

PLANNING COMMISSION MEETING MINUTES

Vancouver City Hall – Council Chambers – 415 W. Sixth Street
PO Box 1995 – Vancouver, Washington 98668-1995
www.cityofvancouver.us

Marjorie Ledell • Steve Schulte • Jack Harroun • Jim Atkins • Larry Blaufus • Zachary Pyle • Tim Schauer

November 9, 2021

REGULAR MEETING (Convened telephonically, no in person attendance)

Vancouver City Hall - 415 W. Sixth Street, Vancouver WA

CALL TO ORDER AND ROLL CALL

The November 9, 2021 meeting of the Planning Commission was called to order at 5:10 p.m. by Chair Ledell.

Present: Marjorie Ledell, Zachary Pyle, Jim Atkins, Larry Blaufus, Jack Harroun, Tim Schauer, and Steve Schulte

ADOPTION OF MINUTES

Motion by Vice Chair Pyle, second by Commissioner Schulte, to adopt the October 26, 2021 minutes as written.

Roll Call Vote

Tim Schauer	Yes
Larry Blaufus	Yes
Jim Atkins	Yes
Jack Harroun	Yes
Steve Schulte	Yes
Zach Pyle	Yes
Marjorie Ledell	Abstain

Motion by Commissioner Harroun, second by Commissioner Blaufus, to adopt the July 6, 2021 minutes as written.

Roll Call Vote

Tim Schauer	Abstain
Larry Blaufus	Yes
Jim Atkins	Yes
Jack Harroun	Yes
Steve Schulte	Abstain
Zach Pyle	Abstain
Marjorie Ledell	Yes

COMMUNICATIONS FROM STAFF

Rebecca Kennedy, Deputy Director, notified the Commission that she will be requesting in the coming weeks statements of interest from Commissioners interested in serving in the Chair or Vice Chair role in 2022.

WORKSHOPS

5:14 P.M. BASEMENT STORAGE

Bryan Snodgrass, Principal Planner

Rebecca Kennedy, Deputy Director, introduced the workshop. Bryan Snodgrass, Principal Planner, provided background context on the requested change, the outreach process conducted by staff, the public's concerns and response from staff, and the anticipated staff recommendation. The applicant, Randy Printz of Cascadia Development Partners, was present to provide comments on the proposed change. This request is intended to provide access to basement storage areas for those who may not currently have access to convenient and nearby storage.

Commission Discussion

The Commission asked questions on the following topics, and staff provided the following responses:

- The definition of basement areas as entirely below ground, where some basements are partially above ground level. Staff agreed and will work with the building staff to get a more precise definition.
- Any differences or suggestions from other jurisdictions. Staff responded the only jurisdiction that was relatively analogous was Salt Lake City. The proposed policy change is similar but goes slightly further in the recommendation.
- Staff's presentation to the Vancouver Downtown Association. Staff noted they are meeting with the Board again, and the Board can distribute the information to their full membership. Staff will encourage the Board to distribute to the full membership.
- Encouraging staff to future proof this text change, suggesting that requests comply with current parking code, which may change in the coming decades.
- Suggested changing the language to "at the time of this ordinance adoption". Staff agreed with that change.
- The reasoning for restricting to 10,000 square feet. Staff responded that it applies to self-storage businesses, and the intent was to recognize that downtown is busy, parking and loading are potential issues, and limiting the amount of space to a modest size addresses those potential negative impacts for the area.

COMMUNITY FORUM

No members of the community were present to provide any comments.

HEARING

6:31 P.M. PARKS, RECREATION, & CULTURAL SERVICES COMPREHENSIVE PLAN UPDATE

Dave Perlick, Interim Director, Monica Tubberville, Senior Planner, and Laura Hoggatt, Planner

Rebecca Kennedy introduced the hearing for the Parks, Recreation, and Cultural Services Comprehensive Plan, to be adopted by reference into the Comprehensive Plan by the Commission at the Public Hearing. Monica Tubberville, Senior Planner, described the purpose of the update, the outreach process, the analysis tools, goals and objectives, and compliance with the Strategic Plan, Comprehensive Plan goals and policies, and the GMA Park & Recreation elements.

Commission Discussion and Deliberation

The Commission asked questions on the following topics, and staff provided the following responses:

- How annexations are addressed in the future. Staff responded the park impact fee is structured to include the entire urban growth area. Upon any future annexation, parks in annexed areas would by default become part of the system that would contribute to this and any necessary related updates would occur through the annual review program.
- If the analysis tools are new or have been used in the past. Staff responded these are newer tools, where some of this data was available, but it hadn't been mapped before. The tools provide quantifiable data and maps to guide the planning process.
- The demographics of people who participated in the outreach process. Staff responded the survey response didn't quite match the demographics of the entire City, but it was tracked closely throughout. In response to the need for more diverse responses to the survey, Parks staff met people in parks throughout the City to get more feedback. Staff also met with stakeholders to get direct feedback.
- On the Park Impact Fee (PIF) program, and gaps in funding. Staff responded they know the fees adopted are short of actual costs, and costs have risen since it was adopted in 2020. Staff plan to do a more detailed analysis before the final Council review.
- Policies to determine areas to invest in park updates, related to other factors like housing values and equity as a general goal for the City. Staff responded that providing quality parks throughout the city should limit the concerns of gentrification of lower income neighborhoods. The challenge is the pace at which the City can accomplish this task. Staff also noted that not all investments are the same in terms of impact on market speculation for housing. There are things to do to offset those impacts. Staff have received feedback from the community regarding this and encouraged staff to avoid not investing in neighborhoods simply for fear of displacement due to gentrification. Staff are working to address these issues comprehensively and the discussion is ongoing.
- Park safety plans and safe design standards. Staff responded that they work with landscape architects and use fencing on frontages if there is a safety concern. Play structures are placed intentionally, along with other features such as basketball courts.

Public Testimony

No members of the public registered to speak during the public testimony portion of the meeting.

Motion, by Schauer, seconded by Schulte, and passed unanimously to forward to City Council a recommendation for adoption of the Vancouver Parks, Recreation, & Cultural Services Comprehensive Plan by reference in Appendix E of the Vancouver Comprehensive Plan.

Roll Call Vote

Tim Schauer	Yes
Larry Blaufus	Yes
Jim Atkins	Yes
Jack Harroun	Yes
Steve Schulte	Yes
Zach Pyle	Yes
Marjorie Ledell	Yes

ADJOURNMENT 7:17 PM

Marjorie Ledell, Chair

To request other formats, contact Julie Nischik, Community and Economic Development Department | 360-487-7813.
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December 14, 2021

REGULAR MEETING (Convened telephonically, no in person attendance)

Vancouver City Hall - 415 W. Sixth Street, Vancouver WA

CALL TO ORDER AND ROLL CALL

The December 14, 2021 meeting of the Planning Commission was called to order at 4:00 p.m. by Chair Ledell.

Present: Marjorie Ledell, Zachary Pyle, Jim Atkins, Jack Harroun, Tim Schauer, and Steve Schulte

Absent: Larry Blaufus

Motion by Schulte, second by Schauer, and carried unanimously, to excuse the absence of Commissioner Blaufus.

WORKSHOPS

4:02 P.M. HOUSING CODE CHANGES

Bryan Snodgrass, Principal Planner; Becky Coutinho, Associate Planner

Rebecca Kennedy, Deputy Director, introduced the workshop. Bryan Snodgrass, Principal Planner, provided background on the project purpose and goals, work done to-date, and draft proposed new code language for R-17 and R-50 zoning districts, cottage cluster housing, micro-housing, and updates to existing code for accessory dwelling units on properties with historic garages.

Commission Discussion

The Commission asked questions on the following topics, and staff provided the following responses:

- Could the City apply the design guidelines as proposed in the R-17 code to similar proposals for lower density multi-family zones, such as alley loading, and maximum garage width? Staff responded they would follow up and agreed that this likely makes sense to include.
- For the R-50 zone, does the code consider the parking count minimum to include on street parking created by the developer? Staff responded with R-50, that has not been considered yet, and with this zone, the number of on street spots would be much lower as it relates to the number of housing units.
- If a lot is 25 feet wide with a single car garage with a 9 foot wide door, the house would be 15 feet wide, is that allowable? Staff responded that they didn't think the code would limit the garage in that instance but would need to look into it further.

- For alley-loaded products, will the alley be public, or can the square footage of the alley be included in the square footage of the lot with a public easement? Staff responded they haven't gotten into the calculation for the alleyway yet but will consider this.
- Regarding the proposed reduction in required parking spaces for R-50, has the City considered what happens if a family downsizes a unit? Staff responded that this rate would only apply to new developments but agreed it could be a significant change. Staff also noted that with mid-rise apartments, they often generate fewer trips per unit than single family houses. Further, staff underscored that the current proposal only considers reducing parking minimums but does not include maximums, and that individual developments can and do choose to include more parking than required by code in order to serve their target market.
- Does this work correspond with Clark County's work on housing options? Staff responded the County is at a different stage of the process, and they are developing policy recommendations for their planning commission and council. The City is ahead of this in that strategies have already been developed and we are now at the phase of proposing draft code language for consideration, additional refinement and future adoption.

Matt Hastie, Angelo Planning Group, who is a consultant to the City on the project, added comments on the parking ratio and addressed some of the driveway questions that came up in the discussion. In the R-17 zone, the minimum lot size is 2,500 square feet, and most lots will be 25 feet wide or wider, which allows for the driveway to be less than 50% of the width of the lot. Staff continued the presentation, covering cottage cluster housing, apartments with shared kitchen and bathroom, adjusting ADU standards, support for aging in place, setbacks for new apartments next to existing homes, and parking reductions near transit.

Commission Discussion

The Commission asked questions on the following topics, and staff provided the following responses:

- Change in codes to allow for 3 and 4 bedroom apartments? Staff responded that is not part of this housing code update but could be addressed in the future.
- Consider shared driveway with a shared attached garage, where narrow lots with a driveway that is along the property line, and the garage is attached? Staff responded they could look into this.
- Request to consider a minimum lot size of 2,000 square feet.
- Request to look further into roof height and slope allowances, to ensure the code language meets the goals of the change and does not unnecessarily restrict desirable housing typologies.
- Funding for the four programs? Staff responded this is related to past activities related to affordable housing projects with the City and does not rely on one specific funding source.
- Micro housing with shared bathrooms and considering less than a 1:1 parking ratio and consider more bike parking and electric bike parking to substitute for car parking. Staff responded they could look at this, and that it is likely appropriate in this instance.
- Setbacks for apartments next to single family housing being dependent on building height. Staff agreed this makes sense and would look into it.
- Parking requirements for apartments that have units with 3 or 4 bedrooms and consider adding spots for buildings that have larger units. Staff responded they would look what is done elsewhere on this. Most zones don't have maximums, and developers can and do build more parking, depending on the product and market.
- Code changes for manufactured housing.

4:59 P.M. HQ VANCOUVER/FISHERS QUARRY MASTER PLAN

Keith Jones, Senior Planner

Rebecca Kennedy, Deputy Director, introduced the workshop, focusing on the changes to the proposal since the last meeting. Keith Jones, Senior Planner, provide an overview of the plan concepts and objectives, the scope of the work, and the master plan approval process. For Lot 30, the applicant modified the proposal based on staff and community feedback, to be a 12 lot single family subdivision with a buffer from the existing residences, and a trail to a viewpoint, to be connected down to the main area of the quarry. The presentation covered the applicant's requests for text changes related to allowed industrial service uses, extended office, and manufacturing. Staff provided answers to questions from the Planning Commissioners asked at the last meeting.

Ryan Hurley, Hurley Development, presented on the economic impacts of the project, fiscal impacts, the proposed trail on the site, dog park, bridges over the dry riverbed, a pond setting, amphitheater, gondola, and renderings of the proposed buildings. On affordability, the applicant is planning for a minimum of 10% of units to be affordable based on state and code requirements. On sustainability, the applicant is committed to carbon neutrality across the campus. The applicant described the concept of a smart city and the goals for this development including parking, facility management, signage, security access, and energy and sustainability. He noted "HQ" stands for headquarters. On reclamation, the applicant is working with the Cadman Group, the previous owner, to modify the reclamation plan and work with the Department of Natural Resources, to keep the cliff wall exposed and fill the quarry to the planned level.

Commission Discussion

The Commission asked questions on the following topics, and staff provided the following responses:

- Support for single family sites in Lot 30, and open to smaller lots that would be more consistent with neighboring lots.
- Concern with compliance and consistency with the subarea plan. Staff responded this is a legislative process, with an ordinance that will be produced. If the Planning Commission feels strongly, they can recommend that staff amend the subarea plan to reflect changes but noted that the RGX zone allows single family development in some areas already. The code doesn't currently allow this use in Fishers Quarry, but staff indicated they believe a code change to facilitate this still maintains consistency with the overall vision and intent of the subarea plan.
- Support for keeping the rock wall exposed.
- Subdivision with the master plan, vesting that could occur with the subdivision. Ryan Lopossa, Public Works Streets and Transportation Division Manager, responded that there is not currently a plan to have vested trips as part of the master plan and would be dealt with as each site plan is submitted.
- On calls for a larger park area, comment that this should be consistent with or greater than what the subarea plan requires.
- Suggestion to allow some uses for items staff is currently proposing to prohibit or only allow through a conditional uses process.
- Traffic considerations in the NE 192nd corridor and how proposed new intersections and traffic volumes will impact traffic movements and access to SR-14. Ryan Lopossa affirmed that this area is getting busier from a traffic standpoint and noted that several future projects have been identified and are in process to address those changes. Staff are working with WSDOT to add signals at the Hwy 14 interchange on the westbound off ramps to regulate vehicle volumes

entering the highway. Another project at 192nd and 34th Street will convert the intersection to concrete to facilitate the future vehicle volumes that are anticipated to travel through the intersection. In addition to identified projects, staff are working with HQ team to refine their traffic study, including updates to the study's underlying assumptions and an updated analysis to intersections with 192nd Avenue. Staff confirmed that they are analyzing this project in conjunction with other larger projects in the area - the Vancouver Innovation Center and future development in Section 30) - to ensure a holistic understanding of impacts and needed mitigations to the overall transportation system.

- On housing affordability, the area median income (AMI) for Portland is \$95,000, and \$64,000 in Vancouver. The Commission would like income thresholds for this project to be Vancouver specific rather than regional when considering affordability and suggest passing this issue on to City Council. Staff responded that they would consult with legal regarding this topic as well as economic development and would include this recommendation in information delivered to City Council for this project.
- Concern with lighting and glare on the rock wall, for those driving on Hwy 14. Ryan Lopossa responded they expect to see LED lighting on the installations, and those lights tend to direct light downward, rather than towards the roads.
- Applicant interactions with C-Tran, including a hub for transit in the plan. Staff indicated that they are coordinating with C-Tran on this project and noted that C-TRAN is the transit operator and determines future transit investment through their Transit Development Plan (TDP).
- On Footnote 41, a question of whether there is a conditional use for any other item that was similar but not within the plan goals.

COMMUNITY FORUM

Jayne Haygood was present to provide comments on the HQ Development and is a homeowner in the adjacent neighborhood. She expressed a few concerns, including the number of residential units planned, consistency with the subarea plan, the amount of park space for residents, the design layout of residences and privacy within the units, the plan and purpose of the gondola, drainage and flooding, traffic on 192nd, and proposed building heights.

Audra Houston was present to comment on the reappointment of Commissioner Schauer. She expressed concerns with the VIC project, consistency with city code, zoning ordinances, planning processes, environmental notices, and public notice processes.

Teresa Hardy was present to comment on the effects of land use and development on forests in Washington and the number of forested acres preserved and removed on the VIC site.

Andrew Houston was present to provide comments on housing developments in Vancouver. The new developments near his neighborhood have smaller lot sizes and trees were removed as part of the development process. The new developments are doing little to address the housing affordability crisis in the City.

Meridian Green was present to comment on the VIC forested area and expressed concern for the loss of wooded areas. She noted there is a need for natural infrastructure and asked how the value of the forested area was assessed with this development. She urged the Commissioners to consider the natural infrastructure when reviewing proposals.

Glen Yung was present to provide comments on home values in Vancouver, which have gone up 53% in three years in his neighborhood. The impacts of this change affect the affordability of the area and opportunities for first time homeowners. He was in support of more discussions on housing options for the City.

HEARING

6:54 P.M. BASEMENT STORAGE

Bryan Snodgrass, Principal Planner

Rebecca Kennedy introduced the hearing for Basement Storage. Bryan Snodgrass, Principal Planner, provided the background context for this change, the outreach process and the response to issues raised, the proposed updated code language, the staff analysis of the proposed change, and a staff recommendation.

Randy Printz, the applicant, was present to provide further context and support for the requested changes.

Public Testimony

No members of the public registered to speak during the public testimony portion of the meeting.

Commission Discussion and Deliberation

The Commission asked a question on the following topic, and staff provided the following response:

- The definition of basement as two feet above ground level. Staff responded this was in response to concerns raised at the last workshop regarding flexibility of the definition, and is less than six feet, which may allow for a more active viable use other than storage.

Motion, by Pyle, seconded by Harroun, and passed unanimously to forward to City Council a recommendation to adopt the code text changes as outlined in the staff report and the presentation, to allow self-storage in basements in the CX zone on a limited basis.

Roll Call Vote

Tim Schauer	Yes
Jim Atkins	Absent
Jack Harroun	Yes
Steve Schulte	Yes
Zach Pyle	Yes
Marjorie Ledell	Yes

7:09 P.M. EVERGREEN & GRAND COMMERCIAL CORRIDORS STRATEGY

Bryan Snodgrass, Principal Planner; Becky Coutinho, Associate Planner

Rebecca Kennedy introduced the hearing item with an overview of the process to date. Post adoption of this strategy by City Council, staff will initiate a separate process to implement the strategy recommendations through updated code language, which will require additional Commission and Council review. Bryan Snodgrass, Principal Planner, provided an overview of the process to date, outreach and

community input, the vision and goals of the proposed strategy, and transit and residential uses on the corridor. The strategy document includes recommendations on mixed use buildings, building heights, parking, active edge for street front activity, and other implementation considerations and next steps, including regulatory updates, programmatic investments, and transportation improvements.

