

ATTACHMENT E - ORDINANCE FOR COMPREHENSIVE PLAN AND ZONING TEXT CHANGES

12/04/23

12/18/23

ORDINANCE NO. M_____

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver, Vancouver Municipal Code (VMC) Title 20, and the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan; amending Chapter 5 and Appendix E of the Vancouver Comprehensive Plan 2011-2030; amending VMC 20.150, 20.160, 20.170, 20.180, 20.210, 20.245, 20.270, 20.330, 20.410, 20.740, 20.790, and 20.950; amending the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022-2031); 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, the Vancouver Planning Commission reviewed proposed changes at duly advertised work sessions on July 25 and September 12, and duly advertised public hearings on September 12 and October 24, 2023, and at those hearings voted to recommend approval of Comprehensive Plan and zoning text amendments described herein for adoption to the City Council; and

WHEREAS, the City Council conducted duly advertised workshops and communications

discussions on October 23, November 6 and November 20, and a duly advertised first reading of the proposed ordinance and public hearing on December 4 and December 18, 2023, following which the Council agrees with the Planning Commission recommendations, and identified one additional zoning code text change; and

WHEREAS, the cumulative environmental impacts of the proposed 2023 Comprehensive Plan and zoning changes have been reviewed and determined to be nonsignificant pursuant to the State Environmental Policy Act. A Determinations of Non-significance (DNS) was issued on September 21, 2023 for the proposed 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 report for the September 12 and October 24, 2023 public hearings, and Commission discussions at those hearings, are hereby adopted as the City Council's findings of fact; and

Section 2. Comprehensive Plan Text Changes. Chapter 5 and Appendix E of the Vancouver Comprehensive Plan 2011-2030, adopted through Ordinance M-3994, are amended as follows:

a. Chapter 5, page 5-33

Community parks provide a focal point and gathering place for broad groups of users. Usually 20 to 100 acres in size, community parks are used by all segments of the population and generally serve residents ~~from within a 1½-mile radius one-to three-mile~~ service area ~~from the park's public access points~~. Community parks often include recreation facilities for organized activities, such as sports fields, skate parks, community gardens and play courts as well as programming such as the amphitheater at Esther Short Park. Community parks may also incorporate such as community or senior centers. Because of their large service area, community parks require more support facilities, such as parking and restrooms. Some middle and high school sites are included in the community parkland inventory, since these facilities can serve some of the community park needs. The acquisition standard is 3 acres per 1,000 people, or a total of 278.5 additional acres needed. In urban areas where an adequate or suitable community park site is no longer available, or where areas are poorly served by a community park, VCPRD considers the modification of neighborhood park standards to compensate for the lack of a community park. Specifically, consideration is given to increasing site size and type of development of neighborhood parks to allow for increased recreation opportunities. In addition, where dense existing neighborhoods may preclude the acquisition of typical acreage for neighborhood parks, VCPRD has acquired and developed small urban parks to address the need for public park spaces in compact urban environments

b. Chapter 5, page 5-38, Capital Facilities Plan

Table 5-14. ~~Vancouver Parks, Recreation & Cultural Services Comprehensive Plan 2023-2032 VCPRD Capital Facilities Plan for Vancouver City and UGA, 2011-2016~~

See Attachment B - Parks, Recreation & Cultural Services Comprehensive Plan, 2023 Capital Facilities Plan Summary

Replace existing Table 5-14 with below:

2023 Annual Review - Attachment B
2023-2032 Capital Facilities Plan Summary - Vancouver Parks, Recreation & Cultural Services.

2023-2032 CAPITAL FACILITIES PLAN SUMMARY													
Project Name	Uninflated Local Cost	2023	2024	2025	2026	2027	2028	2029	2030	2031	2032	Total Estimated Local Cost	Potential Outside Funding
Project Type													
Park Acquisition	82,148,036	120,000	25,483,662	14,053,771	11,747,206	16,467,630	10,476,547	4,017,319	9,393,348	4,513,859	4,784,691	101,058,034	5,076,699
Park Development	182,367,000	4,372,000	5,618,000	8,643,855	21,214,774	43,007,961	23,875,729	30,736,472	21,092,925	33,340,114	60,260,336	252,162,165	12,113,114
Park Improvements	5,332,000	1,250,000	619,040	775,284	469,260	497,416	540,643	573,082	607,467	643,915	682,549	6,658,656	138,000
Trails Planning; Capital Repairs	17,067,210	165,000	692,180	1,593,265	11,622,184	1,537,697	405,482	451,089	1,959,230	2,626,662	478,123	21,530,912	-
Special Facility Devel. & Imp.	3,470,000	165,000	1,379,060	1,382,028	814,655	18,937	20,073	21,278	22,554	23,908	25,342	3,872,836	-
GRAND TOTAL	290,384,346	6,072,000	32,791,942	26,448,203	45,868,080	61,529,641	35,318,473	35,799,340	33,075,534	41,148,457	66,331,041	385,282,603	17,327,812

c. Appendix E

The following separate documents, providing technical data, analysis, and background information, are adopted as part of the Vancouver Comprehensive Plan:

I. Facilities and Services Plans

- Vancouver Parks, Recreation & Cultural Services Comprehensive Plan 2022-2031, and subsequent legislatively approved Park Plan and CFP amendments. ~~Vancouver Parks, Recreation and Natural Areas Comprehensive Plan 2014, and 2017-2022 Capital Facilities Plan~~

- Vancouver Urban Parks, Recreation and Open Space Plan 2002

II. Additional Plans.

- Clark County Natural Areas Acquisition Plan – Legacy Lands Program 2022-2027 ~~1990 Clark County Open Space Plan~~

- Urban Forestry Management Plan ~~2007~~

Section 3. Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022-2031) Text Changes.

CLASSIFICATIONS & STANDARDS

Neighborhood Parks (pg. 57):

Neighborhood parks provide access to basic recreation opportunities for nearby residents for a healthy active lifestyle and respite, support vibrant and distinctive neighborhoods, provide opportunities for social engagement, and preserve and enhance natural resources. These parks are designed primarily for non-organized recreation. Neighborhood parks are generally three to five acres in size and designed to serve residents of all ages and abilities within ½-mile from the park's public access points, creating a half-mile, 10-minute 'walkable' service area walking distance. Sites may vary in size depending upon unique site characteristics and land availability.

Community Parks (pg. 58):

Ideally a minimum of 20 to 100 acres in size, community parks are used by all segments of the population to provide a focal point and gathering place for more organized recreational uses and community events. In addition to the assets typical of neighborhood parks, community parks often include recreation improvements for organized activities such as sports fields, skate parks, picnic shelters, community gardens, trails, event spaces and public art and cultural features. Community parks may also integrate passive recreation space, natural resource areas and community facilities such as community or senior centers. Because of their larger size and palette of recreational features, community parks require more support facilities, including parking and restrooms, and can draw users from a 1½-mile service area from the park's public access points ~~three-mile service area~~. Community parks also serve as the walk-to park of those within the ½-mile service area.

Geographic Distribution Standard (pg. 66):

Additional guidelines for the provision of neighborhood and community parkland include the equitable geographic distribution of parks with designated service areas. Trust for Public Lands, Urban Land Institute and the National Recreation Parks Association provide national benchmarks for the walkability of park access. Each of these agencies promote a ½-mile (radius), 10-minute walking distance service area standard to provide walkable access to the outdoors. Ninety eight percent (98 percent) of our community outreach survey respondents strongly support the importance of the ½-mile standard for park access.

The service area coverage of neighborhood and community parks are identified on Maps 6 and 7 and are available in Section 16, Maps. Service area mapping provides a tool to identify locations with access to parks based upon the adopted distribution standard, and conversely, reveals the service area gaps that inform need for additional acquisitions. The image to the left represents a clip of the mapping model and how it follows public rights of way and easements from all points of public access to a park site to determine the applicable service area. However useful, there are limitations to this tool that we have been working to improve.

**Replace Map 7 Inset- 1½-mile, 3-mile Mile Service Area (Community Parks) *Correct title, legend, and service area layer.*

(cont. pg. 68):

Currently, all parks regardless of size, population density, socioeconomic variables, or quality of improvements have the same ½-mile radius service area for 10-minute walkable access.

Neighborhood Parks: Neighborhood Parks generally serve an area within a ½-mile (radius) service area, or 10-minute walking distance (Map 6). The walkable service areas encourage alternative modes of transportation and reasonable access for people of all abilities from those in wheelchairs, parents pushing a stroller, the elderly using a cane, or an eight-year-old on a bicycle.

Park Type	Geographic Distribution Standard
Neighborhood Park	1/2 Mile Service Area
Community Park	3 Mile Service Area

Park Type	Geographic Distribution Standard
Neighborhood Park	½ mile Service Area (radius) from park public access points
Community Park	1½ mile Service Area (radius) from park public access points

Based on our GIS modeling of the ½-mile service areas for both neighborhood and community parks, 75 percent of all city residents are within walking distance of park properties. However, not all our parks are built with quality assets. Fifteen (15) of our 107 neighborhood and community parks remain undeveloped parks, representing 14 percent of the inventory. Even if we assume all properties are built and of equal quality, 50,000 current residents remain without walkable access to a park. There's still a need for more parks to serve all residents equitably.

Community Parks - Community Parks serve an area with draw from a ¼ mile to 1½-mile ~~3-mile~~ service area (Map 7). They provide the equivalent of a walk-to neighborhood park within the 10-minute service area as well as a 1½-mile ~~3-mile~~ service area as a drive or roll-to facility.

~~Further evaluation is needed to determine if future adjustments are needed to this standard.~~

PARK NEED & LEVEL OF SERVICE

Level of Service (pg. 100):

Skate Parks: At the present time, however, the vast majority of VPRCS's community parks do not contain skate features. In order to distribute major skate facilities more adequately throughout the community, it is suggested that the department assume a 1½-mile 3-mile service area radius similar to community parks and develop skate parks in all areas of the city that are currently unserved. The 2021 NRPA standard average for cities of comparable size is 1 skate park per 110,000 residents.

Park Quantity, Quality, Safety and Sustainability Criteria (pg. 105):

The maps shown here provide an example of the potential information available with analysis by the ½-mile park service area. These maps identify the Level of Service within the individual park service areas by park type relative to the adopted standards of two acres per thousand residents for neighborhood parks, and three acres per thousand for community parks.

