parking spaces approved in the initial master plan approval. The applicant shall provide a parking analysis related to the proposal as part of the Type II application.

4. Type III review. The following shall be reviewed by means of a Type III review, using procedures contained in Section 20.210.060 VMC.

a. Expansion of the public facility's campus boundary beyond that contained in the initial master plan approval.

b. New building or building additions of 50,000 gsf or more, not anticipated and, therefore, not contained in the initial master plan approval, except within 100' of the campus boundary abutting residentially-zoned property where this review shall be required for new buildings or building additions that exceed 25,000 gsf.

c. Proposals that result in a cumulative increase of over 10% of total building floor area contained in the initial master plan approval.

d. Proposals that result in an increase of 10% or more of site-generated vehicular trips.

e. An increase or decrease greater than 10% in the total number of parking spaces contained in the initial master plan approval.

f. Existing utilization that summarizes the total number of employees and patrons, e.g., students, patients, citizens, routinely served on the site. This utilization can be expressed in terms that are appropriate to the use such as total full-time equivalent (FTE) students and total patient visits.

g. A proposed use or development that was denied in the initial master plan approval.

D. Concurrent review. An applicant may submit applications for initial review and one or more subsequent phases of development concurrently.
(M-3643, Added, 01/26/2004)

Section 20.268.050 Approval Criteria.

A. Approval criteria. To receive approval for a public facility master plan, the applicant must demonstrate compliance to all of the following approval criteria:

1. Content. The master plan contains all of the components required in Section 20.268.070 VMC.

2. Compliance with all applicable standards. The proposed development and uses comply with all applicable standards of the title, except where variances are being approved as part of the master plan application.

3. Transportation system capacity. There is either sufficient capacity in the transportation system to support the development proposed in all future phases safely or there will be adequate capacity by the time each phase of development is completed.

4. Availability of public services. There is either sufficient capacity within public services such as water supply, police and fire services, and sanitary waste and storm water disposal, to support the development proposed in all future phases adequately, or there will be adequate capacity available by the time each phase of development is completed.

5. Protection of designated resources. City-designated resources such as historic landmarks, significant trees and sensitive natural resources (as identified on the city's inventories) are protected and enhanced in compliance with the regulations in this and other titles of the Municipal Code.

6. Compatibility with adjacent uses. The master plan contains design, landscaping, parking/traffic management and multi-modal transportation elements that limit conflicts between the public facility campus and adjacent uses.

7. Mitigation of off-site impacts. All potential off-site impacts including litter, noise, shading, glare and traffic, will be identified and mitigated to the extent practicable.

8. Balance of benefits and impacts. The public benefits of the proposed public facility outweigh any impacts that cannot be mitigated after considering the alternatives.

B. Conditions of approval. The review authority shall impose any conditions of approval necessary to mitigate potentially adverse impacts on surrounding properties to the greatest extent practicable.
(M-3643, Added, 01/26/2004)

Section 20.268.060 Development Standards.

A. Applicability. The development standards in Subsection B below are established for public facilities located in residential zones.

B. Development standards

1. For portions of an institutional campus abutting all residential zones and the CC and WX zones (not separated by a street):

   a. Minimum building setback: 35';

   b. Maximum height: 35'at the setback increasing 1' for every one foot of additional setback for a maximum height of 90'; and

   c. Minimum landscaped buffering between use and adjacent residential or commercial development: 15'.

2. The development standards in Subsection (1) above do not apply to existing buildings.

3. All other development standards, including minimum and maximum setbacks, height, lot coverage, floor-to-area (FAR) ratio and minimum landscaping, will be developed as part of the master plan. Concurrent variances, as regulated by Chapter 20.290 VMC are not required.

(M-3643, Added, 01/26/2004)

Section 20.268.070 Master Plan Components

A. Existing conditions. An existing public facility that wishes to expand shall provide all of the following information regardless of the type of master plan format selected. A new public facility shall be provided the following information as appropriate:

1. Mission statement that identifies the purposes and scope of services provided by the public facility.

2. List of existing primary and accessory uses associated with the public facility.

3. Existing utilization that summarizes the total number of employees and patrons, e.g., students, patients, citizens, routinely served on the site. This utilization can be expressed in terms that are appropriate to the use such as total full-time equivalent (FTE) students and total patient visits.

4. Establishment of the existing campus boundary. The campus boundary may include properties not in the applicant's ownership with the understanding that these cannot be used for public facility uses until they come into the applicant' s ownership or control. Information shall include: 1) total acreage within the boundary; 2) list of all properties within the boundary by size, legal description and ownership, presented in both tabular and graphic formats; 3) calculation of the percentage by acreage of property within the campus boundary in the applicant's ownership or control; and 4) list of all properties by size and legal description within the applicant's ownership or control outside the campus boundary within 400', presented in both tabular and graphic formats.

5. Vicinity map that identifies surrounding uses within 400' of the campus boundary.

6. Zoning map that identifies base and overlay zoning designations for the campus and surrounding properties uses within 400'of the campus boundary.

7. Site description for all property in the applicant's ownership and control within the campus boundary including the following information provided in narrative, tabular and/or graphic formats:

a. Topography and natural resources including 100-year flood plain; drainage patterns and courses; wetlands, rivers, springs and other water bodies; significant stands of trees and individual trees with a caliper greater than 6" as measured 4' above grade; significant fish and wildlife habitat, and natural hazards such as steep slopes greater than 15%, and unstable, impermeable or weak soils. Exhibit must include a site plan with no greater than 2' contours for slopes of 0 – 10% and no greater than for slopes greater than 10%.

b. Open space inventory including all natural and landscaped areas.

c. Inventory of cultural, historic and/or archeological resources on the site, if any.

d. Existing building inventory including use, location, size and date of construction.

e. Existing on-site pedestrian, bicycle and vehicular circulation system.

f. Inventory of existing vehicular and bicycle parking spaces and location of surface and structured parking facilities.

g. Location and size of all public and private utilities on the campus including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

h. Location of all public and private easements.

8. Calculation of existing development intensity including average total site coverage (including building footprints, parking/roadways and sidewalks/pedestrian paths); total open space by acreage and percentage; and average floor-to-area (FAR) ratio.

9. Detailed description of the transportation system within and adjacent to the campus including:

a. Street classification of all internal and adjacent streets.

b. Transit service availability.

c. Description of transportation demand management plan to reduce dependence on single-occupant vehicle (SOV) use, if any.

d. Existing modal split data for employees and, if available, for patrons and visitors to the site.

e. Baseline traffic impact study prepared by a licensed engineer to include information as required by the city's Traffic Engineer.

f. Baseline parking demand study prepared by a licensed engineer to include information as

required by the city's Traffic Engineer.

10. Analysis of existing infrastructure capacity on and in the vicinity of the campus.

11. Completed SEPA checklist on city-provided form with applicable fee.

B. Planning history. All existing and new public facilities, regardless of the type of master plan format selected, shall provide the following information:

1. Summary that describes the public involvement/neighborhood planning process used by the applicant in the development of the master plan application including written agreements, meetings and other outreach efforts. The applicant shall have at least one meeting with the affected recognized neighborhood and business associations prior to the submission of the application with city staff in attendance. However, the applicant is encouraged to meet with affected property owners on a regular basis as the master plan is developed.

2. Summary of all previous known land use cases affecting the applicant's property within the campus boundary and a list of all outstanding conditions of approval that either have not been addressed in the past and/or that remain in force at the time of the application.

C. Proposed development plan

1. Detailed master plan. The following information is required for a detailed master plan:

a. Description of anticipated growth during the master plan's term that justifies additional development. This includes projections related to the increase in the number of employees, patrons and visitors to the site; increases in programming and events; and/or other indices of increased utilization.

b. Description of the ultimate campus boundary. If the applicant proposed to expand the boundary from its current configuration, information about the expansion area shall be provided including: 1) total additional acreage; 2) list of all properties within the expansion boundary by size, legal description and ownership, presented in both tabular and graphic formats; and 3) calculation of the percentage of acreage within the expansion area in the applicant's ownership or control. The expansion area may include properties not in the applicant's ownership with the understanding that these cannot be used for the public facility's use until they come into the applicant's ownership or control.

c. Description of all proposed development within the term of the master plan, presented in narrative, tabular and graphic formats:

1. Description of expansions of existing buildings and new buildings anticipated during the term of the master plan, including size, location, approximate footprint and use.

2. All other site improvements including new or expanded surface and structured parking facilities; bicycle parking facilities; on-site pedestrian, bicycle and vehicular circulation; transit stops and pedestrian/transit amenities; and open space and landscaped areas.

3. The location of new and/or expanded existing public and private infrastructure including water, sanitary sewer, storm water retention/treatment facilities, and electrical, telephone and data transmission lines.

d. Phasing plan for implementation of proposed development.

e. Summary of development intensity at full build-out of the master plan including average FAR and lot coverage.

f. Summary of transportation facilities, including:

1. Traffic impact study prepared by a licensed engineer that describes traffic impacts associated with each phase of development and at full build-out under the master plan, and mitigation plan for accommodating this traffic in compliance with regulations for transportation concurrency contained in Title 11.95 VMC. The specific content of the traffic impact study shall be determined by the city's Traffic Engineer.

2. Parking impact study describing the parking demand associated with each phase of the development and at full build-out under the master plan, and a mitigation plan for accommodating this parking demand within the site.

3. Transportation demand management plan to encourage employees and patrons to use alternative modes of transportation including carpooling/vanpooling, walking, biking, transit and telecommuting. The plan shall comply with the requirements of the Washington Commuter Trip Reduction Rule, if applicable.

4. Concurrent or proposed street vacations, with a description of potential parking and traffic/pedestrian circulation impacts, if any, and appropriate measures to mitigate these impacts.

g. Plan for protecting city-designated environmental, historic/cultural and open space resources, if any.

h. Design standards that will govern the orientation and design of buildings and other improvements including but not limited to the following. Public facilities shall be encouraged to use building techniques and materials that result in projects that are architecturally sound, durable and energy-efficient.

1. Architecture, including design standards and building materials board.

2. Landscaping, including design standards and standard plant list. Native plant materials are preferred.

3. Pedestrian circulation, including development standards and materials.

4. Bicycle parking facilities, including specifications.

5. Signs.

6. Lighting.

i. Neighborhood communication and coordination plan to ensure that the public facility institutionalizes an on-going process for communicating and problem-resolution with neighbors. This includes the following:

1. An annual meeting hosted by the public facility with representatives from the recognized neighborhood and business associations and other interested parties within whose boundaries the public

facility is located. The purpose of the meeting is to discuss short- and long-term plans for campus development. The public facility must extend the invitation, and have documentation therein, even if the affected associations choose not to meet with the public facility representatives. This information shall be provided to the city.

2. A process for meeting with neighborhood and business associations to provide the opportunity to review and comment in a timely fashion prior to construction of specific buildings or other development, to be coordinated with the appropriate land use review as described in Section 20.268.040(B) VMC.

2. Concept master plan. The following information is required for a concept master plan:

a. All of the same information as required for a detailed master plan described in Subsection 1 above except (1)(c) that shall be replaced with the information contained in Subsection (b)-(e) below.

b. Creation of a pedestrian, bicycle and vehicular circulation framework for the entire site at full build-out of the master plan.

c. Creation of an open space framework for the entire site at full build-out of the master plan.

d. Using the circulation and open space as a framework, division of the proposed development area into a series of phases. For each phase, provide the following information:

1. The approximate mix of uses by percentage;

2. The total gross square footage of development, FAR and lot coverage anticipated without detailing the specific location, size and footprint of specific buildings or surface/structured parking facilities;

3. The proportion of the phase to be devoted to circulation and open space.

3. Hybrid master plan. All of the same information as required for a detailed master plan described in Subsection (1) above will be required in the hybrid master plan for phases where detailed design/development approval is sought. For phases where only concept design/development approval is sought, the requirements of Subsection (2) above shall apply.
(M-3643, Added, 01/26/2004)

Section 20.268.080 Vesting.

A. Applicability. A detailed, concept or hybrid master plan shall be reviewed under this chapter and the zoning, development and other land use control ordinances contained in the Vancouver Municipal Code and any uncodified ordinances modifying the same, in effect on the date a master plan application has been deemed fully complete by the city. For the purposes of this section, a vested master plan application shall mean that the applicant is entitled to implement the master plan, or any portion of it, described in the application, under the zoning, development and land use ordinances applied by the city in its review of the master plan application. An application shall be vested for the term of the master plan as governed by 20.268.100 VMC.

B. Subsequent Regulations. An applicant may have the option of subjecting its development to any subsequently enacted land use ordinances. However, should an applicant choose to subject its development to a subsequently enacted land use ordinance, this shall have the effect of subjecting the

development to all land use ordinances enacted after the application is vested, unless the city and applicant agree otherwise. In order for the Planning Official to grant such a request, the applicant must demonstrate how later enacted ordinance(s) will benefit both the project and the city while maintaining consistency with the comprehensive plan. Applicant must also demonstrate that use of later enacted ordinances will not conflict with other ordinances the development remains subject to and will not be significantly detrimental to the health, safety, or general welfare of the city. Planning Official shall review and either approve the request or determine if a new application must be submitted.
(M-3643, Added, 01/26/2004)

Section 20.268.090 Concurrency.

A. Applicability. An applicant for a detailed, concept or hybrid plan shall be entitled to reserve capacity in the transportation system for the proposed development's trip generation and shall be deemed to have achieved transportation concurrency, under the concurrency rules and regulations in effect at the time that the master plan application is vested under Section 20.268.070 VMC above, if 1) the applicant obtains a certificate of concurrency for all or any portion of its proposed development under Title 11.95 VMC, Transportation Concurrency; or 2) the applicant and the city enter into a development agreement as regulated by Chapter 20.250 VMC, Development Agreements, which by its terms reserves capacity in the transportation system and includes a finding of transportation concurrency. The term for the concurrency determination shall be set as the term in the certificate of concurrency or the development agreement, as the case may be.
(M-3643, Added, 01/26/2004)

Section 20.268.100 Term.

A. General. The term of a public facilities master plan shall be no longer than 10 years. Extensions may be granted in accordance with the criteria and procedures provided hereinafter.

B. Extension. If not all phases of development approved in the initial approval have been built out within the approved term, the applicant may request an extension by means of a Type II request, using procedures contained in Section 20.210.050 VMC. Two one-year extension requests may be reviewed in accordance with the following criteria:

1. The applicant has pursued submitting the master plan in good faith; and

2. There have been no changes to the comprehensive plan, zoning ordinance, development standards or other applicable codes which are inconsistent with the approved master plan.

3. There are no other significant changed conditions which would render filing of the public facilities master plan contrary to the public health, safety or general welfare.

4. An extension request shall be filed in writing with the Planning Official at least 30 days prior to the expiration of the initial five-year period or any subsequently approved extensions.

5. The Planning Official shall render a decision on the request pursuant to the Type I procedures.
(M-3643, Added, 01/26/2004)

Chapter 20.270

SITE PLAN REVIEW

Sections:

20.270.010 Purpose.
20.270.020 Applicability.
20.270.030 Approval Process.
20.270.040 Submission Requirements.
20.270.050 Approval Criteria.
20.270.060 Escrow and Assurances.

Section 20.270.010 Purpose.

Purpose. The purpose of this Chapter is to establish procedures, criteria and timelines for reviewing certain development applications within the City of Vancouver. More specifically, this chapter is intended to achieve the following:

A. Compliance with applicable standards. Establish procedures to ensure that the design of site improvements and building improvements are consistent with applicable standards, minimize adverse impacts on surrounding land uses, and allow for and encourage flexibility in the design and layout of site improvements and buildings, and innovation in design and construction.

B. Public review. Provide opportunity for public review and comment on development proposals.
(M-3643, Added, 01/26/2004)

Section 20.270.020 Applicability.

A. General. All new developments and modifications to existing developments shall require site plan review and approval prior to the issuance of any building permits, establishment of any new uses, or commencement of any site work unless otherwise exempted in this title. Developments subject to site plan review shall comply with the Vancouver Municipal Code and all other State statutes and applicable laws and regulations.

B. Exemptions. The following developments and land use categories shall be exempt from Site Plan Review:

1. Land divisions and boundary line adjustments pursuant to Chapter 20.320 VMC.

2. All new developments and buildings that are engaged in agriculture/horticulture as defined in Chapter 20.160 VMC Use Classifications.

3. Other activities including:

a. Landscaping or landscape alterations, unless such landscaping or alterations would modify or violate a condition of approval. In such instance, the activity shall be processed as a modification of the existing land use approval pursuant to Section 20.210.140 VMC, Post Decision Review.

b. Normal or emergency repair or maintenance of public or private buildings, structures, landscaping or utilities.

c. New parking lots having 10 or fewer parking spaces.

d. Any change in commercial or industrial land use to another commercial or industrial land use permitted in the applicable zoning district, provided any site alteration is below the thresholds in subsection D below.

e. Building permits required pursuant to the City's adopted building code not requiring a development land use permit pursuant to this title, including interior remodeling and tenant improvements.

f. On-site utility permits, e.g., sewer hook-ups, water hook-ups, Fire Department permits.

g. Comprehensive Plan map and text amendments and associated zone changes pursuant to 36.70A.130 RCW or Section 20.210 VMC.

h. New construction of or modification to existing single-family and duplex dwellings not requiring an environmental review.

i. Site-specific rezoning requests not associated with any other land use permit.

j. Projects processed under an approved, detailed Public Facilities Master Plan.

k. Notwithstanding the provisions of 20.270.020 (A), (C) and (D), any development that the Planning Official finds should be exempt because it does not result in an substantive increase in land use activity or intensity or in any adverse off-site impact perceptible to a person of average sensibilities, and because the City can assure the development complies with applicable standards without site plan review.

C. Development subject to Type I Site Plan Review. New development or modifications to an existing permitted development or existing legal nonconforming use shall require a Type I review if the proposal would result in any of the following:

1. New residential developments of between 3 and 19 dwelling units or, if existing, an increase in dwelling unit density of up to 20%, provided the proposed density does not exceed the maximum allowed density in the underlying base zoning district;

2. New non-residential development of less than 12,000 square feet or, if existing, an increase in the floor area of a non-residential structure or use by up to 20%, provided the cumulative threshold for SEPA review is not exceeded;

3. For existing developments a reduction in the area reserved for open space, recreational facilities and/or landscaped areas by up to 20%;

4. New parking lots of 11 to 39 parking spaces or, if existing, an increase in the number of existing parking spaces by up to 20%, provided the cumulative threshold for SEPA review is not exceeded;

5. Modular school classrooms on an established public or private school site shall be reviewed under a Type I site plan process.

6. A change in the location of access ways to frontage roads where off-site traffic would be affected.

7. Projects which qualify as a planned action shall be processed under a Type I process, subject to any additional requirements, as applicable, of Chapter 20.790 VMC "Planned Action Review".

D. Development subject to Type II Site Plan Review. New development or modifications to an existing permitted development or existing legal nonconforming use shall require a Type II review if the proposal would result in any of the following:

1. New residential development of 20 units or more or, if existing, an increase in dwelling unit density of more than 20%, provided the proposed density does not exceed the maximum allowed density in the underlying base zoning district;

2. New non-residential developments of 12,000 square feet or more of, if existing, an increase in the floor area of a non-residential structure or use by more than 20% or 12,000 square feet, whichever is less;

3. For existing developments, a reduction in the area reserved for open space, recreational facilities and/or landscaped areas by more than 20%;

4. New parking lots of 40 or more spaces or, if existing, an increase in the number of existing parking spaces by more than 20% or an increase of more than 40 parking spaces, whichever is greater;

5. An increase in vehicular traffic to and from the site of more than 200 average daily trips, based on the latest edition of the International Transportation Engineer's (ITE) Trip Generation Manual, or substantial evidence by a professional engineer licensed in the State of Washington with expertise in traffic engineering.

(M-3959, Amended, 07/19/2010, Sec 17-Effective 8/19/2010; M-3701, Amended, 05/02/2005, Sec 9; M-3663, Amended, 08/02/2004, Sec 9; M-3643, Added, 01/26/2004)

Section 20.270.030 Approval Process.

A. New development or redevelopment. Site plan development review for a new development or redevelopment shall be processed by means of a Type I or Type II procedure, as governed by Section 20.210.040 or .050 VMC, using approval criteria contained in Section 20.270.040 VMC.

B. Modifications. Modifications of an approved site plan shall be processed pursuant to Section 20.210.140 VMC, Post-Decision Review.

C. Approval period. Site plan review approval shall be effective for a period of 5 years from the date of approval. The site plan review approval shall expire if:

1. Substantial construction of the approved plan has not begun within a five-year period; or

2. Construction on the site is a departure from the approved plan.

D. Extension. The Planning Official may grant an extension of the approval period by means of a Type I procedure, pursuant to Section 20.210.040 VMC, provided that:

1. A three-year extension may be granted for projects which received preliminary land use approval on or before December 31, 2015; any project approved after such date shall be eligible for a one-year extension; and

2. There have been no changes to the original site plan as approved by the Planning Official;

3. There have been no changes to the applicable Comprehensive Plan policies and ordinance

provisions on which the approval was based; and

4. The applicant has demonstrated a good faith effort to proceed with the activity.

E. Phased development.

1. Upon request The Planning Official may approve a time schedule for developing a site in phases, but in no case shall the total time period for all phases be greater than 6 years without reapplying for site plan review. Phasing plans shall be reviewed by means of a Type I procedure, using the approval criteria contained in Subsection (2) below.

2. The criteria for approving a phased site plan review application shall be as follows:

   a. The public facilities are necessary to serve the phase constructed in conjunction with or prior to each phase;

   b. The development and occupancy of any phase is not dependent on the use of temporary public facilities. A temporary public facility is any facility not constructed to the applicable City or District standard; and

   c. The phased development shall not result in requiring the City, other property owners, or latecomers, to construct public facilities that were required as part of the approved development proposal.

(M-4037, Amended, 12/03/2012, Sec 7-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.270.040 Submission Requirements.

Unless waived in writing and in advance by the Planning Official, an applicant shall submit all of the following items with an application for a Type I or Type II site plan review:

A. General.

1. A completed application form provided by the Planning Official, and 10 copies of the information required.

2. Site Plan Review drawings shall be on sheets not larger than 24”x 36” unless approved otherwise by the Planning Official. Site plans shall be drawn at a scale of 1” equals 60’ or larger, e.g., 1” equals 30’. Building elevations and floor plans shall be drawn at a scale of 1/4” or 1/8” equals 1’.

   a. An existing conditions plan described in Subsection (B) below.

   b. A site plan described in Subsection (C) below.

   c. A preliminary stormwater and erosion control plan or plans described in Subsection (D) below.

   d. Architectural plans and elevations described in Subsection (E) below.

   e. A landscape plan described in Subsection (F) below.

   f. 8 ½ x 11-inch reduced copies of all plans.

3. A site plan review application also shall include a narrative describing the development including uses proposed for the site, hours of operation, hours and frequency of deliveries, and construction schedule.

4. Payment of all applicable review fees.

5. Certified mailing list. Current Clark County Assessor map(s) showing the property(ies) within a 500' radius of the site, per the requirements in Chapter 20.210.050 and 20.210.060 VMC, Decision-Making Procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500' radius. Such list shall be certified as accurate and complete by the Clark County Assessor, a title company. For non-owner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records (two copies).

B. Existing conditions plan. An existing conditions plan shall include the following information:

1. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site.

2. The site size, dimensions and orientation relative to north.

3. The location, name and dimensions of all streets adjoining the site indicating whether privately or publicly owned.

4. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space, and utilities.

5. Elevation of the site at 2’ contour intervals for grades 0% to 10% and at 5’ contour intervals for grades more than 10%.

6. The approximate location of significant natural conditions, such as

   a. The 100-year floodplain.

   b. The location of drainage patterns and drainage courses.

   c. Slopes in excess of 15%.

   d. Unstable ground, e.g., land subject to slumping, slides or movement.

   e. High seasonal water table or impermeable soils.

   f. Areas having severe soil erosion potential.

   g. Areas having severe weak foundation soils.

   h. Significant wildlife habitat or vegetation.

   i. Rock outcroppings.

j. Information necessary to comply with Chapter 20.770 VMC, Tree Conservation, where applicable.

C. Proposed site development plan. The proposed site plan shall be drawn at the same scale as the existing conditions plan and shall include the following information:

1. The proposed site and its dimensions and area, orientation relative to north.

2. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

3. The location and dimensions of proposed development, including the following:

a. Streets and other rights-of-way and public or private access easements on and adjoining the site;

b. Vehicle, pedestrian and bicycle parking and circulation areas, including handicapped parking stalls and disembarking areas, accessible route of travel, proposed ramp and signage as required by WAC 51-40;

c. Loading and service areas;

d. Active or passive recreational or open space features;

e. Above-ground utilities;

f. Existing structures to be retained on the site and their distance from property lines;

g. Proposed structures on the site, including signs, fences, etc., and their distance from property lines;

h. The location and type of proposed outdoor lighting and existing lighting to be retained; and

i. The size and location of solid waste and recyclables storage areas.

4. Summary table which includes parcel zone, total site area, gross floor area by use, (i.e., manufacturing, office, retail, storage), itemized number of full size, compact and handicapped parking stalls and the collective total number, total lot coverage proposed, including residential density calculations.

D. Stormwater and erosion control plans. The application shall include stormwater and erosion control plans consistent with Title 14 of the Vancouver Municipal Code.

E. Architectural plans and elevations. The following architectural plans and elevations shall be provided:

1. Floor plans showing at least the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained.

2. A description of the proposed and potential uses of each structure or portions of a structure and each outdoor activity area.

3. Typical elevation drawing of each structure.

4. Identify locations of walls, exits and openings.

F. Landscape plan. The landscape plan shall be drawn at the same scale as the existing conditions plan, or a larger scale if necessary. Where proposed development affects only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by the construction or use, or other areas where landscaping is required. A landscape plan shall show the following:

1. The location, species and size, i.e., diameter and/or height, of existing landscape material, identifying the material to be removed and to be retained;

2. The location, species, size at planting and spacing of proposed plant materials;

3. The proposed landscape area of the site (i.e., in terms of square feet and a percentage of the net site area);

4. The location, height and material of fences, buffers, berms, walls and other proposed screening;

5. The location and dimensions or area of terraces, decks, shelters, play areas and open spaces;

6. Surface water management features that are integrated with landscape, recreation or open space areas; and

G. Tree Plan. As required by 20.770 VMC Tree Conservation. Tree plan may be combined with the landscape plan.

H. Sign plan. Sign drawings are optional. If submitted, sign drawings shall be reviewed for compliance with Chapter 20.960 VMC Signs.

I. Other. Other information shall be provided as needed to show the development complies with other applicable standards and with conditions of approval of related SEPA determinations and land use actions and permits.

J. Fees payable. Applicable fees as specified in Table 20.180-1, Planning Fees, shall be paid at the time of application for Site Plan Review.

(M-3840, Amended, 08/06/2007, Sec 12; M-3663, Amended, 08/02/2004, Sec 10; M-3643, Added, 01/26/2004)

Section 20.270.050 Approval Criteria.

A. Compliance with applicable standards. The proposed development shall comply with all applicable design and development standards contained in this Title and other applicable regulations.

B. Adequacy of public facilities. The applicant shall demonstrate availability of adequate public services, e.g., roads, sanitary and storm sewer and water, available to serve the site at the time development is to occur, unless otherwise provided for by the applicable regulations.

(M-3643, Added, 01/26/2004)

Section 20.270.060 Escrow and Assurances.

Requirements. The Planning Official may require the use of escrow or other assurances to ensure that the completed project will be in compliance with the approved plan, as governed by Chapter 20.909 VMC Escrow and Assurances.

(M-3643, Added, 01/26/2004)

Chapter 20.285

TEXT AND MAP AMENDMENTS

Sections:

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20.285.020 Applicability.
20.285.030 Initiation of Amendments.
20.285.040 Types of Amendments.
20.285.050 Approval Process - General.
20.285.060 Comprehensive Plan Map Amendments and Large Scale Rezones.
20.285.070 Comprehensive Plan Text Amendments
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20.285.085 General Rezone Criteria and Required Findings for All Rezones.
20.285.090 Zoning Code Text Amendments
20.285.100 Notice Provisions.
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20.285.130 Amendments within the Unincorporated Vancouver Urban Growth Area.
20.285.140 Record of Amendments.

Section 20.285.010 Purpose.

Purpose. The purpose of this Chapter is to set forth the standards and process governing amendments to the Comprehensive Plan and Development Code text and maps. These will be referred to as "text and map amendments." It is recognized that such amendments may be necessary from time to time to reflect changing community conditions, needs and desires; to correct mistakes; and/or to address changes in the law.
(M-3643, Added, 01/26/2004)

Section 20.285.020 Applicability.

A. Types of proposals. The following types of proposals are reviewed under this chapter:

1. Amendments to the comprehensive plan:

a. Map changes to comprehensive plan designations, including associated zoning map changes, if any.

b. Text changes to the comprehensive plan, including the capital facilities plan and other elements adopted as part of the comprehensive plan.

2. Amendments to zoning, land use or environmental standards:

a. Area-wide residential zoning map changes which are consistent with the current comprehensive plan map designation but characterized by one of the following:

1. Are greater than 25 acres in size. For the purposes of determining acreage size under this section, adjacent proposals submitted by the same proponent within a one year period shall be considered to constitute a single project;

2. Involve a change in single family residential designations of at least two classification levels, such as from R-9 to R-4; and/or

3. Involve a designation change from R-4 to R-2, or vice versa.

b. Text changes to zoning, land use or environmental regulations.

3. Review of appeals of the zoning administrator pursuant to VMC 20.210 and of appeals of stand alone administrative variance decisions pursuant to 20.210.

4. Review of planned development pursuant to VMC 20.260.

5. Development proposals reviewed pursuant to criteria of VMC 20.430, Waterfront Mixed Use (WX) or VMC 20.430.060, Mixed Use (MX). Appeal provisions shall be as specified by VMC 20.210.

6. Other development proposals which the City Manager or designee determines warrant consideration under this chapter by virtue of their size, complexity, or impact on area wide planning policies.
(M-3643, Added, 01/26/2004)

Section 20.285.030 Initiation of Amendments.

A. Unless otherwise provided for herein, proposed amendments may be initiated by any of the following:

1. Property owner(s) or their representatives;

2. Any citizen, agency, neighborhood association or other party; or

3. City staff, Planning Commission or council.
(M-3643, Added, 01/26/2004)

Section 20.285.040 Types of Amendments.

A.A. Legislative. For the purpose of this Chapter, the text and/or map amendment of the Comprehensive Plan is to be undertaken legislatively. These changes are processed collectively during the annual update of the Comprehensive Plan. A text and/or map amendment of this Title is legislative if it affects an entire class of properties or development projects, with some exceptions described in Section (C) below.

B.B. Quasi-judicial. For purposes of this Chapter, a quasi-judicial amendment of this Title is one that amends the zoning designation of a specific property owner or development of 25 or fewer acres or the approval of a Planned Unit Development. When such an amendment also requires a change of plan designation on the Comprehensive Plan, a concurrent request for a legislative map change is required and both amendments will be processed as a legislative amendment.

C.C. Exceptions. Amendments to the Zoning Map that would ordinarily be considered quasi-judicial actions will be processed as legislative actions in the following circumstances:

1. Are greater than 25 acres in size. For the purposes of determining acreage size under this section, adjacent proposals submitted by the same proponent within a one-year period shall be considered to constitute a single project; and/or

2. Involve a change in single-family residential designations of at least two classification levels, such as from R-9 to R-4 or from R-2 to R-6; and/or

3. Involve a designation change from R-4 to R-2, or vice versa.
(M-3643, Added, 01/26/2004)

Section 20.285.050 Approval Process - General.

A. Legislative amendments. Legislative zoning map and text amendments shall be undertaken by means of a Type IV procedure, as governed by Section 20.285.070 VMC. The review authority shall be as follows:

1. The Planning Commission shall make a recommendation to the City Council on all applications for comprehensive plan map and text amendments and those zone change applications for parcels greater than 25 acres which do not involve comprehensive plan map amendments.

2. The Planning Commission shall make a recommendation to the City Council on a zone change application that also involves a concurrent application for a Comprehensive Plan Map amendment.

3. The Planning Commission shall make a recommendation to the City Council for changes in the text of the Title 20 of the Vancouver Municipal Code, unless such change relates merely to development review fees.

B. Quasi-judicial amendments. Quasi-judicial zoning map amendments shall be undertaken by means of a Type IV procedure, Section 20.210.070 VMC, using standards of approval contained in Section 20.285.040 VMC below. The review authority shall be as follows:

1. The Hearings Examiner shall make a recommendation to the City Council on zone change applications for parcels 25 acres or less in size which do not involve comprehensive plan map amendments.

1.

2.C. Exception from Consolidated Review. Applications reviewed under this chapter shall be considered exempt from RCW 36.70B.120 requirements which mandate consolidation of all related project permits into a single application review if requested by the applicant. Projects involving a Comprehensive Plan amendment and associated change of zone shall not be processed under concurrent review under VMC 20.210.020D.
(M-3922, Amended, 07/06/2009, Sec 13; ACM M-3701, Amended, 03/17/2008, should be 25 years; M-3701, Amended, 05/02/2005, Sec 9; M-3643, Added, 01/26/2004)

Section 20.285.060 Comprehensive Plan Map Amendments and Large Scale Rezones.

A. Approval process for Comprehensive Plan map amendments and rezones of more than 25 acres

1. Overall. All proposed map amendments to the comprehensive plan will be reviewed concurrently and not more than once per calendar year, except as noted herein. Zoning map amendment proposals which do not include corresponding comprehensive plan changes may be reviewed separately from one another, and at any time.

2. Pre-application. All proposed map amendments shall require a pre-application conference. The conference shall be scheduled upon receipt of a complete Map Amendment Pre-application Form. Based

on the information provided, the pre-application conference is intended to provide for a discussion of major issues and concerns and possible staff recommendation. Staff will provide a written summary within 14 days following the conference. Pre-application conferences are non-binding, and do not vest the development rights of the proposals involved.

3. Application. A completed Map Amendment Application Form may be submitted at any time. Comprehensive plan amendments will be collected and reviewed concurrently with the next scheduled comprehensive plan review (VMC 20.285.120.C)

4. Public Hearings before Planning Commission. All fully complete applications received in a timely manner shall be scheduled for review at a public hearing or hearings before the Planning Commission as scheduling allows. The Planning Commission shall issue a recommendation for approval, approval subject to recommended modifications or conditions of approval, continuance, or a decision for denial. Denials shall be considered final unless appealed.

5. Public Hearings before City Council. An open record public hearing or hearings shall be scheduled before City Council to review Planning Commission approval recommendations, or denial decisions which have been appealed. At the hearings council shall issue a final decision for approval, approval with conditions, continuance, denial, or remand of the proposed amendment.

B. <u>Approval criteria for Comprehensive Plan map amendments and rezones of more than 25 acres</u>

1. Overall. Proposed amendments reviewed under this chapter shall be approved only if demonstrated by the proponent to be in the public interest, as based on a review of all applicable principals from the following:

a. How the proposal is more consistent with applicable policies of the comprehensive plan than the existing designation, and

b. How the proposal is more consistent with each of the following objectives than the existing designation. Consistency is not required where the objective is clearly not applicable to the type of proposal involved.

1. Encourage more intensive development to locate in major urban centers and corridors, particularly downtown Vancouver. Encourage development of distinct neighborhoods served by commercial nodes, and discourage urban sprawl and strip commercial development;

2. Provide development of uses which are functionally integrated with surrounding areas and neighborhoods in terms of local shopping, employment, recreational or other opportunities;

3. Provide development which is compatible and integrated with surrounding uses in terms of scale, orientation, pedestrian enhancements, and landscaping;

4. Conserve or enhance significant natural or historical features;

5. Provide adequate provision of transportation, water, sewer, and other public services;

6. Provide significant family wage employment opportunities and broadening of the Vancouver economy; and

7. Provide for the formation and enhancement of neighborhoods and communities.

2. Scope of review. Review and evaluation of proposed comprehensive plan or zoning map changes shall consider both the likely and possible future use of the site and associated impacts.

3. Cumulative Impacts. The review of individual comprehensive plan map or policy amendments, other than exceptions noted in 20.285.030, shall also consider the cumulative transportation, land supply, and environmental impacts of other plan amendments proposed within the same annual cycle.

4. Required Findings. No amendment to comprehensive plan or zoning maps shall be approved unless the required findings of VMC 20.285.085 have been addressed in the written staff report and the written decision of the review authority.

(M-3959, Amended, 07/19/2010, Sec 18-Effective 8/19/2010; M-3922, Amended, 07/06/2009, Sec 14; M-3730, Amended, 12/19/2005, Sec 5; M-3643, Added, 01/26/2004)

Section 20.285.070 Comprehensive Plan Text Amendments

A. Approval process for Comprehensive Plan text amendments

1. Initiation. All proposed text amendments to the comprehensive plan shall be developed, submitted and presented by the City staff, based on direction from the City Council, Planning Commission, or the City Manager or designee.

2. Private party requests.

Private parties shall submit a written summary of the amendment proposed to City staff, an indication of why it is needed, and the potential land use impacts if approved, paying all applicable fees.

3. Process. Text amendments submitted by City staff, including those originated from outside party requests if applicable, shall be scheduled for Planning Commission and City Council, subject to procedural criteria of this chapter, except that staff initiated actions shall not be considered final without council consent. Hearing scheduling shall be determined by City staff based on work program constraints or direction from the City Manager, Planning Commission and/or council. All proposed text amendments to the comprehensive plan will be reviewed concurrently and not more than once per calendar year, except as noted herein.

B. Approval criteria for Comprehensive Plan text amendments

1. Proposed plan text changes shall be considered based on the following:

a. The proposed change is consistent with the applicable provisions of the Growth Management Act, state and federal law, or other legal mandates; and

b. The proposed change is consistent with the applicable provisions of the Community Framework Plan, Countywide Planning Policies, and the Vancouver Comprehensive Plan; and

c. The proposed change is necessary to further the public interest based on present needs and conditions.

(M-3959, Amended, 07/19/2010, Sec 19-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.285.080 Small Scale Rezones

A. Approval process for rezones of 25 acres or less and Planned Unit Developments

All proposals for amendments to the zoning map for parcels of less than 25 acres in size and for approval of Planned Unit Developments shall be processed in accordance with the procedures set forth for a Type IV process in VMC 20.210. In addition, applications for approval of Planned Unit Developments shall meet the requirements of VMC 20.260.

B. Approval criteria for rezones of 25 acres or less and Planned Unit Developments

Zone change proposals submitted without an associated comprehensive plan change shall demonstrate consistency with the Comprehensive Plan and that a substantial change in circumstances has occurred since the original designation. In addition, applications for approval of Planned Unit Developments shall meet the requirements of VMC 20.260.

C. Required Findings for rezones of 25 Acres or less and Planned Unit Developments

No zone change shall be approved unless the required findings of VMC 20.285.085 have been addressed in the written staff report and the written decision of the review authority.
(M-3922, Amended, 07/06/2009, Sec 15; M-3730, Amended, 12/19/2005, Sec 6; M-3643, Added, 01/26/2004)

Section 20.285.085 General Rezone Criteria and Required Findings for All Rezones.

A. The provisions of this chapter shall apply to all rezones, including those involving an amendment to the Comprehensive Plan, except correction of mapping errors. In evaluating proposed rezones, the provisions of this chapter shall be weighed and balanced together to determine which zone best meets those provisions. In addition, the zone purpose, location criteria, and design statements, which describe the intended purpose and design of each designation, shall be used to assess the likelihood that the area proposed to be rezoned would function as intended.

B. No single criterion or group of criteria shall be applied as an absolute requirement or test of the appropriateness of a zone designation, nor is there a hierarchy or priority of rezone considerations, unless a provision indicates the intent to constitute a requirement or sole criterion.

C. Compliance with the provisions of this chapter shall constitute consistency with the Comprehensive Plan for the purpose of reviewing proposed rezones.

D. The most appropriate zone designation shall be that for which the purpose, design statement, and location criteria for the specific zone match the characteristics of the area to be rezoned better than any other zone designation. The following zoning principles shall be considered:

1. The impact of more intensive zones on less intensive zones or industrial and commercial zones on other zones shall be minimized by the use of transitions, physical edges, or buffers, if possible. A gradual transition between zoning categories is preferred.

2. Physical edges and buffers, such as natural features, major traffic arterials and railroad tracks, open spaces, and distinct change in street layout and block orientation may provide an effective separation or transition between different uses and intensities of development.

3. Physical edges, buffers and platted lot lines shall be considered in establishing boundaries.

4. Boundaries between commercial and residential areas shall generally be established so that

commercial uses face away from adjacent residential areas, unless physical edges or buffers (arterial streets, waterways, topographic breaks, mature natural or landscape buffers, etc) provide a more effective separation between uses.

5. Lower Density Residential areas may be rezoned to Higher Density zones only if the applicant demonstrates that the area no longer meets the location criteria for a Lower Density designation or the change is recommended as part of an adopted sub-area plan.

E. Impact Evaluation. The review of a proposed rezone shall consider both positive and negative factors when evaluating land use and environmental impacts, including impacts on public facility and service capacities, in the area of the proposed rezone.

F. The review of a proposed rezone shall include consideration of uses which can reasonably be anticipated based on the development potential of the requested zone, and the nature of the site and surrounding area.

G. Consideration of changed circumstances shall include elements or conditions embodied in the location criteria, and the purpose and design statements, for the relevant zone.

H. Overlay Districts. If the proposed rezone area is located within the boundaries of an overlay district or sub-area plan, the purpose and boundaries of the overlay district or subarea plan shall be considered.

I. An area designated and zoned Lower Density Residential that meets the location criteria of VMC 20.410.025 for such designation, may not be redesignated or rezoned to a Higher Density Residential designation unless the change is to implement an adopted sub-area plan.
(M-3730, Added, 12/19/2005, Sec 7)

Section 20.285.090 Zoning Code Text Amendments

A. Approval process for Zoning Code text amendments

1. Initiation. All proposed text amendments to the development or zoning regulations shall be developed, submitted and presented by the City staff, based on direction from the City Council, Planning Commission, or the City Manager or designee.

2. Private party requests. City staff shall submit proposals from private individuals or groups as follows:

a. Private parties shall submit a written summary of the amendment proposed to City staff, an indication of why it is needed, and the potential land use impacts if approved. No fees shall be assessed.

b. Staff shall maintain a docket listing of private party requests, and shall provide the listing not less than once per year to the Planning Commission, which shall determine which items shall be further reviewed by staff and submitted as a formal proposal, which shall be deferred to future work programs, and which shall not be considered. Decisions to defer or not consider private requests shall be considered final unless appealed as provided herein.

3. Process. Text amendments submitted by City staff, including those originated from outside party requests if applicable, shall be scheduled for Planning Commission and City Council, subject to procedural criteria of subsections of this chapter, except that staff initiated actions shall not be considered final without council consent. Hearing scheduling shall be determined by City staff based on work

program constraints or direction from the City Manager, Planning Commission and/or council. Proposed text amendments to zoning or development regulation amendments which do not include corresponding comprehensive plan changes may be reviewed separately from one another, at any time.

B. Approval criteria for Zoning Code text amendments

Proposed zoning or development regulation text changes shall be considered based on the following:

1. The proposed change is consistent with the comprehensive plan; and

2. The proposed change is necessary to further the public interest based on present needs and conditions.

(M-3643, Added, 01/26/2004)

Section 20.285.100 Notice Provisions.

A. Notice indicating the time and place of public hearings for review of proposed amendments pursuant to this chapter shall be provided as follows:

1. Published within a newspaper of record at least 10 calendar days prior to the hearing.

2. For quasi-judicial map amendments, written notice mailed at least 10 calendar days prior to the public hearing to property owners and residents located within 500 feet of subject properties, as determined by records of the county assessor. If located within or adjacent to an officially recognized neighborhood, notice shall also be mailed to the neighborhood association president or chair.

3. For quasi-judicial map amendments, sign or signs posted at the site at least 10 calendar days prior to the hearing.

4. For text amendments, written notice mailed at least 10 calendar days to individuals, groups, or agencies which are deemed necessary and appropriate by the City or which have requested notice of the particular action.

B. With the exception of newspaper publication, failure to provide notice to any person or group subject to this chapter shall not automatically invalidate the proceedings associated with the proposed action.

(M-3643, Added, 01/26/2004)

Section 20.285.110 Appeal Provisions.

A. Final decisions of the City Council may be appealed to the Western Washington Growth Management Hearings Board or Superior Court where appropriate, in accordance with provisions and timelines set forth by state statute and regulations. Where state statute or regulations do not provide timelines, an appeal must be submitted within 30 calendar days of the final council decision. Aggrieved parties shall exhaust local administrative remedies prior to state or federal administrative or judicial review of the council decision.

(M-3922, Amended, 07/06/2009, Sec 16; M-3643, Added, 01/26/2004)

Section 20.285.120 Exceptions.

A. The following map or text amendments to the comprehensive plan may be reviewed separately and outside the timelines and process of this chapter, but shall be subject to applicable approval criteria, and applicable notice provisions:

1. The initial adoption of a subarea plan.

2. The adoption or amendment of a shoreline master program pursuant to RCW 90.58.

3. The adoption or amendment of the capital facilities or transportation element of the comprehensive plan is undertaken concurrently with a related budget action.

4. Emergency comprehensive plan amendments, defined as a change of community wide significance, and including but not limited to the following:

a. Annexation.

b. Action necessary to address threats to public health or safety.

c. Action necessary to ensure that the goals and policies of the comprehensive plan are not substantially obstructed.

d. Action necessary to respond to an order from the Growth Management Hearings Board or competent court of law.

5. Corrections of scrivener or mapping errors. Scrivener or mapping errors are defined as minor map or text errors in the comprehensive plan or development regulations which were clearly unintended and inconsistent with the record of their original adoption, as determined by the City. Correction of such errors shall be submitted by the City only, at no charge to parties demonstrating the error.

B. City staff initiated amendments. City staff initiated map or text amendments to the comprehensive plan or development regulations shall not require pre-application conference and submittal for formal application and associated fees, but shall be subject to applicable scheduling, notice, public hearing, and approval criteria requirements of this chapter.

C. Periodic comprehensive plan updates. No later than September 1, 2002, and at least once every five years thereafter, the City shall initiate a periodic review of the overall comprehensive plan and land use regulations. Within the calendar year of such review the City may alter the procedural requirements herein, although other approval criteria of this chapter shall still apply.
(M-3643, Added, 01/26/2004)

Section 20.285.130 Amendments within the Unincorporated Vancouver Urban Growth Area.

A. Comprehensive plan and regulation map or text amendments within the Vancouver Urban Growth Area outside of City limits are the jurisdictional responsibility of Clark County. The City shall review notice provided from Clark County on such amendments, and shall reciprocally provided notice to Clark County of proposed amendments within City limits.

B. The City shall not support amendments which raise inconsistencies with this chapter, capital facilities plans or adopted population projections.
(M-3643, Added, 01/26/2004)

Section 20.285.140 Record of Amendments.

The Planning Official shall maintain a record of amendments to the text and map of this Title in a format convenient for the use of the public.

(M-3643, Added, 01/26/2004)

Chapter 20.290

VARIANCES

Sections:

20.290.010 Purpose.
20.290.020 Approval Process.
20.290.030 Submission Requirements.
20.290.040 Approval Criteria.
20.290.050 Time Limit of Approval

Section 20.290.010 Purpose.

General. A variance to any development standard contained in this Title other than density and lot area may be granted when practical difficulties, unnecessary hardship or results inconsistent with the general purposes of Title 20 VMC would result from the literal enforcement of its requirements. The sole purpose of any variance shall be to prevent such difficulties, hardship or results, and no variance shall be granted which would have the effect of granting a special privilege not shared by other property in the same vicinity and zone except when necessary to avoid such difficulties, hardship or results.
(M-3643, Added, 01/26/2004)

Section 20.290.020 Approval Process.

A. Type I Variance. A Type I Variance is one that results in the modification of up to 20% of a numerical development standard that shall be subject to a Type I procedure, pursuant to 20.210.040 VMC, subject to the approval criteria contained in Section 20.290.040(A) VMC.

B. Type II Variance. A Type II Variance is one that results in the modification of a numerical development standard by more than 20% that shall be subject to a Type II procedure, pursuant to 20.210.050 VMC, subject to the approval criteria contained in Section 20.290.040(B) VMC.

Concurrent review. The applicant may submit requests for more than one variance for concurrent review.
(M-3959, Amended, 07/19/2010, Sec 20-Effective 8/19/2010; M-3701, Amended, 05/02/2005, Sec 10; M-3643, Added, 01/26/2004)

Section 20.290.030 Submission Requirements.

A. General. An applicant for a variance shall submit the requisite fee, as contained in Chapter 20.180 VMC, a completed application form provided for that purpose by the Planning Official and 10 copies of the information required in Subsection (B) below.

B. Required information.

1. Narrative statement describing the requested variance(s) and demonstration of compliance to the appropriate approval criteria contained in Section 20.290.040 VMC.

2. A site plan drawn to scale showing the arrangement of the proposed development, and accurate representation of the size and shape of the parcel(s) including easements of any kind, all dimensions and parcel orientation. Include appropriate scale and north arrow.

3. Locations, dimensions and height of all existing and proposed buildings and structures, including garages, carports, fences, decks, patio covers and other accessory structures. Include dimensions from each other and from all property lines. Show dimension of eaves projecting beyond a wall or supporting post. Indicate usage of all structures.

4. Elevation of site at 2' contour intervals for grades zero to 10% and at 5' contour intervals for grades greater than 10%.

5. Existing and proposed curbs, sidewalks and curb-cuts. Indicate center line of street(s).

6. Location and detailed layout of off-street parking and loading areas.

7. Location of unstable ground, including high seasonal water table, impermeable soils, areas having a severe soil erosion potential, areas having severely weak foundation soils, significant historical, cultural or archaeological resources, significant wildlife habitat, and rock outcroppings. Note if none of these apply.

8. Archaeological pre-determination report, if necessary.

9. The approximate location and type of vegetation, including individual trees that have a diameter of 6" or more measured 4' above grade. The plan may show clusters of such trees rather than individual trees when individual trees are near one another. Provide proposed plan for compliance with Chapter 20.770 VMC, Tree Conservation, if necessary.

10. Certified mailing list. Current Clark County Assessor map(s) showing the property(ies) within a 500' radius of the site, per the requirements in Chapter 20.210.050 and 20.210.060 VMC, Decision-Making Procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500' radius. Such list shall be certified as accurate and complete by the Clark County Assessor, a title company. For non-owner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records (two copies).

11. Pre-application conference summary, as well as additional information required in the summary, if applicable.

12. Include one 8 ½" x 11" reduced plan.

(M-3840, Amended, 08/06/2007, Sec 13; M-3663, Amended, 08/02/2004, Sec 11; M-3643, Added, 01/26/2004)

Section 20.290.040 Approval Criteria.

A. Type I Variance. The Planning Official may grant a Type I Variance upon demonstration by the applicant of compliance with all of the following approval criteria:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;

2. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above.

3. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located.

B. Type II Variance. The Planning Official may grant a Type II Variance upon demonstration by the applicant of compliance with all of the following approval criteria:

1. Unusual circumstances or conditions apply to the property and/or the intended use that do not apply generally to other property in the same vicinity or district;

2. Such variance is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;

3. The variance requested is the least necessary to relieve the unusual circumstances or conditions identified in Subsection (1) above;

4. The authorization of such variance will not be materially detrimental to the public welfare or injurious to property in the vicinity or district in which property is located;

5. Any impacts resulting from the variance are mitigated to the extent practicable; and

6. If more than one variance is being requested, the cumulative effect of the variances results in a project that is still consistent with the overall purpose of the underlying zoning district.
(M-3959, Amended, 07/19/2010, Sec 21-Effective 8/19/2010; M-3840, Amended, 08/06/2007, Sec 14; M-3643, Added, 01/26/2004)

Section 20.290.050 Time Limit of Approval

A. Time limit. Authorization of a variance shall be void after five years, unless a building permit has been issued and substantial construction has taken place. Subdivision variances shall be valid for the term of the preliminary plat.

B. Extension. Upon written request by the applicant and payment of the required fee pursuant to Chapter 20.180 VMC, the planning official may extend the authorization for a maximum of one year.
(M-3840, Amended, 08/06/2007, Sec 15; M-3701, Amended, 05/02/2005, Sec 10; M-3643, Added, 01/26/2004)

Chapter 20.310

BOUNDARY ADJUSTMENTS

Sections:

20.310.010 Purpose.
20.310.020 Applicability.
20.310.030 Approval Process.
20.310.040 Submission Requirements.
20.310.050 Approval Criteria.

Section 20.310.010 Purpose.

Purpose. The purpose of this chapter is to provide rules–and criteria governing approval of minor boundary adjustments between or among two or more legal lots to ensure that the newly-reconfigured lots meet applicable dimensional standards, if so requested by a property owner.
(M-3643, Added, 01/26/2004)

Section 20.310.020 Applicability.

Boundary Adjustments may be recorded without review and approval of the City. Property owners may, however, request that a Boundary Adjustment be reviewed and approved by the City of Vancouver prior to being recorded with the Clark County Auditor to determine compliance with applicable lot dimensions, setbacks and other lot standards.
(M-3643, Added, 01/26/2004)

Section 20.310.030 Approval Process.

A. Decision-making process. Boundary Adjustments shall be reviewed by means of a Type I procedure.

B. Time limit for recording. A legal description of the newly-configured lots approved by the Planning Official shall be recorded with the Clark County Auditor within 90 days of the date of the written decision, unless a longer time period is specified in the decision.

C. Extension. By means of a Type I procedure, the applicant may request an extension of the recording date for a period not to exceed one year provided that no changes are made from the original approval.

(M-3643, Added, 01/26/2004)

Section 20.310.040 Submission Requirements.

Applicants shall submit the following documentation as part of a request for a Boundary Adjustment compliance check:

A. Completed application form.

B. Site plan. One site plan drawn to scale on 8 ½" x 11" paper, clearly showing the following:

1. The dimensions of the existing property/properties involved

2. The location of any improvements (structures, septic system, etc.)

3. The location and dimension of any access or utility easements

4. The dimensions of the proposed new lot lines

5. North arrow

6. Zoning of each involved property

B. Quarter section map. One (1) copy of the quarter section map with the properties highlighted. (This can be obtained from the Clark County Assessor' s Office.)

C. Recorded deed. One (1) copy of all property owners' recorded deeds, verifying current ownership.

D. Sales history. Complete sales history of all parcels since 1969. Sales history is comprised of copies of all deeds or real estate contracts showing previous owners or divisions for the properties involved. It is used to verify the legal creation of the parcel and is available from either a title company or the Clark County Assessor' s Office. This is not required if the request involves lots within a subdivision which have not been altered or further divided.

E. Letter of intent. Letter of intent explaining the purpose of the request. The letter should also include information that may be helpful in evaluating the request.

F. Existing conditions or related development restrictions. Copies of existing conditions of approval, covenants, restrictions and/or easements

G. Application fee. Application fee as contained in Chapter 20.180 VMC.

H. Signatures of authorized parties. Signatures of all property owners authorizing the proposed adjustment of their property lines as certified by a Notary Public.

(M-3643, Added, 01/26/2004)

Section 20.310.050 Approval Criteria.

A. Approval criteria. The Planning Official shall approve, approve with conditions or deny a request for a boundary adjustment in writing based on findings addressing all of the following criteria:

1. No additional parcel(s) shall be created by the boundary adjustment;

2. The lot and location of any structure(s) on the lots shall comply with the minimum density, dimensional and area requirements of the zoning district, unless a variance is sought in conjunction with the request per the requirements of Chapter 20.290. Per VMC 20.410.040 (C)(1)(a), lots developed or approved before March 11, 2004, are exempt from the requirement for minimum density/maximum lot size. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements contained in Table 20.410.010-1.

3. Legal access shall be provided to each of the lots; and

B. Exemptions from dedications. A boundary adjustment is not considered a development action for purposes of determining whether a dedication or improvement is required.

(M-3922, Amended, 07/06/2009, Sec 17; M-3643, Added, 01/26/2004)

Chapter 20.320

SUBDIVISIONS

Sections:

20.320.010 Purpose.
20.320.015 Applicability.
20.320.020 Approval Process.
20.320.030 Preliminary Plat Application Requirements.
20.320.040 Preliminary Plat Approval Criteria.
20.320.050 Final Plat Application.
20.320.060 Final Plat Approval.
20.320.070 Technical Standards.
20.320.080 Other Provisions.
20.320.090 Remedies and Penalties.

Section 20.320.010 Purpose.

Purpose. The purpose of this Chapter is to implement the policies of the various applicable state statutes including, but not limited to, Chapter 58.17 RCW, Findings; Chapters 35.63 and 65.08 RCW, and the City of Vancouver Comprehensive Plan. The regulations contained herein are intended to:

A. Promote the effective utilization of land and infrastructure;

B. Make adequate provision for the housing, commercial and industrial needs of the City, the county and the region;

C. Prescribe procedures for the subdivision of land in accordance with officially adopted plans, policies and standards, including the provisions of the Development Code (Title 20 VMC); and

D. Provide for the efficient processing of subdivision applications without undue delay.
(M-3643, Added, 01/26/2004)

Section 20.320.015 Applicability.

All divisions of land except those listed in Subsection (D) below, shall be subject to the requirements of this Section.

A. Short subdivisions. A short subdivision is a land partition containing nine (9) or fewer lots.

B. Subdivisions. A subdivision is a land partition containing ten (10) or more lots.

C. Infill Subdivisions and Short Subdivisions, pursuant to additional requirements of Section 20.920 VMC.

D. Exemptions. The provisions of this Chapter shall not apply to the following:

1. Cemeteries and burial plots while used for that purpose.

2. Divisions of land into lots or tracts, each of which is 1/64 of a section of land or larger, or 10 acres or larger, if the land is not capable of description as a fraction of a section of land. For purposes of

computing the size of any lot under this item which borders on a street or road, excluding limited-access streets or roads, the lot size shall be expanded to include that area which would be bounded by the centerline of the road or street, and the side lot lines of the lot running perpendicular to such centerline.

3. Divisions and/or acquisitions of land pursuant to condemnation or threat of condemnation by a government agency public purposes.

4. Divisions of land made by testamentary provisions, or the laws of descent.

5. Divisions of land made by subjecting a portion of a parcel or tract of land to Chapter 64.34 RCW (Condominiums) if the Planning Official has approved a binding site plan in accordance with Chapter 20.330 VMC.

6. Divisions of land into lots or tracts classified for industrial or commercial use, when the Planning Official has approved a binding site plan for use of the land in accordance with Chapter 20.330 VMC.

7. A division made for the purpose of adjusting boundary lines which does not create any additional lots, tracts, parcels, sites or divisions, nor any lots, tracts, parcels, sites or divisions which contain insufficient area and/or dimensions to meet the minimum requirements for width, depth and/or area for a lot.

8. Divisions created by a court order that result in lots that conform to the requirements of this Title.
(M-3643, Added, 01/26/2004)

Section 20.320.020 Approval Process.

A. Decision-making process

1. Short subdivisions. The Planning Official shall approve, approve with conditions or deny an application for a short subdivision preliminary plat by means of a Type II procedure, pursuant to 20.285.050 VMC, using approval criteria contained in Section 20.320.040 VMC, and additional requirements of 20.920 VMC if a qualifying infill development, and 20.927 VMC if a qualifying narrow lot development.

2. Subdivisions. The Hearings Examiner shall approve, approve with conditions or deny an application for a subdivision preliminary plat by means of a Type III procedure, pursuant to 20.210.060 VMC, using approval criteria contained in Section 20.320.040 VMC, and additional requirements of 20.920 VMC if a qualifying infill development or 20.927 if a narrow lot development.

B. Term of preliminary plat approval. Approval of a preliminary short subdivision or subdivision shall be valid for a period of seven years, except as provided by RCW 58.17.140(3)b, subject to verification of utility availability, during which time an application for final plat meeting all the requirements of this Chapter and all conditions of preliminary plat approval shall be made; provided, that extensions of preliminary short subdivision or subdivision plat approval may be granted in accordance with the procedures and criteria set forth in Section (D) below.

C. Phasing. The developer may develop the short subdivision or subdivision in phases. Any phasing proposal shall be submitted with application materials for the preliminary plat and approved by the Review Authority, except that the Planning Official may approve a phasing plan for an approved short subdivision or subdivision by means of a Type I procedure, governed by 20.210.040 VMC Type I Applications upon finding that:

1. The phasing plan includes all land identified within the legal notice of the approval hearing;

2. The sequence of phased development is identified by map;

3. Each phase shall constitute an independent project meeting all of the requirements for density, open space, public and private infrastructure, landscaping, pedestrian and vehicle circulation etc.; and

4. The Director of Public Works and Transportation Manager have approved the necessary documents to determine that all streets, sanitary and storm sewers, water and other public improvements, including but not limited to drainage improvements, and erosion control measures are assured.

D. Extensions. Extension requests shall be reviewed in accordance with the following criteria:

1. An initial one-year extension request, which has been filed at least 30 days prior to the expiration of the seven-year period, shall be reviewed by the Planning Official by means of a Type I procedure, as governed by Section 20.210.040 VMC, upon showing that the applicant has attempted in good faith to meet the conditions for the final plat within the seven-year period.

2. Two additional two-year extension requests may be granted by the Planning Official by means of a Type II procedure, as governed by Section 20.210.050 VMC, providing the applicant demonstrates compliance with all of the following criteria:

a. The applicant has pursued compliance with all conditions of preliminary plat approval and submitting the final plat in good faith; and

b. There have been no changes to the Comprehensive Plan, zoning ordinance, development standards or other applicable codes that are inconsistent with the approved preliminary plat.

3. Short subdivisions or subdivisions that have been approved for phased development pursuant to Subsection (C) above may receive subsequent two-year extensions in accordance with the criteria of Subsection (D)(2) above so long as at least one phase received final plat approval and was properly recorded within four years prior to each such subsequent extension request.

E. Transportation concurrency. The approval of extensions notwithstanding, the applicant shall comply with the provisions of Chapter 11.95 VMC, Transportation Concurrency.

F. Land transfer agreements. Agreements to transfer land prior to final plat are authorized, provided, that the performance of an offer or agreement to sell, lease or otherwise transfer a lot, tract or parcel of land following preliminary plat or short plat approval is expressly conditioned on the recording of the final plat or short plat containing the lot, tract or parcel and shall comply with the requirements of 58.17.205 RCW.

(M-4034, Amended, 12/03/2012, Sec 8-Effective 01/03/2013; M-3959, Amended, 07/19/2010, Sec 22-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.320.030 Preliminary Plat Application Requirements.

A. Application. The applicant shall provide one original and eight copies of the application for a preliminary plat of a short subdivision or subdivision consisting of the following information:

1. Subdivision or short subdivision name that must be other than the name of an existing subdivision, addition or plat recorded in Clark County Washington.

2. Name, mailing address, and telephone number of the owner and/or developer;

3. Name, mailing address, telephone number, and signature of person preparing the application

4. Date;

5. Location, including ¼ of ¼ section, section, township, range and, as applicable, donation land claim and/or subdivision;

6. Total parcel area in acres and square feet;

7. Comprehensive Plan and zoning designations;

8. Existing and proposed land uses;

9. Number and size of residential, commercial and industrial lots;

10. Names of all utility purveyors;

11. Signatures of all property owners; and

12. Fee, as governed by Chapter 20.180 VMC.

B. Preliminary plat information. The applicant shall provide one original and eight copies of the following information. Drawings shall be on sheets not larger that 24" X 36". Preliminary plats shall be drawn at a scale of 1" = 50' or larger. Plans for the preliminary plat will not be accepted if they are not collated and folded.

1. Existing conditions plan. The preliminary plat application shall include the following information on one or more to-scale drawings:

a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a 500' radius of the site;

b. The site size, dimensions and orientation relative to true north;

c. Remaining easements

d. The location, name and dimensions of public and private streets adjoining the site, identifying whether the streets are public or private;

e. Location, dimension, and purpose of existing easements;

f. The location of existing structures and other improvements on the site, including buildings, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;

g. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%;

h. The approximate location of significant natural conditions including:

1. The 100-year flood plain;

2. The location of drainage patterns and drainage courses;

3. Unstable ground (lands subject to slumping, slides or movement);

4. High seasonal water table or impermeable soils;

5. Areas having severe soil erosion potential;

6. Areas having severe weak foundation soils;

7. Significant wildlife habitat or vegetation;

8. Slopes in excess of fifteen percent (15%);

2. Preliminary plat. The proposed preliminary plat shall include the following information presented on one or more drawings. Plans shall be on sheets not larger than 24" x 36". Preliminary plats shall be drawn at a scale of 1" = 50' or larger. Other scales may be used with the approval of the Planning Official. Plans for the preliminary plat will not be accepted if they are not collated and folded.

a. The proposed site and its dimensions and area.

b. Proposed lots, tracts and easements including dimensions individual lot areas and total acreage.

c. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

d. The location and dimensions of development, including but not limited to the following:

1. Streets and other rights-of-way and public or private access easements on and adjoining the site;

2. Vehicle, and bicycle parking and pedestrian bicycle and vehicular circulation areas;

3. Loading and service areas;

4. Active or passive recreational or open space features;

5. All utilities;

6. Existing structures to be retained on the site and their distance from proposed property lines;

7. Proposed structures on the site, including signs and fences, and their distance from property lines if known at time of land division;

8. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division.; and

9. Boundary delineation of any wetlands including required buffers and shoreline setback lines if applicable

3. Narrative. A Preliminary plat application shall include the following:

a. A comprehensive narrative addressing how the development complies with the technical standards in Section 20.320.080 VMC; other applicable standards of this Title and the policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development

b. Description of the uses proposed for the site;

c. Phasing plan, if applicable;

d. Construction schedule;

e. Any variances requested pursuant to the regulations in Chapter 20.290 VMC;

f. Existing covenants or restrictions and easements, if applicable; and

g. History of any previous subdivisions and short subdivisions of the property.

4. Supplementary information. One original and eight copies, collated and folded, of the following supplemental information shall also be submitted unless otherwise indicated in parentheses:

a. Environmental checklist that complies with Chapter 20.790 VMC, SEPA Regulations, if applicable;

b. Legal description;

c. Reproducible copies of all plans identified in 8 1/2 x 11" format;

d. Assessor's map(s) showing all properties within 1,000' of the plat boundary;

e. Results of any completed percolation tests, if applicable (four copies);

f. 1 copy of the proposed plat map, reduced to fit on either 8-1/2" X 11" or 11" X 17" paper;

g. Geotechnical/soils survey (four copies), if applicable;

h. Tree plan that complies with the requirements of Chapter 20.770 VMC, Tree Conservation;

i. Preliminary stormwater and erosion control plans as governed by Chapters 14.09 VMC, Stormwater Control, Chapter 14.24 VMC, Erosion Control (four copies), and VMC 11.80.045 City Street Drainage;

j. Archaeological Pre-Determination Report, if applicable, that complies with the requirements of Chapter 20.710 VMC, Archaeological Resource Protection (four copies);

k. Sales history. A deed history of all applicable properties dating back to 1969 or to the date when a legal lot determination was made (one copy);

l. Clark County Health Department Review Evaluation Form or copy of application to the Clark County Health Department (four copies);

m. Pre-application conference notes; and

n. Certified mailing list. Current Clark County Assessor map(s) showing the property(ies) within a 500' radius of the site, per the requirements in Chapter 20.210.050 and 20.210.060 VMC, Decision-Making Procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500' radius. Such list shall be certified as accurate and complete by the Clark County Assessor, a title company. For non-owner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records (two copies).

o. Request for Certificate of Concurrency or Certificate of Concurrency Survey and applicable traffic studies.
(M-3643, Added, 01/26/2004)

Section 20.320.040 Preliminary Plat Approval Criteria.

Approval criteria. To grant approval of a preliminary short subdivision or subdivision, the applicant must demonstrate compliance with all of the following criteria:

A. Public facilities provision. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for transportation, water, storm drainage, erosion control and sanitary sewage disposal methods that are consistent with the City's current ordinances, standards and plans;

B. Proposed improvements. Appropriate provisions have been made for proposed streets, alleys and public ways, utilities and other improvements that are consistent with the City's current ordinances, standards and plans, and Department of Health and/or Washington State Department of Transportation standards and plans, where applicable;

C. Open space and dedications. Appropriate provisions to the extent necessary to mitigate an impact of the development have been made for open space, parks, schools, dedications, easements and reservations;

D. Physical characteristics. The design of the proposed short subdivision or subdivision site has taken into consideration the physical features of the site, including but not limited, to: topography, soil conditions, susceptibility to flooding, inundation or swamp conditions, steep slopes or unique natural features such as wildlife habitat or wetlands;

E. Re-platting of existing subdivisions. When re-platting an existing subdivision, the short subdivision or subdivision shall comply with all of the terms and conditions of the existing subdivision's conditions of approval;

F. Compliance with all requirements of this title. The proposed short subdivision or subdivision complies with all applicable requirements of this title unless modified through the approval; and

G. Compliance with State requirements. That the proposed short subdivision or subdivision complies with the requirements of RCW 58.17.110.

H. Narrow Lot Additional Criteria. Land divisions which contain one or more residential lots having a width of less than 40 fees shall meet additional criteria of VMC 20.927.030 A, B and C.
(M-3778, Amended, 12/04/2006, Sec 3; M-3643, Added, 01/26/2004)

Section 20.320.050 Final Plat Application.

A. Final plat application. Applications for final plat approval of a short subdivision or subdivision shall be filed with the Planning Official. Note that Tier I and Tier II and Tier I, II and III submittal requirements may be filed concurrently.

B. Fees, materials and reproduction. The applicant shall submit the requisite fee, a completed application form and five collated and folded paper copies of the information required below. Plans for final plat will not be accepted if they are not collated and folded. Include one reduced 8 ½" x 11" copy of all plans.

C. Tier I minimum submittal requirements for final plat subdivision. An application form shall be provided by the Planning Official, and shall contain the following Tier I submittal requirements:

1. Mathematical lot closure calculations for each lot prepared by a surveyor licensed in the State of Washington

2. Boundary survey prepared by a surveyor licensed in the State of Washington which shows dimensions, orientation of all boundary lines and indicating all property corners;

3. Incorporation of all plat notes from decision;

4. Drafting and indexing requirements:

   a. 21" x 30" sheet;

   b. North arrow indicated;

   c. Scale noted and shown graphically;

   d. Letter height must not be less than .08";

   e. Heavy dashed line around the exterior boundary;

   f. Legend;

   g. Approved Street names;

   h. Lot, block, street right-of-way, street dedication and centerline dimensions.

5. Title block on right or lower edge. The Title block shall appear on all sheets with the name of the business/owner with the firm and/or surveyor and telephone number. Include sheet designation for multiple sheets.

a. Name, mailing address, and telephone number of owner and/or developer, and surveyor of the plat;

b. Date;

c. Acreage;

d. Number of lots; and

e. Zoning designation.

6. Indexing information. Location, including ¼ of 1/4 section, section, township, range, and as applicable, donation land claim and/or subdivision.

7. Signature blocks.

a. Director of Public Works.

b. Director of Community Development.

c. Mayor, for subdivisions only.

d. Clark County Health Department signature shall be required unless a letter from the Health Department is provided confirming completion of the Health Department's Development Review Process.

e. County Assessor.

f. Surveyor’s certificate with license number, signature, date and seal.

g. County Auditor.

8. Special requirements

a. Identification of areas to be dedicated or reserved (rights-of-way, open space tracts, wetlands, etc);

b. Special setbacks;

c. Private easements and streets;

d. Utility easements;

e. Any conditions that need to be recorded with the plat denoted on the face of the plat, as indicated in the Planning Official’ s or Hearing Examiner’ s Final Order and Decision;

f. Roof downspout infiltration system (i.e. to street or individual system) with infiltration rate;

g. Identification of responsible party for maintenance of stormwater facility;

h. Access restrictions;

i. Corner lot driveway locations;

j. Parking restrictions.

9. Survey information

a. Monument-setting;

b. Site dimensions; and

c. General information including property corners, lot areas, dimensions and bearings of all property lines and areas of right of way dedication.

D. Tier II minimum submittal requirements for final subdivision/short subdivision plat.

1. Paper copies of approved engineering plans (full size and 8 ½" x 11");

2. Final performance and maintenance bonds:

a. Stormwater facilities, if applicable;

b. Street(s), if applicable;

c. Wetland, if applicable; and

d. Trees, if applicable.

3. Four copies of approved street lighting plan (full size and 8 ½" x 11");

4. Street signing and striping plan;

5. Final tree and landscaping plan, including street trees, if applicable;

E. Tier III submittal requirements for final subdivision/short subdivision plat

1. Two sets of final mylars for signatures;

2. Three paper copies of approved as-built plans (full size and 8 ½" x 11" PMTs);

3. Plat certificate, including dedications;

4. Certificate of Title;

5. Covenants, conditions and restrictions (CC and R's), if applicable;

6. Treasurer's Certificate;

7. Recording fee established by the County Auditor's office and made payable to the Clark County Auditor.

F. Legal description. The legal description of the boundary which has been certified by the land surveyor shall be provided, with seal and signature as being an accurate description of the lands actually surveyed.

(M-3959, Amended, 07/19/2010, Sec 23-Effective 8/19/2010; M-3922, Amended, 07/06/2009, Sec 18; M-3643, Added, 01/26/2004)

Section 20.320.060 Final Plat Approval.

A. Final plat procedure. Three copies of the proposed final plat map with mathematical closures calculations shall be submitted to the Planning Official. The Planning Official shall forward a copy of the final plat and the mathematical closures to the Director of Public Works or assigned designee within five working days of receipt. A second copy of the plat and closure calculations shall be forward to the Clark County Surveyor for review and comment. The third copy shall be kept on file in Community and Economic Development.

1. The Director of Public Works or assigned designees shall review final plats for conformance with conditions of preliminary plat approval and the mathematical closures for compliance with the survey standards set forth in Section 20.320.080(D) VMC and return his written approval or comments for correction to the Planning Official within 10 working days. The Clark County Surveyor shall return his written approval or comments for corrections to the Planning Official within 10 working days.

2. After compliance with the procedures of Subsections (A) and (A)(1) above, the final plat application and final plat map shall be submitted to the Planning Official as set out in Section 20.320.050 VMC.

3. Public improvement plans for the design of required street, utility and other public improvements shall be submitted to the Director of Public Works or assigned designee, who shall review them for compliance with conditions of preliminary plat approval and other standards as of the date of preliminary plat approval. Approval shall be indicated by the signature of the Director of Public Works or assigned designee appearing on the public improvement plans. The Director of Public Works shall indicate on the plan that the design is approved for construction, or within 20 working days return the plan to the applicant with modifications, if necessary.

4. Upon finding that the final plat and the public improvement plans comply with all preliminary plat conditions and all applicable statutes and local ordinances, the Planning Official shall sign the final plat. In the case of subdivisions only the final plat and accompanying recommendation shall then be forwarded to the Mayor for his signature on behalf of the City Council as provided by 58.17.140 RCW within five working days.

5. Upon approval of the final plat by the City Council and after all other statutory requirements have been met, the applicant shall record the plat with the County Auditor. The applicant shall provide the Planning Official with one mylar original and two paper copies of the recorded final plat.

B. Construction prior to final plat approval

1. In lieu of the completion and acceptance of any required public or private improvements prior to approval of a final plat, the Director of Public Works may accept an escrow or other form of security acceptable to the City, in an amount and with conditions satisfactory to him. The security to the City shall

be sufficient to ensure that the actual construction and installation of such improvements occur within a period specified in the agreement by the Director of Public Works and/or Transportation Division Manager; and completion of the improvements in accordance with the agreement shall be enforced by the Director of Public Works and/or Transportation Division Manager by appropriate legal and equitable remedies.

2. Construction of streets and utilities shall not start prior to the approval of the civil engineering construction plans by the Director of Public Works. However, rough grading operations may proceed before the plans are approved by the Director of Public Works under the following conditions:

a. The grading plan and erosion control plans, are submitted along with an application for the grading permit; including applicable fees;

b. The grading plan is in conformance with the approved preliminary plat;

c. The grading plan will not be in conflict with the street profiles and drainage structure plans;

d. A hold harmless agreement signed by the applicant in the case of mandated change to the engineering plans associated with the plat; and

e. These plans receive approval from the Department of Public Works and/or Transportation Division.
(M-3643, Added, 01/26/2004)

Section 20.320.070 Technical Standards.

A. Subdivision Layout and Required Improvements

1. Principles of acceptability. The short subdivision or subdivision shall conform to the Comprehensive Plan. The short subdivision or subdivision shall conform to the requirements of the state law and to the standards established by this Title.

a. Street improvement standards. All proposed streets and street improvements shall comply with the provisions of Title 11 and approved transportation standards details on file with the Public Works Department.

b. Blocks. The length, width and shape of blocks shall be designed with due regard to providing adequate building sites for the use contemplated; consideration of the needs for convenient access, circulation, control, safety of motor vehicular, bicycle and pedestrian traffic and recognition of limitations and opportunities of topography.

c. Blocks shall not exceed 1,300’ in length between street lines, except blocks adjacent to arterial streets or unless a previous adjacent layout or topographical conditions justify variation. The recommended minimum distance between intersections of arterial streets is 1,800’. Minimum length of a block shall not be less than 180’.

d. Easements

1. Utility lines. Easements for sewers, drainage, water lines, electric lines or other public use utilities shall be provided. The size and location of the easement shall be reviewed and approved by the appropriate utility provider.

2. Watercourses. If a subdivision is traversed by a watercourse, such as a drainageway, channel or stream, there shall be provided a stormwater easement for the width of the watercourse plus 15' on each side of the watercourse. Streets or parkways parallel to a major watercourse may be required.

3. Pedestrian/bicycle ways in and through residential subdivisions. In blocks over 800' in length, a pedestrian/bicycle way with a minimum width of 16' shall be required through the middle of the block when required by the Transportation Manager for public convenience and safety; 12' of the 16' corridor shall be paved in a durable material. If unusual conditions require blocks longer than 1,200' in length, two pedestrian/bicycle ways shall be required. When required by the Transportation Manager for public convenience and safety, pedestrian ways shall be required to connect cul-de-sacs or to pass through unusually shaped lots.

e. Flag lots. Flag lots may be permitted, provided that the minimum width of the flag stem be 15' for a single lot and 20' for a shared flag access, and it is in compliance with fire access standards contained in VMC 16.04.150. No more than four lots may be accessed from a single flag stem. A private maintenance agreement shall be recorded for driveways which serve more than one lot.

f. Lot side lines. Side lines, as far as practical, shall run at right angles to the street on which the lot faces.

g. Lot frontage. With the exception of flag lots, all lots shall abut on a public or private street with a minimum frontage of not less than 20' .

h. Lot depth and setbacks. Lots fronting or accessing on primary or secondary arterials shall be avoided when possible. If lots front on arterials, the lots shall have an average minimum depth of 100' .

i. Parks and playgrounds. The Review Authority shall see that appropriate provision is made for parks and playgrounds to serve the proposed subdivision.

j. Narrow Lot Land Divisions. Land divisions which contain one or more residential lots having a width or less than 40 feet shall meet the development standards of VMC 20.927.040.

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2k. Existing trees. All subdivision developments shall comply with the tree and vegetation management provisions contained in Chapter 20.770 VMC, Tree Conservation.

2. Procedure for installation. In addition to other requirements, improvements installed by the developer of the short subdivision or subdivision, either as a requirement of these regulations or at his own option, shall conform to the requirements of this Title and improvement standards, specifications, inspections and procedures as set forth by the city and administered by the Department of Public Works and Community and Economic Development Department, and shall be installed in accordance with the following procedures:

a. Public work shall not commence until civil engineering plans, prepared in accordance with the requirements of the city, have been approved by the city: all required permits have been obtained and a pre-construction conference has been conducted. Public work shall not be commenced until the city has been notified in advance.

b. If work has been discontinued for any reason, it shall not be resumed until the city has been notified.

c. Public improvements shall be constructed under the inspection and to the satisfaction of the Director of Public Works or their designee. The city may require changes in typical sections and details in the public interest if unusual conditions arise during construction to warrant the change.

d. All underground utilities, sanitary sewers and storm drains installed in the streets by the developer of the short subdivision or subdivision shall be constructed prior to the surfacing of streets. Stubs for service connections and underground utilities and sanitary sewers shall be placed to a length precluding the necessity for disturbing the street improvements when surface connections are made.

e. A plan showing all improvements “as built” shall be filed with the Development Review Services upon the completion of the improvements.

f. Public improvements required. Improvements to be installed at the expense of the owner of the short subdivision or subdivision are as follows:

1. All full-width streets, sidewalks, curbs and gutters, including alleys, within or adjacent to the subdivision or short subdivision; streets adjacent but only partially within the short subdivision or subdivision; and the extension of short subdivision or subdivision streets to the intercepting paving line of existing streets with which short subdivision or subdivision streets intersect shall be graded for the full right-of-way width and improved to the city's improvement standards and specifications.

2. Half-width roads. In situations where the property being developed does not permit full-width public streets, half roads having a minimum right-of-way or easement and roadway improvement width of 1/2 of the design width may be permitted when placed adjacent to adjoining property so long as there is no physical obstruction or development constraint prohibiting the completion of the street on such adjoining property; provided, that public street half-width shall be a minimum of 20’ wide. Public half-width streets serving six or more parcels shall be required to dedicate additional right-of-way as necessary to provide for a minimum of 1’ of right-of-way beyond the edge of the sidewalk. Further, additional right-of-way or easement may be required between the edge of the roadway and the property line for construction clearance, slopes or other features. Half-width public streets shall serve a maximum of 200 ADT. If the number of trips generated is greater than 200 ADT, the street shall be widened to full-width standards. Parking shall be prohibited along any half-width street and necessary signs and pavement markings shall be the responsibility of the developer.

3. Bench marks. Elevation bench marks shall be established within the subdivision with elevations to U.S. Geological Survey datum.

4. Surface drainage and storm sewer system. Drainage facilities shall be provided within the subdivision or short subdivision to connect the short subdivision or subdivision drainage to drainage ways or storm sewers outside the short subdivision or subdivision. The design of the drainage system within the short subdivision or subdivision shall be in accordance with the standards set forth by the City of Vancouver, as administered by the Department of Public Works.

5. Erosion control and stormwater quality. Facilities shall be provided within the short subdivision or subdivision to enhance stormwater runoff and protect existing and future drainage facilities. The design of the erosion control and stormwater quality system shall be in accordance with the standards set forth by the city, pursuant to Title 14 VMC, as administered by the Department of Public Works.

6. Sanitary sewers. Sanitary sewers shall be installed to serve the short subdivision or subdivision and to connect the short subdivision or subdivision to existing mains. In the event that it is impractical to connect the short subdivision or subdivision to the city trunk sewer system, the Review Authority may authorize the use of septic tanks if the lot area is adequate, taking into consideration the physical characteristics of the area determined by the County Health Department.

7. Water system. Water lines with valves and fire hydrants serving the short subdivision or subdivision and connecting the subdivision or short subdivision to the city mains shall be installed according to specifications of the city, pursuant to Title 14 VMC, Water and Sewer Facilities, as administered by the Department of Public Works.

8. Sidewalks. Sidewalks shall be installed along both sides of each street within and/or adjacent to the short subdivision or subdivision, unless exempted by approval of a Roadway Modification, by the Review Authority and along pedestrian ways of the short subdivision or subdivision. Sidewalks shall be installed according to the specifications of the city, pursuant to Title 14 VMC, Streets and Sidewalks, as administered by the Department of Public Works.

9. Street trees. Street trees shall be planted along both sides of each street within the short subdivision or subdivision and along any portion of the short subdivision or subdivision that fronts upon an existing street. Street trees shall be planted 30' on-center and be of a species approved by the city Planning Official.

10. Other. When special conditions are encountered in the plans for improvements such as fill section requiring the placement of guardrails, ditches requiring drainage appurtenances, or other protection against erosion such as slopes requiring use of sod and/or seeding, such improvements shall be considered as an integral part of the improvement construction. Such special improvements shall be approved by the Director of Public Works or Transportation Manager prior to commencement of construction.

g. Conditions of agreements

1. Subdivisions. Before the City Council approval is certified on the plat of a subdivision, the developer shall either install required improvements and repair any damage to the existing streets or other facilities damaged due to the development of a the subdivision, or at the city's discretion execute and file with the City Clerk an agreement between herself/himself and the city specifying a period not to exceed two years in which the required improvements and repairs shall be completed and providing that if work is not completed within the period specified, the city may complete the work and recover the full cost and expense from the subdivider.

2. Short subdivisions. Before the Planning Official's approval is certified on the plat of a short subdivision, the developer shall either install the required improvements and repair any damage to the existing streets or other facilities damaged due to the development of a the short subdivision, or at the city's discretion execute and file with the City Clerk an agreement between himself and the city specifying a period not to exceed two years in which required improvements and repairs shall be completed and providing that if work is not completed within the period specified, the city may complete the work and recover the full cost and expense from the developer of the short subdivision.

3. Escrow or other form of security acceptable to the city required – Public Improvements. The city may accept from the developer of any short subdivision or subdivision, in lieu of completion and acceptance of certain approved required public improvements prior to approval of a final plat, an escrow

agreement or other form of security acceptable to the city which secures and provides for the actual construction and installation of the improvements of the conditions of plat approval and subject to the following:

a. Use of escrow or other form of security acceptable to the city in lieu of completion and acceptance of such required private improvements shall include:

1. Approved public transportation system improvements, including sidewalks and streetlights, provided emergency access improvements are constructed on-site as needed;

2. Approved water system improvements;

3. Approved sanitary sewer improvements;

4. Approved public stormwater collection and management facilities; and

5. Approved landscaping and street trees, including installation and maintenance costs.

b. The developer shall submit a written request and the appropriate forms to the Development Review Services, and the Director of Public Works, or designee, for review, which shall include the following information:

1. A scheduled unit cost breakdown for project work to be completed presented as Exhibit "A", an agreement will not be accepted without an approved unit cost breakdown for the project.

2. The executed escrow agreement in a form approved by the city.

3. Any other documents deemed necessary by the city.

4. Applicable processing fee.

c. Upon approval of an escrow or other form of security acceptable to the city, recording of the final plat is allowed, provided all other conditions to be met prior to final plat approval have been satisfied.

4. Escrow or other form of security acceptable to the city required – Private Improvements. The city may accept from the developer of any subdivision or short subdivision, in lieu of completion and acceptance of certain approved required private improvements prior to approval of a final plat, an escrow agreement or other form of security, acceptable to the city, which secures and provides for the actual construction and installation of the private improvements or the performance of the conditions of agreement for plat and subject to the following:

a. Use of escrow or other form of security acceptable to the city in lieu of completion and acceptance of such required private improvements shall be limited to:

1. Approved private transportation system improvements, including sidewalks and streetlights, provided emergency access improvements are constructed on-site as needed;

2. Approved private stormwater collection and management facilities;

3. Approved landscaping and trees to meet minimum on-site tree density, including installation and maintenance costs.

b. The developer shall submit a written request along with the appropriate forms to the Planning Official for review.

c. Each escrow or other form of security acceptable to the city request shall include the following:

1. A scheduled cost breakdown for project work to be completed presented as Exhibit "A", an escrow agreement shall not be accepted without an approved unit cost breakdown for the remaining improvements.

2. A draft escrow agreement in a form provided by the city.

3. An irrevocable license signed by the owner of subject property to run with the property which provides the city with the right to allow the employees, agents, or contractors of the city to go on access the subject property for the purpose of inspecting and, if necessary, doing completing the work or making the improvements covered by the escrow or other form of security acceptable to the city.

4. Any other documents deemed necessary by the city.

5. Applicable processing fee.

d. Upon approval of an escrow or other form of security acceptable by to the city, recording of the final plat is allowed, provided all other conditions required to be met prior to the final plat approval have been satisfied.

5. Amount of escrow or other form of security acceptable to the city. Such assurance of full and faithful performance shall be for a sum approved by the Planning Official as sufficient to cover the cost of the improvements and repairs, including related engineering and incidental expenses.

6. Failure to carry out agreement. In the event the developer of the short subdivision or subdivision fails to carry out provisions of the agreement and the city has un-reimbursed costs or expenses resulting from such failure, the escrow or other form of security acceptable to the city shall be forfeited and the money shall be paid to the city to defray its costs. If the amount of the escrow or other form of security acceptable to the city exceeds the cost and expense incurred by the city, the city shall release the remainder and if the amount of the escrow or other form of security acceptable to the city is less than the cost and expense incurred by the city, the subdivider shall be liable to the city for the difference.

7. Guarantee of workmanship and materials. It shall be required that a 110% maintenance bond or bonds be posted to guarantee all workmanship and material for a period of one year from the date of the acceptance of the improvements by the city. This is provided that in the judgment of the Director of Public Works any defects are not the result of public abuse, misuse or acts of God. City inspection does not give relief from the one-year guarantee on workmanship.

8. Release of escrow or security. Upon completion of required improvements, the subdivider shall request in writing that the Planning Official or Director of Public Works release all or a portion of the funds held in escrow. Such improvements shall be inspected and accepted as complete by the city prior to the release of any such escrow funds, or portion thereof.

B. Public improvements plan. Where public improvements are required, plans for such improvements shall be submitted to the Director of Public Works. Public improvements shall be designed by or under the direct supervision of a licensed professional civil engineer as required by statute, pursuant to 18.08, 18.43, and 18.96 RCW, and shall meet, as a minimum, the requirements of Section 20.320.080(A) VMC. The engineer shall certify the plans by seal and signature. Such certification shall contain the following: (1) subdivision name; (2) name, mailing address, and telephone number of engineer preparing the plan; and (3) date, including month and year. All public improvement plans shall be submitted for review and approval by the Director of Public Works.

C. Monument-setting. All monuments set in subdivisions shall be at least ½" X 24" steel bar or rod, or equivalent, with durable cap imprinted with the license number of the land surveyor setting the monument.

1. Centerline monument-setting After paving, except as provided in, Subsection (4) below, monuments shall be driven flush with the finished road surface at the following intersections:

a. Street centerline intersections;

b. Points of intersection of curves if placement falls within the paved area or otherwise, at the beginnings and endings of curves;

c. Intersections of the plat boundaries and street centerlines.

2. Property line monument-setting. All front corners, rear corners, and beginnings and endings of s curves shall be set with monuments, except as provided in Subsection (4) below. In cases where street curbs are concentric and/or parallel with front right-of-way lines, front property-line monuments may be provided by brass screws or concrete nails with the surveyor's license number at the intersections of curb lines and the projections of side property lines. If curb monuments are used, it shall be noted on the plat, and also that such is monuments are good for projection of line only and not for distance.

3. Post-monument-setting. All monuments for the exterior boundaries of the short subdivision or subdivision shall be set and referenced on the plat prior to plat recording. Interior monuments need not be set prior to recording if the developer certifies that the interior monuments shall be set within 90 days of final short subdivision or subdivision construction inspection by the Director of Public Works, and if the developer guarantees such interior monument-setting.

a. The developer shall sign the following certification, the existence of which shall be noted on the plat, if post- monument-setting of the interior monuments is chosen:

DEVELOPER'S CERTIFICATION FOR POSTMONUMENTATION

I, certify that the post-monument-setting of the interior monuments of this plat shall be accomplished within ninety (90) days of final acceptance of subdivision construction by the Director of Public Works for the City of Vancouver, Clark County and State of Washington. (Signature)"

b. The land surveyor who performs any post-monument-setting shall certify that the interior monuments have been set in compliance with the final plat, and shall record the following certification with the County Auditor:

> "I, certify that I have set the interior monuments for (name of subdivision) a subdivision plat recorded in Book (___), page (___), Records of Clark County, and that said monuments are set in compliance with said final plat.
> Dated this (___) day of (_____), 20__.
> (License number, seal, and signature of surveyor).

c. If the surveyor cannot certify that the monuments are in compliance with the final plat, the discrepancy shall be resolved by filing an amended final plat in accordance with the provisions of Section 20.320.030(D)(1) VMC.

4. Post- monument-setting bonds. In lieu of setting interior monuments prior to final plat recording as provided in Section 20.320.080 (C)(2) VMC, the Director of Public Works may accept a bond in an amount and with surety and conditions satisfactory to him/her, or other secure method as the Director of Public Works may require, providing for and securing to the city the actual setting of the interior monuments as provided in Section 20.320.080 (C)(2) VMC and to be enforced by the Director of Public Works by appropriate legal and equitable remedies.

D. Survey standards. All surveys shall comply with standards set forth by state statutes, drafting standards of this Title, and WAC 332-130, except that linear closures after azimuth adjustment shall be at least a ratio of 1:10,000 for WAC 332-130-090. Where conflicts are identified, the most restrictive standard shall prevail.

1. Elevations of vertical information. Where required, any elevations or vertical information shall have an accuracy of third-order specifications as published by the U.S. Department of Commerce in a bulletin entitled "Classification, Standards of Accuracy, and General Specifications of Geodetic Control Surveys," and bench marks with the datum used shall be shown on the plat.

E. Drafting standards

1. Preferred scale proportions. The preferred scale proportions for preliminary and final plat are ratios as follows:

a. 1:600 or 1"=50'

b. 1:1,200 or 1" = 100' and 1:2,400; or 1" = 200'; but in no case shall the proportion exceed 1:2,400.

2. Final plat drawing requirements. The final plat shall be drawn with ink upon three-mil mylar film, or equivalent; said sheets to be 30" X 21", with a 1" border on each side.

3. Lettering. Lettering shall be at least 0.08" high, and the perimeter of the final plat shall be depicted with heavier lines (dashed) than the remaining portion of the plat.

4. Location. All data necessary for the location in the field of all points within the plat shall be shown. Straight lines shall be designated with bearing and distance; curves shall be designated by arc

length, central angle and radius. All dimensions shall be in feet or meters, and decimals thereof to the nearest 1/100 of a foot, or 5/1,000 of a meter; except that angles shall be in degrees to the nearest second. (M-4034, Amended, 12/03/2012, Sec 9--Effective 01/03/2013; M-3847, Amended, 11/19/2007, Sec 5; M-3778, Amended, 12/04/2006, Sec 4; M-3701, Amended, 05/02/2005, Sec 11; M-3643, Added, 01/26/2004)

Section 20.320.080 Other Provisions.

A. Variances. One or more variances may be requested relating to any of the design or development standards contained within Section 20.320.070 VMC except those for which variances are expressly prohibited, as listed in Chapter 20.290.010 VMC. These shall be requested concurrently subject to the procedural requirements and approval criteria contained in Chapter 20.290.040 VMC. No variances to procedural regulations are permitted.

B. Proximity to agricultural and mineral activities

1. All plats or development approvals under this Title issued for residential development activities within 1/4 mile of lands zoned agricultural or from existing agricultural or mineral resource operations shall be accompanied by a notice provided by the Planning Official. Said notice shall include the following disclosure:

a. The subject property is within 1/4 mile of designated agricultural land or mineral resource land as applicable, on which a variety of commercial activities may occur that are not compatible with residential development for certain periods of limited duration. Potential discomforts or inconveniences may include, but are not limited to: noise, odors, fumes, dust, smoke, insects, operation of machinery, including aircraft, during any hour period, storage and disposal of manure, and the application by spraying or otherwise of chemical fertilizers, soil amendments, herbicides and pesticides.

b. In the case of subdivision plats, short subdivision plats or recorded binding site plans, such notice shall also be recorded separately with the Clark County Auditor.

2. All plats or development approvals under this Title issued for residential development activities shall provide a barrier such as fencing or vegetation between the immediately-adjacent residential lots and agricultural and mineral resource activities. A natural buffer, such as a wetland, swale or berm, may substitute for the barrier upon approval of the Planning Official. Lots with street frontage are not required to provide a barrier between residential uses and an adjacent agricultural or mineral resource activity across the street.

C. Subdivisions of commercially and industrially zoned properties

1.1. Preliminary plats for commercial and industrial properties shall comply with all of the requirements of Section 20.320.030 VMC and 20.320.040 VMC.

2.2. Final plats for commercial and industrial properties shall comply with all of the requirements of Section 20.320.060 VMC except that the final plat shall be in substantial compliance with the preliminary plat if lot sizes are within the range of lots sizes proposed for the preliminary plat, if lot sizes were shown on the preliminary plat.

D. Revisions of recorded plats. The subdivider shall file the final short plat or plat and attached documents for record with the Clark County Auditor. Any alteration or modification of a short subdivision or subdivision plat shall be undertaken pursuant to all applicable development standards including regulations established in 58.17.215-220 RCW by a Type II or Type III process, respectively.

(M-3701, Amended, 05/02/2005, Sec 12; M-3643, Added, 01/26/2004)

Section 20.320.090 Remedies and Penalties.

A. Remedies and penalties

1. Rescinding of sale and recovery of costs. Any purchaser or transferee of property divided in violation of this Chapter may rescind the sale or transfer and recover costs of investigation, suit and reasonable attorney's fee occasioned thereby, or otherwise recover any damage resulting thereby from the person or agent who illegally subdivided or short subdivided the land.

2. Injunctive

a.Whenever any parcel of land is divided into two or more divisions, lots, tracts or parcels of land, and any person, firm or corporation or any agent of any of them sells or transfers any such division, lot, tract or parcel without either having a final plat or short plat filed and recorded as required in this Chapter, the City Attorney shall commence an action to restrain and enjoin further divisions or sales, or transfers, and compel compliance with all provisions of this Chapter. The costs of such action shall be taxed against the person, firm, corporation or agent selling or transferring the property.

b.In the enforcement of this Chapter, the City Attorney may accept an assurance of discontinuance of any act or practice deemed in violation of this Chapter from any person engaging in or who has engaged in such act or practice. Any such assurance shall be in writing and be filed with and subject to, the approval of the Superior Court of Clark County. The violation of such assurance shall constitute prima facie proof of violation of this Title.

3. Penalty for violation. No land comprising any part of a proposed subdivision or short subdivision to be established henceforth in the City shall be sold or leased until such subdivision or short subdivision has been approved as provided by this Chapter, and a plat or short plat, as appropriate, has been filed and recorded. In addition, any person, being the owner or agent of the owner of such land, or who acts in any capacity in effectuating a sale or lease, who sells or leases any division, lot, tract or portion thereof shall be guilty of a misdemeanor and upon conviction thereof shall be punished by a fine in any sum not to exceed $500. Each sale or lease shall constitute a separate and distinct offense for each separate land division, lot, tract or portion of said land.

(M-3643, Added, 01/26/2004)

Chapter 20.330

BINDING SITE PLANS

Sections:

20.330.010 Purpose.
20.330.020 Approval Process.
20.330.030 Application Submission Requirements.
20.330.040 Certification of Site Plan Compliance.
20.330.050 Vacation or Alteration of Approved Binding Site Plan.

Section 20.330.010 Purpose.

Purpose. The purpose of the binding site plan process is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:

A. Sale or for lease of commercially- or industrially-zoned property as provided in RCW 58.17.040(4);

B. A division for the purpose of lease as provided in RCW 59.17.040(5) RCW when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this Title; and

C. Condominiums as provided in either RCW 64.32 or 64.34 consistent with RCW 58.17.040(7).
(M-3643, Added, 01/26/2004)

Section 20.330.020 Approval Process.

A. Approval process. An application for a binding site plan review shall be processed by means of a Type II procedure pursuant to Section 20.210.050 using approval criteria in Section (B) below.

B. Conditions of approval. Planning Official shall have the authority to review and approve, deny or approve with conditions a proposed binding site plan~~s~~ for the purposes of land division as described in Section 20.330.010 VMC. To approve a binding site plan application, the Planning Official must determine that the binding site plan is in accordance with the following:

1. Applicable requirements of this title;

2. Technical standards contained in Section 20.320.070; and

3. Required mitigation measures imposed as a part of the SEPA review process.

(M-3840, Amended, 08/06/2007, Sec 16; M-3643, Added, 01/26/2004)

Section 20.330.030 Application Submission Requirements.

A. Submission requirements-New developments. Whenever an applicant desires to create legal lots by means of a binding site plan pursuant to this Chapter in conjunction with a new development, the applicant shall be subject to the site plan review procedures of Chapter 20.270 VMC. In such event and in addition to all of the submission requirements for site plan review, the applicant shall clearly indicate

on all of the plans required for site plan review the proposed lots to be created and how their size, dimensions and other features comply with the requirements of this title.

B. Submission requirements-Existing developments. In cases where an applicant desires to create legal lots by means of a binding site plan pursuant to this Chapter in conjunction with an existing development or when no development is proposed, the applicant shall provide the following information in the application:

1. Application. The applicant shall provide one original and ten copies of the application for a preliminary plat of a binding site plan consisting of the following information:

2. Binding site plan name that must be other than the name of an existing subdivision, short subdivision or binding site plan addition or plat;

3. Name, mailing address, and telephone number of the owner and/or developer;

4. Name, mailing address, telephone number, and signature of person preparing the application;

5. Date;

6. Location, including ¼ of ¼ section, section, township, range and, as applicable, donation land claim and/or subdivision;

7. Number of acres;

8. Comprehensive Plan and zoning designations;

9. Existing and proposed land uses;

10. Number and size of all lots;

11. Names of all utility purveyors;

12. Signatures of all property owners; and

13. Fee as governed by Chapter 20.180 VMC.

C. Preliminary plat information. The applicant shall provide one original and seven copies of the following information:

1. Existing conditions plan. The following information shall be provided on one or more to-scale drawings:

a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site;

b. The site size, dimensions and orientation relative north;

c. The location, name and dimensions of public and private streets adjoining the site;

d. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;

e. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%;

f. The approximate location of significant natural conditions as available from the City's and/or County's GIS system such as:

1. The 100-year flood plain;

2. The location of drainage patterns and drainage courses;

3. Unstable ground (lands subject to slumping, slides or movement);

4. High seasonal water table or impermeable soils;

5. Areas having severe soil erosion potential;

6. Areas having severe weak foundation soils;

7. Significant wildlife habitat or vegetation;

8. Slopes in excess of fifteen percent (15%);

9. Significant historic, cultural or archaeological resources, rock outcroppings.

2. Preliminary Binding Site Plan. The proposed preliminary binding site plan shall include the following information presented on one or more drawings. Drawings shall be on sheets not smaller than 21" X 34" nor larger than 24" X 36". Preliminary binding site plans shall be drawn at a scale of 1"=50' or larger. Other scales may be used with the approval of the Planning Official. Plans for the preliminary plat will not be accepted if they are not collated and folded.

a. The proposed site and its dimensions and area.

b. Proposed lots, tracts and easements including dimensions and total acreage.

c. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within about 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.

d. The location and dimensions of development if proposed, including the following:

1. Streets and other rights-of-way and public or private access easements on and adjoining the site;

2. All parking and circulation areas;

3. Loading and service areas;

4. Active or passive recreational or open space features;

5. All utilities;

6. Existing structures to be retained on the site and their distance from property lines;

7. Proposed structures on the site, including signs, fences, etc., and their distance from property lines if known at time of land division; and

8. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division.

3. Narrative. A Preliminary plat application shall include the following:

a. A comprehensive narrative addressing how the development complies with the technical standards in Section 20.320.070 VMC; other applicable standards of this Title 20 and the applicable plan policies of the Comprehensive Plan outlined by staff as being applicable to the proposed development

b. Description of the uses proposed for the site;

c. Phasing plan, if applicable;

d. Construction schedule;

e. Any variances requested pursuant to the regulations in Chapter 20.270 VMC;

f. Existing covenants or restrictions and easements, if applicable; and

g. History of any previous subdivisions and short subdivisions of the property.

4. Supplementary information. One original and eight copies of the following supplemental information shall also be submitted unless otherwise indicated in parenthesis:

a. Environmental checklist that complies with Chapter 20.790 VMC, SEPA Regulations, if applicable;

b. Legal description;

c. Paper reproducible copies of all plans in 8 1/2 x 11” format;

d. Assessor's map(s) covering the area within 500’ of the plat boundary;

e. Results of any completed percolation tests, if applicable (four copies);

f. A copy of the proposed plat map, reduced to fit on 8 1/2” x 11” or 11” x 17” paper;

g. Geotechnical/soils survey (four copies), if applicable;

h. Tree plan that complies with the requirements of Chapter 20.770 VMC, Tree Conservation;

i. Preliminary stormwater and erosion control plans as governed by Chapters 14.25 VMC, Stormwater Control, and Chapter 14.24 VMC, Erosion Control (four copies);

j. Landscape plan, if known at the time of land division, that complies with the requirements of Chapter 20.925 VMC Landscaping Standards. If applicable, the landscape plan shall be drawn at the same scale as the existing conditions plan, or a larger scale if necessary. Where proposed development affects only a portion of a site, the landscape plan need show only the areas where existing soil contours and vegetation will be disturbed by the construction or use, or other areas where landscaping is required. Note: many aspects of this plan, including street trees, may already be incorporated into the Tree Plan;

k. Archaeological Pre-Determination Report, if applicable, that complies with the requirements of Chapter 20.710 VMC, Archaeological Resource Protection (four copies);

l. Sales history. A deed history of all applicable properties dating back to 1969 or to the date when a legal lot determination was made (one copy);

m. Southwest Washington Health District Development Review Evaluation Form (four copies);

n. Pre-application conference notes; and

o. Certified mailing list. Current Clark County Assessor map(s) showing the property(ies) within a radius of the site, per the requirements in Chapter 20.285 VMC, Decision-Making Procedures, and two sets of mailing labels with the names and addresses of owners of all properties within a 500' radius certified as accurate and complete by the Clark County Assessor or a title company. For non-owner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records.

(M-3840, Amended, 08/06/2007, Sec 17; M-3643, Added, 01/26/2004)

Section 20.330.040 Certification of Site Plan Compliance.

A. Certification process. Prior to recording any binding site plan approved under the provisions of Section 20.330.030 VMC shall be certified to comply with the requirements of this chapter by the Planning Official. Certification shall consist of the signature of the Planning Official and recording with the Clark County auditor's office with a record of survey. The survey document shall include all required notes pertaining to development of the properties and a statement legally binding all current and future owners to comply with the conditions of approval. These may be provided as separate documents.

B. Revocation of certification. Certification may not be revoked unless the Planning Official finds that the plan, use or development project would violate the requirements of Vancouver Municipal Code or the Revised Code of Washington.

C. Criteria for creation of lots, parcels or tracts. Lots, parcels or tracts created through the binding site plan process shall be considered legal lots of record. The number of lots, tracts, parcels, sites or divisions shall not exceed the maximum number allowed by this title.

D. Legally responsible party. All provisions, conditions and requirements of the binding site plan shall be legally enforceable on the purchaser or any other person acquiring a lease or other ownership interest of any lot, parcel, or tract created pursuant to the binding site plan.

(M-3643, Added, 01/26/2004)

Section 20.330.050 Vacation or Alteration of Approved Binding Site Plan.

A. Alteration or vacation. A binding site plan may be altered or vacated if requested, in writing, by all owners of the properties directly affected. An application shall be submitted on a form prescribed by the Planning Official. In the instance of a revision the applicant shall submit all of the materials required for preliminary binding site plan review. In the instance of a vacation the burden of proof for justifying the vacation of the binding site plan shall be on the applicant. The applicant must prove that no property, either within the boundaries of the property to which the binding site plan is applied or adjacent property, will be adversely impacted; the vacation will not have an adverse impact on the provision of utilities in the area; no open spaces or recreational facilities will be adversely affected by the vacation.

B. Procedure for alteration or vacation. The decision on an alteration or vacation of a binding site plan shall be required to go through the same procedures as an original application, including notification and preparation of staff reports. The appeal procedures for binding site plan approval shall also be applicable to a requested alteration or vacation.

(M-3643, Added, 01/26/2004)

Chapter 20.410

LOWER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.410.010 Purpose.
20.410.020 List of Zoning Districts.
20.410.025 Lower Density Residential Zone Function and Location Criteria
20.410.030 Uses.
20.410.040 Minimum and Maximum Densities.
20.410.050 Development Standards.

Section 20.410.010 Purpose.

Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible non-residential development, such as elementary schools, churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale.
(M-3709, Amended, 06/20/2005, Sec 3; M-3643, Added, 01/26/2004)

Section 20.410.020 List of Zoning Districts.

A. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 20,000 square feet and a density of 1.8 to 2.2 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-2 zoning district was referred to as R1-20 zone prior to March 11, 2004.

B. R-4: Low-Density Residential District. The R-4 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 10,000 square feet and a density of 2.3 to 4.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-4 zoning district was referred to as R1-10 zone prior to March 11, 2004.

C. R-6: Low-Density Residential District. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-6 zoning district was referred to as R1-7.5 zone prior to March 11, 2004.

D. R-9: Low-Density Residential District. The R-9 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-9 zoning district is a new zoning district that combines what was referred to as R1-6 and R1-5 zones prior to March 11, 2004.
(M-3643, Added, 01/26/2004)

Section 20.410.025 Lower Density Residential Zone Function and Location Criteria

A. General Criteria.

The Lower Density Residential designation is applied to areas that provide predominantly single-family structures (attached or detached) on individual lots. Application of individual zones to specific areas in the City should enhance and support the integrity of existing neighborhoods, provide for a range of choices in housing styles and cost, and encourage compatible infill development and redevelopment.

B. Lower Density Residential Zone (R-2, R-4, R-6, R-9) Location Criteria.

The Lower Density zone designations defined above can be appropriately applied and maintained in areas meeting one of the following criteria:

1. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have at least eighty (80) percent of the existing structures in single-family residential use on lots whose average size falls within the minimum and maximum lot size standards of the zone to be applied. Half-blocks at the edges of single-family zones with more than fifty (50) percent single-family structures, or portions of blocks on an arterial with a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is for inclusion.

2. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have less than eighty (80) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:

a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or

b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or

c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or

d. The area's location is topographically and geographically connected to, and compatible with, existing single-family residential development, with physical edges (such as major arterials, topography, waterways, open space, existing natural or landscape screening, etc) that separate and buffer the area from Higher Density Residential, Commercial, and Industrial.

3. Areas with sensitive physical, environmental or natural resource characteristics that make lower intensity development advisable and appropriate.

4. Areas that meet the above criteria for designation as Lower Density Residential shall not be rezoned for non-residential uses, except NC (Neighborhood Commercial), unless the change has been adopted as part of a sub-area planning study.

5. No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC Table 20.230.030.

(M-3946, Amended, 02/01/2010, Sec 6 - Effective 03/01/2010; M-3730, Added, 12/19/2005, Sec 9)

Section 20.410.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, limited, conditional, and prohibited uses in Low-Density Residential Districts is presented in Table 20.410.030-1.

TABLE 20.410.030 – 1
LOWER-DENSITY RESIDENTIAL DISTRICTS USE TABLE

USE	R-2	R-4	R-6	R-9
RESIDENTIAL				
Household Living	P[1]	P[1]	P[1]	P[1]
Group Living	P/X[1]	P/X[1]	P/X[1]	P/X[1]
Transitional Housing	X	X	X	X
Home Occupation	L[2]	L[2]	L[2]	L[2]
HOUSING TYPES				
Single Dwelling, Attached	L[18]	L[18]	L[18]	L[18]
Single Dwelling, Detached	P	P	P	P
Accessory Dwelling Units	L[4]	L[4]	L[4]	L[4]
Duplexes[22]	L[21]	L[21]	L[21]	L[21]
Multi-Dwelling Units	X	X	X	X
Existing Manufactured Home Developments	L[5]	L[5]	L[5]	L[5]
Designated Manufactured Homes	L/X[19]	L/X[19]	L/X[19]	L/X[19]
New Manufactured Homes	L[20]	L[20]	L[20]	L[20]
CIVIC (Institutional)				

USE	R-2	R-4	R-6	R-9
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Recreation	C[6]	C[6]	C[6]	C[6]
Cultural Institutions	P/C[7]	P/C[7]	P/C[7]	P/C[7]
Day Care				
- Family Day Care Home	P[8]	P[8]	P[8]	P[8]
- Child Care Center	L/C[11]	L/C[11]	L/C[11]	L/C[11]
- Adult Day Care	L/C/X[9]	L/C/X[9]	L/C/X[9]	L/C/X[9]
Emergency Services (except ambulance services)	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Ambulance Services	X	X	X	X
Human Service Facilities	X	X	X	X
Medical Centers	X	X	X	X
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	L[10]/C	L[10]/C	L[10]/C	L[10]/C
- Regional Parks	C	C	C	C
- Trails	L[10]	L[10]	L[10]	L[10]
Postal Service	C	C	C	C
Religious Institutions	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Schools	L/C[11]	L/C[11]	L/C[11]	L/C[11]
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	C[12]	C[12]	C[12]	C[12]
COMMERCIAL				
Commercial Lodging	L/C/X[13]	L/C/X[13]	L/C/X[13]	L/C/X[13]
Eating/Drinking Establishments	X	X	X	X
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	C[14]	C[14]	C[14]	C[14]

USE	R-2	R-4	R-6	R-9
- Personal Services	C[14]	C[14]	C[14]	C[14]
- Repair-Oriented	X	X	X	X
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	X	X	X	X
- Medical	X	X	X	X
- Extended	X	X	X	X
Non-Accessory Parking	X	X	X	X
Self-Service Storage	X	X	X	X
Marina	C	C	C	C
INDUSTRIAL				
Industrial Services	X	X	X	X
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				

USE	R-2	R-4	R-6	R-9
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennels/Shelters	X	X	X	X
Cemeteries	C[15]	C[15]	C[15]	C[15]
Detention & Post Detention Facilities	X	X	X	X
Dog Day Care	X	X	X	X
Heliports	X	X	X	X
Medical Marijuana Collective Gardens	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	P	P	P	P
Temporary Uses	L[16]	L[16]	L[16]	L[16]
Wireless Communication Facilities	L/C/X[17]	L/C/X[17]	L/C/X[17]	L/C/X[17]

[1] Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

[2] Subject to the provisions of Chapter 20.860 VMC, Home Occupations.

[4] Subject to the provisions of Chapter 20.810 VMC, Accessory Dwelling Units.

[5] Subject to the provisions of Chapter 20.880 VMC, Manufactured Home Developments. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC 20.410.050F – Development Standards and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

[6] Subject to provisions in Chapter 20.895. 040 VMC, Community Recreation and Related Facilities

[7] Libraries only permitted outright; all other cultural institutions are conditional uses.

[8] Family day care homes for no more than 12 children are permitted when licensed by the State.

[9] Adult day care facilities for six or fewer adults allowed as limited uses subject to compliance with the development standards governing Home Occupations, per Section 20.860.020(B)(1)-(7) VMC; facilities with 7-12 adults allowed as conditional uses; and larger facilities are prohibited.

[10] Community parks that meet all of the criteria contained in Section 20.410.050(E)(1) VMC are permitted by limited uses; all others require conditional use approval. Trails are limited uses subject to the additional development standards contained in Section 20.410.050(E).

[11] Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in Section 20.410.050(D) VMC are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with VMC 20.840, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC 20.210.050.

[12] Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.

[13]One and two bedroom Bed-and-Breakfast facilities are permitted outright and 3-6 bedroom Bed-and-Breakfast facilities are allowed as conditional uses, with all Bed-and-Breakfast facilities subject to provisions of Chapter 20.830 VMC, Bed-and-Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.

[14] Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 sq. ft. in planned developments of 150 units or more. See Section 20.260.020.B.1.b(2).

[15] Subject to provisions in Section 20.895. 030VMC.

[16] Subject to provisions in Chapter 20.885, except sales of fireworks which is prohibited in residential zones.

[17] Building-mounted antennas are allowed by conditional use on non-residential buildings in single-family residential zones subject to requirements contained in Chapter 20.890 VMC, Wireless Communications Facilities.

[18] Subject to Section 20.260.020.B.1.a(2), Planned Development and subject to Section 20.910.050 VMC, zero lot line requirements.

[19] A “designated manufactured home” is exempt from the development standards of 20.410.050F VMC and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this Title if within (5) five years of the date of the original placement.

[20] Subject to Section 20.410.050(F) Development Standards – Criteria for Placement of Manufactured Homes.

[21] Subject to Section 20.920 Infill Development Standards.

[22] Existing duplexes built on lots meeting the minimum infill lot size standards of VMC Table 20.920.060-1 shall be considered conforming uses even if not part of an infill development.

(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; m-4035, Amended, 12/03/2012, Sec 2-Effecitve 12/8/2012; M-4034, Amended, 12/03/2012, Sec 10-Effective 01/03/2013; M-4024, Amended, 09/10/2012, Sec 6-Effective 09/30/2012; M-4002, Amended, 12/05/2011, Sec 5-Effective 1/5/2012; M-3931, Amended, 11/02/2009, Sec 9-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 19; M-3840, Amended, 08/06/2007, Sec 18; M-3709, Amended, 06/20/2005, Sec 4; M-3663, Amended, 08/02/2004, Sec 12; M-3643, Added, 01/26/2004)

Section 20.410.040 Minimum and Maximum Densities.

A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district is set at just above the maximum density of the next less intense zone.

B. Maximum and minimum densities. The maximum and minimum densities for the Low-Density Residential Districts are contained in Table 20.410.040–1.

Table 20.410.040–1
Minimum and Maximum Densities and Lot Sizes[1]

Zone	Minimum Lot Size	Maximum Net Density	Maximum Average Size	Minimum Net Density
R-2	20,000 sf	2.2	30,000 sf	1.8
R-4	10,000 sf	4.4	19,000 sf	2.3
R-6	7,500 sf	5.8	10,500 sf	4.5
R-9	5,000 sf	8.7	7,400 sf	5.9

[1] The minimum and maximum density factors shall only be used for calculating densities of planned unit developments governed by VMC 20.260, infill development, density transfer, and situations where an existing house is allowed on a larger than maximum lot size per VMC 20.410.040.C.2.c (Exceptions). Minimum densities shall be calculated based on the gross area of the site minus any public rights-of-way, street tracts, private road easements, lots for dwellings existing on December 11, 2004, or designated critical areas."

C. Exceptions. The following exceptions are permitted to the lot size and density provisions for the R-2-R-9 zoning districts contained in Table 20.410.040-1 above:

1. Minimum lot size/maximum density:

a. Lots developed or approved before March 11, 2004, are exempt from the requirements for minimum density. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements contained in Table 20.410.010-1 above.

b. Non-residential uses are exempt from minimum lot sizes.

c. Within a development of two or more lots, the minimum lot size may be averaged as long as no lot is smaller than 80% of the minimum required lot size.

d. Legal lots of record (lots legally created) that do not meet the minimum lot size requirement may be developed with a single dwelling unit.

e. When the maximum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

2. Maximum lot size/minimum density:

a. Non-residential uses are exempt from maximum lot sizes.

b. On large parcels containing an existing dwelling on March 11, 2004, a lot no greater than one acre may be created around the existing dwelling with the remainder platted to create the number of dwelling units required within the range of minimum and maximum density established for the zoning district in which the parcel is located.

c. When the minimum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

d. On sites that contain sensitive environmental conditions, all or a portion of the sensitive resources areas may be deducted from the gross lot area before the minimum and maximum densities are calculated unless the applicant chooses to transfer density per the requirements of Chapter 20.940 VMC, On-Site Density Transfers.

3. Planned Developments. See VMC Chapter 20.260.060 (Development Standards - Item 4) for additional exceptions to lot size requirements.
(M-3931, Amended, 11/02/2009, Sec 10-Effective 12/02/2009; M-3701, Amended, 05/02/2005, Sec 13; M-3643, Added, 01/26/2004)

Section 20.410.050 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained a variance(s) in accordance with Chapters 20.290 VMC.

2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in low-density residential zoning districts are contained in Table 20.410.050-1. These apply to all primary dwellings and accessory buildings on the site. For additional regulations governing accessory buildings, see Chapter 20.902 VMC.

Table 20.410.050– 1 Development Standards in Lower-density Residential Zones				
STANDARD	**R-2**	**R-4**	**R-6**	**R-9**
Minimum Lot Size[5]	20,000 sf	10,000 sf	7,500 sf	5,000 sf
Maximum Lot Size	30,000 sf	19,000 sf	10,500 sf	7,400 sf
Maximum Lot Coverage	50%	50%	50%	50%
Minimum Lot Width[5]	100’	80’	50’	45’
Minimum Lot Depth[5]	100’	90’	90’	65’
Minimum Setbacks				
Front yard	10’	10’	10’	10’
Rear and through yards [4]	5’	5’	5'	5’
Side yard	10’	7’	0’ [1]5’ [2]	0’ [1]/5’ [2]
Street side yard	10’	10’	10’	10’
Garage/Carport from public/private street right of way or sidewalk easement	20’	20’	18’	18’
Garage/Carport from alley[3]	15’	10’	5’	5’
Maximum Height	35’	35’	35’	35’
Minimum Off-Street Parking Spaces	1	1	1	1
Minimum Landscaping Requirement (percentage of total net area)	10%	10%	10%	10%

[1] Subject to Chapter 20.910.050 VMC.

[2] For each additional 10 feet of building height, or fraction thereof, over 25 feet, add 2 feet to the setback to a maximum of 10 feet on each side or rear yard.

[3] There must be a minimum of 20’ maneuvering space from entrance edge of the carport or garage to opposite edge of the alley.

[4] A through lot will be treated as an interior rear yard, especially with respect to placement of principal and accessory structures, location of parking and height of fences only when there is no vehicular access to the abutting street. If access occurs then the through lot yard will be treated in all respects as a front yard.

[5] Smaller lot sizes and dimensions may be allowed subject to VMC 20.920, Infill Development Standards.

C. Institutional development standards. Institutional uses such as colleges, schools, religious institutions, and emergency services facilities that locate within Low-Density Residential Districts shall comply with the following development standards:

1. For portions of an institutional campus abutting residentially-zoned property (not separated by a street):

a. Minimum setback: 35 feet.

b. Maximum height: 35 feet at the setback increasing one foot for every one foot of additional setback to a maximum of 75 feet.

c. Minimum landscaped buffering between the institutional use and residential development: 15 feet.

2. The development standards in subsection (1) above do not apply to existing buildings.

3. All other development standards on the institutional campus are the same as those in the underlying base zone except as follows:

a. Modified through a variance procedure per the requirements of Chapter 20.290 VMC alone or in conjunction with a Conditional Use procedure per the requirements of Chapter 20.245 VMC; or

b. Established as part of a Public Facilities Master Plan procedure per the requirements of Chapter 20.268 VMC.

D. Criteria for institutions as limited uses. As noted in Table 20.410.030–1 above, a school, religious institution, government building, fire station, child care center or emergency services facility is allowed as a limited use if it meets all of the criteria described below. An institution that does not comply with all of these criteria must be reviewed as a conditional use, except for school modular classrooms, which shall be permitted outright.

1. The site contains no more than 12 acres for an elementary school, not to exceed 75,000 gsf.

2. The site contains no more than two acres for a religious institution, not to exceed 30,000 gsf.

3. The site contains no more than one acre for a child care center, not to exceed 10,000 gsf.

4. The site takes its primary access from no less than a minor arterial.

5. If a religious institution also has a private elementary school, the total development shall not exceed 60,000 gsf and seven acres.

E. Criteria for Parks/Open Space as limited uses (Reserved for future use)

F. Criteria for Placement of Manufactured Homes.

1. General Provisions:

a. Manufactured homes are permitted on individual lots in the R-2, R-4, R-6, and R-9 residential zones in accordance with the placement standards as set forth in this section and other provisions which apply to conventionally built dwellings.

b. Nothing in these provisions shall be interpreted as superseding deed, covenants, or restrictions which are generally not enforced by the city.

c. Existing manufactured home developments and manufactured home subdivisions are permitted and are not subject to the provisions of this chapter. An existing manufactured home in a development or subdivision may continue to lawfully exist and be replaced or can be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

d. A new manufactured home placed on an individual lot subsequent to the adoption of this ordinance, may be relocated as permitted by this title if within (5) five years of the date of the original placement.

2. Manufactured Home Placement Standards:

Except as allowed in subsections 1c and 1d above, all manufactured homes placed within the City of Vancouver shall comply with the following standards:

a. Manufactured homes must meet the development standards of the base zone unless otherwise noted.

b. The manufactured home must meet the definition of a “new manufactured home”, unless otherwise noted. A new manufactured home means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW 82.45.032.9

c. The manufactured home must meet the requirements of a “designated manufactured home”. Provided that manufactured homes built to 42 USC Section 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes.

d. The manufactured home must meet the following requirements

1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site – built building code single-family residences;

e. The manufactured home must comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located

f. The manufactured home be set on permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.

g The manufactured home must be thermally equivalent to the state energy code.

3. Review and Inspection:

a. City will review building permit applications and will issue appropriate zoning and building permits and conduct the installation inspection.

b. The Department of Labor and Industries is responsible for inspections including replacement, addition, modification, or removal of any equipment or installation and issuing permits under RCW Chapter 43.22.

(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; M-3959, Amended, 07/19/2010, Sec 24-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 11-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 20; M-3840, Amended, 08/06/2007, Sec 19; M-3709, Amended, 06/20/2005, Sec 5; M-3701, Amended, 05/02/2005, Sec 14; M-3663, Amended, 08/02/2004, Sec 13; M-3643, Added, 01/26/2004)

Chapter 20.420

HIGHER DENSITY RESIDENTIAL DISTRICTS

Sections:

20.420.010 Purpose.
20.420.020 Zoning Districts.
20.420.025 Higher Density Residential Zone Function and Location Criteria.
20.420.030 Uses.
20.420.040 Minimum and Maximum Densities.
20.420.050 Development Standards.
20.420.060 Commercial Development Restrictions.

Section 20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and protesting the consumer's choices in housing. These districts are designed to promote medium- to high-density residential neighborhoods. Housing types include manufactured homes, duplexes, rowhouses, and multi-unit structures. A mix of non-residential uses, such as professional office and limited commercial, civic, and institutional uses, is permitted outright or conditionally subject to provisions to minimize adverse impacts, if any, on the residential character. However, the encouragement of mixed uses should not result in a predominance of business or commercial uses in areas designated for residential development by the Comprehensive Plan.
(M-3709, Amended, 06/20/2005, Sec 6)

Section 20.420.020 Zoning Districts.

A. R-18: Higher-Density Residential District. The R-18 zoning district is designed to accommodate attached homes such as duplexes and rowhouses, and garden-type apartments at a minimum lot size of 1,800 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-18 and OR-18 zones as of March 11, 2004.

B. R-22: Higher-Density Residential District. The R-22 zoning district is designed to accommodate rowhouses, garden-type apartments, and lower-density multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-22 and OR-22 zones as of March 11, 2004.

C. R-30: Higher-Density Residential District. The R-30 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-30 and OR-30 zones as of March 11, 2004.

D. R-35: Higher-Density Residential District. The R-35 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,200 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally.
(M-4034, Amended, 12/03/2012, Sec 11-Effective 01/03/2013; M-3922, Amended, 07/06/2009, Sec 21; M-3730, Amended, 12/19/2005, Sec 11; M-3663, Amended, 08/02/2004, Sec 14; M-3643, Added, 01/26/2004)

Section 20.420.025 Higher Density Residential Zone Function and Location Criteria.

A. R-18 (Higher Density Residential) Zone Location Criteria.

The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.

2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).

3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.

B. R-22 (Higher Density Residential) Zone Location Criteria.

The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.

2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.

3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.

5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas.

C. R-30 (Higher Density Residential) Zone Location Criteria.

The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are

within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.

2. Properties in close proximity to major employment centers, open space and recreational facilities.

3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.

4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.

5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.

6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

D. R-35 (Higher Density Residential) Zone Location Criteria.

The R-35 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are developed predominantly to the intensity permitted by the R-35 zone, or areas located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.

2. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, other residential amenities, major employment centers, open space and recreational facilities.

3. Properties adjacent to business and commercial areas with comparable height and bulk.

4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.

5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by high density development.
(M-3730, Added, 12/19/2005, Sec 12)

Section 20.420.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, limited, conditional, and prohibited uses in Higher Density residential zones is presented in Table 20.420.030–1.

Table 20.420.030–1
Higher Density Districts Use Table

USE	**R-18**	**R-22**	**R-30**	**R-35**
RESIDENTIAL				
Household Living	P	P	P	P
Group Living	P	P	P	P
Transitional Housing	C[2]	C[2]	C[2]	C[2]
Home Occupation	L[3]	L[3]	L[3]	L[3]
HOUSING TYPES				
Single Dwelling Units, Attached	P[4]	P[4]	P[4]	X
Single Dwelling Units, Detached	P[4]	P[4]	P[4]	X[5]
Accessory Dwelling Units	P[1]	P[1]	P[1]	P[1]
Duplexes	P	P	P[4]	P[4]
Multi-Dwelling Units	P	P	P	P
Manufactured Home Developments	L[7]	L[7/]X	L[7/]X	L[7/]X
Designated Manufactured Home	L/X[23]	X	X	X
New Manufactured Home	L[23]	X	X	X
CIVIC (Institutional)				
Basic Utilities	C	C	C	C
Colleges	C	C	C	C
Community Recreation	C[8]	C[8]	C[8]	C[8]
Cultural Institutions	P/C[9]	P/C[9]	P/C[9]	P
Day Care				
- Family Day Care Home	P/C[10]	P/C[10]	P/C[10]	P/C[10]

Table 20.420.030–1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
- Child Care Center	L/C[14]	L/C[14]	L/C[14]	L/C[14]
- Adult Day Care	P/C[11]	P/C[11]	P/C[11]	P/C[11]
Emergency Services	C12	C[12]	C[12]	C[12]
Human Service Facilities	C[2]	C[2]	C[2]	C[2]
Medical Centers	C	C	C	C
Parks/Open Space				
- Neighborhood Parks	P	P	P	P
- Community Parks	L[13]/C	L[13]/C	L[13]/C	L[13]/C
- Regional Parks	L[13]/C	L[13]/C	L[13]/C	L[13]/C
- Trails	L[13]/C	L[13]/C	L[13]/C	L[13]/C
Postal Service	C	C	C	C
Religious Institutions	L/C[14]	L/C[14]	L/C[14]	L/C[14]
Schools	L/C[14]	L/C[14]	L/C[14]	L/C[14]
Social/Fraternal Clubs	C[6]	C[6]	C[6]	C6
Transportation Facility	P/C[15]	P/C[15]	P/C[15]	P/C[15]
COMMERCIAL				
Commercial Lodging	L/X[16]	L/X[16]	L/X[16]	L/X[16]
Eating/Drinking Establishments	L[17]/X	L[17]/X	L[17]/X	L[17]/X
Entertainment-Oriented				
- Adult Entertainment	X	X	X	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
General Retail				
- Sales-Oriented	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Personal Services	L[17]/X	L17/X	L[17]/X	L[17]/X
- Repair-Oriented	X	X	X	X
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	X	X
Motor Vehicle Related				

Table 20.420.030–1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35
- Motor Vehicle Sales/Rental	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X
Office				
- General	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Medical	L[17]/X	L[17]/X	L[17]/X	L[17]/X
- Extended	X	X	X	X
Self-Service Storage	X	X	X	X
Non-Accessory Parking	X	X	X	X
INDUSTRIAL				
Industrial Services	X	X	X	X
Manufacturing and Production	X	X	X	X
Railroad Yards	X	X	X	X
Research and Development	X	X	X	X
Warehouse/Freight Movement	X	X	X	X
Wholesale Sales	X	X	X	X
Waste-Related	X	X	X	X
Major Utility Facilities	X	X	X	X
OTHER				
Agriculture/Horticulture	P	P	P	P
Airport/Airpark	X	X	X	X
Animal Kennel/Shelters	X	X	X	X
Cemeteries	C[18]	C[18]	C[18]	C[18]
Detention & Post Detention Facilities	X	X	X	X
Dog Day Care	C19	C[19]	C[19]	C[19]
Heliports	X[20]	X[20]	X[20]	X[20]

Table 20.420.030–1 Higher Density Districts Use Table				
USE	**R-18**	**R-22**	**R-30**	**R-35**
Medical Marijuana Collective Gardens	X	X	X	X
Mining	X	X	X	X
Rail Lines/Utility Corridors	C	C	C	C
Basic Utilities	P	P	P	P
Temporary Uses	L[21]	L[21]	L[21]	L[21]
Wireless Communication Facilities	L/C/X[2] 2	L/C/X[2] 2	L/C/X[2] 2	L/C/X 22

[1] Subject to the provisions of Chapter 20.810 VMC, Accessory Dwelling Units.

[2] Subject to the provisions of Chapter 20.870 VMC Human Service Facilities.

[3] Subject to the provisions of Chapter 20.860 VMC Home Occupations.

[4] Provided the minimum required residential density is met, on an overall project basis.

[5] Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.

[7] Subject to the provisions of Chapter 20.880 VMC, Manufactured Home Developments. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC 20.420.050G – Development Standards and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured Home Developments in the R-22, R-30, R-35 zones are allowed as a Limited Use (L) only as part of a VMC 20.260 Planned Development that meets overall minimum density standards for the applicable zone.

[8] Subject to the additional provisions in Section 20.895.040 VMC.

[9] Libraries permitted only; all other cultural institutions are conditional uses.

[10] Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of Chapter 20.840 VMC Child Care Centers, unless part of a Planned Development, in which case they are approved subject to Chapter 20.260 VMC. All Child care facilities must be licensed by the state.

[11] Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.

[12] Subject to the provisions of Chapter 20.870 VMC, Human Service Facilities

[13] Community, regional parks and trails that meet all of the development standards in Section 20.420.050 (E)(1),(2) and (3), respectively, are permitted by as limited uses; all others require a Conditional Use approval.

[14] Schools, child care centers, and religious institutions that meet all of the locational criteria contained in Section 20.420.050(F) VMC are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with VMC 20.840, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC 20.210.050.

[15] Except bus, trolley and street car stops, including bus shelters, which are allowed by right.

[16] Bed-and-breakfasts establishments as limited uses subject to provisions of Chapter 20.830 VMC Bed-and- Breakfast Establishments; all other commercial lodging prohibited.

[17] New commercial uses allowed as limited uses subject to special development restrictions in Section 20.420.060VMC. Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to 20.245 (Conditional Use Permits).

[18] Subject to the provisions in Section 20.895.030 VMC.

[19] Subject to the provisions of Chapter 20.850 VMC, Dog Day Care.

[20] Except as an accessory to a medical center.

[21] Subject to provisions of Chapter 20.885, except sale of fireworks prohibited in residential zones.

[22] Subject to the provisions of Chapter 20.890 VMC Wireless Communications Facilities.

[23] A "designated manufactured home" is exempt from the development standards of 20.420.050G VMC and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only "new manufactured homes" that also meet the "designated manufactured home" criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this Title if within (5) five years of the date of the original placement.

[24] Subject to the provisions of Chapter 20.840 VMC, Child Care Centers.

(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; M-4035, Amended, 12/03/2012, Sec 3-Effective 12/8/2012; M-4024, Amended, 09/10/2012, Sec 7-Effective 09/30/2012; M-4002, Amended, 12/05/2011, Sec 6-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 25-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 12-Effective 12/02/2009; M-3840, Amended, 08/06/2007, Sec 20; M-3730, Amended, 12/19/2005, Sec 13; M-3709, Amended, 06/20/2005, Sec 7; M-3701, Amended, 05/02/2005, Sec 15; M-3663, Amended, 08/02/2004, Sec 15; M-3643, Added, 01/26/2004)

Section 20.420.040 Minimum and Maximum Densities.

A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on a units per acre standard. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district is set as just above the maximum density of the next less intense zone.

B. Minimum and maximum densities. The minimum and maximum densities for the Higher Density Residential Districts are contained in Table 20.420.040–1.

Table 20.420.040-1
Minimum and Maximum Densities

Zoning District	Minimum and Maximum Net Density
R-18	12 - 18 units per acre
R-22	18.1 - 22 units per acre
R-30	22.1 - 30 units per acre
R-35	30.1 - 35 units per acre

C. Exceptions. The following exceptions are permitted to the density provisions for the higher density residential zoning districts contained in Table 20.420.040-1 above:

1. Minimum lot size/maximum density:

a. Lots developed before March 11, 2004, are exempt from the requirements for minimum density. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements contained in Table 20.420.040–1 above.

b. When the maximum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down to the next whole unit; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

2. Minimum density:

a. When the minimum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down to the next whole unit; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

b. On sites that contain critical or sensitive areas, all or a portion of those areas may be deducted from the net building area before the minimum and maximum densities are calculated.

3. Planned Developments. See VMC Chapter 20.260.060 (Development Standards - Item 4) for additional exceptions to lot size requirements.

(M-3931, Amended, 11/02/2009, Sec 13 - Effective 12/2/2009; M-3840, Amended, 08/06/2007, Sec 21; M-3730, Amended, 12/19/2005, Sec 14; M-3701, Amended, 05/02/2005, Sec 15; M-3643, Added, 01/26/2004)

Section 20.420.050 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances in accordance with Chapter 20.270 VMC Site Plan Review.

2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in residential zoning districts are contained in Table 20.420.050-1. These apply to all primary dwellings and accessory buildings on the site. For additional regulations governing accessory buildings, see Chapter 20.902 VMC.

Table 20.420.050– 1 Development Standards				
Standard	**R-18**	**R-22**	**R-30**	**R-35**
Minimum Lot Size	1,800 sf [1]	1,500 sf [1]	1,500 sf [1]	1,200 sf [1]
Maximum Lot Coverage	50%	50%	50%	50%
Minimum Lot Width	20’	20’	20’	20’
Minimum Lot Depth	50’	50’	60’	60’
Minimum Setbacks				
Front yard	10’	10’	10’	10’
Rear and Through lot yard	0’[2]/5'	0’[2]/5’	0’[2]/5’	0’[2]/5’
Side yard	0’ [2]/5’	0’ [2]/5’	0’ [2]/5’	0’ [2]/5’
Street side yard	10’	10’	10’	10’
Garage/carport from public/private street right of way or sidewalk easement	18’	18’	18’	18’
Garage/carport from alley	5’[4]	5’[4]	5’[4]	5’[4]
Maximum Height	50’	50’	50’	60’
Minimum Landscaping Requirement (percentage of total net area)	10%	10%	10%	10%

[1] Provided the required residential density is met on an overall project basis.

[2] See requirements for zero lot line developments pursuant to Section 20.910.050 VMC.

[3] This footnote has been deleted.

[4] There must be a minimum of 20' maneuvering space from entrance edge of garage/carport to approved edge of alley

C. Institutional development standards. Institutional uses such as colleges, schools and religious institutions that locate within higher density residential districts shall comply with the following development standards:

1. For portions of an institutional campus abutting residentially-zoned property (not separated by a street):

a. Minimum setback: 35 feet.

b. Maximum height: 35 feet at the setback increasing one foot for every one foot of additional setback to a maximum of 90 feet.

c. Minimum landscaped buffering between the institutional use and residential development: 15 feet.

2. The development standards in Subsection (1) above do not apply to existing buildings.

3. All other development standards on the institutional campus are the same as those in the underlying base zone except as;

a. Modified through a Variance procedure per the requirements of Chapter 20.290 VMC; or

b. Established as part of a Public Facilities Master Plan procedure per the requirements of Chapter 20.268 VMC.

D. Pedestrian development standards. The following additional development standards apply for multi-family projects with more than two buildings on a site.

1. Each building in the complex shall have at least one direct pedestrian connection to the street even when separated from the street by an off-street parking lot. This pedestrian access shall be the most direct route between the building's main entrance and the street. Whenever possible, the main pedestrian connection shall not cross a parking lot or driveway.

2. There shall be pedestrian connections among residential buildings and from each residential building to indoor and outdoor communal facilities, e.g., recreation room, swimming pool, and parking lots, carports or garages.

3. The following design standards shall apply to this pedestrian circulation system:

a. The circulation system must be hard-surfaced and at least 5' wide.

b. Where the system crosses driveways, parking areas or loading areas, the system must be clearly identifiable through the use of striping, elevation changes, speed bumps, different paving material or other similar method.

c. Where the pedestrian connection is parallel and adjacent to a parking lot or driveway, the system must be a raised path or be separated from the auto travel lane by a curb, bollards, landscaping or other physical barrier. If the connection also provides access to a parking lot, at least one access ramp from the connection to the parking lot must be provided that meets ADA standards for accessibility for the disabled.

d. The on-site circulation system must be lighted to a level sufficient for use by residents and their visitors after dark. Such lighting shall be directed in such a manner to prevent glare into nearby residential units.

E. Criteria for Parks/Open Space as limited uses.(Reserved for future use)

F. Criteria for institutions as limited uses. As noted in Table 20.420.030-1 above, schools, child care centers, and religious institutions are allowed as limited uses in Higher Density residential districts if they meet all of the criteria described below. An institution that does not comply with all of these criteria must be reviewed as a Conditional Use, except for school modular classrooms, which shall be permitted outright.

1. The site contains no more than 12 acres for an elementary school, not to exceed 75,000 gsf.

2. The site contains no more than two acres for a religious institution, not to exceed 30,000 gsf.

3. The site contains no more than one acre for a child care center, not to exceed 10,000 gsf.

4. The site takes its primary access from a street with no less than a minor arterial designation.

5. If a religious institution also has a private elementary school, the total development shall not exceed 60,000 gsf and seven acres.

G. Criteria for Placement of Manufactured Homes.

1. General Provisions:

a. Manufactured homes are permitted on individual lots in the R-18 residential zones in accordance with the placement standards as set forth in this section and other provisions which apply to conventionally built dwellings.

b. Nothing in these provisions shall be interpreted as superseding deed, covenants, or restrictions which are generally not enforced by the city.

c. Existing manufactured home developments and manufactured home subdivisions are permitted and are not subject to the provisions of this chapter. An existing manufactured home in a manufactured home development or subdivision may continue to lawfully exist and be replaced or can be relocated either to an approved manufactured home development or an approved manufactured home subdivision.

d. Except that a manufactured home placed on an individual lot subsequent to the adoption of this ordinance, may be relocated as permitted by this title if within (5) five years of the date of the original placement.

2. Manufactured Home Placement Standards:

All manufactured homes placed within the City of Vancouver shall comply with the following standards:

a. Manufactured homes must meet the development standards of the base zone unless otherwise noted.

b. The manufactured home must meet the definition of a “new manufactured home” unless

otherwise noted. A new manufactured home means any manufactured home required to be titled under Title 46 RCW, which was not titled to retail purchaser before July 1, 2005, and was not a "used mobile home" as defined in RCW 82.45.032.

c. The manufactured home must meet the requirements of a "designated manufactured home". Provided that manufactured homes built to 42 USC Section 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes.

d. The manufactured home must meet the following requirements.

1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;

3. Has exterior siding similar in appearance to siding materials commonly used on conventional site –built building code single-family residences;

e. The manufactured home must comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.

f. The manufactured home be set on permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.

g. The manufactured home must be thermally equivalent to the state energy code.

3. Review and Inspection:

a. City will review building permit applications and will issue appropriate zoning and building permits and conduct the installation inspection.

b. The Department of Labor and Industries responsible for inspections including replacement, addition, modification, or removal of any equipment or installation and issuing permits under RCW Chapter 43.22.

(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; ACM, Amended, 12/02/2009, Delete Footnote 3 in Table; M-3931, Amended, 11/02/2009, Sec 14-Effective 12/02/2009; M-3730, Amended, 12/19/2005, Sec 15; M-3709, Amended, 06/20/2005, Sec 8; M-3701, Amended, 05/02/2005, Sec 16; M-3663, Amended, 08/02/2004, Sec 16; M-3643, Added, 01/26/2004)

Section 20.420.060 Commercial Development Restrictions.

Commercial uses. General office, medical office, personal and sales-oriented retail services, eating and drinking establishments, and other non-residential uses may be allowed in the Higher Density residential districts as part of a mixed use building or site pursuant to VMC 20.430.060.

(M-4034, Amended, 12/03/2012, Sec 12-Effective 01/03/2013; M-3730, Amended, 12/19/2005, Sec 16; M-3698, Amended, 04/03/2005, Sec 3; M-3643, Added, 01/26/2004)

Chapter 20.430

COMMERCIAL AND MIXED USE DISTRICTS

Sections:

20.430.010 Purpose.
20.430.020 List of Zoning Districts.
20.430.025 Commercial Zone Function and Location Criteria
20.430.030 Uses.
20.430.040 Development Standards.
20.430.050 Special Limitations on Uses.
20.430.060 Mixed Use Standards and District.
20.430.070 Waterfront Mixed Use (WX) District.

Section 20.430.010 Purpose.

A. Provide a range of commercial services for City residents. One of the major purposes of the regulations governing development in commercial zoning districts is to ensure that a full range of retail and office uses are available throughout the City so that residents can fulfill all or most of their needs for goods and services within close proximity of their homes. The location of land within each commercial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of commercial activity on established residential areas. At the same time, it is important to create more opportunities for mixed use, including residential, commercial and institutional activities in new and re-developing commercial areas.

B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan.
(M-3643, Added, 01/26/2004)

Section 20.430.020 List of Zoning Districts.

A. CN: Neighborhood Commercial District. The CN zoning district is designed to provide for small-scale, convenience commercial uses to serve adjacent residential neighborhoods. Convenience goods and services are those which are purchased frequently and do not require comparison shopping. Typical uses include, but are not limited to, convenience markets, personal services, restaurants, bakeries, and video rental shops. Above ground floor housing and some civic and institutional uses are allowed conditionally. The design and impact of these uses should be compatible with the surrounding neighborhood in size and scale and should generate minimal traffic. Because these uses primarily serve the immediate area, there are significant opportunities for walking, bicycle and transit trips that shall be encouraged and accommodated through building design, landscaping and access. The CN zoning district was referred to as Neighborhood Commercial (NC) prior to March 11, 2004.

B. CC: Community Commercial. The CC zoning district is designed to provide for retail goods and services purchased regularly by residents of several nearby neighborhoods. The zone also accommodates offices, institutions and housing. Housing located at ground floor is allowed on properties fronting Broadway Street only. In all other cases, housing is located above the ground floor. Because of the limited trade area, there are significant opportunities for walking, bicycle and transit trips that should be encouraged and accommodated through building/site design, landscaping and access.

C. CG: General Commercial. The CG zoning district is designed to allow for a full range of retail, office, and civic uses with a City-wide to regional trade area. Above ground floor housing is allowed. Some light industrial uses also are allowed, but limited so as not to detract from the predominant commercial character of the district. Development is generally expected to be auto-accommodating given the large service area but trips by alternative modes — walking, cycling and transit — should be encouraged through building/site design, landscaping and access. Because such areas generate more traffic than less-intense commercial zones, such developments should take their primary access from a street with at least the capacity of a Minor Arterial. The CG zoning district was referred to as General Commercial (GC) prior to March 11, 2004.

D. CX: City Center. The CX zoning district is designed to provide for a concentrated mix of retail, office, civic and housing uses in downtown Vancouver. The broad range of allowed uses is intended to promote Vancouver as the commercial, cultural, financial and municipal center of Clark County. Typical uses include, but are not limited to retail sales; hotels/motels; restaurants; professional offices; educational, cultural and civic institutions; public buildings; and commercial parking. Ground floor residential is allowed with the exception of properties fronting Main Street between Sixth Street and Mill Plain. All of the property that has a CX zoning designation lies within the Downtown Plan District.