Public Testimony

Frank Stock, WDC Construction, was present to provide comments on the Commercial Corridors Strategy. He stated his company has worked in Vancouver for about 7 years, with 10 successful projects, and over 300 multi-family residential units. They are interested in developing the Crosley Lanes bowling alley site. He has concerns regarding the viability of the project based on the building height restrictions and parking. In order to meet the parking standard, the building would need to have five floors, between 55' and 65'. The site is large enough and they are ready to develop the site, but it is not feasible without the fifth floor. He was looking for advice from the Commission on staff if it's possible for the development to have five floors of residential units and meet the strategy recommendations.

Gene Bolante represents the design firm that is currently working on a development project for the bowling alley site. He was present to request more information on the building heights and recommended height maximums of 5 stories or 60' be allowed at the site.

Commission Discussion and Deliberation

The Commission asked questions on the following topics, and staff provided the following responses:

- Questions about the purpose of the strategy, and if it is binding on the Commission when the code review happens. Staff responded it is guidance, it is not binding in the sense of a legal document. It is reviewed and adopted, and states what is intended. It is not as in depth as something like a new zoning district. When adopting future standards there is leeway in the development of implementing regulations but generally these should follow guidance in the strategy document.
- Do we need to address the building heights within the strategy document? Staff responded that building heights and parking ratios are included here because there was interest by the public in understanding in more detail how subsequent code work will address this topic. Staff noted that if the Planning Commission wanted to recommend a change to something within the strategy, including to recommended building heights, it would be helpful to the Council to do that now.
- On building heights, was 50' a specific calculated height that staff came up with for a specific reason? Staff responded that the current allowance is 50' in the general commercial zone. In staff's view, the most appropriate location for increased building heights is near the BRT hub, where the draft strategy proposes to allow up to 60'. There are other locations within the study area where staff believe it makes sense to recommend a lower number, such as 3 stories. In still other areas, it made sense to keep the existing standard. Don Arambula, from Crandall Arambula Architects, a consultant on this project, responded to the heights question, noting that they considered and discussed a step back, where 40' height is adjacent to residential, and 60' an appropriate distance from the residential areas. Staff also noted that City Council takes formal action, and the Planning Commission makes a recommendation to Council. The public can engage with Council with this project. This document is guidance and code development will follow this process.
- Maintaining commercial and active engagement at the street level, with strong design standards, particularly at the anchor sites.

- The focus of the Evergreen corridor is primary residential with some commercial, and a 0' to 5' step back is more common with commercial. A larger setback in residential areas might be more appropriate.
- General support for the recommendations included in the existing draft strategy document, but an allowance that a up towards the center of the site might be appropriate.
- Washington School for the Deaf was absent from the mapping, was there discussion with the school to be part of the improvements? Staff responded they have had consistent communication with the school through the strategy planning process, and they declined to be included in study area, noting they have already identified a redevelopment plan for their site. The School for the Deaf generally supports recommendations for transportation improvements identified in the strategy that are recommended for their property frontage.
- Traffic mitigation and signage around the school. Staff responded that was the strategy includes transportation improvements outside the strategy study area that are specifically designed to enhance safe access to the school.
- 20-minute neighborhoods, complete streets, and design standards working together in this and other projects. Staff responded the 20-minute neighborhood concept is to integrate land use with safe transportation access for a variety of modes, where people can walk, bike or take transit to access services and amenities including entertainment, shopping, and open space. This plan incorporates complete streets and works to enhance a complete neighborhood. The plan recommends specific land use and programmatic investments, as well as transportation improvements and a new street section for Grand Blvd, which is being developed as part of the Transportation System Plan, called Vancouver Moves, that is currently underway. All transportation investments within the study area are subject to the City's Complete Streets Policy, and the strategy broadly incorporates complete neighborhood standards with complete street design.
- Will the strategy document be used to apply for grants to help propel the area, and are there items in the document to guide staff from a public improvement standpoint? Staff responded it could be used for applications as it displays the planning intent for the area. Aspects of the document and input received could help staff to prioritize the work.

Motion, by Schauer, seconded by Pyle, and passed unanimously to forward to City Council a recommendation to adopt the proposed Evergreen and Grand Commercial Corridors Strategy, based on findings and recommendation contained in the staff report and the Commission deliberation at the December 14 Public Hearing as sufficient guidance for future code implementation.

Roll Call Vote

Tim Schauer	Yes
Jack Harroun	Yes
Steve Schulte	Yes
Zach Pyle	Yes
Marjorie Ledell	Yes

COMMISSIONER RECOGNITIONS

In closing, Chair Ledell highlighted the Commissions accomplishments in 2021, including new Heights District development standards, the Vancouver Innovation Center project, the HP Section 30 Master Plan, numerous rezones, human services, and park impact fees. Rebecca Kennedy expressed her appreciation

to the Commissioners, especially outgoing Commissioner Atkins, who served for four years. The Chair and the Commissioners present recognized Commissioner Atkins service to the Commission, as well as the Staff and the Chair.

ADJOURNMENT 8:16 PM

Marjorie Ledell, Chair

To request other formats, contact Julie Nischik, Community and Economic Development Department | 360-487-7813.
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Housing Code Updates

VANCOUVER
CITY HALL

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Vancouver
WASHINGTON

January 25, 2022 Planning Commission workshop

Bryan Snodgrass, Principal Planner,
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Becky Coutinho, Associate Planner,
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www.cityofvancouver.us/cdd/page/housing-code-updates

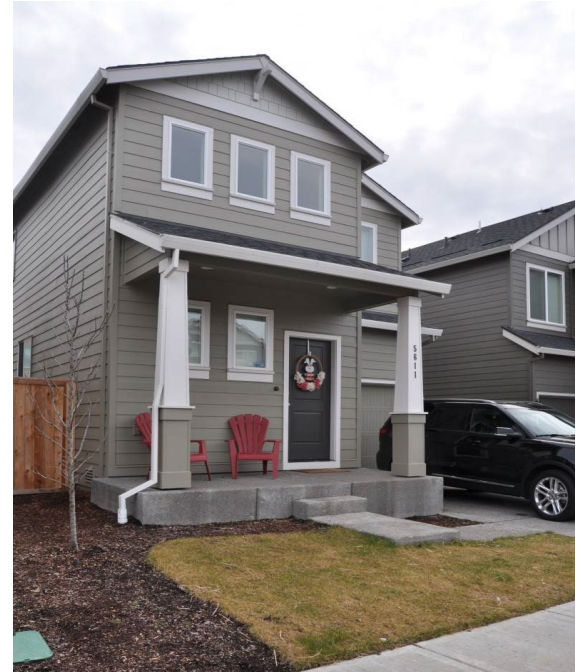
Presentation Overview

- Brief summary of nine code changes proposed to expand housing choices and affordability. Most already allowed in local jurisdictions, or required by state law
- Recent feedback
- Next steps



Project Goals

- Expand housing choices and address changing demographic needs and consumer preferences
- Realize recommendations of the 2016 Affordable Housing Task Force
- Promote efficient development near existing services
- Maintain neighborhood livability, with gradual rather than rapid change
- Plan for the long-term



Process to-date

- Pre-pandemic Planning Commission and City Council workshops
- Research on best practices in other jurisdictions in Clark County and statewide
- Housing developer consultation, Neighborhood leaders meeting, Hough/Carter Park N.A.
- Project website, neighborhood newsletter, Be Heard Vancouver
- 2021 Commission and Council workshops



New Single-Family R-17 Zoning District Standards

- Requires zone change and public hearing to site
- Allows new subdivisions of detached and attached single-family homes on lots between 2,000 and 5,000 s.f.
- Increases flexibility for lot coverage and width, and street side setbacks.
- Uses parking strategies such as alley-loading and shared driveways, where possible.
- Includes streetfront function requirements limiting garage door widths, requiring a visible front door, and limiting multiple repetition of housing form.



New R-17 – Garage Width Limits

Would limit garages to 50% of front façade width, allowing at least 9 feet, in order to:

- Allow space for on-street parking
- Provide space for on-site utilities
- Encourage neighborhood pedestrian activity, as well as front yard and porch use



New R-17 – Visible Main Entry

Would require visible front door with awning or other feature in order to:

- Create street interest
- Facilitate security through eyes on street



New R-17 – Limit Repetition

Would limit repetitious front facades on homes in order to create street interest and variety. Similar and potentially simpler than “six pack” rule used in some local cities.



New R-17 – Rear Alley

Would require rear alley use unless demonstrated unfeasible in order to support on-street parking, high-quality pedestrian facilities, and streetfront activity.



R-17 - Follow On Recommendations for Existing Zones

- Existing Vancouver MFR zones allow SFR housing provided density requirements are met, sometimes resulting in SFR lots similar or smaller than what is being proposed for R-17. SFR development in these zones recommended to be subject to R-17 streetfront, access, and setback requirements. Loophole allowing for 50' high SFR homes in MFR zones also recommended to be eliminated.
- Denser existing SFR zones (R-9 and R-6 allowing lots of 5,000 and 7,500 sf) and narrow lots less than 40' wide in any SFR zone have some similarities with proposed R-17, and should be subject to R-17 streetfront and setback requirements

Proposed New Multi-Family R-50 Zoning District

- Requires rezone and public hearing to site
- Allow apartments of densities up to 50 units per net acre maximum
- Increase maximum lot coverage and building height to provide more flexibility
- Decrease minimum parking requirement from 1.5 to 1 spaces per unit to be consistent with Citywide SFR standard. Also apply to other MFR zones. Projects can provide more spaces if desired.



Cottage Cluster Housing

- Allow clusters of small cottages around common courtyards in single-family zones
- Limit density to twice underlying zoning.
- Allow 4-12 cottages with sloped roofs and porches. Limit single units to 1,600 s.f. and duplexes to 3,000 s.f. both with 25' height limit, with allowances for 30' in project interior.



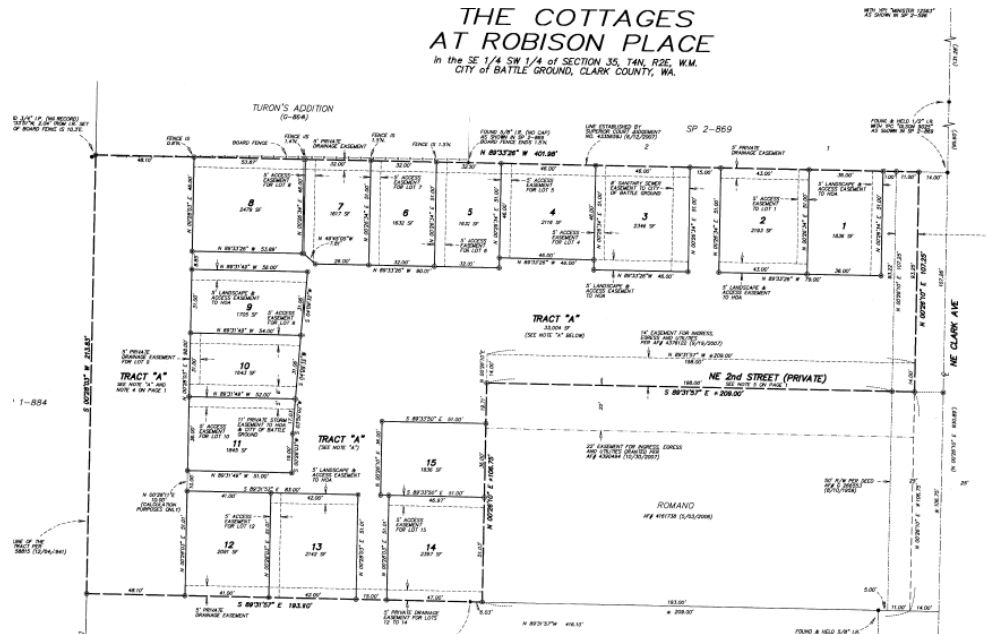
Cottage Cluster Housing (cont.)

- At least 75% of cottage units must be oriented to common courtyard that is generally square or round, and connected to it by pedestrian path
- Courtyard must be sized at 200 s.f. per cottage
- One parking space per cottage unit required. On-street parking credited.
- Requires public hearing if subdivision involved



Cottage Cluster Housing

- As of 2020, one built example in Battle Ground, approvals in Ridgefield and Clark County



Apartments with shared kitchen and bathroom

- Allow apartments with shared kitchen or bathroom facilities in multi-family zones
- Currently allowed only in medical or recovery context with on-site staff. Proposed to allow for apartments without staff.
- No density bonus – only what's allowed by zoning



ADUs in historic garages with non-conforming setbacks

Adjust ADU standards to allow conversions or replacements of existing garages with non-conforming setbacks to be eligible if they meet building and ADU codes. Staff considering limiting second story add-ons or replacements to an additional 3-5 feet based on community feedback.



New home construction to allow aging in place

- Incentivize new home construction to supports aging in place through wide doorways, first floor bathrooms, and zero-step entries
- Ridgefield offers 10% permit fee reduction, but no applications received to date
- Staff considering expedited building permit review incentive



Setbacks for new apartments next to existing homes

Current code requires new development in high density residential zones abutting lower density zones to be setback 5 feet from the property line, with 6-foot high shrub screen or fence. Further setback requirements for taller apartments being considered.



Density bonus for faith-based residential

- GMA requires allowing density bonus for long term affordable housing owned or controlled by faith-based organizations
- Local governments can develop policies following requests from applicants
- Staff considering allowing bonus for any entity providing long-term affordable housing



Parking reductions near transit

GMA requires reduced parking requirements for following housing types near frequent transit:

- Market rate MFR – No more than 0.75 spaces per unit or one per bedroom within ¼ mile of transit stops with 15-minute intervals
- Affordable housing – Same, but within ¼ mile of transit stops with 30-minute intervals
- Senior or disabled housing – No resident parking requirements within ¼ mile of transit stops with 15-minute intervals

Staff considering recommending affordable, senior and disabled parking reductions be applied citywide, not only near transit



Recent feedback

January 6, 2022 Developer Roundtable

- General agreement with direction; desire for less stringent garage door width limits, flexible alley requirements, and allowance for lots not directly accessed by a street in R-17
- Desire for larger home options in cottage clusters
- Desire for larger ADU allowances on properties with small main dwelling
- Desire to expand faith based density bonus to anyone providing long-term affordable housing
- Concerns about complications of implementing state mandated parking reductions in face of changing transit service over time.

Recent feedback (cont.)

January 12 Vancouver Neighborhood Alliance

- Concern about parking within small lot developments, and in general
- Desire for increased apartment building setback requirements
- Questions about impacts to park impact fees
- Desire for aging in place incentives for remodels, not just new construction
- Questions about rezone process and implications for R-17

Recent feedback (cont.)

January 18 Virtual Open House

- Concerns about R-17 rezones occurring on individual or small groups of homesites
- Questions about rezone process
- Concerns about parking in small lot developments, and generally
- Concerns about fire access and garbage pickup in small lot developments
- General concerns about implications for character of existing older neighborhoods
- Desire for more architectural standards
- Questions about short term rental of ADUs and cottages
- Question about determining eligible locations for state mandated parking reductions
- Questions about ADU second stories on historic garages

Next Steps – Housing Code Updates

- Continue to refine specific draft code language for public and stakeholder comment in winter 2022
- Upcoming meetings scheduled before the Fircrest and Harney Heights Neighborhoods Associations, and Clark County Developers and Engineers Advisory Board
- Additional Planning Commission workshop February 22. Hearings not yet scheduled.



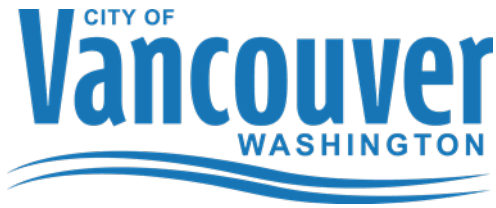
Questions and Discussion

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www.cityofvancouver.us/cdd/page/housing-code-updates





Memorandum

DATE: January 14, 2021

TO: Chair Ledell and Planning Commission members

FROM: Bryan Snodgrass and Becky Coutinho, Principal and Associate Planners, Community Development Department

RE: January 25, 2022 workshop review of Housing Code Updates

The Housing Code Updates project is an initiative to amend zoning standards to increase housing choices and attainability citywide. The proposal, which includes code changes in nine areas, was discussed in detail at a December 14, 2021 Commission workshop. This memorandum is intended to address issues raised in that workshop in advance of the January 25 workshop.

1. **New R-17 single-family zoning district standards allowing lots smaller than 5,000 square feet.** Applying the new standards would require rezone approval and associated public hearing review before the Planning Commission and City Council. To accommodate smaller lots, the proposed new R-17 standards would allow greater lot coverage, narrower lot widths, and shorter sideyard setbacks than other single-family districts allowing larger lots. There are also proposed requirements for homes to include a visible front door, to limit garage widths, and to prevent identical front facades of adjacent or facing homes on a street. Providing a rear alley to serve the lots is also proposed to be required unless unfeasible.

Follow-up issues:

- The proposed minimum lot size has been lowered to 2,000 sf Lot size averaging would be allowed, as it is in other zones.
 - Staff continues to explore criteria for alley standards.
2. **New R-50 multi-family zoning district allowing up to 50 units per acre feet.** Applying the new standards would also require a rezone and associated public hearing. A reduction in minimum parking requirements from 1.5 to 1 space per unit is proposed for new construction in this zone as well as in existing Multi Family Residential (MFR) zoning districts, to match the existing Single Family Residential) SFR zoning standard of 1 space per unit, and recognize data indicating that single-family homes generate more vehicle traffic per unit than multi-family development. Pending additional information or input, at this time staff does not anticipate changes to the proposed code language provided at the December 14 workshop.
 3. **New Cottage Cluster Standards.** These would allow groups of cottages linked to a common open area to be built in existing single family zones, at higher units densities than normally

allowed, but with smaller structures. A doubling of underlying unit density is proposed, based on current standards in Clark County, Ridgefield and Battle Ground, but structures would be limited to 1,600 sf per single family cottage and 3,000 sf for a duplex.