**Replace Map 20 Level of Service (Community Park 1½-mile 3-mile service area) - Correct title, legend, and community park service area layer.*

The 2022 park planning process generated the first GIS analysis by individual park service area, offering detailed demographics and level of service details. A surprising result of the analysis was the low Level of Service of most existing community parks. In future Park Plan review, consideration could be given This data led to a 2023 amendment to reduce the service area reach of the community park classification from 3-miles to 1½ miles, or by individual park. Doing so would significantly improves community park level-of service metrics and provides the mapping tools and data necessary to identify service gaps and guide where additional community park assets could be added to larger neighborhood parks, or where to locate new community park acquisitions are needed. The average level of service for community parks with the narrowed service area improved from approximately 9% of the community park standard to approximately 85%. An additional approach could be expansion of the user capacity within the parks with low Level of Service through additional assets for recreational variety and sustainability of the natural and built landscape.

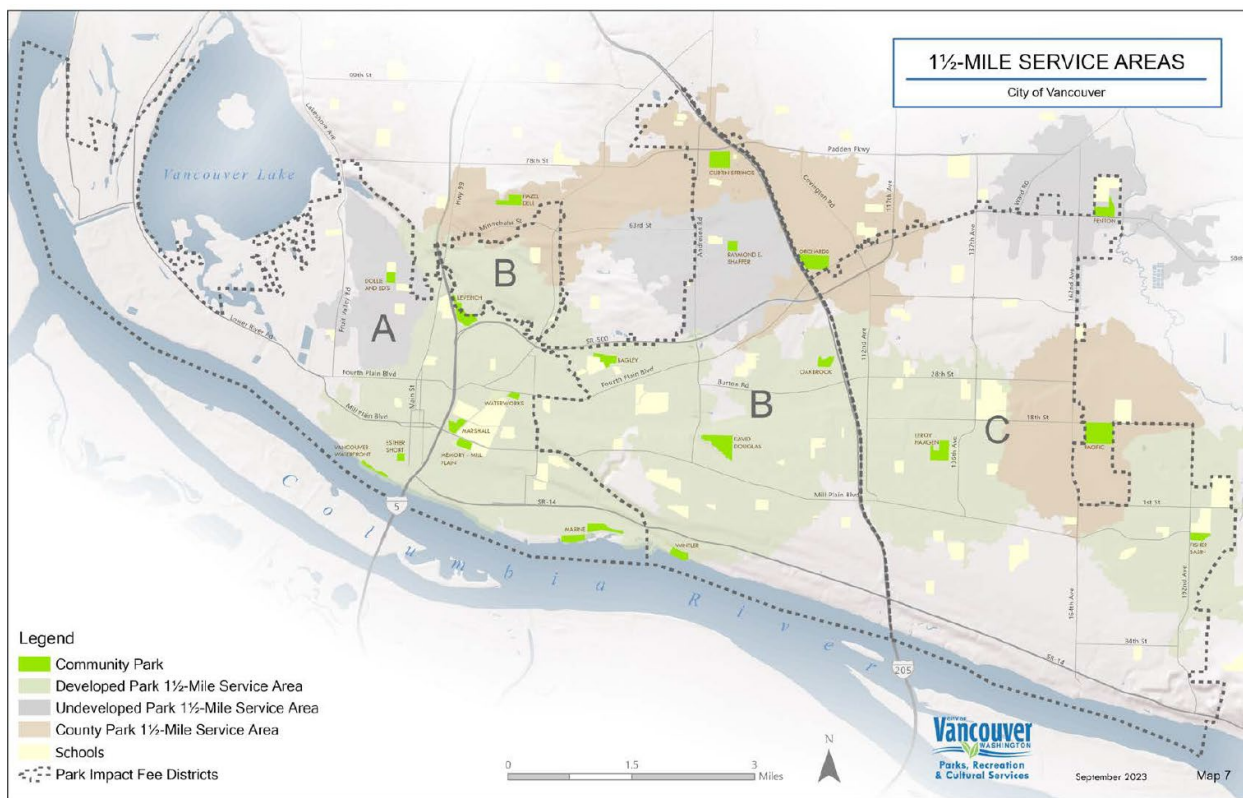
APPENDIX A: TERMS & ACRONYMS

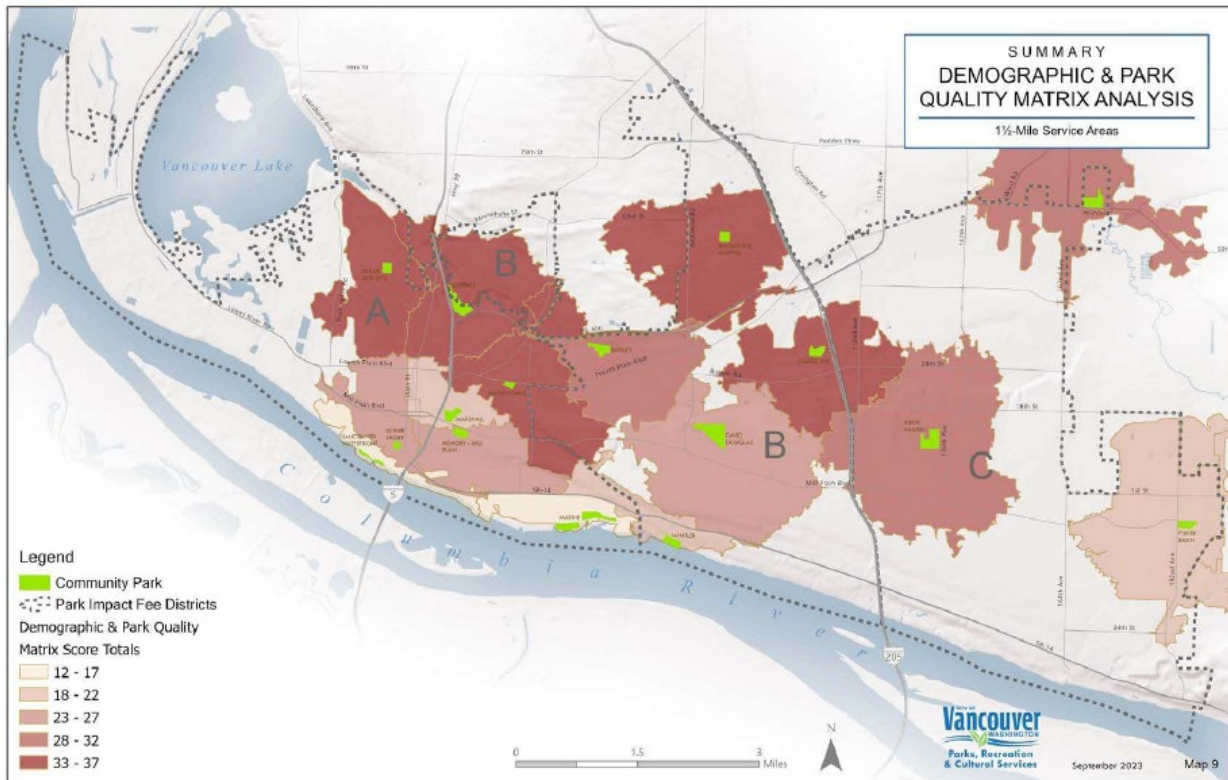
Community Parks (pg. 176):

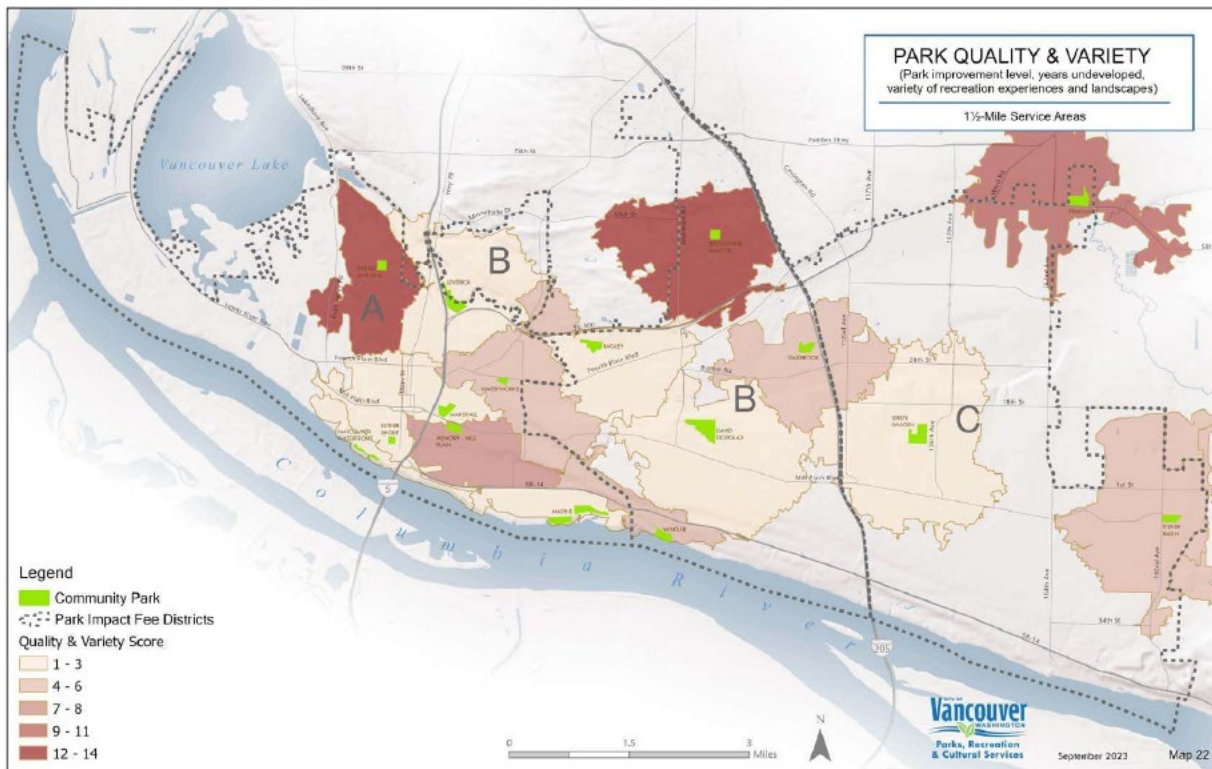
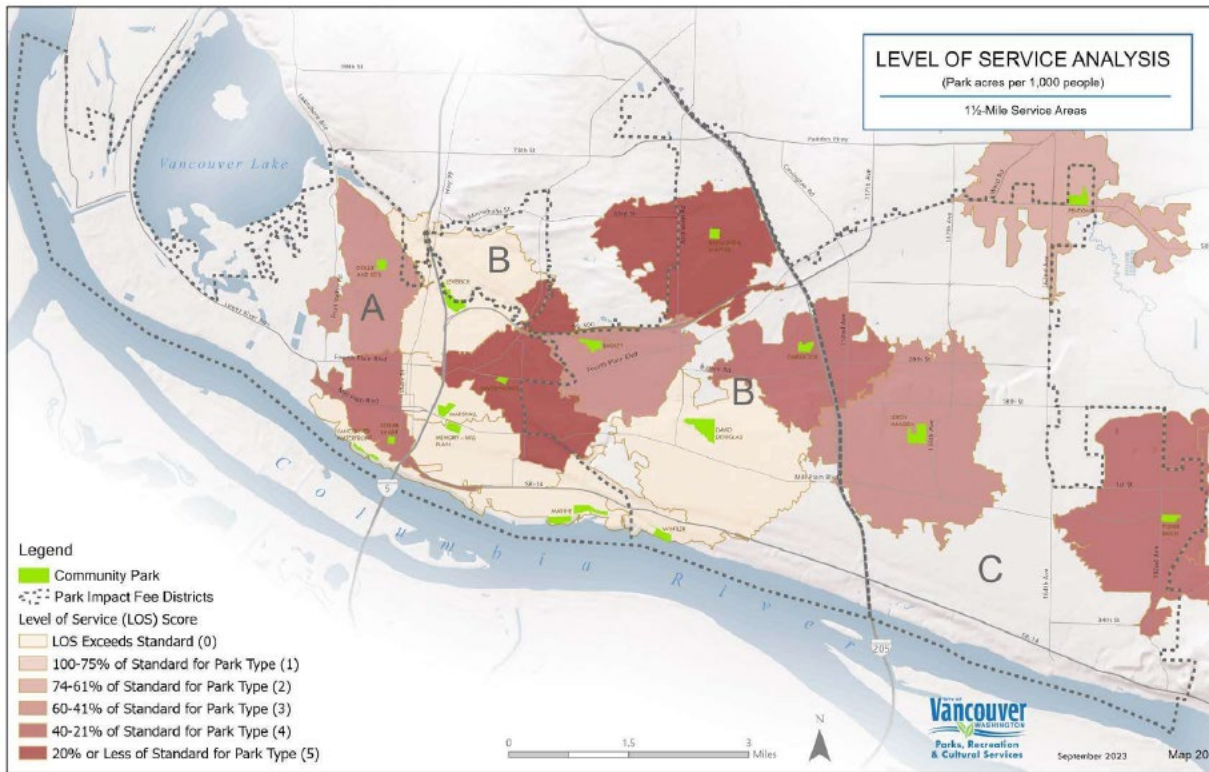
Urban Park Type, ideally 20+ acres, serving residents within a 1½-mile 3-mile radius area. Common amenities typically include walking paths, themed play areas, open lawns, benches, shelters, picnic tables, play courts and sport fields. Parking and restrooms are needed due to the larger service area.