E. WX: Waterfront Mixed-Use. The WX zoning district is designed to provide for a significant level of mixed-use development and pedestrian access along the Columbia River while maintaining environmental and scenic resources and compatibility of uses. Permitted use categories include retail, office, institutional, residential, parks and civic uses. Limited warehouse and industrial uses, in addition to some regional scale facilities, are conditionally permitted.

F. CPX: Central Park Mixed-Use. The CPX zoning district is the base zone designation for all land located within the Vancouver Central Park Plan District that contains a number of existing parks and governmental, health, recreational, educational and cultural facilities. The CPX zone district also contains the Vancouver National Historic Reserve that includes Officers Row, Vancouver Barracks, Fort Vancouver and Pearson Air Park. The CPX zone district is designed to enhance and protect existing facilities and fulfill the vision and policies identified in the Central Park Plan. The CPX zoning district was referred to as Vancouver Central Park (VCP) in the previous zoning code.

G. MX: Mixed Use District. The Mixed-Use zoning district is intended to provide the community with a mix of mutually supporting retail, service, office, light industrial, and residential uses. It promotes physically and functionally coordinated and cohesive site planning and design which maximizes land use. It also encourages development of a high-density, active urban environment which is expected to:

1. Achieve the goals and objectives of the Community Framework Plan and the Vancouver Urban Area Comprehensive Plan;

2. Fulfill the community vision identified through the Visual Preference Survey and other opportunities for public involvement;

3. Enhance livability, environmental quality, and economic vitality;

4. Maximize efficient use of public facilities and services;

5. Provide a variety of housing types and densities;

6. Reduce the number of automobile trips and encourage alternative modes of transportation; and

7. Create a safe, attractive, and convenient environment for living, working, recreating, and traveling.

(M-3891, Amended, 11/03/2008, Sec 4 - Effective 12/03/08; M-3832, Amended, 06/18/2007, Sec 5; M-3730, Amended, 12/19/2005, Sec 17; M-3643, Added, 01/26/2004)

Section 20.430.025 Commercial Zone Function and Location Criteria

A. General Criteria.

Compact, concentrated commercial areas, or nodes, shall be preferred to diffuse, sprawling, or linear commercial areas. The preservation, improvement, and redevelopment of existing commercial areas shall be preferred to the creation of new business areas or districts. Areas meeting the location criteria for Lower Density designations (i.e. R-6, R-9) are generally not appropriate for conversion to commercial. The encroachment of commercial development into residential areas shall be discouraged, except for Neighborhood Commercial within the criteria defined below for CN.

B. CN (Neighborhood Commercial) Location Criteria.

The CN (Neighborhood Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Lower Density Residential areas surround the subject site;

2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the residential areas from the subject site;

3. Access is through residential areas or from collector streets

4. Designated areas typically total less than 2 acres and are not contiguous with other commercial areas.

C. CC (Community Commercial) Location Criteria

The CC (Community Commercial) zone designation, as defined in above, is most appropriate in areas that are generally characterized by the following:

1. Both residential and commercial areas abut the subject site;

2. No physical edges (waterways, major arterial streets or freeways, ravines, cliffs, etc) separate the existing residential or commercial areas from the subject site;

3. The site is located to provide a transition between more intense General Commercial areas and surrounding residential areas; or is located along a major arterial where parcels are generally small or shallow, and are bordered by Lower Density Residential areas.

4. The site is located on streets with good capacity (major collector streets and minor arterials) and good pedestrian and bicycle connections to adjacent residential areas.

5. Areas where the total acres in a Community Commercial cluster or node can be limited to approximately 10 acres, with other zones providing separation between Community Commercial clusters or nodes.

D. CG (General Commercial):

The CG (General Commercial) Zone designation, as defined above, is most appropriate in areas designated by an adopted sub-area plan or generally characterized by the following:

1. Existing shopping centers or shopping areas along arterials or major commercial nodes or strips characterized by heavy, non-retail commercial activity, often including a few major employers;

2. Areas readily accessible from a principal arterial with sufficient capacity to support major commercial development and with good to excellent transit service;

3. Areas adjacent to or abutting industrial zones;

4. Areas with physical edges that buffer residential districts, such as changes in residential street or lot layout that orient residential uses away from the commercial site, dense vegetation or landscaping, topographical features (i.e. ravines, cliffs), and other natural buffers.

5. Areas with a predominance of large lots that could physically accommodate a wide range of commercial uses, including large uses.

E. Additional Commercial Criteria

1. Proposals to expand or create designated commercial areas shall include a current market analysis which identifies the need for the new commercial area/center.

2. Proposals to expand or create designated commercial areas shall include a current land use analysis of commercially designated and zoned land in the market area of the proposed site that includes a discussion of why the amount or character of existing commercial lands are inadequate.
(M-3931, Amended, 12/02/2009, Sec 15 - Effective 12/02/2009; M-3730, Added, 12/19/2005, Sec 18)

Section 20.430.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. Use table. A list of permitted, limited, conditional, and prohibited uses in the commercial and mixed use zones is presented in Table 20.430.030–1.

Table 20.430.030 - 1 Commercial and Mixed-Use Districts Use Table

USE	**CN**	**CC**	**CG**	**CX**	**WX**	**CPX[1]**	**MX[2]**	**RGX[44]**
RESIDENTIAL								
Household Living	L[4]	L[4]	L[4]	L[42]	L[5]		P[6]	P
Group Living	P/C[7]	P/C[7]	P/C[7]	P/C[7]	P/C[7]		P[6]	P
Transitional Housing	X	C[9]	L[9]	L[9]	C[9]		X	X
Home Occupation	L[10]	L[10]	L[10]	L[10]	L[10]		L[10]	L[10]
HOUSING TYPES								
Single Dwelling Units, Attached	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P
Single Dwelling Units, Detached	X	X	X	X	X		P[6]	P
Accessory Dwelling Units	X	X	X	X	X		P[6]	P
Duplexes	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P
Multi-Dwelling Units	L[4]	L[4]	L[4]	L[42]	L[4]		P[6]	P
Existing Manufactured Home Development	X	X	X	X	X		X	X
Designated Manufactured Home	X	X	X	X	X		X	X
New Manufactured Home	X	X	X	X	X		X	X
CIVIC (Institutional)								
Basic Utilities	C	C	C	P	C		C	C
Colleges	X	C	C	P	C		P	P
Community Recreation	X	L[11]	L[11]	L[11]	L[11]		L[11]	L[11]
Cultural Institutions	L[19]	P	P	P	P		P	P
Day Care								
- Family Day Care Home	P/L[13]	P/L[13]	P/L[13]	P/L[13]	P/L[13]		P/L[13]	P/L[13]
- Child Care Center	L[13]	L[13]	L[13]	L[13]	L[13]		P/L[13]	P/L[13]
- Adult Day Care	P/C[14]	P	P	P	P		P	P
Emergency Services	X	C	P	P	C		P	P
Human Service Facilities	L[9]	L[9]	L[9]	L[9]	L[9]		L[9]	L[9]

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]
Medical Centers	X	C	C	P	C		C	P
Parks/Open Space								
- Neighborhood Parks	P	P	P	P	P		P	P
- Community Parks	P	P	P	P	P		P	P
- Regional Parks	X	P	P	P	P		P	P
- Trails	P	P	P	P	P		P	P
Postal Service	L[19]	P	P	P	P		P	P
Religious Institutions	X	P	P	P	C		P	P
Schools (not truck driving schools)	C	P	P	P	P		P	P
Social/Fraternal Clubs	C	L[11]	L[11]	L[11]	L[11]		L[11]	L[11]
Transportation Facility	P	P	P	P	P		P	P
Park & Ride Facilities								
Surface	X	L[48]	L[48]	X	X	X	X	X
Structure	X	L[48]	L[48]	L[48]	L[48]	L[48]	L[48]	X
COMMERCIAL								
Commercial Lodging	X	C	P	P	L/C[18]		L/C[18]	P
Eating/Drinking Establishments	L[19/20]	P	P	P	P		P	P
Entertainment-Oriented								
- Adult Entertainment	X	X	L[23]	X	X		X	X
- Indoor Entertainment	X	P/L[24]	P/L[24]	P/L[24]	P/L[24]		P/L[24]	P/L[24]
- Major Event Entertainment	X	X	P	P	C		C	X
General Retail								
- Sales-Oriented	L[19]	P	P	P[25]	P		P	P[25], [46]
- Personal Services	L[19]	P	P	P	P		P	P
- Repair-Oriented	X	P	P	P	X		P	P
- Bulk Sales	X	P	P	P	X		P	C
- Outdoor Sales	X	C	P/L[26]	P/L[26]	X		P/L[26]	X
Artisan and Specialty Goods Production	X	L[40]	L[40]	L[40]	X		X	X
Motor Vehicle Related								

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]
- Motor Vehicle Sales/Rental	X	P[27]	P	P	X		C[27]	X, L[45]
- Motor Vehicle Servicing/Repair (entirely indoors)	X	P[28]	L[28]	L[28]	X		C[28]	X
- Vehicle Fuel Sales	X	L[28]	L[28]	L[28]	C		C[28]	X
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P	P		P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P	P		P	P
-EV Battery Exchange Stations	X	P	P	P	X		X	P
Office								
- General	L[19]	P	P	P	P		P	P
- Medical	L[19]	P	P	P	P		P	P
- Extended	X	P	P	P	X		X	X
Marina (See also VMC 20.760)	X	P	P	P	P		P	X
Non-Accessory Parking	X	C	C	C[43]	C		C	C[43]
Self-Service Storage	X	P[3]	P	X	X		X	X
INDUSTRIAL								
Industrial Services	X	C	C	X	X		X	C
Manufacturing and Production	X	C/X[30]	P/X[31]	P/X[41]	X		C/X[32]	P[41]
Railroad Yards	X	X	X	X	X	X	X	X
Research and Development	X	X	P	C	C		C	P
Warehouse/Freight Movement	X	X	X	X	X		X	X
Waste-Related	X	X	P[47]	X	X		X	X
Wholesale Sales	X	X	C	C	X		X	X
Major Utility Facilities	X	X	X	X	X		X	X
OTHER								
Agriculture/Horticulture	X	X	X	X	X		X	X

USE	CN	CC	CG	CX	WX	CPX[1]	MX[2]	RGX[44]
Airport/Airpark	X	X	X	X	X		X	X
Animal Kennel/Shelters	X	L[33]	L[33]	X	X		X	X
Cemeteries	X	C[34]	P[34]	C[34]	X		C[34]	X
Detention & Post Detention Facilities	X	X	C/X[35]	C/X[35]	X		X	X
Dog Day Care	L[36]	L[36]	L[36]	L	L[36]		L[36]	L[36]
Heliports	X	X	X	C[37]	C[37]		C[37]	C[37]
Medical Marijuana Collective Gardens	X	X	X	X	X		X	X
Mining	X	X	X	X	X		X	C
Rail Lines/Utility Corridors	C	P	P	P	C		C	P
Temporary Uses	L[26]	L[26]	L[26]	L[26]	L[26]		L[26]	L[26]
Wireless Communication Facilities	X	L/C/X[39]	L/C/X[39]	L/C/X[39]	L/C/X[39]		L/C/X[39]	L/C/X[39]

[1] Refer to Vancouver Central Park Plan District, 20.640.

[2] Refer to Mixed Use standards in 20.430.060.

[3] A single ground floor caretaker/security/manager residence is allowed if it is an integral part of a mini-storage building.

[4] Must be located above the ground floor of the structure with exception of Community Commercial (CC) zoned properties fronting Broadway Street and located within the Uptown Village District of the Vancouver City Center Subarea Plan (refer to 20.430.020B).

[5] Must have a minimum density of 10 dwelling units/net acre.

[6] Allowed pursuant to mixed use standards of 20.430.060.

[7] Residential Care Homes with six or fewer residents and any required on-site staff permitted by right in housing above the ground floor; all larger group home uses are permitted conditionally.

[8] The language for this footnote has been deleted.

[9] Subject to provisions of Chapter 20.870 VMC Human Service Facilities.

[10] Subject to the provisions of Chapter 20.860 VMC Home Occupations.

[11] Subject to provisions of Section 20.895.040VMC Community Recreation and Related Facilities.

[12] This footnote is repealed.

[13] Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers (13 or more children) are Limited (L), subject to a Type II procedure in Chapter 20.210. Child care centers can also be approved as part of a Planned Development, VMC 20.260. In all cases child care centers must meet the standards outlined in Chapter 20.840 VMC.

[14] In the CN zone, adult day care facilities for six or fewer adults allowed outright in the CN zone, all other facilities are permitted as conditional uses.

[15] The language for this footnote has been deleted.

[16] The language for this footnote has been deleted.

[17] Transportation facilities are permitted except for large or land-intensive facilities such as park-and-ride lots and water taxi and ferry stations.

[18] Bed-and-breakfast establishments are allowed as limited uses, subject to the provisions in Chapter 20.830 VMC, and all other lodging allowed as conditional uses.

[19] Limited uses subject to the development standards in Section 20.430.040(D) VMC.

[20] Eating and drinking establishments are permitted only in conjunction with another permitted use on site. Exclusively or predominantly drive-through eating and drinking establishments are prohibited.

[22] Limited uses subject to the development standards in Section 20.430.050(B) VMC.

[23] Subject to provisions in Section 20.820 VMC Adult Entertainment.

[24] Provisions in Section 20.895.060 VMC apply to Indoor Target Shooting Ranges.

[25] Pawnshops allowed in CX and CG Districts only. No more than four (4) pawnshop establishments allowed in the CX District.

[26] Subject to provisions in Chapter 20.885 VMC Temporary Uses.

[27] Sales/rental lots for motor vehicles only are subject to the following criteria: (a) the lot size is approximately 200’ by 200’, or 100’ by 100’ if a corner lot, though smaller lots will be considered if shown to meet all other requirements; (b) reviewed and approved by the City Transportation Manager for on-site circulation, access, and parking plan; (c) located on a primary arterial with average traffic in excess of 10,000 vehicle trips per day; (d) employee/customer parking is provided at a rate of one space plus an additional space per each 5,000 sq. ft. of lot area; (e) there is no vehicle display in setback areas, and all setbacks are landscaped rather than paved.

[28] Subject to provisions in Section 20.895.070 VMC, Motor Vehicle Fuel Sales and Repair.

[29] The language for this footnote has been deleted.

[30] Micro-breweries and manufacturing of optical, medical and dental devices, goods, and equipment allowed by conditional use; all others prohibited.

[31] Micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, and manufacturing of optical, medical and dental devices, goods, and equipment allowed outright; all others prohibited.

[32] Micro-breweries allowed by conditional use; all others prohibited.

[33] Subject to provisions in Section 20.895.020 VMC Animal Kennel/Shelters.

[34] Subject to provisions in Section 20.895.030 VMC Cemeteries.

[35] Secure Transition Facilities as per 20.855.020(B)(6)(a) are prohibited.

[36] Subject to the provisions in Chapter 20.850 VMC Dog Day Care.

[37] Subject to provisions in Section 20.895.080 VMC Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.

[38] The language for this footnote has been deleted.

[39] Subject to requirements in Chapter 20.890 VMC Wireless Telecommunications Facilities.

[40]Subject to limitations in Section 20.430.050A. Uses defined in Section 20.160.020 C 10.

[41]Printing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, computer research or assembly, and manufacturing of optical, medical and dental devices, goods and equipment permitted outright; all others prohibited.

[42]Ground floor residential is allowed within the CX zone with the exception of properties fronting Main Street between Sixth Street and Mill Plain.

[43]Parking structures are permitted outright.

[44]Allowed subject to provisions of Riverview Gateway Plan District Standards 20.680, and associated Master Plan adopted for the area of proposed development.

[45]Motor vehicle rental permitted where ancillary to another use.

[46]Retail uses shall not exceed 50,000 square feet in total floor space unless included in a mixed use building with other uses accounting for at least 20% of floor space, and is in full compliance with Riverview Plan District Design Guidelines.

[47] Neighborhood recycling and/or yard debris collection centers which are exempt from a state solid waste handling permits are permitted; all other waste-related uses prohibited. If a neighborhood recycling and/or yard debris collection center is handling organic materials, they shall not be stored on site for a period longer than 7 days.

[48] See Section 20.430.040.E, Park & Ride Facilities development standards.

(M-4035, Amended, 12/03/2012, Sec 4-Effective 12/8/2012; M-4034, Amended, 12/03/2012, Sec 13-Effective 01/03/2013; M-4024, Amended, 09/10/2012, Sec 8-Effective 09/30/2012; M-4002, Amended, 12/05/2011, Sec 7-; M-4002, Amended, 12/05/2011, Sec7-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 26-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 16-Effective 12/02/2009; M-3922, Amended, 07/06/2009, Sec 22; M-3911, Amended, 02/02/2009, Sec 5 - Effective 03/04/2009; M-3891, Amended, 11/03/2008, Sec 5 - Effective 12/03/08; M-3865, Amended, 01/28/2008, Sec 3; M-3840, Amended, 08/06/2007, Sec 22; M-3832, Amended, 06/18/2007, Sec 6; M-3730, Amended, 12/19/2005, Sec 19; M-3709, Amended, 06/20/2005, Sec 9; M-3701, Amended, 05/02/2005, Sec 17; M-3698, Amended, 04/03/2005, Sec 5; M-3667, Amended, 09/13/2004, Sec 3; M-3663, Amended, 08/02/2004, Sec 17; M-3643, Added, 01/26/2004)

Section 20.430.040 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district.

2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in are contained in Table 20.430.040-1. Additional development standards are contained in subsections VMC 20.430.040 (C)-(E) below. Additional development standards for the MX Zone are contained in 20.430.060 VMC. Additional development standards for the WX Zone are contained in 20.430.070 VMC.

Table 20.430.040 - 1
Development Standards

STANDARD	CN	CC	CG	CX**	WX**	CPX**	MX***	RGX****
Minimum Lot Size	None	None	None	None	None		None	None
Minimum Lot Width	None	None	None	None	None		None	None
Minimum Lot Depth	None	None	None	None	None		None	None
Maximum Lot Coverage	Maximum determined by compliance with screening and buffering standards contained in VMC Tables 20.925.030 - 1 and 20.925.030 - 2, stormwater standards, erosion control regulations, and all other applicable development standards.			100%	70%		100%	100%
Minimum Setbacks								
Front yard	See	See	See	None	All 25'		All 10'	All 10'

Table 20.430.040 - 1 **Development Standards**								
STANDARD	**CN**	**CC**	**CG**	**CX****	**WX****	**CPX****	**MX*****	**RGX******
	below	below	below [3]		except parking lots, 10' and driveways		abutting an R zone; otherwise, same as abutting zone	abutting an R zone; otherwise, zero
Rear yard	See below	See below	See below	None	All 25' except parking lots, 10' and driveways		All 10' abutting an R zone; otherwise, same as abutting zone	All 10' abutting an R zone; otherwise, zero
Rear through-street	See below	See below	See below	None				None
Side yard	See below	See below	See below	0/5' [4]	5'			0/5' [4]
Street Side yard	See below	See below	See below [3]	None	None			None
Between buildings on site	None	None	None	None	None		None	None
Maximum Height	35'	50'	None	Refer to Figure 20.630.4	60'		35' - 75' [5]	35' - 75' [6]
Minimum setbacks adjacent to residential district	Pursuant to the screening and buffering standards contained in VMC Tables 20.925.030-1 and 20.925.030-2, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped.							
Minimum setbacks adjacent to non-	Pursuant to screening and buffering standards contained in VMC Tables 20.925.030-1 and 20.925.030-2.							

Table 20.430.040 - 1 **Development Standards**								
STANDARD	**CN**	**CC**	**CG**	**CX****	**WX****	**CPX****	**MX*****	**RGX******
residential districts								
Minimum Landscaping Requirement (percentage of total net area)	15%	15%	15%	None	20%		15%	15%, unless adjusted through master plan

****** Subject to additional development standards of 20.600 Plan Districts.
******* Subject to development standards of 20.430.060.
****Subject to development standards of 20.680, and associated Master Plan Adopted for the area of proposed development.

[1] Deleted.

[2] Commercial condominiums shall have no minimum lot size.

[3] Zero setbacks allowed for buildings along Main Street and Broadway between McLoughlin and Fourth Plain.

[4] None except when abutting residentially-zoned property, when the minimum setback is 5' .

[5] In the MX District, maximum building height shall be the same as that of the abutting zone within a distance of the same number of feet from the property line. Farther from the property line, height may increase by 2' for every additional 1' that a structure is set back from the property line to a maximum height of 75'. (For example, where the MX district abuts a residential district with a maximum height of 35', the maximum height in the MX district would be 35' for the first 35' from the property line. The height may then be increased by 2' for every additional 1' the structure or portion of the structure is removed from the property line to a maximum of 75'.) Where the abutting zone is MX or OCI, the maximum height shall be 35'; however, the height may be increased 2' for every additional 1' that a structure is set back from the property line, to a maximum of 75' (For example, a building which is set back 10' from an abutting MX or OCI property may be 45' tall).

[6] Maximum heights in the RGX District shall be the same as the MX District as described herein including footnote 5, except where indicated otherwise through Master Plan review and approval pursuant to VMC 20.680, subject to conditions therein.

C. <u>On-site pedestrian access and circulation.</u> On-site pedestrian access and circulation requirements for all commercial and mixed use zones are outlined in 20.945.040(H) VMC.

D. <u>CN Zone: Retail and office uses</u>. Personal service and sales-oriented retail services, eating and drinking establishments, and general and medical offices are permitted as limited uses in any combination in the CN zone subject to the following development standards:

1. Maximum use shall be no greater than 5,000 gsf. Maximum building size is limited to 10,000 gsf, excluding residential portions.

2. The use(s) shall front a street with no less than an arterial designation.

3. The use(s) shall provide no more than 125% of minimum required parking and may provide up to 50% less than the minimum required parking per Table 20.945.070-1.

4. Parking between the street and the building is prohibited in all new developments. Parking must be located on the side of or behind the building.

E. Park and Ride Facility Development Standards

1. Design. Park & Ride facilities shall be compatible with the scale, architectural style and design of buildings in the immediate vicinity and/or any adopted design guidelines and standards for the area.

2. Transportation Management. All Park & Ride facilities shall submit a Transportation Management Plan that, at a minimum describes on-site management systems and operations and

a. assures efficient ingress and egress

b. assures safety of facility users and adjacent properties

c. describes how on-street and off-street parking impacts associated with the park & ride facility will be mitigated.

d. assures that the facility will contribute to an active urban center or corridor by providing parking opportunities during non-peak hours for non-transit riders and as a resource for reducing overall parking need within ½ mile, by for example, executing a shared parking agreement.

e. ensures that the park & ride facility will be managed so that it is used only by those authorized to park in such facilities.

f. demonstrates compliance with all other applicable standards, including VMC 20.945.060, Parking Structure Design Standards.

g. demonstrates that the facility is designed and managed to encourage environmentally sustainable commuting, for example by giving priority to carpools and/or providing plug-in stations for electric vehicles.

3. Active Uses. Park & Ride facilities within corridors and urban centers designated in the Vancouver Comprehensive Plan must be designed and constructed to accommodate active uses on the street level of streets designated for active pedestrian use. Areas designed to accommodate active uses shall be developed at the time of construction.

a. This standard must be met along 100% of the ground floor walls that front onto active pedestrian streets in centers and corridors, except where used for the auto entry/exit lanes for the parking structure, or plazas, or other public open spaces.

b. CX and RGX zones: In park & ride facilities located in these zone districts, at least 50 percent of the ground floor area in each building must be designed and constructed to accommodate the active uses allowed by the base zone. Active uses include lobbies, retail or service commercial and visitor services. The Planning Official may make an adjustment to the active use requirements for park & ride facilities when it can be demonstrated that the topography of the ground or location adjacent to highway ramps makes it infeasible.

c. Spaces designed to accommodate active pedestrian uses shall have a minimum floor to ceiling height of 15 feet, a minimum street front bay width of 15 feet and a minimum active use space depth of 20 feet.
(M-4066, Amended, 12/16/2013, Sec 4; Effective 01/16/2014; M-4034, Amended, 12/03/2012, Sec 14-Effective 01/03/2013; M-3959, Amended, 07/19/2010, Sec 27-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 17-Effective 12/2/2009; M-3922, Amended, 07/06/2009, Sec 23; ACM M-3911, Amended, 02/27/2009, Deletion of Footnote 1; M-3911, Amended, 02/02/2009, Sec 6 - Effective 03/04/2009; M-3891, Amended, 11/03/2008, Sec 6-Effective 12/03/08; M-3847, Amended, 11/19/2007, Sec 6; M-3840, Amended, 08/06/2007, Sec 23; M-3832, Amended, 06/18/2007, Sec 7; M-3730, Amended, 12/19/2005, Sec 20; M-3698, Amended, 04/03/2005, Sec 5; M-3643, Added, 01/26/2004)

Section 20.430.050 Special Limitations on Uses.

A. CX Zone. The following special use limitations apply within the CX zone.

1. Artisan and Specialty Goods Production uses in CX zone.

a. The Artisan and Specialty Goods Production structure shall not encompass more than ten thousand (10,000) square feet of area. The ten thousand (10,000) square feet total shall include all storage areas associated with the manufacturing operation. These types of uses are limited in size to assure that they will not dominate the commercial area and to limit the potential impacts on residential and commercial uses. Upon application the Planning Official may increase the square feet of area by no more than 20% if it is determined that the additional area will not adversely impact neighboring uses and improvements, and will be consistent with the intent of the CX District.

b. All activities except loading shall occur within buildings; outdoor storage/repair is prohibited.

c. All Artisan and Specialty Goods Production uses are required to accommodate public viewing or a customer service space as defined below.

1. Public viewing shall be accomplished with windows or glass doors covering at least 25% of the front of the building face abutting the street or indoor lobby wall, allowing direct views of manufacturing, openings between the display or lobby area and manufacturing/work space may be reduced below 25% where fire rated separation requirements restrict opening size as determined by the planning official, or;

2. A customer service space includes a showroom, tasting room, restaurant, or retail space.

d. Drive-through facilities are prohibited.
(M-3832, Amended, 06/18/2007, Sec 8; M-3730, Amended, 12/19/2005, Sec 21; M-3643, Added, 01/26/2004)

Section 20.430.060 Mixed Use Standards and District.

A. Purpose.

Mixed use developments allow for placement of a mix of uses in a single building or integrated site of multiple buildings. Mixed use developments are intended to allow for efficient use of land and public services in an urban setting; encourage human interaction and sense of place; create safe, attractive and convenient environments; and increase development alternatives. This chapter establishes standards for single mixed use buildings, and for multiple-building mixed use sites. Provisions of this chapter are intended to be optional in commercial and multi-family zoning districts, and mandatory mixed use zoning districts including mixed use districts newly designated as part of annexation or other means.

B. Single Mixed-Use Buildings.

1. Applicability - Single Mixed Use Buildings.

a. Single structures containing a mix of residential uses with commercial and/or office uses are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts under the standards herein.

b. Single structures containing a mix of non-residential uses only shall be subject to standards of the underlying zoning district.

c. Approval of mix of uses in a single building in the zoning districts listed herein would not require or result in a change in zoning designation.

2. Standards - Single Mixed Use Buildings.

a. Overall Uses. Individual uses shall be allowed as indicated in the MX column of Table 20.430.030-1.

b. Mix of Uses. Ground Floor

1. A minimum of 50% of the lineal street front of the ground floor of mixed use buildings along arterial or collector streets shall be devoted to commercial or office uses. Parking garages devoted in whole or part to commercial or office uses may be counted towards this requirement, but surface parking may not. Mixed use buildings along lesser classification streets shall not face this requirement.

2. All newly constructed ground floor residential space shall have a minimum height of 10 feet and be otherwise built to allow for potential future conversion to non-residential uses.

c. Mix of Uses. Total Building.
Within residential zones, additional non-residential uses beyond the minimum street front requirement are allowed, provided residential uses comprise at least 50% of the total building square footage. Within non-residential zones, there are no additional mixing requirements beyond ground floor requirements.

d. Development standards shall be as specified in the MX column of Table 20.430.040-2.

e. Screening. Non-residential uses, including off-street parking, which directly abut off-site single-family residential zones without an intervening public or private street shall provide screening as per 20.440.030(C)(3).

3. Review Process - Single Mixed Use Buildings. Review shall be according to the highest process required for the proposed uses within the building as indicated in the MX column of Table 20.430.030-1. For example, a proposed building with one use permitted outright and another permitted conditionally shall require conditional use permit review.

C. Multiple Building Mixed Use Sites.

1. Applicability - Mixed Use Sites.

Mixed use developments consisting of separate structures within a site or contiguous sites are allowed in the R-18, R-22, R-30, R-35, CN, CC, CG, and MX zoning districts, Upon approval of a multiple building mixed use master plan under this chapter, the zoning designation shall be changed to MX. Separate application and review for a zone change shall not be required.

2. Standards - Mixed Use Sites.

a. Overall uses. Uses shall be allowed as indicated in the MX column of Table 20.430.030-1, except that automobile service stations and drive-through facilities shall be prohibited.

b. Site Mix. At least 20% of the combined gross floor area of the buildings proposed on the site shall be devoted to residential uses, and at least 20% to non-residential uses. Parking garages or portions of garages devoted to residential or non-residential uses may be counted towards this requirement, but surface parking may not.

c. Functional integration of uses. Land uses in mixed use sites shall be selected and designed to encourage interaction among uses. Examples include but are not limited to commercial developments which are significantly used for shopping by on-site or adjacent residents or office workers.

d. Physical integration of uses.

1. All buildings and improvements on the site shall be located and designed to look and function as an integrated development and to encourage pedestrian travel between buildings and uses. Complete segregation of use types, such as placement of multiple commercial structures all on one side of a mixed use site and multiple residential structures all on the other, shall be prohibited.

2. Separate buildings shall be connected through pedestrian linkages delineated through landscaping, differentiated surface materials or texture. Delineation through striping alone shall not be considered sufficient.

3. One or more similar design characteristics among separate structures shall be provided, including but not limited to similar or complimentary building facades, surface materials, colors, landscaping, or signage.

4. One or more outdoor publicly accessible features shall be provided to encourage interaction among residents or users of the site, including but not limited to courtyards, delineated gathering spaces, or seating areas. These areas may be paved and/or landscaped, and must comprise at least 5% of the total site area, and be centrally located within the site to fullest extent possible.

e. Development and building density/intensity standards.

1. Residential buildings shall achieve a minimum density of at least 12 units per net acre, as measured by the total number of residential units divided by the portion of the site devoted to residential use, not including public or private streets, or critical areas and associated buffers on that portion.

2. Non-residential buildings shall achieve a floor area ratio (FAR) of at least .5, as measured by the gross square footage of the non-residential buildings divided by the site area or areas devoted to non-residential use. Individual non-residential buildings and associated attached structures shall be counted as floor space. The site or portion of the site devoted to those buildings, not including public right-of-way, parks or pedestrian trails, shall be counted as site area. Parking garages may be counted towards the FAR requirement provided that 60% of the ground floor is devoted to an office or commercial use.

3. Development standards shall be as indicated in the MX column of Table 20.430.040-1.

4. Screening. Non-residential uses, including off-street parking, which directly abut off-site single-family residential zones without an intervening public or private street shall provide screening as per 20.440.030(C)(3).

f. Frontage standards.

1. Buildings shall be placed to encourage pedestrian activity within and along the site. No more than 50% of each site frontage along arterial or collector streets shall be devoted to off-street parking or vehicular access. Portions of site frontages devoted to off-street parking or access shall include design features such as landscaping or columns so as to maintain visual continuity of the street and sidewalk to the fullest extent possible.

2. At least one fully functional and visibly identifiable public entrance shall be provided along the frontage of each building adjacent to an arterial or collector street.

3. Blank walls longer than 30 feet without windows or an unbroken series of garage doors are not permitted on any street frontage, including frontage to controlled access highways and freeways.

g. Multiple parcel sites. Mixed use sites may be developed pursuant to this chapter on sites which consist of multiple parcels and internal public or private roads, provided that all applicable standards herein are met. Pedestrian connections required by 20.430.060 (C)(2)(d)(2) crossing internal arterial streets shall not require differentiated surface materials if striping is provided.

h. Parking- The following shall apply in addition to the standards of VMC 20.945.

1. The maximum number of spaces provided shall be no more than 125% of applicable minimum requirement for sites 10 acres or less, and no more than 115% of the minimum for sites larger than 10 acres.

2. The Planning Official may authorize shared or joint use parking among uses which are likely to be visited with a single driving trip and are adequately linked to their parking, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.

3. The Planning Official may authorize shared or joint use parking among uses which have differing hours of operation or usage, such as residences and offices, provided an adequate legal agreement for the joint parking usage for the duration of the arrangement is recorded.

4. The Planning Official may authorize up to a 25% reduction in required parking if transit service is available to the site.

i.Vesting

Vesting and concurrency provisions shall be as indicated in 20.260.090 and 20.260.100.

3. Review Process - Mixed Use Sites.

a. Mixed Use Plan. Initial development of a multiple building mixed use site or portions of a mixed use site shall require submittal and approval of a Mixed Use Master Plan, unless already subject to previous Mixed Use or Master Plan approval. The following requirements shall apply:

1. Required components. Mixed Use Master Plans shall contain the following:

a. Mapping and written description of existing physical features, including but not limited to structures, roads, infrastructure, landscaping, and natural features.

b. Mapping and written description of proposed physical features, including but not limited to structures, roads, publicly accessible areas, parking, infrastructure, landscaping, and natural features.

c. Mapping and written description of all proposed uses and use types.

d. If applicable, description of proposed future ownership or management provisions.

e. If applicable, description or proposed future phasing.

f. Written description of proposal's consistency with transportation and other service requirements.

g. Written description of proposal's consistency with the purpose statement and other applicable standards of this chapter.

h. Written description of changes in circumstances since original adoption of the existing zoning designations at the site. As stated in the approval criteria of VMC 20.430.060.C.3.a.2.d, compliance with the development standards of VMC 20.430.060.C.2 and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

i. Written description of the proposal's compatibility with surrounding land uses.

j. Written parking plan describing how residential and non-residential uses can provide sufficient and coordinated parking to avoid impacts to adjacent off-site residential.

2. Approval Criteria and Zoning. proposed Mixed Use Master Plans 25 acres or larger in

size shall be reviewed as Type IV application by the Planning Commission. Proposals less than 25 acres shall be reviewed as Type IV applications by the hearings Examiner. Approvals, or approval with conditions shall be granted upon findings that:

a. The Master Plan and associated conditions of approval ensure future development will meet all applicable criteria of this chapter; and

b. The proposal complies with applicable rezone criteria of VMC 20.285.080; and

c. There is or will be sufficient capacity within the transportation system and public sewer, water, police, fire, and stormwater services to adequately serve all portions of the site at the time of development; and

d. A change in circumstances has occurred since existing zoning designations at the site were originally adopted. For the purposes of a multiple building mixed use plan only, compliance with the development standards of VMC 20.430.060C2 and the applicable Comprehensive Plan policies shall be sufficient to demonstrate that a change in circumstances has occurred.

3. Proposed modifications to previously approved mixed use concept plans shall require Type I, II or III review depending on the modification required, as specified in VMC 20.260.030.

b. Development proposals on sites subject to an existing Mixes Use Master Plan or existing mixed use zoning:

1. Development on sites or portions of sites subject to Mixed Use Master Plan approval under this chapter, or under equivalent mixed use approval prior to this chapter, shall require site plan approval as Type II review under VMC 20.270. Approval or approval with conditions shall be granted if the proposal is fully consistent with the approved Mixed Use Master Plan or equivalent, applicable portions of this chapter, and VMC 20.270 procedural standards.

2. Development on sites or portions of sites zoned MX but not subject to an approved Mixed Use Master Plan under this chapter or other shall submit for master plan review under this chapter as a Type III application for sites less than 25 acres, and a Type IV application for sites 25 acres or larger.

3. No more than 50% of the total square footage envisioned by the Master Plan for any one major use type (commercial, office or residential) can be granted occupancy permit approval until occupancy permit approval is provided for at least 25% of the total square footage of all of the major use types envisioned in the Master Plan. This requirement may be waived by the planning official, if the applicant provides a security or other form of binding assurance that the remaining major use types contemplated in the Master Plan will be built.

D. Adjustment to Numerical Standards - Single Building and Mixed Use Sites

Numerical standards contained in this chapter may be adjusted by up to 25% if a clear demonstration is provided that the proposed mixed use development with the adjustment would fully comply with the purpose statement and all other applicable standards of this chapter, and that the proposal would clearly not be able to comply with those standards without the proposed adjustments.

E. Incentives - Single Building and Mixed Use Sites

Traffic impact fees for mixes use developments shall be reduced to account for internal trips between uses on the site or building as demonstrated by an approved traffic study.

(M-3922, Amended, 07/06/2009, Sec 24; M-3840, Amended, 08/06/2007, Sec 24; M-3796, Amended, 02/05/2007, Sec 2; M-3730, Amended, 12/19/2005, Sec 22; M-3698, Repealed & Replaced, 04/03/2005, Sec 8; M-3643, Added, 01/26/2004)

Section 20.430.070 Waterfront Mixed Use (WX) District.

The following design guidelines, development standards and application procedures shall apply to all development that occurs or is proposed in the Waterfront Mixed Use (WX) District:

A. General. This district is intended to provide for a significant level of mixed use development such as commercial, retail, office, institutional, some warehouse uses, residential, parks, public uses, pedestrian access along the Columbia River and including compatible industrial uses as well as regional scale facilities, while maintaining environmental and scenic resources and compatibility among uses.

B. Proposals for development. All proposals for development within this district are required to submit a Master Development Plan according to the specifications of the Columbia River Shoreline Enhancement Overlay District as provided in Chapter 20.620.

C. District goals and objectives. The goals and objectives of the waterfront mixed use district are as follows:

1. To implement the goals and policies of the comprehensive plan and specifically the Vancouver Eastside Plan for mixed use development within the waterfront area.

2. Insure functionally coordinated, cohesive site planning and design which maximizes land use through mixed use developments.

3. Insure compatibility of mixed use developments with the surrounding area and minimize any off-site impacts associated with development.

4. Encourage water dependent, water related and water oriented uses within the waterfront area.

5. Encourage a high activity and high density urban environment which permits access to the waterfront not only to the residents of developments but also to the public at large and invokes a sense of community and compatibility with other uses.

6. Prohibit the development of single-family detached dwellings.

D. Building design

1. Multiple buildings on a single site shall be designed to create a strong visual relationship between or among the buildings. Architectural treatment of a building should be consistent on all sides.

2. Development should take into account the relationship of adjacent buildings in terms of height, materials, scale, and architecture. The goal is to achieve attractive structures and preserve significant views.

3. Encourage mixed-use developments to provide increased opportunities for informal and planned activities beyond the typical 9 a.m. to 5 p.m. In addition, promote design which will increase opportunities for activities both within the project boundaries and between existing adjacent developments and neighborhoods.

4. Recognize the interest created by both the repetition and changes in various patterns from window openings to paving designs. Development should consider the use of decorative pavement accents in sidewalks and near street intersections.

5. When a project occurs in a visually rich context, such as the waterfront, its form, materials, orientation, and detailing should incorporate the assets offered by its setting.

6. Relate the size, character, and siting of proposed projects to the functions of adjacent streets and pedestrian networks. Buildings should be oriented to the public rights-of-way and should be placed close to pedestrian movement.

7. Create environments that encourage a number of specific activities to front a street, court, or plaza at ground level to provide variety at a human scale.

8. Where feasible, encourage the design of multi-use facilities to accommodate retail and other uses at the pedestrian level which increase activity and use.

9. Buildings shall be designed and located to complement and preserve existing buildings, streets and paths, bridges, and other elements of the built environment.

a. Buildings shall be designed to be complementary in appearance to adjacent structures of good design with regard to:

1. Materials, color, and texture,

2. Setbacks,

3. Roof lines,

4. Height,

5. Overall proportions.

b. Where existing buildings are to remain on site, new development shall be designed to:

1. Integrate the remaining buildings into the overall design, or

2. Provide separate landscaping, remodeling, or other treatment which establishes a distinct character and function for the remaining buildings.

3. Respect existing developed pedestrian paths or public areas; these should not be eliminated.

c. Design bus shelters, drinking fountains, benches, mail boxes, etc., to be complementary in appearance to buildings.

d. Design those items listed below to be complementary in appearance to those buildings or structures upon which they are located. Windows, doors, mailboxes, mechanical equipment, downspouts, utility connections and meters, chimneys, lights, signs, awnings, foundations, vents, stairs, decks and railings, weather vanes, aerials, and other appendages attached to the roof or projecting above the roofline.

e. Design awnings, signs, and lights at a specific height to define the first floor or retail cornice height.

f. Use trees and other natural elements to help define building proportion relationships and to provide scale to the structure as a whole.

g. Encourage thematic consistency and minimize the variety of styles of building elements while allowing a diversity of architecture.

10. Buildings shall be designed and located to complement and preserve existing natural landforms.

a. Consider landforms as design elements which must relate to building elevations to determine scale and proportion.

b. Design foundations to match the scale of the building being supported. Berming, re-siding, or sheathing the foundation structure with wall siding are examples of methods which accomplish this purpose.

c. Use decks, railings, and stairs to relate a building to the contours of the land.

11. Buildings should be designed to minimize the personal security risks of users and to minimize the opportunities for vandalism and theft.

12. Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.

a. Use natural barriers where possible and where it is not possible, consider the use of solid barriers such as fences, berms, natural landforms, and structures to reduce sound levels.

b. Heat pumps or similar mechanical equipment shall be located so that operating noise does not affect use of living areas such as bedrooms, outdoor decks, patio areas, or adjacent property.

E. <u>Building scale/transition</u>

1. A large structure should contain design elements which create a transition to the human scale, particularly near the ground.

2. If a development is larger or smaller than its adjacent physical context, the design should provide transitional scaled elements at the perimeter to integrate it with its surroundings.

3. Transition using variety of scale, pattern, and texture of building and landscaping elements is encouraged to create a more visually interesting project.

4. Buildings should be designed to reveal or express their primary patterns of use and entry. This will not only assist comprehensibility, but also achieve a desirable variety.

5. The proposed building orientation should respect the orientation of surrounding buildings and streets and should relate to other buildings on the same site in regard to pedestrian circulation. The proposed building should also respect the scale of those buildings located on adjacent properties and, where desirable, serve as an orderly transition to a different scale.

6. Buildings shall be designed and located to complement and preserve existing natural landforms, trees, shrubs, and other natural vegetation, where appropriate.

7. Buildings should be articulated to create transitional scaled elements that relate to existing buildings.

F. Building heights/view

1. Guidelines

a. Protect views from the residential areas above the river to the river;

b. Protect views within the waterfront property to the river. Consider the access to views of both the project users and the general public.

c. Protect major views and view corridors that give special emphasis to open space, the river, and special man-made or natural landmarks.

d. Design and locate buildings to provide access to desirable views, while not blocking the views of others unnecessarily.

e. The maximum overall height allowed in general is 60’. Higher structures may be allowed if views are not significantly impaired.

2. View analysis. As part of the Master Development Plan, an analysis of views from the residential area above the site including view corridors, view profiles and vertical profiles from various locations is required. The views and/or view corridors to be protected are perpendicular and at angles to the river and include those views from the residential area above to the river and those seen from within the site to the river.

G. Blank facades/bulk

1. Guidelines

a. Achieve a balance in the height, bulk, and scale of the buildings constructed within the site so that large and/or long blank walls are either not constructed or their features are minimized.

b. Provide and protect view corridors and create a pedestrian oriented environment.

2. Implementation of guidelines. These guidelines can be achieved by the use of certain landscape features, specific building materials, limited size and length of buildings, preserving significant existing

trees, screening mechanical equipment, innovative signage, limiting or having no structures within side building setbacks, limited fences and/or hedges within view corridors, visual penetration through structures and other items deemed similar by the Planning Commission.

H. Pedestrian access/orientation

1. Buildings should reflect a strong sense of human scale and interest within the pedestrian environment.

2. Ground floor levels of buildings shall include elements of pedestrian interest.

3. Development, especially buildings taller than 40', should address pedestrian scale and open space requirements and maintain human scale by creating variation of the urban form.

4. Encourage separation of pedestrians and automobiles.

5. Incorporate architectural and landscape elements at the pedestrian level.

6. The areas immediately adjacent to buildings should be designed to integrate with the surrounding landscape and pedestrian walkways. Design court yards, colonnades, and public art to define this space.

7. Development should provide convenient pedestrian access via sidewalks to transit stops.

8. Building entrances should be identifiable and directly accessible from a public sidewalk. Entry areas should be emphasized and strengthened through design articulation.

I. Landscaping/screening/open space

1. Structures such as antennas and satellite dishes shall be integrated into the project architecture and/or landscaping.

2. Open space should be an integral part of any proposal. Exterior plazas, entry gardens, urban parks, and sufficient landscaped areas should be clearly defined to strengthen the human scale and reduce the visual impact of tall buildings.

3. Promote the creation of public and semi-public places at both large and small scales to encourage a sense of community, where appropriate.

4. Open space should be designed to be accessible and usable by people in general and those with physical limitations and disabilities.

5. The public should be attracted to open spaces through the creation of comfortable places, attractive exhibits, and easy access. Any open space should be designed to human scale to encourage human interaction.

6. The size and spacing of landscape elements should be consistent with the size of the project and should relate to any identifiable streetscape.

7. Landscaping should provide variety and interest and improve the aesthetic quality of a project, in addition to providing a functional purpose.

8. Coordinate the landscape design with all site utility elements such as power lines, transformers, meter boxes, backflow preventers, and fire protection devices to effectively diminish the impact of such elements on the character of the site.

J. Clarity/accessibility

1. Environments should be created that are understandable and help orient the user and the general public.

2. Developments should be convenient to and accessible by persons with physical limitations and disabilities.

3. Sites should be planned to respect existing natural and man-made landmarks and to create landmarks for the ease of public recognition.

4. Protect major vistas and panoramas that give special emphasis to open space and the river.

K. Public amenities

1. Overhangs and canopies should be integrated in the building design along all pedestrian thoroughfares.

2. Comfortable and attractive street furniture that is accessible to the physically disabled should be provided in public spaces for public enjoyment and comfort, such as seating and tables, fountains, trash receptacles, information kiosks, and directories.

L. Site grading

1. Site design should minimize the removal of mature trees and other existing mature vegetation.

2. The proposed grading should be designed with slopes and topographic features which match the natural grade and context area.

3. Sites should be designed to minimize erosion.

4. Where they exist in their natural state, significant wetlands, drainageways, and streams should be preserved.

M. Drainage

1. Surface, site drainage, and retention should be integrated with the overall landscape design.

2. Retention areas should be integrated into usable open space.

N. Art and furnishings

1. Art is encouraged and should be integrated into the overall design of a project, if proposed.

2. Lighting fixtures and illumination should be of similar design and character as the project's building components.

O. Pathway guidelines/requirements

1. Assure public use and access to the Columbia River shoreline.

2. Secure public shoreline access along the waterfront, to include waterfront access plans and construction of a waterfront pathway.

3. Provide a trail that extends along the entire waterfront from the Burlington Northern Railroad Bridge to the eastern city limits with viewpoints and access points. Flexibility may be allowed to vary the location of the path, keeping it as close to the river as possible. Under special circumstances, the path may be allowed to vary or depart from the river for short distances. Also, it may be necessary from time to time to temporarily close a portion of the path. As part of the Master Development Plan (MDP), the location of the path, viewpoints, and access points shall be shown and an explanation shall be submitted as to why the proposed location is the most appropriate for the site and that the equivalent of the pathway requirement can be met.

4. As part of the development, a pedestrian pathway is required along the river within 35’ of the ordinary high water mark.

5. Along the pathway there shall be viewpoints and access points provided for the public. The location of the viewpoints and access points shall be determined after the analysis required under Subsection C of this Section, Building Heights/Views is complete.

6. All applications submitted will comply with the intent and purposes of Resolution No. M-2739 regarding the pathway along the river. Resolution M-2739 outlines the city's responsibilities in terms of the pathway requirement including, but not limited to, planning for a trail from the Burlington Northern Bridge to the eastern city limits which includes some public amenities and includes the providing by the city of adequate maintenance and public safety.

P. Screening. All trash cans, trash collection areas, storage yards, service areas, and mechanical equipment (including heat pumps, air conditioners, emergency generators, and water pumps), must be screened from view or placed in locations where they will generally not be visible. Screened materials shall be incorporated into the building design. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 sq. ft. per structure.

Q. Fencing. A minimum six (6) foot high sight obscuring fence is required for the storage/assembly/fabrication use area when allowed as a conditional use.

R. Signage

1. Requirements. Business Park type monument base signs are permitted. Free-standing pole signs are not permitted in this zone. The maximum height of a monument base sign is 15’. The maximum size of a monument base sign is 50 sq. ft. Rotating signs and flashing signs are prohibited. Rooftop signs are not permitted. Fascia signs are permitted as set forth in Chapter 20.960 Signs of this code, provided that they are consistent with the guidelines set forth in this subsection.

2. Guidelines

a. The size, shape, location, and design of all signs should be compatible with building proportions and features and be consistent with the overall character of the site.

b. Sign locations should be integrated within the design of the site and adjacent streetscape.

c. Signs should be placed so they are not obscured by landscaping when it has reached full maturity and should be integrated with landscape elements such as walls, planters, and street furniture.

d. Consideration should be given to the location and design of signs on adjacent parcels.

e. Multi-tenant buildings and shopping centers should all have a comprehensive sign program. Provisions should be made for coordination of sign dimensions, materials, textures, colors, illumination, and method and location of mounting. These signs should be delineated in a uniform and consistent manner.

f. Traffic directional signage should be placed to promote safe and efficient traffic flow.

g. Signs should be oriented to promote readability and serve their intended function.

h. The use of individual letters for signs is preferred over cabinet signs with brightly lit backgrounds or signs which have emphasized backgrounds. Sign letters should be illuminated rather than the background area or backlit signs should have opaque backgrounds.

i. The light source of externally illuminated signs shall be shielded or out of the public's view.

j. Visible braces and other supporting devices should be avoided but, if required, be incorporated as a design feature.

S. Maximum lot coverage, 70% (parking included).

T. Minimum landscaping/open space. Twenty percent. The height of all planted trees shall be coordinated with view corridors and with the height of adjacent buildings. This will help ensure that the view corridors are protected.

U. Parking requirements

See Chapter 20.945 for additional requirements.

V. Transit facilities

1. Depending on the type and intensity of development proposed, certain transit facilities may be required including, but not limited to: bus shelters, bus pull-outs, etc.

2. Where bus shelters and other transit facilities are provided, they should be located near building access and/or activity areas and be incorporated in the building design.

W. Utilities. All required utilities shall be constructed underground.

X. Lighting. Lighting for development shall be provided in a uniform and consistent manner in terms of location and design within a development and in coordination with adjacent development and/or zoning. Lighting shall not create offensive glare on adjacent uses and parcels. Lighting shall be uniform and consistent along pathways and/or open spaces and public areas and shall be complimentary within developments.

Y. Setback requirements

1. Required perimeter setbacks from the project boundary shall be based upon the setbacks of the adjacent zone or the following requirements whichever is greater:

a. For a structure: 25”

b. For a parking lot: 10’

c. For a vehicular accessway: 5’

2. An accessway shared by property zoned commercial and residential is not subject to the yard requirement.

3. There are no mandatory setbacks required within the site; however, a requirement may be established at the time of Planning Commission review depending upon the type and intensity of development proposed.

Z. Application procedures

1. Pre-application conference. Purpose statement. The purpose of the pre-application conference is to provide the applicant with the opportunity to explain the proposed development concepts, and for the staff to explain all the policies, ordinances, standards, opportunities and other constraints which may be applicable to the site and type of proposed development, before the applicant has invested substantial design time or become committed to particular design solutions.

2. Pre-application requirements: Applicants are required to participate in a pre-application conference prior to submission of an application. One or more pre-application conferences may be scheduled to allow the applicant and staff to discuss the proposal, the applicable criteria and the requirements for completing the application. The discussion shall be based upon a check list of information to be considered in preparing an application. Other information may be discussed as pertinent to a particular request. The checklist shall include, but not be limited to:

a. Parcel size and location.

b. Name and address of owner.

c. Authorization of agent to act for owner if applicable.

d. Comprehensive plan and zoning designations.

e. Existing conditions on the applicant's property and on abutting properties including adjacent land uses, potential cooperation or conflict in land use (i.e., shared parking or need for buffers).

f. Specifics of the proposal.

g. Provision of utilities.

h. Access to the site: transit, including transit facilities (i.e. bus shelters, bus pull-out, etc.), roads, pedestrian and bikeways.

i. Capacity of other services, such as schools.

j. Special districts, as applicable; i.e., Shoreline Enhancement Overlay, flood plains, Shoreline Act, etc.

k. Natural features on the site (i.e., land forms, drainage, wooded areas, and large trees).

l. Protection of views.

3. Application procedure. Application to the Planning Commission. Zone Changes, Comprehensive Plan Amendments, Conditional Uses and Site Plan Review shall be applied for by the property owner(s) and/or their agent(s) and shall include the following information and any additional information as determined by the pre-application conference. All maps other than vicinity and detail maps of a particular portion of the site shall be at the same scale.

a. Zone Text or Map Amendment.

1. Vicinity map showing subject property and surrounding parcels and uses, contour lines, and nearest public roads.

2. Tax map of area being considered for zone change, indicating boundaries, existing zoning and existing Comprehensive Plan designation.

3. Statement of proposed zone change including existing zoning and proposed zoning; reasons for requesting the zone change.

4. Existing site conditions including topography, drainage, natural areas and natural features, transportation, public facilities, and present use of site.

5. Explanation of how the proposed zone change complies with the Comprehensive Plan and VMC 18.04 and address the effect of the proposed use of the site on natural resources; natural areas; transportation; and public facilities.

6. Boundary survey of the site.

b. Comprehensive Plan Amendment

1. A statement of the specific language proposed for the amendment.

2. A full description of any property involved, including:

a. Map numbers and a tax map of the site.

b. Lot and block, or metes and bounds, whichever is applicable.

c. Statement of physical and environmental characteristics of the site.

d. A description of how the proposed change in land use or intensity would affect public facilities and services, including streets, traffic control, sewer, water, drainage, parks, and public costs.

e. A description of how the proposed change in policy would meet the requirements of VMC 18.04 and VMC 18.08, community needs and stated plan objectives and how it would affect the social, economic, and environmental characteristics, including natural resources and hazards, of the site.

c. Shoreline management application

1. General information

a. The application shall be submitted at least forty-five (45) calendar days prior to the requested hearing date.

b. General location of proposed project.

c. Name of water area and/or wetlands within which development is proposed.

d. Current use of the property, including buildings and improvements.

e. Proposed use of property, including number and use of buildings.

2. Site plan. Include the following information:

a. Site boundary.

b. Property dimensions in vicinity of project.

c. Ordinary high water mark.

d. Typical cross section or sections showing:

i. Existing ground elevations.

ii. Proposed ground elevation.

iii. Height of existing structures.

iv. Height of proposed structures.

e. Where appropriate, proposed land contours using five-foot (5) intervals in water area and ten-foot (10) intervals on areas landward of ordinary high water mark, if development involves grading, cutting, filling, or other alteration of land contours.

f. Show dimensions and locations of existing structures which will be maintained.

g. Show dimensions and locations of proposed structures.

h. Identify source, composition, and volume of any extracted materials, and identify proposed disposal area.

i Identify composition and volume of any extracted materials, and identify proposed disposal area.

j. Location of proposed utilities, such as sewer, septic tanks and drain fields, water, gas, and electricity.

k. If the development proposes septic tanks, show how proposed development complies with local health and state regulations.

l. Shoreline designation according to master program.

m. Show which areas are shorelines and which are shorelines of statewide significance.

3. Vicinity map:

a. Indicate site location using natural points of reference (roads, state highways, prominent landmarks, etc.).

b. If the development involves the removal of any spoils by dredging or otherwise, identify the proposed disposal site on the map. If the disposal site is beyond the confines of the vicinity map, provide another vicinity map showing the precise location of the site and its distance to the nearest city or town.

c. Indicate the general nature of the improvements and land use within 1,000’ in all directions from the development site (i.e., residential to the north, commercial to the south, etc.).

d. Conditional uses

1. Must meet the goals, guidelines and purposes of the Waterfront Mixed Use District.

2. Site plan, drawn to scale, indicating existing and proposed structures, setbacks, lot line dimensions, building elevations, lot area, utility lines and/or easements and structures of adjacent lots which may be affected.

3. Narrative which includes a description of the project and statement of compliance with the Zoning Ordinance, and Comprehensive Plan policies.

4. The following criteria must be addressed:

a. The requirements of the zone are met;

b. The requirements of section 20.245 VMC Conditional Use Permits are met;

c. The site is physically capable of accommodating the proposed use; and

d. The functional characteristics of the proposed use are such that it can be made to be reasonably compatible with uses in its vicinity.

e. Site plan review: The Shoreline Enhancement Overlay requires the submission of a Master Development Plan which is comprised of a Concept Plan, a Development Plan and a Phasing Schedule. The Waterfront Mixed Use (WX) guidelines that are applicable to each of these plans are as follows:

1. Concept Plan. Applicable Guidelines:

   a. Building Design; 20.650.030(A) (1)-(23).

   b. Building Scale/Transition; 20.650.030 (B)(1)-(7).

   c. Building Heights/Views; 20.650.030 (C)(1)-(2).

   d. Blank facades/Bulk; 20.630.030.

   e. Pedestrian Access/Orientation; 20.650.040 (A)(1)-(7).

   f. Landscaping/Screening/Open Space; 20.650.050(A-G).

   g. Accessibility and clarity; 20.650.040 (B) (1)-(3).

   h. Site Grading; 20.650.060(B)(1)-(4).

   i. Pathway Guidelines/Requirements; 20.650.060 (D)(1)-(4).

2. Development Plan. Applicable Guidelines:

   a. Building Design; 20.650.030(A)(1)-(23).

   b. Building Scale/Transition; 20.650(B)(1)-(7).

   c. Building Heights/Views; 20.650.030 (C)(1)-(2).

   d. Blank Facades/Bulk; 20.630.030.

   e. Pedestrian Access/Orientation; 20.650.040 (A)(1)-(7).

   f. Landscaping/Screening/Open Space; 20.650.050(A-G).

   g. Public Amenities; 20.650.060(1)-(2).

   h. Site Grading; 20.650.060(1)-(4).

   i. Drainage.

   j. Art and Furnishings; 20.650.060(C)(1)-(2).

k. Pathway Guidelines/Requirements; 20.650.060(D)(1)-(4).

l. Screening; 20.650.060(E).

m. Fencing; 20.650.060(F).

n. Signage; 20.650.060(G).

o. Maximum Lot Coverage; 20.650.060(H)(1).

p. Minimum Landscaping/Open Space; 20.650.060(H)(2).

q. Parking Requirements; 20.650.060(I)(1)-(4).

r. Utilities; 20.650.060(K)

s. Lighting; 20.650.060(L).

t. Setback Requirements 20.650.060(M)(1)-(3).

(M-3643, Added, 01/26/2004)

Chapter 20.440

INDUSTRIAL DISTRICTS

Sections:

20.440.010 Purpose.
20.440.020 List of Zoning Districts.
20.440.025 Industrial Zone Function and Location Criteria.
20.440.030 Uses.
20.440.040 Development Standards.
20.440.050 Additional OCI Development Standards

Section 20.440.010 Purpose.

A. Provide a range of industrial services for City residents. One of the major purposes of the regulations governing development in industrial zoning districts is to ensure that a full range of job opportunities are available throughout the City so that residents can work close to home if they choose. The location of land within each industrial district must be carefully selected and design and development standards created to minimize the potential adverse impacts of industrial activity on established residential areas.

B. Facilitate economic goals. Another purpose of these regulations is to ensure that there is a full range of economic activities and job opportunities within the City limits, in compliance with the economic goals of the City of Vancouver Comprehensive Plan.
(M-3643, Added, 01/26/2004)

Section 20.440.020 List of Zoning Districts.

A. OCI: Office Commercial Industrial. The OCI zoning district provides appropriate locations for office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the OCI zone. In addition to mandatory site plan review, design and development standards in the OCI zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly. The OCI zone combines two zones that were referred to as the Office Campus (OC) and Industrial Commercial (MC) zones prior to March 11, 2004.

B. IL: Light Industrial. The IL zoning district provides appropriate locations for combining light, clean industries including industrial service, manufacturing, research/development, warehousing activities, and general office uses and limited retail. These activities do not require rail or marine access and have limited outdoor storage.

C. IH: Heavy Industrial. The IH zoning district provides appropriate locations for intensive industrial uses including industrial service, manufacturing and production, research and development, warehousing and freight movement, railroad yards, waste-related and wholesale sales activities. Activities in the IH zone include those that involve the use of raw materials, require significant outdoor storage and generate heavy truck and/or rail traffic. Because of these characteristics, IH-zoned property has been carefully located to minimize impacts on established residential, commercial and light industrial areas.

D. A: Airport. The A zoning district provides land use regulations for public use aviation areas that are designated as such on the Comprehensive Plan Map. This district allows for aviation use and those

activities that support or are dependent upon aviation activity when such activities benefit from a location within or immediately adjacent to primary flight operations.

E. ECX: Employment Center Mixed-Use. The ECX zoning district is designed to provide for a concentrated urban mix of office, light industrial and small-scale commercial uses (e.g., restaurants, personal services and fitness centers) either singly or in combination in the Section 30 Employment Center Plan District. Only those light industrial uses with no off-site impacts, e.g., noise, glare, odor, vibration, outdoor storage, or process visibility are permitted in the ECX zone. In addition, the ECX zoning district provides for optional Urban Neighborhood Overlay(s), allowing for two concentrated urban mixed-use commercial/residential neighborhoods. Mandatory master planning and development standards in the ECX zone have been adopted to ensure that developments will be well-integrated, attractively landscaped, and pedestrian friendly.
(M-3930, Amended, 10/05/2009, Sec 6; M-3730, Amended, 12/19/2005, Sec 24; M-3643, Added, 01/26/2004)

Section 20.440.025 Industrial Zone Function and Location Criteria.

A. General Criteria:

Increasing industrially zoned land shall be favorably considered when such action will provide additional opportunities for business expansion, retention of manufacturing and other industrial firms, or increased employment, especially employment that adds to or maintains the diversity of job opportunities.

B. OCI (Office-Commercial-Industrial) Location Criteria:

The OCI (Office-Commercial-Industrial) zone designation is most appropriate in areas generally characterized by the following:

1. Areas with existing concentrations of technology-oriented, research and development, and professional service uses or close proximity to major institutions capable of utilizing or supporting new technology-oriented, research and development, and professional service businesses.

2. Existing light or heavy industrial areas which are undergoing a transition to predominantly office and/or mixed commercial and industrial activity.

3. Areas which are underutilized and could provide the type of environment attractive for new technology-oriented, research and development, and professional service office-style development.

4. Areas with access primarily along major highways and arterials, preferably well served by transit.

C. IL (Light Industrial) Location Criteria:

The Light Industrial (IL) zone designation is most appropriate in areas generally characterized by the following:

1. Areas that are currently developed with a mix of industrial activity and related or limited commercial uses;

2. Areas that, because of their size, isolation, or separation by another type of zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.

3. Areas with adequate access to the existing and planned arterial street network, such that additional trips generated by increased industrial activity in the area can be accommodated without conflicting with the access and circulation needs of nearby commercial and residential activity.

4. Large parcels of land with generally flat topography;

5. Adequate water, sewer, and fire protection services are available.

C. IH (Heavy Industrial) Location Criteria:

The IH (Heavy Industrial) zone designation, as defined above, is most appropriate in areas generally characterized by the following:

1. Areas with suitable water access for marine industrial activity and/or directly served by major freight rail lines serving industrial businesses;

2. A character established by existing industrial uses and related commercial activity including manufacturing use, warehousing, transportation, utilities, and similar activities;

3. Areas that, because of their size, isolation, or separation by a non-residential zone or major physical barrier (such as a topographic break, major arterial, waterway, or open space) can accommodate more industrial activity without conflicting with the function of nearby commercial and residential activity.

4. Access by roads designed/developed to accommodate heavy load or high volume truck traffic, with minimal mixing with non-industrial traffic.

5. Large parcels of land with generally flat topography;

6. Adequate water, sewer, and fire protection services are available.
(M-3730, Added, 12/19/2005, Sec 23)

Section 20.440.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.

3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

5. Uses may also be subject to restrictions and standards set forth in the Water Resource Protection Ordinance (Title 14).

B. Use table. A list of permitted, limited, conditional, and prohibited uses in the industrial zoning districts is shown in Table 20.440.030–1.

Table 20.440.030–1
Industrial Zoning Districts Use Table

USE	**OCI**[20]	**IL**[1]	**IH**	**ECX**[27]
RESIDENTIAL				
Household Living	L[2]	L[2]	L[2]	L[28]
Group Living	P[21]/X	X	X	P[21]/X
Transitional Housing	P[21]/X	X	X	P[21]/X
Home Occupation	L[3]	L[3]	L[3]	L[3]
HOUSING TYPES				
Single Dwelling, Attached	L[2]	X	X	L[28]
Single Dwelling, Detached	X	X	X	X
Accessory Dwelling Units	X	X	X	X
Duplexes	L[2]	X	X	L[28]
Multi-Dwelling Units	L[2]	L[2]	X	L[28]
Existing Manufactured Home Developments	X	X	X	X
Designated Manufactured	X	X	X	X
New Manufactured Homes	X	X	X	X
CIVIC (Institutional)				
Basic Utilities	P	P	P	P
Colleges	X	X	X	C
Community Recreation	L[24]	P	X	L[24]
Cultural Institutions	X	P	X	P
Day Care				
- Child Care Center	L[4]	L[4]	X	L[4]
- Adult Day Care	P	P	X	P
Emergency Services	P	P	P	P

USE	OCI[20]	IL[1]	IH	ECX[27]
Human Service Facilities	L[25]	L[25]	L[25]	L[25]
Medical Centers	C	X	X	P
Parks/Open Space				
- Neighborhood Parks	P	C	C	P
- Community Parks	C	C	C	C
- Regional Parks	C	C	C	C
- Trails	C	C	C	P
Postal Service	X	P	P	X
Religious Institutions	X	X	X	X
Schools	X	X	X	X
Social/Fraternal Clubs	X	X	X	X
Transportation Facility	P/X[26]	P	P	P/X[26]
Park & Ride Facilities				
Surface	X	L[1]	L[31]	X
Structure	L[31]	L[31]	L[31]	L[31]
COMMERCIAL				
Commercial Lodging	X	X	X	P
Eating/Drinking Establishments	L	L[5]	L[5]	L[6]
Entertainment-Oriented				
- Adult Entertainment	X	L[7]	L[7]	X
- Indoor Entertainment	X	X	X	X
- Major Event Entertainment	X	X	X	X
Artisan Small Scale Manufacturing	X	X	X	P
General Retail				
- Sales-Oriented	L	L[6]	L/C[6]	L[6]
- Personal Services	L	L[6]	X	L[6]
- Repair-Oriented	L	L[6]	X	L[6]
- Bulk Sales	X	X	X	X
- Outdoor Sales	X	X	P	X
Motor Vehicle Related				
- Motor Vehicle Sales/Rental	X	X	X	X

USE	OCI[20]	IL[1]	IH	ECX[27]
- Motor Vehicle Servicing/Repair	X	L[8]	L[8]	X
- Vehicle Fuel Sales	X	X	L[8]	L[8, 29]
- EV Basic Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Rapid Charging Stations (accessory and stand-alone)	P	P	P	P
- EV Battery Exchange Stations	P	P	X	P
Office				
- General	P	P	L/C[9]	P
- Medical	P	P	X	P
- Extended	P	P	X	P
Marina (See also VMC 20.760)	X	C	X	X
Non-Accessory Parking	C[10]	L[10]/X	X	L[30]
Self-Service Storage	P	P	X	X
INDUSTRIAL				
Industrial Services	P	P	P	P
Manufacturing and Production	P	P[11]	P[11]	P
Railroad Yards	X	X	P	X
Research and Development	P	P	C	P
Warehouse/Freight Movement	X	L[12]	P	X
Waste-Related	X	X	P[22]/X	X
Wholesale Sales	P	L[12]	X	X
Major Utility Facilities	X	X/P[32]	L[33]	X
OTHER				
Agriculture/Horticulture	X	P	P	X
Airport/Airpark	X	L19	P	X
Animal Kennel/Shelters	X	L[17]	L[17]	X
Cemeteries	X	X	C	X
Detention & Post Detention Facilities	X	C/X[13]	C[14]	X

USE	OCI[20]	IL[1]	IH	ECX[27]
Dog Day Care	L[15]	L[15]	L[15]	L[15]
Heliports	C	C	C	C
Medical Marijuana Collective Gardens	X	L[34]	L[34]	X
Mining	C[18]	C[18]	C[18]	C[18]
Rail Lines/Utility Corridors	P/X[23]	P	P	P/X[23]
Wireless Communication Facilities	L[16]	L[16]	L[16]	L[16]

[1] Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030–1.

[2] In the OCI zone, multi-family housing allowed above ground floor only. In all industrial zones, one caretaker residence permitted per use.

[3] Subject to the conditions in chapter 20.860 VMC Home Occupations.

[4] Child care centers allowed as a Limited (L) use, subject to a Type II procedure. Child care centers are permitted in order to provide service for those employees working in the IL district, subject to provisions in Chapter 20.840 VMC Child Care Centers.

[5] If within an industrial building, these uses shall consume no more than 10% of the building's total gross square footage. If freestanding, they shall be considered together with the rest of the project and shall consume no more than 10% of the site's total gross square footage.

[6] These limited uses, separately or in combination, may not exceed 20% of the entire building square footage within a development complex. No retail uses shall exceed 40,000 gross square feet (gsf) per building or business; retail uses greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

[7] Subject to provisions in Section 20.820 VMC Adult Entertainment.

[8] Subject to provisions in Section 20.895.070 Motor Vehicle Fuel Sales and Repair.

[9] Offices not accessory to a permitted use may not exceed 40,000 gsf; offices greater than 40,000 gsf but less than 60,000 gsf require conditional use review.

[10] In the OCI zone, non-accessory surface parking is conditionally permitted on brownfields where subsurface environmental constraints effectively preclude other uses, provided such development complies with applicable local, state and federal environmental standards. In the IL zone, non-accessory surface parking is permitted, and non-accessory structured parking is prohibited.

[11] Subject to NAICS Table 20.440-2.

[12] Permitted as limited use provided all activities, except outdoor storage of materials, are wholly contained within building(s).

[13] Secure Community Transition Facilities as per 20.150 are prohibited.

[14] In addition to other detention and post-detention facilities, Secure Community Transition Facilities are allowed by conditional use permit, subject to criteria set forth in 20.855.020(B)(6)(a).

[15] Subject to provisions in Chapter 20.850 VMC Dog Day Care.

[16] Subject to requirements in Chapter 20.890 VMC Wireless Telecommunications Facilities.

[17] Subject to provisions in Section 20.895.020 Kennels/Shelters.

[18] Surface mining is only allowed by conditional use on sites of 20 acres or larger which are adjacent to existing mining operations. Reclamation activity for existing mining operations approved by the Washington State Department of Natural Resources is a permitted use in any non-residential zoning district.

[19] Allow airport/airpark related activities such as hangars, air cargo, and warehousing, pilot schools, aircraft sales and repairs, aviation clubs, and museum in the Light Industrial District (IL). New airports/airparks are prohibited.

[20] All uses locating the OCI zone shall comply with the special use limitations of 20.440.040(C) VMC and 20.440.050(A) VMC. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistence with these agreements shall not be deemed nonconforming.

[21] Existing legally established group living and transitional housing uses are permitted. New group living and transitional housing uses are prohibited.

[22] 10-day hazardous waste handling and transfer facilities, excluding facilities handling radioactive or high explosive materials, are allowed, provided such facilities: a) do not repackage waste (except as necessary to address damaged or improper packaging); b) are located at least 200’ from any residential zoning district; and c) do not store hazardous wastes (except for “universal wastes,” as that term is defined in Code of Federal Regulations, Title 40, Part 273) for more than ten days.

[23] Prohibited within 200' of a residential zone.

[24] Subject to provisions of Chapter 20.895.040 VMC Community Recreation and Related Facilities.

[25] Subject to provisions of Chapter 20.870 VMC Human Service Facilities.

[26] Transportation facilities are permitted except for large or land-intensive facilities such as water taxi and ferry stations.

[27] All uses locating in the ECX zone shall comply with VMC 20.690, Section 30 Employment Center Plan District. Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties, unless property owners choose

differently as provided under VMC 20.690.030. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed nonconforming.

[28] In the ECX zone, multi-family housing is allowed above ground floor only; and one caretaker residence permitted per use.

[29] Vehicle fuel sales is limited to one operation within the Section 30 Plan District

[30] Non- accessory structural parking only is permitted.

[31] See Section 20.430.040.E. Park & Ride Facilities Development Standards.

[32] Major Utility Facilities are prohibited with the exception that sewer treatment plants and lagoons are allowed outright.

[33] Biomass and coal energy generating plants are prohibited on Heavy Industrial zoned properties within the Vancouver City Center Subarea and Hough Neighborhood Association boundaries located west of Lincoln Street and east of the Burlington Northern Santa Fe Railroad tracks.

[34] Subject to location and special standards of Chapter 20.883, Medical Marijuana Collective Gardens.

Table 20.440.030–2
North American Industrial Classification System (NAICS) for Industrial Zoning Uses

The following list of uses is based on the North American Industrial Classification System (NAICS). NAICS is organized in a hierarchical structure much like the existing SIC (Standard Industrial Classification). NAICS industries are identified by a 6-digit code, in contrast to the 4-digit SIC code. The longer code accommodates the larger number of sectors and allows more flexibility in designating subsectors. The use of NAICS codes for permitted uses refers only to the use of a particular site, rather than the type of industry involved. For example, office uses for manufacturing firms are treated as offices and are not permitted in the industrial zones.

— The first two digits designate a major economic sector (formerly division) such as agriculture or manufacturing.
— The third digit designates an economic subsector (formerly major group) such as crop production or apparel manufacturing.
— The fourth digit designates an industry group, such as grain and oil seed farming or fiber, yarn and thread mills.
— The fifth digit designates the NAICS industry such as wheat farming or broadwoven fabric mills.
Retail uses are marked with a “1” in the table below. Please see the footnotes at the end of the table for an explanation of permitted development.

***** Industrial uses may be further regulated by the Water Resource Protection Ordinance (Title 14).
* For Artisan and Specialty Goods Manufacturing Uses refer to Section 20.160.020C-10.

Manufacturing Uses			IL[2]	IH
311	**Food Manufacturing**			
	3111	Animal food manufacturing	P	P
	3112	Grain and oilseed milling	X	P
	3113	Sugar and confectionery product manufacturing	P	P
	3114	Fruit and vegetable preserving and specialty food manufacturing	P	P
	3115	Dairy product manufacturing	P	P
	3116	Animal slaughtering and processing	X	P
	31161	Animal slaughtering and processing	X	P
	3117	Seafood product preparation and packaging	P	P
	3118	Bakeries and tortilla manufacturing	P	P
	3119	Other food manufacturing	P	P
312	**Beverage and Tobacco Product Manufacturing**			
	3121	Beverage manufacturing	P	P
	31211	Soft drink and ice manufacturing	P	P
	312111	Soft drink manufacturing	P	P
	312112	Bottled water manufacturing	P	P
	312113	Ice manufacturing	P	P
	31212	Breweries	C	P
	31213	Wineries	P	P
	31214	Distilleries	C	P
	3122	Tobacco manufacturing	P	P
313	**Textile Mills**			
	3131	Fiber, yarn, and thread mills	P	P
	3132	Fabric mills	P	P
	3133	Textile and fabric finishing and fabric coating mills	P	P
314	**Textile Product Mills**			
	3141	Textile furnishings mills	P	P
	3149	Other textile product mills	P	P

Manufacturing Uses			IL[2]	IH
315	**Apparel Manufacturing**			
	3151	Apparel knitting mills	P	P
	3152	Cut and sew apparel manufacturing	P	P
	3159	Apparel accessories and other apparel manufacturing	P	P
316	**Leather and Allied Product Manufacturing**			
	3161	Leather and hide tanning and finishing	X	P
	3162	Footwear manufacturing	P	P
	31621	Footwear manufacturing	P	P
	3169	Other leather and allied product manufacturing	P	P
321	**Wood Product Manufacturing**			
	3211	Sawmills and wood preservation	X	P
	3212	Veneer, plywood, and engineered wood product manufacturing	X	P
	3219	Other wood product manufacturing	P	P
322	**Paper Manufacturing**			
	3221	Pulp, paper, and paperboard mills	X	P
	3222	Converted paper product manufacturing	P	P
323	**Printing and Related Support Activities**			
	3231	Printing and related support activities	P	P
324	**Petroleum and Coal Products Manufacturing**			
	3241	Petroleum and coal products manufacturing	X	P
325	**Chemical Manufacturing**			
	3251	Basic chemical manufacturing	X	P
	3252	Resin, synthetic rubber, and artificial and synthetic fibers and filaments manufacturing	X	P
	3253	Pesticide, fertilizer, and other agricultural chemical manufacturing	X	C
	3254	Pharmaceutical and medicine manufacturing	P	P
	3255	Paint, coating, and adhesive manufacturing	X	P
	3256	Soap, cleaning compound, and toilet preparation manufacturing	P	P

Manufacturing Uses			IL[2]	IH
	3259	Other chemical product and preparation manufacturing	X	P
	32591	Printing ink manufacturing	X	P
	32592	Explosives manufacturing	X	P
	32599	All other chemical product and preparation manufacturing	X	P
	325991	Custom compounding of purchased resins	P	P
	325992	Photographic film, paper, plate, and chemical manufacturing	X	P
	325998	All other miscellaneous chemical product and preparation manufacturing	X	P
326	**Plastics and Rubber Products Manufacturing**			
	3261	Plastics product manufacturing	X	P
	32611	Unsupported plastics film, sheet, and bag manufacturing	X	P
	32612	Plastics pipe, pipe fitting, and unsupported profile shape manufacturing	X	P
	32613	Laminated plastics plate, sheet, and shape manufacturing	X	P
	32614	Polystyrene foam product manufacturing	X	P
	32615	Urethane and other foam product (except polystyrene) manufacturing	X	P
	32616	Plastics bottle manufacturing	X	P
	32619	Other plastics product manufacturing	X	P
	3262	Rubber product manufacturing	X	P
	32621	Tire manufacturing	X	P
	326211	Tire manufacturing (except retreading)	X	P
	326212	Tire retreading	X	P
	32622	Rubber and plastics hoses and belting manufacturing	P	P
	32629	Other rubber product manufacturing	P	P
	326291	Rubber product manufacturing for mechanical use	C	P
	326299	All other rubber product manufacturing	P	P
327	**Nonmetallic Mineral Product Manufacturing**			
	3271	Clay product and refractory manufacturing	P	P
	3272	Glass and glass product manufacturing	P	P

Manufacturing Uses			IL[2]	IH
	3273	Cement and concrete product manufacturing	X	P
	3274	Lime and gypsum product manufacturing	X	P
	3279	Other nonmetallic mineral product manufacturing	X	P
331	**Primary Metal Manufacturing**			
	3311	Iron and steel mills and ferroalloy manufacturing	X	P
	3312	Steel product manufacturing from purchased steel	X	P
	3313	Alumina and aluminum production and processing	X	P
	3314	Nonferrous metal (except aluminum) production and processing	X	P
	3315	Foundries	X	P
332	**Fabricated Metal Product Manufacturing**			
	3321	Forging and stamping	P	P
	3322	Cutlery and hand tool manufacturing	P	P
	3323	Architectural and structural metals manufacturing	P	P
	3324	Boiler, tank, and shipping container manufacturing	P	P
	3325	Hardware manufacturing	P	P
	3326	Spring and wire product manufacturing	P	P
	3327	Machine shops; turned product; and screw, nut, and bolt manufacturing	P	P
	3328	Coating, engraving, heat treating, and allied activities	P	P
	33281	Coating, engraving, heat treating, and allied activities	P/X[1]	P/X[1]
	3329	Other fabricated metal product manufacturing	P	P
	33291	Metal valve manufacturing	P	P
	33299	All other fabricated metal product manufacturing	P	P
	332991	Ball and roller bearing manufacturing	P	P
	332992	Small arms ammunition manufacturing	X	P
	332993	Ammunition (except small arms) manufacturing	X	P
	332994	Small arms manufacturing	X	P
	332995	Other ordnance and accessories manufacturing	X	P
	332996	Fabricated pipe and pipe fitting manufacturing	P	P

Manufacturing Uses			IL[2]	IH
	332997	Industrial pattern manufacturing	P	P
	332998	Enameled iron and metal sanitary ware manufacturing	P	P
	332999	All other miscellaneous fabricated metal product manufacturing	P	P
333	**Machinery Manufacturing**			
	3331	Agriculture, construction, and mining machinery manufacturing	P	P
	3332	Industrial machinery manufacturing	P	P
	3333	Commercial and service industry machinery manufacturing	P	P
	3334	Ventilation, heating, air-conditioning, and commercial refrigeration equipment manufacturing	P	P
	3335	Metalworking machinery manufacturing	P	P
	3336	Engine, turbine, and power transmission equipment manufacturing	P	P
	3339	Other general purpose machinery manufacturing	P	P
334	**Computer and Electronic Product Manufacturing**			
	3341	Computer and peripheral equipment manufacturing	P	P
	3342	Communications equipment manufacturing	P	P
	3343	Audio and video equipment manufacturing	P	P
	3344	Semiconductor and other electronic component manufacturing	P	P
	3345	Navigational, measuring, electromedical, and control instruments manufacturing	P	P
	3346	Manufacturing and reproducing magnetic and optical media	P	P
335	**Electrical Equipment, Appliance, and Component Manufacturing**			
	3351	Electric lighting equipment manufacturing	P	P
	3352	Household appliance manufacturing	P	P
	3353	Electrical equipment manufacturing	P	P
	3359	Other electrical equipment and component manufacturing	P	P
336	**Transportation Equipment Manufacturing**			
	3361	Motor vehicle manufacturing	X	P
	3362	Motor vehicle body and trailer manufacturing	X	P
	3363	Motor vehicle parts manufacturing	P	P

Manufacturing Uses			IL[2]	IH
	3364	Aerospace product and parts manufacturing	X	P
	3365	Railroad rolling stock manufacturing	X	P
	3366	Ship and boat building	X	P
	33661	Ship and boat building	X	P
	336611	Ship building and repairing	X	P
	336612	Boat building	P	P
	3369	Other transportation equipment manufacturing	X	P
	33699	Other transportation equipment manufacturing	X	P
	336991	Motorcycle, bicycle, and parts manufacturing	P	P
	336992	Military armored vehicle, tank, and tank component manufacturing	X	P
	336999	All other transportation equipment manufacturing	X	P
337	**Furniture and Related Product Manufacturing**			
	3371	Household and institutional furniture and kitchen cabinet manufacturing	P	P
	3372	Office furniture (including fixtures) manufacturing	P	P
	3379	Other furniture related product manufacturing	P	P
339	**Miscellaneous Manufacturing**			
	3391	Medical equipment and supplies manufacturing	P	P
	3399	Other miscellaneous manufacturing	P	P
42	**Wholesale Trade**		P	P
444	**Building Material and Garden Equipment and Supplies Dealers**			
	44411	Home Centers	P	X
	44419	Other building materials dealers (with sales of bulk construction materials to contractors)	P	X
	5324	Commercial and Industrial machinery and equipment rental and leasing (except 53242 - Office machinery and equipment)	P	P
611	**Educational Services**			
	6111	Elementary and secondary schools (and IH)	C	X

Manufacturing Uses			IL[2]	IH
	6112	Junior colleges (and IH)	C	X
	6113	Colleges, universities, and professional schools (and IH)	C	X
	6114	Business schools and computer and management training	C	X
811	**Repair and Maintenance**			
	8112	Electronic and precision equipment repair and maintenance	P	P
	8114	Personal and household goods repair and maintenance	P	P
812	**Personal and Laundry Services**			
	81232	Dry cleaning and laundry services (except coin-operated)	P	P
	Miscellaneous			
		Offsite hazardous waste treatment and storage facilities (subject to state siting criteria)	P	X
		Branch Banks	P	P

[1] Electroplating and related uses not permitted.

[2] Due to the unique character and combination of uses in the Columbia Business Center area, uses existing prior to March 11, 2004, on parcels zoned IL in the Columbia Business Center may be altered, expanded or replaced regardless of use limitations in Table 20.440.030-2.

(M-4057, Amended, 06/17/2013, Sec 2-Effective 07/18/2013; M-4035, Amended, 12/03/2012, Sec 5-Effective 12/05/2012; M-4034, Amended, 12/03/2012, Sec 15-Effective 01/03/2013; M-4024, Amended, 09/10/2012, Sec 9-Effective 09/30/2012; M-4002, Amended, 12/05/2011, Sec 8-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 28-Effective 08/19/2010; ACM, Amended, 12/02/2009, Renumber footnote 31; M-3931, Amended, 11/02/2009, Sec 16-Effective 12/2/09; M-3930, Amended, 10/05/2009, Sec 7; M-3922, Amended, 07/06/2009, Sec 25; ACM M-3874, Amended, 03/19/2008, Footnote 22 was changed. Deleted other references.; M-3847, Amended, 11/19/2007, Sec 7; M-3840, Amended, 08/06/2007, Sec 25; M-3832, Amended, 06/19/2007, Sec 9; M-3832, Amended, 06/18/2007, Sec 10; M-3730, Amended, 12/19/2005, Sec 25; M-3709, Amended, 06/20/2005, Sec 10; M-3701, Amended, 05/02/2005, Sec 18; M-3663, Amended, 08/02/2004, Sec 18; M-3643, Added, 01/26/2004)

Section 20.440.040 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district.

2. All other applicable standards and requirements contained in this title.

3. Water Resource Protection Ordinance (Title 14).

B. Development standards. Development standards in industrial zoning districts are contained in Table 20.440.040–1.

Table 20.440.040 - 1
Development Standards

STANDARD	OCI[5]	IL	IH
Minimum Lot Size	None	None	None
Maximum Lot Coverage	100%	75%	100%
Minimum Lot Width	None	None	None
Minimum Lot Depth	None	None	None
Minimum Setbacks			
Minimum setbacks adjacent to residential district	Pursuance to the screening and buffering standards contained in VMC Tables 20.925.030-1 and 20.925.030-2, plus an additional 1/2 foot for each foot the building exceeds 20 feet in height to a maximum setback requirement of 40 feet. Buildings in excess of 20 feet may be stepped.		
Minimum setbacks adjacent to non-residential districts	Pursuant to buffering and screening standards contained in VMC Tables 20.925.030-1 and 20.925.030-2.		
Maximum Height	35' - 75' [3]	45' [2]	None
Minimum Landscaping Requirement (percentage of total net area)	15% [4]	10%	0%

[1]Parking setback allowed is 25'.

[2]Or greater, if set back 1' from property line for every additional 2'of height. See 20.440.040(C)(1)(b) for additional standards.

[3]See VMC 20.440.040(C)(1) below for a complete explanation of maximum height requirements.

[4]See VMC 20.440.040(C)(3) below for additional landscaping requirements.

[5]Development agreements in existence on the effective date of this ordinance shall control the uses and development standards of the affected properties. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed non-conforming.

[6]The Planning Official may reduce or waive the setback requirements when setbacks are imposed on industrially designated land as a result of the redesignation of adjacent land to residential on or after January 1, 1995.

C. OCI Zone.

1. Maximum Building Height.

a. Maximum building height shall be the same as that of the abutting zone within a distance of the same number of feet from the property line. Farther from the property line, height may increase by 2’ for every additional 1’ that a structure is set back from the property line to a maximum height of 75’ . (For example, where the OCI zone abuts a residential zone with a maximum height of 35’ , the maximum height in the OCI zone would be 35’ for the first 35’ from the property line. The maximum height would increase by 2’ for every additional 1’ the structure or portion of the structure is removed from the property line to a maximum of 75’ .)

b. Where the OCI zone abuts more than one zoning district, the maximum height shall be the lowest of those of the abutting zoning districts. (For example, where the OCI zone abuts both a residential zone with a maximum height of 40’ and an industrial zone with no maximum height, the maximum height of the OCI zone would be 40’ for the first 40’ from both property and zoning boundaries. The maximum height would increase by 2’ for every additional 1’ the structure or portion of the structure is removed from the property line to a maximum of 75’ .)

2. On-Site Pedestrian Circulation. All developments within the OCI zone shall comply with the requirements of subsection VMC 20.945.040(H) above.

3. Landscaping. In addition to the provisions of VMC 20.925, the following requirements apply to developments in the OCI zone:

a. All setback areas shall be landscaped and maintained with live vegetation.

b. Development in the OCI zone abutting a residential zone shall be screened. Screening may be accomplished using sight-obscuring vegetation, a sight-obscuring fence or wall, a berm, or a combination of approaches. (A chain link fence containing slats does not qualify as a sight-obscuring fence for the purposes of this section.) If a sight-obscuring fence or wall alone is erected as screening within the setback area, features providing visual interest (such as varied building materials, textures, reliefs, architectural details, etc.) shall be incorporated at least on the side facing the residential zone. The property owner shall be responsible for maintaining the vegetation in a healthy state.

c. Parking areas shall be landscaped in accordance with the provisions of VMC 20.925 and 20.945.

4. Security Fencing. When security fencing is required, it shall be a combination of solid wall, wrought iron, dense hedges or other similar treatment. Long expanses of fences or walls shall be interspersed with trees or hedges to break up the appearance of the wall at least every 50 feet for a distance of at least 5 feet.

5. Site Planning and Design.

a. Primary building entrances shall be physically oriented to the street or to a pedestrian walkway.

b. If a development is located further than 250 feet of an existing or proposed transit stop the applicant shall work with the transit agency in locating a transit stop and shelter directly adjacent or as close as possible to the main building entrance.

c. Blank walls facing public streets are discouraged. Features providing visual interest such as windows (genuine, false, or display), artwork, varied building materials or other techniques shall be employed to enhance building facades facing public streets.
(M-3931, Amended, 11/02/2009, Sec 19-Effective 12/02/2009; M-3847, Amended, 11/19/2007, Sec 8; M-3840, Amended, 08/06/2007, Sec 26; M-3730, Amended, 12/19/2005, Sec 26; M-3663, Amended, 08/02/2004, Sec 19; M-3643, Added, 01/26/2004)

Section 20.440.050 Additional OCI Development Standards

A. OCI Zone. The following special use limitations apply within the OCI zone.

1. General conditions and requirements. All uses in the OCI zone shall meet all of the following conditions:

a. All activities and storage shall be entirely enclosed within a building or structure.

b. In addition to the provisions of VMC 20.935, odor, noise, emissions, vibration, heat and glare (except for exterior lighting) shall be controlled within the confines of the building or structure.

c. No movement of heavy equipment on and off the site shall occur, except for truck deliveries.

d. No live animals or offal of dead animals shall be brought to the site.

e. No outdoor testing of products or processes shall take place on the site.

f. No highly combustible, explosive, or hazardous materials or waste shall be permitted on site.

2. Use Limitations. Eating/Drinking Establishments, Sales Oriented Retail, and Personal Services shall not total more than 30% of the total gross building square footage within a development. Exclusively or predominantly drive-through facilities are prohibited.

3. Industrial Uses Allowed. Light industrial services, manufacturing and production uses including but not limited to micro-breweries, bakeries, printing, publishing, binding, lithography, repair shops for tools, scientific/professional instruments and motors, manufacturing of optical, medical and dental devices, goods, and equipment and those uses described by NAICS codes 3231, 3254, 3272, 3341, 3351, 3352, 3353, 3359, 3371, 3372, 3379, 3391, and 3399 (see VMC Table 20.440-2), that meet all the conditions of this section, VMC 20.440.050(A), are permitted.
(M-3922, Amended, 07/06/2009, Sec 26; M-3730, Amended, 12/19/2005, Sec 27; M-3643, Added, 01/26/2004)

Chapter 20.450

OPEN SPACE DISTRICTS

Sections:

20.450.010 Purpose.
20.450.020 List of Open Space Districts.
20.450.030 Uses.
20.450.040 Development Standards.
20.450.050 Special Provisions for Uses.

Section 20.450.010 Purpose.

Generally. Open space districts are intended to protect, preserve, conserve, and enhance natural areas, greenways, and parks. Together, the open space districts are intended to provide a full range of passive and active uses as well as environmental protection and enhancement for the future use, understanding, and enjoyment of the City and its residents.
(M-3643, Added, 01/26/2004)

Section 20.450.020 List of Open Space Districts.

A. NA: Natural Areas. The Natural Areas District is intended to protect and preserve properly functioning habitat conditions to support the natural ecosystem of an area. Uses and activities to maintain and/or enhance the ecosystem and passive uses and activities are appropriate for these areas.

B. GW: Greenway. The Greenway District is intended to preserve, conserve, and enhance natural features to support water quality, habitat, public access, and education, contributing to Vancouver' s quality of life. Passive and low impact, low-intensity uses and activities are appropriate for these areas. The Greenway District consists of a set of greenways. Some are regulated individually to achieve their special purposes.

   1. GW-Lettuce Fields Greenway District (Figure 20.450– 1). The Lettuce Fields Greenway District implements the Lettuce Fields Subarea Plan. The Lettuce Fields Greenway District is intended to effect (1) establishment of a continuous greenway throughout the District and the preservation and enhancement of its open space character; (2) enhancement and maintenance of the environmental conditions of the district, including fish and wildlife habitat; (3) provision of physical as well as visual public access to the publicly-owned lands of the district, including development of a pedestrian and bicycle trail connecting to established or planned trails on the east and west; (4) provision of environmental education opportunities; (5) enhanced stormwater and flood plain management; and (6) other passive or low-intensity, low-impact uses which further the public interest as stated in this section.

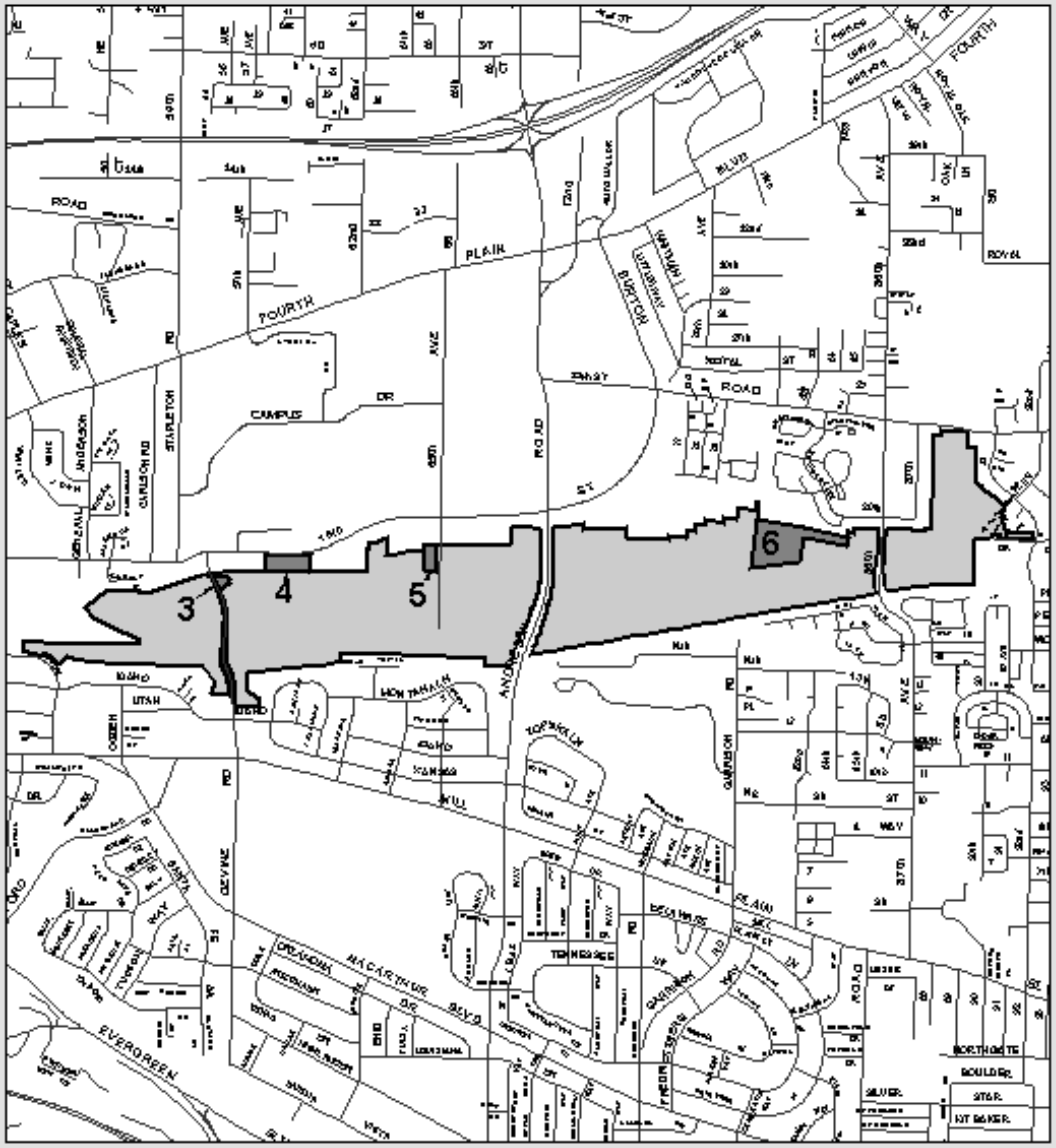


FIGURE 20.450-1

0 1,500 3,000 6,000 Feet

Area of Interest

Greenway District

N

VANCOUVER

Lettuce Fields Greenway District

2. GW-Vancouver Lake Greenway District (Figure 20.450– 2). The Vancouver Lake Greenway District is intended to encourage the preservation of agricultural and wildlife use on land which is suited for agricultural production, and to protect from incompatible uses agricultural areas that are highly valuable seasonal wildlife habitat. The district provides for activities which can be considered accessory only to agricultural, game, or wildlife habitat management, or recreational uses. Nothing in this chapter shall be construed to restrict normal agricultural practices.

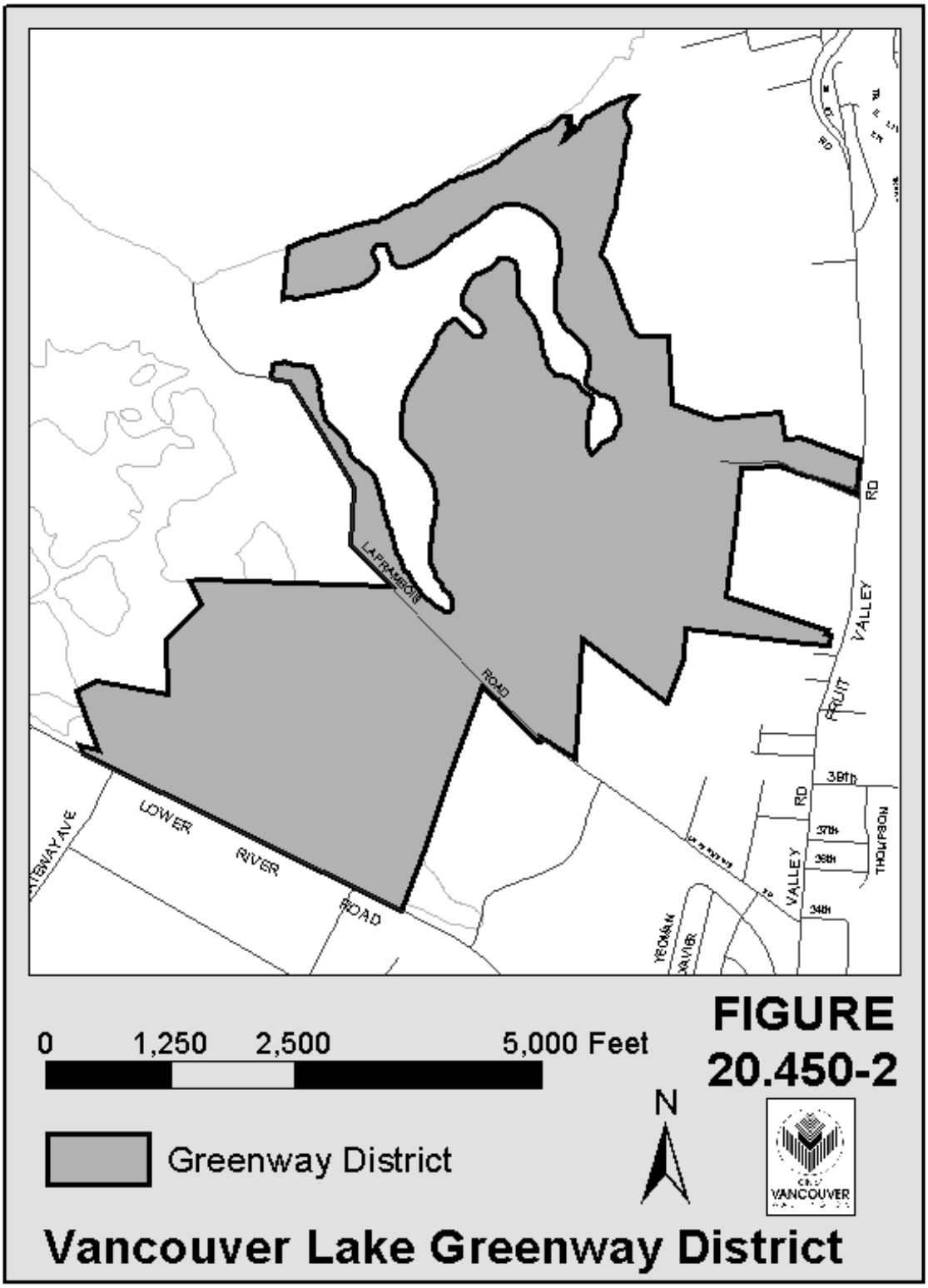


FIGURE 20.450-2

Vancouver Lake Greenway District

3. GW: General Greenway District. The General Greenway District is intended to encourage preservation, conservation, and enhancement of natural areas in dispersed locations outside of the Lettuce Fields Greenway District or the Vancouver Lake Greenway District.

C. Park. The Park District is land that has been or is intended to be developed to provide for moderate- to high-intensity recreational activities in addition to passive or low-intensity recreational experiences. Environmental preservation, conservation, and enhancement are also objectives in the development and maintenance of park districts. Park districts will generally consist of neighborhood, community, and regional parks as defined by the Vancouver Urban Parks, Recreation, and Open Space Plan~~s~~.
(M-3643, Added, 01/26/2004)

Section 20.450.030 Uses.

A. Types of uses. For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this Title. Although permitted by right, most of these uses are still subject to the Site Plan Review, as governed by Chapter 20.270 VMC.

2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions. Most uses also are subject to Site Plan Review, as governed by Chapter 20.270 VMC. If not subject to Site Plan Review, such a use may be subject to a Type I review, per the requirements in Section 20.210.040 VMC.

3. A conditional use (C) is a discretionary use reviewed by the Hearings Examiner. The approval criteria and approval process are set forth in Chapters 20.245 VMC and 20.210 VMC, governing Conditional Uses and Decision-Making Procedures, respectively.

4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. Use tables. Lists of permitted, limited, conditional, and prohibited uses in Open Space Districts are presented in Tables 20.450.030-1 and 20.450.030-2. Specialized open space uses and activities are set forth in Table 20.450.030-1. Uses described in the Use Classification section (20.160 VMC), are set forth in Table 20.450-2. Special limitations on uses are set forth in section 20.450.050.

Table 20.450.030–1
Specialized Open Space Uses/Activities

		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields[1]**	**General**	**Park**
OPEN SPACE/ PARKS AND RECREATION					
Agricultural Related[2]					
- Agriculture[2]	X	L	L[3]	X/ L[4]	L[4]
- Horticulture[2]	X	L	L	X/ L[4]	L[4]
- Silviculture[2]	X	C	L	X/ L[4]	L[4]
- Roadside Agricultural	X	L	L	X/L[4]	L[4]

Table 20.450.030–1 Specialized Open Space Uses/Activities					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[1]	**General**	**Park**
Stands/Sales[2]					
- Storage Structures[2]	X	L	L	L[4]	L[4]
- Housing for Agricultural Employees[2]	X	X/C[5]	X	C	X
Environmental Management and Education[2]					
- Environmental Education Activities	P	P	P	P	P
- Environmental Maintenance Projects and Activities	P	P	P	P	P
- Environmental Restoration, Rehabilitation, or Enhancement Projects and Activities	P	P	P	P	P
Fences[2]	X	P	L	P	P
Fill [2]	C	L	L	L	P
Flood Plain and Stormwater Management Projects	C	C	P	P	P
Wetland Banking	C	C	P	P	P
Wetland Mitigation	C	C	P	P	P
Wildlife Habitat Conservation, Maintenance, Rehabilitation, Restoration, Enhancement, and Education Projects	P	P	P	P	P
Park Facilities					
- Interpretive Stations, Construction and Maintenance[2]	C	P	P	P	P
- Playgrounds	X	X	X	P	P
- Restrooms[2]	C	L	L	L	P
- Neighborhood Parks	X	X	X	P	P
- Community Parks	X	X	X	P	P
- Regional Parks	X	X	X	X	P
Recreational Facilities					
- Passive or Low-Impact, Low-Intensity Uses	P	C[6]	P	P	P
-Moderate or High-Impact, High-Intensity Uses	X	X	X	C	P
Motorized Recreational Equipment including Off-Road Vehicles and All Terrain Vehicles	X[7]	X[7]	X	X[7]	C[7]

Table 20.450.030–1 Specialized Open Space Uses/Activities					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[1]	**General**	**Park**
- Community Recreation Facilities	X	X	X	X	P
- Trails[2]	L	L	L	L	P
- Parking[2]	C	L	L	L	P
- Informational and Interpretative Signs[2]	P	P	L/X	P	P

[1] All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in 20.450.050(A).

[2] The use is allowed (P, L, or C) subject to all applicable development standards set forth in Section 20.450.040 VMC.

[3] Agricultural practices existing on or before April 19, 2001 may continue. New agricultural uses must meet the standards of Section 20.450.040 VMC.

[4] Permitted uses of this classification or type are limited to those in existence on the date this ordinance was effective.

[5] The prohibition on housing for agricultural employees in the Vancouver Lake Greenway District does not include a prohibition for a caretaker residence (see Table 20.450.030-2).

[6] Subject to the development standards in 20.450.040(D)(2)

[7] Not including motorized boats where permitted on Vancouver Lake and the Columbia River.

Table 20.450.030–2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[2]	**General**	**Park**[1]
RESIDENTIAL					
Household Living	X	X/L[3]	X/L[3]	X/L[3]	X/L[3]
Group Living	X	X	X	X	X
Transitional Housing	X	X	X	X	X
Home Occupation	X	X	X	X	X
HOUSING TYPES					
Single Dwelling, Attached	X	X	X	X	X
Single Dwelling, Detached	X	X/L[3]	X/L[3]	X/L[3]	X/L[3]

Table 20.450.030–2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[2]	**General**	**Park**[1]
Accessory Dwelling Units	X	X	X	X	X
Duplexes	X	X	X	X	X
Multi-Dwelling Units	X	X	X	X	X
Existing Manufactured Home Development	X	X	X	X	X
Designated Manufactured Home	X	X	X	X	X
New Manufactured Home	X	X	X	X	X
CIVIC (Institutional)					
Colleges	X	X	X	X	X
Community Recreation	X	X	X	X	P
Cultural Institutions	X	X	X	X	P
Day Care					
Family Day Care Home	X	L[4]	X	X	P
Child Care Center	X	C[4]	X	X	X
- Adult Day Care	X	C	X	X	P
Emergency Services	X	X	X	X	X
Human Service Facilities	X	X	X	X	P
Medical Centers	X	X	X	X	X
Postal Service	X	X	X	X	X
Religious Institutions	X	X	X	X	X
Schools	X	C	X	X	P
Social/Fraternal Clubs	X	X	X	X	X
COMMERCIAL					
Commercial Lodging	X	X	X	X	X
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	X	X	X	X	X
- Personal Services	X	X	X	X	X
- Repair-Oriented	X	X	X	X	X

Table 20.450.030–2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[2]	**General**	**Park**[1]
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
-Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X
- Electric Vehicle Re-charging Station	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	X	X	X	X	X
INDUSTRIAL					
Industrial Services	X	X	X	X	X
Manufacturing and Production					
- Light Industrial	X	X	X	X	X
- General Industrial	X	X	X	X	X
- Heavy Industrial	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
OTHER					
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	X	X	X	X	C[5]
Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X

Table 20.450.030–2 Permitted, Limited, Conditional and Prohibited Uses in Open Space District					
		Greenway			
USE	**Natural Area**	**Vancouver Lake**	**Lettuce Fields**[2]	**General**	**Park**[1]
Heliports	X	X	X	X	X
Landfills, Sanitary	X	X	X	X	X
Mining	X	X	X	X	X
Public Facilities and Utilities					
- Essential Utilities	X	P	L[6]	L[7]	L[7]
- Major Utilities	X	X	X/C[6]	C	C
- - Essential Public Facilities	X	X	C[6]	C	C
- - Other Major Utilities	X	X	X	C	C
- Minor Utilities	X	C	L[6]	C[7]	C[7]
- Public Utility Corridors	X	C	C[6]	C	C
- Transportation Facilities	X	C	C[8]/X	C	C
Rail Lines	X	X	X	C	C
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Temporary Uses	X	X	X	X	X
Wireless Communication Facilities	X	C/L[9]	X	C[10]	C

[1] Parks shall be developed in accordance with the standards set forth in Section 20.450.040 VMC.

[2] All uses in the Lettuce Fields Greenway District are subject to the special provisions for uses in 20.450.050(A).

[3] Caretaker residence or existing dwellings are permitted. In the Lettuce Fields Greenway District, only existing dwellings are permitted. New dwellings, including guest houses, accessory dwelling units, bed and breakfast establishments, etc. are prohibited. In the Vancouver Lake Greenway District, single-family dwellings require a minimum of 160 acres each.

[4] Family day care homes for no more than 12 children are permitted when licensed by the state. Family day care homes and child care centers (13 or more children) must meet the standards outlined in Chapter 20.840 VMC.

[5] Subject to the provisions of VMC 20.895.030 Cemeteries.

[6] Subject to the development standards of 20.450.040(B)(5).

[7] Plans for the construction or extension of essential utility services are to be reviewed and approved by development review staff. Utilities shall be installed underground or screened as to not be visible within the Greenway or Park. No septic fields are allowed.

[8] Only transit stops and shelters and bicycle parking integrated with automobile parking at trailheads are permitted by conditional use. Other transportation facilities are prohibited.

[9] Permitted subject to the requirements of Section 20.890 VMC.

[10] Permitted only as co-location and through the conditional use process.

(M-4701, Amended, 03/03/2014, Sec 6-Effective 03/09/2014; M-3709, Amended, 06/20/2005, Sec 11; M-3643, Added, 01/26/2004)

Section 20.450.040 Development Standards.

A. Development standards. The development standards for the open space districts are set forth in Table 20.450.040-1. Minimal setbacks apply at the perimeter of district boundaries. No setbacks are required for lot lines internal to that district.

TABLE 20.450.040–1
OPEN SPACE DISTRICT DEVELOPMENT STANDARDS

USE	**Natural Area**	**Greenway**			**Park[1]**
		Vancouver Lake	**Lettuce Fields**	**General**	
Minimum Lot Size	None	20 acres[2]	None	None	See Note[1]
Maximum Lot Size	None	None	None	None	See Note[1]
Maximum Lot Coverage	None	5%	5%[3]	5%	See Note[1]
Minimum Lot Width	None	None	None	None	See Note[1]
Minimum Lot Depth	None	None	None	None	See Note[1]
Minimum Setbacks					
Front Yard	20’	20’	20’	20’	See Note[1]
Rear and through yards	20’	20’	20’	20’	See Note[1]
Side Yard	20’	20’	20’	20’	See Note[1]
Street Side Yard	20’	20’	20’	20’	See Note[1]

TABLE 20.450.040–1 OPEN SPACE DISTRICT DEVELOPMENT STANDARDS					
USE	**Natural Area**	**Greenway**			**Park[1]**
		Vancouver Lake	**Lettuce Fields**	**General**	
Maximum Height	12'	35'[4]	12'[5]	35'	See Note[1]
Minimum Landscaping Requirement (Percentage of total net area)	None	None	None	None	See Note[1]

[1] Development standards for parks shall be in accordance with the standards of the most restrictive zoning district located adjacent to the subject property.

[2] Single-family homes shall have a maximum lot coverage of 40%.

[3] Single-family dwellings require a minimum of 160 acres each.

[4] Barns, silos, and similar features may exceed 35' subject to 20.910.030 VMC.

[5] Except existing single family which is 35'.

B. General standards. The following general standards are applicable to open space districts where the identified uses are allowed:

1. Agricultural Related Uses.

a. Roadside stands shall not exceed 300 (150 in the Lettuce Fields Greenway District) square feet in area or 12 feet in height and shall be exclusively for the sale of agricultural, horticultural, or silvicultural products grown in the district. Stands shall be set back a minimum of 20 feet from the abutting right-of-way and/or any property line. They shall be non-reflective. Best available control technology shall be used in the application of paint and coatings.

b. Only low-profile pole buildings or shelters not exceeding 12 feet in height are permitted for storage of crops and implements. They shall be screened using native vegetation, non-reflective, and blend with the surroundings. Best available control technology shall be used in the application of paint and coatings. Joint use is encouraged.

2. Fill. Fill shall be permitted only to the extent absolutely necessary to support a permitted use. Also see the grading, erosion control, floodplain and wetlands sections of the code for additional requirements.

3. Park and Recreation Uses.

a. New Park Districts. New Park Districts shall be designated during the first Comprehensive Plan Annual Review process following acquisition of land for the purpose of developing a park. Parks shall be developed in accordance with the standards of the most restrictive zoning district located adjacent to the subject property.

b. Amenities. Interpretive stations or panels, fences, gates, railings, and benches shall be designed to be as unobtrusive as possible, blending with the surroundings. They shall be non-reflective. Best available control technology shall be used in the application of paint and coatings.

c. Restrooms. Restrooms shall be located and designed to be as unobtrusive as possible, blending with the surroundings. They shall be non-reflective. Best available control technology shall be used in the application of paint and coatings.

d. Parking areas. On-site stormwater treatment shall be provided in parking areas in accordance with Section 20.945 VMC.

e. Trails. Trails shall be designed and constructed to avoid and minimize impacts to the environment. The minimum width of public access easements shall be 20’ of realistically usable property when the trail is not located within a public right-of-way, unless the Planning Official determines that undue hardship would result or that it is impractical or environmentally unsound. In such cases, easement width may be reduced only by the minimum extent necessary to meet public access, safety and environmental standards. Public access easements and permit conditions shall be recorded on the deed of title and/or on the face of a plat or short plat as a condition running contemporaneous with the authorized land use, as a minimum. Said recording with the County Auditor's office shall occur at the time of permit approval (RCW 58.17.110).

f. Security Lighting. Security lighting for trailhead parking or restrooms is permitted subject to the provisions of 20.450.040(B)(5).

4. Signs.

a. Freestanding (other than public sector) signs, rotating signs, flashing signs, rooftop signs, internally illuminated, neon and similar signs shall be prohibited. Freestanding public sector signs may be no larger than 64 square feet and no higher than 12 feet. Externally illuminated signs are permitted.

b. Signs shall be located and designed to minimize interferences with vistas, viewpoints, and visual access to the District.

c. Signs shall not be placed on trees, other natural features, or public utility poles.

d. Visible braces and other supporting devices shall be incorporated as design features.

e. Signs shall be as small as possible to serve their intended purposes.

f. Signs relating to an Open Space District and its use shall be consistent in design and color for easy recognition.

g. Signs shall be for public information relating to the particular Open Space District in which they are located or its use. Signs for other purposes are prohibited.

5. Utilities. The adverse environmental impacts of any utility construction shall be mitigated by restoration of the environment to its pre-construction condition. Any unavoidable adverse environmental impacts shall be mitigated by an environmental enhancement project of at least the same scale as the adverse impacts and located within the district.

6. Landscaping. Landscaping is required in the GR and NA zones only where necessary to shield surrounding areas or uses from the impacts of any allowed structure or use.

C. Lettuce Fields Greenway District – Special Standards.

1. Areas of Interest - Special Requirements. Areas of Interest #3 (northern portion) and #6 as shown on Figure 20.450-1 are designated as Areas of Interest in the Lettuce Fields Subarea Plan and formerly carried the zoning designation Agriculture/Open Space (AO). In accordance with the Lettuce Fields Subarea Plan, they shall be governed by the regulations in 20.450.040 (C)(1)(a)(b)(c) and (d) VMC until such time as the City acquires them. Upon acquisition, they will be governed by the Lettuce Fields Greenway District regulations elsewhere in this chapter and title.

a. Permitted uses:

1. The raising of tree, vine, field, forage, and other plant life crops of all kinds;

2. One family dwelling and accessory buildings and farm buildings of all kinds;

3. The harvesting, curing, processing, packaging, packing, shipping, and selling of agricultural products produced on the premises;

4. Sale of food products produced on the premises;

5. The maintenance, repair, servicing, and storage of agricultural machinery, implements, and equipment of all kinds on the property, and not for commercial usage;

6. The storage of farm supplies of all kinds, including but not limited to fertilizers, agricultural minerals, and insecticides, not for resale or distribution;

7. The use, storage, repair, and maintenance of tractors, scrapers, and land leveling and development equipment devoted primarily to agricultural uses, and not for commercial usage;

8. Above and below ground storage of petroleum products for use by the occupants of the premises, but not for resale or distribution;

9. Truck gardening, ornamental horticulture, and nursery stock without retail commercial sales;

10. Public parks, golf courses, but not including intensive commercial recreation such as golf driving range (unless within a golf course), race track, amusement park, or gun club;

11. Manufactured homes at a density of no more than one manufactured home per 5 acres.

b. Conditional uses:

1. Custom meat facilities (without retail sales);

2. Utility facilities, minor.

c. Dimensional standards:

1. Minimum lot size is five acres;

2. Minimum lot width is 140 feet;

3. Minimum lot depth is 200 feet;

4. Minimum front yard setback is 50 feet;

5. Minimum side yard setback is 20 feet.

6. For accessory buildings, minimum side yard setback is 50 feet;

7. Minimum rear yard setback is 50 feet;

8. Maximum building height is 35 feet. See 20. 910.030 VMC for barns silos, etc.

d. Standards for parking and loading, signs, landscaping and open storage, and other pertinent special provisions are contained elsewhere in this chapter and title.

2. Shoreline regulation. The regulations of the Shoreline Management Master Program (SMMP) shall apply within shoreline jurisdiction in the Lettuce Fields Greenway District whether or not a Shoreline Substantial Development Permit is required. Any unavoidable adverse impacts of permitted uses or construction shall be mitigated by an environmental enhancement project of at least the same scale as the adverse impacts and located within the District.

3. Agriculture, horticulture, and silviculture. Agriculture practices existing on or before April 19, 2001, may continue regardless of the related standards set forth in this chapter. New agricultural, horticulture, and silvicultural practices in the Lettuce Fields Greenway District shall be subject to the following standards:

a. Animal husbandry is prohibited in this District.

b. Crop management and stand management must be consistent with wildlife habitat conservation.

c. Organic farming methods and horticultural and silvicultural practices are encouraged. The policies and regulations of the Shoreline Management Master Program relating to pesticides, particularly those in General use Policies and Regulations, Agricultural Section, shall apply to agricultural, horticultural, and silvicultural activities throughout the Lettuce Fields Greenway District.

d. Roadside stands exclusively for the sale of agricultural, horticultural or silvicultural products grown in the Lettuce Fields Greenway District shall be permitted. See VMC 20.450.040(B)(1) for additional standards for roadside stands.

e. See VMC 20.450.040(B)(1)(b) for crop and implement storage building standards.

f. Above and below ground storage of petroleum products is permitted by only the extent necessary to support permitted agricultural, horticultural, and silvicultural uses.

4. Fences. Fences are discouraged. New fences shall meet the following standards:

a. Above and beyond the provisions of VMC 20.912, where necessary, fences shall be open enough to allow wildlife movement throughout the Lettuce Fields Greenway District; as low as possible to serve the intended purpose; and no higher than 6 feet. See VMC 20.450.040(B)(3)(b) for additional standards.

5. Trails. Paving of the main trail through the Lettuce Fields Greenway District is permitted.

6. Parking.

a. The policies and regulations of the Shoreline Management Master Program, General Use Policies and Regulations, Parking Section and Use Development Standards Tables provisions pertaining to parking and any other parking policies and regulations of the SMMP as may be applicable to a particular development project shall apply throughout the Lettuce Fields Greenway District.

b. In the Lettuce Fields Greenway, parking is permitted only in designated areas at trailheads.

c. See VMC 20.450.040(B)(3)(d) for additional regulations.

D. Vancouver Lake Greenway District - Special Standards.

1. Crop and stand management shall be consistent with wildlife habitat conservation.

2. Public or private outdoor recreational facilities requiring limited physical improvements which are oriented to the appreciation, protection, study, or enjoyment of the fragile resources of this area shall be approved only upon the applicant establishing that (1) there will be no significant adverse environmental impact, especially as it relates to wildlife, resulting from the proposed use; and (2) the subject site cannot be put to any reasonable economic agriculture or horticulture use in addition to the findings that must otherwise be made for issuance of a conditional use permit.
(M-3840, Amended, 08/06/2007, Sec 27; M-3701, Amended, 05/02/2005, Sec 19; M-3643, Added, 01/26/2004)

Section 20.450.050 Special Provisions for Uses.

A. Lettuce Fields Greenway District

1. Public Interest. The uses in VMC Table 20.450-1 are general in nature to provide flexibility for multiple-use management of the Lettuce Fields Greenway District in the public interest. They are supplemented and further defined and refined by VMC Table 20.450.030-2.

a. Additional Requirements. The Planning Official may impose additional requirements on specific proposals to ensure consistency with the purpose and intent of the District as stated in VMC 20.450.010 and 20.450.020(B)(1).

b. Additional Uses. Above and beyond the provisions of VMC 20.160.030, Unlisted Use: Authorization of Similar Use, unlisted uses may be permitted in the Lettuce Fields Greenway District:

(1) Only as conditional uses; and

(2) Subject to an additional finding that the proposed use would further the purpose and intent of the Lettuce Fields Greenway District as stated in VMC 20.450.010 and 20.450.020(B)(1).

(M-3643, Added, 01/26/2004)

Chapter 20.503

CENTRAL PARK OVERLAY DISTRICT

Sections:

20.503.010 Purpose.
20.503.020 Establishment of Boundaries.
20.503.030 Provisions.

Section 20.503.010 Purpose.

Purpose. To allow the present mix of uses in the Central Park Neighborhood Overlay District to continue while maintaining the residential character of the neighborhood and the R9 zone. (Ordinance M-3519, 2000)

(M-3891, Amended, 11/03/2008, Sec 7-Effective 12/03/08; M-3643, Added, 01/26/2004)

Section 20.503.020 Establishment of Boundaries.

Boundaries. The boundaries of the Central Park Neighborhood Overlay District are as shown in Figure 20.503-1 Central Park Neighborhood Overlay District Boundary map. (Ordinance M-3519, 2000)

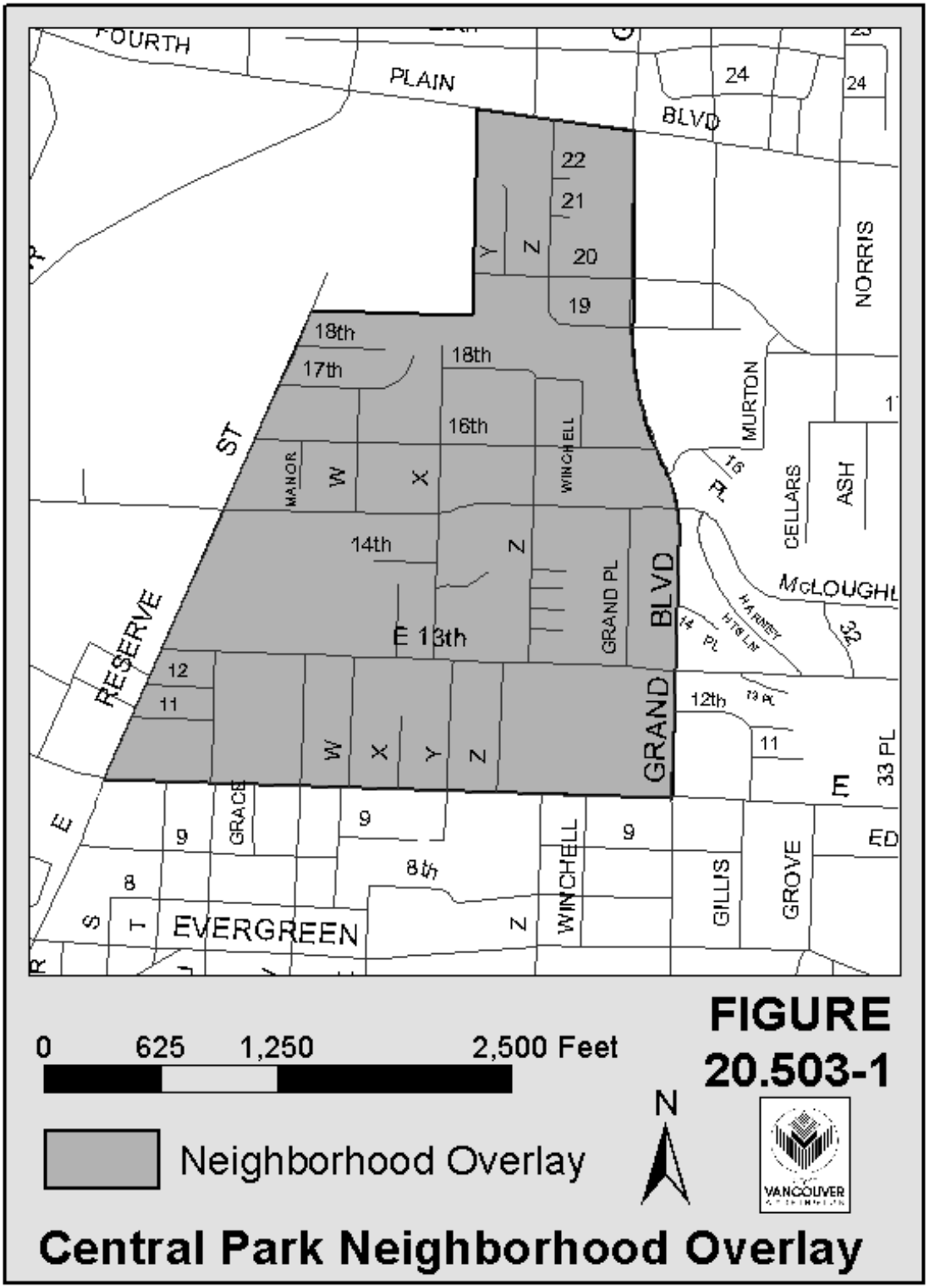


FIGURE 20.503-1

Central Park Neighborhood Overlay

(M-3891, Amended, 11/03/2008, Sec 8-Effective 12/03/08; M-3643, Added, 01/26/2004)

Section 20.503.030 Provisions.

Provisions. The provisions of this section shall apply only to residentially zoned properties within the existing boundaries of the Central Park Neighborhood Overlay District, and other legally established uses and shall not affect any pre-existing commercial uses or commercially zoned properties.

A. Structures used for multi-family and non-residential uses may be rebuilt, even if they are destroyed by more than 75 percent of the appraised value of the structure(s) as determined by the records of the county assessor for the year preceding destruction when the following conditions are met:

1. Building plans for the new structure must be submitted to the city within three years of the date that the structure was destroyed.

2. Construction must begin within one calendar year after building plans are approved.

3. The use of the rebuilt structure shall be a similar use to that which was established in the structure being replaced.

B. Redevelopment/or remodel of residentially zoned properties shall not exceed the total number of units approved for construction as of the effective date of this ordinance or in existence as of the effective date of this ordinance. (Ordinance M-3519, 2000)

(M-3891, Amended, 11/03/2008, Sec 9-Effective 12/03/08; M-3643, Added, 01/26/2004)

Chapter 20.510

HERITAGE OVERLAY DISTRICT

Sections:

20.510.010 Purpose.
20.510.020 Heritage Overlay District Number One - Standards and Guidelines
20.510.030 Review Process.
20.510.040 Determination of Compliance.
20.510.050 Preservation, Restoration and Reuse.
20.510.060 Identification Plaque.

Section 20.510.010 Purpose.

General. The Heritage Overlay Districts are intended to preserve the special architectural character and/or historic or cultural significance of certain areas within the City. The following additional regulations are imposed in areas so designated in order to do the following:

A. Compatibility. To ensure that new development is compatible in scale, character, and design with existing buildings and with the preservation of existing architectural characteristics of significant buildings in the area.

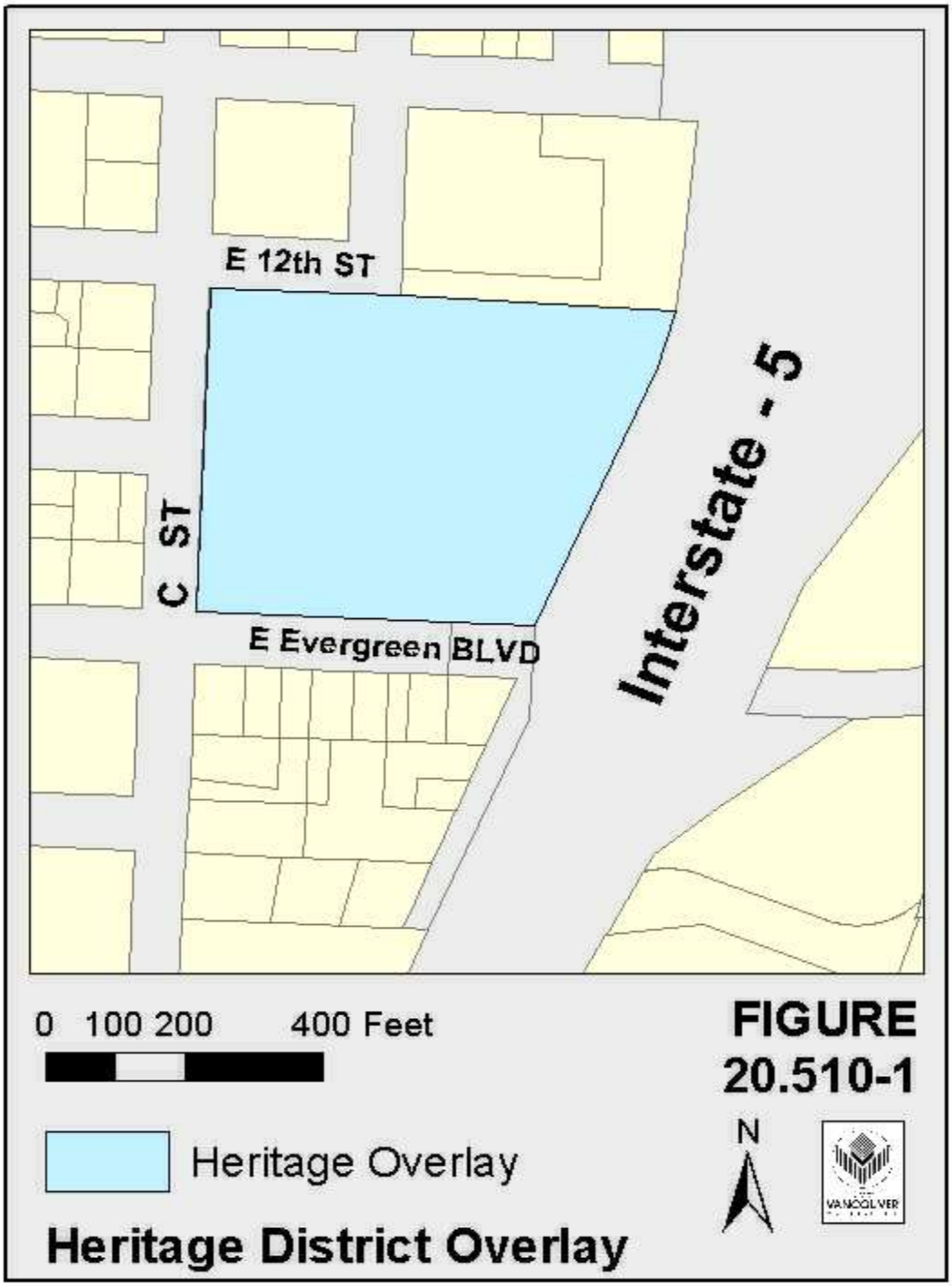
B. Preservation. To preserve and encourage the restoration of existing older buildings in their original architectural style.

C. Retention of unique character. To retain, conserve, and improve historical, cultural, and architectural environments attractive to residents and to visitors, thereby promoting the economic health of the City while retaining its unique historical and architectural features.
(M-3832, Amended, 06/18/2007, Sec 29; M-3777, Amended, 12/04/2006, Sec 3; M-3643, Added, 01/26/2004)

Section 20.510.020 Heritage Overlay District Number One - Standards and Guidelines

A. Heritage Overlay District Number One

1. Establishment. Heritage Overlay District Number One shall be bounded by 12th Street, West Reserve Street, the north curb line of East Evergreen Boulevard, and C Street; Figure 20.510-1. This is primarily the site of Providence Academy, the dominant landmark and most important historic building in downtown Vancouver. The main Academy building is the major historic asset in the area, but the outbuildings and the grounds of the Academy are also important historical and architectural features because of their relationship to the main building, and their influence on views of the main building and on the character of the immediate environs.

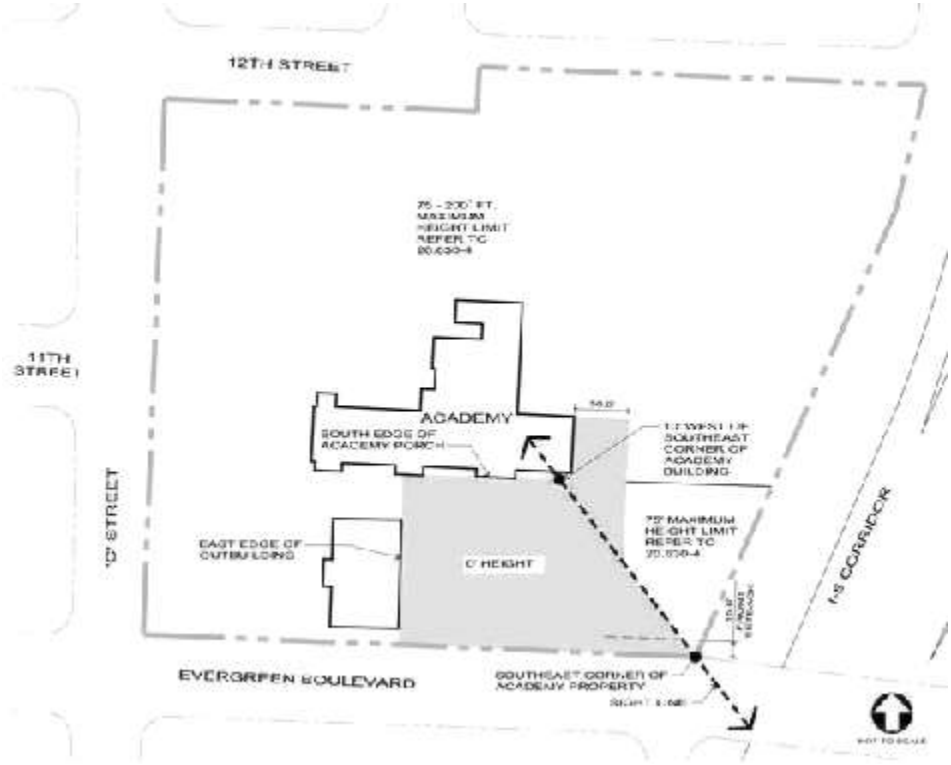


2. Policy. Due to the importance of the site of Providence Academy, the Academy buildings, and the Academy grounds to the cultural, economic, and architectural history of Vancouver, and due to the

unique character established by the buildings and grounds in combination with each other and with their surroundings, it is the policy of the city to preserve Providence Academy and critical open spaces integral to its site, and to ensure the compatibility of new construction or alterations to existing buildings, with the character of the historical buildings on the site. In order to accomplish this policy, special regulations are deemed necessary as an exercise of the city's legislative and police powers for the preservation and enhancement of the area.

3. Standards and requirements. The following requirements shall apply within Heritage Overlay District Number One, in addition to any other Zoning Ordinance regulations applicable to the area. The regulations are necessary to preserve the unique open space which provides a setting for and which is an integral part of the Providence Academy site, and to preserve views of the Academy from the East Evergreen Boulevard entrance to the downtown area.

a. Construction shall not be allowed in the identified (0 ft) height limit area shown and described in the diagram below. New construction in the identified (75 ft) area and the (75 ft - 200 ft) area shall comply with VMC20.630.050 and the standards and guidelines of this section VMC20.510.020.



b. A view corridor of 50 feet in width and a 0 foot height limit from approximately 11th Street looking east to the Main Academy building shall be preserved. In addition, there shall be one or two view corridors with a 0 foot height limit looking south from 12th Street into the Academy site which shall be a cumulative total of 50 feet in width.

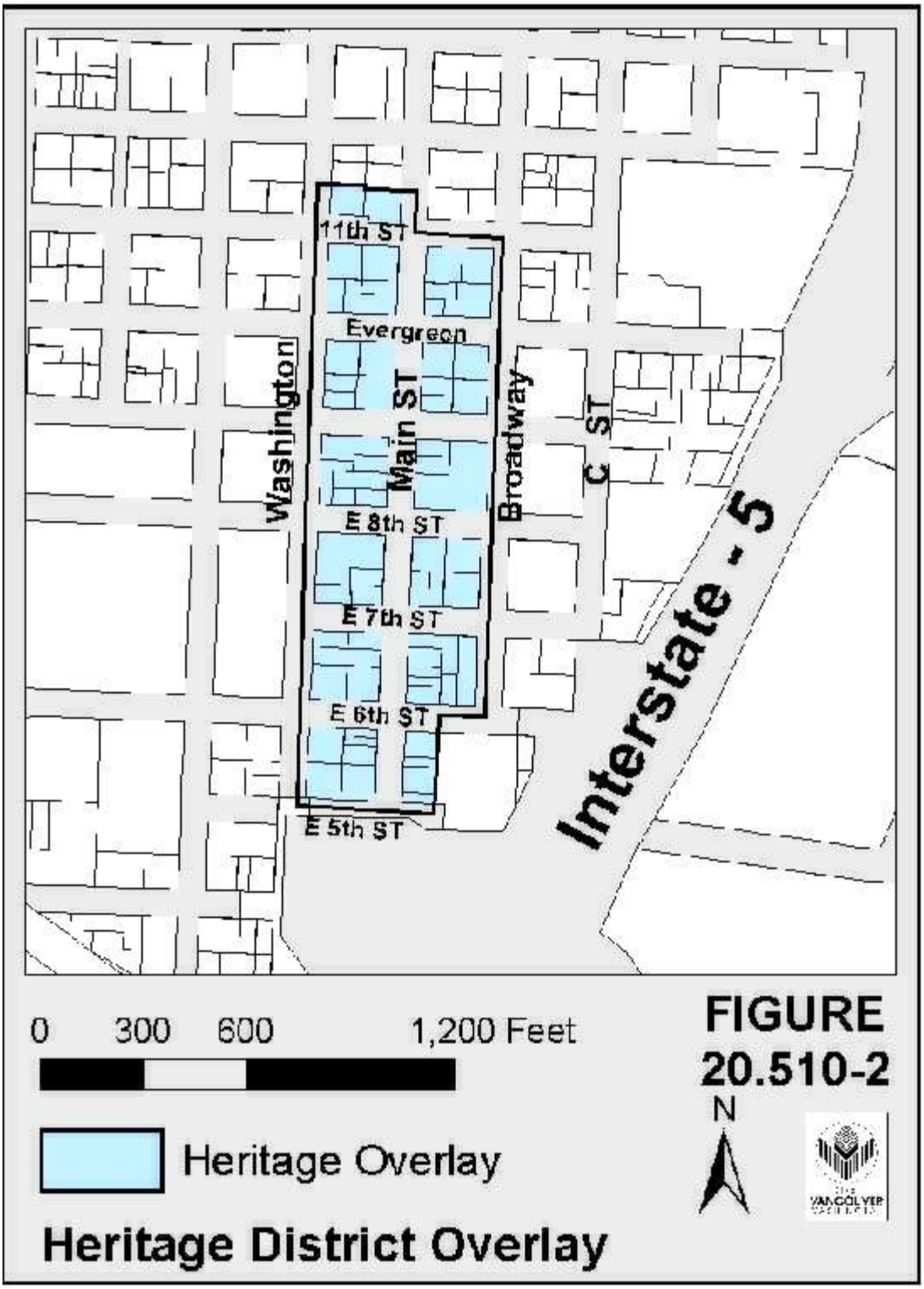
c. All new construction shall be similar in materials and texture to that of the main Academy building, and shall be primarily composed of brick facing, similar in color to that of the main building.

d. No sign shall be installed on the main Academy building above the first story. Free-standing signs on the property shall be limited to directional signs and necessary for parking and traffic control, and a limited number of signs advertising businesses on the premises containing an aggregate signage area of not more than 100 sq ft. No sign or sign structure shall be more than 10 feet in height above the ground level.

e. New construction shall minimize the removal of existing, mature trees exceeding 30 feet in height, and such construction shall be so located and designed as to preserve views of the main Academy building from East Evergreen Boulevard between the freeway and C Street, and shall preserve a setback from East Evergreen Boulevard of not less than 15 feet for open space and substantial planting, and such setback area shall not be used for parking.

B. Heritage Overlay District Number Two

1. Establishment. Heritage Overlay District Number Two shall consist of the area along the east and west sides of Main Street, between 5th Street and 11th Street, and the ½ block area north of 11th Street and on the west side of Main Street and the area along both sides of 5th, 6th, 7th, 8th, 9th Streets and Evergreen Blvd., between Washington and Broadway and both sides of 11th Street on the ½ block north of 11th and west of Main Street; Figure 20.510-2. The area contains a concentration of older buildings either entirely preserved in the architectural style of the early 1900's, or having significant key remaining characteristics of such style, and which are capable of restoration to their original character. Although there are few buildings of historical or architectural significance, the concentration of several older buildings and remaining parts of older buildings in the area collectively provide a street facade reminiscent and characteristic of turn-of-the-century downtown Vancouver, and provides both a historical asset and the potential to recreate the original character of lower Main as a cultural and economic asset.



2. Policy. Due to the special character established by several significant older buildings of historical and architectural interest in the lower Main Street area of downtown Vancouver, and due to the potential which such buildings in combination with compatible new development have as a cultural, historical, and economic asset to the city, including the enhancement of a potentially significant visitor

attraction. It is the policy of the city to ensure the preservation of important street frontages representative of downtown Vancouver at an earlier time, to encourage the restoration of the facades of older buildings to their original character, to enhance and expand the economic, cultural, and architectural attraction of the area, and to coordinate the actions of individual property owners to the benefit of all property owners. In order to accomplish this policy, the regulations set forth in this chapter are deemed necessary to preservation and enhancement of the area.

3. Key architectural features. Certain architectural features, both existing on certain key buildings in the area, and formerly present on these and other buildings in the area, are key elements to be preserved and to be used for guidance in restoration of existing buildings and in construction of new buildings, consisting of the following:

a. Windows which are narrow and vertical in emphasis, symmetrically spaced, generally with large panels, and door openings which are generally narrow and high; windows and door openings generally occupy less than half of the total wall area of the building frontage; bay windows are occasionally present.

b. Construction generally of standard brick masonry, and occasionally stone block, sometimes exposed and at times painted, and side walls generally of brick.

c. Window and door frames generally of wood or painted metal, and most trim in wood or painted metal.

d. A prominent upper cornice, with occasional lower cornices, with occasional repetition of the upper cornice detail above bay windows and prominent window sills or heavily recessed windows.

e. A texture which is generally rough but firm-grained, and a color typically that of red brick or gray stone.

f. Dark and unobtrusive roofing materials.

g. Arches generally repeated at upper floors when present on the ground floors.

h. A clear articulation between floors.

i. Signs integrated into the architecture of the building or relatively inconspicuous additions to the building with lettering characteristic of that common at the beginning of this century.

4. Key buildings. Parts or all of the following key buildings in Heritage Overlay District Number Two illustrate one or more of the features identified in the previous Section. These buildings should be restored as much as possible to their original appearance, where it has been altered, and these should be used as guidance in the alteration or new construction of adjacent and nearby buildings.

a. The Ford Building, 601 Main Street.

b. Donnegan's, 614 Main Street.

c. C & C Department Store Building, 715 Main Street.

d. Vancouver National Bank Building, 518 Main Street.

e. Schofield Building, 602-606 Main Street.

5. Exterior alteration and new construction guidelines. The following guidelines shall be adhered to in the construction of new buildings and alterations to all existing buildings in Heritage Overlay District Number Two.

a. Every effort should be made to provide a compatible new use for property, one that will require minimal alteration of the building and site; or, effort should be made to utilize the property for its originally intended purpose.

b. Alterations to facades and the construction of new facades should incorporate as many as possible of the key architectural features, and should be compatible with any adjacent or nearby key buildings. If possible, the original distinguishing qualities and character of a building, especially of its street facade, should be retained. Whenever possible, care should be taken to avoid altering or removing any historic material or significant architectural features such as cornices, display windows, recessed entries, original siding materials, or other features.

c. Canopies should be compatible with the building to which they are attached, and should not disrupt key horizontal or vertical details of existing or adjacent buildings; and shall provide adequate lighting underneath.

d. Attempts should be made in new construction to articulate the street facade by the use of bay windows above the first story, and by rhythmically spacing building projections and recessions and other details, while maintaining the continuity of building lines along the street.

e. Facade materials should be restricted to those commonly in use in the early 1900's, such as brick and wood. Metal window and door frames should have nonmetallic finishes and colors.

f. Buildings and accessories should not imitate styles inappropriate to the period exemplified by the key buildings (such as Spanish, Colonial, Federal, Georgian, etc.), which are not characteristic of or compatible with examples of architecture common in Vancouver in the early 1900's.

g. Dark glass or opaque window panes should be avoided in favor of clear or textured glass similar to that in the key buildings.

h. Colors should contribute to the distinct character of the building. For non-listed structures, colors should be compatible with neighboring buildings. For listed structures, period-appropriate building colors shall be researched and incorporated in any new color scheme. Significant departures from these standards shall be reviewed and approved by the Historic Preservation Commission.

i. Continuity of cornice lines should be maintained physically or visually, between adjacent buildings.

j. Each building should be recognized as a product of its own time and place. Efforts should be made to avoid designs that seek to create an early appearance but which have no historic basis (Colonial, Bavarian, wild west and other artificial themes).

k. Changes have taken place over the course of time and are the evidence of the history on a building and its site. These changes may have acquired significance in their own right and should be recognized and respected during alteration work.

l. Stylistic features or examples of skilled craftsmanship that characterize the building should be treated with great sensitivity.

m. Architectural features that have deteriorated should be repaired rather than replaced whenever possible. Repair or replacement of missing architectural features on historic buildings should be based on physical or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings.

n. Building surfaces should be cleaned with the gentlest means possible. Sandblasting or other cleaning methods that could damage the historic building materials should be avoided.

o. Contemporary designs for new alterations or additions to the existing buildings should not destroy the significant architectural and historical material present on those buildings. Such designs must be compatible with the size, color, material and character of the building and the conservation district as a whole.

p. Whenever possible, new additions or alterations to a building should be designed in such a way that if they are removed in the future, the essential form and integrity of the original building would remain unimpaired.

q. In strict restoration projects, any reinforcement required for structural stability and any installation of protective or code-required mechanical system should be concealed so as not to detract from the property's historical quality, except when concealment would result in the alteration or destruction of historically significant materials or spaces.

r. Mortar joints on brick or masonry-face buildings should be repointed only when moisture problems are evident or when enough mortar is missing that water stands in the joint. The old mortar should be duplicated to the greatest extent possible in composition, color, and texture. Most old mortar is high in lime content and "softer" than newer Portland cement types. When new mortar types are combined with old brick, changes in compression, expansion and contraction, caused by moisture migration stresses can damage the brick and break the mortar bond. In all joint repairs, the original joint size should be duplicated along with the method of application and joint profile.