Follow-up Issues:

- In response to concerns raised at the December workshop and a January 6 roundtable discussions with developers, staff is proposing to raise the height limit of the cottages from 25 to 30 feet, but only for units at least 50 feet from the project property line. The otherwise applicable limit in single family zones is 35 feet.
 - Staff is further evaluating issues of connectivity of cottages to common open areas.
4. **Amended standards allowing apartments in multi-family zones to have shared bathroom and kitchen facilities.** This change would not increase allowed apartment densities or locations where they could be built, but would allow the apartment to have shared bathroom or kitchen facilities, which is currently only allowed in medically-related uses where on-site staff is required. Pending additional information, no change is envisioned to text provided at the December workshop.
 5. **Updates to Accessory Dwelling Unit (ADU) standards allowing pre-existing garages with non-conforming setbacks to be eligible to apply if ADU and building code standards are met.** The ADU could be proposed in or on top of the garage, or in a replacement structure that didn't increase the degree of non-conformity. Pending additional information, no change is envisioned to text provided at the December workshop.
 6. **New building code fee incentives to encourage new single family homes to use "visitable" features to support aging-in place.** The City of Ridgefield offers a 10% building permit fee rebate for various features but as of late last fall had received no applications. VMC 20.285 exempts fees from Planning Commission review, so this item will not be part any upcoming Housing Code Updates hearings, but as part of the project staff will discuss at the January 25 workshop. Based on internal and external feedback, staff are reviewing whether a code-based incentive may be more effective in spurring the creation of "visitable" features in single family housing products. If a code route is pursued, it will be included in the package before the Commission for their review and recommendation.
 7. **Updates to setbacks for new apartments abutting existing single-family homes.** [VMC 20.925.030-1](#) only requires new development in high density residential zones directly abutting lower density residential zones to be setback 5 feet from the property line, and to apply an L3 buffer requiring a 6-foot high shrub screen or fence.

Follow-up issues:

- Staff will recommend expanding the base buffer requirement from 5 to 10 feet.
- Staff is exploring opportunities to have slightly larger setbacks from taller apartment buildings.

8. **Density bonuses for affordable housing proposals from faith institutions, per [RCW 36.70.A.545](#).**

Follow-up issues:

- Staff is exploring a suggestion from a recent developer's roundtable discussion to extend the bonus to affordable housing projects from any party, not just religious institutions.
- Staff is also investigating limits to ensure the density bonus is not used to site denser multi-family developments in single family zones.

9. **Reductions in minimum parking requirements for market rate, affordable, disabled and senior housing located near transit, per. [RCW 36.70.A.620](#), which requires the below:**

Category	New Maximum Parking Requirement Allowed	Where Requirement Applies
Market rate Multi-family housing	0.75 spaces per unit, or one space per bedroom.	Within ¼ mile of transit stops providing service every 15 minutes for half the day.
Affordable housing (50% AMI)	0.75 spaces per unit or one space per bedroom.	Within ¼ mile of transit stops providing service every 30 minutes for half the day.
Senior housing (undefined)	Zero spaces per resident unit. Parking for staff and visitors can be required	Within ¼ mile of transit stops providing service every 15 minutes for half the day.
Disabled housing (undefined)	Zero spaces per resident unit. Parking for staff and visitors can be required	Within ¼ mile of transit stops providing service every 15 minutes for half the day.

As of 2020 the C-Tran Transit Development Plan indicates that local Vancouver service every 15 minutes or less is provided on the Vine BRT and #37 Mill Plain/Fisher's routes. Local Vancouver service every 30 minutes or less is provided on the #6 Fruit Valley/Grand, #25 St. Johns, #30 Burton, #31 Hazel Dell, #32 Evergreen/Andresen, and #80 Van Mall/Fisher's Landing routes, as well as the BRT and #37.

Follow-up issues:

- Staff is exploring recommending that the parking reductions for affordable, senior and disabled residents be applied citywide for simplicity, rather than only near frequent transit.

Chapter 20.410

LOWER DENSITY RESIDENTIAL DISTRICTS

Sections:

- 20.410.010 Purpose.**
- 20.410.020 List of Zoning Districts.**
- 20.410.025 Lower Density Residential Zone Function and Location Criteria.**
- 20.410.030 Uses.**
- 20.410.040 Minimum and Maximum Densities.**
- 20.410.050 Development Standards.**

20.410.010 Purpose.

Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible nonresidential development, such as elementary schools, churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale. (Ord. M-3709 § 3, 2005; Ord. M-3643, 2004)

20.410.020 List of Zoning Districts.

A. R-2: Low-Density Residential District. The R-2 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 20,000 square feet and a density of 1.8 to 2.2 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-2 zoning district was referred to as R1-20 zone prior to March 11, 2004.

B. R-4: Low-Density Residential District. The R-4 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 10,000 square feet and a density of 2.3 to 4.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-4 zoning district was referred to as R1-10 zone prior to March 11, 2004.

C. R-6: Low-Density Residential District. The R-6 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 7,500 square feet and a density of 4.5 to 5.8 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-6 zoning district was referred to as R1-7.5 zone prior to March 11, 2004.

D. R-9: Low-Density Residential District. The R-9 zoning district is designed to accommodate detached single dwellings with or without accessory residential units at a minimum lot size of 5,000 square feet and a density of 5.9 to 8.7 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses. The R-9 zoning district is a new zoning district that combines what was referred to as R1-6 and R1-5 zones prior to March 11, 2004. (Ord. M-3643, 2004)

E. R-17: Low-Density Residential District. The R-17 zoning district is designed to accommodate detached and attached single dwellings with or without accessory residential units at a minimum lot size of 2,500 square feet and a density of 8.8 to 17.4 units/net acre. Some civic and institutional uses are permitted as limited or conditional uses.

20.410.025 Lower Density Residential Zone Function and Location Criteria.

A. *General Criteria.* The Lower Density Residential designation is applied to areas that provide predominantly single-family structures (attached or detached) on individual lots. Application of individual zones to specific areas in the City should enhance and support the integrity of existing neighborhoods, provide for a range of choices in housing styles and cost, and encourage compatible infill development and redevelopment.

B. Lower Density Residential Zone (R-2, R-4, R-6, R-9, R-17) Location Criteria.

The Lower Density zone designations defined above can be appropriately applied and maintained in areas meeting one of the following criteria:

1. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have at least eighty (80) percent of the existing structures in single-family residential use on lots whose average size falls within the minimum and maximum lot size standards of the zone to be applied. Half-blocks at the edges of single-family zones with more than fifty (50) percent single-family structures, or portions of blocks on an arterial with a majority of single-family structures, shall generally be included. This shall be decided on a case-by-case basis, but the policy is for inclusion.
2. Blocks, intersection-to-intersection street segments, or areas with defined physical edges, which have less than eighty (80) percent of the existing structures in single-family residential use but in which an increasing trend toward single-family residential use can be demonstrated; for example:
 - a. The construction of single-family structures in the last five (5) years has been increasing proportionately to the total number of constructions for new uses in the area, or
 - b. The area shows an increasing number of improvements and rehabilitation efforts to single-family structures, or
 - c. The number of existing single-family structures has been very stable or increasing in the last five (5) years, or
 - d. The area's location is topographically and geographically connected to, and compatible with, existing single-family residential development, with physical edges (such as major arterials, topography, waterways, open space, existing natural or landscape screening, etc) that separate and buffer the area from Higher Density Residential, Commercial, and Industrial.
3. Areas with sensitive physical, environmental or natural resource characteristics that make lower intensity development advisable and appropriate.
4. Areas that meet the above criteria for designation as Lower Density Residential shall not be rezoned for nonresidential uses, except NC (Neighborhood Commercial), unless the change has been adopted as part of a sub-area planning study.

5. No vacant or underutilized land areas (per Vacant Buildable Lands Model criteria) within the City shall be rezoned R-2 or R-4 for new residential development. Land use and zoning designations for residential lands being annexed into the City shall be converted to City designations in accordance with VMC Table 20.230.030. (Ord. M-3946 § 6, 2010; Ord. M-3730 § 9, 2005)

20.410.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters [20.245](#) and [20.210](#) VMC, governing conditional uses and decision-making procedures, respectively.
4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.

B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Low-Density Residential Districts is presented in Table 20.410.030-1.

Table 20.410.030-1. LOWER-DENSITY RESIDENTIAL DISTRICTS USE TABLE

USE	R-2	R-4	R-6	R-9	<u>R-17</u>
RESIDENTIAL					
Household Living	P ¹	P ¹	P ¹	P ¹	<u>P¹</u>
Group Living	P/X ¹	P/X ¹	P/X ¹	P/X ¹	<u>P/X¹</u>
Home Occupation	L ²	L ²	L ²	L ²	<u>L²</u>
Medical Center Residential	L ²³	L ²³	L ²³	L ²³	<u>L²³</u>
HOUSING TYPES					

USE	R-2	R-4	R-6	R-9	R-17
Single Dwelling, Attached	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸	L ¹⁸
Single Dwelling, Detached	P	P	P	P	P
Accessory Dwelling Units	L ⁴	L ⁴	L ⁴	L ⁴	L ⁴
Duplexes ²²	L ²¹	L ²¹	L ²¹	L ²¹	L ²⁴
Multi-Dwelling Units	X	X	X	X	L ²⁴
Existing Manufactured Home Developments	L ⁵	L ⁵	L ⁵	L ⁵	L ⁵
Designated Manufactured Homes	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹	L/X ¹⁹
New Manufactured Homes	L ²⁰	L ²⁰	L ²⁰	L ²⁰	L ²⁰
CIVIC (Institutional)					
Basic Utilities	C	C	C	C	C
Colleges	C	C	C	C	C
Community Centers	X	X	X	X	X
Community Recreation	C ⁶	C ⁶	C ⁶	C ⁶	C ⁶
Cultural Institutions	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷	P/C ⁷
Day Care					
- Family Day Care Home	P ⁸	P ⁸	P ⁸	P ⁸	P ⁸
- Child Care Center	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
- Adult Day Care	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹	L/C/X ⁹
Emergency Services (except ambulance services)	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Ambulance Services	X	X	X	X	X
Medical Centers	X	X	X	X	X

USE	R-2	R-4	R-6	R-9	R-17
Parks/Open Space					
- Neighborhood Parks	P	P	P	P	P
- Community Parks	L ¹⁰ /C	L ¹⁰ /C	L ¹⁰ /C	L ¹⁰ /C	L ¹⁰ /C
- Regional Parks	C	C	C	C	C
- Trails	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰	L ¹⁰
Postal Service	C	C	C	C	C
Religious Institutions	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Schools	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹	L/C ¹¹
Social/Fraternal Clubs	X	X	X	X	X
Transportation Facility	C ¹²	C ¹²	C ¹²	C ¹²	C ¹²
COMMERCIAL					
Commercial and Transient Lodging	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³	L/C/X ¹³
Eating/Drinking Establishments	X	X	X	X	X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Personal Services	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴	C ¹⁴
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X

USE	R-2	R-4	R-6	R-9	R-17
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P	P
- EV Rapid Charging Stations (accessory only)	P	P	P	P	P
- EV Battery Exchange Stations	X	X	X	X	X
Office					
- General	X	X	X	X	X
- Medical	X	X	X	X	X
- Extended	X	X	X	X	X
Non-Accessory Parking	X	X	X	X	X
Self-Service Storage	X	X	X	X	X
Marina	C	C	C	C	C
INDUSTRIAL					
Industrial Services	X	X	X	X	X
Manufacturing and Production	X	X	X	X	X
Railroad Yards	X	X	X	X	X
Research and Development	X	X	X	X	X

USE	R-2	R-4	R-6	R-9	R-17
Warehouse/Freight Movement	X	X	X	X	X
Wholesale Sales	X	X	X	X	X
Waste-Related	X	X	X	X	X
Major Utility Facilities	X	X	X	X	X
OTHER					
Agriculture/Horticulture	P	P	P	P	P
Airport/Airpark	X	X	X	X	X
Animal Kennels/Shelters	X	X	X	X	X
Cemeteries	C ¹⁵	C ¹⁵	C ¹⁵	C ¹⁵	C¹⁵
Detention & Post Detention Facilities	X	X	X	X	X
Dog Day Care	X	X	X	X	X
Heliports	X	X	X	X	X
Recreational or Medical Marijuana Facilities	X	X	X	X	X
Medical Marijuana Cooperatives	X	X	X	X	X
Mining	X	X	X	X	X
Rail Lines/Utility Corridors	P	P	P	P	P
Temporary Uses	L ¹⁶	L ¹⁶	L ¹⁶	L ¹⁶	L¹⁶
Wireless Communication Facilities	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X ¹⁷	L/C/X¹⁷

1 Residential Care Homes, state or federally approved, with six or fewer residents and any required on-site residential staff permitted by right; all larger group living uses prohibited.

- 2** Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.
- 4** Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.
- 5** Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005, are exempt from the standards of VMC [20.410.050\(F\)](#). Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision.
- 6** Subject to provisions in VMC [20.895.040](#), Community Recreation and Related Facilities.
- 7** Libraries only permitted outright; all other cultural institutions are conditional uses.
- 8** Family day care homes for no more than 12 children are permitted when licensed by the state.
- 9** Adult day care facilities for six or fewer adults allowed as limited uses subject to compliance with the development standards governing Home Occupations, per VMC [20.860.020\(B\)\(1\)](#) through [\(B\)\(7\)](#) ; facilities with seven to 12 adults allowed as conditional uses; and larger facilities are prohibited.
- 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\(E\)](#).
- 11** Schools, religious institutions, government buildings, fire stations, child care centers, and emergency services facilities that meet all of the criteria contained in VMC [20.410.050\(D\)](#) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).
- 12** Except bus, trolley and streetcar stops, including bus shelters, which are allowed by right.
- 13** One- and two-bedroom Bed-and-Breakfast facilities are permitted outright and three- to six-bedroom Bed-and-Breakfast facilities are allowed as conditional uses, with all Bed-and-Breakfast facilities subject to provisions of Chapter [20.830](#) VMC, Bed-and-Breakfast Establishments. No more than six bedrooms are allowed under any circumstances. All other commercial lodging is prohibited.
- 14** Retail commercial uses limited to 1,500 gsf per use to a maximum of 5,000 square feet in planned developments of 150 units or more. See VMC [20.260.020\(B\)\(1\)\(b\)\(2\)](#).
- 15** Subject to provisions in VMC [20.895.030](#).
- 16** Subject to provisions in Chapter [20.885](#) VMC, except sales of fireworks which is prohibited in residential zones.
- 17** Building-mounted antennas are allowed by conditional use on nonresidential buildings in single-family residential zones subject to requirements contained in Chapter [20.890](#) VMC, Wireless Communication Facilities.

18 Subject to VMC [20.260.020\(B\)\(1\)\(a\)\(2\)](#), planned development, and subject to VMC [20.910.050](#), Zero Lot Line Developments.

19 A “designated manufactured home” is exempt from the development standards of VMC [20.410.050\(F\)](#) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

20 Subject to VMC [20.410.050\(F\)](#), Development Standards – Criteria for Placement of Manufactured Homes.

21 Subject to Chapter [20.920](#) VMC, Infill Development Standards.

22 Existing duplexes built on lots meeting the minimum infill lot size standards of Table 20.920.060-1 shall be considered conforming uses even if not part of an infill development.

23 Medical Center Residential uses, as defined in VMC [20.160.020](#), are permitted outright if approved through a public facilities master plan per VMC [20.680.040](#).

24 Two-family dwellings (Duplexes), three-family, or four-family dwellings are permitted subject to density and development standards of the R-17 district.

(Ord. M-4255 § 6, 2018; Ord. M-4254 § 3(BB), 2018; Ord. M-4187 § 5, 2016; Ord. M-4071 § 7, 2014; Ord. M-4066 § 5, 2013; Ord. M-4035 § 2, 2012; Ord. M-4034 § 10, 2012; Ord. M-4024 § 6, 2012; Ord. M-4002 § 5, 2011; Ord. M-3931 § 9, 2009; Ord. M-3922 § 19, 2009; Ord. M-3840 § 18, 2007; Ord. M-3709 § 4, 2005; Ord. M-3663 § 12, 2004; Ord. M-3643, 2004)

20.410.040 Minimum and Maximum Densities.

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

B. *Maximum and minimum densities.* The maximum and minimum densities for the Low-Density Residential Districts are contained in Table 20.410.040-1.

Table 20.410.040-1 Minimum and Maximum Densities and Lot Sizes ¹				
Zone	Minimum Lot Size	Maximum Net Density	Maximum Average Size	Minimum Net Density
R-2	20,000 sf	2.2	30,000 sf	1.8
R-4	10,000 sf	4.4	19,000 sf	2.3
R-6	7,500 sf	5.8	10,500 sf	4.5
R-9	5,000 sf	8.7	7,400 sf	5.9
R-17	2,500 sf	17.4	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 VMC [20.260](#), infill development, density transfer, and situations where an existing house is allowed on a larger than maximum lot size per VMC [20.410.040.C.2.c](#) (Exceptions). Minimum densities shall be calculated based on the gross area of the site minus any public rights-of-way, street tracts, private road easements, lots for dwellings existing on December 11, 2004, or designated critical areas."

C. *Exceptions.* The following exceptions are permitted to the lot size and density provisions for the R-2- R-9 zoning districts contained in Table 20.410.040-1 above:

1. Minimum lot size/maximum density:

- a. Lots developed or approved before March 11, 2004, are exempt from the requirements for minimum density. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements contained in Table 20.410.010-1 above.
- b. Non-residential uses are exempt from minimum lot sizes.
- c. Within a development of two or more lots, the minimum lot size may be averaged as long as no lot is smaller than 80% of the minimum required lot size.
- d. Legal lots of record (lots legally created) that do not meet the minimum lot size requirement may be developed with a single dwelling unit.
- e. When the maximum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

2. Maximum lot size/minimum density:

- a. Non-residential uses are exempt from maximum lot sizes.
- b. On large parcels containing an existing dwelling on March 11, 2004, a lot no greater than one acre may be created around the existing dwelling with the remainder platted to create the number of dwelling units required within the range of minimum and maximum density established for the zoning district in which the parcel is located.
- c. When the minimum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down; for calculations of X.5 – X.9, this means rounding up to the next whole unit.
- d. On sites that contain sensitive environmental conditions, all or a portion of the sensitive resources areas may be deducted from the gross lot area before the minimum and maximum densities are calculated unless the applicant chooses to transfer density per the requirements of Chapter [20.940](#) VMC, On-Site Density Transfers.