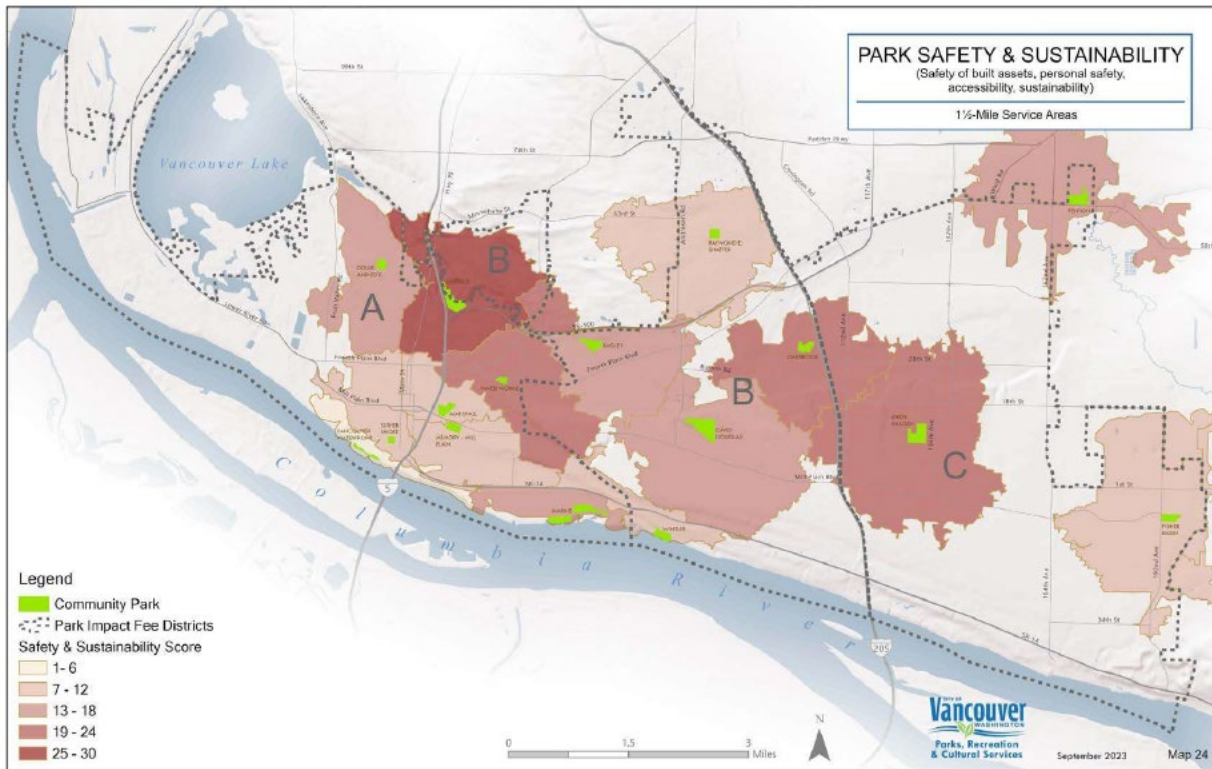
Neighborhood Park - Urban Park Type, typically 2–5 acres, serving residents within a ½-mile, or 10-minute walk service area. Common amenities include walking paths, play areas, open lawns, benches, picnic tables and sport courts. This is a walk-to destination to serve the local community and do not typically include supportive facilities such as restrooms and parking. Some high use areas may warrant expanded amenities and support services where community parks are not available or in higher density land use areas.

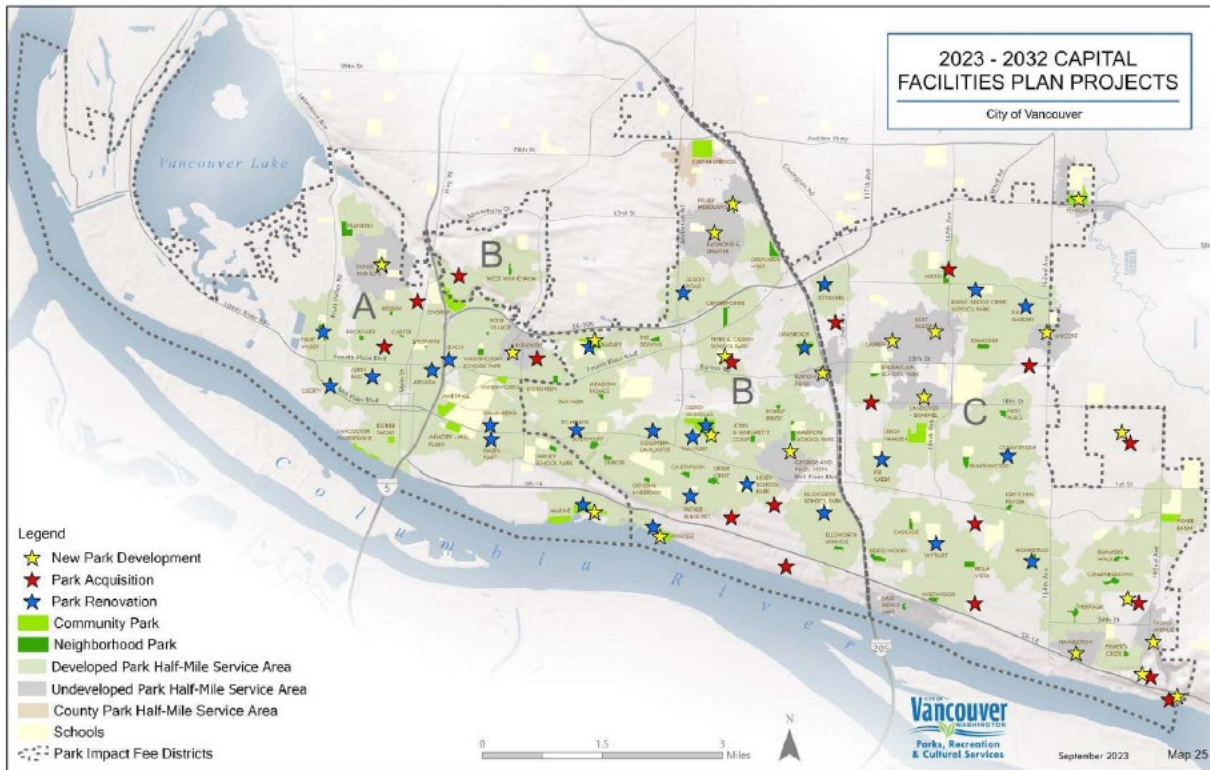
MAPS (pgs. 408-427):











Section 4. Zoning Code Text Changes.

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

VMC [20.150.040.A](#).

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

B. VMC 20.160.020, which was adopted by Ordinance M- 3643 is amended as follows.

B.14. Transportation Facilities. Bus, trolley, streetcar, light and heavy rail transit stops, ~~and~~ stations and other facilities; water taxi and ferry stations; and accessory bicycle parking. Includes associated fuel storage. Excludes airports (see subsection [\(E\)\(2\)](#) of this section, Airports/Airparks); public streets and sidewalks; and heavy and light rail maintenance/switching yards (see subsection [\(D\)\(3\)](#) of this section, Railroad Yards); and heliports (see subsection [\(E\)\(7\)](#) of this section, Heliports). Such a facility that has regional or state-wide significance is classified as an essential public facility by the provisions of the Growth Management Act.

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

E.10. Temporary Uses. Includes uses that are temporary or interim in nature that are not subject to full compliance with the development standards for the applicable zoning district, or by which the city may allow seasonal or transient uses not otherwise permitted. Uses may include seasonal or special events involving tents, canopies, membrane structures or storage containers. Situations caused by an unforeseen event deemed by the planning official to be an emergency situation or a temporary trailer or prefabricated building for use on any commercial or industrial zoned property as temporary commercial or industrial office or space associated with the primary use.

- C. VMC 20.170.070, which was adopted by Ordinance M-3643, and last amended by M-3692, is amended as follows:

B. Criteria for measuring flag lot widths and depths. Flag lot widths and depths are measured from the midpoints of opposite lot lines of the flag portion of the lot, excluding the access stem.