6. Standards and Requirements. The following requirements shall apply on Main Street within Heritage Overlay District Number Two, in addition to any other requirements of this Title.

a. Building Heights shall comply with Maximum Building Heights, VMC20.630.050.D.

b. Ground level of all new buildings fronting Main Street shall be retail-ready. The term retail-ready recognizes that street-level uses may not all be retail initially, but new construction shall be designed to accommodate for future active retail uses. The following standards shall be met to comply with retail-ready:

1. A clear floor to ceiling height of not less than 15 feet; and

2. Storefront architectural features; and

3. A majority of building front windows and glass doors shall be clear glazed.

c. In the case of existing building renovations, the above retail-ready standards should be followed when practicable.

C. Relation to VMC 17.39

The provisions of VMC 17.39 shall apply to the Heritage Overlay Districts, except in the case of a conflict, in which case the provisions of VMC 20.510 shall apply.
(M-4034, Amended, 12/03/2012, Sec 16-Effective 01/03/2013; ACM, Amended, 09/23/2010, Map Correction ; M-3828, Amended, 06/18/2007, Sec 2 & 3; M-3832, Amended, 06/18/2007, Sec 29; M-3777, Amended, 12/04/2006, Sec 4; M-3643, Added, 01/26/2004)

Section 20.510.030 Review Process.

A. New construction. All new construction within a Heritage Overlay District, shall require review by the Planning Official. The standards for such review shall be those standards pertaining to architectural style, design, arrangement, texture, materials, color, and other pertinent factors designated in this section as standards for review of new construction and alterations to buildings within this specific Heritage Overlay District within which such property is located. The Planning Official shall consult with the Clark County Historic Preservation Commission on any new construction project within a Heritage Overlay District.

B . Exterior Alterations. All exterior alterations to a historic building or a structure located within a Heritage Overlay District, visible from a public street or other public place, and all exterior alterations to a building listed on the State or National Registers of Historic Places, including changes to signs, marquees, awnings, canopies or other building appendages, whether a building permit is required or not, shall require advisory review by the Clark County Historic Preservation Commission. The standards for such review shall be those standards pertaining to architectural style, design, arrangement, texture, materials, color, and other pertinent factors designated in this section as standards for review of new construction and alterations to buildings within the specific Heritage Overlay District within which such property is located. The Clark County Historic Preservation Commission shall apply the standards for historic preservation projects which appear as Title 36, C.F.R., Part 67 of the Federal Register and shall consult with the Planning Official on any exterior alterations to a historic building within Heritage Overlay District.

C. Permission for removal of a registered building. No building located within a designated Heritage Overlay District which is of special historical interest or value, as indicated by its having been listed on the National Register of Historic Places, the Washington Heritage Register or the Clark County Heritage Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Site and Buildings, shall be torn down, demolished, or removed unless such building is or has become so dilapidated or damaged, whether from damage by fire or other elements or from natural deterioration, that it is unusable and cannot be reasonably repaired or restored; provided, that such a building may be relocated to another site within the Heritage Overlay District with the approval of the Hearings Examiner; provided, further that such a building may be relocated outside of a historic preservation overlay district after review and recommendation from the Clark County Historic Preservation Commission and approval of the City Council.

D. Conditional uses. The Hearings Examiner may authorize a use or uses of an existing building in a designated Heritage Overlay District not otherwise permitted within the regular use district with which the downtown development and Heritage Overlay District is combined as a conditional exception, in the same manner as for conditional exceptions regularly permitted; provided that:

1. The Hearings Examiner finds that allowing such use is necessary to the preservation and/or restoration of an existing building of historical or architectural merit (although not necessarily a designated historical building or structure).

2. Such use would not be detrimental to other regularly permitted uses in the district or to the historical or architectural character of the building.

3. The Hearings Examiner has received such assurances as it deems satisfactory (which may include covenants or conditions attached to its approval of a conditional exception), that allowing such use will ensure preservation and/or restoration of the building or key features of the building.

4. The Hearings Examiner is authorized to waive ordinances relating to setback distances or encroachment distances on public rights-of-way or parking requirements, or other requirements in the event the same are found by it to be necessary and reasonable for the development of any property so as to conform with the provisions of this Section. The Building Official pursuant to Chapter 11, Laws of 1976, may allow repairs, alterations, and/or additions necessary for preservation, rehabilitation, or continued use of a building which has been designated as a historic structure under this chapter without conformance to all city codes; provided, he shall do so only if he finds in writing that the repaired or altered building will be less hazardous, based on life and fire risk, than the existing building.
(M-4034, Amended, 12/03/2012, Sec 17-Effective 01/03/2013; M-3959, Amended, 07/19/2010, Sec 29-Effective 08/19/2010; M-3777, Amended, 12/04/2006, Sec 5; M-3643, Added, 01/26/2004)

Section 20.510.040 Determination of Compliance.

General. Determination as to whether a proposed alteration to the exterior of a building, or the design of a new building in a designated historic zone, meets the intent, purposes, and requirements of this chapter, shall be made by the Planning Official, with input from the Clark County Historic Preservation Commission as needed. Demolition permits for buildings listed on the Clark County Heritage Register, State Heritage Register or National Register of Historic Register are subject to approval by the Clark County Historic Preservation Commission, subject to appeal to the City Council, as provided herein.
(M-3959, Amended, 07/19/2010, Sec 30-Effective 8/19/2010; M-3777, Amended, 12/04/2006, Sec 6; M-3643, Added, 01/26/2004)

Section 20.510.050 Preservation, Restoration and Reuse.

A. General provisions for registered structures. Any structure which has been included within a Historic Preservation Overlay District, and which is listed on the Clark County Heritage Register, State Heritage Register, or National Registers of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings, shall be subject to the following regulatory provisions hereby adopted to encourage preservation, restoration and reuse of historic structures:

1. Building Code Regulations applicable to the preservation, restoration and reuse of historic buildings and structures are contained in VMC 17. VMC 17.08 provides for the Building Official to approve alternate methods of construction and materials. Documents that the Building Official uses to make determinations on alternate methods and materials for the preservation, restoration and related reconstruction, rehabilitation, strengthening or relocation of buildings or structures designated as historic buildings include but are not limited to the State Building Code(s) designated in RCW 19.27, VMC 17, the Washington State Historic Building Code WAC 51-19, the International Existing Building Code and other technical resources related to historic buildings and structures.

2. Any developer may transfer the unused development potential of a historic building site to any other site in the same zoning district provided that such transfer would not create a hazard to low flying aircraft. The unused development potential shall be computed in terms of allowable floor area and building height for a site the same size as that on which the historic structure is located, minus the area in the historic building. This transfer of development potential is divisible and may be used only once. The owner of such property must have first recorded a covenant approved by City Council, being on all successor owners, heirs and assigns, that the historic building will be maintained in its historic condition in consideration of the special rights granted by this Section.

3. A structure as identified above shall not be demolished except in the following manner:

a. Demolition of Unsafe Buildings. If the City Building Official has found the structure to be unsafe under the provisions of the Uniform Code for the Abatement of Dangerous Buildings (Chapter 17.32, VMC) and has ordered that the structure be demolished.

b. Demolition of Other Buildings in a Historic Preservation Overly District. If a proposed reuse of the site requires the demolition of a structure listed on the Clark County Heritage Register, State Heritage Register, or National Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings, and such structure is located within a Historic Preservation Overlay District. The proponent of the demolition shall submit an Application for Demolition together with a report demonstrating that preservation of the building or structure and important features thereof proposed for demolition will impose an economic hardship upon the owner, rendering it impractical to renovate, restore, or reuse the structure. The report shall contain the following information:

i. Ownership history during the past ten years including the buyers and sellers, sales prices, dates of sales and the relationships, if any, between the present owner(s) and the most recent previous owner(s).

ii. The outstanding balance of the mortgage and other financing secured by the property.

iii. The most recent assessed value and present property taxes levied.

iv. All appraisals on the property performed during the past three years and an estimate of the property's present fair market value.

v. A summary of listed prices, if any, for the property during the most recent three years.

vi. Cultural significance as described in nominations for listing in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places or in any consultant report determining that the building may be an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places.

vii. Professional quality as-built drawings of the building and renderings of all exterior elevations showing the building's architectural features and black and white photographs on acid free photographic paper of the building interior and exterior, its site and adjacent structures.

viii. Current level of economic return including annual gross income, itemized operating and maintenance expenses, capital expenditures, depreciation and debt service for the most recent three full

years.

ix. An analysis of reasonable economic alternatives to demolition, including:

1. redevelopment of the building in its present location independent of other development of the site;

2. redevelopment of the building in its present location in conjunction with new development on the balance of the site;

3. and relocation to a different location and whether such redeveloped or relocated alternatives are capable of providing reasonable economic return upon completion of renovation / repair / relocation activities.

c. Procedures for Processing Applications for Demolition. Applications for Demolition shall be processed as follows:

i. For buildings listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places or identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings and located within a Historic Preservation Overlay District a legal notice shall be published in the local newspaper that a completed application for demolition has been accepted by the Planning Official and providing the date that such application will be reviewed by the Clark County Historic Preservation Commission. A copy of such legal notice will be mailed to all property owners within 500 feet of the property on which the demolition is proposed. Such legal notice publication and mailing shall occur at least 30 days prior to the review of the application by the Clark County Historic Preservation Commission.

ii. For buildings listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places the Clark County Historic Preservation Commission will review the application and associated reports and recommend approval or denial of the permit application.

iii. For buildings identified as an "eligible building" for future listing on the Clark County Heritage Register, State Heritage Register or National Register of Historic Places in the Washington State Inventory of Historical Sites and Buildings and located within a Historic Preservation Overlay District, but not listed in the Clark County Heritage Register, State Heritage Register or National Register of Historic Places, the Planning Official will review the application and associated reports and approve or deny the application subject to appeal to the Hearings Examiner. The Planning Official shall consult with the Clark County Historic Preservation Commission prior to approving or denying the application.

d. Criteria for Approval of an Application for Demolition. The following criteria for approval or denial shall be considered when reviewing an Application for Demolition:

i. The extent to which the demolition of the building will have a serious adverse impact on the cultural significance of the Historic Preservation Overlay District.

ii. The extent to which the building is so deteriorated and so lacking in historical fabric, that it would not be viable to retain the historic, cultural and architectural significance of the building through rehabilitation or renovation.

iii. There is no reasonable alternative to demolition that would provide the owner with a

reasonable economic return.

iv. The extent to which the denial will deprive the owner of reasonable economic use of the underlying property.

e. Conditions on a Permit for Demolition. Conditions including but not limited to the following conditions may be attached to a permit for demolition when a permit for the complete or partial demolition of a building in the Historic Preservation Overlay District is issued:

i. The effective date of the permit may be delayed by up to 90 days to allow third parties to propose alternatives to demolition to the owner. A longer period of time may be set if agreed to by the applicant.

ii. The submission of information that supplements and completes the information required by Section 20.510.050 (3)(b) above.

f. Expiration of a Permit for Demolition: A permit for complete or partial demolition shall expire if the demolition authorized by the permit is not commenced within 180 days from the date of issuance of the permit. The Building Official or his designee may extend the time for commencement of work upon determining that delays in commencing the work were beyond the control of the owner. If the permit for demolition expires, a new application for demolition must be submitted and approved before demolition can be commenced.
(M-3777, Amended, 12/04/2006, Sec 7; M-3643, Added, 01/26/2004)

Section 20.510.060 Identification Plaque.

Installation plaque criteria. The owner of a designated historic building or site, or the occupant thereof, with the consent of the owner, may at his own expense install, in addition to any other signs permitted by ordinance, an identification plaque indicating name, date, architect or other appropriate information upon the property, provided that the size, material, design, location and text of such plaque has been first reviewed by the Clark County Historic Preservation Commission with final approval by the Planning Official.
(M-3777, Amended, 12/04/2006, Sec 8; M-3643, Added, 01/26/2004)

Chapter 20.515

HOUGH NEIGHBORHOOD OVERLAY DISTRICT

Sections:

20.515.010 Purpose.
20.515.020 Establishment of Boundaries.
20.515.030 Provisions.

Section 20.515.010 Purpose.

General. To allow the present mix of uses in this area to continue while maintaining the residential character of the neighborhood, which is primarily zoned for low-density residential development (R-9).
(M-3543, Added, 01/26/2004)

Section 20.515.020 Establishment of Boundaries.

Boundary map. The boundaries of the Hough Neighborhood Overlay Zone are shown on Figure 20.515-1.

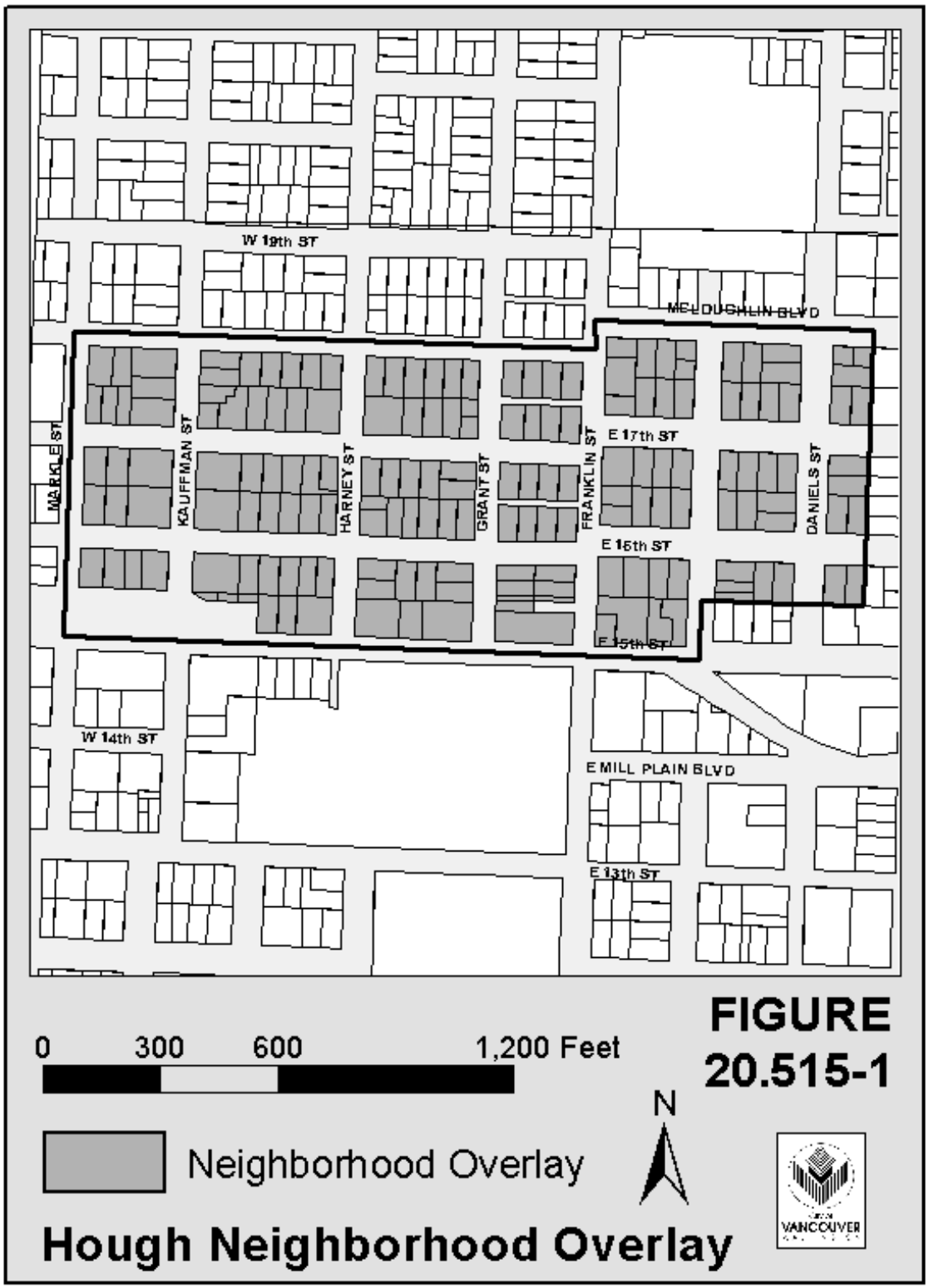


FIGURE 20.515-1

Hough Neighborhood Overlay

(M-3543, Added, 01/26/2004)

Section 20.515.030 Provisions.

A. Existing uses. Existing multi-family and professional office uses that were allowed prior to 2/8/97 when the area was zoned R-22, are allowed outright unless such uses are discontinued for more than six months.

B. Reconstruction of existing uses. Structures used for multi-family and professional offices may be rebuilt, even if they are destroyed by more than 75% of the appraised value of the structures as determined by the records of the County Assessor for the year preceding destruction when the following conditions are met:

1. Building plans for the new structure must be submitted to the city within one year of the date that the structure was destroyed.

2. Construction must begin within one calendar year after building plans are approved.

3. A new multi-family structure(s) shall not exceed 22 units/acre regardless of the number of units destroyed.

(M-3643, Added, 03/11/2004)

Chapter 20.520

NOISE IMPACT OVERLAY DISTRICT

Sections:

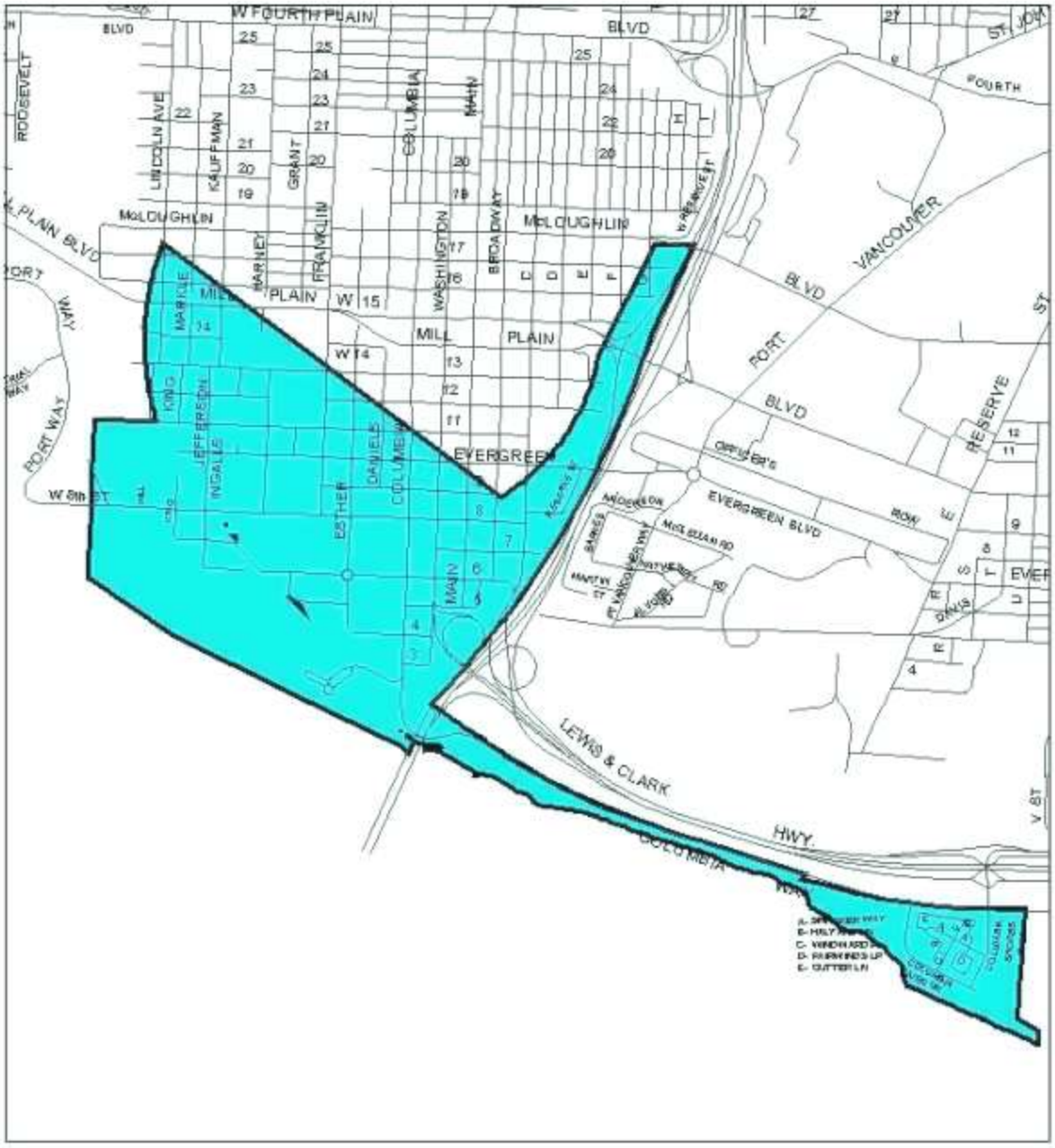
20.520.010 Purpose.
20.520.020 Establishment of Boundaries.
20.520.030 Applicability.
20.520.040 Approval Process.
20.520.050 Performance Standards.
20.520.060 Disclosure Statement Required.
20.520.070 Review and Modification.

Section 20.520.010 Purpose.

General. The purpose of the Noise Impact Overlay District is to provide a means by which the public and owners of property within the overlay district can be advised that unusually high levels of aircraft, railroad and/or traffic noise are to be expected on properties in such a district, and that such levels of sound reasonably require that special construction standards involving sound insulation hereinafter set forth be met on all new residential construction in such a district.
(M-3643, Added, 01/26/2004)

Section 20.520.020 Establishment of Boundaries.

A. Boundaries of Noise District. The boundaries of the Noise Impact Overlay District are as set forth in Figure 20.520-1. Such boundaries delineate that part of the City which is most affected by noise from Portland International Airport, Burlington Northern Railroad, I-5 Freeway and Pearson Airpark, or by the combined effect thereof. Such boundaries are based upon the 1988 65 Ldn Noise Contour shown on the 1983 PIA Noise Abatement Plan and are consistent with the noise impact studies of the Washington State Department of Transportation for the I-5 Corridor. Large-scale maps showing the boundaries of the district shall be maintained in the office of the City's Community and Economic Development Department. For lots or parcels located only partially within the district, this Chapter shall apply if all or part of the exact building site is within the district.



0 1,500 3,000 6,000 Feet

FIGURE 20.520-1

Noise Overlay

N

Noise Impact Overlay

B. Amendment of boundaries. The boundaries of the district hereby created shall be deemed amended whenever such boundaries are found by the Planning Official to require reasonable amendment to comply with the new noise impact standards thereinafter established; provided, in any case where the Planning Official finds it necessary to so amend such boundaries, his action may be appealed to the Planning Commission by any affected property owner or prospective purchaser by means of a Type III procedure, as governed by Section 20.210.060 VMC.

(M-3832, Amended, 06/18/2007, Sec 11; M-3643, Added, 01/26/2004)

Section 20.520.030 Applicability.

A. General. All new residential uses within the Noise Impact Overlay District, are subject to the provisions and the regulations of this Chapter.

B. Regulated structures. These regulations shall apply to:

1. All new residential structures;

2. Expansion by 10 % or more of an existing residential structure; and

3. Reconstruction of an existing residential structure where the cost of reconstruction exceeds 75 % of the value of the original structure.

(M-3643, Added, 01/26/2004)

Section 20.520.040 Approval Process.

A. Permit issuance. The City shall not issue any building permit or other development permit allowing construction of any new residential structure intended for use as a dwelling or dwellings in the Noise Impact Overlay District except in compliance with this Section.

B. Approval process. An applicant for such a permit shall prepare a Noise Impact Reduction Plan subject to the following procedures:

1. Single-family and duplex units. An applicant for a new or expanded single-family and/or duplex unit(s) shall request approval of the Noise Impact Reduction Plan by means of a Type I procedure, as governed by Section 20.210.040 VMC, using the performance standards contained in Section 20.520.050 VMC below.

2. Projects with three or more residential units. An applicant for a project with three or more residential units shall request approval as part of site plan review, as governed by Chapter 20.270 VMC.

C. Submission requirements. The Noise Impact Reduction Plan, must include the following:

1. A map of the property, drawn to scale, and an identification of the sources of noise that result in noise impacts on the property to Ldn levels of 65 or greater.

2. A statement of the methods proposed to be used to accomplish sound reduction.

3. A statement that the applicant has consulted with any agency or corporation responsible for managing noise generated by a source identified in 20.520.020 VMC, and a certification by the applicant that the proposed construction is designed to reduce sound impacts within structures on the property so as to mitigate any conflict between the noise source and the use of the residential building as a dwelling.

4. A time schedule for construction of the project that clearly shows that sound reduction will have been accomplished prior to any occupancy of the rooms for residential use.

5. An estimate of the Ldn values outside of the proposed building, and an evaluation of the dBA level of single impacts, and a statement by the applicant that the existence of noise levels is acknowledged to exist, as governed by Section 20.520.060 VMC below.

(M-3643, Added, 01/26/2004)

Section 20.520.050 Performance Standards.

A. Construction standards. Based on the Noise Impact Reduction Plan required in Section 20.520.040 VMC above, all regulated structures shall be constructed with sound insulation or other means which are rated to provide a decibel reduction sufficient to achieve a day/night average interior noise level of 45 Ldn for that specific property. A Washington licensed professional engineer or registered architect, knowledgeable in acoustical engineering or design, shall certify that the building plans are adequate to reduce interior noise levels to 45 Ldn or less. In preparing this certification the engineer or architect:

1. Must take into account the construction materials, type of foundation, soil type and other physical factors of the site in the evaluation.

2. Must use the ANSI, ISO, ASTM, or another nationally accepted standard for the transmission coefficients of various materials, and may assume all openings, e.g. doors and windows

3. In lieu of Subsection (1) or (2) above, the applicant's engineer or architect may accomplish the certification by a study of existing structures located within the same Ldn Noise Contour and vicinity, e.g., block, subdivision, park or moorage, to determine the expected noise level of the proposed structure(s).

B. Alternate method. In lieu of certification by a registered engineer as provided in subsection (A) above, an applicant may use standard-wall construction as provided in Reference Section 20.520.050-1, provided that the standard construction is rated to provide enough sound insulation that, when such rating is subtracted from the Ldn value established in the Noise Impact Reduction Plan, the average interior noise level will be reduced to 45 Ldn or less.

TABLE 20.520-1
STANDARD WALL CONSTRUCTION

ACOUSTICAL CONSTRUCTION CONCEPTS

(This Section, with some editing, is taken from the Audible Landscape, FHWA[1].)

Noise can be intercepted as it passes through the walls, floors, windows, ceilings and doors of a building. Examples of noise-reducing materials and construction techniques are described in the pages that follow.

To compare the insulation performance of alternative constructions, the Sound Transmission Class (STC) is used as a measure of a material's ability to reduce sound. Sound Transmission Class is equal to the number of decibels a sound is reduced as it passes through a material. Thus, a high STC rating indicates a good insulating material. It takes into account the influence of different frequencies on sound transmission, but essentially the STC is the difference between the sound levels on the side of the partition where the noise originates and the side where it is received. For example, if the external noise level is 85dB and the desired internal level is 45dB, a partition of 40 STC is required. The Sound Transmission Class rating is the official rating endorsed by the American Society of Testing and Measurement. It can be used as a guide in determining what type of construction is needed to reduce noise.

WALLS

Walls provide building occupants with the most protection from exterior noise. Different wall materials and designs vary greatly in their sound insulating properties. **Figure 20.520-2** shows a sample of wall types ranging from the lowest to the highest sound insulation values.

Remember that the effectiveness of best wall construction will be substantially reduced if vents, mail slots or similar openings are permitted in the walls. If vents are permitted the ducts must be specially designed and insulated to make sure noise does not reach the inside. The best approach is simply to eliminate all such openings on affected walls

WINDOWS

Sound enters a building through its acoustically weakest points, and windows are one of the weakest parts of a wall. An open or weak window will severely negate the effect of a very strong wall. Whenever windows are going to be a part of the building design, they should be given acoustical consideration. **Figure 20.520-2** illustrates the effects of windows on the sound transmission of walls. For example, if a wall with an STC rating of 45 contains a window with an STC of 26 covering 30 % of its area, the overall STC of the composite partition will be 35, a reduction of 10dB.

The first step in reducing unwanted sound is to close and seal the windows. The greatest amount of sound insulation can be achieved if windows are permanently sealed. However, operable acoustical windows have been developed which are fairly effective in reducing sound. Whether or not the sealing is permanent, keeping windows closed necessitates the installation of mechanical ventilation systems. The smaller the windows, the greater the transmission loss of the total partition of which the window is a part. Reducing the window size is a technique that is used because: (a) it precludes the cost of expensive acoustical windows; and, (b) it saves money by cutting down the use of glass. The problems with this technique are: (a) it is not very effective in reducing noise; e.g., reducing the proportion of window to wall size from 50 % to 20 % reduces noise by only 3 dB; and, (b) building codes require a minimum window to wall size ratio. If ordinary windows are insufficient in reducing noise impacts in spite of sealing techniques, thicker glass can be installed. In addition, this glass can be laminated with a tough transparent plastic that is both noise and shatter resistant. Glass reduces noise by the mass principle; that is, the thicker the glass, the more noise-resistant it will be. A ½” thick glass has a maximum STC rating of 35dB compared to a 25dB rating for ordinary 3/16” glass. However, glass thickness is only practical up to a certain point, when STC increases become too insignificant to justify the cost. For example, a ½” glass can have an STC of 35; increasing the thickness to ¾” only raises the STC to 37. However, a double glass acoustical window consisting of 2- 3/16” thick panes separated by an airspace will have an STC of 51 and can cost less than either solid window.

In addition to thickness, proper sealing is crucial to the success of the window. To prevent sound leaks, single windows can be mounted in resilient material such as rubber, cork or felt.

Double-glaze windows are paired panes separated by an airspace or hung in a special frame. Generally, the performance of the double-glazed window may be increased with: (a) increased airspace width; (b) increased glass thickness; (c) proper use of seals; (d) slightly dissimilar thickness of the panes; and, (e) slightly nonparallel panes.

In general, the airspace between the panes should not be less than 2-4" if an STC above 40 is desired. If this is not possible, a heavy single-glazed window can be used. The use of slightly nonparallel panes is a technique employed when extremely high sound insulation is required, such as in control rooms of television studios.

The thickness of double-glazed panes may vary from 1/8" to ¼" or more per pane. Although thickness is important, the factors that most determine the noise resistance of the window are the use of sealant and the width of the airspace.

As in the case of all windows, proper sealing is extremely important.

DOORS

Acoustically, doors are even weaker than windows, and more difficult to treat. Any door will reduce the insulation value of the surrounding wall. The common, hollow core wood door has an STC rating of 17dB. Taking up about 20 % of the wall, this door will reduce a 48 STC wall to 24 STC. To reduce noise, a hollow-core door can be replaced by a heavier solid-core wood door that is well sealed and is relatively inexpensive. A solid-core wood door with vinyl seal around the edges and carpeting on the floor will reduce the same 48 STC wall to only 33dB.

The alternative solution to doors is to eliminate them whenever possible from the severely affected walls and place them in more shielded walls.

In any case, no mail slots or similar openings would be allowed in exterior doors.

ROOFS

Acoustical treatment of roofs is not usually necessary unless the noise is extremely severe or the noise source is passing over the building. The ordinary plaster ceiling should provide adequate sound insulation except in extremely severe cases. An acoustically-weak roof which is likely to require treatment is the beamed ceiling. Beamed ceilings may be modified by the addition of a layer of fiberglass or some other noise resistant material. Suspended ceilings are the most effective noise reducers but they are also the most expensive.

REFERENCES

1 U.S. Department of Housing and Urban Development, A Study of Techniques to Increase the Sound of Insulation of Building Elements, Report NO. WR 73-5, Washington, D.C., June, 1973.

2 Ibid.

3 D.E. Bishop and P.W. Hirtle, "Notes on the Sound Transmission Loss of Residential-Type Windows and Doors," Journal of the Acoustical Society of America, 43:4 (1968).

4 U.S. Gypsum, Sound Control...p. 100.

5. Ibid p. 15.

[1] The Audible Landscape: A Manual for Highway Noise and Land Use, U.S. Department of Transportation, the Federal Highway Administration, November, 1974. (GPO Stock #5000-00079)

FIGURE 20.520-2
WALL SOUND INSULATION CHARACTERISTICS

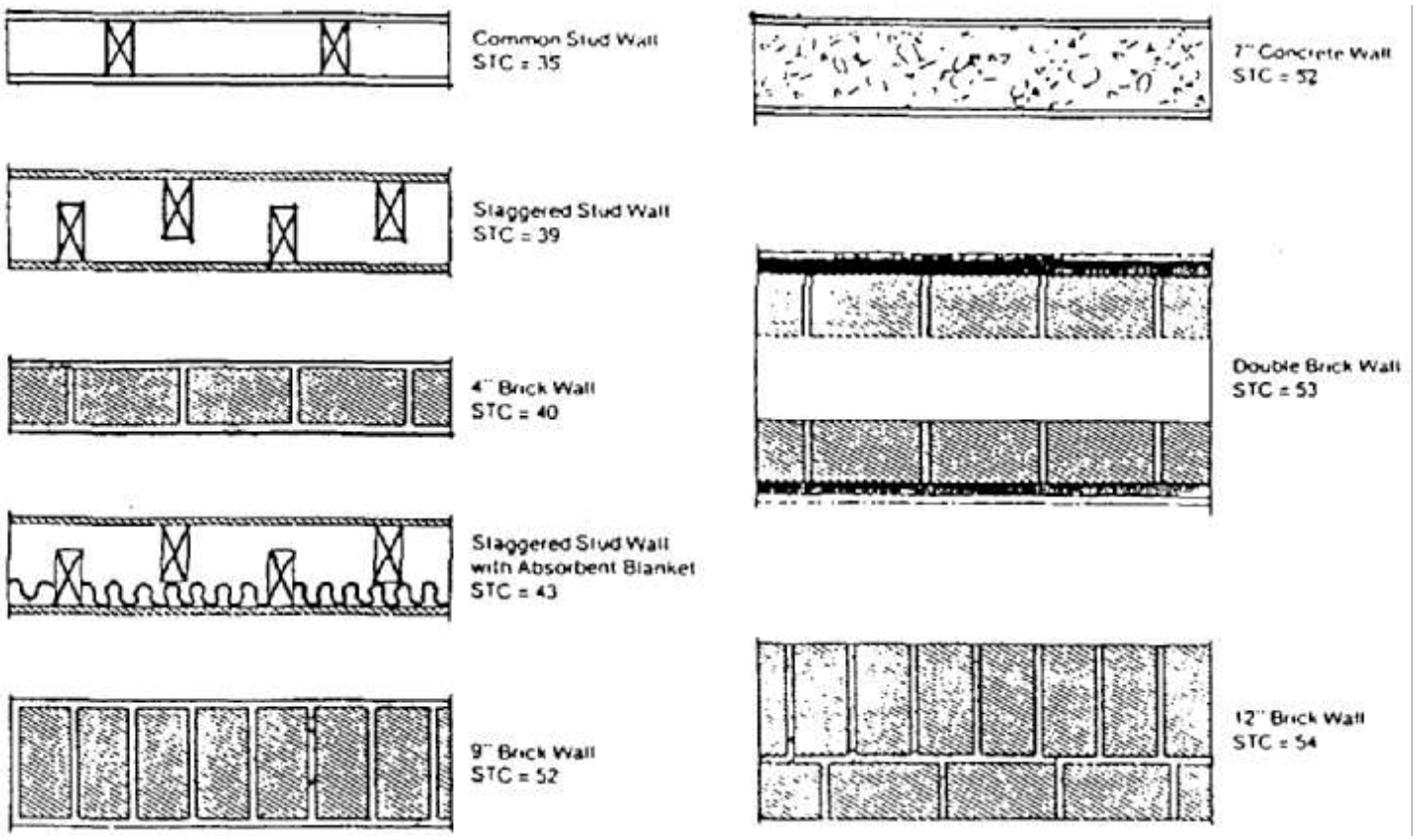
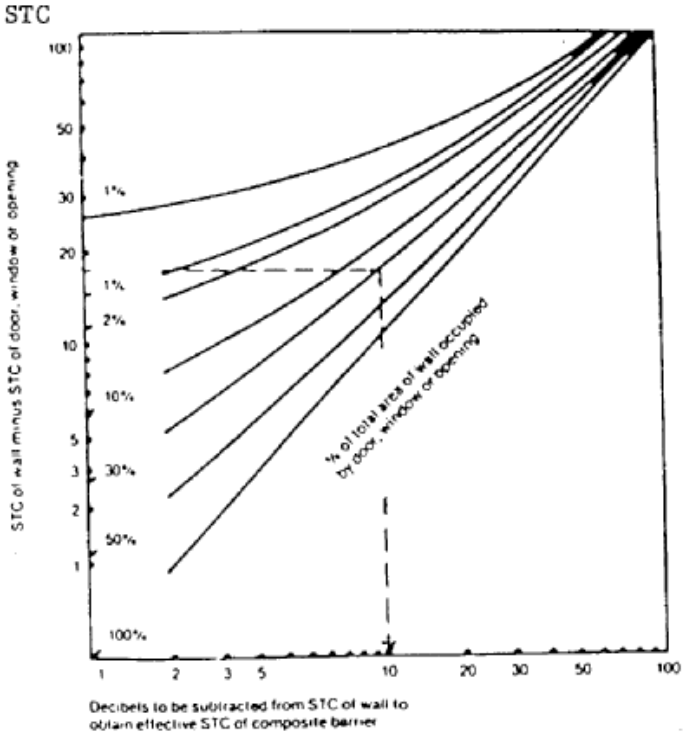


FIGURE 20.520-3
WINDOWS' SOUND TRANSMISSION CHARACTERISTICS



Instructions on use of graph

1. Subtract the STC value of the door, window or opening from the STC value of the wall.
2. Enter the vertical axis of the graph at the point that matches the value from step 1.
3. Read across to the curve that represents the percentage of the total area of the wall that is taken up by the door, window, or opening.
4. Read down to the horizontal axis.
5. Subtract the value on the horizontal axis from the original STC value of the wall. The result is the composite STC value of the wall and the door, window or opening.

(M-3643, Added, 01/26/2004)

Section 20.520.060 Disclosure Statement Required.

Required disclosure statement. As a condition of a building or development permit for residential use within the Noise Impact Overlay District, the applicant shall sign and record a disclosure statement in a form provided by the City consistent with this Chapter. Such statement shall clearly document that the premises may be adversely affected by noise. The statement shall also reference any Noise Impact Reduction Plan applicable to the property, and the applicant shall agree to provide a copy of this statement to all prospective purchasers or tenants of the property who intend to occupy the structure as a dwelling. A signed copy of such statement and proof that it has been recorded with the County Auditor must be presented to the Planning Official prior to issuance of any such permit. If the overlay district is modified under Section 20.520.020(B) VMC so as to reduce the size of such zone or to delete any land therefrom, the affected property owner may amend such disclosure statement to reflect such change, and upon written approval of the Planning Official, may file a supplemental statement showing such change.
(M-3643, Added, 01/26/2004)

Section 20.520.070 Review and Modification.

General. There shall be review by the Planning Commission of the boundaries of the Noise Impact Overlay District at least every 5 years. This review shall be based on the location of the 65 Ldn noise contour provided by the Port of Portland, the Washington Department of Transportation, and/or other reliable sources. (Note: For purposes of establishing review dates, this Chapter was adopted by the City on June 17, 1985.)
(M-3643, Added, 01/26/2004)

Chapter 20.525

OFFICE DEVELOPMENT OVERLAY DISTRICT

Sections:

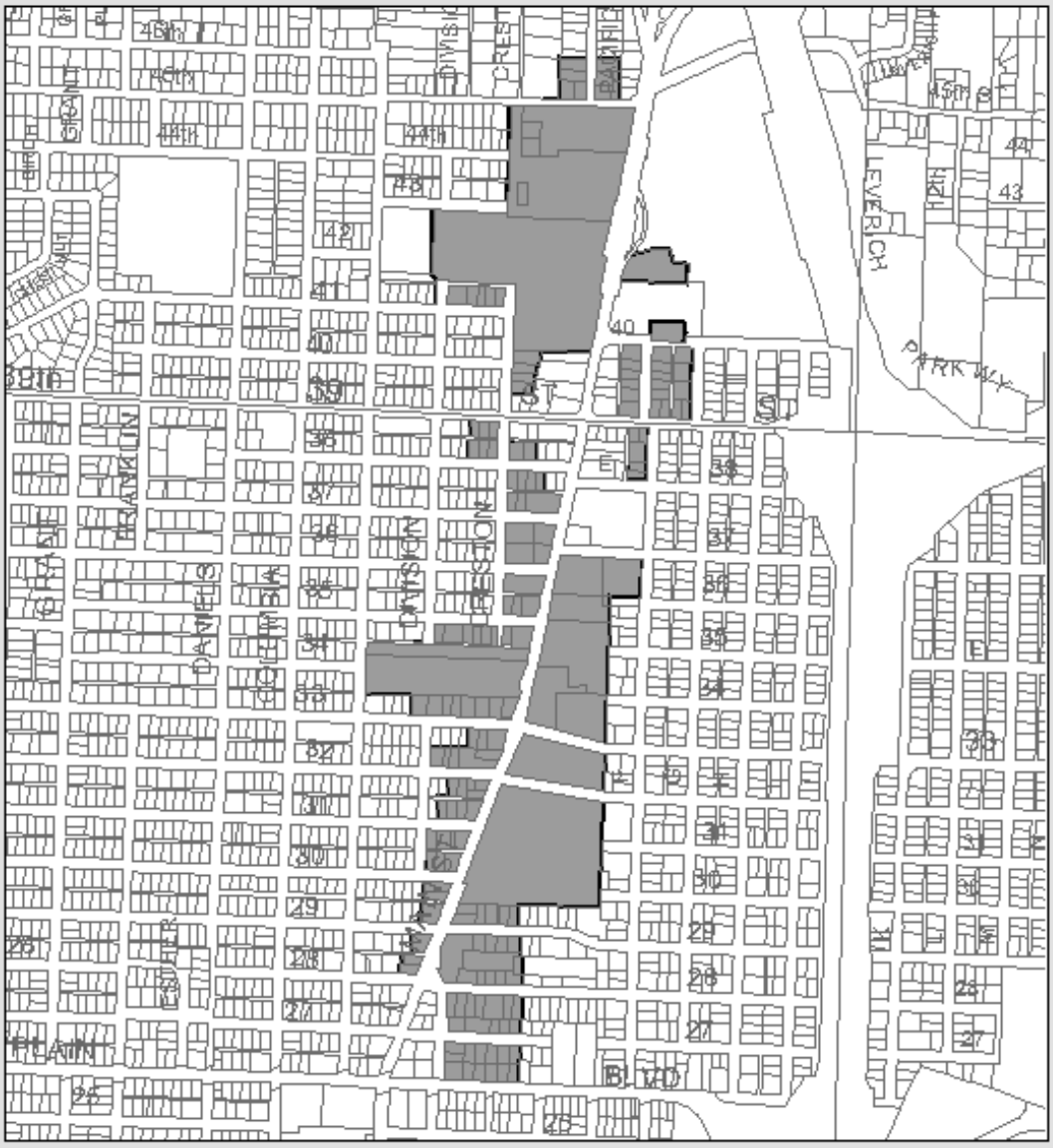
20.525.010 Purpose.
20.525.020 Establishment of Boundaries.
20.525.030 Regulation of Uses (Reserved for future use)
20.525.040 Special Standards.

Section 20.525.010 Purpose.

The Office Development Overlay District is intended to provide standards for the conditional review of nonresidential land uses which are proposed along major streets, and is to enhance public safety and to maintain the livability of adjacent neighborhoods.
(M-3643, Added, 01/26/2004)

Section 20.525.020 Establishment of Boundaries.

The boundaries of certain Office Development Combining Districts are hereby established as shown in Figure 20.525– 1.



0 750 1,500 3,000 Feet

FIGURE 20.525-1

N

Office Development Overlay

Office Development Overlay District

(M-3643, Added, 01/26/2004)

Section 20.525.030 Regulation of Uses (Reserved for future use)
(M-3643, Added, 01/26/2004)

Section 20.525.040 Special Standards.
All proposed uses within areas covered by the Office Development Overlay District and which require a conditional use permit shall be subject to the following special standards, which shall serve as criteria for review. The applicant for a conditional use permit, or his agent, shall demonstrate to the Planning Commission satisfactory compliance with the following requirements:

A. The proposed use shall not have direct access to an arterial street but shall gain ingress and egress from a side street or frontage road.

B. Traffic from the proposed use on a side street shall be directed to the nearest arterial or collector street and shall not be routed through an adjoining neighborhood.

C. The proposed use shall not interfere with the use of adjoining lands and shall not create nuisance conditions due to noise, hours of activity or light or glare.

D. If the proposed use requires the conversion or demolition of a residential building, the applicant must demonstrate that the nature of the proposed use requires the proximity of other related activities and that a public purpose, as opposed to mere private convenience, will be served by this location and justifies any unmitigated impacts on the neighborhood.

(M-3643, Added, 01/26/2004)

Chapter 20.540

SURFACE MINING OVERLAY DISTICT

Sections:

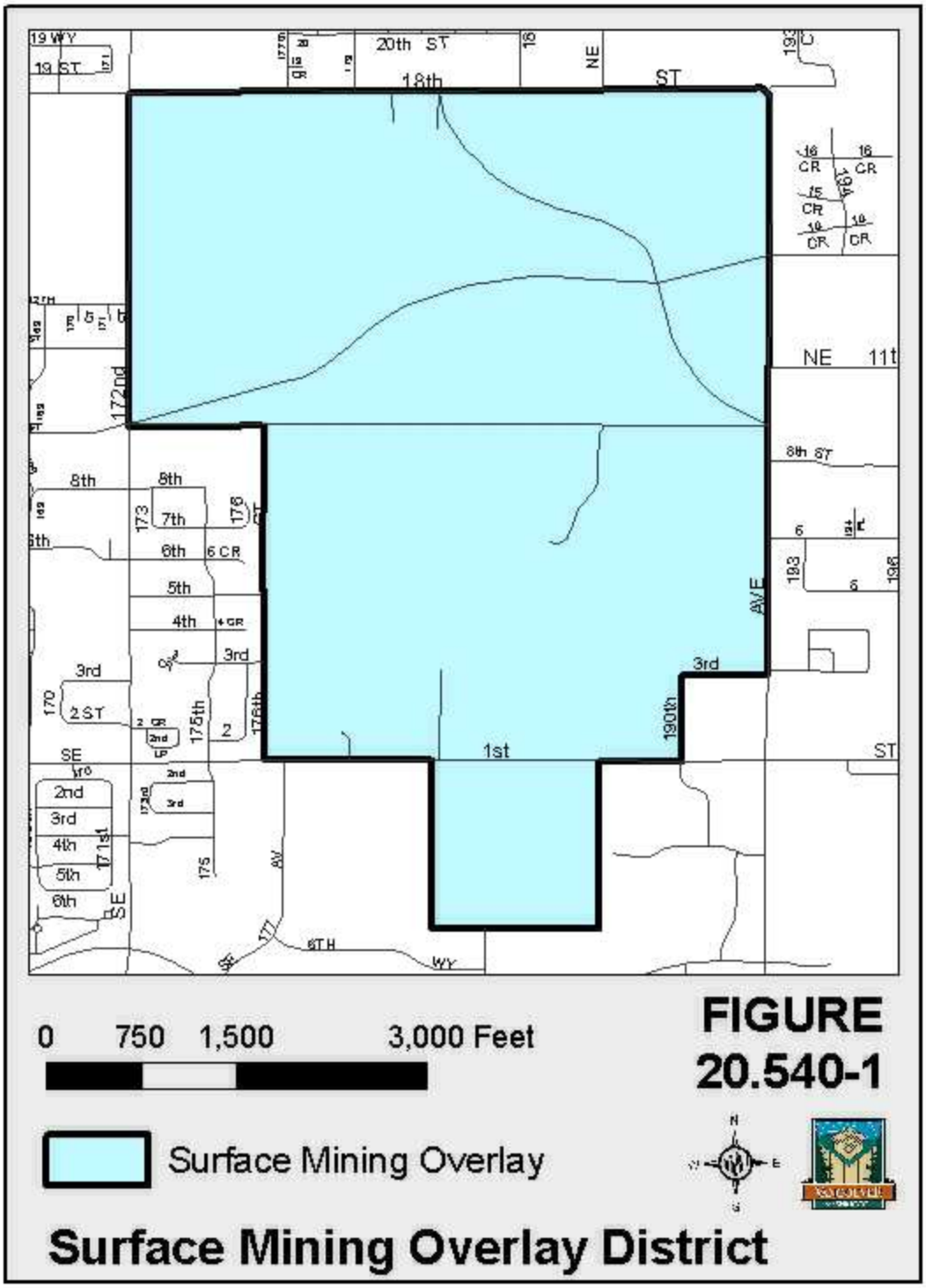
20.540.010 Purpose.
20.540.020 Establishment of Boundaries
20.540.030 Approval Process.
20.540.040 Submission Requirements.
20.540.050 Performance Standards.

Section 20.540.010 Purpose.

General. The purpose of the Surface Mining Overlay District (sm) is intended to ensure the continued extraction of rock, stone, gravel, sand, earth and minerals without disrupting or endangering adjacent land uses, while safeguarding life, property and the public welfare. Provisions of Washington State Statutes 78.44 RCW and 332-18 WAC applicable to the City of Vancouver pertaining to surface mining are hereby adopted by reference.
(M-3643, Added, 01/26/2004)

Section 20.540.020 Establishment of Boundaries

Boundary Map. The boundaries of the Surface Mining Overlay Zone are shown on Figure 20.540-1.



(M-3930, Amended, 10/05/2009, Sec 5; M-3643, Added, 01/26/2004)

Section 20.540.030 Approval Process.

A.A. Permitted uses. The following uses are permitted within this district, subject to site plan review as regulated by Chapter 20.270 VMC:

1. All uses allowed in the base zoning district over which this district overlay is established.

2. Extractions from deposits of rock, stone, gravel, sand, earth and minerals along with related accessory activities

A.B. Conditional Uses. The following uses may be conditionally permitted within this overlay, subject to conditional use review, as governed by Chapter 20.245 VMC, and site plan review, as governed by Chapter 20.270 VMC:

1. Asphalt mixing.

2. Concrete batching.

3. Clay bulking.

4. Rock crushing.

5. On-site hazardous waste treatment and storage facilities subject to State Siting Criteria as regulated by 70.105.210 RCW.

(M-3643, Added, 01/26/2004)

Section 20.540.040 Submission Requirements.

Submission requirements. The submission requirements of an application for site plan review of the uses described in this chapter shall also include the following information

A. Vicinity map. General vicinity map of the proposed site.

B. Topography. Property limits and accurate contours of existing ground and details of terrain and area drainage.

C. Grading plan. Dimensions, elevations or finished contours to be achieved by the grading, proposed drainage channels, and related construction.

D. Physical characteristics. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, berms, settling ponds, and other protective devices to be constructed with or as a part of the proposed work, together with the maps showing the drainage area and the estimated runoff of the area served by any drains.

E. Location of development. Location of any buildings, or structures on the property where the work is to be performed, and the location of any buildings or structures on land of adjacent property owners which are within 50’ of the property, or which may be affected by the proposed operation.

F. Landscape and rehabilitation plan. Landscape and rehabilitation plan as required by Section 20.540.050(O) VMC.

(M-3643, Added, 01/26/2004)

Section 20.540.050 Performance Standards.

A. Site area. When the activity includes both extractions and one or more of the conditional uses listed in Section 20.540.030 (B) VMC, the total site area shall be a minimum of 20 acres. Activities that are limited to extractions only shall not have a minimum site size.

B. Lot width. There shall be a minimum lot width of 330' , unless the activity does not include any one of the uses listed in Section 20.540.030 (B) VMC, in which case, there shall be a minimum lot width of 60' .

C. Fencing. The periphery of all sites within the site area being actively mined or reclaimed shall be fenced according to the State Department of Natural Resources standards.

D. Berms. Berms of sufficient height, width, and mass to screen the site from adjacent land uses shall be provided. Suitable planting shall be determined by the Planning Official during site plan review.

E. Setbacks. The tops and toes of cut and fill slopes shall be set back from property boundaries according to the State Department of Natural Resources' standards for safety of the adjacent properties, and to prevent damage resulting from water runoff or erosion of slopes.

F. Maximum permissible noise levels. Maximum permissible noise levels shall be according to the provisions of the 173-60 WAC.

G. Hours of operation. Hours of operation, unless otherwise authorized or restricted by the Planning Official, shall be between 7 a.m. and 7 p.m.

H. Excavations to water-producing depth. The intent of this provision is to allow reclamation of the land that will result in the establishment of a lake of sufficient area and depth of water to be useful for residential or recreational purposes. All excavations must either be made to a water-producing depth, or graded in a manner approved by the City Engineer. The excavations made to a water-producing depth shall be reclaimed in the following manner:

1. The depth of the excavations must not be less than 2' measured below the low-water mark.

2. All banks shall be sloped to the water line no steeper than 1-1/2' horizontal to 1' vertical.

3. All banks shall be sloped from the low-water line into the pond or lake with a minimum slope of 1-1/2' horizontal to 1' vertical, to a depth of 5' .

4. In no event shall the term "water-producing depth," as herein used, be construed to allow stagnant or standing water to collect or remain in the excavation.

I. Slope. When reclaimed, no slope of cut and fill surfaces shall be steeper than is safe for the intended use, and shall not exceed 1-1/2' horizontal to 1' vertical for gravel, and ¼' horizontal to 1' vertical, unless otherwise approved by the City Engineer for consolidated material.

J. Erosion control. All disturbed areas including faces of cuts and fill slopes, shall be prepared and maintained to control erosion. This control may consist of planting sufficient in amount or type to stabilize the slope as approved by the Planning Official.

K. Drainage. Provisions shall be made to:

1. Prevent any surface water or seepage from damaging the cut face of any excavations or the sloping face of a hill.

2. Drain any surface waters that are or might be concentrated as a result of a fill or excavation to a natural watercourse, or by other means approved by the City Engineer.

3. Prevent any sediment from leaving the site in a manner which violates 90.48.080 RCW and 173-201-100 WAC.

L. Bench/terrace. Benches shall be back-sloped, and shall be established at not more than 40' vertical intervals, to control surface drainage and debris. Swales or ditches on benches shall have a maximum gradient of 5%.

M. Maintenance of access roads. Access roads to mining and quarrying sites shall be maintained and located to the satisfaction of the City Engineer, to minimize problems of dust, mud and traffic circulation.

N. Overburden. Overburden shall only be removed to accommodate aggregate and related activities of this chapter.

O. Land restoration

1. Upon the exhaustion of minerals or materials, or upon the permanent abandonment of the quarrying or mining operation, all buildings, structures, apparatus or appurtenances accessory to the quarrying and mining operation which are nonconforming to the underlying district, shall be removed or otherwise dismantled to the satisfaction of the Planning Official by means of a Type I procedure.

2. Final grades shall be such so as to encourage the uses permitted by right or allowed conditionally within the base zoning district.

3. Unless approved as a sanitary landfill, grading or backfilling shall be made with non-noxious, non-flammable and non-combustible solids.

4. Such graded or backfilled areas, except for roads, shall be seeded or surfaced with soil of a quality at least equal to the topsoil of the land areas immediately surrounding, and to a depth of at least 4", or a depth of that of the topsoil of land areas immediately surrounding, if less than 4".

5. Such topsoil as required by Subsection 4 above shall be planted with trees, shrubs or grasses.

6. Graded or backfilled areas shall be reclaimed in a manner that will not permit stagnant water to remain. Suitable drainage systems approved by the City Engineer shall be constructed or installed if natural drainage is not possible.

7. Waste or soil piles shall be leveled and the area treated, as required in Subsections 4 and 5 above.
(M-3643, Added, 01/26/2004)

Chapter 20.550

TRANSIT OVERLAY DISTRICT

Sections:

20.550.010 Purpose.
20.550.020 Applicability.
20.550.030 Densities/Floor Area Ratios.
20.550.040 Development Regulations.
20.550.050 Incentives.
20.550.060 Development Plan Approval (Reserved).
20.550.070 Special Requirements - Master Development Plan Within the Transit Overlay District
20.550.080 Periodic Review.

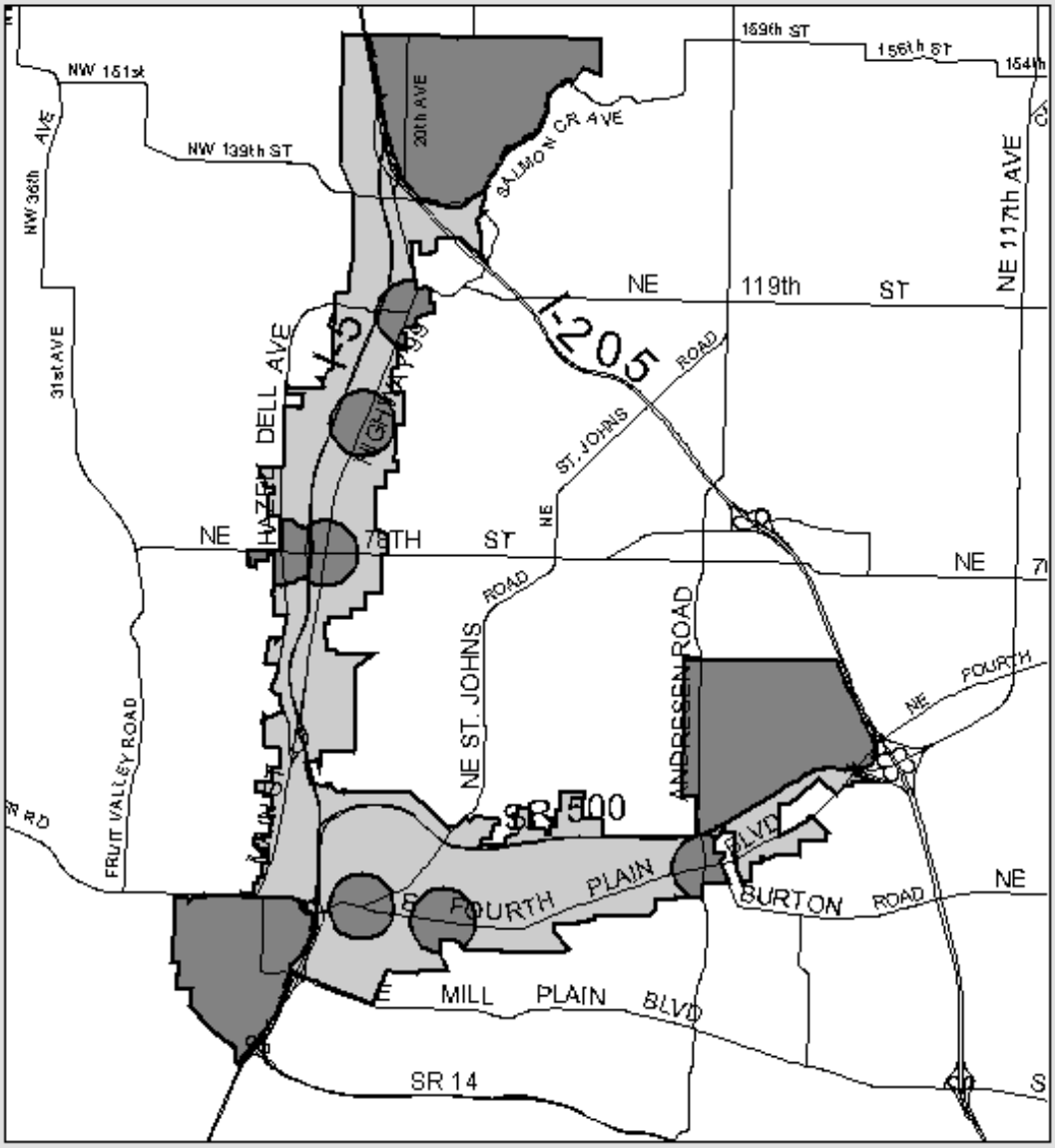
Section 20.550.010 Purpose.

A. Purpose. The provisions of this Chapter are voluntary and incentive based, and may be applied to parcels located within the boundaries of the Transit Overlay District at the applicant' s request. This Chapter shall establish densities and development regulations applicable to any development in the Transit Overlay District but shall also provide for separate standards for different development environments. These development environments shall be designated as Tier 1 and Tier 2. The Tier 1 environment will be oriented towards higher densities and more transit-friendly urban design that could be associated with high capacity transit or increased transit service. Development within Tier 2 shall encourage increased densities and be subject to certain development regulations, at a less restrictive level, but will also encourage the use of alternative transportation modes and pedestrian and transit friendly development. This Chapter shall also set forth regulations applicable to transit streets, as defined herein, located within the Vancouver Urban Growth Area.

(M-3643, Added, 01/26/2004)

Section 20.550.020 Applicability.

A. General Boundaries. The boundaries of the Transit Overlay District and the delineation between Tier 1 and Tier 2 shall be indicated at Figure 20.550-1 contained herein.



0 1 2 4 Miles

Tier One

Tier Two

Transit Overlay District

FIGURE 20.550-1

N

CITY OF VANCOUVER

B. Tier 1 Description. Tier 1 shall include the following areas located within the general boundaries of the Transit Overlay District:

1. Urban Centers. Those areas identified as major activity centers on the Clark County and City of Vancouver Comprehensive Land Use Plans commonly known as: Downtown Vancouver, Vancouver Mall and Washington State University.

2. Transit Nodes. Transit nodes are those locations where fixed route transit routes intersect and provide potential transfer points between routes plus a 1/4 mile radius surrounding such intersection. Transit nodes are those intersections at which weekday transit service is or will be at a minimum level of 15 minute peak frequency for at least one of the two streets and at least 30 minute peak period frequency for the other street. Transit nodes shall also be identified in C-TRAN's annually updated 6-year Transportation Development Plan. Based on these criteria, the following intersections are identified as transit nodes located outside the urban centers:

a. Fourth Plain Boulevard and St. Johns Boulevard

b. Fourth Plain Boulevard and Grand Avenue

c. Fourth Plain Boulevard and Andresen Road

d. Highway 99 and 78th Street

e. Highway 99 and 99th Street

f. Highway 99 and 117th Street

g. Hazel Dell Avenue and 78th Street

If a development is proposed within a transit node, it shall be the responsibility of the applicant, subject to the review and approval of the planning official, to determine whether the site is within 1/4 mile walking distance of the above-defined intersection within the transit node, as measured along established or proposed pedestrian routes, whether or not sidewalks or other pedestrian improvements currently exist. If the site is within this walking distance, development shall be subject to Tier 1 regulations. If the site is not within this walking distance, development of the site shall be subject to Tier 2 regulations.

3. Transit Stations.

a. Transit stations shall be defined as those areas located within a 1/2 mile radius of high capacity transit stations as identified in this chapter. No transit stations have been identified upon the passage of this chapter but will be identified at such time as a locally preferred alternative is adopted pursuant to the Federal Alternatives Analysis Study. Additional transit stations may be identified at a future time. Until such time as the transit stations are identified in this chapter, such areas will remain in Tier 2. Once transit stations are identified in this chapter, such areas may be subject to Tier 1 regulations if the conditions of 20.255.020(B)(3)(b) are met.

b. If a development is proposed within a transit station area, it shall be the responsibility of the applicant, subject to the review and approval of the planning official, to determine whether the site is within a 1/2 mile walking distance to the transit station, as measured along established or proposed pedestrian routes, whether or not sidewalks or other pedestrian improvements currently exist. If a proposed development is within this walking distance, such development shall be subject to Tier 1

regulations. If the site is not within this walking distance, development of the site shall be subject to Tier 2 regulations.

C. Tier 2 Designation

Tier 2 shall be those areas within the general boundaries of the Transit Overlay District that are not identified as Tier 1.

D. Tier 1 Transit Streets.

1. Tier 1 transit streets shall be identified as those streets or segments of streets located within the Vancouver Urban Growth Area, at which weekday transit service is or will be at a minimum level of ten (10) minute peak frequency. In order to be considered by the City of Vancouver as a Tier 1 transit street, said street shall be identified in C-Tran's annually updated 6-year Transit Development Plan. Development adjacent to such transit streets shall be subject to Tier 1 regulations.

The city and C-Tran shall work cooperatively in designating streets as transit streets through the following process and such other processes as the agencies shall agree: once C-Tran formally, through Board action, lists a street in its 6-year Transit Development Plan which has or will have a minimum level of ten (10) minute peak frequency, the city shall consider amending this chapter to include such street as a transit street subject to the Tier 1 regulations.

E. Tier 2 Transit Streets. (Reserved for future use)
(M-3643, Added, 01/26/2004)

Section 20.550.030 Densities/Floor Area Ratios.

A. Minimum Residential Density. The minimum residential density within the Transit Overlay District shall be as established in Table 20.550.030-1, but shall not exceed twenty (20) dwelling units per acre.

B. Maximum Residential Density. The maximum residential density within the Transit Overlay District shall be as established in Table 20.550.030-1.

C. Minimum Floor Area Ratio for Non-residential Development. The minimum floor area ratio for non-residential development within the Transit Overlay District shall be established in Tables 20.550.030-1 and 20.550.030-2. Except for the Downtown Activity Center the floor area ratio requirement may be phased-in on a site when a master plan is submitted which demonstrates that a site can meet the floor area ratio requirements at full build-out. Figure 20.550.030-2 shows the boundaries of areas in the Transit Overlay District with floor area ratio requirements. Refer to Section 20.260.070 for master planning requirements.

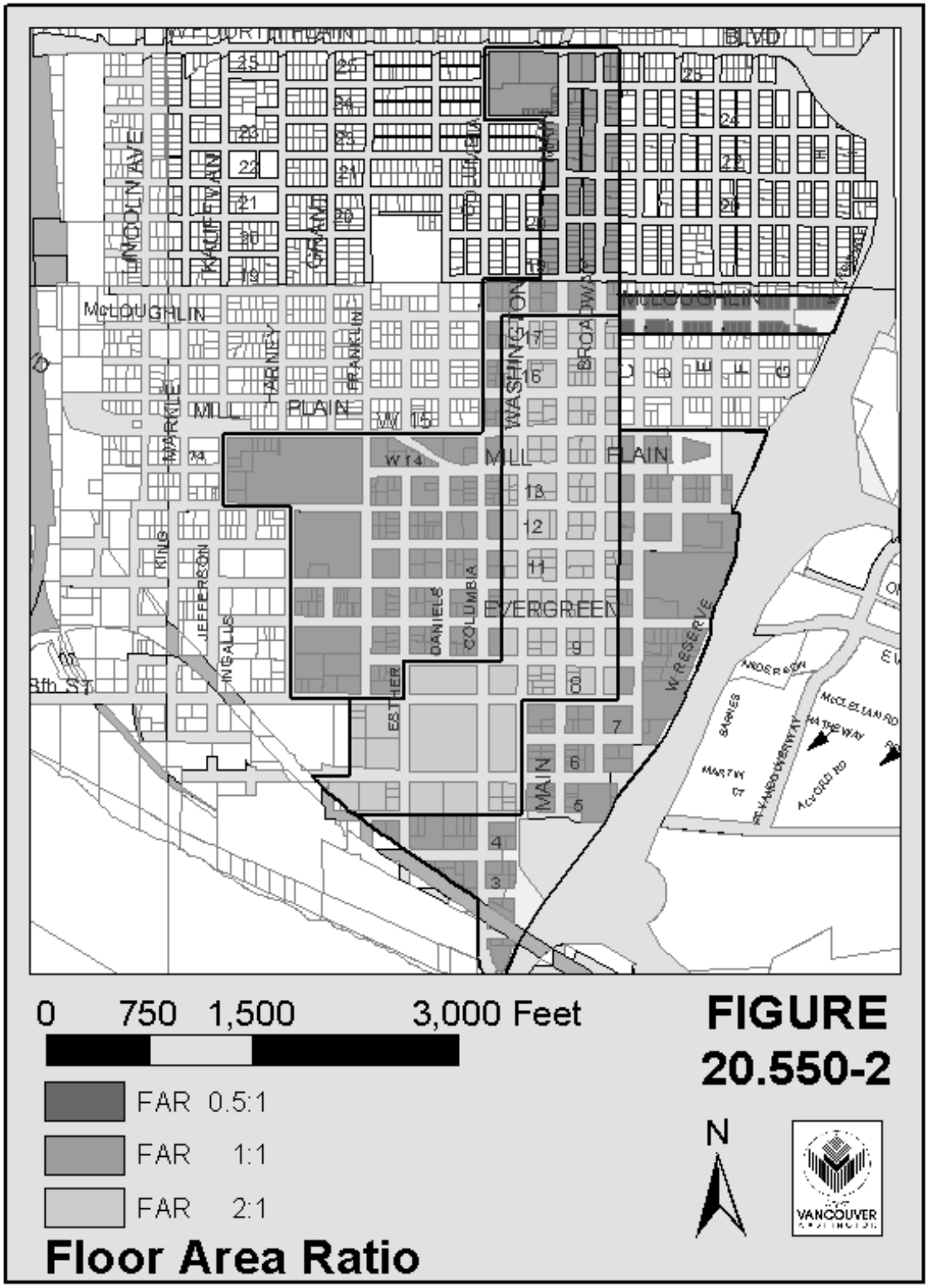


Table 20.550.030– 1

Tier 1 Minimum and Maximum Densities

	Downtown	Vancouver Mall	WSU	Nodes	Stations	Streets
Minimum Residential Density	65% of the maximum density established in the base zone	65% of the maximum density established in the base zone	65% of the maximum density established in the base zone	65% of the maximum density established in the base zone	65% of the maximum density established in the base zone	65% of maximum density established in the base zone
Maximum Residential Density	125% of the maximum density established in the base zone	125% of the maximum density established in the base zone	125% of the maximum density established in the base zone	125% of the maximum density established in the base zone	125% of the maximum density established in the base zone	125% of the maximum density established in the base zone
Minimum Non-Residential Floor Area Ratio (FAR)	Refer to Table 20.550-2 and corresponding FARs	.50 to 1 FAR	.50 to 1 FAR[1]	.50 to 1 FAR	.50 to 1 FAR	.50 to 1 FAR

[1] It is anticipated that Washington State University Campus construction and future expansions will utilize provisions under Master Planning for Large Scale Developments.

Table 20.550.030– 2 **Tier 2 Minimum and Maximum Densities**	
Minimum Residential Density	65% of the maximum established in base zone
Minimum Non-Residential Density	.35 to 1 FAR

(M-3643, Added, 01/26/2004)

Section 20.550.040 Development Regulations.

A. Uses.

1. Purpose. The purpose of this section is to prohibit or conditionally allow certain uses within the Transit Overlay District which are permitted in the base zone but would, if allowed, be contrary to the purposes of the Transit Overlay District as set forth in Section 20.550.010 of this chapter.

2. Applicability. Certain uses shall be permitted, prohibited or conditionally allowed within the Transit Overlay District as indicated in Table 20.550.040-1.

Table 20.550.040– 1
Uses

		Tier 1	Tier 2
1	Ambulance Services	C	C
2	Automobile Washing	X	C
3	Cold Storage Plants	X	X
4	Commercial agriculture and silviculture	X	X
5	Concrete mixing as a permanent use	X	X
6	Fuel and oil distributors	X	X
7	Gas stations	C	C
8	Gas stations incidental to retail sales	C	C
9	Hay, feed, grain stores	X	X
10	Heavy equipment, sales, rental and repair	X	X
11	Indoor and outdoor target shooting	X	X
12	Manufacturing, fabricating, processing, packing, and storage	X	X
13	Mini-storage as a primary use	X	C
14	Motels	C	C
15	Motor Freight terminals	X	X
16	Off site hazardous waste treatment and storage facilities	X	X
17	Motor vehicle dealers, new and used, such as automobiles, and trucks	X	C
18	Sales of boat, marine supplies, and boat trailers	X	X
19	Sales of manufactured housing if housing stored off-site	P	P
20	Sales of recreational vehicles, motor homes and trailers and equipment	X	X
21	Sales and storage of wholesale lumber, building materials and heavy equipment	X	X
22	Auto parts stores	C	P
23	Sales of home improvement supplies, landscaping materials, and hardware	C	C
24	Trailer, truck, automobile, recreational vehicles or boat storage	X	X
25	Vehicle rental if vehicles are stored in a location outside of the Transit Overlay District	P	P
26	Vehicle repair	C	C
27	Veterinary clinics	C	C
28	Any permitted use with a drive through facility subject to the criteria set forth in Section 20.550.040(A)(3) of this Chapter	C	C

X = Prohibited
C = Conditional Use
P = Permitted

3. Criteria applicable to uses with drive-through facilities. Drive-through facilities are prohibited in transit nodes and transit station areas. Such facilities are permitted as conditional uses throughout the rest of the Transit Overlay District. In addition to the criteria set forth at VMC 20.245 (conditional uses), the following shall also be met:

a. Except where constrained by the size or configuration of a proposed site, drive-through facilities and related driveways shall not be located between a public street and a structure; and

b. The drive-through facility incorporates a safe, clearly identifiable pedestrian crossing through the use of elevation changes, different paving material, or other similar methods approved by the planning official.

B. Pedestrian Access

1. Purpose. The purpose of this section is to provide for safe and convenient pathways or sidewalks between uses, as well as along street frontages which will increase the convenience and appeal of leaving one's car and walking from place to place. The pedestrian access standards encourage a safe, attractive, and usable pedestrian circulation system in all developments and ensure a direct pedestrian connection between the street and buildings on the site. Parking areas should facilitate pedestrian access to and from buildings via clearly designated pedestrian walkways connecting building entrances with parking areas and with pedestrian systems in the public right-of- way. The walkways and landscaping area will be compatibly designed.

2. Applicability. This section shall apply throughout the Transit Overlay District.

3. Sidewalks. Sidewalks shall be required and constructed according to adopted Vancouver standards.

4. Pedestrian Access Standard. An on-site pedestrian circulation system which connects the street to the primary entrances of the structure(s) on the site shall be provided. The circulation system must be hard-surfaced and be at least 5 feet wide. Where the system crosses driveways, parking areas, and loading areas, the system must be clearly identifiable, through the use of elevation changes, speed bumps, a different paving material, or other similar method approved by the planning official. The on-site pedestrian circulation system must be adequately illuminated for night-time use to a level where the system can be used at night by employees, residents, and customers. Sidewalks or pedestrian ways must connect the required pedestrian system to existing pedestrian systems on adjacent developments if adequate safety and security can be maintained and a physical connection to adjacent pedestrian systems can be constructed.

5. Internal Access. Internal access pedestrian paths shall be provided in locations generally consistent with the project's development plan. The internal access system may be private and provided for by easement as each phase of a development on a site within the District develops.

6. Lighting. Lighting for parking lots and pedestrian ways shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination and fixtures. Lighting shall not produce glare or negatively impact off-site uses or traffic on adjacent streets.

C. Landscaping and Walls, Hedges and Fences

1. Purpose. Landscaping, street trees and certain walls, hedges and fences improve the aesthetic character of an area and create a more pedestrian friendly environment. Urban settings are more enjoyable when natural elements are retained, added or enhanced. This section requires landscaping and street trees as elements of new development and regulates the size and type of walls, hedges and fences within the Transit Overlay District.

2. Applicability. This section shall apply throughout the Transit Overlay District.

3. Street Trees

a. Street trees shall be planted on all street frontages and within all median planting strips within the Transit Overlay District, as further specified in this section.

a. Street trees shall be spaced no further than 30 feet on center;

b. Street trees shall be planted within the public right-of-way or the front yard setback;

c. Street trees shall be placed a minimum of 2 feet from the curb.

d. At planting, street trees shall have a minimum height of six feet and a minimum diameter of two inches measured at four feet above the ground at grade level;

e. Street trees shall be species approved by the planning official; provided, that the planning official shall have the authority to reduce or waive the street tree requirements for expansion or enlargement of a development existing prior to the effective date of this ordinance upon finding that there are special circumstances or conditions affecting the property that make compliance with the street tree requirements impractical or infeasible.

4. General Landscaping Requirements. See Section 20.925, VMC.

5. Free-Standing Walls, Hedges and Fences. Except as otherwise provided herein, no solid free-standing walls, hedges or fences shall be allowed in the Transit Overlay District along a public street or sidewalk. Free-standing walls, fences, and hedges along public streets may be allowed under the following conditions:

a. Solid walls, fences and hedges 4 feet in height or less shall be allowed.

b. Decorative walls, fences and hedges that allow visibility, such as wrought iron and split rail fences, shall be allowed throughout the Transit Overlay District and shall not exceed 6 feet in height.

c. Barbed wire, razor wire, electric fences and other dangerous fences are prohibited in the Transit Overlay District.

d. All allowable walls, hedges and fences between a building and public street must provide for access as set forth in Table 20.550.040– 2.

e. Solid walls greater than 4 feet in height shall be allowed only if required by the planning official to mitigate significant noise impacts.

Table 20.550.040– 2 **Access Standards**		
	Tier 1	**Tier 2**
Access in allowable walls, hedges and fences between a building and public street	Openings or gates operable from both sides at least every 100 feet	Access between structures and public streets must be ensured

D. Building Orientation.

1. Purpose. The purpose of the building orientation requirement in the Transit Overlay District is to facilitate pedestrian access between public ways and buildings. In general, this development standard requires new buildings to be oriented so as to face a public street or public open space.

2. Applicability. Except as otherwise provided in this section, this section applies to all property which abuts a public street.

3. Orientation. Primary ground floor building entrances shall have an entrance oriented to pedestrian-oriented streets, plazas, or parks. The building may also have other entrances so long as direct pedestrian access is provided from all entrances.

4. Two or More Frontages. If a building has frontage on more than one public street, the building need only have one main entrance oriented to the public street or alternatively to the corner where the two public streets intersect.

5. Master Planning for Large-Scale Developments. Any nonresidential development greater than 5 acres in size with 2 or more building pads equal to or greater than 100,000 square feet shall not be subject to this section provided that the master planning requirements of Section 20.550.070 of this chapter are met.

E. Building Frontage.

1. Purpose. Ensure that space between a building and a public street is minimized to encourage pedestrian related activity at the street level and create a more desirable and enjoyable pedestrian experience. This allows buildings to be readily accessible to the pedestrian system at a level of convenience and interest that does not generally exist when buildings are set too far back from the street. The creation of a street frontage is important to the perceived comfort and convenience of pedestrians.

2. Applicability. Except as otherwise provided in this section, this regulation applies to all uses in Tier 1 except uses devoted exclusively to single family detached residential development and duplexes.

3. Extent of Frontage. See Table 20.550.040– 3.

Table 20.550.040-3 **Frontage Requirement**

Frontage Standard	Tier 1	Tier 2
Minimum extent of frontage	75%	75%

4. Master Planning for Large-Scale Developments. Any nonresidential development greater than 5 acres in size with 2 or more building pads equal to or greater than 100,000 square feet shall not be subject to this section provided that the master planning requirements of Section 20.550.070 of this chapter are met.

F. Setbacks

1. Purpose. All uses other than single-family detached residential development and duplexes along public streets shall provide pedestrian and transit convenience which can be best achieved through eliminating space and/or obstructions between a structure and a public street. Pedestrian convenience is a critical element in making the use of alternative modes effective since most all trips begin and end as pedestrian trips.

2. Applicability. Except as otherwise provided in this section, these regulations shall apply to all uses in Tiers 1 and 2 of the Transit Overlay District.

3. Minimum Setbacks. The minimum setbacks shall be set forth in Table 20.550.040-4.

4. Maximum Setbacks.

a. All Uses other than Single-Family Detached Dwellings and Duplexes. For those buildings that are required to be located along the front setback line, except single-family detached dwellings and duplexes, the maximum setback shall be set forth in Table 20.550.040–4. In the Downtown Activity Center, setbacks may be extended to accommodate pedestrian areas.

Table 20.550.040–4 **Setbacks**				
Setback Standard	**Tier 1**	**Tier 2**		
	Minimum	Maximum	Minimum	Maximum
Maximum and minimum setbacks	75% of base zone standard	125% of base zone standard	75% of base zone standard	125% of base zone standard

5. Parking in Setback. No vehicle parking or garage shall be allowed in a setback which abuts a public street. Nothing in this chapter shall prohibit the use of services entrances or loading zones restricted for deliveries and not available for use by the general public for parking purposes.

6. Master Planning for Large-Scale Developments. Any nonresidential development greater than 5 acres in size with 2 or more building pads equal to or greater than 100,000 square feet shall not be subject to this section provided that the master planning requirements of Section 20.550.070 of this chapter are met.

G. Blank Walls

1. Purpose. Unscreened, flat, blank walls at ground level are not permitted in the Transit Overlay District in order to provide a pleasant and enjoyable pedestrian experience by connecting activities within a structure to the adjacent sidewalk and/or transit stop.

2. Applicability. This section shall apply throughout the Transit Overlay District except to exclusive residential uses.

3. Blank Walls Prohibited. At least 75% of the width of any new or reconstructed first story building wall facing a public street or pedestrian way and 50% of the ground level wall area which is defined as the area 9 feet above the grade shall be devoted to interest creating features, such as pedestrian entrances, reliefs, murals, landscaping, transparent show or display windows, or windows affording views into retail, office or lobby space.

4. Exemption for Historic Building. The following types of buildings may be exempted by the planning official from the ground floor requirements with respect to the percent of wall devoted to windows and entrances, where in conflict with the character of the architecture, in accordance with the procedures specified concerning Development Plan Review.

a. Existing buildings entered into the National Register of Historic Places, Buildings or Structures or listed in the Washington State Inventory of Historical Sites and Buildings, or designated by the City Council as a building site or structure of historical, architectural, or cultural significance or merit, or as a historical, architectural landmark, where the first story of the building is being restored or has been restored to its original architectural character or as near as possible to its original architectural character, and where application of the requirements of this Section would interfere with such restoration.

b. Existing or new buildings located with an area designated as a conservation area, where the requirements of this section are found by the planning official to be inconsistent with the requirements, standards, and design guidelines applicable to buildings in a designated conservation area.

H. Parking.

1. Purpose. The purpose of parking standards within the Transit Overlay District is to manage the supply of surface parking by establishing minimum and maximum parking requirements in order to promote transit and pedestrian use and the efficient use of land; to substantially reduce the number of parking spaces between the building and the street to create more direct and convenient pedestrian/transit access; and to encourage pedestrian-oriented activity at the street for a more enjoyable pedestrian experience.

2. Applicability. This section shall apply to all proposed uses within the Transit Overlay District except exclusively residential uses.

3. Minimum Parking Requirements. The minimum number of parking spaces required shall be set forth in Table 20.550.040-5. On-street parking which is both along the frontage of a development and available may be counted toward the minimum parking requirement. Joint use or shared parking may be counted toward the minimum parking requirement if a formal joint use agreement is executed.

4. Maximum Parking Allowances. The maximum number of parking spaces to be provided shall be as set forth in Table 20.550.040-5. On-street parking spaces that are both along the frontage of a development and available shall be counted toward the maximum parking requirement.

a. Upon approval of the planning official, applicants may be eligible to exceed the maximum parking allowed based on the following criteria provided that the applicant can demonstrate that it has explored all available options to maximize parking, such as shared parking agreements and that all other standards of this chapter are met and:

1. The applicant can demonstrate an expected employee density ratio that is significantly higher than what is commonly experienced (based on Institute of Transportation Engineers parking-generation standards); or

2. The applicant can demonstrate trip generation characteristics of its proposed use are significantly higher than what is commonly experienced with similar uses (based on Institute of Transportation Engineers trip-generation standards); or

3. The applicant can demonstrate that parking at or below the maximum may have a detrimental causal effect on adjacent/adjoining uses; or

4. The applicant can demonstrate that significant trip reduction cannot be achieved because there is no transit service in place or planned within one quarter mile of the proposed site.

5. An allowance for additional parking may also require mitigation measures, for which the applicant is responsible.

Table 20.550.040–5 **Minimum and Maximum Parking**				
Parking Standard	**Tier 1**		**Tier 2**	
	Minimum	Maximum	Minimum	Maximum
Maximum and minimum parking requirements	75% of base zone standard	125% of base zone standard	75% of base zone standard	125% of base zone standard

6. Shared Parking. Shared or joint use of parking areas shall be permitted when the users sign and record a shared parking agreement that specifies the duration of the agreement and:

b. There is a relationship among the land uses utilizing shared parking that will attract drivers to two or more uses in a single trip.

c. There is adequate linkage between the parking and each of the uses sharing the parking.

d. The applicant shall submit a properly drawn legal instrument executed by the parties concerned, agreeing to such joint use. Said instrument shall be reviewed by the City Attorney as to the form, and recorded against all properties involved.

5. Location and Configuration of Parking Areas. No off-street parking shall be allowed between a public street or pedestrian way and the required frontage for a building, other than in a driveway accessory to residential development. Except as otherwise provided in this subsection, off-street parking areas shall only be allowed in surface lots on the side or rear of a lot, in an underground lot or in a parking structure, provided however, for commercial development (excluding the identified downtown center),

parking shall be allowed between a public street or pedestrian way and a building if it does not obstruct pedestrian access as defined in 20.550.040(B)(4) and,

a. There are unusual site characteristics making it impossible to meet the minimum parking requirement on the side or rear of a building; or

b. No more than 2 rows of parking are provided.

6. Landscaping and Walkways in Parking Areas. All surface parking areas of 50 or more spaces shall be divided by landscaping and/or walkways at least 10 feet in width, or by a building or group of buildings.

7. Parking Structures. Retail uses shall be incorporated in the ground floor of parking structures adjacent to streets within the Downtown Blank Walls Combining District (Section 20.630.030). This subsection shall not prohibit subterranean parking areas. Parking structures adjacent to streets not subject to the Downtown Blank Walls standards of Section 20.630.030 are encouraged to incorporate retail uses in the ground floor.
(M-4034, Amended, 12/03/2012, Sec 18-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.550.050 Incentives.

A. Purpose. The below incentives are intended to encourage development within the Transit Overlay District that is in keeping with the guidelines of this section.

B. Applicability. These incentives shall only be made available to any development which meets the use provisions of section 20.550.040(A) and the minimum design standards of sections 20.550.040 (B) Pedestrian Access, (C) Landscaping and Walls, Hedges and Fences, (D) Building Orientation, (E) Building Frontage, (F) Setbacks, (G) Blank Walls, and (H) Parking.

C. Transportation Impact Fee Reduction. In recognition of the potential reduction in vehicle trip demand that may result from the implementation of transportation demand management measures, a reduction of the transportation impact fee (TIF) may be granted pursuant to this Section with the implementation and maintenance of the corresponding action in Table 20.550.050-1.

1. The maximum reductions identified in Table 20.550.050-1 are based on nationally-accepted relationships between transportation demand management measures and traffic generation.

2. For actions which require regular maintenance, as noted in Table 20.550.050–1, the TIF reduction granted shall be revoked and the amount of the reduction shall become due if the regular maintenance is discontinued in whole or in part during the six years following the granting of the TIF reduction.

Table 20.550.050–1

Traffic Impact Fee Reduction

	Action	TIF Reduction
1	Construction of direct walkway connection to the nearest arterial	1%
2	Installation of pedestrian-convenient information kiosk, with maintained information[1]	2%

3	Installation of on-site sheltered bus-stop (with current or planned service) or bus stop within 1/4 mile of site with adequate walkways if approved by C-TRAN	1%
4	Installation of bike lockers	1%
5	Commercial development which would be occupied by employer subject to Commute Trip Reduction Ordinance	4%
6	Voluntary compliance with Commute Trip Reduction Ordinance[1], where compliance is not required	5%
7	Connection to existing or future regional bike trail (either directly, or by existing, safe access)	1%
8	Direct walk/bikeway connection to destination activity (such as a commercial/retail facility, park, school, etc.) if residential development, or to origin activity (such as a residential area) if commercial/retail facility	2%
9	Construction of on-site internal walk/bikeway network	2%
10	Installation of parking spaces which will become paid parking (by resident or employee)[1]	3%
11	Installation of preferential carpool/vanpool parking facilities[1]	1%
12	Regular distribution of Transportation Demand Management information packet to all new tenants[1]	1%
	TOTAL IF ALL STRATEGIES WERE TO BE IMPLEMENTED	24%

[1]Requires regular maintenance of program.

D. Density Bonus. Any development within Tier 1 of the Transit Overlay District shall receive a density bonus equal to the percentage shown in Table 20.550.050–2 if five or more of the actions listed in Table 20.550-.050-1 are implemented. These bonuses are in addition to base zoning bonuses, if the required criteria are met. Any development within Tier 2 of the Transit Overlay District shall be entitled to this incentive provided that the requirements of Section 20.550.040(D) Building Orientation, Section 20.550.040(E) Frontage and Section 20.550.040(F) Maximum setback are met.

Table 20.550.050-2 **Density Bonus**	
Residential	125% of maximum density requirement
Non-residential	N/A
Mixed-use (residential and non-residential)	Determine bonus separately for each use according to this Table

E. Redevelopment of Parking Spaces. The minimum number of parking spaces required by Section 20.550.040(H) may be reduced by 10% to allow any structure existing prior to the adoption of this ordinance to be expanded.

(M-3922, Amended, 07/06/2009, Sec 27; M-3643, Added, 01/26/2004)

Section 20.550.060 Development Plan Approval (Reserved).
(M-3643, Added, 01/26/2004)

Section 20.550.070 Special Requirements - Master Development Plan Within the Transit Overlay District

A. General.

For large scale developments defined in Section 20.550.040(D)(5) of this chapter, which do not meet the requirements of Section 20.550.050D Building Orientation, Section 20.550.040(E) Frontage and Section 20.550.040(F) Maximum Setbacks, the applicant shall meet the requirements of this section.

For any development other than a development in the Downtown Activity Center, which does not meet the floor area ratio requirements in Section 20.550.040(C), the applicant shall meet the requirements of this section.

The applicant shall be required to submit a Master Development Plan which must be approved by the planning official. The Master Development Plan shall consist of both a concept plan which shows the location and distribution of land uses and related facilities and a development plan which deals with site specific issues.

The purpose of the Master Development Plan is to:

1. Assure that the proposed development is considered as a whole and conforms to the comprehensive plan, the base zone and the requirements of this chapter. The master plan may serve to allow phasing of projects and flexibility of uses and development standards. Any other reviews needed for the development review process, such as conditional uses, plan amendments or zone changes may be considered at the same time as the master plan.

2. Assure that phased development is properly coordinated.

B. Components of Master Plan. The applicant must submit a master plan with all the following components. The review body may modify the proposal, especially those portions dealing with development standards and review procedures. The greater the level of detail in the plan, the less need for extensive reviews of subsequent phases. Conversely, the more general the details, the greater the level of review that will be required for subsequent phases.

1. Boundaries of the use. The master plan must show the current and possible future boundaries of the use for the duration of the master plan.

2. General statement. The master plan must include a narrative that addresses a description in general terms of the use's expansion plans for the duration of the master plan.

3. Uses and functions. The master plan must include a description of present uses, affiliated uses, proposed uses, and possible future uses. The description must include information as to the general amount and type of functions of the use, the hours of operation and the approximate number of members, employees, visitors, special events must be included. For projects which include residential units,

proposed minimum and maximum floor areas and densities, number of units and building heights must be indicated. For office/commercial projects, minimum and maximum floor area ratios must be indicated.

4. Site plan. The master plan must include a site plan, showing to the appropriate level of detail, buildings and other structures, existing mature trees and landscaping, the pedestrian and vehicle circulation system, parking areas, open areas, and other required items. This information must cover the following:

a. All existing improvements that will remain after development of the proposed use;

b. All improvements planned in conjunction with the proposed use;

c. Conceptual plans for possible future uses; and

d. General locations of usable open space, any land proposed to be dedicated for open space, pedestrian and transit connection between the site and public or private streets serving the development and connecting to off-site open space, internal circulation (both auto and pedestrian), location of proposed gates and fencing.

5. Development standards. The master plan may propose standards that will control development of the possible future uses that are in addition to or substitute for the requirements of this chapter. These may be such things as height limits, setbacks, frontage, FAR limits, landscaping requirements, parking requirements, signage, view corridors or facade treatments. Standards that do not meet the minimum standards in existing city codes require a variance.

6. Phasing of development. The master plan must include the proposed development phases, probable sequence for proposed developments, estimated dates, and interim uses of the property awaiting development. Developments other than large scale developments shall demonstrate on the site plan how required FARs will be achieved as development is phased. Developments that propose to add additional floors to the base structure shall provide all necessary plans to adequately demonstrate that all structures can carry additional floors in the future. In addition, the plan should address any proposed temporary uses or locations of uses during construction periods.

7. Transportation and parking. The master plan must include information on the following items for each phase:

a. Projected transportation impacts. This includes the expected number of trips (peak and daily), an analysis of the impact of those trips on the adjacent street system, and proposed mitigation measures to limit any projected negative impacts. Mitigation measures may include improvements to the street system or specific programs to reduce traffic impacts such as encouraging the use of public transit, carpools, vanpools, and other alternatives to single occupancy vehicles. Any mitigation measures shall be in addition to transportation impact fees.

b. Projected parking impacts. This includes projected peak parking demand, an analysis of this demand compared to proposed on-site and off-site supply, potential impacts to the on-street parking system and adjacent land uses, and mitigation measures.

8. Procedures. Master plan review shall be conducted under current review procedures. Other land use reviews may be conducted concurrently with the master plan review.

a. Any modifications, additions or changes to an approved master plan are subject to the following:

1. Minor changes shall be reviewed for compliance and compatibility with the approved master plan. A determination is made by the planning official.

2. Major changes shall be subject to the original procedural application type, subject to the fees in effect at the time of the request for change application.

(M-3643, Added, 01/26/2004)

Section 20.550.080 Periodic Review.

A. Purpose. The purpose of this Section is to ensure that adequate monitoring of development trends within the Transit Overlay District occur. The purpose of this monitoring is threefold:

1. To provide a mechanism that ensures that development is occurring in a manner consistent with the intent of the Transit Overlay District;

2. To verify and adjust if required the requirements within the Transit Overlay District; and,

3. To provide decision makers with objective data that can be used to evaluate the performance of the Transit Overlay District in achieving the goals that it is intended to promote.

B. Annual Review. It is a requirement of this Chapter that the following data be collected, analyzed and summarized on an annual basis in the form of a report to the City of Vancouver Planning Commission and City Council. This data shall be collected through existing development activity reporting procedures.

1. Development activity. Various statistics describing actual development activity within and outside the Transit Overlay District, including anticipated population density.

2. Development design. Information shall be collected describing development design features of individual developments including, building orientation, setback and frontage throughout the Vancouver Urban Area.

3. Incentive utilization. Information shall be collected describing utilization of incentives provided within this Chapter.

(M-3643, Added, 01/26/2004)

Chapter 20.560

VISION OVERLAY DISTRICT

Sections:

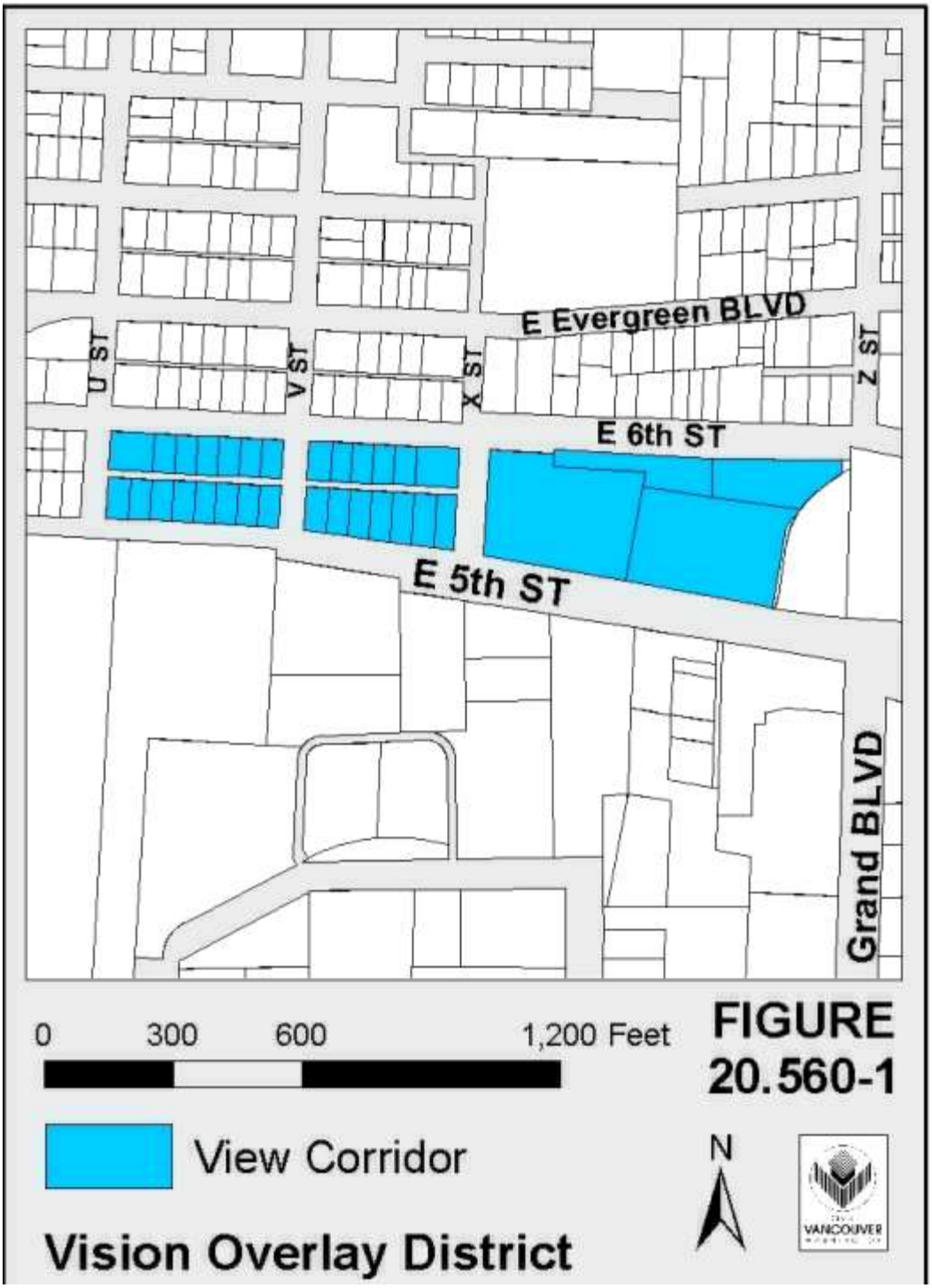
20.560.010 Purpose.
20.560.020 Establishment of Boundaries.
20.560.030 Applicability.

Section 20.560.010 Purpose.

General. The Vision Overlay District has been developed to restrict the height of structures, which would obstruct the view from designated residential slopes.
(M-3832, Amended, 06/18/2007, Sec 12; M-3643, Added, 01/26/2004)

Section 20.560.020 Establishment of Boundaries.

View corridor. The area subject to the provisions contained in this Chapter is bounded by U Street on the west, 5th Street on the south, Z Street on the east, and 6th Street on the north; as illustrated in Figure 20.560– 1.



(M-3832, Amended, 06/18/2007, Sec 12; M-3643, Added, 01/26/2004)

Section 20.560.030 Applicability.

View Corridor. No new building or addition to an existing building shall exceed 15' above grade on the uphill side of the building on sites located within the view corridor identified in Section 20.560.020(A) VMC above unless the planning official makes a finding that the applicant has designed or redesigned the

development in a manner which balances maximizing existing views with the density of the proposed development.

(M-3832, Amended, 06/18/2007, Sec 12; M-3643, Added, 01/26/2004)

Chapter 20.570

AIRPORT HEIGHT OVERLAY DISTRICT

Sections:

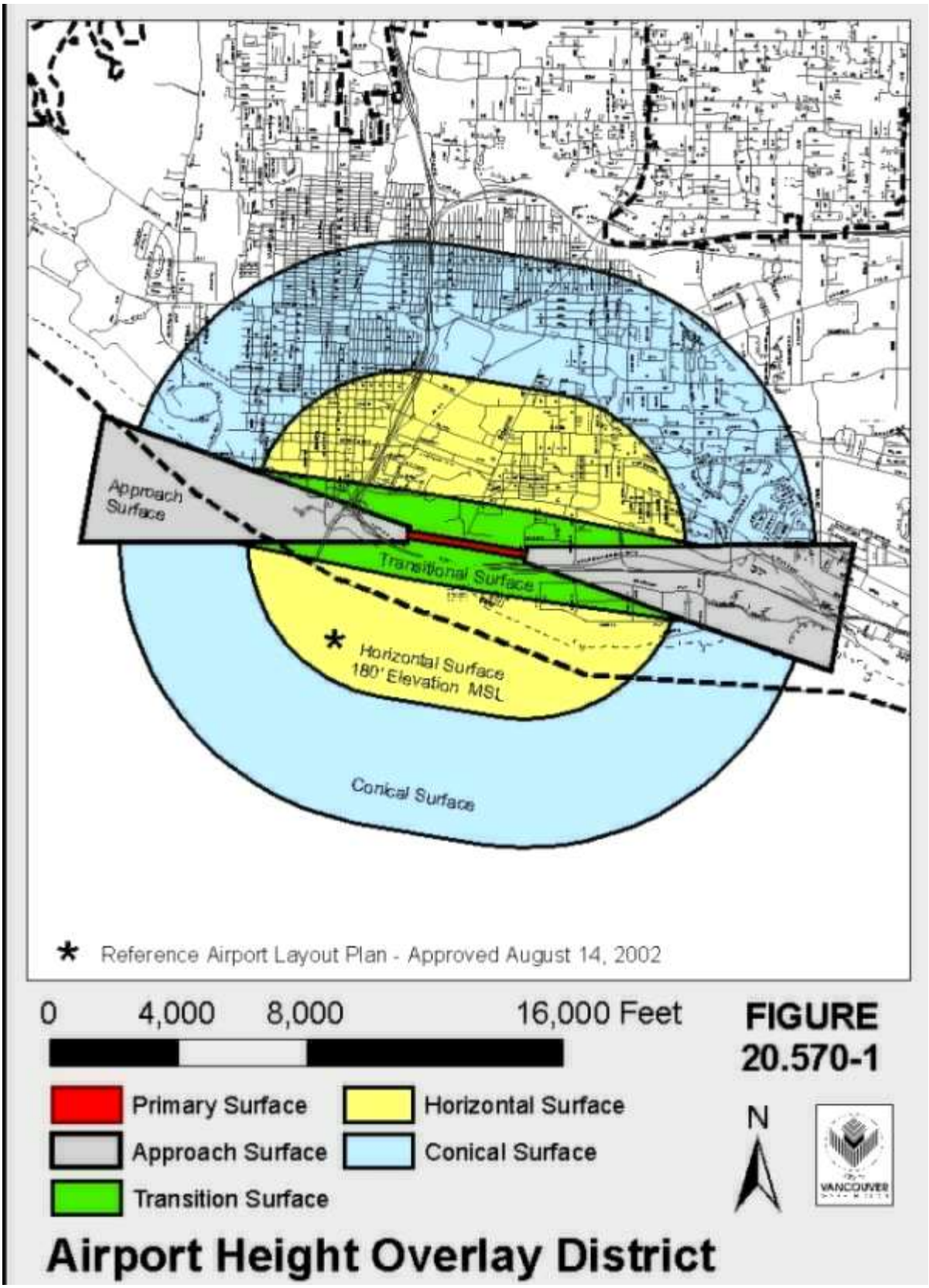
20.570.010 Purpose
20.570.020 Establishment of Boundaries
20.570.030 Applicability

Section 20.570.010 Purpose

General. The Airport Overlay District has been established in order to protect the health, welfare, safety and quality of life of the general public, property owners and aircraft operators and to protect the long-term viability of Pearson Field Airport as an essential public facility.
(M-3832, Added, 06/18/2007, Sec 13)

Section 20.570.020 Establishment of Boundaries

The provisions of the Airport Height Overlay District shall apply to lands identified and illustrated in Figure 20.570-2.



(M-3832, Amended, 06/18/2007, Sec 14; M-3832, Added, 06/18/2007, Sec 13)

Section 20.570.030 Applicability

Pearson Airpark approaches:

1. No use shall be located within an approach surface, transitional surface, horizontal surface or conical surface as defined by Figure 20.570-2 in such a manner to create interference with navigable airspace, navigational signals or radio communications between the airport and aircraft or to make it difficult for pilots to distinguish between airport lights and other lights. Uses shall not result in glare in the eyes of pilots using the airport, impair visibility in the vicinity of the airport, create bird strike hazards, or otherwise in any way endanger or interfere with the landing, take-off or maneuvering of aircraft intending to use the airport.

2. Specific requirements

a. Structure height limitations. No structure, including any roof-top appurtenance, shall be erected, altered, or maintained and no tree shall be allowed to grow on land which lies directly under any approach surface, transitional surface, horizontal surface or conical surface as defined in Chapter 20.150 VMC Definitions to a height in excess of the applicable height limit established for such surface or that are allowed in accordance with the adopted CFR Federal Aviation Administration Regulations Part 77.

b. Surface height limitations. Development shall be designed so as not to penetrate or interfere in any way with the airport's surfaces as defined in Chapter 20.150.040B consistent with Federal Aviation Administration Regulations Part 77. Penetration of any airport surface as defined in Part 77 may only be allowed if explicitly authorized by the FAA.

c. Lighting. New development that creates glare or lighting that interferes with lights necessary for aircraft landings is prohibited.

d. Appropriate notice. Applicants with property within this overlay district shall provide written notice to, and requests for written comments from the State Aeronautics Division, Federal Aviation Administration and the Airport operator. Documentation of notice and written comments received by the applicant shall be provided to the city at the pre-application conference. Where no pre-application conference is required, documentation of notice and written comments received by the applicant shall be provided with the application packet. Where the applicant has provided written notice and request for comments and the agency or airport operator has failed to respond within 45 days from the date the written request was mailed, the applicant may submit the pre-application without the required comments. Applicants should be aware of federal notification and permitting requirements when construction is proposed on or near airports. Applicants should be aware that FAA height restrictions include construction equipment, such as cranes. Federal Aviation Administration Regulations, Part 77 – Objects Affecting Navigable Airspace, outline the specific criteria for FAA notification. The FAA Form 7460-1 is used for Federal Aviation Administration notification.

(M-3832, Added, 06/18/2007, Sec 13)

Chapter 20.580

FOURTH PLAIN CORRIDOR OVERLAY DISTRICT

Sections:

20.580.010 Purpose and Applicability
20.580.020 Development Standards for Fourth Plain Boulevard Properties

Section 20.580.010 Purpose and Applicability

A. Purpose. This chapter establishes overlay standards for the Fourth Plain Corridor Subarea in order to facilitate transition to an attractive, consistent, and pedestrian-friendly streetscape that accommodates multiple modes of transportation, and supports long term economic development envisioned by the Fourth Plain Corridor Subarea Plan. This chapter is not intended to prevent continued use, repair or modest expansion of lawfully existing buildings, or to render otherwise lawful development as non-conforming.

B. Applicability. Standards of this chapter shall apply to the following types of developments on properties abutting Fourth Plain Boulevard located within the Fourth Plain subarea as indicated in figure 20.580-1:

1. New or replacement buildings or structures.

2. Expansions, repairs or alterations of any existing buildings or structures which increase their square footage by more than 25%. Increases in square footage shall be measured cumulatively, including any previous increases after the date of adoption of this chapter.

3. Exceptions. This chapter shall not apply to the following:

a. Alterations or expansion of any lawful buildings or structures existing on the date of adoption of this chapter on July 21, 2008, increasing gross square footage by up to 25%.

b. Continuation of any lawful buildings or structures existing on the date of adoption of this chapter on July 21, 2008,

c. Single family dwellings and duplexes.

d. Buildings or structures within a public park or school.

e. Buildings or structures located on “flag” lots in existence on the date of adoption of this chapter which access Fourth Plain Boulevard through the flag stem.

f. Buildings or structures located in the rear of a multiple building site having safe and convenient pedestrian access to a street, under one of the following circumstances:

1. 50% or more of the lineal frontage of the site along Fourth Plain Boulevard consists of buildings that comply with this chapter; or

2. The proposed building is located directly behind an existing building of similar lineal width, or directly behind a proposed new building of similar lineal width that complies with this chapter.

g. Buildings or structures within a multiple building master planned site of 25 acres or more demonstrating full compliance with the purposes of VMC 20.580.010.A.

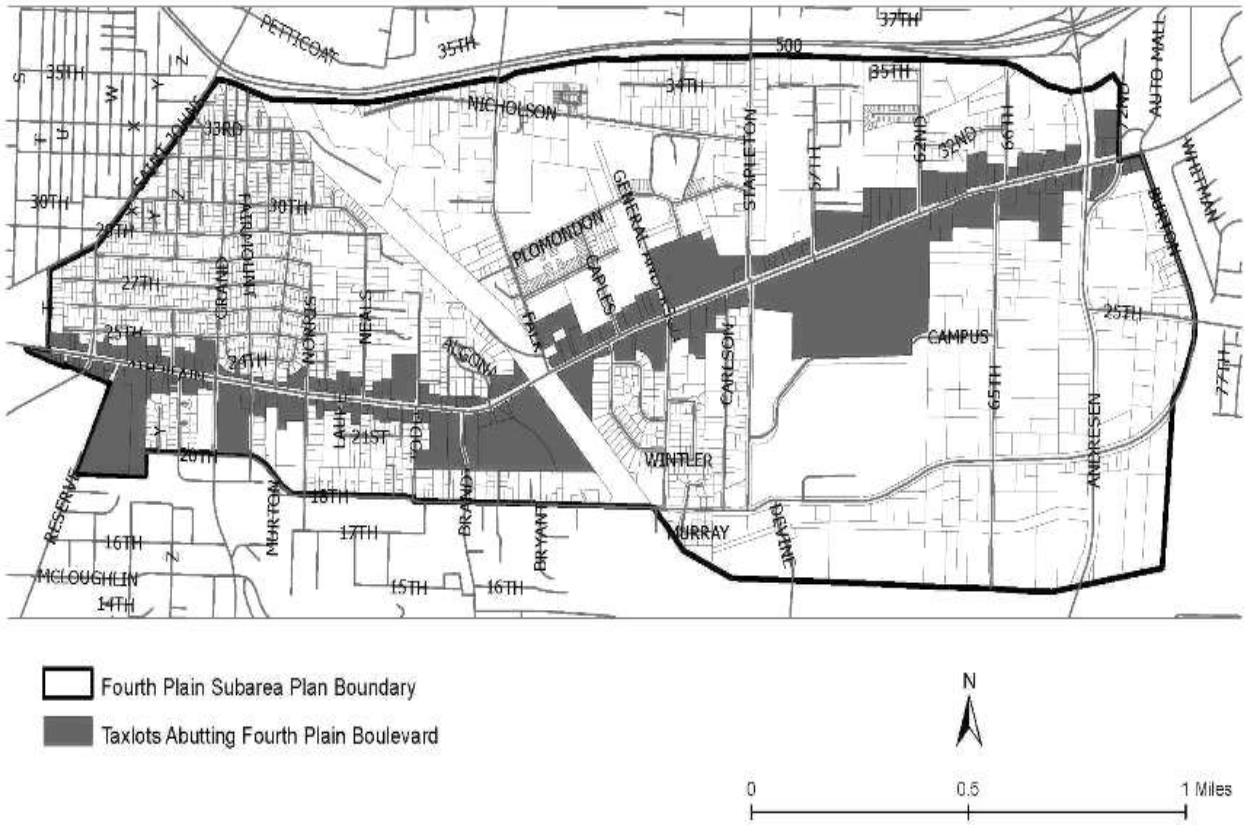
h. Replacements for buildings or structures destroyed by fire or calamity, provided they are located within the original footprint and an application for reconstruction is submitted within one year of destruction.

i. Building or structure expansions of less than 1,000 total square feet, regardless of the percentage increase involved.

C. Relation to other standards. For properties abutting Fourth Plain Boulevard within the Fourth Plain Corridor Subarea as illustrated in Figure 20.580-1, standards of this chapter shall apply in addition to those of the underlying zoning district and other applicable standards of the Vancouver Municipal Code. In the event of conflict for properties subject to this chapter the standards of this chapter shall prevail.

Figure 20.580-1

Fourth Plain Subarea



(M-4034, Amended, 12/03/2012, Sec 19-Effective 01/03/2013; M-3887, Added, 07/21/2008, Sec 3-Effective 08/20/2008)

Section 20.580.020 Development Standards for Fourth Plain Boulevard Properties

A. Applicable development as defined herein shall be subject to the following development standards:

1. Uses. Uses on properties abutting Fourth Plain Boulevard shall be permitted, conditionally

allowed, limited or prohibited as per underlying zoning requirements, with the following exceptions:

a. Drive-through lanes shall not be located between Fourth Plain Boulevard and on-site buildings. Drive through facilities shall incorporate a safe, clearly identifiable pedestrian crossing using elevation changes, differential paving materials, or other methods approved by the Planning Official.

b. The following uses are prohibited: Automobile washing; automobile or heavy equipment sales, storage or rental (except within the Auto Mall District east of 66th Avenue); wholesale lumber or materials sales; or warehousing not ancillary to another use.

c. Automobile fuel sales and motor vehicle repair are permitted on a limited basis, subject to VMC 20.895.070, except that minimum lot size and frontage shall be as required by the underlying zoning district rather than VMC 20.895.070.B.

d. Limitations on uses set forth in Section 20.580.020.A.2.a-c do not apply to existing uses continuing in existing buildings or structures, or in buildings or structures permitted to be replaced in the event of fire or calamity pursuant to VMC 20.580.010.B.3.f.

2. Landscaping, walls, hedges and fences

a. Solid free-standing walls, hedges or fences higher than 4 feet shall be prohibited between Fourth Plain Boulevard and on-site buildings. Fences that are 80% open, such as wrought iron or tubular steel fences, can be constructed to 6 feet in height in the street setback.

b. New barbed. razor wire, electric or chain link fences shall be prohibited between Fourth Plain Boulevard and any on-site buildings.

3. Building orientation, setbacks, facades, and height limits

a. At least 75% of the lineal width of the first story of buildings along Fourth Plain Boulevard shall be setback a maximum of 12 feet from the Fourth Plain property line, with the following are exception:

1. Buildings may be setback further than 12 feet to the extent necessary to accommodate a patio or plaza providing opportunities for pedestrian congregation, or to comply with frontage improvements required to implement the Fourth Plain Boulevard Streetscape Design Study.

2. Buildings may be setback further than 12 feet to the extent necessary to comply with VMC 20.985, Vision Clearance, if the Planning Official explicitly finds doing so is necessary to ensure public safety. The Planning Official may also allow for reduction in numerical standards of VMC 20.985, Vision Clearance, if doing so is necessary to avoid conflict with this section and does not lower public safety,

b. There shall be no minimum front setback for buildings along Fourth Plain Boulevard, except to comply with frontage improvements required to implement the Fourth Plain Boulevard Streetscape Design Study.

c. A minimum of one functional building entrance for buildings shall be on the facades adjacent to Fourth Plain Boulevard, or located on side facades provided they are within 25 feet of the building frontage, and are clearly visible and accessible from the public sidewalk.

d. Building facades adjacent to Fourth Plain Boulevard shall include the following:

1. Windows or doors covering at least 25% of the total lineal width of the facade;

2. Spacing of windows, doors, reliefs, or landscaping at least every 15 lineal feet.

e. Proposed buildings subject to this section shall have a maximum height limit of 35 to 75 feet, depending on the location of the building within the site, and the allowable height limits in immediately abutting zoning districts, similar to VMC 20.550.040(C)(1). For example, where the CG zone directly abuts a residential zone with a 35 foot height limit, a building of up to 35 feet may be constructed within 35 feet of the residential property line. The maximum height would increase 2 feet for every additional 1 foot that the structure is further removed from the property line, up to a maximum of 75 feet.

4. Parking

Parking and loading requirements shall be as specified in VMC 20.945, with the following exceptions for properties abutting Fourth Plain

a. On-site motor vehicle parking shall be prohibited between the front of new or redeveloped on-site buildings triggering review under this chapter, and Fourth Plain Boulevard, except in driveways accessory to single family and duplex residential development. Parking may be located in front of buildings situated in the rear of a multiple building site complying with VMC 20.580.010.B.3.f(1) or (2) herein.

b. There shall be no minimum number of parking spaces required, unless the Planning Official determines that failure to provide minimum parking will adversely impact adjacent or nearby uses.

c. The maximum number of on-site parking spaces allowed shall be 125% of the minimum that would normally be required under VMC 20.945, with the following exceptions:

1. The planning official may approve parking beyond the maximum allowed if the applicant demonstrates that they have exhausted all available options to provide adequate parking for the proposed use, and to minimize need. To be eligible, the applicant shall demonstrate that

a. The employee density ratio of the proposed use is significantly higher than what is commonly experienced (based on Institute of Transportation Engineers parking-generation standards); or

b. The trip generation characteristics of its proposed use are significantly higher than what is commonly experienced with similar uses (based on Institute of Transportation Engineers trip-generation standards); or

d. Joint or shared Parking. Shared or joint use of parking areas shall be permitted pursuant to VMC 20.945.030(B).

5. Incentives

a. Transportation Impact Fee Trip Generation Reduction. Developments subject to this chapter may reduce their estimated vehicular trip generation estimates for the purposes of Traffic Impact Fee calculations in each category listed in Table 20.580.020-1. Any request for a trip reduction will be reviewed with the traffic analysis submitted pursuant to VMC 11.95 Concurrency.

Table 20.580.020 - 1 Traffic Impact Fee Generation Reduction		
	Action	TIF Trip Reduction
1	Completes each of the following a. Meets or exceeds Fourth Plain Streetscape Design Standards b. Meets City of Vancouver Bicycle Parking Standards and Guidelines c. Submit a Commute Trip Reduction / TDM compliance plan in conjunction with the traffic impact study demonstrating site design and incentive programs designed to promote alternative modes access and commute programs for employees and customers.	10%
2	Provides 25% or fewer parking spaces than normally required for the proposed use by VMC Table 20.945.070-2.	15%
3	Meets or exceeds building setback, orientation and facade standards of this chapter.	5%
	TOTAL POTENTIAL REDUCTION	30%

b. Numerical adjustment

Numerical standards cited under this section, other than Traffic Impact Fee trip generation reductions, may be adjusted by up to 25% if the Planning Official concludes that the proposal cannot be modified to meet the otherwise applicable standard, and proposal demonstrates that it is in complete compliance with the purposes of this chapter. Potential examples include increase of required maximum building setback from 12 to 15 feet, or increase of exempted expansions of existing buildings from 25% to 31%.
(M-3887, Added, 07/21/2008, Sec 4-Effective 8/20/2008)

Chapter 20.610

PLAN DISTRICTS IN GENERAL

Sections:

20.610.010 Purpose.
20.610.020 Establishment and Scope.
20.610.030 Relationship to Other Regulations.
20.610.040 Adoption Criteria.
20.610.050 Plan District Maps.

Section 20.610.010 Purpose.

Purpose. Plan districts address concerns unique to an area when other zoning mechanisms cannot achieve the desired results. An area may be unique based on natural, economic or historic attributes; be subject to problems from rapid transition in land use; or contain public facilities that require specific land use regulations for their efficient operation. Plan districts provide a means to modify zoning regulations for specific areas defined in special plans or studies. Each plan district has its own nontransferable set of regulations. This contrasts with base zone and overlay zone provisions, which are intended to be applicable in more than one area. However, plan districts are not intended for small areas or individual properties.
(M-3643, Added, 01/26/2004)

Section 20.610.020 Establishment and Scope.

A. A. Establishment and removal of plan districts. A plan district may be established or removed as the result of an area planning study, reviewed through a Type IV procedure, as governed by Section 20.210 VMC.

B. Scope of plan districts. Plan district regulations are applied in conjunction with a base zone. The plan district provisions may modify any portion of the regulations of the base zone, overlay zone, or other regulations of this Title. The provisions may apply additional requirements or allow exceptions to general regulations.

(M-3643, Added, 01/26/2004)

Section 20.610.030 Relationship to Other Regulations.

Conflicting regulations. Where there is a conflict between the plan district regulations and base zone, overlay zone, or other regulations of this Title, the plan district regulations control. The specific regulations of the base zone, overlay zones or other regulations of this Title apply unless the plan district provides other regulations for the same specific topic.
(M-3643, Added, 01/26/2004)

Section 20.610.040 Adoption Criteria.

A. Adoption criteria. A plan district may be established if all the following adoption criteria are met:

1. The area proposed for the plan district has special characteristics or constraints of a natural, economic, historic, public facility, transitional land use or development nature that are not common to other areas of the City;

2. Existing base and overlay zone provisions are inadequate to achieve a desired public benefit or to address an identified problem in the area;

3. The proposed plan district and regulations are the result of a legislative study or plan documenting the special characteristics or problems of the area and how a plan district will best address relevant issues; and

4. The regulations of the plan district are in conformance with the Comprehensive Plan and continue to meet the general purpose and intent of the base zone, and any overlay zones applied in the district and do not prohibit uses or development allowed by the base zone without clear justification.

B. Review. Plan districts and their regulations will be reviewed periodically to determine whether they are still needed, should be continued or amended. Plan districts and their regulations will be reviewed as part of the process for the update of the Comprehensive Plan.

(M-3643, Added, 01/26/2004)

Section 20.610.050 Plan District Maps.

General. The boundaries of each plan district established are shown on maps located within each Chapter. In addition, plan district boundaries are identified on the Official Zoning Maps.

(M-3643, Added, 01/26/2004)

Chapter 20.620

COLUMBIA RIVER SHORELINE ENHANCEMENT PLAN DISTRICT

Sections:

20.620.010 Purpose
20.620.020 Establishment of Boundaries.
20.620.030 Administration.

Section 20.620.010 Purpose

A. General. The Columbia River Shoreline Enhancement Plan District is intended to provide standards for development that will conserve and enhance the community appearance along the city's Columbia River shoreline, and provide a general framework of standards and goals for waterfront development. Further, the district regulations:

1. Provide for the management of the Columbia River shoreline by planning for and fostering all reasonable and appropriate uses of the shoreline;

2. Give consideration to water-dependent, water-related and water-oriented uses and reserve portions of the urban shoreline for these activities;

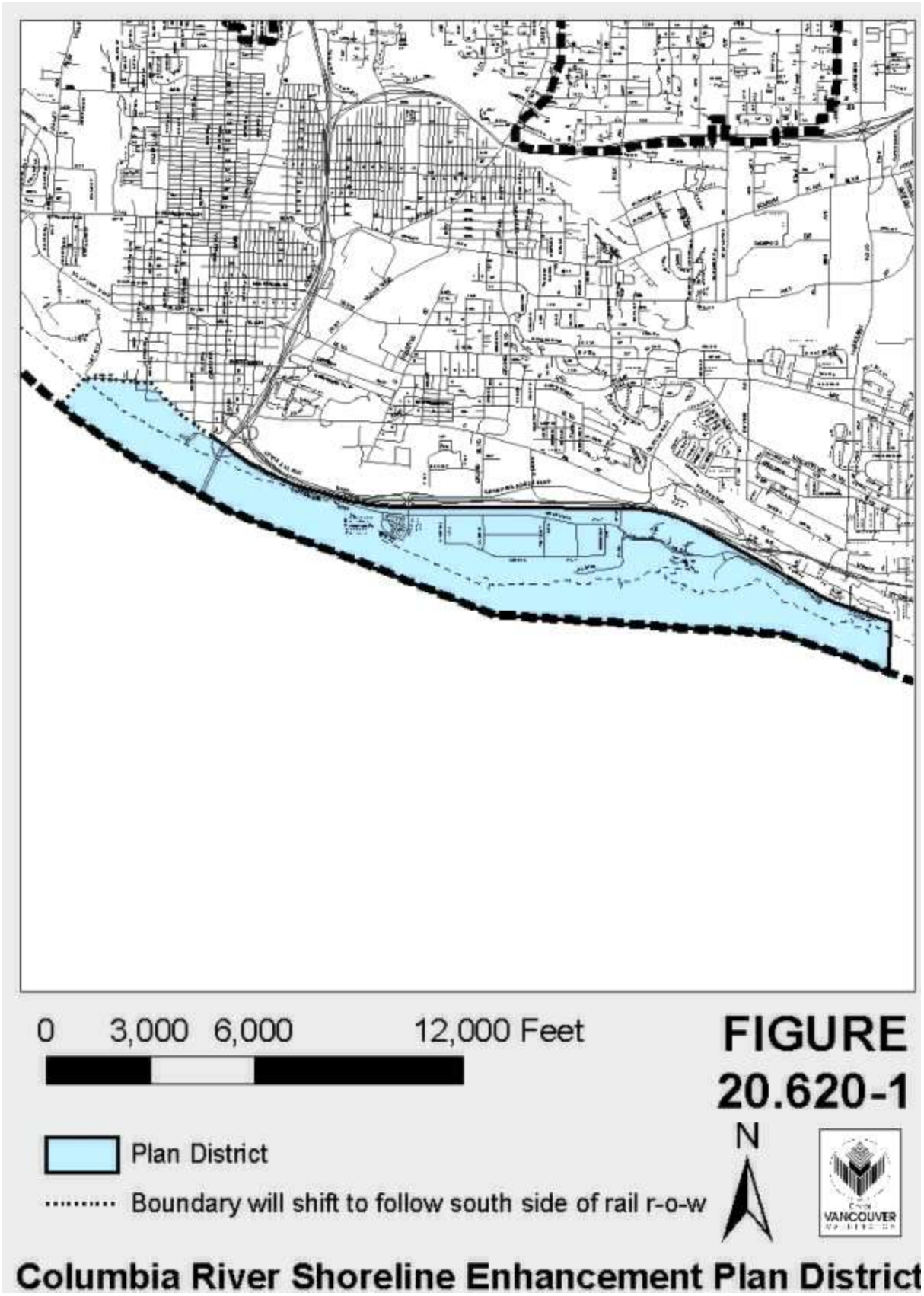
3. Secure public shoreline access to or along the waterfront, to include waterfront access plans, construction of waterfront parks, trails, esplanades, bikeways and viewpoints.

B. Relationship to other regulations. The regulations of the Columbia River Shoreline Enhancement Plan District are in addition to the requirements of the underlying zone. The district establishes additional land use regulations, master development plan requirements and incorporates a public access element.

(M-3764, Amended, 10/16/2006, Sec 3; M-3643, Added, 01/26/2004)

Section 20.620.020 Establishment of Boundaries.

Boundaries. The Columbia River Shoreline Enhancement Plan District shall apply to the shoreline and all lands located south of the Burlington Northern Santa Fe Railroad main line berm and Port of Vancouver rail access right-of-way, upstream from the railroad bridge to the Inn at the Quay, south of the north lease line of the Inn at the Quay, approximately 200’ south of the BNSF main line to the eastern most portion of Wintler Park, as shown in Figure 20.620 – 1.



Columbia River Shoreline Enhancement Plan District

(M-3764, Amended, 10/16/2006, Sec 3; M-3643, Added, 01/26/2004)

Section 20.620.030 Administration.

A. A master plan required. An applicant who proposes any development within the Columbia River Shoreline Enhancement Plan District shall submit a master development plan per the requirements of Chapter 20.260 VMC, Planned Developments or 20.268 VMC, Public Facilities Master Plans, as appropriate for the proposed use(s). For the purposes of this chapter, compliance with Chapter 20.268 VMC, Public Facilities Master Plans is required, not voluntary where appropriate for the proposed use(s).

B. Additional Approval Criteria.

1. The proposed development has been considered as a whole and conforms to the Comprehensive Plan and applicable zoning regulations.

2. Changes to the Comprehensive Plan and underlying zoning district have been integrated into the master plan.

3. Phased development has been properly coordinated.

4. The master plan process has been coordinated with the requirements of the State Shoreline Management Act and the city's shoreline program, and insofar as applicable with the city's adopted policy for a waterfront trail.

(M-3764, Amended, 10/16/2006, Sec 3; M-3643, Added, 01/26/2004)

Chapter 20.630

DOWNTOWN DISTRICT

Sections:

20.630.010 General Purpose.
20.630.020 Building Lines.
20.630.030 Rain Protection.
20.630.040 Blank Walls.
20.630.050 Maximum Building Heights.
20.630.060 Parking Control.
20.630.070 City Center West Employment Overlay.
20.630.080 City Center Waterfront

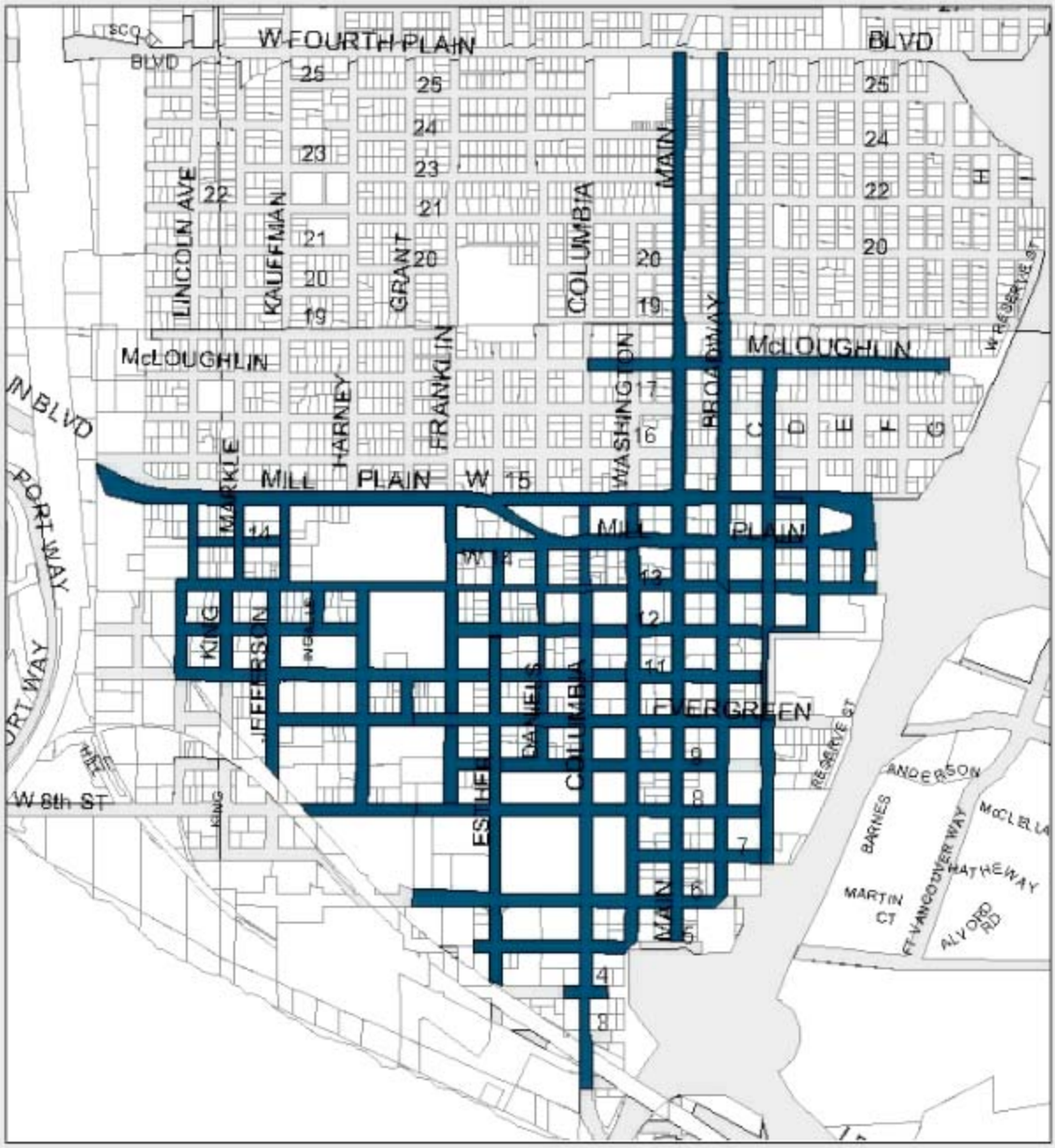
Section 20.630.010 General Purpose.

Purpose. The purpose of this Chapter is to provide a place for all existing and possible future regulations governing the area of the City known as the Downtown Plan District.
(M-3643, Added, 01/26/2004)

Section 20.630.020 Building Lines.

A. Purpose. The building lines regulations are intended to maintain and enhance the urban quality, economic vitality and pedestrian environment of the Downtown core, including preventing the loss of the sense of enclosure, enhancing the continuity of display windows, and providing weather protection.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630– 1.



0 1,000 2,000 3,000 Feet

FIGURE 20.630-1

Building Lines

N

C. Regulation of uses. Reserved for future use.

D. Special standards. Reserved for future use.

E. Street frontages. All new construction along the street frontages designated in Figure 20.630.020-1 shall extend to the edge of the street right-of-way line for the first two stories. This applies to both new buildings and expansions of existing buildings. Additional street frontage requirements can be found in the Esther Short Redevelopment Subarea Plan for development within this location.

F. New construction. Along street frontages no less than 75% of the building line shall be located at the building line [which shall be the edge of the street right-of-way line, except as provided in Subsection (G) below]. The Planning Official may allow a building to be set back from the required building line, provided the intent of rain protection requirements are satisfied. Portions of a building at the building line shall not be less than one story in height.

G. Encroachment into public rights-of-way adjustment. Any building along a street frontage containing a building line may extend into the public right-of-way as follows:

1. Minimum clear height over the sidewalk shall be 10’ .

2. Maximum clear height over the sidewalk shall be 13’ .

3. Maximum overall height of the projection shall be 35’ above the sidewalk, except for balconies, bay windows and structured parking.

4. If along such frontage rain protection is also required, the projection shall be that required in the depth-of-cover and clear height standards of Section 20.630.030(E) VMC.

5. Maximum projection from the property line into the right-of-way shall be 15’ where no curb exist, or to a point no closer than 2’ to the face of an existing curb.

6. Supporting structures may be placed within the right-of-way provided that they meet the standards specified in this Section and as follows:

a. Vertical supports shall have a maximum horizontal finished dimension of 2’ .

b. Supports shall be 8’ or more apart along the street frontage.

c. Adequate sidewalk clearance as approved by the City Transportation Manager shall be maintained.

1. All construction above, on, or under the right-of-way requires approval of a street use permit from the City Public Works Department. Construction which will overhang the right-of-way requires vacation of air rights by ordinance; such add-on features as awnings, canopies, projecting signs, marquees and roof overhangs which are not a permanent part of the structure may be approved by a street use permit.

2. Properties that are located in Heritage Overlay District are subject to the additional requirements, as governed by 20.510 VMC have special requirements that may take precedence over the standards listed above.

H. Encroachment into public rights-of-way bonus. The gross floor area of that portion of a building constructed within the public right-of-way, as permitted by Subsection (G) above, may be included in computing the gross floor area of the building in determining the minimum floor area ratio required by Chapter 20.550 VMC, relating to the Transit Overlay District.

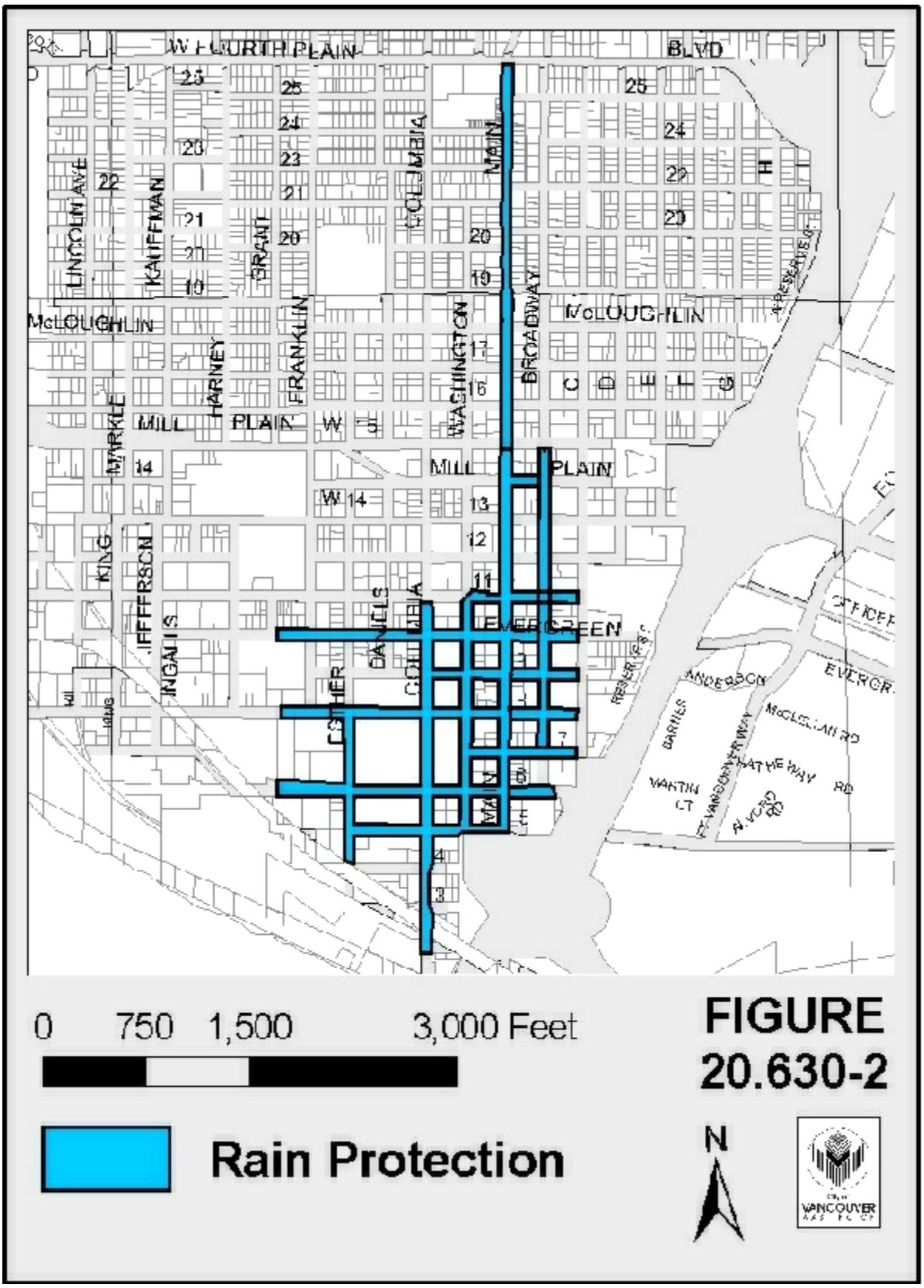
I. Residential developments. New construction of residential buildings along a frontage containing a building line, where permitted, may be exempted from the requirements of this Section, upon a determination made, as specified in Subsection (G) above or Subsection (J) below, that adherence to the requirements would be detrimental to desirable standards of open space, privacy, and/or protection from street noise for residential dwelling units, provided that in the latter case a weather-protected walkway is provided from the street property line to each entrance to a residential building occupying a site along the required building line.

J. Determination of compliance. Determination as to whether a proposed building arrangement meets the intent, purposes and requirements of this Section and Section 20.630.030 VMC, et seq., where applicable, or qualifies for the exemption provided in Subsection (I) above, shall be made in accordance with the procedures specified for design review, per VMC 20.265.
(M-3959, Amended, 07/19/2010, Sec 31-Effective 8/19/2010; M-3832, Amended, 06/18/2007, Sec 15; M-3643, Added, 01/26/2004)

Section 20.630.030 Rain Protection.

A. Purpose. The rain protection regulations are intended to provide weather- protection for pedestrians, to enhance the economic vitality of the downtown core area and provide a needed amenity for employees, visitors and shoppers and link parking facilities, places of work, shopping and visitor areas.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630-2.


W FOURTH PLAIN BLVD
LINCOLN AVE
KAUFFMAN
GRANT
COLUMBIA
MAIN
McLOUGHLIN
HARNEY
FRANKLIN
WASHINGTON
BROADWAY
McLOUGHLIN
MARKLE
MILL PLAIN
MILL PLAIN
KING
JEFFERSON
INGALLS
DANIELS
COLUMBIA
ESTHER
EVERGREEN
ANDERSON
BARNES
McLOUGHLIN RD
WATTIN CT
N VANCOUVER WAY
N. 0 RD
0 750 1,500 3,000 Feet
FIGURE 20.630-2
Rain Protection
N
VANCOUVER

C. Regulation of uses. Reserved for future use.

D. Special standards

1. New construction – required. On a street frontage designated in Figure 20.630-2, rain protection features shall be required to be incorporated into all new construction if such construction is of a new structure. Such features shall also be required if an existing structure is remodeled in such a way as to affect the appearance of that part of the structure facing the street; provided, remodeling found by the Planning Official to be minor, per the requirements of Chapter 20.255 VMC, shall not be required to provide weather protection.

2. New construction. All proposed new buildings within 15' of the street property line shall be required to provide a rain protection feature meeting the requirements of this Section.

3. Designated. A rain protection feature meeting the requirements of this Section may be an awning, overhang, marquee, free-standing shelter, arcade or other architectural feature providing a rain-sheltered sidewalk or walkway for pedestrians along the entire street frontage of the building but may not contain usable floor area of any kind unless a vacation of air rights from the City has been secured.

E. Design standards. New rain protection features, whether required or not, and which are located on affected street frontages shall be in compliance with the following design standards:

There shall be a minimum vertical clearance above the sidewalk or walkway of no less than 8' .

There shall be a maximum vertical clearance above the sidewalk or walkway of 13' , except as provided for arcades in this Section.

Rain protection features shall be provided within the public right-of-way (under a street use permit from the City), or within the property, or within both the public right-of-way and the property, except as provided for arcades in this Section. Rain protection features shall provide cover of at least 5' in depth over the sidewalk or other surfaced pedestrian way. Such features shall be additionally extended at least 6" in depth for each foot of vertical clearance above 8' , but shall not extend closer than 2' to the curb line. In the absence of a curb line, the features shall extend a maximum of 15' from the street property line into the public right-of-way or, in the case of any publicly constructed rain protection feature parallel to the street property line only to such rain protection feature or such minimum distance beyond such feature as is necessary to provide for complete coverage of the walkway, sidewalk, property or other walkway. Where a sidewalk along a street frontage containing a required building line and a required rain protection feature has a width of less than 10' , an existing building constructed at the required building line may provide a rain protection feature with a depth of less than 8' over the sidewalk, but not less than the depth between the building and 2' from the curb line.

In the case of new construction where the distance between the required building line and the curb line is less than 10' , the building may be set back from the required building line by no greater than that distance necessary to provide a cover of up to 12' in depth from the building line to the curb line. The rain protection feature shall extend to within 2' of the curb line.

Along a lot frontage of at least 100' , the rain protection feature requirement may be satisfied by an arcade, constructed wholly on the property within the building. This is provided that the arcade adjoins and is

continuously accessible from the adjoining public right-of-way, and provides at least 10' of horizontal clearance for pedestrians. An arcade may provide greater than 13' of vertical clearance above the pedestrian walkway, provided, the 10' minimum horizontal clearance shall be increased by one foot for each foot of increase in height of the unprotected opening along the face of the arcade.

Rain protection features on each building shall be designed to abut or adjoin rain protection features provided or to be provided under this Section, on adjacent buildings along the same street frontage, to the greatest extent possible to ensure a continuous protected pedestrian walkway.

F. Adjustment and exception. The following adjustments and exceptions regarding rain protection features may be authorized by the Planning Official, in accordance with the procedures specified in Subsection (G) below.

1. Changes in dimensions and exceptions to general application of the standards specified in Subsection (E) above, may be allowed where the standards prescribed are found infeasible or impractical to apply, or it is found they would create disharmony with the architecture of an existing building.

