

**ATTACHMENT D: ORDINANCE FOR COMPREHENSIVE PLAN AND ZONING MAP
CORRECTIONS AND TEXT CHANGES**

11/25/19

12/02/19

ORDINANCE NO. M_____

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending text of Vancouver Comprehensive Appendix E, and Vancouver Municipal Code 20.150, 20.225, 20.245, 20.270, 20.290, 20.320, 20.330, 20.410, 20.420, 20.430, 20.440, 20.450, 20.630, 20.680, 20.700, 20.730, 20.740, 20.790, 20.890, 20.945, 20.960; providing for severability; and establishing an effective date.

WHEREAS, pursuant to the Growth Management Act the City Council has adopted a Comprehensive Plan for the City of Vancouver (Ordinance M-3994), and Title 20 zoning standards (last amended through Ordinance M-4034); and

WHEREAS, Vancouver staff annually reviews citywide Comprehensive Plan and zoning map designations, and the text of the Comprehensive Plan and VMC Title 20 to determine if updates are warranted to correct errors, update references or amend policies, and through said review identified the proposed amendments subject to this ordinance; and

WHEREAS, the Vancouver Planning Commission reviewed the proposed changes at duly advertised work sessions on August 13, September 10, September 24 and October 8, 2019, and duly advertised public hearings on October 8, and October 22, 2019, and at those hearings, in consideration of cumulative impacts of all the proposed Comprehensive Plan changes, voted to recommend approval of the Comprehensive Plan and zoning text amendments described herein for adoption to the City Council; and

WHEREAS, the City Council conducted a duly advertised public work session on

October 14, a first reading of the proposed ordinance on November 25, and a public hearing on December 2 2019, following which the Council agrees with the Planning Commission recommendations; and

WHEREAS, the cumulative environmental impacts of the proposed Comprehensive Plan and zoning changes have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. Notices of Determinations of Non-significance (DNS) were issued on September 17, 2019 for the proposed Comprehensive Plan and zoning text changes, and no SEPA comments or appeals were received; and

WHEREAS, the City Council finds and concludes that the proposed changes are consistent with the policies and provisions of the Comprehensive Plan that encourage orderly development within the community and the Growth Management Act pursuant to the requirements of Chapter 36.70A. RCW; and

NOW, THEREFORE,

BE IT ORDAINED BY THE CITY OF VANCOUVER:

Section 1. Findings and Conclusions. The Planning Commission findings and conclusions as set forth in the staff reports for the October 8 and October 22 public hearings, are hereby adopted as the City Council's findings of fact; and

Section 2. Comprehensive Plan and Zoning Map Changes.

A. Zoning map designations for parcels 109951008, 109951006, 109951004, and 109951002 at 8601, 8607, 8613 and 8701 NE 28th Way are amended from a split of R-6 and R-18 to R-6 on the entirety of said properties. Zoning map designations for parcels 109951142 and 109951144 at 2721 and 2725 NE 87th Avenue are amended

from a split of R-6 and R-18 to R-18 on the entirety of said properties.

- B. The Comprehensive Plan designation for parcel 110084285 at 3100 NE 96th Avenue is amended from Open Space to Urban Low Density
- C. The Comprehensive Plan designation for parcel 22960000 at 2908 S Street is amended from a split of Open Space and Public Facility to Public Facility on the entire property
- D. The Comprehensive Plan designation for parcel 164254000 at 3704 NE 162nd Avenue S Street is amended from a split of Urban Low Density to Open Space

Section 3. Comprehensive Plan Text Changes.

- A. **Vancouver Comprehensive Plan 2011-2030 Appendix E, Other Plans and Documents adopted by Reference, Item 1, 9th bullet, last adopted by Ordinance M-4147, is amended as follows:**

- *Vancouver Public Schools Capital Facilities Plan 2014-2020, Evergreen Public Schools Capital Facilities Plan ~~2015-2021~~ 2019-2025, and Camas School District, Capital Facilities Plan 2015-2021.*

Section 4. Zoning Code Text Changes.