- D. VMC 20.180.060, which was adopted by Ordinance M-3643 and most recently amended by Ordinance M-4402, is amended as follows:

37.	Subdivisions – Preliminary	
A.	2 – 9 lots (not qualifying as a short subdivision)	\$8,220.00

- E. VMC 20.210.050, which was adopted by Ordinance 3643 is amended as follows:

20.210.050 Type II Applications. ☒

A. *Pre-application conference.* A pre-application conference is required for all Type II applications, unless waived under Section [20.210.080\(B\)](#) VMC before a Type II application is submitted. Pre-application conference requirements and procedures are set forth in Section [20.210.080](#) VMC.

B. *Application requirements.*

1. *Application forms.* Type II applications shall be made on forms provided by the planning official.

2. *Submittal information.* Type II applications shall:

- a. Include the information set forth in the chapter of this title governing the permit requested;
- b. Address the relevant criteria applicable to the permit requested in sufficient detail for review and action; and
- c. Be accompanied by the required fees.

C. *Counter-complete determination.* At the time of application submittal, the city shall make a determination of counter-complete status pursuant to Section [20.210.090](#) VMC.

D. *Fully-complete determination.* No later than 28 calendar days after receipt of a counter-complete Type II application, the planning official shall notify the applicant as to the completeness of the application. Determination of fully-complete status shall be pursuant to Section [20.210.100](#) VMC. An application shall not be deemed fully complete until all information listed in the code applicable to the action requested and/or in the pre-application conference summary is submitted.

E. *Notice of Application.* Within 14 calendar days after the date a Type II application is determined fully complete, the planning official shall issue a Notice of Application which shall include all of the following:

- 1. The case file number(s), the date of application, and the date a fully complete application was filed;
- 2. A description of the proposed project, and a list of project permits included with the application, as well as the identification of other permits not included in the application, to the extent known to the city;
- 3. The proposed SEPA Threshold Determination, if the Optional SEPA Process is used; whether the application is categorically exempt from SEPA, the deadline for submitting comments or appeals under Chapter [20.790](#) VMC, if applicable, or other matters covered by SEPA;
- 4. The identification of any existing environmental documents that may be used to evaluate the proposed project;
- 5. A statement of the public comment period, a statement that the public has the right to comment on the application, receive notice of the decision, request a copy of the decision once made, and a notice of any appeal rights;
- 6. An indication that failure of any party to address the relevant approval criteria with sufficient specificity may preclude subsequent appeals on that issue. Comments directed at the relevant approval criteria are what constitute relevant evidence;

7. An indication that all evidence relied upon by the planning official to make the decision shall be contained within the record and is available for public review. Copies of this evidence can be obtained at a reasonable cost from the planning official;
8. The name of the applicant or applicant's representative and the name, address, and telephone number of a contact person for the applicant, if any;
9. A description of the site, including current zoning and nearest road intersections, sufficient to inform the reader of its location and zoning;
10. A map showing the subject property in relation to other properties or a reduced copy of the site plan;
11. The date, place, and times where information about the application may be examined and the name and telephone number of the city representative to contact about the application;
12. An indication that after the comment period closes, the planning official shall issue a Type II Notice of Decision; and
13. Any additional information determined appropriate by the planning official.

F. *Distribution of Notice of Application.* The Notice of Application shall be published in a newspaper of local circulation and sent to the following persons by **regular** mail:

1. The applicant and all owners of the site which is the subject of the application;
2. All owners and residents of record of property as shown on the most recent property tax assessment roll, located within 500 feet of the site;
3. Any city recognized neighborhood association whose boundaries include the site;
4. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;
5. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or which is otherwise entitled to such notice;
6. Any person who requested, in writing, to receive a copy of the Notice of Application.

G. *Comment period.* The planning official shall allow 14 calendar days after the date of Notice of Application is mailed and published in the paper for individuals to submit comments. Within seven calendar days after the close of the public comment period, the Planning official shall mail to the applicant a copy of written comments, including email communications, timely received in response to the Notice of Application together with a statement that the applicant may submit a written response to the comments of the planning official within 14 calendar days from the date the comments are mailed. The planning official in making his decision shall consider written comments timely received in response to the Notice of Application and timely written responses to those comments, including e-mail communications, submitted by the applicant.

H. *Timeline to make Final Decision.* The Final Decision on a Type II application shall be made and mailed pursuant to Section [20.210.050\(I\)](#) VMC not more than 120 calendar days (90 days for short subdivisions) after the date a fully complete determination is made. This period shall not include:

1. Time spent by the applicant to revise plans or provide additional studies or materials requested by the city.
2. Time spent preparing an environmental impact statement.
3. Time between submittal and resolution of an appeal.
4. Any extension of time mutually agreed upon by the applicant and the city in writing.

I. *Final Decision.* The Final Decision on a Type II application shall contain the following information:

1. The nature of the application in sufficient detail to apprise persons entitled to notice of the applicant's proposal and of the decision;
2. The address or other geographic description of the subject property, including a map of the site in relation to the surrounding area, where applicable;
3. The date the planning official's decision shall become final, unless appealed;
4. A statement that all persons entitled to notice or who have standing under Section [20.210.130\(B\)\(2\)](#) VMC may appeal the decision;
5. A statement in boldface type briefly explaining how an appeal can be filed, the deadline for filing such an appeal, and where further information can be obtained concerning the appeal;
6. A statement that the complete case file, including findings, conclusions and conditions of approval, if any, is available for review. The notice shall list the place, days and times where the case file is available and the name and telephone number of the city representative to contact about reviewing the case file;
7. A statement of the applicable criteria and standards pursuant to the Vancouver Municipal Code and other applicable law;
8. A statement of the facts demonstrating how the application does or does not comply with applicable approval criteria;
9. The reasons for a conclusion to approve, approve with conditions or deny the application;
10. The decision to approve or deny the application and, if approved, conditions of approval necessary to ensure the proposed development will comply with applicable law;
11. The date the Final Decision is mailed; and
12. A copy of the mailing labels showing (1) the persons who were mailed the Final Decision, and (2) the persons who were mailed the Notice of Decision.

J. *Distribution of the Final Decision.* The planning official shall provide an affidavit of mailing of the Final Decision as part of the file. The Final Decision shall indicate the date the Final Decision was mailed and demonstrate that the required Final Decision was mailed to the necessary parties in a timely manner. A Final Decision shall be sent by **regular** mail to:

1. The applicant and all owners of the site which is the subject of the application;
2. Any city recognized neighborhood association whose boundaries include the boundaries of the project site;
3. City recognized neighborhood associations adjacent to the city recognized neighborhood association whose boundaries include the site;
4. Any person who requested, in writing, to receive a copy of the Final Decision of the planning official; and

K. *Notice of Decision.* A Notice of Decision shall include the information contained in Sections [20.210.050](#)(l)(1)-(6), (10) and (11) VMC above.

L. *Distribution of Notice of Decision.* The planning official shall provide an affidavit of mailing of the Notice of Decision as part of the file. The Notice of Decision shall indicate the date the notice was mailed and demonstrate that the required notice was mailed to the necessary parties in a timely manner. A Notice of Decision shall be sent on the same day as the Final Decision by **regular** mail to:

1. Any governmental agency which is entitled to notice under an intergovernmental agreement entered into with the city which includes provision for such notice or who is otherwise entitled to such notice;
2. Any person who provided written comments on the application during the public comment period and provided a mailing address.

M. *Final Decision and effective date.* A Type II decision is subject to the required appeal period when the Final Decision and the Notice of Decision are mailed. A Type II decision becomes effective on the day after the appeal period expires, unless an appeal is filed, in which case the procedures of Section [20.210.130](#) VMC shall apply. (Ord. M-3643, 01/26/2004)

20.210.060 Type III Applications.

F. VMC 20.245.030, which was adopted by Ordinance M-3643, and last amended by M-4325, is amended as follows

20.245.030

A. Submission requirements. The applicant must submit a completed application form as prescribed by the planning official with applicable fee per Chapter 20.180 VMC, containing the following information:

1. Narrative describing the proposed uses for the site, hours of operation, hours and the frequency of deliveries, and construction schedule.
2. Drawn to scale site plan, legible for digital reproduction, showing accurate representation of the size and shape of the parcel(s), including easements of any kind, all dimensions, and parcel orientation. Include north arrow.
3. Locations, dimensions, and height of all existing and proposed buildings and structures, including garages, carports, decks, patio covers, and other accessory structures. Include dimensions from each other and from all property lines. Show dimensions from each other and from all property lines. Show dimension of eaves projecting beyond a wall or supporting post. Indicate usage of all structures.
4. Location, height, and material of fences, buffers, berms, walls, and other proposed screening. Note the location and dimensions of area of terraces, decks, shelters, and play areas.
5. Lighting plan. This plan shall show all proposed fixtures on-site and within right-of-ways. Show all existing above and underground power lines. (This plan will be routed to Clark County PUD by a City workgroup for comments and compliance with Standards.)
6. Location and detailed layout of vehicle access, site circulation, off-street parking and loading areas, lighting, landscaping, and buffering as required by Chapter 20.925 VMC. Include handicap parking stalls and disembarking areas, accessible route of travel, proposed ramp, and signage, as required by the most current version of the Washington Administrative Code governing accessibility for disabled persons. Include location and screening for proposed solid waste and recyclables storage areas.
7. Summary table which includes parcel zone, total site area, gross floor area by use (e.g., manufacturing, office, retail, storage), itemized number of full size, compact and handicap parking stalls and the collective total number, total lot coverage proposed, and amount of landscaped area.
8. Certified mailing list. Current Clark County assessor map(s) showing the property(ies) within a 500-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 non-owner-occupied properties, provide mailing labels addressed to "occupant" as can be determined from available county assessor records (two copies).
9. Floor plan showing the gross square footage of each structure and outdoor activity area proposed on the site, including existing structures and outdoor activity areas to be retained. Include a description of the proposed uses of each structure or portions of a structure and each outdoor activity area. Include location of aboveground utilities and typical elevation drawings of each structure.

~~10. Pre-application conference summary or approved pre-application waiver, as well as additional information required in the summary.~~

~~11. One set 8 1/2" X 11" plans.~~

~~10. 12. One copy of a completed~~ Completed SEPA (State Environmental Policy Act) checklist (as required), on City provided form. Include SEPA processing fee, pursuant to Chapter 20.180 VMC, Fees.

~~11. 13.~~ Required processing fee for Conditional Use Permit (See Chapter 20.180 VMC).