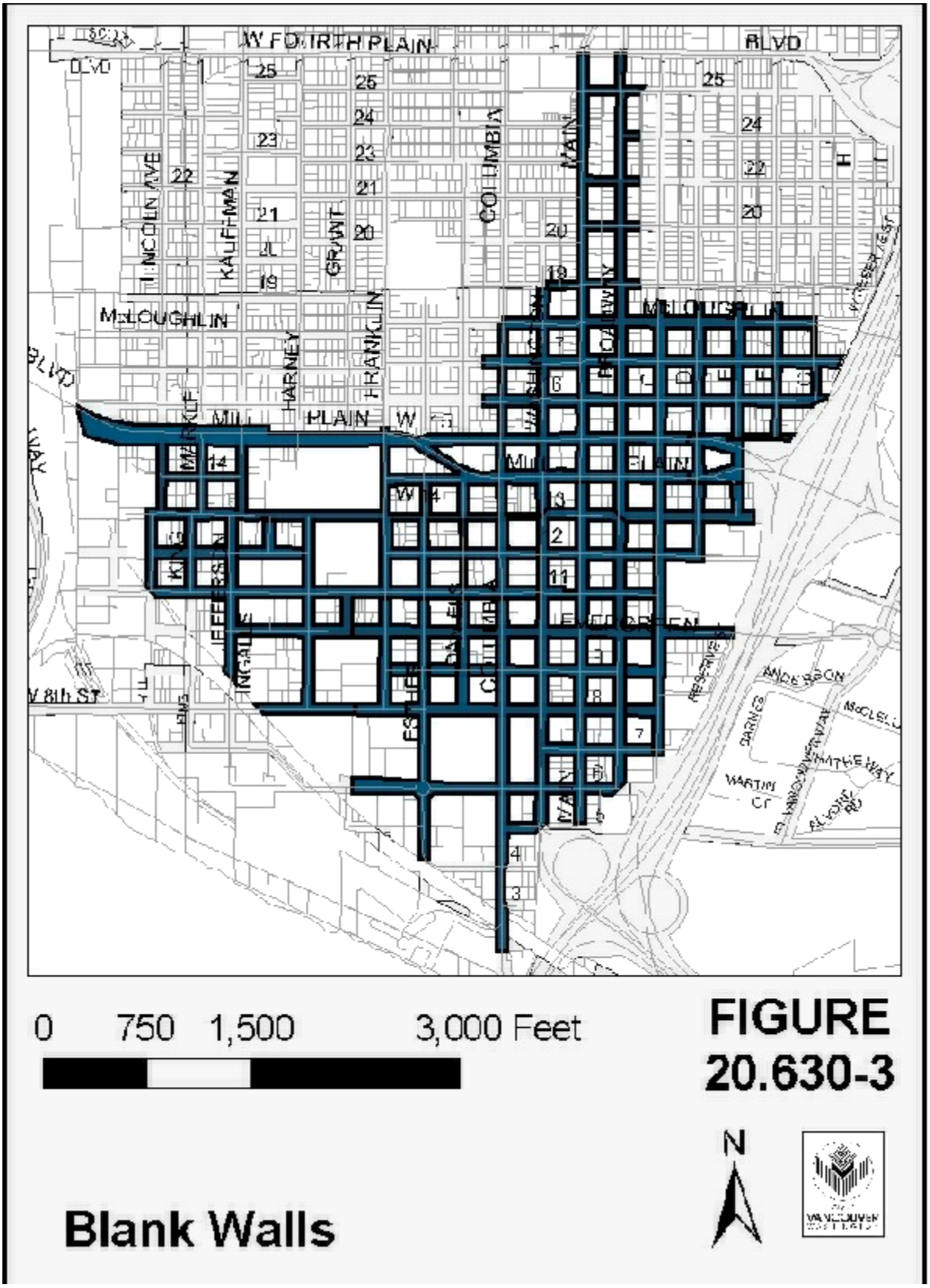
2. The requirements of rain protection features shall not apply to buildings entered into the National Register of Historic Places, Buildings, or Structures, or listed in the Washington State Register of Historical Sites and Buildings, or listed in the Clark County Heritage Register or where it is found by the Historic Preservation Commission that application of the requirements would be seriously detrimental to the design integrity of the structure and/or its architectural facade.

G. Determination of compliance. Determination of whether a proposed building or rain protection feature meets the intent, purposes and requirements of this Section and the previous Section, or qualifies for adjustments or exemptions authorized in the previous Section, shall be made by the Planning Official, as governed by Chapter 20.255 VMC.
(M-3959, Amended, 07/19/2010, Sec 32-Effective 8/19/2010; M-3832, Amended, 06/18/2007, Sec 18; M-3832, Amended, 06/18/2007, Sec 17; M-3643, Added, 01/26/2004)

Section 20.630.040 Blank Walls.

A. Purpose. The blank wall regulations are intended to afford interest to pedestrians and to enhance the urban quality and shopping environment and to encourage pedestrian traffic within Downtown Vancouver. Blank walls at pedestrian level shall be discouraged in certain areas and shall not be allowed except with special approval from the Planning Official, upon reasonable justification of such blank wall.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630-3.



C. Regulation of uses. [Reserved for future use]

D. Special standards. [Reserved for future use]

E. New construction and major reconstruction. All new construction and major reconstruction along certain street frontages must provide windows and entrances or other features meeting the requirements of the Subsection (F).

F. Use requirements. At least 75% of the width of any new or reconstructed first-story building wall facing a street shall be devoted to interest-creating features, pedestrian entrances, transparent show or display windows, or windows affording views into retail, office or lobby space.

G. Exemptions

1. Historic buildings. The following types of buildings may be exempted by the Historic Preservation Commission from the requirements of Subsection (F) above, with respect to the percent of wall devoted to windows and entrances, where in conflict with the character of the architecture, in accordance with the specified procedures concerning Design Review.

a. Existing buildings entered into the National Register of Historic Places, Buildings, or Structures, or listed in the Washington State Register of Historical Sites and Buildings, or the Clark County Heritage Register or where the first story of the building is being restored or has been restored to its original architectural character, or as near as possible to its original architectural character, and where application of the requirements of the Section would interfere with such restoration.

b. Existing or new buildings located within the Heritage Overlay District, as governed by Chapter 20.510 VMC, where the requirements of this Section are found by the Historic Preservation Commission to be inconsistent with the requirements, standards and design guidelines applicable to buildings in designated Heritage Overlay Districts.

H. Determination of compliance. Determination of whether a proposed building arrangement meets the intent, purposes and requirements of preceding Sections, or qualifies for exemptions provided, shall be made in accordance with the procedures as part of the Design Review process, as governed by Chapter 20.265 VMC.

(M-3959, Amended, 07/19/2010, Sec 33-Effective 8/19/2010; M-3832, Amended, 06/18/2007, Sec 20; M-3832, Amended, 06/18/2007, Sec 19; M-3643, Added, 01/26/2004)

Section 20.630.050 Maximum Building Heights.

Maximum building heights. Building heights in the Downtown Plan District vary from 40’ to 300’, as illustrated in Figure 20.630.030-4.

A. Purpose: The maximum building height regulations are intended to facilitate redevelopment opportunities and maximize waterfront development, to meet historic preservation goals (including preservation of architectural character), to protect adjacent residential and commercial neighborhoods (including compatibility in scale and character), and to comply with Federal Aviation Administration Regulations, Part 77.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630.030-4.

C. In areas noted by a superscript 1 in Figure 20.630.4, a maximum building height range is shown within brackets. The low number of the range identifies the maximum building height (inclusive of any roof-top appurtenance) that may be achieved outright. The high number of the range identifies the conditionally allowed maximum building height limit (inclusive of any roof-top appurtenance).

The following conditions apply with an increase in building height above the low number of any given range:

1. Up to 50% increase in building height (inclusive of any roof-top appurtenance), is allowed outright, provided such increase in height complies with FAA regulation, Part 77, as certified by the FAA, through issuance of a determination of no hazard to air navigation, and will not affect the safe and efficient use of navigable airspace.

2. Over 50% and up to the high number of a given range, increase in building height (inclusive of any roof-top appurtenance), may be allowed by the Planning Official through the site plan review process upon making the following findings:

a. Such increase in height complies with FAA regulation, Part 77, as certified by the FAA, through issuance of a determination of no hazard to air navigation and will not affect the safe and efficient use of navigable airspace; and

b. The gross floor area of the building at each floor over 50% above the low number of any given range and up to the high number of a given range shall not exceed 12,000 square feet.

D. In the area noted by superscript 2 in Figure 20.630-4, the following building height and design conditions apply:

1. Buildings fronting Main Street shall comply with the established building line, and shall rise no more than 45 feet with an allowance of an additional 3 feet for a parapet before stepping back 15 feet, beyond which the building may rise to 100 feet (inclusive of any roof-top appurtenance) with FAA approval. An exception may be given for buildings fronting Main Street to rise to 60 feet before stepping back 15 feet, only if, the context of the subject building meets the following: Two buildings 60 feet or taller are located, such that, each front Main Street and are on two different adjacent sides of the subject building. Adjacent may include buildings that front Main Street and are located directly across a street from the subject building.

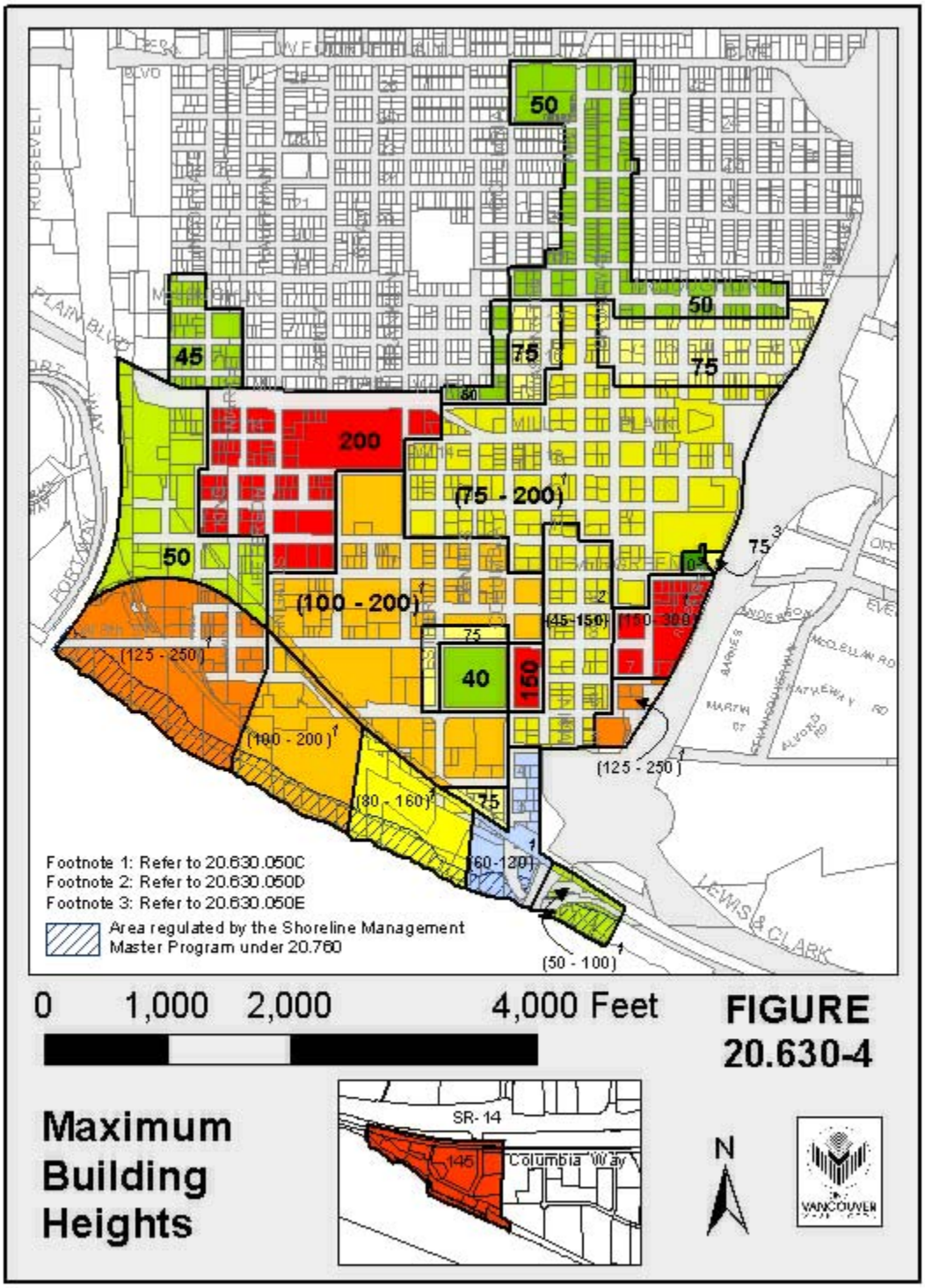
2. Buildings taller than 100 feet (inclusive of any roof-top appurtenance) that are permitted by FAA would be limited to building footprints of 12,000sf or less to ensure sufficient light at street level.

3. All restoration of existing buildings and construction of new buildings shall be consistent with design guidelines and requirements of VMC20.510, Heritage Overlay District.

E. In the area noted by superscript 3 in Figure 20.630-4 refer to Heritage Overlay District Number One, Standards and Requirements VMC20.510.3.a.

F. For additional information, refer to Section 20.150.040, Meaning of Specific Words and Terms and Section 20.560.030, Airport Height Overlay District. Not withstanding the allowed heights as shown in Figure 20.630-4, no part of the building structure including any roof top appurtenances shall be taller than the adopted airport approach, transitional and horizontal surfaces (refer to 20.570 and Figure 20.570-2). In some cases, the transitional and horizontal surface may be exceeded when explicitly authorized by the

FAA.


50
50
45
75
75
200
(75 - 200)
50
(100 - 200)
(125 - 250)
40
150
(100 - 200)
(30 - 160)
75
(125 - 250)
Footnote 1: Refer to 20.630.050C
Footnote 2: Refer to 20.630.050D
Footnote 3: Refer to 20.630.050E
Area regulated by the Shoreline Management Master Program under 20.760
(50 - 100)
0 1,000 2,000 4,000 Feet
FIGURE 20.630-4
Maximum Building Heights
SR-14
Columbia Way
N
VANCOUVER

(M-3922, Amended, 07/06/2009, Sec 28; M-3832, Amended, 06/18/2007, Sec 22; M-3832, Amended, 06/18/2007, Sec 21; M-3735, Amended, 02/27/2006, Sec 2; M-3643, Added, 01/26/2004)

Section 20.630.060 Parking Control.

A. Purpose. This district is intended to prevent disruption of pedestrian circulation; to provide for smooth traffic flow; to prevent excessive use of downtown land for parking; to ensure the most efficient provision of parking facilities; to preserve the continuity of retail use and building frontage in the downtown shopping area; and to protect the public health and safety.

B. Establishment of boundaries. The boundaries of the area within which these regulations apply are illustrated in Figure 20.630-5. These regulations apply to three areas within the downtown: 1) Structural Parking with Limited Access Area; 2) Structural Parking Area; and 3) Limited Surface Parking Area.

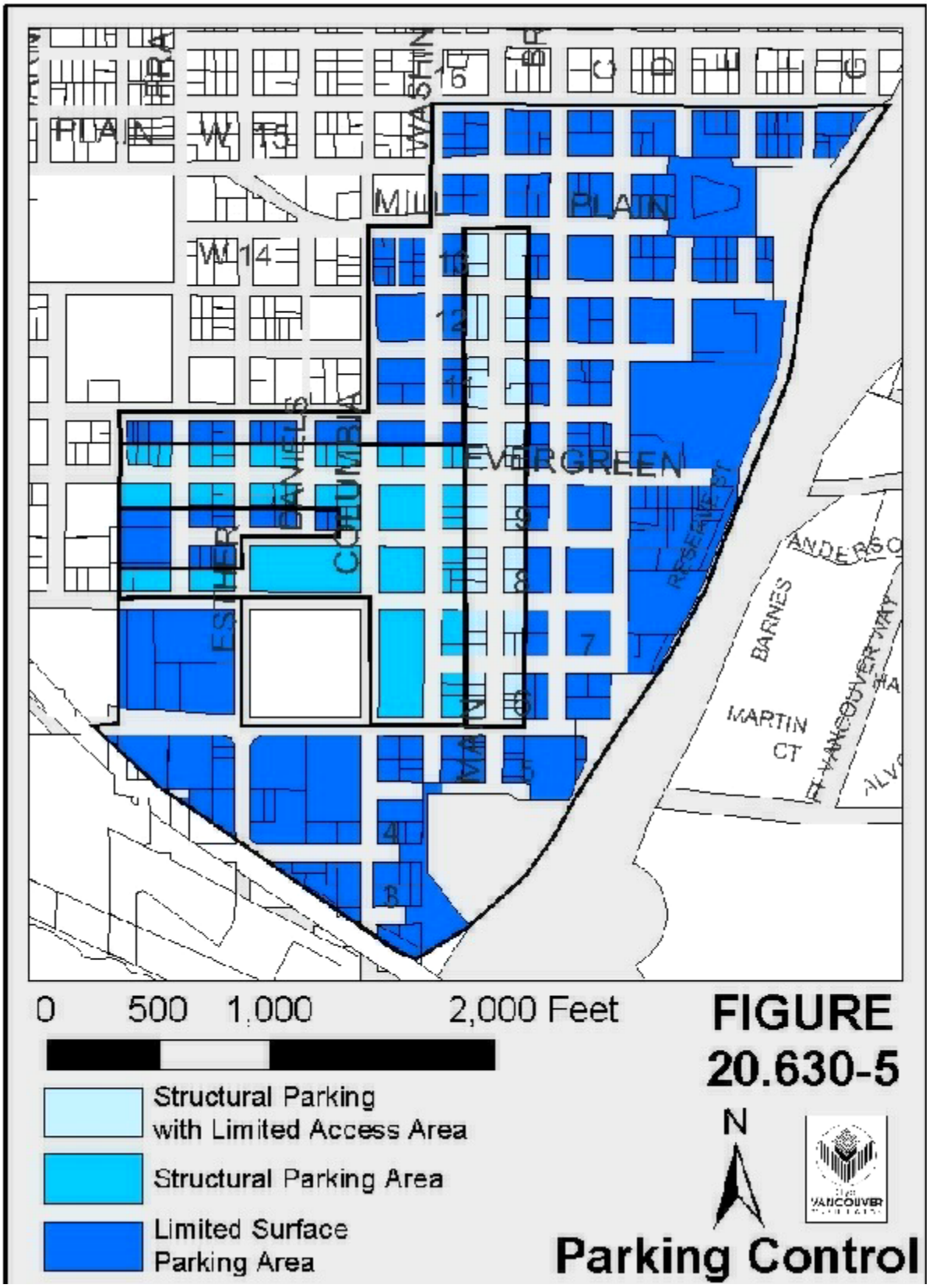


FIGURE 20.630-5

C. Structural Parking with Limited Access Area. For any use located within the boundaries identified in Figure 20.630-5, the following restrictions and requirements shall apply:

1. No new surface parking lot shall be permitted. All existing surface parking in the Retail Structural Parking Area, as defined in Section 20.160.020 (C)(7) VMC became nonconforming on September 26, 1977, by enactment of Ordinance M-1791.

2. Structured parking fronting on Main Street between 6th and Mill Plain, within the area illustrated in Figure 2-.630-5, shall be setback a minimum of 25' from the street property line.

3. Parking access to and from Main Street shall be prohibited . That portion of any lot fronting on Main Street shall be devoted at the street level to retail, consumer service, office, or other permitted uses in the use district within which the property is located.

D. Structural Parking Area. For any use located within the boundaries identified in Figure 20.630-5, the following restriction shall apply: No new surface parking lot shall be permitted. All existing surface parking in the Structural Parking Area, as defined in Section 20.160.020 (C) (7) VMC became nonconforming on September 26, 1977, by enactment of Ordinance M-1791.

E. Limited Surface Parking Area. For any use located within the boundaries identified in Figure 20.630-5, the following restrictions and requirements shall apply:

1. Structural parking shall be allowed.

2. Surface parking lots including off-site accessory parking lots may be allowed upon approval of a phased development plan, which indicate future buildings and timelines for completion of each phase and the elimination of the surface parking. Off-site accessory lots in the Limited Surface Parking area are permitted for uses even if the minimum parking requirement is met on-site; however, such parking shall not be made available to any other business or use.

3. Accessory surface parking for residential use is not limited and shall be allowed for all hours of the day and night.

4. Accessory surface parking for commercial use shall be limited to business hours of the accessory use(s). After business hours, accessory surface parking may be made available to other non-accessory uses.

F. New Temporary parking lots. As of the effective date of the VCCV Ordinance, no new temporary parking lot may be established in the Parking Control District.

G. Existing Nonconforming Surface Lots. To prevent disruption of pedestrian circulation; to provide for smooth traffic flow; to ensure the most efficient provision of parking facilities; and protect the public health, safety, and welfare by controlling erosion and dust and by preventing bodily injury and crime, unimproved (gravel or other non-permanent surface) parking lots in the Parking Control District shall be improved to current parking lot standards by December 31, 2015 as follows:

1. A valid land use approval for the parking shall be obtained from the City no later than eighteen (18) months prior to the above deadline (July 1, 2014); and

2. Parking lots shall be improved to current development standards in accordance with VMC20.945.040; and

3. Any unimproved lot in the Parking Control District that has not received a valid land use approval by the above deadline or has not been improved to full standards by December 31, 2015 shall be immediately discontinued; and

4. Parking lot improvements may be phased over time; however, any portion of a parking lot, which has not been approved or improved by the deadlines outlined in subsection 3 above, shall be immediately discontinued.

(M-3959, Amended, 07/19/2010, Sec 34-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 20 - Effective 12/2/2009; M-3922, Amended, 07/06/2009, Sec 29; M-3832, Amended, 06/18/2007, Sec 24; M-3832, Amended, 06/18/2007, Sec 23; M-3643, Added, 01/26/2004)

Section 20.630.070 City Center West Employment Overlay.

A. Purpose. The City Center West Employment Overlay is intended to provide for economic activity and employment growth by allowing for a wide range of commercial and industrial employment opportunities limited to avoid potential conflicts from interspersed and surrounding commercial/office and residential uses. The City Center West Employment Overlay is intended to provide an area zoned to allow uses and types of employment that are transitional between heavy and light industrial lands to the west and commercial/office and residential lands to the east.

B. Establishment of boundaries. The City Center West Employment Overlay shall apply to the area outlined in Figure 20.630-6.

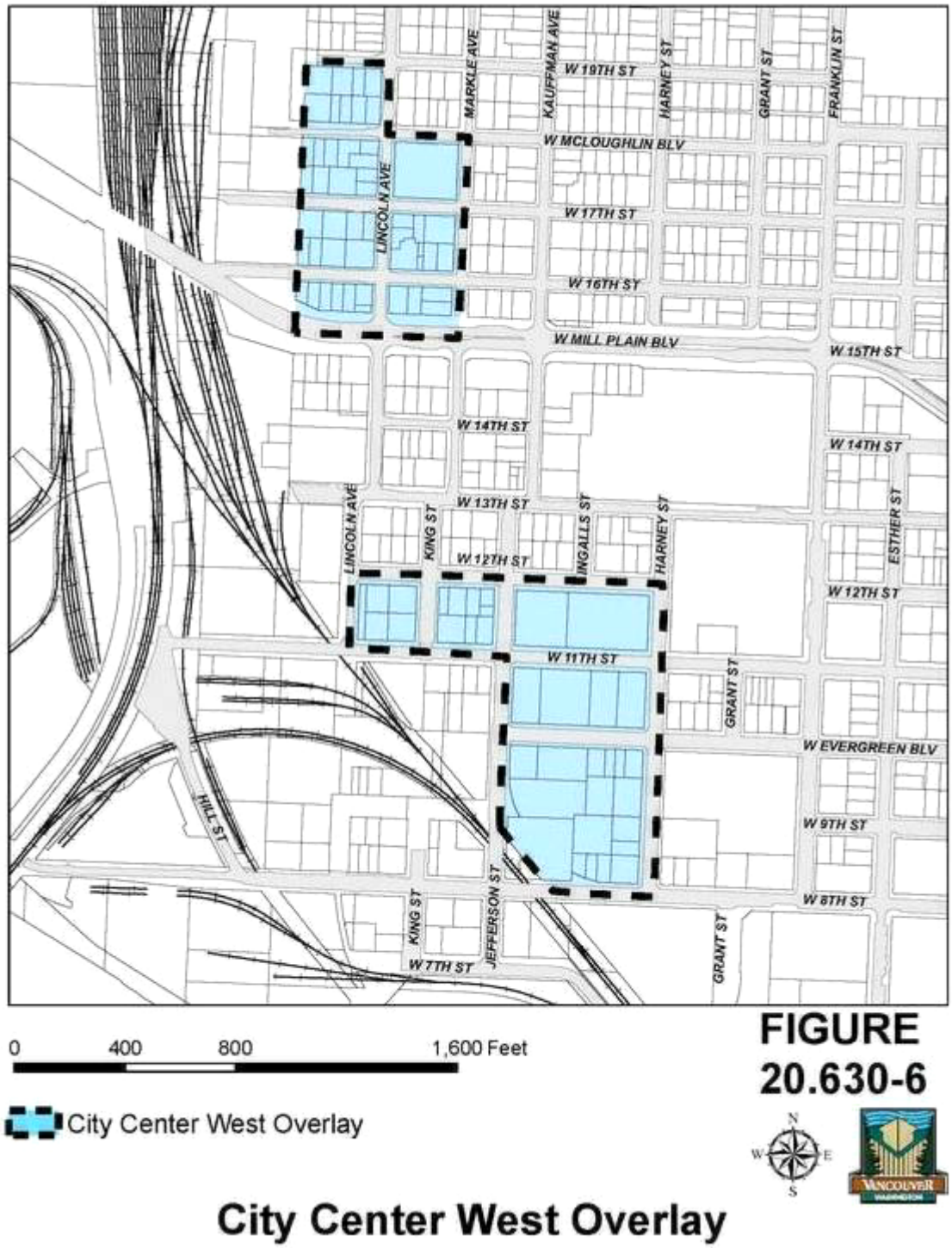


FIGURE 20.630-6

City Center West Overlay

C. Regulation of uses. Permitted, limited, conditional, and prohibited uses in the City Center West Employment Overlay are set forth in Table 20.630.070-1.

Table 20.630.070 - 1
City Center West Employment Overlay Use Table

USE	
RESIDENTIAL	
Household Living	P
Group Living	P/C[7]
Transitional Housing	L[2]
Home Occupation	L[3]
HOUSING TYPES	
Single Dwelling Units, Attached	P
Single Dwelling Units, Detached	X
Accessory Dwelling Units	X
Duplexes	P
Multi-Dwelling Units	P
Existing Manufactured Home Development	X
Designated Manufactured Home	X
New Manufactured Home	X
CIVIC (Institutional)	
Basic Utilities	P
Colleges	P
Community Recreation	L[4]
Cultural Institutions	P
Day Care	
- Family Day Care Home	P/L[5]
- Child Care Center	L[5]
- Adult Day Care	P
Emergency Services	P
Human Service Facilities	L[2]
Medical Centers	P
Parks/Open Space	
- Neighborhood Parks	P
- Community Parks	P
- Regional Parks	P

- Trails	P
Postal Service	P
Religious Institutions	P
Schools (not truck driving schools)	P
Social/Fraternal Clubs	L[4]
Transportation Facility	P
Park & Ride Facilities	
Surface	X
Structure	X
COMMERCIAL	
Commercial Lodging	P
Eating/Drinking Establishments	P
Entertainment-Oriented	
- Adult Entertainment	X
- Indoor Entertainment	P/L[6]
- Major Event Entertainment	P
General Retail	
-Sales - Oriented	P[7]
- Personal Services	P
- Repair - Oriented	P
- Bulk Sales	P
- Outdoor Sales	P/L[8]
Motor Vehicle Related	
- Motor Vehicle Sales/Rental	P
- Motor Vehicle Servicing Repair (entirely indoors)	L[9]
- Vehicle Fuel Sales	L[9]
- EV Basic Charging Stations (accessory and stand-alone)	P
- EV Rapid Charging Stations (accessory and stand-alone)	P
- EV Battery Exchange Stations	P
Office	
- General	P
- Medical	P
- Extended	P

Marina (See also VMC 20.760)	P
Non-Accessory Parking	C [14]
Self-Service Storage	X
INDUSTRIAL	
Industrial Services	L[15]
Manufacturing and Production	P [16]
Railroad Yards	X
Research and Development	P
Warehouse/Freight Movement	X
Waste-Related	X
Wholesale Sales	P
Major Utility Facilities	X
OTHER	
Agriculture/Horticulture	X
Airport/Airpark	X
Animal Kennel/Shelters	X
Cemeteries	C [10]
Detention & Post Detention Facilities	C/X [11]
Dog Day Care	L
Heliports	C [12]
Medical Marijuana Collective Gardens	X
Mining	X
Rail Lines/Utility Corridors	P
Temporary Uses	L[8]
Wireless Communication Facilities	L/C/X [13]
Offsite Hazardous Water Treatment and Storage Facilities	X

[1] Residential Care Homes with six or fewer residents and any required on-site staff permitted by right in housing above the ground floor; all larger group home uses are permitted conditionally.

[2] Subject to provisions of Chapter 20.870 VMC Human Service Facilities.

[3] Subject to the provisions of Chapter 20.860 VMC Home Occupations.

[4] Subject to provisions of Section 20.895.040VMC Community Recreation and Related Facilities.

[5] Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers (13 or more children) are Limited (L), subject to a Type II procedure in Chapter 20.210. Child care centers can also be approved as part of a Planned Development, VMC 20.260. In all cases child care centers must meet the standards outlined in Chapter 20.840 VMC.

[6] Provisions in Section 20.895.060 VMC apply to Indoor Target Shooting Ranges.

[7] Pawnshops are prohibited.

[8] Subject to provisions in Chapter 20.885 VMC Temporary Uses.

[9] Subject to provisions in Section 20.895.070 VMC, Motor Vehicle Fuel Sales and Repair.

[10] Subject to provisions in Section 20.895.030 VMC Cemeteries.

[11] Secure Transition Facilities as per 20.150 are prohibited.

[12] Subject to provisions in Section 20.895.080 VMC Private Landing Strips and Heliports. Airpark related uses are permitted in Pearson Airpark and Evergreen Airport only.

[13] Subject to requirements in Chapter 20.890 VMC Wireless Telecommunications Facilities

[14] Parking structures are permitted outright.

[15] The following Industrial Service uses as defined in VMC 20.160.020(D)(1)Use Classifications are prohibited; Sales, repair, salvage or wrecking of heavy machinery; metal and building materials; towing and vehicle storage; heavy truck services and repair; truck stops, fuel oil distribution; solid fuel yards; and laundry, dry-cleaning and carpet cleaning plants.

[16] Offsite hazardous waste treatment and storage facilities are prohibited.

D. Development standards. Properties within the City Center West Overlay shall comply with the requirements of the City Center Mixed Use (CX) Zone, VMC Chapter 20.430; Design Review, VMC Chapter 20.265; and Off Site Impacts, VMC Chapter 20.935.
(M-4035, Amended, 12/03/2012, Sec 6-Effective 12/08/2012; M-4024, Amended, 09/10/2012, Sec 10-Effective 9/30/2012; M-3832, Amended, 06/18/2007, Sec 25)

Section 20.630.080 City Center Waterfront

A. Purpose. The following City Center (CX) Waterfront design standards are intended to:

1. Implement the principles, goals and policies of the Vancouver City Center Vision Subarea Plan for mixed-use development and connections to the waterfront.

a. Create and support messy vitality, a dynamic and rich mix of residential, cultural, civic, retail and entertainment places that will attract

growth, jobs and round-the clock activity;

b. Focus waterfront redevelopment on residential uses supported by significant public access, recreation, cultural, hospitality, entertainment and limited commercial uses;

c. Connect the downtown to the waterfront;

d. Overcome the barrier like feeling of the railroad and berm between downtown and the waterfront; and

e. Strengthen the primary street connections to the waterfront.

2. Build to the highest density that is financially viable and achievable within the allowed height restrictions and grid dimensions.

3. Create an urban high activity waterfront character.

4. Create tangible connections to the waterfront, connecting Vancouver's City Center businesses, neighborhoods and parks to a vibrant waterfront district that is accessible to all.

5. Design streets to enhance the district's ability to function as a pedestrian-oriented urban neighborhood, encourage pedestrian activity, and create a lively active district.

6. Extend the Columbia River Renaissance Trail to the west.

7. Encourage water oriented uses along the shoreline area.

8. Encourage environmentally friendly site and development design and construction.

9. Secure public access to or along the shoreline, to include waterfront public spaces.

B. Boundary. The area zoned City Center (CX) located within the Columbia West Renaissance District of the Vancouver City Center Subarea Plan between Interstate-5 on the east, the Railroad Bridge to the west; the Railroad right of way to the north and the Columbia River to the south (refer to Figure 20.630-7).

C. Administration. Compliance with the provisions of this Section shall be determined through the procedures of Section 20.620.030A and B, Columbia River Shoreline Enhancement Plan District, Administration.

D. Design and Development Standards

1. Street Grid

The street system shall be based on a grid pattern and pedestrian system similar to the existing City Center grid of 200 foot blocks. Based on site and environmental constraints the planning official may approve a limited number of smaller or larger blocks. Where blocks are 300 feet or longer on a face, mid block pedestrian connections shall be provided.

2. Traffic Calming

Traffic calming elements shall be incorporated in the master plan. Elements such as and not limited to maximize on-street parking, narrow streets, ten to twelve foot sidewalks, and visible attractive crosswalks at intersections.

3. Sidewalk

a. Width - Twelve to Fifteen foot wide sidewalks shall be provided on Primary corridors. Ten to twelve foot wide sidewalks shall be provided on Secondary corridors. Street classifications to be determined in master plan process.

b. Accents - Provide decorative pavement accents in sidewalks and at intersection crossings and on streets that provide connections to the trail network.

4. Street Lights

The City's Street Light Policy shall apply. It identifies the Sheppard's Crook light fixtures on the waterfront trail and the Double-Acorn light fixture on the streets.

5. Parking

Within the Columbia West Renaissance District, new surface parking lots are prohibited except for surface parking lot(s) needed during phased construction and where an approved phasing plan states timelines for completion of each phase and removal of such lot(s).

Structural parking is prohibited between the river and buildings located nearest to the shoreline and at the interface of buildings and the river shoreline.

Require parking driveway access from secondary streets and require on-street parking on all streets unless otherwise approved by the Transportation Manager.

Develop orient and screen structural parking to:

a. complement adjacent buildings;

b. integrate structural parking with the building's overall design;

c. reduce automobile/pedestrian conflicts; and

d. support a comfortable pedestrian environment.

6. Link to City Center

The principles of the Downtown Plan District sub-sections 20.630.020, Building Lines; 20.630.030, Rain Protection; 20.630.040, Blank Walls; 20.630.050 C, Maximum Building Heights; and Parking Control, 20.630.060 shall apply to the Columbia West Renaissance District waterfront area zoned City Center (CX). The details of how and where to apply the above mentioned sub-sections of the Downtown Plan District (20.630) shall be provided in the master plan (20.620.030) and approved by the City.

7. Pathways, Open Spaces and Connections

People shall be able to interact with the river in appropriate locations, whether by touching, viewing, or enjoying the riverbank in other ways. Visual access to the water shall be provided. Physical

access shall be provided where determined appropriate and consistent with the requirements of the Critical Areas Ordinance (VMC 20.740) and Shoreline Master Plan.

Locate open spaces strategically to serve proposed uses, pedestrian linkages and nearby districts and to enhance transition from the waterfront urban environment to the river shoreline environment. Provide pedestrian connections and specific design elements to connect the varied open spaces into a cohesive open space system.

Provide public open spaces that are diverse in character, and placement. Both green and hardscape shall be provided. Hardscape open spaces designed for intense urban uses and consistent with the Critical Areas Ordinance (VMC 20.740) and Shoreline Master Plan may be appropriate in some areas of the City Center's waterfront.

Extend the Columbia River Renaissance Trail from east to west keeping it as close to the river as possible consistent with the requirements of the Critical Areas Ordinance (VMC 20.740) and Shoreline Master Plan.

Incorporate information about the Columbia River's natural resources and cultural history into the design of provided riverfront features such as public art, and interpretive signs.

Provide primary pedestrian connections between the existing Esther Short Park and new waterfront development. Pedestrian connections may include, but not limited to, features or amenities such as special sidewalk design, landscaping, art work, street furniture, views etc. See Landscape Plans below.

8. Landscape Plans

Employ design concepts that unify the new waterfront development with the City Center, Esther Short Park, the Columbia River, river pathways and open spaces, and surrounding activities to the east and west, by specific plant selection, furniture, lighting, art, and hardscape materials etc. Integrate landscape elements to enhance transitions with pedestrian access ways from the waterfront urban development to the river shoreline.

Arrange plant communities to reinforce diverse open spaces, provide connectivity, aesthetics, ecological functions, and variety and interest through the seasons.

Select appropriate species of native and native-like plants in the waterfront district area based on the soil, light, moisture conditions, context and adjacent uses. Planting schemes shall consider water conservation goals refer to VMC Section 20.925.100.

Specify appropriate species of native plants in the riparian management area and riparian buffer of the shoreline based on the soil, light, moisture conditions, context and adjacent uses and consistent with the Critical Areas Ordinance and Shoreline Master Plan.

The selection of tree species and the layout of trees on different streets are related to both the operation and desired character of a particular street. Species selection and tree spacing shall be coordinated with the City's Parks and Forestry Divisions to ensure appropriate relationship to the Columbia River shoreline and Columbia River Renaissance Trail, connectivity to the City Center, and desired character of specific streets. For street tree selection, refer to VMC 20.925.060.

9. Building Design

While creating an urban façade to the property line, development in the Columbia West Renaissance District should not present a wall between the downtown and the river, nor should it represent

themed building types or styles. To avoid monolithic building mass, vary the footprint and façade plane of buildings that face the Columbia River to create a diversity of building forms and urban spaces adjacent to the shoreline. This may be accomplished by:

a. configuring the building's mass to be perpendicular to the river;

b. articulating the façade plane to step down to the shoreline;

c. articulating building facades that face the Columbia River with human scale elements;

d. breaking up the building's mass to develop a variety of volumes, developing a varied set of horizontal plane and vertical façade shifts; or

e. using divisions inherent to the building type to break up potentially monolithic building forms.

Mixed-use developments shall be designed to provide increased opportunities for informal and planned activities beyond the typical 9 a.m. to 5 p.m. work hours.

Non-residential ground floor building levels shall include elements of pedestrian interest appropriate to the use of the ground floor, such as, but not limited to, public art, display windows, arcades, courtyards, front porches and stoops, special landscaping and architectural features.

Residential ground floor building levels shall include architectural elements that provide a transitional space between the public and private realm such as, but not limited to, indoor or outdoor foyers, courtyards, front porches, stoops and special landscaping areas.

The design of building lights, signs, and awnings, shall be determined through the master plan process. Signage shall be appropriate for a district that is intended primarily for residential use, and should not be visible from outside the district.

10. View Protection

Within the Columbia West Renaissance District, buildings shall be arranged and designed to maximize views and preserve views of the shoreline.

11. Sustainable Site and Development Design

As much as practicable incorporate sustainable design concepts as integral components of urban site and development designs. Examples include but are not limited to:

a. integrating ecological landscape elements in site designs;

b. developing special landscape environments;

c. creating interior spaces within buildings that relate to or take advantage of exterior environments; and

d. incorporating sustainable building practices or techniques into development designs.

As much as practicable integrate innovative stormwater management systems with the overall site and development designs. Examples include but are not limited to:

a. developing multifunctional stormwater management systems;

b. artistically emphasizing the stormwater function of typical building elements;

c. considering the potential aesthetic functions of stormwater management systems;

d. integrating recreational rooftop facilities;

e. creating comprehensive systems that advertise and attractively display the building's stormwater; and

f. incorporating eco-roofs.

Enhance the river bank with native vegetation and bio-engineered and/or bio-technical engineered solutions consistent with the Critical Areas Ordinance (VMC 20.740) and Shoreline Master Plan.

Use low impact development methods as much as practicable.

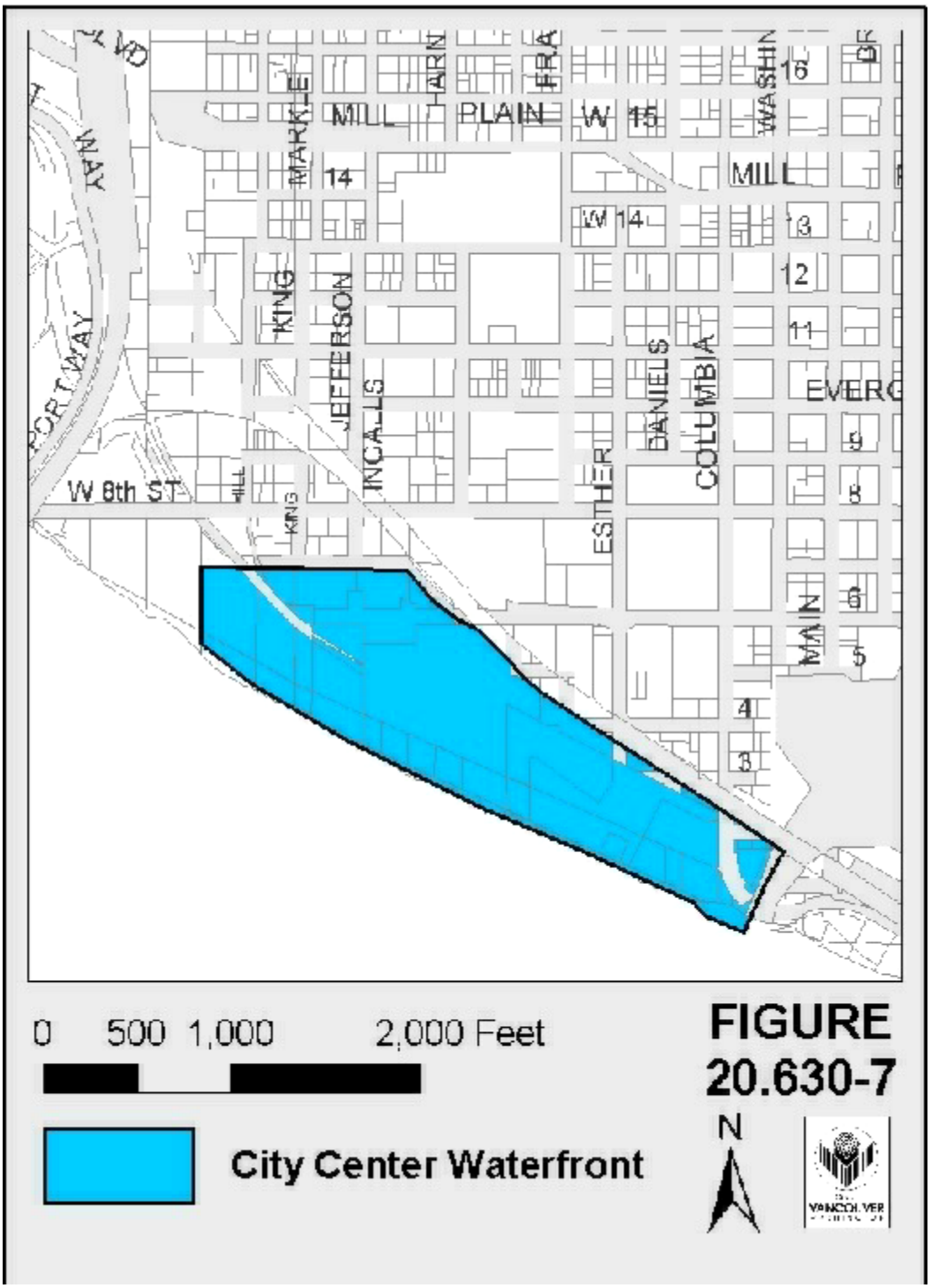
E. Modification. Modifications to design and development standards may be processed as part of the request for concept plan approval if the applicant can demonstrate compliance with the following approval criteria:

1. A master plan that complies with Section 20.268.070 Master Plan Components is submitted.

2. The modification(s) is warranted given site conditions and/or characteristics of the design.

3. The benefits accruing from the implementation of the modification meet or exceed the current design and development standards in Section D above.

4. Any impacts resulting from the modification are mitigated to the extent practical.



(M-3922, Amended, 07/06/2009, Sec 30; M-3832, Amended, 06/18/2007, Sec 28; M-3832, Added, 06/18/2007, Sec 27)

Chapter 20.640

VANCOUVER CENTRAL PARK PLAN DISTRICT

Sections:

20.640.010 Purpose.
20.640.020 Applicability.
20.640.030 Officers Row Conservation District.
20.640.040 Historic Reserve Conservation District.
20.640.050 Education and Recreation Conservation District
20.640.060 Social and Health Conservation District

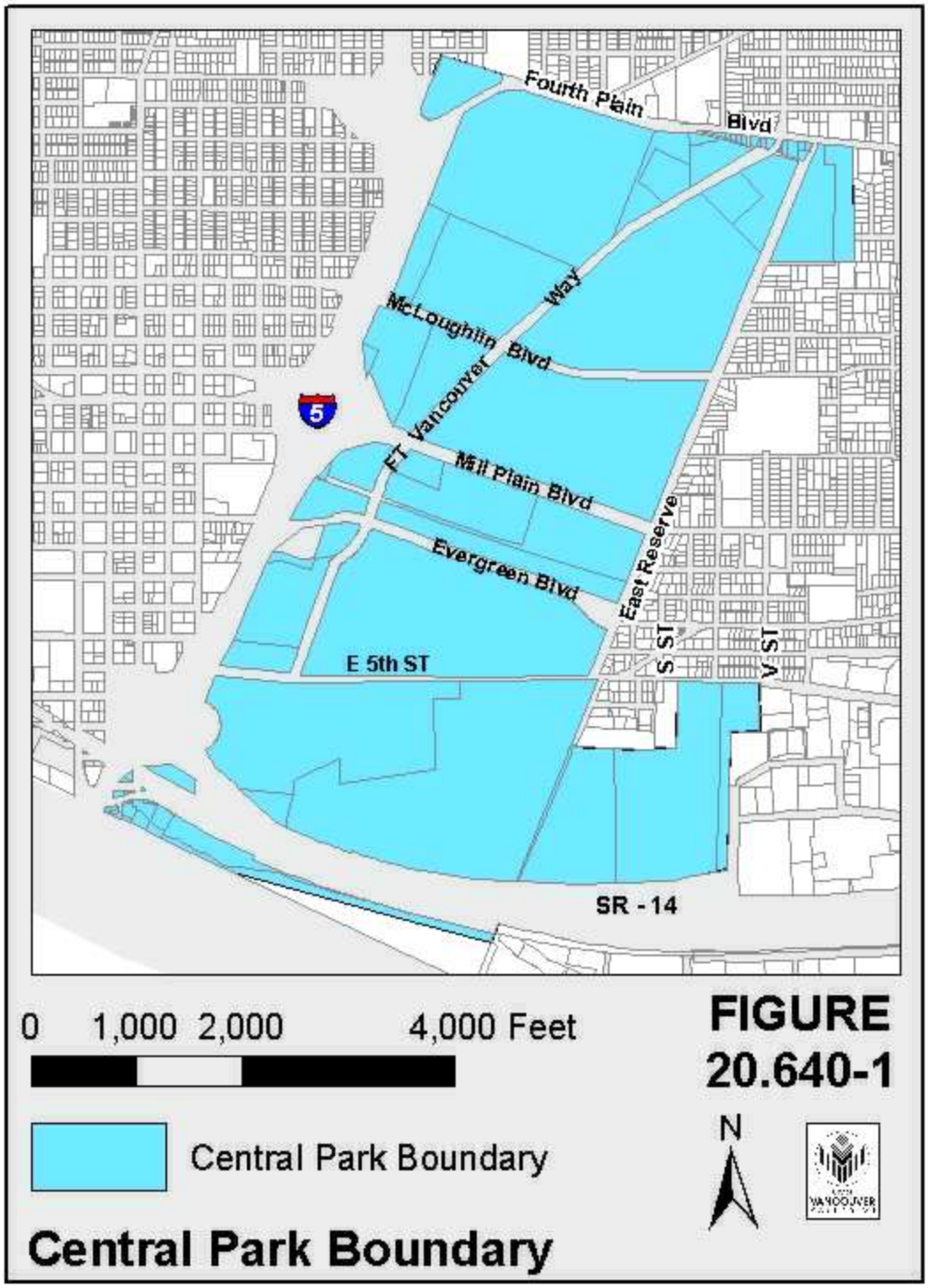
Section 20.640.010 Purpose.

Purpose. The Vancouver Central Park Plan District is prominently located at the Columbia River gateway to Washington State and the Vancouver City Center and possesses a unique grouping of public resources and destinations of national, state, and local significance. This Plan District intends to preserve and enhance the established urban civic character of the area and its significant historical, natural, educational, recreational, public utility and social service resources, as directed by the adopted goals and policies of the Central Park Plan, (Ordinance M-3865); Fort Vancouver National Historic Site General Management Plan; Vancouver National Historic Reserve Cooperative Management Plan; and the Vancouver National Historic Reserve Long Range Plan.

(M-3891, Amended, 11/03/2008, Sec 11-Effective 12/03/08; M-3643, Added, 01/26/2004)

Section 20.640.020 Applicability.

A. Purpose. Establishment of Boundaries. In general, the Columbia River to the south, Interstate 5 to the west, Fourth Plain Boulevard to the north and East Reserve Street to the east define the plan area, as illustrated in Figure 20.640-1.



B. Zoning designation. Property within the Vancouver Central Park Plan District is primarily zoned Vancouver Central Park Mixed-Use (CPX). The CPX zoning designation enables development in accordance to the adopted policies of the Central Park Plan, Fort Vancouver National Historic Site

General Management Plan, Vancouver National Historic Reserve Cooperative Management Plan, and the Vancouver National Historic Reserve Long Range Plan and as covered by the Comprehensive Plan Ordinance and map (see Ordinance M-3865, M-2184 and Ordinance M-2295).

Properties zoned Park or Community Commercial within the Vancouver Central Park Plan District shall comply with their respective code requirements and the development standards and guidelines under VMC 20.640.020(D) as well as the development standards and guidelines under each of the respective conservation districts. The CX zoned properties shall comply with all CX code requirements, the Downtown Design Guidelines, and the development standards and guidelines under VMC 20.640.020(D). If there is a conflict, the most restrictive shall apply.

C. Conservation Districts. There are four identified conservation districts within the larger Vancouver Central Park Plan District. This chapter includes sections specific to each Conservation District that include: Officers Row (20.640.030), Historic Reserve (20.640.040), Education and Recreation (20.640.050), and the Social and Health Services Conservation District (20.640.060).

D. Development Guidelines and Standards. Development in the Vancouver Central Park District shall comply with the following design guidelines and standards:

1. Gateways at Interstate-5. The four major street intersections at Interstate 5 that include: Columbia Way, Evergreen Street, Mill Plain Boulevard, and Fourth Plain Boulevard are essential east/west connections that should be enhanced to act as prominent gateways that unify Vancouver Central Park Plan District and the Vancouver City Center. These prominent locations shall include design elements that provide a safe and welcoming environment, unify the east and west sides of I-5, and create gateways that announce the arrival to Central Park to visitors and residents in all modes of travel. New connections between Vancouver Central Park Plan District and Vancouver's City Center shall also be made when any realignments and/or upgrades are added to I-5. Design elements shall include, but are not limited to the following:

a. Special gateway plantings. A gateway planting shall be required and shall include, in addition to required street trees: 1) small groves of native evergreen trees such as Douglas fir, Western Red Cedar, and Grand Fir, in groupings of three, five or seven and, 2) under-story or smaller ornamental trees, shrubs, and groundcover plantings that display year round seasonal color. Groves shall be located to create a gateway appearance at the major I-5/street intersections listed above. Additionally, public art work or special gateway structures subject to the City of Vancouver's Public Art Policy may be integrated into the gateway plantings. The City Urban Forester or the Parks Design Division shall approve gateway plantings.

b. Full multimodal access between Vancouver Central Park Plan District and the Vancouver City Center shall be provided including a pedestrian bridge over I-5 at 7th Street and a freeway park (lid) over I-5 at Evergreen Boulevard.

c. Way finding features subject to VMC20.960.

2. Great Streets. The intention of a "great street" is to provide full multimodal facilities that include equally safe access for pedestrians, bicyclists, transit users and drivers. Great streets are also visually appealing with design features that should include street trees, landscaping, special paving, pedestrian scale lighting, and street furniture. All streets in the Vancouver Central Park Plan District should be developed, as much as practicable, with Great Street design elements such as:

a. Sidewalks that are no less than eight feet wide, unless as specified otherwise herein, on both sides of the street.

b. Enhanced pedestrian crossings that are built with varying textures, colors and patterns and/or are raised.

c. Traffic calming elements that include bulb-outs, street medians, and planting strips with street trees and landscaping;

d. Street trees that provide a large, wide canopy over the streets in Central Park and shall be selected from the Street Tree Selection List found in Appendix A of the 'Street Tree Manual'. Street Trees shall be approved by the City Urban Forester and planted in accordance with VMC 20.925, Street Trees.

3. Pedestrian Connectivity. Sidewalks and walkways shall provide linkages between the various facilities, transit stops, and parking areas within the Vancouver Central Park Plan District and into the surrounding areas. Pedestrian crossings of major streets shall be safe and effectively located to enhance district cohesiveness and reduce walking distances. Pedestrian crossings of major streets should be no more than 400 feet apart.

4. All site and development design should incorporate sustainable practices to minimize the use of energy, water, and other natural resources and to provide a healthy productive environment. Sustainable design concepts and practices such as, but are not limited to the following:

a. Reduce heat islands using landscaping and building design methods;

b. Minimize development of open space by replacing and renovating buildings and by using land efficiently;

c. Site buildings to be able to integrate passive and active solar strategies, take advantage of natural ventilation, and maximize daylight use;

d. Incorporate building materials for maximum energy efficiency;

e. Create interior spaces within buildings that relate to or take advantage of exterior environments;

f. Develop multifunctional stormwater management systems that dispose of the building's stormwater.

g. Incorporate functional rooftop facilities and eco-roofs;

h. Select and group plants appropriately; and

i. Create practical turf areas or a "less-lawn" landscaping concept.

5. Fencing and screening.

a. Fencing located along properties that front Fourth Plain Boulevard, McLoughlin Boulevard, Mill Plain Boulevard, Columbia Way, East Reserve Street and Fort Vancouver Way should be built with materials that allow views into the site, except that chain link fencing should not be used along

these street frontages unless the fence is setback at least 6 feet from the back of the sidewalk and trees or landscaping are located between the fence and the back of the sidewalk or the fence has black vinyl coating. Refer to VMC20.912 for additional development standards.

b. All trash collection areas, exterior storage areas, and mechanical equipment shall be screened from view from streets and public areas.

6. Building Design

a. New construction built with a 20-foot or less street frontage setback shall avoid large areas of uninterrupted wall surfaces by incorporating human scale elements.

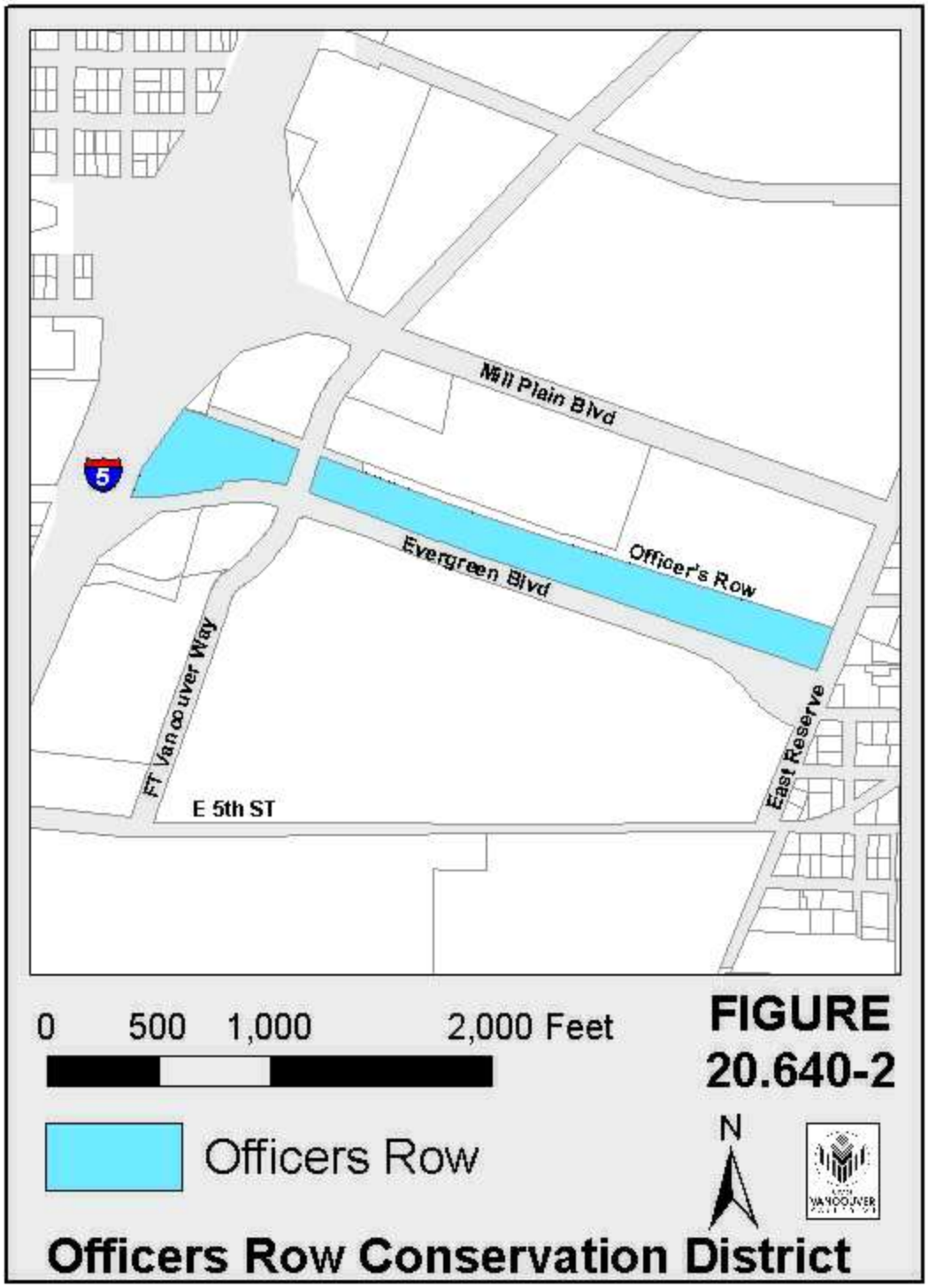
b. All buildings within the Central Park Plan District shall comply with VMC Chapter 20.570, Airport Height Overlay District.

E. Wireless communications facilities– special provisions. VMC 20.890, Wireless Communications Facilities, provides certain special provisions to the uses and development standards provided by this Chapter. (Ord. M-3307 § 22, 1997)
(M-3891, Amended, 11/03/2008, Sec 12-Effective 12/03/08; M-3643, Added, 01/26/2004)

Section 20.640.030 Officers Row Conservation District.

A. Purpose. The purpose of this section is to establish an area of special regulation in of the Vancouver Central Park Plan District. This special district shall be designated as Officers Row Conservation District. The provisions of this chapter are not intended to abrogate any other section of this title, and in case of any conflict, the most restrictive requirement shall apply.

B. Establishment of boundaries. The provisions of this special district shall apply to the properties known as Officers Row, located on the north side of Evergreen Boulevard between East Reserve Street and Interstate 5, as shown on Figure 20.640– 2.



C. Regulation of uses

1. Permitted uses. The following uses are permitted on all properties within the Officers Row Conservation District:

a. Existing residential uses, provided that single-family dwellings may be converted to include apartments for members of the same family.

b. General Offices as defined in Section 20.160.020 (C)(6)(a) VMC, excluding Medical Office, as defined in VMC 20.160.020 (C)(6)(b) Use Classifications, when used in conjunction with residential use.

c. Freestanding General Offices, as defined in VMC 20.160.020 (C)(6)(a) Use Classifications, housing Federal, State, County, City agencies or similar non-profit organizations.

d. Cultural Institutions, as defined in VMC 20.160.020 (B)(4) Use Classifications, such as museums or historical libraries.

e. EV Basic Charging Stations, if accessory to a permitted use.

f. EV Rapid Charging Stations, if accessory to a permitted use.

2. Conditional uses. The following uses will be permitted conditionally, subject to a Type III Conditional Use, as governed by VMC 20.225, Conditional Uses, provided that the applicant demonstrates that the use will comply with subsection (D) below, and will be compatible with the historic appearance of Officers Row. These uses are further subject to such conditions as the Hearings Examiner finds necessary to protect the historic values of the area.

a. Eating and Drinking Establishments, as defined in VMC 20.160.020(C)(2) Use Classifications.

b. Sales-Oriented General Retail Stores, as defined in VMC 20.160.020(C)(4)(a) Use Classifications. These uses can include on-premises production of retail products offered for sale at the site, including but not limited to, bakery, leather shop, or ceramics or wood-working studio, but excluding such a use that involves noisy and/or hazardous processes or requires outdoor storage.

c. Personal Service General Retail, as defined in VMC 20.160.020 (C)(4)(b) Use Classifications.

d. Colleges, as defined in VMC 20.160.020(B)(2) Use Classifications.

e. Commercial Lodging, as defined in VMC 20.160.020 (C)(1) Use Classifications.

D. Special standards. All development in the Officers' Row Conservation District shall comply with the following standards, including design review by the Planning Official; and other provisions of this title. In addition, refer to the National Historic Reserve Design Standards Book.

1. Signs shall comply with the regulation for Higher Density Residential, as governed by VMC 20.960, Signs, except no fascia signs are allowed.

2. Signs shall be, or shall appear to be, made of wood and shall be designed to be compatible with the historic buildings of Officers Row.

3. Officers Row development standards.

a. Every reasonable effort shall be made to provide a compatible use for a property, which will require no more than minimal alternations of the building, structure or site and its environment, or to use a property for its originally intended residential purpose.

b. The distinguishing original qualities or character of a building, structure or site and its environment shall not be destroyed. The removal or alteration of any historic material or distinctive architectural features should be avoided when possible.

c. All buildings, structures, and sites shall be recognized as products of their own time. Alterations that have no historical basis and which seek to create an earlier appearance shall be discouraged.

d. Changes which may have taken place in the course of time are evidence of the history and development of a building, structure, or site and its environment. These changes may have acquired significance in their own right, and this significance shall be recognized and respected.

e. Distinctive stylistic features or examples of skilled craftsmanship which characterize a building, structure or site shall be treated with sensitivity.

f. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material should match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features should be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

g. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

h. Every reasonable effort shall be made to protect and preserve archaeological resources affect by, or adjacent to, any project.

i. Contemporary design for alterations and additions to existing properties shall not be discouraged when such alterations and additions do not destroy significant historical, architectural or cultural material, and character of the property, neighborhood or environment.

j. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

k. The demolition of any of the buildings included in Officers Row shall be considered a significant action under the State Environmental Policy Act, and no permit may be issued until an Environmental Impact Statement is completed, unless the building official has made written findings that the building poses an immediate threat to life or safety.

l. The required Environmental Impact Statement shall focus on alternatives to demolition and redevelopment of the site. A permit for demolition shall be issued only after a redevelopment plan is approved by City Council.

m. Buildings shall be maintained at a minimum to the standards of the Housing Code as adopted by the city.

n. Off-street parking shall be provided as required in VMC 20.945 Parking and Loading.

1. All parking shall be located to minimize visual impacts to the views from Evergreen Boulevard to Officers' Row or the former Vancouver Barracks Parade Ground.

2. Off-street parking should, preferably, be located to the rear of the structures, with alley access.

3. No parking lot may be developed in the front yard of any building on Officers Row (parking in side yards should seldom be allowed, if at all).

4. No additional parking lots shall be developed on the south side of Evergreen Boulevard, north of the National Historic Site, between Fort Vancouver Way and East Reserve Street. However, the existing parking areas as shown on the urban renewal plan approved by Resolution M-2547 shall be allowed to remain and to be improved into fully developed parking lot or lots.

o. If the use of any structure is changed, or if a structure is restored or rehabilitated at a cost which exceeds more than 50% of the assessed value of the structure, all utilities, including sewer and water shall be improved to current standards for the full frontage of the parcel.

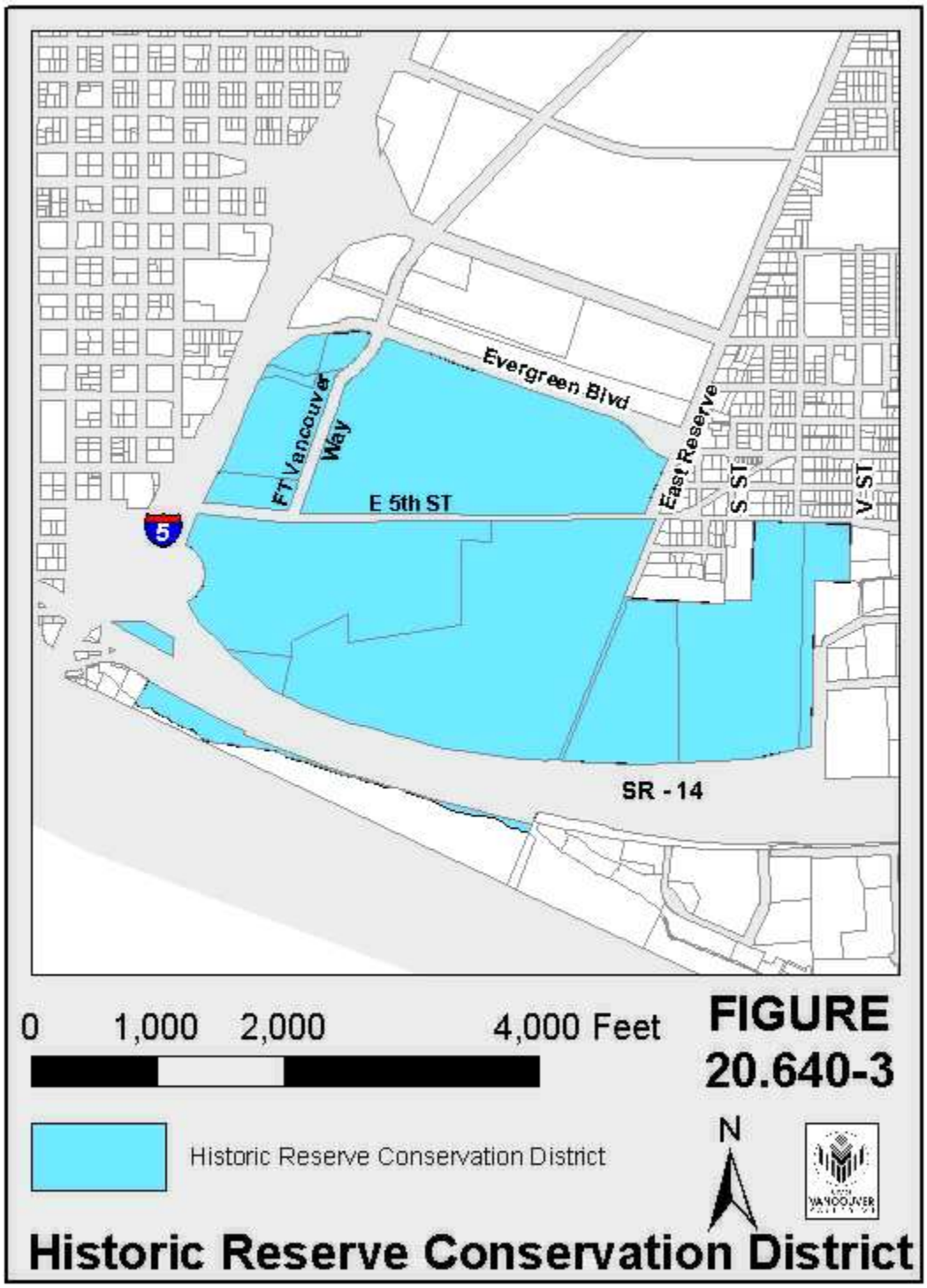
(M-4002, Amended, 12/05/2011, Sec 9-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 25-Effective 8/19/2010; M-3891, Amended, 11/03/2008, Sec 13-Effective 12/03/08; M-3643, Added, 01/26/2004)

Section 20.640.040 Historic Reserve Conservation District.

A. Purpose. The federally designated Vancouver National Historic Reserve is unique in its cultural and historic resources. The purpose of this section is to establish standards that protect those resources and the historic character of the Reserve. To do so, the city is establishing an area of special regulation in the Vancouver Central Park Plan District. The Historic Reserve Conservation District is intended to result in a seamless environment that provides overall design and development standards while reflecting area and era specific standards within the Conservation District.

Officers Row is part of the Vancouver National Historic Reserve and the existing Officers Row Conservation District. VMC Chapter 20.640.030 provides specific regulations and development standards for this area. The uses, regulations and standards of the Historic Reserve and Officers Row Conservation Districts are intended to complement and support each other.

B. Establishment of boundaries. The Historic Reserve Conservation District shall include the properties known as the Vancouver Barracks, Fort Vancouver National Historic Site, Pearson Field Airport (includes the airfield and aircraft hanger facilities), Pearson Air Museum, and Jack Murdock Aviation Center, and Waterfront Park. These properties are generally located south of Evergreen Boulevard, east of the Interstate freeway I-5, and north of the Lewis & Clark Highway SR-14, the National Park Service property (referred to as Waterfront Park) and the Old Apple Tree Park located between SR-14 and the Columbia River as shown in Figure 20.640-3. As new property, owned by the Reserve Partners, is added to the Vancouver National Historic Reserve it will be included in the District boundaries. The Reserve Partners include the City of Vancouver, State of Washington, US Army, National Park Service at Fort Vancouver National Historic Site and the non-profit Vancouver National Historic Reserve Trust.



C. Regulation of uses.

1. Permitted uses. The following uses are permitted on all properties within the Historic Reserve Conservation District. Special Standards D. 2. below provides information regarding compatible uses.

a. Household living and home occupations.

b. General Offices as defined in VMC 20.160.020 (C)(6)(a), excluding Medical Office as defined in VMC 20.160.020 (C)(6)(b) Use Classifications.

c. Freestanding General Offices, as defined in VMC 20.160.020 (C)(6)(a) Use Classifications, housing Federal, State, County, City agencies or similar non-profit organizations.

d. Cultural Institutions, as defined in VMC 20.160.020 (B)(4) Use Classifications, such as museums and libraries.

e. Art Studios and Galleries, excluding uses that involve hazardous processes or require outdoor storage.

f. Eating and Drinking Establishments, as defined in VMC 20.160.020(C)(2) Use Classifications, including restaurants and microbreweries.

g. Sales-Oriented General Retail Stores, as defined in VMC 20.160.020(C)(4)(a) Use Classifications. These uses can include on-premises production of retail products offered for sale at the site including but not limited to bakery, leather shop, or ceramics or wood-working studio, but excluding such a use that involves hazardous processes or requires outdoor storage.

h. Personal Service General Retail, as defined in VMC 20.160.020(C)(4)(b) Use Classifications.

i. Commercial Lodging, as defined in VMC 20.160.020(C)(1) Use Classifications.

j. Educational Facilities such as schools and institutions of higher education.

k. Recreation uses.

l. Parades, special community events, air shows, car shows and similar public gatherings consistent with the city's Vancouver National Historic Reserve Special Events Policy.

m. Airfield and Aircraft Hangar Facilities, including aircraft and aircraft component maintenance.

n. Performing Arts Center.

o. EV Basic Charging Stations, if accessory to a permitted use.

p. EV Rapid Charging Stations, if accessory to a permitted use.

D. Special standards. All development in the Historic Reserve Conservation District shall comply with the following standards and the Washington State Historic Building Code Chapter 51-19 WAC. These special standards supersede the Design Guidelines for Vancouver Central Park as adopted by Ordinance M-2073. All other provisions in the City of Vancouver Development Code apply. The Vancouver National Historic Reserve is also regulated under the US Secretary of the Interior's Standards for the Treatment of Historic Properties, 1995. Lands within the District will be managed with respect to pertinent state, federal, and local regulations. The provisions of this special district do not apply to

existing and future state or federal highway properties and rights-of-way located within or adjacent to the Historic Reserve Conservation District.

1. Development and changes that have taken place over the course of time are evidence of the unique history and character of each building, structure, or site and its environment. Further changes to the existing development shall be compatible with the eight historic periods established for specific areas within the Historic Reserve. These eight historic periods include: Indian Country (pre-1824), Hudson Bay Company Period (1824-1846), Fort Vancouver and Vancouver Barracks (1847-1860), U.S. Army (1861-1916), U.S. Army and World War I (1917-1918), U.S. Army and Civilian Conservation Corps (1919-1941), U.S. Army and World War II (1942-1947), and Modern Era/ National Park Service Period (1948----).

2. Reasonable effort shall be made to provide a compatible use for a property, that will require minimal change to the defining characteristics, of the buildings, structure, or its site and its environment in conformance with the Secretory of the Interior's Standards for Rehabilitation, or to use a property for its originally intended purpose. A compatible use is defined as a use that is consistent, complementary and does not conflict with the historic period.

3. The distinguishing original qualities or character of a building, structure, or site and its environment, as defined in the West Barracks by the National Park Service 2002 “Historic Structures Report” and for National Park Service owned property as outlined in the “General Management Plan” shall not be destroyed.

4. New construction should be limited to the reconstruction of the vanished or non-surviving portions of a historic property or infill construction compatible with the scale and design of buildings in the immediate area. As described in The Secretary of the Interior’s Standards for the Treatment of Historic Properties-1995, reconstructions is defined as the act or process of depicting, by means of new construction, the form, features, and detailing of a non-surviving site, landscape, building, structure, or object for the purpose of replicating its appearance at a specific period of time and in its historic location.

5. Distinctive stylistic features or examples of skilled craftsmanship that characterize a building, structure, or site shall be preserved except where demonstrated to be economically or physically impracticable as determined by the City’s Planning Official.

6. Deteriorated architectural features shall be repaired rather than replaced, wherever possible. In the event replacement is necessary, the new material shall, to the extent practicable, match the material being replaced in composition, design, color, texture, and other visual qualities. Repair or replacement of missing architectural features shall be based on accurate duplications of features, substantiated by historic, physical, or pictorial evidence rather than on conjectural designs or the availability of different architectural elements from other buildings or structures.

7. The surface cleaning of structures shall be undertaken with the gentlest means possible. Sandblasting and other cleaning methods that will damage the historic building materials shall not be undertaken.

8. Every reasonable effort shall be made to protect and preserve archaeological resources affected by, or adjacent to, any project. Activities within the special district will be required to meet the archaeological provisions of VMC 20.710.

9. Contemporary design for alterations and additions to existing properties shall be permitted when such alterations and additions do not destroy significant historical, architectural or cultural material,

and/or the character of the property, neighborhood or environment.

10. Whenever possible, new additions or alterations to structures shall be done in such a manner that if such additions or alterations were to be removed in the future, the essential form and integrity of the structure would be unimpaired.

11. Non-contributing buildings and structures, as identified in the 2007 National Historic Register listing of the Vancouver National Historic Reserve, may be removed.

12. Use of sustainable (environmentally sound and energy efficient) products and materials shall be required for all new construction and reconstruction throughout the special district. An exception may be granted by the Planning Official provided the applicant can clearly demonstrate that use of sustainable products and materials will significantly detract from the historic integrity of the individual building or the special district.

13. Public art and commemorative works within the special district shall be consistent with the Vancouver National Historic Reserve Public Art and Commemorative Works Policy.

14. Holiday or theme decorations and lighting shall present a coordinated appearance appropriate to the historic period of a building, structure, or site and its environment. All such decorations and lighting shall be subject to review and approval by the Reserve Partners and shall comply with applicable safety regulations.

15. Buildings shall be maintained at a minimum to the provisions of VMC 17.14 Minimum Property Maintenance Code as adopted by the city.

16. Off-street parking shall be provided as required in VMC 20.945 Parking and Loading. No parking lot may be developed in the front yard of any building within the Vancouver Barracks (parking in side yards should seldom be allowed, if at all).

17. Undergrounding of utilities is required throughout the special district except where demonstrated to be economically or physically impractical as determined by the City's Planning Official. The Hudson Bay Company cemetery property is exempt from this requirement due to federal regulations regarding disturbance of tribal cemeteries.

18. Site and building improvements shall be designed to consider accessibility throughout the special district and to incorporate those provisions in ways that result in minimal visual impact, such as utilizing elevated grades in lieu of ramps, and providing public access to main entrances in lieu of secondary entrances.

19. Screening of Off-Street Parking Areas.

a. Parking areas shall be designed to provide safe and convenient movement of motor vehicles, limit vehicular/pedestrian conflicts, limit paved areas, provide for screening of paved areas, and soften the visual impact of parking areas by providing interior plantings.

b. Evergreen plantings to provide year-round perimeter screening of parking areas are required except where physically impractical as determined by the City's Planning Official.

20. Pedestrian Connectivity.

a. Provide sidewalk and walkways to encourage and accommodate pedestrian circulation and access movement between buildings, activity centers, transit stops, and parking areas within the Historic Reserve Conservation District and along its public streets.

b. Sidewalks and walkways shall be hard surfaced or other approved materials consistent with historic nature of the property such as decomposed granite surfacing.

21. Thematic Landscape.

a. Landscaping improvements shall be designed to be compatible with the historic buildings and appropriate to the historic periods for specific areas within the Historic Reserve Conservation District.

b. Landscape plantings shall be maintained and enhanced. New plantings shall augment and complement the existing trees and plants with similar or compatible species.

c. Landscape plantings of Pacific Northwest native plant species shall be used where practicable within the special district.

d. Permanent underground irrigation systems shall be provided for proper watering and maintenance of lawn and landscape planted areas. The Hudson's Bay Company cemetery property is exempt from this requirement due to federal regulations regarding disturbance of tribal cemeteries.

e. Removal, repair and replacement of existing trees shall be carefully considered and shall be subject to review and approval by the City's Urban Forester. Designated heritage or centennial trees, along with any individual tree, group of trees or 'allee' of trees that is significant to the cultural landscape of the Reserve shall be preserved and maintained.

f. Street trees shall reflect historic types and planting patterns consistent with the specific area of the Historic Reserve and shall be subject to review and approval by the City's Urban Forester.

g. Existing view sheds of the Columbia River and Mount Hood shall be preserved.

22. Exterior Light Standards.

a. Light standards along streets and walkways shall be pedestrian scaled and lower than conventional street light standards and provide more illumination of sidewalks and walkways for public safety of pedestrians. Pedestrian scale light standards are lower in pole height and more closely spaced than conventional street lights.

b. Light standards along streets and walkways within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be the Shepherd's Crook style light standard as adopted by the City of Vancouver for the downtown Vancouver area. These Shepherd's Crook style light standards shall be painted dark green (to match existing standards within the Historic Reserve) and shall be installed with a preferred pole height of 14-foot to a maximum of 20-foot pole height, as measured from ground level to the top of vertical tapered pole. The light source shall be high-pressure sodium lamps and the preferred lamp shield shall be a frosted globe-shaped protective lens. The City may approve modifications to this standard to address individual, location-specific safety issues.

c. Light standards within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

23. Seat Benches and Trash Receptacles.

a. Location of seat benches and trash receptacles shall be compatible with the historic character of the Historic Reserve.

b. Seat benches shall be provided at appropriate locations as opportunities for resting, social interaction, and stationary or passive pedestrian activities. Benches with backrests and armrests are recommended to accommodate and assist the elderly and physically challenged.

c. Seat benches and trash receptacles within the Vancouver Barracks and Pearson Field Airport shall be appropriate to the historic period of each location and shall be as approved by the Vancouver National Historic Reserve Partners.

d. Seat benches and trash receptacles within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

24. Fences and Walls.

a. Fences and walls within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be designed to be compatible with the historic buildings of these areas. The use of natural materials such as wood and native stone is required for fences and walls. The use of chain link fencing is prohibited except where use of other fencing materials is demonstrated to be economically or physically impracticable as determined by the City's Planning Official. Where chain link fencing is allowed, it shall be of a color to minimize visibility and screened from view from public rights-of-way with appropriate landscaping.

b. Fences and walls within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

c. Fences shall be limited to reconstructions of historically documented fences, those replacing existing historic fences and only essential new fences. Reconstruction of historically documented fences is encouraged.

25. Signs.

a. Informational and directional signs within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport shall be as determined by the Vancouver National Historic Reserve signage program. Wayside signage shall be consistent throughout the special district. In general, new, non-essential signage is discouraged.

b. Regulatory signs for traffic control purposes (such as stop signs, yield signs and speed limit signs) shall comply with approved standards of the national Manual of Uniform Traffic Control Devices (MUTCD).

26. Access Control Bollards.

a. The City of Vancouver's Discovery Trail has a standard pre-cast concrete square bollard. This bollard shall be used to denote the Discovery Trail where it runs through the Historic Reserve.

b. Bollards within the Vancouver Barracks, Pearson Air Museum and Pearson Field Airport that are not located on the Discovery Trail shall be contemporary but compatible.

c. Bollards within Fort Vancouver National Historic Site shall be as determined by the National Park Service.

d. Use of bollards should be limited to areas where they are considered to be essential.

27. Screening of Service Areas and Mechanical Equipment.

a. All service areas, trash collection areas, exterior storage areas, and mechanical equipment shall be screened from view from streets and public areas.

b. Mechanical equipment for heating and ventilation of buildings shall be carefully placed to minimize its visibility from surrounding public areas and facilities. Placement of mechanical equipment on building rooftops is prohibited except where demonstrated to be economically or physically impractical as determined by the City's Planning Official.

c. Screening material shall consist of visually obscuring improvements such as evergreen trees or shrub hedges or opaque building features such walls or fences.

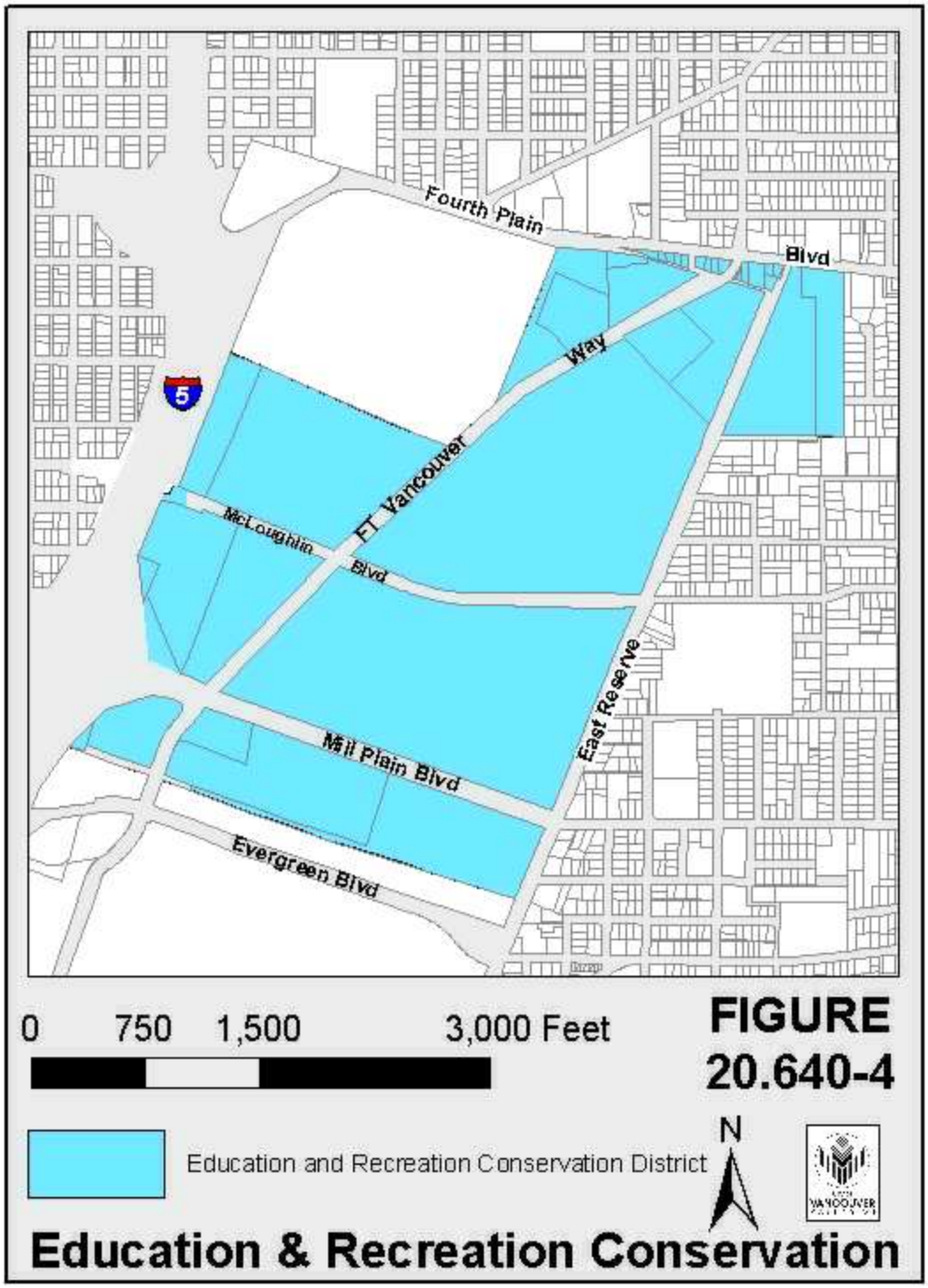
d. Screening constructed of building materials shall be compatible with the design and character of nearby buildings.

(M-4034, Amended, 12/03/2012, Sec 20-Effective 01/03/2013; M-4002, Amended, 12/05/2011, Sec 10-Effective 1/5/2012; M-3922, Amended, 07/06/2009, Sec 31; M-3891, Amended, 11/03/2008, Sec 14-Effective 12/03/08; M-3734, Added, 02/06/2006, Sec 2)

Section 20.640.050 Education and Recreation Conservation District

A. Purpose. The Education and Recreation Conservation District is intended to create an identifiable environment, promote preservation, enhancement, and expansion of education and recreation opportunities, and provide overall design guidelines and standards that reinforce connections to the other Central Park Plan Districts, emphasize 'great street' design as defined below, establish entry gateways, and preserve parks and open space.

B. Establishment of Boundaries. The portion of the Vancouver Central Park District located north and outside of the Officers Row Conservation District and the Historic Reserve Conservation District and excluding the Social and Health Services Conservation District, as illustrated in Figure 20.640-4.



C. Regulation of Uses. The following uses are permitted on all properties zoned CPX within the Education and Recreation Conservation District. For all other zones within the Vancouver Central Park Plan District, refer to 20.640.020 (B).

1. Basic Utilities as defined in Section 20.160.020, Use Classifications, except for Vancouver Water Works Park where offices may be included as Operations Support Buildings as defined in the Water Works Park Public Facilities Master Plan PRJ2005-00739/MPF2005-00004.

2. Colleges as defined in Section 20.160.020, Use Classifications.

3. Community Recreation excluding the following: health/fitness clubs, indoor tennis/racquetball and soccer clubs, unless in conjunction with a school or community center, golf courses and shooting ranges as defined in Section 20.160.020, Use Classifications.

4. Cultural Institutions as defined in Section 20.160.020, Use Classifications, except for a performing arts center is also a permitted use.

5. Parks/Open Space as defined in Section 20.160.020, Use Classifications, except for Vancouver Water Works Park where property under the direction of the parks department will be used as Urban Natural Areas and Open Space, as defined in the Vancouver-Clark Comprehensive Parks, Recreation, and Open Space Plan 2007.

6. Schools as defined in Section 20.160.020, Use Classifications.

7. Transportation facilities as defined in Section 20.160.020, Use Classifications, except for park and ride facilities that are a Limited Use. Accessory eating and drinking establishments are permitted within the park and ride transit facility.

8. General Office, as defined in Section 20.160.020 (C)(6)(a), Use Classifications.

9. Rail Lines/Utility Corridors as defined in Section 20.160.020, Use Classifications.

10. Temporary Uses subject to VMC Chapter 20.885.

11. Wireless communications facilities as permitted in Chapter 20.890, Wireless Communication Facilities.

12. EV Basic Charging Stations, if accessory to a permitted use.

13. EV Rapid Charging Stations, if accessory to a permitted use.

D. Special Standards and Guidelines. Development in the Education and Recreation Conservation District shall comply with the following design guidelines and standards, including approval criteria and standards of VMC 20.265 Design Review, and other provisions of this title.

1. Trees and Landscape Planting

a. Street trees that will provide a large, wide canopy over Fort Vancouver Way shall be selected from the Street Tree Selection List found in Appendix A of the Street Tree Manual. Street Trees shall be approved by the City Urban Forester and planted in accordance with VMC 20.925, Street Trees.

b. Landscape plantings shall be chosen and designed to be similar and compatible with required street trees and/or existing landscaping.

c. Pacific Northwest native plant species should be used for landscape plantings.

d. Existing arboretums should be preserved and enhanced.

e. As required in Chapter 20.770, a tree plan shall be submitted. The tree plan shall include small groves of native evergreen trees such as Douglas fir, Western Red Cedar, Grand Fir and/or the deciduous Oregon White Oak, in groupings of three, five or seven trees. Locate groves to create edges that frame and enhance open spaces.

f. New development on properties abutting I-5 and any substantial changes or expansions to I-5 shall require a planting plan that includes groves of native evergreen species, such as Douglas fir, Western Red Cedar, and Grand Fir that provide screening of I-5 from the Vancouver Central Park Plan District. The Urban Forester shall approve plantings.

2. Parks and Open Space: Preserving parks and open space is a priority of the Central Park Plan and may be accomplished by, but is not limited to, the following:

a. Compact building and efficient use of existing surface parking to reduce or eliminate the need to use open space to expand facilities.

b. Preserve as much as practicable, the central open space concept on the Clark College campus.

c. Preserve and enhance existing City Parks.

d. Preserve, enhance, and expand, as much as practicable, current sport fields and other open spaces.

3. Properties located north of Officers Row and south of Mill Plain Boulevard. Due to the importance of the public uses located within this area and their prominent location adjacent to Officer’s Row and the importance and unique character of Officer’s Row site and historic buildings, the following special regulations are deemed necessary to preserve and enhance the co-existence of both the public uses within this area and the adjacent Officer's Row.

a. If new building development is proposed, the design guidelines under (c) of this section shall be addressed.

b. If new or redeveloped sport fields are proposed, the following design and operational elements shall be addressed:

1. Provide modern field lighting with the least impact to adjacent properties.

2. Limit nighttime use to avoid disturbing adjacent residents.

3. Provide adequate parking to accommodate the various user group needs. Shared parking with adjacent facilities is encouraged.

4. Provide ADA, emergency, and concession delivery accessibility.

5. Provide adequate low-lighting for pedestrian access and security.

6. Provide trees and landscape plantings between the sport fields and Officer's Row that visually screen the uses and that include design elements for safety and security. The City Urban Forester or the Parks Design Division shall approve design of this landscaping.

c. New construction and major façade improvements on properties fronting Mill Plain Boulevard at Fort Vancouver Way or Fort Vancouver Way at Mill Plain should establish a primary gateway that welcomes residents and visitors to Central Park and the Historic Reserve, avoid massive buildings, and without attempting to replicate include complementary site and building design that reflect and respect Officer's Row and the Historic Reserve. This should be accomplished by, but is not limited to, the following:

1. Site and building layouts that include design elements such as: clustered buildings, courtyards, connecting walkways, entrances and windows facing street frontages.

2. Building mass should be broken up to develop a variety of volumes, a varied set of horizontal planes and vertical façade shifts or use divisions inherent to the building type to break up potentially massive building forms.

3. Large areas of uninterrupted wall surfaces shall be avoided along Mill Plain and Fort Vancouver Way by including human scale elements, such as pedestrian scale windows and lighting, public art, murals, special plantings, articulated walls of varied materials and/or color, and courtyards.

4. Parking facilities should be located behind buildings and away from street frontages.

5. Plantings around buildings and parking shall be compatible with the existing landscaping in the Historic Reserve. Street trees and large trees used in planting plans shall comply with Section 20.640.050 (D)(1)(a-e) and shall be approved by the City Urban Forester.

6. Gateway plantings, in addition to required street trees should be added at the intersection corners. The gateway planting plans shall consider tree height and width for gateway effect and include under-story or smaller ornamental trees, shrubs, and groundcover that display seasonal color throughout the year. Public art work or special gateway structures subject to the City of Vancouver's Public Art Policy may be integrated into the gateway plantings. The City Urban Forester or the Parks Design Division shall approve gateway plantings.

7. Street furniture and pedestrian scale lighting should be provided and should compliment and unite new development with the existing development.

4. Great Streets. The intention of a "great street" is to provide full multimodal facilities that include equally safe access for pedestrians, bicyclists, transit users and drivers. Great streets are also visually appealing with design features that include street trees, landscaping, special paving, pedestrian scale lighting, and street furniture.

a. All streets should be developed with full multimodal access and great street elements that provide a safe and desirable atmosphere to walk, bike, drive, and use transit.

b. Fort Vancouver Way provides the primary access to destinations in Central Park. Due to Fort Vancouver Way's essential role in the multimodal movement of people into and within Central

Park, the city shall work collaboratively with property owners to ensure that the listed great street design guidelines and standards are followed:

1. Fort Vancouver Way from Fourth Plain Boulevard to the first Clark College driveway on the east side of Fort Vancouver Way provides a gateway to Central Park plan area and Clark College that should include, but is not limited to, design elements such as:

a. A large center median to accommodate a pedestrian refuge, which provides safety while crossing the street, street trees, and landscape plantings that comply with Section 20.640.050 (D)(1)(a-c) and in accordance with VMC 20.925 Street Trees.

b. Sidewalks shall be located on both sides of the boulevard and should be no less than ten feet wide.

c. Planter strips should be on both sides of the boulevard, located between the boulevard and the sidewalk and should be no less than eight feet wide to accommodate trees that provide a large, wide, canopy over Fort Vancouver Way and shall be selected from the Street Tree Selection List found in Appendix A of the 'Street Tree Manual's recommended street trees. Street trees and landscaping shall also comply with Section 20.640.050 (D)(1)(a-c) and in accordance with VMC 20.925 Street Trees.

d. Central Park and Clark College entry signage.

2. Pedestrian crosswalks should include but are not limited to the following:

a. Pedestrian overpasses;

b. Roundabouts;

c. Pedestrian Hybrid style signals at mid-block crosswalks when warrants can be met.

3. Pedestrian street crossings that incorporate materials with offset color, varying texture and/or the crossing may be raised.

4. Passive and active traffic calming elements should include, but are not limited to, the following:

a. Bulb extensions to create pinch points that slow auto traffic should be provided and should include bicycle bypasses where practicable and accommodate trees that provide a large, wide canopy over Fort Vancouver Way. Refer to 20.640.050D(1)(a) for street tree selection requirements.

b. Curb extensions added to each side of each driveway to improve pedestrian and driver safety.

c. Pedestrian crossings and/or sidewalks over driveways should be raised and/or incorporate materials that are an off set color and/or texture.

d. Existing center medians shall be maintained at no less than 12 feet wide and planted with street trees that provide a large, wide canopy over Fort Vancouver Way. Refer to

20.640.050(D)(1)(a) for street tree selection requirements. If it is determined that the large wide canopy is in conflict with 20.640.050 D (5) adjustments may be made and approved by the City Urban Forester.

e. Sidewalks shall be provided on both sides of the street the entire length of Fort Vancouver Way. Sidewalks should be no less than eight feet wide except for the area described under Section (D)(4)(b)(1)(b) above.

f. Planting strips that are no less than eight feet wide should be included on both sides of the street and planted as described in (D)(4)(b)(1)(c) above.

5. Transit and associated transit facilities

a. Street adjustments shall be made, as necessary, to develop high capacity transit and/or street car routes and associated facilities.

b. Transit facilities shall provide direct pedestrian and bicycle connections to and from the prominent public facilities and services located in the district.

6. Gateways Gateways should be developed at Mill Plain Boulevard and Fort Vancouver Way; Fort Vancouver Way and Fourth Plain Boulevard; Mill Plain Boulevard and East Reserve. Gateway features, in addition to required street trees, shall include special gateway plantings that address height and width of trees for gateway affect and shall include under story or smaller ornamental trees, shrubs, and groundcover plantings that display year round seasonal color. The City Urban Forester or Parks Design Division shall approve gateway plantings.

In addition, the following gateway features should be considered. Features such as, but are not limited to, the following

a. Central Park entry signage.

b. Public art work and/or special structures subject to the City of Vancouver's Public Art Policy.

c. Way finding features subject to VMC 20.960 and Design Review.

7. Parking Standards

a. Off-street parking shall be provided as required by VMC 20.945 Parking and Loading.

b. On-street parking should be provided as much as practicable.

c. Existing drive-through services as of (M-3891, adopted November 3, 2008) shall be permitted to continue and may be improved for current uses and shall comply with 20.945.040 (G) Onsite vehicle stacking for drive through use. No new drive-through services shall be permitted.

8. Signs shall comply with the regulation for Higher Density Residential Districts as required in VMC 20.960

9. Lighting.

a. Streetlights should be designed to provide maximum illumination for autos and pedestrians. Streetlight design should include provisions to illuminate under street tree canopies at full growth and shall comply with Section 11.80.047 Streetlights.

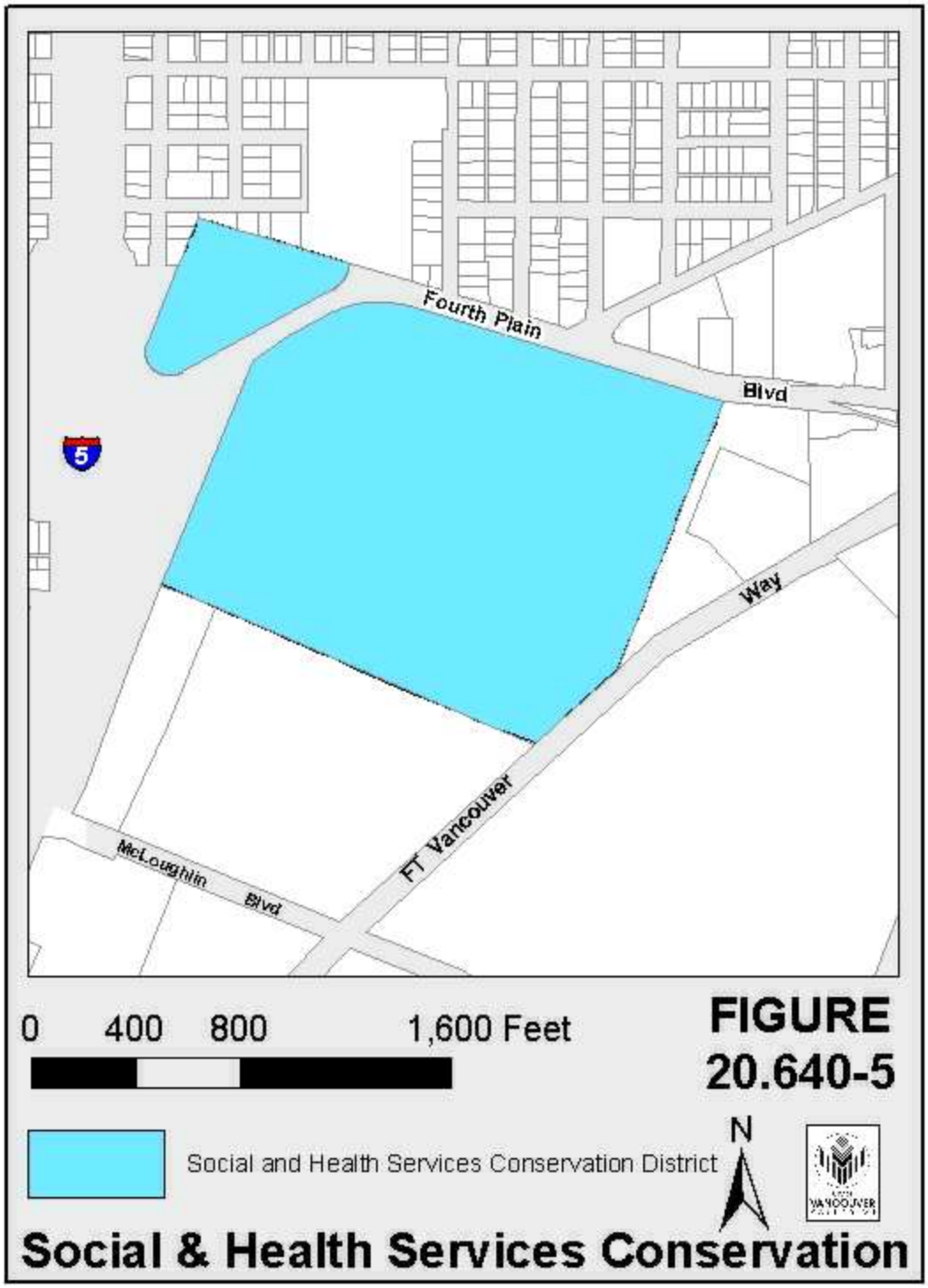
b. Light standards for sidewalks and paths should be pedestrian scaled to maximize illumination for pedestrian safety. Pedestrian scale lighting should be designed to illuminate under street tree and landscape canopies at full growth and shall comply with Section 11.80.047, Streetlights.

10. Central Promenade. The intent of the Central Promenade is to provide a shared use and as much as possible off-road path that runs the length of the planning area, linking from the south, Columbia River waterfront trail, to the north, Fourth Plain Boulevard, and uniting all of Central Park's significant resources.This is a place holder for future development standards and guidelines.
(M-4002, Amended, 12/05/2011, Sec 11-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 36-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 21-Effective 12/2/2009; M-3891, Added, 11/03/2008, Sec 15-Effective 12/03/08)

Section 20.640.060 Social and Health Conservation District

A. Purpose. The purpose of this section is to recognize the significant existing uses located within the Social and Health Conservation District as illustrated in Figure 20.640-5 and to provide a place for possible future regulations governing the area. The provisions of this section are voluntary as long as the ownership of the Social and Health Conservation District parcels remains with the Federal Government.

B. Establishment of Boundaries. Refer to Figure 20.640-5.



C. Regulation of Uses. The established social service uses include, but are not limited to, group living, transitional housing, human service facilities, medical centers, medical office, and army cemetery.

D. Special Standards and Guidelines. Development in the Social and Health Conservation District shall comply with 20.640.020 (D) Development guidelines and standards.
(M-3891, Added, 11/03/2008, Sec 16-Effective 12/03/08)

Chapter 20.650

WATERFRONT PLAN DISTRICT

Sections:

20.650.010 Purpose.
20.650.020 Applicability.
20.650.025 Administration.
20.650.030 Design and Development Standards.
20.650.040 Accessibility.
20.650.050 Landscaping and Screening.
20.650.060 Other Development Standards.

Section 20.650.010 Purpose.

A. The Waterfront Plan District (WX) district is intended to:

1. Implement the goals and policies of the Comprehensive Plan for mixed-use development within the waterfront area.

2. Ensure functionally coordinated, cohesive site planning and design that maximizes land use through mixed-use developments.

3. Ensure compatibility of mixed-use developments with the surrounding uses and minimize any off-site impacts associated with development.

4. Encourage water-dependent, -related and -oriented uses within the waterfront area.

5. Encourage a high-activity and high-density urban environment that permits access to the waterfront not only to the residents of developments, but also to the public at large and invokes a sense of community and compatibility with other uses.

6. Prohibit the development of single-family detached dwellings.

7. Secure public shoreline access to or along the waterfront, to include waterfront access plans, construction of waterfront parks, trails, esplanades, bikeways and viewpoints.

(M-3643, Added, 01/26/2004)

Section 20.650.020 Applicability.

A. Small sites. Development on a site located in the WX zone that is 20,000 sq. ft. or less in size shall be reviewed by means of site plan review, as governed by Chapter VMC 20.265 Site Plan Review, using the design and development standards contained in this Chapter.

B. Large sites. Development on a site located in the WX zone that is greater than 20,000 sq. ft. shall require a master plan to be reviewed by the Planning Commission as governed by the regulations in VMC 20.260 Planned Developments, using the design and development standards contained in this Chapter.

(M-3643, Added, 01/26/2004)

Section 20.650.025 Administration.

A. Master plan required. An applicant who proposes any development within the Columbia River Shoreline Enhancement District must submit a master development plan per the requirement of Chapter 20.260 VMC, Planned Developments.

B. Purposes of master plan.

1. Assure that the proposed development is considered as a whole and will conform to the Comprehensive Plan and the underlying requirements of the zoning district.

2. Require any changes to the Comprehensive Plan and underlying zoning district to be integrated into the master plan.

3. Assure that phased development is properly coordinated.

4. Provide the developer/property owner with reliable assurances of the City's expectations for the overall project as a basis for detailed planning and investment.

5. Coordinate the master plan process with the requirements of the State Shoreline Management Act and the City's shoreline program, and insofar as applicable with the City's adopted policy for a waterfront trail.

(M-3643, Added, 01/26/2004)

Section 20.650.030 Design and Development Standards.

A. Building design. The following design and development standards shall apply to all development that occurs or is proposed in the WX district:

1. Multiple buildings on a single site shall be designed to create a strong visual relationship between or among the buildings. Architectural treatment of a building shall be consistent on all sides.

2. Development shall take into account the relationship of adjacent buildings in terms of height, materials, scale and architecture. The goal is to achieve attractive structures and preserve significant views.

3. Mixed-use developments shall be encouraged to provide increased opportunities for informal and planned activities beyond the typical 9 a.m. to 5 p.m. work hours, including secure, well-lighted amenity zones and programmed activities. In addition, design that will increase opportunities for activities both within the project boundaries and between existing adjacent developments and neighborhoods shall be promoted.

4. Interest shall be created by both the repetition and changes in various patterns from window openings to paving designs. Developers shall consider the use of decorative pavement accents in sidewalks and near street intersections.

5. When a project occurs in a visually rich context, such as the waterfront, its form, materials, orientation, and detailing shall incorporate the assets offered by its setting.

6. The size, character and siting of proposed projects shall relate to the functions of adjacent streets and pedestrian networks. Buildings shall be oriented to the public rights-of-way and shall be placed close to pedestrian movement.

7. Environments shall be created that encourage a number of specific activities to front a street, court or plaza at ground level to provide variety at a human scale.

8. Where feasible, the design of multi-use facilities to accommodate retail and other uses at the pedestrian level that increase activity and use shall be encouraged.

9. Buildings shall be designed and located to complement and preserve existing buildings, streets and paths, bridges and other elements of the built environment.

10. Buildings shall be designed to be complementary in appearance to adjacent structures of good design with regard to:

    a. Materials, color and texture;

    b. Setbacks;

    c. Roof lines;

    d. Height; and

    e. Overall proportions.

11. Where existing buildings are to remain on site, new development shall be designed to:

    a. Integrate the remaining buildings into the overall design; or

    b. Provide separate landscaping, remodeling or other treatment that establishes a distinct character and function for the remaining buildings.

    c. Existing pedestrian paths or public areas shall be retained whenever feasible.

12. Bus shelters, drinking fountains, benches, mail boxes and related amenities shall be designed to be complementary in appearance to buildings.

13. The following amenities shall be designed to be complementary in appearance to those buildings or structures upon which they are located: windows, doors, mailboxes, mechanical equipment, downspouts, utility connections and meters, chimneys, lights, signs, awnings, foundations, vents, stairs, decks and railings, weather vanes, aerials and other appendages attached to the roof or projecting above the roofline.

14. Awnings, signs and lights shall be placed at the specific location on the wall to define the first floor or retail cornice height.

15. Trees and other natural elements shall be used to help define building proportion relationships and to provide scale to the structure as a whole.

16. Thematic consistency shall be encouraged and the variety of styles of building elements shall be minimized while allowing a diversity of architecture.

17. Buildings shall be designed and located to complement and preserve existing natural landforms.

18. To the extent practicable, landforms shall be incorporated as design elements that relate to building elevations to determine scale and proportion.

19. Foundations shall be designed to match the scale of the building being supported., Use of berms, re-siding, or sheathing the foundation structure with wall siding are methods that accomplish this purpose.

20. Decks, railings and stairs that relate a building to the contours of the land shall be used.

21. Buildings shall be designed to minimize the personal security risks of users and to minimize the opportunities for vandalism and theft.

22 Buildings shall be designed and constructed to reduce noise impacts on interior occupied spaces and adjacent property.

23. Natural barriers shall be used where possible, and where it is not possible, the use of solid barriers such as fences, berms, or structures to reduce sound levels shall be considered.

24. Heat pumps or similar mechanical equipment shall be located so that operating noise does not affect use of living areas such as bedrooms, outdoor decks, patio areas of the use or adjacent uses.

B. Building scale/transition

1. A large structure shall contain design elements that create a transition to the human scale, particularly near the ground.

2. If a development is larger or smaller than surrounding uses, the design shall provide transitional elements at the perimeter to integrate it with its surroundings.

3. Transition using variety of scale, pattern and texture of building and landscaping elements is encouraged to create a more visually interesting project.

4. Buildings shall be designed to reveal or express their primary patterns of use and entry.

5. The proposed building orientation shall respect the orientation of surrounding buildings and streets and shall relate to other buildings on the same site in regard to pedestrian circulation.

6. Buildings shall be designed and located to complement and preserve existing natural landforms, trees, shrubs and other natural vegetation, where appropriate.

7. A balance in the height, bulk and scale of the buildings constructed within the site shall be achieved so that large and/or long blank walls are either not constructed or their features are minimized. These standards can be achieved by the use of certain landscape features, specific building materials, limited size and length of buildings, preserving significant existing trees, screening mechanical equipment, innovative signage, limiting or prohibiting structures within

side building setbacks, limited fences and/or hedges within view corridors, and visual penetration through structures.

C. Building heights/views

1. Views from the residential areas above the river to the river shall be protected to the greatest extent practicable;

2. Views within the waterfront property to the river shall be protected to the greatest extent practicable. Access to views of both the project' s users and the general public shall be considered.

3. Major views and view corridors that give special emphasis to open space, the river, and special man-made or natural landmarks shall be protected to the greatest extent practicable.

4. Buildings shall be located and designed to provide access to desirable views, while not blocking the views of others unnecessarily.

5. The maximum overall height allowed in general is 60' . Higher structures may be allowed if views are not significantly impaired by means of a Type II Variance, as governed by VMC 20.290 Variances.

D. View analysis. As part of the master development plan, an analysis of views from the residential area above the site including view corridors, view profiles and vertical profiles from various locations is required. The views and/or view corridors to be protected are perpendicular and at angles to the river and include those views from the residential area above to the river and those seen from within the site to the river.

(M-3643, Added, 01/26/2004)

Section 20.650.040 Accessibility.

A. Pedestrian access/orientation

1. Buildings shall reflect a strong sense of human scale and interest within the pedestrian environment.

2. Ground floor levels of buildings shall include elements of pedestrian interest.

3. Development, especially buildings taller than 40' , shall address pedestrian scale and open space requirements and maintain human scale by creating variation of the urban form.

4. Separation of pedestrians and automobiles shall be encouraged. This can be accomplished by providing on-street parking and/or planting strips between the street and sidewalk..

5. The areas immediately adjacent to buildings shall be designed to integrate with the surrounding landscape and pedestrian walkways. Elements such as courtyards, colonnades and public art may be used to define this space.

6. Development shall provide convenient pedestrian access via sidewalks to transit stops.

7. Building entrances shall be identifiable and directly accessible from a public sidewalk. Entry areas shall be emphasized and strengthened through design articulation.

B. Accessibility and clarity

1. Environments shall be created that are understandable and help orient the user and the general public.

2. Sites shall be planned to respect existing natural and man-made landmarks and to create landmarks for the ease of public recognition.

3. Major vistas and panoramas that give special emphasis to open space and the river shall be protected to the greatest extent practicable.

(M-3643, Added, 01/26/2004)

Section 20.650.050 Landscaping and Screening.

A. Ground-level equipment. Structures such as antennas and satellite dishes shall be integrated into the project architecture and/or landscaping.

B. Open space. Open space shall be an integral part of any proposal. Exterior plazas, entry gardens, urban parks and sufficient landscaped areas should be clearly defined to strengthen the human scale and reduce the visual impact of tall buildings.

C. Public and semi-public places. Creation of public and semi-public places at both large and small scales shall be promoted to encourage a sense of community, where appropriate. Open spaces shall be designed to attract the public through the creation of comfortable places, attractive exhibits and easy access. Any open space shall be designed at a human scale to encourage human interaction.

D. ADA compliance. Open space shall be designed to be accessible and usable by people those with physical limitations and disabilities by complying with the provisions of the Americans With Disabilities Act.

E. Landscaping size and spacing. The size and spacing of landscape elements shall be consistent with the size of the project and should relate to any identifiable streetscape.

F. Landscaping purpose. Landscaping shall provide variety and interest and improve the aesthetic quality of a project, in addition to providing a functional purpose.

G. Coordination with utilities. The landscape design shall be coordinated with all site utility elements such as power lines, transformers, meter boxes, backflow preventers and fire protection devices to effectively diminish the impact of such elements on the character of the site.

(M-3643, Added, 01/26/2004)

Section 20.650.060 Other Development Standards.

A. Public amenities

1. Overhangs and canopies shall be integrated in the building design along all pedestrian thoroughfares.

2. Comfortable and attractive street furniture, such as seating and tables, fountains, trash receptacles, information kiosks, and directories which are accessible to the physically disabled shall be provided in public spaces for public enjoyment and comfort.

B. Site grading

1. Site design shall minimize the removal of mature trees and other existing mature vegetation.

2. The proposed grading shall be designed with slopes and topographic features that match the natural grade to the maximum extent practicable.

3. Sites shall be designed to minimize erosion.

4. Where they exist in their natural state, significant wetlands, drainageways and streams shall be preserved.

C. Art and furnishings

1. The use of art is encouraged and shall be integrated into the overall design of a project, if proposed.

2. Lighting fixtures and illumination shall be of similar design and character as the project's building components.

D. Pathway guidelines/requirements

1. Public use and access to the Columbia River shoreline shall be provided.

2. A trail that extends along all of the waterfront from the Burlington Northern Railroad bridge to the eastern city limits with viewpoints and access points shall be provided within 35' of the ordinary high water mark. Flexibility may be allowed to vary the location of the path, keeping it as close to the river as possible. Under special circumstances, the path may be allowed to vary or depart from the river for short distances. Also, it may be necessary from time to time to temporarily close a portion of the path. As part of an application submitted in compliance with Section 20.650.020 VMC, the location of the path, viewpoints and access points shall be shown and an explanation shall be submitted as to why the proposed location is the most appropriate for the site and that the equivalent of the pathway requirement can be met.

3. Along the pathway there shall be viewpoints and access points provided for the public. The location of the viewpoints and access points shall be determined after the analysis required under subsection C above, Building Heights/Views, is complete.

4. All applications submitted shall comply with the intent and purposes of Resolution No. M-2739 regarding the pathway along the river, which outlines the city's responsibilities in terms of the pathway requirement including, but not limited to planning for a trail from the Burlington Northern bridge to the eastern city limits which includes some public amenities and includes the providing by the city of adequate maintenance and public safety.

E. Screening. All trash cans, trash collection areas, storage yards, service areas and mechanical equipment, including heat pumps, air conditioners, emergency generators and water pumps, shall be

screened from view or placed in locations where they will generally not be visible. Screened materials shall be incorporated into the building design. Small rooftop mechanical equipment, including vents, need not be screened if the total area of such equipment does not exceed 10 square feet per structure.

F. Fencing. A minimum 6' sight-obscuring fence is required for storage, assembly and/or fabrication uses when allowed as a conditional use.

G. Signage

1. Types: Business park type monument base signs are permitted. The maximum height of a monument base sign is 15'. The maximum size of a monument base sign is 50 square feet. Rotating, flashing and free-standing pole, and roof-top signs are prohibited. Fascia signs are permitted as set forth in VMC 20.960 Signs, provided that they are consistent with the standards set forth in this subsection.

2. Standards

a. The size, shape, location and design of all signs shall be compatible with building proportions and features and be consistent with the overall character of the site.

b. Sign locations shall be integrated within the design of the site and adjacent streetscape.

c. Signs shall be integrated with landscape elements such as walls, planters, and street furniture and be placed so they are not obscured by landscaping when it has reached full maturity.

d. Consideration shall be given to the location and design of signs on adjacent parcels.

e. Multi-tenant buildings and shopping centers shall all have a comprehensive sign program. Provisions should be made for coordination of sign dimensions, materials, textures, colors, illumination and method and location of mounting. These signs shall be delineated in a uniform and consistent manner.

f. Traffic directional signs should be placed to promote safe and efficient traffic flow.

g. Signs shall be oriented to promote readability and serve their intended function.

h. The use of individual letters for signs is preferred over cabinet signs with brightly lit backgrounds or signs that have emphasized backgrounds. Sign letters shall be illuminated rather than the background area or backlit signs should have opaque backgrounds.

i. The light source of externally illuminated signs shall be shielded or out of the public's view.

j. Visible braces and other supporting devices should be avoided but, if required, be incorporated as a design feature.

H. Other development standards

1. Maximum lot coverage. The maximum lot coverage shall be 70%, including building footprints and all paved areas devoted to vehicular parking, loading and circulation.

2. Minimum landscaping/open space. The minimum landscaped area shall be 20%. The height of all planted trees shall be coordinated with view corridors and with the height of adjacent buildings. This will help ensure that the view corridors are protected.

I. Parking requirements

1. Parking adjacent to the river. No parking shall be allowed adjacent to the river. This is to avoid potential problems related to storm water run-off and other water quality problems impacting the river and to enhance the view corridors through and along the river. In some cases, parking may be allowed adjacent to the river but only if

a. The parking is required for a water-dependent or a water-related use and no reasonable alternative exists; or

b. The area of the lot where the parking would be located is depressed 4' or more below street level.

2. Shared parking between and among uses shall be encouraged.

3. Joint circulation and shared access between abutting properties is encouraged.

4. Adequate lighting for parking lots shall be provided to ensure personal safety. Lighting shall be integrated into the architectural character both in terms of illumination.

J. Transit facilities

1. Depending on the type and intensity of development proposed, certain transit facilities may be required including, but not limited to bus shelters and bus pull-outs.

2. Where bus shelters and other transit facilities are provided, they shall be located near building access and/or activity areas and be incorporated in the building design.

K. Utilities: All required utilities shall be constructed underground.

L. Lighting: Lighting for development shall be provided in a uniform and consistent manner in terms of location and design within a development and in coordination with adjacent development and/or zoning. Lighting shall not create glare beyond the subject parcel's boundaries. Lighting shall be uniform and consistent along pathways and/or open spaces and public areas and shall be complimentary within developments.

M. Setback requirements

1. Required perimeter setbacks from the project boundary shall be based upon the setbacks of the adjacent zone or the following requirements whichever is greater:

a. For a structure: 25'.

b. For a parking lot: 10'.

c. For a vehicular accessway: 5' .

2. An accessway shared by property zoned commercial and residential is not subject to the yard requirement.

3. There are no mandatory setbacks required within the site. However, a requirement may be established at the time of Planning Commission review depending upon the type and intensity of development proposed.

(M-3643, Added, 01/26/2004)

Chapter 20.660

AUTO DEALERSHIP PLAN DISTRICT

Sections:

20.660.010 Purpose.
20.660.020 Applicability.
20.660.030 Sign Standards.
20.660.040 Other Standards.

Section 20.660.010 Purpose.

These regulations are intended to serve the distinct needs of auto dealers and help create and maintain a cohesive appearance for auto dealerships within the Auto Dealership Plan District. For the purpose of the Auto Dealership Plan District, auto dealers are defined as businesses whose primary purpose is the sale of automobiles.

(M-3733, Added, 01/23/2006, Sec 3)

Section 20.660.020 Applicability.

A. Except as provided for in this Chapter (20.660), all other provisions of Title 20 (City of Vancouver, Land Use and Development Code) shall apply to the plan districts, including the use tables and the underlying zoning district standards. The proposed plan districts do not prohibit uses or development allowed by the base zone.

B. Auto Dealership Plan. The Auto Dealership Plan District is hereby established pursuant to the provisions of VMC 20.600 (Plan Districts). There may be more than one auto dealer within each area. Expansion of an existing plan district and/or the creation of a new district will be subject to a Type IV review process.

C. Establishment of Boundaries. The boundaries of the area(s) within which these regulations apply are illustrated in Figure 20.660-1.

1. Area 1: Properties along the east and west sides of NE Auto Mall Drive and auto dealers directly to the south fronting on NE Fourth Plain Boulevard.

2. Area 2: The northwest corner of the intersection of SR-500 and Andresen Boulevard and the property located directly across the street to the north of NE 40th Street.

3. Area 3: Properties located east of NE 66th Avenue and north of Fourth Plain Boulevard.

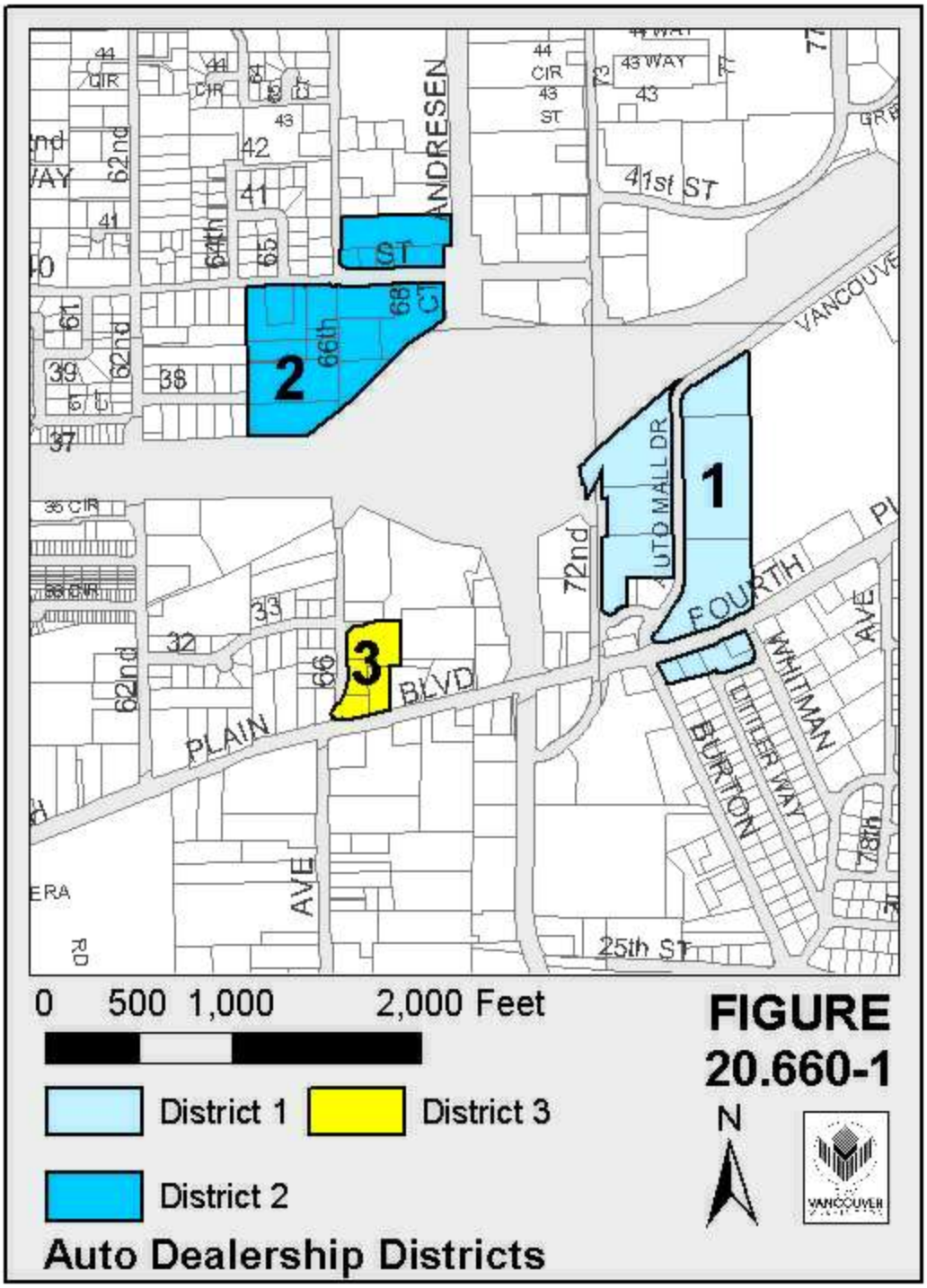


FIGURE 20.660-1

(M-3858, Amended, 12/17/2007, Sec2; M-3733, Added, 01/23/2006, Sec 3)

Section 20.660.030 Sign Standards.

Unless noted in this chapter, all other sign regulations, standards, and permits in 20.960 – Signs shall apply with the following exceptions:

A. Free-standing signs

1. Allowable area: 1.75 sq. ft. total per linear foot of property frontage on which the sign is located. No one sign face can be more than 0.875 sq. ft. per linear foot.

2. Number of signs: One (1) complex sign is allowed per plan district entrance where entrance is defined as public street access into the plan district. Additionally, one (1) franchise sign is allowed per entrance to each dealership within the district boundaries.

3. Height of signs: Maximum 30' to be measured from grade to top of sign, except in cases where the property abuts or is immediately adjacent to a state or federal highway. In these instances, the allowable height is 45’.

4. Encroachment above public right-of-way: Maximum allowed encroachment is 3', but not closer than 2' from curb line. Minimum allowed height to bottom of sign is 10'.

B. Changing image signs

1. Existing. Existing changing image signs are permitted and may be replaced or altered provided the sign area is not increased and the brightness of the sign is not increased. Maximum height of signs to be 30’ measured from grade to top of sign, except in cases where the property abuts or is immediately adjacent to a state or federal highway. In these instances, the allowable height is 45’.

2. New. No new changing image signs are permitted.

C. Fascia or wall signs

1. Allowable area: Maximum 12% of building elevation on which the sign is erected. Minimum of 30 sq. ft.; maximum of 250 sq. ft.

2. Number of signs: No more than a total of two (2) per franchise per elevation.

3. Height of sign: No sign shall extend more than 3' above parapet or eave line.

4. Encroachment above public right-of-way. Per 20.960.060D4, no encroachment allowed for signs less than 8' above grade; encroachment allowed if not to exceed 3' for signs 8' to 10' above grade, 4' for signs 10' to 12' above grade, and 6' for signs more than 12' above grade.

D. Directional signs.

1. Allowable area: 8 sq. ft. per side per sign.

2. Number of signs: One per each side of driveway access to each dealership.

3. Height of sign: Maximum 4' from grade to top of sign.

4. Sign placement shall comply with the sight vision clearance triangle as required by Section 20.985.

E. Banners

1. Allowable types: Wall-hung, pole-hung, or affixed to permanent canopies or membrane structures.

2. Allowable area: Wall-hung banners or banners affixed to a canopy shall not exceed 100 sq. ft. in size per banner. Pole-hung banners shall not exceed 40 sq. ft. in size.

3. Number of banners: Wall-hung banners shall not exceed more than 15% of the allowable signs per dealership. Wall-hung banners shall not cover permanent signage or address numbers. No more than one pole-hung banner shall be located on each side of any on-site pole or light standard. There are no restrictions on the number of pole-hung banners per dealership.

F. Permanent Portable Signs

1. Purpose: Consistent with 20.960.090A1, permanent portable signs shall be defined as “on-site” signs placed in the right-of-way along the business frontage and on the same side of the street as the building or establishment which it advertises. Permanent portable signs shall be meant for continuous display during the hours the business is open and shall have the primary purpose of identifying the business. They also shall be allowed for the purpose of directing persons to the premises.

2. Allowable area: Maximum size of sign shall be 9 sq. ft. per sign face, with a maximum of two sign faces per sign.

3. Number of signs: One per each side of driveway access to each dealership.

4. Height of signs: Maximum 36" from grade to top of sign.

5. Duration: Permanent portable signs may be on display in the right-of-way during the hours the business is in operation.

G. Temporary Portable Signs

1. Purpose: Temporary portable signs may be placed in the right-of-way within the Plan District for the purpose of advertising. Temporary portable signs may be used to advertise the dealership or a special event at the dealership.

2. Allowed area: Maximum size of sign shall be 9 sq. ft. per sign face, with a maximum of two sign faces per sign.

3. Number of signs: Maximum number of 3 signs per dealership.

4. Height of signs: Maximum 36" from grade to top of sign.

5. Duration: Temporary portable signs may be on display in the right of way during the hours the dealership is open.

6. Location: No temporary portable signs shall be located outside the designated plan district.

H. Permit Requirement Exemptions. The following shall not require a sign permit:

1. Banners

2. Portable Signs (temporary or permanent)
(M-3733, Added, 01/23/2006, Sec 3)

Section 20.660.040 Other Standards.

A. Canopies

1. Purpose: Canopies may be erected by Auto Dealers on their lots for the purpose of sheltering employees and customers from inclement weather

2. Definition: A structure, enclosure, or shelter constructed of fabric or pliable materials supported by any manner, except by air or the contents it protects, and open without sidewalls or drops on 75% or more of the perimeter, consistent with Vancouver Fire Code Title 16, Section 16.04.060 and the International Fire Code (IFC).

3. Approval criteria: Canopies may be erected on a permanent year-round basis if the following criteria are met:

a. Less than or equal to 700 square feet in size.

b. Located more than 12 feet from another structure and other canopies.

4. Permit requirements: Canopies are subject to a Type 1 permit review process.

5. Exclusions: The following activities shall not be permitted under canopies:

a. Open flames such as barbecues.

B. Featured Vehicle Display

Featured Vehicle Display is the “showcasing” of motor vehicles outdoors within the plan district. Maximum of two (2) featured vehicles, per dealership, may be displayed in the setback and landscaped areas within the Plan District.
(M-3733, Added, 01/23/2006, Sec 3)

Chapter 20.680

RIVERVIEW GATEWAY PLAN DISTRICT

Sections:

20.680.010 Purpose
20.680.020 Applicability
20.680.030 Allowed Uses and Development Standards
20.680.040 Master Planning

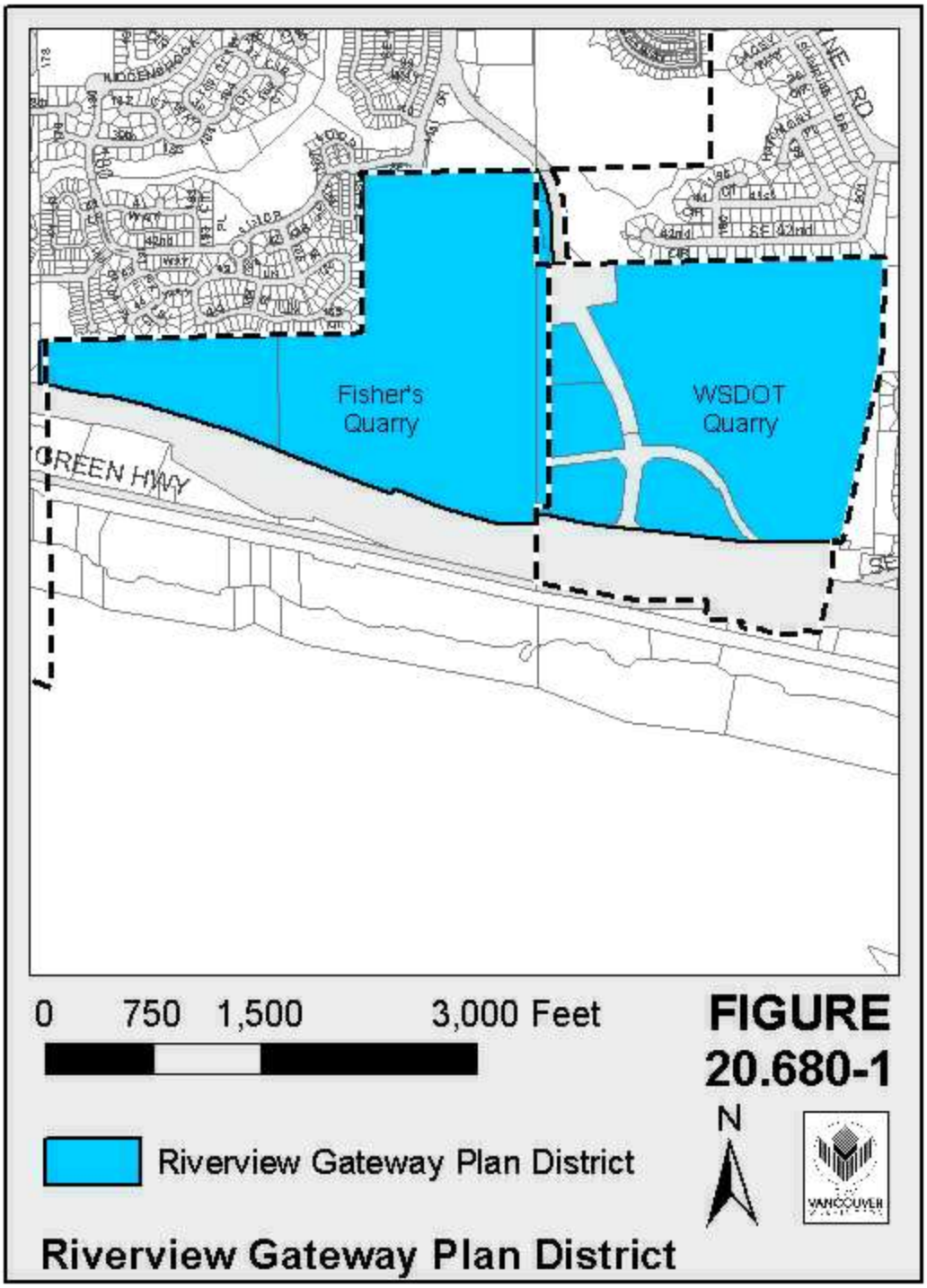
Section 20.680.010 Purpose

This chapter is intended to guide private development in a way that can help realize the community's vision for the Riverview Gateway quarry areas; provide clear objectives for those embarking on the planning or design of projects in the quarry areas; and ensure that each project fits with its neighbors and into the subarea.

(M-3911, Added, 02/02/2009, Sec 4 - Effective 03/04/2009)

Section 20.680.020 Applicability

These standards apply to the properties within the quarry area shown on Figure 20.680-1. These standards shall in addition to other applicable standards of Vancouver Municipal Code or state law, and shall supersede those standards where they conflict.



(M-3911, Added, 02/02/2009, Sec 4 - Effective 03/04/2009)

Section 20.680.030 Allowed Uses and Development Standards

A. In areas not yet urbanized, mining and related uses are allowed as specified in VMC 20.540, Surface Mining Overlay District, and Development Agreement recorded as 4443223.

B. Future urban uses are allowed as specified in Table 20.430.030-1, subject to development standards in Table 20.430.040-1, and any further requirements established through Master Plans adopted pursuant to this chapter.

C. Land Use Allocation. Future urban uses shall be allocated as follows, with specific locations determined through master plans submitted prior to or concurrent with development

1. For the WSDOT Quarry area as shown in Figure 20.680-1,

a. Single Family Residential uses shall account for a maximum of 25% of the total developable land area as defined herein, and multi-family residential uses no more than 10%;

b. Non-office commercial uses shall account for a maximum of 50% of the total developable land area in the quarry.

c. Office and/or light industrial areas shall together account for a minimum of 10% of the total developable land area in the quarry.

d. Parks and usable open space corridors shall account for a minimum of 7% of the total developable land area in the quarry, to be located generally as indicated in the Riverview Gateway Subarea Plan.

2. For the Fisher Quarry area as shown in Figure 20.680-1,

a. Multi-family residential uses shall account for a maximum of 40% of the total developable land area in the quarry as defined herein. There shall be no single-family uses.

b. Non-office Commercial uses shall account for a maximum of 35% of the total developable land area in the quarry.

c. Office and/or light industrial areas shall together account for minimum of 30% of the total developable land area in the quarry.

d. Parks and usable open space corridors shall account for a minimum of 7% of the total developable land area in the quarry, to be located generally as indicated in the Riverview Gateway Subarea Plan.

3. Land allocation calculations shall be made as follows:

a. Land devoted to use types shall include buildings and associated structures, landscaping, and on-site parking and circulation.

b. Mixed use buildings may be assigned by the proponent to any of the use types in the building that occupy a full floor. For example, a multiple story office building with a first floor devoted entirely to commercial uses may be considered an office or commercial use for purposes of use allocation.

c. Total developable area shall be the full east or west quarry portion as identified herein, including parks and usable open space, but excluding planned public roads, buffers, or regional drainage

facilities.

D. Buildings

1. Vertical Mixing. A minimum of 25% of all buildings in the WSDOT Quarry and 10% of all buildings in the Fisher Quarry, exclusive of single family residences, shall contain a mix of two or more use types.

2. Floor Area Ratios. All buildings other than single family residences shall achieve minimum Floor Area Ratios (FAR) as follows:

a. Buildings adjacent to 192nd Avenue; minimum 1.0.

b. Buildings in the westernmost area designated Industrial by the Comprehensive Plan; no minimum.

c. All other buildings; 0.5.

d. Methods for meeting FAR requirements through averaging among buildings in the site may be proposed during Master Plan review, provided they maintain urban intensity development throughout, and do not place undue reliance for meeting FAR standards on future development without sufficient assurances of being built.

e. FAR calculation methodology. Individual buildings and associated attached structures, including attached structured parking constructed concurrently with the building, shall be counted as floor space. The site or portion of the site devoted to those buildings, not including public right-of-way, parks or pedestrian trails, shall be counted as site area.
(M-3911, Added, 02/02/2009, Sec 4 - Effective 03/04/2009)

Section 20.680.040 Master Planning

A. Overall. Master Plans covering the full Fisher or WSDOT quarry as described in this chapter are required prior to any urban development in all or part of that quarry, in order to ensure cohesive development of the site in an attractive, integrated manner as it transitions. “Urban Development” in this subsection shall mean any development defined in VMC 20.150 undertaken to support allowed uses in the RGX zoning district at Table 20.430.030-1 excluding any mining uses as defined by 20.680.030. Mining activities are expected to continue on portions of this site for at least a decade, but portions are expected to redevelop in less than a decade. Master plans shall address long term development of the entire Fisher or WSDOT quarries as shown in Figure 20.680-1, and shall also include consideration of long term development of the entire subarea, particularly in regard to traffic impacts.

B. Contents. Master Plans shall address the following:

1. Existing land uses, physical features, and topography

2. Proposed land uses, including the following:

a. Residential Uses: Location, type, height, square footage, number of dwelling units, and size of associated land area,

b. Commercial Uses: Location, type, height, square footage, size of associated land area, and

projected Floor Area Ratio (FAR),

c. Office and Light Industrial Uses: Location, type, height, square footage, size of associated land area, and projected Floor Area Ratio (FAR),

d. Schools or other public facilities, if any,

e. Any other projected structures or uses,

f. A demonstration of how proposed uses, if any, which differ from the general subarea locations indicated on Figure 21 of the Riverview Gateway Subarea Plan, do not prevent or hinder realization of the overall subarea plan vision.

3. Mapping of the following proposed public and private infrastructure, description of their capacity, and resulting consistency with applicable City standards:

a. Public and private roads, and parking and circulation areas. This shall include an exhibit of roadway functional classifications, typical section, and design parameters for local roadways.

b. Public sewer, water and stormwater systems.

c. Parks, open spaces and trails.

d. Utilities.

e. Schools, if any.

f. A demonstration of how proposed uses, if any, which differ from the general subarea locations indicated on Figure 21 of the Riverview Gateway Subarea Plan, do not prevent or hinder realization of the overall subarea plan vision.

4. Traffic Analysis and Mitigation Plan

5. Consistency between the Master Plan with Riverview Gateway Subarea Plan in the following areas:

a. Major road networks.

b. Park, trails, and open spaces.

c. Pedestrian and Bicycle network.

d. Subarea plan policies.

6. Architectural guidelines, including conceptual building elevations and description of consistency with the Riverview Gateway Design Guidelines.

7. Sign program and how it is consistent with the Riverview Gateway Design Guidelines.

8. A master landscape plan and landscaping guidelines, consistent with the Riverview Gateway Design Guidelines.

9. Consistency with the intent of the Riverview Gateway Subarea Plan to create a distinctive, pedestrian-friendly, mixed-use urban center.

10. Anticipated phasing of development and potential site plan submittal timelines.

11. Anticipated site ownership, or common management provisions if any.

12. Provisions for buffering adjacent mining activities if applicable, at a level of detail sufficient to judge adequacy of buffering from adverse noise, dust, and visual impacts.

13. Proposed site topography, individual building heights, and an assessment of potential impacts of views from surrounding properties. The assessment must include graphic visualization of any buildings which would block or partially block views of the Columbia River or Mt Hood, as seen from the Overlook park facility or the southeast corner of the Fisher's Creek neighborhood.

14. Proposed parking management plan.

15. Analysis of impacts to the adjacent quarry's ability to achieve development envisioned in the Riverview Subarea Plan.

16. SEPA Checklist.

C. Review Criteria and Process. Master Plans shall be processed as a Type IV review. The Master Plan shall be approved, approved with conditions or denied based on compliance with each of the following:

1. The Master Plan implements the Riverview Gateway Subarea Plan and the requirements of this chapter, and allows the adjacent quarry to implement the subarea plan, and the requirements of this chapter.

2. All applicable standards of Vancouver Municipal Code and other requirements are met.

3. There is or will be sufficient capacity in transportation system, and public sewer, water, police, fire and stormwater services to adequately serve all portions of the site at the time of development. Utilities should be placed underground to the fullest extent feasible.

4. Off-site impacts including noise, glare, and traffic are minimized to the extent practicable and as required under the Vancouver Municipal Code and Revised Code of Washington.

5. The Master Plan is consistent with the Riverview Gateway Design Guidelines or proposes standards that will achieve at least equal quality site development.

6. The Master Plan achieves the following objectives:

a. Capitalizes on the unique topography and view potential of the site.

b. Establishes a built environment along 192nd Avenue that is in scale with the road and creates a gateway through use of distinctive architectural elements at major intersections.

c. Establishes a built environment throughout the site that is urban rather than suburban in terms of building intensity, local street networks, and pedestrian amenities and activity. Drive-through uses shall

be limited to within parking structures or building enclosures.

d. Includes design standards that ensures quality development and creates a sense of place, and avoids building architecture defined by individual corporate brands.

e. Reflects sustainable building and site planning principles and incorporates design standards to encourage energy efficiency, water conservation and waste reduction.

f. Includes the following standards or equivalent alternatives sufficient to ensure an active, safe and interesting sidewalk and streetfront environment

1. Buildings should be located adjacent to streets to the extent possible, with parking to the side or rear. Non-structured on-site parking and access drives shall account for no more than 35% of the major street frontage of any project. Alternative standards may be proposed for developments with multiple major street frontages, provided the overall objective of maximizing streetfront buildings is met to the fullest extent practicable;

2. Surface parking areas shall include landscaping;

3. Blank walls visible from pedestrian streetfronts are prohibited. Buildings adjacent to the streetfront shall include pedestrian entrances facing the street, and at least 15% of the streetfront building facade shall be transparent, with the exception of light industrial uses;

4. To ensure human scale development and visual interest, larger buildings with front facades of 100 feet or longer shall include articulation or modulation of facades and rooflines

g. Includes tree and landscaping standards that will create an attractive community and meets the City's Urban Forestry Management Plan overall target canopy goal of 28%.

h. Includes parks and public open spaces, trails and recreational areas that meet the standards of the Vancouver Clark Parks and Recreation Master Plan.

i. Includes standards ensuring that at least 10% of residential units in the master plan area are affordable to moderate income households, as defined by RCW 84.14.

j. Includes standards or legal agreements ensuring shared parking is utilized to the maximum extent practicable throughout the master plan area. The number of parking spaces provided for individual uses shall be no less than indicated in VMC Table 20.945.070-1, and no more than 115% of that amount.

k. Ensures that the environmental impacts of the master plan and subsequent development projects within it are disclosed consistent with SEPA review requirements, including a site-specific hydrogeologic analysis.

l. Buildings proposed or allowed by the Master Plan shall mitigate visual impacts to the adjacent area, in balance with the Subarea Plan development vision. At minimum this shall require the following:

1. Buildings in the western portion of Fisher Quarry designated Industrial by the Comprehensive Plan shall not exceed maximum height of 35-75 feet per VMC 20.430.040-1;

2. Buildings of any height extending above the farthest visible shore of the Columbia River, as seen from the Overlook facility or the southeast corner of the Fisher Quarry bluff, shall:

a. Be located towards the southern portion of the quarries to the fullest extent practicable;

b. Be separated from one another such that the east-west coordinates of the portions of the buildings impacting river views are a minimum of 200 feet apart;

c. Be discouraged from extending above the farthest visible Oregon ridge line. Only one such building shall be permitted per quarry; and

3. The Master Plan shall include an assessment of how buildings will prevent off-site glare impacts from direct or reflected light sources as required by VMC 20.935.D

D. Master Plan Modification.

1. Process

a. No Amendment. Development applications which differ from adopted Master Plans as follows require no additional review:

1. Changes to phasing, provided proposed development is fully identified in the adopted Master Plan.

2. Refinement of building footprint, use mix, access, parking and landscaping provided the refinements do not result in a reduction of more than 10% in density, intensity, mix of uses, and provided the resulting site plan is consistent with the adopted Master Plan, the Riverview Gateway Design Guidelines and this chapter.

3. Changes in the location and design of trails, so long as they are consistent with the Master Plan, the Riverview Gateway Plan and Design Guidelines and the Vancouver Paths & Trails Master Plan.

4. Changes to the buffering provided for new development from adverse impacts of ongoing mining on adjacent properties, provided the result is the same or better attenuation of noise and dust and visual impacts.

b. Type I Review

1. Changes to the location of uses, so long as the overall intensity and percentage mix of uses is consistent with this chapter.

2. Changes to or variances from the Master Plan design standards for buildings, landscaping, street furniture or signs provided proposed changes are consistent with the Riverview Gateway Plan and Design Guidelines and will not compromise the ability to achieve the overall quality of development proposed in the Master Plan.

c. Type II Review

1. New buildings, so long as the additional development can be accommodated without a change to the transportation, water, sewer or storm drainage system in the approved Master Plan.

2. Change of use in a building identified in the Master Plan, provided there is no loss of office or industrial space, and provided the overall use mix is consistent with this Chapter.

d. Type III Review

1. Significant changes to street locations or capacity.

2. Removal of a building or buildings that results in a reduction in the total number of dwelling units or total square footage at buildout.

3. Significant changes of use type in a building identified in the Master Plan that result in a loss of office or industrial space.

4. Significant reduction in the amount of public open space.

5. New buildings that result in the need for a significant change in to the transportation, water, sewer or storm drainage system in the approved Master Plan.

e. Interpretation. The City of Vancouver retains the authority to assign the appropriate review process where application of this chapter is unclear, or inappropriate given the size of the modification involved.

2. Modification Approval Criteria

a. The proposed change meets the intent of the Riverview Gateway Subarea Plan and is consistent with the Design Guidelines;

b. The proposed change will not result in a substantial impact to transportation, water, sewer or storm water management systems;

c. The proposed change will not result in adverse impacts to adjacent properties or uses; and

d. The proposed change is consistent with Vancouver Municipal Code and the Vancouver Comprehensive Plan.