- A. **VMC 20.150.040.A, which was adopted by Ordinance M-3643, and last amended by M-4179, is amended as follows.**

20.150-4 Definitions

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

- B. **Table 20.225.020-1, in VMC 20.225, which was last amended by M-3959, is amended as follows:**

Table 20.225.020 -1. SUMMARY OF LAND USE PERMITS AND RELATED ACTIONS

PERMIT/ ACTION	PROCEDURE TYPE	PROCEDURAL REQUIREMENTS	APPROVAL CRITERIA	OTHER DEVELOPMENT REGULATIONS
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
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)	---

C. VMC 20.245, which was adopted by Ordinance M-3643, and last amended by M-3959, is amended as follows.

20.245.020

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 nonresidential use by more than ~~10~~25%, except for schools, which shall have a threshold of ~~25~~50% 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 II application, pursuant to Section 20.210.0650 VMC.

20.245.030.A.8. 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, or 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).

D. VMC 20.260, which was adopted by Ordinance M-3643, and last amended by M-3840, is amended as follows.

20.260.020.B.

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%~~ 15% 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, duplex, triplex, and townhome and other fourplex residential units. Duplexes, triplexes, fourplexes, and townhomes located on the perimeter of the development directly abutting single-family zoning districts shall have a height limit of 35 feet.

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.

20.260.040.C.

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 shall be aggregated and centralized to the development where to the fullest extent feasible and shall consist primarily of a combination of landscaped open areas. Unlandscaped natural areas or paved hardscape areas may also be

~~included if they also promote active or passive recreational uses and congregation, paved (hard-scaped) areas. Such common open space shall include some combination of the following: Features may include plazas, arbors, sitting areas, picnic areas, playing fields and trails to accommodate a variety of active and passive activities and promote visual interest.~~

E. VMC 20.270, adopted by Ordinance M-3664, and last amended by Ordinance M-3959, is amended as follows:

20.270.020.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 nonresidential development of less than 12,000 square feet. or, if existing, an increase in the floor area of a nonresidential 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;~~

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 nonresidential developments of 12,000 square feet or more of, if existing, an increase in the floor area of a nonresidential structure or use by more than 6,000 square feet; 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.

20.270.040.A.4. Certified mailing list (not applicable for Type I applications). Current Clark County assessor map(s) showing the property(ies) within a 500-foot radius of the site, per the requirements in VMC [20.210.050](#) and [20.210.060](#), decision-making procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500-foot radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For nonowner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available county assessor records (two copies).

F. VMC Chapter 20.290.030, adopted by Ordinance M-3643, and last amended by Ordinance M-3840, is amended as follows:

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. Application - Fees. The applicant must submit a completed application form as prescribed by the planning official with applicable fee per Chapter 20.180 VMC.~~

~~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 legible for digital reproduction 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 (Type II only). 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, or a title company. For nonowner 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 1/2" x 11" reduced plan.~~

G. VMC Chapter 20.320, adopted by Ordinance M-3643, and last amended by Ordinance M-4254, is amended as follows:

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 VMC ~~20.285.050~~ 20.210.050, using approval criteria contained in VMC 20.320.040, and additional requirements of Chapter 20.920 VMC if a qualifying infill development, and Chapter 20.927 VMC if a qualifying narrow lot development.