3. *Planned Developments.* See VMC Chapter [20.260.060](#) (Development Standards – Item 4) for additional exceptions to lot size requirements. (Ord. M-3931 § 10, 2009; Ord. M-3701 § 13, 2005; Ord. M-3643, 2004)

20.410.050 Development Standards.

A. *Compliance Required.* All developments must comply with:

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

B. *Development standards.* Development standards in low-density residential zoning districts are contained in Table 20.410.050-1. These apply to all primary dwellings and accessory buildings on the site. For additional regulations governing accessory buildings, see Chapter [20.902](#) VMC.

1. Additional standards within R-6, R-9, and R-17 Zoning Districts. The following standards are in addition to the requirements in Table 20.410.050-1.

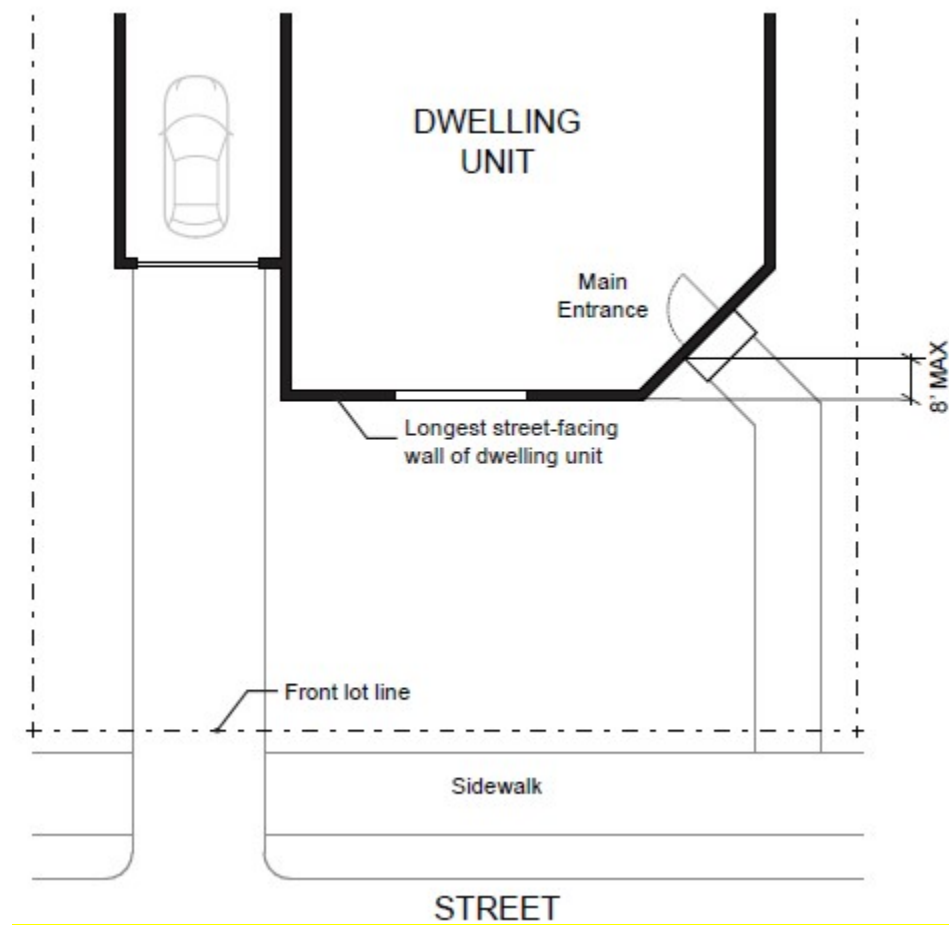
a. Garages. The width of the garage door facing the street may be up to 50 percent of the width of the street-facing building façade or 9' in length, whichever is greater. Garage limitations do not apply to residential development accessed through rear alleys, or where the garage is detached or located in the rear of the lot.

b. Main Entrances. Main entrances shall be visible from the street and must:

1. Not be recessed more than 4 feet behind the longest street-facing wall.

2. Have an awning, a porch of at least 25 square feet in area, or other covered architectural feature, or

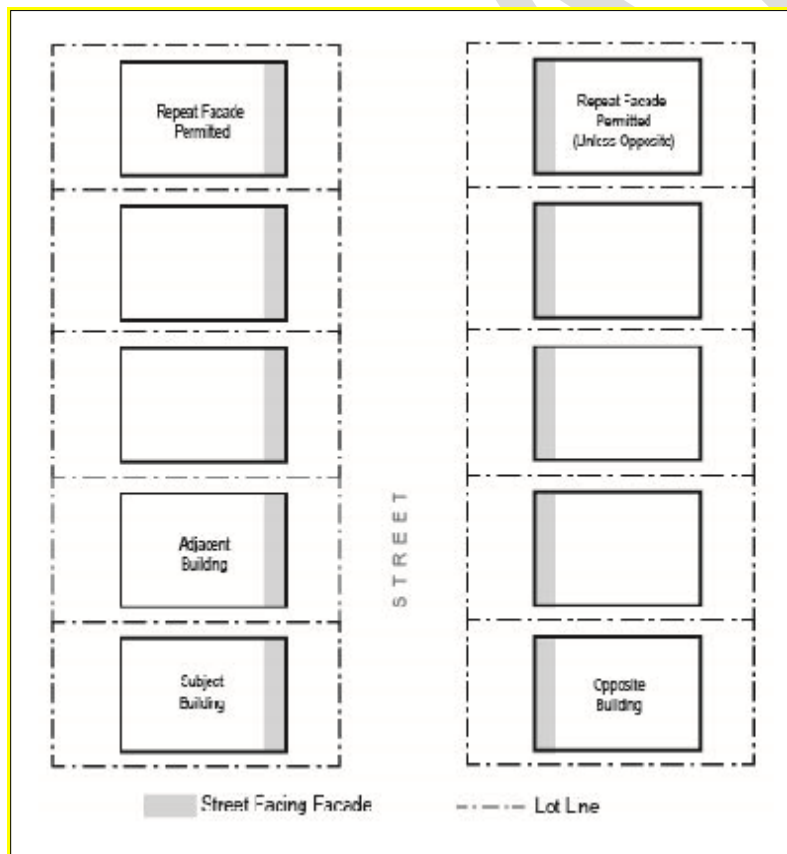
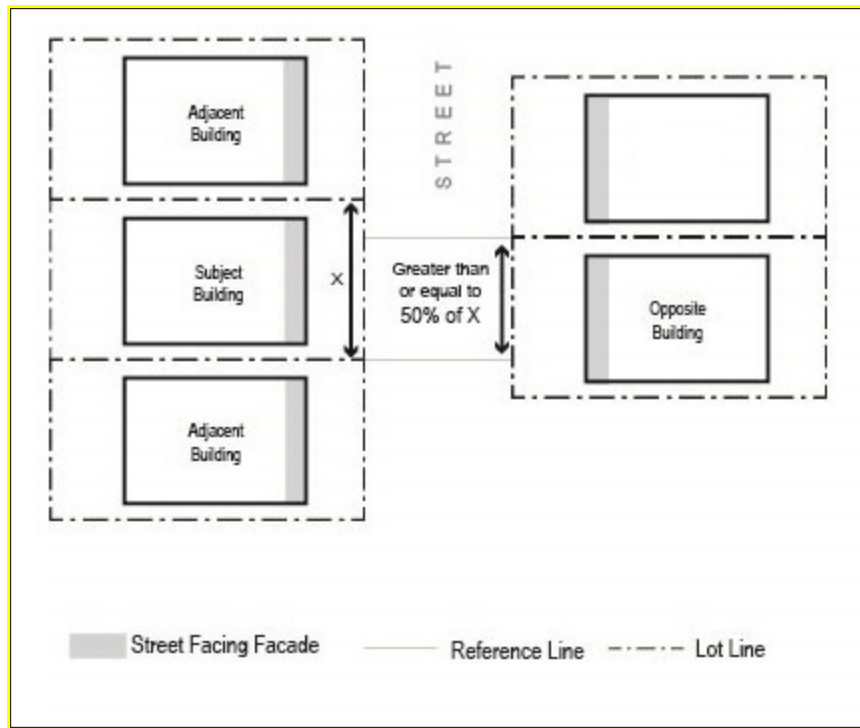
3. Face the street or be oriented at an angle of not more than 45 degrees from the street-facing façade. Corner lot homes may face either street.



c. Front Façade Variety. Duplicative front facades adjacent to or directly across (or opposite) from each other are prohibited. Directly opposite across is defined as any two dwellings directly

across the street from one another whose frontages overlap by 50% or more. Facades shall be substantially different shall contain at least three of the following design features:

1. Varied or staggered front setbacks, with variations of at least five feet.
2. Different building heights, with the two heights varying by at least five feet.
3. Varied rooflines such as hipped or pitched roofs.
4. Different window opening locations and designs, with the following potential variations:
 - a. Variation in the number of windows by at least one window on the front façade.
 - b. Variation in the size of two or more windows, with a variation of at least 15% in size.
 - c. Variation in the location of windows, with a variation in placement of at least three feet in any direction for two or more windows.
5. Different garage location, configuration, and design, or
6. Other architectural elements including but not limited to covered porches, dormers, eaves with a minimum six-inch projection, pillars or posts, bay windows, or balconies.
7. Mirrored facades.



d. Alleys. Where alleys are present, all garages and on-site parking shall be accessible from the alley. In R-17 zones, single-family residential developments shall utilize rear alley-loading as follows:

i. On all sites four acres or larger.

ii. On sites of less than four acres, unless it is determined to be unfeasible by the Planning Official due to significant site constraints such as significant variations in topography, irregular shape, or presence of natural resource constraints that make use of alleys infeasible.

If no alley access is proposed, the applicant shall provide an analysis of the site constraints.

e. Location and configuration of driveways. Driveways shall be located to preserve space for on-street parking by meeting one of the following requirements.

i. For housing units or developments on corner lots, off-street parking areas shall be accessed on the back façade or located in the rear yard. No off-street parking shall be allowed in the front yard or side yard.

ii. Driveways providing access to the front façade must be consolidated for adjacent dwellings.

iii. Individual driveways must be separated by at least 20' as measured from the edge of the driveway apron.

Table 20.410.050-1					
Development Standards in Lower-density Residential Zones					
STANDARD	R-2	R-4	R-6	R-9	R-17
Minimum Lot Size ⁵	20,000 sf	10,000 sf	7,500 sf	5,000 sf	2,500 sf
Maximum Lot Size	30,000 sf	19,000 sf	10,500 sf	7,400 sf	5,000 sf
Maximum Lot Coverage	50%	50%	50%	50%	60%

Table 20.410.050-1 Development Standards in Lower-density Residential Zones					
STANDARD	R-2	R-4	R-6	R-9	<u>R-17</u>
Minimum Lot Width ⁵	100'	80'	50'	45'	<u>25'</u>
Minimum Lot Depth ⁵	100'	90'	90'	65'	<u>65'</u>
Minimum Setbacks					
Front yard	10'	10'	10' ⁶	10' ⁶	<u>10'⁶</u>
Rear and through yards ⁴	5'	5'	5'	5'	<u>5'</u>
Side yard	10'	7'	0' ¹ / _{5'} ²	0' ¹ / _{5'} ²	<u>0' ¹/_{5'} ²</u>
Street side yard	10'	10'	<u>10' ⁸/₈</u>	<u>10' ⁸/₈</u>	<u>8</u>
Garage/Carport from public/private street right-of-way or sidewalk easement	20'	20'	18'	18'	<u>18'</u>
Garage/Carport from alley ³	15'	10'	5'	5'	<u>5'</u>
Maximum Height	35'	35'	35'	35'	<u>35'</u>
Minimum Off-Street Parking Spaces	1	1	1	1	<u>1</u>
Minimum Landscaping Requirement (percentage of total net area)	10%	10%	10%	10%	<u>10%</u>

1 Subject to Chapter [20.910.050](#) VMC.

2 For each additional 10 feet of building height, or fraction thereof, over 25 feet, add 2 feet to the setback to a maximum of 10 feet on each side or rear yard.

3 There must be a minimum of 20' maneuvering space from entrance edge of the carport or garage to opposite edge of the alley.

4 A through lot will be treated as an interior rear yard, especially with respect to placement of principal and accessory structures, location of parking and height of fences only when there is no vehicular access to the abutting street. If access occurs then the through lot yard will be treated in all respects as a front yard.

5 Smaller lot sizes and dimensions may be allowed subject to VMC 20.920, Infill Development Standards.

6 Porches, eaves, bay windows, columns, or other structural extensions may extend up to 5-feet into the front setback or in accordance with 20.910.040.A.

C. *Institutional development standards.* Institutional uses such as colleges, schools, religious institutions, and emergency services facilities that locate within Low-Density Residential Districts shall comply with the following development standards:

1. For portions of an institutional campus abutting residentially-zoned property (not separated by a street):

a. Minimum setback: 35 feet.

b. Maximum height: 35 feet at the setback increasing one foot for every one foot of additional setback to a maximum of 75 feet.

c. Minimum landscaped buffering between the institutional use and residential development: 15 feet.

2. The development standards in subsection (1) above do not apply to existing buildings.

3. All other development standards on the institutional campus are the same as those in the underlying base zone except as follows:

a. Modified through a variance procedure per the requirements of Chapter [20.290](#) VMC alone or in conjunction with a Conditional Use procedure per the requirements of Chapter [20.245](#) VMC; or

b. Established as part of a Public Facilities Master Plan procedure per the requirements of Chapter [20.268](#) VMC.

D. *Criteria for institutions as limited uses.* As noted in Table 20.410.030-1 above, a school, religious institution, government building, fire station, child care center or emergency services facility is allowed as a limited use if it meets all of the criteria described below. An institution

that does not comply with all of these criteria must be reviewed as a conditional use, except for school modular classrooms, which shall be permitted outright.

1. The site contains no more than 12 acres for an elementary school, not to exceed 75,000 gsf.
2. The site contains no more than two acres for a religious institution, not to exceed 30,000 gsf.
3. The site contains no more than one acre for a child care center, not to exceed 10,000 gsf.
4. The site takes its primary access from no less than a minor arterial.
5. If a religious institution also has a private elementary school, the total development shall not exceed 60,000 gsf and seven acres.

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

F. *Criteria for Placement of Manufactured Homes.*

1. General Provisions:

- a. Manufactured homes are permitted on individual lots in the R-2, R-4, R-6, and R-9 residential zones in accordance with the placement standards as set forth in this section and other provisions which apply to conventionally built dwellings.
- b. Nothing in these provisions shall be interpreted as superseding deed, covenants, or restrictions which are generally not enforced by the city.
- c. Existing manufactured home developments and manufactured home subdivisions are permitted and are not subject to the provisions of this chapter. An existing manufactured home in a development or subdivision may continue to lawfully exist and be replaced or can be relocated either to an approved manufactured home development or an approved manufactured home subdivision.
- d. A new manufactured home placed on an individual lot subsequent to the adoption of this ordinance, may be relocated as permitted by this title if within (5) five years of the date of the original placement.

2. Manufactured Home Placement Standards:

Except as allowed in subsections 1c and 1d above, all manufactured homes placed within the City of Vancouver shall comply with the following standards:

- a. Manufactured homes must meet the development standards of the base zone unless otherwise noted.
 - b. The manufactured home must meet the definition of a “new manufactured home”, unless otherwise noted. A new manufactured home means any manufactured home required to be titled under Title [46](#) RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW [82.45.032\(9\)](#).
 - c. The manufactured home must meet the requirements of a “designated manufactured home”. Provided that manufactured homes built to [42](#) USC Section 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes.
 - d. The manufactured home must meet the following requirements
 1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;
 2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
 3. Has exterior siding similar in appearance to siding materials commonly used on conventional site – built building code single-family residences;
 - e. The manufactured home must comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located
 - f. The manufactured home be set on permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.
 - g. The manufactured home must be thermally equivalent to the state energy code.
3. Review and Inspection:
- a. City will review building permit applications and will issue appropriate zoning and building permits and conduct the installation inspection.

b. The Department of Labor and Industries is responsible for inspections including replacement, addition, modification, or removal of any equipment or installation and issuing permits under RCW Chapter [43.22](#). (Ord. M-4066 § 5, 2013; Ord. M-3959 § 24, 2010; Ord. M-3931 § 11, 2009; Ord. M-3922 § 20, 2009; Ord. M-3840 § 19, 2007; Ord. M-3709 § 5, 2005; Ord. M-3701 § 14, 2005; Ord. M-3663 § 13, 2004; Ord. M-3643, 2004)

The Vancouver Municipal Code is current through Ordinance M-4264, passed February 25, 2019.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofvancouver.us](http://www.cityofvancouver.us)

City Telephone: (360) 487-8711

[Code Publishing Company](#)

ATTACHMENT C

Chapter 20.420 HIGHER DENSITY RESIDENTIAL DISTRICTS

Sections:

- 20.420.010 Purpose.**
- 20.420.020 Zoning Districts.**
- 20.420.025 Higher Density Residential Zone Function and Location Criteria.**
- 20.420.030 Uses.**
- 20.420.040 Minimum and Maximum Densities.**
- 20.420.050 Development Standards.**
- 20.420.060 Commercial Development Restrictions.**

20.420.010 Purpose.

Promote a range of housing choices while preserving neighborhood livability and 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. (Ord. M-3709 § 6, 2005)

20.420.020 Zoning Districts.

A. R-18: Higher-Density Residential District. The R-18 zoning district is designed to accommodate attached homes such as duplexes and rowhouses, and garden-type apartments at a minimum lot size of 1,800 square feet per unit. Professional office uses are permitted

under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-18 and OR-18 zones as of March 11, 2004.

B. R-22: Higher-Density Residential District. The R-22 zoning district is designed to accommodate rowhouses, garden-type apartments, and lower-density multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-22 and OR-22 zones as of March 11, 2004.

C. R-30: Higher-Density Residential District. The R-30 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,500 square feet per unit. Professional office uses are permitted under certain circumstances. Some retail, civic and institutional uses are allowed conditionally. This zone consolidates the R-30 and OR-30 zones as of March 11, 2004.

D. R-35: Higher-Density Residential District. The R-35 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 1,200 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally. (Ord. M-4034 § 11, 2012; Ord. M-3922 § 21, 2009; Ord. M-3730 § 11, 2005; Ord. M-3663 § 14, 2004; Ord. M-3643, 2004)

E. R-50: Higher-Density Residential District. The R-50 zoning district is designed to accommodate multi-dwelling structures at a minimum lot size of 800 square feet per unit. Professional office uses are permitted under certain provisions. Some retail, civic and institutional uses are allowed conditionally.