(M-3911, Added, 02/02/2009, Sec 4 - Effective 03/04/2009)

Chapter 20.690

SECTION 30 EMPLOYMENT CENTER PLAN DISTRICT

Sections:

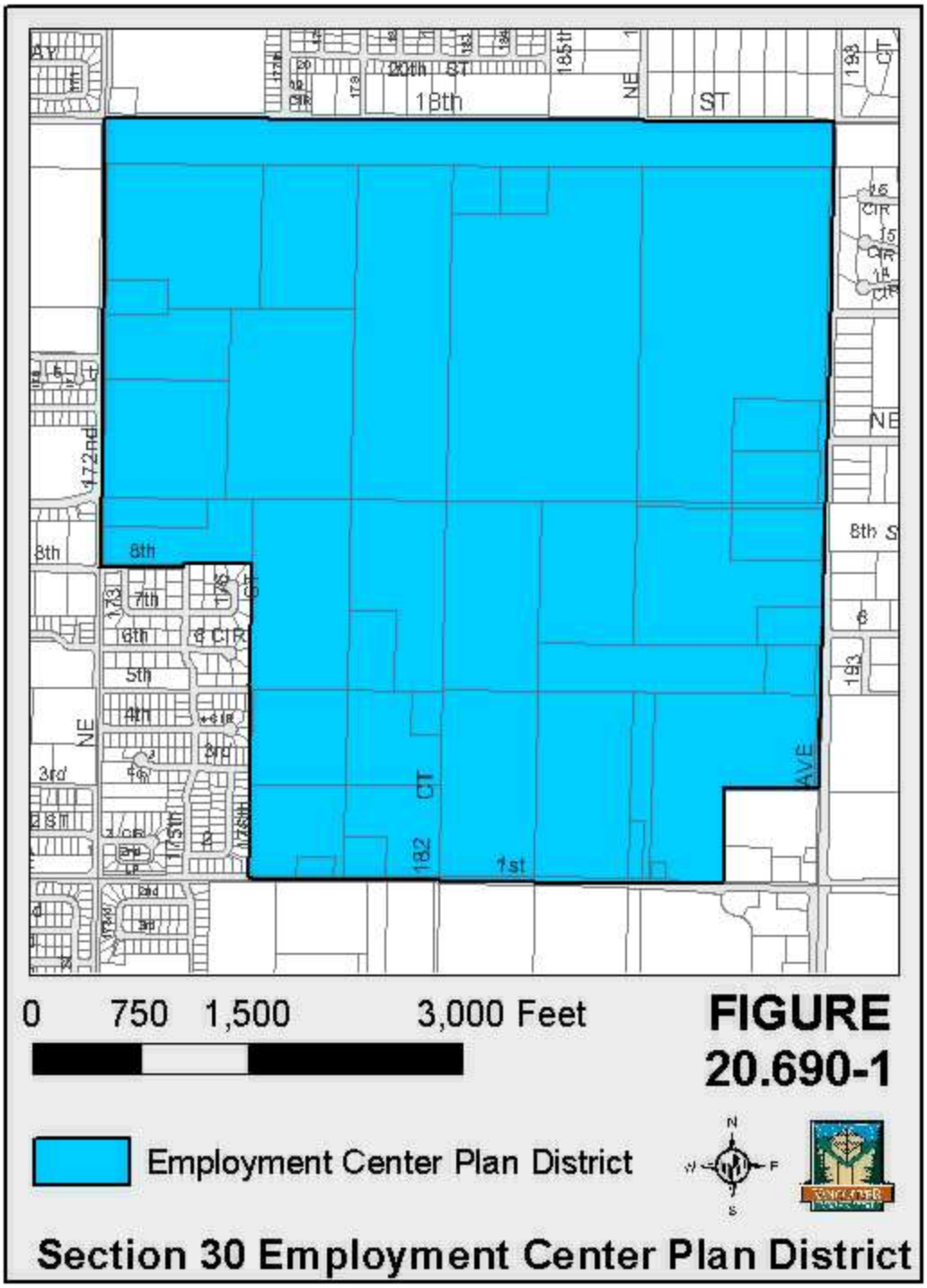
20.690.010 Purpose.
20.690.020 Applicability.
20.690.030 Allowed Uses.
20.690.040 Development Standards.
20.690.050 Master Planning.
20.690.060 Full Site Utilization Plan
20.690.070 Section 30 Urban Neighborhood Overlay (Optional).

Section 20.690.010 Purpose.

The Section 30 Employment Center Plan District (Plan District) intends to promote and guide private development as directed by the vision, goals, and policies of the adopted Section 30 Employment Center Plan (M - _____); provide clear objectives for those proposing to develop in the Section 30 Plan area; maintain and enhance property values; promote economic provision of public services; and ensure that each development or project fits with its neighbors and within the Subarea.
(M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.020 Applicability.

In general, 18th Street to the north, 192nd Avenue to the east, 1st Street to the south, the boundary of an existing subdivision in the southwest corner, and 172nd Avenue to the northwest define the plan area, as illustrated in Figure 20.690-1.



(M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.030 Allowed Uses.

A. Development Agreements in existence on the effective date of this ordinance control the uses and development standards of some of the properties in the Plan District. In order to protect the investments made in reliance upon such agreements, improvements made or site plans approved consistent with these agreements shall not be deemed non-conforming.

B. Zoning designations. Property within the Plan District is zoned Employment Center Mixed-use (ECX). Additionally, an Urban Neighborhood Overlay that may be located in two areas of the Plan District is established under 20.690.070, Section 30 Urban Neighborhood Overlay. The zone designations and overlay enable development in accordance with the adopted policies of the Section 30 Employment Center Plan.

C. Properties with recorded Development Agreements, following the provisions of this Plan District related to allowed uses and development standards is optional. Properties with a Development Agreement shall develop under one of the following choices:

1. Under the provisions for uses and standards determined by the recorded Development Agreements, or

2. Under the provisions of the zoning code as it exists on the date of application including uses and standards, or

3. Under the provisions for uses determined by the Development Agreements and code standards existing on the date of application.

D. Master Planning Required. All development, including properties with an existing Development Agreement shall be subject to the master plan process contained in VMC 20.690.050, Master Planning. Properties applying for an existing use expansion, 20.690.030E are exempt from the Master Plan Process.

E. Existing use expansion. Existing uses established before the time of the adoption of this ordinance may expand subject to review criteria contained in VMC 20.690.050C, Review Criteria and Process and the review procedures contained in VMC 20.210, Decision Making Procedures.

F. Mining and related uses are allowed as specified in VMC 20.540, Surface Mining Overlay District, and as permitted in Development Agreements.

G. Future urban uses are allowed as specified in Table 20.440.030-1 for the ECX zone.
(M-4034, Amended, 12/03/2012, Sec 21-Effective 01/03/2013; M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.040 Development Standards.

Development within the Plan District shall be subject to the development standards contained in Section 20.440.040 and Section 20.440.050 except as modified herein. Urban Neighborhood Overlay development is subject to the development standards contained in VMC 20.690.070, Section 30 Urban Neighborhood Overlay.

A. New Heavy Industrial (IH) land uses allowed by recorded Development Agreements shall not abut an existing Urban Neighborhood Overlay development unless separated by a major physical barrier (such as topographic break, collector street, water feature, or open space) that will reduce impacts to any commercial and residential activity.

B. Maximum Building Heights - Building heights shall not be restricted within the ECX zoned

properties of the Plan District. Refer to the Section 30 Design Guidelines for proposed development along the southwestern quarry slope.

C. Drive-through uses shall be limited to within parking structures or building.

D. Building Setbacks

1. Any development adjacent to the Principal Arterial streets bordering the Section 30 Plan District shall provide a 20 foot minimum landscaped setback from the back of sidewalk.

2. All other street setbacks shall be a landscaped 10 foot maximum from the back of sidewalk. An exception for up to a 20 foot maximum setback shall be allowed for proposed green street features, publicly accessible plazas, or due to topographic constraints.

3. New Heavy Industrial uses allowed by recorded Development Agreements shall provide a minimum 10 foot landscaped side and rear set back. Landscape shall include shrubs to form a six foot high buffer screen 95% opaque year-round.

4. All landscaped setbacks shall at a minimum meet the Section 30 Landscape Design Guidelines.

E. Parking spaces provided for individual uses shall be no less than 80% of the minimum required indicated in VMC Table 20.945.070-1, and no more than 115% to the amount provided in Table 20.945.070-1. The planning official may approve parking beyond the maximum or a parking reduction from the required minimum based on a parking study that justifies the change. Structural parking is permitted subject to the design standards contained in VMC20.945.060. Structural parking shall count toward the minimum but not the maximum number of parking stalls.

F. A shared use path shall be developed along 192nd Avenue and shall be designed at a minimum similarly to the existing shared use path on 192nd Avenue south of SE 1st Street.

G. Roadways and Access

1. Collector arterial roadway alignment shall be consistent with the conceptual roadway alignments shown in the Section 30 Employment Center Plan document.

2. Connections to streets that border Section 30 Plan District shall be substantially as shown in the Section 30 Employment Center Plan document.

3. All collector arterial to collector arterial intersections internal to the Plan District (excludes the four surrounding arterials) shall be roundabout intersections. Use of roundabouts for local roadway connections is also encouraged to promote system efficiency and create a unique identity.

4. Traffic calming and context sensitive design shall be incorporated into the design of all internal roadways.

5. The maximum block face length within the Plan District shall be 600 feet generally, and 300 feet in the Urban Neighborhood Overlay areas.

6. All new streets and street improvements shall meet the intent of the Section 30 Design Guidelines.

H. For collector arterial streets, street trees that provide a large, wide canopy shall be selected from the Street Tree Selection List found in Appendix A of the City's 'Street Tree Manual'.
(M-3930, Amended, 10/05/2009, Sec 4; M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.050 Master Planning.

A. Overall. An approved Master Plan as described herein is required prior to development in the Plan District in order to ensure development is consistent with the Section 30 Employment Center Plan. Mining activities are expected to continue on portions of this site for several years, but portions may redevelop in the near future. Master plans shall address long term development of the entire Plan District as shown in Figure 20.690-1, and shall include consideration of long term development of the entire plan area, particularly in regard to street and pedestrian connectivity, transitional grades between developments, stormwater management, open space connectivity, utility service and traffic impacts.

B. Contents. Master Plans shall address the following:

1. Proposed grading and final elevations for all portions of the site, including transitional grades to adjacent properties.

2. Proposed employment uses, including location, lot size, and floor area ratio for industrial, office and commercial uses.

3. Proposed residential uses including location, number of dwelling units and density.

4. Proposed location of any Urban Neighborhood Overlay areas governed by VMC 20.690.070.

5. Transportation analysis that:

a. Demonstrates consistency with the Section 30 Employment Center Plan and meets the intent of the Section 30 Design Guidelines.

b. Includes a map and narrative of the following:

i. On site public and private roads, alleys, parking and circulation including, an exhibit of roadway functional classifications, typical section, and design parameters, such as street grades, "green" strategies, and traffic calming for local roadways, bicycle and pedestrian facilities.

ii. Future street circulation and connectivity plan covering adjacent properties within 600 feet of subject property.

iii. Traffic Analysis and Mitigation plan.

iv. Trip Reduction and Transportation Demand Management Plan.

v. Parking Management plan if variance from parking requirements is proposed.

6. Utility and Facility analysis that includes a map and narrative of the following:

a. Public sewer, water and stormwater systems, demonstrating consistency with the Section 30 Employment Center Plan;

b. Parks, open spaces, plazas, and trails, demonstrating consistency with the Section 30 Employment Center Plan;

c. Private utilities - location; and

d. Schools, if any

7. Analysis of impacts to the adjacent properties and mitigation proposed to achieve development envisioned in the Section 30 Employment Center Plan including future streets, roundabouts, grading, utility service, site drainage, trails and open space and land use location.

8. Full Site Utilization Plan, refer to VMC20.690.060.

9. A master landscape plan.

10. Anticipated phasing of development, site ownership, or common management provisions, if any.

11. Provisions for buffering adjacent mining or heavy industrial activities if applicable, at a level of detail sufficient to judge adequacy of buffering from adverse noise, dust and visual impacts. Noise attenuation shall meet standards for maximum permissible environmental noise levels contained in WAC 173-60-040 for proposed uses.

12. Consistency between the Master Plan and the Section 30 Employment Center Plan and Plan policies.

13. Modification. Modifications to design and development standards may be processed as part of the request for master plan approval if the applicant can demonstrate compliance with the following approval criteria:

a. The modification(s) is warranted given site conditions and/or characteristics of the design; and

b. The proposed change meets the intent of the development standards and Section 30 Employment Center Plan and is consistent with the Design Guidelines; and

c. The proposed change will not result in a substantial impact to transportation, water, sewer, or storm water management systems; and

d. The proposed change is consistent with Vancouver Municipal Code and Vancouver Comprehensive Plan.

C. Review Criteria and Process. Master Plans shall be processed as a Type IV application considered initially by the Planning Commission with final decisions made by the City Council. The Master Plan shall be approved, approved with conditions, or denied upon findings that:

1. The Master Plan implements the Section 30 Employment Center Plan and requirements of this chapter.

2. Impacts from ongoing heavy industrial uses on adjacent properties will be buffered and mitigated.

3. The Master Plan is consistent with the Section 30 Design Guidelines or proposes standards that

will achieve at least equal quality site development.

4. The Master Plan achieves the following objectives:

a. Provides for the potential of more intense urban development in the future and for compatibility between different land uses by meeting VMC20.690.060, Full Site Utilization Plan requirements.

b. Provides safe, cohesive and connecting street and sidewalk system that is consistent with the Section 30 Employment Center Plan.

i. Plans and allows for connections to future development in the entire Plan District.

ii. Generally meets the future collector street locations and substantially meets connections to streets outside of Section 30 as shown in the Section 30 Employment Center Plan document.

iii. Provides a logical extension, continuation and interconnection of streets and bike/pedestrian access ways to serve circulation and access needs within the Section 30 Employment Center Plan document and adjoining neighborhoods.

iv. Provides a multi-directional access and circulation to the street system similar to that provided by a traditional street grid with streets intersecting at 90 degree angles at regular intervals of 200 to 600 feet.

v. Provides full multimodal infrastructure and on-site facilities that promote the use of transit, pedestrian, and bike modes, as contemplated in the Section 30 Employment Center Plan.

c. Provides for a cohesive public utility (water, sewer, and stormwater) network that facilitates service to all areas within the Plan District, meets Section 30 Employment Center Plan policies and 20.690.060, Full Size Utilization plan.

d. Provides for an integrated park/open space and trail network that meets the standards of the Vancouver-Clark Parks & Recreation Comprehensive Parks, Recreation & Open Space Plan and substantially meets the intent of the Section 30 Employment Center Plan Open Space, Trails and Public Facility policies.

e. Provides landscaping that includes trees that will create an attractive community, maximize the use of native plant materials and meet the intent of the Section 30 Design Guidelines.

f. Establishes property grades and finished elevations that allow for balanced grade transitions between properties.

g. Retaining walls shall meet the intent of Section 30 Design Guidelines.

h. Provides for shared parking where feasible.

i. Meets SEPA requirement.

D. Master Plan Modification

1. Process

a. No Amendment. Development applications, which differ from adopted Master Plans as follows, require no additional review under Title 20 VMC.

i. Changes to phasing, provided proposed development is fully identified in the Full Site Utilization Plan, 20.690.060 in the adopted Master Plan.

ii. Refinement of building footprint, use mix, access, parking and landscaping provided the resulting site plan is consistent with the Full Site Utilization Plan, adopted Master Plan and the Section 30 Design Guidelines.

iii. Changes in the location and design of trails, so long as they are consistent with the adopted Master Plan, the Section 30 Employment Center Plan and Design Guidelines.

iv. Changes to the buffering provided for new development from adverse impacts of ongoing heavy industrial uses on adjacent properties, provided the result is the same or better attenuation of noise and dust and visual impacts.

v. Changes to the location of uses.

b. Type I Review - Changes to the Master Plan design guidelines provided proposed changes are consistent with the Section 30 Employment Center Plan and Design Guidelines and will not compromise the ability to achieve the overall quality of development proposed in the Master Plan.

c. Type II Review

i. New buildings, so long as the additional development can be accommodated with only minor changes to the transportation, water, sewer, storm drainage systems, or the Full Site Utilization Plan, 20.690.060 in the approved Master Plan.

ii. Significant changes to street locations or capacity.

iii. Significant reduction in the amount of public open space.

d. Type III Review - New buildings that result in the need for a significant change in the transportation, water, sewer, storm drainage systems, or the Full Site Utilization Plan, 20.690.060 in the approved Master Plan.

e. Interpretation. The City of Vancouver retains the authority to assign the appropriate review process where application of this chapter is unclear, or inappropriate given the size of the modification involved.

2. Modification Approval Criteria

a. The proposed change meets the intent of the Section 30 Employment Center Plan and is consistent with the Design Guidelines; and

b. The proposed change will not result in a substantial impact to transportation, water, sewer or storm water management systems; and

c. The proposed change will not result in adverse impacts to adjacent properties or uses; and

d. The proposed change is consistent with Vancouver Municipal Code and Vancouver Comprehensive Plan.
(M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.060 Full Site Utilization Plan

A Purpose: As Section 30 develops over the next 20 to 30 years; careful site design can provide opportunities for additional development including additional buildings and structural parking. To fully realize future development opportunities, thoughtful placement of initial buildings and parking areas is essential. A Full Site Utilization Plan (FSUP) creates a vision of how a site can reach full urban center densities through phasing of development over time or through demonstrating development potentials by showing a "shadow" plat or site plan of future development.

B. Applicability: All project proposals requiring a Master Plan shall submit an FSUP unless the project proposes urban density equal to or greater than a Floor Area Ratio of one.

C. Submittal Requirements: Show the following using the proposed Master Plan site plan as a base map:

1. Locations of potential future building pads or locations of potential parking structures.

2. Locations of potential future street rights-of-way that would create a more urban street grid.

3. Narrative describing potential building types, mix of uses, density achievements and vehicle parking requirements.

4. Anticipated phasing of development and potential site plan submittal timelines.

D. Review Criteria and Process: In reviewing a proposed FSUP, the planning official shall approve the FSUP upon finding that:

1. The FSUP demonstrates a realistic assessment of future building types and sizes, and future parking needs.

2. The FSUP provides for realistic areas for future building pads and structured parking facilities.

3. The FSUP adequately represents the potential to achieve the street grid and circulation requirements of 20.690.040.

4. The proposal meets the intent of the Section 30 Design Guidelines.
(M-3930, Added, 10/05/2009, Sec 4)

Section 20.690.070 Section 30 Urban Neighborhood Overlay (Optional).

A. Purpose

The purpose of the Urban Neighborhood Overlay is to allow for the location of mixed use urban activity centers with quality living, shopping and gathering places for those working and living within the Section 30 urban employment center as described in the Section 30 Employment Center Plan vision, goals, and policies. This urban neighborhood balances livability with auto-oriented accessibility and incorporates

design features and uses to encourage active pedestrian environments and a sense of community. The provisions of the urban neighborhood overlay shall determine the size, character and location of a proposed urban neighborhood.

B. Applicability

No more than two urban neighborhoods may be proposed and located within the Section 30 Plan District boundary, Figure 20.690-1. The general locations of the overlays depicted in the Section 30 Employment Center Plan document are conceptual. The Urban Neighborhood Overlay is applicable to the entire area shown on Figure 20.690-1.

C. Urban Neighborhood Form

The urban neighborhood includes both a mixed use center and an adjacent residential area that is master planned as a cohesive whole. Each urban neighborhood shall be no larger than 50 acres and include no less than 850 housing units. If the minimum average density is not achieved at the outset, the required FSUP included with the Master Plan shall demonstrate how the density can ultimately and realistically be achieved. A variety of unit types shall be provided. The urban neighborhood shall be organized around a commercial and public activity center with traditional neighborhood patterns and design.

1. Urban Neighborhood Mixed Use Center - This area is the organizing element and activity center for the urban neighborhood. The mixed use center is built around a focal point, whether it is a main street, or an amenity such as a plaza, a park or a lake. Multi-story mixed use buildings with commercial or office uses on the ground floor and housing above reinforce the center's character. A minimum of 15% of the total urban neighborhood housing units shall be located in the mixed use center.

2. Urban Neighborhood Residential Area - This area is organized around the neighborhood mixed use center and includes a mix of housing and densities achieving an average minimum net density of 18 units an acre. A maximum of 85% of all housing units shall be substantially clustered within ¼ mile of the urban neighborhood mixed use center. The ¼ mile shall be measured in a straight line from the outer boundaries of the neighborhood to the nearest boundary of the mixed use center.

3. Future Urban Uses are allowed as specified in Table 20.430.030 for the MX zone with the following exceptions:

a. Footnotes 2 and 6, subject to provisions of the Mixed Use zone district does not apply instead the future urban uses allowed within a designated Section 30 Urban Neighborhood Overlay are subject to provisions of this section 20.590.

b. Colleges, as defined in Section 20.160, Use Classifications are prohibited.

c. Emergency Services, as defined in Section 20.160, Use Classifications require a conditional use permit governed by VMC 20.245, Conditional Uses.

d. Medical Centers as defined in Section 20.160, Uses Classifications are prohibited.

e. Religious Institutions as defined in Section 20.160, Uses Classifications require a conditional use permit governed by VMC 20.245, Conditional Uses.

f. Commercial Lodging limited to bed and breakfast establishments, subject to the provisions in VMC 20.830 and lodging establishments with no more than 50 rooms as defined in Section 20.160, Uses Classifications.

g. Bulk Sales as defined in Section 20.160, Uses Classifications, is prohibited.

h. Non-Accessory parking surface lots as defined in Section 20.160, Uses Classifications, are prohibited. Non-accessory parking structures are permitted.

i. All uses under Industrial heading, as defined in Section 20.160, Uses Classifications are prohibited.

j. Heliports, as defined in Section 20.160, Uses Classifications are prohibited.

k. Wireless Communication Facilities are permitted subject to the provisions of VMC 20.890.060B, Higher-density Residential Districts.

4. No more than 50% of the total square footage envisioned by the Master Plan for any one major use type (commercial, office or residential) can be granted site plan approval until site plan approval is provided for at least 25% of the total square footage of all remaining use types envisioned in the Master Plan. This requirement may be waived by the planning official, if the applicant provides a security or other form of binding assurance that the remaining major use types contemplated in the Master Plan will be built.

D. Development Standards - Urban Neighborhood Mixed Use Center(s)

1. Urban Center Focal Point

a. Urban Neighborhood Mixed Use Centers shall be organized around a focal point, which could include a main street, town square, plaza, park, or water feature consistent with the Section 30 Urban Employment Center Plan.

b. When a linear Main Street acts as the Mixed-use Center's focal point both sides of the street shall include a mix of uses with 75% of the uses within vertical mixed-use buildings.

2. Density

a. An average minimum of 18 units a net acre as measured by total number of residential units divided by the net site acreage of the Urban Neighborhood Overlay area.

b. Residential uses are not allowed on the ground floor.

3. Building Height

a. Mixed-use buildings shall be at least 30 feet in height and shall include a minimum of two useable stories.

b. Ground floor spaces shall be designed to accommodate active pedestrian uses and shall have a minimum floor to ceiling height of 15 feet.

c. Maximum building heights shall not be restricted provided architectural methods are applied to reduce the building scale and mass of at least the first 3 floors (including ground floor).

4. Building Setbacks

a. All new construction along the street frontages shall extend to the edge of the street

right-of-way line for the first two stories. Exception may be given when a public open space such as a courtyard or plaza is provided.

b. Mixed use buildings facing the Urban Center focal point shall comprise 75% of the street frontage. Parking garages where the ground floor is commercial or office uses may be counted for this requirement.

5. Building Orientation

a. At least one fully functional and visibly identifiable public entrance shall be provided along a street frontage. Buildings organized around a courtyard may feature entrances facing the courtyard provided there is a clear pedestrian access between the courtyard and the street.

b. Service entrances shall be in the rear of the buildings.

6. Rain Protection

a. Rain protection shall be provided on buildings facing the Urban Center focal point.

b. Rain protection features shall provide cover of at least 6 feet in depth over the sidewalk or other surfaced pedestrian way, but shall not extend closer than 2 feet to the curb line.

c. Rain protection features on each building shall be designed to abut or adjoin rain protection features provided or to be provided on adjacent buildings along the same street frontage to the greatest extent possible to ensure a continuous protected pedestrian walkway.

7. Building Form and Appearance

a. Blank walls in excess of 15 lineal feet along sidewalks or other pedestrian areas are not permitted.

b. Transparent windows/doors shall be provided along at least 75% of the ground floor façades and the base of the windows shall be between 1 and 3 vertical feet above the ground or sidewalk.

8. Buffering and Landscaping

a. All setback areas shall be landscaped consistent with the Section 30 Design Guidelines or developed as hardscape plazas.

b. Street trees that provide a medium to large, wide canopy over the streets of the Mixed-use Center shall be selected from the Street Tree Selection List found in Appendix A of the ‘Street Tree Manual’.

9. Streets and Access

a. Context Sensitive Design

i. The block face length shall be at most 300 feet.

ii. All sidewalks shall be at least 12 feet wide.

iii. The street(s) facing or as a part of the focal point of the Mixed-use Center shall include pedestrian amenities such as benches, special plantings, art work.

iv. Street Lighting - Pedestrian scale street lighting shall be used to meet minimum lighting standards.

b. Traffic Calming measures to achieve average automobile travel speeds of 25 miles per hour or lower are required as follows.

i. The main commercial street shall be constructed with raised concrete intersections, or

ii. Equivalent traffic calming measures shall be constructed that may include some combination of

(a). Curb extensions to provide short pedestrian crossing distances,

(b). Raised crosswalks

(c). Concrete or brick pavers for intersection pedestrian crossings

(d). Speed cushions

(e). Narrow travel lanes

(f). On-street parking

c. Access

i. Vehicular access to off-street parking behind or within buildings, and to loading docks and service areas shall be through public or private alleys. If structural parking is provided access may be located on the street frontage.

ii. Direct driveway access to the surrounding arterials, SE 1st Street, NE 192nd Avenue, NE 18th Street, and NE 172nd Avenue shall be prohibited.

10. Parking

a. Parking spaces provided for individual uses shall be no less than 60% of the minimum required indicated in VMC Table 20.945.070-1, and no more than 115% to the amount provided in Table 20.945.070-1. The planning official may approve parking beyond the maximum or a parking reduction from the required minimum based on a parking study that justifies the need.

b. On street parking spaces immediately, adjoining a property may be counted towards a development's overall parking requirement.

c. Structural parking shall count toward minimum but not the maximum number of parking stalls.

d. Joint parking and parking for mixed use projects shall be governed by VMC 20.945.030 (B) and (C).

e. Off street parking shall be located to the rear of buildings.

f. Parking shall meet the Section 30 Design Guidelines.

E. Development Standards - Urban Neighborhood Residential Area(s) - Development within the Urban Neighborhood Residential Area(s) shall be subject to the development standards contained in Section 20.420.050 for the R-22 zone unless modified as follows.

1. Density and Location of Uses – An average minimum density of 18 units a net acre, as measured by total number of residential units divided by the net site acreage of the Urban Neighborhood Overlay area shall be provided.

2. Open Space for Residential Uses – Private open space at a minimum of 100 square feet per dwelling unit shall be provided and shall meet the Section 30 Design Guidelines.

3. Building Height – Maximum building heights shall not be restricted provided architectural methods are applied to reduce the building scale and mass of at least the first 3 floors (including ground floor).

4. Building Setbacks

a. Urban Neighborhood Residential area boundary abutting the ECX zoned area outside of the overlay boundary shall provide a minimum 20 foot landscaped setback that meets the intent of the Design Guidelines.

b. Street frontage setbacks shall be provided with a 10 foot minimum and 20 foot maximum and meet the intent of the Design Guidelines.

5. Building Orientation

a. At least one fully functional and visibly identifiable public entrance shall be provided along a street frontage with an exception for buildings organized around a courtyard or plaza with entrances facing the courtyard/plaza provided there is a clear pedestrian access between the courtyard/plaza and the street.

b. Buildings that are visible from the street shall be oriented to face the street.

c. Service entrances shall be in the rear of the buildings.

6. Building Form and Appearance. Building form and appearance shall be consistent with Section 30 Design Guidelines.

7. Landscaping and Fencing

a. A minimum 4 foot wide landscape strip shall be provided between garage entrances along the alley applicable for both free standing and attached garages.

b. Landscaping and fencing shall be consistent with the Section 30 Design Guidelines.

8. Street Lighting. Pedestrian scale street lighting shall be used to meet minimum lighting standards.

9. Streets and Access

a. Vehicular access to off-street parking including garages behind or within buildings, and to service areas shall be through public or private alleys. One access driveway to the alley per block may be provided.

b. Direct driveway access to the surrounding arterials, SE 1st Street, NE 192nd Avenue, NE 18th Street, and NE 172nd Avenue shall be prohibited.

c. The maximum block face length within the Urban Neighborhood Overlay shall be 300 feet.

10. Parking

a. Parking spaces provided for individual uses shall meet the requirements of VMC Table 20.945.070-1. The planning official may approve a parking reduction based on VMC 20.945.070E. In addition to the reductions allowed in VMC 20.945.070E, further reductions may be allowed for motorcycle/scooter parking spaces (4 ft by 8 ft). For every 4 motorcycle/scooter parking spaces provided, the number of vehicle parking spaces required may be reduced by one.

b. Structural parking shall count toward the minimum but not the maximum number of parking stalls.

c. On street parking spaces immediately, adjoining a property may be counted toward a development's overall parking requirement.

d. Joint parking and parking for mixed use projects shall be governed by VMC 20.945.030 (B) and (C).

e. Off street parking shall be located within or to the rear of buildings.

F. Master Planning

1. Overall. Master Plans as described herein are required prior to all development in the Urban Neighborhood Overlay in order to ensure proposed development is consistent with the Section 30 Employment Center Plan. Master plans shall address long term development of the entire Section 30 Employment Plan District as shown in Figure 20.690-1, particularly in regard to street and pedestrian connectivity, transitional grades between developments, stormwater management, open space connectivity, utility services and traffic impacts.

2. Contents of Submittal - Master Plans shall include the submittal requirements included in VMC 20.690.050B as applicable, with the following additions:

a. Urban Neighborhood Mixed Use Center

i. Location and size of associated land area;

ii. Map and written description of the urban form of the Mixed Use Center's focal point;

iii. Building elevations, including building height;

iv. Identify the number of residential units and density and the square footage of commercial uses.

b. Urban Neighborhood Residential Area

i. Location and size of associated land area;

ii. Identify the number of residential units and density;

iii. Building elevations, including building height;

c. Street, Access, and Circulation Plan

3. Review Criteria and Process. Master Plans shall be subject to VMC 20.690.050C, Section 30 Employment Plan District, Master Planning with the following revisions:

a. The Master Plan implements the Section 30 Employment Center Plan and the requirements of the Urban Neighborhood Overlay.

b. Provides mixed use buildings of commercial, office and residential uses designed around an urban organizing focal point.

c. Provides a multi-directional access and circulation to the street system similar to that provided by a traditional street grid with streets intersecting at 90 degree angles at regular intervals of 200 to 300 feet, if topography allows.

4. Master Plan Modification. Master Plans shall be subject to VMC 20.690.050D, Section 30 Employment Plan District, Master Plan Modification.
(M-3930, Added, 10/05/2009, Sec 4)

Chapter 20.691

112th AVENUE CORRIDOR PLAN DISTRICT

Sections:

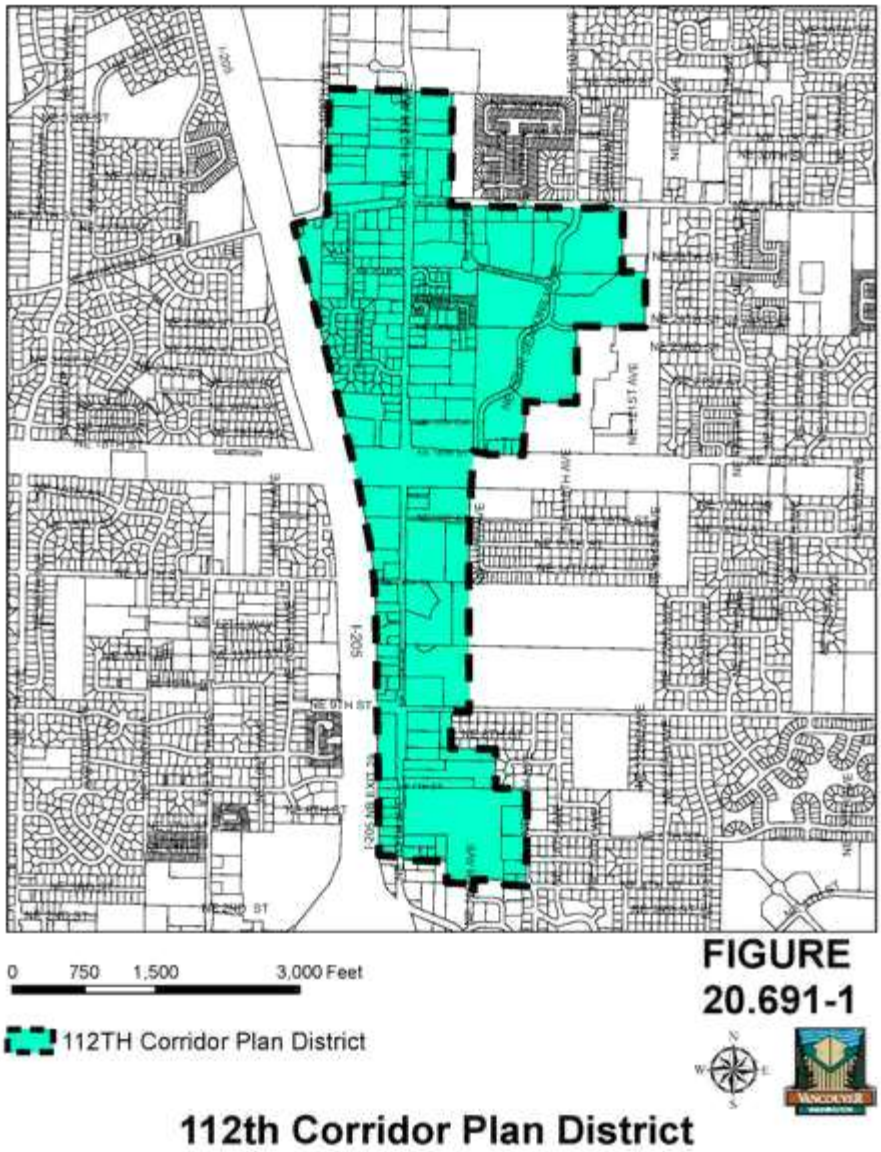
20.691.010 Purpose.
20.691.020 112th Avenue Corridor Plan District Area.
20.691.030 Allowed Uses.
20.691.040 Development Standards and Guidelines.

Section 20.691.010 Purpose.

The 112th Avenue Corridor Plan District (Plan District) promotes and guides new development as directed by the vision, goals, and policies of the adopted 112th Avenue Corridor Plan; provides clear objectives for those proposing to develop in the Plan District; maintains and enhances property values; and promotes development project compatibility within the District.
(M-4005, Added, 12/19/2011, Sec 5-Effective 1/19/2012)

Section 20.691.020 112th Avenue Corridor Plan District Area.

The Plan District is bounded by Interstate 205 on the west, to NE 4th Street on the south, to NE 33rd Street on the north with an irregular boundary on the east as depicted in Figure 20.691-1.



(M-4005, Added, 12/19/2011, Sec 5-Effective 1/19/2012)

Section 20.691.030 Allowed Uses.

A. Development Agreements in existence on the effective date of this ordinance control the uses and development standards of some of the properties in the Plan District. In order to protect the investments made in reliance upon such agreements, improvements made, existing uses or site plans approved consistent with these agreements are not non-conforming.

B. Zoning designation. Properties within the Plan District shall comply with their respective code requirements and the development standards and meet the intent of the 112th Avenue Corridor Design Guidelines.

C. Properties with recorded Development Agreements prior to the adoption of this District, may follow the provisions of this Plan District related to allowed uses and development standards. Properties with

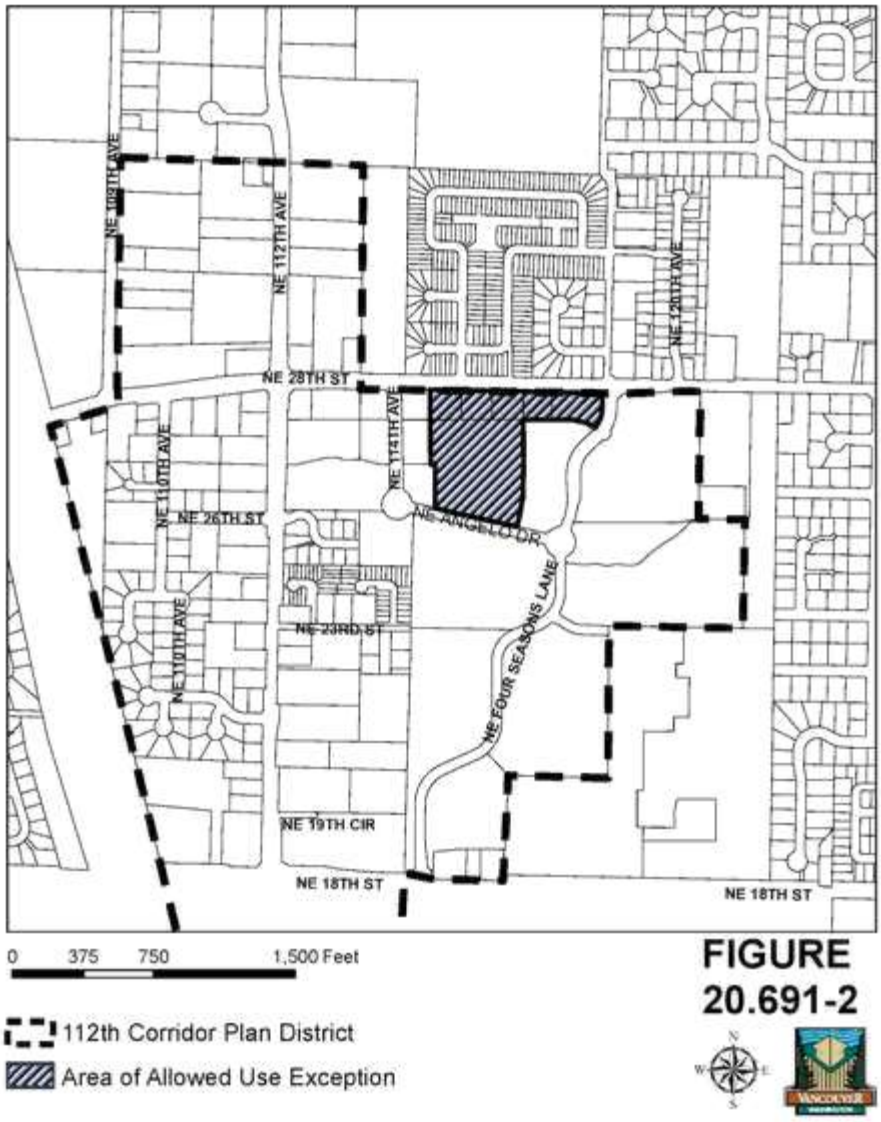
such Development Agreement shall develop under on of the following options:

1. Under the provisions for uses and standards determined by the recorded Development Agreements, or

2. Under the provisions of the zoning code including uses and standards as it exists on the date of development application, or

3. Under the provisions for uses determined by the Development Agreements and code standards existing on the date of vested application as provided for under VMC 20.210.110, Vesting of Applications.

D. Drive-up uses - Properties zoned Community Commercial located east of the existing Four Season Safeway development, west of Four Seasons Lane, north of Angelo Drive and south of NE 28th Avenue, as depicted in Figure 20.691-2, shall be allowed uses under VMC 20.430.030 except that automobile service stations are prohibited and that only two drive-through facilities shall be allowed.



(M-4005, Added, 12/19/2012, Sec 5-Effective 1/19/2012)

Section 20.691.040 Development Standards and Guidelines.

Development within the Plan District shall be subject to the development standards contained in Sections 20.410, 20.420, 20.430, and 20.450 except as modified herein.

A. All new development, streets, and street improvements shall meet the intent of the adopted 112th Avenue Corridor Design Guidelines (Ordinance M-4005).

B. All new development shall meet the intent of the connecting streets, trails and open spaces illustrated on the Conceptual Site Plan within the 112th Avenue Corridor Design Guidelines.

C. Street connections between adjacent properties need not be opened until such time as the connecting roadway on each property is constructed to urban standard, consistent with Vancouver's street standard

plans.
(M-4005, Added, 12/19/2011, Sec 5-Effective 1/19/2012)

Chapter 20.710

ARCHAEOLOGICAL RESOURCE PROTECTION

Sections:

20.710.010 Purpose.
20.710.020 Applicability.
20.710.030 Development Review Applications.
20.710.040 DAHP Coordination and Permitting.
20.710.050 Documentation and Peer Review.
20.710.060 Tribal Notification.
20.710.070 Predetermination Process.
20.710.080 Archaeological Resource Survey Process.
20.710.090 Discovery Principle.

Section 20.710.010 Purpose.

The purposes of this Chapter are to:

A. Identify and preserve resources. Encourage the identification and preservation of cultural, archaeological, and historic resources consistent with the Growth Management Act of 1990, as amended, and Vancouver' s Comprehensive Plan, Visions for the Vancouver Urban Area.

B. Establish procedures and standards. Establish clear procedures and specific standards for identifying, documenting, and preserving Vancouver's cultural, archaeological, and historic resources.

C. Use the best technology and techniques. Ensure use of the best available technology and techniques commonly accepted as standards in the profession of archaeology for identification and preservation of cultural, archaeological, and historic resources.

D. Balance preservation and development. Establish a fair and equitable process for balancing the need for identification and preservation of cultural, archaeological, and historic resources with land development.

E. Provide coordination and consistency. Ensure coordination and consistency in the implementation of the State Environmental Policy Act, the Shoreline Management Act, the Growth Management Act, RCW Chapters 27.34, 27.44, 27.48, and 27.53, and associated regulations.

(M-3643, Added, 01/26/2004)

Section 20.710.020 Applicability.

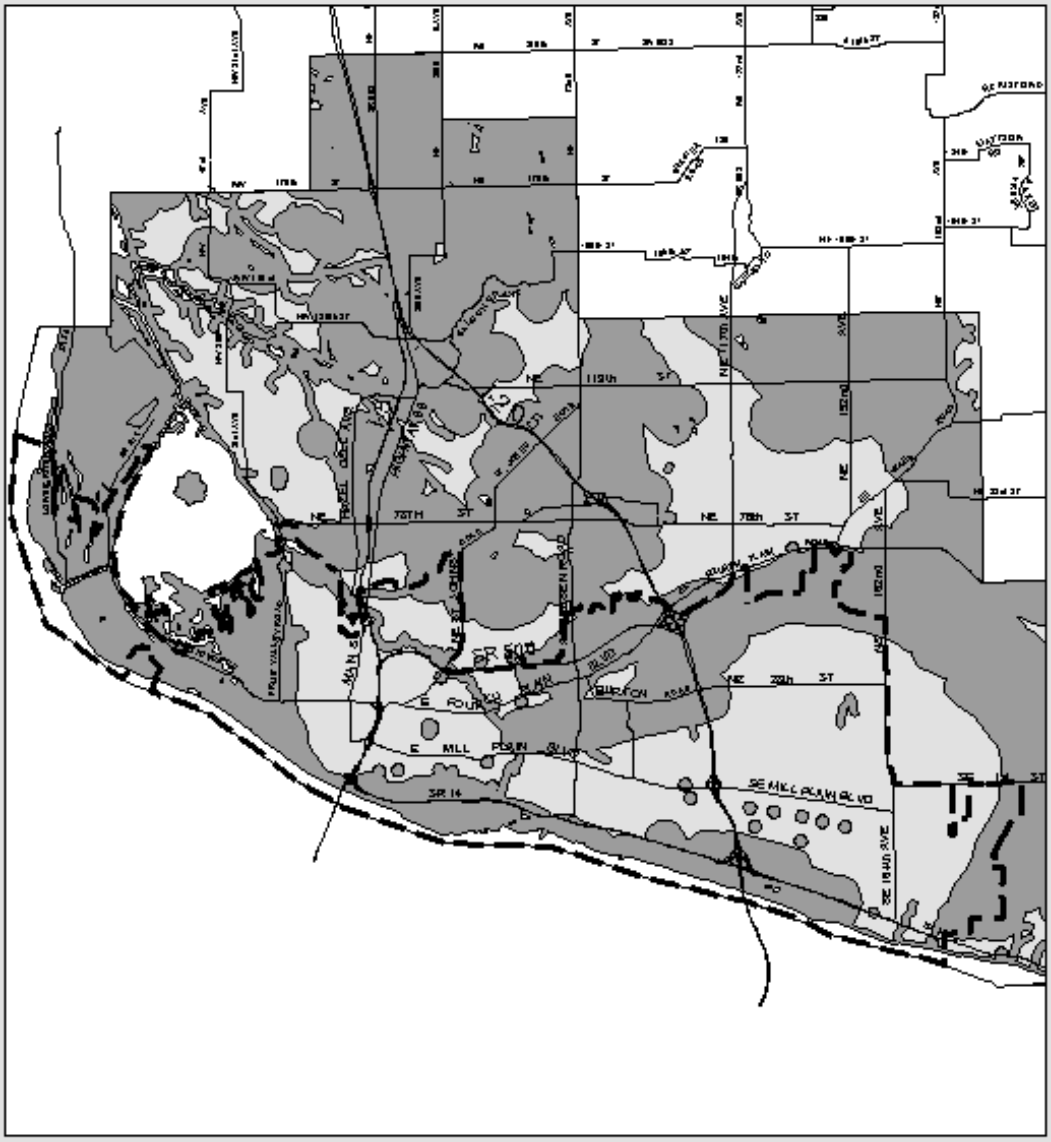
A. Universal. Notwithstanding 20.710.020(B) and (C) VMC below, the provisions of this chapter shall apply:

1. When any item of archaeological interest is discovered during the course of a permitted ground-disturbing action or activity (20.710.090 VMC).

2. When the planning official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the planning official.

B. General. The provisions of this chapter shall apply to all applications for ground-disturbing actions or activities for which a permit or approval is required:

1. Where any portion of the disturbance area is within Predictive Model Probability Level A as shown in Figure 20.710-1.



0 2 4 8 Miles

Level A

Level B

Archaeology Resource

FIGURE 20.710-1

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2. Where the disturbance area is at least five acres in size and wholly within Predictive Model Probability Level B as shown in Figure 20.710-1.

3. Regardless of disturbance area size or Predictive Model Probability Level, when the disturbance area is within 1/4 mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions. (See 20.710.020(C)(11) VMC for a possible exemption.)

C. Exemptions. Applications for the following permits, approvals or other ground-disturbing activities shall be exempt from the provisions of this Chapter, except where the provisions of 20.710.020(A) VMC apply:

1. Land use permits handled as Type 1 actions under 20.210.040 VMC, except grading and tree removal permits; or

2. Sign permits (20.960 VMC); or

3. Conditional use permits (VMC 20.245) for a change in use only, not involving ground-disturbance for structural modification.

4. Zoning variance approvals (VMC 20.290).

5. Ground-disturbing actions or activities classified as exempt actions under VMC 20.210.030 except landscaping activities and single-family and duplex dwellings not requiring an environmental review; or

6. Ground-disturbing actions or activities where the planning official determines that the disturbance area was adequately investigated and documented [20.710.050(A) VMC] in the past and the existence of an archaeological site was determined not to be probable (prior predetermination) or not to be actual (prior survey); or

7. Applications for permits or approvals for ground-disturbing actions or activities which have vested prior to the effective date of this chapter; or

8. Ground-disturbing actions or activities where the provisions of this chapter were previously applied to a related application for a larger, more comprehensive, ground-disturbing action or activity which encompasses the scope of the current application; or

9. Ground-disturbing actions or activities where a prior application for a larger, more comprehensive ground-disturbing action or activity which encompasses the scope of the current application was exempt from the provisions of this chapter pursuant to 20.710.020(C) VMC; or

10. Ground-disturbing actions or activities where the disturbance area is within 1/4 mile of a known, recorded archaeological site as measured on a horizontal plane extending in all directions may be exempted by the planning official when appropriate due to the effects of a geographic barrier; or

11. Ground-disturbing actions or activities proposed in areas in which the planning official determines that previous substantial disturbance has been documented.

D. Predictive Model Application. When more than one Predictive Model Probability Level traverses a disturbance area, the entire disturbance area shall be considered to be within the level with the greatest probability rating.

E. Coordination

1. Where the provisions of this chapter conflict with each other or with other local, state, or federal laws, ordinances, or programs, the more restrictive provisions shall apply.

2. The provisions of this ordinance shall apply throughout the city, including areas regulated by Vancouver's Shoreline Management Master Program.

3. The regulations of the State Environmental Policy Act SEPA shall supplement the provisions of this ordinance.

4. The provisions of this chapter are intended to coordinate with and supplement the related provisions of state law. [RCW Chapters 27.34, 27.44, 27.48, and 27.53.]
(M-3701, Amended, 05/02/2005, Sec 20; M-3643, Added, 01/26/2004)

Section 20.710.030 Development Review Applications.

A. A development application shall not be determined counter complete until any required predetermination has been completed and the predetermination report has been submitted to the Planning Official.

B. All documents pertaining to archaeology reviews shall be exempt from any public disclosure requests [RCW 27.53.070].
(M-4034, Amended, 12/03/2012, Sec 21-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.710.040 DAHP Coordination and Permitting.

A. Recording. Any archaeological site identified pursuant to the provisions of this Chapter shall be recorded with the Washington State Department of Archaeology and Historic Preservation (DAHP). A copy of the State of Washington Archaeological Site Inventory form and cover letter to DAHP shall be submitted to the Planning Official with the required survey report VMC 20.710.080 (C).

B. Permit required. A permit from DAHP shall be secured prior to digging, altering, excavating, and/or removing archaeological objects and sites or historic archaeological resources, or removing glyptic or painted records of tribes or peoples, or archaeological resources from native American Indian cairns or graves (WAC 25-48-050, as amended).
(M-3840, Amended, 08/06/2007, Sec 29; M-3643, Added, 01/26/2004)

Section 20.710.050 Documentation and Peer Review.

A. Documentation. Archaeological sites shall be adequately investigated and documented. For purposes of this chapter, adequately investigated and documented shall mean that (1) the investigation method, level of analysis, and area covered are sufficient to meet the requirements of VMC 20.710.070 and VMC 20.710.080, as appropriate; and (2) the documentation is sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

B. When and how to use the peer review process. In the event that there is substantive disagreement of a technical nature between archaeologists concerning an application subject to the provisions of this Chapter, either the Planning Official or the applicant may invoke the peer review process outlined by the US Department of the Interior, National Park Service September, 1993 publication, "The Peer

Review of Public Archaeology Projects: A Procedure Developed by the Departmental Consulting Archaeologist" authored by Bennie C. Keel (ISSN 1057-1574) to resolve the issue. The party who invokes the peer review process shall bear the costs of the proceedings. The applicant and the City shall each appoint one, and together shall agree on the appointment of a third archaeologist to serve on the Peer Review Panel.

(M-3643, Added, 01/26/2004)

Section 20.710.060 Tribal Notification.

A. Tribal registration. Any Tribe may register to receive notification of required archaeological resource surveys. Such registration shall be in writing, be addressed to the Planning Official, and include the name of the Tribe and the name, title, and mailing address of the designated representative to whom the notice is to be provided.

B. Updating registration. It is the responsibility of the Tribe to ensure that this registration information is updated by notifying the Planning Official in writing of any change.

C. Notification. Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required (VMC 20.710.080), the Planning Official shall notify the Tribes which have registered with the City of such determination by certified mail, return receipt requested. The Planning Official shall accept comments from registered Tribes for fourteen calendar days from the date the notification was received by the Tribes.

(M-3643, Added, 01/26/2004)

Section 20.710.070 Predetermination Process.

A. Predetermination required. A predetermination is an archaeological study similar to, but of less intensity and lower cost than an archaeological resource survey. Its purpose is to determine whether the existence of an archaeological site within a disturbance area is probable. A predetermination is required as follows:

1. For any non-exempt ground-disturbing action or activity for which a permit or approval is required where any portion of the disturbance area is at least partially within Predictive Model Probability Level A.

2. For any non-exempt ground-disturbing action or activity for which a permit or approval is required and where the disturbance area is at least five acres in size and wholly within Predictive Model Probability Level B.

3. For any non-exempt ground-disturbing action or activity for which a permit or approval is required where the disturbance area is proposed within 1/4 mile of a known, recorded archaeological site.

4. When the Planning Official determines that reliable and credible information indicates the probable existence of an archaeological site in a disturbance area for which an application for a permit or approval for a ground-disturbing action or activity has been submitted to the Planning Official.

5. When any item of archaeological interest is discovered during the course of a permitted or approved ground-disturbing action or activity (20.710.090 VMC).

B. Waiver. The Planning Official may waive the requirement for a predetermination where the applicant chooses to provide a survey in accordance with the provisions of this Chapter instead of a predetermination.

C. Pre-application review. The Planning Official may review a predetermination report and issue a determination of the likelihood that archaeological resources exist prior to the submittal of an application for a permit or approval for a ground-disturbing action or activity subject to the provisions of this Chapter. Such pre-application review shall require permission for the Planning Official to enter and inspect the property.

D. Predetermination standards. Predeterminations shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Predeterminations shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

2. Predeterminations shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.

3. No artifacts shall be collected during a predetermination.

4. A thorough review of records, documentation, maps, and other pertinent literature shall be performed.

5. A visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility of the soil. When conditions yield less than 50% visibility of the soil, subsurface investigation shall be required in accordance with VMC 20.710.070(D)(6) below.

6. Subsurface investigation shall be conducted as follows:

a. Subsurface investigation shall be performed:

1. When conditions yield less than 50% visibility of the soil; or

2. When otherwise considered necessary by the archaeologist.

b. When performed, the following standards shall apply:

1. Subsurface probes shall be no less than 8in/20cm in diameter (12in/30cm or more preferred) at the ground surface, no less than 8in/20cm in diameter at the base, and shall delve no less than 20in/50cm deep into natural soil deposits whenever possible.

2. The most appropriate number of and locations for subsurface probes shall be determined by the archaeologist.

3. All material excavated by subsurface probes shall be screened using both 1/4-inch and 1/8-inch hardware mesh cloths or equivalent.

E. Predetermination reports. A report shall be completed for each predetermination in accordance with 20.710.070(D) VMC on standardized reporting forms furnished by the Department.

F. Review of predetermination reports and further action.

1. Predetermination reports shall be reviewed by the Planning Official.

2. Upon finding that a predetermination report is complete and adequate, the Planning Official shall evaluate the report and determine whether an archaeological site is likely to exist.

a. Where the Director determines that the existence of an archaeological site is not probable, the application may proceed through the remainder of the development review process.

b. Where the Planning Official determines that the existence of an archaeological site is probable, an archaeological resource survey shall be required and carried out in accordance with the provisions of this Chapter.

c. Where the Planning Official determines that the existence of an archaeological site is probable and an archaeological resource survey is required, the Planning Official shall notify registered Tribes of such determination in accordance with the provisions of VMC 20.710.150.

(M-3922, Amended, 07/06/2009, Sec 33; M-3643, Added, 01/26/2004)

Section 20.710.080 Archaeological Resource Survey Process.

A. Purpose. The purpose of an archaeological resource survey is to determine whether an archaeological site actually does exist in a disturbance area, and to make a preliminary assessment of the potential significance of such a site. Surveys are to be conducted under the following circumstances:

1. A survey shall be required when the results of a predetermination indicate further investigation is necessary [VMC 20.710.070(F)] and either:

a. No previous survey has been done; or

b. A previous survey or documentation is determined by the Planning Official to be inadequate (20.710.050A VMC).

2. An applicant may choose to provide a survey instead of a required predetermination [VMC 20.710.070(B)].

B. Survey standards. Surveys shall include at a minimum the following elements and be carried out according to the following minimum standards:

1. Surveys shall be performed by a professional archaeologist. Documentation shall be sufficient to allow another archaeologist to repeat the investigation and reach a similar conclusion. Adequacy shall be determined by the Planning Official.

2. Surveys shall be performed in accordance with the best available technology and techniques commonly accepted as standards in the profession of archaeology.

3. Artifacts may be collected during a survey only after consultation with DAHP.

4. A thorough review of records, documentation, and other pertinent literature shall be performed.

5. A systematic, 100% visual inspection of the ground surface shall be completed when conditions yield at least 50% visibility of the soil.

6. Subsurface probes shall be required for all surveys as follows:

   a. Subsurface probes shall be no less than 8in/20cm in diameter (12in/30cm or more preferred) at the ground surface, no less than 8in/20cm in diameter at the base, and delve no less than 20in/50cm deep into natural soil deposits whenever possible.

   b. No less than 4 subsurface probes per acre shall be required. For fractions of an acre, no less than one subsurface probe shall be required for each quarter acre. (For example, on a parcel of 2.33 acres, no less than (2x4) + 1 = 9 subsurface probes would be required.)

   c. The most appropriate locations for the subsurface probes shall be determined by the archaeologist.

   d. All material excavated by subsurface probes shall be screened using both 1/4-inch and 1/8-inch hardware mesh cloths or equivalent.

C. Survey reports. A report shall be completed for each survey in accordance with VMC 20.710.080(A)(1) and state guidelines. Survey reports shall be submitted to the Planning Official and filed with DAHP. When an archaeological site is identified, the State of Washington Archaeological Site Inventory form shall be submitted to DAHP with the survey report [VMC 20.710.040(A)]

D. Review of survey reports and further action.

1. Survey reports shall be filed with DAHP.

2. Survey reports shall be reviewed by the Planning Official. Upon finding a survey report complete and adequate, the Planning Official shall determine whether an archaeological site has been identified. [20.710.070(F)]

3. Where the Planning Official determines that no archaeological site has been identified, the application may proceed through the remainder of the development review process.

4. Where the Planning Official determines that an archaeological site has been identified, the Planning Official shall determine whether the site is likely to be potentially significant in accordance with the significance criteria of VMC 20.710.080(E) and in consultation with DAHP.

5. Where the Planning Official determines that an archaeological site has been identified and is not likely to be potentially significant, the application may proceed through the remainder of the development review process.

6. Where the Planning Official determines that an archaeological site has been identified and is likely to be potentially significant, archaeological resources shall be further evaluated, avoided, properly mitigated, or properly recovered in accordance with the Planning Official's recommendation and the terms of any necessary permit from DAHP [VMC 20.710.040(B)]. Priority for thorough evaluation and data recovery shall be given to potentially significant archaeological sites. Monitoring and future corrective measures may be required to ensure that an archaeological site is not degraded by a permitted development.

7. Where sites are to be avoided, the Planning Official shall require that appropriate land use restrictions be recorded using a proper legal instrument.

8. An escrow or bond shall be required of the applicant to ensure that the site is treated in accordance with the Planning Official's recommendation and provisions of the state permit.

E. Significance criteria. A potential significant archaeological site is a site which (1) contains archaeological objects at a density of at least 100 per cubic meter per stratigraphic or cultural unit; or (2) includes at least one feature; or (3) includes at least one relatively uncommon archaeological object; or (4) contains skeletal remains; or (5) is otherwise considered potentially significant by the archaeologist.

(M-3922, Amended, 07/06/2009, Sec 34; M-3922, Amended, 07/06/2009, Sec 32; M-3643, Added, 01/26/2004)

Section 20.710.090 Discovery Principle.

Uncovering archaeological items. In the event that any item of archaeological interest is uncovered during the course of a permitted or approved ground-disturbing action or activity:

A. Cessation of activity. All ground-disturbing activity shall immediately cease.

B. Notification. The applicant shall immediately notify the Planning Official and DAHP.

C. Predetermination report and determination. The applicant shall provide for a predetermination and a predetermination report prepared in accordance with the provisions of this Chapter. The Planning Official shall review the report and issue a determination in accordance with 20.710.070(F) VMC in a reasonably diligent manner, taking into account all pertinent factors and conditions. Where such determination is that the existence of an archaeological site is not probable, construction may continue. Where such determination is that the existence of an archaeological site is probable, the applicant shall provide a survey and survey report, in accordance with the provisions of this Chapter. The Planning Official shall produce a map of the parcel indicating clearly the portion(s) of the parcel, if any, within which construction may continue under the supervision of a professional archaeologist and monitoring by the Planning Official while the required survey is being completed. The provisions of 20.710.080(D) VMC shall apply.

(M-3922, Amended, 07/06/2009, Sec 35; M-3643, Added, 01/26/2004)

Chapter 20.740

CRITICAL AREAS PROTECTION

Sections:

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20.740.020 General Provisions
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20.740.040 Approval Process
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20.740.060 Approval Criteria
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20.740.100 Habitats of Local Importance
20.740.110 Fish and Wildlife Habitat Conservation Areas
20.740.120 Frequently Flooded Areas
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Section 20.740.010 Purpose

A. The purpose of this chapter is to designate and protect ecologically sensitive and hazardous areas (critical areas) and their functions and values, while also allowing for reasonable use of property.

B. As mandated by the Growth Management Act (GMA) (RCW 36.70A), this chapter provides protection for the critical areas of wetlands, fish and wildlife habitat conservation areas, geologically hazardous areas, and frequently flooded areas. Critical aquifer recharge areas area covered in VMC 14.26.

C. This chapter implements the goals and policies of the Vancouver Comprehensive Plan, 2003-2023, under the Washington Growth Management Act and other related state and federal laws.
(M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.020 General Provisions

A. <u>No Net Loss of Functions</u>

Activity shall result in no net loss of functions and values in the critical areas. Since values are difficult to measure no net loss of functions and values means no net loss of functions. The beneficial functions provided by critical areas include, but are not limited to water quality protection and enhancement; fish and wildlife habitat; food chain support; flood storage; conveyance and attenuation of flood waters; ground water recharge and discharge; erosion control; and wave attenuation. These beneficial functions are not listed in order of priority. This chapter is also intended to protect residents from hazards and minimize risk of injury or property damage.

B. <u>Relationship to Other Regulations</u>

1. These critical areas regulations shall apply in addition to zoning and other regulations adopted by the city.

2. Any individual critical area that overlaps another type of critical area shall meet the requirements that provide the most protection to the critical areas involved.

3. When there is a conflict between any provisions of this chapter or any other regulations, that which provides the most protection to the subject critical area shall apply.

4. Conditions of approval of a project affecting critical areas may be supplemented by a review under the State Environmental Policy Act (SEPA), as locally adopted.

5. Compliance with the provisions of this chapter does not constitute compliance with other federal, state, and local regulations and permit requirements (for example, Shoreline Substantial Development Permits, Hydraulic Project Approval [HPA] permits, Section 106 of the National Historic Preservation Act, U.S. Army Corps of Engineers Section 404 permits, or National Pollution Discharge Elimination System permits). The applicant is responsible for complying with other state and federal requirements in addition to the requirements of this chapter. Obtaining all applicable state and federal permits shall be made a condition of a Critical Areas Permit. Such permits shall be obtained prior to issuance of permits for development, construction or site disturbance except under the circumstances set forth in VMC 20.740.040(J).

C. Jurisdiction

1. All areas within the city meeting the definition of one or more critical areas, whether mapped or not, are hereby designated critical areas and with their buffers are subject to the provisions of this chapter.

2. Watersheds (VMC 20.150) are those most recently identified and mapped by Clark County Public Works. Watershed maps are available from the planning official. Burnt Bridge Creek, Columbia Slope, and Vancouver Lake/Lake River are the primary watersheds in Vancouver.

D. Warning and Disclaimer of Liability

The standards established herein are minimum standards. The standards are established for regulatory purposes only. Minimum compliance with these standards may not be sufficient protection from identified or unidentified hazards. City establishment of these minimum standards is not a representation that these standards are sufficient protection from any hazard. Critical areas development should be based on sound scientific and engineering considerations that may be more stringent than this chapter. The city assumes no liability if these established standards prove to be insufficient protection.
(M-4017, Amended, 07/16/2012, Sec 4-Effective 09/05/2012; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.030 Applicability and Exemptions from Requirement to Obtain Permit

A. Applicability

1. Unless exempted [VMC 20.740.030(B)] the provisions of this chapter shall apply to all lands, all land uses, clearing and development activity, and all structures and facilities in the city located within a critical area or buffer or on a site containing a critical area or buffer including single-family residential lots platted prior to 04/29/05 and developments such as play structures that require no other permits.

2. The provisions of this chapter shall apply whether or not a permit or authorization is required.

3. No person, company, agency, or applicant shall alter a critical area or buffer (including removal

of downed woody vegetation from or application of chemicals harmful to fish and wildlife within 25 feet of wetlands, ponds, lakes, streams or rivers) except as consistent with the requirements of this chapter.

4. The Critical Areas Permit required pursuant to this chapter shall be obtained prior to undertaking any activity or development regulated by this chapter, unless exempted [VMC 20.740.030(B)].

B. Exemptions from Requirement to Obtain Permit

1. Activities for which a Statement of Exemption is required.

Applicants for the exempt activities listed in VMC 20.740.030(B)(1)(a-c) shall first obtain a written Statement of Exemption from securing a Critical Areas Permit, prior to undertaking any development activity. This process verifies that the action is exempt from the permitting process of the Critical Areas Ordinance. However, all exempt activities are still subject to the policies and regulations of this Chapter. The planning official shall attach Critical Areas Ordinance conditions to the building permits and other permits and approval as necessary to enforce the policies and regulations of this chapter.

The request for the Statement of Exemption shall be in writing, on forms required by the planning official, and include the information required by the planning official.

The planning official shall issue a decision on a request for a Statement of Exemption in writing within 21 calendar days of receiving the request.

The following activities shall obtain a Statement of Exemption:

a. Development or clearing, outside areas of special flood hazards and other than tree removal, as minimally necessary to remodel an existing structure, provided:

1. The activity will increase the footprint of structures including impervious surfaces by less than 500 square feet from the footprint size at the time of the adoption of this chapter; and

2. If the structure or impervious surface is within a critical area or buffer, the distance from the nearest structure or impervious surface to lakes, streams, rivers, wetlands or geological hazards is not decreased; and

3. All vegetation disturbed as a result of the development shall be replaced one-to-one, except trees shall be replaced using tree units derived from VMC 20.770, Tree Conservation. Native vegetation shall be used where feasible.

4. Impacts to critical areas and buffers shall be minimized and mitigated.

b. Development activity on the portions of sites with existing structures or impervious surfaces which does not increase the impervious surface area within the Riparian Management Area or Riparian Buffer and which is not otherwise exempt under VMC 20.740.030(B), shall be exempt from the provisions of VMC 20.740.110 (Fish and Wildlife Habitat Conservation Areas). The applicant is encouraged to provide enhancement to the extent feasible. Such enhancement activities may include, but are not limited to, landscaping using native plants, additional treatment of stormwater as appropriate, and implementation of best management practices that would enhance habitat functions.

c. Development activity covered by and in compliance with all the conditions of an approved subarea plan that contains:

1. Baseline information on existing critical areas and their functions at the level of detail required for an Environmental Impact Statement (EIS) under the State Environmental Policy Act (SEPA);

2. An analysis of the impacts of full development at the level of detail required for an EIS under SEPA and in keeping with the plan; and

3. Mitigation for those impacts consistent with the requirements of this chapter.

d. A fence may be installed in a critical area buffer (not in a critical area) where:

1. The fence is necessary for safety and security;

2. The property was developed prior to the effective date of VMC 20.740 (April 29, 2005);

3. The fence is designed and installed in a manner that protects the critical area and buffer functions and blends with the critical area environment.

e. Development may be permitted on a site containing a critical area or buffer not also subject to state or federal permits where the Planning Official determines that the critical areas and buffers will be clearly avoided using the following procedures and criteria:

1. The Planning Official has visited the site;

2. The critical area(s) and buffer(s) has/have been identified in the field and clearly mapped by a qualified professional through an approved, limited-scope Critical Areas Report (for example, a wetland boundary delineation without categorization or functional assessment, but with the minimum documentation necessary to justify the boundary location); except that for a single-family or duplex residential development on a property with a stream not regulated under the state Shoreline Management Act, its Riparian Management Area or Riparian Buffer, the Planning Official may accept an aerial photo overlain with 2' contour lines from the Clark County Digital Atlas with the required information drawn to scale by someone other than a qualified professional.

3. The site plan and final plat show a development envelope within which all development activity will take place, and a note identifying the development envelope and its purpose is placed on the face of the site plan and the final plat;

4. The boundaries of the development envelope are clearly outside of all maximum critical areas and all maximum buffers. The maximum critical area and maximum buffer are the greatest that may be applied under any circumstances. (For example, under this chapter, the maximum wetland buffer that could be applied under any circumstance is 300'; the maximum Riparian Management Area is 100', and the maximum Riparian Buffer is 75' from the outer boundary of the Riparian Management Area).

f. Maintaining fire-defensible space around a structure to reduce fire hazards, involving regular maintenance of existing trees at least 6" diameter at breast height, grasses, and underbrush, not tree removal or other ground-disturbing or soil-destabilizing activities. Creating fire-defensible space (see VMC 20.740.040(I)) or undertaking other development requires a Critical Areas Permit under VMC 20.740.040(B)(1)(f) and could require other permits as well.

1. Pruning trees, grasses, and brush within a critical area or buffer to maintain fire-defensible

space around a structure may be permitted when one or more of the following criteria is met:

a. The structure nearest the property line is within 30' of a slope of at least 25% (also designated as a landslide hazard area under this chapter);

b. The nearest structure is within 30' of a forested area;

c. The vegetation within 30' of the structure is comprised of less than 50% native species;

d. The vegetation within 30' of the structure is higher than 12";

e. Trees are crowded within 30' of the structure or overhanging the structure's roof;

f. The structure is located in an area designated by the Fire Marshal as a "Wildfire Safety Area."

2. When maintenance of a fire-defensible space is permitted, the following standards shall apply:

a. Trees may be pruned or limbed-up to mitigate a hazard, but trees may not be removed without a Critical Areas Permit and any other necessary permit(s) (See VMC 20.740.040(B)(1)(f) and .040(I) on creating fire-defensible space).

b. Grasses and underbrush shall be maintained between 8" and 12" in height.

c. Topping trees is prohibited.

d. Any debris from pruning shall be disposed of promptly and properly.

2. Activities for which a Statement of Exemption is not required.

Reasonable methods shall be used to avoid potential impacts to critical areas. Any damage to, or alteration of, a critical area that is not a necessary outcome of the exempt activity shall be corrected at the property owner's expense.

a. Emergencies. Those activities necessary to prevent an immediate threat to public health, safety, or welfare, or that pose an immediate risk of property damage and that require remedial or preventative action in a timeframe too short to allow for compliance with the requirements of this chapter, so long as all of the following apply:

1. The emergency action uses reasonable methods to address the emergency.

2. The emergency action must have the minimum possible impact to the critical area or its buffer.

3. The property owner, person or agency undertaking such action shall notify the city within one working day following commencement of the emergency activity.

4. Within 14 days the planning official shall determine if the action taken was within the scope of the emergency actions allowed in this section. If the planning official determines that the action taken, or any part of the action taken was beyond the scope of an allowed emergency action, then

enforcement provisions of VMC 20.740.090 shall apply.

5. After the emergency, the property owner, person or agency undertaking the action shall fully fund and conduct necessary restoration and/or mitigation for any impacts to the critical area and buffers resulting from the emergency action in accordance with an approved Critical Areas Report and mitigation plan. The property owner, person or agency undertaking the action shall apply for review. The alteration, Critical Areas Report, and mitigation plan shall be reviewed by the city in accordance with the review procedures contained in this chapter.

6. Restoration and/or mitigation activities must be initiated within three months of the date of the emergency or as otherwise determined by the planning official, and completed in a timely manner.

b. Any development proposed on property pursuant to a currently valid Critical Areas Permit, provided all conditions and requirements of the Critical Areas Permit are met and the proposed activity is within the scope of the original permit.

c. Emergency or hazard tree removal (as defined in VMC 20.770) conducted so that critical area impacts are minimized.

d. Landscape maintenance (other than tree removal or use of pesticides, herbicides, fungicides or fertilizers applied into or within 25 feet of water bodies) consistent with accepted horticultural practices, such as those recommended by the Washington State University Extension Service, within the boundaries of an existing lawn, garden or landscaped area and not associated with development.

e. Clearing of noxious or invasive plants using hand-held equipment such as a weed-whacker, provided (1) fueling and maintenance take place outside the critical area and buffer; (2) all cleared vegetation is taken away and disposed of properly; and (3) denuded soils are stabilized with native vegetation. The City of Vancouver's Noxious or Invasive Plants List and Native Plant Species List are available from the Planning Official.

f. Application of pesticides, herbicides, fungicides or fertilizers farther than 25 feet from any wetland, pond, lake, stream or river or in a manner specified in a valid permit.

g. State or federally approved conservation or preservation of soil, water, vegetation, fish, shellfish, and other wildlife that does not entail changing the structure or functions of the existing critical area or buffer.

h. The harvesting of wild crops in a manner that is not injurious to natural reproduction of such crops or other native vegetation and provided the harvesting does not require tilling of soil, planting of crops, chemical applications, or alteration of the critical area or buffer by changing existing topography, water conditions or water sources.

i. Passive outdoor recreation, education, and scientific research activities such as fishing, hiking, and bird watching that do not degrade the critical area or buffer.

j. Work necessary for land use submittals, such as surveys, soil sampling, percolation tests, and other related activities. In every case, impacts to the critical area or buffer shall be minimized and disturbed areas shall be stabilized immediately.

k. Construction or modification of navigational aids and boundary markers. Impacts to the critical area or buffer shall be minimized and disturbed areas shall be restored within 72 hours.

l. Existing and ongoing agricultural activities protected under the federal Food Security Act occurring in wetland areas.

m. Existing and ongoing agriculture within fish and wildlife habitat conservation areas so long as livestock and application of pesticides, herbicides, fungicides and fertilizers are kept 25 feet from any water body.

n. Implementation of a state or federally approved restoration or enhancement project not related to any development project.

o. Operation, repair and maintenance of existing structures, infrastructure, roads, sidewalks, railroads, trails, dikes, or levees or water, sewer, stormwater, power, gas, telephone, cable, or fiber optic facilities if the activity does not further increase the impact to, or encroach farther within, the critical area or buffer and there is no increased risk to life or property as a result of the proposed operation, repair, or maintenance.

p. In areas with only ground shaking or liquefaction hazards, repair or construction of roads, sidewalks or trails (except where there are structures), or water, sewer, stormwater, gas, power, cable, or fiber optic facilities shall be exempt from the ground shaking and liquefaction permitting requirements.

q. Public improvement projects located within impervious surface areas.

r. Implementation of a city, state or federally approved stand-alone "critical area" creation project that is not mitigation. A "Critical Area" created under these circumstances that would not otherwise have met the definition of that type of critical area is exempt from the provisions of this chapter. Also see the definition of "Wetlands" at VMC 20.150.

s. Clearing vegetation within the floodplain but outside the Riparian Management Area or Riparian Buffer (see VMC 20.740.040(B)(1)(f)).

t. Clearing vegetation in critical areas that are only seismic hazard areas (see VMC 20.740.040(B)(1)(f)).

u. Maintenance, repair, and in-kind replacement of existing fences.

(M-4034, Amended, 12/03/2012, Sec 23-Effective 01/03/2013; M-4017, Amended, 07/16/2012, Sec 5-Effective 09/05/2012; M-3931, Amended, 11/02/2009, Sec 22-Effective 12/2/2009; M-3922, Amended, 07/06/2009, Sec 36; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.040 Approval Process

A. Initial Critical Areas Determination Process

1. Pre-application Conference Required. Unless waived pursuant to VMC 20.210.080(B), prior to the city's consideration of any proposed activity not found to be exempt under Exemptions [VMC 20.740.030(B)], the applicant shall submit to the department a Pre-application Request Form and other required information pursuant to VMC 20.210.080. Provided, pre-application conferences shall not be required for proposed activities within only ground shaking or liquefaction areas.

The planning official shall review the submitted information, conduct a site inspection, review other information available pertaining to the site and the proposal, and make a determination as to whether a

Critical Areas Permit is required.

a. Decision Indicators. The planning official shall use the following indicators whenever available, to assist in determining the need for a Critical Areas Permit:

1. Indication by the city's critical area location information of a critical area or buffer that may be impacted by the proposed activity;

2. Information and scientific opinions from appropriate agencies, including but not limited to the Washington Departments of Fish and Wildlife, Natural Resources, and Ecology;

3. Documentation, from a scientific or other reasonable source, of the possible presence of a critical area or buffer.

b. Interpretation of Critical Area Boundaries. The planning official shall be authorized to interpret the exact location of the critical area boundary. Final designations shall be based on site conditions and other available data or information. A person who disagrees with the interpretation may appeal the interpretation pursuant to Section 20.255.020(D).

2. Pre-application Waiver. In the event that the planning official grants a pre-application waiver pursuant to VMC 20.210.080(B) the planning official shall either attach a Statement of Exemption, if applicable, or document in the pre-application waiver letter that a Critical Areas Permit is required.

3. Decision on Pre-application. The planning official shall make one of the following decisions in the pre-application staff report:

a. Critical Areas Permit Not Required. If the planning official's analysis indicates that there is no critical area or buffer on the subject property, then the planning official shall determine that the initial critical area review is complete and that no further review is required. The planning official shall issue a Statement of Exemption and include it with the Pre-application report.

b. Critical Areas Permit Required. If the planning official determines that a critical area or its buffer may be located on the subject property, the planning official shall determine that a Critical Areas Permit is required, and shall indicate each of the critical area types to be addressed in the critical areas report.

4. Reconsideration of planning official's Initial Critical Area Determination. A determination may be reconsidered by the planning official if new information is received. If the applicant wants greater assurance of the accuracy of the critical area review determination, the applicant may choose to hire a qualified professional to provide such assurances.

B. <u>Final Critical Areas Determination Process</u>

1. Type I Application. The following activities shall be processed as a Type I permit pursuant to VMC 20.210.040 except a pre-application conference shall be required unless waived pursuant to VMC20.210.080(B) or the activity is proposed within only a ground shaking or liquefaction hazard area:

a. New single-family and duplex residences, alterations to existing single-family and duplex residences, or new accessory structures located within a critical area or buffer, or on a property containing a critical area or buffer.

b. Application of pesticides, herbicides, fungicides or fertilizers within 25 feet of ponds, lakes, streams, rivers or wetlands.

c. Approval of agricultural activities within 25 feet of ponds, lakes, streams or rivers.

d. Critical Area restoration or enhancement projects not related to any development project; and establishment of mitigation banks.

e. Public improvement projects located entirely within the previously improved portion of the right-of-way, not otherwise exempted by VMC 20.740.030(B)(2)(q).

f. Clearing vegetation within a critical area or buffer, including: (1) grading, uprooting or other activities that impair the soil stabilization function of vegetation in landslide hazard areas (VMC 20.740.130(C)(1)(c)); (2) removal of downed woody vegetation from wetlands, lakes, streams or rivers; and (3) removal of trees, grasses, or brush to create fire-defensible space (VMC 20.740.040(I)). However, clearing vegetation within the area of special flood hazard outside of the Riparian Management Area and Buffer and in seismic hazard areas shall not require a permit (see VMC 20.740.030(B)(2)(s) and (t)).

g. Approval of programmatic permits (VMC 20.740.040(H)) for activities within critical areas or buffers.

2. Other Application Types. All other activities proposed within any critical area or buffer shall be reviewed according to the procedures of the underlying land use application.

3. Review Procedure. The planning official shall make a determination as to whether the proposed activity and mitigation, if any, are consistent with the provisions of Title 20. The planning official's determination shall be based on the approval criteria of VMC 20.740.060. The Critical Areas Permit shall be valid for as long as the underlying land use permit or as otherwise specified by the planning official.

C. Notice on Title - Covenant and Tracts

1. Covenants. This section applies to all non-exempt projects that involve critical areas and buffers.

a. In order to inform subsequent purchasers of real property of the existence of critical areas, the owner of any property containing a critical area or buffer on which a development proposal is approved shall file a covenant with the county records and elections division according to the direction of the city. The covenant shall state the presence of the critical area or buffer on the property, the application of this chapter to the property, and the fact that limitations on actions in or affecting the critical area or buffer may exist. The covenant shall "run with the land."

b. The applicant shall submit proof that the covenant has been filed for public record before the city approves any site development or construction for the property or, in the case of subdivisions, short subdivisions, planned unit developments, binding site plans, and other developments that involve platting, at or before recording of the plat.

2. Tracts. This section applies in addition to VMC 20.740.040(C)(1) to projects that involve platting on properties containing fish and wildlife habitat conservation areas, wetlands, and their buffers. The Planning Official may also apply this section to developments that involve platting on properties containing geologic hazard areas and their buffers. The location of the tract, critical area(s), and buffer(s) shall be shown on the face of the plat. See VMC 20.740.040(C)(2)(b) for exceptions.

a. The property owner shall place the subject critical areas and buffers in one or more non-developable tracts except when:

1. Creation of a nonbuildable tract would result in violation of minimum lot depth standards; or

2. The responsible official determines a tract is impractical.

b. When an exception in VMC 20.740.040(C)(2)(a) applies, residential lots may extend into the critical area(s) or buffer(s) provided:

1. The location of the outer perimeter of the critical area(s) and buffer(s) are marked in the field and approved by the Planning Official prior to the commencement of permitted activities and maintained throughout the duration of the permit.

2. A permanent physical demarcation along the outer/upland boundary of the critical area buffer(s) is installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the critical area environment, and is approved by the Planning Official.

3. Permanent signs are posted at an interval of one per lot for single family residential uses or at a maximum interval of 200', or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a critical area or critical area buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

D. Financial Assurances

1. When mitigation required pursuant to a development proposal is not completed prior to the city final permit approval, such as final plat approval or final building inspection, the city shall require the applicant to provide security in a form and amount deemed acceptable by the city. If the development proposal is subject to mitigation, the applicant shall provide security in a form and amount deemed acceptable by the city to ensure mitigation is fully functional (including but not limited to construction, maintenance, and monitoring).

2. The security shall be in the amount of 125% of the estimated cost of restoring the functions of the critical area that are at risk.

3. The security authorized by this section shall remain in effect until the city determines, in writing, that the standards for which the security is required for have been met. Bonds or other security shall be held by the city for a minimum of five (5) years to ensure that the required mitigation has been fully implemented and demonstrated to function, and may be held for longer periods when necessary.

4. Depletion, failure, or collection of bond funds shall not discharge the obligation of an applicant or violator to complete required mitigation, maintenance, monitoring, or restoration.

5. Public development proposals shall be relieved from having to comply with the bonding requirements of this section if public funds have previously been committed in the project budget or capital improvement budget for mitigation, maintenance, monitoring, or restoration.

6. Failure to satisfy any critical area requirements established by law or condition including, but not limited to, the failure to provide a monitoring report within 30 days after it is due or comply with other provisions of an approved mitigation plan shall constitute a default, and the city may demand payment of any financial guarantees or require other action authorized by the city code or any other law.

7. Any funds recovered pursuant to this section shall be used to complete the required mitigation. Excess funds shall be returned to the applicant.

E. Critical Area Inspections. Reasonable access to the site shall be provided to the city, state, and federal agency review staff for the purpose of inspections during any proposal review, restoration, emergency action, or monitoring period.

F. Reconsideration of planning official's determination. If, within five (5) days following the date of mailing of a Critical Areas Permit, new information relevant to the decision is made available, any party may request that the decision be reconsidered. If the new information is found to be substantial and relevant to the critical area review, the planning official may reopen the critical area review and make a new determination based on the revised report. The Critical Areas Permit shall not be considered final and subject to appeal until the decision on the request for reconsideration, if applied for, has been issued.

G. Appeals. Any decision to approve, condition, or deny a development proposal or other activity based on the requirements of this chapter may be appealed according to VMC 20.110.130.

H. Programmatic Permits. The purpose of a programmatic permit is to provide for on-going, routine maintenance, operation, or repair activities on sites containing critical areas or buffers (1) so as not to impair an agency's or business's ability to operate effectively and efficiently; and (2) at the same time protect critical areas and buffers in accordance with this chapter.

1. In addition to the submittal requirements in VMC 20.740.050, applicants for a programmatic permit shall submit a proposed management plan. The management plan shall contain:

a. A narrative explaining the need for the programmatic permit.

b. A list of the on-going, routine, maintenance, operation, or repair activities that impact or potentially impact critical areas and buffers.

c. A description of the potentially impacted critical area and buffer functions.

d. Proposed measures and standards for avoiding impacts to critical area and buffer functions and where unavoidable, minimizing and mitigating those impacts to achieve no net loss of functions.

e. A training program ensuring that all employees, contractors, and individuals under the supervision of the applicant who are involved in permitted activities understand and perform in accordance with the terms of the permit.

2. A programmatic permit may be approved for up to seven years. The permit duration may be tied to other permits or processes.

3. Every 2 years within 30 days of the anniversary of permit issuance for the duration of the permit, the applicant shall submit a report to the Planning Official summarizing activities undertaken under the programmatic permit including any issues to be resolved. The report shall also document the

training provided in accordance with VMC Section 20.740.040H(1)(e).

4. The applicant or the City may initiate an amendment to the programmatic permit to respond to permit performance issues. An amendment shall be considered through a Type 1 process following a pre-application conference.

5. An application for reauthorization of a programmatic permit shall be submitted at least 90 days prior to the date the current permit expires. Programmatic permits may be reauthorized through a Type 1 process following a required pre-application conference. Permit standards and conditions may be modified to conform to the current codes, policies, and standards or based on past performance. Where the review of the reauthorization application will extend beyond the expiration date of the current programmatic permit, the Planning Official may extend the duration of the current permit for 30 days at a time, not to exceed 180 days.

I. Trees, grasses, and brush in a critical area or buffer may be pruned or removed to create fire-defensible space around a structure (see VMC 20.740.040(B)(1)(f)) when one or more of the criteria in VMC 20.740.030(B)(1)(g)(1)(a-f) is met. When creating fire-defensible space is permitted, the following standards shall apply:

1. Grasses and underbrush shall be maintained between 8” and 12” in height.

2. Trees may be pruned, limbed-up, or removed. Topping trees is prohibited.

3. Removal of vegetation in a landslide hazard area is prohibited during the wet season (November 1st to May 1st). The area must be immediately replanted to ensure soil stability. The property owner shall maintain the newly planted vegetation to ensure its survival.

4. Any debris from vegetation removal shall be disposed of promptly and properly.

5. Required replantings shall be of native, fire-resistant species. A list of native, fire-resistant species is available from the Planning Official.

J. Development may be permitted on a site containing a critical area(s) or buffer(s) which may also be subject to state or federal permits prior to all necessary state or federal permits being obtained when all of the following criteria are met:

1. A phased master plan is submitted under VMC 20.260 or .268 as appropriate, demonstrating:

a. how the maximum critical area(s) and maximum buffer(s) will be clearly avoided (VMC 20.740.030(B)(2)(e)(1-3)) until all local, state, or federal permits are obtained;

b. how each phase could be permitted as an individual project not relying on development of any other phases in any way;

c. how each phase could be developed regardless of whether any or all of the pending state or federal permits are ever obtained;

d. no net loss of critical area functions for each phase and for the project as a whole, regardless of whether any or all of the pending state or federal permits are ever obtained.

2. Development is permitted only in the area that clearly avoids (VMC 20.740.030(B)(2)(f)(1)(a)) the maximum critical area(s) and buffer(s).

(M-4017, Amended, 07/16/2012, Sec 6-Effective 09/05/2012; M-3959, Amended, 07/19/2010, Sec 37-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 23-Effective 12/2/2009; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.050 Submittal Requirements

A. Preparation by Qualified Professional. Any required Critical Areas Report shall be prepared by a qualified professional as defined herein.

B. General Critical Areas Report Contents. At a minimum, the Critical Areas Report shall contain the following:

1. The name and contact information of the applicant, a description of the proposal, and identification of the permit requested;

2. A copy of the site plan for the development proposal including:

a. A map to scale depicting critical areas, buffers, the development proposal, and any areas to be cleared; and

b. Proposed stormwater management and sediment control plan for the development including a description of any impacts to drainage alterations; and

c. A digital map of the geographic information required pursuant to the applicable provisions of this chapter for each critical area and buffer on site. The digital map(s) must be based on the same coordinate system as the Clark County GIS database: state plane coordinates using the NAD 1983 datum and the Washington South zone (also referred to as the FIPS Zone 4602). The digital map(s) must also conform to other Clark County GIS digital mapping standards and specifications available from the Planning Official or directly from Clark County's Department of Assessment and GIS.

3. The dates, names, and qualifications of the persons preparing the report and documentation of any fieldwork performed on the site;

4. Identification and scientific characterization of all critical areas and buffers. The scientific characterization shall include a detailed assessment of the functional characteristics of the critical areas;

5. An assessment of the probable impacts to critical areas and buffers and risk of injury or property damage including permanent, temporary, temporal, and indirect impacts resulting from development of the site and the operations of the proposed development;

6. A written response to each of the approval criteria in VMC 20.740.060;

7. Plans for adequate mitigation, as needed, to offset any impacts, in accordance with VMC 20.740.050(F) Mitigation Plan Requirements.

C. Additional Information. Any additional information required for the specific critical areas and buffers as specified in VMC 20.740.110 Fish and Wildlife Habitat Conservation Area, VMC 20.740.120 Frequently Flooded Areas, VMC 20.740.130 Geologic Hazard Areas, and VMC 20.740.140 Wetlands.

D. Other Reports or Studies. Unless otherwise provided, a Critical Areas Report may be supplemented by or composed, in whole or in part, of any reports or studies required by other laws and regulations or previously prepared for and applicable to the development proposal site, as approved by the planning official. Provided, the site conditions shall not have changed since the earlier report or study was completed.

E. Critical Areas Report – Modifications to Requirements

Modifications to Required Contents. The applicant may consult with the planning official prior to or during preparation of the Critical Areas Report to obtain city approval of modifications to the required contents of the report where, in the judgment of a qualified professional, more or less information is required to adequately address the potential impacts to any critical areas or buffers and the required mitigation. The planning official may also initiate a modification to the required report contents by requiring either additional or less information, when determined to be necessary to the review of the proposed activity in accordance with this chapter.

F. Mitigation Plan Requirements. When mitigation is required, the applicant shall submit a mitigation plan as part of the Critical Areas Report. The mitigation plan shall include:

1. Detailed Construction Plans. The mitigation plan shall include descriptions of the mitigation proposed, such as:

a. The proposed construction sequence, timing, and duration;

b. Grading and excavation details;

c. Erosion and sediment control features;

d. A planting plan specifying plant species, quantities, locations, size, spacing, and density; and

e. Measures to protect and maintain plants until established.

These written descriptions shall be accompanied by detailed site diagrams, scaled cross sectional drawings, topographic maps showing slope percentage and final grade elevations, and any other drawings appropriate to show construction techniques or anticipated final outcome.

2. Monitoring Program. The mitigation plan shall include a program for monitoring construction of the mitigation project and for assessing a completed project. A protocol shall be included outlining the schedule for site monitoring, and how the monitoring data will be evaluated to determine if the performance standards are being met. A monitoring report shall be submitted as needed to document milestones, successes, problems, and contingency actions of the mitigation project. The mitigation project shall be monitored for a period necessary to establish that performance standards have been met, but not for a period less than five (5) years. For example, ten (10) years or more of monitoring are typically needed for forested wetlands or scrub-shrub communities.

When the applicant believes that the conditions of the monitoring plan are met, the applicant shall contact the City and request that the City verify and certify so in writing. The City shall conduct an on-site assessment as part of the verification process. The applicant shall provide reasonable access to the property as necessary for verification and certification.

When the City has verified and certified that the conditions of the monitoring plan have been met, the

critical area shall no longer be considered as mitigation, but as a naturally-occurring critical area when processing a future development permit application(s).

3. Adaptive Management. The mitigation plan shall include identification of potential courses of action, and any corrective measures to be taken if monitoring or evaluation indicates project performance standards are not being met.

(M-3931, Amended, 11/02/2009, Sec 24-Effective 12/2/2009; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.060 Approval Criteria

Any activity or development subject to this chapter, unless otherwise provided for in this chapter, shall be reviewed and approved, approved with conditions, or denied based on the proposal's ability to comply with all of the following criteria. The city may condition the proposed activity as necessary to mitigate impacts to critical areas and their buffers and to conform to the standards required by this chapter. Activities shall protect the functions of the critical areas and buffers on the site.

A. Avoid Impacts. The Applicant shall first seek to avoid all impacts that degrade the functions and values of (a) critical area(s). This may necessitate a redesign of the proposal.

B. Minimize Impacts. Where avoidance is not feasible, the applicant shall minimize the impact of the activity and mitigate to the extent necessary to achieve the activity's purpose and the purpose of this ordinance. The applicant shall seek to minimize the fragmentation of the resource to the greatest extent possible.

C. Compensatory Mitigation. The applicant shall compensate for the unavoidable impacts by replacing each of the affected functions to the extent feasible. The compensatory mitigation shall be designed to achieve the functions as soon as practicable. Compensatory mitigation shall be in-kind and on-site, when feasible, and sufficient to maintain the functions of the critical area, and to prevent risk from a hazard posed by a critical area to a development or by a development to a critical area.

D. No Net Loss. The proposal protects the critical area functions and values and results in no net loss of critical area functions and values.

E. Consistency with General Purposes. The proposal is consistent with the general purposes of this chapter and does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

F. Performance Standards. The proposal meets the specific performance standards of Fish and Wildlife Habitat Conservation Areas VMC 20.740.110, Frequently Flooded Areas VMC 20.740.120, Geologic Hazard Areas VMC 20.740.130, and Wetlands VMC 20.740.140, as applicable.

(M-4017, Amended, 07/16/2012, Sec 7-Effective 09/05/2012; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.070 Minor Exceptions

A. Minor Exceptions Authorized. Minor exceptions of no greater than 10% from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in VMC 20.210.050, Type II Applications. Minor exceptions shall not be combined with buffer averaging [(20.740.140(C)(1)(b)(2)] or buffer reduction (20.740.140(C)(1)(b)(3)]. Minor exceptions from the NFIP development standards of VMC 20.740.120, Frequently Flooded Areas are prohibited (VMC 20.740.120(D)).

B. Minor Exception Criteria. A minor exception from the standards of this chapter may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria.

1. Unusual conditions or circumstances exist that are peculiar to the intended use, the land, the lot, or something inherent in the land, and that are not applicable to all other lands in the same vicinity or district;

2. The unusual conditions or circumstances do not result from the actions of the applicant;

3. Granting the minor exception requested will not confer on the applicant any special privilege that is denied by this chapter to other lands, structures, or buildings under similar circumstances;

4. The minor exception is necessary for the preservation and enjoyment of a substantial property right of the applicant such as is possessed by the owners of other properties in the same vicinity or district;

5. The minor exception requested is the least necessary and no greater than 10% of the subject standard to relieve the unusual circumstances or conditions identified in Subsection VMC 20.740.070(B)(1) above;

6. The granting of the minor exception or the cumulative effect of granting more than one minor exception is consistent with the general purpose and intent of the City of Vancouver Comprehensive Plan, this Title, this chapter, and the underlying zoning district;

7. Degradation of the functions (including public health and safety) of the subject critical areas and any other adverse impacts resulting from granting the minor exception will be minimized and mitigated to the extent feasible in accordance with the provision of this chapter;

8. Granting the minor exception will not otherwise be materially detrimental to the public welfare or injurious to the property or improvements in the vicinity of the subject property;

9. The proposed development complies with all other applicable standards.

C. Conditions May Be Required. In granting any minor exception, the city may attach such conditions and safeguards as are necessary to secure adequate protection of critical areas and developments from adverse impacts, and to ensure conformity with this chapter.

D. Time Limit. The city shall prescribe a time limit within which the action for which the minor exception is required shall be begun, completed, or both. Failure to begin or complete such action within the established time limit shall void the minor exception.

E. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and upon which any decision has to be made on the application.
(M-4017, Amended, 07/16/2012, Sec 8-Effective 09/05/2012; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.080 Reasonable Use Exceptions

A. Exception Request and Review Process.

If the application of this chapter would deny all reasonable economic use of the subject property, the city shall determine if compensation is an appropriate action, or the property owner may apply for an exception pursuant to this section. Exceptions from the standards of this chapter may be authorized by the city in accordance with the procedures set forth in VMC 20.210.060, Type III Applications.

An application for a reasonable use exception shall be made to the city and shall include a Critical Areas Report, including mitigation plan, if necessary; and any other related project documents, such as permit applications to other agencies, special studies, and environmental documents prepared pursuant to the State Environmental Policy Act (RCW 43.21C). The planning official shall prepare a recommendation to the Hearings Examiner based on review of the submitted information, a site inspection, and the proposal's ability to comply with reasonable use exception criteria in VMC 20.740.080(B).

B. Reasonable Use Review Criteria. The city shall approve applications for reasonable use exceptions when all of the following criteria are met:

1. The application of this chapter would deny all reasonable economic use of the property;

2. No other reasonable economic use of the property has less impact on the critical area;

3. The proposed impact to the critical area is the minimum necessary to allow for reasonable economic use of the property;

4. The inability of the applicant to derive reasonable economic use of the property is not the result of actions by the applicant after the effective date of this chapter, or its predecessor;

5. The proposal does not pose a significant threat to the public health, safety, or welfare on or off the development proposal site;

6. The proposal mitigates for the loss of critical area functions to the greatest extent feasible and contributes to the Critical Areas Restoration Fund for any impacts that cannot be mitigated.

7. The proposal is consistent with other applicable regulations and standards.

C. Burden of Proof. The burden of proof shall be on the applicant to bring forth evidence in support of the application and to provide sufficient information on which any decision has to be made on the application.
(M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.090 Unauthorized Critical Areas Alterations and Enforcement

A. Enforcement.

1. It shall be unlawful to violate the provisions of VMC Chapter 20.740. Any violation of this chapter shall constitute a public nuisance.

2. VMC Title 22 shall provide the enforcement provisions for VMC Chapter 20.740. VMC Title 22 may impose any of the remedies, requirements or corrective actions contained in this chapter. In lieu of or in addition to the enforcement provisions contained in VMC Title 22, the city may also seek injunctive or other relief from any court of competent jurisdiction.

3. The city shall deposit all monetary penalties collected pursuant to VMC Title 22 into the Critical

Areas Restoration Fund. Accrued monies in the Critical Areas Restoration Fund shall be used to protect and restore critical areas within the City of Vancouver.

B. Requirement for Restoration Plan. In the event the city initiates enforcement action under VMC Title 22 or files a complaint in court, the city may require a restoration plan consistent with the requirements of this chapter. Such a plan shall be prepared by a qualified professional using the best available science and shall describe how the actions proposed meet the minimum requirements described in VMC 20.740.090(C). The planning official shall, at the violator's expense, seek expert advice in determining whether the plan restores the affected area to its pre-existing condition or, where that is not possible, restores the functions of the affected area. Inadequate plans shall be returned to the applicant or violator for revision and re-submittal.

C. Minimum Performance Standards for Restoration.

1. For alterations to frequently flooded areas, wetlands, and fish and wildlife habitat conservation areas, the following minimum performance standards shall be met for the restoration of a critical area, provided that if the violator can demonstrate that greater functional and habitat values can be obtained, these standards may be modified:

a. The structure and functions of the critical area or buffer prior to violation shall be restored, including water quality and habitat functions;

b. The soil types and configuration prior to violation shall be replicated;

c. The critical area and buffers shall be replanted with native vegetation (a list of native species is available from the Planning Official). If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official; and

d. Information demonstrating compliance with the requirements in VMC 20.740.050(F) Mitigation Plan Requirements shall be submitted to the planning official.

2. For alterations to frequently flooded and geologic hazard areas, the following minimum performance standards shall be met for the restoration of a critical area or buffer, provided that, if the violator can demonstrate that greater safety can be obtained, these standards may be modified:

a. The hazard shall be reduced to a level equal to, or less than, the pre-violation hazard;

b. The risk of personal injury resulting from the alteration shall be eliminated or minimized;

c. Drainage patterns shall be restored to those existing before the alteration; and

d. The hazard area and buffers shall be replanted consistent with pre-violation conditions with native vegetation sufficient to minimize the hazard. If the critical area or buffer is on a site that meets the criteria of VMC 20.740.030(B)(1)(f)(1), the vegetation for replanting must be not only native but also fire-resistant. A list of native, fire-resistant species is available from the Planning Official.

D. Site Investigations. The planning official is authorized to make site inspections and take such actions as are necessary to enforce this chapter. As a condition of the restoration plan, the applicant shall grant reasonable access to the property.

(M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.100 Habitats of Local Importance

A. Eligibility and Approval Criteria. Habitats of Local Importance are Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city. Criteria for designation include all of the following:

1. A need for protection exists due to a high diversity of fish or wildlife species, declining populations, scarcity of the habitat type, sensitivity to disturbance from human activity or development, or other unique local habitat functions.

2. The area is sufficient in size to support the species or habitat functions for which it is designated.

3. The designation will not compromise the ability of the city to achieve the goals of the Comprehensive Plan.

4. There is a proposed management strategy describing how the functions of the habitat will be protected after designation.

B. Designation Process. Habitats of Local Importance may be proposed by the property owner or the city and shall be designated according to a Type IV legislative procedure (VMC 20.210.070).
(M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.110 Fish and Wildlife Habitat Conservation Areas

A. Designation.

1. Final designations shall be based on site conditions and other available data or information (See VMC 20.740.020(C)(1)). There are established in the city the following identified Fish and Wildlife Habitat Conservation Areas:

a. Habitat used by any life stage of state or federally designated endangered, threatened, and sensitive fish or wildlife species. A current list of federally and state identified species is available from the planning official.

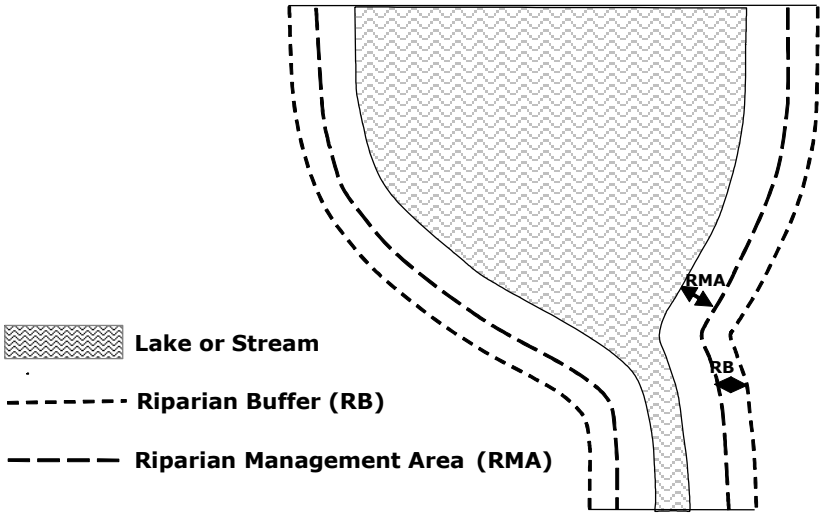
b. Priority Habitats and areas associated with Priority Species. Current lists of Priority Habitats and Species and applicable Management Recommendations promulgated by the Washington Department of Fish and Wildlife are available from the planning official.

c. Water bodies including lakes, streams, rivers, and naturally occurring ponds.

d. Habitats of Local Importance. Fish and Wildlife Habitat Conservation Areas which are not designated as Priority Habitats and Species by the state but are designated as locally significant by the city in accordance with VMC 20.740.100.

e. Riparian Management Areas and Riparian Buffers. The regulated areas include the land from the ordinary high water mark to a specified distance as measured horizontally in each direction. The Riparian Management Area is adjacent to the lake, stream or river, and the Riparian Buffer is adjacent to the Riparian Management Area.

Figure 20.740.110-1
Riparian Management Area and Riparian Buffer



(1) The Riparian Management Areas and Riparian Buffers are as follows:

TABLE 20.740.110-1
RIPARIAN MANAGEMENT AREAS & BUFFERS

DNR /Vancouver Stream Type	Description	Land Use Intensity[1]	RMA	RB[2]
S	Shorelines-of-the-State	High/Moderate/Low	100’	75’
F	Lakes, streams, and rivers that contain fish habitat	High/Moderate/Low	100’	75’
Np or Ns, large	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are wider than 5’ between the ordinary high water marks on the banks.	High/Moderate/Low	100’	75’

Np, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5’ wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are perennial	High/Moderate Low	100’ 100’	50’ 25’
Ns, small, connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5’ wide; (4) do connect via surface water to another stream or river (whether perennial or seasonal) even if the connection traverses a culvert, wetland, or other feature; and (5) are seasonal	High/Moderate Low	100’ 100’	25’ 0’
Np or Ns, small, not connected	Streams and rivers that: (1) are not shorelines-of-the-state; (2) do not contain fish habitat; (3) are not more than 5’ wide; (4) do not connect via surface water to another stream or river; and (5) are either perennial or seasonal	High/Moderate/Low	25’	0’

[1]Refer to Table 20.740.140-1.
[2] The RB is the distance shown or the full extent of the 100-year floodplain, whichever is farther landward.

(A) When impervious surfaces from previous development completely functionally isolate the Riparian Management Area or the Riparian Buffer from the waterbody, the regulated riparian area shall extend from the ordinary high water mark to the impervious surfaces. If the waterbody is not completely physically isolated, but is completely functionally isolated, the Planning Official may adjust the regulated riparian area to reflect site conditions and sound science.

2. Habitat Location Information. Information on the approximate location and extent of Habitat Conservation Areas is available from the planning official.

The habitat location information is based on:

a. Washington Department of Fish and Wildlife Priority Habitat and Species Maps;

b. Washington Department of Fish and Wildlife Anadromous and Resident Salmonid Distribution Maps in the Salmon and Steelhead Habitat Inventory Assessment Program (SSHIAP);

c. Washington Department of Natural Resources Official Water Type Reference Maps;

d. City-designated Habitats of Local Importance;

e. Other information acquired by the city.

B. Additional Critical Areas Report Requirements

1. A Critical Areas Report for a Riparian Management Area or Riparian Buffer shall include evaluation of the habitat functions using the Clark County Habitat Conservation Ordinance Riparian Habitat Field Rating Form or another habitat evaluation tool approved by the Washington Department of Fish and Wildlife.

a. In addition to the standards of (VMC 20.740.050F), where a mitigation plan is required as part of the Critical Areas Report for a fish and wildlife habitat conservation area that involves a water body, Riparian Management Area or Riparian Buffer, the monitoring program protocol shall include where relevant to the impacted functions:

1. Observations and measurements of riparian integrity and quality (buffer width, riparian corridor continuity or fragmentation, species diversity, stand age, plant survival rates)

2. Large woody debris surveys

3. Streamflow monitoring

4. Water quality monitoring to detect pollution impacts

5. Biological monitoring (including fish surveys and benthic macroinvertebrate sampling)

2. If the clearing or development activity is in the Riparian Management Area, the Critical Areas Report shall contain the following information, if applicable, in addition to the general Critical Areas Report requirements of VMC 20.740.050:

a. How the clearing or development activity constitutes a water-dependent, water-related or water-enjoyment use; or

b. How the clearing or development activity cannot feasibly be located on the site outside of the Riparian Management Area; and

c. How the proposal meets the Riparian Management Area width averaging standard (VMC 20.740.110(C)(2)(c)); and

d. How the proposal will not adversely affect the connectivity of habitat functions.

C. Performance Standards

1. General.

a. Development or clearing activities shall protect the functions of the Habitat Conservation Areas on the site. The activity shall result in no net loss of functions. Protection can be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas approval criteria (VMC 20.740.060). Functions include:

1. Providing habitat for breeding, rearing, foraging, protection and escape, migration, and over-wintering; and

2. Providing complexity of physical structure, supporting biological diversity, regulating stormwater runoff and infiltration, removing pollutants from water, and maintaining appropriate temperatures.

b. An applicant shall replace any lost functions preferably by restoring or if not, then by enhancing other habitat functions, so long as the applicant demonstrates that enhancement of the other functions provides no net loss in overall functions and maintains habitat connectivity. An example of unavoidable loss of function would be interruption of a travel corridor in a Riparian Management Area or Buffer. To the maximum extent feasible, enhancement shall be undertaken on-site.

c. If development or clearing activity is within a Priority Habitat and Species area the applicant shall follow Washington Department of Fish and Wildlife Management Guidelines, Management Recommendations or other standards approved by the Washington Department of Fish and Wildlife. Where there are no guidelines, recommendations or other standards, development or clearing may occur provided that:

1. The development or clearing results in no net loss of habitat function on the site; and

2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved.

d. Signs for Fish and Wildlife Conservation Areas

1. Temporary markers. The location of the outer perimeter of the fish and wildlife habitat conservation area shall be marked in the field, and such marking shall be approved by the planning official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

2. Permanent signs. Permanent signs shall be posted on public and private properties at an interval of one per lot for single family residential uses or at a maximum interval of 200 feet or as otherwise determined by the planning official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the planning official: “The area beyond this sign is a fish and wildlife habitat conservation area. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information.”

2. Riparian Management Areas and Riparian Buffers.

In addition to the standards in VMC 20.740.060 and VMC 20.740.110(C)(1) the standards in this section shall apply in Riparian Management Areas and Buffers.

a. Riparian Buffer. Development or clearing activity may occur in the Riparian Buffer, providing that:

1. The planned mitigation results in no net loss of riparian habitat functions on the site, and

2. Functionally significant habitat, defined as habitat that cannot be replaced or restored within 20 years, shall be preserved unless the activity meets the conditions of VMC 20.740.110(C)(2)(b). An example of habitat that cannot be replaced within 20 years would be a stand of mature trees or a peat bog.

b. Riparian Management Area. No development or clearing activity is allowed within the Riparian Management Area unless such activity is:

1. A water-dependent, water-related or water-enjoyment activity where there are no feasible alternatives that would have a less adverse impact on the Riparian Management Area or Riparian Buffer. The applicant shall minimize the impact and mitigate for any unavoidable impact to functions; Cost may be considered, but shall not be overriding; or

2. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic, or telephone facility that cannot feasibly be located outside of the Riparian Management Area, that minimizes impacts, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

3. Mitigation for activities allowed by this chapter, providing the activity provides no net loss of riparian habitat functions on the site.

c. Modification of the Riparian Management Area Width. The width of the Riparian Management Area may be modified (See VMC 20.170.080(B)(1)) if all the following are met:

1. The square footage of the area meeting the performance standards of the Riparian Management Area (VMC 20.740.110(C)(2)(b)) is not reduced; and

2. There is no net loss of functions as a result of the averaging; and

3. Notwithstanding any other provision, the reduction of the Riparian Management Area width at any location may be no greater than 25%.

d. Owners of developed properties within the Riparian Management Area or Riparian Buffer are encouraged to enhance the area by planting native plants and to apply integrated pest management.

e. Agricultural activities in the Riparian Management Area or Riparian Buffer are encouraged to develop farm conservation plans.

(M-3931, Amended, 11/02/2009, Sec 25-Effective 12/2/2009; M-3844, Amended, 10/01/2007, Sec 2; M3692, Added, 02/28/2005, Sec 2)

Section 20.740.120 Frequently Flooded Areas

A. Designation.

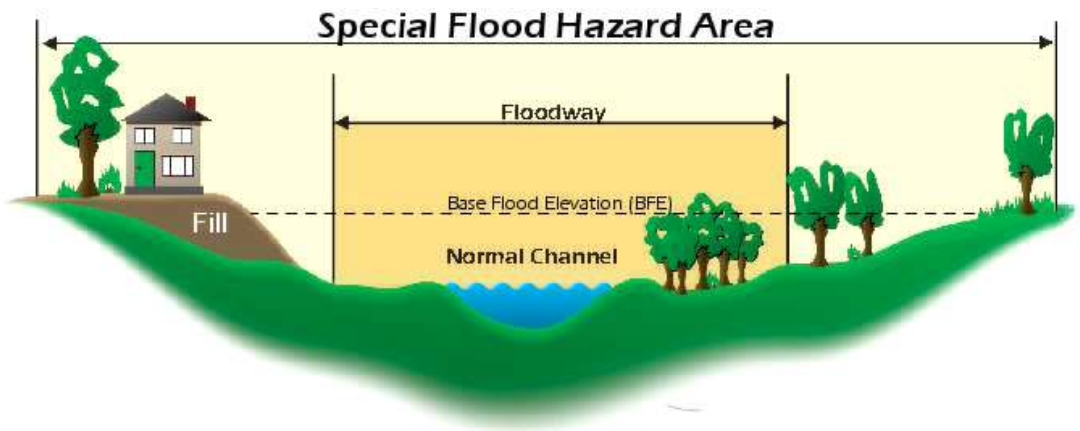
Frequently Flooded Areas are the *Areas of Special Flood Hazards* identified by the Federal Insurance Administration and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled, *Flood Insurance Study: Clark County, Washington and Incorporated Areas,*

Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively,) effective September 5, 2012 and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the Planning Official, 415 West 6th Street, Vancouver, WA 98660. (See VMC 20.150.040 Meanings of Specific Words and Terms for definitions for *Areas of Special Flood Hazards, Floodplain, Floodway, and Frequently Flooded Areas.)*

Portions of channel migration zones located outside areas of special flood hazards are not designated as frequently flooded areas.

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the Planning Official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

Figure 20.740.120-1
Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from *Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition,* FEMA Region 10

B. Additional Critical Areas Report Requirements.

In addition to the Critical Areas Report requirements in VMC 20.740.050, the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.

2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.

3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for non-residential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.

4. Location of the channel migration zone. See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC 20.740.050.

5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120A), the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.

6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of VMC 20.740.120(C) will be met. To support the "no rise" analyses required in VMC 20.740.120(C)(1), the documentation required in the most recently updated or amended FEMA Region 10 publication, *Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program* shall be submitted.

C. <u>Performance Standards.</u>

Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

1. Encroachments.

a. Designated Floodway: Prohibited Encroachments. The following are prohibited in the floodway:

1. Water wells (20.740.120(C)(4)(a)).

2. On-site waste disposal systems (20.740.120(C)(5)(a)).

3. Residential structures or other structures for human habitation including but not limited to:

a. Building envelopes within subdivisions(20.740.120(C)(9)(a));

b. New construction or reconstruction of residential structures (20.740.120(C)(10)(b)(1));

c. Placement or replacement of manufactured homes (all types) (20.740.120(C)(10)(b)(2));

d. Critical facilities housing vulnerable populations and emergency services(20.740.120(C)(12)(a)); and

e. Recreational vehicles (20.740.120(C)(13)(a)).

b. Designated Floodway: Allowed Encroachments. In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:

1. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such "no rise" analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, *Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program;* and

2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.

c. No Designated Floodway: Allowed Encroachments. In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:

1. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and

2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.

d. Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:

1. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and

2. The applicable standards of VMC 20.740.120(C)(2-14) are also met.

2. Property Damage. Development shall not result in adverse impacts to other properties either upstream or downstream.

3. Drainage. Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.

4. Water.

a. Water wells are prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC 173-160-171).

c. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.

5. Waste.

a. On-site waste disposal systems are prohibited in the floodway.

b. In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contiminants from them during a base flood event.

c. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.

6. Construction Materials and Methods.

a. Construction methods and practices shall minimize flood damage.

b. Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, *Flood-Resistant Materials Requirements*.

c. Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, *Protecting Building Utilities from Flood Damage*.

7. Anchoring. All new construction including substantial improvements and all types of manufactured homes shall:

a. Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement.

b. Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, *Protecting Manufactured Homes from Floods and Other Hazards.*

8. Enclosed Areas Below the Base Flood Elevation.

a. Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.

b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with.

1. VMC 20.740.120(C)(7), Anchoring

2. VMC 20.740.120(C)(10)(c)(2)(d), Residential Construction

3. VMC 20.740.120(C)(6)(b-c), Construction Materials and Methods

c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of VMC 20.740.120(C)(10)(d).

d. Crawlspace Construction. Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, *Crawlspace Construction for Buildings Located in Special Flood Hazard Areas* (available from the Planning Official) for more information. Crawlspaces:

1. Are prohibited in areas with flood velocities greater than five feet (5') per second unless designed by a qualified professional (in this case an architect or professional engineer).

2. Shall meet the requirements of VMC 20.740.120(C)(8)(a-c), Enclosed Areas below the BFE.

3. Shall not be considered "basements" for the purposes of VMC 20.740.120 when constructed according to the following standards:

a. The interior grade of a crawlspace below the base flood elevation must not be more than 2' below the lowest adjacent exterior grade.

b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4' at any point.

c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. Subdivisions.

a. All subdivisions shall be designed:

1. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;

2. To avoid placement of any structures in areas of special flood hazards and in CMZs;

3. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.

b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See VMC 20.740.120(C)(2), Property Damage; VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(6), Construction Materials and Methods; and VMC 20.740.120(C)(7), Anchoring.)

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See VMC 20.740.120(C)(3), Drainage.)

10. Residential Construction (including Manufactured Homes).

a. Residential Construction in the Floodway.

1. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway.

2. Existing residential structures and manufactured homes in the floodway are non-conforming, but may be repaired or improved, provided:

a. The repair or improvement does not increase the ground floor area of the structure; and

b. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and

c. The cost of the repair or improvement does not exceed 50% of the market value of the structure either:

1. Before the start of repair or improvement where there is no damage to the structure; or

2. Before flood or other damage to the structure occurred.
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d. Any project for improvement of a structure to correct existing violations of state of local health, sanitary, or safety code specifications which have been identified by the Planning Official and which are the minimum necessary to assure safe living conditions may be excluded from the 50%.

e. Any project for improvement to a structure identified as a historic place may be excluded from the 50%.

b. Residential Construction in Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway and in channel migration zones:

1. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including VMC 20.740.120(C)(8) and (10)(c-d).

2. New placement or replacement of all types of manufactured homes shall meet the standards of VMC 20.740.120(C)(7), Anchoring.

3. Repair or Substantial Improvement. All provisions of this chapter (including the elevation standards of VMC 20.740.120(C)(8) and (10)(c-d)), all state and local health, sanitary, safety codes, and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50% of the market value of the structure either:

a. Before the start of repair or improvement where there is no damage to the structure; or

b. Before flood or other damage to the structure occurred.

c. Elevation

1. BFE Established. The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least 1 foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible.

2. No BFE. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(A) and .120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least 2’ above the highest adjacent grade. (Note: Failure to elevate at least 2’ above the highest adjacent grade may result in higher insurance rates.)

d. Fully Enclosed Areas Below Lowest Floor. Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:

1. Contain a minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;

2. The bottom of all openings are no higher than 1 foot above grade; and

3. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

For guidance on flood openings, see FEMA Technical Bulletin 1-93, *Openings in Foundation Walls*.

11. Non-Residential Construction. New construction and substantial improvement of any nonresidential structure shall either be elevated (VMC 20.740.120(C)(11)(a or b)) or flood-proofed (VMC 20.740.120(C)(11)(c)):

a. Be Elevated: BFE Established.

1. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation; and

2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d);

b. Be Elevated: No BFE.

1. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC 20.740.120(C)(2A) and (3.120(B)(5)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new non-residential construction shall be elevated at least 2' above the highest adjacent grade. Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates; and

2. Meet the same standards for space below the lowest floor as described in 20.740.120(C)(8)(d) and VMC 20.740.120(C)(10)(d); or

c. Be Flood-proofed. Together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water;

2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;

3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in VMC 20.740.120(E).

12. Critical Facilities.

a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.

b. In areas of special flood hazard except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:

1. No feasible alternative site is available; and either:

a. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to 3 feet above the base flood elevation or to the elevation of the 500-year flood, whichever is lower; or

b. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the Critical Areas Permit.

13. Recreational Vehicles.

a. Recreational vehicles shall be located outside the floodway.

b. Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:

1. Be on the site for fewer than 180 consecutive days;

2. Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect-type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or

3. Meet the requirements of VMC 20.740.120(C)(7), Anchoring; VMC 20.740.120(C)(8), Enclosed Areas below the Base Flood Elevation; and VMC 20.740.120 (C)(10)(c), Elevation.

14. Alteration of Watercourse.

a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.

b. Alteration or relocation of a watercourse shall be allowed only after:

1. Certification by a qualified professional that the alteration or relocation:

a. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;

b. Will not diminish the flood-carrying capacity of the watercourse;

c. Will not block side channels;

d. Will be accomplished using soft armoring techniques wherever possible;

e. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and

f. Will not endanger development in the channel migration zone.

2. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood carrying capacity of the watercourse is not diminished.

D. Variances and Minor Exceptions.

Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in VMC 20.740.120, Frequently Flooded Areas are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.

Variances from the NFIP standards of VMC 20.740.120 shall meet the approval criteria and other requirements of VMC 20.740.120(D) in addition to any other applicable variance criteria or requirements (e.g., VMC 20.290 or VMC 20.760). Variances from the NFIP standards of VMC 20.740.120 shall be

processed as Type I or II variances or shoreline variances as appropriate, not as Minor Exceptions (VMC 20.740.070).

Variances or minor exceptions from other critical area standards (any standards of VMC 20.740 not in Section VMC 20.740.120) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC 20.740.070, VMC 20.290, or VMC 20.760)

1. NFIP variances may be allowed:

a. For Historic Structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of structures listed on the National Register of Historic Places, the Washington Heritage Register, Washington's Heritage Barn Register, Washington's Historic Property Inventory Database, Clark County Cultural Resources Inventory, or Clark County Heritage Register, provided:

1. The proposed development will not preclude the structure's continued designation as a historic structure;

2. The variance is the minimum necessary to preserve the historic character and design of the structure; and

3. NFIP variance approval criteria at (VMC 20.740.120(D)(2)(a-d) are met.

b. From the Elevation Standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.

c. From the Flood-proofing Standard for Non-Residential Buildings. NFIP variances may be issued for non-residential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:

1. Will have low damage potential;

2. Complies with all other NFIP variance criteria except VMC 20.740.120(D)(1)(a)(2);

3. Complies with VMC 20.740.120(C)(4), Water; VMC 20.740.120(C)(5), Waste; VMC 20.740.120(C)(7), Anchoring; and VMC 20.740.120(C)(9), Subdivisions.

d. For Allowed Development within the Floodway. NFIP variances may be issued for development within a floodway only when the requirements of VMC 20.740.120(C)(1)(b) are met.

2. NFIP Variance Approval Criteria. NFIP variances from elevation and flood-proofing standards, and for development in the floodway (VMC 20.740.120(D)(1)(a)(2-4) may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

a. The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.

b. The applicant has demonstrated good and sufficient cause.

c. Failure to grant the NFIP variance would result in exceptional hardship to the applicant.

(Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986 entitled *Resource Materials on NFIP Variance Criteria* available from the Planning Official.)

d. Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.

e. Demonstration that the following factors have been considered:

1. The danger that materials may be swept onto other lands to the injury of others;

2. The danger to life and property due to flooding or erosion damage;

3. The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;

4. The importance of the services provided by the proposed facility to the community;

5. The necessity to the facility of a waterfront location, where applicable;

6. The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;

7. The compatibility of the proposed use with existing and anticipated development;

8. The relationship of the proposed use to the comprehensive plan;

9. The safety of access to the property in times of flood for ordinary and emergency vehicles;

10. The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and

11. The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.

3. Notices Required.

A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

E. <u>Information to be Obtained and Maintained.</u>

1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:

a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.

b. For non-residential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.

c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter, VMC 20.740, for public inspection.

2. Records of Variance Actions. The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administration upon request.

3. Records of Appeal Actions. The planning official shall keep records of all appeal actions.
(M-4020, Amended, 08/20/2012, Sec 2-Effective 09/05/2012; M-4017, Amended, 07/16/2012, Sec 9-Effective 09/05/2012; M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.130 Geologic Hazard Areas

A. Designation. Designated or potential Geologic Hazard Areas include Landslide, Seismic, and Erosion Hazard Areas. With the exception of bank erosion hazard areas and fault rupture hazard areas, their potential locations are shown on maps available from the planning official. Final designations shall be based on site conditions and other available data or information [See VMC 20.740.020(C)(1)].

1. Landslide Hazard Areas. Potential landslide hazard areas are identified from the sources listed below.

a. Slopes greater than 25% on the property and adjacent areas within 100 feet, except engineered slopes such as cut and fill slopes along transportation routes (including trails), railroad and other berms, or dikes.

b. Areas of historic or active landslides, potential instability, or older landslide debris identified on the 1975 map by Allen Fiksdal of the Washington State Department of Natural Resources entitled, *Slope Stability: Clark County Washington* as revised or superseded, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

2. Seismic Hazard Areas. Seismic Hazard Areas include Liquefaction or Dynamic Settlement, Ground Shaking Amplification, and Fault Rupture Hazard Areas.

a. Liquefaction or Dynamic Settlement. The following are designated Liquefaction or Dynamic Settlement Hazard Areas:

1. Areas with Low to Moderate, Moderate, Moderate to High, or High liquefaction susceptibility or Peat Deposits as indicated on the *Alternative Liquefaction Susceptibility Map of Clark County, Washington based on Swanson's Groundwater Model* by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004, as revised or superseded.

2. Areas of fill (Fn) identified by the *1972 USDA Soil Conservation Service Soil Survey* of Clark County Washington and by the planning official, based on other reliable evidence.

b. Ground Shaking Amplification. The following are designated Ground Shaking Amplification Hazard Areas:

Site Classes C to D, D, D to E, E and F as indicated on the *Site Class Map of Clark County*, Washington by Stephen P. Palmer, Sammantha L. Magsino, James L. Poelstra, and Rebecca A. Niggemann, September, 2004 as revised or superseded.

c. Fault Rupture Hazard Areas. Potential Fault Rupture Hazard Areas are faults identified on geological maps prepared and maintained by the Washington Department of Natural Resources (DNR), U.S. Geological Survey (USGS), Oregon Department of Geology and Mineral Industries (DOGAMI), Clark County, Washington, or identified from other available data or in the field by a qualified professional and adjacent areas within 100 feet.

3. Erosion Hazard Areas. Erosion Hazard Areas include Soil Erosion and Bank Erosion Hazard Areas.

a. Soil Erosion Hazard Areas. The following are designated Soil Erosion Hazard Areas:

Areas with soils identified as having a severe erosion hazard by the 1972 USDA Soil Conservation Service *Soil Survey of Clark County Washington.*

b. Bank Erosion Hazard Areas. Bank Erosion Hazard Areas are areas along lakes, streams, and rivers that are subject to regression or retreat due to lacustrine or fluvial processes and adjacent land within 100 feet.

B. <u>Additional Critical Areas Report Requirements</u>.

In addition to the requirements of VMC 20.740.050, the following are Critical Areas Report requirements for development proposals in potential geologic hazard areas. These requirements may be adjusted as appropriate by the planning official. The Critical Areas Report will result in a conclusion as to whether the potential geologic hazard area is an actual geologic hazard area (See VMC20.740.130(B)(6)). If it is, the Critical Areas Report requires additional information, mapping, and analysis (See VMC 20.740.130(B)(7)).

1. Identification of the site and project area (defined at VMC 20.150), topography in 2-foot contours (or other increment at the discretion of the planning official), gas, power, cable, fiber optic, telephone, sewer, water, and stormwater management facilities, wells, on-site septic systems, dikes, levees, and existing structures on the site plan required by VMC 20.740.050; and

2. Detailed review of field investigations, published data and references, data and conclusions from past geologic studies or investigations, site-specific measurements, tests, investigations, or studies, and the methods of data analysis and calculations that support the results, conclusions, and recommendations; and

3. Field investigation and evaluation of the areas on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

4. A description of the surface and subsurface geology, hydrology, drainage patterns, soils, and vegetation on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

5. Identification of the hazard area indicators that were found (if any) on site for liquefaction or dynamic settlement, ground shaking amplification, fault rupture, and soil erosion hazards; and on or within 100 feet of the site for landslide and bank erosion hazards; and

6. Conclusion as to whether there is a geologic hazard area on site or for landslide and bank erosion hazards on or within 100 feet of the site; and

7. If a liquefaction, dynamic settlement, ground shaking amplification, fault rupture, or soil erosion hazard is found to exist on site or if a landslide or bank erosion hazard is found to exist on or within 100 feet of the site:

a. Label and show on the site plan required by VMC 20.740.050:

1. The location(s), extent, and type(s) of geologic hazard area(s) identified; and

2. The location(s) and extent of any area(s) that must be left undisturbed to protect the proposed development from damage or destruction and to protect the hazard area(s) from the impacts of the proposed development; and

3. The boundaries of the area that may be disturbed.

4. The dimension of the closest distance(s) between the geologic hazard area(s) and the project area.

5. The dimension of the closest distance(s) [See VMC 20.170.030(C)] between any non-disturbance area [VMC 20.740.130(B)(7)(a)(2)] and the project area.

For bank erosion hazard areas, show these areas, boundaries, and dimensions based upon natural processes and, if applicable, proposed bank stabilization measures.

b. Analysis of the erosion processes on site for soil erosion hazard areas and on or within 100 feet of the site for bank erosion hazard areas.

c. Evaluation of the impact of the geologic hazard area(s) on the proposed development, other properties, and other critical areas.

1. Landslide hazard areas. The impact of the run-out hazard of landslide debris from both upslope and downslope shall be included in the evaluation.

2. Bank erosion hazard areas. Evaluation of impacts on other properties shall include properties both upstream and downstream of the subject property.

d. Evaluation of the impact of the proposed development on the geologic hazard area(s).

e. Assessments and conclusions regarding geologic hazard(s) for both existing and proposed (post-development) site conditions. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

f. Written discussion of:

1. The risk of damage or destruction from the geologic hazard(s) with respect to human health and safety; infrastructure; the proposed development; other properties (both upstream and downstream for bank erosion hazard areas); and other critical areas; and

2. Whether and to what degree the proposed development would increase the risk from the geologic hazard(s), such as the occurrence of a landslide or the rate of regression.

g. Recommendations for mitigation of impacts to protect:

1. Human health and safety;

2. Infrastructure;

3. The proposed development;

4. Other properties (both upstream and downstream for bank erosion hazard areas);

5. Other critical areas; and

6. The hazard area during construction and for the anticipated life of the proposed development. The ultimate build-out scenarios must be considered and addressed in cases such as land division and master planning where build-out is not scheduled to occur as a direct or immediate result of project approval.

h. A demonstration of how the standards of VMC 20.740.130(C) applicable to each geologic hazard area will be met.

C. Performance Standards.

1. Landslide, Soil Erosion, and Bank Erosion Hazard Areas. Development in non-disturbance areas (VMC 20.740.130(B)(7)(a)(2)) shall be prohibited. In other areas, development in landslide, soil erosion, and bank erosion hazard areas and their buffers [VMC20.740.130(C)(1)(j)] shall be prohibited except where the applicant has demonstrated compliance with or satisfaction of the following standards or requirements.

a. The applicant has demonstrated that during construction and for the anticipated life of the proposed development, the proposed use(s), activity(ies), and structure(s):

1. Will not increase the threat of the geological hazard beyond pre-development conditions; and

2. Will not adversely impact other critical areas wherever feasible given the type of critical areas involved and the characteristics of the site; and

3. Are designed so that the hazard to the proposed project is eliminated or mitigated to a level equal to or less than pre-development conditions; and

4. The life safety risk is minimal or eliminated; and

5. Are certified by a qualified professional as safe as designed and under anticipated

conditions.

Landslide hazard areas may be eliminated through grading based on a Critical Areas Report which demonstrates that the slope will be stabilized prepared by a qualified professional (in this case a licensed Engineering Geologist or Professional Engineer). The Critical Areas Permit shall be conditioned on a final inspection approval confirming that the grading and site are stable. At the applicant's expense, after site grading, (a) the qualified professional who prepared the Critical Areas Report shall provide inspection specifications; and (b) an inspector acceptable to the City Building Official shall inspect the grading and the site and submit a report to the City indicating whether the site is stable.

b. A plan for revegetation and landscape maintenance to ensure soil stabilization shall be developed and implemented in accordance with the mitigation plan requirements of VMC 20.740.050(F).

c. Clearing, grading, uprooting, or otherwise impairing the soil stabilizing function of vegetation shall be prohibited during the wet season (November 1st to May 1st), except as authorized under a valid state or federal permit or a City Type I permit [VMC 20.740.040(B)(1)(f)].

d. Drainage patterns shall not be altered such that potential for damage or risk to the proposed project, the geologic hazard area, or other critical areas or buffers is increased.

e. The requirements of VMC 14.24, Erosion Control shall be met.

f. Trails shall be for pedestrian and non-motorized vehicular use only and shall be the minimum width necessary to meet applicable regulations.

g. Roads in Landslide and Bank Erosion Hazard Areas. A road through or across a landslide or bank erosion hazard area shall meet the standards of VMC 20.740.130(C)(1)(a)-(f) and shall not be:

1. The sole access for a proposed subdivision (not including short subdivision) or critical facility;

2. Longer than 200 feet;

3. Steeper than a 15% grade.

h. Markers and Signs in Landslide Hazard Areas.

1. The boundary at the outer edge of landslide area tracts and easements shall be delineated with permanent survey stakes, using iron or concrete markers as established by local survey standards.

2. The boundary at the outer edge of the furthest of the landslide hazard area, non-disturbance area [VMC 20.740.130(B)(7)(a)(2)], or buffer shall be identified with temporary signs prior to any site alteration. Such temporary signs shall be replaced with permanent signs prior to occupancy or use of the site.

3. These provisions may be modified by the planning official as necessary to ensure protection of sensitive features or wildlife needs.

i. Bank Stabilization for Existing Development in Bank Erosion Hazard Areas.

1. Bank stabilization measures may be employed to protect an existing structure when a

Critical Areas Report conclusively demonstrates all of the following:

a. Bank erosion threatens an established use or existing structure(s); and

b. The threatened structure(s) cannot be relocated landward of any non-disturbance area [VMC 20.740.130(B)(7)(a)(2)]; and

c. Where applicable, bank stabilization measures are necessary to the operation and location of water-dependent, water-related, or water enjoyment activities consistent with the City of Vancouver Shoreline Management Master Program; and

d. Bank stabilization measures will not cause a significant adverse impact on upstream or downstream properties or an impact that cannot be mitigated without developing bank stabilization measures for those properties; and

e. Bank stabilization measures will not cause a significant adverse impact on fish, wildlife, or their habitats protected by this chapter.

2. When bank stabilization is allowed, it shall be accomplished using beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two. Other techniques may be used when an approved Critical Areas Report demonstrates conclusively that beach nourishment, bioengineering (soft armoring) techniques, or a combination of the two will not provide sufficient protection for the remaining useful life of the structure(s) to be protected.

3. When bank stabilization is allowed, the pertinent policies and regulations of the City of Vancouver Shoreline Management Master Program shall apply in addition to the requirements of this section. The terms and conditions of any other required state or federal permit or approval shall also apply.

j. Buffer. The following regulations apply to landslide and bank erosion hazard area buffers. No buffer is required for soil erosion hazard areas. Buffers may be included in non-disturbance areas [VMC 20.740.130(B)(7)(a)(2)] and required planting and maintenance activities may be undertaken within them.

1. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B) and (K)].

2. A vegetated buffer shall be maintained around all landslide and bank erosion hazard areas. No alteration to the buffer shall be undertaken without an erosion control plan approved pursuant to the provisions of VMC 14.24, Erosion Control and this chapter. New plantings shall consist of native vegetation. Maintenance shall be the responsibility of the property owner.

3. The minimum buffer width for bank erosion hazard areas shall be the distance recommended in an approved Critical Areas Report.

4. The minimum buffer width for landslide hazard areas shall be the greatest of the following distances:

a. 50 feet from all edges of the landslide hazard area; or

b. A distance of 1/3 the height of the slope at the top of the slope and a distance of 1/2 the height of the slope at the bottom of the slope [See VMC 20.170.030(J)]; or

c. The minimum distance(s) recommended in an approved Critical Areas Report.

5. A larger buffer width may be required for landslide and bank erosion hazard areas at the discretion of the planning official when:

a. The adjacent land is susceptible to severe erosion and erosion control measures will not effectively prevent adverse impacts; or

b. The area has a severe risk of slope failure or downslope stormwater drainage impacts; or

c. The area is directly adjacent to a riparian management area or wetland; or

d. Recommended in an approved Critical Areas Report.

6. The buffer width for landslide hazard areas may be reduced to as little as the smallest of the distances identified in VMC 20.740.130(C)(1)(j)(4) at the discretion of the planning official when the dimensions of the landslide hazard area are smaller than those distances.

2. Seismic Hazard Areas

a. Liquefaction or Dynamic Settlement Hazard Areas. All building structures in liquefaction or dynamic settlement hazard areas shall comply with the requirements of VMC Title 17, Building and Construction. No buffer is required for liquefaction or dynamic settlement hazard areas.

b. Ground Shaking Amplification Hazard Areas. All building structures in ground shaking amplification hazard areas shall comply with the requirements of VMC Title 17, Building and Construction applicable to the NEHRP soil classification of the subject property. No buffer is required for ground shaking amplification hazard areas.

c. Fault Rupture Hazard Areas.

1. A road through or across a fault rupture hazard area shall not be:

a. The sole access for a proposed subdivision (not including short subdivision) or critical facility;

b. Longer than 200 feet';

c. Steeper than a 15% grade.

2. Structures for human habitation and critical facilities shall be prohibited within fault rupture hazard areas and buffers.

3. Buffer.

a. Buffer width shall be measured on a horizontal plane from a perpendicular line established at all edges of the geologic hazard area [See VMC 20.170.030(B)].

b. The buffer width shall be the greater of the following distances:

i. 50 feet from all edges of a fault rupture hazard area, except where critical facilities are involved, the minimum buffer distance shall be 100 feet [See VMC 20.170.030(L)]; or

ii. The minimum distance recommended in an approved Critical Areas Report.

c. A larger buffer width may be required when the planning official determines that the buffer is not adequate to protect the proposed development.
(M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Section 20.740.140 Wetlands

A. Designating and Rating Wetlands

1. Designating Wetlands

Wetlands are those areas, designated in accordance with the *Washington State Wetland Identification and Delineation Manual* (1997, or as revised by Ecology), that are inundated or saturated by surface or ground water at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Wetlands do not include those artificial wetlands intentionally created (but not as mitigation for impacts to wetlands) from non-wetland sites, including, but not limited to irrigation and drainage ditches, grass-lined swales, canals, detention facilities, wastewater treatment facilities, farm ponds and landscape amenities or those wetlands created after July 1990 that were unintentionally created as a result of the construction of a road, street, or highway. Wetlands shall include those artificial wetlands intentionally created from non-wetland areas to mitigate conversion of wetlands.

Final designations shall be based on site conditions and other available data or information (See VMC 20.740.020(C)(1)).

2. Wetland ratings

Wetlands shall be rated according to the Washington State Department of Ecology (Ecology) wetland rating system found in Hruby, 2004, *Washington State Wetlands Rating System for Western Washington*, Ecology publication #04-06-025, or as revised by Ecology. The rating system document contains the definitions and methods for determining if the criteria below are met. The most recent version of the rating system form must be used:

a. Wetland Rating Categories

1. Category I. Category I wetlands are those that meet one or more of the following criteria:

a. Wetlands that are identified by scientists of the Washington Department of Natural Resources Washington Natural Heritage Program as high quality wetlands;

b. Bogs;

c. Mature and old growth forested wetlands larger than 1 acre;

d. Wetlands that perform many functions well, as indicated by scoring 70 points or more (out of 100) in the rating system.

2. Category II. Category II wetlands are those with a moderately high level of functions, as indicated by scoring 51-69 in the Ecology rating system.

3. Category III. Category III wetlands are those with a moderate level of functions, as indicated by scoring 30-50 in the Ecology rating system.

4. Category IV. Category IV wetlands are those with a low level of functions, as indicated by scoring less than 30 in the Ecology rating system.

B. Additional Critical Areas Report Requirements

A Critical Areas Report for wetlands shall be prepared according to the *Washington State Wetland Identification and Delineation Manual* (1997, or as revised by Ecology) and the Hruby, 2004, *Washington State Wetlands Rating System for Western Washington*, Ecology publication #04-06-025 (or as revised by Ecology). The Critical Areas Report shall contain an analysis of the wetlands including the following site- and proposal-related information:

1. A written assessment, data sheets and accompanying maps of any wetlands or buffers on the site including the following information:

a. Hydrogeomorphic (HGM) classification;

b. Wetland category;

c. Wetland delineation and required buffers;

d. Existing wetland acreage;

e. Vegetative, faunal, and hydrologic characteristics;

f. Soil types and substrate conditions;

g. Topographic elevations, at 1' contours; and

h. A discussion of the water sources supplying the wetland and documentation of hydrologic regime (locations of inlet and outlet features, water depths throughout the wetland, evidence of recharge or discharge, evidence of water depths throughout the year – drift lines, algal layers, moss lines, and sediment deposits).

2. Functional evaluation for the wetland and buffer using Ecology's most current approved method and including the reference of the method and all data sheets.

3. Proposed mitigation, if needed, including a discussion of alternatives and trade-offs inherent in the various alternatives (for example, where enhancement for one function would adversely affect another), a written description and accompanying maps of the mitigation area, including the following information:

a. Existing and proposed wetland acreage;

b. Existing and proposed vegetative and faunal conditions;

c. Surface and subsurface hydrological conditions of existing and proposed wetlands and hydrologically associated wetlands including an analysis of existing hydrologic regime and proposed hydrologic regime for enhanced, created, or restored mitigation areas;

d. Relationship to lakes, streams and rivers in the watershed;

e. Soil type and substrate conditions;

f. Topographic elevations, at 1' contours; and

g. Required wetland buffers including existing and proposed vegetation.

h. Identification of the wetland's contributing area.

C. Performance Standards

1. General Requirements. Development or clearing activities shall protect the functions of wetlands and wetland buffers on the site. Activities shall result in no net loss of wetland or buffer functions. Protection may be provided by avoiding (the preferred protection) or minimizing and mitigating as described in the general critical areas performance standards (VMC 20.740.060).

a. Wetlands

1. In Category I Wetlands only the following activities may be allowed:

a. A road, railroad, trail, dike, or levee or a water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facility that cannot feasibly be located outside of the wetland, that minimizes the impact, and that mitigates for any unavoidable impact to functions. Cost may be considered, but shall not be overriding; or

b. Trails and wildlife viewing structures provided that the trails and structures minimize the impact and are constructed so that they do not interfere with wetland hydrology and do not result in increased sediment entering the wetland.

2. In Category II Wetlands only the following activities may be allowed:

a. Activities allowed in Category I wetlands pursuant to VMC 20.740.140(C)(1)(a)(1).

b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

c. Within shoreline jurisdiction (VMC 20.760.020), water-dependent, water-related or water-enjoyment activities where there are no feasible alternatives that would have a less adverse impact on the wetland, its buffers and other critical areas.

d. Where non-water dependent, related or enjoyment activities are proposed, it shall be presumed that alternative locations are available, and activities and uses shall be prohibited unless the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and successfully avoid, or result in less adverse impacts on a wetland on another site or sites in the City of Vancouver or Vancouver Urban Growth Area.

3. In Category III Wetlands only the following activities may be allowed:

a. Activities allowed in Category II wetlands pursuant to VMC 20.740.140(C)(1)(a)(2).

b. Other activities may be allowed if the applicant demonstrates that the basic project purpose cannot reasonably be accomplished and avoid or result in less adverse impacts on a wetland or its buffer than alternative uses or designs (including reduction in the size, scope, configuration or density of the project).

4. In Category IV Wetlands activities and uses that result in impacts may be permitted in accordance with an approved Critical Areas Report and mitigation plan if the proposed activity is the only reasonable alternative that will accomplish the applicant's objectives. Full mitigation for the loss of acreage and functions shall be provided under the terms established pursuant to VMC 20.740.140(C)(2).

b. Wetland Buffers

1. Standard buffer widths. Standard buffer widths are those determined by Ecology and described in Freshwater Wetlands in Washington State, Volume 2: Managing and Protecting Wetlands or as revised by Ecology. Buffer widths are based on wetland category, wetland characteristics and land use intensity.

a. Land use intensities are as follows:

TABLE 20.740.140 - 1
LAND USE INTENSITIES

Land Use Intensity	**VMC Title 20 Zoning Districts**
High	All Residential, Commercial or Industrial Zones
Moderate	Open Space Park or Open Space Greenway: General
Low	Open Space Greenway: Lettuce Fields or Vancouver Lowlands; or Open Space Natural

b. Level of function for habitat, based on the Washington State Wetland Rating System is as follows:

TABLE 20.740.140-2
RATING SYSTEM

Level of Function	**Habitat Score In Rating System**
High	29 - 36
Moderate	20 - 28
Low	< 20

c. Buffer widths are measured horizontally from the edge of the wetland [See VMC 20.170.030(B) and (H)] and are as follows:

i. Category I Wetlands

TABLE 20.740.140-3
CATEGORY I WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Natural Heritage Wetlands or Bogs	High	250'
	Moderate	190'
	Low	125'
Forested Wetlands		
High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'
Other Category I Wetlands		
High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

ii. Category II wetlands

TABLE 20.740.140-4
CATEGORY II WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
High Habitat Function	High	300'
	Moderate	225'
	Low	150'
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	100'
	Moderate	75'
	Low	50'

iii. Category III wetlands

TABLE 20.740.140-5
CATEGORY III WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
Moderate Habitat Function	High	150'
	Moderate	110'
	Low	75'
Low Habitat Function	High	80'
	Moderate	60'
	Low	40'

iv. Category IV wetlands

TABLE 20.740.140-6
CATEGORY IV WETLAND BUFFER WIDTHS

Wetland Characteristics	Land Use Intensity	Buffer Width
All Category IV Wetlands	High	50'
	Moderate	40'
	Low	25'

d. All buffers shall be measured from the wetland boundary as surveyed in the field.

e. Areas which are completely functionally separated from a wetland and do not protect the wetland from adverse impacts may be excluded from buffers otherwise required.

2. Wetland buffer width averaging. The Planning Official may allow modification of the standard wetland buffer width in accordance with an approved Critical Areas Report on a case-by-case basis by averaging buffer widths. Buffer width averaging shall not be used in combination with buffer width reduction or a minor exception. Averaging of buffer widths (See VMC 20.170.080(B)(2)) may only be allowed where a qualified professional wetland scientist demonstrates that:

a. Such averaging will not reduce wetland functions or functional performance; and

b. The wetland varies in sensitivity due to existing physical characteristics or the character of the buffer varies in slope, soils, or vegetation, and the wetland would benefit from a wider buffer in places and would not be adversely impacted by a narrower buffer in other places; and

c. The total area contained in the buffer area after averaging is no less than that which would be contained within the standard buffer; and

d. The buffer width is reduced by no more than 25% of the standard width and at no point to less than 25'.

3. Buffer width reduction based on reducing the intensity of impacts from land uses. Buffer widths required for high intensity land uses may be reduced to those required for moderate land use intensity under the following conditions:

a. For wetlands with moderate or high habitat function:

i. A relatively undisturbed vegetated corridor at least 100' wide is protected between the wetland and any other Priority Habitats and areas associated with Priority Species (VMC 20.740.110(A)(1)(b); and

ii. Measures to minimize the impacts of different land uses on wetlands are applied, as approved by the Planning Official. Such measures include, but are not limited to, the examples summarized below.

TABLE 20.740.140-7
EXAMPLES OF MEASURES TO MINIMIZE LAND USE IMPACTS

Examples of Disturbance	Uses and Activities that Cause the Disturbance	Examples of Measures to Minimize Impacts
Lights	Parking lots, warehouses, manufacturing, residential	Direct lights away from wetland
Noise	Manufacturing, residential, commercial	Locate activity that generates noise away from wetland
Toxic runoff	Parking lots, roads, manufacturing, residential,	Route only treated runoff to a wetland

	application of agricultural or landscaping chemicals	Establish covenants limiting use of toxic chemicals within 150' of wetland Apply integrated pest management
Change in water regime	Impervious surfaces, lawns, tilling	Infiltrate or treat, detain, and disperse new runoff into buffer
Pets	Residential	Plant dense vegetation around buffer, such as rose or hawthorn
Human disturbance	Residential, commercial, industrial	Plant dense vegetation around buffer, such as rose or hawthorn
Dust	Tilled fields	Utilize best management practices to control dust

b. For wetlands with low habitat function measures to minimize the impacts of different land uses on wetlands (VMC 20.740.140(C)(1)(b)(3)(a)(ii) are applied.

c. Buffer width reduction shall not be used in combination with buffer width averaging (VMC 20.740.140(C)(1)(b)(2)) or a minor exception (20.740.070).