20.320.030.B.2. Preliminary plat. The proposed preliminary plat shall include the name of the subdivision or short subdivision which shall not be named the same as an existing plat recorded in Clark County Washington along with the following:

20.320.030.B.4.i. Supplementary information. The following supplemental information shall also be submitted unless otherwise indicated in parentheses:

- i. Certified mailing list. Current Clark County assessor map(s) showing the property(ies) within a 500-foot radius of the site, per the requirements in VMC 20.210.050 and 20.210.060, decision-making procedures, and two sets of mailing labels with the names and addresses of owners of all properties within the 500-foot

radius. Such list shall be certified as accurate and complete by the Clark County assessor or a title company. For nonowner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available county assessor records (two copies);

H. VMC Chapter 20.330, adopted by Ordinance M-3643, and last amended by Ordinance M-3840, is amended as follows:

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:~~

~~1.2. The binding site plan name, which that must be other than the name of an existing subdivision, short subdivision or binding site plan addition or plat;~~

C. Preliminary plat information. The applicant shall provide ~~one original and seven copies of~~ the following information:

C.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.~~

C.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. b. Geotechnical/soils survey (four copies); if applicable;~~

~~h. c. Tree plan that complies with the requirements of Chapter [20.770](#) VMC, Tree Conservation, if applicable;~~

~~i. d. Preliminary stormwater and erosion control plans as governed by Chapters [14.25](#) VMC, Stormwater Control, and Chapter [14.24](#) VMC, Erosion Control (four copies);, if applicable;~~

~~j. e. 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. f. Archaeological Pre-Determination Report, if applicable, that complies with the requirements of Chapter [20.710](#) VMC, Archaeological Resource Protection (four two 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);~~
~~g m. Southwest Washington Clark County Public Health District Development Review Evaluation Form (four copies);~~
~~n. Pre-application conference notes; and~~

20.330.030.C.4 o. h. 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 20.285 20.210 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 nonowner occupied properties, provide mailing labels addressed to "occupant" as can be determined from available County Assessor records.

I. VMC 20.410, adopted by Ordinance M-3643 and last amended by M-4255, is amended as follows:

Table 20.410.030-1

-Parks/Open Space	R-2	R-4	R-6	R-9
- Neighborhood Parks	P	P	P	P
- Community Parks	P L¹⁰/C	P L¹⁰/C	P L¹⁰/C	P L¹⁰/C
- Regional Parks	C	C	C	C
- Trails	P L¹⁰/C	P L¹⁰/C	P L¹⁰/C	P L¹⁰/C

~~10 Community parks that meet all of the criteria contained in VMC 20.410.050(E)(1) are permitted by limited uses; all others require conditional use approval. Trails are limited uses subject to the additional development standards contained in VMC 20.410.050(E).~~

~~**20.410.050.E. Criteria for Parks/Open Space as limited uses.**(Reserved for future use)~~

20.410.050.F 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:

- Manufactured homes must meet the development standards of the base zone unless otherwise noted.
- 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).
- 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.
- The manufactured home must meet the following requirements
 - For the principal dwelling unit: Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

J. VMC 20.420.020, adopted by Ordinance M-3643, and last amended by M-4255, is amended to read as follows:

20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and ~~protecting~~ protecting 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 nonresidential 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.

Table 20.420.030-1

-Parks/Open Space	R-18	R-22	R-30	R-35
-Neighborhood Parks	P	P	P	P
- Community Parks	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$
- Regional Parks	C	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$
- Trails	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$	P $\frac{L^{13}}{C}$

~~13 Community, regional parks and trails that meet all of the development standards in VMC 20.420.050(E)(1), (2) and (3), respectively, are permitted by as limited uses; all others require a Conditional Use approval.~~

20.420.050.E. ~~Criteria for Parks/Open Space as limited uses.~~ (Reserved for future use)

K. VMC 20.430, adopted by Ordinance M-3643 and last amended by M-4255 is amended to read as follows:

20.430.020 List of Zoning Districts

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 mixed use 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, mixed use and civic uses with a City-wide to regional trade area. 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.