20.420.025 Higher Density Residential Zone Function and Location Criteria.

A. *R-18 (Higher Density Residential) Zone Location Criteria.* The R-18 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas occupied by a substantial amount of multifamily development, but where factors such as narrow streets, on-street parking congestion, local traffic congestion, lack of alleys and

irregular street patterns restrict local access and circulation and make a lower intensity of development desirable.

2. Areas where properties are well-suited to multifamily development, but where adjacent single-family developments or public open space make a transitional scale of development (height and bulk) desirable. There should be a well-defined edge such as an arterial, open space, change in block pattern, topographic change or other significant feature that provides physical separation from the single-family area. (This is not a necessary condition where existing moderate scale multifamily structures have already established the scale relationship with abutting single-family areas).

3. Properties must have access from collector or arterial streets, such that vehicular travel to and from the site is not required to use local access streets through lower density residential zones.

B. *R-22 (Higher Density Residential) Zone Location Criteria.* The R-22 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas already developed predominantly to the permitted R-22 density and where R-22 scale is well established.

2. Areas with close proximity and pedestrian connections to neighborhood services, public open spaces, schools and other residential amenities.

3. Properties that are adjacent to existing business and commercial areas with comparable height and bulk, or where a transition in scale between areas of larger multifamily and/or commercial structures and smaller multifamily development is desirable.

4. Areas well served by public transit and having direct access to arterials, such that vehicular traffic is not required to that pass through lower density residential zones; street widths must be sufficient to allow for two (2) way traffic and on-street parking in accordance with City street standards.

5. Areas with significant topographic breaks, major arterials or open space that provide a separation and transition to Lower Density Residential areas.

C. *R-30 (Higher Density Residential) Zone Location Criteria.* The R-30 designation is most appropriate in areas with the following characteristics and relationships to the surrounding area:

1. Areas that are already developed predominantly to the permitted R-30 density, or areas that are within an urban center, or identified in an adopted sub-area plan as appropriate for higher density multifamily housing.
2. Properties in close proximity to major employment centers, open space and recreational facilities.
3. Areas with well-defined edges such as an arterial, open space, change in block pattern, topographic change or other significant feature providing sufficient separation from adjacent areas of small scale residential development, or areas should be separated by other zones providing a transition in the height, scale and density of development.
4. Areas that are served by major arterials, where transit service is good to excellent, and where street capacity could absorb the traffic generated by higher density development.
5. Principal streets in the area shall be sufficient to allow for two (2) way traffic and parking on both sides of the street. Vehicular access to the area shall not require use of streets passing through lower density residential zones.
6. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, and other residential amenities.

D. *R-35 (Higher Density Residential) Zone Location Criteria.* The R-35 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are developed predominantly to the intensity permitted by the R-35 zone, or areas located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.
2. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood

oriented commercial services, other residential amenities, major employment centers, open space and recreational facilities.

3. Properties adjacent to business and commercial areas with comparable height and bulk.
4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.
5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could absorb the traffic generated by high density development. (Ord. M-3730 § 12, 2005)

E. R-50 (Higher Density Residential) Zone Location Criteria. The R-50 designation is most appropriate in areas generally characterized by the following development characteristics of the area and relationship to the surrounding area:

1. Areas that are located within an urban center, or defined in a subarea plan adopted by the City as appropriate for higher density multi-family housing.
2. Areas of sufficient size to promote a high quality, higher density residential environment with close proximity (and good pedestrian connections) to public open spaces, neighborhood oriented commercial services, other residential amenities, major employment centers, open space and recreational facilities.
3. Properties adjacent to business and commercial areas that are or can be developed with compatible height and bulk.
4. Properties in areas along arterials where topographic changes either provide an edge or permit a transition in scale with surroundings.
5. Areas that are served by major arterials and where transit service is good to excellent and street capacity could accommodate the traffic generated by high density development.

20.420.030 Uses.

A. *Types of uses.* For the purposes of this chapter, there are four kinds of use:

1. A permitted (P) use is one that is permitted outright, subject to all of the applicable provisions of this title.
 2. A limited (L) use is permitted outright providing it is in compliance with special requirements, exceptions or restrictions.
 3. A conditional use (C) is a discretionary use reviewed through the process set forth in Chapters [20.245](#) and [20.210](#) VMC, governing conditional uses and decision-making procedures, respectively.
 4. A prohibited use (X) is one that is not permitted in a zoning district under any circumstances.
- B. *Use table.* A list of permitted, limited, conditional, and prohibited uses in Higher Density residential zones is presented in Table 20.420.030-1.

Table 20.420.030-1 Higher Density Districts Use Table					
USE	R-18	R-22	R-30	R-35	R-50
RESIDENTIAL					
Household Living	P	P	P	P	P
Group Living	P	P	P	P	P
Home Occupation	L ³	L ³	L ³	L ³	L ³
HOUSING TYPES					
Single Dwelling Units, Attached	P ⁴	P ⁴	P ⁴	X	X
Single Dwelling Units, Detached	P ⁴	P ⁴	P ⁴	X ⁵	X ⁵
Accessory Dwelling Units	P ¹	P ¹	P ¹	P ¹	P ^{1, 24}
Duplexes	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Multi-Dwelling Units	P ⁴	P ⁴	P ⁴	P ⁴	P ⁴
Manufactured Home Developments	L ⁷	L ⁷ /X	L ⁷ /X	L ⁷ /X	L ⁷ /X
Designated Manufactured Home	L/X ²³	X	X	X	X

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35	<u>R-50</u>
New Manufactured Home	L ²³	X	X	X	<u>X</u>
CIVIC (Institutional)					
Basic Utilities	C	C	C	C	<u>C</u>
Colleges	C	C	C	C	<u>C</u>
Community Centers	C	C	C	C	<u>C</u>
Community Recreation	C ⁸	C ⁸	C ⁸	C ⁸	<u>C⁸</u>
Cultural Institutions	P/C ⁹	P/C ⁹	P/C ⁹	P	<u>P</u>
Day Care					
- Family Day Care Home	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	P/C ¹⁰	<u>P/C¹⁰</u>
- Child Care Center	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	<u>L/C¹⁴</u>
- Adult Day Care	P/C ¹¹	P/C ¹¹	P/C ¹¹	P/C ¹¹	<u>P/C¹¹</u>
Emergency Services (except ambulance services)	C ¹²	C ¹²	C ¹²	C ¹²	<u>C¹²</u>
Medical Centers	C	C	C	C	<u>C</u>
Parks/Open Space					
- Neighborhood Parks	P	P	P	P	<u>P</u>
- Community Parks	L ¹³ /C	L ¹³ /C	L ¹³ /C	L ¹³ /C	<u>L¹³/C</u>
- Regional Parks	L ¹³ /C	L ¹³ /C	L ¹³ /C	L ¹³ /C	<u>L¹³/C</u>
- Trails	L ¹³ /C	L ¹³ /C	L ¹³ /C	L ¹³ /C	<u>L¹³/C</u>
Postal Service	C	C	C	C	<u>C</u>
Religious Institutions	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	<u>L/C¹⁴</u>
Schools	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	L/C ¹⁴	<u>L/C¹⁴</u>

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35	R-50
Social/Fraternal Clubs	C ⁶	C ⁶	C ⁶	C ⁶	C⁶
Transportation Facility	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C ¹⁵	P/C¹⁵
COMMERCIAL					
Commercial and Transient Lodging	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X ¹⁶	L/X¹⁶
Eating/Drinking Establishments	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L¹⁷/X
Entertainment-Oriented					
- Adult Entertainment	X	X	X	X	X
- Indoor Entertainment	X	X	X	X	X
- Major Event Entertainment	X	X	X	X	X
General Retail					
- Sales-Oriented	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L¹⁷/X
- Personal Services	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L¹⁷/X
- Repair-Oriented	X	X	X	X	X
- Bulk Sales	X	X	X	X	X
- Outdoor Sales	X	X	X	X	X
Motor Vehicle Related					
- Motor Vehicle Sales/Rental	X	X	X	X	X
- Motor Vehicle Servicing/Repair	X	X	X	X	X
- Vehicle Fuel Sales	X	X	X	X	X
- EV Basic Charging Stations (accessory only)	P	P	P	P	P

Table 20.420.030-1
Higher Density Districts Use Table

USE	R-18	R-22	R-30	R-35	<u>R-50</u>
- EV Rapid Charging Stations (accessory only)	P	P	P	P	<u>P</u>
- EV Battery Exchange Stations	X	X	X	X	<u>X</u>
Office					
- General	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	<u>L¹⁷/X</u>
- Medical	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	L ¹⁷ /X	<u>L¹⁷/X</u>
- Extended	X	X	X	X	<u>X</u>
Self-Service Storage	X	X	X	X	<u>X</u>
Non-Accessory Parking	X	X	X	X	<u>X</u>
INDUSTRIAL					
Industrial Services	X	X	X	X	<u>X</u>
Manufacturing and Production	X	X	X	X	<u>X</u>
Railroad Yards	X	X	X	X	<u>X</u>
Research and Development	X	X	X	X	<u>X</u>
Warehouse/Freight Movement	X	X	X	X	<u>X</u>
Wholesale Sales	X	X	X	X	<u>X</u>
Waste-Related	X	X	X	X	<u>X</u>
Major Utility Facilities	X	X	X	X	<u>X</u>
OTHER					
Agriculture/Horticulture	P	P	P	P	<u>P</u>
Airport/Airpark	X	X	X	X	<u>X</u>
Animal Kennel/Shelters	X	X	X	X	<u>X</u>

Table 20.420.030-1 Higher Density Districts Use Table					
USE	R-18	R-22	R-30	R-35	<u>R-50</u>
Cemeteries	C ¹⁸	C ¹⁸	C ¹⁸	C ¹⁸	<u>C¹⁸</u>
Detention & Post Detention Facilities	X	X	X	X	<u>X</u>
Dog Day Care	C ¹⁹	C ¹⁹	C ¹⁹	C ¹⁹	<u>C¹⁹</u>
Heliports	X ²⁰	X ²⁰	X ²⁰	X ²⁰	<u>X²⁰</u>
Recreational or Medical Marijuana Facilities	X	X	X	X	<u>X</u>
Medical Marijuana Cooperatives	X	X	X	X	<u>X</u>
Mining	X	X	X	X	<u>X</u>
Rail Lines/Utility Corridors	C	C	C	C	<u>C</u>
Basic Utilities	P	P	P	P	<u>P</u>
Temporary Uses	L ²¹	L ²¹	L ²¹	L ²¹	<u>L²¹</u>
Wireless Communication Facilities	L/C/X ²²	L/C/X ²²	L/C/X ²²	L/C/X ²²	<u>L/C/X²²</u>

1 Subject to the provisions of Chapter [20.810](#) VMC, Accessory Dwelling Units.

2 The language for this footnote has been deleted.

3 Subject to the provisions of Chapter [20.860](#) VMC, Home Occupations.

4 Provided the minimum required residential density is met, on an overall project basis.

5 Single-family dwelling units legally established prior to March 11, 2004, shall be considered permitted uses.

6 Subject to the provisions of VMC [20.895.040](#), Community Recreation and Related Facilities.

7 Subject to the provisions of Chapter [20.880](#) VMC, Manufactured Home Parks. Manufactured Home Developments established prior to July 1, 2005 are exempt from the standards of VMC [20.420.050\(G\)](#), Criteria for Placement of Manufactured Homes, and may continue to exist and expand within existing previously-approved boundaries. An existing manufactured home in a development or subdivision may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. Manufactured Home Developments in the R-22, R-30, R-35 zones are allowed as a Limited

Use (L) only as part of a Chapter [20.260](#) VMC Planned Development that meets overall minimum density standards for the applicable zone.

8 Subject to the additional provisions in VMC [20.895.040](#).

9 Libraries permitted only; all other cultural institutions are conditional uses.

10 Family day care homes for no more than 12 children are permitted when licensed by the state. Child care centers are permitted as conditional uses, subject to the provisions of Chapter [20.840](#) VMC, Child Care Centers, unless part of a Planned Development, in which case they are approved subject to Chapter [20.260](#) VMC. All child care facilities must be licensed by the state.

11 Adult day care facilities with 12 or fewer clients are permitted outright; larger facilities are permitted as conditional uses.

12 The language for this footnote has been deleted.

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.

14 Schools, child care centers, and religious institutions that meet all of the locational criteria contained in VMC [20.420.050](#)(F) are permitted by right; all others require conditional use approval. Child care centers permitted by right shall be consistent with Chapter [20.840](#) VMC, Child Care Homes and Centers, and be subject to Type II review pursuant to VMC [20.210.050](#).

15 Except bus, trolley and street car stops, including bus shelters, which are allowed by right.

16 Bed-and-breakfast establishments as limited uses subject to provisions of Chapter [20.830](#) VMC, Bed and Breakfast Establishments; all other commercial and transient lodging prohibited.

17 New commercial uses allowed as limited uses subject to special development restrictions in VMC [20.420.060](#). Existing commercial uses permitted if legally established prior to code effective date. However, alterations and expansions shall be subject to Chapter [20.245](#) VMC (Conditional Use Permits).

18 Subject to the provisions in VMC [20.895.030](#).

19 Subject to the provisions of Chapter [20.850](#) VMC, Dog Day Care.

20 Except as an accessory to a medical center.

21 Subject to provisions of Chapter [20.885](#) VMC, except sale of fireworks prohibited in residential zones.

22 Subject to the provisions of Chapter [20.890](#) VMC, Wireless Communication Facilities.

23 A “designated manufactured home” is exempt from the development standards of VMC [20.420.050](#)(G) and may continue to exist and expand. An existing unit may be replaced or may be relocated either to an approved manufactured home development or an approved manufactured home subdivision. After July 1, 2005, only “new manufactured homes” that also meet the “designated manufactured home” criteria will be permitted on individual lots not part of an existing approved manufacturing home development or manufactured home

subdivision. Except that a new manufactured home placed on an individual lot after July 1, 2005, may be relocated as permitted by this title if within five years of the date of the original placement.

24 Permitted only as existing non-conforming uses.

(Ord. M-4255 § 7, 2018; Ord. M-4254 § 3(CC), 2018; Ord. M-4223 § 4, 2017; Ord. M-4187 § 6, 2016; Ord. M-4105 § 3, 2014; Ord. M-4071 § 8, 2014; Ord. M-4066 § 5, 2013; Ord. M-4035 § 3, 2012; Ord. M-4024 § 7, 2012; Ord. M-4002 § 6, 2011; Ord. M-3959 § 25, 2010; Ord. M-3931 § 12, 2009; Ord. M-3840 § 20, 2007; Ord. M-3730 § 13, 2005; Ord. M-3709 § 7, 2005; Ord. M-3701 § 15, 2005; Ord. M-3663 § 15, 2004; Ord. M-3643, 2004)

20.420.040 Minimum and Maximum Densities.

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

B. *Minimum and maximum densities.* The minimum and maximum densities for the Higher Density Residential Districts are contained in Table 20.420.040-1.

Table 20.420.040-1. Minimum and Maximum Densities

Zoning District	Minimum and Maximum Net Density
R-18	12 – 18 units per acre
R-22	18.1 – 22 units per acre
R-30	22.1 – 30 units per acre
R-35	30.1 – 35 units per acre
R-50	35.1 – 50 units per acre

C. *Exceptions.* The following exceptions are permitted to the density provisions for the higher density residential zoning districts contained in Table 20.420.040-1 above:

1. Minimum ~~lot size~~ and maximum density calculations:

a. Lots developed before March 11, 2004, are exempt from the requirements for minimum density. However, if a site is completely redeveloped, the new development must comply with the minimum density requirements contained in Table 20.420.040-1 above.

b. When the maximum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down to the next whole unit; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

2. Minimum density:

a. When the minimum density contains a fraction of a unit, the applicant must round to the nearest whole unit. For calculations of X.1 – X.4, this means rounding down to the next whole unit; for calculations of X.5 – X.9, this means rounding up to the next whole unit.

b. On sites that contain critical or sensitive areas, all or a portion of those areas may be deducted from the net building area before the minimum and maximum densities are calculated at the discretion of the development applicant.

3. *Planned Developments*. See VMC Chapter [20.260.060](#) (Development Standards – Item 4) for additional exceptions to lot size requirements. (Ord. M-3931 § 13, 2009; Ord. M-3840 § 21, 2007; Ord. M-3730 § 14, 2005; Ord. M-3701 § 15, 2005; Ord. M-3643, 2004)

20.420.050 Development Standards.

A. *Compliance Required*. All developments must comply with:

1. All of the applicable development standards contained in the underlying zoning district, except where the applicant has obtained variances in accordance with Chapter [20.270](#) VMC Site Plan Review.

2. All other applicable standards and requirements contained in this title.

B. *Development standards*. Development standards in residential zoning districts are contained in Table 20.420.050-1. These apply to all primary dwellings and accessory buildings on the site. For additional regulations governing accessory buildings, see Chapter [20.902](#) VMC.