4. Buffer maintenance. Except as otherwise specified or allowed in accordance with this Chapter, wetland buffers shall be maintained according to the approved Critical Areas Permit.

5. Buffer uses. The following uses may be permitted within a wetland buffer in accordance with the review procedures of this Chapter; provided, they are not prohibited by any other applicable law or regulation and they are conducted in a manner so as to minimize impacts to the buffer and the wetland:

a. Activities allowed under the same terms and conditions as in the associated wetlands pursuant to VMC 740.140(C)(1)(a).

b. Enhancement and restoration activities aimed at protecting the soil, water, vegetation or wildlife.

c. Passive recreation facilities including trails and wildlife viewing structures, provided that the trails and structures are constructed with a surface that does not interfere with wetland hydrology.

d. Stormwater management facilities are not allowed in buffers of Category I or II wetlands. Stormwater management facilities, limited to detention facilities, constructed wetlands, stormwater dispersion outfalls and bioswales, may be constructed in accordance with an approved Critical Areas Report within the buffers of Category III or IV wetlands, provided that:

i. No other location is feasible; and

ii. The location of such facilities will not degrade the functions of the wetland or buffer.

c. Signs and Fencing of Wetlands

1. The location of the outer perimeter of the wetland and buffer shall be marked in the field, and such marking shall be approved by the Planning Official prior to the commencement of permitted activities. Such field markings shall be maintained throughout the duration of the permit.

2. A permanent physical demarcation along the upland boundary of the wetland buffer shall be installed and thereafter maintained. Such demarcation may consist of fencing, hedging or other prominent physical marking that allows wildlife passage, blends with the wetland environment, and is approved by the Planning Official.

3. Permanent fencing of the wetland buffer on the outer perimeter shall be erected and thereafter maintained when there is a substantial likelihood of the presence of domestic grazing animals within the property unless the Planning Official determines that the animals would not degrade the functions of the wetland or buffer.

4. Permanent signs shall be posted at an interval of one per lot for single family residential uses or at a maximum interval of 200', or as otherwise determined by the Planning Official, and must be perpetually maintained by the property owner. The sign shall be worded as follows or with alternative language approved by the Planning Official: "The area beyond this sign is a wetland or wetland buffer. Alteration or disturbance is prohibited by law. Please call the City of Vancouver for more information."

2. Compensatory Mitigation. Compensatory mitigation for impacts to wetlands shall be provided pursuant to VMC 20.740.060 and shall be consistent with the Department of Ecology *Wetland Mitigation in Washington State, Part 1: Agency Policies and Guidance*, Version 1, Ecology publication #06-06-011a March 2006, or as revised by Ecology. Watersheds are defined in VMC 20.740.020(C)(2) and 20.150.

a. Mitigation for lost or affected functions. Compensatory mitigation actions shall address functions affected by the alteration to achieve functional equivalency or improvement and shall provide similar wetland or buffer functions as those lost, except when:

1. The lost wetland or buffer provides minimal functions as determined by a site-specific function assessment, and the proposed compensatory mitigation action(s) will provide equal or greater functions or will provide functions shown to be limited within a watershed through a formal Washington state watershed assessment plan or protocol; or

2. Out-of-kind replacement will best meet formally identified watershed goals, such as replacement of historically diminished wetland types.

b. Mitigation actions

1. Creation. The manipulation of the physical, chemical or biological characteristics present to develop a wetland on an upland or deepwater site where a biological wetland did not previously exist. Activities typically involve excavation of upland soils to elevations that will produce a wetland hydroperiod, hydric soils, and support the growth of hydrophytic plant species. Creation results in a gain in wetland acres and functions.

2. Re-establishment. The manipulation of the physical, chemical or biological characteristics of a site with the goal of returning natural or historic functions to a former wetland. Activities could include removing fill material, plugging ditches or breaking drain tiles. Re-establishment results in a gain in wetland acres and functions.

3. Rehabilitation. The manipulation of the physical, chemical or biological characteristics of

a site with the goal of repairing natural or historic functions and processes of a degraded wetland. Activities could involve breaching a dike to reconnect wetlands to a floodplain, restoring tidal influence to a wetland, or breaking drain tiles and plugging drainage ditches. Rehabilitation results in a gain in wetland functions but not in wetland acres.

4. Enhancement. The manipulation of the physical, chemical or biological characteristics of a biological wetland to increase or improve specific functions or to change the growth stage or composition of the vegetation present. Enhancement is undertaken for specified purposes such as water quality improvement, flood water retention or wildlife habitat. Activities typically consist of planting vegetation, controlling non-native or invasive species, modifying site elevations to result in open water ponds, or some combination of these. Enhancement results in a change in certain wetland functions and can lead to a decline in other wetland functions. It does not result in a gain in wetland acres.

c. Type and location of mitigation. Compensatory mitigation for ecological functions shall be in-kind. Compensatory mitigation shall be on-site or within the impacted wetland's: (1) contributing area; (2) stream reach; (3) sub-watershed; or (4) watershed. (Sub-watersheds and watersheds are identified on the Clark County Digital Atlas.) The mitigation site shall be where the greatest level of wetland functions can be achieved. Mitigation actions may be conducted in a different watershed when:

1. Based on a determination of the natural capacity of the potential mitigation sites to mitigate for the impacts, there are no reasonable on-site or in-watershed opportunities or those opportunities do not have a high likelihood of success. Consideration shall include: anticipated wetland mitigation replacement ratios, buffer conditions and proposed widths, hydrogeomorphic classes of on-site wetlands when restored, proposed flood storage capacity, and potential to impact riparian fish and wildlife habitat including connectivity; or

2. Watershed goals for water quality, flood or conveyance, habitat or other wetland functions have been established and strongly justify location of mitigation at another site; or

3. Credits from a certified wetland mitigation bank are used as mitigation and the use of credits is consistent with the terms of the bank’s certification.

d. Mitigation ratios

1. Acreage replacement ratios.

a. The replacement ratios shall apply to wetland mitigation that is for the same hydrogeomorphic class (depressional, riverine, lacustrine or slope wetlands), on-site, the same category, and timed prior to or concurrent with alteration and that has a high probability of success.

b. The ratios are based on replacing a Category I or II wetland with a Category II wetland and replacing a Category III or IV wetland with a Category III wetland.

c. The ratios do not apply to the use of credits from a state certified wetland mitigation bank. When credits from a certified bank are used, replacement ratios should be consistent with the requirements of the bank’s certification.

d. If the wetland area impacted is replaced at a 1:1 ratio through re-establishment, creation or rehabilitation, the remainder of the area needed for mitigation can be replaced by enhancement (Table 20.740-8).

e. Mitigation ratios. Ratios determined “case-by-case” shall be approved by the Planning Official. Mitigation ratios are as follows (see VMC 20.740.140(C)(2)(b) for definitions of mitigation actions):

TABLE 20.740.140-8
MITIGATION RATIOS

Wetland Category and Type	**Re-Establishment or Creation**	**Rehabilitation**	**Re-Establishment or Creation (R/C) plus Rehabilitation (RH)**	**Re-Establishment or Creation (R/C) plus Enhancement (E)**	**Enhancement Only**
Category I Bog	Not Considered Possible	6:1 Rehabilitation of a Bog	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Natural Heritage Site	Not Considered Possible	6:1 Rehabilitation of a Natural Heritage Site	R/C Not Considered Possible	R/C Not Considered Possible	Case-by-Case
Category I Forested	6:1	12:1	1:1 R/C and 10:1 RH	1:1 R/C and 20:1 E	24:1
Category I Based on Score for Functions	4:1	8:1	1:1 R/C and 6:1 RH	1:1 R/C and 12:1 E	16:1
Category II	3:1	6:1	1:1 R/C and 4:1 RH	1:1 R/C and 8:1 E	12:1
Category III	2:1	4:1	1:1 R/C and 2:1 RH	1:1 R/C and 4:1 E	8:1
Category IV	1.5:1	3:1	1:1 R/C and 1:1 RH	1:1 R/C and 2:1 E	6:1

2. Increased replacement ratio. The planning official may increase the ratios under the following circumstances:

a. Unusual uncertainty exists as to the probable success of the proposed restoration or creation;

b. A significant period of time will elapse between impact and replication of wetland functions; or

c. Proposed mitigation will result in a lower category wetland or reduced functions relative to the wetland being impacted.

e. Mitigation timing. The mitigation shall be prior to or concurrent with alteration or as soon as

feasible.

f. Buffers for mitigation wetlands. Buffers for mitigation wetlands shall be 300' for Category II and 150' for Category III wetlands or determined case-by-case following guidelines in *Wetland Mitigation in Washington State, Part 1:Agency Policies and Guidance*, Version 1, Ecology publication #06-06-011a, March 2006, or as revised by Ecology.

g. Wetland mitigation banks.

1. Credits from a wetland mitigation bank may be approved for use as mitigation for unavoidable impacts to wetlands when:

a. The bank is certified under Chapter 173-700 WAC;

b. The planning official determines that the wetland mitigation bank provides appropriate mitigation for the authorized impacts; and

c. The proposed use of credits is consistent with the terms and conditions of the bank's certification.

2. Replacement ratios for projects using bank credits shall be consistent with replacement ratios specified in the bank's certification.

3. Credits from a certified wetland mitigation bank may be used to compensate for impacts located within the service area specified in the bank's certification. In some cases, bank service areas may include portions of more than one adjacent drainage basin for specific wetland functions.
(M-3844, Amended, 10/01/2007, Sec 2; M-3692, Added, 02/28/2005, Sec 2)

Chapter 20.760

SHORELINE MANAGEMENT AREA

Sections:

20.760.010 Purpose.
20.760.020 Establishment of Boundaries.
20.760.030 Regulation of Uses.
20.760.040 Special Standards.
20.760.050 Administration and Enforcement.
20.760.060 Shoreline Permit Procedures.
20.760.070 Changes, Amendments or Revisions.

Section 20.760.010 Purpose.

General. The purpose of this Chapter is to implement the policies and procedures set forth by the Shoreline Management Act of 1971, as amended, and all applicable provisions contained in the Washington Administrative Code.
(M-3643, Added, 01/26/2004)

Section 20.760.020 Establishment of Boundaries.

Establishment of boundaries. The provisions of the Shoreline Management Master Program (Ord. M-3231 as amended) together with the map entitled "Shoreline Environment Designations" shall define the boundaries of the Shoreline Management Area.
(M-3643, Added, 01/26/2004)

Section 20.760.030 Regulation of Uses.

Regulation of uses. The Shoreline Management Master Program (Ord. M-3231 as amended) shall be used to regulate uses within the Shoreline Management Area. (Ord. M-3282 § 7, 1997)
(M-3643, Added, 01/26/2004)

Section 20.760.040 Special Standards.

Special standards. The Shoreline Management Master Program (Ord. M-3231 as amended) shall provide development standards for uses within the Shoreline Management Area. (Ord. M-3231) (Ord. M-3282 § 8, 1997)
(M-3643, Added, 01/26/2004)

Section 20.760.050 Administration and Enforcement.

Administration and enforcement. The Shoreline Management Master Program (Ord. M-3232 as amended) shall be used to administer and enforce the regulations within the Shoreline Management Area. (Ord. M-3282 § 9, 1997)
(M-3643, Added, 01/26/2004)

Section 20.760.060 Shoreline Permit Procedures.

Permits. Shoreline permits shall be processed according to the procedures contained in 20.210 VMC

Decision-Making Procedures, in conjunction with Shoreline Management Master Program (Ord. M-3232 as amended) permitting procedures where applicable, within the Shoreline Management Area. (Ord. M-3282 § 9, 1997)
(M-3643, Added, 01/26/2004)

Section 20.760.070 Changes, Amendments or Revisions.

Changes, amendments or revisions. The Shoreline Management Master Program (Ord. M-3232 as amended) process for changes, amendments or revisions shall be used within the Shoreline Management Area. (Ord. M-3282 § 10, 1997)
(M-3643, Added, 01/26/2004)

Chapter 20.770

TREE CONSERVATION

Sections:

20.770.010 Purpose.
20.770.020 Applicability.
20.770.030 Exemptions.
20.770.040 City Tree Account.
20.770.050 Tree Plan Required.
20.770.060 Tree Plan Review Procedure.
20.770.070 Tree Plan Review Standards.
20.770.080 Tree Density Requirement.
20.770.090 Tree Protection During Construction.
20.770.100 Maintenance Requirements.
20.770.110 Specimen Tree Evaluation.
20.770.120 Heritage Trees.
20.770.130 Appeals.
20.770.140 Enforcement and Penalties.
20.770.150 Other Provisions.

Section 20.770.010 Purpose.

A Purpose statement. The purpose of this Chapter is to establish a process and standards to provide for the protection, preservation, replacement, proper maintenance and use of trees, associated vegetation and woodlands located in the City of Vancouver in order to:

1. Promote the general welfare of the City by maintaining canopy coverage provided by trees for their functions as identified in section B;

2. Preserve and enhance the City of Vancouver's environmental, economic, and social character with mature landscapes;

3. Promote site planning, building, and development practices to prevent indiscriminate removal or destruction of trees and vegetation and avoid unnecessary disturbance to the City's natural vegetation;

4. Comply with the requirements of the Forest Practice Rules pertaining to land use conversion activities;

5. Implement the goals and objectives of the City's Comprehensive Plan; and

6. Implement the goals and objectives of the State Environmental Policy Act (SEPA).

B. Rationale. Whereas the City finds trees and vegetation are important elements of the physical environment which protect public health, safety and general welfare as follows through:

1. Increasing the air quality with the absorption of air pollutants, assimilation of carbon dioxide and generation of oxygen, and with the reduction of excessive noise and mental and physical damage related to noise pollution;

2. Minimizing the adverse impacts of land disturbing activities and impervious surfaces on runoff, soil erosion, land instability, sedimentation and pollution of waterways, thus, minimizing the public and private costs for stormwater control/treatment and utility maintenance;

3. Cost-effective protection against severe weather conditions with cooling effects in the summer months and insulating effects in winter;

4. Providing habitat, cover, food supply and corridors for a diversity of fish and wildlife; and

5. Economic support of local property values and contribution to the region's natural beauty and enhancing the aesthetic character of the community. (Ord. M-3286 § 1, 1997)
(M-3643, Added, 01/26/2004)

Section 20.770.020 Applicability.

A. Permit required. No person or representative, directly or indirectly, shall remove, or destroy any tree, within the city, without first obtaining a tree removal permit as provided in this Chapter, unless the activity is exempted in Section 20.770.030 VMC.

B. Tree plan required Unless otherwise exempted in Section 20.770.030 VMC, any site subject to a development within the City of Vancouver shall be required to develop a tree plan and shall be required to meet the minimum tree density herein created.
(M-3643, Added, 01/26/2004)

Section 20.770.030 Exemptions.

The following activities are exempt from the tree plan and tree removal permit requirements, unless located within a critical area or buffer. In emergencies only, shall any heritage tree be removed without first obtaining a tree removal permit pursuant to this Chapter.

A. Commercial nurseries or tree farms. Removal of trees that are being grown to be sold as Christmas or landscape trees.

B. Emergencies. Removal of trees necessary to protect public safety or private or public property from imminent danger, unless otherwise determined by the Planning Official.

C. Harvesting with a Class II or III forest practices permit. Removal of trees as allowed with a Class II or III forest practices permit issued by the Washington State Department of Natural Resources.

D. Residential parcels. Removal of trees on lots which: 1) have an existing single family residence, 2) are under one acre in size, and 3) which cannot be further divided in accordance with the parcel's underlying zoning district and Chapter 20.320 VMC, governing short subdivisions and subdivisions, respectively. Such exemption shall not apply to lots subject to prior approved tree plan.

E. Undeveloped property. Removal of up to a total of six trees from an undeveloped parcel within any consecutive 36-month period, if the parcel is intended to remain undeveloped for a period of six years. Such intent shall be recorded in a covenant. A copy of the covenant shall be provided to the Planning Official. Removal of trees on parcels of less than one acre in size shall be limited in proportion to six trees per acre (i.e., on a half acre parcel can remove 3 trees).

F. Small trees. Removal of trees with a diameter at breast height (dbh) of 6" or less, unless fulfilling tree density requirement according to an approved plan.

G. Minor development. A tree plan is not required for any site disturbance less than 500 square feet and where no tree will be removed or adjacent tree(s) impacted.
(M-3847, Amended, 11/19/2007, Sec 9; M-3701, Amended, 05/02/2005, Sec 21; M-3643, Added, 01/26/2004)

Section 20.770.040 City Tree Account.

A. Tree account funding sources. All penalties and revenues received under this Chapter shall be placed into the city tree account. In addition, the following sources of funds may be placed in the city tree account:

1. Sale of trees or wood from city property where the proceeds from such sale have not been dedicated to another purpose;

2. Donations and grants for purposes of the fund;

3. Sale of seedlings by the city;

4. Civil penalties imposed under Section 20.770.140 VMC or settlements in lieu of penalties. At the discretion of the city manager, costs incurred by the city to enforce this Chapter may be deducted from the civil penalties;

5. Other monies allocated by the city council.

B. Tree account purposes. The City shall use the city tree account for the following purposes:

1. Acquiring, maintaining, and preserving wooded areas within the city;

2. Planting and maintaining trees within the city;

3. Identification and maintenance of heritage trees;

4. Propagation of seedling trees;

5. Urban forestry education;

6. Other purposes relating to trees as determined by the City Council.
(M-3643, Added, 01/26/2004)

Section 20.770.050 Tree Plan Required.

A.. Requirement established. A tree plan that is in accordance with this chapter is required to obtain a tree removal permit based on activity or project referred to in Table 20.770.050-1.

B. Tree plan requirements. The basic components of a tree plan are a site plan with existing vegetation and proposed site activity, indication of the trees to be retained and removed based on the activity, location of trees for mitigation if required, and a description of protection during construction of trees to be preserved. The scale of the project and the size and quantity of trees proposed for removal,

preservation, and planting will determine which level of tree plan is required. Table 20.770.050-1 lists activities or projects and the level of tree plan typically required.

1. Level I Tree Plan. A Level I tree plan is required for proposed single family residence, short plat, multifamily (2-4 units) or applicable single-family residence and multifamily (2-4 units) proposing site disturbance. The plan can be developed by the applicant, but may require a qualified professional for significant wooded areas or trees on parcel. A Level I tree plan shall include the following components:

a. Site plan. The site plan shall show the footprint of the house(s), driveway(s), streets and any other improvements and grading, and the size, species and approximate location of trees to be removed and retained.

b. Tree protection. If existing trees are to be retained and their critical root zone is within construction or disturbance areas, a tree protection plan must be submitted.

c. Tree planting plan. The plan showing species of trees proposed for planting shall include location, size, and number of tree.

d. Tree density. The site plan shall include tree density calculations that show the required tree density and the tree density of existing trees to be retained and trees to be planted.

2. Level II Tree Plan. A Level II tree plan is required for existing commercial, industrial and multi-family (more than four units), parks, conditional use sites proposing an addition or site disturbance. It can be developed by the applicant but may require the assistance of a qualified professional. A Level II tree plan shall include the following components:

a. Site plan. The site plan shall show the existing conditions and any new additions or site disturbances, as typically required for site plan review.

b. Tree protection. If the proposed changes to the site will be within the critical root zone of any existing tree on site a tree protection plan will be required. This plan shall be included on the grading plan, and shall include the following information:

1. Locations of existing tree(s) potentially impacted by the proposed site changes.

2. Assessment of the potential damage to the tree(s) by a qualified professional.

3. Any required measures to ensure protection of trees to be preserved.

c. Tree planting plan. The planting plan shall include the following information:

1. Location, size, species, and numbers of trees to be planted.

2. Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

3. Timeline for site preparation, installation and maintenance of plant materials.

4. Cost estimate for the purchase, installation and 3-year maintenance of trees.

d. Tree density. Tree density calculations on the site plan shall include: area of site for tree density, tree density calculation for the existing trees to be preserved, and tree density calculation for trees proposed for planting.

3. Level III Tree Plan. A Level III tree plan is required for the removal of any nuisance tree or for determination of a hazard tree on applicable properties. Either tree plan can be developed by the applicant for obvious cases, but may require the assistance of a qualified professional to make the determination. See 20.770.070(D-E) VMC for nuisance and hazard tree removal criteria. A Level III tree plan shall include the following components:

a. Site plan. The site plan shall show the approximate location of the tree(s), buildings, and any other pertinent site improvements.

b. Narrative report. A narrative shall include:

1. The species, size, and condition of the tree(s) in question.

2. Description of the problems associated with the tree including past history of problem, and methods attempted to alleviate the problems.

c. Tree replacement plan. Location and species of tree(s) proposed for replacement planting. The replacement would be one tree unit per tree removed. The plan shall include a timeline for installation of the required trees, and a cost estimate for the purchase, installation and three-year maintenance of the trees

4. Level IV Tree Plan. A level IV tree plan is required for proposed residential subdivisions, commercial, industrial, multi-family (more than four units), parks, conditional use sites that do not have any existing trees or where existing trees will not be impacted nor pose a hazard to the proposed project. It can be developed by the applicant, but shall require an individual knowledgeable in landscape design, soils and tree species selection. A Level IV tree plan shall include the following components:

a. Site plan. The site plan shall have the following information:

1. Approximate locations of any existing trees on site.

2. Species, size and condition of trees to be retained.

b. Planting plan. The planting plan shall include the following information:

1. Location, size, species and numbers of trees to be planted.

2. Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

3. Timeline for site preparation, installation and maintenance of trees.

4. Cost estimate for the purchase, installation and 3-years maintenance of trees.

c. Tree density. Tree density calculations on the site plan shall include: area of site for tree density, tree density calculation for the existing trees to be preserved, and tree density calculation for trees proposed for planting.

5. Level V Tree Plan. A level V tree plan is required for proposed residential subdivisions, commercial, industrial, multi-family (more than four units), parks, conditional use sites in which existing trees are proposed for removal, could be damaged by construction activities, and/or could become hazardous. If the activity includes tree retention and necessary protection adjacent to the development activity, the plan must be developed with the assistance of a qualified professional. The plan shall include the following information:

a. Site plan. Drawn to scale on the site plan shall be a map delineating vegetation types. Each type shall include the following information:

1. Average number of trees and basal area per acre, by species and 2" diameter class for significantly wooded areas, which all or a portion of the stand is to be retained. For non-forested areas with individual trees, provide an inventory including size (dbh), species and condition of each tree and a general description of the vegetation present.

2. Narrative description of the potential for tree preservation for each vegetation type, and for individual trees that are or will be standalone. This report shall include soils, wind throw potential, insect and disease problems, and approximate distance to existing and proposed targets.

3. Description of any off-site tree or trees which could be adversely affected by the proposed activity, and the proposed mitigation for such impact.

b. Tree protection plan: Drawn to scale on the grading and erosion control plans the tree protection plan shall be made for trees to be preserved. It shall include the following information:

1. Surveyed locations, conducted by a surveyor licensed by the State of Washington, of perimeters of groves of trees or tree tracts and individual trees to be preserved outside of groves or tree tracts, adjacent to the proposed limits of construction. General locations of trees proposed for removal. The critical root zones of trees to be preserved shall be shown on the plan.

2. Limits of construction and existing and proposed grade changes on site.

3. Narrative description, graphic detail of tree protection, and tree maintenance measures required for the preservation of existing trees to be preserved.

4. Timeline for clearing, grading and installation of tree protection measures.

c. Tree planting plan: The planting plan shall include the following information:

1. Location, size, species and numbers of trees to be planted.

2. Narrative description and detail showing any site preparation, installation and maintenance measures, necessary for the long-term survival and health of the trees.

3. Timeline for site preparation, installation and maintenance of trees.

4. Cost estimate for the purchase, installation and 3-years maintenance of trees.

d. Tree density. The following information shall be included on the site plan: Area of site for tree density, tree density calculation for the existing trees proposed for preservation, and tree density calculation for trees proposed for planting.

6. Level VI Tree Plan. A level VI tree plan is required for a Conversion Option Harvest Permit. The plan shall be developed by a qualified professional. A Level VI tree plan shall include the following components:

a. Forest inventory. The professional tree inventory shall include:

1. A statistically accurate inventory and a stand stocking table showing the number of trees per acre, basal area per acre, and volume per acre by species and 6-inch diameter class.

2. A map showing the locations of existing vegetation types delineated by forest type.

3. A map showing the location and a description of trees growing on adjacent property which may be jeopardized by the proposed activity.

4. A map showing any sensitive areas and the required sensitive area buffers, as defined in Chapters 20.770, 20.750 and 20.775 of the Vancouver Municipal Code and in the Shoreline Management Master Program.

5. A map showing the location and a description of any heritage trees as defined in VMC 20.770.120.

b. Harvest plan. The harvest plan shall include:

1. A description of the harvesting method.

2. A map showing the locations of trees proposed for removal, skid roads and landings.

3. A stand stocking table showing the volume, number, basal area, and species of trees proposed for removal.

4. Slash abatement plan, pursuant to Vancouver Fire Department standards.

5. An erosion control plan, pursuant to Chapter 20.720 VMC.

c. Reforestation/tree planting plan. The reforestation plan shall include:

1. Location, size, species and numbers of trees to be planted.

2. Narrative description and detail showing site preparation, installation and maintenance measures necessary for the long-term survival and health of the trees.

3. Timeline for site preparation, installation and maintenance of trees.

4. Cost estimate for the purchase, installation and 3-years maintenance of trees.

d. Tree density. The following information shall be included: area of site for tree density, tree density calculation for the existing trees proposed for retention, tree density calculation for trees proposed for planting.

7. Level VII Tree Plan. A level VII tree plan is required for tree removal above the six trees per acre limit on undeveloped properties. It can be developed by the applicant but may require the assistance of a qualified professional. A Level VII tree plan shall include the following information:

a. Site plan. The site plan shall show the approximate location of the tree(s) buildings, and any other pertinent site improvements. It shall also list species and approximate size and condition of the tree.

b. Narrative report. The report shall include the following:

1. The species, size, and condition of the tree(s) in question.

2. Description of the reason for removal with short-term and long-term goals.

c. Planting plan. Location and species of trees proposed for replacement planting. This shall include a timeline for installation of the required trees, and a cost estimate for the purchase, installation and three year's maintenance of the trees.

d. Tree density. Tree density calculations on the site plan shall include the density of the tree proposed for removal and the size and number of replacement trees proposed for planting.

Table 20.770.050– 1

Projects or Activities for Which Tree Plans Are Required

Project of Activity		**Level**
1.	Proposed single-family residence, short plat, and multi-family (1-4 units); Applicable existing single-family residence proposing site disturbance	I
2.	Existing commercial/industrial/multi-family(over 4 units)/parks/conditional use, proposing a building addition or other site disturbance	II
3.	Nuisance or hazard tree removal permit	III
4.	Proposed residential subdivisions, planned developments, commercial/industrial/multi-family (over 4 units)/parks/conditional use-with no impact on trees.	IV
5.	Proposed residential subdivisions, planned developments, commercial/industrial/multi-family (over 4 units)/parks/conditional use in which trees are removed or will be impacted.	V
6.	Conversion option harvest permit	VI
7.	Undeveloped parcels	VII

C. Application and fee. The application for a tree removal permit and/or tree plan review shall be made on a form provided by the City, and shall be submitted at the same time as the tree plan. The applicant shall pay a permit fee to the Community and Economic Development Department.

D. Submittal of a tree plan. The application for tree plan review and/or a tree removal permit shall be submitted with associated development permit applications, if applicable.
(M-3840, Amended, 08/06/2007, Sec 30; M-3643, Added, 01/26/2004)

Section 20.770.060 Tree Plan Review Procedure.

A. Timeline and action.

1. Tree permit applications submitted separate from a development application shall be processed as a Type I action within the timelines and procedures established by Section 20.210.040 VMC (Decision-Making) except that a notice of applications shall be posted on the site as required by 20.770.060(B)(1) VMC.

2. Tree permit applications submitted with a Type II or Type II development application shall be consolidated with the minor or major application and processed within the timelines and procedures established by Chapter 20.210.040 VMC for Type II and Type III actions.

B. Public Notice.

1. For tree permit applications and plans submitted separate from a development application, a notice of application shall be posted on the site within seven (7) calendar days after the application is accepted as fully complete. The notice shall be posted in a place on the property that is clearly visible to passersby. The notice of application shall contain the name of the applicant, a description of the tree removal proposal, the case number assigned by the City of Vancouver, and the name and phone number of the city staff person assigned to review the application. The notice shall remain on the site for a period of fourteen (14) calendar days.

2. For tree permit applications and plans submitted with a Type II or III development application, public notice shall be provided as required by Section 20.210.040 VMC (Decision-Making).

C. Permit Duration. A permit issued under this Chapter shall be valid for 180 days or the duration of the associated development permit or approval. The Planning Official may authorize a 180-day extension.

D. Permit Amendments. The permittee may request an amendment to an approved permit. In addition, the Director may require minor project changes to protect drainage-ways, sensitive areas, floodplains (VMC 20.740) and wellhead protection areas, and adjoining property and structures from damage or to alleviate hazardous conditions as they relate to the trees. (Ord. M-3286 § 1, 1997)
(M-3847, Amended, 11/19/2007, Sec 10; M-3840, Amended, 08/06/2007, Sec 31; M-3643, Added, 01/26/2004)

Section 20.770.070 Tree Plan Review Standards.

A. Alternative compliance. All tree removal permit activities regulated by this chapter shall be performed in compliance with the applicable standards contained in this chapter, unless the applicant demonstrates that alternate measures or procedures will be equal or superior to the provisions of this chapter in accomplishing the purposes of this chapter. Such alternative measures and procedures shall be accepted and approved by the planning official.

B. Urban Forestry design standards. For all development projects, the following Urban Forestry design standards and provisions shall apply.

1. When there are feasible and prudent location alternatives on site for proposed building structures or other site improvements, wooded areas and trees are to be preserved. This may require site redesign including, but not limited to: redesign of streets, sidewalks, stormwater facilities, utilities; changing the shape and size of the parking lot; reducing or limiting proposed site grading; and changing the locations of buildings or building lots. Provided, where necessary, density transfer areas may be used to ensure protection and retention of trees.

2. If existing trees and vegetation meet the requirements for the required landscaping, they shall have priority over and may substitute for the required landscaping pursuant to the guidelines established Chapter 20.925 Landscaping.

3. In designing a development project and in meeting the required minimum tree density, the applicant shall prepare the required tree plan in the following order of tree preservation priority. Trees to be preserved must be healthy, wind-firm, and appropriate to the site at their mature size, as identified by a qualified professional.

a. Heritage trees.

b. Specimen trees.

c. Sensitive areas. Trees located within or adjacent to sensitive areas.

d. Individual trees and/or tree groves which are set aside within density transfer areas and/or tree tracts to be established.

e. Floodplains and wellhead protection areas.

f. Other individual trees or groves of trees.

4. On sites where there are currently inadequate numbers of existing trees, or where the trees are inappropriate for preservation, as determined by the planning official, then replacement tree planting shall be required. In designing a development project and in meeting the required minimum tree density the following trees shall be planted in the following order of priority:

a. Trees planted within or adjacent to designated sensitive areas.

b. Trees planted adjacent to stormwater retention/detention ponds.

c. Trees planted within or adjacent to floodplains and wellhead protection areas.

d. Entrance landscaping, traffic islands, separate deeded tree tracts, and other common areas in residential subdivisions.

e. Trees planted on individual residential building lots.

f. For commercial, industrial and multi-family projects, up to 50% of the street trees can be credited toward the replacement requirement.

C. Undeveloped properties, conversion option harvest. For properties proposing a conversion option harvest, the following standards shall apply:

1. Trees to remain should be dominant or co-dominant in the stand, healthy and wind-firm.

2. Trees to remain should be located on the site in areas that would most likely facilitate their preservation through the build-out of the site.

3. Up to 30% of the number or volume of trees, by species, can be removed every 10 years.

4. No removal of trees from designated sensitive areas, unless otherwise outlined by this title.

5. No removal of designated heritage trees.

6. No removal of trees that would cause trees on adjacent properties to become hazardous.

7. Logging operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be retained where feasible. Where not feasible, appropriate erosion control practices shall be implemented pursuant to Chapter 20.720 VMC, Erosion Control.

8. Slash abatement practices shall be implemented pursuant to Vancouver Fire Department standards.

D. Nuisance tree criteria. A nuisance tree must meet the following criteria:

1. Tree is causing obvious, physical damage to private or public property, including but not limited to: sidewalk, curb, road, parking lot, building foundation, roof;

2. Tree has been damaged by past maintenance practices, that cannot be corrected with proper arboricultural practices; or

3. The problems associated with the tree must be such that they cannot be corrected by any other reasonable practice. Including but not limited to the following:

a. Pruning of the crown or roots of the tree and/or, structural changes to a building, parking lot, sidewalk or other site modifications to alleviate the problem.

b. Pruning, bracing, cabling, to reconstruct a healthy crown.

E. Hazard tree criteria. A hazard tree must meet the following criteria:

1. The tree must have a combination of structural defects and/or disease which makes it subject to a high probability of failure and is in proximity to moderate-high frequency of persons or property; and

2. The hazard condition of the tree cannot be lessened with reasonable and proper arboricultural practices nor can the target be removed.

(M-3643, Added, 01/26/2004)

Section 20.770.080 Tree Density Requirement.

A. Minimum tree density requirement established. The required minimum tree density is 30 tress units per acre for new development; 30 tree units per acre of site disturbance for commercial, industrial and multiple-family (more than four units) development; and 200 tree units for Conversion Option Harvest Forest Practices. For properties within the City Center District, the minimum tree density does not apply.

1. The tree density may consist of existing trees, replacement trees or a combination of existing and replacement trees, pursuant to the priority established in Section 20.770.070 VMC. Existing tree units in excess of the minimum density may be required to be retained based on the tree plan review standards of 20.770.070. Required street trees may not be counted toward the minimum tree density requirement except as provided in VMC 20.770.070.B.4.f.

2. When trees are retained in tree tract(s) in a residential subdivision, a higher minimum tree density is set based on the nature of the grove(s); provided, that the creation and establishment of tree tract(s) shall not reduce the housing density allowed on the subject sit under applicable requirements of this Title.

B. Tree density calculation. For the purpose of calculating required minimum tree density, city right-of-way, areas to be dedicated as city right-of-way, and required pervious surface where trees are not appropriate as determined by the City (e.g., athletic fields and water quality facilities), shall be excluded from the area used for calculation of tree density.

1. Tree density calculation for individual trees.

a. Diameter Breast Height (DBH) shall be measured in inches at 4.5 feet above the ground line.

b. The tree unit value that corresponds with DBH shall be found in Table 20.770.080-1.

2. Tree density calculations for heavily forested sites.

a. The average basal area per acre of the dominant and co-dominant stems shall be based upon the inventory of the existing forested stand using forest mensuration techniques.

b. Tree units per acre shall be obtained by multiplying the Average Basal Area by two (2) to obtain the Average Basal Area.

3. Certain areas of a site are required to be improved or set aside for specific purposes. One major objective of the ordinance is to offset the impacts of impervious surfaces with tree canopy. For required pervious areas where trees cannot reside, such as drainage facilities and ball fields, the tree canopy is not critical and therefore, these areas are excluded from the tree density calculation.

4. The required minimum tree density for an applicable parcel is 30 tree units per acre, unless it is a Conversion Option Harvest Forest Practice which will require a minimum of 200 tree units per acre. For proposed additions or site disturbances on existing commercial, industrial, multi-family sites the required minimum tree density is 30 tree units per acre of site disturbance. Specific tree density calculations and replacement tree standards are delineated in the Urban Forestry Manual.

5. Trees required in order to meet minimum tree density shall be planted according to the following priority:

a. On-site;

b. Off-site. When room is unavailable for planting the required trees on-site, then they may be planted at another approved location in the city;

c. City Tree Account. When on-site and off-site locations are unavailable, then the applicants shall pay the estimated cost of the current market value of the trees, including installation and maintenance costs, into the City's Tree Account established for purchase, installation, and maintenance of such trees.

Table 20.770.080– 1 VMC

Tree Density for Existing Trees

DBH	Tree Units	DBH	Tree Units	DBH	Tree Units
1”-6”	1	24”	7	38”	14
6”-12”	1.5	26”	8	40”	15
14”	2	28”	9	42”	16
16”	3	30”	10	44”	17
18”	4	32”	11	46”	18
20”	5	34”	12	48”	19
22”	6	36”	13	50”	20

C. Minimum Size and Tree Density Value for Replacement Trees. The required minimum size of the replacement shall be pursuant to Table 20.770.080-2. Each planted tree shall be equivalent to one (1) tree unit. Larger trees are not eligible to receive credit for more than one tree unit.

Table 20.770.080– 2

Planting Stock Size Requirements

Development Type	Planting Location	Tree Type	Required Min. Size	Tree Unit Value
Residential Subdivision	Tree Tracts	Deciduous	1” Caliper	“1”
Residential Subdivision	Tree Tracts	Conifer	3’ tall	“1”
Commercial, Industrial, Multi-Family (4 or more units)	All developed locations	Deciduous	2” caliper	“1”

Table 20.770.080– 2 **Planting Stock Size Requirements**				
Development Type	**Planting Location**	**Tree Type**	**Required Min. Size**	**Tree Unit Value**
Commercial, Industrial, Multi-Family (4 or more units)	All developed locations	Conifer	6' tall	"1"
Commercial, Industrial, Multi-Family (4 or more units)	Undeveloped locations (i.e. woodland interplanting, etc.)	Deciduous	1" caliper	"1"
Commercial, Industrial, Multi-Family (4 or more units)	Undeveloped locations (i.e. woodland interplanting, etc.)	Conifer	3' tall	"1"
Single Family and Multi-family (up to 4 units)	All locations.	Conifer	4' tall	"1"
Single Family and Multi-family (up to 4 units)	All locations.	Deciduous	1.25" caliper, branched	"1"
Undeveloped Property (Conversion Option Harvest)	All locations.	Conifer/ Deciduous	2-0 Bareroot Seedlings.	"1"

D. Replacement tree quality. Replacement trees shall meet the quality and size standards of this chapter. Replacement trees shall be American Standard for Nursery Stock Grade No. 1 or better.

E. Replacement tree planting standards. Trees shall be planted pursuant to the planting standards delineated herein. (Ord. M-3286 § 1, 1997)

1. For all properties other than those electing conversion option harvest.

a. The species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selecting species for planting.

b. Trees shall be watered as necessary to ensure establishment, survival and growth, during the first two growing seasons after planting. Trees shall be mulched with composted mulch 4 inches deep. Staking and fertilizer shall be required where deemed necessary by the Planning Official.

2. Properties Electing Conversion Option Harvest. The following shall apply to Conversion Option Harvest properties:

a. Stocking levels are acceptable if a minimum of 200 tree units per acre of well distributed, vigorous, undamaged trees are established on the site. This requirement includes both existing and newly planted trees.

b. Species chosen for planting shall be suited to the constraints of the site including, but not limited to: soils, available moisture, topography, light conditions, existing and potential disease.

c. Trees shall be planted during the next planting season (October-March) after the harvesting operation is finished.

(M-3847, Amended, 11/19/2007, Sec 11; M-3840, Amended, 08/06/2007, Sec 32; M-3701, Amended, 05/02/2005, Sec 22; M-3643, Added, 01/26/2004)

Section 20.770.090 Tree Protection During Construction.

During construction. Prior to initiating tree removal on the site, vegetated areas and individual trees to be preserved shall be protected from potentially damaging activities pursuant to the following standards.

A. Placing Materials Near Trees. No person may conduct any activity within the protected area of any tree designated to remain, including, but not limited to, parking equipment, placing solvents, storing building material and soil deposits, dumping concrete washout and locating burn holes.

1. During construction, no person shall attach any object to any tree designated for protection.

B. Protective Barrier. Before development, land clearing, filling or any land alteration for which a Tree Removal Permit is required, the applicant:

1. Shall erect and maintain readily visible protective tree fencing along the outer edge and completely surrounding the protected area of all protected trees or groups of trees. Fences shall be constructed of chain link and at least four feet high, unless other type of fencing is authorized by the planning official.

2. Shall prohibit excavation or compaction of earth or other potentially damaging activities within the barriers.

3. Shall maintain the protective barriers in place until the planning official authorizes their removal or a final certificate of occupancy is issued, whichever occurs first

4. Shall ensure that any landscaping done in the protected zone subsequent to the removal of the barriers shall be accomplished with light machinery or hand labor.

5. In addition to the above, the planning official may require the following:

a. Cover with mulch to a depth of at least six (6) inches or with plywood or similar material the areas adjoining the critical root zone of a tree in order to protect roots from damage caused by heavy equipment.

b. Minimize root damage by excavating a two (2) foot deep trench, at edge of critical root zone, to cleanly sever the roots of trees to be retained.

c. Have corrective pruning performed on protected trees in order to avoid damage from machinery or building activity.

d. Maintain trees throughout construction period by watering and fertilizing.

C. Grade.

1. The grade shall not be elevated or reduced within the critical root zone of trees to be preserved without the planning official's authorization. The planning official may allow coverage of up to one half of the area of the tree's critical root zone with light soils (no clay) to the minimum depth necessary to carry out grading or landscaping plans, if it will not imperil the survival of the tree. Aeration devices may be required to ensure the tree's survival.

2. If the grade adjacent to a preserved tree is raised such that it could slough or erode into the tree's critical root zone, it shall be permanently stabilized to prevent suffocation of the roots.

3. The applicant shall not install an impervious surface within the critical root zone of any tree to be retained without the authorization of the planning official. The planning official may require specific construction methods and/or use of aeration devices to ensure the tree's survival and to minimize the potential for root induced damage to the impervious surface.

4. To the greatest extent practical, utility trenches shall be located outside of the critical root zone of trees to be retained. The planning official may require that utilities be tunneled under the roots of trees to be retained if the planning official determines that trenching would significantly reduce the chances of the tree's survival.

5. Trees and other vegetation to be retained shall be protected from erosion and sedimentation. Clearing operations shall be conducted so as to expose the smallest practical area of soil to erosion for the least possible time. To control erosion, shrubs, ground cover and stumps shall be maintained on the individual lots, where feasible. Where not feasible appropriate erosion control practices shall be implemented pursuant to Chapter 20.720 VMC.

D. Directional felling. Directional felling of trees shall be used to avoid damage to trees designated for retention.

E. Additional requirements. The planning official may require additional tree protection measures which are consistent with accepted urban forestry practices.
(M-3643, Added, 01/26/2004)

Section 20.770.100 Maintenance Requirements.

A. Maintenance. Trees are to be maintained in a vigorous and healthy condition, free from diseases, pests and weeds. Competing vegetation shall be controlled to the extent necessary to allow establishment, survival, and growth of planted trees. To ensure that competing vegetation is properly controlled, the

Planning Official may require the use of mulch, weed control fabric, tree shelters, and/or other measures deemed necessary. Trees which become diseased, severely damaged or which die shall be removed by the owner as soon as possible but no later than 60 days after notification by the city. All trees removed under this section shall be replaced with a healthy tree of the same size and species as required by the approved tree plan for the property.

B. Tree Maintenance as a Condition of Plat Approval. In a single-family residential development that exceeds four lots, mitigation trees, retained trees, and areas dedicated as tree tracts shall be maintained and retained unless removal is approved in accordance with 20.770.060 VMC. The tree plan shall be a condition of plat approval and on the face of the plat.

C. Multifamily Residential, Commercial, Industrial Developments, Conditional Use. For all trees covered by the tree plan, the maintenance requirement shall apply in perpetuity to developments that are multifamily residential developments in excess of four units, commercial and industrial. The applicant shall execute a covenant in a form agreeable to the city which shall require that the applicant and his successors comply with the maintenance requirement imposed by this section. The covenant shall be binding on successor property owners and owners' associations. The covenant shall be recorded by the county auditor. The recording fee shall be paid by the applicant.

D. Maintenance agreement. Each development to which the maintenance requirement for this Chapter applies and that contain a specimen tree(s) shall also be subject to a maintenance agreement. The Planning Official shall require the applicant to execute a maintenance agreement with the City, in a form acceptable to the city attorney, which shall include the provisions of the maintenance requirement in this Chapter, to ensure the survival and proper care of any specimen trees identified in the tree plan.

E. Required pruning. Pruning shall be performed on newly planted deciduous trees pursuant to the following schedule and standards.

1. Pruning of deciduous trees shall be performed on newly planted deciduous trees pursuant to the following schedule and standards.

a. Year 1. Only dead, broken or crossing branches shall be pruned when the tree is planted.

b. Year 2. A Class I prune, pursuant to National Arborist Association standards, shall be performed during year 2.

c. Year 3. A Class I prune, pursuant to National Arborist Association standards, shall be performed during year 3. The purpose of this pruning is to establish the proper scaffold branching, continue to raise the crown for road and sidewalk clearance, and to remove any dead, dying or crossing branches.

2. Pruning of coniferous trees shall be performed on newly planted conifer trees according to the following schedule and standards.

a. Year 1. Only dead and broken branches and/or double leaders shall be pruned when the tree is planted.

b. Year 2. Depending on species, the tree shall be pruned to encourage one central leader. Lower branches shall be pruned as needed to provide clearance.

c. Year 3. Depending on species, the tree shall be pruned to encourage one central leader. Lower branches shall be pruned as needed to provide clearance.

F. Violation. Failure to regularly maintain the trees as required in this section shall constitute a violation of this Chapter and, if applicable, the plat covenant. (Ord. M-3286 § 1, 1997)

G. Conversion. For Conversion Option Harvest sites, the minimum stocking of the site, as established in this chapter, shall be maintained. Failure to maintain minimum stocking as required constitutes a violation of this chapter. Additionally, failure to comply with the conditions established in the conversion harvest option plan may result in reinstatement of the six (6) year moratorium on development as established in Chapter 222-20 WAC.
(M-3840, Amended, 08/06/2007, Sec 33; M-3643, Added, 01/26/2004)

Section 20.770.110 Specimen Tree Evaluation.

Specimen trees, for density calculation, shall be evaluated in accordance with the following criteria:

The specimen tree value shall be determined by multiplying the average of the size, location and condition values times the standard tree density of that tree found in Table 20.770.080-1; (e.g., if the standard tree density is 7 units); the size value (70% of state champion) is 3.0; the location (at least 75% visible) value is 2; the condition value is 1; then the Tree Specimen Value formula is (3+2+1)/3} x 7 = 14.0.

A. Size. Size shall be determined using the methodology developed by the American Forestry Association for measuring champion trees. This methodology, as adopted by the Washington Big Tree Program, is described in detail in the current edition of the following publication: Washington Big Tree Program, as published by College of Forest Resources, University of Washington. The size value for specimen tree evaluation shall be the percentage obtained by dividing the point value of the subject tree by the value of the state champion of the species then multiplied by four (4); e.g., Subject tree = 200 size points / 350 state champion tree points = 57% x 4 = 2.85).

1. Trunk Circumference. The circumference of the trunk shall be measured in inches at Breast Height (4.5 feet above the ground). If the circumference is distorted by low branching, etc., at Breast Height, the circumference shall be measured at the smallest reading obtainable at that point.

2. Tree Height. The height shall be measured in feet using standard forestry mensuration equipment (i.e., clinometer, etc.).

3. Average Crown Spread. The Average Crown Spread shall be measured in feet. The Average Crown Spread is the average of the spread of the crown at its widest and narrowest points.

4. Size Calculation. One point shall be assigned for every inch in circumference, each foot in height, and every 4' in crown spread.

B. Location. Four possible location values, based upon the visibility of the tree from the public right-of-way or other publicly accessible areas of the property include:

1. 100% visible and prominent in the landscape = 3 points.

2. At least 75% visible = 2 points.

3. Not less than 50% visible = 1 point.

4. Not visible = 0 points.

C. Condition. The condition class of a tree shall be determined using the methodology described in the latest edition of International Society of Arboriculture's Guide For Plant Appraisal.

1. Excellent Condition = 2 points.

2. Good Condition = 1 point.

3. Fair Condition = 0 points.

(M-3643, Added, 01/26/2004)

Section 20.770.120 Heritage Trees.

A. Heritage tree inventory.

1. The city shall develop a Heritage Tree Inventory that shall satisfy the criteria of this section. The initial inventory shall be the responsibility of the Urban Forestry Commission as established under VMC 12.02 and shall be updated annually by the Commission. The City Council, Planning Commission, Urban Forestry Commission, neighborhood association, property owner, or any person may recommend to the city that a tree be designated a heritage tree.

2. The heritage tree designation may be applied to a tree or grove of trees.

3. The Urban Forestry Commission shall process additions or changes to the inventory by means of a Type III process as set forth in Section 20.210.060 VMC. In addition to other required notice, the city shall notify each property owner by certified or registered mail when a tree on the owner's property has been proposed for designation to the Heritage Tree Inventory. The notice and a response form shall be mailed at least 30 calendar days prior to the public hearing. If the owner of the property objects to such designation in writing to the Urban Forestry Commission prior to the public hearing or at the public hearing, the designation procedure shall not proceed.

4. After the commission completes its hearing, it shall add the designated tree(s) to the Heritage Tree Inventory if its meets the criteria found in this subsection B below. Decisions of the Urban Forestry Commission may be appealed by any aggrieved party as set forth in 20.210.130 VMC.

B. Criteria. For any individual tree or grove of trees to be listed as a heritage tree(s), it must be in an apparently healthy growing condition and one or more of the following exist:

1. The tree has a dbh of 36 inches or greater;

2. The tree is included in the City of Vancouver Heritage Tree Inventory as established by the Urban Forestry Commission based on one or more of the following criteria:

a. The tree has a distinctive size, shape, or location, or is of a distinctive species or age which warrants a Heritage Tree status; or

b. The tree possesses exceptional beauty which warrants a Heritage Tree status; or

c. The tree is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks or trees located along ridge lines; or

d. The tree has a documented association with a historical figure, property, or significant historical event.

3. A grove may be considered for Heritage Grove Status if it is apparently in a healthy growing condition and one or more of the following criteria:

a. The grove is relatively mature and is of a rare or unusual nature containing trees that are distinctive either due to size, shape, species or age; or

b. The grove is distinctive due to a functional or aesthetic relationship to a natural resource, such as trees located along stream banks, or trees located along ridge lines; or

c. The grove has documented association with a historical figure, property, or significant historical event.

C. Heritage trees development review.

1. When development is proposed for property which contains a heritage tree, and the planning official determines that the proposed development may affect a heritage tree, the property owner must have a tree preservation plan prepared by a qualified arborist demonstrating how the heritage tree will be protected and preserved. A heritage tree shall be preserved unless the Urban Forestry Commission determines that the tree may be removed based on the criteria for heritage tree removal found in Subsection (D)(1) below.

2. A tree preservation plan shall be composed of the following:

a. A site plan indicating the location of heritage trees.

b. The methods to be used to preserve the heritage trees.

c. If a heritage tree is proposed for removal, a narrative statement outlining the reasons why the heritage tree should be removed from the inventory.

d. A mitigation plan indicating the replacement trees or additional new trees to be placed on the site. The mitigation plan should demonstrate, to the extent possible, that the character of the site will not substantially change as the result of development.

3. Site design adjustments may be allowed in some cases, as follows:

a. The planning official may grant a variance to front, side, and/or rear yard setback standards by up to 20% to retain a heritage tree(s). The adjustment shall be the minimum necessary to accomplish preservation of trees on site and shall not conflict with the City Adopted Building Code or other adopted ordinances or conditions placed on the property.

b. The planning official may grant a 10% variance to the lot size and/or a ten percent variance to the lot width and/or lot depth standards in approving a short plat or other land division if necessary to retain heritage trees. The planning official may accept a preliminary plat application and recommend

approval to the hearing body of a plat that provides for similar variance to lot size, width and depth standards if necessary to retain heritage trees.

D. Removal of a heritage tree.

1. Except for the provisions in Section 20.770.030 VMC, no person may cut or remove a heritage tree without obtaining approval from the Urban Forestry Commission. The tree removal permit shall be approved if one of the criteria is satisfied:

a. Retention of the tree would make reasonable use of the property allowed under the current zoning impractical or impossible in that the development would not be allowed to meet the maximum density allowed by the applicable zoning.

b. The removal is necessary to accommodate a new improvement, structure or remodeled structure, and no alternative exists for relocation of the improvement on the site, or that variances to setback provisions of this Title will not allow the tree to be saved or will cause other undesirable circumstances on the site or adjacent properties.

c. The tree is hazardous, diseased or storm damaged and poses a threat to the health, safety or welfare of the public.

d. The tree has lost its importance as a heritage tree due to damage from natural or accidental causes, or is no longer of historic or natural significance.

e. The tree needs to be removed to accomplish a public purpose and no practical alternative exists.

2. The limb structure, or crown, of a heritage tree may be pruned in any one-year period without obtaining approval from the Urban Forestry Commission, provided that at least 80% of the existing tree crown remains undisturbed.

3. Any person who wishes to prune a heritage tree in excess of 20% of the existing crown shall obtain approval from the Urban Forestry Commission subject to the following conditions:

a. The protected tree shall be pruned following acceptable arboricultural standards.

b. The tree shall be pruned in a manner that ensures safety to public and private property and shall be done by a qualified arborist.

c. Any other conditions necessary to ensure compliance with the requirements of the community development plan.

(M-3840, Amended, 08/06/2007, Sec 34; M-3643, Added, 01/26/2004)

Section 20.770.130 Appeals.

A. Appeals. Appeals to decisions made under the provisions of this Chapter shall be processed in accordance with the provisions of Chapter 22.03 VMC.

(M-3857, Amended, 12/17/2007, Sec 14; M-3643, Added, 01/26/2004)

Section 20.770.140 Enforcement and Penalties.

A. General Requirements. Enforcement shall be conducted in accordance with procedures set forth in Chapter 20.140. Special enforcement provisions related to tree conservation are set forth below.

B. Authority. It shall be the duty of the Planning Official to administer the provisions of this chapter. The Planning Official shall have authority to issue permits, impose conditions, enforce the provisions and requirements of this chapter and permits issued there under, and establish administrative procedures and guidelines, conduct inspections, and prepare the forms necessary to carry out the purposes of this Chapter.

C. Stop Work Orders/Permit Revocation.

1. The Planning Official shall suspend work or revoke a permit, as appropriate, if the Planning Official finds that:

a. The work is not authorized by a valid permit;

b. Inaccurate information was used to obtain the permit;

c. The permittee is not complying with the terms of the permit or approved plans;

d. The work is, in the Planning Official's judgment, a hazard to property or public safety, is adversely affecting or about to adversely affect adjacent property or rights-of-way, a drainage way, watercourse, sensitive areas or stormwater facility, or is otherwise adversely affecting the public health, safety, or welfare;

e. Adverse weather is causing significant problems on or off site; or

f. The required project surety has been expended to the point that it no longer provides assurance of the completion of the project in compliance with the terms of the permit.

2. The Planning Official shall issue the permittee/violator a written notice specifying the nature of the violation or problem which must be remedied prior to resuming other work on the project.

D. Restoration. Violators of this chapter or of a permit issued thereunder shall be responsible for restoring unlawfully damaged areas in conformance with a plan, approved by the Planning Official, which provides for repair of any environmental and property damage, and restoration of the site; and which results in a site condition that, to the greatest extent practical, equals the site condition that would have existed in the absence of the violation(s). Restoration costs will be based on the City appraised value of unapproved trees removed using the latest edition of Guide for Plant Appraisal (International Society of Arboriculture, Council of Tree and Landscape Appraisers). The amount of costs above the approved restoration plan will be paid into the tree account.

E. Prohibition of Further Approvals. The city shall not accept, process, or approve any application for a subdivision or any other development permit or approval, or issue a certificate of occupancy for property on which a violation of this chapter has occurred until the violation is cured by restoration or other means accepted by the Planning Official and by payment of any penalty imposed for the violation.

F. Civil Penalty.

1. A person who fails to comply with the requirements of this chapter or the terms of a permit issued hereunder, who undertakes an activity regulated by this chapter without obtaining a permit, or fails to

comply with a stop work order issued under this chapter shall also be subject to a civil penalty as set forth in table 20.770.140-1. Each day that a permit violation continues shall constitute a separate violation. In addition, each unlawfully destroyed tree shall constitute a separate violation.

2. Any person who aids or abets in the violation shall be considered to have committed a violation for purposes of the civil penalty.

3. The amount of the penalty shall be assessed in accordance with Table 20.140-1.

Table 20.770.140– 1
Civil Penalties for Violations

Types of Tree Conservation Ordinance Violations	**Allowable Fines per Violation**
Removal of tree(s) shown to be removed on preliminarily-approved plans, but prior to final tree plan approval or issuance of a city tree removal permit	Minimum $50 per tree Maximum $100 per tree
Removal of tree(s) shown to be retained on preliminarily-approved plans, but prior to final tree plan approval or issuance of a city tree removal permit or removal of tree(s) shown to be retained on final approved tree plan	Minimum $250 per tree Maximum $750 per tree
Continued illegal removal of tree(s) following stop work order or receipt of other information from city that the tree removal activity is not permitted	$1,000 per day
Removal of tree(s) without applying for or obtaining a city permit or approval	Minimum $500 per tree Maximum $1,000 per tree

4. Notice of penalty. A civil penalty shall be imposed by a notice in writing, by certified mail with return receipt requested, or by personal service. The notice shall describe the nature and date of the violation, and order the acts constituting the violation to cease and desist, and, when appropriate, require necessary corrective action within a specified time.

5. The provisions of this subsection shall apply to violations of this chapter in lieu of the provisions set forth in chapter 20.140.030 of this title.

G. Criminal Prosecution. In addition to or in place of civil penalties, knowingly violating this chapter may be referred to the City Attorney's Office for criminal prosecution. Violations of this chapter constitute a misdemeanor, punishable by up to ninety days in jail and/or up to a $1,000.00 fine. "Knowingly" means that a person knows or acts knowingly or with knowledge when he or she is aware of a fact, circumstance or result which is described by this chapter as being a violation.
(M-3847, Amended, 11/19/2007, Sec 12; M-3840, Amended, 08/06/2007, Sec 35; M-3701, Amended, 05/02/2005, Sec 23; M-3643, Added, 01/26/2004)

Section 20.770.150 Other Provisions.

A. Extent of liability. Nothing in this Chapter shall be deemed to impose any liability upon the city or upon any of its officers or employees, or to relieve the owner or occupant of any private property from the duty to keep in safe and healthy condition the trees upon their property or upon a public right-of-way over their property. (Ord. M-3286 § 1, 1997)

B. General. All tree removal permit activities regulated by this Chapter shall be performed in compliance with the applicable standards contained in this Chapter, unless the applicant demonstrates that alternate measures or procedures can meet the purposes of this Chapter. Such alternative measures and procedures shall be processed as a variance and meet the procedural requirements of Section 20.210 VMC. The criteria for approval of such a variance shall be demonstration that the alternative measures or procedures will be equal or superior to the provisions of this Chapter in accomplishing the purposes of this Chapter.
(M-3643, Added, 01/26/2004)

Chapter 20.790

SEPA REGULATIONS

Sections:

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20.790.300 Environmental Impact Statements (EIS).
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20.790.840 Exempt Levels for Minor New Construction.
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20.790.900 Agency Compliance.
20.790.950 Forms.

Section 20.790.010 Authority.

The City adopts this ordinance under the authority and mandates of the State Environmental Policy Act

(SEPA), 43.21C.120 RCW and 43.21C.135 RCW, and the SEPA rules, Chapter 197.11 WAC.
(M-3643, Added, 01/26/2004)

Section 20.790.020 Contents.

Contents. The ordinance codified in this Chapter contains the City's SEPA procedures and policies. The SEPA rules, Chapter 197.11 WAC, are to be used in conjunction with this Chapter. As contemplated by such rules (WAC 197.11.904), the sections of the SEPA rules hereinafter set forth by number are adopted by reference as if fully set forth. Copies of the statute and the rules (WAC Chapter 197.11) shall be kept available for public inspection in the planning office at City Hall, and a section by section summary of the adopted rules shall be advertised, all as contemplated by 43.21C.135(2) RCW.

Part 20.790.100 General Requirements

20.790.110 Purpose of This Part and Adoption by Reference
20.790.120 Designation of Responsible Official
20.790.130 Lead Agency Determination and Responsibilities
20.790.140 Additional SEPA Timing Considerations

(M-3643, Added, 01/26/2004)

Section 20.790.110 Purpose of this Part and Adoption by Reference.

Adoption of SEPA provisions. This part contains the basic requirements that apply to the SEPA process. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-030	Policy
WAC 197-11-040	Definitions
WAC 197-11-050	Lead Agency
WAC 197-11-055	Timing of the SEPA Process
WAC 197-11-060	Content of Environmental Review
WAC 197-11-070	Limitations on Actions During SEPA Process
WAC 197-11-080	Incomplete or Unavailable Information
WAC 197-11-090	Supporting Documents
WAC 197-11-100	Information Required of Applicants
WAC 197-11-158	GMA Project Review-Reliance on Existing Plans, Laws and Regulations
WAC 197-11-210	SEPA/GMA Integration
WAC 197-11-220	SEPA/GMA Definitions
WAC 197-11-228	Overall SEPA/GMA Integration Procedures
WAC 197-11-230	Timing of an Integrated GMA/SEPA Process
WAC 197-11-232	SEPA/GMA Integration Procedures for Preliminary Planning, Environmental Analysis, and Expanded Scoping
WAC 197-11-235	Documents
WAC 197-11-238	Monitoring
WAC 197-11-250	SEPA/Model Toxics Control Act Integration
WAC 197-11-253	SEPA Lead Agency for MTCA Actions
WAC 197-11-256	Preliminary Evaluation
WAC 197-11-259	Determination of Nonsignificance for MTCA Remedial Action
WAC 197-11-262	Determination of Significance and EIS for MTCA Remedial Actions
WAC 197-11-265	Early Scoping for MTCA Remedial Actions
WAC 197-11-268	MTCA Interim Actions

(M-3643, Added, 01/26/2004)

Section 20.790.120 Designation of Responsible Official.

A. Responsible official. For public proposals, the head administrative official of the lead City department or division making the proposal shall be the responsible official. Whenever possible, agency people carrying out SEPA procedures should be different from agency people making the proposal.

B. Private proposals. For private proposals, the head administrative official of the department or division with primary responsibility for approving or processing the permits and licenses for the proposal shall be the responsible official. When multiple officials have permitting authority, the assignment of responsibility shall be reached by agreement.

C. When City is lead agency. For all proposals for which the City is the lead agency, the responsible official shall make the threshold determination, supervise scoping and preparation of any required environmental impact statement (EIS), and perform any other functions assigned to the lead agency or responsible official by those sections of the SEPA rules that are adopted by reference in this Chapter, or otherwise assigned by the supplemental provisions of this Chapter.

D. Retention of documents. The City shall retain all documents required by the SEPA rules (Chapter 197-11 WAC) and make them available in accordance with Chapter 42.17 RCW.

(M-3643, Added, 01/26/2004)

Section 20.790.130 Lead Agency Determination and Responsibilities.

A. Determination of lead agency. The department within the City receiving an application for or initiating a proposal that involves a nonexempt action shall determine the lead agency for that proposal under the applicable SEPA rules and supplemental provisions adopted in 20.790.900 VMC of this Chapter, unless the lead agency has been previously determined or the department is aware that another department or agency is in the process of determining the lead agency.

B. When City is lead agency. When the City is the lead agency for a proposal, the department receiving the application shall determine the responsible official who shall supervise compliance with the threshold determination requirements and supervise preparation of the EIS if an EIS is required.

C. When City is not lead agency. When the City is not the lead agency for a proposal, all departments of the City shall use and consider, as appropriate, either the Determination of Non-Significance (DNS) or final EIS of the lead agency in making decisions on the proposal. No City department shall prepare or require preparation of a DNS or EIS in addition to that prepared or required by the lead agency, unless required under 197-11-600 WAC. In some cases, the City may conduct supplemental environmental review under 197-11-600 WAC.

D. Inappropriate designation. If the City or any of its departments receives a lead agency determination made by another agency that appears to be inconsistent with the criteria of the SEPA rules and supplemental provisions adopted in 20.790.900 VMC of this Chapter, it may object to the determination and assume lead agency status or seek Ecology resolution of lead agency disputes, according to the SEPA rules and supplemental provisions adopted in 20.790.900 VMC of this Chapter.

E. Inter-departmental agreement. Departments of the City are authorized to make agreements as to lead agency status or shared lead agency duties for a proposal, in accordance with the provisions of

the SEPA rules and supplemental provisions adopted in 20.790.900 VMC of this Chapter; provided, that the responsible official and any department that will incur responsibilities as the result of such agreement approve the agreement.

F. Requirement of sufficient information. Any department making a lead agency determination for a private project shall require sufficient information from the applicant to identify which other agencies have jurisdiction over the proposal, including agencies which require nonexempt licenses.

G. MCTA remedial action. When the City is lead agency for a MTCA remedial action, Ecology shall be provided an opportunity under 197-11-253(5) WAC to review the environmental documents prior to public notice being provided. If the SEPA and MTCA documents are issued together with one public comment period under 197-11-253(6) WAC, the City shall decide jointly with Ecology who receives the comment letters and how copies of the comment letters will be distributed to the other agency.

(M-3643, Added, 01/26/2004)

Section 20.790.140 Additional SEPA Timing Considerations.

The following time limits, expressed in calendar days shall apply when the City processes licenses, approvals and project permits for all private projects and those governmental proposals submitted to the City by other agencies requesting the City to perform lead agency duties:

A. Categorical exemptions. The City shall identify whether an action will likely be categorically exempt under the SEPA rules and supplemental provisions adopted in 20.790.800 VMC of this Chapter no later than in its issuance of the preapplication conference summary under Section 20.210.080(H) VMC. If a preapplication conference is not required under Section 20.210.080 VMC, the City shall determine whether the project is categorically exempt within 28 days of receiving an application.

B. Threshold determinations for project permit applications

1. No threshold determination shall be issued prior to the expiration of the comment period for any notice of application required by Chapter 20.210 VMC, Decision-Making Procedures, unless the responsible official uses the optional DNS provisions contained in 20.790.200 VMC of this Chapter.

2. A final determination shall be issued at least 15 days prior to any open record hearing or open record pre-decision hearing required pursuant to Chapter 20.210 VMC, Decision-Making Procedures.

3. If a determination of significance is made under this Chapter concurrently with any notice of application under Chapter 20.210 VMC, Decision-Making Procedures, the notice of application shall be combined with the determination of significance and scoping notice; provided, that nothing in this Section prevents a determination of significance and scoping notice from being issued prior to the notice of application.

4. Nothing in this Section prevents a lead agency, when it is a project proponent or is funding a project, from conducting its review under SEPA or from allowing appeals of procedural determinations prior to submitting a project permit application.

5. The optional DNS process provided in 20.790.200 VMC of this Chapter may be used to indicate on the notice of application that the lead agency is likely to issue a DNS. If this optional process

is used, a separate comment period on the DNS may not be required.

6. If the City's only action on a proposal is a decision on a building permit or other license that requires detailed project plans and specifications, the applicant may request in writing that the City conduct environmental review prior to submission of the detailed plans and specifications and the responsible official may agree to such request; provided, that for project permit proposals, the earliest point at which environmental review may be initiated is upon filing of a fully-complete application, including an environmental checklist, as determined by Chapter 20.210 VMC, Decision-Making Procedures.

7. Early notice. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

    a. Follow submission of a permit application and environmental checklist for a non-exempt proposal for which the department is lead agency; and

    b. Precede the City's actual threshold determination for the proposal.

8. City's response. The responsible official shall respond in writing to the request in 7 working days. Such response will:

    a. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

    b. State that the applicant may change or clarify the proposal to mitigate the indicated impacts, revising the environmental checklist and/or permit application as necessary to reflect the changes or clarifications.

9. Status of written response. The City's written response under Subsection (B) of this Section shall not be construed as a determination of significance. In addition, preliminary discussion of clarifications or changes to a proposal, as opposed to a written request for earl notice, shall not bind the City to consider the clarifications or changes in its threshold determination.

C. Threshold determinations for nonproject permit proposals

1. For all proposals not classified as project permits, the City should complete threshold determinations which may be determined solely upon review of the environmental checklist within 14 days of determining that an adequate application and completed checklist have been submitted.

2. When the responsible official requires further information or studies from the applicant or consultation with other agencies with jurisdiction:

    a. The City should request such further information or studies within 14 days of determining that an adequate application and checklist have been submitted for nonproject permit proposals.

    b. The City shall wait no longer than 30 days for a consulted agency to respond.

    c. The responsible official should complete the threshold determination within 14 days of receiving the requested information or studies from the applicant or the consulted agency;

provided, that in the case of information requested from a consulted agency that does not respond within 30 days, the responsible official should complete the threshold determination immediately unless further information was also requested from the applicant or another agency, provided further, that the provisions of Subsection 20.790.140(B) shall apply to project permit proposals.

3. Where the City must initiate further studies, including field investigations, to obtain the information to make the threshold determination, the City should complete the studies within 30 days of receiving a fully-complete application and checklist for project permit proposals, and within 30 days of receiving an adequate application and checklist for nonproject permit proposals.

4. For nonexempt proposals where action by an advisory or decision-making body such as the planning commission, hearings examiner, or City Council is required, the determination of nonsignificance (DNS) or final EIS for the proposal shall accompany the City's staff recommendation to the advisory or decision-making body.

(M-3643, Added, 01/26/2004)

Section 20.790.200 Categorical Exemptions and Threshold Determinations.

Part 20.790.200 Categorical Exemptions and Threshold Determinations

20.790.210 Purpose of this Section and Adoption by Reference
20.790.220 Environmental Checklist
20.790.230 Optional DNS Process
20.790.240 Mitigated DNS
20.790.250 Determination of Significance (DS)/Initiation of Scoping

(M-3643, Added, 01/26/2004)

Section 20.790.210 Purpose of this Section and Adoption by Reference.

Adoption of SEPA provisions. This part contains the rules for deciding whether a proposal has a probable significant, adverse environmental impact requiring an environmental impact statement (EIS) to be prepared. This part also contains rules for evaluating the impacts of proposals not requiring an EIS. As supplemented by the provisions of this part, the City adopts the following Sections of the SEPA rules by reference:

WAC 197-11-300	Purpose of this Part, Relating to Categorical Exemptions and Threshold Determinations
WAC 197-11-305	Categorical Exemptions
WAC 197-11-310	Threshold Determination Required
WAC 197-11-315	Environmental Checklist
WAC 197-11-330	Threshold Determination Process
WAC 197-11-335	Additional Information
WAC 197-11-340	Determination of Nonsignificance (DNS)
WAC 197-11-350	Mitigated DNS
WAC 197-11-355	Optional DNS Process
WAC 197-11-360	Determination of Significance (DS)/Initiation of Scoping
WAC 197-11-390	Effect of threshold Determination

(M-3643, Added, 01/26/2004)

Section 20.790.220 Environmental Checklist.

A. When required. Except as provided in Subsection (B) of this Section, a completed environmental checklist or a copy, in the form provided in 197-11-960 WAC, shall be filed at the same time as an application for a permit, license, certificate or other approval not specifically exempted in this Chapter.

B. Exemptions. An environmental checklist is not needed for the following proposals:

1. Proposals where the City and applicant agree an EIS is required.

2. Proposals where SEPA compliance has been previously completed.

3. Proposals where SEPA compliance has been initiated by another agency.

4. Public proposals on which the lead agency has decided to prepare its own EIS.

C. Other provisions

1. The City shall use the environmental checklist to determine the lead agency and, if the City is the lead agency, to determine the responsible official for making the threshold determination.

2. For private proposals, the City will require the applicant to complete the environmental checklist, providing assistance as the City determines necessary.

3. For City proposals, the department initiating the proposal shall complete the environmental checklist for that proposal.

4. The City may require that it, and not the private applicant, will complete all or a part of the environmental checklist for a private proposal, if either of the following occurs:

   (a) The City has technical information on a question or questions that is unavailable to the private applicant; or

   (b) The applicant has provided inaccurate information on previous proposals or on proposals currently under consideration.

5. For projects submitted as planned actions under 197-11-164 WAC, the City shall use its existing environmental checklist form or may modify the environmental checklist form as provided in 197-11-315 WAC. The modified environmental checklist form may be prepared and adopted along with or as part of a planned action ordinance; or developed after the ordinance is adopted. In either case, a proposed modified environmental checklist form must be sent to Ecology to allow at least a 30 day review prior to use.

(M-3643, Added, 01/26/2004)

Section 20.790.230 Optional DNS Process.

A. General. For any project permit proposal, where the responsible official determines upon a reasonable basis that significant, adverse environmental impacts are unlikely, the responsible official may use a single integrated comment period to obtain comments on the notice of application issued under Chapter 20.210 VMC, Decision-Making Procedures, and the likely threshold determination for

the proposal. When this process is used, a separate comment period for the DNS will typically not be required when the initial Threshold Determination is issued.

B. Optional DNS process. Where the optional DNS process is used, the responsible official shall:

1. State on the first page of the notice of application that it expects to issue a DNS for the proposal and that:

   a. The optional DNS process will be used;

   b. That the comment period for the notice of application may be the only opportunity to comment on the environmental impacts of the proposal;

   c. That the proposal may include mitigation measures under applicable codes, and the project review process may incorporate or require mitigation measures regardless of whether an EIS is prepared; and

   d. That a copy of the final threshold determination for the specific proposal may be obtained upon written request.

2. List in the notice of application the conditions being considered to mitigate environmental impacts, if a mitigated DNS is expected;

3. Comply with the requirements for a notice of application and public notice in 36.70B.110 RCW and Chapter 20.210 VMC, Decision-Making Procedures; and

4. Send the notice of application and environmental checklist to:

   a. Agencies with jurisdiction, Ecology, affected tribes, and each local agency or political subdivision whose public services would be changed as a result of implementation of the proposal; and

   b. Anyone who requests a copy in writing of the environmental checklist for the specific proposal.

C. Additional provisions. If the lead agency indicates on the notice of application that a DNS is likely, an agency with jurisdiction may assume lead agency status during the comment period on the notice of application;

D. Consideration of comments. The responsible official shall consider timely comments on the notice of application and either:

1. Issue a final DNS or Mitigated Determination of Non-Significance (MDNS) with no comment period using the procedures in Subsection (E) of this Section;

2. Issue a final DNS or MDNS with a comment period using the procedures in Subsection (E) of this Section, if the responsible official determines a comment period is necessary;

3. Issue a DS; or

4. Require additional information or studies prior to making a final threshold determination; and

E. Copies of issued DNS or MDNS. If a DNS or MDNS is issued under Subsection (D)(1) of this Section, the lead agency shall send a copy of the DNS or MDNS to agencies with jurisdiction, Ecology, those who commented, and anyone who requests a copy in writing. A copy of the environmental checklist need not be circulated.

(M-3643, Added, 01/26/2004)

Section 20.790.240 Mitigated DNS.

As provided in this Section and in 197-11-350 WAC, the responsible official may issue a mitigated determination of nonsignificance (DNS) based on conditions attached to the proposal by the responsible official or based on changes to, or clarifications of, the proposal made by the applicant.

A. Early notice. An applicant may request in writing early notice of whether a determination of significance (DS) is likely under WAC 197-11-350. The request must:

1. Follow submission of a permit application and environmental checklist for a non-exempt proposal for which the department is lead agency; and

2. Precede the City's actual threshold determination for the proposal.

B. City's response. The responsible official shall respond in writing to the request within 7 working days. Such response will:

1. State whether the City currently considers issuance of a DS likely and, if so, indicate the general or specific area(s) of concern that is/are leading the City to consider a DS; and

C. Identification of impacts. As much as reasonably possible, the City should assist the applicant with identification of impacts to the extent necessary to formulate mitigation measures.

D. Submission of changes or changed proposal. When an applicant submits a changed or clarified proposal, along with a revised environmental checklist, the City shall base its threshold determination on the changed or clarified proposal and should make the determination within 14 days of receiving the changed or clarified proposal:

1. If the City indicated specific mitigation measures in its response to the request for early notice and that such measures would lead to a DNS, and if the applicant changed or clarified the proposal to include those specific mitigation measures, the City shall issue and circulate a DNS under 197-11-340 WAC.

2. If the City indicated areas of concern, but did not indicate specific mitigation measures that would allow it to issue a DNS, the City shall make the threshold determination, issuing a DNS or DS as appropriate.

3. The applicant's proposed mitigation measures e.g., clarification, changes or conditions, must be in writing and must be specific. For example, a proposal to "control noise" or "prevent stormwater runoff" would be inadequate, whereas a proposal to "muffle machinery to X decibel" or to "construct 200' stormwater retention pond at Y location" would be adequate.

4. Mitigation measures which justify issuance of a mitigated DNS may be incorporated in the DNS by reference to agency staff reports, studies or other documents.

E. Issuance of mitigated DNS. A mitigated DNS is issued under either 197-11-340(2) WAC, requiring a 14 day comment period and public notice, or 197-11-355 WAC, which may require no additional comment period beyond the comment period on the notice of application.

F. Conditions of approval. Mitigation measures incorporated in the mitigated DNS shall be deemed conditions of approval of the permit decision and may be enforced in the same manner as any term or condition of the permit, or enforced in any manner legally available to the City.

G. Lack of mitigation measures. If the City's tentative decision on a permit or approval does not include mitigation measures that were incorporated in a mitigated DNS for the proposal, the City should evaluate the threshold determination to assure consistency with 197-11-340(3) WAC governing withdrawal of DNS.

(M-3643, Added, 01/26/2004)

Section 20.790.250 Determination of Significance (DS)/Initiation of Scoping.

Initiation of scoping. If a determination of significance is made under 197-11-360 WAC concurrently with any notice of application required pursuant to Chapter 20.210 VMC, Decision-Making Procedures, such notice of application shall be combined with the DS/scoping notice.

(M-3643, Added, 01/26/2004)

Section 20.790.300 Environmental Impact Statements (EIS).

Part 20.790.300 Environmental Impact Statements (EIS)

20.790.310 Purpose of this Part and Adoption by Reference
20.790.320 Scoping
20.790.330 Preparation of EIS-Additional Considerations

(M-3643, Added, 01/26/2004)

Section 20.790.310 Purpose of this Part and Adoption by Reference.

Adoption of SEPA provisions. This part contains the rules for preparing environmental impact statements. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-400 Purpose of EIS
WAC 197-11-402 General Requirements
WAC 197-11-405 EIS Types
WAC 197-11-406 EIS Timing
WAC 197-11-408 Scoping
WAC 197-11-410 Expanded Scoping
WAC 197-11-420 EIS Preparation
WAC 197-11-425 Style and Format
WAC 197-11-430 Format
WAC 197-11-435 Cover Letter or Memo
WAC 197-11-440 EIS Contents
WAC 197-11-442 Contents of EIS on Nonproject Proposals
WAC 197-11-443 EIS Contents When Prior Nonproject EIS

WAC 197-11-444 Elements of the Environment
WAC 197-11-448 Relationship of EIS to Other Considerations
WAC 197-11-450 Cost-Benefit Analysis
WAC 197-11-455 Issuance of DEIS
WAC 197-11-460 Issuance of FEIS
(M-3643, Added, 01/26/2004)

Section 20.790.320 Scoping.

Scoping. Scoping under 197-11-408 WAC is required for the preparation of every new draft EIS (DEIS), but is optional at the direction of the responsible official for the preparation of a supplemental EIS (SEIS) or when adopting another environmental document as the EIS pursuant to Part Six of this Chapter.

A. Comment period for DS/scoping notice. If the responsible official issues the DS/scoping notice with a notice of application issued under the provisions of Chapter 20.210 VMC, Decision-Making Procedures, the comment period on the notice of application shall be no less than 14 days.

B. Expansion of scoping process. The responsible official may expand the scoping process to incorporate the provisions of 197-11-410 WAC, governing expanded scoping, where the responsible official determines that such expanded scoping is reasonably necessary to evaluate the potential adverse impacts and reasonable alternatives for a proposal.

(M-3643, Added, 01/26/2004)

Section 20.790.330 Preparation of EIS - Additional Considerations.

Additional considerations. Preparation of draft and final Environmental Impact Statements (DEIS and FEIS) and draft and final supplemental Environmental Impact Statements (SEIS) shall be under the direction of the responsible official. Before the City issues an EIS, the responsible official shall be satisfied that it complies with this Chapter and the SEPA rules.

A. Who prepares EIS. The DEIS and FEIS or draft and final SEIS may be prepared by City staff, the applicant, or by a consultant selected by the City or the applicant. If the responsible official requires an EIS for a proposal and determines that someone other than the City will prepare the EIS, the responsible official shall notify the applicant immediately after completion of the threshold determination. The responsible official shall also notify the applicant of the City's procedure for EIS preparation, including approval of the DEIS and FEIS prior to distribution.

B. Who provides additional information. The City may require an applicant to provide information the City does not possess, including specific investigations. However, the applicant is not required to supply information that is not required under this Chapter or that is being requested from another agency; provided, that this does not apply to information the City may request under another ordinance or statute.

(M-3643, Added, 01/26/2004)

Section 20.790.400 Notification and Commenting.

Part 20.790.400 Notification and Commenting

20.790.410 Purpose of this Part and Adoption by Reference

20.790.420 Filing of Environmental Documents
20.790.430 Public Notice
20.790.440 Comments and Responses
20.790.450 Designation of Official to Perform Consulted Agency Responsibilities
(M-3643, Added, 01/26/2004)

Section 20.790.410 Purpose of this Part and Adoption by Reference.

Adoption of SEPA regulations. This part contains the rules for consulting, commenting, and responding on all environmental documents under SEPA, including rules for public notice and hearings. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-500 Purpose of this Part, Relating to Commenting
WAC 197-11-502 Inviting Comment
WAC 197-11-504 Availability and Cost of Environmental Documents
WAC 197-11-508 SEPA Register
WAC 197-11-510 Public Notice
WAC 197-11-535 Public Hearings and Meetings
WAC 197-11-545 Effect of No Comment
WAC 197-11-550 Specificity of Comments
WAC 197-11-560 FEIS Response to Comments
WAC 197-11-570 Consulted Agency Costs to Assist Lead Agency
(M-3643, Added, 01/26/2004)

Section 20.790.420 Filing of Environmental Documents.

A. Submission of documents. The City shall submit the following documents in a timely manner to Ecology for publication in the SEPA register:

1. DNSs issued under the provisions of 197-11-340 WAC;

2. DNSs issued under the optional provisions of 197-11-355 WAC and Section 20.790.320 VMC;

3. All mitigated DNSs issued under the provisions of 197-11-350 WAC Section 20.790.330 VMC;

4. All determinations of significance (DS/scoping notices) issued under the provisions of 197-11-360 WAC;

5. All EISs, including DEIS, FEIS, and SEIS documents, and notices of adoption of EISs; and

6. All Notices of Action published under the provisions of 43.21C.080 RCW and 43.21C.087 RCW.

B. Other SEPA documents. SEPA documents not listed in Subsection (A) of this Section involve no statutory comment or response period, and are limited to certain EIS addenda (197-11-625 WAC) and DNS documents on proposals for which the City is the only agency with jurisdiction. These documents may, but are not required to, be circulated for agency and public review or comment.

(M-3643, Added, 01/26/2004)

Section 20.790.430 Public Notice.

A. When notice is required. When the SEPA rules require notice to be given under 197-11-510 WAC, the City shall provide notice under this Section. The City shall use reasonable methods to inform the public and other agencies that an environmental document is being prepared or is available and that public hearings, if any, will be held.

B. Notice of action. A notice of action may be publicized in the manner prescribed by 43.21C.080 RCW and 43.21C.087 RCW. The form of notice shall be substantially in the form provided in 197-11-990 WAC. The notice shall be published by the City Clerk, applicant or proponent pursuant to Section 43.21C.080 RCW.

C. Integration of notification. Whenever possible, the City shall integrate the public notice required under this Section with existing notice procedures for the City's nonexempt permit(s) or approval(s) required for the proposal. Whenever the City issues a DNS under 197-11-340(2) WAC or a DS under 197-11-360(3) WAC the City shall give public notice as follows:

1. If public notice is required for a non-exempt license, the notice shall state whether a DS or DNS has been issued and when comments are due.

2. If an environmental document is issued concurrently with the notice of application, the public notice requirements for the notice of application in 36.70B.110(4) RCW will suffice to meet the SEPA public notice requirements in 197-11-510(1) WAC.

3. If no public notice is otherwise required for the permit or approval, the City shall give notice of the DNS or DS by at least one of the following methods:

   a. Posting the property, for site-specific proposals;

   b. Publishing notice in a newspaper of general circulation in the City or general area where the proposal is located;

   c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

   d. Notifying the news media;

   e. Placing notices in appropriate regional, neighborhood, ethnic or trade journals; and/or

   f. Publishing notice in City newsletters and/or sending notice via City or neighborhood association mailing lists.

4. Whenever the City issues a DS under 197-11-360(3) WAC, the City shall state the scoping procedure for the proposal in the DS as required in 197-11-408 WAC and in the public notice.

D. Public notice requirements for optional DNS process. If a DNS is issued using the optional DNS process, the public notice requirements for a notice of application in 36.70B.110(4) RCW as supplemented by the requirements in 197-11-355 WAC will suffice to meet the SEPA public notice requirements in 197-11-510(1)(b) WAC.

E. Notice of availability of documents. Whenever the City issues a DEIS under 197-11-455(5) WAC or a SEIS under 197-11-620 WAC, notice of the availability of those documents shall be given by:

1. Indicating the availability of the DEIS in any public notice required for a non-exempt licenses and at least one of the following methods:

    a. Posting the property, for site-specific proposals;

    b. Publishing notice in a newspaper of general circulation in the City or general area where the proposal is located;

    c. Notifying public or private groups which have expressed interest in a certain proposal or in the type of proposal being considered;

    d. Notifying the news media;

    e. Placing notices in appropriate regional, neighborhood, ethnic, or trade journals; and/or

    f. Publishing notice in City newsletters and/or sending notice via City or neighborhood association mailing lists.

F. Public notice for planned actions. Public notice for projects that qualify as planned actions shall be tied to the underlying permit as specified in 197-11-172(3) WAC.

G. Responsible party. The City may require an applicant to complete the public notice requirements for the applicant's proposal at his or her expense.

(M-3643, Added, 01/26/2004)

Section 20.790.440 Comments and Responses.

A. Invitation of comments. The City shall invite comment under 197-11-502 WAC as supplemented in this Section.

B. Definition of reasonable methods. The City shall use reasonable methods to inform agencies and the public of environmental determinations, document availability, and review or comment opportunities. In particular, the City shall invite written comments on the environmental aspects of any non-exempt proposal to be submitted in the manner and within the prescribed time limits set forth in this Section.

C. Timelines of response. Consulted agencies have a responsibility to respond in a timely and specific manner to requests for comments. If a consulted agency does not respond with written comments within the time periods for commenting on environmental documents, the City may assume that the consulted agency has no information relating to the potential impact of the proposal as it relates to the consulted agency's jurisdiction or special expertise. Any consulted agency that fails to submit substantive information to the City in response to a draft EIS is thereafter barred from alleging any defects in the City's compliance with Part 20.790.300 VMC of this Chapter, or the SEPA rules.

D. Failure to comment. Failure to comment by agencies with jurisdiction or members of the public on environmental documents, within the time periods specified by this part, shall be construed as lack of objection to the environmental analysis, if the requirements of Section 20.790.520 VMC are met.

E. Specificity of comments. Written comments on environmental documents submitted by any person or agency should be as specific as possible and shall meet the requirements of 197-11-550 WAC. The City shall consider and may respond to comments as deemed appropriate, and may decline to

consider comments which do not meet the requirements of this Section.

F. Threshold determinations

1. The City shall send DNSs to other agencies with jurisdiction, as required by 197-11-340 WAC and Section 20.790.320 VMC.

2. For DNSs issued under 197-11-340(2) WAC, the City shall provide public notice under Section 20.790.520 VMC and receive comments on the DNS for 14 days.

3. Comments on a DNS may be used in re-evaluating the threshold determination and in considering mitigation measures, but will normally involve no written response.

G. Scoping

1. The City shall circulate the DS and invite comments on the scope of an EIS, as required by 197-11-360 WAC, 197-11-408 WAC, Section 20.790.410 VMC and Section 20.790.520 VMC.

2. The City may use other reasonable methods to inform agencies and the public, such as those indicated in 197-11-410 WAC.

3. The City determines the method for commenting, as governed by 197-11-408 and 197-11-410 WAC.

4. Comments on a DS will be used in determining the scope of an EIS.

H. DEIS

1. The City shall invite comments on and circulate DEISs as required by 197-11-455 WAC.

2. The commenting period shall be 30 days unless extended by the City under 197-11-455 WAC.

3. Agencies shall comment and respond as stated in this part. This part meets the Act's formal consultation and comment requirement in 43.21C.030(2)(d) RCW.

4. Comments on a draft EIS will be evaluated for response in the FEIS by one or more of the following means:

   a. Modify alternatives including the proposed action;

   b. Develop and evaluate alternatives not previously given detailed consideration;

   c. Supplement, improve or modify the analysis;

   d. Make factual corrections; or

   e. Explain why the comments do not warrant further City response, citing the sources, authorities or reasons that support the City's response and, if appropriate, indicate those circumstances that would trigger further agency reappraisal or further response.

5. In carrying out Subsection (4), the City may respond to each comment individually, respond to a

group of comments, cross-reference comments and corresponding changes in the EIS, or use other reasonable means to indicate an appropriate response to comments.

I. FEIS

1. The City shall prepare a FEIS whenever a DEIS has been prepared, unless the proposal is withdrawn or indefinitely postponed.

2. An FEIS shall be issued and circulated under the provisions of 197-11-460 WAC.

3. All substantive comments on a DEIS shall be appended to the FEIS, or summarized, where comments are repetitive or voluminous, and the summary appended. If a summary of the comments is used, the names of the commenters shall be included.

4. If the City does not receive any comments critical of the scope or content of the DEIS, the City may state so in an updated fact sheet, 197-11-440(2) WAC, which shall be circulated under 197-11-460 WAC. The FEIS shall consist of the DEIS and updated fact sheet.

5. If changes in response to comments are minor and are largely confined to the responses described in Subsections (G)(4)(d) and (e) of this Section, the City may prepare and attach an addendum, which shall consist of the comments, the responses, the changes, and an updated fact sheet. The FEIS shall consist of the DEIS and the Addendum, and shall be issued under WAC 197-11-460, except that only the addendum need be sent to parties who received the DEIS.

J. Public hearings and meetings

1. Public hearings or meetings may be held 197-11-535 WAC. Notice of public hearings shall be given under Section 20.790.520 VMC and may be combined with other agency notice.

2. In conjunction with the requirements of Section 20.790.520 VMC, notice of public hearings shall be published no later than 10 days before the hearing. For nonproject proposals, notice of the public hearing shall be published in a newspaper of general circulation in the City. For nonproject proposals having a regional or state-wide applicability, copies of the notice shall be given to the Olympia bureau of the Associated Press and United Press International.

K. Supplements

1. Notice for and circulation of draft and final SEISs shall be done in the same manner as other draft and final EISs.

2. When a DNS is issued after a DS has been withdrawn, governed by 197-11-360 WAC, the City shall give notice under Section 20.790.520 VMC and receive comments for 14 days.

3. An addendum need not be circulated unless required under 197-11-625 WAC.

L. Appeals. Notice provisions for appeals are contained in part seven of this Chapter.

M. Circulation of additional documents. The City may circulate any other environmental documents for the purpose of providing information or seeking comment, as an agency deems appropriate.

N. Use of other reasonable methods. In addition to any required notice or circulation, the City may use

other reasonable methods, to inform agencies and the public that environmental documents are available or that hearings will occur.

O. Combining notices. The City may combine SEPA notices with other agency notices. However, the SEPA information must be identifiable.

(M-3643, Added, 01/26/2004)

Section 20.790.450 Designation of Official to Perform Consulted Agency Responsibilities.

A. Designation of official. The Planning Official shall be responsible for preparation of written comments for the City in response to a consultation request prior to a threshold determination, participation in scoping, and reviewing a DEIS.

B. Responsibilities. This Planning Official shall be responsible for the City's compliance with 197-11-550 WAC whenever the City is a consulted agency and is authorized to develop operating procedures that will ensure that responses to consultation requests are prepared in a timely fashion and include data from all appropriate departments of the City.

(M-3643, Added, 01/26/2004)

Section 20.790.500 Use of Existing Environmental Documents.

20.790.510 Purpose of this Part and Adoption by Reference
20.790.520 Methods for Utilizing Existing Documents
20.790.530 Planned Action Review

(M-3634, Added, 01/26/2004)

Section 20.790.510 Purpose of this Part and Adoption by Reference.

Adoption of SEPA regulations. This part contains the rules for using and supplementing existing environmental documents prepared under SEPA or the National Environmental Policy Act (NEPA) for the City's own environmental compliance. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-164	Planned Actions-Definition and Criteria
WAC 197-11-168	Ordinances or Resolutions Designating Planned Actions-Procedures for Adoption
WAC 197-11-172	Planned Actions-Project review
WAC 197-11-600	When to Use Existing Environmental Documents
WAC 197-11-610	Use of NEPA Documents
WAC 197-11-620	Supplemental Environmental Impact Statement-Procedures
WAC 197-11-625	Addenda-Procedures
WAC 197-11-630	Adoption-Procedures
WAC 197-11-635	Incorporation by Reference-Procedures
WAC 197-11-640	Combining Documents

(M-3643, Added, 01/26/2004)

Section 20.790.520 Methods for Utilizing Existing Document.

Use of existing documentation. Whenever possible, the City shall reduce paperwork and the accumulation of background data by using existing environmental documents under WAC 197-11-600.

(M-3643, Added, 01/26/2004)

Section 20.790.530 Planned Action Review.

A. Pre-application review. Pre-application review under the provisions of Section 20.210.080 VMC shall be required for all development applications which may qualify as planned action projects, unless waived, in writing, pursuant to Section 20.210.080(B) VMC.

B. Submitted requirements. Development applications which may qualify as planned action development applications shall be subject to the submittal requirements for counter-complete status, as governed by Section 20.210.090 VMC. A SEPA checklist or other project review form as specified in Section 197-11-315 WAC and Section 20.790.310(7) VMC is required.

C. Review for fully-complete status. Development applications which may qualify as planned action development applications shall be subject to review for fully-complete status under Section 20.210.100 VMC. In addition to the usual submittal requirements, such an application shall not be deemed fully complete until all information necessary to evaluate the proposal's qualification as a planned action project and its compliance with the mitigation requirements contained in the planned action ordinance, have been provided.

D. Written documentation required. Within 14 calendar days after the determination that a development application which may qualify as a planned action project is fully complete, the Planning Official shall make a written determination of whether the proposed project qualifies for designation as a planned action project, according to the criteria listed below. Any Notice of Application issued under Chapter 20.210 VMC, Decision-Making Procedures, shall contain the written determination of whether the proposed project qualifies as a planned action. The Planning Official's determination under this Subsection shall be appealable only in conjunction with an appeal of the approval, conditional approval, or denial of the project, in accordance with Subsection (I) of this Section, or the provisions of Section 20.210.130 VMC, whichever is applicable.

1. The proposed project is located within the geographic area of an identified planned action subarea and the proposed project's impacts are within the thresholds identified within the applicable planned action ordinance, subarea plan and EIS;

2. The zoning designation upon the property upon which the project is proposed is consistent with those designations analyzed in the subarea plan and EIS adopted for the planned action subarea;

3. The use(s) and intensity of use(s) proposed are among or consistent with the uses and intensity of uses identified in the planned action ordinance, subarea plan and EIS, adopted for the planned action subarea;

4. The proposed project's environmental impacts, both project specific and cumulative, have been adequately addressed and analyzed in the subarea plan and EIS for the planned action subarea;

5. The proposed project implements the goals and policies of the applicable subarea plan and is consistent with the City's Comprehensive Plan;

6. The proposed project's significant environmental impacts will be adequately mitigated or avoided through application of the mitigation measures and other conditions required by the planned action ordinance, subarea plan or EIS for the planned action subarea;

7. The proposed project is in compliance with all applicable local, state, and federal regulations and development standards;

8. The proposed project is within the Vancouver Urban Growth Boundary;

9. The proposed project meets the requirements for designation as a planned action set forth in Section 43.21C.031 RCW, Section 197-11-164 WAC, and Section 20.790.630 VMC; and

10. The proposed project meets any other criteria for designation as a planned action project set forth in the applicable planned action ordinance.

E. Threshold determination for planned actions. No threshold determination shall be required to be issued for planned action projects; provided, that a planned action project may be conditioned to mitigate any adverse environmental impacts which are reasonably likely to result from the project action.

F. When a project is not a planned action. Where the Planning Official determines that a project application does not qualify as a planned action development application under the provisions of Subsection (E), a threshold determination is required. The application shall be reviewed, processed, and subject to appeal under the decision-making procedures otherwise applicable under Chapter 20.210 VMC, Decision-Making Procedures, and the project application shall be reviewed under the City's SEPA regulations, as governed by this Chapter. When reviewed under this Chapter, the applicant may use or incorporate relevant elements of the environmental analysis in the EIS or subarea plan adopted for the planned action subarea.

G. Context of Final Decisions and Notice of Decision. Any Final Decision and Notice of Decision issued under Chapter 20.210 VMC, Decision-Making Procedures, shall contain:

1. A statement of the findings supporting the conclusions that the project meets the criteria for designation as a planned action, that the project will implement relevant goals and policies of the subarea plan, and that the project is consistent with the Comprehensive Plan;

2. A statement of the requirements, standards, and mitigation measures conditioned or required pursuant to the applicable planned action ordinance, subarea plan, EIS, Vancouver Municipal Code and other applicable laws and regulations;

3. A statement that the probable adverse environmental impacts of the project have been adequately addressed and mitigated by application of the mitigation measures required by the applicable planned action ordinance, subarea plan, EIS, the Vancouver Municipal Code, and other applicable laws and regulations.

H. Procedures for approval and appeal. The procedures for approval and appeal set forth in this Section shall be applied to all applications and approvals which are designated as planned action projects pursuant to subsection (E); provided, that the procedures set forth in this Section for approval and appeal of planned action projects may be supplemented or modified by procedures set forth in the applicable planned action ordinance.

I. Appeal of Final Decision. The Final Decision on a planned action development application shall be subject to appeal pursuant to Section 20.210.130 VMC; provided, that the environmental analysis and mitigation measures or other conditions contained in the planned action ordinance, subarea plan, or EIS shall be afforded substantial weight by the review authority on appeal.

(M-3643, Added, 01/26/2004)

Section 20.790.600 SEPA and City Decisions.

20.790.610 Purpose of this Part and Adoption by Reference
20.790.620 Substantive Authority
20.790.630 SEPA Policies
20.790.640 Appeals
(M-3643, Added, 01/26/2004)

Section 20.790.610 Purpose of this Part and Adoption by Reference.

Adoption of SEPA regulations. This part contains the rules and policies for exercising SEPA's substantive authority, such as decisions to mitigate or reject proposals as a result of SEPA. This part also contains procedures for appealing SEPA determinations to agencies or the courts. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-650 Purpose of this Part
WAC 197-11-655 Implementation
WAC 197-11-660 Substantive Authority and Mitigation
WAC 197-11-680 Appeals
(M-3643, Added, 01/26/2004)

Section 20.790.620 Substantive Authority.

A. Supplementary to City authorization. The policies and goals set forth in this Chapter are supplementary to those in the existing authorization of the City of Vancouver.

B. Conditions of approval. Subject to 43.21C.060 RCW and 43.21C.240 RCW, the City may attach conditions to a permit or approval for a proposal so long as:

1. Such conditions are necessary to mitigate specific probable adverse environmental impacts identified in environmental documents prepared pursuant to this ordinance; and

2. Such conditions are in writing; and

3. The mitigation measures included in such conditions are reasonable and capable of being accomplished; and

4. The City has considered whether other local, State or Federal mitigation measures applied to the proposal are sufficient to mitigate the identified impacts; and

5. Such conditions are based on one or more policies in Section 20.790.720 VMC and cited in the decision document.

C. When additional mitigation is not required. If during project review the City determines that the requirements for environmental analysis, protection and mitigation in the City's development regulations or Comprehensive Plan, or in other applicable local, state or federal laws or rules provide adequate analysis of and mitigation for the specific adverse environmental impacts under 43.21C.240 RCW, the City shall not impose additional mitigation under this Chapter.

D. Content of findings. Subject to 43.21C.060 RCW and 43.12C.240 RCW, the City may deny a permit or approval for a proposal on the basis of SEPA so long as findings are made that:

1. Approving the proposal would result in probable significant, adverse environmental impacts that are identified in a FEIS or final SEIS prepared pursuant to this Chapter; and

2. There are no reasonable mitigation measures capable of being accomplished that are sufficient to mitigate the identified impact; and

3. The denial is based on one or more policies identified in Section 20.790.720 VMC and identified in writing in the decision document.

(M-3634, Added, 01/26/2004)

Section 20.790.630 SEPA Policies.

The City designates the following general policies as the basis for the City's exercise of authority pursuant to this Chapter. The City shall use all practicable means, consistent with other essential considerations of State policy, to improve and coordinate plans, functions, programs and resources to the end that the State and its citizens may:

A. Environmental stewardship. Fulfill the responsibilities of each generation as trustee of the environment for succeeding generations;

B. Protect Washington's interests. Assure for all people of Washington safe, healthful, productive and aesthetically and culturally pleasing surroundings;

C. Widest range of beneficial uses. Attain the widest range of beneficial uses of the environment without degradation, risk to health or safety, or other undesirable and unintended consequences;

D. Preservation of national and local heritage. Preserve important historic, cultural and natural aspects of our national and local heritage;

E. Supportive of diversity and choice. Maintain, wherever possible, an environment which supports diversity and a variety of individual choice;

F. Balance. Achieve a balance between population and resource use which will permit high standards of living and a wide sharing of life's amenities; and

G. Enhancement of renewable resources. Enhance the quality of renewable resources and approach the maximum attainable recycling of depletable resources.

1. The City recognizes that each person has a fundamental and inalienable right to a healthful environment and that each person has a responsibility to contribute to the preservation and enhancement of the environment.

2. The City incorporates by reference the policies in the cited City codes, ordinances, resolutions and plans, and all amendments to them in effect prior to the date of fully-complete application of any building permit or preliminary plat, or prior to issuance of a DNS or DEIS for any other action:

a. Chapter 20.110 VMC, Intent and Purpose;

b. Chapter 20.120 VMC, Legal Provisions;

c. Chapter 20.130, Zoning Map Administration;

d. Chapter 20.140 VMC, Enforcement;

e. Chapter 20.150 VMC, Definitions;

f. Chapter 20.160 VMC, Use Classifications;

g. Chapter 20.170 VMC, Measurements;

h. Chapter 20.180 VMC, Fees;

i. Chapter 20.210 VMC, Decision Making Procedures;

j. Chapter 20.220 VMC, Review Bodies;

k. Chapter 20.225 VMC, Summary of Land Use Permits

l. Chapter 20.230 VMC, Annexations;

m. Chapter 20.245 VMC, Conditional Use Permits;

n. Chapter 20.250 VMC, Development Agreements;

o. Chapter 20.255 VMC, Interpretations and Minor Adjustments;

p. Chapter 20.260 VMC, Planned Developments;

q. Chapter 20.265 VMC, Design Review;

r. Chapter 20.268 VMC, Public Facility Master Plans;

s. Chapter 20.270 VMC, Site Plan Review;

t. Chapter 20.285 VMC, Text and Map Amendments;

u. Chapter 20.290 VMC, Variances;

v. Chapter 20.310 VMC, Boundary Adjustments;

w. Chapter 20.320 VMC, Subdivisions;

x. Chapter 20.330 VMC, Binding Site Plans;

y. Chapter 20.410 VMC, Lower Density Residential Zoning Districts;

z. Chapter 20.420 VMC, Higher Density Zoning Districts;

aa. Chapter 20.430 VMC, Commercial and Mixed-Use Zoning Districts;

bb. Chapter 20.440 VMC, Industrial Zoning Districts;

cc. Chapter 20.450 VMC, Open Space Districts;

dd. Chapter 20.503 VMC, Central Park Overlay District;

ee. Chapter 20.505 VMC, Evergreen Airport Environs Overlay District;

ff. Chapter 20.510 VMC, Heritage Overlay District;

gg. Chapter 20.515 VMC, Hough Neighborhood Overlay District;

hh. Chapter 20.520 VMC, Noise Impact Overlay District;

ii. Chapter 20.525 VMC, Office Development Overlay District;

jj. Chapter 20.540 VMC, Surface Mining Overlay District;

kk. Chapter 20.550 VMC, Transit Zone Overlay District;

ll. Chapter 20.560 VMC, Vision Overlay District;

mm. Chapter 20.570 VMC, Airport Height Overlay District;

nn. Chapter 20.580 VMC, Fourth Plain Corridor Overlay District;

oo. Chapter 20.610 VMC, Plan Districts in General;

pp. Chapter 20.620 VMC, Columbia River Shoreline Enhancement Plan District;

qq. Chapter 20.630 VMC, Downtown District;

rr. Chapter 20.640 VMC, Vancouver Central Park Plan District;

ss. Chapter 20.650 VMC, Waterfront Plan District;

tt. Chapter 20.660 VMC, Auto Dealership Plan District;

uu. Chapter 20.680 VMC, Riverview Gateway Plan District;

vv. Chapter 20.690 VMC, Section 30 Employment Center Plan District;

ww. Chapter 20.691 VMC, 112th Avenue Corridor Plain District;

xx. Chapter 20.710 VMC, Archaeological Resource Protection;

yy. Chapter 20.725 VMC, Fish and Wildlife Habitat Protection;

zz. Chapter 20.730 VMC, Flood Hazards;

aaa. Chapter 20.740 VMC, Critical Areas Protection;

bbb. Chapter 20.750 VMC, Geologic Hazards;

ccc. Chapter 20.760 VMC, Shoreline Management Area;

ddd. Chapter 20.770 VMC, Tree Conservation;

eee. Chapter 20.775 VMC, Wetlands and Water Bodies Protection;

fff. Chapter 20.780 VMC, Wildlife Habitat Protection (Placeholder);

ggg. Chapter 20.790 VMC, SEPA Regulations;

hhh. Chapter 20.810 VMC, Accessory Dwelling Units;

iii. Chapter 20.820 VMC, Adult Entertainment;

jjj. Chapter 20.830 VMC, Bed and Breakfast Establishments;

kkk. Chapter 20.840 VMC, Child Care Centers;

lll. Chapter 20.850 VMC, Dog Day Care;

mmm. Chapter 20.855 VMC, Essential Public Facilities;

nnn. Chapter 20.860 VMC, Home Occupations;

ooo. Chapter 20.870 VMC, Human Service Facilities;

ppp. Chapter 20.880 VMC, Manufactured Home Parks;

qqq. Chapter 20.883 VMC, Medical Marijuana Collective Gardens;

rrr. Chapter 20.885 VMC, Temporary Uses;

sss. Chapter 20.890 VMC, Wireless Communications Facilities;

ttt. Chapter 20.895 VMC, Miscellaneous Special Use Standards;

uuu. Chapter 20.902 VMC, Accessory Structures;

vvv. Chapter 20.909 VMC, Escrow and Assurances;

www. Chapter 20.910 VMC, Exceptions and Interpretations;

xxx. Chapter 20.912 VMC, Fences and Walls

yyy. Chapter 20.914 VMC, Gated Access Standards;

zzz. Chapter 20.915 VMC, Impact Fees;

aaaa. Chapter 20.920 VMC, Infill Development Standards;

bbbb. Chapter 20.925 VMC, Landscaping;

cccc. Chapter 20.927 VMC, Narrow Lot Developments;

dddd. Chapter 20.930 VMC, Nonconforming Situations;

eeee. Chapter 20.935 VMC, Off-Site Impacts;

ffff. Chapter 20.940 VMC, On-Site Density Transfers;

gggg. Chapter 20.945 VMC, Parking and Loading;

hhhh. Chapter 20.960 VMC, Signs;

iiii. Chapter 20.970 VMC, Solid Waste Disposal and Recycling; and

jjjj. Chapter 20.985 VMC, Vision Clearance;

A. Endangered Species Act. The City incorporates by reference the evaluation criteria for protecting, during development, threatened and endangered salmon species listed under the federal Endangered Species Act as presented in the Federal Register, Vol 65, No. 132, Monday, July 10, 2000, Rules and Regulations and in "A Citizen's Guide to the 4(d) Rule for Threatened Salmon and Steelhead on the West Coast," National Marine Fisheries Service, June 20, 2000. As applied in the City of Vancouver, it is the City's policy that development within the City limits shall to the degree necessary to protect threatened and endangered species:

1. Meet demands on water supply without affecting, either directly or through groundwater withdrawals, the flows salmon need.

2. Avoid inappropriate areas such as unstable slopes, wetlands, areas of high habitat value, and similarly constrained sites.

3. Avoid stream crossings, whether by roads, utilities, or other linear development, wherever possible and where crossings must be provided, minimize impacts.

4. Protect wetlands, wetland buffers and wetland function, including isolated wetlands.

5. Prevent erosion and sediment run-off during and after construction, thus preventing sediment and pollutant discharge to streams, wetlands and other water bodies that support listed fish.

6. Adequately prevent stormwater discharge impacts on water quality and quantity and stream flow patterns in the watershed - including peak and base flows in perennial streams.

7. Adequately preserve permanent and intermittent streams' ability to pass peak flows.

8. Stress landscaping with native vegetation to reduce the need to water and apply herbicides,

pesticides and fertilizer.

9. Adequately protect historic stream meander patters and channel migration zones and avoid hardening stream banks and shorelines.

10. Protect riparian areas to attain or maintain properly functioning conditions for salmonid habitat around all rivers, estuaries, streams, lakes, deepwater habitats, and intermittent streams.

11. Where application of these policies creates a conflict with existing development regulations, the level of protection necessary to protect threatened salmon species shall apply.

A. Through the project review process

1. If the applicable regulations require studies that adequately analyze all of the project's specific probable adverse environmental impacts, additional studies under this Chapter will not be necessary on those impacts;

2. If the applicable regulations require measures that adequately address such environmental impacts, additional measures would likewise not be required under this Chapter; and

3. If the applicable regulations do not adequately analyze or address a proposal's probable adverse environmental impacts, this Chapter provides the authority and procedures for additional review.

(M-4034, Amended, 12/03/2012, Sec 24-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.790.640 Appeals.

A. Governing regulations. It is the purpose of this Chapter to combine environmental considerations with public decisions, and for this reason, any appeal brought under this Chapter shall be linked to a specific governmental action. Appeals under this Chapter are not intended to create a cause of action unrelated to a specific governmental action.

B. Formal elimination of appellate procedures. The appellate procedures provided for by 43.21C.060 RCW, which provides for an appeal to a local legislative body of any decision by a non-elected official conditioning or denying a proposal under authority of SEPA, are formally eliminated. The administrative appeal procedures provided by this part shall be construed consistently with 43.21.075 RCW, Chapter 36.70B RCW, and 197-11-680 WAC.

C. Relevant determinations. Appeals under the provisions of this part shall be limited solely to those actions and/or determinations listed below. No administrative appeals shall be allowed for other actions and/or determinations taken or made pursuant to this Chapter (such as lead agency determination, a determination that a proposal is categorically exempt, scoping, draft EIS adequacy, etc.).

1. Procedural Appeals which shall consist of an appeal of the responsible official’s compliance with the provisions of SEPA, the SEPA rules, and this Chapter with respect to the following:

a. Determination of nonsignificance;

b. Determination of significance;

c. Adoption or issuance of a Final Environmental Impact Statement.

2. Substantive Appeals which shall consist of an appeal of any non-elected official's or tribunal's action or omission with respect to the conditioning or denying of a proposal under the substantive authority set forth in Section 20.790.710 VMC.

D. Consolidation of appeals. Except as provided in Subsection (E) of this Section, an appeal under this Section shall consolidate any available SEPA appeal with a hearing or appeal on the underlying governmental action in a single simultaneous hearing before one hearing officer or body. The hearing or appeal shall be one at which the hearing officer or body will consider either the agency's decision or a recommendation on the proposed underlying governmental action. If no hearing or appeal on the underlying governmental action is otherwise provided, then no SEPA appeal is allowed under this Section, except as allowed under Subsection (E) of this Section.

E. When consolidation is not required. The following appeals of SEPA procedural or substantive determinations need not be consolidated with a hearing or appeal on the underlying governmental action:

1. An appeal of a determination of significance;

2. An appeal of a procedural determination made by an agency when the agency is a project proponent, or is funding a project, and chooses to conduct its review under this Chapter, including any appeals of its procedural determinations, prior to submitting an application for a project permit;

3. An appeal of a procedural determination made by an agency on a nonproject action.

F. Filing requirements. All procedural and substantive SEPA appeals provided under this Section shall be initiated by filing a written notice of SEPA administrative appeal with the Planning Official, accompanied with the applicable appeal fee; provided, that no additional appellate fee shall be charged in conjunction with an available hearing on the underlying permit or approval.

1. The notice of appeal required by this Section shall include, at a minimum:

a. The name and address of the party or agency filing the appeal;

b. An identification of the specific proposal and specific SEPA actions, omissions, conditions or determinations for which appeal is sought;

c. A statement of the particular grounds or reasons for the appeal.

2. The Planning Official shall arrange to conduct the SEPA appeal in conjunction with a hearing or appeal on the underlying permit or approval, where required to consolidate the SEPA appeal with a hearing on the underlying governmental action. Where consolidation is not required, the Planning Official shall schedule the hearing to be conducted within 90 days of the date of filing the notice of appeal.

a. SEPA procedural appeals shall be initiated and conducted in the manner set forth below:

(1) An appeal to the issuance of a DNS~~)~~, MDNS or FEIS may be filed by any agency or aggrieved person as follows:

(a) For proposals which may be approved by an administrative official without public hearing, an appeal shall be filed within 14 days after notice that the determination has been made has been issued. Such SEPA appeal shall be heard in conjunction with the appeal of the underlying permit or approval, where such appeal is allowed; provided, that if no administrative appeal of the underlying permit or approval is otherwise provided for, and consolidation is not required by Subsection (D) above, an appeal of the DNS/FEIS shall be heard and decided in an open record hearing by the Hearings Examiner appointed in Chapter 20.290_VMC, Review Bodies. The decision of the hearing examiner on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

(b) For proposals which may only be approved by open-record hearing or open-record pre-decision hearing recommendation before the Hearings Examiner or Planning Commission, an appeal shall be filed within 14 calendar days following the last day of any comment period required to be provided by this Chapter, or where no comment period is required, then within fourteen (14) days following the date of issuance or adoption of the DNS/FEIS, and shall be heard and decided in the open-record hearing by the Hearings Examiner or Planning Commission in conjunction with the decision or recommendation on the underlying proposal. The decision of the hearing examiner or planning commission on the SEPA procedural appeal shall be final and not subject to further administrative appeal.

(c) An appeal to a DS may be filed by the proposal applicant or sponsor within 14 days of the issuance of the DS/scoping notice. The appeal shall be heard in an open-record hearing and decided by a Hearings Examiner appointed pursuant to Chapter 20.290 VMC, Review Bodies, whose decision shall be final and not subject to further administrative appeal.

(d) The SEPA procedural determination of the responsible official shall be entitled to substantial weight, and the appellant shall bear the burden to establish a violation of SEPA, the SEPA rules, or the provisions of this Chapter.

(e) A SEPA procedural determination shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this Chapter, unless a SEPA procedural appeal is filed in accordance with this part.

(f) Where the Hearing Examiner or Planning Commission determines that the procedural determination is in violation of SEPA, the SEPA rules, or the provisions of this Chapter, the Hearing Examiner or Planning Commission may remand the procedural SEPA determination to the responsible official and, in such event, shall continue the open record hearing or open record pre-decision hearing until such time as a new or modified SEPA procedural determination is issued under the provisions of this Chapter. The decision of the Hearing Examiner or Planning Commission to remand the SEPA procedural determination shall be a final administrative decision not subject to further administrative appeal. Where applicable, such remand shall toll any period for project permit approval required by Chapter 36.70B RCW or other statutes, or otherwise required by other provisions of this code.

b. SEPA substantive appeals shall be initiated and conducted in the manner set forth below:

(1) For proposals subject to final administrative action, approval, or recommendation by a non-elected administrative official or tribunal for which no administrative appeal is otherwise provided, and for which consolidation is not required by Subsection (D) of this Section, any agency or aggrieved person may file a substantive SEPA appeal within 14 days of the issuance of the administrative decision approving, conditioning, or denying the proposal on the basis of substantive SEPA authority. Such substantive SEPA appeal shall be heard and decided by the Hearings Examiner appointed in Chapter 2.51 RCW in an open record hearing, unless the proposal is a project permit which has been subject to a previous open record hearing, in which case the SEPA appeal hearing shall be a closed-record hearing. The substantive SEPA appeal shall be heard in conjunction with any procedural SEPA appeal. The decision of the Hearing Examiner on the SEPA substantive appeal shall be final and not be subject to further administrative appeal.

(2) For all proposals subject to final administrative action, approval or recommendation, by a non-elected administrative official or tribunal, for which an administrative appeal or further approval hearing is otherwise provided or required, any agency or aggrieved person may file a substantive SEPA appeal within 14 days of the issuance of the administrative decision approving, conditioning or denying the proposal on the basis of substantive SEPA authority; provided, that if the proposal is a project permit, as defined in Part 20.790.700 VMC of this Chapter, a substantive SEPA appeal shall be filed within 14 days after issuance of any notice of decision under Chapter 20.210 VMC, Decision-Making Procedures. Any substantive SEPA appeal shall be conducted in the same manner and with the same process as otherwise provided for the appeal or approval hearing of the underlying administrative action.

(3) The SEPA substantive determination to condition or deny a proposal shall be deemed to be conclusively in compliance with SEPA, the SEPA rules, and the provisions of this Chapter, unless a SEPA substantive appeal is filed in accordance with this Part.

c. For any appeal under this Subsection, the City shall provide for a record that shall consist of the following:

(1) Findings and conclusions;

(2) Testimony under oath; and

(3) A taped or written transcript.

G. <u>Judicial appeal</u>

1. Any available administrative appeal provided under this Section must be utilized by an agency or aggrieved person prior to initiating judicial review of any SEPA action, omission or determination made or taken under this Chapter.

2. A judicial appeal of any SEPA action, omission or determination made or taken under this Chapter must be filed within the time limitations established by any statute or ordinance for appeal of the underlying governmental action.

3. The City shall give official notice of the date and place for commencing a judicial appeal, in accordance with 197-11-680(5) WAC, where there is a statute or ordinance establishing a time limit for commencing judicial appeal.

(M-3643, Added, 01/26/2004)

Section 20.790.700 Definitions.

20.790.710 Purpose of this Part and Adoption by Reference
20.790.720 Additional Definitions
(M-3643, Added, 01/26/2004)

Section 20.790.710 Purpose of this Part and Adoption by Reference.

Adoption of SEPA regulations. This part contains uniform usage and definitions of terms under SEPA. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-700	Definitions
WAC 197-11-702	Act
WAC 197-11-704	Action
WAC 197-11-706	Addendum
WAC 197-11-708	Adoption
WAC 197-11-710	Affected Tribe
WAC 197-11-712	Affecting
WAC 197-11-714	Agency
WAC 197-11-716	Applicant
WAC 197-11-718	Built Environment
WAC 197-11-720	Categorical Exemption
WAC 197-11-721	Closed Record Appeal
WAC 197-11-722	Consolidated Appeal
WAC 197-11-724	Consulted Agency
WAC 197-11-726	Cost-Benefit Analysis
WAC 197-11-728	County/City
WAC 197-11-730	Decision Maker
WAC 197-11-732	Department
WAC 197-11-734	Determination of Nonsignificance (DNS)
WAC 197-11-736	Determination of Significance (DS)
WAC 197-11-738	EIS
WAC 197-11-740	Environment
WAC 197-11-742	Environmental Checklist
WAC 197-11-744	Environmental Document
WAC 197-11-746	Environmental Review
WAC 197-11-750	Expanded Scoping
WAC 197-11-752	Impacts
WAC 197-11-754	Incorporation by Reference
WAC 197-11-756	Lands Covered by Water
WAC 197-11-758	Lead Agency
WAC 197-11-760	License
WAC 197-11-762	Local Agency
WAC 197-11-764	Major Action
WAC 197-11-766	Mitigated DNS
WAC 197-11-768	Mitigation
WAC 197-11-770	Natural Environment

WAC 197-11-772	NEPA
WAC 197-11-774	Nonproject
WAC 197-11-775	Open Record Hearing
WAC 197-11-776	Phased Review
WAC 197-11-778	Preparation
WAC 197-11-780	Private Project
WAC 197-11-782	Probable
WAC 197-11-784	Proposal
WAC 197-11-786	Reasonable Alternative
WAC 197-11-788	Responsible Official
WAC 197-11-790	SEPA
WAC 197-11-792	Scope
WAC 197-11-793	Scoping
WAC 197-11-794	Significant
WAC 197-11-796	State Agency
WAC 197-11-797	Threshold Determination
WAC 197-11-799	Underlying Governmental Action

(M-3643, Added, 01/26/2004)

Section 20.790.720 Additional Definitions.

See 20.150 Definitions

(M-3643, Added, 01/26/2004)

Section 20.790.800 Categorical Exemptions.

20.790.810	Purpose of this Part and Adoption by Reference
20.790.820	Use of Exemptions
20.790.830	Exemption from Threshold Determinations
20.790.840	Exempt Levels for Minor New Construction
20.790.850	Critical Areas

(M-3643, Added, 01/26/2004)

Section 20.790.810 Purpose of this Part and Adoption by Reference.

Adoption of SEPA regulations. This part contains rules for determining if a proposal is exempt from environmental review under this ordinance. This part also applies optional criteria for exemptions, including establishment of local thresholds, designation of critical areas, and selection of nonexempt actions within those areas. As supplemented by the provisions of this part, the City adopts the following sections of the SEPA rules by reference:

WAC 197-11-305	Categorical Exemptions
WAC 197-11-800	Categorical Exemptions
WAC 197-11-880	Emergencies
WAC 197-11-890	Petitioning DOE to Change Exemptions
WAC 197-11-908	Critical Areas

(M-3643, Added, 01/26/2004)

Section 20.790.820 Use of Exemptions.

A. Determination of exception. Each department within the City that receives an application for a license or, in the case of governmental proposals, the department initiating the proposal, shall determine whether the license and/or the proposal is exempt. The department's determination that a proposal is exempt shall be final and not subject to administrative review. If a proposal is exempt, none of the procedural requirements of this ordinance apply to the proposal. The City shall not require completion of an environmental checklist for an exempt proposal.

B. Identification of licenses. In determining whether or not a proposal is exempt, the department shall make certain the proposal is properly defined and shall identify the governmental licenses required (197-11-060 WAC). If a proposal includes exempt and nonexempt actions, the department shall determine the lead agency, even if the license application that triggers the department's consideration is exempt.

C. Proposals with exempt and non-exempt actions. Subject to the provisions of Section 20.790.920(A) VMC, if a proposal includes both exempt and non-exempt actions, the City may authorize exempt actions prior to compliance with the procedural requirements of this ordinance, except that:

1. The City shall not give authorization for:

   a. Any non-exempt action;

   b. Any action that would have an adverse environmental impact; or

   c. Any action that would limit the choice of alternatives.

2. Withholding approval of an exempt action. A department may withhold approval of an exempt action which would lead to modification of the physical environment, when such modification would serve no purpose if non-exempt action(s) subsequently were not approved; and

3. When substantial financial expenditures result. A department may withhold approval of exempt actions that would lead to substantial financial expenditures by a private applicant when the expenditures would serve no purpose if non-exempt action(s) were not approved.

(M-3643, Added, 01/26/2004)

Section 20.790.830 Exemption from Threshold Determinations.

A. Exceptions. If a proposal fits within any of the exemption provisions in this part, the proposal shall be categorically exempt from threshold determination requirements, except as follows:

1. The proposal is not exempt under 197-11-908 WAC and Section 20.790.850 VMC, critical areas.

2. The proposal is a segment of a proposal that includes:

a. A series of actions, physically or functionally related to each other, some of which are categorically exempt and some of which are not; or

b. A series of exempt actions that are physically or functionally related to each other and that together may have a probable significant, adverse environmental impact in the judgment of the agency with jurisdiction. If so, that agency shall be the lead agency, unless the agencies with jurisdiction agree that another agency should be the lead agency. Agencies may petition Ecology to resolve disputes, as governed by 197-11-946 WAC. For such proposals, the agency or applicant may proceed with the exempt

aspects of the proposals, prior to conducting environmental review, if the requirements of 197-11-070 WAC are met.

B. Documentation of categorically-exempt proposals. An agency is not required to document that a proposal is categorically exempt. Agencies may note on an application that a proposal is categorically exempt or place such a determination in agency files.
(M-3922, Amended, 07/06/2009, Sec 37; M-3643, Added, 01/26/2004)

Section 20.790.840 Exempt Levels for Minor New Construction.

A. Minor new construction funding. Pursuant to discretion and authority contemplated in 197-11-800(c) WAC, the City establishes the following exempt levels for "minor new construction," finding, as a matter of fact, that such exempt levels are supported by local conditions, including zoning and other land use plans or regulations, and by the fact that the City is an almost entirely urban and developed area:

1. Residential dwellings: those containing 20 dwelling units or fewer.

2. Agricultural structures: those containing 30,000 gross square feet or less.

3. Office, school, commercial, recreational, service or storage buildings: those containing 12,000 gross square feet or less, and which contains 40 parking spaces or fewer.

4. Parking lots: those containing 40 parking spaces or fewer.

5. Landfills and excavations: those consisting of 500 cubic yards or less.

B. Establishing new exemptions levels. Whenever the City establishes new exempt levels under this Section, it shall send them to the Headquarters Office of Ecology under 197-11-800(1)(c) WAC.
(M-3643, Added, 01/26/2004)

Section 20.790.850 Critical Areas.

A. Designation of critical areas. The city designates the following as critical areas, in which the exemptions as specified in Section 20.790.800 VMC shall not apply:

1. Wellhead protection areas, to include property within one thousand feet of a parcel on which at least one publicly-owned wellhead used for municipal water supply is located as shown on the wellhead protection areas maps incorporated by reference and on file in the office of the City Clerk.

B. Those categorical exemptions contained in 197-11-800(1), (2)(a), (2)(c) through (h), (3), (5)(b), (5)(c), (6)(a), (14)(c), (24)(a) through (g) and (25)(d), (f), (h), (i) WAC shall be inapplicable within wellhead protection areas as defined in Subsection (A)(1).

C. Limitations. The scope of environmental review of actions within the critical areas listed in this section shall be limited to:

1. Documenting whether the proposal is consistent with the requirements of the applicable critical areas ordinance; and

2. Evaluating potentially significant impacts on the critical area resources not adequately addressed by the city's comprehensive growth management plan and implementing ordinances, including any additional mitigation measures needed to protect the critical areas to achieve consistency with SEPA and other applicable environmental review laws.

D. Threshold determinations. The city shall treat proposals located wholly or partially within a critical area no differently than other proposals under this chapter, making a threshold determination for all such proposals. The city shall not automatically require an EIS for a proposal merely because it is proposed for location in a critical area.

(M-3692, Amended, 02/28/2005, Sec15; M-3643, Added, 01/26/2004)

Section 20.790.900 Agency Compliance.

Part 20.790.900 Agency Compliance

Adoption of SEPA regulations. This part contains the rules for agency compliance with SEPA, including rules for charging fees under the SEPA process, listing agencies with environmental expertise, selecting the lead agency, and applying these rules to current agency activities. The City adopts the following sections of the SEPA rules by reference:

WAC 197-11-900	Purpose of this Part
WAC 197-11-902	Agency SEPA Policies
WAC 197-11-904	Agency SEPA Procedures
WAC 197-11-910	Designation of Responsible Official
WAC 197-11-912	Procedures on Consulted Agencies
WAC 197-11-914	SEPA Fees and Costs
WAC 197-11-916	Application to Ongoing Actions
WAC 197-11-920	Agencies with Environmental Expertise
WAC 197-11-922	Lead Agency Rules
WAC 197-11-924	Determining the Lead Agency
WAC 197-11-926	Lead Agency for Governmental Proposals
WAC 197-11-928	Lead Agency for Public and Private Proposals
WAC 197-11-930	Lead Agency for Private Projects with One Agency Jurisdiction
WAC 197-11-932	Lead Agency for Private Projects Requiring Licenses From More Than One Agency, When One of the Agencies is a County/City
WAC 197-11-934	Lead Agency for Private Projects Requiring Licenses From a Local Agency, Not a County/City, and One or More State Agencies
WAC 197-11-936	Lead Agency for Private Projects Requiring Licenses From More Than One State Agency
WAC 197-11-938	Lead Agency for Specific Proposals
WAC 197-11-940	Transfer of Lead Agency Status to a State Agency
WAC 197-11-942	Agreements on Lead Agency Status
WAC 197-11-944	Agreements on Division of Lead Agency Duties
WAC 197-11-946	DOE Resolution of Lead Agency Disputes
WAC 197-11-948	Assumption of Lead Agency Status

(M-3643, Added, 01/26/2004)

Section 20.790.950 Forms.

Part 20.970.950 Forms

Adoption of SEPA regulations. The City adopts the following forms and sections of the SEPA rules by reference:

WAC 197-11-960	Environmental Checklist
WAC 197-11-965	Adoption Notice
WAC 197-11-970	Determination of Nonsignificance (DNS)
WAC 197-11-980	Determination of Significance and Scoping Notice (DS)

WAC 197-11-985 Notice of Assumption of Lead Agency Status
WAC 197-11-990 Notice of Action
(M-3643, Added, 01/26/2004)

Chapter 20.810

ACCESSORY DWELLING UNITS

Sections:

20.810.010 Purpose
20.810.020 Applicability.
20.810.030 Development Standards.
20.810.040 Submission Requirements
20.810.050 Conversions of Existing Accessory Structures.
20.810.060 Owner Occupancy

Section 20.810.010 Purpose

Purpose. The purpose of these code provisions for accessory dwelling units (ADUs) is to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for elderly parents, providing housing for their children, companionship, security, services or other purposes; (2) increase the supply of affordable housing units within the community; and (3) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighborhoods.
(M-3643, Added, 01/26/2004)

Section 20.810.020 Applicability.

A. Accessory dwelling unit applicability. ADUs shall be allowed as limited uses in all residential zoning districts (R-2, R-4, R-6, R-9, R-18, R-22, R-30, and R-35) if in compliance with all of the development standards contained in Section 20.810.030 VMC below. ADUs shall not be allowed in association with existing single-family dwellings located within non-residential zoning districts.

B. Approval process. A proposed ADU shall be reviewed by means of a Type I procedure, pursuant to Section 20.210.040 VMC, subject to the development standards contained in Section 20.810.030 VMC below. An ADU use is not subject to Site Plan Review.
(M-3931, Amended, 11/02/2009, Sec 25-Effective 12/2/2009; M-3643, Added, 01/26/2004)

Section 20.810.030 Development Standards.

Development standards for accessory dwelling units. An ADU shall comply with the following standards:

A. Configuration. An ADU may be located either within, attached to, or detached from the primary structure.

B. Density. Only one ADU may be created in conjunction with each single-family residence.

C. Minimum lot size. An ADU shall not be established on any parcel smaller than 4,500 square feet.

D. Maximum unit size. The gross floor area, calculated from finished wall to finished wall, of an existing structure, an addition, or new detached structure, converted to, or constructed for the purpose of creating an ADU shall not exceed 40 % of the gross floor area of the primary single family structure, not including garage and/or detached accessory buildings or 800 square feet (whichever is less).

E. Minimum unit size. The gross floor area of an ADU shall not be less than 300 square feet even if this exceeds the maximum requirement in (D) above, or as otherwise established by the requirements of the City Adopted Building Code.

F. Setbacks and lot coverage. Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures.

G. Scale and visual subordination. The ADU shall be visually subordinate to the primary unit. Specifically, new detached structures, or additions to existing structures, created for the purpose of establishing ADU, shall not comprise more than 40 % of the total front elevation of visible structure, including the combined ADU and primary unit. This standard does not apply for internal conversions of existing structures.

H. Parking. Additional on-site parking of one space is required in conjunction with the establishment of an ADU. The off-street parking requirements set forth in Chapter 20.945 shall be maintained for the primary residence.

I. Design and appearance. An ADU, either attached or detached, shall be consistent in design and appearance with the primary structure. Specifically, the roof pitch, siding materials, color and window treatment of the ADU shall be the same as the primary structure.

J. Construction standards. The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes.

K. Accessibility. To encourage the development of housing units for people with disabilities, the Building Official may allow reasonable deviation from the stated requirements to install features that facilitate accessibility. Such facilities shall be in conformance with the City Adopted Building Code.
(M-3959, Amended, 07/19/2010, Sec 38-Effective 8/19/2010; M-3701, Amended, 05/02/2005, Sec 24; M-3643, Added, 01/26/2004)

Section 20.810.040 Submission Requirements

The following information shall be submitted as part of an application for review:

A. Application. Completed and signed application provided by the Planning Official.

B. Fee. Fee pursuant to VMC 20.180.

C. Site plan. To-scale site plan showing the exact location of the primary residence and any accessory structures, parking, landscaping and setbacks.

D. Floor plan. Floor plan, drawn to scale, of entire house and accessory unit within the primary residence or within free-standing accessory structure.

E. Elevations. Elevations drawn to scale, of the accessory unit within the primary residence or within free-standing accessory structure.

F. Covenant. Signed covenant by which the owner affirms that he/she will occupy either the primary residence or ADU pursuant to VMC 20.810.060.

G. Design Plan. Plans showing how ADU will be consistent in design with existing structures, specifically, siding materials, roof pitch, color and window design.

(M-3643, Added, 01/26/2004)

Section 20.810.050 Conversions of Existing Accessory Structures.

A.A. Conversions of an existing structure. An existing garage structure or other outbuilding may be converted to an ADU provided that the structure complies with established setback standards for a primary structure, not accessory structure, as prescribed in the underlying zone, applicable building codes, and all other standards of this section, except the roof pitch and siding requirements described in VMC 20.810.030(I) above. Conversion of such garage shall not result in the elimination of the requirement of one legal on-site parking space to serve the single family residence.

B.B. Off-street parking requirements. The off-street parking requirements for the primary residence shall be provided for elsewhere on the site in conformance with the setback, paving and other development standards described in VMC 20.945 Parking and Loading.

(M-3701, Amended, 05/02/2005, Sec 25; M-3663, Amended, 08/02/2004, Sec 20; M-3643, Added, 01/26/2004)

Section 20.810.060 Owner Occupancy

A. Declaring owner occupancy. Prior to issuance of a building permit or certificate of occupancy establishing an ADU, the applicant shall record a deed restriction (Covenant) in the Clark County Auditor's Office a certification by the owner under oath in a form prescribed and approved by the Planning Official that one of the dwelling units is and will continue to be occupied by the owner of the property as the owner's principal and permanent residence for as long as the other unit is being rented or otherwise occupied.

B. Owner occupancy residence requirement. The owner shall maintain residency for at least 6 months out of the year, and at no time receive rent for, or otherwise allow to be occupied, the owner-occupied unit if absent for the remainder of the year. Falsely certifying owner occupancy shall be considered a violation of the Zoning Ordinance and is subject to the enforcement actions described in VMC 20.140.

(M-3643, Added, 01/26/2004)

Chapter 20.820

ADULT ENTERTAINMENT

Sections:

20.820.010 Purpose.
20.820.020 Restrictions on Locations of Adult Entertainment Businesses.
20.820.030 Special Standards (Reserved for Future Use)
20.820.040 Enforcement.

Section 20.820.010 Purpose.

Purpose. The purpose of these regulations is to separate certain uses from the secondary effects of adult entertainment businesses by establishing criteria to adequately separate such establishments from neighborhoods, schools, permanent religious institutions, licensed daycare facilities and parks.
(M-3643, Added, 01/26/2004)

Section 20.820.020 Restrictions on Locations of Adult Entertainment Businesses.

A. Applicability. Adult entertainment business as defined in VMC 20.160.020 (C)(3)(a) shall be allowed as a limited use in the CG, IL and IH districts subject to a Type II review. The use shall be subject to the following development standards:

1. Distance restrictions. It shall be unlawful for anyone to establish an adult entertainment business or to relocate an adult entertainment business within 1,000' measured in a straight line without regard to intervening structures or objects, of any existing adult business or public park; child care facility licensed by the State of Washington; preschool; permanent religious institution; and/or public or private elementary, middle, junior high or high school.

2. Distance restrictions from a residential district. It shall further be unlawful to locate or relocate any adult entertainment business within 500' of any residential district.

B. Non-conforming status. The location of a newly-established public park, licensed child care facility, permanent religious institution, preschool or school within 1,000' or the establishment of a residential district within 500' of an existing adult entertainment business shall not cause the existing adult entertainment business to be deemed a non-conforming use.
(M-3643, Added, 01/26/2004)

Section 20.820.030 Special Standards (Reserved for Future Use)

(M-3643, Added, 01/26/2004)

Section 20.820.040 Enforcement.

Enforcement of violations. Anyone convicted of violating this Chapter shall be subject to enforcement actions as contained in VMC 20.140 Enforcement. If subject to an enforcement action, the applicant shall be sentenced to a maximum 30 calendar days in jail, or fined a maximum $500 per such violation.
(M-3643, Added, 01/26/2004)

Chapter 20.830

BED AND BREAKFAST ESTABLISHMENTS

Sections:

20.830.010 Purpose.
20.830.020 Approval Process.
20.830.030 Development Standards.
20.830.040 Submission Requirements.

Section 20.830.010 Purpose.

Purpose. The regulations are intended to allow for a more efficient use of large, older houses for a use that has been found to be compatible with residential uses. Through these regulations, the proprietor can take advantage of the scale and often the architectural and historical significance of a residence and provide an alternative form of lodging for visitors who prefer a residential setting.
(M-3643, Added, 01/26/2004)

Section 20.830.020 Approval Process.

A. Conditional uses. A 3-6 bedroom bed-and-breakfast establishment in the lower-density residential zoning districts, i.e., R-2, R-4, R-6 and R-9 zones is permitted as a conditional use, subject to the requirements of VMC 20.245 Conditional Uses, VMC 20.210 Decision-Making Procedures, the development standards contained in VMC 20.830.030 below, and the requirements of state law.

B. Limited uses.

1. A 1-2 bedroom bed-and-breakfast-establishment is allowed as a limited use in the lower density residential districts (R-9, R-6, R-4, R-2) subject to a Type I review, pursuant to VMC 20.285.040 and the development standards contained in VMC 20.830.030 below.

2. A bed-and-breakfast-establishment in higher-density residential and commercial zoning districts is allowed as a limited use subject to a Type I review, pursuant to VMC 20.285.040 and the development standards contained in VMC 20.830.030 below.
(M-3931, Amended, 11/02/2009, Sec 27-Effective 12/2/2009; M-3643, Added, 01/26/2004)

Section 20.830.030 Development Standards.

A. Accessory use. In residential zoning districts, a bed-and-breakfast establishment must be accessory to a Household Living use on a site, as defined in VMC 20.160.020(A)(1). This means that an individual or family which operates the establishment must occupy the house as their primary residence. The house must have been used as a residence for at least a total of five years prior to filing the application for a bed-and- breakfast establishment.

B. Uses. In residential zoning districts, banquets, parties, weddings or meetings for guests or other non-family members for the general public are prohibited. These services may be provided only to residents or overnight patrons of the facility.

C. Compliance with state guidelines. In all zoning districts, bed-and-breakfast establishments containing three to six bedrooms for guests must meet the Department of Health Bed-and-Breakfast Guidelines. These guidelines are enforced by DSHS.

D. Appearance. In all residential zones, residential structures may be remodeled for the development of bed-and-breakfast establishments. Structural alterations may not be made which prevent the structure from being used as a house.

E. Parking. In all residential zoning districts, a minimum of two off-street parking spaces are required. In commercial zoning districts, parking is subject to the requirements of VMC 20.945, Parking and Loading. Additional off-street spaces may be required as a condition of approval for those bed-and-breakfast establishments governed by conditional use approval, per the requirements of VMC 20.245.

F. Signs. Signs in residential and commercial zoning districts shall conform to appropriate sections of VMC 20.960 Signs
(M-3840, Amended, 08/06/2007, Sec 36; M-3643, Added, 01/26/2004)

Section 20.830.040 Submission Requirements.

In addition to the information otherwise required on the conditional use application form, when applicable, the applicant must provide the following:

A. Site plan. A site plan showing where guest parking will be provided.

B. Floor plan. A floor plan of both existing structure and modifications for bed-and-breakfast use.

C. Traffic impacts. A statement indicating the potential impact on traffic in the area.

E. State certification. For establishments containing three or more units, a statement from the State Department of Social and Health Services indicating that the proposed bed-and-breakfast can meet the DSHS's Bed-and-Breakfast Guidelines.

F. Sign plan. Proposed sign plan if applicable.
(M-3643, Added, 01/26/2004)

Chapter 20.840

CHILD CARE CENTERS

Sections:

20.840.010 Purpose.
20.840.020 Types.
20.840.030 Special Use Standards for Family Child Day Care Homes and Child Care Centers.

Section 20.840.010 Purpose.

Need for child care facilities. The City Council finds that a community need exists for child care and similar facilities within the City of Vancouver. Further the Council finds that it is appropriate that different levels or intensities of child care facilities be subjected to different levels of review. Therefore, the City has established the following standards and review procedures for the protection and enhancement of the neighborhood and for the general health and welfare of the community.
(M-3643, Added, 01/26/2004)

Section 20.840.020 Types.

A. Types. There are two types of child care uses identified by the State of Washington. For further definition, see VMC 20.160.020 (B)(5)(a). These include:

1. Family Child Day Care Homes. Such homes are used for the care of no more than 12 children.

2. Child Care Centers. Child Care Centers are for the care of 13 or more children.

B. Regulatory compliance. Child Care Centers and similar facilities shall comply with the requirements of VMC 20.840.030, in addition to any requirements imposed by the State of Washington.
(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; M-3643, Added, 01/26/2004)

Section 20.840.030 Special Use Standards for Family Child Day Care Homes and Child Care Centers.

A. Family Child Day Care Homes meeting the definition of VMC 20.160.020 (B)(5)(a) are permitted in any residence in any zone except industrial districts. Signs for Family Day Care Homes are prohibited.

B. Child Care Centers Child Care Centers, pre-schools and other similar facilities for care of 13 or more children and which otherwise meet the definition of Child Care Center contained in VMC 20.160.020 (B)(5)(a) shall be reviewed as follows:

1. In residential zones, Child Care Centers shall be permitted pursuant to VMC 20.410 and VMC 20.420 as applicable and shall also comply with the following development standards:

a. Minimum lot size.5,000 sq. ft.

b. Minimum outdoor play area. Minimum of 75 sq. ft. per child for whom care is provided. This area must be contiguous to the facility.

c. Play area screening: A site-obscuring fence of at least 4’ but not more than 6’ in height shall be provided, separating any play area from adjoining lots. A similar fence shall be required between the play area and any abutting rights-of way.

d. Parking and loading: Compliance with the applicable provisions of VMC 20.945 Parking and Loading shall be required.

e. Signs. Signs shall be allowed subject to 20.960 VMC.

2. In all commercial and (OCI and IL) child care centers shall be allowed by right subject to the following design standards:

a. Minimum lot area. of 10,000 sq. ft.

b. Play area screening. A site-obscuring fence of at least 4’ but not more than 6’ in height shall be provided, separating any play area from adjoining lots. A similar fence shall be required between the play area and any abutting rights-of way.

c. Parking and loading. Compliance with the applicable provisions of VMC 20.945 Parking and Loading shall be required except that no parking or loading shall be required in the City Center District (CX).

d. Signs. Sign~~s~~ in a commercial or industrial zoning district shall comply with the applicable sections of VMC 20.960 Signs.

(M-4066, Amended, 12/16/2013, Sec 5; Effective 01/16/2014; M-3643, Added, 01/26/2004)

Chapter 20.850

DOG DAY CARE

Sections:

20.850.010 Purpose.
20.850.020 Approval Process.
20.850.030 Development Standards

Section 20.850.010 Purpose.

Purpose. The purpose of this chapter is to establish the standards for the location of dog day care facilities, in a manner that minimizes impacts on surrounding property owners.
(M-3667, Amended, 09/13/2004, Sec 4; M-3643, Added, 01/26/2004)

Section 20.850.020 Approval Process.

A. Lower Density Residential Zoning Districts. Dog Day Care uses are prohibited in the R-2, R-4, R-6, and R-9 zoning districts.

B. Higher-Density Residential Zoning Districts. Dog Day Care uses are allowed as conditional uses in the R-18, R-22, R-30 and R-35 zones, pursuant to Chapter 20.245 VMC, governing Conditional Uses, and Chapter 20.210 VMC, governing Decision-Making Procedures, and subject to the development standards contained in Section 20.850.030 VMC.

C. Commercial and Industrial Zoning Districts. Dog Day Care uses are limited uses in the commercial zones (CN, CC, CG, CX, WX, and MX) and industrial zones (OCI, IL and IH), subject to the development standards contained in Section 20.850.030 below. Dog day care is a prohibited use in the Vancouver Central Park Plan District (CPX).

D. Open Space Zones. Dog Day Care uses are prohibited in the NA and GR zoning districts.
(M-3730, Amended, 12/19/2005, Sec 28; M-3667, Amended, 09/13/2004, Sec 5; M-3643, Added, 01/26/2004)

Section 20.850.030 Development Standards

A. General standards. All Dog Day Care facilities regardless of the zoning district in which they are located shall comply with the following criteria:

1. The hours of operation shall be limited daily from 6 a.m. to 9 p.m. in the higher density residential districts and 6 a.m. to 10 p.m. in the commercial and industrial districts.

2. The dogs may be groomed, trained, exercised and socialized, but not kept or boarded overnight, bred, sold, or let for hire.

3. Provide off-street parking and loading as required in VMC 20.945 - Parking and Loading.

4. Dog Day Care facilities shall be subject to VMC Chapter 8.24 - Animals.

5. Walls, partitions and floor/ceilings assemblies separating Dog Day Care facilities from residential uses shall have a sound transmission class (STC) as required by the Building Code.

6. Provide sight-obscuring fencing for all on-site outdoor recreation areas. The fence shall provide full containment for the dogs. The fence structure shall be deep enough and secured to the ground to prevent escape and high enough to prevent dogs from jumping or climbing over. The Fence shall be subject to VMC 20.912 Fences and Walls.

7. The applicant shall be required to obtain all licenses and permits, and meet the City's Limited and Conditional Use and Site Plan review requirements, as applicable.