Table 20.430.030-1 Commercial and Mixed Use Districts Use Table

Table 20.430.040-1 Development Standards								
USE	CN	CC	CG	CX**	WX**	CPX**	MX***	RGX****
<i>Residential</i>								
<i>Household Living</i>	L ⁴	L ^{4, 8}	L ^{4, 8}	L ^{42, 8}	L ^{5, 8}		P ⁸	P ⁸

Table 20.430.030-1 footnote 4 All ~~of~~ or part of residential uses must be located above the ground floor of the structure as specified by VMC [20.430.060\(B\)\(2\)](#) 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 VMC [20.430.020\(B\)](#)).

Table 20.430.040-1 Commercial Development Standards

Table 20.430.040-1 Development Standards								
STANDARD	CN	CC	CG	CX**	WX**	CPX**	MX***	RGX****
<i>Minimum Lot Size</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>		<i>None</i>	<i>None</i>
<i>Minimum Lot Width</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>		<i>None</i>	<i>None</i>
<i>Minimum Lot Depth</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>	<i>None</i>		<i>None</i>	<i>None</i>
<i>Maximum Lot Coverage</i>	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%

<p align="center">Table 20.430.040-1 Development Standards</p>								
STANDARD	CN	CC	CG	CX**	WX**	CPX**	MX***	RGX****
<i>Minimum Setbacks</i>								
Front yard	See <u>minimum setbacks sharing property line</u> below	See <u>minimum setbacks sharing property line</u> below <u>3</u>	See <u>minimum setbacks sharing property line</u> below <u>3</u>	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 yard	See <u>minimum setbacks sharing property line</u> below	See <u>minimum setbacks sharing property line</u> below <u>3</u>	See <u>minimum setbacks sharing property line</u> below <u>3</u>	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 <u>minimum setbacks sharing property line</u> below	See <u>minimum setbacks sharing property line</u> below <u>3</u>	See <u>minimum setbacks sharing property line</u> below <u>3</u>	None				None
Side yard	See <u>minimum setbacks sharing property line</u> below	See <u>minimum setbacks sharing property line</u> below <u>3</u>	See <u>minimum setbacks sharing property line</u> below <u>3</u>	0/5' ⁴	5'			0/5' ⁴
Street Side yard	See <u>minimum setbacks sharing</u>	See <u>minimum setbacks sharing property line</u>	See <u>minimum setbacks sharing property line</u>	None	None			None

<p align="center">Table 20.430.040-1 Development Standards</p>								
STANDARD	CN	CC	CG	CX**	WX**	CPX**	MX***	RGX****
	<u>property line</u> below	below 3	below 3					
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 nonresidential districts	Pursuant to screening and buffering standards contained in VMC Tables 20.925.030-1 and 20.925.030-2.							
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. Single-family residential development shall meet the development standards of the R-6

zone, except that the minimum lot size shall be 7,000 square and maximum lot size shall be 14,500 square feet. Any changes to platted single family lots including lot line adjustments, adding new lots or consolidating lots shall comply with the approved master plan and applicable provisions of VMC Chapter 20.680 Riverview Gateway Plan District.

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.

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. Building scale/transition:~~

~~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-C).~~
- ~~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, [20.650.030](#) (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-C).~~
- ~~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\(M\)\(1\)-\(3\)](#). (Ord. M-3643, 2004~~

L. VMC 20.440, adopted by Ordinance M-3643, and last amended by Ordinance M-4255, is amended as follows:

Table 20.440.030-1. Industrial Zoning Districts Use Table

Parks/Open Space	OCI	IL	IH	ECX
- Neighborhood Parks	P	€ P	€ P	P
- Community Parks	€ P	€ P	€ P	€ P
- Regional Parks	C	C	C	C
- Trails	€ P	€ P	€ P	P

Table 20.440.030-1. Industrial Zoning Districts Use Table, footnote 11

11. ~~Subject to NAICS Table 20.440-2. (reserved for future use)~~

M. VMC 20.630.070, adopted by Ordinance M-3643, and last amended by Ordinance M-4071, is amended as follows:

Table 20.630.070-1. City Center West Employment Overlay Use Table

Use	
Human Service Facilities	L ²

~~2 Subject to provisions of Chapter [20.970](#) VMC Human Service Facilities.~~

N. VMC 20.650, adopted by Ordinance M-3643, is amended as follows:

Chapter 20.650
WATERFRONT MIXED USE (WX) PLAN DISTRICT

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. (Ord. M-3643, 2004)

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. (Ord. M-3643, 2004)~~

The requirements of this Chapter apply to property that is zoned Waterfront Mixed Use (WX).