Table 20.420.050-1 Development Standards					
Standard	R-18	R-22	R-30	R-35	<u>R-50</u>
Minimum Lot Size	1,800 sf ¹	1,500 sf ¹	1,500 sf ¹	1,200 sf ¹	<u>800 sf ¹</u>
Maximum Lot Coverage	50%	50%	50 55%	50 60%	<u>70%</u>
Minimum Lot Width	20'	20'	20'	20'	<u>20'</u>
Minimum Lot Depth	50'	50'	60'	60'	<u>60'</u>
Minimum Setbacks					
Front yard	10'	10'	10'	10'	<u>10'</u>
Rear and Through lot yard	0' ² /5'	0' ² /5'	0' ² /5'	0' ² /5'	<u>0'²/5'</u>
Side yard	0' ² /5'	0' ² /5'	0' ² /5'	0' ² /5'	<u>0' ²/5'</u>
Street side yard	10'	10'	10'	10'	<u>5'</u>
Garage/carport from public/private street right-of-way or sidewalk easement	18'	18'	18'	18'	<u>18'</u>
Garage/carport from alley	5' ⁴	5' ⁴	5' ⁴	5' ⁴	<u>5'⁴</u>
Maximum Height	50'	50'	50'	60'	<u>70'</u>
Minimum Landscaping Requirement (percentage of total net area)	10%	10%	10%	10%	<u>10%</u>

1 Provided the required residential density is met on an overall project basis.

2 See requirements for zero lot line developments pursuant to Section [20.910.050](#) VMC.

3 This footnote has been deleted.

4 There must be a minimum of 20' maneuvering space from entrance edge of garage/carport to approved edge of alley

C. *Institutional development standards.* Institutional uses such as colleges, schools and religious institutions that locate within higher density residential districts shall comply with the following development standards:

1. For portions of an institutional campus abutting residentially-zoned property (not separated by a street):
 - a. Minimum setback: 35 feet.
 - b. Maximum height: 35 feet at the setback increasing one foot for every one foot of additional setback to a maximum of 90 feet.
 - c. Minimum landscaped buffering between the institutional use and residential development: 15 feet.
2. The development standards in Subsection (1) above do not apply to existing buildings.
3. All other development standards on the institutional campus are the same as those in the underlying base zone except as;
 - a. Modified through a Variance procedure per the requirements of Chapter [20.290](#) VMC; or
 - b. Established as part of a Public Facilities Master Plan procedure per the requirements of Chapter [20.268](#) VMC.

D. *Pedestrian development standards.* The following additional development standards apply for multi-family projects with more than two buildings on a site.

1. Each building in the complex shall have at least one direct pedestrian connection to the street even when separated from the street by an off-street parking lot. This pedestrian access shall be the most direct route between the building's main entrance and the street. Whenever possible, the main pedestrian connection shall not cross a parking lot or driveway.
2. There shall be pedestrian connections among residential buildings and from each residential building to indoor and outdoor communal facilities, e.g., recreation room, swimming pool, and parking lots, carports or garages.
3. The following design standards shall apply to this pedestrian circulation system:
 - a. The circulation system must be hard-surfaced and at least 5' wide.

- b. Where the system crosses driveways, parking areas or loading areas, the system must be clearly identifiable through the use of striping, elevation changes, speed bumps, different paving material or other similar method.
 - c. Where the pedestrian connection is parallel and adjacent to a parking lot or driveway, the system must be a raised path or be separated from the auto travel lane by a curb, bollards, landscaping or other physical barrier. If the connection also provides access to a parking lot, at least one access ramp from the connection to the parking lot must be provided that meets ADA standards for accessibility for the disabled.
 - d. The on-site circulation system must be lighted to a level sufficient for use by residents and their visitors after dark. Such lighting shall be directed in such a manner to prevent glare into nearby residential units.
- E. Criteria for Parks/Open Space as limited uses.(Reserved for future use)
- F. *Criteria for institutions as limited uses.* As noted in Table 20.420.030-1 above, schools, child care centers, and religious institutions are allowed as limited uses in Higher Density residential districts if they meet all of the criteria described below. An institution that does not comply with all of these criteria must be reviewed as a Conditional Use, except for school modular classrooms, which shall be permitted outright.
- 1. The site contains no more than 12 acres for an elementary school, not to exceed 75,000 gsf.
 - 2. The site contains no more than two acres for a religious institution, not to exceed 30,000 gsf.
 - 3. The site contains no more than one acre for a child care center, not to exceed 10,000 gsf.
 - 4. The site takes its primary access from a street with no less than a minor arterial designation.
 - 5. If a religious institution also has a private elementary school, the total development shall not exceed 60,000 gsf and seven acres.

G. *Criteria for Placement of Manufactured Homes.*

- 1. General Provisions:

- a. Manufactured homes are permitted on individual lots in the R-18 residential zones in accordance with the placement standards as set forth in this section and other provisions which apply to conventionally built dwellings.
- b. Nothing in these provisions shall be interpreted as superseding deed, covenants, or restrictions which are generally not enforced by the city.
- c. Existing manufactured home developments and manufactured home subdivisions are permitted and are not subject to the provisions of this chapter. An existing manufactured home in a manufactured home development or subdivision may continue to lawfully exist and be replaced or can be relocated either to an approved manufactured home development or an approved manufactured home subdivision.
- d. Except that a manufactured home placed on an individual lot subsequent to the adoption of this ordinance, may be relocated as permitted by this title if within (5) five years of the date of the original placement.

2. Manufactured Home Placement Standards:

All manufactured homes placed within the City of Vancouver shall comply with the following standards:

- a. Manufactured homes must meet the development standards of the base zone unless otherwise noted.
- b. The manufactured home must meet the definition of a “new manufactured home” unless otherwise noted. A new manufactured home means any manufactured home required to be titled under Title [46](#) RCW, which was not titled to retail purchaser before July 1, 2005, and was not a “used mobile home” as defined in RCW [82.45.032](#).
- c. The manufactured home must meet the requirements of a “designated manufactured home”. Provided that manufactured homes built to [42](#) USC Section 5401-5403 standards (as amended in 2000) must be regulated in the same manner as site built homes.
- d. The manufactured home must meet the following requirements.
 - 1. Is comprised of at least two fully enclosed parallel sections each of not less than twelve feet wide by thirty-six feet long;

2. Was originally constructed with and now has a composition or wood shake or shingle, coated metal, or similar roof of not less than 3:12 pitch;
 3. Has exterior siding similar in appearance to siding materials commonly used on conventional site –built building code single-family residences;
 - e. The manufactured home must comply with all local design standards applicable to all other homes within the neighborhood in which the manufactured home is to be located.
 - f. The manufactured home be set on permanent foundation, as specified by the manufacturer, and that the space from the bottom of the home to the ground be enclosed by concrete or an approved concrete product which can be either load bearing or decorative.
 - g. The manufactured home must be thermally equivalent to the state energy code.
3. Review and Inspection:
- a. City will review building permit applications and will issue appropriate zoning and building permits and conduct the installation inspection.
 - b. The Department of Labor and Industries responsible for inspections including replacement, addition, modification, or removal of any equipment or installation and issuing permits under RCW Chapter [43.22](#). (Ord. M-4066 § 5, 2013; Ord. M-3931 § 14, 2009; Ord. M-3730 § 15, 2005; Ord. M-3709 § 8, 2005; Ord. M-3701 § 16, 2005; Ord. M-3663 § 16, 2004; Ord. M-3643, 2004)

Code reviser's note: ACM, Amended, 12/02/2009, Delete Footnote 3 in Table.

20.420.060 Commercial Development Restrictions.

Commercial uses. General office, medical office, personal and sales-oriented retail services, eating and drinking establishments, and other nonresidential uses may be allowed in the Higher Density residential districts as part of a mixed use building or site pursuant to VMC [20.430.060](#). (Ord. M-4034 § 12, 2012; Ord. M-3730 § 16, 2005; Ord. M-3698 § 3, 2005; Ord. M-3643, 2004)

The Vancouver Municipal Code is current through Ordinance M-4264, passed February 25, 2019.

Disclaimer: The city clerk's office has the official version of the Vancouver Municipal Code. Users should contact the city clerk's office for ordinances passed subsequent to the ordinance cited above.

[City Website: www.cityofvancouver.us](http://www.cityofvancouver.us)

City Telephone: (360) 487-8711

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DRAFT

ATTACHMENT D

New Draft VMC 20.950, Cottage Cluster Housing

20.950.010 Purpose.

These standards are intended to allow groups of small-scale cottages around common areas in single or multi-family zoning districts in a manner promoting accessible housing and community interaction. The individual homes are smaller and shorter than what is allowed in the underlying zoning district, but they may be built at a higher density.

20.920 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.
- 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% of the total number of units. Home Occupations pursuant to [VMC 20.860](#) shall be permitted only if there are no employees residing off-site. Accessory dwelling units pursuant to [VMC 20.810](#) shall be permitted only if located entirely within the single family homes.
- C. The narrow lot development standards in [VMC 20.927](#) shall not apply to cottage housing developments.

20.930 Site Development and Design Standards

- A. General Standards.
 - 1. Cottage housing developments may be allowed at up to two hundred percent (200%) of the maximum density of the underlying zone, including any accessory dwelling units.
 - 2. Cottage housing developments shall contain a minimum of four (4) and a maximum of twelve (12) units in a cluster; provided, that a cottage development may contain up to two (2) clusters.
 - 3. Each cottage shall not exceed 1,400 square feet in total floor area; up to 200 square feet of an attached garage may be exempt from this requirement.
 - 4. Individual single- family homes may be no larger than 1,600 s.f., duplexes no larger than 3,000 s.f.
 - 5. Building heights may not exceed 25 feet. Roofs higher than 18 feet shall be pitched at a ratio of at least 6:12.
 - 6. Covered porches shall be at least 60 s.f., with no dimension less than 5 feet

7. 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% of the cottage units shall be oriented to a common courtyard, and shall have covered porches and main entries which face the common courtyard a common usable open space that is generally square or round.
 2. Cottages must be connected to the common courtyard by a pedestrian path.
- C. Common Courtyard Design Standards. Each cottage cluster must share a common courtyard in order to provide a sense of openness and community of residents. Common courtyards must meet the following standards.
 1. The common courtyard must contain a minimum of 200 square feet of usable open or congregating space per cottage within the associated cluster.
 2. The common courtyard must be a minimum of 15 feet wide at its narrowest dimension.
 3. The common courtyard shall be developed with a mix of landscaping, lawn area, pedestrian paths, and/or paved courtyard area, and may also include recreational amenities. Impervious elements of the common courtyard shall not exceed 50 percent of the total common courtyard area.
 4. Pedestrian paths must be included in a common courtyard. Parking areas, required setbacks, and driveways do not qualify as part of a common courtyard.
- D. Required Parking and Parking Design
 1. Required spaces. Each dwelling unit shall include at least one parking space within the project area. On street parking spaces abutting the project area may be counted towards this requirement.
 2. Common Parking Areas. Parking may be located adjacent to an individual unit or in a common parking area. Common parking areas are subject to the following standards.
 - a. Cottage cluster projects with fewer than 12 cottages are permitted parking clusters of not more than 5 contiguous spaces.
 - b. Cottage cluster projects with 12 cottages or more are permitted parking clusters of not more than 8 contiguous spaces.
 - c. Parking clusters must be separated from other spaces by at least 4 feet of landscaping.
 - d. Clustered parking areas may be covered.
 3. Parking location, access and screening.
 - a. Off-street parking areas with 5 or more spaces shall not be located within 20 feet from any property line that abuts a street other than an alley;

- b. No off-street parking space or vehicle maneuvering area is permitted between a property line that abuts a street (other than an alley) and the front façade of cottages located closest to that property line.
- c. No off-street parking space is permitted within 10 feet of any other property line external to the cottage cluster, except property lines abutting an alley. Driveways and drive aisles are permitted within 10 feet of other external property lines.
- d. Sight-obscuring landscaping, fencing, or walls at least three feet tall shall separate clustered parking areas and parking structures from common courtyards and property lines external to the cottage cluster.

E. Pedestrian Access.

- 1. A pedestrian path must be provided that connects the main entrance of each cottage to the following:
 - a. The common courtyard;
 - b. Shared parking areas;
 - c. Community buildings; and
 - d. Sidewalks in public rights-of-way abutting the site or rights-of-way if there are no sidewalks.
- 2. The pedestrian path must be hard-surfaced and a minimum of 3 feet wide.

F. Community Buildings. Cottage cluster projects may include community buildings for the shared use of residents that provide space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, community gardens, or picnic shelters. Community buildings must meet the following standards.

- 1. Each cottage cluster is permitted one community building.
- 2. The community building shall have a maximum floor area of 1,200 sf.
- 3. A community building that meets the definition of a dwelling unit must meet the maximum 900 square foot footprint limitation that applies to cottages, unless a covenant is recorded against the property stating that the structure is not a legal dwelling unit and will not be used as a primary dwelling.

20.940 Approval Process.

Cottage Cluster housing projects shall be reviewed under [VMC 20.320](#), subdivision, where individual lots are proposed to be owned separately, or [VMC 20.270](#), Site Plan Review, where common ownership of lots is proposed.

Add the following new **definitions** to Code Section 20.150

A. *Dwelling, Cottage Cluster.* A grouping of detached or attached dwelling units that includes a common courtyard. Cottage clusters are not multiple-unit dwellings.

B. *Cottage Cluster Development.* A site with one or more cottage clusters. Each cottage cluster as part of a cottage cluster project must have its own common courtyard. Cottages may be on the same lot or parcel or each cottage may be on its own lot or parcel.

C. *Common Courtyard.* A common area for use by residents of a cottage cluster or other type of residential development. A common courtyard may function as a community yard. Hard and soft landscape features may be included in a common courtyard, such as but not limited to pedestrian paths, lawn, groundcover, trees, shrubs, patios, benches, recreational amenities, community gardens, gazebos or other usable features.

D. *Community Building.* A building intended for the shared use of residents in a development (such as a cottage cluster) that provides space for accessory uses such as community meeting rooms, guest housing, exercise rooms, day care, community eating areas, community gardens, swimming pools, or picnic shelters.

DRAFT

ATTACHMENT E

Micro Housing Units

Use Definition:

Micro housing: single room living units with a minimum floor area of 120 square feet offered on a monthly basis or longer where residents either can share bathroom and/or kitchen facilities or may have such facilities in their own unit. "Micro housing" does not include dwelling units, assisted living facility, bed and breakfast house, convalescent center, nursing home, facility housing individuals who are incarcerated as the result of a conviction or other court order, or secure community transition facility.

Purpose:

These standards are intended to allow smaller unit size multifamily rental properties in multifamily zoning districts. These are small footprint units, typically between 120 square feet and 400 square feet.

Applicability:

- A. Use Classification. Micro housing units are included under the residential use type of Household Living.
- B. Zoning. Micro housing units are allowed by right in R-18, R-22, R-30, R-35, or as part of a mixed use development in the CC, CG and CH zones

Approval Criteria:

- A. Kitchen Facilities. One or more of the following options shall be provided to ensure residents have access to facilities for cooking, refrigeration, and washing utensils:
 - 1. A community kitchen facility on each floor available for shared use by the residents of that floor; or
 - 2. Individual kitchens for the private use of the residents of the unit; or a combination of private and community kitchen facilities.
- B. Installation of cooking facilities. Cooking units shall be installed so as to provide a minimum clear workspace in front and above of the cooking appliance, to reduce and prevent hazards of health, sanitation or fire.
- C. Maximum Number of Bedrooms. Each living unit may have up to one bedroom that is separate from the remainder of living facilities within the unit.
- D. Maximum Unit Size. Units shall not exceed XX square feet in size.
- E. Bathroom. A unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility means includes a toilet and sink; a full facility includes a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided in each room, common bathroom facilities must be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.
- F. Parking. Micro housing units require 1 parking space per 2 dwelling units.
- G. Bathroom and Kitchen Facilities. Bathroom and kitchen facilities shall be provided in accordance with subsections (1) and (2) below.
 - 1. Bathroom. A unit is not required to but may contain partial or full bathroom facilities. A partial bathroom facility must have at least a toilet and sink; a full

facility must have a toilet, sink, and bathtub or shower, or bathtub/shower combination. If a full bathroom facility is not provided, common bathroom facilities must be provided that meet the standards of the Building Code for congregate residences with at least one full bathroom per floor.

2. Kitchen Facilities. One or more of the following options shall be provided to ensure residents have access to facilities for cooking, refrigeration, and washing utensils:
 - i. A community kitchen facility on each floor available for shared use by the residents of that floor; or
 - ii. Individual kitchens for the private use of the residents of the unit. Cooking units shall be installed so as to provide a minimum clear workspace in front and above of the cooking appliance, to reduce and prevent hazards of health, sanitation or fire.
 - iii. A combination of private and community kitchen facilities.

ATTACHMENT F

Chapter 20.810 ACCESSORY DWELLING UNITS

Sections:

- 20.810.010 Purpose.**
- 20.810.020 Definition.**
- 20.810.030 Applicability.**
- 20.810.040 Development Standards.**
- 20.810.050 Submission Requirements.**
- 20.810.060 Conversion of Existing Accessory Structures.**

20.810.010 Purpose.

Purpose. The purpose of these code provisions for accessory dwelling units (ADUs) is to: (1) provide homeowners with flexibility in establishing separate living quarters within or adjacent to their homes for the purpose of caring for seniors, providing housing for their children or obtaining rental income; (2) increase the range of housing choices and the supply of accessible and affordable housing units within the community; and (3) ensure that the development of accessory dwelling units does not cause unanticipated impacts on the character or stability of single-family neighborhoods. (Ord. M-4209 § 2, 08/07/2017; Ord. M-3643, 01/26/2004)

20.810.020 Definition.

Accessory Dwelling Unit (ADU). One or more rooms with private bath and kitchen facilities comprising an independent, self-contained dwelling unit within or attached to a single-family dwelling or in a detached building on the same lot as the primary dwelling unit. An ADU is distinguishable from a duplex in that, unlike a duplex, it is clearly subordinate to the primary dwelling unit, both in use and appearance. (Ord. M-4209 § 2, 08/07/2017- Effective 09/06/2017; Ord. M-3931 § 25, 11/02/2009; Ord. M-3643, 01/26/2004).

20.810.030 Applicability.

A. *Accessory dwelling unit applicability.* ADUs shall be allowed as limited uses in all residential zoning districts (R-2, R-4, R-6, R-9, R-17, R-18, R-22, R-30, and R-35) if in compliance with all of the development standards contained in Section 20.810.030 VMC below. ADUs shall not be allowed within nonresidential zoning districts or in the following circumstances:

1. On properties not containing a detached single family dwelling
2. On properties containing activities requiring a home occupation permit pursuant to VMC 20.860.

B. *Approval process.* A proposed ADU shall be reviewed by means of a Type I procedure, pursuant to Section 20.210.040 VMC, subject to the development standards contained in Section 20.810.040 VMC below. An ADU use is not subject to Site Plan Review. (Ord. M-4209, Added, 08/07/2017, Sec 2)

20.410.040 Development Standards.

Development standards for accessory dwelling units. An ADU shall comply with the following standards:

- A. *Configuration.* An ADU may be located either within, attached to, or detached from the primary structure.
- B. *Density.* Only one ADU may be created in conjunction with each single-family residence.
- C. *Minimum lot size.* An ADU may be established on any legally established parcel meeting applicable standards of this chapter.
- D. *Maximum unit size.* The gross floor area, calculated from finished wall to finished wall. ADU shall not exceed 800 square feet or 50 % of the primary single-family structure, not including garage and/or detached accessory buildings (whichever is less). ADUs created entirely within existing basements may exceed 800 square feet provided they are not larger than the size of the remainder of the overall home.