~~12. 14.~~ Concurrency letter, addressed to Transportation Manager, with summary of project with projected traffic impacts, ~~8 1/2" X 11" site map~~ with appropriate fee. (See 20.180 VMC).

~~13. 15.~~ Any information deemed necessary to address mitigation for the specific development circumstances. (Ord. M-4325 § 3, 2020; Ord. M-4289 § 4, 2019; Ord. M-3663 § 7, 2004; Ord. M-3643, 2004)

G. VMC 20.270.040.C, which was adopted by Ordinance M-3643 and last amended by Ordinance M-4179 is amended as follows:

C. Proposed site development plan. The proposed site plan shall be drawn at the same scale as the existing conditions plan and shall include the following information:

1. The proposed site and its dimensions and area, orientation relative to north.
2. Abutting properties or, if abutting properties extend more than 100 feet from the site, the portion of abutting properties within 100 feet of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.
3. The location and dimensions of proposed development, including the following:
 - a. Streets and other rights-of-way and public or private access easements on and adjoining the site;
 - b. Vehicle, pedestrian and bicycle parking and circulation areas, including handicapped parking stalls and disembarking areas, accessible route of travel, proposed ramp and signage as required by Chapter 51-40 WAC;
 - c. Loading and service areas;
 - d. Active or passive recreational or open space features;
 - e. Above-ground utilities;
 - f. Existing structures to be retained on the site and their distance from property lines;

- g. Proposed structures on the site, including signs, fences, etc., and their distance from property lines;
- h. The location and type of proposed outdoor lighting and existing lighting to be retained; and
- i. The size and location of solid waste and recyclables storage areas.

4. Summary table which includes parcel zone, total site area, gross floor area by use, (i.e., manufacturing, office, retail, storage), itemized number of full size, compact and handicapped parking stalls and the collective total number, total lot coverage proposed, including residential density calculations.

5. Location, dimension, and purpose of existing easements.

H. VMC 20.330, Binding Site Plans, which was adopted by Ordinance M-3643 and last amended by M-3840, is amended as follows:

20.330.010 Purpose

Purpose. The purpose of the binding site plan process is to provide an alternative to the standard subdivision process for specific types of development. The binding site plan shall only be applied for the purpose of dividing land for:

- A. Sale or for lease of commercially- or industrially-zoned property as provided in RCW [58.17.040\(4\)](#);
- B. A division for the purpose of lease as provided in **applicable** RCW [59.17.040\(5\)](#) when no other structure other than manufactured homes or travel trailers are permitted to be placed upon the land; provided, that the land use is in accordance with the requirements of this Title; and
- C. Condominiums as provided in **applicable** either RCW [64.32](#) or [64.34](#) consistent with RCW [58.17.040\(7\)](#). (Ord. M-3643, 01/26/2004)

20.330.030 Application Submission Requirements

C. Preliminary plat information. The applicant shall provide the following information:

- 1. Existing conditions plan. The following information shall be provided on one or more to-scale drawings:

- a. A vicinity map showing streets and access points, pedestrian and bicycle pathways, transit stops and utility locations within a given radius of the site;
- b. The site size, dimensions and orientation relative north;
- c. The location, name and dimensions of public and private streets adjoining the site;
- d. The location of existing structures and other improvements on the site, including structures, driveways, parking, loading, pedestrian and bicycle paths, passive or active recreational facilities or open space and utilities;
- e. Elevation of the site at 2' contour intervals for grades 0% to 10% and at 5' contour intervals for grades more than 10%;
- f. The approximate location of significant natural conditions as available from the City's and/or County's GIS system such as:
 - 1. The 100-year flood plain;
 - 2. The location of drainage patterns and drainage courses;
 - 3. Unstable ground (lands subject to slumping, slides or movement);
 - 4. High seasonal water table or impermeable soils;
 - 5. Areas having severe soil erosion potential;
 - 6. Areas having severe weak foundation soils;
 - 7. Significant wildlife habitat or vegetation;
 - 8. Slopes in excess of fifteen percent (15%);
 - 9. Significant historic, cultural or archaeological resources, rock outcroppings.

10. Location, dimension, and purpose of existing easements.

- 2. Preliminary Binding Site Plan. The proposed preliminary binding site plan shall include the following information presented on one or more drawings:
 - a. The proposed site and its dimensions and area.
 - b. Proposed lots, tracts and easements including dimensions and total acreage.
 - c. Abutting properties or, if abutting properties extend more than 100' from the site, the portion of abutting properties within about 100' of the site, and the approximate location of structures and uses on abutting property or portion of the abutting property.
 - d. The location and dimensions of development if proposed, including the following:

1. Streets and other rights-of-way and public or private access easements on and adjoining the site;
2. All parking and circulation areas;
3. Loading and service areas;
4. Active or passive recreational or open space features;
5. All utilities;
6. Existing structures to be retained on the site and their distance from property lines;
7. Proposed structures on the site, including signs, fences, etc., and their distance from property lines if known at time of land division; and
8. The location and type of proposed outdoor lighting and existing lighting to be retained if known at time of land division.
9. Location, dimension, and purpose of existing easements.

I. VMC 20.410, which was adopted by Ordinance M-3643 and last amended by Ordinance M-4377 is amended as follows:

20.410.040 Minimum and Maximum Densities.

A. Purpose. The purpose of this section is to establish minimum and maximum densities in each residential zoning district. To ensure the quality and density of development envisioned, the maximum density establishes the ceiling for development in each zoning district based on minimum lot size. To ensure that property develops at or near the density envisioned for the zone, the minimum density for each zoning district is set at just above the maximum density of the next less intense zone.

B. Maximum and minimum densities. The maximum and minimum densities for the low-density residential districts are contained in Table 20.410.040-1.

Table 20.410.040-1. Minimum and Maximum Densities and Lot Sizes^{1, 2}

Zone	Minimum Lot Size	Maximum Net Density	Maximum Average Size	Minimum Net Density
R-2	20,000 sf	2.2	30,000 sf	1.8
R-4	10,000 sf	4.4	19,000 sf	2.3

R-6	7,500 sf	5.8	10,500 sf	4.5
R-9	5,000 sf	8.7	7,400 sf	5.9
R-17	2,000 sf	21.8	4,900 sf	8.8

1 The minimum and maximum density factors shall only be used for calculating densities of planned unit developments governed by Chapter 20.260 VMC, infill development, density transfer, cottage clusters and situations where an existing house is allowed on a larger than maximum lot size per subsection (C)(2)(c) of this section (Exceptions). Minimum and maximum densities shall be calculated based on the gross area of the site minus any public rights-of-way, street tracts, private road easements, lots for dwellings existing on December 11, 2004, or designated critical areas.

20.410.050 Development Standards.

A. Compliance Required. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained a variance(s) in accordance with Chapter 20.290 VMC.
2. All other applicable standards and requirements contained in this title.

B. Development standards. Development standards in low-density residential zoning districts are contained in Table 20.410.050-1 and apply to land divisions approved after the effective date (07/27/2022) of this ordinance (M-4377). These apply to all primary dwellings and accessory buildings on the site. For additional regulations governing accessory buildings, see Chapter 20.902 VMC.

J. VMC 20.740.120, Frequently Flooded Areas, which was adopted by Ordinance M-3692 and last amended by Ordinance M-4325 is amended as follows:

This section shall apply to all special flood hazard areas within the boundaries of the city of Vancouver.

A. Designation. Frequently flooded areas are the areas of special flood hazards identified by the Federal Insurance Administration Administrator and the Federal Emergency Management Agency (FEMA), respectively, in scientific and engineering reports entitled Flood Insurance Study: Clark County, Washington and Incorporated Areas, Volumes 1 and 2 (Numbers 53011CV001A and 53011CV002A, respectively) effective September 5, 2012, and any revisions thereto, with accompanying Flood Insurance Rate Maps (FIRMs and their digital version, DFIRMs) and any revisions thereto, which are hereby adopted by reference

and declared to be part of this chapter. The Flood Insurance Study (FIS), FIRMs and DFIRMs are available from the planning official, 415 West 6th Street, Vancouver, WA 98660. (See VMC [20.150.040](#), *Meanings of Specific Words and Terms*, for definitions for “areas of special flood hazards,” “floodplain,” “floodway,” and “frequently flooded areas.”)

When base flood elevation (BFE) data has not been provided in frequently flooded areas (Zone A), the planning official shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state or other source in order to administer the provisions of this chapter. This best available information for flood hazard area identification shall be the basis for regulation until a new FIRM/DFIRM is issued.

B. *Compliance.* All development within special flood hazard areas is subject to the terms of this chapter and other applicable regulations.

C. *Penalties for Noncompliance.* See VMC [20.740.090](#).

D. *Abrogation and Greater Restrictions.* This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail.

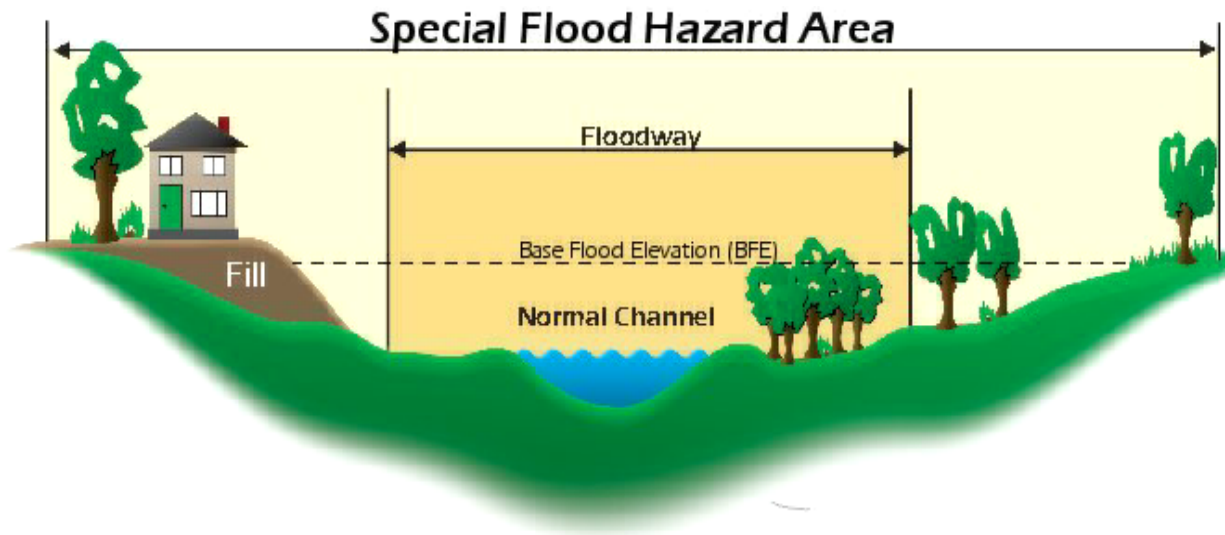
E. *Interpretation (Not Mandatory).* In the interpretation and application of this chapter, all provisions shall be:

1. *Considered as minimum requirements;*
2. *Liberally construed in favor of the governing body; and*
3. *Deemed neither to limit nor repeal any other powers granted under state statutes.*

F. *Warning and Disclaimer of Liability.* The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Vancouver, any officer or employee thereof, or the Federal Insurance ~~Administration~~ **Administrator** for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder.