20.650.025 Administration.

~~A. *Master plan required.* An applicant who proposes any Prior to development within the Columbia River Shoreline Enhancement District, the applicant must obtain approval of master plan ~~must submit a master development plan~~ per the requirement of Chapter 20.260 VMC, *Planned Developments*. Chapter 20.620 *Columbia River Shoreline Enhancement Plan District*.~~

~~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. (Ord. M-3643, 2004)*

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, aerals 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. (Ord. M-3643, 2004)

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. (Ord. M-3643, 2004)*

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. (Ord. M-3643, 2004)*

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 [20.650.025](#) 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,~~ as stated in 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. (Ord. M-3643, 2004)*

O. VMC 20.680.040 which was adopted by Ordinance M-3643, and last amended by Ordinance M-4179, is amended as follows:

20.680.040.c.

6. The Master Plan achieves the following objectives:

j Includes standards or legal agreements ensuring shared parking is utilized to the maximum extent practicable throughout the master plan area. The number of non-structured parking spaces provided for individual uses shall be no less than indicated in VMC Table 20.945.070-12, Minimum Off-Street Vehicle Parking Requirements and no more than 115% of that amount.

P. VMC 20.740 which was adopted by Ordinance M-3643, is amended as follows:

20.740.020 General Provisions.

A. No Net Loss of Functions. 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. Relationship to Other Regulations.

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. (Ord. M-4017 § 4, 2012; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

E. 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\(D\)](#).

20.740.030 Applicability and Exemptions from Requirement to Obtain Permit.

A. Applicability.

1. Unless exempted by this chapter ~~[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 by this chapter. ~~[VMC [20.740.030\(B\)](#)].~~

B. Statements of Exemption Process { Process is moved to this location for better flow. }

For exempt activities listed in 20.740.030(C)(1) below, a written Statement of Exemption from securing a Critical Areas Permit must be obtained prior to undertaking any development activity. Activities exempt 20.740.030(C)(2) do not require a statement of exemption.

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.

C. Exemptions from Requirement to Obtain a Critical Areas 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.~~

{Moved to B}

The following activities shall obtain a Statement of Exemption under [20.740.030\(B\)](#) above:

a. Existing Structure Remodel – Impervious Surface Increase Less than 500 Square {Header Added}

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. No Impervious Surface Increase in the Riparian Management Area or Riparian Buffer

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. Approved Subarea Plan with EIS

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. Fence

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 [20.7.40](#) (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. On-site Critical Area will be Avoided

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. Fire-Defensible Space

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 [20.7.40.040\(I\)](#)) or undertaking other development requires a Critical Areas Permit under VMC [20.7.40.040\(B\)\(1\)\(f\)](#) 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.

The follow activities are exempt from needing a Critical Areas Permit and do not require a statement of exemption:

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. Valid Critical Areas Permit

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. Hazard Tree

Emergency or hazard tree removal (as defined in VMC [20.770](#)) conducted so that critical area impacts are minimized.

d. Landscape Maintenance

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. Noxious or Invasive Plants

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. Pesticides, Herbicides, Fungicides or Fertilizers 25 feet from Critical Area

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 Federal Approved Conservation or Preservation

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. Harvesting Wild Crops

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 Activities

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. Land 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. Navigational Aids and Boundary Markers

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. Agricultural Activities

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.