B. Higher-density residential zoning districts. A Dog Day Care facility is permitted as a conditional use (Type 3 procedure) in the R-18, R-22, R-30 and R-35 zoning districts subject to the regulations in Chapter 20.245 VMC, Conditional Uses, and the procedural requirements of Chapter 20.210 VMC, Decision-Making Procedures. Such a facility in one of these zoning districts shall satisfy the following requirements in addition to those in Subsection (A) above:

1. A minimum lot size of one acre, a maximum of 30 dogs on the premises.

2. Outdoor areas where dogs will be allowed must be a minimum of 50’ from any property line. The setback requirements of this section do not apply if all activity is contained indoors.

3. All existing and additional structures shall maintain a residential character. Dog Day Care shall be accessory to the residential use of the site.

4. Hours of operations: 6 a.m. to 9 p.m.

C. Commercial zoning districts. A Dog Day Care facility is permitted as a Type I limited use in the CN, CC, CG, CX, WX, and MX zoning districts subject to the procedural requirements of VMC 20.210 Decision-Making Procedures. Such a facility in one of these zoning districts shall satisfy the following requirements in addition to those in Subsection A above:

1. Maximum of 40 dogs on the premises.

2. Minimum setback requirements shall be consistent with the standards of the CN, CC, CG, CX, WX, and MX unless the Dog Day Care facility abuts a residential district, in which case the setback shall be 50’. The setback requirements of this section do not apply if all activity is contained indoors.

3. Provide on-site indoor play area when located within the City Center (CX), Waterfront (WX) and Mixed Use (MX) districts. Outdoor play areas are not permitted in the (CX), (WX), or (MX) districts.

4. Hours of operation: 6 a.m. to 10 p.m.

D. Industrial zoning districts. A Dog Day Care facility is permitted as a Type I limited use in all industrial districts except airport and subject to the procedural requirements of VMC 20.210 Decision-Making Procedures. Such a facility in one of these zoning districts shall satisfy the following requirements in addition to those in Subsection A above:

1. A 50’ setback shall be maintained where such facilities abut a residential district.

2. A 50' setback shall be maintained where such facilities abut a residential district. The setback requirements of this section do not apply if all activity is contained indoors.

3. Hours of operation: 6 a.m. to 10 p.m.

(M-3922, Amended, 07/06/2009, Sec 38; M-3730, Amended, 12/19/2005, Sec 29; M-3667, Amended, 09/13/2004, Sec 6; M-3643, Added, 01/26/2004)

Chapter 20.855

ESSENTIAL PUBLIC FACILITIES

Sections:

20.855.010 Purpose.
20.855.020 Development Requirements .

Section 20.855.010 Purpose.

Purpose. The purpose of this Chapter is to fulfill the requirements of the Growth Management Act by accommodating Essential Public Facilities of state or regional significance, including but not limited to airports, state education facilities, state or regional transportation facilities; prisons, jails and other correctional facilities; secure community transition facilities; and solid waste facilities.
(M-3643, Added, 01/26/2004)

Section 20.855.020 Development Requirements .

A. Applicability. Essential Public Facilities where not prohibited, shall be conditional uses per the requirements of VMC 20.245 - Conditional Uses and shall be subject to the additional requirements contained in subsection (B) below.

B. Requirements

1. Early notification and involvement of affected citizens and jurisdictions shall be provided as follows: At least 90 days before submitting an application for such a facility, the prospective applicant shall notify the affected public and jurisdictions of the general type and nature of the proposal, identify sites under consideration for accommodating the proposed facility, and identify opportunities to comment on the proposal. Applications for specific projects shall not be considered complete without proof of such a published notice in a local newspaper of general circulation.

2. If it will generate substantial traffic as determined by the city's traffic engineer, such a facility shall be located near a major transportation corridor(s) served or planned to be served by mass transit.

3. Inter-jurisdictional agreements shall be developed to mitigate any disproportionate financial burdens which may fall on the local jurisdiction within which a facility of a state, regional, or county-wide nature is located.

4. The proposed project shall comply with all applicable provisions of the Comprehensive Plan, Title 20 and other applicable provisions of the Municipal Code, SEPA, and other federal, state and local statute, codes and ordinances.

5. Applicants for such a facility shall provide an analysis of the alternative sites considered for the proposed facility. This analysis shall include the following:

a. A justification of the need for the proposed facility in the proposed location. The applicant shall demonstrate that less impacting alternatives have been considered and found not to be feasible.

b. The applicant shall also describe the process used to identify and evaluate alternative sites.

c. An evaluation of the sites' capability to meet basic siting criteria for the proposed facility, such

as size, physical characteristics, access, and availability of necessary utilities and support services.

d. The sites' relationship to the service area and the distribution of other similar public facilities within the service area or jurisdiction, whichever is larger.

e. A description of the relative environmental, traffic and social impacts associated with locating the proposed facility at the alternative sites that meet the applicant's basic siting criteria. The applicant shall also identify proposed mitigation measures to alleviate or minimize adverse impacts. (Ord. M-3309 § 10, 1997: Ord. M-3234 § 4, 1996)

6. Special provisions for specific types of essential public facilities.

a. Secure community transition facilities conforming with the standards set forth below may be approved by conditional use permit following notice to all property owners and occupants of record within 1,500 feet of the proposed site.

1. Secure community transition facilities shall conform with all substantive, procedural and operational requirements set forth in RCW Chapter 71.09 and rules, regulations, and policy guidelines promulgated under the authority thereof or in response thereto.

2. Secure community transition facilities shall provide the following staffing and security measures:

a. The owner and operator of the secure community transition facility shall submit and maintain a plan for staffing, security measures, procedures for immediate public notification of escapes, and escapee search procedures ("the Plan"), all in a form and content satisfactory to the planning official. The security measures shall indicate the types of security measures/facilities proposed for the secure community transition facility including, but not limited to, constant electronic monitoring of residents, site security measures/equipment, and site access and control consistent with Chapter 71.09 RCW, unless otherwise ordered by a court. The plan, along with documentation of the planning official’s concurrence in or rejection of the plan, shall be included in materials submitted to and reviewed by the Hearing Examiner, provided that the security plan made part of the public record shall not be in such detail that security of the facility would be compromised.

b. The owner and operator of the secure community transition facility shall enter into a contract with the city, in a form and content satisfactory to the City Attorney, committing the owner and operator to comply with and maintain the plan for the life of the facility.

c. The applicant shall install an eight-foot high fence, in character with the surrounding area, between the facility and all property boundaries. The Hearing Examiner may waive or lessen this requirement upon finding that due to existing site features or the type or character of adjoining uses, the privacy and security of the occupants of adjoining properties can be maintained in the absence of a fence or with a lower fence.

d. The facility shall have a backup power source.

3. No such facility shall be located adjacent to, immediately across a street or parking lot from, or within the line of sight of a risk potential activity or facility as defined in RCW 71.09.020. For purposes of this subsection, those specific risk potential activities and facilities described in the applicable state law shall be interpreted as follows and shall include such facilities located within the City of Vancouver and all neighboring jurisdictions:

a. Public and private schools and their grounds;

b. School bus stops;

c. Licensed child daycare and licensed preschool facilities;

d. Public parks;

e. Publicly dedicated trails;

f. Sports fields;

g. Playgrounds;

h. Recreational and community centers;

i. Places of worship such as churches, synagogues, temples, and mosques;

j. Public libraries;

k. Any other risk potential activity or facility identified in siting criteria by the Department of Social and Health Services with respect to siting a secure community transition facility.

(M-3701, Amended, 05/02/2005, Sec 26; M-3643, Added, 01/26/2004)

Chapter 20.860

HOME OCCUPATIONS

Sections:

20.860.010 Purpose.
20.860.020 Development Requirements.

Section 20.860.010 Purpose.

A. Support small-scale businesses. Provide residents with an opportunity to use their homes to engage in small-scale business activities.

B. Reduce traffic congestion. By providing opportunities for residents to work in their homes, reduce home-to-work and work-to-home trips that add to the congestion on the City' s streets during the morning and evening peak periods.

C. Protect neighborhood character. Establish approval criteria and standards to ensure that home occupations are conducted as lawful uses that are subordinate to the residential use of the property and are conducted in a manner that is not detrimental or disruptive in terms of appearance or operation to neighboring properties.

(M-3643, Added, 01/26/2004)

Section 20.860.020 Development Requirements.

A. Applicability. Home occupations shall be a limited use in all zoning districts within legally established residential homes. Such uses shall be subject to a Type I review, pursuant to Section 20.210.040 VMC, subject to the development standards in subsection B below.

B. Development requirements. Failure to comply with any or all of the following development standards will result in revocation of the home occupation permit.

1. Employees. Two non-resident employees are permitted for home occupation activities located in all zoning districts, provided that legal off-street parking is available for the second non-resident employee. The primary person or persons providing the business or service must reside within the dwelling on the premises.

2. Incidental Sales. The sale of consumer goods shall be prohibited except when the product to be sold is clearly incidental and secondary to the services authorized by such home occupation.

3. Off-site impacts. No home occupation shall generate measurable levels at the property line of dust, smoke, odor or glare as defined in VMC 20.935 Off-Site Impacts, or noise in excess of the state standards outlined in WAC 173-06-050 as specified in VMC 20.935.030.A (Environmental Noise). The home occupation activity shall not generate solid waste in volume or type which is not normally associated with residential use unless specifically permitted.

4. Disturbing Influences. The home occupation use shall not create electronic interference, including but not limited to; interference with radio, satellite reception, telephone or television reception.

5. Exterior modification. To preserve the residential appearance of the structure, there shall be no evidence of the home occupation from the exterior of the structure, except one door nameplate or

freestanding sign not to exceed 2 square feet is permitted. Freestanding signage shall be located within 10 feet of the residence and positioned facing the street parallel to the front of the residence.

6. Limitations on customers and visitors. The combined total number of customers and business visitors associated with the home occupation shall be limited to no more than an average of six per day per week (Monday-Sunday).

7. Location of use. All uses or activities associated with home occupation~~s~~ shall be wholly carried on within a dwelling or accessory structure by a member or members of a family except as allowed in 20.860.020(B)(1). Such activity shall be secondary to the use of the dwelling for living purposes. Not more than 25% of the combined floor space of such dwelling and accessory structure or 1,000 square feet, whichever is less may be used for the home occupation.

8. Outdoor storage. No outdoor storage associated with home occupation shall be permitted.

9. Vehicles. Vehicles related to the home occupation shall be restricted to standard non-commercial cars, trucks, and vans.

10. Exemptions.

a. Garage Sales as per 20.885.020(E) are exempt from obtaining a home occupation permit.

b. Child Care Homes licensed by the state for the care of 12 or fewer children are exempt from obtaining a home occupation permit. City business license requirements apply. No signs allowed.

c. Adult Care Homes licensed by the state for the care of 6 or fewer persons. No signs allowed.

d. Home occupations that occupy less than 25% of a residence (up to 1,000 sq. ft. of combined space), have no customer visits, and no-onsite retail sales are exempt from obtaining a home occupation permit. The home occupation development standards of this section and the City business license requirements apply.

11. Examples of permitted uses include but are not limited to the following:

a. Artists, illustrators, writers, photographers (no photo processing), editors, drafters, publishers;

b. Professional office for consultants and other similar activities;

c. Bookkeeping, law office, and architect;

d. Distribution of products assembled at home for off-premise sales (such as garden produce or crafts);

e. Janitorial services (office);

f. Mail order business or sales representative;

g. Interior decorator;

h. Manufacturer’s representative.

i. Light furniture making and woodworking that does not result in the use or storage of amounts of hazardous, flammable, or combustible materials above the allowed exempt quantities as detailed in the building and fire codes adopted by Title 16 and Title 17 VMC.

j. Cottage food operations, as defined by 69.07 RCW.

l. Medical, disabled or elderly transportation service, provided only one vehicle associated with the home business is permitted.

12. Examples of prohibited uses include, but are not limited to, the following:

a. Auto repair;

b. Welding shops;

c. Large appliance/electronics or equipment repair or service;

d. Truck hauling and/or tow storage yard;

e. Vehicle sales;

f. Cabinet making;

g. Manufacturing and/or related storage;

h. Kennel or stable;

i. Wholesale or retail sales;

j. Restaurants/drinking establishments;

k. Metal plating;

l. Any use generating, storing or utilizing hazardous waste.

m. Commercial limousine service.

13. Hours of Operation. Normal hours of operation shall be 7:00 a.m. to 8:00 p.m. with after hours activity permitted if wholly indoors and fully compliant with the off-site impact standards of Section 20.935.030 VMC and Table 20.935.030-1 VMC regarding maximum permissible noise levels.

(M-4034, Amended, 12/03/2012, Sec 25-Effective 01/03/2013; M-3931, Amended, 11/02/2009, Sec 28-Effective 12/2/2009; M-3931, Amended, 11/02/2009, Sec 28-Effective 12/02/2009; M-3643, Added, 01/26/2004)

Chapter 20.870

HUMAN SERVICES FACILITIES

Sections:

20.870.010 Purpose.
20.870.020 Types.
20.870.030 Approval Process.
20.870.040 Approval Criteria
20.870.050 Development Standards.
20.870.060 Existing Facilities .

Section 20.870.010 Purpose.

Community benefits. Facilitating the provision of basic shelter, food, job training and other health and social services to those City residents in need is an important function of the community. At the same time, it is important that these be regulated in a way that minimizes any adverse off-site impacts, particularly in established neighborhoods where such facilities tend to be located. There is a particular concern that no area bear a disproportionate burden in the provision of these services. The purpose of this Chapter is to identify the procedures and criteria by which such Human Service Facilities will be reviewed.
(M-3643, Added, 01/26/2004)

Section 20.870.020 Types.

A. Class 1 facility. A Class 1 facility is a facility defined as Transitional Housing pursuant to the definition in Section 20.160.020(A)(3) VMC.

B. Class 2 facility. A Class 2 facility is (1) a human services facility other than a Class 1 facility as defined in Subsection A above, which (2) serves an average of 75 or more clients per day based on the number of days per week that the facility serves its clients.

C. Class 3 facility. Class 3 facility is (1) a human service facility other than a Class 1 or 2 facility as defined in Subsections A and B above; which (2) serves an average of 20-74 clients per day based on the number of days per week that the facility serves its clients.

D. Exemption. If the application for location, relocation or expansion of a human service facility states that said facility is to serve an average of 19 or fewer clients per day, based on the number of days per weeks that the facility serves its clients, said facility shall be exempt from the requirements of this Chapter.
(M-4034, Amended, 12/03/2012, Sec 26-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.870.030 Approval Process.

A. Any new or expanded Human Service Facility shall be reviewed as a Type III, pursuant to VMC 20.210.060, with demonstration of compliance with approval criteria contained in VMC 20.870.040.

B. Co-location of services. The City shall encourage clustering of services, including multi-service centers, in areas or situations where such clustering will measurably improve the effective and efficient delivery of services to clients and minimize or reduce adverse impacts to the adjacent neighborhood. In recognition of this, an applicant may request a waiver or reduction of the spacing standards contained in VMC 20.870.050 to a service in an existing Human Service facility by means of a Type II, pursuant to Section 20.210.050

VMC, if the applicant demonstrates that co-location of facilities will:

1. Provide a range of services to the same or similar client population;

2. Reduce cumulative impacts of the services that would occur if they were separately located;

3. Improve coordination of services by addressing gaps in services or by reducing duplication of services; and

4. Improve the ability of the client population to access needed services in a more efficient and coordinated way.

C. Modification of spacing requirements

1. An applicant for a Human Service Facility may request a modification of the spacing requirements contained in Section 20.870.050 VMC by up to 20% as part of the approval pursuant to Subsection A above by demonstrating that there is a lack of feasible alternative sites outside of the dispersal area.

2. An applicant for a Human Service Facility may request a modification of the spacing requirements contained in Section 20.870.050 VMC by more than 20% as part of the initial approval pursuant to Subsection (A) above that all the following conditions and facts exist:

   a. The facts presented constitute an exceptional situation that provides for relief under this provision;

   b. The applicant has demonstrated there is a lack of feasible alternative sites outside of the dispersal area;

   c. Approval of the application will not be substantially detrimental to the public health, safety and welfare or to the property and improvements in the neighborhood.

(ACM M-3363, Amended, 12/20/2013, Change reference of 20.210.040 to 20.210.020 Type II applicaitons; M-4034, Amended, 12/03/2012, Sec 27-Effective 01/03/2013; M-3663, Amended, 08/02/2004, Sec 21; M-3643, Added, 01/26/2004)

Section 20.870.040 Approval Criteria

A. Compatibility. The establishment, maintenance or operation of the facility will not, under the circumstances of the particular case, be significantly detrimental to the health, safety or general welfare of persons residing or working in the neighborhood of such proposed use or be significantly detrimental or injurious to the property or improvements in the neighborhood or to the general welfare of the City.

B. Compliance with applicable regulations. Demonstration that the applicant has complied with all standards and regulation contained in this Chapter.

(M-3643, Added, 01/26/2004)

Section 20.870.050 Development Standards.

A. Class 1 facility. All such facilities shall be required to comply with each of the following standards:

1. A Transitional Housing provider shall not be sited less than one mile from another such facility or less than 1,320 feet from any Class 2, 3 or other human service facility as defined herein, or from any Residential Care Center defined at VMC 20.150.040. The distances required by this provision shall be measured by following a straight line, without regard to intervening buildings, from the nearest property line of the proposed facility to the nearest property line of the closest existing facility.

2. All functions associated with such a facility must take place within the building proposed to house the facility, provided, that this regulation shall not apply to facilities that provide services to persons at different locations.

3. Restrooms must be provided to serve the expected number of clients at peak periods and these must be kept in working order.

4. Outdoor waiting for clients may be restricted and if allowed shall not be in the public right-of-way and must be physically separated from the public right-of-way. Any such outdoor waiting facility must be large enough to accommodate the expected numbers of clients.

5. A maintenance plan for the exterior of the building and site must be submitted with the application and must be followed. The plan must provide for the building and site to be maintained at a level that will not detract from the character of the surrounding area.

6. A litter control plan must be submitted with the application and must be followed. The plan must provide for effective litter removal at or near the site of the facility.

7. Sufficient off-street parking must be provided for staff and clients.

B. Class 2 facility. All such facilities shall be required to comply with each of the following standards:

1. Class 2 facilities shall be sited not less than 1,320' from any other Class 1, 2, or 3 facility as defined herein. The distances required by this provision shall be measured by following a straight line, without regard to intervening buildings, from the nearest property line of the proposed facility to the nearest property line of the closest existing facility.

2. Functions associated with such a facility must take place within the building proposed to house the facility, provided that this regulation shall not apply to facilities that provide services to persons at different locations.

3. Restrooms must be provided to serve the expected number of clients at peak periods and these must be kept in working order.

4. Outdoor waiting for clients may be restricted and if allowed shall not be in the public right-of-way and must be physically separated from the public right-of-way. Any such outdoor waiting facility must be large enough to accommodate the expected numbers of clients.

5. A maintenance plan for the exterior of the building and site must be submitted with the application and must be followed. The plan must provide for the building and site to be maintained at a level that will not detract from the character of the surrounding area.

6. A litter control plan must be submitted with the application and must be followed. The plan must provide for effective litter removal at or near the site of the facility.

7. Sufficient off-street parking must be provided for staff and clients.

C. Class 3 facility. All such facilities shall be required to comply with each of the following standards:

1. Class 3 facility may be located, relocated or expanded if there are no more than four existing Class 3 facilities within 2,000' of the center of the proposed Class 3 site.

2. All functions associated with such a facility must take place within the building proposed to house the facility, provided, that this regulation shall not apply to facilities that provide services to persons at different locations.

3. Restrooms must be provided to serve the expected number of clients at peak periods and these must be kept in working order.

4. Outdoor waiting for clients may be restricted and if allowed shall not be in the public right-of-way and must be physically separated from the public right-of-way. Any such outdoor waiting facility must be large enough to accommodate the expected numbers of clients.

5. A maintenance plan for the exterior of the building and site must be submitted with the application and must be followed. The plan must provide for the building and site to be maintained at a level that will not detract from the character of the surrounding area.

6. A litter control plan must be submitted with the application and must be followed. The plan must provide for effective litter removal at or near the site of the facility.

7. Sufficient off-street parking must be provided for staff and clients.

(M-3643, Added, 01/26/2004)

Section 20.870.060 Existing Facilities .

A. Registration. Facilities existing as of November 1, 1991, shall be required to register with the Planning Official and shall provide information regarding size, function and number of clients served.

B. Compliance with regulations. Such facilities shall be required to comply with all standards and regulations as set forth in this Chapter except spacing requirements within 90 calendar days of the date of receipt of the City's written notice requesting compliance. Spacing and location requirements as set forth herein shall be met by any facility whose client numbers or operations change so that such facility becomes either a Class 1, 2 or 3 facility.

C. Abandonment. Any existing facility that is abandoned for a continuous period of one year or more must meet the spacing and location requirements as set forth in this Chapter to be re-established at the same location.

(M-3643, Added, 01/26/2004)

Chapter 20.880

MANUFACTURED HOME PARKS

Sections:

20.880.010 Purpose.
20.880.020 Applicability.
20.880.030 Development Standards.
20.880.040 Performance Bond.

Section 20.880.010 Purpose.

Purpose. The purpose of this chapter is to establish criteria for the placement of manufactured homes in developments within the city in a manner that encourages a full-range of housing types and protects the integrity of existing neighborhoods.
(M-3709, Amended, 06/20/2005, Sec 12; M-3643, Added, 01/26/2004)

Section 20.880.020 Applicability.

Manufactured Home Developments established prior to the effective date of this ordinance are exempt from the development standards of VMC 20.410.050F and 20.420.050G and may continue to exist and expand within existing boundaries subject to the development standards of this section. Replacement/relocation of units is allowed between and within any existing approved Manufactured Home Development.
(M-3709, Amended, 06/20/2005, Sec 13; M-3643, Added, 01/26/2004)

Section 20.880.030 Development Standards.

A. Locational requirements. The following criteria must be taken into consideration in the expansion of existing manufactured home developments:

1. Adequate buffering or screening may be required in order to make the manufactured home development compatible with its adjacent surrounding residential uses. Buffering and screening shall be required when such developments are adjacent to commercial and manufacturing zones.

2. Expansions within the approved manufactured home development boundaries shall provide for extensions of future streets as required by the comprehensive plan.

B. Site Requirements

1. Area

a. Manufactured home sites. A manufactured home shall not occupy more than 65% of a site area.

b. Setbacks. No manufactured home or accessory thereto shall be located any closer than 25 feet from the property line abutting on a public street or road, 5 feet from all other property lines and 5 feet from any such areas as a street, a common parking area, or a common walkway.

c. Spacing. A manufactured home shall be separated from an adjoining manufactured home by a

minimum of 10 feet.

d. Overnight spaces. Not more than 5% of the total manufactured home development area may be used to accommodate persons wishing to park their manufactured home or camping vehicles overnight.

e. Manufactured home development streets and walkways.

1. Streets. A street shall connect each manufactured home lot to a public road. The park street shall be specified in Title 11 Streets and Sidewalks.

2. Walkways. Walkways of not less than 2 feet in width shall be provided from each manufactured home site to any service building, recreation area, and parking area.

3. Paving. Streets shall be paved with asphalt, concrete or other durable material.

f. Parking space requirements. Two off-street parking spaces shall be provided for each manufactured home site, either on the site or within 100 feet thereof, in the manufactured home development, which shall not be less than 9’ x 18’ in size per space.

g. Buffering or screening. Buffering or screening is required to make the manufactured home development compatible with its adjacent surrounding uses, shall be a sight-obscuring fence, masonry wall, evergreen hedge or other suitable planting. Where walls or fences are required along boundaries or public roads, the walls or fences shall set back from the property lines to conform with setbacks for structures in base zoning district. Evergreen planting shall not be less than 5 feet in height, and shall be maintained in a healthy living condition for the life of the manufactured home development.

h. Landscaping. A manufactured home development shall be landscaped in compliance with the requirements in Chapter 20.925 VMC, Landscaping.

i. Other site requirements

1. Recreational area. A recreational area shall be a contiguous, improved area, and be suitably maintained for recreational purposes. Such land shall be determined on a gross area basis. The amount of land to be established as recreational shall be determined by dividing the number of dwelling units by the gross development area. The following minimum areas shall be required as illustrated in Table 20.880.030– 1.

Table 23.880.030– 1 Minimum Required Recreational Area	
Dwelling Units per Gross Area	**Recreational Area Required**
5-6	0%
7-9	3%
10-11	5%
12 and over	8%

2. Accessories. Structures located on a manufactured home site, in addition to the manufactured home, shall be limited to the following: covered patios and carports; decks and storage buildings. No other structural additions shall be built onto or become part of any manufactured home, and no manufactured home shall support any building in any manner.

3. Manufactured home pads. Pads, stands, strips or rails adequate for the support of the manufactured home shall be installed.

4. Manufactured home skirting. All manufactured homes within the manufactured home development shall be skirted on its lower perimeter by a fire-resistant siding, if occupied for a period of more than 90-calendar days.
(M-3709, Amended, 06/20/2005, Sec 14; M-3643, Added, 01/26/2004)

Section 20.880.040 Performance Bond.

Performance Bond. The Planning Official may require the posting of a bond or other assurance to ensure that all roadways, electrical work, plumbing, landscaping and other improvements required as a condition(s) of approval are constructed to the appropriate standard within the appropriate time frame, as governed by VMC 20.909 Escrow and Assurances.
(M-3643, Added, 01/26/2004)

Chapter 20.883

MEDICAL MARIJUANA COLLECTIVE GARDENS

Sections:

20.883.010 Findings.
20.883.020 Purpose.
20.883.030 Definitions.
20.883.040 Applicability.
20.883.050 Restrictions on Locations of Collective Gardens.
20.883.060 Special Standards.
20.883.070 Enforcement of Violations.

Section 20.883.010 Findings.

A. Through its adoption/amendment of chapter RCW 69.51A, the State of Washington has found that there is medical evidence to show that some patients with terminal or debilitating medical conditions benefit from the medical use of cannabis.

B. The State of Washington has determined that qualifying patients with terminal or debilitating medical conditions, who, in the judgment of their health care professionals, may benefit from the medical use of cannabis, should not be prosecuted or subject to other criminal sanctions or civil consequences under state law, based solely on their medical use of cannabis, notwithstanding any other provision of law.

C. Nothing in this chapter shall be construed to supersede Washington state law prohibiting the acquisition, possession, manufacture, sale or use of cannabis for nonmedical purposes. Nothing in this chapter shall be construed to supersede legislation prohibiting persons from engaging in conduct that endangers others, or to condone the diversion of cannabis for nonmedical purposes.

D. Cannabis plants, whether grown indoors or outdoors, especially as they mature prior to harvest, may produce a distinctive odor that may be detectable far beyond property boundaries.

E. Where cannabis plants have been grown outdoors in other states, local authorities have received a significant number of formal complaints of odor that may be detectable far beyond property boundaries.

F. The strong smell of cannabis may create an attractive nuisance, alerting persons to the location of the valuable plants, and creating a risk of burglary, robbery and armed robbery.

G. Cannabis, whether grown for medicinal purposes or diverted to the black market, may be sold for thousands of dollars per pound.

H. Cannabis that is grown indoors may require excessive use of electricity which may overload standard electrical systems, creating an unreasonable risk of fire.

I. The ability of qualified patients to cultivate cannabis in collective gardens for medical purposes does not confer upon them the right to create or maintain a public nuisance. No more than forty-five (45) cannabis plants are allowed on any one legal parcel, in order to keep the complaints regarding odor and the risks of fire and crime to a minimum.

J. Pursuant to RCW 69.51A.130, no civil or criminal liability may be imposed by any court on cities, towns, or counties or other municipalities and their officers and employees for actions taken in good faith

under this chapter and within the scope of their assigned duties.

K. This Chapter is not intended to permit the growing and distribution of cannabis but is intended to set forth the conditions under which designated providers and medical cannabis patients who participate in collective gardens shall not be subject to criminal enforcement action by the City of Vancouver. Notwithstanding the foregoing, the City will continue to enforce its nuisance laws and other regulations should the operation of a collective garden violate such laws and regulations.
(M-4035, Added, 12/03/2012, Sec 7-Effective 12/05/2012)

Section 20.883.020 Purpose.

The purpose of these regulations is to separate certain uses from the secondary effects of medical marijuana collective gardens by establishing criteria to adequately separate such establishments from schools, community centers, parks, residential treatment facilities, and other collective gardens, and to establish minimum performance standards to address public health and safety impacts from such uses.
(M-4035, Added, 12/03/2012, Sec 7-Effective 12/08/2012)

Section 20.883.030 Definitions.

The location restrictions and special standards in this Chapter apply to any facility that falls within the use category for Collective Gardens as defined by RCW 69.51A.085 for qualified marijuana patients, as defined in RCW 69.51A.010 herein

A. "Cannabis" means all parts of the plant Cannabis, whether growing or not; the seeds thereof; the resin extracted from any part of the plant; and every compound, manufacture, salt, derivative, mixture, or preparation of the plant, its seeds, or resin. For the purposes of this ordinance, "cannabis" does not include the mature stalks of the plant, fiber produced from the stalks, oil or cake made from the seeds of the plant, any other compound, manufacture, salt, derivative, mixture, or preparation of the mature stalks, except the resin extracted there from, fiber, oil, or cake, or the sterilized seed of the plant which is incapable of germination. The term "cannabis" includes cannabis products and useable cannabis.

B. "Cannabis products" means products that contain cannabis or cannabis extracts, have a measurable THC concentration greater than three-tenths of one percent, and are intended for human consumption or application, including, but not limited to, edible products, tinctures, and lotions. The term "cannabis products" does not include useable cannabis. The definition of "cannabis products" as a measurement of THC concentration only applies to the provisions of this ordinance and shall not be considered applicable to any criminal laws related to marijuana or cannabis.

C. “Collective Garden” means those gardens authorized under RCW 69.51A.085, which allows qualifying patients to assume responsibility for acquiring and supplying the resources required to produce and process cannabis for medical use such as, for example, a location for a collective garden; equipment, supplies, and labor necessary to plant, grow, and harvest cannabis; cannabis plants, seeds, and cuttings; and equipment, supplies, and labor necessary for proper construction, plumbing, wiring, and ventilation of a garden of cannabis plants (as limited below). Qualifying patients may create and participate in collective gardens for the purpose of producing, processing, transporting and delivering cannabis for medical use subject to the following conditions:

1. No more than ten qualifying patients may participate in a single collective garden at any time;

2. A collective garden may contain no more than fifteen plants per patient up to a total of

forty-five plants;

3. A collective garden may contain no more than twenty-four ounces of usable cannabis per patient up to a total of seventy-two ounces of usable cannabis; and

4. A copy of each qualifying patient's valid documentation or proof of registration with the registry established in state law (now or in the future), including a copy of the patient's proof of identity, must be available at all times on the premises of the collective garden; and

5. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden.

D."Cultivation" means the planting, growing, harvesting, drying or processing of marijuana plants or any part thereof.

E. "Designated provider" means a person who:

1. Is eighteen years of age or older;

2. Has been designated in a written document signed and dated by a qualifying patient to serve as a designated provider under this ordinance and RCW 69.51A; and

3. Is in compliance with the terms and conditions set forth in RCW 69.51A.040. A qualifying patient may be the designated provider for another qualifying patient and be in possession of both patients' cannabis at the same time.

F. Indoors" means within a fully enclosed and secure structure that complies with the Washington State Building Code, as adopted by the City/Town, that has a complete roof enclosure supported by connecting walls extending from the ground to the roof, and a foundation, slab, or equivalent base to which the floor is securely attached. The structure must be secure against unauthorized entry, accessible only through one or more lockable doors, and constructed of solid materials that cannot easily be broken through, such as 2" by 4" or thicker studs overlain with 3/8" or thicker plywood or equivalent materials. Plastic sheeting, regardless of gauge, or similar products do not satisfy this requirement.

G. "Legal parcel" means a parcel of land for which one legal title exists. Where contiguous legal parcels are under common ownership or control, such legal parcels shall be counted as a single parcel for purposes of this ordinance.

H. "Medical (or medicinal) use of cannabis" means the manufacture, production, processing, possession, transportation, delivery, ingestion, application, or administration of cannabis for the exclusive benefit of a qualifying patient in the treatment of his or her terminal or debilitating medical condition.

I. Paraphernalia" means any item defined as drug paraphernalia as set forth in Ch. 69.50 RCW as such may now or hereafter be amended.

J."Personally identifiable information" means any information that includes, but is not limited to, data that uniquely identify, distinguish, or trace a person's identity, such as the person's name, or address, either alone or when combined with other sources, that establish the person is a qualifying patient or designated provider.

K."Plant" means an organism having at least three distinguishable and distinct leaves, each leaf being

at least three centimeters in diameter, and a readily observable root formation consisting of at least two separate and distinct roots, each being at least two centimeters in length. Multiple stalks emanating from the same root ball or root system shall be considered part of the same single plant.

L. "Qualifying patient" means a person who:

1. Is a patient of a health care professional;

2. Has been diagnosed by that health care professional as having a terminal or debilitating medical condition;

3. Is a resident of the state of Washington at the time of such diagnosis;

4. Has been advised by that health care professional about the risks and benefits of the medical use of cannabis;

5. Has been advised by that health care professional that he or she may benefit from the medical use of cannabis; and

6. Is otherwise in compliance with the terms and conditions established in chapter RCW 69.51A.

The term "qualifying patient" does not include a person who is actively being supervised for a criminal conviction by a corrections agency or department that has determined that the terms of this ordinance and RCW 69.51A are inconsistent with and contrary to his or her supervision and all related processes and procedures related to that supervision.

M. “School” means an institution of learning for minors, whether public or private, offering regular course of instruction required by the Washington Education Code, or any child or day care facility. This definition includes a nursery school, kindergarten, elementary school, middle or junior high school senior high school, or any special institution of education, but it does not include a vocational or professional institution of higher learning, including a community or junior college, college or university.

N. "Terminal or debilitating medical condition" means:

1. Cancer, human immunodeficiency virus (HIV), multiple sclerosis, epilepsy or other seizure disorder, or spasticity disorders; or

2. Intractable pain, limited for the purpose of this ordinance to mean pain unrelieved by standard medical treatments and medications; or

3. Glaucoma, either acute or chronic, limited for the purpose of this chapter to mean increased intraocular pressure unrelieved by standard treatments and medications; or

4. Crohn's disease with debilitating symptoms unrelieved by standard treatments or medications; or

5. Hepatitis C with debilitating nausea or intractable pain unrelieved by standard treatments or medications; or

6. Diseases, including anorexia, which result in nausea, vomiting, cachexia, appetite loss, cramping, seizures, muscle spasms, or spasticity, when these symptoms are unrelieved by standard

treatments or medications; or

7. Any other medical condition duly approved by the Washington state medical quality assurance commission in consultation with the board of osteopathic medicine and surgery as directed in this chapter.

O. "THC concentration" means percent of tetrahydrocannabinol content per weight or volume of useable cannabis or cannabis product.

P. "Useable cannabis" means dried flowers of the Cannabis plant having a THC concentration greater than three-tenths of one percent. Useable cannabis excludes stems, stalks, leaves, seeds, and roots. For purposes of this subsection, "dried" means containing less than fifteen percent moisture content by weight. The term "useable cannabis" does not include cannabis products.

Q. "Valid documentation" means:

1. A statement signed and dated by a qualifying patient's health care professional written on tamper-resistant paper, which states that, in the health care professional's professional opinion, the patient may benefit from the medical use of cannabis;

2. Proof of identity such as a Washington state driver's license or identicard, as defined in RCW 46.20.035; and

3. In the case of a designated provider, the signed and dated document valid for one year from the date of signature executed by the qualifying patient who has designated the provider.
(M-4035, Added, 12/03/2012, Sec 7-Effective 12/08/2012)

Section 20.883.040 Applicability.
No part of this chapter is intended to or shall be deemed to conflict with federal law, including but not limited to, the Controlled Substances Act, 21 U.S.C. Section 800 et seq., the Uniform Controlled Substances Act (chapter 69.50 RCW) nor to otherwise permit any activity that is prohibited under either Act, or any other local, state or federal law, statute, rule or regulation.
(M-4035, Added, 12/03/2012, Sec7-Effective 12/08/2012)

Section 20.883.050 Restrictions on Locations of Collective Gardens.
A. Collective Gardens as defined by RCW 69.51A.085 shall be a permitted use in the IH, Heavy Industrial zoning district and the IL, Light Industrial zoning district, but prohibited in all other zoning districts.

B. No more than one collective garden is permitted per legal parcel.

C. No collective garden at the time it is established may be sited within one thousand (1,000) feet of a public or private school, community center, licensed daycare facility, park, or other collective garden.

D. The distance between the above-listed uses and the collective garden where the cannabis is being cultivated shall be measured by following a straight line, without regard to intervening buildings, from the nearest property line of the proposed collective garden to the property line of the closest applicable use in 20.883.050C.

E. Collective gardens shall not be allowed as an accessory use.

F. Notwithstanding the provisions of Ch. 20.930 VMC (nonconforming uses and structures), an existing collective garden in operation as of the effective date of this Chapter shall be brought into full compliance with the provisions of this Chapter within one year of its effective date.
(M-4035, Added, 12/03/2012, Sec7-Effective 12/08/2012)

Section 20.883.060 Special Standards.

A. Collective gardens shall be located indoors entirely within an enclosed and secure structure with an engineered foundation, and shall be constructed in compliance with VMC Title 17.

B. No on-site sales of paraphernalia. There shall be no on-site display or sale of paraphernalia used for the consumption of cannabis at the collective garden.

C. Visibility and Signage. Cannabis plants shall not be visible from the public right-of-way or any public place. No signs or symbols advertising the collective garden shall be permitted.

D. Measures shall be implemented to prevent adverse health and safety effects to persons lawfully present on nearby properties who might be impacted by odors, noise, noxious gases, light, smoke and security.

1. Odors. Collective gardens shall not create odors or smoke that is objectionable to residents or employees of adjacent properties.

2. Lighting. All lights used for security shall be shielded or positioned to prevent glare impacts to nearby properties.

3. Noise. Collective gardens shall not exceed the maximum noise levels of VMC 20.935, Off-site Impacts.

4. Security. Adequate security measures should be installed and may include the following:

a. Robbery and burglary alarm systems which are professionally monitored and maintained in good working condition.

b. Exterior lighting that illuminates all exterior entrances;

c. Deadbolt locks on all exterior doors; and

d. Windows secured with bars to prevent unauthorized entry, with interior latches that allow for exiting in the event of emergency.

Nothing in this Chapter shall be construed as a limitation on the City's authority to abate any violation which may exist from the cultivation of cannabis plants from any location.

E. All premises or vehicles used or operated by the collective garden shall have no greater aggregate quantities of cannabis, cannabis plants or cannabis containing products than are allowed under RCW 69.51A.085.

F. No more than ten (10) qualifying patients may participate in a single collective garden at any time.

G. A collective garden may contain no more than fifteen (15) plants per patient, up to a total of forty-five (45) plants.

H. A collective garden may contain no more than twenty-four (24) ounces of usable cannabis per patient, up to a total of seventy-two (72) ounces of usable cannabis.

I. A copy of each qualifying patient's valid documentation or proof of registration including a copy of the patient's proof of identity, must be available all times on the premises of the collective garden. Such valid documentation shall be retained for a period of not less than two (2) years.

J. Any collective garden established under the provisions of this Chapter shall designate a collective garden representative who shall:

1. notify in writing the Director of the City Community and Economic Development Department of the location of such collective garden and the name and contact information of the collective garden representative; and

2. maintain and retain on the premises the name and contact information of the collective garden representative, and valid documentation of all qualified patients as required by VMC 20.883.060(I) and state law.

K. No usable cannabis from the collective garden may be delivered to anyone other than one of the qualifying patients participating in the collective garden. Collective gardens employees/volunteer or collective garden members may not sell any cannabis plants or usable cannabis. Such activities may be prosecuted under the Uniform Controlled Substances Act, Chapter 69.58 RCW.

L. A qualifying patient cannot be a member of more than one collective garden and must be a member of one collective garden for at least 30 consecutive days before transferring their membership to another collective garden.

M. A person or persons who receive wages, fees, donations or compensation of any kind for performing collective garden activities ("employee(s)/volunteer(s)") shall meet the following requirements:

1. Must be a qualified patient or designated provider of a collective garden patient and must submit valid documentation or written designation by a qualified patient with that patient's valid documentation and proof of identification.

2. Must be at least 18 years of age.

N. No person under the age of 18 shall be permitted on any collective garden premises unless accompanied by a parent or guardian.
(M-4035, Added, 12/03/2012, Sec 7-Effective 12/03/2012)

Section 20.883.070 Enforcement of Violations.

Violations of this chapter shall be subject to enforcement action as contained in Title 22 VMC, Uniform Enforcement Code or as applicable, the Uniform Controlled Substances Act, Chapter 69.58 RCW. In addition, violations of VMC 20.883.060 are deemed to be a public nuisance and may be abated by the City under the procedures set forth in state law for the abatement of public nuisances.
(M-4035, Added, 12/03/2012, Sec 7-Effective 12/08/2012)

Chapter 20.884

MARIJUANA BUSINESSES

Sections:

20.884.010 Purpose and intent.
20.884.020 Locations.
20.884.030 Special Regulations.
20.884.040 Enforcement of Violations.
20.884.050 No Non-Conforming Uses.

Section 20.884.010 Purpose and intent.

The purpose of this chapter is to establish zoning regulations that provide for state licensed recreational marijuana businesses allowed under a voter-approved statewide initiative (Initiative 502), now codified in Title 69 RCW, and subject to requirements of Chapter 314-55 WAC, with additional local standards to address potential public health, safety and welfare considerations
(M-4071, Added, 03/03/2014, Sec 3 - Effective 3/9/2014)

Section 20.884.020 Locations.

A. A marijuana retail, processing, or production business shall not be located on parcels located within one thousand feet of parcels containing any of the following uses, as officially defined in |WAC 314-55-010. The distance shall be measured as the shortest straight line from property line to property line, as set forth in WAC 314-55-050(10).

1. Elementary or secondary school, public or private;

2. Playground, publicly managed;

3. Recreation center or facility, providing a broad range of activities intended primarily for minors and managed by a public or charitable non-profit entity;

4. Child care facility, licensed by the Department of Early Learning providing child care regularly for less than 24 hours;

5. Public park, having facilities for active or passive recreation, exclusive of trails;

6. Public transit center where several transit routes converge;

7. Library; or

8. Game arcade where admission is not restricted to persons age 21 and older.

B. Retail marijuana retail business shall not be located within 300 feet of other state-licensed marijuana retail business, as measured from property line to property line as specified in subsection A of the section.

C. A marijuana retail business is permitted only in the GC (General Commercial) or CC (Community Commercial) zone districts as specified in VMC 20.430.030-1.

D. Marijuana production or processing businesses are permitted only in the IL (Light Industrial) or IH (Heavy Industrial) as specified in VMC 20.440.030-1.

E. Marijuana businesses are not permitted as a home occupation under 20.860 VMC and shall not operate at a dwelling as defined by VMC 20.150.040A.

F. Retail marijuana businesses may not be located within any other businesses, and may only be located in buildings with other uses only if the marijuana business is separated by full walls and with a separate entrance. No more than one marijuana retail business shall be located on a single parcel.

G. Marijuana businesses shall not be located in a mobile structure.
(M-4071, Added, 03/03/2014, Sec 3 - Effective 3/9/2014)

Section 20.884.030 Special Regulations.

A. To operate within the City, each marijuana business is required to have a current license issued by Washington State under the provisions of Chapter 314-55 WAC and a current business license issued by the City under the provisions of Chapter 5.04 VMC. No application for a business license for a marijuana business shall be accepted unless the applicant has a current license issued under Chapter 314-55 WAC.

B. A retail marijuana business shall not sell marijuana, marijuana-infused products, or marijuana paraphernalia or otherwise be open for business before 8 am or after 11:00 pm on any day.

C. For signage, marijuana retail, processing and production businesses shall be subject to the substantive requirements of Chapter 314-55-155 WAC and Chapter 20.960 VMC, whichever is more restrictive. No off-premises signage is permitted.

D. No more than six retail marijuana businesses shall be allowed within the city unless the Liquor Control Board permits additional businesses.

E. A marijuana business must take place within a fully enclosed secure indoor facility or greenhouse with rigid walls, a roof, and doors.

F. Marijuana businesses are subject to all applicable requirements of the Vancouver Municipal Code, including but not limited to the Building Code (Chapter 17.12 VMC) as now exists or may be amended.

G Marijuana plants, products, and paraphernalia shall not be visible from outside the building in which the marijuana business is located.

H. Security. In addition to the security requirements in Chapter 315-55 WAC, during non-business hours, all recreational marijuana producers, processors, and retailers shall store all useable marijuana, marijuana-infused product, and cash in a safe or in a substantially constructed and locked cabinet. The safe or cabinet shall be incorporated into the building structure or securely attached thereto. For useable marijuana products that must be kept refrigerated or frozen, these products may be stored in a locked refrigerator or freezer container in a manner approved by the Planning Official, provided the container is affixed to the building structure.

I. Marijuana businesses are subject to all applicable requirements of Title 69 RCW and Chapter 314-55 WAC and other state statutes, as they now exist or may be amended.

J. Marijuana businesses shall incorporate odor control technology and provisions, and ensure that emissions do not exceed Southwest Washington Clean Air Agency regulations, including but not limited to those specified for odors at 400.040(4).
(M-4071, Added, 03/03/2014, Sec 3-Effective 03/09/2014)

Section 20.884.040 Enforcement of Violations.

Violations of this Chapter shall be subject to enforcement action as provided in the Uniformed Controlled Substances Act, Title 69 RCW. In addition, violations of this Chapter are deemed to be a public nuisance and may be abated under the procedures set forth in state law or Chapter 8.20 VMC for abatement of public nuisances.
(M-4071, Added, 03/03/2014, Sec 3-Effective 03/09/2014)

Section 20.884.050 No Non-Conforming Uses.

No use that constitutes or purports to be a marijuana producer, marijuana processor, or marijuana retailer, as those terms are defined in this ordinance, that was engaged in that activity prior to the enactment of this ordinance shall be deemed to have been a legally established use under the provisions of the Vancouver Municipal Code and that use shall not be entitled to claim legal non- conforming status.
(M-4071, Added, 03/03/2014, Sec 3-Effective 03/09/2014)

Chapter 20.885

TEMPORARY USES

Sections:

20.885.010 Purpose.
20.885.020 Types of Temporary Uses.
20.885.030 Approval Process.
20.885.040 Submission Requirements.
20.885.050 Approval Criteria.

Section 20.885.010 Purpose.

A. General. The purpose of this Chapter is to establish standards for the approval of three types of temporary use:

1. Use that is seasonal or directed toward a special event;

2. Use which is occasioned by an unforeseen event; and

3. Sales offices and model homes in conjunction with the sale of homes.

B. Respect for base zoning districts. It is not the intent of this Chapter to provide a means to circumvent the strict application of the permitted uses in the base zoning districts. Time limits are to be strictly enforced.

C. Location. All temporary uses addressed in this section shall be located on private property, not in public right of way.
(M-3643, Added, 01/26/2004)

Section 20.885.020 Types of Temporary Uses.

A. Seasonal or special events. Examples of this type of temporary use include:

1. Use associated with the celebration of a specific holiday such as the sale of Christmas trees. Fireworks stands require a permit from the Fire Marshall, but do not require temporary use approval pursuant to this chapter.

2. Use associated with the sale of fresh fruits, produce and flowers;

3. Use associated with festivals, grand openings or celebrations;

4. Seasonal activities such as the sale of food at sports events or activities;

5. Use associated with construction such as the storage of equipment during the construction of roads or development, but not a temporary sales office or model home as provided in subsection C below; and

6. Temporary fund-raising and other civic activities in commercial zoning districts.

B. Unforeseen/emergency situations. This type of temporary use is one for which there is a need

because of an unforeseen event such as fire, windstorm or flood. The uses listed are allowed only with approval from the planning official. Examples of this type of temporary use include:

1. A mobile home, recreational vehicle or other temporary structure for a residential purpose in a residential zone;

2. A mobile office or other temporary structure for a business purpose in a commercial or industrial zone; and

3. Use of an existing legally established dwelling during the construction period of a new residence on the same lot.

C. Temporary sales office/model home. This type of use includes a temporary sales office or offices either in a housing unit or in another temporary building for the purpose of facilitating the sale of real property in any subdivision or planned development within this city. Related to this is the use of one unit in a subdivision or planned development as "model home" for purposes of showing prospective buyers.

D. Temporary use in commercial and industrial zones. This type of temporary use includes a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property.

E. Exemption. The regulations in this chapter shall not apply to garage sales conducted in private homes subject to the following criteria:

1. Sales last no longer than 3 days; and

2. Sales are held no more than twice in a calendar year; and

3. Sales are conducted on the owner's property. Multiple-family sales are permitted if they are held on the property of one of the participants.

4. Signs shall be subject to VMC 20.960 Signs and must be removed within 24 hours upon completion of the sale.

(M-3701, Amended, 05/02/2005, Sec 27; M-3643, Added, 01/26/2004)

Section 20.885.030 Approval Process.

A. Procedure type. Approval of various temporary uses shall be processed as follows:

1. Seasonal or special event by means of a Type I procedure, as governed by Section 20.210.040 VMC, using approval criteria in Section 20.885.050(A) VMC;

2. Unforeseen/emergency situations by means of a Type I procedure, as governed by Section 20.210.040 VMC, using approval criteria in Section 20.885.050(B) VMC;

3. Temporary sales office/model home by means of a Type I procedure, as governed by Section 20.210.040 VMC, using approval criteria in Section 20.885.050(C) VMC; and

4. Temporary building in commercial and industrial zones by means of a Type I procedure, as governed by Section 20.210.040 VMC, using approval criteria in Section 20.885.050(D) VMC.

B. Effective period. An approval for a temporary use by the Planning Official shall be effective for a period of not more than one year unless otherwise stipulated by the approval or renewed pursuant to Section 20.885.030D Renewal of approval.

C. Lapsing of approval. An approval for the temporary use by the Planning Official shall lapse if:

1. Substantial construction of the approved plan or onset of the approved activity has not begun within the approval period; or

2. Construction or activity on the site is a departure from the approved plan; or

3. The temporary use does not comply with approval criteria in 20.885.050.

D. Renewal of approval.

1. General. With the exception of Subsection 2 below, a temporary use approval may be renewed no more than twice by the Planning Official for a period not to exceed one year each. The request for an extension shall be processed by means of a Type I procedure, as governed by VMC 20.210.040.

2. Renewal of temporary residential sales office/model homes. A permit for temporary sales offices and model homes may be renewed on an annual basis by means of a Type I procedure.

(M-3959, Amended, 07/19/2010, Sec 39-Effective 8/19/2010; <-3922, Amended, 07/06/2009, Sec 39; M-3643, Added, 01/26/2004)

Section 20.885.040 Submission Requirements.

A. General submission requirements. The applicant for a temporary use shall submit the following information:

1. Application form provided by the Planning Official for a Type I procedure.

2. Site plan drawn to scale that illustrates the proposed temporary use in relationship to other improvements on the site and showing how such use is in compliance with applicable development standards (setbacks, lot coverage, etc.).

3. Narrative that provides the information necessary to determine compliance with the relevant approval criteria contained in VMC 20.885.050 below.

B. Emergency situations. The Planning Official may waive any of the requirements in this Chapter for cases that involve destruction of an existing structure due to fire, natural causes or other circumstances that are beyond the control of the applicant. An emergency as allowed by this subsection shall not include failure by the applicant to submit a temporary use request as provided in this Chapter.

(M-3643, Added, 01/26/2004)

Section 20.885.050 Approval Criteria.

A. Seasonal and special events. The planning official shall approve, approve with conditions or deny a request for approval of a seasonal or special events use subject to compliance with all of the following criteria:

1. The event occurs for no longer than 30 days in a calendar year on the approved event site;

2. The event is permitted in the underlying zoning district or within the approved event site;

3. The applicant has proof of the property owner's permission to place the event on his/her property;

4. There will be no parking utilized by the customers and employees of the temporary event which is needed by the property owner to meet his/her minimum parking requirements, as governed by Chapter 20.945.070 VMC, Parking and Loading;

5. The event will not interfere with adequate vision clearance, as governed by VMC 20.985 Vision Clearance, and shall not obstruct pedestrian access on public rights-of-way;

6. Conditions as may be required by building official and/or Fire Marshal to determine compliance with minimum building, fire and life safety codes; and

7. Adequate provisions for trash disposal and sanitary facilities shall be provided.

B. Unforeseen/emergency situations. The planning official shall approve, approve with conditions or deny a request for approval of an unforeseen/emergency situation(s) subject to compliance with of all of the following criteria:

1. The need for the use is the direct result of a casualty loss such as fire, windstorm, flood or other severe damage by the elements of a pre-existing structure or facility previously occupied by the applicant on the premises for which the permit is sought;

2. There exists adequate and safe vehicular ingress and egress when combined with the other uses of the property, as required by VMC 20.985 Vision Clearance;

3. There exists adequate parking for the temporary use as required by VMC 20.945.070 Off-Street Parking;

4. The use will pose no hazard to pedestrians in the area of the use;

5. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will affect adjoining use, as governed by VMC 20.935 Off-Site Impacts;

6. The use can be adequately served by sewer or septic system and water, if applicable; and

7. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the Planning Official for a period not to exceed one year as per VMC 20.885.030D - Renewal of approval.

C. Temporary sales office or model home. The planning official may approve, approve with conditions or deny the use of any real property within the city as a temporary sales office, offices for the purpose of facilitating the sale of real property, or model home in any subdivision or planned development within this city, but for no other purpose provided that the applicant demonstrates compliance with the following criteria:

1. Temporary sales office.

a. The temporary sales office shall be located within the boundaries of the subdivision or planned development in which the real property is to be sold; and

b. The property to be used for a temporary sales office shall not be permanently improved for that purpose.

2. Model house.

a. The model house shall be located within the boundaries of the subdivision or planned development where the real property to be sold is situated;

b. The property to be used for a model house shall be a permanently-designed dwelling structure; and

c. Applicant must sign a Memorandum Of Understanding to be prepared by the applicant and approved by the planning official stating the model home will have approved access and can be adequately served by public water and sewer on the parent parcel. Only one model home per parent parcel is allowed.

D. Temporary building in a commercial or industrial zone. The planning official may approve, approve with conditions or deny a temporary trailer or prefabricated building for use on any real commercial or industrial property within the city as a temporary commercial or industrial office or space associated with the primary use on the property, but for no other purpose, providing that the applicant demonstrates compliance with the following criteria:

1. The temporary structure shall be located within the boundaries of the parcel of land on which it is located;

2. The property to be used for a temporary structure shall already be developed;

3. There exists adequate and safe ingress and egress when combined with the other uses of the property; as required by VMC 20.985 Vision Clearance;

4. There exists adequate parking for the customers or users of the temporary use as required by VMC 20.945 Off-Street Parking;

5. The use will pose no hazard to pedestrians in the area of the use;

6. The use will not create adverse off-site impacts including noise, odors, vibrations, glare or lights which will effect the adjoining uses as governed by Chapter 20.935 VMC, Off-Site Impacts;

7. The use can adequately be served by sewer or septic system and water, if applicable; and

8. The length of time that the temporary building will be used is the maximum needed to address the hardship but no longer than one year. With the exception that a temporary use approval may be renewed once by the Planning Official for a period not to exceed one year as per VMC 20.885.030D - Renewal of approval.

(M-3922, Amended, 07/06/2009, Sec 40; M-3701, Amended, 05/02/2005, Sec 28; M-3643, Added, 01/26/2004)

Chapter 20.890

WIRELESS COMMUNICATION FACILITIES

Sections:

20.890.010 Purpose.
20.890.020 Applicability.
20.890.030 Nonconforming Uses and Structures.
20.890.040 General Development Standards .
20.890.050 Temporary Uses.
20.890.060 Additional Development Standards by Zoning District
20.890.070 General Application Requirements and Conditions of Permit Issuance.
20.890.080 Conditional Use Approval Criteria.
20.890.090 Permit Limitations/Expiration.
20.890.100 Federal Requirements.
20.890.110 Removal of Antennas and Support Structures.
20.890.120 Periodic Review.
20.890.130 Summary Table.

Section 20.890.010 Purpose.

A. Purpose. In addition to accomplishing the general purposes of the Comprehensive Plan and Title 20, the purpose of this chapter is to set forth the regulations for the placement, development, permitting, and removal of wireless communications facilities, including support structures and antennas. The purposes of this ordinance are to:

1. Minimize the adverse visual, aesthetic and safety impacts of wireless communications facilities or residential districts and on the community as a whole.

2. Establish clear and objective standards for the placement, design and continuing maintenance of wireless communications facilities,

3. Ensure that such standards allow competition and do not unreasonably discriminate among providers of functionally-equivalent services.

4. Encourage the design of such facilities to be aesthetically and architecturally compatible with the surrounding built and natural environments.

5. Encourage the location of wireless communications support structures in non-residential areas.

6. Encourage the collocation or attachment of wireless communications antennas on existing support structures or to help minimize the total number and impact of such structures throughout the community.
(M-3643, Added, 01/26/2004)

Section 20.890.020 Applicability.

A. Exemptions. The requirements of this ordinance shall apply to all new wireless communications facilities and the expansion and/or alteration of any existing facilities within the City of Vancouver, subject to the following exemptions:

1. Satellite earth stations using antennae not more than 2 meters in diameter in commercial and industrial

districts and direct-to-home satellite services using any size antenna in any district.

2. Send-and-receive citizen band radio antennae operated by federally licensed amateur (ham) radio operators.

3. Industrial, scientific and medical equipment as regulated by the FCC in 47 CFR Part 18.

4. Military and government radar antennae and associated communication towers used for navigational purposes as regulated by the FCC by 47 CFR Parts 97 and 95 respectively:

a. Military and federal, state and local government communications facilities used for emergency preparedness and public safety purposes; and

b. Normal, routine and emergency maintenance and repair of existing wireless communications facilities which do not increase the size, footprint or bulk of such facilities and which otherwise comply with City, state and federal law and regulations.

B. Process Type. All permitted attached antennae and collocations require a Type I permit. All other permitted uses shall require a Type II permit. Any wireless communications facilities not otherwise permitted or prohibited shall require a conditional use permit.

C. General development standards. Those wireless communication facilities which require a conditional use permit to be located in the applicable zoning district are subject to the general development standards of Section 20.890.040 VMC; the specific approval criteria of Section 20.890.080 VMC; and the general conditional use approval criteria contained in VMC 20.245 governing conditional uses. (M-3415, Repealed and Replaced, 12/21/1998)

D. BPA Transmission Lines. BPA transmission towers and municipal water towers shall be considered wireless support structures for the purposes of collocations.
(M-3959, Amended, 07/19/2010, Sec 40-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.890.030 Nonconforming Uses and Structures.

Nonconforming activity. Wireless communications uses and structures in existence as of 12/21/98 which are nonconforming as to the use or development standards of this ordinance shall be subject to the provisions of Chapter 20.930 VMC, Nonconforming Situations, except that new antennae may be permitted to collocate on pre-existing wireless communication support structures subject to the development standard contained in Section 20.890.040 VMC.
(M-3643, Added, 01/26/2004)

Section 20.890.040 General Development Standards .

Development standards. The following minimum development standards shall apply to all wireless communications facilities in addition to any development standards that apply in the underlying zoning district in which a wireless communication facility is located and/or additional requirements in any conditions of approval attached to a conditional use approval. In the event of a conflict between the standards of this section and other applicable development standards of this title, the more stringent standards shall govern.

A. Anti-climbing devices. All wireless communications support structures and required fencing shall be equipped with appropriate anti-climbing devices.

B. Attachment to trees prohibited. It is prohibited to attach any wireless communications facility or portion thereof to any tree.

C. Signs. All wireless communications support structures shall be identified with a non-illuminated sign not exceeding four square feet The sign shall list the wireless service provider's name and emergency telephone number and shall be posted in a place visible to the general public.

D. Historical registry/district. Wireless communications facilities locating on any site or existing building that is on a historic register or in a historic district shall be subject to the applicable design standards prescribed by the local, state or federal agency with jurisdiction over such register or district.

E. Lighting. Wireless communications facilities shall not be illuminated except where required by the FAA, or the Washington Department of Transportation, Aeronautics Division.

F. Painting. Wireless communications facilities shall be painted or finished in a manner that blends with the dominant background, except where otherwise required by the FAA or Washington Department of Transportation, Aviation Division. The applicant and the operator of the facility shall have a continuing duty to maintain such paint or finish.

G. Setbacks. The following setback standards shall apply to wireless communications facilities:

1. Accessory equipment structures and wireless communications support structures which are attached to existing buildings or other permanent structures shall comply with the setback requirements for the underlying district.

2. Free-standing wireless communications support structures located in any district shall be set back from any property line of an abutting residential use or district by a distance equal to the height of the wireless communications support structure, or the setback of the underlying district, whichever is greater.

3. Setbacks for free-standing wireless communications support structures shall be measured from the ground-level base of the structure.

4. The setback in any district may be reduced by means of a Type I review if the applicant can demonstrate that:

a. Reduction in the setback increases the screening opportunities between the facility and abutting residential and other uses, for example, by placement behind tall trees, in tree groves, behind buildings or near other tall elements; and

b. The reduction in setback allowed is the minimum required to achieve increased visual screening of the facility from abutting residential uses.

H. Landscaping standards. Wireless communications facilities in residential-and commercial districts shall be subject to the following landscaping and screening standards:

1. The perimeter of the wireless communication support structure and any guy wires and anchors shall be enclosed by a fence or wall per requirements contained in Chapter 20.925 VMC, Landscaping.

2. Within the required setback, the applicant shall provide landscaping to include: at least one row of evergreen shrubs spaced not more than 5' apart and capable of growing to form a continuous hedge at least 5'

high within 5 years of planting, and evergreen trees or shrubs, spaced not more than 15' apart or less than 4' high when planted.

3. Landscape materials shall be selected and sited to produce a hardy and drought-resistant landscape area and approved by the planning official or his designate.

4. Maintenance of the landscaped area shall be the responsibility of the applicant and/or operator of the facility. Required landscaping must be maintained in a healthy condition. Trees and shrubs that die must be replaced with healthy materials of the same or similar species and same size to the extent practicable.

5. Temporary irrigation shall be provided to help ensure survival during the critical establishment period.

6. The planning official or his designate may allow the use of landscaping and screening other than that described in subsections a and b above if the applicant shows the proposed landscaping and screening will achieve at least the same degree of screening provided pursuant to those subsections when viewed from off-site public areas and residences.

I. Height standards. The following standards shall apply to wireless communications facilities:

1. The height of a wireless communications facility shall include the support structure and any attached antennae proposed at the time of application.

2. The maximum height of wireless communications support structures and their antennae shall meet the maximum height standards of the underlying zone, except that all new support structures or attached antennae that exceed 100' in overall height in any zoning district shall require a Type III conditional use permit.

a. A lightning rod, not to exceed 10' in height, or FAA-required lighting shall not be included within the height limitations;

b. Antennae or equipment shelters that are mounted on existing buildings or structures, or other wireless communications support structure or collocated facilities, in residential, commercial and industrial districts are exempt from the height restrictions of the underlying zone, but shall be no more than 15' taller than the existing building or structure on which the antennae is mounted.

3. The height limitation exemptions contained in VMC 20.910 Exceptions and Interpretations shall not apply to wireless communications support structures and antennae.

J. Parking. Each site for a wireless communications support structure shall designate one adjacent parking space. An existing parking space on a parent site may be utilized to meet this standard.

K. Dispersal. (Reserved)

L. Access. Whenever possible, vehicular access to the facility shall be incorporated into the existing driveway of a site.

M. Insurance. Liability insurance in an amount not less than $1,000,000 shall be maintained by the owner and operator of the facility until such facility is dismantled and removed from the parent site. Failure to maintain insurance coverage shall constitute a violation of this ordinance and grounds for revocation of a

permit.

N. Performance bond. The applicant or facility operator of the facility shall obtain and keep in force throughout the time the facility is located on the site a performance bond payable to the city in the amount of not less than $1,000 or such other greater amount as found by the planning official or his designate to be, to cover the estimated reasonable costs of removal of such facility by the city if required pursuant to VMC 20.890.110; these include direct and administrative costs associated with demolition, dismantling, removal and disposal of the facility by the city or its contractor. The bond shall be reviewed by the planning official or his designate every five years to ensure that it is sufficient to cover the costs of removal. Additionally, the applicant or facility operator shall post a separate bond for a two-year period following issuance of approval for the facility, in the amount of not less than $1,000 or such greater amount as found by the planning official or his or her designate to be sufficient to cover the cost of maintaining landscaping and/or screening of the facility.

O. Building and utility permits. The applicant for a permit pursuant to this ordinance shall submit an application, plans, specifications and all other materials to obtain a building permit and any applicable utility permits. Such permits may be applied for either concurrently or after approval of other permits required by this ordinance.

P. Screening. For new support structures and accessory equipment to be located in any district other than industrial districts, visual impacts must be mitigated to the greatest extent practicable by using stealth design, camouflage or screening, including but not limited to: fencing, landscaping, strategic placement adjacent to existing buildings or existing vegetation, placement of accessory equipment structures underground, and/or incorporation of wireless facilities into the architectural features of existing buildings or structures. Mitigation may also include design compatibility with key elements in the surrounding area, such as: use of brick or other material similar to that used in adjacent buildings or structures; visually blending of support structures with compatible architectural features such as flag poles, bell towers or cornices; or use of existing vegetation to camouflage support structures.

Q. Replacement of existing structures. A wireless communications support structure may be permitted by means of a Type I procedure as governed by Section 20.210.040 VMC, subject to the standards in the underlying zoning district, except where otherwise noted in the use provisions of this chapter, if it replaces an existing pole, light standard, telecommunications pole or other pole-like structure of the same or greater height, and is not more than twice the same circumference of the pole being replaced, and the antennae attached to such monopole otherwise meets the applicable standards of this section.

R. Collocation evaluation study. An applicant's collocation study shall consist of a report that includes the following:

1. Identification of other wireless communication sites within the search ring for the proposed wireless facility, based on the City's database or contact with other providers.

2. Certification from a qualified radio engineer indicating whether the necessary service is technically feasible if provided by collocation on the other provider's site.

3. A response from the owner/lessor of the site(s) identified by the other provider(s), who either agrees or disagrees to collocation on their property; and/or:

4. An evaluation of access and site area at the possible collocation site(s) identified.

S. Aviation criteria. Any proposed telecommunication device, structure or object shall be reviewed to

ensure that it does not penetrate any of the airspace surfaces on or near a public or private airport; if such airspace is obstructed, the permit shall be denied. Special attention shall be given to the following:

1. Approach surface. Land lying beneath the approach surface which extends outward uniformly to a width of 1,250 feet at a horizontal distance of 5,000 feet from the runway end.

2. Transitional surface. The transitional surface begins at the runway end and on either side of the runway surface and slopes upward and outward at a 7:1 slope meeting the horizontal surface at 150' above the elevation of the airport.

3. Horizontal Surface. The horizontal surface begins by swinging arcs of 5,000 feet from the center end of the runway surface creating an elongated oval above the runway. The height of the horizontal surface is 150 feet above the elevation of the airport.

4. Conical Surface. The conical surface begins at the edge of the horizontal surface and extends upward and outward for a distance of 4,000 feet at a slope of 20:1 with an initial elevation of 150 feet above the airport elevation.
(M-3643, Added, 01/26/2004)

Section 20.890.050 Temporary Uses.

Temporary wireless communications facilities. Wireless communications facilities may be permitted as a temporary use with review by the Planning Official or his designate in order to facilitate continuity in wireless communications service during repair or maintenance of existing wireless communications facilities or for testing purposes prior to completion of construction of new wireless communications facilities. Temporary wireless communications facilities shall operate for not more than 60-days within a six- month period commencing when transmission from such facility begins. The wireless communications facility shall be removed within 30 days after the facility is no longer needed for telecommunications purposes. Such temporary permits shall be subject to the insurance and bonding requirements of Section 20.890.040(N) VMC.]
(M-3643, Added, 01/26/2004)

Section 20.890.060 Additional Development Standards by Zoning District

A. In lower-density residential districts. Wireless communications facilities in lower-density residential districts, (i.e., R-2, R-4, R-6 and R-9) are regulated as follows:

1. Lattice tower support structures, and new or replacement monopole support structures are prohibited.

2. Antennae are prohibited on attached and detached single-family dwellings and on their accessory structures.

3. Antennae and micro-cell facilities to be attached to multi-family or non-residential structures require a conditional use permit except when collocating on an existing wireless communications facility.

B. In Higher-density residential districts. Wireless communications facilities in higher-density districts, (i.e., R-18, R-22, R-30 and R-35) are regulated as follows:

1. Lattice tower support structures and new or replacement monopole support structures are prohibited.

2. Antennae are prohibited on attached and detached single-family dwellings or on their accessory structures.

3. Antennae and micro-cell facilities to be attached to multi-family or non-residential structures require a conditional use permit, except when collocating on an existing wireless communications facility.

C. In commercial districts. Wireless communications facilities in commercial districts, (i.e., CN, CC, CG, CX and WX) are regulated as follows:

1. Lattice tower support structures are prohibited on the site of attached and detached single-family dwellings, and otherwise require a conditional use permit on the site of all other uses.

2. Monopole support structures are prohibited on the site of existing attached and detached single-family uses in all commercial districts.

3. Monopole support structures are permitted in CN districts, on the roof of multi-family and non-residential uses, if the criteria in 20.890.040(Q) VMC for replacement are met.

4. Monopole support structures and their associated accessory equipment structures and antennae otherwise require a conditional use permit in the CN, CC, CG, CX, WX and A districts. Furthermore, within the Airport Height Overlay District the provisions of VMC 20.570 for Pearson Airpark shall apply.

5. Antennae are prohibited on attached and detached single-family dwellings. Antennae and micro-cell facilities are permitted on multi-family residential dwellings and non-residential structures within such districts subject to the general development standards of Section 20.890.040 VMC.

D. In the CPX District. Wireless communications facilities in the Vancouver Central Park (CPX) District are regulated as follows:

1. Wireless communications support structures are prohibited.

2. Antennae and micro-cell facilities are permitted to be attached to nonresidential structures only within the following conservation districts: 1) Education and Recreation, 2) Social and Health, and 3) Historic Reserve, subject to the general development standards of VMC 20.890.040.

E. In industrial districts. Wireless communications facilities in industrial districts are regulated as follows:

1. Wireless communications facilities are permitted on industrial, commercial and multi-family residential uses in industrial districts. New lattice and monopole support structures, attached antennae and collocated antennae shall not be placed on attached or detached single-family uses or within the setback of the parent parcel on other uses unless the applicant demonstrates that such placement meets the standards of Section 20.890.040(G) VMC.

2. Monopole support structures are permitted on industrial, commercial and non-residential uses within the industrial districts, if the criteria in Section 20.890.040(Q) VMC for replacement are met. Replacement poles on single-family uses require a conditional use permit.

F. In open space districts. Wireless communications facilities in the open space districts, (i.e., GR and NA) are regulated as follows:

1. Monopole support structures are permitted subject to the replacement standards of Section

20.890.040(Q) VMC, except that replacement poles on attached or detached single- family uses require a conditional use permit.

2. Wireless communications support structures otherwise require a conditional use permit on residential and non-residential uses within such districts.

3. Antennae and micro-cell facilities must comply with the general development standards of Section 20.890.040 VMC.

(M-3959, Amended, 07/19/2010, Sec 41-Effective 8/19/2010; M-3922, Amended, 07/06/2009, Sec 41; M-3840, Amended, 08/06/2007, Sec 36; M-3730, Amended, 12/19/2005, Sec 30; M-3643, Added, 01/26/2004)

Section 20.890.070 General Application Requirements and Conditions of Permit Issuance.

A. Pre-application conference. Pre-application conferences are required for all proposed wireless facilities except for collocated antennae proposed on existing support structures, pursuant to Chapter 20.210.080 VMC.

B. Pre-application conference application requirements. In addition to the requirements of Chapter 20.210.080 VMC and the pre-application form provided by the Community and Economic Development Department, the applicant shall submit a graphic representation of the search ring for wireless communication services proposed, and a narrative describing how the proposal complies with the Development Standards of 20.890.040 VMC.

C. Permit application requirements. In addition to the requirements of Chapter 20.285 VMC the applicant shall, unless otherwise waived by the Planning Official or designate for good cause shown, provide the following:

1. Siting/collocation arrangements. A copy of the applicant's Collocation Evaluation Study, as required by 20.890.040(R) VMC or a valid agreement for collocation of the wireless communication facility on an existing building or support structure of another wireless services provider.

2. Visual impact simulation. A graphic simulation of the proposed facility from not less than three perspectives, one of which shall be from ground level from any abutting residential property or the nearest public right-of-way.

3. Available sites map. A map showing the service area of the proposed facility and a written explanation of the need for that facility, relative to existing facilities available within the search ring.

4. A report from a qualified licensed engineer documenting:

a. The anticipated capacity of the support structure, including the number and types of antennae which can be accommodated; at a minimum, the structure must be designed to accommodate at least two wireless antennae installations.

b. A projection of the wireless communication facilities within the coverage area of the facility proposed, that can be reasonably anticipated to be sited during the next five years.

c. A summary of findings that support the need for the facility at the location proposed.

D. Permit issuance. Prior to the issuance of a building permit, the applicant shall provide the following:

1. A copy of the applicant's license issued by the FCC.

2. A copy of the findings from the FAA's Aeronautical Study Determination regarding the proposed support structure.

3. In the case of a leased site:

a. The applicant shall demonstrate that the lease agreement does not preclude the site owner from entering into leases of the site with other providers; and

b. Completion of a land division, in accordance with the provisions of Chapter 20.300 VMC, governing land divisions and binding site plans and the state subdivision law, RCW 58.17.
(M-3643, Added, 01/26/2004)

Section 20.890.080 Conditional Use Approval Criteria.

A. Application for new wireless site. In the case of an application for use of a new site for wireless communications facilities, that all reasonable opportunities to collocate the facility, or to locate the facility on an existing building or structure have been exhausted by the applicant and are not feasible.

B. Application for lattice tower outside an industrial zone. In the case of an application for a lattice tower in other than an industrial district, that there is no feasible alternative to use of a lattice tower at the proposed site, or within the search ring for provision of wireless communications services.

C. Application for wireless site in residential zones. In the case of an application to locate a wireless communications facility in any residential district on property used for non-residential uses, such non-residential use is at the time of such application, a permitted or conforming use within the residential district.

D. Application for wireless facility exceeding 100'. If the wireless facility proposed would be in excess of 100 feet in height, that a structure of lesser height or another location at higher elevation is not feasible.

E. Visual impact mitigation

1. That visual impacts have been mitigated to the greatest extent possible by using camouflage or screening, including but not limited to: fencing, landscaping, strategic placement adjacent to existing buildings or existing vegetation, placing accessory equipment structures underground, incorporating facilities into the architectural features of existing buildings or structures. Mitigation may also include design compatibility with key elements in the surrounding area, such as use of brick or other material similar to that used in adjacent buildings or structures; visually blending support structures with compatible architectural features such as flag poles, bell towers or cornices; or using existing vegetation to camouflage support structures.

2. That the location for a wireless communication facility has been chosen so as to minimize the visibility of the facility to residentially-zoned land, and to minimize the obstruction of scenic views from residentially-zoned land.
(M-3643, Added, 01/26/2004)

Section 20.890.090 Permit Limitations/Expiration.

A. Expiration of permits. Any permit for a wireless communication support structure shall expire if all providers using a support structure cease using it for wireless communications systems for more than 12 continuous months.

B. Period of review. Any permit for a wireless communications support structure issued pursuant to this ordinance shall be reviewed after 10 years from effective date of the permit approval. Such review shall be initiated by the applicant within 30 days of the 10-year period, and completed by the city within the timelines established for ministerial review of land use permits. The wireless communications facility shall be reviewed for compliance with the ordinance in effect at the time of review, and in particular, to determine if opportunities for replacement with "stealth" technology or micro-cell antennae are technologically feasible. If stealth or micro-cell antennae are feasible for the site, then these antennae shall be utilized as a replacement, and the existing support structure removed.
(M-3643, Added, 01/26/2004)

Section 20.890.100 Federal Requirements.

A. Compliance with federal regulations and penalties. All wireless communications support structures must meet or exceed current standards and regulations of the FAA, the FCC and any other agency of the federal government with the authority to regulate wireless communications support structures and antennae. If such standards and regulations are changed, owners of the wireless communication support structure, antennae and electronic equipment governed by this ordinance shall bring such wireless communication support structure, antennae and electronic equipment into compliance with such revised standards and regulations within the compliance schedule of the federal agency. Failure to bring wireless communications support structures and antennae into compliance with such revised standards and regulations shall constitute grounds for the removal of the wireless communication support structure, antenna or electronic equipment at the owner’s expense.

B. Required environmental assessment. The owners of such wireless communications support structures, antennae and electronic equipment shall provide the city with copies of all environmental assessments (EAs) required to be submitted to the FCC or FAA regarding locations within the city simultaneously with any filing with the federal agencies pursuant to 47 CFR Part I.
(M-3643, Added, 01/26/2004)

Section 20.890.110 Removal of Antennas and Support Structures.

Criteria for antenna removal. Any antenna or wireless communications support structure that is not operated for wireless communications for a continuous period of 12 months, shall be removed by the owner of the property on which the support structure or antenna is situated, or by the owner or lessee of the support structure or antenna within 90 days of receipt of notice to remove from the city. If the antenna and/or support structure is not removed within said 90 days, the city may remove the antenna or support structure at the owner's expense. If there are two or more wireless communications providers collocated on a single support structure, this provision shall not become effective until all providers cease using the wireless communication facility for a continuous period of 12 months.
(M-3643, Added, 01/26/2004)

Section 20.890.120 Periodic Review.

Reasons for periodic review. The city recognizes that communication technologies are subject to rapid change. Future innovations may result in reducing the impacts of individual facilities and render specific portions of this ordinance obsolete. Periodic review and revision of this ordinance shall occur at least every five years thereafter or more frequently at the request of the Planning Commission, City Council or the City Manager.
(M-3643, Added, 01/26/2004)

Section 20.890.130 Summary Table.

Summary of wireless communication facility regulations. The table below is a summary of the regulation of wireless communications facilities in the zoning districts, as authorized in Chapter 20.890 VMC. In the event of a discrepancy between the table and the ordinance language of this chapter, the ordinance language shall control.

Table 20.890.130-1
Wireless Summary Table

	Monopole (New) On				Replace with Monopole[1]		Attached Antenna On			Height
Zone District	Lattice Tower	SF	MF	N/RES	MF	N/RES	SF	MF	N/RES	
R-2 – 9	X	X	X	X	X	X	X	C	C[4]	-
R-18 – 35	X	X	X	X	X	X	X	C	C[4]	35
CN	C	X	C	C	P	P	X	P	P	35
CC	C	X	C	C	P	P	X	P	P	50
CG	C	X	C	C	P	P	X	P	P	-
CX	C	X	C	C	C	C	X	P	P	See Note[5]
MX	C	C	C	C	C	C	X	P	P	65*
WX	C	C	C	C	C	C	X	P	P	60[5]
OCI	C	C	C	C	P	P	X	P	P	72
IL	P	X	P	P	P	P	X	P	P	45[5]
IH	P	X	P	P	P	P	X	P	P	-
NA	C	C	C	C	P	P	X	C	P	35
GW/VL GW/LF	C	C	C	C	P	P	X	C	P	See Note[5]
CPX/H[2]	X	X	X	X	X	X	X	X	X	See Note[2]
CPX[3]	X	X	X	X	X	X	X	X	P	See Note[2]

[1] Replacement of an existing pole, light standard, telecommunications pole or other pole-like structure by a monopole of the same or less height, and not more than twice the same circumference of the pole being replaced. (20.890.040(Q) VMC)

[2] Vancouver Central Park Plan District VMC 20.640.040, Historic Reserve Conservation District.

[3] Vancouver Central Park Plan District, VMC 20.640.050, Education and Recreation Conservation District, or VMC 20.640.060 Social & Health Services Conservation District, as applicable.

[4] Subject to 20.890.060 (A)(3) VMC and 20.890.060 (B)(3) VMC.

[5] See underlying zoning district for further clarification.

Key: P – Permitted (subject to development standards)
C – Conditional Use
X – Prohibited

Additional Notes:
Collocation on an existing, legally established wireless support structure is permitted in all districts.
All new support structures over 100 feet in height require a Conditional Use Permit.
(M-3959, Amended, 07/19/2010, Sec 42-Effective 8/19/2010; M-3891, Amended, 11/03/2008, Sec 10-Effective 12/03/08; M-3840, Amended, 08/06/2007, Sec 38; M-3730, Amended, 12/19/2005, Sec 31; M-3701, Amended, 05/02/2005, Sec 29; M-3643, Added, 01/26/2004)

Chapter 20.895

MISCELLANEOUS SPECIAL USE STANDARDS

Sections:

20.895.010 Purpose.
20.895.020 Animal Kennels/Shelters.
20.895.030 Cemeteries.
20.895.040 Community Recreation and Related Facilities.
20.895.050 Domestic Animals and Livestock.
20.895.060 Indoor Target Shooting Ranges.
20.895.070 Motor Vehicle Fuel Sales and Repair.
20.895.080 Private Use Landing Strips for Aircraft and Heliports.
20.895.090 Temporary Storage Units

Section 20.895.010 Purpose.

Purpose. In addition to other standards and requirements imposed by this Title, all uses included in this Chapter shall comply with the provisions stated below. Should a conflict arise between the requirements of this Chapter and other requirements of this Title, the more restrictive provision shall control.
(M-3643, Added, 01/26/2004)

Section 20.895.020 Animal Kennels/Shelters.

A. Defined. The development standards in Subsection B and C below apply to any facility that falls within the use category for Animal Kennels/Shelters, pursuant to VMC 20.160.020(E)(3) as reviewed during site plan review, as governed by VMC 20.270.

B. Site requirements. Where allowed, kennels and shelters shall be located not less than 50' from any property line. Kennels providing adequate sound-proofing pursuant to the off-site noise provisions of Chapter 20.935 VMC may have said setback wholly or partially waived to no less than the extent of any main or accessory building setbacks as may also be applicable. Such facilities shall provide automobile and truck ingress and egress; and shall also provide parking and loading spaces so designed as to minimize traffic hazards and congestion. Applicants shall demonstrate compliance with all of the requirements of Chapter 20.935 VMC Off-site Impacts.

(M-3643, Added, 01/26/2004)

Section 20.895.030 Cemeteries.

A. Defined. The development standards in Subsection B and C below apply to any facility that falls within the use category for Cemeteries, pursuant to Section 20.160.020(E)(4) VMC as reviewed during site plan review, governed by Chapter 20.270 VMC.

B. Access. A cemetery or related facility shall have its principal access on City arterial or road with ingress and egress designed so as to minimize traffic congestion as determined by the City Engineer.

C. Landscaping. A cemetery shall establish and maintain a 15' landscape buffer along its entire perimeter except driveways, as governed by Chapter 20.925 VMC Landscaping.

(M-3643, Added, 01/26/2004)

Section 20.895.040 Community Recreation and Related Facilities.

A. Defined. The development standards in Subsection (B) below shall apply to any facility that falls within the use category for Community Recreation, pursuant to Section 20.160.020(B)(3) VMC; and Social /Fraternal Clubs/Lodges, pursuant to Section 20.160.020(B)(13) VMC.

B. General requirements

1. All buildings shall be set back a minimum of 30' from a side or rear lot line that abuts residentially-zoned property.

2. There shall be no external evidence of any incidental commercial activities taking place within the building.

(M-3643, Added, 01/26/2004)

Section 20.895.050 Domestic Animals and Livestock.

A. Defined. Domestic animals and livestock as defined per 20.150.040 are allowed for hobby and personal use purposes within all zoning districts subject to the standards in Subsections B – F below, in addition to any applicable requirements of VMC Section 8.20 (Nuisances) and 8.24 (Animals).

B. General Requirements.

1. Domestic Animals. The keeping of domestic animals shall comply with all requirements of this section and all requirements of VMC 8.20 and 8.24, as noted above.

2. Large Livestock. The keeping of livestock that will weigh more than 500 pounds at maturity requires a minimum lot size of one acre for the first animal. For each additional animal, an additional contiguous 10,000 square feet must be available. The minimum one acre lot may include a normally permitted residence, provided that at least ½ acre is still available for livestock use.

3. Small Livestock. The keeping of livestock that will weigh 100-500 pounds at maturity will require a minimum lot size of ½ acre for the first animal. For each additional such animal, an additional contiguous 5,000 square feet must be available. The minimum half acre lot may include a normally permitted residence, provided that at least ¼ acre is available for livestock use.

4. Miniature Livestock. Miniature livestock, such as certain breeds of mini-goats and mini-horses, that will weigh under 100 pounds at maturity are considered domestic animals. The combined total of all miniature animals and dogs on a single premises shall not be more than three, unless the lot size requirements for small livestock specified above are met.

5.Poultry and Rabbits. The keeping of chickens, ducks, geese, domesticated hare or rabbit, and similar animals is permitted with no required minimum lot size. No turkeys, peacocks, or roosters are permitted.

6. Livestock facilities. Barns, sheds, and shelters used to house livestock shall be located in the rear yard and meet the same side and rear yard setbacks as the primary residence. Doorways and other openings shall be oriented away from neighboring properties. Livestock shall be confined or tethered in such a manner that intrusion on to neighboring property or damage to neighboring landscaping and fences is avoided. Such facilities shall be included in lot coverage percentage calculations.

C. Exceptions to Swine Prohibition. Notwithstanding the above prohibition of swine, the keeping of that type of swine commonly referred to as Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus) is allowed, subject to the following conditions:

1. The maximum height of the swine may be no more than eighteen 18” at the shoulder and weight shall be no more than 95 pounds;

2. The swine must have been spayed or neutered prior to entry into the City;

3. Registration, vaccination and other requirements as set forth in Section 8.24.022 VMC must be met; and

4. No more than two such pigs shall be kept at any one address for any period in excess of three calendar days.

D. Lot size exceptions. The minimum lot size does not apply to miniature livestock, as addressed above in VMC 20.895.050.B.4 or Miniature Vietnamese, Chinese or Oriental pot-bellied pig (sus scrofa vittatus), as defined above in VMC 20.895.050C.

E. Off-site impacts. The keeping of domestic animals or livestock shall comply with all of the applicable requirements of Chapter 20.935 VMC, Off-Site Impacts.

F. Other Requirements

1. The raising and keeping of animals is also subject to VMC Section 8.20 (Nuisances) and 8.24 (Animals).

2. The raising and keeping of domestic animals for commercial purposes is prohibited. Commercial purposes does not include incidental sale of livestock off-spring, milk, or eggs subject to Washington State health and agricultural regulations.

3. The keeping of four or more dogs, which are 5 months old or older constitutes a Kennel and must meet requirements of 20.895.020. Excludes veterinary clinics, animal hospitals and dog day care.
(M-3959, Amended, 07/19/2010, Sec 43-Effective 8/19/2010; M-3643, Added, 01/26/2004)

Section 20.895.060 Indoor Target Shooting Ranges.

A. Defined. The development standards in Subsection B – E below shall apply to any Indoor Target Shooting Range.

B. Criteria for building design and construction. Building design and construction shall provide the following:

1. Solid masonry or concrete on all walls in the shooting areas.

2. Trap construction to prevent bullet penetration and ricochet.

3. Sound baffling to assure noise levels not greater than 65 dBA at the property line.

4. Air ventilation and filtration system capable of removing dangerous levels of smoke and particulates.

C. Worker safety. Hearing protection devices shall be required for all persons exposed to noise levels above 75 dBA.

D. Air emission permit. Air emission permit shall be obtained from Southwest Clean Air Agency (SWCAA) prior to occupancy permit.

E. Noise. Baffling to assure noise levels do not exceed 60 dBA in the waiting area and 50 dBA in the office area.
(M-3643, Added, 01/26/2004)

Section 20.895.070 Motor Vehicle Fuel Sales and Repair.

A. Defined. The development standards in Subsection B – G below apply to any facility that falls within

the use category for Motor Vehicle Fuel Sales, pursuant to Section 20.160.020(C)(5)(c) VMC and Motor Vehicle Servicing/Repair, pursuant to Section 20.160.020(C)(5)(b) VMC, as reviewed during site plan review, governed by Chapter 20.270 VMC.

B. Lot area and frontage. Minimum lot area shall be 10,000 square feet, with at least 100' frontage on a public street.

C. Surfacing. The entire area to be used for driveway, service or parking shall be surfaced with light bituminous macadam or better.

D. Repair work. All repair work shall be done within an enclosed building.

E. Buffer of adjacent property. A solid or woven fence or solid evergreen hedge, free of advertising, which is 6' in height, shall be maintained along property lines which abut residential districts.

F. Off-site impacts. The facility shall comply with all of the applicable requirements of Chapter 20.935 VMC Off-Site Impacts governing glare, noise, vibration, dust and heat.

G. Retail. Sale of merchandise shall be conducted within a building except for items used for the maintenance and servicing of automotive vehicles.

(M-3643, Added, 01/26/2004)

Section 20.895.080 Private Use Landing Strips for Aircraft and Heliports.

A. Defined. The development standards in Subsection B – C below apply to any facility that falls within the use category, pursuant to Section 20.160.020(E)(2) VMC, as reviewed during site plan review, governed by Chapter 20.270 VMC.

B. General requirements. All landing strips for aircraft or heliports shall be so designed and the runways and facilities so oriented, that the incidence of aircraft passing directly over dwellings during their landing or take-off patterns is minimized. They shall be located so that traffic shall not constitute a nuisance to neighboring uses. The proponents shall show that adequate controls or measures will be taken to prevent offensive noise, vibrations, dust, or bright lights. New landing strips and heliports shall not be construed to be permitted in any district established by this Title, unless and until a conditional use permit shall first have been secured.

(M-3643, Added, 01/26/2004)

Section 20.895.090 Temporary Storage Units

A. Defined. Temporary storage units are box-like containers used for storing household items that are being moved to another location or being stored during a home remodel projects.

B. Placement Standards:

1. On properties with single-family residences, the unit shall be placed in the driveway or other paved surface, not to extend into public right of way.

2. On properties with multi-family residences, the unit shall be placed in a parking space. Not to extend into an aisle way or public right of way.

3. Alternate location may be approved at the discretion of the City Planning Official, provided that the alternate location does not create an unsafe condition.

4. A City street use permit shall be required for the placement of temporary storage units in a public right-of-way.

C. Duration of placement:

1. Allowed up to 30 days without a permit.

2. Allowed up to 90 days total with a land use permit.

D. Safety. Storage of flammable or hazardous material within temporary storage units is prohibited.

E. Signs. Signs on temporary storage units may only identify the owner or provider of the storage unit and not include advertisement of any other product or service.
(M-3922, Added, 07/06/2009, Sec 42)

Chapter 20.902

ACCESSORY STRUCTURES

Sections:

20.902.010 Purpose.
20.902.020 Development Standards.

Section 20.902.010 Purpose.

Purpose. The purpose of this Chapter is to provide the development standards by which accessory structures are regulated to assure (1) that these clearly remain subordinate and incidental to the primary use and buildings on the same lot; and (2) in combination with primary buildings do not result in undue crowding, restriction of access, or other adverse impacts on the site and surrounding property.
(M-3643, Added, 01/26/2004)

Section 20.902.020 Development Standards.

A. Detached accessory buildings. A detached building, accessory to a single family or duplex residence, may be constructed under one of the following criteria:

1. Overall A detached building, accessory to a single family or duplex residence, may be constructed according to the requirements and regulations for a principal building in the zone which it is located, e.g., total lot coverage, setbacks, building height, etc., except the accessory structure shall be located behind the front elevation of the primary structure.

2. Additional Provisions for smaller buildings within setbacks. A detached building, accessory to a single family or duplex residence, may be constructed within the rear and/or side setbacks provided:

a. The detached accessory structure does not exceed 120 square feet in floor area and used for tool and storage sheds, play houses, or greenhouse and hothouses, and similar uses.

b. No portion of the detached accessory building shall exceed 8’ in height above grade, to roof peak.

c. The detached accessory building shall not cover more than 50% of a required rear and/or side yard setback area.

d. The nearest wall of the detached accessory building must be located a minimum of 6’ from the wall of any building. Eaves of adjacent buildings must be at least 4’ apart.

e. Detached accessory buildings, are subject to the Building Code provisions of Title 17.

f. The detached accessory structure shall be located behind the front elevation of the primary structure.

B. Prior to primary structure completion. Accessory buildings shall not be permitted prior to the completion of the primary building/structure and/or permitted use on the same lot, or in the event that the primary building/structure/use ceases to exist.
(M-4066, Amended, 12/16/2013, Sec 3; Effective 01/16/2014; M-3840, Amended, 08/06/2007, Sec 39; M-3643, Added, 01/26/2004)

Chapter 20.909

ESCROW AND ASSURANCES

Sections:

20.909.010 Purpose.
20.909.020 Provisions.

Section 20.909.010 Purpose.

Purpose. To provide flexibility in the construction of certain private improvements associated with approved developments, this Chapter establishes the circumstances under which the Planning Official may allow a delay in construction of certain required private improvements by use of an escrow or other form of security acceptable to the City to assure that such private improvements are constructed within a specified timeline and in accordance with approved standards.
(M-3643, Added, 01/26/2004)

Section 20.909.020 Provisions.

A.The Planning Official may delay construction of certain required private improvements beyond certificate of occupancy provided it is determined that good cause has been shown by the applicant. Where mitigation for environmental impacts has not been completed prior to the City final permit approval (such as final plat approval or final building inspection) and is therefore required as a condition of final permit approval, good cause shall be deemed to exist.

B.Guarantee for provision of private improvements. On all projects where private improvements are required, the Planning Official may require an escrow or other form of security acceptable to the City in an amount not less than 100% of the cost of the improvements that secures and provides for the actual construction and installation of the improvements required as condition(s) of approval for the development. The use of escrow or other form of security shall be limited to:

1. Approved private transportation system improvements, including sidewalks and streetlights, provided emergency access improvements are constructed on-site as needed;

2. Approved private stormwater collection and management facilities;

3. Approved landscaping and trees to meet minimum on-site tree density or landscaping requirements, including installation and maintenance costs.

4. Approved fences and walls.

5. Approved mitigation for environmental impacts, including but not limited to, construction, maintenance, and monitoring to ensure that mitigation is fully functional.

A. Requirements

1. The applicant shall request approval of an extension on the construction of private improvements listed in Subsection B above by means of a Type I permit, pursuant to Chapter 20.210.040. Such request shall state the remaining improvements not yet constructed, the reasons for a requested delay, and requested timeline for improvements to be made. The request shall be accompanied by a draft escrow agreement or other security acceptable to the City.

2. Each escrow or other form of security acceptable to the City request shall include the following:

a. A scheduled cost breakdown for project work to be completed presented as Exhibit A, an escrow agreement shall not be accepted without an approved unit cost breakdown for the remaining improvements.

b. The draft escrow agreement in a form provided by the City.

c. An irrevocable license signed by the owner of subject property to run with the property which provides the City with the right to allow the employees, agents or contractors of the City to go on the subject property for the purpose of inspecting and, if necessary, doing the work or making the improvements covered by the escrow or other form of security acceptable to the City.

d. Any other documents deemed necessary by the City.

e. Applicable processing fee as contained in Chapter 20.180 VMC Fees.

4. Failure to carry out agreement. In the event the applicant fails to carry out provisions of the agreement and the City has un-reimbursed costs or expenses resulting from such failure, the escrow or other form of security acceptable to the City shall be forfeited and the money shall be paid to the City to defray its costs. If the amount of the escrow or other form of security acceptable to the City exceeds the cost and expense incurred by the City, the City shall release the remainder, and if the amount of the escrow or other form of security acceptable to the City is less than the cost and expense incurred by the City, the applicant shall be liable to the City for the difference.

A.Release of escrow or security. Upon completion of required improvements, the applicant shall request in writing that the Planning Official release all or a portion of the funds held in escrow. Such improvements shall be inspected and accepted as complete by the City prior to the release of any such escrow funds, or portion thereof.

(M-3931, Amended, 11/02/2009, Sec 29-Effective 12/02/2009; M-3643, Added, 01/26/2004)

Chapter 20.910

EXCEPTIONS AND INTERPRETATIONS

Sections:

20.910.010 Purpose.
20.910.020 Lot Sizes.
20.910.030 Height Limitations.
20.910.040 Yard Requirements.
20.910.050 Zero Lot Line Developments.

Section 20.910.010 Purpose.

Purpose. The Planning Official has the authority to make exceptions to and interpretations of the provisions in this Title per the process outlined in Chapter 20.255 VMC. From time to time, the Planning Official is directed to codify those exceptions and interpretations that have broad applicability. The purpose of this chapter is to provide a place where these interpretations can be codified.
(M-3643, Added, 01/26/2004)

Section 20.910.020 Lot Sizes.

Pre-existing legal lots. If any lot, legally platted at the time of its creation, or the aggregate of such contiguous lots or land parcels held in single ownership has an area or dimension less than required for the zoning district in which the property is located, the lot or aggregate holdings may be occupied by any permitted use in the district subject to compliance with all other requirements of the district including the minimum setbacks thereof; provided, however, that the use of a lot in a residential district which has an area deficiency shall be limited to one single-family dwelling. All lots shall have a minimum of 20 feet of access to a public or private street, or access easement. Single ownership of abutting parcels shall not affect the right of the Planning Official to approve development of the single lot that has an area deficiency.
(M-3643, Added, 01/26/2004)

Section 20.910.030 Height Limitations.

Exceptions. Except for the Vision and Airport Height Overlay District, height limitations set forth elsewhere in this Title shall not apply to the following:

A. Barns, silos, water towers and tanks, or other farm buildings and structures, provided they are not less than 50 feet from every lot line; and

B. Chimneys, church spires, belfries, cupolas, domes, smokestacks, flagpoles, grain elevators, cooling towers, solar energy collectors, monuments, fire house towers, masts, aerials, elevator shafts, street lights, power or communication distribution lines, and other similar projections;
(M-4034, Amended, 12/03/2012, Sec 28-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.910.040 Yard Requirements.

A. Projections into required yards. Certain architectural features may project into required yards or courts as follows:

1. Cornices, canopies, eaves, belt courses, bay windows, sills or other similar architectural features, or

fireplaces-may extend no more than 24 inches into any required yard area.

2. Fire escapes, open-uncovered porches, balconies, landing places, or outside stairways may extend no more than 18 inches into any required side, side street, or rear yard, and no more than six feet into any required front yard. Open porches, decks or stoops not exceeding 18 inches in height may extend no closer than 18 inches to any lot line.

B. Exceptions to front yard requirements.

1. If there are legally established structures on both abutting lots with front yards less than the required depth for the district, the front yard for the lot need not exceed the average front yard of the abutting structures.

2. If there is a legally established structure on one abutting lot with a front yard less than the required depth for the district, the front yard need not exceed a depth of half-way between the depth of the front yard on the abutting lot and the required front yard depth.

C. Flag lots. The setbacks for flag lots may be reduced upon review and approval of the Planning Official, provided that no setback is less than five feet, and the dwelling is not less than 25 feet from any other dwelling.

D. Exception for existing setbacks. Additions to legally established building floor area may be continued along existing setback lines so long as a minimum setback of three feet is maintained. This provision does not allow additional building height.

(M-3643, Added, 01/26/2004)

Section 20.910.050 Zero Lot Line Developments.

Conditions under which permitted. The following conditions shall exist before any building permit is issued for zero lot line development:

A. Side-yard setbacks. The setback on the adjacent lot to the zero setback side yard lot shall be either zero or at least 5 feet; for exceptions, see Section 20.902.020 VMC.

B. Covenants. Covenants running with the land, approved by the City Attorney, which guarantee that the opposite side yard setback of not less than 5 feet shall be kept perpetually free of permanent obstructions (for exception, see Section 20.902.020), shall be filed with the deed(s) or noted on a plat.

C. Building Walls.

1. The building wall on the zero-foot yard setback shall be constructed of window-free, fire resistive construction per the Building Code standards of Title 17, no portion of which shall project over any property line. The construction shall be subject to review by the Building Official.

2. Covenants running with the land, approved by the City Attorney, shall convey a 4-four-foot maintenance easement with a 1-1/2-foot encroachment into the easement provision, in order to permit variations in design from the adjoining lot. No windows shall be allowed along this wall in any case.

3. Zero lot line (common-wall) construction may be permitted, provided adjoining walls are fire-resistive and constructed according to the standards of sound transmission, per the Building Code

standards of Title 17. Common walls must be attached a minimum 60% of the length of the entire building wall.

D. Exception. Zero lot line development standards do not apply to free-standing fences and/or walls that are not directly connected to a roof structure.

(M-3643, Added, 01/26/2004)

Chapter 20.912

FENCES AND WALLS

Sections:

20.912.010 Purpose.
20.912.020 Applicability.
20.912.030 Permits required.
20.912.040 Exemptions.
20.912.050 Location and Height of Fences and Walls.
20.912.060 Prohibited Fences and Fencing Material.
20.912.070 Fences and Walls in Planned Developments.
20.912.080 Sound Walls.

Section 20.912.010 Purpose.

Purpose. The purpose of this chapter is to establish standards for fences, walls and sound walls constructed in the City of Vancouver.
(M-3643, Added, 01/26/2004)

Section 20.912.020 Applicability.

Applicability. This section applies to all fences and walls not a part of a building, including retaining walls and sound walls constructed in the City of Vancouver. Special standards are established for gated access communities in Chapter 20.914.
(M-3643, Added, 01/26/2004)

Section 20.912.030 Permits required.

A. Land Use Permits. A land use permit is required for any sound wall. No land use permit is required for other wall or fence; however the standards of 20.912 shall apply, unless exempted by 20.912.040.

B. Building Permit. Building permits are required for all fences over 6' in height. Building permits are also required for walls 4' or over and for walls which support additional weight from a building or parking area.
(M-4034, Amended, 12/03/2012, Sec 29-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.912.040 Exemptions.

A. This chapter does not apply to fences or walls 30" or less in height, measured from grade, unless such a wall is structurally supporting additional weight from a building or parking area.

B. Hedges located in a vision clearance triangle must be maintained at a height of 30" or less measured from street grade. All other hedges within private property are not regulated by this title.
(M-3643, Added, 01/26/2004)

Section 20.912.050 Location and Height of Fences and Walls.

A. Fences and walls must be wholly contained on the applicant's property, or located on a property line when both abutting property owner's signatures appear on the application form.

B. Fences and walls must not be placed in any manner to hinder access to an easement.

C. In residential zones, fences that are streetward of the front wall of the house shall be limited to 5' in height, so long as the top 1' is constructed to be at least 80% open to views (e.g., wrought iron, chainlink, etc.). In other required side, street side and rear year setbacks areas, solid fences shall be limited to 6' in height. See Exception for sound walls at 20.912.080.

D. In commercial and industrial zones, fences within the required setback area are limited to 6' in height. See Exception for sound walls at 20.912.080.

E. Land Use Permits cannot be issued for fences or walls that are in the public right-of-way.

F. Fences and walls shall not interfere with vision clearance at an intersection of roads or driveways. Fences and walls under 30" in height are generally allowed in a vision clearance triangle unless the topography causes a restriction of clear vision. Fences that are 80% open (such as wrought iron and chain link) are allowed in a vision clearance triangle when maintained in a manner that is clear of vegetation that could restrict clear vision.
(M-3959, Amended, 07/19/2010, Sec 44-Effective 8/19/2010; M-3922, Amended, 07/06/2009, Sec 43; M-3847, Amended, 11/19/2007, Sec 13; M-3840, Amended, 08/06/2007, Sec 40; M-3643, Added, 01/26/2004)

Section 20.912.060 Prohibited Fences and Fencing Material.

A. Barbed wire, razor wire and electrically charged fences are not permitted as accessory to residential uses.

B. Within commercial and industrial or other nonresidential properties, barbed wire and razor wire are only allowed as the top to a security fence accessory to permitted uses. In these cases, 2' of such wire can be attached to the top of a 6' wall or fence, as long as it is vertical or angled in toward the enclosure.

C. Barbed wire, razor wire, and electrically charged fences are prohibited in the City Center (CX) District.
(M-3701, Amended, 05/02/2005, Sec 30; M-3643, Added, 01/26/2004)

Section 20.912.070 Fences and Walls in Planned Developments.

A. The City's Planning Official or the City's Hearings Examiner has the authority to approve walls and fences on the perimeters of developments that are incorporated as a design element that is part of a Planned Development or subdivision design, or is useful in limiting sound impacts from sources identified in Chapter 20.912.080(B) Exceptions for sound walls. The Planning Official and Hearings Examiner can exceed the standards of this chapter, except those standards for vision clearance. In all cases the Planning Official and Hearing Examiner shall require the recording of appropriate provisions (covenants or similar methods) for maintenance to be assumed by the property owners or association of owners.
(M-3643, Added, 01/26/2004)

Section 20.912.080 Sound Walls.

When sound walls are required to mitigate sound impacts for properties located adjacent to a railroad right of way, state highway, or where residential abuts commercial or industrial properties, the Planning Official may approve a sound wall which exceeds the height limit of 20.912.050(C) up to maximum of 8' if the

following criteria are met:

A. Landscaping. Exterior walls facing a street or highway shall be landscaped with groundcover, shrubs, vines, mounds and trees such that at least 50% of the height of the wall shall be screened from the adjacent public street within 2 years.

B. Type of Wall. Walls shall be constructed of graffiti-resistant solid brick or other material that requires minimum maintenance. A textured surface treatment that is compatible with and appropriate to the area for which it is proposed shall be provided.

C. Walls between properties. All property owners shall agree on the height and type of wall prior to approval from the City.

D. Height of Walls. Walls may exceed 8' in height, to a maximum of 12', provided they are adjacent to a public right-of-way as outlined above, and based on an approved noise study prepared by a licensed acoustical engineer that demonstrates the additional height is necessary in order to reduce noise levels at the property line to 65 dBA. An approved noise study shall include an analysis of potential impacts of sound transfer as a result of construction of a proposed wall.

E. The Planning Official may deny a request for a sound wall if it is determined that the proposed height and/or materials of the wall would not be in keeping with the visual character of surrounding properties, or that such placement would create a threat to public health and safety.
(M-3643, Added, 01/26/2004)

Chapter 20.914

GATED ACCESS STANDARDS

Sections:

20.914.010 Purpose.
20.914.020 Permit and Development Standards.

Section 20.914.010 Purpose.

Purpose. The standards for Gated Access are provided here as a Type I review as authorized at 20.210.020(B)(1). These standards are intended to implement safe ingress and egress while promoting visual attractiveness and site security.
(M-3643, Added, 01/26/2004)

Section 20.914.020 Permit and Development Standards.

A. Land use permit required. A land use permit is required for any gate across access a driveway, unless exempted by 20.914.020B.

Exemptions. The permit and development standards of 20.914 shall not apply for the following: any commercial or industrial development where the gate will remain open during business hours, or any residential gate for secondary driveway to be used exclusively for access to RV, boat or similar vehicle parking aera.

Development standards. A detailed site plan shall be submitted with the Type I application which depicts the access point(s) and demonstrates all of the following required elements:

1. Stacking area. Each access point shall show an area of sufficient length and width to safely stack traffic coming onto the property from the adjacent roadway. Transportation Services shall determine the length of the stacking area based on the adjacent roadway type and design configuration. A parking area shall be provided to the right of the entry lane to accommodate visitors not able to open the gate.

2. Entrance/Exit Design. Adequate vision clearance shall be provided so that motorists leaving a gated community have a clear view of the sidewalk on either side of the exit, and so that approaching pedestrians have a clear view of any approaching vehicle. Gated community entrances and exits shall be designed to achieve travel speeds not to exceed 5 miles per hour, and shall require a vehicle stop directly prior to crossing the street sidewalk. Entrance and exit areas shall be designed so that vehicles approaching or leaving the gated community can queue to enter/exit the traffic stream without blocking the sidewalk.

3. Turnaround feature. Each gate access point shall have an area that allows traffic to safely maneuver a turnaround when the gate is in closed position.

4. Lane width inside the gate. Fire and emergency access vehicles require passing room within the development. Twenty feet of unobstructed driving surface is required on the interior side of the access point and gate.

5. Emergency vehicle access required. Each project will require the applicant to produce a confirmation of approval from the Fire Marshal that indicates that the design of the gate(s) meets the Fire Marshal's requirements for emergency entry. The Fire Marshal's written approval shall be submitted with

this application.

6. No encroachment into publicly owned right-of-way. The gates, operating equipment and fencing shall be located wholly within the private portion of the property. The property line shall be clearly indicated on the site plan. Swing gates are not allowed to encroach into the public right-of-way. The drives, streets and lanes inside a gated community are to remain private.

7. Pedestrian Access. Separate pedestrian access from driving lanes. Each access point shall have a pedestrian access and walkway that is separate from the driving lanes and links directly to the public sidewalk. Pedestrian walkways shall meet all standards for accessibility required by the Americans with Disability Act.

8. Lighting. Lighting fixtures shall be established and maintained at the access points to provide vehicle and pedestrian safety. The required lighting shall be automatically controlled to turn on during the hours of darkness.

9. Vision Clearance. Each access point shall demonstrate vision clearance as per 20.985 VMC.

10. Gate Material. The moving portion of the gate shall be constructed of material that is at least 80 percent open. Typically, wrought iron or other decorative material is used.

11. Gate opening width. Each gate must open to a minimum width of 15 feet or as required by the Fire Marshal.

(M-4034, Amended, 12/03/2012, Sec 30-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Chapter 20.915

IMPACT FEES

Sections:

20.915.010 Purpose.
20.915.020 Applicability.
20.915.030 Establishment of Development Service Areas.
20.915.040 Traffic Impact Fee.
20.915.050 Park Impact Fee.
20.915.060 School Impact Fee.
20.915.070 Calculation of Impact Fee.
20.915.080 Impact Fee Exemptions/Waivers.
20.915.090 Impact Fee Credits.
20.915.100 Other provisions.

Section 20.915.010 Purpose.

Reasons for impact fees. It is the purpose of this Chapter to ensure that adequate facilities are available to serve new growth and development, and to promote orderly growth and development by requiring that new development pay a proportionate share of the cost of new facilities needed to serve growth. In addition, it is also the purpose of this Chapter to ensure that impact fees are imposed through established procedures and criteria so that specific developments do not pay arbitrary fees or duplicate fees for the same impact.
(M-3643, Added, 01/26/2004)

Section 20.915.020 Applicability.

A.A. Uniform applicability. This Chapter shall be uniformly applicable to development that occurs within a designated service area or overlay service area~~s~~.

B.B. For pre-development permit issuance. No building permit shall be issued for a development in a designated service area or overlay service area as defined in this Chapter unless the impact fee is calculated and imposed pursuant to this Chapter.

C.C. For various types of development. For single-family and duplex residential subdivisions and short subdivisions hereinafter approved, the per-lot impact fee shall be calculated at the time of preliminary subdivision- plat or short subdivision plat approval, noted on the face of the final plat, and imposed on a per-lot basis at the time of building permit application. For new multi-family and non-residential development hereafter approved, the impact fee shall be calculated at the time of site plan approval or building permit application if the proposed development is not sufficiently defined to permit such calculation. Notwithstanding the foregoing, the fee shall be re-calculated for building permit applications filed more than three years following the date of the applicable preliminary subdivision plat, preliminary short subdivision plat or site plan approval.

D.D. For preliminary plats. For development not necessitating or having been previously granted preliminary subdivision plat, preliminary short subdivision plat or site plan approval, the impact fee shall be calculated and imposed at the time of building permit application.

E.E. For development not requiring a building permit. For development not requiring a building permit, the impact fee shall be calculated and imposed at the time of site plan approval.

F.F. For manufactured home parks. For manufactured home parks, the impact fee shall be calculated and imposed at the time of site plan approval.
(M-3643, Added, 01/26/2004)

Section 20.915.030 Establishment of Development Service Areas.

A. General. Service areas, which may vary by type of public facility, are established as shown on the Vancouver-Clark Parks and Recreation Department Parks Impact Fee Program and Vancouver Transportation Impact Fees Program, which are incorporated herein by reference.

B. Service areas and fees. Such areas will provide a nexus between those paying the fees and receiving the benefits to ensure that those developments paying impact fees receive substantial benefits.

C. Establishment of overlay service areas. Overlay service areas may be established for identified system improvements designed to serve geographic areas whose boundaries are not generally contiguous with established service areas.

D. Factors affecting service areas. Additional or revised service areas may be designated by the City Council through amendment to the facilities plan upon consideration of the following factors:

1. The Comprehensive Plan;

2. Standards for adequate public facilities incorporated in the capital facilities plan;

3. The projections for full development as permitted by land use ordinances and timing of development;

4. The need for and cost of un-programmed capital improvements necessary to support projected development; and

5. Such other factors as the City Council may deem relevant.

E. Service areas and urban growth boundaries. Service areas adjoining an urban growth boundary shall automatically be adjusted to conform to any change in such boundary.
(M-3933, Amended, 11/16/2009, Sec 3-Effective 12/16/2009; M-3643, Added, 01/26/2004)

Section 20.915.040 Traffic Impact Fee.

A. Formula. The impact fee component for roads shall be calculated using the following formula:

TIF = FxTxA

1. "**TIF**" means the traffic impact component of the total development impact fee.

1.2. "**F**" means the traffic impact fee rate per vehicle trip in dollar amounts, for each service area. Such rate shall be established in the Traffic Impact Fee Program Technical Document, incorporated herein by this reference, for each service area by estimating the cost of anticipated growth-related roadway projects divided by the projected number of growth-related trips within that service area. Between major program

updates, the calculated per trip fee will be adjusted annually to account for inflation using the Engineering News Record Construction Cost Index for Seattle, and as outlined in the Traffic Impact Fee Program Technical Document.

3. "**T**" means the trips generated by a proposed development and calculated according to the Traffic Impact Fee Program Technical Document. The calculation of "T" described in the Traffic Impact Fee Program Technical Document includes, for some retail commercial land uses, a "business enhancement factor (BEF)" adjustment based on policy considerations. In the absence of a land use code precisely fitting the development proposal, the director of public works or designee shall select the most similar code and may make appropriate adjustments to the trip equation applicable thereto. In selecting the appropriate land use code and in making adjustments thereto, the Transportation Manager shall be guided by the most recent edition of the Trip Generation Manual, Institute of Transportation Engineers.

4. "**A**" means an adjustment for the portion of anticipated additional tax revenues resulting from a development which is prorated to system improvements contained in the capital facilities plan. Such adjustment for traffic impacts is determined to be 15%, so that "A" equals 85%.
(M-3643, Added, 01/26/2004)

Section 20.915.050 Park Impact Fee.

A. Formula for parks, open space and recreational facilities. The impact fee component for parks, open space and recreational facilities shall be calculated using the following formula as further defined in the Park Impact Fee Technical Document adopted by the City Council in the impact fee revision process pursuant to VMC 20.915.100.B:

$$PIF = (\text{Acquisition Cost} + \text{Development Cost}) \times \text{Cost Adjustment Factor}$$

$$PIF = \left[\left[\frac{(Ca \times Ia \times Sa)}{P} + \frac{(Cd \times Id \times Sd)}{P} \right] \times U \right] \times A$$

1. "**PIF**" means the park, open space and recreational facility component of the total development impact fee.

2. a. "**Ca**" means the average cost per acre for land appraisal, acquisition, associated due diligence fees and expenses, closing and Level I Development for each service area or overlay area as described in the Vancouver-Clark Parks and Recreation Comprehensive Parks Recreation and Open Space Plan for neighborhood parks, community parks and urban open space and adopted by the City County in the impact fee revision process pursuant to VMC 20.915.100.B.

b. '**Cd**" means the average cost per acre for site development. Development cost shall be calculated assuming development standards described in the Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan for neighborhood and community parks, and adopted by the City Council in the impact fee revision process pursuant to VMC 20.915.100.B.

3. a. "**Ia**" means the percentage annual inflation/deflation adjustment index applicable to the acquisition component, as outlined in the Park Impact Fee Program Technical Document and annually determined by the City Council in the impact fee revision process pursuant to VMC 20.915.100.B.

b. "**Id**" means the percentage annual inflation/deflation adjustment index applicable to the development component as outlined in the Park Impact Fee Program Technical Document and annually determined by the Council in the impact fee revision process pursuant to VMC 20.915.100.B.

4. a. "**Sa**" means the parks acquisition standard in acres per thousand residents for neighborhood parks, community parks and urban open space as established in the Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan.

b. “Sd” means the parks development standard in acres per thousand residents for neighborhood and community parks as established in the Vancouver-Clark Parks and Recreation Comprehensive Parks, Recreation and Open Space Plan.

5. "**P**" means one thousand (1,000).

6. "**U**" means the average number of occupants per single-family/duplex dwelling unit or per other multi-family dwelling unit, based on the most current applicable statistical census data (US Census Bureau or Washington State Office of Financial Management census data for persons per dwelling unit), and as adopted by the City Council in the impact fee revision process pursuant to VMC 20.915.100.B.

7. "**A**" means an adjustment to the cost of park facilities for past or future payments made or reasonably anticipated to be made by new development to pay for park system improvements in the form of user fees, debt service payments, or other payments earmarked for or proratable to park system improvements. Such adjustment for park impacts is determined to be five percent (5%), so that "A" equals ninety-five percent (95%).

B. Community and Economic Development shall maintain a schedule of current park impact fee rates.

C. At least one copy of the Park Impact Fee Program Technical Document adopted by the City Council, and the current park impact fee schedule as calculated there under, shall be filed in the Office of the City Clerk for use and examination by the public.
(M-3933, Amended, 11/16/2009, Sec 4-Effective 12/16/2009; M-3663, Amended, 08/02/2004, Sec 22; M-3653, Amended, 05/03/2004, Sec 3 and 5; M-3643, Added, 01/26/2004)

Section 20.915.060 School Impact Fee.

A. Plan adoption. In order for the city to collect School Impact Fees on behalf of a school district, said school district's capital facilities plan shall be adopted as a portion of the City of Vancouver's Comprehensive Plan in accordance with the provisions of this section.

B. Plan submittal. In conjunction with mandated Comprehensive Plan updates, a school district requesting impact fees shall submit to the City Planning Commission a capital facilities plan adopted by the school board and consisting of the following elements:

1. A standard of service which identifies the program year, class size by grade span, number of classrooms, types of facilities, and other factors identified by the school district.

2. The district's capacity over the next six years based upon an inventory of the district's facilities either existing or under construction and the district's standard of service.

3. A forecast of future needs for school facilities based upon the district's enrollment projections.

4. At least a six-year financing plan component, updated as necessary to maintain at least a six-year forecast period, for financing needed school facilities within projected funding levels.

5. Application of the formula set out in Section 20.915.060(F) VMC based upon information contained in the capital facilities plan. Separate fees shall be calculated for single-family and multi-family types of dwelling units, based upon the student generation rates determined by the district for each type of dwelling unit. If insufficient information is available for a district to calculate a multi-family student generation rate, a county-wide average shall be utilized. For purposes of this chapter, manufactured homes and each unit of a duplex shall be treated as single-family dwellings.

C. Planning Commission review. The Planning Commission shall review a school district's capital facilities plan or plan update in accordance with the provisions of this Subsection.

1. Factors. The Planning Commission shall consider:

a. Whether the district's forecasting system for enrollment projections appears reasonable and reliable;

b. Whether the anticipated level of state and voter-approved funding appears reasonable and historically reliable;

c. Whether the district appropriately applied the formula set out in Section 20.915.060(F) VMC.

2. Public hearing. In the event the district or the Planning Commission on its own motion proposes to modify the school impact fee, the Planning Commission shall not make its recommendation until holding a duly advertised public hearing on the proposal.

3. Recommendation. The Planning Commission may request a school district to review and to re-submit its capital facilities plan or update consistent with the provisions of this section. The Planning Commission shall submit an annual report to the board for each school district for which school impact fees are collected.

D. Council action. No new or revised school impact fees shall be effective until adopted by the council following a duly advertised public hearing to consider the school district's capital facilities plan or plan update.

E. Inter-local agreement. School Impact Fees shall not become effective until the school district has entered into an inter-local agreement provided for in Section 20.915.100 VMC.

F. Formula. The impact fee component for schools shall be separately calculated for each participating school district using the following formula:

$$SIF=\{(CSxSF)-(SM)-(TC)-(FC)\}xA$$

1. **SIF** means the school component of the total development impact fee.

2. **CS** means the cost of the improvements for each type of facility listed in the school district's capital facilities plan less the cost to cure existing overcapacity divided by the capacity of the improvement. Type of facility means elementary school, middle school and high school. The development cost by service area is shown in Table 20.915.060-1.

3. **SF** means student factor. The student factor is the number of students typically generated from one residential unit for each type of school facility.

4. **SM** means state match. State match is the amount received from the state toward school construction costs. The state match component of the formula is that amount representing the per student amount of state matching funds. This is calculated for each type of facility as: student factor times Boeckh Index (average annual construction cost of a school facility per square foot) times square-foot standard per student established by the Superintendent of Public Instruction times state match percentage (that percentage of the total cost of a school facility funded by state funds). The state match for each school district shall be calculated annually.

5. **TC** means tax credit. This is calculated as:

$$TC = \frac{(1+i)^{10} - 1}{i(1+i)^{10}} x(AAV)x(SPTL)$$

a. **AAV** means the average assessed value for the dwelling per single family unit.

b. **SPTL** means the current school district capital property tax levy rate.

c. **i** means the current interest rate as stated in the Bond Buyer Twenty Bond General Obligation Bond index.

6. **FC** means facilities credit. This is the value of any improvements listed in a school district's capital facilities plan provided by the developer.

7. **A** means an adjustment for the portion of anticipated additional tax revenues resulting from a development that is prorated to system improvements contained in the capital facilities plan. The adjustment for school impacts is determined to be 85%.

Table 20.915.060–1 School District Impact Fees		
School District	**Single-Family**	**Multi-Family**
Camas	$4,460	$2,604
Evergreen	$6,989	$2,678
Vancouver	$1,523	$844

(M-3994, Amended, 11/07/2011, Sec 5 - Effective 12/7/2011; M-3959, Amended, 07/19/2010, Sec 45-Effective 8/19/2010; M-3952, Amended, 04/05/2010, Sec 1 - Effective 5/5/2010; M-3951, Amended, 04/05/2010, Sec 1 - Effective 5/5/2010; M-3909, Amended, 12/15/2008, Sec 1-Effective 01/14/2009; M-3854, Amended, 11/19/2007, Sec 1; M-3785, Amended, 12/18/2006, Sec

2; M-3736, Amended, 02/27/2006, Sec 1; M-3730, Amended, 12/19/2005, Sec 34; M-3663, Amended, 08/02/2004, Sec 23; M-3653, Amended, 05/03/2004, Sec 2; M-3643, Added, 01/26/2004)

Section 20.915.070 Calculation of Impact Fee.

A. For residential and non-residential development. The impact fee for a non-residential development shall be computed by applying the traffic impact fee formula set out in Section 20.915.040 VMC. The impact fee for a residential development shall be computed by applying the traffic impact fee, park impact fee and school impact fee formulae set out in Sections 20.915.050 VMC and 20.915.060 VMC, combining the results, provided that the school impact fee component shall not apply to housing which by restrictive covenant is exclusively for persons sixty-two years of age or older.

B. For mixed uses. If the development for which approval is sought contains a mix of uses, the impact fee must be separately calculated for each type of use.

C. Criteria to reduce or eliminate impact fees. The development approval authority setting the impact fee, upon application by the developer supported by studies and data, may reduce or eliminate such fee if it is shown that:

1. The formulae contained in Sections 20.915.040, 20.915.050 or 20.915.060 VMC do not accurately reflect traffic, park, or school impacts, respectively; or

2. Due to unusual circumstances:

a. Facility improvements identified for the applicable service area are not reasonably related to the proposed development; or

b. Such facility improvements will not reasonably benefit the proposed development.

3. The current development proposal implements a concomitant rezone agreement or other development approval pursuant to which public facilities identified in the capital facilities plan were dedicated or constructed, and which are of benefit to the community at large and which otherwise likely would have been designated as system improvements.

D. Request for impact fee determination. Prior to making an application for a building permit, an applicant upon payment of the applicable fee may request an impact fee determination from either the Parks or Public Works department, which determination shall be based upon information supplied by the applicant sufficient to permit calculation of the impact fee. The impact fee determination shall be binding upon the city for a period of one (1) year unless there is a material change in the development proposal, the capital facilities plan or this chapter.

E. Impact fee collection. The impact fee imposed under this chapter shall be due and payable at the time of issuance of a building permit, or final site plan approval when no building permit is required for the development.
(M-3643, Added, 01/26/2004)

Section 20.915.080 Impact Fee Exemptions/Waivers.

A. Exemptions from impact fees. The following developments shall be exempt from the requirement for payment of impact fees: publicly operated elementary, middle, junior high and senior high schools, and administrative, maintenance and other facilities of a school district and facilities of an Educational

Service District.

B. Criteria for exemptions/waivers from impact fees. The Review Authority may grant a total or partial exemption or waiver from impact fees for housing developments containing up to three dwelling units and qualifying as low-income housing as defined in this Chapter, to be owned and occupied by, or leased to, low-income persons. Requests for exemption and/or waiver for four or more dwelling units must be approved by the City Council, provided any such exemption or waiver shall be subject to:

1. Provision being made for payment of the impact fee from public funds other than impact fee accounts;

2. Adequate documentation that the housing meets appropriate standards regarding household income, rent levels, sales price, location, and number of units;

3. In the case of rental dwellings, adequate documentation that such housing will remain exclusively available to low-income households at affordable rents for a minimum period of 15 years;

4. In the case of owner-occupied dwellings, adequate documentation that such housing will only be sold or leased at affordable rents to another low-income household for a minimum period of 10 years;

5. Adequate documentation that in the event that use of the property during the prescribed period is no longer for low-income housing, the owner shall pay the impact fee plus interest from which the owner or any prior owner was exempt; and

6. Recording of appropriate covenants to insure compliance with the requirements set forth in this Subsection.

C. Criteria for calculating impact fees. The impact fee for an exempt or waived development shall be calculated as provided for in this Chapter and paid with public funds. Such payment may be made by including such amount(s) in the public share of system improvements undertaken within the applicable service area. If an impact fee(s) is waived, the Review Authority, pursuant to Section 20.915.070 VMC, or state law may determine whether a public share-contribution or a reduced public-share contribution is required.
(M-3643, Added, 01/26/2004)

Section 20.915.090 Impact Fee Credits.

A. For the developer. The developer shall be entitled to a credit against the applicable impact fee component for the fair market value of any dedication of land for and reasonable documented construction costs acceptable to the City associated with the improvement to, or new construction of any system improvements provided by the developer, or the developer's predecessor in interest, to facilities that are/were identified in the capital facilities plan and that are required by the City as a condition of approval for the immediate development proposal.

B. TIF reduction. The developer may be provided a TIF reduction pursuant to Section 20.550.050A VMC.

C. Credit for the developer. Additionally, the developer may be provided a credit against the impact fee in an amount up to 10% of the traffic component to account for contributions of mass transit facilities that are approved by the City and made a condition of approval for the development.

D. Impact fee reduction. Where impact fees are owing prior to completion of a system improvement undertaken by the developer, the impact fee shall be reduced by 85% from the Director of Public Works estimate of the credit to be due upon dedication and completion of the required work, provided, if the same has been assured by a bond or other guarantee, as governed by Chapter 20.909 VMC, to be completed no later than the date of occupancy for commercial/industrial/multi-family structures or the final building inspection for single-family and other uses. Upon completion of the required system improvement, appropriate refunds shall be made and credits recognized based upon the Director of Public Works' determination of the value of dedication and reasonable construction costs.

E. City credit utilization. Credits recognized by the City may be utilized in lieu of cash payment of impact fees for the subject development and/or any other development within the same service area.
(M-3643, Added, 01/26/2004)

Section 20.915.100 Other provisions.

A. Process for revision of impact fees. Impact fee rates, other than park impact fees, shall be adjusted periodically to reflect changes in costs of land acquisition and construction, facility plan projects and anticipated growth. Such adjustments shall only become effective upon adoption by the City Council of a modification to the Capital Facilities Plan. However, this is provided that the Capital Facilities Plan may contain provision for automatic revision of an impact fee rate no more than once annually to reflect the change in a generally recognized and applicable inflation/deflation index.

B. Park impact fee rates may be revised. Rates may be revised using the following process:

1. The adopted Park Impact Fee Program Technical Document may be revised periodically by the City Council when financial analysis establishes that there is a need for a major program update. Such adjustments shall only become effective upon adoption by the City Council.

2. Between major program updates, the calculated park impact fee will be adjusted annually to account for inflation/deflation using the indexing methodology described in the adopted Park Impact Fee Technical Document. Such adjustments shall only become effective upon adoption by the City Council.

C. Operation of impact fee fund. The City has created and established a special purpose, non-lapse impact fee fund. The City Finance Director shall establish separate accounts within such fund and maintain records for each such account whereby impact fees collected can be segregated by type of facility and by service area:

1. Collected interest. All interest shall be retained in the account and expended for the intended purposes that the impact fees were imposed.

2. Impact fee fund annual report. By April of each year, the Finance Director shall provide a report for the previous calendar year on each impact fee account showing the source and amount of moneys collected, earned or received and system improvements that were financed in whole or in part by impact fees.

D. Inter-local agreements and fees. The City of Vancouver may enter into an inter-local agreement with Clark County to establish a coordinated program for the imposition, collection, administration and expenditure of traffic and park impact fees.

E. School impact fees. School impact fees shall not be collected on behalf of any school district until such district enters into an inter-local agreement with City of Vancouver providing for submittal of capital

facilities plans, fund administration, report of expenditure, allocation of risk, and other appropriate matters. Where Clark County adopts a substantially similar school impact fee for a district whose boundaries include portions of the City of Vancouver, such an inter-local agreement may include the County. The inter-local agreement may include a fee to cover the City's cost of administering the School Impact Fee Program.

F. Imposition of impact fees for costs previously incurred. The Transportation Manager may impose an impact fee for system improvements costs previously incurred by the City of Vancouver to the extent that new growth and development will be served by the previously constructed improvements, provided such fee shall not be imposed to make up for any system improvement deficiencies.

G. Expenditures for system improvements with impact fees. Impact fees for system improvements shall be expended only in conformance with the capital facilities plan. Impact fees shall be expended or encumbered for a permissible use within ten years of receipt, unless an extraordinary and compelling reason exists for fees to be held longer than ten years. Such extraordinary or compelling reasons shall be identified in written findings by the City Council.

H. Refunds for the current owner. The current owner of property on which an impact fee has been paid may receive a refund of such fee if the City fails to expend or encumber the impact fees within ten years of when the fees were paid, or such other period of time established pursuant to this subsection, on public facilities intended to benefit the development activity for which the impact fees were paid. In determining whether impact fees have been encumbered, impact fees shall be considered encumbered on a first-in, first-out basis. The current owner likewise may receive a proportionate refund where the public funding of applicable service area projects by the end of such ten-year period has been insufficient to satisfy the ratio of public-to-private funding for such service area as established in the capital facilities plan. The City shall notify potential claimants by first-class mail deposited with the United States Postal Service at the last known address of claimants.

1. Refund time period. The request for refund money must be submitted to the Vancouver City Council in writing within one year of the date the right to claim the refund arises or the date the notice is given, whichever is later. Any impact fees that are not expended within these time limitations, and for which no application for refund has been made within this one year period, shall be retained and expended on the indicated capital facilities. Refunds of impact fees under this subsection shall include interest earned on the impact fees.

2. Criteria for a refund with interest. A developer may request and shall receive a refund, including interest earned on the impact fees, when the building permit for which the impact fee has been paid has lapsed for non-commencement of construction. A partial refund shall be provided where the project for which a building permit has been issued has been altered resulting in a decrease in the amount of the impact fee due.

I. Impact fees as additional and supplemental requirements. The impact fee is additional and supplemental to, and not in substitution of, any other requirements imposed by the City on the development of land or the issuance of building permits. This is provided that any other such City development regulation which would require the developer to undertake dedication or construction of a facility contained within the City Capital Facility Plan shall be imposed only if the developer is given a credit against impact fees as provided for in Section 20.915.090 VMC.

(M-4034, Amended, 12/03/2012, Sec 31-Effective 01/03/2013; M-3959, Amended, 07/19/2010, Sec 46-Effective 8/19/2010; M-3952, Amended, 04/05/2010, Sec 2 - Effective 05/05/2010; M-3951, Amended, 04/05/2010, Sec 2 - Effective 5/5/2010; M-3933, Amended, 11/16/2009, Sec 5-Effective 12/16/2009; M-3909, Amended, 12/15/2008, Sec 2-Effective 01/14/2009; M-3854, Amended, 11/19/2007, Sec 2; M-3785, Amended, 12/18/2006, Sec 2; M-3653, Amended, 05/03/2004, Sec 1; M-3643, Added, 01/26/2004)

Chapter 20.920

INFILL DEVELOPMENT STANDARDS

Sections:

20.920.010 Purpose.
20.920.020 Applicability.
20.920.030 Relationship to Other Development Standards.
20.920.040 Procedures.
20.920.050 Tier 1 Infill Standards.
20.920.060 Tier 2 Infill Standards.

Section 20.920.010 Purpose.

The intent of the infill ordinance is to encourage the development of underutilized and challenged parcels in the R-9, R-6, R-4, and R-2 zoning districts. The infill ordinance accommodates a variety of housing types including single family detached, single family attached, and duplexes.
(M-3643, Added, 01/26/2004)

Section 20.920.020 Applicability.

A. Eligibility Criteria. This Chapter may be applied to parcels created prior to the adoption date of this ordinance that meet all of the following criteria:

1. The parcel is within the R-9, R-6, R-4, R-2 zoning district; and

2. The parcel is two and one-half (2.5) acres or smaller in area. An infill parent parcel size may be increased by 5% with approval from the Planning Official; and

3. The proposed development can and will be served by urban services at the time of final plat or development approval. For the purposes of this Chapter, "urban services" shall mean public water and sewer service as described in VMC Title 14; and

4. There is urban development abutting the subject site on at least 50% of its non-street perimeter. For the purposes of this section, "non-street perimeter" shall mean that portion of the perimeter of the parcel that is not abutting a public street. Where there is no abutting public street, the entire perimeter is used for measurement.

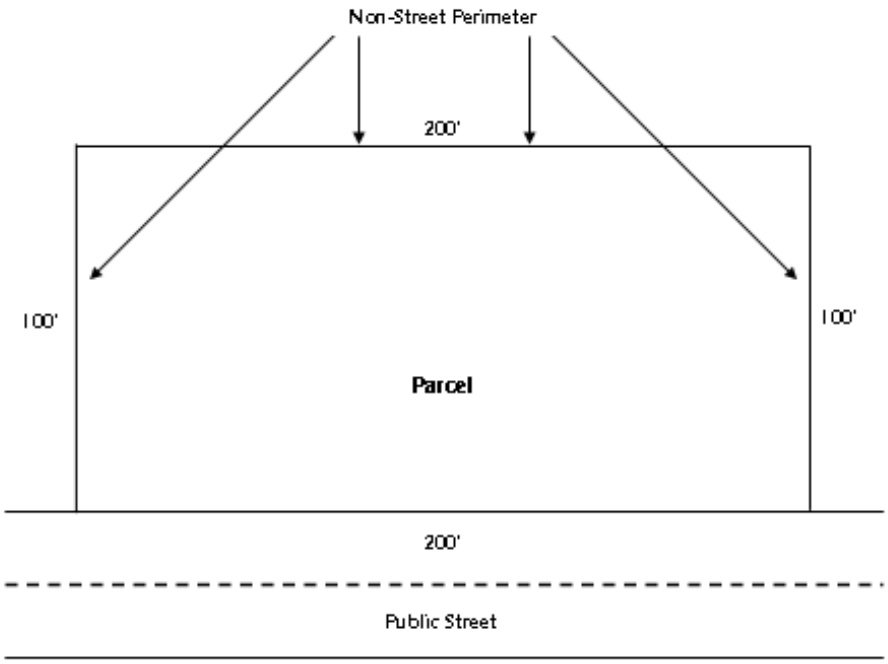
a. For the purposes of this Chapter, "urban development" shall mean a parcel that meets at least one of the following criteria:

1. All parcels with existing non-residential or multi-family structures that are currently receiving urban services (e.g. public sewer and water); or

2. Tax exempt parcels, regardless of development status; or

3. All plats which have received final or preliminary approval within the last five (5) years; or

4. Parcels two and one-half (2.5) acres or smaller in area which have existing residential structures; or



Non-Street Perimeter Example
100' + 200' + 100' = 400' total non-street perimeter
50% of non-street perimeter = .5 x 400' = 200'
required abutting urban development

1. Parcels that are designated on the City of Vancouver Comprehensive Plan for multi-family, commercial, or industrial development; or

2. Parcels that are not developable based on a prior development review determination (e.g. park lands, environmentally sensitive lands, properties with utility easements).

B. Applicability of the Standards. There are two levels of infill standards and incentives: Tier 1 and Tier 2. The Tier 2 infill standards offer greater incentives but require compliance with design standards and a neighborhood meeting. Application of either the Tier 1 or Tier 2 infill provisions of this Chapter is an option available for parcels that meet the eligibility criteria. However, all infill parcels created as a result of the application of this Chapter and the subsequent infill development on those parcels shall be subject to the standards of this Chapter.

For the purposes of this chapter, the following definitions apply:

1. An “infill parent parcel” is the larger parcel of land from which infill parcels are divided.

2. “Infill Land Division” is the division of an infill parent parcel using some or all of the standards of

this Chapter. Tier 1 Infill Land Divisions are those divisions that utilize only the Tier 1 standards of this Chapter. Tier 2 Infill Land Divisions are those divisions that utilize one or more of the Tier 2 standards of this Chapter.

3. "Infill parcels" are either parcels that meet the eligibility criteria of this Chapter or those parcels created by the land division of an infill parent parcel through the application of the standards in this Chapter. Tier 1 Infill Parcels are created as a result of Tier 1 Land Divisions. Tier 2 Infill Parcels are created as a result of Tier 2 Land Divisions.

4. "Infill development" is the subsequent residential development on infill parcels.

5. "Duplex" shall mean a building designed or used for residence purposes by not more than two (2) families, and containing two (2) dwelling units and located on one legal parcel.

6. "Infill Development Plan" is a plan that is required to be submitted with infill development which identifies the existing and proposed lot characteristics, including applicable standards and incentives as described under Tier 1 and Tier 2 development as contained in this chapter.

7. "Predominant" shall mean the most frequently occurring residential design characteristic along both sides of the road frontage from intersection to intersection (or block face).
(M-3840, Amended, 08/06/2007, Sec 41; M-3643, Added, 01/26/2004)

Section 20.920.030 Relationship to Other Development Standards.

A. All of the provisions of the City code that would apply to a non-infill project shall apply to infill projects except as specifically modified by this Chapter. If there is a conflict between the standards of this Chapter and the provisions of any applicable overlay districts or plan districts, the overlay district or plan district standards shall supersede the standards of this Chapter.

B. Development applications which meet the eligibility criteria for infill development, as outlined in this Chapter, must comply with additional transportation standards as provided for in VMC Chapter 11.96 Infill Development Transportation Standards.
(M-3643, Added, 01/26/2004)

Section 20.920.040 Procedures.

A.A. Infill Land Divisions. The subdivisions and short subdivision of an infill parent parcel into nine (9) or fewer parcels shall be subject to Type II review. The subdivision of an infill parent parcel into more than nine (9) parcels shall be subject to Type III review. The proposed development shall comply with all applicable land division procedures and standards unless specifically modified pursuant to this Chapter.

B.B. Development on Infill Parcels. All development on infill parcels created pursuant to this Chapter shall be subject to the standards for Infill Development. The applicable Infill Development Standards shall be recorded as a plat note on the final plat as a condition of approval.

C.C. Pre-Application Meeting. The pre-application conference required pursuant to VMC Section 20.210.080 (Decision-Making Procedures. Pre-application Conference) may not be waived for Tier I and Tier II infill land division and infill lot development. In addition to the notice requirements of VMC Section 20.210 Decision-Making Procedures, the Planning Official or designee shall also mail written notice to all owners of record of property as shown on the most recent property tax assessment roll,

located adjacent to and across the street from the subject property. The City shall also notify the appropriate neighborhood association(s) board members. This mailing shall be concurrent with that required by VMC Section 20.210 Decision-Making Procedures. Members of the public shall be provided with an opportunity to comment on the proposed project at a specific time during the meeting set aside for public comments. The notice must provide a brief description of the proposed development and a preliminary development plan.
(M-3643, Added, 01/26/2004)

Section 20.920.050 Tier 1 Infill Standards.

Tier 1 infill parcels, infill land divisions and the subsequent infill development on those Tier 1 infill parcels shall be subject to the following standards and incentives.

A.A. Minimum Parcel Area. Within an infill land division for single family development, no parcel shall be smaller than the minimum parcel area identified in Table 20.920.050-1, provided no lot shall exceed the maximum required by the underlying zoning district. In Tier 1, minimum parcel areas shall not be further reduced by a variance procedure in VMC Section 20.290. However, this shall not preclude variances to other standards.

Table 20.920.050–1
Minimum Parcel Area for Single Family Dwellings

Zoning District	Minimum Parcel Area Single Family Detached (sq. feet)
R-9	4,000 sf
R-6	6,000 sf
R-4	8,000 sf
R-2	16,000 sf

A.B. Minimum Parcel Width and Depth.: Within a Tier 1 infill land division, the minimum parcel width and minimum parcel depth standards of Table 20.410.050-1 (Development Standards In Low-Density Residential) may be reduced by up to twenty-percent (20%). However, subsequent development on infill parcels that were created with less than the minimum width and depth required by Table 20.410.050-1 (Development Standards In Low-Density Residential), shall not be eligible for a variance to the minimum setback or frontage requirements.

B.C. Setbacks. Infill parcels developed under provisions of this Chapter shall comply with setback requirements of Table 20.410-3 (Development Standards In Low-Density Residential) except that front yard and side yard setbacks in all zones shall be as follows:

1. Minimum Front Yard.

    a. Eighteen (18) feet for garage or carport structures or other similar vehicular shelter.

    b. Ten (10) feet for all other structures

2. Minimum Side Yard.

a. Side yard shall comply with the standard side setbacks of the applicable zoning district.

A.D. Common Areas. If provided, Common Areas (e.g. landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or governed by another legal instrument. A copy of the applicable covenants, conditions and restrictions shall be provided to the City for review and acceptance before recording concurrently with the final plat.
(M-3643, Added, 01/26/2004)

Section 20.920.060 Tier 2 Infill Standards.

In addition to the Tier 1 standards and incentives, Tier 2 infill parcels and land divisions and the subsequent development on those Tier 2 infill parcels shall be subject to the following standards and incentives:

A. Additional Dwelling Types Allowed. In addition to the uses allowed by VMC Table 20.410.030-1 (Lower Density Residential Districts Use Table), duplexes and single family attached dwellings are allowed on infill parcels subject to the standards of this chapter:

1. Infill developments of three (3) or fewer parcels may have a duplex on a maximum of one (1) parcel. Infill land divisions which result in more than three (3) parcels may have duplexes on a maximum of one-third of the parcels. When the one-third calculation contains a fraction of a housing unit, the applicant must round down to the nearest whole unit. Infill parcels for duplex development shall meet the minimum parcel size area requirements in Table 20.920.060-1 and shall be noted on the face of the plat. The maximum parcel size area standards of Table 20.410.040-1 (Minimum and Maximum Densities and Lot Sizes) shall not apply to infill parcels for duplex development. Duplex development is not allowed on an infill parcel if it would result in less than the minimum density for the parcel.

2. Procedures for Single Family Attached Dwellings. Development proposals for single family attached dwellings utilizing the provision of this chapter shall be subject to the following procedures:

a. Land divisions shall be reviewed according to VMC Section 20.320. In addition, if the land is subdivided, development proposals must receive approval of a development plan that demonstrates how the proposal complies with this chapter and all other applicable requirements. The development plan shall be submitted and reviewed in conjunction with the land division application.

b. Preliminary plats may not be approved without approval of the submitted development plan. Both the development plan and preliminary plat must be fully consistent with standards of this and all other applicable ordinances.

c. Preliminary plats may be approved only where conditions of approval are established to ensure that subsequent or existing development on the resultant parcels shall occur consistent with the approved development plan.

d. Building permits may only be approved if consistent with the approved development plan and land division for all units with common walls.

3. Building Mass Supplemental Standard. The maximum number of consecutively attached single family units (i.e., with attached walls at property line) shall not exceed four units.

4. Existing Public Alley Access. Single family attached subdivisions (creation of ten (10) or more parcels for single-family attached dwellings) shall receive primary vehicle access from a rear alley if a public alley exists within or adjacent to the subdivision.

5. Pedestrian Pathways. City may require dedication of right-of-way or easements and construction of pathways between single family attached parcels (e.g., between building breaks) to provide for pedestrian connectivity between groupings of single family attached units and from one side of the parcel to another.

6. Common Areas---If provided, Common Areas (e.g., landscaping in private tracts, shared driveways, private alleys, and similar uses) shall be maintained by a homeowners association or governed by another legal instrument. A copy of the applicable covenants, conditions and restrictions shall be provided to the city for review and acceptance before recording concurrently with the final plat.

B. Neighborhood Meeting Required. A neighborhood meeting shall be held prior to submission of a Tier 2 Infill Development Application. The applicant shall hold a public meeting to offer owners of property near the affected property an opportunity to participate in the development process. A pre-application conference cannot substitute for the required neighborhood meeting. The applicant shall follow the neighborhood meeting guidelines established by the city.

1. The neighborhood meeting shall be held no earlier than ninety (90) days prior to submittal of the application.

2. The applicant shall send a notice of the meeting at least fifteen (15) days prior to the neighborhood meeting to:

a. The official representative(s) of the city-recognized neighborhood association(s), if applicable, in whose boundaries the affected property is located, based on the list of official neighborhood associations kept by the planning official or designee, and

b. Neighbors and property owners of record of property within a radius of five hundred (500) feet of the subject property. The records of the Clark County Assessor shall be used for determining the property owners of record, and

c. The City of Vancouver planning official or designee.

3. The notice must identify the date, time and place of the meeting and provide a brief description of the proposed development.

4. A copy of the notice, the proposed development plan as presented at the meeting, the mailing list, the sign-in sheet, and a meeting summary from the meeting shall be submitted with the application.

5. The planning official shall include the meeting summary with the notice of application sent to parties pursuant to Section 20.210.060 (B) Notification of Public Hearing.

C. <u>Minimum Parcel Size.</u>

1. Infill parcels for single family development (attached, detached and duplexes) shall meet minimum parcel area requirements as shown in Table 20.920.060-1.

Table 20.920.060–1 Minimum Parcel Area for Single Family Dwellings (Detached, Attached and Duplexes)			
Zoning District	Minimum Parcel Area Single Family Detached (sq. feet)	Minimum Parcel Area Single Family Attached (sq. feet)	Minimum Parcel Area Per Duplex (sq. feet)
R-9	4,000 sf	3,000 sf	6,000 sf
R-6	5,000 sf	4,000 sf	8,000 sf
R-4	7,000 sf	5,000 sf	10,000 sf
R-2	14,000 sf	10,000 sf	20,000 sf

2. Parcel area may be varied by the planning official upon request. The planning official may grant a variance for up to 1% for proposed lots.