E. *Minimum unit size.* The gross floor area of an ADU shall not be less than the requirements of the Washington State Building Code.

F. *Setbacks and lot coverage.* Additions to existing structures, or the construction of new detached structures, associated with the establishment of an ADU shall not exceed the allowable lot coverage or encroach into required setbacks as prescribed in the underlying zone. The applicable setbacks shall be the same as those prescribed for the primary structure, not those prescribed for detached accessory structures.

G. *Scale and visual subordination.* New detached ADUs, or ADUs extending from existing structures shall not comprise more than 50% of total visible façade area of the primary structure and other outbuildings not including the ADU, as seen from the front of the lot. ADUs shall be subject to a maximum height of 25 feet.

H. *Parking.* No additional on-site parking is required in conjunction with the establishment of an ADU.

I. *Design and appearance.* ADUs that are separate or extending from existing structures shall be architecturally compatible with the principal dwelling.

J. *Construction standards.* The design and construction of the ADU shall conform to all applicable standards in the building, plumbing, electrical, mechanical, fire, health and any other applicable codes. (Ord. M-4209 § 2, 08/07/2017; Ord. M-3959 § 38, 07/19/2010; Ord. M-3701 § 24, 05/02/2005; Ord. M-3643, 01/26/2004)

20.410.050 Submission Requirements.

The following information shall be submitted as part of an application for review:

A. *Application.* Completed and signed application provided by the Planning Official.

B. *Fee.* Fee pursuant to VMC 20.180.

C. *Site plan.* To-scale site plan showing the exact location of the primary residence and any accessory structures, parking, landscaping and setbacks.

D. *Floor plan.* Floor plan, drawn to scale, of entire house and accessory unit within the primary residence or within free-standing accessory structure.

E. *Elevations.* Elevations drawn to scale, of the accessory unit within the primary residence or within free-standing accessory structure. (Ord. M-4209 § 2, 08/07/2017; Ord. M-3643, 01/26/2004)

20.410.060 Conversion of Existing Accessory Structures.

A. *Conversions of an existing structure.*

1. An existing garage structure constructed prior to January 1, 2021 may be converted to an ADU under the following conditions:

a. The structure is not required to meet setback standards of the underlying zone.

b. Conversion may not result in an increase in non-conformance of setback standards of the underlying zone.

c. The conversion must meet all applicable building codes, and all other standards of this section of the code.

d. Conversion of such garage shall not result in the elimination of the requirement of one legal on-site parking space to serve the single family residence.

2. An existing or other outbuilding which is not a garage may be converted to an ADU provided that the structure complies with established setback standards for a primary structure, not accessory structure, as prescribed in the underlying zone, applicable building codes, and all other standards of this section. Conversion of such garage shall not result in the elimination of the requirement of one legal on-site parking space to serve the single family residence.

B. *Off-street parking requirements.* The off-street parking requirements for the primary residence shall be provided for elsewhere on the site in conformance with the setback, paving and other development standards described in VMC 20.945 Parking and Loading. (Ord. M-4209 § 2, 08/07/2017; Ord. M-3701 § 25, 05/02/2005; Ord. M-3663 § 20, 08/02/2004; Ord. M-3643, 01/26/2004)

Planning Commission General Training

VANCOUVER
CITY HALL



January 25, 2022

Vancouver Planning Commission
Workshop

Becky Rude, Assistant City Attorney

Bryan Snodgrass, Principal Planner, Community
Development

Presentation Overview

Informational review of the work of the Planning Commission including:

- Washington State Land Use Planning Framework
- Vancouver Municipal Code Guidance
- Other Legal Considerations – Appearance of Fairness Doctrine, Conflicts of Interest, Open Public Meetings Act, and Constitutional Protections

Washington State Land Use Planning Framework

- 1962 Planning Enabling Act/1965 Planning Commission Act - General enabling authority for local planning commissions, comprehensive plans, and development regulations
- 1971 State Environmental Policy Act (SEPA) - Requires identification and mitigation of probable significant environmental and related impacts for proposed projects, plans, and standards
- 1972 Shoreline Management Act (SMA) - Protects shorelines through regulation of shoreline area, including requirement for local adoption of a Shoreline Master Program consistent with state guidelines

State Framework – Growth Management Act (1990-91)

GMA requires 18 fastest growing counties and their cities to adopt Comprehensive Plans and implement regulations to further 14 aspirational goals:

- Concentrated urban growth
- Sprawl reduction
- Regional transportation
- Affordable housing
- Economic development
- Property rights
- Permit processing
- Natural resource industries
- Open space and recreation
- Environmental protection
- Early and continuous public participation
- Public facilities and services
- Historic preservation
- Shoreline management

Growth Management Act Requirements

- Comprehensive Plan Elements: Land Use, Housing, Capital Facilities, Utilities, Transportation, Economic Development, and Parks (mandatory); Conservation, Solar Energy, Recreation, and Subarea Plans (optional)
- Implemented through specific development regulations (zoning code)
- Include Comprehensive Plan map and implementing zoning designations map for all properties

Growth Management Act Requirements (cont.)

- Provide for a range of housing types and densities, with adequate provisions for all economic segments of the community
- Ensure capital facilities plan and transportation plans are consistent with land use plans and growth targets; identify existing facilities, future needs, and a financing plan covering at least 6 years
- Designate and protect critical areas using “best available science” to preserve critical area functions and value – wetlands, aquifer recharge areas, fish and wildlife habitat, flood areas, geologically hazardous areas

Growth Management Act Requirements (cont.)

- Establish Urban Growth Area (UGA) boundaries with sufficient, but not excess, amount and density of land to accommodate adopted population and employment growth targets for 20 years
- UGA sufficiency must be demonstrated by land capacity analysis
- UGA boundaries, UGA growth targets, and countywide growth targets adopted by counties in consultation with cities
- Countywide population forecast must be within high/medium/low range provided by state Office of Financial Management

Growth Management Act Requirements (cont.)

- Cities generally considered provider of urban services, counties provider of regional services
- Counties, in coordination with cities, adopt Countywide Planning Policies governing regional management issues
- UGAs anticipated to annex to cities
- With limited exception, no urban services or urban densities outside of UGAs
- Counties have no land use jurisdiction inside city limits

Growth Management Act Requirements (cont.)

- Adopt Comprehensive Plan changes generally no more than once per year; development regulations proposed and adopted any time; annually consider updates proposed by any party
- Full review and update of Comprehensive Plan as needed at least every eight years, including UGAs
- Comprehensive Plans and development regulations presumed valid upon adoption; may be appealed to State Growth Management Hearings Board

Local Guidance

- Clark County Community Framework Plan – also adopted by Vancouver and other local cities
- Contains high level urban form guidance, and Countywide Planning Policies governing cooperative and regional planning issues
- Vancouver Strategic Plan
- Vancouver Comprehensive Plan and Land Use and Development (Zoning) Code (Title 20 of Vancouver Municipal Code)

Planning Commission Guidance

- **City Charter Section 8.02**, Planning Commission – Recognizes creation and purpose of Planning Commission
- **City Council Policy 100-06** – Appointments to Citizen Boards and Commissions
- **VMC Chapter 20.220**, Review Bodies – Specifically, Section 20.220.010 establishes Planning Commission and sets parameters for Commission membership, authority, and responsibilities
- **Planning Commission Bylaws** – Governing rules by which the Commission operates
- **VMC 20.285**, Text and Map Amendments – provides review process and substantive criteria for changes to maps or text of the Comprehensive Plan

Planning Commission Guidance (cont.)

Planning Commission currently serves as review body for:

- Almost all Comprehensive Plan and zoning map designation changes, and any accompanying Development Agreements
- All Comprehensive Plan or zoning text changes, except fees
- Planned Developments or Mixed-Use Master Plans

Questions

Pause for Commissioner questions related to the Washington State Growth Management Act and the PC role in land use decisions

Planning Commission Conduct

The conduct of Planning Commission meetings and members is primarily regulated by state law and the Commission's Bylaws, which adopt Robert's Rules of Order parliamentary procedures

- State Law: Title 42 RCW – Public Officers & Agencies
 - Appearance of Fairness Doctrine – Chapter 42.36
 - Code of Ethics – Chapter 42.23
 - Open Public Meetings Act – Chapter 42.30
 - Public Records Act – Chapter 42.56

Appearance of Fairness Doctrine (Chapter 42.36 RCW)

- A rule of law enacted in Chapter 42.36 of the Revised Code of Washington (RCW)
- Requires government representatives to conduct administrative decision-making proceedings in a way that is procedurally fair and unbiased in both appearance and fact – free of any actual or implied partiality, impropriety, conflict of interest, or prejudgment
- Applies only to quasi-judicial land use decisions; not to advisory recommendations or legislative proceedings (RCW 42.36.010)

Appearance of Fairness (cont.)

- **Quasi-Judicial:** Actions of the Commission that determine the legal rights, duties, or privileges of specific, identifiable parties in a public hearing or other contested case by result in a ruling
- **Advisory or Legislative:** Making recommendations, establishing rules of general application, or adopting policy decisions such as comprehensive plans, area-wide zoning ordinances, or other land use planning documents

Appearance of Fairness (cont.)

Most Planning Commission decisions are legislative or advisory:

- VMC Title 20 code amendments
- Amendments to the Comprehensive Plan
- Area-wide zoning and subarea/district plans
- Informal or advisory review of studies, analysis or reports related to land use matters

Appearance of Fairness (cont.)

Examples of Quasi-Judicial Decisions:

- Site-specific rezones
- Conditional uses and land-use variances
- Subdivision plat approvals
- Land-use permits
- Final determinations on SEPA appeals
- Other zoning changes requiring application of general policy to a discrete situation affecting specific parties

Appearance of Fairness (cont.)

Buell v. Bremerton, 80 Wn.2d 518 (1972)

- Rezoning of a five acres from residential to commercial where planning commissioner owned adjacent property and potentially benefitted from commission's recommendation
- Fact that rezone would have been approved even without the self-interested commissioner's vote was not enough to overcome
- "The self-interest of one member of the planning commission infects the action of the other members of the commission regardless of their disinterestedness."

Appearance of Fairness (cont.)

Hayden v. Port Townsend, 28 Wn. App. 192 (1981)

- Chair advocated approval of a rezone application for land on which his employer held an option to purchase
- At the quasi-judicial public hearing, he relinquished his position as chair, moved to the audience, and did not vote
- Violation occurred because the chair had prepared the SEPA checklist and remained involved questioning witnesses and giving procedural advice to another commissioner – a “corrupt motive” was not required; zoning decision was invalidated

Appearance of Fairness (cont.)

Planning Commissioner Duties:

- Disclose any actual or perceived personal interest (conflicts), prejudgment, bias, or *ex parte* communications at start of proceeding
- *Ex parte* communications occur in connection with a matter currently under the Commission's consideration and take place in any format (e.g. oral, electronic) outside the formal proceeding (RCW 42.36.060)
- May require recusal; must allow an opportunity for participants to raise a challenge and disqualify member (RCW 42.36.080)

Appearance of Fairness (cont.)

Doctrine of Necessity (RCW 42.36.090):

- If a Planning Commission member's disqualification would prevent a vote from occurring by causing a lack of quorum or failure to obtain a majority vote, the challenged member will be permitted to fully participate in the proceeding and vote as if the challenge hadn't occurred
- *Provided* that the member has first publicly disclosed the basis for disqualification

Questions

Pause for Commissioner questions related to the Appearance of Fairness Doctrine

Conflict of Interest (RCW 42.23.070)

State Code of Ethics prohibits a municipal officer from:

- Using position to secure special privileges or exemptions for their own benefit or the benefit of others
- Receiving, directly or indirectly, any outside compensation or reward for a matter connected with the officer's duties
- Accepting a position or engaging in an activity that might induce disclosure of confidential information
- Disclosing confidential information gained by reason of the position or using it for personal gain or benefit

Conflict of Interest (cont.)

Penalties for Violating Statutory Code of Ethics (RCW 42.23.050):

- \$500 civil penalty; liable to municipality
- Other civil or criminal liability or penalty as may otherwise be imposed upon the municipal officer by law
- May require forfeiture of office

Open Public Meetings Act (Chapter 42.30 RCW)

The OPMA requires that all meetings of governing bodies of public agencies be open to the public:

- Commission may only transact public business at a public meeting
- A “meeting” happens any time a quorum gathers with the intent to transact governing body’s business on any medium
- Not a violation to only discuss scheduling a meeting
- Meetings do not require physical presence – can occur by phone, or voicemail, email, social media or text exchanges, or a mix

Open Public Meetings Act (cont.)

Executive Sessions are exempt from OPMA:

- Governing body may meet in closed session during an open public meeting, for limited purposes specified in RCW 42.30.110
- Examples include agency cybersecurity plans and assessments; consideration of minimum price or site acquisition for real estate purchase, conduct employee evaluations or evaluate candidate qualifications, or discuss litigation with legal counsel
- Must follow certain procedures – announce purpose, time, place, and length of meeting before convening session
- Unlikely to occur during PC meetings

Open Public Meetings Act (cont.)

Training and Procedural Requirements:

- Members must complete OPMA training within 90 days of assuming duties; refresh every four years (RCW 42.30.205)
- Must provide sufficient public notice in advance of all meetings
- Must be open and accessible to all – no registration requirements
- Quorum must be present with intent to take action, which includes discussion and deliberation as well as voting
- No secret ballots

Open Public Meetings Act (cont.)

Consequences for Violation of OPMA:

- Action taken at a meeting held in violation of the OPMA is null and void
- Members who knowingly violate the OPMA are personally liable for possible monetary penalties (\$500 first violation; \$1,000 each subsequent violation)
- Award of costs and reasonable attorney fees for any person prevailing in an action alleging an OPMA violation

Open Public Meetings Act (cont.)

Wood v. Battle Ground School District, 107 Wn. App. 550 (2001)

Serial Meeting: Does an exchange of emails regarding official board business among a quorum of board members violate OPMA?

- “Meetings at which action is taken” broad enough to include exchange of emails between members
- “The active exchange of information and opinions in these emails, as opposed to the mere passive receipt of information, suggests a collective intent to deliberate and/or to discuss Board business.”
- ***Egan v. City of Seattle***, 471 P.3d 899 (2020): Combination of personal gatherings, emails, phone calls, texts, and hard copy distributions constituted a meeting; presence of quorum and awareness of others

Open Public Meetings Act (cont.)

Best Practices for Electronic Communications:

- Only share scheduling information, documents, and factual information, not opinions, electronically
- Begin emails: “For informational purposes only. Do not reply.”
- Do not “reply all” – use “BCC” for other Commissioners
- Rely on City staff to circulate documents and factual information
- Do not discuss PC business by exchanging voicemails, emails, texts, or on social media – be mindful of creating serial meetings or ex parte communications

Public Records Act (Chapter 42.56 RCW)

- PRA is a strongly worded mandate for broad disclosure of public records: “The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know.” (RCW 42.56.030)
- Applies to those appointed to a board or commission
- “Public records” include e-mails (use City-provided e-mail address), text messages, tweets, voicemails – if it contains data pertaining to the conduct of government, it may be a public record

Public Records Act (cont.)

- PRA requires that all public records maintained by state and local agencies be made available to all members of the public, with very narrow statutory exemptions – no justification required
- Requests don't have to be submitted formally; they can come to you
- Agencies must respond quickly – within five business days
- Response can be: (1) fulfill the request, (2) deny the request, (3) give an estimated release date for responsive records, or (4) seek clarification

Public Records Act (cont.)

- City has designated Public Records Officer (Raelyn McJilton) as point of contact
- Public records can be requested using a form accessed on the city's website at <http://www.cityofvancouver.us/fms/page/public-records>, but use of this form is not required
- Certain records, or portions of records, may be withheld or redacted due to certain limited statutory exemptions – there is no general “right of privacy” exemption

Public Records Act (cont.)

West v. City of Puyallup, 2 Wn. App. 2d 586 (2018)

PRA request to Puyallup for records relating to City Council member's Facebook page:

- Posts at issue were not public records because official did not prepare them within the scope of her official capacity
- But personal Facebook page posts can constitute public records if they relate to the conduct of government and are prepared within public official's scope of employment or official capacity, or address the conduct or performance of government functions

Public Records Act (cont.)

Judicial Review & Penalties for Violation:

- Burden on agency to prove exemption; no affirmative duty to create or interpret records
- Person who prevails against an agency awarded all costs, including attorney fees, incurred in connection with the lawsuit
- Court may award up to \$100 for each day a person was improperly denied the right to inspect or copy a public record

Questions

Pause for Commissioner questions related to Conflict of Interest, Open Public Meetings Act, or Public Records Act

Takings Clause – 5th Amendment

Constitutional protection prohibiting states from taking private property for public use, without just compensation – a “taking” can occur when a government action results in:

- Physical appropriation of real property; or
- Regulatory control that:
 - denies all economically viable use of the land;
 - requires landowner to allow trespass;
 - has no reasonable relationship to impact of project; or
 - has a less intrusive, effective option available

Takings Clause (cont.)

Exactions – Real Property Law Construct:

- Conditions imposed on land use development to offset the costs of that development to the municipality and mitigate negative impacts
- May become a “taking” absent:
 - an “essential nexus” between the condition imposed and the impact of the development; and
 - a “rough proportionality” to the burden imposed on the public by allowing the proposed land use

Due Process Clause – 14th Amendment

Constitutional protection prohibiting states from depriving “any person of life, liberty, or property, without due process of law.”

- Procedural Rights (fundamental fairness)
 - Notice
 - Opportunity to be heard
 - Impartial tribunal
- Substantive Rights (individual privileges; permitted infringements)
 - Serve a legitimate government interest
 - Rationally related to that public purpose
 - Not unduly oppressive

Due Process Clause (cont.)