~~m.~~ State or Federally Approved Restoration or Enhancement Project

Implementation of a state or federally approved restoration or enhancement project not related to any development project.

n. Operation, Repair and Maintenance

~~e.~~ 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.

o. Areas with only ground shaking or liquefaction hazards

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.

~~p.~~ Public improvement projects located within existing impervious surface areas.

q. City, State or Federally Approved Stand-alone "Critical Area" Creation Project

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](#).

r. Clearing in Frequently Flood Area and/or Seismic Hazard Area Only

Clearing vegetation within the floodplain but outside the Riparian Management Area or Riparian Buffer (see VMC [20.740.040\(B\)\(1\)\(f\)](#)).

~~s.~~ Clearing vegetation in critical areas that are only seismic hazard areas (see VMC [20.740.040\(B\)\(1\)\(f\)](#)).

~~s.~~ Fence Repair

Maintenance, repair, and in-kind replacement of existing fences.

t. Seismic Hazard Areas Only

Sites identified as located within only a Seismic Hazard Area (VMC 20.740.130 – Geologic Hazard Areas) shall be exempt from needing to obtain a critical areas permit. All projects within the Seismic Hazard Area must comply with the Building Code at time of building permit review including providing a geotechnical report.

{ Comment - Requiring a report from a geotech prior to building permit has only created extra work for applicants and staff as all the code only says that the project must comply with the building code. Therefore it makes sense to not require a critical areas permit at land use permit as this is best handled at building permit. }

(Ord. M-4034 § 23, 2012; Ord. M-4017 § 5, 2012; Ord. M-3931 § 22, 2009; Ord. M-3922 § 36, 2009; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

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 or within any critical areas for proposals involving only an addition to an existing single family home, including accessory structures.~~

~~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. Final A. Critical Areas Permit Process. {Process is hard to follow simplifying}~~

~~1. Pre-application Conference Required. A preapplication meeting or waiver per VMC 20.210 is required prior to submitting a critical areas permit. Provided, pre-application conferences shall not be required for the following:~~

- a. Proposed activities within only ground shaking and/or liquefaction areas
- b. Proposals involving only an addition to an existing single-family home, including accessory structures.
- c. Other minor improvements determined by the Planning Official to not warrant a pre-application meeting.

~~21. —Type I Application-Critical Areas Permit. The following activities shall be processed as a All Critical Areas Permits as determined to be necessary under Chapter 20.740 and as stated below shall be processed as a Type I permit or when submitted with another land use application, reviewed according to the procedures of the underlying land use application pursuant to VMC 20.210. ~~20.210.040~~ except a pre-application conference shall be required unless waived pursuant to VMC ~~20.210.080(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 this Chapter~~ by VMC ~~20.740.030(B)(2)(g)~~.
- 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)(e)~~); (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(H)~~). 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 (H)~~).
- 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.

€B. Notice on Title – Covenant and Tracts.

1. Covenants. This section applies to all nonexempt 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\(~~C~~ B\)\(1\)](#) 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\(~~C~~ B\)\(2\)\(b\)](#) for exceptions.

a. The property owner shall place the subject critical areas and buffers in one or more nondevelopable 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\(~~C~~ B\)\(2\)\(a\)](#) 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."

C ~~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.

~~D-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.

~~E-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.

~~F-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.

~~G-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 [20.740.040\(HG\)\(1\)\(e\)](#).

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.

H+ 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(BA)(+2)(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.

I+ 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).

20.740.140 Wetlands.

{Minor Change to table to be consistent with recent change in state law}.

Table 20.740.140-2. RATING SYSTEM

Level of Function	Habitat Score in Rating System
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Level of Function	Habitat Score in Rating System
High	8 – 9
Moderate	5–7 <u>6-7</u>
Low	3–4 <u>3-5</u>

Q. VMC 20.790.630, which was adopted by Ordinance M-3643, and last amended by Ordinance M-4034, is amended as follows:

20.790.630.G2

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:

~~ooo. 20.870 VMC, Human Service Facilities,~~

R. VMC 20.890.070, which was adopted by Ordinance M-3643, and last amended by Ordinance M-4147, is amended as follows:

20.890.070.C 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. The facility complies with all applicable standards of the FAA and FCC, including RF energy standard.