G. *Severability.* This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

Figure 20.740.120-1. Frequently Flooded Areas/Areas of Special Flood Hazards



Adapted from *Floodplain Management: A Local Administrator's Guide to the National Flood Insurance Program, Fifth Edition, FEMA Region 10*

H. *Designation of the Floodplain Administrator (44 CFR 59.22(b)(1)).* The land use program manager is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accordance with its provisions. The floodplain administrator may delegate authority to implement these provisions.

1. *Duties and Responsibilities of the Floodplain Administrator.* Duties of the floodplain administrator shall include, but not be limited to:

a. *Development Review.* Review all proposed developments to:

i. *Determine whether a floodplain permit is required;*

ii. *Make interpretations where needed as to the exact location of special flood hazard area boundaries, with respect to the flood insurance study maps and zoning district boundaries.*

b. *Permit Review.* Review all development permits to determine that:

i. *The permit requirements of this chapter have been satisfied;*

ii. *All other required state and federal permits have been obtained;*

iii. *The site is reasonably safe from flooding;*

iv. *The proposed development is not located in the floodway. If located in the floodway, assure the encroachment provisions of Section 5.4-1 are met;*

v. *Notify FEMA when annexations occur in the special flood hazard area.*

I. Additional Critical Areas Report Requirements. In addition to the Critical Areas Report requirements in VMC [20.740.050](#), the following information shall be submitted. Elevation data shall reference the NAVD 1988 Datum.

1. Base (100-year) flood elevation in relation to mean sea level. When base flood elevation has not been provided or is not available from an authoritative source, it shall be generated by the applicant for developments which contain at least 50 lots or 5 acres, whichever is less.

2. Elevation in relation to mean sea level, of the lowest floor (including basement) of all existing and proposed structures.

3. Elevation in relation to mean sea level to which any structure's lowest floor (including basement) is raised to be at least 1 foot above the base flood elevation or for nonresidential flood-proofed structures, the elevation in relation to mean sea level to which any structure is flood-proofed.

4. Location of the channel migration zone. See the Clark County Shoreline Inventory & Characterization Report, Volume 1, Lewis and Salmon-Washougal Watersheds and Rural Areas, Map 27, Potential Channel Migration Zone (CMZ) Areas for general locations of channel migration zones. The actual location of the channel migration zone on site must be identified by a qualified professional and mapped in accordance with the submittal requirements of VMC [20.740.050](#).

5. Description of strategies taken to avoid, minimize, and mitigate unavoidable impacts to public safety. When the base flood elevation has not been provided or is not available from an authorized source (VMC [20.740.120\(A\)](#)), the Critical Areas Report shall include a discussion of how and whether the proposed development would be reasonably safe from flooding. Historical data, high water marks, photographs of past flooding and other available information will be used as the basis for this discussion and conclusion.

6. Certification, documentation, and demonstration by a qualified professional of how the applicable standards of VMC [20.740.120\(J\)](#) will be met. To support the "no rise" analyses required in VMC [20.740.120\(J\)\(1\)](#), the documentation required in the most recently updated or amended FEMA Region 10 publication, Floodplain Management: A Local Floodplain Administrator's Guide to the National Flood Insurance Program shall be submitted.

J. Performance Standards. Except as noted, the following standards apply to all structures and development (including but not limited to the placement of manufactured homes, substantial improvement, roads, railroads, trails, dikes, levees, or water, sewer, stormwater conveyance, gas, power, cable, fiber optic or telephone facilities) in all areas of special flood hazards and channel migration zones (CMZs). Additional restrictions apply in the floodway.

1. Encroachments.

a. Designated Floodway: Prohibited Encroachments. The following are prohibited in the floodway:

1. Water wells ([20.740.120\(J\)\(4\)\(a\)](#)).

2. On-site waste disposal systems ([20.740.120\(J\)\(5\)\(a\)](#)).

3. Residential structures or other structures for human habitation including but not limited to:

- a. Building envelopes within subdivisions ([20.740.120\(J\)\(9\)\(a\)](#));
 - b. New construction or reconstruction of residential structures ([20.740.120\(J\)\(10\)\(b\)\(1\)](#));
 - c. Placement or replacement of manufactured homes (all types) ([20.740.120\(J\)\(10\)\(b\)\(2\)](#));
 - d. Critical facilities housing vulnerable populations and emergency services ([20.740.120\(J\)\(12\)\(a\)](#)); and
 - e. Recreational vehicles ([20.740.120\(J\)\(13\)\(a\)](#)).
- b. *Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided and a regulatory floodway has been designated, other encroachments including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited unless:
1. Certification by a qualified professional (in this case, a registered professional engineer) is provided demonstrating through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed encroachment would not result in a net increase in base flood elevation (less than 0.00 feet, rounded) or flood velocity during the occurrence of the base flood discharge. At a minimum, such “no rise” analyses shall include a step-backwater analysis and a conveyance compensation analysis as required in the most recently updated or amended FEMA Region 10 publication, *Floodplain Management: A Local Floodplain Administrator’s Guide to the National Flood Insurance Program*; and
 2. The applicable standards of VMC [20.740.120\(J\)\(2\)](#) through [\(J\)\(15\)](#) are also met.
- c. *No Designated Floodway: Allowed Encroachments.* In areas where the base flood elevation has been provided but a regulatory floodway has not been designated, no encroachments including but not limited to new construction, substantial improvement, or other development (including fill) shall be permitted, unless:
1. The applicant has demonstrated that the cumulative effect of the proposed development, when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point; and
 2. The applicable standards of VMC [20.740.120\(J\)\(2\)](#) through [\(J\)\(15\)](#) are also met.
- d. *Other Areas of Special Flood Hazards and CMZs.* In areas of special flood hazards except the floodway or where the BFE has not been provided, or in channel migration zones, encroachments, including but not limited to fill, new construction, replacement structures, substantial improvements and other development shall be prohibited, unless:
1. A qualified professional provides certification demonstrating that the proposed project would not result in a net loss of flood storage capacity; and
 2. The applicable standards of VMC [20.740.120\(J\)\(2\)](#) through [\(J\)\(15\)](#) are also met.
2. *Property Damage.* Development shall not result in adverse impacts to other properties either upstream or downstream.

3. *Drainage. Drainage paths around structures and on slopes shall be adequate to guide floodwaters around and away from proposed structures and adjacent properties.*
4. *Water.*
 - a. *Water wells are prohibited in the floodway.*
 - b. *In areas of special flood hazards except the floodway and in CMZs, water wells shall be constructed to withstand a 100-year flood without adversely impacting groundwater quality (WAC [173-160-171](#)).*
 - c. *All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system.*
5. *Waste.*
 - a. *On-site waste disposal systems are prohibited in the floodway.*
 - b. *In areas of special flood hazards except the floodway and in CMZs, on-site waste disposal systems shall be located to avoid flood damage to them or release of contaminants from them during a base flood event.*
 - c. *New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the systems into flood waters.*
6. *Construction Materials and Methods.*
 - a. *Construction methods and practices shall minimize flood damage.*
 - b. *Construction materials and utility equipment shall be resistant to flood damage. For guidance on flood-resistant materials see the most current FEMA Technical Bulletin 2, Flood-Resistant Materials Requirements.*
 - c. *Electrical, heating, ventilation, plumbing, and air conditioning equipment and other service facilities shall be designed and/or otherwise elevated or located so as to prevent water from entering or accumulating within the components during a base flood event. For guidance on the placement of building utility systems, see the most current FEMA Publication #348, Protecting Building Utilities from Flood Damage.*
7. *Anchoring. All new construction including substantial improvements and all types of manufactured homes shall:*
 - a. *Be elevated on a permanent foundation and securely anchored to an adequate foundation system to prevent flotation, collapse, or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads including the effects of buoyancy.*
 - b. *Be installed or placed using methods and practices that minimize flood damage. Manufactured home placement shall follow the guidance in the most current FEMA P-85, Protecting Manufactured Homes from Floods and Other Hazards.*
8. *Enclosed Areas Below the Base Flood Elevation.*
 - a. *Enclosed areas below the base flood elevation shall be used only for vehicle parking, building access, or storage.*

b. New or substantially improved enclosed areas below the base flood elevation shall be constructed in accordance with.

1. VMC [20.740.120\(J\)\(7\)](#), Anchoring
2. VMC [20.740.120\(J\)\(10\)\(c\)\(2\)\(d\)](#), Residential Construction
3. VMC [20.740.120\(J\)\(6\)\(b\)](#) and [\(J\)\(6\)\(c\)](#), Construction Materials and Methods

c. Enclosed areas below the BFE shall not be considered to be the lowest floor when they are not part of a basement and meet the requirements of VMC [20.740.120\(J\)\(10\)\(d\)](#).

d. Crawlspace Construction. Crawlspaces are a type of enclosed area below the BFE. Crawlspaces constructed at or above the lowest adjacent exterior grade are preferred. (Note: Insurance premiums for structures with below-grade crawlspaces will be higher than those with the interior elevation at or above the lowest adjacent exterior grade.) Refer to the most current FEMA Technical Bulletin 11, Crawlspace Construction for Buildings Located in Special Flood Hazard Areas (available from the Planning Official) for more information. Crawlspaces:

1. Are prohibited in areas with flood velocities greater than five feet (5') per second unless designed by a qualified professional (in this case an architect or professional engineer).
2. Shall meet the requirements of VMC [20.740.120\(J\)\(8\)\(a\)](#) through [\(J\)\(8\)\(c\)](#), Enclosed Areas below the BFE.
3. Shall not be considered "basements" for the purposes of VMC [20.740.120](#) when constructed according to the following standards:
 - a. The interior grade of a crawlspace below the base flood elevation must not be more than 2' below the lowest adjacent exterior grade.
 - b. The height of the below-grade crawlspace, measured from the interior grade of the crawlspace to the top of the crawlspace foundation wall must not exceed 4' at any point.
 - c. The crawlspace must be equipped with a drainage system that removes floodwaters from the interior area of the crawlspace in a reasonable period of time after a base flood event.