3. Tier 2 infill developments are not eligible to use VMC Section 20.940 On-Site Density Transfer provisions.

D. Minimum Parcel Width and Depth. Within a Tier 2 infill land division, the minimum parcel width and minimum parcel depth standards of Table 20.410.050-1 (Development Standards in Lower-Density Residential) shall not apply. However, subsequent development on infill parcels that were created with less than the minimum width and depth required by Table 20.410.050-1 (Development Standards In Lower-Density Residential) shall not be eligible for a variance to the minimum setback or frontage requirements

E. Maximum Lot Coverage. Maximum lot coverage may be increased 20% over the standard for the applicable zone in a Tier 2 infill development, as shown in Table 20.920.060-2.

Table 20.920.060-2 Maximum Building Coverage		
Zoning District	Current Building Coverage Standard	Building Coverage Standard with 20% Increase
R-9	50%	60%
R-6	50%	60%
R-4	50%	60%
R-2	50%	60%

F. Setbacks. Infill parcels developed under provisions of this chapter shall comply with setback requirements of Table 20.410.050-1 (Development Standards In Lower-Density Residential); except that minimum front, side and rear yard setbacks shall be as follows:

1. Minimum Front Yard.

a. Eighteen (18) feet for garage or carport structures or other similar vehicular shelter.

b. Ten (10) feet for other buildings.

2. Minimum Side Yard.

a. Single family attached dwellings – interior side yard between attached buildings may be zero (0) feet.

b. All other uses shall comply with the standard side setbacks of the applicable zoning district.

3. Rear Yard. The minimum rear yard setback shall be ten (10) feet when the rear yard of the proposed infill development abuts parcels with existing single family dwellings.

G. Design Requirements for Tier 2 Development.

1. Purpose. The purpose of this requirement is to ensure compatibility of in-fill development with the character of existing residential structures while allowing higher density. Specific goals are as follows:

a. To encourage new infill development that complements the existing neighborhood character.

b. To ensure new infill development is consistent with the pattern of established residential structures in the immediate vicinity, while allowing a mix of housing types (e.g., single family attached, duplexes).

c. To provide a process for neighborhood participation in matters of compatibility within the context of these requirements.

2. Design Criteria: Tier 2 In-fill development shall meet the following design criteria as defined by the predominant existing residential character of the block face. The block face shall consist of properties along both sides of the public or private road frontage on which the development is located, from intersection to intersection, or the road end. If no intersection exists within 200 feet from the development site, then the block face shall consist of all properties along both sides of the road frontage within 200 feet of the development. Design requirements as contained in this section shall not apply to multi-family development containing three or more dwelling units. If there is no applicable existing development along a block face, standards (a) through (f) below shall not apply.

a. Building orientation on proposed lots located on the block face shall be the same as the predominant orientation of buildings along the block face.

b. Access and location of off-street parking on proposed lots located on the block face shall be the same as the predominant character for existing development along the block face.

c. Recessed entries or porches shall be incorporated to the extent that they present a predominant feature of existing dwellings along the block face.

d. Proposed residences shall have no more stories than the average number of stories of

existing buildings located along the block face. The number of stories shall be that which is visible from the street of the designated block face. When the average results in a fraction of less than .5, it shall be rounded down to the next story; a fraction of .5 or greater shall be rounded up to the next story.

e. Roof pitch shall be within the same roof pitch category as the category within which the highest number of buildings along the block face falls, as follows: flat to slight (0:12 up to 3:12); moderate (greater than 3:12 up to 6:12); or steep (greater than 6:12). Where more than one category contains the highest number of buildings along the block face, the applicant may select from any roof pitch category up to and including the steepest category within which the highest number of buildings along the block face falls. For example, if there are eight homes on the block face and four have a flat to slight roof pitch and four have a moderate roof pitch, new homes may have a roof pitch from either category; however, a roof pitch in the steep category would not be allowed. (See also Figure 20.920.060-1 Categories of Roof Pitch Used to Determine Tier 2 Infill Predominant Character)

f. Roof overhangs shall be the same as the predominant character for existing development along the block face.

3. Waiver. Any of the above compatibility requirements may be waived if 75% or more of the residential property owners along both sides of the street of the subject block face agree to alternate design standards.

4. Neighborhood meeting (See 20.920.050-B, Tier 2 Infill Standards). In the required neighborhood meeting, the applicant must also discuss and receive input on (but not limited to) the following topics:

a. Connected roads and pathways;

b. Buffering;

c. Landscaping;

d. Fencing;

e. Facade features;

f. Compatibility where there is no applicable existing development.

H. Expedited Development Review Process.

An applicant may request an expedited review process for infill projects. An expedited infill project shall be contingent upon city staffing and other resource availability. Community and Economic Development will endeavor to complete review of an infill project within a 60-day time period from Fully Complete (FC) to issuance of the land use decision for projects that do not require a hearing; and 80 days for projects that require a hearing.

I. Infill Development Transportation Standards. Street standards may be reduced as part of an infill development. See Section 11.96 of the Vancouver Municipal Code.

(M-3959, Amended, 07/19/2010, Sec 47-Effective 8/19/2010; M-3840, Amended, 08/06/2007, Sec 42; M-3730, Amended, 12/19/2005, Sec 32; M-3663, Amended, 08/02/2004, Sec 24; M-3643, Added, 01/26/2004)

Chapter 20.925

LANDSCAPING

Sections:

20.925.010 Purpose.
20.925.020 Applicability.
20.925.030 General Provisions.
20.925.040 Protection of Existing Vegetation.
20.925.050 Installation Requirements.
20.925.060 Street Trees.
20.925.070 Buffering, Screening and Open Storage.
20.925.080 Interior Parking Areas
20.925.090 Re-vegetation.
20.925.100 Water Conservation Standards.
20.925.110 Landscape Plan Requirements.

Section 20.925.010 Purpose.

A. Purpose. The intent of this Chapter is to ensure that all new or substantially remodeled buildings, accessory uses and parking lots are provided with landscaping to ameliorate air and noise pollution; to afford protection from wind and inclement weather protection; and to regulate open storage to protect and enhance property values and make the City a more aesthetically pleasing place to live and work.

B. The City recognizes the aesthetic, ecological and economic values of landscaping to:

Establish and protect vegetation in urban areas for aesthetic, health (e.g. improved air quality, reduction in atmospheric carbon dioxide, etc.) and urban wildlife reasons;

Reduce stormwater runoff pollution, temperature, and rate and volume of flow;

Promote compatibility between land uses by reducing the visual, noise and lighting impacts of specific development on users of the site and abutting uses;

Aid in energy conservation by providing shade from the sun and shelter from the wind; and

Restore natural communities through reestablishment of native plants.

(M-3643, Added, 01/26/2004)

Section 20.925.020 Applicability.

Applicability. The provisions of this Chapter shall apply to all development including the construction of new structures, the remodeling of existing structures where the landscaping is nonconforming, as outlined in Chapter 20.930 VMC, Nonconforming Situations, and to any changes of use which result in the need for increased on-site parking or loading requirements or otherwise change the access requirements.

Landscape plan. A landscape plan prepared in accordance with Section 20.925.110 VMC shall be submitted to the Planning Official for review and approval. The plan shall be drawn to scale and shall be approved prior to land use approval.

Review procedures. Landscape plans shall be reviewed in conjunction with the associated land use application. In the event that the landscape plan is proposed as a separate action, the Planning Official shall approve, approve with conditions, or deny a plan submitted under the provisions of this Chapter by means of a Type I procedure, per Chapter 20.210 VMC, Decision-Making Procedures.
(M-3643, Added, 01/26/2004)

Section 20.925.030 General Provisions.

A. Landscaping Requirements. Landscaping shall be provided and maintained per Table 20.925.030–1 and 20.925.030-2 of this section.

VMC Table 20.925.030-1 Minimum Landscaping and Buffer Setback Standards

Zoning of Proposed Development (Buffer width is the setback for the commercial and industrial zoning districts)													
Required street trees and parking area landscaping do not count towards these requirements except as allowed by the street tree and parking code sections.		**Lower Density Residential**[3]		**Higher Density Residential**[3]		**Commercial and Mixed Use**[1]		**Industrial**[1]					
		R-2, R-4, R-6, R-9		R-18, R-22, R-30, R-35		CN, CC, CG, & MX only		OCI		IL, A		IH	
Zoning Of Land Abutting Development Site		Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street	Separated from site by a street	Not separated by a street
Lower Density Residential	R-2, R-4, R-6, R-9	None	None	L2 10-ft	L3 5-ft	L2 10-ft	L4 10-ft	L2 10-ft	L4 10-ft	L3 20-ft	L4 in 40-ft[5] L5 in 50-ft[5]	L3 20-ft	L4 in 40-ft[5] L5 in 50-ft[5]
Higher Density Residential	R-18, R-22, R-30, R-35	None	L3 5-ft	L1 10-ft	L1 5-ft	L2 10-ft	L4 10-ft	L2 5-ft	L2 5-ft	L3 20-ft	L4 in 40-ft[5] L5 in 50-ft[5]	L3 20-ft	L4 in 40-ft[5] L5 in 50-ft[5]
Commercial and Mixed Use	CN, CC, CG, MX	L1 10-ft	L3 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L1[2] 0-5 ft	L2 5-ft	L1[2] 0-5 ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
Industrial	OCI	L1 10-ft	L3 5-ft	L1 10-ft	L3 5-ft	L2 10-ft	L1[2] 0-5 ft	L2 5-ft	L1[2] 0-5 ft	L2 10-ft	L3 5-ft	L2 10-ft	L3 10-ft
	IL, A,	L1 10-ft	L3 5-ft	L2 10-ft	L3 5-ft	L2 10-ft	L2 5-ft	L2 5-ft	L1[2] 0-5 ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft
	IH	L1 10-ft	L3 5-ft	L2 10-ft	L3 5-ft	L2 5-ft	L3 5-ft	L2 5-ft	L3 5-ft	L2 10-ft	L3 10-ft	L2 10-ft	L1[2] 0-5 ft
Resource (County)	FR-80, FR-40, AG-20, AG-WL, Park/WL	L1 10-ft	L3 50-ft	L2 10-ft	L3 50-ft	L2 10-ft	L2 5 ft	L2 5-ft	L3 10-ft	L2 10-ft	L1 5-ft	L2 10-ft	L3 10-ft

[1] Zero lot line developments shall comply with the standards and requirements of VMC 20.910.050.

[2] If building is to be built on the property line there is no required buffer for that portion of the site.

[3] Applies to multi-family site plan applications and the perimeter of land divisions not to individual single-family lot development

[4] In case of conflict with yard, setback, landscape, screening, or buffer standards specified in other sections of Title 20, the stricter standard shall apply, except for Plan Districts where the district standards shall always apply even if less strict than the standards of this table.

[5] Buffer widths abutting parking areas that are landscaped in accordance with the requirements of VMC 0.945.040(I) cab be reduced to 25 feet.

VMC Table 20.925.030-2 Landscaping and Screening Design Standards[1]

Type	Name	Description	Minimum Shrubs Based on Buffer Depth	Minimum Trees	Wall or Berm or Fence Required - Standards
L1	General (for open areas)	Used where distance is primary means of separating uses or development, and landscaping enhances area between them	a. 10 ft or less = None b. Over 10 ft = 2 high or 3 low shrubs per 400 sq. ft. landscaped area	a. One tree per 30 lineal ft b. One tree per 800 sq. ft.	None
L2	Low Screen	Distance and low-level screening intended to separate uses or development. Applied where low level screening sufficiently reduces the impact of a use or development, or where visibility between areas is more important than a greater visual screen.	Continuous screen 3 ft high, 95% opaque year-round. 3+ gallon containers or equivalent with spread 18+ inches.	One tree per 30 lineal ft of landscaped area or as needed to provide a tree canopy over the landscaped area	3 ft high masonry wall or F2 fence or a berm may substitute for shrubs
L3	High Screen	Physical and visual separation between uses or development principally using screening. Used where full separation is warranted by impacts of proposed development, notwithstanding loss of direct views.	Enough shrubs to form a 6-ft high buffer screen 95% opaque year-round; 5+ gallon containers or equivalent with spread of 30+ inches		6 ft F1 or F2 high wall or fence with or without berm may substitute for shrubs
L4	High Wall	Used where extensive screening of visual and noise impacts is needed to protect abutting senstive uses and/or there is little space for separation between uses.	Four high shrubs required per 30 lineal ft of wall		6 ft F2 high wall required
L5	High Berm	Used instead of L4 where extensive screening is warranted and more space is available for separation between	L2 low shrubs on top of berm so total screen height = 6 ft		4 - 6 ft high berm required. If under 6 ft high, plant L2 low shrubs on top of berm so overall screen height is 6

		uses.			ft.
F1	Partially Sight-Obscuring Fence	Partial visual separation applied where a proposed use or development has little impact, or where visibility between areas is more important than a total visual screen.			6 ft high - at least 50% sight-obscuring - wood, metal, chain link with slats, bricks, masonry or other permanent materials.
F2	Fully Sight-Obscuring Fence	Full visual separation where complete screening is needed to protect abutting uses, and landscaping alone cannot provide that separation.			6 ft. high - 100% sight-obscuring - made of wood, metal, bricks, masonry or other permanent materials - no chain link fences with slats or similar construction.

[1] Additional Requirements:

L1, L2, L3, L4, L5 - Groundcover plants, grass lawn or approved flowers must fully cover the landscaped area not in shrubs or trees.

L2, L3 - When applied along street lot lines, the screen or wall is to be placed along the interior side of the landscaped area.

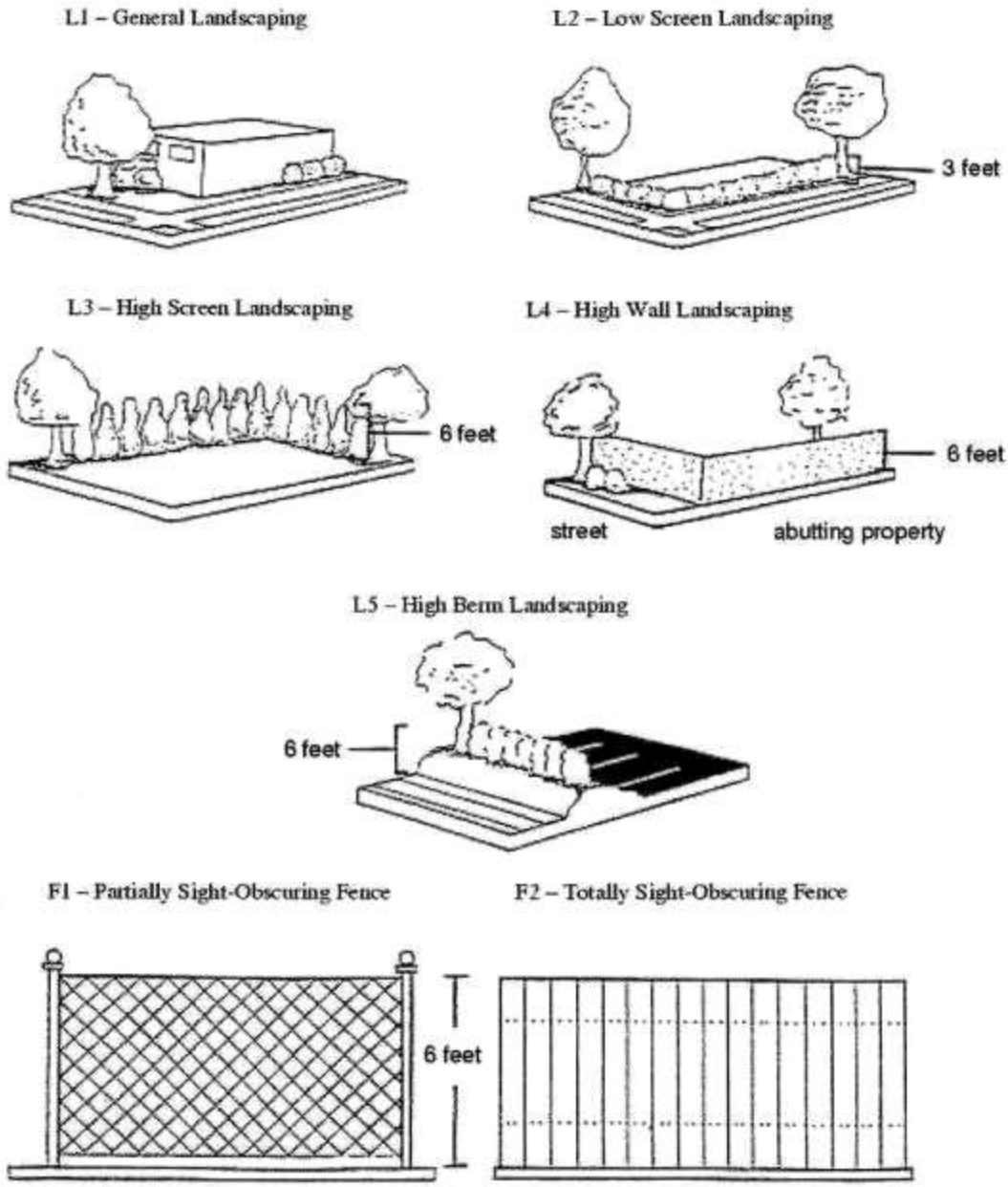
L4 - When abutting another property, the wall shall abut the property line. When abutting a street or road right-of-way, the wall shall be on the interior side of the landscaped area.

L1 - Within the commercial districts where a building is to be placed at the buffer line for a front setback, concrete or brick pavers may be used in place of the required groundcover for the length of the building for the front setback only; provided, the required trees are still supplied, the paved area is connected to the public sidewalk, and pedestrian amenities are provided such as benches or pedestrian plazas. Building need not be placed at the required buffer line to utilize this section if the area between the buffer line and the building is devoted entirely to pedestrian only areas.

L1, L2, L3, L4, L5 – Groundcover plants to be placed not more than thirty (30) inches on center and thirty (30) inches between rows. Rows of plants shall be staggered for a more effective covering. Groundcover shall be supplied in a minimum four (4) inch size container or a two and one-quarter (2 1/4) inch container or equivalent if planted eighteen (18) inches on center.

Figure 20.925.030-1

Figure 20.925.030-1



B. Obligation to maintain. Unless otherwise provided by the lease agreement, the owner, tenant and his agent, if any, shall be jointly and severally responsible for the maintenance of all landscaping and screening, which shall be maintained in good condition so as to present a healthy, neat and orderly appearance, shall be replaced or repaired as necessary, and shall be kept free from refuse and debris.

C. Pruning required. All plant growth in landscaped areas of developments shall be controlled by pruning, trimming or otherwise so that:

1. It will not interfere with the maintenance or repair of any public utility;

2. It will not restrict pedestrian or vehicular access;

3. It will not constitute a traffic hazard because of reduced visibility; and

4. Trees shall be pruned to provide at least 8' of clearance above sidewalks and 13' above a local street, 15' above a collector street, and 18' above an arterial street roadway surfaces.

D. Installation requirements. The installation of all landscaping shall be as follows:

1. All landscaping shall be installed according to accepted planting procedures;

2. The plant materials shall be of high grade, and shall meet the quality and size standards of the American Standards for Nursery Stock (ANSI Z60, 1-1986, as updated); and

3. Landscaping shall be installed in accordance with Section 20.925.050 VMC.

4. All landscaped areas shall be provided with an irrigation system or a readily available water supply with at least one outlet located within 50' of all plant material.

5. All landscaped areas shall be provided with a 6 inch curb or other protective measure.

6. Landscaped areas shall have a minimum length or width dimension of 5 feet in order to count toward the minimum required landscaped area..

E. Certificate of Occupancy. Certificates of occupancy shall not be issued unless the landscaping requirements have been met or other arrangements have been made and approved by the city such as described in Section 20.909.020(B) VMC.

F. Care of landscaping along public rights-of-way. Appropriate methods for the care and maintenance of street trees and landscaping materials shall be provided by the owner of the property abutting the rights-of-way, unless otherwise required for emergency conditions and the safety of the general public.

G. Conditions of approval of existing vegetation. The review procedures and standards for required landscaping and screening shall be specified in the conditions of approval during development review and in no instance shall be less than that required for site development.

H. Height restrictions abutting public rights-of-way. No trees, shrubs or plantings more than 18" in height shall be planted in the public right-of-way abutting roadways having no established curb and gutter.

I. Sight visibility. Sight visibility requirements of Chapter 20.985 VMC Vision Clearance shall be met.
(M-3931, Amended, 11/02/2009, Sec 30-Effective 12/2/2009; M-3840, Amended, 08/06/2007, Sec 43; M-3701, Amended, 05/02/2005, Sec 31; M-3643, Added, 01/26/2004)

Section 20.925.040 Protection of Existing Vegetation.

Protection of existing vegetation. Existing vegetation on a site shall be protected as much as possible, and the protection of existing vegetation during development activities shall whenever possible, include open

field or non-treed areas. Chapter 20.770 Tree Conservation Ordinance contains additional standards for protection and retention of existing trees.

Methods of protection. The developer shall provide methods for the protection of existing vegetation to be retained, such as protective fencing to remain during the construction process.

Remaining plants and undisturbed areas. Plants to be saved and areas not to be disturbed shall be noted on the landscape plans. The plan shall locate fencing used to protect vegetation and soils from damage during construction.
(M-3643, Added, 01/26/2004)

Section 20.925.050 Installation Requirements.

A. Minimum plant specifications

1. All required trees shall be at least 2" in caliper and shrubs at least 1 gallon.

2.2. Trees, shrubs, perennials, perennial grasses, and groundcovers shall be located and spaced to accommodate their mature size on the site.

B. Soils, soil conditioning and mulching

1. A minimum of 12" depth of non-mechanically compacted soil shall be available for water absorption and root growth in planted areas.

2. A minimum of a 4" layer of porous mulch shall be applied to all exposed soil surfaces of non-turf areas within the landscape area. Plant types that are intolerant of mulch shall be exempt from this requirement. Non-porous material, such as plastic sheeting, shall not be placed under the mulch. However, porous landscape fabric is permitted.
(M-3643, Added, 01/26/2004)

Section 20.925.060 Street Trees.

A. Street trees required. All development projects fronting on a public street or a private street approved after the adoption of this Title shall be required to plant street trees in accordance with the standards in VMC 20.925.060C.

B. Street tree planting list. Approval of any planting list shall be subject to review by the Planning Official, since certain tree species can damage utilities, streets and sidewalks.

C. Size, and spacing and placement of street trees.

The specific spacing of street trees by size of tree shall be as follows:

1. One 2" caliper deciduous tree shall be provided for every 30' of frontage on a public or private street., provided that the Planning Official may adjust the spacing to accommodate access points or other obstructions;

2. The species selection and spacing of trees to be planted shall be such that it provides for the eventual mature size of the trees. Soil type, soil conditions and other site constraints shall be considered when selection species for planting;

3. No new utility pole location shall be established closer than 5' to any existing street tree;

4. Tree pits shall be located so as not to include utilities (e.g., water and gas meters) in the tree well;

5. On-premises utilities (e.g., water and gas meters) shall not be installed within existing tree well areas;

6. Street trees shall not be planted closer than 20' to light standards;

7. New light standards shall not be positioned closer than 20' to existing street trees except when public safety dictates, then they may be positioned no closer than 10';

8. Where there are overhead power lines, the street tree species selected shall be of a type which, at full maturity, will not interfere with the lines;

9. Trees shall not be planted closer than 2' from the face of the curb; and

10. Trees shall not be planted closer than 2' from any permanent hard surface paving or walkway:

a. Space between the tree and the hard surface may be covered by a nonpermanent hard surface such as bricks on sand, paved blocks and cobblestones; and

b. Sidewalk cuts in concrete for tree planting shall be at least 4' x 6' or 6' x 9', or larger depending on the space constraints and the mature size of the tree, to allow for air and water into the root area.

D. Cut and fill around existing trees. Existing trees may be used as street trees if no cutting or filling takes place within the drip-line of the tree unless an adjustment is approved by the Planning Official by means of a Type I procedure, per Chapter 20.210 VMC Decision-Making Procedures.

E. Replacement of street trees. Existing street trees removed by development projects or other construction shall be replaced by the developer with those types of trees approved by the Planning Official. The replacement trees shall be of a size and species similar to the trees that are being removed unless lesser sized alternatives are approved by the Planning Official.

F. Granting of adjustments. Adjustments to the street tree requirements may be granted by the Planning Official by means of a Type I procedure, as regulated in Chapter 20.210 VMC Decision-Making Procedures.

(M-3874, Amended, 11/19/2007, Sec 14; M-3663, Amended, 08/02/2004, Sec 25; M-3643, Added, 01/26/2004)

Section 20.925.070 Buffering, Screening and Open Storage.

Buffering and screening of parking, solid waste containers, and open storage shall be required as follows:

A. Parking lots. All parking, loading and maneuvering areas including driveways and drive-through lanes shall be screened from view per the standards of 20.945.040(I)(2) VMC.

B. Screening of service facilities. Except for one-family and two-family dwellings, any solid waste container or recycling or disposal area and ground-level service facilities such as gas meters and air conditioners which would be visible from a public street, parking area, or any residentially-zoned property shall be screened from view per the standards of 20.970 VMC by placement of a solid wood fence, evergreen hedge or masonry wall. All refuse materials shall be contained within the screened area.

C. Open Storage. Open storage, or storage not wholly within an enclosed building shall be required to meet the following requirements of Table 20.945.070–1

Table 20.925.070–1

Open Storage Standards

District	**Open Storage Requirement**
R-2, R-4, R-6, R-9	Not allowed
R-18, R-22, R-30, R-35	Storage no higher than 5’, screened by site-obscuring fence or evergreen hedge 6' in height
City Center District (CX)	Storage no higher than 5’, screened on all sides by a site-obscuring fence or evergreen hedge 6' in height
OCI	Not allowed
All other Commercial Districts	Same as for R-18, R-22, R-30, R-35
IL, IH	Open storage facing a street shall be screened
Open Space Districts	Not allowed except for agricultural implements

(M-3643, Added, 01/26/2004)

Section 20.925.080 Interior Parking Areas

New developments and redevelopments shall provide interior parking lot landscaping per the standards of 20.945.040(I)(3).

(M-3643, Added, 01/26/2004)

Section 20.925.090 Re-vegetation.

When revegetation is required. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements and that are not to be occupied by structures, such areas are to be replanted as set forth in this Section to prevent erosion after construction activities are completed.

Preparation for re-vegetation. Topsoil removed from the surface in preparation for grading and construction is to be stored on or near the sites and protected from erosion while grading operations are underway.

1. Such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved; and

2. After completion of such grading, the topsoil is to be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

Methods of revegetation

1. Acceptable methods of re-vegetation include hydro-mulching or the planting of rye grass, barley, or other seed with equivalent germination rates;

a. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscape cover is to be sown at not less than 4 pounds to each 1,000 sq. ft. of land area;

b. Other revegetation methods offering equivalent protection may be approved by the approval authority;

c. Plant materials are to be watered at intervals sufficient to ensure survival and growth;

d. The use of native plant materials is encouraged to reduce irrigation and maintenance demands; and

e. Employ other erosion control techniques as required in Chapter 20.720 VMC Erosion Control.

(M-3643, Added, 01/26/2004)

Section 20.925.100 Water Conservation Standards.

A. Water conservation standards.

1. Applicability. In order to ensure efficient water use in landscaped areas, the following standards shall be applied to all landscaping associated with office, commercial, industrial, institutional, parks and greenways, multiple family residential projects, and commonly-owned and/or maintained areas of single family residential projects.

2. Exemptions. These standards do not apply to landscaping in private areas of single-family projects. Parks, playgrounds, sports fields, golf courses, schools, and cemeteries are exempt from specified turf area limitations where a functional need for turf is established. All other requirements are applicable.

3. Plant selection and use limitation.

a. Turf, high-water-use plantings (e.g. annuals, container plants) and water features (e.g. fountains, pools) shall be considered high-water-uses and shall be limited to not more than 40% of the projects landscaped area if non-drought resistant grass is used, and no more than 50% of the landscaped area if drought resistant grass is used.

b. Plants selected in all areas not identified for turf or high-water-use plantings shall be well suited to the climate, soils, and topographic conditions of the site, and shall be low water use plants once established.

c. Plants having similar water use shall be grouped together in distinct hydrozones and shall be irrigated with separate irrigation circuits.

d. No turf or high-water-use plants shall be allowed on slopes exceeding 25%, except where other project water saving techniques can compensate for the increased runoff, and where the need for such slope planting is demonstrated.

e. No turf or high-water-use plants shall be allowed in areas 8' wide or less except public right-of-way planter strips.

B. Water efficient landscape (xeriscape) standards.

1. As an alternative to traditional landscaping, the City encourages the use of xeriscape practices, which minimize the need for watering or irrigation. Xeriscape principles can be summarized as follows:

a. Using plants with low moisture requirements;

b. Selecting plants for specific site microclimates that vary according to slope, aspect, soil, and exposure to sun and moisture;

c. Using native, non-invasive, adapted plant species;

d. Minimizing the amount of irrigated turf;

e. Planting and designing slopes to minimize storm water runoff;

f. Use of separate irrigation zones adjusted to plant water requirements and use of drip or trickle irrigation systems.

g. Using mulch in planted areas to control weeds, cool the soil and reduce evaporation; and

h. Emphasizing soil improvement, such as deep tilling, adding organic matter and other amendments based on soil tests.

2. Appropriate plant species. Trees and plants used in xeriscape plantings pursuant to this Section shall:

a.a. Appropriate for the ecological setting in which they are to be planted;

b.b. Have non-invasive growth habits;

c.c. Encourage low maintenance and sustainable landscape design

d.d. Be commercially available;

e.e. Shall not be plant material that was collected in the wild; and

f.f. Be consistent with the purpose and intent of this Section.

3. Native vegetation. Within xeriscape areas, a minimum of 50% native plants shall be used.

4. Prohibited species. The City shall maintain a list of prohibited species, which are invasive or noxious. Where such species already exist, their removal shall be a condition of development approval.

5. Additional planting standards

a. For xeriscape areas, soil samples shall be analyzed to determine what soil conditioning or soil amendments should be used at the time of planting. Soil conditioning measures shall be adequate for the plant species selected.

b. Trees, shrubs, perennials, perennial grasses and groundcovers shall be located and spaced to accommodate their mature size on the site.

6. Plant replacement. The developer shall maintain xeriscape plantings for a two-year period from the date of planting. Within the two-year period, the developer shall replace or otherwise guarantee any failed plantings:

a. Dead or dying trees or shrubs shall be replaced; and

b. Plantings of perennials, perennial grasses or groundcovers shall be replanted to maintain a maximum 20% mortality rate from the date of planting.

C. Stormwater. Applicants are encouraged to incorporate landscaping into the on-site stormwater treatment system to the greatest extent practicable.
(M-3643, Added, 01/26/2004)

Section 20.925.110 Landscape Plan Requirements.

A.General. Any development, except individual lots for single family or duplex structures, requiring landscape installation shall require the submission of a landscape development plan. The landscape development plan shall become part of the Site Plan required elsewhere in this Title for the purposes of review, approval, and compliance for any land use development permit, building permit and / or certificate of occupancy.

B.Information Required. Landscape plans shall contain the following information:

1. North arrow, scale, date, title, and name of owner;

2. Accurate site plan (at a scale of 1” = 20’ or larger, or as appropriate for the scale of development) showing the location of property lines and their dimensions;

3. Existing and proposed water courses, drainage features, streets, sidewalks, utility lines

and easements, and other public or semi-public improvements within or adjacent to the site;

4. Delineation of existing residential structures, if any, on adjacent properties;

5. All existing plant material to be removed or retained and delineation and specification of protection methods for plant materials to be retained;

6. Existing and proposed elevations at sufficient locations of the site to show drainage patterns;

7. Contour lines when the slope exceeds 6%;

8. Existing and proposed buildings and other structures, paved areas, curbs, walks, light standards, signs, fences and screen walls, and other permanent features to be added and/or retained on the site;

9. Calculation of total site area, setback areas, required buffer areas, paved vehicular use areas, required proportional landscape areas, and required plant quantities and types;

10. Location, type, and quantity of any soil amendments;

11. The location, approximate mature size, and type of all plant materials graphically depicted on the plan;

12. Complete description of plant materials shown on the plan, including common and botanical names, quantities, spacing, container or caliper size at installation, and mature height and spread;

13. Irrigation plans showing location and type of all outlets (spray, bubbler, drip, etc.); location and size of water meter or other connection; location, type, and installation details of backflow prevention device; and delineation of each watering zone or circuit; and

14. Landscape areas where xeriscape principles are to be applied shall be clearly delineated in the plan submittal; and native and non-native species plants should be clearly distinguished.

(M-3643, Added, 01/26/2004)

Chapter 20.927

NARROW LOT DEVELOPMENTS

Sections:

20.927.010 Purpose
20.927.020 Applicability
20.927.030 Narrow Lot Development Approval Criteria
20.927.040 Narrow Lot Development Standards
20.927.050 Incentives for Providing Alleys

Section 20.927.010 Purpose

The purpose of this chapter is to provide additional approval criteria and development standards for land divisions with narrow lots in order to: 1) eliminate conflicts between the design and location of driveways with public and private utilities, on-street parking and other common features such as street trees, street lights and signs, fire hydrants, common mailboxes, etc.; 2) provide for adequate guest parking; 3) ensure adequate access for solid waste and recycling collection vehicles; 4) minimize the dominance of garages on narrow lots; and 5) provide incentives for lots which utilize alleys for access.
(M-3778, Added, 12/04/2006, Sec 2)

Section 20.927.020 Applicability

The approval criteria and development standards of this chapter shall apply to any residential short subdivision or subdivision, including infill development, which has one or more narrow lots, defined as a lot with less than 40 feet in width, exclusive of flag lots. Compliance with applicable standards shall be determined at the time of preliminary plat approval, in accordance with VMC 20.320, Subdivisions.
(M-3778, Added, 12/04/2006, Sec 2)

Section 20.927.030 Narrow Lot Development Approval Criteria

Approval criteria. In order for the City to grant approval of a preliminary short subdivision or subdivision, the applicant shall demonstrate compliance with the following criteria, which shall be in addition to the preliminary subdivision approval criteria of VMC 20.320.040 A-G:

A. Conflicts on narrow lots shall be eliminated. The development has been designed to eliminate conflicts between on-site and off-site improvements and features associated with narrow lots. Specifically, the location, size, and design of features including driveways, public and private utilities (water, fire hydrants, sewer, roof infiltration, gas, cable, phone, electricity, etc.), on-street parking spaces, street trees, existing trees, light poles, common mailboxes, street signs, etc., shall be considered in the design of the development and coordinated to eliminate conflicts with one another and meet minimum spacing requirements.

B. Adequate guest parking shall be provided. The development has been designed to provide for at least one guest parking space for every three narrow lots in the development. Such spaces may be located on-street (on local access or loop classification roadways only) or in common parking areas subject to the development standards of 20.927.040A2.

C. Solid waste and recycling collection and access shall be provided. The development shall be designed to provide for safe access and maneuvering by solid waste and recycling collection vehicles to designated

collection points for each lot.
(M-3778, Added, 12/04/2006, Sec 2)

Section 20.927.040 Narrow Lot Development Standards

A. Implementation of Performance Standards. Various design options may be proposed to address the approval criteria of Section 20.927.030 A-C. For example, the use of alleys, narrow driveways, or shared driveways - either separately or in combination – are considered to be effective solutions to many identified conflicts. In addressing the above criteria, the following development standards shall apply:

1. On-site and off-site improvements plan required. A development plan that demonstrates that utilities, driveways, street trees, etc., have been located and designed to minimize conflicts with one another shall be submitted with the preliminary land division application and incorporated into the civil engineering plan set. Such plan shall, at a minimum, show all of the following features:

a. Proposed location and width of streets, sidewalks, and landscape strips;

b. Proposed location, species, and size of required street trees;

c. Proposed guest parking spaces as required by VMC 20.927.030B and .040A2;

d. Proposed location of other infrastructure including light poles, fire hydrants, and community mailboxes (may be reserved areas) and existing overhead lines;

e. Proposed location and width of driveways (narrow lots only);

f. Proposed location of public water line, water meter, and sewer line to serve each narrow lot;

g. Proposed location and dimensions of areas reserved on each narrow lot for private utilities (phone, cable, gas, electric, etc.) and roof infiltration systems;

2. Standards for guest parking in common areas.

a. Common areas reserved for guest parking shall have no more than five (5) parking stalls in each area unless applicant demonstrates required parking cannot otherwise be provided.

b. Common guest parking areas shall be improved to City parking lot standards including a permanent surface, striping, curbing, 3’ tall screening, and treatment of storm water runoff. Use of pervious paving is encouraged.

c. Such spaces may be designed to allow for backing movements directly into local access or loop streets only.

d. Common parking areas shall be maintained by a homeowners’ association according to a maintenance agreement to be recorded with the plat.

3. Standards for solid waste and recycling access and collection.

a. An access plan for solid waste and recycling collection service to all lots in the development shall be submitted with the land division application.

b. The access and collection plan shall show a designated collection point for each lot and the ability of collection vehicles to maneuver safely to all points of collection, based on a 35' long by 10' wide vehicle.

c. Where collection is not feasible on each lot, a designated common collection point to serve up to four lots, located no further than 150 feet from any lot it serves, may be provided. Common collection points shall be shown on the solid waste and recycling plan, and sized to accommodate the carts and bins associated with the city's garbage, yard debris and recycling collection system. System specifics may be obtained from the City's Solid Waste Services department.

d. Designated collection points shall be located adjacent to alleys or streets but shall not obstruct sidewalks, bike lanes, or vision clearance triangles.

3. Standards for alleys and lots with alley access. Lots with access from side or rear alleys are highly effective in addressing conflicts at the front street. Where provided, alleys and lots served by alleys shall meet the following standards:

a. Alleys shall consist of 16' paved width within a 20' public right-of-way or private easement, and shall be constructed in accordance with approved City standards. Width of alleys designated as fire apparatus access lanes shall be as approved by the Fire Marshal.

b. All lots adjacent to an alley, existing or proposed, shall provide access to the garage or parking space from the alley, not the adjacent street. Residences with access from alleys shall be oriented to face the public or private street, not the alley.

c. Alleys shall connect with a public or private street at both ends, unless otherwise approved by the Transportation Manager.

d. Maintenance of private alleys shall be the responsibility of the homeowner's association, and a maintenance agreement shall be recorded with the plat.

e. Subdivisions which provide access from alleys to at least 50% of lots shall be eligible for modifications to certain development standards, as specified in VMC 20.927.050.

4. Shared driveways. Where provided for narrow lots, shared driveways shall meet the following requirements:

a. Shared driveways serving two adjacent lots shall be no wider than 30', measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.

b. Shared driveways which provide access to more than two lots shall be no wider than 18', measured at the driveway throat, and shall be within a 20' minimum wide easement.

c. Only one curbcut is permitted per shared driveway.

d. Shared driveways shall be constructed in accordance with approved shared driveway standards.

e. Garages accessed from shared driveways shall be either single car-width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single car garage, set back at least 5' from the front wall (not porch) of the residence.

5. Narrow driveways. Where provided for a narrow lot, narrow driveways shall meet the following requirements:

a. Narrow driveways shall be no wider than 10' measured at the driveway throat, unless the applicant demonstrates on the development plan that a wider driveway will not result in conflicts.

b. Where possible, narrow driveways on adjoining lots shall be grouped in close proximity to create space along the frontage for parking, trees, utilities, etc.

c. Narrow driveways shall be constructed in accordance with adopted narrow driveway standards.

d. Garages accessed from narrow driveways shall be either single car-width and located no closer to the street than the front wall (not porch) of the residence or, if wider than a single car garage, set back at least 5' from the front wall (not porch) of the residence.
(M-3778, Added, 12/04/2006, Sec 2)

Section 20.927.050 Incentives for Providing Alleys

Any development subject to this chapter which provides alley access to at least 50 percent of the total number of lots shall qualify for the following modifications to development standards:

A. The development plan required by Section 20.927.040A1 is not required to include items d-g.

B. The maximum lot coverage may be increased as follows:

1. In lower density residential districts, maximum lot coverage shall be 55%.

2. In higher density residential districts, maximum lot coverage shall be 65%.

C. If an alley is to be privately-owned within a public easement, the area which extends across individual lots may be included in the minimum required lot area and counted when calculating maximum lot coverage.

D. For lots which obtain access from a rear alley, decks constructed above the driveway shall not be counted toward the maximum lot coverage.

E. If an alley is to be publicly-owned, the alley area may be subtracted from the overall area used to calculate required on-site tree density.

F. Minimum setbacks may be reduced as follows:

1. No additional side or rear setback is required for increase in building height above 20'.

2. Minimum rear yard setback from edge of alley pavement to garage or carport may be either 4' or at least 18'. Uncovered parking spaces may be set back 4' from the edge of the alley pavement.

3. Covered porches which consume at least 40% of the front width of the residence may encroach up to 6 feet into the required front setback.

G. Large species street trees (trees maturing at 45' in height listed on the City's Street Tree Selection List)

may substitute for a portion of required on-site tree density. If the minimum on-site tree density pursuant to VMC 20.770.080 cannot be met either on individual lots or in a common tract, the Planning Official may allow a .5 tree unit credit for every large street tree if provided within 8-foot wide minimum landscape strips or planter areas throughout the development.

H. Deciduous trees of 2” minimum caliper that are planted in an alley right-of-way or alley easement may be counted toward the minimum required on-site tree density.

I. Alternative surface water treatment. The Public Works Director may approve alternative methods for treatment and disposal of surface water from alleys, as appropriate, including: the use of pervious paving, or other BMP’s approved by the Western Washington Stormwater Manual.

J. Streets may be constructed to one of the approved narrow lot neighborhood street standards of VMC Title 11, as approved by the Transportation Manager.
(M-3778, Added, 12/04/2006, Sec 2)

Chapter 20.930

NONCONFORMING SITUATIONS

Sections:

20.930.010 Purpose.
20.930.020 Determination of Nonconforming Use Status.
20.930.030 Criteria for Nonconforming Situations
20.930.040 Repair and Maintenance.

Section 20.930.010 Purpose.

A.It is the purpose and intent of this Chapter to permit legal nonconforming lots, structures and uses to continue but to prohibit or limit the enlargement, expansion or extension of such uses.
(M-3643, Added, 01/26/2004)

Section 20.930.020 Determination of Nonconforming Use Status.

A. Planning Official's determination. The Planning Official shall make a determination regarding the legal status of a nonconforming use by means of a Type I procedure using the following criteria:

1. Proof that the use was permitted at the time it was established, by any of the following:

   a. Copies of building and/or land use permits issued at the time the use was established;

   b. Copies of zoning code provisions and/or maps in force at the time the use was established;

   c. Demonstration that the use was established before the first development code for the community was adopted.

2. Proof that the use has been maintained over time. This includes copies of one or more of the following for every year from the time the use was established until the current year. Standard evidence that the use has been maintained over time includes:

   a. Utility bills;

   b. Income tax records;

   c. Business licenses;

   d. Listings in telephone, business and Polk directories;

   e. Advertisements in dated publications, e.g., trade magazines; and/or

   f. Building, land use or development permits.

B. Other regulations affecting nonconforming uses. The following regulations apply to all nonconforming uses described in this Chapter:

1. Ownership: The status of a nonconforming use is not affected by changes in ownership.

2. Change to a conforming use: A nonconforming use may be changed to a conforming use upon review and approval by the Planning Official. Once a conforming use occupies the site, the nonconforming rights are lost and the nonconforming use may not be re-established.

3. Change to a conditional use: A nonconforming use may be changed to a conditional use permitted in the underlying zone if approved through a conditional use review. Once a conditional use occupies the site, the nonconforming rights are lost and a nonconforming use may not be re-established.
(M-3643, Added, 01/26/2004)

Section 20.930.030 Criteria for Nonconforming Situations

A. Development of nonconforming lots of record. If on the effective date of this title, a lot does not meet the lot size requirements of the applicable zoning district in which the property is located, the lot may:

1. Be occupied by any use permitted outright in a commercial zoning district, if the lot is located within a commercial zoning district; or

2. Be occupied by a single-family residential unit and accessory structures if the lot is located in a residential zoning district.

B. Nonconforming development. Where a lawful structure and/or improvement exists at the effective date of this chapter that could not be built under the terms of this title, such structure and/or improvement may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. The nonconforming structure and/or improvement may not be enlarged or altered in a way which increases its nonconformity. However, any structure and/or improvement or portion thereof may be enlarged or altered in a way that complies with the requirements of this title or will decrease its nonconformity; or

2. The nonconforming structure and/or improvement may be rebuilt within its original footprint if it is destroyed by fire or other calamity, provided that an application to rebuild the structure must be filed within one year of the destruction.

3. Should such a structure and/or improvement be moved for any reason for any distance whatever, it shall thereafter conform to the regulations for the zoning district in which it is located after it is moved.

4. Exception: Legally-established detached accessory structures containing conforming uses in a single family residential districts may be structurally altered provided all of the following criteria are met:

a. Such addition shall not increase the gross floor area of the original accessory structure by more than 25%;

b. The addition shall not increase the structure's non-conformity as it relates to setbacks or distance from main structure (e.g. structure may not encroach into non-compliant setback areas further);

c. The height of the structure shall not be increased;

d. The addition shall meet minimum building and fire codes.

e. The addition shall be in conformance with all other development requirements.

C. Nonconforming uses. A nonconforming use may be continued so long as it remains otherwise lawful, subject to the following provisions:

1. Any nonconforming use may be extended throughout any existing parts of a building which were designed for such use at the time of adoption or amendment of this title, but no such use shall be extended to occupy any land outside such building;

2. When a nonconforming use is discontinued or abandoned for one year, the use shall not thereafter be used except in full conformity with all regulations of the zoning district in which it is located. For purposes of this section, a use shall be deemed to be discontinued or abandoned upon the occurrence of the first of any of the following events:

a. On the date when the structure or premises is vacated;

b. On the date the use ceases to be actively involved in the sale of merchandise or the provision of services;

c. On the date of termination of any lease or contract under which the nonconforming use has occupied the premises; or

d. On the date a request for final reading of water and power meters is made to the applicable utility districts.

D. Where a nonconforming use is discontinued or abandoned for one year, the nonconforming use status of the land shall be eliminated.

E. Provisions of subsection (2)(a) above shall not be interpreted as granting an owner of a nonconforming use a vested right.
(M-4066, Amended, 12/16/2013, Sec 6; Effective 01/16/2014; M-3840, Amended, 08/06/2007, Sec 44; M-3701, Amended, 05/02/2005, Sec 32; M-3643, Added, 01/26/2004)

Section 20.930.040 Repair and Maintenance.

A. Routine repairs and maintenance permitted. On any nonconforming structure or portion of a structure containing a nonconforming situation, normal repairs, or replacement of roofs, non-bearing walls, fixtures, wiring or plumbing may be performed in a manner that does not conflict with the other provisions of this Chapter.

B. Restoration to safe condition permitted. Nothing in this Title prevents the strengthening or restoring to a safe condition of any building or part thereof declared to be unsafe by any official charged with protecting the public safety, upon order of such official.
(M-3643, Added, 01/26/2004)

Chapter 20.935

OFF-SITE IMPACTS

Sections:

20.935.010 Purpose.
20.935.020 General Provisions.
20.935.030 Performance Standards.

Section 20.935.010 Purpose.

Purpose. The purpose of this chapter is to ensure that any development, redevelopment, or use of a property will have minimal adverse off-site impacts, both during and after construction. This is accomplished by ensuring that property owners comply with existing federal, state or city rules and regulations, where applicable, and, in the absence of such regulations, establishing clear and objective standards to govern the acceptable level of these impacts as measured at the property line.
(M-3643, Added, 01/26/2004)

Section 20.935.020 General Provisions.

A. Compliance with applicable state and federal regulations. In addition to the regulations adopted in this chapter, each use, activity or operation within the City of Vancouver shall comply with the applicable federal and state regulations pertaining to noise, odor and discharge of matter into the atmosphere, or ground, sewer system, water bodies, or onto properties.

B. Evidence of compliance. In the case of new developments or modifications to existing developments, Planning Official may require submission of evidence demonstrating compliance with federal, state and local regulations and copies of necessary permits, and may impose conditions as necessary to ensure compliance with this chapter. In the case of existing uses, the Code Enforcement Official, upon receipt of a complaint and following an investigation into the complaint which confirms a violation, may impose conditions as necessary to ensure compliance with such regulations.

C. Continuing obligation. Continued compliance with this Chapter, as well as federal, state and local regulations shall be the responsibility of the property owner and operator.
(M-3643, Added, 01/26/2004)

Section 20.935.030 Performance Standards.

A. Environmental Noise. Unless otherwise exempted by WAC 173-60-050, no development or use may create noise impacts, measured at the property line of the receiving property that exceed the maximum environmental noise levels established by WAC 173-60-050 listed in Table 20.935.030-1 below:

Table 20.935.030–1
Maximum Permissible Noise Levels

Noise Source	Receiving Property		
	Residential	Commercial	Industrial
Residential	55 dBA[1]	57 dBA	60 dBA

Commercial	57	60	65
Industrial	60	65	70

[1] Applicable to Home Occupation related activities only.

1. The above maximum noise levels shall be reduced by 10 dBAs between the hours of 10 p.m. and 7:00 a.m. for the receiving property. Also, at any hour of the day or night the applicable noise limitations above may be exceeded for any receiving property by no more than 5 dBA for a total of 15 minutes in any one-hour period, or 10 dBA for a total of 5 minutes in any one-hour period, or 15 dBA for a total of 1.5 minutes in any one-hour period.

2. Where potential noise impacts to adjacent uses from a proposed land use or development activity are identified, measures to mitigate such impacts may be imposed upon the land use or activity through the applicable review process, and may include: construction of a sound wall or fence; reorientation of buildings, parking and loading areas; and/or placement of berms and landscaping.

3. Sound walls shall meet the design standards of VMC 20.912.080 Fences and Walls.

4. Outdoor construction activity, including construction staging, shall occur no earlier than 7 a.m. and no later than 8 p.m., seven days a week.

5. Due to the negative effect excessive levels of environmental noise have upon the public health, safety and welfare, the noise standards set out in Table 20.935–1 are intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use not in conformance with those standards shall exist.

B. Off-site drainage. No property may be graded, filled, or otherwise altered in a way that allows stormwater runoff to flow onto another property. All stormwater runoff shall be contained on-site and directed to an approved stormwater facility (such as an infiltration system) unless otherwise approved by the City, and such facility shall be maintained in proper working condition.

C. Smoke and particulate matter. No development or use may create air emissions that exceed the legal limits established by the Southwest Clean Air Agency(SWCAA).

D. Light and glare. No development or use shall create off-site glare impacts from direct or reflected light sources. For new developments, the Planning Official may impose conditions which minimize potential off-site light and glare impacts, such as placement of light sources away from adjacent properties, requiring shields on lights, or reducing the number of lights to the minimum needed for safety and security. For existing sources of glare, the Code Enforcement Supervisor may require sources of glare to be shielded or redirected to minimize off-site glare. Due to the negative effect off-site light and glare have upon the public health, safety and welfare, the prohibition on off-site light and glare is intended to apply to all uses in existence on the date of adoption of this ordinance and no right to maintain a use creating off-site light and glare impacts shall exist.

E. Vibration. No development or use shall create off-site vibration impacts, discernible without instruments at the property line of the affected use.

(M-3931, Amended, 11/02/2009, Sec 31-Effective 12/02/2009; M-3643, Added, 01/26/2004)

Chapter 20.940

ON-SITE DENSITY TRANSFERS

Sections:

20.940.010 Purpose.
20.940.020 Applicability.
20.940.030 Process.
20.940.040 Requirements.
20.940.050 Density Calculation.

Section 20.940.010 Purpose.

The purpose of on-site density transfer regulations is to provide an incentive to property owners for encouraging the protection, preservation and enhancement of significant sensitive lands and cultural resources, while maintaining the overall density of an underlying zoning district. The provisions of this Chapter provide that sensitive resource areas may be set aside from development, while allowing a portion of the density, otherwise allowed upon the sensitive or cultural area, to be transferred to the developable (non-sensitive) portion of the site. Parcels where sensitive resources consist of more than 50% of the gross parcel area may have such areas deducted from the minimum required density calculations.
(M-3643, Added, 01/26/2004)

Section 20.940.020 Applicability.

A. Applicability of provisions. The provisions of this Chapter are discretionary, and may be applied where the Planning Official determines that such application to a particular land division will provide protection, preservation or enhancement of significant sensitive or cultural resources. The provisions of this Chapter will not be applied where such application is inconsistent with these purposes, or presents a threat to health or safety. The provisions of this Chapter shall not be construed to create a vested right or interest.

B. For sensitive resources. On-Site Density Transfer may be applied to land divisions pursuant to Chapters 20.320 VMC, Subdivisions, upon properties within the Low-Density Residential Zoning Districts, as governed by Chapter 20.410 VMC, where the presence of sensitive resources, as defined in Chapter 20.150 VMC, Definitions, limit the area available for development. For purposes of the density transfer, the sensitive resource area(s) set aside pursuant to this Chapter must be equal to or greater than the minimum lot size for the underlying zone, and the non-sensitive portion of the property must be able to accommodate more dense development. For example, if the subject property is zoned R-6, then the amount of sensitive resource area must be 7,500 square feet or more.

C. Provisions and land divisions. When the provisions of this Chapter are applied concurrently with land division pursuant to Chapter 20.320 VMC, Subdivisions, the minimum lot size provisions of Section 20.410.050(B) VMC are not applicable, and are replaced by the provisions of this Chapter. The maximum density of the development, as applied to the entire subject property, shall not be increased beyond that of the underlying zone.

D. Exemption. The provisions in this Chapter do not apply to planned developments that are regulated by Chapter 20.260 VMC.
(M-3643, Added, 01/26/2004)

Section 20.940.030 Process.

A. Required pre-application conference. Requests for on-site density transfer shall require a pre-application conference, as governed by Section 20.210.080 VMC.

B. Requirements for a subdivision application. Requests for on-site density transfer shall accompany a subdivision application, and the informational requirements listed below must be submitted in addition to those required under Chapters 20.320 VMC, Subdivisions, to consider the application technically complete:

1. A delineation of all sensitive resource areas to be used in the calculation of density credit, summed in square feet, and indicated on the preliminary plat map.

2. The preliminary plat shall indicate the area in square feet of each lot proposed.

3. The preliminary plat shall indicate the amount of adjustment requested to the dimensional requirements of the road standards, setbacks, or lot configuration and indicate which lots require adjustment.

4. Calculations of total developable land (TDL); and gross density, used to determine the maximum number of lots allowed.

5. A written narrative, which describes how the use of on-site density transfer will protect, preserve or enhance sensitive or cultural resource areas and achieve density. The narrative shall include proposed methods for protection of sensitive resources, and cite the development regulations that support the request.

C. Review for completeness. The determination whether to apply the provisions of this Chapter will be issued concurrent with the determination that an application is fully-complete, as governed by Section 20.210.100 VMC.

D. Determination of compliance. Compliance with this Chapter shall be considered as findings in the determination whether a plat application complies with the State Subdivision Statute 58.17 RCW, City of Vancouver's Comprehensive Plan, and Chapter 30.320 VMC Subdivisions.

(M-3643, Added, 01/26/2004)

Section 20.940.040 Requirements.

A. For sensitive or cultural resources. Where the provisions of this Chapter apply, the boundaries of the sensitive or cultural resource(s) area must be delineated, calculated in square feet, and shown on the plat map submitted with the application for land division. The delineation must be adequately marked in the field, so that it may be verified by Planning Official

B. For density adjustments. The extent of any density adjustment requested under the provisions of this Chapter, including minimum lot size, dimensional standards, minimum number of lots, and modification to the street standards, shall be accurately described in the preliminary plat application.

C. Guarantees. When the provisions of this Chapter are applied concurrent with land division pursuant to Chapters 20.320 VMC, Subdivisions, the property owner will be required to grant to the City adequate guarantees to assure the protection, preservation or enhancement of the identified sensitive or cultural resource areas. Such guarantees may include, but are not limited to: conservation

covenants or easements; mitigation plans; designation of open space areas to be held in common ownership; public dedications or easements; and, special setbacks from protected resources. Any protection measures proposed or required as conditions of the preliminary plat shall be recorded with the final plat.

D. Minimum lot size and dimensions. The application of this Chapter shall not result in the creation of any single lot with a gross area that is less than 80% of the minimum lot size of the underlying zoning designation, nor shall any lot dimension (width, depth) be created that is less than 80% of the minimum required dimension.

E. For road modifications. Road standard modifications and reductions to setbacks or dimensional standards may be applied concurrent with application of this Chapter, and do not require a separate development application. Provided that, such adjustment to development standards will be limited to the extent that such adjustments are available pursuant to ~~s~~treet standard modifications, as governed by Section 20.950.180(K) VMC and Minor A Variances, as regulated by Chapter 20.270 VMC, Variances. Further provided that reductions to setback or dimensional standards resulting from the application of the provisions of this Chapter shall not be used in conjunction with other provisions of this Code for the purposes of cumulative reduction in setback or dimensional standards that exceed~~s~~ the reduction limitation set forth in Section (D) above.

F. Exception to Density Transfer Requirement. Where parcels contain sensitive resource areas equal to or greater than 50% of the gross parcel area, the minimum required density may, at the applicant's option, be based on the net buildable area instead of the gross parcel area.

(M-3643, Added, 01/26/2004)

Section 20.940.050 Density Calculation.

A. Required calculations for transfer. In applying On-Site Density Transfer, the gross density of the site's sensitive resource area may be transferred to the developable portion of the property, or, for parcels with over 50% in sensitive resource area, deducted from the minimum required density, as allowed in Section 20.940.040(F) above. The minimum area for those lots proposed on the developable portion may be reduced to no less than 80% of the minimum lot size for the underlying zone. For example, proposed lots in the R-6 Zoning District, where the minimum lot size is 7,500 square feet minimum area, could be reduced to 6,000 square feet.

1. The total acreage of the subject property shall be divided by the minimum lot size of the underlying zoning district, and the result shall be the gross density. The gross density figure shall then be rounded down to the nearest whole number. The rounded gross density calculation shall be the maximum number of lots that may be located on the Total Developable Land (TDL), except as limited by the reduction in lot area as described above.

2. The applicant may use lot size reduction, adjustment to lot size dimensions or other development standards, within the limits described in Section 20.940.040(D) and (E) VMC above to develop the number of lots allowed under the provisions of this Chapter. The number of lots allowed on the TDL as a result of On-Site Density Transfer may not be increased above gross density.

Example: Total Acreage of Parcel: 2 acres (43,560 sq. ft./acre = 87,120)
Sensitive area: 10,000 sq. ft.
Zoning Designation R-6 (7,500 sq. ft. minimum lot size)

$$87{,}120/7{,}500 = 11.62$$

2 acres = Gross Density: 11.62 (11 lots may be developed)
7,500 sq. ft. min. lot size

Total Acreage of Parcel minus Sensitive Area equals Total Developable Area:
(87,120 sq. ft.) (10,000 sq. ft.) (77,120 sq. ft.)

Up to 11 lots @ 6,000 sq. ft. each, with lot size reduction of no more than 20% available via On-Site Density Transfer, may be developed on the Total Developable Area.
(M-3643, Added, 01/26/2004)

Chapter 20.945

PARKING AND LOADING

Sections:

20.945.010 Purpose.
20.945.020 Applicability of Provisions.
20.945.030 General Provisions.
20.945.040 General Design Standards for Surface Parking Areas.
20.945.050 Bicycle Parking Design Standards.
20.945.060 Parking Structure Design Standards.
20.945.070 Minimum Off-Street Parking Requirements.
20.945.080 Off-Street Loading Requirements.

Section 20.945.010 Purpose.

The purpose of these standards is to provide for safe and complete connections to the transportation system, and safe on-site circulation for motorists, bicyclists and pedestrians. In addition, these standards are intended to provide for adequate vehicle parking with appropriate landscaping.
(M-3643, Added, 01/26/2004)

Section 20.945.020 Applicability of Provisions.

A. General. When land is used for motor vehicle and/or bicycle parking, the provisions of this chapter shall apply unless otherwise noted.

B. Types of parking. For the purposes of this chapter, there are three types of parking:

1. Accessory parking is parking associated with a specific development that is reserved for the use of the customers, residents, employees, students and/or visitors associated with the development. Accessory parking shall be subject to the minimum vehicle parking ratios contained in Table 20.945.070-2 and all of the other design and development standards in this chapter.

2. Non-Accessory Parking, which is any private or public vehicle and bicycle parking, either paid or free, which is not accessory to a specific development, including public and private parking structures and lots; transit park-and-ride lots; and free-standing fleet vehicle parking lots, per the definition in Section 20.160.020 VMC. Non-accessory parking shall be subject to all of the design and development standards in this chapter but exempt from the minimum parking ratios contained in Table 20.945.070-2.

3. Valet Parking. The Planning Official may approve valet parking or stacked parking to meet a portion of the on-site parking requirement as appropriate for the use.

C. New construction. Prior to occupancy of a new structure within any zoning district, off-street vehicle parking shall be provided in accordance with Section 20.945.070 VMC.

D. Expansion of existing use. Prior to occupancy of an enlargement of a structure which increases the on-site vehicle parking requirements, off-street vehicle parking shall be provided in accordance with Section 20.945.070 VMC subject to the following:

1. The number of required vehicle parking and loading spaces shall be based only on floor area or capacity of such enlargement using the minimum parking ratios contained in Table 20.945.070–2.

2. If the minimum number of vehicle parking spaces required for the enlargement added to the existing on-site parking supply falls short of the minimum number of vehicle parking spaces required for the project as a whole, the applicant shall provide additional spaces to bring the total supply up to the minimum required.

3. If the minimum number of vehicle parking spaces required for the enlargement added to the existing on-site development exceed the minimum number of vehicle parking spaces required for the whole project, the applicant may reduce the additional number of spaces provided, providing that the total supply still meets the minimum required.

E. Change of use. When an existing structure is changed from one use to another use as listed in Chapter 20.160 VMC, the following provisions shall apply:

1. If the parking requirements for each use are the same, no additional vehicle parking shall be required.

2. Where a change results in an intensification of use in terms of the number of vehicle parking spaces required, additional vehicle parking spaces shall be provided in an amount equal to the difference between the minimum number of spaces required for the existing use and the minimum number of spaces required for the more intensive use; unless there is an excess of vehicle parking on the site to accommodate the difference.

3. Where the change results in a decrease in intensity of use, the applicant may physically eliminate excess vehicle parking spaces in an amount equal to the difference between the minimum number of spaces required for the existing use and the minimum number of spaces required for the less intensive use. An applicant may request approval to reduce the number of excess spaces on the site by means of a Type I procedure.

F. Availability. The required minimum vehicle parking shall:

1. Be available for the parking of operable passenger vehicles of residents, patrons and employees only;

2. For non-residential uses, it shall not be used for storage of vehicles or materials, or for fleet parking used in conduct of the business or use during regular business hours; and

3. Not be rented, leased or assigned to any other person or organization, unless as part of a joint parking agreement per Section 20.945.030(B) VMC.
(M-3643, Added, 01/26/2004)

Section 20.945.030 General Provisions.

A. Location of accessory vehicle parking in relation to the primary use. The location of off-street parking will be as follows:

1. Whenever possible, the required accessory parking shall be located on the same site as the primary use to which it is accessory.

2. When it is not feasible to locate all or part of the minimum accessory parking on the same site, the following shall apply:

a. Off-street accessory parking spaces for detached and attached single-family and duplex dwellings shall be located on the same lot with the dwelling(s), unless otherwise approved as part of a planned development, per Chapter 20.260 VMC.

b. Off-street accessory parking for multi-family dwellings shall be located no more than 300' from the building that they serve.

c. Off-street accessory parking lots for all other uses shall be located no further than 300' from the building or use that they are required to serve, measured in a straight line from the building with the following exceptions:

1. Commercial, institutional and industrial uses which require more than 40 parking spaces may provide for the spaces in excess of the required first 20 spaces up to a distance of 500' from the primary site, except that marine-related industrial uses such as Ports may locate all parking not associated with an office up to 1,000' from the use it is intended to serve;

2. Parks and recreational trails, where no maximum distance requirements are established.

3. Primary uses jointly using one or more parking facilities, as provided for in Subsection (B) below shall be required to comply with the requirements in Subsection (2)(a-c) above.

B. Joint parking. By means of a Type I procedure, as governed by Section 20.210.040 VMC, owners of two or more uses with legally established parking, may agree to utilize jointly the same parking and loading spaces on one or more lots when the peak hours of operation of the uses do not overlap, subject to the following:

1. The joint parking facility(ies) shall contain the same number of vehicle parking spaces required by the use which requires the greatest amount of parking per Section 20.945.070 VMC;

2. Satisfactory legal evidence shall be presented to the Planning Official in the form of deeds, leases or contracts to establish the joint use and be recorded with the Clark County Auditor's Office against all properties involved;

3. If a joint use arrangement is subsequently terminated, or if the uses change, the requirements of this title shall apply to each use separately.

C. Parking in mixed-use projects.

1. Mixed-use projects shall include either uses that are contained in a building (vertical mixed-use) or in a group of single-purpose buildings that share a single parking facility (horizontal mixed-use).

2. The required minimum vehicle parking shall be determined using the following formula.

a. Primary use, i.e., that with the largest parking demand within the development, at 100% of the minimum vehicle parking required for that use in Section 20.945.070 VMC;

b. Secondary use, i.e., that with the second largest parking demand within the development, at 90% of the vehicle parking required for that use in Section 20.945.070 VMC;

c. Subsequent use or uses, at 80% of the vehicle parking required for that use(s) in Section 20.945.070 VMC.

D. Disabled-accessible parking and access. All parking areas and accessible routes of travel for the disabled shall comply with the standards of the State of Washington and the City of Vancouver applicable building code.
(M-3643, Added, 01/26/2004)

Section 20.945.040 General Design Standards for Surface Parking Areas.

A. Review Authority. Parking lot design and drainage shall be subject to review and approval of the City Transportation Manager.

B. Maintenance of parking areas. All parking lots shall be kept clean and in good repair at all times. Breaks in paved surfaces shall be repaired promptly. Broken or splintered wheel stops shall be replaced so that their function will not be impaired.

C. All signing and striping, including that for private parking lots, shall conform to the Manual of Uniform Traffic Control Devices (MUTCD). Individual spaces shall be marked with painted stripes.

D. Location. Parking spaces shall not be permitted in any setback except as otherwise specified in this title. For single-family and duplex dwellings, passenger vehicle parking in excess of required parking is permitted in the front yard setback provided it is: located on a legally established driveway; located out of sight triangles as per 20.895 VMC; and does not extend into City right-of-way. Parking in the front yard setback otherwise allowed by this Chapter shall not include the storage of motor homes, trailers or recreational vehicles, including boats. Parking of motor homes, trailers recreational vehicles and boats is allowed in one side or rear setback on an impervious surface and served by a paved driveway. Such parking must be screened from the street and adjoining properties by a 6’ sight obscuring fence or hedge.

E. No parking space shall be located where backing maneuvers from such a space would interfere with traffic flow to/from a public street to the parking area, generally within 20’ of a circulation aisle-way near a public street access point.

F. Driveways. Driveways which provide access to off-street parking or loading from public streets shall comply with the following:

1. Driveways from the street to off-street parking or loading areas shall be designed and constructed to facilitate the flow of traffic and provide maximum safety for pedestrians. At a minimum all driveways shall meet arterial access spacing standards; on arterial roadways shared driveways and cross-access easements may be required to improve arterial efficiency and safety consistent with access management practices detailed in NCHRP Report 420.

2. Where driveways are gated, even temporarily, the driveway approach shall be designed such that vehicles approaching or leaving the gated drive can queue to enter/exit the traffic stream without blocking the sidewalk or the street traffic, and shall not impede internal site circulation. Design of gated driveways shall be subject to review and approval by the City Transportation Manager.

3. Driveways shall be improved with a permanent surface including but not limited to asphalt, concrete, brick or masonry or other material approved by the Planning Official. Applicants are encouraged to use City and Department of Ecology alternative paving Best Management Practices to enhance on-site water quality where appropriate based on anticipated use.

4. Except for single-family and duplex residences, groups of more than two parking spaces shall be served by a driveway so that no backing movements or other maneuvering within a street or other public right-of-way is necessary.

5. Loading/unloading driveways. If an on-site drop-off is provided, the driveway shall be designed for continuous forward flow of passenger vehicles.

G. On-site vehicle stacking for drive-through use

1. All uses providing drive-through services as defined by this Chapter shall provide a stacking lane on the same site for inbound vehicles as noted in Table 20.945-1. Stacking lane requirements shall be determined through the review process, be based upon an approved traffic study and may either exceed or fall below the guidelines detailed in Table 20.945.040–1.

Table 20.945.040–1
Stacking Lane Guidelines for Uses With Drive-Through Windows

Use	**Stacking Lane Guideline**
Drive-in banks	5 spaces per service terminal
Automated teller	50’/service terminal machines
Drive-in cleaners, repair services	50’
Drive-in restaurants	180’
Mechanical car washes	3 spaces per washing unit
Parking facilities	
Free-flow entry	1 space per entry driveway
Ticket dispense entry	2 spaces per entry driveway
Manual ticket dispensing	100’/entry driveway
Attendant parking	100’
Vehicle fuel sales	3 spaces per pump

[1] Minimum length of one space = 18 feet

2. Stacking lanes must be designed so that they do not interfere with parking and vehicle, pedestrian and bicycle circulation. Stacking lanes for the purpose of selling food must provide at least one clearly marked parking space per service window for the use of vehicles waiting for an order to be filled.

3. No portion of a stacking lane shall be located in a setback except at the points of connection between the site and public or private streets.

H. Pedestrian access, circulation and connections. The following standards apply to multi-family, commercial, industrial and institutional uses in all zones:

1. The applicant shall extend pedestrian circulation routes to sidewalks and transit stops along streets abutting the site, to pedestrian facilities that extend to the edge of the site from off-site, and to the edge of the site in the direction of existing, approved or proposed off-site pedestrian and transit facilities.

2. Pedestrian circulation routes shall also connect structures and uses on the site, such as buildings, vehicle and bicycle parking areas, children's play areas, required outdoor areas, open spaces, plazas, resting areas and viewpoints.

3. To the extent practicable, the pedestrian circulation system shall be designed to minimize the distance a pedestrian needs to walk between typical origins and destinations of and off the site, including transit stops, public sidewalks and building entrances. Circuitous routes generally should be avoided except for an appropriate purpose given the use or setting.

4. Where pedestrian or bicycle routes cross access, maneuvering, parking or loading areas, the crossing must be clearly identified by using elevation changes, speed bumps, a different paving material, and other method that effectively alerts drivers, pedestrians and cyclists of the location and nature of the crossing. Striping is strongly discouraged as the only method of identification of pedestrian crossings. When striping is used, it must be continuously maintained in perpetuity in an effective manner by the property owner.

5. Where a pedestrian or bicycle route is parallel and adjacent to an auto travel lane or parking area, the pedestrian or bicycle route must be safely separated from the auto travel lane by using a raised path, a raised curb, bollards, landscaping or other physical barrier.

6. Lighting. The on-site pedestrian circulation system must be lighted to a level of 0.5 foot candle, except for handicapped accessible areas which must be lighted to 1.0 foot candle. Such lighting shall be directed in a manner to prevent glare on nearby residential areas.

7. Pedestrian route dimensions. In all commercial zones, the primary pedestrian connection between the main entrance and the fronting arterial shall be a minimum of 8' unobstructed width. All other pedestrian connections shall be a minimum of 6' unobstructed width. The Planning Official may modify these standards for minor expansions of existing uses that face site-specific challenges.

8. Required pedestrian circulation routes shall be improved with an asphalt, concrete or other approved all-weather surface; provided, pedestrian circulation routes through recreational or open space areas may be improved with a material consistent with their purpose and the characteristics of their location.

9. Connections. The pedestrian system must be connected to site and adjacent streets and nearby transit stops. The pedestrian system must also connect public open space or parks, commercial, office and institutional developments when existing development does not preclude such connection. Development patterns must not preclude eventual site-to-site connections, even if an adjacent site is not planned for development at the time of the applicant's development. Connections between buildings and the street shall be no greater than 200' apart.

I. Parking lot landscaping.

1. Purpose: The following landscaping standards are intended to improve and soften the appearance of parking areas; reduce the visual impact of parking areas from sidewalks, streets, and especially from adjacent residential zones; shade and cool parking areas; reduce the amount and rate of stormwater runoff from vehicle areas; and improve air quality.

2. Perimeter Landscaping: Any off-street parking area, other than for a single-family or duplex dwelling, shall be effectively screened by a sight-obscuring fence, wall or evergreen planting on each side which adjoins property situated in a residential zone, the premises of any school or like institution, or a public or private street. Screening along a common property line shall be 6' high. Landscape screening shall be capable of attaining a height of 6' within 2 years of planting. Screening along all public or private streets shall be a minimum of 3' high.

3. Interior Landscaping: Interior landscaping must be provided for sites containing more than 20 parking spaces. At least 10% of the parking and maneuvering areas, not including driveway areas, must be landscaped.

a. Standards: The landscape materials must meet the general standards below:

1. The landscaping must be dispersed throughout the parking area. All of the required landscape area may be in the parking area, or some may be in the loading areas.

2. Perimeter landscaping may not substitute for interior landscaping. However, interior landscaping may join perimeter landscaping as long as it extends at least four' into the parking areas from the perimeter landscape line.

b. Individual tree-planting spaces. Where an individual tree is planted in a space surrounded by pavement, the planting area must have a minimum dimension of six' with each tree placed in the middle.

c. Required landscape materials for parking lot landscaping. Landscape materials for parking lot interior and perimeter landscaping must be provided as follows:

1. Tree required. At least one tree must be provided for every 10 parking stalls. Existing trees may be used to meet this standard. At lease one tree shall be planted in each landscape island. Broadleaf trees must be at least 2 caliper inches at the time of planting and conifer trees must be at least 5' tall at the time of planting. Trees must be dispersed throughout the parking area to provide shade for the parking area. Some trees may be grouped, but the groups must be dispersed.

2. Shrubs required. At least one shrub must be provided for every 30 sq. ft. of required landscaped area. Shrubs must be at least the one-gallon container size.

3. Ground cover required. All of the landscaped areas that is not planted with trees and shrubs must be planted in ground cover plants, which may include grasses. Paths made of paving stones, flagstones, bricks, pavement, or similar materials may provide access across landscaped areas, but the surface area of impermeable materials does not count toward the required landscaped area.

4. Native Species. Planting of native species is encouraged.

J. Parking lot surfacing

1. All areas used for the parking or storage or maneuvering of any vehicle shall be improved with asphalt, concrete or other permanent surface approved by the Planning Official; The Planning Official may approve the use of City and Department of Ecology alternative paving Best Management Practices to enhance on-site water quality where determined to be appropriate based on type and frequency of anticipated use.

2. Parking areas to be used primarily for temporary staging of construction equipment and temporary parking for the facility during construction may be surfaced in gravel when authorized by the approval authority at the time the site development approval is given. The Planning Official may require the property owner to remove the gravel immediately following construction or enter into an agreement to pave the parking area: (1) within a specified period of time after its establishment; or (2) if there is a change in the types or weights of vehicles utilizing the parking area; or (3) if there is evidence of adverse effects upon adjacent roadways, water courses or properties. Such an agreement shall be executed as a condition of approval of the plan to establish the gravel parking area

K. Parking lot and access striping.

1. Except for single-family and duplex residences, any area intended to be used to meet the off-street vehicle parking requirements as contained in this chapter shall have all parking spaces clearly marked; and

2. All interior drives and access aisles shall be clearly marked and signed to show direction of flow and maintain vehicular and pedestrian safety.

L. Wheel stops. Parking spaces along the boundaries of a parking lot or adjacent to interior landscaped areas or sidewalks shall be provided with a wheel stop or bumper rail at least 6” high located 2’ back from the front of the parking stall. The front 2’ of the parking stall may be concrete, asphalt or low- lying landscape material that does not exceed the height of the wheel stop, provided sidewalks or other pedestrian paths are not obstructed.

M. Drainage. Off-street parking and loading areas shall be sloped to drain in accordance with specifications approved by the Director of Public Works. These areas shall be drained to prevent the flow of water onto the right-of-way, across pedestrian facilities, or onto adjacent properties unless specifically authorized by the Director of Public Works.

N. Lighting. All off-street parking areas larger than 5,550 sq. ft. shall be illuminated. Public parks that close at dusk are exempted from this provision. All lighting shall be directed away from any adjacent residential zone.

O. Space and aisle dimensions. Table 20.945.040–2

Table 20.945.040–2
Space and Aisle Dimensions

	Standard Stall Dimension		**Compact Stall Dimension**		**Aisle Width Dimension**	
Angle (degrees)	Stall Width (feet)	Stall Depth (feet)	Stall Width (feet)	Stall Depth (feet)	1-Way Aisle Width	2-Way Aisle Width
0	20	8	8	18	12	20
45	9	17	8	15	14	20
60	9	17	8	15	16	22
90	9	17	8	15	22	22

1. Designated disabled parking stalls which meet minimum dimensional requirements shall be counted as standard size parking stalls and shall be provided as required by applicable State of Washington and the City Adopted Building Code, as amended for disabled person parking spaces.

2. The width of each parking space includes a stripe that separates each space.

3. Up to 50% of all required on-site vehicular parking spaces may be compact spaces. Such spaces shall be marked as “compact” or “C”.

4. Clustering: No more than an average of 10 parking spaces shall be placed side by side without an intervening break provided by a circulation aisleway, pedestrian walkway, or landscaping. If an average of no more than 10 side-by-side stalls is maintained overall, up to 15 stalls may be located side-by-side. Where landscaping provides a break in the group of spaces, the landscape island shall extend at least 1’ into the circulation aisleway to provide a visual narrowing of the circulation aisleway.

5. A portion of a parking space may be landscaped instead of paved as follows:

a. The landscaped area may be up to 2’ of the front of the space as measured from a line parallel to the direction of the bumper of a vehicle using the space.

b. Landscaping must be ground cover plants; and

c. The landscaped area counts towards parking lot interior landscaping requirements, but not perimeter landscaping requirements, and shall not obstruct the minimum width requirements for pedestrian circulation.

6. Other parking angles, such as but not limited to 30 degrees or 75 degrees may be approved by the Planning Official, with dimensional requirements consistent with those illustrated in Table 20.945.040–2.

7. Minimum standards for a standard parking stall's length and width, aisle width, and maneuvering space in a parking structure shall be determined as noted in Table 20.945.040–2.
(M-4034, Amended, 12/03/2012, Sec 32-Effective 01/03/2013; M-3931, Amended, 11/02/2009, Sec 32-Effective 12/2/2009; M-3847, Amended, 11/19/2007, Sec 15; M-3840, Amended, 08/06/2007, Sec 45; M-3643, Added, 01/26/2004)

Section 20.945.050 Bicycle Parking Design Standards.

A. Standards for all bicycle parking. Any bicycle parking implemented under this section must meet the following standards:

1 Bicycle parking must be provided at the ground level, and may be provided in floor, or wall racks that must hold bicycles securely by the means of the frame. Bicycles may be tipped vertically for storage, but not hung above the ground. If the bicycle parking is placed in the public right-of-way, it shall not obstruct pedestrian walkways and shall meet all of the requirements outlined in obtainment of the street use permit.

2. Where required bicycle parking is provided with racks, the racks must meet the following standards:

a. The parking spaces shall be at least 2' wide and 6' long with an overhead clearance of at least 7', and with a 5' access aisle;

b. The rack must hold the bicycle securely by means of the frame. The frame must be able to be supported so that the bicycle cannot be pushed or fall to one side in a manner that will damage the wheels;

c. The bicycle frame and one wheel can be locked to the rack with a high-security, U-shaped shackle lock if both wheels are left on the bicycle;

d. The rack must be securely anchored with theft-resistant hardware.

3. Where bicycle parking is provided with lockers, such lockers must meet the following standards:

a. An area of at least 6' of horizontal distance shall be provided around the entrance of each locker that is free from obstructions, an overhead clearance of at least 7', and with a 5' access aisle; and

b. The lockers must be securely anchored.

B. Bicycle parking signing. Entry and directional signs shall be provided by the property owner if bicycle parking facilities are not directly visible and obvious from the public right-of-way. The signs shall be used to properly direct bicyclists from the public right-of-way to the bicycle parking facilities.

C. Bicycle rack maintenance. The property owner of a site shall have a continuing obligation to properly maintain any bicycle parking facilities on their property. The City of Vancouver will maintain any bicycle parking facilities that are in the public right-of-way.

D. Parking in mixed-use projects. Bicycle parking for multiple uses may be clustered in one or several locations, and shall meet all other requirements for bicycle parking. For buildings with multiple entrances, bicycle racks should be distributed proportionately at and visible from the various public entrances. Bicycle parking lockers should be located adjacent to an employee entrance.
(M-3643, Added, 01/26/2004)

Section 20.945.060 Parking Structure Design Standards.

A. Parking structure dimensions and design shall be subject to review and approval by the Transportation Manager.

B. Ground-floor windows/wall openings. All above-grade parking structures shall provide ground-floor windows or wall openings along the street frontages. Blank walls are prohibited. Any wall facing the street shall contain windows, doors or display areas equal to at least 20% of the ground floor wall area facing the street excluding those portions of the face(s) devoted to driveway entrances and exits, stairwells, elevators and centralized payment booths. Required windows shall have a sill no more than 4' above grade. Where the interior floor level prohibits such placement, the sill may be raised to allow it to be no more than 2' above finished floor wall up to a maximum sill height of 6' above grade. These openings shall be glazed or grated.

C. Entrance/Exit Design. Adequate vision clearance shall be provided so that motorists leaving a parking structure have a clear view of the sidewalk on either side of the exit, and so that approaching pedestrians have a clear view of any approaching vehicle. Parking structure entrances and exits shall be designed to achieve travel speeds not to exceed 5 miles per hour, and shall require a vehicle stop directly prior to crossing the street sidewalk. Entrance and exit areas shall be designed so that vehicles approaching or leaving the parking structure can queue to enter/exit the traffic stream without blocking the sidewalk.

D. Parking Structure Internal Design and Pedestrian Circulation. Parking structure internal circulation design shall include provisions for the safe and convenient circulation of pedestrians. Design speed shall not exceed 10 miles per hour, and traffic control measures shall be provided at any location where vehicle circulation crosses a pedestrian walk way.
(M-3643, Added, 01/26/2004)

Section 20.945.070 Minimum Off-Street Parking Requirements.

A. Parking requirements for unlisted uses.

1. The Planning Official may rule that a use not specifically listed in Table 20.945.070–2 below is a use similar to a listed use and that the same parking standards shall apply. If the applicant requests that the Planning Official's decision be rendered in writing, it shall constitute an interpretation, as governed by Chapter 20.255 VMC; and

2. The Planning Official shall maintain a list of approved unlisted use parking requirements that have the same effect as an amendment to this chapter.

B. Choice of parking requirements. When a building or use is planned or constructed in such a manner that a choice of parking requirements could be made, the use which requires the greater number of parking spaces shall govern.

C. Measurements. The following measurements shall be used in calculating the total minimum number of vehicle parking spaces required in this chapter:

1. Fractions. Fractional space requirements of up to 0.5 shall be rounded down to the next whole number and 0.5 or greater rounded up to the next whole number.

2. Employees. Where employees are specified for the purpose of determining the minimum vehicle parking spaces required, the employees counted are those who work on the premises during the largest shift at the peak season.

3. Students. When students are specified for the purpose of determining the minimum vehicle parking spaces required, the students counted are those who are on the campus during the peak period of the day during a typical school term.

4. Space. Unless otherwise noted, where gross square feet (gsf) are specified, the area measured shall be gross floor area under the roof measured from the faces of the structure, excluding only space devoted to covered off-street parking or loading.

D. Exclusions to minimum vehicle parking requirements. The following shall not be counted towards the computation of the minimum parking spaces as required in Table 20.945.070-2 below:

1. On-street parking. Parking spaces in the public street or alley shall not be eligible as fulfilling any part of the parking requirement except as provided elsewhere in this title;

2. Fleet parking. Required vehicle parking spaces may not be used for storage of fleet vehicles, except when a use can show that employee and fleet parking spaces are used interchangeably, (e.g., the employee drives the fleet vehicle from home, or the spaces are used for fleet storage only at night and are available for employee use during the day). For the purposes of this title, space exclusively devoted to the storage of fleet vehicles will be considered as outdoor storage.

E. Reductions in minimum required vehicle parking.

1. The Planning Official may reduce the minimum off-street vehicle parking spaces required in Table 20.945.070-2 by up to 10% in new non-residential developments by means of a Type I procedure, when an applicant for a development permit can demonstrate in a parking study prepared by a traffic consultant or in parking data from comparable sites that:

a. The requested reduction in parking will not have an adverse impact on uses in the immediate vicinity.

b. Use of transit, demand management programs, and/or special characteristics of the customer, client, employee or resident population will reduce expected vehicle use and parking space demand for this development, as compared with Institute of Transportation Engineers (ITE) vehicle trip generation rates and minimum city parking requirements.

c. The city shall not be responsible for providing parking for a development should a reduction in required parking under this section result in a deficit in parking that is not desirable to the owner of the property or use.

2. The Planning Official may reduce the minimum off-street vehicle parking spaces required in Table 20.945.070–2 up to 20% if the required conditions detailed in Section 20.945.070(E)(1) and (2) are met. Reductions in parking minimums shall be cumulative and inclusive of reductions allowed under any provision of Vancouver Municipal Code Title 20.

a. For every five bicycle parking spaces provided which meet bicycle parking design standards or for each bicycle locker (two-bicycle capacity), the minimum motor vehicle parking requirement may be reduced by one space up to 7 % of total required vehicle parking spaces.

b. Sites where at least 20 parking spaces are required and where at least one street lot line abuts a designated arterial roadway, transit supportive plazas may be substituted for up to 5% of required vehicle parking.

1. The plaza must be adjacent to the arterial street. If there is a bus stop along the site's frontage, the plaza must be adjacent to the bus stop.

2. The plaza must be at least 300 sq. ft. in area and be shaped so that a 10 foot by 10 foot square will fit entirely within the plaza.

3. The plaza must be open to the public, contain a bench or other sitting area, contain a shelter or other weather protection covering at least 20 sq. ft., and shall have at least 10% and no more than 25% landscaping.

c. Building Orientation/Site Design Incentive. Developments which incorporate all of the following building orientation/site design characteristics into the site plan shall be eligible for a 5% reduction in required on-site parking.

1. Build to the Sidewalk. Buildings located as close as possible to the public street and sidewalk, preferably at the minimum required setback. Primary entrance shall be oriented toward the street.

2. Provide public spaces. Commercial development should provide spaces for civic interaction. To make these more accessible and accommodating to the public, pedestrian plazas, street furniture and landscaped open spaces should be incorporated as site amenities.

3. Build to the corner. Buildings on corner lots should be located on the street corner with building frontage on both streets with primary entrances oriented toward the intersection. If no buildings are located at street corners, pedestrian plazas and amenities should provide a focus for the area. Intersection vision clearance standards shall apply.

4. Pad Development. Pad development should be located at the corners of a development or at the intersection created by the site driveway with the public street. The location and site design of pad development should integrate seamlessly with the on-site pedestrian circulation plan and all off-site pedestrian, bicycle and transit facilities.

3. A request to reduce the required minimum parking more than 20% is subject to a Type II Variance procedure.

F. Parking in City Center (CX) Zone

The following minimum requirements shall apply, in accordance with Section 20.630.050 (Parking Control), in all areas zoned City Center District (CX):

Table 20.945.070–1 CX District Parking Space Requirements	
Land Use	Parking Requirements
Residential	1 space/dwelling unit
Transient lodging	1 space/living unit
Congregate care facilities	1 space/two (2) living units
All other uses	1 space/1,000 sq. ft. of floor area

G. Parking in Transit Overlay District

Developments located within the Transit Overlay District may be subject to special parking standards contained in VMC 20.550.

H. Application of Parking Requirements

1. Notwithstanding any other requirement of this chapter, no parking shall be required for any commercial use located in an existing structure which abuts Main Street between Fifth Street and McLoughlin Boulevard, up to and including the first two floors above street level, and any basement levels. The requirements for uses in all floors of three stories or above shall be the same as that in all other areas in the City Center District (CX).

2. In addition, notwithstanding any other requirements of this chapter, requirements for off-street parking shall not apply within the Community Commercial District (CC) extending from McLoughlin Boulevard to Fourth Plain Boulevard in the event of a change in commercial occupancy of a building or of a remodeling of a commercial structure if the original floor area is not exceeded by 25%. This provision does not apply to conversion of residential occupancy to commercial occupancy. The requirements for off-street parking for the Community (CC) Commercial District within this area shall be based on the City Center (CX) District Parking Requirements of VMC Table 20.945.070-1 and shall only be for the total area of additions in excess of 25% of the floor area in existence on July 19, 2010.

3. Commercial uses in the CN, Neighborhood Commercial District may count available on-street parking spaces which are immediately adjacent to the development toward the minimum on-site parking requirement.

4. Parking stalls used for Electric Vehicle Basic Charging Stations and Rapid Charging Stations shall be counted toward the minimum number of required parking stalls in a development.

I. Use of Public Parking

The requirements for off-street parking can be satisfied by execution of a long-term lease for a segment of equivalent parking in an existing public or private parking facility. Lease fees in public facilities would be at market rates as established and adjusted by the Vancouver City Council after considering the advice of the Parking Advisory Committee. Continued leasing of such space shall be required, and failure to provide the required parking shall be cause for revocation of the occupancy permit for the structure involved.

J. Specific requirements for minimum parking. Parking shall be provided for uses as per Table 20.945.070-2 below.

Table 20.945.070-2
Minimum Off-Street Vehicle Parking Requirements

Use	**Minimum**
RESIDENTIAL	
Household Living	See Housing Types below
Group Living	1 space/7 residents served under age 12 1 space per resident served ages 12 - 17 1 space per resident served age 18 or older
Transitional Housing	1:3 beds
Home Occupation	None
HOUSING TYPES	
Single Dwelling, Attached	1.0/DU [1]
Single Dwelling, Detached	1.0/DU
Accessory Dwelling Units	1.0/DU
Duplexes	1.0/DU
Multi-Dwelling Units	1.5/DU [4]
Manufactured Home Subdivisions	1.0/DU
Manufactured Home Parks	1.0/DU
CIVIC (Institutional)	
Basic Utilities	None
Community Recreation	Per Approved Parking Study
Cultural Institutions	1:400 sq. ft.
Day Care	
- Child Care	Family Day Care Home: none Institutional: 1.0/employee + 1.0/12 children served

Use	Minimum
- Adult Day Care	Family Day Care Home: none Institutional: 1.0/employee + 1.0/12 clients served
- Dog Day Care	1.0/employee + 1.0/12 animals served
Emergency Services	1:300
Human Service Facilities	Refer to specific use type
Medical Centers	1.0/4 beds (hospital, residential care center); 1.0/2 beds for patients or residents (convalescent hospital, nursing home, congregate care facility)
Parks/Open Space	
- Neighborhood Parks	Parks Department to Determine
- Community Parks	
- Regional Parks	
- Trails	
Postal Service	1:300
Religious Institutions	1.0/6 seats or 12’ of bench in main assembly area
Social/Fraternal Clubs	1/100
Transportation Facility	None
Schools	
- Preschool	2/ classroom
- Elementary and Middle	1 space/4 seats or 8 feet of bench length in auditorium or assembly room, whichever is greater
- High School	1 space/employee, plus 1 space/each 6 students, or 1 space/4seats or 8 feet of bench length in auditorium, whichever is greater.
- College* *Classrooms = 30 students. Lecture halls require additional parking of 12 spaces per 30 seats. Additional parking may be required as determined by Planning Official.	1 space/3 seats in classrooms

Use	Minimum
COMMERCIAL	
Commercial Lodging	1.0/lodging unit
Eating/Drinking Establishments	1/250
Entertainment-Oriented	
- Adult Entertainment	Refer to specific use, i.e., theater, book or video store
Indoor Entertainment	
- Movie / Live Performance Theaters	1.0/6 seats or 12' of bench
- Skating Rinks / Arcades	1.0/150
- Bowling Alleys	5 spaces per lane
- Shooting Ranges	1 space per lane
- Major Event Entertainment	1.0/6 seats or 12’ bench
General Retail	
- Sales-Oriented	1/300
- Personal Services	1/400
- Repair-Oriented	1/400
- Bulk Sales	(a) Properties with less than 10,000 square feet of open sales or rental area shall provide 1 space for each one thousand square feet of gross floor area, plus one space for each 2,500 sq. ft of open sales or rental area. (b) Properties with 10,000 square feet or more of open sales or rental area shall provide 1 space for each 1,000 square feet of gross floor area, plus 4 spaces, plus one 1 space for each 10,000 square feet of open sales or rental area in excess of 10,000 sq. ft.
- Outdoor Sales	Same as Bulk Sales
Animal Kennel/shelters	1/600 plus 1 per employee
Motor Vehicle Related	

Use	Minimum
- Motor Vehicle Sales/Rental	(a) Properties with less than 10,000 square feet of open sales or rental area shall provide 1 space for each one thousand square feet of gross floor area, plus one space for each 2,500 sq. ft of open sales or rental area. (b) Properties with 10,000 square feet or more of open sales or rental area shall provide 1 space for each 1,000 square feet of gross floor area, plus 4 spaces, plus one 1 space for each 10,000 square feet of open sales or rental area in excess of 10,000 sq. ft.
- Motor Vehicle Servicing/Repair	1/500
- Vehicle Fuel Sales[3]	No less than 2
- Elec. Vehicle Re-charging Station	None
Office	
- General	1/400
- Medical	1/200
- Extended	1/300
Non-Accessory Parking	NA
Self-Service Storage	Based on area of office
Marina	
INDUSTRIAL	
Industrial Services	1/600
Manufacturing and Production	1/800
Railroad Yards	None
Research and Development	1/600
Warehouse/Freight Movement	1/2000
Wholesale Sales	1/1250
Waste-Related	1 space per 200 sq ft. of office space, plus 1 space per employee
OTHER	
Agriculture/Horticulture	None
Airport/Airpark	None
Cemeteries	1.0/6 seats or 12’ of bench in chapels
Detention Facilities	1.0/3 beds
Heliports	None

Use	Minimum
Mining	1 per employee maximum shift
Rail Lines/Utility Corridors	None
Temporary Uses	None
Wireless Communication Facilities	One

[1] DU=Dwelling Unit

[2] Does not include outpatient clinics or medical offices; see Medical/Dental Offices.

[3] Gasoline stations offering other retail goods for sale, in enclosed spaces accessible by the customer, shall also comply with the parking requirements for convenience stores. Gasoline stations providing vehicle repair or maintenance services shall also comply with the parking requirements for vehicle repair or service facilities.

[4] Senior multi-family housing project shall provide on-site parking at a minimum rate of one space per dwelling unit.

(ACM, Amended, 02/18/2014, Correction to E.3 Type III Variance changed to Type II; M-4002, Amended, 12/05/2011, Sec 12-Effective 1/5/2012; M-3959, Amended, 07/19/2010, Sec 48-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 33-Effective 12/2/2009; M-3922, Amended, 07/06/2009, Sec 44; M-3847, Amended, 11/28/2007, Sec 16; M-3701, Amended, 05/02/2005, Sec 33; M-3643, Added, 01/26/2004)

Section 20.945.080 Off-Street Loading Requirements.

A. Berths required. Except in the City Center District (CX), new or substantially renovated buildings or structures that require receipt, delivery or distribution of materials and merchandise by trucks, shall provide and maintain off-street loading berths according to prescribed standards. The Planning Official may through a Type 1 procedure waive off-street loading requirements for uses that demonstrate a loading berth is not needed. The applicant shall demonstrate that either the proposed use does not require receipt, delivery or distribution of materials and merchandise by truck that only small delivery trucks will access the site, or that large trucks will only access the site outside of normal business hours.

B. Off-street loading spaces

1. With the exception of the uses listed in Subsection (2) below, commercial and industrial off-street loading requirements shall provide a minimum number of berths as indicated on Table 20.945.080-1

Table 20.945.080–1 Minimum Loading Berths	
Number of Berths	Gross Floor Area
1	5,000 sq. ft. up to 25,000 sq. ft.
2	25,000 sq. ft. up to 50,000 sq. ft.

3	50,000 sq. ft. up to 100,000 sq. ft.
1 additional for each	50,000 sq. ft. in excess of 100,000 sq. ft.

2. Office buildings; hotels; restaurants; auditoriums and medical centers, colleges, residential care centers or other institutions that contain a structure or structures with a total area of 30,000 gsf or greater shall provide the minimum number of off-street loading spaces as indicated in Table 20.945.080–2.

Table 20.945.080–2 **Minimum Loading Berths for Selected Uses**	
Number of Berths	Gross Floor Area
1	30,000 sq. ft. up to 100,000 sq. ft.
2	100,000 sq. ft. up to 100,000 sq. ft.
1 additional for each	50,000 sq. ft. in excess of 100,000 sq. ft.

C. Size of berths. Berths required by preceding sections shall be a minimum of 10’ wide, 45’ long and 14’ high.

D. On-site location. Required loading berths shall be located on the site of the primary use to which they are an accessory. When there is a campus development, e.g., medical center, college, business park, required loading berths may be aggregated on the site.

E. Design standards. Berths shall be provided in such a manner to avoid undue congestion and interference with public use of adjacent streets, sidewalks and alleys.

1. Access to such berths shall be from an alley when such exists unless the alley abuts a residential zone.

2. Off-street truck loading areas shall be separated from the off-street parking area.

3. The surface shall be paved with asphalt or concrete.

F. Relationship to residential uses. No berth shall be located closer than 50’ to any other lot in any residential district unless entirely within a completely enclosed building.
(M-3959, Amended, 07/19/2010, Sec 49-Effective 8/19/2010; M-3931, Amended, 11/02/2009, Sec 34-Effective 12/02/09; M-3840, Amended, 08/06/2007, Sec 46; M-3643, Added, 01/26/2004)

Chapter 20.960

SIGNS

Sections:

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Section 20.960.010 Purpose.

This chapter regulates signs which can be viewed from any public right-of-way by prescribing regulations and standards for such signs. It provides for administration, requires permits and prescribes fees therefore, and provides for enforcement and for appeals. This chapter is hereby found necessary as an exercise of the city's police and legislative powers to protect and promote the public health and safety; to promote the convenience and the enjoyment of public travel; to protect the public investment in city streets and public places; and to attract visitors to the city by conserving its natural and man-made beauty. This chapter is intended to balance the need for a well-maintained and attractive community and the need for adequate business identification, advertising and communication.

(M-3868, Amended, 02/25/2008, Sec 3; M-3643, Added, 01/26/2004)

Section 20.960.020 Scope.

A.This chapter shall apply to all property and land within the jurisdiction of the city. It is unlawful for any person, firm, or corporation that owns, occupies, or controls property in the city to construct, maintain, display or alter or cause to be constructed, maintained, displayed or altered, a sign within the city except

in conformance with this chapter.

B. It is not intended for this chapter to regulate public sector signing, political campaign signs, private noncommercial signs less than 6 square feet per face, doorway identification nameplates up to 4 square feet, and holiday decorations, as such terms are used and/or defined herein.

C. In addition to subsection B above, the following on-site non-illuminated signs are permitted without a sign permit and in addition to the maximum allowable number and maximum allowable area of signs, as follows:

1. One maximum 6 square feet per face sign, per frontage in all districts; or

2. One maximum 48 square feet per face sign, per frontage, on a lot in any non-residential district.

3. Three maximum 48 square feet per face sign(s), per frontage on active construction sites in all districts. Active construction sites include properties where development permits are pending or have been issued but a final occupancy permit has not been issued.

4. Exception: This section shall not allow any sign otherwise prohibited by this title.

D. Vehicles Signs (including trailers). Vehicles used as part of the normal function of a business or organization are permitted to have signs relating to that business or organization, subject to the following limitations:

1. Not Permitted. Any sign attached to or placed on a parked vehicle or trailer used principally for advertising purposes, rather than transportation. A vehicle or trailer shall be considered principally used for advertising purposes based on the following criteria: a) a sign is attached or placed on the vehicle or trailer that is larger than 20 square feet in area; b) the sign is attached or placed on the vehicle or trailer for more than 12 hours in any 48-hour period; c) the vehicle or trailer is parked in the same location or within 300 feet of one location for more than four hours; and d) the sign attached or placed on the vehicle or trailer is parked in a public right-of-way or within 50 feet of a public right-of-way; and e) the sign attached to the vehicle or trailer can be read by a person with normal vision from inside the arterial right-of-way.

2. The provisions of the above section shall not apply where: a) the vehicle is temporarily parked at a loading dock, b) the vehicle is substantially hidden from view from any public street by buildings, fences, mature landscaping or similar objects such that the vehicle does not attract attention to or communicate information about the business or organization, c) the vehicle is legally parked at the residence of the driver, d) the vehicle is a contractor's trailer at the site of an active construction project or e) the vehicle is available for rent as part of an equipment rental business and the content of the sign refers to the rental business only; or when such vehicle is parked at or near the site of the business or organization.

E. Window Signs. Window signs in conjunction with a permitted use are exempt, provided 50 percent or more of the window area is unobscured by signage. Such signs shall not be included in determining the number of signs nor permissible sign area. Sign permits are not required.
(M-3868, Amended, 02/25/2008, Sec 4; M-3701, Amended, 05/02/2005, Sec 34; M-3643, Added, 01/26/2004)

Section 20.960.030 Prohibited Signs.

The following types of signs are prohibited, except as otherwise provided by this chapter and in Section

20.960.090 Portable Signs in the Public Right-of-Way:

A. Off-premises signs. Off-premises signs are prohibited except as authorized in this chapter. For exception see Section 20.960.090 Portable Signs in the Public Right-of-Way.

B. Flashing signs. Except where permitted by section regulation for a special district or time/temperature or similar public service information signs. For the purpose of this title, EMC's consistent with the standards of VMC 20.960.040 I, -.050 I, -.060 I or -.070 I shall not be considered flashing signs.

C. Free-standing signs. Individual free-standing signs are prohibited in any business complex where a business complex sign exists.

D. Billboards. Billboards are prohibited in all zones.

E. Signs that obstruct. Any sign that substantially obstructs free and clear vision of exit, traffic intersection entrance, traffic sign or signal, or constitutes a traffic hazard by reasons thereof.

F. Signs containing unwarranted content. Any sign which contains statements, words, and pictures of an obscene character.

G. Signs which do not conform in structure or material to uniform codes. Any sign which does not structurally or materially conform to the requirements of the City Adopted Building Code as to structure or material except for signs permitted under Section 20.960.090 Temporary Right-of-Way Signs.

H. Projecting signs. No projecting sign may extend into a 2-foot setback from a curb line.

I. Signs with angle iron cages. Any sign whose main structural support is comprised of a visible angle iron cage.

J. Signs in Public Areas. No sign shall be placed or permitted to be placed on public property or public right-of-way except as permitted under Section 20.960.090 Portable Signs in the Public Right-of-Way, or signs on public buildings determined to be in the public interest by the Planning Official.

K. Miscellaneous signs and posters. The tacking, pasting, or otherwise affixing of any sign or signs of a miscellaneous character, visible from a public right-of-way, located on exterior walls of any building, barn, shed, tree, pole, post, fence or other structure is prohibited unless otherwise permitted.

L. Lighting of signs. Any sign which is found by the Planning Official to utilize an inordinate light source such as beacons, strobe lights, or reflectors.

M. Signs emitting pollutants. Any sign that emits audible sound, odor, or visible matter.

N. Garage sale signs. Any sign or signs advertising a garage sale to be held at a given premises which is posted for more than 7 calendar days in any one calendar year.

O. Commercial signs advertising card room gambling or other games of chance prohibited by state law or city ordinance.

P. Banner Signs. Banners used for advertising are prohibited unless otherwise specified in this code.

Q. Signs associated with single family uses. Signs for uses allowed within single family homes are prohibited.

R. Rotating Signs. Rotating signs are prohibited in all zoning districts.

S. Rooftop Signs. Rooftop signs are prohibited in all zoning districts.

T. Any other sign. Any other sign that does not conform to all provisions of this code.

(Ord. M-3266 § 2, 1996)
(M-4034, Amended, 12/03/2012, Sec 33-Effective 01/03/2013; M-3868, Amended, 02/25/2008, Sec 5; M-3643, Added, 01/26/2004)

Section 20.960.040 Lower Density Residential Districts.

In the lower density residential districts, permitted signs include signs exempted by Section 20.960.020 Scope for uses within Central Park for which design guidelines apply, and for nonconforming uses with existing legal signs. Nonconforming signs advertising existing businesses may remain or be replaced in kind, as long as the business remains in operation, but may not be increased in size. In all Lower Density Residential Districts, the regulations of this section shall apply:

A. Billboards. Billboards are prohibited.

B. Off-premises signs. Not allowed except as provided in 20.960.090.

C. Free-standing signs

1. Allowable Area: 32 square feet per face.

2. Number of Signs: 1 (There shall be no more than one free-standing sign per frontage, and no more than one fascia sign. If both are used, they must be on different frontages).

3. Height of Sign: Maximum 8 feet to be measured from grade.

4. Encroachment: No part of the freestanding sign shall project into any public right-of-way.

5. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.

6. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

D. Fascia signs

1. Allowable Area: 5 percent of buildings' elevation with a maximum of 32 square feet.

2. Number of Signs: 1 per business. (There shall be no more than one free-standing sign per frontage, and no more than one fascia sign. If both are used, they must be on different frontages).

3. Height of Sign: Not to extend above parapet or eave line.

E. Projecting signs. Projecting signs are prohibited.

F. Rooftop signs. Rooftop signs are prohibited.

G. For sale/lease/rent signs. As specified in Section 20.960.090.

1. Allowable Area: Maximum 6 square feet per face side and as specified in Section 20.960.020.C.

2. Number of Signs: 1 per frontage.

3. Encroachment: For sale/lease/rent signs may not encroach on the property line of the subject property.

H. Rotating signs. Rotating signs are prohibited.

I. Electronic Message Center signs. Allowed subject to the following standards:

1. Allowed in association with non-residential uses only which meet the following criteria:

a. The site has frontage on a major or minor arterial; or

b. The site has frontage on a collector arterial and is at least 2 acres in size

2. Number of signs: 1 per use

3. Type: Fascia or monument-style sign only

4. Maximum size: 16 square feet (50% of allowed area of fascia or monument sign); such sign shall not be in addition to allowable area of fascia or monument sign

5. Maximum height: 8 feet measured from grade if monument sign; fascia signs shall not extend above the parapet or eave line

6. Location: The EMC sign shall either face or be located adjacent to the arterial street

7. Hours of operation: The EMC sign shall be completely turned off between the hours of 9:00 pm and 7:00 am, seven days a week

8. Additional performance standards of VMC 20.960.060, I, 2-9 shall apply to EMC signs in residential districts

9. Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.

J. Directional signs. Are regulated as specified in Section 20.960.090.

K. Business complex signs (free-standing signs only). Free standing business complex signs are prohibited. .

L. Allowable combinations of sign types. No combination of sign types is allowed. .

M. Lighting of signs. Only indirect lighting is allowed, except as otherwise allowed by VMC 20.960.040, subsection I, 9.
(M-3868, Amended, 02/25/2008, Sec 6; M-3730, Amended, 12/19/2005, Sec 33; M-3643, Added, 01/26/2004)

Section 20.960.050 Higher Density Residential Districts.
In all Higher Density Residential Districts, the regulations of this Section shall apply:

A. Billboards. Not allowed.

B. Off-premises signs. Not allowed except as provided in 20.960.090.

C. Free-standing signs

1. Allowable Area: 32 square feet per face.

2. Number of Signs: 1 per frontage.

3. Height of Sign: Maximum 8 feet to be measured from grade.

4. Encroachment: No part of the freestanding sign shall project into any public right-of-way.

5. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.

6. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

D. Fascia signs

1. Allowable Area: 5 percent of buildings' elevation with a maximum of 32 square feet.

2. Number of Signs: 1 per business. (There shall be no more than one free-standing sign per frontage, and no more than one fascia sign. If both are used, they must be on different frontages).

3. Height of Sign: Not to extend above parapet or eave line.

E. Projecting signs. Not allowed.

F. Rooftop signs. Not allowed.

G. For sale/lease/rent signs. As specified in Section 20.960.090.

1. Allowable Area: Maximum 6 square feet per face and as specified in Section 20.960.020(C).

2. Number of Signs: 1 per frontage.

3. Encroachment: Not allowed.

H. Rotating signs. Rotating signs are prohibited.

I. Electronic Message Center signs. Allowed subject to the following standards:

1. Allowed in association with non-residential uses only which meet the following criteria:

a. The site has frontage on a major or minor arterial; or

b. The site has frontage on a collector arterial and is at least 2 acres in size

2. Number of signs: 1 per use

3. Type: Fascia or monument-style sign only

4. Maximum size: 16 square feet (50% of allowed area of fascia or monument sign); such sign shall not be in addition to allowable area of fascia or monument sign

5. Maximum height: 8 feet measured from grade if monument sign; fascia signs shall not extend above the parapet or eave line

6. Location: The EMC sign shall either face or be located adjacent to the arterial street

7. Hours of operation: The EMC sign shall be completely turned off between the hours of 9:00 pm and 7:00 am, seven days a week

8. Additional performance standards of VMC 20.960.060, I, 2-9 shall apply to EMC signs in residential districts

9. Signs with an electronic message center which meet all of the above standards may also provide internal illumination to the remainder of the sign.

J. Directional signs.

1. Allowable Area. Maximum 6 square feet per face per sign.

2. Number of Signs. 1 per function per frontage.

K. Business complex signs (free-standing signs only)

1. Allowable Area: 2 square feet per business or professional tenant per face for tenant identification, and 15 square feet per face for business complex identification.

2. Height of Sign: Maximum height of 10 feet to be measured from grade. (It is recommended that the design be compatible with character of the neighborhood and the profile of the sign be as low as possible.)

3. Number of Signs: 1 per business complex.

L. Allowable combinations of sign types

1. There shall be no combinations of permanent sign types on a single street frontage.

2. Business Complex Signs are required for any business in a business complex desiring a Free-Standing Sign. The use of a Business Complex Sign shall replace all other Free-Standing Signs on the premises, except temporary or directional signs.

M. Lighting of signs

1. No neon may be used as a light source.

2. For internally illuminated signs, the background must be opaque and the illuminated portion of the sign face must not exceed 40 percent of the sign face area.

3. For Business Complex Signs, only that portion of the sign identifying the complex may be illuminated.

(M-3868, Amended, 02/25/2008, Sec 7; M-3730, Amended, 12/19/2005; M-3643, Added, 01/26/2004)

Section 20.960.060 Commercial District Signs.

In all commercial districts as defined in this Title, the following regulations and standards shall apply:

A. Billboards. Not allowed.

B. Off-premises signs. Not allowed except as provided in 20.960.090.

C. Free-standing signs

1. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of 250 square feet per face. Provided that premises with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.

2. Number of Signs: 1 per frontage.

3. Height of Sign: Maximum 25 feet to be measured from grade to top of sign.

4. Encroachment Above Public Right-of-Way: No part of the freestanding sign shall project into any public right-of-way.

5. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.

6. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

D. Fascia signs

1. Allowable Area: Maximum 12 percent of building's elevation on which the sign is erected with a guaranteed minimum of 32 square feet. Total of all sign face areas shall not exceed 250 square feet.

2. Number of Signs: No maximum number provided the total area of all signs complies with D1

above.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. Fascia Signs: Fascia Signs may not encroach into right-of-way if less than 8 feet above grade.

E. Projecting signs

1. Allowable Area: Maximum 15 percent of a building elevation on which the sign is erected. Total of all sign face areas shall not exceed 250 square feet.

2. Number of Signs: 1 per elevation per business.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. Encroachment Above Public Right-of-Way. No encroachment allowed for signs less than 8 feet above grade; 3 feet encroachment allowed for signs greater than 8 feet but less than or equal to 10 feet above grade; 4 feet encroachment allowed for signs greater than 10 feet and less than or equal to 12 feet above grade, and 6 feet for signs more than 12 feet above grade.

F. Rooftop signs. Rooftops signs are prohibited.

G. Temporary signs. Not allowed, except for portable signs in the right of way under Section 20.960.090.

H. Rotating signs. Rotating signs are prohibited.

I. Electronic Message Center signs. (Not permitted in CN)

1. The area of the electronic message center shall not exceed 20 percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.

2. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted.

3. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on-site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

4. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

5. All electronic message center signs shall have installed ambient light monitors and shall at all times allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.

6. Electronic message center signs shall not be associated with any dwelling or home occupation in any residential zone.

7. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations.

8. Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits (8,000) or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.

9. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

J. Directional signs

1. Allowable Areas: Maximum 6 square feet per face per sign.

2. Number of Signs: 1 per function per frontage.

K. Business complex signs (free-standing signs)

1. Allowable Area: 1.5 square feet per face per lineal foot of frontage up to a maximum of 250 square feet per face. Provided that a premises with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.

2. Height of Sign: Maximum 25 feet from grade to top of sign.

3. Number of Signs: 1 per frontage. A secondary sign is allowable if any single frontage exceeds 300 feet. Total square footage of all signage must fall within above formula.

L. Allowable combinations of sign types

1. Signs attached to a given building elevation will not exceed a total of 15 percent of that elevation.

2. On any street frontage, these combinations are allowable:

a. Fascia and Free-Standing Signs.

b. Fascia and Projecting Signs.

c. No other combinations allowed.

3. Business Complex Signs are required for any business in a business complex desiring a Free-Standing Sign. The use of a Business Complex Sign shall replace all other Free-Standing Signs on the premises, except temporary or directional signs.

M. Weather protection. Where a building frontage in the City Center District (CX) is provided with weather protection, said building shall be entitled to the following additional signage; and said additional signage shall not be included in the figuring of the total sign area on the building.

1. A projecting sign suspended from the weather protection structure not exceeding 6 square feet in area per face. Each business shall be allowed 1 such sign per public entry. The bottom of any sign of this type shall be at least 8 feet above the sidewalk.

2. A fascia sign attached to the building but below the weather protection device. Each business shall be allowed one such sign per public entry.
(M-3868, Amended, 02/25/2008, Sec 7; M-3868, Amended, 02/25/2008, Sec 8; M-3643, Added, 01/26/2004)

Section 20.960.070 Industrial District Signs.
In the industrial districts, the regulations and standards of this Section shall apply:

A. Billboards. Not allowed.

B. Off-premises signs in Industrial Parks.

1. Type of Sign: Monument sign.

2. Allowable Areas: Maximum 32 square feet per face per sign. Maximum of 64 square feet total all sign faces.

3. Number of Signs: 1 per business and copy must be related to the resident manufacturers or industries, and for directional purposes only (not allowed in the Industrial Districts along Lincoln Avenue, south of Fourth Plain Boulevard and east of the railroad tracks).

4. Height of Sign: Maximum 15 feet.

5. Encroachment: Not allowed.

6. Portable signs in the right of way as per 20.960.090.

C. Free-standing signs (on-site monument sign only)

1. Allowable Area: One (1) square foot per face per lineal foot of frontage up to a maximum of 250 square feet per face. Provided that premises with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.

2. Number of Signs: 1 per frontage.

3. Height of Sign: Maximum 15 feet.

4. Encroachment: No part of the freestanding sign shall project into any public right-of-way.

5. No freestanding sign shall project or extend into any vision clearance area unless approved by the Planning Official.

6. Any freestanding sign must be integrated. That is, all supports or sign elements shall be an integral part of the design. Auxiliary projections or attachments not a part of a single design are prohibited.

D. Fascia signs

1. Allowable Area: Maximum 12 percent of the building's elevation on which the sign is erected with a guaranteed minimum of 32 square feet. Total of all sign areas shall not exceed 250 square feet.

2. Number of Signs: No maximum number, provided the total area of all signs complies with D1 above.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. Fascia Signs: Fascia Signs may not encroach into right-of-way if less than 8 feet above grade.

E. Projecting signs

1. Allowable Area: Maximum 15 percent of a building elevation on which the sign is erected. Total of all sign face areas shall not exceed 250 square feet.

2. Number of Signs: 1 per elevation per business.

3. Height of Sign: No sign shall extend above parapet or eave line.

4. Encroachment: Above Public Right-of-Way: No encroachment allowed for signs less than 8 feet above grade; 3 feet encroachment allowed for signs greater than 8 feet but less than or equal to 10 feet above grade; 4 feet encroachment allowed for signs greater than 10 feet and less than or equal to 12 feet above grade, and 6 feet for signs more than 12 feet above grade.

F. Rooftop signs. Not allowed.

G. Temporary signs. Not allowed except as provided in 20.960.090.

H. Rotating signs. Not allowed.

I. Electronic message centers signs.

1. The area of the electronic message center shall not exceed 20 percent of the area of the sign; provided the area limitation shall not apply if the sign is solely limited to time and temperature.

2. All messages displayed on an electronic message center shall be directly related to the business for which the sign was constructed. No off-premises signage is permitted.

3. All electronic message centers signs shall be constructed as an integral part of a permanent sign constructed on site. Integral shall be considered to be incorporated into the framework and architectural design of the permanent sign.

4. The display shall be limited to text and static images only and shall not appear to flash, portray blinking or chasing lights, or otherwise create continuously changing images. However, scrolling of text (horizontal or vertical) is permitted. The rate of change for sign copy from one message to another shall be no more frequent than every eight seconds and the actual copy change shall be accomplished in four seconds or less. Once changed, the copy shall remain static until the next change.

5. All electronic message center signs shall have installed ambient light monitors and shall at all times

allow such monitors to automatically adjust the brightness level of the electronic message center sign based on ambient light conditions.

6. Electronic message center signs shall not be associated with any dwelling or home occupation in any residential zone.

7. Electronic message center sign permit applications must include a copy of the manufacturer's operating manual, which includes the manufacturer's recommended standards for brightness, scrolling or traveling speed, and other display operations.

8. Electronic message center signs which create a source of glare shall be adjusted or removed as directed by the Planning Official. No electronic message center sign may be illuminated to a degree of brightness that is greater than necessary for adequate visibility. In no case may the brightness exceed eight thousand nits (8,000) or equivalent candelas during daylight hours, or one thousand (1,000) nits or equivalent candelas between dusk and dawn.

9. Electronic message center sign permit applications must also include a certification from the owner or operator of the sign stating that the sign shall at all times be operated in accordance with City codes and that the owner or operator shall provide proof of such conformance upon request of the City.

J. Directional signs

1. Allowable Area: Maximum 10 square feet per face per sign.

2. Number of Signs: 1 per function per frontage.

K. Industrial complex signs (free-standing signs)

1. Allowable Area: 1.5 square foot per face per lineal foot of industrial complex frontage up to a maximum of 250 square feet per face. Provided that an industrial complex with less than thirty-two (32) lineal feet of frontage shall be allowed a maximum thirty-two (32) square foot sign per face.

2. Number of Signs: 1 per complex frontage.

3. Height of Sign: Maximum 25 feet.

L. Allowable combinations of sign types

1. No signs attached to the building will exceed a total of 15 percent of said building elevation.

2. On any frontage, these combinations are allowable:

a. Fascia and Free-Standing Signs.

b. Fascia and Projecting Signs.

c. No other combinations allowed.

(M-3868, Amended, 02/25/2008, Sec 9; M-3643, Added, 01/26/2004)

Section 20.960.080 Open Space District Signs.

Signs allowed in the Open Space District shall be governed by chapter 20.450 Open Space Zoning Districts
(M-3868, Amended, 02/25/2008, Sec 10; M-3643, Added, 01/26/2004)

Section 20.960.090 Portable Signs in the Public Right of Way.

A. Definitions

1. Permanent Portable Signs shall be defined as "onsite" signs placed in the right of way along the business frontage and on the same side of the street of the building or establishment which it advertises. Permanent portable signs shall be meant for continuous display during the hours the business is open and shall have the primary purpose of identifying the business.

2. Temporary Portable Signs shall be defined as "off-site" signs placed in the right of way advertising an approved business or use. Temporary portable signs shall be displayed during the hours the business is open and shall have the sole purpose of identifying the business or providing directions.

B. General

1. Portable signs in the public right of way shall be allowed for approved uses in all zones except in areas designated as parks, open space or greenway, and subject to the standards in Section 20.960.090. They may include off-site signs that advertise and are associated with an approved business or use or direct persons to premises different from where the sign is located.

2. Portable signs shall not be allowed as part of home occupations or uses located within residential districts. Portable signs shall be permitted as part of a home occupation in all non-residential district:

C. Design standards

1. Portable right of way sign structures shall be in the shape of an inverted V, with two sign boards attached to each other at the top of the sign (also known as a sandwich board or A-frame sign).

2. Signs shall be constructed of weather-resistant materials, such as wood, plastic, or metal. Signs constructed of impermanent materials, including but not limited to cardboard and paper are prohibited.

3. No materials such as paper, balloons, windsocks, etc., may be attached to the sign.

4. No sign shall contain foil, mirrors, bare metal, or other reflective materials which could create hazardous conditions to motorists, bicyclists or pedestrians.

5. No sign may contain lights of any kind.

D. Size and number of signs allowed

1. Maximum size of sign shall be nine (9) square feet per sign face, with a maximum of two sign faces per sign.

2. Maximum of one (1) on-site sign per approved business or use on right of way abutting the business or use including businesses having more than one street frontage.

3. Maximum of three (3) off-site signs per approved business or use.

4. Maximum height of sign shall be 36 inches above the sidewalk, walkway, or plaza upon which it is placed. The height of such signs may not be artificially increased above the allowed maximum by the placement of other materials.

E. Location of signs

1. One portable sign allowed per business to be placed in the right of way along the business frontage (front or side street) and on the same side of the street of the building or establishment which it advertises.

2. Off-site temporary signs advertising an approved business or use shall be located within a one (1) mile (driving) radius from where the business or use is being advertised.

3. No sign may be placed in such a way as to reduce the continuous unobstructed width of a sidewalk or walkway to less than five (5) feet.

4. Sign placement may not obstruct an entrance to a building, steps or driveway access.

5. No sign may be placed within a sight vision clearance triangle as (required by Section 20.985) or within twenty (20) feet of a wheelchair ramp.

6. No sign shall be placed within the roadway, traffic island, median or circle.

F. Duration

1. Permanent portable signs may be displayed in the right of way during the hours the business is open.

2. Temporary portable signs may be displayed in the right of way during the hours the business is open on Friday 10 a.m.-6 p.m., Saturday 10 a.m.-6 p.m. and Sunday 10 a.m.-6 p.m.

G. Additional Standards

1. Owners are responsible for the removal of their portable signs following business hours and during periods of strong winds.

2. Off- site portable signs may be placed in the right of way abutting private property only with the written consent of the owner(s) of the property abutting the right of way and/or their authorized representative.

3. A portable sign placed in the right of way shall bear the name and address of the person/organization placing the sign.

H. Enforcement.

1. All new portable signs shall comply immediately with the above standards. All temporary signs (conforming and non-conforming) in existence prior to January 26, 2004, shall comply with the above standards within forty-five (45) calendar days after January 26, 2004.

2. The enforcement of this section shall be governed by the provisions of Title 22 of the Vancouver Municipal Code.

I. Permit. Portable signs in the right-of-way shall be exempt from the permit and fee requirements of this chapter.

(M-3701, Amended, 05/02/2005, Sec 35; M-3663, Amended, 08/02/2004; M-3643, Added, 01/26/2004)

Section 20.960.110 Special Sign Districts.

Persons occupying 70 percent or more of the linear street frontage of properties on both sides of the street in any area, may petition the City Council for the formation of a Special Sign District. This might be done for such reasons as to create or maintain an area with a particular ethnic atmosphere, to stimulate a historic period, theater or entertainment area, or other similar purpose. A group of property owners or persons in the right of possession will be chosen by such property owners to comprise an advisory body of the Sign District. This body will draw up the criteria for signs in the District and submit such criteria to the Planning Official for his/her review and recommendation, and for review and recommendation by the Planning Commission prior to the submittal to Council for approval. Council will instruct the City Clerk to notify all owners or persons in the right of possession within the District, after which the Council may approve the Special Sign District by ordinance. If the criteria for the Special Sign District are approved and become effective, the City shall adopt them by ordinance as regulations of the Sign District.

(M-3868, Amended, 02/25/2008, Sec 13; M-3643, Added, 01/26/2004)

Section 20.960.130 Permits Required.

A. Except as otherwise provided in this Chapter, it shall be unlawful for any person to erect, construct, enlarge, move, or convert any sign in the City or cause the same to be done, without first obtaining a sign permit for each such sign from the Planning Official. This shall not be construed to require any permit for a change of copy of any reader board sign, nor for the repainting, cleaning, and other normal maintenance or repair of a sign or sign structure for which a permit has been previously issued, so long as the sign or sign structure is not modified in any way. No new permit is required for signs which have permits and which conform with the requirements of this Code on the date of its adoption, unless and until the sign cabinet or profile is altered or the sign is relocated.

B. Every sign permit issued by the Planning Official shall become null and void if work is not commenced within 180 calendar days after the date of such permit. If work authorized by such permit is suspended or abandoned for 180 calendar days any time after the work is commenced, a new permit shall be first obtained to do so, and the fee will be one-half the amount required for a new permit for such work, provided that no changes have been made in the original plans.

C. In emergency repair situations, work may be initiated and completed without first applying for a permit. However, a permit shall be applied for within 48 hours after the first working day when work commenced on the sign.

(M-3643, Added, 01/26/2004)

Section 20.960.140 Permit Application.

Application for a sign permit shall be made in writing upon forms provided by the City, and shall state the following information:

A. Name, address, and telephone number of the applicant.

B. Name, address, and telephone number of the sign owner.

C. Location by street number of the building, structure, or lot to which or upon which the sign is to be installed or affixed.

D. A drawing to scale showing the design of the sign, including dimensions, sign size, method of attachment, source of illumination, and showing the relationship to any building or structure to which it is, or is proposed to be, installed or affixed, or to which it relates.

E. A plot plan, approximately to scale, indicates the location of the sign relative to property lines, rights-of-way, streets, sidewalks, and other buildings or structures on the premises.

F. The maximum and minimum heights of the sign.

G. The number, size, and location of all existing signs on the same building, lot or premises.
(M-3643, Added, 01/26/2004)

Section 20.960.150 Permission to Install.

No person shall erect or hang a sign upon any property or building without the consent of the owner or person entitled to possession of the property or building, if any, or their authorized representatives.
(M-3701, Amended, 05/02/2005, Sec 36; M-3643, Added, 01/26/2004)

Section 20.960.160 Issuance - Denial.

A. The Planning Official shall issue a permit for the erection, alteration or relocation of a sign within the City when an application therefore has been properly made and the sign complies with all appropriate laws and regulations of the City and all procedures required by City Ordinance have been complied with and completed.

B. The Planning Official may, in writing, suspend or revoke a permit issued under provisions of this Chapter whenever the permit is issued on the basis of a misstatement of fact or fraud. When a sign permit is denied by the Administrator, he shall give written notice of the denial to the applicant, together with a brief written statement of the reasons for the denial.
(M-3643, Added, 01/26/2004)

Section 20.960.170 Effect of Issuance.

No permit for a sign issued hereunder shall be deemed to constitute permission or authorization to maintain an unlawful sign nor shall any permit issued hereunder constitute a defense in an action to abate an unlawful sign.
(M-3643, Added, 01/26/2004)

Section 20.960.180 Fees.

A fee shall be paid to the City at the time of issuance in accordance with the provisions of the City fee schedule.
(M-3643, Added, 01/26/2004)

Section 20.960.190 Commercial Sign Erector's License.

In order to obtain a permit for the erection of a sign in the City (except painted wall graphics), the applicant

must have a Washington State Contractors' license under Chapter 18.27 RCW, unless he is going to install a sign upon his own property and is exempted from such requirement by such statute.
(M-3643, Added, 01/26/2004)

Section 20.960.200 License Non-transferable.

No license shall be transferable and no holder of any license issued under this Chapter shall allow his name to be used by any other party, either for the purpose of doing work or obtaining a permit under the penalty of forfeiting his license in addition to any fine levied, and the Planning Official is authorized to refuse to issue permits to the holder of any license violating this provision.
(M-3643, Added, 01/26/2004)

Section 20.960.210 Planning Official.

The Planning Official is hereby authorized and directed to enforce and carry out all provisions of this Chapter, both in letter and spirit, with vigilance and with all due speed. The Planning Official is authorized to promulgate regulations and procedures consistent with the purpose of this Chapter. The Planning Official is further empowered to delegate the duties and powers granted to and imposed upon him/her within this Chapter.
(M-3643, Added, 01/26/2004)

Section 20.960.220 Inspection by Planning Official.

The Planning Official is hereby empowered to enter or inspect any building, structure, or premises in the City upon which, or in connection with which a sign, as defined by this Chapter, is located, for the purpose of inspection of the sign, its structural and electrical connections, and to ensure compliance with the provisions of this Chapter. Such inspections shall be carried out during business hours, unless an emergency exists. In the case of a residential use, the Superintendent shall secure assistance from the City Attorney, who may apply to a court for any necessary process to allow such inspection.

A. Maintenance. Every sign in the City, including but not limited to those signs for which permit fees are required, shall be maintained in good structural conditions at all times.

B. Signs declared unlawful. The Administrator shall declare any sign unlawful and order its removal if he finds in writing that it endangers public safety by reasons of inadequate maintenance, dilapidation or abandonment. Any such declaration shall state the reasons of the Administrator for stating that the sign constitutes a safety hazard to the general public, and must direct that it be corrected immediately or within a time to be set in such order.

C. Any sign owned, kept, displayed, or maintained by any person within the City, which is unlawful under the provisions of this Chapter, is hereby declared to be in violation of this Chapter. The Administrator may declare any such sign to be unlawful, and such declaration shall state in writing the reason or reasons why such sign and the keeping, owning, maintenance, construction, and display of this Chapter, and shall require its removal or repair within a time to be stated in such order.
(M-3643, Added, 01/26/2004)

Section 20.960.230 Violation and Penalties.

The provisions of VMC 20.140 apply to violations of this chapter.
(M-3868, Amended, 02/25/2008, Sec 17; M-3643, Added, 01/26/2004)

Section 20.960.240 Assurance of Discontinuance.

In enforcing this Chapter, the Administrator may accept a written Assurance of Discontinuance of any act or practice deemed in violation of this Chapter, or of any rule or regulation adopted pursuant hereto, from any person engaging in, or who has engaged in such act or practice. Any such assurance shall specify a time limit during which such discontinuance is to be accomplished. Failure to perform any such assurance shall constitute prima facie proof of a violation of this Chapter or any rule or regulation adopted pursuant hereto order issued pursuant thereto.

(M-3643, Added, 01/26/2004)

Section 20.960.250 Legal Nonconforming Sign.

Any advertising structure or sign which prior to the effective date (12/19/79) of the sign code ordinance (M-2035) codified in this chapter has been lawfully erected, or for which a permit to erect it had been issued prior to the effective date of the sign code ordinance codified in this Chapter and which is rendered nonconforming by this chapter may continue to exist but not to be increased in size. Provided, however, this section shall not apply to signs prohibited under subsection 20.960.030 of this chapter.

(M-3643, Added, 01/26/2004)

Section 20.960.260 Liability.

The provisions of this Chapter shall not be construed as relieving or limiting in any way the responsibility or liability of any person erecting or owning any sign for personal injury or property damage resulting from the placement of a sign, or resulting from the negligence or willful acts of such person, its agents, employees, or workmen in the construction, maintenance, repair or removal of any sign erected in accordance with a permit issued hereunder. Nor shall it be construed as imposing upon the City or its officers or employees any responsibility or liability by reason of the approval or disapproval of any signs, materials, or devices under the provisions of this Chapter.

(M-3643, Added, 01/26/2004)

Section 20.960.270 Structural and Material Requirements.

All existing legally erected signs which are rendered nonconforming by the adoption of this Chapter must comply with structural and material Code requirements of the Uniform Sign Code and the City Adopted Building Code at the time of any replacement, an alteration, or modification over and above routine maintenance.

(M-4034, Added, 12/03/2012, Sec 37-Effective 01/03/2013)

Section 20.960.280 Construction or Suitability of Materials.

All decisions by the Building Official concerning signs which involve questions of methods of construction or suitability of materials shall be subject to appeal to the Building-Fire Codes Board of Appeals pursuant to the provisions of VMC 17.08.040.

(M-3643, Added, 01/26/2004)

Section 20.960.290 Vision Clearance.

See Section 20.985 Vision Clearance.

(M-4034, Renumbered, 12/03/2012, Sec 39-Effective 01/03/2013; M-3643, Added, 01/26/2004)

Section 20.960.320 Structural and Material Requirements.

All existing legally erected signs which are rendered nonconforming by the adoption of this Chapter must comply with structural and material Code requirements of the Uniform Sign Code and the City Adopted Building Code at the time of any replacement, an alteration, or modification over and above routine maintenance

(M-3643, Added, 01/26/2004)

Chapter 20.970

SOLID WASTE DISPOSAL AND RECYCLING

Sections:

20.970.010 Purpose.
20.970.020 Applicability.
20.970.030 Amount of Storage Required.
20.970.040 Location, Design and Access Standards.

Section 20.970.010 Purpose.

Purpose. It is the intent and purpose of these provisions to implement the recycling and waste management policies of the City and to support the goals, priorities, and strategies of the Clark County and State of Washington Solid Waste Management Plans. Additionally, the purpose of these regulations is to facilitate the delivery of efficient, safe and convenient refuse and recycling services to facility occupants using collection containers, vehicles and technologies offered through the City' s contracted or licensed service providers. Facility designs must incorporate adequate storage space for both solid waste and recyclables and shall provide for a serviceable and accessible on-site location(s) and/or enclosures to temporarily store these materials between scheduled collection days.
(M-3643, Added, 01/26/2004)

Section 20.970.020 Applicability.

A. Chapter applicability. This section shall apply to new multi-family residential buildings containing five or more units and nonresidential construction projects that are subject to site plan review, as governed by Chapter 20.270 VMC.

(M-3643, Added, 01/26/2004)

Section 20.970.030 Amount of Storage Required.

A. Storage area criteria. The amount of solid waste and recyclable storage area required is based on the predominant use(s) of the building, i.e., residential, office, retail, educational/institutional, commercial/industrial or other. If a building has more than one of the uses listed in this section, and that use occupies 20% or less of the gross floor area of the building, the floor area occupied by that use shall be counted toward the floor area of the predominant use(s). If a building has more than one of the uses listed in this section, and that use occupies more than twenty percent (20%) of the gross floor area of the building, then the storage area requirement for the whole building shall be the sum of the requirement for the area of each use.

B. For multiple uses. Storage areas for multiple uses on a single site may be combined and shared.

C. Vertical storage requirements. The specific requirements are based on an assumed storage height of four feet for solid waste/recyclables. Vertical storage higher than four feet but no higher than seven feet may be used to accommodate the same volume of storage in a reduced floor space. Where vertical or stacked storage is proposed, the site plan shall include drawings to illustrate the layout of the storage area and dimensions of containers.

D. Storage standards. Storage shall be provided consistent with the following:

1. Multi-unit residential buildings containing five or more units shall provide a minimum storage area to accommodate the equivalent of one 32 gallon garbage can per residential unit plus three 33 inch by 33 inch recycling roll carts per enclosure, and space to walk between the containers. It would require an enclosure that is 8 feet by 8 feet to accommodate the containers needed for a six-plex. Complexes larger than 20 units are encouraged to include space for a cardboard dumpster. Large apartment complexes sometimes utilize a garbage compactor instead of garbage dumpster. This requires a concrete pad at least 14 feet wide and 25 feet long. Recycling roll carts are normally located with the garbage collection containers, rather than with the compactor, to improve recycling convenience and participation. Below is a table showing garbage dumpster sizes in cubic yards, dumpster dimensions, the weight of an empty container, and the number of apartments units that could be served by a given container size, assuming 1 to 1 ½ 32-gallon equivalent per unit. Garbage dumpsters larger than three or four cubic yards do not have wheels, so it is necessary to allow sufficient space so they can be emptied without being rolled out. No solid waste or recyclables collecting shall be done in any residential zone before 6:30 a.m. or after 6:30 p.m. (VMC 6.12.130).

Table 20.970.020-1
Approximate Garbage Dumpster Sizing

Dumpster size	Width	Depth	Weight (empty)	Apartments Served
1 yard	79 inches	30 inches	298 pounds	4-6 units
1.5 yard	81 inches	39 inches	329 pounds	6-9 units
2 yard	81 inches	40 inches	395 pounds	8-12 units
3 yard	81 inches	47 inches	481 pounds	12-18 units
4 yard	81 inches	57 inches	565 pounds	16-24 units
5 yards	81 inches	64 inches	613 pounds	20-30 units
6 yard	81 inches	68 inches	674 pounds	24-36 units
8 yard	81 inches	82 inches	812 pounds	32-48 units

Note: Recycling containers/roll carts require additional storage space. Generally 3 roll carts are needed for each 10-12 units.

2. Nonresidential buildings shall provide a minimum storage area of ten (10) square feet plus:

   a. Office: four sq. ft./1,000 sq. ft. of gross floor area (GFA);

   b. Retail: 10 sq. ft./1,000 sq. ft. of GFA;

   c. Educational/Institutional: four sq. ft./1,000 sq. ft. of GFA; and

   d. Other: four sq. ft./1,000 sq. ft. of GFA.

3. Large developments or single buildings utilizing a compactor(s) for garbage and/or recycling disposal shall plan for the size of concrete pad appropriate for the equipment being installed and the volume of waste and recycling to be generated, plus allocate additional space for containers for materials not compacted. It is required that space needs be determined based on an assessment of how similarly sized facilities meet their waste disposal and recycling needs.

(M-3643, Added, 01/26/2004)

Section 20.970.040 Location, Design and Access Standards.

A. Location. Required storage areas for solid waste and recyclable materials shall comply with the following standards:

1. The storage area(s) for source-separated recyclable materials in multi-unit residential complexes shall be at the same locations(s) as storage areas for residential mixed solid waste.

2. Indoor and outdoor storage shall comply with City Adopted Building and Uniform Fire Code requirements.

3. Storage area space requirements can be satisfied with a single location or multiple locations, and can combine both interior and exterior locations. Storage areas shall be no farther than 200 feet from the exits(s) of each building and be easily accessed by users and maintenance personnel.

4. Outdoor storage areas can be located within interior side yard or rear yard areas. Outdoor storage areas shall not be located within a required front yard setback or in a yard adjacent to a public right-of-way or private street easement, except alleys, unless no alternative location is possible. Outdoor storage areas shall not be located in a side or rear yard setback that abuts property that is not within the same development, i.e. impacts of the location on neighboring properties is an important consideration. Every effort should be made to locate outdoor garbage and recycling areas so as to minimize their impacts on neighboring properties. When a single family home is converted to an office, the business owners are encouraged to continue roll cart garbage service instead of dumpster service to minimize the noise impacts on their neighbors.

5. Exterior storage areas shall address both user safety/security and aesthetic considerations.

6. Exterior storage areas can be located in a parking area if the proposed use provides at least the minimum number of parking spaces required per the requirements of Chapter 20.945 VMC, Parking and Loading, after deducting the area used for storage and access.

7. The storage area shall be accessible for collection vehicles and located so it will not obstruct pedestrian or vehicle traffic movement on the site or on public streets or sidewalks adjacent to the site.

B. Design standards.

1. The dimensions of the storage area shall accommodate containers consistent with current methods of local collection.

2. Storage containers shall meet Uniform Fire Code standards and be made of and covered with waterproof materials or situated in a covered area.

3. Exterior storage areas shall be enclosed by a screen comprised of a sight-obscuring wall, fence and/or vegetation. A gate(s) through the fence shall allow access to users and haulers. The gate(s) for haulers shall be capable of being secured in closed and open positions.

4. Storage containers shall be clearly labeled to indicate the type of materials accepted.

5. Where electrical connections or engineered structures and surfaces are required to support the utilization of specialized compaction or similar solid waste or recyclables storage and handling

equipment, these shall be designed according to the applicable codes.

C. Access standards.

1. Access to storage areas can be limited for security reasons. However, the storage area shall be accessible to users at convenient times of the day, and to collection service personnel on the day and approximate time they are scheduled to provide collection service.

2. Storage areas shall be designed to be easily accessible to collection trucks and equipment, considering paving, grade and vehicle access. The percent of grade for access to the pad or enclosure shall not exceed 3%. A minimum of 10' horizontal clearance and 8' of vertical clearance for truck access are required if the storage area is covered. Where direct truck access to a storage area is not possible, the grade and ramp design shall consider the weights and size of containers than can reasonable and safely be managed for "roll-out" to an accessible truck loading position. Only containers 4 cubic yards and smaller can be rolled. Non-rolled containers require 18' vertical clearance in order to be emptied in place.

3. Storage areas shall be accessible to collection vehicles without requiring backing out of a driveway onto a public street. If only a single access is available to the storage area, adequate turning radius shall be provided to allow collection vehicles to safely exit the site in a forward motion. In the absence of a through-street or driveway, a cul-de-sac with a minimum of a 50 foot turning radius should be provided for vehicle maneuvering at the end of the street or driveway. When this is not possible, a hammerhead turnaround at least 20 feet by 20 feet in addition to the street width, should be provided.

(M-3643, Added, 01/26/2004)

Chapter 20.985

VISION CLEARANCE

Sections:

20.985.010 Purpose.
20.985.020 Development Standards.

Section 20.985.010 Purpose.

Purpose. The purpose of this Chapter is to ensure that development or redevelopment on a site will not impede visibility of operators of motor vehicles using the City' s street system.
(M-3643, Added, 01/26/2004)

Section 20.985.020 Development Standards.

A. Conditional sight obstructions. Nothing in this title shall be deemed to permit a sight obstruction at a street intersection or service drive interfering with the view of the operation of motor vehicles on the streets to such an extent as to constitute a traffic hazard.

B. Provisions with precedence. The provisions of this Section shall take precedence over any building and parking setbacks, except in the City Center District (CX) where the City Transportation Manager may authorize lesser requirements upon a finding that the public health, safety and welfare will not be adversely impacted.

C. Provisions for established vision area. There shall be no sight obstruction between 30" and 10' above the street grade within the triangular vision clearance area established as follows:

1. Street Intersection. In the case of a street intersection, or street and alley intersection, two sides of this triangle are lot lines measured 20' from their intersection, and the third side is a line across the corner of the lot joining the extremities of the other two sides. See Figure 20.985–1.

2. Commercial Driveways and Private Streets. In the case of service drives, a triangle whose base extends 30' along the street right-of-way line in both directions from the centerline of the service drive with the apex of the triangle 30' into the property on the centerline of said service drive. See Figure 20.985–2.

3. Residential Driveways. In the case of a private driveway, two sides of the triangle are measured 7' from the intersection of the right-of-way line and edge of the driveway, one side extending up the driveway and the other along the public right-of-way. The third side of the triangle is a line connecting the extremities of the other two sides. See Figure 20.985–3.

a. Residential Driveways on Alleys. In the case of private driveways on an alley, this section shall not apply.

Figure 20.985 - 1
Street Intersection

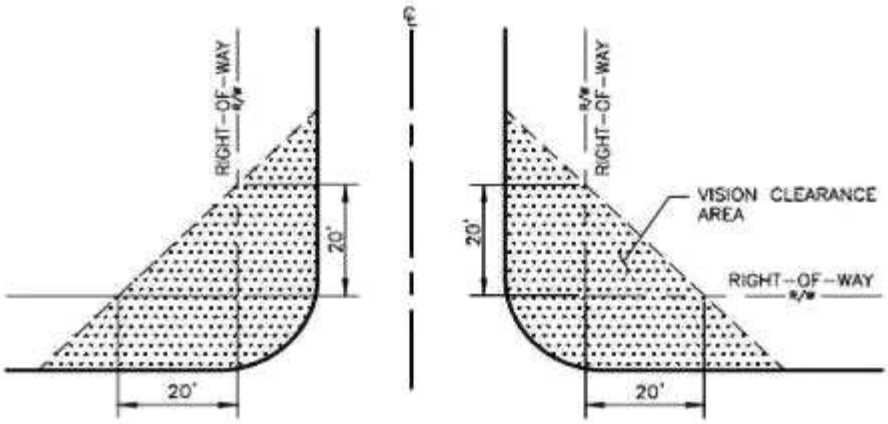


Figure 20.985 - 2
Commercial Driveways and Private Streets

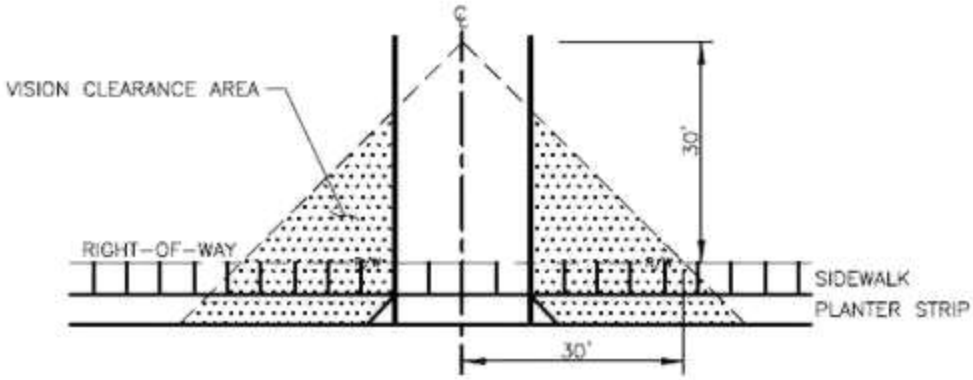
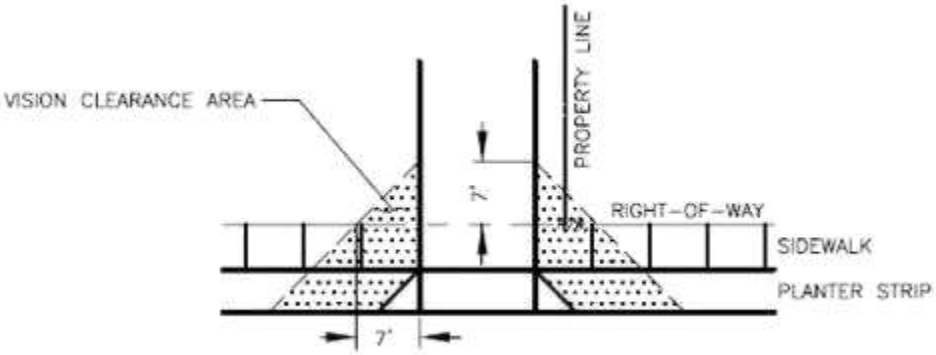


Figure 20.985-3
Residential Driveways



(M-3922, Amended, 07/06/2009, Sec 45; M-3840, Amended, 08/06/2007, Sec 47; M-3701, Amended, 05/02/2005, Sec 37; M-3643, Added, 01/26/2004)