S. VMC 20.915.060, which was adopted by Ordinance M-3643, and last amended by Ordinance M-4223, is amended as follows:

Table 20.915.060-1

Table 20.915.060-1 School District Impact Fees		
School District	Single-Family	Multi-Family
Battle Ground	\$6,397	\$2,285
Camas	\$5,371	\$5,371
Evergreen	\$6,100 <u>\$6,432</u>	\$7,641 <u>\$3,753</u>
Vancouver	\$2,880.75	\$2,381.93

- T. VMC 20.945, which was adopted by Ordinance M-3643, and last amended by Ordinance M-4255, is amended as follows:**

20.945.040.D. *Location. Parking spaces shall not be permitted in any setback except as otherwise specified in this title. For single-family and duplex dwellings, vehicle, vessel, recreational vehicle trailer 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; does not extend into City right-of-way; and is currently licensed and registered. 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.*

Table 20.945.070-2. Minimum Off-Street Vehicle Parking Requirements

<i>Use</i>	<i>Minimum</i>
<i>Multi-Dwelling Units</i>	<i>1.5/DU^d</i>

4 Requirements for multi-family dwelling units are reduced in the following circumstances:

- 0.75 spaces per units which are affordable to households whose adjusted income is at or below fifty percent of the median household income adjusted for household size in Clark County as reported by the U.S department of Housing and Urban Development. One unit per on-site employee shall also be provided.*
- No parking shall be required for units specifically dedicated for seniors or persons with disabilities. One unit per on-site employee shall be provided.*
- Applications using these provisions shall include a covenant or guarantee that units subject to the above parking standards be maintained for at least 30 years.*
- Senior multi-family housing projects shall provide on-site parking at a minimum rate of one space per dwelling unit.*

- U. VMC 20.960.320, which was adopted by Ordinance M-3643, is amended as follows:**

~~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 (Ord. M 3643, 2004)~~

Section 4. Severability. If any clause, sentence, paragraph, section, or part of this ordinance or the application thereof to any person or circumstances shall be adjudged by any court of competent jurisdiction to be invalid, such order or judgment shall be confined in its operation to the controversy in which it was rendered and shall not affect or invalidate the remainder of any parts thereof to any other person or circumstances and to this end the provisions of each clause, sentence, paragraph, section or part of this law are hereby declared to be severable.

Section 5. Effective Date. This ordinance shall go into effect 30 days after adoption.

Section 6. Instruction to City Clerk. The City Clerk shall transmit a copy of the revised development code to the Washington Department of Commerce.

Read First Time:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Council Members

Read Second Time:

PASSED BY THE FOLLOWING VOTE:

Ayes: Councilmembers

Nays: Councilmembers

Absent: Councilmembers

SIGNED this _____ day of _____, 2019

Anne McEnery-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk
By: Carrie Lewellen, Deputy City Clerk

Approved as to form:

Jonathan Young, City Attorney

SUMMARY

ORDINANCE NO. M_____

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver and Vancouver Municipal Code (VMC) Title 20; amending text of Vancouver Comprehensive Plan Appendix E, and Vancouver Municipal Code 20.150, 20.225, 20.245, 20.270, 20.290, 20.320, 20.330, 20.410, 20.420, 20.430, 20.440, 20.450, 20.630, 20.680, 20.700, 20.730, 20.740, 20.790, 20.890, 20.945, 20.960; providing for severability; and providing for an effective date.

The full text of this ordinance will be mailed upon request. Contact Raelyn McJilton, Records Officer at 487-8711, or via www.cityofvancouver.us (Go to City Government and Public Records).