9. Subdivisions.

a. All subdivisions shall be designed:

1. To ensure that no residential structure or other structures for human habitation are located in the floodway even though lots may extend into the floodway;
2. To avoid placement of any structures in areas of special flood hazards and in CMZs;
3. Where it is not possible to design a subdivision in a manner to avoid placement of any structures in areas of special flood hazards or CMZs, the subdivision shall be designed to minimize or eliminate potential flood damage.

b. All subdivisions shall have facilities such as sewer, gas, power, cable, fiber optic, telephone, stormwater and water systems located and constructed to minimize or eliminate flood damage. (See VMC [20.740.120\(J\)\(2\)](#), Property Damage; VMC [20.740.120\(J\)\(4\)](#), Water; VMC [20.740.120\(J\)\(5\)](#), Waste; VMC [20.740.120\(J\)\(6\)](#), Construction Materials and Methods; and VMC [20.740.120\(J\)\(7\)](#), Anchoring.)

c. All subdivisions shall have adequate drainage provided to reduce exposure to flood damage. (See VMC [20.740.120\(J\)\(3\)](#), Drainage.)

10. Residential Construction (Including Manufactured Homes).

a. Residential Construction in the Floodway.

1. New construction and reconstruction of residential development including placement and replacement of all types of manufactured homes is prohibited in the floodway, **unless sited as a temporary use in accordance with subsection.**

2. Existing residential structures and manufactured homes in the floodway are nonconforming, but may be repaired or improved, provided:

a. The repair or improvement does not increase the ground floor area of the structure; and

b. The repair or improvement does not result in adverse impacts to other properties either upstream or downstream; and

c. The cost of the repair or improvement does not exceed 50% of the market value of the structure either:

1. Before the start of repair or improvement where there is no damage to the structure; or

2. Before flood or other damage to the structure occurred.

d. Any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the Planning Official and which are the minimum necessary to assure safe living conditions may be excluded from the 50%.

e. Any project for improvement to a structure identified as a historic place may be excluded from the 50%.

b. Residential Construction in Other Areas of Special Flood Hazards and CMZs. In areas of special flood hazards except the floodway and in channel migration zones:

1. New residential construction and reconstruction, including all types of manufactured homes and other structures for human habitation shall meet all the provisions of this chapter, including VMC [20.740.120\(J\)\(8\)](#) and [\(J\)\(10\)\(c\)](#) through [\(J\)\(10\)\(d\)](#).

2. New placement or replacement of all types of manufactured homes shall meet the standards of VMC [20.740.120\(J\)\(7\)](#), Anchoring.

3. Repair or Substantial Improvement. All provisions of this chapter (including the elevation standards of VMC [20.740.120\(J\)\(8\)](#) and [\(J\)\(10\)\(c\)](#) and [\(J\)\(10\)\(d\)](#)), all state and local health, sanitary, safety codes,

and where applicable, historic preservation codes shall be met when the cost of repair or improvement of an existing residential structure exceeds 50% of the market value of the structure either:

- a. Before the start of repair or improvement where there is no damage to the structure; or
- b. Before flood or other damage to the structure occurred.
- c. Elevation.

1. *BFE Established.* The lowest floor (including basement) of new residential structures (including but not limited to reconstruction, substantial improvement, the placement or replacement of all types of manufactured homes) shall be elevated at least one foot above base flood elevation. Structures shall be elevated using means other than fill (such as extended foundation or other enclosure walls, piles, or columns) whenever feasible. Mechanical equipment and utilities shall be waterproofed or elevated at least one foot above the BFE.

2. *No BFE.* In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC [20.740.120\(A\)](#) and [\(J\)\(5\)](#)) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new residential construction (including but not limited to substantial improvement and the placement of manufactured homes) shall be elevated at least 2' above the highest adjacent grade. (Note: Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates.)

d. *Fully Enclosed Areas Below Lowest Floor.* Fully enclosed areas below the lowest floor that are subject to flooding are prohibited unless designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwaters. Designs for meeting this requirement must be certified by a qualified professional (in this case, a registered professional engineer or architect), or must meet or exceed the following minimum criteria:

- 1. Contain a minimum of 2 openings having a total net area of not less than 1 square inch for every 1 square foot of enclosed area subject to flooding;
- 2. The bottom of all openings are no higher than 1 foot above grade; and
- 3. Openings permit the automatic entry and exit of floodwaters even when equipped with screens, louvers, or other coverings or devices.

For guidance on flood openings, see FEMA Technical Bulletin 1-93, *Openings in Foundation Walls*.

4. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for automatic entry and exit of floodwaters.

11. *Nonresidential Construction.* New construction and substantial improvement of any nonresidential structure shall either be elevated (subsection [\(J\)\(11\)\(a\)](#) or [\(J\)\(11\)\(b\)](#) of this section) or flood-proofed (subsection [\(J\)\(11\)\(c\)](#) of this section):

- a. *Be Elevated: BFE Established.*

1. Have the lowest floor, including basement, elevated at least one foot above the base flood elevation or elevated as required by ASCE 24, whichever is greater;
2. Meet the same standards for space below the lowest floor as described in subsections [\(J\)\(8\)\(d\)](#) and [\(J\)\(10\)\(d\)\(1\)](#) through [\(J\)\(10\)\(d\)\(3\)](#) of this section; and
3. Have mechanical equipment and utilities waterproofed or elevated at least one foot above the BFE, or as required by ASCE 24, whichever is greater.

b. Be Elevated: No BFE.

1. In areas where the base flood elevation has not been provided or is not available from an authorized source (VMC [20.740.120\(J\)\(2A\)](#) and [\(3.120\(B\)\(5\)\)](#) and the Critical Areas Report demonstrates to the satisfaction of the Planning Official that the proposed development would be reasonably safe from flooding, new nonresidential construction shall be elevated at least 2' above the highest adjacent grade. Failure to elevate at least 2' above the highest adjacent grade may result in higher insurance rates; and
2. Meet the same standards for space below the lowest floor as described in [20.740.120\(J\)\(8\)\(d\)](#) and VMC [20.740.120\(J\)\(10\)\(d\)](#); or

c. Be Flood-Proofed. Together with attendant utility and sanitary facilities shall:

1. Be flood-proofed so that below one foot (or more) above the base flood elevation, the structure is watertight with walls substantially impermeable to the passage of water or dry flood-proofed to the elevation required by ASCE 24, whichever is greater;
2. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy;
3. Be certified by a registered professional engineer or architect that the design and methods of construction are in accordance with accepted standards of practice for meeting provisions of this subsection based on their development and/or review of the structural design, specifications and plans. Such certifications shall be provided to the Planning Official as set forth in VMC [20.740.120\(L\)](#).

12. Critical Facilities.

- a. Critical facilities housing vulnerable populations and emergency services shall be prohibited in the floodway.
- b. In areas of special flood hazards except the floodway and in CMZs, construction of new critical facilities shall be prohibited unless the applicant demonstrates that:

1. No feasible alternative site is available; and either:

- a. The lowest floor, entrances, egresses, and to the extent feasible access routes are elevated to three feet above the base flood elevation or to the elevation of the 500-year flood, whichever is higher; or
- b. The applicant demonstrates that other measures would ensure that in the event of a flood, the facility would remain safe and fully operational and that potentially harmful materials would not be displaced by or released into floodwaters. Such measures shall be conditions of approval of the Critical Areas Permit.

13. *Recreational Vehicles.*

- a. *Recreational vehicles shall be located outside the floodway.*
- b. *Recreational vehicles in areas of special flood hazard except the floodway and in CMZs shall either:*
 - 1. *Be on the site for fewer than 180 consecutive days;*
 - 2. *Be fully licensed and ready for highway use, on its wheels or jacking system, attached to the site only by quick disconnect-type water, sewer, stormwater, gas, power, cable, fiber optic, telephone, and security devices, and have no permanently attached additions; or*
 - 3. *Meet the requirements of VMC [20.740.120\(J\)\(7\)](#), Anchoring; VMC [20.740.120\(J\)\(8\)](#), Enclosed Areas below the Base Flood Elevation; and VMC [20.740.120\(J\)\(10\)\(c\)](#), Elevation.*

14. *Appurtenant Structures (Detached Garages and Small Storage Structures). For A zones:*

- a. *Appurtenant structures used solely for parking of vehicles or limited storage may be constructed such that the floor is below the BFE, provided the structure is designed and constructed in accordance with the following requirements:*
 - i. *Use of the appurtenant structure must be limited to parking of vehicles or limited storage;*
 - ii. *The portions of the appurtenant structure located below the BFE must be built using flood-resistant materials;*
 - iii. *The appurtenant structure must be adequately anchored to prevent flotation, collapse, and lateral movement;*
 - iv. *Any machinery or equipment servicing the appurtenant structure must be elevated or flood-proofed to or above the BFE;*
 - v. *The appurtenant structure must comply with floodway encroachment provisions in Section 5.4-1;*
 - vi. *The appurtenant structure must be designed to allow for the automatic entry and exit of floodwaters in accordance with Section 5.2-1(5);*
 - vii. *The structure shall have low damage potential;*
 - viii. *If the structure is converted to another use, it must be brought into full compliance with the standards governing such use; and*
 - ix. *The structure shall not be used for human habitation.*
- b. *Detached garages, storage structures, and other appurtenant structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 5.2-1.*
- c. *Upon completion of the structure, certification that the requirements of this section have been satisfied shall be provided to the floodplain administrator for verification.*

15. *Alteration of Watercourse.*

a. The planning official shall notify adjacent communities and the state coordinating agency, Washington State Department of Ecology, prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration **Administrator**.

b. Alteration or relocation of a watercourse shall be allowed only after:

i. Certification by a qualified professional that the alteration or relocation:

A. Is the only feasible alternative or is part of a restoration project approved by the appropriate state or federal agencies;

B. Will not diminish the flood-carrying capacity of the watercourse;

C. Will not block side channels;

D. Will be accomplished using soft armoring techniques wherever possible;

E. Will avoid to the extent possible and then minimize and mitigate removal of vegetation including downed woody vegetation; and

F. Will not endanger development in the channel migration zone.

ii. The applicant provides assurance acceptable to the planning official of maintenance of the relocated channel such that the flood carrying capacity of the watercourse is not diminished.

16. Changes to Special Flood Hazard Area.

a. If a project will alter the BFE or boundaries of the SFHA, then the project proponent shall provide the community with engineering documentation and analysis regarding the proposed change. If the change to the BFE or boundaries of the SFHA would normally require a letter of map change, then the project proponent shall initiate within 180 days of the information being made available, and receive approval of, a conditional letter of map revision (CLOMR) prior to approval of the development permit. The project shall be constructed in a manner consistent with the approved CLOMR.

b. If a CLOMR application is made, then the project proponent shall also supply the full CLOMR documentation package to the floodplain administrator to be attached to the floodplain development permit, including all required property owner notifications.