- Test of Reasonableness – Government may deprive individual rights; due process prevents unjust or mistaken deprivation
- Application: Spot Zoning – Rezoning of a small parcel of land within the limits of another zone; illegal when done in a manner that is inconsistent with the comprehensive plan and surrounding land, or when arbitrary or discriminatory absent adequate public benefit (*Smith v. Skagit County*, 75 Wash. 2d 715 (1969))

Freedom of Speech – 1st Amendment

- First Amendment of the U.S. Constitution provides protection to, and opportunity for, free speech in public forums
- Public meetings are considered a “limited public forum,” so time, place, and manner of speech can be regulated in a viewpoint neutral manner
- Purpose of Community Forum is for public to inform Commission of its views, not for dialogue or Q&A
- Regulation is by adoption of guidelines; Chair has authority to enforce:
 - Remarks are time limited and are to be directed to the Commission as a body, not the audience, staff, or an applicant
 - Information presented at public hearings to be factual and relevant

Questions and Discussion

VANCOUVER
CITY HALL

Becky Rude, (360) 487-8513
Becky.Rude@cityofvancouver.us

Bryan Snodgrass, (360) 487- 7946
Bryan.Snodgrass@cityofvancouver.us



From: [Justin Wood](#)
To: [Planning Commission](#)
Cc: [Snodgrass, Bryan](#); [Kennedy, Rebecca](#); [Coutinho, Becky](#)
Subject: BIA Comment on Housing Code Updates
Date: Monday, January 24, 2022 10:47:06 AM
Attachments: [image001.png](#)
[BIA Comment- COV Housing Code Updates.pdf](#)

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Good morning!

In preparation for the commission's workshop on the housing code updates please find the BIA's comments attached. If you have any questions please don't hesitate to contact me.

Best Regards,

Justin Wood | Government Affairs Manager
BIA of Clark County - a Top 30 NAHB Association
Protecting and promoting the building industry.

Address: 103 E 29th St., Vancouver, WA 98663
Main: 360.694.0933 | **Web:** <http://www.biaofclarkcounty.org>
[Facebook](#) | [LinkedIn](#) | [Instagram](#) | [Pinterest](#) | [Members Group](#)



January 24th, 2022

Vancouver Planning Commission
415 W 6th St.
Vancouver, WA 98660

COV Housing Code Updates

Dear Chair Ledell and fellow Commissioners,

I am writing to you on behalf of the Building Industry Association of Clark County to provide input on the proposed housing code updates for the City of Vancouver. Building more affordable and middle housing is crucial to solving the housing crisis we face in this state. The majority of the code updates would aid in that effort, however some of the design standard requirements proposed would increase costs, and severely limit the type of housing and amenities that our member's clients demand. As an industry, we want to work collaboratively with the city to provide livable, attractive neighborhoods while providing the necessary flexibility so our members can maximize space, which creates greater value for those seeking housing. Our specific concerns are outlined below.

1. Small-Lot Subdivisions: R-17

The creation of this new zoning type is vital. Land supply is constrained throughout the city and small lot subdivisions create the option for more density, affordable housing, and a neighborhood feel. However, the requirement of onerous design standards would slow down the development of this product type. Specifically, the garage frontage restrictions and rear alley requirement (where feasible) are two standards that would severely limit our members in the type of product they can produce for the public. The rear alley requirement would increase the cost of housing while creating more impervious surface. The elimination of the rear alley requirement wouldn't take any on-street parking away. Moreover, many potential home buyers don't want a backyard surrounded by a sea of asphalt and the noise pollution associated with neighbors' car/garage use. The backyard is a sanctuary, and we should keep it that way. The industry would like to see more flexibility on the rear alley requirement and an explanation on the purpose of rear alleys because they seem to function exclusively for vehicle use. Who will be responsible for the unregulated intersections, sightlines, and maintenance needs that will come from the creation of these rear alleys? Will the front façade garage standard apply to rear alley access frontage?

In addition, the front façade restrictions on garages would severely limit the type of product our members can build. In the R-17 zone, we are talking about lots less than 50ft in width. To provide a bare minimum two car garage, the garage needs to be a little over 20ft in width. A 50% cap on garage frontage would unduly restrict the size of garages on top of current requirements like setback standards. How will allowing more than 50% of the front façade to be garage discourage neighborhood pedestrian activity? At the builder/developer open house presented by staff there was also mention of requiring 9ft of front facing lot width dedicated to the front entry. We support the front entry requirement but implementing a 9ft requirement would limit what homeowners can buy and what our members can build. Both the front façade garage restriction and the 9ft front entry dedication requirement would restrict garage width. This could create massive, unintended consequences. The market wants garage space, and grand theft auto has increased 179% since 2019 within the City of Vancouver. These new street front requirements should not be extended to R-9 and R-6 zoning.

The concerns of homogenous neighborhoods are valid. Our members recognize this and want to work with the city and staff to devise solutions. One solution that the City of Ridgefield has used is instituting both structural and decorative elements to break-up the garage and enhance curb appeal. Structural elements could include a covered porch area with a minimum of 15sqft, dormers, gables, bay windows, 12-inch offset from one exterior wall to another, and balconies. Decorative elements could include garage doors, pillars/posts, eave or barge boards with two material variations, shingles or varied siding in gables, siding shingles, shake, batten board, wainscoting, or similar, brick, stone or cedar accents covering at least ten percent of the front facade wall surface area, variable siding (e.g. shed roof above windows), belly band cladding, etc. The City could require the use of a set number of the previously mentioned design elements that would visually break-up the garage frontage.

The commission should also consider recommending an increase in allowable height in this zone. The 25ft height cap should be increased to 35ft so our members can provide additional value for both homeowners and renters. That 10ft could allow for a work from home space, fitness space, and additional bedrooms to accommodate more individuals living under one roof. This additional space would also benefit renters, allowing for more roommates in one dwelling, thereby lowering the cost of housing.

2. Cottage Housing

Cottage housing provides a unique opportunity for our members to build more affordable homes with the benefit of a doubling density in the underlying zone. We applaud the efforts of City Staff and the planning commission in modifying the cottage cluster standards. Specifically, allowing 200% density in the underlying zone and the allowance of cottage duplexes would increase housing capacity in the City of Vancouver. However, the industry believes there are additional ways to modify the code, push boundaries, and provide essential housing for the citizens of Vancouver.

First and foremost, the market wants an attached garage. Our members can achieve greater density using attached garages compared to a communal parking arrangement. The citizens of Vancouver are fearful for the safety of their vehicles, and attached garages are one of the solutions and what the market demands. Staff has acknowledged this and provided a 200sqft exemption to the 1,600sqft maximum for an attached garage. While we commend this provision, it clearly doesn't satisfy the intent. A one car garage **bare minimum** is 250sqft. The Planning Commission should recommend an exemption over 250sqft so that garage space is usable. If cottage duplexes are to be allowed, both units should be entitled to the same garage space exemption as a single cottage.

Also, like the R-17 zone, we would like to see the height cap increase from 25ft to 35ft, which would provide the necessary flexibility our members need to create the type of product the public wants. Quite frankly, we are in a housing crisis, and we need more flexibility in our design standards to match the need. Further flexibility on courtyard orientation and open space requirements would be a step in the right direction. Recently, the City of Bend, OR made those changes to their cottage cluster code. It may also suit the commission to contemplate an increase in the number of cottages allowed per cluster as well.

3. Supporting Strategies

Despite our concerns, we appreciate the important work the commission is taking on. We are in full agreement with the changes to ADUs as it relates to garages and setbacks, shared kitchen and bath for apartments, state mandated parking reductions, incentives for visitability, the creation of a denser multifamily zone, and many others. Our association and its members want to build livable, attractive communities so the citizens of Vancouver can achieve the American dream and build generational wealth. Communication with our local jurisdictions is vital and our industry appreciates the opportunity to provide input.

Sincerely,

A handwritten signature in dark ink, appearing to read "Justin Wood", written in a cursive, flowing style.

Justin Wood
Government Affairs Manager

From: [Peter L. Fels](#)
To: [Planning Commission](#)
Subject: Testimony for January 25, 2022
Date: Monday, January 24, 2022 5:38:14 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear Planning Commissioners and staff,

For the most part, I laud Planning staff for promoting new zones for increased density. One proposal is problematic, which is the provision that provides a density bonus for affordable housing projects to religious institutions but not to non-religious developers. I believe this is a clear violation of the First Amendment's Establishment Clause.

The City Council last year named two priorities for its strategic planning process: climate change and homelessness. It also asked staff to consider Equity, Diversity and Inclusion aspects of all actions.

Increasing housing density supports all of these priorities. Increasing density creates economies that can make housing costs lower. Simply increasing the housing supply helps lower housing costs. Density allows for increased use of public transit, thus reducing vehicle miles traveled and decreasing greenhouse gas emissions. And more affordable housing allows for greater equity in home ownership.

In all of your deliberations in the coming years, I hope you will keep these considerations in mind.

I also suggest the proposed changes do not go far enough. The current codes allow for low and lower density residential zones. These zones encourage single family residential housing and exclude multifamily housing. Duplexes up to 4-plexes are allowed under certain conditions but are not allowed outright. *

Current code is "designed to preserve and promote neighborhoods of detached single dwellings at low intensities" and "enhance and support the integrity of existing neighborhoods". I believe this is code language for preserving and protecting the privileges of people who can afford them, to the detriment of lower income citizens.

Increasing affordability increases equity, diversity and inclusion. I encourage you to look at expanding the current proposals to include all zones, especially single family residential, and to allow and promote increased density throughout the city.

*VMC 20.410.025 Lower Density Residential Zone (reads in part:) "Application of individual zones to specific areas in the City should enhance and *support the integrity of existing neighborhoods*, provide for a range of choices in housing styles and cost, and encourage *compatible* infill development and redevelopment."

*VMC 20.410.010 Purpose. (reads in part:) "Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts *are primarily designed to preserve and promote neighborhoods of detached single dwellings at*

low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions.” (Italics added)

Thank you for your consideration.

s/Peter Fels

From: [Kennedy, Rebecca](#)
To: [Nischik, Julie](#)
Subject: FW: today's planning commission meeting
Date: Tuesday, January 25, 2022 11:01:09 AM
Attachments: [image002.png](#)
[image001.png](#)

Julie-

Please forward the below to the Planning Commission. Thanks,

Rebecca Kennedy | Deputy Director
Pronouns: She/Her/Hers
CITY OF VANCOUVER, WASHINGTON
Community Development Department (CDD)
M: (360) 624-6070 | **O:** (360) 487-7896
rebecca.kennedy@cityofvancouver.us
www.cityofvancouver.us



Please note that I am working remotely. Please call my mobile number if you need to reach me over the phone. Learn more about the [City's COVID19 Response here](#).

From: Peter L. Fels <plfels@gmail.com>
Sent: Tuesday, January 25, 2022 10:55 AM
To: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>
Subject: Re: today's planning commission meeting

Thank you!

Since sending the letter, I came across this article by the Sightline Institute, titled "18 Reasons Why Washington Should Legalize Middle Housing". Would you also please distribute the link to PC members and staff? Thanks again.

<https://www.sightline.org/2021/12/10/inslee-prioritizes-housing-bill-to-deliver-more-homes-washingtonians-want/>

Peter Fels

On Tue, Jan 25, 2022 at 10:47 AM Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us> wrote:

Hi Peter, we do not send an automatic confirmation for registering to provide comment- if you

signed up, you will be called on. We also do not confirm receipt of written comments automatically, but your comments were received and have been distributed to the Planning Commission.

Thanks for your engagement in this and 'see' you at the meeting tonight,

Rebecca Kennedy | Deputy Director

Pronouns: She/Her/Hers

CITY OF VANCOUVER, WASHINGTON

Community Development Department (CDD)

M: (360) 624-6070 | **O:** (360) 487-7896

rebecca.kennedy@cityofvancouver.us

www.cityofvancouver.us



Please note that I am working remotely. Please call my mobile number if you need to reach me over the phone. Learn more about the [City's COVID19 Response here](#).

From: Peter L. Fels <plfels@gmail.com>

Sent: Tuesday, January 25, 2022 10:28 AM

To: Kennedy, Rebecca <Rebecca.Kennedy@cityofvancouver.us>

Subject: today's planning commission meeting

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Hello Rebecca,

I thought I signed in yesterday to testify at today's PC meeting, but I have not received confirmation.

I also sent a letter.

Did you receive them? Or shall I re-submit?

Thank you,

Peter Fels

From: ssilvey643@aol.com
To: [Planning Commission](#)
Subject: Jan 25 meeting subjects
Date: Monday, January 24, 2022 9:58:25 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

City Planners,

RE: Housing Code Update -

It again appears the planners do not live in the area or in projects where parking is limited.

On a purely social sense, since Washington State has become a place of a sanctuary state, meaning it allows those whom are from a different land to stay, it should be noted that in many cases multiple residents reside in apartments and houses, all with their own transportation meaning more than 1 vehicle. Further past practice has shown that both the planning department and building code enforcement have failed, in making neighborhoods livable by limiting parking places, by reduced setbacks, sidewalks not meeting code or setbacks, minimal width streets, and really common sense building basics. This is further compounded by the fact that the city does not require the builder or seller to point out the driveway does not even allow parking of compact car because it is too short, and or further that the garage while it may be built to proper depth now includes a water heater, furnace and or other appliances which limit the depth of the garage, and or place a door and step which limit egress/ escape from unit and depth of parking a vehicle.

Slide 3 mentions livability....

Slide 5 .. how much set back from side walk? Sidewalk appears not to meet code as greater than 3 degree slope.

Slide 6 ,, mentions limited width of garage to allow on street parking but many of new developments have parking only on 1 side, and those with 2 sides there is minimal space to drive down, thus vehicles wait to traverse.

Slide 11... Only 1 vehicle per unit! This shall be stated in the lease or rental agreement? Have you examined existing apartment complexes in the city after 6:00Pm or before 6:00AM to see the parking?

Slide 12... Where is the parking? How many spaces? What size?

Slide 13... Again no parking, can park on street.. Really.. Where? Is it marked per unit?

Slide 20... Where do visitors park? Is it noted in lease or sales agreement they may not have a car or private transport, or are they to take the spots of those allowed on street in slide 13?

20.410.010 Purpose. Preserve and promote neighborhood livability and protect the consumer's choices in housing. The Low-Density Residential Districts are primarily designed to preserve and promote neighborhoods of detached single dwellings at low intensities. Flexibility in housing type is promoted by allowing manufactured homes, duplexes, and planned unit developments under special conditions. Compatible nonresidential development, such as elementary schools, churches, parks, and child care facilities are permitted at appropriate locations and at an appropriate scale. (Ord. M-3709 § 3, 2005; Ord. M-3643, 2004)

You are not following your own purpose, you are creating a chaos or where to park, and or how does one earn a living. Meaning that since you have gotten away from having industrial areas, where one could take a bus to work, to one of these independent clusters spread around it is not easy to get to without private transportation and or possibly taking up to 1.5 hours or longer to get to work. We are not Europe where the street car comes every 15 minutes to take you down the street; you are lucky if it comes every hour here and then the walk from or to the stop is great. In Europe one can catch the street car, and then it connects to the regional, and then the next, but all is coordinated, we cannot even do with C-Tran.

Page 16 the dwg. Is out of scale, this distorts the perception that all is okay... the car is too small, An average vehicle is approximately 15 foot in length. So the set back is 30 foot plus, !!!

Page 20... 20 foot to opposite side of alley,,, not much turning radius, especially when someone is park in area,

In all areas it appears you wish to create or get people out of vehicles but are not doing so in a proper manner or way. In essence you have put your cart before the horse in that you seem to have some goal of control what folks should be able to do or have, yet you have not created the bus or train routes and time frame to get people quickly and economically between point A and B. You have not concentrated employment centers or set up bus routes to the port.

Sad, really that in your goal to provide livable areas, you only create grief and headaches, do not follow your own rules and regs, allow things to slide, do not do the inspections and require builders to follow them.

Steven Silvey

From: lconaway50@aol.com
To: [Planning Commission](#)
Subject: updates to zoning codes
Date: Monday, January 24, 2022 3:14:25 PM

CAUTION: This email originated from outside of the City of Vancouver. Do not click links or open attachments unless you recognize the sender and know the content is safe.

The proposed code changes will alter significantly the livability and desirability of our city. People need more than 4 walls to make a home. They also need some space for a yard in which children can play or gardens can be planted. They need some semblance of privacy and quiet. When people are jammed together in small spaces they tend to become more irritable and aggressive. If you want to see the results of the code changes you are proposing, then you only have to look at the housing projects in large cities in the east and midwest.

Affordable housing doesn't have to mean crowded and unhealthy conditions for the people who live there. There should be required space between units, green spaces in the development where people can walk and areas where children can play.

Many of the current developments lack the above unless they are in very expensive high-end projects.

In terms of the environment, we need more trees and grass, not less. We need to consider the impacts on our air and water that large developed areas would cause.

I hope you will consider your actions carefully as the impacts will be long-term.

Thank you for your consideration.

Linda Conaway

From: [Don Steinke](#)
To: [Planning Commission](#)
Cc: [Nancy and Peter Fels](#); [Cathryn Chudy](#)
Subject: Public input to the VPC
Date: Tuesday, January 25, 2022 11:08:11 AM

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From Don Steinke

To the Vancouver Planning Commission

I will not be attending today, but please consider my comments.

When I attended planning commission meetings in the late 1990s, the first question asked by the commission of staff was . . . “Is this project compatible with the Puget Sound Stormwater Manual?”

In 2022, for every proposal, please ask “Will this project help Vancouver meet its official goals of reducing ghg emissions at least 50% by 2030?”

A key consideration is to not allow projects that will become financial barriers to clean energy.

On average, it costs about \$6000 extra to trench through pavement to install conduit for each parking EV plug. The owner of commercial property will not do it after the pavement is poured.

All buildings need to be electric ready for furnaces, water heaters and cook stoves.

Almost all buildings need to be solar ready. Maybe parking lots should also be solar ready. It has been determined that if every parking lot in Los Angeles was shaded with solar panels, their output would exceed demand.

Money spent adding lanes becomes a barrier to transit viability.

I am paying a great deal of attention to legislation now being considered in Olympia. I’m excited about the future. Change is coming.

WSU is in charge of managing vehicle electrification for the Department of Enterprise services in Olympia. We attended their webinar last Friday. We need charging infrastructure for fleets – such as for garbage trucks, Amazon, UPS, FedEx, and school buses.

Thanks for your consideration!

Don Steinke