K. Variances and Minor Exceptions. Variances as interpreted in the National Flood Insurance Program are based on the principle that they pertain to a physical piece of property. They apply to the land and are not personal in nature, do not pertain to the structure, its inhabitants, or economic or financial circumstances. The development standards contained in VMC [20.740.120](#), Frequently Flooded Areas are required by the Federal Emergency Management Agency (FEMA) under the National Flood Insurance Program (NFIP) to protect life and property from flood damage.

Variances from the NFIP standards of VMC [20.740.120](#) shall meet the approval criteria and other requirements of VMC [20.740.120\(K\)](#) in addition to any other applicable variance criteria or requirements (e.g., VMC [20.290](#) or VMC [20.760](#)). Variances from the NFIP standards of VMC [20.740.120](#) shall be

processed as Type I or II variances or shoreline variances as appropriate, not as Minor Exceptions (VMC [20.740.070](#)).

Variances or minor exceptions from other critical area standards (any standards of VMC [20.740](#) not in Section VMC [20.740.120](#)) shall meet the applicable criteria and follow the applicable procedures for the relief requested (VMC [20.740.070](#), VMC [20.290](#), or VMC [20.760](#))

1. NFIP variances may be allowed:

a. For Historic Structures. NFIP variances may be issued for the repair, reconstruction, rehabilitation or restoration of ~~structures listed on the National Register of Historic Places, the Washington Heritage Register, Washington's Heritage Barn Register, Washington's Historic Property Inventory Database, Clark County Cultural Resources Inventory, or Clark County Heritage Register, provided:~~ Historic Structures upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a Historic Structure and the variance is the minimum necessary to preserve the historic character and design of the structure. This variance possibility is only available to those structures that are:

i. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;

ii. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;

iii. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior;

iv. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

a. By an approved state program as determined by the Secretary of the Interior or

b. Directly by the Secretary of the Interior in states without approved programs.

v. The proposed development will not preclude the structure's continued designation as a historic structure;

b. From the Elevation Standard. An NFIP variance from the elevation standard may be issued for new construction and substantial improvements to be erected on a small or irregularly shaped lot contiguous to and surrounded by lots with existing structures constructed below the base flood elevation. As the lot size increases the technical justification required for issuing the variance increases.

c. From the Flood-proofing Standard for Non-Residential Buildings. NFIP variances may be issued for nonresidential buildings to allow a lesser degree of flood-proofing than watertight or dry flood-proofing where it can be determined that such action:

1. Will have low damage potential;

2. Complies with all other NFIP variance criteria except VMC [20.740.120\(K\)\(1\)\(a\)\(2\)](#);

3. Complies with VMC [20.740.120\(J\)\(4\)](#), Water; VMC [20.740.120\(J\)\(5\)](#), Waste; VMC [20.740.120\(J\)\(7\)](#), Anchoring; and VMC [20.740.120\(J\)\(9\)](#), Subdivisions.

d. For Allowed Development within the Floodway. NFIP variances may be issued for development within a floodway only when the requirements of VMC [20.740.120\(J\)\(1\)\(b\)](#) are met.

2. *NFIP Variance Approval Criteria.* NFIP variances from elevation and flood-proofing standards, and for development in the floodway (VMC [20.740.120\(K\)\(1\)\(a\)\(2\)](#) through (4) may be granted only if the applicant demonstrates that the requested action conforms to all of the following criteria:

- a. *The NFIP variance is the minimum necessary, considering the flood hazard, to afford relief.*
- b. *The applicant has demonstrated good and sufficient cause.*
- c. *Failure to grant the NFIP variance would result in exceptional hardship to the applicant. (Exceptional hardship for an NFIP variance is described in a FEMA memorandum dated July 22, 1986 entitled Resource Materials on NFIP Variance Criteria available from the Planning Official.)*
- d. *Granting the NFIP variance will not result in increased flood heights or velocities, additional threats to public safety, significantly increased property damage potential, extraordinary public expense, or conflict with existing local laws or ordinances.*
- e. *Demonstration that the following factors have been considered:*
 1. *The danger that materials may be swept onto other lands to the injury of others;*
 2. *The danger to life and property due to flooding or erosion damage;*
 3. *The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;*
 4. *The importance of the services provided by the proposed facility to the community;*
 5. *The necessity to the facility of a waterfront location, where applicable;*
 6. *The availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;*
 7. *The compatibility of the proposed use with existing and anticipated development;*
 8. *The relationship of the proposed use to the comprehensive plan;*
 9. *The safety of access to the property in times of flood for ordinary and emergency vehicles;*
 10. *The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and*
 11. *The costs of providing governmental services during and after flood conditions, including maintenance and repair of facilities such as sewer, gas, electrical, stormwater, and water systems, and streets and bridges.*

3. *Notices Required.* A notice to the applicant is required whenever a variance is approved, approved with conditions, or denied. Such notice shall include the decision and the reasons for the decision. When a variance from the elevation standard is approved or approved with conditions, such notice shall state that the structure will be permitted to be built with a lowest floor elevation below that normally required with

respect to the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

L. Information to be Obtained and Maintained.

1. For all new and substantially improved structures and development, the planning official shall complete Section B of a current elevation certificate and obtain and record on that certificate:

a. For elevated (rather than flood-proofed) structures and development, the actual (as-built) elevation in relation to mean sea level of the lowest floor (including basement), and whether or not the structure contains a basement.

b. For nonresidential, flood-proofed structures, the elevation to which the structure was flood-proofed. All flood-proofing certifications shall also be maintained.

c. Maintain all records pertaining to development in frequently flooded areas subject to the provisions of this chapter, VMC [20.7.40](#), for public inspection.

*2. Records of Variance Actions. The planning official shall keep records of all variance actions and report any approved variances to the Federal Insurance Administration **Administrator** upon request.*

3. Records of Appeal Actions. The planning official shall keep records of all appeal actions. (Ord. M-4325 § 3, 2020; Ord. M-4020 § 2, 2012; Ord. M-4017 § 9, 2012; Ord. M-3844 § 2, 2007; Ord. M-3692 § 2, 2005)

G. VMC 20.790.840, which was adopted by Ordinance M-3643 is amended as follows:

A. Minor new construction funding. Pursuant to discretion and authority contemplated in 197-11-800(c) WAC, the City establishes the following exempt levels for "minor new construction," finding, as a matter of fact, that such exempt levels are supported by local conditions, including zoning and other land use plans or regulations, and by the fact that the City is an almost entirely urban and developed area:

*1. Residential **projects dwellings**: those containing **20 200 multi-family** dwelling units or fewer, **30 single family units or fewer, or 100 single family units or fewer on lots less than 1500 square feet in size.***

2. Agricultural structures: those containing 30,000 gross square feet or less.

3. Office, school, commercial, recreational, service or storage buildings: those containing 12,000 gross square feet or less, and which contains 40 parking spaces or fewer.

4. Parking lots: those containing 40 parking spaces or fewer.

5. Landfills and excavations: those consisting of 500 cubic yards or less.

B. Establishing new exemptions levels. Whenever the City establishes new exempt levels under this Section, it shall send them to the Headquarters Office of Ecology under 197-11-800(1)(c) WAC. (Ord. M-3643, 2004)

L. VMC 20.950, which was adopted by Ordinance M-4377 is amended as follows:

20.950.020 Applicability.

A. *Permitted zones and required minimum project size.* Cottage cluster housing developments shall be allowed on properties 20,000 square feet or larger in size, in the R-17, R-9, R-6, R-4 and R-2 zoning districts. Lot size minimums of the underlying zone are not applicable to cottage cluster developments.

B. *Permitted Uses.* Cottage cluster development uses shall be limited to attached and detached single-family homes and associated outbuildings, public or private open space, and parking areas. Duplexes or attached single-family homes may constitute no more than 20 percent of the total number of units. Home occupations pursuant to Chapter [20.860](#) VMC shall be permitted only if there are no employees residing off site. Accessory dwelling units pursuant to Chapter [20.810](#) VMC shall be permitted only if located entirely within the single-family homes.

C. The narrow lot development standards in Chapter [20.927](#) VMC and R-17 zoning district standards of Chapter [20.410](#) VMC shall not apply to cottage housing developments. (Ord. M-4377 § 2(d), 2022)

20.950.030 Site Development and Design Standards.

A. General Standards.

1. Cottage housing developments may be allowed at up to ~~two times~~ 200 percent of the maximum density of the underlying zone, including any accessory dwelling units.

2. Cottage housing developments shall contain a minimum of four and a maximum of 12 units in a cluster; provided, that a cottage development may contain up to two clusters.

3. Each single-family cottage shall not exceed 1,600 square feet in total floor area, and each duplex cottage 3,000 square feet. Floor areas of attached or detached garages and outbuildings shall count towards these size limits, with the exception of the first 200 hundred square feet of garage or outbuilding per single-family cottage, or 400 square feet per duplex. Existing single-family homes may remain on site but will be counted toward the total density.

4. Building heights may not exceed 25 feet within 50 feet of the project site perimeter, and 30 feet elsewhere in the site. Roofs higher than 18 feet shall be pitched at a ratio of at least 6:12.

5. Covered porches shall be at least 60 square feet, with no dimension less than five feet.

6. Buildings shall be set back at least 10 feet from the nearest public or private road, and at least five feet from other buildings. Building setbacks to exterior property lines shall be that of the underlying zoning district.

B. *Cottage Orientation.* Cottages must be clustered around a common courtyard and must meet the following standards:

1. At least 75 percent of the cottage units shall be located within 25 feet of a common courtyard, and shall have covered porches and main entries which face the common courtyard or an adjacent public street.

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.

DATE OF FINAL PASSAGE by the Vancouver City Council: _____.

SIGNED this _____ day of _____, 2023

Anne McEnerny-Ogle, Mayor

Attest:

Natasha Ramras, City Clerk

Approved as to form:

Jonathon Young, City Attorney

SUMMARY

ORDINANCE NO. M_____

AN ORDINANCE relating to Comprehensive Plan and Zoning for the City of Vancouver, Vancouver Municipal Code (VMC) Title 20, and the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan; amending Chapter 5 and Appendix E of the Vancouver Comprehensive Plan 2011-2030; amending VMC 20.150, 20.160, 20.170, 20.180, 20.210, 20.245, 20.270, 20.330, 20.410, 20.740, 20.790, and 20.950; amending the Vancouver Parks, Recreation & Cultural Services Comprehensive Plan (2022-2031); providing for severability; and establishing 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).